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SENATE—*Tuesday, September 9, 1997*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Lord, the divine Potter of our lives, our days are in Your hands. Shape the clay as You have planned. May the day work out exactly as You have arranged it for Your glory and our growth. We say with the psalmist, "I delight to do Your will, O my God, and Your law is within my heart."—Psalm 40:8. We long to know what is best for our Nation. Now at the beginning of the day we commit to You the challenges and decisions of this day. We desire to glorify You, so show us what You desire. With inspired intentionality, we put our relationship with You first and make our primary goal what is best for our Nation. In the name of the way, the truth, and the life. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. SPECTER. I thank the distinguished President pro tempore.

SCHEDULE

Mr. SPECTER. Mr. President, I have been asked by the majority leader to announce that today the Senate will immediately resume consideration of S. 1061, the Labor-HHS, Education appropriations bill. As Members are aware, under the order, all amendments had to be offered last evening to be in order. The Senate will continue debating and voting on amendments throughout the day's session. The first rollcall vote will occur at 2:15 today. As always, Members will be notified as to the scheduling of other rollcall votes. It is hoped that all action on the bill will be completed today.

As is customary on Tuesday, there will be a recess from 12:30 p.m. until 2:15 for the weekly policy luncheons to meet. Following disposition of the pending legislation, S. 1061, the Senate will begin consideration of S. 830, the FDA reform bill.

(Mr. HUTCHINSON assumed the chair.)

U.S. FOREIGN POLICY IN THE MIDDLE EAST

Mr. SPECTER. Mr. President, in the absence of any Senators in the Chamber to proceed with the legislation pending, I will take this occasion for a few moments to discuss U.S. foreign policy in the Mideast. This is especially appropriate since today the Secretary of State, Madeleine Albright, is traveling to the Mideast in an effort to promote the so-called peace process. My very strong view is that the time has come for a fundamental reassessment of U.S. policy for the Mideast. The brutal fact of life is that there is no peace process. We talk of the peace process, but there is a one-sided war being waged today by the Palestinians, a war against Israel.

Regrettably, terrorism has replaced warfare as a way of obtaining or seeking to obtain political objectives. After the Israelis were successful in the wars of 1948, 1956, 1967, and 1973, there has no longer been an effort to confront Israel militarily, but the insidious terrorist war continues. President Reagan said that the Soviets liked the arms race as long as they were the only ones in it, and then with the change of United States policy in the 1980's we brought the Soviet Union to bankruptcy and ended that matter. And now I submit it is time for a change in U.S. foreign policy in the Mideast because, simply stated, the emperor is wearing no clothes. There is no peace process. We have had continuing terrorist attacks for years, but in the last 6 months the situation has escalated.

On March 21 of this year, on July 30 of this year, and on September 4 of this year, there have been bombings, murdering 21 Israelis and wounding over 330 other Israelis. On August 27, Chairman Yasser Arafat openly embraced the Hamas leader, specifically condoning and supporting the Hamas terrorism in a picture seen around the world: The famous shot heard around the world. This is the famous picture seen around the world as depicted on the front page of the New York Times. And in this embrace and in this kiss facially, Yasser Arafat has thumbed his nose not only at the Israelis but at the United States and our allies and all others who have poured billions of dollars into the Palestinian authority.

My point is, simply stated, that it is time to stop that U.S. aid, and it is time that the U.S. exert its maximum influence to persuade our allies to stop that aid because of what has in fact happened. The Palestinians now have a police force of some 30,000. They have highly sophisticated weapons which are really not designed for a police force. Should Israel now turn over an airport to the Palestinians so that they can develop air power as well?

The fundamental principle of the Camp David accord and the Oslo accord was that there would be confidence measures established, that there would be assistance to the Palestinians in Gaza and on the West Bank, that there would be an improvement in the standard of living, that there would be an opportunity for Israel and the Palestinians to live side by side. But the brutal fact of life is that that has not happened. And when the U.S. policy now suggests going to final status negotiations, it seems totally inappropriate when the confidence building measures have not worked.

U.S. law now prohibits economic aid to the Palestinians on conditions imposed in an amendment introduced by Senator SHELBY and myself in 1994 which became part of the foreign aid bill of 1995. That amendment provided that further U.S. economic aid was conditioned on two factors. No. 1, a maximum effort by the Palestinians to stop the terrorism. Realistically there cannot be guarantors. There is no such thing as an absolute success requirement. But there is a requirement of a 100 percent effort, and that certainly

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

has not happened. The second requirement of the Specter-Shelby amendment was that the PLO charter be changed to eliminate the language calling for the destruction of Israel. That, too, has not been done, with some excuses about the Palestinian legislative group not convening, some representation that the accord signed on September 13, 1993, in effect changed the charter, but that is legally incorrect. The charter has not been changed.

After the March 21 terrorist attack on a Tel Aviv restaurant, Prime Minister Netanyahu charged that Chairman Arafat had given a green light to the terrorists. When Secretary of State Madeleine Albright appeared before the Appropriations Subcommittee on Foreign Operations, I asked whether in fact it was true that the Secretary of State knew the facts that Chairman Arafat had given a green light. Secretary Albright replied that there had not been a green light but there had not been a red light either.

Now, Mr. President, if there is not a red light, then U.S. law requires an end to the economic aid. There is an absolute obligation on the part of Chairman Arafat and the Palestinian Authority to make that maximum, 100 percent, effort and it was not made. Earlier this year, in March, Deputy Secretary of Education Moshe Peled of Israel charged that Chairman Arafat had knowledge in 1993 before the bombing of the World Trade Center. When I noted that accusation, I called upon the Department of Justice to conduct an investigation as to what had happened there. I then pursued the matter by calling Deputy Secretary Peled myself. I could not talk to him because he spoke only Hebrew, and I spoke only English. But my associate, David Brog, who works with me on these issues, who speaks Hebrew, talked to Mr. Peled, who stood by his earlier comments. And it is my understanding that the FBI has questioned Mr. Peled and that an investigation is ongoing, but as yet we have not heard what the results of that investigation are.

It was a difficult day for me back on September 13, 1993, when Chairman Arafat was honored at a ceremony on the lawn of the White House. It was an especially difficult day because many of us felt that Chairman Arafat should have been prosecuted for his complicity in the murder of our American Ambassador to the Sudan, Cleo A. Noble, Jr., and our Chargé, George C. Moore in Khartoum back in 1973. Many thought Arafat should have been prosecuted for the murders of 11 Israeli athletes at the summer Olympics in Munich in 1972. Many thought, including this Senator, that Chairman Arafat should have been prosecuted for the hijacking of the *Achille Lauro* and the murder of Mr. Leon Klinghoffer who was pushed overboard in October 1985.

But in the world of real politics, remarkable, strange, bizarre things occur, and I think such an occurrence was presented at the White House lawn back in September 1993 in conferring a joint Nobel Peace Prize on Chairman Arafat. It seemed to me that when Prime Minister Rabin shook Chairman Arafat's hand and then Foreign Minister Peres shook Chairman Arafat's hand, considering the fact that Israel had borne the brunt of the PLO terrorism, I should shake his hand as well, and I have on a number of occasions. Senator DeConcini led a delegation of which I was a member back in December 1993. Senator Hank Brown and I visited Chairman Arafat in Gaza in 1995, August. Senator RICHARD SHELBY and I visited Chairman Arafat in Gaza in January 1996, and on each occasion we pressed him hard about stopping terrorism. And in August 1996 Senator Brown and I had obtained a long list of terrorists from now Prime Minister Benjamin Netanyahu. At that time, Mr. Netanyahu was the leader of the opposition. And one by one, we went over this list of terrorists with Chairman Arafat, and we heard his excuses one by one. But now Chairman Arafat has run out of excuses.

The U.S. policy appears to be continuing to work with Chairman Arafat because there is no one else to work with, but I suggest that if Chairman Arafat is the best we have to work with, then the reality is we have no one to work with. From meetings that I have had with Palestinian leaders over the course of the past decade, it is my view that there may well be someone to succeed Chairman Arafat. We know on this state of the record, with what Chairman Arafat has done on repeated pronouncements and this embrace seen around the world, it is simply not workable to continue to deal with him.

Now, it may be that the zebra can change its stripes, but on this state of the record my sense is that it is futile to continue to deal with Chairman Arafat. The terrorists whom Israel has tried to have extradited for trial, of which 31 are now on the list, some 11 have either joined the Palestinian Authority police force or are awaiting entry there. I have discussed with the distinguished Presiding Officer, Senator HUTCHINSON, who introduced a sense-of-the-Senate resolution last week, combining our efforts in seeking hearings on this matter to go into some detail and hear from the Secretary of State after her return from the Mideast and to hear from the Department of Justice what are the ramifications of the inquiries conducted as to Moshe Peled's charges, because leadership is necessary to our foreign policy at the present time and it is counterproductive and simply not sensible to continue on the policy which is being undertaken at the present time, to continue to have United States dollars and our allies' dollars poured into the Palestinian Authority, which only increases the ability of some Palestinians to conduct terrorism and also to prepare to wage an all-out war.

The thought about a Palestinian state had been deferred, awaiting to see what confidence-building measures could arise, but when the DeConcini delegation arrived in Jericho in December 1993, just a few months after the signing of the accord on the White House lawn on September 13, 1993, the Palestinian flags were already in full evidence. As far as the Palestinians were concerned, it was a de facto state.

There had been concern that there would be a Trojan horse within Israel. That has not happened because it hasn't been a secret Trojan horse; it has been an army out in the open, some 30,000 strong with sophisticated military weapons and with the chief of police being under indictment under charge of having worked with the terrorists.

It is my hope, Mr. President, that President Clinton himself will become engaged in the Mideast peace process. I think it is a very good move for Secretary of State Albright to go to the Mideast, and I compliment the President for the decision to send our Secretary of State there, notwithstanding the terrorist attack of last week. It is my hope that there will be a renewed effort by the United States to press to resume the Israeli-Syrian dialog. I believe that the visit that President Clinton made to Damascus in 1994 was a very fruitful visit. There have been reports that President Clinton was engaged in negotiations as an intermediary between Prime Minister Rabin and President Assad which might have led to an accord between Israel and Syria, depending on what happened to the Golan Heights. That matter might have been referred to Israel for a referendum, and there are signs now that it would be fruitful to resume those discussions.

I think it also might be helpful to the Israeli-Palestinian situation to take the world's spotlight and the glare of the television cameras, so thoroughly enjoyed by Chairman Arafat, away from the Israeli-Palestinian controversy and focus some attention on an Israeli-Syrian peace accord. If a peace could be brokered between Israel and Syria to go along with the peace between Egypt and Israel from the Camp David accords and the more recent peace negotiations between Jordan and Israel, that would leave the Palestinian issue the odd man out. I believe that a direct involvement by the President, which I had suggested last August after I returned from conversations with both Prime Minister Netanyahu and President Assad, would be very, very fruitful.

I have seen in my foreign travels in my capacity as Chairman of the Senate Intelligence Committee and my work on the Foreign Operations Subcommittee of the Appropriations Committee the enormous respect and admiration that the United States is held in around the world. We are the only superpower, and we are greatly admired for our tremendous economic success. We have the potential for enormous influence. When the President of the United States, when that office is involved, regardless of who the President is—President Reagan, President Bush, President Carter, President Clinton—when the Presidency exerts that power, there are enormous potential benefits to be gained in bringing adversaries together.

It is my hope that Secretary Albright will make some progress. It is my hope that the President will personally intervene in these matters, because his participation in the past has been very, very productive, but it ought to be very plain that on the current state of the record, the United States will not, should not, cannot, must not provide further economic aid to the Palestinian Authority, that we should use our utmost persuasive powers to get our allies to follow the same course of not giving economic aid to the Palestinian Authority, because to do so is just to build up their military capacity, their capacity for terrorism, the police force, the army of some 30,000 and the sophisticated weapons they now have. The reality is that the emperor has no clothes. There is no peace process. There is a war engaged, one side of the war is terrorism, with the efforts of the Palestinians to use terrorism to replace warfare as a method of getting their political objectives.

The time has come for a fundamental reassessment of U.S. policy for the Mid-East.

The brutal fact of life is that there is no peace process.

It is time to acknowledge there is a war going on. The PLO is at war with Israel.

There can be no other conclusion from these facts:

First, the PLO/Hamas in three terrorist attacks in the past 6 months have murdered 21 Israelis and wounded over 330.

Second, Chairman Arafat has literally and figuratively embraced Hamas openly. His front page kiss of the Hamas leader seen around the world tells the Arab world and certainly the Palestinians that the Palestinian Authority condones and supports Hamas.

Third, even after last week's terrorist attack, Hamas threatens more violence if its demands are not met.

Terrorism has replaced conventional warfare in the Mid-East as the prime method to obtain political objectives. After losing the wars of 1948, 1956, 1967, and 1973, the Arab world has not directly confronted Israel militarily. Instead the PLO has sought to obtain its objectives by killing women, children, and any other available civilians by cowardly sneak attacks in restaurants, shopping centers, and street corners.

Yet, we continue to talk of the peace process while this one-sided war is being waged. President Reagan correctly noted that the Soviets liked the arms race as long as they were the only ones in it. The United States changed course in the 1980's with military preparedness and brought the U.S.S.R. to its knees in bankruptcy.

It is now time—really past time—to change U.S. policy in the Mid-East.

This week's visit by Secretary Madeleine Albright presents an occasion to do just that.

While the PLO makes a pretense at peace, the United States and our allies are making the Palestinian Authority stronger by financing their buildup.

The concept of the Camp David agreement and the Oslo accords was sound. Give the Palestinians local autonomy. Develop confidence building measures. Set the stage for the Palestinians to live side by side in peace with Israel.

The problem is that it just has not worked. It's time to acknowledge that the emperor is wearing no clothes.

I had long thought Chairman Arafat should be prosecuted for his complicity in the murder of our Ambassador to the Sudan, Cleo A. Noel, Jr., and our Chargé d'Affaires, George C. Moore, in Khartoum on March 2, 1973; for the murders of 11 Israeli athletes at the Summer Olympics in Munich in 1972; and the murder of Mr. Leon Klinghoffer on the *Achille Lauro* in October 1985. But I thought, if Prime Minister Rabin and Foreign Minister Peres could shake Chairman Arafat's hand—considering Israel had born the brunt of PLO terrorism—then so could I.

I have shaken his hand in meetings with a delegation led by Senator Dennis DeConcini in Cairo in December 1993, with Senator Hank Brown in Gaza in August 1995, and with Senator RICHARD SHELBY in Gaza in January 1996. On each occasion, our delegation pressed him on stopping terrorism. In our August 1995 meeting, Senator Brown and I had obtained from now-Prime Minister Benjamin Netanyahu, then the leader of the opposition, a list of PLO terrorists against whom Chairman Arafat refused to act. One by one we listened to his excuses why nothing could be done. By now, he has run out of excuses.

Following the Oslo accords, the United States took the lead with our allies in providing financial aid in the billions to the Palestinian Authority. Our calculation was that improving the lives of the Palestinians would provide stability to the region and promote peace.

The issue of a Palestinian state was supposedly deferred. But not as far as the Palestinians were concerned. When the DeConcini delegation arrived in Jericho in December 1993, we found flags for the Palestinian state with the PLO taking it as a fait accompli.

Some were concerned that the Oslo accords would create a Trojan horse—a concealed military force within Israel. But it was not that way at all. It was not concealed, but it was a force.

We now find a Palestinian police force—really an army. Although the Oslo accords limit the Palestinians to 24,000 policemen in the West Bank and Gaza, the Israeli Government reports that the PLO currently deploys over 30,000 policemen. The Palestinian police have acquired sophisticated weapons typically used by armies, not police forces, such as LAU and RPG antitank missiles, antiaircraft missiles, and Kayushas.

Of the 31 suspected terrorists whose extradition is being sought by Israel, 11 are either serving in the Palestinian police or are in the process of joining its ranks. The Palestinian police chief, Ghazi Jabali, stands accused by Israel of planning terrorist attacks on Israeli civilians. The Israelis cited evidence that General Jabali helped plot a July 1997 attack on Jewish settlers near Nablus. Israel has issued a warrant for his arrest and a formal order for his extradition to Israel to face these charges. The Washington Post reported on August 7, 1997, that the Clinton administration has said it has proof that Jabali helped organize this attack.

What next? Israel has resisted giving the Palestinians their own airport. Should a Palestinian air force be permitted? Will continued U.S. and allied aid be funneled into such air power and further military development?

Assessing blame for the deterioration in the Israeli-Palestinian relationship is an endless and futile undertaking. Whatever blame is attached to Prime Minister Netanyahu's rhetoric and policies, that cannot be placed on the same scale as PLO terrorist murders.

I strongly believe that the United States should now cut off any further aid and persuade our allies to do the same unless and until the Palestinian Authority demonstrates a 100-percent effort to stop terrorism. They cannot be guarantors, but they can and should be held to a 100-percent effort.

When PLO terrorism continued after the Oslo accords were signed, Senator SHELBY and I introduced the Specter-Shelby amendment which became law on August 23, 1994, as part of the fiscal year 1995 foreign operations bill. That amendment provided for a cutoff of United States aid if: First, the PLO did not change its charter calling for the destruction of Israel; and second, the Palestinian Authority did not make a 100-percent effort to stop terrorism.

In a report published in the Jerusalem Post on March 26, 1997, Deputy Education Minister Moshe Peled charged that Chairman Arafat knew in advance about the plan to blow up the Trade Center in New York in 1993. I then wrote to Attorney General Reno on April 1, 1997, asking for an investigation on that matter. After receiving a reply from the Department of Justice legislative liaison that they knew of no evidence to support that charge, I called Mr. Peled on May 2, 1997. Since he did not speak English and I do not speak Hebrew, I asked my assistant, David Brog, who does speak Hebrew, to talk to him. Mr. Peled stood by his charge, but declined to elaborate.

On May 14, 1997, I again wrote to Attorney General Reno with more specific requests on what her Department should do in its investigation. When I announced on June 13, 1997, that I intended to put a hold—that is, hold up on the confirmation of Deputy Attorney General Eric Holder, the Department of Justice committed to undertake an investigation. I have since heard media reports that the FBI interviewed Mr. Peled in his Tel Aviv office for some 2 hours on June 26, 1997. On June 4, 1997, and again on July 28, 1997, I asked FBI Director Louis Freeh about the progress of the investigation during Judiciary Committee hearings. Both times, I was told he would let me know. To date, I have received no report on the progress of that investigation.

In light of Mr. Peled's charge and the March 21, 1997, terrorist attack on a Tel Aviv restaurant, I proposed an amendment to the fiscal year 1998 foreign operations bill providing that no aid shall be given to the Palestinian Authority unless:

> First, the Palestinian Authority is using its maximum efforts to combat terrorism and, in accordance with the Oslo accords, has ceased the use violence, threat of violence, or incitement to violence as a tool of the Palestinian Authority's policy toward Israel;
>
> Second, after a full investigation by the Department of Justice, the executive branch of government concludes that Chairman Arafat had no prior knowledge of the World Trade Center bombing, and
>
> Third, after a full inquiry by the Department of State, the executive branch of government concludes that Chairman Arafat did not authorize and did not fail to use his authority to prevent the Tel Aviv cafe bombing of March 21, 1997.

That amendment was adopted on July 16, 1997, as part of the Senate bill and now awaits action in the forthcoming Senate-House conference.

The subsequent terrorist attacks on July 30 and September 4 require increased sanctions of an unconditional elimination of U.S. aid plus our efforts to persuade our allies to do the same.

I support the President's decision to send Secretary of State Madeleine Albright to the Mid-East notwithstanding the September 4 bombing and urge greater U.S. involvement including action by the President himself. However, I disagreed with the administration's decision to continue United States aid to the Palestinian Authority after the March 21 bombing and I oppose the suggested administration policy to move to final status negotiations promptly.

After the March 21 bombing, Prime Minister Netanyahu accused Chairman Arafat of giving a green light to that terrorist attack. On March 24, 1997, I wrote Secretary of State Madeleine Albright asking if that was true. Receiving no answer, I pursued that question when the Secretary of State appeared before the Appropriations Subcommittee on Foreign Operations on May 22, 1997.

The Secretary of State responded that Chairman Arafat had not given a green light, but had not given a red light either. That is totally unsatisfactory. Under United States law, embodied in the Specter-Shelby amendment, a red light is mandated if the Palestinian Authority is to continue to receive United States aid.

The administration continues a policy of giving financial aid to the Palestinian Authority to promote the so-called peace process and to deal with Chairman Arafat on the argument that there is no one else with whom to deal.

I emphatically disagree on both counts.

Further financial aid to the Palestinian authority only strengthens the PLO's ability to carry out terrorist attacks and ultimately wage an all-out war.

To continue to deal with Chairman Arafat on this date of the record is counter-productive and foolish. How can we deal with a man who openly embraced the Hamas terrorist leader which condones prior murder and encourages future mayhem.

If Chairman Arafat is the best we have to deal with, then their best is not good enough. After extensive dialogue with moderate Palestinians for more than a decade, I believe there are others who could do a better job than Chairman Arafat. None could do worse.

I would not categorically rule out further dealings with Chairman Arafat if he again changes his stripes. Not to discredit the zebra or to unduly mix metaphors, Chairman Arafat makes the chameleon look constant.

The Chairman Arafat who embraced Hamas leader Abdel Aziz al-Rantisi—pictured on the front page of the New York Times on August 21, 1997—is totally unacceptable as was the Chairman Arafat who was implicated in the murders of our Ambassador and Charge d'Affairs in the Sudan in 1973, the murder of 11 Israeli athletes at Munich in 1972 and the highjack/murder of Leon Klinghoffer on the *Achille Lauro* in 1985.

But, in the distasteful world of real politic, who knows? What will be the future of Chairman Arafat and the Palestinian Authority? We know that Chairman Arafat responds to pressure. If the United States applies the most pressure, perhaps he will again be minimally acceptable. But on today's record, the cutoff of aid from the United States and our allies and the rejection of Chairman Arafat should be absolute.

The desperate situation in the Mid-East calls for more intense U.S. involvement in new directions. We should continue to urge all the parties, including Prime Minister Netanyahu, to improve the climate for negotiation. However, we should not place on the same scale Israel's policy to build settlements on its own land with PLO's terrorist murders.

Somehow, we must reach the daily preaching of hatred against Jews by the PLO and Moslem fundamentalists. It may well be that until we solve that underlying problem, the reach for peace in the Mid-East will be a continuing generation away.

The record continues to demonstrate the spewing of hate by Chairman Arafat and his ilk. Just weeks ago, on August 25, 1997, a moderator on PLO controlled television declared that "the Jews exaggerate what the Nazis did to them" and that "no more than 400,000" Jews were killed in the Holocaust. Likewise, PLO officials including their representative to the United Nations in Geneva have embraced a modern version of the age-old blood liable by claiming that Israeli authorities injected hundreds of Palestinian children with the HIV virus.

These messages of hatred are not directed against Israel alone. On July 11, 1997, the PLO-appointed Mufti of Jerusalem, Sheikh Ikrama Sabri, said in a sermon broadcast on the Palestinian Authority's official radio station: "Oh Allah, destroy America for she is ruled by Zionist Jews . . . Allah will paint the White House black . . . Allah shall take revenge on behalf of his prophet against the colonialist settlers who are sons of monkeys and pigs."

Beyond the current visit by the Secretary of State, I continue to urge the personal involvement of the President. At the right moment, his personal touch on the Israeli-Palestinian problem could be powerful.

My foreign travels on behalf of the Senate Intelligence Committee and the Appropriations Foreign Operations Subcommittee have shown me the enormous impact the United States has around the world. The United States is respected and admired. As the only remaining superpower, our power is acknowledged as awesome.

Bringing peace to the Mid-East is an awesome task in the face of millennia of strife in that region. By properly deploying our persuasion and power, we may still be able to do it.

I ask unanimous consent that all letters and articles referred to be printed in the CONGRESSIONAL RECORD at the conclusion of this floor statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, April 1, 1997.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: Just yesterday I saw a news report that Israeli intelligence has evidence that Palestinian Authority Chairman Yasser Arafat had prior knowledge of the 1993 plot to bomb New York City's World Trade Center which killed six people.

The news report quoted Deputy Education Minister Moshe Peled stating: "More than that, he [referring to Arafat] was part of the discussions on the operation." The news report further said that Arafat was privy to the conspiracy and met with Sudanese and Islamic terrorist leaders.

With this letter, I am enclosing for you a photostatic copy of the news report from the Jerusalem Post on March 26.

I would very much appreciate it if you would conduct the appropriate investigation to determine what evidence exists, if any, of Arafat's complicity in this matter.

It appears to me that, if true, Arafat would be prosecutable under U.S. criminal laws. I would appreciate your advice as to what indictments could be brought as to Chairman Arafat.

Thank you for your consideration of this report.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 14, 1997.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: By letter dated April 1, 1997, (copy enclosed) I wrote to you concerning Israeli Deputy Education Minister Moshe Peled's statement that Palestinian Authority Chairman Yasser Arafat had prior knowledge of the 1993 plot to bomb New York City's World Trade Center.

By letter dated April 29 (copy enclosed) Assistant Attorney General Andrew Fois responded with a very generalized statement about having "queried the Israeli authorities." No mention was made whether the Department of Justice talked to Deputy Education Minister Moshe Peled or did any real pursuit on the matter.

Since I do not speak Hebrew, my assistant, David Brog, Esquire, talked to Mr. Peled. Mr. Peled said that he was not prepared to disclose any more information on Chairman Arafat's connection in the World Trade Center bombing beyond what he told the Jerusalem Post. Mr. Brog said that Mr. Peled was not flexible on this point and that he (Mr. Brog) had the impression that Mr. Peled had gotten into some trouble for his previous disclosure.

I am interested to know whether the Department of Justice talked to Mr. Peled before Mr. Fois's letter to me of April 29. If so, what he said. If not, why wasn't Mr. Peled questioned.

I consider this an extremely serious matter. As you know, Chairman Arafat could be extradited to the United States if there is evidence to support Mr. Peled's charge.

I formally request the Department of Justice to conduct a real investigation on this matter.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, March 24, 1997.

Hon. MADELEINE ALBRIGHT,
Secretary of State,
Washington, DC.

DEAR SECRETARY ALBRIGHT: According to the weekend press reports, Israeli Prime Minister Benjamin Netanyahu has stated that Palestinian Chairman Yasir Arafat has indirectly given a green light to the terrorists resulting in the suicide bomb which killed and wounded many Israelis last Friday.

According to the news reports, Chairman Arafat and the Palestinian authority released Ibrahim Maqadmeh. Prime Minister Netanyahu further stated that Chairman Arafat and the Palestinian authority have failed to detain known terrorists and to confiscate weaponry.

In my judgment, it is very important for the State Department to make a factual determination as to whether Chairman Arafat and the Palestinian authority did give a green light indirectly to the terrorists and whether there was a failure to detain known terrorists and to confiscate weaponry.

I would appreciate your advice, as promptly as possible, on your Department's conclusion as to whether Chairman Arafat and the Palestinian authority gave an indirect green light to the terrorists.

As you know, an amendment offered by Senator Shelby and myself to the Middle East Peace Facilitation Act of 1995 conditions the $500 million in U.S. aid to the Palestinian authority on presidential certification that the Palestinian authority is complying with all of its commitments under its peace accords with Israel, including its commitment to prevent acts of terrorism and undertake "legal measures against terrorists, including the arrest and prosecution of individuals suspected of perpetrating acts of violence and terror".

The Senate Appropriations Subcommittee on Foreign Operations, on which I sit, will soon be considering this issue for fiscal year 1998 so I would appreciate your prompt response.

In addition, I would appreciate your advising me as to whether there is any U.S. aid in the pipeline which has not yet been turned over to the Palestinian authority. If so, I request that such payments be withheld until the determination as to whether the Palestinian authority is complying with the Specter-Shelby amendment.

Sincerely,

ARLEN SPECTER.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 29, 1997.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: This is in response to your letter to the Attorney General dated April 1, 1997. Your letter encloses a news article from The Jerusalem Post in which it is reported that Yasser Arafat may have had prior knowledge of the bombing of the World Trade Center building on February 26, 1993.

Aside from the news report enclosed with you letter, the Department of Justice is unaware of any information that Yasser Arafat either had prior knowledge of the bombing of the World Trade Center or was in any way involved in the conspiracy to bomb the building. We have queried the Israeli authorities about this information and they deny the accuracy of the statements attributed in the article to the Deputy Education Minister.

I hope this information is helpful. If we can be of further assistance with regard to this or any other matter, please do not hesitate to contact this office.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

[From the Jerusalem Post, Mar. 26, 1997]

ARAFAT KNEW OF WORLD TRADE CENTER PLOT

(By Steven Rodan)

Israeli intelligence has evidence that Palestinian Authority Chairman Yasser Arafat had prior knowledge of the successful 1993 plot to bomb New York City's World Trade Center, which killed six people. Deputy Education Minister Moshe Peled said Tuesday night.

"More than that, he was part of the discussions on the operation," Peled said, "I call on the prime minister to give the information to the Americans, so they'll know who they're dealing with."

Peled confirmed information relayed by intelligence sources that, several days before the February 26, 1993 bombing, Arafat met with Sudanese and Islamic terrorist leaders who discussed the plot.

The sources said Arafat was privy to the conspiracy because of his close personal ties to Sudanese leader Hassan Turabi, head of the National Islamic Front. According to a U.S. State Department report on terrorism, Turabi is a leading advocate of closer ties between terrorist groups and their government sponsors. He was also a leading figure in the Fatah-Hamas dialogue in 1995.

Two Sudanese diplomats were arrested and later deported in July of 1993, after U.S. authorities directly linked them to the explosion at the World Trade Center and a plot to bomb the United Nations.

Israeli government spokesmen refused to comment on the intelligence reports or on Peled's call for Prime Minister Binyamin Netanyahu to release them to the U.S. "I don't know anything about it," said David Bar-Illan, director of communications and policy planning in the Prime Minister's Office.

A Defense Ministry spokesman also refused to comment.

But U.S. and Israeli intelligence sources agree that Arafat continues to maintain a large number of Fatah guerrillas in bases in Sudan, 1,200 of whom arrived from that country in 1994 and now serve in the Palestinian security forces. One Israeli source said the number of Fatah guerrillas in Sudan is close to 3,000.

"Arafat continues to maintain a training base in Sudan and the Fatah people there and work closely with the regime and with Iran," said Yonah Alexander, a Pentagon consultant and director of the terrorism studies program at George Washington University. "If there hadn't been an agreement with Israel, then Fatah would definitely have been on the U.S. list of terror organizations."

But a U.S. counterterrorism official disputed the claim and said Israeli officials might be confusing Fatah with Abu Nidal's Fatah Revolutionary Council, which trains in Sudan.

"There's no doubt there are terrorist groups training in Sudan, but (Fatah) isn't one of them," he said.

U.S. counterterrorism officials have "never heard any report of Fatah" training there, he said. He also stated that "there's been no indication of that kind of Sudan connection" to the World Trade Center bombing.

At one of the Sudanese camps, Kadru north of Khartoum, Iranian experts trained terrorists, including Fatah forces headed by Jaber

Amer, as commanders, intelligence operatives, and bombmakers, according to the sources.

A U.S. congressional investigator with close ties to Israeli officials said Hamas and Fatah have training camps in Sudan. "They work together," he said. "Arafat has strategic ties with Turabi and he has exploited them in order to forge cooperation with Hamas." But the investigator said although he has heard of reports that Arafat knew of the World Trade Center bombing plot, and was said to have even praised the idea, he is skeptical of the veracity of the information, "I have yet to be convinced," he said.

U.S. State Department officials said the PLO has not authorized any terrorist attacks since Arafat signed the Declaration of Principles with Israel in September 1993. One official who works on the State Department's report on global terrorism said he does not know of any Fatah bases in Sudan.

In another development, Israeli officials said the Clinton administration has quietly dropped its dispute of Israel's assertion that Arafat has allowed the Islamic opposition groups to resume terrorist attacks on Israel.

The officials said the CIA now shares Israel's assessment that Arafat gave Hamas and Islamic Jihad a green light to carry out terrorist attacks, at least while he is abroad.

[From the New York Times, Aug. 21, 1997]

DEFYING ISRAEL, ARAFAT EMBRACES ISLAMIC MILITANTS

(By Joel Greenberg)

GAZA.—Defying Israeli and American demands that he crack down on Islamic militants, Yasir Arafat kissed and applauded leaders of the Hamas and Islamic Holy War movements today and warned that Palestinians were prepared to resume their violent revolt against Israel.

At a conference of Palestinian factions here, Mr. Arafat returned to the combative language of the seven-year uprising against Israeli occupation, which ended in 1994 with the beginning of Palestinian self rule.

"There was an uprising for seven years," Mr. Arafat told the conference, which he called to protest the policies of Prime Minister Benjamin Netanyahu of Israel. "Who did it? The lion cubs, our children—this glorious uprising. Seven years. We can erase and do it again from the beginning. There is nothing far from us. All options are open to us."

As he has many times in his career, Mr. Arafat was fighting on several fronts at once.

His remarks came just days after Dennis B. Ross, the American mediator, prodded him to renew security cooperation with the Israelis and take action against Hamas and other hard-line Islamic groups that have carried out terrorist bombings in Israel. Mr. Arafat met Tuesday with the head of Shin Bet, the Israeli domestic security agency, as he began to comply with that request.

But at today's session in Gaza, called the National Unity Conference to Confront the Challenges, Mr. Arafat was lining up support from a broad array of factions, including the militant Islamic groups who favor a more confrontational stance toward the Israelis. The Islamic groups said they saw the meeting as a means of resisting the crackdown by the Palestinian Authority that Israel and the United States are demanding.

[In Washington, senior American officials were dismayed by Mr. Arafat's remarks. "It simply makes an already difficult situation more difficult," one official said. "We have a crisis of confidence, so no party should do or say things that undermine confidence about a peaceful resolution of their differences."

[James P. Rubin, the State Department spokesman, said the United States remained convinced that Mr. Arafat would carry out his pledge to cooperate with the Israelis against terrorism. "We are going to judge, in the area of security cooperation and anti-terrorist cooperation, Chairman Arafat by deeds," he said. "Deeds are the coin of the realm when it comes to fighting terrorism."]

Today's conference in Gaza was significant because it marked the first time Islamic Holy War, a militant group that operates primarily in Gaza, had joined a meeting of Palestinian factions under Mr. Arafat's leadership. Unlike Hamas, which has both social programs and a military wing, Islamic Holy War has devoted itself almost exclusively to attacks on Israel.

At the conference, representatives of Hamas and Islamic Holy War, who are political leaders of their organizations, not members of their clandestine military wings, exchanged customary kisses with Mr. Arafat after their speeches.

They said later that their participation in Mr. Arafat's conference did not mean they were renouncing violence, as the Palestinian leader did in reaching an accord with the Israelis. The delegates said they remain implacably opposed to the agreement reached in Oslo in 1993 between Israel and the Palestine Liberation Organization.

"This is not a conference to support Oslo, but to support the stance of our people against the American and Israeli pressures on the Palestinian Authority to arrest and crack down on the Islamic movements," said Abdel Aziz al-Rantisi, a Hamas leader.

The relationship between Mr. Arafat and the Israeli Government, which had been strained, worsened considerably last month after a suicide bombing in a Jerusalem market on July 30 in which 14 people and the two attackers were killed.

Israel demanded that Mr. Arafat take action against Hamas and Islamic Holy War and it imposed economic sanctions and other punitive measures that the Palestinian leader condemned as a declaration of war against his people.

The measure included closing borders, demolishing houses of Palestinians on the grounds that they were built without permits, and freezing payments of taxes and other money to the Palestinian Authority.

Israel's moves united Palestinians of all political stripes behind Mr. Arafat. Many perceive him as standing up to heavy Israeli and American pressures to suppress the militants.

United States officials have backed the Israeli demands, but they have also urged Israel to rescind economic sanctions that are not directly linked to its security. To ease the economic pressure, President Hosni Mubarak of Egypt pledged Tuesday to give the Palestinian Authority $10 million.

Israeli officials criticized Mr. Arafat for inviting Hamas and Islamic Holy War to the Gaza conference, asserting that his invitation of groups responsible for bombings that killed scores of Israelis contradicted his commitment to fight terrorism. Mr. Arafat is "giving the terrorist organizations a stamp of approval," said David Bar-Illan, communications director for Prime Minister Netanyahu.

Mr. Arafat and his aides might think that "appeasing, pacifying and placating these organizations will do the trick," Mr. Bar-Illan added, "but they already tried that, and we found that all this dialog does is give these organizations the respectability and legitimacy which makes it easier for them to continue their terrorist activity with impunity."

But Tayeb Abdel Rahim, a close aide of Mr. Arafat who was chairman of the conference, rejected the Israeli criticism. "None of the speakers advocated explosions or terrorism," he said. "They all protested the Israeli policy that disregards the peace process. They agreed on a common denominator of rejecting the policy of dictation."

The speakers, apparently following rules agreed upon in advance, did not call explicitly for violence against Israel, but instead urging "resistance," "confrontation" and "struggle" against the Israeli "enemy."

Many called on Mr. Arafat to stop security cooperation and negotiations with the Israelis, and urged a boycott of Israeli products in response to the Israeli border closures. They criticized American officials for what they described as a stance that favors Israel, and they urged Mr. Arafat to resist Israeli "dictates" backed by the Americans to crack down on militant groups.

Mr. Arafat has recently renewed security contacts at the urging of the Americans, and he met on Tuesday with Ami Ayalon, the head of Shin Bet, the Israeli security services. But before the conference delegates he vowed never to submit to Israeli economic and political pressures.

"In the name of our children," he said, "the children of the uprising, I say: No one can humiliate the Palestinian people, no one can defeat the Palestinian people, no one can make our Palestinian people bow!"

ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, we continue to await the arrival of Senators on the floor to present amendments. We have a very crowded schedule for the Senate with the FDA legislation and other appropriations matters to follow. So I urge my colleagues to come to the floor so we can continue to move the Labor, Health and Human Services bill along.

In the absence of any other Senator on the floor, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent I be allowed to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL TESTING

Mr. DORGAN. Mr. President, I understand we are not yet on the appropriations bill today. It has not been formally called up. We have a number of issues in the appropriations bill that is now before the Senate, and I know the majority leader and others would like to complete it soon. I want to describe one of them that I think is very important that I hope will get resolved today. That is the issue that was raised last week on the subject of national testing with respect to achievement levels at various grades in our schools.

President Clinton has suggested, and others have called for some kind of national testing system by which we can evaluate at the fourth grade level whether children are able to read sufficiently and at the eighth grade level whether they have sufficient capabilities in mathematics, because those are the benchmarks in the education system that allow you to proceed and succeed. If you are not able to read sufficiently in fourth grade, you are not going to do well beyond that. If you don't have a basic grasp of the concept of mathematics by the eighth grade, you are not going to do well beyond that. The question is, What are we getting for our education dollars? We spend a substantial amount of money in this country on elementary and secondary education. What are we getting for it?

The proposal is a proposal that says, let us measure that, let us evaluate that, student to student, school to school, State to State, so that we know what we are getting out of our education system. There isn't a more important subject, in my judgment, for this country's future than the subject of education. Is our education system a good one? Does it work? Does it prepare our country for the future?

Benjamin Franklin once said that if you invest your purse in your head, no one will ever take your purse from you. His point was that, if you invest in education, nobody can ever take from you what you have achieved yourself. That is a very important point. That is why it is so important for our country to make sure that we have an education system that works.

Although reading is the foundation for virtually all other learning in our country, it is estimated that 40 percent of America's fourth graders cannot read at a basic level. Likewise, nearly 40 percent of eighth graders in our country are not achieving at a basic level, and 76 percent are not achieving at a proficient level. According to a recently released Third International Math and Science Study, 55 percent of U.S. eighth graders score below the international average in math.

Now, the point about national testing is not to suggest in any way that the Federal Government try to run the local school systems. School systems ought to be run locally. They are now and they will be in the future. But we ought to give parents information about how their students and schools in our States are doing, comparing them student to student and school to school and State to State. We simply don't have that capability. Providing parents with that information, through a national testing program, will be an important step in trying to evaluate where we are in the educational system and then what we need to do to strengthen and improve it.

Again, this is a proposal that says, let us try to evaluate across this country how our children are doing in reading at the fourth grade level and how our children are doing in mathematics at the eighth grade level. Giving parents that information will be enormously beneficial. I have two children in public schools this morning. They are the most wonderful young children that live in this country—as all parents feel about their children. I want them to have the finest education available to them. They are in public school. I like their teachers, I respect their school. But I happen to believe that, to the extent that we can improve this country's educational system, we will do that if we arm parents with more and more information about how the system does, how the schools are doing, how the teachers are doing, and how our students are doing.

There are three things that will work to improve education in this country, and all three are necessary in order for the educational system to work well. First is a student that is willing to learn. Second is a teacher that knows how to teach. And third is a parent that is involved in their student's education. The failure to have any one of the three means we don't do nearly as well as we can.

Now, the proposal for a national testing program has substantial support. Polls have shown that 77 percent of the American people support national standards for measuring the academic performance of schools. It has substantial support from leaders all across this country, national business leaders like the National Chamber of Commerce, the Business Roundtable, the National Alliance of Business, and it is clear to them that our ability to succeed in the long term and compete in the long term with other countries rests in our ability to provide an educational system [illegible] educates our children sufficiently so that we do succeed and prevail.

Here is the testimony from the business leaders in America. Let me read a couple of the pieces of testimony. This is Jim Barksdale, the CEO of Netscape Communications, and L. John Doerr, a partner in the firm of Kleiner, Perkins, Caulfield & Byers, on behalf of 240 technology industry leaders in a bipartisan call for national education standards in reading and math:

> Every State should adopt high national standards, and by 1999, every State should test every fourth grader in reading and eighth grader in math to make sure these standards are met. President Clinton's national testing initiative offers a new opportunity to widely accept national benchmarks in reading and math against which States, school districts, and parents can judge student performance.

Now, the proposal is completely voluntary. No student is required to take tests. Any student can opt out, any school can opt out, any State can opt out—a completely voluntary proposal. Then we had some amendments offered in the other body, the House of Representatives, an initiative, and some amendments here in the Senate, which I think will be withdrawn, that would prohibit any kind of national testing. So there has been discussion back and forth in recent days about, should we prohibit any kind of national testing? I think the answer to that should be no.

We are proposing that the National Assessment Governing Board, called NAGB—a bipartisan, independent board—will oversee and ensure the integrity of these national tests. NAGB was established by Congress in 1989 to independently formulate policy guidelines for the National Assessment of Educational Progress.

I don't have any interest, again, in having the National or the Federal Government decide that we are going to, in any way, impose restrictions or arbitrary requirements on school districts across this country. That is not my interest. It is my interest to provide some leadership to see if we can't describe some kind of national achievement levels which we aspire to reach as a country.

It is interesting. You go on a radio show, talk radio, these days—and it has been that way for some years now—and somebody calls in and talks about how any effort by anybody to test some sort of achievement level is some intrusive encroachment on education. I don't think that at all. As much as we spend on education, we ought to try to find out what we are getting for all of this. Where are we succeeding and where are we failing? That is what this initiative is all about. It is not an attempt to eclipse the powers, rights, or interests of local school boards. It is an attempt to see if we can't, all across this country, give parents more information about what they are getting for their education dollar and give school administrators and give other administrators who are interested in this an evaluation of where we are with respect to reading at the fourth grade level and mathematics at the eighth grade level, to see whether we are reaching the goals that we aspire to reach as a country. If we can't take that first baby step, if we don't have the opportunity or courage to take that step, then we are not in any way going to achieve the goals we have for this country's education in the years ahead.

I thought this was going to be resolved last week, and I understand it is still ricocheting around the Chamber. If it's not resolved, I am inclined to offer a second-degree amendment to one of the first degrees that has been noticed, which would simply say that the National Assessment Governing Board would be the board that would be empowered to help provide this national testing. I want us to have an affirmative discussion and decision on this. I think that will be a very important thing for the Senate to say with respect to this appropriations bill because it is likely the appropriations bill coming to conference from the House side will say, in a negative way, that they don't want anything to do with this kind of national testing.

So I came to the floor today to say that I thought this had been resolved last week, and it has not been. If it is not resolved soon, I would like to offer an amendment. Senator BINGAMAN has one noticed. If that is not offered, I will probably offer a second degree, and we should have a vote on this issue. This country can do better in education. One way to do that is to aspire to have a national evaluation of what we are getting and what our performance levels are at the fourth grade level for reading and at the eighth grade level for mathematics.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that I may speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL EDUCATIONAL TESTING

Mr. GORTON. Mr. President, I want to say to the Senator from North Dakota that I have listened with great care to his remarks and with a strong degree of sympathy and support for all that he has to say. I do want to add two cautions or questions that I know he will consider very thoughtfully in this connection, however.

I am here on the floor to speak to an amendment I introduced last night that would take dozens, perhaps hundreds, of categoric programs for education and consolidate them and distribute them on a formula basis to each school district, with a firm belief that our school board members and teachers in various schools throughout the country can make a better determination as to how to use that money than can bureaucrats here in Washington, DC.

But a part of my talk in a few moments will relate to this very question of achievement. I agree with the Senator from North Dakota, but the two caveats I have are these. Will we have a set of national standards or national tests that truly measure learning, knowledge, as we wish it to be?

There is great suspicion that anything sponsored by the Federal Department of Education will be of questionable validity in the real world in showing where our students are. And will a set of national tests drive out more sophisticated and better quality State and/or local tests? Will school districts and State superintendents of public instruction across the country say, fine, we have these national tests now, we don't need to do anything other than to teach to those tests—the very modest one subject in fourth grade and one subject in eighth grade?

I say that because, in preparing for my other comments, I have here the results of the first experimental year of a new set of tests given in the State of Washington to a wide number of students in more than 250 school districts and some private schools throughout the State. Now, these tests are far more sophisticated and far deeper than anything we are talking about here on a national level. Starting in the fourth grade but to be extended up to the tenth grade in the future, students were tested in listening, reading, writing, and mathematics. In other words, four sets of tests, rather than the one called for in the President's proposal.

Moreover, they were tested for their actual mastery of the subjects, rather than just on some sliding scale: Are you in the fiftieth percentile of all the people who took the test, either in the State or across the country? The State of Washington does use the current national tests in some of these areas, which are simply true, false, or a fill-in-the-blank-with-a-pencil kind of test. These new tests, however, in a number of the areas, include essay examinations as well as true, false, or multiple choice tests.

This is what some of the national organizations or experts have to say about this. I am quoting from last Thursday's Seattle Times.

> Washington's new test gets high marks from experts familiar with similar assessments in other States. Most say it will take time for students to meet the new standard and that these kinds of tests, called performance-based assessments, are more demanding than the fill-in-the-bubbles tests most parents and students are used to.
>
> The problem with standardized tests is that they hold schools accountable not for how students do in relation to a fixed standard, but rather in relation to how other students do —"a fuzzy concept," said Dr. Philip Daro of the New Standards Project, a consortium of States and urban districts creating education-reform models.
>
> "Performance-based tests are more realistic, more practical, more like people evaluated in the workplace," Daro said.
>
> The American Federation of Teachers said Washington's standards in English and science meet its criteria for being strong, coherent and useful to teachers and parents. The State's math standards are borderline and its social-studies standards are considered below par, with too little attention given to that history.

Under those consensuses, one of the reasons for the criticism of mathematics is that even in the Washington State tests, among students who rank very high in National College Board examinations and the like, you can get a perfect score in the fourth grade mathematics test even though you have the wrong answer. Some of the SAT questions give a perfect score in this test if you get the reasoning right even if you come up with the wrong answer. That is not going to please the real world, or a potential employer is not going to be comforted by having an employee who may think logically but reaches the wrong answer in a mathematical computation.

Given that, however, Mr. President, it is breathtaking and disappointing to report that in these four areas 62 percent of the fourth graders who took the test in my State exceeded the standard for listening, 48 percent for reading, 32 percent for writing, and 22 percent for mathematics even with the possibility of getting a perfect score on some of the tests on some of the questions in the test without getting the right answer. Twenty-six percent of our fourth grade students flunked all four, or failed to meet the standard in all four, and only 14 percent met the standards in all four.

I was very disturbed by the fact that our State superintendent of public instruction, who is new, and, may I say, said, "We must not be discouraged by results of the assessment, or try to hammer children and teachers." I think we should be discouraged by those results. I don't think we should hammer children and teachers. And I will speak in a few minutes on the proposition that I think they ought to get more direct aid from ourselves, and fewer bureaucrats telling them what to do and how to do it. But these are very disappointing results.

I guess my fear and my only reservation is about the remark on national standards, with which in theory I certainly agree, in connection with the talk by the Senator from North Dakota is that I would hate to see a set of national standards that we work down to rather than up from.

The same article said that only one State, Iowa, is not engaged in some kind of testing at the present time.

So my real question on this is how do we see to it that a set of so-called "national standards" don't end up depreciating, or making less demanding, the requirement to meet certain standards that many States have now and others like my own are moving toward with great rapidity?

I simply have that as a question.

Mr. DORGAN. Mr. President, will the Senator from Washington yield for a question?

Mr. GORTON. He certainly would.

Mr. DORGAN. Mr. President, before I ask the question, I say I think the remarks by Senator GORTON are important and raise the right question.

I would not suggest that we have some sort of aspiration for national testing that would in any way lower standards. We need to raise standards. It seems to me that the proposals that have been advanced, for example, with respect to the reading at the fourth grade level is one of these gateway activities. If you do not get through that fourth grade level and are able to read and go beyond, and you are beyond that and aren't able to read sufficiently, nothing else will come together in your educational career. That is the problem. That is why you need to measure on some of these gateway activities like reading at the fourth grade level and mathematics at the eighth grade level.

The Senator from the State of Washington made a couple of important points. There are some good testing activities going on in some States. Some are terribly deficient. It is important to understand that, whether it is the National Chamber of Commerce, the Business Roundtable, or the technology firms in our country who are asking for this and who believe this is an essential part of understanding what we are getting from our educational system and how to fix it. They feel that we have a significant problem. And, in order to fix that problem, you need to figure out where you are, and where you go from that point to fix it. I share that feeling.

I say to the Senator from Washington that the points he made are accurate. Isn't it the case, however, that we should be able to recognize the concern some people have about who would do the testing, or what kind of testing would be done? Shouldn't we be able to overcome those concerns by saying at least we aspire as a Nation to achieve some goals with respect to our children who are in the fourth grade and the eighth grade, and with respect to their meeting the mathematics skills? Shouldn't we be able to meet the concerns that the Senator from Washington expresses?

Mr. GORTON. My answer to that question is an unqualified yes. Of course we should do just that. What we must take great care with is seeing to it that any national standards strengthen and encourage the standards that are already being set in any of the States; that they be able to move forward; not an excuse to move backward; and that they measure real knowledge. I believe that the heart of some of the objections to the national standards are the ones made by the American Federation of Teachers to Washington State mathematics. There just is no way except in the heart of some totally abstract profession that you can justify giving 100 percent to a student who gets the wrong answer to a question. It may be encouraging students to move towards a way to come up with the right answer. But that is not something that ought to get 100 percent.

I hope we derive a system for whatever national tests come, and I think some are likely to come that measure real knowledge and real progress, and that encourages States to make their own standards even tougher and their assessments to take place more frequently.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

Mr. GORTON. I ask for two additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I would just like to say in summary that I am in no way critical of what my State has done, and the movement towards these standards I find very encouraging. I think absent these constructive criticisms that they are likely to set very, very good and very significant standards. It is just that I have to predicate the comment that we shouldn't be discouraged by the results. We should be discouraged by the results. And we should resolve that we are going to do everything possible to cause those results to improve markedly and as quickly as possible.

Mr. DORGAN. Mr. President, if I may ask the Senator to yield for one additional question, I come from a school where I was involved in a graduating class of nine. I come from a county that has 3,000 people. The community in which I grew up has 300 citizens. My high school class was a class of nine. That school district was educating the children in my school to go out into the workplace and to do things with the kind of background they gave us in a different time. And that school district still exists, and the school still exists. It is still a very small school. But now those children that are being educated in that school are going out into the marketplace in a different era. We are now involved in much different kinds of global competition in which we are competing against kids in Germany and Japan who are going to school 240 days a year. Our kids are going to school 180 days a year competing with respect to jobs and economic opportunity. And it is a much different world. That ought not suggest that we manage in any way our schools differently. The control and the authority and the payment for the schools ought to come from local government and local school districts and State governments.

But the point that is made by the people in the technology area, by the chamber of commerce and elsewhere, is that we are involved in global competition, and our education system must produce the quality of education that meets that competition in order for this country to succeed and to achieve what we want to achieve in the future.

That is why it is important for us to be discussing these issues. What are we getting for our education dollar? And are we achieving with our children proficient levels of mathematics in the fourth grade and education in the eighth grade, and how do we measure that?

The PRESIDING OFFICER. The time allotted to the Senator from Washington has expired.

Mr. DORGAN. I thank the Senator from Washington for yielding.

Mr. GORTON. I thank the Senator from North Dakota for his thoughtful comments, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the role.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. RES. 120

Mr. GORTON. Mr. President, on behalf of the majority leader, I ask unanimous consent that at 12 noon today, the Senate proceed to the consideration of a resolution regarding Mother Teresa that was submitted today by Senators NICKLES, LOTT, and DASCHLE. I further ask unanimous consent that there be 30 minutes of debate equally divided in the usual form. I finally ask unanimous consent that at the hour of 2:15 p.m. today, the Senate proceed to a vote on the adoption of the resolution with no intervening action or debate. This resolution has been cleared by the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1061, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gregg amendment No. 1070, to prohibit the use of funds for national testing in reading and mathematics, with certain exceptions.

Coats-Gregg amendment No. 1071 (to Amendment No. 1070), to prohibit the development, planning, implementation, or administration of any national testing program in reading or mathematics unless the program is specifically authorized by Federal statute.

Nickles-Jeffords amendment No. 1081, to limit the use of taxpayer funds for any future International Brotherhood of Teamsters leadership election.

Craig-Jeffords amendment No. 1083 (to Amendment No. 1081), in the nature of a substitute.

Durbin-Collins amendment No. 1078, to repeal the tobacco industry settlement credit contained in the Balanced Budget Act of 1997.

Durbin amendment No. 1085, to provide for the conduct of a study concerning efforts to improve organ and tissue procurement at hospitals, and require a report to Congress on the study.

Durbin (for Levin) amendment No. 1086, to express the sense of the Senate that hospitals that have significant donor potential shall take reasonable steps to assure a skilled and sensitive request for organ donation to eligible families.

Mack-Graham amendment No. 1090, to increase the appropriations for the Mary McLeod Bethune Memorial Fine Arts Center.

McCain-Gramm amendment No. 1091, to eliminate Medicare incentive payments under plans for voluntary reduction in the number of residents.

McCain-Kerry amendment No. 1092, to ensure that payments to certain persons captured and interned by North Vietnam are not considered income or resources in determining eligibility for, or the amount of benefits under, a program or State plan under title XVI or XIX of the Social Security Act.

Craig-Bingaman amendment No. 1093, to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees.

Landrieu amendment No. 1095, to increase funds to promote adoption opportunities.

Coverdell amendment No. 1097, to enhance food safety for children through preventative research and medical treatment.

Coverdell amendment No. 1098 (to Amendment No. 1097), in the nature of a substitute.

Specter (for Nickles) amendment No. 1109, to require that estimates of certain employer contributions be included in an individual's social security account statement.

Specter amendment No. 1110, to reduce unemployment insurance service administrative expenses to offset costs of administering a welfare-to-work jobs initiative.

Specter amendment No. 1111, to provide start-up funding for the National Bi-partisan Commission on the Future of Medicare.

Harkin (for Wellstone) amendment No. 1087, to increase funding for the Head Start Act.

Harkin (for Wellstone) amendment No. 1088, to increase funding for Federal Pell Grants.

Harkin (for Wellstone) amendment No. 1089, to increase funding for the Education Infrastructure Act of 1994.

Harkin-Bingaman-Kennedy amendment No. 1115, to authorize the National Assessment Governing Board to develop policy for voluntary national tests in reading and mathematics.

Harkin (for Daschle) amendment No. 1116, to express the sense of the Senate regarding Federal Pell Grants and a child literacy initiative.

Ford amendment No. 1117 (to Amendment No. 1078), to express the sense of the Senate on compensation for tobacco growers as part of legislation on the national tobacco settlement.

Murray-Wellstone amendment No. 1118, to clarify the family violence option under temporary assistance to needy families program.

Murray amendment No. 1119, to provide funding for the National Institute for Literacy.

Harkin (for Bennett) amendment No. 1120, to award a grant to a State educational agency to help pay the expenses associated with exchanging State school trust lands within the boundaries of a national monument for Federal lands outside the boundaries of the monument.

Ford (for Kerrey) amendment No. 1121, to exempt States that were overpaid mandatory funds for fiscal year 1997 under the general entitlement formula for child care funding from any payment adjustment.

Domenici (for Gorton) amendment No. 1122, to provide certain education funding directly to local educational agencies.

Gorton modified amendment No. 1076, to allow States to use funds received under title XXI of the Social Security Act to provide health insurance coverage for children with incomes above the minimum Medicaid eligibility requirements.

AMENDMENT NO. 1122

Mr. GORTON. Mr. President, I ask unanimous consent to call up an amendment that I introduced yesterday to provide certain educational funding directly to local educational agencies.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1122, AS MODIFIED

Mr. GORTON. Mr. President, I send a modification of that amendment to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will read the modification.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, and Mr. DOMENICI, proposes an amendment numbered 1122, as modified.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Mr. President, reserving the right to object, is the Senator going to explain the modification?

Mr. GORTON. I will explain the whole amendment, as modified.

Mr. JEFFORDS. I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 85, after line 23, insert the following:

SEC. . (a) Notwithstanding any other provision of law, the Secretary of Education shall award the total amount of funds described in subsection (b) directly to local educational agencies in accordance with subsection (d) to enable the local educational agencies to support programs or activities for kindergarten through grade 12 students that the local educational agencies deem appropriate.

(b) The total amount of funds referred to in subsection (a) are all funds that are appropriated for the Department of Education under this Act to support programs or activities for kindergarten through grade 12 students, other than—

(1) amounts appropriated under this Act—

(A) to carry out title VIII of the Elementary and Secondary Education Act of 1965;

(B) to carry out the Individuals with Disabilities Education Act;

(C) to carry out the Adult Education Act;

(D) to carry out the Museum and Library Services Act;

(E) for departmental management expenses of the Department of Education; or

(F) to carry out the Educational Research, Development, Dissemination, and Improvement Act;

(G) to carry out the National Education Statistics Act of 1994;

(H) to carry out section 10601 of the Elementary and Secondary Education Act of 1965;

(I) to carry out section 2102 of the Elementary and Secondary Education Act of 1965; or

(J) to carry out part K of the Elementary and Secondary Education Act of 1965;

(K) to carry out title IV–A–5 of the Higher Education Act; or

(2) 50 percent of the amount appropriated under title III under the headings "Rehabilitation Services and Disability Research" and "Vocational and Adult Education".

(c) Each local educational agency shall conduct a census to determine the number of kindergarten through grade 12 students served by the local educational agency not later than 21 days after the beginning of the school year. Each local educational agency shall submit the number of the Secretary.

(d) The Secretary shall determine the amount awarded to each local educational agency under this section as follows:

(1) First, the Secretary, using the information provided under subsection (c), shall determine a per child amount by dividing the total amount of funds described in subsection (b), by the total number of kindergarten through grade 12 students in all States.

(2) Second, the Secretary, using the information provided under subsection (c), shall determine the baseline amount for each local educational agency by multiplying the per child amount determined under paragraph (1) by the number of kindergarten through grade 12 students that are served by the local educational agency.

Lastly, the Secretary shall compute the amount awarded to each local educational agency as follows:

(A) Multiply the baseline amount determined under paragraph (2) by a factor of 1.1 for local educational agencies serving States that are in the least wealthy quintile of all States as determined by the secretary on the basis of the per capita income of individuals in the States.

(B) Multiply the baseline amount by a factor of 1.05 for local educational agencies serving States that are in the second least wealthy such quintile.

(C) Multiply the baseline amount by a factor of 1.00 for local educational agencies serving States that are in the third least wealthy such quintile.

(D) Multiply the baseline amount by a factor of .95 for local educational agencies serving States that are in the fourth least wealthy such quintile.

(E) Multiply the baseline amount by a factor of .90 for local educational agencies serving States that are in the wealthiest such quintile.

(4) Nothwithstanding paragraph (3), the Secretary shall compute the amount awarded to each local educational agency serving the States of Alaska or Hawaii by multiplying the base line amount determined under paragraph (2) for the local educational agency by a factor of 1.00.

(e) If the total amount of funds made available to carry out this section is insufficient to pay in full all amounts awarded under subsection (d), then the Secretary shall ratably reduce each such amount.

(f) If the Secretary determines that a local educational agency has knowingly submitted false information under subsection (c) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under subsection (d), and the correct amount the local educational agency would have received if the agency had submitted accurate information under subsection (c).

(g) In this section—

(1) the term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965;

(2) the term "Secretary" means the Secretary of Education; and

(3) the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, for the benefit of the Senator from Vermont, the modification strikes all references to any departments other than those going through the Department of Education, and there is a modification with respect to the distribution formula for the States of Alaska and Hawaii, States that have artificially high income levels which do not necessarily reflect the standard of living in those two very expensive States, and adds one additional minor exception to the scope of the bill.

Fundamentally, Mr. President, this amendment is based on the philosophy that the school board members, the administrators, the teachers and the parents in communities all across the United States are better able to set their educational priorities and to meet their educational goals than is the Congress of the United States or bureaucrats of the Department of Education. You can't make a telephone call because we tried to call the Congressional Research Service and ask how many programs there are that support the education of our children between kindergarten and 12th grade.

Instead, they can identify a few programs, large programs, which are devoted exclusively to that purpose, but there are hundreds of others which do so in part that they cannot identify.

Congressman HOEKSTRA of Michigan, in the House, has identified approximately 760 programs funded by the Federal Government directly or indirectly affecting the education of our children between kindergarten and the 12th grade. No one can say how much of this money actually gets into teaching children as against paying for bureaucrats at the Federal level, the State level, the school district level, or the time it takes the teachers to fill out all of the forms necessary to meet the auditor's requirements of each of these individual programs.

The Cato Institute has determined that of the roughly $15 billion going from the Department of Education for K through 12 programs only about $13 billion gets to local education, but it does not and cannot reflect how much the local education agencies have to spend on the administrative requirements of these 760 education programs.

So what this bill says is that with certain exceptions, the largest and most notable of which are the Individuals with Disabilities Education Act that was debated earlier this year, and impact aid, which goes to school districts with a large Federal presence, for 1 year at least we are going to ignore all of these hundreds of programs and their specific requirements and all of the bureaucracy in the Department of Education and simply take the exact number of dollars that are included for those programs in this bill and to distribute them on a per student basis to every school district in the United States. To the best of our ability to do so—and I must confess that in dealing with this number of programs, we may have missed some—we are speaking of a little bit more than $11 billion of the appropriations in this bill.

We are going to say, instead of our deciding how they ought to be spent, instead of our saying that every school district in the country has to meet exactly the same requirements for getting this money, let us accept the novel idea to which almost all of us give lip service when we are at home that maybe the men and women who are dedicated enough to run for positions on local school boards, maybe the teachers who are in the classroom every day, perhaps the principals and administrators there can use that $11 billion plus to provide more in the way of educational services than are being provided at the present time. Almost without exception our debates in this Chamber on education policy, when we deal with budget resolutions, when we deal with reconciliation bills, when we deal with this appropriations bill, have to do with how much money we are going to spend on education. It is the firm view of Members of this body and most of the general public that the more money we spend the better the results will be. And yet we are all convinced that the results are not very good. We are disturbed enough about it so that we want to create national standards and national tests.

I just had a discussion on that subject with the distinguished Senator from North Dakota [Mr. DORGAN]. At the same time I shared with the body the pioneering work my own State of Washington is doing in setting standards and testing students against those standards and the highly disappointing results of the first of those sets of tests this year, that only 22 percent of our fourth grade students meet those standards in mathematics. I am convinced that we ought to talk about quality as well as quantity; that simply adding dollars to programs, the net result of which are test results like these and like the others we deprecate all across the country, is not the wisest course of action.

Last year, the Congress in its wisdom did something that Congresses rarely do. We decided that we did not know an awful lot about welfare and that maybe 30 years of an increasing nationalization of welfare policy, the net result of which was worsening almost every social pathology welfare was designed to cure, was not the right course of action. And so in essence we said perhaps we should not set all the requirements ourselves. Perhaps we should let 50 States experiment broadly with welfare policy and maybe all of us will learn more about what works and what does not work.

This amendment gives the Senate the opportunity to do just exactly that with our education policies in kindergarten through 12th grade. Curiously enough, we seem to have largely accepted that policy with respect to higher education. The great bulk of our higher education programs go directly to students—guaranteed student loans, Pell grants, other means tested aid to students go to the customer, the user of educational services rather than to some huge bureaucracy that is given the power to say what colleges and universities can teach and how they teach it.

Now, we know that there are higher educational institutions that do not do a very good job, but our cure has not been to cut off students and stop allowing them to make choices. We do allow them to make those choices. Why don't we try in this particular case—this is not a debate on vouchers and giving money directly to parents, as much as I may favor that. This is a debate about giving the money directly to school districts, to the professionals who work in the classrooms, to the amateurs in almost all cases who run for and are elected to school boards all across the United States. It is difficult for me to imagine, with three Senators in the Chamber, that the priorities of the school districts in Rutland, VT, and Portland, OR, and Bellevue, WA, are going to be identical. It is impossible for me to justify the amount of paperwork that must go into justifying the expenditure of the money for these hundreds and hundreds of programs that go to K through 12 education at the present time, right from the level of the classroom on up through the individual school, to school district, to the State education agency, to the U.S. Department of Education.

Let's take a page out of what we hope will be a successful decentralization of our welfare policy and decentralize decisionmaking in our schools. Let our parents through their PTA's, our teachers, our school board members, our principals, decide how to use this $11 billion to educate kids. And then if we can devise it, we can in fact come up with some tests, some standards that they ought to meet and test them against those standards. What we know now is that the money is not being spent very well, at least it is not being spent very successfully. Let's try temporarily to let someone else make those decisions and see whether we cannot do better.

I am convinced that we will do a great deal better.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Vermont.

Mr. JEFFORDS. I wish to speak against the amendment.

I think the desires and the hopes of the Senator from Washington are certainly admirable, but I think if one examines where the problems are in education right now the thought that it will be solved by just giving a blank check to the local agencies to correct these problems I think would find itself quite misdirected.

First of all, it goes without saying and everybody must recognize that this is probably the grossest exercise of changing the situation from what is normally considered the authorization process that I have seen to date.

Now, I do not disagree with the fundamental problem that the Senator from Washington recognizes, and that is we have an awful problem in this Nation educationally. When 51 percent of the students in this country graduate functionally illiterate, when we find ourselves trailing way behind other nations in competition for the type of work that is necessary in our country, we know we have a problem. Right now, for instance, we have 190,000 jobs available in this Nation that we cannot fill because schools have not produced students with the skills to take them, whereas our competitors do not have that problem.

But where is the problem? The problem is at the local level because they have not had the guidance from above or whatever to increase the mathematical skills and to ensure that we do not push young people through the school systems by what is called social promotion. Those are the big problems. Giving blank checks to the local governments is not going to solve the problems. I would guess it would probably exacerbate them.

For instance, one of the programs that we have which is more aimed at the problems than anything is the Eisenhower math program. It is designed to provide professional development. Congressman GOODLING, who is chairman in the House, and I agree on one thing, that the most important thing we can do now is to improve the professional development of our teachers. If they don't know what the standards are they should meet in order to meet worldwide competition, then it is difficult to expect that they are going to change to meet those standards. The Eisenhower program has been very successful in the math area, but it is so small that it cannot possibly do all the work. If we were to take and throw more money, if you want to call it throw, into the Eisenhower program and things like that, it might make some sense. But just to give it carte blanche to the districts dependent on the wealth, not on the quality of education, this makes a presumption that is not accurate in many cases, and that is, the quality of your education will be determined by the amount of money that is spent; therefore, if you give more money to the poor areas, they are going to end up with better education, and if you take it away from the ones with higher expenditures on education, they are not going to be hurt. There is no basis for making that kind of conclusion.

Title VI, a block grant, which is chapter 2, is the best hope we have for getting the kind of professional development which Congressman Goodling and I agree is the greatest need of this Nation today that would eliminate the money that goes toward that direction of trying to make sure that we improve the ability of our teachers to meet modern needs of our society.

You can argue about some of the other programs, but School to Work is another one. School to Work is putting its finger on the basic problem in this country, and that is that we do not train our young people for work; we ignore that. The educational institutions, in most cases, are just making some progress now with bringing the school into the work area and letting them know what the young people need for skills in order to get those very well-paying jobs that are out there. School to Work is aimed at that. To cut the funding for that and give more money to the local agencies to do what they want with it is not going to solve the problems of this Nation.

We are going to try to in the Work Force Improvement Act, which we will be moving out of committee very soon, consolidate a lot of these programs that perhaps eat up more money in bureaucracy than they do in producing results. I don't have a problem with that, but that should be done during the reauthorization process. To make such a fundamental change now on an appropriations bill where we would take away from the States—remember, the States distribute title I money and things like that in accordance with not only financial problems, but educational need. This would do away with that aspect and give that role to the Secretary of Education. I am amazed to think the Senator from Washington would suggest we ought to give the money to the Department of Education to distribute. Granted, it is a formula distribution, but still right now it is the States that make the decisions based upon the educational need as well as economic need.

So I think for all these reasons I would have to strongly oppose this amendment. I encourage, though, as the Senator from Washington has done, to raise the level of understanding of what the problems of this Nation are in education. The basic problem is very fundamental, and that is that the schools in this country are not equipped now to handle the demands made upon them by the competition in the world economic situation which requires us to produce kids that have better skills.

There is certainly no excuse for allowing young people to go through the school system and come out the other end, like half of our kids do, without knowing how to read. That is why emphasis is being placed by the administration, myself, Congressman Goodling and others on that. We have to face up to the problem. Facing up to the problem is not going to solve it by throwing more money and taking it away from any direction at all, but just giving it to the local school system.

I must strongly oppose the amendment of the Senator from Washington, but I do praise him in the sense of raising again the awareness of this body and the Nation to the serious problems we have with education at the local level.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, on this subject, it is obvious that between my friend, the Senator from Vermont, and myself there is a great gulf to fix. I note just a couple of his phrases. One was "carte blanche." The other was the necessity for "guidance from above."

It is the view of the Senator from Vermont that without "guidance from above," our teachers, our school board members, our principals won't know what to do, that they will be clueless about the education of our children for our 21st century world, and that unless they are told by us, right here in this body, U.S. Senators, what their priorities are, how they are going to meet those priorities, and unless we let a group of bureaucrats in the Department of Education, right to the tiniest detail, dictate how Federal money is going to be spent, our teachers, school board members, principals and parents won't have the slightest idea of how to meet these challenges, and they will waste all of this money, it will go for nothing.

Well, my golly, if we had been able to show by tests that we have been overwhelmingly successful, that everyone was doing well, I don't suppose I would be out here now. But one of the other features we are almost certain to authorize, with my conditional approval at least, is to come up with a rational way in which to test our students at various levels with respect to their knowledge about the most important of the academic subjects they are in school to learn.

My reservations on that is, I have grave fear that national testing may actually drive out more rigid State testing in a number of places across the country. If it encourages even stronger standards, then it seems to me that it is a very, very good idea. It is one thing to test, but it is another thing to tell every teacher, "Here's who you have to teach and here is how you have to teach and, by the way, here are all the forms you have to fill out at some point or another during your school day to make absolutely certain you didn't teach the wrong student and, therefore, disqualify our school district for some of its title I money."

Obviously, every Member of this body who believes that he or she knows more about educational priorities than do his school board members, his teachers, his or her parents should certainly vote against an amendment like this. If Members are content, Mr. President, with between 700 and 760 different education programs coming out of probably five or six different Departments of the U.S. Government, each with its own requirement and its own forms to fill out, if they believe that is a satisfactory way to do things, fine, they should vote for the status quo.

I have more trust in the American people. I have more trust in the people who give up their time without compensation to serve on school boards and in parent-teachers associations. I have more trust in the teachers that we have in the schools themselves. I think they will do a better job with the money. I think we will get better education. Of course, anyone can have a quarrel with the formula for distribution, which is a rough formula giving slightly more money to poor States or school districts in poor States than it does to school districts in wealthy States. But I believe I can make this representation, Mr. President. It will be difficult to find a school district anywhere in the United States that doesn't have more money for the actual education of its students under this formula than it does at the present time. Why? Because at the present time, a whole bunch of this money, hundreds of millions of dollars, gets taken out right here in Washington, DC, by the bureaucracy. More hundreds of millions of dollars get taken out by the State educational entities, and tremendous burdens, nonteaching burdens, are imposed on local schools, school districts and teachers in keeping track of all of it and filling out the forms. So the most disfavored school districts under this formula will actually get more money to put into the education of their students than they do at the present time.

I will be the first to admit, Mr. President, that on the floor of the Senate, this is a brand new and a radical proposal. I would be surprised if it became law as a part of this appropriations bill. But, Mr. President, we are 10 years past due in discussing this subject. It is time we did here what we say we want to do when we are at home. I can't speak for every other Senator, but I know that one of the most popular statements I can make at a town meeting or to any group in the State of Washington is, "I believe you, through your schools right here, should have more say as to how you spend the money that goes into educating your children." Principals approve of it, school board members approve of it, teachers approve of it, parents approve of it, the taxpaying public approves of it.

I would be willing to make a small wager that, in general terms, almost every Member of this body makes the same speech under appropriate circumstances in his or her own State when he or she is asked about that question. "Yes, I believe in local control of schools. Yes, I believe in locally elected school boards. Yes, I believe decisions can be made better close to the student, but * * *" Usually they don't articulate the "but." "But" comes back here when they actually vote in a manner totally contrary to the way in which they speak at home.

So this provides a simple opportunity, Mr. President, an opportunity to say whether you really do believe that educational policy, that money for education is likely to be spent more wisely and more effectively by those who are in the field doing it professionally, meeting with their students every day, or whether, in the phrase of the Senator from Vermont, they need "guidance from above," guidance from right here in these seats, because otherwise, a carte blanche will result in educational disaster.

I hope Members will give serious consideration to this philosophy. This may be the first time we have discussed this in the form of an amendment like this in a number of years, but I do not think, Mr. President, it is going to be the last time. I believe we will discuss the general philosophy of this proposal, at least, increasingly until the time that we are willing in fact to place a degree of trust in local educational authorities that we all say we have in theory.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I will make a couple more comments here.

Let us just think about what would happen if we did this, what it would do for education. All of a sudden, without any qualifications or requirements, or anything else, if we were to send checks to our local governments, with a hope they would spend it on education—I know what would happen in my State.

We have just gone through property tax reform. Everybody is up in arms over the cost to the local governments from property tax reform. I bet if you were to do it, this would end up in property tax relief. Maybe that is a good thing. Maybe it is a good thing to relieve the local property tax in communities around the country. But it is not going to tackle or do anything to solve the very basic problems we have in education. There is nothing in here that would in any way determine that the local governments are going to spend it on education.

Now, "above" can mean the superintendent of a region, they are knocked out. The State's school system has no control or no suggestions in any way how to spend this money. We are just sending checks to the local communities and saying, "Gee, we would kind of like you to spend this on education, but there's no requirement, or you can say you do, but then you just cut yours back and you spend this money on education, but you cut back on the local money, on what you're spending on education now, and you can cut your property taxes." It might be very popular. I think it would be. I expect it would sell very well with the taxpayers of local communities saying, "Wow, finally we can start going down on the cost of education in this community."

Will it benefit the students? Not at all. This is, again, authorization of the grossest kind in the appropriations process.

So I say to Members that this is one area where we have huge needs trying to change what is going on in this country in education, to raise the levels to be able to meet international competition, to make sure we are not embarrassed again as we have been for years now on international tests with our young people, especially in math and science. We know we have to make changes. Anyone here who believes that just throwing money at the local communities is going to bring about these kinds of changes, I do not think you will find anyone who can consider this is seriously the way to go.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that the distinguished occupant of the chair, the junior Senator from Oregon, be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, that is a truly incredible statement on the part of the Senator from Vermont. In the first place, of course, this amendment does not give this money to local governments. It gives it to local education authorities, that is, school boards and school districts. Evidently the Senator from Vermont feels that his own constituents have so little regard for education in the State of Vermont that they would immediately cut their contribution to the education of their children by the amount of the distribution to those local school boards. I would be ashamed to make that comment about the people of the State of Washington. I cannot imagine that that would happen.

Moreover, Mr. President, the Senator seems to forget that at least a significant part of this money is in the educational system at the present time. It is my view that just not enough of it gets there, that too much of it gets siphoned by the bureaucrats on the way to a school district in Vermont or in Oregon or in the State of Washington. But to make the statement that only we are wise and only 100 Members of the U.S. Senate are really concerned about education and that, if we were to allow a local school agency to set its own priorities with the money we appropriated to education, that they might not do it, that they would just simply decide, "Oh, no, education isn't very important. We can now cut down our own contribution level," is insulting, I would say, Mr. President, to every citizen of the United States who cares about his or her children or his or her country or their future.

This money is going into education now. That is why we are appropriating it. Too much of it is going to a bureaucracy and not getting to the children who are being educated. Too many priorities are being set here, and too few at home. That is what the question is about.

Mark my words, Mr. President, successful or unsuccessful, if this amendment passes, more money—not less—more money will get into the education of almost every student in the United States of America. The fundamental question is not how much; the fundamental question is, who ought to make the decision as to how it is spent? We here in this body, great educational experts as we seem to think we are, or the people who are actually providing the teaching in the day-to-day operations of our schools?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I want to yield the floor to the distinguished chairman of the Finance Committee who needs some time here to take up another issue, but just quickly before I do that, I do want to congratulate the Senator from Washington, Senator GORTON, for his proposal here, because it has highlighted what is the core debate in the issue of education, which has been raised in part by the President.

This administration's approach to education is about the same as it has approached campaign finance reform—talks one game; does another game. Basically, the purpose of almost all the major initiatives that have come out of this administration on the issue of education have been to encourage and strengthen the control of the Federal Government over the process of educating children. Every initiative that seems to come out of this administration seems to have been drawn up in the bowels of the major labor unions, major teaching unions here in Washington, the purpose of which appears to be the fundamental goal of moving the control of education out of the local communities and into the Federal sector, out of the hands of the parents, out of the hands of the teachers, out of the hands of the school systems at the local level, into the hands of the Federal bureaucracy, into the hands of the big labor unions centered here in Washington.

Their education initiatives can almost all be characterized as having that as their basic philosophical groundwork, whether it happens to be their initial proposal on Goals 2000, which luckily was amended so that that did not happen, or their initial proposal on national educational testing, which the President has now backed off of because the country has been alarmed by it and which he is changing.

What Senator GORTON's proposal does is say, "Let's end it right here. Let's return to the local folks, people who control the educational process, people who should be involved in the educational process, specifically, the parents, the teachers, the principals, local school boards, the capacity to manage the money we have the Federal Government presently controlling. Let's end this huge bureaucracy which is draining off billions of dollars annually from the students of this country, turning it over to a class of individuals whose basic goal is to perpetuate their own careers versus perpetuating better education. Let's put an end to that. Let's give the dollars right to the schools. Let's let the schools, the parents, the teachers and the principals make the decision."

It really should not be a unique or radical idea. It should be a very common, very appropriate idea. But in the context of the strange thought process which dominates the beltway, it appears to be a radical idea.

Actually, I congratulate the Senator from Washington, Senator GORTON, for putting forward this initiative. I think it is going to generate a very huge and positive debate of the question of where the control of education should be. I look forward to participating in that debate. But I do not wish to take further time from the Senator from Delaware. Therefore, I yield the floor at this point.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 1091

Mr. ROTH. Mr. President, I rise to oppose the McCain amendment on graduate medical education, amendment No. 1091. I oppose it, although I am sure it is well-intentioned. I believe this amendment is not appropriate on this bill. I also believe the amendment is based on some misunderstandings.

But first, as a general rule, I do oppose any amendments on appropriations bills designed or related to Medicare or any other matter that we dealt with in the Balanced Budget Act. Some of these amendments may seem noncontroversial or even desirable; however, it is simply not appropriate to begin loading up important appropriations legislation with amendments unrelated to the underlying bill.

Let us remember the ink is hardly dry on the Balanced Budget Act. If we begin the process of reopening this legislation, I assure you there will be no end to other amendments.

Many of these amendments will likely affect matters important to other Members and their States.

Then there is the matter of good faith. A provision in the McCain amendment would strike a House provision we accepted in the conference on BBA. I am sure there are many Senate provisions the House would like to strike.

Mr. President, I will briefly comment on the substance of the McCain amendment. The McCain amendment eliminates funding for a program that would provide assistance to teaching hospitals that voluntarily choose to downsize their residency programs. The funds provided through this program will partially cushion the financial losses teaching hospitals will incur as they reduce the number of doctors in training.

Members should know that Medicare does not simply pay teaching hospitals for training but rather for care given to Medicare patients. These funds do not reimburse hospitals for doing nothing, as some claim. Far from it. Hospitals will use their funds to hire staff doctors, nurse practitioners, physician assistants and other personnel to replace the residents. These funds will also help teaching hospitals, often the Nation's best hospitals, to adjust to a highly competitive health care marketplace and develop alternate means of caring for vulnerable uninsured patients.

One last point. The provision that the McCain amendment would strike saves at least $380 million in Medicare over the next 5 years, according to CBO. Let me emphasize this important point. Medicare will actually save money as we help the Nation's teaching hospitals. The McCain amendment would add to the deficit by almost $400 million because no offset is provided.

Mr. President, once again, I urge Members to oppose the McCain amendment on graduate medical education.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to support my revered and respected chairman in this regard. It is the case, sir, that 5 legislative days ago we passed this measure. It is a measure which originated in the House and in a good faith exchange in conference the Senate accepted it, the conferees did. There were three of us—Mr. LOTT, the chairman, and myself. The bill passed Congress in a spending measure that was appropriate to the occasion.

Now, first, although it is not technical, it is so profoundly important. This is legislation on an appropriations bill. It is the ancient wisdom of this body not to do such things. A point of order would obviously lie against the amendment. It is important. It is how we proceed in this body.

Further, sir, on the merits of this matter, I, for my part, would have to say I would like to see how this works. This is a 5-year period. I can attest, and I know that my colleague from New York and our chairman would agree, the Finance Committee has been seized with this subject. As the medical care system of our country becomes more rationalized, as economists would put it, as price considerations enter into markets and decisions are made, and health maintenance organizations rise and you see all manner of mergers and acquisitions and the general evidence of a market which is good, you also find yourself with some of those effects which are common which involve institutions or desirable behaviors that markets do not provide.

In the profession of economics, they are known as public goods. Everybody benefits from public goods so nobody will pay for them. If you want them, you have to find them in a public mode. That is why we have public schools. That is why we have, come to think about it, why we have the Marine Corps. These are public goods that you have to provide for in the collective mode.

In 1994, as the Finance Committee was considering the health care legislation sent to us by the administration we found ourselves more and more interested in the question of medical schools. In this new world, who takes care of these special institutions which have high prices? They have high prices because they have high costs. They have high costs because they are teaching.

We had a wonderful exchange and I am sure the chairman recalls it. One morning a witness from Fordham University, an ethicist, Father Charles J. Fahey said, "What I am seeing is the "commodification" of medicine—a wonderful phrase. The then head of the UCLA Medical Center, Raymond G. Schultze, said at another hearing "Can I give you an example? In southern California we now have a spot market for bone marrow transplants."

All that is something that is to be welcomed. It is happening anyway, going to happen in whatever market for medical care, and we have to provide some nonmarket provisions for these singular institutions, these great teaching hospitals, in the great age of medical science. In the history of the species it is only in the last 40 or 50 years—40 some say, 50 radicals would say—that medicine has really been able to do something. It is learning exponentially, learning by the hour.

In this situation there can be a surplus of some doctors generally, of some specialists in particular, some judgments need to be made, and this transition needs to be made.

As I understood the legislation, I think the chairman would agree, we were proposing a 5-year transition period to see whether we did not get good results—we will not know in the next 5 years, at least—to save money.

It has a clear and necessary purpose. On both grounds, Mr. President, I rise to join the chairman. First of all this is legislation on an appropriation bill, which we must not have. Secondly, this is a measure that was included in the Balanced Budget Act only just this moment, and it is in response to a real life situation in an open experimental mode. In 5 year's time we will know more, and I plead—this is a subject that will not go away. We will be debating this matter, the matter of teaching hospitals and medical schools on the floor of the U.S. Senate for a quarter century to come.

I join the chairman in proposing that we not approve this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I am pleased to have the opportunity to join with the distinguished ranking member and the senior Senator from New York, the ranking member on Finance and the chairman of Finance, the distinguished Senator from Delaware, in opposing the McCain amendment.

Let me say that the rhetoric is rather fascinating, the rhetoric that is used in support of this amendment, that we are paying for something that we are not getting. The fact of the matter is that it totally ignores the reality that teaching hospitals that administer to the poorest of the poor, that provide training for our Nation's doctors, that provide medical services to those who would otherwise in many cases find it difficult to get those services, will actually be saving the taxpayer money as a result of the legislation that has been enacted, a legislation which the amendment that we are now discussing would strike down.

The fact is the Congressional Budget Office as recently as this morning has scored the McCain proposal as one that would cost the Treasury $350 million. So it is rather disingenuous to say that we are paying for something, in the rhetoric which is used, to suggest that "Government rationing of medical training, ultimately the rationing of health care, smacks of socialism, not democracy" does not recognize the problem that exists.

It costs approximately $100,000 a year. That is what the Government is paying, for every resident who is employed at the various hospitals throughout the country. There is a recognition that there is an oversupply. So the Congress, with the administration, developed a format whereby over a period of time, hospitals would reduce the number of doctors and would actually be then saving the Government $350 million.

Now, if we want to continue business as usual, want to continue subsidizing the oversupply, then we strike this amendment. That is what the Senator would be doing. What he would be doing is absolutely in contravention of what good planning and what good medical practice and what is in the best interests of the taxpayer—allow this amount to gradually go down in the number of doctors who are being trained.

Now, I understand the Senator from Arizona has asked for the ability to debate this measure later in a fuller context and would like an hour equally divided. At that point in time I hope the chairman of the Budget Committee, Senator DOMENICI, would raise a point of order against the amendment pursuant to section 302(f) of the Budget Act because that point of order, in my opinion, lies, it is proper, and would request a ruling of the Chair. I am not going to do that. I hope we would have the chairman of the Budget Committee review this as to whether or not technologically this would cost the taxpayers $350 million and there is no offset provided.

Now, do we really want to say we want to knock out a program that will reduce the number of doctors and save the taxpayers of this country close to half a billion dollars? That is what the McCain amendment would do, as well-intentioned as it might be. And believe me, I do not question the Senator's intentions. I think he has a legitimate point.

Are we paying for something that we are not getting? I think the fact is we are going to be reducing the supply and we will be saving $350 million but we are doing it in an orderly manner. We are allowing those who are on the battlefield, those who are providing services for the neediest of the needy, for those who do not have adequate health insurance, those people who would otherwise not receive the kinds of medical services and high quality, they are in our inner core cities throughout our Nation because those are the hospitals in most cases that will be affected, the great institutions in our metropolitan communities throughout this country.

It makes no sense, it seems to me, to knock out a program that will deprive us of the opportunity of seeing an orderly downsizing, and, yes, save taxpayers money at the same time.

I join in opposition to this amendment and I commend the chairman of the Finance Committee from Delaware and my distinguished colleague from New York, Senator MOYNIHAN.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 1076

Mr. ROTH. Mr. President, I should now like to turn to Amendment 1076, offered by the Senator from Washington. I must oppose this amendment which alters the complexion of the newly created State children's health insurance program. The appropriations bill is simply not the vehicle for reopening the Balanced Budget Act. The amendment raised issues which should be addressed for all States, not just a few. Barely a month has passed since the bill was enacted. This is not the time to reopen the balanced budget amendment.

Mr. President, as reported out of the conference with the House, it is clear that the fundamental purpose of the new $24 billion children's health program is to expand health insurance coverage for children who do not presently have health insurance.

Under the new children's health program, the Federal Government will increase its share of the cost of providing public insurance in some States by as much as 30 percent. This so-called enhanced match is to act as an incentive to expand coverage to more children. And, indeed, that is what we all expect will happen.

At the same time, we do not want to simply shift new costs to the Federal Government to provide services to individuals who are already covered by insurance whether through the private sector or the public sector. Nor should these funds be used to merely supplant State funds. At the very least, we should try to minimize this from happening.

As the Senate considered the children's health legislation over the summer, it limited eligibility to 200 percent of the Federal poverty level. The Senate was gravely concerned, and rightly so, about the crowding out effect in which public insurance would replace private insurance.

But States which had already expanded eligibility above 200 percent of poverty argued that they would not be able to use their new child health allotment because of this limitation. There would be no children to cover, they argued.

In deference to those States, we agreed to raise the eligibility limit to 50 percentage points above a State's Medicaid standard in the conference with the House. We also provided States with options for participating in the program above their current levels.

The Gorton amendment is not about States expanding coverage for children beyond their current commitment. It is about claiming additional Federal dollars to do what the States have already agreed to do.

This is an important issue which should not be determined after a few minutes of debate on an appropriations bill.

Furthermore, the amendment would create another inequity which should be carefully considered and addressed, if necessary.

The Gorton amendment applies to only a handful of States which have previously expanded coverage to children. The Gorton amendment applies only to those States which have expanded Medicaid at least up to 200 percent of the poverty level and up to age 17. These States are to be congratulated for their leadership. But there are also at least 20 other States which have also expanded Medicaid eligibility, which would not gain the advantage extended by the Gorton amendment.

While the amendment provides the enhanced match for total expansion, it does not provide the same advantage for those States which have made only a partial expansion. For example, a state which has expanded to 185 percent of the poverty level would not be eligible for the enhanced match for new children up to that level.

Creating such inequities illustrates a fundamental problem with using the appropriations process for legislating in place of the authorizing committees. While perhaps a problem might be solved for a few States, that solution might create new inequities among several more States.

If the policies in the new children's health program should be changed, then let us examine the issue in a thorough and complete manner which is equitable for all States. But we cannot and should not attempt to do so today.

Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President——

UNANIMOUS-CONSENT AGREEMENT

Mr. ROTH. If the Senator will yield, I ask unanimous consent that consideration of Senate Resolution 120 begin following the remarks of the distinguished senior Senator from New York.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise simply and succinctly for the purpose of endorsing the statement by our revered chairman and, once again, to say, as he put it, the ink is scarcely dry on this legislation and here we are changing it. Could it have been 5 legislative days since it was last enacted, and we are changing it?

And, importantly, this is legislation on an appropriations bill. It is not in the interest of our institution to let that begin. It is a lesson we have learned in difficult ways in the 19th century, and we have shown how important it has been in this century. As we approach a new century, it is no precedent to establish.

I believe we will now move to the measure indicated by the Senator from Delaware.

EXPRESSING THE SENSE OF THE SENATE ON THE DEATH OF MOTHER TERESA

The PRESIDING OFFICER. The clerk will report Senate Resolution 120.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 120) expressing the sense of the Senate on the occasion of the death of Mother Teresa of Calcutta.

The Senate proceeded to consider the resolution.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I am here today to address the resolution introduced in the Senate by the Senator from Oklahoma on Mother Teresa. Last week, we lost a saint when Mother Teresa passed away at age 87. We are poorer, but Heaven is richer.

She died owning, as I have read in the news accounts, very few things here. She owned about two pairs of sandals, three robes, rosary beads. That was here. But in Heaven, she has a mountain of gold. She had touched so many different lives on this Earth. It is an incredible definition of a successful life: a loving, caring, compassionate, selfless, child of God, caring for, in many cases, the most downtrodden of God's children. Would that I could live my life as well.

I have been struck by some of her writings and things that she has spoken about. They have been accumulated in different books. Some of the statements are absolutely precious. I want to give a couple of them here in the Senate today because I think they are so touching of indicative of what a successful life is. A successful day isn't necessarily when you pass a bill in the Senate, or that you have a successful business transaction, or you pass a test, or you win a game. But a successful day is when you positively touch another life. She did that thousands of times, millions of times, across this globe. She cared for the poorest of the poor. She said this at one point in time:

> I see God in every human being. When I wash the leper's wounds, I feel I am nursing the Lord himself. Is it not a beautiful experience?

Imagine if each of us, every day, if we saw everything that we did as nursing and touching the Lord himself. Here she is talking about caring for the least of God's children in that way, and she sees it as serving the Lord himself. What about us here in the Senate? If we did something similarly, saw ourselves as touching other lives in the most positive way we possibly could, what sort of world would that make?

Think of another quote that she gave in one of her speeches where she said this:

> Our mission is to convey God's love—not a dead God but a living God, a God of love.

And then she added:

> I am just a little pencil in his hand.

But what a beautiful picture he drew with that little pencil. What if each of us looked at ourselves as that little pencil, but being used to draw a beautiful picture, a panorama for others to see and to be able to enjoy, and for others to be able to grow by, for others to be able to be loved by that picture that we draw.

I have this quote posted in my office, which I think particularly is apropos giving her just passing this week:

> At the moment of death, we will not be judged by the amount of work we have done, but by the weight of love we have put into our work.

You just think about that in measuring each day, not by the success of whether or not we did things like a bill passing through or, again, whether we passed a test, but by the weight of love that we put into our actions and what we actually did that very day and how we touched people. Did we do it in a positive, loving fashion? Would that the world operated that way.

My own experiences with Mother Teresa were here in the Senate. The only time that I had a chance to meet her was when she came here and received the congressional gold medal this year. We were all nervous about whether she would actually be able to physically get here because she had been ill, in poor health. She was able to make it here and she shared an hour and a half with us here in the House and in the Senate, in the rotunda area, meeting with different people. I remember so much going through that experience and thinking of reading these quotes, these pearls of wisdom she had laid out on how to live life, thinking she was going to put forward another one that day. I was holding onto each word to see, is there going to be another line like "I am just a little pencil that you can guide one's life by." But it didn't seem to come that day. She would talk about a number of different things, but there, seemingly, were no pearls.

Then I remember walking her out to the car, and there were throngs of people excited to see her as she waved and touched different people. The motorcade was waiting to get away. She was sitting in the car, and I went over to thank her one last time for coming in and honoring us by being here and receiving the presentation. She grabbed my hand with both of hers and stared at me with those deep eyes of hers and that little frame that she had, and she looked up at me and just said three words, and she said them four times. She said:

> All for Jesus.

We can all have different faiths and views of the world, but that was a driving focus for her, serving her Lord. How she did it each day is a testimony to each of us of how we should live.

We lost a saint, but the tragedy isn't that she died; the tragedy would have been had she never lived. She lived fully and gave us so much in raising our consciousness, lowering our line of sight, and redefining compassion for an entire planet. For that, I thank her and I am thankful for her life. I think we should all consider and contemplate what we can add to our own lives by the model that she gave.

So I am delighted to support this resolution of recognition for Mother Teresa for all that she has done for this world and for the example she has lived.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I ask unanimous consent Senator ASHCROFT be added as cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I am pleased to sponsor this resolution with Senator LOTT, Senator DASCHLE, Senator BROWNBACK, and Senator HUTCHINSON.

I want to compliment Senator BROWNBACK for his outstanding statement, and also thank Senator BROWNBACK and Senator HUTCHINSON for their work to award Mother Teresa the Congressional Gold Medal. Earlier this year, when she spoke to both the House and the Senate, and, frankly, to the country, we had a real honor, a real pleasure, maybe of seeing a real saint in our presence.

I have had the pleasure of greeting Mother Teresa two or three times in my Senate career: Once in 1985, when she received the Presidential Medal of Freedom, and then also when she addressed the National Prayer Breakfast, I believe it was in 1994.

At the conclusion of my remarks, Mr. President, I ask unanimous consent to have printed in the RECORD Mother Teresa's statement, her speech to the National Prayer Breakfast. It was an outstanding speech; a moving speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NICKLES. Mr. President, Senator BROWNBACK used the word "saint." And I can't recall too many living individuals that I ever referred to as a saint. But I remember during Mother Teresa's life, after meeting her in 1985 and subsequent to her speech at the National Prayer Breakfast, I referred to her as "a living saint."

The very fact is that her life touched other lives in letting them know that they are loved by God. Looking at her speeches and at her statements, she truly did make this world a better place. She did love people who were downtrodden. She did love the people that no one else would love. She did reach out to protect all individuals. Her love for the ailing and for the sick is well known. Her love for the unborn is well known. In her speeches at the National Prayer Breakfast, she was talking about abortion and what a terrible cruelty it is. Then she ended up, and concluding said, "Well, send me your children. If you do not want your child, I will take your child." Again we are talking about a real missionary of love.

So, Mr. President, it is with sadness that we note Mother Teresa's passing. But we did want to recognize her great contributions to mankind throughout the world.

And so it is with a sense of sadness that the Senate today will be voting on this after lunch today, but we wanted to recognize the wonderful expression of love that Mother Teresa of Calcutta has had and the impact she has had on our lives, and really the lives of countless people throughout the world.

I yield the floor.

EXHIBIT 1

WHATEVER YOU DID UNTO ONE OF THE LEAST, YOU DID UNTO ME

(By Mother Teresa of Calcutta)

On the last day, Jesus will say to those at his right hand,

"Come, enter the Kingdom. For I was hungry and you gave me food, I was thirsty and you gave me drink, I was sick and you visited me."

Then Jesus will turn to those on his left hand and say.

"Depart from the because I was hungry and you did not feed me, I was thirsty and you did not give me drink, I was sick and you did not visit me."

These will ask him,

"When did we see you hungry, or thirsty, or sick, and did not come to your help?"

And Jesus will answer them,

"Whatever you neglected to do unto one of the least of these, you neglected to do unto me!"

As we have gathered here to pray together, I think it will be beautiful if we begin with a prayer that expresses very well what Jesus wants us to do for the least. St. Francis of Assisi understood very well these words of Jesus and his life is very well expressed by a prayer. And this prayer, which we say every day after Holy Communion, always surprises me very much, because it is very fitting for each one of us. And I always wonder whether eight hundred years ago when St. Francis lived, they had the same difficulties that we have today. I think that some of you already have this prayer of peace, so we will pray it together.

Let us thank God for the opportunity he has given us today to have come here to pray together. We have come here especially to pray for peace, joy, and love. We are reminded that Jesus came to bring the good news to the poor. He had told us what that good news is when he said,

"My peace I leave with you, my peace I give unto you."

He came not to give the peace of the world, which is only that we don't bother each other. He came to give peace of heart which comes from loving—from doing good to others.

And God loved the world so much that he gave his son. God gave his son to the Virgin Mary, and what did she do with him? As soon as Jesus came into Mary's life, immediately she went in haste to give that good news. And as she came into the house of her cousin, Elizabeth, Scripture tells us that the unborn child—the child in the womb of Elizabeth—leapt with joy. While still in the womb of Mary, Jesus brought peace to John the Baptist, who leapt for joy in the womb of Elizabeth.

And as if that were not enough—as if it were not enough that God the Son should become one of us and bring peace and joy while still in the womb, Jesus also died on the Cross to show that greater love. He died for you and me, and for the leper and for that man dying of hunger and that naked person lying in the street—not only of Calcutta, but of Africa, of everywhere. Our Sisters serve these poor people in 105 countries throughout the world. Jesus insisted that we love one another as he loves each one of us. Jesus gave his life to love us, and he tells us that he loves each one of us. Jesus gave his live to love us, and he tells us that we also have to give whatever it takes to do good to one another. And in the Gospel Jesus says very clearly, "Love as I have loved you."

Jesus died on the Cross because that is what it took for him to do good for us—to save us from our selfishness and sin. He gave us everything to do the Father's will, to show us that we too must be willing to give everything to do God's will, to love one another as he loves each of us. If we are not willing to give whatever it takes to do good for one another, sin is still in us. That is why we too must give to each other until it hurts.

Love always hurts.

It is not enough for us to say, "I love God." But I also have to love my neighbor. St. John says that you are a liar if you say you love God and you don't love your neighbor. How can you love God whom you do not see, if you do not love your neighbor whom you see, whom you touch, with whom you live? And so it is very important for us to realize that love, to be true, has to hurt. I must be willing to give whatever it takes not to harm other people and, in fact, to do good to them. This requires that I be willing to give until it hurts. Otherwise, there is no love in me and I bring injustice, not peace, to those around me.

It hurt Jesus to love us. We have been created in his image for greater things, to love and to be loved. We must "put on Christ," as Scripture tells us. And so we have been created to love as he loves us. Jesus makes himself the hungry one, the naked one, the homeless one, the unwanted one, and he says, "You did it to me." On the last day he will say to those on his right, "whatever you did the least of these, you did to me," and he will also say to those on his left, "whatever you neglected to do for the least of these, you neglected to do it for me."

When he was dying on the Cross, Jesus said, "I thirst." Jesus is thirsting for our love, and this is the thirst for everyone, poor and rich alike. We all thirst for the love of others, that they go out of their way to avoid harming us and to do good to us. This is the meaning of true love, to give until it hurts.

I can never forget the experience I had in visiting a home where they kept all these old parents of sons and daughters who had just put them into an institution and, maybe, forgotten them. I saw that in that home these old people had everything: good food, comfortable place, television—everything. But everyone was looking toward the door. And I did not see a single one with a smile on his face.

I turned to Sister and I asked, "Why do these people, who have every comfort here—why are they all looking toward the door? Why are they not smiling?" (I am so used to seeing the smiles on our people." Even the dying ones smile.) And Sister said, "This is the way it is, nearly everyday. They are epxecting—they are hoping—that a son or daughter will come to visit them. They are hurt because they are forgotten."

See, this neglect to love brings spiritual poverty. Maybe in our family we have somebody who is feeling lonely, who is feeling sick, who is feeling worried. Are we there? Are we willing to give until it hurts, in order to be with our families? Or do we put our own interests first? These are the questions we must ask ourselves, especially as we begin this Year of the Family. We must remember that love begins at home, and we must also remember that "the future of humanity passes through the family."

I was surprised in the West to see so many young boys and girls given to drugs. And I tried to find out why. Why is it like that, when those in the West have so many more things than those in the East? And the answer was, "Because there is no one in the family to receive them." Our children depend on us for everything: their health, their nutrition, their security, their coming to know and love God. For all of this, they look to us with trust, hope, and expectation. But often father and mother are so busy that they have no time for their children, or perhaps they are not even married, or have given up on their marriage. So the children go to the streets, and get involved in drugs, or other things. We are talking of love of the child, which is where love and peace must begin. There are the things that break peace.

But I feel that the greatest destroyer of peace today is abortion, because it is a war against the child—a direct killing of the innocent child—murder by the mother herself. And if we accept that a mother can kill even her own child, how can we tell other people not to kill one another? How do we persuade a woman not to have an abortion? As always, we must persuade her with love, and we remind ourselves that love means to be willing to give until it hurts. Jesus gave even his life to love us. So the mother who is thinking of abortion, should be helped to love—that is, to give until it hurts her plans, or her free time, to respect the life of her child. The father of that child, whoever he is, must also give until it hurts. By abortion, the mother does not learn to love, but kills even her own child to solve her problems. And by abortion, the father is told that he does not have to take any responsibility at all for the child he has brought into the world. That father is likely to put other women into the same trouble. So abortion just leads to more abortion. Any country that accepts abortion is not teaching the people to love, but to use any violence to get what they want. That is why the greatest destroyer of love and peace is abortion.

Many people are very, very concerned with the children of India, with the children of Africa, where quite a few die of hunger, and so on. Many people are also concerned about all the violence in this great country of the United States. These concerns are very good. But often these same people are not concerned with the millions who are being killed by the deliberate decision of their own mothers. And this is what is the greatest destroyer of peace today: abortion, which brings people to such blindness.

"I want this child!"

And for this I appeal in India and I appeal everywhere: "Let us bring the child back." The child is God's gift to the family. Each child is created in the special image and likeness of God for greater things—to love and to be loved. In this Year of the Family we must bring the child back to the center of our care and concern. This is the only way that our world can survive, because our children are the only hope for the future. As other people are called to God, only their children can take their places.

But what does God say to us? He says, "Even if a mother could forget her child, I will not forget you. I have carved you in the palm of my hand." We are carved in the palm of his hand; that unborn child has been carved in the hand of God from conception, and is called by God to love and to be loved, not only now in this life, out forever. God can never forget us.

I will tell you something beautiful. We are fighting abortion by adoption—by care of the mother and adoption for her baby. We have saved thousands of lives. We have sent word to the clinics, to the hospitals, and police stations: Please don't destroy the child; we will take the child." So we always have someone tell the mothers in trouble: "Come, we will take care of you, we will get a home for your child."

And we have a tremendous demand from couples who cannot have a child. But I never give a child to a couple who has done something not to have a child. Jesus said, "Anyone who receives a child in my name, receives me." By adopting a child, these couples receive Jesus, but by aborting a child, a couple refuses to receive Jesus.

Please don't kill the child. I want the child. Please give me the child. I am willing to accept any child who would be aborted, and to give that child to a married couple who will love the child, and be loved by the child. From our children's home in Calcutta alone, we have saved over 3,000 children from abortions. These children have brought such love and joy to their adopting parents, and have grown up so full of love and joy! I know that couples have to plan their family, and for that there is natural family planning. The way to plan the family is natural family planning, not contraception. In destroying the power of giving life, through contraception, a husband or wife is doing something to self. This turns the attention to self, and so it destroys the gift of love in him or her. In loving, the husband and wife must turn the attention to each other, as happens in natural family planning, and not to self, as happens in contraception. Once that living love is destroyed by contraception, abortion follows very easily.

The greatness of the poor

I also know that there are great problems in the world—that many spouses do not love each other enough to practice natural family planning. We cannot solve all the problems in the world, but let us never bring in the worst problem of all, and that is to destroy love. This is what happens when we tell people to practice contraception and abortion.

The poor are very great people. They can teach us so many beautiful things. Once one of them came to thank us for teaching them natural family planning, and said: "You people—who have practiced chastity—you are the best people to teach us natural family planning, because it is nothing more than self-control out of love for each other." And what this poor person said is very true. These poor people maybe have nothing to eat, maybe they have not a home to live in, but they can still be great people when they are spiritually rich. Those who are materially poor can be wonderful people. One evening we went out and we picked up four people from the street. And one of them was in a most terrible condition. I told the Sisters: "You take care of the other three, I will take care of the one who looks worse." So I did for her all that my love can do. I put her in bed, and there was a beautiful smile on her face. She took hold of my hand, and she said one thing only: "Thank you," Then she died.

I could not help but examine my conscience before her. I asked, What would I say if I were in her place?" And my answer was very simple. I would have tried to draw a little attention to myself. I would have said, "I am hungry, I am dying, I am cold, I am in pain," or something like that. But she gave me much more—she gave me her grateful love. And she died with a smile on her face.

Then there was the man we picked up from the drain, half-eaten by worms. And after we had brought him to the home, he only said, "I have lived like an animal in the street, but am going to die as an angel, loved and care for." Then, after we had removed all the worms from his body, all he said—with a big smile—was: "Sister, I am going home to God." And he died. It was so wonderful to see the greatness of that man, who could speak like that without blaming anybody, without comparing anything. Like an angel—this is the greatness of people who are spiritually rich, even when they are materially poor.

A sign of care

We are not social workers. We may be doing social work in the eyes of some people, but we must be contemplatives in the heart of the world. For we must bring that presence of God into your family, for the family that prays together, stays together. There is so much hatred, so much misery, and we with our prayer, with our sacrifice, are beginning at home. Love begins at home, and it is not how much we do, but how much love we put into what we do.

If we are contemplatives in the heart of the world with all its problems, these problems can never discourage us. We must always remember what God tells us in the Scripture: Even if the mother could forget the child in her womb—something that is impossible, but even if she could forget—I will never forget you. And so here I am talking with you. I want you to find the poor here, right in your own home first. And begin love there. Bear the good news to your own people first. And find out about your next-door neighbors. Do you know who they are?

I had the most extraordinary experience of love of a neighbor from a Hindu family. A gentleman came to our house and said, "Mother Teresa, there is a family who have not eaten for so long. Do something." So I took some rice and went there immediately. And I saw the children, their eyes shining with hunger. (I don't know if you have ever seen hunger, but I have seen it very often.) And the mother of the family took the rice I gave her, and went out. When she came back, I asked her, "Where did you go? What did you do?" And she gave me a very simple answer: "They are hungry also." What struck me was that she knew. And who were "they?" A Muslim family. And she knew. I didn't bring any more rice that evening, because I wanted them—Hindus and Muslims—to enjoy the joy of sharing.

But there were those children, radiating joy, sharing the joy and peace with their mother because she had the love to give until it hurts. And you see this is where love begins: at home in the family. God will never forget us, and there is something you and I can always do. We can keep the joy of loving Jesus in our hearts, and share that joy with all we come in contact with. Let us make that one point: that no child will be unwanted, unloved, uncared for, or killed and thrown away. And give until it hurts—with a smile.

Because I talk so much of giving with a smile, once a professor from the United States asked me, "Are you married?" And I said, "Yes, and I find it sometimes very difficult to smile at my spouse—Jesus—because he can be very demanding—sometimes this is really something true. And there is where love comes in—when it is demanding, and yet we can give it with joy.

One of the most demanding things for me is traveling everywhere, and with publicity. I have said to Jesus that if I don't go to heaven for anything else, I will be going to heaven for all the traveling with all the publicity, because it has purified me and sacrificed me and made me really ready to go to heaven. If we remember that God loves us, and that we can love others as he loves us, then America can become a sign of peace for the world. From here, a sign of care for the weakest of the weak—the unborn child—must go out to the world. If you become a burning light of justice and peace in the world, then really you will be true to what the founders of this country stood for. God bless you!

Mr. NICKLES. Mr. President, I ask unanimous consent that Senator DOMENICI be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I am pleased to join my colleagues in offering this resolution to establish a National Day of Recognition for the humanitarian works of Mother Teresa.

This past Friday the world suffered a great loss with the death of Mother Teresa, a woman called not only to minister to those in the shadows of life, but to be among them and shed on them the light of love and human decency.

Someone once asked St. Francis what a person needed to do to please God. He answered, "Preach the Gospel every day. If necessary—use words." Mother Teresa lived just that sort of life. She was a living lesson to all of us that faith is more than words. It is the good deeds we do in this world. For that lesson, we owe Mother Teresa not only a tremendous debt of gratitude, but the resolve to carry on her difficult but extremely important work.

Mother Teresa's life certainly was one of action and deeds. She was a tireless builder. She founded the Missionaries of Charity in 1950. An order that began with 12 members now has grown to a worldwide community of 4,000 nuns who administer orphanages, AIDS hospices, and other centers of charitable activity in the United States and around the world.

Later, she founded the Nirmal Hriday Home for Dying Destitutes. From this beginning sprang numerous other facilities for the sick and dying shunned by traditional institutions. This dedication to those on the margins of life is perhaps Mother Teresa's most profound legacy.

It is one thing—certainly important and meaningful—to give occasionally to charitable causes or lend valuable time to charitable work. These are personal sacrifices that give us a stronger connection to our community and more meaning to our own lives. It is quite another thing—nearly incomprehensible to those of us blessed with the material comforts of our modern American life—to give up all one has and to make this sacrifice and dedication to others the sole focus of one's life. To do this among conditions of squalor and misery—at risk to one's own health and life—and to focus on those on the margins of life shunned even by hospitals and other institutions dedicated to improving human life, that is the character of Mother Teresa's life that earned her the affectionate label, "the Saint of the Gutter."

Mr. President, Mother Teresa was a tiny woman, but she was an enormous inspiration. The best way for us to honor Mother Teresa is to reach outside ourselves and try, each day, to show a little more compassion in our own lives. I hope this resolution serves to remind us of that goal and to signal to the world our tremendous gratitude, respect, and admiration for Mother Teresa—an extraordinary woman who has touched and enriched all our lives.

Mr. CAMPBELL. Mr. President, I want to express my deep sorrow over the loss of Mother Teresa. At the age of 87, she had made infinite strides in promoting peace and goodwill throughout the world. In a long overdue gesture, the Senate recently bestowed upon Mother Teresa the Congressional Gold Medal for her role as head of the Missionaries of Charity. For a woman of her stature, it was a humble honor.

As I listened this weekend to the many replays of interviews with Mother Teresa, I could not help but be stunned by endless depths of her compassion. Her desire to hug and touch people otherwise reviled by society, the strength of her hands and enormity of her presence despite her diminutive size, are just a few images which come to mind. Mother Teresa was a woman who measured and understood the rest of humanity in a way few, if any, others do. In recognizing her today, it is with reverence and the utmost respect for a person who labored as a living saint on behalf of mankind.

She will never be forgotten. Her charitable mission will be carried on in her adopted home of India, as well as the dozens of countries where her works have been taken up by others. While Mother Teresa is irreplaceable, we can only hope to learn and live by her example in the future.

Mr. MURKOWSKI. Mr. President, I rise as a cosponsor of this resolution honoring the memory of a woman who may be the 20th century world's greatest role model and humanitarian, Mother Teresa.

Words cannot express the contribution she has made to humankind. By her selfless acts over the past five decades administering to the poorest of the poor, she has set an example for how we all should try to live. The world would be a far better place if all people followed the light of her shining example.

I have heard the word "Saint" used in the same breath as the name Mother Teresa. It is hard to imagine any other person who has lived in this century to whom that appellation would better apply. Hers was truly a life of selflessness, where the totality of her identity comes through service to God.

I have, in my life, met many people who have been major actors on the world stage—Presidents, Prime Ministers and other leading officials at home and abroad. This year, I had the opportunity to meet and briefly talk with this very frail nun in our Capitol. This was an honor that I will cherish throughout my life.

It is not often that I have had the chance to be with someone whose very presence is so intensely humbling. That was the case with Mother Teresa. She truly was representative of the best in the human spirit and will be remembered for centuries to come.

She will be sorely missed.

Ms. MIKULSKI. Mr. President, in a week already saddened by the loss of Diana, Princess of Wales, we were further grieved to learn Friday of the death of Mother Teresa. Her presence, that of a living saint, will be sorely missed.

Mother Teresa has played the role of world conscience. Throughout her life, she has lived in the most pure and basic manner. While caring for the destitute and sick, she insisted on living in poverty herself. Mother Teresa believed that "the more we empty ourselves, the more room we give God to fill us." She practiced what she preached.

Mother Teresa's remarkable and selfless works have been recognized around the world. In 1979, she was awarded the Nobel Peace Prize. In 1980, she was bestowed India's highest honor, the Jewel of India award. Last year, President Clinton conferred honorary American citizenship on Mother Teresa. Most recently, she was awarded a Congressional Medal of Honor. Mother Teresa knew that these were merely earthly rewards.

While she was an international figure, she remained focused and committed to her mission. She rejected the media attention these awards drew, saying that she must get back to her work. Any money that came with these awards was immediately given to the poor.

Mother Teresa will be sadly missed but her work will continue. I pray that Sister Nirmala will be given the same strength and world support to continue the mission Mother Teresa founded in 1948, the Order of the Missionaries of Charity. I also pay tribute to Mother Teresa's life by recommiting myself to work for the poorest members of society. Mr. President, I yield the floor.

Mr. BYRD. Mr. President, just as the world was recovering from the shock last week of the sad news about the tragic and untimely death of Princess Diana—including the disturbing discovery that alcohol may have been linked to the crash—it was again rocked by reports of the death of another of its beloved heroines. Mother Teresa, considered by many to be a living saint, died last Friday at the age of 87. Like Princess Diana, who dedicated much of her attention to the needs of the unfortunate, Mother Teresa was a beacon of hope for countless people who were all but abandoned by mainstream society. But, unlike Princess Diana, Mother Teresa chose to highlight the plight of the destitute by becoming destitute herself. Although a physically small woman, Mother Teresa was a colossus of inspiration. She had little more to offer than kindness, faith, and tenacity, but Mother Teresa ably provided the world with much, much more.

Mother Teresa embodied hope. She served God by reaching out to the poor. She dedicated her life to humanitarian aid, making personal sacrifices that most of us cannot easily understand. Mother Teresa traveled to areas where most would fear to go; she embraced AIDS patients and lepers, cradled dying babies, and brought a glimmer of hope to the hopeless. She rejected modern-day comforts, and when she left this world she owned little more than her sari and her rosary beads.

Mother Teresa's name is recognized throughout the world, and her influence is immeasurable. In 1979, she was awarded the Nobel Peace Prize. Earlier this year she was presented the Congressional Medal of Honor. She is one of only five people ever to be awarded honorary citizenship to the United States. Mother Teresa shared her time with some of the world's most impoverished and unfortunate citizens. Her light burned with superhuman brightness to illuminate the darkness in others' lives.

Born in 1910 in an Albanian region which later became a part of Yugoslavia, Mother Teresa's father died unexpectedly when she was a young girl, and she first learned to care for others while helping her mother look after her two sisters and others in the community. At the age of 18, she joined the Sisters of Our Lady of Loreto, an active mission in India, and spent two decades with the order, first as a teacher and then as a principal. In 1948, an inner voice told her it was time for a change. Sister Teresa left the convent with the vision of starting her own school, determined to dedicate her life to helping the most forsaken and abandoned. Possessing no capital, she first taught by scratching letters in the dirt with a stick. By 1950, she had established a new religious order, and named it the Missionaries of Charity.

The vision that began with a tiny stick drawing on a gritty street, has grown into an assembly of 600 clinics, orphanages, soup kitchens, maternity homes, refugee centers, and havens for the poor, sick, and dying in more than 100 countries. These facilities are staffed by 4,500 nuns, 500 brothers, and thousands of volunteers from around the globe.

She refused to accept steady funding or fund-raising money from government, private, or religious institutions, relying instead on her faith in God. Yet, she soothed those in pain and brought smiles to cheerless faces, never forgetting the forgotten. The world is a better place because of the sacrifices she made and the warmth she radiated. Mother Teresa once said, "To God there is nothing small. The moment we have given it to God, it becomes infinite." With her passing, Mother Teresa joins with God's infinity. May her acts of unselfishness and compassion be an inspiration to us all to strive, each in our own way, to make life better for all of those who lives we touch.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I thought I might put in the RECORD, and in the resolution there is listed a number of things that Mother Teresa did, but just for the interest of the body, it might be interesting to note some of those things that happened.

Mother Teresa expanded her personal dedication by founding the Missionaries of Charity, which people may not be familiar with but I think most are, which included well over 3,000 members of 25 countries who devote their entire lives to serving the poor without accepting any material reward in return. She has been recognized as a humanitarian around the world in various forms: The first Pope John XXIII Peace Prize in 1971; the Jawaharal Nehru Award for International Understanding in 1972; the Nobel Peace Prize in 1979; the Presidential Medal of Freedom in 1985; and the Congressional Gold Medal in 1997.

She was born in 1910 in the former Yugoslavia, and received a calling on a train saying she should go serve the poorest of the poor, a calling, that was recently just celebrated, of nearly 50 years ago. That is when she went to India to start her Missionaries of Charity.

There are a couple of things that also stand out in my mind. When she received the Nobel Peace Prize she refused a dinner, the banquet that they normally put forward for those who receive that, and asked that the cash equivalent instead be used for money to build more missions and help more people instead of having the lavish dinner.

I know that in the discussions with her group on the Congressional Gold Medal she suggested that rather than presenting a Congressional Gold Medal to her could they just melt the medal down and give them the equivalent of that in money so they could use that to put up more buildings and help more people of the poorest of the poor.

You look at some selfless things like that, and you just become amazed at what she did, and, yet, also what she could accomplish when there is that much selflessness that goes into it.

I think one should recognize all of those accomplishments. And those are just the tip of the iceberg because those speak of kind of the big things that we can identify. But they don't speak of the faces that she has stared into, or the feet that she has washed, and the people she served, one at a time.

I think that is worthwhile to add into the RECORD.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I rise today to attempt something that I know will not fully succeed. I stand to speak to the legacy of Mother Teresa who in my opinion, was one of the greatest of all humanitarians and advocates for the poor, for the unclothed, the unhoused, the ignored, and the forgotten poor of the world—not only the forgotten poor of India but of the world at large.

Many, of course, have remarked on the striking coincidence that last week we saw the passing of two of the world's most famous women—the Princess of Wales, and the guardian of India's poor, and really the poor of the world. Their association was coincidence. And those who again say that Diana's commitment to the poor, to the sick, and to the maimed simply ignored the profound friendship that had formed between these two remarkable women. As Diana was moved to even greater compassion by the small nun from Calcutta, so were all of us who knew Mother Teresa.

I don't have a power wall in my personal office—pictures of me with other dignitaries. In my office you will find a lot of paintings. And the only photographs are of my family and one other individual. For years I have had a photo of Mother Teresa and me from one of the several meetings that I was most fortunate to have with her over the years. I met her here in Washington at least twice. And I visited her in Calcutta, and visited her orphanage there. In Washington one time was with a number of others. But the second time was just Mother Teresa and myself and one staff member.

For me, Mother Teresa embodies the highest commitment to spiritual principles in this very imperfect world. And her memory I will always keep alive to remind me that we can in fact hold spiritual principles deeply relevant to this harsh world. That little nun from Calcutta held the greatest power that anyone can have—the power of love. She radiated it through her actions by serving the destitute, the maimed, and the forgotten.

There have been some trivial criticisms about her—that she didn't address the root causes of the horrible poverty in which she lived. We should never forget the distinction between the abstractions of policy and the practice of charity. We must never lose the humility that recognizes that the policy attempts that governments and their leaders make often fall short while the commitment to love can be endless. And in the end the love given to a homeless child or to a dying street person cannot be legislated.

I recently heard a particularly telling anecdote concerning Mother Teresa. She was in the ghetto of Calcutta putting salves on the wounds of a desperately sick person. A devout priest who was accompanying her said, "I wouldn't do that for $100,000." I think maybe it could have even been $100 million. "I wouldn't either," the dear, wise woman responded. "I do it for Christ."

I know that it is considered by some inappropriate to mention anything religious. But Mother Teresa reminded all of us of the great good that all religions do for man. And her Christian compassion will be an inspiration to me as long as I live.

Mr. President, I will never forget seeing her emotional remarks about abortions and the heinous nature of abortion in our society and in our world today—30 million children aborted just in the history of our country since 1972. I remember her saying, "If you do not want them, give them to me." She meant it. She took care of the poor, the sick, the maimed, the forgotten, those who were rejected by the rest of the world. She took them to her bosom. She took them to her best ability to help, and, because of her, literally thousands—hundreds of thousands—of people have been helped around the world. And millions know what it is like to do charitable giving.

Mr. President, God bless the memory of Mother Teresa, as he blessed all of those who knew this woman, who I think will be known as one of this century's most selfless and wonderful humanitarians.

So I am happy to cosponsor any resolution that supports Mother Teresa. And I hope that all people throughout the world will take her example and realize that all of us in our own sphere, in our own little life, can do a little bit more for our fellow men and women than we have been doing, and use her as an example of one who gave her all for her fellow men and women and children.

I thank her personally, and that is why I am making these remarks this day.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, let me say to Senator HATCH that I am pleased that I was present for his eloquent remarks. I thank him very much.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate not go in recess until I have completed my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask the occupant of the chair. Is that too much of an inconvenience for him?

The PRESIDING OFFICER. I thank the Senator from New Mexico for his consideration. No, under my schedule I am willing to stay here until you finish your comments.

Mr. DOMENICI. I thank the Chair.

Mr. President, I had thought that sometime today or tomorrow I would sit down and write a series of remarks and reflections and thoughts about Mother Teresa. But I think it would be more appropriate that I not delay that and that I say a few words now so that it is incorporated into this RECORD as reference to this wonderful and quite appropriate resolution.

Let me first say I am not one of the privileged Senators who has met Mother Teresa and been with her for any length of time, although I have met her once. But I believe it is fair to say that even while I have not met her, I have probably never, in my years of life and certainly my years in the Senate, observed from a distance such a remarkable person. That is what makes it difficult, because she is so remarkable, because she is so different from what the world talks about today and what the world espouses as success, as the way we ought to live our lives so we can be successful. She is so far removed from that and is yet great without any question, that sometimes it is hard to find words in our kind of world to talk about her.

But I was thinking, from my own standpoint, over the weekend I was privileged as a member of my own family in Albuquerque, NM, to be present with our entire family and many hundreds of friends at the 50th jubilee of one of my own sisters being a Sister of Charity. She is a couple years older than I and has been a Sister of Charity for 50 years and has taught kids all across this country. She assumes she has touched and taught no less than 10,500. So I feel I could talk about her for a minute while we talk about the great sacrifices of Mother Teresa.

But obviously, it was an interesting weekend in that regard, for while we are all grieving the death of this saint, I was privileged to be part of a family event where I think we have somebody very close to that title who is our own blood.

Then, as I thought about what we ought to say here today, I hearkened back to a long, long time ago when we were taught a little bit about the Old Testament and the New Testament. What I was thinking about is that this is a pretty muddled up world. Things aren't going so well. There are a lot of people terribly worried about our value system and where are we going versus our Maker, where is this world apt to end up with what appears to be such an absence of what we understand is the right thing to do and the right way to go and right and wrong on a daily basis. I was thinking back to the Old Testament of Sodom and Gomorrah and Abraham negotiating with God. They had a very interesting negotiation. It shows that Abraham was a wonderful negotiator even in working things out with the Maker, for as you recall he talked about how many good people you have to find in Sodom and Gomorrah to save it. The negotiations started very high and ended up I believe at 10—10. I don't think they could find 10, so Sodom and Gomorrah were destroyed.

What does this have to do with Mother Teresa? Well, I guess I would say that it is pretty clear to me that the kind of relationship we were talking about back in the Old Testament is still a relationship with the Maker, with the God Almighty, and I believe it is imperative that the world give great confirmation and credence to someone whom we know is the kind of person that is so good and so much in touch with what the Almighty thinks and wants that they are clearly capable of intervening and saving us. So I don't think we should just praise her for the marvelous acts of love, but I think we should thank her, we should thank her from the bottom of our hearts for contributing in a very big way toward a more positive relationship between the Almighty and humankind.

Now, having said that, I want to make just a couple of other points. I know it is very easy for people to talk about Mother Teresa and not want to talk about her faith, but I do not think you can do that. I do not think you can say she is a great humanitarian. In fact, I do not believe she would want to be called a humanitarian. Her faith is very simple, profound, and real. She believes what her faith tells her, and that is that the poor and the downtrodden, the sick, and those who are on their death beds with all kinds of infirmities present in their bodies and minds, that they are Jesus Christ.

Now, I am not offended, nor am I concerned, about saying that right here on the Senate floor because that is true. So we must talk about her in that context, for to do otherwise is to deny her existence and why she did what she did.

Now, having said that, it is very hard for most mortals to live their faith that way—very hard. Nonetheless, I think what I choose to honor today and to thank her for is that she did, as a matter of fact, live her faith, totally to the core. Every bit of her being was living that New Testament admonition, for we recall that Jesus Christ said, "If you are taking care of somebody who is desperately hungry, you are taking care of me; if you are taking care of those who are suffering, you are taking care of me."

Now, most of us are not able to bridge that gap of faith that she bridged every day, every moment, for she literally lived her life fully aware of and practicing that admonition. So it seems to this Senator that it is most befitting, and in particular in the kind of world we live, in which just 2 weeks ago we had a poll of the American people and with the economy humming and with all the material things seeming to go well, huge numbers of Americans said we are on the wrong path. I think the wrong path did not have much to do with material wealth. I think they are frightened about the way we behave, and they are worried about what that is going to end up doing to us.

So I think it is fair that we step back and say, well, here is one, the lady from Calcutta, here is one who sees it completely different than we do, and yet look how many lives she affected, look how many people came within the yoke of this little, tiny, frail body, which probably at her death was not bigger than 75 to 80 pounds at the most.

So I thank Senator NICKLES and others, and I join as a cosponsor of this resolution, but it is again as you look at things really inadequate. As I look at the occupant of the chair and I think what do we really feel about this lady and we can't quite write it down, we can say with absolute assurance that she is the right kind of person to respect, that she is the right kind of person and personage for the U.S. Senate to pay tribute to.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, I ask unanimous consent, in behalf of the leader, that following the 2:15 p.m. vote on Senate Resolution 120, the pending resolution, the Senate begin 60 minutes of debate on the McCain amendment 1091, and, at the expiration or yielding back of the time, the Senate vote on or in relation to amendment 1091.

I understand this is cleared on the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

EXPRESSING THE SENSE OF THE SENATE ON THE DEATH OF MOTHER TERESA

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on Senate Resolution 120.

Mr. KERRY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—2

Bennett
Leahy

The resolution (S. Res. 120) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 120

Whereas, the American people are greatly saddened by the death of Mother Teresa of Calcutta;

Whereas, Mother Teresa founded the Missionaries of Charity, which now operates numerous orphanages, hospices, and other centers of charitable activity in the United States and around the world, offering compassionate care to those who are too often shunned by other institutions;

Whereas, Mother Teresa has been recognized as an outstanding humanitarian and has received: the first Pope John XXIII Peace Prize (1971); the Jawaharlal Nehru Award for International Understanding (1972); the Nobel Peace Prize (1979); the Presidential Medal of Freedom (1985); and the Congressional Gold Medal (1997);

Whereas, Mother Teresa became only the fifth person ever awarded honorary U.S. Citizenship (1996);

Whereas, Mother Teresa inspired people worldwide through her selfless actions and altruistic life;

Whereas, Mother Teresa embodied benevolence, compassion, and mercy and brought the face of God to humanity;

Now, therefore, be it Resolved, That the Senate—

(1) expresses our deep admiration and respect for the life and work of Mother Teresa, and extends to her Missionaries of Charity our sympathy for the loss they share with the world;

(2) recognizes that Mother Teresa's work improved the lives of millions of people in the United States and around the world, and her example inspired countless others;

(3) encourages all Americans to reflect on how they might keep the spirit of Mother Teresa alive through their own efforts; and

(4) designates September 13, 1997 as a National Day of Recognition for the humanitarian efforts of Mother Teresa and of those who have labored with her in service to the poor and afflicted of the world.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the Calcutta, India, Mother House of the Missionaries of Charity.

Mr. SPECTER. I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. SPECTER. Mr. President, under a previous agreement, the distinguished Senator from Arizona, Senator MCCAIN, will proceed with his amendment for 1 hour.

I have discussed the amendment offered by the distinguished Senator from Washington, Senator GORTON. He has two amendments pending. Let me be sure which of the amendments we have here. It is an amendment denominated to allow States to use funds under the Social Security Act to provide health insurance coverage for children with incomes above the minimum Medicaid eligibility requirements.

Senator GORTON advised me he would be agreeable to a time agreement of 1 hour equally divided. He is not now on the floor, but he made that representation to me. I do not, frankly, like to proceed without having him on the floor, but I ask unanimous-consent that we may proceed—well, I am advised there may be a question on the other side of the aisle.

But let me proceed, Mr. President, to say that if we are able to lock in that time agreement, then the managers would like to proceed to the two debates, 1 hour each, which would bring us to 4:40, at which time we would have two votes stacked back to back.

At the conclusion of those votes, or after the first vote, when the Senators are present, it would be my intention, as manager of the bill, to try to seek time agreements on the outstanding amendments which are pending at that time. The Senators will all be on the floor after the first vote and before the second vote.

We are within striking distance of seeing some light at the end of the tunnel. If we could have Senators on the floor at that time, I think we could come to closure. We have the amendment by the distinguished Senator from Illinois, Senator DURBIN, pending on the tax issue. It is my hope that we can get a 1-hour time agreement on that, equally divided. I know that is agreeable to Senator DURBIN, but there are others who may offer a second-degree amendment, Senator FORD perhaps, and others who are not now present. If we could get that resolved after the first vote, it would be helpful on the management of the bill.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. Reserving the right to object, I think the suggestion made by the distinguished Senator is a good one. I intend to support it. I ask, if we can add to that, a unanimous-consent request that Senator DURBIN be recognized to offer his amendment, leaving open the option of people offering second-degrees following the two votes that you suggest.

Mr. SPECTER. Mr. President, if my distinguished colleague will yield, I would be agreeable to that. I had discussed with Senator DURBIN his being next in sequence. I think that would be appropriate to lock that in by unanimous consent.

I am now advised, that even on recognition on our side of the aisle, we need to check with some other people. But let me say to Senator DURBIN that it will be my effort to have him proceed at that time, but I want to consult with some of my colleagues, so that is not in the form of a unanimous-consent request.

Mr. DASCHLE. If the Senator will yield, Mr. President, I say, if we could have the understanding that as soon as it is cleared on his side that he would seek recognition for purposes of propounding that aspect of the unanimous-consent request, I would not have any objection to the UC request that he currently has proposed.

Mr. SPECTER. I would be delighted to do that, except I am not going to be on the floor. We have a Governmental Affairs hearing. Let me say that when we get clearance on this side, it will happen, we will work it out.

Is the time agreement on the Gorton amendment cleared at this point? It is?

Mr. President, I ask unanimous consent then that after the conclusion of the 1 hour of debate on the McCain amendment, we proceed to the Gorton amendment for 1 hour equally divided, and that at the conclusion of the vote on the McCain amendment, we will have a discussion as to sequencing further on the bill and at that time seek to have unanimous consent to proceed next to the Durbin amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. I withhold for just a moment, Mr. President.

Mr. HARKIN. Mr. President, just one moment.

Mr. McCAIN. Mr. President, while they are discussing, may I seek recognition for a comment?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I understand now that there would be a budget point of order raised against my amendment. A budget point of order, to my understanding, is debatable. I may seek some time to rebut the budget point of order, so that may affect this unanimous-consent request, I say to my colleague from Pennsylvania. I do not intend to take a lot of time, but I intend to take enough time to rebut it.

I thought I would get an up-or-down vote on this amendment. Apparently, there is going to be a budget point of order. So since the budget point of order is going to be posed, I feel that aspect of this issue ought to be addressed.

Mr. SPECTER. Mr. President, if my colleague will yield, could we enter into a time agreement on how long you would take on that discussion?

Mr. McCAIN. I would be glad to discuss that. It would be a very brief period of time, like 10 to 15 minutes.

The PRESIDING OFFICER. The Chair advises the Senator from Arizona, budget points of order are not debatable.

Mr. McCAIN. The motion to waive the budget point of order is debatable. That is what I will propose once a budget point of order is made.

The PRESIDING OFFICER. The Chair advises the Senator that generally that is true, but if there is a time limitation on the amendment that has already been agreed to that does not allocate time on debatable motions, those motions are not debatable. It would be debatable within the 1-hour time agreement.

Mr. SPECTER. Mr. President, if my colleague will yield, might I suggest we alter the time agreement to give the Senator from Arizona an additional 10 minutes to debate the point of order?

Mr. McCAIN. I appreciate that. That would be sufficient.

The PRESIDING OFFICER. Is there objection to the request by the Senator?

Mr. SPECTER. If the Presiding Officer will withhold for 1 minute, please, we need to make one more telephone call, so I suggest we proceed with Senator McCAIN's amendment, with my leave to interrupt, if I might when the phone call is made, to complete the unanimous-consent agreement.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, my understanding is we have 1 hour equally divided.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1091

Mr. McCAIN. Mr. President, this amendment eliminates the financial incentive payments created under the Balanced Budget Act for teaching hospitals to reduce their medical residency program. The Federal Government has created an incentive program which gives hundreds of millions of taxpayers' dollars to teaching hospitals for not training medical students.

Mr. President, I strongly suggest if this amendment is defeated, which I guess in all likelihood it probably will be, that we now propose amendments that would restrict the number of graduates of law school. Most Americans believe there are too many lawyers, although probably the majority of my colleagues would not agree. Perhaps we should put a cap on the number of graduates of journalism school. Clearly there are way too many people in that business. And maybe we should also cap the number of graduates of photography school. That would cut down on the paparazzi and the problem we have there.

Mr. President, this is not a Republican or Democrat difference. This is capitalism versus socialism. Vladimir Lenin would be proud of this proposal for government control, government planning, and, frankly, it is remarkable that we would have included it even in the way in which it was included in the Balanced Budget Act, which was over 1,000 pages, and we had less than 24 hours to review the final draft.

It is just remarkable. It is a new subsidy program. I would like to read a couple of quotes. My friend from Texas wants to speak on it, so I will be fairly brief. The payment represents a rare attempt by the Federal Government to use subsidies as leverage to shrink a particular work force. "I know of no profession where there has been as much federal effort to regulate," said Uwe Reinhardt, a health economist at Princeton University. "You don't do it for economists, for architects, for engineers."

"It is voluntary, but it isn't voluntary for the taxpayers," said the Heritage Foundation.

The National Taxpayers Union supports Senator McCAIN's amendment to eliminate the graduate medical education. "We believe it is a wasteful use of taxpayers' dollars."

Others question whether it is necessary. The number of young doctors training to become anesthesiologists, for example, has declined from 1,500 three years ago to 450 this year following well-publicized warnings that the field was saturated. Starting a few years ago, "people weren't able to get the plum jobs in the cities they wanted. [They] would have to take jobs in Idaho, Oklahoma," said James Kottrell, chairman of anesthesiology at the State University of New York Health Center in Brooklyn.

Mr. President, 46 million Americans are underserved in health care today in America. That is a fact and everyone knows it. So now we are going to pay teaching universities hundreds of millions of dollars of taxpayers' dollars not to train doctors that are needed.

This morning in the Washington Post—and I ask unanimous consent the entire article be printed in the RECORD—was an editorial by Daniel S. Greenberg, editor of Science & Government Report.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MED SCHOOL MILLIONAIRES

(By Daniel S. Greenberg)

Don't expect anything but a hemorrhage at the Treasury from that new program to counter the doctor surplus by paying hospitals to reduce the number of residency slots for the final phase of medical training.

Reminiscent of the agricultural-support schemes that paid farmers for not growing crops, the medical plan was inspired by an immutable law of American medical practice: More doctors mean more medical spending, despite the penny-pinching tactics of managed care. So, stop them before they can start hustling patients, the Washington strategists concluded. The medical-education industry, however, is too profitable, inventive and resilient to yield to that tactic.

The major factor in the medical-production pipeline is medical-school enrollments. And data compiled by the American Medical Association show that these have remained virtually unchanged for more than 15 years, as have the number of medical schools.

In fact, medical schools have supplanted military bases as immortal institutions. In 1980–81, the 124 medical schools in the United States enrolled 65,497 students; in 1996–97, the number of schools remained duties. Over the past decade, this income total for faculty at 124, and enrollments stood at 66,712—though a long succession of studies proclaimed a surfeit of doctors.

The big change in medical education was a vast increase in revenues, much of it from so-called practice plans that pay medical faculty for attending to patients, usually in conjunction with their teaching duties. Over the past decade, this income total for faculty at the 124 schools has risen from $5.2 billion to $10.6 billion.

And, in accord with the Willie Sutton principle, the number of full-time faculty has soared, though the number of students remains almost unchanged. In 1983–84, the nationwide faculty totaled 56,564. In the current academic year, the number of faculty members is 95,568.

Where are they coming from? to a large extent, they were already there at the university on other payrolls, and were switched to the more bountiful cash flow of medical education, which draws on patient fees, federal research and amply loans to finance runaway tuition fees—to be repaid by high medical incomes.

A little-known fact of American higher education is that the highest paid people on

> many prestigious campuses are not university presidents. The big bucks go to the medical school professors. At Columbia University, according to the Chronicle of Higher Education, the president was pad $317,187 in 1994–95, while one professor of surgery received $1,526,397 and two others took in more than $1 million apiece.
>
> At Cornell University, the president received $294,687 in pay and benefits in 1994–95. A professor of surgery at Cornell received $1.7 million in pay that year, while two others each took in over $1.2 million.
>
> The president of New York University was paid $379,000. The chairman of neurosurgery got $748,342, while four other medical professors received more than $600,000 each.
>
> At universities without medical schools, pay scales don't approach these stratospheric medical incomes. At Princeton, for example, the presidential pay was tops at $305,538, and the next five highest salaries ranged between $197,796 and $240,713. At MIT, the president received $285,000, and the next highest salary was $236,000.
>
> The medical-school industry, in alliance with local politicians, is eternally resistant to downsizing pleas. The Pentagon wants to close the medical school that was forced on it by Congress in 1972, the Uniformed Services University of the Health Sciences, in Bethesda. The General Accounting Office says the school is excessive and satisfies only a tiny proportion of the armed services' physician requirements. But the school survives.
>
> The Washington lobby for medical schools, the Association of American Medical Colleges, says the solution to the doctor surplus is to exclude foreign-trained physicians from residency slots. The downside to that prescription is that foreigners are willing to train and practice in inner-city areas that home-grown physicians tend to shun.
>
> But whatever is done in the quest for surplus reduction, the odds are that it won't work. The medical-education industry is too smart and well-connected to be deprived of its golden goose.

Mr. McCAIN. Reading from the editorial:

> Don't expect anything but a hemorrhage at the Treasury from that new program to counter the doctor surplus by paying hospitals to reduce the number of residency slots for the final phase of medical training.
>
> Reminiscent of the agricultural-support schemes that paid farmers for not growing crops, the medical plan was inspired by an immutable law of American medical practice: More doctors mean more medical spending, despite the penny-pinching tactics of managed care. So, stop them before they can start hustling patients, the Washington strategists concluded. The medical-education industry, however, is too profitable, inventive and resilient to yield to that tactic.
>
> The major factor in the medical-production pipeline is medical-school enrollments. And data compiled by the American Medical Association show that these have remained virtually unchanged for more than 15 years, as have the number of medical schools.
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> * * * * *
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>
> And, in accord with the Willie Sutton principle, the number of full-time faculty has soared, though the number of students remains almost unchanged. In 1983–84, the nationwide faculty totaled 56,564. In the current academic year, the number of faculty members is 95,568.
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> Where are they coming from? To a large extent they were already there at the university on other payrolls, and were switched to the more bountiful cash flow of medical education, which draws on patient fees, federal research, and ample loans to finance runaway tuition fees—to be repaid by high medical income.
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> A little-known fact of American higher education is that the highest paid people on many prestigious campuses are not university presidents. The big bucks go to the medical school professors. At Columbia University, according to the Chronicle of Higher Education, the president was paid $317,187 in 1994–95, while one professor of surgery received $1,526,397 and two others took in more than $1 million apiece.

Mr. President, I will not complete the article. The medical education industry is too smart and well connected to be deprived from its golden goose.

Mr. President, let me read from a quick letter that we got from the Taxpayers Foundation. This is directed to the Secretary of Agriculture.

> DEAR SIR: My friends, Wayne and Janelle, over at Wichita Falls, Texas, received a check the other day for $1,000 from the government for not raising hogs. So, I want to go into the "not raising hogs" business myself next year.
>
> What I want to know is, in your opinion, what is the best type of farm not to raise hogs on, and what is the best breeding hogs not to raise?

The story goes on and on.

> I want to be sure that I approach this endeavor in keeping with all government policies. I would prefer not to raise Razor hogs, but if that is not a good breed not to raise, then I can just as easily not raise Yorkshires or Durocs.
>
> As I see it, the hardest part of this program is keeping an accurate inventory of how many hogs I haven't raised. My friend Wayne is very excited about the future of this business. He has been raising hogs for 20 years and the most he ever made was $420 in 1978, until this year, when he got your check for $1,000 for not raising hogs.

Mr. President, the letter goes on.

> If I can get $1,000 for not raising 50 hogs, will I get $2,000 for not raising 100 hogs? I plan to operate on a small scale at first, holding myself down to about 4,000 "not raised" hogs, which will give me $80,000 income the first year. Then I can buy an airplane. Now, another thing: these hogs I will not raise will not eat 100,000 bushels of corn. I understand that you also pay farmers for not raising corn and wheat. Will I qualify for payments for not raising wheat and corn not to feed the 4,000 hogs I am not going to raise? I want to get started not feeding as soon as possible, as this seems to be a good time of the year to not raise hogs and grain. I am also considering the "not milking cows" business, so please send me any information on that also.

I hope that the Secretary of HHS will be ready to supply various teaching hospitals around America and people who want to go into the teaching hospital business how they can qualify for these hundreds of millions of dollars for not teaching doctors. I believe there will be a lot of entrepreneurs throughout the Nation that will want to qualify for a program that pays them hundreds of millions of dollars for not teaching doctors.

Mr. President, we will have more debate on this. It is a serious issue. I think it is a defining issue as to what we feel is the role of Government in our society.

I reserve the remainder of my time.

Mr. GRAMM. Mr. President, let me ask the Senator from Arizona to yield me 5 minutes.

Mr. McCAIN. I yield 5 minutes to the Senator from Texas.

Mr. GRAMM. Let me begin where Senator McCAIN left off.

It is a great paradox in a dramatic change in public programs subsidies. So, therefore, we are moving toward ending the practice of paying people not to produce things we do not want.

What an incredible paradox it is. At the very moment that we are getting out of the business of paying people not to produce agricultural products, the Federal Government is on the verge of paying medical schools not to train doctors.

Let me explain how the program came about and how it works and then try to end up as quickly as I can by explaining to people why, as chairman of the Medicare subcommittee, I am for the McCain amendment.

First of all, we set up a program to fund graduate medical education. It was done a long time ago, but in essence, we were running a surplus in Medicare, so rather than coming up with a funding mechanism for training doctors, Congress simply reached into Medicare and took the money away from beneficiaries and from payroll taxpayers to fund graduate medical education.

It is an outrage that with Medicare on the verge of being insolvent, we are still plundering the Medicare trust fund to pay for graduate medical education. I believe that should end.

Basically, we have an entitlement program run by the Department of Health and Human Services which pays teaching hospitals for residents to be trained in various specialties. The average subsidy is about $100,000 a year per slot. About $35,000 of that amount goes to the resident and $65,000 to help fund the cost of graduate medical education.

Now, there is virtual unanimity that we are training too many doctors and too many specialists. Rather than going back and eliminating the entitlement or reducing the payment for the entitlement so that fewer schools will be providing the training to fewer students, Congress was afraid to change the program. It simply lacked the political courage to cut these entitlements to graduate medical schools.

So HCFA initiated a pilot program in one State, New York, and started paying medical schools not to train doctors.

Basically it works like this: If the teaching hospital agrees not to train a doctor they otherwise are entitled to receive funding to train, then we pay them the money. Interestingly enough, in the first 2 years of the program we are going to pay them $100,000. Yet by not training a resident, they do not have to pay a resident $35,000. So now they are getting $35,000 more for not training the doctor than they got for training the doctor during the first 2 years.

Now, basically, this is an absurd situation. The idea we are taking the taxpayers' money and paying people not to train doctors is almost unbelievable. If you went out and did a survey of the American people and asked them about this program, they would not believe the Government would be doing this. But not only are we doing it in a very small provision in this budget bill we passed, a provision that most Members knew absolutely nothing about, we are expanding this program from just New York to the whole country. So we are going to be paying people all over America not to train physicians.

The PRESIDING OFFICER. The Senator from Texas has used the 5 minutes.

Mr. GRAMM. I yield 1 additional minute and I will be through.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. There will be people who come over and say, well, in the long run, it will save us money to pay medical schools not to train doctors. My response is that this is an absurd program. We ought to stop doing it. We ought to end the program right here on the floor of the Senate today. Then the committee can go back, because it will be forced to do something about the program, and come up with a coherent program to reduce the overall subsidy.

But we should not get into a situation where we are doing in medicine what we did in agriculture for years and years and years, and that is paying people to not produce things that we do not want.

It is unimaginable this has occurred. Yet it has. It needs to be stopped. I want to urge my colleagues to vote for the McCain amendment, and then all the technical things that need to be fixed about it we will fix later.

UNANIMOUS-CONSENT AGREEMENT

Mr. SPECTER. I think we are now ready for the unanimous consent request which I now propound.

I ask unanimous consent that the debate on the Gorton amendment No. 1122 be limited to 1 hour equally divided, that no amendments be in order to the Gorton amendment, and the Gorton amendment will be subject to a tabling motion at that time at the conclusion or yielding back of time.

Let me specify, so there is no doubt, the 1 hour of debate would be prior to the motion to table.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. SPECTER. Just to be clear, I want to be sure that we have an additional 10 minutes for the Senator from Arizona, in addition to his 1 hour, on the point of order which may be raised.

I ask unanimous consent that, in addition to the 1 hour on the McCain amendment, in the event a point of order is raised, Senator McCAIN will have an additional 10 minutes to debate that.

The PRESIDING OFFICER. Without objection—

Mr. HARKIN. Reserving the right to object, Mr. President. As I understand it, the unanimous consent would be that after the hour of debate, equally divided, under the McCain amendment, since points of order are not debatable, it would be a motion to waive. If there is a motion to waive the point of order, that would be debatable, and Senator McCAIN wants 10 minutes under that process.

Mr. SPECTER. That is correct. It was more precisely stated. It is 10 minutes to debate the motion to waive the point of order.

Mr. HARKIN. I would want to have 10 minutes in the event somebody over here wants to speak. So I would like it to be 10 minutes for Senator McCAIN and 10 minutes on this side.

Mr. SPECTER. With that modification, I propound the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. So that our colleagues may be aware of the sequencing, Mr. President, the debate on the McCain amendment, the first hour should run at approximately 3:40, and the conclusion on a motion to waive would be either at 3:50 or 4 o'clock, then an hour of debate on the Gorton amendment, and then there would be a vote on the McCain amendment. And in between, votes to be stacked on McCain and Gorton and after the vote on the McCain amendment, we will try to reach time agreements on the remaining amendments and try to clear at that time an agreement that Senator DURBIN proceed next on his amendment. I thank the Chair.

Mr. HARKIN. If the Senator will yield. For the benefit of Senators, what we are looking at right now is probably two votes that will take place at about 4:45 or 5 o'clock.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, in the absence of any other Senator seeking recognition, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1119, 1120, 1109, 1092, 1121, 1085, 1086, AND 1093, EN BLOC

Mr. SPECTER. Mr. President, I ask unanimous consent that the following pending amendments be considered, en bloc: amendment No. 1119 by Senator MURRAY, providing for an additional $1 million for the National Institute of Literacy; amendment No. 1120 by Senator BENNETT regarding school trust lands; amendment No. 1109 by Senator NICKLES regarding the Social Security Administration and the reporting of employer contributions; amendment No. 1092 authored by Senators McCAIN and KERRY, regarding eligibility for benefits under Medicaid and SSI; amendment No. 1121, authored by Senator KERREY, regarding child care funding allocation errors; amendments numbered 1085 and 1086 by Senators DURBIN and LEVIN, regarding organ donation; amendment No. 1093 authored by Senators CRAIG and BINGAMAN regarding the maximum hour exemption for certain agricultural employees.

Mr. President, I further ask unanimous consent that Senators ROTH and MOYNIHAN be added as cosponsors to amendment No. 1109.

Each of these amendments I am advised, are appropriately offset and have the approval of both managers, as negotiated by staffs, and with the authorizing committees where necessary. I ask unanimous consent that the amendments be agreed to, en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 1119, 1120, 1109, 1092, 1121, 1085, 1086 and 1093) were agreed to.

AMENDMENT NO. 1085

Mr. DURBIN. Senator LEVIN will be offering a sense-of-the-Senate amendment that complements this amendment. I want to commend him for his hard work in this area since 1979 when he succeeded in instituting directives aimed at increasing the number of military organ donors. Senator DEWINE's staff has also been most helpful in suggesting modifications to improve this amendment and we have incorporated all their suggestions into this amendment.

More than 50,000 Americans are waiting for organ transplants and hundreds of thousands more need tissue transplants. Every year, thousands die needlessly due to lack of donors. In 1996 alone, 3,916 people on the transplant waiting list died because no organs were available for them. Nearly one-fifth of all heart and liver transplant candidates die while waiting for organs. Every 18 minutes another person is added to the waiting list for organs. Each day, eight people die because an organ was not available. Yet since 1986, hospitals that participate in the Medicare or Medicaid Program are required to have in place policies to offer eligible families the option of organ and tissue donation. Last year at an HHS hearing on liver allocation and organ donation, Michael Evanisko, president of the Partnership for Organ Donation testified that at least half of the solution to the organ donor shortage could be achieved by focusing on hospital practices. The partnership's research with 11 organ procurement organizations and over 130 hospitals nationwide, in conjunction with the Harvard School of Public Health and Harvard Medical School, estimated that:

> * * * if hospitals adopted optimal organ donation practices, an additional 5,000 donors would result, bringing the effectiveness of the donation system from one-third to nearly 70%.

The major impediments to donation, according to Evanisko, are whether families are approached about donation and how the request is handled.

Last year, Senators DORGAN and FRIST here in the Senate joined forces with myself and DAVE CAMP in the House and we added a section to the Kassebaum-Kennedy Health Portability Insurance Act, which resulted in taxpayers who were receiving a tax refund this year, at the same time received an organ donation request card. An estimated 70 million Americans received this solicitation. Those of us who worked hard to incorporate that provision into the bill, certainly hope that it will increase the number of organ donors. However, increasing the numbers of individuals with organ donor cards alone will not save lives, if hospitals do not effectively identify these eligible donors. Approaching families in a sensitive manner about organ donation is also extremely important.

My amendment would ask HHS together with GAO, to survey 5 percent of the donor hospitals in order to ascertain how the program is working nationwide. This information could be used to determine best hospital practices. This amendment complements our previous efforts to maximize the numbers of lives saved for those in need of organ or tissue transplants.

Mr. DEWINE. Mr. President, I rise today to support an amendment offered by my colleague from Illinois, Senator DURBIN. The Senator's amendment calls for a report to identify the best ways to recover organs and tissue from those who have died suddenly so that the lives of others can be saved through organ transplants.

Today, more than 54,000 Americans are waiting for an organ transplant; and 10 Americans will die each day before an organ can be found. And the sad fact is that these deaths are preventable. We have the technology to give these people a second chance through transplants—but while we have the technology, we don't have the organs.

I am convinced that much of this problem can be solved by making people aware of this problem and educating them about the need for organ donation. And I have been working on that for some time.

However, just as important is looking at the system we have in place for organ procurement—to see if there are structural hurdles that we can help remove. The law today requires hospitals to have a protocol in place for organ procurement. Not all do. Those that do don't necessarily work with the organ procurement organizations [OPO's] in their local areas. These are the hurdles that Senator DURBIN's amendment tries to address. The study that this amendment requires is an important one. I hope that it will provide us all with information about how best to identify appropriate organ donors and then, how best to approach their families. I would hope that this study would take into account the fact that these best practices may well be different in different parts of the country. To the extent the Secretary can identify these differences in her report, I think it would be meaningful to the hospitals and their respective OPO's.

When we fail to identify a potential donor or bungle our communication with a potential donor's family, we compound an already tragic situation. Already someone's family member—a mother, brother, or sister—has died. The second tragedy is that—despite that person's willingness to donate and save another's life—that wish is ignored or the request to the family is handled poorly, raising unnecessary doubts about donation.

I'd like to thank Senator DURBIN—I appreciate his thoughtful efforts toward increasing organ donation and improving organ procurement. I also want to thank him for accommodating my concerns in his amendment. I look forward to working with him in the future on this issue that is so important to both of us.

AMENDMENT NO. 1086

Mr. LEVIN. Mr. President, the need for organ transplants has continued to outpace the availability of transplantable organs. However, studies have shown that this trend can be reversed by improving the process that families experience in hospitals. Congress recognized the vital role that hospitals can play in organ donation when it enacted legislation to require hospitals to be responsible for facilitating organ donation. The Omnibus Reconciliation Act of 1986 and subsequent legislation, requires organ procurement organizations and hospitals to establish organ donation protocols to enable hospitals to initiate requests, on a routine basis, for organ donation.

A recent Harvard School of Public Health study, based on the examination of thousands of medical records in 125 hospitals in four regions of the United States, found that despite the legal responsibility to inform surviving family members of donation options, many hospitals frequently fail to do so. According to the study, 27 percent of potential donors were lost either because health professionals did not identify potential donors or did not ask families about organ donation.

Mr. President, the amendment I am offering today seeks to bring attention to the potential of hospitals to alleviate the donor shortage, and to shed some light on the fact that hospitals can improve their donor policy by instituting demonstrated best practices in organ donation. There are a number of major initiatives underway focusing on hospital practices in organ donation that can result in saving thousands of additional lives in the not-too-distant future.

For example, the Michigan Hospital Association (MHA) is embarking on an important initiative to encourage its members to improve their organ donation effectiveness. It includes identifying stragies designed to improve the organ donation consent process and examining all aspects of the process, from community education to provider interaction with the family. The initiative will also generate specific recommendations to improve the tissue donation process, as well as major organ procurement.

The Association of Organ Procurement Organizations is in the midst of a major pilot project to conduct reviews of deaths that have occurred in hundreds of hospitals across the country. This project will provide an unprecedented level of information on organ donor potential and performance and lead to targeted strategies to help hospitals improve their effectiveness.

Additionally, The Partnership for Organ Donation, in collaboration with the University HealthSystem Consortium (an alliance of 70 academic health centers), has begun a major initiative to improve organ donation practices in hospitals across the country. The goal is to increase organ donation significantly in these hospitals by institutionalizing best-demonstrated practices. The project follows an "action research" design, which includes diagnosing hospital performance, building consensus on the donation protocol, establishing a donation team in the hospital, educating all relevant staff in-depth, enacting the new protocol, and on-going monitoring for quality assurance. The project ultimately will lead to practice guidelines for organ donation, which, if adopted nationwide, could provide organs for many of the 53,000 Americans currently awaiting transplants. it is currently being implemented in a number of leading hospitals, including Henry Ford Hospital in Michigan, Virginia Commonwealth University's Medical College of Virginia Hospitals, University of Iowa Hospitals and Clinics, Oregon Health

Sciences University Hospital and Clinics, Ohio State University Medical Center, Medical College of Ohio, St. Vincent Medical Center of Ohio and Riverside Hospital in Columbus, Ohio.

Collectively, these innovative endeavors will prove that patterns of nondonation can be modified. Mr. President, my amendment is aimed at encouraging hospitals to alleviate the donor shortage and sheds some light on demonstrated best practices that can improve organ donation in hospitals. It also expresses the sense of the Senate that hospitals that have significant donor potential shall fulfill their legal responsibility to assure a skilled and sensitive request for organ donation to eligible families. The Harvard study estimated that 5,600 additional lives could be saved each year if hospitals improved their practices relative to donation requests. A Gallup survey indicated that 85 percent of the American public supports organ donation, and 69 percent describe themselves as likely to donate their organs upon death.

Mr. President I understand that the amendment has been accepted. I thank the managers of the bill for their support. I would also like to acknowledge the support and cosponsorship of this amendment by Senator Thurmond, Senator Durbin, Senator Inouye and Senator Dorgan. Mr. President, I understand that the managers will also accept the Durbin-Levin amendment requesting the U.S. Department of Health and Human Services together with the General Accounting to conduct a comprehensive survey of donor hospitals to ascertain:

(1) the differences in protocols for the identification of potential organ donors

(2) whether each hospital has a system in place for such identification of donors, and

(3) protocols for outreach to the relatives of potential organ or Tissue donors.

The report will also include the Secretary's recommendations on the most efficient and comprehensive practices for identifying organ and tissue donors and for communicating with relatives of potential organ donors.

I commend Senator Durbin for all of the innovative work he is doing in the area of organ donation. Of particular note is Senator Durbin's Organ Donation Insert Card Act which was enacted into law over a year ago that I was pleased to cosponsor. The insert card is included along with the tax refunds to millions of Americans giving them the opportunity to indicate if they want to become an organ donor.

Mr. President, these organ donor measures, including my negotiations over the past decade with Department of Defense Health officials to increase the number of military organ donors, complement efforts to maximize the numbers of lives saved for those in need of organ or tissue transplants. I am encouraged that the two Department of Defense Directors instituted a number of years ago will result in every member of the military having an opportunity to indicate if they wish to become a donor. Under the Directive:

> Unless contra-indicated medically, legally, or for religious reasons, organ and tissue donation shall be discussed with next of kin in every death in a military Medical Treatment Facility including Uniformed Services Treatment Facilities.

Additionally, the Department of Defense has instituted the process of including organ donor information in the Defense Enrollment Eligibility Reporting System (DEERS). In April of 1995, the Department reported a 30 percent positive response to this directive, which had not yet been fully implemented.

AMENDMENT NO. 1109

Mr. NICKLES. Mr. President, in 1989, Congress enacted legislation that requires that the Social Security Administration provide workers with regular statements about the value of their Social Security benefits. SSA is required to send these forms—known as the Personal Earnings and Benefit Estimate Statements (PEBES)—to any eligible individual who requests one and was mandated to send an annual PEBES to each eligible workers over the age of 59 in 1995.

In FY 2000, the Secretary will be required to send this form annually to all eligible workers over the age of 25—An estimated 123 million Americans are expected to receive this form in FY 2000. The SSA projects that the cost of administering this law in FY 2000 will be $80 million.

These forms are specifically designed to help beneficiaries understand the value of their Social Security benefits. While I agree with the stated goal of the PEBES forms, I do not agree that the PEBES form in its current design meets the test of providing that information. In fact, I believe that in its current structure the PEBES form is misleading to beneficiaries.

Right now, individuals are provided an estimate of their retirement benefit. They are provided a yearly breakdown of their reported earnings, and a yearly breakdown of the taxes he or she paid. What is NOT reflected in this statement is the employer's contribution. My amendment will require the Social Security Administration to include the employer's contribution on the PEBES statement.

By not including the employer's contribution, the form misleads workers on the actual amount of money being contributed into Social Security on their behalf and distorts the true rate of return on their taxes.

Most people think that FICA represents 7.65 percent of their wages. Actually, it is twice that when you consider the employer's contribution totaling 15.3 percent—12.4 percent designated Social Security and 2.9 designated to Medicare.

Mr. President, the employer share of FICA is a labor cost. This is a cost of employing somebody in this country. This is compensation that is not available to go to the employee but instead is contributed on their behalf through FICA taxes. While we refer to this as the employer share, in reality this additional 7.65 percent comes out of the employee's compensation.

The PEBES is only telling half the story. Omitting the employer's share of FICA is a gross misrepresentation. The worker who looks at his or her statement will falsely assume that their estimated benefit is providing them a much higher rate of return. In fact, the rate of return is much lower because the taxes that a person is paying is actually TWICE what the PEBES form indicates.

The PEBES form does provide for representation of the self-employed share, however, those workers who are not self-employed are not getting the truth about the performance of their Social Security taxes.

Mr. President, my amendment is simple. It will require that we are honest to taxpayers about not only what their full benefits will be but that we are also honest on what the full cost of those benefits are. If we are going to take the time and resources to educate workers on their benefits we should ensure that it is done honestly and correctly.

Frankly, I believe that we would improve the PEBES form even more by tackling some of the issues that Senator Grams has laid out in his legislation Workers should be informed on the real rate of return on their taxes; they should understand how the Social Security program is performing compared to the private market; and finally, when the Social Security Administration projects benefit estimates they should also be required to inform beneficiaries that the trust fund won't be able to pay benefits after 2029.

I am pleased that this amendment has been accepted by the managers of the bill and I believe it will help improve one of the few tools available to us in educating the public about planning for their retirement.

AMENDMENT NO. 1093

Mr. CRAIG. Mr. President, I am pleased that the Senate is considering today an amendment I am offering with Senators BINGAMAN and DOMENICI.

This amendment to S. 1061 would make a change to the Fair Labor Standards Act (FLSA) that is narrow in scope, but is of critical importance to irrigators in Idaho and the West.

Our amendment solves a problem with the interpretation of a provision of the FLSA.

Currently, nonprofit organizations that deliver water for agricultural purposes—such as water districts organized by local governments, co-ops, and non-profit corporations—are exempt from the maximum-hour requirements of the FLSA.

However, according to the Department of Labor, if even one drop of this water is used for purposes it considers "non-agricultural". then the water delivery organization loses its exemption and severe penalties can be imposed. This is true even for minimal or incidental uses, such as road watering, lawn and garden irrigation, or livestock consumption. Such uses may be closely related to, but technically not interpreted as being, "agricultural purposes".

Our amendment clarifies that the maximum hour exemption applies to water delivery organizations that supply 90 percent or more of their water for agricultural purposes.

The work being done for these organizations is very seasonal. Irrigation has never been, and can not be, a 40-hour-per-week, 12-months-a-year, undertaking. During the summer, water must be managed and delivered continually. Later in the year, following the harvest, the work load is light, consisting mainly of maintenance duties.

Our amendment is better for employers, workers, and farmers.

If a water delivery organization is forced to pay overtime during the summer, it will have to lay off workers in the winter. Then it will hope that skilled, specialized workers, who know the equipment and the area, are available again next spring. Our amendment solves this problem, by promoting a stable work force and level costs, year-round.

This adjustment also helps ensure year-round incomes and job security for employees.

Our amendment restores the flexibility that traditionally existed and was always intended by Congress. It more accurately reflects the realities of agricultural water delivery.

Representative MIKE CRAPO of Idaho has introduced a similar measure in the other body. It is our hope that this adjustment finally will become law this year.

Finally, I want to acknowledge a former member of my staff, who is now an attorney in Idaho, Norm Semanko. Norm actually began work on this amendment some time back and laid the groundwork that has led up to its adoption by the Senate today. My staff still refers to this amendment as the Semanko Act.

I understand this amendment will be accepted on both sides. I thank the managers of the bill for their support and assistance; the chairman and ranking member of the Labor and Human Resources Committee, with whom we consulted; and Senator BINGAMAN and his staff for their strong efforts on behalf of this amendment.

Mr. BINGAMAN. Mr. President, I'm cosponsoring this amendment to section 13(b)(12) of the Fair Labor Standards Act, to make this law reflect the on-farm realities in the West. I believe this amendment follows what must have been the true intent of legislation in the first place. Section 13 is a long list of occupations that for one reason or another we have exempted from the various overtime requirements of the law. Section 13(b)(12) in particular exempts employees of irrigation districts.

The reason for this exemption has to do with the requirements of farming in the arid West. In my home state of New Mexico, for example, we usually have two to three months each year, from about mid-May to the end of July, where we get little or no rain. This yearly dry spell is right at the height of the dry season, and if a farmer can't irrigate his crops they die. Because of the expense of irrigation systems, most farmers belong to an irrigation district that maintains a system of canals and ditches to supply water to their fields. Most irrigation districts employ their ditch riders year round so that they know the system, the individual farms, and the needs of each farmer in the district, and don't have to relearn the process every year. With year-round employment these folks are an integral part of the farm community. However, the work these people do is very seasonal. Typically, a ditch rider will work long and hard hours during the summer irrigation season, and have a relatively lax work schedule the rest of the year. In enacting section 13(b)(12), Congress recognized the importance that year-round employment has for both the ditch riders and their families, and the farming community. However, it appears that in acknowledging the unique working conditions required for western farms, that the law was written too narrowly. The current section exempts:

> . . . any employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, or operated on a share-crop basis, and which are used exclusively for supply and storing of water for agricultural purposes.

The phrase "exclusively for supply and storing of water for agricultural purposes," has recently been interpreted by rulings in the 9th and 10th Circuit Courts to mean that all of the water from a district's system must be used for irrigation or the district loses the exemption.

This strict all or nothing approach just doesn't match with the reality of western farming communities and the day-to-day life on a western farm. In the dry and dusty summer months it is very typical for farmers to use of their irrigation water for dust control, and for watering their lawns and flower beds. That is just human nature. However, the vast majority of water is used for growing crops.

Mr. President, this amendment, which changes the exemption to required that "at least ninety percent" of the water be used for agriculture, merely reflects a practical application of this long established exemption. As the irrigation season is just winding down for this year, the farm districts will soon be making decisions regarding whether to retain their ditch riders in light of the recent court rulings. With this in mind, I ask my colleagues to accept this amendment now, so that there won't be any disruption to these people's lives.

AMENDMENT NO. 1120

Mr. BENNETT. Mr. President, in the Federalist Papers, Madison tried to allay fears of a Federal government overpowering state and local concerns, by stating:

> . . . where on one occasion improper sacrifices have been made of local considerations to the aggrandizement of the federal government, the great interests of the nation have suffered on a hundred from an undue attention to the local prejudices, interests, and views of the particular States.
>
> . . . But what degree of madness could ever drive the federal government to such an extremity?—Federalist Paper, No. 46.

Mr. President, while Mr. Madison believed that Federal encroachment of local interests would be rare, I believe the State of Utah finds itself in that circumstance. Utah's education budgets are being improperly sacrificed by federal action. Mr. Madison predicted that legislative devices would be used to solve these types of problems. He was right. Today I am offering an amendment in an attempt to do just that.

Last September, the President created the 1.7 million acre Grand Staircase-Escalante Monument in Utah. While I vehemently disagreed with the process the Administration used to designate this monument, it is now a fixture on our map. We must now move on and work toward resolving the problems that were created by this Proclamation.

One of the most important issues that must be addressed are the 176,000 acres of school trust lands trapped within the boundaries of the monument. For those of you who are not familiar with school trust lands, let me briefly explain. At statehood, the federal government granted about one-ninth of the lands in Utah for the support of public education. School trust lands exist solely to generate revenue for public schools.

President Clinton, in designating the monument acknowledged the impact to state education funds. He stated, "I know the children of Utah have a big stake in school lands located within the boundaries of the monument that I am designating today . . . creating this national monument should not and will not come at the expense of Utah's school children." Utah's citizens, and education groups, including the Utah's Education Association, the Parent-Teacher Association, the School Boards Association, the State Board of Education, the School Superintendents Association, the Association of Elementary School Principals, the Association of Secondary School Principals, and School Employees Association agree, and have spoken loudly and clearly about the need to solve this problem for the benefit of Utah's school children.

President Clinton then directed the Interior Department to conduct a land exchange of school trust lands located within the Monument. While this is one of the most realistic solutions to this problem, it will not be easy. Land exchanges are expensive, time-consuming, and unfortunately, will negatively impact tight State education budgets. In a May 14 report on the Grand Staircase-Escalante Monument, the Department of Education reached the following conclusion:

> The Department [of Education] recognized that the process of arranging for land exchanges exacts costs on the State of Utah . . . These costs are paid from funds that would otherwise be available for public education.

Mr. President, this amendment provides a grant to the Utah State Education Agency to partially defray expenses of conducting a land-exchange. State education funds are badly needed to educate Utah's children.

I would like to thank Senator SPECTER and Senator HARKIN for their assistance, and leadership in education. I look forward to working with them, the Department of Education and the Administration on this issue, and appreciate their willingness to work with me.

AMENDMENT NO. 1111

Mr. SPECTER. Mr. President, I ask unanimous consent that the pending amendment be set aside and that the Senate turn to the consideration of amendment No. 1111 to Senate bill 1061.

AMENDMENT NO. 1123 TO AMENDMENT NO. 1111

(Purpose: To assure the Medicare Commission examines the role of medical research and long-term care in the future of Medicare)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Iowa [Mr. HARKIN], for himself and Mr. FEINGOLD, proposes an amendment numbered 1123 to amendment No. 1111.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of line 3 in the pending amendment insert the following: ": *Provided further*, That in carrying out its legislative mandate, the National Bipartisan Commission on the Future of Medicare shall examine the role increased investments in health research can play in reducing future Medicare costs, and the potential for coordinating Medicare with cost-effective long-term care services".

Mr. HARKIN. Mr. President, this amendment provides $900,000 for the first year costs for the bipartisan Commission on Medicare authorized in the Balanced Budget Act of 1997. The additional funds are fully offset.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SPECTER. That amendment is agreeable to this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 1123) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the amendment, as amended.

The amendment (No. 1111), as amended, was agreed to.

Mr. SPECTER. I move to reconsider the vote.

Mr. HARKIN. I move to lay that on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. I ask unanimous consent that the RECORD be corrected to reflect that amendment No. 1115 is a Harkin amendment, cosponsored by Senators BINGAMAN and KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I ask unanimous consent that Senator BINGAMAN be added as a cosponsor to amendment No. 1101.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. How much time is remaining on both sides on the pending McCain amendment?

The PRESIDING OFFICER. The Senator from Arizona has 15 minutes 30 seconds. The Senator from Iowa has 21 minutes.

Mr. MCCAIN. Mr. President, I yield myself 5 minutes.

Mr. HARKIN. If the Senator will withhold, will the Senator yield for a unanimous-consent request?

Mr. MCCAIN. Yes.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Janet Goldberg, a detailee in my office, be permitted privileges of the floor on the debate of the Labor, Health and Human Services appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

AMENDMENT NO. 1091

Mr. MCCAIN. I yield myself 5 minutes, and then I hope that the opponents of the amendment will use part of their time because I don't intend to use all of my time since I would like to save some time at the end.

Mr. President, there is going to be a budget point of order. I will respond to that at the right time. I remind my colleagues that the provision contained in the Balanced Budget Act was not contained in the balanced budget bill passed by the full Senate. The full Senate never had the opportunity to review this provision. Not only did the Senate not have the opportunity to debate this provision when we considered the budget bill in June, we were not given sufficient time to clearly examine the budget bill after conference.

The Balanced Budget Act is over a thousand pages, and we had less than 24 hours to review the final draft after receiving it from the conferees. Mr. President, it is also well known that a provision originally was going to be included that would affect only the State of New York, and then it was expanded to the entire country.

Mr. President, I just read a very amusing—at least to me —letter from a fellow that wanted to not raise hogs or not grow grain. I have been amused somewhat by this proposal that we would pay teaching hospitals not to teach, or pay farmers not to grow, or to pay anybody not to do something. It is somewhat amusing, but at the same time, occasionally in this debate we should focus on the fact that there are 46 million Americans who still lack access to doctors and medical care in America.

Here we have a situation where, according to the Health and Human Services Department, 46 million Americans don't have access to health, doctors, and medical care, yet, now we are going to restrict the supply of doctors in America. It flies in the face of every fundamental belief that I have, ranging from what capitalism and the free enterprise system is all about to what our obligations as a society are.

If we are going to restrict the number of doctors, how in the world are we supposed to take care of these 46 million Americans who live in rural communities and inner-city neighborhoods and have shortages of physicians and health care professionals? The very poorest people in America, Mr. President, are the ones who don't have health care, and now we are going to deprive them of the possibility of treatment?

There are programs that serve underserved areas, including the National

Health Service Company, Area Health Education Centers, Interdisciplinary Training for Health Care in Rural Areas, Community Health Center, Migrant Health Centers, and the Health Professions Work Force Development Program.

I hope that my colleagues will join me in rejecting this proposal that somehow we are helping Americans by restricting the number of doctors. Mr. President, in its own bizarre fashion, the CBO is claiming this will cost the American taxpayers money. I find it bizarre. I find it incredible. And the fact is that if we are now going to accept the assumption of the CBO that we save money by not having teaching hospitals teach, then clearly we can save money by not having other organizations in America that receive Federal subsidies do their job as well. It seems that it is only the medical profession that seems to be able to get away with this.

By the way, Mr. President, this experiment "* * * will pay hospitals in the State"—the State of New York, not the entire country but just in the State of New York—"$400 million over the next several years, while they gradually decrease the number of young doctors they train."

My understanding is that there will be no change for the first 2 years of this.

That experiment "* * * drew an outcry from teaching hospitals elsewhere that felt New York had wrangled a lucrative special deal. Their protests attracted the sympathy of congressional Republicans who decided that, instead of trying to block money for New York, they would expand the opportunity nationwide."

To quote further:

> The payments represent a rare attempt by the Federal Government to use subsidies as leverage to shrink a particular work force. "I know of no profession where there has been as much Federal effort to regulate," said Uwe Reinhardt, a health economist at Princeton University. "You don't do it for economists, for architects, for engineers."
>
> The payments also are the government's first effort to constrict the pipeline of people entering the medical profession. Several influential groups have warned lately that the nation has too many doctors, particularly specialists, and have urged the federal government to impose limits on the number of recent medical school graduates, known as residents, who pursue several years of advanced training before beginning to work on their own. But until now that advice has met with legislative resistance.
>
> The New York experiment and the nationwide initiative hinge on changes in Medicare, the largest federal insurance program for the elderly and disabled. Since it began, Medicare has underwritten residency training programs heavily and has, in effect, made residents a prized, inexpensive kind of labor for their hospitals. Taxpayers spend $7 billion a year on such training.
>
> Until now, many teaching hospitals have been reluctant to cut back, because every resident translates into an average subsidy of $100,000 a year. "It has not been financially rewarding to downsize," said Muncey Wheby, associate dean for graduate medical education at the University of Virginia.
>
> Under the budget agreement, hospitals that downsize will not get extra money outright. But if they volunteer to reduce their residency programs by 20 percent or 25 percent over five years, Medicare will cushion the financial blow. For the first two years, it will pay the whole subsidy for the missing residents. After that, the payments will taper off for three years.
>
> The agreement also for the first time essentially forbids hospitals to increase the sizes of their residency programs.

Mr. President, the article goes on with other suggestions:

> But others suggest that hospitals will be rewarded needlessly for cutbacks that some have started to make without being paid to do it. Some say the initiative is the medical equivalent of discredited agricultural programs that have paid farmers not to grow certain crops.
>
> "I don't know where the hell as Republican Congress gets off doing labor force planning for the medical profession," said Robert E. Moffit, deputy director for domestic policy studies at the Heritage Foundation, a conservative think tank. "As an economic principle, it is absurd."
>
> How many physicians the nation produces has important effects on the cost of the health care system. The greater the number of doctors, research has shown, the more medical tests and expensive specialty treatment patients tend to receive, because physicians find subtle ways to keep themselves employed.
>
> With more than 700,000 physicians, the United States has more doctors per capita than virtually any other country. In particular, it has a vast supply of specialists, who are starting to find themselves in less demand as more patients are insured through "managed care" plans that favor treatment by lower-cost medical generalists.

Mr. President, I reserve the remainder of my time. I yield the floor.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Who yields time?

Mr. McCAIN. Mr. President, in light of the fact that I am the only one here on the floor, I ask unanimous consent that the time be taken off the time of the opposition to the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be taken from the opposition to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, could I ask how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Arizona controls 7 minutes; the opposition controls 4 minutes and 53 seconds.

Mr. McCAIN. Mr. President, I know that the opponents of this amendment would like to make some comments.

Oh, here is one right now.

Mr. DOMENICI. Mr. President, I seek recognition.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Who is the opposition?

I guess I am the opposition.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. How much time do I have?

The PRESIDING OFFICER. The Senator has 4 minutes 50 seconds.

Mr. DOMENICI. Who dealt away all my time in opposition?

The PRESIDING OFFICER. It was running during the quorum call.

Mr. DOMENICI. First let me apologize. I was at the Senate Committee on Governmental Affairs. Frankly, of all the times you could have, I was actually asking questions. But I do not need any more time.

Mr. McCAIN. I was just going to say I ask unanimous consent to give the Senator from New Mexico some additional minutes if he would need them.

Mr. DOMENICI. Mr. President, I do not need anything. The only thing is, did the distinguished chairman of the Finance Committee, Senator ROTH, speak?

Mr. McCAIN. No.

Mr. DOMENICI. I am wondering if he would like to speak.

That is the reason I raised this, I say to the Senator, but they are going to send for him.

He spoke earlier in the day.

Mr. President, I do not need but just a few moments. I was not privileged to hear Senator McCain and those who proffered this amendment. But let me first say that whatever they said about the status of the way we through the Federal Government are funding medical doctors' education, both straight medical school and for specialties, whatever they said about how egregious it is, they are probably right.

The point is that what they seek to do is not going to help a bit because what has actually happened is that we are paying for medical education out of the Medicare fund, and we have been doing it for a long time. That is sort of a way for you to fund medical education, and if nobody knows about it, it doesn't count very much because it is coming out of what was always a very big trust fund. As a consequence, medical education is costing a huge amount of money and the biggest player—so everybody will understand this issue of who is going to decide how many doctors we have, right now the biggest player is the Federal Government. We are the ones putting huge amounts of money into the teaching hospitals that permit them to teach as many doctors either general medicine, their first years through, or their specialties.

Obviously, we are proud that that system has yielded the best doctors in the world, I do not think there is any doubt about that, including the best specialists in the world. But the cost is enormous, something like $100,000 a doctor. And let me repeat, we, the taxpayers, through this mechanism are paying for that. So in a sense we already are the switch that is going to determine how many doctors we have and how many we do not have. And now all of a sudden in the budget debates there is a recognition that we cannot afford to spend as much as we have been spending.

So the experts from the various committees and staffers—and I only regret to say I am not on the committee with jurisdiction. I was there negotiating with our distinguished leader, but the conclusion was we have to save some money on this Federal expenditure producing these doctors in particular since there are too many being produced, at least more than we ought to be paying for. Maybe that is the way I ought to say it. If they want to produce more and somebody wants to pay more money, that is the marketplace, good luck. But we are the marketplace substantially now, the taxpayers.

So nobody wants to cut the subsidy. The AMA does not want us to cut the subsidy. The schools that are great schools do not want us to cut the subsidy. So to save money somebody came up with an idea to start a pilot project and see if in New York you said to the schools produce less doctors, we give you less money, and of the money saved, you get half and we get half.

As this budget worked its way through the Congress, through the conference and debates, somebody said if you are going to try the pilot in New York, try it all over the country. So what we have is language in a budget deal that has already been voted in that says try this everywhere in the country and see what we get out of it.

The end product, Mr. President and fellow Senators, is that the Congressional Budget Office estimates we will spend $230 million less this way than if we did not do it this way. So essentially, whether one likes the idea or not, the alternatives are very simple. One, if you take it out, as Senator McCAIN is recommending, you spend more money.

Could I have an additional minute, 2 minutes?

You do what Senator McCAIN is asking us to do and you spend $230 million more according to the Congressional Budget Office. I have no reason to discount that information.

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senator from New Mexico be granted 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Senator.

So one option is to take it out and lose $230 million which the budget process has not found anywhere, and Senator McCAIN and his supporters are not finding anywhere. So it is essentially breaking the budget by $230 million, which means when the time has all expired, I will make a point of order that it violates the Budget Act and the Senators can vote up or down do they want to violate the Budget Act or not. If they do, we would lose $230 million, and that is their call collectively, and we need 60 votes to do it.

One should ask, if the McCain amendment succeeds, where are we? The interesting thing is if the McCain amendment passes, we are right back to where we were before with the Federal subsidy program in place. We haven't reduced it significantly—a little bit, but we are still in there subsidizing just as we have been with a little bit less money.

What we really ought to do is decide how we are going to change this. If we are putting too much money into the education of doctors at every level including specialists, we ought to put less in, and that is what we do not have the intestinal fortitude to do. And I guarantee you if a committee that has jurisdiction came to the floor with a proposal that said we are going to reduce the subsidy significantly so we don't spend as much money, thus you teaching hospitals get less, there would be a huge uproar and every Senator who has a major medical hospital and educational institution that produces medical doctors will be here talking—I see my friend from New York. He would be here certainly, and so would Senator MOYNIHAN—saying it is the end of the world, it is the end of medicine as we know it. We did not do this.

I frankly believe in the long run we have to do it. We cannot have so much capacity paid for by the Government. In the long run the private sector can pay anything they want and families can pay if they want. But the Federal Government to be the catalyst for producing more doctors than anybody thinks we need is just kind of absurd.

So on the one hand I thank Senator McCAIN and his supporters for bringing this issue to the Senate. And maybe, win or lose, he will have prompted us to do something we ought to really do about this program, and I submit it is not to do what we have done in the budget. I do not have any alternative but to support it today and say, if we take that out, we lose a substantial amount of money. Nonetheless, Senator McCAIN and those supporting him will have had an educational exercise here and I think I have contributed to it.

Mr. D'AMATO. May I make an inquiry?

Mr. DOMENICI. Sure.

Mr. D'AMATO. Did the Senator raise the point of order?

Mr. DOMENICI. No. I will when the time is up. You can't until the time has expired. If I had any time——

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. DOMENICI. The Senator wants to speak in opposition?

Mr. D'AMATO. Yes.

Mr. DOMENICI. I will give the Senator the remaining minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. D'AMATO. Mr. President, I have heard the Senator from New Mexico, and I agree with him. I also think that the Senator from Arizona does us a great service by saying, look, this may not be the methodology, the best method of paying for the training of our doctors, but, having said that, that is the system that exists. The legislation that the Senator's amendment would affect is designed, maybe imperfectly, to begin to reduce those expenditures, those moneys that come out of the Treasury.

Let me say this to you: It is not fair to say that we are paying for doctors that are not going to be in training and, indeed, again, the proposal that the administration has put forth and that the committee has expanded that goes beyond New York and now nationwide, those dollars will be used to provide adjustment assistance, because as these hospitals downsize, they are going to have to hire additional staff doctors, nurse practitioners, physician assistants and other personnel to replace the residents who now treat Medicare patients.

So this is a canard to simply say we are giving you money not to train doctors. It is transition and, in the fullness of time, will save the taxpayers, depending upon who is doing the scoring, as much as $350 million. You can't knock a program on one hand and say you are paying all this money and we should reduce it, and when you come up with a methodology to reduce it then say, "Oh, no, that's not the right methodology."

Show us a way in which you do that and don't throw the teaching hospitals into chaos. This is the manner that I would suggest, as imperfect as it may be, that the committee came up with. For those reasons, I hope that we will refrain from piling on and supporting the McCain amendment which does not help the situation.

The PRESIDING OFFICER. All time in opposition has expired. The Senator from Arizona has 6 minutes remaining.

Mr. McCAIN. Mr. President, I will be glad to give 2 additional minutes to the Senator from New York if he would like.

Mr. D'AMATO. Mr. President, I thank the Senator for his generosity. I think I have made our point, but the Senator couldn't be more gracious in providing us that opportunity.

Again, I do hope we can find a better way to fund this, because I don't think people know that the Federal Government put so much money into teacher training. If there is a better way to fund it and finance it, I think we should look for that.

Mr. DOMENICI. Will the Senator yield me 30 seconds?

Mr. McCAIN. I yield 30 seconds to the Senator from New Mexico.

Mr. DOMENICI. I made a mistake, Mr. President, in giving you the estimate of what this will cost the budget. I gave you $230 million. The Congressional Budget Office has now looked at the whole country, because this applies to the whole country, and their estimate now is, so everyone will know, if the McCAIN amendment is adopted, the budget will be, in the first 5 years, $390 million short. That is, that much will be added to the deficit and, over 10 years, believe it or not, it is $1.9 billion. I yield the floor.

Mr. McCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arizona has 5 minutes 20 seconds remaining.

Mr. McCAIN. I yield myself 1 minute, and I will then yield the Senator from Texas the remaining time.

Mr. President, the Senator from New Mexico asked where would we be if my amendment is adopted? We would not be in the business of paying people not to do things. We would not be, through central planning and pure socialism, deciding what the supply of doctors in this country is when there are 46 million Americans that do not receive health or medical care in America today. That is an outrage and an insult.

We spend our time fighting on the floor of this Senate about appropriating more money to take care of health care for kids, more money to take care of health care for elderly Americans. How in the world are we going to do that if we don't have enough doctors? The fact is that the Senator from New Mexico asked where would we be? At least we would not be in the bizarre and incredible situation where we are paying schools not to do anything.

We tried this with the agriculture program, Mr. President. We tried it before, paying people not to grow crops. It doesn't work. You don't adjust people's behavior by doing such things and, believe me, this amendment, this provision—I allow myself additional 30 seconds—I want to point out again the process that this went through. Never a word of debate on the floor of the U.S. Senate on the Balanced Budget Act. I don't know what in the world this has to do with balancing the budget, but what it had to do with was a provision that was stuck in on the House side and, in less than 24 hours, we had to examine a 1,000 page document which clearly nobody on this floor today, with the exception of the Senator from New Mexico, had a chance to examine or debate. This is not the right way to legislate. This is not the right way to conduct our business in America.

I yield my remaining time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes 30 seconds.

Mrs. HUTCHISON. Mr. President, I will just inform the Senator from Arizona that I will be happy to yield back a minute of my time since he so generously has given me the last time.

Mr. President, let me just say that I am a supporter of medical education. I have supported every amendment that has come through here, and I have sponsored amendments that add to the medical schools' part of Medicare funding. I want medical schools to be funded. But, Mr. President, this is not the way to do it. In fact, the University of Texas, which is a school that has one of the best medical schools in the whole United States, has said this is bogus, and they have refused to take the extra funds in this way not to train medical doctors. They are not in the business of not training medical doctors, and they have refused this money because this is the wrong way to go.

Only in Washington would we address the issue of an oversupply of doctors by funding not teaching doctors. Some would say, if this were a debate to increase spending not to educate lawyers, maybe it would be worthwhile. But, in fact, we are not going to do anything so silly as to pay not to train doctors or lawyers or any other professionals in this country. This is not the way to address the issue of oversupply. The issue of oversupply is real.

The issue of training doctors is very important. In fact, I would like to increase funding. I wish that we could substitute what we would save here and put it into other parts of Medicare funding, perhaps rural medical education, which is suffering greatly.

I believe in teaching hospitals. I do not believe in paying hospitals not to teach, and I hope we can correct that inequity. I hope we can legislate in a responsible way. I hope that we can put our money into Medicare, into medical education, into training doctors, into rural health care where we need the money, but I do not want to spend one dime not to train doctors with added funds. It doesn't pass the smell test, and I am proud to say that the University of Texas, from my home State, is not taking these dollars because they believe this is bogus. They need money to train doctors in the best way, but this is not the best way.

Thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona has 30 seconds remaining.

Mr. McCAIN. Mr. President, I just will comment that I was very interested in hearing the statement of the Senator from Texas that indeed there is a university in America that has decided they don't need to be paid not to train doctors. Of course, I put a further credibility test on this argument that somehow teaching hospitals across America have to have this huge subsidy not to train doctors. I hope more schools and universities will follow the example of the University of Texas.

The PRESIDING OFFICER. All time has expired on amendment No. 1091. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, can I have 10 seconds before I make my motion? I, too, hope all the hospitals do that. If they do, we will save $390 million and over 10 years we will save $1.9 billion. I think that would be an exciting end product.

Mr. President, the McCain amendment increases mandatory spending and is scored against the subcommittee's allocation. This additional spending would cause the underlying bill to exceed the subcommittee's allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

MOTION TO WAIVE THE BUDGET ACT

Mr. McCAIN. Mr. President, I move to waive the budget point of order pursuant to section 904 of the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent that the yeas and nays be delayed until the managers of the bill decide the most appropriate time. There are important hearings going on at this time, and I don't think that they wish to have it interrupted. So I ask unanimous consent that, pending the decision of the managers of the bill and the leaders, that the yeas and nays be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous agreement, there is now 20 minutes equally divided on the issue to waive the Budget Act. The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield back my time.

Mr. DOMENICI. I yield back any time I have on the motion.

The PRESIDING OFFICER. All time has been yielded back then on the motion to waive the budget point of order.

Mr. DOMENICI. Have the yeas and nays been ordered on the motion?

The PRESIDING OFFICER. Yes, they have.

Mr. McCAIN. Mr. President, I am astounded and very pleased to note that the fiscal year 1998 Labor/HHS appropriations bill is nearly devoid of any pork-barrel language, at least in the bill itself. After careful scrutiny of the measure, I have found only one section of the bill which is clearly pork. That is section 506, which contains the language on Buy America set-asides that appears to be standard practice in this year's appropriations bills.

Other than these Buy America provisions, which I continue to strenuously oppose, I can find no other egregious examples of pork-barrel spending in the bill language. For this restraint, I thank the subcommittee chairman, Senator SPECTER, and the members of the Appropriations Committee.

Unfortunately, the report does contain a number of earmarks of funds for location-specific, unauthorized, or simply wasteful projects. And it contains, of course, language that is intended to have essentially the same effect as an earmark; by this, I mean the use of words like "encourage", "urge", and "carefully consider" in connection with references to particular institutions, projects, or proposals that the committee would obviously like the relevant agencies to fund. These are not earmarks, but I am sure the programs which the committee encourages or urges the agencies to support will receive special consideration.

I would like to submit for the RECORD the full list of objectionable provisions in the bill and report, but would take a few moments of the Senate's time to note just a few of the more interesting earmarks in the bill:

Report language directs OSHA not to enforce methylene chloride regulations because small employers in the furniture stripping and foam manufacturing and fabrication industries are concerned about the cost of compliance.

The report earmarks $326,000 for the Central Montana Head Start Program to secure donations of surplus property.

The report earmarks $1 million for the Very Special Arts Festival in Los Angeles.

The report earmarks $500,000 for the native Hawaiian education council and island councils.

As I noted, the report language contains a multitude of expressions of support, short of earmarks, for particular projects. A few examples:

Encourages the Department of Labor to expedite consideration of a request by the Iacocca Institute for funding to create a work force development education curricula.

Encourages full and fair consideration of proposals by the Cabot Westside Clinic and Samuel U. Rodgers Health Center in Kansas City, MO.

Urges consideration of a proposal by the North Dakota State College of Science in Wahpeton, ND, to conduct a consolidation of instructional facilities for allied health programs into one site in a rural area.

Urges the Centers for Disease Control to work with native Hawaiians to explore whether utilizing indigenous Hawaiian healing methods may impact the incidences of diabetes and asthma.

Encourages consideration of a proposal to establish a dedicated Human Islet Processing and Distribution Center by the Miami VA Medical Center, Jackson Memorial Hospital, and the University of Miami Diabetes Research Institute.

Urges National Institutes of Environmental Health Sciences to study the health aspects of volcanic emissions.

Urges NIA to consider providing assistance to the West Virginia University's Year 2000 International Conference on Rural Aging.

Urges full consideration of a proposal by the Birmingham Alliance for the Mentally Ill Crisis Intervention Task Force in Jefferson County, AL.

Urges consideration of a proposal by the Institute for Responsible Fatherhood and Family Revitalization in Cleveland, OH, to replicate its program, and sets aside $300,000 for this project.

Urges consideration of a proposal from the Women's Institute for a Secure Retirement for pension counseling.

Urges $800,000 to be provided to assist in cataloging and preserving Pennsylvania's library of anthracite coal region.

Urges the Department of Education to provide $27 million in funding to 18 different colleges and universities for unspecified purposes.

Again, this report contains far fewer earmarks than any other appropriations report considered by the Senate this year. By my count, the total of the report language earmarks is approximately $35 million. Compared to the more than $10 billion in pork-barrel spending in the 10 previously approved bills, this is not a large sum.

But the problem with pork-barreling is that the average American does think that $35 million is a large sum. In fact, most Americans think that $35 million is quite a lot of money. I certainly do.

And the fact is that this is $35 million that was taken from the American people in the form of taxes. And now we, the representatives of the people, are earmarking these funds for special interest projects that do not necessarily reflect the needs or priorities of all or even a majority of the American people.

Mr. President, that is why pork-barrel spending is wrong. And that is part of the reason the American people hold the Congress is such low regard.

Again, my thanks to Senator SPECTER for exhibiting remarkable restraint in the spending priorities in this bill. I hope others will take his example to heart as we prepare to consider conference reports on the fiscal year 1998 appropriations measures.

I ask unanimous consent that a list of objectionable provisions in the bill be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN THE FISCAL YEAR 1998 LABOR-HHS APPROPRIATIONS BILL AND REPORT

BILL LANGUAGE

Section 506. Buy-America provisions (contained in almost all appropriations measures this year)

REPORT LANGUAGE

Earmarks

$1 million for a manufacturing technology training demonstration project in Mississippi which will educate technically competent new entrants into the work force and retrain the existing work force to adapt to technological innovation.

Funding for consideration for a multi-State implementation of models, such as the New Mexico Retail Association's Program for youth opportunities in retailing.

$3 million for the Samoan/Asian Pacific Island job training program in Hawaii.

$200,000 to the Vermont Department of Employment and Training to aid in the development of a high skills training consortia and a pilot project to begin training in targeted areas.

Language directing OSHA not to enforce methylene chloride regulations (except in certain circumstances) because small employers in the furniture stripping and foam manufacturing and fabrication industries are concerned about the cost of compliance and the assurance of the availability of OSHA compliance assistance.

$3.5 million for the Native Hawaiian Health Care Program.

$1.75 million to Hawaii for medical care for Hansen's disease patients in the State. The Committee has provided funding for the payment to Hawaii as a separate line item rather than part of the overall appropriations for Hansen's disease.

$2.045 million for the State of Hawaii for medical care and treatment in its hospital and clinic facilities ($295,000 above the administration request).

Funding for a community based intervention project for diabetes prevention in Gallup, New Mexico.

Funding to assist in the conversion of the Savannah River site cancer registry and the South Carolina State cancer registry into a single statewide registry.

Language noting that Alaska be treated favorably in the allocation of the increase provided for substance abuse centers.

Funding for a three year extension for the Temple University Hospital Ventilator Rehabilitation Unit.

Funding to continue the existing grant to the National Indian Council on Aging that increases Indian elder awareness and participation in the public policy issues that have direct impact on all of the Indian country.

$326,000 for the Central Montana Head Start Program to secure donations of surplus property.

$1 million for a Charlotte-Mecklenburg schools prekindergarten initiative for start-up costs and renovations.

Language stating that priority should be placed on supporting projects such as the House of Mercy in Des Moines, Iowa to promote self sufficient and independent living for runaway and homeless youth.

$130,000 should be made available to colleges and universities that have enrolled American Indian and/or Alaska Natives in masters degree programs in social work.

$260,000 for the National Asian Pacific Center on Aging to link the Asian Pacific aging community with other services and organizations.

An increase to the North Philadelphia Cancer Awareness and Prevention Program.

$1.4 million (unrequested) for the Bethune Memorial Fine Arts Center in Florida.

$4.25 million grant to the John F. Kennedy Center for the Performing Arts.

$1 million for the Very Special Arts Festival in Los Angeles, CA.

$500,000 for the University of Hawaii Center on the Family.

$500,000 for research on technology to be used by children with disabilities. The Committee believes that the University of Northern Iowa would be best suited to do this research.

$1.5 million for the Readline Program. The Committee notes that the Greater Washington Educational Telecommunications Association is well-suited to handle this research.

$4.2 million for the Hawaiian higher education program.

$500,000 for the University of Hawaii at Hilo Native Languages College.

$500,000 for the Native Hawaiian education council and island councils.

$7.1 million for family-based education centers.

Words of encouragement and support

Encourages support from discretionary funds, to the Kauai Cooperative Extension Service to train dislocated sugarcane workers.

Requests that the Secretary consider funding for next fiscal year for at risk youth in Rhode Island and Delaware.

Encourages the Department to expedite consideration of a request by the Iacocca Institute for funding to create a work force development education curricula.

Urges full and fair consideration of a proposal by the Eisenhower Foundation to employ welfare recipients in high tech industries.

Recommends funding for a native Hawaiian initiative which provides tutoring for high risk youth residing in rural communities.

Urges that $5 million be provided in Job Training Partnership Act to be used for adults in Hawaii and Alaska Community Colleges.

Encourages full and fair consideration of proposals by the Cabot Westside Clinic and Samuel U. Rodgers Health Center in Kansas City, MO.

Encourages utilization of the expertise and resources of the universities in the Pacific region in providing training, technical assistance and program evaluation in Hawaii to address the health needs of Hawaii's underserved.

Encourages full and fair consideration of a proposal to provide rural clinical experiences to eligible residents of the States of Washington, Alaska, Montana, and Idaho.

Encourages full and fair consideration of a proposal by the Connecticut Children's Medical Center.

Encourages full and fair consideration of a proposal by the University of South Alabama to initiate the Southwest Alabama Network for Education and Telemedicine.

Urges consideration of a proposal by the State of Vermont to conduct a telemedicine demonstration project.

Urges the HRSA to focus attention on the shortage of emergency and medical services for children in Alaska and Hawaii.

Urges support for the efforts of the National Organization of Concerned Black Men, Inc. Of Philadelphia, PA to enhance the involvement of African American men in family planning, pregnancy prevention, parenting skills and fatherhood responsibility.

Urges consideration of a proposal by the McLaughlin Research Institute of Great Falls, MT to undertake biomedical research.

Urges consideration of a proposal by the North Dakota State College of Science in Wahpeton, ND to conduct a consolidation of instructional facilities for allied health programs into one site in a rural area.

Urges expeditious consideration of a proposal by the Carolinas Health Care System of North Carolina to establish the Carolinas Community Health Institute.

Urges consideration of a proposal by the Sacred Heart Hospital in Allentown, PA to optimize the delivery of health care services to the underserved in the region.

Urges consideration of a proposal by the Lehigh Valley (Pennsylvania) Hospital and Health Network's effort to construct a center which provides geriatric care, adolescent health services and general prevention services.

Urges consideration of a proposal by the Associates in Medicine Program at Columbia University in New York City to provide medical care to inner-city neighborhoods.

Urges strong consideration of a proposal by the University of Alabama at Birmingham for construction of an outpatient facilities at a genetic counseling, patient care, and research center.

Encourages consideration of support for research by the Thomas Jefferson University Center for Biomedical Research in collaboration with the Delaware Valley College involving research on plant-delivered oral vaccines.

Urges careful consideration to a one-time reprogramming request from funds provided for immunization activities that would allow construction of a new infectious disease laboratory project.

Urges the CDC to work with Native Hawaiians to explore whether utilizing indigenous Hawaiian healing methods may impact the incidences of diabetes and asthma.

Encourages the CDC to work with NINR and NIEHS to determine the environmental, physical, and mental effects of volcanic emissions in Hawaii.

Encourages the CDC to support MALAMA, a partnership program which addresses the prenatal needs of minorities in rural Hawaii.

Encourages the CDC to support an extension of a project at the University of New Mexico involving fetal alcohol syndrome.

Encourages the Director of the CDC to consider supporting the efforts by Newark, NJ to combat teen pregnancy, low birth weight babies, and infant mortality.

Encourages continued research in the area of cancer in minorities such as that done at the Hawaii Cancer Center.

Encourages the NIDDK to develop a targeted diabetes prevention and treatment program and encourages the CDC to work with native American, native Hawaiian and native Alaskan groups for this program.

Encourages consideration of a proposal to establish a dedicated Human Islet Processing and Distribution Center by the Miami VA Medical Center, Jackson Memorial Hospital, and the University of Miami Diabetes Research Institute.

Encourages the creation of a position for a senior program officer with specific responsibility for the coordination of the NIH-wide Parkinson's research program.

Encourages the NIAID to continue working with the Jeffrey Modell Foundation on both research and public education endeavors.

Encourages the NIAID to give consideration to research conducted at the Public Health Research Institute on infectious diseases.

Encourages the NICHD to give consideration to projects to create community-based centers designed to strengthen families in multi cultural environments.

Urges the NIEHS to continue to collaborate with NINR to study the health aspects of volcanic emissions in Hawaii.

Recommends the advancement of establishing a center focusing on natural marine toxins. Notes the unique work being done at a Miami NIEHS center.

Urges the NIA to consider providing assistance to the West Virginia University's Center on Aging' year 2000 International Conference on Rural Aging.

Encourages the NIA to work with organizations such as the National Asian Pacific Center on Aging to provide for the underserved and isolated senior groups.

Encourages the NINR to ensure that research efforts extend to the health care needs of racial and ethnic populations, such as, native Hawaiians.

Encourages NIDA to work with existing native American organizations to increase the effectiveness of sobriety programs.

Encourages the National Institute of Mental Health to initiate a workshop and consider supporting an additional service delivery research center to eliminate the stigma associated with seeking mental health services in rural areas.

Strongly urges the NIH to consider a proposal from the University of Colorado Health Sciences Center regarding the collocation of the cancer center research and clinical facilities in Aurora, CO.

Encourages consideration be given to support the Florida based Batchelor Children's Research Center to develop a children's biomedical facility in Miami.

Urges consideration of a proposal by the School of Pharmacy at the University of Montana.

Requests that the National Center for Research Resources recognize the University of Alaska as a minority school for the purposes of qualifying for support under its Research Centers in Minority Institutions Program.

Requests that consideration be given to a request for Federal funds by the Children's Hospital and Medical Center of Seattle for its large medical laboratory equipment needs.

Encourages consideration be given to providing funding for the University of Miami's International Center for Health Research's work on diseases transported from air travelers and migration from Latin America and the Caribbean.

Encourages the Director of the NIH to give consideration to a proposal by the Seattle Indian Health Board's American Indian Family Practice Residency Program. This involves a 3-year program that recruits and trains family practice physicians into service to American Indian and Native Alaskan populations.

Urges full consideration of a proposal by the Birmingham Alliance for the Mentally Ill Crisis Intervention Task Force of Jefferson County, AL.

Urges the funding of training projects that foster cultural competencies, a diverse work force, collaboration among disciplines, and that promote the use on interdisciplinary service delivery models especially in rural areas such as Hawaii.

Urges consideration of a proposal by St. Louis 2004, a group located in St. Louis MO, to provide expanded coverage to uninsured individuals.

Urges consideration of a proposal by the National Asian Pacific Center on Aging to increase Indian elder awareness.

Recommends that HCFA provide additional funds for a demonstration project to address the access, delivery system, and financing issues related to predual eligible and dual eligible minority adults.

Urges consideration of a proposal by the Wills Eye Hospital in Philadelphia to establish a demonstration project in opthamology.

Language encouraging the Administration for Children and Families to develop a demonstration project to evaluate the effectiveness of a family-centered model for the treatment of child-sexual abuse like the one operated in Louisville, KY.

Urges consideration of proposal by the Institute for Responsible Fatherhood and Family Revitalization in Cleveland to replicate its program, and sets aside $300,000 for this purpose.

Encourages the use of $350,000 for the Alaska Federation of Natives to conduct a study an further approaches to implement recommendations of the Alaska Natives Commission.

Urges the native Hawaiian grantee to coordinate with the Lunalilo Home in Hawaii regarding the continuing to tailor nutrition services that are appropriate to the circumstances associated with the served population.

Urges consideration to a proposal from the Women's Institute for a Secure Retirement for pension counseling.

Urges the Secretary on Aging to provide $350,000 for each of the national resource centers serving native American elders in fiscal year 1998.

Encourages full consideration of support by the Office of Public Health and Science for a partnership between the University of Miami and Florida State University.

Encourages assistance in the planning of a new children's hospital in the Bronx.

Encourages sustaining a demonstration project at the Meharry Medical College of Nashville, TN.

Urges that consideration be given in the awarding of technology grants to school districts such as the Houston Independent School District.

Requests reconsideration of the determination that three school districts, which previously received too much federal aid, must pay it back to the Department of Education. Two in Texas and one in New Jersey.

Requests better funding for the Centennial School District in Warminster, PA.

Urges the Dept. of Education to work to rectify a problem that the Portsmouth School District in Rhode Island is having with attaining impact aid payments.

Urges the Department to initiate discussions on a new facility for the Fort Belknap Reservation in north central Montana.

Asks the Department of Education to approve a grant application by the Seattle School District for funding under the Magnet Schools Assistance Program.

Urges the Dept. of Education to provide $500,000 for workshops in aquaculture/education for high school students and teachers in Hawaii.

Favors the expansion of Native Hawaiian agriculture partnerships and stresses that the Hawaii Institute of Tropical Agriculture and Human Resources is especially suited to assist in the expansion of this program.

Urges that assistance should be made available for a partnership between Partners in Development (a Hawaii nonprofit corporation) and an appropriate nonprofit organization with expertise in sustainable waste treatment methods.

Urges the Dept. of Education to provide $1.8 million for children with disabilities, particularly in the Mississippi River Delta.

Urges the Department to provide $1 million to support assisted living programs at The Good Shepherd Rehabilitation Hospital in Lehigh County, PA.

Urges the Department to use $1.5 million for a demonstration program to develop work force skills for audio visual communications. The Educational Communications Foundation should carry out this project.

Urges the Dept. to provide $1 million for a competition among post secondary institutions. Pennsylvania Institute of Technology would be well suited to administer such a competition.

Urges the director of the Institute of Museum and Library Services to provide $1 million for an Internet demonstration project to be done by the University of Montana and Montana State University.

Urges $1 million for a digitalized card catalog for the New York Public Library.

Urges funds be provided for museums in Philadelphia, Baltimore, and Boston. The Committee urges $4 million for such programs.

Urges $800,000 be provided to assist in cataloging and preserving Pennsylvania's library of anthracite coal region.

Urges the Social Security Administration of North Carolina to maintain a physical presence in the office in Statesville, NC for a minimum of 2 days.

Urges the Department of Education to provide the following:

$1 million to Prairie View A&M University in Texas for incoming college freshmen who are at risk of not finishing college.

$1 million to The Vermont Science and Education Center in St. Albans, VT.

$2 million to the Community College in Onslow County, NC and the University of North Carolina at Wilmington.

$2 million for the Empire State College in New York and Rutgers University in New Jersey.

$180,000 to North Dakota State University.

$1 million to a consortium of Kansas universities.

$1 million to Bryant College in Smithfield, RI.

$300,000 for the University of New Mexico.

$2 million to Missouri State University.

$500,000 to the Advanced Technical Center in Mexico, MO.

$2 million to the Pennsylvania Telecommunications Exchange Network.

$1 million for a joint venture between the Newport News Public Schools System and the city of Newport News.

$1 million to the University of Pennsylvania.

$1 million for science enrichment for 9th and 10th grade minority girls.

$3 million to several Iowa school districts.

$5 million for the State of Washington Office of the Superintendent of Public Instruction.

$2 million for the Pennsylvania Consortium for Higher Education.

$1 million to the National Science Center Foundation in Augusta, GA.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

SMALL BUSINESS REAUTHORIZATION ACT OF 1997

Mr. BOND. Mr. President, with sincere thanks to my colleague from Washington, I ask unanimous consent that the Senate proceed to the consideration of S. 1139.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1139) to reauthorize the programs of the Small Business Administration, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1124

Mr. BOND. Mr. President, on behalf of myself and Senator KERRY, I have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Mr. Missouri [Mr. BOND], for himself and Mr. KERRY, proposes an amendment numbered 1124.

Mr. BOND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is located in today's RECORD under "Amendments Submitted.")

Mr. BOND. Mr. President, I rise today in support of S. 1139, the Small Business Reauthorization Act of 1997. This bill is the product of the hard work of the members of the Committee on Small Business. In particular, Senator JOHN KERRY, the committee's ranking member, has been extremely helpful and supportive in our joint efforts to produce this legislation.

The Small Business Reauthorization Act of 1997 reauthorizes most of the credit and noncredit programs at the Small Business Administration. On June 26, 1997, the committee conducted a markup of this bill and voted 18 to 0 to report the bill favorably to the full Senate.

In addition to reauthorizing the SBA programs that we are most familiar with, S. 1139 addresses two significant issues: Federal contract bundling and the HUBZone Program.

The bundling of Federal Government contracts requirements is a trend that is increasing in the Federal procurement system. Small business owners have testified before the Committee on Small Business about the negative impact contract bundling is having on their ability to bid on Government contracts. The manager's amendment to the bill includes an amended version of the contract bundling section that was worked out in close consultation with Senator THOMPSON and Senator GLENN, the chairman and ranking member of the Committee on Governmental Affairs.

The manager's amendment clears up any misunderstanding over what is a bundled contract. The legislation makes clear that a bundled contract solicitation is one in which "two or more procurement requirements for goods or services previously provided or performed under separate smaller contracts" are consolidated into one larger, bundled contract. This language covers contracts that were previously performed by a small business and those that were suitable for award to small business concerns.

The amended contract bundling section builds on the authority of the Small Business Administration to challenge a Federal agency's decision to consolidate or bundle two or more contracts into a large contract. In 1989, Congress gave specific authority to SBA's procurement center representatives to challenge a decision to bundle multiple contract actions. Importantly, under the 1989 law, the SBA Administrator was given the authority to appeal a decision to bundle contract actions directly to a Cabinet Secretary or agency head if the SBA representative and the contracting agency are not able to resolve their differences. The manager's amendment to S. 1139 adds some additional features and procedures, and today's legislation does not weaken or displace the fundamental authority of SBA.

I thank both Senator THOMPSON and Senator GLENN and their staffs for their cooperation in helping us to address certain issues within the jurisdiction of the Governmental Affairs Committee relating to the Federal procurement system and governmentwide acquisition policy. I believe the contract bundling section included in the manager's amendment will help our efforts to be fair to small businesses by limiting contract bundling where it is unnecessary and unjustified.

S. 1139 also includes the full text of S. 208, the HUBZone Act of 1997, in the form in which it was approved by a unanimous 18 to 0 committee vote. This initiative is designed to stimulate economic development in America's most disadvantaged urban and rural communities and make welfare to work a reality.

The HUBZone provisions will make it easier for small businesses located in and hiring employees from economically distressed regions across the country to obtain Government contracts. The measure will benefit entire communities by creating meaningful incentives for small businesses to operate and provide employment within our Nation's most disadvantaged inner-city neighborhoods and rural areas.

To be eligible for special Federal contract consideration, a business must be small, must be located in a historically underutilized business zone [HUBZone], and must hire not less than 35 percent of its work force from a HUBZone. For these distressed areas, HUBZones would result in the immediate infusion of sorely needed capital as more and more businesses—both startups and existing enterprises—relocate into HUBZone areas in order to improve their chances of receiving Federal contract awards.

Importantly, the HUBZone Program will help accomplish an important objective of welfare reform by providing jobs for individuals who want to move from welfare to work in the very neighborhoods where many public aid recipients currently live.

The Small Business Reauthorization Act of 1997 is the culmination of hearings held by the Committee on Small Business beginning in early 1995, and continuing into June 1996, just prior to the committee markup. The bill includes new authorization ceilings for the credit programs, including the 7(a) Business Loan Program, the Small Business Investment Company [SBIC] Program, and the 504 Certified Development Company Program. In addition, the bill makes the Microloan Program permanent, while extending the guaranteed loan pilot for 3 years.

S. 1139 will make important changes in the SBIC Program to permit manageable program growth while strengthening SBA's oversight of the program. The bill gives SBA the option to make 5-year leverage commitments, which would conform the program to typical investment strategy patterns. In addition, the bill permits SBA to use fees collected from SBIC's for licensing and examinations to offset the agency's costs to perform these necessary functions.

The bill also sets fees to be paid by borrowers and lenders under the 504 Development Company Program. These fees are paid in lieu of Congress appropriating public funds to compensate for the Government's loss exposure as determined by the credit subsidy rate. S. 1139 provides that the fees paid by the borrowers will be reduced should the credit subsidy rate decline.

The committee's report addresses some of the operational problems confronting the popular 7(a) Guaranteed Business Loan Program. Since I became chairman of the Committee on Small Business over 2½ years ago, the credit subsidy rate, which determines the level of Government loss exposure for loans guaranteed under this program, has fluctuated widely. Information and calculations which determine the subsidy rate are often not provided to Congress, the Congressional Budget Office [CBO], or the public. SBA and the Office of Management and Budget must do a more thorough and accurate job in determining subsidy rate estimates. With this improved flow of documentation, CBO needs to become much more engaged early in the process when SBA and OMB make initial subsidy rate estimates in order that Congress can be assured that the annual estimates submitted with each fiscal year's budget request are accurate and reflect that best available data and assumptions.

S. 1139 recognizes the growing contributions women-owned small businesses are making in our economy. Testimony before the Committee on Small Business has highlighted the importance of business loans and venture capital to ensure the growth of women-owned businesses. Additionally, testimony and evidence brought to the attention of the committee also indicates the failure of the Federal Government to meet the annual 5-percent goal for awarding prime contracts to women-owned small businesses. In fact, over the past 2 fiscal years, the volume of these contracts has decreased.

The Small Business Reauthorization Act of 1997 strengthens the role of key Federal organizations that are supposed to help women business owners: SBA's Office of Women's Business Ownership, the National Women's Business Council, and the Interagency Committee on Women's Business Enterprise.

The bill expands the list of Federal agencies and departments that serve on the Interagency Committee, and each agency's designee to the committee is required to report directly to the agency head on the committee's activities.

The bill seeks to reinvigorate the role of the Women's Business Council, which is designed to advise Congress and the executive branch, by involving more closely the Senate and House of Representatives in the activities of the council. The number of members on the council is expanded to 14 members from 9 members, with attention placed on rural as well as urban representation on the council.

Most significantly, the bill adopts the text of S. 888, the Women's Business Centers Act of 1997, introduced by Senator DOMENICI and of which I was a principal cosponsor, along with Senator KERRY. The bill increases the program authorization level for creating new Women's Business Centers to $8 million per year from $4 million per year. In addition, it will permit grantees receiving funds under the program to remain in the program for 5 years, an increase of 2 years over the existing program. In adopting this program, the committee recognized there are many States with Women's Business Center sites, and the expanded program is designed to give SBA the flexibility to fund sites in those States.

The bill recognizes the central role played by SBA's Office of Women's Business Ownership in overseeing and coordinating Government support for women-owned small businesses. In addition to overseeing the expanded Women's Business Centers grant program, the OWBO and staff in each district and branch office within SBA serve critical roles in focusing on the problems confronted by women business owners.

The bill recognizes the expanding role of the Small Business Development Center program by increasing its responsibilities to assist small businesses to understand better how to deal with regulatory questions and problems. In addition, the bill provides increases in the base funding levels for SBDCs and sets a minimum floor for Federal funding of $500,000 annually for each SBDC.

S. 1139 also extends other important SBA programs, such as SCORE, which provides counseling opportunities for small businesses by retired executives, the Small Business Technology Transfer [STTR] Program, the Small Business Competitiveness Demonstration Program, the Preferred Surety Bond Program, and SBA's cosponsorship authority.

Mr. President, this is an important bill for all our small businesses in the United States, and I urge my colleagues' strong support for its final passage.

Mr. KERRY. Mr. President, I rise in support of the passage of the Small Business Reauthorization Act of 1997. With the passage of this bill the Senate will show its support for the very important work of the U.S. Small Business Administration. Each year SBA programs assist more than 1 million American small businesses through direct loans, loan guarantees, business counseling and training, and procurement assistance. Following a series of hearings this spring, the Committee on Small Business voted unanimously for the provisions contained in this bill on earlier this summer. There is much in this bill that we can all be proud of and happy to support. In addition to the continued support of such SBA programs as the 504 Community Development Company and 7(a) Guaranteed Business Loan Programs, the Committee has elevated the SBA's Microloan Program from demonstration to permanent status and introduced new provisions that will benefit small businesses: the HUBZone Act and the Microloan Welfare-to-Work pilot project.

Title I includes the authorization levels for the various programs being reauthorized in this bill. Title II addresses the Microloan, Small Business Investment Company, and Certified Development Company programs. Title III deals with a very important sector of small businesses, women's business enterprises. Included in this section is a provision increasing the authorization for women's business centers. Title IV addresses the Small Business Competitiveness Demonstration Program and a critical issue for small businesses: procurement opportunities. Title V contains provisions supporting the Small Business Technology Transfer [STTR] Program, Small Business Development Centers, and the pilot preferred surety bond guarantee program. Finally, title VI creates a new SBA program, the HUBZone Program that extends contracting opportunites to small businesses located in the poorer areas of our country.

Mr. President, it is a fact that small business owners often are not served by traditional lending services. SBA operates several programs designed to fill this lending void and extend assistance to this critical segment of the American economy. From the Microloan Program which makes loans only in amounts of less than $25,000 to the 504 program where loan guarantees can be as high as $1,250,000, SBA programs meet a critical need for our country's entrepreneurs. Accordingly, I am pleased with the support the committee has shown by authorizing adequate funding levels for most SBA programs. The 7(a), 504, Small Business Investment Company, Delta and SCORE programs were all authorized at or above the administration's requests. All of these programs are critical to the continued effectiveness of the Small Business Administration and for the future of small business development in our country.

The SBA's Microloan Program has been a tremendous success since its inception in 1991. Since its authorization, this program has provided technical assistance and made over 5,800 loans totaling over $60 million to small businesses in our country. The Microloan Program authorizes intermediary lenders to provide loans under $25,000 to small businesses and to provide the business owners with technical assistance on how to run their business more effectively. There are 103 microloan intermediaries located in 46 of our 50 States, including 5 in my home State of Massachusetts. Forty-three percent of microloans go to women-owned businesses, 39 percent to minority-owned businesses, and 11 percent to veteran-owned businesses.

The results could not be more stunning. The Microloan Program has been so successful that there has only been one default of a loan to an intermediary in the years it has been in operation. Because of its demonstrated success, the committee chose to elevate the Microloan Program from demonstration status to a permanent part of the SBA portfolio of programs and to authorize $28 million per year for each of the next 3 years for the essential technical assistance grants. After listening to the testimonies of witnesses on the importance of technical-assistance to microloan borrowers, it is clear that the support of the direct loan portion of the program requires supporting the technical assistance portion. The borrowers will not be able to utilize the direct loans properly without first learning how to manage their businesses. I am pleased that the Microloan Program is receiving support from the committee and hope that we will continue to support the important technical assistance component in the future.

Another section of this bill will assist many small businesses nationwide. The Women's Business Center provision was originally introduced by Senator DOMENICI and cosponsored by Chairman BOND and myself along with all the Democratic members of the Small Business Committee. Section 306 makes the Women's Business Center program permanent, doubling the funding for the program to $8 million for each of the next 3 years, and extends eligibility for awardees from 3 to 5 years. Women-owned businesses comprise one-third of all American companies, contribute more than $1.5 trillion to the U.S. economy and employ more people than Fortune 500 companies. The changes made by this bill will better enable organizations, such as the Center for Women & Enterprise, Inc., in Boston, to continue offering the services that help women-owned businesses thrive.

This bill also reauthorizes the Small Business Technology Transfer [STTR] Program for 6 more years. In July, I had the opportunity to cohost with the Small Business Administration a conference on STTR in Cambridge, MA, with representatives of my State's high-technology small business companies. These businesspeople expressed their belief that the STTR Program has been an unqualified success in meeting the goals established for it by Congress 5 years ago: to ensure that the federally funded research conducted in America's nonprofit institutions is given an outlet through small businesses to be turned into commercial products. That commercialization increases the American job base, helps our economy, and allows American businesses to compete with overseas rivals. I was proud to be the sponsor of the original legislation reauthorizing the STTR Program for 6 more years and I'm very happy that it has been included in this bill.

Many sections of the Small Business Reauthorization Act establish new levels of flexibility for the SBA to administer their programs. For example, investment restrictions on Small Business Investment Companies [SBIC's] have been relaxed to allow greater investment in the SBIC's by commercial banks. SBIC's will also now be allowed to make quarterly distributions to its investors. This may not sound important to many people, but allowing quarterly distributions as opposed to yearly or biyearly makes it easier for the SBIC's investors to meet their quarterly tax requirements. Therefore, an investment in an SBIC is a more attractive investment. Attracting more investment helps the SBIC help more small businesses.

The committee has given SBA more authority in the selling of debentures.

Instead of requiring a sale every 3 months, SBA now must sell only every 6 months but can hold sales earlier if adequate demand exists. This change is also aimed at making the SBA's assets more attractive to investors and therefore, at attracting more favorable market prices. Microloan lenders are also given more flexible rules for their loan loss reserves. After a microloan lender has been in the program for at least 5 years, they will be allowed to carry a loan loss reserve equal to the greater of 10 percent or twice that lender's historical loan loss rate. This provision frees up more resources for many lenders to make more loans and provide a greater boost to the economy. All of these changes have been undertaken in an effort to allow the SBA to run in a more businesslike, market-responsive manner. I am pleased to support these changes and look forward to the progress that SBA will show in the coming years.

A new program authorized through this bill is the Welfare-to-Work microloan Pilot Program. I originally introduced this legislation to build on the successes of the Microloan Program by providing additional training and support for some of today's welfare recipients so that they may be tomorrow's business owners. The bill authorizes $4, $5, and $6 million over each of the next 3 fiscal years for this purpose. At a hearing on the Microloan Program last month, members of the committee heard testimony that demonstrated how it is possible for welfare recipients to become successful entrepreneurs given the proper technical assistance training. At that same hearing, Mr. John Else of the Institute of Social and Economic Development in Iowa told the committee about the remarkable success rate they have with their microloan clients. These clients, mostly welfare recipients and other low-income people, had a 70-percent success rate which is an astounding contrast to the high failure rate for startup businesses. So the committee believes the goals of the Welfare-to-Work Pilot Program are attainable. I believe it is time that we give welfare recipients across the country the opportunity to succeed by expanding the mission and scope of the Microloan Program.

Finally, I thank the chairman of the Senate Small Business Committee, Senator BOND, for his efforts throughout the reauthorization process that have resulted in a very productive and effective bill. His support for SBA programs is demonstrated through his willingness to make sure that the effectiveness of these programs continues by adequately funding them. A provision included in the reauthorization bill which was initiated by the chairman and which I cosponsored after the chairman agreed to certain improvements, is the historically underutilized business zone or HUBZone bill. Its stated purpose of assisting companies in economically depressed areas is a worthy goal that gained widespread support on the committee. Through HUBZones, more contracting opportunities will be available in the poorest areas of our country. This is definitely another strike against impoverished regions and a further opportunity for American small businesses. I am pleased that is was included in the committee bill.

Mr. President, our Nation's small businesses are the backbone of our economy. By supporting the Small Business Reauthorization Act, my colleagues have demonstrated their support for our Nation's small businesses and their commitment to our future.

Mr. COVERDELL. Mr. President, as the Senate considers the Small Business Reauthorization Act of 1997, S. 1139, I rise to express my thanks to Senator BOND for his leadership on behalf of small business. As many of us have stated in the Senate, small businesses today face the daunting task each day of meeting their payrolls, providing a quality work environment for their employees, and remaining competitive. All the while, they strive to comply with a myriad of regulations and struggle to satisfy the tax burden government imposes upon them.

The Committee on Small Business held a hearing earlier this year regarding women-owned business. The committee members heard testimony that, in 1996, women-owned businesses employed 1 out of every 4 workers, totaling 18.5 million employees. Last year, these businesses accounted for an estimated $2.3 trillion in sales. Increasingly, women are becoming small business owners and according to the National Foundation of Women Business Owners, the growth of these women-owned small businesses outpaced overall business growth nearly 2 to 1. In Georgia alone, there are 143,045 women-owned businesses, both full and part-time. Women are a vital force in our economy, and we need to do more to remove the obstacles that are in their way.

This leads me to think about Carolyn Stradley, a truly remarkable Georgian from Marietta. She offered testimony before the Small Business Committee where she described her experience as an entrepreneur. From humble beginnings, she started and built her own paving business over many significant obstacles. Unfortunately, chief among these obstacles was, and continues to be, the Federal Government.

I believe support for women-owned small businesses is important. Such entrepreneurship has provided a vital means for many to break the cycle of poverty created and sustained by the welfare state. As we strive for welfare reform, small businesses and entrepreneurship provide an important avenue for many.

Mr. President, at this point in my statement, I would like to take the opportunity also to thank Senator BOND for his cooperation and sensitivity to the concerns of women-owned small businesses. This legislation before us authorizes the National Women's Business Council with the resources it needs to help women entrepreneurs. I was pleased to have worked with my good friend and fellow Georgian, Senator MAX CLELAND, in committee to ensure the Council received this critical support.

Mr. President, I ask unanimous consent that a letter from Ms. Carolyn Stradley be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

C&S PAVING, INC.,
Marietta, GA, July 29, 1997.

Hon. PAUL COVERDELL,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR COVERDELL: Thank you so much for your support of the National Women's Business Council. I truly appreciate your efforts.

As you know, women entrepreneurs rely on the Council to get a "seat at the table" in the decision making process. The Council has successfully raised the profile of women business owners and taken our views to the Senate, House and Administration. In addition, the Council has helped us build an infrastructure to support women's entrepreneurship and the growth of women owned enterprises. Until women business owners are fully integrated into the process, the role of the National Women's Business Council is critical to our growth and survival.

As a result of your advocacy, the Council received an increased budget authorization for fiscal year 1998. In addition, the amendment offered by you and Senator Cieland during the Small Business Committee markup of the Small Business Reauthorization bill granted the Council a research budget of $200,000. With these additional funds, the Council can continue to be an effective voice for women entrepreneurs within the federal government and engage in seriously needed research on women business owners.

It has been a pleasure working with Morris Goff. We have greatly appreciated his hard work and counsel throughout this process. Once again, thank you for your leadership on this issue. I knew we could count on you.

Sincerely,
CAROLYN STRADLEY,
President.

Mr. COVERDELL. Mr. President, I also thank Chairman BOND for including S. 925, the Women's Small Business Programs Act of 1997 that I introduced earlier this year, in the Small Business Reauthorization Act of 1997. My proposal will expand the pool of resources available to women-owned small businesses and would allow women business development centers to enter into contracts with other Federal agencies and departments to provide specific assistance to small business concerns.

Far too often our Government serves as a roadblock to small business men and women. Taxes are too high, regulations are too complex, the costs of doing business are through the roof. It is time we did something to help our Nation's working women.

Mr. CLELAND. Mr. President, I am proud to offer my support for the Small Business Administration reauthorization. I am extremely proud to be a part of the Small Business Committee and, I appreciate the work of my chairman and the ranking member for their hard work and for working together to resolve all of the outstanding differences on the details of the bill. I also thank so many of the staff for their hard work.

Mr. President, there are several things I want to highlight in this legislation. First, I want to offer my strong support for the Welfare-to-Work Microloan Pilot Program. Many times, good men and women have come to this floor in support of programs and opportunities that aspired to do great things for those who needed it most. Some of those initiatives have gone on to become great public endeavors. I am proud to support such an endeavor, one that I believe will inspire and offer hope to Americans that truly want to break the cycle of poverty and build a business of their own. This program puts our money where our mouths are. It provides upfront technical assistance for business planning, loan application assistance, and development of sound business skills for people who we can provide a ladder of opportunity rather than just the same old welfare system. If we want to stand strong behind the notion that public assistance should be a hand up, not a hand out, we must pro-actively seek out ways to provide meaningful job opportunities for welfare recipients. This program is a step in the right direction.

This program targets traditionally under-served Americans and gives them tools they can use to, not only take themselves off of the welfare rolls, but provide job opportunities in areas of the country that are desperate for job growth. This legislation has been tried and shown great promise. With 2.8 million Americans moving off of welfare, the potential for this program is obvious. It's the kind of investment that can return much, much, more than what we put in. Let me add just a few more points. The average microloan to an individual is $10,800, not a lot of money by Washington standards, but to the man or woman who just wants an opportunity to change the direction of their life and that of their loved ones, it may make all the difference in the world.

I also offer my support for the SBA's Small Business Technology Transfer Pilot Program. This important program builds on past successes of further advancing increased commercialization of federally funded research projects.

Finally, Mr. President, I want to say how proud I am of the National Women's Business Council and the work that they have done. I am honored to have worked with Senator COVERDELL and thank him for helping to obtain funding for this important organization and the work that they do on behalf of women. I further add that Anita Drummond on the minority staff and Suey Howe on the majority side were particularly helpful in this effort and should be commended for a job well done.

All in all, there are many provisions in this legislation that I am proud to have had a part in crafting. I look forward to even more success on a bipartisan basis from within the committee, from the SBA and from the small business community in tackling the problems facing small businesses. I look forward to the work ahead. I thank my colleagues and I thank the chair.

Mr. DOMENICI. Mr. President, I submit for the RECORD a cost estimate prepared on August 8, 1997 by the Congressional Budget Office for S. 1139, the Small Business Reauthorization Act of 1997, which was reported on August 19, 1997. The report of the Committee on Small Business states that the committee does not agree with the CBO estimate and therefore the committee did not include the CBO estimate in its report. The Congress and the Budget Committees must rely on independent cost estimates from the Congressional Budget Office for reported legislation. From time to time, I too have disagreed with CBO cost estimates. I ask unanimous consent to print in the RECORD the official CBO estimate for S. 1139.

There being no objection, the estimate was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

SMALL BUSINESS REAUTHORIZATION ACT OF 1997

Summary: The bill would authorize appropriations for fiscal years 1998 through 2000 for the Small Business Administration (SBA) and would make a number of changes to SBA loan programs and programs establishing preferences for government contracting.

Assuming appropriation of the necessary amounts, CBO estimates that enacting this legislation would result in new discretionary spending of at least $4.4 billion over the 1998–2002 period. Of this total, $570 million is from amounts specifically authorized in the bill for SBA programs—primarily for administrative expenses. The remaining $3.8 billion would be primarily for the subsidy costs of SBA loan programs.

The costs include $13 million over the 1998–2002 period for other federal agencies to carry out existing federal procurement programs reauthorized by the bill. Implementing the HUBZone program that the bill would create would also increase costs to other federal agencies. While we cannot precisely estimate the impact of the new program at this time, its costs could be at least several million dollars annually.

CBO estimates that enacting the bill also would result in an increase in direct spending of $1 million in fiscal year 1998 and $5 million over the 1998–2002 period. Because the bill would affect direct spending, pay-as-you-go procedures would apply.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) of 1995 and would impose no costs on state, local, or tribal governments.

Description of the bill's major provisions: Title I would establish maximum levels for small business loans to be made by the SBA in 1998, 1999, and 2000. It also would authorize appropriations for the Service Corps of Retired Executives (SCORE), technical assistance grants to microloan recipients, and certain activities of the Small Business Development Centers (SBDCs). Title I also would authorize such sums as may be necessary for the disaster loan program and for administrative expenses necessary to carry out the Small Business Act and the Small Business Investment Act.

Title II would establish a Welfare-to-Work Microloan Pilot Program and would authorize the appropriation of $12 million of the 1998–2000 period for the SBA to carry out the program. The title also would convert the direct microloan program from a demonstration program to a permanent program and would extend the authorization for the microloan guarantee program through fiscal year 2000. (The microloan program provides technical assistance and loans ranging from $100 to $25,000 to very small businesses.) In addition, Title II would modify several SBA guaranteed loan programs and would allow the SBA to charge fees to certain borrowers.

Title III would authorize the appropriation of $1.2 million over the 1998–2000 period for the operations of the Interagency Committee on Women's Business Enterprise and the National Women's Business Council. The title would require the National Women's Business Council to conduct two studies on federal procurement practices and would authorize the appropriation of $200,000 to carry out the studies. In addition, the title would authorize appropriations of $8 million per year for grants to Women's Business Centers.

Title IV would extend the authorization for the Small Business Competitive Demonstration Program and the Small Business Participation in Dredging Program through fiscal year 2000. The title also would modify the Small Business Procurement Opportunities Program to require federal agencies to review their attainment of small business participation goals and the effects of contract bundling on small businesses.

Title V would extend the Small Business Technology Transfer (STTR) Program through fiscal year 2003. Title V also would authorize the appropriation of $2 million in each of fiscal years 1998 through 2000 for the SBA to assist small businesses in certain states in securing Small Business Innovation Research and STTR awards. In addition, this title would make numerous changes to the SBDC program and would authorize the appropriation of $460 million over the 1998–2002 period for the SBDC program.

Title VI would create a new program, to be administered by the SBA, to provide federal contracting set-aside and preferences to qualified small businesses located in designated, economically distressed, urban and rural communities, or HUBZones. The bill would establish goals for awarding a percentage of all prime federal government contracts (beginning at 1 percent in 1999 and increasing to 3 percent in 2003 and subsequent years) to eligible HUBZone businesses. Title VI would authorize appropriations totaling $15 million for fiscal years 1998 through 2000 for SBA to carry out this program.

Estimated cost to the Federal Government: The estimated budgetary impact of implementing most of the bill's provisions is shown in Table 1. Estimated additional outlays total $4.4 billion over the 1998–2002 period. Nearly all of that amount is for SBA spending that is subject to appropriation. In addition, implementing the bill would increase other federal agencies' contracting costs to comply with the HUBZone provisions (Title VI), but CBO cannot estimate those additional costs with precision at this time.

Basis of estimate: For the purposes of this estimate, CBO assumes that the bill will be enacted by the end of fiscal year 1997 and that both the authorized and additional necessary amounts will be appropriated by the start of each fiscal year. Outlay estimates are based on historical spending rates for existing or similar programs.

Spending subject to appropriation

Most of the bill's budgetary effects would come from reauthorizing existing SBA programs (primarily for the subsidy costs of direct and guaranteed loans). The estimated amounts would be subject to appropriation action.

Loan programs

The bill would permit the SBA to make direct loans totaling $60 million in each of fiscal years 1998 through 2000. It would permit the SBA to (1) guarantee business loans totaling about $18 billion in 1998, $20 billion in 1999, and $23 billion in 2000, (2) make direct loans totaling $60 million in each of fiscal years 1998 through 2000, and (3) make an indefinite amount of disaster loans over the 1998–2000 period. Table 2 shows the loan levels authorized by the bill for SBA's business and disaster loans as well as the estimated subsidy cost and administrative expenses for those loans.

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF THE SMALL BUSINESS REAUTHORIZATION ACT OF 1997

	By fiscal years in millions of dollars—					
	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION[1]						
Spending Under Current Law:						
Budget Authority[2]	873	0	0	0	0	0
Estimated Outlays	820	299	65	21	9	0
Proposed Changes:						
Specified Authorization Level	0	151	157	163	103	103
Estimated Authorization Level	0	1,226	1,274	1,327	13	13
Total Authorization Level	0	1,377	1,431	1,490	116	116
Estimated Outlays	0	871	1,276	1,444	583	189
Spending Under The Bill:						
Authorization Level[2]	873	1,377	1,431	1,490	116	116
Estimated Outlays	820	1,171	1,341	1,465	592	189
CHANGES IN DIRECT SPENDING						
Estimated Budget Authority	0	1	1	1	1	1
Estimated Outlays	0	1	1	1	1	1

[1] All but approximately $15 million of the estimated amounts are for projected spending by the SBA. In addition to the amounts shown in the table, CBO expects that Title VI (HUBZone program) would impose significant costs on agencies other than the SBA, but we cannot estimate those costs at this time.

[2] The 1997 level is the amount appropriated for that year.

The costs of this legislation fall within budget functions 370 (housing and commerce credit) and 450 (community and regional development).

TABLE 2.—SBA LOAN LEVELS, SUBSIDY COSTS, AND ADMINISTRATIVE COSTS

	By fiscal years, in millions of dollars—				
	1998	1999	2000	2001	2002
AUTHORIZED-LOAN LEVELS					
Guaranteed and Direct Business Loans	18,200	19,950	22,650	0	0
Disaster Loans	1,543	1,543	1,543	0	0
LOAN SUBSIDY COSTS					
Guaranteed and Direct Business Loans:					
Estimated Authorization Level	350	380	421	0	0
Estimated Outlays	225	348	390	133	8
Disaster Loans:					
Estiamted Authorization Level	459	459	459	0	0
Estimated Outlays	230	413	459	230	46
LOAN ADMINISTRATION COSTS					
Guaranteed and Direct Business Loans:					
Estimated Authorization Level	94	97	100	0	0
Estimated Outlays	94	97	100	0	0
Disaster Loans:					
Estimated Authorization Level	164	169	174	0	0
Estimated Outlays	164	169	174	0	0

The Federal Credit Reform Act of 1990 requires appropriation of the subsidy costs and administrative costs for operating credit programs. (The subsidy cost is the estimated long-term cost to the government of a direct loan or loan guarantee, calculated on a net present value basis, excluding administrative costs.) The bill does not provide an explicit authorization for either the subsidy or administrative costs for the guaranteed, direct, or disaster loans.

Based on information from the SBA and on historical data for these loan programs, CBO estimates that the subsidy costs of guarantees for the authorized levels of business loans would be $344 million in 1998, $374 million in 1999, and $415 million in 2000. We estimate that the subsidy costs of the direct business loans would be $6 million for each of fiscal years 1998 through 2000. Based on recent administrative costs for the SBA's loan programs, CBO estimates that the administrative costs for the business loan programs would be about $94 million in fiscal year 1998, $97 million in fiscal year 1999, and $100 million in fiscal year 2000.

The estimated subsidy rates for business loans and guarantees range from 0.5 percent to 8.1 percent, but most are at 2 percent or less and the average for this estimate is 1.9 percent. The estimated subsidy rate for disaster loans is about 30 percent.

Assuming that demand for SBA's disaster loans over the next three years will be at the average historical rate for the past six years, CBO projects that the SBA would make disaster loans totaling about $1.5 billion in each fiscal year over the 1998–2000 period. CBO estimates that the subsidy costs of these loans would be $459 million in each fiscal year and that the administrative costs for the disaster loan program would be about $164 million in 1998, $169 million in 1999, and $174 million in 2000.

SURETY BONDS

The bill would authorize the SBA to guarantee up to $2 billion in surety bonds for small businesses in each of the fiscal years 1998, 1999, and 2000. Such guarantees are not considered loan guarantees under the definition in the Federal Credit Reform Act of 1990, and annual appropriations are required only to cover the net cash losses to the program within a given year. Based on information from the SBA, CBO estimates that the authorized level of activity would result in outlays of $4 million each year over the 1998–2000 period.

GOVERNMENT CONTRACTING PROGRAMS

The legislation would modify a number of government contracting programs administered by the SBA that provide set-asides or other incentives for small businesses competing for government procurement contracts. The costs to the SBA to administer these programs are generally small or insignificant but the programs result in additional costs to the Office of Federal Procurement Policy (OFPP) and various federal agencies.

Small Business Competitive Demonstration Program. The bill would reauthorize the Small Business Competitive Demonstration Program through fiscal year 2000. This program requires 10 federal agencies to establish contracting goals for small businesses in certain industries. CBO estimates that extending this program would cost each of the 10 participating agencies and the SBA less than $100,000 a year to report and compile the required data, assuming appropriation of the necessary amounts. Hence, we estimate a total annual cost of about $1 million for each year that the program is extended.

Small Business Participation in Dredging Program. Based on information from the Army Corps of Engineers, CBO estimates that extending the Small Business Participation in Dredging Program would cost less than $500,000 annually over the 1998–2000 period.

STTR Progam. The bill would extend this program's expiration date from 1998 through 2000. The STTR program requires federal agencies with annual appropriations for extramural research of more than $1 billion to set aside a specified percentage of their extramural research budget for cooperative research between small businesses and a federal laboratory or nonprofit research center. The costs of the STTR program to the participating agencies consist primarily of personnel, overhead, printing, and mailing expenses. Based on information from the affected agencies, CBO estimates that the costs of administering the awards would be about $1 million a year over the 1998–2000 period, assuming appropriation of the necessary amounts.

Small Business Procurement Opportunities Program. The bill would require federal agencies to follow certain procedures when bundling procurement contracts. Based on information from the OFPP, the SBA, and several other federal agencies, CBO estimates that the government would incur costs of about $2.5 million in fiscal year 1998 and $1.5 million a year in 1999 and 2000 to follow the procedures established by the bill. The costs to the federal government would be slightly higher in fiscal year 1998 because each federal agency would incur expenses to modify its reporting systems in order to track information on contract building.

HUBzone Program. The contracting goals and requirements that would be established by Title VI would apply to specified federal agencies, which make over 90 percent of all federal contract obligations (as of 1996). Assuming the federal agencies would attempt to meet the government-wide contracting goals establishing in the bill, and assuming appropriation of the amounts necessary to meet the increase in costs, implementing the HUBZone program would significantly increase discretionary spending. Such costs could total tens of millions of dollars each year, but CBO cannot estimate such costs precisely. The additional costs would stem from both additional administrative responsibilities for the SBA and other federal agencies, and increased use of sole-source contracting.

Based on information from the SBA, we estimate that implementing the HUBZone program would cost the SBA $6 million in fiscal year 1998 and $12 million in each subsequent year, assuming appropriation of the necessary amounts. Thus, implementing the HUBZone program would result in new discretionary spending by the SBA of $54 million over the 1998–2002 period. Of this amount, $15 million is specifically authorized in the bill for SBA to implement the program. In addition to the authorized amounts, CBO estimates that SBA would require another $39 million over the 1998–2002 period to carry out the HUBZone program.

The other federal agencies affected by Title VI would have additional administrative costs for reviewing contracts, reprogramming computer systems, and reporting to the SBA. However, CBO cannot estimate how much those new responsibilities may increase spending because we do not have sufficient data to project how many contracts would be awarded under the HUBZone program or what administrative resources would be required to carry out the program.

The HUBZone program would raise the government-wide goal for awarding contracts to small businesses from 20 percent to 23 percent of all prime federal contracts, which would likely increase the incidence of sole-source contracting. Federal contract obligations total almost $200 billion a year, of which about 19 percent is provided through sole-source contracts. Although CBO cannot project a specific increase in sole-source contracting, any increase resulting from the HUBZone program would result in new federal costs because the lack of competition often results in a higher price for the product or service. While we cannot estimate precise costs for the likely increase in sole-source contracting under the HUBZone program, such costs could total at least several million dollars annually.

Other programs

The bill would provide specific authorizations of appropriations for SBDCs, SCORE, the Welfare-to-Work Microloan Program, and various women's business programs. CBO estimates that these programs would result in spending by the SBA of $555 million over the next five years.

In addition, the bill would authorize such sums as may be necessary to cover the SBA's costs of carrying out the Small Business Act and the Small Business Investment Company Act. CBO estimates that the general administrative costs to carry out these acts would be $149 million in fiscal year 1998, $154 million in fiscal year 1999, and $158 million in fiscal year 2000, assuming appropriation of the necessary amounts. (The estimate of general administrative costs excludes the program-specific administrative expenses for business and disaster loans.)

Direct spending

The bill would authorize the SBA to spend without further authorization the Small Business Investment Company (SBIC) examination fees currently collected by the agency but not available for spending unless authorized in advance in an appropriation act. Based on information from the SBA, CBO estimates that the agency would collect and spend about $1 million annually in examination fees.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 2007. CBO estimates that enacting the bill would increase direct spending by $1 million a year because SBA would be able to spend SBIC examination fees without appropriation action.

Estimated impact on State, local, and tribal governments: The bill contains no intergovernmental mandates as defined in UMRA, and would not impose any costs on State, local, or tribal governments. The bill would, however, authorize additional grant funds for State and local governments. It would authorize $2 million annually (for fiscal years 1998 through 2000) to create a pilot program that would provide grants to eligible states to assist small businesses located in the state. The bill would also authorize an increase in funding of $5 million in fiscal year 1999 and $10 million thereafter for the Small Business Development Center Program. The program provides grants to state and local governments, public and private institutions of higher education, and state-chartered development corporations to establish and operate small business development centers.

Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Rachel Forward and Lisa Daley. Impact on State, Local, and Tribal Governments: Marc Nicole.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Mr. BOND. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1124) was agreed to.

Ms. SNOWE. Mr. President, I rise today to support a critically important piece of legislation affecting small businesses across our Nation—S. 1139, the Small Business Reauthorization Act of 1997. I would like to begin by thanking Chairman BOND and ranking member KERRY for their leadership and perseverance on this bill. We would not be here today considering S. 1139 if it were not for their dedication to the small business community.

As a Senator from Maine, a State whose future economic well-being is dependent on small business enterprise, I am extremely supportive of the role the Small Business Administration [SBA] plays in promoting small business development and growth. The Small Business Committee, of which I am a member, held five hearings this past year on SBA's finance, noncredit, and Microloan programs. As a direct result of testimony given during those hearings by small businesses, the SBA and various industry organizations, the committee drafted a comprehensive bill that reauthorizes and improves upon even the most successful of SBA's programs.

I am particularly pleased that the committee accepted an amendment that I offered regarding the Small Business Development Center [SBDC] Program. The SBDC Program is a public-private partnership that leverages Federal dollars with State, local, university, and private resources to provide one-stop management and technical assistance to small businesses.

My amendment increases the SBDC minimum Federal contribution so that no State will receive less than $500,000.

This will ensure that small State SBDC's will continue to be able to provide quality business management assistance, which is essential to the future successes of America's small businesses. If entrepreneurs are not sufficiently prepared with the financial, managerial, and technical knowledge needed to own and operate a business, then our Nation's future businesses have failed before they have been given the opportunity to succeed.

One of the many reasons I support the SBDC program is because it serves as a successful example of what can be achieved when the private sector, the educational community and Federal, State and local governments work together. In fact, the SBDC program generates more in tax revenues that it costs to run the program itself. For example, in my home State of Maine, $6.15 in new Federal, State and local tax revenues is generated for every $1.00 invested in our state's SBDC. Nationally, the return is $4.53.

While my amendment provides only a modest funding increase at the Federal level, the additional resources provided to a small State like Maine will have a disproportionately large and positive impact on Maine's economy. And I thank Chairman BOND for including my amendment in the Small Business Reauthorization Act.

I would also like to thank Chairman BOND for his leadership on S. 208, the HUBZone Act of 1997, because the revitalization and community development of economically distressed regions with significant unemployment is a critical challenge confronting this Congress. It is essential that we discover ways to stimulate business and residential activity within these economically and socially distressed communities, which is why I believe that it is so important that the HUBZone Act was incorporated into the Small Business Reauthorization Act.

The HUBZone Act will provide Federal contracting opportunities to small businesses located in historically impoverished urban and rural areas known as HUBZones. This bill will create a new class of small businesses that employ at least 35 percent of its workforce from a HUBZone eligible for Federal Government contract preferences. The purpose of the bill is to create incentives for small businesses to locate and operate in our country's most economically disadvantaged inner-cities and rural counties. At the same time, these businesses will foster job creation and community development in these economically underutilized areas.

In Maine, Washington County with an extremely high unemployment rate of 12.5 percent—7.6 percent above the national average—will qualify as a HUBZone. Qualified small businesses located in this county will not only receive Federal contracting set-asides but also will play a vital role in revitalizing this distressed area by encouraging job creation.

Additionally, because of an amendment Senator ENZI and I offered, both Aroostook and Somerset Counties with a 10.4 percent and 9 percent unemployment, respectively, will qualify as rural HUBZones. The Enzi-Snowe amendment establishes that economically distressed regions with extremely high unemployment rates will quality as HUBZones and receive much-needed relief. We must take action to stimulate business activity within these areas that face high unemployment rates and I believe that the HUBZone Act of 1997 does just this.

The Small Business Reauthorization Act also includes another important piece of legislation, the Welfare-to-Work Microloan Pilot Program Act of 1997, of which I am an original cosponsor. This innovative pilot program will provide grants to community-based organizations, known as Microloan intermediaries, to help welfare recipients start their own small businesses. These intermediaries will provide technical assistance to potential small entrepreneurs who are on public assistance.

This program is unique because it will provide up-front business assistance before a participant receives a loan. The future entrepreneur will learn basic business skills—how to develop a business plan, start a business and apply for small loans.

In addition to this technical assistance, program participants will receive assistance with the high cost of child care and transportation, both of which are directly related to program participation. If a mother is unable to afford to put her child in day care or if she does not have the money to get to the training sessions, she simply will not go.

The combination of business training and child care and transportation assistance will assure greater success for the participants receiving public assistance. This approach has been successfully piloted in several state programs. Iowa, for example, has a success rate of 70 percent in contrast to a national small business failure rate average of 80 percent. I believe that these programs are successful because they target the true cause of the high failure rate of small businesses—lack of business education.

Small businesses are playing an increasingly important role in America's future prosperity, and they should play a vital role in any effort to revitalize our urban and rural communities and to solve the long-term problem of getting individuals off, and keeping them off, public assistance. This is exactly why I am a cosponsor of the HUBZone Act and an original cosponsor of the Welfare-to-Work Microloan Pilot Program. And, that is why I strongly support the Small Business Reauthorization Act of 1997 and encourage my distinguished colleagues to join me in supporting this critically important bill.

Mr. WELLSTONE. Mr. President, I am extremely pleased that we are passing this bill to reauthorize Small Business Administration programs. I commend Senators BOND and KERRY, the chairman and ranking member of the Small Business Committee, respectively, for their work. It is an excellent bill, providing adequate loan-guaranty authorization levels for SBA's two principle credit programs—the 7(a) and the 504 programs. The bill also expands and makes permanent the microloan demonstration program, which is extremely important. All three programs are popular and successful in Minnesota. Our committee held a number of hearings this year to prepare for this reauthorization bill, and as usual we have worked in a productive, bipartisan way.

Our committee passed a very good bill, highlights of which I will mention momentarily. I would first like to note, however, two items which I am grateful could be included in the managers' amendment. The first is a provision clarifying SBA's policy regarding collateral in the 504 Program.

The 504 Program is an excellent program. It operates through collaboration between certified development companies (CDCs), private lenders and small business borrowers. 504 loans are for larger projects than SBA's 7(a) guaranteed loans. They generally are for property, plant and equipment purchases. It is the only SBA program with job-creation and economic development as its explicit primary objective. I am proud to point out that Minnesota CDCs made 359 loans worth $122 million last year, tops in the nation for the third or fourth year in a row.

I appreciate steps that were taken by SBA officials in a recent policy guidance on this matter of collateral. That policy guidance assures certified development companies that collateral is only one factor evaluated in the credit determination of a small business in the program. Furthermore, the guidance establishes that collateral in addition to a subordinate lien position on the property being financed will be required only on a case-by-case basis as determined by the Administrator.

The provision now included in this bill relating to collateral simply codifies that SBA policy guidance in statute. I thank the bill's managers for including the provision at my request in their amendment. As I mentioned to my colleagues on the committee during our markup of the bill, it is occasionally necessary for Small Business Committee to save SBA from itself when it comes to policy proposals concerning its loan programs. Not too many years ago, SBA wanted to eliminate all subsidy and appropriation for the 7(a) program. We on the committee and in Congress were right in preventing them from doing so.

Subsidy rate questions in the 504 Program remain somewhat unresolved. The simple fact is that demand for the 504 program has been down significantly this year. It is down even after we discount for the burst of activity last September, just before new fees went into effect, putting many deals that normally would have been done this year into last year's volume. I am pleased to say that the program's subsidy rate, which a witness from Minnesota told our committee earlier this year is "out of whack," is now finally being seriously examined by the Administration despite the existence for some time of evidence that it has been based on methodology or calculations that keep the subsidy rate too high. That matters because it appears that the new fees which we have had to impose on borrowers and lenders, required by the high subsidy rate, suppressed demand for the program, exactly as both the Chairman and I said we feared might happen.

That is the main reason for the amendment, which would keep collateral for 504 deals valued at market value. That is rather than at liquidation value, as had at one point been suggested by some within the Administration. The amendment does not change current SBA policy. Rather, it prevents a suggested change, which in my view would certainly have led to a further weakening of the 504 loan guaranty program.

Here is the issue. Under current SBA policy, in a project valued at $1 million, 90 percent of the value of a 504 project can be financed by a CDC and a bank together in the form of loans. The remaining 10 percent is required to be provided as equity by the assisted small business. Loan collateral is limited "generally to the assets being financed." This allows the program to offer attractive, 90-percent loan-to-value financing. It seems like a good deal, and it is, for borrowers and lenders.

But it's also a good deal for taxpayers because this program creates jobs with no appropriation. That's why I want to keep that policy working the way it is. If we had allowed the Administration to change that policy, by switching to a "liquidation value" approach for collateral, as had been suggested by some within the Administration, then assisted small business people could have been required to provide up to $300,000 of their own equity as collateral, on top of the $100,000 equity already required. When demand for this program already is being suppressed by high fees brought on by high subsidy rates—whether justified or not—this new blow to the program could have seriously harmed it. The National Association of Development Companies, which represents CDC's around the country, told some of us it felt the program could have been "destroyed." So I am pleased we could address this concern in the bill.

The second provision I would like to mention immediately is a matter upon which I am pleased to have collaborated with Senator ABRAHAM. The managers also have included this provision in their amendment. It will allow microloan intermediaries to use up to 25 percent of the grants provided to them by SBA for the provision of technical assistance to provide such technical assistance to prospective borrowers—that is, not only small enterprises which are already borrowers, but to prospective borrowers, as well. I appreciate the inclusion of this provision, which allows needed flexibility on the part of microloan intermediaries. Minnesota has four microlending intermediaries, and staff from those organizations have told me how important it is that they be allowed sometimes to counsel and assist potential entrepreneurs prior to the time they are ready to become an actual borrower. In fact the very purpose of the technical assistance during this period is to allow the businessperson to reach the point in his or her business where credit is needed and he or she might become a borrower in the program.

The bill reauthorizes most SBA programs for an additional 3 years. The loan guaranty authorization levels are adequate in my judgment. In the case of both the 7(a) and 504 program, they exceed industry requests. The loan authorization level for the microloan program meets the Administration's request, although I had hoped to achieve a higher level for technical assistance grant funding. As I mentioned before, the microloan program nonetheless is expanded and made permanent in this bill, steps which are justified by the program's very beneficial performance. As an original cosponsor of the legislation which first created the program, I am proud that Minnesotans who utilize it are among the nation's leaders. The very small firms which receive very small loans through the microloan program often have a big impact in their communities.

The bill will allow SBA programs to continue to be among the most popular and effective business programs operated by the federal government. I know they are popular and well used in Minnesota, where I am also proud to point out that we have one of the finest SBA district offices in the country, if not the finest. The bill also addresses a concern which many small businesses across the country have brought to our attention. That is the issue of Federal Government bundling of procurement contracts. The bill takes steps to help ensure that small firms can compete for Federal contracts, and that the Government's use of bundling is strictly warranted when it occurs.

Mr. President, I hope the House of Representatives also will act soon on their version of the bill, and I look forward to voting for passage of a conference report so the bill can be sent to the President. Thank you.

Mr. BOND. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1139), as amended, was read the third time and passed, as follows:

S. 1139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Reauthorization Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Effective date.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorizations.

TITLE II—FINANCIAL ASSISTANCE

Subtitle A—Microloan Program

Sec. 201. Microloan program.
Sec. 202. Welfare-to-work microloan pilot program.

Subtitle B—Small Business Investment Company Program

Sec. 211. 5-year commitments for SBICs at option of Administrator.
Sec. 212. Fees.
Sec. 213. Small business investment company program reform.
Sec. 214. Examination fees.

Subtitle C—Certified Development Company Program

Sec. 221. Loans for plant acquisition, construction, conversion, and expansion.
Sec. 222. Development company debentures.
Sec. 223. Premier certified lenders program.

TITLE III—WOMEN'S BUSINESS ENTERPRISES

Sec. 301. Interagency committee participation.
Sec. 302. Reports.
Sec. 303. Council duties.
Sec. 304. Council membership.
Sec. 305. Authorization of appropriations.
Sec. 306. Women's business centers.
Sec. 307. Office of women's business ownership.
Sec. 308. National Women's Business Council procurement project.

TITLE IV—COMPETITIVENESS PROGRAM AND PROCUREMENT OPPORTUNITIES

Subtitle A—Small Business Competitiveness Program

Sec. 401. Program term.
Sec. 402. Monitoring agency performance.
Sec. 403. Reports to Congress.
Sec. 404. Small business participation in dredging.

Subtitle B—Small Business Procurement Opportunities Program

Sec. 411. Contract bundling.

Sec. 412. Definition of contract bundling.
Sec. 413. Assessing proposed contract bundling.
Sec. 414. Reporting of bundled contract opportunities.
Sec. 415. Evaluating subcontract participation in awarding contracts.
Sec. 416. Improved notice of subcontracting opportunities.
Sec. 417. Deadlines for issuance of regulations.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Small business technology transfer program.
Sec. 502. Small business development centers.
Sec. 503. Pilot preferred surety bond guarantee program extension.
Sec. 504. Extension of cosponsorship authority.
Sec. 505. Asset sales.
Sec. 506. Small business export promotion.
Sec. 507. Defense Loan and Technical Assistance program.

TITLE VI—HUBZONE PROGRAM

Sec. 601. Short title.
Sec. 602. Historically underutilized business zones.
Sec. 603. Technical and conforming amendments to the Small Business Act.
Sec. 604. Other technical and conforming amendments.
Sec. 605. Regulations.
Sec. 606. Report.
Sec. 607. Authorization of appropriations.

SEC. 2. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1997.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by striking subsections (c) through (q) and inserting the following:

"(c) FISCAL YEAR 1998.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 1998:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $28,000,000 in technical assistance grants, as provided in section 7(m); and

"(ii) $60,000,000 in loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $17,040,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $13,000,000,000 in general business loans as provided in section 7(a);

"(ii) $3,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(iv) $40,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $600,000,000 in purchases of participating securities; and

"(ii) $500,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter into cooperative agreements—

"(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $4,000,000; and

"(ii) for activities of small business development centers pursuant to section 21(c)(3)(G), $15,000,000, to remain available until expended.

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 1998 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding subparagraph (A), for fiscal year 1998—

"(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under subsection (l)(2)(A) is fully funded; and

"(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(d) FISCAL YEAR 1999.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 1999:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $28,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $60,000,000 in loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $18,540,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $14,000,000,000 in general business loans as provided in section 7(a);

"(ii) $3,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(iv) $40,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $700,000,000 in purchases of participating securities; and

"(ii) $650,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter cooperative agreements—

"(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $4,500,000; and

"(ii) for activities of small business development centers pursuant to section 21(c)(3)(G), not to exceed $15,000,000, to remain available until expended.

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 1999 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding subparagraph (A), for fiscal year 1999—

"(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under subsection (n)(2)(A) is fully funded; and

"(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, bv contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(e) FISCAL YEAR 2000.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2000:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $28,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $60,000,000 in direct loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $21,040,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $15,500,000,000 in general business loans as provided in section 7(a);

"(ii) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(iv) $40,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $850,000,000 in purchases of participating securities; and

"(ii) $700,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter cooperative agreements—

"(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $5,000,000; and

"(ii) for activities of small business development centers pursuant to section

21(c)(3)(G), not to exceed $15,000,000, to remain available until expended.

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2000 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding subparagraph (A), for fiscal year 2000—

"(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under subsection (p)(2)(A) is fully funded; and

"(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.".

TITLE II—FINANCIAL ASSISTANCE

Subtitle A—Microloan Program

SEC. 201. MICROLOAN PROGRAM.

(a) LOAN LIMITS.—Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended by striking "$2,500,000" and inserting "$3,500,000".

(b) LOAN LOSS RESERVE FUND.—Section 7(m)(3)(D) of the Small Business Act (15 U.S.C. 636(m)(3)(D)) is amended by striking clauses (i) and (ii), and inserting the following:

"(i) during the initial 5 years of the intermediary's participation in the program under this subsection, at a level equal to not more than 15 percent of the outstanding balance of the notes receivable owed to the intermediary; and

"(ii) in each year of participation thereafter, at a level equal to not more than the greater of—

"(I) 2 times an amount reflecting the total losses of the intermediary as a result of participation in the program under this subsection, as determined by the Administrator on a case-by-case basis; or

"(II) 10 percent of the outstanding balance of the notes receivable owed to the intermediary.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in the subsection heading, by striking "DEMONSTRATION";

(2) by striking "Demonstration" each place that term appears;

(3) by striking "demonstration" each place that term appears; and

(4) in paragraph (12), by striking "during fiscal years 1995 through 1997" and inserting "during fiscal years 1998 through 2000".

(d) TECHNICAL ASSISTANCE GRANTS.—Section 7(m)(4)(E) of the Small Business Act (15 U.S.C. 636(m)(4)(E)) is amended—

(1) by inserting "(i)" before "Each intermediary";

(2) by striking "15" and inserting "25";

(3) by adding at the end of the paragraph "(ii) The intermediary may expend up to 25 percent of the funds received under paragraph (1)(B)(ii) to enter into third party contracts for the provision of technical assistance".

SEC. 202. WELFARE-TO-WORK MICROLOAN PILOT PROGRAM.

(a) PROGRAM ESTABLISHMENT.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iv) to establish a welfare-to-work microloan pilot program, which shall be administered by the Administration, in order to—

"(I) test the feasibility of supplementing the technical assistance grants provided under clauses (ii) and (iii) of subparagraph (B) to individuals who are receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or under any comparable State-funded means-tested program of assistance for low-income individuals, in order to adequately assist those individuals in—

"(aa) establishing small businesses; and

"(bb) eliminating their dependence on that assistance;

"(II) permit the grants described in subclause (I) to be used to provide intensive management, marketing and technical assistance as well as to pay or reimburse a portion of child care and transportation costs of individuals described in subclause (I) who become microborrowers;

"(III) eliminate barriers to microborrowers in establishing child care businesses; and

"(IV) evaluate the effectiveness of assistance provided under this clause in helping individuals described in subclause (I) to eliminate their dependence on assistance described in that subclause and become employed in their own business;";

(2) in paragraph (4), by adding at the end the following:

"(F) SUPPLEMENTAL GRANTS.—

"(i) IN GENERAL.—In addition to grants under subparagraphs (A) and (C) and paragraph (5), the Administration may select from participating intermediaries and recipients of grants under paragraph (5), not more than 20 entities in fiscal year 1998, 25 entities in fiscal year 1999, and 30 entities in fiscal year 2000, each of whom may receive annually a supplemental grant in an amount not to exceed $200,000 for the purpose of providing additional technical assistance and related services to borrowers who are receiving assistance described in paragraph (1)(A)(iv)(I) at the time they initially apply for assistance under the program.

"(ii) INAPPLICABILITY OF CONTRIBUTION REQUIREMENTS.—The contribution requirements of subparagraphs (B) and (C)(i)(II) do not apply to any grant made under this subparagraph.

"(iii) CHILD CARE AND TRANSPORTATION COSTS.—Any grant made under this subparagraph may be used to pay or reimburse a portion of the costs of child care and transportation incurred by a borrower under the welfare-to-work microloan pilot program under paragraph (1)(A)(iv).";

(3) in paragraph (6), by adding at the end the following:

"(E) ESTABLISHMENT OF CHILD CARE ESTABLISHMENTS.—In addition to other eligible small business concerns, borrowers under any program under this subsection may include individuals who will use the loan proceeds to establish for-profit or nonprofit child care establishments.";

(4) in paragraph (9)—

(A) by striking the paragraph designation and paragraph heading and inserting the following:

"(9) GRANTS FOR MANAGEMENT, MARKETING, TECHNICAL ASSISTANCE, AND RELATED SERVICES.—"; and

(B) by adding at the end the following:

"(C) WELFARE-TO-WORK MICROLOAN PILOT PROGRAM.—Of amounts made available to carry out the welfare-to-work microloan pilot program under paragraph (1)(A)(iv) in any fiscal year, the Administration may use not more than 5 percent to provide technical assistance, either directly or through contractors, to welfare-to-work microloan pilot program grantees, to ensure that, as grantees, they have the knowledge, skills, and understanding of microlending and welfare-to-work transition, and other related issues, to operate a successful welfare-to-work microloan pilot program."; and

(5) by adding at the end the following:

"(13) EVALUATION OF WELFARE-TO-WORK MICROLOAN PILOT PROGRAM.—On January 31, 1999, and annually thereafter, the Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on the welfare-to-work microloan pilot program authorized under paragraph (1)(A)(iv), which report shall include, with respect to the preceding fiscal year, an analysis of the progress and effectiveness of the program during that fiscal year, and data relating to—

"(A) the number and location of each grantee under the program;

"(B) the amount of each grant;

"(C) the number of individuals who received assistance under each grant, including separate data relating to—

"(i) the number of individuals who received training;

"(ii) the number of individuals who received transportation assistance; and

"(iii) the number of individuals who received child care assistance (including the number of children assisted);

"(D) the type and amount of loan and grant assistance received by borrowers under the program;

"(E) the number of businesses that were started with assistance provided under the program that are operational and the number of jobs created by each business;

"(F) the number of individuals receiving training under the program who, after receiving assistance under the program—

"(i) are employed in their own businesses; and

"(ii) are not receiving public assistance for themselves or their children;

"(G) whether and to what extent each grant was used to defray the transportation and child care costs of borrowers; and

"(H) any recommendations for legislative changes to improve program operations.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the welfare-to-work microloan pilot program under section 7(m)(1)(A)(iv) of the Small Business Act (as added by this section)—

(1) $3,000,000 for fiscal year 1998;

(2) $4,000,000 for fiscal year 1999; and

(3) $5,000,000 for fiscal year 2000.

Subtitle B—Small Business Investment Company Program

SEC. 211. 5-YEAR COMMITMENTS FOR SBICs AT OPTION OF ADMINISTRATOR.

Section 20(a)(2) of the Small Business Act (15 U.S.C. 631 note) is amended in the last sentence by striking "the following fiscal year" and inserting "any 1 or more of the 4 subsequent fiscal years".

SEC. 212. FEES.

Section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681) is amended by adding the following:

"(e) FEES.—

"(1) IN GENERAL.—The Administration may prescribe fees to be paid by each applicant for a license to operate as a small business investment company under this Act.

"(2) USE OF AMOUNTS.—Amounts collected pursuant to this subsection shall be—

"(A) deposited in the account for salaries and expenses of the Administration; and

"(B) available without further appropriation solely to cover contracting and other administrative costs related to licensing.".

SEC. 213. SMALL BUSINESS INVESTMENT COMPANY PROGRAM REFORM.

(a) BANK INVESTMENTS.—Section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(b)) is amended by striking "1956," and all that follows before the period and inserting the following: "1956, any national bank, or any member bank of the Federal Reserve System or nonmember insured bank to the extent permitted under applicable State law, may invest in any 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies, except that in no event shall the total amount of such investments of any such bank exceed 5 percent of the capital and surplus of the bank".

(b) INDEXING FOR LEVERAGE.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by adding at the end the following:

"(D)(i) The dollar amounts in subparagraphs (A), (B), and (C) shall be adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor.

"(ii) The initial adjustments made under this subparagraph after the date of enactment of the Small Business Reauthorization Act of 1997 shall reflect only increases from March 31, 1993."; and

(B) by striking paragraph (4) and inserting the following:

"(4) MAXIMUM AGGREGATE AMOUNT OF LEVERAGE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the aggregate amount of outstanding leverage issued to any company or companies that are commonly controlled (as determined by the Administrator) may not exceed $90,000,000, as adjusted annually for increases in the Consumer Price Index.

"(B) EXCEPTIONS.—The Administrator may, on a case-by-case basis—

"(i) approve an amount of leverage that exceeds the amount described in subparagraph (A) for companies under common control; and

"(ii) impose such additional terms and conditions as the Administrator determines to be appropriate to minimize the risk of loss to the Administration in the event of default.

"(C) APPLICABILITY OF OTHER PROVISIONS.—Any leverage that is issued to a company or companies commonly controlled in an amount that exceeds $90,000,000, whether as a result of an increase in the Consumer Price Index or a decision of the Administrator, is subject to subsection (d)."; and

(2) by striking subsection (d) and inserting the following:

"(d) REQUIRED CERTIFICATIONS.—

"(1) IN GENERAL.—The Administrator shall require each licensee, as a condition of approval of an application for leverage, to certify in writing—

"(A) for licensees with leverage less than or equal to $90,000,000, that not less than 20 percent of the licensee's aggregate dollar amount of financings will be provided to smaller enterprises; and

"(B) for licensees with leverage in excess of $90,000,000, that, in addition to satisfying the requirements of subparagraph (A), 100 percent of the licensee's aggregate dollar amount of financings made in whole or in part with leverage in excess of $90,000,000 will be provided to smaller enterprises as defined in section 103(12).

"(2) MULTIPLE LICENSEES.—Multiple licensees under common control (as determined by the Administrator) shall be considered to be a single licensee for purposes of determining both the applicability of and compliance with the investment percentage requirements of this subsection.".

(c) TAX DISTRIBUTIONS.—Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended by adding at the end the following: "A company may also elect to make a distribution under this paragraph at the end of any calendar quarter based on a quarterly estimate of the maximum tax liability. If a company makes 1 or more quarterly distributions for a calendar year, and the aggregate amount of those distributions exceeds the maximum amount that the company could have distributed based on a single annual computation, any subsequent distribution by the company under this paragraph shall be reduced by an amount equal to the excess amount distributed.".

(d) LEVERAGE FEE.—Section 303(i) of the Small Business Investment Act of 1958 (15 U.S.C. 683(i)) is amended by striking ", payable upon" and all that follows before the period and inserting the following: "in the following manner: 1 percent upon the date on which the Administration enters into any commitment for such leverage with the licensee, and the balance of 2 percent (or 3 percent if no commitment has been entered into by the Administration) on the date on which the leverage is drawn by the licensee".

(e) PERIODIC ISSUANCE OF GUARANTEES AND TRUST CERTIFICATES.—Section 320 of the Small Business Investment Act of 1958 (15 U.S.C. 687m) is amended by striking "three months" and inserting "6 months".

SEC. 214. EXAMINATION FEES.

Section 310(b) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(b)) is amended by inserting after the first sentence the following: "Fees collected under this subsection shall be deposited in the account for salaries and expenses of the Administration, and shall be available without further appropriation solely to cover the costs of examinations and other program oversight activities.".

Subtitle C—Certified Development Company Program

SEC. 221. LOANS FOR PLANT ACQUISITION, CONSTRUCTION, CONVERSION, AND EXPANSION.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) The proceeds of any such loan shall be used solely by the borrower to assist 1 or more identifiable small business concerns and for a sound business purpose approved by the Administration.";

(2) in paragraph (3), by adding at the end the following:

"(D) SELLER FINANCING.—Seller-provided financing may be used to meet the requirements of subparagraph (B), if the seller subordinates the interest of the seller in the property to the debenture guaranteed by the Administration.

"(E) COLLATERAL REQUIREMENTS.—Adequacy of collateral provided by the small business shall be one factor evaluated in the credit determination. Collateral provided by the small business concern generally will include a subordinate lien position on the property being financed, and additional collateral may be required in a case-by-case basis, as determined by the Administration."; and

(3) by adding at the end the following:

"(5) Except as provided in paragraph (4), not to exceed 25 percent of the project may be leased by the assisted small business, if—

"(A) the assisted small business is required to occupy permanently and use not less than 75 percent of the space in the project after the execution of any leases authorized in this paragraph; and

"(B) each tenant is engaged a business that enhances the operations of the assisted small business.".

SEC. 222. DEVELOPMENT COMPANY DEBENTURES.

Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7), by striking subparagraph (A) and inserting the following:

"(A) assesses and collects a fee, which shall be payable by the borrower, in an amount established annually by the Administration, which amount shall not exceed the lesser of—

"(i) 0.9375 percent per year of the outstanding balance of the loan; and

"(ii) the minimum amount necessary to reduce the cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of purchasing and guaranteeing debentures under this Act to zero; and"; and

(2) in subsection (f), by striking "1997" and inserting "2000".

SEC. 223. PREMIER CERTIFIED LENDERS PROGRAM.

(a) IN GENERAL.—Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking "not more than 15";

(2) in subsection (b)(2), by striking subparagraphs (A) and (B) and inserting the following:

"(A) is an active certified development company in good standing and has been an active participant in the accredited lenders program during the entire 12-month period preceding the date on which the company submits an application under paragraph (1), except that the Administration may waive this requirement if the company is qualified to participate in the accredited lenders program;

"(B) has a history of—

"(i) submitting to the Administration adequately analyzed debenture guarantee application packages; and

"(ii) of properly closing section 504 loans and servicing its loan portfolio; and";

(3) by striking subsection (c) and inserting the following:

"(c) LOSS RESERVE.—

"(1) ESTABLISHMENT.—A company designated as a premier certified lender shall establish a loss reserve for financing approved pursuant to this section.

"(2) AMOUNT.—The amount of the loss reserve shall be based upon the greater of—

"(A) the historic loss rate on debentures issued by such company; or

"(B) 10 percent of the amount of the company's exposure as determined under subsection (b)(2)(C).

"(3) Assets.—The loss reserve shall be comprised of any combination of the following types of assets:

"(A) segregated funds on deposit in an account or accounts with a federally insured depository institution or institutions selected by the company, subject to a collateral assignment in favor of, and in a format acceptable to, the Administration; or

"(B) irrevocable letter or letters of credit, with a collateral assignment in favor of, and a commercially reasonable format acceptable to, the Administration.

"(4) Contributions.—The company shall make contributions to the loss reserve, either cash or letters of credit as provided above, in the following amounts and at the following intervals:

"(A) 50 percent when a debenture is closed;

"(B) 25 percent additional not later than 1 year after a debenture is closed; and

"(C) 25 percent additional not later than 2 years after a debenture is closed.

"(5) Replenishment.—If a loss has been sustained by the Administration, any portion of the loss reserve, and other funds provided by the premier company as necessary, may be used to reimburse the Administration for the company's 10 percent share of the loss as provided in subsection (b)(2)(C). If the company utilizes the reserve, within 30 days it shall replace an equivalent amount of funds.

"(6) Disbursements.—The Administration shall allow the certified development company to withdraw from the loss reserve amounts attributable to any debenture which has been repaid.";

(4) in subsection (f), by striking "State or local" and inserting "certified";

(5) in subsection (g), by striking the subsection heading and inserting the following:

"(g) Effect of Suspension or Revocation.—";

(6) by striking subsection (h) and inserting the following:

"(h) Program Goals.—Each certified development company participating in the program under this section shall establish a goal of processing a minimum of not less than 50 percent of the loan applications for assistance under section 504 pursuant to the program authorized under this section."; and

(7) in subsection (i), by striking "other lenders" and inserting "other lenders, specifically comparing default rates and recovery rates on liquidations".

(b) Regulations.—The Administrator of the Small Business Administration shall—

(1) not later than 120 days after the date of enactment of this Act, promulgate regulations to carry out the amendments made by subsection (a); and

(2) not later than 150 days after the date of enactment of this Act, issue program guidelines and fully implement the amendments made by subsection (a).

(c) Program Extension.—Section 217(b) of the Small Business Reauthorization and Amendments Act of 1994 (15 U.S.C. 697e note) is amended by striking "October 1, 1997" and inserting "October 1, 2000".

TITLE III—WOMEN'S BUSINESS ENTERPRISES

SEC. 301. INTERAGENCY COMMITTEE PARTICIPATION.

Section 403 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a)(1), by adding at the end the following:

"(K) The Department of Education.

"(L) The Environmental Protection Agency.

"(M) The Department of Energy.

"(N) The Administrator of the Office of Procurement Policy.

"(O) The National Aeronautics and Space Administration.";

(2) in subsection (a)(2)(A)—

(A) by striking "and Amendments Act of 1994" and inserting "Act of 1997"; and

(B) by inserting before the final period ", and who shall report directly to the head of the agency on the status of the activities of the Interagency Committee";

(3) in subsection (a)(2)(B), by inserting before the final period the following: "and shall report directly to the Administrator on the status of the activities on the Interagency Committee and shall serve as the Interagency Committee Liaison to the National Women's Business Council established under section 405"; and

(4) in subsection (b), by striking "and Amendments Act of 1994" and inserting "Act of 1997".

SEC. 302. REPORTS.

Section 404 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) by inserting ", through the Small Business Administration," after "transmit";

(2) by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(3) in paragraph (1), as redesignated, by inserting before the semicolon the following: ", including a status report on the progress of the Interagency Committee in meeting its responsibilities and duties under section 402(a)".

SEC. 303. COUNCIL DUTIES.

Section 406 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (c), by inserting after "Administrator" the following: "(through the Assistant Administrator for the Office of Women's Business Ownership)"; and

(2) in subsection (d)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(6) submit to the President and to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, an annual report containing—

"(A) a detailed description of the activities of the council, including a status report on the Council's progress toward meeting its duties outlined in subsections (a) and (d) of section 406;

"(B) the findings, conclusions, and recommendations of the Council; and

"(C) the Council's recommendations for such legislation and administrative actions as the Council considers appropriate to promote the development of small business concerns owned and controlled by women.

"(e) Submission of Reports.—The annual report required by subsection (d) shall be submitted not later than 90 days after the end of each fiscal year.".

SEC. 304. COUNCIL MEMBERSHIP.

Section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a), by striking "and Amendments Act of 1994" and inserting "Act of 1997";

(2) in subsection (b)—

(A) by striking "and Amendments Act of 1994" and inserting "Act of 1997";

(B) by inserting after "the Administrator shall" the following: ", after receiving the recommendations of the Chair and the Ranking Member of the Minority of the Committees on Small Business of the House of Representatives and the Senate, ";

(C) by striking "9" and inserting "14";

(D) in paragraph (1), by striking "2" and inserting "3";

(E) in paragraph (2)—

(i) by striking "2" and inserting "3"; and

(ii) by striking "and" at the end;

(F) in paragraph (3)—

(i) by striking "5" and inserting "6";

(ii) by striking "national"; and

(iii) by striking the period at the end and inserting the following: ", including representatives of Women's Business Center sites; and"; and

(G) by adding at the end the following:

"(4) 2 shall be representatives of businesses or educational institutions having an interest in women's entrepreneurship."; and

(3) in subsection (c), by inserting "(including both urban and rural areas)" after "geographic".

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) by striking "1995 through 1997" and inserting "1998 through 2000"; and

(2) by striking "$350,000" and inserting "$400,000".

SEC. 306. WOMEN'S BUSINESS CENTERS.

(a) In General.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended to read as follows:

"SEC. 29. WOMEN'S BUSINESS CENTERS.

"(a) Definitions.—In this section—

"(1) the term 'small business concern owned and controlled by women', either startup or existing, includes any small business concern—

"(A) that is not less than 51 percent owned by 1 or more women; and

"(B) the management and daily business operations of which are controlled by 1 or more women; and

"(2) the term 'women's business center site' means the location of—

"(A) a women's business center; or

"(B) 1 or more women's business centers, established in conjunction with another women's business center in another location within a State or region—

"(i) that reach a distinct population that would otherwise not be served;

"(ii) whose services are targeted to women; and

"(iii) whose scope, function, and activities are similar to those of the primary women's business center or centers in conjunction with which it was established.

"(b) Authority.—The Administration may provide financial assistance to private organizations to conduct 5-year projects for the benefit of small business concerns owned and controlled by women. The projects shall provide—

"(1) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a business concern;

"(2) management assistance, including training and counseling in how to plan, organize, staff, direct, and control each major activity and function of a small business concern; and

"(3) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

"(c) Conditions of Participation.—

"(1) Non-federal contributions.—As a condition of receiving financial assistance authorized by this section, the recipient organization shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources as follows:

"(A) in the first, second, and third years, 1 non-Federal dollar for each 2 Federal dollars;

"(B) in the fourth year, 1 non-Federal dollar for each Federal dollar; and

"(C) in the fifth year, 2 non-Federal dollars for each Federal dollar.

"(2) Form of non-federal contributions.—Not more than one-half of the non-Federal sector matching assistance may be in the form of in-kind contributions which are budget line items only, including but not limited to office equipment and office space.

"(3) Form of federal contributions.—The financial assistance authorized pursuant to this section may be made by grant, contract, or cooperative agreement and may contain such provision, as necessary, to provide for payments in lump sum or installments, and in advance or by way of reimbursement. The Administration may disburse up to 25 percent of each year's Federal share awarded to a recipient organization after notice of the award has been issued and before the non-Federal sector matching funds are obtained.

"(4) Failure to obtain private funding.—If any recipient of assistance fails to obtain the required non-Federal contribution during any project, it shall not be eligible thereafter for advance disbursements pursuant to paragraph (3) during the remainder of that project, or for any other project for which it is or may be funded by the Administration, and prior to approving assistance to such organization for any other projects, the Administration shall specifically determine whether the Administration believes that the recipient will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making such determination.

"(d) Contract Authority.—A women's business center may enter into a contract with a Federal department or agency to provide specific assistance to women and other underserved small business concerns. Performance of such contract should not hinder the women's business centers in carrying out the terms of the grant received by the women's business centers from the Administration.

"(e) Submission of 5-Year Plan.—Each applicant organization initially shall submit a 5-year plan to the Administration on proposed fundraising and training activities, and a recipient organization may receive financial assistance under this program for a maximum of 5 years per women's business center site.

"(f) Criteria.—The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administration. The criteria shall include—

"(1) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of women business owners or potential owners;

"(2) the present ability of the applicant to commence a project within a minimum amount of time;

"(3) the ability of the applicant to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

"(4) the location for the women's business center site proposed by the applicant.

"(g) Office of Women's Business Ownership.—There is established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises (as that term is defined in section 408 of the Women's Business Ownership Act of 1988). The Office of Women's Business Ownership shall be administered by an Assistant Administrator, who shall be appointed by the Administrator.

"(h) Report.—The Administrator shall prepare and submit an annual report to the Committees on Small Business of the House of Representatives and the Senate on the effectiveness of all projects conducted under the authority of this section. Such report shall provide information concerning—

"(1) the number of individuals receiving assistance;

"(2) the number of startup business concerns formed;

"(3) the gross receipts of assisted concerns;

"(4) increases or decreases in profits of assisted concerns; and

"(5) the employment increases or decreases of assisted concerns.

"(i) Authorization of Appropriations.—There are authorized to be appropriated $8,000,000 per year to carry out the projects authorized by this section. Amounts appropriated pursuant to this subsection are to be used exclusively for grant awards and not for costs incurred by the Administration for the management and administration of the program. Notwithstanding any other provision of law, the Administration may use such expedited acquisition methods as it deems appropriate, through the Assistant Administrator of the Office of Women's Business Ownership, to achieve the purposes of this section, except that the Administration shall ensure that all eligible sources are provided a reasonable opportunity to submit proposals.".

(b) Applicability.—Any organization conducting a 3-year project under section 29 of the Small Business Act (15 U.S.C. 656) on the day before the date of enactment of this Act, may extend the term of that project to a total term of 5 years and receive financial assistance in accordance with section 29(c) of the Small Business Act (as amended by this title) subject to procedures established by the Administrator in coordination with the Office of Women's Business Ownership established under section 29 of the Small Business Act (15 U.S.C. 656) (as amended by this title).

SEC. 307. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(l) Assistant Administrator for the Office of Women's Business Ownership.—

"(1).Qualification.—The Assistant Administrator for the Office of Women's Business Ownership (hereafter in this section referred to as the 'Assistant Administrator') shall serve without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, but at a rate of pay not to exceed the maximum of pay payable for a position at GS–17 of the General Schedule.

"(2) Responsibilities and duties.—

"(A) Responsibilities.—The responsibilities of the Assistant Administrator shall be to administer the programs and services of the Office of Women's Business Ownership established to assist women entrepreneurs in the areas of—

"(i) starting and operating a small business;

"(ii) development of management and technical skills;

"(iii) seeking Federal procurement opportunities; and

"(iv) increasing the opportunity for access to capital.

"(B) Duties.—Duties of the position of the Assistant Administrator shall include—

"(i) administering and managing the Women's Business Centers program;

"(ii) recommending the annual administrative and program budgets for the Office of Women's Business Ownership (including the budget for the Women's Business Centers);

"(iii) establishing appropriate funding levels therefore;

"(iv) reviewing the annual budgets submitted by each applicant for the Women's Business Center program;

"(v) selecting applicants to participate in this program;

"(vi) implementing this section;

"(vii) maintaining a clearinghouse to provide for the dissemination and exchange of information between Women's Business Centers;

"(viii) conducting program examinations of recipients of grants under this section;

"(ix) serving as the vice chairperson of the Interagency Committee on Women's Business Enterprise;

"(x) serving as liaison for the National Women's Business Council; and

"(xi) advising the Administrator on appointments to the Women's Business Council.

"(3) Consultation requirements.—In carrying out the responsibilities and duties described in this subsection, the Assistant Administrator shall confer with and seek the advice of the Administration officials in areas served by the Women's Business Centers.

"(j) Program Examination.—

"(1) In general.—Not later than 180 days after the date of enactment of this subsection, the Administration shall develop and implement an annual programmatic and financial examination of each Women's Business Center established pursuant to this section.

"(2) Extension of contracts.—In extending or renewing a contract with a Women's Business Center, the Administration shall consider the results of the examination conducted pursuant to paragraph (1).

"(k) Contract Authority.—The authority of the Administration to enter into contracts shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts. After the Administration has entered a contract, either as a grant or a cooperative agreement, with any applicant under this section, it shall not suspend, terminate, or fail to renew or extend any such contract unless the Administration provides the applicant with written notification setting forth the reasons therefore and affording the applicant an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.".

SEC. 308. NATIONAL WOMEN'S BUSINESS COUNCIL PROCUREMENT PROJECT.

(a) In General.—The Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by adding at the end the following:

"SEC. 410. NATIONAL WOMEN'S BUSINESS COUNCIL PROCUREMENT PROJECT.

"(a) Procurement Project.—

"(1) Federal procurement study.—

"(A) In general.—The Council shall conduct a study on the award of Federal prime contracts and subcontracts to women-owned businesses, which study shall include—

"(i) an analysis of data collected by Federal agencies on contract awards to women-owned businesses;

"(ii) a determination of the degree to which individual Federal agencies are in compliance with the 5 percent women-owned business procurement goal established by section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1));

"(iii) a determination of the types and amounts of Federal contracts characteristically awarded to women-owned businesses; and

"(iv) other relevant information relating to participation of women-owned businesses in Federal procurement.

"(B) Submission of results.—Not later than October 1, 1999, the Council shall submit to the Committees on Small Business of the House of Representatives and the Senate, and to the President, the results of the study conducted under subparagraph (A).

"(2) Best practices report.—Not later than March 1, 2000, the Council shall submit to the Committees on Small Business of the House of Representatives and the Senate, and to the President, a report, which shall include—

"(A) an analysis of the most successful practices in attracting women-owned businesses as prime contractors and subcontractors by—

"(i) Federal agencies (as supported by findings from the study required under subsection (a)(1)) in Federal procurement awards; and

"(ii) the private sector; and

"(B) recommendations for policy changes in Federal procurement practices, including an increase in the Federal procurement goal for women-owned businesses, in order to maximize the number of women-owned businesses performing Federal contracts.

"(b) Contracting Authority.—In carrying out this section, the Council may contract with 1 or more public or private entities.

"(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, not to exceed $200,000, to remain available until expended through fiscal year 2000.".

TITLE IV—COMPETITIVENESS PROGRAM AND PROCUREMENT OPPORTUNITIES

Subtitle A—Small Business Competitiveness Program

SEC. 401. PROGRAM TERM.

Section 711(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking "1997" and inserting "2000".

SEC. 402. MONITORING AGENCY PERFORMANCE.

Section 712(d)(1) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended to read as follows:

"(1) Participating agencies shall monitor the attainment of their small business participation goals on an annual basis. An annual review by each participating agency shall be completed not later than January 31 of each year, based on the data for the preceding fiscal year, from October 1 through September 30.".

SEC. 403. REPORTS TO CONGRESS.

Section 716(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking "1996" and inserting "2000";

(2) by striking "for Federal Procurement Policy" and inserting "of the Small Business Administration"; and

(3) by striking "Government Operations" and inserting "Government Reform and Oversight".

SEC. 404. SMALL BUSINESS PARTICIPATION IN DREDGING.

Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking "1996" and inserting "2000".

Subtitle B—Small Business Procurement Opportunities Program

SEC. 411. CONTRACT BUNDLING.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following:

"(j) In complying with the statement of congressional policy expressed in subsection (a), relating to fostering the participation of small business concerns in the contracting opportunities of the Government, each Federal agency, to the maximum extent practicable, shall—

"(1) comply with congressional intent to foster the participation of small business concerns as prime contractors, subcontractors, and suppliers;

"(2) structure its contracting requirements to facilitate competition by and among small business concerns, taking all reasonable steps to eliminate obstacles to their participation; and

"(3) avoid unnecessary and unjustified bundling of contract requirements that precludes small business participation in procurements as prime contractors.".

SEC. 412. DEFINITION OF CONTRACT BUNDLING.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

"(o) Definitions of Bundling of Contract Requirements and Related Terms.—In this Act—

"(1) The term 'bundling of contract requirements' means consolidating two or more procurement requirements for goods or services previously provided or performed under separate smaller contracts into a solicitation of offers for a single contract that is likely to be unsuitable for award to a small-business concern due to—

"(A) the diversity, size, or specialized nature of the elements of the performance specified;

"(B) the aggregate dollar value of the anticipated award;

"(C) the geographical dispersion of the contract performance sites; or

"(D) any combination of the factors described in subparagraphs (A), (B), and (C).

"(2) The term 'separate smaller contract', with respect to a bundling of contract requirements, means a contract that has been performed by one or more small business concerns or was suitable for award to one or more small business concerns.

"(3) The term 'bundled contract' means a contract that is entered into to meet requirements that are consolidated in a bundling of contract requirements.".

SEC. 413. ASSESSING PROPOSED CONTRACT BUNDLING.

(a) In General.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by inserting after subsection (d) the following new subsection (e):

"(e) Procurement Strategies; Contract Bundling.—

"(1) In general.—To the maximum extent practicable, procurement strategies used by the various agencies having contracting authority shall facilitate the maximum participation of small business concerns as prime contractors, subcontractors, and suppliers.

"(2) Market research.—

"(A) In general.—Before proceeding with an acquisition strategy that could lead to a contract containing consolidated procurement requirements, the head of an agency shall conduct market research to determine whether consolidation of the requirements is necessary and justified.

"(B) Factors.—For purposes of subparagraph (A), consolidation of the requirements may be determined as being necessary and justified if, as compared to the benefits that would be derived from contracting to meet those requirements if not consolidated, the Federal Government would derive from the consolidation measurably substantial benefits, including any combination of benefits that, in combination, are measurably substantial. Benefits described in the preceding sentence may include the following:

"(i) Cost savings.

"(ii) Quality improvements.

"(iii) Reduction in acquisition cycle times.

"(iv) Better terms and conditions.

"(v) Any other benefits.

"(C) Reduction of costs not determinative.—The reduction of administrative or personnel costs alone shall not be a justification for bundling of contract requirements unless the cost savings are expected to be substantial in relation to the dollar value of the procurement requirements to be consolidated.

"(3) Strategy specifications.—If the head of a contracting agency determines that a proposed procurement strategy for a procurement involves a substantial bundling of contract requirements, the proposed procurement strategy shall—

"(A) identify specifically the benefits anticipated to be derived from the bundling of contract requirements;

"(B) set forth an assessment of the specific impediments to participation by small business concerns as prime contractors that result from the bundling of contract requirements and specify actions designed to maximize small business participation as subcontractors (including suppliers) at various tiers under the contract or contracts that are awarded to meet the requirements; and

"(C) include a specific determination that the anticipated benefits of the proposed bundled contract justify its use.

"(4) Contract teaming.—In the case of a solicitation of offers for a bundled contract that is issued by the head of an agency, a small-business concern may submit an offer that provides for use of a particular team of subcontractors for the performance of the contract. The head of the agency shall evaluate the offer in the same manner as other offers, with due consideration to the capabilities of all of the proposed subcontractors. When a small business concern teams under this paragraph, it shall not affect its status as a small business concern for any other purpose.".

(b) Administration Review.—The third sentence of subsection (a) of such section is amended—

(1) by inserting after "discrete construction projects," the following: "or the solicitation involves an unnecessary or unjustified bundling of contract requirements, as determined by the Administration,";

(2) by striking out "or (4)" and inserting in lieu thereof "(4)"; and

(3) by inserting before the period at the end the following: ", or (5) why the agency has determined that the bundled contract (as defined in section 3(o)) is necessary and justified".

(c) Responsibilities of Agency Small Business Advocates.—Subsection (k) of such section is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) identify proposed solicitations that involve significant bundling of contract requirements, and work with the agency acquisition officials and the Administration to revise the procurement strategies for such proposed solicitations where appropriate to increase the probability of participation by small businesses as prime contractors, or to facilitate small business participation as subcontractors and suppliers, if a solicitation for a bundled contract is to be issued,".

SEC. 414. REPORTING OF BUNDLED CONTRACT OPPORTUNITIES.

(a) Data Collection Required.—The Federal Procurement Data System described in section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A)) shall be modified to collect data regarding bundling of contract requirements when the contracting officer anticipates that the resulting contract price, including all options, is expected to exceed $5,000,000. The data shall reflect a determination made by the contracting officer regarding whether a particular solicitation constitutes a contract bundling.

(b) Definitions.—In this section, the term "bundling of contract requirements" has the meaning given that term in section 3(o) of the Small Business Act (15 U.S.C. 632(o)) (as added by section 412 of this title).

SEC. 415. EVALUATING SUBCONTRACT PARTICIPATION IN AWARDING CONTRACTS.

Section 8(d)(4) of the Small Business Act (15 U.S.C. 637(d)(4)) is amended by adding at the end the following:

"(G) The following factors shall be designated by the Federal agency as significant factors for purposes of evaluating offers for a bundled contract where the head of the agency determines that the contract offers a significant opportunity for subcontracting:

"(i) A factor that is based on the rate provided under the subcontracting plan for small business participation in the performance of the contract.

"(ii) For the evaluation of past performance of an offeror, a factor that is based on the extent to which the offeror attained applicable goals for small business participation in the performance of contracts.".

SEC. 416. IMPROVED NOTICE OF SUBCONTRACTING OPPORTUNITIES.

(a) Use of the Commerce Business Daily Authorized.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

"(k) Notices of Subcontracting Opportunities.—

"(1) In general.—Notices of subcontracting opportunities may be submitted for publication in the Commerce Business Daily by—

"(A) a business concern awarded a contract by an executive agency subject to subsection (e)(1)(C); and

"(B) a business concern which is a subcontractor or supplier (at any tier) to such contractor having a subcontracting opportunity in excess of $10,000.

"(2) Content of notice.—The notice of a subcontracting opportunity shall include—

"(A) a description of the business opportunity that is comparable to the description specified in paragraphs (1), (2), (3), and (4) of subsection (f); and

"(B) the due date for receipt of offers.".

(b) Regulations Required.—The Federal Acquisition Regulation shall be amended to provide uniform implementation of the amendments made by this section.

(c) Conforming Amendment.—Section 8(e)(1)(C) of the Small Business Act (15 U.S.C. 637(e)(1)(C)) is amended by striking "$25,000" each place that term appears and inserting "$100,000".

SEC. 417. DEADLINES FOR ISSUANCE OF REGULATIONS.

(a) Proposed Regulations.—Proposed amendments to the Federal Acquisition Regulation or proposed Small Business Administration regulations under this subtitle and the amendments made by this subtitle shall be published not later than 120 days after the date of enactment of this Act for the purpose of obtaining public comment pursuant to section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b), or chapter 5 of title 5, United States Code, as appropriate. The public shall be afforded not less than 60 days to submit comments.

(b) Final Regulations.—Final regulations shall be published not later than 270 days after the date of enactment of this Act. The effective date for such final regulations shall be not less than 30 days after the date of publication.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

(a) Required Expenditures.—Section 9(n) of the Small Business Act (15 U.S.C. 638(n)) is amended by striking paragraph (1) and inserting the following:

"(1) Required expenditure amounts.—With respect to fiscal years 1998, 1999, 2000, 2001, 2002, or 2003, each Federal agency that has an extramural budget for research, or research and development, in excess of $1,000,000,000 for that fiscal year, is authorized to expend with small business concerns not less than 0.15 percent of that extramural budget specifically in connection with STTR programs that meet the requirements of this section and any policy directives and regulations issued under this section.".

(b) Pilot Program.—

(1) In general.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(s) Pilot Program.—

"(1) Definition of eligible state.—In this subsection, the term 'eligible State' means a State—

"(A) if the total value of contracts awarded to the State during fiscal year 1995 under this section was less than $5,000,000; and

"(B) that certifies to the Federal agency described in paragraph (2) that the State will,. upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

"(2) Program authority.—Of amounts made available to carry out this section for fiscal year 1998, 1999, or 2000, the Administrator may expend with eligible States not more than $2,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

"(3) Amount of assistance.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

"(A) shall be equal to twice the total amount of matching funds from non-Federal sources provided by the State; and

"(B) shall not exceed $100,000.

"(4) Use of assistance.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

"(A) the establishment of quantifiable performance goals, including goals relating to—

"(i) the number of program awards under this section made to small business concerns in the State; and

"(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

"(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development; and

"(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State.".

(2) Repeal.—Effective October 1, 2000, section 9(s) of the Small Business Act (as added by paragraph (1) of this subsection) is repealed.

SEC. 502. SMALL BUSINESS DEVELOPMENT CENTERS.

(a) In General.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) in paragraph (1)—

(A) by inserting "any women's business center operating pursuant to section 29," after "credit or finance corporation,";

(B) by inserting "or a women's business center operating pursuant to section 29" after "other than an institution of higher education"; and

(C) by inserting "and women's business centers operating pursuant to section 29" after "utilize institutions of higher education";

(2) in paragraph (3)—

(A) by striking ", but with" and all that follows through "parties." and inserting the following: "for the delivery of programs and services to the Small Business community. Such programs and services shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, pursuant to an executed cooperative agreement between the Small Business Development Center applicant and the Administration."; and

(B) by adding at the end the following:

"(C) On an annual basis, the Small Business Development Center shall review and coordinate public and private partnerships and cosponsorships with the Administration for the purpose of more efficiently leveraging available resources on a National and a State basis.";

(3) in paragraph (4)(C)—

(A) by striking clause (i) and inserting the following:

"(i) In general.—

"(I) Grant amount.—Subject to subclause (II), the amount of a grant received by a State under this section shall be equal to the greater of $500,000, or the sum of—

"(aa) the State's pro rata share of the national program, based upon the population of the State as compared to the total population of the United States; and

"(bb) $300,000 in fiscal year 1998, $400,000 in fiscal year 1999, and $500,000 in each fiscal year thereafter.

"(II) PRO RATA REDUCTIONS.—If the amount made available to carry out this section for any fiscal year is insufficient to carry out subclause (I), the Administration shall make pro rata reductions in the amounts otherwise payable to States under this clause."; and

(B) in clause (iii), by striking "(iii)" and all that follows through "1997." and inserting the following:

"(iii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the national program under this section—

"(I) $85,000,000 for fiscal year 1998;

"(II) $90,000,000 for fiscal year 1999; and

"(III) $95,000,000 for fiscal year 2000 and each fiscal year thereafter."; and

(4) in paragraph (6)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the comma at the end and inserting "; and"; and

(C) inserting after subparagraph (B) the following:

"(C) with outreach, development, and enhancement of minority-owned small business startups or expansions, veteran-owned small business startups or expansions, and women-owned small business startups or expansions, in communities impacted by base closings or military or corporate downsizing, or in rural or underserved communities;".

(b) SBDC SERVICES.—Section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking "businesses;" and inserting "businesses, including—

"(i) working with individuals to increase awareness of basic credit practices and credit requirements;

"(ii) working with individuals to development business plans, financial packages, credit applications, and contract proposals;

"(iii) working with the Administration to develop and provide informational tools for use in working with individuals on pre-business startup planning, existing business expansion, and export planning; and

"(iv) working with individuals referred by the local offices of the Administration and Administration participating lenders;";

(B) in each of subparagraphs (B), (C), (D), (E), (F), (G), (M), (N), (O), (Q), and (R) by moving each margin two ems to the right;

(C) in subparagraph (C), by inserting "and the Administration" after "Center";

(D) by striking subparagraph (H), and inserting the following:

"(H) working with the technical and environmental compliance assistance programs established in each State under section 507 of the Clean Air Act Amendments of 1970, or State pollution prevention programs to notify small businesses through outreach programs of regulations that affect small businesses and making counseling, conferences, and materials available on methods of compliance;";

(E) in subparagraph (Q), by striking "and" at the end;

(F) in subparagraph (R), by striking the period at the end and inserting "; and"; and

(G) by inserting after subparagraph (R) the following:

"(S) providing counseling and technology development when necessary to help small businesses find solutions for complying with environmental, energy, health, safety, and other Federal, State, and local regulation including cooperating with the technical and environmental compliance assistance programs established in each State under section 507 of the Clean Air Act Amendments of 1970 or State pollution prevention programs in the provision of counseling and technology development to help small businesses find solutions for complying with environmental regulations.";

(2) in paragraph (5)—

(A) by moving the margin 2 ems to the right;

(B) by striking "paragraph (a)(1)" and inserting "subsection (a)(1)";

(C) by striking "which ever" and inserting "whichever"; and

(D) by striking "last,," and inserting "last,";

(3) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(4) in paragraph (3), in the undesignated material following subparagraph (S) (as added by this subsection), by striking "A small" and inserting the following:

"(4) A small".

(c) COMPETITIVE AWARDS.—Section 21(l) of the Small Business Act (15 U.S.C. 648(l)) is amended by adding at the end the following: "If any contract under this section with an entity that is in compliance with this section is not renewed or extended, any award of a contract under this section to another entity shall be made on a competitive basis.".

(d) PROHIBITION ON CERTAIN FEES.—Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

"(m) PROHIBITION ON CERTAIN FEES.—A small business development center shall not impose or otherwise collect a fee or other compensation in connection with the provision of counseling services under this section.".

SEC. 503. PILOT PREFERRED SURETY BOND GUARANTEE PROGRAM EXTENSION.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking "September 30, 1997" and inserting "September 30, 2000".

SEC. 504. EXTENSION OF COSPONSORSHIP AUTHORITY.

Section 401(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 637 note) is amended by striking "September 30, 1997" and inserting "September 30, 2000".

SEC. 505. ASSET SALES.

In connection with the Administration's implementation of a program to sell to the private sector loans and other assets held by the Administration, the Administration shall provide to the Committees on Small Business in the Senate and House of Representatives a copy of the draft and final plans describing the sale and the anticipated benefits resulting from such sale.

SEC. 506. SMALL BUSINESS EXPORT PROMOTION.

(a) IN GENERAL.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (Q), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (R) the following:

"(S) providing small business owners with access to a wide variety of export-related information by establishing on-line computer linkages between small business development centers and an international trade data information network with ties to the Export Assistance Center program.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out section 21(c)(3)(S) of the Small Business Act (15 U.S.C. 648(c)(3)(S)), as added by this section, $1,500,000 for each fiscal years 1998 and 1999.

SEC. 507. DEFENSE LOAN AND TECHNICAL ASSISTANCE PROGRAM.

(a) DELTA PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Small Business Administration may administer the Defense Loan and Technical Assistance program in accordance with the authority and requirements of this section.

(2) EXPIRATION OF AUTHORITY.—The authority of the Administrator to carry out the DELTA program under paragraph (1) shall terminate when the funds referred to in subsection (g)(1) have been expended.

(3) DELTA PROGRAM DEFINED.—In this section, the terms "Defense Loan and Technical Assistance program" and "DELTA program" mean the Defense Loan and Technical Assistance program that has been established by a memorandum of understanding entered into by the Administrator and the Secretary of Defense on June 26, 1995.

(b) ASSISTANCE.—

(1) AUTHORITY.—Under the DELTA program, the Administrator may assist small business concerns that are economically dependent on defense expenditures to acquire dual-use capabilities.

(2) FORMS OF ASSISTANCE.—Forms of assistance authorized under paragraph (1) are as follows:

(A) LOAN GUARANTEES.—Loan guarantees under the terms and conditions specified under this section and other applicable law.

(B) NONFINANCIAL ASSISTANCE.—Other forms of assistance that are not financial.

(c) ADMINISTRATION OF PROGRAM.—In the administration of the DELTA program under this section, the Administrator shall—

(1) process applications for DELTA program loan guarantees;

(2) guarantee repayment of the resulting loans in accordance with this section; and

(3) take such other actions as are necessary to administer the program.

(d) SELECTION AND ELIGIBILITY REQUIREMENTS FOR DELTA LOAN GUARANTEES.—

(1) IN GENERAL.—The selection criteria and eligibility requirements set forth in this subsection shall be applied in the selection of small business concerns to receive loan guarantees under the DELTA program.

(2) SELECTION CRITERIA.—The criteria used for the selection of a small business concern to receive a loan guarantee under this section are as follows:

(A) The selection criteria established under the memorandum of understanding referred to in subsection (a)(3).

(B) The extent to which the loans to be guaranteed would support the retention of defense workers whose employment would otherwise be permanently or temporarily terminated as a result of reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

(C) The extent to which the loans to be guaranteed would stimulate job creation and new economic activities in communities most adversely affected by reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

(D) The extent to which the loans to be guaranteed would be used to acquire (or permit the use of other funds to acquire) capital equipment to modernize or expand the facilities of the borrower to enable the borrower to remain in the national technology and industrial base available to the Department of Defense.

(3) ELIGIBILITY REQUIREMENTS.—To be eligible for a loan guarantee under the DELTA program, a borrower must demonstrate to the satisfaction of the Administrator that, during any 1 of the 5 preceding operating years of the borrower, not less than 25 percent of the value of the borrower's sales were derived from—

(A) contracts with the Department of Defense or the defense-related activities of the Department of Energy; or

(B) subcontracts in support of defense-related prime contracts.

(e) MAXIMUM AMOUNT OF LOAN PRINCIPAL.—The maximum amount of loan principal for which the Administrator may provide a guarantee under this section during a fiscal year may not exceed $1,250,000.

(f) LOAN GUARANTY RATE.—The maximum allowable guarantee percentage for loans guaranteed under this section may not exceed 80 percent.

(g) FUNDING.—

(1) IN GENERAL.—The funds that have been made available for loan guarantees under the DELTA program and have been transferred from the Department of Defense to the Small Business Administration before the date of the enactment of this Act shall be used for carrying out the DELTA program under this section.

(2) CONTINUED AVAILABILITY OF EXISTING FUNDS.—The funds made available under the second proviso under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" in Public Law 103–335 (108 Stat. 2613) shall be available until expended—

(A) to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued under this section; and

(B) to cover the reasonable costs of the administration of the loan guarantees.

TITLE VI—HUBZONE PROGRAM

SEC. 601. SHORT TITLE.

This title may be cited as the "HUBZone Act of 1997".

SEC. 602. HISTORICALLY UNDERUTILIZED BUSINESS ZONES.

(a) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) (as amended by section 412 of this Act) is amended by adding at the end the following:

"(p) DEFINITIONS RELATING TO HUBZONES.—In this Act:

"(1) HISTORICALLY UNDERUTILIZED BUSINESS ZONE.—The term 'historically underutilized business zone' means any area located within 1 or more—

"(A) qualified census tracts;

"(B) qualified nonmetropolitan counties; or

"(C) lands within the external boundaries of an Indian reservation.

"(2) HUBZONE.—The term 'HUBZone' means a historically underutilized business zone.

"(3) HUBZONE SMALL BUSINESS CONCERN.—The term 'HUBZone small business concern' means a small business concern—

"(A) that is owned and controlled by 1 or more persons, each of whom is a United States citizen; and

"(B) the principal office of which is located in a HUBZone; or

"(4) QUALIFIED AREAS.—

"(A) QUALIFIED CENSUS TRACT.—The term 'qualified census tract' has the meaning given that term in section 42(d)(5)(C)(i)(I) of the Internal Revenue Code of 1986.

"(B) QUALIFIED NONMETROPOLITAN COUNTY.—The term 'qualified nonmetropolitan county' means any county—

"(i) that, based on the most recent data available from the Bureau of the Census of the Department of Commerce—

"(I) is not located in a metropolitan statistical area (as that term is defined in section 143(k)(2)(B) of the Internal Revenue Code of 1986); and

"(II) in which the median household income is less than 80 percent of the nonmetropolitan State median household income; or

"(ii) that, based on the most recent data available from the Secretary of Labor, has an unemployment rate that is not less than 140 percent of the statewide average unemployment rate for the State in which the county is located.

"(5) QUALIFIED HUBZONE SMALL BUSINESS CONCERN.—

"(A) IN GENERAL.—A HUBZone small business concern is 'qualified', if—

"(i) the small business concern has certified in writing to the Administrator (or the Administrator otherwise determines, based on information submitted to the Administrator by the small business concern, or based on certification procedures, which shall be established by the Administration by regulation) that—

"(I) it is a HUBZone small business concern;

"(II) not less than 35 percent of the employees of the small business concern reside in a HUBZone, and the small business concern will attempt to maintain this employment percentage during the performance of any contract awarded to the small business concern on the basis of a preference provided under section 31(b); and

"(III) with respect to any subcontract entered into by the small business concern pursuant to a contract awarded to the small business concern under section 31, the small business concern will ensure that—

"(aa) in the case of a contract for services (except construction), not less than 50 percent of the cost of contract performance incurred for personnel will be expended for its employees or for employees of other HUBZone small business concerns; and

"(bb) in the case of a contract for procurement of supplies (other than procurement from a regular dealer in such supplies), not less than 50 percent of the cost of manufacturing the supplies (not including the cost of materials) will be incurred in connection with the performance of the contract in a HUBZone by 1 or more HUBZone small business concerns; and

"(ii) no certification made or information provided by the small business concern under clause (i) has been, in accordance with the procedures established under section 31(c)(1)—

"(I) successfully challenged by an interested party; or

"(II) otherwise determined by the Administrator to be materially false.

"(B) CHANGE IN PERCENTAGES.—The Administrator may utilize a percentage other than the percentage specified in under subclause (IV) or (V) of subparagraph (A)(i), if the Administrator determines that such action is necessary to reflect conventional industry practices among small business concerns that are below the numerical size standard for businesses in that industry category.

"(C) CONSTRUCTION AND OTHER CONTRACTS.—The Administrator shall promulgate final regulations imposing requirements that are similar to those specified in subclauses (IV) and (V) of subparagraph (A)(i) on contracts for general and specialty construction, and on contracts for any other industry category that would not otherwise be subject to those requirements. The percentage applicable to any such requirement shall be determined in accordance with subparagraph (B).

"(D) LIST OF QUALIFIED SMALL BUSINESS CONCERNS.—The Administrator shall establish and maintain a list of qualified HUBZone small business concerns, which list shall, to the extent practicable—

"(i) include the name, address, and type of business with respect to each such small business concern;

"(ii) be updated by the Administrator not less than annually; and

"(iii) be provided upon request to any Federal agency or other entity.".

(b) FEDERAL CONTRACTING.—

(1) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(A) by redesignating section 31 as section 32; and

(B) by inserting after section 30 the following:

"SEC. 31. HUBZONE PROGRAM.

"(a) IN GENERAL.—There is established within the Administration a program to be carried out by the Administrator to provide for Federal contracting assistance to qualified HUBZone small business concerns in accordance with this section.

"(b) ELIGIBLE CONTRACTS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'contracting officer' has the meaning given that term in section 27(f)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(f)(5)); and

"(B) the terms 'executive agency' and 'full and open competition' have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(2) REQUIREMENTS.—Subject to paragraph (3), a contract opportunity offered for award pursuant to this section shall be awarded on the basis of competition restricted to qualified HUBZone small business concerns, if there is a reasonable expectation that not less than 2 qualified HUBZone small business concerns will submit offers and that award can be made at a fair market price.

"(3) ALTERNATE AUTHORITY.—Notwithstanding any other provision of law, a contracting officer may award sole source contracts under this section to any qualified HUBZone small business concern, if—

"(A) the qualified HUBZone small business concern is determined to be a responsible contractor with respect to performance of such contract opportunity;

"(B) the anticipated award price of the contract (including options) will not exceed—

"(i) $5,000,000, in the case of a contract opportunity assigned a standard industrial classification code for manufacturing; or

"(ii) $3,000,000, in the case of all other contract opportunities; and

"(C) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price.

"(4) PRICE EVALUATION PREFERENCE IN FULL AND OPEN COMPETITIONS.—In any case in which a contract is to be awarded on the basis of full and open competition, the price offered by a small business concern shall be deemed as being lower than the price offered by another offeror (other than another small business concern), if the price offered by the qualified HUBZone small business concern is not more than 10 percent higher than the price offered by the otherwise lowest, responsive, and responsible offeror.

"(5) RELATIONSHIP TO OTHER CONTRACTING PREFERENCES.—

"(A) SUBORDINATE RELATIONSHIP.—A procurement may not be made from a source on the basis of a preference provided in paragraph (2), (3), or (4), if the procurement would otherwise be made from a different source under section 4124 or 4125 of title 18, United States Code, or the Javits-Wagner-O'Day Act.

"(B) PARITY RELATIONSHIP.—The provisions of paragraphs (2), (3), and (4) shall not limit the discretion of a contracting officer to let any procurement contract to the Administration under section 8(a). Notwithstanding section 8(a), the Administration may not appeal an adverse decision of any contracting officer declining to let a procurement contract to the Administration, if the procurement is made to a qualified HUBZone small business concern on the basis of a preference under paragraph (2), (3), or (4).

"(c) ENFORCEMENT; PENALTIES.—

"(1) VERIFICATION OF ELIGIBILITY.—In carrying out this section, the Administrator shall establish procedures relating to—

"(A) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a small business concern to receive assistance under this section (including a challenge, filed by an interested party, relating to the veracity of a certification made or information provided to the Administration by a small business concern under section 3(p)(5)); and

"(B) verification by the Administrator of the accuracy of any certification made or information provided to the Administration by a small business concern under section 3(p)(5).

"(2) EXAMINATIONS.—The procedures established under paragraph (1) may provide for program examinations (including random program examinations) by the Administrator of any small business concern making a certification or providing information to the Administrator under section 3(p)(5).

"(3) PROVISION OF DATA.—Upon the request of the Administrator, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Interior (or the Assistant Secretary for Indian Affairs), shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out this subsection.

"(4) PENALTIES.—In addition to the penalties described in section 16(d), any small business concern that is determined by the Administrator to have misrepresented the status of that concern as a 'HUBZone small business concern' for purposes of this section, shall be subject to—

"(A) section 1001 of title 18, United States Code; and

"(B) sections 3729 through 3733 of title 31, United States Code.".

(2) INITIAL LIMITED APPLICABILITY.—During the period beginning on the date of enactment of this Act and ending on September 30, 2000, section 31 of the Small Business Act (as added by paragraph (1) of this subsection) shall apply only to procurements by—

(A) the Department of Defense;

(B) the Department of Agriculture;

(C) the Department of Health and Human Services;

(D) the Department of Transportation;

(E) the Department of Energy;

(F) the Department of Housing and Urban Development;

(G) the Environmental Protection Agency;

(H) the National Aeronautics and Space Administration;

(I) the General Services Administration; and

(J) the Department of Veterans Affairs.

SEC. 603. TECHNICAL AND CONFORMING AMENDMENTS TO THE SMALL BUSINESS ACT.

(a) PERFORMANCE OF CONTRACTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ",, small business concerns owned and controlled by socially and economically disadvantaged individuals" and inserting ", qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals"; and

(B) in the second sentence, by inserting "qualified HUBZone small business concerns," after "small business concerns,";

(2) in paragraph (3)—

(A) by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears; and

(B) by adding at the end the following:

"(F) In this contract, the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act.";

(3) in paragraph (4)(E), by striking "small business concerns and" and inserting "small business concerns, qualified HUBZone small business concerns, and";

(4) in paragraph (6), by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears; and

(5) in paragraph (10), by inserting "qualified HUBZone small business concerns," after "small business concerns,".

(b) AWARDS OF CONTRACTS.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in subsection (g)(1)—

(A) by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears;

(B) in the second sentence, by striking "20 percent" and inserting "23 percent"; and

(C) by inserting after the second sentence the following: "The Governmentwide goal for participation by qualified HUBZone small business concerns shall be established at not less than 1 percent of the total value of all prime contract awards for fiscal year 1999, not less than 1.5 percent of the total value of all prime contract awards for fiscal year 2000, not less than 2 percent of the total value of all prime contract awards for fiscal year 2001, not less than 2.5 percent of the total value of all prime contract awards for fiscal year 2002, and not less than 3 percent of the total value of all prime contract awards for fiscal year 2003 and each fiscal year thereafter.";

(2) in subsection (g)(2)—

(A) in the first sentence, by striking ",, by small business concerns owned and controlled by socially and economically disadvantaged individuals" and inserting ", by qualified HUBZone small business concerns, by small business concerns owned and controlled by socially and economically disadvantaged individuals";

(B) in the second sentence, by inserting "qualified HUBZone small business concerns," after "small business concerns,"; and

(C) in the fourth sentence, by striking "by small business concerns owned and controlled by socially and economically disadvantaged individuals and participation by small business concerns owned and controlled by women" and inserting "by qualified HUBZone small business concerns, by small business concerns owned and controlled by socially and economically disadvantaged individuals, and by small business concerns owned and controlled by women"; and

(3) in subsection (h), by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears.

(c) OFFENSES AND PENALTIES.—Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)(1)—

(A) by inserting ", a 'qualified HUBZone small business concern'," after "'small business concern',"; and

(B) in subparagraph (A), by striking "section 9 or 15" and inserting "section 9, 15, or 31"; and

(2) in subsection (e), by inserting ", a 'HUBZone small business concern'," after "'small business concern',".

SEC. 604. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Section 2323 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting before the semicolon the following: ", and qualified HUBZone small business concerns (as that term is defined in section 3(p) of the Small Business Act)"; and

(2) in subsection (f)(1), by inserting "or as a qualified HUBZone small business concern (as that term is defined in section 3(p) of the Small Business Act)" after "(as described in subsection (a))".

(b) FEDERAL HOME LOAN BANK ACT.—Section 21A(b)(13) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(13)) is amended—

(1) by striking "concerns and small" and inserting "concerns, small"; and

(2) by inserting ", and qualified HUBZone small business concerns (as that term is defined in section 3(p) of the Small Business Act)" after "disadvantaged individuals".

(c) SMALL BUSINESS ECONOMIC POLICY ACT OF 1980.—Section 303(e) of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631b(e)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) qualified HUBZone small business concern (as that term is defined in section 3(p) of the Small Business Act).".

(d) SMALL BUSINESS INVESTMENT ACT OF 1958.—Section 411(c)(3)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(c)(3)(B)) is amended by inserting before the semicolon the following: ", or to a qualified HUBZone small business concern, as that term is defined in section 3(p) of the Small Business Act".

(e) TITLE 31, UNITED STATES CODE.—

(1) CONTRACTS FOR COLLECTION SERVICES.—Section 3718(b) of title 31, United States Code, is amended—

(A) in paragraph (1)(B), by inserting "and law firms that are qualified HUBZone small business concerns (as that term is defined in section 3(p) of the Small Business Act)" after "disadvantaged individuals"; and

(B) in paragraph (3)—

(i) in the first sentence, by inserting before the period "and law firms that are qualified HUBZone small business concerns";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act.".

(2) PAYMENTS TO LOCAL GOVERNMENTS.—Section 6701(f) of title 31, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) qualified HUBZone small business concerns."; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).".

(3) REGULATIONS.—Section 7505(c) of title 31, United States Code, is amended by striking "small business concerns and" and inserting "small business concerns, qualified HUBZone small business concerns, and".

(f) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—

(1) ENUMERATION OF INCLUDED FUNCTIONS.—Section 6(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)) is amended—

(A) in paragraph (11), by inserting "qualified HUBZone small business concerns (as that term is defined in section 3(p) of the Small Business Act)," after "small businesses,"; and

(B) in paragraph (12), by inserting "qualified HUBZone small business concerns (as that term is defined in section 3(p) of the Small Business Act (15 U.S.C. 632(o))," after "small businesses,".

(2) PROCUREMENT DATA.—Section 502 of the Women's Business Ownership Act of 1988 (41 U.S.C. 417a) is amended—

(A) in subsection (a)—

(i) in the first sentence, by inserting "the number of qualified HUBZone small business concerns," after "Procurement Policy"; and

(ii) by inserting a comma after "women"; and

(B) in subsection (b), by inserting after "section 204 of this Act" the following: ", and the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).".

(g) ENERGY POLICY ACT OF 1992.—Section 3021 of the Energy Policy Act of 1992 (42 U.S.C. 13556) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "or";

(B) in paragraph (3), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(4) qualified HUBZone small business concerns."; and

(2) in subsection (b), by adding at the end the following:

"(3) The term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).".

(h) TITLE 49, UNITED STATES CODE.—

(1) PROJECT GRANT APPLICATION APPROVAL CONDITIONED ON ASSURANCES ABOUT AIRPORT OPERATION.—Section 47107(e) of title 49, United States Code, is amended—

(A) in paragraph (1), by inserting before the period "or qualified HUBZone small business concerns (as that term is defined in section 3(p) of the Small Business Act)";

(B) in paragraph (4)(B), by inserting before the period "or as a qualified HUBZone small business concern (as that term is defined in section 3(p) of the Small Business Act)"; and

(C) in paragraph (6), by inserting "or a qualified HUBZone small business concern (as that term is defined in section 3(p) of the Small Business Act)" after "disadvantaged individual".

(2) MINORITY AND DISADVANTAGED BUSINESS PARTICIPATION.—Section 47113 of title 49, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking the period at the end and inserting a semicolon;

(ii) in paragraph (2), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(3) the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o))."; and

(B) in subsection (b), by inserting before the period "or qualified HUBZone small business concerns".

SEC. 605. REGULATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall publish in the Federal Register such final regulations as may be necessary to carry out this title and the amendments made by this title.

(b) FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date on which final regulations are published under subsection (a), the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation in order to ensure consistency between the Federal Acquisition Regulation, this title and the amendments made by this title, and the final regulations published under subsection (a).

SEC. 606. REPORT.

Not later than March 1, 2000, the Administrator of the Small Business Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on the implementation of the HUBZone program established under section 31 of the Small Business Act (as amended by this title) and the degree to which the HUBZone program has resulted in increased employment opportunities and an increased level of investment in HUBZones (as that term is defined in section 3(p) of the Small Business Act, as added by this title).

SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) (as amended by section 101 of this Act) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, $5,000,000 for fiscal year 1998.";

(2) in subsection (d), by adding at the end the following:

"(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, $5,000,000 for fiscal year 1999."; and

(3) in subsection (e), by adding at the end the following:

"(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, $5,000,000 for fiscal year 2000.".

Mr. BOND. I thank the Chair, and I express my gratitude to the distinguished Senator from Washington. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. GORTON. Mr. President, what is the order of business?

The PRESIDING OFFICER. The agreement was reached with respect to amendment No. 1122.

Mr. GORTON. Mr. President, that agreement was in error. It was a mistake on the part of Senator SPECTER. I ask unanimous consent that the agreement be switched to amendment 1076.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

Mr. GORTON. Mr. President, I withdraw my previous request for unanimous consent, and I now ask unanimous consent that the debate limitation with respect to amendment No. 1122 be vitiated, and that there now be 60 minutes for debate prior to a motion to table amendment No. 1076. I further ask unanimous consent that following the expiration or yielding back of time, the amendment be temporarily laid aside, the Senate then proceed to vote on the McCain motion to waive with respect to amendment No. 1091, to be immediately followed by a vote on a motion to table the Gorton amendment No. 1076.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Speaking on behalf of the majority leader, I now give notice that it looks as though there will be two stacked votes after the debate on this amendment; therefore, in proximately 1 hour.

AMENDMENT NO. 1076, AS MODIFIED

Mr. GORTON. Mr. President, what is the subject matter before the Senate?

The PRESIDING OFFICER. Amendment No. 1076 is the pending question.

Mr. GORTON. Mr. President, just a few short weeks ago, Congress and the President of the United States agreed to provide $48 billion over the course of the next 10 years as an incentive to States to provide health care coverage to uninsured, low-income children. To receive this incentive, States must expand eligibility levels to children living in families whose incomes are up to 200 percent of the Federal poverty level.

Mr. President, this provided a real anomaly, a true injustice, with respect to the State of Washington, and to varying extents to the States of Hawaii, Minnesota, Rhode Island, Tennessee, and Vermont as well. In the case of each of these States, though I must speak most specifically to my own, State legislatures had already expanded the eligibility for Medicare to children in families with incomes up to roughly 200 percent of the poverty level.

Most of the other States, the States that were designed to be incentivized, have mandatory levels of 100 to 133 percent of the poverty level in incomes and, therefore, in many cases would get these incentives for a very significant expansion of Medicare eligible children for these Kidcare programs.

The net result, however, was that for States like the State of Washington, the fact that they had been more generous, more progressive, more liberal, whatever one wishes to call it on their own, resulted in a dramatic penalty. Our taxpayers, of course, will contribute to this expansion. We will, of course, be providing Kidcare to exactly the same group of children that all other States will be providing under the Kidcare amendment, but we will not be eligible for the incentive.

Mr. President, if that were allowed to stand, it would be a dramatic lesson to every 1 of the 50 States of the United States in dealing with every program for which there is Federal assistance—every program—the expansion of which is debated here, to make absolutely certain that they did not expand those programs themselves, because if they just waited, they would get more money from the Federal Government to do so; and if they went ahead on their own, they would be penalized.

That is exactly what has happened to us here. Our argument for more equitable treatment met with the approval of Members of the Senate when we were debating this issue, and our States were at least in part compensated for the work that they had already done. With the exception I think of a single State in the group of five that I have named, that benefit disappeared in the ultimate conference committee report.

Justice would require, it seems to me, Mr. President, that each of these States be made whole, receive the same Federal subsidy for all of its children who live in families between the previous Federal requirement at 100 to 133 percent and the 200 percent. Because of opposition, however, we do not ask that in this amendment.

All this amendment does is to say that the allocation that is made to all States, on the basis of the number of eligible children, be available for the State of Washington and for these other States to use to the extent that we have children living in families at less than 200 percent of the poverty level who are of course eligible under our law but did not avail themselves of the opportunity to become insured.

In other words, like the other States, we will get the incentive only for children who are not eligible now and who take advantage of the availability of such insurance in the future. Because allocations are made by the Federal Government on the basis of eligibility and not this precise use, and you just drawdown on the use, this amendment will not affect—I want to make this absolutely clear to every Member of the Senate—will not affect the allocations and the ability to use this program by any other State in the United States.

We are not raiding anyone else's money. The eligibility is created by what amounts to at least the State entitlement will only be using the allocation that we already get in theory but cannot use in practice. No one else will lose anything as a result.

Just to make certain that Members do not say this is simply a statement by the Senator from Washington without any basis, I ask unanimous consent a memorandum addressed to me from the Congressional Research Service dated yesterday expressing exactly the same view be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, September 8, 1997.

MEMORANDUM

To: Honorable Slade Gorton Attention: Kristen Michel.

From: Jean P. Hearne, Consultant, Education and Public Welfare Division.

Subject: S. 1061—Amendment to Allow Title XXI Funding for Certain Children.

As you requested, I have reviewed your amendment to Title XXI, the State Child Health Insurance Program. The amendment would allow states to use Title XXI funding for the costs of covering under Medicaid certain waivered low-income children whose income is below the Medicaid applicable income level in the state but above the mandatory Medicaid income level for children. These waivered low-income children are defined as those living in states who have incomes at or above 200% of poverty and who had previously not been covered by Medicaid as of April 15, 1997. The provision would allow such children to qualify for enhanced federal matching funds for the cost of their Medicaid services.

The amendment would not change or otherwise affect the allocation of Title XXI funds to states but changes the way such funds may be used. The amendment would allow for certain states' allotments to be spent on children who are currently eligible for Medicaid coverage in such states but are not participating in the program.

Mr. GORTON. I will read the end of that memorandum: "The amendment would not change or otherwise affect the allocation of Title XXI funds to states but changes the way in which state funds may be used."

Will not change the allocation. It will change the way in which they can be used in my State and I believe to a greater or lesser extent, three other States.

I simply want to repeat for the purposes of this argument, these are States that did what the policy behind Kidcare in effect requires of other States before it was required by this Congress and by the Federal Government. These are States that went out of their way to try to see to it that health insurance was available to these relatively low-income families for their children. It is unconscionable, I believe, Mr. President, that we should say because you did the job we came to somewhat later, earlier, you are just out of luck. You can continue to pay for it yourself. You will not get the incentive that Kidcare provided, so on behalf of my own State and on behalf of a few others, without penalizing any other State in the Union, I am asking for the reasonable treatment, the fair treatment, that this amendment provides.

I suggest the absence of a quorum, and I ask unanimous consent it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, it is very unusual for me to come to the floor to oppose an amendment by my two very distinguished colleagues from the State of Washington, Senator GORTON and Senator MURRAY. I respect them both immensely. I have worked with them both closely. In offering this amendment, I understand what it is they are trying to do. There are many who look at States like Oregon and the State of Washington and Wisconsin and Minnesota and say these are truly progressive States, their governments are doing things which other State governments ought to be doing. Philosophically, therefore, it would be natural for them to come to the floor to ask for some kind of exemption with respect to the children's health care bill.

I come to the floor as somebody who has worked for a very long time on health care, and who has worked virtually full time on this children's health insurance bill. This legislation is a huge accomplishment in terms of this Congress and the President. The children's health initiative is the biggest thing to happen in health care since the mid-1960's. Because of my experience in working on health care, and the children's initiative in particular, I am extremely leery about opening up the children's health legislation for amendment. I know that the chairman of the Senate Finance Committee, Senator ROTH, has said exactly that, and I know Senator MOYNIHAN has said exactly that. I am not sure there are many people who have talked against this amendment, which worries me because, on the face of it, it sounds like a reasonable request, a progressive State asking for an exemption because they are doing things at 200 percent of poverty, which most of the rest of the States are not.

Mr. President, I can tell you that this was a very difficult agreement to reach, the children's health insurance bill. There was the whole issue of whether funding should be made available for health care services as opposed to health care insurance? There was the whole issue of whether the Federal Government should have a say, since it is Federal dollars, in terms of how the money should be spent. The benefit package, which is something I care enormously about, in the children's health care bill is not as good as Medicaid, which is already currently available to millions of children in this country. And there was the question that I fought for, as did others, and didn't succeed, on whether vision and hearing should be included. You can make an enormously powerful case that if you don't provide hearing services, then you won't catch the problems children are experiencing in hearing, who then will stop learning. And, if you don't offer vision care, all kinds of other things happen. It was a very controversial bill. It was reached with great difficulty; the culmination and the consensus was reached with very great difficulty.

I firmly believe it would be very unwise for us to agree to the Gorton-Murray amendment simply because there will be a lot of other people following their lead, and leaders of other States will be following them through the door saying they do 200 percent of poverty, but we do 185 percent or 190 percent of poverty, or we are going to be doing it next year. There will be this and that, and all of a sudden the $24 billion will be quickly eroded.

Now, am I saying that as a knee-jerk response against what is a very good-faith effort on the part of the Senators from the State of Washington to improve their situation? No. I am opposing the amendment out of a genuine concern, accompanied by some degree of terror that, if this amendment passes, there will be many others that follow. One can almost say that, for example, had there not been votes this evening, I was meant to go to West Virginia to discuss with the Governor, Cecil Underwood, a Republican, how he and I were going to work together to help implement—to make sure that the children's health insurance bill works successfully in West Virginia. We don't do things as generously as the State of Washington because we cannot, we don't have the money. My point is that the children's health program is just being implemented. The ink is barely dry. The implementation date has not even arrived yet.

There is a very genuine concern on the part of those of us who care about health care that if we start modifying the agreement on children's health that was reached by the Congress and the White House that we will be in trouble. There are still 10 million children in this country that do not have health insurance. I remember there was common wisdom on the floor of the Senate that if we got the $16 billion for children's health insurance in the budget we could insure 5 million uninsured children. And if we got extra money—$8 billion or more from the tobacco tax—then we could insure all of the 10 million children. That was the hope for a period of time on this floor. As it turns out, it is much harder. It is much more difficult. And even with the full $24 billion we may only be able to reach 3.6 million American children who do not now have health insurance. In fact, the Congressional Budget Office, I think in responding to the submission of this amendment to them by Senators GORTON and MURRAY, indicated that, if this amendment is passed, it will result in 30,000 fewer children receiving health insurance coverage—not 'health services but health insurance coverage. Health insurance coverage is all that matters. That is the wraparound. That is the safety net. That is what guarantees your situation for the future. If we adopt this amendment, others will want special treatment and it would not be long before the $24 billion was eroded away.

So, again I emphasize the respect that I have for the two Senators from Washington. I emphasize that they have every right, just on the basis of the progressiveness of their State, to request this kind of an amendment. But, if they do, there are going to be many States—in the South, the Midwest, the Northeast, and the West—that are going to be losing as a result of it because others will come in with other requests, and gradually the $24 billion in new funding disappears.

So as somebody who cares passionately about health insurance being available to all 10 million children, and who a few years ago fought for health insurance to be available to 37 million Americans—now 40 million—who don't have it, I am rejoicing in the 3.6 million children who will get health insurance under the children's health insurance bill. But I do not want to see any fewer get it.

Therefore, I reluctantly, but energetically, oppose this amendment. I hope that my colleagues will understand that there are a lot of children across America that need to be protected and can best be protected by defeating this amendment.

I thank the Presiding Officer.

I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, it is difficult for me to express my disappointment in the position taken by my friend from West Virginia, although across party lines we have become so close personally to one another in a longtime, longstanding debate of great importance, that it always seems to me emotionally at least that we are likely to agree on other issues as well. I am greatly disappointed that we don't on this one.

He tells me that he had hoped to go and visit with the Governor of West Virginia on this subject today. Yet, the position he takes here is that while West Virginia should be—and I agree with him should be—entitled to an incentive for all of the new children who become eligible for Kidcare because their families' incomes are not more than 200 percent of the poverty line, that not only should the State of Washington be deprived of that incentive for children in exactly the same position who receive Kidcare through the State at the present time but that we shouldn't even be able to get the incentive for those who do not yet receive it who are in precisely the position of the children in West Virginia for whose circumstances he so eloquently speaks. I find it is hard to see that anyone could justify a situation such as that. But that is the situation in the bill as it was passed, not the situation as it was written here in the Senate.

We had the Senate version—Senator MURRAY and I. With this amendment it would have been unnecessary. The Senator expresses apprehension that if this amendment passes there will be many more States with requests.

But I simply say to the Senator that we already have an agreement on the amendments that are going to be considered on this bill. Someone may do it someday in the future in some other set of circumstances but not on the bill that deals with Medicaid and Medicare for the whole next year.

In any event, the idea that you can't do something that is right because it might create a precedent in the future to do something that is wrong is not a form of argument that seems to me to be especially persuasive. Since it is impossible for that to happen in connection with this bill, it perhaps has even less weight.

Obviously, there are differences with respect to this amendment. I regret that I have fought, and we worked diligently to see whether or not we couldn't come up with something that simply could be agreed to, as many other amendments on this bill have—we have not obviously been able to do that. I greatly regret it. But I greatly regret the position on the part of other Senators that, we have ours, it is tough on you, you don't need it.

With that, Mr. President, I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, will the Senator from Washington yield? I am not asking him to yield, but I simply would like to reply to what it was that he said.

The last thing in the world that I want the Senator from Washington, or anybody else, to think is we have ours, let others take care of their own.

First, I think the Senator from the State of Washington knows that is not the kind of legislator I am, in the first place. And, second, this is not about we have ours, and let others take care of their own.

This is a question of trying to keep stitched together an extremely fragile program about which there was enormous controversy. Enormous heat was generated. I was actually almost surprised when it passed not only in the Congress but was signed by the President. I would simply say that I understand that the UC agreement on this bill prevents Senators from offering similar amendments on this bill. But as a Senator who is on the Senate Finance Committee, the Governors were always asking for more ways to do things, new ways to get money, more flexibility. The list of demands kept growing.

Yes, I will fight for the children of West Virginia. But what I am thinking about here really is holding this program together, giving it a chance to work, not precluding the idea of the Senators from the State of Washington being able to introduce this kind of amendment a year or so from now, but simply let us get the children's health program implemented. Let us have a chance to see how it is going before we start exempting this situation and then that situation.

I hope that will be cleared by the parties.

Mr. KENNEDY. Mr. President, will the Senator be good enough to yield?

Mr. ROCKEFELLER. Of course.

Mr. KENNEDY. I have listened to the Senator from West Virginia. I agree with his position. I heard earlier today Chairman ROTH's opposition to this effort. And I understand other members of the Republican leadership also intend to speak on their concerns and opposition to this amendment.

Even under the proposal as it was recently passed, we will only reach about half of the currently uninsured children. As the Senator remembers, we had a more expansive and robust program that might have provided the kind of extensive coverage that the Senator from Washington was talking about. And with the work of the Senator from West Virginia and the Senator from Rhode Island, we explored options to expand coverage among working families in a manner that would have also helped states that have already acted to expand Medicaid eligibility guidelines. However, that proposal failed, and the program signed into law was designed instead to fit on top of what each state is currently doing. The new $24 billion investment in children's health is supposed to provide assistance to the 10 million children in working families whose parents are unable to afford health insurance and are not currently eligible for Medicaid.

So, with all due respect, it is difficult to argue in the abstract that we are pitting one type of uninsured child against another. The point of this new program is to build upon current state efforts to work up the income scale from what is currently being done in a state to ensure that the sons and daughters of working parents receive coverage. We are talking about teachers, nurses aides, janitors, and other professionals whose salaries are too low to enable them to purchase health insurance but too high to qualify for Medicaid. These are hard-working Americans who put in 40 hours a week, 52 weeks of the year.

I would join with the Senator from Washington and the Senator from West Virginia to see an expansion of this program.

Through the work of the Senator from West Virginia, Senator ROTH, Senator MOYNIHAN and others in that conference, we were able with the leadership of the President to get a good program enacted. But we are still probably going to need to enhance that program or strengthen it down the road.

As I understand the Senator's position, we ought to put the new program in place, find out what those needs are, and then I am sure the Senator from West Virginia will be a leader here in the Senate to make sure that we are going to help and assist families in the State of Washington, West Virginia, or Massachusetts to try to make sure that the sons and daughters of working families that are not covered are going to be able to get some coverage. Is that correct?

Mr. ROCKEFELLER. In response to the Senator, I wholly agree with what he said, by trying to make two points. One is that when we were first contemplating this children's health insurance bill and the whole key concept of maybe getting as much as $24 billion, or even perhaps more than that, it was sort of understood that first we were going to insure 5 million children of the families that had the least resources to buy health insurance, and then we would move on to those who had a little bit more resources but still would not be able to afford buying health insurance from the private market for their children. We were talking about 10 million children. There was a lot of opposition to insuring 10 million children. It wasn't 40 million Americans, but it was 10 million children. Then even with the $24 billion that was applied to the program we are now faced with the prospect of maybe only being able to cover 3.6 million children, leaving, therefore, many of the 10 million uncovered.

I think the Senator is also correct when he says this in no way precludes—I said that in my remarks earlier—the State of Washington, which has clearly moved out ahead of others, from, once the ink is dry, once we have seen a little bit more about how this works out, to be able to come back based on the ability of this particular State and others to be able to do more.

But at this point, I am very, very nervous given, frankly, the rather capacious nature of the Governors in trying to bring this money to them, having to put in fairly strict guidelines about what could be spent on health care services as opposed to health interests, which regrettably are different things. I really want to see the program work, and I think we need to give it a chance to work and then come back. And I will be the first to support the State of Washington and others that have done more than other States. But let us take this incredibly, frankly, put-together program and let it work before we open more doors.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER (Mrs. SNOWE). The Senator from Massachusetts.

Mr. KENNEDY. How much time is there?

The PRESIDING OFFICER. The Senator has 2 minutes 26 seconds.

Mr. KENNEDY. What is the regular order at that time?

The PRESIDING OFFICER. The Senator from Washington has 5 minutes, and then the Senate will vote on a motion to table.

Mr. KENNEDY. I see the other Senator from Washington here who I know has an interest. I will withhold my remarks to permit her to speak.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Chair.

I rise in support today of the pending Gorton-Murray amendment. I think, as we are all aware, President Clinton recently signed into law legislation that really calls for the largest expansion of children's health care since the creation of Medicaid in 1965. I worked very hard on this initiative with my colleagues, Senator KENNEDY and Senator ROCKEFELLER. I was really thrilled to be a part of this historic effort to provide real health care security to the most precious and vulnerable children in our Nation. I think that is an accomplishment of which we can all be very proud, and it will not only provide health care security for our children but economic security and peace of mind for millions of hard-working parents as well.

I know the benefits of expanding health care benefits for children because my home State of Washington took a similar step back in 1994. The State took the lead because it was concerned about the future of its children and it was expecting us to enact a comprehensive national health security act for Americans at that time. The State of Washington wanted to be sure that our children were the first priority in any health care security efforts, and I applauded the action by the State and am pleased to report that all children through the age of 18 in Washington State who live in families up to 200 percent of the Federal poverty level are covered. The State did not have to take that step and expanded their Medicaid program beyond any Federal mandatory level. As a result of that action, 427,000 children are now guaranteed access to quality, affordable health care. This is a fact that I take a great deal of pride in, and I know that our public health system has benefited.

In the last Congress, when I started working to expand health care insurance for 10 million children, I was assured that any expansion would benefit all States and that those States that had expanded their programs up to 200 percent of poverty would not be treated differently. I had seen the success in my State and seen the benefits of providing comprehensive health care to uninsured children. As a result, I worked hard to fight for nationwide expansion.

During negotiations, I worked with several other Members to ensure that the amount of funding for children's health care was increased. I supported efforts in the Chamber to fund this expansion at $24 billion, providing the greatest amount of resources available that will ensure the greatest number of children are insured.

The final budget reconciliation legislation was a major victory for children and families in this country, but unfortunately my State of Washington will not benefit to the degree I had hoped. My State and others that made the commitment to their children previously and provided coverage up to 200 percent of the Federal poverty level will not be able to access the $24 billion that was provided for in this bill. The State will have to expand their current program by 50 percent in order to access any of those new funds. I am hopeful that the State will act to cover more children, if the resources are available at our State level, but in the immediate future Washington State will not be able to provide additional coverage, meaning that the intent of the legislation to cover more uninsured children will not be met in my State. We have made great strides in covering uninsured children, but we still have over 300,000 children who have no health insurance. We should be making every effort to encourage our States to expand the number of children covered, not discourage them from doing so.

The Gorton amendment would only allow States that have covered children up to 200 percent of the Federal poverty level to access the children's health block grant money to cover children from 133 percent to 200 percent of the poverty level, meaning that States could access these funds for new children that are not currently required to be covered. Again, this would apply only to new children as of October 1, 1997. Any child currently enrolled up to 200 percent would remain in the Medicaid Program. We are simply trying to treat new children in Washington State the same as they will be treated in Idaho or Montana or any other State. A new ensured child is a new ensured child regardless of which State they live in.

I have heard some of the concerns about this amendment and the impact that it could have on States that are currently at 200 percent. Let me assure my colleagues that, unfortunately, there are not many at this level. I have also heard about the substitution effect. Included in this amendment is a requirement that the State must certify that the child has not been insured in the past. We are only talking about an insured child as of October 1 of this year.

Finally, this amendment only applies to those new children that the State made the decision to cover, the optional children. Those below the 133 percent will not be included for any match purposes.

My colleagues should also keep in mind that there is already strong maintenance-of-effort requirements in the act which apply to the States as well. I listened to my colleagues, Senator KENNEDY and Senator ROCKEFELLER. I understand their concerns and I want to remind them that we all share the same goal. I hope we can continue to work on this so that the children in my State are treated as equally as other children across the Nation regarding that $24 billion. Our Governor has told us he needs this amendment to look forward to ensuring new children. I hope we can continue to work together to make sure that happens for the children of Washington State as well as the rest of this country.

I yield the remainder of my time to Senator GORTON.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1076, AS MODIFIED, WITHDRAWN

Mr. GORTON. Madam President, my colleague from the State of Washington and I have worked diligently on behalf of what we consider to be equity to our State and to two or three other States as well. It had been our firm contention and our fond hope that we would be able to secure the passage of this amendment by unanimous consent. It is quite obvious that we cannot. Each of us disagrees with the rationale presented by the other side on the amendment. But our preference is to try to live and fight this issue another day, and for that reason I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1076), as modified, was withdrawn.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1109

Mr. NICKLES. Madam President, earlier today the Senate adopted an amendment No. 1109, an amendment that I introduced along with Senator ROTH, Senator MOYNIHAN, Senator GRAMS from Minnesota, and Senator HAGEL, that deals with Social Security Administration personal earnings and benefit estimate statements [PEBES].

The amendment that we passed requires the Social Security Administration to include the employee contributions as well as employer contributions on the PEBES. Right now, when those statements are compiled, they show employee contributions but not employer contributions. Due to the support of the chairman of the Finance Committee and Senator MOYNIHAN, these statements in the future will show not only what the individual contributed but also what the company contributed and what their future anticipated benefits will be.

I think it is a good amendment. It is a disclosure amendment. A lot of people are not aware of the fact that not only do they contribute 7.65 percent of their payroll for Social Security and Medicare, but their employer matches it, for a total of 15.3 percent of payroll. This personal benefit statement will be sent to every eligible working American from Social Security beginning in fiscal year 2000. Americans will receive this financial disclosure every year, so people will know what they have contributed to Social Security and what their employer has contributed as well.

I thank my colleagues for supporting this amendment, especially the chairman and ranking member of the Finance Committee and Senator SPECTER.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I would like to have consent to be able to speak for 7 minutes.

The PRESIDING OFFICER. The Senator has the right to speak.

Mr. KENNEDY. I thank the Chair.

Madam President, there are items that we will be dealing with—the McCain amendment, the Durbin amendment, and also the other Gorton amendment which we will be voting on in just a few moments—and I would like to speak very briefly on each of them.

I strongly support the Durbin amendment which will repeal language in the budget agreement that deducts the cigarette tax devoted to children's health from the amount of the settlement.

In effect, this last-minute loophole inserted in the budget bill by Big Tobacco in the dead of night behind closed doors reduced the value of the settlement by $50 billion. It was one of the most devious and reprehensible actions that I have witnessed in my years as a Senator.

The lesson is clear. When tobacco issues are debated in the public, the American people win. But when the debate moves into the backrooms of Congress, the tobacco industry's interests come first, and the public interest comes last.

It's time that Congress stood up to the tobacco industry and said "no" to Joe Camel and the Marlboro Man. This tobacco loophole has no place in the budget agreement, I urge my colleagues to support the Durbin-Collins amendment.

I strongly oppose the McCain amendment which would have a devastating effect on our essential efforts to address physician work force issues.

Medicare pays approximately $9 billion per year for graduate medical education. Over the years, these payments have been a strong incentive for hospitals across the country to increase the size of their residency programs. The increase has resulted in turn in widely reported concerns about an oversupply of physicians. The Institute of Medicine, the Pew Health Professions Commission, the Association of American Medical Colleges, and the Council on Graduate Medical Education have all emphasized the urgency of dealing effectively with this problem, and Congress can't ignore it.

In addition, the longstanding hospital reimbursement policies have been more generous for specialist residents than primary care residents. As a result, most of the growth in the number of residents has come in specialist positions, not in primary care, and has produced an extremely serious oversupply of specialists.

Congress addressed these issues in the balanced budget legislation enacted this summer. We expanded the New York graduate medical education demonstration project into a national program to encourage teaching hospitals across the country to adjust the numbers and types of physicians they train. The program provides incentive payments to teaching hospitals to voluntarily reduce the number of medical residents in training, and to increase the proportion of residents training in primary care.

The program pays hospitals for residents who are not being trained. But the payments are reduced over time and phased out completely after 5 years. These payments help cushion the blow for institutions heavily dependent on the Federal funds, and allow an orderly downsizing of residency training programs, with minimal disruption to the provision of health services.

The McCain amendment, however, would eliminate incentives for hospitals to downsize the overall number of resident positions and recalibrate the number going into primary care. The glut of physicians and the imbalance between general practitioners and specialists would go unaddressed.

The McCain amendment could also have a harmful effect on rural and underserved areas. The budget agreement established a hospital-specific cap on residents, based on 1996 levels. It gave the Secretary of the Department of Health and Human Services the authority to lift the cap for residency programs in rural and underserved areas if the total number of positions does not exceed the national cap. By eliminating these payment incentives under the McCain amendment, large residency programs will no longer downsize. This result will hamstring efforts to establish new residency programs to address the health care needs in rural and underserved areas due to the overall cap.

Finally, the amendment would result in over $300 million in lost savings, according to CBO estimates.

A critical part of health reform is responsible action to reduce the oversupply of physicians and correct the imbalance between primary care practitioners and specialists. The Budget Act is helping us put a more effective policy in place, and we should not reverse the progress we have made. I urge my colleagues to reject the McCain Amendment.

The second Gorton amendment hurts students and goes against the Nation's commitment to helping the poor and educationally disadvantaged students who need our strongest support.

Although meaningful education reform happens not at the Federal level, or even at the State level, but at individual schools, the State and Federal Governments are important partners in helping to improve education for all children. We all need to work together to improve the Nation's public schools.

This amendment does not support meaningful reform. Instead, it shifts Federal dollars away from the neediest communities to the wealthier ones. It guts carefully crafted and widely supported programs with specific purposes. And it undermines the State's role as a crucial partner in improving the achievement of all students.

This amendment is the wrong direction for the Nation's children and the wrong direction for the Nation's future. It is not an attempt to offer a helping hand for local schools. It is simply a thinly veiled attempt to dismantle the Federal role in education.

Currently, Federal funds help schools and school districts improve reading and math skills of disadvantaged students, help teachers get the extra skills they need to teach all children to high standards, help communities create safe and drug-free schools, and help communities modernize their schools. This amendment would strip Federal funding of these crucial, targeted purposes intended to help children who need it most.

Time and time again, research has indicated that it is in high-poverty communities that children are most likely to fall behind and drop out of school. This amendment disregards the research and the testimony that we have heard over and over about the need to help disadvantaged and low-achieving students.

This amendment would shift funds from poor school districts to wealthier ones. Currently, some States depend heavily on Federal funds. Alabama, Arkansas, and Louisiana get more than 10 percent of their schools funds from the Federal Government. Mississippi depends on the Federal Government for a full 21 percent of its education funds. We should not do anything to weaken that support.

As a nation, we have made a commitment to help all students have the opportunity to get a good education. We have a responsibility to make sure that public tax dollars are well spent. This amendment provides no accountability mechanisms and it is not fiscally responsible. Reforming the Federal role in education is neither a casual nor quick decision, and it should not be taken lightly.

Federal education laws are more flexible and school-friendly than ever before. States and local education agencies are working in greater and more effective collaboration. Schools are helping all children meet high standards of achievement. We should not undermine these efforts when they are just getting off the ground. We should support efforts to improve education for all students, not undermine them.

I also strongly support and am a cosponsor of Senator DASCHLE's sense-of-the-Senate amendment with two key provisions—that Pell grants should be funded at a total of $7.6 billion, and that a child literacy initiative should be funded at $260 million this fiscal year.

Pell grants are an indispensable source of college aid for low- and middle-income students. But too often, the current eligibility rules shortchange too many students.

Today, single independent students at public 4-year institutions are not eligible for a Pell grant if their annual income is over $10,000. Many of these students will not benefit from the tax credits for college expenses recently enacted in the budget law. Greater Federal assistance is needed to help them meet their most basic college expenses.

A similar problem faces parents trying to pay for college for their children. Current law is actually a disincentive for college students to work part-time to help pay for the cost of their education. Yet over three-quarters of undergraduates now work part-time while enrolled in college.

It makes no sense for the current law to penalize students who are willing and able to work their way through college. Many students work full-time during the summer and part-time during the school year. But if they do so, the response by current law is to reduce their eligibility for Pell grants. We should be encouraging students to take part-time jobs, rather than take out additional loans, as long as their jobs do not become so burdensome and time-consuming that they interfere with the students' education.

The budget agreement contained a clear commitment to allocate $700 million to reform the needs analysis formula for Pell grants. The House appropriations subcommittee provided $500 million to meet this commitment, but that is not sufficient. The Senate bill is far worse—it contains no funds at all for this needed change.

The second part of the amendment will help more children learn to read well. We know the dimensions of the current problem. Some 40 percent of the Nation's fourth grade children cannot read at the basic level.

Low achievement in reading is a national crisis, and it demands immediate attention. Children who lack good reading skills by the fourth grade are far more likely to fall farther and farther behind, and eventually drop out of school. President Clinton is right to focus on this critical problem, and Congress should respond.

This amendment will provide $260 million for a child literacy initiative—and it will provide the funds this year. As the ranking member of the Labor and Human Resources Committee, I am strongly committed to seeing that legislation authorizing the initiative is enacted as soon as possible. But it makes no sense to delay the appropriation.

I urge my colleagues to support these two important sense-of-the-Senate provisions. We all know that the final bill will be written in the conference between the Senate and the House. I hope we will have an overwhelming vote of approval to insist that the conferees find a way to pay for these two essential reforms in school and college education.

Another essential reform for elementary and secondary students is the President's proposal for a voluntary national test for fourth grade reading and eighth grade math. Schools need clear standards of achievement and realistic tests to measure their achievement. These tests are a tool they can use to measure their progress and identify areas of need to bolster student achievement.

I strongly support having the National Assessment Governing Board take responsibility for formulating policy guidelines for the voluntary reading and math tests. NAGB is in the best position to oversee this important issue. This bipartisan group has done an excellent job managing the National Assessment of Educational Progress. As we all know, NAEP has served to point out how we are doing as a nation and helped educators think about ways to improve our education system.

The voluntary national tests, however, will go further. They will help each school district, each school, each student to identify areas of need in order to make the necessary changes to improve individual student achievement.

The tests are linked to national and international standards. They will show whether individual students are meeting widely accepted standards in reading and math. No current test is available to provide this essential information to students, parents, teachers, and school administrators. For families that move from community to community or State to State, there is no current way to measure the performance of students on a comparative basis.

The President's proposal for voluntary national tests has broad support from business leaders, including the Business Roundtable, the U.S. Chamber of Commerce, the National Business Alliance, and many others.

It also has strong support from the education community, including the Council of Great City Schools, the Chief State School Officers, and the National School Boards Association.

Seven States, including Massachusetts, and 15 major cities have already agreed to use the voluntary test.

Voluntary national tests are an excellent way to support local school reform and hold schools and districts accountable for student achievement. I urge the Senate to reject any effort to deny Federal funds for these tests.

Finally, the Nickles amendment is a blatant attempt to punish the Teamsters Union for winning the UPS strike, and it does not deserve to pass. The amendment would require the Federal Government to abdicate its responsibility under the court-approved consent order signed by the Justice Department under the Bush administration. If the Federal Government abdicates this responsibility, it could be subject to contempt proceedings in Federal court.

This is an unacceptable result. It would substitute the Senate's judgment for that of the Federal court about the meaning of the consent order. This is not how the judicial process was meant to operate, and I urge my colleagues to oppose the amendment.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I ask unanimous consent that the vote that was originally scheduled to occur immediately after the Gorton amendment occur at 6 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1078

Mr. DURBIN. Madam President, I have an amendment that is pending, I believe, amendment No. 1078. I ask for the regular order that this amendment be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> Amendment No. 1078, previously proposed by the Senator from Illinois [Mr. DURBIN].

Mr. DURBIN. I ask unanimous consent to dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Thank you, Madam President.

It is my understanding that there is an agreement that in 25 minutes or so a vote will be taken which will interrupt this debate. And during this pending period, I am sure that others will be joining us to discuss the amendment which I have called up. It has not only been my intention to call up this amendment, but any amendments thereto this evening. I hope we can dispense with this matter. I have waited all day for this opportunity.

I think it is an important amendment. It is one that has received a lot of attention, but it was an amendment which people almost missed because, you see, in the tax bill that we considered just a few weeks ago, it was not until the final hours before the vote that someone discovered a provision buried deep in this tax bill, which literally gave a $50 billion tax break to tobacco companies in the United States.

The reason why amendment came as such a surprise was it was not in the House version of the tax bill, it was not in the Senate version of the tax bill. No committee hearings were heard on this issue. No debate was held on the floor of the House or the Senate on the wisdom of this issue. But in fact we have come to learn that the tobacco companies, through their lobbyists, inserted this provision in the tax bill at the last minute.

It was a provision which I have called a "legislative orphan," because for weeks afterward, after it was discovered, no one would claim parentage of this poor little $50 billion amendment—no fathers, no mothers, no living relatives. People said it appeared mysteriously, that it was approved by the leadership but no one could quite tell us where it came from.

Well, finally, after weeks of investigation, the USA Today reported, through a staff member, that it was a product created expressly by the tobacco companies and slipped into this tax bill at the last minute in an effort to deal with some of the politics of raising the tobacco tax.

The tobacco companies have come before us time and again and said, "It's a new day. We have learned our lesson. We are no longer the oppressive industry, ignoring the reality of public health. We now want to sit down and settle. We want to work with our legislative leaders in Washington."

Well, it was a new day when it came to the speeches, but not when it came to propose this amendment to the tax bill. In fact, it was an old day, old politics, old time religion. Wait for the dark of night, and in that stealthy atmosphere come in with an amendment worth $50 billion.

Here is what it said. We were going to raise the tobacco tax, over several years, 15 cents. That money was to be raised to provide health insurance for uninsured children across America so that States could invent their own programs and create their own approaches to cover these children. And the tobacco tax revenues would help defray that cost.

Well, the tobacco companies have decided that they want the value of this tobacco tax increase to be set off against anything they would have to pay in a final settlement, the so-called universal or global settlement.

So, at the last minute, they come in with this provision, a $50 billion setoff, or break, for the tobacco companies, without a minute of hearings, without any consideration in the House or the Senate, without any deliberation. They said, "Let's make this part of any tobacco deal. We get a $50 billion break." It is no wonder that cynicism grows across America when this sort of thing is done. It really raises a question about whether we are doing our job right.

Some of the tobacco companies have come back and said, "Now, wait a minute. This is nothing unusual. A $50 billion setoff against our offer of $368.5 billion—it is a natural thing." Well, I am afraid it isn't. It turns out State attorneys general, including Michael Moore of Mississippi, sent a letter on behalf of this group, and they said that ". . . [the] recent action by Congress to use revenues raised by new taxes as a credit toward our settlement is unacceptable. . ." This comes from Michael Moore of Mississippi. "As you know, this concept was discussed and rejected by us during our negotiations. This industry"—the tobacco industry—"has agreed to specific dollar amounts in the settlement, and we will not agree to any diminution of those amounts not specifically set forth in the agreement."

Attorney General Moore, who led this effort of 40 different States to bring an action against the tobacco industry, has in fact said that this is not part of the agreement. It was expressly rejected.

So the tobacco companies, having lost in their negotiations with the State attorneys general, came up to find some friends on Capitol Hill. And they clearly must have found them, because now in fact we have this amendment as part of the tax bill, signed into law.

The amendment which I propose today repeals it. It says that the tobacco companies cannot sneak in here in the dark of night and put this kind of provision in the law. I tried to attack this provision in the closing hours before the tax bill was voted on. Some of my colleagues told me later they were not sure what I was doing, and it was late, and they were not certain what the point of order was setting out to do, but they want a chance to vote on it again. Well, we are going to give them that chance today, I hope, if we do not get muddled down by the efforts of the tobacco companies again to pull a fast one.

I am reminded of a story because of what we are setting out to do here. An Irishman was seen digging around the wall of his house. He was asked by his neighbor what he was doing. He said, "Faith, I'm letting the dark out of the cellar." That is what we are trying to do here. We want to let the dark out of the cellar in the tax bill. That section of miscellaneous provisions which was supposed to be innocuous, not costly, noncontroversial, turned out to include this $50 billion break for these tobacco companies.

I think that what the tobacco companies are trying to do here is to start writing the tobacco liability settlement legislation even before Congress gets its chance? And they want this $50 billion break to start with.

The tobacco company provision in the tax cut bill says the increase in the tobacco excise taxes collected as a result of the balanced budget law will be credited against the total payments the tobacco companies would make as a result of Federal legislation implementing the settlement.

The tobacco tax increase in the final version of the balanced budget bill raised $5.2 billion in the first 5 years, and a total of $16.7 billion over 10 years. Projected out to the 25-year life of the proposed settlement, we can estimate that the revenues at stake amount to around $50 billion over 25 years. I do not know if there was another provision in that tax bill of this magnitude. One small section that will literally cost the taxpayers of this country $50 billion that was put in this bill without a minute of debate or hearing.

That means the new balanced budget law, as amended by the tax cut bill, would give the tobacco companies a $50 billion credit in any future settlement. Boy, that is a good day at work if you can come home as a lobbyist for the tobacco companies, and the spouse says to the lobbyist, "How was your day at work?"

"I had a great day."

"What did you do?"

"I just saved the tobacco companies of America $50 billion without anybody noticing. We stuck it in the bottom of the tax bill, and now no one will ever know."

Well, that isn't what happened. It was discovered. And today it will be addressed directly.

The revenues in this bill were not intended to set off the liability of the tobacco companies. They were in there to provide health insurance for low-income kids. They should not be used to lessen the financial liability of the tobacco companies.

Moreover, if this provision is not repealed, the tobacco industry is going to argue that $50 billion should be taken out of the money the settlement envisions for public health initiatives. Keep in mind, these tobacco companies sat down with 40 State attorneys general and said, "We are willing to reach a settlement. And we are willing to invest money in public health initiatives to reduce children's smoking, for example."

Now they have said, "We won't give you $368.5 billion as promised over 25 years. We want a reduction of $50 billion."

So what will be at stake here? Enforcement of this agreement, public information campaigns, smoking cessation programs, industry liability payments. We should not give the tobacco industry this $50 billion windfall.

I am pleased that Senator COLLINS is joining me. I see she has come to the floor here. Senator COLLINS of Maine has agreed with me that we should repeal this sweetheart deal for big tobacco. American taxpayers should not be subsidizing the tobacco industry to reduce its liability for past misconduct.

The amendment is very simple. It simply says that subsection (k) of section 9302 of the Balanced Budget Act of 1997, as added by section 1604(f)(3) of the Taxpayer Relief Act of 1997, is repealed. Or, in plain English, the tobacco industry credit added to the balanced budget bill by the tax cut bill is repealed.

The groups that have joined me in support of this effort grow by the hour. I am very proud of those who are endorsing the Durbin-Collins amendment to repeal that $50 billion tobacco credit.

I will read the groups for the RECORD: Action on Smoking and Health; the American Association of Critical Care Nurses; the American Cancer Society; the American College of Preventive Medicine; the American Heart Association; the American Lung Association; the American Medical Association; the American Public Health Association; the American Society of Addiction Medicine; Children's Defense Fund; the HMO Group; the Latino Council on Alcohol and Tobacco; the National Association of City and County Health Officials; the National Center for Tobacco-Free Kids; the National Council of Churches; the National Education Association; the National PTA; the National Women's Law Center; Partnership for Prevention; Public Citizen; Taxpayers for Common Sense; U.S. Public Interest Research Group; and the Women's Legal Defense Fund.

Some have argued we should just let this provision stand and then try to adjust the settlement accordingly, by adding $50 billion to the required payments. We should not have to expend valuable energy trying to increase the settlement price just to return to where we stood before July 31.

We should repeal this provision now, clear the decks, and start from a level playing field in deciding what the settlement price would be. Many of us think the final settlement price should be higher than $368 billion.

I might add that my colleague from Kentucky, Senator FORD, is offering an amendment in the second degree to this. He suggested at one point he thinks $368.5 billion should be the total that is in the settlement. Though I will not oppose his amendment as written, I disagree with that particular aspect. But whatever the price, it should not have to be artificially adjusted to fix a provision added in the dark of night that almost no one knew about and almost no one agreed to.

Some have also argued that the settlement provision has no meaning and no effect. When I brought it up on the floor some of my colleagues said, "Well, this is not binding. It is not a matter of law."

I said at that point, "Then take it out of the bill."

"No, no, we have to keep it in the bill."

Clearly, the people fighting for it in the bill wanted a strong bargaining position. They wanted to say when the tobacco settlement came down, we will start with a $50 billion credit for the tobacco companies. I do not think the tobacco industry would have worked so hard to put the provision in the bill if it was not important.

In fact, news reports have indicated that the provision was supposed to have been put in the Balanced Budget Act and was added to the Taxpayer Relief Act after being inadvertently left out of the budget bill. If it had no meaning or effect, no one would have bothered to write it into the tax cut bill.

But make no mistake about it, this provision is very meaningful. Although it was originally characterized as an "orphan" provision because no one would own up to having written it, the truth finally came out that the tobacco industry provided the language directly to the Joint Tax Committee staff which put it in the bill at the behest of certain congressional leaders. The provision is very meaningful to those who wrote it, namely, the tobacco companies. They stand to gain $50 billion for 46 words of legislative language. That is more than $1 billion a word.

When you think about the history of Washington, DC, and all that we have done on Capitol Hill, we have literally reached the point where an effective lobbyist working in the stealth of the night can come up with a provision which saves his clients more than $1 billion a word. What an effective lobbyist that must be.

Regardless of whether we support or oppose the details of the proposed settlement, we should all be able to agree that the taxpayers should not be underwriting the cost of the settlement.

Some have argued we should not adopt this amendment because it might slow down this appropriations bill, and it is a very important appropriations bill. But I believe the American people and most Members of Congress don't support this tobacco giveaway. We must not pass up this opportunity to eliminate it. It is a bad law and it needs to be changed.

Those who want to derail the Labor-HHS bill will try to do so regardless of whether this provision is in it. We must not let a threat to slow down the bill turn courage into cowardice. If we stand up to the forces behind this amendment they will shrink away. They don't really want to try to defend the indefensible.

The question also comes up as to whether, if the amendment is adopted, the Labor-HHS appropriations bill could be "blue slipped" by the Ways and Means Committee in the House, pursuant to the origination clause, article I, Section 7 of our Constitution.

As a practical matter, the answer is no. Of course, the House could do whatever it wishes. It is a sovereign body. But as a practical matter, it wouldn't have a good case for blue slipping this bill over this amendment because it is not a revenue measure.

We talked to the House Parliamentarian's office. They agreed. The subsection of the budget bill that would be repealed by this amendment does not amend the Internal Revenue Code. It does not impose or remove a tax. It does not even change the tobacco industry's current obligations. It addresses only a possible future credit against the payments the tobacco industry would make in a settlement. That credit is not a tax credit. It is simply a reduction of the tobacco company's payment obligations under a settlement, if there is one. Therefore, this is not a tax revenue measure subject to that objection.

Any Member of the House could try to offer a privileged resolution claiming that the provision was a revenue measure subject to the origination clause and asking the House to reject the bill and send it back to the Senate, but they would have a hard time convincing the majority in the House to reject this important appropriations bill on the grounds this amendment was supposedly a revenue matter, even though the amendment, as I said, does not affect the Tax Code nor anyone's tax liability and does not even affect the tobacco industry's obligations.

Tobacco products in the United States kill more than 400,000 Americans every year. The U.S. economy suffers a tragic and unnecessary loss of $50 billion each and every year from tobacco-related health costs and another $50 billion from tobacco-related loss of productivity.

Historically, the tobacco industry was unwilling to admit to any damage caused by its products. Even today, tobacco company executives choke on statements that their products "might have" caused some instances of cancer.

But the settlement currently being discussed was agreed to by the tobacco industry.

This secret credit should never have been written into the tax bill. It should be repealed immediately.

Madam President, I say to my colleagues, they may have had an excuse for not voting to strip this provision from the tax cut bill on July 31. Perhaps many of them genuinely did not know it was there. I only learned about it a few hours before the vote. But there is no excuse today. There is no excuse for the Senate to leave this provision in law.

Now my colleagues have a chance to vote straight up to rectify the situation. The American people do not want this credit to remain on the books. It is time for Congress to agree and to vote to repeal it. So, I say to my colleagues, don't let the tobacco companies take $50 billion out of taxpayers' pockets to reduce their settlement liability.

I hope they will join me in voting for the Durbin-Collins amendment. This amendment, to paraphrase an old literary quote, "shines and stinks like rotten mackerel by moonlight." We are now bringing it to the attention of our colleagues to let them know that this rotten mackerel should be excised from the Federal law, that the tobacco lobbyists, as effective as they were in placing this provision in law, did the wrong thing. They played old politics under the old rules.

I am happy now to yield the floor to my cosponsor on this amendment, Senator COLLINS of Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I am pleased to be joining with my colleague from Illinois in offering this amendment to repeal the tax break that was slipped into the tax bill at the very last minute to benefit the tobacco industry. I note that the distinguished Presiding Officer, my colleague, the senior Senator from Maine, is also a strong supporter and cosponsor of our effort.

This provision, which amounts to a $50 billion giveaway to big tobacco, has generated justifiable outrage across the country and fueled the tremendous cynicism that already colors the American public's view of politics and politicians.

Now, Madam President, where did this tax break come from? It was not in the Senate tax bill. It was not in the House version of the bill. There was never any public debate. The one-sentence provision just magically appeared at the end of a 327-page conference report tucked into a section entitled "Technical Amendments Related to Small Business, Job Protection, and Other Legislation."

No one claimed parentage. Like Harriet Beecher Stowe's Topsy, "She wasn't born, she just was."

While no one has officially spoken up to claim this orphan, it turns out, according to press reports, that the provision was written not by Members of Congress, but by the tobacco industry.

Madam President, this is outrageous. It is backroom politics at its worst, and represents the kind of abuse of the legislative process that the American public is rightfully sick and tired of—a secret agreement, negotiated behind closed doors, by powerful tobacco industry lobbyists, in the closing hours of consideration of a massive tax bill.

Congress is currently considering the proposed $368.5 billion global settlement negotiated between 40 attorneys general and the tobacco industry. As we review this settlement, one of our primary objectives is to ensure that the tobacco industry has negotiated in good faith and is held fully accountable for their past misconduct.

Many of us have harbored suspicions about the tobacco companies' supposedly good intentions during these negotiations. We have been concerned that the tobacco companies would simply raise prices and write off the settlement payments, effectively passing on the costs of the settlement to the taxpayer and the tobacco consumer.

Well, Madam President, worst suspicions confirmed. Not only can the tobacco companies write off the entire $368 billion as a business expense, which means that 30 to 40 percent of the tobacco settlement costs will be subsidized by the taxpayers, but now the Congress, in a moment of midnight madness, has carved out a brand-new tax break for these companies that effectively reduces the costs of the settlement by $50 billion.

It is outrageous that we should even consider approving this tax break and passing on these costs to the American taxpayer. Tobacco is the No. 1 preventable cause of death in the United States. It accounts for approximately 500,000 deaths a year and billions of dollars in health care costs. The tobacco companies have agreed to the settlement as a means of reducing their future liability and are providing some compensation to States and individuals for the costs they face because of the disease and addiction associated with their products.

Regardless of our position on the proposed tobacco settlement, we should all agree to reject this $50 billion special tax break for the industry.

Now, some would have us believe that the $50 billion tax credit is part of the tobacco settlement. This is simply not true. In fact, this concept was discussed and soundly rejected during the negotiations between the attorneys general and the tobacco industry. In fact, the States attorneys general strongly oppose this new tax credit.

I have a letter from the States attorneys general. I ask unanimous consent it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE ATTORNEYS GENERAL, (A COMMUNICATION FROM THE CHIEF LEGAL OFFICERS OF THE FOLLOWING STATES,

August 6, 1997.

Hon. PHIL CARLTON,
Carlton Law Firm,
Pinetops, NC.

DEAR MR. CARLTON: We are writing to inform you that the recent action by Congress to use revenues raised by new taxes as a credit toward our settlement is unacceptable. Apparently this action was taken with approval by or at the urging of representatives of the industry. As you know, this concept was discussed and rejected by us during our negotiations. The industry has agreed to specific dollar amounts in the settlement, and we will not agree to any diminution of those amounts not specifically set forth in the agreement.

We have continued our support for this settlement because we believe it to be in the best interest of the American public. We have always made it clear, however, that should Congress substantially alter material terms of the agreement, the States would exercise the option of rejecting the settlement and continuing the prosecution of their lawsuits. We regard this action as a substantial alteration of a material term. We ask your immediate agreement that this must be eliminated from any final resolution of this matter.

Sincerely,

MIKE MOORE,
Mississippi Attorney General.
GRANT WOODS,
Arizona Attorney General.
CHRISTINE O. GREGOIRE,
Washington Attorney General.
ROBERT A. BUTTERWORTH,
Florida Attorney General.
RICHARD BLUMENTHAL,
Connecticut Attorney General.
DENNIS C. YACCO,
New York Attorney General.

Ms. COLLINS. In that letter they state that they regard this action as "a substantial alteration of a material term" of the agreement and that they will "exercise their option of rejecting the settlement and continuing the prosecution of their lawsuits" if it is included.

Madam President, this secret tax break should never have been written into law in the first place. It should be repealed immediately. I urge my colleagues to join me in supporting the Durbin-Collins amendment.

I yield the floor.

Ms. SNOWE. Mr. President, I rise today in support of the amendment offered by the junior Senator from Illinois. This amendment would repeal a provision that was inserted in the recently enacted Taxpayer Relief Act of 1997 at the last minute that could potentially reduce the cost to tobacco companies of the proposed global settlement of tobacco litigation.

Mr. President, as my colleagues are aware, a global settlement on tobacco litigation was announced on June 20. This settlement would resolve lawsuits brought by 40 States against the tobacco industry that sought to recoup State Medicaid spending for smoking related illnesses.

Under the terms of the settlement, the industry would pay an estimated $386 billion over the next 25 years to compensate State and individuals for tobacco-related health costs and to finance nationwide antismoking programs. The settlement would further restrict the advertising of tobacco products and impose new labeling requirements on cigarettes and smokeless tobacco. At the same time, the tobacco industry would gain closure to the State lawsuits, and protect the industry from all but individual lawsuits in the future.

Mr. President, in light of this proposed agreement, I was very disappointed that a provision was included in the recently enacted tax cut package that would potentially reduce the cost to the tobacco industry of their proposed settlement. Specifically, the provision—which was agreed to by the administration and congressional negotiators at the last minute—would allow the tobacco industry to treat the excise tax on tobacco products as a credit against their proposed $368 billion payment, assuming that the settlement is codified. Although the enactment of that settlement is far from certain, the value of this potential credit is estimated to be $50 billion over 25 years.

Mr. President, regardless of whether or not Congress and the President ultimately enact, modify, or reject the proposed tobacco settlement, I do not believe that the already-enacted Federal excise tax on tobacco products—which is paid by consumers and is intended to help provide health insurance for uninsured children—should potentially become a downpayment by the industry on their proposed settlement. The fact that the Clinton administration and congressional negotiators agreed to include this provision at the last minute does not mean it should remain in law indefinitely—so I have cosponsored the Durbin amendment to repeal this provision.

Mr. President, I regret that this provision was inserted in the tax agreement without providing the House and Senate with an opportunity for consideration. As my colleagues will remember all too well, the negotiated tax package was a take-it-or-leave-it proposition: Members were unable to remove this or any other specific provision without taking the risk that the entire agreement would unravel and be killed.

Fortunately, we now have the opportunity to consider this provision independent of the broader tax agreement, and I would urge that my colleagues vote to repeal this settlement-reducing provision by supporting the Durbin amendment.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON MOTION TO WAIVE THE BUDGET ACT

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act for the consideration of the McCain amendment 1091. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—45

Abraham
Allard
Ashcroft
Boxer
Brownback
Campbell
Coats
Collins
Coverdell
Craig
Dodd
Faircloth
Feinstein
Gorton
Gramm
Grams
Gregg
Hagel
Harkin
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Johnson
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Nickles
Roberts
Sessions
Shelby
Smith (NH)
Specter
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—54

Akaka
Baucus
Biden
Bingaman
Bond
Breaux
Bryan
Bumpers
Burns
Byrd
Chafee
Cleland
Cochran
Conrad
D'Amato
Daschle
DeWine
Domenici
Dorgan
Durbin
Enzi
Feingold
Ford
Frist
Glenn
Graham
Grassley
Hatch
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Smith (OR)
Snowe
Stevens
Torricelli
Wyden

NOT VOTING—1

Bennett

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, perhaps the Senate is not in order.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, perhaps the Senate is not in order.

The PRESIDING OFFICER. The Senate will please come to order.

Mr. SPECTER. Mr. President, may I request that my colleagues who have amendments on the floor and who have amendments pending stay on the floor so that we can have a sequencing and see where we are proceeding.

I would like to see, Mr. President, if we might reach a time agreement on the pending amendment by Senator DURBIN. I am advised that there may be second-degree amendments to the Durbin amendment. May we reach a unanimous consent agreement to proceed with the Durbin amendment? Senator DURBIN is prepared to accept a short time agreement. He has already argued the matter. Senator DURBIN is prepared to accept a short time agreement of 20 minutes equally divided.

Is that acceptable to the Members?

Mr. FORD. Mr. President, I have an amendment in the second degree, and I would be willing to take 10 minutes.

Mr. SPECTER. Mr. President, I ask unanimous consent then that we proceed with the Durbin amendment with 20 minutes equally divided, and 10 minutes for a second-degree amendment by Senator FORD, unless there is an objection.

Mr. SESSIONS. I object.

Mr. SPECTER. May I inquire of my distinguished colleague from Alabama if he would accept a time agreement on his second-degree amendment?

Mr. SESSIONS. How long is the time agreement?

Mr. SPECTER. I would suggest 10 minutes, which has been offered by the Senator from Kentucky. How about 10 minutes for the second-degree amendment of the Senator from Alabama?

Mr. DURBIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Just a minute, if the Senator would suspend.

Mr. SESSIONS. That would be appropriate.

Mr. SPECTER. I thank my colleague from Alabama.

Mr. President, I amend the unanimous-consent request to add 10 minutes for the amendment by Senator SESSIONS in the second degree?

Mr. SESSIONS. Thirty minutes.

Mr. FORD. Reserving the right to object.

The PRESIDING OFFICER. Let's please have order. Let's have one Senator speaking at a time.

Mr. FORD. I would like to object.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. We have to see the amendment and then we can agree. I apologize to the Senator. But I have been asked to object since we didn't know what the amendment is, and I am objecting for my colleagues.

Mr. SPECTER. Mr. President, might I ask the Senator from Alabama to state the amendment that he proposes to offer?

Mr. SESSIONS. Yes. The amendment would deal with attorney fees, involving payment of attorney fees—payments of attorney fees.

Mr. SPECTER. Mr. President, might the Senator from Alabama give a little more specification?

[Laughter.]

Mr. SESSIONS. My amendment would limit the amount of money that could be paid for the plaintiffs attorneys that have been hired as private attorneys by the attorneys general, and would not vitiate Senator DURBIN's amendment, but, in fact, would be in addition to that, and would not undermine or kill that amendment.

Mr. SPECTER. Mr. President, I thank my colleague from Alabama.

I would inquire of the Senator from Kentucky if that would be sufficient to let us proceed with the unanimous-consent agreement with 30 minutes for that second-degree amendment.

Mr. DURBIN. Mr. President, reserving the right to object, I say to the Senator from Pennsylvania, if the Senator from Alabama would be kind enough to show us a copy of his amendment, we may be able to enter into this agreement very quickly.

I would like to see the amendment, if he wouldn't mind. I have seen Senator FORD's amendment. I believe the time allocation we have been talking about is a reasonable one. But I wonder if the Senator from Alabama is asking for 30 minutes for his amendment in the second degree. Is that my understanding?

Mr. SPECTER. That is correct.

Mr. FORD. That is 15 minutes on the side.

Mr. SPECTER. Equally divided.

Mr. DURBIN. So as I understand it, the suggestion is that we agree to 20 minutes on my amendment, and then another 10 minutes equally divided on Senator FORD's second-degree amendment, and 30 minutes on the amendment of the Senator from Alabama as a second-degree amendment. Is that correct?

Mr. SPECTER. Mr. President, that correctly states the issue.

Mr. SESSIONS. It is my understanding that there will no further votes tonight.

Mr. SPECTER. My suggestion is that we proceed to vote tonight. Perhaps we can, if we can find agreement on putting these all on the calendar with the consent of the majority leader, vote tomorrow. But I would like to see us come to terms with the complete list and at least have a disposition pattern, if we do not vote tonight.

Mr. President, I yield to my colleague.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator.

I hope that we can reach an agreement on this amendment in the second degree on a time limit, and if we can reach an agreement on a couple of more that we have, then I hope the majority and minority leaders would agree that we could roll those over and vote tomorrow, and not have any more votes tonight.

Mr. SPECTER. Mr. President, may we proceed? If the Senator from Alabama could give the Senator from Illinois a copy of his amendment while we are talking about the others before we move on, if we can solidify the agreement, it would be helpful. Our experience has been that once we move on without getting the agreement, sometimes they evaporate.

May I inquire of the Senator from Washington—is Senator GORTON in the Chamber—as to a time agreement on his pending amendment?

Mr. GORTON. I am not yet prepared to enter into a time agreement on the amendment.

Mr. SPECTER. Mr. President, may I inquire of the Senator from Indiana about the testing amendment. Are we in a position to move for a time agreement on that amendment?

Mr. COATS. Mr. President, if the Senator will yield, I am just discussing that with Senator DORGAN and others. I just had a discussion with the majority leader on that. We are in the process of discussing that concept, and we are talking to numerous people on both sides of the aisle. We will not be ready to go with that this evening, I do not believe, but I believe we will be by tomorrow.

Mr. SPECTER. Mr. President, might I inquire if we could reach a time agreement whenever the matter is ready for debate?

Mr. COATS. I am not 100 percent sure it is going to need a lot of debate if we are able to work out a procedure and agreement on proper language, and so forth, in terms of how we will dispose of this. It may be that we don't need an agreement, but I can't give the Senator an answer.

Mr. SPECTER. I thank the Senator from Indiana.

Mr. FORD. Mr. President, will the distinguished manager yield for a question?

Mr. SPECTER. I would.

Mr. FORD. I have a second-degree amendment offered, 10 minutes equally divided. I understand it is acceptable. I will not ask for a rollcall vote. That might help expedite the decision here a little bit. We could proceed with my second-degree amendment which would have to go before the Durbin amendment, and then the amendment of the distinguished Senator from Alabama which would be after that. We can go ahead and get his out of way, if that would be acceptable.

Mr. SPECTER. Mr. President, I think that would be acceptable. I first would like to explore what we can do on the other pending amendments.

If we could hear from the Senator from Oklahoma as to how much time he would need on his amendment or perhaps the distinguished Senator from Massachusetts as to whether we could reach a time agreement and vote on the issues raised on the Teamsters matter.

Mr. KENNEDY. Mr. President, as was pointed out by the Senator from Alaska and others, this is an extraneous matter. We had a good debate on it the other evening. I believe that it would probably take—we did not really complete the debate on it the other evening, so it will probably take some time to reach a resolution of it. But the majority leader has spoken to the minority leader about it and talked to me about it in terms of time, but I think it will probably take some time. I know the Senator from Maryland was very much involved in it. I don't see him in the Chamber at this particular time.

Mr. SPECTER. Mr. President, might I inquire of the Senator from Massachusetts whether he thinks it would be worthwhile to explore trying to find some outer parameter of time, 4 hours equally divided—some time limit?

Mr. DASCHLE. Mr. President, if the Senator will yield.

Mr. SPECTER. I do.

Mr. DASCHLE. This has been a matter of some discussion with the majority leader, and I think it would be prudent for us to allow the negotiations to continue without pressing for any kind of conclusive agreement tonight. I think we are making progress, but I do not think we are going to be in any position to come to any final conclusion on the amendment until we have had some additional discussions with the Senator from Oklahoma and others. So my preference would be to allow these negotiations to continue as we work on other amendments and revisit the question tomorrow afternoon, or tomorrow morning.

Mr. STEVENS. Mr. President, will the Senator yield to me?

Mr. SPECTER. I do.

Mr. STEVENS. I appreciate the statements made by the distinguished Democratic leader, but I have just counted days and we have 8 more days in this month to vote. And we have 14, 15 bills to bring across this floor from the Appropriations Committee that should all be passed by September 30. Tomorrow night is the President's picnic, and by tradition we would not be voting tomorrow night. That means we are not going to be voting Friday. Unless we get some agreement very quickly, I would say by tomorrow afternoon, we probably cannot finish this bill this week. We have the Interior bill and we have the D.C. bill yet to pass and 14 bills after that—13 conference reports, managers' statements from the conferences, and 1 continuing resolution.

I am beginning to see a problem developing as far as our ability to handle these bills if these extraneous amendments are going to weigh them down. I urge that we find some way to make up a list to see how many more amendments we have out there and then see what we can do about the time or getting some agreement to terminate this. This bill actually is a larger bill than the defense bill. We have been on this bill now for a substantial period of time. I think we have to find some way to get it to a resolution by at least Thursday afternoon and lay down the Interior bill so we can start that and get some of the debate going on Friday on that at least. I hope that we would find some way to get some resolution on some of these items that appear to be unlimitable right now.

Is there some way we could agree on getting a list and say there will be no more amendments? Could we get a list that there will be no more amendments raised?

Mr. SPECTER. We have such a list.

Mr. STEVENS. You have a dozen second-degree amendments so I do not think you can find an end to this unless you get an agreement there will be no more amendments.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank our distinguished colleague, Senator STEVENS, the chairman of the Appropriations Committee, for what he has just said and for his management of the overall appropriations process. He is exactly right. We had discussed this matter, and that is why I am pressing now to try to get time agreements.

We do have a list, but we have not precluded under the customary arrangement second-degree amendments. We could not incorporate that type of limitation.

May I inquire of the Senator from Minnesota, Mr. WELLSTONE, if he is in the Chamber, with respect to the amendments he has pending?

Might I inquire of the Senator from Washington, Senator MURRAY, of her willingness to enter into a time agreement on the amendment relating to family violence?

Mrs. MURRAY. Mr. President, I would be happy to enter into a time agreement after the Durbin amendment is disposed of. I would need a half-hour of time. I do not know what the opponents would need.

Mr. SPECTER. Mr. President, then I ask unanimous consent that we enter a time agreement on the amendment just referred to by the Senator from Washington, 1 hour equally divided, so she will have 30 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I thank my colleague from Washington.

I again inquire of the other Wellstone amendments—if the Senator from Minnesota is not in the Chamber, perhaps we can call him and ask him to come to the floor—if he would be willing to enter into time agreements.

Mr. President, might I inquire of the distinguished Democratic leader—if I might have the attention of the Senator from South Dakota, there is an amendment pending regarding Pell grants and child literacy.

I ask, if I might, the Senator from South Dakota, the distinguished Democratic leader, what his intentions are, whether he would be agreeable to a time limit?

Mr. DASCHLE. I would be happy to agree to a 20-minute time agreement, 20 minutes equally divided, if it is a contested amendment.

Mr. SPECTER. Mr. President, I ask unanimous consent that we have the agreement, 20 minutes equally divided.

Mr. DASCHLE. Reserving the right to object, I would assume there would be no second-degrees—with that timeframe assuming that there are no second-degree amendments.

Mr. LOTT. I would accept that in the unanimous-consent agreement, without second-degree amendments, and then a vote on or in relation to the Daschle amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I inquire of the Senator from Illinois if he has had a chance to see the amendment by the Senator from Alabama.

Mr. DASCHLE. Mr. President, I might be able to enlighten my colleague, the manager of the bill. We are told by a number of our colleagues that they are not prepared to enter into a time agreement on the amendment of the distinguished Senator from Alabama at this time. So I think it will probably be some time before we are able to do that. We may want to proceed. But at least at this point I do not think we are in a position to agree to a timeframe on the amendment.

Mr. SPECTER. Mr. President, I thank the distinguished Democratic leader and would ask that they make the review as promptly as they can because we are ready to really proceed with the conclusion of the amendment by Senator FORD and Senator SESSIONS and also Senator DURBIN.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. If the Senator from Pennsylvania will yield, I suggest we return to my amendment, and Senator FORD has an amendment in the second degree and he is prepared to offer it. And at that point, if there are any other amendments in the second degree, they can be offered. But I would like some understanding as to whether or not any more votes would be taken this evening on any of these amendments.

Mr. SPECTER. Mr. President, if the Senator will yield, I think we have to be prepared to vote, on this state of the record. We are in a state of considerable flux, if not confusion, as to where this bill is headed, and our experience is that unless we stay and debate and vote we are not going to get through this bill. I say that with reluctance because I know Senators have other plans.

Mr. President, I would suggest that we proceed at this time to the debate on the amendment by the Senator from Kentucky on his second-degree amendment and perhaps in that intervening 10 minutes we could get Senator WELLSTONE to the floor to find a time limit. If we are unable to come to an agreement on the second-degree amendment by Senator SESSIONS, perhaps we would proceed with Senator MURRAY's amendment which is 1 hour equally divided.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for a period of 5 minutes.

Mr. FORD. I ask, is it necessary that I call up my amendment?

The PRESIDING OFFICER. The Senator's amendment is pending.

AMENDMENT NO. 1117

Mr. FORD. Mr. President, this amendment is cosponsored by Senator ROBB, Senator HOLLINGS, Senator MCCONNELL, Senator FAIRCLOTH, Senator HELMS, and Senator THOMPSON.

As many of my colleagues already know, I have been extremely disappointed that the national tobacco settlement includes no provisions whatsoever to help the tobacco farmer. There is no question that this proposal will affect them. Yet there is nothing in the proposal for them. They were not invited to the negotiations. They were not consulted about the negotiations. They were not even briefed about what was going on during the negotiations.

The proposed settlement contains money to compensate promoters of the NASCAR races who lose tobacco sponsorship. It contains money to compensate promoters of rodeo events who lose tobacco sponsorship. It contains money for other events, teams, or entries in such events who lose tobacco sponsorship. It contains money, big money, for a tobacco counteradvertising program. It contains money for smoking cessation programs. It contains money for individual lawsuits. It contains money for Medicaid lawsuits filed by the State.

Mr. President, the proposed tobacco settlement contains compensation for just about everything you can think of, everything except the tobacco farmer.

The negotiators found a way to compensate promoters of sporting events, but they completely ignored a 200-year tradition that is the cornerstone of many small communities in my State. In other words, the farmers got the shaft.

I intend to do everything I can to keep any legislation from passing unless there is a fair compensation for tobacco farmers included in the $368.5 billion package. We have to take into account the future of these small families. We have to take into account the future of these small farm communities.

There are about 60,000 tobacco farms in my State alone, Mr. President. Most of them grow a couple acres of tobacco, but they get about one-fourth of their farm income from tobacco. The national tobacco settlement leaves them out in the cold. It leaves the local economies of entire communities in shambles. We must do something about it.

I have been working with my farmers and with other tobacco State Senators to develop a package that will provide fair compensation to tobacco farmers and tobacco-growing communities. We intend to have such a package included in any legislation to implement the tobacco settlement. I think other Senators from tobacco States share my view that we will simply not support any future legislation which does not address the tobacco farmers' future.

So, Mr. President, all my amendment says is that farmers ought to be taken into account. We should not forget them. My amendment is a second-degree amendment which expresses the sense of the Senate that tobacco growers and tobacco-growing communities should be fairly compensated as a part of any Federal legislation for the adverse impact which will follow from enactment of a national tobacco settlement. I think this is a reasonable request, and I believe my colleagues are prepared to accept my amendment by unanimous consent. I am perfectly willing to do that without asking my colleagues to vote. I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, speaking to the second-degree amendment offered by the Senator from Kentucky, he and I have been in disagreement on this issue in the short time I have served in this body, but I stand today in support of his second-degree amendment. Though I may disagree with one or two provisions in it, I believe the central element of his amendment is a suggestion that tobacco growers should be protected in any settlement agreement, and I certainly think that is a worthy goal as part of the settlement negotiations. For that reason, though I may disagree with some other particulars, I will support his second-degree amendment.

Mr. LUGAR. Mr. President, I did not object to the Ford sense-of-the-Senate amendment to S. 1061. I agree with its sentiment that the needs of tobacco farmers should be taken into account when Congress considers the proposed tobacco settlement.

I wish to express reservations about two points in the Ford amendment's language. First, the amendment says that any compensation to tobacco growers should "be included within the $368.5 billion in payments." However, we do not now know that the size of the settlement will be precisely $368.5 billion. It may be larger. Moreover, payments to growers might be additive to the settlement amount, whatever its size.

Second, the amendment expresses a desire to ensure "the continued administration of a viable federal tobacco program which operates at no net cost to the taxpayer." I favor compensating tobacco farmers for the equity they have built up in the quota system over the years. Such a buyout of the quota program should lead to, at most, a minimal price-supporting role for the Government. That is what we have done for the producers of most other commodities in the 1996 FAIR Act: Transition payments, and price supports at market-clearing levels.

I believe that to continue the present tobacco program without change is not likely to be viable, so I find the amendment's language acceptable. Because some might read it to imply an endorsement of the status quo, I simply want to register my view that such a reading is neither required by the amendment's language, nor in the long-term interest of tobacco producers.

Mr. SPECTER addressed the chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I believe that the Senator from Kentucky has offered a worthwhile amendment. There is no doubt about the dislocation to tobacco growers occasioned by a settlement which will have the effect of crippling their business for public policy reasons which may yet be worked out.

It is obviously uncertain at this point as to what will happen with the proposed global settlement on the tobacco industry, but I think this is another matter where public policy calls for certain action. There are some employees, some workers in the industry who are hurt. I think it is sensible to provide for those individual workers.

Certainly, we have seen the demise in my State of the steel industry and the glass industry and the coal industry, and we have tried to take care of dislocated workers. As the distinguished Senator from Kentucky has articulated the amendment, the sense of the Senate to do that I think is acceptable. There may be a fair distance between the sense of the Senate and how it is going to be effectuated. With some frequency we see on this floor the Senate express its sense and then back off when it comes to putting dollars up to druthers.

But in terms of the public policy behind looking out for the interests of the employees who will be injured by a global tobacco settlement, I believe the Senator from Kentucky has offered a worthwhile amendment, and we are prepared to accept it on this side.

Mr. FORD. Mr. President, if I have any time left, I will yield it back after asking unanimous consent that Senator Frist of Tennessee be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I thank my colleague for his support, and I do agree, once we have a sense of the Senate, they should be helped. How they are helped is another issue.

I thank my colleague from Illinois for his effort here.

I yield back whatever time I might have.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1117) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 1125 TO AMENDMENT NO. 1078

(Purpose: To provide for certain limitations on attorneys' fees under any global tobacco settlement and for increased funding for children's health research)

Mr. SESSIONS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. Sessions], for himself, Mr. Craig and Mr. Faircloth, proposes an amendment numbered 1125 to amendment No. 1078.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

Sec. . (a) General Limitation.—Notwithstanding any other provision of law, if any attorneys' fees are paid (on behalf of attorneys for the plaintiffs) in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures or for other causes of action, involved in the settlement agreement, such fees shall—

(1) not be paid at a rate that exceeds $250 per hour; and

(2) be limited to a total of $5,000,000.

(b) FEE ARRANGEMENTS.—Subsection (a) shall apply to attorneys' fees provided for or in connection with an action of the type described in such subsection under any—

(1) court order;

(2) settlement agreement;

(3) contingency fee arrangement;

(4) arbitration procedure;

(5) alternative dispute resolution procedure (including mediation); or

(6) other arrangement providing for the payment of attorneys' fees.

(c) EXPENSES.—The limitation described in subsection (a) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(d) REQUIREMENTS.—No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(1) provided to the Governor of the appropriate State, a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(2) made public disclosure of the time accounting under paragraph (1) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

(e) PROVISION OF FUNDS FOR CHILDREN'S HEALTH RESEARCH.—Any amounts provided for attorneys' fees in excess of the limitation applicable under this section shall be paid into the Treasury for use by the National Institutes of Health for research relating to children's health.

(f) EFFECTIVE DATE.—The limitation on the payment of attorneys' fees contained in this section shall become effective on the date of enactment of any Act providing for a national tobacco settlement.

Mr. SESSIONS. Mr. President, I would like to address a very important issue that has not been discussed much. It has been raised a few times but not openly discussed. I think it is consistent with Senator DURBIN's concern that a tax benefit being proposed has not had full public discussion.

One of the things that has not had public discussion regarding the tobacco settlement is attorney's fees. Many of the States have undertaken very lucrative agreements with plaintiff lawyers who States attorneys general have hired to represent their States to carry on this litigation.

Less than a year ago, I was attorney general of the State of Alabama, and I was asked and it was suggested to me to hire plaintiff attorneys to represent the State of Alabama. It was suggested that a 25-percent contingent fee would be appropriate in those cases. I rejected that. I felt like it was not necessary for the State of Alabama to undertake such a generous fee agreement. Other States have undertaken such agreements, and that is of much concern to me.

Now we have the case coming before this Senate of being asked to bless or to approve by legislation those agreements. It is important for us to consider that every dollar that is spent on attorney's fees is a dollar that does not go to children's health. So this amendment limits the amount of money that can be spent on attorney's fees and says any excess moneys that are saved in that regard will be sent to the National Institutes of Health to be used for research for children's illnesses.

I think that is the appropriate way to do this. We have a lot of attorneys who have been talking a lot about children's health, so let's talk about that seriously, and let's ask about how this has happened.

Let me just say, the way this agreement has been entered into, the attorneys general, with their attorneys who they have hired, have entered into an agreement, a global settlement agreement, with the tobacco industry. Oddly enough, it mentions nothing about attorney's fees.

What we have learned since then is that there is a side agreement between the plaintiffs' attorneys who represent the States and the tobacco industry to pay their attorney's fees directly by the tobacco industry, apart from the State that they represent, which is a very odd situation and, in fact, in my opinion, Mr. President, represents a conflict of interest, because at this point, you have the attorneys supposedly representing the State entering into an agreement, a side agreement, with the attorneys and the party on the other side of this litigation, the tobacco industry.

So that puts them in a situation in which, if they do not agree and this settlement does not go forward, they do not get their attorney's fee.

That is basic. That is a conflict, I submit, between their interests and their duty and fidelity to the State, their client, and the opposing side who now is paying their fees. Why didn't they put it in the agreement? Why didn't they state it publicly? Because they don't want to talk about it.

Most of the estimates and many reports have been suggested as to how much these fees might be. Some have said $10 to $14 billion. That is what I have seen published in several different instances. Let me repeat that: $10 to $14 billion. That is the greatest legal fee ever paid in the history of this Nation, in the history of this world. It is the mother of all attorney's fees. We are talking about $10 to $14 billion. Outside of education, the budget of the State of Alabama is $1 billion. So we are talking about an incredible sum of money that could provide tremendous amounts of research and care for children. That is where this money ought to go.

We are talking about a secret side agreement by which the attorneys, supposedly representing the States and the children, have gone over here now and have set up a side agreement with the people they have been accusing of being so bad, the tobacco industry, the people they are suing. That is not an appropriate way to do it.

I think if this body is to approve a global settlement and enact legislation in that regard, this body ought to make clear where we stand with regard to attorney's fees. We cannot allow some secret side agreement representing billions of dollars that could be going to children to be paid under the table by the party for the other side to the attorneys to the States who are representing the children.

I think this is a very important subject, Mr. President, and I care about it very deeply.

I think Senator DURBIN's amendment deals with a tax question that has not been fully aired. This is a question that has not been fully aired, and it needs to be.

Our amendment would do something else. It would say that every fee agreement that has been entered into between the State attorneys general and the lawyers they hired, the plaintiffs' lawyers they hired to represent them has to be made public, and the statement has to be made public. We limit the amount of fees. I think this is a large fee, most people think this is huge. Mr. President, $5 million is the limit per State we think is appropriate for this kind of litigation. In addition to that, we say it should not exceed $250 per hour in billing time. So that would be the cap on the fees that this bill would set forth: that no more than either $250 per hour, which is far more than what the average working man in this country makes, I assure you, $250 per hour would be the maximum time. If it goes over that, we would cap it at $5 million.

I think that is a reasonable proposal. It would not take effect until and if this body enters into a global settlement of this litigation. I think it is quite appropriate. I think that we need to deal with this issue.

I will just say this, as to the secretiveness of it. There have been several inquiries made by members of various committees of this Senate and one made by me of an attorney general about what the fee agreement was, and he did not set forth that agreement. Right after that hearing, over a month ago, I wrote a letter to the parties involved in this litigation, and I asked them to state the agreement they had with the attorneys representing those States publicly. We have a response not from one of them. They have not responded.

This is a public contract between the attorneys general of the States and the lawyers who are representing the States. So I think something is amiss here. It is something we ought to deal with. This amendment deals with it straight up. I believe it fulfills the needs that we are here for, and that is to make sure we get the most money possible for children and children's health.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I stand to join my colleague from Arkansas this evening in offering this second-degree amendment. I must tell you, when the Senator approached me, I was hesitant. I don't get involved in what I originally think is a private-sector relationship, a client relationship that can be none of our business here. But when the States attorneys general and the trial attorneys have come together to craft a universal or a national agreement that the Senator from Illinois approaches tonight as part of his amendment, and they approach us to make this national law, to make this the law of the land, it is now the public's business, without doubt.

Clearly, the Senator from Arkansas has demonstrated that this evening. He has even clearly stated——

Mr. FORD. Alabama.

Mr. CRAIG. Excuse me. Excuse me, the Senator from Alabama.

Mr. SESSIONS. Alabama, thank you very much, I say to the Senator from Iowa.

[Laughter.]

Mr. CRAIG. Touché.

But the Senator has very clearly pointed out there could well have been side agreements made or upfront agreements that go beyond any average person's wildest imagination to the potential of tens of billions of dollars in attorney's fees.

Here tonight the Senator from Illinois—and just a month ago this Senate agreed to tax an industry for the purpose of the health of the children of this country, a tax that in 1 year would not even demonstrate this amount of money. How can it be possible that any one profession could draw or come to draw or believe to be entitled to that amount of money? And $250 an hour is a what the Senator's amendment says is a reasonable and right fee, and even that the average working person would pale to.

So I am extremely pleased that the Senator this evening has brought forward the amendment. It is something that this Senate will either face now or face in the future as we deal with the crafting of a universal agreement, if that becomes possible and ultimately gets to the floor of this Senate.

I will join with the Senator however many times it takes to make sure that what he has proposed as an amendment tonight can and must become the law of the land, because in his wisdom and in the crafting of this amendment, he says that the excess dollars go where they ought to go, to children's health because all of us are extremely concerned about the rapid increase in teenage smoking in this country. That is part of what spurred this whole effort that is now nationwide as it relates to smoking and the tobacco industry.

So I think the amendment to the pending amendment is appropriate this evening. It fits into what we are trying to do if in fact we become participants in the crafting of a global agreement as it relates to what is attempted to be resolved between the States attorneys general, the tobacco industry, and the representatives of those States attorneys general. So I join my colleague tonight. I am proud to be a cosponsor of this important second-degree amendment.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from North Carolina.

Mr. FAIRCLOTH. I rise in strong support of the amendment offered by the distinguished Senator from Alabama. I cannot think of any better method of cutting to the crux of this whole tobacco settlement than the amendment that he has offered. We talk about here, on a regular basis, doing something for children, for the health care of children, for their better care, and looking after children. And I strongly support these initiatives.

Knowing the generous, caring, and giving nature of the trial attorneys, I have no doubt that they would all be in strong support of the amendment of the Senator from Alabama if they were here to vote on it. Knowing of the eleemosynary history of trial attorneys, I know if they were here, they would join us in strong support of Senator SESSIONS' bill.

So I just say that this is a wonderful opportunity to make a major contribution to the caring for children's health and their well-being in this country. I commend again the Senator from Alabama for bringing it to this body's attention. I stand in strong support of it.

I say again, knowing the nature of the trial attorneys of this country, that if they were here and knowing that they had the opportunity to make this strong contribution to the children of this country rather than it going into attorneys' fees, that they would stand in strong support of the amendment of the Senator from Alabama also.

I thank you, Mr. President, and I thank Senator SESSIONS.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I commend my friend and colleague from Alabama for an outstanding amendment. I listened carefully to his comments, Senator FAIRCLOTH's comments, and Senator CRAIG's comments.

As I understand the amendment by the distinguished Senator from Alabama, he is in effect here giving the Senate a choice, if I understand correctly, a choice between legal fees and children's health. The Senator from Alabama pointed out that as a State attorney general he had the option to retain private counsel to engage in this litigation which is going on in 30-some odd States around the country, and that he chose not to do it, but that many State attorneys general chose to hire private counsel to pursue this litigation against the tobacco companies.

Now we understand, as the distinguished Senator from Alabama pointed out, there are fee arrangements not known to the public under which there could be billions of dollars in fees paid to these lawyers who in effect were acting on behalf of State governments——

Is that right, I say to my friend from Alabama?

Mr. SESSIONS. You are correct. The Senator is correct.

Mr. MCCONNELL. Engaged in the business of the public to recover the Medicaid costs. And we are not sure how much those fees are.

Now, it is suggested that the Federal Government, the Congress of the United States, ratify—we will have a proposal at some point this year or next year—ratify what is referred to as the global tobacco settlement. So the distinguished Senator from Alabama is simply saying that this is a matter of public concern.

It will actually, if it is passed, be a matter of Federal law. If we are going to sanction this kind of agreement, the distinguished Senator from Alabama is saying we would like to make a decision as how best to deploy the public money in this global settlement. Some of the public money, Mr. President, is obviously legal fees for those who, on behalf of State governments, brought these lawsuits.

The distinguished Senator from Alabama is not being unfair, it seems to me, to the lawyers. As I understand the amendment, he is saying, up to $5 million per State or at a rate of $250 an hour, whichever is less——

Mr. SESSIONS. Less.

Mr. MCCONNELL. Would be the capped fee arrangement for these private lawyers doing public business at the behest of the State attorneys general. And $5 million, Mr. President, is not a bad year's work, not a bad 2 years' work—for many Americans not a bad lifetime's work.

So the distinguished Senator from Alabama is not saying that these lawyers, if you have been hired by the State government, you have to do it for nothing. All he is saying in effect is you don't get to gouge us. So he has set here a reasonable limit, some would argue maybe even too generous, and saying any excess amounts that have been agreed to should be diverted to the children of America at the National Institutes of Health to fund research for children and children's diseases.

I think it is an outstanding amendment. I commend the distinguished Senator from Alabama for his amendment. I think it makes an awful lot of sense. It is clearly an amendment in the best interest of the children of America. So, Mr. President, I thank the Senator from Alabama for his leadership on this issue.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, would the Senator from Alabama help me here a little bit? I want to be sure—the eloquence of his amendment has already been stated on the floor. Let us be sure, because this is a very complex piece of legislation. And I yield to everyone because I am not a lawyer and so, therefore, I have a hard time understanding side agreements, protocols, but I am learning. I am on the jury.

As I understand it, your amendment applies to the $368.5 billion settlement?

Mr. SESSIONS. That is correct.

Mr. FORD. Inside there?

Mr. SESSIONS. The Senator is correct.

Mr. FORD. All right.

Now, that is not the bill. That is not the total bill here. There is also added on to that about $24 billion more for tort liability. That is in addition to that. And then the lookback penalties, which is if the reduction of youth smoking is not sufficient to meet the criteria set, there will be another $42 billion. So we are talking about $435 billion here now, not $368.5 billion.

So I want to be sure that we all understand where we are going. We are beginning to put so much weight on this agreement that it is going to fall, and then we will lose, I think, all those goals that we have set for ourselves.

But one of the items yet to be decided is the plaintiff attorney's fees.

Your amendment does not get to that?

Mr. SESSIONS. It does, yes. Yes.

Mr. FORD. I am talking about the private litigants now.

Mr. SESSIONS. No, not the private litigants.

Mr. FORD. So private litigants, their attorneys are yet to be compensated. So you add those on to the $435 billion. Now, if you are talking about $10 to $14 billion in the other place, I wonder if we could just add a low figure $10 billion, so we are now getting to around $495 billion, almost $500 billion. So I want to be sure that we all are on the same wavelength.

Then we are talking about the new taxes. That is another $50 billion. That is another $50 billion. That is just over a few years. That is not over the term of the contract. So you add that on and you are at about $530 billion. So if there is a possible doubling of lookback penalties, we are talking about another $42 billion.

So I want to be sure everybody understands that $368.5 billion is just within a range for the States for those Medicaid payments. The Federal Government will get about 60 percent; States will get about 40 percent.

There are a lot of things here I thought we ought to be sure about.

The Senator's amendment, I wanted to be sure that it was in the $368 billion, and not in addition to.

Mr. SESSIONS. Let me clarify that as best I can.

Mr. FORD. I think we are all going to have to work at this pretty hard.

Mr. SESSIONS. To put it real simply, almost every State that entered into this litigation hired a law firm to represent the State. Some of them used their own attorneys, I believe, but most hired private plaintiff lawyers to represent them. They then entered into agreements to pay them so much money.

Now those attorneys general, now those plaintiff lawyers, now the tobacco lawyers have come to this body and asked us to approve a global settlement, "but don't talk about attorney's fees," they say, "because we're going to take care of that between the plaintiff lawyers and the tobacco lawyers. We're going to work that out between us."

What we are saying is, that needs to be public. The public needs to know. It ought to be capped to a reasonable fee, and not be a windfall, because in many of these cases they hardly filed the lawsuits before the settlement was agreed to, so almost no legal work has been done, yet they would stand to receive perhaps billions of dollars in legal fees. It is a matter we have to deal with.

Mr. FORD. I thank the Senator. I hope you understand what I am trying to do. It is a huge, a humongous piece of legislation. The $368 billion is just the beginning. It is now, in my judgment, at about $525 to $530 billion. And we have not talked about the private litigants' attorney's fees, which are an add-on. You are not bothering that.

I think it might be well, Mr. President, if I submit these figures, have them on a per year basis and with some question marks. There are other addons that will be question marks. And the attorney's fees are question marks. I think I will just put this in for a matter of the RECORD just so everybody will understand.

Mr. President, I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW FEDERAL REVENUES FROM TOBACCO INDUSTRY

	Per year[1]	Over 25 years
Core Tobacco Settlement.	$15 bil.	$368.5 bil.
Additional tort liability	Up to $1 bil.	Up to $23.86 bil.
"Lookback" penalties	Up to $2 bil.	Up to $42 bil.
Attorneys fees	????	????
Subtotal	Up to $18 bil. (+?)	Up to $434.36 bil. (+?)
New Excise Taxes	$2 bil.	$50 bil.
Subtotal	Up to $20 bil.	Up to $484.36 bil.
Possible doubling of Lookback penalties.	Up to $2 bil.	Up to $42 bil.
Subtotal	Up to $22 bil.	Up to $526.36 bil.
Other add-ons?	????	????
Total	????	????

[1] Annual figures begin in 5th year of settlement, when fully implemented.

1995 Tobacco Industry Contribution to GNP: $44.7 bil.

Mr. FORD. I thank the Senator for helping me here.

Mr. SESSIONS. If the Senator will yield.

Mr. FORD. Yes.

Mr. SESSIONS. I do think that, depending on the wording of these understandings between the attorneys general and lawyers, that the fee may be a percentage of the whole $500 billion that the Senator referred to.

Mr. FORD. Because it is not $368 billion, I say to my friend from Alabama.

Mr. SESSIONS. Yes. I appreciate your correcting that.

Mr. HARKIN. Will the Senator yield for a question?

Mr. SESSIONS. Yes.

Mr. HARKIN. Who has the floor?

The PRESIDING OFFICER. Senator FORD has the floor.

Mr. FORD. I yield the floor.

Mr. HARKIN. I wonder if I might inquire of the author of the amendment, the Senator from Alabama, a question.

I was reading it over, and as I read the amendment, under the first section, paragraph A of your amendment, you put a limitation on the per-hour rate of attorneys, and then there is a cap total of $5 million that applies per State?

Mr. SESSIONS. Yes.

Mr. HARKIN. The $5 million applies to per-State maximum.

Mr. SESSIONS. That would be the maximum, but if they could not justify the fee by hour, they may not get that.

Mr. HARKIN. I understand that, but it is a maximum of $5 million in any regard.

Now, this has to do with attorney's fees paid in connection with a State recovering money. This does not have to do with the so-called proposed big settlement that is going to come to us in the future. This applies to States.

I wonder how we, here, can limit attorney's fees in a State action?

Mr. SESSIONS. I am delighted to try to answer that. It is a very unusual thing that is happening to this Senate and we have been asked by the attorneys general, by the defendants, the tobacco companies, too, in fact, by legislation legislate a lawsuit. So it is unusual.

They are asking us to do that because many of the things that they want, each side wants, cannot be accomplished through private litigation. They want to, in effect, control new tobacco companies that have not been making tobacco and have not made people sick before, they want to control them and others.

So they have asked this body for a lot of reasons to ratify this through our legislation. To that degree, they have asked us to ratify.

I think we need to find out what the attorney's fees are. I think as part of our legislation our legislation ought to control legal fees and we ought not to pay any more than that mentioned in this amendment.

That is, basically, where we are.

Mr. HARKIN. I listened to the Senator make the explanation but I thought the amendment was going to go toward limiting attorney's fees if there is a global settlement, this thing we are being asked to do at some point. We do not know if it is this fall, next year, or whatever, when we will be asked to ratify a so-called global settlement.

But your amendment does not just speak to that, it speaks to ongoing cases in the States. For example, as I understand it, the State of Mississippi just settled, the State of Florida just settled, other States will maybe be settling. Your amendment seems to me to apply to those States that make those settlements. It has nothing to do with the proposed universal or global settlement that we will be asked to ratify at some point later on.

That is why I wonder, by what right or power do we have in the Federal Government of saying to a State government, a State attorney general and the State government that you can't, in your agreement, whatever your agreement is, you have to limit attorney's fees?

That seems to me to be an odd kind of a thing for us to do—the Federal Government telling the State government when you make your agreement, here is all you can do. It does not seem to me to be constitutional.

Mr. SESSIONS. I would like to respond. I think you raise a very interesting point.

First, I say it is unusual that the States would come to this body and ask the Congress of the United States to ratify a lawsuit, but they have.

Our bill does not take effect and does not apply unless this body enacts a global tobacco settlement. It is the last sentence in the amendment. In other words, we do not, and this legislation does not attempt to intervene in litigation that is ongoing unless there is a global legislation by the Congress of the United States, in which case we would then also deal with attorney's fees as we should.

Mr. HARKIN. Again, I understand and I appreciate the Senator pointing that out. Mississippi made an agreement, Florida has made an agreement, maybe there will be a couple of other States that make agreements, what if later on we make a global settlement, do they have to go back and renegotiate all the attorney's fees? That is what I wonder.

How can we tell a State what they have to do prior to our reaching this national settlement—and whether we reach it or not, I do not know. What would happen, for example, to a State like Mississippi that has already negotiated and make their deals—I guess, I assume they have.

Mr. SESSIONS. My understanding is that States that have settled have conditioned their settlement on the requirements of the congressional global settlement. If there is no congressional action, then their settlements will be in full force and effect, but if it is, they are agreed to be vitiated by the congressional action.

Mr. HARKIN. The Senator was not aware of that. I appreciate that.

I yield the floor.

Mr. DURBIN. Mr. President, I rise in opposition to this amendment. I have just seen this amendment this evening for the first time, but I know the Senator from Alabama has offered it in the regular order of business.

I have had a few minutes to read it over. I commend to my colleagues the suggestion they should read this very closely. This amendment is the dream of the tobacco companies. The Senators who have risen to speak on behalf of this amendment from the tobacco-producing States I think have given evidence of the fact that this is another one of the last gasps of this industry.

Let me tell you why what appears to be so reasonable on its face is, in fact, a loaded deck for the tobacco companies again.

My friend, the Senator from Alabama, wants to limit attorney's fees and to take any excess and put it into health research for children. Now, who in the world could oppose that?

But look closely. He does not want to limit the attorney's fees for tobacco company lawyers. No. He just wants to limit the attorney's fees for those on the plaintiffs' side, the States that have brought this action. Now that is curious. If he is afraid that the attorneys, who will ultimately all be paid by tobacco companies when this is all over, are going to charge too much money, he only wants to limit the hourly rate to $250 an hour to attorneys representing the plaintiffs in this action. So he protects these fat cat law firms that have represented the tobacco companies forever, who can charge $500 an hour, $1,000 an hour, he does not care. His interest is only the attorneys for the plaintiffs.

That does not make any sense. All of the money is coming out of the same pot. If he wants to make this a reduction in the lifestyle of attorneys, why does it not apply to defense attorneys? Why does it not apply to tobacco company attorneys? No, his only interest is the attorneys who stepped forward and filed these lawsuits on behalf of the States.

Now, they have been characterized by their critics this evening as a pretty motley crew. Remember that 40 different States decided through their own elected attorneys general that they would bring these lawsuits under fee arrangements so that they would have the legal talent to be able to process the most complicated litigation in the history of the United States.

Mr. SPECTER. May I interrupt my distinguished colleague for a moment to say there will be no further rollcall votes tonight. I have just been able to make that determination, and I know there are many Senators on the campus waiting to find out what is going to happen.

I regret interrupting Senator DURBIN, but I think that is worth a statement. We have the list fairly well pared down. When Senator DURBIN finishes, I will announce the prospects for tomorrow.

Mr. DURBIN. I am pleased to be interrupted with that good news.

Isn't it curious that this effort to provide research funds for children's health, funded by excess attorney's fees, would only apply to attorney's fees in excess for the plaintiffs, that the law firms representing Philip Morris and RJR and all the tobacco companies can charge whatever they care to charge.

Now, I think that pierces the veil of what this is all about.

But let's read on. What else is the Senator from Alabama setting out to do here?

Mr. SESSIONS. Will the Senator yield?

Mr. DURBIN. I yield for a question.

Mr. SESSIONS. Would the Senator be agreeable to this amendment if we reworded it, in fact, make it apply to the tobacco lawyers? I will certainly feel good about that.

The reason it was done this way is because many of the plaintiffs' attorneys apparently have it on a contingency fee basis, probably have filed lawsuits, may be entitled to hundreds of millions of dollars and have done very little work. It would be an unjust enrichment, it appears to me.

I would certainly entertain that amendment. I think it is a suggestion that we ought to incorporate.

Mr. DURBIN. I think that is an improvement, but let me read on.

The reason why this amendment should not be considered, why the tobacco companies will jump for joy if it is adopted, is that it will discourage any State from bringing its lawsuit against the tobacco companies.

The Senator from Alabama, for reasons I do not understand, has decided that no State of the 40 that filed suits, no matter how deeply they are involved in this litigation, can pay outside attorney's fees beyond $5 million, which sounds like a huge sum of money until you consider States like Minnesota.

Minnesota has been preparing for trial on January 19, has now collected millions of documents from these tobacco companies, has warehouses in London and in Minneapolis. They have attorneys scouring through the documents and processing them. They are preparing to go to trial.

In my home State of Illinois, I do not think we have made nearly that progress in moving toward litigation. But the Senator from Alabama does not care that the attorneys in Minnesota have been working overtime for months and the attorneys in Illinois may not have been.

He says, we are going to pick an arbitrary figure—no State can pay their attorneys no matter how much work they have put into this, any more than $5 million, period.

Now, that is fundamentally unfair. It really does not reflect the effort that has been put in by these attorneys in these States.

Let me tell you what else he is doing, and I think this is a pretty crafty move by the tobacco companies. By putting this provision in the law to limit attorney's fees, he will have the attorneys come forward in these States and say to the attorney general, "Well, listen, if we cannot, after all of this discovery and all of this preparation even recover the amounts that we have expended in attorney's fees, we certainly cannot take this to trial," so the tobacco companies will have their way. The tobacco companies do not want these cases to go to trial. They want to discourage that from happening.

In fact, representatives of those companies have told me point blank if any case goes to trial there will be no global settlement. The Senator from Alabama is offering them a great improvement here in saying that they do not have to worry about a trial now because attorney's fees are going to be strictly limited.

Well, they will be jumping for joy at RJR and Philip Morris if this Senator's amendment is adopted this evening, because by limiting the attorney's fees and saying that there will be a strict limitation of the amount that can be paid to the plaintiffs' attorneys he is, in fact, discouraging, if not stopping litigation and trials.

You will have accomplished with your amendment what the tobacco companies have been unable to accomplish to this point. You will have stopped these cases and they cannot move forward.

I do not think that is what the Senator set out to do when he explained this amendment. But I think that is the net result of it.

It is interesting to me as you look into it, what will happen to the States that have settled, Mississippi and Florida, what will happen to their attorney's fees? If I read this correctly, this may or may not apply to it. It is not clear. This amendment is not drawn in a way that can tell you it definitely applies in the case of Mississippi and Florida. The Senator offers it for prospective payment of attorney's fees. Yet, we already have two cases settled and they are not addressed.

And then this whole question of the amount to be paid attorneys, a $250 rate. I don't know what a reasonable rate is in the Senator's home State. I don't know what attorneys might charge in any State, whether it is New York, Minnesota, Illinois or Alabama. But I think the Senator has chosen a rate that is unrealistic—unrealistic in terms of what these attorneys general face.

Keep in mind that most of the attorneys general in the United States looked to these lawsuits and said right off the bat, "We don't have the resources to sue these tobacco giants. We have to bring in the resources and services of attorneys who will, in fact, represent us." Of course, those attorneys coming in to file those lawsuits expected to be compensated if they won —only if they won. Contingency fees are based on that. I know from my experience with the Senator in the Judiciary Committee, he doesn't think very kindly of contingency fees, particularly in his own State. But I think, quite honestly, this is a clear illustration that if a contingency fee was not awarded to an attorney, the attorney general would not have had this army of lawyers to go forward.

When I heard comments from some of the Senators from tobacco-producing States, it is clear that they resent these lawyers, these attorneys general, for bringing these lawsuits and they want to get even with them, they want to nail them and say, "We are going to limit your fees. You thought there was money in this, but there won't be any money in this. We will limit you as to how much you can recover."

I don't think that is fair. It is curious to me at this time, when we are talking about whether or not the Federal Government is going to impose its will on the States, that we have an amendment from a Senator from Alabama, which suggests that we in Congress should impose on 40 different States, 40 different attorneys general, a fee arrangement that we happen to think is reasonable.

Well, let me tell you what this is all about. The tobacco companies were embarrassed when the amendment was disclosed that gave them a $50 billion windfall in the tax bill, an amendment which we hope to repeal. They had hoped to initiate the negotiations in the tobacco settlement by saying: Before we sit down at the table and reach an agreement, give the tobacco companies $50 billion.

I think the public sentiment and the votes of this Senate will see it another way. Now the tobacco companies come in with this amendment. They want to see this amendment adopted because now they come to the table and say to each of these States: There is a new arrangement. You can't pay your attorneys. You can't go to trial. We have you where we want you. We don't care what your contingency fee agreement is going to be. You are limited to what we in Congress think attorney's fees should be and how much they should be paid.

Well, I think this amendment should be defeated. I think this amendment is one the tobacco companies will enjoy, one that the American people will regret. The States, including my own, that had the courage to step forward and file these lawsuits against the tobacco companies should not be penalized at this point in time. They have done a great service to this Nation. Each attorney general—Democrat, Republican or Independent—who decided to enter into an agreement with attorneys to represent them did it with the understanding that they will be held accountable for this. The Senator says that these are secret agreements. Well, in my home State, I can tell you that whether there was a secret agreement or not, the gentleman who entered into it, our attorney general, will be held accountable for it. Can he justify it? Did he say to the taxpayers from Illinois we have recovered enough money to justify the contingency money paid the attorneys? Of course, and he is held accountable.

The Senator suggests this is done in secret with no accountability. I think he is wrong. I hope when this is all said and done, we will defeat this amendment, and that we will not give the tobacco industry a victory this evening or tomorrow when we vote, such as they secured at the close of debate on the tax bill. These tobacco companies have to be told, whether they are trying to stop the States from bringing these actions through this amendment by the Senator from Alabama, or recouping $50 billion in the stealth of the night, that the party is over. The tobacco companies just can't have their way anymore. I think we have to stand up for the people who are best represented by these lawsuits—the consumers, the children, those who unfortunately are going to be the losers if this amendment is adopted.

At this point, I would like to move to table this amendment.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I ask if the distinguished Senator from Illinois will withhold that motion for the present time. We cannot proceed to a rollcall vote tonight under a determination made earlier by the majority leader, which I announced as soon as we had heard it. There may be other Senators who wish to speak to this amendment. The Senator from Illinois would be preserving his position, in any event, since we cannot vote tonight, to carry this matter over until first thing tomorrow morning. We are beginning at 9:30, so that we can consider at that time if there are any other Senators on the floor who wish to speak.

The PRESIDING OFFICER. Does the Senator from Illinois withdraw the motion?

Mr. DURBIN. I will withdraw it, as long as at 9:30 we will proceed to the same order of business and the amendment will be the amendment of the Senator from Alabama and we can proceed to my amendment after we have considered all amendments in the second degree.

Mr. SPECTER. Mr. President, that is agreeable to this manager of the bill. So that all Senators will be on notice that a motion to table will be pending. Of course, if it is not tabled, then we can't proceed to the underlying amendment.

Mr. DURBIN. I withdraw the motion to table, with that understanding.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. SPECTER. I thank my friend from Illinois.

Mr. President, we have made some progress in limiting the number of amendments. We have been advised by Senator WELLSTONE that he is prepared to withdraw a filed amendment on Pell grants. Senator WELLSTONE is prepared to withdraw a filed amendment on infrastructure, which leaves one pending Wellstone amendment on Head Start. I have been advised that Senator WELLSTONE is prepared to enter into a unanimous-consent agreement for 1 hour, equally divided, providing he has an opportunity to modify his amendment. I will not ask unanimous consent for the moment on that.

Senator WELLSTONE has arrived on the floor. Mr. President, since the Senator has just arrived, perhaps I can ask my colleague if the information is correct that the Senator is prepared to enter into a unanimous-consent agreement for 1 hour, equally divided, on his Head Start amendment on the understanding that it may be modified, and he is prepared to withdraw the other two amendments, one relating to Pell grants and one to education infrastructure?

Mr. WELLSTONE. Yes. I say to my colleague from Pennsylvania, that is correct. I am prepared to lay this down tomorrow and debate it for 1 hour, if there are no second-degree amendments.

Mr. SPECTER. We can enter into a unanimous-consent agreement right now that there be 1 hour, equally divided, with no second-degree amendments in order and then a motion on or in relation to the amendment to be offered at the conclusion of 1 hour of debate. I make that unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, did I understand my colleague from Minnesota to say that he preferred to offer and debate the amendment this evening?

Mr. WELLSTONE. I had been home and I followed the debate on the amendment of the Senator from Alabama, and I had wanted to come over here and respond to that.

Mr. SPECTER. Mr. President, I renew my question. Did my colleague say he was prepared, after he discusses the amendment by Senator SESSIONS, to debate the issue today so we can vote tomorrow morning?

Mr. WELLSTONE. No. Mr. President, I would be prepared to lay the amendment down tomorrow morning as early as he wants.

Mr. SPECTER. I thank the Senator.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 1125, AS MODIFIED

Mr. SESSIONS. Mr. President, I would like to modify the amendment to reflect the change, which I send to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1125), as modified, is as follows:

Strike the last word in amendment.

No. 1078. As amended, and insert the following: "repealed".

"SEC. . (a) GENERAL LIMITATION.—Notwithstanding any other provision of law, if any attorneys' fees are paid (on behalf of attorneys for the plaintiffs or defendants) in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures or for other causes of action, involved in the settlement agreement, such fees shall—

"(1) not be paid at a rate that exceeds $250 per hour; and

"(2) be limited to a total of $5,000,000.

"(b) FEE ARRANGEMENTS.—Subsection (a) shall apply to attorneys' fees provided for or in connection with an action of the type described in such subsection under any—

"(1) court order;

"(2) settlement agreement;

"(3) contingency fee arrangement;

"(4) arbitration procedure;

"(5) alternative dispute resolution procedure (including medication); or

"(6) other arrangement providing for the payment of attorneys' fees.

"(c) EXPENSES.—The limitation described in subsection (a) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

"(d) REQUIREMENTS.—No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

"(1) provided to the Governor of the appropriate State, a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself, and

"(2) make public disclosure of the time accounting under paragraph (1) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

"(e) PROVISION OF FUNDS FOR CHILDREN'S HEALTH RESEARCH.—Any amounts provided for attorneys' fees in excess of the limitation applicable under this section shall be paid into the Treasury for use by the National Institutes of Health for research relating to children's health.

"(f) EFFECTIVE DATE.—The limitation on the payment of attorneys' fees contained in this section shall become effective on the date of enactment of any Act providing for a national tobacco settlement."

Mr. SESSIONS. Mr. President, this is in the nature of a technical change. It doesn't change the basic import of the amendment.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I respect the motivation of my colleagues who are offering amendments on the proposed global tobacco settlement tonight. As we all know, the issues surrounding this settlement prove easy to frame, but difficult to resolve.

I have been listening carefully to this debate, and the timing is very interesting to me.

Here we are now in September. Everybody would like to see this session end sometime near the end of October, or early in November, at the latest.

But as far as the proposed global tobacco settlement goes, people around here seem to be assuming it is going to happen when, really, basically, nothing is being done.

Yet, tonight we are making arguments and amendments on the assumption that something is going to get enacted.

I would suggest to my colleagues, though, that this discussion is premature. We do not have all the details of the agreement. No one, that is no one, does, not even any of the parties to the agreement has final legislative language.

We have not even reached a discussion in this body of the most general question we have to answer before we decide if the Senate will consider the global tobacco settlement: do we want to further regulate the use and sale of tobacco products in order to protect the public health and bring a degree of accountability and finality to the surge in tobacco-related litigation.

More precisely, the question we face during the remaining weeks of this session is whether the global tobacco settlement proposal should be implemented and, after we make that decision, then amendments would be in order.

Mr. President, I don't think anybody in this body despises the use of tobacco more than I. Frankly, I think tobacco use is wrong, it is deleterious to health, and it basically can ruin people's lives.

There is no question that—in the eyes of almost every research scientists—tobacco use causes cancer.

There is no question that it causes cardiovascular, respiratory, and other similar diseases, and still we treat it as though it is a substance that has every right to exist.

As long as it does have the right to exist as a legitimate business in this country—and I believe that it will continue to be available—then it seems to me that we have to resolve these problems in an amicable, decent manner that is in the best interests of this country.

As I see it, there is not much happening on the proposed tobacco settlement.

There is no use kidding ourselves, the $368 billion settlement proposed by the attorneys general and most of the tobacco industry—all except Liggett & Myers—as I understand it, is an interesting proposal.

There is no question, that offer is a substantial sum of money. It is to be paid over a 25-year period and, if my calculations are correct, the tobacco companies will be able to write off about a third of the cost of that settlement at the expense of the taxpayers.

There are many, many issues that have to be resolved on the tobacco settlement if we are going to have one at all. Let me name just a few of them, in no particular order of importance.

No. 1 would be an evaluation of the totality of the settlement. That is, as I have said, whether this Congress should seize the window of opportunity presented by the tobacco proposal which offers the possibility of significant advances in public health and liability reform. Are the public health gains it offers something we wish to pursue? Are the legal reforms it contains sound public policy? Are the two in appropriate balance?

No. 2 would be whether the costs associated with implementation of this agreement should be treated for tax purposes as ordinary business expenses?

Third would be the appropriate role of the Food and Drug Administration in the regulation of tobacco products. This is an extremely complicated issue. It involves an evaluation of the FDA's current legal authority, the regulations FDA has promulgated on youth tobacco use and the Greensboro court decision, and the future authority called for in the agreement.

The fourth issue is an examination of the constitutional limitations posed by an agreement which some believe abrogates their first amendment, free speech rights.

The fifth issue is what I call the "show me the money" issue. I challenge anyone to undertake an exhaustive review of the 68-page proposed settlement and then delineate clearly how the $368 billion in funds will be allocated. For example, many participants in the agreement have said there are funds for children's health. On what page? It simply isn't there.

And even for the amounts stipulated in the agreement, there is no definition of how the funds will be divided among states or parties to the agreement.

The sixth issue is a consideration of civil justice concerns, such as changing traditional plaintiffs' rights to seek redress through the courts.

The seventh issue is how those who were not parties to the original agreement will be treated. One company, for example, Liggett & Myers, has now signed agreements with about 25 States and all of the Castano class members. How should those agreements be factored into the settlement?

The eighth issue is related. Should there be an accommodation for those who manufacture, sell, or use vending machines or for others who have been engaged in legal businesses and have made a livelihood with products or services that might not be continued after a settlement is finalized?

Here's another important issue. The ninth issue we need to address is that of documents disclosure. Some in this body have called for full disclosure of all tobacco-related documents before any settlement is considered. Others believe we will never get to a settlement if we become enmeshed in an investigation of abuses extending back over 30 years.

One of the greatest advantages of having a tobacco settlement is the public benefits that may derive from it for our children and indeed our society as a whole.

As we all know, 3,000 kids start smoking a day—teenagers, that is—1,000 of whom will become addicted over their lifetimes. These numbers are only going up, and it is no secret that part of the reason is that the tobacco industry has basically enticed these kids into smoking.

Without a tobacco agreement, we will not be able to put meaningful resources into solving these teen tobacco use problems. It is questionable whether we could ever provide the same nationwide incentives or resources to not only slow down teenage smoking, but perhaps end it forever.

And since we are debating the National Institutes of Health funding bill, I might mention that without the tobacco settlement, we won't be able to have as many funds as we would otherwise have for biomedical research.

It is also apparent that if we break the cigarette companies, we are not going to be able to have 25 years of continual multibillions of dollars paid into a settlement agreement system for the benefit of our society as a whole.

There are so many other issues that I hesitate to even begin. But the fact is the proposed settlement is complex, it is difficult, and Congress basically has done nothing about it since it arrived here on June 20.

It is true we have held three hearings in the Judiciary Committee. They have been interesting hearings. They have enlightened us to a degree. We think we now know the issues involved. We have listened to the attorneys general. We have listened to people representing the tobacco industry. We have listened to constitutional experts. We have listened to health care specialists.

And, frankly, we are going to hold some more hearings on this. But it seems to me that we need to address the proposed tobacco settlement with a timetable and a process that will literally cause it to be done. We aren't there yet, and piecemeal amendments on an appropriations bill won't get us to that point.

If the tobacco settlement is not completed by the end of this particular session, I fear we may never have a tobacco settlement. If that is so, we will lose this one-time opportunity to help our children and perhaps to help keep millions of kids from ever starting to smoke or chew tobacco.

If we lose that opportunity, it will be pathetic.

It is no secret that the tobacco industry has virtually won every case but one in the history of litigation in this matter. In that one particular case it was a $750,000 verdict. If I understand it correctly, that is on appeal. And that will be dragged out for another 10 years by very, very good lawyers who are very, very capable of doing exactly that.

So, if we do not move ahead and we don't solve these problems, we are going to find ourselves in a morass where we are right back to business as usual, and the tobacco companies will be making billions of dollars at the expense of the society at large with no help to our young people in this society and not much money for research other than what we can generate through congressional appropriations. In the end, we lose all of the advantages that we could achieve.

In fact, there are several things which must occur if we are even going to try to move forward to an agreement, or move an agreement forward.

First, the President of the United States has to get off the dime and start leading on this issue.

In July, we heard the President would speak out a few days before his planned August 15 vacation. It didn't happen.

Earlier this week, we heard the President was supposed to speak out about the settlement this Thursday.

Let's speak the plain truth here. Without the President's leadership, the tobacco agreement can't happen.

The proposed settlement was announced on June 20. At that time President Clinton called the concessions attained by negotiators from the tobacco industry "unimaginable." He also tasked top executive branch officials with the job of reviewing the settlement, consulting with the public health community, and advising him on whether or not this agreement adequately protects the Nation's public health interests.

Eleven weeks have passed with no final word at all from the White House on what, if any, changes the President wishes to see. Almost daily we hear, or so it seems, rumors that the President will speak—only to find out that he does not.

The President's silence in this area speaks volumes.

It has been speculated in the press that the President will say that the level of funding needs to be increased, that the FDA's regulatory authority needs to be strengthened, and that there needs to be greater accountability on the part of the tobacco companies if the reduction targets are not met, especially among the Nation's teenagers. But this is only speculation at best.

Should President Clinton support the idea of moving forward, he needs to tell our American people, and he needs to reveal what changes, if any, he deems to be necessary.

We need the President to speak out and tell us precisely where he stands and whether he believes there should be an agreement, and an agreement this year.

We need him to help us to understand where we are going on this issue. We need to know how much political capital he is willing to expend on this issue, and we need to know whether he is really serious about solving these problems.

With 3,000 children starting to smoke each and every day, I don't believe the Clinton administration can afford to delay this any longer.

Second, I call on parties to the agreement to resolve ambiguities and to help produce legislative language agreed upon by all parties so that Congress can be crystal clear about the details of the proposal and therefore can plan and judge it accordingly.

If the President chooses to take advantage of this one-time opportunity, the parties to the agreement have a responsibility to settle ambiguous points within the settlement agreement and provide the Congress with their version of the settlement in legislative form.

Today, I am challenging the parties to the agreement to do so, to provide us with the details of the agreement beyond the 68-page prospectus.

I, for one, am willing to look at it. I think the other committee chairmen who are involved are willing to look at it as well. We are willing to see if we can mold together an agreement that literally will be in the best interests of the public at large.

Let me add that several weeks ago I sent the proposed agreement to legislative counsel and asked them to try to draft a bill based on the language of the settlement. We found that these expert draftsmen were presented with more questions than answers. So the parties need to get together and help us to formulate the legislative language. I am calling upon them to do that. If there are problems or ambiguities that have to be resolved, we will help them with that.

Third, the parties who negotiated this settlement presented it to Congress must also produce others willing to champion this unprecedented public health opportunity. Beyond the several attorneys general, the plaintiffs bar, and public health groups, few have seized on the settlement as a viable option. Major legislation such as the settlement envisions has never been approved absent widespread support. And we aren't there yet, which is another reason why these amendments we are considering tonight are premature.

The fact is we will not be there without the President and without an awful lot of hard work on the part of all of us here.

Fourth and finally, we must consider how we resolve this issue of document production. The proposed agreement provides that previously undisclosed documents be publicly disclosed through a national tobacco document depository open to the public and located centrally here in Washington, DC. These documents would include documents from the files of the tobacco companies, including those relating to internal health research, documents that we have not been able to get up until now.

Any documents already produced in the attorney general actions would be immediately deposited, and additional existing documents would be placed in the depository within 3 months of the enactment of the bill.

Despite this provision for open disclosure, some in Congress—those who question the settlement most—have proposed immediate disclosure of these documents. The documents in the Minnesota case alone brought by Attorney General Hubert Humphrey, who has testified before our committee, amount to 33 million documents. Such massive disclosure is neither practicable nor possible in the presettlement arena.

Naturally there are attorneys all over this country who believe that the settlement will never make it through and they are trying to look out for their clients. Internal documents which have not yet been released could be invaluable in such suits.

But the greater good demands that we look at an agreement which could bring us tremendous public health advances, and it appears that agreement could actually be hindered by an exhaustive investigation of internal tobacco documents.

I can't blame the cigarette companies for not wanting to produce the documents in advance—although I cannot in any way condone some of their past reprehensible behavior. I simply question whether it is the appropriate role of Congress to conduct discovery for private litigants.

I think we are all indebted to the negotiators for stimulating a potentially fruitful public discussion on the public health issues attendant to tobacco.

I commend the States attorneys general, especially those involved in the class action litigation. I commend the public health representatives who have been speaking out, and the representatives of the tobacco industry for advancing the ball in a meaningful direction.

The climate has been created for the Congress and the public to have opportunities to make significant strides on this whole set of tobacco issues.

It is clear that the Senate is only in the beginning stages of this process. Five congressional hearings having been held, and more are planned.

I urge my colleagues to let the process work. Let us move a proposal in the Judiciary Committee. Many of my colleagues here tonight are members of that committee, and we will have ample opportunity for full discussion.

I just have to doubt if this is the right time and the place, on the Labor-HHS appropriations bill, to be raising these issues that could blow the settlement out of the water.

I personally believe we ought to move that settlement forward.

My study has led me to conclude it is a one-time opportunity to do something for our kids in this society.

It is a one-time opportunity to make significant advances in biomedical research, and it is surely a one-time opportunity to have the tobacco companies fully cooperate in providing all of their internal research for the benefit of the public health at large.

There are so many benefits that could derive from a decent settlement, if we can formulate one and keep the parties together.

It is time now for the President to speak out.

He was supposed to speak out this Thursday. Now they have put it off for another week, knowing that every week that it is put off it is less likely that we can pass something in this Congress.

Let me make a prediction. I believe that we are going to lose this historic opportunity if we do not seize the opportunity, bite the bullet, do the work that is necessary, get the involvement of the companies, the attorneys general and others who are interested in this process, and come up with a package, that literally, will realize all of the public health gains I have been talking about, and more.

It is no secret that the tobacco industry may not proceed with the settlement if the North Carolina case, which does indicate that FDA does have some right to regulate in the area of nicotine, is overturned on appeal. Many legal experts say that the Greensboro case is iffy at best and that it could very easily be overturned on appeal. In fact, I think there are many good arguments for overturning it on appeal based on present law and our understanding of present law.

But let me admonish my colleagues that if that case is overturned on appeal, I am not so sure that the tobacco industry is going to proceed with a settlement anyway, because they might just continue to take the risk that juries in the respective States will almost invariably find that those who smoked all of their lives assumed the risk, or were contributorily negligent in doing so. That is why they have won these cases in large measure right up to today.

I was in Pittsburgh, PA, when the first anticigarette tobacco case was brought, Pritchett versus Liggett & Myers, by the then fabled McArdle law firm. Jimmy McArdle, was one of the leaders, if not the leader in the whole country, in paving the way for tobacco litigation. He scared the daylights out of tobacco companies, but lost, one of few times that great lawyer did not prevail in court.

So I have watched this litigation for all of these years. If that case in North Carolina is lost, we will lose a major incentive for the tobacco companies to come to the table.

Or let's put it another way. If Minnesota Attorney General Hubert Humphrey wins his case, the tobacco companies may very well decide not to go forward anyway. Or, conversely, if General Humphrey loses, what is the incentive for the tobacco companies to stay in the deal?

It would be a message to every other attorney general in the country. Already they have decided to fight right to the end the case brought by the Attorney General of Texas. What is the incentive to continue?

Right now we have an opportunity for all sides to put something together. The attorneys general have put inordinate amounts of time and effort into this matter, and there is an obligation on our part to try to resolve it.

But without Presidential leadership, it is very unlikely that we can resolve it. If we have the President's endorsement, then I think we have to have leadership here in the Congress to move forward, and to do what is right.

No matter what we do, it is going to be difficult because there are those in the Senate and in the House who resent anything done to the tobacco industry. And there are those who feel that anything the tobacco industry wants should be blocked.

My feeling is that the benefits that could come from a legitimately and well put together tobacco settlement clearly outweigh the desire of some to just kill the industry, when in fact they don't have the tools to do so.

There is no doubt in my mind that the $368 billion figure has to change. We have to give serious consideration to the tax implications, as some in this body have suggested. We have got to have some clear-cut approach toward FDA authority.

We have to do a number of things that literally will make that settlement more acceptable. And we have to bring all sides and all parties together, and we have to bring the weight of the Federal Government, the weight of the administration, the weight of the legislative branch of Government, and ultimately the weight of the courts into bringing this all together so that the public at large can benefit greatly.

Personally, I am willing to devote substantial effort toward that end. I know other committee chairmen, who have various jurisdictional areas in this matter, are willing to work on it as well.

In all honesty, we are not going to resolve this by bits and pieces in amendments to legislation like this.

With regard to the amendment of the distinguished Senator from Illinois, let's face it, the language in the Balanced Budget Act was pretty ambiguous. I see any way that language could be binding; it is too ambiguous.

The language, in my opinion, is not really going to require any tobacco settlement to pay for child health insurance. Nevertheless, it would be nice to clarify that matter, and we could do that in a true tobacco settlement.

With regard to attorneys' fees, I share some of the view of the distinguished Senator from Alabama. I agree that there should be a limitation. This should not be a ripoff situation where we have a feeding frenzy on attorney's fees. On the other hand, there are attorneys who have worked long and hard and spent a lot of money and a lot of effort and time, and without whom the settlement would not have been brought to this point. They do deserve some compensation for that.

I think we were all well aware that the issue of attorneys' fees is going to have to be solved in any tobacco settlement that happens.

I do not believe we can easily solve tonight the problem that has been raised by the Sessions amendment that would retroactively limit attorney fees which have already been a matter of contract between States and private counsels.

But we can solve the problem as to how much of this money that actually has to be put up over 25 years is going to go for attorneys' fees.

That is something we are going to have to work to solve. It needs to be done fairly; it needs to be done with wisdom, as with all other aspects of this agreement, in totality.

The way to do it isn't by nit-picking or just by amendment after amendment in the Chamber. We could literally get into 100 tobacco amendments on just this appropriations bill alone.

I think the way to do it is to get the President to speak out. Let's keep holding our hearings. Let's get a final legislative draft and look at it. Let's bring the parties together and demand that the attorneys, the attorneys general, the public health groups, and the tobacco companies who originally negotiated the deal work to provide us with a draft. Let's reform and refine that draft, factor in the President's perspective, and the views of others who did not participate, such as the farmers, and let's move forward to resolution of this issue in the best interests of the American people.

I just wanted to make these comments because I am very upset that we keep playing around with this issue. Frankly, if we let it go beyond the end of this year, it may be very difficult, it maybe impossible, to do next year.

I ask unanimous consent that Bruce Artim be granted access to the floor for the remainder of the session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, a few administrative matters here.

I ask unanimous consent that Senator DOMENICI be added as a cosponsor to amendment No. 1121.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1095, AS MODIFIED

Mr. SPECTER. Mr. President, I ask unanimous consent that the pending amendment be set aside and that the Senate turn to the consideration of amendment No. 1095 to S. 1061 very briefly and temporarily for disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. On behalf of Senator LANDRIEU, I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 44, line 2, strike "$5,606,094,000" and insert "5,611,094,000".

On page 85, line 19, further increase the amount by $5,000,000.

Mr. SPECTER. This amendment, Mr. President, provides for an additional $5 million for the adoption opportunities program, bringing the total in the bill to $18 million. The amendment is offset by further reductions in administrative expenses. It has been cleared on both sides, and accordingly I urge its adoption.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 1095), as modified, was agreed to.

AMENDMENT NO. 1125

Mr. SPECTER. Mr. President, very briefly on the pending amendment offered by the distinguished Senator from Alabama, I think the debate this evening has been very useful. The comments by the distinguished Senator from Utah are cogent. We have had the hearings as noted by Senator HATCH in the Judiciary Committee. It is tempting to eliminate the very substantial tax break which is presented in the reconciliation bill. Perhaps that is something that can be done now although the considerations advanced by the Senator from Utah are very weighty.

The amendment offered by the Senator from Alabama to curtail the attorney's fees is very much worth considering. I am not sure that the proper place for it is on this bill because we really do not know all the underlying facts. When you talk about $250 an hour, that is a substantial sum of money on an hourly rate. When you talk about a total of $5 million, that is a substantial sum of money. The reports are that the attorney's fees in the agreement run into the billions. It may well be that before an intelligent legislative decision can be made on this matter, we will have to know a great deal more about the arrangements made by each State with the attorneys, what their work has involved, evaluation of the contingent nature, that is, a likelihood of failure so that a contingent fee is set and some consideration on the likelihood of success because if there is no settlement, then there are no attorney's fees to be paid, and that may be a fact-specific inquiry which will take some considerable time ultimately by the Judiciary Committee.

But in any event, the stage is set. There are other Senators who want to discuss this issue. We will proceed to the conclusion of it when we resume consideration of the bill tomorrow morning at 9:30.

I yield the floor.

Mr. WELLSTONE. Mr. President, might I ask the manager a question? I had come to the floor to speak tonight, but I know it is late and people may be anxious to leave. What would be the order of business tomorrow? Is there additional time on the amendment of the Senator from Alabama?

Mr. SPECTER. Mr. President, if the Senator will yield, I will be glad to respond. The pending amendment will remain in the Chamber. The Senator from Illinois, [Mr. DURBIN], had made a motion to table and then had withdrawn it at my request so that Senators who were not here might have an opportunity to debate tomorrow morning. But that will be the amendment which we will return to at 9:30 tomorrow morning.

Mr. WELLSTONE. Mr. President, I wonder whether, with the support of my colleagues, rather than taking up more time tonight, I might ask unanimous consent to be included in the sequence of that order to be able to speak once we start for 5 minutes or 10 minutes? I will not do it tonight.

Mr. SPECTER. Mr. President, if I may respond, I don't think there is any unanimous consent order required. If the Senator is here tomorrow morning when we proceed with the bill, I am sure he will be recognized.

Mr. WELLSTONE. I thank the Chair. I will wait until tomorrow, then, to speak.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mr. SESSIONS. I want to express my appreciation to the distinguished chairman of the Judiciary Committee, Senator HATCH, for his remarks. I appreciate them. His committee, the Judiciary Committee, of which I am a member, has begun wrestling with these very complex issues. I think he is exactly correct. It is a matter that requires the leadership of the President. He is going to have to step up to the plate and bring his departments of the U.S. Government on board if there is to be an agreement. It has so many possibilities of going awry.

I think, personally, I have not decided whether this legislative body, the Congress, ought to get involved in this lawsuit or not. It may be the right thing for us to do. Then again it may turn out that it is not. But if we do, I think it is appropriate that we limit the amount of attorney's fees in these cases. Under the fee agreements that I understand are now in place, attorneys, private attorneys, who have been hired by the States have been involved in litigation maybe only a few weeks and could stand to receive tens of millions, even billions of dollars. In fact, most published reports indicate that fees could be as high as $10 billion to $14 billion in this litigation.

That is far too much. That money needs to go to children. That is what these lawsuits were about, to have that money go to children for children's health, and that is what this bill would be involved with. So I feel very strongly about that.

As to this being a tobacco industry bill, I am surprised the Senator from Illinois said that because I am supporting his amendment which would add another $50 billion, $60 billion to the tobacco industry, at least take away any benefit that now may come to them in that amount—a very significant issue. And I have come down on his side.

I simply say, just as that amendment that came through to change perhaps the funding for the tobacco industry to save them a large amount of money was not fully debated, likewise the attorney's fees that have been out there have not been debated. As a matter of fact, they have not been discussed. At the Judiciary Committee hearing at which I appeared with Senator HATCH, I asked about attorney's fees of several of the attorneys general, and I got only evasive answers.

So then I submitted written questions to them asking for detailed explanations of what kind of fee agreements had been entered into and asked them to respond to me in writing. Over a month has passed, and we have heard nothing from them. So I say there is a side agreement, an unhealthy, secret agreement, it appears, between the attorneys for the States and the tobacco industry, that the attorneys general and the States are saying they are not responsible for.

You cannot do that. Mr. President, as an attorney, let me say this. An attorney's fidelity must be totally to his or her client, and in this instance, these attorneys, these plaintiff attorneys who have been hired to represent most of the States involved who have contingent fee agreements with their States need to have their total loyalty to the State. But if they are over there on the side entering into a fee agreement negotiation with the tobacco industry and saying to the American people and the people of the various States involved, "Don't worry about the fee agreement, the tobacco industry is going to pay that," make no mistake about it, that is money taken from the children. That is money taken from the settlement that would go to benefit the health of people who have suffered from smoking. It is a side agreement that is not healthy.

I have serious questions in my mind as a practicing attorney whether or not that is ethical because, you see, if that private side agreement between the tobacco people and the attorneys about how much money they get falls apart, those attorneys get no money—perhaps. And maybe the tobacco company can say, well, if you will just agree to this restriction or that restriction, we will agree to pay you two or three more billion dollars in attorney's fees. That is the kind of unhealthy relationship that should never occur in serious litigation, and this is certainly serious litigation.

The Senator from Kentucky from the other party indicated that this settlement may exceed $500 billion. We cannot allow 10–20 percent of that money to go to attorneys, many of whom have filed lawsuits so recently that the ink is hardly dry on them. They have done very little litigation. Yet we are at the point of the tobacco industry coming in and agreeing to settle and pay it all and the litigation would presumably end and then they would get these huge sums in legal fees. I think it is a very important matter, and as far as this Senator is concerned I will not support any agreement, I will not support any global settlement legislation from this body that does not fully disclose every dime that is being paid, and I don't think we should.

In addition to that, I think this body ought to make clear that if any settlement does occur, we should cap the amount of legal fees. I think $250 an hour is fine pay for any good lawyer, and that is the maximum they ought to be paid. If they are not worth that—they do not normally charge that—they should not get $250. But we say no more than $250 an hour and no more than $5 million per State. So that is 50 States to perhaps pay $5 million, and we could save substantial sums of money, Mr. President, that could go to benefit children's health in this country and not be involved in windfalls to attorneys who may have done very little work at all.

I think this is a good bill. I just point out that, of course, if there is a global settlement and there needs to be some changes in the actual formula or caps involved in the payment of attorney's fees, that could be made a part of it. But I think this body right now needs to send a message to the people of this country that we are going to insist on full disclosure and we are going to put some reasonable limits on how much money can be spent on attorney's fees.

AMENDMENT NO. 1125, AS MODIFIED FURTHER

Mr. SESSIONS. Mr. President, at this point I would like to further modify my amendment to address the concerns of the Senator from Iowa with regard to the ongoing State suits versus the national tobacco settlement.

I send that to the desk at this time.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. The amendment will be so modified.

The amendment (No. 1125), as modified further, is as follows:

Strike the last word in amendment No. 1078, as amended, and insert the following: "Repealed.

"Sec. . (a) General Limitation.—Notwithstanding any other provision of law, if any attorneys' fees are paid (on behalf of attorneys for the plaintiffs or defendants) in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures or for other causes of action, involved in the National Tobacco Settlement Agreement, such fees shall—

"(1) not be paid at a rate that exceeds $250 per hour; and

"(2) be limited to a total of $5,000,000.

"(b) Fee Arrangements.—Subsection (a) shall apply to attorneys' fees provided for or in connection with an action of the type described in such subsection under any—

"(1) court order;

"(2) settlement agreement;

"(3) contingency fee arrangement;

"(4) arbitration procedure;

"(5) alternative dispute resolution procedure (including mediation); or

"(6) other arrangement providing for the payment of attorneys' fees.

"(c) Expenses.—The limitation described in subsection (a) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

"(d) Requirements.—No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

"(1) provided to the Governor of the appropriate State, a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

"(2) made public disclosure of the time accounting under paragraph (1) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

"(e) Provision of Funds for Children's Health Research.—Any amounts provided for attorneys' fees in excess of the limitation applicable under this section shall be paid into the Treasury for use by the National Institutes of Health for research relating to children's health.

"(f) Effective Date.—The limitation on the payment of attorneys' fees contained in this section shall become effective on the date of enactment of any Act providing for a national tobacco settlement."

Mr. SESSIONS. Mr. President, the effect of this amendment would be to make sure this amendment applies to tobacco attorneys, too. It would limit their fees if they were in excessive amounts.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1122

Mr. MACK. Mr. President, my colleague Senator GORTON has introduced an amendment which would return federal funding for education programs serving grades K-12 directly to school districts. Currently, nearly one third of all the money spent on education by the federal government ends up at the Department of Education. However, of that amount, only 13.1 percent actually reaches local school districts.

Mr. President, the Federal Government currently administers so many education programs which it cannot efficiently control, nor can it determine if it is money well spent. The vast number of these programs are redundant and could be easily combined. Over the years, as new ideas and innovations in education have been enacted, we have not reviewed programs currently in place which serve similar purposes. The result has been a growing Washington bureaucracy, with more federal regulations affecting the day-to-day workings of our local schools.

Clearly, when it comes to the education of our young people, one size does not fit all. This amendment would remove Washington bureaucrats from what should be local decisions. Parents, teachers, and local school officials are far better prepared to determine how best to use scarce resources. We should express our confidence in parents, our teachers and our principals to decide how best to use limited resources to meet the needs of children—who ultimately are the ones we must serve. Washington bureaucrats, far removed from these local situations, cannot accurately make those decisions.

Mr. President, I am sure that during debate on this amendment and debate on this bill, we will hear from others in this body about the need to preserve Congress' role in providing for the education of our nation's children. Certainly, there is a role for Congress in this area, but I believe it is a more limited role.

I must point out that this amendment would not reduce by one dime the amount of funding provided by the federal government for education nationwide. Instead, it will ensure that the status quo which has sentenced our schools to mediocrity will be reformed to enable parents, teachers and local decisionmakers to enact innovative reforms to our education system.

Mr. President, I believe in this approach because I believe in parents—who have the biggest stake in their parent's success and fulfillment. I believe in teachers—who, everyday, stand before classrooms of children and challenge their minds with knowledge and ideas, who inspire them to dream and imagine, who help them open the doors to success. These are the ones we should seek to help, because their efforts will determine how America fares in the 21st century—they will determine whether we continue to lead in the world or whether we will allow that leadership to fall on some other nation.

I am confident that our parents, teachers, and students can build the best education system in the world, if only Washington "experts" will just get out of the way. Let's show them that Congress believes in their abilities to make the right decisions for the future of our children by supporting this amendment. I thank the chair and I yield the floor.

MEDICARE COMMISSION PROVISION

Mr. FEINGOLD. Mr. President, I want to thank the Senator from Iowa [Mr. HARKIN], for his efforts to include language in this appropriations bill relating to the Bipartisan Commission on the Future of Medicare. I also want to thank his colleague, the senior Senator from Iowa [Mr. GRASSLEY], who chairs the Senate Special Committee on Aging, for joining me in advocating some additional direction to the Commission with respect to long-term care. I very much enjoy working with Senator GRASSLEY on the Aging Committee, where he has continued a long tradition of bipartisanship.

Mr. President, the language added to the bill at our request touches on one aspect of an enormously important segment of health care, namely long-term care. I have been deeply involved in long-term care issues for nearly 15 years, and have advocated significant reforms to our current system both at the State and Federal level.

Mr. President, many will recall that as part of the Balanced Budget Act of 1997, we created the so-called National Bipartisan Commission on the Future of Medicare. Established because of the need to reform and modernize the principal health care system of our Nation's seniors, that Commission will examine a host of issues relating to health care coverage and will make recommendations that we hope can lead to an improved Medicare system, one which will not only deliver better health care but also provide some relief from the growing pressure Medicare has been placing on our Federal budget.

One of the key issues to be examined by the Commission is the area of chronic disease and disability.

Mr. President, effective treatment of individuals with chronic health care needs requires a combination of acute and preventive care, disease management, health monitoring, and long-term care services and supports. However, as it is now structured, the Medicare fee-for-service program responds to specific and discrete episodes of care through separate providers, and often discourages timely, coordinated cost-effective chronic care.

Mr. President, more than 20 percent of Medicare beneficiaries today have chronic health care needs, and they are the fastest growing segment of the Medicare population. A major part of the health care for these beneficiaries with chronic needs are the long-term care services and supports which are separately financed by beneficiaries and their families, or, for those without personal resources, by Medicaid and the States.

This latter group of people with chronic care needs, those who are eligible for both Medicare and Medicaid, help make up a particularly important group of beneficiaries. The so-called dually eligible make up about one-sixth of the population of these two programs, but account for nearly one-third of program expenditures and rightly have captured the attention of policy makers as one of the critical targets for policy reforms in the two programs. As a recent hearing of the Aging Committee revealed, the lack of coordination between these two programs, and more generally between Medicare and long-term care, creates perverse incentives for cost-shifting in the health care system, and often results in excess cost, inappropriate care, or no care at all.

Mr. President, while the National Bipartisan Commission on the Future of Medicare is already directed to examine this critical population, our proposal goes further specifically calling on the Commission to examine the potential for coordinating Medicare with cost-effective long-term care services.

Mr. President, I want to underscore the language we had included in the bill does not limit or even specify what the Commission might consider in reviewing the potential for coordinating Medicare with long-term care services. But there are a number of matters deserving the Commission's attention that I want to highlight, including the success of a number of States, such as Wisconsin, in developing effective long-term care programs built on flexible delivery systems that deliver more cost-effective, individualized care. The Commission should also take a particularly close look at efforts which build upon the existing system of informal supports, often provided by family members and friends, that currently account for the vast majority of long-term care provided in this country.

More generally, while the primary focus of the Commission will be the future of Medicare, as the Commission calculates the future cost of the current Medicare program, I urge it take into consideration the total costs of care for individuals with chronic illnesses and disabilities, including the cost of long-term care services and supports, whether those costs accrue to Medicare, Medicaid, private insurers, or beneficiaries and their families. It is neither good budgeting policy nor good health care policy to partition off health care service planning, making changes to one program while ignoring the effect those changes will have in other areas.

Mr. President, unlike the near-term focus of the budget process, the recommendations that we expect the Commission will make regarding Medicare will be based on a much longer and broader view. Some of the defects of the current Medicare program are arguably the result of short-term budget considerations that have led to unintended, sometimes expensive consequences. By taking a broader view, the Commission can avoid some of these past errors, and possibly contribute to one of the highest health care priorities we have, the need for significant long-term care reform.

AMENDMENT NO. 1074

Mr. CAMPBELL. Mr. President, I strongly support the amendment offered by my distinguished colleague from Arizona, Senator McCAIN. The amendment would dedicate an additional $100 million to research on Parkinson's disease, an effort driven by my accomplished mentor and dear friend, Morris K. Udall.

The statistics are staggering. While over a million Americans battle Parkinson's at a cost of $26 billion annually, the Federal commitment to Parkinson's research is only $27 million. While it is not only impossible but unfair to try and determine what disease should get more funding for research while another gets less, these statistics say unequivocally that Parkinson's deserves more.

While I have many fond memories of Mo, his thirty years of unparalleled service to this country, his ever present wit and his statesmanship, one of my fondest memories is of a circumstance in which he exhibited rarely matched courage and integrity. While both in the House of Representatives, I had the honor of crusading with Mo to remove a painting from a wall in the Capitol that was both offensive and demeaning to Native Americans. That painting, that symbol of dominance, hung for years. Mo Udall took it down. He took down many such injustices during his tenure in Congress.

Parkinson's has robbed us of too many valuable people. I feel very strongly that the 64 Members of the Senate who cosponsored this bill should follow through on their initial—overwhelming—show of support and adopt the amendment.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 8, 1997, the Federal debt stood at $5,411,318,696,295.51. (Five trillion, four hundred eleven billion, three hundred eighteen million, six hundred ninety-six thousand, two hundred ninety-five dollars and fifty-one cents)

Ten years ago, September 8, 1987, the Federal debt stood at $2,360,222,000,000. (Two trillion, three hundred sixty billion, two hundred twenty-two million)

Fifteen years ago, September 8, 1982, the Federal debt stood at $1,107,230,000,000 (One trillion, one hundred seven billion, two hundred thirty million)

Twenty-five years ago, September 8, 1972, the Federal debt stood at $435,645,000,000 (Four hundred thirty-five billion, six hundred forty-five million) which reflects a debt increase of nearly $5 trillion—$4,975,673,696,295.51

(Four trillion, nine hundred seventy-five billion, six hundred seventy-three million, six hundred ninety-six thousand, two hundred ninety-five dollars and fifty-one cents) during the past 25 years.

NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), a notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice publishes proposed amendments to regulations previously adopted by the Board implementing sections 204, section 205, and section 215 of the Congressional Accountability Act of 1995.

Section 204 concerns the extension of rights and protections under the Employee Polygraph Protection Act of 1988. Section 205 applies rights and protections of the Worker Adjustment and Retraining Notification Act. Section 215 concerns the extension of rights and protections under the Occupational Safety and Health Act of 1970.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS AND PROTECTIONS UNDER THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988, THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT, AND THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors ("Board") of the Office of Compliance is publishing proposed amendments to its regulations implementing sections 204, 205, and 215 of the Congressional Accountability Act of 1995 ("CAA" or the "Act"), 2 U.S.C. §§1314, 1315, 1341. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch. Section 204 applies rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), section 205 applies rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act"), and section 215 applies rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct"). These sections of the CAA will go into effect with respect to the General Accounting Office ("GAO") and the Library of Congress (the "Library") on December 30, 1997, and this Notice of Proposed Rulemaking ("NPRM") proposes to amend the Board's regulations implementing these sections to extend the coverage of the regulations to include GAO and the Library. Several typographical and other minor corrections and changes are also being made to the regulations being amended.

The regulations under sections 204, 205, and 215 were adopted in three virtually identical versions, one that applies to the Senate and employees of the Senate, one that applies to the House of Representatives and employees of the House, and one that applies to other covered employees and employing offices. This NPRM proposes that identical amendments be made to the three versions of the regulations. The proposal to amend the regulations that apply to the Senate and its employees is the recommendation of the Office of Compliance's Deputy Executive Director for the Senate, the proposal to amend the regulations that apply to the House and its employees is the recommendation of the Office of Compliance's Deputy Executive Director for the House of Representatives, and the proposal to amend the regulations that apply to other employing offices and their employees is the recommendation of the Executive Director of the Office of Compliance.

Dates: Comments are due within 30 days after the date of publication of this NPRM in the Congressional Record.

Addresses: Submit comments in writing (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426–1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Office of Compliance, at (202) 724–9250 (voice), (202) 426–1912 (TTY). This Notice is also available in the following formats: large print and braille. Requests for this notice in large print or braille should be made to Mr. Russell Jackson, Director, Services Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, at (202) 224–2705 (voice), (202) 224–5574 (TTY).

SUPPLEMENTARY INFORMATION

1. Background and purpose of this rulemaking

The Congressional Accountability Act of 1995 ("CAA" or the "Act"), Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438, was enacted on January 23, 1995. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch.

Sections 204, 205, and 215 apply three of these laws. Section 204 of the CAA, 2 U.S.C. §1314, applies the rights and protections under the Employee Polygraph Protection Act of 1988 ("EPPA"), by providing generally that no employing office may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the EPPA, 29 U.S.C. §2002(1), (2), (3). Section 205 of the CAA, 2 U.S.C. §1315, applies the rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act"), by providing generally that no employing office shall be closed or a mass layoff ordered within the meaning of section 3 of the WARN Act, 29 U.S.C. §2102, until 60 days after the employing office has provided written notice to covered employees. Section 215 of the CAA, 2 U.S.C. §1341, applies the rights and protections of section 5 of the Occupational Safety and Health Act of 1970 ("OSHAct"), by providing generally that each employing office and each covered employee must comply with the provisions of section 5 of the OSHAct, 29 U.S.C. §654.

For most covered employees and employing offices, sections 204 and 205 became effective on January 23, 1996, and section 215 became effective on January 1, 1997. However, "with respect to the General Accounting Office and the Library of Congress," the CAA provides that sections 204, 205, and 215 "shall be effective . . . 1 year after transmission to the Congress of the study under section 230." Sections 204(d)(2), 205(d)(2), 215(g)(2) of the CAA, 2 U.S.C. §§1314(d)(2), 1315(d)(2), 1341(g)(2). This "study under section 230" is a study of the application of certain laws, regulations, and procedures at the General Accounting Office ("GAO"), the Government Printing Office ("GPO"), and the Library of Congress ("Library"), which the Board was directed to undertake by section 230 of the CAA, as amended, 2 U.S.C. §1371. The Board transmitted the completed study to Congress on December 30, 1996, and sections 204, 205, and 215 will therefore become effective with respect to GAO and the Library on December 30, 1997.[1]

The CAA requires that the Board adopt regulations to implement sections 204, 205, and 215, and further requires that these regulations be the same as the substantive regulations promulgated by the Secretary of Labor to implement the provisions of applicable statute, except if the Board determines, for good cause shown, that a modification would be more effective for the implementation of the rights and protections under these sections. 2 U.S.C. §§1314(c), 1315(c), 1341(d). The Board has adopted regulations implementing these sections with respect to employing offices other than GAO and the Library, and the purpose of this rulemaking is to adopt regulations implementing these sections with respect to GAO and the Library as well.

2. Record of earlier rulemakings

To avoid duplication of effort in proposing and adopting regulations with respect to GAO and the Library, the Board plans to rely, in part, on the record of its earlier rulemakings. The regulations implementing sections 204 and 205 of the CAA were proposed, adopted, and issued during the latter part of 1995 and the first part of 1996, and, during that period, the Board solicited comment and explained the basis and purpose of the regulations in several notices published in the CONGRESSIONAL RECORD. On September 28, 1995, the Board published an Advance Notice of Proposed Rulemaking ("ANPRM"), in which the Board solicited comments before promulgating proposed rules under several sections of the CAA, including sections 204 and 205. 141 CONG. REC. S14542–44 (daily ed. Sept. 28, 1995). On November 28, 1995, the Board issued NPRMs proposing regulations under sections 204 and 205, among others, 141 CONG. REC. S17652–64 (daily ed. Nov. 28, 1995), and on January 22, 1996, the Board published Notices of Adoption of Regulation and Submission for Approval and Issuance of Interim Regulations under these sections, 142 CONG. REC. S262–74 (daily ed. Jan. 22, 1996). The Board also proposed and adopted separate regulations, pursuant to section 204(a)(3) of the CAA, authorizing the Capitol Police to use lie detector tests. 141 CONG. REC. S14544–45 (daily ed. Sept. 28, 1995) (NPRM); 142 CONG. REC. S260-62 (daily ed. Jan. 22, 1996) (Notice of Adoption, etc.). The adopted regulations were then approved by Congress, and, on April 23, 1996, the Board's Notices of Issuance of Final Regulations were published in the CONGRESSIONAL RECORD setting forth the text of the final regulations implementing several CAA sections, including 204 and 205. 142 CONG. REC. S3917–24, S3948–52 (daily ed. Apr. 23, 1996).

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[1] The study under section 230, as well as copies of the December 30, 1996 letters from the Board transmitting the study to Congress, are available for inspection in the Law Library Reading Room, at the address and times stated at the beginning of this Notice. The study may also be viewed on the Office of Compliance's Internet web site at either http://www.compliance.gov/230.html or http://www.access.gpo.gov/compliance/230.html.

The Board published proposed regulations to implement section 215 on September 19, 1996, 142 CONG. REC. H10711–19 (daily ed. Sept. 19, 1996), and published its Notice of Adoption and Submission for Approval for these regulations on January 7, 1997, 143 CONG. REC. S61–70 (Jan. 7, 1997). The House and Senate have not yet approved the section 215 regulations, and, accordingly, these regulations have not yet been issued.[2]

3. Proposed amendments

The Board is presently aware of no reason why the regulations to be adopted under section 204, 205, or 215 for GAO and the Library and their employees should be separate or substantively different from the regulations already adopted for other employing offices and their employees. The Board therefore proposes in this NPRM to expand the coverage of the regulations already adopted under sections 204, 205, and 215 to include GAO and the Library and their employees, and to make no other substantive change to the regulations.

a. Regulations Under Section 204—Rights and Protections Under the Employee Polygraph Protection Act of 1988. The Board's two regulations implementing section 204 of the CAA—*i.e.*, the exclusion for employees of the Capitol Police, and the regulations covering all other employing offices except GAO and the Library—were issued in final form and published in the April 23, 1996 issue of the Congressional Record, 142 CONG. REC. S3917–24 (Apr. 23, 1996). In the regulations for employing offices other than the Capitol Police, the scope of coverage is established by the definitions of "covered employee" in section 1.2(c) and "employing office" in section 1.2(i). The Board proposes to amend these regulations by adding any employee of GAO or the Library to the definition of "covered employee," and by adding GAO and the Library to the definition of "employing office."

b. Regulations under Section 205—Rights and Protections Under the Worker Adjustment and Retraining Notification Act. Regulations implementing section 205 for employing offices other than GAO and the Library were issued in final form and published in the April 23, 1996 issue of the CONGRESSIONAL RECORD, 142 CONG. REC. S3949–52 (Apr. 23, 1996). The scope of coverage of these regulations is established by the definition of "employing office" in section 639.3(a)(1). As presently drafted, the definition in section 639(a)(1) incorporates by reference the definition of "employing office" in section 101(9) of the CAA, 2 U.S.C. §1301(9), which includes all covered employees and employing offices other than GAO and the Library. The Board proposes to amend these regulations by adding to the definition of "employing office" a reference to section 205(a)(2) of the CAA, which, for purposes of section 205, adds GAO and the Library to the definition of "employing office."

c. Regulations under Section 215—Rights and Protections Under the Occupational Safety and Health Act of 1970. Regulations implementing section 215 for employing offices other than GAO and the Library were adopted by the Board and published in the January 7, 1997 issue of the "CONGRESSIONAL RECORD, 143 CONG. REC. S61–79 (Jan. 7, 1997). The scope of coverage of these regulations is established by the definition of "covered employee" in section 1.102(c), the definition of "employing office" in section 1.102(i), and a listing in both sections 1.102(j) and 1.103 of entities that, pursuant to the regulations are included as employing offices if responsible for correcting a violation of section 215 of the CAA. The Board proposes to amend these regulations by adding any employee of GAO or of the Library to the definition of "covered employee," and by adding GAO and the Library to the definition of "employing office" and to the entities listed in sections 1.102(j) and 1.103 that can be included as employing offices.

In addition to the proposed changes described above, several typographical and other minor corrections are being made to the regulations being amended, including a few corrections and changes to the list of Department of Labor's regulations under the OSHAct that are incorporated by reference into the regulations adopted by the Board under section 215 of the CAA.[3]

4. Request for Comment

The Board invites comment on these proposed amendments generally, and invites comment specifically on whether there is any reason why the regulations to be adopted under section 204, 205, or 215 for GAO and the Library and their employees should be separate or substantively different from the regulations already adopted for other employing offices and their employees.

Recommended method of approval. The Board proposes that it will adopt three identical versions of the amendments and recommends: *(1)* that the version amending the regulations that apply to the Senate and employees of the Senate be approved by the Senate by resolution, *(2)* that the version amending the regulations that apply to the House of Representatives and employees of the House of Representatives be approved by the House by resolution, and *(3)* that the version amending the regulations that apply to other covered employees and employing offices be approved by the Congress by concurrent resolution.

The Board expects to adopt the amendments and to submit them to the House and Senate for approval by three separate documents, one for the amendments under section 204 of the CAA, one for the amendments under section 205, and one for the amendments under section 215. This procedure will enable the House and Senate to consider and act on the amendments under sections 204, 205, and 215 separately, if the House and Senate so choose. The Board's regulations under section 215 have not yet been approved by the House and Senate, and, if the regulations remain unapproved when the Board adopts the amendments under section 215, the Board recommends that the House and Senate approve those amendments together with the regulations.

Signed at Washington, D.C., on this 5th day of September, 1997.

GLEN D. NAGER,
Chair of the Board, Office of Compliance.

Accordingly, the Board of Directors of the Office of Compliance hereby proposes the following amendments to its regulations:

AMENDMENTS TO REGULATIONS UNDER SECTION 204 OF THE CAA—APPLICATION OF RIGHTS AND PROTECTIONS OF THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988

It is proposed that the regulations implementing section 204 of the CAA, issued by publication in the CONGRESSIONAL RECORD on April 23, 1996 at 142 CONG. REC. S3917–3924 (daily ed. Apr. 23, 1996), be amended by revising section 1.2(c) and the first sentence of section 1.2(i) to read as follows:

"*Sec. 1.2 Definitions*

* * * * *

(c) The term *covered employee* means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Congressional Budget Office; (5) the Office of the Architect of the Capitol; (6) the Office of the Attending Physician; (7) the Office of Compliance; (8) the General Accounting Office; or (9) the Library of Congress.

* * * * *

(i) The term *employing office* means (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; (5) the General Accounting Office; or (6) the Library of Congress. * * * ".

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[2] Although the Board's regulations implementing section 215 have not yet been issued, section 411 of the CAA provides that, in proceedings to enforce most provisions of the CAA, including section 215, "if the Board has not issued a regulation on a matter for which this Act requires a regulation to be issued, the hearing officer, Board, or court, as the case may be, shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding." 2 U.S.C. §1411.

[3] In the regulations implementing section 204 of the CAA, in the definitions of "employing office" and "covered employee" in sections 1.2(c) and (i), the references to the Office of Technology Assessment ("OTA") and to employees of OTA are being removed, as OTA no longer exists. In the regulations implementing section 205 of the CAA, the title at the beginning of the regulations is being corrected. In the regulations implementing section 215 of the CAA, in the definition of "employing office" in section 1.102(i), "the Senate" is stricken from clause (1) and "of a Senator" is inserted instead, and "or a joint committee" is stricken from that clause, for conformity with the text of section 101(9)(A) of the CAA, 2 U.S.C. §1301(9)(A). In section 1.102(j) of those regulations, "a violation of this section" is stricken and "a violation of section 215 of the CAA (as determined under section 1.106)" is inserted instead, for consistency with the language in section 1.103 of the regulations. Furthermore, in Appendix A to Part 1900 of the regulations, several editorial and technical errors are being corrected in the cross-references to the Secretary of Labor's regulations under the OSHAct and recent changes in the Secretary's regulations are being incorporated. These corrections comport with the Board's stated intention to incorporate by reference the Labor Secretary's substantive regulations in effect at the time the Board approved the regulations under section 215 of the CAA, and to update the list of incorporated regulations when necessitated by the Secretary's changes to those regulations. *See* 142 CONG. REC. H10711, H10715 (daily ed. Sept. 19, 1996) (NPRM under section 215); section 1900.1(c) of the Board's regulations under section 215, 143 CONG. REC. S61, S67 (daily ed. Jan. 7, 1997).

Amendments to Regulations Under Section 205 of the CAA—Application of Rights and Protections of the Worker Adjustment and Retraining Notification Act

It is proposed that the regulations implementing section 205 of the CAA, issued by publication in the CONGRESSIONAL RECORD on April 23, 1996 at 142 CONG. REC. S3949–52 (daily ed. Apr. 23, 1996), be amended by revising the title at the beginning of the regulations, and the introductory text of the first sentence 639.3(a)(1), to read as follows:

"APPLICATION OF RIGHTS AND PROTECTIONS OF THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

* * * * *

"§639.3 Definitions.

"(a) *Employee office.* (1) The term "employing office" means any of the entities listed in section 101(9) of the CAA, 2 U.S.C. §1301(9), and either of the entities included in the definition of "employee office" by section 205(a)(2) of the CAA, 2 U.S.C. §1315(a)(2), that employs—

"(i) * * * ".

* * * * *

Amendments to Regulations Under Section 215 of the CAA—Application of Rights and Protections of the Occupational Safety and Health Act of 1970

It is proposed that the regulations implementing section 215 of the CAA, adopted and published in the CONGRESSIONAL RECORD on January 7, 1997 at 143 CONG. REC. S61, 66–69 (daily ed. Jan. 7, 1997), be amended as follows:

1. EXTENSION OF COVERAGE.—By revising sections 1.102(c), (i), and (j) and 1.103 to read as follows:

"§1.102 Definitions.

* * * * *

(c) The term *covered employee* means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Compliance; (9) the General Accounting Office; and (10) the Library of Congress.

* * * * *

"(i) The term *employing office* means: (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; (5) the General Accounting Office; or (6) the Library of Congress."

* * * * *

"(j) The term *employing office* includes any of the following entities that is responsible for the correction of a violation of section 215 of the CAA (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such violation occurs: (1) each office of the Senate, including each office of a Senator and each committee; (2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee; (3) each joint committee of the Congress; (4) the Capitol Guide Service; (5) the Capitol Police; (6) the Congressional Budget Office; (7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden); (8) the Office of the Attending Physician; (9) the Office of Compliance; (10) the General Accounting Office; and (11) the Library of Congress.

"§1.103 Coverage.

"The coverage of Section 215 of the CAA extends to any "covered employee." It also extends to any "covered employing office," which includes any of the following entities that is responsible for the correction of a violation of section 215 (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs:

"(1) each office of the Senate, including each office of a Senator and each committee;

"(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

"(3) each joint committee of the Congress;

"(4) the Capitol Guide Service;

"(5) the Capitol Police;

"(6) the Congressional Budget Office;

"(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

"(8) the Office of the Attending Physician;

"(9) the Office of Compliance;

"(10) the General Accounting Office; and

"(11) the Library of Congress.".

2. Corrections to cross-references.—By making the following amendments in Appendix A to Part 1900, which is entitled "REFERENCES TO SECTIONS OF PART 1910, 29 CFR, ADOPTED AS OCCUPATIONAL SAFETY AND HEALTH STANDARDS UNDER SECTION 215(d) OF THE CAA"

(a) After "1910.1050 (Methylenedianiline." insert the following:

"1910.1051 1,3-Butadinene.

"1910.1052 Methylene chloride.".

(b) Strike "1926.63—Cadmium (This standard has been redesignated as 1926.1127)." and insert instead the following:

"1926.63 [Reserved]".

(c) Strike "Subpart L—Scaffolding", "1926.450 [Reserved]", "1926.451 Scaffolding.", "1926.452 Guardrails, handrails, and covers.", "1926.453 Manually propelled mobile ladder stands and scaffolds (towers)." and insert instead the following:

"SUBPART L—SCAFFOLDS

"1926.450 Scope, application, and definitions applicable to this subpart.

"1926.451 General requirements.

"1926.452 Additional requirements applicable to specific types of scaffolds.

"1926.453 Aerial lifts.

"1926.454 Training.".

(d) Strike "1926.556 Aerial lifts.".

(e) Strike "1926.753 Safety Nets.".

(f) Strike "Appendix A to Part 1926—Designations for General Industry Standards" and insert instead the following:

"APPENDIX A TO PART 1926—DESIGNATIONS FOR GENERAL INDUSTRY STANDARDS INCORPORATED INTO BODY OF CONSTRUCTION STANDARDS".

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:55 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 700. An act to remove the restrictions on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band od Cahuilla Indians.

H.R. 976. An act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 700. An act to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band od Cahuilla Indians; to the Committee on Indian Affairs.

H.R. 976. An act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes; to the Committee on Indian Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2880. A communication from the Acting Secretary of Veterans Affairs, transmitting, a draft bill of proposed legislation to remove a statutory provision; to the Committee on Veterans' Affairs.

EC–2881. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule relative to migratory bird hunting (RIN1018-AE14) received on August 27, 1997; to the Committee on Indian Affairs.

EC–2882. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a rule entitled "Urine Surveillance" (RIN1120-AA68) received on August 26, 1997; to the Committee on the Judiciary.

EC–2883. A communication from the Secretary of Labor, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–2884. A communication from the President of the United States, transmitting, pursuant to law, the report on foreign economic collection and industrial espionage; to the Select Committee on Intelligence.

EC–2885. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a rule relative to private delivery services received on August 29, 1997; to the Committee on Finance.

EC–2886. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97–37 received on August 29, 1997; to the Committee on Finance.

EC–2887. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a rule relative to weighted average interest received on September 3, 1997; to the Committee on Finance.

EC–2888. A communication from the Secretary of Agriculture, transmitting, a draft bill of proposed legislation entitled the "Agricultural Fair Practices Enforcement Authority Act of 1997"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2889. A communication from the Secretary of Agriculture, transmitting, a draft bill of proposed legislation to establish the position of Under Secretary; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2890. A communication from the Acting Administrator, Agricultural Research Service, Department of Agriculture, transmitting, pursuant to law, a rule relative to a schedule of fees to be charged, received on August 27, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2891. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to a change in disease status received on September 2, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2892. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to bartlett pears received on August 26, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2893. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to tart cherries received on August 26, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2894. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to quarantined areas received on August 26, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2895. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to limes received on August 27, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2896. A communication from the Assistant Secretary of State (Legislative Affairs), the report of the Executive Summary and Annexes to the U.S. Arms Control and Disarmament Agency for calendar year 1996; to the Committee on Foreign Relations.

EC–2897. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on the proliferation of missiles and essential components of nuclear, biological, and chemical weapons; to the Committee on Foreign Relations.

EC–2898. A communication from the Assistant Secretary of State (Legislative Affairs), the report of a memorandum of justification relative to the Nonproliferation and Disarmament Fund; to the Committee on Foreign Relations.

EC–2899. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, three rules including a rule entitled "The Potato Research and Promotion Plan" (AMS–FV–96–703, CN–97–003, DA–97–09) received on September 5, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2900. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report on horse protection enforcement for fiscal year 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2901. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report entitled "Mid-Session Review of the (Fiscal Year) 1998 Budget"; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, and to the Committee on the Budget.

EC–2902. A communication from the Secretary of the Interior, transmitting, a draft bill of proposed legislation entitled "The Revised Statute (R.S.) 2477 Rights-of-Way Act"; to the Committee on Energy and Natural Resources.

EC–2903. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–2904. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a rule entitled "Public Land Records" (RIN1004–AC81) received on September 3, 1997; to the Committee on Energy and Natural Resources.

EC–2905. A communication from the Assistant Secretary of the Interior (Fish and Wildlife and Parks), transmitting, pursuant to law, a rule relative to wildlife refuges in Alaska (RIN1018–AD93) received on August 22, 1997; to the Committee on Energy and Natural Resources.

EC–2906. A communication from the Acting Deputy Assistant Secretary of the Interior (Fish and Wildlife and Parks), transmitting, pursuant to law, the report on Damaged and Threatened National Historic Landmarks for fiscal year 1996; to the Committee on Energy and Natural Resources.

EC–2907. A communication from the Director of the Reclamation and Enforcement, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, a rule entitled "The Indiana Regulatory Program" (IN–127–FOR) received on September 3, 1997; to the Committee on Energy and Natural Resources.

EC–2908. A communication from the Director of the Reclamation and Enforcement, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, a rule entitled "The Kentucky Regulatory Program" (KY–211–FOR) received on August 26, 1997; to the Committee on Energy and Natural Resources.

EC–2909. A communication from the Director of the Reclamation and Enforcement, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, a rule entitled "Coal Moisture Rule" (RIN1029–AB78) received on August 25, 1997; to the Committee on Energy and Natural Resources.

EC–2910. A communication from the Acting General Counsel, Department of Energy, transmitting, pursuant to law, one rule relative to conflicts of interest (RIN1991–AB26), received on August 28, 1997; to the Committee on Energy and Natural Resources.

EC–2911. A communication from the Acting General Counsel, Department of Energy, transmitting, pursuant to law, one rule relative to certificate requirements (RIN1991–AB31), received on August 28, 1997; to the Committee on Energy and Natural Resources.

EC–2912. A communication from the Acting General Counsel, Department of Energy, transmitting, pursuant to law, one rule relative to conservation standards received on August 28, 1997; to the Committee on Energy and Natural Resources.

EC–2913. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, a rule received on September 3, 1997; to the Committee on Finance.

EC–2914. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 97–52; to the Committee on Finance.

EC–2915. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled "Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 1998 Rates" (RIN0938–AH55) received on September 4, 1997; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–224. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, the Federal Government's program to manage and dispose of spent fuel from the United States nuclear power plants is substantially behind schedule and failure to take appropriate action to enable said Federal Government to take title to and possession of this material in a timely and efficient manner coul result in the need to construct and operate one or more long-term spent nuclear fuel storage facilities in Massachusetts and New England; and

Whereas, forty per cent of New England's power is from nuclear plant generation which is the highest percentage for any region in the entire United States; and

Whereas, New England's capability to meet the clean Air Act requirements is highly dependent upon continued availability of our nuclear power plants; and

Whereas, continued operation of our nuclear power plants reduces New England's dependence on the importation of foreign oil; and

Whereas, the Department of Energy is contractually required to begin to take title to and possession of spent fuel on January 31, 1998; and

Whereas, an integrated spent fuel management system is necessary which should include, but not be limited to, four essential components:

A central facility for interim storage until a permanent repository is made available;

A transportation infrastructure for the safe and efficient transfer of spent fuel;

A central repository for permanent deep geological disposal; and

A provision to prioritize the acceptance of spent nuclear fuel from shut down reactor sites; and

Whereas, more than $12,000,000,000 has been paid into the nuclear waste fund of which over $1,000,000,000 has been paid by the ratepayers of New England and current congressional budget restraints preclude proper use of the funds consistent with schedule requirements; and

Whereas, legislation to rectify the nuclear waste storage problem have been introduced in this one hundred and fifth session of the United States Congress: Therefore be it

Resolved, That the Massachusetts House of Representatives respectfully requests that the United States Congress enact legislation to address the problems relative to the disposal of nuclear waste and that members thereof from the Commonwealth take a leadership role in insuring that the financial, energy and environmental interests of the ratepayers of the Commonwealth are protected; and be it further

Resolved, That a copy of these resolutions be forwarded by the clerk of the House of Representatives to the Presiding Officer of each branch of the United States Congress and to the members thereof in this Commonwealth.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FAIRCLOTH, from the Committee on appropriations, without amendment:

S. 1156. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105–75).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REED:

S. 1154. A bill to amend the Electronic Fund Transfer Act to clarify consumer liability for unauthorized transactions involving debit cards that can be used like credit cards, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERREY:

S. 1155. A bill to amend title 23, United States Code, to make safety a priority of the Federal-aid highway program; to the Committee on Environment and Public Works.

By Mr. FAIRCLOTH:

S. 1156. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. CRAIG:

S. 1157. A bill disapproving the cancellations transmitted by the President on August 11, 1997, regarding Public Law 105–34; to the Committee on Finance, for not to exceed 7 days of session pursuant to section 1023 of Public Law 93–344.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself, Mr. Specter, Mr. Moynihan, Mr. Kohl, Mr. Breaux, Ms. Landrieu, Mr. D'Amato, and Mr. Wellstone):

S. Res. 119. A resolution to express the sense of the Senate that the Secretary of Agriculture should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NICKLES (for himself, Mr. Daschle, Mr. Lott, Mr. Mack, Mr. Brownback, Mr. Hutchinson, Mr. Leahy, Mr. Levin, Mrs. Feinstein, Mr. Bumpers, Mr. Robb, Mr. Kohl, Mr. Biden, Ms. Landrieu, Mr. Sarbanes, Mr. Reid, Mr. Dodd, Mr. Inouye, Mr. Lieberman, Mr. Kerrey, Mrs. Boxer, Mr. Moynihan, Mr. Domenici, Mr. Kennedy, Mr. Hatch, Mr. Kerry, Mr. Lautenberg, Ms. Moseley-Braun, Ms. Mikulski, Mr. Johnson, Mr. Kyl, Mr. Murkowski, Mr. Ashcroft, and Mr. Inhofe):

S. Res. 120. A resolution expressing the sense of the Senate on the occasion of the death of Mother Teresa of Calcutta; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERREY:

S. 1155. A bill to amend title 23, United States Code, to make safety a priority of the Federal-aid highway program; to the Committee on Environment and Public Works.

THE HIGHWAY SAFETY PRIORITY ACT

Mr. KERREY. Mr. President, there is a national health epidemic in America that does not receive the attention it deserves. This epidemic is responsible for the loss of 1.2 million pre-retirement years of life a year; more than is lost to cancer or heart disease. It is the leading cause of death for Americans between the ages of 15 and 24. Last year, more than 41,900 Americans died from this epidemic and more than 3 million suffered serious injury. In Nebraska alone, the epidemic claimed 293 lives in 1996 up from 254 the year before. The only good news has been that in Nebraska, during the first 6 months of this year, the death rate has slowed slightly. Most tragic, is the fact that this epidemic is almost 100 percent preventable.

This epidemic I am talking about is death and injuries related to driving. While America has made significant progress in reducing traffic accident rates, deaths, and injuries have trended upward in the 1990's.

Traffic accidents impose extraordinary costs on our health care system. About $14 billion a year in health care costs are attributable to traffic accidents. Taxpayers bear $11.4 billion of that cost. In terms of lost productivity, property damage and health care costs, these accidents extracted $150 billion out of the economy for the last year that statistics are available.

The most important point is that traffic accidents are almost completely preventable. The smallest actions of a driver can make the difference between life and death. One lapse in judgment, one moment of inattention can end in tragedy. As drivers, too often, we take for granted the immense power and responsibility we possess when behind the wheel. As public officials we need to be constantly attentive to the need to make our transportation system safer.

The Congress is working on legislation to reauthorize the Nation's basic highway law. It is one of the most important bills the Senate will consider. I strongly believe that we should use this opportunity to commit ourselves to enhancing safety on America's highways and byways. In that spirit, I introduce the Highway Safety Priority Act.

This legislation systematically makes clear that safety is a priority in highway construction and maintenance programs. It sends a strong message to Federal, State, and local transportation planners that they should focus on enhancing safety.

I encourage my colleagues to study and support the Highway Safety Priority Act which I introduce today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Highway Safety Priority Act".

SEC. 2. SAFETY OF FEDERAL-AID HIGHWAYS.

(a) Approval of 3R Projects on National Highway System.—Section 106(b)(1) of title 23, United States Code, is amended by inserting before the period at the end the following: "and includes the use of full-width lanes and shoulders".

(b) Standards.—Section 109 of title 23, United States Code, is amended—

(1) in subsection (c), by adding at the end the following:

"(3) Safety.—To the maximum extent practicable, a design described in paragraph

(1) shall include the use of full-width lanes and shoulders to enhance highway and bridge safety."; and

(2) in subsection (p), by adding at the end the following: "The laws (including regulations, directives, and standards) shall ensure appropriate roadside safety improvements, lane and shoulder widening, alignment and sight distance improvements, and conspicuous traffic control devices and pavement markings.".

(c) CERTIFICATION ACCEPTANCE.—Section 117(b) of title 23, United States Code, is amended by inserting before the period at the end the following: ", including standards that preserve and enhance the safety and mobility of highway users".

(d) SET ASIDE FOR 4R PROJECTS.—Section 118(c)(2)(B) of title 23, United States Code, is amended by inserting before the period at the end the following: "and that improves safety while reducing congestion".

(e) METROPOLITIAN PLANNING.—Section 134 of title 23, United States Code, is amended—

(1) in the first sentence of subsection (a), by inserting "safety and" after "maximize";

(2) in subsection (f)—

(A) in paragraph (1), by inserting "safely and" after "more";

(B) by redesignating paragraphs (4) through (16) as paragraphs (5) through (17), respectively;

(C) by inserting after paragraph (3) the following:

"(4) The need to prevent accidents involving rail and road users, including bicyclists, pedestrians, and motor vehicles, and to reduce the frequency and severity of such accidents.";

(D) in paragraph (12) (as redesignated by subparagraph (B)), by inserting "safe and" after "enhance the"; and

(E) in paragraph (14) (as redesignated by subparagraph (B)), by inserting "safety," after "economic,"; and

(3) in subsection (g)(2)(C)—

(A) in clause (i), by inserting "and safety" after "operational"; and

(B) in clause (ii), by inserting "safety and" after "maximize the".

By Mr. CRAIG:

S. 1157. A bill disapproving the cancellations transmitted by the President on August 11, 1997, regarding Public Law 105-34; to the Committee on Finance, pursuant to the order of for 7 days of session pursuant to section 1023 of Public Law 93-344.

DISAPPROVAL LEGISLATION

Mr. CRAIG. Mr. President, I am introducing today a bill to disapprove the President's line-item veto of a provision providing tax relief when an agricultural production facility is sold to a farmer cooperative—a veto that has produced a cry of outrage from Idaho's farm families.

I am disappointed that the President vetoed this provision of the Tax Relief Act of 1997. This provision had strong bipartisan support in both the Senate and the House. This type of tax relief deserves to be debated on the merits and enacted into law.

Because of the large number of ultimate beneficiaries involved in this kind of tax provision, it is my opinion that this item was erroneously identified as a candidate for a line-item veto.

In Idaho, for example, in a single co-op, there are 1,130 family farm members who have been interested in this kind of tax law change for a long time.

Changes in agricultural policy over recent years are intended to make American agriculture more market based. Prior changes in tax laws raised hurdles for agriculture at a time when world markets were becoming more competitive. Current tax law allows some advantages to corporations and other entities that are denied to farmer cooperatives.

To allow family farmers in Idaho and across America to remain productive and effective in this changing environment, our tax laws need further revision. The provision the President vetoed would have helped, by allowing farmer cooperatives, by expanding their operations and compete more fully and fairly.

I do not believe the President vetoed this provision without reservations. The White House has said publicly that the issue of ensuring the competitive ability of farmer cooperatives should be addressed. The administration had technical objections which, I believe, we should be able to work out.

It is my hope, and it is fully my intention in introducing this bill today, that Members of Congress, from both sides of the aisle, and the administration can now sit down and work out the details of similar legislation and produce a win-win solution—one that helps farm families and addresses technical concerns expressed by the administration.

I also want to address some important procedural matters.

I am optimistic that, ultimately, legislation providing relief to farmer cooperatives and making any necessary and reasonable technical changes, will move on a track totally separate from this bill. That is my hope and intent.

But we are constrained by procedure and timing in the introduction of this bill. Introduction of this bill, in this form, no later than today, is the only way to keep all procedural options open to the Congress.

The Line Item Veto Act prescribes the precise form and content of this type of bill. Therefore, this bill refers to one other vetoed item besides the farmer cooperative item I have addressed. It is my understanding that persons supporting that item already are working out its consideration on a separate track.

I hope and expect that the same will be true of the farmer cooperative item many in this body have supported. I stand ready to work with my colleagues and the administration on any reasonable, technical changes needed to enact such needed tax relief into law.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves of cancellations 97-1 and 97-2 as transmitted by the President in a special message on August 11, 1997, regarding Public Law 105-34.

ADDITIONAL COSPONSORS

S. 358

At the request of Mr. DEWINE, the names of the Senator from Massachusetts [Mr. KERRY], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 632

At the request of Mr. KOHL, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes.

S. 729

At the request of Mr. HUTCHINSON, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 729, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide new portability, participation, solvency, and other health insurance protections and freedoms for workers in a mobile workforce, to increase the purchasing power of employees and employers by removing barriers to the voluntary formation of association health plans, to increase health plan competition providing more affordable choice of coverage, to expand access to health insurance coverage for employees of small employers through open markets, and for other purposes.

S. 1003

At the request of Mr. GRASSLEY, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1003, a bill to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.

S. 1042

At the request of Mr. CRAIG, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1042, a bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements.

At the request of Mr. GRAHAM, the name of the Senator from Michigan

[Mr. LEVIN] was added as a cosponsor of S. 1042, supra.

S. 1062

At the request of Mr. D'AMATO, the names of the Senator from Illinois [Mr. DURBIN] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 1062, a bill to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

S. 1105

At the request of Mr. COCHRAN, the names of the Senator from Missouri [Mr. BOND], the Senator from Michigan [Mr. ABRAHAM], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1105, a bill to amend the Internal Revenue Code of 1986 to provide a sound budgetary mechanism for financing health and death benefits of retired coal miners while ensuring the long-term fiscal health and solvency of such benefits, and for other purposes.

S. 1153

At the request of Mr. BAUCUS, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1153, a bill to promote food safety through continuation of the Food Animal Residue Avoidance Database program operated by the Secretary of Agriculture.

SENATE CONCURRENT RESOLUTION 42

At the request of Mr. D'AMATO, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution to authorize the use of the rotunda of the Capitol for a congressional ceremony honoring Ecumenical Patriarch Bartholomew.

SENATE CONCURRENT RESOLUTION 50

At the request of Mr. HUTCHINSON, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Concurrent Resolution 50, a concurrent resolution condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997.

SENATE CONCURRENT RESOLUTION 51

At the request of Mr. HELMS, the names of the Senator from Arkansas [Mr. HUTCHINSON] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Concurrent Resolution 51, a concurrent resolution expressing the sense of Congress regarding elections for the legislature of the Hong Kong Special Administrative Region.

SENATE RESOLUTION 96

At the request of Mr. CRAIG, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Georgia [Mr. COVERDELL], the Senator from Connecticut [Mr. DODD], the Senator from Kentucky [Mr. FORD], the Senator from Iowa [Mr. GRASSLEY], the Senator from North Carolina [Mr. HELMS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Louisiana [Ms. LANDRIEU], the Senator from Florida [Mr. MACK], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Colorado [Mr. CAMPBELL], the Senator from Ohio [Mr. DEWINE], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Florida [Mr. GRAHAM], the Senator from Utah [Mr. HATCH], the Senator from South Dakota [Mr. JOHNSON], the Senator from Wisconsin [Mr. KOHL], the Senator from Mississippi [Mr. LOTT], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of Senate Resolution 96, a resolution proclaiming the week of March 15 through March 21, 1998, as "National Safe Place Week."

SENATE RESOLUTION 111

At the request of Mr. THURMOND, the names of the Senator from Nebraska [Mr. KERREY], the Senator from California [Mrs. FEINSTEIN], and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Resolution 111, a resolution designating the week beginning September 14, 1997, as "National Historically Black Colleges and Universities Week," and for other purposes.

AMENDMENT NO. 1078

At the request of Mr. DURBIN, the names of the Senator from North Dakota [Mr. DORGAN], the Senator from Louisiana [Ms. LANDRIEU], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of amendment No. 1078 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1085

At the request of Mr. DURBIN, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of amendment No. 1085 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1086

At the request of Mr. DURBIN, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of amendment No. 1086 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1095

At the request of Ms. LANDRIEU the names of the Senator from Michigan [Mr. LEVIN], the Senator from South Dakota [Mr. JOHNSON], the Senator from Ohio [Mr. DEWINE], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of amendment No. 1095 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1101

At the request of Mr. HARKIN the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of amendment No. 1101 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1109

At the request of Mr. SPECTER the names of the Senator from Delaware [Mr. ROTH], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of amendment No. 1109 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1117

At the request of Mr. FORD the names of the Senator from Tennessee [Mr. THOMPSON] and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of amendment No. 1117 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1121

At the request of Mr. SPECTER the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of amendment No. 1121 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1122

At the request of Mr. GORTON the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of amendment No. 1122 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

SENATE RESOLUTION 119—RELATIVE TO MILK PRODUCERS

Mr. FEINGOLD (for himself, Mr. SPECTER, Mr. MOYNIHAN, Mr. KOHL, Mr. BREAUX, Ms. LANDRIEU, Mr. D'AMATO, and Mr. WELLSTONE) SUBMITTED THE FOLLOWING RESOLUTION; WHICH WAS REFERRED TO THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY:

S. RES. 119

Whereas the basic formula price for milk established by the Secretary of Agriculture under Federal milk marketing orders fell to a 6-year low of $10.70 in May 1997 following months of substantial price volatility and remained at similarly low levels throughout the summer of 1997;

Whereas the basic formula price for milk announced for each month since April 1997 has been below the cost of producing milk for milk producers in all regions of the United States, as calculated by the Department of Agriculture;

Whereas income losses to milk producers resulting from low milk prices have imposed economic hardship on milk producers in all regions of the United States;

Whereas lost income to milk producers may create economic losses to businesses and result in loss of jobs in rural communities;

Whereas milk producers, rural residents, and agribusinesses in rural areas have petitioned the Secretary of Agriculture to implement an emergency milk price floor to provide price relief to milk producers;

Whereas the Secretary of Agriculture has authority under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to establish minimum prices paid to milk producers covered by Federal milk marketing orders; and

Whereas the Secretary of Agriculture has authority under section 143 of the Agricultural Market Transition Act (7 U.S.C. 7253) to use informal rulemaking to reform Federal milk marketing orders: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Agriculture should immediately use the authority of the Secretary under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to establish a temporary emergency minimum milk price that—

(1) is equitable to all producers nationwide; and

(2) provides price relief to economically distressed milk producers.

Mr. FEINGOLD. Mr. President, I rise to submit a resolution which I hope all of my colleagues will support. Milk is produced in every State of this country and in recent months the dairy farmers who produce that milk have suffered from unusually low milk prices. I am pleased to be joined in offering this resolution by the Senator from Pennsylvania [Mr. SPECTER], my senior Senator from Wisconsin [Mr. KOHL], the Senator from New York [Mr. MOYNIHAN], and both Senators from Louisiana [Mr. BREAUX and Ms. LANDRIEU] all of whom have worked hard over the past 10 months to find solutions to the problem of low milk prices.

The resolution we are introducing today expresses the sense of the Senate that the Secretary of Agriculture should use his administrative authority under the Agricultural Marketing Agreement Act of 1937 to set a temporary emergency price floor under milk prices.

Mr. President, as I am sure many Members are aware, milk prices have fallen in the past several months to levels far below the amount it costs many dairy farmers to produce that milk. In fact, the basic formula price for milk as calculated by USDA for every month since April has been below the cost of producing milk for all regions of the country—including the lowest cost milk producers in California. This situation might be bearable if dairy farmers had any assurance that prices might rebound—that the financial strain they are under would be alleviated—but many predictions about milk prices over the past 10 months have simply proven inaccurate.

Last fall, milk prices fell from $14.13 per hundred pounds in October to $11.61 in November. This dramatic decline in milk prices was nearly unprecedented. And while milk prices were strong prior to the milk price collapse last fall, the higher prices of mid-1996 reflected the extremely high cost of feed last year which left dairy farmers with little to show from those high milk prices. Feed is the single most important, and most expensive, input to milk production. It is frequently the case that the cost of the input—in this case, forage and feed grains such as corn—is reflected in the cost of the output—milk. So while some dairy producers may have found 1996 to be a good year, many more were struggling under high feed bills that still had to be paid long after the strong milk prices had evaporated.

Despite the milk price crash late last year, many dairy farmers had expressed optimism for 1997 as milk prices incrementally rose early this year, and were expected to continue to rise throughout the year. Many of my colleagues joined me and other dairy State Senators in asking the Secretary of Agriculture to take administrative steps to shore up milk prices, such as making advance purchases of cheese and other dairy products for the school lunch and breakfast programs and to export more dairy products under the Dairy Export Incentive Program. The Secretary took a number of steps in that regard that may have facilitated the slight increase in milk prices and we thank him for his efforts.

Unfortunately, the milk price recovery was not sustained and in May, the basic formula price for milk hit a 6-year low of $10.70 per hundredweight and remained at roughly that level throughout the summer. Even the mailbox milk prices—that is, the milk prices that farmers are actually paid including all premiums—were below the cost of production for many milk producing regions of the country this summer. These tight margins have squeezed even the most efficient operators and have placed a great deal of financial stress on small- to mid-size family dairy farms who are less able to absorb the price shocks.

While the recently announced basic formula price for August increased milk prices by about $1.00 per hundredweight, few farmers believe this is enough for them to continue to pay their bills through the fall and many farmers are skeptical that prices will increase much beyond this level.

Mr. President, it has been a long summer for dairy farmers who have come to Washington today to demand our action and our support. They have brought with them thousands of petitions from farmers, rural residents, and agribusinesses seeking emergency price relief for milk producers. It is in response to those petitions, the hard work that has gone into gathering the signatures, and the months of exasperatingly low milk prices that we introduce this resolution today.

Mr. President, I urge my colleagues to support their dairy farmers by supporting this resolution.

This resolution simply expresses the sense of the Senate that the Secretary of Agriculture should use the substantial administrative authority and discretion the Congress has provided him under the Agricultural Marketing Agreement Act of 1937 to provide temporary emergency price relief to dairy farmers throughout the Nation. The resolution stipulates that such price relief will be provided in a manner that is equitable to farmers throughout the country. As many of my colleagues know, dairy policy has frequently been embroiled in regional battles over pricing. This resolution stipulates that all producers will receive the same price relief regardless of where they milk their cows.

Many Senators have already asked the Secretary to implement this type of emergency price floor. Earlier this year over 30 Senators from all regions of the country contacted the Secretary urging that he provide price relief for economically stressed dairy farmers. And those requests came even before prices hit bottom this summer. I urge those Senators to join me in sponsoring this resolution.

Agriculture Secretary Dan Glickman, however, has indicated that he needs more than just letters from Senators to provide this type of emergency price relief. Rather, he indicated in a July 9 letter to the distinguished chairman and ranking member of the Senate Agriculture Committee [Mr. LUGAR and Mr. HARKIN] that he needs Congress to provide a more formal expression of support for temporary emergency price relief for dairy farmers. This resolution, when agreed to by the Senate, will provide the Secretary with the support he needs to provide milk price relief.

The resolution, while directing the Secretary to take action, provides him with flexibility in providing price relief. If milk prices do indeed recover this fall, a price floor may be unnecessary and the Secretary will be able to take that into account. However, analysts are unsure as to what milk prices will ultimately be this fall when they normally reach their peak. High levels of nonfat dry milk stocks may continue to depress prices through the end of the year.

Some might ask why dairy farmers should be given this assistance. The answer, Mr. President, is that a temporary emergency price floor is necessary because unlike other commodity producers, dairy farmers were singled out in the Federal Agricultural Improvement and Reform Act by having their only support mechanism—price supports—phased out. No other commodity program was terminated by the 1996 FAIR Act. Dairy farmers were not provided with the "Freedom to Farm" payments that have been provided to wheat and feed grain producers each year regardless of crop prices. These payments, also known as transition payments, were provided to crop producers in order to help them transition to a market without Government intervention. However, no transitional income assistance has been provided for milk producers even though their commodity program has been, in effect, eliminated.

Similarly, while wheat and feed grain producers, as well as producers of many other commodities, have federally subsidized crop insurance available to help them manage their production risk, and in some cases, their price risk as well, there is no USDA insurance program for milk production.

While producers of other commodities may be able to hedge their price and production risk using high volume futures and options markets that have operated in those commodities for decades, dairy farmers have no such markets to rely on. While futures and options markets exist for dairy products, the trading volumes for most of these markets are so low that few farmers are able to use them.

For whatever reason, Mr. President, dairy farmers were not provided the tools to weather a transition to a more market oriented agricultural sector.

Mr. President, I am not a strong advocate of Government intervention in dairy markets. I have seen the types of division and inequity that Federal involvement in dairy policy and milk prices can create in the dairy industry. So, I do not introduce this resolution lightly. But if there was ever a time for the Federal Government to step in to help dairy farmers, it is now. During the month of August, I traveled throughout Wisconsin conducting the listening sessions which I hold in each county, each year. And in the 15 years I have represented Wisconsin farmers, I have never seen a greater sense of despair among farmers and other rural residents.

Mr. President, there is a sense in the countryside that Washington, DC, has turned a blind eye to the low milk prices of 1997. While that might be a misperception, as I know many of my colleagues have worked with me to find solutions to low milk prices, it is understandable that farmers feel this way. Farmers began asking for this type of price relief at the end of 1996 and 9 months later, nothing has come of that request. That must change.

Mr. President, we must act now to provide some very short-term relief that will help economically distressed dairy farmers through this milk price crisis. We can do that by passing the resolution we are introducing today. The long-term solutions to volatile milk prices and farm income are more nebulous and we must work to address them. But first, we must take some steps to lessen the immediate financial strain on farm families throughout the Nation.

I urge my colleagues to support this important resolution.

Mr. SPECTER. Mr. President, I rise today to join with my colleague from Wisconsin, Senator FEINGOLD, in submitting a sense of the Senate resolution calling for the Secretary of Agriculture to immediately establish a temporary emergency minimum milk price that is equitable to all producers nationwide, and that provides price relief to economically distressed milk producers. We are joined by Senators KOHL, MOYNIHAN, BREAUX, and LANDRIEU.

I have been working with my colleagues in the Senate over the past year in order to provide a more equitable price for our Nation's milk producers. Last year, dairy prices set an all-time high, with an average price of $13.38 per hundredweight. The price reached its peak in September at $15.37 per hundredweight, but the market experienced its largest drop in history during November, falling to $11.61 per hundredweight, which represents a 26 percent decline. During this same period, the cost of the dairy production reached a record high due to a 30–50 percent increase in grain costs.

This record drop in prices has placed a tremendous strain on our Nation's dairy farmers, who have been forced to sell their milk for a price below the cost of production for much of the past year. In an attempt to provide some relief, and to ensure that thousands of small dairy producers were not forced out of business entirely, I joined with 19 of my Senate and House colleagues on November 22, 1996, in writing to Agriculture Secretary Glickman, urging him to take action to help raise dairy prices. Secretary Glickman responded on January 7, 1997, by announcing several short-term actions to stabilize milk prices. While these actions did have a small positive effect in increasing dairy prices, they did not provide adequate relief to our nation's dairy farmers.

In order to hear the problems that dairy farmers are facing first hand, I ask Secretary Glickman to accompany me to northeastern Pennsylvania, which he did on February 10. We met a crowd of approximately 750 angry farmers who complained about the precipitous drop in the price of milk.

During the course of my analysis of the pricing problem, I found that the price of milk depends on a number of factors, one of which is the price of cheese. For every 10 cents the price of cheese is raised, the price of milk would be raised by $1 per hundredweight. I further learned that the price of cheese was determined by the National Cheese Exchange in Green Bay, WI. According to a report created by the University of Wisconsin, there was an issue as to whether the price of cheese established by the Green Bay exchange was accurate or not. The authors of the report used a term as tough as manipulation. Whether that is so or not, there was a real question as to whether that price was accurate. Therefore, 3 days after the hearing in northeastern Pennsylvania, I introduced a sense-of-the-Senate resolution with Senators SANTORUM, FEINGOLD, KOHL, JEFFORDS, LEAHY, WELLSTONE, SNOWE, COLLINS, and GRAMS. The resolution, which passed by a vote of 83–15, stated that the Secretary of Agriculture should consider acting immediately to replace the National Cheese Exchange as a factor to be considered in setting the basic formula price for dairy.

In my discussions with Secretary Glickman, I found he had the power to raise the price of milk unilaterally by establishing a different price of cheese. Therefore, on March 10, I wrote to Secretary Glickman and urged him to take immediate action to establish a price floor at $13.50/cwt on a temporary, emergency, interim basis until he completed his action on delinking the National Cheese Exchange from the basic formula price.

This subject was aired during the course of a special hearing before the appropriations subcommittee on March 13. At that time, Secretary Glickman said that the Department of Agriculture had ascertained the identity of 118 people or entities who had cheese transactions that could establish a different price of cheese. He told me that the Department had written to the 118 and were having problems getting responses. I suggested it might be faster to telephone those people. Secretary Glickman provided my staff with the list of people, and we telephoned them and found, after reaching approximately half of them, that the price of cheese was, in fact, $.164 higher than was being reported on the Cheese Exchange. On March 19, I again wrote Secretary Glickman and informed him of the results of my staff's survey. This price difference translates to a $1.64 per hundredweight addition to the price of milk.

On April 17, I introduced two pieces of legislation to revise our laws so that they better reflect current conditions and provide a fair market for our Nation's dedicated and hard-working farmers. The legislation goes to two points. One is to amend the Agriculture Market Transition Act to require the Secretary to use the price of feed grains and other cash expenses in the dairy industry as factors that are used to determine the basic formula for the price of milk and other milk prices regulated by the Secretary. Simply stated, the Government should use what it costs for production to establish the price of milk, so that if farmers are caught with rising prices of feed and other rising costs of production, they can have those rising costs reflected in the cost of milk.

The second piece of legislation would require the Secretary of Agriculture to collect and disseminate statistically reliable information from milk manufacturing plants on prices received for bulk cheese and require the Secretary to report back to Congress within 150 days on the rate of voluntary compliance with the survey. This bill was successfully attached to the 1997 supplemental appropriations bill which was signed into law on June 12, 1997.

On Tuesday, May 6, 1997, the Department of Agriculture announced that they were replacing the National Cheese Exchange in Green Bay, WI, with a survey of cheddar cheese manufacturers in the United States in order to determine the price of cheese for use in setting the basic formula price. I am pleased to report that last Friday, the basic formula price jumped to $12.07, an increase of $1.21 over last month, as a result of increased cheese prices measured by this new cheese survey.

While we have made some progress in providing relief to farmers, there is much more that needs to be done. This sense-of-the-Senate resolution will ensure that farmers receive the necessary support they need to continue to produce milk. This resolution makes it clear that in emergency situations, the Secretary of Agriculture should set a temporary minimum price for dairy that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers, I urge my colleagues to join with Senator FEINGOLD and me as we work together to revise the current dairy laws so that they better reflect current conditions and provide a fair market for our Nation's dedicated and hard-working farmers.

SENATE RESOLUTION 120—EXPRESSING THE SENSE OF THE SENATE ON THE OCCASION OF THE DEATH OF MOTHER TERESA OF CALCUTTA

Mr. NICKLES (for himself, Mr. DASCHLE, Mr. LOTT, Mr. MACK, Mr. BROWNBACK, Mr. HUTCHINSON, Mr. LEAHY, Mr. LEVIN, Mrs. FEINSTEIN, Mr. BUMPERS, Mr. ROBB, Mr. KOHL, Mr. BIDEN, Ms. LANDRIEU, Mr. SARBANES, Mr. REID, Mr. DODD, Mr. INOUYE, Mr. LIEBERMAN, Mr. KERREY, Mrs. BOXER, Mr. MOYNIHAN, Mr. DOMENICI, Mr. KENNEDY, Mr. HATCH, Mr. KERRY, Mr. LAUTENBERG, Ms. MOSELEY-BRAUN, Ms. MIKULSKI, Mr. JOHNSON, Mr. KYL, Mr. MURKOWSKI, Mr. ASHCROFT, and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 120

Whereas, the American people are greatly saddened by the death of Mother Teresa of Calcutta;

Whereas, Mother Teresa founded the Missionaries of Charity, which now operates numerous orphanages, hospices, and other centers of charitable activity in the United States and around the world, offering compassionate care to those who are too often shunned by other institutions;

Whereas, Mother Teresa has been recognized as an outstanding humanitarian and has received: the first Pope John XXIII Peace Prize (1971); the Jawaharlal Nehru Award for International Understanding (1972); the Nobel Peace Prize (1979); the Presidential Medal of Freedom (1985); and the Congressional Gold Medal (1997);

Whereas, Mother Teresa became only the fifth person ever awarded honorary U.S. Citizenship (1996);

Whereas, Mother Teresa inspired people worldwide through her selfless actions and altruistic life;

Whereas, Mother Teresa embodied benevolence, compassion, and mercy and brought the face of God to humanity: Now, therefore, be it

Resolved, That the Senate—

(1). Expresses our deep admiration and respect for the life and work of Mother Teresa, and extends to her missionaries of Charity our sympathy for the loss they share with the world;

(2). Recognizes that Mother Teresa's work improved the lives of millions of people in the United States and around the world, and her example inspired countless others;

(3). Encourages all Americans to reflect on how they might keep the spirit of Mother Teresa alive through their own efforts; and

(4). Designates September 13, 1997 as a National Day of Recognition for the humanitarian efforts of Mother Teresa and of those who have labored with her in service to the poor and afflicted of the world.

SEC. 2. The Secretary of the Senate shall transmit an enrolled copy of this resolution to the Calcutta, India, Mother Teresa's House of the Missionaries of Charity.

AMENDMENTS SUBMITTED

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

HARKIN (AND FEINGOLD) AMENDMENT NO. 1123

Mr. HARKIN (for himself and Mr. FEINGOLD) proposed an amendment to amendment No. 1111 proposed by Mr. SPECTER to the bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the end of line 3 in the pending amendment insert the following: ": *Provided further*, That in carrying out its legislative mandate, the National Bipartisan Commission on the Future of Medicare shall examine the role increased investments in health research can play in reducing future Medicare costs, and the potential for coordinating Medicare with cost-effective long-term care services".

THE SMALL BUSINESS REAUTHORIZATION ACT OF 1997

BOND (AND KERRY) AMENDMENT NO. 1124

Mr. BOND (for himself and Mr. KERRY) proposed an amendment to the bill (S. 1139) to reauthorize the programs of the Small Business Administration, and for other purposes, as follows:

At the end of Section 201, insert the following:

"(d) TECHNICAL ASSISTANCE GRANTS.—Section 7(m)(4)(E) of the Small Business Act (15 U.S.C. 636(m)(4)(E)) is amended—

"(1) by inserting '(i)' before 'Each intermediary'.

"(2) by striking '15' and inserting '25',

"(3) by adding at the end of the paragraph, '(ii) The intermediary may expend up to 25% of the funds received under paragraph (1)(B)(ii) to enter third party contracts for the provision of technical assistance.'"

At the end of Section 504, insert the following new section:

"SEC. 505. ASSET SALES.—in connection with the Administration's implementation of a program to sell to the private sector loans and other assets held by the Administration, the Administration shall provide to the Committees on Small Business in the Senate and House of Representatives a copy of the draft and final plans describing the sale and the anticipated benefits resulting from such sale."

On page 76, line 1, strike "Administration" and add the following: "the technical and environmental compliance assistance programs established in each state under section 507 of the Clean Air Act Amendments of 1970, or state pollution prevention programs.".

On page 76, line 16, strike "regulations." and insert the following paragraph: "regulation including cooperating with the technical and environmental compliance assistance programs established in each state under section 507 of the Clean Air Act Amendments of 1970 or state pollution prevention programs in the provision of counseling and technology development to help small businesses find solutions for complying with environmental regulations.".

On page 16, line 8, after "used" add the following "to provide intensive management, marketing and technical assistance as well as".

At the appropriate place in the bill, add the following new section:

SEC. 506. SMALL BUSINESS EXPORT PROMOTION.

(a) In General.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (Q), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (R) the following:

"(S) providing small business owners with access to a wide variety of export-related information by establishing on-line computer linkages between small business development centers and an international trade data information network with ties to the Export Assistance Center program.".

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out section 21(c)(3)(S) of the Small Business Act (15 U.S.C. 648(c)(3)(S)), as added by this section, $1,500,000 for each fiscal years 1998 and 1999.

On page 28, line 2, add the following new subsection:

"(E) Collateral requirements.—Adequacy of collateral provided by the small business shall be one factor evaluated in the credit determination. Collateral provided by the small business concern generally will include a subordinate lien position on the property being financed, and additional collateral may be required in a case-by-case basis, as determined by the Administration."

Strike out sections 411 through 418 and insert in lieu thereof the following:

SEC. 411. CONTRACT BUNDLING.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following:

"(j) In complying with the statement of congressional policy expressed in subsection (a), relating to fostering the participation of small business concerns in the contracting opportunities of the Government, each Federal agency, to the maximum extent practicable, shall—

"(1) comply with congressional intent to foster the participation of small business concerns as prime contractors, subcontractors, and suppliers;

"(2) structure its contracting requirements to facilitate competition by and among small business concerns, taking all reasonable steps to eliminate obstacles to their participation; and

"(3) avoid unnecessary and unjustified bundling of contract requirements that precludes small business participation in procurements as prime contractors.".

SEC. 412. DEFINITION OF CONTRACT BUNDLING.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

"(o) Definitions of Bundling of Contract Requirements and Related Terms.—In this Act—

"(1) The term 'bundling of contract requirements' means consolidating two or more procurement requirements for goods or services previously provided or performed under separate smaller contracts into a solicitation of offers for a single contract that is likely to be unsuitable for award to a small-business concern due to—

"(A) the diversity, size, or specialized nature of the elements of the performance specified;

"(B) the aggregate dollar value of the anticipated award;

"(C) the geographical dispersion of the contract performance sites; or

"(D) any combination of the factors described in subparagraphs (A), (B), and (C).

"(2) The term 'separate smaller contract', with respect to a bundling of contract requirements, means a contract that has been performed by one or more small business concerns or was suitable for award to one or more small business concerns.

"(3) The term 'bundled contract' means a contract that is entered into to meet requirements that are consolidated in a bundling of contract requirements.".

SEC. 413. ASSESSING PROPOSED CONTRACT BUNDLING.

(a) In General.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by inserting after subsection (d) the following new subsection (e):

"(e) Procurement Strategies; Contract Bundling.—

"(1) In general.—To the maximum extent practicable, procurement strategies used by the various agencies having contracting authority shall facilitate the maximum participation of small business concerns as prime contractors, subcontractors, and suppliers.

"(2) Market research.—

"(A) In general.—Before proceeding with an acquisition strategy that could lead to a contract containing consolidated procurement requirements, the head of an agency shall conduct market research to determine whether consolidation of the requirements is necessary and justified.

"(B) Factors.—For purposes of subparagraph (A), consolidation of the requirements may be determined as being necessary and justified if, as compared to the benefits that would be derived from contracting to meet those requirements if not consolidated, the Federal Government would derive from the consolidation measurably substantial benefits, including any combination of benefits that, in combination, are measurably substantial. Benefits described in the preceding sentence may include the following:

"(i) Cost savings.

"(ii) Quality improvements.

"(iii) Reduction in acquisition cycle times.

"(iv) Better terms and conditions.

"(v) Any other benefits.

"(C) Reduction of costs not determinative.—The reduction of administrative or personnel costs alone shall not be a justification for bundling of contract requirements unless the cost savings are expected to be substantial in relation to the dollar value of the procurement requirements to be consolidated.

"(3) Strategy specifications.—If the head of a contracting agency determines that a proposed procurement strategy for a procurement involves a substantial bundling of contract requirements, the proposed procurement strategy shall—

"(A) identify specifically the benefits anticipated to be derived from the bundling of contract requirements;

"(B) set forth an assessment of the specific impediments to participation by small business concerns as prime contractors that result from the bundling of contract requirements and specify actions designed to maximize small business participation as subcontractors (including suppliers) at various tiers under the contract or contracts that are awarded to meet the requirements; and

"(C) include a specific determination that the anticipated benefits of the proposed bundled contract justify its use.

"(4) Contract teaming.—In the case of a solicitation of offers for a bundled contract that is issued by the head of an agency, a small-business concern may submit an offer that provides for use of a particular team of subcontractors for the performance of the contract. The head of the agency shall evaluate the offer in the same manner as other offers, with due consideration to the capabilities of all of the proposed subcontractors. When a small business concern teams under this paragraph, it shall not affect its status as a small business concern for any other purpose.".

(b) Administration Review.—The third sentence of subsection (a) of such section is amended—

(1) by inserting after "discrete construction projects," the following: "or the solicitation involves an unnecessary or unjustified bundling of contract requirements, as determined by the Administration,";

(2) by striking out "or (4)" and inserting in lieu thereof "(4)"; and

(3) by inserting before the period at the end the following: ", or (5) why the agency has determined that the bundled contract (as defined in section 3(o)) is necessary and justified".

(c) Responsibilities of Agency Small Business Advocates.—Subsection (k) of such section is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) identify proposed solicitations that involve significant bundling of contract requirements, and work with the agency acquisition officials and the Administration to revise the procurement strategies for such proposed solicitations where appropriate to increase the probability of participation by small businesses as prime contractors, or to facilitate small business participation as subcontractors and suppliers, if a solicitation for a bundled contract is to be issued;".

SEC. 414. REPORTING OF BUNDLED CONTRACT OPPORTUNITIES.

(a) Data Collection Required.—The Federal Procurement Data System described in section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A)) shall be modified to collect data regarding bundling of contract requirements when the contracting officer anticipates that the resulting contract price, including all options, is expected to exceed $5,000,000. The data shall reflect a determination made by the contracting officer regarding whether a particular solicitation constitutes a contract bundling.

(b) Definitions.—In this section, the term "bundling of contract requirements" has the meaning given that term in section 3(o) of the Small Business Act (15 U.S.C. 632(o)) (as added by section 412 of this title).

SEC. 415. EVALUATING SUBCONTRACT PARTICIPATION IN AWARDING CONTRACTS.

Section 8(d)(4) of the Small Business Act (15 U.S.C. 637(d)(4)) is amended by adding at the end the following:

"(G) The following factors shall be designated by the Federal agency as significant factors for purposes of evaluating offers for a bundled contract where the head of the agency determines that the contract offers a significant opportunity for subcontracting:

"(i) A factor that is based on the rate provided under the subcontracting plan for small business participation in the performance of the contract.

"(ii) For the evaluation of past performance of an offeror, a factor that is based on the extent to which the offeror attained applicable goals for small business participation in the performance of contracts.".

SEC. 416. IMPROVED NOTICE OF SUBCONTRACTING OPPORTUNITIES.

(a) USE OF THE COMMERCE BUSINESS DAILY AUTHORIZED.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

"(k) NOTICES OF SUBCONTRACTING OPPORTUNITIES.—

"(1) IN GENERAL.—Notices of subcontracting opportunities may be submitted for publication in the Commerce Business Daily by—

"(A) a business concern awarded a contract by an executive agency subject to subsection (e)(1)(C); and

"(B) a business concern which is a subcontractor or supplier (at any tier) to such contractor having a subcontracting opportunity in excess of $10,000.

"(2) CONTENT OF NOTICE.—The notice of a subcontracting opportunity shall include—

"(A) a description of the business opportunity that is comparable to the description specified in paragraphs (1), (2), (3), and (4) of subsection (f); and

"(B) the due date for receipt of offers.".

(b) REGULATIONS REQUIRED.—The Federal Acquisition Regulation shall be amended to provide uniform implementation of the amendments made by this section.

(c) CONFORMING AMENDMENT.—Section 8(e)(1)(C) of the Small Business Act (15 U.S.C. 637(e)(1)(C)) is amended by striking "$25,000" each place that term appears and inserting "$100,000".

SEC. 417. DEADLINES FOR ISSUANCE OF REGULATIONS.

(a) PROPOSED REGULATIONS.—Proposed amendments to the Federal Acquisition Regulation or proposed Small Business Administration regulations under this subtitle and the amendments made by this subtitle shall be published not later than 120 days after the date of enactment of this Act for the purpose of obtaining public comment pursuant to section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b), or chapter 5 of title 5, United States Code, as appropriate. The public shall be afforded not less than 60 days to submit comments.

(b) FINAL REGULATIONS.—Final regulations shall be published not later than 270 days after the date of enactment of this Act. The effective date for such final regulations shall be not less than 30 days after the date of publication.

At an appropriate place, insert the following:

SEC. ___. DEFENSE LOAN AND TECHNICAL ASSISTANCE PROGRAM.

(a) DELTA PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Small Business Administration may administer the Defense Loan and Technical Assistance program in accordance with the authority and requirements of this section.

(2) EXPIRATION OF AUTHORITY.—The authority of the Administrator to carry out the DELTA program under paragraph (1) shall terminate when the funds referred to in subsection (g)(1) have been expended.

(3) DELTA PROGRAM DEFINED.—In this section, the terms "Defense Loan and Technical Assistance program" and "DELTA program" mean the Defense Loan and Technical Assistance program that has been established by a memorandum of understanding entered into by the Administrator and the Secretary of Defense on June 26, 1995.

(b) ASSISTANCE.—

(1) AUTHORITY.—Under the DELTA program, the Administrator may assist small business concerns that are economically dependent on defense expenditures to acquire dual-use capabilities.

(2) FORMS OF ASSISTANCE.—Forms of assistance authorized under paragraph (1) are as follows:

(A) LOAN GUARANTEES.—Loan guarantees under the terms and conditions specified under this section and other applicable law.

(B) NONFINANCIAL ASSISTANCE.—Other forms of assistance that are not financial.

(c) ADMINISTRATION OF PROGRAM.—In the administration of the DELTA program under this section, the Administrator shall—

(1) process applications for DELTA program loan guarantees;

(2) guarantee repayment of the resulting loans in accordance with this section; and

(3) take such other actions as are necessary to administer the program.

(d) SELECTION AND ELIGIBILITY REQUIREMENTS FOR DELTA LOAN GUARANTEES.—

(1) IN GENERAL.—The selection criteria and eligibility requirements set forth in this subsection shall be applied in the selection of small business concerns to receive loan guarantees under the DELTA program.

(2) SELECTION CRITERIA.—The criteria used for the selection of a small business concern to receive a loan guarantee under this section are as follows:

(A) The selection criteria established under the memorandum of understanding referred to in subsection (a)(3).

(B) The extent to which the loans to be guaranteed would support the retention of defense workers whose employment would otherwise be permanently or temporarily terminated as a result of reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

(C) The extent to which the loans to be guaranteed would stimulate job creation and new economic activities in communities most adversely affected by reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

(D) The extent to which the loans to be guaranteed would be used to acquire (or permit the use of other funds to acquire) capital equipment to modernize or expand the facilities of the borrower to enable the borrower to remain in the national technology and industrial base available to the Department of Defense.

(3) ELIGIBILITY REQUIREMENTS.—To be eligible for a loan guarantee under the DELTA program, a borrower must demonstrate to the satisfaction of the Administrator that, during any 1 of the 5 preceding operating years of the borrower, not less than 25 percent of the value of the borrower's sales were derived from—

(A) contracts with the Department of Defense or the defense-related activities of the Department of Energy; or

(B) subcontracts in support of defense-related prime contracts.

(e) MAXIMUM AMOUNT OF LOAN PRINCIPAL.—The maximum amount of loan principal for which the Administrator may provide a guarantee under this section during a fiscal year may not exceed $1,250,000.

(f) LOAN GUARANTY RATE.—The maximum allowable guarantee percentage for loans guaranteed under this section may not exceed 80 percent.

(g) FUNDING.—

(1) IN GENERAL.—The funds that have been made available for loan guarantees under the DELTA program and have been transferred from the Department of Defense to the Small Business Administration before the date of the enactment of this Act shall be used for carrying out the DELTA program under this section.

(2) CONTINUED AVAILABILITY OF EXISTING FUNDS.—The funds made available under the second proviso under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" in Public Law 103-335 (108 Stat. 2613) shall be available until expended—

(A) to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued under this section; and

(B) to cover the reasonable costs of the administration of the loan guarantees.

SESSIONS (AND OTHERS) AMENDMENT NO. 1125

Mr. SESSIONS (for himself, Mr. CRAIG, and Mr. FAIRCLOTH) proposed an amendment to amendment No. 1078 proposed by Mr. DURBIN to the bill, S. 1061, supra; as follows:

At the end of the amendment, add the following:

SEC. . (a) GENERAL LIMITATION.—Notwithstanding any other provision of law, if any attorneys' fees are paid (on behalf of attorneys for the plaintiffs) in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures or for other causes of action involved in the settlement agreement, such fees shall—

(1) not be paid at a rate that exceeds $250 per hour; and

(2) be limited to a total of $5,000,000.

(b) FEE ARRANGEMENTS.—Subsection (a) shall apply to attorneys' fees provided for or in connection with an action of the type described in such subsection under any—

(1) court order;

(2) settlement agreement;

(3) contingency fee arrangement;

(4) arbitration procedure;

(5) alternative dispute resolution procedure (including mediation); or

(6) other arrangement providing for the payment of attorneys' fees.

(c) EXPENSES.—The limitation described in subsection (a) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(d) REQUIREMENTS.—No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(1) provided to the Governor of the appropriate State, a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(2) made public disclosure of the time accounting under paragraph (1) and any fee

agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

(e) PROVISION OF FUNDS FOR CHILDREN'S HEALTH RESEARCH.—Any amounts provided for attorneys' fees in excess of the limitation applicable under this section shall be paid into the Treasury for use by the National Institutes of Health for research relating to children's health.

(f) EFFECTIVE DATE.—The limitation on the payment of attorneys' fees contained in this section shall become effective on the date of enactment of any Act providing for a national tobacco settlement.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider the nominations of Ernest J. Moniz to be Under Secretary, Department of Energy; Michael Telson to be chief financial officer, Department of Energy; Mary Anne Sullivan to be general counsel, Department of Energy; Dan Reicher to be Assistant Secretary for Energy, Efficiency, and Renewable Energy, Department of Energy; Robert Gee to be Assistant Secretary for Policy and International Affairs, Department of Energy; and John Angell to be Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Energy.

The hearing will take place Thursday, September 18, 1997, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Flint at (202) 224-5070.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Tuesday, October 7, 1997, at 9 a.m., in SR-328A. The purpose of this hearing is to examine food safety issues and recent food safety legislation proposed by the U.S. Department of Agriculture.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, September 9, 1997, at 10 a.m., in open session, to consider the nomination of Gen. Henry H. Shelton, USA, to be Chairman of the Joint Chiefs of Staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Tuesday, September 9, at 10 a.m., for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ISLAMIC AND ARAB BUSINESS INVESTMENT CONFERENCE

• Mr. ABRAHAM. Mr. President, I rise today to express my sincere best wishes to those individuals who are participating in the Islamic and Arab Business Investment Conference in Detroit, MI. The objective of this conference is to bring Islamic and Arab leaders together to focus upon business investment opportunities in North America and around the world. This event which begins on September 12, 1997, is worthy of recognition.

Mr. President, I commend each person who will participate in this important conference, which in effect advances and demonstrates the continuing positive contributions of Muslim and Arab Americans. Through lectures, round table discussions, and exchange of ideas, I am confident that this conference will continue to build upon the relationships which exist between the United States and the Muslim and Arab communities.

Many in the Islamic and Arab communities have given generously of their time and energy in preparation for this conference. They are to be commended for their efforts and I am pleased to recognize this event in the U.S. Senate.•

TRIBUTE TO FLORIDA A&M UNIVERSITY: "COLLEGE OF THE YEAR"

• Mr. GRAHAM. Mr. President, as we send our children and grandchildren back to school to begin another academic year, we as a nation focus on the vital role of education.

Florida is proud of its role in developing and nurturing colleges and universities of excellence that have educated generations of America's leaders. One of those institutions, Florida A&M University, has been cited as "College of the Year" by the editors of Time magazine and The Princeton Review.

The editors cited the school's outstanding enrollment of National Achievement Scholars, its position as the only historically African-American college to offer four Ph.D programs, and dramatic enrollment growth.

This well-deserved national recognition is a tribute to the students, alumni, and staff of Florida A&M University. It also reflects the outstanding leadership of President Frederick Humphries, who has led the institution with vision and dedication since 1985.

When classes began this academic year, enrollment exceeded 10,000 students, up from 3,200 in the mid-eighties. Florida A&M University enrolled its largest freshman class ever this fall.

Further, the number of bachelors' degrees awarded since 1991 has more than tripled, from 463 in 1991 to 1,524 last year, surpassing Howard University as America's leading granter of undergraduate degrees to African-American college graduates.

During this decade, Florida A&M University, along with Harvard, has been a leader in attracting National Achievement Scholars. Florida A&M University led the Nation in 1992 and 1995; Harvard in 1993 and 1994.

While all this was occurring—enrollment growth, more degrees awarded and more scholars enrolled—overall admission standards increased. In the past 10 years, Scholastic Aptitude Test scores of Florida A&M University-bound students rose more than 200 points.

Mr. President, I have been honored to visit Florida A&M University on many occasions. I have experienced the special spirit on campus, in the classrooms, and among the greater Florida A&M University family of alumni, faculty, administrators, and students.

Our State and Nation are better because of Florida A&M University and its commitment to educational excellence. Congratulations, Rattlers.

Mr. President, I ask that an editorial published in the Tallahassee Democrat newspaper on August 26, 1997, be printed in the RECORD.

The editorial follows:

WHY FAMU'S TOP ACHIEVEMENTS RATE NATIONAL PRESS

Vestiges of a past when men and women were judged by the color of their skin are still with us. And one of those monuments of intolerance ranks as one of Tallahassee's brighter stars, Florida A&M University.

In an age where segregation is illegal, the natural question is, Why have two universities: one white, one black?

But the reason for FAMU's existence is as strong today as it was when black people were driven from pillar to post and denied higher education. Time Magazine and the Princeton Review lauded FAMU as the premier producer of black graduates and for its work in establishing doctorate programs.

HE RECRUITED STUDENTS, LINED UP JOBS

Consider what wonders FAMU has performed with students in need of opportunity. Since 1991, the school tripled the size of its graduating classes. President Frederick Humphries' peripatetic efforts landed those graduates hundreds of jobs with major corporations, thus pumping into our mainstream new generations of black achievers able to earn their own way.

His development of new doctoral programs opened new avenues of academic success, and his linkages with the federal government brought dollars and prestige to FAMU and to Tallahassee.

We're still moving toward that day when we'll all be judged by the content of our character, not solely by the color of our skin. But until we get there, institutions such as FAMU are an integral and necessary part of the journey.

In an age of voluntary segregation—when the rich and well-to-do take their tax dollars, culture and opportunities beyond the pale of our cities—hundreds of thousands of blacks and poor whites are left to flounder in the race for jobs and college placement.

For those students, the nurturing influence of institutions such as FAMU cannot be denied.●

TRIBUTE TO HONOR PETER WOLF TOTH

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Peter Wolf Toth who has completed a project to present each State with a handmade wooden totem pole that incorporates local and historical figures from all across the Nation. I commend his outstanding gift to our Nation.

Peter came to the United States through extraordinary circumstances. He escaped with his mother from the Soviet takeover in Russian-occupied Hungary. Traveling through Budapest, Yugoslavia, and Austria, Peter eventually settled in Akron, OH. His interests led him to educate himself in American history, specifically with a focus on native American lore, tribal cultures, and contributions to our lifestyle today.

Peter recently completed a project where he carved out enormous totem poles by hand and presented one to each of the fifty States to show his gratitude to our country.

His totem pole to New Hampshire was presented in 1984 and it stands in Opechee Park in Laconia, NH. The dedication ceremony that September drew a crowd of over 3,000 people.

Peter's immigration into this country, as well as his hard work, should stand as an example for all Americans. It is no doubt that he is worthy of great recognition and praise for his devotion to the United States.

Mr. President, I want to pay great homage to Peter Wolf Toth for his outstanding commitment to the United States. We are indebted to his amazing gifts and talents that he chose to share with all of us.●

TRIBUTE TO JUDGE ALAN GOLD

● Mr. GRAHAM. Mr. President, I am honored to welcome Judge Alan Gold to the Federal bench in the Southern District of Florida. For more than 25 years, Alan Gold has served the State of Florida with honor and distinction. I have no doubt that his outstanding service will continue in his new assignment. On September 15, Judge Gold will be sworn in, along with Mr. Donald Middlebrooks, in ceremonies in Miami, FL.

Much of my confidence in Judge Alan Gold comes from his lifelong commitment to the people of our State. He began his career more than 25 years ago, when he represented Dade County in both State and Federal courts.

In 1975, Alan Gold moved into private practice, where he developed wide recognition and respect as a leader in land use and environmental law.

In 1984, when I was Governor, I appointed Judge Gold to Florida's Land Management Study Committee, a vital post given our State's long period of rapid population growth. In addition, Judge Gold served Florida for 6 years as general counsel to the Florida High Speed Rail Transportation Commission, an entity created by the State legislature in 1984 to develop a high-speed rail transportation and magnetic levitation demonstration project.

Mr. President, in addition to his substantial professional experience, Judge Gold will bring respected academic credentials to the Federal bench. In 1989, nearly 25 years after completing a masters in law at the University of Miami School of Law, Judge Gold was invited to join his alma mater's faculty as an adjunct professor. It was a wise invitation to an outstanding role model for future generations of legal professionals.

As a result of his distinguished efforts in the public interest and in private practice, Alan Gold was appointed to Florida's Eleventh Judicial Circuit Court, where he has served with integrity and competence. His peers and colleagues have overwhelmingly endorsed his abilities. In a 1994 survey of regional attorneys by the Dade County Bar, 92.8 percent of respondents rated Judge Gold's performance as qualified or exceptionally qualified.

As a circuit court judge, Alan Gold served both in the family and criminal divisions, where he presided over felony jury cases. Despite the demands of a heavy caseload, Judge Gold continued his efforts to improve the legal system for Florida communities, families, and individuals. He was appointed to the Florida Supreme Court's Family Court Steering Committee and has recently chaired an effort to develop a model family court.

During the confirmation process, Judge Gold's support transcended partisanship. In addition to the support from Senator CONNIE MACK and myself, he earned strong endorsements from U.S. Representatives LINCOLN DIAZ-BALART of Miami and E. CLAY SHAW of Fort Lauderdale.

Mr. President, Judge Alan Gold has long provided an example of academic diligence, legal acumen, judicial excellence, and determination to serve Floridians. I am pleased that he will join the Federal bench, and extend my congratulations to him, his family, and the Senate for its prompt review and confirmation of this worthy nominee.●

MICHIGAN STATE CONFERENCE OF THE NAACP

● Mr. ABRAHAM. Mr. President, I rise today to extend my best wishes to those who will participate in the 61st annual convention of the Michigan State Conference of the NAACP. This event will be held in Saginaw, MI, on September 12, 1997.

As race relations continue to be at the forefront of American life, this convention provides an opportunity for delegates to openly discuss issues which confront not only their communities, but everyday lives. The NAACP convention will focus on finding programmatic solutions to such issues as, education, violence, crime, homelessness, and drug abuse. It is through open dialog and the exchange of information that concrete solutions to these issues will be found. I commend the delegates and organizers of this convention for their steadfast desire to address the racial and social problems facing the United States today.

Again, I extend my heartfelt best wishes on this special occasion.●

TRIBUTE TO GUYANESE INDEPENDENCE

● Mr. LAUTENBERG. Mr. President, I rise to commemorate the May 27, 1997 31st anniversary of the independence of the Republic of Guyana. The word "Guyana" is an indigenous word that means land of many waters. But Guyana is also a land of many peoples, with East Indians, Africans, Chinese, Amer-Indians, and Europeans counted among its ancestors. Guyana is also a country that embraces freedom of religion, which allows Christians, Muslims, and Hindus to worship side by side.

My colleagues may be aware that Guyana achieved independence and observed its first free and fair election in 1992, after more than three centuries of British, French, and Dutch colonialism. Guyana's first constitution bore the influence of British legal traditions, and former President Jimmy Carter supervised the team of international observers to guarantee the fairness of the 1992 elections.

Guyana's three decades of unpopular and repressive rule slowed economic progress, but Guyanese are working to overcome these hurdles. I hope that they will succeed.

Guyanese-Americans have much to be proud of. Their history is rich, and I hope the future of Guyana will be bright.●

TRIBUTE TO THE SHELBURNE MUSEUM

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Vermont's Shelburne Museum on the occasion of its 50th anniversary. The museum, sometimes referred to as New England's Smithsonian, will celebrate its anniversary on September 27, 1997 with a myriad of activities for people young and old.

The museum's founder, Electra Havemeyer Webb, was a pioneer collector of Americana and American folk art. Today, the museum collects, preserves, and studies art as well as history with an emphasis on the New England area. Thirty-seven exhibit buildings spanning across 45 scenic acres include three galleries, 7 furnished historic homes and over 80,000 objects. The historic buildings and collections reflect our transition from an agricultural to an industrial nation.

The Shelburne Museum has become an important cultural resource for Vermont and the Nation. In a rapidly changing world its collections as well as its programs provide the public and scholars alike with an opportunity to reflect on and explore the central themes of ingenuity, craftsmanship and creativity.

The museum embodies a spirit of celebration which provides visitors from across the country and around the world with a unique perspective into the region's history. As a learning tool, it plays a significant role in reminding patrons that the past can often provide a key to the future.

Mr. President, I wish the Shelburne Museum many more years of continued success in service to our community.●

A MORE COMPLETE PICTURE

● Mrs. MURRAY. Mr. President, on September 3, during floor deliberations the senior Senator from Washington presented a story of a most tragic situation on the Yakama Indian Reservation in his call for support of an appropriations rider that would require tribal governments to relinquish their right to sovereign immunity in order to receive Federal funding.

In 1994, a tragic accident involving a tribal police officer en route to the scene of an ensuing robbery resulted in the death of 18-year-old Jered Gamache. Before I proceed, I want to express my deepest sympathies to the Gamache family for this devastating loss. As a mother of two, I find it almost unbearable to contemplate such a loss. It is always painful to lose a loved one, but the loss of a child is something no parent should have to face.

The issues involved here are very controversial and everyone involved has strong views. In the interest of airing views from all sides regarding section 120 of the Interior appropriations bill, I have agreed to submit a statement on behalf of the Yakama Indian Nation in response to the chairman's comments. I ask that the statement from the Yakama Indian Nation be printed in the RECORD.

The statement follows:

YAKAMA INDIAN NATION ASTONISHED BY GORTON FLOOR STATEMENT WHEREIN HE MADE ANALOGY OF TRIBAL POLICE OFFICER ACTING WITHIN HER SCOPE OF DUTY AND NEW YORK COPS WHO BRUTALIZED A HAITIAN IMMIGRANT

TOPPENISH, WASHINGTON.—The Yakama Indian Nation today responded with both amazement and sadness to statements made Wednesday on the Senate floor by Senator Slade Gorton (R-Wash.), wherein the Senator made an analogy of a 1994 accidental vehicular death involving a Tribal police officer responding to an emergency call (regarding an urgent armed robbery in progress), to the intentional brutal beating and sodomization recently inflicted by New York City policemen against Haitian immigrant Abner Louima.

In what appears to be an attempt to justify a far-reaching amendment he has inserted into an appropriations bill that would eradicate tribal sovereign immunity, the senior Senator from Washington has chosen to exploit the victimization of Abner Louima and a tragic car accident that occurred on our reservation.

The facts of the case cited by Gorton should be brought to light as should the point that a close associate of the Senator, Yakima County Prosecutor, Jeff Sullivan, declined to pursue a criminal prosecution (for "disregarding the safety of others") against the tribal police officer involved in the accident.

On October 25, 1994, Tiffany Martin, a fully trained police officer of the Yakama Indian Nation responded to an emergency call for assistance from the Yakama County Sheriff's office. There was a burglary in progress at a convenience store and the closer police force in the city of Wapato had not responded. Officer Martin proceeded in her police vehicle northbound on Route 97 with both sirens and overhead flashers on. During her response a second call came in indicating that gun shots had been fired and the situation was clearly quite urgent. As the officer approached a particular intersection, where she initially had a green light, she slowed her vehicle down (she estimates to between 30 and 35 miles per hour), noticing a van stopped at the intersection with its turn, signal on. Apparently next to the van and hidden from the officer's line of sight was another vehicle. Confirming that the stopped vehicle was aware of her presence, she accelerated and went through the intersection as the light turned yellow and then red. The van remained stopped but the vehicle next it, being driven by 18 year old Jered Gamache went forward and his vehicle and the police car collided. Gamache died as a result of injuries suffered in the collision. The tribal police force has expressed great remorse to the Gamache family and the officer herself has suffered tremendously and emotionally as a result of the accident.

While we have the greatest sympathy for the family of Jered Gamache and can understand their pain we can not understand how a member of the United States Senate could suggest that this accident is somehow analogous to the celebrated Louima beating in New York. Senator Gorton has stated that since Mr. Louima is going to be suing New York City for millions of dollars so too should the Gamache family be able to sue the Yakama Nation for a similar amount. With all due respect, this is not an analogy worthy of a former state Attorney General. The New York policemen who beat Louima broke the law. Our tribal police officer was acting within her scope of duty and following routine procedures. While it is tragic, there are unfortunately a large number of innocent bystanders all across this country who are accidentally hurt or killed by law enforcement officers discharging their duties. The fact remains that police officers and the governments they work for are protected by a sovereign immunity provided they have acted within the line of duty in a non-negligent manner. Would the Senator characterize, as he did on the floor, that a claim against, say, a King County, Washington policeman involved in an accidental vehicular death as "identical or similar" to the claim Mr. Louima will be pursuing against New York?

Contrary to the Senator's assertions, the Gamache family has not been denied legal recourse due to tribal sovereign immunity. In fact, the Gamache family has a filed civil suit which is currently pending in the Eastern District Federal Court of Washington state, trial is set for December 8, 1997. The Gamache family is pursuing this claim under the Federal Tort Claims Act (28 USC 2671), which is the same statute under which they would pursue a claim if any other federal law enforcement official (FBI, National Park Service ranger, etc.) has been involved in their son's death. The Federal Tort Claims Act (FTCA) is the statute involved as the Yakama Nation was operating its tribal police department under a contract with the Interior Department pursuant to the Indian Self-Determination Act and the tribal police officer was acting as a federal agent. United States District Judge Fred Van Sickle will determine whether the officer involved showed contributory negligence which led to the accident and will further determine whether she was properly acting within the scope of her duty. The standards for these terms under FTCA are the standards as they exist within Washington state law. Not only are the Gamache's being given legal recourse, but it is taking place in the "neutral" federal court which the Senator wants to direct all cases coming from Indian reservations.

Perhaps this is a good example of the dangers of making law based on anecdotal situations, particularly when the facts have not been properly brought to light.●

CONGRESSMAN GEORGE CROCKETT, JR.

● Mr. ABRAHAM. Mr. President, I rise today to pay my respects to former Michigan Congressman George Crockett, Jr. Congressman Crockett represented the people of Detroit in the House of Representatives from 1980–1991 and before that as a Recorder's court judge from 1966–78.

Undoubtedly, Congressman Crockett's legacy will be his tireless work on behalf of civil and human rights. As a private attorney, as a judge, and as an elected official Congressman Crockett sought to provide legal protection to all Americans, especially African-Americans and other minorities. As is always the case with dynamic leaders, there are many who disagreed with Congressman Crockett and his actions. Never questioned, however, was his integrity and honesty.

Congressman Crockett exemplified a lifetime of commitment to public service. In the words of Congressman

Crockett's friend and colleague, Michigan State Representative Ted Wallace, "Men like George Crockett never die. His spirit and name will live on forever."•

MEDIA COVERAGE IN BOSNIA

• Mr. LEVIN. Mr. President, I rise today to talk about media coverage in Bosnia and the importance of a fair, free, and independent media to the safety of United States and allied forces, the implementation of the Dayton peace accords, and peace for the Bosnian people.

Recent events in the Serb area of Bosnia have served to highlight the disruptive role that the media, particularly television, can play as we have witnessed what Gen. Wesley Clark, NATO's Supreme Allied Commander, characterized as "organized disorder."

It was the potential for television-incited violence that led me to propose in my floor speech of July 30 the deployment of the EC-130E Commando Solo aircraft to jam Bosnian Serb television and to broadcast television and radio programming directly to the Bosnian people. I also made that proposal in writing to National Security Adviser Sandy Berger and Secretary of Defense Bill Cohen. I understand that the deployment of Commando Solo is under serious consideration at the Pentagon at the present time.

In making my proposal, I specifically cited a provision of the Agreement on the Military Aspects of the Dayton Peace Agreement that gives NATO's Stabilization Force Commander the authority to do all that he deems necessary and proper to protect the SFOR and to carry out its responsibilities.

I should note at this point that the High Representative, Mr. Carlos Westendorp, a position that was created by the Dayton peace accords to oversee the implementation of the civilian aspects of the accords, has been invested with similar authority. The Peace Implementation Council, in its May 30, 1997 Sintra Declaration, declared as follows:

> The authorities of Bosnia and Herzegovina, the Entities and the common institutions will be expected to give every possible form of practical assistance with respect to licenses, frequencies, free access by the High Representative to news media and the ability of the OBN (Open Broadcast Network) and other independent media to broadcast.
>
> The Steering Board is concerned that the media has not done enough to promote freedom of expression and reconciliation. It declared that the High Representative has the right to curtail or suspend any media network or programme whose output is in persistent and blatent contravention of either the spirit or letter of the Peace Agreement.

So there is ample authority in both the senior military and civilian authorities representing the international community in Bosnia to take action to address the misuse of Bosnian Serb television and other media outlets.

I was pleased to note that the North Atlantic Council, on August 30, acting pursuant to a request from the High Representative authorized SFOR "to provide the necessary support to suspend or curtail any media network or programme in Bosnia and Herzegovina whose output is in persistent and blatant contradiction of either the spirit or letter of the Peace Agreement, in accordance with the Sintra Declaration."

The North Atlantic Council further reaffirmed that "SFOR will not hesitate to take the necessary measures including the use of force against media inciting attacks on SFOR or other international organizations." I ask unanimous consent that a North Atlantic Council press release that contains these decisions be printed in the RECORD at the conclusion of my remarks.

Mr. President, there have been a number of media reports and commentaries concerning the agreement that was reached on September 2 concerning the release of the Udrigovo television tower northeast of Tuzla. Several commentaries have criticized the agreement, under which the tower was returned to Pale's control, as being a capitulation to Karadzic. I believe this is a misreading of the situation.

Under the agreement, SFOR turned over the Udrigovo tower in return for four commitments from Pale. Those commitments are as follows:

First, all media will refrain from making inflammatory reporting against SFOR and international organizations supporting the execution of the Dayton accord. This includes television, radio, and the print media.

Second, television will regularly provide 1 hour of programming during prime time each day without exception, during which our political views will be aired.

Third, television will provide Ambassador Westendorp, the new High Representative, one-half-hour programming during prime time in the next few days to introduce himself and explain the events which took place in Brcko, Bijelina, and Banja Luka. Such time will be unedited and not commented on in advance or after airing by TV commentators.

Fourth, Republika Srpska will participate in a full and consistent manner in a Media Support Advisory Group conducted by the Office of the High Representative to discuss and regulate the work of the media in accordance with the spirit and the letter of the General Framework Agreement for Peace, the formal name of the Dayton accord.

I ask that a copy of the Memorandum of Agreement that contains these conditions be printed in the RECORD at the conclusion of my remarks.

If fulfilled, these commitments should reduce the threat to United States, allied forces, and the personnel of the various international organizations in Bosnia. They will also ensure that the views of Karadjic's opponents will be heard, which is very important, particularly in the run-up to the municipal elections.

Mr. President, I am skeptical that Karadjic and his henchmen will live up to the terms of this agreement. It is most important to note, however, that Pale has for the first time formally acknowledged its media obligations and cannot complain if NATO uses force if it doesn't meet them. The ball is in Pale's court and I, for one, will strongly support decisive action by NATO, such as the use of Commando Solo, if Pale continues to misuse the media.

The material follows:

Statement by the North Atlantic Council, 30 August 1997

The North Atlantic Council met today to continue its consideration of the developing situation in the Republic Srpska. It reaffirmed yesterday's statement by the Secretary General condemning recent violence and confirming that SFOR will continue to carry out its mission firmly but fairly and will not tolerate the use of force or intimidation.

Council responded positively to a request by the High Representative to authorize SFOR to provide the necessary support to suspend or curtail any media network or programme in Bosnia and Herzegovina whose output is in persistent and blatant contradiction of either the spirit or the letter of the Peace Agreement, in accordance with the Sintra Declaration.

In addition, Council reaffirmed that SFOR will not hesitate to take the necessary measures including the use of force against media inciting attacks on SFOR or other international organizations.

Department of the Army,
Headquarters 1st Infantry Division,
Bosnia Herzegovina, 02 September 97.

Memorandum of Agreement for Release of Udrigovo Tower (CQ334489)

As per coordination between Ambassador Klein and Mr. Krajisnik, the turn over of the tower will occur with agreement of the following points:

1. RS media, TV, radio, print media, refrain from making inflammatory reporting against SFOR and international organizations supporting the execution of the Dayton Accord.
2. RS TV will regularly provide one hour of programming during prime time each day without exception, during which other political views will be aired.
3. RS TV will provide Ambassador Westendorp ½ hour during prime time in the next few days to introduce himself and explain the events which took place in Breko, Bijelina and Banja Luka. Such time will be unedited and not commented on in advance or after airing by RS TV commentators.
4. RS agrees to participate in a full and consistent manner in a Media Support Advisory Group conducted by OHR to discuss and regulate the work of the media in accordance with the spirit and the letter of the GFAP.

The signing of this document by the signatures below will release SFOR from the Udrigovo tower as soon as they can safely depart the morning of 2 September. The crowds at the tower will depart tonight, and 10 RS police and technicians may remain.

DAVID GRANGE.
DRAGO VUKOVIC.
GEN. KANSIK.•

SUBMITTING CHANGES TO THE BUDGET RESOLUTION ALLOCATION TO THE APPROPRIATIONS COMMITTEE

• Mr. DOMENICI. Mr. President, to comply with the provisions of Public Law 105–33, the Balanced Budget Act of 1997, that amend the Congressional Budget Act of 1974, I hereby submit a revised allocation for the Appropriations Committee pursuant to section 302(a) of the Budget Act.

This revised allocation includes all previous adjustments made to section 201 of House Concurrent Resolution 84, the concurrent resolution on the budget for fiscal year 1998, and to the Appropriations Committee budget authority and outlay allocations pursuant to section 302 of the Budget Act.

This revised allocation also includes an adjustment to the Appropriations Committee budget authority and outlay allocations pursuant to section 205 of House Concurrent Resolution 84 regarding priority federal land acquisitions and exchanges.

The revised allocation follows:

	Budget authority	Outlays
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	255,909,000,000	283,122,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total allocation	807,721,000,000	832,262,000,000•

SENATE QUARTERLY MAIL COSTS

• Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the second quarter of fiscal year 1997 to be printed in the RECORD. The third quarter of fiscal year 1997 covers the period of April 1, 1997, through June 30, 1997. The official mail allocations are available for frank mail costs, as stipulated in Public Law 104–197, the Legislative Branch Appropriations Act for fiscal year 1997.

The material follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING JUNE 30, 1997

Fiscal year 1997 official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
$143,028	2,550	0.00027	$562.32	$0.00006
43,336	0	....	0.00	....
59,148	0	....	0.00	....
97,617	0	....	0.00	....
41,864	2,578	0.00313	2,080.10	0.00252
50,841	97,800	0.05394	14,656.48	0.00808
40,023	0	....	0.00	....
50,582	0	....	0.00	....
97,617	0	....	0.00	....
382,528	0	....	0.00	....
33,378	0	....	0.00	....
82,527	0	....	0.00	....
20,625	0	....	0.00	....
52,198	0	....	0.00	....
50,755	0	....	0.00	....
62,350	0	....	0.00	....
41,864	0	....	0.00	....
53,135	0	....	0.00	....
77,822	0	....	0.00	....
43,394	0	....	0.00	....
90,218	0	....	0.00	....
100,503	0	....	0.00	....
62,491	0	....	0.00	....
12,042	0	....	0.00	....
35,217	0	....	0.00	....
38,762	0	....	0.00	....
118,346	0	....	0.00	....
44,496	0	....	0.00	....
232,926	0	....	0.00	....
39,578	0	....	0.00	....
164,923	800	0.00007	227.88	0.00002
71,425	1,950	0.00059	1,645.26	0.00050
50,582	0	....	0.00	....
38,762	0	....	0.00	....
125,121	0	....	0.00	....
28,054	0	....	0.00	....
13,199	0	....	0.00	....
121,600	0	....	0.00	....
91,527	0	....	0.00	....
382,528	0	....	0.00	....
77,040	0	....	0.00	....
96,062	0	....	0.00	....
164,923	0	....	0.00	....
97,506	2,200	0.00043	478.44	0.00009
230,836	0	....	0.00	....
251,855	5,050	0.00029	1,153.77	0.00007
85,350	14,151	0.00316	11,691.64	0.00261
65,258	0	....	0.00	....
44,910	0	....	0.00	....
38,444	0	....	0.00	....
65,258	0	....	0.00	....
50,841	0	....	0.00	....
18,477	0	....	0.00	....
22,240	0	....	0.00	....
121,600	0	....	0.00	....
76,388	0	....	0.00	....
47,286	0	....	0.00	....
251,855	0	....	0.00	....
73,454	0	....	0.00	....
43,336	0	....	0.00	....
38,357	5,420	0.00951	3,790.69	0.00665
29,826	0	....	0.00	....
21,919	0	....	0.00	....
16,457	0	....	0.00	....
44,496	0	....	0.00	....
104,638	0	....	0.00	....
50,818	1,384	0.00086	1,129.45	0.00070
104,638	0	....	0.00	....
91,527	0	....	0.00	....
83,872	0	....	0.00	....
62,755	0	....	0.00	....
124,195	0	....	0.00	....
38,357	3,670	0.00644	3,025.02	0.00531
143,028	0	....	0.00	....
71,425	0	....	0.00	....
62,491	0	....	0.00	....
100,503	0	....	0.00	....
230,836	0	....	0.00	....
83,872	0	....	0.00	....
77,040	0	....	0.00	....
90,835	6,804	0.00139	1,050.96	0.00021
163,870	0	....	0.00	....
232,926	0	....	0.00	....
37,990	0	....	0.00	....
97,506	6,325	0.00123	1,451.85	0.00028
73,454	0	....	0.00	....
31,770	0	....	0.00	....
11,158	0	....	0.00	....
10,108	0	....	0.00	....
16,371	0	....	0.00	....
32,752	0	....	0.00	....
50,755	0	....	0.00	....
109,107	0	....	0.00	....
47,525	0	....	0.00	....
53,135	3,373	0.00186	3,111.39	0.00172
40,023	0	....	0.00	....
176,220	0	....	0.00	....
90,835	0	....	0.00	....
63,649	0	....	0.00	....
83,692	0	....	0.00	....
44,289	0	....	0.00	....
9,473	0	....	0.00	....
44,910	0	....	0.00	....
53,158	0	....	0.00	....
46,609	0	....	0.00	....
176,220	0	....	0.00	....
37,990	0	....	0.00	....
37,266	0	....	0.00	....
96,062	0	....	0.00	....
76,388	0	....	0.00	....
94,702	0	....	0.00	....
109,107	0	....	0.00	....
85,350	0	....	0.00	....
70,009	0	....	0.00	....
Total	154,055	0.08317	46,055.25	0.02883•

CONFERRING STATUS AS AN HONORARY VETERAN OF THE U.S. ARMED FORCES ON LESLIE TOWNES (BOB) HOPE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 153, H.J. Res. 75.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 75) to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope.

The Senate proceeded to consider the joint resolution.

Mr. SPECTER. Mr. President, it is my privilege today to ask that the Senate approve legislation to confer the status of honorary veteran of the U.S. Armed Forces to Leslie Townes (Bob) Hope. This resolution, House Joint Resolution 75, which was unanimously approved by the Senate Committee on Veterans Affairs on June 12, 1997, is identical to a companion resolution, Senate Joint Resolution 36, which I, as chairman of the Committee on Veterans Affairs, was honored to introduce on July 28, 1997. I am pleased to say that the ranking member of the committee, Senator JOHN D. ROCKEFELLER IV, and 47 other Members of the Senate joined me as cosponsors of this resolution when I introduced it.

Mr. President, the Members of this body, and the American people as a whole, are acutely aware of the contributions Bob Hope has made to the Nation. His service to country—and; most particularly, to its soldiers, sailors, marines, and airmen over a period exceeding 50 years—are legion. If any person in this country merits such an unprecedented honor—and Mr. President, it is my understanding that no person has ever before been conferred the status of honorary veteran of the U.S. Armed Forces—surely, it is Bob Hope.

As I have stated, Bob Hope's contributions to this Nation are well known to all of our citizens. Less well known is the fact that Bob Hope is a naturalized American, having emigrated from his native England when he was just a boy. I am the son of a naturalized American—an immigrant who walked across Europe with barely a ruble in his pocket so that he could make his way to this country. So I know first hand that a person of humble origins can scale the heights of this country. Few, though, have scaled the heights that Bob Hope has scaled.

When I say Bob Hope has scaled the heights, I am not referring to his success as an actor, a comedian, or businessman—though his success in all three areas has been considerable. When I say Bob Hope has scaled heights, I am thinking of his place in the hearts of his adopted countrymen.

Who in this country is more beloved by a broader spectrum of his fellow citizens than Bob Hope—people of all ages, races, religions, and beliefs? Perhaps none more than Bob Hope. For the past 50 years, this country's fighting men and women could count on Bob Hope to lift their spirits and morale when they faced the prospect of making the ultimate sacrifice. In World War II, in Korea, in Vietnam and, most recently, in the Persian Gulf, Bob Hope and his troupe were there to remind our fighting men and women that they were not forgotten, that their suffering was appreciated. Bob Hope was always with the troops—especially during the holidays—enduring hardship, and often significant physical danger, so that he might encourage those facing greater hardship and danger. Three generations of veterans will never forget how much he cared.

Those three generations of veterans wonder how they might properly recognize Bob Hope. He is already a recipient of the Nation's highest civilian decorations, the Congressional Gold Medal and the Presidential Medal of Freedom. President Carter hosted a White House reception in honor of his 75th Birthday. President Clinton bestowed upon him the Medal of the Arts. He has received more than 50 honorary doctorates, and innumerable awards from civic, social, and veterans organizations. But Bob Hope cannot say that he is a veteran—in my mind, one of the most honorable appellations one can carry. This legislation will remedy that.

I ask that all of my colleagues join me in approving legislation designating Bob Hope an honorary veteran of the U.S. Armed Forces. And I thank the former Commandant of the U.S. Marine Corps and the current president of the USO, Gen. Carl Mundy, for spearheading this effort.

Mr. SESSIONS. Mr. President, I ask unanimous consent the joint resolution be considered read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 75) was considered read the third time and passed.

The preamble was agreed to.

ORDERS FOR WEDNESDAY, SEPTEMBER 10, 1997

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Wednesday, September 10. I further ask that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of the second-degree amendment of the Senator from Alabama, Senator SESSIONS, No. 1125, to the amendment of Senator DURBIN, No. 1078, to S. 1061, the Labor-HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. In accordance with the previous order, I announce that tomorrow the Senate will immediately resume consideration of Senator SESSIONS' second-degree amendment, No. 1125, to Senator DURBIN's amendment No. 1078 to S. 1061, the Labor-HHS appropriations bill.

As Members are aware, the Senate has been able to dispose of all but a few amendments remaining in order to the bill this evening. Time agreements were able to be reached on a couple of the pending amendments.

With that in mind, all Members' cooperation will be appreciated in scheduling time agreements and floor actions on the remaining amendments. Therefore, Members can anticipate rollcall votes throughout the Wednesday session of the Senate, as we attempt to complete action on this important legislation.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:20 p.m., adjourned until Wednesday, September 10, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 9, 1997:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

ROBERT H. BEATTY, JR., OF WEST VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 30, 1998, VICE JOYCE A. DOYLE, RESIGNED.

DEPARTMENT OF STATE

EDWARD M. GABRIEL, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF MOROCCO.

U.S. POSTAL SERVICE

ERNESTA BALLARD, OF ALASKA, TO BE A GOVERNOR OF THE U.S. POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2005, VICE SUSAN E. ALVARADO, TERM EXPIRED.

DEPARTMENT OF STATE

ROBIN LYNN RAPHEL, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA.

WITHDRAWAL

Executive message transmitted by the President to the Senate on September 9, 1997, withdrawing from further Senate consideration the following nomination:

EXECUTIVE OFFICE OF THE PRESIDENT

PATRICIA M. MCMAHON, OF NEW HAMPSHIRE, TO BE DEPUTY DIRECTOR FOR DEMAND REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE FRED W. GARCIA, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 1997.

HOUSE OF REPRESENTATIVES—*Tuesday, September 9, 1997*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mrs. EMERSON].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 9, 1997.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader, or the minority whip limited to not to exceed 5 minutes each, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Kansas [Mr. RYUN] for 5 minutes.

RAILWAY ABANDONMENT CLARIFICATION ACT OF 1997

Mr. RYUN. Madam Speaker, I am here today to discuss one of the most fundamental rights contained in the Constitution, the right to own private property. My bill, the Railway Abandonment Clarification Act, protects private property owners whose land once held a railway. Specifically, it returns powers to the States to determine how to develop railways into trails.

It boils down to this: The farmer owns a piece of land. The farmer allows a railroad to lay a railway, that is, the ties and the tracks, across his land, and to use the land. He grants the railroad an easement, but keep in mind, the farmer still owns the land.

When the railroad stops operating its trains and removes the tracks and railroad bed, again, the farmer still owns the land. However, the problem is that the Federal Government currently tells farmers they cannot use their own land. Instead, the Government tells farmers that the land belongs to the public.

Now, let us talk for a moment about how in the world private land becomes public.

In 1983, Congress passed the National Trails Act, which took power from the States and determined that when a railroad removes its tracks, the land is not abandoned—no tracks, no ties, and yet, the land is still not considered abandoned. It seems to me that this is a prime example of the absurdity of Federal Government. The way this 1983 law is written, the Federal Government not only prevents the farmer from using his land, but it invites special interest groups to come and use the farmer's land for recreational purposes. These special interest groups are granted permission for interim use of the farmer's land. The Federal law tramples on the property owner's rights and it tramples on the rights of many State governments.

Kansas law, for example, says that when a railroad ceases to use its tracks on the farmer's property and the trains stop rolling, the use of the land automatically reverts to the rightful landowner.

The Founding Fathers wrote the fifth amendment to the Constitution to protect private property rights. While best known for its protection against self-incrimination, the fifth amendment also contains what we call the "takings clause" which states, "no person shall be deprived of property without due process of law, nor shall private property be taken for public use without just compensation." This clause provides a constitutional shield that specifically rejects the idea that the Government can seize the property of landowners without compensation, regardless of what public good is accomplished.

In the first 10 years after the enactment of the National Trails Act, the Government took property from 62,000 landowners, and thousands more have lost their property in just the last few years. Not one of these aggrieved farmers, landowners, or homeowners has received any compensation for their loss. It is evident that our constitutional right to own property is eroding, and this must stop.

My bill will head us in the right direction. The Railway Abandonment Clarification Act ensures that farmers and property owners have the use of their own land. It conforms Federal railway abandonment law to the Constitution. It preserves a State's right to determine private property issues, and it continues to encourage trail development.

I want to make it clear that my bill does not repeal the National Trails System Act. It does return constitutionally granted powers to the States and allows them to determine how trails will be developed.

As a runner, I have covered many miles on trails, more than I care to count, and I appreciate good surfaces to run on. But my own desire to run on a trail should not come at the expense of a property owner, whose constitutional rights rest in the balance.

Again, the farmer owns the land, he owns the soil and everything beneath the ties and the tracks. The ties and the tracks belong to the railroad. When the railroad removes those ties and tracks, there is nothing left but the land owned by the farmer.

Somehow, the Federal Government does not believe that Kansans and Americans know how best to use their own land. Instead of making the rights of private property a priority, the Government has made recreational use a priority.

This error in Federal legislation needs to be rectified. My bill would change the law and restore private property rights issues to the State, and ensure Kansas farmers and property owners the use of their own land by conforming the national railway abandonment law to the Constitution.

Madam. Speaker, I urge my colleagues to support this bill and to restore private property rights to Americans.

AUTOMATIC DEPORTATION CAN BE UNJUSTIFIED AND CRUEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Massachusetts [Mr. FRANK] is recognized during morning hour debates for 5 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, last year in a combination of procedural outrage and substantive outrage, we enacted into law, over the objection of myself and many others, provisions which made deportation automatic in a number of cases where deportation is inhumane, disruptive not just to individuals, but to other countries, and wholly unjustified.

No society has an obligation to tolerate within its midst people who are a danger to others, people who disrupt the lives of others. We have had deportation laws on the books to protect us in those situations, although they have

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

not always been enforced with the vigor which should have obtained.

Last year, reacting to the terrorism and other things that happened, we passed legislation to try to improve our internal security. Much of that was sensible and I voted for it. Some of it was simply abusive, demagogic, and cruel. One example was what we did in deportation.

What we said was, in effect, if one has ever been convicted of a felony, one will be automatically deported, despite the virulence of the offense, and in particular, regardless of whether or not in the interim one had become a good citizen.

Let me give an example of what this outrageous law now requires. I recently received a letter, in July, just before we broke, from Michael Carter from the Center of Health and Human Services, a drug treatment center in my district. He told me about a client of his.

He says, this man has been in recovery for 6 years and he is receiving treatment. Due to recent changes in immigration laws, he is being deported due to a charge of possession of heroin in 1989. Since that time, he has had no further incidents, but he is being deported.

Let me read this essay from this dangerous criminal that this Congress is insisting be deported, and let me make it very clear, this is not the fault of the Immigration Service. They have to deport this man because we made it mandatory, foolishly, cruelly, and without justification.

Dear Congressman, I am a 31-year-old man that came to this country when I was 3 months. I was brought up an American and that is all I know how to be. In 1986, I lost three of my fingers in an industrial accident in work. I went through 3 years of surgery and physical therapy. Unfortunately, I found relief from my pain through the use of drugs. I know it was the wrong thing to do, but I got a false sense of comfort from it.

In 1989, I was arrested in Providence, Rhode Island, for heroin and I got 2 year's probation. I made it through those years without incident. I got help for my problem in therapy. I have never been in jail and I am still in therapy.

Let me just note here, as his counselor has said, he has since that time been free of drugs, free of any incident. He had a drug problem. He should not have had it; he acknowledges it. He was found guilty of possession, no violence, no theft; he hurt himself, no one else. He was sentenced only to probation. Now he is going to be automatically deported.

Let me read a little bit more.

Two years ago I applied for citizenship while I was going to trade school. Instead of citizenship, I was arrested. This month I was deported. I go back to court on the 4th of August. I graduated from the New England Tractor Trailer School of Rhode Island, and I have my class A driver's license. I have a corporation interested in giving me a job, but it is on hold.

Sir, I made some mistakes when I was a young man, a kid. But my convictions are 9 to 12 years old and I am showing you my record, and you will see I have had most of the charges dismissed. I have 3 young children, babies, age 3, 5 and 6 years of age. My oldest daughter has cystic fibrosis and she needs the care and love of both of her parents, sir.

I am not a bad person. I am not a terrorist. I am a man who made some mistakes when I was a foolish kid. Sir, I love my children very much, more than life itself, and I have the means to support my children very well with the career I intend to make for myself. I can go anywhere in this country and get a good job driving tractor trailers. I do not know how to write or read Portuguese. I know just enough language to get by.

Where am I going to live? How am I going to eat? I don't know the answers to these questions myself. I am terrified. All of my family is here. I don't know why they want to take a father away from his children. Did I do something that bad where my children are going to lose their father?

I am a 31-year-old Catholic that wants to work hard, pay his taxes, become a citizen, vote, raise my children the best I know how and help them live the American dream. Sir, in my heart and soul I am an American. I love this land and I would die for it.

But he is going to be deported. This is a man, now 31, who when he was very young, after an accident, became addicted to heroin. He should not have been addicted to heroin. He was sentenced to 2 year's probation. He completed that sentence successfully. He has now been in treatment. He has for 8 years been a good citizen. He has since that time brought three children into the world whom he is trying to bring up and protect.

By an arbitrary and thoughtless act of this Congress, well, I should not say thoughtless, unfortunately, thought went into it, he will be deported, no matter how good a citizen he is. No matter how clearly we can establish that he is no threat to anyone, he will be deported and he will be sent to a country which is a foreign country to him.

I hope we will, in this House, change the law and prevent this sort of injustice from being visited on this individual, his children, and other people.

CENTER FOR HEALTH AND
HUMAN SERVICES, INC.,
Fall River, MA., July 24, 1997.

DEAR CONGRESSMAN FRANK: —— is my client. He has been in recovery on this clinic for 6 years and receiving treatment. Due to recent changes in Immigration laws, he is being deported due to a felony charge (possession of Heroin in 1989). Since that time he has had no further incidents. Due to the new law, having had a prior felony, Immigration wants to deport him.

Both he, his family, and I are asking for any assistance you might to be able to provide, to prevent this from happening.

—— is thirty one years old, a father of three US citizen children and has a wife soon to obtain citizenship. He had three fingers severed on his left hand and is partially disabled, but does have a CDL license, Class A.

He wants to work and provide for his family, however, if he is deported, he will not be able to parent his children for five years. Any assistance would be highly appreciated.

Thank you,

MICHAEL D. CARTER, MA, LMHC.

FALL RIVER, MA.

DEAR CONGRESSMAN FRANK: Im a 31 year old man that came to this country when I was the age of 3 months, I was brought up an american and that's all I know how to be. Anyway Sir, about two years ago I decided to go back to trade school, because in 1986 I lost three of my fingers in an industrial accident in work. I went through three years of surgery and physical therapy. Within the second year I unfortunately found relief for my physical and emotional pain through the use of drugs. I know now it was the wrong thing to do but I got a false sense of comfort from it. In 1989 I was arrested in Providence RI for herion. I got two years probation, and I successfully made it through those years without incident. I got help for my problem and therapy which I'm very grateful for. I never been in jail sir and I'm still in therapy which I'm very grateful. Two years ago I applied for my citizenship while I was going to school. But instead of my citizenship I was arrested by the I.N.S. This month I was deported, I go back to court on the 4th of August. I appealed this decision, I graduated from New England Tractor Trailor School of Rhode Island I now have my C.D.L. class A driver's license, I have a lot of corporations that are interested in giving me a job, a career sir. But because of what's happening to me it's on hold, Sir, I made some mistakes when I was a young man, "A kid". But all three convictions are nine to twelve years old. I'm showing you my record sir and you'll see I have almost 75 percent of the charges brought against me were dismissed because I didn't do wrong and I didn't do things the way they said I did and I proved it. Sir I have three young children, babies ages three, five and six years of age. My oldest daughter has Cystic Fibrosis, and she needs the care and love of both of her parents. Sir I'm not a bad person, I'm not a terrorist. I'm a man who made some mistakes, when I was very foolish kid. Sir I love my children very much, more than life itself, and I have means to support my children very well with the career I intend to make for myself.

Sir I can go anywhere in this country and get a good paying job driving tractor trailers. Sir I love this country. I came to this country in 1966 and this country is all I know. I don't know how to write or read Portuguese. I know just enough language to get by. Sir where am I going to live, how am I going to eat. I don't know these questions myself, I'm terrified Sir. All my families are here in the U.S. I don't know why they want to take a father away from his children. Did I do something that bad where my children are going to lose their father for. Sir why even live anymore. I'm scared Sir. I'm sorry for the people who died in Oklahoma, but I didn't kill them. I didn't blow up the Trade Center. I'm sorry for the people who lost their children, the children who lost their father, the wife who lost her husband. But that's what the country is doing to me and my family. I'm a 31 year old Catholic that want to work hard, pay his taxes, become a citizen and vote, raise my children the best I know how and help them live the American Dream. Like my parents did, work hard and they became citizens of this great land. Sir in my heart and soul I am an American. I love this land and would die for it if I had to, to protect it and protect democracy here and in the world. I don't know if you can help someone like myself a statistic to the I.N.S., but a father and financier to my family. If you can help me in anyway, I thank you and am in your debt and prayers for my lifetime, "thank you Sir."

Thank you Congressman Barney Frank.

WHAT IS REALLY NEEDED FOR CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Good morning, Madam Speaker. The only thing more complicated today, Madam Speaker, than our current campaign finance system is the Tax Code. But the solution of ridding the ills of the current system is not by making things more complicated, as much of the legislation that is being offered today in Congress does.

Now, some have suggested that our first amendment rights should be curtailed in order to create some type of mythical level playing field for Federal elections. Now, the minority leader, the gentleman from Missouri [Mr. GEPHARDT], was quoted this year as saying, in Time Magazine, 1997, February 3, "What we have here are two important values in direct conflict. Freedom of speech and our desire for healthy campaigns and a healthy democracy. You can't have both."

Quite frankly, I find this viewpoint wrong. In fact, I believe one can have freedom of speech and healthy campaigns. The American people should never be forced to lose a part of their precious freedom in order to pursue a socially engineered campaign finance system.

The courts have been very clear that the Government cannot restrict the freedom of American citizens in an effort to implement strict expenditure and contribution limits. In Buckley versus Valeo the U.S. Supreme Court, in 1976, ruled that "In the free society ordained by our Constitution, it is not the Government, but the people, individually as citizens and candidates and collectively as associations and political committees, who must retain control over the quantity and range of debate on public issues in a political campaign."

What we need to do is to enforce the campaign finance laws that are already on the books and then work together to simplify the laws so the American people are being well served.

The modern campaign finance system was dramatically affected in 1908 during President Teddy Roosevelt's administration, when corporate contributions were banned. Congress then mandated in 1910 that Federal candidates disclose all campaign contributions.

Congress thoughtfully extended a corporate ban to include labor unions beginning in 1943. Corporations and unions, after these bans, could then only give to Federal candidates through Political Action Committees, PAC's. PAC's are separate, segregated funds that pool voluntary contributions from designated classes of individuals such as members of unions and employees of a company to give or spend in Federal elections.

Now, the Hatch Act in 1940 had also limited all campaign contributions to $5,000. The Hatch Act was then applied to union PAC's when union contributions were banned from Federal elections.

Now, as we all know, the flurry of campaign finance laws in the 1970's revolved around the Watergate scandal. The legislation from the 1970's imposed limits on contributions, required uniform disclosure of campaign receipts and expenditures, and established the Federal Election Campaign Commission, the FEC, as a central administrative enforcement agency. A part of these reforms that limited certain expenditures was struck down by the Supreme Court in the hallmark case of Buckley versus Valeo.

These laws imposed limits of $1,000 per individual every election on contributions to candidates, parties, and PAC's, and a $5,000 limit for PAC's every year. An aggregate limit was set on individuals and PAC's at $25,000 per year that could be given to all Federal candidates, parties, and PAC's.

Again, what is needed now is not to make the laws more complicated. Rather, simplicity is the path to strengthening our system and gaining credibility with the American people. We can also gain a tremendous amount of credibility with the American people by actually investigating and enforcing the current law.

So, Madam Speaker, this morning my message is, like the Tax Code, simplicity and enforceability are what is needed today in the campaign finance reform matter. No matter what laws are put in place, we will have smart people stretching those laws. We need to enforce the laws that are on the books and keep them simple and understandable.

IMMEDIATE FUNDING FOR EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from New Jersey [Mr. PALLONE] is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Madam Speaker, Democrats this week will continue our effort to improve our Nation's public schools. We believe strongly that every child in America should have access to quality public education. Unfortunately, the Republican leadership keeps trying to erode support for public schools. House Democrats' priorities for education include reducing overcrowding in schools, as well as rebuilding crumbling schools.

The dire need to invest in the physical infrastructure of our schools is a matter that every Member of this body has become very familiar with in the last several weeks, and I am referring of course to the delayed opening of the school year right here in the District of Columbia. Because of the decrepit physical conditions of many schools in the District of Columbia, the opening of the school year has been postponed by a minimum of 3 weeks. Talk has surfaced in recent days that the 3-week extension may not be enough, and this is indeed a sad state of affairs. Many school systems across the Nation, including schools in my home State of New Jersey, are badly in need of physical improvements and other upgrades to meet the challenges of the 21st century.

The General Accounting Office has noted that approximately one-third of all schools serving 14 million students are now in need of substantial repair or outright replacement. The GAO has also noted that half of the Nation's schools have at least one unsatisfactory environmental condition. Indeed, as school enrollment continues to grow in the coming years, the need for additional space and modern facilities will be more acute than ever.

For this school year, 1996–97, elementary and secondary school enrollment was a record 51.7 million. That record has been broken by this year's all-time high enrollment figure of 52.2 million. In other words, from last year to this year, the record was broken again.

To put it in perspective, there are more students enrolled in school now than there were when the baby boomers reached their peak school enrollment number in 1971. According to the Department of Education, school enrollment is projected to climb to a whopping 54.6 million by the 2006 school year.

In addition to the need to repair decaying schools, we also need to modernize schools so our students will have the resources they need to compete in today's economy. The National Center for Education statistics have noted that only 4 percent of schools have enough computers to allow regular use by each student. Forty-six percent of schools lack the electrical wiring necessary for computers in all classrooms. A mere 9 percent of classrooms are currently connected to the Internet. More than half the Nation's schools lack the needed infrastructure to access the Internet or network their computers.

The Department of Education estimates that over the next 10 years, 6,000 new schools will be needed in response to the increases in student enrollments.

I wanted to mention, Madam Speaker, that in addition to the effects deteriorating schools can have on the health of children, we must also keep in mind the harmful effects that overcrowding and decaying schools can have on the quality of education to students. I know from my own experience in my own district, having gone around to some of the schools, how limited classroom space, cramming students in the gyms or labs or other facilities can really have a very negative impact on students' attitudes, as well as teachers' attitudes in the classrooms. For these reasons, Madam Speaker, the Democrats are making school construction one of our top priorities within our education agenda.

Last night I was joined in a special order by the gentlewoman from New York [Mrs. LOWEY] who has introduced legislation that proposes to provide local school districts with 50 percent intrasubsidies for new construction and renovation. The plan includes a $5 billion Federal jump-start and has the goal of increasing school construction by 25 percent over the next 4 years. This is the type of thing that we need.

We finished the budget about a month ago, and a big part of that was addressing the needs of higher education, more accessibility, more affordability for higher education. But right now there is this big gap in the whole effort to upgrade our education programs in this country, and a big part of that gap is the need for new schools and to upgrade existing, crumbling schools and to address the issue of overcrowding.

I want to pledge that we, as Democrats, are going to make this a major priority. We are going to pressure the Republicans, the Republican leadership, into addressing this issue and endorsing a plan similar to that of Mrs. LOWEY or some other plan that addresses the need for school construction. It is not something that is going to go away; it is something that is only going to get worse, and there is a need for a Federal partnership with local governments and State governments to address this issue.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Maine [Mr. ALLEN] is recognized during morning hour debates for 5 minutes.

Mr. ALLEN. Madam Speaker, I want to talk about campaign finance reform this morning. I want to say that campaign finance reform does not have to be a partisan issue. It is becoming a partisan issue, but it does not have to be. The question before this Congress is whether we are going to spend millions of dollars and months of time investigating and never get to the step of actually doing some legislating.

I believe that we came here to legislate reform and that we ought to do it. Investigations, millions of dollars and months of hearings, are not enough.

I said that campaign finance reform does not have to be a partisan issue. The freshmen have proved that. The gentleman from Arkansas [Mr. HUTCHINSON], a Republican freshman, and I from Maine, have been cochairing a bipartisan freshman task force composed of six Republicans and six Democrats.

After 5 months of hearings, after 5 months of negotiations, after 5 months of consultations with experts from outside this Congress, with people who represented organizations, who participated in the 1996 election in one way or another, with advocates ranging from those who want to take all limits off campaign spending to those who want to put more limits on candidate spending, after all of that activity, we came up with a proposal, with a bill. It is H.R. 2183. It is the bipartisan Campaign Integrity Act of 1997. It is truly bipartisan.

What does this act do? Well, quite simply, it takes the biggest of the big money out of politics. All of the hearings that are going on on the House side and on the Senate side involve what is called soft money. These are the $500,000, the $1 million contributions to the national parties, and they did not used to be able to be used for television ads, but that is what they are used for today; that is what they were used for in 1996. We need to stop that practice. We need to ban soft money.

The Campaign Integrity Act does that, H.R. 2183. We take the biggest of the big money out of politics by banning soft money. No Federal candidate, no Member of Congress, no Member of the Senate could raise soft money either for the national party committees or for State party committees.

We also make sure that we speed up the process of candidate disclosure so those of us running for office would have to report our contributions on a monthly basis and do so electronically.

Third, we make sure that people will not be able to run third party ads and not tell the public who they are. So there would have to be a filing with the Clerk of the House and with the Secretary of the Senate to make sure that third party independent groups identify who they are and identify how much money they are spending.

As I said, this act is truly bipartisan. The question is, when will the Republican leadership of this House allow a vote on the bipartisan Campaign Integrity Act? When will it happen? We are not asking for a vote next year, we are not asking that this issue once again be put off sometime into the indefinite future. We are saying, act now, do not just investigate now.

This issue will not go away. The American people will not let this issue go away, and this House should not go home, this House should not adjourn without having a vote on a bill to ban soft money.

I suggest to my colleagues that H.R. 2183, the bipartisan Campaign Integrity Act of 1997, is that bill. We need a vote on that bill and all we ask from the Republican leadership is a vote on this House floor.

EDUCATION AND CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California [Mr. ROGAN] is recognized during morning hour debates for 5 minutes.

Mr. ROGAN. Madam Speaker, I have been intrigued by the comments of my two colleagues who just preceded me in addressing the House, the gentleman from Maine [Mr. ALLEN] and the gentleman from New Jersey [Mr. PALLONE]. I am compelled, based on their commentaries, to make a few observations.

First, with respect to the challenge that was made to Republicans on the issue of supporting school construction, neither party has a monopoly on virtue on this particular subject. The question is, how are we going to fund school construction, and which party is truly standing for proposals that will increase school construction?

Back in my home State, when I was majority leader of the California State Assembly, we passed more money for education last year than had been appropriated in almost 30 years. Members then went home after the session and congratulated themselves for that accomplishment. But the reality was that the victory was somewhat Pyrrhic in nature, because in California the manner in which school construction is funded is impeded in two significant ways.

In California, like with the Federal Government, we pay construction contracts with a labor union prevailing wage. The California prevailing wage law works like this: if a school is being built in a rural area of the State, the government pays those with whom it contracts the highest union wage paid to workers in urban areas like San Francisco or Los Angeles, where the cost of living is significantly higher. Rural government contracted construction workers earn wages and benefits averaging some $26 an hour on the cost of the contract. This has a significant negative impact on the number of schools that can be built or have infrastructure repairs.

We Republicans have tried to reform rules like this and make them more reasonable, because we know that only one-half of a school can be built under these windfall agreements for the market price of a whole school. We have not yet been able to overcome the political clout of the labor bosses who contribute heavily to our friends on the other side of the aisle. Is it a coincidence that we get very little support from these colleagues in our calls for reform?

The other thing that impedes school construction on a national and statewide basis is the degree and extent of the topheavy government education bureaucracies that siphon away money from schools.

As a Republican, I believe we ought to block-grant education dollars directly to our schools, and not pour them down the rathole of bureaucrats in Washington. Why should bureaucrats steal 30 to 40 percent of education dollars to feed their bureaucracies, and deny those funds to our children and teachers and local schools? With reform, we would have more school construction, we could pay teachers more, we could end the problem of oversized classrooms.

Why hasn't this occurred? Because time and again, those who support the status quo and derive political and financial support from the status quo obstruct reform. They would much rather see 30 to 40 cents of every education dollar go to pay bureaucrats in Washington or in State governments, rather than see that money returned to our local school districts and go directly to school construction and education needs.

I make a pledge to my friend and colleague from New Jersey, Mr. PALLONE: I will consistently vote in this Chamber at every opportunity to take money from bureaucrats and send it directly to the schools.

I return a challenge to him and to my friends on the Democrat side of the aisle. Our colleague, the gentleman from Pennsylvania, Mr. PITTS, will be bringing up a bill shortly in this Chamber, that is very simple: it would require 90 cents on every education dollar must go directly to the schools, and not to bureaucracies. I challenge them to support this bill, and let their rhetoric match their actions. My guess is that when this bill comes up for a vote, Republicans will almost unanimously vote for it. I also suspect we will not get significant support from our friends on the other side of the aisle. Why? Because they would have to stand up to those who profit from the status quo—those from whom they draw so much political financial support.

Finally, when my friend from Maine, Mr. ALLEN, talks about campaign finance reform, he joins the daily refrain from Members of his party proferring the same sentiments. Why is that in their indignation they never talk about the one real, meaningful degree of campaign finance reform injustice? I have yet to hear a single colleague from the other side of the aisle stand up and condemn the compulsory taking of union dues from working Americans, and having that money used for political purposes contrary to the wishes of those workers. They cry foul over hundreds of millions of dollars taken without permission from working Americans, and having that money funneled almost exclusively into the campaign coffers of Democrats, despite the fact that 40 percent of every AFL-CIO worker in this country is a registered Republican.

In California, if a Republican wants a job in a union shop, he or she must join that union as a condition of employment. When they join that union, money is taken from their paychecks without their permission to fund the political causes of the labor bosses. That is not right, yet these same guardians of good government who pontificate on campaign finance reform each day here have yet to condemn it.

If we are going to have meaningful campaign finance reform, let us start from the ground up and end a system of compulsory stealing of money from those who earn it at the expense of democracy—and freedom.

COMPASSION AND DEMOCRACY GO HAND IN HAND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized during morning hour debates for 4 minutes.

Mrs. CLAYTON. Madam Speaker, the world lost two well-known, highly respected and dearly loved women in the last week, Mother Teresa and Princess Diana.

Mother Teresa. Mother Teresa, early in her life, committed herself to an order of the nunnery and that would have been sufficient in itself, because she had a high calling, and it was indeed commendable and honorable that she did that, but that is not the reason she was dearly loved.

Princess Diana was both titled and wealthy and had style. Again, those attributes and privileges were advantages for her, but again, that is not the reason there was such deep love and emotion for her. In both of their lives, I think we learned that the attribute of compassion was the quality that people endeared from them, or were endeared to them because of.

It was their compassion, their ability to reach out, their ability to be concerned, their ability to embrace others, to reach out beyond their own points of comfort. It was their ability to support and embrace the poor, their ability to support and embrace the lepers, to care enough for the aged or to hug a person with AIDS, their ability to welcome the unwanted, their ability, or certainly Mother Teresa's ability, to comfort the dying.

So as we give tribute to their lives, we have an opportunity, as legislators, to reflect to what extent do we reach out beyond our ability of comfort?

We are having the opportunity to appropriate resources. Do we appropriate resources that also will benefit the poor, the hungry; or have we, as legislators, in the recent years found it very fashionable to have the poor as a political football, to make them scapegoats for our frustration? Has it become very fashionable in this land of immigrants to now have a harsh reality, a harsh attitude? And the reality of that is to find ways to not extend the full service and benefit of our country.

In this country where we say equality and access and fairness are landmarks of our democracy, it has become fashionable to say that affirmative action is no longer the byword, fair play is only for a few and privileged.

I think we have an opportunity to reflect, as we reflect on their lives, what makes this country great. This is a great democracy. It is great beyond its great defenses. That makes us strong. It is certainly great beyond our technology and our great wealth. That makes us competitive and the envy of the world. What makes this democracy great is its compassion, its ability to open its arms to all of the people.

As we continue our legislative responsibility, I think we have the opportunity and the privilege, and I hope also the desire and the need to make sure the appropriations and the promulgation of policies and laws we make also reach to those who are unfortunate, the poor, the hungry, the unwanted.

There are two bills that I would commend to my colleagues to consider. One is Hunger Has a Cure. It simply is a bill now that has more than 100 cosponsors, and I encourage all my colleagues to consider it. It simply says that we care enough about those without food to make sure we provide it.

The second one is to make sure we have equal opportunity for minorities to have access to agriculture resources to end the discrimination that has been documented.

My bill simply says, it is agriculture, equity, and accountability.

I commend both of those bills in the spirit of compassion, fairness of opportunity, what makes this country great in the life of Mother Teresa and the life also of Princess Diana. It is an opportunity to remember our caring about people and our compassion.

FUNDING FOR IMPORTANT PRIORITIES AND OBEYING EXISTING LAWS FOR CAMPAIGN FINANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Arizona [Mr. HAYWORTH] is recognized during morning hour debates for 5 minutes.

Mr. HAYWORTH. Madam Speaker, there is much that the lady from North Carolina had to say with which I agree, and we are honored to serve in this Chamber where we can both agree and disagree about a variety of subjects. I would simply hearken back to one of the most poignant and pointed observations ever made in this city just down The Mall when Dr. King came here in the early 1960's and dreamed of an America where his children would be judged not by the color of their skin, but by the content of their character.

And, yes, the appropriations process is very important. That is why I hope the gentlewoman and many others on the other side of the aisle will join with Members of the new majority to appropriate funds to those who most need the funds.

One example of that will come later in our Labor-HHS appropriations bill with an amendment I offer to put an additional $18 million into funding for Impact Aid school construction, because there is a Federal role to be played, both because of sacred and solemn treaty rights and obligations to native Americans, and also to the many children who are dependents of those in military service and who live on military bases both here in the United States and abroad.

To be sure, Madam Speaker, we confront many issues of great and grave importance in our constitutional Republic, but I would like to address one that I think has been discussed a great deal this morning during the morning hour, and that has to do with campaign finance reform.

Madam Speaker, it is ironic that so many of my liberal friends come to this floor now crying for campaign finance reform. Indeed, Madam Speaker, it is akin to having Bonnie and Clyde, during their heyday, call a press conference to demand that there be a cop on every block, on every street corner in America. That is the incredible irony.

Madam Speaker, there is one central truth with which we should all agree, and that is that everyone should obey existing laws. Indeed, Madam Speaker, as we read the revelations in recent headlines, it is becoming painfully apparent that there are serious questions involving members of the executive branch and the actions they have taken that appear to be in violation of those same campaign finance reform laws.

Indeed, Madam Speaker, one need only remember back a few months ago to hear the words of the Vice President of the United States when he deigned to claim that there was "no controlling legal authority," end quote, to keep him from making fundraising calls on Federal property. Indeed, as records later revealed, the Vice President of the United States made several fundraising calls from his office on the White House grounds. That is in clear contradiction to existing law and to the precedents and the ethics of government where, Madam Speaker, as the gentlewoman from Missouri knows from her own experience, and indeed Members on both sides of the aisle know, we are told from day one that as Members of Congress, we are not here to solicit campaign funds on Federal property. We are not supposed to make use of the taxpayers' dollars to place money in the campaign till.

Campaign finance reform? Certainly. But reform begins with a recognition of existing law. That is why hearings continue in the other body; that is why hearings will take place under the aegis of this House, the Committee on Government Reform and Oversight, to check and to examine the many disparate claims and the disturbing revelations which we read of almost daily. That is why, despite the great hue and cry for campaign finance reform, we need in this House, we need in this Nation, to take charge and to examine the deeds of those who perhaps have not obeyed existing law.

CAMPAIGN FINANCE SYSTEM IS BROKEN AND OUT OF CONTROL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California [Ms. ESHOO] is recognized during morning hour debates for 1 minute.

Ms. ESHOO. Madam Speaker, 8 months ago the President asked the Congress to have a campaign finance reform bill ready for him to sign by the Fourth of July, Independence Day. I think perhaps the President should have then specified the year, 1997. What has happened? Nothing. No hearings, no markups, no bill, no reform, no action.

Our campaign finance system is broken. It is out of control. Hearings and news reports continue to expose a corrosive and insidious system, a system that has cast a shadow of public disrespect, of doubt, of disillusionment, not only on our system, but on this institution. And we know that we can do much better.

In fact, the American people insist on it; and they are right. They are ahead of this system, and they know that something can be done.

Yet despite the hearings, the headlines and the public pressure, the majority continues to defer action, deny a vote and disregard the will of the American people.

We insist that a campaign finance reform bill to ban soft money be brought to the floor of the House before the Congress adjourns this year.

LET US FIX WHAT IS BROKEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California [Mr. FARR] is recognized during morning hour debates for 1 minute.

Mr. FARR of California. Madam Speaker, what is really going on in Congress? We are hearing the Republican leadership, and the Republican committees in the House and the Senate are conducting hearings. They want to investigate and they want to smear.

However, Congress was elected to legislate. We are lawmakers. We can fix what is broken. Why is it that the Republican leadership does not want to fix what is broken?

The GOP has failed to meet every deadline on campaign reform. No hearings on the bills, either Democrat or Republican bills, no vote on the rules, no schedule, no nothing. We are elected to make the law. Every time the Democrats were in control, we passed campaign reform. It was either vetoed or filibustered before it got into law.

Why do the Republicans not want to use that power to pass campaign reform? The answer simply is, they want to hear and smear, not fix.

Madam Speaker, I ask one simple question: When do we get to vote on campaign reform?

AMERICAN CITIZENS WANT ACCOUNTABILITY IN CAMPAIGN FINANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from South Dakota [Mr. THUNE] is recognized during morning hour debates for 2 minutes.

Mr. THUNE. Madam Speaker, I too am very interested in the whole subject of campaign finance reform. As a first-time freshman Member of this body, I found out how difficult it is to try and run a campaign and to raise money.

As we talk about trying to reform the law and trying to figure out exactly what would be the best framework and structure in which to govern campaigns in this country, one of the things that is clear is, we have to find out what things are not working today. We have seen a lot of evidence of late that through the various investigations there are a lot of things that were done that were not consistent with the existing law. We have to find those out.

People get up on the other side and say, well, we need to change the law. Frankly, I think they would much rather change the subject.

I would simply ask the question, what is it that my colleagues would have us to change? John Huang, Charlie Trie, Webb Hubbell, what are the things that my colleagues would have us change about all this process?

As I have traveled the State, my State of South Dakota, some 77,000 square miles, people want a government that is accountable. They want to know that when they elect people to these offices that they can, in fact, trust that the job that they have elected us to do will get done and it will be done in good faith and honesty and integrity.

I am a cosponsor of a bill which I would like to see considered in this body. It is very simple. It says simply, first, no foreign contributions. That seems to be a fairly straightforward assumption.

Second, it says that 65 percent of the dollars that we raise to run campaigns should come from the State or district in which we live or reside. In other words, the people that can contribute to campaigns ought to be the people who can vote for us. That too, to me, seems to be a very simple premise of campaign finance reform.

Third, it would limit PAC contributions to 35 percent of the dollars that go into a campaign.

Those are three very fundamental, simple reforms that I think would clarify what the rules are of this process, and would enable us to have a campaign system that is much cleaner, much fairer, and that the people of this country will know that they are getting accountability from the government that they deserve.

TRIBUTE TO JUDGE GEORGE CROCKETT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan [Mr. BONIOR] is recognized during morning hour debates until 9:50 a.m.

Mr. BONIOR. Madam Speaker, it is with great sadness that I learned on Sunday of the death of our former colleague, Judge George Crockett. Martin Weil in his obituary today in the Washington Post I think captured it very well. This is one of the more remarkable men to have lived in this century.

Judge Crockett was a man who represented Detroit's inner city in Congress for 10 years after compiling a long and often controversial record as a defender of civil rights and unpopular causes. He was described as a kind of folk hero to his constituents of Michigan's 13th District.

Milestones in his career included his service as the defense attorney in the celebrated conspiracy trial of 11 Communist leaders in New York almost 50 years ago. Judge Crockett was cited by the trial judge for contempt of court and served a prison term.

On Capitol Hill he was known for demonstrating the same willingness to stand up for cherished beliefs in the face of withering criticism that had characterized his long career as a lawyer and a judge. In the words of the 1986 edition of the Almanac of American Politics it said, Judge Crockett was a man of steely self-assurance and has done what he considers his duty in much less friendly environments than the House of Representatives.

While in the Congress, he was one of the first Members arrested at the South African embassy and protested against the white minority government. He was an enormously powerful man who had an incredible record in law and in labor work and as a judge. He raised a beautiful family.

My condolences go out to his wife and his children and his grandchildren. He will be sorely missed. He was a man who had a great impact on this country, and I extend the condolences of Members of this body to his family.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 50 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. NEY] at 10 a.m.

PRAYER

The Chaplain, Rev. James David FORD, D.D., offered the following prayer:

We are grateful, O God, that we can be strong in our own faith, and yet be understanding of others; that we can express our own beliefs in word and deed, and yet be appreciative that all persons have the same freedom to express their faith; that we can be confident in our own convictions and yet be patient with those that see the world in different terms.

O loving God, who has given life and love to every person, we express our thanksgiving for the traditions of our Nation, that heritage of religious liberty that has blessed our faith and strengthened our Nation. Keep us all in Your grace, O God, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MILLER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Colorado, Mr. BOB SCHAFFER, come forward and lead the House in the Pledge of Allegiance.

Mr. BOB SCHAFFER of Colorado led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands one Nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. MILLER of California moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 43, nays 347, not voting 44, as follows:

[Roll No. 371]

YEAS—43

Allen
Andrews
Berry
Bonior
Coyne
Davis (FL)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Eshoo
Farr
Filner
Ford
Furse
Gejdenson
Gephardt
Hastings (FL)
Jackson (IL)
LaFalce
Lewis (GA)
Lowey
Maloney (NY)
Manton
Matsui
McDermott
McNulty
Millender-McDonald
Miller (CA)
Mink
Olver
Pallone
Pelosi
Radanovich
Slaughter
Stark

Stump
Thurman
Torres
Waters
Woolsey
Yates

NAYS—347

Abercrombie
Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Flake
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHale
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Rahall
Ramstad
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
White
Whitfield
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—44

Baker
Barcia
Boucher
Carson
Chenoweth
Conyers
Cox
Crane
Dellums
Engel
Foglietta
Gonzalez
Goodling
Hefner
Hilliard
Hinchey
Hoyer
Leach
McCollum
McDade
McHugh
Moran (VA)
Nadler
Oberstar
Owens
Parker
Pomeroy
Quinn
Rangel
Reyes
Riggs
Sanders
Schiff
Schumer
Serrano
Skaggs
Stenholm
Sununu
Towns
Velázquez
Weldon (PA)
Weygand
Wicker
Young (AK)

□ 1022

Mrs. SMITH of Washington and Messrs. KINGSTON, RUSH, COOKSEY, CHRISTENSEN, EHLERS, REDMOND, DOYLE, and TAYLOR of North Carolina changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The results of the vote were announced as above recorded.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Speaker, on rollcall No. 371, I was inadvertently detained. Had I been present, I would have voted "nay."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NEY). The Chair will entertain fifteen 1-minute speeches on each side.

TIME TO CLEAN UP DEPARTMENT OF JUSTICE

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute.)

Mr. BARR of Georgia. Mr. Speaker, when I served under President Reagan as U.S. attorney, one of my colleagues told me of a defendant, a public official who had just been convicted of corruption, who said, "Mr. U.S. Attorney, we knew what we were doing was wrong, but nobody ever told us it was jail wrong."

Well, Mr. Speaker, America was fortunate back then that we had U.S. attorneys and a Department of Justice that were concerned with people who were doing "jail wrong" things and prosecuted them. Now we have an Attorney General who is not only not concerned with prosecuting those who do wrong, but the best this Attorney General will do is to decide whether to decide whether to decide if we will have an independent counsel to investigate clear evidence of wrongdoing by the Vice President.

Mr. Speaker, America yearns for the days when wrongdoers faced a Federal justice system that actually went after the bad guys. The time has come to clean up the Department of Justice.

TRIBUTE TO WILLIAM PASCRELL, SR.

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute.)

Ms. HOOLEY of Oregon. Mr. Speaker, I have the sad obligation today to join this House in mourning the death of the father of the gentleman from New Jersey [Mr. PASCRELL], my friend and colleague.

Mr. Speaker, I did not have the pleasure of meeting William Pascrell, Sr., but I understand that he embodied many of the personal qualities that we admire in this country.

William Pascrell, Sr., was the son of immigrants, a self-made man, a lifelong railroad worker. After retirement, he gave of his time freely to charity. We all know how difficult it is to lose a loved one, so I think I can speak for every Member of this House in saying that we are deeply saddened by this loss.

CONGRESS SHOULD CONSIDER "RENO DIVORCE"

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, those of us in the majority join with those in the minority mourning the death of William Pascrell, Sr. We pass along best wishes to the gentleman from New Jersey [Mr. PASCRELL] and to the gentleman's family.

Mr. Speaker, I listened with great interest to the comments of the gentleman from Georgia [Mr. BARR], a former U.S. attorney, and the gentleman from Georgia is absolutely right.

Mr. Speaker, there is a difference between deliberation and dilatory tactics. Sadly, this Justice Department, in deciding to decide to perhaps one day to decide if there should be independent counsel to check into the alleged wrongdoing of the Vice President, is delaying and stonewalling.

Mr. Speaker, with all due apologies to the gentleman from Nevada [Mr.

GIBBONS], perhaps this body should examine its own form of Reno divorce to see what we can do under the Constitution to examine the actions or the inaction of this Attorney General because, Mr. Speaker, it is important that those elected to high office obey existing law.

DEMOCRATS COMMITTED TO CAMPAIGN FINANCE REFORM

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I want to join with the gentlewoman from Oregon [Ms. HOOLEY] in expressing sympathy for the gentleman from New Jersey [Mr. PASCRELL] on the death of the gentleman's father.

Mr. Speaker, Democrats are determined to bring campaign finance reform to the floor, despite the Republican leadership's reluctance to do so. The problem with congressional elections is that they cost too much, and increasingly the average American cannot run for Congress. The public feels that their vote does not count because of the influence wealthy people have through their ability to contribute large sums of money to a campaign.

My home State of New Jersey sets a very good example of a public financing system that we use for our Governor's race that is going on now. Contributions to the Governor's race, I should mention, are limited. But more important, the amount of private money is capped and then matched with public funds, so that the overall expenditures of the race remain basically even for Democrat and Republican candidates.

□ 1030

I would like to see the same type of system for congressional raises. I believe the public would support this as an alternative to the current race for dollars. Democrats, Mr. Speaker, will continue to press for campaign finance reform.

NATIONAL EDUCATION STANDARDS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I was saddened several months ago when I heard the President abandon the teachers in America. He called for 1 million volunteers to teach our children to read.

In Kansas, the teachers have not abandoned our children. They are teaching reading and writing and math and history and science and other important things. They have not turned from their job responsibility, even if the President has turned his back on them.

Now the President wants to create more government and establish national education standards. Sounds good. I am from the government and I am here to help. But we have done that before. We have national standards. It is for Pentagon procurement. We call them MILSPECS. They are very complicated. Because of those MILSPECS, we bought a $750 pair of pliers.

Now they want to transfer that technology to education. Let us not go there. The States have that responsibility and States like Kansas have established quality performance accreditation educational standards. Kansas has not abandoned educational standards. Let us not complicate education standards and get the equivalent of a $750 pair of pliers. Let the States do their job.

FAST TRACK TRADE AUTHORITY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, stating that exports to Mexico have increased, the President now wants fast track for all of Latin America. In a way that is true.

Check this out. Last month, Fruit of the Loom cut 2,400 jobs in Louisiana, citing no regulations and cheaper labor. As a result, Fruit of the Loom is exporting factories and machinery overseas. This is out of control, Mr. Speaker.

First, the President donates his boxer shorts to charity, then literally takes the tax deduction for it. Now the President wants to donate our BVDs, Mr. Speaker, and give us a training voucher for a job in Latin America.

Beam me up. This is not fast tracking. This is backtracking. I yield back the Constitution that mandates a two-thirds ratification vote of the U.S. Senate to enact a treaty, if anybody abides by the Constitution around here.

SCHOOL CHOICE

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, for America's poorest children education is their most direct path out of poverty. In fact, even children in truly horrible schools manage to escape destitution by dint of relentless determination and honest hard work. But children should not have to pass through metal detectors on the way through the schoolhouse door. If kids are more consumed by the fear of violence than the hope of earning an A on the next exam, the great challenges they face become even greater.

Confronted by school violence and disorderly classrooms, to whom can these children turn? I believe they ought to turn to their parents, of course. But what if their parents lack the freedom to pull their children out of harmful schools? While the status quo interests join together to say "too bad" or join together in offering more hollow promises, Republicans offer America's children hope in the form of school choice and education savings accounts.

Hope is too scarce a commodity to most of our Nation's poorest communities. School choice and education savings accounts level the playing field and offer hope by treating families like real customers and children like real Americans.

CAMPAIGN FINANCE REFORM

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Mr. Speaker, on June 11, 1995, in a very famous photo, the Speaker of the House and the President of the United States shook hands and committed themselves to campaign finance reform. Over 2 years later, we have had over 85 bills introduced and none passed. Why is that? Because it is a tough issue. It is a very difficult issue that not only divides parties but divides us among our own parties.

I encourage the membership to take a look at H.R. 2183, the freshman bill. It is bipartisan. It does the doable. It stops the large donations from unions, corporations, and wealthy individuals, those huge soft money donations that threaten our system.

H.R. 2183, I believe, takes a step in the right direction, not a bill for all time but it is a good, important first step.

NUCLEAR WASTE POLICY ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the rhetoric surrounding H.R. 1270, the Nuclear Waste Policy Act of 1997, is often technical and rarely illustrative in a personal manner, where the impact will be the greatest. Many American cities around this country are going to be affected by this act. Typical American cities such as St. Louis, MO, will become nuclear refuse hubs as radioactive waste is transported and funneled from subsidized nuclear powerplants through St. Louis to the proposed nuclear storage site in Nevada. Residents of St. Louis should know that this waste will travel along Interstate 70, next to North Memorial Drive and the Mississippi River, meaning that if an accident were to occur and a small fraction of the shipping cask's contents were released, it would be sufficient to contaminate a 42-mile square area that would take 460 days to clean up. This would devastate downtown St. Louis, endanger the people living there, contaminate the Mississippi River, threaten every city and person downstream.

Mr. Speaker, my colleagues were sent to Congress to serve and protect their constituents, not mandate a physical, environmental, and economic disaster upon them.

BIPARTISAN CAMPAIGN FINANCE REFORM

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, campaign finance reform does not have to be a partisan affair. It can be a bipartisan affair. In fact, the freshmen of this Congress, six Republicans and six Democrats, worked on a task force and developed the Bipartisan Campaign Integrity Act of 1997. It takes the biggest of the big money out of politics and it does something else: It takes the contentious issues off the table.

There are those on the Republican side who simply want to do something about labor unions. But they know that is a deal breaker. There are those on the Democratic side who want to do something about candidate spending limits, but those over here think that is a deal breaker.

The fact is, we can take the biggest of the big money out of politics. We need to support the Bipartisan Integrity Act of 1997, the freshman task force bill. In this Congress we should legislate, not just investigate. I urge all my colleagues, especially those on the Republican side, to join the 11 Republicans and many Democrats who support this bill.

MOTHER TERESA

(Ms. GRANGER asked and was given permission to address the House for 1 minute.)

Ms. GRANGER. Mr. Speaker, several years ago a newspaper reporter assigned to cover Mother Teresa of Calcutta decided to follow her around for an entire day to see what a day in the life of the Saint of the Gutters was really like.

After visiting several hospitals and feeding the hungry, the reporter followed Mother Teresa to a sewer on the outskirts of town. The tiny woman proceeded to get down on her hands and knees in the middle of the sewer where she began talking to the destitute people living there. The reporter standing on the safety of the concrete street above looked down to Mother Teresa, shook his head and said, I would not do that for a million dollars. Mother Teresa looked up to the reporter and said, "I wouldn't either."

This story captures the essence of a great humanitarian, a woman who touched lives with her Missionary of Charities and saved souls with her message of Christ. Politically incorrect and yet morally courageous, this heroic woman touched the lives of millions with her conviction, her commitment, and, most important, compassion.

Mr. Speaker, I hope we can all join together in the memory of Mother Teresa and work to make America a little more like her, a place where individuals matter, character counts, a place where people love their neighbors and respect themselves and, most important, a place where service and sacrifice are not things people do for money but things people do for free.

MORE ON CAMPAIGN FINANCE

(Mr. TURNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TURNER. Mr. Speaker, I rise in support of H.R. 2183, the bipartisan freshman campaign finance reform bill. Abraham Lincoln once wrote that with public trust, everything is possible. And without it, nothing is impossible. He recognized that a democracy cannot work unless people have confidence and trust in their government.

Over the last few decades, this essential trust has been undermined, not only by periodic scandals but by the everyday practice of raising huge sums of money from wealthy contributors and special interests. Year after year, both parties raise larger and larger amounts of what people in Washington call "soft money," but my folks back home in Texas call "hard cash."

People cannot help but wonder whether their government is for sale to the highest bidder. The reforms that we propose are not intended to help or hurt either party. These reforms are designed to help restore the people's confidence in the independence of their Representatives and in the integrity of their government. The only way to regain people's confidence is to pass campaign finance reform.

STANDARDIZED FEDERAL TESTING

(Mr. THUNE asked and was given permission to address the House for 1 minute.)

Mr. THUNE. Mr. Speaker, in the area of education there has been a lot of talk lately about the importance of testing. I would like to talk today about something we do not hear as much about. That is the importance of learning.

Some people think we do not have enough standardized testing. They think we need to spend more than $90 million on a new Federal test to tell parents how their kids are doing.

Right now schools in my home State of South Dakota and other States around the country already give students two standardized tests. Both of those tests are given in March and both take about a week to administer.

Now, President Clinton wants another standardized test. It would also be given in March and it would take about a week to administer. That means students back home in South Dakota would spend the entire month of March not learning but testing.

Think about it. Would you like to spend three solid weeks filling in the oval next to the correct answer with a No. 2 pencil? I cannot think of anything I would dislike more unless it is spending $90 million to do it. That is why I am urging my colleagues to vote for more learning in our schools and less pointless, redundant standardized Federal testing.

SUPPORT BIPARTISAN CAMPAIGN FINANCE REFORM

(Mrs. MINK of Hawaii asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Speaker, the people of this Nation have a right to expect that the Congress act upon issues that are raised. We are now investigating campaign financing, and every day we hear about this unregulated, unlimited, huge sums of money being poured into our national parties and other independent committees.

Almost all of the bills that have been offered for consideration have one provision in common, and that is ban the soft money contributions that are currently unregulated.

All of us run under a Federal election law that regulates our contributions, no more than $1,000 per election, no more than $5,000 in PAC contributions. Why is it not so simple for this Congress to pass a bill that bans soft money? There is absolutely no justification for our just sitting here and listening to this debate without action. The people have a right to expect this Congress to be responsive. We have the legislation before us to do it. Let us act today.

NATIONAL STANDARDS

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, the issue du jour for the Clinton administration is to create national education testing standards. I find this ironic in light of today's newspaper account: Former Democrat Secretary of Health, Education, and Welfare Joe Califano has just published a comprehensive report on America's schools. He described them as a "candy store" for illegal drugs being available to our Nation's school children.

The Clinton Department of Education's response to this report was, in typical ostrich fashion, to ignore it. They replied that our schools are essentially safe and drug free, so "let's get back to the issue of national standards."

Mr. Speaker, it seems to me that the bipartisan "national education standard" we ought to be working for is safe schools that are drug free. How else can we guarantee our children a world-class education? That should be the first priority of President Clinton and his administration. We Republicans will happily work with him to achieve this national standard that we can all be proud of, and pass on a legacy to children that will endure the test of time.

TRIBUTE TO GEORGE W. CROCKETT

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, I rise to pay tribute to Congressman George W. Crockett who recently passed. Congressman Crockett was a fighter for justice, a student of the Constitution who believed that the Constitution should apply to all of America's people.

☐ 1045

We honor you, Judge Crockett. I want you to know from the bottom of my heart, as my Congressman and for the people who are now in the 15th Congressional District, we will carry your spirit, we will continue the fight, and we too believe that the Constitution of the United States is for all of its citizens.

Rest assured that your memory will live, that your spirit will instill in us the power to continue, the power to fight, and the power that the Constitution really is for the people, by the people. May you rest in peace.

REJECT WHOLE-SCHOOL REFORM

(Mr. SHADEGG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHADEGG. Mr. Speaker, as a parent there is no issue, absolutely no issue more important to me than the education of my children. For us as a Congress there ought to be no issue more important than education, and that issue is critically important to the American people. But, Mr. Speaker, the Labor-HHS bill, H.R. 2264, which we will debate today, holds in it a wolf in sheep's clothing on the issue of education.

I am deeply committed to education reform, but, Mr. Speaker, I believe that the parents and the teachers and the students and the administrators in my school and in any school district know how to reform my school and give our children the best education possible. This bill contains a wolf, a wolf which says, well, we are going to support school reform but only whole school reform, only top-down dictated Federal school reform. Do it by our model, and get the money; do not do it by our model and do not get the money.

We do not need top-down school reform. I urge my colleagues to reject whole-school reform.

VOTE ON CAMPAIGN FINANCE REFORM SHOULD BE SCHEDULED THIS MONTH

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, many of us this morning are demanding that Speaker NEWT GINGRICH schedule a vote on campaign finance reform this month. Rest assured that we will continue to make this demand until it is complied with.

This is not an issue that either party can avoid. Massive unregulated contributions of the so-called soft money have corrupted both parties and have corrupted this institution. Yet it is the Republican Speaker of the House and the Republican Leader of the Senate who are today standing in the way of reform.

Today, money in politics affects everything lawmakers do, even our health and safety. For example, the Meat Institute and the Grocery Manufacturers reportedly spent over $300,000 in the 1996 elections. And today they are in the Congress actively lobbying against new proposed meat inspection standards in the wake of the massive outbreak of E. coli.

America should make it clear to those in charge of this House; they should tell Speaker GINGRICH and tell those in charge of the Senate, Majority Leader LOTT, that they want him to ban soft money; that they want the Congress back so their voices can be heard and they want it done this month.

ENFORCE EXISTING LAWS ON CAMPAIGN FINANCE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, it is unbelievable to hear Democrats talk about campaign finance reform and the need for it while they are strangely, strangely silent on the subject of criminal violations apparently by Members of their party in this administration.

Point in case. U.S. Code 18-1956 prohibits the solicitation or acceptance of laundered campaign contributions intended to conceal the nature, source, ownership or control of the funds. This prohibition would cover the tens of thousands of dollars donated to the Democratic National Committee by dirt poor Buddhists.

If they do not like that law, here is another one; 18 U.S. Code 600 prohibits promises of contracts or other benefits as consideration, favor or reward for political activities such as the Democrat Department of Commerce trade missions in exchange for political donations.

Or this, 18 U.S. Code 601 prohibits the withholding of a benefit or program of the United States from any person who refuses to make a campaign contribution.

There are dozens and dozens of laws that are already on the books that have apparently been violated and the Democrats have no interest whatsoever in trying to enforce the existing law. Let us do not try to confuse things. Let us enforce existing law, then move on to campaign finance reform.

TOBACCO INDUSTRY IS LEADING SOFT MONEY CONTRIBUTOR IN THE COUNTRY

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, if there is even a single violation of the existing laws, be it Democrat or Republican, prosecute it fully, but do not hide behind the latest tabloid news to thwart campaign finance reform.

To any American who wonders why we need that reform, thumb through the bipartisan budget agreement and come across title XVI, entitled Technical Amendments Related to the Small Business Job Protection Act and Other Legislation. Under that title turn to page 322 and learn that one of those small businesses that just got protection was $50 billion for the tobacco industry.

Anyone who thinks that is unrelated to campaign contributions is probably sitting at home waiting for the tooth fairy to arrive.

Ladies and gentlemen, the fact that the tobacco industry is the leading soft money contributor in this country demonstrates the need along with this provision to reform our campaign finance laws in time for the 1998 elections. But Speaker GINGRICH, one of the beneficiaries of the current system, refuses to schedule it for debate. That is why we will have yet another motion to adjourn because of the refusal to deal with this issue.

VOTE AGAINST NUCLEAR WASTE POLICY ACT OF 1997

(Mr. ENSIGN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENSIGN. Mr. Speaker, I rise to voice my strong opposition to H.R. 1270, the Nuclear Waste Policy Act of 1997, which the Committee on Commerce is expected to address soon.

This legislation will have devastating impacts not only on the State of Nevada but on 43 other States in the Union. H.R. 1270 proposes sending thousands of high-level nuclear waste shipments from 109 locations across 43 States to a single repository in Nevada.

More than likely, these shipments will cross Members' districts, by their schools, their churches, hospitals and playgrounds in the process. Here is a very small sampling of the possibilities of that nuclear waste, as it travels across the country, if there is an accident.

Before we vote in support of H.R. 1270, we should ask ourselves: What if this was my district? The possible consequences are chilling. We must all be responsible stewards of our constituents' best interests and vote against H.R. 1270.

DEMOCRATS FAVOR MORE INFRASTRUCTURE MONEY FOR PUBLIC SCHOOLS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the real issue is, I believe, my Republican colleagues have lost their way to school. Rather than filling up the Labor-HHS bill with all kinds of distracting issues dealing with education, they do not realize that our children are in crumbling schools, our children are in schools that are overcrowded.

School enrollment in the United States last year broke the all time high record set by baby boomers in 1971 and has continued to grow. A new Department of Education report found more than 52 million children enrolled in our schools, and yet Republicans rejected the idea of Democrats that wanted to infuse infrastructure money into our communities so that we could rebuild our schools.

Do my colleagues realize that our schools in America need extensive repair, that our children are being threatened by peeling paint, falling ceiling tiles, and crumbling walls? Our Republican friends will mess up the Labor-HHS bill and fill it with all kinds of amendments that are not relevant to providing protection for our children.

Yes, our Republican friends have lost their way to school. We, the Democrats, will find our way, continue to support public education, provide for moneys to improve and encourage our children to learn the right way, the safe way, and rebuild the falling infrastructure in our public schools. That is finding our way to schools in America and that is the side Democrats will be on.

LIMIT USE OF TAX DOLLARS FOR FREE NEEDLE EXCHANGE PROGRAMS

(Mr. COBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBURN. Mr. Speaker, coming before us today is a bill that has an allowable thing for the Secretary of Health and Human Services to control, and it is called free needle exchange programs.

The reason I am up here talking about it is we know a whole lot about how to help people succeed. Our Government is getting ready to spend our tax dollars to help people fail by enabling drug addicts to have needles available to them, to violate the law, to use our tax dollars to have clean needles.

There have been two studies in North America on this subject. Both of them show there is an increased transmission of HIV associated with free needle exchange programs and that there is an increased usage of drugs. We know that that happens. We know that in alcoholism.

One of the precepts in treating alcoholism today in our country is do not enable the patient to fail by enabling their alcoholism. We need to apply that same thing when it comes to drug addiction in this country.

I hope that my colleagues will support this limitation on using American tax dollars for free needle exchange.

STOP THE ATTACK ON WORKERS' SAFETY IN THE COUNTRY

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I am amazed at the continuous efforts to cut occupational safety and health, efforts to scale back protection for workers in dangerous, hazardous, and unsafe situations, efforts to take back and turn around those hard-won gains which have only come about as a result of tragedy after tragedy.

I have even heard individuals on the floor of this House talking about taking money from OSHA in order to help disabled children. And surely disabled children need all of the help that we can give them, but why run the risk of injuring, maiming, or even killing workers in order to help children?

I say let us stop the attack on workers' safety in this country.

SOCIAL SECURITY WILL BE SHORT OF FUNDS AS EARLY AS 2005

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I would like to talk about what I consider one mistake in our balanced budget agreement. I would start by asking the question: What tax has this Government increased 36 times since 1971? The answer is the Social Security tax.

More often than once a year we have been increasing the Social Security tax on American workers. It needs explanation. When Congress enacted the Social Security law in 1935, it was financed by a pay-as-you-go program, where existing workers pay in their tax to support the benefits of existing retirees. It has always been so. As there are fewer and fewer workers contributing their taxes to more and more retirees, Social Security keeps running short of money, and the tax is increased. It is not a sustainable program. That is why it is a mistake for this Congress, for this Government, for this President not to start working on long-term solutions for Social Security.

Dorcas Hardy, a former Commissioner, says we are going to be short again of enough money coming in from those workers as early as 2005. Last year I introduced the Social Security Solvency Act that holds seniors harmless and does not increase taxes on workers. The Social Security Administration predicts that the legislation would keep the System solvent for at least the next 75 years. Let us do something about it Social Security.

FEDERAL GOVERNMENT SHOULD PARTNER WITH STATE AND LOCAL SCHOOLS TO SOLVE EDUCATIONAL PROBLEMS

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, there are 52 million students in public schools today. Fifty-two million students. That is more than at the height of the baby boom generation. The question is are these students receiving the best education?

Students from kindergarten to high school need a positive learning environment, an environment where students can ask questions, and teachers are accessible for individual tutoring, where students and teachers want to teach and want to learn. Students are not receiving enough help and enough support to learn at an adequate level.

This is not the fault of the teachers. Look at the numbers. Fifty-two million students. There is a serious overcrowding problem. Schools are overcrowded, the buildings are unsafe. Thousands of students across our Nation go to school in buildings with leaky roofs and broken windows while students in the District of Columbia here wait until the roofs are fixed to start school.

Teachers are stretched to their limits. In some classrooms teachers are teaching more than 40 students. We need more teachers and more help for teachers. Teachers provide that personal contact and that mentorship. With an increase in teachers, they can accurately assess the needs of their students and focus on that learning.

These are concerns affecting children every day. We need to partner with our local schools and our States to make sure we solve our educational problems.

LOW-DOSE IRRADIATION FOR RED MEAT

(Mr. GANSKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GANSKE. Mr. Speaker, I want to talk about something important to the health of our citizens. In 1994, the Food and Drug Administration was asked to approve the use of low-dose irradiation for red meat. Irradiation kills bacteria like E. coli. It could prevent meat recalls and public scares like that we witnessed for Hudson Beef last month.

Statutorily, the FDA had 180 days to act on this petition. To date, they have failed to do so.

☐ 1100

Mr. Speaker, I have a personal interest in this. As a physician, I know that low-dose irradiation is safe and it could prevent a lot of illness relating to ground beef. I also was sick from food poisoning last summer and I can tell Members that had I been immunosuppressed or an elderly person, the result may not have been as good as it was.

Mr. Speaker, I will soon introduce legislation to protect American consumers by giving approval for the use of low-dose irradiation for red meat, hamburger, so that you can cook your hamburgers medium rare if you would like. It would amend the labeling requirements so that people would know that the are buying low-dose irradiated meat, and it would require restaurants to notify consumers of that choice. This is something we ought to do for the health of all of the people of our country.

MOTION TO ADJOURN

Mr. DOGGETT. Mr. Speaker, in view of the Speaker's failure to schedule campaign finance reform, I offer a privileged motion.

The SPEAKER pro tempore (Mr. NEY). The Clerk will report the motion.

The Clerk read as follows:

Mr. DOGGETT moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Texas [Mr. DOGGETT].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DOGGETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 29, nays 367, not voting 37, as follows:

[Roll No. 372]

YEAS—29

Allen
Berry
Conyers
Coyne
Davis (FL)
DeFazio
DeLauro
Dingell
Doggett
Eshoo
Farr
Filner
Frank (MA)
Gejdenson
Hastings (FL)
Lewis (GA)
Lowey
Manton
McDermott
McNulty
Miller (CA)
Mink
Pallone
Pelosi
Slaughter
Stark
Thurman
Torres
Woolsey

NAYS—367

Abercrombie
Ackerman
Aderholt
Andrews
Armey
Bachus
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Flake
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—37

Archer
Baesler
Baker
Bateman
Bono
Brown (CA)
Burr
Carson
Delahunt
Dellums
Engel
Foglietta
Gephardt
Gonzalez
Hilliard
Hostettler
Hoyer
Kennedy (MA)
Matsui
Meek
Moran (VA)
Norwood
Oberstar
Owens
Pascrell
Pomeroy
Quinn
Rangel
Reyes
Riggs
Sanders
Schiff
Schumer
Serrano
Tierney
Towns
Velázquez

□ 1121

Mr. HEFNER changed his from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the further consideration of H.R. 2264, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. NEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to the order of the House on Thursday, July 31, 1997, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2264.

□ 1124

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1998, and for other purposes, with Mr. BEREUTER, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Monday, September 8, 1997, the bill was open for amendments from page 11, line 1, through page 25, line 8, and pending was the amendment offered by the gentleman from Indiana, [Mr. SOUDER].

Is there further debate on the amendment?

Mr. SOUDER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The SPEAKER pro tempore. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. SOUDER. Mr. Chairman, I would like to explain the content and purpose of this amendment, which I strongly support.

This would increase OSHA's Compliance Assistance Program by 50 percent, $23 million over the recommended amount of $45 million. Compliance assistance funding has been increased, but the increase has been insufficient.

The increase in funding to this vital program would be offset by decreases to funding for Federal enforcement funding by $21 million, there is already $127 million for enforcement in the bill, and executive direction and administration by $2 million, of which there is $6.5 million in the bill.

So we would leave the bulk of the enforcement dollars there. We would leave the bulk of the administration dollars there, but would put the dollars toward what we promised to do when we got elected, and that is to try to work more with the businesses and the workers at the factories, at the small businesses and companies around this Nation, to avoid accidents, serious accidents in particular, rather than do the more harassing type of things that we have heard so many stories about on the floor.

We have heard a lot from Members here about the importance of health and safety laws. This is not a debate about health and safety laws, this is a debate about how best to protect the safety and health of our American workers. Is it better preserved by harassing or better preserved by working together with the businesses?

We try to address these concerns in this amendment through onsite consultation programs, by designated State agencies conducting general outreach activities and providing technical assistance at the request of the employers, training and education grants, fostering and promoting voluntary protection programs that give recognition and assistance to employers who establish occupational safety and health programs, and the OSHA Training Institute. This amendment would reduce the overhead and administrative costs. It is a clear tradeoff.

Mr. Chairman, I believe this is wanted. We have heard from Members of Congress during this debate that we have a tremendous backlog. Why not? In some States the demand for onsite State consultations for small businesses is so high that a small business owner who has asked OSHA for help can take up to a year for a consultation visit.

This is ridiculous. The businesses want to work to try to make their environment safe, but cannot find out what they need to do. We need to focus on prevention, rather than harassment.

Let me give you an example that we heard in the hearing with Mr. Dear and talked about, the head of OSHA, in an oversight hearing.

There was a question about roofers and whether or not in asbestos that if you are chewing gum while you are working on a roof, it increases your risk. There was a rule put in fining businesses if their employees were found to be chewing gum on the roof.

I am not sure what the point of this was, whether the businesses were supposed to hire a gum Nazi, who goes up on the roof to try to find out whether somebody is chewing gum, or every 20 minutes you haul the people down off the roof and have a mouth inspection.

Mr. Dear's reaction was, yes, this regulation seemed a bit petty. The focus should have been to have the companies tell the employees, look, it is true; if you chew gum, you might inhale more through your mouth than you should.

The problem comes when you put somewhat nonsensical rules in that are impossible to enforce, businesses just give up. Instead, we have what seems to be harassment on chewing gum or on other things, as opposed to focusing on the type of tragic deaths we have heard about here on the floor.

□ 1130

This amendment would try to address that. We have debated last evening and at the end of last week taking some of the OSHA funds, which is an increase, and nobody proposed to eliminate OSHA, to cut OSHA, and nobody was trying to wipe out the health and safety efforts in this country.

What we are saying is, we do not think there is any evidence, and nobody has disputed this, deaths have gone down whether or not Congress has increased OSHA, cut OSHA, or kept OSHA flat funding. The way OSHA currently works there has been no impact on the deaths.

We heard, well, we are going to try to do more in compliance. But we wanted to move the increase over to vocational education. We were defeated. We wanted to move the increase over to disabled students. We were defeated. We heard about these great efforts to try to do compliance. OK, here is an amendment that says, we clearly see from the facts that the spending on OSHA has not had an impact on the rate of deaths, so let us try to reform OSHA internally.

I believe that this amendment, like the others, is likely to get the support of the majority of this party. I do not know whether this amendment will pass, but an interesting thing is occurring. I want to make, again, this point. What is happening in these amendments in title I, and I think Members will see this in title II and I think they will see this in title III and in title IV, is that the majority of our conference is, to say the least, very uncomfortable with this bill. We are concerned about the specifics of this. Most of us in this party voted for the budget agreement.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. SOUDER] has expired.

(By unanimous consent, Mr. SOUDER was allowed to proceed for 1 additional minute.)

Mr. SOUDER. Mr. Chairman, as we go through this process we understand we are going to spend more money. Now, the question is, Will it be in new programs or old programs, and what will the priorities be within this? That is what we are attempting to do here. It is not a filibuster, but a genuine debate about the priorities. This amendment moves it to compliance as opposed to enforcement.

Mr. OBEY. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, businessmen are a lot like politicians. There are good ones and there are bad ones. This amendment risks torpedoing this bill. Make no mistake about it, it is a killer amendment as far as this bill is concerned.

Second and more importantly, it risks killing additional American workers, and it risks seeing more permanently disabled workers. It seeks to take a large amount of money from the enforcement provisions of OSHA, and moves it instead into the voluntary compliance programs at OSHA.

As I said twice before on this floor, Sylvio Conte, who used to be the ranking Republican on this floor before he died, Sylvio and I were the two Members of this House who held up all OSHA funding until OSHA agreed to establish a voluntary compliance program. I am proud of that. I am also proud of the fact that voluntary compliance has already increased in budgetary terms over the past 3 years by 80 percent. But I would point out that that has occurred at the same time that the enforcement provisions, the enforcement budget for OSHA, has declined by $10 million. I do not think it can afford to decline by more.

The result of this amendment will be to add literally decades to the time it takes for the small number of OSHA inspectors in each State to inspect each eligible business at least once. In Georgia it already takes 277 years for OSHA to reach every business and inspect it once. This will increase that number of years to 346.

Do Members really believe that is responsible protection for workers? In Missouri it will increase the number of years it takes to reach each business from 339 years to 424 years. I do not think that is responsible. I would point out, this amendment does not even apply to the gentleman's home State, the gentleman who offered the amendment, because this amendment only cuts Federal enforcement. It has no effect in States that have State-run programs.

So what it will mean is that it will cut enforcement protections in my State by about 25 percent, it will cut enforcement inspectors by about that amount, it will do the same thing in the State of the gentleman from Illinois [Mr. PORTER] and in States like ours, but in States like Indiana, Iowa, Kentucky, or Minnesota, it will have no effect whatsoever. That makes no sense. I doubt that is the gentleman's intent, but that is the effect of it.

Second, I would point out, as I said earlier, there are good businessmen and there are bad businessmen, just as there are good politicians and bad politicians. The effect of this amendment is to spend a lot more money reviewing the practices of the good guys, and it gives OSHA a whole lot less capability to review the practices of the bad guys.

I want to give Members just one example of why we need the twin tools of enforcement as well as voluntary compliance. There was a corporation in Maine called the DeCoster Co. DeCoster participated in a voluntary compliance program under OSHA which allowed them to partner with OSHA, rather than be subject to their traditional inspection enforcement.

But sadly, the country found out that DeCoster was a "bad apple," and they manipulated that program. The company transferred a single machine guard from machine to machine, taking pictures of each machine with the guard attached. It then sent those pictures to OSHA, claiming that the guards had been attached to all of the machines.

The company's actions were so egregious that the company was ultimately hit by OSHA for enforcement, and they were hit with a $3.8 million fine, and deservedly so.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 5 additional minutes.)

Mr. OBEY. Mr. Chairman, the list of violations by that company is stunning. They failed to properly guard machines. They failed to lock up dangerous equipment when not in use. They failed to provide respiratory protection for workers. They failed to provide protective clothing.

DeCoster's workers were shipped in from south Texas and stranded in inhuman conditions. They were forced to live with sewers that were so backed up that they had to discard their used toilet paper in a trash can. They were given a chance by OSHA to comply voluntarily, and they misused and abused that chance, and that is why OSHA had to come in with enforcement actions.

Mr. Chairman, I would like to read just three paragraphs from a newspaper article entitled, "A Shameful Legacy." It reads as follows:

> The transgressions for this company date back nearly a decade when the Federal Government fined him in 1988 for 184 workplace violations, including hiring illegal aliens. Last year, OSHA inspectors found immigrant workers living in cockroach- and rat-infested housing and forced to work in hazardous settings. The violations included having workers handle chicken waste with their bare hands.
>
> Former Labor Secretary Robert Reich called DeCoster's operation "* * * as dangerous and oppressive as any sweatshop I've ever seen."

Now, it just seems to me that the responsible thing for this Congress to do is exactly what the committee has done. We have provided an 11-percent increase in the voluntary compliance operations at OSHA. We have provided roughly a 1-percent increase for the rest of OSHA operations, which means that in real dollar terms, the rest of those operations will already suffer a real dollar reduction in terms of the services they are able to provide.

We have already had a 17-percent reduction in the number of inspections around the country under the new OSHA administration, under Joe Dear. This amendment is really a gutting amendment. It guts this bill. It guts the ability of OSHA to prevent additional fatalities by being able to inspect and fine where they need to.

Mr. Chairman, I would urge the House on both sides of the aisle to recognize the committee has produced a balanced approach to this problem, and I would ask the House to reflect that same balance when it votes on this amendment.

Mr. NEUMANN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I think it spells out philosophically where we stand and where we think we should be going in this country in a different priority, and where the dollars are being spent within the setting of OSHA.

Nobody is asking for a cut or a reduction in OSHA spending in this amendment, but it is a question of whether we are going to allocate our dollars toward enforcement, or toward helping those good guy-bad guy businesses that my colleague, the gentleman from Wisconsin, was talking about, the good guy businesses, who are genuinely interested in the safety and well-being of their work force, helping them understand what they must do to reach that compliance.

I think it is real important that we note that the current numbers of spending are about $45 million for helping the good guy businesses, helping those people that are genuinely interested in improving the safety of the work force, they get about $45 million of the OSHA dollars, where the enforcement part is about $127 million.

This entire debate that has been going on in these amendments to this particular appropriation bill has been about priorities of spending. What we are saying here is that our priority is higher in helping those businesses that are genuinely interested in reaching compliance and the safety and well-being of their work force.

They want people to come in and show them areas where they could be safer and could provide a better workplace for their work force. There are not enough dollars currently to do that. That is why we are suggesting we reallocate dollars from one portion of OSHA to another.

I think this fits very much in line with what has been going on the last couple days as it relates to this particular appropriation bill. I would like to bring my colleagues up to speed on the last three amendments that we have voted on, and what the priorities of this conference and the other conference are, because I think it spells out where we stand and what we think is important in terms of where the Federal dollars are being spent. We had one amendment that suggested we take the increase in OSHA spending, and this is not a cut in OSHA spending, but we take the amount that was increased and we move it to vocational education.

The two conferences were very lopsided in their votes on this. The Republican conference voted 155 to 156 to move the increase in OSHA spending to vocational education; that is, take the increased dollars from OSHA and move it over to an education program. The other side voted 35 to 180.

There is a clear split here in the philosophy of these conferences as to which issue and which program is most important that we spend the dollars on; in this particular vote, an increase in OSHA spending, a move to education, the Republican conference voted 2 to 1 to go ahead and do that. The other side was almost unanimous the other way.

Another one we had, another amendment, was to increase spending, again in the OSHA area, and move that to help disabled children in the IDEA Program; that is, the Disabled Children Education Program. Again, it is a movement from the OSHA account, and again, not a cut in the OSHA account. But the new dollars that were being added to this, the increase in spending over last year's level, the idea is to move those dollars to this education program to help the most needy students in our country, the disabled students.

Again, the conferences were very split on this. The Republican conference voted 164 to 59, again, a 2 to 1 agreement within the Republican conference, that these dollars should in fact be moved over to help our disabled children. The other side was 3 to 200. So again, we see the different priorities here between the two conferences.

That is what this debate is all about. One conference agrees that the money should be spent to increase spending in OSHA, and again, there is no debate about whether it should be cut back, it is a debate about whether it should be increased, if those increased dollars should go to OSHA or they should go to help disabled students. Again, the conferences are very split, with the Republican conference voting 2 to 1 that the money should go to help the disabled students versus an increase in spending in OSHA.

We had one more that took the increase in OSHA to another education program. That was 152 to 59 in the Republican conference, again, a 2 to 1 priority to put the money into education versus increase the amount of money spent on OSHA.

Now today we are really debating an amendment that is within the OSHA parameters itself: should the money go to the enforcement, which is what has turned off so many people in the country, or should OSHA be prepared to go into the businesses, tell them how to comply with the rules, help them see how to provide the safest workplace for their work force, and then allow them to meet those requirements; or should it be writing out fines and scaring businesses so that they are afraid to see the OSHA person.

Businesses out there are very interested in the safety of the work force. I come from the business world, and I know businesses are extremely interested in the safety of their work force. That is a top priority in virtually every business we saw.

What we wanted in the business world was the ability to provide the safest workplace possible for our work force. What we did not want was to be so overburdened with rules and regulations that we threw up our hands and said, we can't comply with these rules no matter what we do, and even if we try, the Government is going to come in here and fine us for something because they have so many rules nobody could possibly understand them.

□ 1145

That is what businesses did not want.

The CHAIRMAN pro tempore (Mr. BEREUTER). The time of the gentleman from Wisconsin [Mr. NEUMANN] has expired.

(By unanimous consent, Mr. NEUMANN was allowed to proceed for 1 additional minute.)

Mr. NEUMANN. Mr. Chairman, what this amendment is doing is getting us to the point where the businesses that would like to provide the safest workplace possible have the ability to do that, working in conjunction with OSHA. OSHA becomes a workplace-friendly assistant in providing the safety for the work force, as opposed to a threat with so many rules and regulations that nobody can abide by them.

Mr. Chairman, I would close my argument by reminding people that the enforcement part is getting 3 to 1 more than the compliance part, or the part that would actually help businesses provide the safer workplace.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the gentleman from Wisconsin [Mr. NEUMANN] gave the House some interesting comparisons in the difference in voting patterns between the Democratic Caucus and the Republican Caucus.

I find those interesting, but what I think needs to be understood is that what the committee tried to do is not to find a Democratic answer or a Republican answer to these problems, but to find a bipartisan American answer, and it came up as the committee product and I think it ought to be supported.

Mr. Chairman, the gentleman says that OSHA ought to engage in voluntary compliance activities and not mandatory enforcement activities. My response is that they ought to do both, because we have, as I said earlier, good businessmen and bad businessmen. We have 6 million businesses in this country. We have only 900 Federal inspectors to review the activities of those companies. It seems to me that those numbers alone indicate that there is a lot of work to be done to protect workers' lives in both the voluntary compliance portion of OSHA's responsibility and the enforcement compliance portion.

Mr. Chairman, I would hope that Congress would recognize its obligation to also support both.

Ms. PELOSI. Mr. Chairman, reclaiming my time, whatever the good intention of the gentleman from Indiana [Mr. SOUDER] to have this legitimate discussion about how funds are spent at OSHA, the gentleman from Wisconsin [Mr. NEUMANN] made it very clear that once again we see this within the context of the Republican majority trying to gut the ability to have safety in the workplace.

Mr. Chairman, while hiding behind children in America, disabled children at that, the Republican majority is trying to say: Give us a few crumbs for these children, while we jeopardize the economic security and the safety of their parents in the workplace.

Mr. Chairman, the argument made by the gentleman from Wisconsin [Mr. NEUMANN], and others on the Republican side, ignore completely the reforms of the Clinton administration as far as OSHA is concerned. I put some on the RECORD yesterday, and would just only like to add a few more to say that compliance assistance is a major emphasis of the new OSHA under the Clinton administration.

The new OSHA uses commonsense enforcement to emphasize results, not redtape. The old OSHA practice of setting standard priorities was haphazard. The new OSHA instituted a priority planning process to focus on the most important issues.

Why, then, does the Republican majority want to gut the ability to promote safety in the workplace? This amendment slashes Federal funding for workplace safety and health by 16.5 percent. It would lead to a cut in about 300 FTE's in OSHA's enforcement efforts. OSHA's staff of compliance officers could be cut by 25 percent. I repeat, despite the good intentions of the gentleman from Indiana [Mr. SOUDER], OSHA's compliance staff would be cut by about 25 percent.

Mr. Chairman, experience shows that without credible OSHA enforcement presence, fewer employers will request consultation assistance and be willing to engage in a cooperative effort to partner with OSHA. In fact, the National Association of Occupational Safety and Health Consultation Programs, which as the Chairman knows represents the State agencies to help private business with consultation, they have said that firm, fair, and effective enforcement of workplace safety and health standards is essential to reducing occupational fatalities, injuries, and illnesses. That is why they oppose this amendment.

They also say enforcement and consultation are complementary approaches to the same end. Any effective strategy for achieving overall safety and health compliance must include both approaches in balance.

Mr. Chairman, that is what the bill of the gentleman from Illinois [Mr. PORTER] strives to do, and I rise in defense of the committee bill. The Souder amendment would transfer $25 million from the OSHA Federal enforcement account. Enforcement and compliance assistance are both important. The committee bill strikes an appropriate balance.

Since fiscal year 1995, compliance assistance funding has increased by 79 percent. At the same time, funding for enforcement has decreased by 5 percent. Removing the careful balance between compliance assistance and enforcement has consequences in terms of protecting American workers from death and injury.

The CHAIRMAN pro tempore. The time of the gentlewoman from California [Ms. PELOSI] has expired.

(By unanimous consent, Ms. PELOSI was allowed to proceed for 1 additional minute.)

Ms. PELOSI. Mr. Chairman, I urge my colleagues to oppose the Souder amendment. Protect American workers. Keep funding priorities in balance. Support the bipartisan committee bill and reject once again, for the fifth time since Friday, this attempt on the part of the Republican majority to gut enforcement of safety in the workplace.

Mr. SHADEGG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment as making simply good sense for America, urging OSHA to work with employers to ensure safety, rather than to threaten employers.

Mr. NEUMANN. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Wisconsin.

Mr. NEUMANN. Mr. Chairman, I just wanted to respond to the comments that we just heard and put some of this in perspective. I think it is sad when we start using words like "gutting" and "slashing," when in fact there is no change to the OSHA funding level in this particular amendment proposal. There is no change to funding at all.

Mr. Chairman, the only question is whether it goes to the enforcement part or to the part that helps businesses provide compliance and provide a safe workplace. Mr. Chairman, I heard the gentleman from Wisconsin [Mr. OBEY] say that we need both. We definitely need to do both of these, and for a change I absolutely agree with the gentleman. We do need to do both.

Mr. Chairman, what this amendment is doing is creating more of a balance between how much we spend in each place. We are currently spending $127 million on enforcement and only $45 million on the other portion of this, or the compliance portion. What this amendment is doing is trying to create a stronger and a better balance between these two so that the OSHA group can become a group that is worker friendly and that can actually accomplish the goal of providing a safer workplace for our work force.

Mr. SHADEGG. Mr. Chairman, reclaiming my time, let me briefly state that I think this amendment strikes the right balance. I said, in discussing a similar OSHA amendment last evening, that as a young man I worked on a construction site and I was dependent upon the people who managed that site for my safety. If they were negligent, if they had dangerous practices, I could have been injured on that site.

Mr. Chairman, I think worker safety is important to all Americans. One of my colleagues recently commented that the last thing any employer in America would ever do would be to call the Federal agency charged with worker safety and invite them in to help look at a job site and improve safety on that job site. Why? Because they would be desperately afraid that that organization, OSHA, rather than working to solve the problem, rather than giving them advice on how to avoid future injuries, would simply punitively punish them for what they had done, slap fines on them, slap them on the wrist and issue a critical report.

Mr. Chairman, we need a balance. Human conduct is easy to understand. We need to achieve goals with both the carrot and the stick. This is a measure to say let us give a little bit more incentives. Americans, humans respond to incentives. This says let us shift some of this money to incentives to protect workers rather than just punitive measures.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, to reiterate this point, because we heard this last night, this is what Mr. Dear wants to have OSHA go to. We are not trying to wipe out the agency. He wants to move to working more toward businesses. We started that process and we are merely accelerating a process that the committee acknowledges that they want to do. Nobody accuses them of slashing and gutting.

Mr. Chairman, we have to make some adjustments in the rhetoric here on the floor. In consultation visits with the State money for grants, we have made 26,000 visits, which is $1,200 a visit. When they do the inspection, they made 35,000 for $125 million, which is $3,000 per inspection.

Mr. Chairman, we can reach more of these businesses. It will not take 277 years to get to every business in America. Furthermore, not every business in America is a violator. If we fund more for conferences, more for consultations, more for working with businesses, then we can have a declining amount in enforcement focused on those who are not following through. So when we have the follow-up to see whether the people have worked with it, and the checking, we can have more targeted enforcement because we will have more people understand.

Mr. Chairman, that is what we are doing. We need an adjustment in the rhetoric on the floor in this debate.

Mr. SHADEGG. Mr. Chairman, reclaiming my time, it seems to me that we can improve the climate on job sites across America by this kind of measure. My brother is in the construction business in Tucson, AZ. He builds homes. And he, rather than having a working relationship with OSHA, lives in daily fear of OSHA. That is not the kind of model we ought to be encouraging. That is not the kind of structure which will enhance to the greatest degree possible worker safety in this country.

Mr. Chairman, I commend the gentleman from Indiana and I join him in his amendment. I think it does strike the proper balance for worker safety in this country, which is achieved through both incentives to improve worker safety and punishments for those who choose to be negligent, choose to have unsafe work sites, and choose to cause injuries by their own negligent conduct.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the gentleman indicates that we ought to set OSHA up so that businessmen can respond to positive incentives.

The CHAIRMAN pro tempore. The time of the gentleman from Arizona [Mr. SHADEGG] has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. SHADEGG was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, I was under the impression that what we learned when we reformed welfare is that there are some people who respond to positive incentives and some people who respond to negative incentives, and we need to have both in order to make the world work.

Mr. SHADEGG. Mr. Chairman, reclaiming my time, that is precisely what I believe the gentleman's amendment does. It strikes a proper balance between incentives and punishment. And, indeed, that is what he seeks to do by the amendment, and that is what I believe he is doing.

Mr. OBEY. Mr. Chairman, if the gentleman would continue to yield, and if I could complete my thought, I was simply going to say that I think that many businesses respond to those positive incentives because they know that if they do not, they have the possibility of fines coming at them. That is why we are trying to preserve the balance between the programs.

Mr. SHADEGG. Mr. Chairman, again reclaiming my time, I guess I have a more positive view of human nature than does the gentleman from Wisconsin [Mr. OBEY]. I do not believe that those businesses across America respond to worker safety challenges just because they are afraid of OSHA. Indeed, I believe employers across America genuinely care about safe working conditions for their employees.

Indeed, the businesses I know recognize that skilled and valuable employees who become injured are a grave loss to them. That skilled and valuable employees who are lost to a job site because of an injury, they do not fear the OSHA penalty. Of course that is something that causes them problems, but they fear the economic impact they lose by the loss of that employee. I do not think it is appropriate to give them as a motive the belief that all they do is respond positively because of their fear.

Mr. OBEY. Mr. Chairman, if the gentleman would again continue to yield, that is not what I am suggesting. What I am suggesting is that there are plenty of both types of businessmen and we need to be able to respond to both types.

Mr. SHADEGG. Mr. Chairman, again reclaiming my time, what I think this amendment shows is that we believe there is not a proper balance. We believe there ought to be more incentives.

Ms. STABENOW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, continuing the discussion that we have been having here this morning, I would rise to suggest that while the majority of businesses in fact want to do the right thing regarding their employees, it makes economic sense, it makes good sense as employers who care about their employees. The reality is that this is about balance. And when, in fact, there is a problem, when, in fact, someone is knowingly proceeding to create a situation that is dangerous for workers, OSHA has to have the ability to respond and to protect workers and, as well, protect the majority of businesses by standing up to those that proceed in a way that hurts workers.

□ 1200

We have heard this morning various comments and discussions about what Joseph Dear has been doing and OSHA, what has been done, no question about it, moving on the right track, reinventing OSHA, moving more toward the notion of education and voluntary compliance, and those are the kinds of things that we want to see done.

I am in full support of that. I want very much to see that continue as an emphasis. But I think that it is important to understand what Mr. Dear himself believes about this amendment. I would like to read a statement that he has just issued this morning:

> When I began the task of reinventing OSHA in 1993, one of the first realizations we at the agency had was that in order to be fully effective, OSHA must utilize a full range of tools and options. We carefully crafted a program that was a balance of compliance assistance and enforcement, knowing that a credible enforcement effort is necessary to ensure that employers would not look upon the agency as merely a paper tiger.
>
> The effort in the House to shift 16 percent of OSHA's budget, $23 million, from enforcement to compliance assistance does not serve either the program or America's workers well. Under the new OSHA, serious violators know they will face serious consequences. The Agency has demonstrated it does not penalize those employers who take workplace safety and health seriously and act in good faith. It is unthinkable that the new OSHA's proven track record, short though it may be, should be cutoff at this critical juncture with the shortsighted shift in priorities.

I would agree. I would urge my colleagues to vote "no" on this amendment.

Frankly, as a member of the Committee on Agriculture, I understand as well, working on food safety issues, that there is a direct relationship between what my constituents are concerned about in food safety as consumers and what happens in terms of OSHA. When we look at the fact that we have now through Hudson Foods seen the largest recall in the history of the country in meat, and we know that they were, in fact, under investigation by OSHA for violations on safety, there is a relationship. There is a relationship when they are cited for their place of employment not being kept clean and orderly or in a sanitary condition and that pieces of chicken and chicken fat were allowed to accumulate on the floors and under elevated platforms in the fillet and cut-up department, thus causing slip and fall injuries.

I would suggest it not only causes slip and fall injuries but that it also caused sanitary problems that related to what was happening there at the plant that resulted in the recall of meat and the safety of the public being jeopardized as it related to food safety.

There is a relationship. When Hudson was cited for drainage not being maintained when they used their wet processes, it is not only a safety issue, it is a food safety issue and a worker safety issue.

I would urge my colleagues to vote "no" on this amendment. I appreciate the fact that the focus that is desired by my colleagues is on education and on voluntary compliance. I support that. But it is very important that we have a balance that allows in those situations, which I believe are few but serious, it is critical for the health and safety of the public and American workers that OSHA have the ability to step in and protect health and safety.

Mr. SOUDER. Mr. Chairman, will the gentlewoman yield?

Ms. STABENOW. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I believe I heard the gentlewoman state a figure that was beyond where the amendment went. The amendment only takes 20 percent of enforcement and moves it to compliance. It leaves 80 percent of compliance dollars there at the Federal level and the State compliance dollars there, so there is nearly $200 million of the $220 million left in enforcement. It increases the compliance only $20 million. I wanted to make it clear that 80 percent of the enforcement is still there.

The CHAIRMAN pro tempore (Mr. BEREUTER). The time of the gentlewoman from Michigan [Ms. STABENOW] has expired.

(By unanimous consent, Ms. STABENOW was allowed to proceed for 1 additional minute.)

Ms. STABENOW. Mr. Chairman, I appreciate the fact that the dollars are still there for enforcement. My concern is that this amendment would cut OSHA's enforcement staff by 25 percent. I think, given the climate in which we are in, the concerns about food safety, the concerns about worker safety, the injuries and deaths that are still occurring across the country, I would suggest 25 percent is too much and it goes in the wrong direction and we need to maintain the balance.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment.

Mr. Chairman, we have heard a lot during the discussion on this amendment about moving funds from Federal enforcement to Federal compliance assistance. I have to tell my friend from Indiana and my colleague from across the border in Wisconsin that that is exactly what I have been doing as chairman of the subcommittee for the last 3 years. We have consistently moved more money into compliance assistance and taken the money from Federal enforcement and made a better balance.

The gentleman from Arizona said we have got to find balance in this. How do we find balance? Do we do it by simply saying, "I know what balance is?" "Balance is more my way than anyone else's way?" No, we find it by sitting down between majority and minority and working out where there is an acceptable balance. In doing so, we must recognize that the minority has a greater concern with those businesses that violate the law and do so, as some do, intentionally. We have a greater concern with trying to find a cooperative way to have business and government work together.

I believe that we have found, through the process of negotiation, the right balance in this account. We have increased money for compliance assistance overall by 22 percent, and the increase for enforcement is only 1 percent in the bill.

This funding decision has moved us further in the direction of compliance assistance. We have done so consistently over the last 3 years. I think the amendment is simply one that would do exactly what I believe cannot be done, and that is lose the bipartisan basis upon which this bill has reached this point and eventually, I would be afraid, lose the bill entirely.

I would say to the gentleman that we have done what the gentleman wants us to do philosophically and that this amendment can only provide mischief and lead to the bill being defeated, which I think would be a terrible mistake.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to recite the numbers to demonstrate the change that has occurred since the gentleman from Illinois [Mr. PORTER] has become chairman.

The enforcement portion of OSHA's budget has declined by 5 percent in those 3 years. The compliance portion of the budget has been increased by 80 percent, from $45 to $81 million. I think that is a very large swing in emphasis which continues under this bill. I hope that the House will recognize the good efforts made by the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the gentleman.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, the Compliance Assistance Program, which I realize is only part of all the compliance efforts, is $45 million and it was $30 million, or roughly $34 million prior to the $11 million increase. So the increases sound larger, but, in fact, the dollar amount of a smaller increase in enforcement is about two-thirds of the dollars of the increase in compliance.

When we came in, in the authorizing committee and were first working with OSHA reform, we were proposing much more dramatic changes. I understand that inside this you have moved it in the right direction. Part of what this debate is about is that at one point we were talking like 75/25. Now we are talking such small, incremental changes and what we are, in effect, doing is upping that incremental change but still leaving the disproportionate balance for enforcement at almost 3 to 1, exact opposite of what we started with.

This amendment in trying to respond, many of us wanted to move the dollars over to education. But if we are going to keep it in OSHA, then we think that we should have accelerated that process. We are not disagreeing on the thrust of where you and the ranking minority member were going, but we believe it should of occurred at a faster rate.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. SOUDER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOUDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 255, not voting 14, as follows:

[Roll No. 373]

AYES—164

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Campbell
Canady
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Deal
DeLay
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Foley
Fowler
Frelinghuysen
Gallegly
Ganske
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kingston
Klug
Largent
Latham
Lewis (KY)
Linder
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Norwood
Nussle
Packard
Pappas
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Riggs
Riley
Rogan
Rohrabacher
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Thornberry
Thune
Tiahrt
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Wicker

NOES—255

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Callahan
Camp
Capps
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Herger
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty

Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Northup
Obey
Olver
Ortiz
Oxley
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Shaw
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Taylor (NC)
Thomas
Thompson
Thurman
Tierney
Torres
Turner
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—14

Baker
Cannon
Carson
Cox
Dellums
Gibbons
Gonzalez
Hilliard
Oberstar
Owens
Quinn
Schiff
Serrano
Towns

□ 1227

Mr. PASCRELL and Mrs. JOHNSON of Connecticut changed their vote from "aye" to "no."

Mr. EWING and Mrs. KELLY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Chairman, on rollcall No. 373, I was unavoidably detained. Had I been present, I would have voted "no."

□ 1230

AMENDMENT OFFERED BY MR. SHADEGG

Mr. SHADEGG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHADEGG:

Page 24, line 2, after the dollar amount, insert the following: "(reduced by $25,000)".

Mr. SHADEGG. Mr. Chairman, let me begin by bringing my colleagues two bits of what I think will be good and welcome news. The first is that having gone through more than 2 days I believe of debate on title I to this bill, this is the last amendment to title I and with luck we can debate it with relative speed.

I want to compliment the members of the committee and the subcommittee. At two separate points in this legislation, the bill sets what I think are important standards for the expenditure of the moneys being appropriated. I think it is critical that we do that. Our task here is to ensure that the moneys that we take from taxpayers and allocate to various programs are spent in the most effective and efficient way possible. To ensure that, at two separate points in this bill, the bill sets a limit on the maximum amount of money which may be paid to an employee or a contractor of the National Institutes of Health to perform under a grant of $125,000. At a separate point in the bill, it sets a similar limit. This limit is imposed upon independent contractors and administrators who are performing work for the Job Corps, and it says that no one shall be paid under the funds appropriated in this bill at a rate of more than $125,000, as a contractor or administrator, as their salary for one year.

Mr. Chairman, the amendment before us simply says that while I agree that a cap of $125,000 is an appropriate limit for a researcher at the National Institutes of Health, I submit that it is an excessive salary and a misuse of the funds appropriated under this bill to pay an administrator or a contractor under the Job Corps program, whose function is to educate and train children, a salary of $125,000 a year. The amendment says that the salary for an administrator or a contractor within the Job Corps, whose job it is to inspire and train our youth, should not be excessive.

Why is it important that we change that number? Because every dollar that goes to administration within the Job Corps program is taken away from education and training. I think it is appropriate that we say, let us use those dollars to the greatest extent possible to educate and train the disadvantaged youth within the Job Corps program. Let us not use them to pay what is in America today an excessive salary.

And so the amendment I have offered says that the maximum amount allocable under the legislation for one year's salary for an administrator within the Job Corps or a contractor or employee performing that function would not be $125,000 a year, but rather would be $100,000 a year.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Wisconsin.

Mr. OBEY. Did the gentleman say that this is the last amendment to title I?

Mr. SHADEGG. I did.

Mr. OBEY. In that case on this side of the aisle, we would be delighted to accept the gentleman's amendment.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chairman, we will be delighted to accept the amendment, too.

Mr. SHADEGG. Mr. Chairman, I am thrilled with the willingness to accept the amendment, and I accept that.

The CHAIRMAN pro tempore (Mr. BEREUTER). The question is on the amendment offered by the gentleman from Arizona [Mr. SHADEGG].

The amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, and the Health Care Quality Improvement Act of 1986, as amended, $3,616,068,000, of which $225,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: *Provided further*, That of the funds made available under this heading, $2,500,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $203,452,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $299,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That notwithstanding any other provision of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408: *Provided further*, That, of the funds made available under this heading, not more than $4,600,000 shall be made available and shall remain available until expended for loan guarantees for loans made by non-Federal lenders to health centers under section 330(d) of the Public Health Service Act as amended by Public Law 104–299, and that such funds be available to subsidize guarantees of total loan principal in an amount not to exceed $53,300,000: *Provided further*, That notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $105,624,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act,

$6,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $85,000,000: *Provided further*, That the Secretary may use up to $1,000,000 derived by transfer from insurance premiums collected from guaranteed loans made under title VII of the Public Health Service Act for the purpose of carrying out section 709 of that Act. In addition, for administrative expenses to carry out the guaranteed loan program, $2,688,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

Mr. OBEY. Mr. Chairman, could I interrupt to ask which page the Clerk is on? I think Members had been under the impression that we were still reading title I.

The CHAIRMAN pro tempore. The Clerk is currently on page 29.

The Clerk will resume reading.

The Clerk read as follows:

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, and XIX of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21 and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $2,343,737,000, of which $20,000,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, up to $48,400,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer.

In addition, $45,000,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out section 40151 of Public Law 103-322.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,513,020,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,513,004,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $209,403,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $874,337,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $763,325,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,339,459,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,047,963,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $666,682,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $354,032,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $328,583,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $509,811,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $269,807,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $198,373,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $62,451,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $226,205,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $525,641,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health $744,235,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $211,772,000.

AMENDMENT NO. 34 OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I ask unanimous consent to have an amendment that I have at the desk read.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. OBEY. Mr. Chairman, reserving the right to object, I would like to know which amendment that is.

The CHAIRMAN pro tempore. The gentleman from Wisconsin reserves the right to object.

Will the gentleman from Oklahoma identify the amendment for the Clerk?

Mr. COBURN. Yes, Mr. Chairman, page 25, 26, and 37.

Mr. OBEY. I am sorry, Mr. Chairman, we are already past that point in the bill and I am constrained to object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. COBURN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is important, the whole purpose for this bill is to make sure that we have a fair and open and honest debate on what is occurring in this bill. I have been standing at this point patiently trying to be polite as we read this bill, wishing to be recognized and not interrupting. Although I may not have followed the exact protocol of the House, nevertheless I have been standing here prepared to offer this amendment which was preprinted, which was available.

This is an amendment that should be considered by this House. The reason it should be considered is there are several thousand people in the United States who are HIV positive who will not be able to get drug treatment. This amendment brings money for those people. If this body wants to on a technical error deny people triple drug therapy that will prolong their life and delay the onset of AIDS, then so be it.

But it is a shameful act if in fact we do not consider a debate or a characterization of this amendment.

AMENDMENT NO. 34 OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I ask unanimous consent that this amendment be heard and considered on the floor of this House. Lives are depending on it, thousands of lives are depending on it. It is unconscionable that we would not even debate additional moneys for people who will die should this therapy not be available to them. I would beg and plead with the gentleman from Wisconsin that he would allow consideration of this amendment.

The CHAIRMAN pro tempore. Pending the request, the Clerk will designate the amendment for clarity.

The text of the amendment is as follows:

Amendment No. 34 offered by Mr. COBURN:

Page 25, line 18, after the first dollar amount, insert the following: "(increased by $34,868,000)".

Page 26, line 22, after the dollar amount, insert the following: "(increased by $51,000,000)".

Page 37, line 1, after the dollar amount, insert the following: "(reduced by $2,388,000)".

Page 41, line 8, after the dollar amount, insert the following: "(reduced by $22,668,000)".

Page 44, line 16, after the dollar amount, insert the following: "(reduced by $4,812,000)".

Page 45, line 11, after the dollar amount, insert the following: "(reduced by $5,000,000)".

The CHAIRMAN. Is there objection to consideration of the amendment?

Mr. OBEY. Mr. Chairman, reserving the right to object, I would simply make this point. I stood on the floor just a moment ago and interrupted the Clerk to make certain that Members understood exactly where she was, because I did not want Members to miss their opportunity to offer amendments. I did that as a courtesy to Members who I knew had amendments, but it is not my responsibility to then do their job for them. Their job is to be ready to offer the amendments at the appropriate point in the bill. I went out of my way to try to alert people to the fact that the Clerk was in title II. I cannot help it if the gentleman did not respond to that.

The fact is that we have already almost doubled the account the gentleman wants to add some more money to. We went in this bill from $167 to $299 million. That is hardly a failure to meet our responsibilities.

The fact is that this committee has already well responded to this issue. I would further point out that the House has been informed that this bill is going to be debated this week and next week. We have not attempted in any way to cut off debate, but we are certainly not going to allow the gentleman to ignore the rules of the House for the purpose of extending debate after we purposely engaged in a courtesy that alerted people to where the Clerk was in the bill. At this point, I am sorry, but I object.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. Further reserving the right to object, I yield to the gentleman from Oklahoma.

□ 1245

Mr. COBURN. Mr. Chairman, I would say to the gentleman from Wisconsin [Mr. OBEY], there is no question that I am not a career legislator, and there is no question that I do not have the Parliamentary skills of a skilled, long-term legislator like the gentleman. But there is nothing wrong with the intent of my heart and my desire to bring forth an issue that has to do with life and death, although my skills as a legislator are somewhat less.

Mr. OBEY. Mr. Chairman, I reclaim my time under my reservation to say I have not questioned the gentleman's heart or motives in any way. I attempted to do him a courtesy. He did not take advantage of it. That is not my fault.

I am not going to allow Members to get around the rules in order to continue to engage in a protracted filibuster, and I do object.

The CHAIRMAN pro tempore (Mr. BEREUTER). Objection is heard.

Mr. COBURN. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore. Does the gentleman yield back the time on his pro forma amendment or does he wish to proceed?

Mr. COBURN. Mr. Chairman, may I ask how much time remains?

The CHAIRMAN pro tempore. The gentleman from Oklahoma [Mr. COBURN] has 3 minutes remaining.

Mr. COBURN. I would like to continue discussing this amendment.

The CHAIRMAN pro tempore. The gentleman from Oklahoma is recognized for 3 minutes.

Mr. COBURN. Mr. Chairman, this debate is characterized by the gentleman from Wisconsin [Mr. OBEY] as a way to delay this bill. That is completely false and not true. This amendment comes at the heart of everything that I have been trying to do on the HIV epidemic in this country, and to not allow an amendment to offer additional treatments, lifesaving treatments, is wrong.

Yes, this committee did increase that funding, but there still are going to be 30,000 Americans who will not have triple drug therapy available to them. Unfortunately, most of them will not be associated with what we most often identify with, because many of the ones that have been in programs that have been there long-standing will have the treatment.

The people that will not get this treatment are going to be African-American women, they are going to be IV drug users, they are going to be people who have no means whatsoever to fend off this disease. We have spent billions of dollars researching this disease, and now we bring forth an amendment.

I stood at this stand trying to be polite, failing to interrupt. My mistake, there is no question, I would say to the gentleman from Wisconsin [Mr. OBEY], but I did not intend to go around the rules of this House. I did not intend to be an obstructionist. I intended to offer this amendment to save the lives of people who will not, will not, have these drugs available to them.

If, in fact, this House says that we should not offer this amendment because we did not interrupt at the proper time while somebody else was speaking in an attempt to be orderly and to be appropriate, then so be it. I find that disgusting. I find it unconscionable that our House would not consider this amendment, if in fact it is unimportant to this body to treat everyone in this country who has HIV.

If it was any other disease that was killing people, the No. 1 killer between 25- and 44-year-old people in this country, this body would not have any question about considering any amendment at any time to make sure that that took place.

The fact that this is viewed as only an obstructive amendment and is not taken for the purposes for which it was offered is offensive to me, but, most importantly, it is offensive to those poor people who will not be treated.

Mr. Chairman, this is a genuine amendment. It takes money from programs and brings them down to the President's own request. It takes no money below anything that the President asked for. It uses those moneys that were in excess to help people who do not have insurance, who are unaided by any other way, to allow triple drug therapy for them in the treatment of this deadly and dreaded disease.

I would beg the House to reconsider the position. I would ask the gentleman from Wisconsin [Mr. OBEY] once again to reconsider his position. If not, then I will be resigned to the will of the House, but I am embarrassed and ashamed of the position of the House.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I simply want to repeat some facts and make a point. The program that the gentleman seeks to add money to has already been increased by the committee under the leadership of the gentleman from Illinois [Mr. PORTER] this year in this bill from $167 million to $299 million. I challenge you to find a larger percentage increase in a large program in the bill. It will be very difficult to do.

I think, under the circumstances, the gentleman from Illinois [Mr. PORTER] and the subcommittee, and the full committee that reported this bill to the House on a bipartisan basis, have more than responded to the need.

Now, the gentleman is perfectly entitled to his view that there ought to be more. But the fact is the newspapers have been full of accounts from Members who are offering these amendments, including the gentleman, that they intend to keep us here for a long, long time on this bill.

The rules of the House require Members to be here in a situation in which they are prepared to offer their amendments at the proper time. Because it was apparent to me that we were already in title II, even though it was a Parliamentary disadvantage to the committee and to myself, I interrupted the Clerk's reading in order to note to the House that we were already far ahead into title II.

That should have alerted the gentleman. I extended a courtesy to him. The gentleman should be thanking me instead of attacking me.

Mr. Chairman, I would simply say that I have tried to be courteous to Members on both sides, and I have tried to extend many courtesies, including the opportunity to strike the last word many times, when the normal course of events in the House and the normal rules would not provide for that.

With all due respect, I am sorry the gentleman did not offer his amendment at the proper time, but the rules are meant to eventually enable the House to produce legislation. I think we have been more than fair to those who have been taking a good deal of time. I think the committee has been more than fair to the program at hand.

This subcommittee takes a back seat to no one, certainly the gentleman from Illinois [Mr. PORTER] does not, the gentlewoman from California [Ms. PELOSI] does not, and other Members, when it comes to dealing with this problem.

I would say that I think the most sensible thing for the House to do at this point is to move on. There are a good many other amendments, and I have already been informed by the gentleman and others that we will be here for at least 2 weeks on a bill that was expected to take 2 days. I think I have been very patient, but I do not intend to be a sap.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding.

I want to associate myself with his remarks about the fine work of the subcommittee under the leadership of the gentleman from Illinois [Mr. PORTER], and our ranking member, and the gentleman from Wisconsin [Mr. OBEY], to increase the funding for the ADAP program by $132 million. These funds for drugs for people with HIV and AIDS is very, very important.

The gentleman's attempt to put in an amendment to increase that number, while taking money from other areas that affect people with AIDS, I think is not well-founded.

Had the gentleman offered the amendment, I would have opposed it. As one who has had over 13,000 people die of AIDS in my district, I believe I have some standing on this issue. I certainly want the highest figure, and the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] worked for the highest figure, and will continue to work with the administration for an even higher figure by the end of the day, but not at the expense, for example, of the Office of Civil Rights, which works to end discrimination against people with HIV-AIDS and against a number of other functions within our bill.

Mr. Chairman, I have frequently said this bill is lamb-eats-lamb. That is to say, everything in it is good; there is no place to go get an offset. Unfortunately, the gentleman's offsets are not productive, and, indeed, work counter to the interests of people with HIV-AIDS.

Mr. Chairman, once again I commend the gentleman from Wisconsin [Mr. OBEY] for his courage on this issue.

Mr. McINTOSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think what we have reached here is a situation where this House can decide fundamentally do we want to allow Members to be heard on what are critical issues in this bill or do we want to adopt a gag procedure that says we are not going to allow you to address issues having to do with treating AIDS patients, issues with how our title X family planning amendments are going to be passed, issues that are very important in constructing this bill and determining what the will of the House is.

What I would like to do, Mr. Chairman, is once again try to do this in an effort of accommodation, without having to disrupt the procedures of this Committee of the Whole or the Whole House, and ask unanimous consent that we return to page 25, line 18, and proceed to consider the bill from that point forward.

Mr. OBEY. Mr. Chairman, once again, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. McINTOSH. Mr. Chairman, in that case, I move that the Committee do now rise.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. McINTOSH].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. McINTOSH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 42, noes 375, not voting 16, as follows:

[Roll No. 374]

AYES—42

Aderholt
Bachus
Barr
Barton
Bryant
Cannon
Chenoweth
Coburn
Combest
Doolittle
Duncan
Graham
Hastert
Herger
Hilleary
Hostettler
Jones
Largent
Manzullo
McIntosh
Neumann
Norwood
Pappas
Pitts
Riley
Rogan
Royce
Ryun
Sabo
Scarborough
Schaffer, Bob
Shadegg
Shimkus
Smith, Linda
Snowbarger
Souder
Strickland
Thune
Tiahrt
Wamp
Weldon (FL)
Yates

NOES—375

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern

McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
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Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Oxley
Packard
Pallone
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Bentsen
Bono
Brown (CA)
Carson
Dellums
Foley
Gonzalez
Hilliard
Johnson, Sam
Ortiz
Owens
Schiff
Serrano
Solomon
Towns
Wolf

□ 1321

Mr. OBERSTAR and Mr. MCDERMOTT changed their vote from "aye" to "no."

Messrs. PITTS, DOOLITTLE, CANNON, SHIMKUS, SCARBOROUGH and BARR of Georgia changed their vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. FAZIO of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the gentleman from Illinois [Mr. PORTER], chairman of the Subcommittee on Labor, Health and Human Services and Education, in a colloquy.

Mr. Chairman, I know that the gentleman from Illinois is aware of the food safety initiative that the President has made a top priority as a result of increased incidence of food-borne illness in the United States. I know, from serving on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that we have provided $28.8 million to improve inspections done by the Food and Drug Administration and expand preventive safety measures.

The other significant component of the food safety initiative is found in the bill we are considering today for the Centers for Disease Control and Prevention. The major contribution the CDC will make to the food safety initiative deals with surveillance. We need to not only monitor the food supply, but to develop a rapid response to outbreaks due to food-borne illnesses.

Mr. Chairman, the CDC received an allocation of $2.4 billion in this year's bill, which is $86 million more than the administration requested. I know by tradition the committee does not specify how the CDC must use the additional funds; however, it is clear that the committee has provided the resources necessary to fully fund CDC's portion of this new and promising food safety initiative.

Mr. Chairman, I would ask could the gentleman from Illinois comment on the committee's view of the importance of the $10 million of the additional funding provided for the CDC going toward the agency's involvement in this food safety initiative?

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, it is appropriate, I believe, to highlight, as the gentleman from California does, the importance of food safety activities conducted by the Centers for Disease Control and Prevention. As the gentleman mentioned, the committee bill increases funding for the CDC above the President's request, including the funding for the infectious diseases program which supports CDC's food safety efforts.

Mr. Chairman, we understand from the CDC that with the funds provided in the committee bill, the agency would increase funding for food safety by $10 million to a total of $14.5 million. The committee strongly supports the CDC in its efforts. The importance of food safety activities has been reinforced with recent headlines about disease outbreaks traced to food-borne infectious agents.

AMENDMENT NO. 16 OFFERED BY MRS. CHENOWETH

Mrs. CHENOWETH. Mr. Chairman, I offer an amendment to a portion of the bill already passed, and I ask unanimous consent just to discuss it.

The CHAIRMAN pro tempore (Mr. BEREUTER). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mrs. CHENOWETH:

In the item relating to "HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES", insert after the first dollar amount (before the comma) "(reduced by $9,000,000)"; and in the fifth proviso (relating to the program under title X of the Public Health Service Act), insert after the dollar amount "(reduced by $9,000,000)".

In the item relating to "ADMINISTRATION ON AGING—AGING SERVICES PROGRAMS", insert after the dollar amount (before the colon) "(increased by $4,725,000)".

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Idaho [Mrs. CHENOWETH]?

Mr. OBEY. Mr. Chairman, reserving the right to object, I am happy to yield to the gentlewoman from Idaho to discuss her amendment under my reservation, and then I want to explain why it is that I am going to do what I am going to do.

Mrs. CHENOWETH. Mr. Chairman, I wish I were clairvoyant across this body so that I would understand what the gentleman from Wisconsin wants to do. But I do know, having watched the gentleman, not only from the time that I have been in this body but before that, I really feel that in his heart the gentleman would be sympathetic to this particular amendment, and I think that most House Members would be.

Mr. Chairman, this amendment is fairly benign. It is something that we are all very, very concerned about, and that is that we increase funding for senior citizens' meals in senior citizens centers. We do that by transferring out of title X family planning, which would be declined by $9 million. That would bring it back to where the 1997 levels were, and then we would be able to increase senior citizen congregate meals $4.75 million, which again would simply establish the meals and the funding for the senior citizen meals at 1997 levels.

□ 1330

Like I say, not being clairvoyant, I am not quite sure what the gentleman from Wisconsin has in mind, but I believe that my amendment is consistent with his thinking and his actions in the past.

I very much appreciate this consideration. Our senior citizens are having a very, very difficult time on fixed incomes. Most of the time, the time that they spend in the senior citizen centers is the only time that they can get out of the house and be able to spend time with their peers and having enjoyable times.

Mr. OBEY. Mr. Chairman, reclaiming my time under my reservation, let me recite again for Members who have come to the floor what the situation is.

After the adoption of the last amendment to title I, the Clerk began to read title II. There were a number of Members on both sides of the aisle who were entitled to offer amendments in title II. I stood and asked the Clerk to stop reading to make clear to the House where she was in the bill so that Members who had amendments could be alerted to the fact that they should be offering their amendments at that time.

I cannot recall a single instance in which a committee manager has done that before in the years I have been in this House. I did it even though it disadvantaged the committee because I wanted to be fair to Members who were offering amendments. No amendments were offered. We passed some 10 pages of that section.

At this point there are a number of amendments that are no longer eligible to be offered at this point in the bill.

The Chenoweth amendment, the committee had determined that we were going to accept the Chenoweth amendment, if the gentlewoman offered it, because we regarded it as a reasonable amendment in contrast to the other amendment that engendered controversy, which tries to increase an account which we have already increased by almost 100 percent in the bill.

As a courtesy to the majority, I am willing to withdraw my objection to consideration of the gentlewoman's amendment, but not without an appreciation of the fact that the committee has bent over backward to be fair to each and every Member who had an opportunity to offer an amendment.

It is the responsibility of this committee, when we are informed through the press and on the floor by two gentlemen last night that they intend to keep us here for more than 2 weeks on this bill, it is our responsibility to move the bill forward wherever we can. Despite that fact, in this instance I am willing to withdraw my objection to this amendment but only this amendment.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore (Mr. BEREUTER). Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

Mrs. CHENOWETH. Mr. Chairman, I think that a number of us here, when the bill moved much quicker than we expected, as I was watching television this afternoon and saw the gentleman from Wisconsin [Mr. OBEY] make his remarks calling attention to the fact of where we were, and I fully recognize that the gentleman from Wisconsin [Mr. OBEY] did that, my heart stopped. Once I got it going again, I came right over here to the floor.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to point out that memories are short.

Last year, Mr. KENNEDY, on our side of the aisle, came to the floor asking to offer an amendment which the Clerk had just passed by two paragraphs. He was denied that opportunity to do so by the majority. So were a number of other Members who missed their amendments. So that is the normal order of things around here.

Members are expected to know their own business, and we are not engaging in any action that has not been engaged in under the rules of the House, and correctly so by the majority.

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman. I just wish that I did have the parliamentary experience and skill on the floor of the House that Mr. KENNEDY does have and does possess. But there are a number of us who missed a step this afternoon. For that, we are deeply sorry and deeply grateful that we can move ahead.

Mr. Chairman, what are senior congregate meals?

Let me tell my colleagues. Again, I repeat, for many senior citizens, especially those who are alone or on fixed incomes, senior centers provide a place to congregate and an excuse to get out of the house and be able to socialize.

Just as important, senior centers provide low-cost, hot, nutritious meals. But without adequate funding for the congregate meals program, few local senior centers could afford to provide these very much needed hot meals.

I have been in close touch with our senior citizens. Here, in fact, coming from McCall, ID, are just some of the signatures, line by line by line, of the senior citizens' signatures from just one senior citizen center. This is so important for our seniors. They have given so much to our country.

The fact that we would extend more funding to family planning for healthy, vigorous teenagers and cut the funding for senior citizens is something that I think, on second thought, that we really do not want to do. I appreciate the Members of the House for their consideration on this. I especially appreciate the gentleman from Wisconsin for his consideration.

I have received hundreds and hundreds and hundreds of signatures in support of funding for nutritious meals for our senior citizens. My amendment is the essence of our American agenda. It is fiscally proper and morally responsible, Mr. Chairman.

So why is title X funding being increased?

Well, I cannot answer this, but I believe it is the priorities of the American people that we make sure that our senior citizens are fed well, healthy, and nutritiously. The thing that we have got to remember is that title X programs have been shown to be inefficient, ineffective, and riddled with criticism and controversy.

Since title X was enacted, the teenage out-of-wedlock rate has actually doubled and the teenage abortion rate has actually doubled and the increase of sexually transmitted disease has increased to a point where 1 in 4 sexually experienced teenagers are infected every year.

Mr. Chairman, when we get back to our districts next week and visit our elderly constituents of the local senior center, will we be able to look into their eyes and tell them that abortion counseling is more important than hot meals to be served at our senior centers?

I think we all feel about the same way on this, that our seniors need to not only be cared for; we need to live up to our promises with our senior centers and to our senior citizens. But they need to be honored and respected in the manner that I believe this amendment will do.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say to the gentlewoman from Idaho that I determined, and the gentleman from Wisconsin [Mr. OBEY] agreed earlier, that we could accept this amendment and we do accept it. I certainly agree with the gentlewoman's remarks regarding the senior citizens' programs. I do not agree at all with the gentlewoman's remarks regarding title X.

But the point I would like to make is that it is very difficult when you are reading a bill paragraph by paragraph or section by section to return to an earlier part of the bill when someone misses the point at which they are to offer an amendment. Once you do that, you have to do it for everyone who misses the opportunities the rules provide, and pretty soon you have chaos on the floor. You do not have an orderly procedure and no one knows where you are.

I would say to the gentlewoman from Idaho that I believe that the gentleman from Wisconsin is being very gracious in allowing this amendment to be taken up at this point, and that I hope all Members on both sides of the aisle will be very vigilant in watching as we read the bill so that we can have amendments offered at the proper time.

Mr. McINTOSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Chenoweth amendment. I do want to say, I appreciate our colleagues on both sides of the aisle for not objecting to consideration of this amendment at this point. I think it perhaps proves the point that the gentleman from Oklahoma [Mr. COBURN] and I were making, that these are very vital and important issues and ought to be addressed on the floor of the House.

I cannot tell my colleagues how important this program is that the Chenoweth amendment seeks to obtain additional funding for. Last Christmas, Ruthie and I both volunteered with a program run out of our local hospital that delivers hot meals to indigent senior citizens who otherwise would have no hope for having a nutritious meal. To see the love and thanks in their eyes as we rang the doorbell and delivered those meals told me how important this program is for those citizens in this country.

I have to, frankly, agree with the gentlewoman from Idaho [Mrs. CHENOWETH], it would be difficult for me to go back home and say, we chose to have family planning services above those meals. I think she is doing us a great service by bringing this amendment forward, setting forth clearly that this House is in strong support of those programs for meals for senior citizens at the centers and in their homes.

I want to commend her on that effort and, again, thank Members on both sides of the aisle who allowed this issue to come forward. Hopefully, we will be able to see a full discussion of all of the issues that we have in this bill so that we can truly say that the House of Representatives today and in the coming days has debated the priorities in one of the most important funding bills of our entire government.

As we have said earlier in the debate, there are some fundamental differences about whether we want to continue to fund programs that primarily affect people here in Washington or do we want to send this money out to programs that are doing good things for real Americans outside of the beltway?

My choice is for the latter, and I will continue to support amendments that seek to redirect priorities in this bill in that manner.

Mr. Chairman, that is the remainder of my comments on this amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I rise today in strong support of the amendment to H.R. 2264 offered today by my friend and colleague from Idaho, Mrs. CHENOWETH. The amendment will restore the unjustified cut in funding for the Older Americans Act's Congregate Meals Program included in H.R. 2264.

As we make the tough choices needed to balance our budget, we cannot forget the needs of our senior citizens, most of whom live on fixed incomes and have limited means.

The importance of Congregate Meals for the senior citizens of New Jersey and across this Nation cannot be overstated. In 1996, the Mercer County, New Jersey Office on Aging reported that 1,483 persons received almost 119,839 nutritious meals provided in part under the Older Americans Act. For many of these senior citizens, the meals provided at the 13 senior centers in Mercer County represented their main meal for the day. There is abundant evidence that senior citizens who live on their own suffer from poor nutrition and depression, and the Congregate Meals Program is critical to keeping people healthy and out of expensive long-term care institutions.

Equally important is the fact that Congregate Meals often form the nucleus of senior citizen outreach efforts. The meals are social events by which seniors are connected with other critical services. The Mercer County Office on Aging informs me that the Congregate Meals Program serves to draw in senor citizens to their 13 senior centers. A senior who arrives at the center to eat a nutritious meal will also improve their social skills and learn about other services and opportunities.

The situation is much the same in Ocean County as well. I have received word from Phil Rubenstein, executive director of the Ocean County Office of Senior Services, that tomorrow approximately 600 individuals will eat a meal and enjoy the company of others at a Congregate nutrition site.

Unless the cuts in this important program are restored, senior citizens centers across this country will have a harder time conducting their outreach efforts, and seniors will suffer from reduced opportunities to receive other important services as well.

In conclusion, cutting Congregate Meals is extremely shortsighted and will only serve to undermine the effectiveness of an array of senior citizen services provided under the Older Americans Act. I urge all of my colleagues to support the Chenoweth amendment to H.R. 2264.

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of the amendment offered by the gentlelady from Idaho.

Mr. Chairman, let me emphasize something I have said time and time again here on the House floor: Senior nutrition programs are Government and local partnerships that work. They provide humanitarian assistance to old Americans who are grateful for the helping hand of their neighbors.

Congregate Meals programs, in particular, give seniors the opportunity to get out of their homes, socialize, and eat nutritious, low-cost meals. In short, they allow seniors to feel like they are a part of the community.

At a time when the senior population in our country is growing rapidly, Congress needs to expand its support for senior meal programs. It makes good fiscal sense to support them—because a dollar spent on senior nutrition programs goes a long way. In fact, Federal funding for Congregate Meals and Meals On Wheels actually saves money in the Medicare and Medicaid programs.

Mr. Chairman, I urge my colleagues to vote for the Chenoweth amendment, and help restore funding for Congregate Meals programs to fiscal year 1997 levels.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Idaho [Mrs. CHENOWETH].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Does the gentleman from California [Mr. MILLER] withdraw his point of order?

Mr. MILLER of California. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The point of no quorum is considered withdrawn.

Does the gentleman from California withdraw his demand for a recorded vote?

Mr. MILLER of California. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The amendment is agreed to.

Mr. HAYWORTH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleased that the gentleman will join with me in a colloquy. I am very grateful for the hard work that he and his subcommittee have put into this 1998 Labor, HHS and Education appropriations bill. My constituents and I are very pleased with the increased attention to health issues and funding in this bill.

Mr. Chairman, I want to bring to the gentleman's attention one issue of great concern to the residents of the Sixth District of Arizona, the growing incidence of osteoporosis.

As you know, Mr. Chairman, osteoporosis affects 28 million Americans. The problem is especially acute in Arizona, where fully 14 percent of the residents are afflicted with osteoporosis. For these reasons, I would ask the gentleman that as he goes into conference on the Labor, HHS and Education appropriations bill, that he give consideration to the Senate report language suggesting an osteoporosis public education campaign. Such a campaign would target young women to assist them in maintaining appropriate health behaviors that can have a significant effect on bone strength that can last a lifetime. Funding for such a campaign would come from the amount designated by the bill for the Office on Women's Health.

Mr. Chairman, I would ask that the gentleman consider the startling trends in osteoporosis as we proceed to conference and that the gentleman keep the affected families in mind.

Again, I thank the gentleman for his time and consideration of this important issue.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, the gentleman from Arizona is correct. The prevalence of osteoporosis is startling. The American public should be made aware of the health benefits of proper diet and exercise that can affect long-term bone health.

☐ 1345

The gentleman should know that my wife, Kathryn, is also very interested in this issue. She has recently written the Secretary of Health and Human Services in support of the gentleman's intended effort in this regard, and I will take the gentleman's request under advisement and thank him for his work on this issue.

Mr. HAYWORTH. Mr. Chairman, again I thank the chairman of the subcommittee.

The CHAIRMAN pro tempore. If there are no further amendments at this point, the Clerk will read.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment made in order under the rule, which I would like to bring up at this time.

The CHAIRMAN pro tempore. The Clerk will designate the amendment if it is in order at this point.

Mr. ISTOOK. Mr. Chairman, I understand there may be another Member that has an amendment that would, in the normal course of things, precede mine, so I would reserve my right to bring it up before we conclude title II.

The CHAIRMAN pro tempore. Does the gentleman ask unanimous consent to withdraw his amendment, because the gentleman's amendment is not in order at this time?

Mr. ISTOOK. Yes, Mr. Chairman, at this time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $436,961,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $20,000,000 shall be for extramural facilities construction grants.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $27,620,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $161,171,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 1998, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

AMENDMENT NO. 24 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer amendment number 24.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Ms. JACKSON-LEE of Texas:

In the item relating to "NATIONAL INSTITUTES OF HEALTH—NATIONAL LIBRARY OF MEDICINE", insert after the first dollar amount (before the comma) "(reduced by $2,500,000)".

In the item relating to "OFFICE OF THE SECRETARY—GENERAL DEPARTMENTAL MANAGEMENT", insert after the first dollar amount (before the comma) "(increased by $2,000,000)".

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is of great interest to our community and this Nation, as we talk about the education of our children and providing them with opportunities, that we also give them the ability not to start their matured, adult life too early. My amendment goes to the general concern in this Nation of increasing the funding by $2 million to prevent teenage pregnancy. In particular, this amendment deals with the Centers for Disease Control and Prevention with the intent to provide the CDC more dollars for their CDC teen pregnancy prevention program.

The concept of this program I find very valuable and interesting, in that it works to enhance coalitions in the community that would work together to provide the necessary skills and tools for our young women, our teenage girls, our preadolescents to themselves prevent teenage pregnancy.

For example, this program deals with youth development, involving building the special talents of individuals, leadership training, job skills opportunities and achievement, prevention skills development, including family life and planning of education through school health education and after-school programs, educational enhancement, community service, and role modeling.

It also does something that is extremely important for a young girl just about to cross the precipice of adolescence, the creation of supportive environments including enhancing constructive parent-child communications, school policies and norms, community opinion leaders' support, and dialog between individuals.

For many of us who may think that the teenage pregnancy issue will go away or has gone away, let me simply say to my colleagues that every year approximately 1 million teenagers in this country become pregnant and 90 percent of those pregnancies are unintended.

The teenage pregnancy rate for women under 20 has increased by more than 20 percent since the early 1970's. Of the 1 million teens who become pregnant, about half give birth, about 40 percent choose abortion, and the remaining 10 percent miscarry.

How many of us have heard the tragic stories on prom night, where teenagers have given birth at their prom night, which should be an exciting night of joy and enthusiasm but turns into a criminal offense and sometimes the ending, tragically, of a newborn baby; and of course, the terrible devastation on family and that young teenage mother.

There are significant social and economic costs associated with premature parenthood for the child, the parent, and for society at large. Fewer than 60 percent of teen mothers graduate from high school by age 25. When we begin to talk about welfare reform, this is where we should begin.

In my district, Mr. Chairman, I am very proud that we have begun to convene those who are proposing to coalesce around these very issues of teenage pregnancy prevention. They are already working individually, and I have convened them over the last year and intend to have them work together.

Mr. Chairman, I would hope that we would continue to emphasize this coalition effort and that Texas Southern University, under the guidance of Dr. Bobby Henderson, will be part of this pivotal responsibility.

Because of that, Mr. Chairman, I would like to raise a question with the gentleman from Illinois [Mr. PORTER] on this very important issue of teenage pregnancy prevention and my amendment and the issue of the importance of teenage pregnancy prevention.

I am offering an amendment to include an extra $2 million to this, recognizing the $13.7 million and, as well, recognizing the very hard work of this committee. It is my intention in the spirit of conciliation to withdraw this amendment; however, my district has a very high concern with the issue of teenage pregnancy and I want to implore of the committee, the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY]. I would like to raise the question that although the committee does not traditionally segregate funds, I do want to note that Houston, the fourth largest city in the Nation, does not have this CDC teen pregnancy prevention program designated.

I would like to work with the gentlemen to engage this city, the fourth largest city in the Nation, with several groups that are working on teenage prevention, that they may be organized in a coalition and might be eligible for such funds under the CDC teen pregnancy prevention program.

I rise today to offer an amendment to H.R. 2264, the Labor-HHS-Education appropriations bill. This amendment increases funding by $2 million for the Centers for Disease Control and Prevention with the intent that these funds be used for their teen pregnancy prevention program and offsets that increase with a $2 million reduction in the $3.6 billion funding for the Health Resources and Services Administration.

The teen pregnancy program operated by the CDC is a demonstration program in operation in 13 communities around the country. This pregnancy prevention program works with existing programs in these communities to help them develop a unified effort to prevent teen pregnancy. They identify problems, strengths, and offer solutions for resource shortages that are community based. They do not try to change the message of the community pregnancy prevention programs, but instead work to amplify their messages by molding them into one voice.

Currently, the teenage pregnancy program at CDC is funded at $13.7 million. With the additional funds, the teen pregnancy program will be able to expand their work into other communities. This $2 million is important to our fight to prevent teenage pregnancy.

Every year approximately 1 million teenagers in this country become pregnant and 90 percent of those pregnancies are unintended. The teen pregnancy rate for women under 20 has increased by more than 20 percent since the early 1970's. Of the 1 million teens who become pregnant, about half give birth, about 40 percent choose abortion, and the remaining 10 percent miscarry.

There are significant social and economic costs associated with premature parenthood for the child, the parent, and for society at large. Fewer than 60 percent of teen mothers graduate from high school by age 25—compared to 90 percent of those who postpone childbearing. According to one study, early childbearing reduced schooling by 1 to 3 years.

In addition to lower educational status, early childbearing has an impact on the economic status of teens by affecting employment opportunities, marital options, and structure. Teen mothers are four times as likely as women who have their first child after adolescence to be poor in their twenties and early thirties and are more likely to have lower family incomes later in life.

Teenage girls have a higher risk of pregnancy complications—including maternal mortality and morbidity, miscarriages and stillbirths, premature births, and nutritional deficiences—than adult women.

The personal impact of teenage childbearing is two-fold, diminishing the opportunities of both the mother and the child, for the children of teenage parents are more likely to become teenage parents themselves, thus perpetuating the cycle of poverty.

In addition to the personal and societal costs of teen pregnancy the economic costs are terrific, totalling more than $20 billion each year. This amount could be halved if childbearing were postponed until the mother was age 20.

Early childbearing may be delayed with education and a supportive environment. Teens who have healthy parent-child communications, high self-esteem, and high educational aspirations are more likely to postpone childbearing.

It is critical to our children's future that we focus our attention on preventing adolescent pregnancy. I would now ask my colleagues to support this amendment. However, because we have agreed to work with the chairman and ranking member to help Houston and the 18th Congressional District in the area of funding for teenage pregnancy prevention. I now withdraw this amendment.

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, we would certainly be more than willing to work with the gentlewoman. I do not know the mechanism by which CDC designates the places where the program is to be conducted, but I certainly am willing to work with the gentlewoman.

The CHAIRMAN pro tempore. The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 1 additional minute.)

Mr. PORTER. Mr. Chairman, if the gentlewoman will continue to yield, I would certainly be willing to work with the gentlewoman and with the CDC to see that we can address this need in the gentlewoman's community.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I thank the gentleman and thank the ranking member, Mr. Chairman.

In conclusion, I might note that the different locations are west and east, and in the State of Texas we only have one, and in the fourth largest city in the Nation we do not have such a program. I would look forward to working with the gentleman from Wisconsin [Mr. OBEY] and appreciate both his kindness and his very hard work on this legislation.

Mr. Chairman, in the spirit of working with the ranking member and compromising on this issue, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Mr. INGLIS of South Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the gentleman from Illinois in a colloquy, if I may.

I would like first to thank the gentleman from Illinois [Mr. PORTER] for his fine work on this usually contentious piece of legislation. I know he and his staff have worked long hours to craft this piece of legislation, and I appreciate all of his hard work and dedication.

I want to engage the gentleman in a colloquy regarding the Centers for Disease Control AIDS prevention funds. Let me first say that I believe we should all have compassion for the victims of AIDS. I support continued funding for AIDS treatment prevention and care. However, it seems to me that the Federal AIDS education campaign has emphasized condoms first and treated abstinence as a largely unrealistic goal, even though medical experts agree that it is the most medically sound response.

I believe the focus should be changed to personal responsibility on the part of those infected. I am specifically concerned about the viability of groups such as PFOX, the Parents and Friends of Ex-gays. PFOX is a national organization that reaches out to men and women who want to leave the gay lifestyle. PFOX's ultimate message is that homosexuals have options. No one has to be gay and enter its subculture, instead, they can be heterosexual or live a life of abstinence. My question relates to the eligibility for CDC prevention funds.

Are there any restrictions in this bill that would prevent those funds from being allocated to groups or organizations such as PFOX that advocate abstinence as a means of AIDS prevention?

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. INGLIS of South Carolina. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would say to my friend from South Carolina that as long as those organizations meet the usual eligibility requirements for CDC AIDS prevention grants and receive high scores in the peer review process, there is nothing in this bill to restrict them from receiving CDC funds.

Mr. INGLIS of South Carolina. Reclaiming my time, Mr. Chairman, I would ask, second, would it be permissible for me to enter into this record an encouragement of the Centers for Disease Control to consider allocating funds to groups, such as PFOX, that promote abstinence as a means to prevent the spread of AIDS?

Mr. PORTER. Mr. Chairman, if the gentleman would again yield, certainly that would be permissible, and I would encourage these groups to apply for AIDS prevention funds.

I would like to emphasize, the committee encourages CDC to support local grantees that advocate a wide range of AIDS prevention measures, including abstinence and other effective techniques.

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for his time.

Mr. McINTOSH. Mr. Chairman, I move to strike the last word.

Earlier we had a discussion about several amendments to this bill that would have affected funding in title X, the family planning program; and I must inform my colleagues on the House floor that there are still some additional amendments that Members would like to see considered here.

I appreciate the consideration which was given to the gentlewoman from Idaho [Mrs. CHENOWETH] and her very important amendment to take funding from that program and fund a program that had been reduced in funding to provide meals to senior citizens.

Some of the other amendments that I think are critically important in this area have to do with policy preferences that really should be debated by this Congress. For example, should we be fully funding research to prevent breast cancer in this country?

I think it is a critical issue. More than 1 out of 10 women will be struck with breast cancer sometime during their lives. My mother-in-law is currently undergoing treatment for a recurrence of breast cancer. We need to talk to those women and act to reassure them that this Government is doing everything possible to ensure that research is being done to find the cause of breast cancer, to find treatment that works and to make sure that that is widely available and known in the scientific community.

I think these issues are very important, and I guess I would ask my colleagues to be considerate as we are moving forward in discussing what are legitimate differences of priorities in these spending bills and allow us to move forward with amendments and not adopt a procedure that would gag some of the very important ones.

We do not have hundreds of amendments that have been passed over. It is not as if it is going to make it impossible to reach final consideration on this bill, but it is a very important question on priorities within this title that, due to the procedural restrictions in the way it is being discussed, may not be addressed.

I would ask my colleagues to allow us to move forward with those amendments. There are not many, but there are a few very, very important ones that we need to address in this Congress.

Mr. Chairman, let me also say that I think that this whole debate has been very helpful in crystallizing some of the fundamental differences in approach. Many of us believe that the budget agreement is something that the Congress and the President, that we all need to live up to, but that within that agreement there are serious questions on priorities.

Do we want to fund programs that primarily fund bureaucracies here in Washington or do we want to take those funds and redirect them to programs that get outside the beltway in the area of education, funds that will get to our schools so that they can implement programs to help the disabled and students who need their education improved; in the area of health, making sure we do research at NIH that will benefit patients and not create bureaucracies at the Department of HHS; in the area of labor, to make sure that what we are doing there in regulatory agencies actually improves safety in the workplace, improves conditions of American workers so that they have a chance to have a good job and a good opportunity that will be safe for them.

These philosophical debates fall into a general category of who do you trust. Do you trust the bureaucracies in Washington or do you trust people, local government, private institutions, State governments to do what is best for their communities?

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I think it is an important debate that we have in this Congress. Frankly, it is a debate that has been glided over as we have discussed in the last few months the budget agreement, because people got lost in terms of numbers and funding and appropriations and tax cuts and they lost track of that more fundamental question that we want to redirect our attention to here in Congress and, that is, what is the appropriate role of the Federal Government in these different programs.

Mr. Chairman, as we move forward, I understand there will be disagreements about particular amendments, I understand that some people may question motives. I would ask them not to, but to take seriously what is being discussed in each of these amendments and vote their conscience, so that we can go back to the American people and say, this Congress has discussed these issues and we look forward to continuing that in the coming days, in working with the chairman of the subcommittee and the ranking member on the other side of the aisle, to make sure that we have a full and healthy debate, not only on the details but on those general philosophical questions.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. McINTOSH. I yield to the gentleman from Illinois.

Mr. PORTER. I would say to the gentleman, he started by talking about medical research and particularly research on breast cancer. I am sure that the gentleman is aware that despite in 1996 a need to cut $9 billion from the discretionary——

The CHAIRMAN pro tempore (Mr. BEREUTER). The time of the gentleman from Indiana [Mr. McINTOSH] has expired.

(On request of Mr. PORTER, and by unanimous consent, Mr. McINTOSH was allowed to proceed for 3 additional minutes.)

Mr. PORTER. Mr. Chairman, if the gentleman will continue to yield, that despite the need to make very deep cuts in spending in this bill and despite a budget resolution that would have made very deep cuts in funding for the National Institutes of Health, 80 percent of whose money goes to local academic medical research centers all across America, we raised funding for NIH by 5.7 percent. This increase occured while everything else in the bill was being cut. Last year we increased NIH by 7.5 percent and this year increased it by 6 percent. The increases for the National Cancer Institute were higher than the NIH average and we have placed biomedical research at a very, very high priority in crafting the Labor-HHS bill.

I would also say to the gentleman that as he was speaking, I was told that the amendments that were passed over are now being redrafted in a reach-back form that the gentleman from Indiana believes is in order. If so, those will be able to be heard. I also want to assure him that our purpose here in providing the process and debate is to shape this bill and that we want to provide everyone who wishes to participate in that process every opportunity, within the bounds of the other business that the House must conduct, to do that. I hope at the end of this process we will all have looked back on the process and said it was done in a fair way, it was done in a way that gave us an opportunity to participate and that we can live with the result.

Mr. McINTOSH. Mr. Chairman, reclaiming my time, let me say I appreciate the efforts of the chairman to assist in redrafting those amendments so they can be discussed on the House floor at the appropriate moment in the bill, and his staff has been suggesting ways in which we can do that. I am told that, yes, the two should be able to be redrafted and be able to be offered at a later time and at an appropriate point in debate. I do appreciate the general notion that the gentleman has worked very hard to increase funding for medical research. I would, however, remind the House that the entire bill, when looked at from that perspective, is increasing on the order of 10 percent, and so our efforts are to even go beyond the good work that the chairman has done in getting funds for that medical research and suggest ways that perhaps we can find even more funds from programs that in our view at least are perhaps lower priorities and should not be increased. I know we have a philosophical disagreement on title X.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. McINTOSH. I yield to the gentleman from Illinois.

Mr. PORTER. The bill is not being increased by 10 percent and a great deal of the increase in the overall bill is from entitlement programs.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. McINTOSH] has again expired.

(By unanimous consent, Mr. McINTOSH was allowed to proceed for 30 additional seconds.)

Mr. McINTOSH. Mr. Chairman, I yield to the gentleman from Illinois to finish his point.

Mr. PORTER. About 7 percent.

Mr. McINTOSH. Seven percent on the discretionary programs. Our goal essentially in this area is to help the chairman even do better and perhaps go beyond that 7 percent in the medical research area, because we view that as a key priority, where the Government can help people. It is not a huge bureaucracy, it is a research program that as the chairman pointed out, 80 percent of it is beyond Washington and being done in some of our best medical universities around the country.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $298,339,000: *Provided*, That funding shall be available for the purchase of not to exceed five passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That NIH is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $223,100,000, to remain available until expended, of which $90,000,000 shall be for the clinical research center; *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the clinical research center may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $2,151,943,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $101,588,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $47,412,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $71,530,429,000, to remain available until expended.

For making, after May 31, 1998, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1998 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

PARLIAMENTARY INQUIRY

Mr. COBURN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. COBURN. Mr. Chairman, if I might inquire as to when in the debate amendments would be allowable that are restraining amendments or limiting amendments or blocking amendments as far as prohibitions. Could we have a ruling of the Chair?

The CHAIRMAN pro tempore. If the gentleman could identify those amendments by name and number.

Mr. COBURN. Manzullo-Coburn in terms of needle exchange. Coburn in terms of CDC, use of funds.

The CHAIRMAN pro tempore. The Chair would advise that the Istook amendment, for example, is made in order at the end of title II under the unanimous consent request that is functioning as a rule for consideration of this bill. That would come at the end of page 63. The Chair would entertain comments about the other amendments that are thought to be pending but is not prepared to engage in a parliamentary decision at this point.

Mr. COBURN. Might we have a decision as to an amendment that prohibits the use of Federal funds on needle exchange programs; should that come at the end of title II as well?

Mr. PORTER. Mr. Chairman, it is our understanding that that comes in the general provisions of the bill at the end. That was our understanding.

Mr. COBURN. May we have a ruling that that is where that would come?

The CHAIRMAN pro tempore. Would the gentleman identify the name and the number of the amendment?

Mr. COBURN. It is Coburn, and I believe it is 35.

The CHAIRMAN pro tempore. The gentleman from Oklahoma is advised that it comes at the end of the bill. Amendment 35, that would be on page 102.

Mr. COBURN. I thank the Chair.

Mr. Chairman, there is another amendment, a Coburn-Ackerman amendment, that prohibits the use of CDC moneys for blind testing for infants for HIV testing.

The CHAIRMAN pro tempore. This would be the Coburn amendment No. 36?

Mr. COBURN. I believe so.

The CHAIRMAN pro tempore. That was also drafted to come at the end of the bill. That would be on page 102.

The Clerk will read.

The Clerk read as follows:

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1999, $27,800,689,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $63,581,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, and section 191 of Public Law 104–191, not to exceed $1,679,435,000 to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended, together with such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to and available for carrying out the purposes of this appropriation.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1998, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles, I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the first quarter of fiscal year 1999, $660,000,000, to remain available until expended.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,000,000,000, to be available for obligation in the period October 1, 1998 through September 30, 1999.

For making payments under title XXVI of such Act, $300,000,000: *Provided*, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $415,000,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 104–134 for fiscal year 1996 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1997 and 1998.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $1,000,000,000 to become available on October 1, 1998 and remain available through September 30, 1999: *Provided*, That of funds appropriated for each of fiscal years 1998 and 1999, $19,120,000 shall be available for child care resource and referral and school-aged child care activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,245,000,000: *Provided*, That notwithstanding section 2003(c) of such Act, as amended, the amount specified for allocation under such section for fiscal year 1998 shall be $2,245,000,000.

POINT OF ORDER

Mr. SHAW. Mr. Chairman, I make a point of order against the social services block grant provision in title II of the bill on the grounds that it violates clause 2(b) of rule XXI of the rules of the House.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. SHAW. Mr. Chairman, clause 2(b) of rule XXI states that no provision changing existing law shall be reported in any general appropriation bill. Specifically, in the social services block grant provision of title II of the bill, the amount to which States are entitled under section 2003(c), beginning on line 24 of page 41 of the Social Security Act, is reduced from $2,380 million to $2,245 million. This change of authority over the entitlement amount falls under the jurisdiction of the Committee on Ways and Means and clearly violates rule XXI 2(b), which prohibits legislating on an appropriations bill. Therefore, the point of order applies, and I urge the Chair to sustain the point of order.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

Mr. PORTER. Mr. Chairman, we concede the point of order.

The CHAIRMAN pro tempore. The point of order is conceded and sustained. The provision is stricken.

The Clerk will read.

The Clerk read as follows:

CHILDREN AND FAMILIES SERVICES PROGRAMS (INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, part B(1) of title IV and sections 413, 429A and 1110 of the Social Security Act; for making payments under the Community Services Block Grant Act; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100–485, $5,565,217,000, of which $537,165,000 shall be for making payments under the Community Services Block Grant Act: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes.

In addition, $99,000,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40155, 40211 and 40241 of Public Law 103–322.

Funds appropriated for fiscal year 1998 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000.

Funds appropriated for fiscal year 1998 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $255,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, $3,200,000,000.

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, for the first quarter of fiscal year 1999, $1,157,500,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, $810,545,000: *Provided*, That notwithstanding section 308(b)(1) of such Act, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, $159,636,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $31,921,000.

AMENDMENT NO. 15 OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. BURTON of Indiana:

Page 44, line 24, after the dollar amount, insert the following: "(decreased by $1,000,000)".

Page 73, line 15, after the first dollar amount, insert the following "(increased by $1,000,000)".

Mr. BURTON of Indiana. Mr. Chairman, this is a noncontroversial amendment, I believe. My cosponsor is the gentlewoman from Colorado [Ms. DEGETTE].

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This regards the We The People Program, and the goal of the We The People Program is the most fundamental of American purposes, the perpetuation of American democracy. The We The People Program is conducted across our Nation in elementary, middle, and high schools, preparing students to take their civic obligations very seriously.

The program's material grounds students in the basic text of American democracy, including the Declaration of Independence, the Constitution, the Bill of Rights, and the Federalist Papers, and follow the development of American constitutional principles throughout our Nation's history.

Since its inception 9 years ago, more than 22.6 million students have studied and benefited from the We The People Program, and at least 70,000 teachers have utilized their materials. The $5.5 million funding level provided for in this amendment was originally proposed in the President's budget and was supported by 62 Members from 32 States that signed a letter to the gentleman from Louisiana, Chairman LIVINGSTON, supporting the $5.5 million level.

Members other than myself who have testified on behalf of this program include the gentleman from North Dakota [Mr. POMEROY], the gentleman from California [Mr. THOMAS], the gentleman from Alabama [Mr. BACHUS], the gentleman from Massachusetts [Mr. NEAL], and the gentleman from Indiana [Mr. HAMILTON].

Every Federal dollar for this worthy program secures at least $10 in matching support from the private sector.

There is a 10 to 1 ratio from the private sector for this program.

The CBO has scored this amendment as revenue neutral or negative. This is offset by a transfer of funds from another area on page 44, line 24, where we are decreasing the amount by $1 million and adding $1 million after the first dollar amount on page 73, line 15.

Mr. Chairman, we believe this is a worthwhile project. It is one that everybody in the country I think would support, almost without exception. Young people today really need to know about the Constitution. They really need to understand what the Federalist Papers were all about. They need to understand the Bill of Rights. This program shows by its history that it is very worthwhile and benefits everybody in this country, but particularly our young people.

Ms. DEGETTE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise to urge my colleagues to support the Burton-DeGette amendment, and I want to thank the gentleman from Indiana [Mr. BURTON] for his support and efforts on behalf of We The People. I can think of no better lesson for the students of this country than the value of bipartisanship where we can find it, and this amendment is a great example in this regard.

I know firsthand how well this program works, because there is a high school back in my district in Denver, East High School, whose students have done extraordinarily well in the We The People competitions over the last decade. East High School has been among the top 10 finalists seven times in the last 9 years, and they won the competition in 1992. This year they came to Washington once again and won honorable mention by placing in the top seven of the national competition.

I know about East High School's great achievements because for several years in the early 1990's I was a volunteer coach for the East High School Bill of Rights team, and I will tell you that these high school students, even though I was a practicing attorney, often knew a lot more about the Bill of Rights as a result of the We The People program than I did. So I am a strong proponent of this program, and I believe that not only should it be continued at the high school level, but extended to junior high schools as well.

Mr. Chairman, a lot of times we as policymakers all ask ourselves the question, how do you solve the problem of a disenchanted and cynical electorate? I do not think there is a magical solution, but I think programs like We The People come very close to providing as good a remedy as we will ever get.

In an era where political ambivalence, voter apathy, and distrust of government characterizes too many of our constituents, it is essential that we should support a program for high school and junior high school students to learn about their government and learn how important players they can be.

The $1 million in the Burton-DeGette amendment provided to We The People will allow it to expand its Project Citizen Program designed for students in grades 6 through 9, the optimum age, according to researchers, for building student interest in civic life and politics.

Project Citizen calls on students to work together on a class project to identify and study a public policy issue of particular interest to them. Project Citizen focuses students' attention on behalf of State and local governments, which are often neglected in civics courses and textbooks, even though they are the levels of government most often utilized and immediately affecting the lives of citizens.

The increased funding will be used to fully implement the Project Citizen Program in all 50 States and help it become as quality a civic education program for middle school students as the We The People Program is for the high school students.

When we first started working on this program at East High School, very few schools actually participated. In the 10 years since the program began, though, over 75,000 teachers have implemented the We The People Program in the classroom. I think that this growth in 10 years speaks for itself about the success of the program. This program, I believe, can really change attitudes toward government and toward what government can do in our society.

Mr. Chairman, for those reasons, I really again applaud my colleague from Indiana [Mr. BURTON] for offering this amendment with me, and urge my colleagues to accept the Burton-DeGette amendment.

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Ms. DEGETTE. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, we accept the amendment.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Ms. DEGETTE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, on this side we also accept the amendment.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the gentlewoman from Colorado [Ms. DEGETTE] and the gentleman from Indiana [Mr. BURTON] for offering this amendment. This program is a valued program, and it does teach children about the Bill of Rights and about our civic system of government in this United States.

I must also say that I think the same students studying the Government would be surprised to find out that here in the people's House, we are unable to get an issue as important to the electoral process and to the participation of the American people within the electoral process, a matter of campaign finance reform, scheduled in the House of Representatives.

These very same people who are studying about the Bill of Rights and the Constitution of the United States and guaranteeing one man-one vote, a fundamental finding of the Supreme Court, will find out that it is not one man-one vote, not one person-one vote, but it becomes something other than that when you engage in the soft money exploitations of the campaign laws of this country.

We are witnessing hearings now that continue to discover the overwhelming amounts of soft money that have been plowed into campaigns, some disclosed, which we are finding about; unfortunately, much of it not disclosed, that we have not yet found out about, soft money that has flowed to both parties, that dramatically amplifies the voice of those individuals giving soft money to both parties, entities such as the Philip Morris Co., R.J. Nabisco, Federal Home Loan, Union Pacific, Southern Pacific, Atlantic Richfield, Walt Disney, Chevron, Coca Cola, Boeing, AT&T, the telecommunications corporation, and Anheuser-Busch. The list goes on and on and on.

What it adds up is millions and millions of dollars that have been funneled to each party, to overwhelm the basic limitations that we have in this system to try to make sure that individuals can participate with meaning in the election of Members of the House of Representatives.

So while I strongly support this amendment and this program, and I commend the authors of this amendment for bringing it to the floor, I think that we ought to fully understand that it is not all as these young people will study.

The hard-ball realities of politics is that there is a filibuster going on in this House against bringing campaign finance reform to the floor of the House so the body can work its will, so we can have competing proposals on the floor, so hopefully we can get rid of the soft money that has become sewer money, that is undermining the processes in this House, that is undermining our electorial process, and, in fact, caused people to stay away from the elections in this country because they do not believe that their vote counts, they do not believe that their voice matters, they believe that the big special interests are those who win day in and day out.

It is very hard to argue against the public on that matter, because the fact of the matter is that the big special interests are engaged in both parties. They are betting on both black and red. If they were at the roulette table, they cannot lose. They cannot lose.

The fact of the matter is it ought not to be allowed to continue, and we ought to have the right in this House before we get out of this House this year, in this month of September, we ought to be able to have a free and open debate on campaign finance reform. But we are not able to have that.

Therefore, continuing the process against the actions of the Republican leadership here to bottle up campaign finance reform, I will be asking for a vote on this amendment, and I encourage Members to support this worthy amendment dealing with the program of We The People.

Ms. FURSE. Mr. Chairman, I rise today to support the Burton-DeGette amendment to increase funding for civic education by $1 million, from $4.5 million to $5.5 million. The "We the People * * * Citizens and the Constitution" civic education program is a proven educational program which provides teacher training and resources with the goal of preparing elementary, middle, and high school students to become contributing members of the American civic culture. The program focuses on the U.S. Constitution and the Bill of Rights and fosters civic competence and responsibility among students.

The "We the People * * * Citizens and the Constitution" civic education program has been especially successful in my district. This year students from Lincoln High School in Portland, OR placed third in the national competition, and last year Lincoln High placed first in the country. It is an honor to represent these hardworking students and to support continued investment in this program.

The "We the People * * *" program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives. I urge my colleagues to support the Burton-Gette amendment and continue the expansion and success of civic education for our children.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently, a quorum is not present.

Does the gentleman from California insist on his point of no quorum?

Mr. MILLER of California. Yes, I do, Mr. Chairman.

The CHAIRMAN pro tempore. Pursuant to clause 2, rule XXIII, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 375]

ANSWERED "PRESENT"—409

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

☐ 1443

The CHAIRMAN pro tempore. Four hundred nine Members have answered to their name, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from California [Mr. MILLER] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 3, not voting 13, as follows:

[Roll No. 376]

AYES—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss

Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—3

Bass
Ensign
Thomas

NOT VOTING—13

Becerra
Berry
Boehner
Carson
Dellums
Gonzalez
Hilliard
Owens
Schiff
Serrano
Smith, Linda
Torres
Towns

□ 1453

Messrs. THOMAS, BASS, and ENSIGN changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BEREUTER). The Chair will advise Members that their failure to be in the Chamber in a timely fashion is delaying the proceeding of the Committee, and the Chair requests their cooperation.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $16,345,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $14,000,000.

AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOUDER:

Page 45, after line 11, insert the following:

REVISION OF AMOUNTS

The amounts otherwise provided by this title are revised by reducing the amount made available for "Health Resources and Services Administration—Health Resources and Services" (and the amount specified under such heading for the program under title X of the Public Health Service Act to provide for voluntary family planning projects), and increasing the amount made available for "National Institutes of Health—National Cancer Institute", by $40,690,000 and $36,000,000, respectively.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. OBEY. Mr. Chairman, I make a point of order that the amendment violates clause 2, rule XXI. The Congress cannot, through a reachback amendment, add funding to an unauthorized account. And when the Congress itself periodically authorizes legislation, they vacate the generic authorizations, and it seems to me under these circumstances that the amendment is out of order.

The CHAIRMAN pro tempore. Does the gentleman from Indiana [Mr. SOUDER] wish to be recognized on the point of order?

Mr. SOUDER. Mr. Chairman, I believe that the amendment is germane. I understand the concern. I would like to address the House on the point of order.

The CHAIRMAN pro tempore. The gentleman may be heard on the point of order.

Mr. SOUDER. Mr. Chairman, the question of the point of order goes back to our earlier discussion, which was there was a group of amendments that we intended to offer at an earlier point, and when one failed, several failed. We have tried to craft an amendment that we felt would be in order by inserting a different section.

Mr. Chairman, my amendment would move funds from title X over to the National Cancer Institute for breast cancer research. I am disappointed because, as we tried to search through, it was not completely clear as to whether it would be able to withstand a point of order. I am terribly disappointed that the minority party would object and exercise this point of order to stop us from moving funds to breast cancer and from title X.

□ 1500

I am disappointed because I think we have tried to work together through this bill and we have tried to recraft the amendment to make it in order.

The CHAIRMAN pro tempore (Mr. BEREUTER). Are there other Members who wish to be heard on the point of order?

If not, the Chair is prepared to rule.

Under the precedents of July 12, 1995, as recorded in House Practice at page 142, and July 16, 1997, an amendment adding matter at the pending portion of the bill to effect an indirect increase in an unauthorized amount permitted to remain in a portion of the bill already passed in the reading is not "merely perfecting" for purposes of clause 2(a) of rule XXI.

The Chair is not aware of an authorization of appropriations for the National Cancer Institute beyond fiscal year 1996, 42 U.S.C. 285a–8.

The Chair finds that appropriations for the National Cancer Institute have been the subject of periodic authorization as first cited in section 417(B) of the Public Health Services Act. Consequently, reliance on organic law as the source of authorization is no longer well placed.

Because the most current statutory authorization lapsed with the fiscal year 1996, the proposal to appropriate for the National Cancer Institute is not authorized.

The point of order is sustained.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:

Page 45, after line 11, insert the following:

REVISION OF AMOUNTS

The amounts otherwise provided by this title are revised by increasing the amount made available for "Health Resources and Services Administration—Health Resources and Services" (and the amount specified under such heading for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act), reducing the amount made available for "Agency for Health Care Policy and Research—Health Care Policy and Research", reducing the amount made available for "Administration for Children and Families—Refugee and Entrant Assistance", reducing the amount made available for "Office of the Secretary—General Departmental Management" from general Federal funds, and reducing the amount made available for "Office of the Secretary—Policy Research", by $34,868,000, $2,338,000, $22,668,000, $4,812,000, and $5,000,000, respectively.

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. OBEY] reserves a point of order.

The Chair recognizes the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, this amendment would shift $35 million from various programs that have been funded above the President's request, programs that have been funded above the President's request in the State AIDS drug assistance programs. The funds would be redirected primarily from administrative accounts that do not directly benefit people into an ADAP program which directly benefits hundreds of thousands of people infected with HIV.

As assistance to those who have HIV, this program provides medicine for lower income, uninsured individuals who are HIV positive but do not qualify for Medicaid. Pressures on the State ADAP groups have led 35 States to implement emergency measures in the last year leaving 23 States to cut patients or restrict their access to medically necessary drugs in fiscal 1997.

In 1996, for the first time in the history of the HIV epidemic, AIDS deaths declined. They declined because of triple drug therapy. Unfortunately, that decline was not manifested or recognized in women. AIDS deaths actually increased. Unfortunately, that decline was not recognized in minority populations or in children. Those deaths actually increased.

What this amendment is designed to do, although the chairman of this committee has worked hard to increase the funding, there will still be between 30,000 and 70,000 Americans who are HIV infected, who are uninsured and low income, who will not have availability of these drugs.

When I am in Oklahoma, at least once a month I work in a free clinic. Routinely we cannot have available funds through ADAP for people with HIV to receive triple drug therapy. Does this solve all the problem? No. The moneys that are taken for this program are coming from moneys that have been appropriated above what the President of the United States requested for the various areas which it has been taken and are moved to help those people who otherwise will not have an opportunity to have this drug therapy.

I said earlier, if this was any other disease other than HIV, where a million people were infected and did not know they were, where 350,000 Americans have died and another 350,000 are living with AIDS, there would be no question that this body would fund medicines for every one of them. To oppose this amendment on the basis of saying we have done enough is not a good enough answer to the people in Oklahoma, to the people in New York, to the people in Florida who do not have this therapy. They deserve to have this therapy, regardless of how they contracted this disease. It can prolong their life. It can vastly improve the quality of their life.

Let us talk about where this money comes from: $2 million comes from the Agency for Health Care Policy and Research overhead associated with that; refugee and entrance assistance, $22 million comes from that. Do we have more of an obligation to those coming into our country than we have to our citizens born here and infected with this virus that we are not going to have available drugs for?

Finally, it comes from the Office of the Secretary of Health and Human Services, General Department, Management and Policy Research, a total of almost $10 million.

I would ask this body to consider this question: If you had a friend who could not afford to spend the $6,000 to $7,000 a year to buy these drugs and we are spending money in other areas in this bill, we are increasing bureaucratic overhead, we are increasing salaries of bureaucrats while those, the poorest of the poor, those with the inability to pay for themselves are dying because we choose not to fund this appropriately.

Mr. Chairman, had I been able to find moneys, other moneys funded above the President's request, this request would have been much larger. And it breaks my heart that we cannot find the moneys to take care of the people in this country that have this dreaded disease.

I beg this House to support this amendment, to not listen to the AIDS action groups who want to continue to fund their programs as long as their little group is funded when those who are of minority status, when those who are women who have done nothing to contract this disease do not have available to them a way to have this disease treated.

We all hope some day for a cure for this disease. We do not have a cure. But we certainly have a way to buy time for those that cannot afford these medicines.

I beg the Members of this body to not say we have done enough. We have not done enough. Tell that to the first person who is not going to get this treatment.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin [Mr. OBEY] insist on his point of order?

Mr. OBEY. Mr. Chairman, I withdraw my reservation of a point of order.

Mr. Chairman, I move to strike the last word.

Could I ask the gentleman from Oklahoma a question. Does he represent Okmulgee?

Mr. COBURN. Mr. Chairman; will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Wisconsin.

Mr. COBURN. Yes, Mr. Chairman, I do.

Mr. OBEY. Mr. Chairman, let me say, I was born in the gentleman's district. I was born in Okmulgee.

Mr. COBURN. Mr. Chairman, I knew the gentleman had redeeming qualities.

Mr. OBEY. Mr. Chairman, my father was the only man in America who moved to Oklahoma during the Depression to get a job. I was born there by accident.

I would simply say that I do not think the folks in Okmulgee would vote for this amendment if they fully understood it.

This bill already increases funding for AIDS drugs from $167 to $299 million. That is an increase of 79 percent. Last year, this committee also increased funding for this program by $117 million. That means that this committee in 2 years time, under the leadership of the gentleman from Illinois [Mr. PORTER] has raised this account from $50 to $299 million. I would say that that is going a far piece to meet our responsibilities in this area.

I would also point out that the area that the gentleman chooses to take the money from, the major area, is an especially savage source for his money. We had a major debate in this country last year on welfare reform. We, I think, properly cut back on the benefit levels that we were going to provide for immigrants. I do not think that our immigration policy ought to be used as a substitute for an international welfare policy.

But refugees are a far different matter. Refugees come to this country, whether they came to this country because they were Russian Jews escaping the Soviet Union or whether they came to this country because they were Hmong refugees who fought and bled and died to help our GI's in Vietnam and in Laos and lost their country because of it.

When those refugees come to this country, they come to this country not because a local government or a State government has asked them to but because the Federal Government has told them to come.

We have cut back aid to refugees when they come to this country from the first 36 months that they live here to 8 months. The gentleman's amendment would cut that back some more.

I want to talk to my colleagues for a moment about one group of refugees who I do not think we should be savaging by the gentleman's amendment. That is the Hmong. That is spelled H-m-o-n-g. They were known as the Montagnards in earlier times. They were used by the CIA as operatives during the Vietnam war and as secret battlefield allies in our secret Laos campaign.

They made great personal sacrifices for this country, including the loss of their homes and the loss of their lives to assist our country. They rescued downed American pilots. They sabotaged the Ho Chi Minh Trail at our request. They guarded high-technology mountaintop navigational facilities in Laos at our request, which allowed all-weather air strikes against North Vietnam. And they fought as ground troops for 10 years to reduce the opportunity for the North Vietnamese to fight Americans in South Vietnam.

Ten percent of their entire population died as a result, including women and children and the elderly. And they lost their homeland to Communist forces. They were forced to live in refugee camps, some of them for many years. Some of them are just now, after that long agonizing period of time, finally coming to the United States. Those refugees should not be dumped on to the shoulders of local property taxpayers or State governments. Gov. Pete Wilson is correct when he objects to the fact that the United States makes immigration and refugee policy and then dumps the consequences on States and local taxpayers.

The United States for very good reasons determined that these Hmong refugees had sacrificed their all.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, they sacrificed their all on behalf of America's troops in Vietnam, America's pilots in Vietnam and Laos. Now the reward that they would get under this amendment is to have scaled back further the benefits which some of these folks get in return for the favors they did to the United States.

□ 1515

I think that that action on our part would be unconscionable, and so I would ask the gentleman to recognize that the source of his money is wrong; and in my view, the gentleman from Illinois [Mr. PORTER] has already more than amply funded the account into which he wants to put the money, and I would ask on a bipartisan basis that we reject the amendment.

Mr. BURR of North Carolina. Mr. Chairman, I move to strike the last word.

The gentleman from Wisconsin is correct, the chairman of this subcommittee has done an unbelievable job of trying to raise the funding of what is a very, very crucial health issue in this country, and I commend the gentleman from Illinois [Mr. PORTER] for his work and I commend the gentleman from Wisconsin [Mr. OBEY] for, in fact, his work also.

But when we are faced with the reality that there are 1,000 new patients utilizing ADAP per month, then, quite honestly, the growth that we have was not quite enough.

The chairman was very responsive to the request of a number of Members for a specific amount, and as this year has gone on, and this process, quite honestly, we realize that it is not enough; that as States, 35 as the gentleman from Oklahoma has stated, start putting conditions on those who quite frankly will die without this potential treatment that will not cure them, but it will slow the growth of the disease until possibly we can find a cure, then in fact the gentleman from Wisconsin is right, to some degree we are prioritizing where the American people's money is spent.

Prioritizing it when we take it away from bureaucrats in Washington is a relatively easy thing; where we give a benefit to some and not to others, that becomes much tougher. Hopefully, Congress will see in the future that if we eliminate more bureaucrats, we do not have to make choices between those who get and those who do not.

But, in fact, we have a very distinct population that we know are sick, that in fact the population that is affected is shifting from predominantly males now to women and infants, to those that we are going to be emotionally tied to in the future; that their hope for life is on our ability to recognize the progresses of science and of medicine and to make sure that in fact no person who is sick is deprived of a way to access that medicine.

We will have individuals in this country without additional funding for ADAP that will fall through the cracks. They will not and cannot be recognized for Medicaid payments. And in fact, 16 States instituted waiting lists for access to certain protease inhibitors. Thirteen States have capped ADAP enrollment. Fifteen States capped or restricted access to protease inhibitors. Eleven States reduced the numbers of drugs covered by ADAP.

To my colleagues on the floor, I would only say there is a wrong trend. For those of us who have to deal with health issues, the gentlewoman from California [Ms. PELOSI] and others on the minority side have worked tirelessly to make sure that the concerns and the real health problems of many in this country have been addressed. And they are not limited just to those with HIV; they span across party lines.

And I would suggest to my colleagues this has no party affiliation; this is an issue about health. My only concern is that for those patients, be it those with HIV or others who have visited my office this year, who will not be back next year because we have stymied the development of new drugs or because we have underfunded those that we have, will in fact be the losers, not those of us here, not the American taxpayer. In fact, the loser is the one who we could not get the treatment to.

This is about treatment, it is about compassion, it is about prioritizing where the Federal dollars are spent.

I am confident that this body will in fact make the right decision and increase this funding even more so that in fact those who are most at risk will receive the benefit they are due.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise with a great deal of sorrow to speak against this amendment because despite the perhaps good intentions of our colleague, the gentleman from Oklahoma [Mr. COBURN], for offering it, it smacks of so much cynicism that I oppose it very, very sadly.

It seems that for the first half of the week, or beginning last Friday, the Republican majority decided to exploit the good intentions of the American people and the attitude of the American people toward disabled children in order to have a political advantage for the Republicans. And now they are trying to exploit the appropriate sentiment that the American people have for people with AIDS by introducing this most unproductive amendment.

As I say, perhaps the maker of the motion and those who support it come to the table with good intentions, but the appearance of this amendment is one that really does violence to all of the hard work that has been done by our chairman, the gentleman from Illinois [Mr. PORTER], by our ranking member the gentleman from Wisconsin [Mr. OBEY], and so many people who have worked so very hard to increase the funding for AIDS prevention, research and care and nondiscrimination against people with HIV/AIDS.

As has been indicated by our ranking member, the gentleman from Illinois [Mr. PORTER] has increased the funding in this bill for AIDS and ADAP, ADAP is AIDS Drugs Assistance Program, by over $132 million. Is that enough? No. Do we need more? Yes. But that is an issue that should have been taken up in the budget talks, when we were giving tax breaks to the wealthiest people in America and funding defense programs without question, instead of going into what I call our lamb-eat-lamb bill of Labor, Health and Human Services and Education.

So that instead of trying to grandstand on the misery of people with HIV and AIDS, we could be increasing the funding without having it come at the expense of women's health, which is cut in this amendment. Women's health which saw a significant increase in fiscal year 1997 funding could suffer reductions in programs encouraged by the subcommittee, including National Centers of Excellence in Women's Health, implementation of the National Women's Health Information Center and the Missiles to Mammogram program. Or reductions in minority health, which would adversely impact a variety of programs aimed at improving the health status of disadvantaged populations.

And the list goes on and on. As we cut the administration of the Secretary's office, we decrease the ability of the Department to meet the needs of the people of our country.

But do not only take my word for it. Those people who are in the trenches every single day, helping to meet the needs of people with HIV/AIDS, for example, AIDS Action, on behalf of 2,000 community-based organizations which they represent, urge opposition to the amendment. And they say, "Although additional funds for ADAP is needed, the majority of the offsets for this amendment come at the expense of other important public health programs. Chairman PORTER has carefully crafted a bill that addresses the entire AIDS portfolio. In the broadest context of AIDS health care services, this amendment would upset that delicate balance."

Or then we have a message from NAPWA. NAPWA is the National Association of People With AIDS. It does not represent groups, it represents individuals, and it opposes the amendment by saying, "While new resources are desperately needed for the ADAP program, we should not have it at the expense of the needs of refugees or even the needs of the Federal agency that has to administer these funds."

Or the National Organization Responding to AIDS, NORA. NORA is a coalition of over 175 health, labor, religious, professional, and advocacy groups which collectively represent the broadest possible consensus of issues concerning HIV and AIDS policy legislation and funding. NORA opposes the amendment by saying, again, "Although additional funding for ADAP is certainly needed, the offsets would come from other public health programs, such as health care for the homeless, migrant health centers and other health programs which serve vulnerable populations. The additional offsets from administrative and policy research accounts help ensure that scarce Federal resources are spent effectively, and they should not be kept back."

The organizations that day-to-day work with people with HIV/AIDS urge prevention programs advocate for more research and certainly advocate for more funding for the ADAP program, and all oppose the amendment of the gentleman from Oklahoma. I certainly welcome the opportunity to put forth on this floor at any chance we get, the fact that there is need for more funds or for ADAP, and certainly in conference and certainly at the end of the day we should have more funding, but not at the expense of women's health and not at the expense of minority health.

I urge our colleagues to vote "no" on the Coburn amendment.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would simply say this in response to the gentlewoman from California, that the gentleman from Oklahoma [Mr. COBURN] is the one who is in the trenches. Here is a man who understands what is going on with the AIDS epidemic in this country, and he has come to the floor today to pour out his heart and his soul to make sure that money is used for the people for whom the money has been intended. And I think it would be grossly unfair to say that the gentleman is exploiting the very people whom he is trying to help.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I think there are some very basic questions we have to ask in this country. We have an epidemic that involves well over 1 million people, almost one-half of 1 percent of our population.

We talk about priorities, for example, how many Montagnards are going to come into the country this year? The funding level is $3 million above last year. I doubt that one new Montagnard will come into the country this year that the gentleman from Wisconsin [Mr. OBEY] explained that that money was for. The fact is that this money will treat 6,000 people. It will prevent them from dying.

Now, we hear that the AIDS Action Council and NAPWA and NORA oppose this. They are the groups that have the money. They do not have any problem because they are taking care of their groups. This is for money to go to States to buy drugs for those people who are not currently being served by any of these organizations. Yes; they are outside of it. They are the people that are the least advantaged in this program.

The question I would like to ask is, Why is it not good enough to fund this for everyone who has HIV that cannot get treatment? I cannot use his name, because I am a doctor bound not to divulge, but I have a patient and he cannot get treated. The drug companies have been very beneficial in trying to get us medicines, so this young man, 27 years of age, is going to die in less than a year because he has moved from HIV to full-blown AIDS because he cannot, George cannot have the money because Oklahoma is out of money, because the money is not available for him to have it.

Despite what we do for the hundreds of people that come in that have HIV, that do not have the material means to get it, the drugs, we do not have enough.

To say that we are cynical and that we are exploiting the very people that we are trying to help, I have been a practicing physician for 15 years, I have delivered babies, and one of my most favorite patients, 8 years old, just died of AIDS. Her mother was HIV positive when she was born. We did everything to try to save her life.

It sorrows me greatly that my intentions are questioned, that I would be accused of exploiting people, that my honor in terms of trying to correct this epidemic and the efforts that I have made, that my motives would be questioned.

I think it is very unfortunate that a statement such as that is made on the floor of this body. Never have I accused anyone in this body who has, from their heart, tried to make changes in the laws of this country to help people, accused them of being exploitative. I think it leads us away from where we need to be.

There are 1 million people with HIV in this country. We have an obligation in this epidemic to do everything to stem the tide, and that means treat these 6,000 people who presently do not have the medicine. That is all we are talking about, 6,000 lives that will not be here next year when we decide we need to get more money.

Six thousand lives, give them a chance to live. Give them the same opportunity that somebody that is hooked in with NAPWA, that is hooked in with NORA, that is hooked in with some of the preexisting, set organizations.

The fact is, there are a lot of people running out there that do not have that ability, do not have that access.

□ 1530

It is working well in the communities that have a large number of people with HIV. It is not working well in the communities that do not. In the States that are lower population, there are tons of people who are not getting treatment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to stand again to thank the gentleman from Illinois [Mr. PORTER], our chairman, for working so hard in a bipartisan way to bring our committee together and the caucus together to support what I believe has been a very fair bill. Again, we have had a difficult time in this committee and we have for all the years I have been serving on it because we have to make a lot of tough choices. For those, the gentleman from Oklahoma [Mr. COBURN], I want to say with great respect to our colleague who has been working in the trenches and understands the pain and suffering out there, we understand it and our chairman understands it as we go through those difficult decisions. Our chairman has been an extraordinarily supportive advocate, probably the most strongest advocate for the National Institutes of Health, working to prevent the scourge of AIDS, working to focus attention on research so we can finally end the pain and suffering.

I would like to ask the gentleman from Oklahoma [Mr. COBURN] as we are making these difficult decisions why on July 11, 1996 he voted for an across-the-board cut for the Labor-HHS appropriations bill. I want to remind the gentleman that the across-the-board cut had a definite negative impact on AIDS research and prevention, and as we fight to establish priorities, we have to be very careful that when we support an across-the-board cut as the gentleman did on July 11, 1996, this directly negatively affected the work that we are doing in that regard.

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Oklahoma.

Mr. COBURN. I would be happy to answer that. I was involved in trying to get an across-the-board cut in every appropriations bill in 1996. The purpose for that is to try to control the spending so we could balance the budget. There is no question it affected priorities of mine just like it affected priorities of other people who voted on that. The decision that I made was simply, is it a more valiant effort to try to save money so we will have money to spend in something like this in the years to follow. The fact is we are going to steal another $300 or $500 billion from our children over the next 5 years in this supposed balanced budget agreement.

Mrs. LOWEY. Reclaiming my time, I just want to remind the gentleman again and my colleagues that as we work so hard to balance our priorities, across-the-board cuts can negatively impact the important work that the National Institutes of Health is doing and in providing for the invaluable dollars we need to buy these important drugs.

I would just alert him that we welcome him as a supporter to these very important issues, and again I would urge my colleague to vote down this amendment because for those of us who care deeply about this issue, this again is a shameful and cynical way to deal with our priorities. I just want to remind the gentleman that that vote cost $12 million in prevention money, $30 million in research and $20 million in care.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentlewoman for yielding. Let me simply remind once again that this committee in the past 2 years has already increased the account the gentleman wants to put money into from $50 million to $299 million. He would seek to increase that money even more and he would seek to do so by gouging the refugee account, which is there to meet our obligations to refugees who have met their obligations of friendship to the United States. I would urge the defeat of the amendment.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did not even know about this particular problem, or even the program until my staff brought it up, a program in which multiple drugs are applied to help people with AIDS, and that it is one of the most exciting measures that individuals have to keep life sustained. I would like to sincerely thank the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Illinois [Mr. PORTER] for what they have done in this bill. It is a pretty well balanced bill. I sincerely would like to thank the gentleman from Wisconsin [Mr. OBEY], who in his opposition to this bill spoke clearly on the issue, went through any politics, and it was very well done. But, Mr. Chairman, the one thing that is probably the most disheartening portion of this entire body is where instead of going to the issues, we start throwing politics into it. Tax breaks for the rich, the gentlewoman from California brings up. When we take a look and we throw politics into it or if a Republican does something that is not caring, and if it is a Democrat that wants to go after AIDS money, then it is caring for the children. Well, this is. I think the gentleman has got an issue in which he believes in on an issue-oriented basis and he is fighting for it.

When we take a look at education and the politics, being subcommittee chairman when they say the Republicans are cutting education. For example, the President wanted the direct lending program. It costs $5 billion more a year, and we wanted to eliminate it but yet they said we are cutting education instead of talking to the issues.

On this particular issue, there are certain areas in which I believe the Federal Government has got a direct responsibility. No, I do not think the Federal Government ought to give money for the National Endowment for the Arts. That is a difference in issue. But I do believe that where we have a function that is not a States rights issue, it is in medical research. States cannot do that. They do not have the wherewithal to do it. We give it to the universities to take care of problems like the gentleman is trying to take care of. When we talk about 6,000 people that are going to be helped by this amendment and their life is going to be sustained, to bring politics into it to me is one of the worst things. Either you believe in it or you do not. I happen to believe that the gentleman is well-intentioned.

I am going to support the amendment. I really did not know how I was going to support on the issue, and I listened back and forth to the debate and I thought the gentleman from Wisconsin [Mr. OBEY] gave a very convincing argument based on the issues and not on politics.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I thank the gentleman for yielding. I want to frame this issue for what it really is. We have a lot of money out there being spent for AIDS treatment, AIDS programs, for people with AIDS. But we do not have a lot of money out there for people who have HIV right now, who do not have AIDS yet. As a matter of fact, we do not even know who half a million of them are. The purpose of this amendment is for those people that we do know who they are. This is for 6,000 people who know they have HIV, who cannot get drug treatment. That is what this is about.

The contrast is we have a group that says we have done enough. How much is doing enough when somebody is going to die between now and next year? When 6,000 people are going to die? If this was not this epidemic that got such a tainted reputation from its start because it was associated with life-styles and it became associated with life-styles, this is a disease, it does not care if you are gay or straight, if you are a man or a woman, or what color your skin is, if you are a newborn baby or an older woman, it does not like us. To say we have done enough, that 6,000 people between now and this time next year are not going to get the drugs to prevent them from converting to full-blown AIDS, I think it is just regrettable. It is regrettable that we are going to use the argument, we are going to let the politics of AIDS guide what we do on this, the politics that allow an extra 500,000 people to become infected, the politics that says we are not going to treat this as an epidemic and treat it in public health standing. We are not going to allow that to happen.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I worry that this debate is not really about increasing funding for AIDS patients, but instead it becomes a cynical attack on other very deserving programs. For one thing, how anybody could say that we on this side of the aisle are stating that this is enough, they do not know the gentlewoman from California [Ms. Pelosi]. Have my colleagues ever heard the gentlewoman from California say we have done enough for AIDS prevention, AIDS research, and AIDS care? Never. This is not what this is about. This is about taking one deserving program and pitting it against another for funding and, on emotional value, against other deserving programs.

We know there is an AIDS epidemic. But let us talk about funding AIDS programs by cutting the B-2 bomber program, $2.2 billion for each B-2 bomber that will not even fly in the rain. Would that not be a good way to fund AIDS programs, AIDS research, AIDS care, and AIDS prevention?

Let us talk about AIDS prevention. Why are we not talking about education and programs that teach our children about safe sex and about contraception? Why are we not talking about needle exchange programs so that we will prevent AIDS in the first place? Let us stop talking about pitting one deserving program against another. Refugees are deserving. Civil rights programs are deserving. Veterans are certainly deserving. AIDS patients need care, we need the research, and we need to take care of every single AIDS patient in America. This is America. We have enough. We could take care of every AIDS patient if we chose, and we could do it without pitting these funds against other deserving funding programs. We must have the will. That is what is missing. It appears that we do not have the will to take care of deserving people unless we take away from other deserving programs and other deserving populations.

I say, Mr. Chairman, let us vote against this amendment and let us make sure we support all deserving programs and not pit one against the other.

Ms. PELOSI. Mr. Chairman, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentlewoman from California.

Ms. PELOSI. I thank the gentlewoman for yielding and for her very eloquent statement about the difficult choice that is presented.

I do want to say though to the gentleman from Oklahoma [Mr. Coburn] that the issue between the House and the Senate on the amount of funding in the bill for the ADAP program is not resolved between the House and Senate. The Senate conference may present an opportunity for there to be more funding available from the defense budget to put into the ADAP program and I would hope, listening to his eloquent presentation about the need for more ADAP funds, that he would be an advocate with us for receiving that funding from transferring it from the defense budget for domestic priorities as is possibly suggested.

Mr. COBURN. If the other gentlewoman from California might yield for a moment, first of all, I was one of the Republican conservatives who voted against the B-2 bomber, and I have every time. I would love to see that money.

Ms. PELOSI. I did want the gentleman to also know that again, reiterating what the gentlewoman from New York [Mrs. Lowey] said, that it was a blow to us when the gentleman voted for the across-the-board cut, over $50 million cut. Actually it adds up to $52 million. The exact amount of this amendment, he cut in an across-the-board cut last year. So when an amendment of this kind comes along proposed by someone who supported a cut of exactly this amount of money in prevention, research, and care at the expense of minority health, women's health, and other worthy programs within this piece of legislation, it raises questions.

□ 1545

Those questions can easily be answered when we go into conference or negotiate with the Senate about what our 602(b) allocation will be and the opportunity of funding coming from the defense budget to the 602(b) for this Labor-HHS bill. I would hope that the recognition of need will not go away. It will still be there.

May I just say another thing. The gentleman said there is no help for people with HIV. ADAP drugs are administered to people with HIV, and, in fact, the best prospects are when people take these drugs earlier, because the immune system has not been as devastated as it would be in a person who has a more veteran case of AIDS or HIV.

So, in any event, I hope the gentleman will be with us to take money from defense to meet this very important need that he calls to the attention of the body.

Mr. NORWOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to state very simply that I support the amendment of the gentleman from Colorado [Mr. Coburn]. It is a very easy thing to do. We are dealing with an area here of people's lives, and it is a simple matter of a "yes" on this vote saves 6,000 American lives, and a "no" on this vote will not allow these people to be treated.

I am very disappointed and disheartened that we cannot have an honest debate on a simple amendment without politicizing it when people are particularly trying to do good for the American people from the bottom of their heart. So I encourage my colleagues on both sides of the aisle simply to help save these 6,000 lives and vote "yes" on this amendment.

I do not take argument particularly with the gentleman from Wisconsin [Mr. Obey] about where the money comes from. I spent a year of my life in the Central Highlands and I knew a lot of Montagnards, and I can assure Members that I would want them to be treated with the greatest respect and care. But I am also fairly certain that it has been many years since the Montagnards tried to come back into the United States.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. NORWOOD. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the fact is that many of them are coming to the United States right now because those refugee camps have just been closed down. They are entering California, Minnesota, Wisconsin, thousands of them.

Mr. NORWOOD. Mr. Chairman, reclaiming my time, I would ask the gentleman, how many thousands came into the country last year?

Mr. OBEY. I do not know last year. Three thousand to four thousand will come in this year.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. NORWOOD. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I think it is a great question. Are we going to support 3,000 to 4,000 Montagnards or are we going to allow 6,000 people to have HIV drugs that will prevent them from having AIDS? That is a legitimate debate, I do not deny that.

But the questions that were raised a moment ago that this money was taken from deserving programs, let us talk about where the money is coming from again. Almost $10 million from the Office of the Secretary, the General

Department of Management and Policy Research. That is a good thing for Americans to spend their money on, while 6,000 people die?

I agree that if this body thinks that that is what we should do, then that will be the will of the House. I do not believe that is what the minority party believes. They do not believe we ought to spend $10 million additional, above what the President requested, on general policy research and general department management, instead of spending extra money to help people live with HIV and prevent them from dying.

So we are really not contrasting deserving programs. We are talking about people who do not have available to them drugs, and, because they do not, they will not be with us a year from now.

Mr. Chairman, I do not want to leave this body saying I voted to spend money on a bureaucrat and let 6,000 people die in the streets of this country from AIDS, when we could have prevented it. That is what the real debate is. The debate is about people with HIV and whether or not they ought to get help, versus bureaucrats and the spending of the money on the government on things that will not impact someone's life.

So, again, I would ask consideration for this. I would yield back to my friend from Georgia, [Mr. NORWOOD], and thank him for allowing me the time to speak.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would say to the gentleman from Oklahoma [Mr. COBURN] and others on our side of the aisle who have offered amendments that I am very flattered.

They have offered to put money back into special education: A program we have increased by $1.1 billion over the last 2 years. They have offered to put money back into biomedical research: A program we have increased by $1.6 billion over the last 3 years. And here, Mr. Chairman, the gentleman from Oklahoma [Mr. COBURN] wants to put money into the Aids Drug Assistance Program [ADAP]: A program and account that we have increased 600 percent in the last 3 years, from $50 to $299 million.

The President requested $167 million for the ADAP account. We thought that that was inadequate, and increased it by $132 million, 79 percent, to a total of $299 million. The funding level, however, is not a ceiling, it is a floor. Money can be spent for drugs under Ryan White, title I, the Big City Account; it can be spent under title II, the States Account; it can be and is spent under Medicaid.

All of those sources make funding available for AIDS drugs. Members know very well that if we were actually short of money for protease inhibitors that would keep 6,000 people alive, we would come to the floor of the House and provide it in supplemental funds.

Let me say to the gentleman, his amendment takes most of the money out of refugee resettlement. That program is an unfunded mandate upon the States and local communities. We will ultimately have to spend money for refugees under general assistance payments, exactly what we should not do.

Refugees come in to the United States as a result of Federal policies. We ask the States to share in the cost of assimilating them, and now we are going to cut the amount of money that is available to them. We have already cut the program, I might say, from originally providing 36 months of assistance. We are now down to 8 months of assistance. All of those now uncovered costs are pushed over on the States and local communities. I think it is wrong to cut that account.

The amendment also cuts HHS policy research by $5 million. That sounds good. The committee increased that program by $5 million for a very specific purpose, to fund an objective study of welfare reform outcomes by the National Academy of Sciences. We believe that such a study is very important for welfare reform. I think a rigorous evaluation of what is going on in this new program is critical for congressional oversight. I think it is money very well spent.

You say that we are increasing funding for the Agency for Health Care Policy and Research. We are not. However, you would take out $2.4 million. We provided a modest amount of funding for AHCPR at the request of our own authorizing committee chairmen.

The gentleman from California [Mr. THOMAS] and the gentleman from Florida [Mr. BILIRAKIS] sent us a letter saying the President's request for AHCPR represents barely the minimum level of commitment needed for AHCPR to carry on its critical research activities. I believe, in fact, that the gentleman from Oklahoma [Mr. COBURN] serves on that subcommittee that is chaired by the gentleman from Florida [Mr. BILIRAKIS]. I am surprised the gentleman would propose to cut a program that the subcommittee chairman strongly supports.

Mr. Chairman, in the end, I believe that we have done everything that we possibly can to provide funding for people who are HIV infected. We would never think of not providing the funding that is needed for protease inhibitors. We have provided everything in the bill that is necessary. There are additional funds available under title I, title II, and certainly under Medicaid.

I think the gentleman's amendment is simply superfluous. But I would say to the gentleman, I am very flattered that he would like to increase an account that we have already increased by 600 percent.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I guess I would just like to inquire, is it the gentleman's belief that there are not people in our country today under the funding proposal we are putting forward who are not going to get treatment for HIV that cannot afford triple drug therapy?

Mr. PORTER. Mr. Chairman, reclaiming my time, I believe we will do everything necessary to provide the funds that are needed for anyone that is HIV infected and is entitled to be served under Ryan White, and that we are providing funds, as I say, from at least four different sources for these drugs.

Mr. COBURN. Mr. Chairman, if the gentleman will yield further, according to the National ADAP monitoring project, there will be 280,000 individuals eligible for this. The cost is $6,000. So what we are really talking about is we need well over $1 billion, if we are going to truly offer it to everyone that needs it.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois [Mr. PORTER] has expired.

(On request of Mr. COBURN, and by unanimous consent, Mr. PORTER was allowed to proceed for 2 additional minutes.)

Mr. PORTER. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, so the question that comes is, are there people that are going to be out there that are not going to have available treatment?

Mr. Chairman, the gentleman from Illinois, Chairman PORTER has done a wonderful job in increasing this, there is no question. But I do not think we have gone far enough.

I am willing to join with the other side to find further ways to fund it. If we could transfer money from the B-2 bomber to do this, I will vote for it. Unfortunately, as you all well know, we cannot do that.

So I would say this is not cynical. This is not some sleight of hand. The fact is there are people out there that are not going to get treated, and we ought to rise to the occasion and do it.

Mr. PORTER. Mr. Chairman, reclaiming my time, obviously, this amendment will cost States and localities $23 million in additional mandated costs for refugees. I think that this is our responsibility. As I said, if funding for AIDS is not sufficient through any of the four different accounts I mentioned, Members can be assured that we will do everything possible to provide it.

Mr. Chairman, I urge the amendment's defeat.

Mr. NEUMANN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be brief and probably will not use all my time. I want to keep this whole thing brought back into perspective a little bit.

I have been sitting listening to this debate for the last couple of days, talking about spending dollars here and spending dollars here and spending dollars here. I just want to remind everybody in this place that that is dollars that we are spending coming from the hard-working families out there in America. The institution we are in is going to collect those dollars out of the paychecks of hard-working families out there in America in order that they can spend those dollars on all the different programs.

For all of my colleagues listening today, I want them all to remember and to understand that there are a lot of us here that have not forgotten that all of these dollars that they are talking about spending are coming from hard-working people out in America.

We are very concerned when we see a spending increase in a particular bill of $5.2 billion, or 7 percent, in one portion of the budget. Many of us out here are concerned that the overall spending level is too high, but that is what was agreed to in the budget agreement, and that is what has brought on this debate about which programs the money should be spent on.

Mr. Chairman, for my colleagues, I would like them all to know many of us are very, very concerned, and remember through all of these debates that this is the people's money that we are spending, and these dollars that they are talking about spending on various programs are coming from the people through their hard-earned work that are collected in taxes and brought out here to Washington, DC.

Mr. Chairman, I just rise because we have been going on in these debates for quite some time, and it has all been about what we are going to spend the people's money on. We have not forgotten these are tax dollars collected from the people.

Mr. Chairman, I support the amendment.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I think it is also well to remind ourselves that this bill in fiscal year 1996 carried the greatest level of deficit reduction in the House of any piece of legislation; $9 billion in cuts on a $70 billion base. The reason that there is an increases in this year's bill of the magnitude the gentleman has just described is that this increase was part of an agreement between the majority and the minority, between the Congress and the White House. In that agreement the majority got tax cuts that it sought and restraints in entitlement increases in the future that it sought, in return for certain agreements to provide for priorities that the minority sought.

So the reason that the allocation for this account is as high as it is, is simply because it is carrying out a balanced budget agreement. We are bringing this bill to the floor within the context of bringing the budget into balance, which is, I know, your No. 1 priority, but also for all the time I have been in Congress, my No. 1 priority.

Mr. NEUMANN. Mr. Chairman, reclaiming my time, I certainly respect the Chairman [Mr. PORTER]. I did not rise to object to what the gentleman is doing, but rather, after listening to this debate about spending money so long out here, I felt it was time somebody stood up and reminded everyone this is the taxpayers' money being spent, and we are still very, very concerned about the level of spending.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. COBURN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 141, noes 282, not voting 10, as follows:

[Roll No. 377]

AYES—141

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Engel
English
Ensign
Ewing
Forbes
Gallegly
Ganske
Gibbons
Gillmor
Goode
Goss
Graham
Granger
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Istook
Johnson, Sam
Jones
Kasich
Klink
Largent
Lewis (KY)
Lucas
Manzullo
McInnis
McIntosh
McKeon
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Norwood
Nussle
Pappas
Parker
Paul
Paxon
Peterson (PA)
Pickering
Pitts
Pombo
Radanovich
Ramstad
Redmond
Riley
Rogan
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaffer, Bob
Sessions
Shadegg
Shuster
Smith (MI)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Wicker

NOES—282

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Campbell
Capps
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cox
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehlers
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Goodlatte
Goodling
Gordon
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney

Torres
Traficant
Turner
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—10

Carson
Dellums
Dickey
Gonzalez
Hilliard
Owens
Schiff
Serrano
Towns
Velázquez

☐ 1619

Messrs. RODRIGUEZ, GREENWOOD, HALL of Texas, MURTHA, BILIRAKIS, GUTKNECHT, WEYGAND, SAXTON, and INGLIS of South Carolina changed their vote from "aye" to "no."

Messrs. HUNTER, CRAPO, GOSS, HUTCHINSON, and HILLEARY, and Ms. DUNN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore (Mr. BEREUTER). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the remainder of title II is as follows:

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. None of the funds appropriated in this Act may be obligated or expended for the Federal Council on Aging under the Older Americans Act or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

(TRANSFER OF FUNDS)

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. Funds appropriated in this Act for the National Institutes of Health may be used to provide transit subsidies in amounts consistent with the transportation subsidy programs authorized under section 629 of Public Law 101-509 to non-FTE bearing positions including trainees, visiting fellows and volunteers.

SEC. 211. (a) The Secretary of Health and Human Services may in accordance with this section provide for the relocation of the Federal facility known as the Gillis W. Long Hansen's Disease Center (located in the vicinity of Carville, in the State of Louisiana), including the relocation of the patients of the Center.

(b)(1) Subject to paragraph (2), in relocating the Center the Secretary may on behalf of the United States transfer to the State of Louisiana, without charge, title to the real property and improvements that as of the date of the enactment of this Act constitute the Center. Such real property is a parcel consisting of approximately 330 acres. The exact acreage and legal description used for purposes of the transfer shall be in accordance with a survey satisfactory to the Secretary.

(2) Any conveyance under paragraph (1) is not effective unless the deed or other instrument of conveyance contains the conditions specified in subsection (d); the instrument specifies that the United States and the State of Louisiana agree to such conditions; and the instrument specifies that, if the State engages in a material breach of the conditions, title to the real property and improvements involved reverts to the United States at the election of the Secretary.

(c)(1) With respect to Federal equipment and other items of Federal personal property that are in use at the Center as of the date of the enactment of this Act, the Secretary may, subject to paragraph (2), transfer to the State such items as the Secretary determines to be appropriate, if the Secretary makes the transfer under subsection (b).

(2) A transfer of equipment or other items may be made under paragraph (1) only if the State agrees that, during the 30-year period beginning on the date on which the transfer under subsection (b) is made, the items will be used exclusively for purposes that promote the health or education of the public, except that the Secretary may authorize such exceptions as the Secretary determines to be appropriate.

(d) For purposes of subsection (b)(2), the conditions specified in this subsection with respect to a transfer of title are the following:

(1) During the 30-year period beginning on the date on which the transfer is made, the real property and improvements referred to in subsection (b)(1) (referred to in this subsection as the "transferred property") will be used exclusively for purposes that promote the health or education of the public, with such incidental exceptions as the Secretary may approve.

(2) For purposes of monitoring the extent to which the transferred property is being used in accordance with paragraph (1), the Secretary will have access to such documents as the Secretary determines to be necessary, and the Secretary may require the advance approval of the Secretary for such contracts, conveyances of real or personal property, or other transactions as the Secretary determines to be necessary.

(3) The relocation of patients from the transferred property will be completed not later than 3 years after the date on which the transfer is made, except to the extent the Secretary determines that relocating particular patients is not feasible. During the period of relocation, the Secretary will have unrestricted access to the transferred property, and after such period will have such access as may be necessary with respect to the patients who pursuant to the preceding sentence are not relocated.

(4)(A) With respect to projects to make repairs and energy-related improvements at the transferred property, the Secretary will provide for the completion of all such projects for which contracts have been awarded and appropriations have been made as of the date on which the transfer is made.

(B) If upon completion of the projects referred to in subparagraph (A) there are any unobligated balances of amounts appropriated for the projects, and the sum of such balances is in excess of $100,000—

(i) the Secretary will transfer the amount of such excess to the State; and

(ii) the State will expend such amount for the purposes referred to in paragraph (1), which may include the renovation of facilities at the transferred property.

(5)(A) The State will maintain the cemetery located on the transferred property, will permit individuals who were long-term-care patients of the Center to be buried at the cemetery, and will permit members of the public to visit the cemetery.

(B) The State will permit the Center to maintain a museum on the transferred property, and will permit members of the public to visit the museum.

(C) In the case of any waste products stored at the transferred property as of the date of the transfer, the Federal Government will after the transfer retain title to and responsibility for the products, and the State will not require that the Federal Government remove the products from the transferred property.

(6) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the transferred property

with facilities management or dietary duties:

(A) The State will offer the individual an employment position with the State, the position with the State will have duties similar to the duties the individual performed in his or her most recent position at the transferred property, and the position with the State will provide compensation and benefits that are similar to the compensation and benefits provided for such most recent position, subject to the concurrence of the Governor of the State.

(B) If the individual becomes an employee of the State pursuant to subparagraph (A), the State will make payments in accordance with subsection (e)(2)(B) (relating to disability), as applicable with respect to the individual.

(7) The Federal Government may, consistent with the intended uses by the State of the transferred property, carry out at such property activities regarding at-risk youth.

(8) Such additional conditions as the Secretary determines to be necessary to protect the interests of the United States.

(e)(1) This subsection applies if the transfer under subsection (b) is made.

(2) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the Center with facilities management or dietary duties, and who becomes an employee of the State pursuant to subsection (d)(6)(A):

(A) The provisions of subchapter III of chapter 83 of title 5, United States Code, or of chapter 84 of such title, whichever are applicable, that relate to disability shall be considered to remain in effect with respect to the individual (subject to subparagraph (C)) until the earlier of—

(i) the expiration of the 2-year period beginning on the date on which the transfer under subsection (b) is made; or

(ii) the date on which the individual first meets all conditions for coverage under a State program for payments during retirement by reason of disability.

(B) The payments to be made by the State pursuant to subsection (d)(6)(B) with respect to the individual are payments to the Civil Service Retirement and Disability Fund, if the individual is receiving Federal disability coverage pursuant to subparagraph (A). Such payments are to be made in a total amount equal to that portion of the normal-cost percentage (determined through the use of dynamic assumptions) of the basic pay of the individual that is allocable to such coverage and is paid for service performed during the period for which such coverage is in effect. Such amount is to be determined in accordance with chapter 84 of such title 5, is to be paid at such time and in such manner as mutually agreed by the State and the Office of Personnel Management, and is in lieu of individual or agency contributions otherwise required.

(C) In the determination pursuant to subparagraph (A) of whether the individual is eligible for Federal disability coverage (during the applicable period of time under such subparagraph), service as an employee of the State after the date of the transfer under subsection (b) shall be counted toward the service requirement specified in the first sentence of section 8337(a) or 8451(a)(1)(A) of such title 5 (whichever is applicable).

(3) In the case of each individual who as of the date of the enactment of this Act is a Federal employee with a position at the Center and is, for duty at the Center, receiving the pay differential under section 208(e) of the Public Health Service Act or under section 5545(d) of title 5, United States Code:

(A) If as of the date of the transfer under subsection (b) the individual is eligible for an annuity under section 8336 or 8412 of title 5, United States Code, then once the individual separates from the service and thereby becomes entitled to receive the annuity, the pay differential shall be included in the computation of the annuity if the individual separated from the service not later than the expiration of the 90-day period beginning on the date of the transfer.

(B) If the individual is not eligible for such an annuity as of the date of the transfer under subsection (b) but subsequently does become eligible, then once the individual separates from the service and thereby becomes entitled to receive the annuity, the pay differential shall be included in the computation of the annuity if the individual separated from the service not later than the expiration of the 90-day period beginning on the date on which the individual first became eligible for the annuity.

(C) For purposes of this paragraph, the individual is eligible for the annuity if the individual meets all conditions under such section 8336 or 8412 to be entitled to the annuity, except the condition that the individual be separated from the service.

(4) With respect to individuals who as of the date of the enactment of this Act are Federal employees with positions at the Center and are not, for duty at the center, receiving the pay differential under section 208(e) of the Public Health Service Act or under section 5545(d) of title 5, United States Code:

(A) During the calendar years 1997 and 1998, the Secretary may in accordance with this paragraph provide to any such individual a voluntary separation incentive payment. The purpose of such payments is to avoid or minimize the need for involuntary separations under a reduction in force with respect to the Center.

(B) During calendar year 1997, any payment under subparagraph (A) shall be made under section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as contained in section 101(f) of division A of Public Law 104–208), except that, for purposes of this subparagraph, subsection (b) of such section 663 does not apply.

(C) During calendar year 1998, such section 663 applies with respect to payments under subparagraph (A) to the same extent and in the same manner as such section applied with respect to the payments during fiscal year 1997, and for purposes of this subparagraph, the reference in subsection (c)(2)(D) of such section 663 to December 31, 1997, is deemed to be a reference to December 31, 1998.

(f) The following provisions apply if under subsection (a) the Secretary makes the decision to relocate the Center:

(1) The site to which the Center is relocated shall be in the vicinity of Baton Rouge, in the State of Louisiana.

(2) The facility involved shall continue to be designated as the Gillis W. Long Hansen's Disease Center.

(3) The Secretary shall make reasonable efforts to inform the patients of the Center with respect to the planning and carrying out of the relocation.

(4) In the case of each individual who as of October 1, 1996, was a patient of the Center and is considered by the Director of the Center to be a long-term-care patient (referred to in this subsection as an "eligible patient"), the Secretary shall continue to provide for the long-term care of the eligible patient, without charge, for the remainder of the life of the patient.

(5)(A) For purposes of paragraph (4), an eligible patient who is legally competent has the following options with respect to support and maintenance and other nonmedical expenses:

(i) For the remainder of his or her life, the patient may reside at the Center.

(ii) For the remainder of his or her life, the patient may receive payments each year at an annual rate of $33,000 (adjusted in accordance with subparagraphs (C) and (D)), and may not reside at the Center. Payments under this clause are in complete discharge of the obligation of the Federal Government under paragraph (4) for support and maintenance and other nonmedical expenses of the patient.

(B) The choice by an eligible patient of the option under clause (i) of subparagraph (A) may at any time be revoked by the patient, and the patient may instead choose the option under clause (ii) of such subparagraph. The choice by an eligible patient of the option under such clause (ii) is irrevocable.

(C) Payments under subparagraph (A)(ii) shall be made on a monthly basis, and shall be pro rated as applicable. In 1999 and each subsequent year, the monthly amount of such payments shall be increased by a percentage equal to any percentage increase taking effect under section 215(i) of the Social Security Act (relating to a cost-of-living increase) for benefits under title II of such Act (relating to Federal old-age, survivors, and disability insurance benefits). Any such percentage increase in monthly payments under subparagraph (A)(ii) shall take effect in the same month as the percentage increase under such section 215(i) takes effect.

(D) With respect to the provision of outpatient and inpatient medical care for Hansen's disease and related complications to an eligible patient:

(i) The choice the patient makes under subparagraph (A) does not affect the responsibility of the Secretary for providing to the patient such care at or through the Center.

(ii) If the patient chooses the option under subparagraph (A)(ii) and receives inpatient care at or through the Center, the Secretary may reduce the amount of payments under such subparagraph, except to the extent that reimbursement for the expenses of such care is available to the provider of the care through the program under title XVIII of the Social Security Act or the program under title XIX of such Act. Any such reduction shall be made on the basis of the number of days for which the patient received the inpatient care.

(6) The Secretary shall provide to each eligible patient such information and time as may be necessary for the patient to make an informed decision regarding the options under paragraph (5)(A).

(7) After the date of the enactment of this Act, the Center may not provide long-term care for any individual who as of such date was not receiving such care as a patient of the Center.

(8) If upon completion of the projects referred to in subsection (d)(4)(A) there are unobligated balances of amounts appropriated for the projects, such balances are available to the Secretary for expenses relating to the relocation of the Center, except that, if the sum of such balances is in excess of $100,000, such excess is available to the State in accordance with subsection (d)(4)(B). The amounts available to the Secretary pursuant to the preceding sentence are available until expended.

(g) For purposes of this section:

(1) The term "Center" means the Gillis W. Long Hansen's Disease Center.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(3) The term "State" means the State of Louisiana.

(h) Section 320 of the Public Health Service Act (42 U.S.C. 247e) is amended by striking the section designation and all that follows and inserting the following:

"SEC. 320. (a)(1) At or through the Gillis W. Long Hansen's Disease Center (located in the State of Louisiana), the Secretary shall without charge provide short-term care and treatment, including outpatient care, for Hansen's disease and related complications to any person determined by the Secretary to be in need of such care and treatment. The Secretary may not at or through such Center provide long-term care for any such disease or complication.

"(2) The Center referred to in paragraph (1) shall conduct training in the diagnosis and management of Hansen's disease and related complications, and shall conduct and promote the coordination of research (including clinical research), investigations, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of Hansen's disease and other mycobacterial diseases and complications related to such diseases.

"(3) Paragraph (1) is subject to section 211 of the Department of Health and Humans Services Appropriations Act, 1998.

"(b) In addition to the Center referred to in subsection (a), the Secretary may establish sites regarding persons with Hansen's disease. Each such site shall provide for the outpatient care and treatment for Hansen's disease and related complications to any person determined by the Secretary to be in need of such care and treatment.

"(c) The Secretary shall carry out subsections (a) and (b) acting through an agency of the Service. For purposes of the preceding sentence, the agency designated by the Secretary shall carry out both activities relating to the provision of health services and activities relating to the conduct of research.

"(d) The Secretary shall make payments to the Board of Health of the State of Hawaii for the care and treatment (including outpatient care) in its facilities of persons suffering from Hansen's disease at a rate determined by the Secretary. The rate shall be approximately equal to the operating cost per patient of such facilities, except that the rate may not exceed the comparable costs per patient with Hansen's disease for care and treatment provided by the Center referred to in subsection (a). Payments under this subsection are subject to the availability of appropriations for such purpose.".

SEC. 212. None of the funds appropriated in the Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on resisting attempts to coerce minors into engaging in sexual activities.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1998".

AMENDMENT NO. 3 OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 105–214 offered by Mr. ISTOOK:

At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. . (a) Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

(b) None of the funds appropriated in this Act or any other Act for any fiscal year may be made available to any provider of services under title X of the Public Health Service Act if such provider knowingly provides contraceptive drugs or devices to a minor, unless—

(1) the minor is emancipated under applicable State law;

(2) the minor has the written consent of a custodial parent or custodial legal guardian to receive the drugs or devices;

(3) a court of competent jurisdiction has directed that the minor may receive the drugs or devices; or

(4) such provider of services has given actual written notice to a custodial parent or custodial legal guardian of the minor, notifying the parent or legal guardian of the intent to provide the drugs or devices, at least five business days before providing the drugs or devices.

(c) Each provider of services under title X of the Public Health Service Act shall each year certify to the Secretary of Health and Human Services compliance with this section. Such Secretary shall prescribe such regulations as may be necessary to effectuate this section.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I ask unanimous consent to limit the time for the debate.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. MANZULLO: Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. ISTOOK. Mr. Chairman, this is an amendment that goes to the heart and soul of what happens in the families in the United States of America, what happens with our most precious possessions and involvements, our children and the role between parent and child.

Mr. Chairman, this goes to the heart of what families do with their children, what we teach our children, and the role that we undertake as parents, and, unfortunately, how one of the major programs in this bill interferes with that.

One of the most important things that most of us teach our children is that certain things should be reserved for marriage. We are talking, of course, about the sexual conduct of teenagers. We are talking about the fact that the out-of-wedlock teenage birth rate has doubled since the adoption of a particular Federal program, a program that allows counseling and contraceptives and condoms and IUD's and birth control pills and other chemicals to be given to youngsters.

Mr. Chairman, I am talking about people as young as 13 and 12 years old even, and their parents never know about it and their parents are never notified, they are never involved. Two million dollars a year of our tax money goes to this program. One and a half million teenagers a year go to the so-called title X clinics. A third of the caseload that they handle is teenagers.

Now, if my child is involved in something they should not be, if they were using drugs illegally, if they were involved in a gang activity or something against the law, I would be notified. Yet, even though for any other type of medical treatment a teenager is required to get the consent of their parent, Federal law creates an exception if they are going to go into a federally funded clinic and get birth control and contraceptives.

Now, Mr. Chairman, what happens is very fascinating. Some people try to paint a picture that teenagers do what they have always done. But what is not known is since Federal law has cut teens off from so much of the advice and counsel of their parents, it is not just teens and teens.

Mr. Chairman, look at some of the headlines from Charleston: "Bus driver guilty in teen seduction"; from Austin: "Older fathers and teen mothers and tougher laws"; Omaha: "Going after men who prey on minors"; the Rocky Mountain News in Denver: "Adult men blamed in teen pregnancies"; Chicago: "Older men who impregnate teens targeted."

□ 1630

The Washington Post, "California cracks down on men to curb underage pregnancies."

You see, studies in recent years have shown that 60 percent of young women who have sex before the age of 15 were coerced by males an average of 6 years older than them, and that two-thirds of births to teenage girls across the country is a situation where the father is not a teenager but they are 20 or older.

Sexual predators who prey on young women have the opportunity given to them to give them that extra little bit of reassurance and keep the relationship going because they simply take them to a title X clinic, a Federal clinic, where they are given the contraceptives and their parents are never told about it. A situation that under the laws of almost any State in the country would be illegal, that might be labeled sexual abuse or child abuse or molestation or statutory rape, is totally ignored.

We have laws on the books in just about every State saying that if there is this kind of activity involving a minor, you are supposed to report it.

But we have a Federal regulation that says what they do in the title X clinics is absolutely confidential and cannot be shared with anyone, not law enforcement, not the parents.

This amendment fixes that. It says, if there is a situation, such as I described, involving an underage child, title X providers must report that and comply with State law the same as anyone else who deals with services to our young people. It says, before any contraceptives are going to be given to a minor in a title X program, their parent will be notified 5 days before that is disseminated.

Mr. Chairman, this is not a requirement for parental consent, but it is a requirement of notification to fix this problem.

Mr. Chairman, I would certainly urge adoption of the amendment.

AMENDMENT OFFERED BY MR. CASTLE AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ISTOOK

Mr. CASTLE. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment No. 4 printed in House Report 105–214 offered by Mr. CASTLE as a substitute for the amendment offered by Mr. ISTOOK:

At the end of title of the bill, insert after the last section (preceding the short title) the following section:

SEC. . None of the funds appropriated in the Act may be made available to any entity under the title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

Mr. CASTLE. Mr. Chairman, ironically enough, considering the discussion which we have going on today pursuant to a Republican amendment, title X of the Public Health Act, the National Family Planning Program, was enacted in 1970. It was sponsored by then-Congressman George Bush and it was signed into law by then-President Nixon, two good Republicans.

The program, as we know, provides grants to public and private nonprofit agencies who support projects which provide a broad range of family planning and reproductive services as well as screening for breast and cervical cancer, sexually transmitted infections, and high blood pressure. It also supports training for providers and information and education programs, and a research program which focuses on family planning service delivery improvements.

More than 4.3 million clients were served through a network of over 4,200 centers funded, in part, by the program. Almost 60 percent of the health care providers are operated by State, county, and local health departments.

By law, none of the funds provided under the National Family Planning Program may be used for abortions. Today, we have an amendment before us, presented by the gentleman from Oklahoma, which would require parental notification with a 5-day waiting period, or consent.

I know all of us would like to think that every teenager out there has a wonderful relationship with loving parents, but the fact of the matter is that many teenagers simply do not. There are young people out there who are afraid of their parents. There are young people out there who do not have parents. There are young people out there who, frankly, have nobody who they can turn to if a circumstance arises in which they need help in the kind of parlance that we are talking about with respect to title X.

So there are young people who unfortunately would rush out and have unprotected sex if they knew practicing safe sex would come at the price of having a parent or their parents find out.

Studies show, and this is important, that if parental involvement were mandated, 80 percent of teens would no longer seek care at facilities, but fewer than 1 in 100 would discontinue sexual relations. That is an incredible ratio when we consider it. This would, obviously, lead to higher pregnancy rates and more abortions.

I know the gentleman from Oklahoma feels very deeply about this issue and cares as much as I do about young people. But his parental notification/consent amendment would effectively drive a stake in the heart of the family planning program and it would encourage even more irresponsible behavior.

I understand the desire to get parents involved in their kids' decisions. I could not agree more with that. My amendment does that. It encourages family planning providers to encourage the involvement of parents when teens seek contraception and other family planning services. I think that is a very important step.

Mandated parental notification/consent would scare teens into doing something stupid, like having unprotected sex in secret, rather than having their parents find out that they wanted to do the right thing, they wanted to be safe.

Leading medical groups, including the American Medical Association, the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, and the American Academy of Family Physicians, all oppose mandatory parental notification for young people seeking family planning services.

I believe that the substitute will do nothing to prevent the victimization of children.

First, currently, if evidence of rape, sexual abuse, incest or any other crime is uncovered, title X personnel direct the client to appropriate care providers and notify appropriate legal authorities. It has always been the law that recipients of title X funds are in no way exempt from State-imposed criminal reporting requirements. Our substitute amendment strengthens the Federal role in stopping the sexual predators who prey on minors.

Under my amendment, title X grantees must counsel their clients on how to resist and avoid such coercive sexual relationships. This will not only help young people avoid such situations, but it will also help more counselors identify these situations and provide the proper assistance to end them.

As I have indicated, we agree on the goal of parental involvement. We all want children to abstain from sexual relations at a young age and feel like they could approach their parents on this and every other subject. We would like to think that they all have good and open relationships, but that is not reality. Reality is that that is not the way it is. And the truth of the matter is that a lot of these kids need help. And if they do not get that help, the problems are going to be a lot greater than if they do get that help.

So my judgment is that we need to listen carefully to this debate. I think it should be a full and extensive debate. But we need to understand the import of what the Istook-Manzullo amendment would do. It would lead to a situation in which children are simply going to refuse to go for planning, in which case there is going to be unwanted pregnancies and more abortions.

Mr. HYDE. Mr. Chairman, I rise in support of the Istook-Manzullo amendment.

Mr. Chairman, I do not expect to use the full 5 minutes. This is essentially a rather simple question. It is not a simple subject but the question is simple.

When I first came to Congress, 1975, it is a long time ago, the fashion in political advocacy was to use the word "defense." Everything that had a "defense" in it was going to have a leg up in passage. The Defense Education Act.

In the Clinton era, the key phrase was "change." We all campaigned as agents of change.

Lately, family values has become a universal aspiration. We all stand foursquare for family values. One family value is parental responsibility. Any program that deliberately bypasses parents to provide birth control devices to minors, in my judgment, is an egregious violation of family values.

It is little less than legitimating promiscuity. What kind of a lesson do we teach? We teach youngsters, young ladies in particular, young women, to conceal from their parents the fact that they are engaged in sexual activity and we, the clinic, will facilitate, if not condone, that activity by providing condoms, drugs, or pills.

We legislate as though every family or most families are dysfunctional. I submit there are dysfunctional families but they are the minority and not the majority. Sexual activity has serious, serious consequences, the movies on cable television notwithstanding.

We frustrate family values by legitimating the concealment from parents of a child's participation in activity of the most sensitive, intimate, and consequential nature. We should be strengthening parental rights, not diminishing them.

I suggest a vote for the Manzullo and Istook amendment is the appropriate one. I think if you vote for Istook and Manzullo and vote against the Castle amendment, a gentleman for whom I have boundless admiration but do not agree with him in this situation, oppose the substitute and vote for Istook and Manzullo, and then if you do that, you can campaign for family values with a straight face.

Mr. OBEY. Mr. Chairman, I rise in support of the Castle amendment.

Mr. Chairman, first of all, let me say that there is virtually no Member of this House, certainly on that side of the aisle, for whom I have more respect than the gentleman from Illinois [Mr. HYDE]. I have a great deal of fondness for him personally as well.

I want to say that I very much enjoyed the opportunity to work very closely with him just a couple of weeks ago in fashioning a new compromise on this bill which expands the effect of the Hyde amendment to cover HMO situations. I think that the gentleman from Illinois [Mr. HYDE] correctly indicated that there was a problem with HMO's who tried to get around the Hyde amendment, and I am pleased that we were able to work with him to expand that amendment. I think that should help unify the House behind this bill.

In this instance, however, I differ with the gentleman's judgment, although I did not on the other question, because I think here the issue is not what we want our children to do but how we think we can best affect what it is they do. This is not a question about goals. It is a question about approaches. It is a question of what you think works, at least in my view.

I think the virtue of the Castle amendment, and I would urge Members to just read the language, because what the Castle amendment says is that none of the funds in this bill may be used unless clinics certify that they encourage family participation in the making of these decisions and that they also provide counseling to their clients on how to resist efforts at coercive sex from adults.

I think that is important. If there are sexual predators walking around communities, the answer is not to screw up the ability of these clinics to provide needed services. Those services which will, in my judgment, help to prevent abortions. The answer is to throw the book at those sexual predators and keep them in jail.

Now, I thought that when we passed legislation such as the welfare reform bill that we were trying to send a message that we expect people to recognize personal responsibility. I do not believe we ought to take off the hook the predators who engage in the kind of acts cited by the gentleman from Oklahoma by saying: "Oh, it was the fault of the clinics because they did not have the right procedures." It was the fault of the individuals who engaged in that conduct!

Let me simply say that I wish that every family in America worked in a way that enabled young people to talk to their parents. The problem is, and I run into a lot of them, the problem is that there are a lot of families that do not work that way. These youngsters on some occasions are going to wind up engaging in inappropriate sex either with consultation with some adult or they are going to engage in it with consultation with no adult at all.

□ 1645

If, for those children, that is the choice, then I would prefer that they at least have some opportunity to talk to an adult, because the consequences are not only unwanted pregnancies, there are also unwanted abortions and an increase in sexually transmitted diseases.

I would also like to make a point that the American Hospital Association and the American Public Hospital Association have reviewed the text of this amendment and they indicate that their reading of it is that the parental consent requirement applies not just to title X funds, but to all funds used to provide contraceptives, including State and privately raised funds. That means if a hospital or clinic fails to abide by the parental consent requirements, they believe that they would have to forfeit all Federal funds.

I do not think we want to see that happen, and so I would respectfully urge that we support on a bipartisan basis the Castle amendment.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the last word, and before I get to the meat of my comments, I want to point out that that amendment that I rise in support of calls for a parental notification, not consent. So we need to debate the facts here.

I encourage all my colleagues to support the Istook-Manzullo amendment and reject the Castle amendment. If we really do support family integrity, the United States, and indeed going back into history, British law has a longstanding tradition of parental rights where parents have the authority and control over raising their kids.

We, in this country, beginning with this program as it began in 1975, began in a direction that is in direct violation of that principle in the sense that now the Federal Government is funding a program that will allow minor children, females, to go in and see a physician and get contraceptive services, to include injections of medications, placement of IUD's, without parental consent, with absolutely no knowledge of their parents.

Some of these interventions are not without risks. As many of my colleagues know, prior to coming here, I was a full-time practicing physician. One of the drugs that is dispensed, for example, in these clinics, is injections of a drug called Depo-Provera, a drug that has associated with it the potential complications of thromboembolic disease, which is blood clots, blood clots in the legs, blood clots traveling to the lungs.

These clinics can place IUD's. IUD's are associated with a tremendously enhanced risk of infectious complications, and all of this can be done without parental consent.

Our children cannot get aspirin from a school nurse without parental consent; our children cannot get their ears pierced, but they can go into a title X clinic and get access to these medical services.

The supporters of this policy as it has existed for the past 20 years claim that, oh, it is necessary because these young girls are sexually active and they have to have access to these services; and if they have to tell their parents, it is going to cause a lot of conflict, and some of them come from difficult homes, et cetera.

There used to be a time in this country where the kinds of conflict that would be introduced by these young girls talking to their parents about this issue would be considered healthy, it would be considered good. But now we want to intervene and say no, no, no, we just want to give them these services.

Now, I would, perhaps, be somewhat sympathetic to the supporters of the existing policy if, indeed, this program was having some kind of a positive impact, but we all know what the impacts have been. Actually, the teen pregnancy rate in this country has gone up dramatically, and, indeed, probably what is more significant is the incidence of venereal disease and the long-term complications of those venereal diseases, such as infertility, which has just gone up 5-, 10-, 15-fold over the last 25 years. If we talk to any practitioner who engages in that practice, he will tell us that is a tribute to the high rate of promiscuity.

Let me close by just saying this. We cannot have our cake and eat it too.

We cannot say, I support family values, I am opposed to all this sexual activity for teenagers, but, yes, we have to fund contraceptive services to be done in a fashion where parents do not even know.

I just want to point out that this amendment calls for parental notification. And, in addition, I just want to add one more important thing, a point that was made by the gentleman from Oklahoma, in that many, many of these girls are having sexual activity with men who are over the age of 18. In most States that is statutory rape, and in some instances, these children have been seduced and are, in effect, being abused.

As a matter of fact, I believe we are going to hear the story about a specific case of that occurring in the district of the gentleman from Illinois [Mr. MANZULLO], where a young girl was seduced and was being sexually abused and getting contraceptive services with the assistance of this man who was abusing her.

In my opinion, this policy, as it has existed for the past 20-plus years, is a direct affront to the principle of standing up for family values and believing in the rights of moms and dads to have a role to play in the care of their children; and I would encourage all my colleagues to support the amendment of the gentleman from Oklahoma and oppose the Castle substitute.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Castle substitute and in strong opposition to the Istook amendment.

The Istook amendment would do great harm to our efforts to lower the number of unintended pregnancies and abortions and to our efforts to reduce the incidence of sexually transmitted diseases, including HIV/AIDS in our young people.

On the face of it, it may seem reasonable to require parental consent and notification for contraceptive services, but the Istook amendment ignores the realities of the young people who seek care at these clinics. The vast majority of these teens are already sexually active, have been for almost a year, on average. Most end up seeking services because they are afraid that they may be pregnant or that they have a sexually transmitted disease.

Minors who go to clinics are strongly encouraged to involve their parents and many do bring a parent with them on subsequent visits.

Much has been made of the new Istook amendment, with some confusion as the true impact of the latest modifications. Today's version would require parental consent or written notification with a 5-day waiting period before minors could receive contraceptive services. It is clear that the effects of this amendment would be the same as in the original version.

If teens are required to obtain written parental consent or notification for any title X services, many of them are going to avoid the program completely. It is important to remember that some contraceptives provide protection from STD's, sexually transmitted diseases. The opportunity to provide accurate, potentially life-saving education on the transmission of HIV and other STD's could also be lost if teens avoid these services because of parental consent requirements. And delays in services will only lead to unintended pregnancies, more abortions, and higher rates of STD's and HIV.

As has been mentioned, the medical community is also overwhelmingly opposed to parental consent and notification requirements for minors. The American Medical Association, the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, and the American Public Health Association all agree that contraceptive services should be available to adolescents without their parents' consent or knowledge.

Now, the Castle substitute properly requires that title X programs encourage parental involvement when teens seek family planning services. It also provides counseling to minors to prevent coercive sexual activity. In its letter endorsing the Castle substitute, the American Medical Association states,

> We believe that the substitute amendment properly balances the need for a strong patient-physician relationship with parents', families', and society's overwhelming concerns with preventing unintended pregnancies among minors.

That is a direct quote.

So, Mr. Chairman, I urge my colleagues to vote "yes" on the Castle substitute and to vote "no" on the Istook amendment. Let us act responsibly by encouraging parental involvement while also protecting the health of our Nation's youth.

Mr. PORTER. Mr. Chairman, I now ask unanimous consent that debate on this amendment and the Castle amendment thereto close in 3 hours; that half of that time be allocated to the gentleman from Oklahoma [Mr. ISTOOK] and the gentleman from Illinois [Mr. MANZULLO] or their designee; that the other half be allocated equally to the gentleman from Delaware [Mr. CASTLE] or his designee and the gentleman from Wisconsin [Mr. OBEY] or his designee.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Illinois?

Mr. ISTOOK. Mr. Chairman, reserving the right to object.

For clarification, the gentleman phrased it as 3 hours from now. By that, does the gentleman mean 1½ hours per side? If there is something else delaying the business, it would not be counted against either side; so that 1½ hours, divided, would be the time the gentleman mentioned?

Mr. PORTER. Yes, Mr. Chairman.

Mr. ISTOOK. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. This amendment will be debated for 3 hours divided, 1½ hours controlled by the gentleman from Oklahoma [Mr. ISTOOK] or his designee, 45 minutes controlled by the gentleman from Delaware [Mr. CASTLE], and 45 minutes controlled by the gentleman from Wisconsin [Mr. OBEY].

Mr. PORTER. Or their designees in each respective case, Mr. Chairman.

The CHAIRMAN pro tempore. Or their designees. That has been stated.

Mr. ISTOOK. Mr Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. WATTS], my corepresentative.

Mr. WATTS of Oklahoma. Mr. Chairman, across our Nation parents are engaged in a daily struggle for the hearts and minds and souls of their children. Their struggle is with an American culture which, under the protection of our constitutional freedoms, too often expresses these freedoms in a message of moral, ethical and sexual liberation that reaches even our youngest children.

Through television and advertising, through the Internet and other sophisticated methods of communication, our children are bombarded with these messages, sometimes subtle, sometimes overt; messages which celebrate immoral behavior, messages which promote promiscuity, messages over which we, as parents and adults, have little or no control.

The struggle against these influences is particularly difficult to working parents who have discovered that between the hours of 3 p.m. in the afternoon, when school lets out, and 6 o'clock in the evening, when they get home from work, we have allowed the development of an adult-free, supervision-free culture. Studies have shown this is the time when teenagers experiment with drugs, commit juvenile crime, and engage in sexual activity.

In this battle, one would think the Government should be an ally for the family, but in the case of the title X program, it most certainly is not. On the contrary, title X allows the child to lead an independent sexual life without any regard for the rights and responsibilities that parents have to intercede to counsel, to guide, to protect, and to raise their own children. The Government usurps that function and legitimizes the chasm between parent and child.

In this regard, the Istook-Manzullo amendment seeks only to allow parents to be informed of their child's decision concerning this critical part of their development as a human being. This seems to me such a minimal request when one considers the extraordinary responsibilities of parenthood. If we expect individuals to be responsible as parents, we must guarantee them their rights as parents.

I confess that it amazes me that this fact is subject to debate considering that if my daughter's school nurse wanted to give her an aspirin, it is mandatory that they notify the parents or the guardian.

□ 1700

However, if a health clinic wants to give her birth control pills, the parents do not have to be notified or if some adult man is having sexual activity with my daughter, something happens, again they do not have to notify the parents. I think that is crazy for Government to intervene and take the rights of parents and say that their parent or guardian, the person that is responsible for that child, they should not be notified.

I commend my colleagues from Oklahoma and Illinois for their leadership on this issue. This is a vote to help American families regain control over their lives. I encourage a "yes" vote on this very, very important amendment.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I rise to strongly oppose the Istook-Manzullo amendment and to support the Castle-Porter substitute. The United States has a teen pregnancy rate of twice as high as England, France, Wales, and Canada. One million young women under the age of 20 become pregnant each year. This costs our fellow taxpayers and ourselves $7 billion annually. Only 36 percent of sexually active teens seek services from family planning clinics after they suspect pregnancy. Requiring parental consent or parental notification for contraceptive services will lower the number of teens seeking this service and therefore increase the cost of unplanned pregnancies, increase the incidence of sexually transmitted diseases and increase the rate of abortions.

This is pro-abortion legislation of my good colleagues, the gentleman from Oklahoma [Mr. ISTOOK] and the gentleman from Illinois [Mr. MANZULLO], because that is what the result of their proposal is going to be. Twenty-three States, including California, have laws that explicitly allow contraceptive services for teens without parental consent. As one can see, the results of this amendment would be to violate States rights, which surprise me, coming from these two gentlemen, and increase the cost to the taxpayers, which also surprises me. This would be hypocritical at a time when Congress is working to give more power to the States and reduce the strain on taxpayers.

From every perspective, the Istook-Manzullo amendment is simply bad public policy and to overcome bad public policy, I urge my colleagues on both sides of the aisle to strongly support the Castle-Porter substitute and to get around to solving the problem rather than simply have ideological issues that make no sense in the real world.

Mr. OBEY. Mr. Chairman, I yield 7 minutes to the gentlewoman from New York [Mrs. LOWEY], a member of the subcommittee.

Mrs. LOWEY. Mr. Chairman, let me begin by saying how disappointed I am that the gentleman from Oklahoma [Mr. ISTOOK] is violating the agreement that our chairman and ranking member agreed to in order to keep the bill free of controversial and extreme amendments. Mr. Chairman, the Istook amendment represents the latest attack by family planning opponents against our Nation's flagship program. Two years ago family planning opponents tried to zero out funds for the title X program. Fortunately, they failed. Last year family planning opponents, led by the gentleman from Oklahoma [Mr. ISTOOK], offered an amendment very similar to today's. Thankfully the amendment also failed.

We must defeat the Istook amendment once again. The Istook amendment would deny contraception to minors unless they have the consent of their parents or waited 5 days after their parents were notified before obtaining contraception. Some of my colleagues are making a distinction between notification and consent, but who is kidding whom? The 5-day waiting period before contraception can be obtained is no different than parental consent. That is why the AMA, the American Academy of Pediatricians, Child Welfare League, Public Health Association, Social Workers and Nurses Association all oppose the mandatory parental notification restrictions in the Istook amendment. Because they know, they understand that parental notification laws drive minors away from seeking basic health services. But the Istook amendment does not just prohibit the use of title X funds for contraceptive services to minors. It could also bar programs from using any Federal, State, or private funds for this purpose. This is so important, Mr. Chairman, that 24 States have passed laws assuring that minors can get access to contraceptives.

Furthermore, hospitals, community health centers, and other organizations that receive title X funds could face the loss of all Federal funding if they provide contraception to minors without abiding by the Istook parental notification consent restriction regardless of which funds they use. That is why the American Hospital Association and the National Association of Public Hospitals are opposed to the Istook amendment.

Let me say as my colleagues did, as a mother of three, a grandmother of one, soon to be, please God, a grandmother of two, we would like all youngsters to have parents such as many who spoke this evening. It would be wonderful if all parents had that kind of relationship with their youngsters. Unfortunately, it just does not exist in this country. In fact, we would prefer that teens would abstain from having sex altogether. But unfortunately we understand that minors will not change their behavior. There is a lot of work we can do to help them move to change their behavior, but what we are going to see if this is passed, many teenagers will forgo contraception rather than facing their parents, and that is unfortunate but it is the fact, and in fact studies show that 80 percent of teens seeking family planning services have already been sexually active for nearly a year. In fact, my colleague said that Federal law cuts children off from contact with parents. What the substitute does is encourage the contact with parents, but we have learned that mandating it just does not work. What we are going to create is more teenage pregnancies unfortunately.

By denying contraceptive services to tens of thousands of teens, the Istook amendment will simply result in higher rates, not only of teen pregnancy, of STD's and more abortions. If teens are required to obtain parental consent for contraceptive services, they will also avoid STD and HIV screening and routine gynecological exams.

Our Nation already leads the Western world in teen pregnancies. Millions of teens have some kind of STD and the incidence of AIDS among teens is alarming. We need to address these problems, but not by making title X services more difficult to obtain.

Mr. Chairman, we have a real teen pregnancy crisis in this country, and the Istook amendment will only make it worse. Opponents of family planning are exploiting a tragic situation in Illinois to gather support for their position. If the 37-year-old teacher in question is found guilty of carrying on an illegal and amoral relationship with a teenager, he should be prosecuted to the full extent of the law. We are in agreement on that. Let us not exploit that situation for this purpose, because there is no connection. If school authorities knew about the relationship, they should be held responsible. We should not be blaming the title X program for this man's actions.

Title X clinics are now required to report cases of rape, child molestation, and abuse. Clinic personnel would have been required to report this illegal relationship had they known about it. Let us stop exploiting this tragedy in the name of national policy. I urge my colleagues to support the Porter substitute instead. The Porter substitute will require that title X programs encourage the involvement of parents when teens seek contraception and other family planning services. By encouraging parental involvement rather than mandating it, we can ensure that teens will not pass up necessary health care services. This is the same language that passed the House last year.

The Porter substitute also requires that young women seeking title X services receive counseling on how to resist and avoid coercive relationships with male sexual predators. We cannot be tough enough on sexual predators and by voting for the Porter substitute, we can help to stop them. Let us remember, Mr. Chairman, if the Istook amendment passes, teens will not stop having sex but they will have more unintended pregnancies. Let us not make the teen pregnancy crisis in this country worse.

Mr. ISTOOK. Mr. Chairman, I yield myself 30 seconds in response.

Mr. Chairman, contrary to what the speaker has represented, there is not any requirement for title X providers to report these situations. The Congressional Research Service, which provides the information for us in Congress, double checking the laws for us, confirmed that in writing to me, and I have it if anyone would want to look at it.

Further, when we talk about the escalation of teen pregnancies, actually, Mr. Chairman, it is since the adoption of title X that the teen pregnancy rate out of wedlock has exploded in this country. Slow increases turned into a doubling after title X was adopted.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Chairman, I thank the distinguished gentleman from Oklahoma for yielding me this time. I want to compliment him and my distinguished neighbor, the gentleman from Illinois [Mr. MANZULLO]. The case that the gentleman from Illinois will get into in some detail occurred in a portion of my old district that I lost apparently just on the eve of the molestation of that little girl by that pervert teacher. But a thing that I think is important as a father of seven daughters is, I certainly would want to be notified and communicated with in a similar type circumstance. I think as a parent I have an absolute right to be notified, and that I make that kind of a decision for a minor child. I think a minor child, as in the case that the gentleman will elaborate on more fully later, a minor child involved in this kind of situation at the age of 13 is hardly in a position to be making any kind of significant judgments about what is proper behavior. One needs the parental consultation and involvement.

I would urge my colleagues, because it does not sabotage the remainder of title X, but it does put that important qualification in there, and I would urge my colleagues to support the Istook-Manzullo amendment.

Mr. ISTOOK. Mr. Chairman, I yield 6 minutes to the gentleman from Illinois [Mr. MANZULLO].

□ 1715

Mr. MANZULLO. Mr. Chairman, all laws have faces, and every statute we pass in this body has a consequence. Let me tell you about a consequence as a result of title X that has occurred in the district that I represent.

She was 13 when she was first molested by her 37-year-old teacher. The relationship went on for a year and a half. He, tired of using condoms, took her to the McHenry County Illinois Health Department, at that time she was 14, where, without the knowledge of her parents, she was injected, her arm pierced by a hypodermic needle containing the powerful drug Depo-Provera.

This happened on at least two or three occasions at the age of 14. Under no circumstances could she consent to sexual relations, so the people who gave her the shots knew that she was being statutorily raped, and there was no report of that made.

She became anorexic and her parents finally asked her what happened, and today she is in therapy 5 days a week, because, for a year and a half, this little girl's incident was not reported to the authorities because of the confidentiality requirement under title X.

All acts have consequences. Depo-Provera, the very chemical that is used in the State of California for sexual predators who voluntarily want to be chemically castrated, Depo-Provera, the very chemical whose side effects include blood clotting. Depo-Provera, the controversial hormonal agent injected into her arms, without the knowledge of her parents. Depo-Provera, drugs being ingested, given to children as young as 12 years old, and it happened 6,500 times in the past 2 years in the State of Illinois.

This is what is happening in these title X clinics. And I do not blame the health providers. I blame the U.S. Congress, which has said over the past several years that parents have absolutely no role to play in their children's sexual involvement.

A child being injected with such a powerful drug. In fact, the ACLU said that they objected to the California prisoners who wanted voluntary chemical castration based upon the cruel and unusual punishment because of the tremendous side effects of that drug. That is what is going on in America today.

This amendment does two things: No. 1, it restores the parent as the person in charge of the household. No. 2, it sends a message, that the confidentiality requirements of title X do not shield health care providers from reporting that children that young are involved in sexual activities.

That is what this amendment is about. If, as they say, well, the title X providers are already covered by this particular reporting law, then do not worry about it, the next State may not. If it applies, it applies; if it does not apply, it does not apply.

But we guarantee under Federal mandate that the rape that is taking place in this country, that the Guttmacher Institute, which is the research arm of Planned Parenthood, is saying that little girls are becoming younger in age and their sexual partners are becoming older in age.

We have wholesale rape going on in this country. We are saying the U.S. Congress should make it a policy that whoever takes Federal funds is bound by the State reporting laws.

Yes, if she had gone to a high school clinic or principal or teacher, that person, under penalty of 1 year in jail, would have had to report that to the authorities.

What this law does is very simple: It allows for unrestricted information and counseling. It requires a title X clinic to provide notification to the parent or legal guardian for minors seeking contraceptive services and devices. It allows for judicial bypass as an exemption for emancipated minors. It attempts to include parents in the conversation.

In McHenry County, IL, where there is no requirement for parental notification, 52 percent of the children receiving these services already have parental involvement, and included in that 48 percent was this precious 14 year old who was in daily counseling because nobody reported that, at age 14, it is illegal for her to have sex in the State.

What the amendment does not do, it does not prevent the treatment of or testing for sexually transmitted diseases. That answers the question of the gentlewoman from New York [Mrs. LOWEY]. Parental notification is not required for minors to be treated for STD's. It does not deny services to teens, and it does not require parental consent.

This is a very reasonable amendment. This amendment says the following: Who is in charge of the children of this Nation? Is it the U.S. Congress or is it the parents?

The amendment says something else, that anybody who receives one dime of Federal dollars is bound by the same State reporting laws as the States are.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, teenage pregnancy is indeed a serious problem, and many of us have been engaged in efforts to resolve that problem. The approach you take depends on where your own perspective is in assessing this critical issue. Teenage pregnancy not only is a problem for the teen parents and their immediate family, but it is, indeed, a problem for society. Some of us have been engaged in this for years.

Yes, teenage pregnancy has gone up over the years, but to blame the title X program is really not to understand the complexity of teenage pregnancy. Teenage pregnancy is the result of a premature act just like any other premature act that teens may involve themselves in where the consequences are less detrimental. It engages not only the family, it also engages the church and the community. Until we understand that young people want something to say yes to, they will always say yes to something, perhaps to whatever comes along, sometimes the wrong thing. We must provide positive options for them to choose.

To try to correct this problem by blaming title X as the reason for the failure of society, the failure of parents to be engaged with the child, is certainly not to understand the complexity of the problem. We all should be concerned, all of society, just as there are things that all of us should do.

I support parents being involved. I encourage family involvement. I am a mother of four, a grandmother of four, and I hope to be a grandmother of five soon, and I have had now some 8 teenage forums where I bring people together to say we have a collective responsibility.

I am here to say that the Istook amendment does not respond to that collective responsibility. It is very narrowly focused, though well-intended.

Yes, parents should be involved. Good parent relationship is the right way to go. But if we believe this we are in denial of reality, particularly if you want to engage young people.

My heart goes out for the situation in Illinois. I would be enraged, too. But should I blame the whole society for the perverted act of one individual? How cruel of me to condemn all of the people, because indeed one made a mistake.

Title X is not perfect, but it certainly cannot be given credit for the large increase in teenage pregnancy. All of us collectively should take our share of the responsibility for this problem as well as providing ways to resolve it.

The latest statistics for my State show that the teen pregnancy rates are down. This includes lower rates in the counties I targeted for my teen pregnancy prevention forums.

Mr. Chairman, let me say, as has been spoken before, I think there would be some consequences that even the sponsors of the Istook amendment would not like, if it were enacted into law. Indeed, you are trying to get parents to be notified. Notification and parental consent are not one and the same, however to a teenager they are usually synonymous.

The hospitals are interpreting that the effect of this amendment would mean that they would be denied funding for Medicaid and other Federal programs. Hopefully, that is not the case.

Already there are 24 States where, indeed, the violation of the law requires consent of contraceptives for minors. So what would this bill do in those 24 States?

The unintended consequences also show that you are pushing your young people to abortion. There are no good answers to teen pregnancy. The good answers are to get engaged with young people early, by providing positive options and not just focusing on where they can get contraceptives.

Certainly, we want to all be for preventing teenage pregnancy, but this is the wrong way. I urge a strong "no" vote on the Istook amendment.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Istook amendment and in support of the Castle-Porter amendment. We all want parental involvement in the critical issues of family planning, but I fear that enactment of a policy requiring parental notification or consent for some title X services may well just have the opposite effect.

Confidential access to reliable and timely information regarding family planning and other primary care services is crucial for young people. Studies indicate that requiring parental notification for young people receiving family planning services would mean that many teens would delay or avoid altogether perhaps seeking these services and would be derived of a reliable source of information.

I fear by requiring parental notification, Congress may unintentionally increase the number of unintended pregnancies, sexually transmitted diseases, and AIDS cases.

Mr. Chairman, leading medical groups with the best credentials, including the American College of OB-GYN's, the American Academy of Pediatrics, and the American Academy of Family Physicians oppose mandatory family notification, and all for good reasons. Whatever a family's economic or social background, many teenagers are unable to speak to their parents about these issues. What we all want is for our children to make smart and informed decisions and involve us as parents in every stage of their physical and intellectual growth.

However, if they do not, and some may not, I think that we would all agree that we want them to have access to means that would protect their health and their futures and provide them with reliable information.

I urge my colleagues, Mr. Chairman, to adopt the language of the Committee on Labor, Health and Human Services, as included in the bill, and most specifically support the Castle-Porter amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I think it is important to note, and this has not been mentioned by the speakers, that this amendment clearly permits the judicial bypass that is typical for States when they say a child needs a service which the parent is not providing, to get around the problem of parents that may not be responsible.

But, Mr. Chairman, I would submit that we should not be presuming that the parents of 1½ million teenagers per year are irresponsible and, therefore, nobody should get parental notice.

Certainly also the amendment only applies to providing contraceptives. It does not prohibit, for example, disseminating information or treatment for sexually transmitted diseases.

Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of the Istook-Manzullo amendment. This common sense approach simply requires parental notification before a title X clinic can distribute contraceptive drugs and devices to a minor.

I am one that has always believed that a parent should be notified of their child's health-related needs. A majority of parents in my district and throughout this country are in strong support of this amendment.

We are not denying a minor's choice in visiting a clinic. We are simply requiring a parent to be notified. Unfortunately, some of my colleagues have misinterpreted the amendment and believe it requires parental consent for children to visit title X clinics. That is absolutely wrong.

Americans are increasingly enraged with the breakdown of the social institutions of our society. I believe this is evident with the recent case in Illinois.

As you have just heard, a young female student was taken to a title X clinic by her junior high schoolteacher to receive numerous injections of a contraceptive drug. Further, this teacher had been sexually molesting the child for 18 months. This is sick and this is outrageous. Rightfully so, the child's parents were horrified and are pursuing legal action.

Unfortunately, I believe this is just the tip of the iceberg when it comes to the breakdown of our social structure and, more importantly, the loss of parental involvement. In my opinion, the

Istook-Manzullo amendment is very much needed to help repair the social fabric of this country by allowing parents to be involved in their child's life.

□ 1730

Mr. Chairman, this Nation was founded on Judeo-Christian values. Family ties and values have been a part of this foundation. This amendment strengthens that tie. I encourage my colleagues to support this amendment, and help restore the rights of parents across this Nation.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, teenage sex is wrong. That is the message I carry to my district. I stand with those who have called for total abstinence. That is what I taught my children.

I only wish that were the rule. I have to think beyond my own middle-class upbringing and paradigm, the values that I live by. I am forced every day, because of the people I represent, to think AIDS, think HIV, think STD's, think teen pregnancy.

By the time many youngsters get to the title X clinic, they have already had a pregnancy. A third of them got there because they already thought they were pregnant. I am glad they got there in time. Most who come have been active for almost a year, sexually active for almost a year.

We simply have to face the extraordinary, varied nature of family life today. Most families do not look like yours and mine. Increasingly they do not. In my district there are families that are deeply religious, and for whom sex before marriage is simply unimaginable. There are others for whom sex before marriage is the rule. The Istook amendment wants me to forget about the most troubled, the most vulnerable to pregnancy.

Mr. Chairman, in my district, AIDS, which used to be characterized as a gay disease, is becoming a black disease. I cannot sit by and let that happen. Seventy-two percent of the reported cases in 1996 were of black people in my district, many of them teens. It is impossible to pretend today that families need only to get together and they can straighten this out. I wish, how I wish.

There is no family life for many I represent, much less communication within a family. Dozens of organizations in the field understand this. That is why they oppose this amendment. Mr. Chairman, I ask Members to oppose it as well, and to vote with the Porter amendment.

Mr. ISTOOK. Mr. Chairman, I yield 5½ minutes to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I think everybody involved in this debate is genuinely concerned that we reduce transmission of sexually transmitted diseases, that we reduce teen pregnancy in this country. We all want the same thing. We want a result. What our debate is about is how do we get there.

As somebody who has delivered 1,500 teenagers, I hope Members will take the time to hear what I have to say. I am not talking about opinions, I am talking about the experience of 15 years of dealing with teenagers. This weekend I delivered two 16-year-old girls. I delivered babies for them.

I want to tell the Members what the real truth is. First of all, out of those million teenage pregnancies that occur in this country, over half occur because of statutory rape; people, adult men, having intercourse with minors, illegally violating the law in every State in this country. So half of them result because we have not decided that we are going to enforce that regulation. That is No. 1.

No. 2, if you have a teenager who goes to any type of family planning clinic, 12 percent within the first year will be pregnant, with the best training, the best conditioning, because teenagers uniformly are irresponsible. Even if they have been taught what we know about how to prevent pregnancy, they do not concentrate as hard as they should. Many of them fail to remember to brush their teeth, let alone to take the birth control pill that was given to them at that clinic.

For those young women who are going to be sexually active, we should provide it. But there are some other things we ought to know. As we do that, we have over 12 million new cases of sexually transmitted diseases in this country every year. Last year NIH released that data. Of that, 3 million occur in our adolescent teenagers in this country. Two-thirds of those diseases are incurable.

A condom offers no protection against human pappiloma virus, the No. 1 sexually transmitted disease. CDC cannot even get a handle on it, it is so pervasive. At California, Berkeley, they did a study just of the coeds there. Forty percent of the women there are infected with this disease. That was in 1992. That was in 1992.

So we have a big problem. I do not want to challenge anybody's motivation in how we solve this. I think we need to redefine the debate. Let us redefine this debate on how we solve this problem, and look at the different components of this. Part of it is we need to start enforcing the statutory rape laws. We ought to talk about that.

Should the Government be in the place in terms of alcohol consumption? Should we start an alcohol consumption clinic funded by the Federal Government to prevent our children from consuming alcohol as adolescents, because some parents are not going to do a good job of that?

I do not like title X because I do not think it is effective. As a doctor who asks patients who come into my practice when they are teenagers, I had a 14-year-old I saw Saturday morning, pregnant. I asked her, had she used anything. She had been to the health department and had gotten everything they had wanted her to, but she still got pregnant.

But regardless of that, we are going to have title X. This body has decided that. But should we not say, parents, your child has made a decision to become sexually active, and we are going to help them? But we want them to know that. So we have a great opportunity for intercedence in a parent.

Will it always be positive? No. Is there opportunity for negative, that they might not come back? Yes. Is there a greater opportunity that we might help those children? I think there is. I think we should decide on the side of doing, at least having the faith to give the parents the opportunity to do it. If it does not work, we can always change it. We can change it in 1 year.

In 1996 we said, we were going to do a study to find out if family planning works. Guess what, it is 2 years later from the 1995 debate. We all talked about it and said we will do this. We have not done a study, so everybody is going on the basis of opinion. There is not a study.

The gentleman from New Jersey [Mr. FRELINGHUYSEN] mentioned a study. I said I wanted to see the study. I wanted to read it. I have read everything I can on sexually transmitted diseases and teenage pregnancy. I have never seen any study like that, not in a reputable journal anyway.

Everybody's intentions are the same thing. No matter what happens on this vote, let us resolve to all get together on this debate and design something so we know what the facts are, rather than go on our opinion or our gut or whatever.

I may be dead wrong because my patient population may be wrong, but let us get together. Let all of us get together and work together to solve this problem. We can do it, and we should.

Mr. CASTLE. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding time to me. I would like to start off by making a comment about America in general, what makes this country successful.

I would say the hallmark of the Nation, of this democracy, is human initiative using good judgment. It is not the Government dictating any policy. I say that as a general rule of thumb for individuals across this great Nation, in the diversity of situations they find themselves in.

Most are very positive, very loving, filled with commitment, compassion, humility, and discipline. But there are exceptions to that. It is the initiative, that we want people to take responsibility to solve their problems.

All of us here want to solve the problems of unwanted pregnancy, of statutory rape, of sexually transmitted diseases, and all of these things. Everybody on the House floor right now is committed to do that. None of us have all the right answers. None of us are absolute in our knowledge and absolute in our certainty how to resolve those human issues that will be around for generations and generations and generations to come. This is just a small, little piece of the puzzle.

This discussion is going to do some positive good to help resolve the nightmare that some people go through. But human initiative, in my judgment, is the key: How do we resolve this problem?

I would say to my good friend, the gentleman from Oklahoma [Mr. COBURN], the doctor, who is a very knowledgeable person, and I take a lot of his advice home to my family, that teenagers are not uniformly irresponsible. Many of them are. Many of them come from very irresponsible homes, irresponsible communities, but especially irresponsible homes. Teenagers are on the brink of beginning to reflect the nature of their home life.

So what we are trying to do here is to discuss the difficult issue of raising children, and that is very difficult. Parents, we would hope every single one of them would be good parents by being responsible, by exposing their children to other adults that are responsible, by having a good home life with friends and neighbors and other family members from the extended family, and that is a wonderful environment.

The problem is, there are some homes that are not like that. As a school teacher for many, many years, I have had students come to me in desperate situations because they have been sexually abused by their parents, or parent, or physically abused or mentally abused. And the difficulty that the Istook amendment would place upon them is untenable.

All of us want to resolve this problem, and certainly we want the parents to be responsible, and certainly we want the parents, the responsible parents, notified; and the responsible parents are going to know about these situations because they are going to create around them an environment of support from the school to the church to the synagogue to the mosque to the neighborhood to the police department to you-name-it. Those are responsible people, exchanging their lives and information, and sharing things with other people.

It is the isolated situations, whether it is in a home that has difficulty with poverty or whether it is in the wealthiest of families, there are families where children are isolated from the community and need our help and need our judgment.

So the hallmark of America is human initiative, using good judgment. I encourage my colleagues to vote for the Castle amendment, because I think it begins the process of doing that.

Mr. ISTOOK. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today in support of the Istook-Manzullo amendment. My question is, what did parents do, mothers and fathers do, before title X? What did they do before Congress got involved in trying to manage the raising of their children?

I just looked at the chart a little while ago, and it looks like since 1970, teenage pregnancy rates have doubled. Sexually transmitted diseases have exploded on the scene. So can we stand here today in the halls of Congress and pat ourselves on the back for title X, and for what a great job has been done in stopping teenage pregnancy, in stopping sexually transmitted diseases? Can we do that?

For 200-plus years mothers and fathers in this country were able to take care of their children. It is amazing that this great body can be so presumptuous to think that they can do a better job. I think the statistics prove that they have not been able to do a better job. It seems like that would be the face of it.

What is wrong with allowing parents to be put back in the decision-making process when it comes to their children? It is not your children, it is the children of the parents of this Nation.

□ 1745

Like I said, they were certainly able to do a pretty good job until we got involved in it.

Mr. Chairman, under current title X regulations, clinics across the country are free to provide contraceptive devices without notifying the parents, and this violates the most fundamental right of being a parent, the right to be involved in their children's life when making crucial decisions.

Yes, there are bad parents out there, but, lo and behold, the majority of parents in this Nation are good parents. But my colleagues are painting with a broad brush and saying that all parents are bad. All of them; that parents in this Nation cannot make good decisions for their children.

Mr. Chairman, I say for 200-plus years they were able to do a darn good job. But, no, big government, this Government had to get involved. What is wrong with taking a look now at where we are? Just like the gentleman from Oklahoma [Mr. COBURN], my colleague the doctor, a little while ago said, let us stop, let us take a look at it.

Mr. Chairman, I have just sponsored a bill, the Family Impact Act, that proposes when Federal agencies put forth new regulations, we stop and see how those regulations are going to affect the family. Do my colleagues not think we need to stop now just for a little while and see how title X has affected the family? How not notifying parents about particular problems, like those mentioned by the gentleman from Illinois [Mr. MANZULLO], mentioned a little while ago, has affected the family? Stop and say: What is wrong with this picture? What should we do now?

Mr. Chairman, I would like to think that if we are going to be helpful in this Nation to our children and our parents, that we would at least take a look when things are not going right and say what can we do to correct it?

Well, this amendment corrects the problem. It makes sure that parents are involved. It does not mandate that children must get their parents' permission to use contraceptives, but it does make sure that they are notified. What is wrong with that? It simply requires that they provide information to the parents if their child asks for contraceptive drugs or devices.

It also protects the child by requiring title X providers to report evidence of child abuse, child molestation, sexual abuse, rape, or incest to the proper State authorities.

Mr. Chairman, it is time that this Government makes sure that parents are once again involved in the raising of their children. Is that not the least parents should have? Like I said, I think they did a good job until this institution got involved. We need to look and see where we are and where we need to go, and I think this is a good step in this amendment.

Mr. Chairman, I urge Members to support the Istook-Manzullo amendment.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, in this body we are supposed to at least make sense. That is why I rise in support of the Castle amendment, which makes sense, and oppose the Istook amendment, which makes absolutely no sense.

Why does it make no sense? I believe that the Istook amendment will actually increase teen pregnancy. It seems to me pretty ridiculous to pretend that all homes are loving, supportive. We would all wish they were. But most of us know that not all homes are that way, that there are some homes where a child would be in actual physical danger of trying to get the parents' consent or knowledge.

We have heard some horrible, horrible cases here today. I want to remind my colleagues of a case in Oregon where the father of a young woman raped her. When she told her teacher of that rape, he killed her. So what about those families where the sexual predator is in the family?

Now, the Castle amendment makes absolute sense because it will reduce teen pregnancy. I want to talk a little bit about a program we have in Oregon called STARS. It teaches abstinence and it allows teenagers to talk about abstinence, but it also teaches teenagers how to say "no". No to sex. No to coercion. No to abuse.

Mr. Chairman, that program has been introduced into Oregon by our first lady, Sharon Kitzhaber. It is utilized in half of the counties in Oregon, but it has been in practice in Georgia for 5 years. Mr. Chairman, let me tell my colleagues what that program has done in 5 years. In 5 years, this program, which would be like one of the ones the gentleman from Delaware [Mr. CASTLE] is asking be included, that program has reduced teen pregnancy by 33 percent.

So if we want to make sense, if we want to reduce teen pregnancy, do like the gentleman from Delaware. If we do not want to make sense and we do not care about teen pregnancy, really, truly, then we would go with the gentleman from Oklahoma.

Mr. Chairman, I urge Members to support the Castle amendment, make sense, and reject the Istook amendment.

Mr. CASTLE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I have been reading over the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] as to when a provider can provide contraceptive drugs or devices. It says if the minor is emancipated under applicable State laws, which is redundant as far as I can see; if the minor has the written consent of a custodial parent or custodial legal guardian, which is where that language came in; if a court of competent jurisdiction has directed that the minor receive the drugs or devices. I cannot imagine a minor going to court, a 14-, 15-, 16-year-old going to court. And then the key provision, and in fairness to them it says the provider has given actual written notice to a custodial parent or a custodial legal guardian notifying the parent or legal guardian of the intent to provide the drugs or devices at least 5 business days before providing the drugs or devices.

Mr. Chairman, I ask my colleagues to put themselves in the mind of a child. It could be a 16-year-old child or a 15-year-old child, whatever it may be. The studies show us that this child has been having sexual activity for a period of 1 year. This is a child almost inevitably that has not told the parents. This child has stated he or she will go on having sexual activity and they want some sort of protective devices, contraceptives or whatever they may be, and they go to Planned Parenthood, or they go to some sort of an outlet of a State, or whatever it may be. At that outlet they are counseled.

Mr. Chairman, by our legislation we would encourage family participation in the decision of the minors. It provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities, and that is how it should be. Frankly, that same child is simply not going to get into a situation in which it has to have written notice sent to a custodial parent. That is not going to happen. That means that that child is not going to receive any counseling whatsoever. The child is not going to receive any encouragement to see his or her family. The child is not going to receive any counseling with respect to coercion by an older person, such as the Illinois case, in the chances of sexually transmitted diseases, the chances of pregnancy occurring out of wedlock and the consequences of that become much greater as a result of this legislation.

It is a simple matter. We have to think this out very carefully. I do not have a single question in my mind about the authenticity of the feelings of the individuals involved, but I think they have reached the wrong conclusion and they have set up more difficulty than they have provided relief for. So I believe we should support the Castle-Porter amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, actually the points raised by the gentleman from Delaware [Mr. CASTLE] are already covered amply by the legislation. For example, counseling does not require any sort of parental notice nor consent. In fact, if the child has a sexually transmitted disease, it requires treatment. Also, there is no need of parental notice or parental consent because there is an immediate health care need. It is only when they are seeking contraceptives that it comes into play.

Furthermore, the urging of family involvement is already the law and has been for several years. The amendment adds nothing there. And, finally, the bill already contains language that says you are going to counsel minors on resisting sexual advances and so forth. The Castle amendment adds absolutely nothing to what is already in the bill.

Mr. Chairman, I yield 6 minutes to the gentleman from Colorado, [Mr. BOB SHAFFER].

Mr. BOB SHAFFER of Colorado. Mr. Chairman, I find it surprising, frankly, that this debate takes place to the extent that it does and with the passion that it does.

Mr. Chairman, I wish to address a number of points. The credibility that really eludes the arguments of the opponents of the Istook amendment is rooted in a number of points that I wish to address.

First of all, Mr. Chairman, I ask that Members remember this is an appropriations bill. One would think that this was a bill over a particular activity or another piece of legislation. But what this really is about is about cash and about funding and about funding a particular activity through the title X clinics.

One of the comments that was made by the opponents of this amendment was that if adopted, it would, quote, deny contraceptive services. Mr. Chairman, I point out that this amendment only ensures that public funds are not spent in a way that undermines parental authority. In fact, contraceptive services to children, for those who support that kind of thing, can continue on with the Istook amendment.

In fact the proponents of the substitute amendment, which favors contraception for children, suggests that the groups like the AMA, the American Academy of Pediatrics, the Hospital Association, the American Association of Public Hospitals, the American OB/GYNs all support the concept of contraception for children and oppose the Istook amendment.

Well, these groups are fine organizations. They are in many cases privately funded organizations. Let them pay for contraception for children if they really and truly do believe the importance of it.

What is at debate here today, again, is not whether this activity is legal or should or should not take place. What is in question is the extent to which our Federal Government should subsidize an activity that is so offensive to so many and does undermine the principal authority of parents and families throughout our country.

Mr. Chairman, in my district out in the eastern plains of Colorado, there are tens of thousands, perhaps hundreds of thousands for whom contraception alone is an offensive proposition. They believe that it in fact violates their religious precepts that they practice as a part of their daily life. Frankly, they are not asking to impose that belief on anyone else.

But just as there are those who hold those beliefs and ideals dear, and abide by them daily, there are others who believe that contraception for children is a good idea. Now, those individuals are in fact imposing their values, their brand of morality, on all of the rest. They are in fact taking the cash on April 15, the income taxes of hardworking individuals who find this activity abhorrent, they take their cash and they spend it in a way that violates that public trust.

Mr. Chairman, my wife and I are raising three daughters and a young boy, and if I ever found out that my government was providing advice and contraceptive services to my children without my knowledge, I can only say that it would be very difficult to forgive those who allowed that to take place. I believe I would find a way to do that eventually, but it would be difficult and it is difficult for every parent in this country to handle that as well.

Mr. Chairman, it is more difficult still to understand that it is possible today, in fact likely today, and in fact is occurring today, that that scenario will duplicate itself and repeat itself and the very parents who are offended by that activity are bearing the costs themselves.

Yes, right here in America, parents are paying as taxpayers for agents of the Government to teach their children values that are contradictory to those which are taught in the home. We should not allow that to occur.

It has been said by those who are in favor of contraception for children that the United States leads the world in sexually transmitted diseases. That was not always the case. It has only been the case since we have allowed the Federal Government to intrude into the bedroom on children, to subsidize the sexual activities of children.

Mr. Chairman, how often have we heard that: Keep government out of the bedroom? We should not use taxpayer dollars to ease children into a bedroom. We should not use taxpayer dollars to equip them for an activity for which they are not fit to engage. We should not use taxpayer dollars to teach a false sense of security for an activity that can kill them, that can scar children, that can devastate their futures and which drives a wedge even further between children and their parents.

Mr. Chairman, if we want children to learn, we buy them books. If we want children to brush their teeth, we buy them toothbrushes and toothpaste. If we want them to obtain jobs, we teach them how to work. If we want them to be baseball players, we buy them baseballs and baseball gloves.

If we want them to stop fighting, we take away the clubs. If we want them to stop shooting, we take away the bullets. If we want them to stop taking drugs, we take away the needles. If we want them to have sex, all we have to do is give them the tools, as we do today, to have sex, to think that they are responsible, to treat them like married adults, when actually they are foolish children.

□ 1800

One other opponent of the Istook amendment said that in order to understand this issue and vote the way they think we ought to vote, we only need to put ourselves in the mind of a 15-year-old. As a Member of Congress, I say hell no. We are the U.S. Congress. We are sent here to represent a country and honor the values of this great Nation, not to think like children, not to pass foolish pieces of legislation that take cash from parents and use it to pry their authority away from their family obligation and their rights as parents. We should pass the Istook amendment and honor that sacred institution of our families.

Mrs. LOWEY. Mr. Chairman, I yield myself 30 seconds to respond to the gentleman.

I want to make it very clear that for those of us who strongly support family planning, we strongly support abstinence on the part of children and in no way are we encouraging sexual activity.

What we are trying to do is to prevent sexually-transmitted diseases. We are trying to prevent teenage pregnancy. That is why we are so strongly supportive of family planning, because 80 percent of the youngsters who go to these family planning clinics are already sexually active.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in support of the Castle substitute. I do so because I believe that the Istook-Manzullo reporting requirements are duplicative and unnecessary.

Furthermore, I have heard some strange logic here this afternoon. The logic that says, if individuals are already involved in sexual activity, and we know it, facing the truth is oftentimes painful, but the fact of the matter is, many of our young people today have already begun to become sexually active before seeking information, advice, or family planning information.

The real fact of the matter is, when we deny those individuals the services that they need, we are relegating them in many instances to a lifetime of poverty, of misery, of despair, of the inability to care for children that they have, in fact, produced. The reality is that we are increasing the need for welfare.

There is no way that young mothers, 18, 19, 20 years old, can take care of three or four children. And we would deny them information because we know that many teenagers are not going to share with their parents the fact that they are sexually active.

I support Castle because it is a vote for realness.

Mr. ISTOOK. Mr. Chairman, I yield 4 minutes to the gentleman from Utah [Mr. COOK].

Mr. COOK. Mr. Chairman, I rise in support of the Istook-Manzullo amendment to title X.

I am from Utah, a State with a reputation for strong families and meaningful parental involvement. Our laws recognize a parent's right to have a voice in the choices children make. Our elected officials ponder ways to strengthen the families, realizing that strong, healthy families are the best solution to most ills in our society.

Our public education system recognizes and respects the vital, clear voice of parents. And yet, our children can get birth control devices from federally funded agencies without the knowledge of their parents. This troubles parents in my district. This troubles me.

Whether Congress intended this or not, the current title X policy undercuts parental involvement in this most critical area of a youngster's life, their sexuality. In Utah, teens must have parental consent to play on sports teams or participate in field trips, yet they can obtain birth control devices without notifying their parents.

It is important to note here that we are talking about parental notification, not parental consent. I am a pro-life Congressman. I am anxious that Federal policy not subtly encourage abortions. Some have argued that notifying a parent of a child's request for birth control will lead to more abortions. I disagree. I think alerting parents to their youngster's sexual activity will do more to halt unwanted pregnancies and abortions than just dispensing free birth control devices.

We have tried that. We have been trying it for decades. During the years we have freely dispensed birth control, teen pregnancy rates have doubled. The number of teens seeking abortions have soared accordingly. Sexually transmitted diseases have reached epidemic proportions.

What further proof do we need that our existing policy is not working? It is time to be doing what we should have been doing all along, bringing parents back into the loop.

I have been disappointed to hear the misleading rhetoric surrounding this bill. This bill is pro-children. This bill is pro-family. This amendment is pro-safety. We are requiring recipients of title X funds to report child abuse, molestation, rape, or incest. These crimes should never go unreported, regardless of the wishes of a frightened child. Failure to report these crimes is failure to protect a child. Just giving youngsters birth control and some pamphlets in those horrific circumstances is like putting a Band-Aid on a hemorrhaging wound. The crime must be stopped. The criminal must be punished. The victim must be helped.

This bill not only ensures responsible, caring parents a voice in their children's life; it also ensures youngsters meaningful protection against abusive parents and sexual predators. The full protection of the law, not just the protection of a birth control device.

I urge passage of the Istook-Manzullo amendment, Mr. Chairman.

Mr. CASTLE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman for yielding me the time.

I have to begin by saying that my heart is with, in many ways, the makers of this amendment. My heart is with the gentleman from Oklahoma [Mr. ISTOOK] and the gentleman from Illinois [Mr. MANZULLO], because I understand what they want to do. They want to protect our children from the elements of our culture that would undermine the values that we try to teach them at home. They do not want a world in which our kids are sneaking behind our backs and getting information that rightly ought to come from us.

As the gentlemen know, I have two daughters. They are 10 and 12. My wife and I are engaged in this struggle every single day. We are considered the fuddy-duds in our neighborhood, I think, because my daughters are always saying, how come everyone has their ears pierced already and we cannot? How come everybody can wear makeup to school and we cannot? How come you will not let MTV come into the house? I called the cable station and I do not let MTV come into the house. So that is pretty square, I guess.

We work real hard in our family on communications with our kids because we know that if we can establish communications about these issues, I stayed up late the other night with my daughter, 12-year-old, on the question of makeup. And I said, it is bigger than makeup. I will tell you what I am afraid about. I am afraid that people on Madison Avenue and people in Hollywood, in order to sell a product, are trying to create an image. And kids your age feel that if they do not fit that image that is provocative, 12 or 13 or 14 years, that there is something wrong with you. I am afraid of these people stealing your childhood away from you.

That is why we have these discussions. We communicate like that every day in our family.

If we succeed at this level when we are talking about pierced ears and makeup, then I think we will succeed when the heavy issues come like sexuality, going out to parties, and dating, and all of those things that have me scared to death already.

The parents in America that succeed at doing this, for them this language is moot. It does not matter. We do not need the government, for those of us, for parents who have succeeded, we do not need the government establishing communications. We do not have to mail a letter, nobody has to mail a letter to me saying your daughter is over here because I am going to know what my daughter is doing, if I succeed.

But we also know that really good parents who try hard do not succeed at this. It is hard to talk about. It is hard for any kid. Think of it yourself. How many of us can honestly say that when we were 15, 16, and 17 we could sit down at the table and talk about sexuality over dinner? Let us not pretend, by the way, that that is what happened in this country for 200 years. Silence was the order.

But some parents will not succeed. And for those parents who also, just like I do, hope that our kids are abstinent and do not get involved in sexuality before they are mature enough to do it, we hope that they will be abstinent until they are 18, at least until they are married, that this is not an issue. But what we know is that 56 percent of young ladies under the age of 18 are already sexually active. And it is higher with the males, 73 percent.

So what are we going to do about that? We know that that is going on. There are a lot of variables that determine whether a teenager is sexually active. It has to do with how they communicate with their parents. It has to do with how they respond to peer pressure. It has to do with what kind of a situation they are in.

But do you know what does not have any influence on whether a kid is sexually active? The availability of birth control. They do not refrain from being sexually active if they cannot get birth control, and they do not become sexually active because they can. That is not the way this works. That is not the way the birds and the bees work.

Kids become sexually active or they do not become sexually active for a lot of reasons. And the kids who can talk to their parents are in great shape. But if we tell kids who cannot talk to their parents and who are sexually active that we are going to send a letter home to mom and dad or you cannot come into this clinic and get contraceptive services, I wish that would solve the problem. I wish those kids would say, OK, no more sex. We are finished, cannot get the pill. I wish that that would work, because that is what the framers of this amendment hope happens. But it will not happen. That is not what happens. They continue to be sexually active.

We know the story. They become pregnant; they get sexually transmitted diseases. They have no one to talk to. They have abortions. That is the bottom line. That is what happens with this language. None of us wants that.

There has been a lot of criticism of family planning clinics in this country, a lot of talk about what has happened with the teenage pregnancy rate. It has gone down 8 percent since 1991. These clinics are working. We should protect the work that they do with the Castle amendment.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in support of the Castle-Porter substitute. .

Mr. Chairman, I rise in support of the Castle-Porter substitute and against the underlying amendment.

As a mother of four, including a young adult daughter and teenage daughter, I want my children to seek my advice, if not my approval on health-related matters, particularly those related to reproductive issues. But their willingness to talk to me or their father is based on trust and respect and cannot be mandated by law.

At the same time, as a policymaker, I want to reduce the instances of unwanted pregnancies and cases of sexually transmitted diseases. Would requiring parental consent for family planning services achieve that goal? Clearly not.

Instead, it would create a barrier and overturn statutes in 49 States by imposing a one-size-fits-all Washington policy. More importantly, studies show that 80 percent of sexually active teenagers would stop seeking family planning services if parental consent were required. The result would be more unintended pregnancies, possibly more abortions, and certainly more cases of sexually transmitted diseases.

The difficulty we face as parents and policymakers is finding the balance between policies that encourage the active involvement of parents in their children's decisions and policies that reduce teen pregnancies. The substitute amendment offered by Messrs. CASTLE and PORTER is the preferable, though far from perfect, approach.

The Castle-Porter substitute requires that title X grantees encourage the involvement of parents when teens seek contraception and other family planning services. To be sure, some may claim that title X grantees could easily provide the certification required by the amendment without genuinely making the effort to encourage teenagers to discuss their situation with their parents.

But I have met with many title X grantees and I know that they share the concern which has been expressed by both the proponents of the Istook-Manzullo amendment and the Castle-Porter substitute—that only through strong family bonds and only by encouraging teenagers to seek contraceptive advice can we reduce unwanted pregnancies and some of the other health risks facing sexually active young people. And they all make a very concerted effort to achieve both goals.

Support the Castle-Porter substitute which will reduce unwanted pregnancies and cases of sexually transmitted diseases while encouraging to the greatest extent practicable family involvement in the decisions of our children.

Mr. ISTOOK. Mr. Chairman, I yield myself 40 seconds.

I think the thoughtful comments of the gentleman from Pennsylvania [Mr. GREENWOOD] deserve some response.

When he says good parents do not need this because this never happens in good families, of course it happens in good families. Good families want to get involved when something happens that is a surprise to them.

If we say that availability of birth control has no affect on sexual activity, I lived through the 1960's and the early 1970's. I know all the writings that are out there saying that the availability of the pill and so forth and birth control had a huge affect on sexual activity in America.

I do not think that we can say, here is a hammer, here is a nail, here is a board. But believe me, I am not encouraging you to have it. I do not think that would be realistic.

Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I rise today in strong support of the Istook-Manzullo amendment and in opposition to the Castle substitute.

I am deeply concerned about the incident that occurred in Illinois, and even more concerned about current law allowing this type of atrocious behavior to continue to occur unless something is done and something is done soon.

I am distressed that it takes the exposure of such an atrocious situation for an issue such as this to receive appropriate attention. I am encouraged that this amendment is on the floor today, and I urge every Member to support the Istook-Manzullo amendment.

Currently, there are nearly 1.5 million teenagers using the title X program. This means that the parents of 1.5 million teenagers receiving federally funded services pay taxes for those purposes. I think it is not rational to believe that those parents do not want to be informed when their children are being supplied with possibly potentially harmful contraceptives.

□ 1815

As the father of the two most beautiful little girls in the world and as a Member of Congress responsible for allocating taxpayer dollars, I find this issue extremely troubling.

This amendment is critical for parents to be just that, parents. Unfortunately, the title X program virtually eliminates the role of parents in their children's receipt of medical care, and potentially harmful medical care at that.

Opponents of this amendment claim this amendment would result in higher pregnancy rates and more abortions. I find this difficult to understand in light of the fact that teen pregnancy rates have doubled since the title X program was created. At best, there is no correlation between the funding of this program and a reduction in the teen pregnancy rates, and in fact, it may be concluded that this program has actually facilitated its increase.

Parents have been deleted from the picture and clinic employees are now responsible for providing contraceptives without any interest or legal procedure to actually question the teenager about his or her sexual activities.

This amendment, the Istook-Manzullo amendment, would simply require clinics to report to the proper authorities any abuse, rape, incest or molestation that title X clinic patients have experienced, and would allow parents to simply be informed of any contraceptives their minor child is receiving. This amendment does not prevent the treatment, counseling or testing for sexually transmitted diseases under current law. Parental notification is not required for minors to be treated for STD's.

In addition, it does not deny any services to teens. It does not even require parental consent, but it will at least let a parent know when their 13-year-old daughter is coming into a clinic for a Depo-Provera shot while some 25-year-old monster waits in the car. I think parents deserve at least that much.

Simply put, I encourage all of us to consider how much longer we will continue to allow child molesters and rapists to hide behind the Federal morass of title X regulations.

Mr. Chairman, it seems that in this body we continue to legislate based on the lowest common moral denominator. We are saying that because there are parents, a minority to be sure, a minority of parents that in some way cause problems for their children when they find out their children have been sexually active; or in the case of the lady from Oregon talking about the father that killed his daughter when she reported the sexual molestation, that we must bring everyone in the country under that same concept of regulation.

Mr. Chairman, I would say that not every parent is like the parent in Oregon or not even close. Many of us as fathers and mothers want to know about these situations when they come into our children's lives. And the idea that we can set up this because we need this for the children is to say that, for example, we need to eliminate the status of minors altogether.

If we believe that there is a case in America or some cases in America whereby some parents may not act responsibly when informed of these things, why can we not extrapolate from this and say, let us do the same thing for alcohol abuse. Let us simply not notify the parents, but have a clinic operator inform the child and counsel the child. Or tobacco use, how about we not tell the parent that the child is involved in tobacco use because the parent may be averse to that?

No, Mr. Chairman, in this country we continue to recognize the importance of parents in the lives and decision-making of their minor children. This bill does not stop funding of a program that, at best, has no correlation to reducing pregnancy rates. This does not even talk about consent. We are not asking that I give my consent if my daughters receive Federal family planning.

Mr. Chairman, this is a responsible amendment, and I seek that the membership elect to accept the Istook-Manzullo amendment.

Mrs. LOWEY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, I want to take just a moment to answer a question one of my colleagues asked about, what did parents do before 1970? I was at the University of Kentucky in the 1950's, and I can answer that question. I think I should.

Women who got pregnant in those days died from botched abortions or they died from septicemia or they became sterile, unable to have children in the future, or they were sent away to what was called a Florence Crittenden home with other women who had, in the jargon of the day, "got themselves in trouble," to wait 9 months until their babies were born.

And their families told their friends and everybody else they had moved away with a relative for a little while. It was common. They had no opportunity again to go back and finish their education. They were from the "good" families. Poor women just had no options.

The men involved got off without any problem because it was a case of spontaneous generation, the woman had "gotten herself into trouble." They continued their education and lives, and had every opportunity to become titans of industry. The women were disgraced.

That has changed, and I am happy for it.

I wish that every child in America lived in an ideal home, but they do not. But even in ideal homes, in good homes, where 99.9 percent of everything is discussed, there comes a time every now and then when a child may not want to talk this over with their parents.

It is a tragic thing that happened in Illinois, it is a case of statutory rape, and of course it must be prosecuted. In my district we do that; and if my colleagues do not prosecute in their districts, I want to recommend it to them.

But this amendment has a far broader reach. It says that none of the funds in this act or any other act for any year can be made available to any title X provider if they do not fulfill this amendment. That means they risk the loss of Medicare funds, Medicaid funds, graduate medical reimbursement, disproportionate share payments, and everything else that we do for health care facilities in this country.

Because of the broad-reaching nature of this amendment, it has been strongly opposed by the American Medical Association and the hospitals.

Now, let me say one thing that is very important here. I think this law would preempt State laws on this issue because 24 States have laws that mandate confidentiality between providers and adolescents. What we say here over and over again on this floor, what I hear is, we should never enforce anything from Washington; the States know best, the local areas know best. In this case we are saying, no, that is not the case. No, no, Washington knows best on this issue after all.

Now, States deserve to have their considered laws on doctor-patient communications remain intact, and I urge my colleagues in the strongest possible terms to reject the Istook-Manzullo amendment, as well-meaning as it may be, and to support Castle-Porter.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Chairman, I want to respond that the Congressional Research Service has supplied a memo dated July 28, 1997, stating the title X regulations do not require that title X providers report cases of incest or statutory rape.

We are trying to change that law. We are trying to make it mandatory on the part of title X providers, that they have the same reporting requirements as State people do. It is just that simple.

So it is incorrect to state, as many Members on the other side have said, that title X providers are already required to report these violations.

Mr. ISTOOK. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, let me say first of all that I am really proud to call myself a Member of Congress. It is a privilege and an honor, and with that privilege comes a great deal of responsibility.

But I also have to tell my colleagues that I am even more proud to be known as a father, a dad. I have four children, three of them teenagers. And with that privilege of being called a dad come even greater responsibilities.

I have to tell my colleagues that it really saddens me that we even have to debate this issue. As a Member of Congress, in fact, I am embarrassed; as a parent, I am offended.

Let me just say flat out what this debate is about. This is about, is it right to notify parents when their children receive counseling, contraceptives, sexually transmitted disease inspections or testing; is it right?

Just think about that, as a parent. To use tax dollars that moms and dads from all over this country are sending to Washington, DC, should we use those tax dollars to do those things to our children and not let their parents know about it? Just on the very surface of the debate, it is laughable. And I want to tell my colleagues again that, as a parent, I am offended.

If we listen, just below the surface of the debate, of those that are opposed to letting parents know what is happening to their children, the message, the underlying message is that we cannot trust parents.

That is the message: We cannot trust parents. So the debate is really about this.

Who cares the most about my children? Is it people here in Washington that want to hand my children contraceptives or examine them or offer these services to them or is it me? Who can protect my children the best, me or my fellow colleagues?

I want to tell my colleagues, I do not believe any of them care or love my children as much as I do. I do not care who they are, there is nobody here in Washington that loves my children more than I do. And yet there are many people that are trying to impose what they think is right for my children and other people's children in this country on us as parents, and that is wrong. And that is what this entire debate is all about.

Understand, this is about just letting parents know. This is not about asking for their consent.

I get calls all the time. I cannot say all the time; I have often received calls from my children's school, from the school nurse. The school nurse will call to say that my daughter has a headache, and the nurse needs to get my consent to give her two aspirin. The nurse thinks she should administer those to her, but she needs my consent. Is it OK with me.

Not only do they have to notify me, they have to get my approval to give her two aspirin. And yet my daughter could go to a federally funded clinic, be tested for sexually transmitted diseases, be given condoms, given counseling, and I would not even know about it. They would not have to call and ask for my permission, not even notify me; and that is wrong.

I want to tell my colleagues what is happening all across our country to a lot of different institutions of authority, and I want to say that the family institution is an institution of authority, but what is happening is not hammer blows against those institutions of authority. Whether it is the Government or our schools or law enforcement or families, it is not hammering against those institutions of authority; it is a slow erosion.

This is one of those ways to slowly erode away the authority of parents in their children's lives, their ability to direct their children's lives, to counsel them, as parents, to provide protection for them. This is one of those things that is slowly eroding that authority away. And when we erode authority away, we erode respect away from parents.

It is no wonder we have the problems with teenage crime and violence and pregnancy that we have today, because we continue to erode the authority of all parents.

So the question is this, and I will finish by saying the question is this, and I want to say up front that I do not question the motives of anybody involved in this debate on either side. I really do not, because I believe in my heart that every Member of Congress is seeking the answer to this question. And that question is this: How can we best help kids in our country today?

I believe every Member of the Congress is trying to answer that question in this debate that we have before us; and I will tell my colleagues that the conclusion that I have reached, and the reason that I support the Istook-Manzullo amendment is this: I have concluded that the best way we can protect the children of our country today is to involve their parents, because I believe parents care the most for their children. So we need to help those parents by at least allowing them to know what is happening to their children.

I urge support for the Istook-Manzullo amendment.

Mrs. LOWEY. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. ISTOOK. Mr. Chairman, may I inquire how much time remains on each side?

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] has 43¼ minutes remaining; the gentleman from Delaware [Mr. CASTLE] has 29½ minutes remaining; the gentlewoman from New York [Mrs. LOWEY] had 26½ minutes remaining before yielding.

The gentleman from North Carolina [Mr. HEFNER] is recognized for 3 minutes.

Mr. HEFNER. Mr. Chairman, I have a tremendous amount of respect for the gentleman from Illinois [Mr. PORTER] and for the gentleman from Delaware [Mr. CASTLE], and it has been interesting to listen to this debate. And I listened to the gentlewoman from Kentucky, who comes from a rural district as I come from a rural district in North Carolina, and she talked about what has changed, and she was right.

Back when we were growing up, and I am a lot older than most people here, but when a girl got herself in trouble, it was always a woman that got herself in trouble. The guy was not particularly involved in it. It was always the woman that got herself in trouble and she bore the brunt of it for the rest of her life, if she was even allowed to live in the community.

☐ 1830

We are not here today to encourage people to be promiscuous. We are not here to say that family planning is telling our children to be promiscuous, to go out and have sex with everybody that comes along. It is obvious that family planning centers, and I have talked to the people that work there, and they strongly urge people to have abstinence. They do not say every time that you go to a family planning clinic you have got to go have an abortion.

The gentleman from Oklahoma said that the people that were talking about supporting the Castle amendment are urging people, the kids, not to trust their parent. I have four grandkids. I love them just as much as he loves his kids. But these kids I am talking about are the ones that have parents or families that are split, maybe they are living with an aunt or a grandmother, and can you imagine the frustration and the fear in a 14-year-old when they come to a problem where they do not know what to do? They want to go someplace and talk to somebody. It is terrible. And the kid says, "I don't have anybody to go home and talk to. I don't have anybody to notify." What are you going to do? Are you going to give a waiver and go through the courts?

This is a serious business that we are talking about. If everybody was raised in a good, solid home where the mom and dad loved everybody and you could talk about it, it would be one thing, but I am concerned about the ones that do not live in this environment. They are the ones that bother me.

We are certainly not encouraging people to be promiscuous. We are certainly not doing that. We love our kids just as much as you do. But this amendment in my view is wrongheaded. The Castle amendment addresses it in an absolute, rational way, and this is what we are trying to get, to the point that we are trying to get to. But I just want Members to know that all family planning institutions are not folks that advocate abortion. I might say this. Most of the people that are supporting the Istook amendment do not support family planning. Let us get that straight right now.

Mr. CASTLE. Mr. Chairman, I yield myself 3 minutes.

I would just like to make a point. I thought the gentleman from Oklahoma [Mr. LARGENT] made a very good point. He said he does not question anyone's motives and I certainly do not either. This has been a fair debate. I certainly do not even begin to question anyone's motives. But he raised the issue, and I think this is at the heart of it. How can we best help kids today? We may be talking about kids from good families but for some reason have a tremendous fear of talking to their parents about this at all. We may be talking in many instances about kids who have troubled circumstances in one way or another or are afraid to talk to parents. Do we want them in a situation in which they get no professional guidance whatsoever with respect to what they might do sexually for the remainder of their lives? Or do we want them to get some sort of guidance?

We have to understand that in the State clinics, which I have seen, and I assume in Planned Parenthood and other places, that the advice that I have seen is generally one of counseling, of trying to persuade kids to practice abstinence, to get away from sex in every way possible, and any kind of a device or whatever is always something that is only done at the end and that is the way it should be, and I think often these kids need counseling and help, to talk to their parents, to talk to guidance counselors in school or whatever it may be. I wonder what a kid would think. Would a kid go to a clinic if indeed that clinic has some sort of a notification provision? Admittedly, the notification provision is for the supplying of certain equipment in this circumstance and not just counseling, or would it go to a circumstance where the child, he or she, would feel welcome and could get some help? I would judge that that child is much, much more likely to go to a clinic in this circumstance. And I think most parents, even though they would rather be notified themselves and be the ones giving the guidance, they would probably rather have them have good advice and counseling than have nothing whatsoever.

For those reasons, I still believe strongly that the provisions in the Castle-Porter amendment are the ones which should prevail but are also the ones that are in the best interests of the young people of this country.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I appreciate the comments of the gentleman from Delaware [Mr. CASTLE]. I think when we talk about some parents being responsible and some parents not being responsible, we know it is true. I believe the vast majority of parents are responsible. So much of the concern is that in order to provide what we see as help to those who have irresponsible parents, that standard is applied in the case of responsible parents and provides an inducement, an incentive, if you will, that can help draw their children into that. It is the fact that the current law does not distinguish.

Mr. CASTLE. Mr. Chairman, let me reclaim the few seconds that are left. I believe in the case of responsible parents in most instances we are going to find those children are never going to go to any of these clinics or receive that advice, they are going to go to their parents or get help otherwise. In certain circumstances that could happen, but for the most part it is in more troubled circumstances. We are going to see this child reach out for help. That is my belief. I think it is documented. I admit that I have not seen a lot of studies on it, but I think by common sense we can reach that conclusion.

Mr. ISTOOK. Yielding myself 15 seconds, Mr. Chairman, I can certainly relate that from experience. I know of parents who I personally know are extremely responsible parents, and yet their children have been drawn into that nevertheless. I do not think we could make that assumption. But I appreciate the opinion of the gentleman, as I know he appreciates mine.

Mrs. LOWEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I rise in opposition to the Istook amendment and in support of the Castle substitute.

Mr. Chairman, I rise to oppose the Istook amendment to deny important health care services and information to young people who may have no other way to get the help they need and in support of the Castle substitute.

I believe we all share the goal of reducing teen sexual activity and teen pregnancy. We all agree that achieving this goal begins in the home and is the primary responsibility of parents. And we all agree that abstinence is the best approach to encourage young people to take. But let us not bury our heads in the sand and pretend we live in a perfect world where every teenager can turn to a parent for this assistance. The effects of mandating parental consent can have devastating results. Rather than promoting parental involvement, mandatory notification laws can have the unintended effect of increasing health risks to adolescents because many kids will avoid proper health concerns to avoid telling their parents.

Title X-funded clinics already encourage teens to talk with a parent about sex, health, and contraception. Requiring parental consent under all circumstances takes away the ability of medical personnel to exercise their judgment as to when family involvement would be inappropriate or nonexistent. The mainstream medical community including the American Medical Association agrees that contraceptive services, prenatal care, and HIV/AIDS diagnosis treatment should be available to teens on a confidential basis.

Family planning is a necessary investment. Each dollar spent on family planning saves about $3 in medical care. Denying services to thousands of youth will simply result in higher rates of sexually transmited diseases, more unintended pregnancies, and more abortions. Right now, publicly funded family planning programs, including title X, help prevent 386,000 unintended pregnancies to teenagers annually. These programs help avoid 155,000 teenage births and 183,000 abortions. If teens are required to obtain the consent of parents for contraceptive services, they will avoid seeking any title X services.

I urge support for the Castle substitute which would require that title X programs encourage the involvement of parents when teens seek contraception and other family planning services. By encouraging parental involvement rather than mandating it, we will ensure that parents have the primary responsibility in these matters, but we will also ensure teens continue to have access to necessary health care services.

Mrs. LOWEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado [Ms. DEGETTE].

Ms. DEGETTE. Mr. Chairman, each year publicly funded family planning prevents 386,000 unintended pregnancies to teenagers, it prevents 155,000 teenage births, and it prevents 183,000 abortions. If we are going to stand here and try to say with a straight face that parental notification of birth control is going to prevent teenagers from having sex, we are living in an Ozzie and Harriet world that has not existed in this country, if it ever existed, for 40 or 50 years. If we want to prevent these unintended pregnancies, if we want to prevent unintended disease and if we want to prevent all of these things from happening, we need to have family planning service.

I happen to believe, as all of us do, that children should not have sex as teenagers and that we should teach abstinence-based sex education to our teenagers. But let us be realistic. Parental notification is not going to stop teenagers from having sex. What it will do is take that chart that has been shown by the proponents of the Istook amendment throughout the afternoon and evening and it is going to take that line that shows increased unwanted teenage pregnancies and it is going to put that line right off the top of that chart. That is not what any of us want here today.

Just listen to some of the comments that teenagers themselves have made in my district when they were asked the question of what would happen if they had to talk to their parents before getting birth control. These are teenagers, some of them came from good homes, but did not feel they could talk to their parents, and some came from bad homes where they might have been victims of incest or child abuse.

One 17-year-old said: "I don't think it's a good idea, because more teens will do it unprotected rather than having their parents know that they are having sex."

Another honest girl told the surveyors that, quote, "I wouldn't have come here if I had to have a parent with me and I think a lot of other people wouldn't, either."

Let us listen to the word from the teenagers. I too have two young daughters, and I care more about them than I care about anything in this world. I love my daughters, I talk to them every day. Luckily for me, they are not 12 yet, but they are 3 and 7. I am heartsick at the idea that one of them may have sex before they are ready, before they are an adult. I am even more heartsick at the thought that one of my precious girls might have an unintended pregnancy or, worse, a fatal disease because, for whatever reason, they did not feel that they could come to my husband or to me. For that reason, I urge Members' opposition to the Istook amendment.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. PITTS].

Mr. PITTS. Mr. Chairman, today we heard the tragic story of the 13-year-old girl from Illinois who was molested by her 37-year-old gym teacher for a period of 18 months while a title X family planning clinic provided the contraceptives. Mr. Chairman, we should not allow this tragic child abuse to happen again. Our current law aids and abets child molesters. This Congress must protect our Nation's daughters. Federal law requires that taxpayer-funded title X clinics provide contraceptives regardless of whether a child's parents know she is seeking birth control. If this 13-year-old's parents had been notified, her molester could have been stopped.

The Istook-Manzullo amendment will stop the use of Federal funds in the title X family planning program from being used by sexual predators to molest young girls. This amendment does two things. First, it requires title X clinic staff to follow State law when reporting any evidence they discover that a child is a victim of abuse, sexual molestation, rape or incest, and, two, it requires title X clinic staff to give parents notice, that is not consent, that is just informing the parents of the child's decision, before giving a child contraceptive drugs or devices only.

This year the California general assembly passed a law which requires parental consent for body piercing. By 73–3 in the general assembly, 26–4 in the Senate, they passed this law. This is the same girl who would be provided an IUD to be implanted or birth control pills or an injection with Federal funds. The Alan Guttmacher Institute reported that 6 out of 10 girls who had sex before age 15 were coerced by males an average of 6 years their senior. Mr. Chairman, I ask Members today, when is Congress going to stop supporting sexual predators? I urge Members to vote for this vital amendment to protect our Nation's daughters and oppose the Castle substitute.

Do not be fooled. The Castle substitute does nothing to stop the molestation of our daughters. The case in Illinois would still have happened under the Castle language. Vote for Istook-Manzullo, vote to strengthen parental rights. Vote against legitimizing promiscuity.

Mr. CASTLE. Mr. Chairman, I yield 6 minutes to the gentleman from Illinois [Mr. PORTER], the chairman of the subcommittee.

Mr. PORTER. Mr. Chairman, I thank the gentleman not only for yielding the time, but most especially for his tremendous leadership in offering the substitute amendment and his leadership on these very, very critical issues.

Mr. Chairman, we should start out by admitting to ourselves that this particular amendment, this subject matter, does not belong in an appropriations bill. It is a matter that belongs before an authorizing committee. It is a matter that should not be taken up here, and it is a matter that, unlike an appropriation, would make under its terms a permanent change in the authorizing law, a permanent change in U.S. law.

Mr. Chairman, in my judgment, confidential access to family planning services is absolutely critical to providing teenagers appropriate medical care and timely advice. I believe that the Istook-Manzullo amendment would be destructive of that happening. It would create a barrier between teenagers and health care services, and would, in effect, destroy any chance to get the kinds of services that prevent pregnancies, help to prevent sexually transmitted diseases, and in the end help to prevent abortions.

Most teenagers that go to a family planning clinic, as has been said often here on the floor, are sexually active when they go there.

□ 1845

Some are pregnant, unfortunately. Others want to get contraceptives so that they do not get pregnant.

Ideally, all of these teenagers would talk to their parents about their health care decisions. Ideally, every parent should have an open and honest relationship with their children in which they can communicate about sexual matters and questions of sexual activity.

We would all hope that the world was an ideal place where this would obtain. Unfortunately, we know very well it is not. In the real world, many children cannot or do not talk to their parents. These children simply do not have an adequate relationship with their parents, and, in some cases, a parent is actually sexually abusing the child.

Unfortunately, the Istook-Manzullo amendment will not instantly turn a dysfunctional parent-child relationship into a positive, open relationship, and, unfortunately, we have to deal with the world as we find it, the real world, and not an ideal world.

If you are talking about title X clinics, you are talking about clinics that serve poor women. Yes, there are some women who go to title X clinics that are not poor, but the overwhelming majority of them come from poor families and they are in poor areas. These clinics are not being accessed by people who have good relationships with their parents. In many cases they are from broken families, from families in poverty, from circumstances that simply do not work to provide for parental consent.

The proponents of the amendment talk about the circumstances of a 14-year-old girl. They talk about it as if the title X clinic were the cause of her relationship with a high school teacher 20 years older than she.

The fact of the matter is that this relationship existed for more than a year before the title X clinic was ever involved. The title X clinic did not cause this relationship; the title X clinic did not facilitate the relationship.

It is extremely unfortunate that this occurred, and obviously we all deplore it, but at the bottom line the title X clinic may have prevented a 14-year-old child from becoming pregnant.

I believe that, in the end, and while it is well-intended, the Istook-Manzullo amendment will increase sexually transmitted diseases, will increase unwanted pregnancies, will increase, therefore, abortion, and I believe, will not help the situation, however well-intended it is.

I believe that the amendment will drive teenagers away from seeking the kinds of counseling, the kinds of advice, the kinds of knowledge that they need to avoid sexually transmitted diseases, and it will not lead to the kind of results that the sponsors wish.

Mr. Chairman, I want to say one thing relating to the question of sexual abuse which has come up over and over again. There is not one State in the Union that does not require anyone with knowledge of a sexually abusive condition to report that to the authorities. If sexual coercion is going on, everyone, today, must report it to the authorities, and this amendment would add nothing to that requirement that already exists.

Unfortunately however well-intended the amendment is, it would not only not work, it would not only not help teenagers, but it would actually destroy any chance they have of coming to grips with becoming an adult in a responsible way.

I would urge Members to support the Castle substitute, which is well-drafted to provide exactly what is needed in these circumstances, and to oppose the Istook-Manzullo amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 1¼ minutes.

Mr. Chairman, I heard the gentleman from Illinois [Chairman PORTER] say, well, the program should not be done on an appropriations bill.

The problem is, title X has not been authorized by Congress. Its authorization expired 12 years ago, and there is no other opportunity except through appropriations bills to affect it.

We heard a claim that it is providing services to poor women. Actually, Mr. Chairman, the so-called confidentiality requirement is used to provide services to any socioeconomic group, because they say, "Do you want us to tell your parents?" They say "no." "OK, then we cannot count your parents' income. We will only count your income as a teenager. What is it?"

Of course, it is not anything beyond the poverty level, because you are only talking about a young lady or a young man.

Finally, I know of no case in the entire country, despite the underage children that go in there, where a title X clinic has ever reported a case of incest, has ever reported a case of statutory rape, has ever reported a case of child molestation or abuse.

Mr. Chairman, they have never reported these. And that is the essence of the problem. They do not report them. I do not know of a single case. If the Chairman knows, I am sure he will advise us.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I would simply say I do not know of the statistics in that area, but I do not think people go into the title X clinic and say, "I am being sexually abused."

The Castle amendment would have people counsel young people about that exact question and see if they can determine that. So I think that it will accomplish a great deal more than would ever be accomplished under the amendment the gentleman has offered.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Illinois.

Mr. ISTOOK. Mr. Chairman, in response to that, the language of the Castle amendment only repeats what is already in the bill. The Castle amendment does not add anything or change anything. Those requirements are already in the bill.

As I say, I know of no case where a title X clinic has ever reported things. But they do know what their laws are on what is the age of sexual consent in their State, and they are not paying attention to them.

Mr. ISTOOK. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Chairman, I rise in support of the Istook-Manzullo amendment and in opposition to the Castle substitute.

The opponents of the amendment, the Istook-Manzullo amendment, sent out a "Dear Colleague" which reads:

> Under the Istook amendment, a clinic must notify a parent in writing if a teen requests contraceptives. Five days later, the teen may return to the clinics for contraceptives. Parents who do not consent will prevent their teenagers from returning to the clinics.

Mr. Chairman, this is inaccurate. The parents do have the right to consent or the right to do nothing, and the child still gets the contraceptives.

What it does require is that title X clinics report to proper authorities any child abuse, child molestation, sexual abuse, rape or incest, and that means that no parent involved in an incestuous relationship will receive notice. Rather, they will be reported to the proper authorities.

It does allow for unrestricted information and counseling, which is duplicative in the Castle amendment, and it requires the title X clinic to provide notification to the parents or legal guardians for the minor seeking contraceptives. It does allow for judicial bypass and an exemption for emancipated minors, but it does attempt to include parents in the process.

It does not prevent treatment or testing from sexually transmitted diseases. Parental notification is not required for minors to be treated for STD's, and it does not deny any services to teens. It does not require parental consent, only notification.

This is about trust really. It boils down to trust. Are we going to trust kids and parents or do we trust government?

This is not about somebody else. This is about us right here on the floor. It is about you, and it is about me, and it is about Jessica, my 16-year-old daughter, who some of you met in Pennsylvania at the Hershey retreat.

So I ask, how does this affect me? How does this affect the rest of America? I believe most parents would do the right thing when notified. They would talk to their kids.

I know that I love my children more than any clinic can. But will all parents react properly? Probably not, according to most people's judgment. But, you know, this is not a risk-free society. It never will be. But they will be faced with a very important issue, the reality of what is going on in their children's lives.

If you do not trust yourself or those parents, this amendment will cover that. It has already taken into account that they can consent, again, for the children to get contraceptives and counseling, or they can simply do nothing and allow the clinic to provide this.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I do not think notification would ever occur, because I think in almost every case the teenager would simply not go to the clinic. They would not get the counseling, they would not get the information, they would not know about sexually transmitted diseases, they would not get contraceptives. It simply would cause the clinic to stop functioning and stop providing those services.

Mr. TIAHRT. Mr. Chairman, reclaiming my time, what I think it will do, Mr. Chairman, is it will force the parents to deal with the issue, and the children too, and that is not a thing that is occurring now. It is my hope the parents will do the right thing. They will talk to the kids about commitment, about personal responsibility, about the value of lasting relationships and abstinence. But if we do not notify the parents, we cannot give them a chance.

So let us put our trust in people and not in the Government. Let us trust ourselves, not some institution.

I know there is a great deal of concern about less than ideal families.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, if the gentleman would yield for a question, I am confused about this. One does not need consent, but one has to have notification. In what form would be the notice of notification? Would that be a card or a telephone call or what? Or would the kid be sent to take a letter home to their parents, or what?

Mr. TIAHRT. Mr. Chairman, reclaiming my time, I do not know how the regulation is written.

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, the Secretary of HHS would be authorized to issue regulations as to the form of written notice.

Mr. HEFNER. A written notice to the last known address?

Mr. MANZULLO. That is correct.

Mr. TIAHRT. Mr. Chairman, reclaiming my time, I think that the real underlying issue here is who do we trust? Do we trust people or are we going to put our faith in government?

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to the Istook-Manzullo amendment, because, quite simply, this amendment puts the life and the future of young women all across this country in danger.

Mr. Chairman, it is time to stop pretending that unwanted pregnancies and sexually transmitted diseases just go away if we do not talk about them. It is time to recognize that teen pregnancy and teen abortion rates actually drop when young people have access to the preventive reproductive health care that they need.

Mr. Chairman, I find it ironic that those who call for greater responsibility from our youth are the same people who would deny young women the tools they need to be responsible. It is equally ironic that the Congress would consider interfering with young women's health care, when almost every major medical and public health organization in this country opposes the parental consent requirements in this amendment.

Mr. Chairman, who do we listen to? If the Istook amendment passes, who will young women, those who do not have safe, supportive families, who will they turn to for sound medical advice? Who will help them avoid unwanted pregnancies and disease? Who will help them make responsible choices about their future?

Mr. Chairman, let us stop playing with the lives and the futures of young women. Let us defeat the Istook-Manzullo amendment and adopt the Castle substitute.

Mr. CASTLE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. HOUGHTON].

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Mr. HOUGHTON. Mr. Chairman, we are really talking about title X. Title X goes back to 1970. This is something that George Bush was very much involved in, and President Nixon signed into law. It has been very successful, as Members know, not only in terms of the things we have been talking about, but in terms of testing for breast and cervical cancer and infectious diseases. It really has been an extraordinary program. The thing I hate to do is to sort of tamper with it.

I am a grandfather of 15 children. I identify with the parental understanding and consent and all things like that; but I think the thing that bothers me is that when you thrust the Government right in the middle and say, "This is mandatory," it destroys the very fabric of the family. It destroys the thing which we have been trying to do. It destroys, undercuts the very statistics we are all so proud of.

It seems to me that if we are going to march down this road, we want to do it in a practical, in a sensitive, in a really profamily way, so we let the families and the churches and the friends and the communities work their will and their influence on children. And therefore, I am very much in favor of the Castle amendment.

Mr. MANZULLO. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I have enjoyed this debate today. I do not question the motive of anyone on either side. For in excess of 30 years we, as a society, have done everything in our power to try to change the look of this country. We have tried with social engineering to do everything that we could to make people act in a different way. I submit that we have failed miserably.

The status quo that we are talking about today says that what we want to do is continue the same process, the same path we have been walking down, and if we continue to do that, we are going to get the same results.

It would seem to me that somewhere along the way we, as a body, should try our best to take the families that we have in this country and strengthen them. It seems to me we should be supportive of families, that we should uplift them, that we should be able in some way to help them in such a way that they can make it through rough times.

It seems to me it is a very odd scenario that we, as a body, have made the determination that what we should do is interject lies and deceit in this family relationship. There are those who say, well, there are a lot of families out there that are dysfunctional. That is true. But if we expect the worst of people, that is exactly what we are going to get.

I will tell the Members this: This amendment cannot do anything nearly as bad as what we have had happening for the last 35 years. We have gotten more pregnant teenagers, we have gotten more people pregnant out of wedlock, we have gotten more communicable, sexually transmitted diseases in this country than at any other time in our history. It is getting worse every year.

I think it would be a wise move on our part to move away from the lies and deceit that we have interjected in these relationships and we want to constantly interject in these relationships, and do something positive for a change. The moral relativism that has occurred with the advancement of the policies that are in place now is ridiculous. It has been hurtful for every family.

I think we should do something revolutionary. We should put some truth into relationships. We should allow the truth to be told to parents, and then we would, I think, see a positive difference. I must tell the Members that what we are doing now has been the most hurtful thing to our families of any other policy we have ever advocated.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 3½ minutes to the distinguished gentlewoman from California [Ms. PELOSI], a member of the subcommittee.

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise in strong opposition to the Istook-Manzullo amendment and in strong support for the Castle-Porter amendment, and commend them for their leadership in bringing this very important amendment to the floor.

Listening to the debate, it is clear that an amendment of this kind and a discussion of this kind of issue goes right to the heart of American families. It strikes fear into our hearts, we who are parents, and I am the proud mother of five children.

The very idea that our children may be sexually active before they are married is something that is not anything that we would support, so we all promote abstinence and support building families and truth in relationships; and where there is truth in relationships, where parents have engendered that truth, there probably is not a problem. But where there is a problem, title X is an answer.

Listening to the debate and listening to my colleagues sincerely put forth their ideas, it is clear to me that it is time for this House of Representatives to have a discussion of the facts of life, because they are being ignored in this debate.

The facts in relationship to this issue are these: There are effective methods to reduce adolescent sexual activity and pregnancy, but sticking our heads in the sand is not one of them.

The restrictive amendment proposed by the gentleman from Oklahoma [Mr.

ISTOOK] will deny many teenagers contraceptive services. It will not cause them to be less sexually active. The fact is, it will cause them to be less responsible in their sexual activity. Certainly we promote abstinence, but certainly we recognize that not all young people follow that lead, and they need more advice and counseling.

Studies show that if restrictive parental involvement of this kind, and not of the kind very smartly put forth by the gentleman from Delaware [Mr. CASTLE], studies show if the restrictive parental involvement were mandated, 80 percent of teens who do seek contraceptive care now would no longer seek that care, and less than 1 in 100 would stop sexual activity. The National Center for Health Statistics recently reported that the birth rate among teenagers has fallen since 1991, due both to fewer teenagers having sex and better contraceptive use among those who are.

There are reasons why the medical community is firm in its opposition to the Istook amendment. The American Medical Association, the American Academy of Pediatrics, and the American Academy of Family Physicians all oppose mandatory parental consent.

The substitute, the Castle-Porter substitute offered today, encourages parental involvement which is appropriate and helpful for many teens. It recognizes that mandatory notification or consent does nothing to prevent either sexual activity or unintended pregnancies.

I call the Istook amendment the classic law of unintended consequences, the consequences of more sexually transmitted diseases, more teen pregnancies, and more abortions, unfortunately. And of course, the other services that are provided at title X clinics would not be provided, as well.

I urge my colleagues to support the Castle-Porter substitute and oppose the Istook amendment.

Mr. MANZULLO. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from Idaho, Mrs. HELEN CHENOWETH.

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman for yielding time to me.

I listened very carefully to the gentlewoman from California as she put forth her very eloquent debate on this issue. She is right, because the crux of this whole issue really is truth in relationships. It is a very, very important thing in this day and age.

I think one of the reasons why I am so strongly supportive of the Istook-Manzullo amendment is because the relationship between the parent and the child, as far as how the Government interacts in that relationship, must be strengthened.

The Government needs to take a position of showing ultimate respect for the parents with regard to their relationship with the children, unless there is reasonable cause to believe that that relationship is horribly abusive. And in many cases the relationship is abusive; we always want to stand guard against an abusive relationship like that.

Mr. Chairman, it is a very sensitive thing for young women to have to approach their parents and say, gosh, Mom, I am pregnant. That is a very difficult moment in a family's life together. But being a woman who before coming to Congress was engaged in counseling other women in other situations, I have found time and time again that once that hurdle is overcome, that the relationship between mother and daughter or the relationship between father and son or father and daughter or daughter and father actually strengthens.

Nine times out of ten the parents, of course, after finally getting their breath and realizing, yes, this is taking us off into a new passage, rally around with all the natural instincts of parents with that child to help them through this very difficult time.

Mr. Chairman, let us run this picture back again. When teenagers may approach their parents and say, I want to become more sexually active and I feel that I am ready for this, the fact is that the parents then have the chance to be able to counsel with their own child as to what their best judgment would be as parents.

The fact is, and I so agree with the gentlewoman from California about the fact that our young people need to understand that there are consequences to actions, yes, they do, but they need to understand that within the context of what is being taught in the home and in the churches, as well as in society and in the schools.

So I very strongly support the Manzullo-Istook amendment because I strongly believe it does two very, very important things: First, it strengthens States' rights in that it says, it simply says, notwithstanding any other provision of law, no provider of services under title X of the Public Health Services Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest. So again, the Federal Government should, under its rightful responsibilities, uphold State law.

I find this amendment to be somewhat benign, except in the fact that I do believe that it strongly enhances the ability of parents and children to handle their problems as a family.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this is not a debate I was eager to get involved in, because it is a very sensitive issue. You are always afraid you might say the wrong thing when you speak from your heart. But that is the way I want to speak.

I know our children are having children. I have conducted a number of hearings on my Subcommittee on Human Resources. I know that 82 percent of all teen pregnancies are unintended. I know that more than half of the unintended pregnancies end in abortion. I know the teen birthrate in the United States is the highest of any industrial nation.

I also know that I wrestle with, as I think all Members do, the issue of values. I want our children to have values and want our society to have values. I strongly disagree with people in this country who think we cannot teach values. I think a decision to not have values is a decision not to teach values.

So I stand before the Members as someone who really wants our children to know what to do and what not to do. I want our Government to contribute to that, and not to be conflicting with it.

But I rise in support of the Castle-Porter substitute amendment to the Istook-Manzullo parental notification amendment because, with all my heart and soul, I believe that if the amendment stands without the substitute, we are going to have more sickness, we are going to have more disease, we are going to clearly have more pregnancies, and we are going to have more abortions. I think that is ultimately the result.

I support family planning assistance. The Istook amendment will not prevent young people from having sex. We are not going to outlaw sex. It is still going to happen.

□ 1915

But the Istook amendment will deter teens from seeking contraceptive services. Approximately 86 percent of teens coming to title X clinics for family planning services have already had sex. Title X family planning clinics offer a wide range of services, including contraceptive, socially transmitted disease screening and treatment, HIV screening, and routine gynecological examinations. Requiring parental notification for contraception will deter too many teens from seeking these very important services.

So I do not reluctantly oppose the Istook amendment; I strongly oppose it. I believe the Castle substitute to the amendment is essential if we want less sickness, less disease, less pregnancies, and less abortions.

Mr. Chairman, I really believe that what we are trying to talk about in values really begins with what a parent teaches his or her child. And this is an area that gets a little more dicey, but frankly those children who have been involved in sexual activity are in a circumstance where they need help. Unfortunately, in many cases they do not think they can turn to their parents.

Mr. MANZULLO. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, this is a core, gut issue. As a father, I can only echo the thoughts of the gentleman from Oklahoma who spoke earlier tonight, that it is embarrassing and disappointing that this Congress will insert itself between a parent and a child.

Listening to the debate, I am frustrated. I get to the boiling point of anger, believing that there are those in this House who believe that it is this Congress' responsibility and right to intervene between a parent and a child and that this Government is better at teaching values and better at solving these kinds of problems than what a parent, a family, a church can do. It is actually a frightening thought.

Mr. Chairman, all this amendment does is say that as these decisions are made, a parent has a right to be notified before the Government starts handing out contraceptives, before the Government starts handing out advice.

Mr. Chairman, my kids going into this type of an agency, they do not know my kids' names, they do not know the background, they do not know the parental values, they do not know the issues going on at home. Heaven forbid that they would start dealing with this issue with my kids.

What makes us believe that this Government was ever given the right to raise our kids and teach them about these issues? There is absolutely no right for the Federal Government to become involved in these issues.

Mr. Chairman, all we are asking for is parental notification. What we have today is a relationship and a process which destroys the relationship between a parent and the child. It encourages a veil of secrecy between children and their parents.

If title X is so good, and if title X solves so many problems, why do we not change the focus of title X and instead of focusing on the kids, let us go to the parents? What makes us afraid of taking this approach and selling it to parents and saying here is a program, here is a set of values, here is a set of issues that we think your kids ought to know about. Sign them up today and we will help you raise your kids. Why do we start with the kids and go to the kids and break the relationship?

If we are worried about the families, why are we engaged in activities of breaking down the family structure rather than going to the parents and saying, you know, we know a lot about these issues. There are programs in the Federal Government that are here to help. They are so good, we are not ashamed to come to you as parents and to talk with you as parents to help you get the kind of advice and the information necessary to raise your kids.

But instead of going to the parents, no, we are afraid to go to the parents because we know that most American parents do not support this kind of an approach and this kind of intervention with their kids.

It is time for us to be building families, not to be putting programs in place that destroy families and tear down the relationships between parents and kids. It is no surprise to me that this administration also is the administration that eliminated the parental impact statement or the family impact statement.

Mrs. LOWEY. Mr. Chairman, I yield myself 30 seconds to respond.

Mr. Chairman, I just want to say to the gentleman from Michigan [Mr. HOEKSTRA] that many of us are very frustrated and angry at the rising rate of teenage pregnancy. And if the relationship between the parents and the children were so good, then there should not be any concern about those children going to the title X clinics.

So let us work together to promote abstinence, because I share the gentleman's concerns and I am very angry at the rate of teenage pregnancy, which is now escalating over the last 10 years.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from New York [Mrs. LOWEY] for her leadership, and I thank my colleagues who have come to the floor.

Mr. Chairman, I want to make a simple statement. First of all, as a parent of a daughter, I would offer to say that all of us would hope our family relationships, our ability to communicate and show nurturing and love to our children, leaves the door open for those children to come to us with their most intimate secrets. All of us as parents pray every day that we will never have the tragedy that faced the young lady at her prom in New Jersey, the tragedy of the young couple who are now being charged for a tragedy that occurred with an alleged stillborn baby. Those are the end results, the tragedies of America.

Mr. Chairman, this amendment would require that a minor attain the consent of a custodial parent or legal guardian before receiving contraceptive drugs or devices from a provider receiving funds under title X. Notice that I said parent or legal guardian. That means that the legal guardian may not have a blood relationship with that child.

There are issues of incest and poor relations and frustration and fright. If there is a good relationship, we can be assured that our child will be there to ask us for advice and guidance. More importantly, we will be there to talk to our child about what happens in life as they move toward maturity and the feelings in their body.

But yet now we are asking for the long hand of the government to intrude in a process that is confidential. Title X is a confidential provider and a confidential process. In fact, the Federal law requires that parents are encouraged to participate, but yet there is this confidentiality that allows that child to be protected away from incest and threat.

Mr. Chairman, I would encourage my colleagues to defeat this amendment and support the Castle-Porter substitute to encourage our children to be protected.

I rise today to voice my opposition to the Istook amendment to H.R. 2264, the Labor-HHS-Education appropriations bill. The Istook amendment requires that a custodial parent or legal guardian be notified before their child receives contraceptive drugs or devices from a provider receiving funds under the title X family planning program. The amendment also contains a provision permitting the courts to give consent for a minor to receive such drugs or devices if parental consent cannot be obtained.

I agree with my colleague, Mr. ISTOOK, that adolescents should be encouraged to seek their parents' advice and counsel when facing difficult choices regarding family planning and prevention. Indeed, Federal law already requires title X providers to encourage family participation in reproductive health decisions. The Government, however, cannot mandate healthy family relations where they do not already exist. While many teens do discuss their situation with a parent, not every teen is able to speak openly with his or her parents.

This amendment will prove harmful to teens by deterring them from seeking needed health care to prevent teen pregnancy. Studies confirm that when parental involvement is mandated by law, particularly in the case of family planning, adolescents are likely to delay or avoid seeking needed care.

In one of these studies, it was reveled that if parental involvement were mandated, 80 percent of the adolescents surveyed would no longer seek care. However, less than 1 in 100 of those same adolescents would discontinue sexual relations. In another such study, 58 percent of high school students surveyed in three public schools in central Massachusetts reported having health concerns they wished to keep from their parents. Approximately 25 percent of the students said they would forgo seeking certain types of medical treatment if there was a possibility of parental disclosure by physicians.

Every year, approximately 1 million teenagers in this country become pregnant, and 86 percent of births to unmarried teenagers are unintended. Such high rates of teen pregnancy are a burden to us all—to the teenagers, to their children, and to society as a whole. Fewer than 60 percent to teen mothers graduate from high school by age 25—compared to 90 percent of those who postpone childbearing. Further, teen mothers are four times as likely as women who have their first child after adolescence to be poor in their twenties and early thirties and are more likely to have lower family incomes later in life. Additionally, teenage girls have a higher risk of pregnancy complications—including maternal mortality and morbidity, miscarriages and stillbirths, premature births and nutritional deficiencies—than adult women.

The personal impact of teenage childbearing is twofold, diminishing the opportunities of both the mother and the child for the children of teenage parents are more likely to become teenage parents themselves, thus perpetuating the cycle of poverty.

Given the reproductive health crisis currently facing American youth, it is clear that continued access to confidential reproductive health services is critical. Restricting access to these services will make it more difficult for at-risk teens to escape poverty and will put adolescents' lives, health, and future fertility at risk.

I urge my colleagues to join me in opposing the Istook amendment. We must not interfere with the goal of preventing teenage pregnancy.

Several organizations oppose the Istook amendment, they are:

American Hospital Association, American College of Obstetricians and Gynecologists, American Academy of Pediatrics, American Academy of Family Physicians, American Public Health Association, and American Medical Association.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have been concerned about this issue for some time as a Governor. When I became Governor of Delaware, we had the highest infant mortality rate of any State in the country. This is a State that is reasonably wealthy.

I am the cochairman, with the gentlewoman from New York [Mrs. Lowey], of the Congressional Advisory Panel for the National Campaign to Reduce Teen Pregnancy. It is a tremendous concern.

One point that I just want to discuss here tonight is the correlation that we are hearing between the advent of family planning and the increase in teenage pregnancy and sexually transmitted diseases, and sex in general, in this country. I just do not happen to believe that.

Mr. Chairman, I do not have the percentages, quite frankly, of how many people actually go to these clinics. But I imagine it is a very small percentage of young teenagers who are involved in sex or who become pregnant in any way whatsoever. But obviously with permissiveness in society across the board, with a greater disregard of marriage than we have had heretofore, we have some tremendous societal problems that we have to address.

Mr. Chairman, so to say that these two are directly related to each other I think is really going too far. And when you think about that and realize what is the best way to deal with our poorest children, because basically the title X clinics are for poor children, they charge fees if you have income above a certain level. It is for our poor children, a lot of whom have family problems.

Do we want to encourage the kids to go in there and get advice and help? And the answer is yes. We want to do everything we can to get the kids in the door, to get the advice of these counselors and the help of these counselors. It is that simple.

Again, Mr. Chairman, I cannot stress enough how much I believe in the faith and the intent of those on the other side of this particular issue. But I believe with all my heart that the way we are going to help teenagers the most, the way we are going to help them with respect to dealing with this problem, is to make this an inviting and a warm circumstance. The best way to do that is to pass the Castle-Porter amendment which will address the issue that way.

Mr. Chairman, I reserve the balance of my time.

Mr. MANZULLO. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. Dickey].

Mr. DICKEY. Mr. Chairman, I have four children. All of them are boys, except for two. It is "except for two" that bothers me now, even though they are of age. They are grown. Laura and Rachel are very fine, well-adjusted kids, and I am thankful for this. Their mother and I both are.

But what I see here is that the parents have all the responsibility, but our government is trying to take the authority away, so that if there is something wrong, it is the parents. But we are taking the authority away and showing no respect that the kids can give to them as parents.

Look at what we do in our schools. We thrust the government in between the parent and the child. Let us say on prayer in schools, at home and in church parents who choose to do so will talk to their kids about prayer. They send them to school and the people say no, your parents may do that, but that is not correct. That is not the thing to do.

We send our kids to school and we say to them, obey your teachers, obey the school officials. This is the way things are supposed to be done. The schools send the kids home and say disregard your parents.

Mr. Chairman, we are in an uphill battle now as far as trying to get more values back into our Nation and we cannot do it through the government. We cannot. And the circumstance we have right now is that we have circumstances where grown adults hear from kids without the parents knowing about it. They learn of things like statutory rape, and they stay quiet. They do not tell the parents, they do not tell the authorities, because they have this feeling that if they do, the kids will not confide in them later.

What we need to start having to happen is that for kids to start confiding in their parents. We need to stop thrusting the government in between the parents and the kids.

Mr. Chairman, I urge my colleagues to please vote for the Istook-Manzullo amendment.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. Moran].

Mr. MORAN. Mr. Chairman, 10 years ago, when I was mayor of the city of Alexandria, which is just across the Potomac River from us, perhaps the toughest thing that I had to do was to establish a family planning clinic for teenagers. I say I felt I had to because of the intolerably high incidence of teenage pregnancies and abortions and sexually transmitted diseases.

So we availed ourselves of all of the data. We talked with the students and parents at length. We had this very same debate that we are having today, except that it lasted a year. Mr. Chairman, we came to the conclusion that if we required parental notification, we might as well save our time and effort and money, because the students were not going to use it.

Now, let me say, frankly, it has not been a panacea. We still have nearly 50 percent of the older teenagers who have had sexual intercourse at least once. The national figure is about 40 percent.

□ 1930

But what it has done is to reduce the number of teenage pregnancies. It has reduced the number of abortions. It has reduced the number of sexually transmitted diseases. It has improved the health of our student body. And although the information is only anecdotal, from talking with the parents, I know that there are far more parents who are communicating with their teenagers because of the existence of that family planning clinic, because the first thing they suggest is abstinence, and then the second thing they urge is to talk with their parents. It is working. That is what family planning clinics all over the country do.

One of the statistics that we have to bear in mind, and it was the case in Alexandria, is that nearly 90 percent of the teenagers that go to these family planning clinics are already sexually active. So we are not talking about encouraging any sexual licentiousness. What we are talking about is being responsible, doing what is in the best interest of our young people. Support the Porter-Castle amendment.

Mr. CASTLE. Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. Johnson].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in support of the Castle amendment. I would say that this has been a worthy discussion. It is clear that we are all united in wanting good law and government to strengthen families. We are united in wanting trust and good communication between parents and children. We are united in wanting to reduce teen pregnancies, sexually transmitted diseases, and abortions.

It is, indeed, extraordinarily difficult to decide how to accomplish these goals from Washington, but what I want to point out to my colleagues about this amendment is slightly different than that debate and dialogue that has proceeded here for the last hour and a half.

According to lawyers for the American Hospital Association and the National Association of Public Hospitals who have reviewed the text of the amendment, they believe it is written more broadly than was first thought. The parental consent requirement applies not just to title X funds but to all funds used to provide contraceptives, including State and privately raised funds. So if a hospital or a clinic fails to abide by the parental consent requirements in this bill, it forfeits all Federal funds which it might be receiving from title X, Medicaid, breast and cervical cancer screening funds, community health center funding or any State or private funding.

On the other hand, in 24 States it is a violation of State law to require a parent, guardian, or judge to consent to contraceptives for minors. Therefore, this amendment puts hospitals in between. They must violate State law or run the risk of losing their Federal funds in 24 States.

Now, that is the reading of the amendment by the lawyers for the American Hospital Association, the National Association of Public Hospitals.

Mr. MANZULLO. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, the problem is that they have read it as parental consent. Ours is parental notification. The gentlewoman has used "consent" during the course of the argument. I am sure that is the way they phrased it.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I think that is probably my mistranslation of the dialogue that has been taking place over the course of yesterday and today. They mistake that because many of us believe that notification in this instance is essentially equivalent to consent. But if I may then correct my words to say "parental notification" requirement, it is still the same.

In other words, I believe that my central message is still accurate, that this amendment will put hospitals in 24 States in a very difficult position. They will either have to violate State law or run the risk of losing all of their Federal funds.

Mr. MANZULLO. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentleman from Utah [Mr. CANNON].

Mr. CANNON. Mr. Chairman, the issue we face today is an emotional issue. Like my friend and colleague from Arkansas, I have several children, seven to be exact, all of whom but two are also boys. In my case, like my friend, the gentleman from Arkansas [Mr. DICKEY], I have a Laura and a Rachel. I also have a Jane, Emily, Elizabeth, and another possibly on the way.

As we consider the issue before us, it is in the context, of course, of this growth in unmarried teens having pregnancies leaving us a legacy of single family homes, higher welfare costs, and extensive juvenile crime. Everyone agrees that something should be done.

On one side some believe that easy access to contraceptives will make the problem go away. Others, including me, believe that the fundamental problem is the diminished role of the family, not the lack of pharmaceuticals. Families are the building blocks of our society and even the best clinician can never be the equal to a caring parent when a child begins to think about sex. That is why I support the Manzullo-Istook amendment and why I oppose the Castle amendment. It sets forth a simple minimal standard when it comes to taxpayer-funded contraceptives for our children; that is, that parents must be at least notified before services are provided.

As legal and moral guardians of our children, we as parents have a right to know. We require parental consent before giving immunization or providing surgery to minors. We must at least notify one parent before a child is given birth control. Parents, not clinic workers, must be able to help their children with such sensitive decisions, and parents deserve the opportunity to make their views known to the child before the child makes a life altering decision.

This measure reaffirms and reinforces our central role as parents in the lives of our children. If this Congress believes that Government should strengthen families, not pull them apart, we will reinforce parental authority by supporting this amendment.

One of the unintended consequences of this law, title X, birth control funding, is that the Federal Government becomes the widely recognized schoolmaster who our children then look to in making decisions about morality. That is the impropriety of our current situation and why I support the Istook-Manzullo amendment.

PARLIAMENTARY INQUIRY

Mr. MANZULLO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. CRAPO). The gentleman will state it.

Mr. MANZULLO. Can the Chair advise as to who has the right to close?

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. OBEY] or his designee, the gentlewoman from New York [Mrs. LOWEY], would have the right to close.

Mr. MANZULLO. This is on the substitute amendment. It is not the committee position. Therefore, would not the person who provides the amendment have the right to close?

The CHAIRMAN pro tempore. At this point the debate has essentially become fungible between the amendments, and the Chair is perceiving the debate to be, therefore, on the first degree amendment. Therefore, a member of the committee in opposition to the first degree amendment would have the right to close.

Mr. MANZULLO. What does that mean, Mr. Chairman?

The CHAIRMAN pro tempore. It means that the gentlewoman from New York [Mrs. LOWEY], as the designee of the gentleman from Wisconsin [Mr. OBEY], would have the right to close.

Mr. MANZULLO. I thank the Chair.

Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, in 1965 the out-of-wedlock birthrate was 6 percent. Today, it is 32 percent. We have had an explosion of illegitimacy in the country at the same time as contraceptives have been widely available without restriction to children. All of the sociological data indicates that these kids are not having kids because they do not know the facts of life or do not have access to contraceptives. They are getting pregnant because they are choosing to get pregnant because our society has consistently sent them the message that they should do what is expedient ahead of what is right, precisely the kind of policy that the gentleman from Oklahoma [Mr. ISTOOK] is trying to change.

Mr. Chairman, these kids do not need condoms. They desperately need to be told the truth, that for them sexual experimentation is physically, emotionally, and spiritually dangerous. They are much more likely to get that message from their parents than they are from the Government. If we have not learned that lesson from the last 30 years, then experience has truly gone through us without stopping.

Support the Istook amendment. Oppose the Castle amendment.

Mrs. LOWEY. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO], a member of the subcommittee.

Ms. DELAURO. Mr. Chairman, I would like to begin by making my position clear. I think that parents should be involved in their children's lives and in their decisions. The Castle-Porter substitute ensures that clinics encourage teens to discuss these decisions with their parents, and I support that language.

I urge my colleagues to examine the Istook amendment, a misleading amendment. The gentleman from Oklahoma [Mr. ISTOOK] claims his amendment requires parental notification but not consent. He claims that under his amendment teens will have the same access to testing for sexually transmitted disease that they do now. But the facts show that he is wrong.

Despite protestations, the Istook-Manzullo amendment is a parental consent amendment. The bill requires parental notification in writing 5 days before a teen can return to a clinic and receive birth control. This is, in effect if not in name, a parental consent amendment. If teens think their parents will be told, they will not come to the clinic in the first place. This amendment will scare teens away from getting the contraceptives that they need to avoid pregnancy.

Medical organizations, including the American Medical Association, make no distinction between parental notification and consent. In fact, they oppose both. They point out that if parental notification or consent is required that the youngsters will not go to the clinics. Those are not my words, this is the American Medical Association.

Teens are screened for sexually transmitted diseases, many of which have no obvious early symptoms, especially for women, only after they go to a clinic for birth control. They do not go to clinics to be screened for sexually transmitted diseases, they go for contraceptives and are then persuaded to be tested. By the way, it is important to know that State law requires that the knowledge or incidence of rape that may be reported in that State clinic must be reported by the clinic. State law determines that.

That is why all six living Surgeons General, those who served under Presidents Nixon, Ford, Carter, Reagan, Bush, and Clinton, oppose parental consent. In 1994, the six Surgeons General wrote in opposition to a Helms parental consent amendment: "We support the efforts of public health professionals and health care providers to encourage minors to involve their families in all aspects of health education and health services. We would strongly oppose a Federal mandate that requires parental consent as a condition of receiving Federal funds."

In fact, the amendment is even more far-reaching. Lawyers for the American Hospital Association and the American Public Hospital Association who have reviewed the text of the amendment have pointed out that the parental consent requirement applies not just to title X funds but to all funds used to provide contraceptives, including State and privately raised funds. If a hospital or clinic fails to abide by the parental consent requirements, it would forfeit all Federal funds which it might be receiving, including Medicaid, breast and cervical cancer screening funds, et cetera.

But in 24 States, it is a violation of State law to require a parent, guardian or judge to consent to contraceptives for a minor, in 24 States. Therefore, hospitals must violate State law or run the risk of losing all of their Federal funds, even those which care for seniors, the disabled and others who, in fact, have nothing to do with family planning. Let me be clear once again, I support parents' rights to guide their children. The Istook amendment will undermine that objective.

As the six Surgeons General wrote, "there are data showing that adolescents will forgo counseling, education, and services if parental consent is required. A policy of this nature would sharply reduce the hope of reaching those teenagers who are most at risk and reduce the ability of health professionals to encourage family involvement or assist adolescents in taking responsible action."

□ 1945

Whether we call it parental consent or whether we call it parental notification, the Istook-Manzullo amendment will, in fact, increase teen pregnancy, teen abortion, and sexually transmitted disease.

I urge my colleagues to vote "yes" on the Castle substitute and to oppose the Istook-Manzullo amendment.

Mr. MANZULLO. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I hear people say, oh, they are already required to follow the law and report statutory rape or incest or child molestation or sexual abuse or whatever we want to call it. Title X is providing services to 1.5 million teens each year. It has been in existence for 27 years.

I have not heard of one single instance where any of these teens pulled into the program, adolescents as young as 12, 13 years old, has ever, ever, ever, ever, in 27 years, had a title X provider report a case that it is statutory rape, it is child abuse, it is incest. Not a single instance in 27 years.

It is time we fix that. The amendment fixes it.

After all, title X was adopted in 1970. The birth rates for unmarried teens has doubled since title X because it provides a false sense of security that it is OK and safe for them to have sex.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Chairman, I rise in opposition to the Istook amendment.

This is a difficult issue for me. As the parent of two daughters, if one of my daughters were receiving advice from a family planning clinic, I would want to know. But a reality is that most of our young people do not consult their parents or any adult about their sexual activity. In fact, studies show that 80 percent of teens who currently seek family planning advice at clinics would stop going if they had to ask their parents. Only 1 percent of those kids would stop sexual relations.

This amendment would effectively increase the number of abortions, increase teen pregnancies, increase the spread of sexually transmitted disease and increase the spread of AIDS. Whether we are asking for parental consent or parental notification, the result is the same: Confidentiality is crushed and, with it, the intent of the program.

How many times a day do we ask our teenagers to act responsibly? Let us give them the freedom to do as we ask. We can encourage our young people to consult their parents, we can ask parents to be there for their children, but we as a government simply cannot mandate these sorts of relationships.

Mr. Chairman, I urge a "no" vote on the Istook amendment and a "yes" vote for the Castle amendment.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership on this issue.

When I was in school I learned that one of the worst ways to confound logic was to use generalizations. Whenever we generalize, we make a mistake, and there has been a lot of that in this debate.

My good friend, the gentleman from Michigan [Mr. HOEKSTRA], talked with great passion about his concern that this language, the Castle language, would undermine communications in the family; it would somehow spread itself into our families. And yet here we are on the other side of this argument saying that is not the case.

There has to be some reason why honorable people seeking the truth find themselves with a different perspective, and I think it is this: Roughly half of the teenage girls in this country are not sexually active before the age of 18. So if we take that population for starters, we are not having any effect on them. They are not sexually active, they are not going into clinics, and so the families are untouched by this.

Of those who are, most of them never find their way to a family planning clinic. They are sexually active, but they do not begin that process by going to a family planning clinic.

That is not how this process works. Usually what happens is, after they have been sexually active for about a year, they get scared, they think they are pregnant or they think they might have a sexually transmitted disease, and then they go into the clinics to find out. And when they are there, they find a counselor who says, let us talk about this and let us get your parents involved. And 55 percent of the teenagers who do go to the clinics, this relatively shrinking population of American teenagers, do involve their parents.

So what we are really talking about is a very small fraction of America's teenagers, and these are the kids who are sexually active, do go to a clinic, do not involve their parents because they cannot. We have to make that distinction.

Yes, most American families will not be touched by this. They do not need my help, they do not need the Istook-Manzullo amendment, they do not need Congress involved in this issue at all. But if there is any doubt in anyone's mind that there are teenagers in this country who are prematurely sexually active and have not the parental and family and church resources to guide them, let us take a walk out of this building and in 3 minutes we will find scores and scores and scores of those teenagers for whom the family values we have been talking about are nonexistent. The church resources, the community resources are nonexistent, and yet we know they are sexually active because all of the indicators show the results of the pregnancies and the sexually transmitted diseases.

So, for God's sake, for those kids, for those kids that are not like our kids, support the Castle amendment and give them a hand.

Mr. MANZULLO. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 17½ minutes remaining, the gentleman from Delaware [Mr. CASTLE] has 6¾ minutes remaining, and the gentlewoman from New York [Mrs. LOWEY] has 3½ minutes remaining.

Mr. MANZULLO. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, one of the great blessings in my life is being the father of five children. Three of them are girls. All three of my daughters are teenagers. We have made the evolution from young teenagers to older teenagers.

I heard the gentleman from Pennsylvania [Mr. GREENWOOD] recount, for example, going through with his daughters situations like, can I get my ears pierced, when do I start wearing makeup, when can I get a driver's license. We go through all those experiences, and over and over, we run across situations where our children are told they have to have mom or dad's permission, they have to have the consent of a parent, whether it is piercing of ears or things such as that.

We can have a child that is involved in an automobile accident, and we find that for emergency medical care they have to have that parental consent. We have situations if a child is going to have aspirin at school, if they are going to be going on a field trip, these are just samples from some of our schools, from one in Virginia, authorization for medication, to be completed by a parent or guardian before they are going to give any sort of simple medicine to a schoolchild.

Field trip permission form. This particular one from the Fairfax County public schools. And then this one, which by the way is from the public schools which my children attend or have graduated from in Ponca City, administering medicines to students. It is the policy of the board that with written parental permission medicines can be administered to your child. Over and over we have that.

And here is a standard medical consent form, an allergy shot consent form. Here it says signature of patient or parent, "patient" if they are of legal age, "parent" if they are not.

Here we have the consent or even notice that was provided to the parents of the 14-year-old in Illinois who was lured and coerced and pulled into a sexual relationship with a 37-year-old man to get the shots of Depo-Provera, an extremely controversial drug with plenty of side effects. That is the consent that was required. That is the notice that was required. Nothing. It can have interactions with other health issues with our children, but we will never know about it.

We may make a decision that relates to giving our children some other medicine or some other treatment, and we do not know about potential interactions because title X avoids it.

So we have these things that are going on which are contrary to the way that people are trying to live their lives and instruct their children, and it all comes about because there is in the title X regulations a requirement of confidentiality. And it is Federal law; it supersedes State law.

I hear people say, what about the State law? The answer is, Federal law supersedes it. In fact, we just had decisions in Utah over parental consent on that. One came down about 2 weeks ago in Texas that Federal law controls over State efforts or interests in providing parental notice or parental consents.

And this confidentiality is used to declare a child eligible for title X, because then we do not consult the parents on the income so they can become automatically eligible. And in addition to that, the confidentiality is used to avoid turning things in.

We have a whole chart of what is the age of consent, what are the laws in the different States? And the youngest any State has, and there are only two of them, two States say that age 14, a minor, could give consent to sexual relations. Two other States say 15; 27 States say 16; five say 17; 14 say 18; and they all have different standards according to the State law on what is considered statutory rape or sexual abuse or child abuse or child molestation.

We think those laws are important. They ought to be followed. But title X, with this little confidentiality requirement, has been on the books for 27 years. It is now treating 1.5 million teenagers a year. We know that many, many, many, many, many of them are below the age of consent. They are at the age where the law says, we want to protect them, we want to protect them. Anyone that gets involved in a sexual relationship with them can go to jail.

Everyone else has requirements to report child abuse or sexual abuse, but out of the 1½ million treatments a year, 27 years, which is potentially, what, 40 million treatments, I do not know of a single case, not 1 for 27 years, where a title X provider has ever said, this is a situation where incest is going on, this is a situation where statutory rape or child molestation or sexual abuse is going on. They do not report it.

We hear from doctors in hospitals that say, oh, I do not want to have to report that. Everybody else in this country is responsible for protecting our children and reporting situations like that, but we have some people that do not want to get involved, and they are the ones that are making the judgment calls and the decisions on whether our children are receiving these treatments subsidized by hundreds of millions of dollars of taxpayers' money.

I think it is kind of common sense to say, I want my kids protected. Everyone wants their children protected. Let us say simply that if they become aware, they know what the age of consent is, if they become aware of these things, they should report it to the proper authorities, just like everybody else does.

Millions of cases with title X providers providing services to minors, no reports. They do not turn them in, even though it goes on. That is the first part.

The second part, of course, is notifying the parent, the parent that would have the consent to anything else involving the health and safety and wellbeing and counseling and guidance of their children.

But we cut them off. We isolate them. We say we have made a national decision that is more important than the decisions parents will make in their homes. We have made a national decision because some people, and they do, some people do have problems communicating with their parents to that degree; but because some have the problem, we are going to make it the law to cover 250 million Americans instead of saying, we are going to set up a system that only covers those that have a problem.

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The amendment does that. It has the so-called judicial bypass language which tracks mechanisms that already exist in every State when a parent is not responsible and needs to be bypassed. We have got it in there. But instead we are told, Oh, let's vote for a substitute, a substitute that says, Well, let's counsel people on how to avoid sexual predation. The trick is that language is already in the bill. The requirement that they encourage teens to get their parents involved has been the law for years. The so-called substitute is just a figleaf, it is just something to try to hide behind because some people do not want to tell their constituents how they voted on parental notice, how they voted on requiring title X providers to report it if they know of a situation.

Title X was adopted in 1970. This is 1970. The birth rates for unmarried teenagers in 1970, 22.4 births per 1,000 teenagers. This is it now. This is the year title X was adopted, 1970, and created this bypass for parents involving guidance and direction for their children. Since then, the out-of-wedlock birth for teens has doubled: 44 per 1,000. Because after all if teens think they are being protected, "Oh, I've learned how to do this" and they forget to take the pill, forget the diaphragm, leave behind an IUD or whatever it may be, they make a mistake, they think they are protected, they are teens, they are still kids, they make the mistakes and they end up with more pregnancies. If you do things to make sexual activity by teens easier, there will be more sexual activity, there will be more out-of-wedlock births and there will be more abortions, too. The thing to do is to try to diminish the number of teenagers having sex, not to subsidize it with hundreds of millions of dollars of our taxpayer money, which is what is happening now.

Please help me protect my children. I am going to have grandchildren someday, grandparents care, too. Let us protect our kids and our grandkids. Let us make a commonsense amendment to this Federal program and say, first and foremost, the parents have a role in their kids and Uncle Sam should never try to take that away. I urge defeat of the Castle substitute and adoption of the underlying amendment.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I only wish life were so simple. We pass the Istook amendment and magically parents and teenagers communicate on all personal issues. Teenagers stop having sex and dysfunctional families become close. Would it not be nice? I do not mind if some people choose to live in a dream world. But I mind greatly when some political dreams become a nightmare for thousands of young Americans.

Maybe this amendment will make some feel good in the comfort of their happy home this evening, but the reality is it will result in misery for thousands of young Americans. For me, Mr. Chairman, that is simply too high of a price for others to pay for me to feel good tonight. In the real world, the consequence of this amendment is more abortions and more unplanned pregnancies. If our moral message to teenagers is that they should face the consequences of their actions, maybe we in Congress should stop preaching and start practicing tonight on this amendment. Vote "no" on the Istook amendment.

Mr. CASTLE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], the chairman of the subcommittee.

Mr. PORTER. I thank the gentleman for again yielding me this time.

Mr. Chairman, I have heard the proponents of the amendment cite concent issues over and over again. Obviously, notification in this amendment is therefore equivalent to consent. What we are really talking about is consent and not notification. Beyond that, it is very clear that if you provide notification, the young people from dysfunctional families, the ones that cannot talk to their parents, are the very ones that will never get the services.

I have heard the gentleman from Oklahoma say over and over again, he does not know of any cases being reported of sexual abuse by title X clinics. It is not very convincing to me that that is a fact. The fact that he does not know it means nothing to me. I do not know that I have the statistics available, but let me say that the laws of 50 States require that sexual abuse be reported and adding a Federal law to say the very same thing is not going to change whatever the result may be.

I have also heard a number of Members out here quoting the statistics from 1970 on and suggesting that we are far worse off in terms of teen pregnancies and the like. No doubt. But where would we have been without title X clinics? We have gone through a sexual revolution in this country where all the old taboos in the 1960's went out the window. At least title X clinics were there to provide some guidance and some responsibility and prevented, I think, in many cases many, many unwanted, unplanned pregnancies that otherwise would have occurred and many cases of sexually transmitted diseases.

We have heard over and over again this evening about a 14-year-old girl who was sexually abused by her high school teacher. The fact of the matter is that that is the use of innuendo, in my judgment, in the worst possible way. This relationship began a year before the victim ever went to the title X clinic. There is not any question about that. The clinic did not know about this relationship. It did not cause it. If anything, it prevented the 14-year-old from becoming pregnant. I urge Members to vote "aye" on the Castle amendment.

Mr. CASTLE. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland [Mr. HOYER].

Mrs. LOWEY. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland [Mr. HOYER].

The CHAIRMAN. The gentleman from Maryland is recognized for 1 minute.

Mr. HOYER. Mr. Chairman, before I left the floor I heard that the gentleman from Oklahoma [Mr. ISTOOK] has three daughters. I have three daughters of my own. They are no longer teenagers. Obviously they all were. Like all teenagers, they had problems. Their relationship with their mother and father was dictated more by the context of our family than it was by law. I suggest that the Castle alternative does what the American public wants done. That is, they want to encourage families to be involved with one another. That is obviously beneficial to the children, to the mother, the father, and to America. But they do not want to discourage young people from getting the health care that they desperately need from time to time. That is why I believe the Castle alternative is what the American public believes is a commonsense alternative, encouraging us to attain a worthy objective but not discouraging us from having healthy teens.

Mr. MANZULLO. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Illinois is recognized for 7½ minutes.

Mr. MANZULLO. Mr. Chairman, the purpose of this amendment is to involve parents in the conversation of their children's sexuality, because the U.S. Congress has made a decision that parents are irrelevant when it comes to their sexuality. We are trying to reverse it. Because of the present law, parents are being denied the opportunity to protect their children from sexual predators in many cases, from giving advice on abstinence or getting out of a relationship once a parent is notified that his or her child is about to receive sexual devices. It denies the parents the opportunity to work with their children and contraceptives, if that is the choice, and in fact in over half the children visiting clinics, the parents are already involved in a conversation. Parents are being denied the opportunity to protect their children from being given a prescriptive medication that in itself could have harmful side effects, such as Depo-Provera, and parents are being denied the opportunity to protect their children from being given prescriptive medicine which could harm the child by mixing the drug with medication the child is already taking. In fact, before Depo-Provera is given, there has to be a complete medical history. But most of all parents are being totally excluded from their right to raise their children. There is no evidence to the claim that pregnancies and abortions will increase once parents are involved.

Let me give my colleagues a study. We have a study that shows the more involved a parent is with a child, the less likely the child will become pregnant. A study entitled Family of the America's Foundation, Fertility Appreciation for Families Program conducted by the University of New Orleans involved 3,600 adolescents and 2,500 parents from across the country. It was a special program designed to involve parents in discussing and counseling sexuality with their children. The purpose of the followup study was to determine the effect of the program which stressed parents involvement in sexual education and decisionmaking of their children and to see how that would affect adolescent premarital relationships. The conclusion, when parents are involved in discussing child sexuality, the rate of pregnancy of the children is 22 times lower than the national average. That means irrefutably that when parents exercise their right to raise their children, which this law denies them by putting a barrier of confidentiality between the child and the parent, that means the child is being protected.

Who protects the child? Not the State. It is the parent, because the parent becomes involved in it. In all this debate tonight, not one person has stood up and said, is it not terrible that a 14-year-old child in Crystal Lake, IL, was shot up with Depo-Provera. Look what Upjohn says about their drug which was injected into the veins of that precious little girl: "Patient should be counseled. This product does not protect against HIV/AIDS."

It is rubbish to say that when you give girls contraceptives, they are protected against infection of HIV. They are not. There is no female protection against HIV. In fact, when the boys stop using the condoms and the girls go on the pill or the other devices, that increases the opportunity for STD's with the kids. And Upjohn says it could affect bone mineral density changes, it could cause thrombotic disorders; that is, blood clots. It could cause temporary blindness. No 14- or 15-year-old child is capable of making an informed decision as to whether or not she should take that drug. That is the bottom question here. Do you believe a 14-year-old is capable of making an informed decision that she can take these drugs? If you do, let her have all the drugs she wants. Just throw the parents out of the equation, which it is now. But in America today, little girls as young as 12 years old are being injected, they are being implanted and they are ingesting very, very strong drugs.

In fact, this is the drug that is the drug of choice for the States such as California that allow chemical castration of convicted pedophiles who choose themselves voluntarily to undergo castration. Think about that, Members of Congress, that in their clinics today our precious little ones at the age of 12 are given the same drug that is used to give to convicted pedophiles for chemical castration. That is horrible. And what else goes on in these clinics? What is not going on is the fact that they are not reporting the cases of rape and incest and sexual abuse. If you are concerned about incest, you should vote for this bill. When the little kid goes there, the title X provider has to call the police and the father goes to jail.

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That is how you protect the children. We have heard a lot of talk in the past several years about protecting the children. This is an opportunity to protect the children. This is an opportunity to allow children to receive STD protection, STD medication, without parental notification, because there is an epidemic going on.

All this says is this: If you believe that the parents of America have a right to be involved in the conversation of sexual activity with their children, then you must vote for Istook-Manzullo. If, on the other hand, you believe that the Federal Government knows better than the parents; if, on the other hand, you believe that we are to penalize all the parents in this country because of a handful of parents that cannot communicate with their children, then parents become irrelevant. Then you might as well say, Give them all the drugs they want. You might as well say, Give them all the alcohol they want. You might as well say, Give them all the tobacco they want.

But there a reason we have parents. The purpose of the parent is to protect the children. Under title X regulations, a child is deprived of the opportunity to be counseled by his or her parents before receiving birth control devices.

Think about 12-year-old little girls around this country being implanted with Norplant. Think about 12-year-old girls being shot in the arm with Depo-Provera. Think about 12-year-old girls getting prescriptions for birth control pills, all without even the knowledge of their parents.

All this amendment says is give parents the right to know that their children are involved in sexual activity.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I do not know of any provisions of in title X or any other provisions that prevents parents from sitting down with their children and discussing sexual activity and the facts of life. Does the gentleman?

Mr. MANZULLO. That is right, parents can still talk to their kids.

Mr. PORTER. Parents today can talk to their kids.

Mr. MANZULLO. Except when the health department says they cannot.

Mr. CASTLE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Delaware is recognized for 3½ minutes.

Mr. CASTLE. Mr. Chairman, I listened to the arguments. I, frankly, think some of them are sensationalized, probably some are factually correct.

But the truth of the matter is that we are pretty united in our goals here tonight. There are some 4.3 million individuals who go to these clinics for help in some way or another.

We all, all of us, want to help our kids. There is nobody here who does not want to do that. We all would like to have parental involvement. I think the question is correct, is there always parental involvement? Generally, we are dealing with cases in which parents and kids cannot talk or identify with each other in any way whatsoever.

You have to put these two amendments on a scale and you have to determine what is best for our children, how best to help our kids and families. What should we do?

If you put down the Castle-Porter amendment, you will see that a child can go to a clinic and receive counseling, and be told that abstinence comes first, and be told that they should not be involved in sex in any way whatsoever. They will be encouraged to speak to their parents.

That clinic will deal with abusive or illegal relationships when they know about it, and they did not know about the one in Chicago, by the way. There will be a place to turn to for help and advice. They may be willing to go in and get that help, although I still suspect there are a lot of children who will not even bother to go in there at all, but at least we have someplace for them to go.

If we have a circumstance in which we are saying you have to have parental notification before they get there, that may be a fine law, but the consequences are that that number of children who would go to the clinic for help is going to diminish greatly. And when it diminishes, you are inviting the problems that come with it, which involve greater sexual activity, no discussion with parents whatsoever, it discourages responsible behavior, and it could result in more unintended pregnancies, and it could result in more abortions, which, of course, always follow from unintended pregnancies.

Nobody intends that and people can reach different conclusions as far as that is concerned, but I do not know how one can really with clear logic look at this and not realize the conclusion that you probably are talking about unintended pregnancies and possible abortions, and that is not helping kids the way we want to help kids in the United States of America.

Mr. Chairman, family planning is extremely important to make absolutely sure that we are bringing home the interests of all of those kids who just otherwise will not receive help, and the effect of the Istook amendment is to cut that off altogether. The effect of the Castle-Porter amendment is as it should be. By the way, it has always been the law that recipients of title X funds are in no way exempt from State-imposed criminal reporting requirements. They have to do that.

We strengthen the Federal role in stopping sexual predators who prey on children. They must counsel their clients on how to resist and avoid such coercive sexual relationships. As I have already indicated, it involves counseling, it involves urging them to talk to their parents, it involves dealing with the abusive relationships, and it involves a place where they may have some comfort in going to and not getting advice on the street. That is what it is all about.

We need to help our kids in every way we can. We have a tremendous problem in this country. Quite frankly, you cannot blame all teenage sex or pregnancy or maybe even any of it on family planning. It is a result of other social permissiveness that has come across this country, and I think we have to deal with it as best we can.

The only way to deal with it tonight, and the best way for this House to deal with it tonight, is to vote for the Castle-Porter substitute.

Mrs. LOWEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I rise in favor of the Castle substitute and against the Istook amendment.

Mr. Chairman, I rise in opposition to the Istook amendment and in support of the Castle substitute.

The Istook amendment mandates parental notification, tantamount to parental consent, for birth control services under title X.

It is tough for a sexually active teenager to talk about contraception with a parent. Even for a teen who has a close, supportive relationship with her parents. For an adolescent with abusive parents, it can be downright dangerous.

Because they fear parental disapproval or punishment, many teenagers will only use confidential family planning services. When parental permission is required, these teenagers tend to delay or altogether avoid, reproductive health care at great danger to themselves rather than abstain from the sexual activity that leads to children bearing children.

We all would like to believe that requiring parental consent will reduce teen sexual activity. Unfortunately there is no such evidence.

We all agree that family participation is ideal and title X counselors are required to encourage teen clients to talk with their families about birth control.

But not all adolescents can involve their families in sexual decisions and the judicial bypass in this amendment for such teens is a farce.

I urge my colleagues to vote in favor of the Castle substitute. It is a reasonable proposal.

Mrs. LOWEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from New York is recognized for 3 minutes.

Mrs. LOWEY. Mr. Chairman, the Istook amendment is a direct attack on the title X program. Parental consent and notification laws just do not stop teens from having sex. In fact, the Istook amendment will increase teen pregnancies, increase abortions, increase sexually transmitted diseases. That is why it is opposed by the doctors, the AMA, who treat and care for our teens.

Mr. Chairman, I urge my colleagues to vote for the Castle substitute. Under the Castle substitute, no funds can go to title X clinics unless they encourage families to participate in the decision of minors to seek contraceptive services.

The Castle substitute will help ensure that teens receive effective counseling, to behave responsibly, and avoid illegal and coercive sexual activities with adults.

Title X clinics do not encourage teens to have sex. Eighty percent of the teens who seek title X services are already sexually active when they walk into the clinic door. Title X clinics simply help teens who are already sexually active from getting pregnant or catching a sexually transmitted disease.

Mr. Chairman, our friends argue that the title X clinics come between the parent and the child and that they encourage deceit and deception. That is nonsense. Problems begin at home, not at the title X clinics. If there are problems, let us not scapegoat title X; let us work with our families, let us work with our communities. Our families and our communities must do more.

Mr. Chairman, supporters of the Istook amendment want to legislate an "Ozzie and Harriet" world, where every family is a loving one and every parent is willing and able to speak with their teenage children. Unfortunately, too many of our teens come from broken homes where their parents neglect them, and that is the problem here, not the title X program.

As a mother, as a grandmother, I do believe that teens should remain abstinent, but I know that we cannot legislate abstinence from the floor. I believe teens should act responsibly, but I know that Congress cannot mandate responsibility.

For those teens who are desperately seeking help, who are struggling to remain responsible and take control of their lives in terribly difficult circumstances, I urge Members to vote against the Istook amendment and for the Castle substitute.

Mr. Chairman, these are very, very difficult decisions. As we struggle with them, we all try to do the right thing. We know that we have problems in this country because of the breakdown of families. Many of us are worried when we look at the charts and we see teenage pregnancy rising every year. That is why the gentleman from Delaware [Mr. CASTLE] and I are working with a national campaign to fight teenage pregnancy. We encourage Members to join us.

But mandating responsibility, telling the clinics that they cannot help those children who desperately need help, just does not make any sense. Our families need help. Our churches have to do more. Let us support the Castle-Porter substitute.

Mr. NADLER. Mr. Chairman, I rise in strong opposition to this amendment. How dare the opponents of choice force the most abhorrent restrictions on a woman's constitutionally protected right to choose into an appropriations bill and expect us to accept it?

This bill provides funding for breast cancer and AIDS research, Head Start, the Corporation for Public Broadcasting, and student loans—all programs that benefit millions of Americans every day. Without pernicious amendments stripping the rights of millions of Americans, this bill would pass in a strong bipartisan manner. And yet, now we see the opponents of choice hold all these programs hostage to promote their extreme anti-choice views. This is an outrage. It is inappropriate, unwarranted, and unacceptable.

The Istook amendment would essentially destroy the title X program which provides funding for those who seek health assistance, birth control, and help in fighting sexually transmitted diseases. Right now, reports indicate title X helps prevent 386,000 unintended pregnancies to teenagers annually. And yet, studies show that 80 percent of teens who don't already consult their parents would not seek care if they were required to. These restrictions, therefore, will deter young people from seeking any assistance at all, and, as a result, their diseases will go untreated, unwanted pregnancies and abortions will increase, and sexually transmitted diseases will spread unchecked. How can we possibly endorse risking the lives of these young men and women by forcing such onerous restrictions on their access to these programs? How dare you put their lives in jeopardy? We must not scare more teens away from responsible planning by eliminating the vital confidential component of these services.

Let me say further, that I am appalled that some Members of this body are using the unfortunate story of the 13-year-old girl in Illinois, to urge support for this provision by stating that our Government is funding sexual predators. That is a disgusting misrepresentation of a tragic story. In these materials, circulated to Members of Congress, a sad tale of sexual abuse of a young woman is recounted. The young woman obtained birth control to protect herself from pregnancy caused by repeated statutory rape committed against her by a 37-year-old man. The group, in a bizarre and disgusting twist of logic, claims that we are supporting sexual predators by making title X funds available. Sick men who take advantage of young girls are criminals, and our laws are designed to punish them, not support them. It is absurd to say that title X caused this young girl to be abused. Anyone making that argument should be ashamed. Furthermore, as the bill stands, it already includes language to help prevent sexual coercion, so this Istook amendment is unnecessary in that regard.

This legislation is one in a series of battles we have fought this year. These votes are not about particular Government programs or particular procedures, they are about the fundamental right to choose. I don't believe we need to vote on this issue at all—the Supreme Court has already spoken. Obviously, there are those in this body who feel differently. Still, a vote on whether or not to eliminate the right to choose ought to be a separate vote. No ban on abortion should proceed until there is a constitutional amendment to restrict the right to choose, which will never happen. But folks, by voting for this amendment we are undermining the Supreme Court, the President of the United States, and the American people by allowing vague language hidden in an appropriations bill to greatly restrict the right to choose. We cannot allow this abuse of the process, which is being manipulated in such a way to promote an extreme and unpopular postion—repealing the right to choose.

I urge my colleagues to denounce these amendments so that we can have a clean appropriations bill that funds desperately needed programs. Reject the Istook amendment.

Ms. ESHOO. Mr. Chairman, I rise in support of the Castle substitute, which encourages teens to talk with their parents about sex, health, and contraception while safeguarding their access to family planning services at title X clinics.

Today, 82 percent of teen pregnancies are unintended, and over half of these pregnancies will end in abortion.

Each year, the family planning services provided by title X clinics prevent 386,000 unintended teen pregnancies, avoiding 155,000 births and 183,000 abortions.

Despite this progress, opponents of title X funding continue their attempts to dismantle the title X program, this time under the guise of protecting vulnerable teenagers.

The Istook amendment will not protect teenagers from sexual abuse. But it will ensure that more of the Nation's most vulnerable teens won't use birth control, more will get pregnant, and more will have abortions.

The Istook amendment places teens' health at risk. Teens who are prevented from seeking family planning services at these clinics will no longer benefit from the other services these clinics provide, including screening and treatment for sexually transmitted diseases and HIV, routine gynecological exams, and breast and cervical cancer screening.

The castle substitute protects America's youth. It encourages family participation in the decision of minors to seek family planning services. It requires title X programs to encourage parental involvement when teens seek family planning services. And it requires these programs to counsel minors on how to resist and avoid coercive sexual relationships.

Mr. Chairman, assuring teens access to confidential family planning services reduces teen pregnancies, reduces abortions, and protects vulnerable teens. I urge my colleagues to support the castle substitute.

Mr. FAZIO of California. Mr. Chairman, I rise today in opposition to the Istook amendment and for the Castle substitute. What we have is another attempt to do away with the title X program, which provides funding for family planning services. Services provided under title X reach out to many of America's teenagers who are already at risk in their everyday lives.

Family planning services are one way that these teenagers can receive guidance and education about issues confronting them about sex, reproductive health, contraception, and prevention of disease. By requiring teens to obtain parental consent in order to receive family planning services, and by mandating clinics to notify parents that their children are seeking such services, the Istook amendment will have the effect of decimating the entire family planning system in our country.

The teens we need to be most concerned about—the teens we are trying to prevent from having unwanted pregnancies or contracting a sexually transmitted disease—would become even more endangered if this parental mandate were to take effect.

Perhaps many people are forgetting what it means to be an at-risk teen. At-risk teens are not the children of many of us in this room today. At-risk teens are not the children of parents they can talk to freely about many important issues and values that are affecting their everyday lives. At-risk teens are more often trying to escape sexual or physical abuses within their own homes—even from their own parents.

I encourage every teenager to talk with their parents about these very important issues and parents to talk responsibly with their children. That is why I am in support of a substitute amendment offered by my colleague, Mr. CASTLE.

Mr. Castle substitute will require that title X programs encourage the involvement of parents when teens seek family planning services. Encouraging parental involvement is important, and in and ideal world, all teens would have parents they could feel comfortable talking to and be able to sort out what kind of activity is appropriate. But in the real world, we can not take away an opportunity for at-risk teens to receive essential services, by forcing a mandate upon them that will not work in the real world.

I urge my colleagues to vote against the Istook amendment and support the Castle amendment.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Delaware [Mr. CASTLE] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

PARLIAMENTARY INQUIRY

Mr. MANZULLO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANZULLO. Mr. Chairman, does that mean that those Members who favor the Castle substitute amendment would vote "yes" on the first vote, and those who favor the Istook-Manzullo amendment would vote "no" on the first vote?

The CHAIRMAN. The Chair will merely state the question. The question is on the amendment offered by the gentleman from Delaware [Mr. CASTLE] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. PORTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair announces that he may reduce to not less than 5 minutes the period of time within which an electronic vote, if ordered, may be taken on the Istook amendment.

The vote was taken by electronic device, and there were—ayes 220, noes 201, not voting 12, as follows:

[Roll No. 378]

AYES—220

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Campbell
Capps
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gordon
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Kucinich
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (VA)
Morella
Neal
Ney
Obey
Olver
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)

Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thomas
Thompson
Thornberry
Thurman
Tierney
Torres
Turner
Upton
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—201

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Forbes
Fox
Gallegly
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kildee
Kim
King (NY)
Kingston
Knollenberg
LaFalce
LaHood
Largent
Latham
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oberstar
Ortiz
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Quinn
Radanovich
Rahall
Redmond
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thune
Tiahrt
Traficant
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Carson
Cooksey
Dellums
Flake
Gonzalez
Hilliard
Lewis (GA)
Nadler
Schiff
Serrano
Towns
Velázquez

□ 2045

Messrs. ARMEY, COX of California, WICKER, PICKERING, LAFALCE and SHAW changed their vote from "aye" to "no."

Mr. CUMMINGS and Mr. THOMAS changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

PARLIAMENTARY INQUIRIES

Mr. SOUDER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOUDER. My parliamentary inquiry is that since the second-degree amendment passed, is it true that no longer does the Istook-Manzullo amendment include a parental notification?

The CHAIRMAN. The gentleman does not state a parliamentary inquiry.

Mr. OBEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OBEY. Mr. Chairman, is it not true that the Castle amendment having now been passed, we are voting in essence to adopt the underlying amendment as amended by the Castle amendment?

The CHAIRMAN. The gentleman is correct.

The vote was taken by electronic device, and there were—ayes 254, noes 169, not voting 10, as follows:

[Roll No. 379]

AYES—254

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Ballenger
Barrett (WI)
Barton
Bass
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Buyer
Campbell
Capps
Cardin
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gordon
Granger
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Shaw
Shays
Sherman
Sisisky
Skaggs
Skeen
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Thomas
Thompson
Thornberry
Thurman
Tierney
Torres
Traficant
Turner
Upton
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—169

Aderholt
Archer
Armey
Bachus
Baker
Barcia
Barr
Barrett (NE)
Bartlett
Bateman
Bereuter
Bilbray
Bilirakis
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burton
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Duncan
Ehlers
Emerson
English
Ensign
Everett
Ewing
Forbes
Goode
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kildee
King (NY)
LaFalce
LaHood
Largent
Latham
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Mollohan
Myrick

Neumann
Northup
Norwood
Nussle
Ortiz
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Quinn
Radanovich
Rahall
Redmond
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Talent
Taylor (MS)
Taylor (NC)
Thune
Tiahrt
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Carson
Dellums
Flake
Gonzalez
Hilliard
Nadler
Schiff
Serrano
Towns
Velázquez

☐ 2057

Messrs. ISTOOK, COOK, LIVINGSTON, and COX of California changed their vote from "aye" to "no."

Mr. VISCLOCKY and Mr. BERRY changed their vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

☐ 2100

PERSONAL EXPLATION

Ms. CARSON. Mr. Speaker, on Tuesday, September 9, I was necessarily absent from the House and unable to cast the following rollcall votes. I ask permission that the following explanation for each vote be placed in the appropriate place in the official RECORD.

Mr. Speaker, I was unavoidably absent and unable to cast the following rollcall votes. Had I been present, I would have voted as follows: "Nay" on rollcall votes Nos. 371, 372, 373, 374, and 377; and "yea" on rollcall votes Nos. 376, 378, and 379.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. 213. Of the amounts made available in this title for the account "OFFICE OF THE SECRETARY—GENERAL DEPARTMENTAL MANAGEMENT", $12,800,000 is transferred and made available under section 30403 of Public Law 103-322 for the Community Schools Youth Services and Supervision Grant Program Act of 1994.

Mr. FILNER. Mr. Chairman, I rise today to offer an amendment called the community schools preservation amendment. It is an amendment designed to stop crime before it happens.

The appropriations bill we are considering terminates funding for the Community Schools Youth Services and Supervision Program. Currently, that program funds 54 community schools and projects all around the Nation. My amendment would restore full funding to this valuable program.

Mr. Chairman, according to the Administration on Children and Families, because of their unique structure, the community schools projects around this Nation will not receive funding without a direct appropriation and they will close, community schools across the Nation will close.

Section 30403(a) of the 1994 Violent Crime Control and Law Enforcement Act authorized modest funding for these projects which are finding innovative solutions to the problems of drug abuse, crime, and violence in our communities by working collaboratively with citizens, schools, and law enforcement.

Mr. Chairman, as my colleagues know, funding for this amendment must be offset by reduced spending in other areas. Reluctantly, I have chosen to try to transfer $12.8 million from the administration of this department. I hope that is clear. I have a different amendment than what was earlier published. This transfers money from the administration account and not from the community schools block grant. Again, I am transferring money for this program from the administration account and not from the community schools block grant.

In San Diego, which I represent, the Mano a Mano program has been successfully addressing problems in Barrio Logan in San Diego. Children participating in services provided by Mano a Mano have higher school attendance rates, higher grades, and better classroom behavior. Conflict resolution and management skills provided have resulted in less suspensions from school and fewer visits to school administrators, stopping the behavior that leads to juvenile crime before it happens.

Additionally, the Federal funds provided to this project have allowed them to develop partnerships with other crime prevention organizations in the area. This project is so important that the city attorney of San Diego and other local officials have contacted me expressing the serious need for this community schools project.

I encourage my colleagues to support this amendment. It provides funding for local projects that are finding local solutions to problems of drugs, crime, and violence in our young people.

We are bringing, Mr. Chairman, long-term crime rates down, and we will keep them down with these local projects. It is imperative that we see our at-risk communities as a national priority. I hope my colleagues with join with me to save these truly community schools.

Ms. LOFGREN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before the House recessed in July, we had a rather contentious deliberation over how to deal with updating our juvenile justice laws. One of the things that we all said, that we all agreed on, was the need to prevent crime among young children. That is what we are talking about in the funding of the community schools issue.

What is it? It is small funding for each school that really allows a community to invest in very poor children who need a future. We know that most juvenile crime occurs between the hours of 3 p.m. and 6 p.m., when parents are still at work and after children have been dismissed from school.

Mr. Chairman, last Congress this project was, once again, at risk and utilizing a bipartisan group of Members on both sides of the aisle. We moved together to salvage this program.

Let me tell my colleagues, because it is very typical of these projects throughout the United States, about the community school program in San Jose, CA.

When I went to this school, the after-school program is run primarily by Catholic charities in collaboration with the school district, the district attorney. I went to this meeting at 7:30 in the evening. There were the parents in their rough work clothes. They had just come back from work. There were tears in their eyes because their hope for their children was that their children would become good students.

This is a program that is oriented toward academic excellence, toward tutoring children so that they can achieve in math and in reading, to giving them hope for a future and giving peace of mind to hard-working parents who do not want their children out on the streets while they are still at work.

I will say that in the case of the Catholic charities project in my district, there is a 5-year plan for each child that the parents buy into, that the teachers buy into, so that at the end of 5 years not only will the child be law abiding but the child's academic achievement is intended to increase beyond grade level.

We are now in our third year. I am pleased to announce that our progress is good. Not only are children not getting into trouble, not only are children not being victimized in tough neighborhoods, not only are parents being relieved of their worry that their children may be victimized while they are waiting before they get home from work, but academic achievement is on the rise.

Lots of times Members may look at a line item in the budget and say, I do not know what that is; maybe it is disposable. But I am here to tell Members of the House, and there are certainly Members on both sides of the aisle who know it firsthand, that this is seed money that allows communities to invest in young people and their academic excellence. It is a prevention effort that works. I heartily recommend and endorse the gentleman's amendment and urge its passage.

I would like to reemphasize that the concern expressed by some Members that I understand and empathize, about the source of funding, has been altered. Legislating is about listening, learning, and improving. We did that. We learned that the source of funding was defective. The gentleman from California [Mr. FILNER], to his credit, has changed it. I believe that the Members who expressed concern have withdrawn their opposition to the amendment.

I would urge adoption of the amendment.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

I will be very brief, Mr. Chairman. I want to explain what the committee did. This program we eliminated in fiscal year 1996 in the House bill, the Senate put it back in in conference.

We eliminated this program in the fiscal 1997 bill, and the Senate put it back in in conference. We eliminated this program in this bill, one of 25 programs this year that we have eliminated, and I think for a very good reason.

We have a program called After School Learning Centers that is funded at $50 million, far in excess of the amount of money here. This is a program that was recommended by the President in his balanced budget agreement. We have $556 million available through safe and drug-free schools that can be used for exactly the same purposes as the money in this program. There is even an argument, we can use community service block grant money for this purpose.

We felt under the circumstances that the program is redundant and unnecessary. We put the money that otherwise might have gone in it into battered women's shelters instead. This used up our crime trust fund allocation. I think it is a much better use of the money. There is money for exactly this purpose in a number of programs. The program simply is not needed.

Ms. STABENOW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly want to commend the leadership on both sides of the aisle who have put this bill together. I know there are difficult decisions to be made. But I also know that today we have been talking a lot about family, about encouraging parents and children to come together and communicate and to work together and that we all know, as the old adage goes, an ounce of prevention is worth a pound of cure.

What we have in this amendment is an ounce of prevention. It is well worth the dollars that were just committed, as the gentleman preceding me, the leader spoke about the other dollars in the budget which are important. These community school grants are equally important because of what they allow communities to do.

In the case of my community in Lansing, it is the schools and the city working together to form something called the focus center, a place where young people can come, where there is tutoring, learning of life skills and communications. They are able to spend time together.

These are young people who have not been encouraged to go to school, who are now going to school and grades are coming up. We talk about the need for education. This particular program has encouraged young people both to go to school; attendance is up. Grades are up. Parents are now involved themselves in parenting classes, getting their GED. This is the kind of program done through the community schools grant which makes a difference for a very small investment.

We have in our community young people participating in urban 4-H, learning leadership skills, going to the county fair, exhibiting and having an opportunity to work together on projects and learn specific skills.

□ 2115

I had the opportunity to see their projects at the fair and to watch their excitement, and it was terrific to see.

The people who have put together this program in Lansing have done a marvelous job. The Lansing chief of police says that this program should be continued because of the positive effect on our neighborhoods as evidenced by a reduction in crime. Through the Community Schools Program parents are involved in the neighborhoods, children are involved, they are making choices not to get involved in sex and drugs and gangs but to go to school and to be a part of something that is positive. This is a very small investment to make for very, very large returns.

There is a young man who wrote to me, among many young people who wrote to me about this project, Bradley Wicks, who is a 17-year-old participant in our project. He said, "If it were not for this focus center, we as kids would have nothing to do and would turn to gangs and drugs. I was one of the lucky ones who found help here at the center and got the help I needed to change my life. I am not sure where I would be otherwise."

If, for a small investment, with all that we do, with all that the States are required to do in terms of the correctional system, all of the prisons that are built, and frankly, in my own State we have tripled the number of prison beds in the last 10 years and I do not feel three times safer, with all of that going on, this small ounce of prevention is well worth it. It is an investment in families and children and neighborhoods.

I would urge my colleagues, in this amendment, in the conference committee, in working together on the final budget, to make this small investment in Community School programs that work, that support families and children and neighborhoods and get the kind of results for our communities that we say we all want.

Mr. McINTYRE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Community Schools Preservation Amendment serves a critical purpose. It restores much-needed funds to an education grant program that really works. When we talk about failed programs, when we talk about concern for children and families, when we have something that works, we ought to proceed with it and stand by it.

As the old adage goes, if it is not broken, we should not try to fix it. This is a program that has been entirely successful. In southeastern North Carolina, in the Seventh District that I represent, we are home to one of these fine programs. The Communities in Schools Program of Robeson County is a shining example of how educators, local community leaders, law enforcement officers, and students work together. This program works day in and day out. It is an opportunity where we can coordinate the delivery of existing health, social, education, and support services for troubled youth and their families. They are doing work that could not be done by existing agencies in Robeson County.

I have seen firsthand this program work in North Carolina. It keeps children in school, it works with families to make sure children have a healthy home, and in the end, helps make our Nation a better place to live as we do what we all want to do, and that is to strengthen our families.

Mr. Chairman, the Community in Schools Program staff has worked to earn the trust of their community and of their schools. They are able to point to past successes and to future efforts that are already in the works so that this program can continue. This program is an excellent way that we can steer children away from a life of crime.

In a recent survey, police chiefs around our Nation indicated that investments like the Community Schools Program was one of the best ways to resist crime and to help youth avoid risky behavior. Other studies have shown that these programs can reduce juvenile delinquency by as much as 80 percent. Please name another program that can do that to reduce juvenile delinquency by 80 percent.

Do we want to be responsible for eliminating a successful program such as this? We should not. We should not turn our backs on programs that are already helping our families, already helping our youth, already helping our teenagers, and guiding them in the direction that we all desire that they will be able to move forward in for a positive family environment, a positive environment in our schools and a positive environment for safe neighborhoods and safe schools.

The Community Schools Preservation Amendment is a program that works. Indeed, it is a small investment that gives a mighty big return.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding to me.

I have just been informed by the gentleman from Indiana [Mr. SOUDER] that he will not be offering his amendment tonight and that, therefore, we believe there will be no further recorded votes, according to my understanding, will not be.

Mr. OBEY. Mr. Chairman, reclaiming my time, I am delighted to hear what the chairman has indicated. Let me simply say with respect to the amendment before us that I recognize what the gentleman from Illinois has said with respect to other portions of the bill that fund similar programs, but I would simply ask Members to realize one thing: All of the studies show that by far the most youth crime is committed between the hours of 3 and 6 in the afternoon. That is why I think that the intent of the Filner amendment is good and I support what the gentleman is trying to do.

I would urge, however, that the gentleman consider withdrawing the amendment, because I think that would give us a greater opportunity to work with the Senate conferees to try to achieve some restoration of funding for this program, which I believe would complement some of the other programs that are aimed at taking teenagers off the street.

Mr. FILNER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding to me.

It sounds, from the earlier statements, in the last few years that the Senate, or the other body, has been a little bit more prescient than us in this program. So I appreciate the gentleman's statement of trying to win their support again.

I thank the gentleman from North Carolina [Mr. MCINTYRE], the gentlewoman from California [Ms. LOFGREN], the gentlewoman from Michigan [Ms. STABENOW], for their support, and the dozens of other Members, the gentleman from New York Mr. LAZIO and Mr. WELDON on the other side, who have expressed support.

But, Mr. Chairman, based on the ranking member's statement, I ask unanimous consent to withdraw the amendment at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CAMP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to enter into a colloquy with the gentleman from Illinois [Mr. PORTER], the chairman of the Labor, Health and Human Services Subcommittee.

As the chairman may know, more than 3,000 people die each year waiting for an organ donation that never comes. That equals one death every 3 hours, eight people every day. Every 18 minutes another name is added to the list of 50,000 people awaiting transplants.

Last year, then Representative DURBIN and I cosponsored the Organ Donor Insert Card Act, which put an organ donor signup card in the tax return checks of nearly 70 million households. It is my hope that this effort will result in more organs available for transplant.

As my colleagues may know, this year the Senate has added a provision under the leadership of now Senator DURBIN and Senator FRIST in its version of the Labor, Health and Human Services appropriations bill, which calls upon the Department of Health and Human Services, in coordination with the General Accounting Office, to survey 5 percent of the hospitals participating in the Medicare and Medicaid Programs in order to ascertain how their organ donation programs are working.

I would ask the chairman to work with the chairman of the Committee on Commerce and the ranking member of the Committee on Commerce, as well as our colleagues, to address this issue when we go to conference with the Senate.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. CAMP. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding to me.

I would say to my friend from Michigan that obviously the Senate does not have rules such as we have in the House, and they may add legislative provisions even to an appropriations bill. This is an authorizing provision on the appropriations bill. I would certainly not take any position in regard to it in conference without the assent of the authorizing committee.

It sounds, from what the gentleman has described, like a very good program, but I would have to take my guidance from the authorizing side in regard to it in conference.

Mr. CAMP. Mr. Chairman, reclaiming my time, I appreciate the chairman's remarks.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the chairman of the Labor-HHS Subcommittee in a colloquy concerning rural health care.

I would say to the gentleman from Illinois I intended to offer an amendment today that would provide a $2.3 million increase to the Rural Outreach Grant Program. An increase of nearly $2.3 million would bring the Rural Outreach Grant Program in line with the Senate bill. The grant program was level-funded in the House.

Mr. Chairman, I come from a large rural district in central northwest Pennsylvania. Federal dollars for rural health care have been and continue to be increasingly difficult to come by. The Federal Rural Outreach Grant Program promotes innovation in the delivery of health care to rural areas by encouraging collaborative efforts among health care entities and the communities in which they are located.

Mr. Chairman, I will not offer my amendment. However, I would like to ask the chairman that as he works with the Senate during conference on the Labor-HHS appropriations bill, he will make a commitment to rural health care by working toward the Senate number for the Rural Outreach Grant Program.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding to me and for his statement.

I have to say that I have become aware recently of the importance of innovations that affect rural health care, like telemedicine and access to the National Library of Medicine's data bank. And I appreciate the gentleman's decision not to pursue the amendment on the floor today, and I commit to him that I will make every effort in conference to increase the funding for the Rural Outreach Grant Program.

Mr. PETERSON of Pennsylvania. Mr. Chairman, reclaiming my time, I want to thank the chairman for his support of this program, and I appreciate his willingness to work with me on the issue of rural health care.

The CHAIRMAN. If there are no other amendments to the pending portion of the bill, the Clerk will read.

The Clerk read as follows:

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act, the School-to-Work Opportunities Act, and section 3132 of the Elementary and Secondary Education Act of 1965, $1,135,000,000, of which $458,500,000 for the Goals 2000: Educate America Act and $200,000,000 for the School-to-Work Opportunities Act shall become available on July 1, 1998, and remain available through September 30, 1999: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended to carry out section

304(a)(2)(A) of the Goals 2000: Educate America Act, except that no more than $1,500,000 may be used to carry out activities under section 314(a)(2) of that Act: *Provided further*, That section 315(a)(2) of the Goals 2000 Act shall not apply: *Provided further*, That up to one-half of one percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program: *Provided further*, That if any State educational agency does not apply for a grant under section 3132, that State's allotment under section 3131 shall be reserved by the Secretary for grants to local educational agencies in that State that apply directly to the Secretary according to the terms and conditions published by the Secretary in the Federal Register.

Mr. EWING. Mr. Chairman, I rise today in strong support of H.R. 2264 and I would like to commend Chairman PORTER for his hard work and diligence in crafting this appropriations bill. Included in this legislation is language which will waive an ineffective and burdensome regulation now mandated by the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1992. This act blindly requires all lenders who participate in the Federal Family Education Loan Program to perform expensive, comprehensive annual audits on their student loan portfolios. Similar corrective language was included in the continuing resolution adopted for fiscal year 1997, and thus expires on September 30 of this year.

I represent small banks and credit unions which maintain and service small student loan portfolios in compliance with the Federal Family Education Loan Program. The profit on these portfolios is estimated to around 3 to 5 thousand dollars annually, while the audit required by the Department of Education costs anywhere from 2 to 14 thousand dollars annually. As you can see it does not make sense for small lenders to service these loans and participate in the FFEL program. In fact, many small lenders are selling their portfolios and leaving the student loan business altogether. This is not fair to student borrowers in rural areas who are increasingly unable to utilize lending institutions that they are familiar with. This is also not fair to smaller lenders who wish to service and maintain student loans. If this policy is enforced, small lenders will be effectively cut out of the student loan business and consumers will be denied the opportunity to do business at their local bank.

I contacted the Department of Education about the possibility of a waiver or alternative to this detrimental mandate. The Department stated, ". . . lender audits are required by statute . . ." and that the ". . . statute does not provide authority for the Department to waive the annual audit based on the size of the lender's FFEL portfolio or the cost of the audit." Furthermore, according to the Department of Education's Office of the Inspector General, lender portfolios totaling less than 10 million dollars do not even have to send their audit to the Department for review. They are only required to ". . . hold the reports for a period of three years and shall submit them only if requested." That means lenders waste thousands of dollars on a compliance audit that is never sent anywhere or reviewed by anyone. I have no doubt that protecting the integrity of the student loan program is important to all of us. However, this current situation does not protect any portfolios under 10 million dollars because no one review the results of the audits.

The Office of the Inspector General at the Department of Education has also expressed concern regarding this burden in their Semiannual Report—October 93 to March 94—stating, ". . . we are concerned that the cost may outweigh the benefits of legislatively required annual audits of all participants, regardless of the size of participation or the risk they represent to the program." In this report the inspector general recommends that a threshold be established for requiring an institutional audit, ". . . and we continue to believe that a threshold is necessary for both the institutional and lender audits. Such a threshold would eliminate the audit burden for the smaller participants in the program while helping assure that scarce departmental resources are focused on the areas of greatest risk."

This provision works in concert with the Department of Education and the authorizing committee which have expressed the need for an audit threshold. This language will help the little guy in the student loan business and ensure consumer choice and convenience. It is my hope that the Congress will be able to enact a permanent solution to this problem. I urge my colleagues to vote for H.R. 2264.

Ms. HOOLEY of Oregon. Mr. Chairman, I rise today to express my concern with a provision in this legislation. I applaud my colleagues for their hard work in reaching this year's unprecedented budget agreement that successfully expanded the Pell Grant Program and provided new tax incentives for education. I also wish to thank the chairman and the ranking member for their hard work in bringing this legislation to the floor for consideration.

However, I am especially concerned that this legislation completely eliminates one of the most successful higher education financial aid programs in history. The State Student Incentive Grant Program, or SSIG, has succeeded in encouraging the development of need-based financial aid programs in all 50 States. It has not only provided the seed money that was intended at its inception 25 years ago, but has also helped maintain State commitments to need-based financial aid in subsequent years.

This is a program that gives the neediest students opportunities to attend higher education institutions, through grants and work-study jobs. Yes, the Pell Grant Program is making a college education accessible for many low-income students, but SSIG helps States retain those students who absolutely could not afford college without the supplemental funds that pay the financial shortfall that Pell and other financial aid programs cannot support.

It now serves over 700,000 students at 2- and 4-year colleges and universities nationwide, and it does so by leveraging over 780 million dollars in State matching funds. In speaking with students and program administrators in my State, I have been repeatedly told that the Federal funds are essential in encouraging policy-makers to maintain state funding levels. In 13 States, the SSIG funds comprise at least 25 percent of available student grant aid. Additionally, in an independent survey of State financial aid administrators, 86 percent indicates that the elimination of the SSIG would result in States reducing the number and amount of need-based grants. It is evident that an elimination of this program could have dramatic impacts on students in States across the Nation.

The SSIG Program was never given a sunset date for a good reason: it continues to serve as an efficient and economical incentive for States to help make higher education accessible. As college costs continue to rise, and as the ratio of grants to loans continues to decline, it is imperative that we retain incentives for States to continue their efforts. I am disappointed that this legislation overlooks the essential benefits of this program. However, I urge my colleagues to join me in future efforts to restore this valuable program.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. CAMP] having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

□ 2130

CONFERENCE REPORT ON H.R. 2016, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1998

Mr. PACKARD submitted the following conference report and statement on the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–247)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2016) "making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 21, 22, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 13, 25, and 26, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$714,377,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$65,577,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$683,666,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$44,880,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$646,342,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$48,850,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$118,350,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$190,444,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$74,167,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$47,329,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$30,243,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$197,300,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,140,568,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,337,868,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$393,832,000*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,370,336,000*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$295,709,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,125,943,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by the House and stricken by the Senate insert:

(TRANSFER OF FUNDS)

SEC. 123. (a) Subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

(b) Subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for the acquisition or construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military unaccompanied housing and ancillary supporting facilities.

And on page 3 of the House engrossed bill, H.R. 2016, on line 20, strike "$662,305,000" and insert "*$701,855,000*", and

On page 17 of the House engrossed bill, H.R. 2016, beginning on line 24 strike "Department of Defense" and insert "*Housing Revitalization Support Office*"; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 125. Notwithstanding any other provisions in this Act, the following accounts are hereby reduced by the specified amounts—

"Military Construction, Army", $7,900,000;

"Military Construction, Navy", $5,600,000;

"Military Construction, Air Force", $7,600,000;

"Military Construction, Defense-wide", $6,100,000;

"North Atlantic Treaty Organization Security Investment Program", $1,000,000;

"Base Realignment and Closure Account, Part III", $8,000,000;

"Base Realignment and Closure Account, Part IV", $8,000,000;

"Family Housing, Army", $36,700,000;

"Family Housing, Navy and Marine Corps", $13,100,000;

"Family Housing, Air Force", $14,700,000;

"Family Housing, Defense-wide", $100,000.

And the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 128. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing or military unaccompanied housing, the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on National Security and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

And the Senate agree to the same.

RON PACKARD,
JOHN EDWARD PORTER,
DAVID L. HOBSON,
ROGER F. WICKER,
JACK KINGSTON,
MIKE PARKER,
TODD TIAHRT,
ZACH WAMP,
BOB LIVINGSTON,
W.G. (BILL) HEFNER,
JOHN W. OLVER,
CHET EDWARDS,
NORMAN D. DICKS,
STENY H. HOYER,
DAVID R. OBEY,
Managers on the Part of the House.

CONRAD BURNS,
KAY BAILEY HUTCHINSON,
LAUCH FAIRCLOTH,
LARRY CRAIG,
TED STEVENS,
PATTY MURRAY,
HARRY REID,
DANIEL K. INOUYE,
ROBERT C. BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying report.

ITEMS OF GENERAL INTEREST

Matters Addressed by Only One Committee.—The language and allocations set forth in House Report 105–150 and Senate Report 105–52 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases in which the House or the Senate have directed the submission of a report from the Department of Defense, such report is to be submitted to both House and Senate Committees on Appropriations.

Base Realignment and Closure Accounts—Construction Projects: Administrative Provision.—The conferees agree that any transfer of funds for any construction project financed by any Base Realignment and Closure Account shall be subject to a 21 day notification to the Committees, and shall not be subject to reprogramming procedure.

Historic Preservation.—The conferees continue to be concerned that maintaining and renovating historic quarters is a burden on the family housing accounts. The conferees direct the Department of Defense to consult with the Advisory Council on Historic Preservation, and other appropriate Federal agencies, to identify and pursue strategies for the services to maintain and use historic housing consistent with their mission and budgetary resources.

Use of Prior-Year Savings.—The budget request proposed the use of prior-year savings to finance fiscal year 1998 projects and programs as follows:

Account	*Amount*
Military Construction:	
Air Force	$23,858,000
Army Reserve	7,900,000
Family Housing, Navy	8,463,000
Total	40,221,000

The conferees do not approve of this method of financing and remind the Department that it should request rescissions of these funds by account and by fiscal year. The conferees reject the proposed use of these funds for fiscal year 1998 activities and projects and have determined that these funds are necessary to complete ongoing projects within the Military Construction appropriations. The proposed use for fiscal year 1998 projects and programs could jeopardize the successful completion of projects appropriated in prior years.

Unified Design Guidance.—The conferees direct the Department and the services to submit a joint report to the congressional defense committees by March 31, 1998, which addresses: (1) areas where uniform procedures, systems, and/or criteria are already in use: (2) other possible areas where it may be practical to create more uniformity; and (3) the most cost effective system for implementing improvements either through a greater use of tri-service groups; centralized development and management under one of the services with design and construction authorities; or centralizing the development and management of design guidance under the Secretary of Defense.

MILITARY CONSTRUCTION, ARMY

Amendment No. 1

Appropriates $714,377,000 for Military Construction, Army instead of $721,027,000 as proposed by the House and $652,046,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

Amendment No. 2

Earmarks $65,577,000 for study, planning, design, architect and engineer services, and host nation support instead of $71,577,000 as proposed by the House and $77,646,000 as proposed by the Senate.

U.S. Army South: Relocation of Headquarters.—The conferees direct the Secretary of the Army to report by January 2, 1998, on all costs of the decision to relocate the headquarters of the U.S. Army South from Fort Clayton, Panama to Fort Buchanan, Puerto Rico, which was announced on July 31, 1997.

Virginia—Charlottesville: National Ground Intelligence Center.—The conferees included $3,100,000 for planning and design of the National Ground Intelligence Center in Charlottesville, Virginia, within the additional amount provided as a lump sum for the Army's planning and design.

MILITARY CONSTRUCTION, NAVY

Amendment No. 3

Appropriates $683,666,000 for Military Construction, Navy instead of $685,306,000 as proposed by the House and $605,756,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

Amendment No. 4

Earmarks $46,489,000 for study, planning, design, architect and engineer services as proposed by the Senate instead of $46,659,000 as proposed by the House.

Budget Justifications, Marine Corps.—The conferees are concerned that the Marine Corps' overall funding allocation within the Military Construction and Military Family Housing accounts is not in concert with the Marine Corps' existing unfunded requirements when compared to the other services. The current format of the budget justification material for these accounts does not provide adequate information regarding Marine Corps specific projects and funding summaries, but rather combines Marine Corps' funding requirements along with those of the U.S. Navy within the Department of the Navy requirements.

To assist the Committees in their oversight role in the budget approval process, the conferees require a better means of identifying those projects and requirements that fall within the Department of the Navy accounts yet are Marine Corps specific. Accordingly, the conferees request the Department of Defense to provide in future budget justifications the following items:

1. Account summary table which clearly reflects the Navy service and Marine Corps specific requirements and allocations (and identify separately the Reserve Components);
2. Separate state-by-state project tables for Marine Corps specific projects and Navy specific projects; and
3. An explanation of the projected allocation between the Navy and Marine Corps for all unspecified and support accounts.

Any joint Navy and Marine Corps projects should be highlighted as such. The items listed above should be in addition to the information currently provided in the budget justification.

California—San Diego: Military Housing.—The conferees request the Secretary of Defense to conduct a study on military housing (both unaccompanied housing and family housing) in the San Diego area, and submit a report on that study to the Committees by February 1, 1998. The study shall evaluate the current availability of housing, both on-base and off-base, for unmarried and married personnel. The study shall investigate reports of U.S. military personnel choosing to live in Mexico, and shall include recommendations for actions needed to alleviate the situation.

Mississippi—Gulfport Naval Construction Battalion Center: Bachelor Enlisted Quarters.—The conferees have deferred funding for this project, without prejudice, and the Navy is encouraged to include this project in the budget request for fiscal year 1999.

Washington—Bremerton Puget Sound Naval Shipyard: Enlisted Dining Facility Expansion.—The conferees agree that this project addresses an urgent, mission critical requirement, and direct that it be accomplished within the additional funds provided for unspecified minor construction.

MILITARY CONSTRUCTION, AIR FORCE

Amendment No. 5

Earmarks $44,880,000 for study, planning, design, architect and engineer services instead of $45,880,000 as proposed by the House and $48,880,000 as proposed by the Senate.

The conferees note that total funding in the amount of $701,855,000 for Military Construction, Air force is included under Amendment No. 23.

California—Travis AFB: Control Tower.—The conferees are concerned about safety conditions at the existing facility, and direct the Secretary of the Air Force to report by January 2, 1998, on efforts to address this situation by reprogramming (citing emergency authority) or by other means.

MILITARY CONSTRUCTION, DEFENSE-WIDE

Amendment No. 6

Appropriates $646,342,000 for Military Construction, Defense-wide instead of $613,333,000 as proposed by the House and $690,889,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

Amendment No. 7

Earmarks $48,850,000 for study, planning, design, architect and engineer services instead of $34,350,000 as proposed by the House and $52,450,000 as proposed by the Senate.

United Kingdom—Menwith Hill Station: High School.—The conferees are aware of a proposal to establish a high school at Menwith Hill in order to avoid the need to board dependent students at RAF Lakenheath. The conference agreement provides an additional $818,000 under unspecified minor construction for this purpose.

United Kingdom—Menwith Hill Station: Security Improvements.—The conferees are aware of an initiative to address security deficiencies at Menwith Hill, including fencing the perimeter of the site. The conferees agree to consider a reprogramming request to address this need (citing emergency authority).

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

Amendment No. 8

Appropriates $118,350,000 for Military Construction, Army National Guard instead of $45,098,000 as proposed by the House and $234,614,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

Alaska-Bethel: Aviation Operations Facility.—The conferees agree to grant reprogramming approval for the funded project.

Massachusetts—Westover ARB: Aviation Simulation Facility.—The conferees direct that this project is to be accomplished within funds provided for unspecified minor construction.

Michigan—Calumet: Armory Improvement.—The conferees direct that this project is to be accomplished within funds provided for unspecified minor construction, in order to improve disabled access.

Oklahoma—Oklahoma City: Readiness Center.—Senate report language regarding this project is re-directed to the Army National Guard, rather than the Air National Guard.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

Amendment No. 9

Appropriates $190,444,000 for Military Construction, Air National Guard instead of $137,275,000 as proposed by the House and $185,115,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

MILITARY CONSTRUCTION, ARMY RESERVE

Amendment No. 10

Appropriates $74,167,000 for Military Construction, Army Reserve instead of $77,731,000 as proposed by the House and $96,079,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

MILITARY CONSTRUCTION, NAVAL RESERVE

Amendment No. 11

Appropriates $47,329,000 for Military Construction, Naval Reserve instead of $40,561,000 as proposed by the House and $21,111,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

Amendment No. 12

Appropriates $30,243,000 for Military Construction, Air Force Reserve instead of $27,143,000 as proposed by the House and $31,830,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

New York—Niagara Falls International Airport: Combined Maintenance Facility.—The conferees encourage the Air Force Reserve to include this project in the budget request for fiscal year 1999.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Amendment No. 13

Appropriates $152,600,000 for the North Atlantic Treaty Organization Security Investment Program as proposed by the Senate instead of $166,300,000 as proposed by the House.

FAMILY HOUSING ARMY

Amendment No. 14

Appropriates $197,300,000 for Construction, Family Housing, Army instead of $202,131,000 as proposed by the House and $167,100,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

CONSTRUCTION IMPROVEMENTS

The following projects are to be accomplished within the increased amount provided for construction improvements:

Alaska—Fort Richardson (52 units)	$9,600,000
Alaska—Fort Wainwright (32 units)	8,300,000
Kansas-Fort Riley (106 units)	7,000,000
Kentucky—Fort Campbell (60 units)	6,000,000
New York—West Point (56 units)	5,400,000
Virginia—Fort Belvoir (48 units)	5,000,000
Total, Army	41,300,000

Amendment No. 15

Appropriates $1,140,568,000 for Operation and Maintenance, Family Housing, Army instead of $1,148,937,000 as proposed by the House, and $1,149,937,000 as proposed by the Senate.

Amendment No. 16

Appropriates a total of $1,337,868,000 for Family Housing, Army instead of $1,351,068,000 as proposed by the House and $1,317,037,000 as proposed by the Senate. This sum is derived from the conference agreement on amendments numbered 14 and 15.

FAMILY HOUSING, NAVY AND MARINE CORPS

Amendment No. 17

Appropriates $393,832,000 for Construction, Family Housing, Navy and Marine Corps instead of $409,178,000 as proposed by the House and $362,619,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

CONSTRUCTION IMPROVEMENTS

The following projects are to be accomplished within the increased amount provided for construction improvements:

California—China Lake NAWC[1]	$4,193,000
Illinois—Great Lakes PWC (64 units)	7,700,000
Maryland—Patuxent River NAWC (90 units)	9,000,000
North Carolina—Camp Lejeune MCB (37 units)	2,863,000
North Carolina—Cherry Point MCAS (83 units)	6,000,000
Total, Navy	29,756,000

[1] Demolish 120 units

Amendment No. 18

Appropriates a total of $1,370,336,000 for Family Housing, Navy and Marine Corps instead of $1,385,682,000 as proposed by the House and $1,339,123,000 as proposed by the Senate.

FAMILY HOUSING, AIR FORCE

Amendment No. 19

Appropriates $295,709,000 for Construction, Family Housing, Air Force instead of $341,409,000 as proposed by the House and $296,633,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

CONSTRUCTION IMPROVEMENTS

The following projects are to be accomplished within the increased amount provided for construction improvements:

New Mexico—Cannon AFB (72 units)	$5,000,000
Oklahoma—Tinker AFB (60 units)	4,600,000
South Carolina—Charleston AFB (78 units)	7,000,000
South Carolina—Shaw AFB (50 units)	5,000,000
Total, Air Force	21,600,000

Amendment No. 20

Appropriates a total of $1,125,943,000 for Family Housing, Air Force instead of $1,171,643,000 as proposed by the House and $1,126,867,000 as proposed by the Senate.

GENERAL PROVISIONS

Amendment No. 21

Restores a provision proposed by the House and stricken by the Senate which prohibits the expenditure of funds except in compliance with the Buy American Act.

Amendment No. 22

Restores a provision proposed by the House and stricken by the Senate which states the sense of the Congress notifying recipients of equipment or products authorized to be purchased with financial assistance provided in this Act to purchase American-made equipment and products.

Amendment No. 23

Deletes a provision proposed by the House and stricken by the Senate which permits the transfer of funds from the Base Realignment and Closure Accounts to the Homeowners Assistance Fund, Defense.

Inserts two provisions permitting the Secretary of Defense to transfer funds from other accounts into the Family Housing Improvement Fund and the Military Unaccompanied Housing Improvement Fund and clarifying the intent of these funds. The House and Senate bills contained no provision on these matters.

Appropriates $701,855,000 for Military Construction, Air Force instead of $662,305,000 as proposed by both the House and the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

Inserts a provision amending Section 124 to clarify that the Family Housing Improvement Fund shall be the sole source of funds available for administrative costs (other than non-reimbursable personnel details) incurred by the Housing Revitalization Support Office, instead of the Department of Defense as proposed in both the House and Senate bills.

Amendment No. 24

Inserts a provision reducing a total of $108,800,000 to eleven accounts in the bill, rather than a reduction totaling $31,000,000 to seven accounts in the bill as proposed by the Senate. The House bill contained no similar provision.

The conference agreement reduces the following accounts for the specified reasons:

Account	Inflation reestimates	Foreign currency adjustment	Total reduction
Military Construction, Army	$2,000,000	$5,900,000	$7,900,000
Military Construction, Navy	3,000,000	2,600,000	5,600,000
Military Construction, Air Force	4,000,000	3,600,000	7,600,000
Military Construction, Defense-wide	5,000,000	1,100,000	6,100,000
North Atlantic Treaty Organization Security Investment Program	1,000,000	0	1,000,000
Base Realignment and Closure Account, Part III	8,000,000	0	8,000,000
Base Realignment and Closure Account, Part IV	8,000,000	0	8,000,000
Family Housing, Army	6,000,000	30,700,000	36,700,000
Family Housing, Navy and Marine Corps	7,000,000	6,100,000	13,100,000
Family Housing, Air Force	6,000,000	8,700,000	14,700,000
Family Housing, Defense-wide	0	100,000	100,000
Total	50,000,000	58,800,000	108,800,000

These reductions reflect savings based on inflation reestimates and foreign currency adjustments. The conferees direct that these reductions shall not result in the delay, cancellation, or reduction in scope of any project for which funds have been appropriated.

Amendment No. 25

Inserts a provision proposed by the Senate which directs the Secretary of the Army to complete a special forces diver training facility at Key West Naval Air Station, for which funds were authorized and appropriated in fiscal year 1990, using unspecified minor construction funds appropriated in this Act.

Amendment No. 26

Inserts a provision proposed by the Senate which authorizes the Secretary of the Navy to lease property on Waipio Peninsula, Hawaii, to the city and county of Honolulu.

Amendment No. 27

Inserts a provision proposed by the Senate which requires the Secretary of Defense to notify Congress of certain privatization efforts, amended to revise the reporting requirement.

Amendment No. 28

Deletes a provision proposed by the Senate which amends section 303(e) of Public law 105–18 to permit the Secretary of Defense to use funds available in the Defense Working Capital Fund for payment of certain costs of a facility at Lexington, Kentucky.

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ALABAMA		
ARMY		
REDSTONE ARSENAL		
MICOM MISSILE READINESS SOFTWARE ENGINEERING ANNEX (PHASE I)	---	13,000
AIR FORCE		
MAXWELL AFB		
OTS ACADEMIC FACILITY	4,479	4,479
OTS PHYSICAL FITNESS CENTER	1,095	1,095
SOFTWARE DEVELOPMENT AND MAINTENANCE FACILITY	---	9,300
DEFENSE-WIDE		
ANNISTON CHEMICAL ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY	9,900	9,900
REDSTONE ARSENAL, HUNTSVILLE		
MISSILE SPACE INTELLIGENCE CENTER (DIA)	32,700	32,700
AIR NATIONAL GUARD		
DANNELLY FIELD		
MUNITIONS COMPLEX/AIRCRAFT SUPPORT SHOP	---	4,800
TOTAL, ALABAMA	48,174	75,274
ALASKA		
AIR FORCE		
CLEAR AFS		
ALTER DORMITORIES	20,285	20,285
BALLISTIC MISSILE EARLY WARNING SYSTEM FACILITY	46,784	46,784
EIELSON AFB		
A-10 SQUADRON OPERATIONS/AIRCRAFT MAINTENANCE UNIT	7,764	7,764
POTABLE WATER STORAGE UPGRADE	---	6,000
ELMENDORF		
ELECTRICAL SYSTEMS UPGRADE	---	6,100
INDIAN MOUNTAIN		
UPGRADE PETROLEUM, OIL, AND LUBRICANT SYSTEM	1,991	1,991
DEFENSE-WIDE		
ELMENDORF AFB		
REPLACE FUEL TANKAGE (DLA)	21,700	21,700
ARMY NATIONAL GUARD		
BETHEL		
ARMY GUARD AVIATION OPERATIONS FACILITY (REPROGRAMMING ALLOWANCE)	---	4,600
TOTAL, ALASKA	98,524	115,224
ARIZONA		
ARMY		
FORT HUACHUCA		
WHOLE BARRACKS COMPLEX RENEWAL	20,000	20,000
NAVY		
CAMP NAVAJO NAVY DETACHMENT		
MAGAZINE MODIFICATIONS (PHASE II)	11,426	11,426
YUMA MARINE CORPS AIR STATION		
BACHELOR ENLISTED QUARTERS	---	12,250
AIR FORCE		
LUKE AFB		
LAND PURCHASE, GOLDWATER RANGE	---	10,000
TOTAL, ARIZONA	31,426	53,676
ARKANSAS		
ARMY		
PINE BLUFF ARSENAL		
AMMUNITION DEMILITARIZATION SUPPORT FACILITY	---	10,000
AIR FORCE		
LITTLE ROCK AFB		
CONTROL TOWER	---	3,400
DEFENSE-WIDE		
PINE BLUFF CHEMICAL ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY	44,000	---
ARMY NATIONAL GUARD		
HAZEN		
ORGANIZATIONAL MAINTENANCE SHOP	1,345	1,345
READINESS CENTER	2,261	2,261
TOTAL, ARKANSAS	47,606	17,006

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
CALIFORNIA		
ARMY		
CONCORD NAVAL WEAPONS STATION		
ORDNANCE SUPPORT FACILITY	23,000	23,000
FORT IRWIN		
LIVE FIRE COMMAND AND CONTROL FACILITY	---	2,650
ROTATIONAL WASH POINT	---	8,500
NAVY		
CAMP PENDLETON MARINE CORPS AIR STATION		
AIRCRAFT MAINTENANCE TRAINING FACILITY	4,300	4,300
EMERGENCY SPILL CONTROL	2,840	2,840
HIGHBAY WAREHOUSE	6,880	6,880
CAMP PENDLETON MARINE CORPS BASE		
BACHELOR ENLISTED QUARTERS	12,000	12,000
BACHELOR ENLISTED QUARTERS	---	16,120
BRIDGE REPLACEMENT	5,600	5,600
CHILD DEVELOPMENT CENTER	---	4,480
RIVER FLOOD CONTROL (SANTA MARGARITA)	21,869	21,869
CORONADO NAVAL AMPHIBIOUS BASE		
WATERFRONT OPERATIONS BUILDING	---	10,100
EL CENTRO NAVAL AIR FACILITY		
ORDNANCE FACILITIES	11,000	11,000
MIRAMAR MARINE CORPS AIR STATION		
ENLISTED DINING FACILITY	8,700	8,700
NORTH ISLAND NAVAL AIR STATION		
MAINTENANCE SUPPORT FACILITIES	15,300	15,300
SEAWALL UPGRADE	2,900	2,900
VISUAL SYSTEM TRAINER BUILDING ADDITION	1,400	1,400
PORT HUENEME NAVAL CONSTRUCTION BATALLION CENTER		
STORMWATER RUNOFF IMPROVEMENTS	---	3,200
TWENTYNINE PALMS MARCORP AIR-GRND COMB CTR		
COMMUNICATION/ELECTRONICS MAINTENANCE AND STORAGE FACILITY	3,810	3,810
AIR FORCE		
EDWARDS AFB		
ADD/ALTER SEWER LINE	1,394	1,394
UPGRADE WASTEWATER TREATMENT PLANT	1,493	1,493
VANDENBERG AFB		
LAUNCH OPERATIONS CONTROL CENTER	26,876	26,876
DEFENSE-WIDE		
NAVAL AIR STATION (NORTH ISLAND)		
WATERFRONT OPERATIONS SUPPORT FACILITY	7,400	7,400
SAN DIEGO NAVAL STATION		
ADD/ALTER ENVIRONMENTAL PREVENTATIVE MEDICAL UNIT.	2,100	2,100
AIR NATIONAL GUARD		
FRESNO AIR TERMINAL		
BASE SUPPLY COMPLEX	---	7,000
ARMY RESERVE		
SACRAMENTO		
US ARMY RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/AREA MAINTENANCE SUPPORT ACTIVITY	20,972	20,972
NAVAL RESERVE		
NAVAL WEAPONS STATION (SEAL BEACH)		
MARINE CORPS RESERVE TRAINING CENTER	6,104	6,104
PASADENA		
MARINE CORPS RESERVE CENTER	---	6,690
TOTAL, CALIFORNIA	185,938	244,678
COLORADO		
ARMY		
FORT CARSON		
CLOSE COMBAT TACTICAL TRAINER BUILDING	7,300	7,300
RAIL YARD EXPANSION (PHASE I)	---	16,000
AIR FORCE		
BUCKLEY ANG BASE		
ADD TO SECURITY POLICE FACILITY	348	348
ADMINISTRATION FACILITY	6,370	6,370
FALCON AFS		
DEFENSE ACCESS ROAD	10,551	10,551
PETERSON AFB		
ADD/ALTER DORMITORY	4,081	4,081
US AIR FORCE ACADEMY		
ADD/ALTER FITNESS CENTER	5,375	5,375
UPGRADE ACADEMIC FACILITY	9,854	9,854

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR NATIONAL GUARD		
BUCKLEY ANGB		
UPGRADE BASE INFRASTRUCTURE SYSTEMS	12,800	12,800
GREELEY ANGS		
MOBILE GROUNDS STATION MAINTENANCE COMPLEX	---	4,700
TOTAL, COLORADO	56,679	77,379
CONNECTICUT		
NAVY		
NEW LONDON NAVAL SUBMARINE BASE		
CHILD DEVELOPMENT CENTER	---	3,660
CONTROLLED INDUSTRIAL FACILITY	18,300	18,300
DEFENSE-WIDE		
NAVAL SUB BASE NEW LONDON		
ADD/ALTER NAVAL UNDERSEA MED INSTITUTE	2,300	2,300
TOTAL, CONNECTICUT	20,600	24,260
DELAWARE		
AIR NATIONAL GUARD		
NEW CASTLE AIRPORT		
REPLACE SQUADRON OPS/AEROMED EVAC FACILITY	---	7,000
DISTRICT OF COLUMBIA		
DEFENSE-WIDE		
BOLLING AFB		
RECONFIGURATION DIAC	7,000	7,000
NAVAL RESERVE		
NAVAL AIR FACILITY, WASHINGTON, DC (ANDREWS AFB)		
BACHELOR ENLISTED QUARTERS	4,640	4,640
TOTAL, DISTRICT OF COLUMBIA	11,640	11,640
FLORIDA		
NAVY		
JACKSONVILLE NAVAL AIR STATION		
ORDNANCE LOADING APRON	1,330	1,330
TACTICAL SUPPORT CENTER	2,150	2,150
MAYPORT NAVAL STATION		
PIER IMPROVEMENTS	---	17,940
WHITING FIELD NAVAL AIR STATION		
RUNWAY UPGRADES	---	1,300
AIR FORCE		
EGLIN AFB AUXILIARY FIELD 9 (HURLBURT FIELD)		
DORMITORY	6,470	6,470
MACDILL AFB		
CHILD DEVELOPMENT CENTER	---	3,350
EDUCATION CENTER AND LIBRARY	---	4,750
REMEDIATE SMALL ARMS RANGE	1,543	1,543
DEFENSE-WIDE		
EGLIN AFB AUXILIARY FIELD 9 (HURLBURT FIELD)		
SECURITY IMPROVEMENTS	2,450	2,450
SQUADRON OPERATIONS/AMU AC-130	6,100	6,100
NAS JACKSONVILLE		
REPLACE FUEL TANKAGE	9,800	9,800
PENSACOLA NAVAL AIR STATION		
MEDICAL CLINIC ADDITION (NAMI)	2,750	2,750
TOTAL, FLORIDA	32,593	59,933
GEORGIA		
ARMY		
FORT GORDON		
WHOLE BARRACKS COMPLEX RENEWAL	22,000	22,000
FORT STEWART (HUNTER ARMY AIR FIELD)		
WHOLE BARRACKS COMPLEX RENEWAL (PHASE I)	---	11,500
AIR FORCE		
MOODY AFB		
HH-60 RESCUE OPERATIONS FACILITY	---	6,800
ROBINS AFB		
JSTARS - ADD/ALTER SUPPLY WAREHOUSE	2,538	2,538
JSTARS - ADD/ALTER UTILITIES	1,891	1,891
JSTARS - ADD/ALTER WING COMMAND POST	498	498
JSTARS - AGE STORAGE/SHOP FACILITY	5,972	5,972
JSTARS - AIRCRAFT MAINTENANCE HANGAR	7,764	7,764
PHYSICAL FITNESS CENTER	---	9,100

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
FORT BENNING		
BATTALION AND COMPANY OPERATIONS FACILITY.........	9,814	9,814
FORT STEWART/HUNTER ARMY AIRFIELD		
COMPANY OPERATIONS FACILITY......................	2,500	2,500
ROBINS AIR FORCE BASE		
ADD/ALTER AMBULATORY HEALTH CARE CENTER...........	19,000	19,000
AIR NATIONAL GUARD		
ROBINS AFB		
B-1 AIRCRAFT ORGANIZATIONAL MAINTENANCE SHOPS.....	520	520
B-1 COMPOSITE SQUADRON OPERATIONS COMPLEX.........	5,300	5,300
B-1 POWER CHECK PAD AND SOUND SUPPRESSER..........	1,000	1,000
TOTAL, GEORGIA................................	78,797	106,197
HAWAII		
ARMY		
SCHOFIELD BARRACKS		
WHOLE BARRACKS COMPLEX RENEWAL....................	44,000	44,000
NAVY		
FORT DERUSSEY		
ASIAN PACIFIC CENTER..............................	---	9,500
KANEOHE BAY MARINE CORPS AIR STATION		
BACHELOR ENLISTED QUARTERS........................	19,000	19,000
PEARL HARBOR NAVAL STATION		
OILY WASTE COLLECTION TREATMENT FACILITY..........	25,000	25,000
WAHIAWA NAVAL COMMUNICATION AREA MASTER STA EASTPAC		
FITNESS CENTER ADDITION AND RENOVATION............	3,900	3,900
DEFENSE-WIDE		
PEARL HARBOR (FORD ISLAND)		
DFAS - REGIONAL FINANCE CENTER....................	10,000	10,000
PEARL HARBOR NS		
ADVANCED SEAL DELIVERY SYSTEM FACILITY (PHASE II).	---	7,400
ARMY NATIONAL GUARD		
BELLOWS AFB		
ADD/ALTER ADMINISTRATIVE TRAINING FACILITY........	---	5,232
WHEELER ARMY AIRFIELD (WAHIAWA)		
AVIATION, FIXED WING HANGAR.......................	2,100	2,100
TOTAL, HAWAII.................................	104,000	126,132
IDAHO		
AIR FORCE		
MOUNTAIN HOME AFB		
B-1B ARMAMENT SHOP................................	2,688	2,688
B-1B AVIONICS BLDG................................	---	9,200
B-1B DORMITORY....................................	8,959	8,959
B-1B SQUADRON OPERATIONS/AIRCRAFT MAINTENANCE UNIT	6,072	6,072
F-15C SQUADRON OPERATIONS FACILITY................	---	3,750
AIR NATIONAL GUARD		
BOISE AIR TERMINAL (GOWEN FIELD)		
C-130 COMPOSITE HANGAR AND MAINTENANCE SHOPS......	12,000	12,000
C-130 SQUADRON OPERATIONS/AERIAL PORT TRAINING FAC	---	8,800
TOTAL, IDAHO..................................	29,719	51,469
ILLINOIS		
NAVY		
GREAT LAKES NAVAL HOSPITAL		
BACHELOR ENLISTED QUARTERS (PHASE II).............	5,200	5,200
GREAT LAKES NAVAL TRAINING CENTER		
BACHELOR ENLISTED QUARTERS........................	26,690	26,690
COMBAT TRAINING POOL..............................	9,930	9,930
FIRE STATION......................................	2,600	2,600
RECREATION CENTER.................................	2,000	2,000
TOTAL, ILLINOIS...............................	46,420	46,420

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENC AGREEMEN
INDIANA		
ARMY		
CRANE ARMY AMMUNITION ACTIVITY		
AMMUNITION CONTAINERIZATION COMPLEX (PHASE I).....	7,700	7,700
NAVY		
CRANE NAVAL SURFACE WARFARE CENTER		
CHEM-BIO WARFARE DETECTION CENTER.................	---	4,120
ARMY NATIONAL GUARD		
CAMP ATTERBURY RESERVE FORCES TRNG AREA (EDINBURGH)		
MULTI-PURPOSE TRAINING RANGE (MPTR)...............	10,229	10,229
AIR FORCE RESERVE		
GRISSOM AIR RESERVE BASE		
BASE CIVIL ENGINEER COMPLEX......................	---	8,913
TOTAL, INDIANA..................................	17,929	30,962
IOWA		
ARMY NATIONAL GUARD		
CAMP DODGE (JOHNSTON)		
BATALLION COMPLEX (PHASE IV).....................	4,529	4,529
TOTAL, IOWA.....................................	4,529	4,529
KANSAS		
ARMY		
FORT LEAVENWORTH		
U.S. DISCIPLINARY BARRACKS (PHASE I)..............	63,000	20,000
FORT RILEY		
CLOSE COMBAT TACTICAL TRAINER BUILDING............	7,300	7,300
WHOLE BARRACKS COMPLEX RENEWAL....................	18,500	18,500
AIR FORCE		
MCCONNELL AFB		
ADD/ALTER CHILD DEVELOPMENT CENTER................	---	5,000
KC-135 SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT #3.	6,669	6,669
TRANSPORTATION COMPLEX............................	---	2,850
ARMY NATIONAL GUARD		
IOLA		
ADD/ALTER READINESS CENTER........................	1,454	1,454
AIR NATIONAL GUARD		
MCCONNELL AFB		
ALTER BASE CIVIL ENGINEER MAINTENANCE SHOP........	---	2,000
TOTAL, KANSAS...................................	96,923	63,773
KENTUCKY		
ARMY		
FORT CAMPBELL		
EDUCATION CENTER (PHASE II).......................	---	6,700
TACTICAL EQUIPMENT SHOP (PHASE II)................	---	9,900
WHOLE BARRACKS COMPLEX RENEWAL....................	37,000	37,000
FORT KNOX		
QUALIFICATION TRAINING RANGE (QTR)................	---	7,200
WHOLE BARRACKS COMPLEX RENEWAL....................	22,000	22,000
DEFENSE-WIDE		
FORT CAMPBELL		
CONSOLIDATED TROOP MEDICAL/DENTAL CLINIC..........	13,600	13,600
ARMY NATIONAL GUARD		
GREENVILLE		
WEST KENTUCKY TRAINING RANGE (PHASE III)..........	---	3,639
TOTAL, KENTUCKY.................................	72,600	100,039
LOUISIANA		
AIR FORCE		
BARKSDALE AFB		
CONVENTIONAL AIR LAUNCH CRUISE MISSILE INTEGRATED MAINTENANCE COMPLEX.............................	11,148	11,148
CONVENTIONAL AIR LAUNCH CRUISE MISSILE STORAGE IGLOOS..	8,262	8,262
ARMY NATIONAL GUARD		
CAMP BEAUREGARD		
MULTIPURPOSE MACHINE GUN RANGE....................	---	1,292
JACKSON BARRACKS (NEW ORLEANS)		
ORGANIZATIONAL MAINTENANCE SHOP (OMS).............	1,516	1,516

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR NATIONAL GUARD		
NEW ORLEANS NAVAL AIR STATION		
BASE CIVIL ENGINEER AND COMMUNICATIONS COMPLEX....	---	5,900
NAVAL RESERVE		
NEW ORLEANS NAVAL AIR STATION		
BACHELOR ENLISTED QUARTERS (PHASE II)............	---	4,520
PHYSICAL FITNESS FACILITY........................	---	3,550
TOTAL, LOUISIANA.................................	20,926	36,188
MAINE		
AIR NATIONAL GUARD		
BANGOR IAP		
UPGRADE BASE FACILITIES..........................	---	6,500
MARYLAND		
NAVY		
PATUXENT RIVER NAVAL AIR WARFARE CENTER/AIRCRAFT DIV		
ADVANCED SYSTEM INTEGRATION FACILITY (PHASE V)....	9,000	9,000
ST INIGOES NAVAL ELEC SYSTEMS ENGINEERING ACTIVITY		
MAINTENANCE HANGAR...............................	---	2,610
DEFENSE-WIDE		
FORT DETRICK		
HEALTH/DENTAL CLINIC.............................	4,650	4,650
FOREST GLEN (WALTER REED ARMY INSTITUTE OF RESEARCH)		
ARMY INSTITUTE OF RESEARCH (PHASE V).............	20,000	20,000
FORT MEADE		
FANX III PURCHASE................................	25,200	25,200
VEHICLE AND CARGO INSPECTION FACILITY............	4,000	3,900
VISITOR CONTROL CENTERS..........................	600	600
ARMY NATIONAL GUARD		
ANNAPOLIS		
ADD/ALTER READINESS CENTER.......................	---	2,947
TOTAL, MARYLAND..................................	63,450	68,907
MASSACHUSETTS		
DEFENSE-WIDE		
WESTOVER ARB		
JET FUEL STORAGE COMPLEX.........................	4,700	4,700
AIR NATIONAL GUARD		
BARNES ANGB		
REPLACE DINING HALL..............................	---	3,050
NAVAL RESERVE		
WESTOVER ARB		
BUILDING RENOVATION..............................	---	4,090
AIR FORCE RESERVE		
WESTOVER ARB		
FIRE TRAINING FACILITY...........................	1,800	1,800
TOTAL, MASSACHUSETTS.............................	6,500	13,640
MICHIGAN		
ARMY NATIONAL GUARD		
AUGUSTA		
READINESS CENTER.................................	---	6,356
AIR NATIONAL GUARD		
ALPENA COUNTY REGIONAL AIRPORT (ALPENA)		
AIRCREW COMBAT TRAINING SYSTEM RANGE SUPPORT AND RADAR APPROACH CONTROL FACILITY................	5,000	5,000
SELFRIDGE AGB		
REPLACE VEHICLE MAINT/COMMUNICATIONS COMPLEX......	---	9,000
TOTAL, MICHIGAN..................................	5,000	20,356
MINNESOTA		
AIR NATIONAL GUARD		
MINNEAPOLIS-ST PAUL INTERNATIONAL AIRPORT		
REPLACE BASE CIVIL ENGINEER MAINTENANCE COMPLEX...	---	4,600
VEHICLE WASH FACILITY............................	360	360
AIR FORCE RESERVE		
MINNEAPOLIS-ST PAUL INTERNATIONAL AIRPORT		
ADD/ALTER AIRCRAFT CORROSION CONTROL FACILITY.....	1,550	1,550
TOTAL, MINNESOTA.................................	1,910	6,510

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
MISSISSIPPI		
NAVY		
GULFPORT		
MERIDIAN NAVAL AIR STATION		
RENOVATE THREE BACHELOR ENLISTED QUARTERS	---	7,050
AIR FORCE		
KEESLER AFB		
STUDENT DORMITORIES	30,855	30,855
DEFENSE-WIDE		
MISSISSIPPI ARMY AMMUNITION PLANT		
OPERATION AND MAINTENANCE FACILITY	---	9,900
ARMY NATIONAL GUARD		
SENATOBIA		
READINESS CENTER	---	4,425
AIR NATIONAL GUARD		
GULFPORT-BILOXI REGIONAL AIRPORT		
REGIONAL FIRE TRAINING FACILITY	900	900
REPLACE TROOP TRAINING QUARTERS/DINING HALL	---	9,500
KEY FIELD		
REGIONAL KC-135 SIMULATION TRAINING FACILITY	---	2,000
REPLACE DINING HALL	---	3,200
TOTAL, MISSISSIPPI	31,755	67,830
MISSOURI		
ARMY		
FORT LEONARD WOOD		
FIRE STATION	---	3,200
AIR FORCE		
WHITEMAN AFB		
B-2 AIRCRAFT MAINTENANCE DOCKS	17,419	17,419
ARMY NATIONAL GUARD		
MACON		
ARMORY	---	3,210
TOTAL, MISSOURI	17,419	23,829
MONTANA		
AIR FORCE		
MALMSTROM AFB		
ADD/ALTER AIRMEN DINING FACILITY	---	4,500
ARMY NATIONAL GUARD		
BILLINGS		
ARMED FORCES RESERVE CENTER	---	14,950
TOTAL, MONTANA	---	19,450
NEVADA		
AIR FORCE		
NELLIS AFB		
MUNITIONS MAINTENANCE FACILITY	---	1,950
AIR NATIONAL GUARD		
RENO/TAHOE IAP		
C-130 AERIAL PORT	---	2,950
TOTAL, NEVADA	---	4,900
NEW JERSEY		
ARMY		
FORT MONMOUTH		
FIRE STATION	---	2,050
AIR FORCE		
MCGUIRE AFB		
AIR MOBILITY GROUP (AMOG) WAREHOUSE	9,954	9,954
FIRE STATION	---	8,800
DEFENSE-WIDE		
MCGUIRE AFB		
AMBULATORY HEALTH CARE CENTER REPLACEMENT	35,217	35,217
TOTAL, NEW JERSEY	45,171	56,021

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
NEW MEXICO		
ARMY		
WHITE SANDS MISSILE RANGE		
LAUNCH COMPLEX REVITALIZATION	---	6,900
NATIONAL RANGE CONTROL CENTER (PHASE II)	18,000	18,000
AIR FORCE		
KIRTLAND AFB		
FLIGHT SIMULATION TRAINING FACILITY	---	14,000
REPLACE MANZANO BRIDGE	---	6,300
DEFENSE-WIDE		
HOLLOMAN AFB		
DENTAL CLINIC REPLACEMENT	3,000	3,000
TOTAL, NEW MEXICO	21,000	48,200
NEW YORK		
ARMY		
FORT DRUM		
AERIAL GUNNERY RANGE (PHASE I)	---	9,000
MILITARY TRAINING AND EDUCATION CENTER	---	6,900
AIR NATIONAL GUARD		
SCHENECTADY COUNTY AIRPORT		
FUEL CELL AND CORROSION CONTROL HANGAR	5,700	5,700
STRATTON ANGB (SCHENECTADY)		
COMPOSITE SUPPORT COMPLEX	---	7,500
AIR FORCE RESERVE		
NIAGARA FALLS IAP		
CONSOLIDATED TRAINING FACILITY	---	2,100
TOTAL, NEW YORK	5,700	31,200
NORTH CAROLINA		
ARMY		
FORT BRAGG		
MOUT TRAINING COMPLEX (PHASE I)	---	7,900
UPGRADE TWO BARRACKS IN AREA D	---	9,800
NAVY		
CHERRY POINT MARINE CORPS AIR STATION		
OPERATIONS AND MAINTENANCE FACILITIES	8,800	8,800
NEW RIVER MARINE CORPS AIR STATION		
AVIATION MAINTENANCE TRAINING FACILITY	6,600	6,600
BACHELOR ENLISTED QUARTERS	10,600	10,600
TACTICAL SUPPORT VAN PADS	2,700	2,700
AIR FORCE		
POPE AFB		
DORMITORIES	8,356	8,356
FAMILY SERVICES CENTER	---	2,600
DEFENSE-WIDE		
FORT BRAGG		
ELECTRONICS MAINTENANCE FACILITY	1,000	1,000
SECURITY UPGRADES	500	500
SOF MEDICAL TRAINING BARRACKS	---	8,300
AIR NATIONAL GUARD		
CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT		
ALTER FUEL SYSTEMS MAINTENANCE AND CORROSION CONTROL FACILITY	2,550	2,550
TOTAL, NORTH CAROLINA	41,106	69,706
NORTH DAKOTA		
AIR FORCE		
GRAND FORKS AFB		
KC-135 ADD/ALTER FLIGHT SIMULATOR FACILITY	1,493	1,493
KC-135 SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT	7,067	7,067
MINOT AFB		
FIRE/CRASH RESCUE STATION	---	5,200
TOTAL, NORTH DAKOTA	8,560	13,760

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
OHIO		
AIR FORCE		
WRIGHT-PATTERSON AFB		
CHILD DEVELOPMENT CENTER..........................	---	8,600
RENOVATE ACQUISITION SUPPORT FACILITY............	10,750	10,750
DEFENSE-WIDE		
COLUMBUS CENTER		
DFAS - REGIONAL FINANCE CENTER....................	23,922	23,922
WRIGHT-PATTERSON AFB		
ALTER COMPOSITE MEDICAL FACILITY..................	2,750	2,750
AIR NATIONAL GUARD		
RICKENBACKER ANGB		
FUEL CELL AND CORROSION CONTROL FACILITY..........	---	5,700
SPRINGFIELD ANGB		
BASE SUPPLY COMPLEX...............................	---	5,500
AIR FORCE RESERVE		
YOUNGSTOWN ARS		
ADD/ALTER BASE SUPPLY.............................	2,800	2,800
ADD/ALTER MISCELLANEOUS MAINTENANCE FACILITY......	1,000	1,000
ADD/ALTER SQUADRON OPERATIONS FACILITY............	1,400	1,400
TOTAL, OHIO.......................................	42,622	62,422
OKLAHOMA		
ARMY		
FORT SILL		
WHOLE BARRACKS COMPLEX RENEWAL....................	---	8,000
AIR FORCE		
ALTUS AFB		
LAND PURCHASE CLEAR ZONE..........................	---	11,000
TINKER AFB		
B-2 ADD/ALTER SOFTWARE MAINTENANCE FACILITY.......	9,655	9,655
VANCE AFB		
BASE ENGINEERING COMPLEX..........................	---	7,700
AIR NATIONAL GUARD		
WILL ROGERS WORLD AIRPORT (OKLAHOMA CITY)		
REPLACE AEROMEDICAL EVACUATION TRAINING FACILITY..	---	3,100
TOTAL, OKLAHOMA...................................	9,655	39,455
OREGON		
DEFENSE-WIDE		
UMATILLA CHEMICAL DEPOT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE III)..	57,427	57,427
AIR NATIONAL GUARD		
KLAMATH FALLS INTERNATIONAL AIRPORT		
VEHICLE REFUELING SHOP AND PAINT BAY..............	520	520
TOTAL, OREGON.....................................	57,947	57,947
PENNSYLVANIA		
DEFENSE-WIDE		
DEFENSE DISTRIBUTION DEPOT (NEW CUMBERLAND)		
ADDITION TO DISTRIBUTION CENTER...................	15,500	15,500
ARMY RESERVE		
OAKDALE		
US ARMY RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/AREA MAINTENANCE SUPPORT ACTIVITY (PHASE I)	---	6,000
NAVAL RESERVE		
JOHNSTOWN		
RESERVE HANGAR AND TRAINING CENTER................	---	13,980
TOTAL, PENNSYLVANIA...............................	15,500	35,480
RHODE ISLAND		
NAVY		
NEWPORT NAVAL UNDERSEA WARFARE CENTER DIVISION		
UNDERWATER WEAPON SYSTEM LABORATORY...............	8,900	8,900
AIR NATIONAL GUARD		
QUONSET STATE AIRPORT (N KINGSTON)		
ADD TO FUEL SYSTEM/CORROSION CONTROL MAINTENANCE FACILITY..	355	355
TOTAL, RHODE ISLAND...............................	9,255	9,255

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
SOUTH CAROLINA		
ARMY		
CHARLESTON NAVAL WEAPONS STATION		
ARMY STRATEGIC MAINTENANCE COMPLEX (PHASE III)....	7,700	7,700
NAVY		
BEAUFORT MARINE CORPS AIR STATION		
BACHELOR ENLISTED QUARTERS........................	---	15,330
COMBAT VEHICLE MAINTENANCE SHOP...................	---	2,400
PARRIS ISLAND MARINE CORPS RECRUIT DEPOT		
INDOOR SIMULATOR MARKSMANSHIP TRAINING FACILITY...	3,200	3,200
AIR FORCE		
SHAW AFB		
INFORMATION WARFARE SQUADRON OPERATIONS FACILITY..	6,072	6,072
ARMY NATIONAL GUARD		
LEESBURG TRAINING SITE (EASTOVER)		
REGIONAL SIMULATION CENTER........................	---	3,823
AIR NATIONAL GUARD		
MCENTIRE ANGB		
DINING FACILITY/JOINT MEDICAL TRAINING FACILITY...	---	7,000
ADD/ALTER FUEL CELL AND CORROSION CONTROL FACILITY	1,500	1,500
TOTAL, SOUTH CAROLINA............................	18,472	47,025
SOUTH DAKOTA		
AIR FORCE		
ELLSWORTH AFB		
FIRE/CRASH RESCUE STATION.........................	---	6,600
ARMY NATIONAL GUARD		
RAPID CITY		
AVIATION SUPPORT FACILITY.........................	---	5,200
TOTAL, SOUTH DAKOTA.............................	---	11,800
TENNESSEE		
AIR FORCE		
ARNOLD AFB		
ATMOSPHERIC AIR DRYER FACILITY....................	---	9,900
WASTEWATER TREATMENT FACILITY.....................	10,750	10,750
DEFENSE-WIDE		
MILLINGTON NAVAL AIR STATION		
DFAS - REGIONAL FINANCE CENTER....................	6,906	6,906
AIR NATIONAL GUARD		
NASHVILLE METRO AIRPORT		
REPLACE BASE CIVIL ENGINEER MAINTENANCE COMPLEX...	---	3,350
ARMY RESERVE		
KNOXVILLE		
USARC/OMS/AMSA....................................	---	7,941
TOTAL, TENNESSEE...............................	17,656	38,847
TEXAS		
ARMY		
FORT BLISS		
AMMUNITION SUPPLY POINT EXPANSION (PHASE II)......	---	7,700
FORT HOOD		
FORCE XXI SOLDIER DEVELOPMENT SCHOOL (PHASE I)....	---	12,800
FORT SAM HOUSTON		
WHOLE BARRACKS COMPLEX RENEWAL....................	16,000	16,000
NAVY		
CORPUS CHRISTI NAVAL AIR STATION		
BOILER PLANT REPLACEMENT..........................	---	800
AIR FORCE		
DYESS AFB		
B-1 SQUADRON OPS/AIRCRAFT MAINTENANCE UNIT........	---	10,000
LAUGHLIN AFB		
CORROSION CONTROL FACILITY........................	---	4,800
RANDOLPH AFB		
JOINT PRIMARY AIRCRAFT TRAINING SYSTEM - ADD/ALTER VARIOUS FACILITIES................	2,488	2,488
DEFENSE-WIDE		
LACKLAND AFB		
BLOOD DONOR CENTER................................	3,000	3,000
ARMY NATIONAL GUARD		
SAN ANTONIO		
ORGANIZATIONAL MAINTENANCE SHOP (OMS).............	2,475	2,475

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TOTAL, TEXAS	23,963	60,063
UTAH		
AIR FORCE		
HILL AFB		
PEACEKEEPER STORAGE FACILITIES	6,470	6,470
DEFENSE-WIDE		
HILL AFB		
CLINIC ADDITION	3,100	3,100
ARMY NATIONAL GUARD		
OREM		
READINESS CENTER	5,746	5,746
RICHFIELD		
ORGANIZATIONAL MAINTENANCE SHOP	1,045	1,045
AIR NATIONAL GUARD		
SALT LAKE CITY INTERNATIONAL AIRPORT		
VEHICLE WASHING AND CORROSION CONTROL FACILITY	460	460
ARMY RESERVE		
CAMP WILLIAMS		
USARC/OMS	---	12,714
TOTAL, UTAH	16,821	29,535
VERMONT		
ARMY NATIONAL GUARD		
CAMP JOHNSON		
COMBINED SUPPORT MAINTENANCE SHOP	---	6,719
VIRGINIA		
ARMY		
CHARLOTTESVILLE		
NATIONAL GROUND INTELLIGENCE CENTER PLANNING AND DESIGN	3,100	---
FT A P HILL		
CENTRAL VEHICLE WASH FACILITY	5,400	5,400
FORT MYER		
WHOLE BARRACKS COMPLEX RENEWAL	8,200	8,200
FORT STORY		
POST CHAPEL	---	2,000
NAVY		
DAHLGREN NAVAL SURFACE WARFARE CENTER DIVISION		
AEGIS COMBAT SYSTEM SUPPORT FACILITY	6,600	6,600
ELECTRICAL WARFARE INTEGRATED FACILITY ADDITION	7,320	7,320
OPERATIONS AND MAINTENANCE TRNG FACILITY ADDITION	6,560	6,560
DAM NECK FLEET COMBAT TRAINING CENTER (ATLANTIC)		
BACHELOR ENLISTED QUARTERS RENOVATION	7,000	7,000
LITTLE CREEK NAVAL AMPHIBIOUS BASE		
LANDING CRAFT AIR CUSHION COMPLEX (PHASE IV)	8,685	8,685
NORFOLK NAVAL AIR STATION		
AIR OPERATIONS BUILDING	---	4,000
AIR PASSENGER TERMINAL	14,240	14,240
NORFOLK NAVAL STATION		
CONSOLIDATED SUPPORT CENTER	6,100	6,100
DEPERMING PIERS	12,750	12,750
NORFOLK NAVAL SHIPYARD		
OILY WASTE COLLECTION SYSTEM	9,500	9,500
WATERFRONT IMPROVEMENTS	---	19,910
OCEANA NAVAL AIR STATION		
AIR OPERATIONS CONTROL TOWER	2,100	2,100
BACHELOR ENLISTED QUARTERS REPLACEMENT	20,900	20,900
JET ENGINE TEST CELL	5,000	5,000
YORKTOWN NAVAL WEAPONS STATION		
GYMNASIUM	5,400	5,400
TOMAHAWK MAGAZINE	---	3,290
TORPEDO MAGAZINE	5,857	5,857
AIR FORCE		
LANGLEY AFB		
FIRE STATION (PHASE II)	4,031	4,031

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
CINCLANTFLT NORFOLK		
DFAS - REGIONAL FINANCE CENTER	12,800	12,800
DEF FUEL SUPPORT POINT CRANEY ISLAND		
REPLACE FUEL TANKAGE	22,100	22,100
DEFENSE DISTRIBUTION DEPOT (NORFOLK)		
REPLACE GENERAL PURPOSE WAREHOUSE	16,656	16,656
DEFENSE GENERAL SUPPLY CENTER (RICHMOND)		
CHILD DEVELOPMENT CENTER	2,100	2,100
GAS CYLINDER FACILITY	3,100	3,100
FT LEE		
DEFENSE COMMISSARY AGENCY HEADQUARTERS ADDITION	9,300	9,300
PORTSMOUTH NAVAL HOSPITAL		
HOSPITAL REPLACEMENT (PHASE IX)	---	17,000
QUANTICO MARINE CORPS BASE		
MEDICAL/DENTAL CLINIC REPLACEMENT	19,000	19,000
TOTAL, VIRGINIA	223,799	266,899
WASHINGTON		
ARMY		
FORT LEWIS		
TANK TRAIL EROSION MITIGATION (YAKIMA) (PHASE III)	2,000	2,000
WHOLE BARRACKS COMPLEX RENEWAL	31,000	31,000
NAVY		
BREMERTON PUGET SOUND NAVAL SHIPYARD		
CHILD DEVELOPMENT CENTER	4,400	4,400
WHIDBEY ISLAND NAVAL AIR STATION		
ELECTRONIC WARFARE TRAINING FACILITY	1,100	1,100
AIR FORCE		
FAIRCHILD AFB		
ADD/ALTER FIRE STATION	---	4,750
EDUCATION CENTER/LIBRARY	---	8,200
KC-135 SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT	7,366	7,366
MCCHORD AFB		
C-17 ALTER MAINTENANCE HANGARS	6,470	6,470
C-17 ENGINE TEST CELL FACILITY	3,185	---
DEFENSE-WIDE		
EVERETT NAVAL STATION		
MEDICAL/DENTAL CLINIC	7,500	7,500
FORT LEWIS		
TROOP MEDICAL CLINIC	---	5,000
AIR NATIONAL GUARD		
FAIRCHILD AFB		
UPGRADE KC-135 FLIGHTLINE FACILITIES	---	9,500
TOTAL, WASHINGTON	63,021	87,286
WEST VIRGINA		
ARMY NATIONAL GUARD		
CAMP DAWSON		
ARMED FORCES RESERVE CENTER	---	6,828
WISCONSIN		
DEFENSE-WIDE		
TRUAX FIELD (MADISON)		
JET FUEL STORAGE COMPLEX	4,500	4,500
ARMY NATIONAL GUARD		
HAYWARD		
ORGANIZATIONAL MAINTENANCE SHOP (OMS)	2,900	2,900
ARMY RESERVE		
FORT MCCOY (SPARTA)		
ARMY RESERVE READINESS TRAINING CENTER (PHASE II)	14,856	14,856
COMBAT PISTOL RANGE	1,500	1,500
ELECTRIC POWER TO RANGES	2,611	2,611
MODIFIED RECORD FIRE RANGE	1,973	1,973
AIR FORCE RESERVE		
MITCHELL ARS (MILWAUKEE)		
AERIAL PORT TRAINING FACILITY	---	4,200

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TOTAL, WISCONSIN	28,340	32,540
CONUS CLASSIFIED		
ARMY		
CLASSIFIED LOCATIONS		
CLASSIFIED PROJECT	6,500	6,500
AIR FORCE		
CLASSIFIED LOCATION		
SPECIAL TACTICAL UNIT DETACHMENT FACILITY	1,875	1,875
VISITOR CONTROL CENTER AND SECURITY UPGRADE	4,300	4,300
TOTAL, CONUS CLASSIFIED	12,675	12,675
BAHRAIN ISLAND		
NAVY		
ADMINISTRATIVE SUPPORT UNIT (SOUTHWEST ASIA)		
BACHELOR ENLISTED QUARTERS	25,000	25,000
UTILITIES UPGRADE	5,100	5,100
TOTAL, BAHRAIN ISLAND	30,100	30,100
GERMANY		
ARMY		
KATTERBACH KASERNE (ANSBACH)		
WHOLE BARRACKS COMPLEX RENEWAL	22,000	22,000
TOMPKINS BARRACKS (HEIDELBERG)		
WHOLE BARRACKS COMPLEX RENEWAL	8,800	8,800
RHINE ORDNANCE BARRACKS (KAISERSLAUTERN)		
WHOLE BARRACKS COMPLEX RENEWAL	6,000	6,000
TAYLOR BARRACKS (MANNHEIM)		
WHOLE BARRACKS COMPLEX RENEWAL	6,200	6,200
AIR FORCE		
SPANGDAHLEM AB		
DORMITORIES	18,500	18,500
TOTAL, GERMANY	61,500	61,500
GUAM		
NAVY		
NAVAL COMPUTER AND TELECOMMUNICATIONS AREA MASTER STATION (WESTERN PACIFIC)		
FIRE PROTECTION SYSTEM IMPROVEMENTS	4,050	4,050
DEFENSE-WIDE		
ANDERSEN AFB		
REPLACE FUEL PIPELINE	16,000	16,000
TOTAL, GUAM	20,050	20,050
ITALY		
NAVY		
NAPLES NAVAL SUPPORT ACTIVITY		
AIR PASSENGER TERMINAL	8,200	8,200
SIGONELLA NAVAL AIR STATION		
BACHELOR ENLISTED QUARTERS REPLACEMENT	21,440	21,440
AIR FORCE		
AVIANO AB		
ROADS/UTILITIES SYSTEM	7,320	7,320
WASTEWATER DISPOSAL SYSTEM AREAS	7,900	7,900
TOTAL, ITALY	44,860	44,860
KOREA		
ARMY		
CAMP CASEY		
WHOLE BARRACKS COMPLEX RENEWAL	5,100	5,100
EASTERN CORRIDOR (CAMP CASTLE)		
WHOLE BARRACKS COMPLEX RENEWAL	8,400	8,400
CAMP HUMPHREYS		
WHOLE BARRACKS COMPLEX RENEWAL	32,000	32,000
CAMP RED CLOUD		
WHOLE BARRACKS COMPLEX RENEWAL	23,600	23,600
COMBINED FIELD ARMY (CAMP STANLEY)		
WHOLE BARRACKS COMPLEX RENEWAL	7,000	7,000

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MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR FORCE		
KUNSAN AB		
DORMITORY	8,325	8,325
FIRE TRAINING FACILITY	2,000	2,000
OSAN AB		
DORMITORY	11,100	---
TOTAL, KOREA	97,525	86,425
KWAJALEIN		
DEFENSE-WIDE		
US ARMY KWAJALEIN ATOLL (USAKA)		
CONSTRUCT/ALTER THEATER HIGH ALTITUDE AREA DEFENSE (THAAD) TEST FACILITIES	4,565	---
PORTUGAL		
AIR FORCE		
LAJES FIELD (AZORES)		
WATER TREATMENT PLANT	4,800	4,800
PUERTO RICO		
NAVY		
ROOSEVELT ROADS NAVAL STATION		
BACHELOR ENLISTED QUARTERS	24,100	24,100
SPAIN		
DEFENSE-WIDE		
MORON AIR BASE		
REPLACE HYDRANT FUEL SYSTEM (PHASE II)	14,400	---
UNITED KINGDOM		
NAVY		
ST MAWGAN JOINT MARITIME FACILITY		
RELIGIOUS EDUCATION FACILITY	2,330	2,330
AIR FORCE		
ROYAL AIR FORCE LAKENHEATH		
DORMITORIES	11,400	11,400
TOTAL, UNITED KINGDOM	13,730	13,730
OVERSEAS CLASSIFIED		
AIR FORCE		
CLASSIFIED - OVERSEAS		
SPACED BASED INFRARED SYSTEM (SBIRS) - RELAY GROUND STATION (PACIFIC)	7,600	7,600
SPACED BASED INFRARED SYSTEM (SBIRS) - RELAY GROUND STATION (ATLANTIC)	6,400	6,400
OVERSEAS CLASSIFIED		
INTOWN WAREHOUSE	1,800	1,800
OPERATIONS BUILDING EXPANSION	12,200	12,200
WAR READINESS MATERIAL WAREHOUSE	2,000	---
WAR READINESS MATERIAL COMMUNICATIONS MAINTENANCE SHOP/MANAGEMENT FACILITY	1,100	1,100
TOTAL, OVERSEAS CLASSIFIED	31,100	29,100
NATO		
NATO SECURITY INVESTMENT PROGRAM	176,300	152,600
WORLDWIDE UNSPECIFIED		
ARMY		
UNSPECIFIED WORLDWIDE LOCATIONS		
HOST NATION SUPPORT	20,000	15,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
PLANNING AND DESIGN	43,477	50,577
UNSPECIFIED MINOR CONSTRUCTION	6,000	7,400
NAVY		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	42,489	46,489
UNSPECIFIED MINOR CONSTRUCTION	9,960	11,460
AIR FORCE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	40,880	44,880
UNSPECIFIED MINOR CONSTRUCTION	8,545	8,545
REDUCTION FOR PRIOR YEAR SAVINGS	-23,858	---
DEFENSE-WIDE		
UNSPECIFIED WORLDWIDE LOCATIONS		
ENERGY CONSERVATION IMPROVEMENT PROGRAM	25,000	25,000
CONTINGENCY CONSTRUCTION	9,844	4,000
PLANNING AND DESIGN		
BALLISTIC MISSILE DEFENSE ORGANIZATION	540	540
CHEMICAL DEMILITARIZATION PROGRAM	9,200	9,200
DEFENSE FINANCE AND ACCOUNTING SERVICE	1,400	1,400
DEFENSE LEVEL ACTIVITIES	30,300	16,000
DEFENSE MEDICAL SUPPORT ACTIVITY	10,500	18,000
SPECIAL OPERATIONS COMMAND	3,710	3,710
SUBTOTAL, PLANNING AND DESIGN	55,650	48,850
UNSPECIFIED MINOR CONSTRUCTION		
SPECIAL OPERATIONS COMMAND	4,100	4,100
BALLISTIC MISSILE DEFENSE ORGANIZATION	1,965	1,965
DEFENSE LEVEL ACTIVITIES	3,000	3,000
DEFENSE MEDICAL SUPPORT ACTIVITY	7,958	7,958
DOD DEPENDENT SCHOOLS	2,000	2,818
JOINT CHIEFS OF STAFF	6,234	6,234
SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION	25,257	26,075
ARMY NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	2,800	6,031
UNSPECIFIED MINOR CONSTRUCTION	6,698	7,498
AIR NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	7,029	10,029
UNSPECIFIED MINOR CONSTRUCTION	4,231	8,800
ARMY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	5,100	5,600
REDUCTION FOR PRIOR YEAR SAVINGS	-7,900	---
NAVAL RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	2,527	3,105
UNSPECIFIED MINOR CONSTRUCTION	650	650
AIR FORCE RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	1,516	2,016
UNSPECIFIED MINOR CONSTRUCTION	4,464	4,464
TOTAL, WORLDWIDE UNSPECIFIED	290,359	336,469
WORLDWIDE VARIOUS		
ARMY		
OVERSEAS VARIOUS LOCATIONS		
STRATEGIC LOGISTICAL PREPOSITIONING COMPLEX (PHASE III)	37,000	37,000
DEFENSE-WIDE		
VARIOUS LOCATIONS		
POLLUTION ABATEMENT FACILITIES (CONFORMING STORAGE)	11,275	11,275
TOTAL, WORLDWIDE VARIOUS	48,275	48,275

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, ARMY		
ARIZONA		
FORT HUACHUCA (55 UNITS)	---	8,000
FLORIDA		
MIAMI (US SOUTHERN COMMAND HEADQUARTERS) (8 UNITS)	2,300	---
HAWAII		
SCHOFIELD BARRACKS (132 UNITS)	26,600	26,600
MARYLAND		
FORT MEADE (56 UNITS)	7,900	7,900
NEW JERSEY		
PICATINNY ARSENAL (35 UNITS)	---	7,300
NORTH CAROLINA		
FORT BRAGG (142 UNITS)	16,800	16,800
FORT BRAGG (32 UNITS)	3,350	3,350
TEXAS		
FORT BLISS (91 UNITS)	12,900	12,900
FORT HOOD (130 UNITS)	18,800	18,800
CONSTRUCTION IMPROVEMENTS	44,800	86,100
PLANNING AND DESIGN	9,550	9,550
SUBTOTAL, CONSTRUCTION	143,000	197,300
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	47,404	47,404
MANAGEMENT ACCOUNT	80,089	80,089
MISCELLANEOUS ACCOUNT	327	327
SERVICES ACCOUNT	52,936	52,936
UTILITIES ACCOUNT	265,732	257,363
LEASING	234,053	234,053
MAINTENANCE OF REAL PROPERTY	468,393	468,393
SUBTOTAL, OPERATION AND MAINTENANCE	1,148,934	1,140,565
INTEREST PAYMENTS	3	3
TOTAL, FAMILY HOUSING, ARMY	1,291,937	1,337,868
FAMILY HOUSING, NAVY		
CALIFORNIA		
CAMP PENDLETON MARINE CORPS BASE (171 UNITS)	22,518	22,518
LEMOORE NAVAL AIR STATION (128 UNITS)	23,226	23,226
MARINE CORPS AIR STATION (MIRAMAR) (166 UNITS)	28,881	28,881
SAN DIEGO NAVAL COMPLEX (94 UNITS)	---	13,500
TWENTYNINE PALMS MARINE CORPS AIR GROUND COMBAT CENTER (132 UNITS)	23,891	23,891
HAWAII		
PEARL HARBOR NAVAL COMPLEX (72 UNITS)	---	13,000
LOUISIANA		
NEW ORLEANS NAVAL COMPLEX (100 UNITS)	---	11,930
TEXAS		
KINGSVILLE/CORPUS CHRISTI NAVAL COMPLEX (212 UNITS)	---	22,250
WASHINGTON		
WHIDBEY ISLAND NAS (102 UNITS)	---	16,000
WORLDWIDE VARIOUS		
REDUCTION FOR PRIOR YEAR SAVINGS	-8,463	---
CONSTRUCTION IMPROVEMENTS	173,780	203,536
PLANNING AND DESIGN	15,100	15,100
SUBTOTAL, CONSTRUCTION	278,933	393,832

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	34,211	34,211
MANAGEMENT ACCOUNT	87,731	87,731
MISCELLANEOUS ACCOUNT	806	806
SERVICES ACCOUNT	66,968	66,968
UTILITIES ACCOUNT	199,776	199,776
LEASING	124,507	124,507
MAINTENANCE OF REAL PROPERTY	462,427	462,427
MORTGAGE INSURANCE PREMIUMS	78	78
SUBTOTAL, OPERATION AND MAINTENANCE	976,504	976,504
TOTAL, FAMILY HOUSING, NAVY	1,255,437	1,370,336
FAMILY HOUSING, AIR FORCE		
CALIFORNIA		
EDWARDS AFB (51 UNITS)	8,500	8,500
TRAVIS AFB (70 UNITS)	9,714	9,714
VANDENBERG AFB (108 UNITS)	17,100	17,100
DELAWARE		
DOVER AFB (HOUSING MAINTENANCE FACILITY)	831	831
DISTRICT OF COLUMBIA		
BOLLING AFB (46 UNITS)	5,100	5,100
FLORIDA		
MACDILL AFB (58 UNITS)	10,000	10,000
TYNDALL AFB (32 UNITS)	4,200	4,200
GEORGIA		
ROBINS AFB (60 UNITS)	6,800	6,800
IDAHO		
MOUNTAIN HOME AFB (60 UNITS)	11,032	11,032
KANSAS		
MCCONNELL AFB (19 UNITS)	2,951	2,951
MCCONNELL AFB (FAMILY HOUSING MANAGEMENT OFFICE)	---	581
MISSISSIPPI		
COLUMBUS AFB (50 UNITS)	6,200	6,200
KEESLER AFB (40 UNITS)	5,000	5,000
MONTANA		
MALMSTROM AFB (28 UNITS)	4,842	4,842
MALMSTROM AFB (PHASE II) (72 UNITS)	---	13,000
NEW MEXICO		
KIRTLAND AFB (180 UNITS)	20,900	20,900
NORTH DAKOTA		
GRAND FORKS AFB (42 UNITS)	7,936	7,936
TEXAS		
DYESS AFB (70 UNITS)	10,503	10,503
GOODFELLOW AFB (3 UNITS)	500	500
LACKLAND AFB (50 UNITS)	---	7,400
WYOMING		
F E WARREN AFB (52 UNITS)	6,853	6,853
CONSTRUCTION IMPROVEMENTS	102,195	123,795
PLANNING AND DESIGN	11,971	11,971
SUBTOTAL, CONSTRUCTION	253,128	295,709
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	36,427	36,427
MANAGEMENT ACCOUNT	48,712	48,712
MISCELLANEOUS ACCOUNT	5,661	5,661
SERVICES ACCOUNT	35,849	35,849
UTILITIES ACCOUNT	154,556	154,556
LEASING	116,716	116,716
MORTGAGE INSURANCE PREMIUMS	31	31
MAINTENANCE OF REAL PROPERTY	432,282	432,282
SUBTOTAL, OPERATION AND MAINTENANCE	830,234	830,234
TOTAL, FAMILY HOUSING, AIR FORCE	1,083,362	1,125,943

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, DEFENSE-WIDE		
CONSTRUCTION IMPROVEMENTS (NSA) (2 UNITS, MENWITH HILL, UNITED KINGDOM)	50	50
CONSTRUCTION IMPROVEMENTS (DLA) (48 UNITS, NEW CUMBERLAND, PA)	4,850	4,850
PLANNING AND DESIGN (DLA)	50	50
SUBTOTAL, CONSTRUCTION	4,950	4,950
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT (NSA)	126	126
FURNISHINGS ACCOUNT (DIA)	2,328	2,328
FURNISHINGS ACCOUNT (DLA)	118	118
MANAGEMENT ACCOUNT (NSA)	70	70
MANAGEMENT ACCOUNT (DLA)	235	235
MISCELLANEOUS ACCOUNT (NSA)	35	35
SERVICES ACCOUNT (NSA)	355	355
SERVICES ACCOUNT (DLA)	66	66
UTILITIES ACCOUNT (NSA)	425	425
UTILITIES ACCOUNT (DLA)	318	318
LEASING (NSA)	11,169	11,169
LEASING (DIA)	16,504	16,504
MAINTENANCE OF REAL PROPERTY (NSA)	490	490
MAINTENANCE OF REAL PROPERTY (DLA)	485	485
SUBTOTAL, OPERATION AND MAINTENANCE	32,724	32,724
TOTAL, FAMILY HOUSING, DEFENSE-WIDE	37,674	37,674
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II		
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II	116,754	116,754
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III		
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III	768,702	768,702
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV		
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV	1,175,398	1,175,398
TOTAL, BASE REALIGNMENT AND CLOSURE ACCOUNT	2,060,854	2,060,854
REVISED ECONOMIC ASSUMPTIONS (SEC. 125)	---	-108,800
GRAND TOTAL	8,383,248	9,183,248

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follow:

New budget (obligational) authority, fiscal year 1997	$9,793,309,000
Budget estimates of new (obligational) authority, fiscal year 1998	8,383,248,000
House bill, fiscal year 1998	9,183,000,000
Senate bill, fiscal year 1998	9,182,900,000
Conference agreement, fiscal year 1998	9,183,248,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1997	−610,061,000
Budget estimates of new (obligational) authority, fiscal year 1998	+800,000,000
House bill, fiscal year 1998	+248,000
Senate bill, fiscal year 1998	+348,000

RON PACKARD,
JOHN EDWARD PORTER,
DAVID L. HOBSON,
ROGER F. WICKER,
JACK KINGSTON,
MIKE PARKER,
TODD TIAHRT,
ZACH WAMP,
BOB LIVINGSTON,
W. G. (BILL) HEFNER,
JOHN W. OLVER,
CHET EDWARDS,
NORMAN D. DICKS,
STENY H. HOYER,
DAVID R. OBEY,
Managers on the Part of the House.

CONRAD BURNS,
KAY BAILEY HUTCHISON,
LAUCH FAIRCLOTH,
LARRY CRAIG,
TED STEVENS,
PATTY MURRAY,
HARRY REID,
DANIEL K. INOUYE,
ROBERT C. BYRD,
Managers on the Part of the Senate.

THE JOURNAL

The SPEAKER pro tempore (Mr. CAMP). Pursuant to clause 5 of rule 1, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Madam Speaker, on yesterday, Monday, September 8, 1997, I was detained in the district for official business. Because of the official business that I was handling in the 18th Congressional District, I missed two rollcall votes. The first was rollcall vote No. 369. Madam Speaker, if I had been present on the floor, I would have voted "no."

The second rollcall vote was No. 370 of which I was paired. However, I would like my vote to be noted as "no" if I had been present.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. GRANGER). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DR. PATRICIA WORTHY OYESHIKU: 1997 WESTERN REGIONAL EXCELLENCE IN TEACHING AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Madam Speaker, I rise today to pay tribute to Dr. Patricia Worthy Oyeshiku, a distinguished teacher from my hometown of San Diego who has made a positive impact on thousands of young lives in our community. I am proud to recognize Dr. Oyeshiku, an outstanding teacher at Morse High School in my congressional district where she has taught since 1971.

Mrs. O, as all her students call her, has just received the 1997 Western Regional Excellence in Teaching Award by the National Council of Negro Women. This excellence in teaching award is designed to raise awareness and involvement of African-American parents, educators and community leaders in meeting the educational needs of African-American youth.

The award recognizes exceptional public school teachers of African-American students who are living the philosophy and legacy of the National Council of Negro Women. Funded by the Shell Oil Company, the award ceremonies are an opportunity to generate greater public awareness and appreciation of excellence in teaching.

This is not the first time that Mrs. O has been recognized for her outstanding contribution to our young people. She was the California Teacher of the Year in 1981 and also a National Teacher of the Year finalist that year. She was honored as the Headliner in Education by the San Diego Press Club in 1981.

She serves on the California Academic Partnership Program Advisory Board, is an Evaluation Team Leader of the California Commission on Teacher Credentialing, has served as past Cochairman for all English Department Chairs in the San Diego Unified School District. She is a member of the Advisory Committee in Reading for the San Diego Unified Achievement Goals Program and of the Advisory Council to an Interdisciplinary Approach to Multi-Cultural Education. She has lectured throughout the State of California on issues related to education.

Mrs. O has always been an outstanding role model for many years. She served in the Peace Corps in Brazil, received the John F. Kennedy Award as the outstanding Peace Corps volunteer back in 1966. She is a member of the Readathon Advisory Board of the Multiple Sclerosis Society.

When I was a member of the San Diego School Board from 1979 to 1983 and its president, Mrs. O helped me a great deal to understand the needs of students throughout our school district and advised me very closely on matters of raising the achievement of all the students in our district. Like those before her who have received this high honor, Mrs. O has worked tirelessly for the benefit of every student in her classes. Her principal, Dr. Shirley Peterson, told me that she is honored on behalf of all the Morse High School Tigers to recognize Mrs. O for receiving this prestigious award and to commend her and applaud her efforts.

Madam Speaker, every student deserves the opportunity to succeed and every student deserves a teacher like Dr. Patricia Worthy Oyeshiku. I am pleased that her efforts are recognized with the 1997 Western Regional Excellence in Teaching Award.

VOICING SYMPATHY FOR FAMILIES OF VICTIMS OF HAITIAN FERRY ACCIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Madam Speaker, I rise today to voice my deepest sympathy for the families of the hundreds of persons who drowned before dawn on Monday of this week when a packed Haitian ferry—transporting hundreds more passengers than it was built for—tipped over. These people, who were merely going to work, died tragic and unnecessary deaths. This horrifying event is the second such event in Haiti in recent times.

In 1993 over 1,000 persons drowned in another crowded ferry off Haiti's coast. We should be outraged that such tragedy happens so close to home. But because Haiti is a nation of black people living in crippling poverty, and not an oil-rich country, the United States turns a blind eye. As a member of the Transportation Committee, let me say this: The reason for such tragedy in Haiti is simple—there is no decent or safe transportation infrastructure in Haiti due to lack of funding and necessary expertise. America has failed Haiti and there is shared responsibility for the failure. The President, along with the leadership in our State Department, should have carved out a realistic financial program to give Haiti the tools to build a sustainable democracy. What is needed is a unique program—designed to fit Haiti's particular needs and requirements. In foreign policy, we need to get away from the cookie cutter mentality that expects all foreign countries to be the same. When we look at the nations of the world, we can see that they have different histories, cultures, and assets. Haiti is the eyesore that will not go away; and the United States cannot continue to turn its back. To do so is foolish because no wall is high enough to keep tragedy from spreading onto our own shores when we refuse to help a neighbor.

As the world grows smaller, the Caribbean region comes closer. Today we stand facing one another; it is increasingly difficult to turn away—even if we do not wish to see the appalling poverty, lack of education, and other serious difficulties.

Haiti's crucial needs include: One, land reform that will make the most of land in fertile areas; two, transportation assistance for a modern, safe transportation infrastructure; and three, administrative reform that includes considerable assistance from the World Bank and other international lending institutions. Only as we face the reality of Haiti's dire needs will we, as a nation, develop a deep, lasting, and beneficial partnership with Haiti. I also implore the media to grant fair coverage to the tragedies in this country. It is time to quit making news, and instead begin covering the news. My prayers right now are with the families of those who have died, and I urge the leaders of this great Nation to reach out to our neighbors whose catastrophes go unneticed day after day.

IN MEMORY OF SCOTT McCABE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

Mr. HAYWORTH. Madam Speaker, it is with a deep sense of loss and great sadness that I come to the floor of the House this evening to acknowledge the tragic and senseless death of a young man I knew well. Scott McCabe served in the district office of the Sixth District of Arizona as an intern in the spring of this year. Before that, he selflessly gave of his time and talents as a volunteer in our 1996 reelection campaign.

Madam Speaker, regardless of our political philosophy and partisan stripe, one miracle of our electoral process can be found in the willingness of so many to join in our cause. Such a man was Scott McCabe. I have memories of him beginning in the early morning hours helping with post hole diggers and using his brawn to erect campaign signs and then coming back to the office and making telephone calls and working literally from dawn to dusk and beyond because he believed in this grand experiment that we call America.

On Sunday of this week, Scott was killed near his home while attempting to foil a burglary. Words cannot describe my shock and sadness upon hearing of this awful event. It should serve to remind all of us of the terrible scourge of violent crime which still plagues our society and it should renew our commitment to stand firmly for the rights of victims of crime, who like Scott and his family, cry out for justice. They deserve no less.

Scott was a wonderful and unique person. He was a gentleman in every sense of the word. Everyone who was touched by his life walked away knowing they had spent time with a man of character and commitment. Scott's death is deeply saddening in so many ways. In his late 20's, he was really just beginning to find his way in this world. He was continuing his college education. He operated a small but growing business, and he was preparing to be married.

His loss is a great one, not only for his family and his loved ones but indeed, Madam Speaker, for all of us. I firmly believe this world would be a better place if only it were blessed with more people like Scott McCabe. He stood firm in his convictions. He worked hard to achieve his goals. He was loved by all who knew him. His passing leaves a void that cannot be filled. He will be missed.

My wife Mary and I join with members of our staff who served alongside shoulder to shoulder with this remarkable young man Scott McCabe. We send our heartfelt thoughts and prayers to his family. Our lives are richer for having known him, if only for all too brief a time. We will not see his like again. He represents the countless thousands who care enough about this constitutional Republic to give of their time, their energies and their passions for this wonderful Nation called the United States of America.

□ 2145

AMERICAN PATENT PROTECTION BEING LOST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. ROHRABACHER] is recognized for 30 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Madam Speaker, over the last 3 years, I have been involved in organizing support behind the right of the American people to maintain the legal level of protection that had been their right as American citizens since the founding of our country over 200 years ago.

In this particular case, what is being diminished is the American people's rights to own their own creations. What is being diminished is the patent protection that Americans have had since the writing of our Constitution.

Three years ago I did not know anything about this issue. I knew absolutely nothing about patent rights. It was brought to my attention that in the GATT implementation legislation that was being brought before Congress there was a provision that would dramatically change patent law in the United States of America.

I could not believe this was happening, because changes in our patent law were not required by the GATT implementation legislation. We had been promised by the administration that the only thing that would be put into the GATT implementation legislation that went before Congress to implement the GATT agreement would be those items that were specifically required by the GATT negotiations.

But when I called the administration repeatedly to find out if there would be provisions in the GATT implementation legislation that changed our patent law, I was told time and time again that it was none of my business and that they were not going to tell me, or they did not know, or that that decision may be made and it might not be made; but, most of all, it was their decision to make and not mine as a Member of Congress, and, thus, I was not going to be privy to the knowledge until it was actually presented to Congress.

This is what they said to the elected Representative of 600,000 Americans, who represents a high-tech area in California. The people who were telling me this were unelected, appointed, officials.

This should tell you something about the changes that are coming about in our country and the changes that are symbolized by that provision, which they did eventually sneak into the GATT implementation legislation.

What was put in that bill, which was not required by GATT and which we were presented as either you accept everything in this bill or you have to vote against the entire World Trade Organization, the entire apparatus of world trade throughout the world and leave America on the outside, what provision was put in was a change in the patent law which stated that Americans have a right to a guaranteed patent term.

This is 3 years later, and most Americans do not understand that from the time of the founding of our country until 3 years ago, they had a right to a guaranteed patent term of 17 years, and they no longer have that right. Their rights have been diminished. It is a very hard law to understand if you do not have an invention, so most Americans let it drift by.

What replaced this guaranteed 17-year term, to describe it, was traditionally that no matter how long it took you to clear your patent application through the bureaucracy, no matter how long it took the Government to issue your patent after you applied for it, at the end you would still have 17 years of a guaranteed patent term. That was replaced by a provision that said that you have 22 years of protection, but the clock is ticking against you the minute that you apply for a patent.

So with breakthrough patents and breakthrough technologies that guarantee those patents, what we have is a situation where the process could take 10 years, and the inventor might be left with, instead of 17 years, or 22 years, might be left with 12 years. Or, in some cases, where it has taken two decades for major pieces of technology to clear the Patent Office, the inventor would have nothing to show, much less 17 years of protection.

The laser, for example, took many, many, many years, I think perhaps over a decade and a half, to receive a patent. The inventor of that laser would have been left out.

Also, the microprocessor. Of course, what happened recently was the inventor of the MRI was tied up in court for 20 years with a major corporation that was trying basically to steal his right to the invention that he invented, the MRI, that has changed the lives of people throughout the world, bettered our health care so you do not have to have so much cutting surgery. That inventor would have been out all of the money, because the major corporation would have tied him up long enough for his patent to be worthless in terms of the time that was left for him to enjoy the fruits of his creation.

So that was changed. That raised my antenna, and I began to investigate why this happened, and how was it so that Americans were seeing their fundamental rights that were guaranteed by law diminished in front of their eyes without so much as a whimper from the people because they did not see what was happening, and that the elected Representatives of the people here in the Congress did not even know what they were voting on when they voted on this provision.

There was no debate, there were no hearings. Instead, it was snuck into the GATT implementation legislation.

What I found out when I investigated was that there had been an agreement that was signed between Bruce Lehman, the head of our Patent Office, the head of the Patent Office of the United States. When he was appointed by President Clinton, he went to Japan, and one of his first acts, maybe not one of his first acts, but he went to Japan very shortly after being appointed and made an agreement, signed an agreement with his Japanese counterpart, to harmonize American patent law with Japan's.

This is an unelected official going to Japan and signing an agreement that he, representing the administration, will do what he can to harmonize American law to Japanese law.

This was not a case where America had weak protection and the Japanese had strong protection. In fact, the Japanese had one of the weakest protections for their inventors of any country in the world and America had the strongest protection of any country in the world.

Our representative, the person hired by the President of the United States to watch out for our interests, went to Japan and agreed to lower our standards to theirs.

Now, I would agree that harmonization is a good idea. But if we are going to be harmonizing laws with other countries, we should be bringing those countries up to our standards, instead of us bringing our standards down to theirs.

Now, in Japan they do not invent very many things. In fact, in Japan they are known for copying things and improving some new technologies, but just improving them, not inventing new technologies. That is because in Japan, the big guys have run roughshod over the little guys, and every time there is a new invention, someone comes up with a new idea, if it is a small guy who is out of the clique, he is surrounded and beaten into submission by the powers that be, by the economic shoguns of Japan.

They want to change our law, our patent law, so that the American inventors, the people of the United States who are inventing things, the average person who has this option in order to improve their lives by coming up with something that will improve the lives of everyone, they want to make those little guys vulnerable to the big guys, just like they are in Japan.

When all is said and done, if we do harmonize our law with Japan, what we will have is our little guys will be susceptible to the same kind of bullying as the little people, as the regular people in Japan; not only bullying by our own huge multinational corporations, but by Japanese corporations, and Chinese corporations, and the People's Liberation Army, and anybody else who wants to come in here and brutalize Americans who are no longer protected with the legal protections that they have been afforded since the founding of our country, because those protections have been stripped away.

That is the agreement that was made with the Japanese.

It has always been part of our law that if someone applies for a patent, that, number one, he would have a guaranteed patent term; number two, whatever information he has in his patent application, he or she, that it is totally confidential.

In Japan, the system is once you apply for a patent, after 18 months that information is made public, so the big guys will know exactly what is being created by the small entrepreneurs and the little guys throughout the society, and they can take action to steal it.

But our people have had the right of confidentiality. In fact, releasing information from a patent application before the patent is actually granted has been a criminal offense.

In Japan, it is the other way around. They give out all the information. In Japan, once the patent is issued, they can attack it from all directions. There is reexamination in Japan.

So what do we have? We have an agreement where this administration, with Bruce Lehman, who heads our Patent Office, to change our patent law to that of Japan. And that, what I saw in the GATT implementation legislation 3 years ago, was only step one in accomplishing this goal.

We found out what step two was a little bit later, in the last session of Congress, in a bill. It was called the Patent Publication Act, and they found out, oh, my gosh, that is too explanatory. The purpose of the bill is to publish everybody's patent, and nobody wanted to do that.

Everybody understood that if you publish a patent application, you are asking for everybody in the world to steal it. So they changed the name of that this session of Congress to the 21st Century Patent Reform Act and they brought that up.

But the people of this Congress and the people of the United States were not fooled. I brought to the attention of the people of the United States in forums like this, and speech after speech after speech, and going out to talk radio shows and to the news media and any audience that would listen to me, I spread the word, and the American people expressed their opinion to their elected Representatives. And even though the Fortune 500 companies and this administration and the powers that be came down like a sledgehammer on my colleagues, when it came to a vote on the floor, we managed to defeat some of the essential ingredients of that 21st Century Patent Act.

We defeated especially the provision that would have required that any American who applied for a patent, after 18 months, whether the patent had been issued or not, it was going to be published, so that every thief in the world would have been able to steal our most valuable technology. We managed to get that out of the bill.

We managed to get out of the bill the provision that would have required the change of the rules that would have permitted companies to come in and attack the patents that were already issued by our Patent Office, the reexamination provisions.

Thus, we were able to take out most of the bad parts of that bill in an amendment introduced by my colleague, the gentlewoman from Ohio [Ms. KAPTUR].

There were still some pretty bad things in the bill. The bill would privatize the Patent Office. It would turn our Patent Office, which has never had a scandal, they have never had a scandal in the 200 years it has been around, they were going to turn that into a quasi-private, quasi-government corporation, like the post office, in which the poor patent examiners, who are now shielded from outside influence, would have been opened up to all kinds of influences.

□ 2200

That privatization still stayed in the bill. That type of restructuring still was in the legislation that passed Congress. That legislation, after it passed here, and as I say, we were 60 percent successful, but 40 percent of the bad stuff is still in that bill, it went to the Senate.

But tonight I am here to alert my colleagues and the people of the United States who are listening and reading the CONGRESSIONAL RECORD that Senator ORRIN HATCH of Utah is continuing his attempts to get this bill, in its worst possible form, in the form that would expose all the information of our inventions to the enemies of the U.S. and to our economic adversaries, and to the big multinational corporations here. He is trying to get that bill in its worst form passed through the United States Senate. He is trying to attach it to other pieces of legislation. The American people have to be aware that if he succeeds, it will be coming back to the House of Representatives.

In fact, tomorrow 60 CEO's will be hitting Capitol Hill of major corporations to have their will and to try to talk to Congressmen, Members of the House, Members of the Senate. The American people have to know that the enemy has not given up.

Why has the enemy not given up? They have not given up because a long time ago they realized that America's greatest asset was what? It was the creative genius of our people; the creative genius of the American people was our secret weapon in our economic struggle.

Our adversaries figured it out. They said, how come America is always out front? How come they control the economic scene? How come? Our people work just as hard as Americans; how come they are the ones who are always ahead and control the economy of the world? How come their people have such a high standard of living and our people do not?

The answer is easy. The American people have at their disposal the best technology that is available anywhere in the world because Americans have been the inventors and the creators and the genius behind technological change.

Our enemies saw that and our enemies set out to change the fundamental law that made that a reality, that made it exist, that gave us that technological genius, because the American people are not more creative, they do not have any more genius than anybody else; after all, we come from every culture.

But what we have had since the founding of our country are the legal protections for our technological development that ensured that the average person knew that he could use his creative genius to make things better and that he or she would benefit from it. Thus, we had the major inventors in our country. This is where the Alexander Graham Bells and the Samuel Morses and you name it, the Wright Brothers, the Thomas Edisons, these are the people who benefited by the legal protection, and thus were able to use their genius to keep America a step ahead of all the competition and ensure the American people good jobs, because their jobs were involved with the best technology. We were able to outcompete our adversaries.

Now they want to change all of that. They tried to change it in the most underhanded way that I have ever seen. A piece of legislation came through this body. First, they put it into the GATT implementation legislation when it was not required by GATT. That in itself was a betrayal of the rest of us, when we were told, if you give fast track to us, we will only put in the legislation that which is required by the treaty.

Then they tried to sneak the bill through, with very little fanfare, just slid right on through the committees, changing the name of the bill from the Patent Publication Act, which was too explanatory, after all, now we are exposing the fact that we want to publish everybody's patent, no, they changed the name to the 21st Century Patent Reform Act.

That is not the way we need to make law, and when we want to change law and diminish the protections our law affords the American people, we must step up to the plate and discuss it with them, rather than take part in this type of underhanded maneuvering.

The patent law in our country has been unique because we have had a higher level of protection from the time of our Constitution. The Japanese, when they figured it out, have decided, we have to change that. The Chinese, we have to change that.

We have had an army of lobbyists in this city; millions of dollars have been spent to influence Members of the House and now Members of the Senate, in order to convince them to change the patent law, and changing the patent law to "harmonize" our law with other laws, harmonize, to bring down the level of protection.

I want to share with the Members a story about a friend of mine who has a new invention. He told me about it this weekend. This friend of mine, an average person, has a small company out in California. He came up with an idea of how to protect meat, how to protect the consumer of meat from consuming bad meat.

It is an ingenious idea, and I cannot explain it on the floor of the House because his patent has not been granted yet. But if his patent had been granted and this was on the market, all I can say is the American people, every housewife in this country, every restaurant in this country, would be confident that the meat they were consuming was untainted meat at a very low cost, almost no cost.

It is a new idea. It is a great idea.

For 2 years this patent has not been issued, which means that if the new laws that Senator HATCH has tried to push through the Senate right now, and which some of our colleagues have tried to push through this House were in effect, after 18 months his idea would have been exposed to everybody in the world, and the Japanese and the Chinese and people all over the world would already be copying his idea, putting it into production, and his patent has not even been issued. They would be using the money they made from his invention to drive him out of business. That is what is going to happen across the board in our economy if we permit this catastrophe to happen, this abomination of American freedom.

But my friend has confidence we are going to beat it back. He has invested his time and effort to try to get this patent. If he succeeds and we do not disclose this information, so that he can benefit, we will have other such inventions in the future from people like my friend that will change our lives, that will save the lives of little children who are eating that meat.

How about my other colleague in California, another friend of mine, who came to me when he heard about the fight over patents and he said, DANA, I have a new system of killing bugs, bugs, termites and the rest, without the use of chemicals. This is a man who is going to save the soil at our homes from being poisoned with chemicals. But he says, DANA, I am afraid because my patent is still pending, and if they disclose this information, it is going to be all over the place before I have a chance to capitalize. I cannot raise the money until I have my patent in hand, but these other people will get the money and they will be in business before I do.

How long do Members think it is going to be before the inventors of this new system to check tainted meat or the new system to make sure that we do not have chemicals being spread in our soil to kill the bugs, or in our homes to kill bugs, how long will these inventors keep coming up with their ideas? They will not come up with their ideas, and we will be stuck; we will be like the Japanese, run by a group of economic elitists who hold the little guy down because the little guy has no economic protections and there are no inventions. The standard of living not only of our country, but of the entire world, will go down if we lose this battle.

As I say, Senator HATCH is still trying to get this through in its very worst form, through the U.S. Senate. This has been a very tough battle, because it has been the battle of the little guy versus the big guy. It has been part of an overall effort to change American law.

First of all, let me explain the last point that I made. Ever since the end of the cold war, we have been hearing time and time again phrases that are kind of scary. The first phrase we heard was "the new world order." That came from a Republican. That came from George Bush.

I do not know how other people felt about it, but when I heard our President talk about a new world order, I said to myself, something is wrong here. I am not working for a new world order. I am working for the people of the United States who elected me. There is something wrong here.

The new world order? It sounds like we are giving up authority to a higher authority than the Constitution of the United States of America. The new world order?

Since that concept went down in flames, along with the presidency of George Bush, we have heard time and time again of the global economy, the global economy. In it, we have all kinds of powerful interest groups pushing to create a global economy. What does that mean, a global economy? That means that decisions that were made locally not only have been turned over to State government, who then turn it over to the Federal Government, but now we are thinking about turning decisions that are made by people who have been elected to office in the United States over to some unelected bureaucracy somewhere in the United Nations or in the World Trade Organization or the world labor organization or the world environmental organization, or whatever organization it is that has been set up in order to watch out for the global environment or the global economy, you name it; and these people will be making decisions, and this type of world will be people who have never faced the electorate.

If Americans will blink their eyes, some day they will find that their rights have been diminished and that power has been granted to some unelected official who may or may not be an American, but who the average person here has absolutely no recourse against if a decision is made in the wrong way.

This concept of a global economy, the idea of free trade between peoples of the world, is a good idea. The idea of creating a global economic system which will be controlled and regulated is a bad idea. It is not a good idea, as well, by the way, I might add, for us to be trading in a free trade relationship with a mammoth dictatorship like China.

But then again, the world economic trade regulators, once we have established this global economic system, may think entirely differently. They may think a transfer of wealth from the rich United States to the poor countries is a good idea.

Madam Speaker, this change in the patent law is only one step toward harmonization of law. It is a step in the wrong direction. This concept of diminishing the rights of Americans in order to create a new world order is a threat to the rights, the freedom and the prosperity of each and every one of us.

The patent fight is the first fight, because it has been the first one we have been able to identify where actual legal protections enjoyed by Americans are being diminished in order to have a harmonization of law overseas. That in itself would be wrong. But the side effects of giving huge multinational corporations and foreign corporations the power over Americans to steal their new ideas, which will undermine our economy, not even to mention what it does to the lives of these poor inventors who spent their whole lives trying to develop something, this shows that it is a bad idea on a number of levels.

As I say, this will be just the first fight. This is just the first fight in our battle to maintain the rights and freedoms of the American people and the prosperity of our country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. GRANGER). The gentleman from California [Mr. ROHRABACHER] has been allotted another 30 minutes, and is so recognized for that additional time.

The Chair would also remind Members not to refer critically to individual Senators.

Mr. ROHRABACHER. Madam Speaker, I do not believe that I referred critically to any individual Senator. I think I have just outlined the positions of Senators. I do not think I used any pejorative descriptions of any U.S. Senator. It just happens that this legislation that I am describing has someone who is very opposite in opinion, on the other side of this particular issue.

Madam Speaker, let me talk a little bit. Now that I have an extra half hour, I would like to discuss a little bit about this whole concept that I was ending up with when I thought I just had 30 minutes. That is the idea that we are going to be facing more and more challenges to our freedom and to our prosperity as Americans from those who are trying to foist off on us the necessity of transferring authority and power to world organizations and to multinational organizations.

□ 2215

In the area of our national defense, there are those people who, for example, are trying to expand NATO. And these are many of my friends. Many of my colleagues, Republican colleagues, have been pushing for the expansion of NATO. I am sorry to say today that I think that is a bad idea. I am sorry to say that, because many of my colleagues I know honestly believe that it is a good idea for the United States now to stay in NATO.

It is not time for us to become part of world organizations and put our people under U.N. command or NATO command. It is not time for us to be involved in multinational approaches. But instead, the United States should, no, not be going it alone, but we should instead be trying to be as effective as we can be individually, and on a bilateral level, with other countries of the world.

NATO is a good example. NATO's purpose was what? NATO's purpose was to prevent the Soviet Union from rolling across Europe at the height of the cold war. NATO worked. I am very grateful that our forefathers had the courage and the commitment to build an organization like NATO that thwarted the aggressive tendencies of the Soviet Union during the cold war.

The cold war is over, and like any other organization that is established on a multinational level, the organization does not want to disappear once its purpose has ended.

Instead of spending tens of billions of dollars stationing troops in Europe, we should be spending those billions of dollars in developing the technologies in the United States, whether it is SDI or whether it is building a new aircraft carrier or whether it is building a new fighter or whatever type of technology is necessary for the protection of the people of the United States. That is what we should be developing, rather than wasting tens of billions of dollars in an alliance that has already, already served its purpose.

NATO is meant now, supposedly, we hear, for the stability of Europe. Well, when my colleagues visit Europe, they will realize that Europe and the European Community have a gross national product higher than that of the United States. Let them defend themselves. Let them pay for their own stability.

The United States should play an active part in the role, and I am not advocating isolationism in the least. But giving our powers up to NATO, or up to the United Nations, is a mistake. We should not be giving up our military power, and our ability to make decisions that are necessary, up to multinational organizations now that the cold war is over.

That grand alliance was designed to defeat Soviet communism. Soviet communism has been defeated. This is nothing more than yet another example. There are also calls for us to join another world organization. In fact, I will be giving another 1-hour presentation in the near future on the global warming treaty, the climate change treaty that some people are trying to stampede this Congress into signing.

That treaty is based on the idea that mankind is using so much energy, that we are altering our environment to the point that the world is getting warmer. It is called global warming. Having been the chairman of the Subcommittee on Energy and Environment in the Committee on Science, and having gone through hearing after hearing on this, I can tell my colleagues that I have heard experts on both sides of this issue, and I have come to the conclusion that global warming at best is unproven and at worst it is a bunch of liberal claptrap.

Even the most strong advocates of global warming, once you get them in a question-and-answer situation, will admit that they are not sure. But they are willing, however, to try to push America into policies that will drain billions of dollars from our economy, drain billions of dollars from our economy, and that money will be gone forever.

People do not understand the meaning of these tens of billions of dollars or hundreds of billions of dollars. That means the amount of money that is spent for education. That means the amount of money that is spent for true environmental programs. These are things that will be defunded in the case of a United States commitment to a treaty that is designed to solve a problem that does not exist.

In one of the most interesting aspects of the global warming treaty that I found so far in examining the proposal that we are looking at, is that a provision has been added, a strange provision has been added to the global warming treaty. What is that provision? Guess what? Somebody has added to this global warming treaty, and they are discussing, a provision that says we should harmonize all patent law. Well, is not that a coincidence?

Somebody suggested that this is going to be part of a global warming treaty, meaning a harmonization of the patent law which I have just spoken on and demonstrated the disastrous effects that it will have on the economy of the United States of America and the disastrous effects it will have on the level of protection that American citizens are afforded; protection that they have been afforded since the time of our Constitution.

This is amazing. Well, it really is not so amazing, because the same people who are pushing for all of these commitments by the United States of America to multinational organizations, and giving away our authority from our own elected officials to unelected foreigners, are the same ones who are pushing the diminishing of our American patent rights.

Now, who are these people? Well, many of them are Americans, interestingly enough, and many of them are Americans who work and control huge multinational corporations. I am afraid that people who run multinational corporations today, whether they are American citizens or not, are not the ones that we can trust to make the decisions about our future. Because these individuals may be very efficient at running their multinational corporations, but they do not seem to care one iota about the American people. They do not seem to care one iota whether or not they have succeeded, based on the protection of their rights that the American people have given them over these last 50 years and, yes, over the 200-year life span of our Republic.

The multinational corporations now have allegiance to the new world order or the global economy, not to the American people. And these multinational corporations, these huge corporate entities are pushing to change the patent law, and pushing to change other laws that I am talking about, because they can influence these distant decision-makers in the new world that they are creating. But the little guy, the American people, will never be able to influence, not at the ballot box and not in the marketplace.

Madam Speaker, these big multinational corporations, many of them in our Fortune 500, have made an enormous effort on this patent bill and in other things. For example, as we all know, the United States has been in an unfair trading relationship with the mainland of China for two decades. And the cold war is over. During the cold war there was an excuse for us to be in a relationship with Communist China.

It is the same excuse that we had when we were in a relationship with Stalinist Russia during World War II in order to defeat Hitler. That excuse is that we needed to make sure that our potential enemies were divided and that they were not united against us.

With the Soviet Union having collapsed, there is no longer an excuse for us to put up with an unfair trading relationship like we have with the Communist Chinese mainland, the mainland of China.

Most Americans do not know when they hear our huge corporations talking about how important it is for them to be able to sell their goods in China that they are not really talking about selling American goods in China. What they are talking about is their right as multinational corporations to set up factories in China, factories that will take our technology and put it at the disposal of the Chinese and then will be used to out-compete the United States of America and put our own people, our own people out of work.

Most people do not understand that the things that are produced in China enter the United States with a 3 or 4 percent tariff. But when we want to export manufactured goods to China, they have a 30 to 40 percent tariff on our manufactured goods. Who would want to give even a democratic country that kind of an edge over the people of the United States of America, much less a Communist dictatorship that threatens the security of the world and the prosperity of our people?

But we have continued to give them Most Favored Nation status. Why do these multinational corporations who put pressure on all of our colleagues to vote for Most Favored Nation status, the same ones who are pushing to change the patent law and the same ones who are pushing for all of these different global arrangements, why is it that they want Most Favored Nation status with China?

First of all, they have no allegiance with the American people. They are going to put them out of work. It is even worse. They want Most Favored Nation status so they can receive Government guarantees for their investments in China.

Madam Speaker, the Export-Import Bank, the World Bank, other institutions that get our tax dollars from the working people of the United States, those tax dollars are being used to guarantee the investments of our businessmen in China in factories that will be used to put Americans out of work.

This is the worst kind of hypocrisy. This is the worst blow, the worst insult to the American people. Not only are we permitting an unfair trade relationship to go on, which is draining billions of dollars of worth out of our system and giving it to the Chinese, even as they commit genocide in Tibet and genocide against the Muslim people in Xinjiang Province, in East Turkestan, and as they butcher their own dissidents and repress the Christians. No, we still have to have Most Favored Nation status and the tax dollars of the American people are being used to guarantee investments against our own people.

This is a sin against our own people. But it is also a sin that these same interests are trying to change American law to diminish the rights of the American people and the American people do not even know that that is what is going on.

The American people ought to say, well, if IBM and Kodak and all of these big companies are in favor of changing that patent law, it must help us in our technological struggle with our adversaries. No, no, because those companies are just as interested in taking the ideas of our inventors and using them for their benefit without paying royalties, as are the big Japanese companies, as are the big Chinese companies and all the rest of the economic thieves throughout the world.

It all ties in. It all ties in. But let me tell my colleagues tonight that they have forgotten one fundamental aspect that has made this world a decent place to live in. They have forgotten the role of the United States of America. Our Founding Fathers who wrote into our Constitution patent protection, our Founding Fathers who wrote in individual freedoms into our Constitution and into our Bill of Rights, the people who led our country throughout these years of our independence and during the time period as we developed as a Nation. These people understood that if there was to be freedom anywhere in the world, it would depend on a strong United States of America.

□ 2230

If there is to be decency and honor and integrity anywhere in the world, it will be because the United States of America has set the standard. It will be because those standards are protected by law in the United States of America.

Without the people of the United States of America and their commitment to freedom, there would be no freedom on this planet. The Nazis would have won. The Communists would have won, the isms and the tyrannical forces that have been at play for this last 100 years would have overwhelmed the west. But it has been the strength of purpose found in the souls of the people of the United States of America that has preserved all of those forces of good and decency on this planet.

If our business elite, now with their multinational corporations, have given up on the American people, because in order to run a plant here and maintain our standard of living, they will only make a 5 percent profit, but if they go to a Communist dictatorship they can earn a 15 or 20 percent profit with, of course, the taxpayers guaranteeing their investment, pretty soon the American people's standard of living will decline and the American people will feel justifiably betrayed.

We cannot let that happen. The battle over the patent is only one of the fights that we will be having in the next few years. But we have to make sure that the American people maintain their standard of living, that decent, high tech jobs are available here, that our wealth is not drained from our society to give frivolously to others, that our technology is not taken from us to be used against us in competition, economically and militarily. Because if we lose the battle here in the United States of America and the American people lose faith in those principles that our Founding Fathers established 250 years ago, well, then the future of freedom on this planet will be short-lived indeed. The future of decency and honor, the future of things that have made this a planet not dominated by the likes of Mao Tse Tung or some petty dictator that now occupies his seat in Beijing, but instead reflect the value of our people which created a White House that does not look like, I looked in the oval office.

I used to work in the White House. I remember walking into the oval office with my friend 10 years ago and just looking at the oval office. And what I saw looked like some sort of a library or some sort of a sitting room in somebody's home. I said, does this not look like someone's living room here? We both agreed that in every other country in the world, the offices of the chief executive looked like a palace of power. It looked like a place where boots could be worn or heels clicked and salutes given.

Instead, where the first executive of the United States sat at a desk, it looked more like someone's living room, like someplace with a family.

These are the values of decency that come with human freedom. We would not put up with some gestapo Communist dictatorship in this country because our people believe in freedom. But if the freedom that we have permitted our multinational corporations is used to destroy the prosperity of our people and if we think that now we have an allegiance to free trade so that people can use guarantees by the American taxpayers to build up the economy in dictatorships, the American people will lose their faith.

If we are going to win this battle, the American people have to be a part of it. One of the reasons we were able to defeat this drastic change that they were trying to make in the patent bill, as it went through the House, one of the reasons why the Kaptur amendment passed, the Kaptur amendment which gave us 60 percent of what we wanted passed in a vote, was that the American people called their representatives and said, for goodness sake, do not vote for that patent bill, the Steal American Technologies Act that Congressman Rohrabacher is talking about. Vote to kill it.

That is what people have to do to the Members of the House and the Members of the Senate, because it is still alive in the Senate and that means it probably will come back to the House.

The American people have got to remain alert to this and the other threats that we face, because there are some very powerful forces at play in this world. There are some very powerful forces at play in this city.

The only thing that turned the tide in this last battle on the floor of the House were the thousands upon thousands of phone calls that came from all over America to the House of Representatives and said, defeat this attempt to give away American technology.

The American people have every right to be proud of themselves. So tonight we stand on the threshold of finishing that fight, because it is still going on in the Senate. It may come back here to the House if they succeed. Tomorrow, as I said, Capitol Hill will be invaded by some of these multinational corporations and some very hifalutin sounding people. But small businessmen throughout this country, university professors, people who are engaged in research and development of new ideas understand how important patent protection is, and they have tried their best here, even though we have not had very many resources behind us.

I would just close by asking my colleagues to be alert as the patent bill comes back from the Senate and, if there is any influence they can exert on the Senators on this piece of legislation, to please talk to the Senator from their State to ensure that they know just how dramatic the effect of diminishing our patent rights will be and that that indeed is the purpose of the legislation that is now being pushed in the Senate.

FAST TRACK TRADE AUTHORITY

The SPEAKER pro tempore (Ms. GRANGER). Under the Speaker's announced policy of January 7, 1997, the gentleman from Ohio [Mr. BROWN] is recognized for 60 minutes as the designee of the minority leader.

Mr. BROWN of Ohio. Madam Speaker, I begin my 60 minutes by yielding to the gentleman from Cooperstown, NY [Mr. BOEHLERT].

A TRIBUTE TO RICHIE "WHITEY" ASHBURN.

Mr. BOEHLERT. Madam Speaker, I pause in these deliberations to give some well-deserved recognition.

Madam Speaker, it is with great sadness that I rise to announce the passing of baseball Hall-of-Famer Richie Ashburn. Richie Ashburn was my first boyhood hero when he began his career with the Utica Blue Sox back in 1945.

Mr. Ashburn played center field, primarily with the Philadelphia Phillies from 1948 to 1962. Ashburn became the starting center fielder in 1948, after the incumbent and previous year's batting champion, Harry "The Hat" Walker, broke his foot in spring training. By the time Walker was ready to return, Ashburn had won the job by hitting .348 and was the only rookie named to that year's All-Star game.

Ashburn finished the year hitting .333 and led the league with 32 stolen bases and was named by the Sporting News as rookie of the year. In his 15-year career, Ashburn hit .300 or better nine times, won two batting titles, and finished with a lifetime batting average of .308. Despite these impressive hitting numbers, Ashburn was best known for his fielding skills. He set new records by recording 500 or more putouts in 4 different seasons and 400 or more putouts in 9 different seasons.

He tied a major league record by leading the league in that category nine times. He was in some very distinguished company. The only ones who did better were Max Carey, Willie Mays, Tris Speaker, and Ty Cobb.

In 1962, Ashburn's final season, he became an original member of the New York Mets and was the Mets' first All-Star. He finished his career with six All-Star appearances and a World Series appearance with the 1950 Phillies pennant-winning team that was affectionately known as the Whiz Kids. Ashburn continues to hold that Phillies record for consecutive games played at 731.

After retiring, Ashburn considered running for public office, but I think he thought better of it, in his home State of Nebraska. Instead he began a career as a broadcaster for the Phillies where he remained until his death.

For many years Richie Ashburn's talents were overshadowed by other outfielders like Mickey Mantle and Duke Snider and Willie Mays. But finally, in 1995, he received well-deserved recognition. He was elected to the Baseball Hall of Fame in my district in Cooperstown, NY. We have not only lost a tremendous player but a great ambassador for the game of baseball. May he rest in peace.

I thank my distinguished colleague for pausing in these important deliberations to let me share this sad news with the rest of my colleagues in this House.

Mr. BROWN of Ohio. Madam Speaker, I thank the gentleman from New York. I would add, before getting into perhaps a more serious subject than the Baseball Hall of Fame, my daughters and I drove to Cooperstown this summer. My younger daughter thought there were too many New York Yankee memorabilia in the Hall of Fame. I think she was raised right, that she thinks that. Nonetheless, it was a great trip to your district, to Cooperstown. I had been in the Hall of Fame when I was my daughter's age, when I was 13 or 14. I had not been back in 30 some years. It was a great chance to be in your district and see Cooperstown again.

Tomorrow the President will announce fast track to his legislation he will present to Congress tomorrow to expand the North American Free-Trade Agreement; ultimately, he hopes, to the rest of Latin America. Before he does that, before we talk about fast track, I am joined tonight by my friend from Michigan, who has been a real leader in the effort, everything from food safety to jobs to the environment to clean water, all of these trade issues, before we get into fast track, let us back up a moment and look at what this expansion of NAFTA means and what NAFTA itself has meant and other trade agreements in the last few years in this institution.

First of all, bad trade deals hurt America's working families. They threaten to move American jobs to low wage countries, as we have already seen under NAFTA, with jobs fleeing to Mexico. We are importing under NAFTA 10 times as many cars from Mexico as we are exporting. But it is not just auto workers that have lost jobs. We have lost jobs in the electronic industry and in other high-wage sectors.

Where I come from, as in most places in this country, NAFTA, simply put, is a bad deal. These bad trade deals threaten America's economic future.

The same people that brought us NAFTA want to use something called fast track to expand NAFTA, to expand NAFTA to countries, other countries in Latin America, beginning with Chile and moving up and down the South and Central American continent and into Central America.

I think all of us want equal trade and want fair trade, but we do not want this kind of free trade that fast track will bring us.

After 44 months, NAFTA simply has not panned out. It has meant job losses in the auto and electronic sectors to Mexico. It has meant record amounts of illegal drugs. Now it means threats to food safety and truck safety. Everybody wants open markets for American goods. Exports create jobs, no doubt about that. But imports claim jobs.

If only exports counted, we would not have the kind of massive trade deficit we have. This institution, in the last couple, really in the last 5 or 6 years, since the initial Clinton budget in 1993, has dealt with one of the twin deficits. We have dealt with the budget deficit. At the same time we have let the trade deficit get larger and larger and larger.

Sure, we have exported more goods to countries around the world, but the number of dollar's worth of imported goods to this country has mushroomed, causing huge trade deficits. We need to get tough with these countries that keep out American goods.

Japan still is not playing fair with the United States. The Japanese Government drags its feet on the framework agreement of autos and auto parts. Even the administration is concerned about this problem.

Our trade deficit with China, brought on in part by most favored nation status that we continue for reasons beyond my understanding to give to China, even our trade deficit with China has become larger now than our trade deficit with Japan, because the Chinese have a perverse concept of fair trade.

With equal trade and fair trade, we can open foreign markets without dropping our defenses. We need to call a time-out on free trade. And fast track, especially, is an abdication of the responsibility that all of us have in this institution to negotiate fair trade agreements, to negotiate democratic trade agreements, to negotiate trade agreements that protect the environment, protect food safety, ensure truck safety and ensure that Americans have an equal footing in the global marketplace and the global work force.

Perhaps one of the most unknown but most important problems with NAFTA is that specific issue of food safety. In an effort to increase trade with Mexico, NAFTA has limited border inspections of food, both for vegetables and fruits, frozen and fresh, and allowed Mexican trucks to enter the United States with limited inspection. As a result, NAFTA is directly responsible for a significant increase in the imports of contaminated food into the United States from Mexico.

These lax inspection practices contributed to a sharp increase in food imports from Mexico. Imports of Mexican fruit have increased 45 percent. Imports of Mexican vegetables have increased 31 percent. More than 70 percent of these imports are carried into the United States on trucks.

□ 2245

Yet we inspect only 1 out of 100 trucks and 1 out of 100 truckloads that come into this country. That means huge numbers of unsafe Mexican trucks are driving on American highways; it means large amounts of Mexican fruits and vegetables are consumed by the American people, especially American children, that have come across the border. And many of those foodstuffs simply are not healthy.

We are proposing, several of us are proposing to prevent similar kinds of incidents that my friend from Michigan will talk about with Michigan schoolchildren that contracted hepatitis by eating tainted Mexican strawberries.

We are suggesting three things: that we renegotiate the provisions in NAFTA which relate to border inspections and food safety and ensure that any future requests for fast track authority include strong food safety provisions;

Second, we should increase the funding for border inspections or limit the increasing rate of food imports to ensure the safety of our food supply; and

Third, we should begin an aggressive program to label all foodstuffs, including fresh and frozen vegetables, fresh and frozen fruits, vegetables and meats with their country of origin so American consumers, when they go to the grocery store, will know where these foods were grown, where these foods were processed, to give additional information similar to the food labels that we are used to seeing on our cans of soup and other products in this country.

I think we must work with President Clinton to address these serious deficiencies in our trade policy. We should not move so quickly on fast track. We need to back up, look at NAFTA, examine the problems with NAFTA, paying special notice and special attention to food safety.

Mr. Speaker, I yield to my friend from Michigan, Mr. STUPAK.

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Ohio [Mr. BROWN] for yielding to me.

The safety and security of our Nation's food supply that has recently been in the news because of contamination of the Hudson plant in Nebraska, but the gentleman and I both sit on the Health and Environment Subcommittee of the full Committee on Commerce, and we have watched over the last few years especially what has happened to food safety in this country.

If we take a look at the Hudson plant situation, over 20 million pounds of beef was recalled by the company because it was determined that this meat was contaminated with the deadly *E. coli* virus. In response, we have a bill sent up to the Hill here last week by Secretary of Agriculture Mr. Glickman, who wants more authority to inspect and take action against meat and poultry factories.

So if we take a look at what is going on here in this country, we are demanding more authority by the Secretary of Agriculture because he is concerned about the safety and security of our Nation's food supply. But what we are saying here tonight is that the concern for safety and security of our Nation's food supply must extend to NAFTA and to any other fast track agreement that we may be presented with.

As the gentleman mentioned, the President is preparing once again to ask Congress to delegate broad trade negotiating authority to him, and we still have many arguments not only to the economic effects of NAFTA, but also as regards NAFTA's undermining the food safety in this country. There is no discussion to engage in to fix it, on how to fix this growing problem that threatens the well-being of every American family.

So I appreciate the gentleman's efforts here and we have come out here tonight to start alerting the American public that this fast track authority will be here. There is a major concern about food safety in this Nation. The Secretary of Agriculture has pinpointed it, but when we take a look at it, when we take a look at what has really happened since the passage of NAFTA, Mexican imports to the United States are up 82 percent and nearly 70 percent of these imports come across the United States border by trucks.

In May 1977, the General Accounting Office released a study of the Animal and Plant Health Inspection Service's efforts to minimize the risks to agriculture from pests and disease from entering the United States. This General Accounting Office report states that NAFTA and the political muscle from the supporters have, and I quote now, "have put pressure on these inspectors to carry out the increased inspection responsibilities more quickly."

In other words, go ahead and inspect, but they have to do it much more quickly, because if we take a look at it, 12,000 trucks per day, 12,000 crossing from Mexico into the United States, carrying fruits and vegetables and meat. So that is a total of 3.3 million trucks coming into this country carrying poultry and vegetables and meat into the United States, and only 1 percent, 1 percent of 3.3 million, are actually being inspected. And then when they are inspected, there is pressure to do it quickly, to move them along.

Again let me quote from the GAO. The GAO said, quote, "At the Mexican border crossing, with the heaviest passenger vehicle volume in the country, a supervisory inspector said the staff was inspecting less than one-tenth of 1 percent, less than one-tenth of 1 percent of the passenger vehicle traffic because the volume is so high."

So if they are not even inspecting cars, how are they going to inspect these large trucks? And, again, 12,000 per day enter the United States.

Most of the ports visited by the GAO investigators who were doing this report said that the inspection program could not keep up with the increasing demand. Due to the heavy workloads, inspectors do not conduct complete inspections, allowing possibly unsafe products into the United States. And they said, quote, "Because of staffing shortages, one work unit alone at the U.S. Mexican border can provide inspection coverage of a busy pedestrian crossing for less than 8 hours in an 18-hour port operation a day." So that means that not even 50 percent of the time is there someone there to even do the inspections.

This increased traffic, as the gentleman has indicated, has caused outbreaks of disease in the United States. After passage of NAFTA in 1993, let us just take a look at what happened.

In 1993, NAFTA was passed. The rate of hepatitis A in the border region rose 2½ times greater than the U.S. national average. This is in the border communities. In fact, in Maverick, TX, the rate of hepatitis A doubled from 5.3 times in 1993 to over 10.3 in just 1 year, in 1994.

Webb County, that is El Paso County and Cameron County, they all had at least 2-, almost a 3-percent increase, or 2 to 3 times doubling the rate of hepatitis A in Texas.

Each year we have about 130 cases of hepatitis A identified even in Michigan. The gentleman mentioned Michigan and the strawberries. We had 130 cases of hepatitis A identified in Calhoun County, MI, because of illegally imported strawberries from Mexico.

Now, not only did it come from Mexico and it was not inspected, but we already have a law on the books which says that in the school lunch program we cannot use agricultural goods grown in another country, bring them in the United States and put them into the U.S. agriculture food program. So as we can see, even the laws we had prior to and since NAFTA have not increased the safety of our Nation's food supplies to make sure they are safe and secure for all of us.

So when we take a look at it, overall NAFTA, and especially the food safety, certainly has been a disaster.

Besides the increased flow of traffic of foods, there is evidence that Mexican fruit have high levels of illegal pesticides. On studies performed by the environmental working group using data before and after NAFTA, 42 different fruits and vegetables, which comprise 96 to 83 percent of all the fruits and vegetables coming into this country, they found that the imported crops from Mexico have very high rates of illegal pesticides, including strawberries.

This is a violation rate of like 18.4 percent. Lettuce from Mexico is at 15.6 percent violation, and carrots are at 12.3 percent. These are staples in the American diet, carrots and lettuce and strawberries, and we have an average here of about 15 percent of it coming into this country violating U.S. law because of illegal pesticides.

Illegal pesticides were under-reported actually by the FDA on crops from Mexico, where this environmental working group felt it was much higher.

Certainly, the strawberry has drawn a lot of attention, especially because it occurred in my State of Michigan; and at the time, while the administration, through Secretary Glickman, is here pushing us for more and more regulation of meats and poultry and continuing to raise concerns, and rightfully so, about the pesticide safety in this country, those who are in favor of this new fast track authority, they want to make it easier for unsafe food to come into this country.

Mr. BROWN of Ohio. If I may interrupt the gentleman, I think that is exactly the point that all of us support, all of us on both sides of this debate, those of us that oppose fast track and oppose these carte blanche free trade agreements, all of us support expanded trade between the United States and other countries as long as that trade is done right.

But if we back up to the gentleman's illustration from 1993, when NAFTA passed in November of that year, we simply, as a legislative body and as a Nation, were not prepared, nor did the administration and the leaders in the pro-NAFTA movement really plan to be ready for the increased border traffic. There was no way that at the Mexican-United States border, in those days or since, that they could be ready, that we as a Nation, that our Customs officials could be ready to inspect the huge number of trucks, increased truck traffic coming into the United States.

As the gentleman said, 1 percent of the thousands and thousands and thousands of trucks that cross that border every week, only 1 percent of them are inspected, and of those that are inspected, about half of them fail the safety inspection.

On top of that is what those trucks are actually carrying when they come across the border. In many cases, they are carrying, as the gentleman said, fruits and vegetables, fresh and frozen foods and meats and other kinds of products, and we simply have not been able to keep up with those inspections.

I think it goes to the whole idea of free trade that as we in this country believe in a free enterprise system with certain regulations. We have clean air laws, we have safe drinking water laws, we have worker safety laws, we have pure food laws in these trade agreements. We encourage trade agreements, but they should have worker safety laws and environmental laws and clean air laws and safe drinking water laws and pure food safety laws.

It is exactly the same thing we want for our own manufacturers and our own producers; we want food safety, we want good food quality inspection and good food quality safety laws. When we negotiate trade laws with other countries, we want those same kinds of protections built in for people in this country that are consuming those fruits and vegetables and meats from other countries.

It is not asking much. That is why a lot of us in the institution will oppose giving the President fast track authority to negotiate trade agreements that do not have food safety as part of them.

I yield to the gentleman from Michigan.

Mr. STUPAK. If I may cut in here, the gentleman and I both have a letter that was going to the President in which we are asking him to include very specific food safety provisions in his fast track proposal.

This really is not a trade issue. It is really a safety issue.

What we are asking here, while Secretary Glickman says we have to do more things in this country, let us make sure that these provisions and regulations we are going to put out for our producers and growers and poultry and meat plants in this country also apply to goods and services. Especially when it concerns our health, meat and poultry and vegetables and fruits, let us apply those same standards in our trade agreements. Isn't that only fair?

When we take a look at it, and if we study NAFTA, whether it is chapter 7 or 9, which talks about inspection of trucks, if we put kind of a standard out there, the first thing people say is we are putting up a trade barrier, we are putting up trade barriers. Let us have fair trade, but let us have a level trading position here and make sure our safety standards are not compromised. That is the least we should expect from these agreements, because it does threaten the well-being of every American family.

There is no doubt that NAFTA has been a direct cause of threats to our communities and our health and our safety. The NAFTA rules securing investment in Mexico was actually lowering the few existing tariffs and quotas that are directly responsible for the new wave of NAFTA imports.

So if we take a look again at NAFTA, chapter 7, which limits the border inspections of food and similar items in NAFTA, and then take a look at chapter 9, which opens the border to Mexican trucks, with limited inspection, how about the trucks themselves? Are they safe to be on our highways, 12,000 trucks a day? Do the people driving those trucks have the qualifications and credentials, the chauffeur license, as we know it in this country? Being a former State trooper, I am concerned about that.

Really the bottom line here is that while many consumer and health groups that opposed NAFTA in 1993 feared, NAFTA is threatening the public health and safety; and the government inspection systems that were charged with guaranteeing our health and safety, they just have not been followed through. They have not been followed; in fact, we have been overwhelmed.

□ 2300

If we take a look at the May 1997 General Accounting Office report, certainly the border inspection documentation is alarming. We are not doing it. We are not doing a good job. When 1 percent of 3.3 million trucks coming over from Mexico are actually inspected and then there is pressure on them to do it quickly, what about the other 99 percent that are coming in and are not being inspected? Is the truck being inspected? Are the contents being inspected? Is the driver being inspected? Is there any kind of test given to him as to whether he is under the influence of any kind of alcohol, drug or whatever other kind of chemical or substance that may be used at the time. I would certainly hope that as we begin this debate on fast track, and I am here to talk about the food safety issue and I appreciate the help of the gentleman from Ohio [Mr. BROWN] and leadership in this as we sit on the Subcommittee on Health and Environment. We have watched this unveil for the last 3, 4, 5 years, that while we demand more of our own country as far as inspecting food, meats, fish, and poultry as Secretary Glickman wants more authority to do that and to take action, should that same action not be taken about food, meat, poultry, and vegetables coming into this country? It is an issue of safety, it is an issue of security for our families, it is an issue of fairness, it is an issue of free trade, but fair trade. We certainly are calling upon the President to make sure that food safety is number one paramount in any kind of fast track extension. Remember that under fast track, while we give the President great power and actually Congress delegates broad negotiating authority to the President and his advisers in this area, we do not have an opportunity then when it comes back before this House floor to put on an amendment for food safety, to put on an amendment for increased truck safety, to put on an amendment that says at least 50 percent of all trucks would be inspected and thoroughly inspected. It is either an all-or-nothing vote. We either accept it or reject it. So unfortunately, and I say that even though I opposed NAFTA in 1993, it is unfortunate what we have seen. They have been overwhelmed by trucks and vehicle traffic moving across here, and we are beginning to see whether you are in Michigan, California and especially Texas with the doubling and tripling of hepatitis A, the great threat it is to the health of this Nation and to our families.

Mr. BROWN of Ohio. In summary, I appreciate the gentleman from Michigan joining me tonight on this special order. We have seen the results of NAFTA since 1993. We have seen job loss, we have seen huge trade deficits with Mexico, we have seen problems with truck safety, we have seen problems with food safety, we have seen more illegal drugs going across the Mexican border into the United States. With all of that, I think it is particularly important that we stop and get NAFTA right before expanding it into ever increasing numbers of countries. There are too many problems that too many newspapers, too many radio stations, too many citizens, magazines, Members of Congress, elected officials all over the country, too many problems that all of us have pointed out with the North American Free Trade Agreement to just in a halfhearted sort of way to continue to expand NAFTA into countries like Chile, Argentina and all over.

Madam Speaker, I would add in closing that we again are asking for three changes in NAFTA so that we can get it right before we continue this discussion of expanding NAFTA. One, that we renegotiate the provisions in NAFTA which relate to border inspections and food safety and ensure that any future requests for fast track authority includes strong food safety provisions, that we increase funding for border inspections or limit the increasing rate of food imports to ensure the safety of our food supply in this country which has come a long way in the last 50, 75, 100 years in ensuring a good quality food supply for all of our Nation's citizens; and, third, that we begin an aggressive campaign to label all foodstuffs, fresh and frozen fruits, vegetables and meats with their country of origin so that American consumers know where in fact these fruits and vegetables and meats, where they came from, where they were grown, where they were processed, where they were produced. All of us I think should pledge ourselves to these three changes in NAFTA so once we can fix NAFTA, once we can make NAFTA work better, at least in the area of food safety, then we can have this discussion on fast track.

Mr. STUPAK. Those three points that the gentleman points out have come from discussions we have had on the Subcommittee on Health and Environment which has jurisdiction over health and safety and food and FDA in this country; but also in looking at the GAO report, the Report to Congressional Committees on Agricultural Inspection, Improvements Needed to Minimize the Threat of Foreign Pests and Diseases, GAO Report 97-102. What we are asking for before we extend what we feel are the inadequacies of NAFTA under another fast track authority which the President would like done this fall, before we rush headlong into it, before we put further restrictions on American producers and manufacturers and meatpacking plants throughout this country, that those same quality assurances apply not just to items produced in this country but also coming into this country. We have done a dismal job according to the GAO report in even trying to address the issues. Again I thank the gentleman for his leadership on this issue, and I look forward to working with him. We do have the letter going to the President. We are asking Members to sign that letter and just to say whatever your position is on fast track, let us make sure we take these minimum basic three steps to ensure the health and safety and security of American families.

Mr. BROWN of Ohio. Madam Speaker, we have no business moving ahead on NAFTA, moving to expand NAFTAA until we really do protect the American public with better quality food, vegetables, fruits, meats, whatever.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DELLUMS (at the request of Mr. GEPHARDT) for today, on account of medical reasons.

Ms. CARSON (at the request of Mr. GEPHARDT) for today, on account of illness.

Mr. SCHIFF (at the request of Mr. ARMEY) for today through September 19, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mrs. MEEK of Florida, for 5 minutes, today.

Mr. HASTINGS of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. SHADEGG) to revise and extend their remarks and include extraneous material:)

Mr. HULSHOF, for 5 minutes, today.

Mr. HUTCHINSON, for 5 minutes, on September 10.

Mr. HILL, for 5 minutes, on September 10.

Mr. HAYWORTH, for 5 minutes, today.

Mr. JONES, for 5 minutes, on September 10.

Mr. PAPPAS, for 5 minutes, on September 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. WEXLER.
Mr. DAVIS of Illinois.
Mr. HALL of Ohio.
Mr. LIPINSKI.
Mr. BARCIA.
Mr. SANDLIN.
Mr. SCHUMER.
Ms. MILLENDER-MCDONALD.
Mr. KUCINICH.
Mr. HASTINGS of Florida.
Mr. SHERMAN.
Mr. CAPPS.
Ms. VELÁZQUEZ.
Mr. STOKES.
Ms. NORTON.
Mr. BLAGOJEVICH.
Mr. DEUTSCH.
Ms. SANCHEZ.
Mr. TOWNS.
Mrs. MALONEY of New York.

(The following Members (at the request of Mr. SHADEGG) and to include extraneous matter:)

Mr. RADANOVICH.
Mr. GINGRICH.
Mr. OXLEY.
Mrs. ROUKEMA.
Mr. GALLEGLY.
Ms. ROS-LEHTINEN.
Mr. PACKARD.
Mr. GOODLING.

(The following Members (at the request of Mr. BROWN of Ohio) and to include extraneous matter:)

Mr. BALLENGER.
Mr. GILLMOR.
Mr. BARR of Georgia.
Mr. NEUMANN.
Ms. MCCARTHY of Missouri.
Mr. CASTLE.
Mr. STENHOLM.
Mr. BOB SCHAFFER of Colorado.
Mr. KIND.

ADJOURNMENT

Mr. BROWN of Ohio. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 10, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4941. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Additions to the Quarantined Areas [Docket No. 97–056–3] received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4942. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Triclopyr; Pesticide Tolerances for Emergency Exemptions [OPP–300535; FRL–5738–8] (RIN: 2070–AB78) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4943. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Gamma Aminobutyric Acid; Pesticide Tolerance Exemption [OPP–300547; FRL–5741–4] (RIN: 2070–AB78) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4944. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Glutamic Acid; Pesticide Tolerance Exemption [OPP–300546; FRL–5741–3] (RIN: 2070–AB78) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4945. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—2,4–D; Pesticide Tolerances for Emergency Exemptions [OPP–300536; FRL–5738–9] (RIN: 2070–AB78) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4946. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Agricultural Fair Practices Act to authorize the administrative enforcement of the AFPA by the Secretary of Agriculture; to the Committee on Agriculture.

4947. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Packers and Stockyards Act, 1921, to establish a trust for the benefit of the seller of livestock until the seller receives payment in full for the livestock; to the Committee on Agriculture.

4948. A communication from the President of the United States, transmitting an amendment to the FY 1998 appropriations requests for the Compensation program of the Department of Veterans Affairs, pursuant to 31 U.S.C. 1107 (H. Doc. No. 105–126); to the Committee on Appropriations and ordered to be printed.

4949. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Citizenship Requirements for Owners and Charterers of Vessels with Obligation Guarantees [Docket No. R–171] (RIN: 2133–AB31) received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

4950. A letter from the Acquisition Executive, United States Special Operations Command, transmitting a report on the intention to waive the requirement for the realistic survivability tests for the MH–47E and MH–60K aircraft program, pursuant to Public Law 102–484, section 142; to the Committee on National Security.

4951. A letter from the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Prohibition Against Use of Interstate Branches Primarily for Deposit Protection [Docket No. 97–16] (RIN: 1557–AB50) received September 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4952. A letter from the Board of Governors, Federal Reserve System, transmitting the eighth annual report on the assessment of the Profitability of Credit Card Operations of Depository Institutions, pursuant to 15 U.S.C. 1637; to the Committee on Banking and Financial Services.

4953. A letter from the Director, Financial Crimes Enforcement Network, transmitting the Network's final rule—Amendment to the Bank Secrecy Act Regulations—Exemptions from the Requirement to Report Transactions in Currency (RIN: 1506–AA11) received September 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4954. A letter from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting the Department's final rule—Class Exemption for Collective Investment Fund Conversion Transactions [Prohibited Transaction Exemption 97–41; Exemption Application No. D–09988] received August 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4955. A letter from the Secretary of Energy, transmitting the Department's report entitled, "Summary of Expenditures of Rebates from the Low-Level Radioactive Waste Surcharge Escrow Account for Calendar Year 1996," pursuant to 42 U.S.C. 2120e(d)(2)(E)(ii)(II); to the Committee on Commerce.

4956. A letter from the Secretary of Health and Human Services, transmitting a report on activities of the Office of Minority Health during fiscal years 1995 and 1996, pursuant to Public Law 101–527, section 2 (104 Stat. 2313); to the Committee on Commerce.

4957. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Carlisle, Irvine, and Morehead, Kentucky) [MM Docket No. 96–161, RM–8842] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4958. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's "Major" final rule—International Settlement Rates [IB Docket No. 96–261] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4959. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Deerfield, Missouri) [MM Docket No. 97–111, RM–9052] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4960. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grand Isle, Louisiana) [MM Docket No. 97–123, RM–9062] received September 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4961. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 68 of the Commission's Rules [CC Docket No. 96–28] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4962. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation to enhance nuclear safety and physical security and to increase the agency's efficiency and enhance the economic use of NRC resources; to the Committee on Commerce.

4963. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 97–30: Creation of a Middle East Peace and Stability Fund Using Current and Prior Year Economic Support Funds Appropriated for Egypt, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on International Relations.

4964. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification for authorizing assistance to support Pakistan's contribution to the voluntary international military contingent in Haiti, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on International Relations.

4965. A letter from the Secretary of Defense, transmitting the Semiannual Report on Program Activities to Facilitate Weapons Destruction and Nonproliferation in the Former Soviet Union, October 1, 1996 through March 31, 1997, pursuant to 22 U.S.C. 5956; to the Committee on International Relations.

4966. A letter from the Secretary of Health and Human Services, transmitting the semiannual report of the Inspector General for the period April 1, 1996 through September 30, 1996, and Management Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

4967. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–144, "Real Property Assessment Process and Tax Revenue Anticipation Notes Amendment Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4968. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–119, "Iglesia Del Dios Vivo Columna Y Apoya De La Verdad 'La Lux Del Mundo' Equitable Real Property Tax Relief Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

4969. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–117, "Sex Offender Registration Temporary Amendment Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4970. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–143, "Human Rights Amendment Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4971. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–140, "Homestead Exemption Penalty Expansion Amendment Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4972. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–132, "Comprehensive Merit Personnel Act Pay Limit Temporary Amendment Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4973. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–131, "Health Care for the Homeless Project, Inc., Equitable Real Property Tax Relief Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4974. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–130, "Real Property Interests Reporting Improvement Amendment Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4975. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–129, "Washington Home for Incurables Equitable Real Property Tax Relief Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4976. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–126, "Faith Tabernacle Church Equitable Real Property Tax Relief Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4977. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–125, "Living Word Church Equitable Real Property Tax Relief Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1–

233(c)(1); to the Committee on Government Reform and Oversight.

4978. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–128, "Healthcare Entity Conversion Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4979. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–139, "Real Property Tax Sale Amendment Act of 1997" received September 3, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4980. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments [32 CFR Part 33] received September 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4981. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—1997–98 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018–AE18) received September 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4982. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—National Environmental Policy Act; Revision of Policies and Procedures [Docket No. 96N–0057] received August 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4983. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Mammoth Lakes, CA (Federal Aviation Administration) [Airspace Docket No. 97–AWP–22] (RIN: 2120–AA66) received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4984. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; South Lake Tahoe, CA (Federal Aviation Administration) [Airspace Docket No. 97–AWP–3] (RIN: 2120–AA66) received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4985. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Sebastian, FL (Federal Aviation Administration) [Airspace Docket No. 97–ASO–11] (RIN: 2120–AA66) received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4986. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Titusville, FL (Federal Aviation Administration) [Airspace Docket No. 97–ASO–5] (RIN: 2120–AA66) received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4987. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidelines Establishing Test Procedures for the Analysis of Pollutants; EPA Method 1613 [FRL–5889–3] (RIN: 2040–AC64) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4988. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Arbitration of Certain Disputes Subject to the Statutory Jurisdiction of the Surface Transportation Board [STB Ex Parte No. 560] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4989. A letter from the Acting Secretary, Department of Veterans Affairs, transmitting a draft of proposed legislation to remove a statutory provision requiring a specified number of full-time equivalent positions in the VA's Office of Inspector General; to the Committee on Veterans' Affairs.

4990. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified State Tuition Programs [Notice 97–52] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4991. A letter from the Assistant Secretary, Department of Defense, transmitting a report concerning restoration of Federal income tax deductions for unreimbursed employee business expenses incurred in performing reserve military duty, pursuant to Public Law 104–106, section 1232; jointly to the Committees on National Security and Ways and Means.

4992. A letter from the Secretary of Health and Human Services, transmitting a report on the Fiscal Year (FY) 1995 Low Income Home Energy Assistance Program, pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Commerce and Education and the Workforce.

4993. A letter from the Administrator, Health Care Financing Administration, transmitting the Administration's final rule— Medicare Program; End-Stage Renal Disease (ESRD) Payment Exception Requests and Organ Procurement Costs [BPD–763–F] (RIN: 0938–AG20) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PACKARD: Committee of Conference. Conference report on H.R. 2016. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–247). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Submitted September 5, 1997]

By Mr. UPTON (for himself, Mr. Roemer, Mr. Solomon, Mr. Boehner, Mr. Cox of California, Mr. Hoekstra, Mr. Camp, Mr. Ehlers, Mr. Shays, Mr. Castle, Mr. Fox of Pennsylvania, Mr. Blunt, Mr. Bass, Mr. Peterson of Minnesota, Mr. Condit, Mr. Barcia of Michigan, Mr. Kolbe, Ms. Dunn of Washington, Mr. Neumann, Mr. Bob Schaffer, Mr. Kingston, Ms. Christian-Green, Ms. Danner, Mr. Hefley, Mr. Jones, Mr. Chabot, and Mr. Bereuter):

H.R. 2424. A bill to amend the Line Item Veto Act of 1996 to eliminate the requirement that a Federal budget deficit must exist in order for the President to use the line-item veto authority; to the Committee on the Budget.

By Ms. WOOLSEY:

H.R. 2427. A bill to recognize businesses which show an exemplary commitment to participating with schools to enhance educators' technology capabilities and to make every student technologically literate; to the Committee on Education and the Workforce.

[Submitted September 9, 1997]

By Mr. GILMAN (for himself and Mr. Rangel):

H.R. 2436. A bill disapproving the cancellation transmitted by the President on August 11, 1997, regarding Public Law 105–33; to the Committee on Commerce.

H.R. 2437. A bill to provide for a waiver for the State of New York of certain health care provider tax provisions under Medicaid; to the Committee on Commerce.

By Mr. RYUN (for himself, Mr. Tiahrt, Mr. Snowbarger, Mr. Largent, Mr. Coburn, Mr. Pombo, Mr. Hutchinson, Mr. Metcalf, Mr. Talent, Mr. Shimkus, Mr. Hastings of Washington, Mr. Radanovich, Mr. Rohrabacher, Mr. Dickey, Mr. Thornberry, Mr. Young of Alaska, Mr. Hansen, Mr. Watts of Oklahoma, Mr. Watkins, Mr. Bob Schaffer, Mrs. Cubin, Mr. Hostettler, and Mr. Thune):

H.R. 2438. A bill to encourage the establishment of appropriate trails on abandoned railroad rights-of-way, while ensuring the protection of certain reversionary property rights; to the Committee on Resources.

By Mr. CASTLE:

H.R. 2439. A bill to provide for the establishment of an Official Mass Mailing allowance for Members of the House of Representatives, and for other purposes; to the Committee on House Oversight.

By Mr. GEKAS (for himself and Mr. Nadler):

H.R. 2440. A bill to make technical amendments to section 10 of title 9, United States Code; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself, Ms. Norton, Mr. Cummings, Mr. Wynn, and Mr. Ford):

H.R. 2441. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discriminations claims made by Federal employees, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MEEK of Florida:

H.R. 2442. A bill to amend the Immigration and Nationality Act to clarify the relief available under current law, and to provide additional relief and procedural rights for certain aliens who would otherwise be ineligible for such procedural rights; to the Committee on the Judiciary.

By Ms. NORTON (for herself, Mr. Moran of Virginia, Mr. Wolf, Mr. Davis of Virginia, Mr. Hoyer, Mrs. Morella, and Mr. Wynn):

H.R. 2443. A bill to designate the Federal building located at 601 Fourth Street, NW, in the District of Columbia, as the "Federal Bureau of Investigation, Washington Field Office Memorial Building", in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe; to the Committee on Transportation and Infrastructure.

By Mr. STENHOLM (for himself and Mr. Hulshof):

H.R. 2444. A bill disapproving the cancellations transmitted by the President on August 11, 1997, regarding Public Law 105–34; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself, Mr. Sherman, and Mr. Bilirakis):

H. Con. Res. 148. Concurrent resolution commemorating the 75th anniversary of the burning of Smyrna and honoring the memory of its civilian victims, and for other purposes; to the Committee on International Relations.

By Mr. BURTON of Indiana (for himself, Mr. Hyde, and Mr. Smith of New Jersey):

H. Res. 223. Resolution concerning the death of Mother Teresa; to the Committee on International Relations.

By Mr. OBEY (for himself, Mr. McDade, Mr. Sanders, Mr. Kind of Wisconsin, Mr. Johnson of Wisconsin, Mr. McHugh, Mr. Mascara, Mr. Sandlin, Mr. Peterson of Pennsylvania, Ms. Kaptur, Mr. Barcia of Michigan, Mr. Oberstar, Mr. Stenholm, Mr. Strickland, Mr. Hinojosa, Mr. Walsh, and Mr. Klink):

H. Res. 224. Resolution expressing the sense of the House of Representatives that the Secretary of Agriculture should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers; to the Committee on Agriculture.

By Mr. ROHRABACHER (for himself, Mr. Solomon, Mr. Cox of California, Mr. Smith of New Jersey, and Mr. Royce):

H. Res. 225. Resolution urging the President to make clear to the People's Republic of China the commitment of the American people to security and democracy on Taiwan; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

190. The SPEAKER presented a memorial of the General Assembly of the State of Nevada, relative to Assembly Joint Resolution No. 7 urging Congress to enact legislation patterned after the "Rodeo Freedom Act of 1995"; to the Committee on Commerce.

191. Also, a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to House Resolution No. 10–147, HD1 requesting the Japanese and U.S. governments to provide for funding of $500,000 from each respective entities for the construction of a memorial honoring CNMI civilians, both Chamorros and Carolinians, who have lost their lives during the devastation of World War II; to the Committee on Resources.

192. Also, a memorial of the General Assembly of the State of Nevada, relative to Assembly Joint Resolution No. 8 urging Congress to enact the Southern Nevada Public Land Management Act of 1997; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. McINTYRE introduced a bill (H.R. 2445) for the relief of Rabon Lowry; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. Rahall.

H.R. 96: Mr. Brady.

H.R. 135: Mr. Davis of Illinois and Mr. Walsh.

H.R. 292: Mr. Petri and Mr. Scarborough.

H.R. 339: Mr. Mascara.

H.R. 367: Mr. Crane.

H.R. 519: Mr. Kucinich, Mr. Wamp, and Mr. Weller.

H.R. 687: Mr. Miller of California.

H.R. 714: Mr. McHale and Mr. Foglietta.

H.R. 754: Mr. Sherman.

H.R. 789: Mr. Rahall.

H.R. 815: Mr. Duncan, Mr. Weygand, Mr. Barr of Georgia, and Mr. Fazio of California.

H.R. 836: Mr. Lampson, Mr. Murtha, Ms. Stabenow, Mr. Traficant, Mr. Sandlin, and Mr. Barcia of Michigan.

H.R. 853: Mr. Greenwood.

H.R. 857: Mr. Gallegly, Mr. McInnis, Mr. Miller of Florida, Mr. Hill, Mr. Davis of Virginia, and Mr. Cook.

H.R. 859: Mr. Crapo.

H.R. 872: Mr. Capps, Mr. Goodling, Mr. Holden, Mr. Walsh, and Mr. Young of Florida.

H.R. 875: Mr. Dooley of California.

H.R. 893: Mr. Farr of California and Ms. Sanchez.

H.R. 991: Mr. Lantos and Mr. Wexler.

H.R. 1025: Ms. Woolsey.

H.R. 1108: Mr. Bliley.

H.R. 1147: Mr. Hall of Texas.

H.R. 1203: Mrs. Linda Smith of Washington.

H.R. 1232: Ms. Lofgren and Mr. Bilirakis.

H.R. 1240: Mrs. Morella and Ms. Lofgren.

H.R. 1301: Mr. Kucinich.

H.R. 1361: Mr. Meehan, Mr. Sherman, Ms. Carson, Mr. Martinez, and Mr. Cunningham.

H.R. 1362: Mr. Cook and Mr. Abercrombie.

H.R. 1428: Mrs. Fowler.

H.R. 1507: Mr. Hastings of Florida, Mr. Kucinich, Mr. Kennedy of Rhode Island, Mr. Martinez, Mr. Markey, and Mrs. Kelly.

H.R. 1524: Mr. Sensenbrenner, Mr. Smith of Oregon, and Mr. Strickland.

H.R. 1555: Mr. Bishop, Mr. Watt of North Carolina, and Mr. Stokes.

H.R. 1586: Mr. Levin, Mr. Faleomavaega, and Ms. Woolsey.

H.R. 1671: Mr. Kucinich.

H.R. 1690: Mr. Cook, Mr. Clement, and Mr. Green.

H.R. 1697: Mr. Barett of Wisconsin.

H.R. 1717: Mr. Cox of California.

H.R. 1735: Mr. Lewis of Georgia.

H.R. 1753: Mrs. Maloney of New York.

H.R. 1754: Mr. Dan Schaefer of Colorado.

H.R. 1763: Mr. Goodling, Mr. Holden, and Mr. Hinchey.

H.R. 1787: Mr. Pickett, Mr. Sawyer, and Mr. Farr of California.

H.R. 1807: Mr. Dellums.

H.R. 1842: Mrs. Linda Smith of Washington.

H.R. 1880: Mr. Berman.

H.R. 1970: Mr. Price of North Carolina.

H.R. 2072: Mr. Green and Mr. Turner.

H.R. 2103: Mrs. Cubin.

H.R. 2113: Mr. Bunning of Kentucky.

H.R. 2121: Mrs. Kelly.

H.R. 2125: Mr. Andrews and Mr. Pallone.

H.R. 2149: Mr. Farr of California.

H.R. 2168: Mr. Moran of Kansas.

H.R. 2210: Mr. Flake, Mr. Towns, Mrs. Maloney of New York, Mr. Schumer, Mr. Serrano, Mr. Manton, Mr. Engel, Mr. Underwood, Mr. Rangel, Mr. Owens, and Mr. Dellums.

H.R. 2211: Mr. Filner.

H.R. 2221: Mr. Underwood and Mr. Rahall.

H.R. 2231: Mr. Graham.

H.R. 2248: Mr. Deal of Georgia, Mr. Serrano, Mr. Sanford, Mr. Thomas, Mr. Burton of Indiana, Ms. Eshoo, Mr. Waxman, Mr. Edwards, Mr. Oxley, Mr. Becerra, Mr. Bonior, Mr. Gilchrest, and Mr. Thune.

H.R. 2343: Mr. Vento.

H.R. 2359: Mr. Barrett of Wisconsin and Ms. Furse.

H.R. 2385: Mrs. Roukema and Mr. Riggs.

H.R. 2388: Mr. Shuster, Mr. English of Pennsylvania, Mr. Boehlert, and Mr. Obey.

H.R. 2409: Mrs. Morella, Mrs. Roukema, Mr. Peterson of Minnesota, and Mr. Kleczka.

H.R. 2424: Mr. Greenwood, Ms. Stabenow, Mr. Coble, Mr. Stearns, and Mr. Hall of Texas.

H. Con. Res. 80: Mr. Ensign, Mrs. Lowey, Mr. Bilirakis, Mr. Johnson of Wisconsin, Mr. Gephardt, and Mr. Martinez.

H. Con. Res. 106: Mr. Shays, Ms. Furse, Mr. Capps, Mr. Sanders, Mr. Gutierrez, Mr. Pallone, Mr. Dellums, Mr. Frank of Massachusetts, Mr. Neal of Massachusetts, Ms. Eshoo, Mr. Barrett of Wisconsin, Mr. Lantos, Ms. Woolsey, and Mr. Stark.

H. Con. Res. 112: Mr. Engel, Ms. Slaughter, Mr. Green, Mr. Pascrell, and Mr. Rothman.

H. Con. Res. 134: Mr. Davis of Virginia, Mr. Goss, Mr. Jenkins, Mr. Cooksey, Mr. McInnis, Mr. Walsh, and Mr. Frost.

H. Res. 26: Mr. Barrett of Wisconsin, Mr. Clay, Ms. Furse, and Ms. Slaughter.

H. Res. 139: Mrs. Linda Smith of Washington.

H. Res. 190: Mr. Bob Schaffer.

H. Res. 214: Mr. Hutchinson.

H. Res. 220: Mr. Gutknecht and Mr. Ganske.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2264

Offered By: Mr. Filner

Amendment No. 61: At the end of title II, insert after the last section (proceeding the short title) the following section:

Sec. 213. Of the amounts made available in this title for the account "Office of the Secretary—general departmental management", $12,800,000 is transferred and made available under section 30403 of Public Law 103–322 for the Community Schools Youth Services and Supervision Grant Program Act of 1994.

H.R. 2267

Offered By: Mr. Barr of Georgia

Amendment No. 16: Page 117, after line 2, insert the following new section:

Sec. 617. None of the funds made available in this Act may be used to conduct any study of the medicinal use or legalization of marihuana or any other drug or substance in schedule I under part B of the Controlled Substances Act.

H.R. 2267

Offered By: Mr. Burton

Amendment No. 17: At the end of section 501 insert the following:

(d) Case Disclosure.—

(1) In general.—Not later than January 1, 1998, the Legal Services Corporation shall implement a system of case information disclosure which shall apply to all basic field programs which receive funds from the Legal Services Corporation from funds appropriated in this Act.

(2) Requirement.—Any basic field program which receives Federal funds from the Legal Services Corporation from funds appropriated in this Act must disclose to the public in written form, upon request, and to the Legal Services Corporation in quarterly reports, the following information about each case filed by its attorneys in any court:

(A) The name and full address of each party to the legal action (other than a name or address which may not under court order he released).

(B) The cause of action in the case.

(C) The name and address of the court in which the case was filed and the case number assigned to the legal action.

(3) Disclosure.—The case information disclosed in quarterly reports to the Legal Services Corporation shall be subject to disclosure under section 552 of title 5, United States Code.

H.R. 2267

Offered By: Mr. Hefley

Amendment No. 18: Page 42, line 11, after the dollar amount, insert the following: "(reduced by $90,000,000)".

H.R. 2267

Offered by: Ms. Jackson-Lee of Texas

Amendment No. 19: Page 38, after line 11, insert the following:

Sec. 110. (a) Not later than 90 days after the date of the enactment of this Act, the Department of Justice shall enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study of computer-based technologies and other approaches that could help to restrict the availability to children of pornographic images through electronic media including the Internet and on-line services as well as the identification of illegal pornographic images with a goal of criminal prosecution.

(b) The study shall address the following:

(1) The capabilities of present-day computer-based control technologies for controlling electronic transmission of pornographic images.

(2) Research needed to develop computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images.

(3) The inherent limitations of computer-based control technologies for controlling electronic transmission of pornographic images.

(4) Operational policies or management techniques needed to ensure the effectiveness of these control technologies for controlling electronic transmission of pornographic images.

(5) Policy options for promoting the deployment of such control technologies and the costs and benefits of such options.

(6) Other matters that the National Research Council deems relevant to computer-based control technologies and their use in the context of a deployed national information infrastructure.

(c) The National Research Council shall conduct the review over the 24-month period beginning upon completion of the performance of the contract described in subsection (a).

(d) The final report of the study shall set forth the findings, conclusions, and recommendations of the Council and shall be submitted to relevant Government agencies and congressional committees.

(e) The Federal Advisory Committee Act shall not apply to the study made under subsection (a).

H.R. 2267

Offered by: Mr. Mollohan

Amendment No. 20: Page 44, strike line 22 and all that follows through page 45, line 11, and insert the following:

For expenses necessary to conduct the decennial census, $381,800,000, to remain available until expended.

Page 58, after line 9, insert the following:

Sec. 209. None of the funds made available in this Act for fiscal year 1998 may be used by the Department of Commerce to make irreversible plans or preparations for the use of sampling or any other statistical method (including any statistical adjustment) in taking the 2000 decennial census of population for purposes of the apportionment of Representatives in Congress among the States.

Sec. 210. (a) There shall be established a board to be known as the Board of Observers for a Fair and Accurate Census (hereinafter in this section referred to as the "Board").

(b)(1) The function of the Board shall be to observe and monitor all aspects of the preparation and implementation of the 2000 decennial census (including all dress rehearsals) to determine whether the process has been manipulated in any way so as to bias the results in favor of any geographic region, population group, or political party, or on any other basis.

(2) In carrying out such function, the Board shall give special attention to the design and implementation of any sampling techniques and any statistical adjustments used in determining the population for purposes of the apportionment of Representatives in Congress among the several States.

(3) The Board shall promptly report to the Congress and the President evidence of any manipulation referred to in paragraph (1).

(c)(1) The Board shall be composed of 3 members as follows:

(A) 1 individual appointed by the President.

(B) 1 individual appointed jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate.

(c) The Comptroller General of the United States.

The members appointed under subparagraphs (A) and (B), respectively, shall be former Presidents or others of similar stature.

(2) Members shall not be entitled to any pay by reason of their service on the Board, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(d)(1) The Commission shall have an Executive Director who shall be appointed by the Board and paid at a rate not to exceed level IV of the Executive Schedule.

(2) The Board may appoint and fix the pay of such additional personnel as it considers appropriate, subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

(3) Subject to such rules as may be prescribed by the Board, the Board may procure temporary and intermittent services under section 3109(b) of such title 5, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of pay payable for grade GS–15 of the General Schedule.

(4)(A) Upon request of the Board, any personnel of any agency under subparagraph (B) may be detailed to the Board, on a reimbursable basis or otherwise, to assist the Board in carrying out its duties.

(B) The agencies under this subparagraph are the General Accounting Office, the Congressional Research Service, and the Congressional Budget Office.

(e)(1) Notwithstanding any provision of title 13, United States Code, or any other provision of law, members of the Board and any members of the staff who may be designated by the Board under this paragraph shall be granted access to any data, files, information, or other matters maintained by the Bureau of the Census (or received by it in the course of conducting a decennial census of population) which they may request, subject to such regulations as the Board may prescribe in consultation with the Secretary of Commerce.

(2) The regulations shall include provisions under which individuals gaining access to any information or other matter pursuant to paragraph (1) shall be subject to sections 9 and 214 of title 13, United States Code.

(f) The Board shall transmit to the Congress and the President—

(1) interim reports, at least semiannually, with the first such report due by August 1, 1998; and

(2) a final report not later than August 1, 2001.

The final report shall contain a detailed statement of the findings and conclusions of the Board with respect to the matters described in subsection (b), together with any recommendations regarding future decennial censuses of population.

(g) Of the amounts appropriated to the Bureau of the Census for each of fiscal years 1998 through 2001, $2,000,000 shall be available to the Board to carry out this section.

(h) To the extent practicable, members of the Board shall work to promote the most accurate and complete census possible by using their positions to publicize the need for full and timely responses to census questionnaires.

(i) The Board shall cease to exist on September 30, 2001.

H.R. 2267

Offered by: Mr. Sanders

Amendment No. 21: Page 38, line 22, after "$21,700,000" insert "(increased by $1,000,000)".

Page 40, line 8, after "$279,500,000" insert "(reduced by $1,000,000)".

H.R. 2267

Offered By: Mr. Sanders

Amendment No. 22: Page 38, line 22, after "$21,700,000" insert "(increased by $1,000,000)".

Page 54, line 11, after "$28,490,000" insert "(reduced by $1,000,000)".

H.R. 2378

Offered By: Mr. Sanders

Amendment No. 2: Page 73, line 16, before the period insert the following: ", including enforcement with respect to bonded child labor".

H.R. 2378

OFFERED BY: MR. SANDERS

AMENDMENT NO. 3: Page 73, line 16, before the period insert the following: ", including enforcement with respect to bonded labor".

H.R. 2378

OFFERED BY: MR. SANDERS

AMENDMENT NO. 4: Page 101, after line 18, insert the following section:

SEC. 633. None of the funds made available in this Act for the United States Custom Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

H.R. 2378

OFFERED BY: MR. SANDERS

AMENDMENT NO. 5: Page 101, after line 18, insert the following new section:

SEC. 633. None of the funds made available in this Act for the United States Custom Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

EXTENSIONS OF REMARKS

REPRESENTATIVE WOLF'S TRIP TO TIBET

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. GINGRICH. Mr. Speaker, I would like to submit for the CONGRESSIONAL RECORD two articles from the Washington Post about my Republican colleague FRANK WOLF's recent trip to Tibet. Gaining admittance only by concealing his identity as a Member of Congress, Representative WOLF observed first hand the repression of human rights that stands in sharp contrast to all that America stands for.

The time has come for President Clinton to join with Representative WOLF and me in encouraging the new Chinese leadership to move toward a freer and more open Tibet, where individuals can worship without fear and unleash their creativity and talents in ways that will bring increased prosperity not only to Tibet, but to China as well. As the world's beacon of hope and freedom, America must do her part to encourage this transition.

[From the Washington Post, Aug. 22, 1997]

REPRESENTATIVE WOLF'S TRIP TO TIBET

Northern Virginia Rep. Frank Wolf has never been one for the typical junket. His advocacy of human rights and religious freedom in other countries has taken him to the Siberian gulag, to Ceausescu's Romania and to war-ravaged Chechnya. Now he is just back from Tibet—the first House member to visit that oppressed land, he says, since Chinese forces moved in nearly 40 years ago.

What Mr. Wolf found will not shock anyone who has followed Beijing's brutal repression of Tibetan culture, religion, language and people—a repression applied with what Sen. Daniel Patrick Moynihan has called "Stalinoid dementia." We hope, though, that Mr. Wolf's report will awaken some Americans who haven't paid sufficient attention to Tibet's slow suffocation.

A vast land along the Himalayan top of the world, Tibet is home to only 6 million people—no conceivable threat to China's billion-plus. But China has virtually sealed Tibet off, keeping reporters and human rights observers out and even barring California Rep. Christopher Cox, a member of the Republican leadership. Mr. Wolf gained access, along with an aide and a Tibetan-speaker, by joining a tour group and not advertising his profession. (He dressed in "traditional tourist garb," Mr. Wolf says.)

What he found, Mr. Wolf says, is repression more brutal than he witnessed in Soviet Russia or Communist Romania. While Chinese in Beijing have won some measure of liberty, at least in economic affairs, he says, "there is no freedom in Tibet, period." People are watched and afraid—yet, when they realized Mr. Wolf and his associates were from America, they were willing to risk imprisonment to describe their plight. Like their leader in exile, the Dalai Lama, most Tibetans are not seeking independence but only the freedom to speak their language and practice their Buddhism without being thrown in jail or having their children taken away.

Mr. Wolf, like many members of Congress of both parties, urges the Clinton administration to make Tibet—and the hundreds of Tibetan prisoners of conscience—an important part of U.S.-China dialogue leading up to and during a planned presidential summit this fall. He also urges U.S. churches, synagogues and citizens to mount the kind of letter-writing, prisoner-adopting campaigns that helped sustain Soviet dissidents. Tibetans don't have the kind of diaspora that kept Soviet Jewry, Armenia, Poland and other captive nations on the U.S. agenda during the Cold War. But they have an equal claim on America's conscience, and their treatment provides a useful measure of the true nature of the Chinese regime.

[From the Washington Post, August 3, 1997]

THE MAN WHO WON'T GIVE UP

(By Mary McGrory)

Frank Wolf, the Republican congressman from Northern Virginia, has a conscience. He assumes that his fellow Americans do too, and that if he tells them how bad things are in countries they seldom hear about, they will do something about it. He is inevitably considered naive. He doesn't mind. His faith in his fellow man comes from his faith in God. He is a devout Presbyterian who believes passionately in good works and has raised his five children to volunteer on behalf of the unfortunate.

Wolf is just back from another of his trips to difficult, dangerous places. This time it was Tibet, which has been groaning under the Chinese yoke. He slipped in on an ordinary tourist visa, which did not identify him as a member of Congress. Tibetans risked their lives to tell him about the oppression and religious persecution they are suffering. His press conference afterwards at the National Press Club was packed—perhaps because it is August, and the news drought is severe. He told an international audience that "China is squeezing the life out of Tibet. . . . It is unspeakably brutal."

Wolf's success in rousing the American people is still to be seen, but he got China's attention. The New China News Agency issued a statement of outrage from a Tibetan official who accused Wolf of being a troublemaker and a bad reporter: There is no religious persecution and all is well with happy Tibetans. Wolf was, of course, delighted with additional notice to his cause.

Some reporters may have been goaded into attendance at the press conference by one of Wolf's typically reproachful, guilt-producing letters calling on the recipient to fulfill a moral obligation by spreading the word about whatever ghastly situation he has just observed. Last January, Wolf went to East Timor in Indonesia and brought back an account of killing that he thought President Clinton should do something about. He later wrote to him in terms that show he has heeded the counsel of the 15th-century German mystic Thomas a Kempis: "Fawn not upon the great." In Wolf's letter of May 29, he told the president that he better shape up on East Timor because people are making connections between U.S. inaction in that wretched land and the campaign scandal of the White House raking in millions from Asians with axes to grind.

"Respectfully but with candor, Mr. President, many believe your administration has adopted or changed its policy with regard to Indonesia and East Timor because of influence exerted by the Riadys and as a result of the for profit relationship which developed between the Lippo Group and Mr. Web Hubble (sic). Press reports of Mr. Hubble's personal visit to East Timor have only fueled this belief. I do not know if this is true. . . . I do know, however, that we have no effective policy . . . . in East Timor."

Wolf gives himself a missionary's license to speak truth to the mighty. The appalling conditions he describes vindicate his frankness and his importunities. His Northern Virginia constituency may not relate to his anguish over such places as El Salvador, Burma, Sudan, Bosnia, Chechnya and Ethiopia. But Wolf keeps both feet on the ground—or rather on the highway—at all times. He is chairman of the House Appropriations subcommittee on transportation, a post that gives him great power. And his constituent service—watching over the rights of the many federal workers who live in Virginia's 10th District—is famous.

His evolution from "pothole politician" to watchman on the ramparts of world freedom happened gradually. First, he went to Ethiopia in 1984 with Rep. Tony Hall (D-Ohio), a crusader against hunger who is Wolf's best friend in Congress and a fellow member of a House Bible study group. They went to Romania together and saw misery that made them come home and promote a bill against Most Favored Nation (MFN) treatment for the Ceausescu government. Since then, Wolf has never looked back or lost hope.

At his press conference, he urged Americans to write letters to Tibetan political prisoners. Based on the experience with Soviet prisoners of conscience, he says the Tibetans might not get the letters, but wardens made conscious of outside observation might give better treatment. He wants more congressional delegations in Tibet so that Chinese overlords will know the world has not forgotten. And he can see the day, when MFN will be denied to China. The American people are way ahead of Congress, their president and the business community, according to polls. One showed overwhelming opposition to MFN for China, 67 percent to 18 percent.

Wolf's inspiration is William Wilberforce, a prominent 19th-century British politician who spent his life working to abolish the slave trade. It took 34 years for Parliament to outlaw it, a month after Wilberforce's death. "It just takes time," says Wolf.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HAPPY 30TH BAY COUNTY HOME BUILDERS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. BARCIA. Mr. Speaker, when all is said and done at the end of a very long day, we look forward to going home for some rest from our days' efforts. When we arrive at our own private refuge, it is because of the great care taken by professional home builders in the construction and remodeling of this most important place that we can truly relax.

Today, the Bay County Home Builders Association is celebrating its 30th anniversary as a chartered association. It is affiliated with both the Michigan Association of Home Builders, and the National Association of Home Builders, to be sure that its members can share their own discoveries and learn from other colleagues in the profession ways to better and more economically construct housing that will last.

The Bay County Home Builders Association has grown from its original 21 members to its current membership of 85 builders and remodelers and 153 associate members, including financial institutions, subcontractors, material suppliers, and others who are involved in some fashion with the building industry. They are involved in a wide range of activities that ultimately benefit the homeowner, including offering seminars on preparing for a builder's license and other subjects of importance to the industry. They provide a very important service in helping to further inform the public of recent developments in construction and design, including the most impressive annual Home Show and Parade of Homes.

The association is also a vital partner in many community projects, including its work with the Bay County Chamber of Commerce and the Bay County Growth Alliance.

TRIBUTE TO CHARLES VERNON

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Charles Vernon upon his retirement from the Los Angeles Regional Water Quality Control Board and resignation of chairmanship of the Santa Monica Bay restoration project. It is an honor to recognize Charles for his work toward water pollution control.

Throughout the last 8 years, Charles' work has been vital to the success of the Santa Monica Bay restoration project. He was instrumental in working to secure Santa Monica Bay's nomination as a National Estuary Program and subsequently the founding and creation of the restoration project in 1989.

Since its founding, the Santa Monica Bay restoration project has been the primary organization dedicated to preserving the bay for citizens in our community. Charles has consistently held key leadership positions serving as vice chair of its management committee and upon start of bay restoration plan implementation, chair of the governing Bay Watershed Council and Bay Oversight Committee. It is because of Charles' hard work and dedication we have made progress in revitalizing our bay.

Beyond his work with the restoration project, Charles is an individual of great integrity and personal warmth. His wholesome nature reflects that of his past when he was a farmer, reaping the miracle of life from the ground. It is no wonder that today he is dedicated to maintaining the sanctity of our precious resources.

"I wiped away the weeds and foam, I fetched my sea-born treasures home; But the poor, unsightly, noisesome things had left their beauty on the shore, with the sun and the sand and the wild uproar." These words of Ralph Waldo Emerson eloquently describe Charles' devotion to saving our precious Santa Monica Bay. It is for his work and extraordinary dedication, Mr. Speaker, that I ask you and my distinguished colleagues to join our community in thanking Charles for his dedication to the bay. I congratulate Charles Vernon upon his retirement and wish him great success in all future endeavors.

PERSONAL EXPLANATION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. SCHUMER. Mr. Speaker, this morning I participated in one of America's most important traditions: voting. Every time I step in the voting booth I am reminded that we must not take for granted the rights that we Americans have to decide who will represent us in the White House, Senate, House of Representatives, statehouse, city hall, city council, school board, and the list goes on.

For that reason, please let the record show that I was unavoidably detained and was unable to cast two adjournment votes this morning in the House.

TRIBUTE TO THE PUERTO RICAN TRAVELING THEATER

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to pay a special tribute to a hard working group of people who compose The Puerto Rican Traveling Theater [PRTT]. The PRTT produces plays by Hispanic writers from all heritages, and performs them alternately in Spanish and English. These programs, which the company provides for free for the economically disadvantaged, have been hugely successful. During Hispanic Heritage Month, I think it is only appropriate to honor this group, which has made such a contribution to the Latino community.

On September 18 the theater celebrates its 30th anniversary season at the Copacabana with a star-studded gala entitled "Latino Legends and Legacies."

For 30 years PRTT has performed productions of impeccable artistic quality in both Spanish and English. Having performed all over New York, in 22 different locations, the PRTT is a well known commodity in the Hispanic Community. The theater communicates with direct mails to 50,000 Hispanic households each year and has a live audience of 15,000 annually, of which 95 percent are Hispanic. Through their annual summer touring, they reach out to 22 different geographic communities in New York and New Jersey, and have a large network of contacts with the leadership organizations in these communities. The PRTT also received critical acclaim from the New York Times, the New Yorker, El Diario, among other major press.

Founding/Artistic Director Miriam Colon recently received the 1996 Governor's Award for the Arts on PRTT's behalf, along with such luminaries as Robert DeNiro, Leo Castelli, and Jazz legend Milt Hilton. The Award Ceremony hosted by Governor George Pataki was aired on PBS in November. Ms. Colon is also known in the film industry with her most recent films, "Lone Star", directed by John Sayles, and "Sabrina", with Harrison Ford. Most recently she appeared on the Bill Cosby Show.

Mr. Speaker, on behalf of my collegues, I would like to wish them much success with their future endeavors and look forward to celebrating another 30 years of performances.

TRAGEDY IN HAITI

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. HASTINGS of FLorida. Mr. Speaker, this week there was another terrible tragedy on the small island of Haiti.

An overcrowded ferry sank just offshore and hundreds of people were killed. There are conflicting reports about the number of deaths, with estimates ranging from 300 to 800. The true figure may never be known.

But what is known is that basic safety functions, which may have prevented many deaths, were ignored. Although the ferry had only been in service for 10 days, there were no lifejackets on board, doors were bolted shut, and the passenger load was above legal limits. Had any of these factors been different, hundreds of families would not be in mourning today.

I extend my most sincere condolences to the families of the deceased and all of the Haitian people. I am pleased that the U.S. Government has announced that we would provide some assistance to the families of the deceased, although there is scant solace to provide to a child whose parent is gone.

My only hope is that ferry operators, not only in Haiti, but around the world, will learn from this terrible tragedy, and observe the safety laws which are designed to prevent these kinds of tragedies.

TRIBUTE TO JOSEPH AND PATRICIA GARLOCK

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. OXLEY. Mr. Speaker, today I honor two constituents and friends, Joseph and Patricia Garlock, by marking the occasion of their 50th wedding anniversary, which will be celebrated this October 4. I want to send Joe and Pat my warmest congratulations on this special occasion.

I have known both Pat and Joe for a number of years, and I want to convey how much this couple has given to their family and to the Lima, OH, community. Pat and Joe are lifelong residents of Lima, having met a few years after her graduation from St. Rose High School and his graduation from St. Johns High School. They settled down to live on West High Street, where they still live today, some 43 years later.

Pat worked as a store clerk, has been a valued member of the choir at St. Charles Church for years, and is still active in volunteering her time with the Heartbeat of Lima, the St. Vincent DePaul Charity, and the Our Daily Bread Soup Kitchen. Joe also volunteers at the soup kitchen, and is a Navy veteran of World War II and the Korean war. He retired a few years ago, after a career as an officer for the Lima Police Department and the Chief Investigator for the Allen County Prosecutor.

For all their contributions to others and to the Lima community, the legacy of this great couple is their family. Joe and Pat raised 12 children, 11 boys and 1 girl. Mr. Speaker, the lesson of raising such a family on a cop's salary is one that the folks on the Budget Committee should learn from.

Joe and Pat's accomplishments are measured by the values they instilled in their 12 kids, their spouses, and their 22 grandchildren.

It gives me great pleasure to recognize this strong American family. I join the Garlock's family and friends in wishing them a very happy anniversary and many more years of good health and happiness.

IN HONOR OF THE ST. STANISLAUS DAD'S CLUB

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor the accomplishments of the St. Stanislaus Dad's Club, as they celebrate their 50th anniversary of service to the St. Stanislaus Parish, the St. Stanislaus Grade School, and the St. Stanislaus Parish Community.

Over its 50 years, the St. Stanislaus Dad's Club has generously donated its time and resources to projects ranging from partially subsidizing a teachers salary shortage at the St. Stanislaus Grade School to renovating a 1,400-pipe organ found in the parish cathedral. In addition, the St. Stanislaus Dad's Club regularly donates items of need to St. Stanislaus Grade School, sponsors the Boy Scouts and local youth athletic teams, helps maintain community buildings and supports other parish and community organizations.

The St. Stanislaus Dad's Club has helped literally thousands of young people in the greater Cleveland metropolitan area. The club has done great work over the years, and I am very grateful for its immeasurable contributions to the community.

The St. Stanislaus Dad's Club plans to celebrate their anniversary on September 14, 1997, by attending mass and hosting a commemorative banquet.

My fellow colleagues, please join me in praising the St. Stanislaus Dad's Club for 50 years of distinguished service

TRIBUTE TO THE VISALIA RESCUE MISSION

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Visalia Rescue Mission. The support and guidance of this organization provides hope for homeless men, women, and children who would otherwise feel abandoned.

Beginning in 1980, the Visalia Rescue Mission has served the needs of the homeless throughout California's Tulare County. What distinguishes this nonprofit organization from others is its desire to move these individuals beyond mere survival in today's society and provide them with the resources necessary to become productive and respected members of their community.

The Visalia Rescue Mission conducts two major programs. The STEP [Spiritual Training Education Program] Program begins by submitting men to a 14–30 day probationary program where they are nourished, detoxified, clothed, exercised, and introduced to spiritual guidance. Once these basic needs are met, the men enter into a 6-month 12-step program where the main focus is on both spiritual training and obtaining job referrals. Finally, a 1-year reentry program supports the men in their efforts to find housing and hold jobs Along with the men's STEP Program, the Visalia Rescue Mission runs a Family Center which provides for the necessary needs of families, women, and children. The Family Center provides Christian spiritual leadership, anger management, parenting classes, referrals to employment training, and jobs. Finally, it provides leads for low-cost housing.

Over the years the Visalia Rescue Mission has performed invaluable services to those less fortunate in our society. Through programs like STEP and the Family Center, many individuals are directed into new lives filled with hope, success, and spiritual satisfaction. Things many of these individuals have never experienced before.

Mr. Speaker, it is with great honor that I pay tribute to the Visalia Rescue Mission. This organization provides a hope for many homeless men, women, and children. I ask my colleagues to join me in wishing the Visalia Rescue Mission many more years of gratifying success in aiding the homeless.

HAPPY 25TH BAY MEDICAL CENTER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. BARCIA. Mr. Speaker, access to quality primary and emergency health care is a great need for all Americans. The people of the Bay City community have had the good fortune to have enjoyed the professional care offered by Bay Medical Center for the past 25 years. As the center celebrates its 25th anniversary, I want to share with our colleagues some of the great accomplishments of this most impressive and needed facility.

Bay Medical Center came about as a result of the merger between Mercy Hospital and General Hospital in 1972. This merger was needed to bring these two facilities into a better position to provide the quality health care that people deserve. Under the leadership of Ralph Powell, chairman of the board, the merger successfully went forward, resulting in the 1974 construction of a state-of-the-art facility that provides vital care for thousands of patients today. This facility was due to the aggressive campaign that brought together hospital employees, small businesses, corporations, and individual donors who all wanted to ensure quality health care for the future.

Today, patients receive the most modern care possible at the facility, when appropriate, and receive high-quality outpatient care that previously was provided only to patients in the facility. The merger that started the center in 1972 was followed by mergers with Samaritan Hospital in 1980, and Bay Osteopathic Hospital in 1988. Under the lead organization of Bay Health Systems, Bay Medical Center joined with Bay Health Care, Bay Medical Services, Bay Medical Foundation, Bay Medical Education, and Bay Special Care in providing a broad and effective blend of services. A new alliance with MidMichigan Regional Medical Center will further increase efficiencies and promote an even stronger array of health care services for people of the region.

Bay Medical Center has succeeded because it has been blessed with a large number of doctors, nurses, medical technicians, physician assistants, administrators, and a support staff that cares about the work that they all do each and every day. Its board members, who serve without compensation, have truly committed themselves to the center's mission statement of providing compassionate, high-quality, and cost-effective health care, which maintains and improves the health status of the communities it serves.

On this 25th anniversary, I invite you, Mr. Speaker, and all of our colleagues, to join me in offering congratulations to Hans Jeppesen, the president of Bay Health Systems, and all of the men and women of Bay Medical Center, and wishing them the very best for every continued success.

SEPTEMBER 16, 1997 BE DESIGNATED AS "FLORIDA INTERNATIONAL UNIVERSITY DAY"

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to honor Florida International University [FIU] on its 25th anniversary. FIU opened on September 16, 1972, with 5,667 students, the largest first-day enrollment in American collegiate history. FIU, the first public baccalaureate-granting university in Dade County, has grown to 30,000 students, placing it among the Nation's largest universities.

This outstanding learning institution offers more than 200 degree programs, has the largest Hispanic enrollment and second largest African-American enrollment of any public university in the State of Florida, has been cited by college guides as one of America's best educational values, and generates more than $30 million in annual grants and contracts. It has become a national leader in environmental research, Latin American studies, tropical biology, hospitality management, and other fields.

FIU has an economic impact of more than $1 billion on the south Florida economy and is the major supplier of university-trained employees for the region, awarding nearly 6,000 baccalaureate, masters, and doctoral degrees annually.

As a proud alumnus of FIU, it is a great honor for me to recognize the accomplishments for which FIU has been so renowned. In a world where education is the key to success, I know from personal experience of the ideals and traditions for which FIU stands and for what it instills in its students and surrounding community.

Dr. Modesto (Mitch) Maidique has been the president of FIU for the last 11 years and has been instrumental in guiding this excellent center of learning to the illustrious pedestal it is now on. Along with previous presidents, Charles Perry, Harold Crosby, and Gregory Wolfe, Mitch Maidique must be very proud of heading such a prestigious university.

For its contributions and merits, it is my honor to designate September 16, 1997, as "Florida International University Day."

TRIBUTE TO ROBERT WEAVER

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to pay tribute to a great American who blazed trails for African-Americans in the areas of academics and Government service. Mr. Robert Weaver was the first Secretary of the Department of Housing and Urban Development [HUD] and the first African-American appointed to a Cabinet position in the United States of America.

In 1960, Mr. Weaver became the president of the NAACP and President John F. Kennedy sought his advice on civil rights. The following year President Kennedy appointed him Administrator of the Housing and Home Finance Agency, which later became HUD.

President Kennedy attempted to elevate the Agency to Cabinet status. However, Congress refused as a result of some Members attacking the appointment of an African-American. President Kennedy abandoned the idea; and 5 years later, President Lyndon Johnson revived the idea and pushed the measure through Congress. This time Mr. Weaver was confirmed.

Mr. Weaver had been a part of the Black Cabinet during the administration of President Franklin D. Roosevelt, a scholarly person who wrote four books on urban affairs and made a name for himself during the 1930's and 1940's as a behind the scenes strategist in the civil rights movement.

Mr. Weaver was born on December 7, 1907, and was educated at Harvard University where he earned three degrees; a bachelors, masters, and doctorate in economics. Interestingly enough, Weaver's maternal grandfather was the first African-American graduate of Harvard University with a degree in dentistry.

At the age of 90, Mr. Weaver died on July 17, 1997. A great American.

TRIBUTE TO DORIS AND KEN RUFENER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. GALLEGLY. Mr. Speaker, I would like to recognize Doris and Ken Rufener on being named Civitas Award Winners for 29 years of outstanding service to their community.

The coveted Civitas Award is presented by the Conejo/Las Virgenes future foundation to those unselfish citizens working together to achieve community goals. This prestigious award has been given only 10 times in 20 years and it is only fitting that it should go to Doris and Ken Rufener.

The work they have done extends far beyond the boundaries of employment, albeit both Doris and Ken have served our Nation in the U.S. Air Force. For some, that would be enough public service, but not for Ken and Doris. Each of them has dedicated their life to a variety of service organizations. Doris serves as a deaconess at her church, volunteers at a local psychiatric hospital, has received the Patriotic Citizen of the Year Award from the Conejo Valley Chapter of Military Order of World Wars and has served as president and board member for a host of other organizations.

Ken has served as mayor and council member of the city of Westlake Village. He is actively involved in his church, has served as a board member of the American Heart Association and founding member of the Westlake Athletic Association. And, the list goes on.

Mr. Speaker, Doris and Ken Rufener stand as shining examples of the difference two people can make in the lives of many. I would like to extend my sincere congratulations to Doris and Ken on having been named Civitas Award winners and thank them for their work in our community.

PERSONAL EXPLANATION

HON. MARK W. NEUMANN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. NEUMANN. Mr. Speaker, on September 4 of this year, obligations with my family prevented me from casting several votes on H.R. 2159, the Fiscal Year 1998 Foreign Operations Appropriations Act. Had I been present, I would have voted "no" on rollcall vote No. 362—the Gilman amendment. I would have voted "aye" on rollcall vote No. 363—the Smith (NJ) amendment, and I would have voted "aye" on rollcall vote No. 364—final passage of the bill.

A TRIBUTE TO MARY F. JONES ON HER SERVICE TO ILLINOIS FEDERATION FOR RIGHT TO LIFE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today in honor of a caring, dedicated woman from my State of Illinois—Mary F. Jones. Mary Jones had dedicated 25 years of service to the Illinois pro-life movement.

Over the years, Mary Jones proved to be an invaluable member of the Illinois Federation for Right to Life [IFRL] cause through her voluntarism with St. Monica's Center and Springfield Right to Life. When the Life Center opened its doors in 1986, Mary Jones was brought out 3 years of retirement from her 35 years of service to the Illinois State Library. Since this time, Mary Jones has worked with the Life Center as State educational secretary, and remained active in the right to life cause.

With her retirement, Mary Jones has much to be proud of. She is a charter member of the Springfield Right to Life, former IFRL treasurer, and co-founder of the Right to Life Education booth at the Illinois State Fair.

As a mother of five, grandmother of nine, and great-grandmother of two, Mary Jones will remain active in her retirement traveling, spending time with family and friends, and tending to work around the house in Springfield, IL.

As a fellow advocate for the right to life cause, I wish to extend my warmest wishes, and gratitude for the insightful impact Mary F. Jones has brought to the right to life cause.

CONGRATULATIONS TO KFTV 21

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to honor KFTV 21 on the occasion of their 25th anniversary. KFTV 21 has been instrumental in serving the Hispanic community in the Central Valley.

For the past 25 years, KFTV 21 has been the Central Valley's premier Spanish-language television station. It prides itself on serving Fresno's Hispanic community with broad-based and family-oriented programs that educate, inform, and entertain. This ideology has rewarded KFTV 21 with viewers from all segments of the Fresno, CA, Latino community.

Founded in September 1972, KFTV became the first station in the Central Valley to offer Spanish broadcasting 24 hours a day. This establishment brought the worldwide resources of Univision Communications to the Fresno area. Specifically, the Univision Network provides its KFTV 21 affiliate with access to all of the top 20 Hispanic programs, national news, and World Cup Soccer events. Along with Univision programming, KFTV 21 has the highest rated local news program in Fresno and an award winning community affairs program called "Arriba Valle Central."

KFTV 21's excellence is not limited to television as it has a strong public service record as well. Since 1977, KFTV 21 has raised thousands of dollars for needy children at Christmas time, with its "Navidad En El Valle" Program. It has also secured millions of dollars in assistance for natural disaster victims both in the United States and in Latin America. KFTV 21 also operates a mentorship program with Cooper Middle School aimed at reducing the high school dropout rate. Finally, KFTV's "Nuestros Ninos" Program has collected almost half a million dollars for Valley Children's Hospital, the premier children's hospital in California.

Mr. Speaker, it is with great honor that I pay tribute to KFTV 21. This television station exemplifies leadership in representing the Hispanic community through the medium of television. I ask my colleagues to join me in wishing KFTV 21 congratulations on 25 outstanding years and best wishes for continued success in the future.

IN MEMORY OF JOHANNES (JACK) WIEWEL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of Jack Wiewel, of Rocky River, OH. Jack devoted his life to improving the image and expanding the influence of Germans in America, and throughout the world. Considering his numerous accomplishments and awards, he was exceptionally successful.

Jack Wiewel served as a lieutenant in a German army armored unit during World War II. After the war, he worked as an electrical engineer before emigrating to Canada in 1954. Answering the great demand for skilled workers, he moved to Cleveland to work at the Ford Motor Co.'s Cleveland Casting Plant a year later. He remained at Ford until his retirement in 1991.

Mr. Wiewel was surprised that so many Americans still distrusted Germans, and he quickly set a goal to change this negative impression. Less than 10 years after moving to Cleveland, he became president of the Federation of German-American Societies of Greater Cleveland, an umbrella organization for 25 other groups. He served as an officer in countless other German-American groups and societies, and was the current president of the German-American National Congress.

Mr. Wiewel's efforts in the German-American community did not go unnoticed. In 1974, he was awarded the Federal Service Cross 1st Class by the country of West Germany, the highest award given to civilians. In 1996, the Federation of German Societies of Greater Cleveland honored him by naming him German-American of the Year. His work was also recognized by Gov. George Voinovich, who appointed him to the Council on Ohio Nursing Homes. Former Gov. Richard Celeste appointed him to the German-American Tricentennial Commission, and former President Nixon appointed him to the Draft Board Commission.

My fellow colleagues, please join me in recognizing a great American who worked hard to dispel stereotypes and improve German-American relations not only in the Cleveland area, but throughout the world. He will be greatly missed.

CONGRATULATIONS LINWOOD-KAWKAWLIN VFW POST 6950

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. BARCIA. Mr. Speaker, just as the number of veterans who have valiantly served our Nation continues to grow over time, so do the number of fine organizations that represent their views, provide a forum for common experiences, and an outlet for continued community service. One of these additional entities is the Linwood-Kawkawlin Veterans of Foreign Wars Post 6950, which is celebrating its 10th anniversary this weekend.

Just as service personnel in the field often make do with what resources are available to them, the proud members of VFW Post 6950 started in a similar fashion. They started by meeting at the Linwood Corner Restaurant, and the State Bank of Standish, under the direction of Commander Thomas Karnath, Quartermaster Dale Hacker, and Adjutant Lloyd Pajot. When the Bay City School District Board of Education decided to sell to the post the former Benjamin Franklin School, the hard work and initiative of the members of the Post turned an old unused building into a tribute of resolve and a landmark of the community.

An Auxiliary was added to the Post on October 25, 1987, growing from the original 42 members with Faye Hacker as president, to the 123 members the Auxiliary enjoys today.

The community activities of Post 6950 are very impressive. Its support for youth activities like the Boy Scouts and Girl Scouts, is most valuable. The Spelling Bee, Voice of Democracy Contest, and Youth Essay Contest, all under the direction of Jim Carbury, provide meaningful opportunities for many young people to learn about their history and to hone their skills.

Other activities, like the annual Buddy Poppy drive to raise money for veterans' relief, and the willingness to provide appropriate recognition to departed veterans at funeral services instill a profound reminder to the entire community of the value of our veterans, and of the sacrifices many of them have made to preserve democracy and freedom. It is no wonder that the Post has had seven All-State Commanders and the Auxiliary has had seven All-State Presidents. Leadership deserves to be rewarded and honored.

Mr. Speaker, we appreciate all that our veterans have done for us, and support their efforts to continue their proud accomplishments through the activities of VFW Posts. I urge you and all of our colleagues to join me in congratulating the leadership and members of Linwood-Kawkawlin VFW Post 6950 on their 10th anniversary, and wish them the very best for many more proud anniversaries to come.

TIME IS RUNNING OUT

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. WEXLER. Mr. Speaker, the scene is becoming all too familiar. Outdoor cafes in crowded marketplaces, baby strollers and shoppers. Three bombs explode, limbs are strewn everywhere, many people are dead, and more are badly hurt. This scene, this complete disregard for human life, and this sharpened sense of despair in Israel are—tragically—today's reality.

Prospects for peace in the Middle East are bleak. No Israeli response to the recent bombings in Jerusalem would be too harsh. No other nation on Earth would exercise the extraordinary restraint that Israel has exhibited under these horrific circumstances. Time, however, is running out. In the midst of this terror and despair, what can be done?

As a member of the International Relations Committee in Congress, there is no doubt in my mind that peace in the Middle East now depends in great part on America's demanding—with all of her might and persuasion—that the Palestinian Authority and Israel strictly comply with and implement the Oslo accords. Chairman Arafat must stop his deceit and, for the first time, take bold steps to stamp out terror.

The evidence is irrefutable that Hamas and the Islamic Jihad operate freely in territory that Arafat now controls. There can be no more trite justifications for Palestinian violence. Arafat's primary obligation is to employ every method to convince Palestinians that peace with Israel is desirable and that violence against Israel is unacceptable and counterproductive. Most urgently, Arafat must garner the political courage and strength to impose the Oslo accords on the dissident extremists—first by persuasion and ultimately by force. If Arafat is unable or unwilling to control the violence, the sad reality is that Arafat is useless and irrelevant, and so are the Oslo accords.

Some argue that Israel too has failed to honor its side of the Oslo bargain, citing free passage for Palestinians, the airport in Gaza, and construction at Har Homah. It is undeniable, however, that with respect to its primary obligation—to turn over strategic portions of the West Bank and Gaza to the Palestinian Authority—Israel has made a substantial and good faith effort. Netanyahu now refuses to make further concessions until Arafat stops the killings. Netanyahu is correct, and the entire free world is morally obligated to support him.

As Secretary of State Madeleine Albright visits the Middle East, she must wave several weighty carrots and sticks:

First, $100 million in American aid to the Palestinian Authority should be suspended until President Clinton certifies that Palestinian leaders have made meaningful efforts to stop terrorism.

Second, the PLO must outlaw Hamas and Islamic Jihad, just as Israel and other nations have declared specific terrorist groups illegal. Such action, simplistic as it may seem, would give the PLO greater legal authority to arrest terrorists and close their facilities. Arrests must be followed by legitimate prosecutions of terrorists and appropriate jail sentences. If need be, the terrorists should be extradited for imprisonment to the United States.

Third, the PLO must seize all illegal weapons in territories under its control; and

Fourth, the PLO must stop its vicious anti-Israel propaganda as mandated by the Oslo accords.

If Arafat shows the will to fight terrorism, then the Secretary of State should commit full American support for an expedited negotiating track to resolve all outstanding issues in the peace process within one year. These issues include the final status of Jerusalem, the prospect of a Palestinian entity, and the fate of Palestinian refugees.

To his credit, Netanyahu appears committed to an expedited, full peace negotiation. If Arafat is genuine in his desire for peace, he too should engage in such negotiations with strict timelines. An expedited peace process would showcase for the world which leaders are willing to take risks for peace and which are not. Those who choose a path destined for more violence must be shunned by the international community and incur the economic and military wrath of the Western world.

For Arafat, the choice is clear—embrace peace or embrace Hamas. He cannot do both.

STATEMENT ON MOTHER TERESA

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Ms. McCARTHY. Mr. Speaker, I rise today in recognition of the life and the contributions of Mother Teresa of Calcutta, a woman devoted to helping the poorest of the poor find solace. Although her presence will be missed, her legacy of charity continues to inspire the entire world.

I feel fortunate to have had the opportunity to participate in the presentation of the Congressional Gold Medal to Mother Teresa for her outstanding and enduring record of humanitarianism. She challenged all Members of Congress to extend our hearts and our resources to those in need. As a Nobel Laureate, Mother Teresa unselfishly created the Missionaries of Charity, a religious order that operates 517 missions in over 100 different countries. She led 4,000 Sisters in seeking out the poor, the abandoned, the sick and the destitute. Malcomb Mudderidge wrote of Mother Teresa, in his book "Something Beautiful for God," that she could "hear in the cry of every abandoned child the cry of the Bethlehem child; recognize in every leper's stumps the hands which once touched sightless eyes and made them see." She said she saw God in the eyes of those who suffered. She created hospices for the dying, and places of rest for the tired. She reached out and elevated the awareness of millions to the realities of those less fortunate.

While we mourn the loss of a great humanitarian, we must ensure that her giving and loving spirit lives on in each of us. Mother Teresa once said, "the poverty in the West is not only a poverty of loneliness, but also of spirituality. There's a hunger for love, as there is a hunger for God." As servants and representatives of the public, we have an obligation to make Government and Congress a benevolent and merciful institution dedicated to meeting the needs of all its citizens. Mr. Speaker, I join in honoring Mother Teresa for all that she accomplished and for her lasting impact on our world.

CONGRATULATING J. FLETCHER CREAMER SR., ON HIS INDUCTION TO THE NEW JERSEY CONSTRUCTION INDUSTRY HALL OF FAME

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate J. Fletcher Creamer Sr. on being inducted into the New Jersey Construction Hall of Fame by the Utility and Transportation Contractors Association of New Jersey. This well deserved honor comes in recognition of Mr. Creamer's many contributions to the construction industry and the welfare of our State.

As chairman and CEO of J. Fletcher Creamer & Son, Inc. since 1946, Mr. Creamer is a wonderful example of the American ideals of entrepreneurship—an example of the American dream come true. Mr. Creamer is a third generation of Creamers to head this family owned enterprise. His son, J. Fletcher Creamer Jr., serves as president and his grandson, 22-year-old Fletch, has recently joined the company as well. This continuity of family contractors has helped this important local business become a thriving, successful force in the local economy. As evidence of that, Creamer & Son was ranked 254th in Engineering News Record's recent listing of the top 400 construction contractors in the Nation. This is a family business that grew because it adhered to the standards for quality set by Mr. Creamer's grandfather and carried on by each successive generation. Whenever this company is discussed, it is always in terms of the highest professional and personal standards. People know they're dealing with honest, ethical professionals when they deal with Creamer & Son.

Mr. Creamer willingly shares his lifetime of expertise with others in the business world. He serves on the boards of the American Pipe and Plastics Co., Orange and Rockland Utilities Inc., Commerce Bank/North, the New Jersey Alliance for Action, and the Commerce and Industry Association of New Jersey, where he is a former chairman. His guidance has helped make all of those organizations the successes they are today.

Mr. Creamer is more than a businessman, however. He is a truly dedicated and active member of his community. Many people can talk about giving something back to the community that has made them successful, but Mr. Creamer actually does something about it. He and his family have worked with a wide variety of organizations, dedicating themselves to helping make their community a better place.

He has served as chief of the Fort Lee Fire Department, a trustee of the Englewood Hospital Association, vice chairman of the Bergen County United Fund, chairman of advance gifts for the Boy Scouts of America, chairman of the Private Enterprise Political Action Committee, director of the Fort Lee Chamber of Commerce, member of the Saddle River Planning Board, Bergen County Finance Chairman for former Gov. Thomas Kean's first-term election campaign, cochairman of Governor Kean's first Inaugural Committee, member of the Board of Governors of Hackensack Medical Center, member of the Hackensack Meadowlands Development Commission, commissioner of the New Jersey Sports and Exposition Authority, chairman of the National Multiple Sclerosis Golf Outing, chairman of the capital campaign for the Hackensack Medical Center, finance chairman for DARE of New Jersey, and member of the Bergen Economic Development Corporation.

As might be expected, this is only one of the many honors and awards Mr. Creamer has received during his lifetime. He has been named Man of the Year by both the Englewood Cliffs and Fort Lee Chambers of Commerce; received the De La Salle Award from Paramus Catholic Boys High School; the Brotherhood Award from the National Conference of Christians and Jews; the Catholic Youth Organization Big Guy of the Year Award; the Distinguished Service Award from the West Bergen Mental Health Center; the Foundation for Free Enterprise Hall of Fame. He has also been honored by the Boy Scouts of America, Bergen Community College, and the 200 Club of Bergen County among others.

A veteran of the U.S. Navy, Mr. Creamer served in both World War II and the Korean war. An avid outdoorsman, he enjoys hunting, fishing, and dog breeding. He is a member of the Nantucket Billfish Club, Hudson Tuna Club, Black Meadow Rod and Gun Club, and the Holiday Beagle Club.

Mr. Creamer and his wife, Katherine, make their home in Saddle River. They have three children, J. Fletcher Jr., Jeffrey (deceased), Glenn, and Dale.

With such a long and varied record of accomplishments, Mr. Creamer is certainly one of the most outstanding citizens of New Jersey. While this current award recognizes his work in the construction industry, his contributions to the community go far beyond those made on-the-job. He is a shining example of what someone who cares about others can do to help those around him. He carries with him the values instilled by his father and grandfather, and is passing those values on to his sons and grandsons. I wish Fletch, his wife, affectionately known as Kissie, and his family many more years of continued success.

CURRENT ECONOMIC EXPANSION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. OXLEY. Mr. Speaker, for those who missed it during the August recess, I would like to bring a column by James K. Glassman of the American Enterprise Institute to the attention of my colleagues. The subject of the piece is the current economic expansion.

The most important economic lesson Ronald Reagan taught us is that high tax rates inevitably discourage investment and productivity. The theory behind reducing taxes remains perfectly sound—namely, that people will have a greater incentive to engage in fruitful enterprise if the government confiscates less of their earnings.

Through deregulation, privatization, and across-the-board tax cuts, Ronald Reagan unleashed the longest economic expansion in U.S. peacetime history. He also inaugurated a new era of American enterprise and prosperity.

The author is right on target when it comes to attacks on so-called trickle-down economics. What the opponents of supply-side tax cuts are really assailing is the simple idea of allowing people to keep more of their own money, so they may invest capital, hire workers, and produce goods and services.

Although I would, of course, give the Congress more credit than does the author for the prevailing economic figures, I could not agree more that President Reagan set it all in motion. I would only remind him that the same principles guide today's Congress and, whether they like it or not, members of the current administration.

Again Mr. Speaker, I commend the following column by Jim Glassman to the attention of all interested parties.

[From the Washington Post, August 12, 1997]

THE REAGAN BOOM

(By James K. Glassman)

Whose economy is this anyway?

Both President Clinton and Congress are eager to take credit for our 3 percent GDP growth, 4.8 percent unemployment and 2.3 percent inflation—amazing figures, all.

But government doesn't make things or sell them. People and the companies they create do. What has happened in the past 15 years is that businesses are making things (and providing services) better and cheaper. Through risk-taking, hard work, good management and the exercise of sheet talent, the economy is booming.

What have Washington politicians done to effect this success? Practically nothing, except to have the sense, occasionally, to get out of the way. President Clinton and Hill leaders are little more than supernumeraries, bit players in this great economic opera, but they still can't resist shoving to the front of the stage for the curtain calls.

For instance, last week, it was particularly annoying to see both Republicans and Democrats reveling in the balanced budget deal—as though this fictive creation were revitalizing the economy.

The truth is precisely the opposite: It's the economy that is balancing the budget, not the budget that is boosting the economy. The reason the deficit has fallen from $290 billion in 1992 to $34 billion this year is that a tidal wave of tax revenues, generated by the private sector, has washed into the U.S. Treasury.

The figures are astounding. In fiscal 1992, the government collected $1,090 billion in taxes. This year, which ends Sept. 30, it will collect $1,578 billion, according to new estimates by the Congressional Budget Office.

Tax receipts are up 45 percent in five years, while inflation has risen only 14 percent.

In other words, the government is taking in $488 billion more in 1997 than it did five years ago. Unfortunately, it is also spending $231 billion more. If that rise in spending has only been kept down to the rise in inflation, we'd be running a surplus of about $50 billion this year.

This flood of cash is not the result of higher tax rates. Yes, Bill Clinton imposed some increases in 1993, but they were paltry compared with Ronald Reagan's cuts in 1981 and 1986. The top rate, pre-Reagan, was 70 percent on "unearned" (meaning investment) income, 50 percent on earned income and 35 percent on capital gains. Those rates have fallen to a maximum of 39.6 percent for income and 28 percent (now 20 percent) for capital gains.

And what's happened? Revenues poured in, just as the supply-side economists predicted they would. In 1980, government tax receipts were only $517 billion. Since then, they've risen 205 percent, while consumer prices are up just 85 percent.

If not higher tax rates, then what's the reason for the increase in revenues? Businesses are generating more profits, hiring more workers and compensating them better. And government gets a lower percentage of a much higher take.

But why are businesses doing so well? The best answers may come from the people who run them. Last month, Investor's Business Daily commissioned a survey of 200 CEOs and chief financial officers from the nation's largest publicly traded firms. They were asked, "What triggered recent economic growth?"

Leading the list: productivity (making more with less). Second: Federal Reserve policies, which have helped keep inflation low. Next, in order: information technology, restructuring and globalization.

The first politician to appear on the list was Ronald Reagan, in sixth place. His policies were credited by 26 percent of the CEOs and CFOs as triggering the surge in growth. Farther down the list, at 14 percent, were "Bush policies." And near the bottom, at 8 percent, were "Clinton policies."

Now, I'll admit these captains of industry have GOP leanings, and their answers may be self-serving. But their answers have the force of logic.

Consider Silicon Valley, subject of a cover story in Business Week. How did it "reach its zenith?" the magazine asks.

"What we found was a huge brain trust, companies galore to service the tech machine, and a daredevil, risk-taking culture." No mention of an increasingly irrelevant Washington.

In fact, the CEOs and CFOs have it right. Reagan is the only politician who deserves credit for the rebirth of the American economy. But at his Aug. 6 press conference, Clinton could not resist taking a swipe at him. "In 1993," he said, "we abandoned supply-side, trickle-down economics." Nonsense.

Supply-side economics is still with us, and it's performed as advertised. In fact, the past 15 years, the longest stretch in U.S. history with just one shallow recession, should be called the Reagan Boom.

The incentives of lower tax rates and deregulation have encouraged more risk-taking, less diversion of valuable resources into tax shelters, more sensible investment and work.

Revisionism dominates the press today, but the facts were clear nearly a decade ago. "Measured in 1982–84 dollars, the income tax revenue collected from the top 10 percent of earners rose from $150.6 billion in 1981 to $199.8 billion in 1988, an increase of 32.7 percent," wrote James D. Gwartney of Florida State University in the "Fortune Encyclopedia of Economics." "In effect, lower rates soaked the rich."

The current flood of revenues is merely one result of what is literally a supply-side boom. For all this, politicians shouldn't be congratulating themselves. They should be thanking the robust private sector, plus, of course, Ronald Wilson Reagan.

INTRODUCTION OF A BILL TO PROVIDE FOR THE ESTABLISHMENT OF AN OFFICIAL MASS MAILING ALLOWANCE FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. CASTLE. Mr. Speaker, the congressional franking privilege combines two of the American people's worst pet peeves—one being the fact that Congress is perceived to enjoy perks and privileges unavailable to average citizens. The second is junk mail. American mailboxes are flooded with junk mail, and some of that is unsolicited mass mail from their Representative here in Congress.

Members have a legitimate need to respond to the inquiries and concerns of their constituents, and the franking privilege facilities this. I think the public understands this, and supports this use of their tax dollars. Unsolicited mass mail from Members, however, is another story.

In recent years, Congress has done an excellent job cutting back the taxpayer funding of franked mail. Fiscal year 1997's level of funding was 40 percent lower than 1996's level of funding—a very impressive reduction. Furthermore, Members are prohibited from sending mailings 90 days within the general election.

But there is still room for improvement. We need to codify the reforms we've made in statute, and keep moving forward down the road to complete reform. For example, the volume of outgoing franked mail continues to outpace the volume of incoming mail. In 1995, the House sent out four times more mail than it received. If the House had responded only to letters it received, franked mail costs would have been only $12.4 million, saving $18.6 million or 60 percent from actual mail costs.

In addition, use of the frank increases cyclically during every election year. During the 103d Congress, the House spent $24 million in 1993, and $42 million in 1994. The 104th Congress has narrowed this gap in total spending, but the irresistible temptation for individual Members facing tough re-election campaigns to use their franking perk extensively in election years remains.

That is why I am introducing this bill today to further improve our franked mail system. It creates a separate account to fund mass mail, and bans transfers of funds into the mass mail account. It bans mass mailings in election years. It tightens the definition of mass mailings to include mailings over 250 pieces, excluding solicited responses and town meeting notices. And it statutorily reduces the funding for franked mail to a maximum level equivalent to the one mailing per address.

By making statutory changes, this bill will make sure that future Congresses don't get off track and undermine the franking reforms we've made in recent years. I hope many of my colleagues will join me in cosponsoring this important piece of legislation.

FRANKED MAIL REFORM—SECTION-BY-SECTION SUMMARY

SECTION 2—OFFICIAL MASS MAILING ALLOWANCE

(1) Create a separate account to fund mass mail. Currently, mass mail is funded out of the same account as constituent response mail. Under the bill, expenditures on mass mail would be identified under a new and separate Official Mass Mail Account.

(2) Limit the funds available for mass mail. The bill limits funding of mass mail to no more than ½ of the total mail allowance. Funding of the Official Mass Mail Account could not exceed funding of the Official Mail Account.

(3 & 4) Ban transfers of funds into the Official Mass Mail Account.

(5) Ban mass mailings in election years. Mass mail would not be allowed in election years until after the general election. This prohibition does not include direct response mail, federal publications, town meeting notices, communications with the media, and correspondence with other Members of Congress, Federal, State or local government officials. It also does not include mailings which relate to an emergency or disaster declared by the President, as long as the mailing is sent within 60 days and the mailing relates solely to the emergency or disaster.

(6) Commission Approval mass mailings. Require the Commission on Congressional Mailing Standards to approve mass mail.

(7) Public Disclosure of Member expenditures. Require the quarterly Report of the Clerk to include the cost and number of mass mailings sent by each Member of the House. The current Report documents total spending on franked mail only.

Public inspection of mass mailings. Require the Commission on Congressional Mailing Standards to make available to the public for inspection and photocopying samples of mass mail, town meeting notices, and unsolicited mail in excess of 50 pieces. Recent rules changes have allowed watchdog groups and other citizens greater access than in the past, and allow photocopies to be made, but this should be put into statute.

(8) Strengthen definition of mass mailing. The definition of mass mail would include mailings over 250 pieces, excluding solicited responses, federal publications, town meeting notices, communications to other Members of Congress, Federal, State or local government officials, and news releases to the media. An exemption is also provided for a single follow-up to any direct responses, if it is made before the end of the Congress in which the direct response was made, and occurs within six weeks after any significant congressional action. Under current law, mailings are defined as 500 pieces or more, which allows members to mail thousands of letters in up to 499 piece bundles of mail within days of an election.

Clarify definition of town meeting notice. A town meeting notice relates solely to a notice, 5½++ × 8++ or smaller, of the time and place at which a Member or Members' staff will be available to meet with constituents regarding legislative issues or problems with federal programs. The notice cannot include more than 3 references to the Member, and cannot include a picture, sketch, or other likeness of the Member.

SECTION 3—PROVISIONS RELATING TO THE MEMBERS' OFFICIAL MAIL ALLOWANCE

(a) Reduce the funding available for franked mail to a maximum level equivalent to one mailing per address. The total of the funding allowed for the Official Mail Account and the Official Mass Mail Account would be equivalent to a level of 1 first class mailing per district address each year. Funding of the Official Mail Account would be limited to a level of ½ the district addresses at first class rates (the Mass Mail Account could be funded at a level no greater than the Official Mail Account).

(b) Ban transfers of funds into the Official Mass Mail Account. The bill would prohibit transfers of funds into the Official Mass Mail Account. Funds could be transferred out of the Official Mass Mail Account into the Official Mail Account.

SECTION 4—EFFECTIVE DATE

The bill would take effect the first session of Congress after the date of enactment.

TRIBUTE TO COBB COUNTY, GA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. BARR. Mr. Speaker, as we in Congress continue to search for ways to bring the Federal budget into balance and repay the mountain of debt that resulted from years of reckless Washington spending, I am pleased to have the opportunity to commend my home county for establishing a record of sound fiscal policy that is the envy of local governments all across America.

Cobb County, GA, has been awarded a coveted triple-triple A bond rating. To put this amendment in perspective, only 10 counties out of 3,033 in the entire Nation have managed their finances successfully enough to earn this coveted bond rating.

Cobb owes its success to several factors. Chief among them are local officials who are willing to make the hard choices necessary to balance spending with revenues, and residents who continue to work hard and pay taxes. By cutting government costs and financing projects with capital rather than going into debt, the Cobb County Commission has helped to win Cobb a place among the Nation's elite with regard to fiscal soundness.

Cobb County is a great place to live and work because its government and its citizens realize that a smaller and more efficient government is better and that under no circumstances do you spend money you can't repay. The Federal Government would be well advised to learn from this example.

LEGISLATION REGARDING DONATING FOOD TO THE NEEDY

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. HALL of Ohio. Mr. Speaker, I rise to join my colleague from California, Mr. CAMPBELL, in introducing legislation to amend the Internal Revenue Code to remove a significant barrier that discourages businesses and farmers from donating wholesome food to the needy.

Providing food to the poor can be a costly undertaking, especially with regard to perishable food. The food must be collected, packaged, transported, and distributed. However, businesses do not receive the same tax deduction for charitable donations of food as for other inventory. Food that is not sold through normal distribution channels is considered by the IRS to have no market value; and therefore, the deduction is limited only to cost of the raw materials. This means that it makes more ecoomic sense for businesses to discard the food than to donate it. The bill that we are introducing today will encourage donations by treating food as other inventory for tax purposes.

Our bill is supported by industry and charitable organizations that deal with food including Second Harvest, the National Council of Chain Restaurants; the National Farmers Union; and Food Chain.

Incentives for food donations is one of the topics that will be discussed at the National Summit on Food Recovery and Gleaning which is sponsored by the Department of Agriculture and several groups including the Congressional Hunger Center. The opening session will be held 10 a.m. to 12 noon on Monday, September 15 at Mellon Auditorium (Constitution Avenue between 12th and 14th Streets, NW).

The text of the bill follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Good Samaritan Tax Act".

SEC. 2. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

"(A) CONTRIBUTIONS BY NON-CORPORATE TAXPAYERS.—In the case of a charitable contribution of food, paragraph (3) shall be applied without regard to whether or not the contribution is made by a corporation.

"(B) DETERMINATION OF FAIR MARKET VALUE.—For purposes of this section, in the case of a charitable contribution of food which is a qualified contribution (within the meaning of paragraph (3)) and which, solely by reason of internal standards of the taxpayer, lack of market, or similar circumstances, cannot or will not be sold, the fair market value of such contribution shall be determined—

"(i) without regard to such internal standards, such lack of market, or such circumstances, and

"(ii) if applicable, by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

SPEECH OF

HON. LOUIS B. STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes:

Mr. STOKES. Mr. Chairman, I rise today in support of H.R. 2159, which provides foreign operations appropriations for fiscal year 1998. This $12.3 billion bill has aspects which give cause for reservation, but overall, addresses critical funding for areas that are consequential for the global interests of the United States.

There is no doubt that with the end of the cold war America now reigns supreme as the world's only superpower. Over the past several years, our foreign policy has undergone a massive undertaking to adjust to a post-cold-war world which has allowed us to maintain a better balance of our domestic and foreign interests.

The world faces the proliferation of dangers that have the possibility to grow unchecked without our leadership. These dangers include terrorism and extremism, acquisition of weapons by hostile regimes, poverty and disease, economic instability, narcotics trafficking, and global environmental hazards. American national security eventually becomes an issue as these problems spread across the globe.

President Clinton's foreign operations request reasonably addressed the overseas interests of the United States by maintaining our obligations to our friends and the world's neediest people. H.R. 2159 still falls $4.6 billion short of President Clinton's request, but is still an improvement over recent years in which devastating cuts were proposed by the Republican majority. The overall funding level of H.R. 2159 is near that of fiscal year 1997.

This bill provides $7.4 billion for bilateral economic assistance, $3.3 billion for military assistance, $1.1 billion for multilateral economic assistance, and $451 million for export assistance.

Foreign aid is no giveaway. This is demonstrated by the dollars that work as an effective means of developing and expanding U.S. export markets. In fact, the recipients of U.S. foreign aid constitute the fastest growing market for U.S. exports. Over the past decade, our exports to developing countries have more than doubled from $71 to $180 billion. This valuable trade results in thousands of much needed jobs for American workers.

Mr. Speaker, a particular element of this bill that I strongly support is the total of $3.1 billion in aid to Israel. This funding level consists of $1.8 billion for foreign military financing [FMF] grants, and $1.2 billion in economic support fund [ESF] assistance. H.R. 2159 also expresses the sense of Congress that Arab League countries should immediately renounce their resumption of the boycott against Israel and its trading partners, and calls on the President to consider a country's participation in the boycott when determining whether to sell United States weapons to the country.

I am also encouraged by the House adoption of an amendment which doubles the level of the African Development Fund [AfDF], to fully fund the President's request of $50 million. This fund addresses poverty reduction in sub-Saharan Africa through loans to borrowing countries. Areas of focus include agriculture, heath care, education, micro-enterprise, and basic infrastructure. This funding plays an important role to a region in need at relatively small cost.

Contrary to critics of international assistance, foreign aid constitutes less than 1 percent of the U.S. budget. This small investment is leveraged further by a public-private partnership involving several hundred U.S.-based charitable organizations.

Greatly troubling to me about H.R. 2159, however, is the inclusion of highly restrictive provisions to international family planning assistance to developing countries. These restrictions, which unreasonably strike at reproductive rights as they pertain to current law, will draw a veto if they are contained in this bill upon arrival to the President. The Senate has not included such abortion restrictions, and it is my hope that the House restrictions will be removed in conference.

In closing, Mr. Speaker, because of dramatic changes in world politics, the U.S. is faced with a tremendous opportunity to direct funds to relieve problems here at home and help improve the lives of our friends overseas. H.R. 2159 is a reasonable step toward the latter, and it is my hope such steps will further expand for the global good.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. BALLENGER. Mr. Speaker, I was unable to vote on rollcall vote No. 367 on September 5, 1997. Had I been present, I would have voted in favor of Mr. MCINTOSH's amendment to transfer funds from the wage and hour enforcement provisions under H.R. 2264 to programs under the Individuals With Disabilities in Education Act.

On the same day, I was unable to vote on rollcall No. 368. Had I been present, I would have voted in favor of Mr. TRAFICANT's motion to instruct conferees on H.R. 1119, to insist upon the provisions of section 1032 of the House bill relating to the assignment of Department of Defense personnel to Border Patrol and control.

TRIBUTE TO JOHN E. MOON ON THE OCCASION OF HIS INSTALLATION AS THE NATIONAL COMMANDER IN CHIEF OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of Ohio. On August 21, 1997, John E. Moon was installed as the national Commander in Chief of the Veterans of Foreign Wars of the United States.

A resident of Grover Hill, OH, John Moon entered the U.S. Marine Corps in 1967. He served with the 2d Battalion, 3d Marine Division in South Vietnam. His military honors include the Vietnam Service Medal with three bronze stars, Vietnam Campaign Medal, Vietnamese Cross of Gallantry, Vietnam Civil Action Campaign Medal, Combat Action Ribbon, and the National Defense Service Medal.

John Moon joined the Sherwood, Ohio Post of Veterans of Foreign Wars in 1970. He joined the Grover Hill VFW in 1975. He has served in numerous positions in the VFW, including terms as post commander, district commander, and State commander.

John Moon is only the second Ohioan selected to serve as the national Commander in Chief of the VFW. His selection is most certainly humbling to him since the membership roster of the VFW reads as an honor roll of those who answered their country's most dire call and successfully defended freedom.

Mr. Speaker, John Moon is a former marine whose life of service is an inspiration to every American who believes our Nation's future is built on the sacrifices of today. I ask my colleagues to join me in paying special tribute to John Moon and to wish him well as he continues his dedicated service to country as national Commander in Chief of the Veterans of Foreign Wars of the United States.

CELEBRATING THE LEGACY OF ANNE FRANK

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. CAPPS. Mr. Speaker, on October 14, I will be privileged to join with hundreds of my friends and constituents in Santa Barbara, CA, for a truly momentous event—the grand opening of the "Anne Frank in the World" exhibit.

The Anne Frank exhibit, which will be open to the public from October 15 to November 16, is a traveling lesson about the life of this heroic young victim of the Holocaust which specifically explores the topics of racism, discrimination, and intolerance. "Anne Frank in the World" will be housed at the Karpeles Manuscript Museum and is being sponsored by the Santa Barbara Jewish Federation and many leading corporations, civic organizations, and individuals.

Mr. Speaker, anyone who has read the "Diary of Anne Frank" knows that this profoundly moving book has been enormously influential for a number of reasons. First, the book can be enjoyed as an outstanding work of literature whose prose is even more impressive when you consider the youth of the author. Second, the diary has been a valuable tool in teaching about the Holocaust, especially to young readers. Finally, the book contains many lessons for those who seek to eradicate the stains of prejudice and intolerance in our own society.

As a teacher, I am very pleased that "Anne Frank in the World" will be viewed by thousands of schoolchildren from in and around my district. By looking at photographs of the Franks—a normal family much like any other—students will identify with Anne and easily absorb the lessons offered to us by her life and death. In addition, during the life of the exhibit, numerous related events will be held around Santa Barbara. These include theatrical, artistic, educational, and religious presentations intended to highlight the themes of diversity and tolerance.

Mr. Speaker, over half a century has passed since the end of World War II and the closing of the most horrible chapter in the history of man's inhumanity to man. To sustain the memory of those who died and honor the sacrifice of those who survived, it is incumbent on us to teach the lessons of the Holocaust to our children and future generations. We must all rededicate ourselves to the elimination of bigotry and discrimination from the communities in which we live. I am proud that my community of Santa Barbara will soon play an instrumental role in this mission, and I congratulate all of those whose hard work and dedication helped make "Anne Frank in the World" a reality.

EXPRESSING THE CONDOLENCES OF THE HOUSE ON THE DEATH OF DIANA, PRINCESS OF WALES

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mrs. MILLENDER-McDONALD. Mr. Speaker, it is so difficult to make sense of the tragic death of Princess Diana. At the young age of 36, Diana had already become one of the greatest humanitarians of our time. She crusaded against antipersonnel land mines with high-profile visits to Bosnia and Angola and worked to address many of the issues surrounding AIDS through organizations and charities for children. Although she made a beautiful princess, her true beauty shone through in her kind and generous actions on behalf of those less fortunate than herself.

Diana was deeply moved by the senseless deaths due to antipersonnel land mines in Bosnia. With as many as 70 people a month becoming injured by land mines left over from the 3½-year war that split the country, she was determined to get rid of these lethal underground bombs. Efforts to remove the explosives were dragging, but Diana worked hard to speed up this process right up to the time of her death.

Princess Diana was also a tireless advocate for children with AIDS and a leader among organizations trying to provide pediatric AIDS services. She believed that we as human beings must work together to care for these children and devoted a great deal of her time to ensuring that she did more than her part in this effort.

We have lost a woman of immense compassion and leadership on some of the most troubling issues facing society today. We will most certainly miss this vision of beauty who possessed a heart of gold. Thank you Mr. Speaker.

TRIBUTE TO ANGELYN DIONE JOHNSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Angelyn Dione Johnson of Queens, New York. Ms. Johnson is a graduate of Boston College and was formerly employed with the U.S. Census Bureau.

Angelyn graduated from Southern University School of Law and formerly clerked for the Louisiana Black Caucus. She is presently running for civil court judge in Brooklyn.

A dedicated mother and wife, Angelyn balances the duties of a working professional community-minded citizen. Married to Cyril Jefferson, who is also an attorney, they are the proud parents of three children. The Borough of Brooklyn is the beneficiary of her unwavering commitment to community and family.

TRIBUTE TO DAVID R. GLICKMAN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. SHERMAN. Mr. Speaker, it is with great pleasure I rise before you today to pay tribute to David R. Glickman, who will be honored by the Consumer Attorneys Association of Los Angeles for his distinguished career in the legal profession.

Since graduating from UCLA Law School in 1957, Mr. Glickman has relentlessly dedicated his time and energy to the legal profession. His 40 years of practice have been highlighted by several awards and honors in recognition of his distinguished service. The Consumer Attorneys Association of Los Angeles named David Glickman Trial Lawyer of the Year in 1977, then honored him again in 1991 with the Ted Horn Memorial Award. He is a former president of the Los Angeles chapter of the national organization of the American Board of Trial Advocates, and in 1998 he will serve on their national board of governors. These honors, in addition to many others, are a testament to the vital role David Glickman has played in the Los Angeles legal community.

Despite all of these outstanding accomplishments, perhaps the roles David Glickman is best known for is teacher, mentor, and friend. He has been a frequent lecturer and instructor for every law school in Los Angeles County. Young lawyers and former students value Mr. Glickman as a trusted resource when they are struggling with a problem. Henry Brooks Adams once wrote: " A teacher affects eternity. He can never tell where his influence stops." It is apparent that David Glickman's wisdom is a guiding force for several aspiring attorneys.

In addition to his numerous responsibilities, David has still found time to contribute to our community by starting the Indians Guide Tribe, of which he was the local chief, and he initiated a local chapter of Boy Scouts and was the troop leader for 2 years.

Whether in the courtroom, classroom, or community, David Glickman has selflessly dedicated his time and energy to others. Mr. Speaker, distinguished colleagues, please join me in paying tribute to David R. Glickman for being a true role model for the citizens of Los Angeles.

TRIBUTE TO THE LATE SHERIFF RON COCHRAN

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. DEUTSCH. Mr. Speaker, I rise today to commemorate the late Broward County sheriff, Ron Cochran. Sheriff Cochran was known throughout the community as a man who truly loved being a police officer. He was elected sheriff of Broward County in 1992 and pledged to change the direction of the police department from its traditional model of law enforcement to a humanistic approach. Successfully, although not without opposition, the Broward Sheriff's Office, and the residents of Broward County, embraced Sheriff Cochran and his innovative ways to execute strict law enforcement initiatives.

Ron Cochran joined the Fort Lauderdale Police Department in 1958 as a patrol officer and gradually worked his way up to chief of police serving in this capacity from 1982 to 1987. From 1989 to 1992, he served the Broward School Board as the chief of the special investigative unit. He left that position in 1992 to run for sheriff of Broward County.

Throughout his 40-year career as a law enforcement officer, Ron Cochran was known as a hardheaded officer and a warmhearted gentleman. He was devoted to strict enforcement of the law and to a keen understanding of the community he was driven to protect. While serving as the chief of police for the Fort Lauderdale Police Department, he designed a community policing strategy that worked to protect the community and also prevent crimes. His principal law enforcement achievement as Sheriff was the expansion of the community policing philosophy. He believed in a grassroots approach and strongly encouraged police officers to get to know the very people they had a duty to protect. Because of his initiatives, the crime rate dropped in Broward County and Sheriff Cochran was praised for his tenacity.

Among his many accomplishments as sheriff, Ron Cochran emphasized rehabilitative programs such as the multimillion dollar southwest Broward County boot camp for juvenile offenders and intensive counseling for drug and alcohol abusers. His belief in people and their ability to change was evident in the programs he initiated in the community and throughout the Broward County Sheriff's Office.

The people of Broward County will sorely miss Ron Cochran. Throughout his life those who knew him regarded him as a driven leader, a competent law enforcement officer, a humanitarian, a friend, a son, a father, and a husband. Now, he is remembered as a hero to the residents of south Florida.

TRIBUTE TO THE LATE JOHN W. "JACK" OREMUS

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. BLAGOJEVICH. Mr. Speaker, I rise today to pay tribute to John W. "Jack" Oremus, who passed away on August 14, 1997.

Mr. Oremus' life was a symbol of the American dream. Through smarts and hard work Mr. Oremus took a modest cement company and developed it into one of our Nation's largest producers of concrete, cement, and aggregate. He applied the values that his father, John A. Oremus, passed along as the company's founder. Values that stressed loyalty, dedication to family, and a commitment to fairness. His many achievements are testament to the Oremus family's ability to utilize all that America offers to build a successful business, then return these successes by investing in our communities and our neighborhoods. I can think of no higher accomplishment.

In addition to his work as chief executive officer of his company, Mr. Oremus served on the boards of directors of both the Northern Illinois Ready-Mix Association and the Portland Cement Association, and he was chairman of the Prairie Bank and Trust Co.

I want to extend my sympathies to the family of John W. Oremus; his father, John; his wife, Rubina; 2 daughters, Kim Hanson and Sheri Smith; 3 sons, Alan, Michael, and John Christopher; a sister, Dorthy Lindauer; 2 brothers, Thomas and Robert, and 12 grandchildren.

TRIBUTE TO DARREN PEARSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize the efforts of Mr. Darren Pearson. Darren is an established entrepreneur, which includes three real estate businesses.

Prior to developing his real estate businesses, Darren worked as an account executive for Amergold Corp. He also worked for Vanguard Oil Corp. as a fuel salesman in the commercial and barge departments. He was subsequently promoted to director of public relations for Vangaurd.

After leaving Vanguard, Darren worked as the real estate sales manager for the Charles E. Simpson Real Estate Co. Darren is active in the Brooklyn and Manhattan communities. Darren also hires and trains college-bound students as trainees in real estate management and office administration. I am pleased to recognize Darren's community involvement and contributions.

THE INTRODUCTION OF A BILL IN HONOR OF FIVE FBI AGENTS WHO HAVE BEEN KILLED IN THE LINE OF DUTY WHILE ASSIGNED TO THE WASHINGTON FIELD OFFICE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Ms. NORTON. Mr. Speaker, today, I introduce legislation to designate the newly constructed Federal building located at 601 Fourth Street NW. in the District of Columbia as the "Federal Bureau of Investigation, Washington Field Office Memorial Building," in honor of five FBI agents who were killed in the line of duty while assigned to the Washington Field Office. The five agents are William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe.

Only 46 FBI agents have been killed in the line of duty since the agency was established in 1908. Yet these five agents were all killed in a period of 16 years. Moreover, the FBI has had a particularly close and useful relationship to crime fighting in the District of Columbia and this region. For years, the professionalism and dedication of FBI agents and other personnel of the Bureau have been made available to the District of Columbia and the Metropolitan Police Department. For the residents and law enforcement officers of the District, it is our honor to dedicate this new headquarters to agents who were so dedicated to us and to law enforcement.

It is most appropriate to dedicate this new building to these five dedicated agents. On May 29, 1995, Special Agent William H. Christian, Jr., was murdered in his car by Ralph McClean while performing surveillance on him. McClean was suspected in a series of unprovoked attacks on officers of the Metropolitan Police Department which left several officers wounded and one dead.

On November 22, 1994, Martha Dixon Martinez and Michael J. Miller were conducting official business at the homicide office of the Metropolitan Police Department headquarters. Without warning, Bennie Lawson entered the homicide office, pulled an automatic weapon from his coat, and began firing randomly. His shots killed Special Agents Martinez and Miller, as well as Metropolitan Police Department Detective Henry Daly.

Agents Anthony Palmisano and Edwin R. Woodriffe were killed attempting to arrest a Lorton escapee, Billie Austin Bryant, on January 8, 1969. The agents had just entered an apartment building in southeast Washington when Bryant opened fire on them in a hallway.

I am introducing this legislation to pay lasting tribute to the sacrifice of courageous agents who gave their lives in the line of duty. I am particularly pleased that all of the Washington, DC, regional members of Congress have become original cosponsors. Our legislation will remind all who pass through the new Washington Field Office Building of the high price that has been paid for the FBI's work in protecting the lives and safety of the residents of the District of Columbia.

TRIBUTE TO DAVID HAMIL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. SCHAFFER. Mr. Speaker, I would like to take this time to tell you about a man who has achieved so much for Colorado and the country, Mr. Dave Hamil of Sterling, CO. According to Colorado Country Life Magazine, in an article written by Mona Neeley:

> Dave Hamil started out simply as a man from the plains of Colorado, but the effects of his leadership still ripple across the State and the Nation. Hamil, now 88 and retired in Sterling, Colorado, grew up in the northeastern corner of the state, the son of a rancher.
>
> Circumstances and unexpected phone calls took him from Sterling to Holyoke, on to Denver and the Colorado State Legislature, into State government, and eventually to Washington, D.C., where he ran the Rural Electric Administration for an unmatched 14 years.

During his years of service he helped develop Highline Electric Association, one of the first rural electric cooperatives in Colorado. He represented his district in the State legislature for 16 years, including three terms as Speaker of the House. He was called to Washington, D.C. by President Dwight D. Eisenhower to serve as the national administrator of the Rural Electric Administration (REA), an appointment that lasted until John F. Kennedy took office. Then, following one of only two elections he lost, he was appointed Director of Institutions for Colorado by his primary opponent. He returned to Washington, D.C. in 1969, when he was reappointed REA administrator, and served another 10 years.

He slowed down in 1978, when he resigned from the REA (at age 70). He and his wife, Genevieve, returned to Sterling. Since then, he has stayed involved in the industry by serving as a consultant, staying in touch with today's decision-makers, and providing valuable background information.

Now, as the electric industry is poised on the precipice of change, it's time to honor a man who propelled the industry so far. A Colorado Women's Task Force committee, chaired by Janice Pflager, is leading an effort to establish a museum addition in Sterling to honor Hamil and to preserve the history of rural electric and rural telephone systems for future generations.

Much of what would go into the Dave Hamil Exhibit at the Overland Trail Museum now hangs on the walls of what Dave refers to as the trophy room in the basement of his home. Some of the trophies go back to the 1920's when Dave was one of the best college milers in the United States. Graduating from Logan County Industrial Arts High School, Dave followed his brother, Harold, to Hastings College in Hastings, Nebraska. Besides working his way through college, he also ran track, and in 1926 Dave came in 8th at a Chicago track meet pitting the top 26 college milers in the United States against each other. The 1932 Olympics were mentioned, but Dave returned to his studies, running a 4:21 mile and came back to Sterling after graduating in 1930 with a degree in English.

The degree languished as Dave went back to the cattle business in which he was raised. First, he worked with a large land and cattle company and later switched to a cattle and sheep feeder. He made his first real money with the sheep feeder, earning $10,000 raising 2,568 lambs and between 500 and 600 head of cattle.

After marrying Genevieve Robinson in 1933, Dave used his newly earned cash to buy a ranch. Since the ranch had no electricity, this forced the first step toward his lifelong involvement with the electric industry. But, before bringing electricity to his own ranch and thousands of others across the country, Dave received an unexpected phone call announcing that he had been nominated as the Republican candidate for the State House of Representatives. He won the election and began his political career.

Back home in 1939, Dave started looking at stringing electricity to his ranch. While Public Service Company wanted $10,000 to string the wires, (Dave only paid $20,000 for the land itself) he knew there had to be a better way. He and a group of neighbors contacted representatives of the fledgling REA, setting in motion the wheels that eventually led to Logan County becoming Section B of the new Highline Electric Association in nearby Holyoke, CO. "I had no more idea (then) of becoming the administrator (of REA) than I had of going to the moon," says Dave, looking back on those early years. He was too busy locally.

He stayed active at Highline Electric, serving as a director for years. He was also busy at the Statehouse. He served on the powerful Appropriations Committee, made an unsuccessful run for governor, and then returned to the State House of Representatives where he became Speaker. During his last stint as Speaker, he was instrumental in relocating the Air Force Academy to Colorado Springs. He also was part of the decision to extend Interstate 70 west of Interstate 25, into the mountains and through the Eisenhower Tunnel, avoiding Loveland Pass. "The value of those (two items) to the state is incalculable," Dave says with pride.

Enough was enough. Dave announced that he would not seek a ninth term in the House. He was planning to run for the U.S. House or Senate when one of his respected friends there retired, but, Washington called him first.

In May 1956, President Eisenhower was looking for a western Republican with a solid background in politics and in the rural electric industry to lead the REA. Dave Hamil, with his years in Colorado politics and his experience with the Highline Electric Association, was brought to the President's attention by a family friend who had become a presidential advisor. Dave figures there was more to the nomination than that. "I hadn't done anything to make anyone mad," he says.

That was Dave's strength as he took the reigns of REA. While he was straightforward and honest about how he saw an issue, he also had a knack for bringing people together.

It was Dave who got rural electric cooperatives and the investor-owned utilities to pool their resources and work together on projects. It was Dave who went into many volatile, unpredictable situations and got everyone talking until all sides agreed on a compromise. "I have said time and again that it's better to meet in the banquet room than in the courtroom," Dave says. "And it is a hell of a lot less expensive."

Dave was instrumental in bringing together more than just people. It was Dave Hamil who pursued new technology that led to the David A. Hamil Direct Current (DC) Energy Tie in Segall, Nebraska, linking Colorado to the eastern electric power grid in the United States. During Dave's tenure with REA, the entire country was linked electrically. The DC tie worked so well in Nebraska that four more ties were put in place across the country. Those DC ties, and the growing cooperation between utilities, brought us to the place where we are today—on the verge of deregulation. Yet, the prospect of change is splintering the industry. Investor-owned utilities and rural electric co-ops are fighting over who is getting the most government help, or the biggest tax break. They are jockeying to write the legislative acts that will change the industry, and debating how the changes ahead will affect everyone from the corporate chiefs to farmers at the end of the line.

So much change. So much dissension. It seems that what we need today is another Dave Hamil—someone to bring the industry together, to get all sides to sit at the same table, and coax all compromises from everyone as only Dave Hamil could have done.

Mr. Speaker it is people like Dave Hamil who have made this country great. Dave Hamil shaped America simply by being a good solid American citizen who works hard to implement the values on which he was raised. He continues to contribute so much because he sees a need and fills it. Thank you David Hamil.

NOTING THE PASSING OF FORMER CONGRESSMAN GEORGE W. CROCKETT, JR.

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. STOKES. Mr. Speaker, I was deeply saddened to learn of the passing of our former colleague, George W. Crockett, Jr. George passed away on September 7, 1997, after a courageous battle with cancer. I join my colleagues throughout the Chamber and Members of the Michigan Congressional Delegation in mourning the loss of a good friend and a great champion.

George Crockett was elected to the United States Congress in 1980. He came to Capitol Hill to represent the people of Michigan's Thirteenth Congressional District. Throughout his tenure in Congress, they were the beneficiaries of his strong leadership and outstanding legislative skills. George brought to the Congress his compassion as a former lawyer and judge. He also exhibited the ability to stand firm in the midst of controversy.

Mr. Speaker, when he came to the United States Congress, George Crockett had already established a name for himself after nearly 4 decades in Detroit politics. He earned a reputation as an excellent defense attorney before being elected to the criminal court. Throughout his legal career, George won praise for his impartial administration of justice. He was also a civil rights hero who was greatly admired. In 1964, George organized and directed the Mississippi Project, which provided free legal defense for civil rights workers jailed in Mississippi.

Mr. Speaker, when he was elected to the United States Congress in 1980, George Crockett brought with him the highest level of commitment to public service. He compiled a voting record which was described as one of the most liberal in Congress. We recall that George Crockett stood with us in the 1980's when we protested the Reagan administration's drastic budget cuts which would harm America's urban areas. He was also one of the first to call to our attention the plight of Haitian refugees who, under President Reagan, were being subjected to discriminatory immigration policies. I also recall that my friend, George Crockett, was with us when the first Members of Congress were arrested at the South African Embassy for protesting their system of apartheid.

Mr. Speaker, George Crockett was someone whom I greatly admired and respected. His passing brings to a close a life that was dedicated to serving others. My wife, Jay, and I enjoyed a close friendship with George and his wife, Dr. Harriette Clark Chambliss. We extend our deepest sympathy to Harriette and members of the family. Our thoughts and prayers are with them during their time of bereavement.

TRIBUTE TO ALICIA PONCE DE LEON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Alicia Ponce de Leon. Alicia is a native of Puerto Rico, in addition to being the proud mother of three children.

Alicia is accustomed to overcoming personal obstacles. As a single mother, she has committed herself to helping others to improve themselves through education, empowerment, and employment opportunities. Alicia has obtained associate, baccalaureate, and masters degrees.

For the past 17 years, Ms. De Leon has served as the executive director for the Ladies Committee for Puerto Rican Culture, Inc., an organization committed to improving educational opportunities for minority groups.

Alicia is an elected member of Community School Board 23 in Brooklyn. She also is a member of numerous professional organizations. Her commitment to community activism is truly noteworthy. It is my pleasure to recognize her valuable contribution.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. KIND. Mr. Speaker, another day has gone by and we have not yet voted on campaign finance reform. Today, our schedules have been interrupted several times by procedural votes called in protest over the fact that we haven't had a vote. Our time, really the taxpayer's time, could have been saved if we were simply allowed to vote on campaign finance reform.

During debate today we voted for an amendment to increase funding for the We the People Program. It is a program to promote citizenship and knowledge of the U.S. Constitution among our Nation's elementary and secondary school students. The vote on that amendment was adopted overwhelmingly. I wonder what the We the People Program would teach students about the failure of this House to even allow a vote on an issue that the public and a majority of the Members want to see debated and voted on this year. I am embarrassed to go back to the students in my district and tell them that this House does not operate in the manner that our Constitution envisioned.

It is obvious that a growing number of Members want a vote on campaign finance reform. I hope that the other Members who share my frustration will begin to make their voices heard on this issue. I ask my colleagues to join me in calling for a campaign finance reform vote before we adjourn this year. Mr. Speaker, the time to act is now, next year will be too late.

INTRODUCTION OF RESOLUTION DISAPPROVING PRESIDENT'S VETO OF FARMER COOPERATIVE TAX PROVISION

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. STENHOLM. Mr. Speaker, last month, the President exercised his line-item veto authority to strike out a provision in the tax bill providing a tax deferral on gains from the sale of agricultural processing facilities to farmer cooperatives. I was very disappointed that the President chose to exercise his line-item veto on a proposal that is very important to U.S. agriculture. However, I welcome the opportunity to debate this proposal on its merits. I am confident that this provision can withstand scrutiny and will receive strong bipartisan support.

Today, I am joining with my colleagues, KENNY HULSHOF, to introduce a resolution of disapproval overturning the President's veto of this provision to ensure that this debate occurs. In addition, we are continuing to explore other legislative options to address this issue. I hope that this issue can be resolved without resorting to a veto override. That notwithstanding, I am prepared to use all means available to me through the legislative process to enact this legislation.

This provision has been repeatedly mischaracterized in the press as a provision narrowly targeted to benefit Harold Simmons. As the principal Democratic cosponsor of this provision, I can say with confidence that this is not the case. I support this provision because it will be beneficial to the entire agricultural cooperative community.

Refining and processing of commodities represent an ever-increasing share of total profit in the agricultural sector. The price paid to farmers for farm commodities represent less than 25 percent of the cost of the final product purchased by the consumer. It is imperative for the American farmer to increase his ownership stake in processing and refining in order to survive in an increasingly competitive market. Allowing farmers to become vertically integrated in their products will permit farmers to better adjust to fluctuations in commodity prices.

Now that we have adopted an agricultural policy that will leave farmers to compete in a more market-oriented system, we must enact provisions to help farmers and ranchers compete in the market place if these farmers and ranchers are to survive. Farmer cooperatives allow farmers and ranchers to improve their bargaining power and benefit from economies of scale. Strengthening farmer cooperatives will provide a counterweight to the increasing concentration of U.S. agriculture in large corporations.

This proposal provides tax fairness by allowing farmer cooperatives to receive the same tax-deferred status for sales of processing facilities available to other businesses and entities under current law. Under current law, there are several strategies available to corporate agribusinesses to structure tax deferred purchases of processing facilities that farmer cooperatives cannot utilize.

I appreciate the President's commitment to address this important issue, and look forward to continuing to work with the White House and representatives from the Department of Treasury to craft a provision that will aid our Nation's farmers and ranchers. Although we are introducing a resolution of disapproval in order to preserve our legislative options on this issue, Mr. HUSLSHOF and I would prefer to resolve this issue by working with the administration in a cooperative manner. I am hopeful that we can reach an agreement with the administration on legislation to help farmers and ranchers, through their membership in farm cooperatives, become more involved in the profitable, value-added production of agriculture products.

Enactment of this legislation is an important part of an agricultural strategy of helping individual farmers survive in an increasingly competitive global marketplace. I encourage all Members to support this effort.

TRIBUTE TO JESSE MARTIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Mr. Jesse Martin, a loving husband, father and concerned community activist.

Jesse was born in Albany, New York, and married his high school sweetheart Lillie Cooper. The father of seven children, Mr. Martin reflects old world values.

Jesse's professional career began in the Garment District of New York City. Subsequently, he went to work for the Model Cities Program and has performed admirably as the superintendent of maintenance for a major house development, the Marcus Garvey Village. The residents of the complex know, love and respect Jesse Martin.

Jesse has been a wonderful role model in his home, on the job, and in the community. Jesse has earned a reputation for working hard, being loyal and being committed to serving his community. It is my pleasure to recognize his accomplishments and contributions.

PERSONAL EXPLANATION

HON. WALTER CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. CAPPS. Mr. Speaker, yesterday I missed rollcall votes Nos. 369 and 370. I was unavoidably detained while returning from my district where I was fortunate enough to be celebrating the wedding of my son. Had I been present I would have voted "no" on both votes.

TRIBUTE TO MOTHER TERESA

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. PACKARD. Mr. Speaker, this week we pay tribute to Mother Teresa, a selfless woman who received her calling from God and devoted much of her life to caring for the poor and needy. She was a miracle worker who consistently put others ahead of herself; a woman who believed the worst tragedy was to be someone to no one. She spent her life relating to audiences the need to tell the poor that they are somebody to us. She said, "they too have been created by the same loving hand of God, to love and be loved."

Mother Teresa was a living saint, drawing both the rich and poor to her side and to the message of God. I have followed her work over the years and have lived my own life by her edict that we must love one another and care for one another. She was an amazing woman and a willing servant of God. Her compassion, piety, and devotion will truly be missed.

Mr. Speaker, when Mother Teresa was alive, she relied on herself and on her followers to aid the needy. She obtained financial assistance from individuals and corporate benefactors. I believe in this same philosophy and have gotten involved with the Renewal Alliance, a group of Congressmen and Senators, to educate others that local problems can be cured with community solutions. Stronger families, churches, and community organizations—the backbone of America—can provide the solutions to problems created by poverty, broken families, substance abuse, and loss of hope.

Mother Teresa was a marvelous woman. Her work will not soon be forgotten. To that end, I will continue to further promote her message of hope and love through my work with the Renewal Alliance. By working together with families and communities, we can make more of a difference than government assistance ever could. Mother Teresa should serve as an example to everyone. I encourage all those across the Nation to reach out to their families, churches, and neighborhoods. Improving the lives of the less fortunate should be our top priority.

TRIBUTE TO ARNOLD BROWN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Mr. Arnold Brown. Arnold was born in New York City and graduated from Thomas Jefferson High School and Central State University. He also attended Pennsylvania State University, where he received his masters degree.

Since 1983, Arnold has served as the head teacher for preschool and kindergarten. He is indeed a rarity, an African-American male elementary schoolteacher. Mr. Brown undertook the noble profession of teaching because of his deeply maintained optimism, especially as it pertains to young people. Arnold has been recognized by day care workers for his exceptional work.

In addition to his labors of love, Arnold Brown enjoys reading, chess, physical fitness, and sports.

HISPANIC HERITAGE COMMITTEE OF ORANGE COUNTY HISPANIC HERITAGE MONTH

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Ms. SANCHEZ. Mr. Speaker, I rise today to address my colleagues about the celebration of Hispanic Heritage Month. For years our Nation has officially recognized the important contributions Hispanics have made to our great country through Hispanic Heritage Month. It is important to periodically pause and reflect on the rich contributions Hispanic-Americans have made to this extraordinary Nation. I commend the Hispanic Heritage Committee of Orange County as they celebrate Hispanic Heritage Month, 1997.

While contributing to the diversity of the United States, Hispanic-Americans themselves are diverse. Some are recent immigrants. Some have had their roots in the United States for centuries. Hispanic-Americans embrace the American society and culture while at the same time perpetuate a unique Hispanic cultural heritage. This heritage proudly asserts love of family, country, and religion.

Hispanics have demonstrated unfailing loyalty to our Nation through their service in the Armed Forces. Men and women of Hispanic heritage have proudly fought to maintain freedom and democracy throughout the world.

Hispanics hold tremendous faith in the power of the American dream. The opportunities offered by this country have enabled many Hispanics to succeed. Along with their successes, Hispanics have strived to give back something to their community.

Hispanics helped to build our Nation. From the railroads to the freeways, Hispanics have provided not only their labor, but their engineering expertise. They have contributed to the colorful tapestry that is our American culture through language, music, art, and literature. In so doing, they have fortified one of our country's greatest assets, its diversity.

By celebrating Hispanic Heritage Month, we celebrate the proud tradition of family, cultural heritage, and religion that are the foundation of Hispanic culture as well as the diversity that enriches our Nation and helps it to prosper.

I ask my colleagues to join me in commending the Hispanic Heritage Committee of Orange County for their outstanding work in celebrating Hispanic Heritage Month.

TRIBUTE TO WILLIE WREN, SR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Mr. Willie Wren, Sr. For over 20 years he has dedicated his life to serving New York City's vulnerable and neediest children and families.

An electrical engineer and business major, he began his public service as chairman and founder of the Freewill Day Care Center. After retiring from the New York Transit Authority, he became the executive director of the Miracle Makers, Inc. The organization is a growing multiservice agency and has administrative offices in Brooklyn and Queens.

The Miracle Makers serve predominantly people of color and many working class ethnic groups. With vision and purpose, Mr. Wren helped to develop a plan to work with managed care providers in providing health and social services to many other agencies. I am pleased to acknowledge his tireless efforts.

75TH ANNIVERSARY OF THE BURNING OF SMYRNA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to commemorate the 75th anniversary of the burning of Smyrna and honor the memory of its civilian victims.

The destruction of Smyrna in 1922, was the culmination of a Turkish campaign to systematically eliminate the ethnic Greek population in Asia Minor, in the current day Republic of Turkey. During this campaign, thousands were consigned and killed in forced labor battalions and hundreds of Greek towns and villages were destroyed. Turkish forces massacred 450,000 Greek civilians in areas where they comprised a majority, specifically, on the Black Sea coast, in Pontus, and the Smyrna region.

Smyrna was the largest city in Asia Minor and a cosmopolitan hub populated by a highly educated Greek community and flourishing commercial and middle classes. In September 1922, the city was sacked and burned to the ground, and its Greek and Armenian inhabitants along with refugees from the countryside were slaughtered by Turkish forces. Western diplomats and journalists stationed in U.S. and European ships offshore compared the devastation to that of Carthage.

Metropolitan Chrysostomos, the spiritual leader of the Orthodox Christians in Smyrna who refused to abandon the city, was seized from religious services in the cathedral by the Turkish police and was turned over to be dismembered by a street mob. Other Greek metropolitans were brutally tortured to death as were dozens of Armenian clerics.

The 75th anniversary of the destruction of Smyrna is more than a symbolic anniversary. A year later, in 1923, more than 1.2 million Greeks were uprooted from Turkey and persecutions of the Greek minority remaining in Turkey have since recurred. In a pogrom in

Istanbul in 1955, Orthodox churches and Greek businesses were burned and vandalized, and expulsion of Greeks followed in 1964. Restrictions on press and religious freedoms and harassment of the Ecumenical Patriarchate continue today.

Mr. Speaker, so that such atrocities may never again be repeated, it is important to honor the memory of the victims of Smyrna on this 75th anniversary. It is important that we bring these events to the attention of the American people and encourage the Republic of Turkey to acknowledge and recognize the victims of Smyrna.

TRIBUTE TO PHOEBE LAYNE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Phoebe Layne. Ms. Layne is the director of community affairs for Brookdale University Hospital and Medical Center.

Ms. Layne has been an activist for over 30 years. She is a member of the Community Board 13 and the Thomas Jefferson Democratic Club. Phoebe helped to establish the First Canarsie League, an auxiliary of Brookdale Hospital. She has worked tirelessly to help implement city ambulance outposts throughout Brooklyn. She helped create a grass roots effort to bring CPRA training to her community as part of her involvement with the hospital and many other civic organizations.

Phoebe is a woman of vision. She is also a member of the Interagency Council for the Aging in East Flatbush, east NY, Brownsville/Ocean Hill, and district No. 18. She is the mother of two sons, and three granddaughters.

IN HONOR OF THE VICTIMS OF THE DESTRUCTION OF SMYRNA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to commemorate the 75th anniversary of the burning of Smyrna and to honor its victims.

The destruction of Smyrna in 1922, was the culmination of a Turkish campaign to eradicate the Greek population in Asia Minor, known today as Turkey. During this genocide, thousands were killed in forced labor camps, hundreds of Greek towns and villages were destroyed, and 450,000 civilians were massacred by Turkish forces in areas where they composed a majority as on the Black Sea coast, in Pontus, and the Smyrna region.

In 1922, Smyrna was the largest city in Asia Minor and a cosmopolitan hub populated by a highly educated Greek community and flourishing middle classes. In September of that year, Turkish troops sacked, burned to the ground, and slaughtered Smyrna's Greek and Armenian inhabitants along with refugees from the countryside.

Metropolitan Chrysostomos, the spiritual leader of the Orthodox Christians in Smyrna who refused to abandon the city, was seized from religious services in the cathedral by the Turkish police and horribly murdered by a street mob. Other Greek metropolitans were brutally tortured to death as were dozens of Armenian clerics.

As George Santayana said, "Those who cannot remember the past are condemned to repeat it." That is why today I introduced, along with Mr. BILIRAKIS of Florida and Mr. SHERMAN of California, a bill to commemorate this anniversary and honor the victims of the burning of Smyrna.

I urge my colleagues to join in commemorating this horrible tragedy by becoming a cosponsor of this resolution. It is important that these crimes against humanity are never forgotten and never repeated.

TRIBUTE TO JUAN D. MARTINEZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Juan D. Martinez. Mr. Martinez is a product of the New York City Public School System and has committed himself to the pursuit of education and community improvement.

He attended Brooklyn Technical High School, graduated from Mercy College, and received his masters degree from Long Island University. Juan has 15 years of professional experience where his responsibilities have steadily increased. He has served as an educator, lecturer, program coordinator, executive director, and trainer.

Presently, Mr. Martinez serves as the president of Progress, an organization which provides technical assistance in capacity-building to community-based organizations throughout New York. Juan is well known for his community efforts which include his serving as president of school district 14, and his founding of the Progress High School in the Williamsburg section of Brooklyn. I am proud to recognize the efforts of Juan D. Martinez.

NO CONSENSUS ON THE CENSUS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, imagine the grocery clerk only glancing at your basket, then calculating your bill, not based upon the actual items selected, but based upon the statistical average purchase of other families like yours.

Ridiculous as this may sound, it's exactly what the U.S. Census Bureau is promoting for the upcoming census. The bureau's proposal to use statistical sampling in 2000 has a potential price tag of more than $12 billion and threatens to skew the electoral process.

Proponents of the idea point out that statistical sampling is good enough for public opinion polls and disease control. Why not use sampling when counting citizens too?

In a recent letter, Denver Mayor Wellington Webb told me of his concern about "the possibility of a serious undercount in Denver if sampling is not permitted." The last census overlooked 1.6 percent of the national population, he claims.

Sampling, some say, would be more accurate than traditional census taking because census takers can't possibly reach all individuals by questionnaire, phone calls, site visits or other means.

Debate over census methodology is as old as the census itself. In 1780, the first census in the new United States reported 3.8 million persons. President George Washington thought the number was too low.

Then, as today, the concern of various political jurisdictions was undercounts. With the advent of large Federal redistribution programs, live bodies equal money. To a mayor or Governor, anyone not counted is lost revenue.

Furthermore more bodies can add political clout. Since legislative districts are drawn according to population, more people could mean, for example, additional seats in Congress.

But not all congressional seats are identical. In Denver, a new district would likely favor a more liberal candidate. In Greeley, a conservative would be the likely choice.

Clearly, the census entails more than just counting people. That's why our Nation's founders addressed the topic early in the Constitution. Article I, section 2 makes Congress responsible for conducting a census every 10 years and calls for "the actual Enumeration" of citizens. The 14th amendment takes it from there stating, 'Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State."

Sampling opponents obviously rely on the Constitution and other laws to block sampling but they also point out the inaccuracies of sampling, and the method's propensity toward political manipulation.

As one colleague of mine put it, 'It may be cheaper to pay a few people to sit in a room and guess how many people there are in America, but when you do this, you don't have a census, you have a guess."

I agree. In America, every individual has a fundamental right to be counted, not estimated, to see their Constitution honored, not ignored.

TRIBUTE TO MARCELLE MIRANDA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Marcelle Miranda, director of community affairs for the East New York Diagnostic Treatment Center in Brooklyn. Marcelle performs the critical function of community education and outreach and spreading the message of primary care and preventive medicine in the East New York and Brownsville communities. Ms. Miranda also coordinates and performs liaison with other community based organizations.

The eldest of four children born to Ida and Frank Miranda, she emigrated from Georgetown, Guyana, to Brooklyn, NY, in 1966. Marcelle graduated from Stuyvesant High School, attended Bennett College, and the School of Dentistry at University of North Carolina at Chapel Hill.

Ms. Miranda began a new career in journalism when she became an editorial trainee at Newsday. Since that time, she has been an effective journalist, marketing consultant, and spokeswoman. Marcelle is the chairwoman of Cypress Hills West Block Association, serves as a tutor, and is a strong advocate on behalf of individual health care rights. She is the mother of two children, and resides in Cypress Hills, Brooklyn. I am pleased to recognize her accomplishments.

HOUSE OF REPRESENTATIVES—*Wednesday, September 10, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. COLLINS].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 10, 1997.

I hereby designate the Honorable MAC COLLINS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend George S. Dillard III, Peachtree City Christian Church, Peachtree City, GA, offered the following prayer:

Heavenly Father, You are our sovereign. By Your divine providence this Nation was born. On Your principles, this Nation was founded. On Your precepts we have modeled our rules of law. To this honorable body of men and women You have entrusted the well-being of our fellow citizens. Let us never forget that, as Jesus taught, it is better to forgive and serve than to be served. Help us, our Father, to remember always, we are here to serve You through service to our fellow man.

Perhaps, like no other moment in history, to this body has been given the opportunity to influence the affairs of all mankind. Grant to us, Father, the wisdom and compassion to rise above those issues which so easily divide us and help us to focus on Your will, for this body, for this great Nation.

Forgive us for our sins this day, and grant us the desire to return to Your truth. Bless this Nation, Oh Lord, we pray, in the name of Jesus Christ, our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TIERNEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TIERNEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Massachusetts [Mr. TIERNEY] come forward and lead the House in the Pledge of Allegiance.

Mr. TIERNEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 75. Joint resolution to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1139. An act to reauthorize the programs of the Small Business Administration, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes from each side.

WELCOME TO THE REVEREND GEORGE S. DILLARD III

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, it is with great pleasure that I introduce the pastor of the day, the Reverend George S. Dillard.

George has been a friend of mine for over 10 years. I met him when he was a resident of Georgia's First District, and after many years of good representation in the First District, he had the misfortune of moving to the Third District and being represented by the gentleman from Georgia [Mr. COLLINS]. But he does keep in touch with the First District, and we are happy to have him back with us today. He is doing great work up in that area.

George was a graduate of Campbell High School. He was born in Fairburn, GA, and received his bachelor's degree from Atlanta Christian College. He received his master's degree, magna cum laude, from the Evangelical Theological Seminary, and this year will get his Ph.D. from that same institution.

George is a minister of evangelism and preaching at the Peachtree City Christian Church in Peachtree, GA. George is listed in Who's Who in Religion and was selected as one of the most outstanding young men in America.

George is also here with his beautiful wife, Renee, who is with us in the gallery today. Renee is a schoolteacher at Cannongate Elementary School, and their mascot, Nellie, is with them in Washington today, so Nellie says hello to you from all the fourth graders back home. We will be going back to report on how well we are doing, so watch us today.

Their children, Tiffany, age 6, and Alexis, age 3, are not with them, but they do travel with them frequently.

They are good folks, and George has proudly been proclaiming the gospel wherever he goes. As we heard today, he is a man of God. Please welcome my friend, Rev. George Dillard.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to remind Members not to refer to guests who are in the gallery.

A LOT OF SOUFFLES

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, what has been going on at the White House? First, we had "Travelgate." That is the scandal where the First Lady wrongly fired hard-working civil servants because she wanted to hire cronies from Arkansas.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Next we had "Goregate." That is the scandal involving the Vice President and his questionable fundraising activities in the White House.

Now we have "Chefgate." Apparently the First Lady did not like the French chef who cooked at the White House, so they not only fired him, but also gave him $37,000 in hush money. This chef can barely speak English, and they paid him hush money. So even if he would talk, most Americans would not know what he was saying.

Mr. Speaker, $37,000 is a lot of souffles. I urge the White House to go on a fiscal diet. In this era of balanced budget, we simply cannot afford to pay hush money to chefs that can hardly speak English.

WE MUST CARE FOR THE COMMANDOS

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, in June of this year, Congress approved legislation to finally pay a 30-year debt. The South Vietnamese Lost Army Commandos will finally have their United States Government contracts honored by the Pentagon for their years of service to the United States Army.

But accepting their long overdue pay would mean the loss of something even more important for many of the commandos, their health care benefits. The medical problems resulting from years in torture require long-term health care, care they will not be able to receive if they accept their compensation.

After years of torture by the North Vietnamese, the callousness of being declared dead by the United States Government, and years of anguish over not receiving their rightful compensation, these brave men are faced with another obstacle in their 30-year struggle. I urge my colleagues to support these men who fought and bled in Vietnam for the United States cause.

As the House goes to conference on the Labor-HHS bill, I urge my colleagues to accept the Senate position exempting the commandos' compensation from Medicaid eligibility.

KANSAS PROUD OF 1997 MISS AMERICA

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, today I want to recognize another in a long line of outstanding Kansans, Miss America, 1997, Tara Dawn Holland. Tara's 1-year reign as Miss America officially ends this Saturday. Tara has worked extensively in the past year as an advocate of the importance of literacy, and she has directed a considerable spotlight on this issue.

Tara has been a literacy advocate for over 7 years, and she is currently the national spokesperson for the Library of Congress' Building of a Nation of Readers campaign. During the past year, she has visited dozens of schools and communities, stressing the importance of literacy.

The number of Americans who live in a world without literacy skills many of us take for granted is alarmingly high. This presents an ever-increasing dilemma in our advancing society. Tara's efforts to emphasize these literacy skills is important, not only to those who lack these skills, but to our entire society. Those who cannot read start each day at a disadvantage, and Tara has dedicated herself to reaching out to those most at risk, including children and the incarcerated.

Tara Holland has fulfilled the Miss America motto of style, scholarship, service, and success on wonderful levels. We are very proud of her in Kansas.

REPEAL BAD LEGISLATION LIMITING FLUSH WATER IN TOILETS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a flush is not a flush. The old standard toilet flushed away 3.5 gallons of water, so Congress in its inimitable wisdom passed a new law that said all toilets in America must use only 1.6 gallons of water. Since then, Americans are flushing, flushing, flushing like mad, wasting more water than ever, recklessly trying to remove all of that void.

Mr. Speaker, it has gotten so bad there is literally a black market for the old toilet. The American people, Mr. Speaker, are a flush away from a major movement. Beam me up. I say, if Congress can repeal prohibition, Congress can repeal this toilet. That is right, think about it. From the conservative movement to the progressive movement, Congress can reach out and touch the American people where they need it the most, in the bathroom. After all, one good flush deserves another.

I yield back whatever in Members' minds they believe needs to be yielded back.

OUTSTANDING SCHOOL BAND LEADER RETIRES

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I rise today to commend a true gentleman and educator from the 20th District in my hometown of Collinsville, IL. This man is Neal Strebel, who, after 37 years of teaching music and directing school bands, has retired from his profession.

Mr. Strebel dedicated nearly 40 years of his life to directing the "Marching Kahoks" band, leading the Illinois High School Association concert bands, and instructing some of the best student musicians in the State of Illinois.

He has instructed over 100 all-State band members, and his students are consistently rated among the best in the State. During his 37 years, Mr. Strebel directed 500 pep band and more than 200 concert band performances, splitting time between the elementary, junior high, and high school bands for many years.

As band director, he also raised nearly $500,000 for band trips and music equipment. In his first 25 years, Mr. Strebel devoted himself and his time without winning a single trophy or award. As he said in the St. Louis Post-Dispatch, "That wasn't the motivation. I think you can learn more about music with the emphasis on fundamentals and concert band."

Mr. Speaker, every one of us can learn a few lessons from Mr. Strebel's attitudes and ideas about music, and I commend him for his service.

SCHOOL VOUCHERS ARE A DRAIN ON RESOURCES

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, Democrats have made education a top priority this Congress, and our emphasis has been on improving public schools, including raising educational standards and addressing infrastructure needs. My concern is that the Republican leadership, after trying to make the deepest education cuts in history last year, are now emphasizing vouchers to pay for private schools as the way to reform our education system.

In my opinion, vouchers will not help public schools; just the opposite. They will drain away resources that can be used to improve public school standards and rebuild crumbling or overcrowded schools.

Americans overwhelmingly support the Democratic commitment to public schools. They want to make public schools safer, improve the quality of teachers, and get parents more involved in education. Let us not walk away from the public schools, but let us try to improve them. That is the Democratic Party position.

☐ 1015

COMPETITION WILL MAKE FOR BETTER SCHOOLS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, what would be the effect on the public schools if a school choice program resulted in the most motivated kids and the most involved parents leaving the public school in their neighborhood? I ask this question because the question I get most often from those who oppose school choice is: What about the kids that are left behind?

Well, Mr. Speaker, my response is increased competition among public schools will, without a shadow of a doubt, have the same effect on schools that increased competition has on the computer industry, the automobile industry, the restaurant business, the supermarket, the construction industry, the financial industry, and on and on and on.

Increased competition means that bad schools will shut down, as they should, as more students flee those schools that have failed them. Increased competition means that mediocre schools will feel pressure to improve, real pressure, for fear that their students will go elsewhere.

And let me suggest that increased competition, here is a novel idea, increased competition will result in real accountability for the first time. Competition in education will make better private schools and it will make better public schools.

SCHEDULE CAMPAIGN FINANCE REFORM LEGISLATION NOW

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, I rise today to call upon the leadership in the majority party in this House to schedule what is the most pressing, most important issue that we should be dealing with in the 105th Congress this fall, and that is campaign finance reform. But, we are running out of time.

Mr. Speaker, I am a proud member of a bipartisan freshman task force on campaign finance reform. We are six Republicans, six Democrats, freshmen, working together to try to draft what would be a good bipartisan piece of legislation.

And we did, Mr. Speaker. It is not the comprehensive reform that I would like to see; it is incremental; it gets the biggest of the big money out of the political system, the soft money ban.

Mr. Speaker, all we are asking is just to get it scheduled for a floor debate and for an ultimate vote, but we are running out of time. Next year is another election season. Lord knows we are not going to pass campaign finance reform then. The year after that we are looking at the year 2000 and the Presidential race, and it is going to be tough to do it.

Mr. Speaker, it is now or never this fall, and "no" is not an acceptable answer. My constituents in western Wisconsin did not send me to this place to accept no as an answer. Even we freshmen realize that the system is broke and that the very survival of this democracy is at stake. Schedule campaign finance reform now.

MAYBE THEY JUST FORGOT

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, as America's schoolchildren head back to school, I am reminded of an old Steve Martin routine on "Saturday Night Live." I am talking about the skit in which Steve Martin tries to explain away his breaking the law by saying, "I forgot armed robbery was a crime."

Mr. Speaker, teachers are used to all the lame excuses they get from their students about why they did not do their homework, or why they did not study for a test. But, Mr. Speaker, the excuses coming out of the White House about all their fund-raising irregularities would make even Steve Martin laugh.

Maybe the White House needs to be reminded that accepting contributions from foreign nationals, directly or indirectly, for political campaigns is a crime. Maybe the White House needs to be reminded that laundering campaign contributions in order to hide the source of the funds is a crime; that selling Commerce Department trade missions in exchange for political contributions is a crime; that using government lawyers for private counsel is a crime.

But who knows, Mr. Speaker? Maybe they just forgot.

WHEN WILL THE HOUSE VOTE ON CAMPAIGN FINANCE REFORM?

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I rise this morning to ask the Republican leadership: When are we going to legislate? If something is broke, let us fix it.

Mr. Speaker, every Congress before this one was able to vote here and act on campaign finance reform. The House Democrats passed a comprehensive campaign finance reform in the last three Congresses; in the 101st, 102d, and 103d. Even last session, when the Republicans were in control, we had a vote here on the floor.

When, Mr. Speaker, do we get to have that vote this year? Now, let us not talk about minor campaign reform. Comprehensive campaign reform, that is what every other Congress has been able to debate and vote on. When do we get to do that?

Mr. Speaker, let us not just hear; let us act. Let us not investigate; let us legislate.

THE BIPARTISAN CAMPAIGN INTEGRITY ACT

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, I rise to speak on the issue of campaign finance reform. As we debate this issue in the House, we should remember a couple of key points. First of all, there are supporters and detractors on both sides of the aisle.

My Democrat friends have been critical. This is wrong. An old maxim in equity is, "He who seeks equity must come in to equity with clean hands." Neither side should claim clean hands on this issue. When the Democrats had both the House and the administration, they did not pass campaign finance reform law.

Second, we should enforce the law, but that should not be an excuse for a failure to legislate.

Third, a soft money ban must be the centerpiece of any reform legislation. It is the greatest abuse; we must address that.

Fourth, the solution must be bipartisan in nature, because otherwise it is doomed to failure and gridlock.

The bipartisan Campaign Integrity Act, which is a bipartisan bill which we have worked together on, accomplishes this plus much more. I urge my colleagues to support it.

AMERICAN PEOPLE DESERVE CAMPAIGN FINANCE REFORM

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I am sure our colleagues will no doubt remember this very famous photograph. This is the photograph where Speaker GINGRICH and President Clinton shook hands on July 11, 1995, and pledged to this Nation that they would reform the campaign finance system under which we govern.

Mr. Speaker, since that time, President Clinton in the State of the Union asked the House of Representatives to pass campaign finance reform by July 4. The House of Representatives stonewalled.

Yesterday, President Clinton again asked the House and vowed he would fight for campaign finance reform, and yet we have heard nothing from Speaker GINGRICH. In fact, we have heard nothing from Speaker GINGRICH on this subject, except that he believes we need more money in campaigns and not less money. But he will not schedule campaign finance reform for the House. He will not lead an effort to reform this system. He has continued to stonewall this.

Mr. Speaker, we need more than this from the Speaker of the House of Representatives. The people's House and the people deserve campaign finance reform. Mr. Speaker, I say to Speaker GINGRICH, "Live up to your pledge. Live up to your handshake. Give the people the reform we need."

SCHOOL CHOICE IS THE ANSWER

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, if we were a manufacturer that produced an inferior product, what would we think if we had to face real competition for the first time? My guess is that we would feel the same as those government-owned schools which are absolutely terrified by school choice.

Mr. Speaker, they are terrified by school choice because they know that kids whose parents do not have the money to move or to send their kids to a private school have no choice but to send their kids to another government school where they have to pass through metal detectors, where there is no order in the classroom, and where the idea of standards and accountability leave them lagging behind their international peers.

Government-owned schools have a complete monopoly, plain and simple, and all monopolies fear competition. I can 100 percent guarantee an inferior product of any human endeavor if producers are shielded from competition, if producers are not forced to innovate and improve.

Mr. Speaker, just look at the Communist legacy in every single case, especially education. The bureaucrats who just love their government-owned schools and want to protect their monopoly will do so at just about any cost, regardless of whether kids have to receive an inferior education and blighted futures.

Mr. Speaker, it is wrong and I have lost patience with those who refuse to do best for the kids. School choice is the answer.

SUPPORT PUBLIC EDUCATION

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, what are government-owned schools? Public education. And public education in this great Nation of ours has always been the great equalizer, for it is in fact public education that affords the child of a garment worker, like myself, the same opportunities as the children of university professors, political figures, and business leaders.

Mr. Speaker, my colleagues on the other side of the aisle would work as hard as they can to see the destruction of public education in this country. Today on this floor they will propose to cut Goals 2000, cut Whole School Reform, cut Safe and Drug Free Schools, vital initiatives that in fact, yes, have proven to work.

That is why Democrats are fighting against these Republican efforts. These initiatives help to make our schools safer. They get parents more involved in education. They help school districts to buy new textbooks and train teachers, and they help our students to meet the high standards to ensure that they are learning the basics in reading and mathematics and writing.

Mr. Speaker, that is the direction that we should be going in. I urge my colleagues to support and strengthen fundamental school reform and support our public education system.

EDUCATION REFORM MUST BE A TOP PRIORITY

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, Alexis de Toqueville wrote in his famous work, "Democracy in America" that, "In America, there cannot be enough of knowledge, for all knowledge benefits those who possess it and those who do not."

Now, Alexis de Toqueville is quoted all the time, but there is a very good reason for it. He is often right on the mark, so insightful, and so remarkable in his judgment. And de Toqueville's commentary here on the value of knowledge, about how education is important to everyone, is an example of his wisdom.

Mr. Speaker, education is an issue that is important to those with children and those without. If a generation of American schoolchildren is receiving an inferior education, that is a serious problem of concern to us all.

Of course, the reality is that some of our Nation's schools are excellent, some undistinguished and some simply a disgrace. But it is the general trend toward mediocrity, the systematic dumbing down of curricula, textbooks, and standards that I find more alarming.

Mr. Speaker, I know that millions of parents agree, and that is why education reform must be a top priority.

REPUBLICANS SHOULD JOIN WITH DEMOCRATS TO ADDRESS CAMPAIGN FINANCE REFORM

(Mr. TIERNEY asked and was given permission to address the House for 1 minute.)

Mr. TIERNEY. Mr. Speaker, I rise this morning just to speak briefly about campaign finance reform and the need for this House to address that issue before we go home this fall.

Mr. Speaker, whatever business we do in this House requires that the American people have some faith and confidence in what we do and what action we take. Credibility is something that is lacking as long as the American public senses that we do not have the will to address the issue that is foremost on their minds, underlying all of the other issues which we will debate and are to debate, and that is whether or not we can do away with the perception that money, soft money or hard money, has way too much influence in the way that business is conducted in this House.

Mr. Speaker, the Republicans want to say that this is the responsibility of somebody else, but I tell my colleagues that it was Democrats in the 105th, 102d, and 103d Congresses that brought this issue to the forefront. It was President Bush that vetoed campaign finance reform when it passed, and it was the Senate, led by the Republicans, that stopped it.

Mr. Speaker, there are some Republicans in the House that now want to move forward on this issue. But if they had the majority on their side, and the Republicans are the majority, we would be moving forward on that issue.

So, Mr. Speaker, the responsibility lies with the Republican side of the House to join with the Democrats and deal with the issue of campaign finance reform.

CONGRESS SHOULD EMPOWER PARENTS, NOT BUREAUCRATS

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, in today's newspaper we learned that the Journal of the American Medical Association is publishing a national study that found when teenagers feel connected to their parents and to their schools, they are less likely to suffer emotional distress, consider suicide, engage in violence, smoke, drink, use drugs, or have early sex.

It may surprise some of our friends on the other side of the aisle who really believe that schools should be run by Washington bureaucrats. Perhaps they believe these favorable findings are achieved only when children feel connected to big government. The truth is, the connection must be to parents and to good schools, not to Washington.

Mr. Speaker, we cannot legislate good parents, but we in Congress can legislate better schools. The way to make schools better is to end the day of Washington bureaucrats and redtape running our local schools. Let us empower parents and teachers and local school districts instead of bureaucrats thousands of miles from the classroom. That would be the greatest legacy we could give to both public education and to our children's future.

CONGRESS SHOULD TAKE CAMPAIGN FINANCE REFORM OUT OF LIMBO

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute.)

Ms. HOOLEY of Oregon. Mr. Speaker, our finance system, campaign finance system is riddled with loopholes. Large corporate contributions are routinely spent on Federal elections despite legislation which is intended to limit them.

Mr. Speaker, the leverage these big corporate dollars have on the political process limits the ability of the average citizen to make his or her voice heard in the political process.

It is time for Congress to take campaign finance reform legislation out of limbo and pass substantive reform. With the introduction of a bill crafted by a bipartisan freshman task force, we have a good legislative vehicle to make this happen.

□ 1030

This legislation would take an even-handed step toward reforming the system. It bans soft money contributions, requires full disclosure of independent expenditure campaigns, and tightens up candidate reporting guidelines.

I urge my colleagues to join me in calling for an end to the stalemate on campaign finance reform. Let us bring this to the floor for debate and for a vote.

EDUCATION

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, if polled my guess is that each and every Member of this body, regardless of their political philosophy or party affiliation, will claim to be deeply concerned about education. Well, the President's latest national education standards proposal shows that my liberal colleagues care about education all right, the Department of Education.

As though the current 760 Federal education programs are not enough, they want to spend millions more in taxpayer dollars to create yet another bureaucratic program to impose the will of Washington on each and every school district in America. I would urge my liberal colleagues to join those of us who are fighting to send the Federal funding where it will have the greatest effect, to the teachers and students and classrooms of this country.

Mr. Speaker, enough is enough. Education dollars should be spent educating our children, not lining the pockets of Federal bureaucrats.

MORE ON EDUCATION

(Mr. WEYGAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEYGAND. Mr. Speaker, I want to address the House this morning for the purposes of talking about perhaps the most important issue I think in all of our districts. That is education.

Like many of my colleagues, I have roundtables in my district. I talk to the consumers of education, students, and parents. One of the most important things is the emerging use of technology in our schools and by our students. Unfortunately, many of our schools, while they may have great computerized systems, they do not have teachers who are qualified to teach those systems. The use of technology is often better handled by our students than by our teachers.

We need to provide the kind of professional training that is necessary for these teachers to better teach our children this technology. As you know, there is the HHS-Education bill before us. Over $75 million of that bill will go toward professional development, some of which will go just for emerging technology. We need to pass this bill today because, quite frankly, education is for all children, not children of the elite; it is not just for the wealthy. It is education for all children. The future of our children is in this technology. Please pass this bill today.

CAMPAIGN FINANCE REFORM

(Mr. BRADY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADY. Mr. Speaker, it is sad that some Members of Congress this fall are using campaign finance reform as a shield to divert attention from ethical problems in the White House. They make a mockery of an important issue to me and to many of the families in my district and in this country.

As a Republican, my support for restoring some common sense to our campaigns and our financing is based on the belief that in America if you work hard, you can be anything you want to be, including serving in Congress.

I want to help restore some respect and some credibility to Congress, because most people do not think we do the right things for the right reasons. I want hard-working citizens in every community to raise their hand to run for public office, but few do because they cannot afford a million dollars or cannot imagine how they would raise it. We pay a stiff price for this never ending search for the next contribution. It is like a drug, the more we have, the more we need, the more we want, and we can never reach our full potential as a country until we shake this financial monkey from our backs.

Let us begin a thoughtful debate for the right reasons.

BIPARTISAN CAMPAIGN FINANCE REFORM

(Mrs. McCARTHY of New York asked and was given permission to address the House for 1 minute.)

Mrs. McCARTHY of New York. Mr. Speaker, beginning with our first weeks of orientation, I believed this freshman class was a class that could work together. We wanted to talk together about the different points of why we ran.

I have to say, working with my freshman class, one of the things that we both agreed on was campaign finance reform.

Mr. Speaker, we have to do campaign finance reform. I do not want to waste my time trying to raise money. I want to do the people's work. We are not in the majority here. There are a number of freshman Republicans and Democrats who want to bring a bill on to the floor for campaign finance reform. Please, allow this to happen now so that we can have faith in the American people and they can have faith in us. Mr. Speaker, it is time to do it now.

CAUGHT WITH THEIR HANDS IN THE COOKIE JAR

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITFIELD. Mr. Speaker, President Clinton and Vice President GORE got their hands caught in the cookie jar. If they did not violate Federal campaign laws, they came as close to wholesale violations as any Presidential campaign in the history of America.

Now that the President cannot seek reelection, he has made campaign finance reform a primary goal. Labeling efforts to change finance laws as reform does not mean it will be better.

In fact, most campaign finance reform proposals would make our system worse. We spend more money advertising Coca-Cola, beer, pizza, and washing detergent than we do on political campaigns in Federal offices. Political action committees have brought people into the political system, individuals voluntarily contributing money. We should encourage that participation, not discourage it.

I, for one, do not want the Federal Government controlling who contributes money and who they contribute it to, a clear violation of first-amendment rights.

Members of this body should not be stampeded into supporting campaign finance reform simply because a few people view it as politically correct.

MORE ON CAMPAIGN FINANCE REFORM

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, we need to vote on and pass campaign finance reform. The Speaker has said that there is not enough money in the system. Yet everyone else knows that there is too much money in the system.

In the 1996 elections, soft money rolled into campaigns at a record level. We need to ban soft money. The American people want elections, not auctions to the highest bidder or the person who can spend the most money to buy and win an election.

The opposition party has budgeted $12 to $15 million to investigate the 1996 campaigns, yet they have not scheduled one hearing on how to reform the election process. We need to legislate, not just investigate.

Mr. Speaker, you promised the President in the famous handshake in New Hampshire that you would vote on and work and pass campaign finance reform. Mr. Speaker, it is time to turn the promise of your handshake into the reality of a law.

RICHIE ASHBURN

(Mr. WELDON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, yesterday we lost a Philadelphia legend, a baseball legend and an American legend. Richie Ashburn passed away at 6 a.m. yesterday morning after having broadcast the baseball game for the Phillies the evening before.

Richie Ashburn was involved in major league baseball for 50 years of his life. Forty-seven of those years with the Philadelphia Phillies organization. He was Rookie of the Year, two-time national league batting champ. Nine times he batted over .300. He had an exemplary career and was recognized by being inducted into the baseball Hall of Fame in 1995.

But Richie Ashburn, being one of the Whiz Kids from Philadelphia, was more than a baseball legend. He was a role model. He was an example for this country and our young people to follow and to look up to. He really was an American hero.

Born and raised in Tilden, NE, he became the favorite son of the city of Philadelphia and the region around the Philadelphia city. In fact, his most famous quote was, in talking about his city that he loved so dearly, "If I looked at my life and I had a chance to change it, I wouldn't change anything. I really wouldn't. Philadelphia is where I wanted to be, and where I wanted to play, and where I wanted to live."

We are going to miss Richie Ashburn.

FIGHT TO IMPROVE PUBLIC SCHOOLS

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise to call on this Congress to support our public schools. As the first member of my family to graduate from college, I know firsthand that quality public education is the key to the American dream, an opportunity for all children, not just the privileged few or those who have funds.

As a former superintendent of my State's schools, I know that educating all of our children is the key to America's strength and our Nation's security.

There is a lot of arguing in Washington today about the role of the Federal Government in education. But I have spent many hours in the classrooms of my State. No child has ever asked me who paid for the books, who paid for the building or who paid for the computer. Children only know what they have received or whether or not they have been denied an education. We must stop this bickering over the role of the Federal Government. These are our children. They are America's children.

We have a responsibility to make sure that they have the opportunity for a good education. We must build new schools, rebuild old ones, raise education standards, involve parents in education, improve the quality of our teachers, and make our schools safe. We can become the education Congress.

TOBACCO TAX

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I want to bring to my colleagues' attention here a letter that is probably in their offices today from me requesting them to join me and cosign a letter to the Speaker on the subject of the tobacco tax giveaway that was buried in the tax bill that we passed last August. This is really not an issue that is going to go away. Nor should it. We owe it to our constituents to correct this onerous tax windfall to big tobacco. I am suggesting that we take the lead of the other body, which is debating this very issue today. But under our rules, we need the Speaker to schedule this vote.

Mr. Speaker, if we neglect this issue we will again be feeding the cynicism of the American people. This will detract from and undermine our own success in the budget and the tax bill that we passed. Now we find out that there was a provision, a big giveaway, multiple billions of dollars, maybe $50 billion over time to the tobacco industry.

I am urging to my colleagues that whatever merits there are on either side, and I obviously take one side of the issue, I do not like it. It is wrong. But whatever merits there are, the Speaker has an obligation to call up for a vote repeal of this onerous windfall to big tobacco, schedule the bill, and begin to restore the professionalism, integrity, and honor of the House of Representatives.

THE SPIRIT OF CONGRESSMAN GEORGE WILLIAM CROCKETT, JR., WILL LIVE FOREVER IN THOSE WHO LOVE JUSTICE

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, I would like to formally announce the passing of our former colleague, Congressman George William Crockett, Jr., who passed on Sunday, September 7, 1997, here in the Washington, DC, area.

Congressman Crockett was born in Jacksonville, FL. He earned his law degree from the University of Michigan and, in 1943, was appointed by President Roosevelt as the first African-American lawyer to serve in the U.S. housing department.

In 1986, after being elected in 1981 and serving 10 years, Congressman Crockett authored the Mandela freedom resolution. He was an outstanding jurist, husband, father, and grandfather.

It is my honor and privilege, Mr. Speaker, to ask that when the House of Representatives adjourn tonight, that we do so in honor of Judge Crockett. There will be a private memorial funeral for the family this evening here in the Washington, DC.

On Saturday at noon in the city of Detroit at 11 a.m. at Hartford Memorial Baptist Church, the final resting and memorial service will be held for Congressman Crockett.

MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves that the House do now adjourn.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 37, nays 370, not voting 26, as follows:

[Roll No. 380]

YEAS—37

Allen
Berry
Bonior
Boyd
Coyne
Davis (FL)
DeFazio
Delahunt
DeLauro
Dingell
Doggett
Eshoo
Farr
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Hastings (FL)
Hinchey
Johnson (WI)
LaFalce
Lewis (GA)
Lowey
McDermott
McNulty
Meehan
Miller (CA)
Mink
Olver
Pallone
Pelosi
Reyes
Torres
Waxman
Woolsey
Yates

NAYS—370

Abercrombie
Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Deal
DeGette
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Bono
Carson
Clay
Clayton
Clyburn
Conyers
Crane
Crapo
Davis (IL)
Dellums
Dixon
Foglietta
Gonzalez
Hill
Livingston
Moran (VA)
Morella
Owens
Payne
Rangel
Schiff
Slaughter
Smith (NJ)
Spratt
Waters
Wise

□ 1106

Mrs. CUBIN and Messrs. ROGAN, GOODLATTE, and MOAKLEY changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. SCARBOROUGH. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman will state it.

Mr. SCARBOROUGH. Mr. Speaker, with the Democrats calling these motions to adjourn based on campaign finance reform not coming to the floor, my parliamentary inquiry is this: Would the bill that they speak of erase the abuses that the New York Times reported today this morning when it said, Democrats Skimmed $2 Million To Aid Candidates?

The SPEAKER pro tempore. In the opinion of the Chair, the gentleman from Florida has not stated a parliamentary inquiry.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TIERNEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 352, noes 58, not voting 23, as follows:

[Roll No. 381]

AYES—352

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Flake
Foley
Forbes
Ford
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson

Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stokes
Stump
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Vento
Walsh
Watkins
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)

NOES—58

Abercrombie
Bonior
Borski
Brown (CA)
Brown (OH)
Costello
DeFazio
Delahunt
DeLauro
Dickey
Doggett
English
Ensign
Everett
Fawell
Fazio
Filner
Foglietta
Fox
Frank (MA)
Furse
Gephardt
Gutknecht
Hefley
Hilleary
Hilliard
Hinchey
Kucinich
Lewis (GA)
LoBiondo
McDermott
Menendez
Miller (CA)
Oberstar
Pallone
Pascrell
Pickett
Pombo
Poshard
Ramstad
Rogan
Sabo
Schaffer, Bob
Stearns
Stenholm
Strickland
Stupak
Sununu
Taylor (MS)
Thompson
Thune
Velázquez
Visclosky
Wamp
Watt (NC)
Watts (OK)
Weller
Wynn

NOT VOTING—23

Bono
Burr
Carson
Clay
Clayton
Clyburn
Combest
Crapo
Davis (IL)
Dellums
Gonzalez
Houghton
McKeon
Moran (VA)
Morella
Myrick
Owens
Payne
Rangel
Schiff
Slaughter
Smith (NJ)
Waters

□ 1125

So the Journal was approved.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. McDERMOTT. Mr. Speaker, in order that the House have time to work on campaign finance reform, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. JONES). The Chair has only recognized the gentleman to offer a motion, which is not debatable, and the gentleman should not preface his motion with debate.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. McDERMOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 36, nays 368, not voting 29, as follows:

[Roll No. 382]

YEAS—36

Allen
Barrett (WI)
Berry
Bonior
Boyd
Buyer
Conyers
Coyne
Davis (FL)
DeLauro
Dicks
Dingell
Doggett
Eshoo
Farr
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Hastings (FL)
Hinchey
Johnson, E.B.
Lewis (GA)
McDermott
McNulty
Miller (CA)
Mink
Olver
Pallone
Pelosi
Stupak
Thurman
Weygand
Woolsey

NAYS—368

Abercrombie
Ackerman
Aderholt
Andrews
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (IL)
Deal
DeGette
Delahunt
DeLay
Deutsch
Diaz-Balart
Dickey
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Flake
Foglietta
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—29

Archer
Baesler
Carson
Chenoweth
Clyburn
Cummings
Davis (VA)
DeFazio
Dellums
Edwards
Gekas
Gonzalez
Hastert
Houghton
Hutchinson
Johnson, Sam
McCollum
Morella
Owens
Pickering
Rangel
Roukema
Schiff
Slaughter
Smith (TX)
Waters
Waxman
Weldon (FL)
Weldon (PA)

□ 1146

Mr. BACHUS changed his vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on further consideration of H.R. 2264, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. JONES). Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2264.

□ 1149

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. BARRETT of Nebraska, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, September 9, 1997, the bill was open for amendment from page 64, line 1, through page 65, line 3.

Are there any amendments to this portion of the bill?

AMENDMENT NO. 43 OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 43 offered by Mr. PETERSON of Pennsylvania:

Page 64, line 7, after each dollar amount, insert "(decreased by $20,000,000)".

Page 69, line 26, after each dollar amount, insert "(increased by $20,000,000)".

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise today to ask for support for the Peterson-Blunt amendment. Mr. Chairman, I would first like to thank the gentleman from Illinois [Mr. PORTER], chairman of the subcommittee, for his willingness to facilitate this amendment. I would also like to thank the gentleman from Wisconsin [Mr. OBEY], ranking member, for his cooperation, and I would also like to thank the gentleman from Missouri [Mr. BLUNT] for his support of this amendment.

Mr. Chairman, this amendment is offered to reaffirm actions taken by the House at the end of July. Before we left, this body overwhelmingly adopted H.R. 1853, the Carl D. Perkins Vocational and Technical Education Amendments Act, by a vote of 414 to 12.

Mr. Chairman, it was this tremendous support that encouraged me to offer this amendment. The amendment which I am offering today will increase the vocational education basic State grant account by $20 million, with an offset from the Goals 2000 Program.

Vocational education is a very essential part of our educational system and particularly for rural America. For a variety of reasons, a postsecondary education is not the answer for every student, with many of them living in rural America. In fact, about half of our Nation's graduating senior class will choose to attend college and roughly half of those will receive a degree.

Mr. Chairman, a responsible and appropriate avenue for outfitting the rest of our Nation's youth with the skills to make them attractive and competitive in the job market is a commitment from the Federal Government in assisting local schools. The best avenue for this commitment is through continued support of vocational education.

Mr. Chairman, true education reform will only take place at the local level. It is time that we provide the resources to our schools to make the needed and necessary changes for improvement. H.R. 1853 will enable this to happen by directing more funds to local education agencies and removing a number of requirements which prevent school districts from taking steps necessary for providing an appropriate academic education.

How significant is a $20 million increase for a program funded at nearly $1 billion? In these times of budget constraint, any increase is significant. However, Mr. Chairman, if H.R. 1853 were law, the formula that we have in it will drive 90 percent of the money down to the school districts, where historically under the current vocational act only 75 percent of the money actually reached the school districts. So this will be a significant increase, the 2 percent that the $20 million will give.

Mr. Chairman, to put this another way, a 2-percent increase will enable a 20-percent increase in funding for local education agencies if the House-passed measure becomes law. Being a legislator for nearly 20 years now, I have always felt it was important to reinforce legislative improvements through the budget process.

By adopting the Peterson-Blunt amendment, we will be doing just that and sending a message to the American people that we are serious about legislation enacted by this body. Vocational education is a vital program for the future of America.

This legislation, overwhelmingly agreed to, is good legislation. I urge my colleagues to support both. Support this amendment.

Mr. Chairman, it is my understanding that the amendment is agreeable to both sides and will be accepted. For that I again thank the gentleman from Illinois and the gentleman from Wisconsin for their willingness to work with us.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, we believe that the gentleman from Pennsylvania [Mr. PETERSON] offers an excellent amendment, and we will accept the amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am frankly of mixed views on this amendment. Let me simply recite for the committee what has already transpired with respect to Goals 2000.

Mr. Chairman, last year Goals was funded at $491 million level. The administration asked for a $620 million funding level this year. The bill as reported by the committee cut Goals 2000 to $475 million, which is $16 million below the previous year.

On the floor, we had an amendment adopted which cut it further to $462 million, and now this amendment cuts it to $442 million.

Mr. Chairman, I would simply point out to the House that this Goals 2000 issue, which has become so politicized, started out as a joint effort of President Bush and the National Governors. The person who headed up, or one of the two Governors who headed up the Governors' Task Force on Education, working with the President, was a fellow by the name of then-Gov. Bill Clinton. I remember going to a conference and talking with a number of Governors, including then-Governor Clinton, about it.

Mr. Chairman, I am baffled by why it has become so politicized, and I have misgivings about this amendment. But I am willing to accept it as a gesture of goodwill, indicating flexibility on our part. But I have to say in the process that as this bill moves through, it is important to remember that there are three different groups who have to be satisfied in the end for this legislation to pass. The legislative priorities of the majority in this House have to be respected; the legislative priorities of the minority in this House have to be respected; and so do the legislative priorities of the President.

That does not mean we have to rubber stamp everything that he does, and we do not have to rubber stamp everything that each other does. But I think that we are at a point where we have cut this program far enough.

Mr. Chairman, I am willing to accept the gentleman's amendment. I have been a longtime supporter of vocational education. The first issue I ran on when I ran for the State legislature was reform of vocational education. When I was in the legislature, we created on a bipartisan basis an entirely new system of vocational education and technical schools in my own State.

So, recognizing that, I am willing to accept the amendment of the gentleman from Pennsylvania [Mr. PETERSON], but I would simply say that I think we have gone far enough and I hope we can move on and get away from using this program as a punching bag, because I think it is not the only tool that is useful, but it is certainly one of the tools which, used in concert with others, can help to raise standards and to raise performance. And that is, after all, what I think the Federal role ought to be in the area of education.

Mr. BLUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment, and particularly thank the gentleman from Pennsylvania [Mr. PETERSON] for working so hard to put this amendment together and to make it work.

Mr. Chairman, I have been trying in this debate to find some additional money for vocational education. I think this movement forward is helpful. We had frozen vocational education at last year's funding at a time when I think we are working in every possible way to get people to the workplace, people who have not been there before through welfare reform; people who are out of high school or did not get out of high school who need additional training.

Vocational education is critically important. I am certainly glad to hear both the gentleman from Illinois [Mr. PORTER], the chairman, and the gentleman from Wisconsin [Mr. OBEY], the ranking member, agree to accept this change to add this money to vocational education.

Mr. Chairman, I look forward to this amendment becoming part of the package that the House passes, and then I am hopeful that we will also be committed, realizing what I just heard about the importance of everybody being in agreement, to uphold the House's position and keep this additional $20 million for vocational education in this bill when it comes back to the House from conference.

This is an important step, going along with the step that we have already taken in passing the authorization legislation that, as the gentleman from Pennsylvania has pointed out, sets a new standard of money in vocational education that gets to the classroom where students are affected by it.

□ 1200

That new standard of 90 percent, essentially under local control and maybe, more importantly, under the control of a local teacher, of the teacher in the classroom, as opposed to 75 percent, is an important standard for us to meet. To add to that some additional funding for vocational education in a program that is critical to the future of the country is going to be a good thing to see.

I hope we see it in the final bill as well. I am grateful that the chairman and the ranking member have agreed to be supportive of this amendment and grateful to the gentleman from Pennsylvania [Mr. PETERSON] for not only letting me work with him but for working so hard to put this amendment together.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment offered by the gentleman from Pennsylvania [Mr. PETERSON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOB SCHAFFER OF COLORADO

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOB SCHAFFER of Colorado:

Page 64, line 7, after each dollar amount, insert "(decreased by $40,000,000)".

Page 65, lines 7 and 8, after each dollar amount, insert "(increased by $40,000,000)".

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The point of order is reserved.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, this amendment doubles the $40 million provided for prevention and intervention programs for children and youth who are neglected and delinquent or at risk of dropping out by transferring $40 million from the Goals 2000 Program. This formula grant program provides services to participants in institutions for juvenile delinquents, correctional institutions, and institutions for the neglected.

The bill calls for $39,311,000, which is about a little over a million less than the budget request and the same as fiscal year 1997. Arrest rates for juveniles have more than tripled in the last decade. The average stay in youth correction facilities is about 1 year for crimes against persons, 248 days for drug offenses, and 17 days for weapons crimes. The total number of juveniles arrested that are under the age of 18 rose 20.1 percent between 1991 and 1995. The need for education is growing. Giving incarcerated juveniles an education is something that liberals and conservatives can both agree on and understand that it benefits children and the public.

Juvenile crime has increased significantly over the last few years and represents an alarming and tragic trend. A good education is one of the few things that can help children out of a life of crime and despair and give them the tools to live a productive and happy life. Without education, these children remain without hope.

High school dropouts similarly need special consideration since they are all but doomed to a life of poverty. The needed money that this amendment represents will go to State programs to prevent at-risk children from dropping out. The amendment would take money out of the hands of a program that is totally administrative and put it into the hands of vulnerable children and their teachers specifically but directly to assist vulnerable children.

The Government has asked for $475 million for the Goals 2000 Program but only $40 million for these at-risk children. The $40 million increase that we are proposing in this amendment will show in a more direct and a more positive way our commitment to these children.

In my State, 1,165 children are served in various State programs at the State level and local level that these funds are directed to. That's just in my State as an example.

The amendment, of course, applies nationally. These funds are distributed to State and local programs. These are local dollars that we would be empowering. State grants go directly to the facilities where these children are taught and into homes for delinquent and abandoned or neglected children. They are used to hire teachers, provide supplementary education for children who are not achieving at their grade level and who are failing to meet State standards in academic areas, and those who are targeted as at great risk of dropping out. Funds are, and what has been known as the title I program, that is the shift we are attempting to make.

Mr. Chairman, let me just state again that with respect to children who are at risk, those at risk of dropping out of school because of the economic setting or situation that they may be in or any other conditions that may lead to that particular designation are worthy of our attention here in Congress and States, I would submit, are most capable of assisting them. These dollars just support States and local communities, people who know what they are doing and have achieved real results.

One of the individuals back in my home State in the Department of Education commented that this particular area in education is the most neglected area of assisting children in our education system and could use not only the dollars that the small amount that we are proposing in the amendment but far beyond that.

I think the $40 million shift is a reasonable amount, one which I suspect will be supported widely and is greatly anticipated not only by the young children who deserve our thought and consideration, our support and help, but those who are committed to them, their teachers, parents in many cases, and those who are also dedicated to improving the lives of children back in our home States.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin [Mr. OBEY] insist on the point of order?

Mr. OBEY. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN pro tempore. The point of order is withdrawn.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is another in a series of amendments being offered by a small band of Members on the other side of the aisle to, in essence, on an amendment-by-amendment basis gut one of the two top priorities of the President in this bill.

I did not vote for the budget agreement. I have minimum high regard for the budget agreement. I think that in many ways the budget agreement that was endorsed by a majority of both parties is a public lie because I do not believe that the spending cuts which are contained in that budget agreement will, in fact, in the fourth and fifth years, be voted for by Members of either party. But nonetheless, the Congress adopted it.

When we did so, we reached certain understandings with both branches of Government and with both parties. That understanding was that, as I said earlier, the priorities of each of the parties, the priorities of the President would be largely respected.

We have already seen now two cuts adopted on the House floor with respect to goals. This cuts another $40 million out of one of the President's top two priorities, so we have already seen one of the President's top two priorities reduced by a substantial amount.

The account to which the gentleman would transfer this money has not been cut. In fact, that subaccount within title I has been level funded so there is no dollar reduction in that program. In fact, the overall title I program, which is directed at improving standards, improving performance on the part of our disadvantaged children has been increased by $400 million. In fact, we are providing over $8 billion to deal with the problems of those children. And I am committed to each and every one of those. I have spent my life in this House championing each and every one of them, often over the opposition of a good many Members on the other side of the aisle. I would point out that the gentleman himself voted just 2 years ago to cut title I, the program which is being enhanced by his amendment, he voted to cut it by over $1 billion.

What I will simply say is that we can do this all day long. But if amendments are adopted on the House floor that savage the President's top two priorities, this bill will not be supported on this side of the aisle and this bill will wind up where apparently a small band of Members on that side of the aisle want to see it. It will be part of a continuing resolution.

I think, substantively, that will be bad for the country, but politically, to be frank about it, it will demonstrate that even after the two parties have made an agreement, that side of the aisle is incapable of living up to that agreement.

I do not think that is in the interest of the gentleman's party or this House or the political system in general.

I also would point out that this bill will not become law and neither will a continuing resolution if the President's priorities are not respected to the same degree that other people's priorities are respected. I would say to those Members of the House in both parties, we have a choice. We can produce a bill which is signable, which is passable and which will end the wars that have accompanied this bill for the past 2 years.

As we know, this bill was a large part of the reason that the Government was shut down 2 years ago. We can follow that course again or we can try to reach a reasonable compromise between our views. That is what the committee product represents. I think the House ought to stick to that. I would urge rejection of the amendment.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Colorado, Mr. BOB SCHAFFER.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, I just wanted to point out with respect to the ranking member's recollection of my voting record on this particular topic, it is remarkable since 2 years ago I was not a Member of Congress and for me to have voted on that would have been a tremendous achievement, I assure my colleagues.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I stand corrected. I apologize. I was looking at the amendment and I saw the name of the gentleman from Indiana [Mr. SOUDER] on it, who originally intended to offer the amendment. He was here and did so vote. I apologize for a case of mistaken identity.

Mr. SOUDER. Mr. Chairman, reclaiming my time, I will always be pleased to be confused with the gentleman from Colorado, Mr. BOB SCHAFFER. I am proud of my vote the last time, so I stand here saying that the gentleman from Wisconsin [Mr. OBEY] has worked with us on a number of points, and we appreciate that, but in general, it is easy to talk peace while carrying a sword to some degree.

He knows that in fact we have worked with the President. We have agreed to work and compromise on a number of things in the budget agreement. He admits that he voted against the budget agreement whereas I voted for the budget agreement. So I think it is important in the American people, at least many of the people, there are some who are on the left or the right who have some justifiable criticisms with it but for the most part we are trying to move forward.

When we agreed to the tax cuts in return for the President's spending more money, and presumably spending more money in education and social programs, many of us who were conservatives who had voted in the past to reduce the size of Government in Washington, to cut the spending here and give more power to the people back home, more power to the State governments, local governments, to parents and doing that through tax cuts and through transfer of funds to States with block grants, once we were defeated and the money is going to be spent at the Federal level, which, in effect, this budget agreement did, we can have a legitimate debate in Congress about how we are going to spend that money in Washington without having and being maligned about us trying to shut down the Federal Government, without us having to hand our voting cards over to the President of the United States and say we just have to take his priorities on education. We can discuss what are the best ways once we are going to spend these dollars at the Federal level on kids without the constant threat that the President is going to veto the bill if we win one vote and shut down the Government because, quite frankly, it is a joint thing when the Government shuts down.

□ 1215

It was not just us so-called radical then-freshmen who shut down the Government. We passed our bills; the President of the United States refused to sign them. We bear joint responsibility when something like that happens.

We need to try to work through this. And this does not mean that we have to roll over and say, oh, we are going to sign off on every priority the President has. As I understand from our negotiators, we did not agree that we were surrendering our right to reshape appropriations bills. What we did agree to is, we are going to put more money into education and youth programs, and we have been trying to do that.

In fact, in title I of this amendment, we tried to move more money to education, because we also said that we did not believe, for example, in increasing OSHA; and then when we increased OSHA, we tried to move it into the compliance section rather than enforcement and administration, and we were defeated on that effort. We were trying to move money into education, and the minority voted against transferring those funds into education. So this is not a battle against transferring funds into education.

Furthermore, we have been constantly maligned in the last few days as to whether we are trying to filibuster. The gentleman from Wisconsin [Mr. OBEY] has been careful not to do that. In this case, he merely said we were offering a series of amendments, and that is true, and I think people are starting to realize that what we are doing is, we are having, and the gentleman from Illinois [Mr. PORTER] encouraged us to do that when we were negotiating before these debates started, to have a good and healthy debate for the American people of what are our priorities, where do we think they should go.

Those of us who wanted to cut expenditures and move power back to the States have now, in effect, at least in this Congress, had to back up a step and say, OK, the Federal Government is going to do it. In this case, the gentleman from Colorado, Mr. BOB SCHAFFER, proposing to move money from a program which admittedly does not put a straitjacket on State and local governments by having Goals 2000, but certainly puts a framework which pushes States toward that, which then puts pressure on the State educational leaders, on the local school boards to say, well, these are the national goals; are we going to be below the national level?

If we would have put in the national history standards, which were an abomination, every school district would have been under tremendous pressure to explain why their standards were not like the "national history standards." That is the danger of something like this, not that there is a straightjacket that forces people to do it, but that momentum overwhelms the ability of local governments to resist it.

On the other hand, in the neglected and high-risk youth, as someone who has worked as the Republican staff director when the Republicans were a minority on the children and family committee, then worked in the Senate with Senator COATS on children and family issues.

Then I have been a member of the Subcommittee on Early Childhood, Youth and Families; I cannot think of a more needed area than to work with these high-risk youth, and that is a better way to target our funds.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to ask the gentleman from Colorado, Mr. BOB SCHAFFER, where this money would actually end up under his amendment. It would come out of Goals 2000 and go into this program, but who would actually receive these funds?

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Colorado.

Mr. BOB SCHAFFER of Colorado. The dollars are headed to State and local grant-related programs that assist neglected or delinquent children in State-supported institutions, could be correctional facilities or other institutions for neglected and delinquent children.

Mr. PORTER. Mr. Chairman, reclaiming my time, I thank the gentleman, because the way I read the amendment, it would take the money out of Goals 2000 over which local school districts have discretion.

As the gentleman may know, under the Istook amendment, that was adopted in the last year's appropriation, and I think it was a very good amendment. It eliminated the need for States to submit their improvement plans under Goals 2000 to the Secretary of Education, it eliminated the National Education Standards and Improvement Council, it removed the requirement for States to develop opportunity to learn standards, and most importantly, the revision allows the States and localities to use all of their Goals 2000 money for the purchase of technology if they so choose. That seems to me a very high and important priority.

This money, that now could be used by local school districts for education technology needs, is instead going out of the education system, controlled by local school boards; and it is going to go to institutions for juvenile delinquents. It is going to go to adult correctional facilities and institutions for the neglected. In other words, it is going out of the public school system entirely and going for other purposes.

I personally think that the use of the money in Goals 2000, where school districts have a great deal of discretion as to how that money can be used, is a better use of the money than for the Neglected and Delinquent Youth program.

I am not a great fan of Goals 2000, but we spend $8.2 billion in title I, and this is a title I program. Within title I we spend $40 million for neglected and delinquent youth. We are going to put $40 million more, or double this account, in 1 year under the gentleman's amendment. The gentleman will make it go from $40 million in the bill to $80 million in one amendment.

The amendment would double the request of the President of the United States as to what is needed in this account; and very frankly, I would simply rather see this money go to the local school districts and allow them to decide whether they want to use it for education, the Goals 2000 programs, or for educational technology, which many of them do.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, will the gentleman further yield?

Mr. PORTER. I yield to the gentleman from Colorado.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, the gentleman suggests that the amendment represents dollars going out of school districts entirely toward other types of settings, which I would refute and reject and believe that that cannot be supported.

In fact, this is a grant program. School districts, in many cases and, in fact, in most cases, also apply for these funds, receive these funds for the assistance of at-risk children.

Now, these activities take place in schools of all sorts, and they are at the will and liberty to apply for the grants just as any other institution may. The real question, though, is that we are talking about specific individuals.

Now, while some may measure fairness based on a relationship between institutions, others of us measure fairness on a relationship of how we treat individuals, whether they are a child at risk and subjected and entitled to a public education, be it at an elementary school, be it at a special home that has been created for a neglected or an abused child, or in a juvenile correctional facility. We are talking about dollars that are going directly to children to assist children.

Now, frankly, I am less impressed by how one building or one group of education bureaucrats fares compared to another. I think the American people, in general, are more inspired by what we can do for children and for individuals who have the greatest need, who are at the greatest risk.

This amendment, in fact, gets dollars to children who need it most wherever they may be.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The time of the gentleman from Illinois [Mr. PORTER] has expired.

(By unanimous consent, Mr. PORTER was allowed to proceed for 2 additional minutes.)

Mr. PORTER. Mr. Chairman, I am not aware that the gentleman, and let me say I share the gentleman's lack of enthusiasm for Goals 2000, but I am not aware that the gentleman has shown any support up till now for the program that he would increase. He did not come to testify before our subcommittee in that regard nor write us regarding this program.

I am not a fan of Goals 2000, but I think the money under Goals 2000 has a great deal more flexibility for use that local school districts would provide. And it seems to me increasing a program that even the President of the United States thinks is fully funded at $40 million to $80 million is just not a good concept to follow.

It does not make any sense to me whatsoever, and I would urge the Members to reject the amendment.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I respectfully join in the points made by the gentleman from Illinois relative to what happens to the money that is taken out of the Goals 2000 Program and put into the section where the gentleman who offers the amendment would like to have the money put.

I am reading from the law here, which says that the purpose and method of operation of that particular program provides financial assistance to State educational agencies for education services to neglected and delinquent children and youth under age 21 in State-run institutions for juveniles and adult correctional institutions. It says the funds are allocated to the individual States through a formula based on the number of children in State operations and per pupil counts in State institutions that provide at least 20 hours of instruction from non-Federal funds; that adult correctional institutions must provide 15 hours per week.

Mr. Chairman, I do not know of anyone in the Congress that has worked harder over the years to provide money for programs for at-risk, neglected, and delinquent children than I have. I have sat on this subcommittee for more than 20 years urging that we put money into programs that will avoid at-risk children and neglected and delinquent children having to go to State-run institutions and adult correctional institutions.

The money that is being taken out of there, if it were going into a program to help these children avoid becoming at risk and avoid becoming delinquent, it would be the proper way to put the money. But when we look at the Goals 2000 Program, that program is designed so as to keep these children from becoming at risk and becoming children who later on become inmates in State-run institutions and adult correctional institutions.

I think we might just for a moment take a look at what the Goals 2000 Program actually does. This program reflects over a decade of rethinking of American education and how it can be improved. It is one of our best investments because it is aimed at helping all students reach high academic standards and because it offers States, school districts, and schools maximum flexibility in the use of Federal funds to reach this objective.

Goals 2000 also has a tremendous impact because it helps Governors and educators develop the strategic map or planning guide for most effective use of all other resources, Federal, State, and local.

On the contrary, under this other section, where the money is being put, those young people are not helped by the moneys being put there. This money is more designed to carry out the administration of keeping them in these institutions as inmates.

Standards-based reform, which is the purpose of Goals 2000, is working all across the country. Strong schools now, with clear standards of achievement and discipline, are essential to our children and our society. These standards are needed to help instill the skills and encouragement for hard work that our children need to succeed in school and in life. Toward that end we must now establish meaningful standards for what students should be expected to learn and to achieve.

The American public supports high standards in education. Parents deserve to know how their children are performing, based on rigorous standards. And with the help of Goals 2000, States are establishing academic standards and coordinating their curriculum frameworks, student assessment programs, teacher preparation, licensure requirements, parental and community involvement and other aspects of the educational system to help all children achieve the State standard.

So it does not help the young people that the maker of the motion intends to help by taking money out of this type of a program to put it over in a program where these children are the victims then of not having the proper amount of money in those programs and have become delinquent, and as a result of their delinquency become incarcerated in these State institutions and correctional institutions.

So I would hope that the House would reject the gentleman's amendment, because no matter how wellintentioned, it will not achieve what the gentleman desires to achieve. I think I can say this clearly as one who has fought hard for at-risk youth to try to see that they never have to see what the inside of a State-run institution or what an adult correctional institution is like by having money put in the programs that are designed such as Goals 2000.

□ 1230

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Chairman, rather than ask for an extension of time with the chairman of the subcommittee, I wanted to make a couple of points and then ask a question.

I understood him to say that he felt that the problem of juvenile delinquency was less than the need for the funds for Goals 2000. I want to get that clarified. But that in this amendment as we move to look at the question of national standards, the last speaker said it was not mandatory but that we needed national standards and people were looking for standards. I do not disagree that there needs to be stronger standards in the local schools and at the State level, but we have a fundamental disagreement over whether people are looking to Washington to set standards on anything. We do not have a particularly great record of putting standards on ourselves in this House or in the White House or in the executive agencies on a lot of different things. I do not think parents want to trust us with setting the standards out of here with all the dealmaking that occurs and with all the ability of different lobbying groups to influence it disproportionately here in Washington. I do not think they want the standards coming out of Washington, the involuntary pushing toward this.

On the other side, in the discussion that the gentleman from Illinois [Mr. PORTER] had with the gentleman from Colorado, Mr. BOB SCHAFFER, the question was, was this money going to the local schools. My understanding is that in Goals 2000, if they agree to cooperate and follow with certain things, some of the money goes there. But in the juvenile delinquency programs, it goes to the States which then move it down to the local level.

Mr. PORTER. If the gentleman from Pennsylvania will yield, let me correct that, because I think the gentleman from Colorado's and the gentleman from Indiana's amendment does not do what they want it to do.

The program that the gentleman mentioned, that is, the program to which the $40 million would be transferred, is a program that is apportioned to the States. I will read to the gentleman if he wants from the budget justification submitted this year, but let me summarize the first part:

> Funds are allocated to the States through a formula based on the number of children in State-operated institutions. . . . Like other title I programs, this program requires institutions to gear their services to the high State standards that all children are expected to meet. All juvenile facilities may operate institutionwide education programs and use title I funds in combination with other available Federal and State funds.

This is a program for State institutions, not for local school districts, and it is not a grant program.

Mr. SOUDER. It says institutions in the States. It does not necessarily say State institutions.

Mr. PORTER. It says State institutions serving children, "State institutions serving children with an average length of stay of at least 30 days."

Mr. SOUDER. Whether or not, and we can discuss whether State institutions move it to the local level. Let us assume for purposes of debate that we are moving it to the States for neglected children. We attempted in earlier amendments in title I to move money to vocational education for prevention as the gentleman from Ohio [Mr. STOKES] was referring to, we attempted to move money to IDEA, we will have additional amendments here to try to move it to education programs for high-risk students. This particular amendment is focused on the goals and then moving it to kids. It is hard to say that once somebody is in a juvenile institution that forever they are gone. The purpose of this program and as we reworked the Juvenile Justice Act in the authorizing subcommittee, we tried to look not only at prevention which is important but how we take those kids who are in the system and try to rehabilitate them and work with them while they are in the system. I believe that that ought to be done predominantly at the State level, which these funds do. This moves those funds to the State level. Presumably those State funds and those institutions are at the local community, but let us say that it goes to the State level. I believe that that is much more effective than arbitrary standards set out of Washington in education. That is what this amendment by the gentleman from Colorado, Mr. BOB SCHAFFER, does.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Illinois.

Mr. PORTER. Let me read from this. I was reading the wrong section. I apologize for that.

> This program provides financial assistance to State educational agencies for education services to neglected and delinquent children and youth under age 21 in State-run institutions for juveniles and in adult correctional institutions.

This money will not go to school districts under any circumstances.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The time of the gentleman from Pennsylvania [Mr. PETERSON] has expired.

(By unanimous consent, Mr. PETERSON of Pennsylvania was allowed to proceed for 2 additional minutes.)

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield to the gentleman from Indiana.

Mr. SOUDER. I was not maintaining it went to local educational institutions. It went to try to educate people at the local level who are in institutions for juveniles. What I am arguing is that we cannot just say everybody in school is the problem. We also have to try to do literacy courses, vocational education training, and stuff for people who are lost but are coming back out. Juveniles in the system with the exception of those who may have committed a life sentence crime are not going to be there forever. This money moves money for education for those who are in juvenile institutions or adult institutions for training. I believe that is a better use of funds. The gentleman from Colorado, Mr. BOB SCHAFFER, proposed this amendment because he believes it is a better use of funds than some sort of Federal standards coming out of Washington that drive our school districts and often override what local school boards or the State institutions in education would favor.

Mr. TIERNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have to say that I am shocked, shocked to hear that all this time we thought that many Members on that side of the table were anti-education when they tried to do away with the Department of Education, never stood up for preventative actions for the criminal justice system before, for juveniles or for anyone else. All of a sudden they have this heartfelt concern for many, many programs that have been fought on that side of the aisle, particularly by that element of the group repeatedly.

I am on the Committee on Education and the Workforce, Mr. Chairman. Believe me, I did not hear any cry for vocational education, asking for more funding at the committee level. In fact, they wanted to zero it out at the committee level. But here we are with an opportunity for them to attack a program that they do not like, and all of a sudden they want vocational education.

If you were sitting in the Committee on the Judiciary, you probably would not hear much from them about preventative programs for juveniles, but here we are with an ability for them to attack a program they do not like and all of a sudden they have a newfound fervor for that.

I suggest, Mr. Chairman, if we had sat around for their planning session, what we would have heard is this is an area of Goals 2000 we are going to attack and do it by making some sort of a problem for people by pitting that money against cuts or increases in another area that people feel very strongly about also. They want to be less than disingenuous. If they wanted to be actual and straightforward about it, they would just move to cut the budget.

POINT OF ORDER

Mr. SOUDER. Point of order, Mr. Chairman.

The CHAIRMAN pro tempore. Will the gentleman from Massachusetts suspend?

The gentleman will state his point of order.

Mr. SOUDER. Is it in violation of House rules to malign the motives and try to prescribe motives to people when they have no idea what those motives were?

The CHAIRMAN pro tempore. Is the gentleman from Indiana making a point of order?

Mr. SOUDER. My point of order is I believe it is a violation of House rules to malign the integrity of other Members and their reasons for offering amendments.

The CHAIRMAN pro tempore. Is the gentleman demanding that the gentleman's words be taken down?

Mr. SOUDER. Mr. Chairman, I will take back my point of order.

The CHAIRMAN pro tempore. The point of order is withdrawn.

The gentleman from Massachusetts may proceed.

Mr. TIERNEY. Mr. Chairman, I proceed because I think it is important for the people to know that if it is Goals 2000 about which they want to have the debate, let us have it straightforward on that particular program. This is a program that President Bush put forward with the cooperation of Governors across this Nation, including a then Governor who is now President of the United States. It is a program that virtually every major business group supported, every major educational group supported, people by and large in this country supported because it was not national standards, it was an opportunity to combine Federal resources with local and State resources to establish standards to raise the bar for students across this country, to give them goals to achieve.

That is what we ought to be doing. Then we have to assess where they are. But we need teacher development. Goals 2000 provides the tools to do that. We need to have assessment, and the local communities can do that with the help they get from Goals 2000. We need to have parental involvement, and some communities have taken Goals 2000 grants and done just that, increased parental involvement. These are the programs that we put forward repeatedly, programs that help the public schools in this country improve the ability of the children to learn and give them a chance in this life.

If you do not like Goals 2000, take a straight vote on whether or not to cut that program. But do not try to be disingenuous, do not try and pit one program against another when you have lost the initial debate on policy. Come straight to the people of this country, have the debate, have the vote and then let the House get on with its business.

I commend the chairman and I commend the ranking member for the hard work that they have done in reaching a compromise on a bill that helps to educate children in this country in what has been by and large historically a nonpartisan venture, the education in the public schools of the children of this country. I ask that we return to that agenda and stop what is going on here.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado Mr. BOB SCHAFFER.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, further proceedings on the amendment offered by the gentleman from Colorado Mr. BOB SCHAFFER will be postponed.

AMENDMENT NO. 22 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. ROEMER:

Page 64, line 7, after the first dollar amount, insert the following: "(reduced by $25,000,000)".

Page 66, line 20, after the dollar amount, insert the following: "(increased by $25,000,000)".

Mr. ROEMER. Mr. Chairman, I offer this amendment in the spirit of bipartisanship with the gentleman from California [Mr. RIGGS] and in the spirit of strong support for our education system and this bipartisan bill that has been put together.

I want to start by commending the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] for their hard work in funding particularly a number of programs in education that are important to me. Title I, Head Start and Pell grants are not only fully funded, but we see increases in those very vital programs. I want to thank the gentleman from Illinois [Mr. PORTER] and thank the gentleman from Wisconsin [Mr. OBEY] for their strong work in those areas.

This bipartisan amendment that I offer today is an amendment that would support an innovative, bold, imaginative new idea for public school choice, and that is charter schools.

Where do we get the $25 million to support charter schools, to take it up from $75 million in this bill to the President of the United States' request of $100 million? We take the $25 million out for charter schools from a program called the technology literacy challenge grant. That is a program that I strongly support. The President asked in that program for $425 million. The Committee on Appropriations gave it $460 million, a 130-percent increase. While I strongly support that technology literacy program, our $25 million taken from that program to put in charter schools will still result in a 112-percent increase in the technology literacy program, $10 million above the President's request, and fully fund the charter program that the President has strongly supported.

Why should we be supporting charter schools in this Nation? They are cradles of innovation, they empower teachers and students and parents, they are schools created by teachers, schools and our parents. They are accountable. If a charter school is not working, a charter school can be shut down. They strengthen the public school system. We are not trying to take money away from public schools. We are trying to find bold, new, imaginative programs that give accountability and give access and give local control, and that is a charter school.

These programs, I think, Mr. Chairman, are working. Three years ago, there were two or three charter schools in America. Now there are over 700.

□ 1245

Puerto Rico, District of Columbia, and 30 States have charter schools. They are independent public schools. They are open to all students, they are supported by our tax dollars, they are accountable to citizens, to taxpayers, to parents and to students and to teachers, and they are community-based.

One charter school that I visited here in Washington, DC, is called the Options Charter School. The Options Charter School here in Washington, DC, is not for the elite, it is not for the wealthy, it is 100-percent minority. All the students are eligible for free and reduced lunches, and most of those students have dropped out of the D.C. school system.

So this charter school is not trying to help the elite and the wealthy; it is, in fact, trying to help some of the most disadvantaged students that the D.C. school system is failing.

So let us debunk the myths of charter schools that they are vouchers. No, they strengthen the public school system. Let us debunk the myth that they are for the elite. No, they often serve needy and disabled students. And these are completely accountable because State legislatures have to pass charter school laws.

So I would hope that my colleagues would support a bold and new idea. I would hope my colleagues in the spirit of bipartisanship and the spirit of support for education would bring charter schools up to the President's request of $100 million, and I would hope that they understand that the money coming out of the Technology Literacy Challenge Grant Program still results, let me remind my colleagues, still results in a 112-percent increase for that Technology Literacy Challenge Grant Program.

Vote for innovation, vote for bipartisanship, vote for charter schools.

Mr. OBEY. Mr. Chairman, I reluctantly rise to oppose the gentleman's amendment.

Mr. Chairman, let me explain why. First of all, I think when we are trying to keep an agreement together between the parties, it is important to oppose amendments from both sides of the aisle, not just that side.

Second, I, frankly, do not know quite what I think of the pace at which charter schools ought to be encouraged. I like the idea of charter schools, because I think that they offer an opportunity to escape the bureaucratic box which a lot of local schools have been caught in.

But I am also concerned about the very uneven result we have seen so far with the charter school movement. I think if it is to be developed in the future, it sort of reminds me when we used to be involved, we had a competition between parties, frankly, to show who is most against cancer back 20 years ago. You would have amendment after amendment throwing money very fast into the Cancer Institute. But we did not also add money to the grant overseers in the department to see that the money was not wasted, and a lot of it wound up being wasted and some people went to jail.

I think you can kill a good thing by sometimes increasing its budget too fast, and that is why I am concerned about increasing the funding for charter schools until we have better results.

Third, while that alone would not cause me to oppose the amendment, because I think in the end charter schools will get their problems worked out, I very much am concerned about the source from which the gentleman takes the money, the technology account.

I have had a good many experiences in my district in helping schools on projects in wiring those schools so they can connect with the information highway, in trying to see to it that rural schools, and I do not represent a single city larger than 37,000, I am concerned with seeing that rural schools are not passed by on either the school reform movement or by the technology revolution that is taking place in this country.

It seems to me that this technology account is a key tool in enabling schools with very limited local resources to be able to stay abreast of the breathtaking changes that are occurring in technology and communications around the country.

So that is why I very reluctantly would have to oppose the gentleman's amendment. Perhaps we can reach a different understanding in conference, because the President, I know, is an enthusiast for charter schools, and I am willing to listen to that. But for the moment, again, we have reached an understanding about how these resources ought to be divided.

There is no question that on the merits many accounts in this bill are underfunded. I think this entire bill is underfunded to the tune of at least $4 to $5 billion. I think we should be putting more resources into education, into student aid, into medical research. But until that happens, we have to, unfortunately, make these very hard choices.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, first of all, I want to commend the gentleman and Mr. PORTER once again for making some of the tough choices for increasing funding for Head Start, a fantastic program, increasing funding for Pell grants, increasing funding for title I. You have done a great job. I salute the gentleman for that.

I also would agree with the gentleman that the gentleman and I would probably want to take money out of B-2 and space station and put it into education. We do not have that luxury in this bill.

The gentleman's first concern about too much money going into charter schools too quickly, again, I am a supporter of the Technology Literacy Challenge Grant Program. But we have funded that at an 130-percent increase. And even if we are successful in transferring $25 million, it will still be $10 million above the President's request. Whereas, if we take the $25 million and get it into charter schools, we just meet the President's request there.

If this amendment is successful, we have met the President's educational request for charter schools, and we are still $10 million above his request on the Technology Literacy Challenge Grant Program.

Mr. OBEY. Mr. Chairman, reclaiming my time, I recognize that. All I would say is there is a reason why technology funding is exploding, and that is because technology itself is exploding, and no school wants to be left behind. This is a crucial time for all of them.

Mr. RIGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to be heard on this amendment, and I am very pleased to join with my good friend and colleague on the Subcommittee on Education and the Workforce, the gentleman from Indiana [Mr. ROEMER] in offering and sponsoring this amendment.

Mr. Chairman, 14 years ago the late Terrence Bell, who served as Education Secretary in the Reagan administration, headed up a group that was charged with studying the conditions of American schools. They issued a breakthrough report, a remarkable report, a report that I think to this day is considered somewhat of the definitive study on American education. It was called A Nation at Risk.

Now, 14 years later, 1997, another group that Mr. Bell was involved with until he passed away did a followup study called Reclaiming a Nation at Risk, and they found that the No. 1 and most important aspect of educational reform is decentralized decisionmaking and site-based management, and that is what charter schools are all about.

They are a remarkable experiment in a highly regulated, very bureaucratic profession, and that is not a slight on teaching, which I consider to be a missionary occupation, but they are a remarkable experiment in decentralization and deregulation.

The early results on charter schools are very, very promising. We have about 600 charter schools in the country today, out of 16,000 primary-secondary schools nationwide, and these charter schools are producing great results.

I personally went to a charter school in southern California called the Vaughn Learning Center, run by a longtime educational administrator, a school administrator, a true professional, an educational entrepreneur I call her, by the name of Dr. Evone Chan.

She started the Vaughn Learning Center in a gang-ridden, poverty-infested area, and has done tremendous things with that particular school. It used to be a neighborhood elementary school. Now it is a charter school.

The kids who lived in that neighborhood who were going to other schools around the city of Los Angeles are back at that charter school, and she has a long waiting list of kids whose families want to send them to the Vaughn Learning Center.

Dr. Chan is very excited about charter schools. She is a tremendous enthusiast for charter schools as being the cutting-edge of public school reform and a way of giving parents more choice in public education.

She told us when we were in Los Angeles having our field hearing on the campus of the Vaughn Learning Center that charter schools were the answer to what she called the three B's, bussing, bureaucracy, and buts.

She explained many times throughout her career with the Los Angeles unified school system, she would have a great idea, she, if you will, would promote that idea up the chain of command, up the lines of authority, and get back an answer, "basically that is a great idea, a great suggestion, Dr. Chan, but we can't do it or it won't work for the following reasons."

So she says charter schools are the answers to problems, the bussing, bureaucracy, and buts, in education today, and she is joined by a wide number of people, people from across the political spectrum.

Now, the Hudson Institute has also looked at charter schools, Bruno Manno, a senior fellow with the Hudson Institute, visited 50 such schools in 10 States, and concluded, quoting from a Washington Post article, that charter schools may be "the most vibrant force in American education today."

The Department of Education is doing a study on charter schools and they have just finished the first phase of that study. We now know the key findings of that first phase study, the first year report on charter schools, are that educational vision and flexibility from bureaucratic laws and regulations are the two reasons most commonly cited for starting public charter schools.

Second, they have a racial composition, and this is important to hear, a racial composition similar to statewide averages, or have a higher proportion of minority students.

Third, the Department of Education tells us from their study that they enroll roughly the same proportion of low-income students on average as other public schools.

Last, most charter schools are small, with an average of 275 students, and that provides a tremendous learning environment.

That is why the Hudson Institute found in their report that charter schools are havens for children who have had bad educational experiences elsewhere, low-income children, at-risk children, minority children, and children with learning disabilities and behavioral problems. They and their parents reported they are doing better at their charter schools than at previous schools.

So I support the Roemer amendment and am very pleased to join with the gentleman in commending the amendment to our colleagues.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of this amendment. Charter schools can be created by parents, by teachers, by community leaders, by museums, by universities, anyone who is interested in pursuing excellence in education.

Charter schools aim to equip our children with the skills they need to compete in today's ever-expanding global marketplace. A good charter school holds the students to rigorous academic standards and makes excellence the norm.

We are experimenting with charter schools in my State of Connecticut, and these schools create an alternative form of public schooling. For example, in my district, the Odyssey Charter School in Manchester is a middle school that helps underachieving students in traditional subjects like math and English, but also goes on to have these students understand more about communication, newspapers, radio, and the Internet.

Another school that we are beginning is the Sports Science Academy in Hartford, CT. This school has 125 students focusing on careers related to sports industries.

□ 1300

These schools aim to lift restraints on public schools so that all the talent, all the creativity, all the excitement that faculties want so much to bring to a student body can be unleashed. Charter schools can pursue innovative teaching methods that will improve student performance. Designed to deregulate and decentralize education, the charter school concept is intended to empower parents, teachers, and community members with a flexibility to innovate.

At a time when we are so aware that our students have to grow up and have talent and learn new technological skills, we really have to actively pursue every avenue to make quality education, public education, available. I just think this makes good sense.

Mr. Chairman, my school district in Hartford has some serious, serious problems. All of us who claim to really care about public schools, all of us who really know that what made this country great was our public school system, we really have to think about supporting choice in public schools. If we are going to have choice in public schools, we are going to have to deliver the necessary financial support to charter schools in a way that we demonstrate our commitment.

I urge my colleagues to support this amendment, and thank the gentleman from California [Mr. RIGGS] and the gentleman from Indiana [Mr. ROEMER] for bringing this forth. The time has come, and we all say that we are for this, that, or something else, but if we truly believe our public school systems are going to work, then we have to be innovative, and we have to share the cost of that innovation.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Roemer-Riggs amendment. I think it strikes right at the heart of one of the most exciting concepts in education in this country, no matter what part of government we are dealing with. And I have always liked pilot projects, where we test how things work before we nationalize them, or before we make them statewide, or before we bring them into the system.

Charter schools are making a difference in this country. Charter schools are one experiment of the many educational experiments that I think people all over this country are excited about. We should not allow the educational bureaucracy to just allow them to grow very slowly. When we look at the numbers, we heard today that 600 in this country out of 16,000 schools, that is about 3½ percent, are charter schools. That needs to grow.

I, too, am a very strong supporter of the technology literacy fund. But that received a 130 percent increase over last year. It will still have a 110 percent increase. I have heard the words here today several times that you can grow funding for a program too fast and not spend it wisely, and that might be the case here. It will not be underfunded, and it will bring the charter school funding up to what the President felt the needs were. This is one area where the President and I sincerely agree.

All the new research documents show that the reason charter schools are not moving forward faster is the lack of startup funds. That is the role we can play. Even the NEA, I am told, is talking of doing five charter schools. When the establishment starts to get into the charter school business, it shows us that this is a concept that is making a difference.

In my district, I have a regional charter school proposed that I think is exciting. Small, rural school districts really are challenged to deal with troubled students, students that are truant, students that are in trouble with the law and cause a lot of problems in the school. When there is a certain amount of that, the whole school is disrupted, and the educational process.

We have a regional concept where they are going to hopefully get chartered soon to have, for a multicounty area, a place where troubled students, delinquent children in these small, rural school districts, that could not deal with them in a positive way, a place to offer them a kind of program that would help them, but done on a regional basis.

The grass-roots support continues to grow as people learn about charter schools. In Florida, where independent observers first predicted a relatively small amount of activity due to aspects of the State's enabling legislation, 40 schools were approved in the first two rounds. In North Carolina, more than 60 groups applied for charters in the first round of applications. In Pennsylvania, my State, 90 groups wanted to have a charter school before the law was even passed, and 67 are now receiving State support.

Mr. Chairman, this is an educational experiment that has proven it can make a difference in American schools, all different types of charter schools, and it is one we should force-feed. We should at least fund the President's recommended request of $100 million, which the Roemer-Riggs amendment does. I think it is one of the best amendments I have seen in the educational debate here.

I urge my colleagues to vote for innovation, to vote for change, to vote for the funding for charter schools that are making a difference, and will make a great difference in this country if we adequately fund them.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak on behalf of the Roemer-Riggs amendment, to join my colleagues from the Committee on Education and the Workforce. They seek to put an additional impetus behind this charter school movement. I think it is important.

I come as someone who fully supports free, public, quality education in our country, and I do not think there is anything inconsistent in that in the support of charter schools. They will be and have been, as they have been established throughout the country, public institutions focused on funding through experimentation, and a particular focus on some of the key answers to questions that still challenge the public education system.

In my school district in Philadelphia, the largest in the State of Pennsylvania, our board of education has just approved the application for a number of charters, many of which will be set up in my district, and I am very, very hopeful that not only will it benefit the students who will attend those charter schools, but that there will be lessons learned from them that will be applicable throughout the system.

We need to continue this. As this country goes forward to perfect our Union, nothing has been more important in the American experiment than a free, public, quality education for all of our citizens. So even as those who come to point at some of the difficult and remaining challenges and find some reason to complain about our circumstances in public education, I believe that there is still hope, and I think part of that hope is the charter school effort.

It includes in it still a commitment for a public process, public schooling, and one in which, at least for the charters in Pennsylvania, that the application and enrollment processes are ones in which we can see that there will be a fair opportunity for every young person who wants to participate and be part of those institutions.

I want to thank the gentleman from Indiana [Mr. ROEMER] and his cosponsor, and I would hope this House would favorably support and endorse this amendment. It is unfortunate that we have to move some money from another very worthy program. That is part of a larger debate about what our commitment in this Nation really ought to be in terms of education.

But I am hopeful, even as we take this step, that the technology and literacy program will still have, as has been mentioned by the gentleman from Pennsylvania [Mr. PETERSON], a colleague of mine, adequate resources and an appropriate increase as we go into the next fiscal year.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to reluctantly oppose this amendment. We have a choice here of two good spending programs in education. I think most Members on both sides of the aisle can support the programs, the charter school program and the technology program. As a member of the subcommittee, we have to make those tough choices, how do you allocate the money.

Charter schools is a new program. We increased it by 50 percent. During hearings this summer, for example, on June 3 we were advised by the chairman of the subcommittee that with respect to charter schools, he said, I am recommending that any funding increase you consider for the Federal charter schools be contingent on enactment of additional authorizing legislation.

There is concern about putting too much money too fast into the program. So we increased it about 50 percent, which is legitimate, and I have already had the pleasure of visiting two charter schools in my district. I am very, very impressed. They are brand new this year. One is the PAL Program. In fact, I spoke at the opening day ceremonies, along with our State superintendent of schools, Frank Brogan, that our sheriff, Charlie Wells, has used the Police Athletic League to start middle school programs for kids that need special help, not a disciplinary program, but kids that need special learning help, energy and techniques and such, that can help these 100 kids in middle school; a great program. It is really exciting. I was talking to the principal on the phone just yesterday about the benefits of the program.

Another program that I visited last week was Easter Seal, helping disabled kids, again a great idea. I think it is going to be very successful in helping that targeted group of kids that need that special down in Sarasota-Manatee area. I am a supporter of charter schools, and I think maybe Members on both sides of the aisle are.

The technology program is a program that we started to help bring computers in and help us into the 21st century for our schools. Our goal is to have $2 billion over the next 5 years to help schools get the latest technology, again something we all support. It is a program that we have a goal to reach in 2 years, is the reason this program is increasing, and should continue to increase over this 5-year effort to reach that amount of money.

So charter schools is a good program, and technology is a good program. We can support both of them, but we only have so much money to work with. How do we allocate the dollars? It was the choice of the committee to increase the charter schools by $25 million. It is not the end of the world if this amendment passes, it is just a matter of making those tough choices.

I think charter schools are an exciting new idea in education. I see it working in the State of Florida. But we have to be careful and let it grow and see how we in Washington can help support the local and State efforts, which of course, is where all control of the educational system should be placed.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding. He is a very good friend, and I have certainly enjoyed serving with him on the committee.

Mr. Chairman, I just wanted to point out to my colleagues, we are talking about increasing funding for charter schools from $75 to $100 million, which would fully fund the President's budget request for charter schools. In the hearings we have already conducted in the subcommittee that I chair on primary-secondary education, Early Childhood, Youth and Families, we have heard that the single biggest obstacle to the opening or startup of more schools is seed capital. That is what we are trying to provide here.

We think we have found a reasonable offset. While I respect the gentleman's views, we think we have found a reasonable offset in the Technology-Literacy Challenge Fund, because that program, that account, received a 130-percent increase in funding, as the gentleman from Indiana [Mr. ROEMER] pointed out, exceeding the President's request by $35 million.

Mr. MILLER of Florida. In conclusion, Mr. Chairman, when the gentleman from California [Mr. RIGGS] was speaking before the committee, on questioning, he was saying we needed to go slow as far as new authorization. Our reluctance was not to increase it too fast until the authorizing legislation caught up to what is happening in charter schools.

Charter schools is a good idea, but the technology program is something that I think we need to continue to push forward on and achieve that $2 billion goal. I rise in reluctant opposition.

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Riggs-Roemer amendment. I rise in appreciation that these two Members on opposite sides of the aisle have adopted a bipartisan approach to perhaps the most important issue facing our country at this time.

At a time when, on education matters, we are fighting over tests and fighting over vouchers, two Members have anchored us where we all are. They deserve our support and they deserve our appreciation.

They have my particular support because the divisive fight over vouchers has caused unnecessary splits in people who really want the same thing. There is a constitutional issue raised there. There is the fight over diversion of public money. Here is the kind of compromise that can get everybody working together.

In the District last year, when there was a task force appointed by the Speaker to work on school issues for the District, and Representative Steve Gunderson, who has now left the Congress, found that there had been a referendum in the District against vouchers. He looked for an alternative that would accomplish the same thing, and worked with us to get a charter provision in the D.C. appropriation.

Now we see this issue coming alive all over the country. Those who support vouchers tell us existing schools need competition. They could not be more right. Public schools need competition, but I have to tell the Members, they have been getting competition from church schools and from private schools forever. There were those schools there before there were public schools, and they have done nothing to, in fact, improve public schools. The reason is, public schools need to see a public school doing better than they are doing. That is what a charter school is; it is a public school that is allowed to fly by its own light.

If they see children, just like the children in the public school, going to school on public money, using innovation, you then have real competition. We do not have it from the wonderful parochial schools in my district now. We do not have it from the private schools in my district now. But I can tell the Members, out of the side of their eye, our public schools look at charter schools that are doing better, getting better test scores, and getting better involvement of parents.

The private schools have been there all along. Charter schools are giving a big push to public schools. In my district, we cannot keep up with the number who want public schools.

□ 1315

One hundred million dollars will not begin to do it nationwide. Why should this money be put here? Because there is a market. The market out there in the country is saying: We want these schools, and we ought to respond to that market.

Mr. Chairman, if we want innovation, that is where the innovation is. Vouchers are stuck in the courts and are going to be stuck there for a long time, until the Supreme Court tells us there is a violation of church and State. Meanwhile, all energy, for example in the District of Columbia, is going into public schools, and well it might.

Mr. Chairman, I want to thank Members, and there are so many now, who are hosting D.C. students as interns in their offices. Many have stopped to tell me how helpful these students are. We want to keep the focus on these public schools; not only on their roofs, but what goes on in these schools.

The District has been chosen out for a possible attachment to its appropriation, imposing a voucher provision on the District, after the District has already said in a public referendum that the District does not want vouchers. This issue held up our appropriation 2 years ago and almost took an insolvent District all the way down.

Mr. Chairman, we know that a voucher provision will be filibustered in the Senate. What a waste of time and energy. Why cause this divisiveness among us on a question of overriding importance to us all, and that is education?

Nobody would filibuster a charter school provision. The overwhelming majority of the public want us to find a quick, nondivisive way to improve their schools tomorrow, not after the Supreme Court tells us whether or not money can be given to a parochial school or a private school. And, above all, imposing vouchers on a helpless jurisdiction that is not fully represented here, nor in the Senate, is a shameful way.

Mr. Chairman, if the majority thinks that they have a majority for vouchers on the District, then they have a majority for vouchers in this House. The majority should put their own bill forward, and not bully a smaller jurisdiction.

Mr. Chairman, I strongly support this amendment and urge its passage.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Roemer-Riggs amendment, and I am very cognizant of the stated concerns of the appropriators. The gentleman from Florida [Mr. MILLER] spoke earlier, and the gentleman from Wisconsin [Mr. OBEY] spoke to this as well. I think they raise some legitimate points.

Mr. Chairman, I wish I could say that I was an expert on the Technology Literacy Challenge Fund. I know a little bit about it, I think, so it is a good program. I am not quite sure why it is getting the significant increase that it is getting here.

The charter schools is already getting an increase, and this would take it to an additional $100 million. But I am familiar with the charter schools in my own State. In Delaware, like in other States, we are beginning to innovate and do different things to present a different way of looking at our public schools.

Public school choice, for example, has become a very major issue in just about the last 2 or 3 years in my State, and I think it is a good issue. During the campaign last year, I was actually out at schools having an open house and I never saw such parental interest in a school. It was getting into a choice situation. We are beginning to see real changes.

Mr. Chairman, charter schools invite that. In Delaware, we have charter schools. They tend to be very varying in the kinds of things they are doing. There are not many of them at this point. We certainly need all the guidance, all the innovation, all the research we can get with respect to charter schools, but it is making teachers and administrators and parents and students sit up and say, gee, do I want my child to go to a school of arts? Do I want my child to go to a business or finance school? Do I want my child to do something perhaps different than what the child might be doing otherwise?

Mr. Chairman, the answer in many instances is "Yes." It is breaking the mold. I agree with the gentlewoman from the District of Columbia [Ms. NORTON], because I think we need to do some of this at the public school level, not just at the private school level.

Again, Mr. Chairman, this is the kind of situation in which we have Federal money as an overlay to what is done at the State and local government level, but I believe that the Federal dollars in this have been well spent. My understanding is that the request of the White House was actually for the amount of money that we are taking this up to, or something roughly equivalent to it. So I assume that the Department of Education is fully prepared to be able to handle and manage this increase, if we are able to make this change.

So while I have some reluctance to go out of the parameters as set forward by the appropriators, particularly on this very sensitive bill, I think in this instance we would be well-served to help this as the moderate step.

Some people are opposed to vouchers to private schools, and I have mixed feelings about that as well. I think for those who are very interested in vouchers, that this is another offshoot, in a sense, to that; a way of bringing innovation and change to our schools. Mr. Chairman, I would encourage their support for this as well.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Roemer-Riggs amendment, and I congratulate my colleagues on the Committee on Economic and Educational Opportunities for submitting this bipartisan amendment, and urge all Members to look closely at what we are considering here.

We need a more deliberative process and, really, we need a bill out of the Committee on Economic and Educational Opportunities, which deals with charter schools in an appropriate fashion. But, Mr. Chairman, in that process there are certain facts we start with. The one gentleman who spoke before said that there are 16,000 schools in the country and about 600 charter schools. The gentleman was not correct. There are 16,000 school districts, approximately, in the country. There are 86,000 schools, approximately, in the country, 86,000 public schools, and only 600 charter schools. According to a study recently released by the Office of Educational Research and Improvement, there are 600 charter schools and probably by the end of the year there may be 800 charter schools. So, Mr. Chairman, we might have at the end of this year 800 charter schools out of 86,000.

Mr. Chairman, charter schools are a reasonable experiment. Charter schools represent an approach that has been adopted by a number of different people on both sides of the aisle. Both parties have endorsed charter schools. The President has endorsed charter schools.

We have the National Educational Association and in my State the United Federation of Teachers. There are a number of groups that have endorsed the idea as being no danger to public schools. And, yet, we have only 600 at this point. The experiment will drop off the radar screen if we do not have more just in terms of trying to have an orderly, balanced approach to educational reform.

If we have a good idea, an idea that so many approve of, then why not have it increased to the point where we can study it? We cannot even really study it, it is so small now, the tiny number of charter schools.

Mr. Chairman, the push is coming from people who are very angry and upset, who will at all cost try to push to get a charter school established and people who want to experiment and get out from under the bureaucracy. But, basically, these people are in the fringes and we need to bring this in and have more groups consider starting charter schools.

Charter schools represent a change in the governance and management of public schools; the governance most of all. The governance is removed from boards of education and big bureaucracies and placed under small groups closer to the school. I do not want it always to be a small group. I do not think only 100- or 200-pupil schools should be charter schools. I think we should have some high schools and we should have some schools that look at the problem of students with discipline problems and really have a board of people from the private sector and education experts, as well as teachers and parents, and come together to try to solve some of these problems that the public schools find intractable. They always complain about disruptive students and where can we put them. Let us have some charter schools to try to attack that problem.

Already, in the area of the technology literacy, we have a substantial amount of money there. I do not like taking money away from that. I am very much a proponent of technology in the schools. We have this week the Congressional Black Caucus, and I have a whole 3-hour forum on technology in the schools bringing together the private sector with the public sector and trying to make it work for the inner-city sector as well as it works in other places.

But, Mr. Chairman, consider the fact that $2.2 billion a year is to be made available to help this process through the new ruling by the FCC. That is a result of congressional action. When we passed the Telecommunications Act of 1996, we mandated the FCC should develop a way to provide a universal fund for discounted or free service to schools and libraries, and they have done that. I can get a 90 percent discount in most of my district, where we have the poorest children, a 90 percent discount on telecommunication service.

That has given impetus to the development of more and more technology, even in the communities where we have a great deal of poverty. The private sector now is involved not only in my community and my city, but all over the country. So we have a great deal going for telecommunications and for technology. If we take $25 million from that, it will not slow that down at all.

But, Mr. Chairman, on the other hand, if we do not give charter schools more, they are going to fall off the radar screen. We need a critical mass in order to be able to study what we are doing. That is all we are asking. Give charter schools a chance. It is a good idea. And if it is a good idea, it deserves the support in an orderly way of the legislators and the people in policy-making positions. It should not be something that gets pushed from the bottom because the public demands it. We have to run to stay ahead of the public in this critical area. So charter schools should be supported with this transfer of funds.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are hearing another debate on the tough choices that we as Members of Congress have to make. We have had a number throughout this bill where there are two programs that some Members may support or not support, or in fact they may support both of them, then we have to make a priority funding. That is partly why the people elect us and pay us the salaries that we get to make those tough choices.

Mr. Chairman, I am not here to suggest that the gentleman from California [Mr. RIGGS] and the gentleman from Indiana [Mr. ROEMER] are part of any scheme to attack technology assistance, just because they favor funding in charter schools. They have made their case that they believe there is enough money in one category and they need to move it into another, and I think it is really unfortunate when people attack the motives of Members of Congress when they try to move money between accounts. We ought to stop that on the House floor.

Mr. Chairman, once we have decided that we are going to spend money in this bill, we have a right to stand up and advocate how we are going to do that.

I am also not suggesting in any way that the gentleman from California or the gentleman from Indiana are any part of a filibuster on this bill. They have a sincere belief that it is important to switch funds, because they believe this area has been underfunded.

Mr. Chairman, I agree with them. I am reluctant. I think the money ought to come out of Goals 2000, a program where we have not seen the success, where it is Federal meddling beyond the point where I think the Federal Government ought to meddle, rather than technology assistance, which I think is a much more defensible program.

But this whole debate is uncomfortable for many of us whose primary goal has been to move the money back to the parents and individuals to make the decisions on education where we believe constitutionally the Founding Fathers wanted it.

Mr. Chairman, that is what we tried to do through the tax cuts. By giving the $500 credit to parents to make that decision, they now have the choice to use it for health, they can use it for housing, they can use it for clothes or other expenses. But they can use it for either higher education or private school education.

So, Mr. Chairman, we as part of this whole package, have given parents the flexibility who want to go to, in effect, private schools that would not be eligible under charter school funding or our current education bill.

Mr. Chairman, this addresses another concern, which is what about charter schools to increase competition with public schools? I want to say up front that first off, like I say, I am uncomfortable about moving it from technology assistance, which I believe is a far more deserving program than Goals 2000. At the same time, charter schools are an innovative way to put pressure on the public schools for reform.

In the public schools, however, we cannot abandon those who have been left behind in the public schools, particularly in districts where they do not have the tax support, or handicapped students, which is why we have not been striking at programs that address those areas where schools need the supplemental assistance most in our different amendments and why we have been looking at things like Goals 2000.

Charter schools, however, have been innovative in trying to reach out. Hudson Institute, based in my home State of Indiana, found that 19 percent of the 8,400 students in charter schools they have surveyed had disabilities or impediments affecting their education, indicating that charter schools in fact serve proportionally more disabled students than traditional public schools.

In the Center for Education Reform, the San Diego Chamber of Commerce found that the overall California charter schools enrolled 53 percent minority students. So we are seeing, even in the charter school area, an effort to try to address the highest risk areas where those parents have been left behind. Where higher income people can often go into an alternative school thing, and by Congress giving the tax credit to them we have increased that flexibility, now we need to give more choices to those who may not have that income.

Mr. Chairman, if this amendment passes, I am willing to withdraw my amendment which was to follow, which is to move funds from Goals 2000 to charter schools, because I think it is important that we get the funding in the charter schools. I am disappointed that it would be coming out of technology assistance and computer assistance that I think is far more important than Goals 2000, but I am willing to consider withdrawing my amendment if this amendment looks like it is going to pass.

□ 1330

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I have to say to the gentleman and to the gentleman from California [Mr. RIGGS] that I am a great fan of charter schools and think they are very, very important.

The only reason that the subcommittee provided less than the President's request was because the gentleman from California, who was a member of our subcommittee and is now the chairman of the relevant authorizing subcommittee, suggested we ought to do so until some changes could be made in the authorizing law.

Now that he is offering the amendment, I guess he is satisfied with the authorizing law. I certainly think that this is the place where the money ought to be, and I would accept the gentleman's amendment and the gentleman from Indiana's amendment at this point.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I would say to the gentleman from Illinois and the gentleman from Wisconsin that we are delighted with the offer to accept the $25 million increase in the charter schools. We look forward to working with the gentleman not only in conference but in the years ahead to monitor the charter school program but to also see that it continues to get increases as it performs like the States and the parents and the students want it to perform. So we accept the gentleman's offer.

I think there are two or three more speakers that would just like to speak very briefly in support of the program.

Mr. DAVIS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is no issue that we need to debate on the floor of this House that is more important than improving our schools and understanding our fundamental obligations to stimulate positive reform in our communities and our neighborhoods and in our schools, particularly those reforms that best empower principals and teachers and parents and ultimately students.

As we have talked about this morning, charter schools is an excellent example of that. Thirty States have adopted charter school legislation authorizing the creation of charter schools, including my home State, Florida. In Florida, the law that I helped write struck the balance between assuring a quality education and the protection and safety and well-being of our students while encouraging innovation.

There are five charter schools that have been created so far under that law in the State of Florida, and there are 31 others that are scheduled to open right now.

I think it is significant to point out that of the five schools that have opened, the class size is a lot smaller than the class size we see around the State in our public schools, averaging about 17 students per class. The students come from very diverse backgrounds. More than half of them have special education needs. What charter schools prove is that there is no greater advocate for our kids at risk than the parents and the teachers that know them, that see them on a daily basis, and principals. These are the people that are creating charter schools. These are the people we are empowering by the adoption of the Riggs-Roemer amendment.

I would like to further add that in an informal survey the parents of the children that are attending the charter schools so far in Florida have said that far more than half of them are doing much better in the charter school setting than they were doing in the traditional school setting. We have had a great start with charter schools, not just in Florida but around the country. I think the House has taken a positive step today by the agreement which I am certain we will follow through on conference to stimulate more positive reform at home with charter schools.

Mr. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to salute the leadership of the gentleman from California [Mr. RIGGS] and certainly my dear friend, the gentleman from Indiana [Mr. ROEMER], and those on the Committee on Appropriations for having the vision and certainly the innovative spirit to recognize the importance and the invaluable work that charter schools are, the invaluable impact, really, that charter schools are having in communities around this Nation.

I certainly thank the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Illinois [Mr. PORTER] and the leadership on the other side for readily accepting this amendment. But I would say to all of my colleagues, particularly those on the other side of the aisle, that the exuberance and certainly the feeling of victory and triumph that saturates both sides right now, I would hope that we would also pay some close attention to some of the other challenges that many of the school districts in this Nation are facing.

I speak from the Ninth District in Tennessee, Mr. Chairman, where many of our students even today are being let out at noon because they have no air conditioning in their schools. At 7 a.m., classrooms where they are trying to teach algebra and basic English and basic science, the temperature is stifling, 96, 97, and 98 degrees. These are our future leaders, our future public policy leaders, our future pastors, our future policemen and firemen. We owe them what we give really to other issues in our budget, whether it is the B-2 or other expensive items that all of us deem necessary.

I would hope that we would recognize that as we talk about moving this country into a new millennium, as we talk about taking this Nation from what has been to what can be, that we will invest in those areas which will allow our institutions and our systems to educate our future leaders.

Again, I salute the gentleman from Indiana [Mr. ROEMER] and the gentleman from California [Mr. RIGGS] for their leadership, and the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Illinois [Mr. PORTER] and the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very pleased to hear that this amendment will be accepted. It should be. This is one of the most exciting things that is happening in the area of educational reform. I particularly want to give credit to my friend and colleague, the gentleman from Indiana [Mr. ROEMER], for being in the vanguard of this effort legislatively.

I am the ranking subcommittee Democrat on the Committee on Appropriations Subcommittee on the District of Columbia. One of the most frustrating things that we have to deal with is the District of Columbia public school system. It may be the worst of any urban area in the country. Even those intimately involved in it will recognize that. But the most exciting thing that is happening within that school system is what is happening in the area of charter schools.

We, in the suburbs, have about 50,000 unfilled jobs. There are at least that many people within the District of Columbia who could be filling those jobs who are not employed. Yet, we cannot make that match.

One of the ways that we are going to attempt to match those jobs with those people who are willing to work and have the basic skills is through the charter school movement, by putting in vocational education, vocational training, bringing in businesses, making the education relevant to the jobs that are available for the graduates.

We had more than 40 good applications for charter schools for the District of Columbia. We cannot possibly fund that many. We will be lucky if we can fund half of the well-qualified ones. This amendment is going to give us more resources so that we can fund more of those excellent efforts at finding ways to get around the institutional orthodoxies, all the institutional structures that mitigate against reform and enabling us to do the right thing for the young people of the District of Columbia.

The District of Columbia is just a microcosm. This is happening all over the country. Every once in a while institutions need to be reformed. We need to bring good innovative ideas in. Think about them for a while, throw them around, see what the effects would be of implementing them, and then, in the case of this idea, we can now implement it, we can now change the lives of thousands of students around the country and, in many ways, change that whole institutional structure of our public school system so that we are not bound by all those limitations toward excellence in both students, teachers, and administrators.

It is an excellent idea. It is an excellent program. It is an excellent thing that the chairman is doing in accepting this amendment to give us more resources to devote to see to it that these good ideas are actually put into practice where they are needed around the country.

I thank the chairman.

Mr. DAVIS of Florida. Mr. Chairman, we will not take up an issue on the floor of this House more important than the one we are debating today—improving the education of our children. I am asking my colleagues to join me today in investing in one of the most promising reforms happening in our country: charter schools. Charter schools are often created by parents, teachers, and communities advocating for the students they care about. These schools often serve as an alternative for at-risk, or special needs children who, for whatever reason, do not perform their best in the traditional public school setting.

We need to have the courage to join these parents and keep these exciting reforms alive.

Thirty states, including my home State of Florida, have already passed legislation permitting the establishment of charter schools.

In the Florida law, which I helped write, we struck the balance of protecting students and assuring a sufficient level of quality while allowing innovative teaching. Charter schools have been blossoming all over the State. Thirty-one new charter schools are starting this year in Florida joining the 5 that opened last year.

From Escambia County in Florida's Panhandle to Liberty City in Miami, parents all over Florida are finding out the benefits of charter schools.

Barbara Bowland says Escambia Charter School saved her son from failure. William Allen Reed was in danger of being expelled from high school. After 5 months in charter school, Bowland says Reed was making straight A's and has a brighter future ahead of him.

In my hometown of Tampa, Oscar Wilson decided to put his two children in Eastside Multicultural Community School because the school will give Andrea and Dustin a broader education from different historical perspectives.

Another school opening in Tampa will be started by Metropolitan Ministries which is expected to enroll about 60 kids from kindergarten through the sixth grade. This school will serve children of families living at the nonprofit organization's homeless shelter.

These are just a few of the charter schools giving our children new educational opportunities.

We're learning more and more about this reform movement every day and the benefits students are experiencing. In the five schools that opened last year, the average class size was smaller than most public schools—17 students in each class. That alone thrilled the parents who enrolled their children in charter schools. The schools also attracted students from diverse backgrounds and more than half had special needs.

An informal survey of parents showed that nearly half the students at these schools who were doing poorly in traditional public schools are now performing at above average levels. I believe one of the main reasons for the success is that these schools are unshackled from the rigid rules and maxims that govern our public school system. Instead, teachers are encouraged to use innovative and creative educational programs to reach these children.

Even though charter schools are one of the fastest growing and most promising education reform efforts in the country today, the current level of funding doesn't even come close to matching the growth. Currently more than 400 charter schools are open across the country, up from only 250 last year. The Riggs-Roemer amendment increases the funding for charter schools from $75 to $100 million for fiscal year 1998. The increase will come from a program slated for a 130-percent increase—$35 million more than President Clinton asked for.

I urge my colleagues to review the facts here. Smaller class sizes, innovative teaching techniques, success from students who never before performed well in school. Do not turn your backs on this opportunity to improve our children's education. Join me in supporting the Riggs-Roemer amendment.

I commend my friends, Mr. ROEMER and Mr. RIGGS for their commitment to our children's future by offering this amendment. This funding will ensure the quality and success of charter schools.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The amendment was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves that the Committee do now rise.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present.

Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken, if ordered, on the pending question.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 383]

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Filner
Flake
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield

Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

□ 1400

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Four hundred and eleven Members have answered to their name, a quorum is present, and the Committee will resume its business.

(By unanimous consent, Mr. ARMEY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Chairman, in light of the fact that so many Members of this body have members of their family in town for what had been scheduled to be the White House picnic this evening, and even given the fact that the White House has had to cancel the picnic because of the weather circumstances, we believe that we ought to show deference and consideration to those Members who have their families in town, and for that reason, there will be no recorded votes this evening after 6 p.m.

Mr. Chairman, there are two additional points. We would encourage the floor managers of the bill and Members with amendments, if they are able to work out arrangements, to continue work beyond that time to make further progress on the bill in such a way that we might even roll votes until tomorrow morning, to do so if they so desire. But the Members at large should understand that they would not be called back for a vote after 6 p.m.

At the same time, Mr. Chairman, the Speaker has asked that I announce on behalf of the Speaker, myself and the gentleman from Missouri [Mr. GEPHARDT], the minority leader, that from 6 p.m. to 7:30 p.m. this evening, there will be a reception/open house held in the Speaker's office and on the Speaker's balcony available to all Members and their guests, hosted by the Speaker, the minority leader and myself. In the spirit of Hershey, we thought this might be an opportunity for Members and their families to have some time together.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from California [Mr. MILLER] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 40, noes 369, not voting 24, as follows:

[Roll No. 384]

AYES—40

Allen
Andrews
Bonior
Brown (CA)
Conyers
Coyne
DeFazio
Delahunt
DeLauro
Dingell
Doggett
Eshoo
Farr
Filner
Frank (MA)
Furse
Gejdenson
Gephardt
Hastings (FL)
Hinchey
Hoyer
Johnson, E.B.
Lewis (GA)
McDermott
McNulty
Meehan
Miller (CA)
Mink
Olver
Owens
Pallone
Pastor
Pelosi
Rodriguez
Slaughter
Spratt
Stupak
Vento
Waxman
Woolsey

NOES—369

Abercrombie
Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Deal
DeGette
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
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NOT VOTING—24

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Davis (FL)
Davis (VA)
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Dooley
English
Fazio
Gonzalez
Gutierrez
Kennedy (RI)
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Moran (VA)
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Radanovich
Schiff
Stenholm
Tauscher
Torres

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So the motion was rejected.

The result of the vote was announced as above recorded

Mr. MOAKLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage with the gentleman from Illinois [Mr. PORTER], the chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations regarding a public awareness program to increase organ donation.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would be pleased to engage in a discussion with the gentleman from Massachusetts.

Mr. MOAKLEY. Before I begin, Mr. Chairman, I really would like to compliment the chairman and his committee for bringing to the floor a very, very good bill. The chairman has provided important increases for the National Institutes of Health and other very important programs that will yield important benefits for the health of the Nation. I well understand the benefits of research on hepatitis and liver disease, as well as other areas.

I want to thank the chairman for the NIH increases provided, and the important report language the committee has included in its report providing policy guidance to the NIH on these subjects.

As the chairman well knows, with regard to end-stage liver disease, there is often no other medical option available except transplantation. As of September 3, 1997, just last Wednesday, there were 56,611 people on the United Network for Organ Sharing waiting list. Last year, only 19,000 transplants were performed.

Approximately 3,000 people die each year waiting for an organ. Last year, for example, approximately 800 people died waiting for a liver. The administration recognized the problem of shortages, and requested a $1.6 million increase for organ donor awareness programs. Regrettably, Mr. Chairman, the House has not been able to provide increased funding for this initiative. Therefore, I would hope that the chairman would look favorably on this item in conference.

Mr. PORTER. If the gentleman will continue to yield, Mr. Chairman, I want to thank the gentleman from Massachusetts for bringing this very important matter to my attention. I want to assure him that I do recognize the importance of expanding the supply of organs, and I want to assure him further that I will look favorably on this item in the conference.

Mr. MOAKLEY. Mr. Chairman, I want to thank the chairman for his outstanding work in this committee and what he has done. I also thank him very much for his response.

Mr. PORTER. Mr. Chairman, I thank the gentleman for his very generous and kind words.

AMENDMENT OFFERED BY MR. GRAHAM

Mr. GRAHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM:

Page 64, line 7, after the first dollar amount, insert the following: "(reduced by $55,000,000)".

Page 64, line 7, after the second dollar amount, insert the following: "(reduced by $55,000,000)".

Page 68, line 17, after the first dollar amount, insert the following: "(increased by $55,000,000)".

Page 68, line 17, after the second dollar amount, insert the following: "(increased by $55,000,000)".

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes on his amendment.

Mr. GRAHAM. Mr. Chairman, this amendment would shift $55 million from the Goals 2000 Program to the IDEA Program. I think a lot has been said about both programs.

I understand that there has been a lot of work going on behind the scenes to try to bring several issues to resolution. I would like for someone, maybe the gentleman from Wisconsin [Mr. OBEY], to detail what the agreement is, or the gentleman from Illinois [Mr. PORTER]. But until we get to that point, let me make a couple of observations about how I feel as an individual Congressman, and I think that feeling is shared by many in this body.

A little bit of history about Goals 2000: It started in the Bush administration with an effort to try to set standards to make us competitive with the Japanese and Germans and other international competitors by having national goals to achieve in education. Unfortunately, every good idea that starts in Washington winds up somewhere a little different than you wanted it to be.

We found that when we try to implement national standards, no matter how noble they are, that the people who implement them have a different view of how the world should work.

I would just make this observation, the Department of Education is in the hands of folks I consider more liberal, more on the liberal side of the House. One day that will probably change, as politics is subject to change. My basic objection is, I do not think we need close to $400 million to $500 million in the hands of bureaucrats in Washington to put their personal stamp of approval of how States administer education. The whole idea of the carrot-and-stick approach is a bad idea.

However, we do not get what we want all the time in life. In the 1996 appropriation process, the House had zero dollars for this program; and in fiscal year 1997, we had zero dollars. I think the House spoke very clearly where it felt the $400 to $500 million should be spent. It should not be funded through bureaucrats in Washington; it should be spent at home, so people at home can do the best job educating the children. The people at home are the ones that know their names.

However, having said all that, in trying to get through a very tough process, I do believe we have reached an agreement that covers several issues.

I would be glad to yield to the subcommittee chairman.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I am glad to yield to the gentleman from Illinois, the subcommittee chairman.

Mr. PORTER. I thank the gentleman for yielding, Mr. Chairman.

I would inform Members that this amendment is the first part of a four-part agreement. This amendment by the gentleman from South Carolina [Mr. GRAHAM] would cut $55 million from the Goals 2000 Program and transfer that money to the IDEA special education account.

There is a further amendment offered by the gentleman from California [Mr. RIGGS] that is part of the agreement. The agreement also involves the national testing. I agree with the authorizing chairman on this issue. The final part of this agreement is an amendment that will be offered by the gentlewoman from Kentucky [Mrs. NORTHUP] and the gentleman from California [Mr. RIGGS] that affects the part of the bill dealing with whole school reform and comprehensive school reform.

Mr. Chairman, I commend the gentleman from South Carolina for offering this portion of the amendment. I think we are moving money in the right direction. I am glad we could achieve agreement.

Mr. GRAHAM. Mr. Chairman, a question. Does this include the amendment offered by the gentleman from Oklahoma [Mr. COBURN] regarding the needle exchange program?

Mr. PORTER. I do not believe that part is part of this agreement. That will be taken up in order. As the gentleman may know, I am accepting that amendment, but I expect that there will be debate and a vote taken on that separately.

Mr. GRAHAM. I would like to thank the chairman.

A lot of people have worked hard to put this together: Chairman GOODLING, our Education Committee chairman; the gentleman from California [Mr. RIGGS]. But the folks who started this, the gentleman from Indiana [Mr. MCINTOSH], the gentleman from Arizona [Mr. SHADEGG], the gentleman from Indiana [Mr. SOUDER], the others who spent hours trying to make this bill more acceptable for a lot of people, I want to thank them, because the hours have, I think, resulted in a product that I feel a little better about.

Life is give and take. Sometimes you have to fight for what you want. I think we fought in a very fair, acceptable way that makes the people in America more proud of the House. At least, I would like to think that, anyway.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I agree with the gentleman's amendment, and believe because we mandate special education, we have a responsibility to put our money where the mandate is.

Mr. GRAHAM. Chairman GOODLING is one of the reasons we have reached this agreement. I hope people will accept this as being what it is, moving the ball a bit forward, not backward.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] insist on his point of order?

Mr. OBEY. Mr. Chairman, I think it is important for every Member of the House to understand what is occurring here.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] insist on his point of order?

Mr. OBEY. Mr. Chairman, I withdraw the point of order.

Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is important for every Member to understand what is happening here. This is an amendment which will be the last amendment to cut Goals 2000. This amendment is going to be accepted, most reluctantly accepted, on this side of the aisle, but it is part of an agreement, the other parts of which will follow immediately.

The committee will accept this amendment, further reducing Goals by the amount specified in the amendment. The committee then also plans to accept the Goodling amendment on testing, an amendment which I, for one, am strongly opposed to, but which I think represents the will of the House.

The committee will also accept, as I understand it, the Riggs amendment with respect to eligible IDEA recipients in prison; although, again, there is strong controversy on that question, and it will have to be further resolved in conference.

The committee intends also to then, as I understand it, accept the amendment, and I am not certain who will offer it, the amendment that will change the designation of Whole School Reform to reflect the intent of all sides that this be comprehensive reform. But we do not want to imply what the "Whole School" term seems to imply to some folks.

That represents, basically, the four pieces which will be accepted. It has been agreed that there will be a limitation, as I understand it, of an hour on the discussion of that issue.

I want to make clear, I very strongly personally oppose the idea of accepting the testing amendment. I have very strong reservations about the Riggs amendment, as well. I am certainly not thrilled with the idea of reducing Goals further. But all of these matters are going to have to be worked out between the administration and various groups in the Congress.

I would also say that I think the administration has a good deal of work to do in reaching an understanding on the testing issue with both the majority party and significant elements in the Democratic Caucus as well, and I hope that that can be accomplished. So I want Members to understand that this amendment is being accepted conditionally on our part.

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Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, how does the gentleman propose to proceed on this? Will there be individually considered amendments or just one?

Mr. OBEY. Mr. Chairman, reclaiming my time, yes, Members will be offering their amendments and other Members are free to say or do whatever they want.

Mr. CLAY. Mr. Chairman, if the gentleman would continue to yield, so this will not be a package that the gentleman is accepting in totality?

Mr. OBEY. Mr. Chairman, again reclaiming my time, as far as we are concerned, this is part of the four-cornered package which the committee has agreed to. Procedurally, we will be required to deal with these issues one at a time, but I wanted the House to know that this is part of an overall agreement that has been reached with much controversy. I expect that even after the House proceeds with it, that there will continue to be much controversy about a number of these items as we move to conference.

Mr. McINTOSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me also add my commendation to the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] for agreeing to this four-part agreement in the education section of this bill.

As the American people who have been tuning in the last few days realize, there has been a substantial debate about the general direction of the funding of these three agencies, the Department of Labor, the Department of Health and Human Services, and the Department of Education, and that many of us feel that we need to move that funding out of Washington and into America where it can be put to good uses by the people who need help in these areas.

Mr. Chairman, I want to commend the authors of this agreement. I think it moves in exactly the right direction. This first amendment to be offered by the gentleman from South Carolina [Mr. GRAHAM] will take $55 million from Goals 2000, of which I will speak more later, and move it to the IDEA program which is sorely underfunded.

Then the gentleman from California [Mr. RIGGS] has a reform proposal on IDEA to make that more manageable at the State levels. The gentleman from Pennsylvania [Mr. GOODLING] has a wonderful amendment that says no fund shall be used to set up a national standard, which the President has been proposing that we do through the Department of Education and then an outside group. I strongly support that Goodling amendment and do agree that that is the will of the House and should be reflected today in a vote on that.

Then finally the work that the gentlewoman from Kentucky [Mrs. NORTHUP] has brought to our attention, the whole school reform, and once again we are creating a new program under that proposal that would have strings attached to $200 million being sent to the local schools. The gentlewoman worked very hard to bring to the attention of this House the problems with that program, which she knows all too well in her home State of Kentucky. Without the effort of the gentlewoman from Kentucky, frankly, I am not sure we would have reached this agreement.

Ultimately, the people who are the winners out of this type of an agreement are the American people, because we have a better bill. We have had a lot of hard work by Members on both sides of the aisle, and it has been worth the hours that we have spent here debating these issues to reach this point. So I commend, again, the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] for accepting this agreement on these four amendments.

Now, there will be a couple of additional issues, such as allowing needle exchanges for drug users that Members will want to bring toward the ends of this bill. But I think we will be able to wrap up work fairly expeditiously on this.

Mr. Chairman, if I may, let me address in particular the Graham amendment. It has already been brought out in this House how IDEA has been a terrible mandate on the States, has been underfunded, and that we need to reach that critical 40 percent, something over $1 billion of Federal money, in order to meet our obligations under that bill here in Congress. This is a beginning toward that step. Fifty-five million dollars will allow us to keep negotiating for more additional funds.

Mr. Chairman, this program is one that is very dear to my heart, because it provides funds to allow disabled children to participate in an educational program that works for them. Some children are brought into the school and mainstreamed into their classroom. Other children have special, unique educational opportunities. This bill deserves funding, so I am very much in favor of this amendment.

In addition, the $55 million is coming from a program that has been terribly controversial in this country of ours. Goals 2000 has come to stand, for some people, as a Federal effort to teach values that those families do not agree with in our schools. To other people it represents an effort to dummy down the curriculum, to allow students to miss answers on their spelling quizzes and yet still receive a perfect grade because they need to meet these goals.

Mr. Chairman, this is unfortunate because the origin of Goals 2000 was a laudatory goal in increasing the standards of what our young people learn in their education. So I am very pleased that we are able to redirect this $55 million from Goals 2000 into the very worthy program of IDEA to provide education for disabled students.

Mr. Chairman, we have much more work to do in that area, and I trust that the gentleman from Illinois [Mr. PORTER], the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Pennsylvania [Mr. GOODLING] will continue to work through the conference to make sure that this amendment, as well as additional funds for IDEA, are made available, and that the other three amendments will continue to be reflected in the final legislation when it comes back to the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. GRAHAM].

The amendment was agreed to.

Mr. SANDERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to say a few words about some report language and then enter into a colloquy with the gentleman from Illinois [Mr. PORTER].

Mr. Chairman, let me begin by very much thanking the gentleman from Illinois, the gentleman from Florida [Mr. YOUNG], the gentleman from Wisconsin [Mr. OBEY], and their staffs for all the help that they have provided me in attempting to try to address one of the most important issues facing American veterans and one of the great medical dilemmas facing our country, and that is that over 70,000 Persian Gulf veterans, including hundreds in the State of Vermont, who continue to suffer from Gulf war illness. Mr. Chairman, 6 years after that war's completion, there is still no understanding of the cause of that illness or the development of an effective treatment.

Mr. Chairman, the gentleman from Connecticut [Mr. SHAYS], who is the chairman of the Subcommittee on Human Resources, has held 10 hearings on Gulf war illness since March 1996. As a member of that committee, I cannot begin to express the frustration that many of us feel regarding the ineptitude of the Department of Defense and the VA in responding adequately and effectively to the needs of those veterans who continue to hurt.

Mr. Chairman, pure and simple, the bottom line is that 6 years after the end of the Persian Gulf war, the Department of Defense and the Veterans Administration still have not developed an understanding of the cause of Gulf war illness or an effective treatment protocol. In fact, their record has been so inadequate that last week the Presidential Advisory Committee on Gulf War Illness indicated that it will be recommending to the President that an independent agency outside of the Pentagon take on responsibility for investigating the health effects of low-level chemical and biological weapons exposures.

Mr. Chairman, I am happy to inform my colleagues that there is language in the committee report which funds an independent, scientific research program into how chemical exposures in the Persian Gulf relate to the illnesses suffered by as many as 70,000 of our veterans. This research program is to be implemented through the Secretary of Health with the National Institute of Environmental Health Science as the lead agency.

The committee, as I understand it, has agreed to appropriate $1.1 million for fiscal year 1998, and has committed to fund this research program at a level of $7 million over a 5-year period. What is important here is that for the first time a governmental entity outside the Pentagon or the VA will be looking at the role that chemicals may have played in Gulf war illness, and this is a major breakthrough.

Mr. Chairman, this report language is strongly supported by the American Legion, the Veterans of Foreign Wars, and the National Gulf War Resource Center. Veterans and Americans all over this country, to say the least, are less than impressed by what the DOD and the VA have done and are looking for an alternative methodology for getting some real research into the cause of that terrible problem.

Mr. Chairman, I would now like to enter into a colloquy with the chairman of the committee the gentleman from Illinois [Mr. Porter].

Let me begin by saying once again that I would like to thank the gentleman for his cooperation in this important effort. The report language is an important step in the effort to understand the health effects of chemical exposures in the Persian Gulf.

The report language does not address specifically what amount of money is to be appropriated for fiscal year 1998 for this research program. It is my understanding from discussions with the Committee on Appropriations staff that the committee intends that $1.1 million be spent for this purpose in fiscal year 1998. It is also my understanding that the committee intends that $7 million be allocated to this program over the next 5 years.

Mr. Chairman, I would like assurances from the gentleman from Illinois that these are the amounts which the Committee on Appropriations is committed to providing

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I agree with the gentleman from Vermont that the House committee intends that this program be supported in fiscal year 1998 at $1.1 million, and that the committee intends that this program be supported over the next 5 years at the level of $7 million.

Mr. SANDERS. Mr. Chairman, reclaiming my time, I thank the gentleman from Illinois very much for his help on this important issue, and I thank his staff as well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act, $8,204,217,000, of which $6,882,616,000 shall become available on July 1, 1998, and shall remain available through September 30, 1999, and of which $1,298,386,000 shall become available on October 1, 1998 and shall remain available through September 30, 1999, for academic year 1998–1999: *Provided*, That $6,191,350,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1997, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $949,249,000 shall be available for concentration grants under section 1124A, $400,000,000 shall be available for targeted grants under section 1125, $150,000,000 shall be available under section 1002(g)(2) to demonstrate effective approaches to whole school reform as authorized under section 1502(a)(1)(C), $10,000,000 shall be available for evaluations under section 1501 and not more than $7,500,000 shall be reserved for section 1308, of which not more than $3,000,000 shall be reserved for section 1308(d).

AMENDMENTS OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. RIGGS:

On page 65, line 23, strike "whole school reform as authorized under section 1502(a)(1)(C)" and insert in lieu thereof "comprehensive school reform: Provided that such approaches show the most promise of enabling children served by Title 1 to meet challenging State content standards and challenging State student performance standards which shall include an emphasis on basic academics and parental involvement based on proven research and practices";

On page 73, line 19, strike "whole school reform" and insert in lieu thereof "comprehensive school reform: Provided that such approaches show the most promise of enabling children to meet challenging State content standards and challenging State student performance standards which shall include an emphasis on basic academics and parental involvement based on proven research and practices".

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. OBEY. Mr. Chairman, reserving the right to object, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Is there objection to the amendments being considered en bloc?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIGGS. Mr. Chairman, I believe I just heard the Clerk as she was reading the second amendment, she began the description of the amendment by saying "on page 73, line 19," and the copy of the amendment I have in front of me says "on page 73, line 18."

Mr. Chairman, I would just like to clarify that. Mr. Chairman, I will withdraw my parliamentary inquiry. I am told that the reading Clerk is correct. Far be it from me to question the work of the wonderful people in the House.

Mr. Chairman, I further ask unanimous consent that all debate on these two amendments, and any amendments to these two amendments, be limited to 1 hour, to be equally divided between myself and the gentleman from Wisconsin [Mr. OBEY], the ranking member of the House Committee on Appropriations.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. OBEY. Mr. Chairman, reserving the right to object, this pertains to the school reform amendment only?

The CHAIRMAN. Pending amendments and any amendments thereto.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

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Mr. RIGGS. Mr. Chairman, that is the intent of the unanimous consent request that I am offering now, that debate on these two amendments that deal with whole school reform be limited to 1 hour to be equally divided between myself and the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. RIGGS] and the gentleman from Wisconsin [Mr. OBEY], each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I yield myself such time as I may consume.

I just want to reiterate my understanding of the agreement that resulted from some fairly extensive discussions or negotiations on the House floor today and which I think is attributable to the fine leadership, the bipartisan leadership of the appropriators.

First of all, as we heard just a few moments ago, the first aspect of the agreement was the accepting of the Graham amendment to move $55 million from Goals 2000 to IDEA, which is a Federal special education program, to IDEA part B.

Second, it is my understanding that at the end of this debate, the appropriators will accept the amendment that I am proposing, joined by the gentlewoman from Kentucky [Mrs. NORTHUP] and others, changing the legislative language in the bill regarding whole school reform. We will explain that a little bit further here as we get into the debate. And as part of that understanding, I also believe that we on the authorizing committee, led by our chairman, the gentleman from Pennsylvania [Mr. GOODLING], will be responsible for representing House Republicans during negotiations on this conference report, the Labor, Health and Human Services, Education appropriations conference report, again, regarding the $200 million that has been set aside or dedicated in the bill to whole school reform. Again, I point out that we hope that our amendment here that is now pending will modify the definition of whole school reform.

Also, as part of the agreement, Mr. Chairman, I understand, again I am going through this so that our colleagues hear this at least a couple of times and will be aware of what is transpiring on the floor, also as part of this agreement, the bipartisan leadership of the Committee on Appropriations, the gentleman from Illinois [Mr. PORTER], chairman, and the gentleman from Wisconsin [Mr. OBEY], the ranking member, will accept the testing limitation amendment to be offered later today or tomorrow by the gentleman from Pennsylvania [Mr. GOODLING], and they will not oppose a recorded vote on that particular amendment after, obviously, the opportunity to debate the Goodling amendment.

Lastly, as part of this agreement, I understand that my amendment dealing with IDEA special education services for incarcerated individuals, adult prison inmates will also be accepted as part of this agreement. I would be happy to debate that particular amendment if the opportunity presents itself later.

Mr. Chairman, what we are discussing here again is the $200 million that has been set aside in two different accounts in the bill to fund whole school reform.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I ask the gentleman if it is his expectation to have a recorded vote on his IDEA amendment?

Mr. RIGGS. Mr. Chairman, it is not my intention to push for a recorded vote.

Mr. SCOTT. Mr. Chairman, I thank the gentleman.

Mr. RIGGS. Reclaiming my time, Mr. Chairman, I just want to point out that this bill appropriates $200 million to fund whole school reform. Many of us, myself included, as chairman of the authorizing subcommittee, have some concerns about this $200 million, especially given the fact that no congressional hearings have been held this year on the whole school approach to education reform. We have been hoping for the opportunity which now presents itself in this debate to discuss exactly how that $200 million would be used to promote school reform and educational improvement at the local level.

We believe very strongly on this side of the aisle that we have to avoid micromanaging in public education.

I understand that whole school reform is designed to promote school reform at the local level based on one of seven approved models and the good work that the new American Schools Corp. is doing. However, I personally believe that by defining what is a successful school at the Federal level really ignores that most real reform occurs at the local level and, of course, is the prerogative of those locally elected school board members. Those are the locally elected decisionmakers who are closest to the people. They are, obviously, accountable to the people in that community who vote in school board elections. I think we have to resist the temptation to attach strings to money that we provide for education and instead let local experts decide what is best in their community, what will work best in their community.

So we are trying to leave education reform up to the real education experts: States, local leaders, teachers, and parents.

We heard a little bit earlier today about charter school reform and the tremendous strides that are being made in promoting educational progress and improvement in America today through the start up of more charter schools. That is basically because charter schools are all about, as I explained in that debate, decentralization and deregulation.

I also want to add that I believe that the public schools, when deregulated, can compete with the very best private schools. That is also what charter schools are all about. We really do, again, want to respect local control in the longstanding American decision of decentralization of decisionmaking in public education, so instead of forcing taxpayers to fund a program where there may be questions about its success, we really do believe that we should try to make funds available to States and local communities to make better choices about how to improve the education of our children.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] insist on his point of order?

Mr. OBEY. Mr. Chairman, I withdraw my point of order.

Mr. Chairman, I yield myself 12½ minutes.

Mr. Chairman, I think that there has been a great deal of confusion and misinformation and mischaracterization that has accompanied the debate on this issue. Let me try to walk the House through what in fact the committee is doing with the funding in this bill for this provision. I want to make clear I intend to support the amendment, because I see no difference in the amendment and what our original intentions have been.

Basically, as Members know, this bill has been part of a war zone the past 2 years. It has been one of the key issues, the education issues, the health issues, the labor issues in this bill have been some of the key issues that divided the majority party in the Congress from the White House and that division led to a protracted government shutdown. Because of that fact, we have tried this year to reach bipartisan agreement on this bill, which is one of the two big gorillas within the appropriations process, the other being the defense bill. We have tried to reach agreement between ourselves on a bipartisan approach so that we do not have a repeat of what happened 2 years ago and last year when we had savage differences of opinion on the bill.

Basically what we agreed is that the priorities of the Republican Party in the House, the priorities of the Democratic Party in the House, and the priorities of the President would all to the best of our abilities be respected and reflected in the bill.

That resulted in a significant increase in funding for the National Institutes of Health. It also resulted in significant increases in funding for school reform. Within the school reform arena, there are some conflicting ideas about how to proceed. The President, for instance, is strongly committed to Goals 2000. He thinks that is the magic answer to school reform. He is committed to testing. He thinks that is a key ingredient of school reform. Members of the House have varying degrees of enthusiasm about either of those approaches.

So we searched for another way to promote reform without getting into an ideological battleground. We came up with this compromise. Basically what we did was to not approve the President's significant increase in Goals 2000. We tried to keep that intact as much as we could, however, in comparison to last year's funding, and we tried to complement that package with another effort at school reform which would devolve most of the decisions back to the local arena.

What we did was to note that a group of very well-known businessmen over the past few years have become increasingly concerned with the failure of a good many public schools to perform the way they wanted them to perform. And because it is, after all, our employers in this country who wind up having to consume, so to speak, the product produced by our local schools when they hire workers that graduate from those schools, they set out to try to determine what could work to make school performance better than it is today. They funded a variety of approaches.

After they had done that for a number of years, they then hired the Rand Corp. to test those various models. They determined that there were six or seven models which they felt showed superior performance in terms of raising student performance.

That is not to say that those are the only models that work. There are many others that are being tried around the country and there are a number of others that seem also to perform rather well.

What they have been asking for the last 3 years is that the Congress help them jump start the school reform movement at the local level. So that is what we have tried to do. As a result, we have put in this bill the item now before us, a proposal to spend $200 million so that not just title I schools but all schools who want to experiment at how we improve academic performance can apply for seed money, seed money grants, in order to develop their own plans to reform at the local level.

Now, these reforms are meant to be comprehensive, not single shot. Some people seem to think that the way to deal with school reform is to load up schools with computers or plug into the Internet. Others seem to think we have got to rethink the way we train teachers. Those are all single-shot approaches.

What they have suggested is that we need to enable local school districts to think through how they are going to reform the way they operate in totality so that they take a look at the way they are administering schools, the way kids are being taught, the way teachers are being trained, and the way parents and families are being involved in local school decisions.

Despite some of the statements that have been made about this proposal, it has been suggested, for instance, that this is a top to bottom school approach, it is just the opposite. I welcome this amendment because in my view it simply clarifies the original intent of the committee.

What we are trying to do is get decisions not only moved out of Washington to the local district but we are also trying to get schools to operate on the basis of not just how the local superintendent thinks they ought to run but on the basis of how local parents, local faculty, and the community itself thinks they ought to be run. And that is what this is an attempt to do.

Now, it has also been charged that it was the intent of the committee to say that there were only seven models that could be reviewed. That is absolute nonsense. I do not care, and neither does the committee, if the local school districts choose one of the seven models developed by the new American schools movement or if they choose some other model or if they develop their own wrinkle. The only requirement we have in this proposal is that after these schools try whatever reforms are developed at the local level, they have to accept evaluation by somebody besides the people who implemented it so that parents know whether, in fact, there has been an increase in the level of performance. That is exactly what this approach does.

That is why this package has been endorsed by the American Education Research Association, a wide variety of teachers' unions, as well as school administrators, local school board associations, the Council of Chief State School Officers, the National Association of Title I Directors, the National Parent-Teachers Association, and all the rest, because they recognize that this is an effort to empower local people in local communities to improve the standards of their schools without taking dictation from either Washington or their local school board.

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So I welcome the amendment because it simply clarifies what the intention is.

I would also point out, because some people seem to be seeing ghosts, and I want my colleagues to understand who is the New American Schools group. Their first full-time president was that well-known leftist Ann McLaughlin. She was Ronald Reagan's Secretary of Labor. She was the first full-time president of the organization.

The president of that organization is now David Kearns, who was formerly the chief executive officer of Xerox. In addition, we have Lou Gerstner, who is chairman and CEO of IBM Corp.; and Robert Allen from AT&T; John Clendenin from BellSouth, the chairman and CEO of B.F. Goodrich Co.; the chairman of Honeywell; the chairman of Boeing; the chairman of Lockheed Martin; the chairman of TRW; the chairman of GTE; Paul Tagliabue, the National Football League Commissioner, and others.

This is the supposed left-wing conspiracy that got together and decided that public schools were worth saving and that we needed to base our reforms on hard-headed research, not somebody's ideological ideas, be they right or left, about what might or might not work.

And so it just seems to me that conservatives, liberals, moderates, you name it, all ought to be able to agree that the best way to reform schools is to give people the local resources and the local flexibility to do it. And that is why we did it, so that we could have a constructive alternative to some of the approaches that were polarizing the country.

I want to give my colleagues one example. Bob Slaven, who has developed the model which Johns Hopkins is helping local school districts with around the country, Success For All.

He will not even allow the materials for his program to be sent out to any local school district unless they first have broad-based acceptance in the entire community that that is the approach that that local community wants to try.

It is not enough to get the school principal, it is not enough to get a few activist faculty members. They have to have 80-percent agreement from the administrators, 80-percent agreement from the faculty and broad-based community support as well, or he will not even provide his materials to them. He will not even work with them.

So it seems to me that despite people's different sets of concerns, we have arrived at exactly the same place we started. We are putting a key amount of money in a new initiative which originates in the Congress on this end of Pennsylvania Avenue and which demonstrates, I think, that we can have good ideas about education whether we are in 1600 Pennsylvania Avenue or whether we reside in the Capitol Building or whether we reside in local school districts all throughout the country.

This is the idea behind it. And I think that this language, suggested by the gentleman from Pennsylvania [Mr. GOODLING] and others, helps us to clarify that, and so I happily accept it. And I think we can get on to discuss our individual philosophies, but in the end, when this funding is adopted, we will strengthen the ability of National Government to do what we do best, not to impose our own judgments but to help local schools develop their own best ideas about how best to educate their kids.

Because in the end I deeply believe that the most important ideas about what happens in education are those that occur at the local level. Parents, teachers, business leaders, students themselves, everyone has a shared responsibility. And what counts is what happens in each individual school because that is where the kids learn, one school at a time, not one State at a time, not on the basis of some nationally imposed prescriptions.

This is simply an effort to help local people develop their own best views about how to achieve a suitable performance.

Mr. Chairman, I insert the following for the RECORD:

CALIFORNIA CONGRESS OF PARENTS,
TEACHERS, AND STUDENTS, INC.,
Los Angeles, CA, September 8, 1997.

Hon. FRANK RIGGS,
U.S. House of Representatives,
Washington, DC.

Re Opposition to proposed amendment of H.R. 2264.

DEAR MR. RIGGS: I am writing on behalf of the California State PTA to convey our opposition to an amendment that would eliminate "whole school reform" from H.R. 2264, the House Appropriations Committee FY 1998 funding bill for the Departments of Labor, Health and Human Services, and Education. As we understand the proposed amendment, it would remove from the budget the $200 million now targeted to whole school reform initiatives and redirect this amount to Title I basic grants.

We support the bipartisan proposal by subcommittee chairman John Porter (R–IL) and member Davy Obey (D–WI) to promote educational reform efforts that focus on a whole school. This approach to school improvement brings together parents, teachers, administrators and others in a community to address their school's problems in a way that is comprehensive but specifically tailored to local needs. Many successful models around the country show that whole school reforms do work. This $200 million is a wise investment and would provide much needed assistance for schools that recognize their problems and are trying to improve.

PTAs in California actively supports the current Title I programs and would enthusiastically support an increased funding allocation for Title I basic grants; but we believe the money should not be taken away from the whole school reform initiative. Providing for these reforms is an important bipartisan effort that would surely increase the effectiveness of Title I programs in helping economically and educationally disadvantaged students to achieve educational success.

In sum, PTA believes an amendment to eliminate the whole school reform initiative is not in the best interests of California's children. We urge you to support the $200 million education appropriation targeted to while school reforms.

Thank you for considering our concerns.

Sincerely,

ROSALINE TURNBULL,
President.
ANN DESMOND,
Director of Legislation.
BETTY DEFEN,
Advocate for Federal Legislation.

SEPTEMBER 9, 1997.

Hon. TOM COBURN,
U.S. House of Representatives,
Washington, DC.

DEAR MR. COBURN: On behalf of the Oklahoma PTA, I am writing to oppose your amendment to H.R. 2264, the House Appropriations Committee FY 1998 funding bill for the Departments of Labor, Health and Human Services, and Education—that would eliminate funding targeted to whole school reform through Title I and the fund for the Improvement of Education to Title I basic grants.

We realize that effective school reform is very much needed in America and that the Oklahoma's 109,000 PTA members are eager to support an increased funding allocation for Title I basic grants. At this time we are not in agreeance to divert monies away from this initiative to spark whole school reform. The initial funding that has been set aside for H.R. 2264 will provide the financial support schools need to implement these whole school reforms and we strongly oppose your amendment to eliminate funding for this purpose.

Sincerely,

LIZ PARKER,
President, Oklahoma PTA.

INDIANA PTA,
Indianapolis, IN, September 9, 1997.

Hon. DAVID MCINTOSH,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: I am writing to advise you that the Indiana PTA fully supports the bi-partisan support—adopted as part of H.R. 2264, the House Appropriations Committee FY 1998 funding bill for the Department of Labor, Health and Human Services, and Education—that would direct $200 million to whole-school reform initiatives.

We understand that you are opposing the whole-school reform initiative part of that bill. While we would fully support additional funding for Title I basic grants, we in Indiana cannot afford to take this money away from whole-school reform.

Effective school reform demands a strong commitment of financial resources and appropriate technical assistance to ensure successful implementation. There are many proven research-based models of effective schools that communities can replicate if they have the tools. The funding that H.R. 2264 sets aside for this purpose would be much needed financial support schools will need to implement whole-school reforms.

The whole-school reform initiative would nicely complement Title I in helping economically and educationally disadvantaged students achieve educational success. We strongly support the $200 million in supplemental assistance for whole-school reform and encourage you to support it as well.

Indiana's children are depending on you to support all measures that would advance their educations. Thank you for considering this as a priority item for those children.

Sincerely,

DARLENE MALONEY,
President.

INDIANA PTA,
Indianapolis, IN, September 9, 1997.

Hon. MARK SOUDER,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: I am writing to advise you that the Indiana PTA fully supports the bi-partisan support—adopted as part of H.R. 2264, the House Appropriations Committee FY 1998 funding bill for the Department of Labor, Health and Human Services, and Education—that would direct $200 million to whole-school reform initiatives.

We understand that you are opposing the whole-school reform initiative part of that bill. While we would fully support additional funding for Title I basic grants, we in Indiana cannot afford to take this money away from whole-school reform.

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Indiana's children are depending on you to support all measures that would advance their educations. Thank you for considering this as a priority item for those children.

Sincerely,

DARLENE MALONEY,
President.

SEPTEMBER 9, 1997.

Hon. ANNE MEAGHER NORTHUP,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NORTHUP: I am writing to you to ask for your support in voting against Representative Riggs's amendment to redirect $200 million from the House Appropriations Committee FY 1998 funding bill for the Department of Labor, Health and Human Services, and Education, H. R. 2264. We know that his amendment is to take this money away from "whole school reform" and put it in Title I funds. We definitely support Title I efforts but feel that school reform is of utmost importance to our state.

In 1990, you were one of a few Republicans that voted for Kentucky Education Reform Act. You felt that a new educational system was exactly what Kentucky needed to move forward in education. It takes money to make sweeping changes in school reform, as you well know by being part of Kentucky's movement in 1990. You have seen vast improvements in Kentucky's education through our new school reform.

Please continue your support for initiatives in whole school reform at the national level. All our children deserve to learn at higher levels and can do so with improvements by each community working together to address the problems schools face in a very comprehensive manner.

Please vote to keep $200 million for "whole school reform" as a part of H.R. 2262.

Sincerely,

SHARON SOLOMON,
Legislative Chairman, Kentucky PTA.

[The New American Schools Network]

ACCOMPLISHMENTS

GROUNDBREAKING R&D

In five years, New American Schools has developed exciting new designs for effective schools that enable students to reach high standards. (Most American schools are based on a model designed at the turn of the century.) Working with leading teams of education researchers, teachers, principals, and policymakers, the NAS Design Teams have successfully created models for whole-school improvements.

TESTING DESIGNS IN THE 'REAL WORLD'

We tested our designs in 147 schools and in 19 states to verify, improve, and fine-tune our approaches.

A 1995 analysis by RAND documents New American Schools' successes at the test sites so far. RAND reported that virtually all field-test sites have implemented high academic standards and more in-depth, insightful ways of testing students. In addition, test sites are adopting improved curriculum and teaching strategies, according to RAND, and parent and teacher enthusiasm for these schools continues to grow.

SUCCESS ON A BROAD SCALE

We are currently working with a total of nearly 500 schools in and out of the NAS jurisdictions in ten communities—cities, districts and states—New American Schools is working to bring high performance designs to at least 30 percent of their schools within five years.

LESSONS LEARNED

We consider one of our most important accomplishments to be the knowledge we've collected in five years of developing, testing, and spreading the use of new school designs. The lessons are:

The vision of reform must be clear, shared by school staffs and the communities they serve, and directed at the entire school—not an isolated department or program.

Professional development (training) for teachers and administrators is crucial to successful school improvement and the training must be tied directly to the school vision. But it must be coherent, reinforcing a long-term vision for change and advancing progress toward higher student achievement. New American Schools Design Teams have worked concertedly to eliminate fragmented one-shot training efforts.

One size does not fit all. Communities need a range of tested, research-based options for school improvement. New American Schools' plan to give schools choices among successful reform strategies "is a significant break with some past efforts that sought to impose a single best solution on schools from above,," according to RAND.

An investment fund is critical to school transformation. Ultimately, high performance schools will run at the same cost as today's schools, but they require an initial capital investment to jump-start the changes needed. New American Schools estimates that this investment will range from one to two percent of a district's overall budget.

Most schools and districts that have embarked on reform need consistent, ongoing support and assistance from outside organizations with expertise in school improvement.

School change is necessary but not sufficient; school systems must change, too. Teachers, principals, and parents need supportive policies and administrators backing them up.

Teachers can't do it all. Public engagement must be a serious sustained strategy involving parents. students, employers and religious and community leaders if school improvement is to last.

MOUNTING EVIDENCE

No studies have found exactly what makes it possible for children to succeed in school—if there were a single easy answer, it would have been pursued by now. However, there is mounting evidence that the approaches embodied in the New American Schools designs contain all the elements that state-of-the-art research shows are needed for success.

Two recent reports, in particular, confirm the principles and practices embodied in New American Schools designs:

Successful School Restructuring, a 1995 report by the Center on Organizing and Restructuring of Schools (CORS), and

Schools and Workplaces—An Overview of Successful and Unsuccessful Practices, a 1995 report by the General Accounting Office.

Of course, the most tangible indicators of success come from the schools and communities using our designs.

MORE SPECIFIC ACHIEVEMENTS

New American Schools designs and the communities in which they are working are measuring success in many ways—student test scores, teacher retention, safety and discipline incidents, new practices linked to successful student performance, such as team teaching, active and exciting classrooms, hands-on learning and others.

In a short period of time, New American Schools has generated impressive results.

In many schools using one of the New American Schools designs:

Students are producing higher quality work, achieving at higher levels, and showing improvement on standardized tests and other measures of performance.

Discipline problems are down. Student attendance and engagement are up.

Teacher enthusiasm and community involvement are both on the rise.

Student achievement throughout the school is improving quicker than conventional wisdom suggests is possible.

A few examples of real results so far:

In pilot schools using the Roots and Wings design, third-graders' scores on the Maryland School Performance Assessment Program rose in language, math, and science,

Fourth-graders in a Co-NECT school made significant gains on a Massachusetts statewide test compared to two years earlier.

The proportion of third-graders demonstrating essential skills rose from 22 percent to 50 percent in reading, and from 48 percent to 82 percent in math at a school in the South Bronx using the Modern Red Schoolhouse design.

New American Schools Working Towards Excellence: Early Indicators from Schools Implementing New American Schools Designs covers the latest results available on all seven designs.

Some schools will not see test scores rise this quickly. New American Schools believes, however, that quantifiable increases in student performance are among the most important indicators of success, and we will insist on accountability in this area.

DEMONSTRATING PROGRESS—PROFILES OF EXEMPLARY SCHOOLS USING NAS WHOLE SCHOOL DESIGNS, SEPTEMBER 8, 1997

AUDREY COHEN COLLEGE SCHOOL

The Audrey Cohen College system of education focuses student learning on the study and achievement of meaningful. "purposes" for each semester's academic goals. In fourth grade, for example, one purpose is "we work for good health." Students achieve their purpose by using their knowledge and skills to plan, carry out, and evaluate a constructive action to benefit the community and the larger world. The design emphasizes strong leadership among administrators, teachers, parents, students and community members.

Number of schools: 21.

Locations: Dade County, Florida; Hollandale, Mississippi; Memphis: Phoenix; San Diego; Seattle.

For More Information: contact Janith Jordan, (212) 343–1234 ext. 3400; e-mail: JanithJ@aol.com; www.audrey-cohen.edu.

Simmons Elementary School, Hollandale, MS

For six years, Simmons Elementary School has been an Audrey Cohen College school. Students monitor their own progress as they increasingly assume responsibility for their learning.

Each student is assessed to see how well he or she understands academic content and to determine their ability to use knowledge and skills with increasing sophistication to achieve the overarching purpose of the academic plan. Under the Audrey Cohen whole school design, students achieve a meaningful purpose each semester by planning, carrying out, and evaluating a "Constructive Action" in which they use their knowledge and skills to benefit their community and the larger world. In using what they know and applying what they learn, students not only achieve a meaningful Purpose, but they also learn to be effective and caring citizens able to manage their lives and help to make the world a better place to live. For example, sixth graders at Simmons Elementary School recognized the need for more community planning. They met with university, business, and government officials to initiate work on a strategic plan for economic and community development. Subsequently, they participated in the actual community planning.

As a result of this approach, students at Simmons Elementary made gains in Reading, Mathematics, and Language on the state's test of academic skills between 1994 and 1995, and these gains were sustained on the most recent 1996 results. By 1996, fifth grade students at Simmons ranked third in the state in Language, ninth in Reading, and sixteenth in Mathematics out of 153 schools measured. Simmons has been featured in the Memphis Commercial Appeal as a "success story" and the Superintendent cited for leading the way in showing what quality public education can be. The Superintendent credits the Audrey Cohen approach called "Purpose-Centered Education" for the district's current success.

Louisa May Alcott Elementary School, San Diego, CA

"My husband and I learned first-hand that in many areas—math, computer technology, reading comprehension, and most important, the teaching of respect for oneself and others—this school far exceeds the two private schools we tried. I have seen the strength of the Purpose-Centered curriculum and staff."—Louisa May Alcott Elementary, School Parent

"We introduced the College's Purpose Centered Education in our elementary school five years ago and the results have been incredible. The evidence is varied and is visible not just in the excitement and new culture of the school but throughout the community."—Principal

Louisa May Alcott Elementary School in San Diego has been using Audrey Cohen's Purpose-Centered school design since 1991–92. Over the past six years, the community has been actively involved with the College's system of education through a growing number of community members serving as Purpose Experts and community businesses and organizations serving as sites for Purpose Trips.

School-wide activities developed by students have been effective in sustaining and increasing student achievement gains. Through the years, the school has maintained or improved its above-average scores in Reading and Mathematics. Constructive Actions being developed at the school are creative and far reaching. For example, through the Internet, students learned that foundations offer help to people who are suffering. The students decided to find a way to use technology as a communications device in order to rally people from all walks of life around individuals in need. This activity enabled students to become familiar with various technologies, including the Internet, for sharing information. Students were able to understand how distant communities can be linked by sharing information around subjects of interest and concern to all.

Students at Louisa May Alcott Elementary School also planned and conducted a full-blown health conference, with exhibits, demonstrations, activities, materials and services such as blood pressure readings, to inform community decision-makers about health issues that they thought were not being addressed. Through the local news media, the class also took a position against proposed cuts in the local Health Department budget.

EXPEDITIONARY LEARNING OUTWARD BOUND USA

Built on the 10 Outward Bound principles, Expeditionary Learning Outward Bound operates on the belief that learning is an expedition into the unknown. Expeditionary learning draws on the power of purposeful, intellectual investigations—called learning expeditions—to improve student achievement and build character. Learning expeditions are long-term, academically rigorous, interdisciplinary studies that require students to work inside and outside the classroom. In Expeditionary Learning schools, students and teachers stay together for more than one year, teachers work collaboratively through team teaching and shared planning, and there is no tracking.

Number of Schools: 53

Locations: Baltimore County, Maryland, Boston; Cincinnati; Dade County, Florida; Decatur, Georgia; Denver; Dubuque, Iowa; Portland, Maine; Memphis; New York City; San Antonio

For More Information: contact Amy Mednick, (617) 576–1260 ext. 17; email: info@elob.ednet http://hugsel.harvard.edu/~elob

King Middle School, Portland, ME

King Middle School's students include a growing number of immigrants who speak as many as 28 different languages. Nonetheless, the school went from being below the state average in all curriculum areas in 1994–95 to being above the state average in six out of seven areas in 1995–96. As a result, principal Mike McCarthy was selected as Maine Principal of the Year.

King faculty have developed a shared understanding of effective middle level education grounded in core principles: active learning in thematic, project-based learning expeditions that have meaning and purpose; sharing student work with authentic audiences beyond the classroom; heterogeneous grouping and instructional practices that incorporate multiple learning styles; multidisciplinary team teaching; cooperative learning; and high expectations that each and every student is capable of high achievement and high quality work. Through ongoing conversations, there is a shared vision of whole school change focused on a common set of design principles.

All teachers plan and teach in teams, and team planning time is built into the school schedule. Staff development workshops are held weekly after school on issues related to school improvement and implementation of Expeditionary Learning. The school is divided into two houses to promote and foster effective student teams. All students stay with the same team of teachers for two years in order to foster a sense of belonging among both students and teachers and to create the stability and familiarity of a long-term relationship between students, teachers, and parents.

Every learning expedition ends with students sharing work with an audience beyond the classroom, enhancing the sense of purpose and belonging. For example, students published a professional quality field guide to intertidal life in Casco Bay and presented their design plans for a Portland Aquarium to architects and the Portland Museum Design Committee. Both the nature of the tasks and the public demonstration constitute real world assessment that foster high quality student work. The school held a two day fair where community members, parents, and teachers from other schools were invited to see a gallery of student work from learning expeditions.

King School has developed a core curriculum aligned with Maine educational standards that is the focus of learning expeditions. Learning expeditions provide a highly effective means to address the learning needs and styles of a diverse group of learners in heterogeneous classrooms. Learning expeditions challenge and support each student to do his or her best, using multiple voices and media, and then to better their personal best. The ability to translate state learning standards into an effective curriculum and instructional practices was demonstrated by performance of King students on the Maine Educational Assessment, which focuses on critical thinking and higher order thinking skills.

Rocky Mountain School of Expeditionary Learning (RMSEL), Denver, CO

"The Rocky Mountain School of Expeditionary Learning is well on its way to becoming a powerful example of educational practice for the state of Colorado and the nation. We were greatly impressed with the level of commitment, respect, and thought about learning that both students and teachers demonstrated during our visit. Nearly every student interviewed by the visiting team could articulate what they were learning and where they were going. We saw much evidence of Expeditionary Learning Design Principles in action. RMSEL is helping students overcome fear and apathy while 'allowing them to discover that everyone has much more in them than they think.' It is clear that RMSEL is a thoughtful, caring and respectful community of educators. We look forward to following the school's progress."—From the Report of the Visit of the North Central Association (NCA) Visiting Resource Team (April 1997)

Through an ongoing series of task forces, whole school planning meetings, and reflection, the Rocky Mountain school's faculty and parents have developed and are continuously improving "rubrics" for student work for scientific reasoning (science and technology), quantitative reasoning (math), cultural understanding (social studies), language arts, writing, and arts, literature, and aesthetics. Led by the Portfolio Committee, the school structure focused discussions of student work in teacher teams and in classes with students, and developing a school-wide assessment plan.

The school has set aside one staff meeting each month to fine-tune rubrics, and to think about what they value in student work in various domains and how to capture those criteria in rubrics. Additional staff meetings are devoted to sharing and giving feedback on learning expeditions. Assessment of student work with rubrics is used in developing learning expeditions and thinking about the qualities of culminating projects and exhibitions.

The school has developed an authentic graduation requirement and "rites of passage" (graduation performances) for grades 2, 5, 8, and 12 based on portfolios and a demonstration of what students know and are able to do. The process of developing graduation requirements began with a three day retreat where teachers, parents, and students developed a draft for discussion within the school community. The graduation requirement and rites of passage integrate the major academic disciplines with experiential learning, intellectual rigor, reflection, service, and adventure. To demonstrate that the graduate has both a well developed intellect and character, he or she must present ten portfolios and a senior exhibition project to the graduation committee.

RMSEL makes service learning an important and formal part of their educational focus. As part of the graduation requirement, students must submit a Service Portfolio that contains (1) a formal resume of the student's community service work that is viewed as being significant to the community and relevant letters of reference from supervisors or organizers; (2) a major service project that is presented in the form of an essay, video, or oral presentation; and (3) evidence of service to the school.

MODERN RED SCHOOL HOUSE

This design strives to help all students achieve high standards through the construction of a standards-driven curriculum; employment of traditional and performance-based assessments; effective organizational patterns and professional-development programs; and implementations of effective community-involvement strategies. Students master a rigorous curriculum designed to transmit common culture, develop character, and promote the principles of democratic government.

Number of Schools: 52

Locations: Columbus, Beech Grove, and Greentown, Indiana; Dade County, Florida; Franklin and Lawrence, Massachusetts; Illinois; Indianapolis; Kayenta, Arizona; Memphis; New York City; Philadelphia; San Antonio

For More Information: contact June Gregory, (888) 275-6774; email: skilgore@mrsch.org; http://www.mrsh.org

Robert Frost Elementary School, Indianapolis, IN

Since Fall 1993. Robert Frost Elementary School has implemented most aspects of the Modern Red Schoolhouse Design. Classes have been redesigned to promote continuous student progress toward standards in a multi-age, multi-year setting. Core Knowledge is used as the foundation for teacher-developed units that are linked to the modern Red Schoolhouse standards. An instructional management team meets with the principal weekly to design and modify instructional practice, technology use, design implementation, and budget plans. This team also works to write grant proposals and to organize extended learning opportunities.

Test scores on the standardized NCE test given to fifth graders improved across the board in the 1996–97 year. Scores for fifth graders rose 12 points in reading, 12 points in math, and 10 points in language over the 1995–96 scores. Robert Frost Elementary achieved 100 percent participation in parent conferences in both the 1995–96 and the 1996–97 school years and its accountability plan is being used as a model for all Indianapolis Public Schools.

Treasure Island Elementary School, North Bay Village, FL

Treasure Island Elementary also uses the Modern Red School House design to focus on high academic achievement for all students. According to the approach taken by the school all children can learn and attain high standards but vary in the time they need to learn and the ways they learn best. To accommodate the varying needs of children, the school introduced 13 after-school classes which are attended voluntarily by over 20 percent of students at the school. These classes include both enrichment and support topics such as Creative Writing, Math-Manipulatives, and Spanish Literature. To help students concerned with their test taking skills, the school also implemented a Saturday Academy focused on following directions during a test and managing time during a test.

Treasure Island has developed block scheduling for staff in order to allow them one hour of grade level planning time every day to be used either for grade level teams or for personal planning time.

Modern Red has helped to clarify and target Treasure Island's focus—organizing instruction to meet the needs of all students. By reallocating funds from a variety of sources (Title I, grant monies, and instructional funds), they have been able to improve both the content and the delivery of curriculum.

Results have been impressive. Students have increased their reading comprehension, mathematics computation scores, mathematics applications, and science scores each year. Scores in reading comprehension are up four percent since last year. Mathematics computation and mathematics application scores are up 15 percent and 7 percent, respectively. Science scores increased 11 percent.

CO-NECT

Assisting schools in creating and managing their own high-tech equipment and network, Co-NECT uses technology to enhance every aspect of teaching, learning, professional development, and school management. Co-NECT Schools are organized around small clusters of students who are taught by a cross-disciplinary team. Most students stay in the same cluster with the same teachers for at least two years. Teaching and learning center on interdisciplinary projects that promote critical skills and academic understanding. A team of educators and parents set school goals.

Number of Schools: 78

Locations: Cincinnati; Dade County, Florida; Juneau, Alaska; Memphis; Philadelphia; San Antonio; Worcester, Massachusetts

For More Information: contact Diana Nunnaley, (617) 873–2683; email: infoconect.bbn.com http://co-nect.bbn.com

Oak Forest Elementary School, Memphis, TN

Oak Forest Elementary School, located on the outskirts of Memphis, Tennessee, has been working with Co-NECT since 1995. The school lab, greenhouse, computer lab, multipurpose room, story-telling room, library/media center, and music rooms.

The school has had a strong commitment to technology since its opening in the fall of 1993. It is one of twenty-four Memphis City Century Classroom Program. Every classroom in grades 4–6 has a minimum of three fully-equipped technology stations, and one teacher workstation with a large-screen display, laser disc player, and VCR. Every classroom in grades K–3 has at least one computer. Every classroom is connected to the Internet.

Some 32 classroom teachers in grades K–6 are teamed in clusters of three to four classes, representing different grades and ages. The cluster studies the same topic, with each class investigating a different question related to that topic. For example, if the topic is North America, one class may study North American birds, another may study the different cultures, while another may elect to study folk tales. As a way of keeping teachers with the same group of students for more than one year, some teachers "loop" with their classes—teaching, for example, 4th grade one year and 5th grade the next.

In recent years, teachers have become increasingly adept at using technology to enrich and extend curriculum projects. For examples, using the Internet, students have collected data on acid rain from other students in California, New York, Illinois, Germany, Japan, and Russia. They used a spreadsheet program to organize the data and create graphs and charts, then presented their findings using HyperCard.

Campbell Drive Middle School, Homestead, FL

In the spring of 1996–1997, Campbell Drive Middle School, a Co-NECT School in Dade County, Florida, reported test score gains in several critical areas, including writing, reading comprehension, science, and mathematics.

Most impressively, the percentage of students scoring "3.0" or higher or Florida Writes!, the state writing assessment, is now up to 72 percent approaching the district average, marking the third year in a row of continuing improvement.

PERCENTAGE SCORING 3.0 OR BETTER ON FLORIDA WRITING ASSESSMENT

	1993–94	1994–95	1995–96	1996–97
Dade County Public Schools ...	45	66	84	80
Campbell Drive Middle School	14	52	67	72

These results are especially impressive in a year when scores on the state writing assessment have dropped district wide. In fact, Campbell Drive was the only school in Region IV to show improvement, and was the second most improved middles school in Dade County. Scores on the Stanford Achievement Test were also up in science (grade 8), reading comprehension (grade 8), and math applications (both grade 7 and grade 8).

Principal Santiago Corrada credits the hard work of this teaching staff and students for these improvements. "We've had a banner year," he says, "and although we still have room for improvement, we're rapidly becoming the premier middle school in South Dade."

The school has recently organized a "Tech Squad" to help train other students how to use various software applications as well as help maintain the school's web site. The squad is made up of nine students trained by four Campbell Drive teachers. The students have learned how to use scanners and QuickTake cameras. After learning various technologies, the squad ventures into classrooms to help train teachers and fellow students.

Located in Homestead, Florida, Campbell Drive Middle School serves a student population that is 54 percent Hispanic, 34 percent African-American, and 10 percent White. In 1995–1996, approximately 83 percent received free or reduced lunch, and 8 percent were classified as having Limited English Proficiency. Many are children of migrant workers. The school has been a Co-NECT School since 1995–1996.

ATLAS COMMUNITIES

The ATLAS design centers on pathways—groups of schools made up of high schools and elementary and middle schools that feed into them. Teams of teachers from each pathway work together to design curriculum and assessments based on locally defined standards. Teachers collaborate with parents and administrators to form a learning community that works together to set and maintain sound management policies.

Number of Schools: 52 (10 pathways)

Locations: Gorham, Maine; Memphis; Norfolk, Virginia; Philadelphia; Prince George's County, Maryland; Seattle

For More Information: contact Jane Feinberg, (617) 969–7100, e-mail: Atlas@edc.org http://www.edc.org/FSC/ATLAS

The Booker T. Washington High School, Memphis, TN

In 1989, Principal Elsie Lewis Bailey joined The Booker T. Washington High School in Memphis, TN as an assistant principal. Her appointment was part of the city's "de-regulation" experiment, which gave schools in close proximity to public housing and opportunity to interview only those staff who chose to be there. As a result, "the turmoil was gone, but the academics were still very poor."

As principal, Bailey began to lay the groundwork for changes in curriculum and teaching practice. A colleague in Texas had helped her implement block scheduling. The school also formed curriculum committees, readying her staff for conversations around education reform. "If you don't have or develop a site-based framework, ATLAS won't work," commented Bailey.

After two years with ATLAS, Bailey reported that the school has incorporated pieces of the ATLAS design in phases. During the first year she spent much of her time working closely with the "resistors to change." It was not until the next year when she visited the elementary and middle schools in the pathway that, "the light bulb went off in my head. Atlas in not going to make us change. ATLAS is a framework—we decide how we're going to do it."

Bailey spoke of the deep impact of ATLAS on the students at Booker T. Washington. A peer mediation program is in full force. All student work is expected to be typed. The school just finished its first pilot year doing Exhibitions, a milestone considering that students in the school thought they were incapable of such work. The school has also implemented full inclusion. She mentioned one student whose state test score went from 49 to 85 after inclusion. "We've got to stop labeling kids. Our children lack experiences. If you've never seen a mountain, you can't talk about it."

Mason Elementary School, Boston, MA

In 1991, the Boston Herald called the Mason Elementary School the "least chosen" of 120 schools in Boston. Enrollment at Mason Elementary School was at an all-time low in 1991. The building was falling apart. Retention between first and second grade was 30 percent. Special education referrals were in the double digits. Reading scores were in the lowest quartile. The school offered no psychological services and no extended hours. Parent involvement was minimal at best.

In five years, Mason Elementary has been transformed. Now one of Boston's "overchosen" schools, Mason is bursting at the seams with students. Enrollment is 11 percent above capacity. The school has undergone renovations worth $1.5 million. Special Education referrals have fallen to six percent, while test scores have moved to the upper quartile. In addition, more than 90 percent of the parents are involved in the school and volunteer hours have soared from 30 in 1991 to 600 in 1996.

ROOTS & WINGS

This elementary school design builds on the widely used Success for All reading program and incorporates science, history, and mathematics to achieve a comprehensive academic program. The premise of the design is that schools must do whatever it takes to make sure all students succeed. To this end, Roots and Wings schools provide at-risk students with tutors, family support, and a variety of other services aimed at eliminating obstacles to success.

Number of Schools: 236

Locations: Anson County, North Carolina; Asbury Park, New Jersey; Cincinnati, Elyria, and Dawson-Bryant, Ohio; Columbus, Indiana; Dade County, Palm Beach County, and Putnam County, Florida; Everett, Washington; Flint Michigan; Henry County and Memphis, Tennessee; Houston; Aldine, Morton, Muleshore, San Antonio, Texas; Mesa and Lueppe, Arizona; Modesto, Pasadena, and Riverside, California; Brooklyn, New York; Philadelphia and Johnstown, Pennsylvania; Rockford, Illinois; St. Mary's County and Baltimore County, Maryland

For More Information: contact Dr. Robert Slavin, (410) 516–0274; e-mail: rslavin@inet.ed.gov http:/scov.csos.jhu.edu/sfa

Lackland City Elementary School, San Antonio, TX

Lackland City Elementary School began working with the Success for All component of Roots & Wings in the fall of 1994. The reading program was successfully implemented at all grade levels and a special effort was made to ensure that all students had opportunities to take books home to read. Additional support was provided for reading by having older students listen to younger students read during breakfast served to most students in the school through federal funds. The school added its family support component in 1994 and began implementation of Math Wings in third, fourth, and fifth grades in the fall of 1996. The school's focus on community involvement has led to partnerships with local agencies. For example, Santa Rosa Hospital provides a weekly immunizations clinic at the school, as well as WIC program services.

Since implementing Roots & Wings, 84 percent of students at Lackland Elementary are achieving the grade level objectives in reading on the Texas statewide assessment (TAAS). On the mathematics TAAS, eighty-five percent of the students achieved grade level—an increase of 35 points over the previous year when the school began implementation of Math Wings. All students read a book of their choice at home each night and virtually every single parent reports that they listen to or discuss what their children are reading and sign a "reading response" form each week.

El Vista Elementary School, Modesto, CA

El Vista Elementary School has been working with the Roots & Wings design since 1993. All of the elements of the reading program, Success for All, have been fully implemented throughout the school since 1991. Additionally, one of the other key elements of the design, Math Wings was implemented in grades 3, 4, and 5 during the 1995–96 school year. El Vista has a very strong Family Support Team, which has developed a wide variety of strategies for helping parents read to their children. The teachers at El Vista are very active in the development of specific classroom materials to enhance their implementation of Roots & Wings components.

Since 1992, achievement levels for all first graders have been tracked until the students finish third grade. Of the students tracked, only two were below grade level at the end of the third grade. Discipline problems are down and students are actively involved in the school and in each other's success. After only one year in Math Wings, total math scores on the California Test of Basic Skills (CTBS) had increased by 2.5 points among third graders, 6.2 points among fourth graders, and 8.6 points among fifth graders at the school.

NATIONAL ALLIANCE FOR RESTRUCTURING EDUCATION (NARE)

This partnership of schools, districts, states, and leading national organizations works to change the education system from classroom to statehouse through a five-point set of priorities. Known as "design tasks," they are: standards and assessments, learning environments, high-performance management, community services and supports, and public engagement. The National Alliance provides extensive training and materials in each area.

Number of Schools: 218

Locations: Arkansas; Chicago; Kentucky; Pittsburgh and the Milton Hershey School, Hershey, Pennsylvania; Rochester and White Plains, New York; San Diego; Washington

For More Information: contact Zenette Duffy or Dr. Mary Anne Mays, (202) 783–3668; email: nareinfo@ncee.org; http://www.ncee.org/OurPrograms/narePage.html

John F. Kennedy Elementary School, Louisville, KY

Once known for all the wrong reasons, John F. Kennedy Elementary School has improved student performance remarkably over the past five years and has earned national acclaim for doing something right. Performance in reading and math tripled; performance in writing quadrupled; and scores in science and social studies were twice what they were. In 1996 the school's principal, who was once summoned to the superintendent's office to explain a high kindergarten failure rate, received the Milken Family Foundation Award.

JFK ELEMENTARY SCHOOL PROGRESS ON STATE ASSESSMENTS SINCE PARTICIPATING IN NARE

Subject	1991–92	1992–93	1993–94	1994–95
Reading	16	24	40	67
Math	11	13	53	61
Science	16	10	23	37
Social Studies	17	22	48	51
Writing	11	23	46	54

Teachers and parents credit the school's remarkable improvement to its commitment to ensuring that all children achieve at high levels and its relentless focus on student achievement. Jacqueline Austin, the school's principal, notes that National Alliance workshops and technical assistance have helped her improve her own ability to analyze student performance data and to focus the school's strategies on improving performance.

Kennedy Elementary is continuing its quest to reach its goal of ensuring that all students reach high standards of performance. This year, Austin and her staff are focusing on improving performance in reading and literacy by aligning its reading curriculum more closely to standards and concentrating its professional development resources on enabling teachers to use instructional strategies tied to standards for student performance.

Canyon Creek Elementary School, Bothell, WA

Canyon Creek Elementary School has attained what one parent calls "a track record of success" by maintaining an unswerving commitment to improving performance for all students, particularly the lowest performers, and doing whatever it takes to achieve the goals. And parents and members of the community feel that the school has succeeded, and that students are learning consistently.

Canyon Creek has also developed a discipline policy that has had a dramatic effect at the school and was chosen as exemplary by the district. Drawn up by a committee composed of parents and staff members, it states rights, rules, and consequences.

This years goal for performance-driven improvement was to increase by eight percent the number of students who read above the 80 percent mark and to decrease by 16 percent the number of children who were reading below the 25 percent level. In order to measure progress, the school had to identify a new assessment instrument since the current assessment tested reading performance only in the fourth grade.

The Canyon Creek approach for this coming year is to institute a new calendar aimed at helping them reach their performance targets more efficiently and effectively. Under the calendar, students will be in school 4.5 days a week, and school will close early on Friday to permit time for teachers to plan together and develop professionally. This calendar shift was developed during a three-day retreat of parents and staff, and adopted by an 85 percent vote. It represents a typical effort by Canyon Creek to listen to the entire community, take risks, and involve everyone in decisions.

Mr. RIGGS. Mr. Chairman, I yield myself such time as I may consume.

I want to tell the ranking member that I respect his views and would submit that perhaps this money, this $200 million in the bill for whole school reform, would still be better spent meeting the Federal obligation to provide special education services to children with learning disabilities.

I would also point out that perhaps, if we really did respect the idea of local control and decentralized decision-making in public education, perhaps if we have to spend the money, we are better off block-granting it back down to local communities.

But I do want to point out that through the bipartisan compromise we have worked out, we will be adding language down through the bill, through my en bloc amendment that says, and I think it is important for Members to hear this language, that such approaches, and we have changed whole school reform to mean comprehensive school reforms, we have changed the definitional language, and then we say provided that such approaches show the most promise of enabling children served by title I, the educationally disadvantaged children, to meet challenging State content standards and challenging State student performance standards, which shall include an emphasis on basic academics and parental involvement based on proven research and practices.

So I think it is important that we understand that we are stressing again State and local roles in determining how this money will be spent, and we feel that that is the best way to ensure proper accountability for the use of this $200 million in funding.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Chairman, I want to thank my colleagues for helping to pull us all together today to resolve our differences. I want to thank particularly the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY]. I think that their help in putting a resolution to those things that divided us was very important.

I appreciate their leadership and I appreciate that they proved one more time that it is important to put all the good ideas on the table; and that when we are talking about education, it is not about winning or losing, but trying to pull together some concept of what works and making sure that that is what we do.

I want to thank all members of the committee for their dedication to public schools. Regardless of whether we feel strongly about what other schools exist in this country, I believe that public schools will always be a critical part and a very important part of what the education picture is for all of the children in this country.

The gentleman from Wisconsin and I share the same objectives. All the things the gentleman said about education and about resolving the school crises that we have, I share the gentleman's vision of what makes those schools better. I could not agree more with the gentleman about his description of how schools succeed, and for that reason, I look forward to working together with this committee in the future to build strong and better public schools.

Mr. RIGGS. Mr. Chairman, I yield 7 minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me this time.

As an individual who has spoken out on this floor on this issue several times already in the course of this debate, I want to tell my colleagues that I believe the compromise that has been struck is indeed a very good one; and I compliment the ranking member and the chairman of the subcommittee and all who have been involved in it.

At least insofar as I understand the agreement which has been reached, I think it does a great deal of good. Let me just, if I might, make it clear what that understanding is by emphasizing what is important to me and then entering into a brief colloquy with the gentleman from California [Mr. RIGGS] and, hopefully, a brief colloquy with the gentleman from Wisconsin [Mr. OBEY].

Let me begin by saying, when the issue of Whole School Reform was raised by the language in this bill, that became a topic of concern for many of us and many of us spoke out on that topic. I want to make it clear that Whole School Reform, as it is set forth in the studies that the gentleman from Wisconsin has described, is not something I object to. My concern is that, as the bill was written and with its reference to the prior authorization which said the moneys had to be spent on Whole School Reform, what we were doing was federally mandating school reform only so long as it fit into the box of Whole School Reform, however that term is defined by those studies.

As I have listened to the gentleman from Wisconsin in this discussion and to the gentleman from California, I think the amendment that we have now agreed upon, striking the words "Whole School Reform" and instead inserting the definitional language which says that these moneys will be available for school reform standards or school reform programs which meet State content standards and State student performance standards with emphasis on basic academics and parental involvement, go a tremendous way toward resolving my concern that we were in fact doing top down.

I would have to agree with the gentlewoman from Kentucky [Mrs. NORTHUP]. I could not agree more with the description which the gentleman from Wisconsin just gave of the critical importance of allowing these decisions to be made right at the school level by parents, by teachers, by school administrators in their own schools. My concern with the language of the bill as it existed before this agreement was that we were saying they could do it, but only if they did it to fit into the box of Whole School Reform.

I listened to the gentleman from Wisconsin describe what he sees here, and he emphasizes local reform, and I am extremely pleased by that.

If I could ask the gentleman from California to join me in a discussion. Is it the gentleman's understanding of the language, which we are substituting into the bill as a result of this compromise, that it makes it clear that the school reforms which will qualify for these moneys includes school reforms created and designed at the local level and not necessarily having them meet any Federal definition of what is acceptable or not acceptable?

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, that is my interpretation of my en bloc amendment. The fact that we have now added language saying that these funds must be spent, shall be spent to help children meet challenging State content standards and challenging State student performance standards will have the effect of bringing that Federal funding under State and local control.

It will certainly allow local discretion in terms of how those funds are spent pursuant to existing State education law, but provided that the funds are spent, again as I just mentioned, to promote student achievement, student accomplishment in the area of statewide educational standards.

Mr. SHADEGG. Mr. Chairman, reclaiming my time, just to further clarify, the language does not impose any Federal standard or requirement that it must fit a particular Federal mold?

Mr. RIGGS. If the gentleman will continue to yield, that is my understanding, yes. And I understand the gentleman's concern is that we create these programs very often and they have the effect of enticing States to perhaps change their curriculum, change their educational program in order to gain access to Federal dollars.

What we have tried to do here is to make sure that the emphasis is again on State standards and State content standards and State student performance standards.

Mr. SHADEGG. Mr. Chairman, once again reclaiming my time, I thank the gentleman for that clarification.

It had been my intent to offer an amendment to transfer the entire $200 million, which is the subject of this debate and of this appropriation, to the IDEA Program, because I do think that is an important program, and it is right now a partially unfunded mandate.

But, as crafted, I believe that this amendment on which we have struck a bipartisan compromise resolves my concerns, and I have no intention of offering that amendment, assuming that we have agreement.

I listened to the remarks of the gentleman from Wisconsin, in which again I agree with the gentleman wholeheartedly, that he believes we should enable school districts to reform how they do everything they do. I certainly agree with the gentleman on the issue of comprehensive reform. I do not think that it is reform to just bring in computers or just do one piece.

If I could just clarify that. It is the gentleman's understanding that this leaves these decisions to parents and teachers and administrators at the local level on how best to reform their school and improve education for their children?

□ 1530

Mr. OBEY. If the gentleman will yield, as the committee indicated in its report, as we have indicated in our press statements, as we have indicated in our Dear Colleague letters for the last 3 weeks, as I have indicated on seven previous occasions on the floor, and as I emphasize again now, this package simply provides Federal money so that local schools can examine all of the possibilities for improving the way they work in their own schools on a comprehensive basis so that they can do what I hope everybody believes in, which is to find a model which really does raise performance. There are a lot of people shopping models around this country who make a heck of a lot of money with ideas that do not produce any real change for kids. What we are trying to do is to help local schools to get some idea of what works and what does not. They are free to develop any idea they want, but it is our obligation after we have spent millions of dollars on research to help them understand what works and what does not so they can make their own decisions.

Mr. SHADEGG. I appreciate the clarification from the gentleman. I certainly agree with him. There ought to be an examination of the success or failure, and I am thrilled to hear that there will be no top-down Federal mandate on what these programs must include or not include.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Chairman, I thank the distinguished ranking member for yielding me this time and again congratulate him and the gentleman from Illinois for working out this bill and this particular provision within the bill.

Let me say that I think that many of us have long ago gotten the idea that now certain Members on the other side are finally catching on to, is that nobody is trying to do anything except find a way to educate our children. We are not trying to have the Federal Government try to do it. We are trying to provide the resources so that communities can do it. This is about opportunity, the opportunity that exists within our public schools so that we can take the responsibility. People in the community, whether it is the business community, the colleges surrounding public education institutions, the teachers, whether they belong to unions, the administration and parents, to seize the responsibility to come together and do something that we all want to do.

I do not care personally whether we call it a charter school or whether we call it a whole school, whether we call it comprehensive school reform, whatever the semantics may be. The idea is that we are actually trying to get to the point that we can take a blank educational canvas and work together to develop the foundation for a school system, a public school system that is the one that we want.

This is happening in Salem, MA at a school called the Saltonstall School, and people often mistake it for a whole school or a charter school because it has all of those elements. The point I want to make is that it is a public school. We did not make that school better by creating a separate institution and a separate structure somewhere else and dividing the money and resources taking it out of the public school system and setting it aside. We did it by investing and providing resources so that community at the local level in Salem could use the resources of Salem State College, the business community around Salem, the teachers from the teachers union sitting down and negotiating how they were going to go extra hours during the day and a longer period. It is the first public school in New England to be a year-round institution. It is working. They got together, they decided on a mission and they put it in writing. Whether you want to call it a charter or just call it an assessment or a standard, whatever it is, they put it in writing. Now they shoot for it. They decided what the mission of that school is going to be, and it happens to be math and science. They got parents involved, 140 volunteers every week in that school helping to work together. They decided how they were going to move forward as a group and as a community and they have done that. They have set those standards and they measure them year by year to see how they are doing against that. It is working. Achievement levels are increasing rapidly.

People in the middle school look forward to seeing these children come out of the Saltonstall School in fifth grade and come into the sixth grade because they know they are going to be ready. When you visit the school, the children are excited about learning. Their parents are excited about participating in the process, and the community knows that it has a good model there. When you go to somebody like Kathleen Corley, the principal of that school, who has had a tremendous amount of impact on the community by working with all those folks, and you ask what is the one reason why the city of Salem and other communities do not have public schools of the nature and quality of the Saltonstall School, her answer would be resources.

That is what we are able to do with this Federal program, provide the resources so that the local community can seize the public school opportunity, take the responsibility to work as a community and make the concept work, to raise the bar and raise the standard and provide the means for these students to have the opportunity. This program, $200 million, will give us the chance to broaden out what has already been shown to be successful in about 1,200 schools throughout this country and show everybody that this is the way to provide good, equal educational opportunity for the students in this country. It is through the public school system, it is not by walking away from them. It is by recognizing what works, celebrating what works, giving it the resources to be duplicated and making sure that we have the best educational infrastructure as an investment in our future.

Mr. RIGGS. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. McINTOSH. Mr. Chairman, I would like to engage the gentleman from California [Mr. RIGGS] in a brief colloquy about the intent of this amendment. As the gentleman knows, originally the amendment was drafted, and I was a cosponsor of it, that took the $200 million from this whole school reform program and put the bulk of it into the block grant under chapter 2 but $15 million into a program to provide computers and $5 million into the Jacob Javits Program for gifted and talented students. I wanted to clarify that the new amendment, the new language that redefines the authorizing section for this program, that it is written, in my understanding, broad enough to include particularly the Jacob Javits Program for gifted and talented students or at least students who would be participating in that program who would also be eligible for title I, so that schools could use this money if they needed to increase their compliance to State standards and directed toward title I students for gifted and talented programs in which those students could participate.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. McINTOSH. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, the first thing I would like to do is thank him for his help and support and his leadership on this amendment. He is absolutely correct. Under the original substitute, not the en bloc substitute that is pending here on the floor but under our original substitute, the gentleman is right, we would have redesignated $5 million of the $200 million for the Jacob Javits gifted and talented student program.

As to the gentleman's question, yes, it is my understanding that this money could be used for gifted and talented students, for a GATE Program, I believe is the acronym that you would normally use, at the local level, provided it is part of comprehensive school reform. But yes, if a child is gifted and talented and they also qualify under title I as educationally and socially disadvantaged, then they absolutely could be assisted under this program and the $200 million that has now been set aside in the bill to promote comprehensive school reform.

Mr. McINTOSH. Let me say that I would urge the department to implement this new approach in exactly that way, to give the schools as much leeway and to include, wherever possible, gifted and talented education programs, because it is my belief that the Department of Education programs should be helping schools meet special needs of their students, and in the same way that disabled students require additional funds, gifted and talented students often require programs that require additional funds. If not, we stand the risk of losing those students who become bored or disinterested in the educational program that is offered and they can, instead of turning out to be our brightest and best, they sometimes turn out to be among the worst members of society because they were never challenged with that type of program when they were young.

Mr. Chairman, referring to a report from the Yale Child Study Center, a School Development Program which was one of the three whole school reform programs that was originally mentioned in the legislation, there are some deep philosophical implications of moving to that type of approach. And so I am pleased that this Congress is holding back and not endorsing a whole school reform.

For example, this one says: We believe that "it takes a whole village to raise a child." That has become a very controversial notion and stands in many people's minds for a very liberal way of administering school programs.

Then turning further into the document, it says that all the adult stakeholders agree to use a "no-fault approach to solving problems." Many of us are worried that a "no-fault approach to solving problems" implies that there is not a right and wrong answer on a math test or a spelling test and that that is one of the deep problems that we are seeing in our educational program.

I would commend the author of that en bloc amendment and thank my colleagues on the opposite side of the aisle who reluctantly agreed to it and support this amendment.

Mr. Chairman, I include for the RECORD the Yale Child Study Center School Development Program.

YALE CHILD STUDY CENTER SCHOOL DEVELOPMENT PROGRAM

MISSION AND VISION OF THE SCHOOL DEVELOPMENT PROGRAM

The School Development Program is committed to the total development of all children by creating learning environments that support children's physical, cognitive, psychological, language, social and ethical development.

Our vision is to help create a just and fair society in which all children have the educational and personal opportunities that will allow them to become successful and satisfied participants in family and civic life.

CORE BELIEFS OF THE SCHOOL DEVELOPMENT PROGRAM

We believe that "it takes a whole village to raise a child," noting especially that: children's most meaningful learning occurs through positive and supportive relationships with caring and nurturing adults; parents are children's first teachers; all parents, and staff members, and community member, regardless of position, has an important contribution to make towards improving students' education; and in order to bring out the best in children, adults must interact more collaboratively and sensitively with each other on behalf of children.

We believe children: should be at the center of the educational enterprise; are capable of higher learning; learn through various pathways: physical, cognitive, psychological, language, social, and ethical; and who develop well learn well.

We believe that teachers: work in supportive environments which maximize their ability to teach and prepare students for life beyond school; and develop positive relationships with parents to make the necessary bonds for effective teaching and learning.

We believe school communities: must be structured to promote collaborative decision making in order to create a culture of inclusion; should promote learning as a lifelong process; should embrace cultural, linguistic and ethnic differences to enhance the educational process for all people; use data from all levels of the system—student, school, and district to inform educational policies and practices; should view change as an ongoing process guide by continuous constructive feedback; design curriculum, instruction and assessment to align with and promote child and community development and high content area standards; provide administrators with the support they need to lead and manage schools; and promote organizational synergy among school boards, educators, and parents.

A BRIEF HISTORY AND SUMMARY OF THE SCHOOL DEVELOPMENT PROGRAM

The School Development Program (SDP) was established in 1968 in two elementary schools as a collaborative effort between the Yale University Child Study Center and the New Haven Public Schools. The two schools involved were the lowest achieving in the city, had poor attendance, and had serious relationship problems among students, staff, and parents. Staff morale was low. Parents were angry and distrustful of the schools. Hopelessness and despair were pervasive.

The Child Study Center staff—social worker, psychologist, special education teacher, and child psychiatrist—provided the traditional support services from these disciplines but focused more on understanding the underlying problems and how to correct them. Problems were identified on both sides—family stress and student underdevelopment in areas necessary for school success, as well as organizational, management and child development knowledge and skill needs on the part of the school staff.

Because of pre-school experiences in families under stress, a disproportionate number of low-income children presented themselves to the schools in ways that were understood as "bad," under-motivated, and demonstrating low academic potential. The behavior, in fact, reflected underdevelopment, or else development that was appropriate on the playground, at home or other places outside of school, but inappropriate at school.

The school staffs lacked training in child development and behavior, and understood school achievement solely as a function of genetically determined intellectual ability and individual motivation. Because of this, the schools were ill-prepared to modify behavior or close the developmental gaps of their students. The staffs usually responded with punishment and low expectations. Such responses were understandable given the circumstances, but they usually led to more difficult staff-student interactions and, in turn, to difficult staff-parent and community interactions, staff frustration, and a lower level of performance by students, staff and parents.

Even when there was a desire to work differently, there was no mechanism at the building level to allow parents, teachers, and administrators first to understand the needs, then to collaborate with and help each other address them in an integrated, coordinated way. This led to blame-finding, fragmentation, duplication of efforts, and frustration. There was no sense of ownership and pride in the school. The kind of synergism that develops when people work together to address problems and opportunities could not exist.

The model took shape in response to the conditions in the schools. Dr. Comer and his colleagues, working collaboratively with parents and staff, gradually developed the current nine-component process model (3 mechanisms, 3 operations, and 3 guiding principles). In the first category is (1) a School Planning and Management Team representative of the parents, teachers, administrators and support staff; (2) a Student and Staff Support Team (formerly called the Mental Health Team); and (3) Parent Team.

The School Planning and Management Team carries out three critical operations: the development of a (4) Comprehensive School Plan with specific goals in improving school climate and academic areas; (5) staff development activities based on building-level goals in these areas; and (6) periodic assessment which allows the staff to modify the program to meet identified needs and opportunities.

Successful implementation of the School Development Program requires several important guiding principles and agreements. All the adult stakeholders agree to use (7) a "no fault" approach to solving problems. This allows school teams to use all their time and energy on problem solving. Many groups get bogged down and are unable to move forward because blame creates defensive behavior and conflict. When people use "no fault," they can speak up without fear of attack or blame.

The School Development Program uses (8) consensus decision making rather than voting as the way to make decisions. Discussions keep the developmental needs of children in mind. One of the principal benefits of consensus decision making is that it minimizes "winner-loser" behavior and a variety of negative feelings that are common when decisions are made by voting.

Participants on the School Planning and Management Team (9) collaborate with the principal who is often the team's leader. Team members cannot paralyze the principal and on the other hand the principal cannot use the group as a "rubber stamp." In some cases, a staff member rather than the principal serves as a leader of the governance and management team. When this happens, it is often after all involved have become comfortable with the process, but sometimes it occurs at the outset. This works when it is a genuine arrangement to promote leadership from within the staff, and not as an act of disengagement. With this arrangement, it is important for the principal to be present and fully involved both in meetings and in facilitating the process. These nine components, developed in the 1968–69 school year, continue to make up the essential elements of the School Development Program.

A BRIEF SUMMARY OF SCHOOL DEVELOPMENT PROGRAM EFFECTS

Past efforts to document the effects of the School Development Program have been consistent with our philosophy that educational improvement embodies academic as well as personal and social growth. To document the effects, a combination of three research strategies are used: (1) quantitative (e.g., Surveys), (2) qualitative (e.g., our ethnographic protocols), and (3) theory development. These strategies have been employed to document academic effects, behavior and school adjustment effects, self-concept, and our school climate.

Studies conducted by the School Development Program and other researchers provide evidence of significant SDP effects on school climate, student attendance, and student achievement. SDP effects are usually first manifested in the improvement of the school climate, indicated by improved relationships among the adults in the school, better collaboration among staff members, and greater focus on the child as the center of the education process. Research showed that schools in which the SDP guiding principles ("no fault" problem solving, consensus decision making and collaboration) were followed consistently, there was a significantly greater decline in absenteeism and suspension rates compared to the district as a whole. Comparative studies of SDP and non-SDP schools reported significantly higher self competence, self-concept, and achievement for SDP students than for non-SDP students.

Qualitative analyses of more than 130 interviews of parents, students, teachers, principals, and other school personnel from ten schools indicated (a) improved parental and community involvement, (b) strong, positive climate, (c) increased team work and greater coordination, (d) greater focus on child-centered issues for comprehensive school planning, and (e) greater top-down and bottom-up management. These analyses also showed that the Student and Staff Support Teams (formerly called Mental Health Teams) focused primarily on prevention rather than crisis management. These teams established stronger linkages between schools and communities in order to better facilitate services to students. The three SDP structures (School Planning and Management Team, Student and Staff Support Team and the Parent Team) and the three guiding principles served as vehicles for bringing the school and community together to resolve conflicts and reach solutions.

WELCOME TO THE HOME OF SUCCESS FOR ALL™ AND ROOTS & WINGS™

(By Johns Hopkins University)

Success For All™ (SFA) and Roots & Wings™ are comprehensive school restructuring programs for students in grades Pre-K to Six.

The idea behind the SFA™ program is to organize resources to focus on prevention and early intervention, to ensure that virtually every student will succeed in reading throughout the elementary grades—and no student will be allowed to "fall between the cracks." This highly successful model is currently in use in 750 schools in 37 states.

The goal of Roots & Wings™ is to ensure every child a firm foundation in the knowledge and skills needed to succeed in today's world, and to go far beyond this to higher-order learning and integration of knowledge.

Roots refers to strategies designed to ensure that every child meets world class standards—effective instructional programs in reading, writing, and language arts; tutoring for children struggling with reading; integrated health, mental health, and social services; and family support. These elements are based on Success for All™.

Wings refers to improvements in curriculum and instruction designed to let children soar. A key component of Wings is a science and social studies program called WorldLab™, which includes a set of simulations in which students will be able to apply knowledge and skills in flexible, creative, and integrated ways to solve problems. Children in WorldLab™ design and test efficient vehicles, explore African culture and agriculture, write a new U.S. Constitution, or investigate sources of pollution in local waterways.

MathWings™, based on NCTM standards, provides practical constructivist approaches to math emphasizing cooperative learning, complex problem solving, games, and discovery.

SUCCESS FOR ALL^{tm}

Tutors

In grades 1–3, specially trained, certified teachers work one-on-one with any students who are failing to keep up with their classmates in reading. First grade students have priority for tutoring.

Eight-week assessments

Students in grades 1–5 are assessed every eight weeks to determine whether they are making adequate progress in reading. This information is used to assign students to tutoring, to suggest alternative teaching strategies in the regular classroom, and to make changes in reading group placement, family support interventions, or other means of meeting students' needs. The school facilitator coordinates this process with the active involvement of teachers in grade-level teams.

Early learning (preschool and kindergarten)

Whenever possible, a half-day preschool program is provided for all four-year-olds. The program emphasizes language development, readiness, and positive self-concept. A full-day kindergarten program continues the emphasis on language, using children's literature and big books, as well as oral and written composition, activities promoting the development of concepts about print, alphabet games, and math concept development. Peabody Language Development Kits are used to provide additional experience in language.

Reading and writing programs

During reading periods, students are regrouped across age lines for 90 minutes so that each reading class contains students reading at one level. This eliminates the need to have reading groups within the class and increases the amount of time for direct instruction. Also, use of tutors as reading teachers during reading time reduces the size of most reading classes. The reaching program in grades K–1 emphasizes the development of language skills and launches students into reading using phonetically regular storybooks supported by careful instruction that focuses on phonemic awareness, auditory discrimination, and sound blending as well as meaning, context, and self-monitoring strategies. Students become fluent as they read and reread to one another in pairs.

At the second through fifth grade levels, students use school or district selected reading materials, basals, and/or trade books in a carefully structured set of interactive opportunities to read, discuss, and write. This program emphasizes cooperative learning activities built around partner reading, identification of characters, settings, and problem solutions in narratives, story summarization, writing, and direct instruction in reading comprehension skills. At all levels, students read books of their choice for twenty minutes each evening as homework. Classroom libraries of books are developed for this purpose. For schools with Spanish bilingual programs, Success For All™ provides a Spanish reading curriculum, Exito ParaTodos, in grades 1–5.

Writing is emphasized throughout the grades. Writing instruction uses a writer's workshop format in which students plan, draft, revise, edit, and publish compositions with feedback at each stage from teachers and peers.

Cooperative learning

Cooperative learning is the vehicle that drives the Success For All™ curriculum. Students work together in partnerships and teams, helping one another to become strategic readers and writers. Emphasis is placed on individual accountability, common goals, and recognition of group success.

Family support team

The family support team works with parents in ensuring the success of their children. The team focuses on promoting parent involvement, developing plans to meet the needs of individual students having difficulty, implementing attendance plans, and integrating community and school resources. The team is composed of the principal or assistant principal, facilitator, social worker, and other personnel.

Facilitator

A full-time facilitator works with teachers in each Success For All™ school to help them implement the reading program. In addition, the facilitator coordinates eight-week assessments, assists the Family Support Team, facilitates staff support teams, plans and implements staff development, and helps all teachers make certain that every child is making adequate progress.

Staff support teams

Teachers in the Success For All™ program support one another through the training and implementation process in coaching partnerships, grade level teams, and other staff team configurations. These teams become a catalyst for the dissemination of new material, goal setting, and problem solving, and they provide a supportive forum for discussion around new instructional strategies.

Professional development

Professional development for Success For All™ requires three days for all teachers before the program begins. Success For All™ consultants return to the school for three two-day visits during the school year to work with principal, facilitators, and teachers to build a strong implementation. Success For All™ facilitators are available for telephone consultation during the year. Building facilitators follow up on initial training with classroom visits, coaching, and team meetings.

FOR ALL/ROOTS & WINGS™ FREQUENTLY ASKED QUESTIONS

Where is the program used?
What are the results?
What are the costs?
How do schools adopt Success for All™?
Where can I get more information?

Where is the program used?

As of the 1996–97 school year, Success For All™ is being implemented in more than 473 schools in over 126 districts in more than 37 states in all parts of the United States.

What are the results?

Success For All™ has been evaluated in several school districts. In each, matched Success For All™ and control schools have been compared on individually administered reading scales and other measures. The results have consistently favored Success For All™. In average grade equivalents, Success For All™ students perform approximately three months ahead of comparison students by the first grade, and more than a year ahead by fifth grade. Effects are particularly strong for students who are most at risk, those in the lowest 25% of their grades. Effects of the Spanish version of Success For All™, Lee Conmigo, have also been strong. Positive effects have also been found on district-administered standardized tests. Success For All™ has produced substantial reductions in retentions and special education referrals and placements.

What are the costs?

Cost is based on the size and location of the individual school, and number of schools collaborating in training. Sample costs for a school of about 500 students in Pre-kindergarten through fifth grade range from $45,000 to $58,000 for Year 1; $45,000 to $52,000 for Year 2; and $45,000 to $52,000 for Year 3. (Add approximately $55 for each student over 500.) These estimates include training, materials, follow-up visits, and other services. Actual costs will vary for different situations, depending in part on distances from training centers and local capacity to provide some training and follow-up and will be calculated for the individual school. (For more information see Considerations for Adoption)

How do schools adopt Success For All™?

We encourage district and school staff to review program materials, view video tapes, and visit nearby Success For All™ sites. Schools must apply to become a Success For All™ or Roots & Wings school. The application process insures that the school staff are aware of the elements of the program, have the resources to implement the program successfully, and agree as a staff to make the commitment to implement the program. A positive vote of 80% or more of all teachers is required.

Where can I get more information?

For awareness materials or information on training, school visits, or other assistance, contact us at: Success For All™ Program, Johns Hopkins University, 3505 N. Charles St., Baltimore, MD 21218, Phone: 410–516–8896 (in Maryland), or 1–800–548–4998, fax us at: 410–516–8890, or you can browse our Web site.

SUCCESS FOR ALL/ROOTS AND WINGS

SUMMARY OF RESEARCH ON ACHIEVEMENT OUTCOMES

(By Robert E. Slavin, Nancy A. Madden, and Barbara A. Wasik)

Ms. Martin's kindergarten class has some of the brightest, happiest, friendliest, and most optimistic kids you'll ever meet. Students in her class are glad to be in school, proud of their accomplishments, certain that they will succeed at whatever the school has to offer. Every one of them is a natural scientist, a storyteller, a creative thinker, a curious seeker of knowledge. Ms. Martin's class could be anywhere—in suburb or ghetto, small town or barrio—it doesn't matter. Kindergartners everywhere are just as bright, enthusiastic and confident as her kids are.

Only a few years from now, many of these same children will have lost the spark they all started with. Some will have failed a grade. Some will be in special education. Some will be in long-term remediation, such as Title I or other remedial programs. Some will be bored or anxious or unmotivated. Many will see school as a chore rather than a pleasure and will no longer expect to excel. In a very brief span of time, Ms. Martin's children will have defined themselves as successes or failures in school. All too often, only a few will still have a sense of excitement and positive self-expectations about learning. We cannot predict very well which of Ms. Martin's students will succeed and which will fail, but we can predict—based on the past—that if nothing changes, far too many will fail. This is especially true if Ms. Martin's kindergarten happens to be located in a high-poverty neighborhood, in which there are typically fewer resources in the school to provide top-quality instruction to every child, fewer forms of rescue if children run into academic difficulties, and fewer supports for learning at home. Preventable failures occur in all schools, but in high poverty schools failure can be endemic, so widespread that it makes it difficult to treat each child at risk of failure as a person of value in need of emergency assistance to get back on track. Instead, many such schools do their best to provide the greatest benefit to the greatest number of children possible, but have an unfortunately well-founded expectation that a certain percentage of students will fall by the wayside during the elementary years.

Any discussion of school reform should begin with Ms. Martin's kindergartners. The first goal of reform should be to ensure that every child—regardless of home background, home language, or learning style—achieves the success that he or she so confidently expected in kindergarten, that all children maintain their motivation, enthusiasm, and optimism because they are objectively succeeding at the school's tasks. Any reform that does less than this is hollow and self-defeating. What does it mean to succeed in the early grades? The elementary schools' definition of success, and therefore the parents' and children's definition as well, is overwhelmingly success in reading. Very few children who are reading adequately are retained, assigned to special education, or given long-term remedial services. Other subjects are important, of course, but reading and language arts form the core of what school success means in the early grades.

When a child fails to read well in the early grades, he or she begins a downward progression. In first grade, some children begin to notice that they are not reading adequately. They may fail first grade or be assigned to long term remediation. As they proceed through the elementary grades, many students begin to see that they are failing at their full-time jobs. When this happens, things begin to unravel. Failing students begin to have poor motivation and poor self-expectations, which lead to continued poor achievement, in a declining spiral that ultimately leads to despair, delinquency, and dropout.

Remediating learning deficits after they are already well established is extremely difficult. Children who have already failed to learn to read, for example, are now anxious about reading, and doubt their ability to learn it. Their motivation to read may be low. They may ultimately learn to read but it will always be a chore, not a pleasure. Clearly, the time to provide additional help to children who are at risk is early, when children are still motivated and confident and when any learning deficits are relatively small and remediable. The most important goal in educational programming for students at risk of school failure is to try to make certain that we do not squander the greatest resource we have—the enthusiasm and positive self-expectations of young children themselves.

In practical terms, what this perspective implies is that schools, and especially Title I, special education, and other services for at-risk children, must be shifted from an emphasis on remediation to an emphasis on prevention and early intervention. Prevention means providing developmentally appropriate preschool and kindergarten programs so that students will enter first grade ready to succeed, and it means providing regular classroom teachers with effective instructional programs, curricula, and professional development to enable them to see that most students are successful the first time they are taught. Early intervention means that supplementary instructional services are provided early in students' schooling and that they are intensive enough to bring at-risk students quickly to a level at which they can profit from good quality classroom instruction.

The purpose of this report is to describe the current state of research on the achievement outcomes of Success for All, a program built around the idea that every child can and must succeed in the early grades, no matter what this takes. The idea behind Success for All is to use everything we know about effective instruction for students at risk to direct all aspects of school and classroom organization toward the goal of preventing academic deficits from appearing in the first place; recognizing and intensively intervening with any deficits that do appear; and providing students with a rich and full curriculum to enable them to build on their firm foundation in basic skills. The commitment of Success for All is to do whatever it takes to see that all children become skilled, strategic, and enthusiastic readers as they progress through the elementary grades. In addition, this report describes research on Roots and Wings, a program that adds to Success for All programs in mathematics, science, and social studies (Slavin, Madden, & Wasik, 1996).

PROGRAM DESCRIPTION

Success for All

Success for All exists as a separate program and also serves as the reading/writing/language arts component for Roots and Wings. Success for All is built around the assumption that every child can read. We mean this not as wishful thinking or as a philosophical statement, but as a practical, attainable reality. In particular, every child without organic retardation can learn to read. Some children need more help than others and may need different approaches than those needed by others, but one way or another every child can become a successful reader.

Success for All began in one Baltimore elementary school in 1987–1988, and since then has expanded each year of additional schools. As of Fall, 1996, it is in about 450 schools in 120 districts in 31 states throughout the United States. The districts range from some of the largest in the country, such as Baltimore, Houston, Memphis, Philadelphia, Cincinnati, Cleveland, Chicago, New York, and Miami, to such middle-sized districts as Richmond, Virginia; Rockford, Illinois; and Modesto and Riverside, California, to tiny rural districts, including two on the Navajo reservation in Arizona. Success for All reading curricula in Spanish have been developed and researched and are used in bilingual programs in California, Texas, Arizona, Florida, Illinois, New York, New Jersey, and Philadelphia. Almost all Success for All schools are high-poverty title I schools, and the great majority are schoolwide projects. Otherwise, the schools vary widely.

Success for All and Roots and Wings have somewhat different components at different sites, depending on the school's needs and resources available to implement the program (Slavin et al., 1996b). However, there is a common set of elements characteristic of all Success for All and Roots and Wings schools. These are described on the following pages.

Reading Program

Sucess for All and Roots and Wings use a reading curriculum based on research, on effective practices in beginning reading (e.g., Adams, 1990), and on effective use of cooperative learning (Slavin, 1995; Stevens, Madden, Slavin, & Farnish, 1987).

Reading teachers at every grade level begin the reading time by reading children's literature to students and engaging them in a discussion of the story to enhance their understanding of the story, listening and speaking vocabulary, and knowledge of story structure. In kindergarten and first grade, the program emphasizes the development of oral language and pre-reading skills through the use of thematically-based units which incorporate areas such as language arts and writing under a science or social studies topic. A component called Story Telling and Retelling (STaR) involves the students in listening to, retelling, and dramatizing children's literature. Big books as well as oral and written composing activities allow students to develop concepts of print as they develop knowledge of story structure. There is also a strong emphasis on phonemic awareness activities which help develop auditory discrimination and support the development of reading readiness strategies.

Reading Roots is typically introduced in the second semester of kindergarten or in first grade. This K–1 beginning reading program uses as its base a series of phonetically regular but meaningful and interesting minibooks and emphasizes repeated oral reading to partners as well as to the teacher. The minibooks begin with a set of "shared stories," in which part of a story is written in small type (read by the teacher) and part is written in large type (read by the students). The student portion uses a phonetically controlled vocabulary. Taken together, the teacher and student portions create interesting, worthwhile stories. Over time, the teacher portion diminishes and the student portion lengthens, until students are reading the entire book. This scaffolding allows students to read interesting literature when they only have a few letter sounds. Letters and letter sounds are introduced in an active, engaging set of activities that begins with oral language and moves into written symbols. Individual sounds are integrated into a context of words, sentences, and stories. Instruction is provided in story structure, specific comprehension skills, metacognitive strategies for self-assessment and self-correction, and integration of reading and writing.

Spanish bilingual programs use an adaptation of Reading Roots called Lee Conmigo ("Read With Me"). Lee Conmigo employs the same instructional strategies as Reading Roots, but uses Spanish reading materials.

When students reach the primer reading level, they use a program called Reading Wings, an adaptation of Cooperative Integrated Reading and Composition (CIRC) (Stevens, Madden, Slavin, & Farnish, 1987). Reading Wings uses cooperative learning activities built around story structure, prediction, summarization, vocabulary building, decoding practice, and story-related writing. Students engage in partner reading and structured discussion of stories or novels, and work toward mastery of the vocabulary and content of the story in teams. Story-related writing is also shared within teams. Cooperative learning both increases students' motivation and engages students in cognitive activities known to contribute to reading comprehension, such as elaboration, summarization, and rephrasing (see Slavin, 1995). Research on CIRC has found it to significantly increase students' reading comprehension and language skills (Stevens et al., 1987).

In addition to these story-related activities, teachers provide direct instruction in reading comprehension skills, and students practice these skills in their teams. Classroom libraries of trade books at students' reading levels are provided for each teacher, and students read books of their choice for homework for 20 minutes each night. Home readings are shared via presentations, summaries, puppet shows, and other formats twice a week during "book club" sessions.

Materials to support Reading Wings through the sixth grade (or beyond) exist in English and Spanish. The English materials are built around children's literature and around the most widely used basal series and anthologies. Supportive materials have been developed for more than 100 children's novels and for most current basal series. Spanish materials are similarly built around Spanish-language novels and basals.

Beginning in the second semester of program implementation, Success for All and Roots and Wings schools usually implement a writing/language arts program based primarily on cooperative learning principles (see Slavin, Madden, & Stevens, 1989/90).

Students in grades one to three (and sometimes 4 to 5 or 6) are regrouped for reading. The students are assigned to heterogeneous, age-grouped classes most of the day, but during a regular 90-minute reading period they are regrouped by reading performance levels into reading classes of students all at the same level. For example, a 2–1 reading class might contain first-, second-, and third-grade students all reading at the same level. The reading classes are smaller than home rooms because tutors and other certified staff (such as librarians or art teachers) teach reading during this common reading period. Regrouping allows teachers to teach the whole reading class without having to break the class into reading groups. This greatly reduces the time spent in seatwork and increases direct instruction time, eliminating workbooks, dittos, or other follow-up activities which are needed in classes that have multiple reading groups. The regrouping is a form of the Joplin Plan, which has been found to increase reading achievement in the elementary grades (Slavin, 1987).

Eight-Week Reading Assessments

At eight-week intervals, reading teachers assess student progress through the reading program. The results of the assessments are used to determine who is to receive tutoring, to change students' reading groups, to suggest other adaptations in students' programs, and to identify students who need other types of assistance, such as family interventions or screening for vision and hearing problems. The assessments are curriculum-based measures that include teacher observations and judgments as well as more formal measures of reading comprehension.

Reading Tutors

One of the most important elements of Success for All and Roots and Wings is the use of tutors to promote students' success in reading. One-to-one tutoring is the most effective form of instruction known (see Wasik & Slavin, 1993). The tutors are certified teachers with experience teaching Title I, special education, and/or primary reading. Often, well-qualified paraprofessionals also tutor children with less severe reading problems. In this case, a certified tutor monitors their work and assists with the diagnostic assessment and intervention strategies. Tutors work one-on-one with students who are having difficulties keeping up with their reading groups. The tutoring occurs in 20-minute sessions during times other than reading or math periods.

In general, tutors support students' success in the regular reading curriculum, rather than teaching different objectives. For example, the tutor will work with a student on the same story and concepts being read and taught in the regular reading class. However, tutors seek to identify learning problems and use different strategies to teach the same skills. They also teach metacognitive skills beyond those taught in the classroom program. Schools may have as many as six or more teachers serving as tutors depending on school size, need for tutoring, and other factors.

During daily 90-minute reading periods, certified tutors serve as additional reading teachers to reduce class size for reading. Reading teachers and tutors use brief forms to communicate about students' specific problems and needs and meet at regular times to coordinate their approaches with individual children.

Initial decisions about reading group placement and the need for tutoring are based on informal reading inventories that the tutors give to each child. Subsequent reading group placements and tutoring assignments are made using the curriculum-based assessments described above. First-graders receive priority for tutoring, on the assumption that the primary function of the tutors is to help all students be successful in reading the first time, before they fail and become remedial readers.

Preschool and Kindergarten

Most Success for All and Roots and Wings schools provide a half-day preschool and/or a full-day kindergarten for eligible students. The preschool and kindergarten programs focus on providing a balanced and developmentally appropriate learning experience for young children. The curriculum emphasizes the development and use of language. It provides a balance of academic readiness and non-academic music, art, and movement activities in a series of thematic, interdisciplinary units. Readiness activities include use of the Peabody Language Development Kits and Story Telling and Retelling (STaR) in which students retell stories read by the teachers. Pre-reading activities begin during the second semester of kindergarten.

Family Support Team

Parents are an essential part of the formula for success in Success for All and Roots and Wings. A Family Support Team works in each school, serving to make families feel respected and welcome in the school and become active supporters of their child's education as well as providing specific services. The Family Support Team consists of the Title I parent liaison, vice-principal (if any), counselor (if any), facilitator, and any other appropriate staff already present in the school or added to the school staff.

The Family Support Team first works toward good relations with parents and to increase involvement in the schools. Family Support Team members may complete "welcome" visits for new families. They organize many attractive programs in the school, such as parenting skills workshops. Most schools use a program called "Raising Readers" in which parents are given strategies to use in reading with their own children.

The Family Support Team also intervenes to solve problems. For example, they may contact parents whose children are frequently absent to see what resources can be provided to assist the family in getting their child to school. Family support staff, teachers, and parents work together to solve school behavior problems. Also, family support staff are called on to provide assistance when students seem to be working at less than their full potential because of problems at home. Families of students who are not receiving adequate sleep or nutrition, need glasses, are not attending school regularly, or are exhibiting serious behavior problems, may receive family support assistance.

The Family Support Team is strongly integrated into the academic program of the school. It receives referrals from teachers and tutors regarding children who are not making adequate academic progress, and thereby constitutes an additional stage of intervention for students in need above and beyond that provided by the classroom teacher or tutor. The Family Support Team also encourages and trains the parents to fulfill numerous volunteer roles within the school, ranging from providing a listening ear to emerging readers to helping in the school cafeteria.

Program Facilitator

A program facilitator works at each school to oversee (with the principal) the operation of the Success for All and Roots and Wings models. The facilitator helps plan the program, helps the principal with scheduling, and visits classes and tutoring sessions frequently to help teachers and tutors with individual problems. He or she works directly with the teachers on implementation of the curriculum, classroom management, and other issues, helps teachers and tutors deal with any behavior problems or other special problems, and coordinates the activities of the Family Support Team with those of the instruction staff.

Teachers and Teacher Training

The teachers and tutors are regular certified teachers. They receive detailed teacher's manuals supplemented by three days of inservice at the beginning of the school year. In Roots and Wings schools, this level of inservice continues over a three-year period as the main program elements are phased in.

Throughout the year, follow-up visits are made to the school by project staff, who visit classrooms, meet with school staff, and conduct inservice presentations on such topics as classroom management, instructional pace, and cooperative learning. Facilitators also organize many informal sessions to allow teachers to share problems and problem solutions, suggest changes, and discuss individual children. The staff development model used in Success for All and Roots and Wings emphasizes relatively brief initial training with extensive classroom follow-up, coaching, and group discussion.

Advisory Committee

An advisory committee composed of the building principal, program facilitator, teacher representatives, parent representatives, and family support staff meets regularly to review the progress of the program and to identify and solve any problems that arise. In most schools existing site-based management teams are adapted to fulfill this function. In addition, grade-level teams and the Family Support Team meet regularly to discuss common problems and solutions and to make decisions in their areas of responsibility.

Special Education

Every effort is made to deal with student's learning problems within the context of the regular classroom, as supplemented by tutors. Tutors evaluate student's strengths and weaknesses and develop strategies to teach in the most effective way. In some schools, special education teachers work as tutors and reading teachers with students identified as learning disabled as well as other students experiencing learning problems who are at risk for special education placement. One major goal of Success for All and Roots and Wings is to keep students with learning problems out of special education if at all possible, and to serve any students who qualify for special education in a way that does not disrupt their regular classroom experience (see Slavin, Madden, Karweit, Dolan, Wasik, Shaw, Mainzer, & Haxby, 1991).

Roots and Wings

Roots and Wings (Slavin, Madden, Dolan, & Wasik, 1994; Slavin, Madden, & Wasik, 1996) is a comprehensive reform design for elementary schools that adds to Success for All innovative programs in mathematics, social studies, and science.

Roots and Wings schools begin by implementing all components of Success for All, described above. In the second year of implementation they typically begin to incorporate the additional major components. MathWings is the name of the mathematics program used in grades 1–5. It is a constructivist approach to mathematics based on NCTM standards, but designed to be practical and effective in schools serving many students placed at risk. MathWings makes extensive use of cooperative learning, games, discovery, creative problem solving, manipulatives, and calculators.

WorldLab is an integrated approach to social studies and science that engages students in simulations and group investigations. Students take on roles as various people in history, in different parts of the world, or in various occupations. For example, they work as engineers to design and test efficient vehicles, they form a state legislature to enact environmental legislation, they repeat Benjamin Franklin's experiments, and they solve problems of agriculture in Africa. In each activity students work in cooperative groups, do extensive writing, and use reading, mathematics, and fine arts skills learned in other parts of the program.

As of Fall 1996, approximately sixty schools in fifteen states are adding either MathWings or WorldLab to their implementations of Success for All, making themselves into Roots and Wings schools. Demonstration sites for the program are being established in many parts of the United States.

Research on Success for All and Roots and Wings

From the very beginning, there has been a strong focus in Success for All on research and evaluation. We began longitudinal evaluations of the program in its earliest sites, six schools in Baltimore and Philadelphia. Later, third-party evaluators at the University of Memphis—Steven Ross, Lana Smith, and their colleagues—added evaluations in Memphis, Houston, Tucson, Montgomery, Alabama, Ft. Wayne, Indiana, and Caldwell, Idaho. Most recently, studies focusing on English language learners in California have been conducted in Modesto and Riverside by the Southwest Regional Laboratory. Each of these evaluations has compared Success for All schools to matched comparison schools on measures of reading performance, starting with cohorts in kindergarten or in first grade and continuing to follow these students as long as possible (details of the evaluations design appear below). Vagaries of funding and other local problems have ended some evaluations prematurely, but most have been able to follow Success for All schools for many years. As of this writing, there are seven years of continuous data from the six original schools in Baltimore and Philadelphia, and varying numbers of years of data from seven other districts, a total of twenty-three schools (and their matched control schools). Information on these schools and districts is shown in Table 1.

TABLE 1. CHARACTERISTICS OF SUCCESS FOR ALL SCHOOLS IN THE LONGITUDINAL STUDY

District/school	Enrollment	Percent free lunch	Ethnicity by percent	Date began SFA	Data collected	Pre-school?	Full-day K?	Comments
Baltimore:								
B1	500	83	B–96 W–4	1987	88–94	yes	yes	First SFA school; had additional funds first 2 years.
B2	500	96	B–100	1988	89–94	some	yes	Had additional funds first 4 years.
B3	400	96	B–100	1988	89–94	some	yes	
B4	500	85	B–100	1988	89–94	some	yes	
B5	650	96	B–100	1988	89–94	some	yes	
Philadelphia:								
P1	620	96	A–60 W–2 B–20	1988	89–94	no	yes	Large ESL program for Cambodian children.
P2	600	97	B–100	1991	92–93	some	yes	
P3	570	96	B–100	1991	92–93	no	yes	
P4	840	98	B–100	1991	93	no	yes	
P5	700	98	L–100	1992	93–94	no	yes	Study only involves students in Spanish bilingual program.
Charleston, SC:								
CS1	500	40	B–60 W–40	1990	91–92	no	no	
Memphis, TN:								
MT1	350	90	B–95 W–5	1990	91–94	yes	no	Program implemented only in grades K–2.
MT2	530	90	B–100	1993	94	yes	yes	
MT3	290	86	B–100	1993	94	yes	yes	
MT4	370	90	B–100	1993	94	yes	yes	
Ft. Wayne, IN:								
F1	330	65	B–56 W–44	1991	92–94	no	yes	SFA schools (& controls) are part of desegregation plan.
F2	250	55	B–55 W–45	1991	92–94	no	yes	SFA schools (& controls) are part of desegregation plan.
Montgomery, AL:								
MA1	450	95	B–100	1991	93–94	no	yes	
MA2	460	97	B–100	1991	93–94	no	yes	
Caldwell, ID:								
CI1	400	20	W–80 L–20	1991	93–94	no	no	Study compares 2 SFA schools to Reading Recovery school.
Modesto, CA:								
MC1	640	70	W–54 L–25 A–17 B–4	1992	94	yes	no	Large ESL program for students speaking 17 languages.
MC2	560	98	L–66 W–24 A–10	1992	94	yes	no	Large Spanish bilingual program.
Riverside, CA:								
R1	930	73	L–54 W–33 B–10	1992	94	yes	no	Large Spanish bilingual & ESL programs; year-round school.

Key: B—African American; L—Latino; A-Asian American; W—White.

Evaluation Design

A common evaluation design, with variations due to local circumstances, has been used in all Success for All evaluations. Every Success for All school involved in a formal evaluation is matched with a control school that is similar in poverty level (percent of students qualifying for free lunch), historical achievement level, ethnicity, and other factors. Schools are also matched on district-administered standardized test scores given in kindergarten or (starting in 1991 in six districts) on Peabody Picture Vocabulary Test (PPVT) scores given by the project in the fall of kindergarten or first grade. The measures used in the evaluations were as follows:

Woodcock Reading Mastery Test.—Three Woodcock scales—Word Identification, Word Attack, and Passage Comprehension—were individually administered to students by trained testers. Word Identification assesses recognition of common sight words, Word Attack assesses phonetic synthesis skills, and Passage Comprehension assesses comprehension in context. Students in Spanish bilingual programs were given the Spanish versions of these scales.

Durrell Analysis of Reading Difficulty.—The Durrell Oral Reading scale was also individually administered to students in grades 1–3. It presents a series of graded reading passages which students read aloud, followed by comprehension questions.

Gray Oral Reading Test.—Comprehension and passage scores from the Gray Oral Reading Test were obtained from students in grades 4–5.

Analyses of covariance with pretests as covariates were used to compare raw scores in all evaluations, and separate analyses were conducted for students in general and for students in the lowest 25% of their grades.

The figures presented in this report summarize student performance in grade equivalents (adjusted for covariates) and effect size (proportion of a standard deviation separating the experimental and control groups), averaging across individual measures. Neither grade equivalents nor averaged scores were used in the analyses, but they are presented here as a useful summary.

Each of the evaluations summarized in this report follows children who began in Success for All in first grade or earlier, in comparison to children who had attended the control school over the same period. Students who start in it after first grade are not considered to have received the full treatment (although they are of course served within the schools).

Results for all experimental-control comparisons in all evaluation years are averaged and summarized in the following graph entitled "Comparison of Success for All and Control in Mean Reading Grade Equivalents and Effect Sizes 1988–1994" using a method called multi-site replicated experiment (Slavin et al., 1996a,b; Slavin & Madden, 1993).

For more details on methods and findings, see Slavin et al. (1996a,b) and the full site reports.

Reading Outcomes

The results of the multi-site replicated experiment evaluating Success for All are summarized in the following graph entitled "Comparison of Success for All and Control in Mean Reading Grade Equivalents and Effect Sizes 1988–1994" for each grade level, 1–5. The analyses compare cohort means for experimental and control schools; for example the Grade 1 graph compares 55 experimental to 55 control cohorts, with cohort (50–150 students) as the unit of analysis. In other words, each bar is a mean of scores from more than 5000 students. Grade equivalents are based on the means, and are only presented for their informational value. No analyses were done using grade equivalents.

Statistically significantly (p=.05 or better) positive effects of Success for All (compared to controls) were found on every measure at every grade level, 1–5. For students in general, effect sizes averaged around a half standard deviation at all grade levels. Effects were somewhat higher than this for the Woodcock Word Attack scale in grades 1 and 2, but in grades 3–5 effect sizes were more or less equivalent on all aspects of reading. Consistently, effect sizes for students in the lowest 25% of their grades were particularly positive, ranging from ES=+1.03 in first grades to ES=+1.68 in fourth grade. Again, cohort-level analyses found statistically significant differences favoring low achievers in Success for All on every measure at every grade level.

Roots and Wings

A study of Roots and Wings (Slavin, Madden, & Wasik, 1996) was carried out in four pilot schools in rural southern Maryland. The Roots and Wings schools serve populations that are significantly more disadvantaged than state averages. They average 48% free and reduced-price lunch eligibility, compared to 30% for the state; 21% of Roots and Wings students are Title I eligible, in comparison to 7% for the state. The assessment tracked growth over time on the Maryland School Performance Assessment Program (MSPAP), compared to growth in the state as a whole. The MSPAP is a performance measure on which students are asked to solve complex problems, set up experiments, write in various genres, and read extended text. It uses matrix sampling, which means that different students take different forms of the test.

In both third- and fifth-grade assessments in all subjects tested (reading, language, writing, math, science, and social studies), Roots and Wings students showed substantial growth, as shown in the following graphs.*

The State of Maryland gained in average performance on the MSPAP over the same time period, but the number of Roots and Wings students achieving at satisfactory or excellent increased by more than twice the state's rate on every measure at both grade levels.

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*Graphs were not reproduced.

Effects on District-Administered Standardized Tests

The formal evaluations of Success for All have relied on individually administered assessments of reading. The Woodcock and Durrell scales used in these assessments are far more accurate than district-administered tests, and are much more sensitive to real reading gains. They allow testers to hear children actually reading material of increasing difficulty and responding to questions about what they have read. The Woodcock and Durrell are themselves nationally standardized tests, and produce norms (e.g., percentiles, NCEs and grade equivalents) just like any other standardized measure.

However, educators often want to know the effects of innovative programs on the kinds of group administered standardized tests they are usually held accountable for. To obtain this information, we have sometimes requested standardized test data for students in experimental and control schools, and some districts have done their own evaluations on their own measures. The following sections briefly summarize findings from these types of evaluations.

Baltimore, Maryland—Through the 1992–93 school year we collected CTBS scores for our five Success for All and control schools. On average, Success for All schools exceeded control schools at every grade level. The differences were statistically and educationally significant. By fifth grade, Success for All students were performing 75% of a grade equivalent ahead of controls (ES=+0.45) on CTBS Total Reading scores (see Slavin, Madden, Dolan, Wasik, Ross, & Smith, 1994).

Memphis, Tennessee—A longitudinal evaluation of three Memphis Success for All schools (now becoming Roots and Wings schools) by Ross, Smith, & Casey (1995) included an assessment of program effects on the Tennessee Comprehensive Assessment Program's (TCAP) Vocabulary and Reading Comprehension tests. On average, the three Success for All schools exceeded the three controls by an effect size of +0.38 in first grade and +0.45 in second grade. Again, these effects are educationally and statistically significant.

Flint, Michigan—Two schools in Flint, Michigan began implementation of Success for All in 1992. The percentage of students passing the Michigan Educational Assessment Program (MEAP) in reading at fourth grade has increased dramatically. Homedale Elementary had a pass rate of 2% in 1992, placing it last among the district's 32 elementary schools. In 1995, 48.6% of students passed, placing it first in the district. Merrill Elementary, 27th in the district in 1992 with only 9.5% of students passing, was 12th in 1995 with 22% passing. Over the same period the average for all Flint elementary schools only increased from 18.3% passing to 19.3%.

Ft. Wayne, Indiana—An evaluation in two schools in Ft. Wayne, Indiana (Ross, Smith, & Casey, 1995) found positive effects of Success for All on the reading comprehension scale of the ISTEP, Indiana's norm-referenced achievement test. In first grade, the effect size was +0.49 for students in general and +1.13 for the lowest-performing 25%. In second grade, effect sizes were +0.64, and in third grade, ES=+.13.

Miami, Florida—(Dade County) An evaluation of three Success for All schools (currently becoming Roots and Wings schools) was carried out by Yuwadee Wongbundhit (1995) of the Dade County Public Schools. In comparison to three control schools, the Success for All schools gained seven percentile points from grades 1–2 while matched control schools lost five points on the Stanford Achievement Test (SAT–8). In grades 2.3, Success for All students gained only one percentile point, but controls lost eight.

Wichita Falls, Texas—Fannin Elementary School, the highest-poverty school in Wichita Falls, Texas, began implementation of Success for All in 1991. Its scores on the 1992 Texas Assessments of Academic Skills (TAAS) showed a dramatic improvement. The percentage of third-graders meeting minimum expectations in reading increased from 48% to 70% (during the same year, the district percentage declined by 3%). Fannin students also increased from 8% to 53% in the percentage of students meeting minimum expectations in writing.

Modesto, California—Two schools in Modesto, California have been implementing Success for all since 1991. Each year, their average NCE's in reading comprehension have increased significantly. In 1993, El Vista Elementary showed an NCE gain of 10.8; in grades two and three, the gains were 14.7 and 13.5, respectfully. Orville Wright Elementary showed gains averaging 4.6 in grades 2–3. On the Spanish Aprenda, Orville Wright students using the Lee Conmigo program gained 9.5 NCEs. On the CLAS, California's experimental performance measure, both schools significantly exceeded their matched comparison group in 1993. Principals report that among students who have remained in the program since first grade, no third graders are reading below grade level.

Charleston, West Virginia—Chandler Elementary School began implementing Success for All in 1990. In the two years before the program was introduced, the school averaged an NCE score of 34. This increased to 43 in the first year after implementation and to 54 by the third year.

Changes in Effect Sizes over Years of Implementation

One interesting trend in outcomes from comparisons of Success for All and control schools relates to changes in effect sizes according to the number of years a school has been implementing the program. Figure 4, which summarizes these data, was created by pooling effect sizes for all cohorts in their first year of implementation, all in their second year, and so on, regardless of calendar year.

Figure 4 shows that mean reading effect sizes progressively increase with each year of implementation. For example, Success for All first-graders score substantially better than control first-graders at the end of the first year of implementation (ES=+0.49). The experimental-control difference is even higher for first graders attending schools in the second year of program implementation (ES=+0.53), increasing to an effect size of +0.73 for schools in their fourth implementation year. A similar pattern is apparent for second- and third-grade cohorts.

The data summarized in Figure 4 show that while Success for All has an immediate impact on student reading achievement, this impact grows over successive years of implementation. Over time, schools may become increasingly able to provide effective instruction to all of their students, to approach the goal of success for all.

Success for All and English Language Learners

The education of English language learners is at a crossroads. For many years, researchers, educators, and policy makers have debated questions of the appropriate language instruction for students who enter elementary school speaking languages other than English. Research on this topic has generally found that students taught to read their home language and then transitioned to English ultimately become better readers in English than do students taught to read only in English (Garcia, 1991; Willig, 1985; Wong-Fillmore & Valadez, 1986). More recently, however, attention has shifted to another question. Given that students are taught to read their home language, how can we ensure that they succeed in that language? (See, for example, Garcia, 1994.) There is no reason to expect that children failing to read well in Spanish, for example, will later become good readers and successful students in English. On the contrary, research consistently supports the common-sense expectation that the better students in Spanish bilingual programs read Spanish, the better their English reading will be (Garcia, 1991; Hakuta & Garcia, 1989). Clearly, the quality of instruction in home-language reading is a key factor in the ultimate school success of English language learners, and must be a focus of research on the education of these children.

Francis Scott Key (ESL)—An adaptation of Success for All to the needs of ESL students was evaluated at Philadelphia's Francis Scott Key Elementary School, a majority-Cambodian school in which virtually all children are in poverty. Francis Scott Key was evaluated in comparison to a similar Philadelphia elementary school.

Results: Asian Students—Success for All Asian students in grades 3–5, most of whom had been in the program since kindergarten, performed far better than control students. Differences between Success for All and control students were statistically significant on every measure at every grade level (p<.001). Median grade equivalents and effect sizes were computed across the three Woodcock scales. On average, Success for All Asian students exceeded control students in reading grade equivalents by almost three years in third grade (median ES=+1.76), more than 2 years in fourth grade (median ES=+1.46), and about three years in fifth grade (median ES=+1.44). Success for All Asian students were reading more than a full year above grade level in grade 3 and more than a half-year above in fourth and fifth grade, while similar control students were reading more than a year below grade level at all three grade levels.

Results: Non-Asian Students.—Outcomes of Success for All non-Asian students were also very positive in grades 3–5. Experimental-control differences were statistically significant (p<.05 or better) on every measure at every level. Effect sizes were somewhat smaller than for Asian students, but were still quite substantial, average +1.00 in grade, +0.96 in grade 4, and +0.78 in grade 5. Success for All students averaged almost two years above grade level in third grade, more than a year above grade level in fourth grade, and about eight months above grade level in fifth grade; at all grade levels, Success for All averaged about 2.5 years higher than control students.

Fairhill (Bilingual)—The bilingual version of Success for All, Lee Conmigo, was first implemented at Fairhill Elementary School, a school in inner-city Philadelphia. Fairhill serves a student body of 694 students of whom 78% are Hispanic and 22% are African-American. A matched comparison school was also selected. Nearly all students in both schools qualified for free lunches. Both schools were Title I schoolwide projects, which means that both had high (and roughly equivalent) allocations of Title I funds that they could use flexibly to meet student needs.

Results: All students defined by district criteria as limited English proficient at Fairhill and its control school were pretested at the beginning of first grade on the Spanish Peabody Picture Vocabulary Test (PPVT). Each following May, these students were tested by native language speakers on three scales of the Spanish Woodcock.

ANCOVAs controlling for pretests showed that at the end of grade 2 Success for All students scored substantially higher than control on every measure (p<.01 or better). Control second-graders scored far below grade level on all three scales. In contrast, Fairhill students averaged near grade level on all measures. Effect sizes on all measures were substantial. Fairhill students exceeded control by 1.8 standard deviations on Letter-Word Identification, 2.2 on Word Attack, and 1.3 on Passage Comprehension. Fremont (Bilingual), Wright (Bilingual) and El Vista (ESL).

Data from first-graders in three California Success for All schools were analyzed together by Dianda and Flaherty (1995), pooling data across schools in four categories: English-dominant students, Spanish-dominant students taught in Spanish (Lee Conmigo in Success for All schools), Spanish-dominant students taught in English ("sheltered students"), and speakers of languages other than English or Spanish taught in English. The pooled results are summarized in Figure 5.

As is clear in Figure 5, all categories of Success for All students scored substantially better than control students. The differences were greatest, however, for Spanish-dominated students taught in bilingual classes (ES=+1.03) and those taught in sheltered English programs (ES=+1.02). The bilingual students scored at grade level, and more than six months ahead of controls. The sheltered students scored about two months below grade level, but were still four months ahead of their controls. Both English-speaking students and speakers of languages other than English or Spanish scored above grade level and about two months ahead of their controls. The effects of Success for All on the achievement of English language learners are substantially positive. Across three schools implementing Lee Conmigo, the Spanish curriculum used in bilingual Success for All schools, the average effect size for first-graders on Spanish assessments was +0.88; for second-graders (at Philadelphia's Fairhill Elementary) the average effect size was +1.77. For students in sheltered English instruction, effect sizes for all comparisons were also very positive, especially for Cambodian students in Philadelphia and Mexican-American students in California.

Comparing Success for All and Reading Recovery

Reading Recovery is one of the most extensively researched and widely used innovations in elementary education. Like /Success for All, Reading Recovery provides one-to-one tutoring to first graders who are struggling in reading. Research on Reading Recovery has found substantial positive effects of the program as of the end of first grade, and longitudinal studies have found that some portion of these effects maintain at least through fourth grade (DeFord, Pinnell, Lyons & Young, 1988; Pinnell, Lyons, DeFord, Bryk, & Seltzer, 1991).

Schools and districts attracted to Success for All are also often attracted to Reading Recovery, as the two programs share an emphasis on early intervention and a strong research base. Increasing numbers of districts have both programs in operation in different schools. One of the districts in the Success for All evaluation, Caldwell, Idaho, happened to be one of these. Ross, Smith, Casey, & Slavin (1995) used this opportunity to compare the two programs.

In Caldwell, two schools are using Success for All and one is using Reading Recovery. All three are very similar rural schools with similar ethnic make-ups (10–25% Hispanic, with the remainder Anglo), proportions of students qualifying for free lunch (45–60%), and sizes (411–451). The Success for All schools were somewhat higher than the Reading Recovery school in poverty and percent Hispanic. In 1992–93, one of the Success for All schools was in its second year of implementation and the other was a new school that was in its first year (but had moved a principal and some experienced staff reassigned from the first school). Reading Recovery was in its second year of implementation.

The study compared first-graders in the three schools. Figure 6 summarizes the results. As is clear from the figure, students in the Success for All schools performed somewhat better than students in the Reading Recovery school overall (ES=+.17). Differences for special education students were substantial, averaging an effect size of +.77. Special education students were not tutored in the Reading Recovery school and were primarily taught in a separate resource room. These students scored near the floor on all tests. In contrast, Success for All special education students were fully mainstreamed and did receive tutoring, and their reading scores, though still low, showed them to be on the way toward success in reading.

Excluding the special education students, there were no differences in reading performance between tutored students in the Success for All and Reading Recovery schools (ES=.00). In light of earlier research, these outcomes suggest that both tutoring programs are highly effective for at-risk first graders.

A second comparison of Success for All and Reading Recovery was carried out by Ross, Nunnery, & Smith (1996) in the Amphitheater School District of Tucson, Arizona. Three high-poverty schools (about 25% Mexican American students) were compared. One used Success for All, one used Reading Recovery with a whole-language curriculum, and a control school used a whole-language approach without tutoring.

In this study, tutored as well as non-tutored first-graders scored substantially higher in Success for All than in Reading Recovery. For tutored students the difference averaged an effect size of 1.08, with mean grade equivalents of 1.85 for tutored students in Success for All, 1.20 for Reading Recovery students. For all students, Success for All students had an average grade equivalent of 2.18, the Reading Recovery school 1.73, and the control school 1.80, with mean effect sizes of +.68 comparing Success for All and the Reading Recovery school and +.39 comparing Success for All and control.

The comparison of Success for All and Reading Recovery supports a common-sense conclusion. Success for All, which affects all students, has positive effects on all students. Reading Recovery focuses on tutoring and therefore produces its effects only on tutored students. These results suggest that Success for All may be most appropriate in schools serving many at-risk students, while Reading Recovery may be more practical when the number of students at risk of reading failure is small. Some schools have merged the two programs, combining the breadth and comprehensiveness of Success for All with the outstanding professional development for tutors provided by Reading Recovery. Such mergers of Success for All and Reading Recovery are being started in about a dozen schools located around the United States.

Success for All and Special Education

Perhaps the most important goal of Success for All is to place a floor under the reading achievement of all children, to ensure that every child performs adequately in this critical skill. This goal has major implications for special education. If the program makes a substantial difference in the reading achievement of the lowest achievers, then it should reduce special education referrals and placements. Further, students who have IEPs indicating learning disabilities or related problems are typically treated the same as other students in Success for All. That is, they receive tutoring if they need it, participate in reading classes appropriate to their reading levels, and spend the rest of the day in age-appropriate, heterogeneous homerooms. Their tutor and/or reading teacher is likely to be a special education teacher, but otherwise they are not treated differently.

The philosophy behind that treatment of special education issues in Success for All is called "neverstreaming" (Slavin et al. 1991). That is, rather than waiting until students fall far behind, are assigned to special education, and then may be mainstreamed into regular classes, Success for All schools intervene early and intensively with students who are at risk to try to keep them out of the special education system. Once students are far behind, special education services are unlikely to catch them up to age-appropriate levels of performance. Students who have already failed in reading are likely to have an overlay of anxiety, poor motivation, poor behavior, low self-esteem, and ineffective learning strategies that are likely to interfere with learning no matter how good special education services may be. Ensuring that all students succeed in the first place is a far better strategy if it can be accomplished. In Success for All, the provision of research-based preschool, kindergarten, and first grade reading, one-to-one tutoring, and family support services are likely to give the most at-risk students a good chance of developing enough reading skills to remain out of special education, or to perform better in special education than would have otherwise been the case.

That data relating to special education outcomes clearly support these expectations. Several studies have focused on questions related to special education. One of the most important outcomes in this area is the consistent finding of particularly large effects of Success for All for students in the lowest 25% of their classes. While effect sizes for students in general have averaged around +0.50 on individually administered reading measures, effect sizes for the lowest achievers have averaged in the range of +1.00 to +1.50 across the grades. Across five Baltimore schools, only 2.2% of third-graders averaged two years behind grade level, a usual criterion for special education placement. In contrast, 8.8% of control third-graders scored this poorly. Baltimore data have also shown a reduction in special education placements for learning disabilities of about half (Slavin et al., 1992). A study of two Success for All schools in Ft. Wayne, Indiana found that over a two year period 3.2% of Success for All students in grades K–1 and 1–2 were referred to special education for learning disabilities or mild mental handicaps. In contrast, 14.3% of control students were referred in these categories (Smith, Ross, & Casey, 1994).

Taken together, these findings support the conclusion that Success for All both reduces the need for special education services (by raising the reading achievement of very low achievers) and reduces special education referrals and placements.

Another important question concerns the effects of the program on students who have already been assigned to special education. Here again, there is evidence from different sources. In the Ross et al. (1995) study comparing Reading Recovery and Success for All described above, it so happened that first-graders in special education in the Reading Recovery group were not tutored, but instead received traditional special education services in resource rooms. In the Success for All schools, first-graders who had been assigned to special education were tutored one-to-one (by their special education teachers) and otherwise participated in the program in the same way as all other students. As noted earlier (recall Figure 6), special education students in Success for All were reading substantially better (ES=+.77) than special education students in the comparison school. In addition, Smith et al. (1994) combined first grade reading data from special education students in Success for All and control schools in four districts: Memphis, Ft. Wayne, Indiana, Montgomery, Alabama, and Caldwell, Idaho). Success for All special education students scored substantially better than controls (mean ES=+.59).

CONCLUSION

The results of evaluations of twenty-three Success for All schools in nine districts in eight states clearly show that the program increases student reading performance. In every district, Success for All students learned significantly more than matched control students. Significant effects were not seen on every measure at every grade level, but the consistent direction and magnitude of the effects show unequivocal benefits for Success for All students. Effects on district-administered standardized tests reinforce the findings of the studies using individually administered tests. This report also adds evidence showing particularly large impacts on the achievement of limited English proficient students in both bilingual and ESL programs, and on both reducing special education referrals and improving the achievement of students who have been assigned to special education. It compares the outcomes of Success for All with those of another early intervention program, Reading Recovery. It also summarizes outcomes of Roots and Wings, the next stage in the development of Success for All.

The Success for All evaluations have used reliable and valid measures, individually administered tests that are sensitive to all aspects of reading—comprehension, fluency, word attack, and word identification. Performance of Success for All students has been compared to that of matched students in matched control schools, who provide the best indication of what students without the program would have achieved. Replication of high-quality experiments in such a wide variety of schools and districts is extremely unusual. The equally consistent and dramatic impact of Success for All and Roots and Wings on district standardized tests and state performance assessments are further evidence of the broad impact of these programs.

An important indicator of the robustness of Success for All is the fact of the more than 300 schools that have used the program for periods of 1–8 years, only eight have dropped out (in all cases because of changes of principals). Many other Success for All schools have survived changes of superintendents, principals, facilitators, and other key staff, major cuts in funding, and other serious threats to program maintenance.

The research summarized here demonstrates that comprehensive, systemic school-by-school change can take place on a broad scale in a way that maintains the integrity and effectiveness of the model. The 23 schools in nine districts that we are studying in depth are typical of the larger set of schools currently using Success for All and Roots and Wings in terms of quality of implementation, resources, demographic characteristics, and other factors. Program outcomes are not limited to the original home of the program; in fact, outcomes tend to be somewhat better outside of Baltimore. The widely held idea based on the Rand study of innovation (Berman & McLaughlin, 1978; McLaughlin, 1990) that comprehensive school reform must be invented by school staffs themselves is certainly not supported in research on Success for All or Roots and Wings. While the program is adapted to meet the needs of each school, and while school staffs must agree to implement the program by a vote of 80 percent or more, Success for All and Roots and Wings are externally developed programs with specific materials, manuals, and structures. The observation that these programs can be implemented and maintained over considerable time periods and can be effective in each of their replication sites certainly supports the idea that every school staff need not reinvent the wheel.

There is nothing magic about Success for All or Roots and Wings. None of their components are completely new or unique. Obviously, schools serving disadvantaged students can have great success without a special program if they have an outstanding staff, and other prevention/early intervention models, such as Reading Recovery (Pinnell, 1989) and the School Development Program (Comer, 1988) also have evidence of effectiveness with disadvantaged children. The main importance of the research on Success for All and Roots and Wings is not in validating a particular model or in demonstrating that disadvantaged students can learn. Rather, its greatest importance is in demonstrating that success for disadvantaged students can be routinely ensured in schools that are not exceptional or extraordinary (and were not producing great success before the program was introduced). We cannot ensure that every school has a charismatic principal or every student has a charismatic teacher. Nevertheless, we can ensure that every child, regardless of family background, has an opportunity to succeed in school.

The demonstration that an effective program can be replicated and can be effective in its replication sites removes one more excuse for the continuing low achievement of disadvantaged children. In order to ensure the success of disadvantaged students we must have the political commitment to do so, with the funds and policies to back up this commitment. Success for All and Roots and Wings do require a serious commitment to restructure elementary schools and to reconfigure uses of Title I, special education, and other funds to emphasize prevention and early intervention rather than remediation. These and other systemic changes in assessments, accountability, standards, and legislation can facilitate the implementation of Success for All, Roots and Wings, and other school reform programs. However, we must also have methods known not only to be effective in their original sites, but also to be replicable and effective in other sites. The evaluations presented in this report provide a practical demonstration of the effectiveness and replicability of one such program.

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Modern Red Schoolhouse on the World-Wide Web

(A project of Hudson Institute)

PREFACE

The little red schoolhouse of yesteryear, at least as idealized in American memory, was an institution that drew people together for common purposes, to share in one of the most important responsibilities of any community: readying the next generation to take its place in that community by socializing the young, transmitting the culture, and equipping future workers, citizens, and parents with essential knowledge, skills, and habits. The Modern Red Schoolhouse intends to reinvent some of the key virtues of the little red schoolhouse in a modern context and with a modern mission to be a place where all children will learn and achieve academic standards that are truly world class.

This is not to say that all children will learn in the same way, or at the same time, or at the same pace. To this challenge, Modern Red Schoolhouse offers a set of teaching methods tailored to identify and nurture the potential that exists in every child. The Modern Red Schoolhouse standards are high. But they come with the expectation that all children will be afforded many routes towards their attainment. Like its nineteenth-century namesake, the Modern Red Schoolhouse does not lose sight of the fact that mastery of subject matter is the only acceptable goal for all children, wherever they may come from and however they may learn.

The standards documented here will be met by Modern Red Schoolhouse students in eight core subjects defined as English language arts, geography, history, mathematics, science, the arts, foreign languages, and health and physical education. The Modern Red Schoolhouse curriculum consists of Hudson Units both Foundation Units and Capstone Units. Foundation Units are developed or selected at each school for the primary purpose of instruction, although Foundation Units also include some built-in assessment. Capstone Units are developed by Advanced Systems, Inc., assessment contractor for the Modern Red Schoolhouse, in collaboration with teachers at cooperating schools. Their primary purpose is to assess students' academic progress, but because they are integral to curriculum, they also include some built-in instruction. Schools will arrange a series of Hudson Units to meet the individual learning needs of each student. All the performance objectives of all the Hudson Units successfully completed by each student will lead that student to achievement of the standards. All the Capstone Units, supplemented by examinations in each subject, form a Watershed Assessment of the standards which signal students' readiness to move to the next level of schooling.

All Modern Red Schoolhouse students are expected to meet the standards that follow with a few modest qualifications. The foreign language standards assume that students will become proficient speakers of two languages: English and one other. This does not preclude students from pursuing study of a third language; in fact, they are encouraged to do so. The arts encompass three arts disciplines: visuals areas, music, and drama. Students are expected to meet standards for all three through the intermediate level. Advanced level students will achieve the advanced standards for one arts discipline of the student's own choosing.

The Modern Red Schoolhouse standards are the result of two years of the combined thinking of teachers, administrators, community members, and national subject specialists. During the design phase, representatives of participating school districts began to identify high standards in eight core subjects. The College Board's Advanced Placement standards were used as an initial benchmark to help participants articulate what students should know and be able to do at the time of graduation from high school. Although students in the Modern Red Schoolhouse will reach these standards at different rates and therefore at different ages, the three levels are roughly equivalent to what students should know and be able to do at the end of grades 4, 8, and 12.

Successive drafts of the standards were reviewed by the Modern Red Schoolhouse Standards and Assessment Task Force. This document is the result of considerable revision by a team of subject specialists, all with broad experience in setting high standards and helping students to achieve them. Their joint experience includes work for the Advanced Placement program, the Council for Basic Education, the National Council of Teachers of English, the National Endowment for the Humanities, the Mathematical Association of America, the National Science Teachers Association, and a combined hundred years in classrooms at all levels. Drafts of the standards have been reviewed by subject specialists at Advanced Systems, Inc. and teachers in member schools, whose suggestions have prompted additional revisions. The greatest challenge offered by these standards raising student achievement to meet them will be addressed through innovative curriculum and not by lowered expectations.

While the Modern Red Schoolhouse standards are unique, they are not inconsistent with the recommendations of professional associations striving for excellence in education. We have borrowed heavily from other sets of standards developed in recent years in the great national effort to reform America's schools. We are indebted to the work of the National Assessment Governing Board whose National Assessments of Educational Progress in language arts, geography, mathematics, science, and the arts helped inform the standards. We drew from the College Board's various teacher's guides to their Advanced Placement courses. Publications from the following professional associations informed the development of the standards in their respective disciplines: the Association of American Geographers, the Bradley Commission on History in Schools; the National Center for History in the Schools (UCLA–NEH); the National Council for Teachers of Mathematics; the American Association for the Advancement of Science; National Standards in Foreign Language Education project; and the National Association for Sports and Physical Education.

In addition to these, the standards have been informed by the U.S. Department of Education's "James Madison" series and the U.S. Department of Labor's SCANS reports. Standards for the primary and intermediate levels were also informed by E.D. Hirsch's "Cultural Literacy" inventory and Smart Start by Patte Barth and Ruth Mitchell.

We are indebted especially to the work of the following authors and associations:

In English language arts:

Barth, P. and R. Mitchell. *Smart Start*. North American Press, 1992.

Gadda, G., E. Jensen, F. McQuade, and H. Wilson. *Teacher's Guide to Advanced Placement Courses in English Language and Composition*. The College Board, 1985.

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Reading Framework for the 1992 and 1994 National Assessment of Educational Progress. National Assessment Governing Board, U.S. Dept. of Education.

Reading and Thinking: A New Framework for Comprehension. Massachusetts Department of Education, 1987.

Writing Framework for the 1992 National Assessment of Educational Progress. National Assessment Governing Board, U.S. Dept. of Education.

In Geography:

Geography Framework for the 1992 and 1994 National Assessment of Educational Progress. U.S. Dept. of Education, 1992.

Geography (K–6 and 7–12): Themes, Key Ideas, and Learning Opportunities. Geography Education National Implementation Project, 1989.

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In History:

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History-Social Science Framework. California Department of Education, 1988.

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Edwards, E.L. *Algebra for Everyone*. National Council of Teachers of Mathematics, 1990.

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Meiring, S.P., R.N. Rubenstein, J.E. Schultz, J. de Lange, and D.L. Chambers. *A Core Curriculum: Making Mathematics Count for Everyone: Addenda Series, Grades 9–12*. National Council of Teachers of Mathematics, 1992.

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National Committee on Science Education Standards and Assessment. National Research Council, 1993 (draft).

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The Modern Red Schoolhouse has also integrated character education into the academic curriculum of its students. In his essay "Character Education in Our Schools" (published separately by Modern Red Schoolhouse), Kevin Ryan of Boston University discusses the need for character education and the attempt by the Modern Red Schoolhouse to effectively address this issue. However, discussions about dealing with this subject are best made with the community. Therefore, individual schools are advised to develop their character education programs with the help and guidance of the school's parents and communities. In preparing the curriculum, especially in health and physical education, we encourage educators to review not only the standards enumerated here, but also Kevin Ryan's essay. It discusses in more detail the reasons for character education and the specific goals of the Modern Red Schoolhouse program. This essay can be obtained separately from the Hudson Institute.

The Modern Red Schoolhouse standards are anchored in beliefs and principles that most Americans today as they did a century ago know to be true and valid. We believe that standards can serve as an anchor for those principles while at the same time preparing graduates to take their place in the communities of the twenty-first century.

SALLY B. KILGORE, Ph.D.,
Director.

Mr. OBEY. Mr. Chairman, I yield myself 1½ minutes.

With all due respect to the colloquy that just occurred, this funding cannot be used to provide gifted and talented funding. The purpose of title I under which this program is funded is to promote the raising of standards in schools and the raising of performance by improving the performance of disadvantaged children. There is a separate program for gifted and talented. We cannot use an exchange between two Members to rewrite what, in fact, is the basic authorization, irrespective of their efforts to do so.

I would also point out with respect to Comer schools, people can have whatever ideological reaction they want to it. The key element in Comer schools is family involvement, parental involvement, and often not just with your own child but deep involvement in the operation of the school itself and collaborative decisionmaking so that you do not have an additional round of finger pointing every time a problem develops at school, to emphasize forcing people to work together to make collective decisions which everybody takes their fair share of responsibility for.

Mr. RIGGS. Mr. Chairman, I do not follow the comments of the gentleman from Wisconsin [Mr. OBEY] because it seems to me perfectly plausible that a poor and educationally disadvantaged child could also be gifted and talented.

Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. McINTOSH].

Mr. McINTOSH. Mr. Chairman, let me clarify. It was not my intention to say this program could be used for a separate program, the Jacob Javits program, but under title I we could have students who are participating in a gifted and talented educational program and they would not be excluded from this simply because it is not expressly mentioned.

Mr. OBEY. If the gentleman will yield, I was just explaining to several of the gentleman's Members, one of these models involves taking so-called slow learners, and instead of dealing with them by putting them in remediation programs, it deals with them by in fact putting them in highly advanced intensive programs, much as you would a gifted and talented student. That is totally counterintuitive to me. But the evaluation of those programs demonstrates that it has produced some very dramatic results with those kids. In that sense, what the gentleman is saying might have some relevance to the situation, I would grant that.

Mr. McINTOSH. Mr. Chairman, the point I would just like to make is that someone does not have to be labeled "disadvantaged." They simply have to meet the requirements for title I. They do not have to be labeled as "slow learners" to be shifted into that highly talented program. They could be gifted and talented students who are eligible for title I programs.

Mr. OBEY. If the gentleman will yield further, we have not just made the funds available to title I schools, we have made $50 million of this available to non-title-I schools, because we think that all schools will be interested in this, not just schools that have a high percentage of disadvantaged students.

□ 1545

Mr. RIGGS. Mr. Chairman, I yield myself 30 seconds just to reiterate an important point that the gentleman from Wisconsin [Mr. OBEY] made that bears mentioning to our colleagues.

Again, we are talking about $200 million, which is the subject of the en bloc amendment. Of that amount, $50 million is actually for grants to local education agencies. That is money that, just as the gentleman from Wisconsin [Mr. OBEY] suggested, is being driven down to the local level.

Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I think if we had more debate like this, I find this very refreshing, I think we are talking to issues, we are talking about education, we are not talking politics. I would like to thank Members on both sides.

In the 104th Congress, as chairman of a subcommittee basically responsible for K through 12 education, we had several hearings. One of those hearings, or all five of the hearings in one area, showed that our children were not competing for entry level jobs. The fact is that they could not read, they could not write, they could not speak the English language, or did not have the high-technical skills available.

In my own district, there are two gentlemen, both immigrants. One is named Paul Ecke who donates large amounts of money and his passion is education, as is a Hispanic friend of mine, Ralph Peskera, recently tasked to look at education on school entrance into college. The sad thing is many of those students were not prepared to meet the college level education. Many of us feel that more of the resources should be focused on the lower levels instead of so much on the higher levels. Again, I think that is why this debate is very refreshing.

Mr. Chairman, when we talk about things that we would like to look at in school reform, the President asked for $3 billion in a literacy program.

Currently, we have 14 Federal literacy programs. Mr. HOEKSTRA and the gentleman from California, [Mr. RIGGS], are looking into saying, well, I think it is reasonable for both sides of the aisle to say, let's find one or two that really work and let's fully fund them in the public schools and make sure we get the resources and the funds available for those and eliminate the bureaucracy, without saying, hey, we are cutting education but actually enhancing education because we are getting more money down to the level.

I think that reform is very important.

Damaging public education, I think, the gentleman from Wisconsin [Mr. OBEY], if we get into a fight, public versus private, I think we both lose. I think the whole value is taking our public schools with the problems that many of them have, and looking to bring them up to private level standards across the board.

Not all private schools are that good, either. But many of them you go to, you see the parents, the teachers, the children all lauding each other. Go to public schools across the Nation and in many of those public schools we do not see that.

My wife has a doctorate degree in education. She is an elementary school principal with two schools. You think somebody works hard? A good night for her is when she gets out at 9 or 10 o'clock. She is a very good principal. She has dedicated teachers. Yet, in our State of California we have just slipped from 45 to 50 in literacy.

Now, this is a nation where we have large amounts of resources that we do not apply. We have less than 12 percent of our schools that have even a single phone jack. We have so many Federal programs and get so little of the money. The average is 48 cents; in some States 23 cents. We need also in this reform to look to be able to focus the majority of money down to the ZIP Code, and where the parents and the teachers and the families can have a better say of what that education is.

Again, I would like to thank the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Illinois [Mr. PORTER] and the gentleman from California [Mr. RIGGS]. This is one of the better debates that I think has occurred and a debate we can be proud of on both sides of the aisle.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Ohio [Mr. STOKES], a member of the subcommittee.

Mr. STOKES. Mr. Chairman, I thank my distinguished ranking member for yielding to me.

Mr. Chairman, I rise in support of the agreement worked out. Individual schools that elect to participate in this program identify an effective research-based whole school reform model that has the support of their community.

In my district in Cleveland, OH, eight schools are using the Comer reform model. This model involves shared decisionmaking, focuses on parental involvement, and includes student-staff-support team. Together, these teams develop the policies that are used to guide the school.

The Comer model has been used in Cleveland since 1990, and includes seven elementary and one middle school. Plans are under way to expand the use of this concept to a high school.

The Cleveland effort is a collaborative partnership with the Harvard Business School alumni that live in Cleveland, the Applewood Center, Cleveland public schools, the community, and Cleveland State University.

In my district, the Comer model has been successful in that it has changed the climate of the participating schools. It has made the schools more friendly to parents, a better place for teachers to work, and, in turn, a better place for students to learn.

Cleveland State University has provided staff development and training for teachers and parents in the Comer program-participating schools and has helped to implement the Comer model. Cleveland State University is now involved in helping to measure and evaluate the projects, and to examine how the program can best be replicated.

With respect to gains in academic achievement, seven of the eight Comer program-participating schools have shown improvements in students' achievement and/or attendance.

With respect to the State proficiency test, there is now definite evidence that students in the Comer model school improved performance. This is especially good to be noted because in many of the other schools, young people taking the State proficiency test have been unable to pass that test, particularly in the fourth and eighth grades where they are taking tests in math and reading.

So the whole school reform program is a success for communities that wanted to improve their schools, and I support the agreement that has been worked out between both sides on a bipartisan basis.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California, Mr. Miller.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to commend the gentleman and the chairman of the committee for working out this agreement. This will enable those school districts who are truly interested in not only reforming their districts but providing improved results for their students an opportunity to draw upon the best programs that we have in this Nation with the best research and, to date, the best outcomes.

I have a school in my own district, Peres School in the city of Richmond, that had invited in the John Hopkins program, Success For All, the Wings and Roots program, and redesigned a school that serves the poorest children in my district. Not only is this program hopefully going to provide better results for these children, but it also provided a means of a circuit breaker from just doing the same old thing that has failed these children year in and year out.

As the gentleman from Wisconsin [Mr. Obey] pointed out earlier, it had to be done by bringing the teachers, bringing the administrators, the school board, together to vote in an 80 percent ratio in favor of going in this direction. Those teachers who felt that they could not do it or did not want to do it were able to go to another school they were more comfortable with for whatever reason. But they have put together a team and are heading in the same direction.

It is very much like when you have a football program at the high school. You try to get the freshman squad and the junior varsity squad and the varsity squad heading in the same direction so they are able to understand what is taking place, instead of having a lot of ad hoc programs started based upon somebody's notion of what works or what will succeed or what will not.

Here we will have hard research. This is a bottoms up approach. They were invited in by the Richmond school district, by the parents, to see if they could help.

I notice that our State Department of Education has invited in four schools to take a look at all of these programs this last summer, to let them explain where they might be helpful and let the districts pick that which they think is the best fit for them. But, again, the common element is a strong research as to the effectiveness of these programs, parental involvement, and a new commitment, a new commitment to excellence by both parents and teachers.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, I certainly want to thank again the distinguished ranking member, the gentleman from Wisconsin [Mr. OBEY], the gentleman from Illinois [Mr. PORTER], and even the gentleman from Louisiana [Mr. LIVINGSTON], and all of those who worked on this amendment, and my dear friend, the gentleman from California [Mr. RIGGS].

Mr. Chairman, I would say I rise in support of the agreement that has been reached. The whole school reform effort, as we have heard from Members attesting today, has had a profound and, in many ways, enormous positive impact on districts throughout this Nation.

I speak with personal point from the Ninth District in Tennessee, at Charjean Elementary, principaled by Ms. King, and certainly Manor Lake by Mr. Woladin, and Mr. Harrison at Dunn Elementary. They have experienced tremendous success using the Success for All model, resulting in improved reading scores and math scores, and even parental involvement from parents throughout the community.

One of the great things about the whole school reform initiative, Mr. Chairman, and I say this to my dear colleague, the gentleman from California [Mr. RIGGS], is that it empowers teachers and certainly school administrators and parents, and it incorporates high standards, and at the same time that it provides us all autonomy, it also calls for more accountability.

So I applaud the agreement that has been reached, and would certainly say we are well on our way to preparing a new generation of workers, a new generation of scientists and astronauts, and those who will help lead this great Nation into the next millennium.

Again, I thank the gentleman from Wisconsin [Mr. OBEY]), the gentleman from California [Mr. RIGGS], and the gentleman from Illinois [Mr. PORTER], for their leadership on this issue and other educational matters.

Mr. RIGGS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER], the chairman of the committee.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to say that as a Representative of Illinois with a district very close to the city of Chicago, I have seen, and continue to see, comprehensive school reform like perhaps no other in the history of this country.

Last year, the Illinois General Assembly, a Republican body, and a Republican Governor, said we have seen years and years and years of entrenched bureaucracies in the city of Chicago school system, overbloated with personnel, no standards, nothing happening to serve the children, and we are simply going to abolish the Chicago school board. They put the mayor of the city of Chicago, Richard J. Daley, in charge of the Chicago school system.

The mayor of Chicago took charge of that school system, and if you want to see comprehensive school reform happening in a big city and a school system being turned around, you want to look at Chicago.

Social advancement was gone in 1 day; accountability became "in" immediately; innovation, parental involvement, standards for students, standards for teachers, discipline, kicking out the druggies and the people that bring weapons on to school property, all were implemented.

We are seeing the kind of comprehensive school reform in Chicago that ought to happen in all of the systems in this country where the kids are not performing up to standards and where we can do much, much better.

Mr. Chairman, I went to a conference very early this year, and listened to Professor Comer of Yale and others, and was very intrigued with this concept that he was talking about.

When the gentleman from Wisconsin [Mr. OBEY] suggested that this ought to be a part of this bill, I thought he is exactly right. We can perhaps give some resources to school systems that do not have them, and encourage them to do the kind of thing that is being done in the city of Chicago to make a system work for the kids and raise our standards.

So I would compliment the gentleman from Wisconsin [Mr. OBEY], with whom I work very closely, the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. RIGGS], and the gentlewoman from Kentucky [Mrs. NORTHUP]. This is a good concept. It is going to work well. It is going to help change school systems that are dysfunctional into ones that really work for the American children. I think this is a very, very good reform.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

□ 1600

Mr. Chairman, I would simply say that I would like to also compliment the chairman of the subcommittee for being open-minded enough to review these proposals and to recognize that this offers us an opportunity for a nonideological way to get at school reform.

I also appreciate the constructive efforts of the gentleman from Pennsylvania [Mr. GOODLING], the education authorizing committee chair, for his efforts, to see to it that we can proceed on a project that will help raise school performance and school standards around the country.

I think we underestimate often what our kids can do if they are challenged and if the schools in which they learn are imaginative enough and well organized enough. I hope this initiative will lead to that day.

Mr. RIGGS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first of all, I want to point out that again this has been, I think, a very genuine, good-faith effort at bipartisan compromise. Perhaps whole school reform, as it is now modified to mean comprehensive school reform, will do some good. At least $50 million of the $200 million is being driven down, right to the local level, block-granted or not block-granted, but in grants to local school districts.

However, I want to make it clear, I do not quite share this enthusiasm for the whole school reform model. I personally am a little wary, as the chairman of the authorizing subcommittee, of the reform de jour in education. Somebody always has a better idea; we are going to come up with a panacea to solve our educational woes in America today, to improve and bootstrap reform at the local school district level.

But if it were up to me, if I could play the benevolent dictator for a day, I would leave those tax dollars in the local communities. I would let local taxpayers and local elected educational decisionmakers decide how to spend that money, rather than have to have it sent to Washington, recycled through the bureaucracy. And let us be honest about it here, we have a large bureaucracy here in Washington, the Department of Education. We have bureaucracies in the State houses, the State capitols around the country that siphon off so much money.

We heard the gentleman from California [Mr. CUNNINGHAM] talk about half, and I actually think it was less than 50 cents, or 50 percent of every dollar, going down to the local level. We have a resolution coming to the floor soon, Mr. Chairman, that is going to stipulate that we ought to, as a matter of bipartisan policy at the national level, try to get 90 percent, 90 cents of every Federal education tax dollar, down into the classroom, ideally used to pay someone who knows that child's name.

Mr. Chairman, I have to again just hope, and we will be examining this in the authorizing committee, I think that is part of our legitimate oversight responsibility, how this money is spent. If we had this, again if we could do it any other way, I would say send it to meet the one mandate we impose on every State and local school district, and that is to comply with IDEA, the Individuals With Disabilities Education Act, to provide special education to children with learning disabilities.

If we really want to try a novel idea of educational reform, why do we not do this: We will grant the $200 million, but let us take $200 million to put it in scholarships for these same children, for low-income families whose children attend unsafe or underperforming schools.

Mr. OBEY. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, let me simply say in response that this is not the reform de jour. This proposal is the result of 20 years of research to determine what works and what does not, what is effective and what is bull gravy, to be blunt about it.

I would also say that I do not expect that this is going to be the be all and end all in terms of improving school performance. If I had my way, I think the most important thing the Federal Government could do is to say that there would not be a single dime in Federal money to any State for education purposes until they reform their State aid distribution formulas.

It is outrageous that my own State, for instance, has a State aid formula that gives Maple, WI, one of the poorest rural districts in my State, pennies in comparison to the huge amount of aid or the huge amount of money that Maple Bluff and Maple Grove, two very wealthy suburbs in my State, can spend, in part because of the unjust school aid formula.

I would also point out with respect to special education that these programs have been demonstrated to greatly reduce the need for placement of people in special education by attacking the problem up front, and I think that is the way we ought to go.

Mr. Chairman, I yield the balance of my time to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

The CHAIRMAN. The gentlewoman from Connecticut [Ms. DELAURO] is recognized for 3¾ minutes.

Ms. DELAURO. Mr. Chairman, I rise in support of the agreement, and thank the ranking member and the chairman for really putting forth this incredibly wise decision in terms of comprehensive school reform.

Parents and students know that the key to a good job is a good education. We know our schools need to be held to the highest educational standards. We know that years of educational reform have produced mixed results.

We do not know all that we need to do to bring our schools up to scratch, but we know what does not work. That is trying to fix one classroom, one course and one group of kids at a time. We know what we need is school-wide comprehensive reform.

That is why these funds are needed, to give struggling schools an opportunity to learn about and implement school-wide models which can bring school levels up all over, and achievement levels up all over the country.

I am very proud of the Comer model of schools. Jim Comer is from my district. Jim Comer produced and developed the school-wide model that is being used not just in New Haven, CT, but in schools in 25 States across the country, and in other countries around the world. It has proved particularly effective for schools with higher than average numbers of disadvantaged and poor-performing students.

The New Haven schools are reaffirming their commitment to the Comer model. With only 16 schools in the district participating in the Comer renewal so far, scores on the Connecticut master test have risen district-wide between 3 and 16 percent. Participating schools scored 300 percent higher in measures of school climate improvement, including school safety, than nonparticipating schools.

Just last week Yale University announced the findings of a study of schools which have participated in the Comer renewal from 1992 to 1996. Researchers found significant improvement in students' attitudes toward school and a sense of safety on campus. Teens in Comer renewal schools showed improvements in race relations, reduced violence, declines in drug use, and less high-risk sexual activity.

Mr. Chairman, I ask my colleagues on this side and the other side of the aisle, I would love to have them come to New Haven, CT, to visit the Comer schools. I have sat in the planning and management meetings, I have sat with the parent teams, I have sat with the staff support and the mental health teams as they go about trying to create overall comprehensive reform and to turn the climate of these schools around.

If we provide $200 million for scholarships all over the country, that is a good and noble cause. In fact, it has an effect on an individual child. It does not get at what we must do in fact to do something about public education in this country, make it what it has been in the past.

This model is not only working in New Haven, CT. Prince Georges County, MD, is represented by my colleagues, the gentlemen from Maryland, Mr. HOYER and Mr. WYNN, where they have implemented the Comer model there, which has tripled the number of students scoring satisfactory or excellent on State exams in the last 3 years. It has brought dramatic decreases in attendance and discipline problems.

Mr. Chairman, this model may not work for all schools, but all schools should have the opportunity to learn about it and to decide if it in fact is right for their community. That is what the opportunity is in these funds. It is our responsibility to help ensure that every child in this Nation has a shot at the American dream.

I compliment my colleagues, and I compliment the chairman and the ranking member.

Mr. DELAY. Mr. Chairman, I rise in support of this amendment. I appreciate the work of Mr. RIGGS and Ms. NORTHUP in working out this compromise that will give greater education resources to local and State agencies.

This amendment goes to the heart of the debate over our Nation's education system. Shall we waste taxpayer's money on untested programs or shall we return money to State and local agencies that will give parents the resources they need to educate their children? Shall we return to the days of new math and open classrooms, where untested theories from so-called education experts confused countless school children? Or shall we give parents the tools they need to educate their children for the next century?

Mr. Chairman, I believe that all of us, on the right and on the left, share a desire to improve our Nation's education system. But we disagree on the best way to achieve that result. Liberals believe that money can best be spent at the national level. That is why they support increased funding for the Department of Education, national testing, and this program establishing whole school reform. Conservatives believe that education reform can best be achieved at the local level, with maximum parental involvement. We believe that each child deserves the best education possible and that sacrificing some children in the name of reform is a terrible mistake.

Whole school reform has had some success at the local level, especially in Kentucky, as my colleague, Ms. NORTHUP, has explained. But it has had some notable failures as well. To now invest millions of dollars on a reform program that has had mixed success at best is a risk I am not willing to take, and I am pleased that we have succeeded in replacing this provision with one that favors State flexibility.

Why am I reluctant to fund the whole school program created in this bill? Let me give you two reasons.

First, the program comes disguised as a carrot, but it would act as a stick that would force local school districts to try this untested theory. School districts struggling to make budgets, buy books, and pay teachers would look at this pot of money as manna from heaven. But actually this money would prove to be fool's gold for school districts that are reluctant to try one more Washington-backed education theory. I would much rather return this money back to States and local agencies, through block grants, and let them improve education as they see fit.

Second, Congress would again be spending money without the necessary oversight and review process. We have had no hearings on this program in the authorizing committee. In fact, this program was authorized in 1994 with one line in the Improving America's Schools Act. That's it. One line. Now, 3 years later, this bill proposes to fund such a program, with little debate or scrutiny. Has the whole school reform approached worked? The jury is still out.

In Kentucky, public school enrollment has decreased dramatically and some schools have actually had to advertise to attract students. And some of what I have read makes me nervous. In one model, "staff, parents and students find their own way to transform themselves." In another, a purpose for a fourth grade class was defined as "we work for good health."

One expert describes Kentucky's experiment this way: "Kentucky's restructured education system frowns on such things as memorization, drill and review, textbooks, desks in rows, structure of any sort, lectures by teachers—they are now called 'guides' and 'facilitators'—and basic academic skills which are now disdainfully referred to as 'lower order thinking skills.'" In my view, the reasons our schools are in their current mess is because too many students haven't mastered the lower order thinking skills of reading, writing, and arithmetic.

Mr. Chairman, I don't believe the Federal Government should be promoting new age education at the expense of traditional approaches. Reforming and improving our schools is an ongoing process, based on common sense and parental involvement.

The Whole Schools Reform Program in this bill is a poster child for big government, full of untested theories, and unnecessary Federal mandates. I am pleased that we are rejecting this approach, and urge my colleagues to support the Riggs amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. RIGGS].

The amendments were agreed to.

The CHAIRMAN. Are there any other amendments at this point in the bill?

The Clerk will read.

The Clerk read as follows:

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $796,000,000, of which $667,000,000 shall be for basic support payments under section 8003(b), $40,000,000 shall be for payments for children with disabilities under section 8003(d), $62,000,000, to remain available until expended, shall be for payments under section 8003(f), $7,000,000 shall be for construction under section 8007, and $20,000,000 shall be for Federal property payments under section 8002.

AMENDMENT NO. 40 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, I offer amendment No. 40.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 40 offered by Mr. HAYWORTH:

Page 66, line 7, after "$796,000,000" insert "(increased by $18,000,000)".

Page 66, line 12, after "$7,000,000" insert "(increased by $18,000,000)".

Page 82, line 6, after "$174,661,000" insert "(increased by $18,000,000)".

Mr. HAYWORTH. Mr. Chairman, I am pleased to be offering a bipartisan amendment with my friend and colleague, the gentleman from Mississippi, Mr. GENE TAYLOR, that will benefit some of the poorest children in America. The amendment will increase funding for the section 8007 program of the Impact Aid Program which funds school construction, and it will increase that aid from $7 million to $25 million. To offset this increase, the gentleman from Mississippi [Mr. TAYLOR] and I propose to reduce funding for the National Labor Relations Board, or NLRB, by $18 million.

Mr. Chairman, as many Members know, Impact Aid funds children's education on military bases and on Indian lands. Because these areas lack an adequate tax base or bonding capacity, they often cannot meet the educational needs of their children, and that is just wrong. The Federal Government has an obligation to educate children who reside on Federal land.

Indeed, helping to meet those needs is the purpose of the Impact Aid Program. Yet, the funding level in this bill will bring this vitally important program only to its fiscal year 1979 level. One section of Impact Aid that has received woefully inadequate funding is the school construction program or section 8007. While the bill does increase construction funding from $4 million to $7 million, and let me thank my colleague and the chairman of the subcommittee, the gentleman from Illinois [Mr. PORTER] for that, the fact remains this will hardly make a dent in the sad state of federally impacted schools in my district and in other districts across the United States.

As the chairman knows, I represent the Sixth District of Arizona, a unique district because it has the distinction of being the most federally impacted congressional district. Indeed, it also is unique because it has the largest Native American population in the 48 contiguous States.

The Navajo Nation, which stretches across portions of four States and is roughly the size of the State of West Virginia, is the largest and one of the poorest sovereign Indian nations, with staggering unemployment rates, which can be as high as 50 percent, depending on the season. It is apparent that education is the only way for the children of the Navajo Nation to build economic empowerment and escape a life of poverty.

Moreover, educating the children on our reservations is a moral obligation we simply cannot ignore. The other seven tribes I represent in my sprawling district face similar hardships and depend on Impact Aid to help educate their youth. The sad fact is that many of the schools on military bases and Indian lands are in decrepit condition. Many school buildings on the Navajo Nation are cracking, leaking, or falling apart and would be condemned if it were not for the fact that students need to be educated and are required by law to attend classes. Unfortunately, there is not enough money in the construction budget for schools that desperately need to be replaced or renovated.

I would note that the average school in the United States costs nearly $6 million to build. This bill's funding for school construction of $7 million would only allow us to build the equivalent of one school each year.

Mr. Chairman, there is need for more than one school a year in my district alone. Section 8007 must be increased substantially if we are to effectively educate our children on Federal lands in a safe and healthy environment. Indeed, when Congress reauthorized the Impact Aid law in 1994 and created section 8007, it envisioned this part of the Impact Aid Program to be funded at a minimum of $25 million each year.

Section 8007 has only been appropriated to $5 million in each of the last few years, and the money has yet to be distributed to any school districts. Not only that, but a study by the National Association of Federally Impacted Schools, or NAFIS, recently concluded that $25 million is the amount needed to help address the construction needs of federally impacted school districts. So full funding of section 8007 would compensate for the inability of heavily impacted districts to raise construction funds on their own.

□ 1615

Now, Mr. Chairman, let us compare the situation of these federally impacted schoolchildren with the bureaucracy of the NLRB from which we propose to offset the funding increase for school construction.

As I said before, Mr. Chairman, on the Navajo reservation in my district, school buildings are literally falling down around students. I am sure that many of my colleagues from other federally impacted districts could make similar claims.

The NLRB, on the other hand, occupies a posh building in one of the most prestigious parts of Washington, DC, at a cost of $21 million a year. Children on the reservation are often underfed and malnourished.

The CHAIRMAN. The time of the gentleman from Arizona [Mr. HAYWORTH] has expired.

(By unanimous consent, Mr. HAYWORTH was allowed to proceed for 2 additional minutes.)

Mr. HAYWORTH. Mr. Chairman, children on the reservation are often underfed and malnourished and lack the proper books and supplies. But at the NLRB, all five Board members have their own showers, kitchens, libraries, and are provided with clean linen weekly.

And get this, Mr. Chairman, while the schools on our military bases and reservations struggle to attract and retain qualified teachers, each Board member of the NLRB has 18 to 22 lawyers on his staff, while the NLRB general counsel employs 628 lawyers at an average salary of more than $76,000 a year.

Mr. Chairman, in almost every survey I have seen, the American people list education as their top priority. We have a chance to do something to improve education today in a very helpful way by increasing funding for the construction of schools on some of our Federal lands to serve some of the poorest children in America.

By contrast, Mr. Chairman, I have not seen one survey citing clean linen for high-priced lawyers as a pressing national problem. In short, Mr. Chairman, is there anyone in this Chamber who really believes that the NLRB needs the $18 million more than the children on our reservations and military bases? Because, Mr. Chairman, that is the simple choice before us today.

I do not want to make it sound as if this Congress has not tried to tighten the reins on the NLRB. On the contrary, I am pleased that the Subcommittee on Labor, Health and Human Services, and Education has frozen funding for the NLRB over the past few years. Nevertheless, the NLRB can and should get by on less. This proposal is not a drastic cut. It is merely a way for us to set our priorities for our scarce Federal dollars in a more human way.

Mr. Chairman, we are confronted with a stark but simple choice: lawyers or children, bureaucrats or schools. Mr. Chairman, again I would say this amendment is a straightforward choice: Lawyers or children, bureaucracy or schools. I implore the Members to support this amendment.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. RIGGS) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Committee resumed its sitting.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my good friend and colleague from Arizona [Mr. HAYWORTH] said that he has the most heavily impacted congressional district in America. I have, perhaps, one of the most heavily impacted school districts in America with the largest naval training facility in the world at Great Lakes as part of my district. Impact Aid is very important to this Member personally, as well as very important to a number of Members in the House of Representatives and to most of our States.

Mr. Chairman, we have done everything we possibly can to raise funding in this area. In 1996, we provided $693 million, and in 1998, we provide $796 million, a $100 million increase. We have increased section (f). We have increased construction. The President suggested $4 million for this account; we are raising it to $7 million, almost double what the President has suggested. We have raised funding for Federal property. It is a high priority with me, and I know that the gentleman from Arizona realizes this.

Mr. Chairman, the amendment would quintuple the appropriation for construction in a single year and would represent more than a sixfold increase over the President's request. That level of funding certainly has not been justified or even suggested in any of the budget hearings we held this year.

Regarding the offset, the committee bill already reduces NLRB by $11.8 million below the President's request. It provides level funding compared to fiscal year 1997. I have to say that the NLRB was funded at $170.3 million in fiscal 1996. It would be funded in fiscal 1998 at $174.6 million, a very, very small increase over the last 3 years.

In total, the NLRB is funded at $1.4 million below the amount provided by the last Democratic Congress in fiscal year 1995. And when one considers that the NLRB budget is almost entirely salaries and expenses, this 1 percent reduction since 1995 is actually closer to a 10-percent real cut, because the Agency has had to absorb mandatory pay and benefit increases in each of the last 3 years.

Mr. Chairman, I would say to the gentleman from Arizona that I am no fan of this administration's NLRB. I think in many instances Chairman Gould has politicized the institution beyond anybody's imagination, and I feel that that is a serious problem for our country. But I would also say to the gentleman that the NLRB is part of a system that we have devised to resolve disputes in our economic system between management and labor in a lawful way without violence; hopefully, without interruptions of work. Its day-to-day work in resolving cases that are filed before it is very important. When we cut too heavily into an agency's resources, all we do is create a backlog of cases that makes it much more difficult for these disputes to be resolved in a reasonable way. I do not think that simply cutting its budget is a productive approach at all, even given our frustration over the political nature that I believe Chairman Gould has given to this Agency, and I think very unfortunately.

So on balance, I think we have done very well by Impact Aid and very well by Impact Aid construction. I think the cut in NLRB, while in certain ways I would agree with the gentleman from Arizona, would be unwise in this circumstance.

We have level-funded it. It amounts to a cut. I think the committee has done a very good job in creating a balance between these two accounts, and I would ask Members to oppose the amendment.

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I am well aware of the challenges faced by both the chairman of the subcommittee and the ranking minority member, and the many different priorities that one tries to weigh and the compromises that must occur in a legislative body to get work done.

Mr. Chairman, let me simply ask the gentleman from Illinois [Mr. PORTER] to take a look at the number of attorneys per commissioner or board member.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. PORTER] has expired.

(On request of Mr. HAYWORTH, and by unanimous consent, Mr. PORTER was allowed to proceed for 2 additional minutes.)

Mr. HAYWORTH. Mr. Chairman, if the gentleman would continue to yield, each board member of the NLRB has anywhere from 18 to 22 lawyers on his staff and yet, as I understand it, here across the street in our third branch of Government at the Supreme Court, the Justices of the Supreme Court have anywhere from two to three, maybe at the most five lawyers on their staffs as law clerks.

Mr. PORTER. Mr. Chairman, reclaiming my time, I would say to the gentleman that they do very different work. I do not see how that is comparable.

Mr. HAYWORTH. Mr. Chairman, if the gentleman would continue to yield, I think it is very important. It may be different work, but certainly an entirely separate branch of Government in the Supreme Court has work of no less importance. And yet to see the numbers of folks employed at the NLRB and to see the extravagance I think is a great concern, especially when we contrast it with the blight and the poverty on many Indian reservations and the needs on many military bases and in the schools there.

Mr. PORTER. Mr. Chairman, again reclaiming my time, the work of the Supreme Court is controlled by the Court itself. There are very few cases that can be appealed to the Supreme Court, except by writ of certiorari, and they control what cases they will hear.

The NLRB has no control over its caseload. It has to hear what cases are filed before it. And while obviously it does the best it can to resolve those without formal hearings, it still takes formal hearings in many instances. And, again, all we do by making severe cuts in their budget is to create a huge backlog of cases, which is I think in neither in the interest of management or labor.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not think we should kid ourselves for a moment. In my view, this amendment does not have a whole lot to do with Impact Aid. What it does have a lot to do with is that it represents the third year in a row that certain Members of this House have decided that they wanted to wage a frontal attack on the ability of the NLRB to enforce worker rights.

Mr. Chairman, in 1996, the majority in this House cut funding for the NLRB by 30 percent. That was one of the issues involved in the Government shutdown.

In 1997, they tried to cut funding for the NLRB by 15 percent. This amendment cuts it by 10 percent and simply has a "holy picture" place that it puts the money.

Mr. Chairman, I would simply make the point that whether my colleagues like the NLRB, or whether they do not, it is the only agency we have that protects workers against unfair treatment by employers and protects corporations against unfair picketing and violence by unions. To the extent that we reduce its budget, we cripple its ability to deal with both problems.

I would point out that this is the Agency that is charged with the responsibility of giving workers redress when they are fired for an unfair reason, such as trying to organize a union. It is also the Agency charged with the responsibility of seeing to it that when corporations who have contracts with their workers downsize, that they do so in a fair manner, consistent with the contracts that they have negotiated, and not arbitrarily savage people outside of the requirements of law.

Mr. Chairman, this reduction will result in the doubling of the backlog of cases at the NLRB. It will represent a 14-percent cut in staff. This is not, as the gentleman from Arizona [Mr. HAYWORTH] has suggested, a choice between children and bureaucrats. This is a question of whether or not workers are going to have taken away from them the ability to go to an agency of Government for redress of their grievances when they feel they have been treated unfairly by the corporate entity that employs them. Pure and simple, that is what this amendment is.

Mr. Chairman, I would strongly urge that the House reject the amendment. If we do not like decisions that are made by executive agencies of the Federal Government, the way to go about that is to argue with the fellow who appointed them in the first place. But we should not, under the guise of improving slightly funding for Impact Aid, we should not be savaging the ability of this Government to provide a square deal to every worker who sweats for his wages 40 hours a week.

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I appreciate the observations of the gentleman from Wisconsin [Mr. OBEY]. I just wonder if my colleague would answer this question. Does the gentleman honestly believe that the several hundred lawyers who work for the NLRB are toiling by the sweat of their brow to help, when we see the extravagance?

Mr. OBEY. Mr. Chairman, reclaiming my time, I would ask that the gentleman not misconstrue my remarks.

□ 1630

I said that it is workers throughout the country who have a right to go to their Government for redress when they have been treated unfairly. Those workers work very hard and they work and sweat very often, which is a lot more than can be said about either the gentleman or me in this place. I would appreciate it if the gentleman would not mischaracterize my remarks.

Mr. HAYWORTH. Mr. Chairman, if the gentleman will continue to yield, I appreciate the gentleman's point of view and the passion that he brings to this.

Mr. OBEY. With all due respect, Mr. Chairman, it is not my point of view that I want the gentleman to appreciate. I want him to be accurate about what I said on the floor.

Mr. HEFNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this argument, and my good friend from Arizona has some connections in North Carolina, this kind of befuddles me a little bit. We are not pitting poor children in Arizona or in North Carolina, where we have many bases, I have been a strong supporter of impact aid ever since I have been in this place.

We talk about the NLRB. I was not happy with the structure of the NLRB, as the gentleman from Illinois [Mr. PORTER] is not happy with this administration's NLRB appointees, I was not happy with the ones that were in the Ford administration, in the Reagan administration, even the Carter administration, I was not too happy with the board there. But that is not the argument.

The NLRB gives people that work for a living, if they have a grievance and have not been treated fairly, they have someplace to go. They mediate this. This has nothing to do with impact aid.

I would like to make one other point, if my information is correct, the gentleman from Arizona [Mr. HAYWORTH] and the gentleman from Nebraska [Mr. CHRISTENSEN] and the gentleman from Texas [Mr. EDWARDS] testified to the level of funding for impact aid, and it was only $2 million less than the request for impact aid, and they testified and supported that level.

That was satisfactory with the impact aid people, NAFIS; that was satisfactory with them. That was the level that they agreed to, and the chairman and the ranking member put it in the bill. There was no great concern that I am aware of that the gentlemen contested the level of funding, the gentleman from Arizona [Mr. HAYWORTH], the gentleman from Nebraska [Mr. CHRISTENSEN], or the gentleman from Texas [Mr. EDWARDS]. They agreed that this was basically fair and would get the job done.

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman for yielding to me. I appreciate the gentleman's comments, but he is wrong. In fact, I testified for an increase of close to $20 million when I appeared before the subcommittee.

Mr. HEFNER. OK, Mr. Chairman, I stand corrected. And I apologize. But the gentleman said this is pitting poor children against bureaucrats and lawyers. That is not really what we are doing here. All the Members that I know here, the gentleman from Wisconsin [Mr. OBEY], myself, the gentleman from Texas [Mr. EDWARDS], we have been supporters of impact aid for years and years and years.

In fact, the gentleman from Wisconsin [Mr. OBEY] led the fight when Mr. Natcher was chairman of this committee to increase funding for impact aid. So to say that and make the determination that what we are doing is denying money to these poor children, impact aid, and you are going to give it to bureaucrats that do not do anything, that is not really a fair characterization.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, as has been the case often in the last 3 days, agencies are being pummeled for the sins of their predecessors. I would point out that the building into which the NLRB moved was a building, they were moved into that building under the Bush administration. The showers were in that building when the Bush administration moved the agency into that building.

Second, I would point out that the linen service that the gentleman is so exercised about was discontinued 2 years ago. So I do not mind attacking agencies for mistakes that they are making at the present, but I do not believe that people should be blamed for the mistakes of either previous administrations or be blamed for practices that have been long since corrected.

Mr. HEFNER. Mr. Chairman, reclaiming my time, I would like to finish my statement. I think what we should do is pursue active funding for impact aid for our military bases for quality of life programs which the gentleman from California [Mr. PACKARD] and I have worked very hard to do, to see that we can have retention for qualified people in our military. But I do not think that it is really kosher for us to come here and pretend to say that if you are going to give this money to NLRB that all these people are going to suffer so much because they do not get the impact aid. This seems to me not a real good, honest argument to make.

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, perhaps the gentleman misunderstands the argument. That is not the theory I posited. What I am saying is that when we come to this floor through the amendments process, as my colleague from North Carolina who has served ably in this Chamber for many years understands, this is the chance for us as a collective body to sit down and say, let us review the priorities and the work done by the various committees.

With reference to the ranking member's historical observation about the Bush administration and moving the NLRB into that rather exorbitant headquarters, and that is fine, I am not here to retrace partisan history, if something is wrong, then it is wrong. We ought to take a look at making sure that the NLRB can operate effectively but more economically in other areas.

Mr. HEFNER. Mr. Chairman, this is not the argument. We are not talking about funding for the NLRB right now.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. HEFNER] has expired.

(By unanimous consent, Mr. HEFNER was allowed to proceed for 2 additional minutes.)

Mr. HEFNER. Mr. Chairman, we are not talking about posh offices, showers and all of these sorts of things. We are talking about impact aid. The impact aid, if the gentleman is opposed to NLRB, maybe he should have an amendment to do away with any funding for NLRB, but to make the case, which the gentleman said earlier, do you want to put the money in for Washington bureaucrats, all these special lawyers and what have you, and take it away from these poor children in Arizona and North Carolina and wherever, that is just not, in my view, that is not a real intellectually honest amendment to make at this time.

Mr. CHRISTENSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment which would benefit both our military schoolchildren as well as those children living on the Indian reservations.

As many of my colleagues know, the Impact Aid funding for section 8007 of the construction has been shortchanged over the years. The Federal Government backed away from providing construction funding through the Impact Aid Program several years ago.

In my district, funds for construction costs are needed in a variety of important areas. Checking with our local school administration, I talked with one superintendent. He was talking about making some of the bathrooms handicap accessible. We had a remodeling of one that cost over $32,000. In the Bellevue school system alone, in my district, we have had 20 bathrooms that have been made handicap accessible, but still have 15 that need to be done.

Bellevue West Senior High School is 20 years old and is in need of roof replacement. This will cost over $1 million. Just to cable an elementary school for technology costs approximately $30,000. Upgrading the electrical service for technology costs approximately $65,000. One computer lab in the elementary school costs approximately $100,000.

Appropriations for the Impact Aid construction in the Labor-HHS bill amount to about $7 million. If this amendment passes, that amount would rise to $25 million. These needed funds could be used to help school districts address the problems that I have mentioned so that federally impacted school kids will have access to safe facilities with modern technology.

I want to really praise the chairman of the Committee on Appropriations here, because he has been a real champion. The gentleman from Illinois [Mr. PORTER] has been working for a long time, and I want to thank him for all his efforts because he has been a true champion. And this area is really about where we can take some money that we think is not being wisely used and put it into an area that can benefit all of us.

The NLRB, as we heard already, has not been the most efficient use of the taxpayer dollars, whether it was in the Bush administration or the current administration. I believe that is why we take a look at this idea of spending more money in the areas of education for the kids of our military families versus spending it on whether it is rank and file NLRB employees or whether it is some of the lawyers we have heard about, that I think there is over 628 lawyers at NLRB with an average salary of $76,000 a year.

Now, some have complained that we are pitting the NLRB bureaucrats versus schoolchildren. That is not fair. Let us not look at it that way. Let us look at how we can use our tax dollars in a more efficient manner.

We believe that putting the dollars into the construction and into the education of military kids is a higher priority than spending money on all the 628 lawyers at the NLRB. It is a simple choice and it is a choice that I think we can easily make.

Mr. Chairman, I yield to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I thank my colleague from Nebraska and would like to commend both sides for the candor involved in this debate.

Mr. Chairman, just going back to some comments made earlier, no one here is suggesting, as has been implied or perhaps stated, that we seek a destruction of the National Labor Relations Board. We understand the importance and value of having a place where labor and management, where workers can go to settle grievances, the framework which exists. But again, as we look at priorities and we deal as a collective body with the recommendations of the appropriations subcommittee, I believe we are well within our rights to ask the legitimate question, given the extravagance that we see at the posh Washington, DC, address.

Mr. Chairman, I would just invite our friends in the television networks, and NBC comes to mind with the series, The Fleecing of America, I think they might want to go down and visit the NLRB and take a look at what has become, in essence, a Taj Mahal which stands in stark contrast to schools that are below standards in Timbuktu that we see in many areas of our Nation, particularly on our Indian reservations and military bases.

I respectfully, again, would reinforce the notion that we have an opportunity here to redirect some funding, not to eliminate an agency but to redirect our priorities, because, Mr. Chairman, the simple fact is this, if this amendment passes, workers will still have a National Labor Relations Board to go to. But if this amendment fails to pass, many children will still lack adequate places to go to school.

It is a simple, stark contrast that compels us to adopt this amendment.

Again, I thank my colleague from Nebraska and also our colleague from Mississippi, from whom we will hear a bit later in this debate, for the bipartisan nature of this amendment, because it does what this House is supposed to do, rethink priorities and deal with pressing problems.

Mr. CHRISTENSEN. Mr. Chairman, I urge a yes vote on this amendment. I want to thank the chairman and the ranking member also for the work on the Impact Aid Department.

Mrs. MINK of Hawaii. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. Many of my colleagues who have worked with me as colleagues in this House in prior Congresses know how hard I have worked, diligently, to express the needs of children from military families, both who live on base and off base. We argued this each year in trying to get additional funds for Impact Aid.

I have to take this opportunity to commend the committee for understanding the importance of this assistance to our local communities and steadily, over recent years, enormous amounts of money, compared to past Congresses, have been allocated to this program. So they certainly need to have our commendation. And the total Impact Aid funding for this year, as recommended in this bill, is nearly $800 million. That will be added on to by the moneys that are allocated in the defense bill.

So I think that the Congress should be commended, not castigated, which I have to interpret as the nature of this amendment, by asking that the committee did not act properly by not giving enough money. If I were a member of the Committee on Appropriations, I would take offense. I would stand up strongly and say that the needs of the children in the Impact Aid communities have been more than adequately listened to when compared to the other needs in the entire education area.

All of us are frustrated by the fact that we do not have enough money to provide for the educational needs of this country. Take the President's recommendation in construction, because this is what we are talking about here today, $18 million more of construction aid for Impact Aid schools. What happened to the President's recommendation for $5 billion in school construction? Talk about priorities of this country.

All of us come from school districts where the apparent needs of our schools are not only in the classroom but overhead, because we have leaky roofs, inadequate facilities. And somehow in the compromise that was made by the Republican leadership and the White House and others, we were unable to come up with the $5 billion we need for school construction.

So let us not talk about weighing priorities. Let us not talk about weighing priorities, because we had the opportunity right there to do something about the overall dismal condition of our school apparatus and infrastructure and hooking up to high-technology and so forth, and we did not. We failed the school system. But my colleagues do not find me here on the floor of the House castigating the Committee on Appropriations for not coming up with this money which I feel is so strongly needed by our school system.

□ 1645

I believe in the Impact Aid Program, and I would stand firm with anyone in this House to advocate for additional funds, but I believe that this committee has done well by us in this bill and I do not believe that coming in here under the guise of adding $18 million in an $800 million budget for Impact Aid is really what this is all about.

What this is about is to take 10 percent of the money away from the NLRB because there is a move being made here by the Republican leadership to cut down on the protections of our workers. They do not want occupational health and safety, they do not want anything there that helps workers in our communities protect their meager earnings, overtime pay and rightful minimum wage and so forth.

And now they want to take the last thing that they have, that challenges their right to belong to a union, to bring their grievances of unfair labor practices to a national board where these matters can be litigated and ironed out.

So what we have here today is not an effort to add $18 million to Impact Aid school construction. We had that opportunity already and we blew it. This is an effort to try to cut down the protections of workers, as well as management, to have their legitimate concerns and complaints heard by an independent board to determine where the equities are and to settle these matters in as quick and as efficient a manner as is possible.

This board has not had additional funding this year. They are level-funded. And I am handed a piece of paper that says that over the course of time they have had to cut back on their staff. More than a third of their staff has been cut since 1980, 25 percent since 1985, and another additional 10 percent since 1991. So we are talking about the crunching in of the staff that is so essential.

It is high personnel costs because that is what their job is. So I plead with this House to vote down this amendment.

The CHAIRMAN. The time of the gentlewoman from Hawaii [Mrs. MINK] has expired.

(On request of Mr. OBEY, and by unanimous consent, Mrs. MINK was allowed to proceed for 3 additional minutes.)

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for the courtesy because I feel very strongly about this.

I do not want to see this pairing or challenging of issues here and penalizing the people who come to this House with legitimate concerns, to have them try to balance it out. I am here full square as a defender of the Impact Aid Program. I shall vote against this amendment because it is not an honest effort to add Impact Aid moneys, but it is an effort to challenge a system, the only system we have that will protect the workers of this country to the right to collective bargaining.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK of Hawaii. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to reemphasize something that the gentlewoman is saying. This agency's staffing has been reduced by more than one-third since 1980, from 3,000 people to under 2,000; by more than 25 percent since 1985.

The staffing level for fiscal 1996 was the lowest since 1962, and yet their case intake was 56 percent higher. Each employee must now handle 28 percent more cases than in 1985.

I understand that when various labor unions campaign against individual Members of Congress, that when legislation comes to the floor Members have an opportunity to offer amendments which reduce the ability of the agencies to protect legitimate rights of workers; and I understand that that can happen under the rules of the House, but that does not make the amendments that might be offered any more advisable.

It seems to me that we should not, under the banner of cutting the so-called bureaucrats in Washington, actually be gutting the Government in its responsibility to protect workers and to protect corporations from unfair practices by unions. That is what the effect of this amendment would be, and I think it deserves to be defeated on both sides of the aisle.

This amendment, were it to pass, would not survive conference. If it did, there would not be a bill. There is no way the President of the United States is going to accept a gutting of his responsibility to enforce the law to protect workers' rights in this country, and it is just that simple.

Mrs. MINK of Hawaii. Reclaiming my time, Mr. Chairman, I would like to urge this House to consider this amendment for what it is, and it is a 10-percent cut of the National Labor Relations Board, whose staff works very, very diligently.

Most of the money allocated, the $117 million, is for payroll. If they abide by the law and accord these workers their legitimate COLA increases, it will force them to decrease the number even under the current funding. So I plead with this House to reject this amendment on the basis of what it is.

Mr. HAYWORTH. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. HAYWORTH. Mr. Chairman, I listened with great interest to the comments of my colleague from Hawaii and also to the comments of the ranking minority member.

If I am not mistaken, it was not but just a few moments ago when my colleague from Wisconsin pointed out that it should not be my intent to mischaracterize words or his reasoning. I would simply ask for the same courtesy from both the ranking minority member and the distinguished gentlewoman from Hawaii. For if it were my purpose, Mr. Chairman, to destroy or eliminate the National Labor Relations Board, I would offer that amendment.

Again, that is not our intent here. We believe there is a legitimate right for the National Labor Relations Board to work, to operate, to deal with workers' needs, but again it becomes a question of priorities.

Now, Mr. Chairman, my friend from Hawaii brought up the President's proposal for 5 billion dollars' worth of funds for school construction. And just to point out, when she asked the question, where is the support for that program, it is worth noting, Mr. Chairman, as I think most Members know, that that $5 billion would not, would not have gone to schools under the aegis of impact aid because they are in areas that have no adequate tax base or bonding capacity. And as we know, that was a prerequisite for the funding, the $5 billion package, offered earlier by the administration.

Indeed, as we have talked about and heard from the minority side evidence of so many cuts, just for the record, last year we may recall the House-passed 1997 appropriations bill included a 15-percent decrease for the NLRB, but after conference with the Senate, the agency ended up with a 3-percent increase.

What I would ask, Mr. Chairman, is again for our friends in the fourth estate, and some call broadcasting the fifth estate, to take a look at the extravagance at the National Labor Relations Board, the veritable Taj Mahal in downtown Washington, and ask if that is a legitimate edifice, if that extravagant headquarters in fact really helps workers' rights.

I appreciate the fact the ranking minority member talked about the efficiency and doing more with less, by his account, that the NLRB states. I am saying with this amendment, as colleagues on both sides of the aisle are saying, as we are looking at priorities, this is a proper venue to take money from an organization that can perform well and that will continue to perform well and put the money where it is needed.

Again, I thank the subcommittee chairman for the slight increase to $7 million in school construction. But as the National Association of Federally Impacted Schools states in its study and its request, that organization says we should fully fund this to $25 million. It is that request that I believe we should honor. It is in that spirit that we offer the amendment.

Even as I appreciate the fact that there are profound philosophical differences on both sides of the aisle, there is also some uniformity and some recognition of need here; and that is why we come with this amendment today, again to make the choice of how best to spend this $18 million.

It is desperately needed by federally impacted schools. We must adopt this amendment, the protestations of the minority notwithstanding.

Mr. EDWARDS. Mr. Chairman, I move to strike the requisite number of words.

I think more eloquent than anything I can say, Mr. Chairman, is the fact that this amendment, that is proposed to supposedly help impact aid, has drawn opposition from some of the strongest supporters of impact aid in this Congress.

I know of no one, since the death of Mr. Natcher, who has done more personally, individually, singularly to increase funding and to defend funding for impact aid than our chairman from Illinois, who has worked tirelessly where the real decisions were being made, behind the scenes, in subcommittee, in committee, to fully fund this program as much as we can within the limited budget. For the gentleman from Illinois [Mr. PORTER] to stand up in opposition to this is something that I think speaks more eloquently than anything I could say.

But as cochairman of the House Impact Aid Coalition, as someone who helped found the House Impact Aid Coalition several years ago, because I felt the military children and the native American children of America needed a voice on this important issue, I want to stand in opposition to this amendment because I believe, while well intended by the gentleman from Arizona [Mr. HAYWORTH], I think this proposal, this effort, is going to harm the Impact Aid Program.

Let me mention two points: First is impact aid has already been treated very well, exceptionally well within the context of a budget where we have been cutting funding for senior citizen programs, cutting back on services to veterans, and cutting back on defense programs.

The fact is that this program is being increased in this fiscal year because of the work of the gentleman from Illinois and the gentleman from Wisconsin and others in committee from $730 million to $796 million, a $66 million increase, when most other programs are being cut.

The fact is, the NAFIS organization which supports impact aid actually put out, in its own newsletter before they were asked about this amendment, that this funding is within $2 million of even their request. And I do not know of many groups who make requests before Congress that get them 99 percent funded, certainly not in this balanced budget context.

NAFIS also said in their July 29, 1997, newsletter, NAFIS does not expect any changes to these figures during consideration of the appropriations bills before the full House and Senate. Through separate letters, NAFIS has urged all members of the House and Senate Impact Aid Coalitions to support the respective Labor-HHS, Education appropriations bills.

The interest group out there with whom I work to support impact aid has said this was a very fair bill, it was a generous bill.

Now, let me tell the gentleman, my friend, whom I usually work together with, three reasons I think he is actually harming, not intentionally, but actually harming impact aid.

First, we are sending a message to the gentleman from Illinois and the gentleman from Wisconsin and to all the others who work on the Committee on Appropriations that enough is never enough, so that next year, if we got another $66 million increase in spending for impact aid coming out of the committee, that is not enough. There will be floor amendments making other cuts in their budget proposals.

So what that says to the gentleman from Illinois, the gentleman from Wisconsin, or others who might be serving in their position, go on and reduce the committee proposal, the recommendation for impact aid, and then let the gentleman from Arizona and the gentleman from Texas come to the floor and ask for an extra $5 or $10 or $15 million.

The bottom line will be, because of efforts like this on the floor that turn their backs, in effect, on the great increase in funding for impact aid coming out of committee, we are actually encouraging the Committee on Appropriations next year to appropriate less.

Second, as someone who helped found the Impact Aid Coalition, I think one of our real successes has been we have had no predators, no natural enemies to this program. Now we have, because of this amendment on the floor today, we have labor unions making calls to Members on both sides of the aisle asking them to vote against this funding for impact aid.

Some of those folks may have thought impact aid in the past was a highway program; I do not know. But now we have natural predators.

We are also sending a message to others that are funded through this bill that next year they had better watch it because NAFIS and the impact aid folks, even if they get an increase, unlike most people in their committee recommendation for funding, they are going to be out there on the floor finding some other area to cut.

So the practical impact of this is that the committee is going to make recommendations for less funding next year, and other groups will look to impact aid and perhaps want to have floor amendments taking money from impact aid to put in their pockets.

Now, the third reason, unintentionally, I say to my friend, why I think this amendment does harm to impact aid is that we are tearing down——

The CHAIRMAN. The time of the gentleman from Texas [Mr. EDWARDS] has expired.

(By unanimous consent, Mr. EDWARDS was allowed to proceed for 1 additional minute.)

Mr. EDWARDS. Mr. Chairman, the gentleman and I are cochairs of the Impact Aid Coalition. We worked hard to build a bipartisan effort. Yet when this amendment was put together, our coalition never met. Most Members I have talked to did not hear from the gentleman. I even have a letter signed now by a lot of members of the steering committee and cochairs of the Impact Aid Coalition, opposing this amendment.

And while the gentleman does have some fine Democrats, such as the gentleman from Mississippi [Mr. TAYLOR] supporting this, and I respect that, the fact is, this was not put together with the broad support of the Impact Aid Coalition. So I think the gentleman is tending to tear down the true bipartisan, nonpartisan nature of the Impact Aid Coalition.

□ 1700

For those three reasons, I think unintentionally, this amendment is actually hurting our efforts. I will say that to NAFIS or to any other organization that cares about impact aid. I believe in helping military children get a first-class education and, Mr. Chairman, that is exactly why I am going to strongly and actively oppose this amendment. While well intended, so is the path to hell and this is an example of well intentions going wrong.

The CHAIRMAN. The time of the gentleman from Texas [Mr. EDWARDS] has again expired.

(On request of Mr. HAYWORTH, and by unanimous consent, Mr. EDWARDS was allowed to proceed for 1½ additional minutes.)

Mr. EDWARDS. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Texas, with whom I agree on a great many subjects, but hearing his last observation about the path paved with good intentions, it tempts me to remind him that I will just go back to my district and be sure to tell those kids in dilapidated schools that in his opinion they are being treated well because he and I both know and, Mr. Chairman, I think this body knows that we have schools literally falling apart, federally impacted schools. While I joined and sat alongside with the gentleman from Texas to testify and to talk to members of this subcommittee, the fact also remains that in the school construction budget, section 8007, the increase was marginal and woefully inadequate. And the amendments process is not intended as an insult to the Committee on Appropriations, as my colleague, the gentleman from Texas, is well aware, a colleague to whom I tried to reach out in preparation of this amendment, and we had an honest difference of opinion on this but we have this process again to bring to the floor of this Chamber an open airing of priorities and to give Members a chance to say we believe despite the good work of the committee some things can be done even better, as I see the dilapidated state of federally impacted schools in the Sixth District of Arizona, and I will read a portion of the statement from the National Association of Federally Impacted Schools in support of the Hayworth-Taylor amendment.

The CHAIRMAN. The time of the gentleman from Texas [Mr. EDWARDS]) has again expired.

(On request of Mr. HAYWORTH, and by unanimous consent, Mr. EDWARDS was allowed to proceed for 1 additional minute.)

Mr. HAYWORTH. "When Congress reauthorized the Impact Aid law in 1994 and created section 8007, it envisioned this part of the Impact Aid Program to be funded at a minimum of $25 million each year. Section 8007 has only been appropriated at $5 million each of the last few years. Currently the House bill includes $7 million for section 8007."

What we see here is not in gratitude but a simple statement of fact and intent. While again I join with my colleague, the gentleman from Texas, on behalf of federally impacted schools and impact aid, this shows again why we should add these funds, why we should respect not only the committee process but the amendments process and pass this amendment.

Mr. ABERCROMBIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition and I am sorry to have to do this, particularly because I value my friendship with the gentleman from Arizona and with my dear friend, the gentleman from Mississippi, as well. As someone on the steering committee of the impact aid coalition and someone who was education chair in my State and had to try and deal with the implications of the failure to have the level of funding necessary for impact aid, I find myself in this uncomfortable position of having to oppose the amendment. I hope, actually, by the time this discussion is over they maybe would consider withdrawing it or not bringing it to a vote in the hopes that we will not end up in a situation where people can say, "Oh, well, I was for impact aid and you were against impact aid." Because, very frankly, and I hope that we can get attention for everything that is being said from everyone before we are through, that when this comes down to a question of funding, which is what it does, we are actually in the wrong venue.

This should be a line item in the Department of Defense budget. This is not a position, I would tell the gentleman from Arizona, that I am just coming up with in response to this amendment. This argument goes back to an argument I had as chair of the education committee in the State of Hawaii and brought up here to Washington almost 2 decades ago. This should be a line item in the Department of Defense budget. For those Members who do not know this, we fund our schools overseas at 100 cents on the dollar. Not my answer to the gentleman from Arizona, but my response, and I trust he would understand the difference both from a political sense and personally, is that I not only understand the capital problem that he is having, the capital assets problem in terms of the facilities in the school, but also in paying the teachers and in the operating expenses that are involved. To have the children, the dependents of our military personnel, dependent on the particular circumstances of property taxes, however we do the funding in Arizona or Hawaii or Mississippi or elsewhere, is virtually, from my point of view, immoral. It is not fair. Those children are there by the assignment of the U.S. Government and their parents are there in our name acting in our behalf, and this should be funded out of the Department of Defense as an obligation.

If we can fund our schools at 100 cents on the dollar in Korea, in Germany, or wherever, and I suppose if things keep on going, in Bosnia by the time we get through, then we should certainly do it in the confines and the boundaries of the United States of America.

My first essential point to the gentleman is that rather than pit workers against children or one element of government against another element of government, or however people choose to characterize this debate for their own purposes, not for ours in terms of our discussion, we are going to end up with that kind of a dichotomy being put forward, and I believe it is a false dichotomy. I do not doubt for a moment that the funding is needed in exactly the way that he says it is, and I would support it. This is why I think we should work together within the coalition, and this is no news to those who know of my participation in the coalition, that we should move this, and I would like to work with the gentleman, and anybody else who is interested in it, in moving the whole funding nexus from the Department of Education and into where it properly belongs, into the Department of Defense.

Pending that, I think it is an exercise not so much in futility, but an exercise in false confrontation or false dichotomy to try to pull the money from, whether it is NLRB or wherever else it might have come from, in order to do the necessary funding here. We need to make the fight, it seems to me, on the basis of the merits of the Impact Aid Program across the board and that that should be funded as a result of our commitment to the dependents of our military personnel across the board.

I do want to say that rather than continue in a vein as to which one of us is more morally correct or whether or not one is depriving an essential necessity of governmental operation in the United States of the funding necessary to do its job in order to benefit the children.

The CHAIRMAN. The time of the gentleman from Hawaii [Mr. ABERCROMBIE] has expired.

(By unanimous consent, Mr. ABERCROMBIE was allowed to proceed for 1 additional minute.)

Mr. ABERCROMBIE. Rather than get into that and rather than allowing this very important discussion to merely become another point in the overall budget discussion of this particular bill, I plead with the gentleman from Arizona, let us take this up in another venue, at another time, working together, Democrats and Republicans, on behalf of all the children, on behalf of our military personnel so that we can deal with the issue where it should be dealt with within the Department of Defense budget. I would be happy to work with him and my good friend from Mississippi and anybody else who is interested.

I thank the gentleman for his kind attention, and I hope my remarks are received in the temper that I meant them in the first place, that is, that we need to focus on the children, we can focus on the children and perhaps if this discussion keeps going with this particular amendment, that might be lost regardless of the good intentions of the author.

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I regret that a lot of good people in this debate have chosen to question other people's motives. I am not going to do that. I will ask some people that I know to have good hearts to think for a second and let us try to set some priorities and let us try to set some priorities involving our Nation's children. For those Members who do not have a military base in their district and therefore may not be familiar with Impact Aid, it is a program designed to help pay the cost of children whose parents either live on a base, work on a base or do both.

In my hometown of Bay St. Louis, about 60 percent of my property taxes go toward paying for the schools, building the schools and paying the administrators. About half of the sales tax, which is the majority of State taxes that are collected in Mississippi, go to paying classroom teachers. But if a person is in the military, if they serve at Keesler Air Force Base or the Navy construction battalion and they happen to live on that base, well, then they do not pay property tax. They are serving their country, but they do not pay property tax. Therefore, they are not contributing directly toward the building of those schools in Gulfport and in Biloxi. If they shop on the base, and many of them do because they are underpaid, so we provide base commissaries for them to shop and save some money, at that base commissary they do not pay sales tax. Therefore, they are not paying toward the cost of that classroom teacher, $26,000 in the State of Mississippi alone.

So a very good program was started and defended over the years that says since we are placing a burden on these local communities when we send the children from these bases to the local schools, we will help subsidize the local school district. But even that falls horribly short. Nationwide, we spend about $5,500 to educate a child between the age of kindergarten and 12th grade. Impact Aid contributes only about $1,500 to those local school districts where the parent lives on the base, works on the base or does both.

So even with the great progress made this year, and I do want to commend the committee for doing so, we are still way below the cost of educating these children. We are a long way from where we should be. What the gentleman from Arizona [Mr. HAYWORTH] and I want to do, though, is there is a separate circumstance, those circumstances where over half of the young students are the children whose parents live on a base, work on a base or they happen to be on an Indian reservation. These are the most remote areas of America where we do our military training so we do not bother the neighbors, so we do not hurt innocent bystanders. And so the base is the community. If the base is the community, then there is no local school district to subsidize. So the base has to build a school.

With the defense drawdown, and there has been a drawdown, the defense budget has gone from $300 billion in 1990 to about $270 billion this year. It has been cut $30 billion in real money, and if we throw inflation on that, it has probably been cut by $50 billion. What the gentleman from Arizona and hopefully a number of my other colleagues are saying is, do you not think those kids deserve a good school? If their parents are in the Navy, they are away from them 180 days a year. I will say that again. If their mom or dad is in the Navy, in all likelihood, they are gone from their children 180 days a year. If they are in the Army in all likelihood, mom or dad is away from those children 150 days a year; if they are in the Air Force, 120 days a year. We cannot make up for these things in money. We are taking their time away from them, the most valuable thing they have, especially when they are little.

□ 1715

God knows we do not pay them enough, because we have 13,000 soldiers, sailors, airmen, and marines on food stamps. Where I come from, that is an embarrassment. I do not think the people who serve our country ought to be embarrassed like that.

So all we are trying to say is if we cannot pay them enough, and they have got to be gone all the time, and because Congress will not take a stand on whether or not to let the President send people all over the world, to let him do what we will not do with the War Powers Act, and we are sending parents away to Bosnia, and we are sending parents to the desert, and we sent parents to Panama and all over the world, why do we not try to make up for it in some small way, to see to it that the kids go to a decent school on base?

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. TAYLOR] has expired.

(By unanimous consent, Mr. TAYLOR of Mississippi was allowed to proceed for 3 additional minutes.)

Mr. TAYLOR of Mississippi. Mr. Chairman, again, this is our responsibility. We are not talking about a school district in Mississippi, we are not talking about a school district in your hometown, we are talking about those schools where over half of the students are the children of the people in our Nation's military. It is our responsibility to see to it they are treated fairly.

So it is not bureaucracy versus schools. It is simply setting priorities. Should we not be responsible for those children and should we not treat them properly?

I have got to admit I am a little disappointed when I see Democrat after Democrat come up here and lambast the motives. That is my motive. I think those kids deserve a decent school.

I regret as the ranking Democrat on the Subcommittee on Personnel, I could not find the money to get those 13,000 people off of food stamps. But do you know what? Maybe I can give some of their kids a little bit better school to go to.

All we are asking is that we as a Nation set some priorities within the funds that we have, since we are trying to balance our budget. One of those priorities will be to shift some money out of the city of Washington, DC, and spend it on the people who serve our country, to see to it that their kids can go to a decent school.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Hayworth amendment and urge our colleagues to vote against it.

Mr. Chairman, I would like to, with all the respect in the world for the previous speaker, the gentleman from Mississippi [Mr. TAYLOR], I would like to address some of the statements that the gentleman made as well.

Certainly the gentleman laid out a magnificent justification for funding for Impact Aid, and I agree with the gentleman completely. As one who had three bases in her district up until the Base Closure Commission closed all three of them, I certainly identify with the concerns and the values that the gentleman put forth and the need for us to have this Impact Aid.

That is why I congratulate our chairman, the gentleman from Illinois [Mr. PORTER], and our ranking member, the gentleman from Wisconsin [Mr. OBEY], for increasing the funding in this bill to $796 million, an increase of $66 million from last year, for Impact Aid. Indeed, Impact Aid is a high priority for our subcommittee, as is reflected in this amount of money, in the $66 million increase, that was given.

The gentleman referenced that he does not like the idea of questioning the motives of other Members of Congress, and neither do I. But I will, when I think that the Republican majority is, once again, for about the fifth day in a row, hiding behind the children of America, to make an assault, to continue its assault, on the American worker, and that is what this amendment is about. That is what this amendment is about.

If we want to have bigger increases in our education programs, and I fully support that, then we have to take a look at our entire budget and how we allocate the 602(b) allocation so that the gentleman from Illinois [Mr. PORTER] does not once again in this lamb-eat-lamb subcommittee bill, because everything in here we can make a strong case for and a strong justification for, that is where I would like to see our Republican colleagues weigh in for more funding for education, instead of tax breaks for the wealthiest in our country and increased funding on the defense side without question.

I agree with our colleague, the gentleman from Hawaii [Mr. ABERCROMBIE], that this, indeed, should be a line item in the defense budget, and I commend a member of the Impact Aid Task Force, the gentleman from North Carolina [Mr. HEFNER], the ranking member on the Subcommittee on Military Construction, for the leadership he has demonstrated in funding and building schools out of that budget for children of the military.

The gentleman from Texas, our colleague [Mr. EDWARDS], is a cochair of the Impact Aid Task Force, and a champion in that regard, and he spoke eloquently in opposition to the Hayworth amendment.

But I do question the motives of the Republican majority to day in and day out hide behind children. The first day it was children with disabilities, the next day it was vocational education, it was the education of our Nation's children, and then alternating back and forth, children with special needs, voc-ed, et cetera, in order to take money that is there to promote tranquility in the workplace.

The National Labor Relations Board has a freeze in this budget which represents a 5-percent cut in staffing because the freeze does not enable them to keep up with inflation.

This amendment, in addition to that, guts enforcement of the Nation's labor laws that protect workers. The amendment not only guts protections for workers against unfair firings, it reduces protection for companies. This is about workers and about companies. Both benefit from the work of the National Labor Relations Board.

The Hayworth amendment would reduce protection for companies against unfair picketing and violence in strikes. The amendment would reduce staffing levels by 14 percent over and above the reductions that our freeze already impacts, investigations would double or triple, and election cases would be delayed up to 3 months.

The bill of the gentleman from Illinois [Mr. PORTER] is a bipartisan product. It balances the needs, the competing needs, of the very worthy competing needs that our subcommittee's jurisdiction of Labor, Health and Human Services, and Education presents.

I believe that in our national budget should be a statement of our national values. It is an honor to serve on this subcommittee, because we address the heart of the matter, jobs, job training, health and the well-being of the American people, and the education, the education of our children.

The CHAIRMAN. The time of the gentlewoman from California [Ms. PELOSI] has expired.

(By unanimous consent, Ms. PELOSI was allowed to proceed for 1 additional minute.)

Ms. PELOSI. Mr. Chairman, I, therefore, call upon our colleagues to once again reject this attempt on the part of the Republican majority to continue its assault on American workers by hiding behind their children. Every day that I serve in this House I will say that we can talk all we want about the well-being of our children and their education, but the economic security of their families is absolutely essential to that.

The Hayworth amendment undercuts that economic security. I urge our colleagues to vote no.

Mr. FARR of California. Mr. Chairman, I have listened for days now to the debate over education appropriations. I would like to add my voice to the debate and say our kids deserve more than what Congress wants to give them. They deserve well-built schools and classrooms, qualified teachers, and a chance to learn in a safe classroom and secure environment.

And we should let students know that public schools are quality schools, and that it is not only a wonderful opportunity but a privilege to learn in the public school system. This country's public school system produces some of the most gifted and well-learned students in the world. That is why we need to keep our public schools well funded.

A recent example of how well public schools work in our communities is Watsonville High School, located in my district in California. Two students this year graduated from Watsonville High School were valedictorians of their senior class. Both students came from poverty-stricken, farm-worker families, both students are the first in their families to attend college, but both are high achievers attending top universities this fall. Fabian Bedolla is studying architecture at Cornell University and Sonya Rocher is attending UC–Berkeley.

If we put our much-needed public education funds into vouchers, we take away from these students, who want to succeed, and fulfill their dreams within the public school system. We owe it to our children to keep all of our public school money in the public schools. They are the future of our country, and we must give them the tools to lead us into the next century.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. HAYWORTH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HAYWORTH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the order of July 31, 1997, the Chair will reduce to 5 minutes an electronic vote, if ordered, on the Schaffer amendment.

The vote was taken by electronic device, and there were—ayes 170, noes 253, not voting 10, as follows:

[Roll No. 385]

AYES—170

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bliley
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Fowler
Frelinghuysen
Gallegly
Ganske
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert

Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kingston
Klug
Knollenberg
LaHood
Largent
Latham
Lewis (KY)
Linder
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Young (AK)

NOES—253

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Callahan
Camp
Campbell
Canady
Capps
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Weldon (PA)
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—10

Carson
Conyers
Dellums
Foglietta
Gilchrest
Gonzalez
Hunter
Kolbe
Schiff
Waxman

☐ 1742

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1745

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 31, 1997, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. BOB SCHAFFER OF COLORADO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado, [Mr. BOB SHAFFER], on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 238, not voting 10, as follows:

[Roll No. 386]

AYES—185

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bilbray
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
LaHood
Largent
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Radanovich
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Young (AK)

NOES—238

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Capps
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Forbes
Ford
Fox
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston

Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Weldon (PA)
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—10

Bonior
Burton
Carson
Dellums
Foglietta
Gonzalez
Hunter
Kolbe
Schiff
Waxman

□ 1752

Mr. CAMP changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. CARSON. Mr. Chairman, I was unavoidably detained and unable to cast the following rollcall votes today. Had I been present, I would have voted as follows: "Nay" on rollcall vote No. 380, "yea" on rollcall vote No. 381, "nay" on rollcall vote No. 382, "nay" on rollcall vote No. 384, "nay" on rollcall vote No. 385, and "nay" on rollcall vote No. 386.

(By unanimous consent, Mr. SOLOMON was allowed to speak out of order for 1 minute.)

ANNOUNCEMENT REGARDING AMENDMENTS TO HOUSE RESOLUTION 168, TO IMPLEMENT THE RECOMMENDATIONS OF THE BIPARTISAN HOUSE ETHICS REFORM TASK FORCE

Mr. SOLOMON. Mr. Chairman, the Committee on Rules will meet on Tuesday of next week to grant a rule which may limit the amendments to be offered to House Resolution 168, to implement the recommendations of the bipartisan House Ethics Reform Task Force. This task force, consisting of an equal number of Republicans and Democrats, has been working for several months to produce a product which is acceptable to Members on both sides of the aisle.

Mr. Chairman, the last time there was an ethics reform package in 1989, it was also the result of a bipartisan task force. While there are many issues which are partisan around here, standards of official conduct is one area where things should be done on a bipartisan basis.

In light of this history, Members should be on notice that amendments with bipartisan cosponsorship will be viewed more favorably than partisan amendments. Any Member who desires to submit an amendment should submit 55 copies and a brief explanation of the amendment by 10 a.m. this coming Tuesday, September 16, to the Committee on Rules in Room H–312 in the Capitol.

Members should also use the Office of Legislative Counsel to assure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

Mr. Chairman, I would advise Members to listen carefully to what I just said. It affects every Member of this House.

AMENDMENT OFFERED BY MR. RODRIGUEZ

Mr. RODRIGUEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RODRIGUEZ:

Page 66, line 20, after the dollar amount, insert "(increased by $1,500,000)".

Page 66, line 21, after the dollar amount, insert "(increased by $1,500,000)".

Page 73, line 15, after the dollar amount, insert "(reduced by $1,500,000)"

Mr. RODRIGUEZ. Mr. Chairman, let me indicate that the $1.5 million will be coming off the evaluation going into direct service to the Comprehensive Regional Assistance Centers throughout this country.

Mr. Chairman, I thank all of my colleagues for the comments that I have received from all the Members that were willing to testify. I am going to ask my colleagues to hold on their testimony, since it is my understanding that we have an agreement on the amendment.

Mr. Chairman, I do want to thank the gentleman from Illinois [Mr. PORTER] for his efforts and for agreeing to the $1.5 million. My thanks also to the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Louisiana [Mr. LIVINGSTON] for their efforts.

Mr. Chairman, I would indicate again that the $1.5 million from evaluation goes directly for direct service to the Comprehensive Regional Assistance Centers. They are centers that basically provide the direct service that the teachers need in the classroom. They are the centers that provide the direct assistance that helps in terms of parental involvement. They are the centers that help also to enhance individuals and to enhance them to make sure that the teachers can deal with the new technology.

Mr. Chairman, one of the most important things is that we have a teacher that is well-qualified in the classroom. With that, Mr. Chairman, I ask for my colleagues' support.

Mr. ABERCROMBIE. Mr. Chairman, I rise in support of the Rodriguez amendment, just indicating that in one area, and I am sure it can be emulated in many areas across the Nation, in region 15, the Comprehensive Center for the Pacific will take care of areas in the most remote part of the jurisdiction of the United States, areas in the Pacific like American Samoa, Micronesia, the Mariana Islands, Guam, et cetera.

Mr. Chairman, I urge support for the amendment on the basis that Mr. RODRIGUEZ has been able to put forward his amendment on a bipartisan basis.

□ 1800

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the majority has looked at the amendment of the gentleman from Texas, and we are very happy to accept it.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on this side of the aisle, we also accept the amendment.

Mr. REYES. Mr. Chairman, I rise today in support of this amendment offered by my good friend from Texas.

I support his amendment and the comprehensive regional assistance centers or CRAC's because they provide much-needed services to schools throughout this country. They are the most efficient source of information and services available under the Improving America's Schools Act, for local education agencies, tribes, and schools.

The CRAC's help districts revamp their curriculum to respond to the needs of disadvantaged, language minority, tribal, and migrant kids.

These centers work with State departments of education and with school districts in every State to assist them in important systemic reform and in providing technical assistance in critical areas such as technology in the classroom, special education, parental involvement, and the effective training of our countries' teachers.

The region 8 CRAC located in San Antonio supports the schools in my district of El Paso.

This CRAC and others provide a one-stop technical assistance shop for educators who receive title I funds.

The region 8 CRAC provides important services such as guidance to assist educators make informed decisions regarding the purchase of technology, professional development, curricula, and instructional materials.

The region 8 CRAC also provides easy access to accurate information about programs and practices that have proven successful in educating children in other high-poverty areas and children from special populations.

Schools use the information provided by region 8 CRAC to help title I students learn.

I also know that other regional CRAC's have been successfully providing critical assistance to schools in other parts of the country.

For example, I know of one school district in Nebraska that has made great strides with the help of the region 7 CRAC located at the University of Oklahoma. The test scores of title I students in the Madison School District of Nebraska have greatly increased as a result of professional development and intervention by the region 7 CRAC.

Mr. RODRIGUEZ' amendment takes just a small percentage of the large increase in funding provided for the innovative education program for fiscal year 1998, but the amendment provides a large proportional increase for the CRAC's.

With the increase provided under this amendment, CRAC's can continue their quality service to school districts throughout this Nation.

The number of disadvantage, language minority, tribal, and migrant kids is increasing every year, and as we enter the 20th century, the number of kids will continue to rise. We must be prepared to meet the needs of these students.

Vote for the Rodriguez amendment and help these centers continue the quality assistance that they have been providing for the past several years and continue to help this Nation's children.

Mrs. MALONEY of New York. Mr. Chairman, I thank Mr. RODRIGUEZ for bringing this important amendment to the floor for a vote.

Comprehensive regional assistance centers are a vital resource for our educators, and they are the only source for federally funded comprehensive technical assistance.

They provide valuable resources for all of our children including children in high-poverty areas, children with disabilities, limited English-proficient children, and neglected or delinquent children.

I am fortunate to have one of these centers located in my district—the New York Technical Assistant Center [NYTAC] which is located at NYU's School of Education. I can see the positive influence that it has made.

It brings together five organizations in a partnership to provide technical assistance to the New York State Education Department.

It is one of 15 programs designed to assist schools, districts, and State education departments in implementing the Improving America's Schools Act. Children can only learn if those who teach them are endowed with the proper tools.

I was a teacher in the New York City public schools, and I know the necessity of having good and current resources at your fingertips.

If we do not give our educators the proper tools, we rob our children of their best chance at receiving a good education.

I urge my colleagues to vote for the Rodriguez amendment, for our Nation's schools, our children's future.

Mr. TORRES. Mr. Chairman, I rise in support of the Rodriguez amendment. We have heard a great deal about education standards throughout this debate. We all agree that it is time to improve the standards of education for all children in this country. The Rodriguez amendment advances this effort by increasing funding for the comprehensive regional technical assistance centers. These centers are designed to support students who most need educational assistance. The children of low-income families, homeless children, neglected and delinquent children, the children of migrant and immigrant families. These are the children that we have allowed to fall through the cracks of our educational system. These are the children from poor and underprivileged areas. These are the children in need, and deserving of our increased attention and assistance. If we, as a nation, are concerned about the standards of our public education system, if we are concerned that children with learning disabilities and limited skills in English are not advancing as they should be, we should support the network already in place to achieve these goals.

The comprehensive regional technical assistance centers not only support the students who most need it, but also assist in developing the management of schools and the learning environment required to meet the challenges of needed school reform. Keeping the schools safe and drug free, applying new technology for teaching and learning, continually evaluating the school systems, all of these activities are conducted by the comprehensive regional technical assistance centers. These 15 regional centers act as the coordinating mechanism to implement and initiate programs, integrating efforts of State and local agencies with the Department of Education.

For example, in my home district, the Southern California Comprehensive Assistance Center sponsors a new teacher induction training. This workshop assists new teachers in setting goals and assists school administrators in designing support interventions for their new teachers. Teachers and administrators get the opportunity to practice listening skills, improving their ability to communicate with students.

The center also sponsors a reading success network. This is a rigorous early intervention program designed to identify reading difficulties and promote students to appropriate grade levels. The center provides training, materials, and on-going assistance to administrators and parents through their web site. These are just a few of the programs and services that the Southern California Comprehensive Assistance Center has developed to advance the standards of education in region 12 and in our Nation.

This amendment is not about expanding big government or increasing Government regulations in schools. Rather, this amendment is about enhancing the network of support that our State and local educational agencies need to meet the special needs of students in rural and urban areas. If you stand for equity in education, if you believe that all children deserve a fair chance at the education they deserve, if you believe that we need to uphold high standards for education, I urge you to vote for the Rodriguez amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. RODRIGUEZ].

The amendment was agreed to.

Ms. WOOLSEY. Mr. Chairman, I move to strike the last word.

I would like to thank the distinguished subcommittee chairman, the gentleman from Illinois [Mr. PORTER], for providing sufficient funding for the program of the Substance Abuse and Mental Health Services Administration. I would like to ask him to engage in a discussion with me regarding SAMHSA.

The subcommittee has included language in the committee report urging the Center for Substance Abuse Treatment [CSAT] to assist corporations that are administering residential treatment for pregnant and postpartum women grants. These are programs that are experiencing difficulty complying with the match requirement.

I understand that the committee's intention with this language was to encourage CSAT to explore utilizing existing administrative authority to waive the match requirement for these grantees.

I also understand that CSAT has determined that they do not have enough existing administrative authority to waive the match requirement. So under these circumstances, would the gentleman from Illinois consider including in the conference report on H.R. 2264 legislative language providing CSAT the authority to waive the match requirement for PPW grantees?

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, the gentlewoman from California is correct. It was the committee's intent to encourage CSAT to utilize existing administrative authority if that authority were available to waive the match requirement for PPW grantees experiencing difficulty in meeting the match requirement.

In an attempt to address the gentlewoman's interests and the concerns of PPW grantees experiencing difficulty in meeting this match requirement, the committee will consider providing waiver authority if agreed to by our colleagues in the House Committee on Commerce when H.R. 2264 is considered in conference committee.

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman. His expression of support and his interest in this matter is very important to me.

AMENDMENT NO. 2 OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. ENGEL:

Page 74, line 3, after the dollar amount insert "(increased by $100,000)".

Mr. ENGEL. Mr. Chairman, the amendment I am proposing to the Labor-HHS-Education appropriations bill would add $100,000 to the Department of Education's program management account so that the Department can expand its Website to include enhanced information on private scholarships and financial aid.

I am proposing this amendment along with my New York colleague and good friend, the gentlewoman from New York [Mrs. MCCARTHY]. In 1992, the Higher Education Act was amended to require the Department to compile a database of all private and public student financial assistance programs. The department conducted a study in 1994 and found that the database would be beneficial because it would create a one-stop shopping area where students could access financial aid information through telephone, computer discs, and on-line services. However, funding for the program was ended in 1995 and has not been funded since that time.

This amendment would simply provide the Department with the necessary resources to expand its existing Website so that it would include the information required by the Higher Education Act. The funding would allow the Department to create on-line directories and establish links to postsecondary education institutions, financial aid offices, and government agencies that provide scholarships for students.

At a time when students are having more difficulty than ever in financing their education, we need to provide an objective, comprehensive outlet where available aid can easily be accessed. This problem is compounded by the fact that many students have been the victims of scams by fraudulent companies that pose as legitimate scholarship search services. Students often sign up and pay for services that claim to guarantee scholarships or financial aid. However, there are many scam artists out there who promise financial aid but never deliver on this promise leaving innocent students without the assistance they need.

Creating a centralized, reliable Website containing accurate information through the Department of Education would help students find the information they need to obtain funding for higher education.

The gentlewoman from New York [Mrs. MCCARTHY] and I introduced legislation earlier this session that would require the Department to provide direct links from its Website to databases that contain reliable information on scholarships, fellowships, and other student financial aid. Helping the Department create a thorough database as required by law could be even more beneficial to students in their efforts to pay for an education.

Education is an investment in our future. Students already have a difficult time financing their studies as well as obtaining reliable information. One only has to look at the cost of higher education in this country. It has gone sky high each and every year and so our students are more and more dependent on financial aid.

Government ought to be facilitating this, making it easier for them to find out where they can get such financial aid, not making it harder. The amendment that I propose along with the gentlewoman from New York [Mrs. MCCARTHY] will do just that. We urge our colleagues to support this amendment so that we can help our young people further their academic pursuits.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I commend my friend from New York for his creativity and his frugality, and the majority is pleased to accept his amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we also accept the amendment.

Mrs. McCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Engel-McCarthy amendment to the Labor-HHS bill. Our amendment would provide $100,000 to the Department of Education to provide up-to-date information about financial aid and scholarships on its Website. I am a big believer in education. If we can make higher education accessible to more young people, then we will provide them with more opportunities and more hope for the future.

What has us all worried is the cost of a college education is rising every year. I spend every Monday and Friday visiting the schools in my district. The students I talk to tell me they are depending upon scholarships and other kinds of aid to help pay for college. The World Wide Web has placed a lot of reliable information about scholarships at the fingertips of these students. But the Internet also is being used by scam artists and conmen to fool students. These scam artists establish Websites with official sounding names. They use hard sell tactics like time limits, excessive hype to throw students off guard, and they promise students guaranteed scholarships if they pay up front fees.

Many young people have been lured into these Websites and after paying their money they have learned that there are no scholarships. This is wrong and it is time we did something about it. The Engel-McCarthy amendment would provide the Education Department with the money it needs to broaden its Internet site.

This will give more students and their parents access to legitimate information about scholarships and financial aid. It will warn students about Websites that are frauds. This small investment will move us toward our goal of making sure that a college education is in reach of more Americans. It will keep kids from wasting their money on fake scholarships. I urge my colleagues to support the Engel-McCarthy amendment.

I would like to thank the gentleman from Illinois [Mr. PORTER] and certainly the gentleman from Wisconsin [Mr. OBEY] for supporting us on this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ENGEL].

The amendment was agreed to.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the remainder of title III is as follows:

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV–A–1 and 2, V–A and B, VI, X and XIII of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964; $1,480,888,000, of which $1,219,500,000 shall become available on July 1, 1998, and remain available through September 30, 1999: *Provided*, That of the amount appropriated, $310,000,000 shall be for Eisenhower professional development State grants under title II–B of the Elementary and Secondary Education Act, $350,000,000 shall be for innovative education program strategies State grants under title VI–A of said Act and $750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of said Act.

LITERACY

(INCLUDING TRANSFER OF FUNDS)

For carrying out a literacy initiative, $260,000,000, which shall become available on October 1, 1998 and shall remain available through September 30, 1999 only if specifically authorized by subsequent legislation enacted by April 1, 1998: *Provided*, That, if the initiative is not authorized by such date, the funds shall be transferred to "Special Education" to be merged with that account and to be available for the same purposes for which that account is available: *Provided further*, That the transferred funds shall become available for obligation on July 1, 1999, and shall remain available through September 30, 2000 for academic year 1999–2000.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, and section 215 of the Department of Education Organization Act, $62,600,000.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act, without regard to section 7103(b), $354,000,000: *Provided*, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies: *Provided further*, That the Department of Education should only support instructional programs which ensure that students completely master English in a timely fashion (a period of three to five years) while meeting rigorous achievement standards in the academic content areas.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $4,348,647,000, of which $4,117,186,000 shall become available for obligation on July 1, 1998, and shall remain available through September 30, 1999.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, $2,589,176,000.

Special Institutions for Persons With Disabilities

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $8,186,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $43,841,000: *Provided*, That from the amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $80,682,000: *Provided*, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act and the Adult Education Act, $1,486,975,000, of which $1,483,875,000 shall become available on July 1, 1998 and shall remain available through September 30, 1999; and of which $4,491,000 from amounts available under the Adult Education Act shall be for the National Institute for Literacy under section 384(c): *Provided*, That, of the amounts made available for title II of the Carl D. Perkins Vocational and Applied Technology Education Act, $13,497,000 shall be used by the Secretary for national programs under title IV, without regard to section 451: *Provided further*, That the Secretary may reserve up to $4,998,000 under section 313(d) of the Adult Education Act for activities carried out under section 383 of that Act: *Provided further*, That no funds shall be awarded to a State Council under section 112(f) of the Carl D. Perkins Vocational and Applied Technology Education Act, and no State shall be required to operate such a Council.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1 and 3 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $9,046,407,000, which shall remain available through September 30, 1999.

The maximum Pell Grant for which a student shall be eligible during award year 1998–1999 shall be $3,000: *Provided*, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 1997 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $47,688,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, parts A and B of title III, without regard to section 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, and part A and subpart 1 of part B of title X of the Higher Education Act of 1965, as amended, the Mutual Educational and Cultural Exchange Act of 1961, and Public Law 102-423; $909,893,000, of which $13,700,000 for interest subsidies under title VII of the Higher Education Act shall remain available until expended: *Provided*, That funds available for part D of title IX of the Higher Education Act shall be available to fund noncompeting continuation awards for academic year 1998-1999 for fellowships awarded originally under part C of title IX of said Act, under the terms and conditions of part C: *Provided further*, That notwithstanding sections 419D, 419E, and 419H of the Higher Education Act, scholarships made under title IV, part A, subpart 6 shall be prorated to maintain the same number of new scholarships in fiscal year 1998 as in fiscal year 1997.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $210,000,000: *Provided*, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under the Howard University Endowment Act (Public Law 98–480).

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to facility loans entered into under title VII, part C and section 702 of the Higher Education Act, as amended, $698,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $104,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994; section 2102, sections 3136 and 3141 and parts A, B, I, and K and section 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, $508,752,000: *Provided*, That $50,000,000 of the amount provided for section 10101 of part A of title X of the Elementary and Secondary Education Act shall be for grants to local educational agencies to demonstrate effective approaches to whole school reform.

LIBRARIES

For carrying out subtitle B of the Museum and Library Services Act, $142,000,000.

Departmental Management

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $329,479,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $55,449,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $30,242,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 304. None of the funds appropriated in this Act may be obligated or expended to carry out section 621(b) of Public Law 101–589.

(TRANSFER OF FUNDS)

SEC. 305. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

SEC. 306. Notwithstanding any other provision of law, from funds appropriated under the Fund for the Improvement of Education, the Secretary of Education shall make an award, in an amount not to exceed $1,000,000, to the National Academy of Sciences to evaluate and submit a preliminary report by June 30, 1998 and a final report by August 31, 1998 to the Committee on Appropriations and the Committee on Education and the Workforce of the House of Representatives on the following items with respect to the Administration's proposed national tests in 4th grade reading and 8th grade math: (1) the technical quality of the work performed under the test development contract(s), linking activities, and contract(s) for providing the tests to

States and school districts; (2) the adequacy of the administration of the field tests; (3) the validity and reliability of the data produced by the field tests; (4) the reasonableness and validity of the contractors' design for linking test results to student performance levels; and (5) the degree to which the tests can be expected to provide valid and useful information to the public: *Provided*, That in no event may the Department of Education proceed to administer any final version of the tests, until such time as a final National Academy of Sciences report is completed.

Sec. 307. Notwithstanding any other provision of law, any institution of higher education which receives funds under title III of the Higher Education Act, except for grants made under section 326, may use up to twenty percent of its award under part A or part B of the Act for endowment building purposes authorized under section 331. Any institution seeking to use part A or part B funds for endowment building purposes shall indicate such intention in its application to the Secretary and shall abide by departmental regulations governing the endowment challenge grant program.

Sec. 308. Amendments to Eligible Lender Definition.—Section 435(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1085) is amended—

(1) by inserting before the semicolon at the end of subparagraph (A) the following: "; and in determining whether the making or holding of loans to students and parents under this part is the primary consumer credit function of the eligible lender, loans made or held as trustee or in a trust capacity for the benefit of a third party shall not be considered";

(2) by striking "and" at the end of subparagraph (I);

(3) in subparagraph (J), by striking the period and inserting "; and"; and

(4) by adding at the end the following new subparagraph:

"(K) a wholly owned subsidiary of a publicly-held holding company which, as of the date of enactment of this subparagraph, through one or more subsidiaries (i) acts as a finance company, and (ii) participates in the program authorized by this part pursuant to subparagraph (C).".

This title may be cited as the "Department of Education Appropriations Act, 1998".

The CHAIRMAN. Are there further amendments to this portion of the bill?

The Clerk will read.

The Clerk read as follows:

TITLE IV—RELATED AGENCIES

Armed Forces Retirement Home

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $71,777,000, of which $16,325,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. DICKEY] having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

PERMISSION TO INCLUDE EXTRANEOUS MATERIAL ON H.R. 2264, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. OBEY. Mr. Speaker, I ask unanimous consent to insert in the RECORD extraneous material on H.R. 2264 relating to the issue of school reform.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REPORT ON PAYMENTS MADE TO CUBA PURSUANT TO CUBAN DEMOCRACY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–127)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

This report is submitted pursuant to 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6) (the "CDA"), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114 (March 12, 1996), 110 Stat. 785, 22 U.S.C. 6021–91 (the "LIBERTAD Act"), which requires that I report to the Congress on a semiannual basis detailing payments to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

The CDA, which provides that telecommunications services are permitted between the United States and Cuba, specifically authorizes the President to provide for payments to Cuba by license. The CDA states that licenses may be issued for full or partial settlement of telecommunications services with Cuba, but may not require any withdrawal from a blocked account. Following enactment of the CDA on October 23, 1992, a number of U.S. Telecommunications companies successfully negotiated agreements to provide telecommunications services between the United States and Cuba consistent with policy guidelines developed by the Department of State and the Federal Communications Commission.

Subsequent to enactment of the CDA, the Department of the Treasury's Office of Foreign Assets Control (OFAC) amended the Cuban Assets Control Regulations, 31 CFR Part 515 (the "CACR"), to provide for specific licensing on a case-by-case basis for certain transactions incident to the receipt or transmission of telecommunications between the United States and Cuba, 31 CFR 515.542(c), including settlement of charges under traffic agreements.

The OFAC has issued eight licenses authorizing transactions incident to the receipt or transmission of telecommunications between the United States and Cuba since the enactment of the CDA. None of these licenses permits payments to the Government of Cuba from a blocked account. For the period January 1 through June 30, 1997, OFAC-licensed U.S. carriers reported payments to the Government of Cuba in settlement of charges under telecommunications traffic agreements as follows:

AT&T Corporation (formally, American Telephone and Telegraph Company)	$13,997,179
AT&T de Puerto Rico	274,470
Global One (formerly, Sprint Incorporated)	4,857,205
IDB WorldCom Services, Inc. (formerly, IDB Communications, Inc.)	1,427,078
MCI International, Inc. (formerly, MCI Communications Corporation)	4,066,925
Telefonica Larga Distancia de Puerto Rico, Inc.	113,668
WilTel, Inc. (formerly, WilTel Underseas Cable, Inc.)	5,032,250
WorldCom, Inc. (formerly, LDDS Communications, Inc.)	1,378,502
Total	31,143,432

I shall continue to report semiannually on telecommunications payments to the Government of Cuba from United States persons.

William J. Clinton.

The White House, *September 10, 1997.*

□ 1815

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

VACATION OF SPECIAL ORDER AND GRANTING OF SPECIAL ORDER

Mr. PAPPAS. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California [Mr. FILNER] and to proceed at this time.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

TRIBUTE TO THE HELLENIC DANCERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PAPPAS] is recognized for 5 minutes.

Mr. PAPPAS. Mr. Speaker, one of the greatest strengths of our great Nation is the diversity of our people, cultural, religions, and heritage. Every American has a story to tell of where their family is from. Whether you can trace your roots back to a particular native American tribe or to another country, maybe across the sea, many of us seek out ways to preserve what has been passed down to us so that we may pass it along to the next generation.

This year marks the 25th anniversary of the Hellenic Dancers of New Jersey, a group that has dedicated themselves to perpetuating Greek culture through dance. For those of us, including myself, that are of Greek ancestry, the service this group provides is invaluable. Aside from performing the dances of Greece, the Hellenic Dancers are committed to researching, documenting and educating others in the Greek heritage.

The dancers are a group of Greek descendants that travel each week without compensation from every part of central and northern New Jersey to perform and share the Greek culture. They have also ventured outside of New Jersey, from coast to coast in this Nation, with their music and dance recognizing the spirit of Greeks that have gone before, the Greeks that have brought so much to this country, and those Greek-Americans living here today.

Over the past 25 years, the group has grown tremendously. What began with a few members now numbers well into the hundreds of selfless individuals who share the songs, dances, and traditions that have been passed along to them.

Greece has survived through a great deal of turmoil over the years and has reached maturity because its people, proud, freedom-loving, God-fearing and peaceful, have nourished and upheld the ideals on which their nation was founded. It is this heritage that we, the thousands of Greek-Americans, bring to the United States and share with our fellow citizens.

I would like to congratulate Father Jim Chakalos and his wife Eleni Chakalos, who is the group's dance director and codirector Vasilis Brembos in their efforts.

Greece has sent some of its brightest to the shores of America to pursue dreams in this the land of opportunity, and I applaud the Hellenic Dancers for giving those Americans of Greek descent a means by which to connect to their past.

Tonight, as I stand before my colleagues, the grandson of Greek immigrants, I am pleased to recognize the investment the Hellenic Dancers have made in the future by preserving the past, and I wish them well as they continue to dance and sing into the future.

ORDER OF BUSINESS

Mr. FOX of Pennsylvania. Mr. Speaker, I ask unanimous consent that the order of the 5-minute special orders granted today to the gentleman from Montana [Mr. HILL] and myself be transposed, and that I be allowed to proceed at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DEDICATION OF NEW STERN CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the opportunity to address my colleagues tonight to salute a special facility within my district that recently opened, the Raymond and Ruth Perelman Jewish Day School. This is a very special facility. It is going to serve 600 students. It recently opened, and I can tell you this, it is going to be one of the most outstanding facilities in our area of Montgomery County, PA.

The Director of the Center is Dr. Steven Brown. The individuals who brought it together, frankly that really did quite a job to make sure that the facility did in fact come to fruition, included such individuals as Paul Silberberg and his wife, who are dedication cochair, along with Alan Casnoff and his wife Debbie.

This has been a long time coming as part of the Solomon Schechter Affiliate and part of the New Stern Center. The facility is one where they are going to give people, these young students, the opportunity to not only participate in important class work and religious instruction, but also in community involvement with visits to local governmental offices to get students involved, at the earliest ages involved in their community service, which we think is so important to the rounding out of every young person in their exciting work with the schools as part of the entire campus, one that is involved greatly in the community with the Kaiserman Center right next door.

This is a sister school, the Ray and Ruth Perelman School, sister school to the Forman School, which is in Elkins Park, PA, and together they represent two of the most outstanding schools in the country.

So on the opening of the school with 600 students and over 100 faculty and staff, we congratulate all those who helped make this possible. The board of directors, board of trustees, the faculty, the principal, all them should take great pride in knowing they are going to bring about, with young students who may go on to be President, may go on to be great leaders in medicine, the arts, science, make great contributions to this country.

Joseph Finkelstein is the president of this day school and Jay Leberman is the head of the school and Sybil Levine is the principal, and together they represent the leadership within the school facility; and we expect that this will be one that we will hear about for many years to come, and I wanted to take this opportunity to congratulate them on their opening and wish them everything good for the future.

JOIN IN SUPPORT OF CAMPAIGN INTEGRITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana [Mr. HILL] is recognized for 5 minutes.

Mr. HILL. Mr. Speaker, recent campaign finance revelations only make me more convinced than ever that now is the time to bring accountability back to the political system, and I want to urge my colleagues tonight to make campaign finance reform changes now and make it a reality now by joining with those who are cosponsoring the bipartisan Campaign Integrity Act.

I have heard a lot of Members take the floor, urging Congress and the leadership to bring campaign finance reform to the floor this fall; and I am one of those that join in asking our leadership to do that. But I would say to those that have taken the floor urging campaign finance reform that they ought to show the sincerity of their commitment by joining with those of us who worked to build the bipartisan Campaign Integrity Act.

This is an effort that resulted from a task force of freshmen, Republican freshmen and Democrat freshmen, who met together over a period of time and held hearings and developed a bipartisan effort; and I would like tonight to just address briefly for the House what those reforms would do.

First of all, and I think most important, it would ban soft money. I want to remind my colleagues what soft money is. Soft money is corporate contributions, it is labor union contributions, and it is large contributions that arise from individuals that are given to the national parties.

What is particularly insidious about soft money is, first of all, there is no limit on where it can come from or in what amount that it can be raised. But probably even more concern arises out of how soft money gets used, or at least was used in the last political cycle.

Many of us, I think, can recall the last series of campaigns in which there was probably more than ever negative political campaign advertising. And one of the reasons for that was that soft money can only be used for issue advocacy, and more often than not, it is used under the term "issue advocacy" to attack an incumbent. That led to more negative campaigning in the last cycle than perhaps we have ever seen.

This bipartisan effort would ban soft money going to the national political parties. It would ban soft money from corporations, it would ban soft money coming from labor unions and it would ban soft money coming from individuals.

That is not all that it does. It also requires greater disclosure, greater disclosure from those people who in the last campaign cycle, for example, did independent advertising, advocating issues that really were targeted at either unseating an incumbent or defeating someone, but under the name "issue advocacy" ran negative political campaigns.

It would require those organizations that buy broadcast advertising, radio and television advertising, to disclose that to the House of Representatives so the citizens would be fully informed about where that money came from and where that money would go.

But banning soft money to the national parties is not all that we should do. I believe that we also have to look at where the source of soft money comes from, independent of the parties; and that is why I am also a cosponsor of the Paycheck Protection Act.

The Paycheck Protection Act, Mr. Speaker, would prohibit employee wages or dues from being withheld or used for political purposes without the written consent of the wage earner.

Why is that important? Today, literally millions of wage earners are having their paychecks reduced, with the money going to political purposes over which they exercise no control. And what the Paycheck Protection Act would say is that that money cannot be taken from their paycheck without first getting their written consent to use it for political purposes. It can be used for other purposes, collective-bargaining purposes, for information purposes, but, Mr. Speaker, it could not be used for political purposes.

This is one of the largest areas of soft money abuse that is occurring today.

So, Mr. Speaker, for those who have taken the floor and have said, let us take up campaign finance reform, I would say to them join with the bipartisan group that are sponsoring the Campaign Integrity Act and who is sponsoring the Paycheck Protection Act.

BOTH PARTIES SHOULD WORK TOGETHER TO MOVE AHEAD ON CAMPAIGN FINANCE REFORM LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. HUTCHINSON] is recognized for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, I want to recognize my friend, the gentleman from Montana [Mr. HILL], for his leadership on this very important issue. He has worked very diligently and hard on the campaign finance reform task force that has produced the bipartisan Campaign Integrity Act of 1997, and I want to congratulate him and thank him for his comments and associate myself with those comments on this key area of reform.

I also want to compliment my colleagues on the other side of the aisle who have joined together in a bipartisan fashion to formulate this very important step forward in an incremental fashion to accomplishing significant campaign finance reform legislation. I hope that as a result of all of our efforts we can do something good for the American people.

As I sit here in Congress now and think about some of the objections that are raised and also some of the urgings to bring this legislation to the floor, I cannot help but think that as we fight this battle together, there are supporters and detractors of campaign finance reform legislation on both sides of the aisle. We have got good friends on the other side that support this, we have opponents on the other side; and the same thing on the Republican side of the aisle.

We have to forget pointing fingers at each other and move toward working together to accomplish this. I think that we can do that.

There are other people who say, well, let us just have campaign finance reform legislation, but let us do not ban soft money. I do not believe that we can have legitimate campaign finance reform legislation that will be accepted by the American public unless there is a ban on soft money.

Now, there are certain objections that are raised, people who say, well, in our system, and I hear this particularly from our side of the aisle, that if we close the loophole in this area, the money will continue to flow in campaigns. And I will acknowledge that whenever we have campaigns and we have politics that center around power we will have money flow to those centers of power. That is the nature of it.

But there are two ways we can address campaigns in America. We can take all the limits off. We can take all the rules off and just let the money flow. I personally believe that that is a step in the wrong direction. We should have campaign limits, spending, contribution limits. I think that is appropriate as long as it is within the first amendment. So we have to have some rules.

And any time we have a system of rules, from time to time, we will have to adjust those rules. We are in that phase right now.

The last time we had significant reform was after Watergate. The freshmen rose up and accomplished reform during that time. I believe the freshmen can do that same thing today and move this bill forward and accomplish this, and it has to start with banning soft money.

Yes; there will be other loopholes down the road, but we have to address the most significant problem now, and that is soft money and we can do that.

□ 1830

There are some people who raise an objection to banning soft money by saying, "Well, you're going to give an advantage to the other side." I believe that that is incorrect. We look at the statistics and this comes from the Center for Responsive Politics, based on the Federal Election Commission reports. It found in the 1996 election cycle that the Democrats raised $122 million in soft money, the Republicans raised $141 million. Yes, the Republican side is a little bit more, but we were in the majority at that point. So it is roughly equivalent what each party raised in soft money, whether it is labor money or corporate money.

So if you ban soft money, you keep the playing field level. As a former State party chairman, I think that is the first criteria of election reform, of campaign finance reform, that you keep a level playing field so everyone can compete fairly and honestly within the system. The Bipartisan Campaign Integrity Act of 1997 does this. It meets those objectives. It restores confidence in the system. It increases disclosure, increases information to the American voter. It empowers them by making their contributions once again more meaningful.

That is why this is good legislation. I have urged my Republican leaders to move this legislation forward. I congratulate the gentleman from California [Mr. THOMAS], the chairman, who has taken a strong position. He is going to conduct a hearing on this legislation. I hope it will come this fall. I think the time is right right now for this legislation to move forward in the U.S. Congress.

CAMPAIGN FINANCE REFORM, SECRETARY ALBRIGHT'S REMARKS, AND NAFTA

The SPEAKER pro tempore (Mr. PAPPAS). Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, let me first and foremost commend the gentleman from Arkansas for his good words on campaign finance reform. I join him in that pledge to ban soft money. We did a lot of campaign finance reform in the State of Florida. We reduced the size of the donation from PAC's and individuals. We cleaned up the process, and we made a difference. The American public needs to see real campaign finance reform.

I am particularly impressed the gentleman from Arkansas [Mr. HUTCHINSON] has been so aggressive in this pursuit as a freshman in this Congress looking to change the way we do business, and I think it is vital. I think the American public distrusts politics, they do not like the way the system operates and clearly revelations that have been going on in the news media have embarrassed us further. I join him in the pursuit of that reform, soft money bans and other things that will lend some credibility to the U.S. Congress and what we do here.

I also want to commend Secretary Madeleine Albright for her diligent pursuit of peace in the Middle East for the concerns that we all share in this country for peace and stability in the Middle East. I am particularly impressed how President Clinton has dealt with the situation in Northern Ireland, the new Prime Minister of England, Tony Blair, and others who have been so aggressive in working on peace, peace in the northern portion of Ireland. It is as a result of all parties being brought forward at the table to talk seriously about peace in those regions. That will be the only way we will see peace in the Middle East, is if the parties join together in a pursuit of peace. That includes Yasser Arafat, that includes the Israelis, that includes everyone who is in the region, to start absolutely sitting down to negotiate peace so we can end the bloodshed, end the terror, end the endless killings that are taking place against innocent citizens who just want to live life and are being and having their lives destroyed.

I want to commend Secretary Albright for her engagement there and for her stern words today to end terrorism. I urge her to continue that profile, and I urge the White House to do the same so that we can hopefully eliminate the scourge of terrorism in that region of the world.

The President is going to be requesting fast track authority to our Latin American neighbors. The Florida delegation met today. We had some very serious concerns of granting additional fast track authority to any other nation. Let me speak for myself and not the delegation, because I have significant concerns about what has happened as a result of NAFTA. I can go down the litany of problems we have experienced since NAFTA was passed. We can talk about the increase of drugs coming across our borders, unchecked because of this new policy of bringing all goods in in an expedited fashion.

Immigration was supposed to benefit from NAFTA. We have not seen that. We have seen increased illegal immigration occurring on our border States, increased problems with immigration, and the conditions really not being lifted, if you will, in Mexico itself.

Labor standards are another problem. I visited Mexico and I witnessed children working in the fields, children working in the packaging plants, the spraying of pesticides that are banned in the United States. Again our labor standards, our child labor laws that we hold dear in this country are being violated in Mexico and the bottom line of all that was supposed to be a benefit for the consumers. Somehow through international trade we were going to bring about some benefits to the consumers, that they would save money. The price of a Mexican tomato and an American grown tomato in Florida is equal at the grocery store. So we have shifted jobs out of the United States, we have given a preferential advantage to the growers in Mexico, they violate what would be considered decent American standards on labor, and ultimately the consumer pays the same amount of money. Then we are having fear of food safety as a result of problems that are being incurred in the system of salmonella and other kinds of problems, the problems in the berries we have recently witnessed, in the strawberries with our school children. Clearly we have a concern.

Mr. Speaker, I can just tell my colleagues as a Member of Congress when we had the big debate on most-favored-nation status for China, the White House, the Trade Office and everyone came over to our office pledging some changes in policy as it related to introduction of citrus to China, a major export for the State of Florida and for the United States, California as well. Prior to the vote I was visited by every official saying, "We are going to work strenuously on these problems you have raised, Congressman Foley. We want to help solve these problems and we're going to make it our priority to see that these things are fulfilled."

We have the most-favored-nation status vote, I vote for it hoping that we are going to see a break of the logjam of problems with the most-favored-nation and China will take our citrus to their Nation, we can do some common dialog on business pursuits. Not a word since that vote. No one has called me to suggest we are making some progress now. They do not need my opinion or vote any longer because the vote is already cast.

I can tell my colleagues that the vote is not going to be easy on fast tracking with Latin America. I am not going to take side agreements or snapback provisions. I want it to be in rule of law that we can understand the dynamics by which trade will be negotiated with our Latin American neighbors.

CAMPAIGN FINANCE REFORM: A DEMOCRATIC PERSPECTIVE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Maine [Mr. ALLEN] is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, we have heard during some of the 5-minutes a bit earlier about the topic of campaign finance reform. I want to put that on our agenda tonight for a conversation among Members on the Democratic side of the aisle. I want to begin by drawing a contrast. This Congress is spending millions of dollars and months of activity to investigate alleged abuses in the 1996 election. The question that people across this country need to ask is will this Congress not just investigate, but will this Congress legislate, will we start to do something about the problems of our campaign finance system?

I believe those problems are clear and apparent. We know what they are. Those problems are highlighted and I think many of us in this Chamber could come up with a campaign finance reform bill. The problem would be that those bills would differ greatly from one another and in fact they do. We have over 80 campaign finance reform bills in this legislature, in this House right now.

So the question is, how can we come together? How can we reach a conclusion and get to some success? One of the problems in our campaign finance system, one of the problems, is that soft money goes to the national parties in unlimited amounts, it goes from corporations, it goes from unions, and it goes from wealthy individuals. There are no limits to the soft money that can be contributed to the national parties. I will come back in a moment to the bipartisan freshman bill which addresses soft money and a couple of other matters, because I do believe in that freshman bill. I think that it is the major bipartisan effort in this particular Congress.

I want to say at the beginning, this issue is becoming a partisan issue and Democrats are rising up and demanding that we have a vote on campaign finance reform before we go home in the fall. But it does not have to be a partisan issue. In fact, the freshmen showed on a bipartisan basis with six Republican freshman and six Democratic freshmen that we could develop a proposal that would cross party lines and represent significant reform.

Let us step back just for a moment and look at what happened in the last cycle: $240 million in soft money contributions were made to the national parties. The way that money is used now is different from the way it was planned when the law was first introduced. When this law was first introduced, this money, soft money, was to go to party-building activities, the kinds of activities that involve grassroots activities, that encourage the participation of the people across this country. I know that during this last campaign, I had a letter from one of my constituents, he sent me a $20 check, and he said, "I hope when you get to Washington, you don't forget the people from the grassroots who sent you there." A $20 check.

I believe that soft money, $100,000, $500,000, million-dollar contributions diminish the role of every small contributor and every voter. If we look at what is happening to our campaign system in this country, there is too much money in politics, the amount of money is growing too fast, and this institution is becoming more and more affected by money. We have to change that. We cannot do it all at once, but we need to turn back the clock and start to make a difference. I think that is what we are here for tonight. I am happy to talk about some of the proposed solutions.

Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. KIND. Just to pick up on a point the gentleman was making a little earlier, is that not really the crux of the issue, and why we are working so hard in the freshman class at least to enact campaign finance reform? It is about the influence of money in the political process, the fact that there is too much in it. All of us Members know what is going on around here. The system stinks. It is run amuck. There is too much money in the political process.

Back home in western Wisconsin, the area that I represent, you talk to anyone on the main streets in any of the small towns in western Wisconsin, they all feel the same way, that there is too much money in the political process and it influences what takes place out here, the decision making process, what the agenda is ultimately going to be and the final decisions that are ultimately reached.

The gentleman talks about his contributor back in Maine who sent the $20 check with the proviso to not forget about the average person, the common person. Again, that is really at the heart of this issue right now.

I have been a proud Member of the bipartisan freshman task force these past 8 months working with my distinguished colleague from Maine. It has not been easy. There has been no issue that has been more frustrating, I think, to work on in this session of Congress than try to enact a piece of finance reform which can receive some bipartisan support. I think the legislation that we are reporting out, that we are offering as a proposed change to what is going on right now, is good. It does take care of a lot of the poison pills that both parties wrestle with, which are basically nonstoppers in this debate and is something that we all hope right now since we put in so much work in a bipartisan fashion that we will at least get a hearing from the House leadership, the majority party, willing to schedule this for the debate and for the vote and the ultimate decision on the House floor, so we have a better understanding who here, what Members in this institution, with the proud history and the proud tradition that the U.S. Congress has, where each individual Member stands on the need to get big money out of the political process.

I do not think there is any bigger issue that we should be dealing with in this session of Congress, but I am fearful that time is running out. We have just a very short period of time left in this session, in this year, before we adjourn in the fall. Next year is going to be another political campaign season. Lord knows, it is going to be very difficult to try to enact any type of campaign finance reform at that time, with both parties and individual Members going home to campaign in their respective districts. The year after that, we are already starting to engage in the Presidential race in 2000, so I am not too optimistic that we are going to be able to take this issue on head-on. I think the time is now.

The excuses we are hearing daily, but the people back home do not want to hear the excuses anymore. Sure, we can investigate, sure, we can explore these issues of possible violations in the last campaign. As a former prosecutor myself, we hold people responsible when they do violate the rules and do violate the laws, but there is no excuse to wait and postpone what I view as a very important issue in this fall, in this session. I, along with a lot of the other Members, are calling on the majority leadership to give us our day on the House floor. After all, is that not what democracy is all about?

□ 1845

Mr. ALLEN. I would be happy to yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding and for arranging for this special order where we would have an opportunity to talk about campaign finance reform, since we are precluded from talking about this in the regular order of business because of the reluctance or complete unwillingness of the Republican leadership to schedule this vote.

I want to commend the gentleman from California [Mr. ALLEN] and the gentleman from Wisconsin and your colleagues, on both sides of the aisle, who worked on this bipartisan reform.

I think one of the important highlights of the reform that the gentleman put together was to show that, in fact, it could be done on a bipartisan fashion. Historically, when the Democrats are running the House, we reported out campaign finance reform. It was reported out of the House and sent to the Senate and died. It was reported out of the House at one point and sent to the President and President Bush vetoed the bill. The theory was, as the gentleman from Wisconsin [Mr. KIND] said, the advantage had to immediately go one place or another.

I think what the freshman task force has shown is, in fact, we can achieve legislation that cleans up this absolutely unacceptable finance system that we have today, and it can be done with agreement between Republicans and Democrats on how that can be done.

At a minimum, that ought to be allowed to be heard in this, the people's House. The notion that we now have is essentially one individual, the Speaker, standing in the way of the people of the United States being given a chance to hear a debate and to resolve some questions about campaign finance reform and about a current system that is corroding and corrupting the principles of democracy.

Mr. KIND is quite correct. This is changing the way we make decisions. It was not by accident that the tax bill that we just passed was late at night, loaded up with a number of provisions that go to benefit people who had made huge soft money contributions, huge soft money contributions, and they were put into a bill that none of us knew about until after the fact.

That is what is happening when people give parties, give individuals hundreds of thousands of dollars, they expect something in return. It is just a simple fact. And that soft money is now becoming inconsistent with our acting in a democratic fashion about the issues that confront this country and confront our constituents.

I have to tell the gentleman that I think that as this issue progresses, as we continue to demand a vote by this House on these issues, that hopefully part of that process will be to give air to the proposal that the gentleman has brought forward to this House, because it does, as the gentleman points out, contain a ban on soft money. I think it is terribly important.

That soft money is overwhelming everything we try to do in our districts. You can go out and run a grass-roots campaign, and go out and shake every hand and knock on every door, go to every Rotary and Lions Club, meet with all the business organizations, and what happens, a couple of weeks out from the election, boom, you get hit with a media campaign, and it is about soft money and it is about characterizing your record, and it undoes your relationship with your constituents. It puts mistrust in, it characterizes you in a negative fashion, and you have no ability to fight back.

The old campaigner, the gentleman from Wisconsin [Mr. OBEY] is here, he was one of the authors of the campaign reform that came out of Watergate. Those limits, that have in fact worked, have been overwhelmed by soft money.

I want to again commend the gentleman for this special order, for all of the time the gentleman has spent in hammering this out, and I want to thank our colleagues on the other side of the aisle that tonight spoke out in favor of the gentleman's legislation and in favor of a ban on soft money. Hopefully, more of them will do that, and we will eventually have a vote to end the influence of soft money in politics.

I thank the gentleman for yielding.

Mr. ALLEN. I would be happy to yield to the gentleman from Wisconsin, Mr. OBEY. The gentleman has been around for a while, and has been through several periods of reform.

Mr. OBEY. Well, I thank the gentleman for yielding. I simply wanted to take this opportunity to again congratulate the gentleman personally for his leadership in this area, also to congratulate my two Wisconsin colleagues, Mr. KIND and Mr. JOHNSON, and the others who are here and the others who participated in developing this proposal.

I think it is incredibly sad that the original intention of the reforms back in the mid-seventies have now been so subverted by both misguided Supreme Court decisions and clever lawyering on the part of people who want to influence politics.

The Supreme Court a long time ago passed a one man-one vote decision. One of the reasons that Congress passed campaign finance reform legislation in the seventies was because we wanted to see to it that the one man-one vote philosophy was adhered to, and that the man who had the money would not, in fact, be able to overwhelm the voice of the man who did not have the money, whether it be a candidate or an average citizen.

That is, I think, going to have to be at the core of any changes that we make. When we passed that bill a long time ago, we thought that what we were doing was passing legislation which would limit to $1,000, period, what any individual could give, whether he was a man of moderate means or a millionaire. And we thought that the most that any organized group would be able to give would be $5,000, and that that would both be on the top of the table, not under the table, fully reported, fully disclosed.

Instead, today we have a system in which one person in my State has been able to contribute more than $1 million to the political operations of the Speaker, and if it were not for the aggressive actions of reporters, no one would ever have known where that money was coming from.

I think we have to have, as in any reform effort, as the core of the effort, the effort of the gentleman and his colleagues to severely limit or eliminate soft money, and I hope we can also add to that other provisions that are necessary so that we end these phony independent expenditures, we end these phony issue advocacy campaigns, that are really efforts to get around the law.

We also, I think, have to educate the public they cannot expect candidates to be financed through immaculate conception. There are too many people that want to see us not accept any private money, but they do not want to support the principles of public financing, either.

I think people need to understand that campaigns are going to cost money and that they have to be financed, they should be financed in the most open possible way, which also makes certain that whether you are giving individually or collectively, that wealthy people cannot have an undue influence in American politics. I congratulate all of you for taking the lead in trying to be part of bringing that about.

Mr. ALLEN. I thank the gentleman from Wisconsin [Mr. OBEY]. As the gentleman well knows, there are a number of bills out there, and a number of different approaches to this particular set of problems, and certainly the freshmen are not saying there is only one answer. In fact, we are even saying that the bill that we have drafted is only a partial step toward more complete campaign finance reform, but it is a step in that direction.

Mr. OBEY. If the gentleman would yield further, I would simply agree with the gentleman from California. If you want exhibit A of why campaign finance reform is needed, it is the tax bill that just passed this place. There would not have been any $50 billion gift to the tobacco industry with the lights out. There would not have been any spectacular giveaway to Amway Corp. You would not have had those items.

So it is not that we are just interested in this for academic reasons. We are interested in this because without it, we cannot make things better in this country for working people.

Mr. ALLEN. I just want to also say that the gentleman from Wisconsin [Mr. OBEY], for those who may not know, has been in that chair almost all day today; he has been in this House chamber dealing with the Labor-HHS appropriations bill. The fact that the gentleman would stay here in this chair into the evening to speak out on this issue is something I want to commend the gentleman for and say we admire his leadership, and we know he is going to be back in that chair again tomorrow.

We will try to keep this going with Members from Wisconsin. I would like to yield to the gentleman from Wisconsin [Mr. JOHNSON].

Mr. JOHNSON of Wisconsin. Mr. Speaker, I appreciate the yielding, and I, too, appreciate the gentleman from Wisconsin [Mr. OBEY] staying here tonight and adding to our voices, because a veteran voice is needed here with the freshmen voices people are hearing.

We may think we are speaking to an empty House, but we know that across the country people are listening. People have been waiting for this word, and the word is rising up, not just here in Washington but across the country, that campaign finance reform is the order of the day.

People want to hear about it, people want to know about it, and I am especially pleased as a member of the freshman class that we are able to offer something. If it is my understanding, we have at least one promise. We have a promise to be heard in a committee; is that correct?

Mr. ALLEN. That is correct. The gentleman from California [Mr. THOMAS] of the Committee on House Oversight has stated publicly that he will hold a hearing on our bill. We just need to encourage the gentleman to hold it this year, and not in 1998.

I think that this session is drawing toward a close, and that is why we have Democrats here tonight, and Democrats standing up during the day, to say to the folks on the other side and say to the American people that this issue will not go away.

The American people care about this issue. They are not going to let it go and we cannot let it go. We have to do something about it, and we need to do something about it in 1997.

Mr. JOHNSON of Wisconsin. I thank the gentleman. We do have the promise, and I appreciate that.

The gentleman talked about what happened in Maine, and you have done a lot in campaign finance reform in Maine, California, and Florida. We have heard from their voices tonight, and Wisconsin. We know that people back in the States from different backgrounds are working together, tackling a problem together. It is not unusual.

In Washington, I think a lot of people have the perception that partisan conflict is the preferred order of business. So if you listen to what people think are the established rules that we have to follow in Washington, one of the rules may be that freshmen are not supposed to tackle big issues.

You hear that elected officials are not supposed to get serious about reforming the way that we pay for campaigns. After all, are we not concerned about reelection?

We are. This freshman class I think is different. We are not bound by old Washington ways. When we looked at the current campaign system, when those of us who came through it for the first time had to participate in it, we realized it is badly broken. Together we set out to fix it. We may be new to Congress, but we know that too much money is spent in political campaigns. Everybody knows that.

Real people just feel they are losing their voice in elections. We tonight are talking about a bipartisan approach on behalf of the freshmen, introducing a bill that takes aim at the system's largest problems, but not every problem.

It occurred to us when we first met as a freshman class and we talked about this when we got together in our orientation session, what can we look at, and we introduced then, from months of work, a bill that takes aim at the problems.

It does not touch every new answer of the system. It is not a big bill. It may not include every reform I want, it may not include every reform that the Republican colleagues want, but it is a giant leap toward bringing sanity back to the way we run campaigns.

It is a bipartisan bill, first of all. It would ban the millions of dollars in soft money used to dodge and evade the campaign finance laws on the books that were illustrated earlier in the soft money. If people did not understand, I think the words of the gentleman from Wisconsin [Mr. OBEY] tonight gave them a clear example.

The bipartisan freshman bill would demand accountability from the faceless outside groups who attempt to influence campaigns, so that when people see the commercials on TV, that they are not quite sure who they are from, but they know who they are about or who they are against, this bill would demand accountability.

□ 1900

It would raise the bar for candidate disclosure so people can identify where exactly a candidate gets his or her support. The reforms that we came through with are agreeable to freshmen in both parties and senior Members. They are responsible, they are workable within the current political climate. That is important.

While I have the opportunity, I want to commend my colleagues on the other side of the aisle who earlier joined in this campaign finance reform effort. The easiest thing to do, obviously, is to do nothing, to say we are going to do something. But we have a promise, as the gentleman pointed out, that we will get a hearing. We have stepped forward and taken a stand.

Let me finish by saying, I think the time, as has been mentioned before, is now to bring campaigns back to basics and back to people, so that they care again about going to the voting booths. We have a very small window of opportunity to act, and we should act right away. Our freshman bipartisan campaign finance reform is the best way to begin to fix a broken system.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Wisconsin for his remarks.

I yield now to the gentleman from Florida, [Mr. BOYD], one of the distinguished Members of the Freshman Task Force.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Maine [Mr. ALLEN] for giving us the opportunity tonight to join in this colloquy on campaign finance reform.

I want to start by acknowledging some people that got us here. That is, the freshman class presidents: the gentleman from Florida, [Mr. JIM DAVIS], who is our freshman class president on the Democrat side; and the gentleman from Missouri, [Mr. KENNY HULSHOF], on the Republican side. They made a commitment and were instructed by their Members to work on this issue, and appointed the gentleman from Maryland [Mr. TOM ALLEN] on the Democratic side and the gentleman from Arkansas, [Mr. ASA HUTCHINSON] to help the task force to work on this issue. I am proud to be a member of that task force.

I go back home and people say, "BOYD, why are you working on campaign finance reform? Why is it important to you?" I say, well, there are two reasons. One is I just came out of a nasty campaign. During that campaign I saw the effects of soft money pouring into congressional campaigns and how it distorted the campaign, at times. So I think that is the first reason.

The second reason is, I believe that the longer we stay in Congress the more calloused we become to the system, the campaign finance system we live under here. We become calloused to the blight that it gives our image, this institution, this institution, the U.S. House of Representatives, the congressional body of the most powerful Nation of the world, which has relatively low marks in terms of public support compared to years past. A lot of it has to do with the tremendous amount of money that is pouring into the campaign system.

Mr. Speaker, as we stay here a long time and we get our committee chairmanships and we get our leadership positions, we learn how to use the system better. We become calloused to the bad effect that it has on our democratic form of government.

So those are the reasons that I feel very strongly that we ought to do something about campaign finance reform. As 1 of 72 new Members of the U.S. House, I was glad to be part of the task force.

Mr. Speaker, this is a bipartisan task force. I heard the distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], say earlier this evening, just before we adjourned he was talking about ethics legislation, and he talked about bipartisanship and how important bipartisanship was going to be to advancing reasonable, responsible ethics reform.

The same holds true with campaign finance reform. We cannot come out here and fight with these close numbers and ever accomplish anything. We have to work together. The gentleman from Maine and the gentleman from Arkansas, [Mr. HUTCHINSON], got our groups together, and we looked at all of the issues. The issues we could not agree upon we sort of laid off the table.

We heard from many different kinds of groups during that process. I thought it was a stroke of genius the way the Members set that up. We heard from the Democratic National Committee, the Republican National Committee, the National Broadcasters, the National Right-To-Life, Bi-Pac, the League of Women Voters, environmental groups, labor groups. We heard from all kinds of groups who have a vested interest in this process.

After we heard from those groups, we determined the things that we could agree upon and the things we could not agree upon. We laid off the table and removed from the table those things we could not agree upon, and we have come to the conclusion that the removal of soft money from this system is the one thing that we can do that will best reform the current system that we have.

Is the bill, House Resolution 2183, which is called the Bipartisan Campaign Integrity Act, is it perfect? No, it is not perfect. I would submit that there are very few perfect pieces of legislation that ever come out of this congressional body. But it is a bipartisan proposal that will eliminate soft money and will go a long way towards cleaning up the campaign finance problems that we have in this Nation.

Mr. Speaker, I want to implore the leaders of this body, who I think do a good job overall. We are experiencing some bumpy times here in the last few days, but I think generally the body has been going in a very positive direction in the 6 or 8 months that we have been here as freshmen. I want to implore the leadership to address this issue.

We have been promised, the gentleman from Maine [Mr. ALLEN] and the gentleman from Arkansas [Mr. HUTCHINSON] extracted from the Republican leadership a promise to have this House Resolution 2183 heard. I want to implore the leadership to give us a chance to have it heard. If we can make it better and pass it off this floor, let us do it.

I want again to thank the gentleman from Maine [Mr. ALLEN] and the gentleman from Arkansas [Mr. HUTCHINSON] for the work that they have done, and I want to encourage the people back home to call their Member of Congress and encourage them to get involved in this campaign finance reform, and let us get it done.

Mr. ALLEN. I thank the gentleman from Florida [Mr. BOYD] for all his help on that task force. He did a great job. Now we simply have to keep pushing this issue as hard as we can until we get the kind of hearing that I think we all agree we are entitled to.

Mr. McGOVERN. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. First of all, I want to commend the gentleman from Florida [Mr. BOYD] for his very eloquent statement, and I want to thank my colleague, the gentleman from Maine [Mr. ALLEN], for organizing this special order today, and commend all of my colleagues who have spoken so passionately on behalf of this issue.

There are many different campaign finance reform proposals that have been introduced in this House. Most of them, quite frankly, if they came to a vote on the House floor here, we all could support. Some of them only deal with a portion of a problem, some of them are more comprehensive. But most of them, quite frankly, would improve this broken system that we are now faced with.

But the frustrating thing for all of us here is that we cannot get a vote. We cannot get a day on the House floor where we can debate this issue and where we can vote on it. It is frustrating, because the American people want us to fix this system.

Forgive me if I do not get too excited about the promises that have been made about hearings and about taking action on various bills. We have heard and we have been given promises in the past. We have even seen handshakes on this issue. The fact of the matter is, we have nothing to show for it.

The Speaker of the House has not allowed there to be a vote on campaign finance reform in this House. I think that is very unfortunate. When I go home to Massachusetts, to my district, whether I am speaking before a town hall gathering or a business group or a group of senior citizens, I always get the same question: When are you going to clean up the current campaign finance system? When are the hearings going to end? When are the investigations going to end? When are you going to actually do something and fix the system?

My response is always the same. That is, I would like to do it right now. I would like to do it yesterday. I would like to do it several months ago.

The President has indicated that he would sign a campaign finance reform bill if it was presented to him. But the problem is right here. The problem is getting the leadership of this House, the Republican leadership of this House, to schedule a vote and to allow us to have that debate, and to allow us to send a bill to the President.

I have no doubt that if we could bring a bill to the floor tomorrow that really reformed this system, it would pass. People who would vote against it, quite frankly, I think would be ridiculed back in their districts. I think that is one of the reasons why we do not see a vote coming up.

I just want to join with my colleagues here in making another plea to the Speaker of the House, as we have done over and over and over again: Give us our day. Allow us to have a vote, up or down, on real campaign finance reform. If he does not want to bring a comprehensive package to the floor, at least let us vote to ban soft money. There are not too many people nowadays who will stand up and defend soft money.

Let us bring that to the floor. Let us ban that. Let us restore some public confidence. Let us eliminate some of the cynicism out there. We could do that very easily. We could do it in a way that would impact the very next elections.

I want to commend my colleague, the gentleman from Maine, for allowing me to participate in this special order, and I hope that the next time we talk about this issue it will be to rejoice in the fact that we have been given a commitment, a date certain, when we can vote on this issue.

Mr. ALLEN. I thank the gentleman from Massachusetts [Mr. McGOVERN] for all his help on this issue. He certainly makes a good point. We would not have to be here in the evening speaking about this issue if we had a full-fledged debate on the floor of this House during the day. That is what we are asking.

It is real simple. We have only 6 or 7 or 8 weeks left in this session, depending on how we count and how long it takes. I think a lot of us feel that this issue will not go away and we should not go away, we need to deal with it during this year in this House.

Since we will keep it in the family here, I am happy to yield to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from Massachusetts for setting up this opportunity to speak on this issue tonight. We are hoping that those who are watching are going to be able to hear a message that we are unable to bring to the floor, because, to be partisan for a minute frankly, the Republican Party that does set the agenda in this House has decided not to have this issue come to the floor.

I listen to everybody talk all day long about bipartisanship. Frankly, I say to the gentleman from Maine, I think he knows my feelings on the matter, I am not a big supporter of bipartisanship, I am an advocate of partisanship, but with a lot of civility, where we clearly establish what our positions are so the public is aware of what the choices are; and in a civil manner we have discourse, we deliberate, we debate, and we vote. And everybody has, hopefully, respect for each other, and that is how we live with the result of that vote and go on.

Unfortunately, I think there has been another path taken by this particular majority, some of whom in the Republican party are clearly with us on the issue of campaign finance reform; they want to debate it and they want to discuss it and vote on it. But the majority over there would not have the ability to bring forward the prospect of having this issue debated and voted upon, and they cannot get those numbers together.

I clearly relate to the gentleman that the Democratic caucus has decided that, as a group, Democrats are in favor of campaign finance reform. We are very desirous of having the matter debated, having the deliberation in front of the public, talking about what might be right or wrong with a particular bill, and then moving forward on that.

I am told over and over again that the public opinion polls do not support it, a public desire for campaign finance reform. I think the gentleman knows as well as I do that, frankly, what it is. If you ask the question, what issues are most on your mind, people may well say, education; they may say health care, other issues which may not get the attention that they deserve, but get some attention at least in this House.

But if you ask the question, what really undermines the credibility of any action taken by Congress, whether it be on health care, whether it be on taxes, whether it be on education, people will say, we do not believe that decisions are made independently. We think large amounts of money go into the people that run our Government, and somehow they have an effect; and it has a sort of corruptive influence, or at least perception, on the work we do down here.

The gentleman and I both know people are down here working very hard and that the system is such that you cannot win a seat here unless you can get your message out, get your visibility up, get people to know who you are and what you stand for.

So I have a challenge for the public. Basically, we all rely on them, so we need not to try to get anybody upset, but I have a challenge for the public. If they want to get rid of the corrupting influence, or perception, of money, then we have to decide how we are going to do that; and I favor comprehensive campaign finance reform.

Frankly, as much as I applaud the gentleman's efforts, and I think they have been wonderful and I think we may end up standing behind the gentleman's effort, because I have told the gentleman over and over again, those who believe we have to move forward on this issue will not stand behind a bill we file or cosponsor as a defense to not voting for anything or having nothing at all passed. We will be open-minded and we will try to move forward in the area of reform.

But I am strictly an advocate of comprehensive campaign finance reform, because I do not believe in unilateral disarmament. I think that is what stops bills from passing here. Incremental bills are always subject to the attack that they leave somebody with more weaponry in the campaign battles than somebody else, whether they take PAC money and somebody feels that working people, environmental groups, and groups like that may have more of an influence, if that is left but soft money is taken away, or whether they attack business PAC's and soft money and feel hard money is left, there is always a feeling in less than comprehensive reform that somebody is left on the short end.

So I put forward the bill, H.R. 2199, that talks about what folks in Maine did. It talks about public financing of campaigns. It talks about the public stepping forward and saying, we are upset about the influence of money, soft money or hard money, that we have to do something about it.

When businesses want to hire people to go down and do their business, they make an investment. They invest a reasonable amount of their money as a business in defining the best people, going out and getting them, interviewing them and hiring them. For less than 1 percent of the smallest estimate of what this Congress produces and what we now call corporate welfare, we could fund congressional elections with public financing with the option of candidates to get public funding.

□ 1915

Those that still want to go to private funding could go to private funding, but there would be certain carrots and sticks. Publicly funded candidates would have a limit, because the public clearly wants a limit on the amount of money that we spend campaigning. And by virtue of when the money is disbursed, we would have a limit on the length of the campaign, because the public clearly wants an end sometime to the last campaign and some time to govern before the next campaign begins.

The public wants to know that people in office will not be on the phone or at fundraisers day in and day out instead of on the government's business. So once somebody decided to get publicly funded in a campaign, they would get a limited amount and they could raise no other money, hard or soft, because many people have a hard time believing that the person who gives $1,000, $2,000, $3,000, $4,000 is without influence any more than the person who gives $25 or $50 in soft money.

So, frankly, that is the direction that I think we have to move in. We have to have free air time for those people that adopt public financing to get the message out. The people that want to stay and be private candidates would not have that free air time. But if they overspent the limit of the publicly funded candidate, the publicly funded candidate would get matching funds. That is the disincentive in order to have them not be private candidates. It is the incentive to bring everybody into the one package that gets the public to have credibility for its candidates and office holders. It lets them say we have bought back our Government. We own this enterprise now. We do not have to worry about foreign money influence. We do not have to worry about hard money or soft money or large contributors or small contributors. We do not have to worry about the pervasive attitude that we do not have an open government here that has credibility.

So, Mr. Speaker, I suggest that we push out on comprehensive finance reform. I understand that we may, if anything, get the freshman bill, which is a good bill, and the gentleman understands the compromises that we made there to get something that we hope would pass. But, frankly, if we do not bring pressure on this body, we are not going to get anything at all.

The reason we are here tonight is because somebody has to have a vehicle to get the message to the American people. The Democrats are on record as wanting campaign reform. We have a dozen or so proposals. We would like to debate and deliberate them and get the best final proposal together and bring it to a vote in this body.

But even though there may be some Members on the Republican side that do want to come forward for campaign finance reform, the majority over there do not. The public has to know that is why this issue is not being heard on the floor. That is why it is not being voted on. That is why the public business is not being done in campaign finance reform.

Mr. Speaker, we have to keep this up and I commend the gentleman from Maine [Mr. ALLEN] for giving us this opportunity and everybody for participating in it at this hour of night, hoping to convince people that this has to be done. We are doing our best to see that it is.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. TIERNEY], and I want to say I appreciate the effort that the gentleman has made on behalf of a public funding bill. I think it is one of the many interesting ideas that are out there and need to have a full debate on this floor.

I have to say I am proud of my home State of Maine for passing a referendum proposal that would encourage public funding, would provide voluntary public funding for the Governor's races, all of the State Senate races, and all of the races for the State House. That will take effect in the year 2000. And I just believe this is one of those ideas we ought to have out here on the floor of the House and have a good solid debate.

Mr. TIERNEY. Mr. Speaker, if the gentleman would continue to yield, the fact of the matter is that the citizenry of Maine voted in big numbers for that particular concept. In Vermont, the legislature voted for a similar concept. In 12 different States throughout the United States, even conservatively perceived States like Arizona, have voted in overwhelming numbers to show support for this concept.

But, Mr. Speaker, I am afraid that while we are down here debating incremental approaches, what is going to happen is that several more States are going to have the people speak up. It is a grassroots effort. There are people out there that are fed up with the current system, and the people down here are going to try to run to the front to get out there and lead.

It is our job. We should not wait for opinion polls. It is our job to perceive what it is that the public needs and to get out front there. I think this bill gives us a chance to do that. I think your bill gives us a chance to start in that direction. I think that Mr. GINGRICH, the Speaker, the others on the other side, are not living up to the responsibility and the promises to the American people and the President to get this issue before us before we go home for recess.

Mr. ALLEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon [Ms. HOOLEY].

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman from Maine [Mr. ALLEN]. First of all, I thank the gentleman for the leadership that he has shown in this area, Mr. Speaker, as the cochair of the bipartisan task force, the work that he did.

I think it is important for people to know that this committee spent months hearing every group imaginable talk about this issue. What we came up with, and what I am proud to be part of, is a piece of legislation that actually hopefully has a chance to pass. And I guess I am just practical enough that I want something that can pass.

I mean, Mr. Speaker, I would love to see comprehensive campaign finance reform. I wish we could make it happen; it is probably not. So how do we do it incrementally? And I think this piece of legislation that the freshmen introduced is a way to go.

Mr. Speaker, when I got here people asked me, what is it like and who are the people that you serve with? I talk about my fellow Members of Congress and I talk about the fact that people are here, they have integrity, they work hard, they care about their districts, they really work hard to care about their districts. Yet, I find that three-quarters, according to a poll, and I know we are not supposed to listen to a poll, but when you hear a poll that talks about three-quarters of Americans believe that public officials make or change policy decisions as a result of money that they receive from major contributors, that perception tells me that this campaign system is morally bankrupt and that if we want to get back the confidence of the American public, we absolutely have to do something about campaign finance reform.

Mr. Speaker, soft money came about. It was never intended to happen, and that is where so many of the large donors give large chunks of money. And I do not think they want to do it any more either. But it is a system that literally has exploded. Both parties collected twice as much as they did 2 years ago. What is it going to be like in the next year? What is it going to be like 3 years from now?

We absolutely have to do something about soft money. There is no control over it. So banning soft money, which this bill does, I think is again a step in the right direction.

There were a lot of ads on TV and most people have no idea where they came from. If it was our ad, we had to put our name on it and usually a little picture so that people knew who was putting that ad out. But we saw other ads on television for issues, advocacy issues, that said who it was sponsored by.

But then there were ads, and it does not matter whether it was for or against us, there were ads that came from committees like the Good Government Committee. Mr. Speaker, tell me, who is the Good Government Committee? It could be anyone. The name is made up.

Mr. Speaker, we have several donors. There is no disclosure on those independent campaigns of who those donors are. People say, well, what difference does it make if we know? I think it is important. People make decisions based on who financed; what do they really care about; what is the message they are really trying to get across; who donated the money to those independent expenditure campaigns?

Again, Mr. Speaker, these ads are going to happen and it does not matter whether they are for or against us as Members of Congress, the fact is we need disclosure. We need to know who funds those campaigns.

What this bill does very simply is it just says, if candidates are going to fund independent expenditures, they have the right to do that under the Constitution. They can do that. But if they are going to do it, then they must, they must tell who funds those campaigns. So it is a little disclosure piece.

Mr. Speaker, the third part that I really like, campaign disclosure for candidates, how much is spent, where candidates get the money. We are back in the dark ages. It is the days of writing it out with a scroll and the pen and ink.

Mr. Speaker, we now have computers. We have fax machines. We can or should be able to get the information to the Federal Elections Commission much quicker than what currently happens. Again, people have a right to know where candidates are getting their money and how they are spending it. So, I would like to see us get into this next century and do it in a way that makes sense for people.

Again, this is not comprehensive campaign finance reform, which I would like to see happen, but it is an incremental step that has bipartisan support.

I guess the problem I have as a new Member is when an issue like this is important, and it is important to the public's confidence in this institution, and I am very proud, as a new Member, very proud to be part of this institution. But when people lack faith in us, it is really an incentive for them to not vote and not be part of a system. This is a system of self-government and we want people to be involved in this process. It is critical to our democracy that we have people involved in this process.

So, Mr. Speaker, I would like to at least ban the soft money; at least have the disclosure of independent expenditures; and those of us that are candidates, let us make sure that people also know where we get our money and how we spend it.

So, Mr. Speaker, I commend the gentleman from Maine [Mr. ALLEN] for all of the work. I guess I have a problem with not having this up for debate and a vote. I do not think there is any issue that is not worthy, or at least I cannot think of any right at the moment, that is not worthy of debate and a vote. This is a critical issue to our democracy and all we are asking for is that it be allowed to the floor before we go home for the winter recess and that we have a chance to vote on it. Up or down; any one of those bills. Mr. Speaker, I thank the gentleman for his hard work.

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman from Oregon as the current president of our freshman class. The gentlewoman has plunged into this issue and is helping to build support for it in these halls, and I appreciate it.

Mr. Speaker, the gentlewoman makes an excellent point. One of the points she makes is that essentially we are going to be embarrassed if we have all of these investigations and we do not get to legislate. That is what we are here for.

Ms. HOOLEY of Oregon. Mr. Speaker, that is why I came.

Mr. ALLEN. Mr. Speaker, I am now pleased to yield to the gentlewoman from New York [Ms. MALONEY], who is another leader in this particular area. I hope the gentlewoman will talk about her bill tonight.

Mrs. MALONEY of New York. Mr. Speaker, I appreciate the gentleman organizing this hour tonight for us to express our support for campaign finance reform, and I congratulate the freshman class for their work in their task force.

As my colleagues know, the gentleman from Indiana [Mr. BURTON] announced today that his committee will move forward with hearings next week. The gentleman has replaced his lawyers. He has got roughly a $15 million budget to go forward. There have been 46 depositions. Yet not one penny has been spent, not one hearing has been held, and not one witness has been called in an effort to figure out how to solve the problem.

Mr. Speaker, the closest this Congress came to making any real move on this issue was in March, when the Senate voted down a resolution which proposed a constitutional amendment to allow mandatory campaign spending limits. Yesterday, the President repeated his request for a resolution on campaign finance reform. He has pledged that he would sign one into law.

There are 85 different pieces of legislation floating around Capitol Hill now trying to address the problem of campaign finance reform, and there is a virtual graveyard of proposals that have died in former Congresses. Yet none of these 85 proposals have had a hearing or have been given serious review or consideration by a committee in this Congress.

Mr. Speaker, if we take a look at this list, of course, there is the bipartisan Freshman Task Force proposal which would ban soft money. There is the bipartisan Campaign Reform Act of 1997, which would award postal and broadcast discounts to those who voluntarily limit spending. There is the American Political Reform Act, which bases spending limits on how much a candidate's opponent spends. And really there is my personal favorite which would ban soft money and combine it with the Independent Commission on Campaign Finance Reform of 1997.

Mr. Speaker, of course this is my bill, which is a bipartisan effort, along with the gentleman from California [Mr. HORN], the gentleman from New Jersey [Mr. FRANKS] and the gentleman from Washington [Mr. WHITE].

Mr. Speaker, this bill would establish a commission that would come up with a plan for reform. The plan would have to come up this Congress for a vote in this session.

Our proposal is based very strongly on the successful Base Closing Commission, which passed in a former Congress. We all agreed that we had to close the bases but we could not agree which ones had to be closed, so we had a commission. It came forward with a plan and we moved forward and closed the bases.

We have a similar problem before Congress now. Everyone says they are for campaign finance reform, yet they cannot seem to agree on a proposal or get one to the floor for the vote.

□ 1930

Our commission would require a vote in this Congress on campaign finance reform.

The legislation, the 85 proposals that are before us, are very varied. Some are good. Some I agree with. But there is one point that all of them have in common: They do not have a chance to become law because not a single one of them has been permitted to come to the floor for a vote.

We have not even been permitted to examine any of these proposals in a formal hearing. Meanwhile, many of us who serve on that committee, the Committee on Government Reform and Oversight, will have to sit for hours, possibly days, possibly months, at hearings in this committee which will do nothing more than point fingers at people who have already been accused and little to correct the problem.

As you have pointed out, and many of your colleagues in the freshman class, we need to be putting more of our efforts in trying to solve the problem.

In 1996, the House and the Senate, the candidates for the House and the Senate spent more than $765 million to get elected. That is $765 million. This is up 72 percent from 1990. The Speaker of the House has been quoted as saying that there is not enough money in the campaign system. Well, Mr. Speaker, how much more money would we have to spend?

This election system is one that turns elections into auctions. We need to show the American people that our Government is not for sale, that our elections are not for sale to the highest spender. We need to move forward with meaningful campaign finance reform. It is very simple to do the math, $765 million on elections.

This adds up to one strong point: We need campaign finance reform. We need to bring a bill to the floor of this House for a vote before we ask our constituents to go to the polls and vote for us.

I congratulate the gentleman and the freshmen class for all the hard work that they have done on this issue.

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman from New York.

You have been a real leader in this field. You have one of the major proposals that ought to be debated here. This whole question of an independent commission, I think, is one that we need to look at very, very carefully. You have generated support on both sides of the aisle for your proposal. It is time, as we have said, it is time to get down to business and hold this kind of debate during the day, not during the evening.

Mrs. MALONEY of New York. Mr. Speaker, that is true. We have roughly 100 cosponsors on our bipartisan effort, and certainly 100 cosponsors shows a depth of support in this body and one that certainly should merit a hearing and a vote on this floor.

Mr. ALLEN. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. SNYDER].

Mr. SNYDER. Mr. Speaker, I thank the gentleman and I thank the Speaker and the staff this evening that are letting us talk about campaign finance reform.

I noticed we had the gentlewoman from Oregon [Ms. HOOLEY], the gentleman from Maine [Mr. ALLEN], the whole country is interested in campaign finance reform. I am from Arkansas. I know that the influence of money in politics concerns Arkansas.

We also had a referendum in our State that was passed overwhelmingly by the people to deal with State elections. Some of the polls say people do not have that really high at the top of their lists. They have jobs and the economy and education. Well, of course, they do have those at the top of their lists. But if you ask them, is this an important issue, absolutely, it is an important issue.

I know in Arkansas people are very interested in how I think about elections, how I think they ought to be elected. They are interested in us improving our democracy. When we are talking about campaign finance reform, we sometimes get lost in all the details. We are talking about improving our democracy, the greatest democracy in the world.

Mr. Speaker, I commend the gentleman. I know he has worked very hard in a bipartisan manner with the gentleman from Arkansas [Mr. HUTCHINSON]. You and he have done great work together. The gentleman from Arkansas [Mr. HUTCHINSON] is a Republican and the gentleman from Maine [Mr. ALLEN] is a Democrat. I commend you for your work, and I look forward to working with you in the next few weeks. Hopefully, we can bring one of these bills to the floor before we recess.

Mr. ALLEN. Mr. Speaker, I thank the gentleman. I appreciate all his support in this area.

I would simply say, in conclusion tonight, that I thank all of the Members who have been here to discuss this issue. This issue will not go away. This may not affect people in the way that paying for an education affects them. It may not affect them in the way that losing a job or finding a new job may affect them. It is not their Social Security payment or their tax bill. But they care about this issue. I hear about it all the time. I know the gentleman from Arkansas [Mr. SNYDER] and others do.

The fundamental problem is, we have to be able to take the issues that are of concern to people across this country and not just talk about them in the evening but vote on them during the day. That is what we are asking.

MORE ON CAMPAIGN FINANCE REFORM AND EDUCATION

The SPEAKER pro tempore (Mr. PAPPAS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I certainly appreciate the opportunity to address the House tonight and look forward to a good dialog with my friend, the gentleman from Florida [Mr. SCARBOROUGH].

First of all, I want to say that I certainly think that it is a good time to talk about campaign finance reform and all the things that have been going on, particularly with the shenanigans at the White House, the renting of the Lincoln bedroom, the raising money on taxpayer premises, the fundraising at Buddhist temples and so forth. I think we should talk about PAC contributions and what we should do about it. Should we limit it?

I think candidates should be forced to raise 75 percent of the money that they spend on their campaign in their own district, rather than having money sent to them from Washington special interests. Let us raise it in hometown America, make as many of those contributions individual.

I am not sure if we should outlaw PAC's, but I do think it is proper to say maybe 25 to 35, maybe 40 percent of the money should be the maximum limit for PAC contributions in the aggregate, but beyond that you should have money raised individually. You need to have public disclosure in all of that.

But, Mr. Speaker, one thing we have got to do is enforce existing laws. It is a little ridiculous to blame all the problems on campaign finance reform on the need for a new law when we have laws on the books right now that would apply to a number of the situations that are going on.

There was a great article in The Washington Times on September 2, written by Mark Levin on the subject. He says any time a politician wants to get a good response from an audience, all he or she has to do is say, we need campaign finance reform. Everybody claps. Then somebody else stands up and says, we need to protect the first amendment, freedom of speech. Then the group claps again.

So you have this kind of a very win-win dialog when you go back home and so forth. But let us talk about some of the laws that are already on the books.

The 2 U.S.C. 441(e) prohibits foreign nationals from directly or through others contributing to any political campaign or soliciting acceptance or receiving such contributions; in other words, no foreign money.

Clearly, then, foreigners may not attempt to influence an American election by giving money to such groups as the Democratic National Committee or to the Republican National Committee. But it seems to be the Democratic National Committee that had the biggest problem with this on the last goaround, Mr. Speaker. I am not sure of the number, but I believe it was something like $3 million in foreign contributions. Again, U.S.C. 441 clearly prohibits that.

Then there is section 18 U.S.C. 1956, which prohibits the solicitation or acceptance of laundered campaign contributions intended to conceal the nature, source, ownership, or control of the funds. This would apply if you were going to, let us say, go to a Buddhist temple and have a huge fundraiser from dirt poor Buddhist nuns who have taken an oath of poverty. Where do they suddenly come up with $140,000?

If it is the case that they were used simply as a fence, if they were laundering the money, then here we have this law, 18 U.S.C. 1956 that prohibits it. It is on the books now, Mr. Speaker. We do not need new legislation.

Then there is 18 U.S.C. 600, which prohibits promises of contracts or other benefits as consideration, favor, or reward for any political activity. Among other things, this would prohibit, for example, the Department of Commerce from selling trade missions in exchange for political donations. And as we know, there seems to be some suggestion that the Department of Commerce rewarded heavy contributors to the administration wich trade trips and so forth like that.

Along with U.S.C. 600, there is 18 U.S.C. 601, which prohibits the withholding of a benefit or program of the United States from any person who refuses to make a campaign contribution. In other words, you cannot withhold something because somebody supports your opponent. I think that is very important and something that all of us in Congress need to be aware of.

A couple of other things: 18 U.S.C. 595 prohibits employees of the Government from using their office in any way to affect Federal elections. This law seems to have a problem with it for politically appointed employees who seem to be using taxpayer premises for a campaign purpose. And we have learned a lot about that recently.

Then there is 18 U.S.C. 607, which prohibits the solicitation of campaign funds on Government property. Records show that in the administration a number of people violated this law over and over again. Not only did they make dozens of calls for cash from such places as the White House or auctioning coffees at the White House or selling the Lincoln bedroom, but it seems to be there was certainly a pattern of covering up from it, which is interesting because 18 U.S.C. 2 prohibits anyone from helping or furthering a criminal act.

Eighteen U.S.C. 371 prohibits two or more persons from conspiring to commit a crime; 18 U.S.C. 1001 prohibits anyone from making false statements to Federal investigators; 18 U.S.C. 1621 prohibits lying under oath which is, of course, perjury; 18 U.S.C. 1623 prohibits lying to a grand jury.

These are criminal statutes unaffected by campaign finance reform, Mr. Speaker. These are already on the books. All the folks who seem to be crying about the need for campaign finance reform are strangely silent on the laws that are on the books right now that are not being enforced.

While I think that we need to look at our campaign finance laws, see if we can improve them, I think it is very important to do it on a bipartisan basis. I also think, Mr. Speaker, we should be able to investigate folks who have broken Federal law on a bipartisan basis. There is nothing Democrat or Republican about somebody breaking the law. It is simply a matter of enforcing what we have.

Mr. Levin goes on in this article to say that if somebody, for example, Secretary of Energy Hazel O'Leary, she has been accused by Johnny Chung of being asked or forced to donate to one of her favorite charities, $25,000 to AFRICARE in exchange for a private meeting.

Now, either Mr. Chung is lying and former Secretary O'Leary ought to be outraged and want to investigate that or if he is saying that is something serious we need to know about it.

Again, this is a bipartisan question. This is not a matter of Republicans looking good and Democrats looking bad. It is a matter of the laws of the United States apparently being broken. And if that is the case, Mr. Speaker, then let us go after everybody, Democrat and Republican, who have apparently broken laws.

This is a great article, Mr. Speaker. I wanted to bring this up in view of the fact that so many of the campaign finance discussions we are hearing, particularly from the other side, do not seem to say, let us enforce the existing laws. Let us investigate this in a bipartisan manner. Let us get down to brass tacks. We will be having lots of debates about this. So I think it is very important that we all talk about the whole picture and not just politically being selective about what we choose to talk about.

There are a lot of issues facing the House right now. One of the key ones is education. I want to talk about education a little bit.

In America today there are approximately 3 million teachers, most of whom have gone back to work now. Summer is over and school is back in. We have about 111,000 private and public schools. We have 51 million students in secondary and elementary education. In fact, my father and my two sisters have been educators. The student/teacher ratio is 1 to 17 and the average salary for the teacher ranges from about $21,000 to $38,000.

The United States spends $286 billion on secondary and elementary education. Among the top 12 countries in the world in terms of education spending, Hong Kong, Japan, Britain, Sweden, and so forth, we rank No. 2. We spend approximately $6,000 per student in Washington, D.C. It is $10,000 in Utah. It is as low as $3,400.

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So there is a lot of range in there. Got a lot of Federal involvement in education. Approximately 760 Federal education programs, 39 boards, agencies and commissions, and that excludes the noneducation department-type programs, and there are other programs being taught by agencies that are not part of the Department of Education.

I think a lot of this Federal involvement, Mr. Speaker, is not in the best interests of the local schoolteacher in the classroom. It seems that the direction of the debate is, do we want to put money into Washington commands and control bureaucrats or do we want to send the money to the teacher in the classroom. I think that when we have a deep Federal involvement in education, we have a lot of unintended consequences.

I will give an example. Some of the consequences are just plain political. Right now on Federal math programs there are nine Federal math programs and 14 Federal reading programs. Sounds reasonable, but listen to this: There are 27 Federal environmental programs and 39 Federal arts programs.

Now, if we ask the businesses in our communities what is important for them, certainly they want their new employees to be educated in environment and arts and so forth, but if we are to compete on the global front we have to have a strong math and reading background. And again nine math programs, 14 reading programs and 27 environmental programs and 39 art programs. It is done because it is politically popular to pass environmental education, and it is lackluster to pass math programs.

We also take away a lot of the academic freedom. When we mandate from Washington what has to be taught by the local teacher in the classroom then we lose a little bit in terms of what can happen. Kids may need a lot of this drug education. They may need a lot of environmental education and so forth, but their primary goal still has to be the reading and writing and arithmetic and science, that core curriculum.

And speaking personally, I can say this. I have four children, ages 6 to 14. And if my daughter, age 14, gets on drugs, it is not the school system's fault. It might be my fault, it might be my wife's fault, it might be our parenting skills are lacking, but it is not the school's fault. At 14 certainly it is partly my daughter's fault, if not 90 percent her fault.

The fact is, if my daughter gets on drugs, gets pregnant and so forth, it is not a reflection on the school; it is a reflection on me, and we have to come up with that. There is inefficiency in Federal Government command and control.

Let me give an example here. AmeriCorps right now spends about $25,000 to $30,000 per volunteer, and their books are in such disarray they could not even be audited. This is not a productive-type Federal Government.

In terms of the results, in 1972 the average SAT score was 937; 1995, the average SAT score was 909. And all during this time we had more Federal Government involvement with the local education scene.

We have the gentleman from Minnesota here [Mr. GUTKNECHT], who has joined us and I will certainly be glad to yield time to him on this topic of education; and I know the gentleman has other topics, but I wanted to kind of stick on education for a few more minutes.

Mr. GUTKNECHT. Well, Mr. Chairman, I would like to thank the gentleman for yielding to me, and education is something that obviously all Americans are very concerned about. And we were very fortunate the last several days we had our Governor Arne Carlson from the State of Minnesota, who has been with us here in Washington and been visiting with a number of educational groups.

He has spoken to a number of different organizations while he has been in town. He was on C–SPAN. He gave a speech yesterday at the Heritage Foundation, talking about real educational reform and what has been happening in Minnesota.

I think the real excitement, like welfare reform, the real reform that is happening in the United States today is not happening at the Federal level; it is happening at the State and local level, and it is happening primarily where we empower local school boards and, more importantly, parents themselves to become much more involved in the education of their kids.

There is a tremendous success story that is happening in all of the States, but I think Minnesota has been one example where we had a courageous Governor who was passionately involved in doing what he could to try to improve the overall quality of education. He told us today in a meeting that I attended that in the city of Minneapolis, and we pride ourselves on great schools, but the results more and more are demonstrating that even in States like Minnesota and in cities like Minneapolis, the quality of the education that kids are receiving is just not what they need. Fifty percent of the kids are either dropping out of school or they are graduating with diplomas which are virtually worthless.

So on one hand has always been the answer, we need more money, we need more money, we need more money, and certainly more State and local and even Federal funding is part of the solution. We certainly do not want to say that we are totally opposed to making certain there is adequate support financially for our public schools or private schools or education in general.

But what the Governor said very emphatically is that the real answer is not just in more money, and it certainly is not more mandates from Washington; the real answer is empowering parents to take a much more active role in the education of their kids.

Again, we get back to one of those fundamental principles that I think has made this country so strong and so great through the years, and that is the whole issue and principle of personal responsibility. What they have done in Minnesota with tax credits and deductions is, they have empowered parents to become much more actively involved in their kids' education.

Mr. KINGSTON. If the gentleman will yield back to me, want to underscore that, because I think that is something that is so true. As I talk to teachers they are very, very frustrated in two things: No. 1, that they cannot control their own classroom anymore because there are so many Federal rules that have been passed down to the State education bureaucracies and then to the local and then to the teacher in the classroom tying her hands up, because sometimes some kids need different things.

But one of the results of it, not only is she frustrated with the bureaucracy she works for, but the parents of the students are frustrated, and so they are not involved in the PTA's or the PTO-type organizations, the parent-teacher groups, because they know that they cannot do anything about it.

They have a great idea, they get real fired up, they hear about it working somewhere else and rush to tell the teacher, and he or she signs off on it and says it is great; they go to the principal, the principal likes it, they go to the school board and, bam, brick wall.

And today the average student, the average 13-year-old, spends 8 hours a week doing homework and 30 hours a week watching TV.

Mr. GUTKNECHT. Sad story. And the problem is, we are graduating kids or kids are dropping out of high school; and whether we like to admit it or not, they will face a much more competitive marketplace out there for their skills. And if we have high school graduates who really cannot read at the fifth grade level or sixth grade level, we have placed them at a permanent disadvantage not only relative to other American students, but I think more importantly, as we move into a world economy, it places them at an enormous competitive disadvantage to students from Korea or Japan or Germany, Great Britain, and other industrialized countries around the world.

Mr. KINGSTON. That is right. And teachers, if given the opportunity to be creative, can light the fire in the students' minds and get them enthusiastic.

If the gentleman will remember, today we had the Reverend George Dillard give the opening prayer. His wife Renee is a 4th grade schoolteacher at Cannongate Elementary School in Peachtree City, GA. When I introduced George, at Renee's request, I introduced Nellie, who is the fourth grade class's little teddy bear; and Nellie was on the floor of Congress today. Nellie met Speaker GINGRICH and TRENT LOTT and anybody else that Nellie could shake hands with.

It captures the minds of those fourth graders. Those 9- and 10-year-olds suddenly say, what is Nellie doing in this Chamber, this place where all these men and women are talking sometimes in such lofty terms? What is that group?

Nellie, the little teddy bear of Cannongate Elementary School, has been to over 80 countries and has sat on the Great Wall of China. It is exciting, and Renee Dillard, their teacher, is excited for them. She is showing them a gateway, but she is using a prop. She is using something that was a local idea.

It was not a Washington bureaucrat that all fourth grade classes will get teddy bears from here on out. It was local. And when Nellie's novelty has worn off, they will put her on the shelf. But as long as Renee Dillard and other fourth grade teachers can come up with creative and fun ideas to excite these kids into learning, we are going to have kids who are enthusiastic about learning.

Mr. GUTKNECHT. That is an excellent point, and one of the other points that our Governor made today is that for too long, in terms of education, we have been so concerned with process, and we have not really been concerned with outcomes.

The good news, I think, is that at all levels the cause is being driven that we have to be far more concerned with what kids actually can do and what they understand and what they know rather than the overall process of education.

I do want to make a point, and I think the gentleman makes it well, that the truth of the matter is there are literally hundreds of thousands of incredibly dedicated teachers in this country and sometimes we get confused when we start debating education policy.

And some of our critics like to say, you are just trying to bash teachers. That is certainly not the case, because the gentleman knows and I know, and I think since I have been elected I have visited something like 24 schools. I try to do that often.

When I meet with teachers, I find groups of people, particularly at the elementary level, who are incredibly dedicated. But because of the bureaucratic redtape and rules and regulations that go with it, sometimes they are prevented from doing what is best for their kids.

So when we talk about empowerment, we want to return more of the decisionmaking back to the classroom and back to the parents.

Mr. KINGSTON. On that same subject, I was talking with some executives at BellSouth from Georgia earlier today, and they are very, very involved in education and trying to get kids on line and computer friendly on the Internet and all the good stuff we need to do to compete in a global economy.

They were giving me an example of Salem High School in Georgia, in Rockdale County, I believe, but what he was saying is, the principal came into this high school and said we are going to do pass-fail. I am going to teach you how to think, not just how to make an A. I am going to teach you how to think.

Everyone was up in arms and so forth, and it was a very tough storm he had to weather. But now 4 years later, according to the BellSouth people, this principal at Salem High School is one of the most popular in the State because he did something different, and people bought into it; and once they understood it, they liked it, and the parents got behind it. But, again, they did not need a Washington bureaucrat to tell them to do it.

But there may be a Washington bureaucrat that can tell them they cannot do it, and that is very, very harmful.

Another example. I was in Camden County talking to a school board member down there in Camden County, GA, which is where Kings Bay is, and they have lots of growth. And most of the schools are new, but they had a lot of problems because of the growth problems.

This school board employee was telling me she had just returned from a seminar in Athens, GA, on sensitivity. Sensitivity is a bureaucratic concept, and basically what it says is teachers cannot be alone with the student because they might do something wrong. They cannot touch a student because they might touch them too long or in the wrong place or something. They cannot be too familiar with the student. They cannot use any slang or joke around with them because they may be offended by it.

She said the heartbreaking part of that is that so many of the kids, 6 and 7 years old from broken homes, the No. 1 thing they need is not learning the math tables, but getting a good hug and not just one but two. And she says, now I am coming back from this taxpayer-funded seminar to tell my teachers in their classroom that we cannot hug our students anymore when they do a good job.

And, again, as a parent of four, we have to hug each other four or five times a day just to kind of get things moving, and actually that is just by the morning time. But we are hug friendly, my family, and I think in most places in America there is nothing unique about it, but it needs to happen.

Another thing maybe on a different side is, as the gentleman knows, we cannot spank anymore, we cannot have prayers, we have to be careful not to offend anybody and so forth. And I think about the times when I was in school, one time in particular when a guy named Bennie Lacount and I were sitting in the gymnasium, and Mr. McBride, the vice principal, came and sat down in front of us on the bleachers, and we were behind him. And across the gym floor were all the seventh and ninth grade girls, and they were looking good, and Bennie Lacount slipped me a piece of bubble gum. And we were not supposed to chew gum, especially in gym, because it could damage the gym floor, but we just started chewing.

And seeing how the vice principal was sitting in front of us, we thought we would blow a few bubbles to the girls across the gym floor and get away with it and kind of be young and studly and impress the women. So we started blowing bubbles.

Well, Mr. McBride did not see us, but we did not anticipate Coach Stalvi, who was watching from the wing; and he called me over and said, were you chewing gum? And I was 13 and I said, no, sir. And he said, you were not chewing gum? And I said, a little weaker that time, no. And he said, I saw you chewing gum. You were chewing gum, weren't you? And I said, yes, sir. And he said I would have spanked you twice for doing it, but now I'm going to spank you five times for lying.

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So he took me in his office, spanked me, Benny only got it twice because he told the truth but I got it five times. But I deserved it and it straightened me out and I am not in therapy, I am not a victim, I did not sue Coach Stalvi, I did not sue the school system. Maybe my heinie got a little black and blue for a few days but not a boy in the locker room thought that I was innocent. It was understood, growing up, that if you broke the rules and got caught, you were going to be punished. That is not clear anymore in our school system. But it is not the fault of the teachers. It is the fault of the Washington command and control bureaucracy, the centralized planning agency who wants to run the lives of all of America. Because not everybody needed a paddle growing up. But I was one who did. Every time I got a paddling I deserved, it and every time I got a paddling I got a little bit closer to being straight and being a good citizen, and so forth. I can promise that growing up, if it were not for those installments in discipline, there would be a lot of us who continued down a very, very wayward and harmful path.

Mr. GUTKNECHT. I think the gentleman makes a good point. I got a few of those paddlings myself when I was in school.

Mr. KINGSTON. I was hoping the gentleman would confess.

Mr. GUTKNECHT. I hope my mom is not watching because I will get a paddling when I get home as a result. But it is an important point. Not only did it benefit you, but more importantly it benefited a lot of your friends, seeing that the punishment was fair and that it was meted out quickly and promptly and justly, so we had better discipline in the schools.

It is interesting when you poll what teachers are concerned about in terms of what is happening in the schools today with what was happening in the schools when I was in school as a baby boomer. Back then it was about talking in the halls and chewing gum and occasionally somebody trying in high school, at least trying to steal a cigarette out in the back of the school. Today the problems are much, much more severe. Today the problems are drugs, the problems are real violence, guns in the schools, things like that. My own sense, and I do not think this is the only answer and there are a lot of other social problems and obviously schools reflect a lot of our socioeconomic problems we have in this country today, but on the other hand I do believe in the schools where they still allow adequate and prompt and just discipline that they keep those problems, the bigger problems, from beginning to multiply.

Mr. Speaker, we have been joined by the gentleman from Florida [Mr. WELDON].

Mr. KINGSTON. I want to say this by way of introduction of the gentleman from Florida [Mr. WELDON], he is one of what, is it four physicians in Congress or three?

Mr. WELDON of Florida. There are now actually six.

Mr. KINGSTON. Six. It is amazing though that somebody in the height of a medical career, a successful medical career would take the time out to somewhat sidetrack or derail his career to be a Member of Congress. We are just so proud to have somebody like the gentleman with us.

Mr. WELDON of Florida. I am honored and flattered to hear the gentleman say that. Let me first say it is an honor to be here in the Congress. I cannot really say it is a pleasure to be here in the Congress but it is an honor, an extreme honor. One of the reasons I left my medical practice and ran for Congress and came here was the issue that you are talking about tonight, and that is one of the reasons why I wanted to come down here and join both of you. I am a product of the public education system in our country. I went through public school. I went to a State college. I went to a State medical school, so I am very much a product of public education, and public education in America for many years has been a tremendous success. Indeed, my mother was a public school teacher. I feel indebted to the public school system, and I feel that it has truly been a tremendous success story up until the recent past. We all know the status of education in America today. There are some schools that are doing a great job, an outstanding job, and there are some schools that are doing an OK job, but there are some schools that are failing really miserably. At the root of that, I believe, is a lot of factors, one of them is that we have a Federal bureaucracy in Washington that I believe is very, very inefficient, sucking up money, money that should be in the classroom and putting unnecessary burdensome rules and regulations on our schools. One of the reasons why I am very proud to be able to be here and be part of the Republican educational reform is that one of the key themes is to get money, power and responsibility back to parents, back to teachers, and back to the schools and out of the bureaucracy in Washington, DC.

Let me just add one other thing because I was listening to the comments earlier about the innovations in Minnesota. One of the reasons I ran for Congress is I felt the only way to deal with so many of the problems within our public educational system today is through school choice. It is the one major sector of our economy, and I am not sure if the gentleman from Georgia was reciting these figures or if it was the gentleman from Minnesota earlier about how there are 3 million people employed as teachers in the United States, there are 20,000 schools. This is just a huge industry, and we basically have put it in the hands of Government. It is the only major sector that is in the hands of Government of our economy. We do not have the food delivery system in the hands of the Government, we do not have medical care in the hands of the Government, though some people wanted to make medical care the purview of the Federal Government, but yet we have given education over to the Federal Government.

Let me just add, though, that there are people in this country who have educational choice but they are the wealthy. The wealthy have always had educational choice. People with the means could always pick the best school in their community. I think what we are about with educational reform and school choice is giving everybody the same ability that the wealthy people have, to be able to choose the best academic environment for their children.

I want to raise one very, very important point and this is, I believe, a falsehood that we hear spoken repeatedly on the floor of this House by the opponents of school choice and that is that choice in education will ruin public education. In other words, the public schools will not be able to compete; if you really have a marketplace and give parents a tuition voucher or tax credit, that the public schools will collapse. Let me just say, first of all, that I do not think that is true at all. I think there is enough innovation and enough talented teachers in our public system that they will be able to compete, they will improve and they will be made better by school choice. For somebody to make that argument, they are tacitly, implicitly admitting that the system is so bad, in their own mind, that they will not be able to compete. For them to get up and say it will ruin public education, they are in essence admitting that it is inferior and that in a marketplace they will not be able to survive. I happen to believe that is wrong. Some of our public schools will fail, some of our public schools will close, but I think some of them will be made better.

I want to just tell the gentleman as a Congressman from Minnesota, he has a lot to be proud of in his Governor, in his State legislature. They have emerged this year as one of the leading States and perhaps in many ways it is very fitting that it should come out of Minnesota, a place that has been known for its progressive innovations for years and to see this happening in Minnesota. I agree with what the gentleman was saying earlier about how this is really a State and a local initiative to really reform education. This is a huge country; 270 million people, 50 States. We cannot fix education in America here from Washington, DC. It has got to happen in every school, in every county, in every city, in every State capital all across the country. A thousand flowers should bloom and innovation should occur.

Mr. KINGSTON. Mr. Speaker, I think what is very, very important and what he is talking about is that allowing the local innovation, the grassroots on up rather than the command and control pushing down the rules, what will happen if Minnesota is as good as all reports are right now? Everybody is excited about what is going on in Minnesota. I can tell my colleagues what is going to happen. Florida and Georgia are going to go up there and figure out what can we do, what is working and how can we change our system. The HOPE scholarship which has been a successful program of Governor Zell Miller, Democrat in Georgia, as the gentlemen know was somewhat copied in the recent budget bill. There is a lot to be said by having 50 different laboratories and then thousands of other labs in county and city school systems.

Mr. GUTKNECHT. The gentleman is really talking about the miracle of the marketplace, in allowing innovation and in effect some competition to exist. What he is saying is if Minnesota's plan works as well as some think it will, other States will copy it. But if it does not, somebody else can innovate something else.

Mr. KINGSTON. And we get to sit by and not waste the money.

Mr. GUTKNECHT. It is lead, follow or get out of the way. For too long the Federal Government has been in the way.

Mr. WELDON of Florida. I want to make one point getting back to what the gentleman from Georgia [Mr. KINGSTON] was talking about about 5 minutes ago. Though we need innovation, a thousand flowers should bloom, we do need school choice, we do need a competitive marketplace, the thing that the gentleman was talking about is incredibly important and that is discipline. That is something that is absent in too many of our schools. There are two components to education in my opinion. One is the book learning, knowing your multiplication tables, knowing who Christopher Columbus was, but there is another part in education, and we all know this. It is a part of our education that begins from the moment of our birth, most of it comes from our parents, and that is building character, building integrity, building honesty into that young person. Indeed if you ask an employer what is more important, that they have all this book knowledge and word knowledge or whether they are responsible, reliable, not on drugs, stable family life, they will always tell you they would rather have those character things, because they can always teach them, even though it is not their job and it should be the schools' job, but they can always teach them that stuff. But you cannot fix somebody who does not have those things ingrained in them by the time they are 18. What the gentleman was talking about, getting the good old-fashioned paddle, that is a part of it, discipline and character and training. That is an area where I have to say our public system in most areas is failing miserably. It is directly related, I believe, to taking prayer out of our schools and taking out the wisdom of the Bible.

Can we go back to where we were 30 years ago? No. I do not think we can. I do not think we can put school prayer back in. This country has become so diverse. However, I believe we need to give parents the choice to be able to put their children in a religious environment or not in a religious environment, to select the environment that they want for their kids. I happen to believe many will choose a religious environment and I think they should have the freedom to do that. These arguments that that is a violation of the separation of church and State I think is absurd. I think parents, working-class families should have the freedom to choose the academic environment for their kids that wealthy families have. Working families should be able to choose where they send their kids to school. Having that disciplined environment that the gentleman from Georgia was talking about I believe is more important in many ways than the book learning that we give our kids.

Mr. KINGSTON. So much of the discipline picture, though, has got to get back to the home and the parents. We had Charles Ellis Montessori School in Savannah, GA, an excellent school putting out a great product in the students that it educates. The principal, though, told me they have 94 percent parent involvement. If you get the parents involved, it makes a big difference.

I will tell my colleagues another personal story and convince them that I have horrible discipline around the house. I have got to tell you about Jim, my 6-year-old. I love Jim. I am excited. We are going home tomorrow, and I am going to go play with Jim. Jim is very, very independent, a little blond-headed boy, solid as a rock, not an ounce of fat on him, all muscle. Ninety-nine percent go. All the time. He does not have a slow gear. He started kindergarten last year. He did not like it. He liked summertime, he liked independence. He did not like sitting in the classroom. The teacher tried to include him in on the program, Ms. Stafford, but Jim resisted. It got worse and worse. Ms. Stafford took him to see the principal. Jim did not like the principal at all and kicked the principal. The teacher was horrified. The principal was horrified. She called me up and I was horrified because, as you know, particularly during the 1960's when the three of us went through the school system, principals were like God. They had the final word on everything, and no kicking. But Jim did not know the rules. So the principal called me up. We had a parent conference and all this. She did something that I really think is great.

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She said, "I want to know where you are 24 hours a day. I want one number and one name, and if I call that name and that number, you, no matter where you are, are going to come to this school and pick Jim up and take him home. Do you understand me?"

I said, "Yes, ma'am, I understand you."

There was just no gray area to it. She laid out the rules; the program was clear. And, needless to say, Libby and I got to work on Jim, double overtime, and he ended up having a great, spectacular year. That was last year. He ended up, I think, a model student. I do not know if the teacher will agree with me, but it was perfect.

The beauty of it was the principal had the flexibility to grab me, somewhat rhetorically, by the tie and say, "Look, sucker, your kid is a problem. I want him off my campus, because he is disrupting the learning of the other kids. You are going to come get him."

Again, no lawsuit, no Federal involvement, no big problem. We understand that she was looking out for the greater cause, and we cured the problem. You cannot do that in most school systems today because the parents will say, "Well, it is not my problem. You all probably abused him."

It is just so stupid in society, some of the things we are getting into now. But I think it is because of this Washington bureaucracy, centralized planning for education, instead of giving the teachers and the principals the flexibility they need.

Mr. WELDON of Florida. Clearly, the gentleman makes a very important point, which is that you cannot blame it all on the schools, and you cannot blame it all on the teachers.

Indeed, I have to say, maybe I am partial to teachers, my mother having been a schoolteacher, most of them are great, most of them are very sincere, most of them are very hard working, there are some elements to the problems that we have in our schools that transcend the school, and it does require more parental involvement.

Your example is an excellent example of how parents get involved. I know with my little girl, Katie, when she was in the first grade she was struggling with reading. My wife started to work with her with reading and tried to help her. At the end of the first grade, she was reading at about the third grade level, but she started out struggling. That is an example of very intense parental involvement.

A lot of parents, single moms, do not have the time for that. There are problems that go beyond our schools, and parental involvement is one of the keys.

I will tell you, I think one of the best ways to get parental involvement is to get school choice, where parents are looking at the schools in their school district, looking to see which ones are good, and then getting their kids enrolled. They have an investment in that.

It is no longer a government-run operation, and every kid goes off and gets on the bus, and whatever comes out of the process at the end is whatever comes out. The parents have some ownership.

When they are shopping for the best school, I can tell you most parents are really going to make a strong effort to find the best academic environment for their child, and you are going to see parental involvement.

If we can get an environment in this country today where every State is doing what Minnesota does, I think parental involvement will increase, not only in the private schools and the sectarian schools, religious schools, but in the public schools as well, because if a parent has a tax voucher or tax credit in their hand and they choose to go to the public school, I would assume they are going to make more of an effort to make sure that their son or daughter is getting the education that they need.

But I agree with the gentleman from Georgia [Mr. KINGSTON] 100 percent, that there is more to it than just our schools. This is a community issue, it is a family issue, it is a church issue, it is a school issue, and it is a government issue. But I think it is a local government issue, it is not a Federal issue.

Mr. GUTKNECHT. If the gentleman would yield, I would like to get back to the point about discipline. You made the point that most employers say if they have to choose between a candidate for employment who has all of the right knowledge and one who has the right character and values, they will tend to lean toward the person. They are not mutually exclusive. I think we should make that point.

This fall, or last spring, I toured two schools, one in Minneapolis, one in St. Paul, and both of them had done something rather remarkable. One was a charter school, which we were one of the first States to begin allowing charter schools to start. The other was a regular public school.

It was interesting, though, the reason that these two schools had been chosen by some people who wanted me to see what was happening in education, they had both committed themselves to a curriculum that was very, very strong on values: Value education.

You mentioned we have more or less taken religion out of the public schools, and some would argue that is good, while some would argue that is bad. But I do not think you necessarily have to separate education from the importance of teaching kids on a regular basis the importance of some of those traditional values.

It was interesting what happened at both of those schools. These were inner city schools. These were relatively poor neighborhoods. They had, up until they had begun to switch their curriculum, had pretty poor test scores.

But two things happened. When they began to really reinforce some of those time-tested principles and values, what happened was, first of all, the discipline improved. Without doing anything else, discipline improved.

Then, not only did discipline improve, but the academic side improved. When you have discipline, when you have kids who understand that it is important to be honest, to tell the truth, to work hard, to be cooperative, to behave yourself, to be quiet when the teacher speaks, to be respectful of adults, all of those values which we were really taught when we were in school back in the fifties, really, the changes in those schools and the academic performance of these kids went up geometrically.

So it can happen. More importantly, it is happening. It is happening not only in private schools, but it can happen in public schools. So the whole idea that it can only happen in private schools or only happen in charter schools really is not true.

But it does take the commitment of the parents. It takes the commitment of a principal. I am sorry, I should remember the name of the principal, I wish I had it for this discussion tonight, but a very courageous principal who said: "We are going to change the school. It is going to be cleaner, it is going to be safer, the kids are going to be disciplined, and we are going to teach values." It is just amazing to see the differences in that school and in those kids.

The beauty of all of that is, in the long run, the real winners are going to be those kids. At the end of the day and the end of their time in school, they are going to get so much more out of it than what the school was like a few years ago when it was rowdy, it was dirty, the kids did not behave and they did not pay attention to the teachers, and their academic performance was way at the bottom. Now their performance is moving way up toward the top.

It is not mutually exclusive and it does not require just private or charter schools. But I think one of the things that did encourage this particular school to at least be aware of it was the fact that charter schools were becoming available, and that we had increased and are now dramatically increasing the deductibility as well as tax credits for educational expenses in Minnesota, so there is a competitive force now, and people understand if parents do not feel that the local public school is really doing the job, then there is an option out there.

There is a competitive factor. Again, there is the miracle of the marketplace, and some innovation by the school administrators has made a tremendous difference in those schools and in the lives of the kids who go to school there.

Mr. WELDON of Florida. If the gentleman would yield, I would agree 100 percent that you can teach morality, virtue, and character in an environment that does not include a religious theme.

Some examples I think include hard work, the value of hard work, caring for others, treating others as you would want to be treated yourself. You do not have to get the Bible out to instill these values in kids. There are lots of ways that you can just teach those basic human values.

Now, I happen to personally believe they are all rooted in the Bible, at least in western civilization they are rooted in the Bible. But there are ways that you can teach values and virtue where you do not have to violate the so-called constitutional separation of church and State.

I know you are going to tell me that is not in the Constitution, and I am aware of that, that the words "separation of church and State" are not in the Constitution.

Mr. GUTKNECHT. If the gentleman would yield, he makes a good point. I tell some of my friends it is not right because it is in the Bible, it is in the Bible because it is right and it works. The time-tested principles and values that we talk about, work, thrift, personal responsibility, respect for your elders, those are not right just because they are in the Bible; they happen to be in the Bible because they are right and they work.

Mr. WELDON of Florida. Amen.

Mr. GUTKNECHT. You do not have to teach the Bible to teach the principles that have made not only this society successful, but every successful society in some form or another has subscribed to the basic principles and values we are talking about. But it is important those values be taught to our kids.

I hope we can come back to why values do matter in the long run and this original discussion that we started out that got me to come over here.

Mr. KINGSTON. If the gentleman would yield, here is an August 29 article in the Washington Times about a public opinion poll that says the economy is booming, the stock market is up, business is good, employment is at a great high, and yet Americans are pessimistic.

One reason they are pessimistic is because of moral values. For example, one woman in this poll talked about the country not being on the right track and said that the vulgarity on TV is shocking when people, and this is a quote—well, I do not want to quote it, but just general things that are said on TV and on radio, which are inappropriate, particularly if you have got an 8- or 9- or 12-year-old in the room, or a 30-year-old, for that matter. It is just bad things.

Then government, a lot of people said they distrust government. You know, it just says Americans remain largely suspicious of the Federal Government and their political leaders, though the anger of the early nineties has dissipated. I think we in Congress should deal with problems more on a bipartisan basis, rather than finger point and so forth.

Mr. GUTKNECHT. If the gentleman would yield, I knew this story and I forgot it and it came up this week. There was quite a debate when Jefferson wrote the term "the pursuit of happiness."

Do you know originally many of the Founding Fathers wanted that sentence to be "the pursuit of virtue?"

There is a difference. I thought that was an interesting debate that we have somewhat forgotten. Obviously, we want to be able to pursue happiness, but many of the Founding Fathers felt it was even more important to pursue virtue. "Virtue" is a term we hear almost none of in this capital city any more.

I go back and I will close, and I know our time has almost expired, but I do want to say this about virtue and values, because I believe he was paraphrasing someone else, but I often quote Jessie Jackson, Sr., who politically I do not agree with on too many issues, but I agree with something he said a few years ago. He said, "If you want to change the world, you have to first change your neighborhood. If you can't change your neighborhood, at least be a good example."

I think particularly those of us on this side of the ballot, on this side of the elections, who serve in public offices and have the privilege to serve in the U.S. Congress, I think sometimes we all want to try and change the world; but what we have really got to do is talk about how can we change our neighborhood, and, finally, and most importantly, how can we be good examples.

I think once in a while we have to remind people that values and virtue are important, and they do make a difference. It is difficult sometimes when you read the stories in the press of what happens here in Washington, and the way you started this conversation tonight, and everybody is talking about campaign finance reform, but, in the end, at the end of the day, it seems to me that whether you are the President of the United States, the Vice President of the United States, a Member of the U.S. Congress, it seems to me you have a responsibility not just to obey the letter of the law, not just to find legalism, to stay within what you technically and your attorneys may say is the law, but it seems to me you have an example, you have a responsibility, at least, to set a good example.

That is one of the things that has frustrated me over the last number of months, because we have had a lot of our colleagues talking about campaign finance reform. We need campaign finance reform. I step back and I say I certainly believe that we do need campaign finance reform.

But it seems to me before we reform any laws, we have to make certain that the laws that are currently on the books are being adequately enforced. Frankly, I do not think it is too much to expect of us or members of the administration or anyone else that they not only obey the letter of the law as they are on the books today, but they set a good example.

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So with that, Mr. Speaker, I yield back to the gentleman. I hope that perhaps we can finish and talk a little bit about that, because if we are really going to teach our kids, we teach them best by example. We do not teach them by example by hiding behind legalisms, we set an example and live by that example, and that is what they hear the most from us.

Mr. KINGSTON. I thank the gentleman for those points. I think they are excellent.

Mr. WELDON of Florida. Mr. Speaker, I just want to close by getting back to something the gentleman was talking about a few minutes ago, in quoting that newspaper article.

If we look at the polls, there are a lot of people who still remain pessimistic, despite the economy going strong and unemployment being low, and it is the morality, it is the virtue issue. The gentleman is absolutely right, we cannot lay all the blame on our schools. Hollywood is playing a role, what people are seeing on TV.

But it really comes down to, in the end, we have to change ourselves. We have to change our families. We have to change our communities. Unless it comes from the grassroots up, it is not going to work. It cannot come from Washington, DC, down. We cannot reform education and put education reform, we cannot change our educational system, where virtue and values are being upgraded, we cannot reform the system from Washington, DC.

There are 5,000 education bureaucrats in this city right now, working in buildings around this Capitol, that are not doing anything to help so many of these kids who are struggling. A lot of our kids are doing well, but a lot are struggling. I think it is very exciting, the kind of reforms we are seeing.

I think what we are trying to do in the Republican Party here in this Congress, we are saying no to the status quo, and we want to see some real reform. It has really been a pleasure to be able to join with the gentleman in this discussion.

Mr. KINGSTON. I thank the gentleman, and certainly agree. There are so many things we are debating now in terms of more Washington government in education, national curriculums. I say, let us go back to the local level where the action is, where a lot of the solutions are, and so forth.

On the subject of right and wrong, I was jogging the other day out in front, leaving the Capitol, going by the Smithsonian, toward the Washington Monument, and two student-type looking fellows were sitting on the ground with a laptop computer. They had a big poster board. It said, "Is there a difference between right and wrong?" And they were sitting around punching figures into their laptop, apparently proving that there was no difference between right and wrong.

I did not have the nerve, but I certainly had the mind, and I was thinking, I just ought to jog right over there and step on that laptop and ruin it, and then turn around and see if they think there is a right or a wrong. Because I have a feeling they would say, hey, that was wrong, buddy.

And it is interesting how quickly you can kind of turn the debate from some of the academic Washingtonian deep thinkers and just bring them back to the reality of the real world and hometown America, because that is where I think the salvation of our great country is.

There are a lot of good people in Washington, great minds, practically brilliant people. I have a lot of respect for many, many folks: Democrats, Republicans, Federal bureaucrats, Federal employees, a lot of good folks in the system. But when we get down to it, the real strength of America is on the streets of America and hometown America, the wisdom of hometown America. I think that is where the goodness is, and there lies our greatness.

Mr. Speaker, I thank the gentlemen for joining me tonight.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALLEN) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

(The following Members (at the request of Mr. PAPPAS) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. JONES, for 5 minutes on September 11.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ALLEN) and to include extraneous matter:)

Mr. SKELTON.
Mr. BERRY.
Mr. HALL of Ohio.
Mr. SANDERS.
Mr. KANJORSKI.
Mr. FARR of California.
Mr. LIPINSKI.
Mr. DINGELL.
Mr. VISCLOSKY.
Mr. KLINK.
Mr. MANTON.
Mr. HAMILTON.
Mr. BONIOR.
Mr. MATSUI.
Mr. MALONEY of Connecticut.
Mrs. CARSON.
Mr. FOGLIETTA.
Mr. MORAN of Virginia.
Mr. SHERMAN.
Mr. SMITH of Washington.
Mr. ETHERIDGE.

(The following Members (at the request of Mr. PAPPAS) and to include extraneous matter:)

Mr. FAWELL.
Mr. SOLOMON.
Mr. FORBES.
Mr. DAVIS of Virginia.
Mr. TIAHRT.
Mr. WOLF.
Mr. PACKARD.
Mr. WELDON of Pennsylvania.
Mr. BONO.
Mr. DIAZ-BALART.
Mr. CALVERT.

(The following Members (at the request of Mr. GUTKNECHT) and to include extraneous matter:)

Ms. VELÁZQUEZ.
Mr. DAVIS OF VIRGINIA.
Mr. SHUSTER.
Mr. YOUNG of Alaska.
Mr. DEFAZIO.
Mr. BARR of Georgia.
Mr. GOODLING.

ADJOURNMENT

Mr. GUTKNECHT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 35 minutes p.m.), the House adjourned until Thursday, September 11, 1997, at 10 a.m.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. BOEHLERT, and Mr. BORSKI) (all by request):

H.R. 2446. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reduce the costs of disaster relief and emergency assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LAZIO of New York:

H.R. 2447. A bill to reform the assisted multifamily rental housing programs of the Department of Housing and Urban Development, protect the financial interests of the Federal Government, maintain the affordability and availability of low-income housing, enhance the effectiveness of enforcement provisions relating to single family and multifamily housing, and consolidate and reform the management of multifamily housing programs, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BONO:

H.R. 2448. A bill to provide protection from personal intrusion; to the Committee on the Judiciary.

By Mr. FAWELL (for himself, Mr. GOODLING, Mr. TALENT, Mr. BALLENGER, Mr. SAM JOHNSON, Mr. KNOLLENBERG, Mr. RIGGS, Mr. GRAHAM, Mr. SOUDER, Mr. NORWOOD, Mr. PAUL, and Mr. HILLEARY):

H.R. 2449. A bill to allow the recovery of attorneys' fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board; to the Committee on Education and the Workforce.

By Mr. HALL of Ohio (for himself and Mr. CAMPBELL):

H.R. 2450. A bill to amend the Internal Revenue Code of 1986 to clarify the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes; to the Committee on Ways and Means.

By Mr. MORAN of Virginia:

H.R. 2451. A bill to protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes; to the Committee on Commerce.

By Ms. WOOLSEY:

H.R. 2452. A bill to authorize the Secretary of Health and Human Services to make grants to counties to carry out programs to provide to parents in families participating in State programs funded under part A of title IV of the Social Security Act, training relating to early childhood development and education to prepare such parents for employment as caregivers by providers of high quality child care services; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS:

H. Con. Res. 149. Concurrent resolution expressing the sense of the Congress regarding the visit of Secretary of State Madeleine Albright to the Middle East; to the Committee on International Relations.

By Ms. WOOLSEY (for herself, Mr. BATEMAN, Mr. CHRISTENSEN, Mr. CUNNINGHAM, Mr. DICKS, Mr. EDWARDS, Mr. HAYWORTH, Mr. KENNEDY of Rhode Island, Mr. POMEROY, Mr. SAXTON, and Mr. SKELTON):

H. Con. Res. 150. Concurrent resolution expressing the sense of the Congress relating to the timely distribution of payments to local educational agencies under the Impact Aid Program; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska (for himself, Mr. GINGRICH, Mrs. CHENOWETH, Mr. TAYLOR of North Carolina, Mr. HERGER, Mr. PETERSON of Pennsylvania, Mr. POMBO, Mr. MCINNIS, Mr. SESSIONS, Mrs. LINDA SMITH of Washington, Mr. RIGGS, Mr. CUNNINGHAM, Mrs. CUBIN, Mr. NETHERCUTT, Mr. DOOLITTLE, Mr. LEWIS of California, Mr. SKEEN, Mr. BOB SCHAFFER, Mr. HANSEN, and Mr. RADANOVICH):

H. Con. Res. 151. Concurrent resolution expressing the sense of the Congress that the United States should manage its public domain National Forests to maximize the reduction of carbon dioxide in the atmosphere among many other objectives and that the United States should serve as an example and as a world leader in actively managing its public domain national forests in a manner that substantially reduces the amount of carbon dioxide added to the atmosphere; to the Committee on Resources.

By Mrs. NORTHUP (for herself, Mr. CHRISTENSEN, and Mr. MENENDEZ):

H. Res. 226. Resolution expressing the condolences of the House of Representatives on the death of Mother Teresa of Calcutta; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 135: Mr. WOLF.

H.R. 145: Mrs. THURMAN and Mr. LARGENT.

H.R. 203: Mr. DAVIS of Virginia and Mr. DAN SCHAEFER of Colorado.

H.R. 292: Mr. NETHERCUTT.

H.R. 367: Mr. BLILEY.

H.R. 404: Mr. KUCINICH and Mr. BRADY.

H.R. 438: Mr. EHLERS.

H.R. 453: Mrs. KENNELLY of Connecticut, Mr. TOWNS, Mr. DELAHUNT, and Mr. BARCIA of Michigan.

H.R. 455: Mr. HINCHEY.

H.R. 456: Mr. HINCHEY.

H.R. 536: Mr. WAXMAN.

H.R. 543: Mr. CHABOT, Mr. GIBBONS, and Mr. SHAYS.

H.R. 696: Mr. DELLUMS and Mr. MILLER of California.

H.R. 777: Mr. WATT of North Carolina and Mr. GEPHARDT.

H.R. 900: Ms. VELÁZQUEZ.

H.R. 979: Mr. MEEHAN, Mr. HOEKSTRA, Mr. SPRATT, Ms. RIVERS, and Mr. UPTON.

H.R. 981: Mr. SHERMAN, Mr. REYES, Mr. NEAL of Massachusetts, and Ms. STABENOW.

H.R. 1059: Mr. RAMSTAD and Mr. RIGGS.

H.R. 1060: Mr. POMEROY and Mr. TIAHRT.

H.R. 1114: Mr. RILEY and Mr. BOEHLERT.

H.R. 1173: Mrs. KELLY.

H.R. 1232: Mr. CANNON.

H.R. 1260: Mr. JOHN.

H.R. 1288: Ms. MCCARTHY of Missouri.

H.R. 1411: Mr. THOMAS.

H.R. 1550: Mr. CONDIT.

H.R. 1653: Mr. DAVIS of Virginia.

H.R. 1689: Mr. COOKSEY, Mr. LIVINGSTON, Mr. BOYD, Mr. EDWARDS, Mr. HEFLEY, Mr. PORTER, and Mr. RIGGS.

H.R. 1705: Mr. BARRETT of Nebraska.

H.R. 1709: Mr. HOSTETTLER and Mr. GRAHAM.

H.R. 1711: Mr. BEREUTER, Mr. THORNBERRY, and Mr. WHITFIELD.

H.R. 1799: Ms. HOOLEY of Oregon, Ms. RIVERS, and Mr. THOMPSON.

H.R. 1839: Mr. LEWIS of Kentucky.

H.R. 1951: Ms. WATERS and Mr. LAFALCE.

H.R. 1984: Mr. HAMILTON, Mr. MCKEON, Mr. SMITH of Texas, Mr. LEVIN, and Mr. MCINNIS.

H.R. 2029: Mr. SESSIONS.

H.R. 2078: Mr. HUTCHINSON.

H.R. 2119: Mr. HINCHEY.

H.R. 2121: Mr. MORAN of Virginia.

H.R. 2129: Mr. BROWN of Ohio.

H.R. 2163: Mr. MILLER of Florida.

H.R. 2182: Mr. BONIOR and Mr. LAFALCE.

H.R. 2202: Mr. LEWIS of California, Mr. SCARBOROUGH, Mr. PACKARD, Mrs. MEEK of Florida, Mr. TRAFICANT, Ms. KAPTUR, Mr. EHLERS, Mr. KLECZKA, Ms. FURSE, Mrs. MALONEY of New York, Mr. BONO, Mr. DICKS, and Mr. FOGLIETTA.

H.R. 2221: Mr. GILMAN.

H.R. 2253: Mrs. MORELLA, Mr. MCGOVERN, Mr. KILDEE, Mr. COOK, Mrs. KELLY, Mr. ACKERMAN, Mr. HOLDEN, and Mr. DOYLE.

H.R. 2273: Mr. OWENS, Mr. FALEOMAVAEGA, Mr. FARR of California, Ms. CHRISTIAN-GREEN, Mr. WEXLER, Mr. CLAY, Mr. WELLER, Mr. HINCHEY, Mrs. THURMAN, Ms. DELAURO, Mr. SHERMAN, Mr. DAVIS of Virginia, Ms. MILLENDER-MCDONALD, Mr. SANDLIN, Mrs. EMERSON, Mr. LANTOS, Ms. KAPTUR, and Mr. COSTELLO.

H.R. 2290: Mr. NEAL of Massachusetts.

H.R. 2321: Mr. LAHOOD, Mr. GOODE, and Mr. ENGLISH of Pennsylvania.

H.R. 2374: Ms. CHRISTIAN-GREEN and Mr. FILNER.

H.R. 2380: Mr. DUNCAN.

H.R. 2385: Mr. YATES, Mr. BALDACCI, Mr. FRELINGHUYSEN, and Mr. BACHUS.

H.R. 2387: Ms. ROYBAL-ALLARD, Ms. CARSON, Mr. PASCRELL, Mr. ROTHMAN, Mr. CONYERS, Ms. FURSE, Mrs. MALONEY of New York, Ms. NORTON, and Mr. OBERSTAR.

H.R. 2424: Ms. RIVERS and Mr. SESSIONS.

H.J. Res. 37: Mr. GOODE.

H. Con. Res. 80: Mrs. MINK of Hawaii.

H. Con. Res. 111: Mr. ENGEL, Mr. ROTHMAN, Ms. CARSON, Ms. DELAURO, Ms. HOOLEY of Oregon, and Mr. GREEN.

H. Con. Res. 134: Mr. FORBES and Mr. YATES.

H. Res. 139: Mr. REDMOND, Mr. TALENT, Mr. CANADY of Florida, Mr. HUTCHINSON, Mr. STUMP, Mr. BRYANT, Mr. EWING, and Mr. PICKERING.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2264

OFFERED BY: MR. FATTAH

AMENDMENT NO. 62: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 516. None of the funds made available under this Act may be used by the Department of Education for a State or local educational agency in a State in which the coefficient of variation of per pupil expenditures in local educational agencies statewide for elementary and secondary education in such State is more than 10 percent.

H.R. 2264

OFFERED BY: MR. HAYWORTH

AMENDMENT NO. 63: Page 66, line 7, after "$796,000,000" insert "(increased by $18,000,000)".

Page 66, line 12, after "$7,000,000" insert "(increased by $18,000,000)".

Page 82, line 6, after "$174,661,000" insert "(decreased by $18,000,000)".

H.R. 2264

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 64: At the end of title V (relating to general provisions), insert the following new sections:

SEC. . (a) None of the funds made available in this Act may be used to administer or enforce the restriction on the discretion of the National Labor Relations Board set forth in the proviso in section 14(c)(1) of the National Labor Relations Act (29 U.S.C. 164(c)(1)).

(b) The limitation established in subsection (a) shall not apply to any labor dispute involving an employer whose business activity in interstate commerce is greater than—

(1) the financial threshold amount in effect for the class or category of the employer under the rules and standards of the National Labor Relations Board pursuant to section 14(c) of the National Labor Relations Act (29 U.S.C. 164(c)); as adjusted by

(2) the percentage increase (since the threshold amount was established or last adjusted) in the Consumer Price Index for All Urban Consumers published by the Secretary of Labor, acting through the Bureau of Labor Statistics, pursuant to section 4 of the Act of March 4, 1913 (29 U.S.C. 2) and section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)).

H.R. 2264

Offered By: Ms. Millender-McDonald

Amendment No. 65: Page 65, line 7, insert "(decreased by $3,000,000)" after "$8,204,217,000".

Page 66, line 12, insert "(increased by $3,000,000)" after "$7,000,000".

H.R. 2264

Offered By: Mr. Rodriguez

Amendment No. 66: Page 66, line 20, after the dollar amount, insert "(Increased by $1,500,000)"

Page 66, line 21, after the dollar amount, insert "(Increased by $1,500,000)

Page 73, line 15, after the dollar amount, insert "(Reduced by $1,500,000)"

H.R. 2267

Offered By: Ms. Rivers

Amendment No. 23: Page 116, strike line 16 and all that follows through page 117, line 2.

H.R. 2267

Offered By: Mr. Traficant

Amendment No. 24: Page 28, line 16, after the colon insert the following:

"*Provided further*, That any unit of local government that receives funds under H.R. 728 to hire or rehire a career law enforcement officer shall use such funds to achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service:".

H.R. 2378

Offered By: Mrs. Lowey

Amendment No. 6: Page 101, after line 18, insert the following new section:

Sec. 633. None of the funds made available in this Act may be used to implement, administer, or enforce section 9302(k) of the Balanced Budget Act of 1997 (Pub. L. 105–33), as added by section 1604(f)(3) of the Taxpayer Relief Act of 1997 (Pub. L. 105–34).

SENATE—*Wednesday, September 10, 1997*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest chaplain, Dr. Clarence Newsome, dean of chapel, Howard University School of Divinity, Washington, DC. We are pleased to have you with us.

PRAYER

The guest chaplain, Dr. Clarence G. Newsome, dean of chapel, Howard University School of Divinity, Washington, DC, offered the following prayer:

May we pray.

Almighty God, by whose permissive will the counsels of men and women are privileged to convene, we pause at the outset of a new day to acknowledge Your power and dominion and to proclaim Your goodness. We call upon Your grace to consecrate this hallowed Chamber so that Your power and goodness may guide the affairs of state to which these honored and honorable men and women will this day attend. Grant that they may see a vision of government for the people and by the people, in which the people are daily inspired by the law of the land to live, work, and play together according to a higher law: the law of love.

By the power of Your love, empower them to discharge the duties of their office in the confidence that they neither labor in vain nor without the abiding appreciation of a grateful republic. Be the source of refuge and peaceful release for them, the members of their staffs, and especially their families who sacrifice much so that they may dutifully serve the common good with dedication, devotion, and distinction.

Fill them with strength for today and bright hope for tomorrow. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the able Senator from North Carolina, is recognized.

THE GUEST CHAPLAIN

Mr. FAIRCLOTH. Mr. President, it is, indeed, a special privilege for me today to welcome as our guest chaplain, Dr. Clarence Newsome.

Before I get into the other distinguished things about Dr. Newsome, I would like to mention that he is a native North Carolinian, born in Ahoskie, NC, and spent 18 years at one of our premier universities, Duke University, not only as a professor, but as a football player and a great leader of that university.

He is now dean of the Howard University School of Divinity. Dr. Newsome is a distinguished clergyman, an impelling preacher, and a very visionary educator. He is known throughout the Nation as one of the most insightful and sensitive thinkers on religion, culture, and social issues of our time. Dr. Newsome continues to play a major role in the strategic development of Howard University.

His presence with us today is an opportunity for the Senate to affirm the crucial and important contribution of Howard University to the city of Washington, to the District of Columbia, and to our Nation and world as a whole, being one of the leading producers of diplomats throughout the world.

I welcome Dr. Clarence Newsome.

SCHEDULE

Mr. FAIRCLOTH. Mr. President, on behalf of the majority leader, I want to announce that this morning, the Senate will immediately resume consideration of Senator SESSIONS' second-degree amendment to Senator DURBIN's amendment, concerning the tobacco agreement, to S. 1061, the Labor-HHS appropriations bill. As Members are aware, the Senate has been able to dispose of all but a very few amendments remaining in order to the bill. Therefore, the cooperation of all Members will be appreciated in the scheduling of time agreements and floor action on amendments. Members can anticipate rollcall votes throughout today's session of the Senate as we attempt to complete action on the Labor-HHS appropriations bill. Thank you, Mr. President.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 1061.

The assistant legislative clerk read as follows:

A bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gregg amendment No. 1070, to prohibit the use of funds for national testing in reading and mathematics, with certain exceptions.

Coats-Gregg amendment No. 1071 (to amendment No. 1070), to prohibit the development, planning, implementation, or administration of any national testing program in reading or mathematics unless the program is specifically authorized by Federal statute.

Nickles-Jeffords amendment No. 1081, to limit the use of taxpayer funds for any future International Brotherhood of Teamsters leadership election.

Craig-Jeffords amendment No. 1083 (to amendment No. 1081), in the nature of a substitute.

Durbin-Collins amendment No. 1078, to repeal the tobacco industry settlement credit contained in the Balanced Budget Act of 1997.

Mack-Graham amendment No. 1090, to increase the appropriations for the Mary McLeod Bethune Memorial Fine Arts Center.

Coverdell amendment No. 1097, to enhance food safety for children through preventative research and medical treatment.

Coverdell amendment No. 1098 (to amendment No. 1097), in the nature of a substitute.

Specter amendment No. 1110, to reduce unemployment insurance service administrative expenses to offset costs of administering a welfare-to-work jobs initiative.

Harkin (for Wellstone) amendment No. 1087, to increase funding for the Head Start Act.

Harkin-Bingaman-Kennedy amendment No. 1115, to authorize the National Assessment Governing Board to develop policy for voluntary national tests in reading and mathematics.

Harkin (for Daschle) amendment No. 1116, to express the sense of the Senate regarding Federal Pell grants and a child literacy initiative.

Murray-Wellstone amendment No. 1118, to clarify the family violence option under temporary assistance to needy families program.

Domenici (for Gorton) modified amendment No. 1122, to provide certain education funding directly to local educational agencies.

Sessions modified amendment No. 1125 (to amendment No. 1078), to provide for certain limitations on attorneys' fees under any global tobacco settlement and for increased funding for children's health research.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 1125, AS MODIFIED FURTHER

Mr. WELLSTONE. I thank the Chair.

Mr. President, I rise today on the floor of the Senate to express my strongest opposition to an amendment which I am sure has been offered in good faith but the effect of which really will be to intimidate advocates of public health and, in particular, I think amounts to an intimidation of the attorney general of the State of Minnesota and, again, the public health community who have hired

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

legal advocates on their behalf and on the behalf, I might add, of the collective public health people in this country.

Mr. President, let me give a little bit of information about Minnesota's tobacco case, because this amendment does not have a neutral effect. My colleague, Senator DURBIN from Illinois, last night pointed this out. In a State like Minnesota we have pored through 36 million pages, 36 million documents, in what promises to be the biggest court case this winter. This will bring to light a tremendous amount of information in all likelihood, I think, dealing with some very serious abuses by the tobacco industry, which could lead to a very far-reaching and major financial settlement for Minnesota and also lead the way for other States. It also could lead the way toward some really dramatic protection for people in this country. This amendment amounts to nothing less than an effort to intimidate advocates of public health and to intimidate the attorney general of the State of Minnesota.

The $250 per hour or $5 million cap altogether does not take into account, as my colleague from Illinois mentioned last night, different efforts that have taken place in different States. But to me, again, regardless of the motivation, the effect of this amendment is a get Minnesota amendment and, I might add, it really goes after, again, most importantly, advocates of public health.

I have no idea—I am not a lawyer—what the particular arrangements are between the attorney general and the contract with lawyers who are working with our State, but I doubt very seriously that we, the U.S. Senate, have the constitutional right to directly intervene in that. I do know this amounts to nothing less than an effort to get people to back down. I don't think that will happen, I say to my colleagues, not in Minnesota.

Let me say a little bit about Minnesota's tobacco case. Minnesota is the first State in the Nation to charge the tobacco industry with consumer fraud and antitrust violations and the second State to seek Medicaid reimbursement.

It is the only State with a private coplaintiff, Blue Cross and Blue Shield of Minnesota.

Minnesota's outside counsel, Robins, Kaplan, Miller, & Ciresi, has a national reputation for resolving complex litigation battles against corporate giants, including the Dalkon shield case and the Bhopal, India, chemical spill case.

This case was launched in August 1994. There are 36 million documents. The State has won the majority of pretrial motions and all appeals, including one in the U.S. Supreme Court.

The State has secured 30 million pages of documents through discovery. Minnesota has the largest collection of tobacco documents in the world, housed in two secured depositories in Minneapolis and London.

Public documents already cited as evidence in the case have detailed youth marketing, enhancement of the effect of nicotine, admissions of health problems, and other disclosures central to Minnesota's allegations. Most of the evidence remains under seal at the tobacco industry's insistence.

The court is reviewing tobacco companies' most secret documents, formerly hidden under attorney-client privilege claims, for possible disclosure. That is the current status.

The Minnesota case is rated by top tobacco stock analysts at Bernstein Research as "the biggest threat" to the industry.

The trial begins January 1998.

I think that is what this is all about, at least in its effect. Minnesota's court case is the biggest threat to the industry. We will see a disclosure of information that will be so critical to the health of people all across the country. This amendment amounts to an effort at intimidation toward the advocates of public health who have hired lawyers as their advocates and, again, I think is really aimed right at the State of Minnesota, really aimed right at the attorney general of Minnesota.

This is a tobacco industry amendment. This industry doesn't want a State like Minnesota to go forward. This industry doesn't want lawyers out there representing the public health community. Let's be realistic about it. The only way you can go through all these documents, the only way you can put together this kind of case, the only way you can go after these tobacco companies, these giants, is by having lawyers working for you. That is what the State of Minnesota has done. That is what the public health community has done. This amendment is an amendment aimed at trying to bring a halt to this process.

Mr. President, I am not, again, an attorney, but I will raise two or three final points. One, I don't really know how we in the Senate can say to the attorney general of Minnesota or the State of Minnesota, whatever your contractual arrangements are—and I don't even know what they are with lawyers representing your State—we're going to come in and essentially declare that null and void; we're going to supersede that contractual arrangement. I don't even know if we can do that.

No. 2, I will just tell you that when you are talking about 30 million pages of documents through discovery, this cap is not neutral in its effect on a State like Minnesota, and $5 million compared to what Minnesota might very well be able to accomplish by way of a damage suit, by way of compensation for the people of Minnesota, by way of information for the public, by way of what information comes to those of us in the Congress, by way of what we can do with that information to protect the public health really amounts to hardly anything.

Finally, Mr. President, there is a world of difference between $5 million and the amount ultimately that that kind of legal counsel on behalf of the public health community will be able to obtain, again, by way of financial compensation and by way of information and by way of protection for the public health, all of which has to do with research and protection of people's health in this country.

So let us just be real clear about this amendment. This is the tobacco company's dream amendment. That is what this is all about. And that is what this vote is all about. I think my colleagues will be making a big mistake if they do not think that people cannot see through this.

Just a little bit of chronology here so that people in the country understand this debate right now. And I think they do already. My colleague from Illinois, Senator DURBIN, joined by Senator COLLINS, Republican from Maine, in a bipartisan effort, came to the floor of the Senate—let us just be sort of historical about this for a moment—and said, wait a minute, we had this tax package, and we had this budget bill, and that is what it was supposed to be all about. And lo and behold, somebody slipped in a $50 billion relief package for the tobacco companies that they could use as credit toward any final compensation that they owed to people in this country.

My colleague from Illinois was very polite. I will be just as polite because I do not really know who did it. He said that the tobacco industry's lobbyists put this in the bill. They did not actually, literally do that. Senators and Representatives did that. Actually, the tobacco companies' lobbyists are very powerful, obviously. We see it again with this amendment. But they are not actually so powerful, as the Chair knows, that they can actually directly write the amendment, literally be the ones who put the amendment in in the conference committee. They cannot actually do that. They cannot actually sit there and pretend like they are Senators and Representatives. Actually some Senator or Representative has to do that.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. WELLSTONE. I will be pleased to.

Mr. SESSIONS. I have three questions.

First, do you know whether the attorneys in the Minnesota case are being compensated on a contingent fee basis, that is, in which they would get a percentage of the recovery, and in many of these States they have done not much more than file a lawsuit, and already the tobacco industry is willing to pay large sums of money which would enable attorneys to receive huge fees for almost no work? I understand perhaps Minnesota is different and that they may be, perhaps, the only State in which the attorneys are employed on an hourly basis. Does the Senator know whether that is true or not?

Mr. WELLSTONE. Mr. President, why not take all three questions and then answer all three of them.

Mr. SESSIONS. That is the first one.

Second, is the Senator aware that, with regard to the receipt or copying of the documents, those are expenses which are not covered by this bill, or at least this bill provides a full payment of expenses to attorneys who incur them legitimately, even in furtherance of these lawsuits, and would be reimbursed? I pose those two questions to the Senator.

Mr. WELLSTONE. My understanding is that on the first arrangement—and I am just learning about the arrangement right now—it is a contingency fee, which was challenged by the tobacco industry, and the tobacco industry lost that in court, in response to your first question.

On the second question, I think, still, it does not have anything to do with the——

Mr. DURBIN. Would the Senator yield for a question?

Mr. WELLSTONE. I would be pleased to.

Mr. DURBIN. I believe the point by the Senator from Alabama is his covers the expenses but does not cover the legal fees. So the expenses of literally physically collecting all these documents would be covered, but to have the first attorney sit down and try to read them is going to be limited. So it is one thing to have a warehouse full of documents, but if you want to have competent legal minds reading those documents, deciding what is important for the lawsuit, the Senator from Alabama says that is fine, but we are going to put a ceiling on this, there is just so much money to spend.

Mr. SESSIONS. I guess the answer to the question, Mr. President, was the Minnesota case is not on an hourly basis but on a contingent fee basis?

Mr. WELLSTONE. That is my understanding.

If I could go on—I think I have the floor—I was going to say to my colleague, it is my understanding also that the tobacco industry challenged that and that they lost in court.

Then in response to the second question, actually what my colleague from Illinois said was what I was going to say as well. Again, I am not a lawyer, but it is pretty clear to me that it is fine to get the compensation for the copying or whatever needs to be done with all the documents, but somebody has to go through those documents, somebody has to read the documents, and somebody has to try to determine what those documents really are saying in terms of culpability, in terms of what might have happened. That is, of course, the work that the lawyers are doing on behalf of the public health community.

But, Mr. President, since there isn't a third question, let me go back because there are other colleagues on the floor. And I will be pleased to——

Mr. SESSIONS. I will be glad to present my third question.

Mr. WELLSTONE. Sorry. You have the third question. I will be pleased to yield for the third question.

Mr. SESSIONS. Did the Senator know that this Senator refused to take money from the tobacco industry as attorney general and has sought tougher laws against the sale of tobacco to children and is not a tool or pawn of any tobacco company? In fact, I am offended it would be suggested otherwise.

I believe tobacco is a very unhealthy substance. I think it is quite plain it causes cancer and premature death, and we ought to do everything we legitimately can to reduce its use. In fact, I am supporting the amendment of the Senator from the State of Illinois and also of the Senator from Maine, Senator COLLINS, that would prevent them from having a $50 billion benefit. My concern is $14 billion in legal fees to many attorneys who do not deserve anything like that kind of fee.

Mr. WELLSTONE. Mr. President, let me respond to the third question. Then I will just finish up. But the first question actually raised by my colleague from Alabama raises an interesting question.

In response to the third question, I say to my colleague from Alabama, I very much appreciate what he said. That is why I was very careful in the beginning saying—I learned a long time ago to assume good faith on the part of other colleagues, to basically assume people are doing what they think is right. I would not suggest that my colleague is a pawn of anybody.

What I said was that the amendment, whatever the intention, has the effect, will have the effect, of intimidation of the public health community and will have the effect of and amounts to an effort in terms of its effect to intimidate the attorney general in Minnesota and the State of Minnesota. That is exactly true, and in that respect, it is a tobacco company amendment.

Mr. President, actually—to go back to Minnesota—I find it interesting that what happened apparently is Minnesota went to a contingency fee, and then as a result of that, the tobacco companies challenged this in court. So now we have an amendment on the floor which is another way of essentially trying to deal with this arrangement in Minnesota. I do not think we in the U.S. Senate should be doing this as it affects different States.

Mr. President, just a little bit of history to bring us to where we are right now.

So what happened is that unnamed colleagues—I mean, it was not the tobacco industry; they did not actually sit down in the committee and put the amendment in—somebody tucked the amendment in. Old politics, back room politics, you know, it just happens in the dark, just happens behind the scenes. I mean, once upon a time people viewed that as being clever legislators. It just does not work that way any longer.

So my colleagues come to the floor, and they essentially say, "Look, let's just at least knock that out. That ought not be in there." That is what this amendment is about. That would be a proposition that we could have an up-or-down vote on.

When I was back in Minnesota and the stories broke that in the tax bill we had this $50 billion tax break, tax credit, tax giveaway to the tobacco industry, people in Minnesota were saying to me, "Congratulations, PAUL. You voted against that tax bill. You voted against that budget bill. You knew, and a lot of other people didn't." And I said to them, "You know, I've got be honest. I voted against that bill for other reasons. I didn't know. I would love to tell you I was the one person who did and that is why I voted against it, but actually I didn't know."

This was just sort of tucked in there. Some Senators, Representatives—one, two; I do not know how many—put it in there. It was very cleverly done. But my colleagues have come to the floor and said, "Look, we didn't know that was in there. This is not the way it's supposed to work. This is not exactly a political process with a lot of accountability. We ought to take it out. We can have an up-or-down vote on that."

Now what we have is an amendment with the intended effect to intimidate advocates of public health. I mean, that is not the motivation, but that would be the effect of it. I do not know that it is an intended effect. It probably isn't. But the effect of it would be to intimidate advocates of public health, to intimidate States like Minnesota where we have plowed through, again, 30 million pages of documents. The Minnesota case is rated by top tobacco stock analysts at Bernstein Research as "the biggest threat" to the industry. And I can see exactly what is going on here.

This is an amendment that is a dream come true for the tobacco industry to try to go after States like Minnesota, to try to make sure that States cannot go through with this. If that is what happens, then we all lose.

So, Mr. President, let me just make it clear that this amendment, if passed, would have the effect of intimidating the public health community, advocates for the public health community, and States like Minnesota that promised to bring to light, in what would be a huge court proceeding, information that will be vital to the public health of this country.

This amendment is not neutral in its effect. This is a tobacco industry amendment. That is what this is all about. Therefore, I urge my colleagues to vote no. As a Senator from Minnesota, I am proud that the Minnesota case is viewed as the biggest threat to the industry. I am proud that the trial is going to begin in January 1998. I am proud that, I think, a whole lot of information is going to come to light and we are really going to learn much more about what exactly has been going on within this industry and how it has affected our families and how it has affected our children.

But, Mr. President, this amendment is a get Minnesota amendment. This amendment, with its caps, is an effort to go after Minnesota, to go after advocates for Minnesota, to go after the public health community, to make sure that we do not have lawyers that are working on this and to make sure that "the biggest threat" to the industry court case may never take place. It is an outrageous amendment. I hope colleagues will see it for what it is and it will be voted down resoundingly.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know that it is the desire of the Senator from Illinois and others to have the Senate make a judgment on this issue. But it is a very, very important issue. I welcome the opportunity to join my colleagues in making comments about the implications of this particular amendment. And I do so at this time.

Mr. President, the Sessions amendment is really one more attempt to aid the tobacco industry at the expense of the public interest. Make no mistake about it, its effect would be to set up a major roadblock preventing the States from pursuing their cases against the tobacco industry.

The Sessions amendment, as I read it, would restrict the ability of States to retain the attorneys to pursue States' claims against the tobacco industry. As we all know, 40 States have filed suit against the tobacco companies. So far only two of those cases have been settled. Just yesterday, the tobacco industry said that it will no longer be settling cases. The Texas case is scheduled to go to trial within the next few weeks.

As Senator WELLSTONE has pointed out, Minnesota, which has done an enormous amount of work on covering the sordid history of the tobacco industry, is scheduled to go to trial in just a few months.

So it would be an outrage for this Senate, acting at the behest of the tobacco industry, to handcuff the States as they seek to compensate their citizens from an industry that kills 400,000 citizens each year.

If Senator SESSION'S intent is to regulate the amount of attorney's fees to be paid as part of a national settlement, clearly, this amendment is premature and unwarranted. Congress has not even begun to seriously debate the merits of the national proposal. The issue of attorney's fees in a settlement should be considered after there is a settlement, not before.

The real intent of the Sessions amendment is clearly demonstrated by the fact that, as originally drafted, it only sought to restrict the attorney's fees of attorneys representing the States, not the attorney's fees of the tobacco industry. To restrict the plaintiff attorney's fees would dramatically tilt the already uneven playing field even more in favor of the tobacco companies. While Senator SESSIONS has now added defense attorneys to his amendment, regulating the amount of attorney's fees paid by the private party is highly questionable and probably unconstitutional. Thus the effect of the amendment would still be to place a burden just on the States.

Since under the terms of the settlement plaintiff attorney's fees would be paid by the tobacco industry and those funds are not to come out of the proposed $368 billion national settlement, limiting plaintiff attorney's fees would not produce an additional dollar for either the State governments or the Federal Government. It would merely further enrich the tobacco industry.

While the amendment says that the money saved would be paid to the Federal Government for use by the National Institutes of Health, the amount saved would never be determinable, and thus no significant payment to the Government would result.

So make no mistake about this amendment, blessed by the tobacco industry, it is a ploy to kill the Durbin amendment. We were all outraged when we learned that a paragraph had been slipped into the budget agreement to give the tobacco industry the $50 billion credit. The amendment, if it is allowed to remain law, would cost the taxpayers $50 billion.

There has been a justified outcry against that gross abuse of the legislative process. And there is now widespread support for repealing that ill-conceived provision. Big tobacco knows that it cannot prevent repeal directly, therefore, it has embraced the Sessions amendment as a diversionary tactic.

Let us decisively reject this cynical gambit, beat the Sessions second-degree amendment, and overwhelmingly approve the Durbin amendment. To do otherwise would be to erect an enormous roadblock in the path of the States pursuing justice for their citizens against the tobacco cartel.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Thank you, Mr. President. I speak in favor of the Sessions amendment.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ENZI. I have not even given my speech. I don't know how you could have a question.

Mr. DURBIN. It is about the procedure we are to follow during the remainder of this debate.

Mr. ENZI. I yield for a question on the procedure.

Mr. DURBIN. I wonder if the Senator would join Senator SESSIONS and myself in a discussion of a limit on the remaining debate on this amendment, if we could reach an accommodation and agreement as to how much time we would spend on the remaining debate?

Could I suggest, if the Senator would be kind enough to be party to this discussion, that perhaps we agree to 40 minutes, equally divided, between us, if that is agreeable to the Senators on the other side.

Mr. SESSIONS. Will the Senator yield?

Mr. ENZI. I yield.

Mr. SESSIONS. I think there is some discussion about us voting at 10:45. I think that would be agreeable with me if there is no objection. I think I indicated to the Senator from Illinois that I might need 15 minutes. That would be for me, personally. I think there are some other Senators that would want to talk during that time on this issue. I would be prepared to agree to that, but I would not want to limit my own time, the whole argument, in favor of this bill, to 15 minutes.

I want to say that to the Senator so I am not misleading him about the time.

Mr. DURBIN. I might not have caught the last comment made by the Senator, but it is my understanding we are going to take a vote on a motion to table that I will offer at 10:45 and the time between now and then will be equally divided between the proponents that Senator SESSIONS shall acknowledge, and the opponents that I shall acknowledge on my side, is that correct?

Mr. SESSIONS. I have some concern. My concern about that is that the opposition to this amendment has already been talking at least 20 minutes, so I do not think it would be appropriate and I would not be able to agree to an evenly divided 22 minutes on each side. Perhaps if you added 15 minutes to that to our side and we voted at 11 o'clock, I would be prepared to consent to that.

Mr. DURBIN. I have no objection.

The PRESIDING OFFICER. Is there any objection?

Mr. ENZI. I agree to that time limit as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I am sorry, I want to make sure there is clarity here.

The debate will continue now for an hour, evenly divided, is that the point, and the vote to be taken at 11 o'clock?

The PRESIDING OFFICER. The debate will conclude at 11.

Mr. SESSIONS. What I indicated I would agree to would be that we would add 15 minutes to the 22 minutes that you have, making 37 minutes for the proponent of the amendment and 22 minutes for the opposition. I think that would be fair in light of the fact that you have already taken more time than that this morning in opposition to the Senator's amendment.

The PRESIDING OFFICER. The Chair understands that clarification. That would be in order.

Mr. DURBIN. Thank you.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I do not have very many remarks on this but my remarks have grown just since I have been here this morning.

I am fascinated with this accusation that my fellow Senator from Alabama is doing this on behalf of the tobacco folks. I have not seen him do anything that has looked like it was on behalf of the tobacco folks in this settlement. I have not done anything on behalf of the tobacco folks in this settlement, and during my campaign, even though I was desperate for money, I didn't accept any money from the tobacco folks.

I am in support of the second-degree amendment and I am in support of the first-degree amendment. I am in support of both of them because they both leave all the money on the table. That is kind of hard to determine. We do not know at this point what the money is that is on the table. The Senator from Kentucky last night went through quite a discussion of how much it might be in addition to $368.5 billion, but this debate is about how much less than $368.5 billion it might be.

Quite frankly, I am fascinated with the whole discussion on the tobacco settlement. I hear these comments about whether it is constitutional to limit attorney's fees or not. I cannot tell you for sure that it is constitutional for us to be talking about a tobacco settlement at all. This is an arrangement that the States entered into, through some lawsuits, and then some discussions, and now they are asking us to seal the deal on their behalf. Usually they are asking us to keep our hands out of their business, and I am in favor of doing that. I think the States have some rights that we have infringed on for a long time and that it is our job here to return as many of those rights to the States as we possibly can.

So now we have the States saying, "Please meddle in our affairs and seal this deal for us." Quite frankly, I am not hearing them say, "Meddle in this deal but don't meddle in the attorney's fees." They are not saying that. We are not even sure what the attorney's fee arrangements are between the different States.

If we have a constitutional right to do one, seal the deal, I think we have a constitutional right, too, to make sure that we understand what the attorney's fees are.

When this passes it will not be the final time that it will be debated. There will be a conference committee on it and one of the things I have learned in the short time I have been here in the Senate is that those conference committees can do almost anything they want. When this particular amendment comes back it can have eliminated every concern of the people in the House and the Senate. Everything we have debated here can be changed or it can be left out.

I think at this point it is extremely important that we talk about the attorney's fees and not let everybody in the country go running off to hire more attorneys at whatever rate they can entice them. Quite frankly, I think this could turn into one of the biggest lotteries in the United States. I think we need to have some parameters.

Now, the parameter that is in this amendment is $5 million, or $250 an hour for each and every hour they put in the process. It was mentioned just a little while ago that you have to have people read the documents and determine what is important out of several million documents. Well, each and every one of those people reading those documents would get $250 an hour, not just the lead attorney, and him having to separate it out to the people reading the documents for him, everybody gets $250 an hour. That is quite an economic boon. The only limitation on it is $5 million per State.

Do you think these people went out and obtained $5 million worth of State money or even suggested that attorneys ought to be able to get that through a contingency fee? If they did do that, why are they turning around and asking us to confirm what they did, but saying, "We cannot give you the details?" This amendment will bring out the details, and it is not the final action. The first-degree amendment brings out the details.

We found that there was a stipulation in the last conference report—it was not an action we took, it was a conference report action—that there would be a credit against the tobacco tax, and we say, no, we will put that back on the table. I am all for putting that back on the table. We are starting to commit settlement money without having a settlement, without having a deal and without knowing whether the money is for the Federal Government or for the States. It is too premature to make those kinds of deals.

I commend the Senators from Maine and Illinois for their effort to get the cigarette tax back on the table so we can decide, and I commend the Senator from Alabama, Senator SESSIONS, for putting the attorney's fees on the table so we can take a look at whether they earned them or not and what part they played in this process. It seems to me to be logical.

Another little twist on this whole tobacco settlement is we are talking about several years of payments in the tobacco settlement, but we are talking about upfront, putting them out of business. There is not much clamor against putting them out of business, but you do not get money over a long term from somebody that you put out of business.

We want to stop the cigarette sales. We want to get people to quit smoking and having the harmful residuals that are showing up from the tobacco, but are we going to give away the first money that comes in, the money that is most assured of having, to the attorneys? And then when we put them out of business, saying "What happened to the other $300 billion we were going to get out of the bill? How come we don't get the money?" We committed that money.

So I certainly hope that the Senate will be careful and not commit money that we do not have, commit money that we do not understand how we are going to get, commit money that it may not be constitutional to take. But I do hope we will investigate and work this thing to the greatest benefit possible for stopping smoking and helping the health situation in this country.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Wyoming for his comments. He is a very thoughtful Member of this body and watches after the taxpayers' money with great interest. I think his comments are right on point. I am delighted to have him share those with us today.

We are talking about allowing $5 million in attorney's fees to be paid. In addition to that, we are talking about allowing unlimited amounts of money to be spent for expenses in a litigation. That could be for computerization, committees, receiving records, clerks analyzing records and collating records, filing records, and storing records.

I have been an attorney for a long time. This idea about 30,000 documents, that is what you normally say when you come to court and you are not ready to go to trial and you say, "Judge, we have 5,000 documents." Well, probably 4,999 of them are some sort of receipts or documents that do not even need reviewing, have no real significance to the issue at hand, but there may be a few in there that do. That is a price of fame about how many documents it is—suggesting the great complexity of the case that may have very little to do with the complexity of the case.

Let me say this, there has been a lot of talk about big tobacco. I am not supporting big tobacco. I am supporting the amendment that is on the floor today.

What I would like to say is there is another big political force in this country, there is another big force in this country that attempts to work its will, and that is the plaintiff lawyers. They are one of the major contributors to campaigns in this Nation. They receive settlements of millions of dollars in lawsuits and contribute millions of dollars to people, politicians and judges and others who further their view of what litigation is about.

Now, I believe in litigation. I am not against litigation. I am not against the lawsuits. I do not want to pass a bill that would stop these lawsuits. I am going to tell you we are talking about not just millions of dollars, not just tens of millions of dollars, not just hundreds of millions of dollars in legal fees. We are talking about billions of dollars, tens of billions of dollars.

Published reports indicate that this time that the plaintiff attorneys, these private attorneys who are hired to do these cases by the State attorney generals, they expect to receive $10 to $14 billion—billion dollars.

In the State of Alabama, outside the education, the general fund budget of the State of Alabama is less than $1 billion. We are talking about a small group—not hundreds and hundreds of attorneys, but a small group of probably less than 100 firms, probably less than 50 firms, receiving $10 to $14 billion in legal fees. Many of these States have only just filed their lawsuits. The tobacco company comes in and agrees, and they put the money out on the table—$300, $400, or $500 billion on the table. Most of these attorneys have contingent-fee contracts, in which they intend to receive a percentage of that money, and they did little more than copy a lawsuit and file the same lawsuit some other lawyer filed in some other State. They are entitled to do that under their fee agreement. It is not right. It is money that ought to be going to the health of children in America.

This bill says we are going to put a limit on it, and $5 million is a pretty good legal fee. In my opinion, $250 an hour is high-paid attorneys. I think anywhere else you would see that. So we think that is a good limitation on it. And it is unlimited on expenses that may be incurred. I think, Mr. President, this is a good way to deal with this matter.

I am going to tell you what has offended me. I was a State attorney general just last year, and I had some knowledge of how this litigation was being managed and how these attorneys were being hired on a contract basis. So I have asked about that when we have had hearings in the Senate Judiciary Committee of which I am a member. I have asked one of the attorneys general what the fee agreement was in his State. He avoided answering that. Others have asked that question. We have gotten no answers. I have written an attorney general and two of these plaintiff lawyers and asked them, over a month ago, to tell me the nature of their fee agreement and how much they expected to get. I have yet to hear from them. Senator GRASSLEY, a member of the Judiciary Committee, has also written letters asking about how much money is going to be paid for attorney's fees, and they won't say. They have everything else spelled out in this global settlement, but they don't talk about the billions of dollars that will be going to plaintiff attorneys, many of them who put little work into the case. They don't want to talk about that.

In fact, this whole settlement agreement is designed to conceal the amount of money paid as attorney's fees. There is no other way to describe it. I hate to say that. It is a serious matter, what is happening here. Let me explain to you, as a litigator and attorney myself, and former attorney general, I have an appreciation for this matter. These private plaintiff attorneys who expect to make themselves rich on this settlement representing the States involved have said: We won't talk about our attorney's fees publicly. We will just enter into a side agreement with big tobacco and they will pay our attorney's fees. The tobacco industry will pay our attorney's fees. The State of Alabama, the State of Minnesota, or the State of Illinois won't have to pay our attorney's fees. The tobacco industry will pay our attorney's fees. That is a joke. That is not a way to settle a lawsuit. These attorneys work for the State, who is supposed to be paying their fee, not the party on the other side, not the person they are suing. They should not be paying the fee in a secret arrangement.

These attorneys are representing the State, the people. We need to know and we are entitled to know how much they are being paid. This bill says that they must make public any fee agreements they have and report to the people how much they expect to receive. I think that, at a minimum, we need do that. It is time to send a message that we are not going to tolerate this behavior. Everything else is going to be on the table. We are not going to have bills that go through to provide tax benefits to tobacco and we are not going to have plaintiff lawyers, who are some of the biggest contributors to political campaigns in America, enriching themselves any more than tobacco ought to enrich itself with a secret, side agreement.

Now, let me talk about that just a little more. The problem—and I think any lawyer would recognize this—is a conflict of interest. The attorney for one side says to his client: Don't worry about the attorney's fee, Mr. Client. I will get the attorney's fees from the guy we are suing. He will pay me and we don't need to bother to tell you about that. See? So the deal is, well, you get into a tough point in the negotiation and you can't reach a settlement, and big tobacco says to the attorney for the State of Alabama, or the State of Illinois, or the State of Minnesota: Well, why don't we just add a billion dollars for attorney's fees, Mr. Attorney. Maybe you can agree to this idea.

See, that is the fundamental conflict that is there. I think this probably would violate the standard rules of ethics. Certainly, it would violate the high standards of the legal profession. And I am sure any group of prominent attorneys asked about that would express very serious concerns about that because it presents a conflict of interest and the kind of activity that ought not to be tolerated. So I think we need to get into this. I think we need to limit these fees and take that money, as our bill does, and send it to the National Institutes of Health so it can be used for research on children's diseases. I think that is the appropriate use of any of these excess fees.

Mr. President, let me just say this. There are a lot of States who have just recently filed these suits. I submit they have done little more than copy the suits that some of these other States have filed. Yet, they are large States and they are going to receive tens of billions of dollars, and based on what I understand may be a common fee arrangement, these attorneys would be entitled to receive 25 percent of the recovery. I don't know why the published reports say that it is $10 to $14 billion. That seems to me to be less than some of these arrangements. Maybe, but at any rate, it is too much. Twenty-five percent of that may be $100 billion in legal fees, which could provide all kinds of assistance and aid to dealing with children's diseases and health-related matters, many of which we ought to focus on tobacco, because we do know that tobacco is a very unhealthy substance. We know that teenagers who become smokers find it extremely difficult to quit later as an adult. In fact, it is many times more difficult for a person to quit smoking if they commence smoking as a teenager than if they began as an adult. That is why we need to deal with the health question of teen smoking and why I think it is an important national issue. I salute those who believe in doing something about it.

Finally, let me just say this. What business do we have in involving ourselves in this kind of litigation and trying to involve ourselves in what kind of attorney's fees should be paid? The reason we are involved in it is because we have been asked to. The attorney generals, these plaintiff lawyers, and big tobacco have all asked us to involve ourselves and legislate this settlement. That is an interesting, probably unprecedented event, so far as I know, in the history of this country. We are talking about dealing with that professionally and analyzing it. A number of committees in this body are looking at it today, and I am sure it will be hammered out and much will be done. But I simply say that if this body does not legislate a global settlement concerning this litigation, this amendment will have no effect. It takes effect only if there is a global legislative confirmation of some sort of this settlement. At that point, I think it is appropriate for us to limit attorney's fees and deal with this. As a matter of fact, I think it is more than appropriate; I think it is absolutely essential that we do so.

So, Mr. President, I say to this body that this amendment is, in no way, designed to assist big tobacco. I am offended that anyone would suggest that it does. It is designed to put money in the hands of children by taking it from lawyers who are about to receive one of the biggest windfalls in the history of litigation—not one of the biggest, but the biggest windfall in the history of litigation in the entire world is about to occur. Attorneys are about to receive tens, hundreds of millions of dollars for cases they only worked on a few months. A few firms may have worked longer, but most only have worked a few months on these cases and have not expended large sums of money. This amendment gives them a very generous $5 million in attorney's fees and an unlimited expense account to carry on their litigation. And, in addition, it says there has to be some reasonable limits. We are not going to allow them to have a jackpot justice and make tens of hundreds of millions of dollars off of litigation of this kind.

So I say to the distinguished Members of this body that this is a proper thing for us to do. It is a proper time for us to do it. I also say there is something unhealthy here, something that does not quite smell right, when we have secret agreements on attorney's fees, representing billions of dollars, and they won't even be discussed at a time we are being asked to evaluate this entire settlement.

So, Mr. President, I strongly believe that this is a reasonable and fair amendment. It allows very generous attorney's fees and expenses to be paid, but sets a cap on it so the people of this country can know that the recovery in these lawsuits is going to help and not go to attorneys in a windfall.

Mr. President, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Would the Chair be kind enough to alert the Members as to the remaining time allocated to both sides?

The PRESIDING OFFICER. The Senator from Illinois has 22½ minutes. The Senator from Alabama has 16 minutes and 8 seconds.

Mr. DURBIN. I thank the Chair.

Why are we here today? Because the tobacco company lobbyists, at the last minute, in our tax bill, which we considered several weeks ago, managed to sneak in a provision that was not debated on the floor of the Senate, nor on the floor of the House. It was never brought to public light. It wasn't discussed by the leadership, by anyone. And this provision, which is 46 words at the end of the tax bill—a provision which they hoped no one would notice—gave to the tobacco companies a $50 billion setoff against any tobacco settlement. The tobacco companies that came to us and said, "We have learned our lesson, we are a new industry, we are sensitive to the public health problems we have created," managed to sneak in in the dead of night and put in this provision, which gave them a $50 billion setoff.

Outrageous. When it was discovered and when we went about Capitol Hill, from office to office, saying, "All right, who is going to claim pride of authorship here?" Not a soul would admit they authored this provision. After weeks of investigation, finally, a staff member came forward and said to the USA Today that it was prepared, word for word, by the tobacco companies. They put this provision in the law. They put it at the tail end of this bill, and the leadership on Capitol Hill looked the other way, at best. As a result, this $50 billion outrage is now in the law.

Senator COLLINS of Maine and I have offered an amendment to repeal that. Now, the tobacco companies don't like our amendment. They have already said publicly that if the Durbin-Collins amendment is adopted, it is going to jeopardize the settlement. They want a $50 billion windfall. Well, I sense from the debate today that when this is over, that provision is going to be repealed. But I have learned from over 10 years of fighting these tobacco companies never to assume a thing. They always have one trick left in the bag. Unfortunately, that trick is the Sessions amendment.

Let me tell you this. I don't, for a moment, question the sincerity of my colleague from Alabama. Nor do I suggest that he is a cat's-paw of the tobacco companies. But make no mistake, if he ends up winning his amendment, you will see a smile on the grizzled mug of Joe Camel, because the Sessions amendment will achieve what the tobacco companies have failed to achieve. The Sessions amendment is the effort of the tobacco companies when they can't stop the lawsuits to stop the lawyers.

Oh, how they must despise these plaintiffs' lawyers—this army of lawyers who joined with attorneys general across the United States in 40 different States and said, "We will join with you in suing the tobacco giants. We understand each State is hard pressed to have the resources to bring the lawsuits. We will be involved in the lawsuits on a contingent basis. If you win, if your State wins, then we get a fee. If you don't, then our fee is reduced."

It is a contingent-fee basis. It is a basis for many lawsuits. There is nothing inherently evil or outrageous about it. Many people come to lawyer's offices every day without the resources to prosecute a lawsuit, and a lawyer says, "I will take it on a contingency. If you win, I win a fee. If you lose, I don't win a fee." There is nothing sinister about this. It is a contingent fee.

So that is what we are debating here today. The Senator from Alabama calls it jackpot justice. I have heard him in committee and on the floor. And he has very strong personal feelings about contingent-fee lawsuits. That is his point of view. I don't share it. But consider what his amendment would do.

First, it would limit the total attorney's fees paid in the United States of America to all the plaintiffs' lawyers assisting all the attorneys general to $250 million maximum—a huge sum of money, is it not? But in the context of a tobacco settlement of $368 billion, how big is it? It is one-tenth of 1 percent. That is the contingency fee which the Senator from Alabama thinks is a reasonable amount. I would suggest to him that he shouldn't prejudge what each State attorney general faced when they were asked by their taxpayers and consumers in the State to bring a lawsuit against these giant tobacco companies and entered into agreements with the various attorneys to help them do that.

In fact, I think quite honestly the Sessions amendment is designed to stop one lawsuit in particular—the Minnesota lawsuit. Attorney General Skip Humphrey of Minnesota said he is going to try it. Unlike the States of Mississippi and Florida, which have settled, the State of Minnesota has said we are going to take this to trial. The tobacco companies dread that prospect because, if, in fact, Minnesota goes to trial, then the documents which they have secreted, the documents which they have concealed for decades, will finally come to light.

I went to a meeting a few weeks ago, Senator DASCHLE's task force on this subject. And a representative of the tobacco companies came in, and said that if the Minnesota case goes to trial there will not be a tobacco settlement. They dread so the prospect that the things which they have secreted away from public scrutiny will come to light that they, in fact, have said, "Stop the Minnesota case."

I believe the Sessions amendment wittingly or unwittingly will stop the Minnesota case. Is that fair? Is that fair after the State of Minnesota and so many other States have invested so much in this effort for us to step in at this moment, and say, "We will void your agreements, we will void your contracts, we are the Federal Government, after all, and we will second-guess you?"

Some people even question whether Senator SESSIONS' amendment is constitutional. They wonder if we, in fact, under article I, section 10, of the Constitution can impair the obligation of contracts already entered into. But I don't know that we will resolve that constitutional question on the floor.

What we can accept as a reality is that if the Sessions amendment goes forward it will at least put a damper on any future lawsuits and perhaps stop them in place. They will be jumping for joy on tobacco road, if the Sessions amendment is successful. In aiming at the attorneys and their contingency fees, the Sessions amendment hits the public health community, which has had the courage to step forward with 40 attorneys general and sue the tobacco companies. The Senator from Alabama may think that he is sending a message to the attorneys of America about contingency fees. He is sending a message to tobacco companies that they still have a chance on the floor of the U.S. Senate.

I hope my colleagues will not support this amendment. In fact, I would like to let them know that if, in fact, my motion to table prevails and the Sessions amendment is not agreed to, that I will then offer a sense-of-the-Senate amendment of my own.

I would like to read it.

> It is the sense of the Senate that attorney's fees paid in connection with an action maintained by a State against one or more tobacco companies to recover tobacco related costs affected by Federal tobacco settlement legislation should be publicly disclosed and should not displace spending in the settlement legislation intended for public health.

The bottom line of my substitute would require each State, each attorney general, to make a public disclosure of their fee arrangement with any attorneys that have been brought into this lawsuit, and no moneys paid to those attorneys will be at the expense of the public health initiatives that are part of this settlement. Then in each State the attorney general, in most cases elected, will have to be held accountable as he or she should be for their decision.

I don't think that is unreasonable. And I think, as they come forward to explain to the taxpayers of their State that they entered into this contingency fee arrangement knowing that they might or might not recover, that the attorney's fee ultimately paid will be justified by the money coming back from the tobacco companies to the taxpayers of the State. Public disclosure—I don't think that is unreasonable.

But I do believe the Sessions amendment is unreasonable. What it seeks to do is begin to draft the national tobacco settlement agreement. And I don't think that is fair, and I don't think this is the appropriate time to do it.

The purpose of the Durbin-Collins amendment is to go back to where we started—to that point in time where the tobacco companies' offer of $368.5 billion, through the State attorneys general, came to Capitol Hill to be debated. It wipes off the books the $50 billion set-aside—the $50 billion giveaway—and it says we are back to the starting point.

If we adopt the Sessions amendment, I think we are going to jeopardize not only the active prosecution of these tobacco companies but jeopardize this settlement agreement.

I yield the floor. I reserve the remainder of my time.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Will the Senator from Alabama yield 5 minutes?

Mr. SESSIONS. I yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 5 minutes.

Mr. GREGG. Mr. President, first off, I am a cosponsor of the underlining Collins-Durbin or Durbin-Collins amendment. Second, I am a very suspicious of this tobacco agreement.

I tend to think that there are some serious concerns here relative to what we are getting and what is being done. And especially I am concerned about the fact that I think the only winners out of this may be the trial lawyers and the tobacco companies. And I don't think that should be the result of the settlement.

But I also strongly support what Senator SESSIONS, the former attorney general from Alabama, is proposing here because basically what we have here is an unholy alliance between the tobacco industry and the trial lawyers.

It was pointed out very effectively by Senator SESSIONS that there is almost an ethical question here of whether then you pay off the people suing you to stop suing—pay them all off in terms of multiple billions of dollars. We are talking about here potentially $40 billion to $50 billion in attorney's fees, and whether or not when such an occurrence happens, whether you have any sort of agreement which is fair, ethical, or appropriate. So Senator SESSIONS has raised an extraordinarily legitimate question.

I think it is extremely inconsistent for those who are opposing the tobacco settlement generally, and who have put forward this amendment—the underlying amendment, which is a good one, to try to knock out at least one section of this proposal which was moved in the middle of the night—for that same position to be arguing on behalf of the trial lawyers, I find that to be entirely inconsistent.

Moreover, I find the arguments that have been made from the either side to be filled with straw dogs and red herrings. Let's talk about them for a second.

First is the argument that the Minnesota case wouldn't go forward. Of course the Minnesota case will be forward because the trial attorney's fees, which will be affected by the Sessions amendment, apply to the agreement—not to trying cases when there is a case tried, when it goes to trial, or when it is outside the parameters of the agreement. Then clearly the contingent fee will lie if the case is successful. So that is a red herring in the first order.

The idea that this is unconstitutional because there is some sort of contract that is being abrogated, obviously it is constitutional because the fact is the Congress is being asked to create this contract. That is what we are being asked to do. There is no contract yet. The Congress is being asked to create a contract. If we are going to be asked to create this contract, we can certainly dictate one of the terms. And one nice term might be that we not end paying the trial lawyers $40 billion but rather pay NIH that $40 billion. In fact, by my estimate you can fund almost all the uninsured health care in this country today. Almost all of the people who do not have health care could be funded if we were to take $40 billion of the trial lawyer's fees and apply it to the uninsured people in this country. And, as a result, for almost a 5-year period I think you would have funding for the uninsured health care of people who do not have health insurance in this country. In fact, in the major debate that we just had over child health care insurance the issue was whether we should go from $16 to $24 billion in order to cover uninsured children in this country today—$24 billion for a 5-year period.

This $50 billion for trial lawyers—let's put it toward the kids. Let's put it toward health care. It is a heck of a good idea that the Senator from Alabama has come up with. NIH can use this money much better. Uninsured people in the health care community can use this money much better.

At the absolute minimum we should have some disclosure here as to what is going on. You talk about deals in the middle of the night, which the Senator from Illinois has so aptly pointed to, and the Senator from Maine has so aptly pointed to in the passage of this tax break, which is totally inappropriate, a deal in the middle of the night. This is a deal in the middle of night on some other continent. I mean, we can't even find out what this deal is. At least we found out what the tobacco deal was on the tax side, and the Sessions amendment will get us to the bottom of that issue to find out what the heck really happened here, and how much the attorney's fees are going to be. But we know they are going be massive. Otherwise they wouldn't be fighting so hard to keep us from finding out about them.

So the Senator from Alabama has raised a totally appropriate amendment. It is a red herring to allege that this in any way assists the tobacco industry. It does just the opposite. The fact is that the trial lawyers have had a stranglehold on, regrettably, this administration. They have seen this administration veto two major product liability bills—the securities bill and the product liability bill, one of which we were smart enough to override, the other of which we couldn't override as a result of the trial lawyer influence. Now when we are trying to get to the bottom of just how much is going to be paid here, how much is coming out of the people's pockets, we run into this argument that it is inappropriate.

The amendment of the Senator from Alabama is totally appropriate. And I strongly support it.

The PRESIDING OFFICER. Who yields time?

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. Who yields to the Senator from Maine?

Mr. DURBIN. I yield 5 minutes to the cosponsor of my amendment, Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Thank you, Mr. President.

Mr. President, I rise in very reluctant opposition to the amendment offered by my friend and colleague from Alabama, Senator SESSIONS. I do believe that the issue of attorney's fees is an important one. But it should be debated in the context of the global tobacco settlement. My fear is that despite the best intentions of the sponsors of this amendment that passage of the Sessions amendment would jeopardize the underlying Durbin-Collins amendment to repeal the $50 billion tax giveaway to big tobacco. For that reason, I am going to vote to table Senator SESSIONS' amendment.

I do want to point out one issue that has become obscured in this debate, and that is that the money that will be paid in attorney's fees does not come out of the $368.5 billion global settlement. Instead, the attorney's fees will be paid by the tobacco industry, separate from the settlement. So the attorney's fees do not diminish the amount of the $368.5 billion settlement. I think that is an important point that has been lost in this debate.

I share the concerns of my colleague from Alabama about an attorney's fees. I think there are, however, constitutional issues about whether Congress can step in and abrogate contracts that were reached between the States attorneys general and private law firms. That is an issue that deserves to be thoroughly explored. But, most of all, I urge my colleagues, whatever their position on the tobacco settlement, whatever their position on the issue of attorney's fees, to save this debate for a more appropriate time. And that is when the global tobacco settlement is before the Senate. My fear is that the passage of this amendment would jeopardize the underlying amendment to repeal the $50 billion tax break, and I do not believe we should allow that to happen. For this reason, I will support the motion to table, offered by the Senator from Illinois.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. Mr. President, could the Chair inform us of the time remaining?

The PRESIDING OFFICER. The Senator from Illinois has 9½ minutes; the Senator from Alabama has 10½ minutes.

Mr. DURBIN. Mr. President, I am prepared to yield some time to my friend, the Senator from New Jersey. I would like to yield 5 minutes to the Senator.

Mr. LAUTENBERG. I thank the Chair. I thank the distinguished Senator from Illinois for the courtesy. I will not talk long now. It is my understanding this is the only vote that has been registered for consideration at this juncture, and I assume that there will be time between the vote on the Sessions amendment and the underlying Durbin amendment.

Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LAUTENBERG. Mr. President, I just want to register my support for the Durbin-Collins amendment to repeal big tobacco's rebate in the tax reconciliation bill that granted a $50 billion giveaway—$50 billion giveaway—to the tobacco industry. The condition that has created so much suspicion about the tobacco companies and their industry is that there is no time, no time at all when they come forward cleanly, let the smoke clear away, and offer direct and candid explanations about what it is they have been up to all these years.

I will have some comments later about the speech given last night by the distinguished chairman of the Judiciary Committee, Senator HATCH. He asked for a quick conclusion—let's get going. He asked that the President send down a bill that we can discuss and vote on, get it done with.

Well, Mr. President, this attack on the American people's health has been going on for decades, more than 50, 60 years. I remember when I was a soldier and part of the ration kit that I got to be used as an emergency food supply had some cigarettes stuck in it. It was so much a part of our structure, so much a part of our culture that cigarettes became more valuable than currency in some of the countries during the Second World War.

So there is a lot of information that has been accumulated over a lot of years, and contrary to the comments of the distinguished Senator from Utah last night, I think we ought to take our time. I think we ought to make sure that we have the most complete review of millions of pages of information. I think that we can find what we want within a group of documents about 1.5 million pages long. They are called the Minnesota Select Set. There has been a consolidation of information to fewer pages than the full 33 million that the court in Minnesota is going to have for review.

Last night, the distinguished Senator from Utah talked about 33 million pages. He said, what do we need that for? Well, I think it is quite clear to people within earshot here and who have been watching what has been going on in the Capitol when the committee now reviewing campaign expenditures or campaign revenue raising, fundraising, has requested over 10 million documents for review from the AFL–CIO alone, by the Senator who is chairman of that committee, Senator THOMPSON.

So, Mr. President, we are talking about a very complicated piece of agreement. We have by the most conservative yardstick probably 5 million people killed as a result of smoking, who died prematurely as a result of smoking. We know that 430,000 die each year from respiratory-related conditions—lung cancer, you name it, emphysema. We learned recently from a study by the Harvard public health school that 50,000 heart attacks per year, fatal heart attacks per year, take place among those who are subjected to passive smoking, not smoking themselves. So again by the most conservative of calculations we say that some 500,000 people have been dying as a result of smoking-related illness.

If I might ask, Mr. President, my friend from Illinois for another minute.

Mr. DURBIN. I yield an additional minute to the Senator from New Jersey.

Mr. LAUTENBERG. So, Mr. President, I hope that we will not be rushed into doing something, get it behind us, get it over with. There is much too much to be gained by a thorough review of all of the documents, and we should not ask the President of the United States to come down here pell-mell, willy-nilly with a bill for us to consider and pass. If it takes time, I think that time can be valuably used despite the fact that I would like the assault on our children to stop as quickly as possible. I do not want any more seduction of our children to pick up smoking because the tobacco industry knows, in their spurious attempts at trying to ensure their marketplace, they have directed their marketing at children, trying to get 3,000 kids a day to pick up the smoking habit so a million a year of new smokers will be there to replace that market which is affected by those who are dying prematurely.

So, Mr. President, I look forward to an extended debate. I hope that the Durbin-Collins amendment will be supported overwhelmingly to show the American people that we are not going to knuckle under to the machinations of the tobacco industry. We are not going to let it get through the front door or the back door. We want to close down what the tobacco industry has been doing to our citizens for these many years, and it is perhaps going to take more time than would be thought to be necessary to arrive at a proper settlement.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DURBIN. Will the Senator from Alabama yield for two very brief questions about his amendment?

Mr. SESSIONS. Certainly.

Mr. DURBIN. I want to clarify something that has been said during the course of debate. First, is it the intention of the amendment of the Senator that the limitation on attorney's fees would apply in those cases where States decide to go forward and prosecute a case as opposed to those that are involved in the national settlement agreement?

Mr. SESSIONS. I believe that the correct interpretation of this amendment and the intention of it would be, if a case went on to litigation and was not a part of the global settlement, it would not be covered by this agreement. But any settlements that were entered into now or subsequently that asked to be part of the global settlement by Congress would be appropriately covered.

Mr. DURBIN. So the Senator is saying—I am trying to reconcile his section (b). He applies this limitation to court orders as well as any settlement agreement. It would seem his limitation on attorney's fees would apply in either instance, whether the State decides to prosecute the claim and ignore the possibility of a national settlement or in fact reaches a settlement agreement. It would appear that his limitation on the attorney's fees would apply in either case.

Mr. SESSIONS. I don't think it would apply if the case went on to litigation because it would not be part of the global settlement. Our bill does not take effect unless there is an act of this Congress that globally settles the litigation.

Mr. DURBIN. I might say to the Senator I think his amendment needs to be clarified because that was not clear to me.

The second point I would like to raise, in section (e) where you provide for funds for children's health research, if in fact attorney's fees are not to be paid out of the $368.5 billion and in fact are to be paid separately, from what source is the Senator drawing these funds that would go to the National Institutes of Health?

Mr. SESSIONS. Mr. President, I don't mind responding to the Senator's question. I sought the floor. But I choose to have it on his time.

The PRESIDING OFFICER. The Senator may decline to yield further time.

Mr. SESSIONS. I have some comments that I would like to make and my time is getting short, but I think it would support the National Institutes of Health and that is what we would favor.

This is a matter of real seriousness. We are not talking about a little game or gimmick here. We are talking about huge sums of money. The Senator from New Hampshire talked in the debate on this floor of from $16 to $20 billion of children's insurance and how $4 billion was considered carefully before the Congress appropriated that money. We are talking about perhaps $40 billion in attorney's fees, and they refuse to tell the American public how much the fees are. They refuse to produce their agreements. These are attorneys representing public bodies, not private individuals.

With regard to contingent fees, I am not against private contingent fees. I think in many cases that is an effective and appropriate way to handle litigation for a private party. But I am very concerned about public bodies hiring attorneys to represent them and the people of their States on a contingent fee basis that could result in awards of attorney's fees of tens of billions of dollars. So I would think very seriously about that.

I was amazed to hear the comment made that this would intimidate and hamper the public health community. The public health community will benefit from this because we would see this money go to the National Institutes of Health and not to attorneys, so they could use it for research and other good things. It will not stop the ongoing litigation. I certainly believe it will continue in every State in the Nation that chooses to proceed.

Finally, I think the Senator from Maine is incorrect in suggesting that this is somehow not money that counts because it was money not made part of the settlement but added on to it by the tobacco industry. If you have been a part of the litigation, before you know it, the defendant, before the award is paid, wants to know the total bill, and when he finally agrees what his total bill is, he does not care how it is spent or how the other side uses it. So he will call it attorney's fees, he will call it anything else. He just wants to spend the $386 plus billion, and that money is money the tobacco company is prepared to spend to end this litigation. Therefore, it is money that ought to be spent, as much as possible, on children and not on lawyers.

Mr. President, I see the Senator from Kentucky is here and I will yield for a question, or time. I will yield the floor at this time and yield my time to the Senator from Kentucky for 4 minutes.

Mr. McCONNELL. Yes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. I thank my friend from Alabama. Again I want to commend him on an outstanding amendment. I have been able to pick up part of the debate, and I might ask my friend from Alabama if one of the arguments being made by those who oppose his amendment is that somehow these lawsuits are not likely to be brought if a lawyer could only bill $250 an hour? Is that, I gather from my friend from Alabama, one of the suggestions being made by the opponents of his amendment, that somehow being restricted to a mere $250 an hour is going to deter the lawyers of America?

Mr. SESSIONS. That is correct—$5 million is not a sufficient fee for a lawsuit.

Mr. McCONNELL. Right. That is the other part, I gather, of the Senator's amendment, either $250 an hour or $5 million, whichever is——

Mr. SESSIONS. Less.

Mr. McCONNELL. Less. I would ask my friend from Alabama, who has had a distinguished career over the years, has he ever known a lawyer to be deterred from representing a client when there was a potential $5 million or $250 an hour fee on the line?

Mr. SESSIONS. I have not, and I consider $5 million to be a very substantial fee on any market in America, certainly.

Mr. McCONNELL. I do not know how the economy is in Alabama, but I would say to my friend I am not aware of many people in Kentucky that make $5 million over a year, or even 2 or even 3—just a small handful of people. Would my friend from Alabama agree with me that this is not likely to be a deterrent to representation of a client if the fee is so restricted?

Mr. SESSIONS. I do not think it is a deterrent, and also I point out that these are attorneys representing the people, the States involved, and it is not unusual at all for lawyers to work for less an hour rate for a governmental body than they do for a private individual.

Mr. McCONNELL. So, further, I ask my friend from Alabama, if I understand this correctly, whatever fees were proposed to be paid above the $5 million cap would then be diverted to the National Institutes of Health for children's health research; is that correct?

Mr. SESSIONS. That is correct. We think there are going to be some real jackpot fees awarded here, under the way this case ended so abruptly. That really exacerbates the unfairness of it. The litigation was filed. Many people thought it would last for years. Then, all of a sudden, there is a settlement entered into with huge sums of money being paid by the tobacco industry, allowing attorneys, under their agreements, to receive huge sums of money for very little work.

Mr. McCONNELL. So, I say to my friend from Alabama, it seems to me in my 13 years in the Senate, this is one of the clearest choices I have ever observed laid before the Senate on an amendment.

I ask the Senator from Alabama, if the Senator from Kentucky understands this correctly, if this is a choice between plaintiffs' lawyers on the one hand and children's health research on the other? Does the Senator from Kentucky understand this correctly?

Mr. SESSIONS. The Senator from Kentucky understands completely.

Mr. McCONNELL. So a Member of the Senate who would vote for the Sessions amendment would be voting, in effect, for children's health care?

Mr. SESSIONS. A vote for the Sessions amendment is a vote to put that extra money in the children's health care.

Mr. McCONNELL. And a Senator who voted against the Sessions amendment would in effect be saying paying legal fees in excess of $250 an hour, or more than $5 million a State, is a more important priority than children's health care research; is that correct?

Mr. SESSIONS. That is precisely correct, as I see it.

Mr. McCONNELL. So it seems to me that this is about as clear as it gets. It is about as clear as it gets. The Senator from Alabama is giving the Senate an opportunity to enhance the ability of NIH to discover the cure for the diseases that afflict the children of America, and he is asking the Senate to pay for that through what most people would consider excessive legal fees for representing various State governments around America. Does the Senator from Kentucky have this correct?

Mr. SESSIONS. The Senator from Kentucky has it correct. The fees we are talking about in this case would be the largest fees in the history of the world.

Mr. McCONNELL. Mr. President, I want to commend the Senator from Alabama. I think this is a very, very important amendment. It certainly relates not only to the debate currently before us, but to the debate yet to be had in the coming months, or maybe even next year, about a global tobacco settlement, if that should be forthcoming.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time is remaining under our agreement?

The PRESIDING OFFICER. Two minutes twelve seconds.

Mr. DURBIN. Two minutes twelve seconds I have remaining. And the Senator from Alabama?

The PRESIDING OFFICER. His time has expired.

Mr. DURBIN. Mr. President, let me say in conclusion, I was really captivated by this closing argument. Now the tobacco companies, after all these years of exploiting children, come in with this "God Bless Tiny Tim" amendment which says if we can just stop these mendacious lawyers, we are going to find money for children's health research. I think the American people have seen through this before and will see through this amendment. There is no money in here for children's health research. The $368.5 billion settlement does not include attorneys' fees. So, any money saved, according to the Senator from Alabama, is not going to be there for us to appropriate to the National Institutes of Health.

No, I think this is window dressing on an amendment which is very clear. It is late in the ball game. The score is very heavy on the side of public health and very heavy against the tobacco companies. So, on the last play, as the quarterback or the State attorney general tries to down the ball, in come the tobacco boys trying to sack him. They are angry. They hate to lose and they hate to lose big, so they come in with this amendment, this amendment to get even with these plaintiff lawyers for having brought these lawsuits to try to limit any State attorney general's authority to regulate a fee.

I agree with others who have spoken. I am not sure this is constitutional, but it is certainly not fair. It is not fair at this moment in time to presume, on every attorney general who brought this lawsuit, that they were, in fact, making a bad bargain for the taxpayers of their State. I think they should be held accountable. My substitute amendment, when this is defeated, will say there will be a public disclosure and none of the attorney's fees will come out of the money for the public health aspects of this settlement. But make no mistake, the Sessions amendment is an amendment which the tobacco companies want. It will put a damper on lawsuits. It will give the tobacco companies the upper hand in the settlement negotiations. And it will completely discount the sincere and good-faith efforts of 40 different States that had the courage to step forward and sue the tobacco companies.

The Senator from Alabama says their decision to go forward was a wrong one; their decision to pay the attorneys was a wrong one. I do not think he should presume to make that decision. It is a decision made by each of them, and we should respect it.

At this point, I move to table the amendment offered by the Senator from Alabama.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. HUTCHINSON). The question is on agreeing to the motion to table the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA] and the Senator from New Mexico [Mr. BINGAMAN] are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii [Mr. AKAKA] would vote "yea."

The result was announced, yeas 48, nays 49, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—48

Baucus
Biden
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Cochran
Collins
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Shelby
Snowe
Torricelli
Wellstone
Wyden

NAYS—49

Abraham
Allard
Ashcroft
Bond
Brownback
Burns
Campbell
Chafee
Coats
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Smith (NH)
Smith (OR)

Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—3

Akaka
Bennett
Bingaman

The motion to lay on the table the amendment (No. 1125), as further modified, was rejected.

Mr. STEVENS. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURBIN. I ask for the yeas and nays on the motion to reconsider.

The PRESIDING OFFICER. The motion to reconsider was just laid on the table by consent.

Mr. LOTT. Mr. President, are we ready to vote on the question?

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Sessions amendment be agreed to, and the Senator from Minnesota, Senator WELLSTONE, be recognized to offer a second-degree amendment, and there be 30 minutes for debate to be equally divided.

I further ask that at the conclusion of the debate, the amendment be laid aside and Senator DURBIN be recognized to offer an amendment, which would be in the form of a sense-of-the-Senate resolution, with debate limited to 5 minutes, and following that debate the Senate proceed to vote on or in relationship to the Wellstone amendment to be followed by a vote on or in relation to the Durbin amendment, to be followed immediately by a vote on or in relation to the Durbin amendment No. 1078, as amended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Amendment No. 1125, as modified further, was agreed to

Mr. LOTT. Mr. President, therefore, there will be three back-to-back votes beginning in approximately 35 minutes.

I thank Senator DASCHLE for his cooperation in working out this arrangement. It will allow us to complete this section of consideration on the Labor-HHS bill, and hopefully we can go on then with other amendments that can be agreed to, or accepted, or voted on, and hopefully we can complete this very important appropriations bill before the day is out.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me also thank the majority leader for his cooperation in coming to an agreement, and I thank Senator DURBIN who waited patiently to present this issue and debated it eloquently and forcefully over the last several days. We wanted a way to bring to closure the issue with regard to the deductibility question. And we will now have that opportunity for a final vote within the hour.

So I think we have made great progress in the last 30 minutes. I am pleased now that we are at a point where we can have a final vote.

I yield the floor.

The PRESIDING OFFICER. Under the previous agreement, the amendment of Senator SESSIONS, No. 1125, was agreed to.

The Senator from Minnesota is recognized to offer a second-degree amendment.

Mr. WELLSTONE. Mr. President, I thank the Chair.

AMENDMENT NO. 1126 TO AMENDMENT NO. 1078

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1126 to amendment No. 1078.
>
> At the end of the amendment, add the following: "Nothing in this Act may be construed to interfere with, or abrogate, any agreement previously entered into between any State and any private attorney or attorneys with respect to litigation involving tobacco."

The PRESIDING OFFICER. On this amendment, there will be 30 minutes of time equally divided.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

Mr. President, and colleagues, I shall be brief.

I, too, thank the majority leader, the minority leader, Senator SESSIONS, and Senator DURBIN for their cooperation.

Mr. President, this amendment is very simple and straightforward, and in a way the context for this is Minnesota. But it really affects all of our States.

This amendment just says that nothing in the act may be construed to interfere with, or abrogate, any agreement previously entered into between any State and private attorney with respect to litigation involving tobacco.

For example, in Minnesota the case is in a State court.

What are we doing? I am not a lawyer. But what are we doing here in the U.S. Senate telling Minnesota that its contract with lawyers that are working with the State of Minnesota could be declared null and void? What are we doing saying that to the State of Minnesota, or what are we doing saying that to any State? I thought we had a States rights Congress. This goes just in precisely the opposite direction.

Mr. President, again a little bit of information about Minnesota, so we know what is at stake here. I mean I am out here fighting for my State of Minnesota. But I think this is important to all of our States.

I cannot believe that my colleagues want to be in a position of arguing against the proposition that we should pass an amendment that tells the State it has to abrogate its contract with attorneys that are representing that State in State court. That is absolutely unbelievable.

Mr. President, in Minnesota, against some background, is the first State in the Nation to charge the tobacco industry with consumer fraud and antitrust violations. It is the second State calling for Medicaid reimbursement. It is the only State with a private coplaintiff, Blue Cross and Blue Shield of Minnesota.

The case was launched in August 1994. We have won the majority of pretrial motions, and all appeals, including the one that went to the U.S. Supreme Court. Minnesota secured 30 million pages of documents through discovery. Minnesota has the largest collection ever of tobacco documents in the world, housed in two secured depositories in Minneapolis and London.

The Minnesota case is rated by the top tobacco stock analysts of Burnstein Research as the "biggest threat to the industry."

I want to talk about what that means—"biggest threat to the industry."

We go to trial in January. This trial stands to be important not just for Minnesota but for the whole Nation—not just in terms of financial compensation for my State, for the people in my State, but the discovery, the information that will come to light about past abuses, about what the tobacco industry has known, about marketing techniques, and all of the rest.

This amendment, which is an amendment albeit for my State of Minnesota but really applies to every single State, just says to colleagues that in whatever action we take let us be clear that nothing that we are doing here can be construed to interfere with or abrogate any agreement previously entered into between any State and private attorney or attorneys with respect to litigation involving tobacco.

We have a case in Minnesota. It is in State court. What are we doing in the Congress telling Minnesota that it will have to abrogate its contract with attorneys? The arrangement is made with attorneys so those attorneys can represent the public health community, so those attorneys can represent the State of Minnesota and people in Minnesota, so those attorneys can represent all of us who would like to see these documents and this information come to light. I do not think this is constitutional and I certainly think it is inappropriate.

Mr. GREGG. Will the Senator yield?

Mr. WELLSTONE. I yield to my colleague from Illinois.

Mr. DURBIN. If the Senator will yield, I support the Wellstone amendment. Make no mistake, what Senator WELLSTONE is proposing before this Senate is the other side of the argument of the Senator from Alabama. The Senator from Alabama came before us and basically said, even though we are not talking about any Federal dollars here, even though we are not talking about any action in any Federal court, we as a Federal legislature will dictate to the State of Minnesota, the State of Illinois, I suppose even the State of Alabama that they cannot enter into an agreement with any attorneys to proceed with tobacco litigation unless it meets the Federal guidelines proposed by the Senator from Alabama.

Well, I am sorry, but I do not believe that that is our responsibility. I think it goes beyond our constitutional responsibility. I think what the Senator from Minnesota has offered is reasonable. How can we ever presume to judge what are the appropriate attorneys' fees and arrangements in a State like Minnesota where Attorney General Humphrey has probably gone to greater lengths than any attorney general in the United States bringing these documents together, filing a creative lawsuit, being assertive, making certain that the people of Minnesota are represented. For any Senator from Illinois, Alabama or anywhere to stand up and say, I am sorry, Minnesota, this is not yours to decide, this is to be decided by the Federal Congress, even though there is no Federal money, no Federal court. We are dealing in State courts, we are dealing with tobacco companies making payments. I think it is entirely presumptuous for us to go along with the premise that we in the Senate will decide attorneys' fees case by case and State by State.

I stand in support of the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes 45 seconds.

Mr. WELLSTONE. I thank my colleague. I reserve the remainder of my time.

Mr. SESSIONS. Mr. President, will the Senator from Minnesota yield for a question?

Mr. WELLSTONE. I would be pleased to yield on the Senator's time.

Mr. SESSIONS. All right. Just briefly, what is the percentage contingent fee that has been given to the plaintiff attorneys who are representing the State of Minnesota?

Mr. WELLSTONE. My understanding is 25 percent.

Mr. SESSIONS. I thank the Senator.

Mr. President, I think that points out the problem we are dealing with here. This is the first time, in any inquiry that I have made in a number of different instances, that I have gotten a figure on the detail of the fee agreements that have been entered into in these kinds of cases.

Twenty-five percent. That sounds fine, but the truth of the matter is the tobacco company has just pleaded guilty. They put $300 billion, $400 billion, the Senator from Kentucky says $500-plus billion on the table. Now the lawyers who were saying they were going to trial and spent these huge sums of money all over America are not going to trial. They are just collecting the money, and they have agreements like this.

Now, I would assume, with regard to Minnesota, that they are an average size State and they probably would be entitled to something like a $10 billion settlement of this matter. If that is true, then this law firm would be entitled to $2 billion—$2 billion, not $2 million but $2 billion. That would be probably as of this date the largest legal fee ever paid in the history of this country, largest legal fee probably ever paid in the history of the world.

So I submit that is exactly what has happened. Many States, I understand, because less than a year ago I was an attorney general, have entered into contracts of 25 percent. I know of another State which, I understand, has entered into a settlement for 20 percent of the recovery. These cases are not even going to trial if this body acts. If this body does not act and Minnesota goes on and litigates its own case, then Minnesota is not covered by our agreement. So only if there is a congressional action that takes over these cases, should we question attorneys' fees. Otherwise that issue is between the attorneys general and the States.

But the plaintiff lawyers, the very same ones who are now complaining about their fees through Members of this body, these very same plaintiff attorneys are the ones asking this Congress to review this settlement and to take appropriate action that we think is just and fair.

So, first of all, I want to point out that we are talking about incredibly huge attorneys' fees, not just large. These are incredibly huge. Probably as much as, at 20 percent, $40, $50, $60 billion in attorneys' fees. Publicly the figure has been floated in the press a number of times at $14 billion. If the percentages are the same in most States, 20 percent, the figures will be much higher than $14 billion.

So the tobacco lawyers who have entered into this private agreement with these plaintiff attorneys to pay them their fee, all these lawyers are now coming to us and saying just ratify this matter but don't ask us about how much they are paying; don't question these fees because we had a contract. We had a contract.

They can't prevail in their cases in an effective way without the legislation of this Congress. So I think it is right for us to question it.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. SESSIONS. I yield to the Senator from Kentucky.

Mr. FORD. Mr. President, we are hearing now States rights, and I have tried to be on that side for some 23 years now. But the attorneys general are here asking us to approve their pact, to pass a Federal law and to have so-called protocols or side agreements that we would wind into the package. So it appears to me that it is no longer a States rights agreement. In Minnesota it may be somewhat different. But now they have come to the Congress and said here is our deal; you approve it and don't ask any questions.

Well, back home we call that a mailbox job. You get a job and go out to the mailbox the first of each month and get your check. Am I correct it has reached a higher level than it would be under normal circumstances since we are asked to make the judgment? We are attempting to make the judgment now, and in making that judgment we say we are trampling on States rights. You can't have it both ways. Am I correct?

Mr. SESSIONS. The Senator from Kentucky is precisely correct. These parties, both sides—do not forget, the tobacco industry is in here, too, asking us to approve it, and the tobacco industry also does not want to talk about how much they are paying these plaintiffs' lawyers. So they have asked us to review it. In effect, they have suggested in testimony before my Committee on the Judiciary that we approve it and analyze it fairly and justly, and that is our responsibility.

Mr. FORD. Mr. President, will the Senator yield for one additional question?

Mr. SESSIONS. Certainly.

Mr. FORD. The Senator has been an attorney general. He is from the legal profession and I am not. Is it kind of unusual for a side agreement to be made by a defendant with a plaintiff lawyer?

Mr. SESSIONS. I say the distinguished Senator from Kentucky raises a very important and troubling point. It is, in my opinion, at least improper if not unethical for an attorney representing a party to enter into private negotiations with the person he is suing to establish how much his fee ought to be. You see, there is a conflict there.

Mr. FORD. I thank my colleague.

Mr. SESSIONS. All of a sudden it becomes important to that lawyer that the settlement be approved so he can get his fee. And if the person he sues, the tobacco industry, says: "You are being too hard on this issue; give up on this issue." "No, I won't." "Well, we will sweeten your attorney's fee if you will give up on it." That puts them in conflict. I am not saying that has happened. But I am saying good attorneys should not allow themselves to be put in a position of interest.

So we are talking about, if it is 20 percent of a $600 billion settlement, $100 billion in attorney's fees. We fought for weeks on this floor to raise from $16 to $20 billion the amount of money spent for health care for children. We are talking about $100 billion in this bill in attorney's fees, and in many cases in many States very little legal work has been done on these cases. It is important and necessary for us to act on this matter, and this amendment as presented by the Senator from Minnesota would, in effect, undermine and abrogate the true effect of the amendment that I have offered, so I strongly oppose it.

I will yield the floor and reserve my time.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, first of all, it is certainly not true that very little legal work has been done in Minnesota. The tobacco industry has already spent $125 million defending the Minnesota case alone—$125 million.

Mr. President, it takes a whole lot of resources to uncover a massive, decades-old coverup of fraud and conspiracy. The Sessions amendment that my amendment speaks to is an attempt to shut down the discovery process, to perpetuate a coverup and to keep secret documents concealed for a long time. The effect of this amendment, unless the second-degree amendment passes, is to punish States like Minnesota and Texas and Massachusetts and Connecticut and Washington and others that have invested heavily in exposing the coverup and bringing the industry to justice.

I do not know all the specifics of the arrangement between the State of Minnesota or Connectict or Massachusetts or any other State and attorneys that are working for the States and for, I might add, the public health community. Without this work, we would not have been able to bring these documents forward. There will not be the discovery. There will not be the information. There will not be the information to people in this country about a whole pattern of abuse.

But what I do know, one more time, colleagues, is this is in State court. This is an agreement between my State of Minnesota and attorneys. What in the world are we doing interfering and essentially saying to the State of Minnesota you have to abrogate your contract with your attorneys? Whatever you have decided upon, whatever you do in State court, State court is null and void. My State is not a party to this global agreement here in Washington. Attorney General Humphrey has made it very clear that we are going forward. This is an agreement in a State. This is an agreement between a State and attorneys. This is an effort to deal with a very long, unfortunately protracted, period of time of coverup by an industry. This is an effort that takes on a tobacco industry that spent $125 million on this case alone with lawyers defending it. And you are going to vote against an amendment that says "nothing in this act may be construed to interfere with or abrogate any agreement previously entered into between any State and private attorney or attorneys with respect to litigation involving tobacco"?

I do not know how colleagues can vote against that proposition. Have whatever views you want, but we do not have any business telling the State of Minnesota that in its best judgment and its best effort, and, indeed, what is being called "the biggest threat to the industry," it has no right to enter into an arrangement with lawyers and to represent the people in Minnesota and represent the people in the country. And we in the U.S. Senate are going to try to vote against the proposition where we go on record saying we are certainly not going to tell a State it has to tear up its contract?

Minnesota gets to decide that. Massachusetts gets to decide that. Connecticut gets to decide that. Illinois gets to decide that. Kansas gets to decide that. The U.S. Senate doesn't decide that.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator yields the remainder of his time. The Senator from Alabama has 6 minutes and 50 seconds remaining.

Mr. SESSIONS. Mr. President, first of all, if Minnesota proceeds to litigate its case and gets a judgment, then Minnesota would not be covered by this act. And I would be willing to consider Minnesota's case, because it is somewhat different than most. Perhaps it is more unusual than any of the others. However, I would say this to the Senator from Minnesota, his bill covers all States. It doesn't just cover Minnesota. It doesn't just cover unusual fact situations. It says we cannot deal with contracts in any of the States.

I have to oppose his amendment because it applies to every State including States bigger than Minnesota that filed lawsuits just a few months ago. Attorneys have done almost no work on these cases. Yet they would stand to receive billions of dollars in attorney's fees without this legislation.

So I would say, first of all, I would be willing to discuss the unique problems of Minnesota. But I cannot, and must resist with every bit of strength that I have this amendment because it applies throughout the Nation and it will prevent this body from being able to stop great windfalls. And that money doesn't need to go to attorneys. It needs to go for the purpose of this lawsuit, which is health care.

Mr. GREGG. Will the Senator yield for a question?

Mr. SESSIONS. I will yield.

Mr. GREGG. As I understand your underlying amendment, which has now been adopted, in the case where there is a settlement and the settlement has to come to the Congress to be confirmed, your amendment applies. But, in the case of Minnesota, where there is litigation going forward, and where there is a trial going forward and the matter will be decided by the courts through the litigation process rather than through a settlement confirmed by the Congress, your amendment would not apply.

Mr. SESSIONS. The Senator is correct.

Mr. GREGG. So basically the amendment of the Senator from Minnesota doesn't apply to the Minnesota situation because the Minnesota situation is outside the underlying amendment. The amendment of the Senator from Minnesota applies to all the other States, except Minnesota, that are trying to reach an agreement through negotiation which has to be confirmed by this Congress.

Mr. SESSIONS. That is correct. To my understanding, Minnesota is the only State that has objected to the global settlement. They are going to have to be treated separately in any case.

Mr. GREGG. If I might ask a further question, it appears the Senator from Minnesota has launched an arrow that has missed its mark?

Mr. SESSIONS. I think that is fair to say.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to reclaim what time I have left.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

The Senator has 2 minutes and 20 seconds.

Mr. SESSIONS. Mr. President, I yield the floor and reserve my time.

Mr. WELLSTONE. Mr. President, I might ask my colleague from Illinois to comment. I would like to look at the amendment again, the Sessions amendment, but my understanding from reading that amendment is that if there is a global settlement, it applies to all the States. Otherwise, I would have much less difficulty with his amendment.

Mr. DURBIN. I thank the Senator for yielding. I might say at this point neither the Senator from Alabama, the

Senator from Illinois or the Senator from Minnesota knows how this story is going to end. We don't know what this global settlement will say and how it affects the agreements heretofore entered into by other States, whether it's Minnesota, Mississippi, or Florida. I think it is presumptuous of us today to suggest we are going to set the guidelines.

The Senator from Alabama stood up repeatedly and said, "I don't know what these legal agreements are. They could be awful." If the Senator doesn't know what they are, then how can he suggest they are awful? I don't know that some of those agreements might say if a case is settled either by global settlement or otherwise, the attorney's fees will be dramatically reduced. The Senator doesn't know, but he went forward with his amendment.

The Senator from Minnesota has hit the nail on the head. These attorneys general who had the courage to come forward in the lawsuits but didn't have the resources to prosecute them, entered into agreements to bring in other attorneys to help. They fought a big battle in Minnesota; $125 million spent by the tobacco companies, yet they fought on valiantly and they are going to bring this case on to trial in January. And for us to close the door today and say it's over, no more agreements in terms of attorney's fees—I think it's presumptuous. It's exactly what the tobacco companies are praying for.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has 40 seconds remaining.

Mr. WELLSTONE. Mr. President, I think that is precisely the problem. That is what I am speaking to. I don't think the Senator from Alabama can argue otherwise, in terms of what his amendment does.

One more time I will say to colleagues, given this ambiguity, we can argue about it over and over again. This amendment is not ambiguous. It just simply says that nothing that we do may be construed to interfere with or abrogate any agreement previously entered into.

What are we doing, telling the State of Minnesota, which is a State court, whatever you had to do to get lawyers to represent your State and the people of Minnesota and the people in the country, we are now going to pass something that will tear that agreement up—we have no business doing that. I don't think it's constitutional and I certainly don't think it's right. So I'm out here fighting for Minnesota, but for other States as well.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SESSIONS. How much time have we have?

The PRESIDING OFFICER. The Senator from Alabama is recognized. The Senator from Alabama has 2 minutes and 32 seconds remaining.

Mr. SESSIONS. Mr. President, precisely on the question he raised, this amendment that I have presented, that has been passed by a large vote, without objection that I heard, maybe a few—says that it would only include States involved in the national tobacco settlement agreement.

My view is, if Minnesota wants to opt out of this deal, maybe they ought to be treated separately. But for the 49 other States who are in it, who have asked for this review and legislation by Congress, I think it is absolutely critical that we deal with attorney's fees. I repeat, I have sought on multiple occasions, and other Senators have, to find out what the agreements are that they have with these attorneys. They are hiding those agreements. They have been very secret about it. It's a secret agreement between plaintiffs' attorneys representing the States and the tobacco industry. And only today has the Senator from Minnesota indicated that they have a 20-percent contingency fee. That means that whatever recovery Minnesota has of all these billions that we are looking for and hope that we can recover, of all those billions, 20 percent of it will go to attorneys.

They talk about a lot of records and documents. I have been involved in litigation. People always talk about records. But you have paralegals, you have clerks, you have statisticians to go through those documents. They don't have to be read by every attorney involved in the case.

So I would say what really exacerbates this problem and makes it so critical is the fact that the tobacco companies, early on, agreed to this settlement. Therefore, a lot of attorneys general entered into contracts, maybe thinking it would be prolonged litigation and these fees might be justified, but now they find out that the money is already on the table and we have to work out an agreement to collect it. Attorneys do not have to justify these huge billion-dollar fees we are hearing talked about.

These are reasonable fees, $250 an hour, $5 million per State in attorney's fees. That is reasonable and fair. I think generous, in fact.

I believe that this body needs to send a message, for those people who think they can execute secret side agreements at the expense of the people they are supposed to be representing to divert $14 billion, $40 billion, $60 billion, $100 billion from health care for children and families and tobacco victims—taking that money and putting it in their pockets is not a good way for this Government to be run.

I feel very strongly about this. Unfortunately, the Senator from Minnesota chose not to limit his amendment to the situation in Minnesota but to apply it throughout the Nation, which in effect preserves the prerogative of the plaintiff lawyers to make themselves rich off of this settlement. Therefore I must oppose it.

Mr. WELLSTONE. Will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired. Under the agreement, the Wellstone amendment will be set aside. The Senator from Illinois is recognized for purpose of introducing an amendment. The Senator from Illinois is recognized for 5 minutes.

AMENDMENT NO. 1127 TO AMENDMENT NO. 1078

Mr. DURBIN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1127 to amendment No. 1078.

At the end of the amendment, insert the following:

"SEC. . SENSE OF THE SENATE.—It is the sense of the Senate that attorneys' fees paid in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related costs affected by federal tobacco settlement legislation should be publicly disclosed and should not displace spending in the settlement legislation intended for public health."

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask the time, the 5 minutes, be divided evenly between those in favor and those in opposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, this amendment gets to the heart of the question. What are these agreements? Are they generous? Are they reasonable? Each attorney general, under my agreement, will be forced to put it on the table in front of the people and say, "Here is what I agreed to. If I agreed to pay 25 percent of the settlement then I have to explain to the taxpayers of the State why that was a sensible thing to do at the time." If it is a reasonable agreement, so be it. If not, the public official will be held accountable. And none of the money paid in attorney's fees will come out of the amount to be spent for public health purposes. I think this gets to the heart of it.

The Senator from Alabama, in his amendment, says $5 million a State is more than enough to prosecute the tobacco companies; $5 million a State. It sounds like a princely sum until we hear the Senator from Minnesota stand up and tell us the tobacco companies spent $125 million in that State to defend themselves, 25 times as much. All of a sudden you step back and say maybe $5 million doesn't give you the resources for a fair fight.

The Senator from Alabama has repeatedly said he doesn't know what these agreements consist of in other States. I think that is the reason why his amendment is flawed.

Also, I think we should know in a State like Florida, which recently entered into an agreement, the question of attorney's fees was necessarily set aside. It is not part of the agreement that was announced. It is another amount to be paid by the tobacco companies, separate and apart from what is going to be paid to the taxpayers of Florida.

Finally, let me say in virtually every one of these cases, in every State, not only will the court of public opinion decide whether attorney's fees are fair, but the courts will decide. Ultimately they have to rule on any order of settlement and any kind of agreement which might, in fact, bring it into a lawsuit. So they will have to ultimately rule on these attorney's fees.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, just to correct the RECORD, the $5 million the amendment of the Senator from Alabama presented is $5 million on top of ordinary and customary expenses. So if it cost $20 million or $100 million in the area of expenses to bring this lawsuit, that can be added to the $5 million base cost.

My opposition—actually I probably will vote for it—but my position on the Durbin amendment is this. In concept, it is an excellent idea. But this is a sense of the Senate. A sense of the Senate means nothing. If the Senator from Illinois really means this, then he should have made it a matter of law. That is what it should be, a matter of law. We should be telling the tobacco companies you have to disclose. This sense of the Senate is a political document. It will give a lot of people in this body comfort politically, but it is not going to do one darned thing to get to the bottom of the question, which is how much are we going to end up paying to attorneys who are basically working with tobacco companies in obtaining their payment? How much is going to get paid to them as part of this settlement?

The gravamen of this issue—to use the one legal term I remember from my law school days—is the point Senator SESSIONS made. When you have attorneys working against tobacco companies, and the tobacco company comes in and says, "Well, here's another $1 billion in settlement," how long do they work against them? How aggressive are they in opposing them?

If there is $40 billion of attorney's fees going out the door here, which is what is represented in some of the periodicals that have discussed this issue, how can you say that there is any sort of independence on the part of the plaintiff's counsel in the cases? The fact is, there are very few attorneys I know who, if somebody comes forward and says, "Let's make this agreement," and they say, "No, I can't agree to that," and then the person who says let's make this agreement says, "Well, I'll give you another billion dollars in fees"—the attorneys are going to say that's pretty hard to turn down.

Until we know what these attorneys are getting paid, we can't answer a lot of these questions. This Durbin amendment, as well-intentioned as it may be, accomplishes nothing in obtaining that knowledge. It is a sense of the Senate. We all know where those amendments go. This should be a matter of law.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired. The Senator from Illinois has 40 seconds remaining.

Mr. DURBIN. Thank you. Mr. President, let me say at the outset, we don't have a settlement agreement. We are not talking about legislating one today. There is a good question, whatever we add to this appropriations bill, whether it is going to have an ultimate impact on that agreement.

Let me also say, on the question of expenses, I think the Senator from New Hampshire would acknowledge expenses are specified costs of a lawsuit and don't get to attorney's fees. So, I would quarrel with him on that.

Let me end by saying, there is on old poem:

> While I was walking up the stair, I met a
> man who wasn't there.
> I saw that man again today.
> I wish that man would go away.

The man that many of the people on this floor would wish to go away is a $50 billion tax credit. That is the underlying issue, and that is the important part of this debate.

AMENDMENT NO. 1126

The PRESIDING OFFICER (Mr. GREGG). The time of the Senator from Illinois has expired. The question is on agreeing to the Wellstone amendment.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SESSIONS. Mr. President, I move to table the Wellstone amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Wellstone amendment.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

Mr. WELLSTONE. Mr. President, point of order. Would you read back the unanimous-consent agreement?

The PRESIDING OFFICER. The clerk will report the unanimous-consent agreement.

The assistant legislative clerk read as follows:

> That the Sessions amendment be agreed to and the Senator from Minnesota [Mr. WELLSTONE], be recognized to offer a second-degree amendment and there be 30 minutes for debate, to be equally divided.
>
> Further, that at the conclusion of the debate, the amendment be laid aside and the Senator from Illinois [Mr. DURBIN] be recognized to offer an amendment with debate limited to 5 minutes. Following that debate, the Senate proceed to vote on or in relation to the Wellstone amendment, to be followed by a vote on or in relation to the Durbin amendment, to be followed immediately by a vote on the Durbin amendment No. 1078, as amended.

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Wellstone amendment No. 1126. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—48

Abraham
Allard
Ashcroft
Bond
Brownback
Burns
Campbell
Chafee
Coats
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Ford
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—50

Akaka
Baucus
Biden
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Cochran
Collins
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Glenn
Gorton
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Shelby
Snowe
Torricelli
Wellstone
Wyden

NOT VOTING—2

Bennett
Bingaman

The motion to lay on the table the amendment (No. 1126) was rejected.

The PRESIDING OFFICER. The yeas and nays have been ordered on the pending amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Mr. President, between the second and third votes, as a matter of management, it would be appreciated if the following Senators could be on the floor so we can sequence the balance of the amendments. We are fairly close to seeing light at the end of the tunnel. So if the following Senators would be good enough to stay on the floor for a brief scheduling discussion at that time it would be appreciated by the managers: Senator MURRAY, Senator WELLSTONE, Senator DASCHLE, and Senator COVERDELL. If those Senators would be on the floor, it would be appreciated.

The PRESIDING OFFICER. The yeas and nays have been ordered on the pending amendment, which is the Wellstone amendment.

Mr. SPECTER. Mr. President, parliamentary inquiry. Are the yeas and nays ordered on the Wellstone amendment?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. Mr. President, I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to amendment No. 1126.

The amendment (No. 1126) was agreed to.

The PRESIDING OFFICER. Is there a motion to reconsider?

Mr. DURBIN. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1127

The PRESIDING OFFICER. The question now is on agreeing to Durbin amendment No. 1127.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1127. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] is necessarily absent.

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Biden
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Faircloth

NOT VOTING—2

Bennett
Bingaman

The amendment (No. 1127) was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1078, AS AMENDED

The PRESIDING OFFICER (Mr. SANTORUM). The question is on the Durbin amendment, as amended.

Mr. LAUTENBERG. Mr. President, I rise today in strong support of the Durbin-Collins amendment to repeal Big Tobacco's rebate in the tax reconciliation bill. I will speak about this critical amendment in a minute, but first I would like to talk about an issue that was raised on the floor last night.

That issue is whether Congress should subpoena hidden tobacco documents.

Mr. President, we need to know the truth about nicotine and tobacco. That is why I, along with Senator LEAHY and many of our colleagues, have asked the chairmen of the various committees with jurisdiction over portions of the settlement, to subpoena critical documents that the tobacco industry has conspired to hide from the American people.

In debate on the floor yesterday, the distinguished chairman of the Judiciary Committee raised the issue of whether to subpoena these documents. The senior Senator from Utah has long been dedicated to saving our children from the dangers of tobacco. He has been outspoken about the critical need to reduce teen smoking rates.

Yet, the chairman questioned the necessity of Congress subpoenaing these documents which have been kept from the public because they were falsely stamped attorney-client privilege. The chairman raised some valid concerns, and I would like to respond.

Mr. President, we are at a critical juncture in the war between the tobacco companies and the public health. The tobacco industry wants the American people to disarm. They want to strip Americans of their right to seek punitive damages for harm caused by the tobacco industry's deceitful practices. The industry wants Congress to grant it unprecedented protections from legal liability.

In return, the American people are promised a reform of our public health laws that will protect loved ones in the future from the dangers of tobacco addiction and illness. It would be up to Congress to write these laws. That is a heavy responsibility.

In order to properly execute this responsibility, we owe it to the American people to collect the most complete information about the effects of tobacco and nicotine on human health. Through our subpoena power, we have the ability to collect this information. We need information on whether a safer cigarette could be manufactured, or if we can produce a less addicting form of nicotine.

Mr. President, that information is in the hands of the tobacco industry, and they have consistently hidden it from the American people for decades. If we are to enter into a legislative settlement with this industry, then it must come clean with Congress and the American people. Since it has not done so yet, we should start issuing subpoenas for the truth.

Mr. President, some have suggested that the document disclosure provisions in the proposed settlement are sufficient. However, I strongly disagree. The proposed settlement would merely set up a clearinghouse for documents already produced in court cases. In other words: it discloses nothing new.

Mr. President, we have learned more details in recent weeks about how the tobacco companies routinely funneled documents through their lawyers in order to fraudulently mark them as attorney-client privileged. In fact, many of these documents relate to health concerns and were simply given to the lawyers to cloak them in a false shroud of the attorney-client privilege.

These are the most critical documents. They hold the keys to saving millions of lives.

Congress has the power to subpoena and examine these documents before we enact a legislative settlement. We need that information to craft effective public health policy. The settlement would allow the industry to delay court review of these documents for years after a settlement is enacted.

Now, review of these documents might be time consuming. The distinguished chairman of the Judiciary Committee, in his floor statement yesterday, noted that over 33 million pages have been collected in the State of Minnesota's suit against the tobacco industry. Our estimate is that we'll find the information we need in at most 1½ million pages.

The Minnesota attorney general, in preparation for his trial against Big Tobacco, has bound, numbered and indexed around 500,000 pages into a volume called the Minnesota Select Set. This set of documents contains critical information we need in order to draft appropriate public health legislation. We should subpoena this set.

In addition, the Minnesota court hearing the case has collected around 1 million pages of material that the industry has claimed is privileged. However, we know that the Industry has a history of falsely claiming this privilege in order to hide critical health information.

It is unclear how many pages are in the privileged set, but it has been estimated to be about 1 million pages. Both of these sets are being held in warehouses in Minneapolis and London under the control of a Minnesota court.

Mr. President, I would like to clarify that my subpoena request is for, at most, about 1½ million pages. Although this is a lot of material, one need only watch another child light up a cigarette to realize it is well worth the time.

Let me put this into perspective: The Governmental Affairs Committee has subpoenaed over 10 million pages of documents from the AFL–CIO alone in its campaign finance investigation.

This subpoena request for tobacco industry documents is about the lives of American children. Isn't that worth the time needed to carefully review these documents? Why rush into a settlement in 50 days with an industry that has lied to America for 50 years?

Therefore, I ask my colleagues to support the request of Senator LEAHY and myself to the chairmen of relevant Senate committees to subpoena these hidden tobacco industry documents.

I hope that this discussion clarified this issue for my colleagues.

Now, Mr. President, I would like to address the Durbin-Collins amendment to repeal the provision in the tax reconciliation bill that granted a $50 billion giveaway to the tobacco industry. This clause should never have been snuck into that bill and it is time to remove it.

This provision of the recently enacted tax reconciliation bill would divert $50 billion away from the public health and into the pockets of Big Tobacco. If comprehensive tobacco legislation is eventually enacted, Big Tobacco will write 50 billion off the top of their payment obligations.

This shortfall could mean billions of dollars in programs to keep kids away from cigarettes will be lost. It could mean billions of dollars in smoking cessation programs will not be paid for.

In any settlement, the tobacco industry must pay its fair share. If the industry gets a $50 billion break in the settlement, that cost will have to come out of taxpayer's pockets. That is unacceptable.

The tobacco companies shouldn't get a rebate. They're not a car dealership—they're a drug dealership.

There are those who say that this rebate was part of the proposed settlement deal. Well, that's news to the attorneys general who negotiated it. They never signed off on such an arrangement.

Mr. President, this is another example of why we can't trust this industry. After claiming to act in good faith, they scheme behind closed doors to undermine the American people. As we embark on public health legislation for the next century, let's work to keep this process out in the open and get rid of the smokey back room deals on tobacco.

Mr. President, I therefore urge my colleagues to support the Durbin-Collins Amendment and join us in repealing the $50 billion credit for Big Tobacco. The last thing the tobacco industry is entitled to is a rebate.

Mr. FAIRCLOTH. Mr. President, I rise to say a few words about this amendment, which will probably sail through the Senate. I spoke to my colleagues, and I know that we don't have the votes now, but we will revisit this issue in the global settlement.

It is quite easy to come down to the Senate floor and rail about the tobacco companies. Well, Mr. President, let me say something about those tobacco companies. Mr. President, those companies employ more than 20,000 people in North Carolina, and those jobs are in jeopardy if we tax the tobacco companies into bankruptcy.

These are hard-working men and women punching the timeclock every day. They are raising families on these wages, paying mortgages, just trying to get by. These jobs represent a payroll of more than $1 billion. They are good jobs, well-paying jobs, and I will not be part of this attack on their livelihoods.

This is just another attack on tobacco carefully staged for the television cameras. This is a personal attack on tobacco farmers. The companies are the front this time. Just a subterfuge for yet another attack on the farmers and another potential source of revenues. In fact, they're ready to spend money we don't even have, and I think that this is the height of irresponsibility.

I hope that my colleagues will resist the lure of easy political points.

Mr. MOYNIHAN. Mr. President, I will support the amendment of the Senator from Illinois to repeal section 1604(f)(3) of the Taxpayer Relief Act of 1997, which purports to credit the increase in tobacco excise taxes against any federally legislated tobacco settlement agreement. While I have opposed other amendments that would have opened up the balanced budget agreement signed into law on August 5, 1997, a mere 5 legislative days ago, there are good reasons to support the amendment offered by Senator DURBIN. Unlike the other provisions of the reconciliation legislation that have been the subject of amendments, the provision at issue in the Durbin amendment is an orphan. No one is willing publicly to take credit for having written it and securing its inclusion in the tax bill—which was done at the last minute, without analysis or debate by the Members of either the House or Senate.

On July 31, 1997, during the debate on the conference report to the Taxpayer Relief Act of 1997, the Senator from Illinois sought to raise a point of order against the provision he now seeks to repeal. I voted, with 77 other Senators to waive all points of order against the conference report. I said at the time that the provision was meaningless and had no binding effect. I continue to hold this view, as the tobacco settlement is far from completed, and it is still subject to approval by the President and Congress. Yesterday's New York Times reported that President Clinton will not offer an opinion on the proposed tobacco deal until next week at the earliest, and that the White House will not endorse a settlement without significant changes. In fact, it is beginning to appear unlikely that Congress will complete action on the matter before adjourning for the year. In addition to any changes that the administration proposes, the Congress will want to exercise its independent judgment on the proposed agreement. The June 20, 1997, agreement does not contain all of the details necessary to effectuate a settlement. There are a number of areas where the agreement provides no guidance, the most striking of which is the lack of a mechanism to govern the payment and distribution of the $368.5 billion by the cigarette manufacturers.

A White House spokesman has indicated that President Clinton supports this amendment, and if Congress does not act to rescind this credit, the President will insist that $50 billion be added to any final settlement amount.

And so, although the provision has no real impact on legislation that this Senate may take up at some future date, I agree with Senator DURBIN that the mere existence of the provision, and the process by which it found its way into the statute, is troubling. Let us strike it and eliminate any concern that the tobacco companies are getting away with something.

Mr. SPECTER. Mr. President, if I might have the attention of all Senators to discuss sequencing. It might be possible, realistically, to finish the bill this evening. The next amendment, following the vote, will be the Murray amendment, where there is 1 hour equally divided. But it is my anticipation that Senator MURRAY will use her 30 minutes, but there will not be a reply. The next amendment will be the Wellstone amendment, 40 minutes equally divided. Here again, I think that will be disposed of in less than 40 minutes. Then we have the Daschle amendment, which is 20 minutes equally divided, and then the Coverdell amendment, 10 minutes equally divided.

It is the manager's intention to have votes on these four amendments later this afternoon, but it is impossible to say when because of the impossibility of determining the amount of time. But the votes will occur as soon as the arguments are finished on those four amendments. We will then go to the Gorton amendment, where we don't have a time agreement. But the Senator from Washington says he may be able to enter into one shortly after that discussion starts. That would leave us with only two amendments outstanding on school testing, where the parties are reasonably close to an agreement on the Teamsters issue, which we will, I think, be able to resolve. But that is yet uncertain. That will be the sequence.

The PRESIDING OFFICER. The question is on agreeing to the Durbin amendment, as amended.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Durbin amendment, as amended. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—95

Abraham
Akaka
Allard
Ashcroft
Baucus
Biden
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—3

Faircloth
Helms
McConnell

NOT VOTING—2

Bennett
Bingaman

So the amendment (No. 1078), as amended, was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

AMENDMENT NO. 1118

Mrs. MURRAY. Mr. President, I ask unanimous consent to call up my amendment No. 1118.

The PRESIDING OFFICER. Without objection, it is so ordered. Amendment No. 1118 is the pending business.

Mrs. MURRAY. Mr. President, I ask unanimous consent that no second-degree amendments be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator LANDRIEU be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, this amendment that is being offered today by myself, Senator WELLSTONE, and Senator LANDRIEU is not unfamiliar to this body. In fact, the U.S. Senate has voted three times on the amendment that is now before us. Three times we have passed this amendment unanimously—once in the welfare bill, once in the budget bill, and once in the budget reconciliation bill. All three times when this amendment was brought before this body, not one Senator spoke against it. It was voted on and passed and sent to conference committee. Without one single voice of opposition and without one single vote of opposition, this amendment was stripped in the conference. Perhaps it is no surprise when you hear the subject of this amendment. It is regarding domestic violence.

Too often women in our country when it is in the light of day have everyone behind them and support them when it comes to domestic abuse. But these women know where abuse occurs. It occurs behind closed doors when no one is watching.

This Senate should not approve of that kind of action. This amendment is one that is absolutely vital to the health and welfare of women, their families, and the communities that surround them. The policemen are too often called to situations where a domestic violence incident is occurring, and their lives are then put on the line.

The amendment that we are offering today does a simple thing. It allows a temporary waiver of the work requirement for a victim of domestic violence in order for them to take care of their medical needs, to change their Social Security number, to take care to make sure that their children are in a safe place and that their family is secure before they are required to be at work. We know that, if a woman is being abused and she is required to be at work, her abuser will often go there to find her or put up barriers so she can't be there. She knows that her life is insecure if her abuser can find her at a workplace where she has to give her Social Security number, where she has to let them know where she is going to be. Where her children are in day care, she can't take care of them to make sure they are safe and secure.

That is why this humane and compassionate Senate three times has passed this amendment. It is a temporary waiver. We are not asking for a permanent waiver of the work requirements. In fact, we want women who are victims of domestic violence to be at work. Being economically able to take care of themselves is the security they need in order to leave a domestic violence situation. But we want to make sure that they aren't at work with bruises and don't show up at work and are afraid to show up at work with bruises. We want to be sure that their children are in a safe place, if they are victims of domestic violence, before we require them to be at work. We want them to be able to change their Social Security number so they can't be followed before we require them to be at work. Too often these things take months. Changing your Social Security number can often take months.

We in this Congress don't want to put these women in abusive situations inadvertently. This amendment simply is going to remove a barrier for women so that they can get out of the domestic violence situation. When a woman decides to get out of a situation, she has to know, "Can I have the money? Can I have the ability to take care of my children, to take care of myself?"

Welfare allows her the ability to get out of that situation, to get herself back on her feet, and to get into the work force, which is exactly what she wants to do so she can be economically secure.

The way the welfare bill is written today, it does not allow her to do that.

When we passed this temporary waiver, we said to these women that we would give to States the ability to screen for domestic violence so that they will be allowed to help these women get on their feet and get back into the work force. We did that intelligently here in the Senate. In fact, it passed unanimously in the House as well. But when this amendment got behind closed doors, women were once again abused, and it was stripped from the bill.

It is absolutely essential that we put this law into the books so that the States across the Nation who are waiting to see what our action is can make sure that women who are abused are taken care of.

Today, the Children's Defense Fund has come out in support of this amendment, and I ask unanimous consent to have this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHILDREN'S DEFENSE FUND,
September 9, 1997.

CDF SUPPORTS ANTI-FAMILY VIOLENCE AMENDMENT

WASHINGTON, DC.—The Children's Defense Fund (CDF) announced its support today for the Victims of Family Violence provision proposed by Senators Patty Murray (D-Wash.) and Paul Wellstone (D-Minn.) as an amendment to the Senate Labor, Health & Human Services, and Education Appropriations bill for Fiscal Year 1998.

The amendment allows states to temporarily waive certain requirements of the 1996 welfare law for families that are victims of domestic violence, even if their number exceeds the law's 20 percent cap on exemptions to the time limit.

"Mothers who have been threatened or battered need a safe place for themselves and their children, and need support to reenter the work force. The Victims of Family Violence amendment makes it possible for states to offer that protection and help to mothers and children," said Grace Reef, Director of Intergovernmental Relations of the Children's Defense Fund. "Twenty-eight states have opted under the 1996 welfare law to screen for family violence and offer services to families affected. These and other states need the clarification that this amendment provides to ensure that families receive the help they need to escape immediate danger and plan for their return to work."

Studies by the Better Homes Fund and the University of Massachusetts Medical Center and by the Taylor Institute in Chicago have documented the prevalence of domestic violence in the lives of women and children receiving public assistance. Another study found that 55 percent of battered women surveyed had been prevented from working by their batterer (Shepard and Pence, 1988). More than half of battered women responding to a survey said that they stayed with their batterer because they did not feel they could support themselves and their children (Sullivan, 1992).

"The Victims of Family Violence amendment means safety for children and their mothers while they take the steps necessary to move on with their lives," said Reef.

Mrs. MURRAY. Mr. President, they know what far too often happens to children who are in abusive situations if there are barriers to that woman getting to work. We want to make sure that there are no barriers. The CDF explicitly outlines this in their statement today, and I thank them for their support.

Mr. President, I have worked on this issue for a number of months—in fact, for a number of years. It has become more critical to me in the last few weeks because of events that happened in my home State.

About a week ago a young officer in Takoma, WA, was called to a home where a domestic violence situation had occurred. Unfortunately, he was shot and killed. He has a 1-year-old child. He is gone. I heard from many police officers who tell me how risky it is for them to go to homes where domestic violence calls have been placed. We need to make sure that we allow these women to get out of those situations so we don't have the increased numbers that we today have of domestic violence calls. I am amazed at the increased number. In fact, in the Seattle Times just a few days ago was an article, that I will submit in a minute, which says that in Seattle in 1995—which is the latest year for which any data are available—there were over 16,000 calls to 911 related to domestic violence.

It was just reported that there is an epidemic, an increase in the violence in Spokane County with more than 6,400 cases reported last year, which is a big increase over prior years.

In Tacoma, where a young police officer was just killed, it is reported that during the past 15 years 11 police officers in the Puget Sound area have been killed in the line of duty. Four of those officers were slain while responding to calls to help settle domestic disputes, a huge portion of them.

We need to make sure that as a body we do everything we can to help women get out of domestic violence situations in a safe and responsible manner, to get them back to work in a way that economically works, that their health care is taken care of, that their children are taken care of so that they get out of these situations. If the work requirement remains in place, women will be forced to stay at home with their abuser. They will not be able to go out and get themselves economically independent in a responsible way.

Mr. President, 27 States have asked for a waiver on family violence. Until we clarify the language here in the Senate and approve it in conference, these States will not be able to move forward without being penalized under the work requirements of the welfare bill.

I urge my colleagues to support this amendment with a recorded vote this time so that we can send it to conference and do the responsible thing that is required of all of us when we care in a humane way about women who are in a situation in which none of us ever wants to be.

I see my colleague, Senator LANDRIEU, a cosponsor of the amendment, is here, and I yield her time to speak.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

I rise to thank my colleague from Washington State for her admirable work in this area and for her persistence in year after year presenting this amendment that so clearly is deserving on its merits, and coming back again for the third time to this body, which has already expressed strong support for this clarification of this waiver because this body, on both sides of the aisle, Mr. President, I think, understands the great trauma and pain of families experiencing violence, both to the woman primarily and also to the children.

I rise because I supported the welfare reform effort. I was not here as a new Senator, so I was not able to vote. But I want to say for the record that I support our efforts to change the welfare system in America, as long as those changes allow for job training and day care opportunities and transition. We do need to do a better job in this country of moving people from welfare to work. We need to do a better job of honoring work, particularly for those working at the minimum wage. So I support the changes.

My colleague from Washington has expressed beautifully that there are some modifications and clarifications that are essential. This one is essential.

With the suffering that is incurred by millions of children —and I say millions of children—who are in homes where this violence is occurring, the screams in the night, the begging for someone to help, the years of torture and abuse that many children suffer and many spouses suffer, we have to do more. Let us not add to their pain and suffering by letting this remain unclear in the law, when it is so clear that we want to say that the States simply have the right to design temporary relief for them so that they do not have to give certain information that would put them in jeopardy and put their children's lives at risk.

I can only say how hopeful I am that when we pass this amendment, which looks as if it will pass by a large margin, it will this time stay in this bill for the children of the Nation, who literally—and I wish I could play a tape that I heard just this week by a chief of police who stood up before a group of us and said, "This is a tape that I use for training my officers." It was horrifying to listen to this child scream in the night for a dispatcher, an operator to send help quickly to the home where a male—I do not know if it was the father or a friend—was beating this child's mother. To close your eyes and listen to this tape and this child's screams was almost more than I and others in the room could stand.

So let us not add to the suffering. Let us be clear. Let us give the States a chance to do the humane thing.

I thank the Senator from Washington and I urge our colleagues to support this amendment.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague, Senator LANDRIEU, for her excellent statement and for all of her support and her help on this very important piece of legislation.

I know that Senator WELLSTONE also wants to speak on behalf of our amendment today, and I believe he is on his way to the floor. While we are waiting for him, let me read a paragraph or two from a press release put out by the Children's Defense Fund today, who, as I spoke about before, know firsthand what happens to children in violent situations. I quote:

> Mothers who have been threatened or battered need a safe place for themselves and their children and they need support to reenter the work force. Passage of the family violence amendment makes it possible for States to offer that protection and to help mothers with children.
>
> There are studies by the Better Homes Fund and the University of Massachusetts Medical Center and by the Taylor Institute in Chicago that have documented the prevalence of domestic violence in the lives of women and children receiving public assistance. It is important that we pass this amendment today so that we can make sure these women and these children are taken care of in this country and live in safe environments.

Mr. President, I am going to yield time now to Senator WELLSTONE, who has been instrumental in this battle. I thank him for all of his work on behalf of the many women and children across this country who will be able to feel much safer when we finally get this passed and put into the law.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank Senator MURRAY. This has been a labor of love, working with her on this, from the very beginning. I do think it is very, very important. We have had voice votes on this, but we now need to get the Senate on record, and this is an extremely important amendment.

It is interesting; this amendment essentially says—and I know Senator MURRAY and I are so pleased that Senator LANDRIEU has also joined us—to States, look, Arkansas, Minnesota, if you decide what you want to do is request a good-faith waiver, not a total exemption, so that you can as a State such as Minnesota in dealing with a family, a woman who has been battered, has been beaten up over and over again and also dealing with her children, say, look, from the point of view of our work force participation requirements of the welfare bill or ultimately from the point of view of how many people there are going to be in terms of what percentage of people have to be off the rolls, we may need a little more time to give support to these families. We may need a little bit more time. One size does not fit all.

I would like to thank my wife, Sheila. I said to Senator MURRAY, she has worked so hard on this. I would like to thank her and also the community in Minnesota that has provided us with a lot of support. The fact is when you meet with families, you realize that all too often a woman has been battered over and over again, her children have seen it, and it just may be that she is not able right away to move into a job.

I just want to thank Jody Raphael at the Taylor Institute in Chicago, who does rather magnificent work. I would also like to thank Pat Reuss, of the NOW Legal Defense and Education Fund, who has been great.

Jody pointed out—I am not going to quibble on statistics —in some of her work that a real high percentage, maybe 20 percent or more, of these mothers, welfare mothers who have in fact been beaten, are, in fact, if you will, victims of abuse in their homes. This also affects the children who see it.

So the reason for this amendment is we just want to make crystal clear to our States, all of our States, that they do have clear direction and support from the Federal Government, from the Congress and the White House and Health and Human Services, that Minnesota, Washington, if you want to provide additional support services and you want to make sure that a woman gets those support services, you can ask for a good-faith waiver to make sure you can do that.

Otherwise—and colleagues need to understand this, and that is why Senator MURRAY and I come back to the floor again—we are talking about a very dangerous situation. We talk in this Chamber, the words are spoken and we mean it, but sometimes we forget the connection to people's lives.

If you do not do this, what is going to happen to all too many women is they are going to be in a situation where they are going to be forced into a work situation. They are not able to do it. They are stalked by a former boyfriend or former husband or whatever the case is. They have been beaten up and maybe they can't even come that day for job training. Maybe physically they cannot come. Maybe they are just ashamed to show up. All of a sudden, because women cannot work, given what is going on, given what is happening to them, given what their children are seeing, we are going to say to these women, "You are off of any AFDC assistance. You do not get any assistance at all."

Then what happens, colleagues, is they have one choice for their children. They have to go back into that very dangerous home. They have to go back and be with that batterer.

Now, Mr. President, the shame of it is—and this is why we come to the floor—the Senate has gone on record, what, three times, I ask the Senator, and then every time—I have heard Senator MURRAY speak about this eloquently so I do not need to repeat her words—and then every single time in conference this just gets knocked out. That is really outrageous. That is really outrageous.

It is time that we pass this with a strong recorded vote, and this should be a message to the Congress and a message to the White House and a message to Health and Human Services: Please, get the directive out to the States making it clear to States—right now we have, what, I ask the Senator, 26 States?

Mrs. MURRAY. Twenty-seven.

Mr. WELLSTONE. Twenty-seven States that have been able to go forward. But even Minnesota, which has gone forward, on the basis of talking to the Senator and Sheila, they have still gone ahead with clear direction. They know the amendment has been passed. They know what it is they are supposed to be doing, but they have not really seen it in writing from the White House, from Health and Human Services. We need that to happen. This is what this amendment is all about.

I conclude by thanking my colleague, Senator MURRAY. I think it is extremely important that not only women and not only their children, but there are a lot of men who care about this issue in the State of Washington, Arkansas, and all across the country—I think it is very important that people in our country realize you need a strong voice on this issue.

Senator MURRAY has been that kind of Senator. I really would like to thank her for all of her leadership and, for that matter, for just her tenaciousness in coming back over and over and over again and not letting up on this, because this is about people's lives, it is about a lot of women who have had to deal with something that we hope and pray none of our daughters and none of our sisters ever have to deal with. We ought to make sure that we provide them with the assistance they need.

I will tell you, as a Senator from Minnesota, a State which has done a lot of good work in trying to provide support for women and children, and as the husband of my wife, Sheila, who cares so much about this, I am honored to be in this struggle with Senator MURRAY, and I know we will prevail with a strong vote.

I yield back the rest of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank my colleague from Minnesota for his strong words and his support of this amendment and all of his work on behalf of this as well as that of his wife, Sheila.

Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator from Washington has 10 minutes remaining.

Mrs. MURRAY. Mr. President, I am going to ask shortly for a rollcall vote on this amendment. It is imperative we have a strong rollcall vote on the underlying amendment so we can move it to conference with a very strong message from the U.S. Senate that we are going to support this with our voices, with our votes, and that we are going to watch it in the conference committee so it remains in this time.

We are going to send a strong message to the White House that this body is not just doing this as some kind of political maneuver, we are doing it because we mean it and our votes are going to back it up. We are not just going to talk about domestic violence, we are going to be there to make sure the action takes place to take care of the women who are abused and are put in this horrendous situation that each of us hopes never to be in. It is imperative we do this for the women who are being abused. It is also imperative we do it for the neighborhoods and communities they live in. And it is imperative we do it for our police officers across this country who are put in these violent situations far too often today. We need to do our part to prevent that from happening as well.

Mr. President, I am ready to yield the remainder of my time if there is no one going to speak in opposition, and to ask for the yeas and nays.

The PRESIDING OFFICER. Is the Senator seeking the yeas and nays?

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that we yield back all time on amendment No. 1118 and set it aside so Senator WELLSTONE can move forward.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will be ready in just a moment. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1087, AS MODIFIED

(Purpose: To increase funding for the Head Start Act)

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I modify my amendment and I send the modified amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1087), as modified, is as follows:

On page 61, after line 25, insert the following:

SEC. . (1) The total amount appropriated under this Act to carry out the Head Start Act shall be $4,830,000,000, and such amount shall not be subject to the nondefense discretionary cap provided in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and shall not count toward the Committee and Subcommittee allocation pursuant to that Act; and

(2) the amount appropriated for the Department of Defense for fiscal year 1998 is hereby reduced by $525,000,000.

Mr. WELLSTONE. Mr. President, this amendment would add $525 million to the budget for Head Start. I thank my colleagues, Senator HARKIN and Senator SPECTER, for their fine work. This bill already provides Head Start with a $324 million increase in funding for 1997. The President, the Clinton administration, claims this will allow Head Start to serve 1 million students by the year 2002.

The Head Start Association has said rather loudly and clearly that, in order for Head Start to actually serve 1 million students by the year 2002, it would need another $525 million this year and every year until 2002. Therefore, I offer this amendment to increase Head Start's funding by an additional $525 million to reach that goal of 1 million. We ought not say we will reach that goal unless we make the commitment.

In order to reach this goal, the offset that I propose would be by a rescission from this year's appropriation for the Department of Defense. I could talk about a whole lot of different waste in the defense bill, but just to give but one example, the B–2 bomber most recently has been reported to be unable to fly in the rain and the snow by the General Accounting Office. It, itself, is slated to receive $586 million from the Senate, and $928 million from the House. Though this amendment is not about the debate on the B–2, I understand the Senate has basically said no more B–2's; I think on the House side they have talked about moving forward.

The Head Start Program currently serves 740,000 students. Head Start, roughly speaking, serves 30 percent of the eligible population of 4- to 5-year-olds; and only 18 percent, if we were going to talk about right after birth until age 5. That means Head Start does not have the money to serve more than 2 million eligible 4- and 5-year-olds and roughly 4 million children from right after birth to age 5. There is no way that this amendment does enough, but it would make a difference. In my State of Minnesota, the money for Head Start covers 9,000 Minnesota children who are eligible out of a population of, roughly speaking, 25 million children.

I want to be clear about this. I know I will be up against a point of order and I do not expect to win on this amendment. This amendment says that there is still plenty of waste in the Pentagon budget—the B–2 bomber is one good example. On the House side it barely passed any increased funding, a plane that cannot fly in the snow or in the rain, but there are other examples as well. I am just saying, when we look at hundreds of billions of dollars for the Pentagon, couldn't we transfer $525 million to make sure we reach our goal of covering 1 million children?

But there are two parts to this amendment. The first part is, if we are going to say White House, or we are going to say U.S. Senate, that we are going to make sure that 1 million children are covered, let's not make it symbolic.

Let's do what the Head Start Association itself says we have to do to make sure we at least cover 1 million children. That is what this amendment says.

Mr. President, let me go on and say one more time that Head Start altogether leaves out 4 million children-plus who could receive a head start.

Just to focus on what this amendment is about, there are plenty of people who have said there is more than enough waste in the Pentagon budget—administrative waste, going forward with some weapons systems that make no sense whatsoever—but I hardly hear anybody on the floor of the U.S. Senate say that we should make a commitment to Head Start, which is just about that, giving children from families with really difficult circumstances a head start.

But we are not even going to reach our goal of 1 million children unless we provide this additional $525 million. We can do better, I say to my colleagues. We can do better for children in this country. We can do better for poor children in this country.

The scandal to all this is that we are not even coming close to covering 30 percent of the overall population that is eligible. On the one hand, we say we are committed to small children. On the one hand, we have all of this research that is coming out about the development of the brain, talking about how the early years are most critical—right after birth to age 3, actually before birth, that a woman expecting a child should get good care. But at the same time, when you look at just not the 4 and 5 year olds, but when you look at early Head Start, which is right after birth to age 3, we are covering just a small, tiny fraction of the children who could really benefit from this help. What my amendment does is try to appeal to the goodness of the Senate and try and say that we can do better.

Mr. President, I have been honored as a U.S. Senator from Minnesota to have the opportunity to travel in the country and to be in communities where people are really struggling against some pretty difficult odds, I will just tell you, whether it be in Chicago, in a heavily Latino neighborhood on the south side of Chicago and visit with the Head Start Program and you see these beautiful programs and you meet with the staff.

Mr. President, the men and women who are the Head Start teachers and teachers' assistants barely make above poverty wages, but you see the good work they are doing and you see all the ways in which children in Head Start receive some intellectual stimulation, they get referred to health care clinics so that they can get the health care that they need, so that they can get the dental care that they need. You see the way in which these programs, at their best, give children encouragement. It breaks my heart that we cover such a tiny percentage of children who could really use this help.

This really can make a huge difference in young children's lives. I have gone to east Kentucky and have spent time in Appalachia and, again, I met, first of all, mainly women who are Head Start teachers. They should be heroines. I asked a woman who has been with Head Start from the beginning, "Why do you do this? You certainly don't make much money."

She said, "I do this because I know what I can do for children. I get so much satisfaction from giving these children this encouragement, from making sure I can help these children at a very young age."

We know that. We say we are committed to early childhood development. We say we are committed to covering. We say we are committed to covering that. The administration says we have to make sure 1 million children are covered. We don't have enough funding. The Head Start Association tells us we don't have enough funding for actually 1 million students by the year 2002—1 million children—which is just a tiny percentage of the number of children who are eligible.

Mr. President, my amendment is pretty simple and straightforward. It says let's live up to our words. We have more than enough waste in the Pentagon budget. We ought to be able to transfer $525 million to make sure we live up to our word and/or contract with these children and at least 1 million children by 2002 receive this Head Start assistance.

I don't know whether or not we are or are not going to have a discussion about the testing and whether or not the Federal Government or an independent group develops tests, but I want to speak about that for a moment because I think it is directly related.

I want to say two things by way of conclusion. I say to my colleagues, I don't expect to win. I don't expect to get a huge vote because this is a transfer amendment, and I have seen what happens to transfer amendments from the Pentagon to these kinds of needs. But you can travel in this country, go to Chicago, or go to Minnesota, or go to delta Mississippi or go to Kentucky and meet with children and meet with families and see the good work that is being done by people who should be famous and then see how little they have to work with and how, if we would just invest a little more and not come to the floor and fight, more of these children would have a head start. So win or lose, I am going to speak out on this, and I am going to fight for it.

Mr. President, I also want to say to the President, to the White House and to the administration, I have been thinking long and hard, if we actually have a vote on this in the Senate, about this whole question of testing. I just want to say that I have a certain amount of sympathy, as someone who was a teacher for 20 years, with those who kind of wonder about the standardized tests. Yes, we want accountability and, yes, it is voluntary.

I will tell you, I have a real concern about the focus on tests as the way we measure accountability when I think that what it could very well lead to is standardized teaching to standardized tests, worksheets which are educationally deadening.

I will tell you, in Minnesota, every year I read very carefully the profiles of the teachers of the year. Not a one uses those worksheets. They get kids or young people to connect themselves personally to what is being discussed in the classroom.

I really worry about the direction we are heading in the name of reform. I also have quite a bit of sympathy with those who are saying to the White House and the administration, in all due respect, if you are going to talk about education and you find that people in the country are with you, if you are going to talk about each and every child should have the same opportunity to reach his or her full potential and people in the country are with you, and if you are going to talk about the need for us as a country to renew and reinvigorate our vow of equal opportunity for every child and you see that the people in the country are with you, well, then, do you know what? Make a commitment to do something about it.

In all due respect, just to have some more tests doesn't do a whole lot. If you don't change the concerns and circumstances of children's lives, starting with more of a commitment to Head Start, then we already know who is going to fail those tests. We have a huge learning gap in this country. We know the children who are going to do well, and we know the children who are not going to do well. What good is it to just fail those children again this time on a test?

If we don't make sure there is a commitment to Head Start and good child care so that children come to kindergarten ready to learn, and if we don't make a commitment to make sure these schools are inviting places for our children as opposed to being so dilapidated and dreary, investment in school infrastructure, of which we have done hardly anything, and if we don't make a commitment to making sure that these children have hope and have opportunity and that there is the necessary funding, then these tests don't do anything at all. They don't do anything at all. They amount to little more than a technical fix.

(Ms. COLLINS assumed the Chair.)

Mr. WELLSTONE. Madam President, on the other hand, I think that I will support this initiative. I have had a chance to talk with Secretary Riley. He is about as gentle a person as there is in Washington, DC. He is so committed to children, and I guess since it is voluntary and we are trying to develop good tests, it can't really hurt a lot. I guess it would represent a very small step forward and, as a college teacher for 20 years, I don't think I am prepared to just sort of say no, thumbs down.

But I would like to say to the White House, I would like to say to the President and I would like to say to my party, the Democratic Party, we are going to have to do much better. We cannot say that a million children are going to be in Head Start and then not appropriate enough money to make sure that happens.

We can't say that we are committed to equal opportunity for every child and not adequately fund Head Start and not adequately fund good developmental child care.

We can't say that we are for children doing much better in the schools and not invest hardly anything. We have invested hardly anything in rebuilding crumbling schools all across America. We cannot make that case.

If we are not willing to do what is necessary by way of changing the concerns and circumstances of children's lives before they go to school and when they go home and to make sure that these schools have the resources to work with and have the support services to work with, then these tests are just going to fail the same children who are already failing, in which case it is just absolutely outrageous.

This amendment that I have offered isn't going to win. Maybe this is what you call a message amendment. But I am telling you something, just as Fannie Lou Hamer, the great civil rights leader, said, "I'm sick and tired of being sick and tired." I get a little sick and tired of our not following through the words we speak with some investment. Everybody is for the children except when it comes to digging in the pocket and making the necessary investment. It doesn't seem to me to ask too much to say an additional $525 million to go into Head Start so, as the Head Start Association says, we can at least serve 1 million children.

Madam President, I just want to make one other point, and then I will reserve the remainder of my time. Again, if I do this the wrong way, it is not going to come across well, and maybe a lot of Senators do this already. I am telling you, I have learned so much from traveling to communities around the country, just looking, learning from people who are in these struggles of trying to earn a decent living, trying to raise their children well, people struggling economically, looking at the poverty in this country and meeting women and men who should be heroines and heroes who are doing great work. It just reminds you of what being a U.S. Senator is all about.

Today on the floor of the Senate, I am hoping, even if I don't win, to at least push this debate forward. I just get a little bit indignant that the sole focus becomes testing, and we don't put the money into early childhood development. We don't make sure children come to kindergarten ready to learn. We don't do much of anything about investing in crumbling schools. We don't do much of anything about the huge disparity in resources that different schools have to work with. We don't do much by way of encouraging the teachers.

I will tell you something, some of the harshest critics of public schoolteachers couldn't last 1 hour in the classrooms they condemn. I am just asking my colleagues today to vote for a small transfer from the Pentagon budget to Head Start. There is no reason to spend a whole lot of more money on planes that can't fly in the snow or the rain. I think we can spend the money trying to provide help and support for children right here in our own country.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? If neither side yield time, time will be charged equally against both sides.

Mr. WELLSTONE. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 10 minutes and 45 seconds remaining.

Mr. WELLSTONE. I thank the Chair.

Madam President, while I am waiting, just some facts by the National Commission on Children.

The first 3 years of a child's life are a time of unparalleled development: physical, intellectual, linguistic, social, and emotional.

I do not need to use a commission. Let me use my expertise as a grandpa. I mean, we know this as parents and grandparents. We know now what all of this scientific evidence tells us, which is, these early years are critical years. You have to get it right for children. In fact, if we don't get it right for children in our country, all these children—they are all God's children—then by age 3 many of them may never be ready for school or never ready for life.

The fact of the matter is, I am just saying, take $500 million for Head Start and at least make sure we cover 1 million children. If we were to consider not just the 4- to 5-year-olds, but the 3-year-olds and the 2-year-olds and the 1-year-olds, where it is probably even more important they get that additional help and families that additional support—we are covering maybe 15, 18, 20 percent of the overall number of children that need this help.

I find it very difficult, frankly, to explain, why don't we fully fund the Head Start program? If we are going to argue the Head Start program gives children—special children; all children—a special head start, and we are going to argue we know these are the critical years, then why in the world are we not investing the money? Why are we not matching our rhetoric with the resources?

Madam President, I will say it one more time, and then I will reserve the balance of my time. It is just on a personal note. I love the work that the men and women and women and men in Head Start are doing.

Thank you for your work in eastern Kentucky, thank you for your work in Chicago, in Minnesota, thank you for your work in delta Mississippi; and I am sure it would apply to Maine and every other State in the country.

There is nothing more important you can do, because I just tell you that when I spend time with my 20-month-old grandson, the youngest, Joshua, I can't believe it—I have said on the floor before—every 5 or 10 seconds he is interested in something new. We are not, but these children are. They are experiencing all the unnamed magic of the world that is before them.

You can take that spark of learning, and you can ignite it. And if you ignite it in our Head Start programs—some of them do that; many of them do that—then you can take a child from any background to a life of creativity and accomplishment, or you can pour cold water on that spark of learning. And we do that to too many children.

In the State of Minnesota we could do so much more. We cover 9,000 out of 25,000 eligible children in Minnesota—9,000 out of 25,000.

Madam President, this is unacceptable. This is unacceptable. We cannot keep saying that we are for the children, we cannot keep saying we are for equal opportunity for every child, we cannot keep saying we are for education, Democrats we cannot keep saying we are for expanding opportunities and just focus on testing. We have to do much more.

Where is the investment to rebuild the crumbling schools all across the country? Where is the investment in Head Start? Where is the investment in early childhood development? Where is the investment in making sure that standards are met and that all of the children that are in our child care, whether they be centers or whether they be family child care or home-based child care, that standards are met and children are safe and children are receiving not custodial but developmental care? Where are the standards? Where are the resources? Where is the commitment?

I do not know if anybody is going to debate me today on this. My guess is it would be just to table the amendment or a point of order. But I would like to debate colleagues, whether they be Democrats or Republicans, about why it is we can't do better.

We just had this budget agreement. And everybody said that the budget agreement was so successful in dealing with the budget deficit. What about the spiritual deficit? What about the children deficit? What about the education deficit? What about the community deficit? We have not dealt with any of those deficits.

I just suggest that if we cannot put a little bit more money, at least into Head Start as a start, then we are not doing as good as we could be doing for children in this Nation.

Now, I grant you, the children who we are talking about in Head Start, these are children that are low income, these are children whose mothers and fathers do not have much by way of economic resources, and they do not have much by way of economic or political clout, but we ought to do better.

I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

If time is not yielded, it will be charged equally against both sides.

Mr. HARKIN. Madam President, I rise in support of the amendment offered by the Senator from Minnesota.

The Senator's amendment is simple. It would shift $525 from the Pentagon budget to Head Start, a very worthy program under the Labor, Health and Human Services, and Education appropriations bill. The amendment does not specify where in the Pentagon budget the funds would come from, we leave that for a later time and for input from our military leaders.

The first National Education Goal states that by the year 2000, all children will start school ready to learn. Earlier this year, scientific research provided irrefutable evidence that the best way to achieve this goal was in a child's first three years of life.

The release of this research was followed by a White House conference, television specials, magazine articles and a lot of talk about the need to improve activities to promote the development and education of young children.

The pending legislation made some very modest efforts to seize the momentum created by these activities, but were limited by the constraints of the budget agreement. The bill does make some improvements, such as:

Head Start is increased by $324 million with 10 percent dedicated to the Early Head Start program. This action doubles the set-aside for the programs which serve children up to the age of three.

The early intervention program for infants and toddlers with disabilities is increased by 11 percent to $351 million.

The National Institute of Child Health and Human Development is directed to examine the quality of child care funded by federal resources to determine to what extent recent research on the brain development of young children is being applied by recipients.

In addition, the bill provides more resources for other programs to enhance the education and development of young children such as the Parents as Teachers Program, child care block grant and the Healthy Start Program.

While I am pleased with these investments in the education of young children and appreciate Senator SPECTER's support, however, we need to do more—much more.

That's why I am pleased to support Senator WELLSTONE's amendment to provide additional funding for Head Start. At the present time, Head Start is serving only a fraction of the number of children eligible for these services. The additional funding would expand the number of children receiving the education and health services that will enable them to start school ready to learn.

The key to our economic security requires a well-educated, highly skilled and healthy work force and the strong foundation for this skilled work force is formed during the first years of a child's life. To achieve this goal however, it is critical that children start school ready to learn so that they will leave school able to earn.

The amendment would reduce funds for the Department of Defense so I would like to take a few moments talking about the Pentagon spending.

A perfect example of unnecessary spending is the plan by the other body to spend $331 million for additional B–2 bombers. The Department of Defense has spent $44.4 billion to develop and purchase 21 planes. Now B–2 bomber advocates want to purchase an additional 20 planes at a cost of $35.9 billion for procurement and operations. This works out to more than $1.7 billion per plane. In fact, this means that the B–2 bomber costs more than three times its weight in gold. Both the House Defense authorization and Defense appropriations bills include $331 million as a down payment for an additional nine planes, with the hopes of building even more later on.

The list of folks who oppose additional B–2 bombers has become noteworthy. The Air Force doesn't want more B–2 bombers. This has been well know for quite some time. Now, other parts of the defense establishment oppose additional planes. In August, Defense News—hardly a bastion of the liberal press—published an editorial entitled, "Time to Pause on B–2." To quote the editorial, "the U.S. House of Representatives should pause for reflection before it takes one more step to resuscitate the B–2 bomber program and buy nine more planes."

I ask unanimous consent that the full text of the Defense News editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From Defense News, Aug. 11–17, 1997]

TIME TO PAUSE ON B–2

The U.S. House of Representatives should pause for reflection before it takes one more step to resuscitate the B–2 bomber program and buy nine more planes. The extraordinary cost will far exceed the sticker price, estimated at $1.4 billion per plane.

The level of funding for defense during the next five to 10 years means that money for the planes would be taken from other weapon systems, such as the V–22 tiltrotor aircraft, the Comanche helicopter and various warships. It probably would adversely affect theater missile defense projects, a top national security priority, and even the purchase of basic munitions for operational units.

That is a lot to pay for a bomber the Air Force says is not a top priority.

In addition, serious questions recently have been raised about the viability of the airplane itself. In a preliminary report, the Pentagon's director of operational testing concludes that only 22 percent of the fleet is available to meet wartime requirements when the B–2's low-observable systems are in use.

In addition, the amount of time spent on repair of the airplane's radar-evading devices was found to be excessive.

Though tentative, these are substantial criticisms because the low-observable, or stealth, characteristics are central to the value of the airplane.

The Air Force paid a premium price for the B–2 because it is supposed to be able to evade most radar systems.

These and other conclusions in the report should prompt a full-scale assessment of the B–2 fleet's readiness.

The testing director's findings are preliminary. But they are reason enough for the House to delay even initial funding for an expensive airplane that may not work very well.

Mr. HARKIN. Madam President, the latest bad news for the B–2 bomber program is a GAO report that describes some serious shortfalls with the planes stealth features. Specifically, the aircraft is more sensitive to climate and exposure than expected. The B–2 requires special shelters to maintain its stealthiness or prolonged exposure to the rain and other common weather problems can negate the planes' ability to avoid radar.

This is not the first time that the B–2 bomber has faced problems with rain. Two years ago, we heard how the bomber's radar had trouble telling the difference between a rain cloud and a mountain.

In fact, the Air Force hinted at the stealth problems back in 1990, when they sought approval for a series of special hangars for the B–2 bomber at a cost of $4.7 million each. I am sure the cost has gone up in the past 7 years, but even then, the problem of maintaining the sensitive stealth skin of the B–2 bomber was talked about. And now the GAO has shed more light on the B–2 bomber stealth problems. According to the GAO, the B–2 bomber must be kept in shelters because of their sensitivity to moisture, water or other severe climatic conditions. Unless flown in only the most benign environments—low humidity, no precipitation, moderate temperature—the plane requires extensive maintenance or it will not be ready for use. I think modern warfare will included conditions that aren't exactly the most benign environment.

Here is how some newspapers are now describing the bomber.

The New York Times has said: "The $2 billion Stealth Bomber Can't Go out in the Rain."

The St. Peterburg Times used the headline: "Not so stealthy when wet."

And Robert Scheer of the Los Angeles Times said "Let's hope it rains on the B–2's parade."

No one disputes that the cold war is now over, but some in this body would like to continue funding the Department of Defense as if it had never ended. The B-2 bomber is the perfect example of that view.

The world today is not the world of 1985. True, there are dangers to the United States, but they are not the kind of dangers which justify a military budget that swallows discretionary spending and harms the very citizens it seeks to protect. They are not the kind of dangers that require more B-2 bombers at a price we cannot afford.

Even with the elimination of the Soviet Union, our defense spending is still over 80 percent of United States cold war spending levels.

The United States will spend nearly three times what any other country on the face of the Earth will spend on defense. In fact, if you added up the military expenses of all of Europe and South America combined, that is to say every country in Europe and South America together, you would find that the United States still out spends them on defense.

I ask you Madam President, what is all of this money for? What enemy are we going to fight? Cuba, who spends less then 1 percent of our military budget? Or Lybia or Iraq or Iran or North Korea or Syria? Or are we spending $266 billion a year simply to have a large military.

Let's look at some more figures. United States military spending is three times more than China, India, Pakistan, Russia, and Vietnam combined. It is more than double all of our NATO allies combined and it is larger than the next eight largest military budgets combined.

As it stands now, such a large portion of our discretionary budget goes toward defense spending, that the security of our citizens is threatened. Yes, Madam President, you heard me correctly, they are threatened by increased defense spending. Why? Because every extra dollar we spend on defense is a dollar less for education, for putting police on the streets, for stopping the drug epidemic and feeding our children.

The amount of discretionary funding spent on defense totals over 50 percent of the discretionary budget. That means that the portion of the total budget that Congress actually decides where it will get spent, or the discretionary budget, goes overwhelmingly toward defense. For every discretionary dollar, 50 cents goes to defense. Not education, not health care for children, but defense.

Every dollar we spend on defense has to come from somewhere. My question is, Where does the funds for defense come from? Does it mean one less school gets connected to the Internet? One more child can't read, or one more child goes hungry?

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I assume I am recognized as being the person in opposition to the amendment.

The PRESIDING OFFICER. The Senator is so recognized.

Mr. DOMENICI. How much time do I have?

The PRESIDING OFFICER. Sixteen minutes forty two seconds.

Mr. DOMENICI. I surely will not use the entire time, and whatever time I do not use I will yield back.

In a couple minutes I will make a point of order against the pending amendment. It is a clear violation of section 306 of the Congressional Budget Act. I understand the sponsor of the amendment will move to waive the point of order, and I in no way want to infringe upon that privilege.

Let me just say this is a very simple proposition. Everybody should understand that in the budget agreement there were a lot of priority items. That meant, literally, that the Congress and the President agreed that certain programs would be funded at the President's request.

Anyway, it is pretty interesting because we indeed funded Head Start at the exact amount the President asked for in his budget. Head Start funding is increased substantially in this bill, $324 million above the 1997 level for total funding of $4.3 billion.

It just seems like enough is never enough, despite the fact that we adopted the President's request and increased funding for Head Start $324 million over last year.

My good friend, Senator WELLSTONE, wants to add an additional $525 million. Now, you understand I am not that quick with arithmetic, but $525 million versus an already existing increase of $324 does permit one to wonder what is the reason for this vote. It seems like it is a vote to vote, because we have already increased Head Start dramatically and in fact provided for this program exactly what the President requested.

Having said that, for those who are concerned about military spending, and there are many, we are struggling mightily on various defense measures that we are hoping the President will sign, and the arguments are essentially over money. What we have agreed on with the President in the bipartisan budget agreement is that we will provide a certain amount of money for all of defense. Then we say for the next 2 years you cannot spend any defense money for domestic programs. That is called a wall between defense and domestic spending.

When we did not have this wall between defense and domestic spending, defense never knew how much money they would receive because they had to wait for the completion of all the appropriations bills to see if money would be transferred from defense to domestic spending.

Again, Senator WELLSTONE did not want to confront the wall and tear it down so he went around it. He just established his amendment and then he said the amount appropriated for the Department of Defense shall be reduced by $525 million and the Head Start Act would be increased by the same amount. However, his amendment would direct the Budget Committee not to show an increase in domestic spending so as not to bump up against the overall nondefense discretionary spending cap nor would it count against the committee and subcommittee allocations.

Therein lies the Budget Act point of order. By directing the Budget Committee not to follow the scoring rules established by the Congressional Budget Act, the Wellstone amendment is subject to a 60 vote point of order pursuant to section 306 of the Budget Act.

Madam President, the pending amendment contains matter within the jurisdiction of the Committee on the Budget in that it provides that the spending associated with this amendment will not be counted against nondefense discretionary spending caps. I therefore raise a point of order against the amendment pursuant to section 306 of the Congressional Budget Act.

Now, Madam President, I ask unanimous consent that I, prior to reading that and making that point of order, be deemed to have yielded back any time I have remaining.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Could I be recognized for an observation, Madam President?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I understand Senator WELLSTONE has time and clearly we would not vote until he uses his time or the leadership agrees.

The PRESIDING OFFICER. The time of Senator WELLSTONE has expired.

Mr. DOMENICI. I do not intend to move ahead until the leadership has agreed on the time, and that Senator WELLSTONE be given time to make his waiver motion prior thereto. I hope that is the game plan we are operating under.

I yield the floor.

The PRESIDING OFFICER. Without objection, the amendment will be set aside temporarily.

Mr. DOMENICI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, what is the matter before the Senate?

The PRESIDING OFFICER. There is no amendment currently pending.

AMENDMENT NO. 1116, AS MODIFIED

Mr. KENNEDY. I see. Well, I understand from the discussion of the leaders that we will be addressing the sense-of-the-Senate resolution as proposed by Senator DASCHLE and cosponsored by myself.

I send a modification to the desk on behalf of Senator DASCHLE to amendment No. 1116, a sense of the Senate regarding Pell grants and child literacy funding. The modification is technical and it has been cleared on the other side. I ask that it might be in order. If it is the desire of the Chair, I will withhold making that request for a moment or two.

The PRESIDING OFFICER. Is the Senator seeking immediate consideration of the amendment, or is he merely seeking to modify the amendment?

Mr. KENNEDY. I am merely seeking to modify it.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1116), as modified, is as follows:

On page 61, after line 25, insert the following:

SEC. . (a) The Senate finds that—

(1) Federal Pell Grants are a crucial source of college aid for low- and middle-income students;

(2) in addition to the increase in the maximum Federal Pell Grant from $2,700 to $3,000, which will increase aid to more than 3,000,000 low- and middle-income students, our Nation should provide additional funds to help more than 250,000 independent and dependent students obtain crucial aid in order to help the students obtain the education, training, or retraining the students need to obtain good jobs;

(3) our Nation needs to help children learn to read well in fiscal year 1998, as 40 percent of the Nation's young children cannot read at the basic level; and

(4) the Bipartisan Budget Agreement includes a total funding level for fiscal year 1998 of $7,600,000,000 for Federal Pell Grants, and of $260,000,000 for a child literacy initiative.

(b) It is the sense of the Senate that prompt action should be taken by the authorizing committee to—

(1) make the change in the needs analysis for Federal Pell Grants for independent and for dependent students; and

(2) enact legislation and authorize funds needed to cover the costs of the changes for a $260,000,000 child literacy initiative.

(c) It is the sense of the Senate that the maximum level possible of fiscal year 1998 funding should be achieved in the appropriations conference committee.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the pending business be set aside so that we might go to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1098

Mr. COVERDELL. Mr. President, I understand we have 10 minutes equally divided, and I would like to begin by thanking Senators ABRAHAM, LEVIN, HARKIN, and MCCONNELL for joining me in the amendment. The amendment is in response to the E. coli problems we have experienced. The amendment calls for $5 million in funds to be distributed at the discretion of the Secretary of HHS, and there is no offset. CBO reports that there are no budgetary problems with this amendment. Its score would not result in a budget point of order.

This amendment, the first section of the amendment provides funding for research on the development of improved medical treatment for patients infected with E. coli. The most vulnerable members of society susceptible to the chronic effects of E. coli infection are children and the elderly. Funding should focus on helping these individuals to recover fully.

Another section provides funding to help detect and prevent colonization of E. coli in live cattle. Research should focus on determining the host-pathogen relationship between cattle and the E. coli microbe and explore which factors contribute to its incidence in cattle.

Another section provides funding for the administration's food safety initiative, more directly for the important consumer education component. This national consumer education campaign on food safety represents a partnership between Government, industry and consumer groups. This is an important link in the food safety chain and a critical initiative endorsed last year by former U.S. Surgeon General C. Everett Koop, along with the U.S. Department of Agriculture, the Department of Health and Human Services and the U.S. Department of Education as well.

Another section would implement a much needed study on the feasibility of irradiating raw red meat to eliminate the E. coli pathogen and to develop a consumer education program on the process of safety. Currently available for poultry products, irradiation is a proven method of confronting this disease, and its feasibility on red meat needs to be explored.

Finally, a section requires the Department of Health and Human Services to contract with the National Academy of Sciences to determine the effectiveness of the U.S. Department of Agriculture's zero tolerance standard for E. coli in raw ground beef products and the effectiveness of its current microbiological testing program. An updated report on this testing will be helpful to the Congress, the U.S. Department of Agriculture, consumers and the industry in their search for tools to effectively identify and irradiate E. coli in raw ground beef products.

Mr. President, this is a very good amendment. It is directed at the long-term and short-term health of every American, and I urge my colleagues to support it.

Mr. President, I yield the floor and ask how much time is remaining.

The PRESIDING OFFICER. The Senator has used about 3½ minutes.

Mr. COVERDELL. I reserve the remainder of my time.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Arizona.

Mr. MCCAIN. I heard the distinguished Senator from Georgia say that this $5 million would be spent at the discretion of the Secretary. Is that correct?

Mr. COVERDELL. That is correct.

Mr. MCCAIN. Does that not mean then that the language of the amendment would be changed to say, on line 4, "of Health and Human Services may carry out activities" and then on line 9 would say, "The Secretary of Health and Human Services may carry out the following"? Would that not be the change that would provide this to be done at the discretion of the Secretary, because presently the copy of the amendment I have says "shall," which does not provide discretion for the Secretary. It just says "shall."

Mr. COVERDELL. It does not have to. She doesn't have the discretion not to spend it. They are directed to perform these activities.

Mr. MCCAIN. OK. Then the fact is it is not at the discretion of the Secretary when it says "shall." The reality is that when it says "shall" in the amendment, it means there is no discretion involved.

In fact, $1 million goes to Atlanta, GA, is exactly what this amendment means. The Senator from Georgia knows very well that I have for 11 years opposed this kind of earmarking, and I intend to oppose it now. But let us not have the Senate be deceived by what the Senator from Georgia just said. The discretion of the Secretary is not the case. There is no discretion when the amendment says "shall."

If the Senator from Georgia would be willing to change that word to "may," then I would be more than happy not only to agree with the amendment but support it. The fact is that now it means that $1 million to fund ongoing research to detect E. coli, or prevent E. coli in live cattle only goes to one place and that happens to be, by coincidence, in Atlanta, GA, which is something I strongly object to. If this kind of practice goes on and continues, we will see the unbridled earmarking of funds for specific projects in specific places, which the American people rejected in concept. There is an authorization process and there is an appropriations process. This meets neither one of those criteria.

I understand that the Senator from Georgia will carry this amendment overwhelmingly. I also support the research for detection and prevention of

E. coli and infections. It is a worthy cause. There is a system and procedure that we go through, which the Senator from Georgia is violating grossly with this amendment, and therefore I will ask for a rollcall on this amendment. I fully expect it to carry overwhelmingly in his favor, but I wanted the Senator to know that I am deeply disappointed that he will not change the language of this amendment to the proper form which is "may" rather than "shall."

So, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. We do have a management problem here.

The PRESIDING OFFICER. The Chair did not understand the Senator from Arizona to ask for a rollcall vote.

Mr. COVERDELL. I think the Senator from Arizona is asking for the yeas and nays, for a rollcall vote at the appropriate time later in the day. I believe that is his motion.

Mr. MCCAIN. My motion is, Mr. President, that I ask for the yeas and nays now.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at the moment.

Mr. MCCAIN. Then I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I ask further unanimous consent that the yeas and nays be set aside until such time as the managers of the bill decide the sequence of the votes that will take place later this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, in response to the good Senator from Arizona, I know he has been long an advocate of nonearmarking, but we just simply disagree on the substance of the amendment. There is no discretion about whether this research will be engaged in or the consumer studies, that is correct, but it is up to the discretion of the Secretary as to how and where that is funded. And that is the difference between us.

The Senator is wrong in his assertion that $1 million of this would go to Atlanta, GA. It is possible that some of these funds would go to the University of Georgia, although it is not directed. The reason that it is possible, I would say probable, is that unbeknownst to me until very recently but long known in the industry, the University of Georgia has been among the several isolated universities that has advanced research on how to deal with E. coli in the live herds versus the contemporary process of trying to somehow spot this disease and irradiate it in the processing of the meat itself. Indeed, a discovery on this would be at the level of discovering penicillin, and it just happens that that research is highly advanced at this university at a time when this problem is such a focus of the attention of health concerns in the United States.

Mr. HARKIN. Mr. President, I am pleased to cosponsor Senator COVERDELL's amendment. Americans need to have the cleanest and safest meat and other foods. The emergency of E. coli:0157H7 is a real threat which we must quickly respond to. The Coverdell amendment provides funding to address this important issue.

There are several ways to reduce E. coli and other microbial contamination and we need to take a multifaceted approach. More research is one of those. The new hazard analysis and critical control point inspection system will start to be implemented on January 1, 1998. That will be a considerable benefit. I believe that an additional improvement that can be made is the use of electronic pasteurization. Through that means, we can kill a wide variety of pathogens that may come into accidental contact with foods with no downside to the consumer other than a very small cost.

I would expect that the Department should coordinate its research efforts with USDA in those areas where the Department of Agriculture has expertise.

I am hopeful that we will move along all of these paths in order to provide the safest and most reliable possible food supply.

Mr. COVERDELL. Mr. President, I reserve the remainder of my time, if any is left.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be able to proceed for 15 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE TEST BAN TREATY

Mr. BIDEN. Mr. President, a generation ago, President John F. Kennedy called for a Comprehensive Test Ban Treaty. President Kennedy's visionary appeal met with modest but important success: the treaty banning nuclear tests in the atmosphere, in outer space, and underwater.

One year ago today, the world community took a major step toward fulfilling President Kennedy's vision. With the United States once again in the lead, the U.N. General Assembly voted 158 to 3, with 5 abstentions, to endorse the so-called CTBT, drafted by the U.N. Conference On Disarmament. Two weeks later, all the declared nuclear powers signed that treaty.

Soon this treaty will be submitted to the U.S. Senate for our advice and our consent to ratification. Much work is needed to educate this body and to assure us that the Comprehensive Test Ban Treaty will be effectively verifiable and will not undermine nuclear deterrence. But it is time to begin that effort, and I welcome the administration's commitment to do so.

The Comprehensive Test Ban Treaty will not enter into force for some time. This is because all nuclear-capable States must ratify this treaty before it can enter into force, at least during the next 3 years, and India has refused to do that—although I am given to understand that the President will be traveling there, to try to change that view on the part of the Indian Government.

Timely U.S. ratification is still needed, however, to prevent the CTBT from becoming a dead letter and to maintain the pressure on all states not to test a nuclear device. The 144 states that signed the CTBT are largely bound not to undermine it, even before it enters into force. But nonnuclear states will feel little obligation to ratify or obey a test ban if the powers with admitted nuclear weapons programs fail to ratify it themselves.

A comprehensive ban on nuclear testing is no minor matter. This is not your father's arms control agreement, Mr. President. You remember that old commercial—I know, the old automobile man that my father was—"this isn't your father's Oldsmobile." This is not your standard arms control agreement, merely codifying actions already planned by the two superpowers, which most of our arms control agreements were. This treaty will pinch, it will hurt; but the CTBT will pinch other countries far more than it pinches us, and the world will be a safer place for that.

There is always a risk, of course, that a State Party—a fancy foreign policy phrase for another country—will violate this test ban treaty rather than do without nuclear testing. Last month's so-called—it's amazing the phrases we use—"seismic event" at or near the Russian nuclear test site of Novaya Zemlya is a timely reminder that arms control compliance can be assured only through effective verification.

Article 4 of the test ban treaty and the treaty's accompanying protocol do include, in fact, some very welcome verification provisions. An international monitoring system will combine seismic, radionuclide, hydroacoustic and infrasound monitoring. This monitoring system will provide States Parties with both raw and processed data, as well as with analyses of those data.

Article 4 requires prompt clarification by States Parties in "any matter which may cause concern about possible noncompliance with the basic obligations of the treaty."

In addition, the United States, if supported by 29 of the 50 other members of the Organization's Executive Council, will be able to force a truly extensive onsite inspection by the CTBT Organization's Technical Secretariat. We would be in a much stronger position to investigate last month's possible Russian explosion if the CTBT were in effect and Russia were required, as a consequence of that, to accept onsite inspections.

Verification of this treaty will not be cheap, and the United States will be expected to help other countries participate in seismic monitoring, in particular. We have provided such assistance for many years, for a simple reason: not out of our generosity and our charitable instinct, but because it is in our naked self-interest, it is in our national interest, both to monitor nuclear tests by other countries and to obtain timely and accurate data on earthquakes.

It is important to keep up this effort, whether we eventually ratify the CTBT or not, and I urge my colleagues, as an afterthought here, to support full funding of the international monitoring systems that I am talking about.

How will this treaty really pinch—I mentioned that at the outset—assuming that the verification provisions deter any violations? For the five countries with a history of nuclear testing, among which we are one, the CTBT will mean an end to that testing. We, and other declared nuclear powers, will need to use other means in order to ensure that our nuclear weapons are safe and are in working order, or to modify those weapons in any way.

Let me explain the meaning of that. Most people say, "Why don't you have to worry about testing anymore? A nation like ours wouldn't want to test in any circumstance." To raise a legitimate point raised by others who don't support this treaty, however, in order to ensure that our nuclear arsenal is accurate and working and functioning, you occasionally have to test it, you occasionally have to know what you have. You can't just let it sit there and let the components of it sit there for 20, 30, 40, 50 years and not test it, and still have confidence in its deterrent capacity. That is the reason why even nations like ours that do not have any desire to increase their nuclear capacity, that want to reduce nuclear weapons, might still want to be able to test.

In our country, the Department of Energy plans to use tests that do not actually cause a nuclear explosion, known as subcritical experiments, as well as computer analyses and simulations to assure the safety, reliability, and effectiveness of U.S. nuclear weapons. Ground was broken just last month for a billion-dollar National Ignition Facility at the Lawrence Livermore National Laboratory in California to do some of that very work. One hoped-for side benefit is further progress toward controlled fusion, an important potential power source for the next century.

Many of my colleagues question whether this Stockpile Stewardship and Management Program, as it is referred to, will suffice in the absence of nuclear testing. The Energy Department, where the scientists and experts are, says "yes," while opponents of arms control say "no."

I say nobody knows for sure. We can't guarantee that stockpile stewardship will work because this is a new scientific frontier. But the executive branch must take stockpile stewardship—that is, those tests other than actually exploding nuclear devices—seriously, and we must—we must—fund it appropriately, in my view. Senator DOMENICI has warned that the current funding plan is insufficient for that job. I hope and expect that the administration will take that concern to heart and not just blow smoke at it.

Mr. President, even if we were not going to sign a test ban treaty, it should be very much in America's interest for us not to test nuclear weapons if we have an alternative that can guarantee the safety, stability, security, and usability of our nuclear stockpile. So, for whatever the reasons, even unrelated to this treaty, it makes sense to follow the admonition of Senator DOMENICI and give the Energy Department the resources it needs to maximize the chances that the Stockpile Stewardship and Management Program will suffice in the absence of nuclear testing.

Stockpile stewardship, Mr. President, is an opportunity, however, not just a challenge. It is precisely this sort of high-technology activity at which the United States excels. Recent press stories on our improved earth-penetrating nuclear bomb make clear that the United States is capable of maintaining nuclear capabilities, even without nuclear testing, that other countries can only dream of. The truth is that we may well extend our nuclear advantage in a test-free world.

So let me be clear about this. I do not think we are seeking any greater advantage in nuclear weapons, over other countries in the world, but if we, in fact, move all the acknowledged nations and those we think have nuclear capacity and nuclear weapons to enter into this treaty, then there will be no more testing.

You hear opponents say, "Well, that will put us at a competitive disadvantage in terms of our nuclear capacity." My argument would be if the verification is real, which it is in this treaty, we are potentially at a competitive advantage because we would be able to continue to develop and assure the capacity of our nuclear stockpiles and capabilities—thanks to our testing capacity, our ability to measure their utility absent an actual nuclear explosion.

So this is an argument that I know we will engage in, but I would just like to lay a marker down now. I think our security is enhanced and our capability can be enhanced with this treaty in place.

But we will not be so likely to develop a whole new generation of nuclear weapons, and that is important. Why? Because there is a deal here between the nuclear weapons "haves" and the nuclear weapons "have-not" states. For the vast majority of countries, those that have never tested nuclear weapons, the Comprehensive Test Ban Treaty will greatly impede any efforts on their part to develop nuclear weapons, but it will also reassure those countries that the nuclear powers will be much more limited in their development of still newer weapon designs.

Mr. President, think about it. If you are a developing country and you are late into the game of nuclear weapons, you are asked to say, "OK, these other guys got theirs, we don't have ours yet, but let's make sure no one can test any more so that we, in fact, can never develop nuclear weapons." Well, you sit there and say, "Wait a minute, the other guys have these things, they have these weapons and the only way they developed them is they tested them. Now you are telling us we can never test them, which is synonymous to saying we can never have them."

OK, in order for them to give up that, because they then are locked into this inferior status in terms of nuclear capability, we have to give something to them. What they get in return for this is that, although we will maintain that capacity and be able to maintain it without testing, none of the nations of the world will be able to move to whole new generations of those nuclear weapons, which is some reassurance to a nation that knows the argument that I made to such countries and their leaders, which is, "Look, you can never catch up, you can never get ahead of the curve; you may get nuclear weapons, but you're never going to get to the point in your lifetime or the lifetime of your children where you are going to be able to match the capacity of the nuclear powers. So isn't it better for us to freeze or to builddown, in effect, to use an expression that Bill Cohen used to push years ago during the arms control debates of the late seventies and early eighties?"

How will this test ban impede other countries' nuclear weapons programs? We hope to maintain our nuclear weapons without further testing and nonnuclear powers might hope similarly to develop or obtain nuclear weapons without ever testing them. But developing a new weapon without testing is risky, especially for a country with no experience in nuclear weapons; after all, even the advanced nuclear powers have test failures.

Military leaders are hardly eager to go into battle with untested weapons, Mr. President. In fact, they get downright cranky about that, and once they start questioning the reliability of their weapons, they begin to think more about the dangers that come with war than about the glory of it all. The Comprehensive Test Ban Treaty thus may limit the progress that we and other nuclear powers can make in further developments of nuclear weapons, but its greatest benefit will be in nonproliferation by foreclosing nuclear weapons from many countries and making it difficult for new entrants even to approach the sophistication of our existing nuclear weapons.

The power of the CTBT as a nonproliferation tool explains why Pakistan was unwilling to sign the CTBT if it could enter into force without India's ratification. If their nuclear weapons program is going to be hobbled, they want India to be hobbled as well. And the CTBT's likely effectiveness is probably also a real reason why India has been unwilling to sign the treaty at all. Both of those countries have rudimentary nuclear weapons capabilities, but they know that a ban on testing, which may eventually come into force despite India's objections, will severely hamper their ability to develop those devices into a stable of weapons that they can count on in a real war.

Just as India and Pakistan appreciate CTBT's power to hamper the development of nuclear weapons, so should we. We rightly value the stability that mutual deterrence has brought us over the last 50 years. That is why we want reassurance that "stockpile stewardship" will be adequately funded and that the experts expect it to succeed.

But the gravest threat to security of our Nation, Mr. President, may not be from Russian or Chinese missiles, but rather from nuclear weapons in the hands of others—Iraq, Iran, Libya, or North Korea, just to name a few, or even terrorist groups that a rogue state might befriend.

The biggest risk of nuclear weapons actually being used may not be against us, against Russia or even against Taiwan, but rather by India and Pakistan against innocent civilians in the teeming cities which are within range of each country's bombers or shorter range missiles.

With U.S. leadership in ratifying this treaty, the CTBT will gain near unanimous international support and keep pressure on India and any like-minded countries to ratify it—or at least to refrain from testing. A comprehensive test ban, once in force, will reduce substantially the threats of regional nuclear wars or terrorist acquisition of nuclear weapons. And that is reason enough, Mr. President, in my view, to support ratification.

But, Mr. President, as I have said, serious observers are sincerely divided over whether the United States will be able to maintain nuclear deterrence without nuclear testing. Achieving the Senate's advice and consent to ratification depends, therefore, in my opinion, upon careful and intensive education both of the public and of this body, myself included. It is time for the administration to begin the sustained effort that will be required to assure that 67 U.S. Senators will feel that this CTBT is in our national interest.

The world in which we live today, Mr. President, is, as I said before, not your father's cold war. But there has been no end of history as has been prophesied. Neither will there be any end of arms control. Already this year the Senate has acted on the Chemical Weapons Convention and the "Flank Document" to the Treaty on Conventional Forces in Europe, referred to as CFE. Measures awaiting Senate action include: the Convention on Nuclear Safety; protocols to the Convention on Conventional Weapons on undetectable landmines, blinding lasers, and incendiaries; and two treaties to establish nuclear-free zones.

Over the next 2 years, the executive branch will likely submit to the Senate a START III treaty, an extension of the START II weapons destruction deadlines, an amendment or protocol making START I a permanent treaty, a CFE adaptation agreement, a succession memorandum and demarcation agreement regarding the ABM treaty, a new safeguards protocol between the United States and the International Atomic Energy Agency, a nuclear liability convention, a nuclear waste convention, and a verification protocol to the Biological Weapons Convention.

Given that lengthy agenda, Mr. President, I am not in a position to say that the CTBT must be taken up as the next item for the Senate's attention. Indeed, I hope we will approve some of these less controversial measures—such as the Convention on Nuclear Safety, the protocols to the Convention on Conventional Weapons, and a new safeguards protocol with the International Atomic Energy Agency—before we bring this issue to the floor.

But that need not stop the administration from submitting this treaty and beginning the work of educating us as to its merits. Chairman HELMS and I have shown that the Foreign Relations Committee can get things done, and I am confident that we will secure agreement on many more issues, hard ones as well as the easier ones.

The time has come, Mr. President, to move ahead on the Comprehensive Test Ban Treaty, as well as other arms control initiatives and NATO enlargement. The end of the cold war has made all these both possible and—I would emphasize—also necessary. This is an ambitious agenda for the Senate in the field of foreign relations, and the issues will be difficult.

But we represent the citizens of the world's greatest country. Or, the best phrase I have heard in my 25 years here to describe us is President Clinton's phrase. He said, we are the "essential nation." We are the "essential nation." We represent the citizens of the essential nation. We are charged with the historic task of making the world a safer place for coming generations—not through war, but through fashioning of durable agreements and institutions. We must not—and I am sure we will not—flinch at that challenge.

This is a rare opportunity that you and I have, to serve at a time when we are setting down a whole new institutional framework for the conduct of world affairs. It has not happened in 50 years; it is happening now. I pray we are as wise as our fathers and grandfathers and grandmothers and mothers were when they did the job at the end of World War II.

I thank the Chair for its indulgence and for listening to me. I appreciate it very much.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. SPECTER. Mr. President, we are, for the information of our colleagues, in a position soon to vote on three pending amendments, and I think a fourth amendment which will be offered by the distinguished Democratic leader, Senator DASCHLE. And we expect to proceed soon to the amendment to be offered by Senator DASCHLE. And as soon as that is done, we will be proceeding to rollcall votes on four amendments. The time should not be too extensive. I just give notice to my colleagues that that will be occurring in relatively short order.

Then following the votes we will proceed to debate on the Gorton amendment, and that will leave then two principal outstanding issues—the issue of school testing, where the parties have been negotiating and may be in a position to give us a final answer soon whether they could come to agreement or whether we will have to move ahead with Senate debate on that, and the issue with respect to the pending Nickles amendment. We will see what will happen on that, if we are in a position to move ahead there. I am not sure exactly what will occur there.

Mr. President, I have just been advised that Senator DASCHLE is engaged in a meeting that he cannot leave at the moment. So we will have to defer action on his amendment.

On behalf of the leader, I have been asked by staff, at the request of the majority leader, to propound this unanimous consent request. I ask unanimous consent that at the hour of 5 o'clock today, the Senate proceed to a vote on or in relation to the Murray amendment, No. 1118; to be followed by a vote on or in relation to the Wellstone amendment, No. 1087; to be followed by a vote on the Coverdell amendment, No. 1098. And I further ask unanimous consent that there be 2 minutes of debate equally divided prior to each vote. I ask, finally, unanimous consent that no amendments be in order to any of the previous amendments prior to the vote, and that the first vote be with the customary 20 minutes, and that each additional vote be—the first vote be 15 minutes, but we have the automatic extension of 5 minutes, and each subsequent vote be limited to 10 minutes, with the extension of 5 minutes, so they can expedite the vote process.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SPECTER pertaining to the submission of Senate Resolution 121 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. SPECTER. Seeing the hour of 5 o'clock having arrived, I yield the floor.

AMENDMENT NO. 1118

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Murray amendment.

Mr. SPECTER. I am advised, Mr. President, that Senator MURRAY is on her way. We do not want to use up her 2 minutes. She is on her way.

So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

There will now be 2 minutes of debate equally divided on the Murray amendment.

Mrs. MURRAY. Mr. President, this body is about to go to a vote that is not one that is unknown to this Senate. It is regarding the welfare bill that was passed a year or so ago, an amendment that we offered at that time that was unanimously approved by this body and sent to the conference committee that merely allows a woman who is a victim of domestic violence a temporary waiver from the work requirements if she needs to get medical care or she needs to change her Social Security number so that she is not pursued by her abuser, or to put her children in a safe place so she is not worried about them and can work without being concerned about what happens to her children while she is at work.

It is a temporary waiver. It has been passed by the Senate three times. Not one Senator has spoken against it. Not one Senator has voted against it. But every time it goes behind closed doors in a conference committee it is pulled out.

That is what happens to abused women constantly. In the light of day, everyone is there to say, "I support you," but when they go behind closed doors they are abused.

I call on the Senate to vote with a strong voice to the members of the conference committee. We want this amendment to remain in so women across this country, children across this country, communities across this country, and police who are required to come to the scenes of domestic violence incidents are safe once again.

I yield my remaining time to Senator WELLSTONE, who has been helpful in this debate and has been very good at working through this.

The PRESIDING OFFICER. The time of the Senator has expired so the Senator must seek unanimous consent.

Mr. WELLSTONE. Mr. President, I ask unanimous consent for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I am very pleased to have worked on this with Senator MURRAY going way back when. I think it is extremely important for the protection of many women and many children in all of our States. Our States are looking for clear direction from the Congress, from the White House, and from Health and Human Services.

This amendment is very important. I hope we will have a resounding, strong vote.

The Murray-Wellstone amendment is an amendment I think the Senate will be proud to support.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1118 of the Senator from Washington, Senator MURRAY.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] is necessarily absent.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Helms

NOT VOTING—1

Bingaman

The amendment (No. 1118) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, by way of scheduling, to inform Senators as to what we anticipate, as previously ordered, we have two more votes. We then intend to go to the amendment by the distinguished Democratic leader. And then we intend to go to an amendment by Senator GORTON. It is our hope that we will vote on those two amendments this evening, not too late. That will leave us with only two major matters remaining—the issue of testing, where we may be able to have an agreement, and the Nickles amendment.

The majority leader earlier said we would like to go to final passage tomorrow morning at 9:30, if we can clear those matters and after we have these two votes, and perhaps two more votes, so that we will conclude the rollcall votes not too late. And if there is any argument on the remaining matters, we will try to vote on them tomorrow morning at 9:30 and go to final passage at that time.

I thank the Chair.

AMENDMENT NO. 1087

The PRESIDING OFFICER. There will be 2 minutes, equally divided, on the Wellstone amendment No. 1087.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank both managers of the bill for their fine work on Head Start. But I think we can do better. If we reach the goal the President set forth, and we say that we are for really serving 1 million children, then the Head Start Association says we need an additional $535 million to do that. That would be 1 million children. I might add that if we are talking about the early years, 1 million children is but a tiny percentage of the children that could be served by this program.

So I think we could do better. This just says let's get it up to what the Head Start Association says they need to make sure that we cover the 1 million children that we say we are committed to covering. This $535 million would come from the Pentagon budget. There is plenty of waste in that budget that we can talk about.

I hope that this amendment will get a good strong vote.

MOTION TO WAIVE BUDGET ACT

Mr. WELLSTONE. Mr. President, I also move to waive the Budget Act. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There is 1 minute in opposition to the amendment of the Senator from Minnesota.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, fellow Senators, I made a point of order because the Wellstone amendment seeks to add $535 million to the Head Start Program. We have already added $325 million in agreement with the President of the United States. This is a priority item. We filled every priority the President sought. And we have increased it by a total of $325 million. That is one point.

Second, Senator WELLSTONE would like to take the wall that separates defense and domestic, and he would say the appropriators can appropriate $535 million less in defense by virtue of this amendment, which essentially takes the wall and spends $535 million of defense money for Head Start, which we have already fully funded as requested by the President.

The PRESIDING OFFICER. The question occurs on agreeing to the motion to waive the Budget Act in relation to the Wellstone amendment No. 1087. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 27, nays 72, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—27

Akaka
Boxer
Bryan
Bumpers
Durbin
Feingold
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Rockefeller
Sarbanes
Specter
Wellstone
Wyden

NAYS—72

Abraham
Allard
Ashcroft
Baucus
Bennett
Biden
Bond
Breaux
Brownback
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Kempthorne
Kerrey
Kyl
Landrieu
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NOT VOTING—1

Bingaman

The PRESIDING OFFICER. On this vote the yeas are 27, the nays are 72. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment fails.

CHANGE OF VOTE

Ms. SNOWE. On rollcall vote No. 229 I voted yea. It was my intention to vote no. Therefore, I ask unanimous consent I be permitted to change my vote. This will in no way change the outcome of that vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 1098

The PRESIDING OFFICER. There will now be 2 minutes of debate under the previous order equally divided in relation to the Coverdell amendment No. 1098.

Who yields time?

Mr. COVERDELL. Mr. President, I yield 1 minute to the Senator from Arizona.

Mr. McCAIN. Mr. President, what is the regular order?

The PRESIDING OFFICER. The Senate is not in order. The Chair requests the Senate to please come to order so the Senator from Arizona may be recognized.

Mr. McCAIN. Is the regular order the proponent or the opponent of the amendment?

The PRESIDING OFFICER. Each side has 1 minute.

Mr. COVERDELL. Mr. President, the amendment upon which we are about to vote—incidentally, I ask unanimous consent Senator SANTORUM be added as a cosponsor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senate will please come to order so the Senator from Georgia may be recognized.

Mr. COVERDELL. Mr. President, this amendment is endorsed by the American Meat Institute, the National Pathological Association and the National Cattlemen's Association. It deals with E. coli, it deals with research, it deals with education, and it deals with health.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, this amendment if carefully read directs "the Secretary shall." It also directs "the Secretary shall provide" funding to detect and prevent colonization in live cattle, which is to only take place in Atlanta, GA. That is the place where this amendment is intended to apply. It flies in the face of everything I have stood for, and I have committed to demand recorded votes on what I believe are earmarked pork barrel projects.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I take some exception to the remarks of the Senator from Arizona.

The PRESIDING OFFICER. The Senate is not in order. the Senator from Georgia will withhold until the Senate comes to order. There is only 40 seconds remaining on each side.

Mr. COVERDELL. Mr. President, I rest my case.

The PRESIDING OFFICER. The Senator from Georgia has concluded. Does the Senator from Arizona have any further debate?

Mr. McCAIN. Mr. President, I have no additional remarks.

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 1098, an amendment in the second degree to amendment No. 1097. The yeas and nays have been ordered. The clerk will now call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] is necessarily absent.

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—91

Abraham
Akaka
Allard
Baucus
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Gorton
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—8

Ashcroft
Bryan
Glenn
Gramm
Grams
Jeffords
Kyl
McCain

NOT VOTING—1

Bingaman

The amendment (No. 1098) was agreed to.

Mr. COVERDELL. Madam President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1097, AS AMENDED

The PRESIDING OFFICER. Without objection, the underlying amendment, as amended, is agreed to.

The amendment (No. 1097), as amended, was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

EXPLANATION OF ABSENCE

Mr. AKAKA. Madam President, I was absent on the recent vote on the motion to table the Sessions amendment. Had I been present, I would have voted aye to table the Sessions second-degree amendment No. 1125. My vote would not have changed the outcome of the vote. This morning I was issued a new legislative pager to announce rollcall votes. Unfortunately, the pager was not properly programmed and did not function when the vote was called.

I thank the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Madam President, I think we are making some good progress now. Those three votes move us much closer to being able to get to final passage.

I see the manager of the bill is here. I have been talking to the Democratic leader and I need to converse a few moments more with the manager of the bill. We are hoping maybe we can take up another amendment and get a vote in a relatively short period of time, and then after that we are working on getting some time agreement on a couple of issues. Depending on how much time is needed, then we would probably—if it is going to be a lengthy period of time, we would probably have those votes in the morning, at 9:30, one or two of them, as we come in. But we are still working through how much time is needed for debate and the time agreements. As soon as we get that all worked out we will notify the Members.

It is our plan now, I think it is safe to say, that the next major amendment we would like to take up is Senator DASCHLE's amendment and have a vote. I assume that would not take too long. At that point we hope to be able to give the Members an idea about what the remainder of the night would be and what would be the votes, if any, tonight or the first votes in the morning.

I believe we have a 20-minute time agreement on the amendment of Senator DASCHLE.

Before we begin on that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1116, AS MODIFIED

Mr. DASCHLE. I have an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1116, as modified.

Mr. DASCHLE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, I want to commend Senators SPECTER and HARKIN for the commitment they have made to educational funding levels that are represented in this bill. They certainly have demonstrated, I think, the extraordinary need for investment in education in ways that we have not seen in recent years. I am very grateful for their leadership and their responsiveness to many of these issues. The overall funding level for education is now well over the level requested by the President.

There still is some unfinished business that needs to be addressed, and this amendment addresses two very significant concerns. I am introducing, with Senator KENNEDY, this sense-of-the-Senate amendment to draw attention to two places where, in our view, more action is needed to fulfill the budget agreement agreed to earlier this year.

This amendment will call on Congress in the form of a sense-of-the-Senate resolution to authorize and increase Pell grant funding to support both independent and dependent students and, second, to fund a child literacy initiative at $260 million for this fiscal year.

I don't think there is much disagreement that Pell grants are an indispensable source of college aid for low- and middle-income students, but the current eligibility rule shortchanges too many students today. The current needs analysis system expects independent students, those whose eligibility is not linked to their parents' income, with incomes of $10,000 or higher to make such a large contribution that they receive little or virtually no help at all from the Pell Grant Program today.

Furthermore, many of these students will not be helped by the tax credits enacted earlier this year. So the rules need to be changed so that students with low incomes can get help if they need it, students that don't have families, students that are working, students that have a marginal level of income that put them right in the middle between those eligibility criteria that would favorably affect them at the low end and those eligibility criteria having to do with tax credits at the high end.

Similarly, the current rules governing the Pell Grant Program are discouraging dependent students, those whose parents' income are considered in determining eligibility, from getting part-time work. Students who have low incomes and who try to help out with their college expenses should still be eligible for some level of assistance.

The President has proposed that we modify the rules to ensure that more of the students in these circumstances have the opportunity to qualify for Pell grants. As many as 250,000 students will be helped if the President's proposal is enacted as he proposed it. These are young people who are just getting started in life who want an education, but now their Government is denying them assistance. That simply isn't right, and we should resolve to fix it.

So I hope this amendment will send a message to the authorizing committee and the conferees to this bill that we think this provision is important and worth reconsideration. I hope that we will closely consider the issues facing these students and act on it in this bill, and in a more substantive way in other legislation as it presents itself to the Senate.

The second part of the amendment addresses a vital issue for the country, and that is literacy. We have an undeniable problem in this country. Forty percent of the Nation's fourth-grade children cannot read today at the basic level. Low achievement in reading is a national crisis, and it demands immediate attention. Children are at higher risk of falling behind in school and eventually dropping out because of it. It is important not only to these children, but for the future of this country that we address this problem head on. We can't afford to leave any child behind as we head into the next century. That is why we have to provide the full amount, the $260 million agreed to in the budget, and live up to our commitment if, to address this critical issue of child literacy. We must show that we are willing to respond to what we have said is our commitment this year.

We are falling short in that regard and this is our only opportunity to revisit the question and really ask ourselves if, indeed, we are facing up to this challenge, to this crisis, if, indeed, we want to see literacy to be a higher priority as we consider education. What will we do to address it budgetarily? We can only hope that we live up to the budget agreement we passed just a month ago.

So I hope that, on an overwhelming basis, we can support this amendment and send the message both on literacy, as well as on assisting those independent college students that we are going to live up to our words and our expectations with regard to the budget and the commitment we have made to them to give them the kind of education they deserve and need in society today.

I am asking for a rollcall vote simply because I think it is imperative that we be forceful and as certain about this issue and demonstrate the broad bipartisan commitment about these issues that I believe exists within the Chamber tonight.

So, Madam President, with that, I reserve the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Madam President, I strongly support Senator DASCHLE's sense-of-the-Senate amendment and its two key provisions—that Pell grants should be funded at a total of $7.6 billion, and that a child literacy initiative should be funded at $260 million in the 1998 fiscal year.

I also congratulate Senator SPECTER and Senator HARKIN for their leadership in making education a priority in the bill. Education is a national priority and we need to do all we can to make sure that education is accessible and affordable for all Americans of all ages and all income levels. This amount is a significant step toward achieving that goal.

Pell grants are an indispensable source of college aid for low- and middle-income students. But too often, the current eligibility rules shortchange too many students.

Single, independent students at public 4-year institutions are not eligible for a Pell grant if their annual income is over $10,000. At that low-income level, many of them will not benefit from the tax credit for college expenses recently enacted in the budget law. So fair eligibility standards for Pell grants are especially important for these students.

A similar problem faces parents trying to pay for college for their children. Current law penalizes college students who work part time to help pay the cost of their education, by reducing their eligibility for Pell grants. We should be encouraging students to work, not take out additional loans, so that they do not graduate under a mountain of debt.

The budget agreement contained a clear commitment to allocate $700 million to improve the needs analysis formula for Pell grants. The House bill provides only $500 million to meet this commitment, and the Senate bill contains no funds at all for this needed change. A strong, bipartisan vote in favor of the Daschle amendment is our best hope of achieving the reform we need in the conference because the House of Representatives, with their figures, have some disposable resources that will be available. A strong vote in the Senate will be a clear indication of a strong, bipartisan effort to channel those funds into this needed area.

The second provision of the amendment reiterates the budget agreement's promise to provide $260 million for a child literacy initiative this year. The Senate should be strongly committed to seeing that legislation authorizing the initiative is enacted as soon as possible.

Forty percent of the Nation's fourth grade children cannot read at the basic level. Low achievement in reading is a national crisis, and it demands immediate attention. President Clinton is right to focus on this critical problem, and Congress should respond. It makes no sense to delay the appropriation.

Both of these items have been considered over a considerable period of time in the discussion on the budget resolution and, basically, we are conforming this appropriation bill to what was agreed on in the budget resolution by Republicans and Democrats. We believe that there is a very, very important reason and justification in prioritizing these funds, in these two very particular areas, when this legislation goes to conference.

So I urge my colleagues to support the amendment. I hope we will have an overwhelming vote of approval to insist that the conferees find a way to pay for these two essential reforms in education. It will be a clear indication that education, and particularly for the independent students and also in the area of reading, have the wholehearted support of the Senate, and it will be a clear instruction that those functions should be given the priorities that I think all of us in this body and the American people think they should receive.

Mr. KYL. Mr. President, I rise in support of the Daschle amendment expressing the sense of the Senate in support of Pell grants. I would say to my colleagues, however, that I think we have already achieved what is intended here when the Senate considered my amendment last week.

Even though my amendment to increase Pell grant funding was not adopted, the Senator from Pennsylvania, the distinguished chairman of the Labor-HHS appropriations subcommittee, assured the Senate that, to the extent the committee could yield to the Pell grant number in my amendment and the House bill—a figure that was $528 million higher than in the Senate's Labor-HHS bill—Senate conferees would do so.

Let me read back Chairman SPECTER's remarks from the RECORD:

> I might say to my colleague from Arizona that with the additional arguments he has advanced today in a very cogent way, to the extent we can yield to the House figure, we will try to do so when we get to conference.

Mr. President, in many ways, the vote on the Daschle amendment should be an easy vote for Members of the Senate. It expresses support for the very important Pell Grant Program, but does not say where the increased funding will come from. It is not binding on the Senate.

By contrast, it was my amendment last week that expressed more than non-binding support. It would have provided the actual dollars to extend Pell grant eligibility to additional categories of needy students, including independent students without dependents.

I am sure it is not the minority leader's intent to merely add the cost of that expansion to the budget deficit—to the debt that our children and grandchildren will ultimately have to repay. But if education is as high a priority as we all believe it is, we ought to be willing to put funding for Pell grants ahead of other programs. That is what I attempted to do last week with my amendment to fund Pell grants with offsets from the LIHEAP Program.

I can understand that some people did not agree that LIHEAP should be cut. Those who believed LIHEAP was a higher priority than education and Pell grants voted against my amendment. But then why not identify some alternative source of funding?

Mr. President, I have a letter from the chairman and ranking member of the authorizing committee—a letter that was sent to Chairman SPECTER and Senator HARKIN—pledging that, if the additional Pell grant money were provided, the Labor and Human Resources Committee would work to authorize the increase in assistance for independent students. I ask unanimous consent that the text of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON LABOR
AND HUMAN RESOURCES,
Washington, DC, July 21, 1997.

Hon. ARLEN SPECTER,
Chairman, Subcommittee on Labor, Health and Human Services and Education.

Hon. TOM HARKIN,
Ranking Member, Subcommittee on Labor, Health and Human Services and Education.

DEAR ARLEN AND TOM: We are writing to express our strong support for increased funding for the Pell Grant Program. Increasing the maximum Pell Grant to $3,000 should be the top funding priority for all of the higher education programs. It is also very important to increase assistance for certain categories of independent and dependent students participating in the Pell Grant Program.

The 1992 amendments to the Higher Education Act established a new Federal Needs Analysis Methodology to be used for the Pell Grant Program. The new methodology resulted from the integration of two existing formulas. In reconciling the differences, Congress attempted to minimize the impact on the current distribution of Pell Grant recipients and award amounts.

Unfortunately, single, independent students without dependents and dependent students with earnings have been hurt by the new formula. We believe some modest changes to the needs analysis formula would significantly improve the Pell Grant Program. Specifically, the income protection allowance provided for these two groups of students needs to be increased. The income protection allowance for single, independent students without dependents is too low to reflect actual living expreses. With regard to dependent students, we believe an increase in the income protection allowance will provide an incentive for students to work, rather than borrow to finance their education.

Concerns about the eligibility for these two groups of students for Pell Grant awards have been raised both at Higher Education reauthorization hearings as well as through letters from students across the country. At many campuses, the average age of the student population is over twenty-five. These students are studying to improve their skills for the job market or are starting in new fields as a result of business closures and downsizing. Pell Grant assistance is often vital to their ability to pursue a new career.

The current House Appropriations Subcommittee mark for independent students is about $500 million, subject to authorization. The amounts provided for the Pell Grant program by the House fall below the levels included in the bi-partisan budget agreement. We urge that the Senate subcommittee provide the full amount of approximately $700 million so that needs analysis adjustments for independent students without dependents and for dependent student with earnings can be made. We are aware that there are difficult decisions to be made, and addressing these needs should not be done at the expense of an increase in the Pell Grant maximum or other education programs.

We believe that we need to continue our investment in education at all levels in order to strengthen our economic and technological competitiveness. Our support for students today through the increase in the income protection allowance for independent students without dependents and for dependent students with earnings will lead to a stronger economy and a better future for the country.

If this request for funding is granted, we will work to ensure that our Committee makes the necessary changes to authorize this increase in assistance for these students. Thank you for your consideration.

Sincerely,

JAMES M. JEFFORDS,
Chairman,
Committee on Labor and Human Resources.
EDWARD M. KENNEDY,
Ranking Member,
Committee on Labor and Human Resources.

Mr. KYL. As I noted before, Chairman SPECTER has already indicated that he will move toward the higher numbers for Pell grants in conference. And the Labor Committee has indicated that it will act on the necessary authorization. So I think we have already accomplished what is intended here in the Daschle amendment. Nevertheless, since this represents another opportunity to express support for Pell grants, I will support it. However, I do hope that the conference committee will offset the increase from savings in other programs, and not just add the cost to the deficit.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. Madam President, if there is no other Senator seeking to debate the matter, I suggest we yield back all remaining time, and I ask for the vote.

Mr. LOTT. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Without objection, all time is yielded back. The question is on agreeing to amendment No. 1116, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—3

Faircloth
Helms
Inhofe

NOT VOTING—1

Bingaman

The amendment (No. 1116), as modified, was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Madam President, I ask unanimous-consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Madam President, the majority leader and the minority are working on a unanimous-consent agreement for the order to proceed with several more amendments tonight. Amendment No. 1122, of which I am the primary sponsor, will be the first of those amendments, and I am authorized to ask we call up amendment No. 1122 and begin the debate. It will be interrupted by the majority leader when he is prepared to offer a unanimous-consent agreement.

AMENDMENT NO. 1122, AS MODIFIED

Mr. GORTON. I ask unanimous consent amendment No. 1122 be placed before the Senate.

The PRESIDING OFFICER. Without objection, the amendment is now pending.

AMENDMENT NO. 1122, AS FURTHER MODIFIED

Mr. GORTON. Madam President, I am sending a modified amendment to the desk, and I ask unanimous consent it be considered in place of the amendment that is before the Senate now.

Mr. JEFFORDS. Reserving the right to object, I wonder if the Senator would be so good as to explain what the modifications are.

Mr. GORTON. Yes. This amendment changes the one we talked about yesterday only in that it has the distribution of the amount of money going to title I based on the total number of eligible title I students in each district rather than the total of all students in each district.

Mr. JEFFORDS. I withdraw my objection.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1122), as further modified, is as follows:

On page 85, after line 23, insert the following:

SEC. ____. (a) Notwithstanding any other provision of law, the Secretary of Education shall award the total amount of funds described in subsection (b) directly to local educational agencies in accordance with subsection (d) to enable the local educational agencies to support programs or activities for kindergarten through grade 12 students that the local educational agencies deem appropriate.

(b) The total amount of funds referred to in subsection (a) are all funds that are appropriated for the Department of Education under this Act to support programs or activities for kindergarten through grade 12 students, other than—

(1) amounts appropriated under this Act—

(A) to carry out title VIII of the Elementary and Secondary Education Act of 1965;

(B) to carry out the Individuals with Disabilities Education Act;

(C) to carry out the Adult Education Act;

(D) to carry out the Museum and Library Services Act;

(E) for departmental management expenses of the Department of Education; or

(F) to carry out the Educational Research, Development, Dissemination, and Improvement Act;

(G) to carry out the National Education Statistics Act of 1994;

(H) to carry out section 10601 of the Elementary and Secondary Education Act of 1965;

(I) to carry out section 2102 of the Elementary and Secondary Education Act of 1965;

(J) to carry out part K of the Elementary and Secondary Education Act of 1965;

(K) to carry out subpart 5 of part A of title IV of the Higher Education Act of 1965; or

(L) to carry out title I of the Elementary and Secondary Education Act of 1965; or

(2) 50 percent of the amount appropriated under title III under the headings "Rehabilitation Services and Disability Research" and "Vocational and Adult Education".

(c) Each local educational agency shall conduct a census to determine the number of kindergarten through grade 12 students served by the local educational agency not later than 21 days after the beginning of the school year. Each local educational agency shall submit the number to the Secretary.

(d) The Secretary shall determine the amount awarded to each local educational agency under subsection (a) as follows:

(1) First, the Secretary, using the information provided under subsection (c), shall determine a per child amount by dividing the total amount of funds described in subsection (b), by the total number of kindergarten through grade 12 students in all States.

(2) Second, the Secretary, using the information provided under subsection (c), shall determine the baseline amount for each local educational agency by multiplying the per child amount determined under paragraph (1) by the number of kindergarten through grade 12 students that are served by the local educational agency.

(3) Lastly, the Secretary shall compute the amount awarded to each local educational agency as follows:

(A) Multiply the baseline amount determined under paragraph (2) by a factor of 1.1 for local educational agencies serving States that are in the least wealthy quintile of all States as determined by the Secretary on the basis of the per capita income of individuals in the States.

(B) Multiply the baseline amount by a factor of 1.05 for local educational agencies serving States that are in the second least wealthy such quintile.

(C) Multiply the baseline amount by a factor of 1.00 for local educational agencies serving States that are in the third least wealthy such quintile.

(D) Multiply the baseline amount by a factor of .95 for local educational agencies serving States that are in the fourth least wealthy such quintile.

(E) Multiply the baseline amount by a factor of .90 for local educational agencies serving States that are in the wealthiest such quintile.

(4) Notwithstanding paragraph (3), the Secretary shall compute the amount awarded to each local educational agency serving the State of Alaska or Hawaii by multiplying the base line amount determined under paragraph (2) for the local educational agency by a factor of 1.00.

(e) If the total amount of funds described in subsection (b) that are made available to carry out subsection (a) is insufficient to pay in full all amounts awarded under subsection (d), then the Secretary shall ratably reduce each such amount.

(f) If the Secretary determines that a local educational agency has knowingly submitted false information under subsection (c) for the purpose of gaining additional funds under subsection (a), then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under subsection (d), and the correct amount the local educational agency would have received if the agency had submitted accurate information under subsection (c).

(g)(1) Notwithstanding any other provision of law, the Secretary of Education shall award the total amount of funds made available under this Act to carry out title I of the Elementary and Secondary Education Act of 1965 for fiscal year 1998 directly to local educational agencies in accordance with paragraph (2) to enable the local educational agencies to support programs or activities for kindergarten through grade 12 students that the local educational agencies deem appropriate.

(2) Each local educational agency shall receive an amount awarded under this subsection that bears the same relation to the total amount of funds made available under this Act to carry out title I of the Elementary and Secondary Education Act of 1965 for fiscal year 1998 as the number of children counted under section 1124(c) of such Act for the local educational agency for fiscal year 1997 bears to the total number of students so counted for all local educational agencies for fiscal year 1997.

(h) In this section—

(1) the term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965;

(2) the term "Secretary" means the Secretary of Education; and

(3) the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

Mr. GORTON. Madam President, I spoke to this amendment at length on two occasions and intend to do so again tonight, but as a matter of deference to my many friends on this side who want to speak on the amendment and to many of those on the other side who wish to do so and to go on to other business, I will reserve my principal argument until the end.

Suffice it to say this is an amendment designed to see to it that the individual school districts in the United States be permitted to spend the great bulk of the money that we appropriate, in this case somewhat over $11 million, as they see fit rather than with respect to hundreds and thousands of pages of detailed regulations that are the bane of almost every school district in the country.

The fundamental philosophical question is just this: Do we believe that individual school districts and parents and teachers know best how to handle education in their own communities, or do we believe those fundamental decisions are best left to bureaucrats here in Washington, DC? I believe the former. The opponents to this amendment believe the latter.

With that, I yield the floor to allow other Members who wish to speak to the amendment.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. Madam President, I am pleased to rise as one of the cosponsors of Senator GORTON's amendment. Many here, including the Presiding Officer, spent the last year campaigning, and, frankly, I made education one of the cornerstones of my campaign.

Everywhere I went there was frustration at the local level about Federal redtape, bureaucracy, burdens and costs that were imposed upon our common desire to educate our children. I said over and over again that I believed in local control. Now it is time to put to the truth what we said in how we will vote.

I am proud to cosponsor this with Senator GORTON because it does exactly what we ought to be doing.

Madam President, this amendment focuses the area of education on reform, returning the control of our education dollars back to where it belongs, at the local level. This amendment simply block grants the funds from the Department of Education for K through 12 and gives it to local schools.

As my colleague, Senator DOMENICI, stated, we keep adding regulations, adding programs, adding money. But when we get to the end of the equation, we end with a negative result and subtracting from education.

This amendment gives us the opportunity to give schools the flexibility to improve the quality of education at the local level, to improve the basic skills of reading, writing and arithmetic.

Madam President, this is an opportunity for us to do the right thing, not only by reducing the bureaucracy that exists in our school education system, but to provide our schools with the flexibility and the funding to achieve a higher standard.

I urge my colleagues to support this. I urge government at all levels, who care about education, to do so by showing, in an affirmative way, that our interest is in an educated child, our interest is not in adding to well-funded bureaucracies. I urge support of this amendment.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Madam President, I have listened with considerable interest to the comments of my friend and colleague from Washington with regard to his amendment. I would like to make certain that I understand what he seeks to do.

I say to my friend from Washington, is the Senator from Kentucky correct that the Gorton amendment, with the exception of IDEA, I gather—or is that still excepted?

Mr. GORTON. With the exception of IDEA impact aid, and a few other smaller categoric aid programs.

Mr. MCCONNELL. Would it essentially distribute the balance of Federal educational funds for elementary and secondary education to the school districts of America?

Mr. GORTON. It would.

Mr. MCCONNELL. And would it be safe to say that, in all likelihood, the school districts of the Commonwealth of Kentucky would receive more Federal assistance under the amendment of the Senator from Washington than they currently receive?

Mr. GORTON. I cannot answer that question categorically. I can say that we have something over $11 billion in this appropriations bill, which would be distributed pursuant to this amendment. Because at the present time the administrative costs —the sand in the wheels—amounts to about 15 percent of all of the money that we as taxpayers send to Washington, DC, that goes to the Department of Education, before it gets back, the total distribution to the school districts of the United States will be more than a billion and a half dollars more than it is at the present time, which means—just in simple mathematics—that a great bulk of school districts will end up getting more money. Moreover, that 15 percent doesn't include the amount that the State superintendents of public schools take out of most of these categorical aid programs for their part of the administration at the present time, further enhancing the amount of money that will get to each individual school district.

Even having said that, I say to my friend from Kentucky, I believe the most important single element in this bill, from the point of view of having money spent on children's education, is the removal of the huge numbers of requirements to meet the qualifications for hundreds of different categorical aid programs, which now come out of even the money that gets to the school districts, who must hire all kinds of administrators to see to it that the money is spent in this federally determined, uniform category. One school district superintendent, reported to me by one of my friends, has said something that is consistent with what I hear from my own State: "We get about 10 percent of all of the money we spend on schools from the Federal Government, but 60 percent of all of the forms we have to fill out, 60 percent of all the time we have to use, is spent accounting for that 10 percent."

So it is hard for me to imagine a school district anywhere in the country that is going to have less money to spend on the education of its children under this amendment than it does at the present time, and the overwhelming majority of them will have far more.

Mr. MCCONNELL. Further, I ask my friend from Washington, a State like Kentucky, which frequently is ranked among the lowest 10 States in variety of categories, including poverty, would a State like that under the distribution formula in the amendment of the Senator from Washington also be likely to gain additional assistance over and above what is anticipated would be saved by a reduction in administrative costs here in Washington?

Mr. GORTON. Yes. I am quite certain that Kentucky would—with the exception of the modification that we made with respect to title I, where the proportions will be identical next year to what they are in the present year. We have a slight poverty-based preference in this bill. We divide the 50 States —or the 48 States other than Alaska and Hawaii—into five categories, and the 10 richest States have their allocation multiplied by .9, the 10 poorest States by 1.1, and the States in between by 1.05, 1.0, or .95, respectively, so that the student in the poor State gets a greater degree of aid than the student in a rich State.

Mr. MCCONNELL. I thank my friend from Washington.

Madam President, I think the explanation of the distinguished Senator from Washington makes it quite clear that support for his amendment would mean more money for the school districts of my State of Kentucky and substantially fewer regulations with which they would have to comply.

It seems to me, Madam President, as education moves into the position of No. 1 on the interest chart of the American people, it is our responsibility here at the Federal level to think of ways that we can further enhance American education and help those who are really doing the job, which are obviously the local school districts and the parents of our country.

So I commend the Senator from Washington for a superb amendment and indicate my enthusiastic support for the Gorton amendment. I urge my colleagues, when we finally have a vote, to resoundingly support a proposal that clearly will benefit the school districts and the children of America.

Madam President, few would dispute that one of the primary concerns of American families today is the quality of education that our children receive. I am sure that other Members of the Senate have heard from concerned parents as I have. They don't understand why instruction in the most basic skills has fallen to the wayside, and they fear that a rudderless education will leave their children adrift and unprepared for the future.

Nearly everyone involved in education today—parents, teachers, administrators, and legislators—wants to improve the quality of learning in America. But the quest for education reform will only be successful if the classrooms—the classrooms—have the money they need to implement change and follow-through on the academic programming our children need.

When the Senate approves funding for education, most of our constituents believe—and trust—that those moneys are going directly to their child's school. But, the numbers show that this is not the case. An examination reveals that out of $100 billion in Federal education support, local schools received only $13 billion. Let me repeat—$13 billion of $100 billion. Where is this money going? It's supporting paper-pushing and concept discussions in the Washington, DC, education offices of adults while our children starve for learning aides and chalk at home.

Senator GORTON's amendment to S. 1061 seeks to help our children by actually providing their schools with the funds we assign to them. This amendment consolidates selected Federal education funds for kindergarten through 12th grade and sends the money directly to school districts. State and local education agencies can then use these additional funds to design and operate the quality education programs families are begging for. It does not change the administration of funds for special education, professional development for teachers, adult education, education research, the national writing project, impact aid, and other similar programs.

This amendment will not undermine education in America. It seeks to strengthen a teetering educational system by focusing our resources on the construction of a firm foundation—strong schools. I am confident that Kentucky communities can use these funds to better their future. Local educators must negotiate through a teeming swamp of administrative rules and regulations in order to meet the day-to-day needs of their students. They need flexibility to implement change and determine what works. The Gorton amendment provides the first key step to stronger schools across America—funding children's education not layers of repetitive bureaucracy. I urge my colleagues to join me in support of the Gorton amendment and its promise to help our Nation's schools fulfill their commitment to our children and communities.

Mr. HAGEL. Madam President, I take the floor this afternoon to talk about an issue that we have debated in this body all week, an issue that is as important to our Nation as these young pages who sit among us today and the future of this country, as any issue that we debate.

The issue of education is the foundation of the future of our country. At a time when our schoolchildren—over 50 million—across America are returning to school, including my 6-year-old daughter, Allyn, who started first grade last week at Great Falls, VA, elementary school, it is appropriate that we talk about education not just in terms of amendments to the appropriations bill, but we talk about education in a way that is relevant to our young people and to our future. We will continue to debate education, as we should, because not only does every home in America show, as it has shown over the years, that education is the No. 1 issue on the minds of our citizens—and well it should be—but because we spend billions of dollars on education, K through 12 and beyond.

This morning's Washington Times had two very interesting articles, one talking about the American Federation of Teachers and President Sandra Feldman discussing why our young people are not being educated.

If I might, Madam President, allow me to read the first paragraph of a story that appeared in the Washington Times this morning.

> The practice of promoting students to the next grade before they are ready is "rampant across the country," according to American Federation of Teachers President Sandra Feldman.

It is a very lengthy article. Madam President, I ask unanimous consent that it be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Times, Sept. 10, 1997]

Schools Promote Regardless of Merit—Teachers Federation Calls for Standards

(By Carol Innerst)

The practice of promoting students to the next grade before they are ready is "rampant across the country," American Federation of Teachers President Sandra Feldman said yesterday.

While no school district explicitly endorses social promotion, most have an "implicit policy" encouraging it because they place limits on holding students back, she said.

"That is a clear message to promote socially," Miss Feldman said at a newsmaker luncheon at the National Press Club, where the teachers federation released a national study on student promotion policies.

Citing examples, she noted that students in Orange County, Fla., can be held back only once in elementary school, and in New Orleans they can be retained only twice. Houston restricts retention to once in kindergarten through fourth grade and once in fifth through eighth. Other districts forbid holding back students with limited English or learning disabilities.

Simply holding students back isn't the answer either, she said. Many students are retained each year, and most do not receive the special help they need to catch up.

An estimated 15 to 19 percent of U.S. students are retained each year. In many large, urban districts, more than 50 percent of the students who enter kindergarten are likely to be retained at least once before they graduate or drop out.

The report, "Passing on Failure: District Promotion Policies and Practices," examined promotion policies at 85 school districts, including the 40 largest districts nationwide.

Locally, the study looked at public schools in the District and Montgomery, Prince Georges, Anne Arundel and Fairfax counties.

D.C. policy is "unclear as to who has the final authority for promotion decisions in all grades," the report says. It states that a student may be retained for a maximum of two years.

Prince Georges has no formal promotion policy. In Montgomery County, the principal has the final authority in promotion decisions in all grades, but there are limits on retention and for special education students.

Parents are the final authority on promotion decisions for elementary students in Anne Arundel County, the principal has the final say for junior high students and the policy is not clear at the high school level.

Fairfax County policy does not specify limitations on student retention. Promotion is based on grades for elementary and junior high students. The criteria is not clear for high school students.

Among the study's general findings:

- Some districts limit the number of times a student can be retained, prohibit retention in specific grades or set age limits to move older students along.
- Student progress often is judged according to vague and varying criteria, as in Nevada's Clark County schools where a promotion requires only that a student's "progress should be continuous and student advancement through the curriculum should be according to the student's demonstrated ability."
- Teachers play only an advisory role in promotion decisions.
- Only 15 percent of the districts mention tutoring, and 13 percent call for alternative programs and strategies such as transitional classes or extended instructional time for students who are held back. Half the policies mention summer school.

Solutions to the problem, according to Miss Feldman, involve creating rigorous grade-by-grade standards for students and ensuring that all elementary teachers are proficient in teaching reading, catching and helping struggling students early in their school careers.

"Without common standards, teachers' grades appear arbitrary—and therefore negotiable," she said. "This undermines students' motiviation to work hard in school. Teachers who uphold high standards can find themselves under a lot of pressure to change grades or just pass kids on."

Mr. HAGEL. Madam President, another story in the Washington Times this morning talks about the Governor of Minnesota, Arne Carlson, who was in town yesterday, it says:

> . . . to spread the word on how he finally made school choice a reality in his State by finding an alternative to politically unpopular vouchers.

It goes on. I ask unanimous consent that this be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Times, Sept. 10, 1997]

Carlson Shares School-Choice Success Story—Minnesota Governor Lost Battle for Vouchers but Won Support for Tax Breaks

(By Nancy Roman and Carol Innerst)

Gov. Arne Carlson was in town to spread the word on how he finally made school choice a reality in his state by finding an alternative to politically unpopular vouchers.

Mr. Carlson said yesterday that vouchers—government education dollars that follow children to public or private schools—are the best route to school choice, but he stressed that tuition tax credits and deductions are achievable now.

At several gatherings, he told GOP policymakers and reporters how the Minnesota Legislature, controlled by Democrats, overwhelmingly defeated his voucher proposal in 1995, so he put together a $150 million package of tax incentives for Minnesota parents seeking alternatives to public schools.

"Vouchers were a lost battle, so we revamped, went to the tax side and put together a plan," Mr. Carlson said in a message he hopes will resonate with the public and policy-makers as Congress prepares to debate several school-choice measures.

The results in Minnesota was overwhelming support for Democrats, Republicans, rich, poor, blacks and whites for a dollar-for-dollar tax credit for families earning less than $33,500 and a tax deduction for educational expenses of up to $2,500 for families earning more than that.

Mr. Carlson said the trick was making sure to offer something for everyone, including suburban and rural voters and the parents of public school students.

The strategy confounded the teachers unions, which historically "opposed virtually everything" having to do with school choice, he said at a luncheon at the Heritage Foundation. "A lot of people, including Democrats, got very tired of this 'no, no, no' position of the unions."

The Minnesota plan, which goes into effect next year, allows a family to use the money for educational efforts ranging from a summer language program to a math tutor to the purchase of a home computer.

Technically, the education credit cannot be used to pay for private school tuition, but private schools can easily shift their accounting to use the credits for approved expenses such as books and transportation.

"It's a tantalizing strategy," said Jeanne Allen, the president of the Center for Education Reform, a clearinghouse on national choice issues. "But each state has to figure out its own political realities.

"There's no correlation for the District. In places with no history of tax credits, it's a tough call. In many areas, there's a need for full tuition to follow children, and the District would be one."

Paul Steidler, senior fellow at the Alexis de Tocqueville Institution, regretted that Mr. Carlson had to "back off" on vouchers but found the governor "inspiring" for his tenacity against Democratic lawmakers and the vast resources of the teachers unions.

Equally impressed, house majority Leader Dick Armey of Texas invited the governor to Washington this week to talk to fellow Republicans.

"All too often school vouchers can be thought of as a conservative notion," Mr. Armey said. "We are finding that the idea has great appeal across the political spectrum."

Mr. Carlson said that after his defeat on vouchers he assigned two staff members to work full time on a plan offering educational choices to parents and having the political support to make it viable.

Tax breaks across the economic spectrum were the answer.

"The bulk of the public raised their eyebrows," Mr. Carlson said.

But as tests revealed that half the children in Minneapolis and St. Paul were dropping out, a third of the state's eight-graders failed a basic reading test and a fourth failed a math test, he said, the public realized something had to change.

Mr. HAGEL. Madam President, as we pick up newspapers daily across this country we don't talk of great success stories for the most part about our American education system. We talk about failures. That will be a self-fulfilling prophecy if we allow our newspapers to be consumed with what is wrong with our public educational system without focusing on not only what is right, because there are many things right with our system, but how we fix them. How do we make American education better? It is easy to criticize. But how do we make it better? It is not just money. We know that. Quite honestly, it is more important than money. There is not a parent in this country who doesn't understand that.

We need to look beyond the technicalities and the small details of the Gorton amendment, or any other amendment to the appropriations bill. We need, and we will continue, to debate a much bigger question that gets to our Nation's philosophy, our basic philosophy on education.

Who should control what our children learn and what our teachers teach? The Federal Government? I don't think so. No, I don't think so. That is not the role of the Federal Government. Our Founding Fathers gave us the answer very clearly. We need to look no further than article I and amendment 10 of the U.S. Constitution, which reserve the authority for education to the States, to the people—not to the Federal Government.

Education should be between parents, teachers, and local school boards—not the Department of Education, not the President, not the Congress, but the school boards, the teachers, the parents.

I am one Senator who wants to stop the flow of taxpayers' money, parents' money, coming to Washington, and it resides here, and all the smart people in Washington sort out for all the children of America—more than 50 million—what they should know and what teachers should teach. I want to stop that.

One, among many, reasons why I support the Gorton amendment is that I want to give the money back to the States, back to the people, back to the local school boards and the teachers. They can better spend it. They can reward teachers. They can improve our schools. They can help our students. Who understands it better than the people who are there? I trust the people. I trust our teachers. I trust our school boards. I don't trust Government. I don't trust Government to educate our young people. Who cares most about making sure that children get a good education? Who cares most? Well, of course, the parents care most, and the teachers care most.

All parents—all parents—should have the opportunity to choose where their children go to school. It shouldn't be just for rich people. The parents pay the bills. We seem to forget that dynamic in Washington. The taxpayers, the parents of the children, pay the bill for education; for everything. Why then do we take the opportunity away from the people who pay the bill from applying their money where they think their children can get the best education? That makes sense to me.

Another reason is that I support efforts by my colleague from Georgia, Senator PAUL COVERDELL, to allow parents to use money they have saved in educational savings accounts for K through 12 education. What in the world is wrong with that? Not only does logic dictate that that makes sense, but it seems to me that it is fundamental to America. Education standards should be set locally, not imposed by the Federal Government.

We need to motivate our children to learn. We need to motivate our children to learn, not just take tests. There has been some debate lately on national testing and school standards. We are confusing the issue here by shifting the emphasis from learning to testing. We have it backward. The emphasis should not be on testing; it should be on learning. The motivation should be learning and not testing. If we institute national testing, our teachers will teach to the test. Of course, they will. Who wants to be a teacher in a school with a low standard on national testing? So if you figure out what the test is and what the testing process is and what the questions are, then you teach to the test. That is wrong. That doesn't prepare our young people.

It is time that we stop making our teachers jump through the hoops that they have been jumping through with these senseless and burdensome paperwork responsibilities and free them up to do what they can do better than anybody, and that is teach our children. Let's help our teachers teach our children. It is a novel idea. Anyone who has talked to teachers in any State, in any town, or in any community has heard all the horror stories of amounts of time they spend on wasteful, unproductive paperwork. That is time that could be spent teaching our children. We need to prepare our children to compete in a global economy in the 21st century. Just preparing them to pass a test will do nothing to ensure they have the knowledge and the skills, the abilities, to compete in a very competitive new century.

For example, if we let students off the hook in math by letting them use calculators for the most basic of problems, they will never learn, they will never grasp the logic and discipline gained through exercising good mathematics skills.

There is nothing wrong with calculators, but let us start with the basics first. Everybody knows why we have trigonometry and geometry and the advanced mathematical courses. Very few will ever use that in their professions, but it is about discipline. It is about learning. It is about pain in your mind and using your brain. Any fool can pick up a calculator. That is not what education is about. That kind of thinking, that kind of training will be vital, if we do it right, throughout the lives of our young people for what they will need to succeed in a very competitive global economy.

Where I am from in Nebraska, we call that thinking. We call that thinking. If our young people cannot read and write, they do not know much about science and math and have limited knowledge of history, economics, and geography, what chance do they have to succeed in the next century? Very little.

Preparing our children for the next century is not the job of the Federal Government. My goodness, we have not been able to balance our budget for over 30 years. That is not our job. It is the job of parents and teachers and local school boards working together to ensure that all of our children have the very best education possible and ensuring that all of our children have an opportunity to attend the school of their choice.

That is what this is about. Our Founding Fathers knew very clearly what they were doing when they determined that education should be a local issue.

It is time we get back to the fundamental principles and basics that made this a great nation. We are a great nation today not because of our Government, not because of our systems, but because of our people. Our people have, through their wisdom, through their common sense, through their hard work, their discipline, made the right choices for over 200 years. And basic to all those choices has been how you educate your children. There will be much debate, as there should be, in this Chamber over the next few days, weeks, months, and years on our philosophy about education, but let us not forget where it all resides. It resides at the local level with the parents, with the teachers, with the schools.

I wish to go on record supporting the Gorton amendment. I wish to also go on record supporting the Coverdell bill and the philosophy of local control for education.

I thank the Chair and I yield the floor.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I am very pleased to be able to join my colleague from the State of Washington this evening in support of and as a cosponsor of his amendment to allow resources, money, tax dollars to get to the young people of this country in a way that seems so easy and so simplistic and, yet, so right, because I suspect that the Presiding Officer, myself, and everyone on this floor believes in, and we are collectively supporters of, public education.

I happen to be a member of the Republican leadership, and I have worked hard over the last several years to make sure that education funding is one of our party's top priorities and that we, along with everyone else who serves here, are seen to be strong supporters of public education. And we do that by expanding programs where the need is, by increasing dollars, by looking at priorities. That is what we should be doing.

As a member of the Appropriations Subcommittee on Labor, Education and Human Services, I have worked to make sure that that kind of rhetoric gets translated into increases in Federal funding for education, and I am pleased that this year's bill—the one that we are currently debating—has such increases in it.

In other words, what we are doing here in the Senate is something we should be doing because the American public has asked us to do it—to examine our priorities, balance the budget, and redirect our resources and, in doing so, placing education as one of those enhanced priorities. Yet, despite all of the increases in spending, I find that teachers and parents in my State and across the Nation have not yet been able to see an improvement in their schools. There is still a high level of frustration, especially at the parental level, with the quality of education that our young people get, the method by which they are educated, and the whole combination of the environment that we call our public school system. They want to know—and I want to know—where the money goes, how the money gets spent. Why do we have a lot of people at different levels of the administrative process making decisions when, in fact, we have elected officials at the local level and professional educators who should be allowed to make the largest block of those decisions?

Now, in many instances, the Department of Education can't tell you where the money went. It doesn't get lost, it just gets administered. The fact is that between the time we appropriate it and the time a student feels the impact of it, anywhere from 15 percent up to 25 percent of the money gets lost at the Federal and State administrative levels. The Gorton amendment cuts to the chase. It basically asks us to be true to the very arguments we have placed time and again in our town meetings and in our citizen gatherings in every State, and that is, we want local control and we want the money to get to the local level. Yet, in our desire to fund public education, we are constantly working at—if I can use the word—new schemes, new processes by which the money moves through. And in the end, as I say, as much as 25 percent doesn't get there.

As the Senator from Washington was mentioning a moment ago—and he didn't mention my name, but I was the one visiting with him the other evening in relationship to an administrator in my State. After I toured his school, he said, "You know, Larry, the Federal programs that we have just seen, some of them are very good and well meaning and are providing very valuable service to our young people, but there is a problem." I said, "What is that problem?" He said, "Well, 60 percent of the paperwork that my school has to do . . ."—and he means all of the paperwork—". . . is spent on approximately 10 percent of the money we get, and that 10 percent is Federal money. That is about one-and-a-half staff people in time involved in the paper shuffle to get 10 percent of the money, because the programs are there and the projects are there. So they are bound to go after them."

By the way, that individual is not in the classroom teaching. That individual is sitting in an office filling out forms to identify with the Federal dollar. We all support education, but how will increases in spending make a difference if the money gets lost in the process or gets diminished dramatically in the process, at a time when we are trying to balance the budget and sort out the differences in very limited resources, trying to empower our taxpayers by letting them keep more of their hard-earned money, and still wanting to spend more on education because the public believes it is necessary, and so do we? So why can't we think of a better way to do it, instead of the schemes and the systems and the bureaucracies, when we have people who are elected at the local level, charged and empowered with the responsibility of educating young people and professionally trained educators who are there to do it, and yet the Federal system and the State systems tells them how to do it, where to do it, why to do it, and when to do it. The Gorton amendment says in a very clear way that there is a better way. Title I has been corrected, and it is important that it be corrected. The idea of funding has been exempt. Impact aid should be exempt because that speaks to the Federal presence in a given school district, a Federal presence of employees that oftentimes don't pay tax dollars by the nature of Federal property they might be on, be it a military base or an Indian reservation. And because there is a Federal presence it is important that that money be selected.

Senator GORTON has exempted that. But what he has said—and importantly so for the rest of it—is create an equitable formula, allow the Secretary of Education to be the administrator of that formula, and pass the Federal dollars straight through to the local school districts, and each school might choose how to spend that money just a little bit differently. But they would choose it on a priority based on what was needed in that community and in that school district instead of pursuing the paper chase because there was a Federal program. And, we can get the money, but we really do not need that particular project in this district. But it is there, and we ought to apply for it because it will help fund a piece of this teacher's salary, and we can have them educate in the standard curriculum program along with the special program.

That is, of course, exactly what happens. And those are the dynamics involved. That is why Senator GORTON has brought to the floor what I think is a very clean and simple idea. We are all for public education. This amendment is about public education. It is for public education. It dramatically increases the ability to get the $11 billion that we spend in public education to the teacher, to the school board member, and to the administrator but, most importantly, directly to the student.

In fact, the Senator, who is the primary sponsor of this, believes that it increases the amount that goes to the students by well over $1 billion. I suspect we are going to hear arguments tonight: Well, but, but; How about; maybe, and This program is so valuable. Of course, that is the standard argument because that is the bureaucracy that has built up over the years, and we become defensive about it, if we are a creator of it, or an administrator of it.

But what we are saying here tonight is let us pass the money through the Department of Education directly to the schools, to the students, to the educators, and to the administrators, and save 15 percent in administrative costs at the Federal and the State level, increase the finite resource dollar spent by well over $1 billion to the student, and be proud of the fact that we are strong supporters of public education but recognizing the fact that there are the professionals at the local level who know what they are doing and we are simply empowering them with more resources to do it.

I am proud to be a cosponsor of the Gorton education amendment. I hope my colleagues will join with us at the time of passage in voting for it.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, there has been a concerted effort on all sides to work out a unanimous-consent agreement. I think it is a fair one in view of the time—and the amendments—that we have spent on this important appropriations bill, the Labor-Health and Human Services and Education bill.

We have an agreement here now that I think will allow us to complete all action on the bill before noon tomorrow. Then it would be our intent at that time to go to the Interior appropriations bill. In the middle of the afternoon we would probably go to FDA reform. There would be at least an hour of debate by Senator KENNEDY, followed by others certainly, and then we would have probably a cloture motion, and we would return to Interior appropriations.

That is not a part of the UC. There are a lot of contacts still being made on behalf of Senators on both sides of the issues involved in Interior appropriations. But I believe we have the FDA reform time, and general understanding of what we will do there.

But I just wanted to give Members some idea of what we hope our schedule will be tomorrow beyond this agreement.

I ask unanimous-consent that time on the Nickles amendment, No. 1081, be limited to 30 minutes equally divided in the usual form, and following the debate the Craig second-degree amendment, No. 1083, be agreed to, and that no other second-degree amendments be in order.

I further ask that the time on the Gregg amendment, No. 1070, as modified, be limited to 30 minutes, equally divided in the usual form, and, following the debate, the second-degree amendment, No. 1071, be withdrawn, and no other second-degree amendments be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I ask unanimous consent that following the debate on the Gorton amendment, No. 1122, the amendment be laid aside, and, at 10 a.m. on Thursday, the Senate proceed to vote on or in relation to the Gorton amendment, to be followed by a vote on or in relation to the Nickles amendment, to be followed by a vote on or in relation to the Gregg amendment, to be followed by third reading and final passage of S. 1061.

So we have stacked votes beginning in the morning at 10 on the amendments that are listed here, and on final passage.

Mr. FORD. Mr. President, will the distinguished majority leader consider the 2 minutes equally divided for debate just prior to the vote?

Mr. LOTT. Mr. President, certainly we should do that. I should have included that in our unanimous consent, as is always the case when we stack votes like that. We will have 2 minutes equally divided before each vote so that Members will know exactly what the substance is.

Mr. FORD. The majority leader has always been generous with that portion of it. I apologize for bringing it up.

Mr. LOTT. That is fine.

Mr. FORD. We want to be sure. So that is part of the UC agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask that, following the passage of S. 1061, on Thursday the Senate begin consideration of S. 830, and there be 1 hour under the control of Senator KENNEDY and 1 hour under the control of Senator JEFFORDS, and, following the filing of a cloture motion by the majority leader, S. 830 be placed back on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, Mr. President, I wonder if the leader has the language of the modification on testing? If not, I would be constrained to object unless he could modify his agreement with respect to the modification.

Mr. LOTT. Mr. President, in response to that reservation, I understand that the efforts are still underway to get agreement on the exact language. It is hoped that we will be able to get some agreement. I understand the White House is involved in that discussion, and Senators from both sides of the aisle are I think making some progress. But if that does not come to a head, I would modify then—let me put this part of the consent.

I modify the consent to reflect that, if the Gregg amendment, as modified, is not the agreed-upon text between the two leaders, then this consent agreement will be null and void.

Mr. FORD. Mr. President, I have no objection under those circumstances.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, then in light of this agreement, there will be no further votes this evening, and at 10 a.m. on Thursday, four back-to-back votes will occur. Also, for those Senators interested in the Gorton education amendment, that debate will be occurring this evening. The debate on the Teamsters issue and the testing issue will occur between 9 a.m. and 10 a.m. followed by, of course, the stacked votes.

I do want to say, Mr. President, that I appreciate the effort by Senator GORTON. I agree with the statements I heard being made by Senator CRAIG. And the idea is to get education back to the people, back to the local level, back to the parents, and the children, the teachers and administrators. Let them make the decisions of how best to spend their allocation of these Federal funds. I believe they will make the right decisions, and it will be a way to help improve education in America. It is one thing to test. But we know that our children are not doing as well as they should be. What we should be focusing on is greater parental involvement in education, and in the decisions affecting that education at the local level. This amendment would do it.

I heartily endorse the Gorton amendment.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent to add my name as a cosponsor of the Gorton amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, every once in a while a vote comes along that is a defining vote. I am sure that to a lot of people the Gorton amendment looks like a fairly simple, straightforward concept. And that concept is that we are spending a lot of money on education at the Federal level. Yet, if one looks at the 30-year history of that expenditure, Federal spending and Federal control have expanded and we have crowded out parental involvement, and the quality of American education by almost any measure has declined.

This has created a dilemma on the part of many Members of Congress. Congress and bureaucrats dictating local education priorities and programs is failing. Yet those who are concerned about education have loathed the idea of reducing the amount of resources committed by the Federal Government for a purpose that they support.

So we have been in an endless debate where everybody admits that what we are doing is failing. And, yet, we continue year after year adding more money for the very programs that we have all concluded are failing because we want to show that we support education.

For example, one of the provisions of the bill before us that I strongly oppose is bilingual education. This program has become a vehicle to keep people dependent on a language other than the language of opportunity and commerce in America. It begins to produce a society where people who do not learn English are isolated. Yet, in this bill we have a 36-percent increase in funding for bilingual education. That is the dilemma.

How can we see the money is spent efficiently, if, in fact, we want to improve the quality of education? The Gorton amendment solves the problem by eliminating the dilemma.

The Gorton amendment will spend every penny on education that this bill calls for. For poor students, it maintains the same allocation for title I.

We have already dealt with the education of disabled persons. That is outside the purview of this debate. We have recently reformed that program. It is not included.

Impact aid is given on the basis of the number of Federal employees who are working in facilities that do not pay local taxes. That is a property tax supplement. Impact Aid is not included. But nearly all other K–12 educational funding at the Federal level is included in the Gorton amendment.

So what the Gorton amendment essentially says is this: Take the amount of money that is currently being spent by Washington bureaucrats and congressional politicians and give it to the school systems. But take away all of the mandates as to how it is to be spent, and let local teachers, local parents, and locally elected school board members decide how this money is spent.

I think conservatively it has been estimated that over $1 billion of additional spending will get through the massive web of bureaucracy, through that maze of grants and applications and bureaucratic oversight, and get to the students. I think that number is a gross underestimation.

So this is one of those votes that really defines where we stand.

Those who vote against this amendment are voting to continue a system that for 30 years has failed the children of this country, that has increasingly dictated education policy in Washington, DC, where bureaucrats and Congressmen set priorities in education and where parents are basically excluded from having a real voice in how their Federal tax money is spent and often how their State and local tax money is spent. Those who oppose the Gorton amendment are saying let's protect the status quo. Let's continue a program where Washington knows best.

Those who support the Gorton amendment are saying, look, we want to commit the money, but rather than letting Washington bureaucrats and Washington politicians decide how it is being spent, let's let local teachers, local parents, local administrators, and locally elected school board members take this money and use it in a way that maximizes the rate of return in terms of quality education that we get.

I think for years to come, people will be able to look at this vote and determine where people stand on this fundamental issue. Do you believe Washington knows best on education? Well, obviously many do. But if they do, they believe it is in spite of 30 years where the record has shown a clear failure as Washington has dictated more and more of the spending on primary and secondary education in America.

It seems to me it is very difficult based on empirical evidence to suggest that the current program really works. What the Gorton amendment says is let local people set priorities in education. The American people overwhelmingly in poll after poll believe that. I am confident that local parents in my hometown of College Station, TX, local teachers, locally elected school board members love their children at least as much as we do.

I remember once engaging in a debate with someone from the Department of Education in the early 1980's, and I made what I thought was the convincing point. I said I may be ignorant, I may not know curriculum, I may not have a Ph.D. in education, but I do love my children more than you do, to which this very sweet lady said, "No, you don't." And I said, "Then what are their names?" She loved them but not enough to know their names.

So I am confident that people in my hometown care more about the quality of education their children receive than we do. I am convinced that if we give them the same money we are giving them now but we let them decide how to spend it, they will do a better job.

It is not going to do us much good to have the Department of Education or some surrogate create a test to give students, then discover that our schools are failing to teach our children. We already know that. Nothing is more documented in the country than the fact that public education is failing, especially in the big cities. The question is what are we going to do about it?

The Gorton amendment says let us in a very simple way fundamentally begin to change the equation. It is only the first step. If we give the money directly to the school system, then you have to ask, what do we need all these bureaucrats for? Perhaps next year we can go back and take the money we are spending on all the people who administer these programs and give that money to the school system and thereby greatly multiply our efforts.

So I am proud of this amendment. I think this is a defining amendment. I think how you stand on this amendment basically says whether you believe that Washington knows best or whether you believe that local parents, local teachers, locally elected school board members know best and care most. I do not have any doubt about the answer to that question. That is why I am for the Gorton amendment. I hope it will pass.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I rise in order to offer support for the principles outlined in the legislation submitted by my friend from the State of Washington, Senator GORTON. This amendment begins to bring about some very needed reform to give youngsters in our public education institutions, particularly so many in our large metropolitan areas and our inner core cities, the needed reforms that are long overdue.

What we are saying is that we want to see to it that the money gets into the classroom, that we empower good teachers to teach, that we give to the local districts the opportunity to direct the resources they need.

The amendment combines all of the Federal funds devoted to education, with several large exceptions, into block grants. The Secretary of Education is then required to distribute the consolidated funds directly to each school district through a formula outlined in the bill. Now, under this innovative approach, the Federal funds will be distributed directly to school districts, and it will be used in classrooms and no longer will Washington bureaucrats be dictating how schools use scarce resources. We need to empower local educators, and more importantly, parents and teachers, with the ability to bring the kind of education to youngsters that has been lost to many for so long.

I feel very strongly that we have to maximize resources and to return to citizens the ability to give educational opportunity to their children. It is clear that this country has now begun a long overdue debate on the future of public education, and I strongly believe that we need fundamental reforms that will give to our children what they need and deserve.

I have proposed five fundamental reforms which I hope we can make part of our educational mission, not necessarily by legislation, but as guiding principles.

First, you cannot give youngsters an educational opportunity unless we get violent and disruptive juveniles out of the classrooms so that teachers can teach and good students can learn.

A little over a week ago there was an article in the New York Times about crime in the schools, and according to New York City Chancellor Rudy Crew, last year there was a total of 22,615 reported—I say "reported" because we don't know how many were unreported—incidents including one murder, 221 sexual assaults including rape, and nearly 1,000 other physical assaults. That is outrageous. We are talking about schools that are supposed to be sanctuaries and havens for our children. How can teachers teach good youngsters with that taking place? Yet in district after district, State after State, we find parents unable to secure for their children a safe environment. Disruptive juveniles are permitted to stay in the classroom and create chaos to keep others from getting the education that they deserve. How can good teachers teach in those kinds of circumstances?

Second, talking about good teachers—and there are many, many—how do we reward good teachers when they are all treated the same? It is about time we rewarded outstanding teachers for their good performance with merit pay. What do we hear in response to that? I hear the president of the teachers' union say, "We are opposed to merit pay." Imagine, opposed to giving merit pay to good teachers.

Instead, what the union does is protect its own perks without making determinations about rewarding good teachers. We have outmoded tenure systems in State after State. In my State, the teachers' union protects incompetence, notwithstanding that the school board associations have begged, have pleaded, have said give us renewable tenure, tenure for 5 years so that we can review someone's performance. Now we lock in incompetence. We reward it. You have unions that are more interested in protecting the perks and the privileges of their members, not rewarding outstanding teachers, those teachers who come in early, those teachers who work with our youngsters, those teachers who stay after school, who give additional thought, who are inspirations—and there are so many. No, they are not rewarded with merit pay, but incompetents are protected.

We need to give parents more control over their children's education, and that means letting parents choose which public school in their own school districts their children can attend. Bring about competition. Do not assign, particularly working poor families, to the worst of public education systems without the choice or without the ability or without the financial means to give their children an educational opportunity, but give them choice.

By the way, in areas where this has been effected, it has worked. It has worked in East Harlem, and it can work elsewhere. In fact, there are at least four other examples of New York districts that are experimenting with similar interdistrict programs, and they work. It will let us empower parents to make educational choices for their children, and particularly those who are not of great affluence.

Finally, we need to put our children first and stand up to those special interests, which are teachers unions that are more interested in pay and perks than they are in good education for our children, and reward those teachers who are excellent and should deserve that recognition. I am strongly supportive of the principles of this amendment.

I have to ask my good friend and colleague, though, Senator GORTON, what, if anything, in the bill will see to it that the districts that will be receiving these moneys will not be impaired and that they will get at least as much in terms of funding under this proposal as they received in the past? I think that is a very important element.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the statement by my friend and colleague from New York on educational policy is greatly to be commended. He set out a vision that I think is a magnificent one for parents and students and teachers and all interested in education all across the United States.

As he pointed out, this amendment is not directed at all of those goals by any stretch of the imagination but is focused on the goal of trusting to a far greater extent than we have in the past the wisdom of the parents and the teachers and the administrators and local school board members in each of the thousands of school districts in the United States with respect to what best can advance the education of the students for which they are responsible.

The principal goal of my amendment is to remove these thousands of pages of regulations and detailed supervision, frequently on a one-size-fits-all basis, directed from on high here in Washington, DC, at urban, rural and suburban school districts all across the United States.

Already, this amendment has been improved by suggestions by the Senator from New York and others with respect to title I. And he has now asked the question that was asked by the Senator from Kentucky in a slightly different form—each Senator, while he or she has strong general ideas, also represents particular constituencies in the particular State—as to whether or not it is possible to see to it that as we move into this situation we do not have States that are huge losers as well as winners.

It is my opinion—it is the reason that I introduced this amendment—that every school district in every State in the United States should be a winner in two ways. First, because so much less money has to be spent on administration that more dollars would actually get down to individual students; but, second, because these mountains of regulations and impositions from the Federal Government on local school districts will be removed, the use of the same number of dollars would be far more effective in the ultimate educational result.

But, since that is much more important than the formula, the Senator from New York has said, "Can't we hold harmless each of the States, at least?" I think we can only do it by States, because now so much of this money doesn't go to school districts, it goes to the States. The States distribute it. And, on reflection, I think he is right. I think he is correct in that.

So, I will ask the indulgence of my colleagues to send one more modification to the desk. Before I send it to the desk I think I just simply ought to read it for their approval. It would be that:

> Notwithstanding any other provision of this section, the total amount awarded to local education agencies in each State under this section shall not be less than the net dollars that State would have received absent the provisions of this section.

What does that mean? That means that roughly 85 percent of the money, the money that now gets out of Washington, DC, would be distributed just as it is at the present time. The other 15 percent, or the great bulk of that 15 percent that is no longer needed for all of the bureaucrats writing and enforcing these regulations here, would go in the way in which the rest of the amendment describes.

I think probably that makes even more forceful the point that I have made from the very beginning of this debate, that its primary goal is to see to it that we allow the decisions about the way the money is spent to be made by the people who are actually spending it and actually providing the education. My own opinion is that's far more important, even, than the billion-plus dollars that would be distributed to the various States because of the smaller expenses of administration. I think this meets with the suggestion the Senator from New York made, and I would like to ask for his comments on it.

Mr. D'AMATO. It certainly does. Mr. President, once again, I want to commend Senator GORTON for his willingness to look at a problem that he has worked on for a long time, in terms of solving it, and having that flexibility of recognizing that there are complexities and ways to deal with this. I applaud the modification that the Senator has indicated he is willing to make because we now assure against the argument that, "Oh, this may cost us money." Indeed, I think what the implementation of his legislative proposals will demonstrate is that not only do you get at least the amount of money that we are talking about now, but absent the red tape, absent the administration—both from Washington and at the local levels, that schools are burdened with, hours and hours, and thousands of people nationwide who are just working on filling out forms and sending them back and forth —those wasted hours and resources can be used and directed much better to meet the educational needs that our youngsters have. We are talking about empowering the local districts, parents, and good teachers to utilize these scarce resources.

It is literally finding over $1.5 billion. That is what the import of the Senator's message is here, giving that kind of resource; and, more important than just the money, is the tools to direct how these moneys will best be used, the resources to give the best education to youngsters—maybe determine in certain areas they need more computers, maybe in another area they need more books, maybe in another area there are some remedial requirements that are necessary. Whatever it is, those decisions should be made by the parents, by the educators, by the local superintendents, by the local districts, and not on high from Washington and not burdened with all kinds of reporting requirements that do nothing to educate our kids.

So, if the Senator goes forward with that, I commend him for his initial undertaking and for the fact that he has demonstrated that he has a willingness to meet the needs of the entire educational community and see to it that the resources get there, and that no one can make the argument, "Oh, in my school district our children will not get the resources that they are entitled to, or they will get less." This modification that he suggests will assure that. I am deeply appreciative of his sensitivity; more important, of his leadership in this important area.

There is no area more vital. Our public educational institutions, on the elementary level, have been suffering mightily throughout this country, particularly in the large metropolitan areas and our inner core cities, since so many working families are deprived of choice, are deprived of opportunity, are deprived of giving their youngsters a good education that we have had in the past.

I might make one comment. I am struck by the deterioration in our public schools, again: Because of disruptive students—you can't get them out of class; you should be able to get them out of class—because we have not given and empowered good teachers with the kind of recognition and good pay that they need, because we have protected incompetents with outmoded tenure laws, because we stripped away the ability to make choices.

When my dad was in elementary school 75 years ago, when he first entered elementary school—and it was even a little more than that, almost 80 years ago—he didn't speak a word of English. His mom and pop had just come to this country. They lived in a ghetto, in a poor community. No one spoke English there. When he went to grammar school he flunked English right throughout. But he had teachers who were dedicated, willing, who persevered. And they were interested in giving those youngsters who came from all kinds of diverse backgrounds the best education. Let me tell you, disruptive kids—and they had disruptive kids—were not tolerated, nor their conduct.

As a result of that, over a period of time, going to summer school and with help, he graduated, went on to a State teachers college. He majored in English because the people who worked with him were an inspiration to him. That is the story of so many of our grandparents and parents, who had that great educational opportunity in our public schools. That is an opportunity that all too often, in too many of our communities, is lacking. It is one that we have an obligation to fight for and to bring about. We have to empower local educators, local decisions, parents, so the good children can get that opportunity that was available many years ago and unfortunately, in too many cases, is not available now.

So I commend the Senator for his excellent amendment and his initiatives and look forward to working with him.

Mr. KENNEDY. Mr. President, I strongly oppose the Gorton amendment because it hurts students and goes against the Nation's commitment to helping poor and educationally disadvantaged students who need our strong support. It also undermines the partnerships that have been created by Federal, . State, and local education agencies to improve all schools for all children.

We all agree that education is a local responsibility. But the States and the Federal Government are important partners in helping to improve education for all children. We all need to work together to improve the Nation's public schools.

This amendment rejects that basic principle. It shifts Federal dollars away from the neediest communities to the wealthier ones. It destroys carefully crafted and widely supported Federal programs. And it undermines the States' roles as vital partners in improving the achievement of all students.

This amendment would strip the States of their ability to integrate Federal funds with innovative State programs and State standards. Most of the small portion of Federal funding that is retained by the States under current law—only 6 percent—supports technical assistance and training for local school districts that do not have the expertise, resources, or desire to conduct such training themselves.

Currently, Federal funds are offering a helping hand to local school districts in meeting high priority responsibilities important to the Nation as whole. The funds help schools and school districts improve reading and math skills of disadvantaged students, help teachers get the extra skills they need to teach all children to higher standards, help communities create safe and drug-free schools, and help communities modernize their schools. This amendment would take away Federal funding for these crucial, targeted purposes to help children who need it most, but who are often short-changed under current State and local law.

Contrary to arguments made by proponents of the amendment, Federal education laws are more flexible and school-friendly than ever before. States and local education agencies are working in closer and more effective cooperation. The result is that schools are doing a better job of helping all children meet higher standards of achievement. The Federal-State-local partnership in education isn't broken and the amendment can't fix it. Congress should be doing all it can to strengthen that partnership, not destroy it.

As a nation, we have made a commitment to help all students have the opportunity to get a good education. We have a responsibility to make sure that public tax dollars are well spent. This amendment provides no accountability for how these dollars are spent. Reforming the Federal role in education does not mean abdicating that role.

This amendment is the wrong direction for the Nation's children and the wrong direction for education. It is not an attempt to offer a helping hand to local schools. It is simply a thinly veiled attempt to dismantle the Federal role in education.

We should support efforts to improve education for all students, not undermine them. I urge my colleagues to oppose the Gorton amendment.

Mr. HARKIN. Mr. President, the amendment fundamentally alters the distribution of Federal education funds by converting a poverty based formula to a general aid formula. This is major change in Federal education policy and there has not been a single hearing on the impact or advisability of such a change.

The Senator from Washington said it is his goal to get more money into the classroom. However, I wonder how there can be any such assurance since his amendment eliminates the requirement that Federal funds must supplement and not supplant existing education funds. We all know that dollars are fungible and there is nothing to prevent a State from merely reducing State Support for education and spending more money for other worthy things like roads and bridges.

The 1994 reauthorization of the Elementary and Secondary Education Act provided schools with greater flexibility, especially with respect to title I. These changes are working.

As Federal lawmakers, we have a responsibility to make sure the Federal dollar is well spent. This amendment undermines the provisions of the 1994 reauthorization of the Elementary and Secondary Education Act to improve accountability of Federal education programs.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Two mechanical matters. First of all, I ask unanimous consent that Senators DOMENICI, ABRAHAM, CRAIG, and SMITH of Oregon be added as cosponsors, if they are not already cosponsors of the modified amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION TO AMENDMENT NO. 1122

Mr. GORTON. Second, I send the modification I just discussed to the desk and ask unanimous consent it be included.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The modification to the amendment (No. 1122) is as follows:

Insert between lines 22 and 23 on page 6: (h) notwithstanding any other provisions of this section, the total amount awarded to local education agencies in each state under this section shall not be less than the net dollars that state would have received absent the provisions of this section. Old subsection (h) relettered subsection (i).

Mr. D'AMATO. Might I ask I be also included as an original cosponsor.

Mr. GORTON. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. I thank the Senator.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from Washington, Senator GORTON, for an outstanding amendment. Every once in a while we will vote on an amendment that will make a significant difference in our lives and the lives our families, and this is just such an amendment. This is an amendment that says local school boards, local school districts and parents will be making decisions instead of Washington, DC.

I remember when we debated welfare reform and I asked my staff: How many Federal welfare programs do we have? I was thinking maybe we had 60 or something. It turned out we had 350-some Federal welfare programs. They were stacked on top of each other and, frankly, people could qualify for any number of programs, multiple programs.

Then I remember we started talking about education. I asked somebody how many programs do we have and how much money are we spending in education? And my staff sent me back: Well, there's hundreds of programs and we spend almost $100 billion.

I thought, "Well, I don't really think that's the case. We don't spend that much in the Department of Education. And we don't spend that much—I know we have other education programs in other agencies, but surely that is an exaggeration. Maybe that was something that some right-wing Rush Limbaugh group or somebody made up." So I asked the question and we did some homework and we got some information from CRS.

This is a listing of all the Federal education programs. It is a big list. There are 788 Federal education programs. I don't care how bright anyone is, there is no one person who can keep track of all these programs. These are all Federal education programs.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point—not this lengthy list, because I don't want to charge the Government that much—but a little summary of the list by departments, programs, and funding; and also by category; the listing and the amount of money spent on Federal education programs.

I ask unanimous consent to have these printed in the RECORD at the close of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NICKLES. To outline just a little bit, the Department of Education has 307 education programs and spends a little over $59 billion. The Department of Health and Human Services has 172 Federal education programs, that costs $8.6 billion. The Department of Labor has 21 at a cost of $5.4 billion, and I can go on down the list but we have had it printed in the RECORD. It is a total of 788 programs; a total cost of almost $97 billion a year. I found that hard to believe, and I served on the Budget Committee for years and thought I knew a little bit about Federal budgeting. But I started looking at these figures, and they are astronomical.

Mr. President, we have had this information printed in the RECORD. I hope my colleagues will pay a little attention to it. I hope as a result of that they will realize there is no way in the world that we, on the Federal level, from Washington, DC, can micromanage 788 programs.

The amendment of the Senator from Washington says let's let the local school boards do it. Let's put this money, with a few exemptions—impact aid and a couple of other exceptions that maybe really have Federal cause—let's exempt them. But for the most part, let's take the balance of them, 788 programs, and put that money together and turn it over to the local school boards and to the parents and to the teachers where they can really do some quality education. They know what works. Frankly, what works in Oklahoma may be different than what works in New York, what works in Arizona.

So I think my colleague from Washington has an outstanding amendment. I hope and urge my colleagues to support it. I hope it will be adopted tomorrow morning.

I complement him for his outstanding work and hope this amendment passes. I believe, if it passes, it will make a very positive contribution towards improving education throughout this country.

I yield the floor.

EXHIBIT 1

FEDERAL EDUCATION PROGRAMS BY CATEGORY

Category	No. of Programs	Funding
Construction	9	$627,096,000
Education Research	14	841,534,000
General Education	52	684,250,501
K12	181	25,920,623,342
Libraries	9	249,869,103
OMB 1&2	33	577,929,000
Professional Development/Teacher Training	60	731,528,342
Postsecondary	259	44,765,196,759
Preschool	17	5,770,992,000
Research	27	1,711,255,000
Social Services	42	6,790,978,287
Training	79	8,178,372,048
Set Asides	6	19,719,038
Total	788	96,869,343,420

DEPARTMENTS, PROGRAMS AND FUNDING

Department	No. of Programs	Federal dollars
Appalachian Regional Commission	2	$2,000,000
Barry Goldwater Scholarship Program	1	2,900,000
Christopher Columbus Fellowship Program	1	0
Corporation for National Service	11	501,130,000
Department of Education	307	59,045,043,938
Department of Commerce	20	156,455,000
Department of Defense	15	2,815,320,854
Department of Energy	22	36,700,000
Department of Health and Human Services	172	8,661,006,166
Department of Housing and Urban Development	9	81,800,000
Department of Interior	27	555,565,000
Department of Justice	21	755,447,149
Department of the Treasury	1	11,000,000
Department of Labor	21	5,474,039,000
Department of Transportation	19	121,672,000
Department of Veterans' Affairs	6	1,436,074,000
Environmental Protection Agency	4	11,103,800
Federal Emergency Management Administration	6	118,512,000

DEPARTMENTS, PROGRAMS AND FUNDING—Continued

Department	No. of Programs	Federal dollars
General Services Administration	1	0
Government Printing Office	2	24,756,000
Harry Truman Scholarship Foundation	1	3,187,000
James Madison Memorial Fellowship Program	1	2,000,000
Library of Congress	5	194,822,103
National Aeronautics and Space Administration	12	153,300,000
National Archives	2	5,000,000
National Institute for Literacy	1	4,491,000
National Council on Disability	1	200,000
National Endowment for the Arts/Humanities	13	103,219,000
National Science Foundation	15	2,939,230,000
Nuclear Regulatory Commission	3	6,944,000
National Gallery of Art	1	750,000
Office of Personnel Management	1	0
Small Business Administration	2	73,540,000
Smithsonian	14	3,276,000
Social Security Administration	1	85,700,000
State Department	1	0
United States Information Agency	8	125,558,000
United States Institute for Peace	4	3,371,000
United States Department of Agriculture	33	13,339,630,410
U.S. Agency for International Development	1	14,600,000
Total	788	96,869,343,420

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. GORTON. Mr. President, I see no overriding reason to extend this debate. I want to thank the large number of my colleagues who have come to the floor, many of them greatly to their inconvenience, during the course of this evening to speak in favor of my ideas, and the significant number who, at one time or another during the course of the last 3 days, have spoken on it at other times.

I am prepared now to summarize the reasons for favoring the amendment, to defer to Senator JEFFORDS from Vermont, who will oppose the amendment, and perhaps take the opportunity to close very briefly and to announce, as I understand it, there is no further business to come before the Senate this evening except for a little wrapup which I will undertake.

The Senator from Oklahoma spoke about a study that I believe was prepared by a very thoughtful Member of the House on the total number of Federal education programs, and the number approaches almost 800. He also spoke of almost $100 billion that were spent on these programs. That is a longer list and a larger amount of money than is involved in this amendment because, of course, it includes higher education, it includes preschool education, like Head Start, and it includes a number of education and training programs managed by departments other than the Department of Education.

I think that many of those programs could be and should be equally integrated into the formula that I have posed here, but I simply lacked the ability to analyze each of those 760 or 788 programs. So what we have done is to take the principal kindergarten through 12th grade programs administered by the U.S. Department of Education, with the exception of the Individuals With Disabilities Education Act, which we debated very thoroughly in the Senate a few months ago, impact aid and a few other programs which don't fit well into this formula, and to say that instead of continuing dozens of narrow, categorical aid programs to education, each managed by its own bureaucracy not just here in Washington, DC, but in State capitals and in school district offices all across the country, each with its own requirements, each presenting to school districts the risk that they may inadvertently spend some of the money on an educational purpose other than that outlined in the statute, and consolidating all of them into one appropriation which will total something over $11 billion and stating that once each State has received the net amount of money that it would get under present law, that all of the money will be distributed not to State education agencies, but to local school districts on the basis of the number of students each of those school districts serve, with some slight preferences for school districts in poorer States and with the changes I have already described in title I.

One of the goals of this amendment, Mr. President, is to see to it that our school districts get more money, and get more money they will, because close to 15 percent of all of the money that we appropriate at the present time stays in administration in Washington, DC, or close to Washington, DC. More of it sticks in our State capitals with the administrators of school programs in each of those States, not so much because the State capitals want to stick it there, but because they have to meet the multitudinous requirements in Federal statutes and regulations. And much more of it must be spent by school districts, not on education, but on complying with these hundreds of pages of statutory and administrative requirements.

So if this amendment is adopted, school districts will have more money to spend on educating children in an aggregate amount of well over $1 billion, and I suspect probably $2 or $3 billion out of the $11 billion. But I think more important than even the extra money is the freedom that we will give to the people who are actually providing our children with their education: their teachers, with the contributions that come from active and concerned parents, the principals and other administrators of our schools, the elected school board members who almost, without exception, serve without pay. They will be empowered by this legislation to determine in each case how best to meet their educational goals, how best to meet standards imposed by the States or, in some cases, by the Federal Government, general standards of how well people should be educated, not detailed standards of how money should be spent.

So, in summary, seeing my friend and colleague from Vermont here, I simply want to present the issue in these terms: Do we believe that fundamental educational policies and procedures are best determined by those who are closest to the students—their parents and teachers and administrators—or do we believe that those policies are best determined on the floor of this U.S. Senate or by the bureaucrats of the U.S. Department of Education? To the extent that we hold the latter belief, of course, this amendment is unacceptable. I don't think that that belief is warranted. I don't think it is shared by other than a relatively small minority of the American people. In a free country, in a free society, we trust the people, and that's exactly what this amendment proposes to do.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise in opposition to the amendment. I know the intentions of the Senator are certainly the best in wanting to assist our local governments in having a better handle on their educational situation. However, I want to point out several problems with the amendment. I will also say that, given the modifications that have been made, my opposition, as far as the energy involved, has been diminished substantially. Now, we are now talking about only $4 billion, whereas originally the figure was closer to $12 billion.

Even with those modifications having been made, I still want to raise my colleagues' understanding of what this amendment does.

A lot of the discussion has been about doing away with Federal involvement, but what the amendment really tends to do is to turn over to local governments functions that are now handled by the States. With the modifications, this is somewhat less the case.

As a Republican, I have the feeling that the States are better able to control, to help, and otherwise assist local schools than is the Federal Government. This amendment shifts some responsibilities back to the local governments, but also shifts a great bulk of it back to the Federal Government. For that reason, I am a little bit ambivalent as to how serious I consider this amendment.

I would like to point out one thing that does alarm me, as someone who believes that the States should have more control over things, and that is the fact that the control that we give back to the local governments is very precarious. If you read the amendment, the amendment says:

> Notwithstanding any other provision of law, the Secretary of Education shall award the total amount of funds described.

I will recount a problem I once had. I had a wonderful amendment to reorder the Nation's priorities in energy. I worked with the committee that handled energy. They adopted all my points, and I thought I had a great victory. Then they said, "Gee, Jim, all we did was change one word in the amendment."

I said, "What was that?"

They changed "shall" to "may."

Now, if you were to take your language here and change "shall" to "may," then the Secretary of Education would have complete control of all these funds. It leaves us in a precarious situation when, with one word, you can change the total impact of this amendment.

As far as the full impact now, as I mentioned earlier, when you take out title I, you take out a huge, huge chunk of money. When you add to that the programs which were excluded from the original amendment, such as IDEA and 50 percent of voc-ed and several other programs, you end up with this amendment affecting a mere $4 billion of the roughly $20 billion made available under this bill for elementary and secondary education programs. So my vigor has diminished substantially.

But let me also point out that, without any guidelines to the local governments, funding for those programs which are included in the amendment and which is now targetted to try to help special bodies of individuals—Indians or whomever else—can be used in any way whatsoever.

I remember back when we had revenue sharing. What an embarrassment that turned out to be. I was a great one for revenue sharing: Send it back to the local governments. We found that, instead of doing the things we thought they would do with it, they built skating rinks, fish ponds and others things. So we said, "Gee, we better take it back."

I wish I had that much confidence that local governments would make the optimum use of general Federal funds for education. However, they have tight budgets. In my State, almost every town in the State is having a problem with its education budget because of its impact on property taxes.

There is nothing in the amendment about a maintenance of effort. You don't have to use the funds for additional education programs. You can take that money and replace the tax funds now being used. You don't have to improve your schools at all. You can just merely reduce the property taxes to the people in the community. I bet you, if we pass this and it becomes law, that a few years from now we will find out almost all the money went to property tax relief.

The problems of education are at the local level. They are not at the Federal level. They are at the local level. We argue about how much the Federal Government should influence the decisions of local governments, but what we have to do is give the local governments the ability, through professional development and assistance from the States, to try to make sure that they are living up to the obligation of educating our children.

In this Nation right now, 51 percent of the kids who graduate from high school graduate functionally illiterate. We are way in the back, almost last among the more developed nations, in math. We have right now 190,000 jobs in the information-technology area alone for which we can't find people who have the skills to fill them. In Europe and Asia, those skills are taught in high school.

Is giving money back to localities going to make a difference? I don't believe so. So I am afraid what we have here is a well-intentioned amendment which could backfire completely by a change in one word.

Let me also say that, although this amendment will not get enacted because it is veto bait, imagine yourself back home after you have voted for this amendment. You are out there, you are debating your opponent, and you say you are in favor of this amendment. He then brings up the amendment and reads it, without knowing the implications: "Notwithstanding any other provision of law, the Secretary of Education shall award all the money."

You can argue, but you know how it is trying to argue in a political situation by saying that the language is not really what it meant; that's what it says.

So, I just think we are not going to accomplish anything of any great dimension in terms of the intent of the amendment—to give the local communities more flexibility with spending. We have cut the States out, and we have a direct linkage now between the Secretary of Education and every local school district—with language just open, ripe for being changed from "shall" to "may" if we should ever lose the majority here.

Reluctantly, I have concluded that this amendment would be a very serious mistake if we were to pass it.

I yield the floor.

Mr. GORTON. Mr. President, I believe my friend and colleague from Vermont has stated the arguments on his side forcefully and eloquently and has illustrated, as I hope I have, the fundamental philosophical differences over this amendment, over any amendment that is even remotely similar to this.

The Senator from Vermont believes that a large number of educational priorities ought to be set here in the Congress of the United States by the Secretary of Education and the people who work in his department. Certainly there is an appropriate theory in this country that that is true, that the U.S. Department of Education ought to be able to impose significant controls over State departments of education and even more detailed controls over every school district in the United States, and that in the absence of such requirements not only will money be wasted but the quality of the educational product will be depreciated, will be less.

I don't know that there is much out there in the educational field that indicates any huge degree of success on the part of this top-down set of educational priorities. But nonetheless, it is possible to make such an argument.

My argument, and this is where the Senator from Vermont and I disagree, is that I believe informed parents, informed teachers who are in the classroom every single day of their professional lives, informed and dedicated administrators and school board members, most of whom are elected to nonpaying jobs, not only have an interest in the quality of education that they supply to their children, their students, the young people in their community, but that they are better able to determine how the money they have from whatever source is spent toward those ends than can we here, or anyone in a Washington, DC bureaucracy.

As a consequence, this amendment says get rid of the regulations that apply to the programs that are covered by it, distribute the money directly to the school districts that are providing education and let them spend it as they will.

At one level, of course, that does bypass State education entities in order that they not spend any of the money or hold any of it back, but it does not prevent any State education entity from saying you have to instruct the mathematics, history, whatever they wish to do, to set a curriculum, much of which is set by the States.

It just says with Federal money, the Federal Government is not going to tell you how to spend it. It is as simple as that.

We are not talking about local governments. The phrase in this amendment is "local education agencies." By and large, though not entirely, single-purpose school districts.

To say what this really means is that people in these local communities will immediately take the new money and not spend it on education but do something else with it or provide property tax relief, in my view, evidences a great lack of trust in the fact that our citizens care about the education of their children.

I think we know from all of the surveys in which we engage, from all the speeches we make, from all the people we listen to, that our citizens care very deeply about the education of their children, and to say if we do not force them to spend money in particular ways here in Washington, DC, they will not spend it at all, that they will ignore our kids, is without any evidence, in fact, in the real world.

Much of this money is getting through to these school districts right now. I differ with the Senator from Vermont on how much we are talking about. We have not, by any of the changes of this amendment, taken out impact aid, disability education, or 50 percent of local education. They were never in the first version.

With respect to title I, we have not taken it out. We just have a somewhat different distribution formula. The same number of dollars is involved now as when I first discussed it earlier. The point, roughly 85 percent of this money is somehow or another getting at least down to the State level at the present time. Added money that school districts will get will be the money we save in administration here and in State capitals. I am convinced it will all go into the education of our children. But the number of dollars, the additional dollars, even if they can be measured, will not be nearly as important as the removal of Federal regulatory detail.

The Senator from Idaho described the situation in one of his districts, which I believe is pretty close to universal: 10 percent of the money comes from the Federal Government and 60 percent of the rules. That is a terrible imbalance. We would like to get rid of almost all of those 60 percent of the rules and power our school districts, power our teachers, and power our parents and see whether or not they cannot do a somewhat better job than the rather poor job we have done so far ourselves.

I yield the floor.

AMENDMENT NO. 1090 WITHDRAWN

Mr. GORTON. Mr. President, on behalf of Senator MACK, I ask unanimous consent amendment No. 1090 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1110

Mr. GORTON. Mr. President, I ask unanimous consent the pending amendments be set aside and the Senate turn to consideration of amendment No. 1110 to S. 1061.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1110, AS MODIFIED

Mr. GORTON. Mr. President I send a modification to the amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (1110), as modified, is as follows:

On page 9, line 11, strike "$3,292,476,000" and insert in lieu thereof: "$3,288,476,000".

On page 10, line 18, strike "$216,333,000" and insert in lieu thereof: "$212,333,000".

On page 12, line 11, strike "$84,308,000" and insert in lieu thereof: "$88,308,000".

Mr. GORTON. This amendment provides $4 million to the Department of Labor for the administration of the welfare-to-work job training program authorized and funded in the recently enacted Balanced Budget Act of 1997.

The administration had requested $6.2 million but the level was reduced in the amendment because of concerns raised by the Finance Committee.

The additional funds are fully offsetted.

The amendment has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1110), as modified, was agreed to.

MORNING BUSINESS

Mr. GORTON. I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate delegation to the Canada-United States Interparliamentary Group during the 1st session of the 105th Congress, to be held in Nova Scotia and Prince Edward Island, Canada, September 11 through 15, 1997:

The Senator from Washington [Mrs. MURRAY], Vice Chair; the Senator from Maryland [Mr. SARBANES]; and the Senator from Hawaii [Mr. AKAKA].

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 9, 1997, the Federal debt stood at $5,408,443,156,374.66. (Five trillion, four hundred eight billion, four hundred forty-three million, one hundred fifty-six thousand, three hundred seventy-four dollars and sixty-six cents)

Five years ago, September 9, 1992, the Federal debt stood at $4,038,419,000,000. (Four trillion, thirty-eight billion, four hundred nineteen million)

Ten years ago, September 9, 1987, the Federal debt stood at $2,359,979,000,000. (Two trillion, three hundred fifty-nine billion, nine hundred seventy-nine million)

Fifteen years ago, September 9, 1982, the Federal debt stood at $1,110,794,000,000 (One trillion, one hundred ten billion, seven hundred ninety-four million) which reflects a debt increase of more than $4 trillion—$4,297,649,156,374.66 (Four trillion, two hundred ninety-seven billion, six hundred forty-nine million, one hundred fifty-six thousand, three hundred seventy-four dollars and sixty-six cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO TELECOMMUNICATIONS SERVICES—MESSAGE FROM THE PRESIDENT—PM 64

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

This report is submitted pursuant to 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6) (the "CDA"), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114 (March 12, 1996), 110 Stat. 785, 22 U.S.C. 6021–91 (the "LIBERTAD Act"), which requires that I report to the Congress on a semiannual basis detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

The CDA, which provides that telecommunications services are permitted between the United States and Cuba, specifically authorizes the President to provide for payments to Cuba by license. The CDA states that licenses may be issued for full or partial settlement of telecommunications services with Cuba, but may not require any withdrawal from a blocked account. Following enactment of the CDA on October 23, 1992, a number of U.S. telecommunications companies successfully negotiated agreements to provide telecommunications services between the United States and Cuba consistent with policy guidelines developed by the Department of State and the Federal Communications Commission.

Subsequent to enactment of the CDA, the Department of the Treasury's Office of Foreign Assets Control (OFAC) amended the Cuban Assets Control Regulations, 31 CFR Part 515 (the "CACR"), to provide for specific licensing on a case-by-case basis for certain transactions incident to the receipt or transmission of telecommunications between the United States and Cuba, 31 CFR 515.542(c), including settlement of charges under traffic agreements.

The OFAC has issued eight licenses authorizing transactions incident to the receipt or transmission of the telecommunications between the United States and Cuba since the enactment of the CDA. None of these licenses permits payments to the Government of Cuba from a blocked account. For the period January 1 through June 30, 1997, OFAC-licensed U.S. carriers reported payments to the Government of Cuba in settlement of charges under telecommunications traffic agreements as follows:

AT&T Corporation (formally, American Telephone and Telegraph Company)	$13,997,179
AT&T de Puerto Rico	274,470
Global One (formerly, Sprint Incorporated)	4,857,205
IDB WorldCom Services, Inc. (formerly, IDB Communications, Inc.)	1,427,078
MCI International, Inc. (formerly, MCI Communications Corporation)	4,066,925
Telefonica Larga Distancia de Puerto Rico, Inc.	113,668
WilTel, Inc. (formerly, WilTel Underseas, Cable, Inc)	5,032,250
WorldCom, Inc. (formerly, LDDS Communications, Inc.)	1,378,502
Total	31,143,432

I shall continue to report semiannually on telecommunications payments to the Government of Cuba from United States persons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 10, 1997.*

MEASURES REFERRED

The Committee on the Judiciary was discharged from further consideration of the following measure which was referred to the Committee on Labor and Human Resources.

S. 1124. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

The Committee on Governmental Affairs was discharged from further consideration of the following measure which was referred to the Committee on Rules and Administration:

S. Con. Res. 49. Concurrent resolution authorizing use of the Capitol Grounds for "America Recycles Day" national kick-off campaign.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2916. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report on Civil Works activities for fiscal year 1995; to the Committee on Environment and Public Works.

EC-2917. A communication from the Assistant Attorney General, transmitting, a draft of proposed legislation to repeal Section 808 of the Antiterrorism and Effective Death Penalty Act of 1996; to the Committee on the Judiciary.

EC-2918. A communication from the Secretary of Education, transmitting, a draft of proposed legislation to authorize the National Assessment Governing Board to develop policy for voluntary national tests in reading and mathematics; to the Committee on Labor and Human Resources.

EC-2919. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a rule (RIN1890-AA04) received on September 5, 1997; to the Committee on Labor and Human Resources.

EC-2920. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled "CLIA Program: Fee Schedule Revision" (RIN0938-AG87) received on September 3, 1997; to the Committee on Labor and Human Resources.

EC-2921. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled "Specific Requirements on Content and Format of Labeling for Human Prescription Drugs" (RIN0910-AA25) received on September 3, 1997; to the Committee on Labor and Human Resources.

EC-2922. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled "Food Additives Permitted in Feed and Drinking Water of Animals" received on September 3, 1997; to the Committee on Labor and Human Resources.

EC-2923. A communication from the Assistant Secretary of Labor for Employment Standards, transmitting, pursuant to law, a rule entitled "Government Contractors, Affirmative Action Requirements, Executive Order 11246" (RIN1215-AA01) received on August 1997; to the Committee on Labor and Human Resources.

EC-2924. A communication from the Inspector General of the U.S. Railroad Retirement Board, transmitting, the report of the budget request for fiscal year 1999; to the Committee on Labor and Human Resources.

EC-2925. A communication from the Board Members of the U.S. Railroad Retirement Board, transmitting, the report of the budget request for fiscal year 1999; to the Committee on Labor and Human Resources.

EC-2926. A communication from the Secretary of Defense, transmitting, a notice of a retirements; to the Committee on Armed Services.

EC-2927. A communication from the Acting Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the F-22 program; to the Committee on Armed Services.

EC-2928. A communication from the Acting Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to purchases from foreign entities; to the Committee on Armed Services.

EC-2929. A communication from the Director of the Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, two rules received on September 3, 1997; to the Committee on Armed Services.

EC-2930. A communication from the Director of the Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, a rule received on September 9, 1997; to the Committee on Armed Services.

EC-2931. A communication from the Assistant Secretary of Defense (Force Management Policy), transmitting, pursuant to law, a notice relative to institutions of higher education; to the Committee on Armed Services.

EC-2932. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a rule entitled "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" received on September 4, 1997; to the Committee on Armed Services.

EC-2933. A communication from the Director of the Department of Defense Washington Headquarters Services, transmitting, pursuant to law, a rule (RIN0720-AA33) received on September 4, 1997; to the Committee on Armed Services.

EC-2934. A communication from the Acquisition Executive, U.S. Special Operations Command, transmitting, pursuant to law, a report relative to a survivability test; to the Committee on Armed Services.

EC-2935. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled "Military-Civilian Child-Care Partnerships"; to the Committee on Armed Services.

EC-2936. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled "Youth Programs"; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-225. A resolution adopted by the House of the Legislature of the State of Alabama; to the Committee on Finance.

HOUSE RESOLUTION

Whereas, on August 1, 1997, the Parents and Students Savings Accounts Plus Act was introduced with bipartisan support in both houses of the United States Congress; and

Whereas, the act would amend the Internal Revenue Code to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses and would increase the maximum annual amount of contributions for these accounts to two thousand dollars; further, the bill would specify education expenses as including tuition, fees, tutoring, special needs services, books, supplies, equipment, and transportation costs; and

Whereas, the A+ Act was described as a common-sense way to give parents the financial freedom to choose the best school for their children without taking funds from the public school system and to help families provide the best learning environment and tools to every child in America; and

Whereas, this legislative body believes such legislation would be of significant benefit to our nation and would supply all of our children with a positive learning environment and the educational supplies necessary to succeed in school and life: Now therefore be it

Resolved by the House of Representatives of the Legislature of Alabama, That the United States Congress is respectfully encouraged to enact H.R. 2373, the Parents and Students Savings Accounts Plus Act: Be it

Further Resolved, That a copy of this resolution be forwarded to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate, and each member of the Alabama Congressional Delegation, so that each official may know of our support and interest in this important legislation.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1026: A bill to reauthorize the Export-Import Bank of the United States (Rept. No. 105–76).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal year 1998" (Rept. No. 105–77).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees was submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation:

Katherine Milner Anderson, of Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2000.

Sheila Foster Anthony, of Arkansas, to be a Federal Trade Commissioner for the term of seven years from September 26, 1995.

Heidi H. Schulman, of California, to be Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2002.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. THURMOND, from the Committee on Armed Services.

The following named officer for appointment as Chairman of the Joint Chiefs of Staff and appointment to the grade indicated under provisions of title 10, U.S.C., section 152:

To be general

General Henry H. Shelton, 4698.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 1158. A bill to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corporation public interest land exchange, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1159. A bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corporation public interest land exchange, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself and Ms. MOSELEY-BRAUN):

S. 1160. A bill to provide for educational facilities improvement; read the first time.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, and Mr. GRAHAM):

S. 1161. A bill to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 121. A resolution urging the discontinuance of financial assistance to the Palestinian Authority unless and until the Palestinian Authority demonstrates a 100-percent maximum effort to curtail terrorism; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 1158. A bill to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corp. public interest land exchange, and for other purposes; to the Committee on Energy and Natural Resources.

THE HUNA TOTEM CORPORATION LAND EXCHANGE ACT OF 1997

Mr. MURKOWSKI. Mr. President, I rise to introduce legislation today on behalf of the Huna Totem Corp. and the residents of Hoonah, AK.

This bill would require the Huna Totem Corp. to convey ownership of approximately 1,999 acres of land needed as a municipal watershed to the U.S. Forest Service. This will ensure that the residents of Hoonah, AK, have a reliable source of clean water. In exchange for these lands the Huna Totem Corp. will be allowed to select other lands readily accessible to Hoonah in order to fulfill their ANCSA entitlement. This legislation also requires the exchange of lands to be of equal value and provides for additional compensation if needed. Lastly, the legislation requires that any potential timber harvested from land acquired by Huna Totem Corp not be available for export.

Mr. President, the city of Hoonah is located in southeast Alaska on the northeast part of Chichagoff Island. Hoonah has been the home of the Huna people since the last advance of the great ice masses into Glacier Bay, forcing the Huna people to look for new homes. Since the Huna people had traditionally used the Hoonah area each summer as a subsistence harvesting area, it was natural for them to settle in the area now called Hoonah. The community has a population of approximately 918 residents and is located 40 miles from Juneau; Alaska's capital city.

Within the city of Hoonah is located the Huna Totem Corp., an Alaska Native Corp. formed pursuant to the Alaska Native Claims Settlement Act [ANCSA]. Huna Totem is the largest Tlingit Indian Village Corp. in southeast Alaska. Under the terms of ANCSA each village corporation had to select lands within the core township or townships in which all or part of the Native village is located.

In 1975, Huna Totem filed its ANCSA land selections within the 2 mile radius of the city of Hoonah as mandated by ANCSA. Since the community of Hoonah is located along the shoreline at the base of Hoonah Head Mountain, the surrounding lands are steep hillsides, cliffs, or are designated watershed for the municipal water sources. Most of the acres, approximately 1,999, of this land are not conducive to logging or development due to the topography and watershed limitations.

Therefore in order for the Huna Totem Corp. to receive full economic benefit of the lands promised to them under ANCSA, and for the city of Hoonah to protect its watershed, alternative lands must be sought for Huna Totem to seek revenue from.

The legislation I am offering today would achieve these goals. By authorizing a land exchange between the Huna Totem Corp. and the U.S. Forest Service the residents of Hoonah will be assured a safe supply of drinking water. Additionally, Huna Totem Corp. will be able to fully recognize the benefits promised under the Alaska Native Claims Settlement Act.

By. Mr. MURKOWSKI:

S. 1159. A bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corp. public interest land exchange, and for other purposes; to the Committee on Energy and Natural Resources.

THE KAKE LAND EXCHANGE ACT

Mr. MURKOWSKI. Mr. President, today I rise to introduce the Kake Tribal Land Exchange Act. This legislation would amend the Alaska Native Claims Settlement Act which authorized the transfer of 23,040 acres of land from the U.S. Government to Kake Tribal Corp. The land was transferred to Kake to recognize an immediate need for a fair and just settlement.

Unfortunately, Kake has not received the full beneficial use of its 23,040 acres because the city's watershed—over 2,400 acres—rest within Kake Tribal's lands. In order to protect the city's watershed and still receive beneficial use of their 23,040 acres we are proposing land exchange. This will assist the people of Kake, AK, as they move toward a safer, cleaner, and healthier future.

Under this proposal, Kake Tribal would exchange the watershed for other acres in southeast Alaska—thereby allowing Kake to receive its full entitlement under ANCSA. This legislation is of great importance to the residents of the community of Kake, AK.

This legislation will ensure protection of the Gunnuk Creek watershed which is the main water supply for the city of Kake as well as protect critical habitat for the Gunnuk Creek hatchery.

The legislation has received wide support in Alaska from diverse groups such as: the city of Kake, AK, the organized village of Kake, the Kake nonprofit fishery, the Alaska Federation of Natives, and Sealaska Corp. Additionally, the Governor of Alaska has written to me in support of this exchange.

This legislation is similar to legislation I introduced last year and held hearings on in the Energy and Natural Resources Committee. During these hearings the Forest Service objected to the bill for four reasons, all of which have been addressed in the legislation I now introduce.

The first issue was the potential selection of Berners Bay/Slate Lake Parcel. Kake has made it clear as evident in the maps that they have no intention of selecting that area. Second, was the potential that Kake would select established log transfer facilities. Again it is clear from the maps that these areas will not be selected. Third, was regarding subsurface issues with Sealaska which are not addressed in this current version of the bill. And finally, the USFS objected to this exchange because they did not want to manage the watershed. Since the hearing the city of Kake has said they want to enter into a cooperative agreement with the Forest Service to manage the watershed themselves.

Additionally, Mr. President there is a provision in this bill that assures Kake Tribal will receive appropriate compensation for the watershed lands to be exchanged. This is important because this legislation would require Kake Tribal to process any timber derived from the newly acquired lands in State, potentially reducing the value of lands received. Therefore, in order to provide for a fair compensation, under the terms of this legislation Kake Tribal could be eligible for additional compensation should the value of the newly acquired lands be deemed less than their original lands. Likewise, the United States could also benefit from this provision should a determination be made that the lands they are receiving are less valuable then those they are conveying.

I introduce this legislation with the confidence that it is the best interest of not only the citizens of Kake but with the knowledge that it is in the best interest of all Alaskans and Americans to protect drinking water for our communities. Lastly, this legislation will help fulfill out commitment to the Natives of Alaska that they will be treated fairly and justly under the Alaska Native Claims Settlement Act.

By Mr. DASCHLE (for himself and Ms. MOSELEY-BRAUN):

S. 1160. A bill to provide for educational facilities improvement; read the first time.

THE EDUCATIONAL FACILITIES IMPROVEMENT ACT

Mr. DASCHLE. Mr. President, today I am introducing with my colleague from Illinois, Senator MOSELEY-BRAUN, a bill to help local communities expand schools that are overcrowded, and repair or replace schools that are crumbling, or obsolete.

As you know, the Labor-HHS Appropriations bill that we are currently considering on the floor includes $100 million for school construction and repair. This is an important step toward addressing what is a real and growing problem in this country.

The bill we are introducing today, the Educational Facilities Improvement Act, provides an additional $1.9 billion over the next 5 years. It represents the second installment in our efforts to upgrade the school buildings America's children attend.

Communities can use the money to underwrite a part of the interest costs on school construction projects. In so doing, they will be using these dollars to leverage additional resources from other sources.

This is an urgent priority. All over the country, children are returning to schools this month that are crowded or obsolete—even dangerous. Children are being taught in trailers. Some school yards have so many trailers outside that you can't tell if it's a playground or a trailer court.

We need to address this problem now, not next year, not sometime in the future. This is why we are using rule 14 to skip the normal committee process and bring our bill directly on the Senate calendar. We hope our Republican colleagues will join the call for an early vote on this critical issue.

We don't need committee hearings to know what the problem is. The GAO, the non-partisan Government Accounting Office, has already documented the problem. They say it will take $112 billion to bring all of America's schools up to par.

We obviously can't commit that many federal dollars. And we shouldn't. Public education has always been—and should remain—first and foremost a local responsibility.

But the sheer size of the problem requires that the Federal Government be a partner. We can't put America's educational house in order while our schools themselves are falling down. Students can't learn in classrooms that are crowded and buildings that are crumbling. And most local communities can't afford to foot the whole school construction bill themselves. Our bill will help communities begin to fix the most urgent of the problems.

I urge my colleagues to support this important legislation. I ask unanimous consent that the bill and summary be included in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 1160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Educational Facilities Improvement Act".

SEC. 2. PROVISION OF ASSISTANCE FOR CONSTRUCTION AND RENOVATION OF EDUCATIONAL FACILITIES.

Title XII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8501 et seq.) is amended—

(1) by repealing sections 12002 and 12003;

(2) by redesignating sections 12001 and 12004 through 12013, as sections 12101 and 12102 through 12111, respectively;

(3) by inserting after the title heading the following:

"SEC. 12001. FINDINGS.

"The Congress finds the following:

"(1) The General Accounting Office performed a comprehensive survey of the Nation's public elementary and secondary school facilities, and found severe levels of disrepair in all areas of the United States.

"(2) The General Accounting Office concluded more than 14,000,000 children attend schools in need of extensive repair or replacement. Seven million children attend schools with life safety code violations. Twelve million children attend schools with leaky roofs.

"(3) The General Accounting Office found the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least one building is in need of extensive repair or should be completely replaced.

"(4) The condition of school facilities has a direct affect on the safety of students and teachers, and on the ability of students to learn.

"(5) Academic research has proven a direct correlation between the condition of school facilities and student achievement. At Georgetown University, researchers found students assigned to schools in poor condition can be expected to fall 10.9 percentage points below those in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility.

"(6) The General Accounting Office found most schools are not prepared to incorporate modern technology into the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. Fifty-six percent of schools have insufficient phone lines for modems.

"(7) The Department of Education reported that elementary and secondary school enrollment, already at a record high level, will continue to grow during the period between 1996 and 2000, and that in order to accommodate this growth, the United States will need to build an additional 6,000 schools over this time period.

"(8) The General Accounting Office found it will cost $112,000,000,000 just to bring schools up to good, overall condition, not including the cost of modernizing schools so the schools can utilize 21st century technology, nor including the cost of expansion to meet record enrollment levels.

"(9) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement.

"(10) The Federal Government can support elementary and secondary school facilities, and can leverage additional funds for the improvement of elementary and secondary school facilities.

"SEC. 12002. PURPOSE.

"The purpose of this title is to help State and local authorities improve the quality of education at their public schools through the provision of Federal funds to enable the State and local authorities to meet the cost associated with the improvement of school facilities within their jurisdictions.

"PART A—GENERAL INFRASTRUCTURE IMPROVEMENT GRANT PROGRAM";

and

(4) by adding at the end the following:

"PART B—CONSTRUCTION AND RENOVATION BOND SUBSIDY PROGRAM

"SEC. 12201. DEFINITIONS.

"As used in this part:

"(1) Educational facility.—The term 'educational facility' has the meaning given the term 'school' in section 12110.

"(2) Local area.—The term 'local area' means the geographic area served by a local educational agency.

"(3) Local bond authority.—The term 'local bond authority' means—

"(A) a local educational agency with authority to issue a bond for construction or renovation of educational facilities in a local area; and

"(B) a political subdivision of a State with authority to issue such a bond for an area including a local area.

"(4) Poverty line.—The term 'poverty line' means the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(5) State.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 12202. AUTHORIZATION OF PROGRAM.

"(a) Program Authority.—Of the amount appropriated under section 12210 for a fiscal year and not reserved under subsection (b), the Secretary shall use—

"(1) 33 percent of such amount to award grants to local bond authorities for not more than 125 eligible local areas as provided for under section 12203; and

"(2) 67 percent of such amount to award grants to States as provided for under section 12204.

"(b) Special Rule.—The Secretary may reserve—

"(1) not more than 1.5 percent of the amount appropriated under section 12210 to provide assistance to Indian schools in accordance with the purpose of this title;

"(2) not more than 0.5 percent of the amount appropriated under section 12210 to provide assistance to Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau to carry out the purpose of this title; and

"(3) not more than 0.1 percent of the amount appropriated under section 12210 to carry out section 12209.

"SEC. 12203. DIRECT GRANTS TO LOCAL BOND AUTHORITIES.

"(a) In General.—The Secretary shall award a grant under section 12202(a)(1) to eligible local bond authorities to provide assistance for construction or renovation of educational facilities in a local area.

"(b) Use of Funds.—The local bond authority shall use amounts received through a grant made under section 12202(a)(1) to pay a portion of the interest costs applicable to any local bond issued to finance an activity described in section 12205 with respect to the local area.

"(c) Eligibility and Determination.—

"(1) Eligibility.—To be eligible to receive a grant under section 12202(a)(1) for a local area, a local bond authority shall demonstrate the capacity to issue a bond for an area that includes 1 of the 125 local areas for which the Secretary has made a determination under paragraph (2).

"(2) Determination.—

"(A) Mandatory.—The Secretary shall make a determination of the 100 local areas that have the highest numbers of children who are—

"(i) aged 5 to 17, inclusive; and

"(ii) members of families with incomes that do not exceed 100 percent of the poverty line.

"(B) Discretionary.—The Secretary may make a determination of 25 local areas, for which the Secretary has not made a determination under subparagraph (A), that have extraordinary needs for construction or renovation of educational facilities that the local bond authority serving the local area is unable to meet.

"(d) Application.—To be eligible to receive a grant under section 12202(a)(1), a local bond authority shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) an assurance that the application was developed in consultation with parents and classroom teachers;

"(2) information sufficient to enable the Secretary to make a determination under subsection (c)(2) with respect to such local authority;

"(3) a description of the architectural, civil, structural, mechanical, or electrical construction or renovation to be supported with the assistance provided under this part;

"(4) a cost estimate of the proposed construction or renovation;

"(5) an identification of other resources, such as unused bonding capacity, that are available to carry out the activities for which assistance is requested under this part;

"(6) a description of how activities supported with funds provided under this part will promote energy conservation; and

"(7) such other information and assurances as the Secretary may require.

"(e) Award of Grants.—

"(1) In general.—In awarding grants under section 12202(a)(1), the Secretary shall give preference to a local bond authority based on—

"(A) the extent to which the local educational agency serving the local area involved or the educational facility for which the authority seeks a grant (as appropriate) meets the criteria described in section 12103(a);

"(B) the extent to which the educational facility is overcrowded; and

"(C) the extent to which assistance provided through the grant will be used to fund construction or renovation that, but for receipt of the grant, would not otherwise be possible to undertake.

"(2) Amount of assistance.—

"(A) In general.—In determining the amount of assistance for which local bond authorities are eligible under section 12202(a)(1), the Secretary shall—

"(i) give preference to a local bond authority based on the criteria specified in paragraph (1); and

"(ii) consider—

"(I) the amount of the cost estimate contained in the application of the local bond authority under subsection (d)(4);

"(II) the relative size of the local area several by the local bond authority; and

"(III) any other factors determined to be appropriate by the Secretary.

"(B) Maximum amount of assistance.—A local bond authority shall be eligible for assistance under section 12202(a)(1) in an amount that does not exceed the appropriate percentage under section 12204(f)(3) of the interest costs applicable to any local bond issued to finance an activity described in section 12205 with respect to the local area involved.

"SEC. 12204. GRANTS TO STATES.

"(a) In General.—The Secretary shall award a grant under section 12202(a)(2) to each eligible State to provide assistance to the State, or local bond authorities in the State, for construction and renovation of educational facilities in local areas.

"(b) Use of Funds.—The State shall use amounts received through a grant made under section 12202(a)(2)—

"(1) to pay a portion of the interest costs applicable to any State bond issued to finance an activity described in section 12205 with respect to the local areas; or

"(2) to provide assistance to local bond authorities in the State to pay a portion of the interest costs applicable to any local bond issued to finance an activity described in section 12205 with respect to the local areas.

"(c) Amount of Grant to State.—

"(1) In general.—From the amount available for grants under section 12202(a)(2), the Secretary shall award a grant to each eligible State that is equal to the total of—

"(A) a sum that bears the same relationship to 50 percent of such amount as the total amount of funds made available for all eligible local educational agencies in the State under part A of title I for such year bears to the total amount of funds made available for all eligible local educational agencies in all States under such part for such year; and

"(B) a sum that bears the same relationship to 50 percent of such amount as the total amount of funds made available for all eligible local educational agencies in the State under title VI for such year bears to the total amount of funds made available for all eligible local educational agencies in all States under such title for such year.

"(2) Eligible local educational agencies.—For the purpose of paragraph (1) the term 'eligible local educational agency' means a local educational agency that does not serve a local area for which an eligible local bond authority received a grant under section 12203.

"(d) STATE APPLICATIONS REQUIRED.—To be eligible to receive a grant under section 12202(a)(2), a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall contain—

"(1) a description of the process the State will use to determine which local bond authorities will receive assistance under subsection (b)(2).

"(2) an assurance that grant funds under this section will be used to increase the amount of school construction or renovation in the State for a fiscal year compared to such amount in the State for the preceding fiscal years.

"(e) ADMINISTERING AGENCY.—

"(1) IN GENERAL.—The State agency with authority to issue bonds for the construction or renovation of educational facilities, or with the authority to otherwise finance such construction or renovation, shall administer the amount received through the grant.

"(2) SPECIAL RULE.—If no agency described in paragraph (1) exists, or if there is more than one such agency, then the chief executive officer of the State and the chief State school officer shall designate a State entity or individual to administer the amounts received through the grant.

"(f) ASSISTANCE TO LOCAL BOND AUTHORITIES.—

"(1) IN GENERAL.—To be eligible to receive assistance from a State under this section, a local bond authority shall prepare and submit to the State agency designated under subsection (e) an application at such time, in such manner, and containing such information as the State agency may require, including the information described in section 12203(d).

"(2) CRITERIA.—In awarding grants under this section, the State agency shall give preference to a local bond authority based on—

"(A) the extent to which the local educational agency serving the local area involved or the educational facility for which the authority seeks the grant (as appropriate) meets the criteria described in section 12103(a);

"(B) the extent to which the educational facility is overcrowded; and

"(C) the extent to which assistance provided through the grant will be used to fund construction or renovation that, but for receipt of the grant, would not otherwise be possible to undertake.

"(3) AMOUNT OF ASSISTANCE.—A local bond authority seeking assistance for a local area served by a local educational agency described in—

"(A) clause (i)(I) or clause (ii)(I) of section 1125(c)(2)(A), shall be eligible for assistance in an amount that does not exceed 10 percent;

"(B) clause (i)(II) or clause (ii)(II) of section 1125(c)(2)(A), shall be eligible for assistance in an amount that does not exceed 20 percent;

"(C) clause (i)(III) or clause (ii)(III) of section 1125(c)(2)(A), shall be eligible for assistance in an amount that does not exceed 30 percent;

"(D) clause (i)(IV) or clause (ii)(IV) of section 1125(c)(2)(A), shall be eligible for assistance in an amount that does not exceed 40 percent; and

"(E) clause (i)(V) or clause (ii)(V) of section 1125(c)(2)(A), shall be eligible for assistance in an amount that does not exceed 50 percent;

of the interest costs applicable to any local bond issued to finance an activity described in section 12205 with respect to the local area.

"(g) ASSISTANCE TO STATE.—

"(1) IN GENERAL.—If a State issues a bond to finance an activity described in section 12205 with respect to local areas, the State shall be eligible for assistance in an amount that does not exceed the percentage calculated under the formula described in paragraph (2) of the interest costs applicable to the State bond with respect to the local areas.

"(2) FORMULA.—The Secretary shall develop a formula for determining the percentage referred to in paragraph (1). The formula shall specify that the percentage shall consist of a weighted average of the percentages referred to in subparagraphs (A) through (E) of subsection (f)(3) for the local areas involved.

"SEC. 12205. AUTHORIZED ACTIVITIES.

"An activity described in this section is a project of significant size and scope that consists of—

"(1) the repair or upgrading of classrooms or structures related to academic learning, including the repair of leaking roofs, crumbling walls, inadequate plumbing, poor ventilation equipment, and inadequate heating or light equipment;

"(2) an activity to increase physical safety at the educational facility involved;

"(3) an activity to enhance the educational facility involved to provide access for students, teachers, and other individuals with disabilities;

"(4) an activity to improve the energy efficiency of the educational facility involved;

"(5) an activity to address environmental hazards at the educational facility involved, such as poor ventilation, indoor air quality, or lighting;

"(6) the provision of basic infrastructure that facilitates educational technology, such as communications outlets, electrical systems, power outlets, or a communication closet;

"(7) the construction of new schools to meet the needs imposed by enrollment growth; and

"(8) any other activity the Secretary determines achieves the purpose of this title.

"SEC. 12206. STATE GRANT WAIVERS.

"(a) WAIVER FOR STATE ISSUANCE OF BOND.—

"(1) IN GENERAL.—A State that issues a bond described in section 12204(b)(1) with respect to a local area may request that the Secretary waive the limits described in section 12204(f)(3) for the local area, in calculating the amount of assistance the State may receive under section 12204(g). The State may request the waiver only if no local entity is able, for one of the reasons described in subparagraphs (A) through (F) of paragraph (2), to issue bonds on behalf of the local area. Under such a waiver, the Secretary may permit the State to use amounts received through a grant made under section 12202(a)(2) to pay for not more than 80 percent of the interest costs applicable to the State bond with respect to the local area.

"(2) DEMONSTRATION BY STATE.—To be eligible to receive a waiver under this subsection, a State shall demonstrate to the satisfaction of the Secretary that—

"(A) the local bond authority serving the local area has reached a limit on its borrowing authority as a result of a debt ceiling or property tax cap;

"(B) the local area has a high percentage of low-income residents, or an unusually high property tax rate;

"(C) the demographic composition of the local area will not support additional school spending;

"(D) the local bond authority has a history of failed attempts to pass bond referenda;

"(E) the local area contains a significant percentage of Federally-owned land that is not subject to local taxation; or

"(F) for another reason, no local entity is able to issue bonds on behalf of the local area.

"(b) WAIVER FOR OTHER FINANCING SOURCES.—

"(1) IN GENERAL.—A State may request that the Secretary waive the use requirements of section 12204(b) for a local bond authority to permit the State to provide assistance to the local bond authority to finance construction or renovation by means other than through the issuance of bonds.

"(2) USE OF FUNDS.—A State that receives a waiver granted under this subsection may provide assistance to a local bond authority in accordance with the criteria described in section 12204(f)(2) to enable the local bond authority to repay the costs incurred by the local bond authority in financing an activity described in section 12205. The local bond authority shall be eligible to receive the amount of such assistance that the Secretary estimates the local bond authority would be eligible to receive under section 12204(f)(3) if the construction or renovation were financed through the issuance of a bond.

"(3) MATCHING REQUIREMENT.—The State shall make available to the local bond authority (directly or through donations from public or private entities) non-Federal contributions in an amount equal to not less than $1 for every $1 of Federal funds provided to the local bond authority through the grant.

"(c) WAIVER FOR OTHER USES.—

"(1) IN GENERAL.—A State may request that the Secretary waive the use requirements of section 12204(b) for a State to permit the State to carry out activities that achieve the purpose of this title.

"(2) DEMONSTRATION BY STATE.—To be eligible to receive a waiver under this subsection, a State shall demonstrate to the satisfaction of the Secretary that the use of assistance provided under the waiver—

"(A) will result in an equal or greater amount of construction or renovation of educational facilities than the provision of assistance to defray the interest costs applicable to a bond for such construction or renovation; and

"(B) will be used to fund activities that are effective in carrying out the activities described in section 12205, such as—

"(i) the capitalization of a revolving loan fund for such construction or renovation;

"(ii) the use of funds for reinsurance or guarantees with respect to the financing of such construction or renovation;

"(iii) the creation of a mechanism to leverage private sector resources for such construction or renovation;

"(iv) the capitalization of authorities similar to State Infrastructure Banks to leverage additional funds for such construction or renovation; or

"(v) any other activity the Secretary determines achieves the purpose of this title.

"(d) LOCAL BOND AUTHORITY WAIVER.—

"(1) IN GENERAL.—A local bond authority may request the Secretary waive the use requirements of section 12203(b) for a local head authority to permit the authority to finance construction or renovation of educational facilities by means other than through use of bonds.

"(2) DEMONSTRATION.—To be eligible to receive a waiver under this subsection, a local bond authority shall demonstrate that the amounts made available through a grant under the waiver will result in an equal or greater amount of construction or renovation of educational facilities than the provision of assistance to defray the interest costs applicable to a bond for such construction or renovation.

"(e) REQUEST FOR WAIVER.—A State or local bond authority that desires a waiver under this section shall submit a waiver request to the Secretary that—

"(1) identifies the type of waiver requested;

"(2) with respect to a waiver described in subsection (a), (c), or (d), makes the demonstration described in subsection (a)(2), (c)(2), or (d)(2), respectively;

"(3) describes the manner in which the waiver will further the purpose of this title; and

"(4) describes the use of assistance provided under such waiver.

"(f) ACTION BY SECRETARY.—The Secretary shall make a determination with respect to a request submitted under subsection (d) not later than 90 days after the date on which such request was submitted.

"(g) GENERAL REQUIREMENTS.—

"(1) STATES.—In the case of a waiver request submitted by a State under this section, the State shall—

"(A) provide all interested local educational agencies in the State with notice and a reasonable opportunity to comment on the request;

"(B) submit the comments to the Secretary; and

"(C) provide notice and information to the public regarding the waiver request in the manner that the applying State customarily provides similar notices and information to the public.

"(2) LOCAL BOND AUTHORITIES.—In the case of a waiver request submitted by a local bond authority under this section, the local bond authority shall—

"(A) provide the affected local educational agency with notice and a reasonable opportunity to comment on the request;

"(B) submit the comments to the Secretary; and

"(C) provide notice and information to the public regarding the waiver request in the manner that the applying local bond authority customarily provides similar notices and information to the public.

"SEC. 12207. GENERAL PROVISIONS.

"(a) FAILURE TO ISSUE BONDS.—

"(1) STATES.—If a State that receives assistance under this part fails to issue a bond for which the assistance is provided, the amount of such assistance shall be made available to the State as provided for under section 12204, during the first fiscal year following the date of repayment.

"(2) LOCAL BOND AUTHORITIES AND LOCAL AREAS.—If a local bond authority that receives assistance under this part fails to issue a bond, or a local area that receives such assistance fails to become the beneficiary of a bond, for which the assistance is provided, the amount of such assistance—

"(A) in the case of assistance received under section 12202(a)(1), shall be repaid to the Secretary and made available as provided for under section 12203; and

"(B) in the case of assistance received under section 12202(a)(2), shall be repaid to the State and made available as provided for under section 12204.

"(b) LIABILITY OF THE FEDERAL GOVERNMENT.—The Secretary shall not be liable for any debt incurred by a State or local bond authority for which assistance is provided under this part. If such assistance is used by a local educational agency to subsidize a debt other than the issuance of a bond, the Secretary shall have no obligation to repay the lending institution to whom the debt is owed if the local educational agency defaults.

"SEC. 12208. FAIR WAGES.

"The provisions of section 12107 shall apply with respect to all laborers and mechanics employed by contractors or subcontractors in the performance of any contract and subcontract for the repair, renovation, alteration, or construction, including painting and decorating, of any building or work that is financed in whole or in part using assistance provided under this part.

"SEC. 12209. REPORT.

"From amounts reserved under section 12202(b)(3) for each fiscal year the Secretary shall—

"(1) collect such data as the Secretary determines necessary at the school, local, and State levels;

"(2) conduct studies and evaluations, including national studies and evaluations, in order to—

"(A) monitor the progress of activities supported with funds provided under this part; and

"(B) evaluate the state of United States educational facilities; and

"(3) report to the appropriate committees of Congress regarding the findings of the studies and evaluations described in paragraph (2).

"SEC. 12210. FUNDING.

"(a) IN GENERAL.—There are appropriated $1,900,000,000 for fiscal year 1998 to carry out this part.

"(b) ENTITLEMENT.—Subject to subsection (a), each State or local bond authority awarded a grant under this part shall be entitled to payments under the grant.

"(c) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available until expended.".

SEC. 3. CONFORMING AMENDMENTS.

(a) CROSS REFERENCES.—Part A of title XII of the Elementary and Secondary Education Act of 1965 (as redesignated by section 2(3)) is amended—

(1) in section 12102(a) (as redesignated by section 2(2))—

(A) in paragraph (1)—

(i) by striking "12013" and inserting "12111";

(ii) by striking "12005" and inserting "12103"; and

(iii) by striking "12007" and inserting "12105"; and

(B) in paragraph (2), by striking "12013" and inserting "12111"; and

(2) in section 12110(3)(C) (as redesignated by section 2(2)), by striking "12006" and inserting "12104".

(b) CONFORMING AMENDMENTS.—Part A of title XII of the Elementary and Secondary Education Act of 1965 (as redesignated by section 2(3)) (20 U.S.C. 8501 et seq.) is further amended—

(1) in section 12101 (as redesignated by section 2(2)), by striking "This title" and inserting "This part"; and

(2) in sections 12102(a)(2), 12102(b)(1), 12103(a), 12103(b), 12103(b)(2), 12103(c), 12103(d), 12104(a), 12104(b)(2), 12104(b)(3), 12104(b)(4), 12104(b)(6), 12104(b)(7), 12105(a), 12105(b), 12106(a), 12106(b), 12106(c), 12106(c)(1), 12106(c)(7), 12106(e), 12107, 12108(a)(1), 12108(a)(2), 12108(b)(1), 12108(b)(2), 12108(b)(3), 12108(b)(4), 12109(2)(A), and 12110 (as redesignated by section 2(2)), by striking "this title" each place it appears and inserting "this part".

SEC. 4. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) IN GENERAL.—Subsection (c) of section 904 of the Internal Revenue Code of 1986 (relating to limitation on credit) is amended—

(1) by striking "in the second preceding taxable year,", and

(2) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 1997.

EDUCATIONAL FACILITIES IMPROVEMENT ACT—FACT SHEET

NEED FOR ACTION

Democrats continue to believe that Federal support for education is one of the best investments our nation can make to ensure its secure and prosperous future. For our students to learn, they must be in a physical environment that is conducive to learning. Unfortunately, our nation's schools are in disrepair: about one third of all schools need extensive repair or replacement, and about 60 percent of schools have at least one major problem, such as a leaky roof or crumbling walls.

SUMMARY

The Educational Facilities Improvement Act provides $1.9 billion over 5 years to pay a portion of the interest cost on state and local bond issues used to finance public elementary and secondary school repair, renovation, modernization, and construction projects.

After set-asides for Indian Schools, U.S. territories, and evaluations, 33 percent of the funds will be administered by the Secretary of Education for competitive awards to the 100 school districts with the largest numbers of poor children, and 25 other districts with extraordinary needs. The remaining 67 percent will be distributed to states according to a formula that takes into account school-age population, poverty, and other criteria. States will set up competitive programs to award these funds to school districts. School districts will be eligible for a subsidy of up to 50 percent of the interest cost on the bonds, using a sliding scale based on need.

AUTHORIZED ACTIVITIES

The new program funds may be used to:

Repair or upgrade classrooms or structures related to academic learning, including the repair of leaking roofs, crumbling walls, inadequate plumbing, poor ventilation, and heating or light problems; increase physical safety; enhance access for students, teachers or others with disabilities; improve energy efficiency; address environmental hazards; provide the basic infrastructure to facilitate educational technology, such as communications outlets and closets, electrical systems, and power outlets; construct new schools to meet the needs imposed by growth; or conduct any other related activity identified and approved by the Secretary.

DISTRIBUTION OF THE FUNDS

Of the new funds, 1.5 percent would be reserved for Indian schools, and 0.5 percent would be reserved for the U.S. territories to be administered at the discretion of the Secretary. Not more than 0.1 percent would be set aside for the Secretary to collect data, study the condition of elementary and secondary schools, evaluate the program, and report the findings to Congress.

Of the remaining funds, 33 percent would be reserved for administration by the Secretary to the 100 school districts with the largest numbers of poor children, as well as to 25 additional districts at the discretion of the Secretary. The remaining 67 percent would be reserved for administration by the states to local education agencies.

FUNDS TO LOCAL BOND AUTHORITIES

Under this program, 33 percent of the funding will be administered directly by the Secretary of Education. School districts will be eligible for up to a 50-percent interest rate subsidy, using a sliding scale based on need. The 100 school districts with the largest numbers of poor children will be eligible to apply directly to the Secretary for the interest-rate subsidy. Eligible districts will be the top 100 with the highest levels of children ages 5 to 17 living in poverty. In addition, the Secretary may designate up to 25 additional districts for direct grants, based on their extraordinary needs.

The Secretary will award grants to districts based on a number of criteria, including the numbers of poor children in that district, the overall age and condition of the schools and their potential threat to children's health and safety, the extent of overcrowding, the extent to which construction would otherwise not occur, and other factors.

FUNDS TO STATES

Of the remaining funds, 67 percent will be administered directly by the states. The states must submit an application to the Secretary describing the criteria the state will use to award funds within the state. States can use the money to subsidize local bond issues or to subsidize state bonds issued on behalf of the school districts.

The federal government will award the funds to the states based on a two-part formula. Half of the funds will be based on the state's share of federal Title I funds, and half will be based on the state's share of federal Title VI funds. School districts that receive direct grants from the Secretary will be excluded from the calculations used to determine the state-by-state allocations.

FUNDING

The amendment is funded at $1.9 billion, to remain available until obligated. It is paid for by restructuring the foreign tax credit carryover rules passed by the Senate and left on the table during conference on the tax bill (Section 867 of the Senate bill). This proposal would cut the current carryback period for taxpayers with unused foreign tax credits from 2 years to one, while extending the carryforward period from 5 to 7 years.

Ms. MOSELEY-BRAUN. Mr. President, today I am pleased to join the Minority Leader, Senator DASCHLE, to introduce the Education Facilities Improvement Act. This bill will form a partnership among the national, State, and local governments to rebuild and modernize our Nation's crumbling schools.

According to the U.S. General Accounting Office, it will cost $112 billion to bring existing school buildings up to code—to patch the leaky roofs, replace the broken windows, fix the plumbing, and make other needed repairs. That price tag, as enormous as it sounds, does not include the cost of building new schools to accommodate the record numbers of children who are crowding our schools, nor the cost of upgrading classrooms for modern computers.

Local school districts cannot afford to meet these challenges on their own. The local property tax, which made sense as a funding mechanism when wealth was accumulated in the form of land, no longer works as a means of funding major capital investments. In urban, rural, and suburban schools all across the country, the magnitude of the crumbling schools problem has dwarfed local financing capabilities.

In Chicago, Mayor Daley announced Monday that the city would issue 800 million dollars' worth of bonds to build new schools, renovate old ones, and modernize every school in the system. With an improved bond rating, Chicago has financed almost 1.5 billion dollars' worth of school improvements in the last 2 years. Chicago schools, however, need 3 billion dollars' worth of improvements.

The problem is not confined to big cities like Chicago. The GAO found that in urban areas, 38 percent of schools are crumbling, while in rural areas the figure is 30 percent, and in the suburbs, it's 29 percent.

At the New Burnside Center in Tunnel Hill, IL, the track team was for a time forced to practice at the local prison. The prison had a track. The school did not. They no longer offer track at New Burnside, because some parents objected to their children being sent to the prison to practice. The lack of an adequate tax base means too many schools in rural areas can barely meet the basic costs of educating children, let alone the costs of major capital improvements.

In the suburbs also, our outdated method of paying for public schools has taken its toll. Principal Rita Melius, from the Abbott middle school in Waukegan, a suburb north of Chicago, was here in Washington this morning to discuss this issue. Children in her suburban school have to cope with the same kinds of leaky roofs and crumbling walls as their innercity peers. The school has even had several fires caused when computers overloaded the ancient electrical wiring.

The Education Facilities Improvement Act will provide $1.9 billion over 5 years to help Waukegan, Chicago, New Burnside, and schools across the country that simply cannot meet their facilities needs on their own. It will make the Government a partner in public education, while preserving local control of curriculum and educational content. This bill recognizes that education is a public good, as well as an individual benefit, and that every American benefits when we provide educational opportunities in environments suitable for learning.

Winston Churchill said, "We shape our buildings; thereafter, they shape us." Nowhere is that more true than in our schools. You certainly can't use a computer if you can't plug it into the wall, and we cannot expect our children to learn in schools that are falling down around them.

I hope all of my colleagues will consider the conditions of schools in their States and join us in sponsoring this important legislation.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. MOYNIHAN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 61

At the request of Mr. LOTT, the names of the Senator from Colorado [Mr. ALLARD] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 260

At the request of Mr. ABRAHAM, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 260, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 320

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 320, a bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women.

S. 322

At the request of Mr. GRAMS, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 322, a bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provision.

S. 442

At the request of Mr. WYDEN, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 442, a bill to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes.

S. 493

At the request of Mr. KYL, the name of the Senator from Georgia [Mr. CLELAND] was added as a cosponsor of S. 493, a bill to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

S. 599

At the request of Mrs. BOXER, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 599, a bill to protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.

S. 711

At the request of Mr. BREAUX, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 711, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 755

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for Fiscal Year 1997 and to make other improvements to that chapter.

S. 927

At the request of Ms. SNOWE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 927, a bill to reauthorize the Sea Grant Program.

S. 950

At the request of Mr. MCCONNELL, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 950, a bill to provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in Federal actions, and for other purposes.

S. 952

At the request of Mr. MCCONNELL, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 952, a bill to establish a Federal cause of action for discrimination and preferential treatment in Federal actions on the basis of race, color, national origin, or sex, and for other purposes.

S. 1008

At the request of Mr. DURBIN, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 1008, a bill to amend the Internal Revenue Code of 1986 to provide that the tax incentives for alcohol used as a fuel shall be extended as part of any extension of fuel tax rates.

S. 1084

At the request of Mr. INHOFE, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from Nebraska [Mr. HAGEL] were added as cosponsors of S. 1084, a bill to establish a research and monitoring program for the national ambient air quality standards for ozone and particulate matter and to reinstate the original standards under the Clean Air Act, and for other purposes.

S. 1113

At the request of Mr. GRASSLEY, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KERRY], the Senator from Ohio [Mr. GLENN], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1113, a bill to extend certain temporary judgeships in the Federal judiciary.

S. 1123

At the request of Mr. HATCH, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1123, a bill to amend the Internal Revenue Code of 1986 relating to the unemployment tax for individuals employed in the entertainment industry.

SENATE CONCURRENT RESOLUTION 50

At the request of Mr. HUTCHINSON, the names of the Senator from Illinois [Mr. DURBIN], the Senator from Colorado [Mr. ALLARD], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Concurrent Resolution 50, a concurrent resolution condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997.

SENATE RESOLUTION 119

At the request of Mr. FEINGOLD, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Resolution 119, a resolution to express the sense of the Senate that the Secretary of Agriculture should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers.

AMENDMENT NO. 1087

At the request of Mr. WELLSTONE, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of amendment No. 1087 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

At the request of Mr. HARKIN his name was added as a cosponsor of amendment No. 1087 proposed to S. 1061, supra.

AMENDMENT NO. 1098

At the request of Mr. COVERDELL, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of amendment No. 1098 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1101

At the request of Mr. DASCHLE, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of amendment No. 1101 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1112

At the request of Mr. HARKIN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of amendment No. 1112 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1116

At the request of Mr. REED, his name was added as a cosponsor of amendment No. 1116 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1118

At the request of Mrs. MURRAY, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of amendment No. 1118 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1122

At the request of Mr. GRAMM, his name was added as a cosponsor of amendment No. 1122 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

At the request of Mr. GORTON, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of amendment No. 1122 proposed to S. 1061, supra.

SENATE RESOLUTION 121—RELATIVE TO THE PALESTINIAN AUTHORITY

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 121

Whereas United States law requires the Palestinian Authority to exert a maximum 100-percent effort to fight terrorism in order to continue to receive United States foreign assistance;

Whereas the Palestinian Authority has failed to make that 100-percent maximum effort as evidenced by Chairman Yassir Arafat's open embrace of Hamas leader Abdel Aziz al-Rantisi on August 20, 1997;

Whereas a Palestinian terrorist bombed a Tel Aviv restaurant on March 21, 1997, killing 3 Israelis and wounding 12 others;

Whereas 2 Hamas suicide bombers attacked a crowded outdoor market in Jerusalem on July 30, 1997, killing 13 Israelis and wounding over 150 others;

Whereas 3 Hamas suicide bombers detonated their bombs in a popular pedestrian mall in Jerusalem on September 4, 1997, killing 5 Israelis and wounding approximately 170 others;

Whereas Secretary of State Madeleine Albright conceded in testimony before the Appropriations Subcommittee on Foreign Operations on May 22, 1997 that Chairman Arafat had not given a red light to stop Palestinian terrorism;

Whereas in fact the Palestine Liberation Organization (PLO) and the Palestinian Authority are at war with Israel;

Whereas the PLO has built up a police force of more than 30,000 men and armed it with sophisticated weapons; and

Whereas continued United States assistance and assistance from allies of the United States will only strengthen the ability of the PLO to continue terrorism and ultimately wage an all-out war: Now, therefore, be it

Resolved, That the United States should discontinue all financial assistance to the Palestinian Authority, and the United States should urge allies of the United States to do the same, unless and until the Palestinian Authority demonstrates a 100-percent maximum effort to curtail terrorism.

Mr. SPECTER. Mr. President, in the 7 minutes intervening, I will utilize this time to submit a resolution which I had discussed extensively yesterday calling for the United States to cease any financial aid to the Palestinian Authority and for the United States to use its best efforts to persuade all of our allies to do the same thing.

I believe that that course of action is necessary to change our policy in the Mideast, because there is no peace process. There is a great deal of talk about a peace process, but the reality, the brutal fact of life is that there is no peace process. But there is a war of terrorism, a one-sided war being waged by the Palestinians against Israel.

The brutal fact of life, Mr. President, is that terrorism has replaced open warfare as a way of gaining military advantage. The wars which have been fought against Israel, the open warfare, has been unsuccessful, so this practice of terrorism is being pursued. The financial aid which has come from the United States and our allies has been used to build up the Palestinian Authority in many ways, including a 30,000-person police force, armed with highly sophisticated weapons.

When Prime Minister Netanyahu made the accusation, after the March 21 bombing of the Tel Aviv cafe, that Chairman Arafat had given a green light, I sought a response from the Secretary of State. In her testimony a few weeks ago before the Foreign Operations Subcommittee, Secretary of State Albright said there had not been a green light, but also there had not been a red light.

Mr. President, United States law requires that the Palestinian Authority make the maximum effort to stop terrorism. The Palestinian Authority is not a guarantor, but they have an obligation to make a maximum effort to stop terrorism. And since the March 21 terrorist attack, we have seen the July 30 terrorist attack, we have seen the embrace by Chairman Arafat of the Hamas leader, the picture seen around the world, comparable to the shot heard around the world, where in no uncertain terms Chairman Arafat is saying that he condones what Hamas has done and even encourages Hamas to do more. Then, on September 4, we had the most recent terrorist attack.

These three terrorist attacks in the course of the past 6 months have killed 21 Israelis and wounded 330 other Israelis. So where is the peace process? There is none. The emperor has no clothes. It is time we recognized that fact.

We have had, in addition, a report from an Israeli cabinet officer, Deputy Education Minister Moshe Peled, that Chairman Arafat knew in advance of the 1993 World Trade Center bombing that it was going to occur. If that is in fact true, Chairman Arafat is an accessory before the fact, and that is a form of conspiracy and, under our statutes, subject to trial in a United States court.

When I saw that charge I asked the Department of Justice to investigate. And we do have information that Mr. Peled was questioned by the FBI for some 2 hours but we do not know the results of that inquiry.

I have discussed with the distinguished majority leader the issue about the necessity for bringing this matter to a head to provide some leadership on foreign policy where our Senate has the standing to do so.

You just heard a lengthy distinguished speech by Senator Biden, the ranking Democrat on the Foreign Relations Committee. The leadership has been taken by Senator Helms and others, and we have constitutional authority to act.

Where the administration continues to supply funds to the Palestinian Authority, and those funds directly and indirectly go to build up the Palestinian Army, that is a practice which should be stopped.

The administration had further talked about going to final settlement discussions between Israel and the Palestinians. Of course, that is a matter for the Israelis and the Palestinians to decide. But, I believe that it is an unwise policy for the United States to push that approach because the principles of the Camp David accord and the Oslo accord were to build up confidence, to have relationships which would build up and lead to final status negotiations when there was a basis for the Israelis and the Palestinians living side by side. Regrettably, that is not possible.

We have repeated statements by Chairman Arafat and others of a belligerent nature spewing hatred. We have hatred being talked about in the schools. We have an atmosphere which hardly is conducive to final negotiation status. There had been talk after the Oslo accord of deferring the issue of a Palestinian State. The concern had been that there would be a Trojan horse, a secret Palestinian State inside of Israel.

Well, that has not happened. It has not been secret. It has been open. You have a 30,000-person police force, military operation with sophisticated weapons. You have the chief of police who has been charged by the Israeli authorities with being involved in terrorist attacks and information from the United States.

I spoke at some length about this yesterday, Mr. President. My comments are necessarily abbreviated today because there has only been a period of 7 minutes from the time I started until the 5 o'clock vote which is due to start soon.

Today, I talked to our distinguished chairman of the Foreign Relations Committee about hearings on this subject, as I had discussed with Senator Lott. I believe that when Secretary of State Albright returns from the Mideast, it would be a good opportunity to hear from her about administration policy and to hear from the Attorney General and the FBI Director about what is happening with the investigation as to Chairman Arafat's possible complicity in the World Trade Center bombing.

So I file the resolution, Mr. President. We are in the process of getting cosponsors.

AMENDMENTS SUBMITTED

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

WELLSTONE AMENDMENT NO. 1126

Mr. WELLSTONE proposed an amendment to amendment No. 1078 proposed by Mr. Durbin in the bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

> At the end of the amendment, add the following: "Nothing in this Act may be construed to interfere with, or abrogate, any agreement previously entered into between any state and any private attorney or attorneys with respect to litigation involving tobacco."

DURBIN AMENDMENT NO. 1127

Mr. DURBIN proposed an amendment to amendment No. 1078 proposed by him to the bill, S. 1061, supra; as follows:

> At the end of the amendment, insert the following:
>
> "SEC. . SENSE OF THE SENATE.—It is the sense of the Senate that attorneys' fees paid in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related costs affected by federal tobacco settlement legislation should be publicly disclosed and should not displace spending in the settlement legislation intended for public health."

RESOLUTION ON NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

THURMOND AMENDMENT NO. 1128

Mr. GORTON (for Mr. THURMOND) proposed an amendment to the resolution (S. Res. 111) designating the week beginning September 14, 1997, as "National Historically Black Colleges and Universities Week," and for other purposes; as follows:

> On page 1, in the first clause, strike "116" and insert "104".
>
> On page 2, line 3, strike "14" and insert "21".
>
> Amend the title to read as follows: "A resolution designating the week beginning September 21, 1997, as 'National Historically Black Colleges and Universities Week', and for other purposes.".

THE NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT ACT OF 1997

CHAFEE AMENDMENT NO. 1129

Mr. GORTON (for Mr. CHAFEE) proposed an amendment to the bill (H.R. 1420) to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes; as follows:

> On page 4, line 11, insert "wildlife-dependent recreational use or any other" after "means a".
>
> On page 11, line 19, strike "and".
>
> On page 11, strike lines 22 and 23 and insert the following: "fish and wildlife agencies during the course of acquiring and managing refuges; and
>
> "(N) monitor the status and trends of fish, wildlife, and plants in each refuge.".
>
> On page 15, line 8, before the semicolon, insert the following: ", except that, in the case of any use authorized for a period longer than 10 years (such as an electric utility right-of-way), the reevaluation required by this clause shall examine compliance with the terms and conditions of the authorization, not examine the authorization itself".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Wednesday, September 17, 1997, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1158, a bill to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corp. public land exchange, and for other purposes, and S. 1159, a bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corp. public interest land exchange, and for other purposes.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation only. For further information, please contact Jo Meuse or Brian Malnak at (202) 224–6730.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 10, 1997, at 9:30 a.m. on the nominations of Heidi Shulman and Katherine Anderson to be members of the Board of Directors of the Corporation for Public Broadcasting, Robert Mallett to be Deputy Secretary and W. Scott Gould be an Assistant Secretary of the Department of Commerce, and Sheila Foster Anthony to be a Federal Trade Commissioner.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, September 10, 1997, beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 10, 1997, at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Wednesday, September 10, at 10 a.m., for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 10, 1997, at 2:30 p.m. to hold a closed briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SUPPORTING SECRETARY OF STATE ALBRIGHT'S MIDDLE EAST PEACE MISSION

• Mr. LIEBERMAN. Mr. President, I rise today in sadness at the great crisis which threatens to end the Oslo Peace Process in the Middle East. The crisis, as we know, has been caused by the most recent cowardly and criminal acts of those who are enemies of not only the peace process but of the Israeli and Palestinian people themselves.

My hope is that a solution to the crisis may be found through the ingenuity, faith, and the actions of those who have the courage to rise above hatred and suspicion. It is for that reason and in that spirit that I wish to express my strongest support for the mission of Secretary of State Albright to the Middle East this week.

The recent bombings in Jerusalem were detestable acts of terrorism which had only one purpose—killing the peace process. Both Israelis and Palestinians alike will be the victims if the criminals succeed.

Secretary Albright's mission is nothing less than an attempt to save the peace process. But the peace process can recover and move forward only in a secure environment, and the Secretary has properly identified security as the primary and essential focus of her trip. This, I must emphasize, must be transparently as important to the Palestinian Authority as it is to the Government of Israel. Those that have planned and carried out these acts of terrorism against Israel have at the same time weakened the Palestinian Authority.

Chairman Arafat and the Palestinian Authority must address this problem at its root and without equivocation. The coordination of security efforts is not and cannot be a bargaining chip to be turned on or off at will. There can be no tolerance for the perpetrators of violence—those who plan, finance, supply, or abet terrorism must be arrested, prosecuted, and imprisoned. No exceptions and no revolving doors.

Prime Minister Netanyahu has stated that there can be no peace without security. This is a commitment we share, and a commitment that must be evidenced by the Palestinian Authority beyond question through its own unilateral actions. At the same time, and as noted by Secretary Albright, we do not ask the impossible and, against suicide terrorists, cannot expect 100-percent success. There must, however, be nothing other than a 100-percent effort in this regard by the leadership of the Palestinian Authority.

With this security perspective as the foundation, there must also be a political environment that makes it possible to rebuild the trust that has been a victim of the violence and move ahead to achieve a peace for all. Prime Minister Netanyahu has expressed his commitment to "a peace that will surprise the world." We must encourage all parties to embrace such a commitment, and I fully support the Secretary in her efforts to that end.•

MAKING BOB HOPE AN HONORARY VETERAN

• Mr. HAGEL. Mr. President, I join my colleagues in praising a man who has contributed more to the morale and well being of American fighting men and women than anyone else in the 20th century. In every conflict where our forces have gone to uphold freedom or to deter aggression Bob Hope has traveled with them. As president of the USO, I worked closely with Bob Hope on many trips to visit our troops around the world. As a combat veteran of the war in Vietnam, I know personally how much he improved the lives of young Americans in Southeast Asia. The places where he entertained the troops were often dangerous areas where the enemy had the opportunity to attack. Bob Hope went there anyway, because he knew what he was doing was important to those ordinary soldiers. He may have been in danger, but our military personnel were in even greater danger. Invariably Bob Hope made the trip to these far off places during the holiday season when he could have been at home with his family, but he knew the feeling of isolation and loneliness that all soldiers feel when they are far away from their families around the holiday season.

Bob Hope has received numerous awards in his life, including the Medal of Freedom, and the Distinguished Service Medal, but I can think of no finer, no more appropriate award than that of veteran. Certainly if anyone in America can be said to have served, and served with distinction, it is Bob Hope.•

PACIFIC GAS AND ELECTRIC RECEIVES LABOR SECRETARY'S OPPORTUNITY 2000 AWARD

• Mrs. BOXER. Mr. President, each year the Department of Labor presents the Secretary's Opportunity 2000 Award honoring a Federal contractor for the successful implementation of equal employment opportunities within its organization, and for supporting these goals in the broader community. Through its efforts, the recipient of this award must have enhanced equal employment opportunities for minorities, women, individuals with disabilities, special disabled veterans, or veterans of the Vietnam era. It also must have addressed such issues as the glass ceiling, skills gap, and multicultural workforce.

I am pleased to say, Mr. President, that for the second time in 8 years, the Opportunity 2000 Award is presented to the Pacific Gas and Electric Co.

PG&E takes an active role in ensuring that its employees represent California's diversity. Its various programs, including the executive development program and women in trades forum, focus attention on women and minorities. Its management works closely with numerous employee associations which represent its diversity, such as the Hispanic Employees Association, the Black Employees Association, and ACCESS, an association of employees with disabilities.

PG&E has also adopted community based programs to aid the development of the diverse communities it serves. These programs include corporate contribution programs and welfare-to-work demonstration projects which aid in providing job training and employment to welfare recipients.

I applaud PG&E's continued commitment to the goals of equal employment opportunity for people of all backgrounds. In the words of Labor Secretary Herman, " * * * PG&E * * * serves as a role model for other Federal contractors."

I join Secretary Herman in commending Pacific Gas and Electric for this achievement, and I congratulate its officers and all its employees for being selected once again to receive this important and prestigious award. •

RECOGNITION OF THE FREEMAN WASTEWATER PLANT

• Mr. JOHNSON. Mr. President, I would like to take this opportunity to recognize the South Dakotans associated with the Freeman wastewater treatment plant. The Freeman facility earned a first-place excellence award in a six-State region from the Environmental Protection Agency.

Freeman earned an exceptional rating for its plant septage management, toxic waste control, collection system maintenance, financial management, automation, and staff training. In addition, a television-based snaking system was used to pinpoint areas in need of repair. The plant staff and town council should be commended for their foresight in planning ahead and making repairs on the city's wastewater system rather than waiting for an emergency. The efforts of these individuals saves the residents of Freeman thousands of dollars in costly future repairs and insures the health and viability of the city's wastewater system.

While all the residents of Freeman should take pride in this accomplishment, I would like to mention a few individuals including Vince Kribell, chief operator of the Freeman plant, and Duane Walter. Administrative personnel include Chester Sorensen, Dean Sikkink, Steve Waltner, and Michael Schultz, who is also mayor of Freeman.

The Environmental Protection Agency started the Operations and Maintenance Award in 1986 to recognize publicly owned wastewater treatment facilities that demonstrate excellence in their overall operation. The program also heightens public awareness about the importance of efficient wastewater treatment.•

THE 100TH BIRTHDAY OF THE WEBSTER HOSE HOOK AND LADDER CO.

• Mr. DODD. Mr. President. I rise today to pay tribute to the Webster Hose Volunteer Fire Co., which is celebrating 100 years of loyal service to the city of Ansonia, CT.

Anyone familiar with the early days of the Webster Hose Co. can truly appreciate how much this unit has evolved during the past century. The Webster Co. started 100 years ago when 20 courageous individuals were authorized by the board of aldermen to undertake all fire-fighting duties for the city of Ansonia. This fledgling fire department was named the Webster Hose Co., in honor of Ansonia's mayor Erwin W. Webster, and in 1903 the name was changed to the Webster Hose Hook & Ladder Co.

The number of firefighters quickly grew to 50, and these volunteers overcame many obstacles in order to serve the people of Ansonia. Perhaps their biggest handicap was the rudimentary firefighting equipment that was available to them. Their primary firefighting device was a 550-pound hand-drawn cart, equipped with a large hose. Manually transporting this cart through Ansonia's hilly terrain was difficult to say the least, and many early members of the Webster Co. suffered broken arms and legs as they miscalculated the number of people necessary to slow the vehicle down, or the direction it would take on a hill. To say that these early members had to go above and beyond the call of duty in performing their jobs would be a tremendous understatement.

But thanks to the extraordinary efforts of these founding members and other members of the Webster Hose Co., this unit has survived and evolved into a modern fire department that is highly trained to save the lives and property of the people of Ansonia.

In celebration of their centennial birthday, the Webster Hose Co. has been chosen to host the 114th Connecticut State Fireman's Convention. This convention will culminate in a parade of hundreds of firefighters through downtown Ansonia on Sunday, September 14, 1997. I am honored to have the opportunity to walk in this parade, and I hope that the day's activities will serve as a fitting tribute to not only Ansonia's firefighters, but to all the men and women of Connecticut who risk their own personal safety as they confront danger to safeguard the well-being of others.

The men and women of the Webster Hose Co. exemplify the highest standard of community service. They also serve as role models for their long-standing commitment to their community. Some of the current Webster members are the direct descendants of the fire service's founding fathers, and it is refreshing to see this spirit of public service passed on from one generation to the next. Without these dedicated individuals, the city of Ansonia would be at a tremendous loss.

I appreciate this opportunity to commend the Webster Hose Co. for a century of outstanding service, and I wish them well as they continue to serve their community in the years to come.•

IN MEMORY OF WILLIAM POWELL

• Mr. HUTCHINSON. Mr. President, I rise today full of sadness. Mr. William Powell of Bella Vista, AR, has recently passed away.

I came to know Mr. Powell as 1 of the 82 American airmen that were held prisoner of war at the Buchenwald concentration camp during World War II. During my tenure in Congress, I have introduced two resolutions that would have given appropriate and well-deserved recognition to this group of World War II prisoners.

These brave airmen were different from other allied prisoners, because they were held at Buchenwald—a Nazi concentration camp—and therefore not subject to the protections of the Geneva Convention.

Tragically, Mr. President, the United States has never formally recognized the service, sacrifice, and bravery of these American airmen while they were held as political prisoners. Even more tragically, the United States and this Congress will never have the opportunity to express our admiration to Mr. Powell.

When I introduced Senate Concurrent Resolution 32 in this Congress, on Thursday, June 12, I contacted Mr. Powell. He responded by saying, and I quote:

> The recognition is long overdue. For decades, the Department of Defense and the International Red Cross have stated that there were no military personnel in Buchenwald. Yet as someone who was imprisoned there for 4 months, I know of at least 55 other American soldiers who endured the hardships of this camp. Two men even lost their lives there. And nearly all suffered diseases later in life because of the treatment they received while in Buchenwald.
>
> In the late 70s, early 80s, I joined with the other survivors of Buchenwald to push this government to recognize our service. We never wanted any money, we just wanted the United States Government to say, "Yes you were there, and we appreciate what you went through."

Mr. William Powell was a good man, a true patriot, and while this resolution that I spoke of earlier, Senate Concurrent Resolution 32, has yet to pass this body, I urge my colleagues to join with me in passing it, in honor of Mr. William Powell.

My thoughts and prayers are with his family.•

THE HONORABLE CANDICE MILLER—THE MARCH OF DIMES' 1997 ALEXANDER MACOMB CITIZEN OF THE YEAR

• Mr. ABRAHAM. Mr. President, on September 24, 1997, the March of Dimes will honor Michigan Secretary of State Candice Miller as its 1997 Alexander Macomb Citizen of the Year. Established in 1984, this award is presented annually to "deserving individuals who have demonstrated outstanding contributions and commitment to improving the quality of life in his/her community, the county, and the State of Michigan."

Since first elected as a Harrison Township Trustee over 15 years ago, Candice Miller has consistently won the praise and admiration of her colleagues, staff, and fellow Michiganians. As Secretary of State, she has been responsible for countless initiatives that have proven to be enormously successful and widely duplicated. But, Secretary Miller's positive contributions to Michigan have not been limited to her role in State government. In so many ways, she has acted as both a philanthropist and friend on behalf of numerous causes ranging from the environment to the Girl Scouts. These achievements have not gone unnoticed or unappreciated.

I am pleased to join the Southeast Michigan Chapter of the March of Dimes in recognizing Candice Miller for her selfless commitment to improving the lives of others. On this occasion, I commend the March of Dimes for selecting a most deserving recipient of this fine award.•

JOHN, ROSALIE, AND JOE VICARI—THE MARCH OF DIMES 1997 FAMILY OF THE YEAR

• Mr. ABRAHAM. Mr. President, on September 24, 1997, the March of Dimes will honor the Vicari family as the recipients of the 1997 Family of the Year. Established in 1993, this award is presented annually to a family whose outstanding commitment and support of the March of Dimes deserves recognition. And without question, these three members of the Vicari family are duly deserving of this honor.

Too infrequently are we introduced to a family so committed to helping people in need. On these rare occasions, we are given an inspiring example of the profound impact each of us can have on the lives of our neighbors. The Vicari family provides the State of Michigan with an excellent example of how philanthropic work can be an amazingly rewarding experience.

All three members of this special family have remained dedicated over the years to the generous support of the efforts of the March of Dimes. The Vicari family has committed itself to the cause of preventing birth defects, and with the extraordinary contributions of John, Rosalie, and Joe Vicari, our country has moved that much closer to the realization of this noble and important goal. On this special occasion, I offer my congratulations to each of these civic leaders and to the March of Dimes. I also offer my thanks, on behalf of the entire State of Michigan, for the countless number of children's lives they have touched.•

CHARLES G. DHARTE, JR.—THE MARCH OF DIMES' 1997 ALEXANDER MACOMB CITIZEN OF THE YEAR

• Mr. ABRAHAM. Mr. President, on September 24, 1997, the March of Dimes will honor Mr. Charles G. Dharte, Jr. as its 1997 Alexander Macomb Citizen of the Year. Established in 1984, this award is presented annually to "deserving individuals who have demonstrated outstanding contributions and commitment to improving the quality of life in his/her community, the county, and the State of Michigan."

Mining through the long list of community affairs Mr. Dharte has been actively involved in is an inspiring endeavor. I can think of no one more deserving of the March of Dimes' Citizen of the Year Award than Mr. Dharte. Through his work as president and director of the Boys and Girls Clubs of Southeastern Michigan, as director of St. Joseph Mercy Hospital-Macomb, and his many other civic duties, particularly in the Clinton township area, his generosity and kindness has been felt deeply by the many Michiganians whose lives he has touched.

Mr. Dharte's dedication to public service has been recognized by numerous local institutions. In previous years he has been named Business Person of the Year by the city of Mount Clemens and Benefactor of the Year by the Macomb Arts Council and Macomb Community College. This recent accolade by the March of Dimes testifies to Mr. Dharte's continued important good work in Michigan. I salute him for his public service, and applaud the March of Dimes for choosing such a deserving figure on whom to bestow this honor.•

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. GORTON. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 111, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 111) designating the week beginning September 14, 1997, as "National Historically Black Colleges and Universities Week," and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 1128

(Purpose: To change the week that is to be designated as "National Historically Black Colleges and Universities Week" and for other purposes)

Mr. GORTON. Senator THURMOND has an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. THURMOND, proposes an amendment numbered 1128.

On page 1, in the first clause, strike "116" and insert "104".

On page 2, line 3, strike "14" and insert "21".

Mr. GORTON. I ask unanimous consent the amendment be agreed to, the resolution as amended be agreed to, the preamble be agreed to, as amended, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1128) was agreed to.

The preamble, as amended, was agreed to.

The resolution (S. Res. 111), as amended, was agreed to, as follows:

[The resolution was not available for printing. It will appear in a future issue of the RECORD.]

The title was amended to read:

A resolution designating the week beginning September 21, 1997, as "National Historically Black Colleges and Universities Week", and for other purposes.

REAUTHORIZING THE REFUGEE ASSISTANCE ACT

Mr. GORTON. I ask unanimous consent the Senate now proceed to the consideration of S. 1161, introduced earlier today by Senator ABRAHAM.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1161) to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ABRAHAM. Mr. President, I rise today to introduce legislation to reauthorize the Refugee Assistance Act. The act authorizes assistance to refugees through grants to private nonprofit associations, as well as public associations, to be used to provide services such as job training, educational programs, and English language classes to newly arrived refugees. These programs play an important role in the American tradition of opening new doors to those from around the world who have been subjected to persecutions of all kinds.

I would note that under the act, the Department of Health and Human Services is free to experiment with innovative ways to help refugees become self-sufficient in America. For example, the program currently makes some use of private nonprofit groups in rendering assistance to refugees, and I would encourage the Department of Health and Human Services to expand those uses more broadly. Such experimentation has great potential to help the program accomplish its purpose to help refugees make a new life for themselves, rather than becoming dependent on the Government. My understanding is that the Department of Health and Human Services is also committed to experiments along these lines, and I look forward to working with the administration and the nonprofit community involved with refugees to make this program even more effective in the next few years.

Mr. KENNEDY. Mr. President, Senator ABRAHAM and I have introduced a 2-year extension of the Refugee Act. The Refugee Act is the core of U.S. refugee policy. It sets the criteria under which persons can be designated as refugees, and provides funds for refugee resettlement. Last year, the United States admitted more than 75,000 refugees under the Refugee Act's criteria.

In addition to determining whom is considered a refugee, the Refugee Act allows the Department of Health and Human Services, through the Office of Refugee Resettlement [ORR], to provide services to refugees resettled in the United States. For example, ORR provides job training and employment assistance to new refugees to help them become economically self-sufficient. ORR helps States provide English language classes, preventive health services, and cash assistance to new refugees to help them get on their feet in their new country. Refugees often arrive in the United States terrified, jet-lagged, and with few possessions. Most fled persecution in their home countries, and left their clothes and possessions behind. These programs make a refugee's assimilation into the United States a little easier.

In addition to providing assistance directly to refugees, the Refugee Act provides funds to the Public Health Service to provide overseas medical screening for United States-bound refugees for the protection of public health against contagious diseases. ORR also provides targeted assistance to States and counties with large refugee populations, and runs matching grant programs for voluntary agencies that assist States in refugee resettlement. For example, The Boston Tech Center in Middlesex County, MA received $250,000 in discretionary targeted assistance to teach refugees short-term skills training, basic English and math. The International Rescue Committee in Boston received funds under the Refugee Act to provide a refugee youth program for newly arrived Somali children.

Mr. President, the Refugee Act is the heart of our refugee law and policy. If it is not reauthorized, the United States will send a signal worldwide that refugees are no longer welcome here. We cannot let that happen. I am grateful to my colleagues for supporting this bill.

Mr. GORTON. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1161) was read the third time, and passed, as follows:

S. 1116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR REFUGEE AND ENTRANT ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by striking "fiscal year 1995, fiscal year 1996, and fiscal year 1997" and inserting "each of fiscal years 1998 and 1999".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1997.

ORDER FOR STAR PRINT

Mr. GORTON. I ask unanimous consent that Report 105-65 which accompanies S. 542 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL OF NOMINATION

Mr. GORTON. As in executive session, I ask unanimous consent the nomination of Espiridion A. Borrego, of Texas, to be Assistant Secretary of Labor for Veterans' Employment and Training, sent to the Senate by the President on September 2, 1997, be referred jointly to the Committees on Labor and Human Resources and Veterans' Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR REPRINT OF S. 1149

Mr. GORTON. On behalf of Senator GRASSLEY, Mr. President, I ask unanimous consent that technical errors in S. 1149 which Senator GRASSLEY introduced On September 4, 1997, be corrected, and that the bill be reprinted as corrected. These changes are purely technical in nature. I have attached a copy of S. 1149 with the changes made for the convenience of my colleagues. I ask unanimous consent the corrected bill be reprinted in the RECORD following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investment in Education Act of 1997".

SEC. 2. TREATMENT OF CERTAIN LIENS.

(a) TREATMENT OF CERTAIN LIENS.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting "(other than to the extent that there is properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)" after "under this title";

(2) in subsection (b)(2), after "507(a)(1)" and before the comma following thereafter insert "(except that such expenses, other than claims for wages, salaries or commissions which arise after the filing of a petition, shall be limited to expenses incurred under Chapter 7 of this title and shall not include expenses incurred under Chapter 11 of this title)"; and

(3) by adding at the end the following:

"(e) Before subordinating a tax lien on real or personal property of the estate which has arisen by virtue of state law, the trustee shall—

"(1) exhaust the unencumbered assets of the estate; and

"(2) in a manner consistent with section 506(c) of this title, recover from property securing an allowed secured claim the reasonable, necessary costs and expenses of preserving or disposing of that property.

"(f) Notwithstanding the exclusion of ad valorem tax liens set forth in this Section, claims for wages, salaries and commissions entitled to priority under Section 507(a)(3) or claims for contributions to an employee benefit plan entitled to priority under 507(a)(4) may be paid from property of the estate which secures a tax lien, or the proceeds of such property subject to the requirements of Subsection 724(e).".

(b) DETERMINATION OF TAX LIABILITY.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(3) by adding at the end the following:

"(C) the amount or legality of any amount arising in connection with an ad valorem tax real or personal property of the estate if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.".

SEC. 3. ENFORCEMENT OF CHILD AND SPOUSAL SUPPORT.

Section 522(c)(1) of title 11, United States Code, is amended by inserting "provided that, notwithstanding any federal or state law relating to the enforcement of liens or judgments on exempted property, exempt property shall be liable for debts of a kind specified in Section 523(a)(5) of this title," at the end of the subsection.

REREFERRAL OF S. 1124

Mr. GORTON. I ask unanimous consent S. 1124 be discharged from the Judiciary Committee and referred to the Labor Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

REREFERRAL OF SENATE CONCURRENT RESOLUTION 49

Mr. GORTON. I ask unanimous consent Senate Concurrent Resolution 49 be discharged from the Governmental Affairs Committee and be referred to the Rules Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT OF 1966

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1420, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1420) to amend the National Wildlife Refuge System Administration Act of 1966, to improve the management of the National Wildlife Refuge System.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1129

(Purpose: To improve the bill)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator CHAFEE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. CHAFEE, for himself, Mr. GRAHAM, and Mr. KEMPTHORNE, proposes an amendment numbered 1129.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 11, insert "wildlife-dependent recreational use or any other" after "means a".

On page 11, line 19, strike "and".

On page 11, strike lines 22 and 23 and insert the following:

fish and wildlife agencies during the course of acquiring and managing refuges; and

"(N) monitor the status and trends of fish, wildlife, and plants in each refuge.".

On page 15, line 8, before the semicolon, insert the following: ", except that, in the case of any use authorized for a period longer than 10 years (such as an electric utility right-of-way), the reevaluation required by this clause shall examine compliance with the terms and conditions of the authorization, not examine the authorization itself".

Mr. CHAFEE. Mr. President, I have introduced this amendment to H.R. 1420, the National Wildlife Refuge System Improvement Act of 1997 on behalf of myself, Senator KEMPTHORNE, and Senator GRAHAM. This bill recently passed the House by the remarkable vote of 407 to 1.

Last week, I, along with Senators KEMPTHORNE and GRAHAM, introduced S. 1059 as a companion bill, and on July 30, the Committee on Environment and Public Works held a hearing to solicit views on this bill from the Secretary of the Interior, among others. The hearing was very productive, and reaffirmed the widespread support that exists for this legislation. The amendment that I am offering includes narrow, but important, changes to the House version that clarify several provisions, and that have been agreed to by the administration, the House Resources Committee, and the stakeholders involved in the earlier negotiations.

This legislation is long overdue and very much needed. The National Wildlife Refuge System was started in 1903 by President Theodore Roosevelt, with the establishment of the first refuge on Pelican Island in Florida. It has since evolved into a system of Federal lands consisting of 509 refuges in 50 States, covering 92 million acres, for the conservation of fish, wildlife, and plants. Despite 60 years of growth, however the refuge system remained without a law governing its administration until 1966, when Congress passed the National Wildlife Refuge System Administration Act. Even now, almost a century later, there is no law that identifies a mission or articulates guidance for refuge management.

For several years, both sides of the aisle and both sides of the Capitol have attempted to enact legislation to rectify this situation. The President has also taken administrative steps for improving refuge management with an Executive order issued in March 1996. Earlier this year, after a month of negotiations among a broad range of stakeholders, the House passed H.R. 1420, which was then referred to the Senate.

After discussions here in the Senate, we have this amendment that makes narrow but important changes to H.R. 1420, and that clarifies the intent expressed by the House in the report of the Committee on Resources and in deliberation on the floor. The first two provisions of the amendment were changes included in S. 1059. This amendment clarifies that compatible uses can be both wildlife-dependent and other uses. The allowance of compatible uses has become the cornerstone of the refuge system, balancing the needs of the fish, wildlife, and plants for which the refuge was established, with our own ability to use and enjoy the refuge for a wide range of activities. Two points should be emphasized, however. First, while this legislation establishes that wildlife-dependent recreational uses are to be given priority, any use may be authorized by the refuge manager provided that it is compatible with both the mission of the system and the purpose of the refuge. These are two separate principles contained in the bill. Second, that all uses are required to be compatible in order to be allowed does not mean that all compatible uses are required to be allowed. The longstanding policy of the Fish and Wildlife Service that a refuge is "closed until open" is not altered by this legislation, although wildlife-dependent uses may be approved on an interim basis pending completion of the conservation plan for any land added to the system after March 25, 1996.

The amendment requires that the Secretary provide for monitoring of the status and trends of fish, wildlife, and plants on refuges. While this provision seems somewhat obvious, monitoring is often one of the first casualties of budgetary constraints. In addition, given some of the past problems with secondary uses on refuges, monitoring will be very important in measuring the success of the recent administrative and legislative changes that we are now undertaking. Lastly, monitoring will ensure that our scientific knowledge regarding wildlife and natural resources continues to grow.

The amendment clarifies the legislative intent regarding the periodic reevaluation on longterm secondary uses, such as electric utility rights-of-way. The bill requires that nonwildlife dependent uses be reevaluated no less than every 10 years. Some rights-of-way are authorized for longer periods of time, and concern has been expressed that this reevaluation, together with the requirement that incompatible uses be eliminated or modified, may threaten the very existence of the rights-of-way. For uses that are authorized for periods of longer than 10 years, this amendment limits the review to compliance with the terms and conditions under which the authorization is made, and not to the authorization itself.

Numerous individuals in both the Senate and the House, as well as in the administration, deserve praise for their persevering efforts over the years in seeking to improve the refuge system, and for their involvement on this bill. On the Senate side, I would like to thank Senators KEMPTHORNE and GRAHAM for their support on this amendment. I would also like to thank Senators MURKOWSKI and ALLARD for their understanding on issues relating to rights-of-way and water rights on which they have expressed concern.

With this amendment, I urge my colleagues to vote in support of H.R. 1420.

Mr. KEMPTHORNE. Mr. President, I am pleased today to recommend to the Senate passage of the National Wildlife Refuge System Improvement Act with a Kempthorne-Graham amendment. The passage of this bill represents a victory for many who are concerned with the hundreds of wildlife refuges across the United States and the multiple uses that they support.

The bill, which was negotiated between Chairman DON YOUNG of the Natural Resources Committee and Secretary of the Interior Bruce Babbitt, is another example of how positive change for the benefit of our environment can be achieved when we make a sincere effort to work together to reach consensus.

The original House bill, H.R. 1420, came to the Senate after an overwhelming vote in the House. The bill was referred, in the normal course, to my subcommittee in the Environment and Public Works Committee. Now, there are some who wanted me to just let the House bill go without further review in the Senate. But if I have learned anything from Senator BYRD over the years, I have learned that I would be ignoring the responsibility and indeed constitutional duty of the Senate if I simply signed off on such important legislation without considering it carefully.

The time that we spent to review the House bill was well worth it. We discovered an internal ambiguity in the bill which could have been taken advantage of by those who might want to eliminate many legitimate uses of wildlife refuges. My concern was that the bill's exclusive focus on so-called wildlife-dependent activities might be interpreted down the road as a signal that Congress intended only for these kinds of activities to qualify as potentially compatible activities on Federal wildlife refuges and that the many other uses of refuges that can now be authorized if they are compatible with the purposes of a refuge would be left out.

That would indeed be a significant problem. Under the law now, our national wildlife refuges support many uses, including wildlife-dependent uses such as hunting and fishing, but also important nonwildlife-dependent uses, like grazing, oil and gas production, electricity transmission, and even family picnics and weddings.

Under the House bill, any one of these activities arguably could have been eliminated on Federal refuges simply because they are not wildlife-dependent activities.

In my home State of Idaho, for example, ranchers who were once promised that they would retain the right to graze their cattle on the Gray's Lake Refuge might have lost that right because an individual refuge manager, already hostile to grazing, interpreted the House language to preclude grazing as a compatible use. This is an important issue for my State because grazing occurs in four of the six Idaho refuges.

On the Mississippi Sandhill Crane Refuge, grazing could have been curtailed even though the refuge manager there recognizes the value of grazing to improve the habitat for the crane.

This amendment will ensure that livestock grazing can continue to be considered to be a compatible use on a wildlife refuge.

But this amendment was not intended to address only grazing. Other legitimate and compatible uses on wildlife refuges could have been affected. Important activities associated with oil and gas development and the transmission of electricity to our homes and businesses could have been curtailed and even eliminated. From the 300 oil and gas wells at the Upper Ouachita Wildlife Refuge to the three wells in the Kirtland Warbler Management Area, all could have been shut down if this ambiguity had been exploited. With my amendment, all of these activities will be allowed to continue, provided that they are compatible with the purposes of the refuge.

I ask unanimous consent to have printed in the RECORD two lists of wildlife refuges that currently support grazing and oil and gas production. All of these activities, as well as other legitimate and compatible uses, could have been eliminated had we not addressed this ambiguity in this amendment. These lists include wildlife refuges in 35 States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL WILDLIFE REFUGES PERMITTING GRAZING

[As of July, 1995]

1	CA	Bitter Creek NWR
1	CA	Clear Lake NWR
1	CA	Humboldt Bay NWR
1	CA	Kern NWR
1	CA	Merced NWR
1	CA	Modoc NWR
1	CA	Pixley NWR
1	CA	Sacramento River NWR
1	CA, OR	Lower Klamath NWR
1	CA, OR	Lower Klamath NWR
1	HI	Hakalau Forest NWR
1	HI	Hanalei NWR
1	HI	Huleia NWR
1	ID	Bear Lake NWR
1	ID	Grays Lake NWR
1	ID	Minidoka NWR
1	ID, OR	Deer Flat NWR
1	No data match	Arena Plains NWR
1	NV	Fallon NWR
1	NV	Pahranagal NWR
1	NV	Ruby Lake NWR
1	NV	Stillwater NWR
1	OR	Klamath Forest NWR
1	OR	Nestucca Bay NWR
1	OR	Upper Klamath NWR
1	OR	William L. Finley NWR
1	OR, WA	Julia Butler Hansen Refuge for the Columbian White-tail Deer
1	WA	Columbia NWR
1	WA	Franz Lake NWR
1	WA	Pierce NWR
1	WA	Ridgefield NWR
1	WA	Steigerwald Lake NWR
1	WA	Willapa NWR
2	NM	Las Vegas NWR
2	OK	Salt Plains NWR
2	OK	Wichita Mountains Wildlife Refuge
2	TX	Anahuac NWR
2	TX	Aransas NWR
2	TX	Attwater Prairie Chicken NWR
2	TX	Balcones Canyonlands NWR
2	TX	Brazoria NWR
2	TX	Buffalo Lake NWR
2	TX	Hagerman NWR
2	TX	McFaddin NWR
2	TX	Moody NWR
2	TX	Muleshoe NWR
2	TX	San Bernard NWR
2	TX	Texas Point NWR
3	IA	Walnut Creek NWR
3	IA, IL, MN, WI	Upper Mississippi River Wildlife and Fish Refuge
3	MN	Big Stone NWR
3	MN	Detroit Lakes WMD
3	MN	Hamden Slough NWR
3	MN	Litchfield WMD
3	MN	Morris WMD
3	MN	Windom WMD
3	MO	Mingo NWR
3	WI	Leopold WMD
4	AL	Choctaw NWR
4	AL	Wheeler NWR
4	AR	Holla Bend NWR
4	AR	Logan Cave NWR
4	FL	St. Johns NWR
4	LA	Sabine NWR
4	MS	Mississippi Sandhill Crane NWR
5	MD, VA	Chincoteague NWR
5	ME	Moosehorn NWR
5	NJ, NY	Wallkill River NWR
5	NY	Iroquois NWR
6	CO	Alamosa NWR
6	CO	Arapaho NWR
6	CO	Browns Park NWR
6	KS	Kirwin NWR
6	KS	Quivira NWR
6	MT	Benton Lake WMD
6	MT	Charles M. Russell NWR
6	MT	Lake Mason NWR
6	MT	Medicine Lake NWR
6	MT	Medicine Lake WMD
6	MT	NWMT F & W Complex WMD
6	MT	Red Rock Lakes NWR
6	MT	Ul Bend NWR
6	MT	War Horse NWR
6	ND	Arrowwood NWR
6	ND	Arrowwood WMD
6	ND	Audubon WMD
6	ND	Crosby WMD
6	ND	Des Lacs NWR
6	ND	Devils Lake WMD
6	ND	Florence Lake NWR
6	ND	J. Clark Salyer NWR
6	ND	J. Clark Salyer WMD
6	ND	Kulm WMD
6	ND	Lake Alice NWR
6	ND	Lake Ilo NWR
6	ND	Lake Nettie NWR
6	ND	Lake Zahl NWR
6	ND	Long Lake NWR
6	ND	Long Lake WMD
6	ND	Lostwood NWR
6	ND	Lostwood WMD
6	ND	McLean NWR
6	ND	Shell Lake NWR
6	ND	Slade NWR
6	ND	Stewart Lake NWR
6	ND	Tewaukon NWR
6	ND	Tewaukon WMD
6	ND	Upper Souris NWR
6	ND	Valley City WMD
6	ND	White Lake NWR
6	NE	Rainwater Basin WMD
6	NE	Valentine NWR
6	NE, SD	Karl E. Mundt NWR
6	SD	Huron WMD
6	SD	Lacreek NWR
6	SD	Lake Andes WMD
6	SD	Madison WMD
6	SD	Pocasse NWR
6	SD	Sand Lake WMD
6	SD	Waubay NWR
6	SD	Waubay WMD
6	WY	Hutton Lake NWR
6	WY	Mortenson Lake NWR
7	AK	Alaska Maritime NWR
7	AK	Yukon Delta NWR

Total Records = 125

RMIS—OIL, GAS, AND MINERAL ACTIVITIES (1996)

Org. code	Station	State
12516	Hakalau Forest NWR	HI
11670	Hopper Mountain NWR	CA
14570	Ruby Lake NWR	NV
14621	Sheldon NWR	OR
11627	Sacramento River NWR	CA
11623	Sutter NWR	CA
11683	Seal Beach NWR	CA
21520	Anahuac NWR	TX
21560	Attwater Prairie Chicken NWR	TX
22550	Havasu NWR	AZ
21580	Hagerman NWR	TX
22570	Kofa NWR	AZ
21640	Sequoyah NWR	OK
21650	Tishomingo NWR	OK
21593	Trinity River NWR	TX
21660	Mashita NWR	OK
21620	Optima NWR	OK
32640	Big Stone NWR	MO
31513	Kirtlands Warbler WMA	MI
32525	Leopold WMD	Wi
32588	Litchfield WMD	MN
32590	Minnesota Valley NWR	MN
32550	Sherburne NWR	MN
32579	Upper Mississippi River Wildlife & Fish Refuge	WI
43612	Cameron Prairie NWR	LA
43535	Choctaw NWR	AL
43525	Catahoula NWR	LA
43545	D'Arbonne NWR	LA
43546	Upper Ouachita NWR	LA
43570	Felsenthal NWR	AR
43571	Overflow NWR	AR
43695	Lake Ophelia NWR	LA
43610	Lacassine NWR	LA
42650	Louisiana WMD	LA
43567	Handy Brake NWR	LA
43675	Mississippi WMD	MS
43635	Dahomey NWR	MS
43640	Sabine NWR	LA
43556	Breton NWR	LA
43555	Delta NWR	LA
43614	Atchafalaya NWR	LA
43558X	Big Branch Marsh NWR	LA
43595	Bayou Sauvage NWR	LA
43616	Bogue Chitto NWR	LA
42640	St. Catherine Creek NWR	MS
43690	Tensas River NWR	LA
42620	Tennessee NWR	TN
43670	White River NWR	AR
41625	Savannah NWR	GA
51660	Ohio River Islands NWR	WV
62554	Audubon WMD	ND
61510	Benton Lake NWR	MT
61511	Benton Lake WMD	MT
61585	Bowdoin WMD	MT
62560	Crosby WMD	ND
62570	Des Lacs NWR	ND
61583	Hewitt Lake NWR	MT
62620	J. Clark Salyer NWR	ND
62629	J. Clark Salyer WMD	ND
61584	Lake Thibadeau NWR	MT
61530	Medicine Lake NWR	MT
61532	Medicine Lake WMD	MT
61544	NW Montana WMD	MT
65570	Ouray NWR	UT
61542	Pablo NWR	MT
64620	Quivira NWR	KS
62680	Upper Souris NWR	ND
74500	Alaska Maritime NWR	AK
74510	Alaska Peninsula NWR	AK
74520	Izembek NWR	AK
74525	Kanai NWR	AK
74540	Yukon Delta NWR	AK
14560	Deer Flat NWR	ID

Mr. KEMPTHORNE. Mr. President, I want to make it clear that I do not believe it was the intention of the parties who negotiated this agreement to eliminate nonrecreational uses on wildlife refuges. But I do believe that we have eliminated a potential legal argument for any who might try to use the ambiguity to curtail nonwildlife-dependent uses on refuges.

As amended, I will support this bill. For the first time, it will establish hunting and fishing as priority uses of wildlife refuges and will ensure that other legitimate and compatible uses can continue in the future. Of particular interest and importance to me, to Idaho, and to other Western States, is the provision in the bill that provides, "Nothing in this act shall create a reserved water right, express or implied, in the United States for any purpose." I strongly support this provision now, as I have in the past.

I urge the adoption of the bill and the Kempthorne-Graham amendment.

Mr. GRAHAM. Mr. President, I'm pleased to have the opportunity to discuss the National Wildlife Refuge System Improvement Act of 1997. It is a long overdue organic act for our magnificent refuge system. In 1991 and again in 1993, as chairman of the Subcommittee on Fish and Wildlife, I introduced the National Wildlife Refuge System Management and Policy Act—legislation which was very similar to that which is before us today.

My aims then were straightforward. First, to clarify that the purpose of the National Wildlife Refuge System is to conserve our Nation's diversity of fish, wildlife, and plants and their habitats. Second, to improve the process used to determine which public uses shall be allowed on the refuges. Third, to require the development of comprehensive conservation plans for each of the refuges and ensure that the public has ample opportunity to participate in the planning process as it does in planning for our national parks and national forests. Fourth, to lay out clear affirmative duties for the Secretary of the Interior to protect the integrity and plan for the appropriate expansion of the Refuge System.

My bill had the strong support of conservation groups like the Wilderness Society, the National Audubon Society, Defenders of Wildlife, and the Sierra Club. Thanks to Senators CHAFEE, KEMPTHORNE, and BAUCUS, my bill also enjoyed the support of the International Association of Fish and Wildlife Agencies along with a variety of sportsmen's groups. The Environment and Public Works Committee reported that bill in the 103d Congress but unfortunately we were not able to bring the bill to the Senate floor because a number of procedural holds were placed on the bill.

In the last Congress, the House introduced and passed a radically different bill that would have harmed our Refuge System. President Clinton indicated that he would veto the House bill but fortunately, it was not acted upon by the Senate.

The bill before us today is not identical to the bill I introduced in prior years. It is not exactly how I would have drafted it, but I am very pleased that it addresses the four major areas that I outlined above: a mission statement for the system, a formal process to assess the compatibility of refuge activities, a planning requirement, and duties for the Interior Secretary.

Of course, even with passage of this bill, the Refuge System will only meet its potential to conserve the Nation's fish and wildlife if the Congress appropriates the funds necessary for its proper management. I am pleased that the House has approved a healthy increase for this purpose in its fiscal year 1998 Interior appropriations bill and will work to ensure that the Senate does as well. Senator KEMPTHORNE and I and 18 of our colleagues have written to the Appropriations Committee to urge such funding.

THEODORE ROOSEVELT'S ENDANGERED SPECIES ACT

Ninety-four years ago, President Theodore Roosevelt established the first national wildlife refuge at Pelican Island in my State of Florida. This bold move protected the last remaining nesting colony of brown pelicans on the Atlantic seaboard. But as critical as this action was for the pelicans, it had much broader importance for the Nation's wildlife because it began our only system of national lands dedicated to wildlife conservation.

Before leaving office, Roosevelt went on to establish more than 50 such sanctuaries. Herons, egrets, pelicans, and other shorebirds, along with all manner of waterfowl found sanctuary on Roosevelt's refuges. Large mammals including bison, elk, and antelope were also protected. In this sense, the refuge was Roosevelt's Endangered Species Act.

Refuges continue to be created to meet the most pressing wildlife conservation challenges of the day. Refuges have been established for endangered fish, birds, mammals, reptiles, frogs, bats, and butterflies. In my State we even have the new Lake Wales Ridge Refuge established for endangered plants. And while we have many refuges to protect endangered species, we know that many other species would be headed for the endangered species list were it not for the protections afforded by the National Wildlife Refuge System.

Today the Refuge System includes more than 500 refuges and 92 million acres which makes it larger than the National Parks System. Yet in the lower 48 States, the Refuge System amounts to less than 4 percent of the Federal public lands and less than 1 percent of the total land area of those States.

In Florida we have 25 refuges encompassing more than 1 million acres of land and water. These include refuges to protect our manatees, Florida panthers, sea turtles, Key deer, crocodiles, and those endangered plants.

PUBLIC SUPPORT AND USE OF THE REFUGE SYSTEM

Our Refuge System has been strongly supported by bird watchers, hunters, and anglers throughout its history—even though there was very little recreation permitted for much of the system's history. For example, hunting was a rarity on refuges until 1949, but hunters and sportsmen's organizations were strong supporters of the system even in those early years because they realized that without protected habitats, there could be no wildlife.

Today, the Refuge System provides ample opportunities for fish and wildlife related recreation including wildlife observation, nature photography, and hunting and fishing, as well as environmental education. But these public uses are clearly secondary to the long-standing primary purposes of the Refuge System to conserve fish and wildlife and habitats. S. 1059 continues this clear distinction between the purpose of the Refuge system to conserve fish and wildlife, and the priority uses of the system which are those related to learning about or enjoying fish and wildlife.

PROBLEMS IN THE SYSTEM

Unfortunately, public use has not always been carried out in a manner that is consistent with the well-being of our refuges and their wildlife. A 1989 study by the General Accounting Office found that secondary activities considered by refuge managers to be harmful to wildlife resources were occurring on nearly 60 percent on our refuges. Power boating, mining, military air exercises, off-road vehicles, and air boating were cited as the most frequent harmful uses. Oil and gas drilling, timbering, grazing, farming, commercial fishing, and even wildlife related recreation such as hunting, trapping, and wildlife observation in some instances were also found to harm wildlife or habitat. A 1991 study by the U.S. Fish and Wildlife Service confirmed the GAO's findings. The Service found that harmful activities were present at 63 percent of the refuges.

At one time, for example, the Key West National Wildlife Refuge harbored the only known breeding colony of frigatebirds in the United States. The Great White Heron National Wildlife Refuge, also in the Florida Keys, hosted numerous colonies of wading birds. But increased activity within the refuges by jet skiers, power boaters, water skiers, campers, and others was the most likely reason that the frigatebirds abandoned the refuge rookery and the chief culprit behind the fact that other birds have showed signs of declining breeding success.

Refuge managers, despite their best efforts, have often been susceptible to outside pressure to allow these damaging activities because the laws governing the Refuge System are not completely clear. Furthermore, decisions about which activities were compatible with wildlife conservation purposes have often been made without adequate public input or written records. The problem had been compounded in past years by lack of periodic reevaluations of uses.

ACTION TO RESTORE INTEGRITY TO THE REFUGE SYSTEM

Fortunately, the Clinton administration has taken a number of steps to resolve many of the problems in the National Wildlife Refuge System. I like to believe that the interest and oversight that we provided in a bipartisan fashion in the 102d and 103d Congresses set the stage for these improvements.

A number of harmful economic, recreational, and even military activities have been eliminated or appropriately reduced. In Florida, for example, action has been taken by the Fish and Wildlife Service to reduce the number of people allowed to scuba dive alongside manatees in the Crystal River refuge that was established to protect the manatee. Likewise, the Service has taken action to reduce public use at the Egmont Key National Wildlife Refuge. And a back-country plan has been implemented in the Florida Keys to greatly reduce conflicts between people and wildlife.

President Clinton has also issued an Executive order on the management of the Refuge System that specifies that the mission of the refuges is to preserve a national network of lands and waters to conserve our wildlife diversity. The Executive order also appropriately ensures that recreational pursuits that are related to fish and wildlife will take priority over other activities not so related.

Now, as in the past, I am gratified to be part of the process of updating the laws that govern our magnificent National Wildlife Refuge System. It is my sincerest hope that this new law will improve the Refuge System for the benefit of our Nation's fish and wildlife and for generations of Americans to come.

Mr. CHAFEE. I understand that the Senator from Alaska has raised some concerns regarding the requirement to periodically reevaluate existing secondary uses to ensure that they remain compatible within the meaning of the law. I would like to ensure that the Senator's concerns have been fully addressed.

Mr. MURKOWSKI. I would like to thank the Senator from Rhode Island, and obtain his understanding regarding how the periodic reevaluation will affect those secondary uses that are authorized for less than 10 years.

Mr. CHAFEE. As a preliminary matter, numerous rights-of-way have been approved in the past as compatible uses in various refuges, and this legislation does not alter the basis under which those activities may be approved in the future. With respect to the periodic reviews, the reevaluation of existing uses is required "when conditions under which the use is permitted change significantly or when there is significant new information regarding the effects of the use, but not less frequently than once every 10 years." For uses that are authorized for periods of less than 10 years, it is my understanding that the Fish and Wildlife Service will, under normal and usual circumstances, review the use at the time of the reauthorization of the activity. The only exception to this would be in situations in which significant new information is developed regarding the effects of the use, or conditions under which the use change significantly.

Mr. MURKOWSKI. I would like to obtain his understanding regarding how the periodic reevaluation will affect those secondary uses that are authorized for longer than 10 years.

Mr. CHAFEE. For uses that are authorized for periods of longer than 10 years, the amendment that we have introduced explicitly limits the review to compliance with the terms and conditions under which the authorization is made, and not to the authorization itself. During deliberation of H.R. 1420 by the House, Representatives YOUNG and SAXTON entered into a colloquy on this issue. Our amendment codifies the understanding reached in that colloquy.

Mr. MURKOWSKI. I understand that the Fish and Wildlife Service has been consulted on these two issues, and that they have concurred with your explanation.

Mr. CHAFEE. That is correct. With respect to long-term secondary uses, the amendment has met with the approval of the Department of the Interior, as stated by Secretary Babbitt at a hearing on S. 1059 before the Environment and Public Works Committee on July 30. With respect to short-term uses, the Service has also agreed with my understanding.

Mr. GRAHAM. Mr. President, this bill establishes wildlife observation, hunting, fishing, and environmental education as the priority public uses of the refuge system. We have found in the State of Florida that even wildlife observation can become incompatible if not carefully regulated and managed.

For example, at Crystal River National Wildlife Refuge, visitors enjoy observing the manatees that this refuge was established to protect. The favored way of observing the animals is by swimming with them in the refuge waters. A few years ago, the Fish and Wildlife Service discovered that so many people were engaging in this activity that many of the manatees were leaving the refuge that was designed for their protection. The agency determined that this form of wildlife observation was occurring at levels that were incompatible with the purpose of the refuge and had to establish certain limits on when and where people could engage in this activity and how many could do so at one time.

Am I correct that even those so-called wildlife-dependent activities that are considered priority public uses in the bill must be found to be compatible with the purposes of the refuges and the mission of the system? And, that as a part of this determination, the Fish and Wildlife Service must consider whether there are adequate funds available to administer the use in a manner that is compatible?

Mr. CHAFEE. That is correct. Even though we are designating wildlife observation, hunting, fishing, and environmental education as priority public uses the bill requires each of these to pass the compatibility test. Even these uses have occasionally been determined to be incompatible on a number of refuges in the past and may be so in the future.

Mr. GRAHAM. Mr. President, this bill—for the first time in law—would establish a definition for the term "compatible." This is one of the single most important aspects of this legislation. Too often in the past, activities have been allowed on refuges that have harmed the fish and wildlife and habitats that these areas were designed to protect. There has been some concern that the definition used in the bill is overly vague. The bill defines a compatible use as one that will not "materially interfere with or detract from the purpose of a refuge or the mission of the Refuge System."

The House committee report on this bill further clarified that what this language means is that a use is compatible if it will not have a tangible adverse impact on refuge purposes. Is it also your understanding that this is what is meant by this definition?

Mr. CHAFEE. Yes. That is the correct interpretation of what is meant by this definition. A compatible use is one that will not have a tangible adverse impact on refuge purposes.

Mr. GRAHAM. Mr. President, the third part of our amendment concerns the issuance of permits for such uses as electric utility rights-of-way that may be of longer than 10 years in duration.

The underlying bill requires that all non-wildlife-dependent uses be reevaluated every 10 years to ensure they are still compatible. The language of our amendment directs that for uses that are authorized for more than 10 years, such as utility right-of-way the Fish and Wildlife Service will evaluate compliance with the original terms and conditions of the permit and not the authorization of the right-of-way itself.

Mr. CHAFEE. Your understanding is correct. This amendment is intended to address the concerns of those with permits for more permanent or semipermanent physical structures such as powerlines.

Mr. GRAHAM. Mr. President, some have pointed out correctly that, in the case of unforeseen changes in circumstances, it may occasionally be necessary to adjust a use to ensure that it remains compatible. My understanding is that utility companies have been willing and able to make minor adjustments to their facilities to ensure that they remain compatible.

Mr. President, am I correct to understand that this amendment will still allow the flexibility to make such adjustments to facilities that have been authorized for more than 10 years in order to ensure that they remain compatible?

Mr. CHAFEE. That is correct.

Mr. LOTT. Mr. President, for 3 long years, the House Resources Committee has worked with the Department of the Interior to craft a statute that redefines and redirects the mission of the wildlife refuge program. After holding a total of eight hearings and countless legislative meetings with the administration, the House Resources Committee introduced and reported H.R. 1420. Thanks to the dedicated support of Chairman YOUNG and Secretary Babbitt, this bill overwhelmingly passed the House by a vote of 407 to 1 on June 3, 1997.

Mr. President, I am proud of the Senate's unanimous approval of this historic legislation. It proves that successful environmental policy can be crafted in a bipartisan manner.

This legislation was endorsed by a coalition of diverse interests. It is rare to find an issue that captures the attention and collective effort of industry, sportsmen, and conservationists. These groups, ranging from the Wildlife Legislative Fund of America and the National Rifle Association to the Safari Club and the Audubon Society, have shown good faith in their efforts. I appreciate their perseverance and cooperation in finding a consensus for the public policy governing America's refuge system.

In order to ensure that the bill would be considered and passed with as few changes as possible, it was held at the desk for consideration. Some may claim that this was an unusual parliamentary procedure, but I contend that this is an unusual bill. I was protecting the balance reached within the House-passed legislation in order to ensure a swift resolution of the legislative process. Senators' concerns and the jurisdictions of the committee process were respected and preserved.

Mr. President, the result of these unusual proceedings is an outstanding product. Americans for generations to come will appreciate the wisdom and equity of this clear multiuse mission for our refuge system.

As Mississippians go to the Noxubee National Wildlife Refuge, some will be there to hunt, some to enjoy the tremendous beauty of their surroundings, and others to appreciate the effort to preserve our natural heritage. All is possible because of H.R. 1420. Mississippians—and their many diverse interests—will be given the right to coexist within the refuge.

H.R. 1420 will refocus the mission of the refuge system. It recognizes that hunting and fishing are important and legitimate activities on these public lands. Common ground was found—and it is high ground indeed.

Again, I want to personally applaud Chairman YOUNG and Representatives DINGELL and MILLER for their dedication to this legislative initiative. With the assistance of Secretary Babbitt, they have forged a new path for a refuge system with a clear multiuse mission. I thank my Senate colleagues for their participation and endorsement of this legislative proposal.

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill read the third time, and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1129) was agreed to.

The bill (H.R. 1420), as amended, was read the third time, and passed.

MEASURE READ THE FIRST TIME—S. 1160

Mr. GORTON. Mr. President, on behalf of the Democratic leader, I understand that there is a bill at the desk introduced by Senator DASCHLE, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1160) to provide for educational facilities improvement.

Mr. GORTON. Mr. President, I now ask for a second reading of the bill and object to my own request.

The PRESIDING OFFICER. The bill will be read on the next legislative day.

ORDERS FOR THURSDAY, SEPTEMBER 11, 1997

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m. on Thursday, September 11. I further ask that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of S. 1061, the Labor-HHS appropriations bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. Mr. President, in accordance with the consent agreement, tomorrow morning there will be 30 minutes of debate remaining on the Teamsters amendment, to be followed by 30 minutes of debate on the testing issue. Following that debate time, at approximately 10 a.m., there will be a series of four stacked rollcall votes, including final passage of the Labor-HHS appropriations bill. Following those votes, the Senate will begin debate on the FDA reform bill. In addition, additional votes are expected during Thursday's session following the ordered votes which begin at approximately 10 a.m. I thank my colleagues for their attention.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. GORTON. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:31 p.m., adjourned until Thursday, September 11, 1997, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 10, 1997:

DEPARTMENT OF DEFENSE

ROBERT M. WALKER, OF TENNESSEE, TO BE UNDER SECRETARY OF THE ARMY, VICE JOE ROBERT REEDER.

EXTENSIONS OF REMARKS

PROTECTION FROM PERSONAL INTRUSION ACT

HON. SONNY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. BONO. Mr. Speaker, today I rise to introduce the Protection from Personal Intrusion Act, a measure that is badly needed and long overdue. Recent tragic events have punctuated the danger and bring this problem near to all of us from the forefront of the world's attention. I must, however, assure you that this is a long-standing problem suffered by many of the wonderful people I have known and admired. In truth, this is a victims' rights bill. Allowing someone to suffer at your hand is an outrageous offense. Allowing someone to be violated and not have legal rights or recourse available is a failing on our behalf.

Briefly, I wish to explain the background for this legislation. Congress has a duty to balance a variety of interests, including the first amendment, the public's right-to-know, and the public safety and order. The first amendment is a cherished concept that comes from the genius of our Founding Fathers. Yet it is without doubt that the activities of the bounty-hunting paparazzi go beyond the robust public discourse envisioned by the Founders. No legitimate media need to encourage or utilize these abusive practices that often rise to stalking, harassment, assault and other violent conduct.

In section 1, the short title is listed. In section 2, a new Federal criminal offense prohibiting certain violent conduct is defined by adding to chapter 89 of title 18 United States Code a new section, sec. 1822. In my view, there is a definite need for the Federal Government's role in this area. First, it is important to ensure this protection is uniformly guaranteed throughout the Nation. The States are also free to address this issue concurrently as they deem fit. In addition, I urge the States to continue strenuously enforcing their own laws in this area. Further, I hope that they complement this law in new ways to preserve the public order and safety. I have tried to word this legislation carefully enough to include the situations we can expect and yet broadly enough to be flexible to consider the range of possible behavior the victims may encounter. Under the bill, criminal liability for this type of heinous behavior against any member of the public includes a jail sentence of up to 20 years and a fine depending on the nature of offense.

Further, the bill creates a new corresponding civil cause of action and defines the jurisdiction for such cases of the victims of this intolerable and intrusive behavior against the shameless perpetrators. This civil liability complements the criminal offense section.

Next, three last substantive measures are provided. I am aware that there are legitimate first amendment concerns that such liability may chill the legitimate media. Here, the bill makes it clear that nothing in this act may be construed to make the sale, transmission, publication, broadcast or use of such recordings that are obtained in an otherwise lawful manner subject to criminal charge or civil liability. Likewise, under my bill, liability is limited to the actual perpetrators who are physically present and commit the offense described but does not extend to the editors, publishers or other related organizations. Of course, such organizations may be liable under the operation of other legal mechanisms. In addition, there is a law enforcement exemption that applies to legitimate law enforcement activities. While certainly the police are not acting as freelance paparazzi, we must make certain that as a practical matter they are not subject to groundless suits while protecting our public safety.

In designing this legislation, I am addressing an intrusive type of conduct that transcends decency and respect. It has no role in a civilized society or as part of legitimate news gathering. While I focus on activity that is wholly outside the protection of the first amendment, I took care to balance the important values behind the freedom of the press and individual safety. There is a very specific problem at hand, and this bill is drafted to be its narrowly-tailored solution. It is my hope that all of my colleagues will join me in supporting this legislation, so we can protect our public safety and prevent the further victimization of the innocent.

HONORING THOMAS E. WALDROP

HON. THOMAS M. DAVIS

OF VIRGINIA

HON. JAMES P. MORAN

OF VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it gives my colleagues, Mr. MORAN and Mr. WOLF, and me great pleasure to rise today and pay tribute to Mr. Thomas E. Waldrop, an outstanding member of the northern Virginia community. Tom is this year's founders award winner from the northern Virginia Community Foundation. The founders award is given annually to an individual who has demonstrated civic and humanitarian responsibility, and personal participation and leadership in northern Virginia community civic bodies. In addition, the award is presented to an individual who is contributing to improve the quality of life in northern Virginia through leadership in one or more of the following five areas: the Arts, Education, Health; Youth and Civic Improvement.

Tom is an individual who has made a very strong positive impact on northern Virginia as well as the entire State of Virginia. He is a Virginia native who was born in Montpelier, VA, on April 8, 1937. He received his higher education from Virginia schools. Tom received a bachelor's degree in economics from Randolph-Macon College and a master's degree in business from Virginia Commonwealth University. Tom also served his country, and he served in the U.S. Marine Corps from 1958 to 1960.

Tom is currently the president and chief executive officer for Media General Cable which is headquartered in northern Virginia. He has served in that position since 1984. Since that time, Tom has directed the development of one of the Nation's largest and most sophisticated cable television systems. Tom's career with Media General Corp. began in 1967 when he started with Richmond newspapers. He was quickly promoted and appointed the operations manager of Media General Financial Services at the beginning of 1968. Tom went on to serve as their vice president and as assistant general manager. After his success with the financial services division, Tom moved to Media General's Piedmont Publishing Co. where he worked as their business manager, and eventually became the general manager. He left Piedmont when he moved to Media General Cable in northern Virginia.

Tom has shown boundless energy and has made it a priority to work in his community to improve the quality of life for all of us. He works with a wide range of organizations that have made northern Virginia the dynamic, vibrant area it is. Northern Virginia's diverse community has grown dramatically since the early eighties. it has been successful in maintaining a community atmosphere with the work of people like Tom.

Tom works closely with both northern Virginia arts and business communities. He is in his fourth term as chairman of the board of directors of the Arts Council of Fairfax County. He also remains on the board of directors for the Fairfax County Chamber of Commerce, the Fairfax County Public School's Business Advisory, the Fairfax Symphony, the northern Virginia community College Educational Fund, the Northern Virginia Technology Council, the Tower Club, and the Wolf Trap Foundation. In addition to all of these associations, Tom has previously served as the director of the American Heart Association's Fairfax board and has chaired the development committee for "Spotlight on the Arts" in the city of Fairfax. He continues to demonstrate his willingness to lead the northern Virginia community in a wide range of areas.

Tom is also associated with a number of other activities where he volunteers his time and services to further enhance our community. He continues to work with the Northern Virginia Business Roundtable, the Virginia Advisory Committee, and the Corporate Advisory

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Committee for the Women's Center of Northern Virginia. Tom also works with national organizations to improve the quality of our cable television nationwide including serving on the board of directors for the National Cable Television Association and C–SPAN [the Cable Satellite Public Affairs Network].

Mr. Speaker, we know our colleagues join us in honoring and thanking Tom Waldrop for his achievements in working to improve northern Virginia for all of its residents. We appreciate all of his hard work in making northern Virginia one of the finest places to live and work. For those of us that know of Tom's commitment to northern Virginia, it is no surprise that the Northern Virginia Community Foundation has decided to award him their prestigious founder's award at a gala banquet on October 24, 1997. It is a well deserved award.

TRIBUTE TO "CONCERN FOR INDEPENDENT LIVING"

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to an outstanding organization that for 25 years has provided housing and career opportunities that have enabled Long Islanders who are recovering from psychiatric disabilities to realize their full potential as productive, happy members of the community.

Founded in 1972, Concern for Independent Living provides an empowering and supportive environment for our Long Island neighbors who are working to achieve a level of independence in the community. As the New York State psychiatric system closes its large hospitals and evolves towards a community-based approach, groups like Concern for Independent Living are critical components in the patient care effort for the 21st century.

Started as a patient advocacy group known as the Concerned Parents and Friends of Central Islip State Hospital, Concern now provides an array of housing opportunities that are based on the consumer empowerment model, whereby residents participate in all levels of management and comprise the majority of the home's board of directors.

To help clients assimilate into the community, Concern offers housing options that range from highly supervised community residences to independent living in apartments and single-family homes throughout Suffolk County. Family, staff, and referral services work together to place clients in the environment that best meets their rehabilitative needs.

Residents of Concern's housing program are also offered vocational opportunities that provide them with real-life training in the business world. Starting with its first job training initiative, a thrift shop program in central Islip, Concern opened a client-run home, lawn, and garden maintenance business in April 1993. Also placing qualified clients at other, privately operated businesses, Concern offers its residents the invaluable experience of meeting work responsibilities and the satisfaction of knowing that they are a valued, contributing member of the Long Island community.

Mr. Speaker, the programs and opportunities provided by Concern for Independent Living are true models for government-supported, privately operated nonprofit endeavors. They demonstrate that public investment in our communities, when administered in a thoughtful, consumer-focused approach, can make a truly positive impact in the lives of America's citizens. That is why I ask my colleagues in the U.S. House of Representatives to join me in saluting Concern for Independent Living on its 25th anniversary celebration. We are fortunate to have them in Suffolk County.

GE WATERFORD, NEW YORK FACILITY CELEBRATES 50TH ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. SOLOMON. Mr. Speaker, it's not often that I can give my wholehearted congratulations to a corporation that, after taking a chance on a new technology, has not only prospered but has become a fixture in our local landscape. I couldn't be speaking of any business other than GE Silicones.

Fifty years ago, General Electric scientists made a breakthrough discovery. They found a way to create a group of products that were so versatile and could withstand such high degrees of heat that they were unlike any other seen before. Realizing the immediate potential for these compounds, GE began construction on a new manufacturing facility designed to develop new applications for silicones. The company chose to locate in a small, rural town called Waterford, accessible by both the Hudson River and the D&H Railroad.

Today, that company has grown into a global business that is 3,000 employees strong and has manufacturing and sales facilities throughout the world. A $1 billion a year enterprise, GE makes more than 2,000 different silicone products which are used in a variety of industries, including electronics, automobiles, personal and health care, and textiles. It's almost unbelievable that one group of products can be used in so many different ways.

And GE Silicones serves as a vital part of the capital region's economy. Employing 1,500 people locally, the company is a significant contributor to the fiscal strength and stability of our area.

But even as the company continues to expand, GE Silicones has not forgotten the community that serves as its base of operations. I couldn't be more pleased to hear of the company's donations to the Village Fire Department and public library in honor of its 50th anniversary celebration. This is just one more example of the company's commitment to be a responsible and caring neighbor.

On this 50th anniversary, and with much appreciation I congratulate GE Silicones and thank General Electric for its continued investment to our community.

HENRY FORD COMMUNITY COLLEGE 60TH ANNIVERSARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. DINGELL. Mr. Speaker, Henry Ford Community College in Dearborn, MI, is celebrating its 60th anniversary. To mark its 60th jubilee, I would like to publicly acknowledge this respected institution's tremendous history of excellence and unparalleled contribution to our community.

Since 1938 Henry Ford Community College [HFCC] has served as a gateway to higher education for thousands of residents of southeastern Michigan. This institution was established to provide an affordable, high-quality college education for students in Dearborn, MI, and its surrounding communities.

HFCC has clearly succeeded in meeting these original goals. The college enrolls approximately 20,000 students per year, and has grown to become the fifth largest community college and the tenth largest college in the State of Michigan. I am proud to say that HFCC graduates more than 1,000 students per year. A recent survey showed that 98 percent of HFCC graduates are working in Michigan.

In accordance with the rapidly approaching 21st century, Henry Ford Community College has dedicated itself to keeping pace by continuously renovating and modernizing its facilities and curricula. The completion of the new technology building has provided HFCC with one of the most modern community college manufacturing technology and apprentice training facilities in the Nation. These physical improvements and HFCC's qualified, dedicated faculty provide HFCC students with the training and skills that are needed by today's workers and employers in Michigan and across the Nation.

The success of HFCC's students, faculty, and administration can be directly attributed to their dedication to the legacy of Henry Ford—a legacy of hard work, world-class education, and an eye to the future. Henry Ford Community College has been successful as a leader in education and training, and I believe the school and the individuals who make up its community deserve to be commended.

U.S. POSTAL SERVICE GLOBAL PACKAGE LINE IMPORTANT TO AMERICAN MAILERS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. HALL of Ohio. Mr. Speaker, soon my colleagues and I on the House Rules Committee will consider a rule for H.R. 2378, the Treasury, Postal Service, and general Government appropriations bill for fiscal 1998. At that time, the committee will determine whether to grant a waiver for a provision in the bill to limit the U.S. Postal Service from expanding its Global Package Line Service.

Global Package Link is a new approach using modern technology to ship packages from large mailers to overseas destinations. Today, companies like J.C. Penny, Land's End, L.L. Bean, and Neiman Marcus Direct can use this service to reach easily and economically consumer markets in Brazil, Canada, Chile, China, Germany, Japan, and the United Kingdom. Soon service will be extended to France, Mexico, and Singapore.

The U.S. Postal Service was created to provide a business approach to the business of moving the mail. Since that time, the Postal Service has lived up to its charge by introducing new products and services to keep pace with the ever-changing market. Global Package Link is the latest innovative mailing option aimed at international business customers.

The Postal Service makes available mail service nationally and internationally to every american consumer and business. Global Package Link is an important part of the service provided to American businesses. Freezing the program will surely hurt American businesses trying to penetrate foreign markets. It will hurt all users of the Postal Service by limiting the ability to upgrade its services.

Under the Rules of the House, the provision freezing the Global Package Link Service may not be considered on the House floor as part of the Treasury-Postal Service Appropriations bill. While it is within the authority of the Rules Committee to grant a waiver to this rule, the merits of this provision are insufficient for such special treatment. Moreover, the chairman and ranking minority member of the Committee on Government Reform and Oversight oppose a waiver for this provision.

Mr. Speaker, the House should not approve legislation to interfere with the Postal Service's efforts to provide innovative, high quality service to American mail users. Certainly, we should not bend our own rules to make in order legislation which would do just that.

ADDRESSING GULF WAR ILLINESS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. SANDERS. Mr. Speaker, I would like to thank Chairman PORTER, Congressman BILL YOUNG, ranking member DAVE OBEY, and their staffs at the Appropriations Committee for all of the help that they have provided me in attempting to address one of the most important issues facing American veterans, and one of the great medical dilemmas facing our entire country. And that is that over 70,000 Persian Gulf veterans, including hundreds in my own State of Vermont, continue to suffer from gulf war illness, and that 6 years after that war's completion, there is still no understanding of the cause of that illness or an effective treatment.

As you know CHRIS SHAYS, the chairman of the Human Resources Subcommittee has held 10 hearings on gulf war illness since March 1996. As a member of that committee, I cannot begin to express to you the frustration that many of us feel regarding the ineptitude of the Department of Defense and the Veterans Administration in responding adequately and effectively to the needs of those veterans who continue to hurt.

Pure and simple, the bottom line is that 6 years after the end of the Persian Gulf war, the Department of Defense and the Veterans Administration still have not developed an understanding of the cause of gulf war illnesses or an effective treatment protocol. In fact, their record has been so inadequate that last week the Presidential Advisory Committee on Persian Gulf War Veterans' Illnesses indicated that it will be recommending to the President that an independent agency, outside of the Pentagon, take on responsibility for investigating the health effects of low level chemical and biological weapons exposures. According to Arthur L. Caplan, a bioethics professor at the University of Pennsylvania and a member of the panel, "the Pentagon is not credible to continue inquiries that veterans and the public do not find persuasive." And the New York Times writes, "a special White House panel said today, that the Pentagon had lost so much credibility in its investigation of the release of Iraqi chemical weapons in the 1991 Persian Gulf war that oversight of the investigation must be taken away from the Defense Department permanently."

Mr. Speaker, I am happy to inform my colleagues that there is language in the Labor-HHS Appropriations Committee report which funds an independent scientific research program into how chemical exposures in the Persian Gulf relate to the illnesses suffered by as many as 70,000 of our veterans. This research program is to be implemented through the Secretary of Health, with the National Institute of Environmental Health Sciences as the lead agency. The committee has agreed to appropriate $1.1 million for fiscal year 1998 for this important research, and has committed to fund this research program at a level of $7 million over a 5-year period. What is important here is that for the first time, a governmental entity outside the Pentagon or the Veterans Administration will be looking at the role that chemicals may have played in gulf war illness—and that is a major breakthrough.

This report language is strongly supported by the American Legion, the Veterans of Foreign Wars and the National Gulf War Resource Center. Veterans and Americans all over this country are less than impressed, to say the least, about the role of the DOD and the VA in this entire process.

Mr. Speaker, the military theater in the Persian Gulf was a chemical cesspool. Our troops were exposed to chemical warfare agents, leaded petroleum, widespread use of pesticides, depleted uranium, and burning oil wells. In addition, they were given a myriad of pharmaceuticals as vaccines. Further, and perhaps most importantly, as a result of waiver from the FDA, hundreds of thousands of troops were given pyridostigmine bromide. Pyridostigmine bromide, which was being used as an antinerve gas agent, had never been used in this capacity before. Under an agreement between the DOD and the FDA in regards to this waiver, the DOD was required to collect data on any use of pyridostigmine bromide. However, the DOD failed to keep this data and in many cases, there are no records to indicate who even took this investigational drug, how much they took, and under what conditions they took it.

For 5 years, the Pentagon denied that our soldiers had been exposed to any chemical warfare agents. Finally, after being forced to admit that there were exposures, they suggested that the exposures were limited. The DOD's first estimates were 400 troops exposed, then 20,000 troops. In July of this year, the DOD and CIA gave us their best estimate—that as many as 98,910 American troops could have been exposed to chemical warfare agents due to destruction of "the Pit" in Khamisyah, an Iraqi munitions facility. Mr. Chairman, I would not be surprised if this estimate is revised upward in the not too distant future, as more information is gathered regarding other incidents of chemical warfare exposure.

Mr. Speaker, an increasing number of scientists now believe that the synergistic effect of chemical exposures, plus the investigational vaccine pyridostigmine bromide, may well be a major cause of the health problems affecting our soldiers.

Dr. Robert W. Haley of the University of Texas Southwestern Medical Center concludes that the gulf war syndromes are caused by low-level chemical nerve agents combined with other chemicals, including pyridostigmine bromide. Doctors Mohammed Abou-Donia and Tom Kurt, of Duke University Medical Center, in studies using hens, found that a combination of two pesticides used in the gulf war, in combination with pyridostigmine bromide causes neurological deficits in test animals, similar to those reported by some gulf war veterans. Dr. Satu Somani and Doctors Garth and Nancy Nicolson have all completed research which concludes that gulf war veterans' illnesses may be due to combinations of chemical exposures in the Persian Gulf. Dr. Claudia Miller reports that there are similarities between the gulf war veterans' symptoms and those of some civilians exposed to organophosphate pesticides, carbamate pesticides, or low levels of volatile organic chemical mixtures. Dr. William Rea concludes that neurotoxic environmental exposures and other personal exposures prior to and during deployment in the gulf may have resulted in chronically deregulated immune and nonimmune detoxification systems, resulting in multisymptom illness. In addition a number of these scientists and physicians have devised treatment protocols for gulf war illnesses and some are reporting success in their treatments. These are the types of research programs and treatment protocols which our Government should be aggressively pursuing for the sake of our veterans, and what I hope will be accelerated as a result of this language.

The National Institute of Environmental Health is eager and ready to begin research and to provide its results to Congress in an expedient manner. This research program will address three areas of which are necessary to better understand the nature of the program. These are: First, capitalizing on the existing body of knowledge of a similar disorder called multiple chemical sensitivity, second, defining individual genetic differences in the ability to metabolize environmental agents commonly encountered during Desert Storm, and third, developing a better understanding of how multiple exposures interact to exert their toxicity on an organism. Moreover, the research program is to include an investigation of treatment protocols which are being developed in the public and private sectors for illnesses resulting from chemical and other environmental exposures.

Once again, I'd like to thank Chairman PORTER and the Appropriations Committee and staff for their cooperation in this effort. I look forward to learning about the progress of this research program as it is implemented, upon enactment of this bill.

HONORING THE REVEREND HARRY J. PILSON AND THE MOUNT PLEASANT BAPTIST CHURCH

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to the esteemed Pastor of the Mount Pleasant Baptist Church, the Reverend Harry J. Pilson and the Mount Pleasant Baptist Church on their 130th anniversary. The Mount Pleasant Baptist Church has grown under the guidance of Pastor Pilson who is celebrating his ninth anniversary with the church.

Pastor Pilson was born in Bassett, VA on March 7, 1949. While growing up in Henry County, VA he consistently demonstrated a spirit for Christian service. He was a member of the Star of Bethlehem Baptist Church where he served as a member of the Gospel Choir, and the Sunday School. He was also president of the youth group and participated in various civic activities. After completing his secondary education in the Henry County public schools, Harry pursued his higher education at Virginia State College in Petersburg, and the Northern Virginia Community College. He also attended the Virginia Seminary and College in Lynchburg where he received an associates degree in social science and a Bachelor of Arts degree in Christian education. In 1987, Harry received the Master of Divinity degree from Virginia Union University in Richmond. In addition, he received an honorary Doctor of Divinity degree from the Virginia Seminary and College in 1989.

Pastor Pilson joined the Mount Pleasant Baptist Church in September 1988 after having served at the Rivermont Baptist Church in Lynchburg from 1974 to 1988 and the Chestnut Grove Baptist Church in Esmont from 1972 to 1973. Since relocating to northern Virginia, Pastor Pilson has been active in a wide range of community, civic, and religious organizations. He serves on the Northern Virginia Baptist Ministers Conference, and the Mount Vernon Baptist Ministers Association. He is currently serving on the executive boards of both organizations. In addition Pastor Pilson has recently been elected to the Board of Directors for the Virginia Baptist Sunday School, and the Baptist Training Union Congress of Virginia. He has worked as an instructor at the Baptist Training Union for the past 16 years. Pastor Pilson also volunteers his time to serve as a Chaplain at Alexandria Hospital, Chaplain for the Fairfax County police department in Fair Oaks, and Chaplain for the Northern Virginia Chapter of the National Association for the Advancement of Colored People. Pastor Pilson's activities also include his membership on the Executive Board of the Lott Carey Foreign Mission since 1990 and the Alcohol Safety Program Local Policy Board.

Even with these many activities, Harry continues to be a devoted husband and father. He is married to the former Olivia Scruggs of Fluvanna County, VA and they have two sons: Harry James II and Eric LeMar. Pastor Pilson cares for his family in much the same way he cares for his church and its members: he is concerned for their spiritual, social, and mental welfare. Of course, Pastor Pilson's active nature complements the long history of the Mount Pleasant Baptist Church.

The Mount Pleasant Baptist Church has actively served its Lincolnia community for 130 years. Mount Pleasant will begin celebrating its anniversary on September 15 with the celebrations scheduled to go through September 20. Throughout Mount Pleasant's history, the church has promoted the spiritual growth of its members. Mount Pleasant Baptist Church actively serves a wide range of individuals and encourages them to give back to their community.

I know my colleagues and the congregation of the Mount Pleasant Baptist Church will join me in saluting this double anniversary. It is a great pleasure to represent a church devoted to giving back so much to the surrounding community. In addition, it has been an honor to work with an individual such as Pastor Pilson who guides his church to be active in providing service to those less fortunate. I wish him and the Mount Pleasant Baptist Church continued success for many more years to come.

TRIBUTE TO FRED AND ANGELINE ANDREANO ON THEIR 70TH WEDDING ANNIVERSARY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. FORBES. Mr. Speaker, I rise today in this hallowed Chamber to pay tribute to Fred and Angeline Andreano, of Patchogue, Long Island, as they celebrate their blessed 70th wedding anniversary with their family and friends on September 18, 1997.

I know my colleagues in the U.S. House of Representatives believe as I do, that marriage is the bedrock of our society, the foundation on which all of our values, beliefs and hopes for the future rest. That is why we, as national leaders, should take a moment to recognize and honor Fred and Angeline Andreano for all of the love, loyalty, hard work, and faith they have dedicated to a marriage that has endured and grown for 70 years.

It was a blessed day in 1927 when Fred Andreano and Angeline Montecalvo pledged their love and fidelity to each other at the St. John the Evangelist Roman Catholic Church in Angeline's hometown of Center Moriches. Born in the nearby South Shore, Long Island, community of East Patchogue, Fred was a young man of 24 when he promised a lifetime of commitment to Angeline, a pledge he has held sacred for seven decades. The love and adoration between Fred and Angeline has blessed them with two wonderful children, Richard and Ann, as well as six grandchildren, and six great-grandchildren.

For the past 70 years, Fred and Angeline Andreano have demonstrated the values, caring and commitment that have given their marriage the strength and stamina to flourish through a Great Depression, two World Wars and 13 Presidents. The foundation of the Patchogue community, indeed, all of Long Island, has been strengthened by the example of hard work and devotion that Fred and Angeline have dedicated to their marriage.

We see the many blessings and gifts that have been bestowed upon Fred and Angeline, of which they so generously share, and understand the true meaning of family values. Mr. Speaker, I ask that this entire Chamber join me in offering our praise and heartiest congratulations to them on this remarkable anniversary. A union as blessed as theirs will surely endure forever.

NAFTA, THE FAILED EXPERIMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. LIPINSKI. Mr. Speaker, a recent report compiled by some of America's leading economic, environmental, and labor authorities has confirmed what many people, including myself, have known since 1994—NAFTA has failed.

"The Failed Experiment: NAFTA at Three Years," a comprehensive analysis of the trade pact, is a cooperative effort of the Economic Policy Institute, Institute for Policy Studies, the Sierra Club, U.S. Business and Industrial Council Educational Foundation, the International Labor Rights Fund, and Public Citizen's Global Trade Watch. It should be required reading for all Members of Congress as we debate and vote on giving fast-track negotiating authority to the President as he prepares to expand NAFTA to Chile and other Latin American nations.

The portrait of NAFTA that these organizations have rendered is not pretty, but it is hardly surprising to those who have kept a close watch on its corrosive effect on not only the United States, but Mexico and Canada as well.

The even-handed analysis in this report has shown what many have instinctively known since NAFTA went into effect in 1994—this deal has cost us dearly in American jobs. It is estimated that there has been a net loss of 400,000 jobs due to NAFTA.

And not only has NAFTA cost us jobs, but it has put a crimp in the standard of living of other workers. As our trade deficit has exploded to $39 billion with Mexico and Canada in 1996, United States wages have continued to head south. The "Failed Experiment" again demonstrates the link between trade deficits and stagnating wages among all workers. NAFTA has accelerated this trend, and has made is much easier for American manufacturers to pack up and leave when workers begin to demand wage fairness. When faced with bargaining with a union, 15 percent of firms actually closed part or all of their plant, which is triple the rate of the late 1980's.

And what of the promises of assistance to workers displaced by NAFTA? According to the Department of Labor, only 5,300 workers have received NAFTA transitional adjustment assistance. Clearly, these programs have only helped a tiny fraction of the people they were intended to reach.

The "Failed Experiment" also catalogs how NAFTA has threatened our health, safety, and environment. For instance, maquiladora manufacturing slums in northern Mexico have contributed to cross-border pollution in places such as El Paso, TX, where the ozone level is now at dangerous levels 75 percent of the time. Due to a lack of United States inspectors, unsafe food has streamed into this country from Mexico, with the recent strawberry contamination scare being just one example of the problem. More than 7 percent of all crop imports from Mexico are estimated to contain illegal pesticides, with such meal-time fixtures as lettuce and carrots at well over 10 percent. In addition, more than a quarter of Mexican trucks that roll into Texas each day are loaded with hazardous materials such as corrosives, chemicals, explosives, jet fuel, poisons, and toxic wastes. These trucks are required to only meet Mexico's lax safety standards. For example, Mexico does not require tractor-trailers to have front brakes. Only a last minute decision in 1995 by President Clinton, under pressure from myself and other Members of Congress, prevents Mexican tractor-trailer trucks from entering the United States.

Perhaps if our trading partners had seen some improvement in the standard of living of their citizens during the last 3 years, there would have been some benefit from NAFTA. However, the study paints a grim picture of the free trade "boom" for the people of Mexico and Canada.

Despite the flow of American jobs and capital to our north and south, the average worker has benefited little, if not at all.

In Mexico, the average wage has plummeted since 1993, from $2.40 to $1.51 per hour. In addition, the last 3 years have seen the loss of 2 million jobs and the destruction of 28,000 small businesses.

Part of these problems are attributable to the Mexican peso devaluation of 1995, but as the "Failed Experiment" explains so well, the financial crisis was an inevitable part of Mexico's NAFTA plan. The Mexican Government purposely kept the peso's value too high for too long for a number of reasons, but mainly in the hopes of impressing upon the world that its economy was in better shape than it really was. The bottom had to fall out of the peso after the treaty was approved in order for Mexico to attract the foreign investment it so desperately wanted and make Mexican exports cheaper to other countries. Unfortunately, this type of cynical mentality still runs Mexico, and the signs for another peso crash and more misery for working Mexicans are on the horizon.

Meanwhile, our northern neighbor, Canada, has seen a steady decline in its standard of living since joining the United States as the original signatories of NAFTA in 1989. The Canadians have been mired in a recession with unemployment hovering at around 10 percent and the country's comprehensive social safety net is being dismantled in the name of competitiveness. Canada's policies and practices have been harmonized with the rest of North America's—downward.

As Congress examines extending fast-track negotiating authority, I urge my colleagues to read "Failed Experiment" and keep in mind the unpleasant track record of this trade pact for not only the United States, but all its participants.

IN MEMORY OF DALE JOHNSON

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. SOLOMON. Mr. Speaker, I recently learned of the untimely passing of Dale Johnson, a constituent of mine from East Schodack, NY, who was a distinguished member of his community.

I knew Dale as the founder and chairman of the Second Amendment Research Group, a not-for-profit educational organization in New York State. This was a group that sought to educate itself and others about the right of citizens to bear arms. Dale also was the vice chairman of the Schodack Conservative Party; a life member of the National Rifle Association; treasurer of the Historical Society of Esquatack; a member of We The People, a New York organization dedicated to ensuring a fair and just State constitutional convention; and a strong supporter and promoter of women's involvement in hunting and shooting sports.

Dale certainly made an impact upon his community. He was active in protecting and strengthening our constitutional rights. Dale also took part in preserving the historical treasures of our community. Anyone who knew him recognized that he stood up for and acted upon the issues and things he felt strongly about.

Dale was a family man, a level-headed and rational human being, and intellectually honest in his pursuits. While he knew how to be a pragmatist, he never sacrificed his core beliefs and values. He will be remembered as a truly great American.

I have attached the words which Dale drafted prior to his death that instructed his family on what to do in case he became incapacitated. I include this because his words say better than anyone can about the type of philosophy by which Dale lived his life. Maybe we can all learn something by taking a moment to read it.

W. DALE JOHNSON, JULY 16, 1943–JULY 27, 1997

At a certain moment a Doctor will determine my brain has ceased to function and for all intent and purposes my physical life has stopped.

When that happens, do not attempt to instill artificial life into my body by use of a machine, and don't call this my "deathbed." Call it my "Bed of Life." Only my body has ceased to be. My spirit and love go on. It is in the hearts of all of you.

If you must bury something bury my faults, my weaknesses, and my human imperfections.

My soul I leave to God, to you my survivors I leave, all the lessons I have taught, my strength, my love, and my memories. If you want to remember me, keep me in your heart for that is where I truly live. Give to those that need you and are weaker, and learn from my mistakes. Never pass upon the opportunity to tell loved ones and friends how proud you are of them and how much you love them—always have a hand ready to extend for support and a hug to reassure in times of trial. Stand up and act on the things you feel most strongly about. Always remember silence is the same as acceptance.

When you bury my mortal remains, do not grieve, for I will not be there. My soul will be on the wind, my laughter in the sunshine, my warmth will be in the summer rain. Be joyful for the time we had, rejoice in my freedom, I am now free of the world's petty problems and I have fought all my fights. I am free to soar with the eagles and reach out and touch the face of God.

SOUTHERN INDIANA'S ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 27, 1997, into the CONGRESSIONAL RECORD.

BOOSTING SOUTHERN INDIANA'S ECONOMY

Southern Indiana has had a solid record of economic development in recent years. Unemployment in this area is at record lows—2% in some counties, the lowest in a generation. The I-65 corridor from Columbus to the Ohio River is one of the fastest growing areas in the Midwest. Three huge industrial projects—Toyota, AK Steel, and Waupaca—have chosen southern Indiana for their home. And wages are beginning to increase, providing more hard-working families with a living wage. Yet despite the progress, a variety of challenges remain as we look ahead to the future and try to enhance the quality of life for ordinary Hoosiers.

BENEFITS OF SOUTHERN INDIANA

Southern Indiana has a lot going for it. Our infrastructure is good—two major interstate highways, a reliable energy supply, and a good system of local roads, bridges, airports, and water-sewer systems. Economic development simply cannot happen without good infrastructure.

Our communities are friendly. Southern Indiana is a good place to work, live, and raise a family. We do not have overwhelming problems of drugs, crime, AIDS, and poverty, as many areas of the country do. Southern Indiana boasts outstanding hospitals, good schools, a world-class public university system, excellent recreational opportunities, good water resources, and many other advantages. If we want to continue economic growth, we must continue to build on these strengths.

CHALLENGES

But that may not be enough—not enough for the world ahead of us. The world is changing, and that change is accelerating. New challenges lie ahead for businesses and workers, as rapid changes in technology, new ways of delivering services, and tough foreign competition alter the economic landscape across the country.

It is no longer enough to have a strong back, a good work ethic, and even a high school education. Today's factory worker needs to have advanced mathematics, computer skills, and teamwork skills.

In today's globalized economy, national economies are more integrated, tariffs have fallen, and technological barriers between countries have been eliminated with the advances in telecommunications and global transportation. Indiana businesses no longer compete just with Tennessee or Michigan—they compete with Turkey and Malaysia.

So who wins in this new competitive world? Much more is needed than good natural resources. In recent years I have sensed a disturbing trend. In almost every plant I have visited recently, plant managers tell me they are concerned that there are now limits on their production, or soon will be, because they cannot find enough good workers. In the days ahead, the community with the most competitive human infrastructure wins the economic development race—the town with the most highly-skilled workers, the region with the best schools and skill training programs. More than ever before, education is key to economic development.

EDUCATION AND TRAINING

We have a good education system in southern Indiana. Many of our students go on to perform well at top universities. They become scholars, engineers, and entrepreneurs. It is not the top students, or even the top half of the students, I am worried about. They are bright and well-motivated, and will prosper. But what worries me are the other students—those in the bottom half, those who don't go on to college. We are failing to prepare them for today's changing world.

Employers complain that many newly-hired workers lack the capacity or the motivation to learn, do not show up ready for work, do not want to work 8 hours a day and 5 days a week, and frequently quit after a few weeks. One company I met with said they had not hired someone from the local high school in seven years. Another company I visited this summer canceled a planned expansion because they could not find enough skilled workers in the area.

These problems are certainly not unique to southern Indiana. But what all this says to me is that good as we are, as successful as we have been, it is not good enough. We need to do better.

NEEDED STEPS

Clearly a variety of steps are needed to boost economic development in southern Indiana. We need to improve the basic infrastructure of our communities—from roads and bridges, to water systems, to affordable housing. We must do all we can to encourage our talented young people and entrepreneurs to stay in our communities. There is no substitute for talented, creative people. And we need to work to create a business environment in which innovative and competitive efforts of the private sector can flourish. Never forget that small businesses are the backbone of the Indiana economy. They employ more than 2 million Hoosiers.

We need to frankly assess the strengths and weaknesses of our communities and work to build consensus for progress. I know that many Hoosiers are ambivalent about change, but we need to answer the most basic question of all—what kind of communities do we want? And we should recognize the positive role government can play. The character, initiative, and resourcefulness of Hoosiers are still key to our success. But so are various government activities like infrastructure and basic research.

Yet, at the very top of our list must be improving our education and training efforts. We must give priority to early education, stronger high school curricula, tougher education standards, and improved school-to-work programs. We also need to promote business/school partnerships, distance learning, and lifelong learning programs. The emphasis throughout should be on improving the work ethic and on teaching the basic skills: reading, math, communication. We simply must increase the quality of our workforce—by investing in the education and skills of Hoosiers.

And we need to remember that all of our young people must be equipped to participate in a rapidly changing economy. It is not enough to give the top students great opportunity. We have an obligation—and a strong self-interest—to ensure that all of our young people have the skills to fill the jobs in our new economy.

100TH ANNIVERSARY OF THE LATTIMER MINE DISASTER

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. KANJORSKI. Mr. Speaker, on September 10, 1897, near Hazleton, PA, a seminal event in American labor history occurred. In one of the earliest efforts by workers to organize to seek better working conditions and higher wages, 19 men died and at least 36 others were wounded in what is now known as the Lattimer Mine Massacre. These men forever changed the face of the American labor movement.

It is difficult to imagine today the working conditions of the miners of 1897. Not only were workers paid low wages for extremely long hours under dangerous and sometimes deadly working conditions, but the coal companies maintained control over virtually every aspect of the miners' lives. They lived in company-owned houses, were forced to buy from company-owned stores, and were treated by company doctors.

The coal mined in northeastern Pennsylvania was the energy source for the industrial revolution in America. Jobs in the coal mining industry gave the newly arrived immigrants from Eastern and Southern Europe of the late 1800's a chance to make better lives for themselves and their children. Immigrants from Italy, Hungary, Poland, and other countries faced enormous prejudices and difficulties in assimilating into American culture and becoming accepted by the native-born population.

On September 10, 1897, 400 men began what was to be a peaceful march and demonstration to fight to obtain better wages, better working conditions, and the ability to organize. A posse of armed citizens led by the local sheriff attacked the miners in a massacre that left at least 19 men dead and countless others injured.

The Lattimer Mine Massacre and the subsequent trial, which ended in an acquittal of the massacre leader mine superintendent Gomer Jones, brought national attention to workers rights and the plight of the men who toiled under abysmal conditions in our Nation's coal mines. The massacre led to a strengthening of the United Mine Workers of America as the voice for anthracite miners and was the first step in helping to empower miners and break down the walls of anti-immigrant sentiment which these men faced.

Mr. Speaker, in 100 years the labor movement has come a long way. The right of workers to organize and bargain collectively is no longer questioned. Regulations now help ensure the safety of mines and other workplaces.

Mr. Speaker, on the 100th anniversary of this terrible tragedy in American labor history I would like to remember the spirit of the miners that is summed up in the following statement from the monument memorializing the massacre:

"It was not a battle because they were not aggressive, nor were they on the defensive, because they had no weapons of any kind and were simply shot down like so many worthless objects; each of the licensed life takers trying to outdo the others in butchery."

Mr. Speaker, I would also like to include a copy of a story from the Hazleton Standard Speaker from September 10, 1995 which recognized the 98th Anniversary of this event. This article provides a background on what transpired 100 years ago today.

NINETY-EIGHT YEARS AGO, GUNS RANG OUT IN LATTIMER

(By Ed Conrad)

Today marks the 98th anniversary of the Lattimer Massacre, one of the most gruesome days in the annals of American labor.

On Sept. 10, 1897, a group of striking anthracite miners at the A.D. Pardee & Co. colliery near Harwood were marching toward Lattimer Mines in an effort to persuade miners at the Pardee mining operation there to join their cause and walk off their jobs.

Luzerne County Sheriff James Martin and members of his posse, brandishing firearms reported supplied by mining operators, formed a roadblock near the village in an attempt to prevent the unarmed marchers from gaining access to the colliery.

Martin was ordering the miners to turn back when, suddenly, the sheriff fell to the ground, either by accident or when pushed by one of the strikers.

Almost immediately, a shot was fired—by whom has never been precisely determined—and members of the posses began firing their weapons at the marchers and a bloodbath ensured.

Nineteen striking miners were shot and killed, with six more succumbing to their gunshot wounds within two weeks.

The total of 25 men killed and many others injured made it one of the worst incidents of labor violence in the nation's history.

It was due to the growing unrest by striking miners in the Hazleton area that Martin had been asked to intervene and try and keep the peace.

The trouble in the Hazleton area mining area had begun a few weeks earlier at the Honeybrook Colliery, near McAdoo.

Twenty boys who held jobs as mule drivers refused to obey an order from Gomer Jones, division superintendent of the Lehigh and Wilkes-Barre Coal Co., to stable their animals. The boys refused to do so unless they received extra pay.

Consequently, Jones fired the boys and triggered a strike that would leave an indelible mark on labor relations in Pennsylvania's coal fields.

Although, strikes were relatively common in northeastern Pennsylvania's coal fields, this one was worse than most as the miners' resentment against the coal operators continued to escalate.

Martin was notified of the situation and came to Hazleton where he deputized 87 men, some of them prominent persons. They reportedly were instructed to use whatever means necessary to quell any and all disturbances.

Martin, a former mine foreman, also solicited the assistance of sheriffs from both Carbon and Schuylkill counties.

Jointly, the three county sheriffs issued a proclamation banning mob parades and demonstrations.

In open defiance, striking miners began marching from colliery to colliery. Workers in Harwood were told to leave their jobs and join the effort.

It is not generally known but an ugly incident had occurred earlier on the infamous day of the Lattimer Massacre.

The same group of marchers, who hours later would be mowed down in Lattimer, had arrived in the vicinity of Hazle Mines where they attempted to get some of the miners there to join their strike.

However, the sheriff and his deputies stepped in and a brawl erupted, but no member of the posse fired his gun.

In the melee, several of the strikers were injured and two of them arrested.

Nevertheless, organizers of the march felt they had accomplished something because quite a few miners at Hazle Mines, apparently fearing for their well-being, left their jobs and fled from the vicinity of the colliery.

It was at this point that word spread among the marchers that they would leave Hazle Mines and head for the A.D. Pardee mining operation near Lattimer.

As they approached Lattimer, there were approximately 150 marchers who were carrying a pair of American flags.

Then came the confrontation—and the bloodshed.

Martin had given conflicting statements to two different newspapers about what had triggered the gunfire.

"I halted the marching column and read the proclamation but they refused to pay attention and started to resume their march," he had told a reporter from the Philadelphia North American.

"I called the leader to stop but he ignored my order and I attempted to arrest him. I hated to give the command to shoot and was awfully sorry that I was compelled to do so, but I was there to do my duty."

Later that same day, apparently on the advice of his attorney, Martin told a reporter from another newspaper that he had not ordered the deputies to open fire.

News of the massacre enraged residents of the entire Hazleton area and violence was feared.

In order to prevent a serious uprising, five regiments of the state National Guard were ordered into the Hazleton area by Gov. Daniel H. Hastings.

Charles McGlynn, a charter member of the original three-man Lattimer Massacre Memorial Committee and currently chairman of that committee, has conducted extensive research on the incident and identified the 19 men who were killed at the scene.

TRIBUTE TO BENNY L. TOLBERT

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. BARR of Georgia. Mr. Speaker, after 39 years in the banking community, Benny L. Tolbert, a resident of Rockmart, GA, in the Seventh District of Georgia, has taken early retirement. Mr. Tolbert began his career at the Federal Reserve Bank of Atlanta. He later earned certificates from the Georgia Banking School in Athens and the School of Banking of the South at LSU. Mr. Tolbert later served as president of the Rockmart Bank and the Commercial Bank of tallapoosa. He ended his career serving as president and chief executive officer of the First Floyd Bank.

In addition to his banking career, Mr. Tolbert served in civic activities including chairman of the Cedartown Merchants Association, president of the Cedartown Chamber of Commerce, president of the Kiwanis Club of Rockmart and president of the Ruritan Club of Cave Spring. Mr. Tolbert served his country by serving 6 months active duty and 5½ years active reserve.

Mr. Tolbert and his wife, Charlene, are members of the Shorter Avenue Baptist Church where Mr. Tolbert serves as a member of the finance committee, a deacon, and Sunday school teacher.

It is my honor to offer these words in support, and in recognition of, Mr. Tolbert's career of service to his community.

WELDON RECOGNIZES VALLEY FORGE SEWER AUTHORITY FOR EXCELLENCE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I would like to take the opportunity today to recognize the Valley Forge Sewer Authority in Valley Forge, PA. Today, the Valley Forge Sewer Authority was presented with the U.S. Environmental Protection Agency, Region III, Operations and Maintenance Excellence Award for 1997.

Valley Forge Sewer Authority's consistent excellence in providing wastewater treatment to a wide area of homes and businesses in and around Valley Forge, as recognized by this award, is particularly noteworthy and deserves special recognition in this year the, 25th anniversary of the Federal Water Pollution Control Act of 1972.

All too often, the positive aspects of our Nation's environmental protection efforts and laws are not acknowledged. Rather, the focus is placed more on the unfortunate instances when our environment is harmed. Valley Forge Sewer Authority, which serves thousands of households and numerous businesses, is an example of how we can live and work in harmony with the environment under the direction of Federal, State, and local laws and regulations.

As the Representative of the Seventh Congressional District, in which the Valley Forge Sewer Authority is located, I ask my colleagues to join me congratulating the authority for its accomplishment. The member municipalities, municipal authorities, and Valley Forge Sewer Authority's management and staff deserve our commendation for true environmental protection.

A TRIBUTE TO THE LATE RICHIE ASHBURN

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to a man who holds a special place in the hearts of all Philadelphians, Don Richard Ashburn. Richie Ashburn died of a heart attack yesterday in New York at the age of 70. Just hours before, he had been in the booth at Shea Stadium broadcasting a game between the Mets and his beloved Phillies.

For almost 50 years, Richie was a part of Philadelphia. He came up as a rookie in 1948 and promptly won the job of starting center fielder. That year he hit .333 with 32 stolen bases, was the only rookie voted to the all-star game, and was subsequently named Rookie of the Year. He won batting titles in 1955 and 1958, and was known as a superb outfielder who could run down almost any ball. He set records by notching 500 or more putouts in four different seasons and 400 or more putouts in 9 seasons.

On the last day of the season in 1950, with the Phillies leading the Dodgers by only one game in the standings, the two teams met at Ebbetts Field to decide who would take the National League Pennant. With the score tied 1–1 in the bottom of the ninth, a Brooklyn player tried to score from second on a ball hit into the outfield by Duke Snyder. Richie fielded the ball and threw a perfect strike to the catcher, who tagged the sliding Dodger out to end the threat. The Phillies won that game with 10th-inning home run, but it was Richie's throw home that saved the season for the "Whiz Kids." Some of us remember that game like it was yesterday, and I will always remember Richie's voice, which was the voice of the Phillies for decades after his retirement as a player. His midwestern twang, his dry humor, and the sage baseball wisdom which characterized his broadcasts could be heard throughout the city from April to October. Richie was elected to the hall of fame in 1995 and on July 30 that year, more than 35,000 fans, most sporting Phillies red, showed up to usher him into the hall. It was the largest crowd ever at a hall of fame induction ceremony.

The city of Philadelphia lost a friend yesterday. Richie was a class act. All over the city, from the stoops of South Philly to the church which now sits where Connie Mack Stadium once played host to Whitey's many triumphs, the city mourns the loss of its favorite adopted son. Richie Ashburn grew up in a small town in Nebraska, but he came to love Philadelphia as much as Philadelphia loved him. City flags will remain at half-mast until Richie is laid to rest. Mr. Speaker, I ask that my colleagues join me today in honoring the memory of Richie Ashburn, who was more than just a great ballplayer.

DIRECT DEMOCRACY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, August 20, 1997, into the CONGRESSIONAL RECORD:

DIRECT DEMOCRACY

One of the more intriguing questions of government is whether it is responsive to the views of the voters. Many Americans think it is not. Others think politicians are too responsive, spending all of their time trying to be reelected and basing their positions on what they think the voters want rather than what they think would be good for the country. My belief is that politicians reflect the views of those they represent more than the people think, but certainly examples can be found to the contrary. In a country as large as ours the people cannot govern themselves directly, at least not on every matter on the national agenda. A fundamental issue of American democracy is the appropriate means for the voters to express themselves.

Under our system of representative democracy, the voters play an essential but limited role. They do not determine public policy but they vote to determine who will determine public policy. In some ways, the accepted notion that every adult is entitled to an equal voice in the conduct of public affairs is difficult to square with the practice of filtering the wishes of the voters through elected leaders.

I sometimes wonder whether we are on the threshold of a transformation in our democracy involving a significant increase in citizen participation. All of us lament the decline of voter participation and the cynical manipulation of our political campaigns. Most of us have a feeling of being "left out" of the decision-making process, like the constituent who complained to me that no one asked him whether he favored the recent budget agreement. Occasionally I encounter people who believe government has become an alien force in American life. Faith in major institutions of government is low. The damage to democracy in all of this is obvious.

DIRECT DEMOCRACY

More and more I hear Hoosiers who believe that the answer to problems with the democratic process in this country is to let the people directly make some policy decisions. They are interested in proposals to create electronic town meetings where voters could use advanced technology to register their views on a given issue directly. They like the idea of holding nationwide referenda on issues like tax increases or reform of Social Security.

About half of the states in the U.S. use the referendum, which is a vote by all of the people on a particular proposal. Though state laws vary, this process typically requires garnering the signatures of a certain number of registered voters in support of placing a proposition on the ballot. Indiana law does not provide a way for citizens to put issues directly on the ballot, though citizens do vote on amendments to the Indiana Constitution once they are approved by the General Assembly. The U.S. Constitution does not provide for use of the referendum at the national level.

Proponents of direct democracy note that the information gap between ordinary people and their elected representatives is far narrower now than centuries ago. Thanks to television, radio, instant polling, the Internet, and fax machines, news travels widely and instantaneously. Voters are informed, and they want a part of the action.

POSSIBLE DRAWBACKS

The hope behind direct democracy is that American civic life will be re-energized as voters become more involved. But direct democracy does present problems. First, it sometimes omits time to absorb information and exchange views. While the legislative process doesn't often work quickly, it is designed to allow extensive deliberation.

Second, while direct democracy seeks to make an end run around powerful special interests, this is not easily accomplished. Interest groups simply shift their lobbying focus from politicians to the people. In California, where ballot initiatives are perhaps most prolific, millions of dollars are spent on sophisticated, sometimes misleading, advertising campaigns.

Third, direct democracy could sometimes slight the rights and views of racial, religious, or other types of minorities. Our Founding Fathers warned of the "tyranny of the majority," and expanding direct democracy would probably put more responsibility on the courts to ensure that fundamental constitutional guarantees were preserved.

Fourth, direct democracy places more responsibility on voters. They must move beyond educating themselves about candidates for office to learning about specific issues in some depth.

THE DEMOCRATIC PROCESS

The democratic process does not invariably get us to the right policy, but when citizens talk and deliberate with one another in a spirit of mutual respect, it yields impressive results. Not every issue can be resolved through the democratic process, but even with the tough issues it does permit us to live with disagreement and to move on. When everyone's claim is considered on its merits rather than on the basis of power, status, or wealth, the decisions made will likely lead to better public policy.

The lifeblood of democracy is citizen participation. As people participate in the institutions of civic life—whether schools, churches or community organizations—they are drawn out of their own private interests, they reject cynicism, and begin to think about what is good for their community and country. It is important not to think of direct democracy as a substitute for existing means of participation in the political process, and we should work to increase voter turnout. Direct democracy has its risks, but so does the view that government is inaccessible, unresponsive and unworkable.

I treasure America's unique system of representative democracy, but I also think we need to keep searching for ways to strengthen our democracy by finding better ways to give all Americans a sense that they have a stake in the process. My guess is that with the rapid advances in telecommunications technology and the dissatisfaction many persons now feel with the political process, we will see a demand for more direct democracy and broader citizen participation. It may be that a good dose of direct democracy, carefully administered and selectively used, is just what we need to reinvigorate our democracy.

INTRODUCTION OF HOUSE RESOLUTION EXPRESSING SENSE OF CONGRESS REGARDING GREENHOUSE GASES

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce a resolution along with Speaker GINGRICH, Mrs. CHENOWETH, chairman of the House Resources Subcommittee on Forests and Forest Health, Mr. TAYLOR of North Carolina, Mr. HERGER, and Mr. PETERSON of Pennsylvania, Mr. POMBO, Mr. MCINNIS, Mr. SESSIONS Mrs. SMITH of Washington, Mr. RIGGS, Mr. CUNNINGHAM, Mrs. CUBIN Mr. NETHERCUTT, Mr. DOOLITTLE Mr. LEWIS of California, Mr. SKEEN, Mr. SCHAFFER of Colorado, Mr. HANSEN, and Mr. RADANOVICH expressing the sense of Congress that the United States should manage its public domain national forests to maximize the reduction of carbon dioxide in the atmosphere.

Global warming has been an issue of great debate and discussion in Congress. Whether you believe human induced global climate change is occurring or not, this resolution deserves the support of everyone.

Science has proven to us that carbon dioxide, the leading greenhouse gas can be taken out of the atmosphere by allowing a young vibrant forest to absorb carbon through photosynthesis. It is stored as wood.

Carbon dioxide can also be kept out of the atmosphere by harvesting the forest before it begins to decompose or burn, thus storing the carbon in wood products that are environmentally friendly, as well as providing an economic benefit to society.

In December of this year, the U.N. Framework Convention on Climate Change, which may commit to the United States to mandatory greenhouse gas reductions, is expected to be signed in Kyoto, Japan. The ramifications of this treaty could be enormous for people, the economy, and our way of life.

The key issue is whether the Clinton-GORE administration will commit the United States to mandatory reductions of carbon dioxide. Mandatory reductions mean it will cost you $8 more each time you fill your gas tank. Mandatory reductions mean your home heating bill will increase by 50 percent. Mandatory reductions will cost taxpayers millions of dollars and will cost many Americans their jobs.

There are alternatives to mandatory reductions of carbon emissions. One alternative is to manage our public forests better in order to extract from the atmosphere and store more carbon dioxide than we currently do. This means using the controls on greenhouse gasses that mother nature gives to us rather than control that Government mandates us to follow.

With this resolution, we send a message to the Clinton-GORE administration. Use mother nature's way of cleaning the atmosphere. Manage our forests to improve the environment. Don't simply impose still more Government controls on our lives.

We must send a message to the Clinton-GORE administration that the Federal Government itself should take the lead in taking steps to reduce the levels of carbon dioxide in the atmosphere. By managing our public domain national forests to minimize additions of carbon dioxide to the atmosphere we will improve our air quality, the health of our Nation's forests and set an example for other nations' as the world prepares for the negotiations in Kyoto, Japan.

CELEBRATING THE 50TH ANNIVERSARY OF INDIA'S INDEPENDENCE

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. KLINK. Mr. Speaker, I rise to celebrate the 50th anniversary of India's independence. On August 15, 1997, India, the world's largest democracy celebrated 50 years of freedom from British rule. Today, Indian emigrants share their culture, diversity, religions and languages with people throughout the United States. Last week on the floor of this House of Representatives, some Members attempted to perform a great disservice to the proud and distinguished Indian people who have worked so hard to instill democracy in their country.

Mr. Speaker, the road to democracy in India has not been an easy one to navigate. India's first 50 years of independence have been filled with numerous challenges to the nation's sovereignty. Lest I remind those in this Chamber of the tumultuous first century which the Founders of this great Nation endured. But to penalize this country by limiting developmental assistance funding would be an act of ignorance that not even this body could endorse.

India exhibits all of the internal problems that any country of 1 billion people would face. Yes, there is violent crime, yes, there are acts of terrorism, and yes, there is racial violence. But we also have these same problems in our country. Financial punishment of India would be tantamount to the imposition of the death sentence to the millions of children who rely on our assistance to survive.

United States-India relations are strong. India has been able to maintain the democratic principles they were founded on in the face of great diversity. India is a country we should applaud, not condemn. Recently, the Commerce Department designated India as one of the United States' most important trading partners and India's largest investor. I am pleased the House unaminously rejected this most recent attack on India and urge my colleagues to continue to support democracy in this great country.

TRIBUTE TO EVA DEAN

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to an exceptional woman, Ms. Eva Dean, who will be honored for her outstanding community service on Friday, September 12, 1997, in Helena, AR. Ms Dean is being recognized for her many years as an advocate for the poor and needy of her community. At 76 years old, Ms. Dean continues to be active in political and social endeavors. She has exemplified the spirit of community that is so vital to the future of our country. I commend Ms. Eva Dean for her selfless dedication and service to the citizens of Helena and on behalf of her friends and family, I stand here today to say a heartfelt thank you.

TERRORISM IN ISRAEL MUST BE STOPPED

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. VISCLOSKY. Mr. Speaker, I rise today to call for an end to the terror in Israel and to condemn those who seek to end the peace process by striking at innocent civilians.

Over the past month and half, the citizens of Israel have been the victims of several ruthless and cowardly acts of terrorism. On July 30, two suicide bombers killed 15 Israelis and wounded over 170 others in a popular marketplace. On September 4, bombers struck again at a busy pedestrian shopping mall, killing 5 people and wounding more than 150. The extremist Muslin group, Hamas, has claimed responsibility for both attacks, with the goal of derailing the Middle East peace process and destroying Israel.

While I believe that the peace process should continue to move forward, it cannot do so unless Chairman of the Palestinian Authority, Yasir Arafat, and other Arab leaders, begin to take seriously their role in stamping out acts of terror throughout the region.

A main tenet of the Oslo Accords is that Israel will give land to the Palestinian people only if they can demonstrate their commitment to peace by taking an active role in putting an end to violence and terrorism. It is clear from recent events that Chairman Arafat and the Palestinian Authority are not living up to this commitment.

While the Israeli government has taken active steps to adhere to the Oslo Accords, the Palestinian Authority has cut off negotiations with Israel and violated the Oslo agreement by terminating security cooperation with Israel that was intended to crack down on terrorism. And in an act that says a great deal about Palestinian leaders' attitude about terrorism, within days of the July bombing that killed 15 Israelis, Arafat publicly embraced an extremist Hamas leader. These are hardly the actions of a man who is committed to ending terrorism and forging a lasting partnership with Israel.

I am encouraged by the fact that Madeleine Albright has undertaken her first visit to the Middle East since becoming U.S. Secretary of State. I call on Secretary Albright to tell Chairman Arafat and other Arab leaders that the United States is fully committed to pursuing a lasting peace in the Middle East, but will not back down in the face of those who would use terrorism as a weapon against peace.

Secretary Albright should also make it clear to Arafat that he cannot continue to inflame passions in this situation by blaming the Israelis themselves for these acts of terror. Following the bombing in July, and again this month, Arafat claimed that the Israeli government should be held partially responsible for these atrocities because it has created a hostile environment for Arabs living in the region. This type of irresponsible scapegoating only encourages further acts of terrorism and undermines the entire peace process.

Mr. Speaker, the Middle East peace process is at a genuine crossroads. At this tenuous time, the United States must recommit itself to moving the process forward while helping to protect Israel against those who are waging a war of terror against the Israeli people. I call on all of my colleagues to assist in this effort, and I offer whatever encouragement I can to the Israeli people at this difficult time.

THE DEATH PENALTY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, September 3, 1997, into the CONGRESSIONAL RECORD:

THE DEATH PENALTY

Several recent criminal trials have raised the profile of the death penalty in the United States. Use of the death penalty is accelerating, aided by changes in court procedures and in state and federal laws. Since a 1976 Supreme Court decision that revived the use of capital punishment, 398 persons have been executed in the United States. About 3,000 persons are currently on "death row": sentenced to death but awaiting court appeals. Roughly 40 are women. Because of the seriousness and irreversibility of the punishment, most states require immediate review of all death sentences. In 1996, 45 persons were executed. Forty persons were executed in the first half of 1997, the fastest rate since the 1950s.

The death penalty is quite popular in public opinion polls. Politicians often point to their support of the death penalty as evidence they are "tough on crime". By supporting the death penalty they believe (and I think quite sincerely) that they are doing something about crime. Yet I have serious doubts that executions are either an effective or appropriate response to the worst crimes.

First, I am concerned with the irreversibility of the execution and the possibility of error that exists in the use of the death penalty. Since 1973, 69 persons have been released from death row with evidence of their innocence. With new rules limiting appeals, however, even persons who can reasonably demonstrate their innocence with new evidence could conceivably be executed. Most Americans have reasonable confidence in our judicial system, but mistakes are made. If we have the death penalty, we will execute innocent people. For the innocent victim of an error in a capital case, there is no remedial action. Also, execution of an innocent person lets the real murderer off the hook. If the government never made a mistake, I would be much more inclined to support the death penalty.

Second, the administration of the death penalty is seriously flawed. It is both expensive and unfair. Nationally, we spend about $10 billion per year to implement the death penalty. The cost of the death penalty per executed prisoner in Texas is $2.3 million—three times the cost to put someone in maximum security for 40 years. Even if the death penalty could be proven to deter crime, there are more prudent ways to allocate our judicial resources. For example, the funds spent on death penalty cases could be used to deploy more police officers, to hire more prosecutors, and to keep other criminals in prison longer. These steps are more likely to reduce the overall crime rate.

The use of the death penalty often results in a distortion of our justice system. Each death penalty case is so widely publicized and magnified that it becomes extremely difficult for the evidence to be considered carefully and dispassionately. The purpose of a trial is to seek truth; that purpose is thwarted by the sensationalism of a capital case. Because it is very hard to convict a person of a capital crime, the entire criminal process becomes so lengthy and complex that it is often not possible to achieve a fair and effective administration of justice. Too many persons sentenced to die have ineffective legal representation. The poor, uneducated, mentally handicapped, and eccentric are executed disproportionately more than middle class whites—even comparing similarly heinous murder cases. The race of the victim is often an important factor. In all of the executions since 1976, almost 90% of the murder victims were white, although half of all victims in the United States are black. No matter what you think of capital punishment, a legal system that will end a life must first provide justice. I have come to the view that the death sentence cannot be fairly and decently administered.

Third, for all its expense, the death penalty has not been proven to deter crime. Murder rates in states with the death penalty are just as high as in neighboring states without it. No connection has ever been shown between murder rates and capital punishment. At the very least, the burden ought to be on death penalty supporters to prove that it does, in fact, deter crimes. I do not think such credible evidence exists today. There may be cases in which a criminal would not kill because he does not want to risk the death penalty, but there may also be situations where the death penalty could encourage a criminal to kill, such as when a criminal thinks he is going to be executed anyway, so it might be safer for him to kill a witness or an informer.

Fourth, the interests of society can be fully protected with life in prison without parole. A guaranteed life sentence, with no hope for parole, will be just as effective at preventing that person from committing future crimes. When government makes a mistake and convicts an innocent person, we would still have the opportunity to correct the mistake. Public opinion polls show that support for the death penalty drops sharply when people are given the alternative of life sentences without parole.

Fifth, my basic view is that the taking of life, even by the state, is simply wrong—even when the person executed is morally reprehensible. The state has the right and the obligation to punish a murderer severely, but it should not endorse more killing. The death penalty demeans our society and violates a basic tenet of most Americans' religious heritage: Thou shalt not kill. Religious leaders such as the Pope decry the use of the death penalty. Proponents argue that taking a life—even an occasional innocent life—is a necessary cost of social order. I disagree. We should not lower ourselves to the level of the criminals. The death sentence endorses violence, and violence begets violence. We must show every compassion for crime victims, and deal severely with those convicted of egregious crimes, but the state should follow a higher moral standard than criminals.

I prefer to impose life without parole for serious crimes.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Ms. CARSON. Mr. Speaker, on Monday, September 8, and Tuesday, September 9, I was necessarily absent from the House and unable to cast the following rollcall votes. Had I been present, I would have voted as follows:

Nay on rollcall vote No. 369, the Blunt amendment which sought to reduce funding for the Occupational Safety and Health Administration by $11.2 million and increase funding for vocational education by $11.2 million.

Nay on rollcall vote No. 370, the Norwood amendment which sought to reduce funding for the Occupational Safety and Health Administration by $11.2 million and increase funding for Individuals with Disabilities Education Act by $11.2 million.

Nay on rollcall vote No. 371, the Miller of California motion to adjourn.

Nay on rollcall vote No. 372, the Doggett motion to adjourn.

Nay on rollcall vote No. 373, the Souder amendment that sought to transfer $21 million from the Occupational Safety and Health Administration Federal enforcement account and $2 million from the executive direction and administration account to the compliance assistance account.

Nay on rollcall vote No. 374, the McIntosh motion that the Committee rise.

Yea on rollcall vote No. 376, the Burton amendment that sought to provide $1 million in funding for the "We the People" educational program designed to educate high school and middle school students on the Constitution and the Bill of Rights.

Nay on rollcall vote No. 377, the Coburn amendment that sought to transfer $35 million to the State AIDS Drug Assistance Program from a variety of accounts.

Yea on rollcall vote No. 378, the Castle substitute amendment to the Istook amendment to require health centers that receive Federal planning funds to encourage family involvement and to counsel minors on methods to resist coercive sexual activities.

Yea on rollcall vote No. 379, the Istook amendment as amended by the Castle substitute amendment that requires providers of services under title X of the Public Health Service Act to certify that family participation is encouraged in the decision of minors to seek family planning services and that counseling is provided on how to resist coercive sexual activities.

VINCENT "JIM" GIANNOTTI HONORED

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. MALONEY of Connecticut. Mr. Speaker, in recent years we have appropriately focused on the spirit of voluntarism and the benefits to both the volunteer and the service to which time is being given. It is an honor for me to bring to the attention of the House of Representatives and the American people an individual who exemplifies voluntarism and who has given so much of himself. Mr. Vincent "Jim" Giannotti of Meriden, CT, has served as a volunteer to the Veterans Memorial Medical Center in Meriden since September 18, 1979. This Friday, September 12, 1997, Jim will retire from the medical center after completing 18 years of volunteer service.

It is significant that Jim's service to the medical center didn't start until he was 72 years of age. This coming December 18, Jim will celebrate his 90th birthday. Since 1979, he has contributed over 19,000 hours of his time to the medical center.

Jim began his service with the delivery of newspapers to patients, visiting with them along the way, and giving them both friendship and companionship. He also volunteered in the Surgicenter and was a patient representative volunteer. Jim could always be counted on to fill in wherever he could and would gladly accept any assignment. He was not only a valuable asset to the volunteer department, but to the entire hospital as well.

Jim Giannotti is held in the highest esteem and is clearly respected by all who know him. Over the years, his tireless efforts and his unselfish donation of time and energy have helped the lives of so many and has helped Veterans Memorial Medical Center better serve the community.

Mr. Speaker, on behalf of all of the people whose life he has touched, I want to congratulate Vincent "Jim" Giannotti upon his retirement and to thank him for his many years of service.

TRIBUTE TO DR. HAZEL HAWKINS-RUSSELL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. CALVERT. Mr. Speaker, I take the floor of the House today to honor and praise a magnificent educator and leader. I am proud to have her working in my district, continuing the tradition of educational excellence in our community. She is an outstanding advocate for increasing educational opportunities for minorities and those with special needs. The woman of whom I speak so highly and hold in such high esteem is Dr. Hazel Hawkins-Russell, who has persisted tirelessly with her work in education for 50 years. Dr. Hawkins-Russell has been a tremendous influence and positive role model for the youth of Riverside, CA.

Back in 1947, Dr. Hawkins-Russell made history as the first African-American school teacher to be hired in what was then known as the Riverside city schools. For the next 23 years, she taught both elementary and junior high schools where she touched the lives of all of her students. Her enthusiasm and positive spirit served as an inspiration, and every student left Dr. Hawkins-Russell's class with a little piece of her in their hearts.

In 1970, after her career as a teacher, Dr. Hawkins-Russell became a consultant for the Pupil Services Department of the Riverside Unified School District. It was her responsibility to have an extensive knowledge of all California laws relating to minors. She provided technical assistance to schools in all discipline cases, prepared each case for hearing panels, and worked extensively with youth groups and services. Dr. Hawkins-Russell's mission was to help children who were having problems and prevent them from slipping through the cracks unnoticed or ignored.

From 1974 to 1982, Dr. Hawkins-Russell was the coordinator of the Emergency School Aid Act, a federally funded program that provided aid in remedial math and reading, as well as programs in multi-cultural awareness, human relations, tutorial assistance, staff development, parent effectiveness training, and conflict resolution. She was selected three times to assist in evaluation of ESAA proposals on a national level here in Washington, DC, and once on a regional level in San Francisco.

Aside from her job, Dr. Hawkins-Russell was actively involved with several organizations that are devoted to improving education. She was president of the Association of California Intergroup Relations Educators, worked as interim co-director at Riverside NAACP Child Development Centers, and was a member of the Western Riverside County Mental Health Association and the Attorney General's Commission on Racial, Religious and Minority Violence. She also served on the State library steering committee as a representative of San Bernardino, Orange, Inyo, and Riverside Counties and was elected as a delegate for the State of California to the White House Conference on Libraries and Information Services.

Let me add to this amazing list of achievements by mentioning a few honors she has received. She has been recognized with the ACIRE Presidents Award, the YWCA Award for Outstanding Community Leadership, a certificate for outstanding service at the First National Human Relations Conference, the Derby Club Outstanding Black Woman Inland Area Trophy, and most recently, the Ida Louise Jackson Graduate Achievement Award presented by Alpha Kappa Alpha sorority.

Dr. Hawkins-Russell continues to work in education as an adjunct faculty member at Riverside Community College. Dr. Hawkins-Russell's drive for excellence is a rare commodity, and she has touched the lives of many during her 50-year career as an educator. I am extremely privileged to have such an exceptional person serving the youth in my district. I would like to take this opportunity to thank Dr. Hawkins-Russell for her 50 years of hard work and the accomplishments she has made for education in my district, as well as the Nation. She has set a standard for community service and leadership that will remain for years to come. I hope that Dr. Hawkins-Russell will continue to be an advocate for children and quality education. I wish her happiness and good luck in her future endeavors.

THE TRUE IMPACTS OF NAFTA ON THE U.S. ECONOMY

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. DEFAZIO. Mr. Speaker, I recommend that all my colleagues read the article reprinted below from the Washington Times by Charles McMillion for an objective assessment of the true impacts of NAFTA on the U.S. economy.

[From the Washington Times, Sept, 1, 1997]

U.S. SHOULD SLOW DOWN AND THINK BEFORE RACING AHEAD ON FAST TRACK

(By Charles W. McMillion)

There are few things more important to our local and national economy today than global investment and trade. With our terrific new technologies and more than 1 billion (one in three) of the world's workers unemployed, what policies work best in driving growth and prosperity?

Unfortunately, this is not the high-minded debate we will hear this week as Congress begins discussions on renewing "fast-track" negotiating authority for President Clinton to expand the North American Free Trade Agreement south of Mexico.

Instead, brace yourself for an awesome display of big-money arrogance and raw public relations power by the few dozen largest corporations and financial institutions that dominate discourse on these vital concerns.

Speaking for these powerful special interests—and key campaign contributors—President Clinton declared again last week: "Already, over the last four years more than 25 percent of our economic growth has come from overseas trade."

This statement may be true for the small group of private interests. But it is pure nonsense for the U.S. economy. The United States must borrow from abroad or sell assets worth $3 billion each week to pay for our trade losses. Workers and firms throughout the country have taken cuts in pay and profits to avoid becoming a trade statistic.

Yet global trade is one of the four defining elements of our nation's gross domestic product. The others are consumer spending, private investment and government spending.

U.S. economic losses from trade, large when Mr. Clinton came into office, have grown each year, setting world records. Trade has sharply reduced the U.S. economy. It is one of the reasons that growth has been slower and the U.S. dollar far weaker in the current recovery than in any other similar period on record.

Beyond the simple arithmetic, U.S. trade losses are now compounded by the composition of trade. Unlike a generation ago, when oil and basic commodities accounted for most U.S. trade losses, today's losses are dominated by autos and high-tech electronics. Global commerce, dominated by a few transnational companies, is now largely a tool that undermines domestic producers and living standards.

While the Dow Jones industrial average has soared more than 150 percent the past five years, average salaries, health care and retirement benefits have declined.

But despite these facts, a "globaloney" PR campaign will promote the benefits of expanding NAFTA.

NAFTA, ratified four years ago, was sold by the business and political elite as a precedent-setting investment and trade pact among the sleeping giant of Mexico, with its population of 93 million, the United States (population 260 million) and Canada (population 29 million). But the administration and big-business lobby have recently been forced to wildly spin NAFTA's effects.

Several no-longer (if ever) independent "think tanks" funded by transnationals, their foundations and the government, from Brookings to Heritage, have put out reports using remarkably similar and inappropriate assumptions to reach the conclusion that NAFTA has had a slight but positive effect on both the United States and Mexico.

Yet under NAFTA Mexico has suffered its worst depression since the 1930s, with incomes still 15 percent to 20 percent below 1993 levels.

Gone is any reference to Mexico's population, three times the size of Canada's, or to its young and well-educated labor force, which is growing by more than 1 million per year. Now Mexico is presented as an almost insignificant little place with an economy only one-twenty-eighth the size of the U.S. economy. This to pretend that Mexico can have very little effect on U.S. workers or firms.

Gone also is any mention of the post-NAFTA $50 billion package of stabilization loans that the administration insisted two years ago was essential to head off economic collapse in Mexico. This omission is particularly odd because it was the equivalent of a $1.4 trillion loan, had it been made to the United States.

Now the spin is that "opponents can't dispute" the claim that NAFTA greatly cushioned the impact of Mexico's economic crisis. Of course, if there were any "cushioning" effect on U.S.-Mexico trade, this massive U.S. loan—not NAFTA—would deserve the, well, credit.

And what, exactly, is the extent of this supposed cushioning on U.S. trade? On a balance-of-payments basis, the worst previous U.S. trade losses with Mexico were in 1983 and 1984, when they reached $7.5 billion and $6.1 billion, respectively, and were concentrated in oil and simple commodities. By contrast, U.S. trade losses soared to $16.6 billion and $18.4 billion in 1995 and 1996, respectively. U.S. trade losses to Mexico are concentrated now in high-wage, highly productive manufacturing industries such as autos and electronics.

By contrast, the rest of the world continues to enjoy large trade surpluses with Mexico.

Peso devaluations have been a common occurrence in Mexico for a generation. The 47 percent devaluation in 1995 was less severe than devaluations in 1982, 1983, 1986 and 1987 and barely worse than those in 1984, 1985 and

1988. It is not politically correct to ask the obvious question: Why are the effects of the post-NAFTA devaluation so much worse than those that came before?

The answer points to the failed elements of NAFTA and to the debate that is needed before repeating mistakes that are already costly to most citizens, even as they enrich a powerful few.

NAFTA has far more to do with providing new powers to investors and speculators than with tariff reduction. Tariffs now amount to no more that a few percentage points and are insignificant in the face of 10-to-1 or 20-to-1 differentials in production costs between the United States and Mexico for many industries.

These new private powers give investors, for example, the standing to sue governments directly in international tribunals over a wide range of ill-defined regulatory matters. These powers are what suddenly catapulted $60 billion in global hot money into Mexico as NAFTA took shape, turning it briefly into the fast-buck capital of the world.

As the International Monetary Fund and others have noted, these massive capital flows leave countries highly vulnerable to worldwide events, dramatically increase investors' influence and leave governments little room to manuever in time of crisis.

NAFTA's investors and trade provisions have clearly failed the vast majority of Americans and Mexicans. To ignore this experience and lurch ahead could be a fast track to deep trouble.

TRIBUTE TO SAMUEL L. JACKSON

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. MATSUI. Mr. Speaker, we rise today to pay tribute to an exceptional public servant and leader in the Sacramento community, Mr. Samuel L. Jackson.

A native of Florida, Sam Jackson was born in Pensacola in 1947. Early on, Mr. Jackson set himself apart as an honor roll student committed to obtaining a worthy education. To further this goal, Mr. Jackson enlisted in the U.S. Air Force in 1966. His military service, including a 13-month tour of duty in Vietnam, allowed him to serve his country and earn money for college.

After his discharge from the Air Force in 1970, Mr. Jackson followed through on his educational goals, first at Sacramento City College, and then at California State University, Sacramento. Following his graduation with honors from CSUS, Mr. Jackson enrolled at the University of the Pacific, McGeorge School of Law in 1974. There, he served as president of the Black Law Students Association in 1976. At his graduation from McGeorge in 1977, Mr. Jackson was presented the Faculty Outstanding Student Achievement Award, becoming the first student of color to ever receive that high honor.

As a young attorney, Sam Jackson worked as a criminal prosecutor in the Sacramento County District Attorney's Office from 1977 until 1979. Then, he accepted a position with the city of Sacramento as a deputy city attorney. By 1988, Mr. Jackson had risen to the position of senior deputy city attorney in the minimum time allowed. In 1989, he became the first African-American elected president of the Sacramento County Bar Association.

Mr. Jackson also maintained his long-standing commitment to education by serving as a professor of legal studies at American River College from 1979 to 1994.

In 1994, Sam Jackson's tireless efforts on behalf of the people of Sacramento, marked by an esteemed reputation for integrity and community activism, earned him the post of city attorney by a unanimous vote of the city council. In this position, Sam Jackson has excelled as a tough litigator for the city of Sacramento. But he has never foregone the community service endeavors which are so near to his heart, especially his work with children.

As a strong advocate for the Big Brothers and Big Sisters organization, Little League baseball, Sacramento's St. Hope Academy, and the Citizenship and Law-Related Education Center, Sam Jackson has established a legacy of service on behalf of Sacramento's youth.

He has also thrived in a number of influential professional legal organizations in California. In 1995, he became the first African-American elected to the California State Bar's board of governors. He also became the first person of color elected president of the Alumni Association for his alma mater, McGeorge Law School.

Mr. Speaker, we ask our colleagues to join us in saluting Samuel L. Jackson for a remarkable record of professional excellence and community service. The people of Sacramento are the proud beneficiaries of Sam Jackson's hard work and good citizenship.

MEDICARE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. HAMILTON: Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 13, 1997, into the Congressional Record:

Reforming Medicare[1]

Medicare has been a very successful government program in providing for the health of older persons and the disabled. It has substantially improved access to health care. Because of Medicare, the percentage of older Americans with health coverage has increased from less than 50% in the 1960s to 99% today. And since it was initiated three decades ago, life expectancy at age 65 has increased by more than it did in the six decades before Medicare. All of this has made Medicare one of our most popular social programs.

But Medicare has some major cost-related problems. First, its sharply increasing costs have been a major contributor to the large budget deficits of recent years. In just three decades its costs have grown to about 2½% of the nation's gross domestic product (GDP). And if no action is taken it will claim nearly 4% GDP ten years from now and 8% of GDP by the middle of the next century. It is simply not possible to balance the budget and keep it balanced unless large Medicare savings are achieved. Second, the numbers driving the future projections are simply relentless. Today we have 24 million retirees, but when the baby boom generation is fully retired the figure will be 48 million. Yet the number of working-age citizens whose payroll taxes finance most of the Medicare benefits will increase only 20% in that period and Medicare spending per beneficiary continues to rise. Third, excess care is often provided, as beneficiaries simply do not have to decide if medical services are worth their cost. And providers do not have sufficient incentive to reduce the cost of medical services because their payments are based on the number and type of services they provide. Finally, the amount of fraud and waste in the Medicare program, is huge. The government spends about $200 billion a year on Medicare, yet recent estimates are that ⅐ of that consists of overpayment. We now have only about one agent to investigate every $10 billion of Medicare spending.

Program Changes: Given the rapid projected growth in Medicare, it is not politically realistic to expect tax increases to restore solvency to the program, especially in the current anti-tax mood in the country. Thus Congress is focusing on cutting back costs and restructuring the Medicare program. There are three main approaches: cutting back payments to providers (doctors and hospitals), requiring Medicare beneficiaries to pay more, and restricting Medicare to provide for market-based incentives. These approaches are not mutually exclusive, and reform is proceeding along all three lines.

Cutting back payments to providers: Medicare's prospective payment system for hospitals has helped curb payments to providers. This system creates roughly 470 diagnosis-related groups (DRGs) into which hospitals admissions have to be placed. It is a complex system, but it has created incentives for hospitals to be more efficient. Yet the prospective payment system is no panacea. The payments apply only to certain Medicare-covered services, and when payments to providers are cut back they often respond by performing more services to offset some of their income loss. The recently passed budget reconciliation agreement achieved most of its savings by curbing and reforming payments to providers, but it is generally agreed now that cutting back fees is not a long-range solution to the Medicare problem.

Making patients pay more: Another approach is to make the beneficiaries—the patients—pay more. More of the burden could be shifted to beneficiaries by increasing their costs or increasing the age of Medicare eligibility. In general, most of the experts think that it makes some sense to impose at least part of the burden on Medicare beneficiaries since they are the ones who receive the benefits. This year Congress considered proposals to strengthen Medicare's financial condition by charging extra premiums to wealthier retirees, raising the eligibility age, and imposing a co-payment of $5 per visit for home health care services. None of those proposals survived in the final bill, but there is broad agreement that it would be a mistake to consider them dead.

Restructuring program: The third approach is to redesign the Medicare system in a way that can improve its efficiency. Today Medicare guarantees people a particular insurance plan. An alternative, "choice-based", system would guarantee people a fixed amount of money with which to purchase health insurance, but it would not specify which policy they are to receive. The shopping for insurance plans would encourage the plans to be more efficient and would create more competition. A choice-based system probably holds the most promise for restraining costs, but it will not be easy to implement. The choices offered, the price, the eligibility for the plans, and how to protect poorer beneficiaries all would have to be worked out.

Congressional Action. Congress must soon begin a fundamental reexamination of this immensely popular but hugely expensive program. I believe Americans understand the need for change. They recognize the amount of fraud and waste in the Medicare system and also realize that the projections about its future growth mean the program in its present form is unsustainable. But Medicare reform is as difficult as it is essential. The temptation for the politician is to deal only with the problems of the next few years but not much beyond. But Medicare will need more than that. It is certainly going to be a major test of the nation's political system to see if it has the capacity to resolve the problems for the longer term rather than to lurch from one crisis to another.

The sooner we begin restructuring Medicare the more options we will have and the less wrenching the changes will be. Whatever changes are made, caution and prudence will be virtues in dealing with a program as vital to millions of vulnerable Americans as Medicare. The reform process should proceed at a deliberate pace. It does not have to be accomplished all in a matter of two or three years. It will be complicated, divisive, and time-consuming. I doubt very much if we get it correct the first time. Mid-course corrections and adjustments will be necessary throughout the process, but it is very clear to me that we should get on with the job.

[1] Material taken from Setting National Priorities: Budget Choices for the Next Century, Robert D. Reischauer, Editor, The Brookings Institution Press, Washington, DC, 1997.

SAINT JOAN OF ARC ELEMENTARY SCHOOL AWARDED NATIONAL BLUE RIBBON AWARD

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. MANTON. Mr. Speaker, I rise today to recognize the outstanding work and educational achievements of Saint Joan of Arc Elementary School in Jackson Heights, NY. The school has recently been selected as a Blue Ribbon School Program winner by the U.S. Department of Education.

Established in 1982, the Blue Ribbon Schools Program honors elementary and secondary schools that offer rigorous, efficacious curricula to their students. Schools selected for the Blue Ribbon Award must have challenging academic standards and curriculum, high retention and graduation rates, strong school, family, and community partnerships, excellent teaching and teacher development, and must provide a safe, disciplined, drug-free learning environment for their students.

Schools were nominated by State education agencies, the Council for American Private Education, and the Department of Defense Dependents Schools. Schools selected for recognition conducted a rigorous self-evaluation involving administrators, faculty, students, parents, and community representatives in the completion of their nomination application. This self-evaluation included an assessment of the school's individual strengths and weaknesses and the development of strategic plans for the future.

Saint Joan of Arc Elementary School is one of only 36 private schools and 226 public schools selected from among the 527 schools, from over 40 States, to be nominated this year. Saint Joan of Arc is the only school in the city of New York and the only Catholic School in the State of New York to be so honored.

In today's world where many students are forced to attend school in overcrowded classrooms, learn from outdated textbooks, do without the most basic computer technologies, it is imperative that we commend and encourage those institutions and educators who excel.

Mr. Speaker, I know my colleagues join me in congratulating the administrators, faculty, and students of Saint Joan of Arc School on their outstanding achievement.

INTRODUCTION OF THE FAIR ACCESS TO INDEMNITY AND REIMBURSEMENT [FAIR] ACT

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. FAWELL. Mr. Speaker, I rise today to introduce a bill which will level the playing field for small businesses as they face an aggressive National Labor Relations Board [NLRB] with vast expertise and resources. The Fair Access to Indemnity and Reimbursement Act—the FAIR Act—is about being fair to small businesses. It is about giving small entities, including labor organizations, the incentive they need to fight meritless claims brought against them by an intimidating bureaucracy which often strongarms those who have limited resources to defend themselves.

The FAIR Act amends the National Labor Relations Act to provide that a small business or labor organization which prevails in an action against the NLRB will automatically be allowed to recoup the attorney's fees and expenses it spent defending itself. The FAIR Act applies to any employer who has not more than 100 employees and a net worth of not more than $1.4 million. It is these small entities which are most in need of the FAIR Act's protection.

Mr. Speaker, the FAIR Act ensures that those with modest means will not be forced to capitulate in the face of frivolous actions brought by the NLRB, while making the agency's bureaucrats think long and hard before they start an action against a small business. By granting attorney's fees and expenses to small businesses who know the case against them is a loser, who know that they have done nothing wrong, the FAIR Act gives these entities an effective means to fight against abusive and unwarranted intrusions by the NLRB. A government agency the size of the NLRB—well-staffed, with numerous lawyers—should more carefully evaluate the merits of a case before bringing a complaint against a small business, which is ill-equipped to defend itself against an opponent with such superior expertise and resources. The FAIR Act will provide protection for an employer who feels strongly that its case merits full consideration. It will ensure the fair presentation of the issues.

The FAIR Act says to the NLRB that if it brings a case against a little guy it had better make sure the case is a winner, because if the Board loses, if it puts the small entity through the time, expense, and hardship of an action only to have the business or labor organization come out a winner in the end, then the Board itself will have to reimburse the employer for its attorney's fees and expenses.

The FAIR Act's 100-employee/$1.4 million net worth eligibility limits represent a mere 20 percent of the 500-employee/$7 million net worth limits that are in the Equal Access to Justice Act [EAJA]—an act passed in 1980 with strong bipartisan support to level the playing field for small businesses by awarding fees and expenses to parties prevailing against agencies. Under the EAJA, however, the Board—even if it loses its case—is able to escape paying fees and expenses to the winning party if the Board can show it was substantially justified in bringing the action.

When the EAJA was made permanent law in 1985, the Congress made it clear in committee report language that the NLRB should have to meet a high burden in order to escape paying fees and expenses to winning parties. Congress said that for the agency to be considered substantially justified it must have more than a reasonable basis for bringing the action. Unfortunately, however, courts have undermined that 1985 directive from Congress and have interpreted substantially justified to mean that the Board does not have to reimburse the winner if it had any reasonable basis in law or fact for bringing the action. The result of all this is that the Board easily is able to win an EAJA claim and the prevailing business is almost always left high and dry. Even though the employer wins its case against the Board, the Board can still avoid paying fees and expenses under the EAJA if it meets this lower burden. This low threshold has led to egregious cases in which the employer has won its NLRB case—or even where the NLRB has withdrawn its complaint after forcing the employer to endure a costly trial or changed its legal theory in the middle of its case—and the employer has lost its followup EAJA claim for fees and expenses.

Since a prevailing employer faces such a difficult task when attempting to recover fees under the EAJA, very few even try to recover. For example, Mr. Speaker, in fiscal year 1996, the NLRB received only eight EAJA fee applications, and awarded fees to a single applicant—for a little more than $11,000. In fiscal year 1995, the Board received only nine fee applications from prevailing parties and awarded fees to only four applicants totaling less than $50,000. Indeed, during the 10-year period from fiscal year 1987 to fiscal year 1996, the NLRB received a grand total of 100 applications for fees. This small number of EAJA awards arises in an overall context of thousands of cases each year. In fiscal year 1996 alone, for example, the NLRB received nearly 33,000 unfair labor practice charges and issued more than 2,500 complaints, 2,204 of them settled at some point post-complaint.

The NLRB understandably argues the lack of successful EAJA claims is due to it carefully issuing only worthy complaints—those it is substantially justified in bringing. Does anyone believe this? Of 2,500 complaints last year the Board was unreasonable one time? In fact, Mr. Speaker, employers who have prevailed against the Board recognize the long odds of winning, and high expense of undertaking, additional EAJA litigation. Since it is clear the EAJA is underutilized at best, and at worst simply not working, the FAIR Act imposes a flat rule: If you are a small business, or a small labor organization, and you prevail against the Board, then you will automatically get your attorney's fees and expenses.

The FAIR Act adds to new section 20 to the National Labor Relations Act. Section 20(a) simply states that a business or labor organization which has not more than 100 employees and a net worth of not more than $1.4 million and is a prevailing party against the NLRB in administrative proceedings shall be awarded fees as a prevailing party under the EAJA without regard to whether the position of the Board was substantially justified.

The FAIR Act awards fees and expenses in accordance with the provisions of the EAJA and would thus require a party to file a fee application pursuant to existing NLRB EAJA regulations, but the prevailing party would not be precluded from receiving an award by any burden the NLRB could show. If the Board loses an action against the small entity, the Board pays the fees and expenses of the prevailing party.

Section 20(b) of the FAIR Act applies the same rule regarding the awarding of fees and expenses to a small employer or labor organization engaged in a civil court action with the NLRB. This covers situations in which the party wins a case against the Board in civil court, including a proceeding for judicial review of Board action. The section also makes clear that fees and expenses incurred appealing an actual fee determination under section 20(a) would also be awarded to a prevailing party without regard to whether or not the Board could show it was substantially justified.

In adopting EAJA case law and regulations for counting number of employees and assessing net worth, an employer's eligibility under the FAIR Act is determined as of the date of the complaint in an unfair labor practice proceeding or the date of the notice in a backpay proceeding. In addition, in determining the 100-employee limit, the FAIR Act adopts the NLRB's EAJA regulations, which count part-time employees on a proportional basis.

Mr. Speaker, the FAIR Act will arm small entities—businesses and labor organizations alike—with the incentive to defend themselves against the NLRB. The FAIR Act will help prevent spurious lawsuits and ensure that small employers have the ability to effectively fight for themselves when they have actions brought against them by a vast bureaucracy with vast resources.

If the NLRB wins its case against a small employer then it has nothing to fear from the FAIR Act. If, however, the NLRB drags an innocent small employer through the burden, expense, heartache and intrusion of an action that the employer ultimately wins, reimbursing the employer for its attorney's fees and expenses is the very least that should be done. It's the FAIR thing to do. I urge my colleagues in the House to support this important legislation and look forward to working with all Members in both the House and Senate in passing this bill.

FLORIDA INTERNATIONAL UNIVERSITY'S 25TH ANNIVERSARY

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. DIAZ-BALART. Mr. Speaker, I rise today to congratulate Florida International University for 25 years of academic excellence and exciting growth.

Florida International University [FIU] has distinguished itself by becoming a center for intellectual inquiry and research that emphasizes the link between basic and applied scholarship. The university's interdisciplinary centers have acted as a catalyst for creativity in the arts, the sciences, and the professions by encouraging interaction among its students, faculty, staff, and the communities it serves.

Florida International University is ranked among the top 10 public commuter colleges in the United States by Money Magazine and is also cited in several leading college guides, including Barron's Guide to the Most Prestigious Colleges; and U.S. News & World Report's annual survey of America's Best Colleges.

Under the tenure of Dr. Modesto Mitch Madique, the university has made tremendous inroads. Dr. Madique, the first Cuban-American to be president of a 4-year college, became president in 1986. He has had the vision and the initiative to push the institution toward the 21st century.

When it opened its doors in 1972, FIU had an enrollment of 6,000 students. Today, with 13 schools and colleges, FIU has grown to over 28,000 students from all 50 States and 120 countries. As a major center of international education, FIU prides itself on the cultural and ethnic diversity of its students and faculty. It is, indeed, as many of its faculty and students like to say, "a gateway of the Americas."

FIU's College of Engineering and Design bears witness to the university's overall success. Under Dean Gordon R. Hopkins, the college of engineering has earned international recognition for its research programs, drawing scholars from all over the world. Similarly, in the College of Arts and Sciences, Dr. Dario Moreno, associate professor of political science, helped create a Ph.D. program in this discipline which works in conjunction with the university's renowned Latin American and Caribbean Center [LACC] and the Cuban Research Institute [CRI] to produce first-rate research in these areas of such great interest to our region.

The people of the 21st Congressional District are proud to claim Florida International University as our own. We look forward to the university's bright future of intellectual achievement built upon a foundation of integrity, creativity, and openness to the exploration of new ideas.

THERE'S TOO MUCH TO LOSE

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. ADAM SMITH of Washington. Mr. Speaker, a few days ago this House passed a good foreign operations bill, a bill which was structured to help ensure stability, prosperity, equality, and peace to our neighbors and allies around the world. But on that very same day, we witnessed an outrageous and cowardly act of terrorism, a triple bombing that shook the city of Jerusalem. And we were reminded that there are those who do not want peace, people who would destroy and tear down rather than resolving differences through negotiation and compromise.

Such actions are completely intolerable, and so I stand here today to reiterate what Secretary of State Madeleine Albright has already stated, that the United States expects a "100 percent effort" by the Palestinian Authority to stop militants from using areas under Palestinian self-rule as a springboard for attacks on Israel. On this issue there can be no compromise. A serious discussion of peace can not take place while terrorists are receiving nods and winks by the negotiators who are sitting at the bargaining tables.

And let us not confuse the issue, bombs are not the same as bulldozers. Recently, many papers have printed that this new wave of bombings is the result of controversial housing policies. While the Middle East peace process has had to overcome many obstacles, and will certainly have to continue to overcome many more, we cannot begin to compare the actions of terrorists to the building policies of a government. There is no moral equivalency.

So as Secretary of State Madeleine Albright begins her visit to the Middle East today, I call upon all the parties involved to bring their issues to the bargaining table. The terrorists are waging war, and it is a war on peace. As difficult as it may be, we must find a compromise because we cannot let the terrorists win. There is much too much to lose.

CAMPAIGN FINANCE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 10, 1997 into the CONGRESSIONAL RECORD:

REFORMING THE CAMPAIGN FINANCE SYSTEM

The hearings in Congress have now built a powerful case for fundamental changes in the way we finance our political campaigns in America. They have uncovered negligence by both political parties, with the abuses unearthed going back several elections. These parties were desperate for campaign dollars. They did not take care to look at the origin of the dollars, but simply encouraged their flow to the party coffers. There has been a lot of partisan jockeying in Washington, each party trying to blame the other, and the result, at least so far, has been that Congress has done nothing. If that pattern continues, it would be a tragedy for the American political system.

PUBLIC PERCEPTIONS

Americans may not understand the details or even the basics of the campaign finance system. But they are clearly troubled by the role that money plays in the American political system. They believe that money has an excessive influence on government policy and that elected officials who solicit and accept political contributions while making policy decisions are under a conflict of interest.

They understand that the search for money distracts elected officials from the jobs they are elected to do, and that money often buys access for one group while denying another group a fair opportunity to influence the process. They appreciate that the well-to-do and powerful special interest groups have access to Members of Congress that they do not have.

They understand that the problem is systemic and that it is not associated with a single party or a single elected official. It affects all of them. The public clearly understands that the present system of campaign finance does not serve them well. They overwhelmingly want reform, and they want it now.

"SOFT" MONEY

The campaign finance hearings have raised serious concerns about foreign fundraising, but I do not think the problems are limited to that. A large number of people and groups were able to abuse the current laws, simply because those laws invite abuse. The biggest abuse is the so-called "soft money" that flowed in huge amounts to both political parties during 1996 from American donors. Under current law, both foreign and American money from wealthy individuals and corporations can be given in unlimited amounts to the parties as opposed to individual candidates. Although these funds are supposed to be for party-building purposes, they are easily diverted to individual campaigns. What happened in 1996 was that the whole system simply spun out of control as both parties aggressively sought soft money.

Soft money has become the key source of funding for political campaigns. It amounts to large-scale, unregulated donations. I do not think prohibiting soft money will solve all the problems of campaign finance, but it is certainly an essential part of a meaningful reform package.

IMPORTANCE OF LEGISLATION

I believe it is simply time for Congress to legislate. We do not need a lot of additional information or documentation about the ease with which money has flowed into campaigns or the vigor and ingenuity with which candidates have sought the money from whatever source. The investigating committees are correct in trying to get to the bottom of the many questions that have been raised by the investigations, and the possibility of bringing some criminal charges should be pursued by the Justice Department. The country deserves a full accounting of how the political system got corrupted in 1996, and those investigations should be done in as bipartisan a way as possible. But before Congress goes home in 1997, we should enact a tough campaign finance reform law curbing the role of money in campaigns. What is needed now is legislation, not more data, not more information.

At this point, I think Congress should promptly ban soft money. That would do much to slow the flood of campaign money and alleviate the worst problems in campaign finance. Disclosure rules should be broadened to ensure that voters know who is responsible for the accuracy and fairness of campaign advertising and also know who makes all the contributions and how much they are. Even the most minute contributions and expenditures should be revealed before election day.

And no reform is worth anything unless it has effective enforcement. The Federal Election Commission has to be strengthened with strong, independent-minded commissioners, and with a more adequate budget. Penalties should be strengthened for violators. Further reforms will undoubtedly be necessary. But these should not delay action on those measures that can pass now.

It is important to note that the money-raising process goes on even as politicians talk about campaign finance reform. They are vigorously raising money under the old system, including soft money. Already in 1997 about 2½ times as much has been raised as at the same point in the election cycle four years ago.

Time is of the essence with the congressional year concluding and congressional elections coming up next year. Each day that the elections come closer, the passage of campaign finance reform becomes more difficult.

CONCLUSION

Almost every week now we learn more about the selling of government. Political offices from the White House down are being demeaned, if not corrupted. There seems to be a "For Sale" sign on government, and that includes Congress and the Executive Branch. We simply must have reform, and that especially means imposing limits on the giving and receiving of soft money. I see the potential for the current system, if it continues its present pattern, to do serious harm to our system of government.

Now is the time for Congress to act. The campaign finance issues are very well known to every Member. We deal with them every day. I believe we simply have to set aside the efforts to gain or maintain a partisan advantage. We have to focus now on the integrity of our national government. That integrity demands that we have honest, bipartisan campaign finance reform.

A TRIBUTE TO THE LATE JOHN M. TAXIN

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to the late John M. Taxin, an outstanding Pennsylvanian and contributor to the unique character of the city of Philadelphia. On August 10, 1997, Mr. Taxin passed on at the age of 90 in his beloved city of Philadelphia. Born in 1906 as Morris Martin Taxin, he took the name John after the workers whom he sold produce to began calling him "St. John" for the kindness and charity he showed them when they were down on their luck. The name John has stuck with him ever since. Selling fruit from the back of a horse-drawn cart, Mr. Taxin became an entrepreneur at an early age. He soon had a booming wholesale business as one of the city's most successful purveyors of produce. During this time, he occasionally ate at Old Original Bookbinder's and thought that it could really be something special—if only it were run properly.

In 1940, with two partners, John Taxin bought Old Original Bookbinder's and within 5 years he owned the restaurant outright. During John Taxin's first year as the sole proprietor, it has been reported that Bookbinder's served 650,000 individual meals and generated close to $10 million in revenue. John Taxin's hard work, shrewd business sense, and genius for public relations made Old Original Bookbinder's by the Delaware River, a favorite destination for visitors to Philadelphia and it continues to attract a who's who of the rich and famous. On any given day in the early years of John Taxin's ownership, diners at Bookbinder's might bump into Joe DiMaggio, Frank Sinatra or Danny Kaye.

In addition to his business success, John Taxin was famous for his philanthropy, his civic-mindedness, and his kind demeanor. Mr. Taxin was a major supporter of numerous charities including: the Juvenile Diabetes Foundation, Willow Crest-Bamberger Home for Convalescents, Israel Bonds, and St. Joseph's Hospital, where he purchased television sets for patient rooms, underwrote development of several wings and annually provided Christmas decorations. Quietly, John Taxin offered some Philadelphians a second chance by providing them with employment after a period of incarceration. Of these employees he often told friends, "None of my guys ever let me down."

Mr. Speaker, in light of his kind and generous spirit, his many successful business ventures and his contributions to the city of Philadelphia, I ask that my colleagues join me today in paying tribute to the late John M. Taxin.

TRIBUTE TO MICHAEL CHACEY

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. TIAHRT. Mr. Speaker, I would like to take this opportunity to recognize Michael Chacey, an outstanding student from my district in Kansas. Recently, Michael won the Veterans of Foreign Wars 1997 Voice of Democracy broadcast scriptwriting contest for the State of Kansas. The program is now in its 50th year and requires high school student entrants to write and record a 3 to 5 minute essay on an announced patriotic theme. "Democracy—Above and Beyond" is this year's theme and over 109,000 students participated in the competition nationwide.

Michael is a recent graduate of Derby High School in Derby, KS. For his participation in the 1997 Voice of Democracy Program, Michael won the $1,500 Silver Spring Memorial Post 2562 Scholarship Award. Michael is the son of Mr. and Mrs. David Chacey and he plans a career in biology or law. He was sponsored by VFW Post 7253 and its ladies auxiliary in Derby, KS.

Following is Michael's award winning contest entry.

DEMOCRACY—ABOVE AND BEYOND

1996–97 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM: KANSAS WINNER MICHAEL CHACEY

"When people speak of government forms, they tend to speak of them in a hypothetical manner." "In a Perfect World, Anarchy would be the ideal form of government" or "On paper communism looks very good, it just isn't established correctly." Unfortunately these people leave democracy out of their hypothetical discussions. This is terribly disheartening, because whether in the real world, or in some imaginary, perfect one, the freedom, the liberty, and the decision making principles entrenched in a democratic society make democracy a form of government above and beyond all others. The best way to prove this is to compare democracy to other forms of government in both hypothetical and real situations.

For instance, in my English class the other day, we were talking about communism. My teacher said "Communism is probably the most ideal form of government, because it is the most universally fair for the people involved. The only reason it hasn't worked well is that no one has been able to set it up properly." Well, that in itself should show that maybe it's not such a good idea, but say, for the purpose of argument that it could be set up properly. Would it be so great? Decisions would still have to be made. How should we distribute our wealth? What taxes should be paid? Should we go to war with an aggressive nation? These are all questions that have to be answered by a government, and only one equitable way to do it comes to mind. Let the people affected by the decisions make the decisions, either directly, or through representation. Do you believe that the self appointed or military government form of communism or totalitarianism should make these decisions with little or no input from the citizens. Or, should a government, of the people, by the people, and representing the people's wishes make the choice that the majority of the people want? I personally believe the latter is the best. The only way to make sure that the people's wishes are carried out is to allow the people to choose the government. Moreover, they can replace any representative who fails to serve the people. Anarchy could not meet the citizens' needs due to lack of order, and due to lack of representation, no authoritarian government would be able to meet the people's wishes either, as time has proven. Only allowing the citizens to choose preserves their liberty.

Hypothetical situations aside, it is important to realize that it is not a perfect world, and these governments would not be set up ideally. Winston Churchill once said that democracy is the worst form of government, except for all the others. This is true because nothing is perfect. Unworthy men could always come to power. The government could always make poor decisions. But in a democracy, these problems can be solved. It is a self correcting government, which is the true power of democracy. The people have the power in democracy to replace the government officials. If representatives make poor choices, then the citizens in a democracy have the unique privilege to select new officials. Now, there is no guarantee that the people will make the correct decisions, but at least the government consists of individuals who at least the majority of the voters want, making it not only superior to other forms, but more fair.

I am proud to have a young man like Michael Chacey from my district. His remarks on democracy should be a reminder to us all that we are privileged servants in the best system of government in the world.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. FAZIO of California. Mr. Chairman, I rise today in opposition to the Istook amendment.

What we have is another attempt to do away with the title X program, which provides funding for family planning services. Services provided under title X reach out to many of America's teenagers who are already at risk in their everyday lives.

Family planning services are one way that these teenagers can receive guidance and education about issues confronting them about sex, reproductive health, contraception, and prevention of disease. By requiring teens to obtain parental consent in order to receive family planning services, and by mandating clinics to notify parents that their children are seeking such services, the Istook amendment will have the effect of decimating the entire family planning system in our country.

The teens we need to be most concerned about—the teens we are trying to prevent from having unwanted pregnancies or contracting a sexually transmitted disease—would become even more endangered if this parental mandate were to take effect.

Perhaps many people are forgetting what it means to be an at risk teen. At risk teens are not the children of many of us in this room today. At risk teens are not the children of parents they can talk to freely about many important issues and values that are affecting their everyday lives. At risk teens are more often trying to escape sexual or physical abuse within their own homes—even from their own parents.

I encourage every teenager to talk with their parents about these very important issues and parents to talk responsibly with their children. That is why I am in support of a substitute amendment offered by my colleagues, Mr. CASTLE and Mr. PORTER. The Porter substitute will require that title X programs encourage the involvement of parents when teens seek family planning services.

Encouraging parental involvement is important, and in and ideal world, all teens would have parents they could feel comfortable talking to and be able to sort out what kind of activity is appropriate. But in the real world, we cannot take away an opportunity for at risk teens to receive essential services, by forcing a mandate upon them that will not work in the real world.

I urge my colleagues to vote against the Istook amendment and support the Porter amendment.

TRIBUTE TO THOMAS E. WALDROP

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. MORAN of Virginia. Mr. Speaker, it gives my colleagues, Mr. DAVIS of Virginia and Mr. WOLF, and me great pleasure to rise today and pay tribute to Mr. Thomas E. Waldrop, an outstanding member of the northern Virginia community. Tom is this year's Founder's Award winner from the Northern Virginia Community Foundation. The Founder's Award is given annually to an individual who has demonstrated civic and humanitarian responsibility, and personal participation and leadership in northern Virginia community civic bodies. In addition, the award is presented to an individual who is contributing to improve the quality of life in northern Virginia through leadership in one or more of the following five areas: The arts, education, health, youth, and civic improvement.

Tom is an individual who has made a very strong positive impact on northern Virginia as well as the entire State of Virginia. He is a Virginia native who was born in Montpelier, VA on April 8, 1937. He received his higher education from Virginia schools. Tom received a bachelor's degree in economics from Randolph-Macon College and a master's degree in business from Virginia Commonwealth University. Tom also served his country, and he served in the U.S. Marine Corps from 1958 to 1960.

Tom is currently the president and chief executive officer for Media General Cable which is headquartered in northern Virginia. He has served in that position since 1984. Since that time, Tom has directed the development of one of the Nation's largest and most sophisticated cable television systems. Tom's career with Media General Corp. began in 1967 when he started with Richmond Newspapers. He was quickly promoted and appointed the operations manager of Media General Financial Services at the beginning of 1968. Tom went on to serve as their vice president and as assistant general manager. After his success with the Financial Services division, Tom moved to Media General's Piedmont Publishing Co. where he worked as their business manager, and eventually became the general manager. He left Piedmont when he moved to Media General Cable in northern Virginia.

Tom has shown boundless energy and has made it a priority to work in his community to improve the quality of life for all of us. He works with a wide range of organizations that have made northern Virginia the dynamic, vibrant area it is. Northern Virginia's diverse community has grown dramatically since the early 1980's. It has been successful in maintaining a community atmosphere with the work of people like Tom.

Tom works closely with both the northern Virginia arts and business communities. He is in his fourth term as chairman of the board of directors of the Arts Council of Fairfax County. He also remains on the board of directors for the Fairfax County Chamber of Commerce, the Fairfax County Public School's Business Advisory, the Fairfax Symphony, the Northern Virginia Community College Education Fund, the Northern Virginia Technology Council, the Tower Club, and the Wolf Trap Foundation. In addition to all of these associations, Tom has previously served as the director of the American Heart Association's Fairfax Board and has chaired the development committee for "Spotlight on the Arts" in the city of Fairfax. He continues to demonstrate his willingness to lead the northern Virginia community in a wide range of areas.

Tom is also associated with a number of other activities where he volunteers his time and services to further enhance our community. He continues to work with the Northern Virginia Business Roundtable, the Virginia Opera's Northern Virginia advisory committee, and the corporate advisory committee for the Women's Center of Northern Virginia. Tom also works with national organizations to improve the quality of our cable television nationwide including serving on the board of directors for the National Cable Television Association and C–SPAN, the Cable Satellite Public Affairs Network.

Mr. Speaker, we know our colleagues join us in honoring and thanking Tom Waldrop for his achievements in working to improve northern Virginia for all of its residents. We appreciate all of his work in making northern Virginia one of the finest places to live and work. For those of us that know of Tom's commitment to northern Virginia, it is no surprise that the Northern Virginia Community Foundation has decided to award him their prestigious Founder's Award at a gala on October 24, 1997. It is a well deserved award.

THE 1997 BUDGET AGREEMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 6, 1997 into the CONGRESSIONAL RECORD.

THE 1997 BUDGET AGREEMENT

Congress and the President recently enacted a major budget agreement to reform Medicare, balance the budget, and provide tax relief to many Americans. I supported this agreement.

The budget plan is a major political achievement. For many years, the test of governance has been measured by the ability to cut budget deficits. Both sides gave ground, and both sides won major priorities. Most of the credit, however, should go to the booming economy. Historic growth and low unemployment have boosted revenues and reduced spending. The 1993 budget agreement helped reduce the deficit from almost $300 billion to about $40 billion today. In the final negotiations, new economic estimates gave negotiators just enough money to brush aside the last disagreements.

The tax bill appears to offer something for practically every powerful constituency—the middle class, older persons, parents, farmers, small businesses, college students, and investors. It would not offer much relief to single working adults or persons without children. It also includes about 80 narrowly-focused provisions, that benefit just a few individuals or businesses. These limited tax provisions could be subject to a Presidential line-item veto.

The five-year agreement will have only a modest impact on the economy. The tax cuts amount to less than 2-tenths of one percent (0.2%) of the country's economic output. They were designed to be small enough to have little impact on the economy, and they are affordable because of the economy's current strength. The spending cutbacks are equally modest from an economic perspective. But balancing the budget will show that the federal government can get its fiscal house in order, and it will lower interest rates and boost savings and long-term investment.

EDUCATION

The plan includes approximately $40 billion in education incentives over five years, including the President's $1,500 tax credit for each of the first two years of college, and up to $1,000 for each of the next two years. Education Savings Accounts (ESAs) will allow taxpayers to save $500 per year for a child's education, with tax-fee investment earnings. Finally, up to $2,500 of student loan interest expense will be tax-free. While I am not convinced these changes will dramatically increase the number of children going to college, they will certainly ease the burden on families paying for higher education.

HEALTH CARE

The agreement helps curb rising health costs and the growing number of uninsured Americans. Medicare changes should ensure solvency through 2010, in part through more competition and choice in health care coverage. Provisions in the senate bill to raise the eligibility age to 67, increase co-payments, and means test benefits were not included in the bill. The budget provides health care to about 7 million children who currently have no health insurance. The health insurance deduction for the self-employed will rise to 100%.

TAX CUTS

Income taxes are cut $130 billion over five years in the bill. Parents earning up to $110,000 will receive a $500 per child tax credit. Capital gains taxes are reduced, retroactive to May 7, and long-term investments will receive additional benefits. Homeowners can exclude up to $500,000 in capital gains from the sale of a principal residence. Savings are encouraged by expanding Individual Retirement Accounts (IRAs), and taxpayers will be able to make penalty-free withdrawals for education expenses or first-time home purchases. Estate taxes will be reduced, primarily for family farms and small businesses.

DRAWBACKS

Complicated tax system

One major problem with this budget is that it further complicates the tax code. It creates seven different capital gains rates, four education tax credit formulas, three kinds of tax-preferred savings accounts, and two different child tax deductions. Each provision will require more forms, separate instructions, and new income eligibility requirements. Each deduction has a worthy goal, but the cumulative effect is that tax-filing season next year will be the most complicated in a decade. My preference is to eliminate loopholes and deductions and reduce basic tax rates across-the-board.

Betting on a strong economy

Congress and the President are hoping a strong economy will carry us to balance, perhaps as early as next year. If the economy slows, the budget lacks the tough spending cuts to ensure balance. In fact, new spending and accelerating tax cuts will make it harder to balance the budget. Early figures indicate this bill will boost the deficit by $5.7 billion by October 1. The impact of backloaded tax cuts is less than earlier proposals, but we are still left with a ticking time bomb that can only be defused by a level of fiscal discipline that has not yet been achieved in Congress.

Fairness

One of my concerns about the original House plan is that the tax relief was tilted to better-off Americans. Although the final agreement improved upon the House bill, it still makes the tax code less progressive. All sides agree that, when fully implemented, a far greater share of the tax benefits will go to citizens with high incomes. In effect, proponents of these changes argue that middle-class taxpayers were paying less than their fair share of taxes. I simply disagree.

Entitlements

Perhaps the biggest drawback of the budget agreement is the failure to address long-term entitlements. As baby boomers begin to retire in 2010, spending for federal health and retirement programs will increase dramatically. Congress and the President lost an opportunity to tackle the biggest budget challenge of the next fifty years. The bill does include a commission report on long-term Medicare changes in 1999, but it does not deal with Social Security. History will judge this agreement harshly unless we enact more reforms.

CONCLUSION

On balance, this agreement moves the country forward. It should ensure Medicare's solvency for ten years. It provides tax relief, education, and health care benefits to hard-working families. While it moves backwards on tax reform, and postpones some tough decisions, it is still likely to achieve a balanced budget. My hope is that we can build on this political and economic achievement to address the country's long-term challenges as we move into the next century.

CONGRATULATING MISS AMERICA 1997, TARA HOLLAND

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. GOODLING. Mr. Speaker, I am pleased to congratulate Miss America 1997, Tara

Dawn Holland on completing a most successful year of service. It has been a privilege for me to work closely with her during her year of service as she promoted literacy in America.

Breaking the cycle of illiteracy is one of the most critical issues facing our country today. Illiteracy robs individuals of economic advancement by leaving people without the skills they need to participate in the American dream. Illiteracy robs individuals of the opportunity to reach their full potential and all too often has been the legacy parents have left for their children.

During the last year, Tara traveled across the country meeting hundreds of people who have overcome this roadblock. She shared very personal experiences about how this problem touched her life and inspired all of those who heard her speak. However, she was not solely an inspirational speaker. Her knowledge and experience has allowed her to embrace this issue as a professional. She knows illiteracy is a family problem that is perpetuated over generations and is intrinsically linked to many of society's ills such as drop out, drug abuse, and crime. But Tara took her knowledge one step further by promoting ways individuals and communities can reach out to those who are unable to read.

Mr. Speaker, Tara is a dedicated crusader in this most important battle. I can't think of a better representative to lead the campaign against illiteracy. Her vibrant personality and spirit has certainly changed many, many lives.

Tara, as chairman of the House Committee on Education and the Workforce, I thank you for your dedication in bringing this issue to the forefront. My colleages in Congress and I look forward to continuing to work with you for many more years.

TRIBUTE TO DR. PAUL SOIFER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Dr. Paul Soifer upon his retirement as president of the board of directors from the West Valley Jewish Community Center and for his steadfast commitment in the Jewish community.

Paul has given selflessly to serve the West Valley Jewish Center. Shortly after Paul accepted his title as president of the board of directors our community was devastated by the Northridge Earthquake. This earthquake forced the center located on the Bernard Milken Jewish Community Campus to close and subsequently relocate to a vacant warehouse. Unfortunately, like any devastating disaster, the earthquake resulted in a huge loss of membership. Paul would have to help rebuild the center on both an emotional and physical level.

Paul rose to this challenge and exceeded all expectations. First and foremost he ensured that each and every program and service continued just as they had before the earthquake. In addition to overseeing the operations of the center, Paul did something special, he brought the Jewish Community Center Regional Maccabi Games to Los Angeles.

As head of the JCC Maccabi Youth Games Committee, Paul was instrumental in organizing more than 1,700 athletes. He secured lodging for all of the athletes and ensured the smooth functioning of the event. The games were a huge success and Paul now heads the 1997 Los Angeles Delegation of the JCC Maccabi Youth Games.

When asked to describe Paul the first thing that comes to his friends' minds is his ability to make a dream a reality. Paul has done this in more ways than one. He succeeded in rebuilding the West Valley Community Center. The center has returned to its original location on the Bernard Milken Jewish Community Campus and more than 1,200 members have returned to the spiritual warmth provided by the center. Today, the dream of a new state-of-the-art fitness center is reality in the making.

Mr. Speaker, I ask you and my distinguished colleagues to join me in honoring Dr. Paul Soifer. The Talmud says "Great is charity. It uplfits the soul." Paul is indeed charitable and has uplifted the souls of countless members in our community.

TRIBUTE TO DR. GENNARO DiMASO

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. BONIOR. Mr. Speaker, today I would like to honor a man who has spent over 45 years of his life compassionately caring for children. On the evening of September 23, 1997, Dr. Gennaro DiMaso will celebrate his retirement from the medical profession with friends and colleagues at the Barrister Gardens in St. Clair Shores.

While selling vegetables with his father and brother, Gennaro DiMaso dreamed of becoming a doctor. This was a dream he pursued with great determination. At age 13, young Gennaro made a deal with his father that if he did not excel in school, he would return to selling vegetables. In the St. Francis Preparatory High School annual, it was remarked that "Gennaro's great ambition is to become a doctor, and it is our guess that he will make an excellent one." After completing his undergraduate work at Columbia University, Dr. DiMaso realized his dream by earning his medical degree in pediatrics from Boston University.

After graduation from medical school, Dr. DiMaso was drafted into the U.S. Army and practiced pediatrics for 2 years in Heidelberg, Germany at the American Army Occupation Center. After returning to the United States, Dr DiMaso joined the staff of St. John's Hospital in 1954.

Dr. DiMaso knows that trust, hope, assurance, compassion, and hugs will create a comfortable feeling in an otherwise scary situation. His humane nature never allowed him to turn away a child who needed his healing touch. Dr. DiMaso once said, "Babies and children are the elixir, the last pure thing on earth. Hug them, don't stop hugging them." For these reasons, when his patients grow up, they bring their own children to Dr. DiMaso. I would like to thank and congratulate Dr. DiMaso for his kind work. I am sure many mothers, fathers, and children will miss his kind contributions.

TRIBUTE TO RETIRING MISSOURI HOSPITAL ASSOCIATION PRESIDENT CHARLES L. BOWMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. SKELTON. Mr. Speaker, it has come to my attention that a distinguished career in the health care industry is coming to an end in Missouri.

Charles L. "Charlie" Bowman, president of the Missouri Hospital Association, Hospital Industry Data Institute, and MHA Management Services Corp., is retiring after having served Missouri's health care community for 22 years.

Bowman's distinguished career in health care began in October 1975 when he was named senior vice president of the Missouri Hospital Association. He was selected president of that organization in 1986. Mr. Bowman also proudly served his country in the U.S. Army National Guard from 1962–1990, retiring as a colonel.

During his decades of service to Missouri's hospitals, Bowman has witnessed encouraging changes in the State's health care system. Recent challenges include the emergence of managed care, increasing competition among health care providers, rapid advances in technology, and increasing oversight by government agencies. Throughout the new challenges of today's health care environment, Bowman has led the association to promote the health and welfare of the citizens of Missouri through education and legislative advocacy.

Additionally, Charlie Bowman is active in service and professional organizations, including Rotary International, the American Hospital Association, the American Society of Association Executives, the Missouri Society of Association Executives, the Missouri Association of Army Officers, and the Boy Scouts of America.

As he prepares for quieter times with his wife, Sue, and his four children, I know the Members of the House will join me in paying tribute to Charlie Bowman and in wishing him the best in the days ahead.

INTRODUCTION BY REQUEST OF THE DISASTER STREAMLINING AND COSTS REDUCTION ACT OF 1997

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. SHUSTER. Mr. Speaker, as chairman of the Committee on Transportation and Infrastructure, I am today introducing by request the administration's proposal to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

As my colleagues are well aware, the Stafford Act provides the authority of the Federal Government, primarily the Federal Emergency Management Agency [FEMA], to respond to disasters and emergencies in order to provide assistance to save lives and protect public health, safety, and property.

The administration's bill, the "Disaster Streamlining and Costs Reduction Act of 1997," establishes new hazard mitigation authorities and, among other things, makes various other changes relating to eligibility for disaster assistance and to Federal cost-sharing and administrative costs and policies.

Natural disasters cost the victims and the Nation's taxpayers too much. In the last 10 years alone, the Federal Government has obligated over $50 billion in disaster assistance. Without significant changes in law and policy, the financial exposure of the Federal Government and the risks to families and communities will only increase.

There are also ongoing concerns about the need for more streamlined and responsive disaster programs. While FEMA and others have made administrative improvements over the years, the fact remains that almost an entire decade has passed since Congress last revised and improved the Nation's primary disaster relief and emergency assistance law, the Stafford Act. The need to consider comprehensive legislation and promote improved partnerships between the public and private sectors is clear.

After a preliminary analysis, I believe the administration's bill has several desirable features. It provides a helpful starting point in reining in some of the costs, streamlining and improving various assistance programs, and encouraging hazard prevention and mitigation activities. This bill also has some provisions that are somewhat troubling. I expect the Transportation and Infrastructure Committee and, in particular, its Subcommittee on Water Resources and Environment, chaired by Representative SHERWOOD BOEHLERT, to carefully examine the bill along with other legislative proposals.

I look forward to working with FEMA's Director James Lee Witt and others to improve the Nation's disaster relief program and reduce the costs to disaster victims and the Nation's taxpayers.

PROPOSITION 209

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. PACKARD. Mr. Speaker, the highest court in the land, the Supreme Court, recently refused to block enforcement of California's Proposition 209, the measure that bans race or gender from being a factor in State hiring or school admission. This measure, which was originally agreed to by the people of California nearly 2 years ago, has finally taken effect. I am pleased that the Supreme Court has decided to abide by the will of the people and allow those most qualified and most deserving to obtain State contracts and spots in our competitive universities.

Treating people differently because of their color used to be called discrimination, today it is called affirmative action. I disagree with the President's stance on affirmative action. I believe the popular support of Proposition 209 in California shows our great State's commitment to the historical ideals of liberty and equal justice under the law.

Mr. Speaker, for the last 20 years the Government has been trying to classify all Americans. This is something that I believe is unnecessary and divisive to all of us. I do not believe that race or gender should be used in the consideration of a person's qualifications for a job or the receipt of services.

For America to stand united, we must first stand as individuals who are equal in the eyes of the law. In order for us to solve the problems that stand in our Nation's workplace and our communities, every American needs to be able to stand balanced under blind justice.

Mr. Speaker, as long as affirmative action is a part of our society, the character, the motivations and achievements of some Americans will remain suspect in the eyes of others. This recent Supreme Court decision is a great victory for California. We are leading the charge to end race-based preferences. We have seen the continued failure of affirmative action and we will work to open the doors of fairness and equality.

A TRIBUTE TO KEN WOURMHOUDT, FATHER OF THE SKATEBOARD PARK

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. FARR of California. Mr. Speaker, I rise today to honor a man devoted to landscape architecture and children. Ken Wourmhoudt was a sport's visionary, creating large outside sculptural forms used as skateboard parks. Ken befriended children and defended skateboarders from detractors, a true friend to his community. It is my privilege to be speaking of this man's accomplishments today.

Ken Wourmhoudt, a licensed architect by trade, worked hard to keep an open dialog between the community and the skateboarders. He appreciated the children's love of the sport and often spoke on their behalf.

His passion for the skateboard parks began in 1978 when he designed Derby Park in Santa Cruz. He relied on the skateboarders' experience to guide him through the design process, to build the best possible park for them. Derby Park is still enjoyed by many skateboarders throughout Santa Cruz and beyond.

His love for the skateboard parks was only rivaled by his appreciation for the arts. His artistry showed in skate projects in communities such as Napa, Milpitas, and Pleasanton. This devotion went well beyond the skate parks. He served 8 years on the Santa Cruz County Cultural Council and two terms on the Santa Cruz City Arts Commission. He promoted public art on Pacific Avenue and helped with the installations.

Ken traveled the country sharing his expertise and love of the skateboard parks. These visits helped other communities build parks and taught the communities successful new techniques to keep the lines of communication open with the community.

Ken will be missed by all those he encountered and inspired. He is survived by his wife Mardi, a Santa Cruz supervisor, a daughter Lisa, and three sons, Zachary, Jonathan, and Jacob. Zachary is a landscape artist and will continue in his father's footsteps, building skateboard parks for all to enjoy.

PERSONAL EXPLANATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Ms. VELÁZQUEZ. Mr. Speaker, I was unavoidably detained on rollcall votes Nos. 369 and 370 on September 8, 1997; had I been present I would have voted "no." And, on September 9, 1997, for rollcall votes: No. 371, motion to adjourn, "no"; No. 372, motion to adjourn, "no"; No. 374, motion to rise, "yes"; No. 375, quorum call, "yes"; No. 377, Coburn amendment, "no"; No. 378, Castle amendment to Istook amendment, "yes"; and No. 379, Istook amendment as amended by Castle, "yes".

TRIBUTE TO KENTUCKY STATE SENATOR JEFF GREEN

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. WHITFIELD. Mr. Speaker, along with the tragic deaths of Mother Teresa and Princess Diana, we in Kentucky have suffered a devastating loss of our own.

State Senator Jeff Green was taken from us at the far too young age of just 41 years old. Jeff Green was a hard-working, caring and devoted public servant, husband and father.

He could have taken the easy path some 2 years ago when doctors told him he had a dangerous heart condition. Jeff had lost his own father at an early age. But taking the easy path was not Jeff Green's way and we have benefited because of it.

He worked long hours in the Kentucky Legislature, but always had the time to be with his wife, Sharon, and their two young sons, Tyler and Alex. Because Jeff Green enjoyed one title more than that of Senator, he was most proud to be called Dad.

Mr. Speaker, all of Kentucky will miss Jeff Green. He was an extraordinary man who served his State extraordinarily well.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. BALLENGER. Mr. Chairman, I want to express my strong support for Representative GOODLING's amendment which prohibits any money under this bill to be used to develop, plan, implement, or administer President Clinton's new national testing program.

In government classes taught all over this country, we learn about the three Federal branches of Government and their functions granted under the U.S. Constitution. I've been out of the classroom for a while now; however, I'm quite sure that article I, section I of the Constitution hasn't changed since I was in school. This section states that "All legislative powers herein shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." With this in mind, my colleague from Pennsylvania shouldn't even have to offer this amendment because Congress has not authorized these tests.

During the President's 1997 State of the Union Address, he proposed that individualized national tests be given to fourth grade students in reading and math. Instead of seeking congressional approval for this new education policy, the Department of Education has decided to ignore the Congress and move ahead with the development of these tests with the intent of administering the tests beginning in 1999. Even if one supports the President's standardized national testing program, which I don't, shouldn't this be debated and decided in the U.S. Congress and not by Presidential edict? This appropriations bill, if not amended to include Representative GOODLING's language on national testing, leaves the door wide open for the Department of Education to continue work in this area.

In addition to the fact that Congress has been bypassed in this policy decision, we need to look at the overall issue of national testing. In 1997, the Federal Government will spend roughly $540 million to test students. Do we really need another testing program? I think money could be better spent on the learning process and teacher training. National tests aren't going to arm our students with the tools they need to gain a world-class education.

I urge my colleagues to support this amendment. Even if you support the concept of national testing, you should support the Goodling amendment and permit an open debate on the issue in the Congress instead of letting the President and the Department of Education create policy.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 11, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 12

9:00 a.m.
Governmental Affairs
To hold hearings on S. 981, to provide for the analysis of major regulatory rules by Federal agencies.
SD–342

10:00 a.m.
Judiciary
Immigration Subcommittee
To hold hearings to examine proposals to permanently extend the expiring provision of immigration law which allows religious workers to be sponsored by religious organizations in the United States.
SD–226

11:30 a.m.
Foreign Relations
Meeting, to discuss pending committee matters.
S–116, Capitol

SEPTEMBER 15

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine fraud in the micro-cap securities industry.
SD–342

2:30 p.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine proliferation in the information age.
SD–342

SEPTEMBER 16

10:00 a.m.
Armed Services
To hold hearings on the nominations of General Michael E. Ryan, USAF, to be Chief of Staff, United States Air Force, Adm. Harold W. Gehman, Jr., USN, to be Commander-in-Chief, United States Atlantic Command, and Lt. Gen. Charles E. Wilhelm, USMC, to be Commander-in-Chief, United States Southern Command and for appointment to the grade of general.
SR–222

Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine antitrust and competition issues in the telecommunications industry.
SD–226

Labor and Human Resources
To resume hearings to examine the implications of the recent Global Tobacco settlement.
SD–430

SEPTEMBER 17

9:00 a.m.
Judiciary
To hold hearings with the Committee on Indian Affairs to examine incidences of criminal gang activity within Indian country.
SD–226

Indian Affairs
To hold hearings with the Committee on the Judiciary to examine incidences of criminal gang activity within Indian country.
SD–226

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1158, to amend the Alaska Native Claims Settlement Act regarding the Huna Totem Corporation public interest land exchange, and S. 1159, to amend the Alaska Native Claims Settlement Act regarding the Kake Tribal Corporation public interest land exchange.
SD–366

Labor and Human Resources
Business meeting, to mark up the proposed Workforce Investment Partnership Act.
SD–430

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

10:30 a.m.
Conferees
On H.R. 2209, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998.
S–128, Capitol

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the transition to digital television.
SR–253

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To continue hearings to examine antitrust and competition issues in the telecommunications industry.
SD–226

SEPTEMBER 18

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings to examine the implications for farmers of the recently proposed tobacco settlement.

SD–106

9:30 a.m.

Energy and Natural Resources

To hold hearings on the nominations of Ernest J. Moniz, of Massachusetts, to be Under Secretary, Michael Telson, of the District of Columbia, to be Chief Financial Officer, Mary Anne Sullivan, of the District of Columbia, to be General Counsel, Dan Reicher, of Maryland, to be an Assistant Secretary for Energy, Efficiency, and Renewable Energy, Robert Wayne Gee, of Texas, to be Assistant Secretary for Policy, Planning, and Program Evaluation, and John C. Angell, of Maryland, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs, all of the Department of Energy.

SD–366

10:00 a.m.

Foreign Relations

To hold hearings on the nominations of Wyche Fowler Jr., of Georgia, to be Ambassador to the Kingdom of Saudi Arabia, and Martin S. Indyk, of the District of Columbia, to be Assistant Secretary of State for Near Eastern Affairs.

SD–419

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

SEPTEMBER 19

10:00 a.m.

Governmental Affairs

To resume hearings on S. 981, to provide for the analysis of major regulatory rules by Federal agencies.

SD–342

SEPTEMBER 23

10:00 a.m.

Governmental Affairs

To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

Judiciary

To hold hearings to examine Federal antitrust policy in the healthcare marketplace.

SD–226

Special on Aging

To hold hearings to examine screening and treatment options for prostate cancer.

SD–628

SEPTEMBER 24

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

SEPTEMBER 25

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the comittee's special investigation on campaign financing.

SH–216

Labor and Human Resources

To resume hearings to examine the confidentiality of medical information.

SD–430

SEPTEMBER 26

9:00 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to review the operation of the Treasury Department's Office of Inspector General.

SD–342

SEPTEMBER 29

9:00 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to review the operation of the Treasury Department's Office of Inspector General.

SD–342

2:00 p.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to review the operation of the FBI crime laboratory.

SD–226

SEPTEMBER 30

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Michael K. Powell, of Virginia, Harold W. Furchtgott-Roth, of the District of Columbia, and Gloria Tristani (pending receipt by the Senate), each to be a Member of the Federal Communications Commission.

SR–253

10:00 a.m.

Governmental Affairs

To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

OCTOBER 1

9:00 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine the health risks of 1950's atomic tests.

SD–192

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of William E. Kennard, of California, to be a Member of the Federal Communications Commission.

SR–253

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

OCTOBER 2

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

OCTOBER 6

10:00 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine traditional frauds perpetrated over the Internet.

SD–342

OCTOBER 7

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposed legislation relating to food safety.

SR–332

10:00 a.m.

Governmental Affairs

To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

OCTOBER 8

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

OCTOBER 9

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

POSTPONEMENTS

SEPTEMBER 16

10:00 a.m.

Energy and Natural Resources

To hold oversight hearings to review Federal outdoor recreation policy.

SD–366

HOUSE OF REPRESENTATIVES—*Thursday, September 11, 1997*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for all those people who, by their passion for life and by their magnanimous acts of charity, help point the way to our objectives, one for another. We are thankful, gracious God, that there are everyday saints all about us through whom the light of compassion shines and through whom goodness and virtue and reconciliation know expression.

May we use the gifts and talents that we have been given in our own lives so we will do such good deeds that reflect the beauty and love that You have first given us. Bless us, O God, this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MILLER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. ROGAN] come forward and lead the House in the Pledge of Allegiance.

Mr. ROGAN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 1420. An act to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S. 1161. An act to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999.

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the Canada-United States Interparliamentary Group during the 1st Session of the 105th Congress, to be held in Nova Scotia and Prince Edward Island, Canada, September 11–15, 1997: The Senator from Washington [Mrs. MURRAY], vice chair; the Senator from Maryland [Mr. SARBANES]; and the Senator from Hawaii [Mr. AKAKA].

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276d, the Chair appoints the following Members of the House to the Canada-United States Interparliamentary Group, in addition to Mr. HOUGHTON of New York, chairman, appointed on March 13, 1997:

Mr. BEREUTER, Nebraska
Mr. GOSS, Florida
Mr. STEARNS, Florida
Mr. MANZULLO, Illinois
Mr. ENGLISH, Pennsylvania
Mr. SANFORD, South Carolina
Mr. HAMILTON, Indiana
Mr. OBERSTAR, Minnesota
Mr. PETERSON, Minnesota
Ms. DANNER, Missouri
Mr. HASTINGS, Florida

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SUNUNU). The Chair announces he will entertain fifteen 1-minutes on each side.

KITCHENGATE?

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, we never know what we are going to learn next about the White House when we pick up the morning newspaper. Earlier this week we learned in the Washington Times that a former assistant White House chef had filed a complaint with the Equal Employment Opportunity Commission alleging discrimination. It seems that the former head chef received a secret $37,000 payment and a good recommendation in return for keeping details of the firing quiet.

According to the former chef, he was fired because, and I quote, "He was fat and spoke with a French accent."

We do not know exactly what was going on in the White House kitchen, but we do know that personnel problems at 16030 Pennsylvania Avenue are nothing new. We all remember the saga of Billy Dale, the civil servant whose life was thrown in turmoil and whose savings were drained when Mr. and Mrs. Clinton sought to staff the White House travel office with their own cronies.

Let us see. We have suffered through Travelgate, Whitewatergate, Pillowgate, Buddhist Templegate, Filegate, and now, Kitchengate. Lord help us.

AMERICANS WANT TO CHANGE CIVIL TAX CASE BURDEN OF PROOF

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the American Bar Association does not want it, former IRS commissioners do not want it, the current IRS commissioner does not want it, tax attorneys do not want it, IRS collection agents do not want it. All of these bureaucrats and special interest people do not want Congress to change the burden of proof in a civil tax case.

Some surprise, Mr. Speaker.

All of these bureaucrats and special interest people have one major thing in common: They all make big bucks off the backs of the American people. Beam me up. I must admit, the only people in America that support changing the burden of proof in a civil tax case are the American people, in record numbers, and it is very simple: They are taxed off, they are fed up, and they want Congress to right this major wrong. Congress was not elected to represent special interest bureaucrats and the IRS.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

EDUCATION SPENDING, HIGHER; SAT SCORES, LOWER

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, is there a relationship between how much money is spent on education and how well our students perform academically? After all, if I look at a graph showing the SAT scores since 1960 and spending on education since 1960, I might be tempted to conclude that spending just keeps going higher and higher while SAT scores keep going lower and lower.

Further, an independent analysis of how much money spent on education in cities like Washington, DC, New York, Chicago, or Kansas City will show that school districts that spend the most often have the worst schools.

What is the logical conclusion? When I speak to teachers in my district and throughout Nevada they all agree that it is important that schools are adequately funded but no one says that the money is the most important thing. So what makes for better student achievement? Most important are loving parents who teach their children that reading, writing, and arithmetic are important. No government program can do that. That is something money cannot buy.

IN SUPPORT OF THE WIDENING INVESTIGATION OF PERSIAN GULF WAR ILLNESSES

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, 6 years after the Persian Gulf war, 70,000 veterans of that war, including hundreds in my State of Vermont, continue to suffer. Six years after the Persian Gulf war, the Department of Defense and the Veterans' Administration acknowledge that they do not know the cause of that illness and have not developed an effective treatment protocol. Six years after that war, the General Accounting Office and the Presidential Advisory Committee on Gulf War Illness have discussed at length the ineptitude of the DOD and the VA in addressing that issue.

Mr. Chairman, I am delighted that within the Labor-HHS bill there is now an appropriation of $7 million over a 5-year period to go to an outside agency, the National Institute of Environmental Health Sciences, so that they can begin to study the cause of the chemical impact on gulf war illness and hopefully develop a treatment.

It is about time we went outside of the DOD and the VA. It is a major step forward, and I thank the chairman of that committee for his effort in this direction.

WHY LOOK TO THE FEDERAL GOVERNMENT TO MAKE BAD SCHOOLS BETTER?

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, as the Washington Post reported last month, despite a booming economy and a soaring stock market, most Americans think America is on the wrong track. They are deeply mistrustful of the Government's ability to solve the problems that most concern them.

My question is, if 75 percent of Americans do not trust the Government to solve the problems that most concern them, why, why do liberals keep turning again and again to the Government to solve the problems? Most astonishingly of all, why would liberals look to the Federal Government in Washington to somehow make bad schools good or mediocre schools better?

Mr. Speaker, certainly the education of our children is one of the most important issues on the minds of those who have kids in school, and certainly we can all agree that if there is one thing Government excels at, it is mediocrity.

If our goal is mediocrity, then, yes, we should sing the praises of the Federal Government's wonderful powers to make bad schools better. But if we care about excellence, then look to school choice, local control, parents, educational savings accounts, and more competition to produce better schools for our children.

REPUBLICAN PARTISAN SELF-INTEREST PREVENTS CAMPAIGN FINANCE REFORM FROM COMING TO THE FLOOR

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, the Republican leadership continues to thwart Democratic efforts to bring campaign finance reform to the House floor for a vote. The Republican majority leader, the gentleman from Texas [Mr. ARMEY], told Congress Daily earlier this week that he doubted campaign finance reform would come to the floor this fall.

I have to say, Mr. Speaker, that Americans are crying out for reform because they feel that too much money is spent in congressional elections. But what is incredible is that the Republican leadership wants more money spent in campaigns, and few, if any, restrictions on the contributions of wealthy individuals.

Speaker GINGRICH was recently quoted, and I see the chart here, saying "Let any American citizen give any amount. Let everyone play. Let them buy all the ads they want. Let them send all the direct mail they want."

Once again, Mr. Speaker, the Republican partisan self-interest is preventing them from acting in the public interest.

SCHOOL CHOICE LETS PARENTS MAKE THE RIGHT DECISION FOR THEIR CHILDREN

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, when parents express their unhappiness about the quality of schools where they live, it is very rare that they point to insufficient money as a source of their unhappiness. In fact, it is almost never a question of money. They are much more likely to point out no respect for authority and the lack of discipline in the classroom, their fear of violence in schools, or their disagreement with the values and attitudes taught their children.

Mr. Speaker, school choice already exists to some degree in America. In fact, many parents decide where they wish to live based on the quality of the public schools in a given neighborhood. They vote with their feet, by moving to the school district of their choice. But many parents lack the means to choose the neighborhood with the best schools, or they lack the flexibility to move to a better neighborhood because of their work.

Republicans want to help parents. We want to make school choice available for more parents, because we trust parents to make the right choice for their children. That is why we support school choice.

PUBLIC EDUCATION IS THE ENGINE OF PROGRESS

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, I rise to take strong objection to the derisive tone about public schools, labeled "government schools," as we debate the merits of vouchers. Universal public schooling is uniquely American and is the basis for the progress of this Nation.

We forget that basic public education has sustained this country through difficult times. It was the engine of industrial development, made the 21st century the American century, and makes us the leader in the Information Age. We have forgotten the intrinsic relationship between our public schools, not someone else's government schools, and our national development.

If there are problems, and there certainly are, then let us fix them with resources and reform, and that is what we stand for on this side of the aisle. But we must remember that reform means altering to improve, not to deny resources so that improvement cannot occur.

Regardless of what has been stated, this is the bottom line on vouchers. It is an elitest idea masquerading as a public benefit which will radically restructure the very American school system that has made possible the progress we enjoy as Americans.

Are there any John Deweys or Horace Manns left in this country?

EMPOWER PARENTS AND TEACHERS, NOT BUREAUCRATS

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, we Republicans have one basic, simple belief when it comes to education. We believe in empowering parents and teachers. We do not believe in empowering Federal bureaucrats. For all the good intentions of those who believe that Washington regulators should run our public schools, no Federal program can be designed to get parents to teach children to read at night or get them to love books.

□ 1015

No Federal program will ever teach children to admire virtue. No Federal program will bring us orderly classrooms. No Federal program will help when children fail to do their homework.

If children have to pass through metal detectors on their way to school and be in daily fear while trying to obtain an education, no Federal program from Washington is going to correct that situation.

More importantly, when it comes to those Members of Congress looking to Federal bureaucrats to fix our schools, I can only say that no Federal program will give them common sense. We need to empower parents and teachers, and move away from Washington trying to run our schools.

That is the only solution available to ensure our children will obtain a world-class education from world-class schools.

HOUSE SHOULD REPEAL $50 BILLION TAX BREAK FOR TOBACCO INDUSTRY

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, yesterday one body in this Congress voted to repeal the $50 billion tax break bestowed on the tobacco industry by this Gingrich-led House. Now this House must do the same and do it immediately.

Some may view it as a mere coincidence that the No. 1 contributor in this country of corrupting soft money to the Republican Party is Philip Morris Tobacco. The No. 2 contributor of corrupting soft money in this country to the Republican Party is R.J. Reynolds Tobacco. Together they gave about $1 million in soft money to the Republican Party in the first 6 months of this year, and in month 7 their industry received a $50 billion tax break, a tax break buried under the title "Small Business Job Protection" in the balanced budget tax agreement.

Speaker GINGRICH, schedule votes on both the ban on soft money and the repeal of this $50 billion tax break for the tobacco industry on the same day. Eliminating two such evils at once would not be a coincidence in this special interest Congress, it would be a miracle.

THE ART OF BEING FREE

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, one reason why education is such an important issue is because it is education which should play such a vital role in teaching, in the words of Alexis de Toqueville, "the art of being free."

Mr. Speaker, few Americans these days think about the art of being free, I suspect, and few schools talk about the democracy and the American republic in terms of the art of being free. But all one has to do is look around the world and it is quite obvious that societies are free not by virtue of free elections alone; not by the virtue of a written constitution that guarantees freedom on paper only; not by virtue of a judicial system that promises justice, but is corrupted by arbitrary Government power and police misconduct.

No, Mr. Speaker, the art of being free must be taught at home, cultivated in school, and given free expression and practice. The habits of freedom are encouraged in schools through the study of the uniqueness of America, our belief in individual rights over group rights, our history of forward-looking optimism, and the shared faith in the availability of the American dream to all.

SPECIAL INTEREST CAMPAIGN CONTRIBUTIONS CORRUPT DEMOCRATIC PROCESS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, we now know where Speaker GINGRICH stands on campaign finance reform. The Speaker does not think there is enough money. He says they ought to be able to give any amount they want. Let everyone go play.

Mr. Speaker, when those people gave hundreds of thousands of dollars in soft money, they were not playing. When they met in the minority whip's office to gut the Clean Water Act of this Nation, they were not playing. When they met with the leadership to gut the environmental laws of this Nation, they were not playing.

Mr. Speaker, they are not playing when they give hundreds of thousands of dollars and then try to stop food safety laws in this Nation, and they certainly were not playing late at night last month when they got a $50 billion tax cut for the tobacco companies.

No, Mr. Speaker, these are not people who are playing. These are special interests who are corrupting this democratic process, who are corrupting this House, who are corrupting this Senate, and who are corrupting the election process in this Nation.

This is about hard ball. This is about special interests, tax preferences and gifts of public resources to campaign contributors.

SCHOOL CHOICE EMPOWERS CHILDREN AND THEIR FAMILIES

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, while Democrats are busy trying to come up with new excuses why working families should be denied the same educational opportunities that the liberal Washington elite's own children enjoy, innovative Governors and mayors throughout the country are moving forward with school choice.

Democrats say they are not really against working families. Of course, they simply do not mind keeping families trapped in bad schools, for liberals prefer instead promises to reform these bad schools through the magic of the Federal Government. Many of these politicians have idealistic visions about how working families can cope with Government-owned schools in which children do not feel safe, where dumbing down trumps excellence, and where burned out teachers rotate in and out of classrooms more often than the Yankees try new managers.

Mr. Speaker, they propose to, get this, pump more money into the very same Government schools that have failed them year after year after year, with no mention of changes in structure or in methods.

A generation of illiterates does not deter Washington liberals in their misdirected intentions. Everyone at their cocktail parties is in agreement that denying school choice for everyone else's children is a victory for the Washington bureaucracy. Republicans have a different idea: School choice empowers children and their families.

HOUSE SHOULD HEED AMERICA'S CRY FOR CAMPAIGN FINANCE REFORM

(Mrs. MINK of Hawaii asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Speaker, I take this time again to call upon the leadership of the House of Representatives to listen to the cries for reform from the people of this country.

The Republicans are always saying that they are on the top of the issues that the people cry out for. I cannot think of anything that is more of concern to the people of this country than the articles that they keep reading in the newspaper about hundreds of thousands of dollars that are coming into our national parties and the huge political committees out of control, without regulation, without accountability.

Mr. Speaker, we know that these contributions are having a serious impact not only upon the kind of corrupt legislation that sneaks through this House at midnight without our knowledge, but also a corrupting influence on the public's attitude about elections.

For ourselves, when we put out our campaign solicitations we put right on it that the limitation is $1,000 per election. The PAC's know they have $5,000. Why can we not regulate soft money and ban it completely?

HOUSE SHOULD REPEAL GIVEAWAY TO BIG TOBACCO INTERESTS

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, 95 to 3. That was the vote in the United States Senate yesterday to repeal that special midnight multi-billion dollar windfall for the big tobacco companies.

Mr. Speaker, the handwriting is on the wall here. It is now time for the House to follow suit. I would be willing to bet that my colleagues did not know that that provision was in the final version of the bill. We had no idea that it was there. In fact, we had to read about it in the newspapers.

Mr. Speaker, I want to remind my colleagues that I am circulating a letter to Speaker GINGRICH asking that he schedule an up-or-down vote on repeal of this onerous provision. If my colleagues oppose this secret giveaway to big tobacco, sign my letter. They should go on record now and show their constituents that they certainly do not support the middle-of-the-night, under-the-table procedure that was used to enact this provision.

I ask the Speaker to right that wrong now. The handwriting is on the wall. Let us follow the action in the Senate.

CAMPAIGN FINANCE SYSTEM IS BROKEN AND NEEDS FIXING

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, the American people are talking, but the Republican leadership is not listening.

Mr. Speaker, the people are telling this Congress that they are sick and tired of big money flooding into the halls of Government, and they are fed up with special interests taking priority over the national interests. Mr. Speaker, most of all, they are fed up that the Republican leadership still refuses to act.

Mr. Speaker, let us hold hearings, review the good bills that have already been drafted, and pass meaningful campaign finance reform legislation.

Mr. Speaker, they say that "If it ain't broke, don't fix it." I say that our campaign finance system is broke and it needs fixing.

SCHOOL CHOICE AND EDUCATION SAVINGS ACCOUNTS WILL GIVE STUDENTS HOPE

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADERHOLT. Mr. Speaker, for many of our country's poorest children, education is their one ticket out of poverty. In fact, even children in truly horrible schools manage to make it out of their destitution by relentless determination and plain old hard work.

But, Mr. Speaker, children should not have to pass through metal detectors on their way through the schoolhouse door. If kids are more worried about becoming victims of violence than about getting an "A" on the next exam, how can we expect them to perform their best?

Mr. Speaker, in the face of school violence and disorderly classrooms, to whom can the kids turn? Why, their parents, of course. But what if their parents lack the resources to pull them out of horrible schools?

Mr. Speaker, while the special interests join together in saying too bad or offer up worthless promises, conservatives offer these kids hope in the form of school choice and education savings accounts.

Mr. Speaker, hope is a commodity in short supply in many of our Nation's poorest communities. School choice and education savings accounts give kids and their parents a reason to hope.

DEMOCRATS PUSH NATIONAL EDUCATION AGENDA

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, today Democrats want to improve education in America. We want to do it because education is the key to our democracy. We want to do it, more importantly, because education is the key to our children's future.

In the first instance, Democrats believe we need national standards. The fact is that algebra is the same whether a student is from Maine, Missouri or whether they are from my State of Maryland. We need to be able to measure whether our students can master algebra and other subjects so they can compete against their foreign counterparts. We need national standards.

Second, we need school construction funds. We hear the Republicans jump up and say, oh, schools are a local issue. Yes, Mr. Speaker, they are a local issue. But the fact again is that local communities need help. We have crumbling schools. Almost a third of our schools need repairs. They need to fix broken windows and leaking roofs. We have overcrowded schools all over America.

Mr. Speaker, we here in Congress have a duty and responsibility to help local communities. Families play the most critical role, but families cannot build schools alone. Families cannot repair roofs alone. We need a national education agenda that the Democrats are pushing.

QUESTIONS ON CAMPAIGN FINANCE REFORM

(Mr. THUNE asked and was given permission to address the House for 1 minute.)

Mr. THUNE. Mr. Speaker, one speaker after another on the other side stands up before this body and piously proclaims the need for campaign finance reform. Well, Mr. Speaker, I have a few questions for my colleagues.

Mr. Speaker, I would ask my colleagues to please tell me how their campaign finance bill will propose to handle foreign money? Oh, let me guess. That would be illegal. I would ask my colleagues to please tell me how their campaign finance bill will handle political activity that is done on Government property? Oh, let me guess. That would be illegal. And, Mr. Speaker, I would ask my colleagues to please tell me how their campaign finance bill will handle the unauthorized dissemination of top secret, classified information to campaign officials. Well, let me guess. That would be illegal.

Mr. Speaker, I say to my colleagues on the other side, let us be clear about the issue here. No campaign finance bill would address the illegal activity that may have occurred during the last campaign. These things are already illegal, and no currently existing law stopped their side from violating the law.

EDUCATION IS THE GREAT EQUALIZER IN AMERICA

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, there are certain ideas that are quintessentially American: Freedom of speech; freedom of religion; the notion that every American child, rich, poor, boy or girl, every American child is entitled to a public education. It is one of the things that makes this Nation great.

So, frankly, I have been dismayed and, quite frankly, disgusted by the assault on public education being waged by my colleagues on the other side of the aisle.

Mr. Speaker, yesterday, quite frankly, I could not believe my ears when I heard the gentleman from Colorado refer to public education as "a monopoly," "government-owned schools," and even making reference to public education and public schools in this country as part of a "communist legacy."

Mr. Speaker, they should be ashamed. Access to public education is one of the most precious and fundamental privileges of American life. It is irresponsible, it is simply wrong to imply that America's public schools are "Communist."

Mr. Speaker, I urge my Republican colleagues to stop their efforts to not only defund but, in fact, to degrade American public schools and American public education. It has been the great equalizer in this great Nation of ours.

□ 1030

AUGUST IN WASHINGTON

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, President Clinton has just returned from a 3-week vacation on Martha's Vineyard. We all hope the President got some well-deserved rest, but in case he did not get a chance to pick up a paper or watch the news, here is some of what he missed during the last 3 weeks.

First of all, Paula Jones got her date in court. It was also revealed that Vice President GORE used his soft touch to raise some hard cash at the White House on the taxpayers' dime. It was also reported in the news that his former Secretary of Agriculture, Mike Espy, was indicted on 36 counts of garden variety corruption and unethical behavior. And finally, the Whitewater prosecutors obtained another guilty plea from a witness. Augusts are usually pretty dull months here in Washington, but not with this administration.

IMPROVING EDUCATION SHOULD BE OUR TOP PRIORITY

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute.)

Mr. MCGOVERN. Mr. Speaker, as Members of Congress, we have no more sacred responsibility than to devote our full collective energy to improving education all across this Nation. For starters, we need to commit today to the highest possible academic standards for our children. Today students will be entering a highly competitive work force that will demand greater knowledge and skills. High educational standards are the key to preparing our children for the global economy of the 21st century.

Second, we need to begin rebuilding our crumbling schools. A recent GAO report has found that one-third of American schools need extensive repair. Our children deserve to attend class in an environment that is conducive to real learning. Finally, we, as a Congress, must commit to the cause of reducing overcrowding in schools.

A new Department of Education report found that 52 million children have enrolled in schools this fall, threatening to make the problem of overcrowding a national crisis. We should do all we can to help local school districts deal with this challenging issue. Democrats will continue to make education our top legislative priority.

I call on my Republican colleagues, I plead with them to stop the obstructionism, to join with us in our efforts. Let us put our kids first.

LOCAL SCHOOL CONTROL

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, I once asked the Washington State superintendent of public instruction a question: What would happen in the classrooms of our State if we cut your budget 50 percent? His answer, most of what our office does is to counsel and help local school officials to cope with all the Federal rules and regulations.

This is a very good answer. The very best and most simple thing we could do to improve education is to eliminate Federal rules, regulations, and endless bureaucratic redtape and return control of local school districts and school power to school boards.

COMMUNISM AND PUBLIC EDUCATION

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS. Mr. Speaker, there are few issues more important to the future of our Nation than public education. That is why I was amazed and deeply disappointed that yesterday a Republican House Member actually on the floor of this House compared America's public schools to the Communist legacy. To mention our public schools in the same breath with the idea of communism is extremism at its worst. It is the kind of extreme statement I am sure that would make Joseph McCarthy proud.

In my opinion, this Republican statement ranks right up there with the John Birch Society calling former President Eisenhower a Communist. I would suggest this is the type of extremist belief that has caused great problems for the modern day Republican Party.

I am proud that the Democratic Party, based on the values of Thomas Jefferson, not Carl Marx, believes public education is a vital American institution, not something related to the Communist legacy.

AIDS

(Mr. GANSKE asked and was given permission to address the House for 1 minute.)

Mr. GANSKE. Mr. Speaker, I rise to talk about something that will be voted on today. Despite some recent successes, AIDS continues to ravage our country. But even as public education campaigns have helped discourage some high-risk behaviors, needle sharing remains one of the most significant modes of HIV transmission.

Mr. Speaker, the battle against AIDS will continue to be uphill until we can reduce the transmission of HIV through shared needles. Numerous studies have shown that needle exchange programs hold promise as a means to slow the spread of AIDS.

The General Accounting Office conducted a review of these programs and found that a Connecticut program could reduce new HIV infection among participants by 33 percent in 1 year. A 1997 consensus panel of the NIH was emphatic on the possible benefits of needle exchange programs, stating they do not increase needle injecting behavior among current drug users, do not increase the number of drug users, and do not increase the amount of discarded drug paraphernalia.

I encourage my colleagues, do not take away the Secretary's discretion on the needle exchange program today.

COMPARING PUBLIC EDUCATION TO COMMUNISM

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, here we go again. After the Civil War, we had radical Republicans trying to punish the South. Now we have latter day radical Republicans attacking public education, and yesterday we had a Republican colleague compare public education to a Communist legacy.

Public education is a local responsibility; State and school districts, especially parents. To compare public education to communism does a disservice to the millions of students, teachers, and parents who work hard every day to educate their children.

Mr. Speaker, 75 percent of Americans support public education. It is unconscionable to equate support for public education with communism. Communism and public education? Not in our United States.

EXTREMISM

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I want to get this correct. I just heard the Democrat Party say that the Republicans who freed the slaves in the Civil War were radical extremists. I just want to make sure we got that right in the RECORD. The Republicans who led the fight against slavery were radical extremists? Very interesting concept.

I thought that that chapter of our Nation's history was a sad one, but unfortunately a necessary one.

I think it is a real mischaracterization when you try to say because someone is saying the Government does not have all the answers, that you say that that means that they are extremist.

Look at the Washington, DC, school system. Washington, DC, schools are not even open. In fact in our office, we have a student from Washington, DC, because she cannot go to her school because the inept, incompetent, overspending, potentially corrupt government system run by the U.S. Congress to a large degree in Washington, DC, cannot even open.

I think you can balance out the best of government and the best of the private sector and do what is best not for political parties but for the children of America and education.

CAMPAIGN FINANCE REFORM NOW

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, remember the handshake, the handshake between Speaker GINGRICH and President Clinton, June 11, 1995? The agreement that would go forward with campaign finance reform in this country at least?

Eight hundred and twenty-two days ago, $2.5 billion ago, untold scandals ago, they shook hands. Now what does the Speaker say? The Speaker says there is not enough money in the system; we should undo the few remaining reforms and protections we have.

The Republicans want to focus only on the Democrats' problems. The Democrats have problems. I admit it. The system is corrupt and corrupting for both sides of the aisle. That is true. But remember Simon Fireman, the vice chairman of Mr. Dole's Committee on Finance, was convicted of money laundering. He received a $6 million fine, pled guilty to 74 counts of laundering illegal contributions for the Republican Presidential candidate, and was sentenced to 6 months in jail. This is a problem on both sides of the aisle. We need campaign finance reform action now.

EDUCATION

(Mr. LAHOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAHOOD. Mr. Speaker, I come to the floor today to express, in part, my agreement with the gentleman from Texas who says that local people want to have control over their local school boards. That is why we have local elected board members, to run the schools so that they can hire the administrators and the teachers to do that.

Yet, here in Washington, we have people at the White House and other agencies wanting bureaucrats to tell local boards what kind of test scores they should have, what kind of standards they should have.

Mr. Speaker, local people do not want to be told what the standards should be. They know what the standards should be. They do not want bureaucrats in Washington dictating to them what kind of standards should be set. That is why they get elected.

I would encourage those people who are trying to persuade local elected officials that people in Washington know more about it is just absolute nonsense. We should discourage that and give people back the opportunity to run their schools the way they should be run.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the further consideration of H.R. 2264, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2264.

□ 1042

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. LAHOOD, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, September 10, 1997, the bill was open for amendment from page 78, line 12, through page 78, line 22.

Are there any amendments to this portion of the bill?

The Clerk will read.

The Clerk read as follows:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $227,547,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communication Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2000, $300,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

AMENDMENT NO. 28 OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. CRANE: Page 79, strike lines 8 through 21.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 30 minutes and that the time be divided 15 minutes for the gentleman from Illinois [Mr. CRANE], 5 minutes for myself, and 10 minutes for the gentlewoman from Connecticut [Ms. DELAURO].

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. The amendment will be considered for 30 minutes. The gentleman from Illinois [Mr. CRANE] will be recognized for 15 minutes, the gentleman from Illinois [Mr. PORTER] will be recognized for 5 minutes, and the gentlewoman from Connecticut [Ms. DELAURO] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

CPB is funded by a 2-year advance appropriation, and this year Congress will provide CPB funding for the fiscal year 2000.

In the 104th Congress, the House Committee on Appropriations provided only $240 million for CPB in fiscal year 1998. However, $10 million was added back in conference, and now in the 105th, the Committee on Appropriations has increased funding for CPB in fiscal year 2000 from $250 to $300 million.

The CPB funding bill has come before the floor during this week and I have reintroduced my amendment to terminate funding for CPB. At a time when we are trying to balance the budget, we must eliminate agencies like the CPB, and I am not exclusively targeting CPB. We must reduce or eliminate much of the Washington bureaucracy.

☐ 1045

For the past 4 years the Republicans have continually reduced funding for CPB. For fiscal year 1996 the appropriation was $275 million; 1997, $260 million; 1998, $250 million.

I have with me the report from the Committee on Appropriations from the 104th Congress and it notes that the bill provides $240 million for the Corporation for Public Broadcasting for fiscal year 1998, a decrease of $20 million below the comparable 1997 funding level and $56,400,000 below the President's request.

This level of funding will continue the process of graduating the CPB from annual Federal appropriations with the goal of achieving independence from the Federal Government that was the goal of the Republican-controlled 104th Congress. And now, as I say, we are looking at reversing what we made a commitment to do and escalating the expenditure levels for CPB.

Federal spending is a small percentage of public broadcasting's revenue. Of public broadcasting's $1.9 billion budget in 1995, only about 15 percent of that comes from Federal appropriations. The functions of public broadcasting, education, entertainment, diversity, are now duplicated in other entities, such as cable, direct satellite, VCR's, and public access shows.

PBS has a nondisclosure agreement with the producers of Barney. However, the last figures from a 1995 Wall Street Journal article reported that despite Barney's $1 billion gross revenues and Barney's founder Sheryl Leach's $84 million earnings, almost nothing goes to CPB. After public broadcasters provided exposure for Barney, Barney has become an institution.

Barney was created by the Lyons group. Founder Sheryl Leach and her partner were listed as one of Forbes Magazine's highest paid entertainers with 1993–94 earnings of $84 million.

CPB discriminates in its distribution of money. It sends money to the stations with the most powerful signals and the largest measured audiences and shies away from financing more than one outlet in a single market. However, many public TV stations themselves are now redundant. CPB estimates that 58 percent of Americans receive two or more public TV stations. Chicago gets three; New York, four, Washington, DC, three; Kansas City, two.

Public broadcasting funds should go to rural stations where the need for access and diversity is most acute. If CPB were truly the philanthropic organization it claims to be, cuts in its budget would not lead to the end of small stations; instead it would end big stations where consumers have a number of choices. Small stations, where there are limited alternatives, would be the last to go.

Finally, if private cable channels, such as Arts & Entertainment, C–SPAN, ESPN, and the History Channel are all private and successful, if CPB were privatized it could do well.

Mr. Chairman, I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Let me begin by saying that the gentleman from Illinois, my colleague in the Eighth District, is exactly right; that when I became chairman of the subcommittee 2½ years ago, we did begin the process of downsizing CPB with the intention of phasing out all appropriations. We came down from a high of $315 million, to $275, then $260, then $250 million, which is the funding level now.

The leadership of the House suggested that CPB ought to become independent and that it ought to graduate from dependence upon public funds; a goal that I strongly supported. We did the downsizing of the advanced appropriation for CPB with the express objective of putting pressure on that process in order to bring about an independent status for CPB and a funding source outside of the Federal Treasury.

Last year, former Representative Fields, then chairman of the authorizing committee responsible for reporting the legislation necessary to make CPB an independent corporation, ended that process. In our subcommittee last year we reported out a bill that reduced CPB funding from $250 to $225 million, but before we got to the full committee, Chairman Fields issued a public letter indicating that we should not approve any further downsizing of the Corporation for Public Broadcasting, that we would not reach the goal of ending appropriations.

That letter came as a great surprise to me, and under the circumstances, I was forced to restore funding to the CPB budget. This year we have a new authorizing chairman, the gentleman from Louisiana [Mr. TAUZIN], with whom I have discussed the future of CPB. It is my understanding that he will not be able to report out legislation to graduate CPB from Federal funding at this time.

Mr. Chairman, given that we have changed our policy on the Corporation for Public Broadcasting, I believe that we cannot leave it dying on the vine. If the policy is to transition CPB to independence, I will, as I have, support it, but a reasonable timeframe to allow public broadcasting to continue on its own seems now to be our policy.

If our policy is to continue CPB as a Federal enterprise, however, and former Representative Fields and the gentleman from Louisiana [Mr. TAUZIN] have made it clear that that is our policy, then we must provide sufficient resources to make the system work. It is for that reason that I have added funding again to this account.

I am and continue to be a very strong supporter of public broadcasting, which I think adds immeasurably to our society; and for those reasons I would strongly oppose this amendment.

I might note for the Members that the same amendment was offered on the fiscal year 1996 bill when it failed by 150 votes, 136 to 286; and Members should be advised that they have previously voted on exactly the same amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, immediately after the Republican revolution, Speaker GINGRICH told the American people that he would never permit a bill to come to the floor with funding for public television. What happened? Quite frankly, the Speaker failed, but the American public spoke out. People who had never written to their Members of Congress before, had never telephoned their Members of Congress before, started writing and calling in droves.

Piles of letters started building up in congressional offices, literally feet deep, defending public broadcasting.

Parents whose children had grown up with Ernie and Bert and Big Bird and Grover and with Snuffleupagus; parents who preferred their children to be learning gentle lessons of life from Mr. Rogers and Barney, rather than "Cops" or soap operas; men and women of all income levels who watch Wall Street Week with Louis Rukeyser or "Mystery" or "This Old House"; men and women of all income levels whose drives to work are made more tolerable by National Public Radio.

Public television reaches 90 percent of American households. The American public does not view the Corporation for Public Broadcasting as waste, fraud, and abuse.

Public broadcasting's children's programming helps prepare our kids for school, teaching them about the world around them. It teaches the ABC's, the 1–2–3's, and it teaches about neighborhoods and sharing and right and wrong. It provides instructional broadcasting for elementary school kids, with shows that teach about geography, such as "Where in the World Is Carmen San Diego"; and teaches about science, such as "Dan, Dan the Science Man".

Four out of five teachers in this country used television in their classroom during the 1990 and 1991 school year, serving close to 24 million students. Three of the five most used programs cited by teachers and 6 of the top 10 were initially broadcast by public television.

Public television stations air nearly 1,900 hours of children's programming every single year. Almost 50 percent of the television programs for children which are aired each year is funded by CPB, quality, noncommercial, nonviolent television.

If we ask any mother whether she would rather her children watch Mr. Rogers or cartoons interspersed with advertising for toys and sugar cereals, is there any doubt in anyone's mind which she would choose?

More than three-quarters of the country's public television stations offer for-credit adult courses at various levels, in addition to instructional videos for teachers and classroom use and informal educational television that millions of adults watch at home on any given night. None of this would be possible without public funding.

Federal funding represents a small percentage of public broadcasting's income, about 15 percent, but it is a stable source which makes it possible for public broadcasting to leverage other private funds. For every $1 of Federal funding, public broadcasting raises more than $5 from other sources, and by law, 89 percent of the Federal funds allocated to CPB go directly to communities.

Public television cannot raise all of the funds it needs to operate public television stations. While the license holders of characters like Barney make a profit off of the sales of Barney stuffed animals, for example, the Corporation for Public Broadcasting and public broadcasting stations do not benefit from those sales because they do not own the rights to those characters.

The appropriation in this bill is still $62 million below what it was when the Republican majority took control of the Congress, and it is still below the President's request of $325 million. The Federal investment represents only $1 per taxpayer. Is $1 too much to ask for the television station which has educated so many of us, our children and our grandchildren?

My colleagues, this amendment tries to do what Speaker GINGRICH could not do, and that is to eliminate the Corporation for Public Broadcasting. I urge my colleagues to oppose this amendment.

Mr. Chairman, I yield 5 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to this amendment which would eliminate the appropriation for public broadcasting in this bill.

My colleagues who were here in the 104th Congress will recall that we fought and won the battle over Federal funding for public broadcasting. Members of the majority party attacked funding for public television and radio on several occasions, but when the American people learned of this attack, they expressed their sentiments loud and clear and the result was a win for public broadcasting and a victory for the American people.

I will never forget that fight because, although we were privileged to be here in the House, to be on the committee, to stand up for the importance of public broadcasting, I can remember the thousands and thousands of letters, all the people from every part of this country, large cities, small cities, people who listen to the radio in the garage stations, seniors who stayed home listening to the television and the radio, everybody was concerned; and it is the thousands and thousands of people who won that vote and won that battle.

Mr. Chairman, "Sesame Street" and other federally supported educational programs reach at-risk children in the home and help our teachers in the classroom. News programs such as the "Lehrer News Hour", those on NPR, inform our citizens. The cultural programs enrich and make more humane all our lives. A failure to adequately fund educational television and radio would be an abandonment of the public's trust.

My colleagues, the $300 million appropriation for public broadcasting in this bill is still below where it was prior to the start of the Republican Congress and it is still below the President's request of $325 million.

□ 1100

The notion that Federal funds for public broadcasting do not make a difference to local communities is absolutely false. Some 87 radio and 61 TV stations around the country rely on Federal funds for one-quarter or more of their budgets. These stations, many of which are in rural areas, are often harmed the most when we cut back on Federal support for public broadcasting.

Let us remember that the funding we provide is an incredible value. Every Federal dollar that public television stations receive from CPB is used to generate $6 in non-Federal funds. Let us also remember one of the prime audiences of public television, children.

I know that many of my colleagues share with me a concern about violence in society. We know that children, if not on their streets, then in their living rooms are bombarded by violent acts and violent images. We also know that most children spend a lot of time in front of the television. As a mother, we might wish that children spent more time reading or engaged in other activities. The fact of modern society is children watch television. Thankfully, they can turn to public television for nonviolent educational programs.

Eighty-three percent of preschoolers watch public television. What we need to do is expand funding and expand programming for public broadcasting so that older children can have the same array of high quality programming. The charge that public broadcasting is just for the so-called elite elements of our society is blatantly false. Sixty percent of regular viewers of public television come from households with incomes of less than $40,000 a year.

Mr. Chairman, I will repeat what I have said time and time again in the last Congress. The American people overwhelmingly support Federal funds for public broadcasting. We have a responsibility to listen and I strongly urge my colleagues to vote against this amendment.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Louisiana [Mr. TAUZIN], the chairman of the authorizing committee.

Mr. TAUZIN. Mr. Chairman, I thank the chairman of the appropriations subcommittee for yielding me this time. Let me first of all concede that the authors of the amendment have made some valid points, that public broadcasting is indeed in need of reform. Duopolies exist that spending the kind of money that we are going to need to move public broadcasting into the digital age will be a very expensive proposition and that we will need to reform the whole concept of public broadcasting to make it work in the digital age.

Let me also concede that there is something wrong in public broadcasting, and I think part of it is our own fault because we have chartered public broadcasting as a public entity to do public-type broadcasting and yet condemned it to act like commercial broadcasters, to go out into the private sector and seek commercial-like advertising for its products and to compete with commercial broadcasters for commercially viable products.

That was not the concept behind public broadcasting. We need to return to the right concept. We need to fund public broadcasting correctly. We need to reform out the duopolies, move it into the digital age and make this thing work, but let me urge my colleagues to resist this amendment, as the gentleman from Massachusetts [Mr. MARKEY] and I have urged them in a "Dear Colleague" letter this week.

We are currently working on those reforms at the subcommittee level. The Subcommittee on Telecommunications, Trade, and Consumer Protection is right now drafting a set of reforms to make public broadcasting indeed public broadcasting and to set up a trust funding mechanism for the exercise of the public broadcasting function. We will be resisting the efforts of some to make commercial broadcasters look like public broadcasters, just as we will be resisting the effort to eliminate public broadcasting or to make it look like commercial broadcasting.

It is time we have this debate, but to simply cut the funding now when we are in the process of actually enacting these reforms, devising them and setting out the proper funding mechanism for public broadcasting is a severe mistake. Public broadcasting is very sacred to America. We need to preserve it. But we need to reform it. The place to do it is at the authorizing committee. I urge Members to reject this amendment.

Mr. HEFLEY. Mr. Chairman, if all the speakers are finished, I am prepared to yield back the time of the gentleman from Illinois [Mr. CRANE]. I am sitting in for him. I have an amendment which will follow, which will just hold the funding level.

The CHAIRMAN pro tempore [Mr. LAHOOD]. The gentlewoman from Connecticut has 30 seconds remaining.

Mr. HEFLEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would just conclude on this amendment that I think it does not take us in the right direction. We ought to continue the effort. What we should not be willing to do is to eliminate public broadcasting, which in fact has helped to educate a generation of Americans. We ought to continue this program for the good of this country.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois [Mr. CRANE].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, further proceedings on the amendment offered by the gentleman from Illinois [Mr. CRANE] will be postponed.

AMENDMENT NO. 25 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. HEFLEY: Page 79, line 13, after the dollar amount, insert "(reduced by $50,000,000)".

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes, and that the time be divided 15 minutes for the gentleman from Colorado [Mr. HEFLEY], 7½ minutes for myself, and 7½ minutes for the gentlewoman from Connecticut [Ms. DELAURO].

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Colorado [Mr. HEFLEY] will control 15 minutes, and the gentleman from Illinois [Mr. PORTER] and the gentlewoman from Connecticut [Ms. DELAURO] will each control 7½ minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume. What this amendment does is not do away with public broadcasting. I am not trying to do away with public broadcasting. What I am trying to do is to do away with the $50 million increase in public broadcasting that is in this.

For the life of me, I do not understand how we get to this kind of a point, kind of the business as usual that we just dump more money into every program every year. In the past few years, and I think the gentleman from Illinois [Mr. PORTER] explained it very well on the last amendment, the Federal Government has appropriated less and less money each year to the public broadcasting.

Let me give colleagues a little history on this. We all know that public broadcasting is funded by 2-year advance appropriations. For example, in 1993, Congress provided $275 million for public broadcasting to use in fiscal year 1996. Since then, we have reduced the yearly appropriation for public broadcasting down to $250 million, appropriated last year for fiscal year 1999.

Reduced funding, even zero funding and privatization of public broadcasting was a priority of this House just a very short time ago. In fact, let me quote the House Committee on Appropriations report from the first session of the 104th Congress. Recall that this report was written in the year 1995 when $250 million was ultimately appropriated for public broadcasting. The committee report actually states, "This level of funding will continue the process of graduating public broadcasting from the annual Federal appropriations with the goal of achieving independence from the Federal Government."

Mr. Chairman, in 1995, the Committee on Appropriations of the House of Representatives was on the right track. Now I would like to know what happened. After all of that hard work to begin weaning public broadcasting from the Government, why are we now taking a turn to increase, enormously increase funding for this agency? It simply makes no sense to me. The Corporation for Public Broadcasting uses taxpayer money to fund programs which make millions of dollars for private companies and individuals. A single celebrated public broadcasting children's program generates more annual revenues than the National Hockey League. Yet none of these millions are shared with taxpayers who fund the shows.

We have had this debate before. We were on the right path to reduced Federal funding of the Corporation for Public Broadcasting. But somewhere along the line this year our course was changed and the appropriation for the Corporation for Public Broadcasting was increased to $300 million. I do not understand this increase. I certainly do not agree with it. Therefore, I offer this amendment to reduce the recommended appropriation for the CPB by $50 million. That is the amount of the increase, thus keeping the funding for the agency level with last year's appropriation of $250 million.

Mr. Chairman, some of my colleagues have asked me how will you use this $50 million? What is the offset you propose? My answer to this is simple. I just remind Members that we do not have this money to spend in the first place. Furthermore, because the CPB is funded with 2-year advance appropriations, we are discussing money to be spent in 2000. Therefore, an offset is not needed.

Our country is operating with a deficit that needs to be reduced. In our strenuous attempts to reduce Federal spending, we have taken pains to scrimp and to save. The funding for many other Government agencies and programs has been reduced this year. So why should the Corporation for Public Broadcasting receive a $50 million increase? If I am not mistaken, breast cancer research did not receive a $50 million increase this year. Maybe they did. Literacy did not receive it.

Alzheimer's research did not receive it. I cannot tell my colleagues what we could do for the quality of life for our people in the Armed Services that in some cases are living in Third World conditions around the world in our Army bases, on the committee that I chair, if we had $50 million extra. But we are putting it not into these things, we are putting it into an increase in public broadcasting.

Again, my amendment will reduce the committee's proposed funding for the CPB by $50 million so that the Corporation for Public Broadcasting ultimately receives the same amount of money that was appropriated for it last year. Please join me in supporting this level funding for the Corporation for Public Broadcasting.

Mr. Chairman, I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose this amendment. As I said earlier, I am a strong supporter of public broadcasting. I would say to the gentleman this is not an item that is off-budget. It is simply an appropriation for the year 2000 and charged against the allocation for the year 2000 when we come to it.

As I said before, we have dramatically reduced the budget for the Corporation for Public Broadcasting from a high of $315 million down to $250 million. At the time we asked the Corporation to undertake major initiatives to downsize and to become more efficient. They did exactly what we asked. By 1996, CPB had reduced its own staff by 25 percent. In this bill, we have asked all administrative staffs to be cut, but I do not know of a single agency that has made the dramatic reduction that CPB has made.

In our hearings, we learned that over 70 percent of households in this country receive more than one public television signal. In some markets, households receive as many as 11 TV signals. We asked CPB to address that problem. The Corporation for Public Broadcasting does not have the legislative authority to unilaterally fix this problem, but under the very strong leadership of Ambassador Richard Carlson, an appointee of both the Reagan and Bush administrations, CPB led the public television industry to adopt a one grant per market policy. This new policy assures that where there is signal overlap, where there is duplication, CPB will stop awarding multiple grants and make only one grant per market.

The system has already achieved much greater efficiency and has reduced duplication. I will continue through the appropriations oversight capacity to ensure that these initiatives are preserved and advanced. But I think the Members should recognize that we have cut funding below a level commensurate with the efficiencies we have required of CPB.

We were on a path to zero funding, and that policy has now been changed. The funding level in this bill is lower than the funding level we provided in the fiscal year 1994 bill, I would say to the gentleman from Colorado. If one considers inflation, the funding the committee is proposing is below the fiscal year 1993 level.

□ 1115

So this appropriation that the committee is recommending for the year 2000 recommends a freeze, as compared to the amount provided in the fiscal year 1993 bill. Few other agencies of this Government can make this claim.

Mr. Chairman, the recommended level, I believe, is a good one. It ensures that CPB continues to be efficient and reduce duplication, and it ensures that the public broadcasting system has sufficient resources to operate sufficiently. I would urge Members to oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in opposition to this amendment and yield 4 minutes to the gentleman from New York [Mr. ENGEL], who has been a champion of the Corporation for Public Broadcasting.

Mr. ENGEL. Mr. Chairman, I thank the gentlewoman from Connecticut for yielding me this time.

Mr. Chairman, I rise strongly in opposition to this amendment. There is no reason to have any kind of an assault on public broadcasting when public broadcasting has been so successful and it is a public-private relationship that works.

We talk a lot about eliminating wasteful Government programs. I think we are all for eliminating wasteful Government programs. But when we have a program that works, when we have a program that is not wasteful, when we have a program that reaches so many millions upon millions of Americans, why would we want to do anything to harm it? It seems to me that these are the kinds of programs that we ought to be pumping more money into, because they have been successful; not trying to pull money away from it or trying to kill it.

Public broadcasting is a private-public partnership that works. It is a success story that demonstrates what the Government and the private sector can do when we work together.

CPB funds serve as seed money for new programs and station support. For every Federal dollar invested, public broadcasting raises $6 additional. This Federal seed money is crucial to public broadcasting stations, especially to those in underserved and rural areas of the country, because it provides the fund-raising base needed to sustain noncommercial programming. Ending this partnership or diminishing this partnership will only hurt the children and families who rely on public broadcasting as their source for news and education.

We all know access to public television is free. Many households in this country cannot afford to pay $300 or $600 per year for cable TV. This provides a service for those people.

Eighty-eight thousand adults per year get GED certificates. Two million adults have gotten GED certificates as a result of public broadcasting. Why would we want to stop that?

The American people see and know the positive results and the quality and integrity of public broadcasting. Further cutting CPB will mean that CPB will have to pander to the monetary and rating concerns of commercial broadcasting.

Why would we want to put them in that category? The whole reason for public broadcasting is not to have just another commercial broadcasting station, where they have to worry about ratings and have to worry about selling things and all these seedy commercials and seedy things that go on.

We do not want that. We want a better quality of television, and public broadcasting provides that better quality of television.

I have three children ages 3 to 16. My kids were all raised on public broadcasting. I like to listen to public broadcasting, my wife does as well, and my family. There are literally millions upon millions of Americans in all walks of life who rely on public broadcasting.

Public broadcasting has an average of 5.5 hours per day of instructional television, which is used by 1.8 million teachers to teach 29 million students in 70,000 schools in the United States. Why would we want to hurt that?

Eliminating support for public broadcasting would result in the demise of quality shows, like the MacNeil-Lehrer News Hour Report, Mr. Roger's Neighborhood, and even William F. Buckley's Firing Line. It would increase the emergence of shows like Hard Copy and Jenny Jones, without the presence of viable alternatives like those on public broadcasting.

It is a myth to say we have increased funding, because if we look at the current fiscal year 1999 appropriation, $250 million, it actually provides 18 percent less buying power than in the fiscal year 1990 appropriation.

The report bill's increase in funding for CPB is less than the inflation adjustment from the fiscal year 1990 funding level. Let us also remember that CPB lost $99 million in rescissions in the 104th Congress. So rather than an increase, we are really behind what we would have been.

Public broadcasting is one of the Federal Government's most cost-effective expenditures, just costing 98 cents per year for every citizen. According to a national poll, public television ranked second and public radio ranked third on a list of Government programs that can provide the best value for the dollar.

Again, why would we want to cut this? The American people have been very outspoken in their support of public broadcasting, and understand its benefits and the quality and integrity of the programming.

Public radio and television are among the top five values in return for tax dollars spent, according to a recent poll conducted by Roper Starch Worldwide. Let us fully support CPB funding and vote against this ill-thought amendment.

Mr. Chairman, public broadcasting is a private-public partnership that works:

This is a success story that demonstrates what the Government and the private sector can accomplish when they work together.

CPB funds serve as seed money for new programs and station support: For every Federal dollar invested, public broadcasting raises $6 more.

The Federal seed money is crucial to public broadcasting stations, especially to those in underserved and rural areas of the country, because it provides the fund raising base needed to sustain noncommercial programming.

Ending this partnership will only hurt the children and families who rely on public broadcasting as their source for news and education.

Access to public TV is free. Many households cannot afford to pay $300 to $600 per year for cable television.

Eighty-eight thousand houses per year get GED certificates—[MADULO]. The American people see and know the positive results in the quality and integrity of public broadcasting.

Further cutting CPB will mean that CPB will have to pander to the monetary and ratings concerns of commercial broadcasting.

If support for public broadcasting is severely cut or eliminated, the quality of programming and the educational value it provides will suffer as a result.

Eliminating support for public broadcasting would result in the demise of quality shows like The MacNeil-Lehrer News Hour, Mister Rogers Neighborhood, and, yes, William F. Buckley's Firing Line.

Children average 5½ hours per day of instructional television used by 1 to 8 million teachers to teach 29½ million students in 70,000 schools. It would increase the emergence of shows like "Hard Copy" and Jenny Jones without the presence of viable alternatives like those on public broadcasting.

The bill provides a proper amount of funding and should be retained.

HOUSE OF REPRESENTATIVES
Washington, DC, September 5, 1997.

DON'T CUT CPB

DEAR COLLEAGUE: We urge you to oppose amendments to the Labor-HHS-Education Appropriations bill that could reduce funding for your local public broadcasting stations through the Corporation for Public Broadcasting (CPB).

The Appropriations Committee approved a $300 million advance allocation for CPB in FY 2000 with bipartisan support. However, amendments may be proposed that would either cut or eliminate funding for CPB. Funding provided through CPB is vital to local public television and radio stations throughout the nation and must be continued.

Public broadcasting is a private-public partnership that works. It is a success story that demonstrates what the government and the private sector can accomplish when they work together. Weakening or ending this partnership will only hurt the children and families who rely on public broadcasting as their source for news and education.

The American people have been very outspoken in their support of public broadcasting and understand its benefits in the quality and integrity of the programming. Public radio and television are among the top five values in return for tax dollars spent according to a recent poll conducted by Roper Starch Worldwide, Inc. Let's fully support CPB so the American people can continue to receive the quality programming they deserve.

Sincerely,
ELIOT L. ENGEL,
NITA M. LOWEY,
TOM LATHAM,
Members of Congress.

CORPORATION FOR PUBLIC BROADCASTING

Hefley amendment would cut the CPB FY 2000 appropriation in the bill by $50 million, to provide level funding with the FY 1998 and 1999 appropriations. The bill contains a $50 million increase from $250 million in 1999 to $300 million in 2000. (CPB is advance funded two years ahead the normal fiscal year in the appropriations bill.)

The current FY 99 appropriation—$250 million—provides 18% less buying power than did the FY 90 appropriation. The reported bill's increase in funding (to $300M) for CPB is less than an inflation adjustment from the FY 1990 funding level.

CPB lost $99 million in rescissions in the 104th Congress.

Public broadcasting is one of the federal government's most cost-effective expenditures, just 98 cents per year for every citizen.

According to a national poll, public television ranked 2nd and public radio ranked 3rd on a list of government programs that provide the best value for the dollar.

APPROPRIATION HISTORY

[In millions of dollars]

	Original appropriation	Rescision	Current appropriation
Year:			
1995	292.6	−7	285.6
1996	312.0	−37	275.0
1997	315.0	−55	260.0
1998	250.0		250.0
1999	250.0		250.0
2000	300.0		300.0

Approximately 87 radio and 61 TV grant recipients rely on CPB funds for 25% or more of their budgets. These stations are at the greatest financial risk of financial insolvency should federal support be frozen at $250 Million through FY 2000.

A continued real-dollar decline in federal support would increase the pressure to commercialize and threaten the non-commercial nature of public broadcasting—an essential part of its character and identity.

Although less than 17% of public radio funding is received from federal sources, this funding source is vital as "seed money", enabling public radio to leverage 5–6 dollars in other funding for every dollar in federal funding.

Since 1995, CPB has worked to institute many of the changes Congress expressed concern about. They reduced their own overhead (which was already less than 5%) and created a new grant program to fund consolidation and cost-cutting projects.

According to a Department of Education study, 71.5% of preschool children from households earning $25,000 or less watch public broadcasting educational programming (Sesame Street, Barney, Mr. Rogers, or Reading Rainbow) at least once a week.

75% of Americans ranked children's programming aired on public television higher than children's programs available from other sources, such as broadcast networks and cable.

Access to Public TV is free. Many households cannot afford to pay $300–$600 per year for cable TV.

69% of teachers report using PBS programming for educational purposes in the classroom at least once a month—more than double the next most frequently used source.

GED on TV enables 88,000 adults per year to obtain a GED certificate. Over 2 million adults have received a GED certificate through this program since its inception.

Public television stations broadcast an average of 5½ hours per day of Instructional television (ITV) used by 1.8 million teachers to reach 29.5 million students in 70,000 schools.

Public television's Adult Learning Service (ALS) is used by ⅔ of the nation's colleges. Over the past 15 years, over 4 million adults have participated in ALS with 400,000 working adults using the service each semester.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, public broadcasting plays a crucial role in our culture. It makes available to all Americans important programming which may not be commercially viable and certainly not available to those who cannot afford cable TV. For a relatively small investment by the Federal Government, Americans are able to have access to thought-provoking programming which, without public broadcasting, would go unseen.

Public broadcasting not only adds richness and texture to the lives of Americans nationwide, it provides an important service in educating and enlightening both children and adults.

Constituents, thousands of them, call me and write me and tell me how important the public broadcasting station is to their families and how much they enjoy and benefit from its programming. From "Sesame Street" to "Mr. Roger's Neighborhood," the Corporation for Public Broadcasting has a long tradition of providing quality children's educational programming that parents trust.

The CPB has also helped broadcast a wide variety of cultural programs, including dance and musical performances, "Masterpiece Theater," and the popular series on the Civil War. The CPB also helps fund National Public Radio, which millions of Americans have come to depend on for information and news.

Mr. Chairman, we ought to fully fund the CPB and reject efforts to cut its funding. I urge Members to oppose and reject this amendment.

Mr. Chairman, I rise to oppose the Hefley amendment to cut funding for the Corporation for Public Broadcasting [CPB].

Public broadcasting plays a crucial role in our culture. It makes available to all Americans important programming which may not be commercially viable and certainly not available to those who cannot afford cable TV. For a relatively small investment by the Federal Government, Americans are able to have access to thought-provoking programming which, without public broadcasting, may go unseen. Public broadcasting not only adds richness and texture to the lives of Americans nationwide—it provides an important service in educating and enlightening both children and adults.

In my own district, the CPB helps fund Channel thirteen, which offers diverse educational and cultural programming that is highly valued by the people of New York. Every year, I receive numerous letters from my constituents expressing their appreciation for the services that Thirteen provides. They tell me how important the station is to their families and how much they enjoy and benefit from its programming. From "Sesame Street" to "Mr. Roger's Neighborhood," the CPB has a long tradition of providing quality children's educational programming that parents trust. The CPB has also helped broadcast a wide variety of cultural programs, including dance and musical performances, "Masterpiece Theater," and the popular series on the Civil War. The CPB also helps fund National Public Radio which millions of Americans have come to depend on for information and news.

We ought to fully fund the CPB and reject efforts to drastically cut its funding. I urge my colleagues to oppose the Hefley amendment.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina, [Mr. PRICE].

Mr. PRICE of North Carolina. Mr. Chairman, I rise in strong opposition to the Hefley amendment. The gentleman from Colorado has pointed out in a letter to our colleagues that funding for the Corporation for Public Broadcasting has decreased over the last 4 years and was moving toward zero, and then he notes this year's appropriation would increase funding slightly, he should have said, to a level of $300 million and then he asks what happened.

I think we know what happened. What happened is that Congress has realized the value of this funding. What happened is a poll this year done by Roper Starch Worldwide indicates the public rated public radio as the second best use of Federal dollars out of a whole range of public programs. What happened is the American people have spoken up and defended public radio and television.

Mr. Chairman, even at $300 million, CPB will be funded below the fiscal 1997 level before rescissions. If every Government program could do as well as this one has, leveraging $5 for every Federal dollar appropriated, we would have balanced this budget long ago.

In North Carolina, we realize the value of this funding. We have a weekly viewing public of 2.5 million for our public television stations, and our people have spoken resoundingly for continuing this investment, even as we balance the Federal budget. They have given generously, about $3 in viewer contributions for every Federal dollar received. Public Broadcasting is a sound and productive investment, and we must reject this misguided attempt to cut this appropriation.

Mr. Chairman, the argument that viewers and corporate sponsors will fill the gap misses the point. This is a partnership. Federal seed money does not replace or restrict private giving, but stimulates it. In North Carolina, CPB funding provides only 9 percent of the our public television budget, but it is a crucial base of funding and it helps bring forth participation from State government, the university system, corporate sponsors, and thousands of loyal viewers.

Public broadcasting is a unique resource. Only PBS does programming like "Sesame Street." The networks run often violent cartoons as their children's programming.

Federal funding is necessary to ensure the continuation of educational programming which allows students in rural areas, where attending a university to participate in lifelong learning is physically impossible, to improve their skills. In North Carolina more than 10,000 students have enrolled intelecourses for college credit and more than 8,000 North Carolinians have obtained their GED's because of our public television station, WUNC.

In the mountains of western North Carolina often the only over-air station for households is North Carolina Public Television. These are the people that we have to ensure have access to national news. Not everyone can afford satellite dishes.

I hope my colleagues understand what has happened. Congress attempted to cut this funding and the people said no. The people said we do not mind spending $1 a year for public radio and television programming. Even as we balance the budget, we must make investments in our future and the Corporation for Public Broadcasting is one of the best investments that our Federal dollars can buy.

Ms. DELAURO. Mr. Chairman, I yield back the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, there has been some wonderful changes around the House of Representatives in the last 3 years, and I applaud those changes, but as I sit here and listen to this debate, it is amazing to me how even though changes occur, how much things stay the same in many respects.

Only here in the House of Representatives would we say that it is a myth to say that we are raising funding when we raise funding by $50 million. But it is a myth, based upon some kind of a measurement back in the past of what we did in another era, and we are trying to get away from that era with the changes that have occurred. It is a myth that we are raising the funding for this. It is a myth to say that if we do not do this, if we do not do this $50 million, that we are cutting public broadcasting.

Things change, but things stay the same.

Let me make it very clear. What I propose to do here is not do away with public broadcasting. What I propose is to hold the funding level with what it was last year.

In compliance with the intention of the Committee on Appropriations in 1995 when they said, we need to move public broadcasting, to begin to wean them off the public funding, which, as was pointed out by the other speakers, is a very small percentage anyway, to begin to wean them off the public funding and make them independent. That is all we are trying to do here. We are not destroying anything. We are just trying to hold level what we did last year.

Mr. Chairman, I yield back the balance of my time.

Mr. PORTER. Mr. Chairman, I yield such time as he may consume to the distinguished and able gentleman from Louisiana [Mr. TAUZIN], chairman of the authorizing committee.

Mr. TAUZIN. Mr. Chairman, let me again thank the chairman of the Committee on Appropriations and beg the House their attention, because I believe we have begun in this appropriations process a very important debate on the nature of commercial broadcasting and public broadcasting in our society, a debate that we will have to have on this floor in a much more protracted way, in a much more detailed way, and a much more substantive way than we can have in these 30 minutes.

Let me first concede that we have a confusion of purpose among the law and the regulators in commercial and public broadcasting. As we speak, the Gore commission is right now debating what recommendations it wants to make to this body in terms of imposing new public mandates upon commercial broadcasters. To do what? To do public broadcasting. To do more educational programming, more free time for public debates by candidates or more coverage of governmental operations. On what? On commercial broadcasting, a function you would think would be designated to public broadcasting interests in this country, to public radio and public television.

On the other hand, because we have gone through a period where we seem to think that public broadcasting ought to be funded by private interests, we have more and more pushed public broadcasting to a point where they have had to go to sell commercials, to actually try to get programming on that is commercially viable, that will attract a large audience, things we never intended for public broadcasting.

We intended public broadcasting to be something different than commercial broadcasting, something very special and unique in our society, that would do educational and public-type programming in arts and culture and history and learning and what have you. We have confused the two missions. So it is important we begin this debate today.

But let me say to my friend who offered this amendment, I must rise in opposition to the amendment. I think we went in the wrong direction when we pushed public broadcasting more and more to look like commercial broadcasting, and I think the Gore commission will be wrong when it tries to demand of commercial broadcasters that they look more and more like public broadcasters.

It is time we began to really draw the lines of distinction. It seems to me that the best solution is to set up public broadcasting in the way we intended it, separately funded by a trust fund mechanism that does not necessarily rely upon so much commercial commercialization of the public broadcasting interests in America.

Second, we ought to allow commercial broadcasters to do what we authorized them to do, and that is to go out and commercially broadcast, to make a profit and to provide entertainment, sports and information and other programming to us, recreational programming, on the basis of a profit motive.

□ 1130

Now, how do we do that? We do that by reforming public broadcasting and setting up an appropriate trust fund for that purpose. I am going to suggest that our committee is doing just that.

We are prepared now and are beginning to actually draft legislation that will reform public broadcasting and some of these duopolies that so many people complain about. Help public broadcasting enter the digital age, as we are instructing commercial broadcasters to do. If commercial broadcasters want to use their digital licenses to do more than one program of HDTV, and in fact get into other lines of business with those digital licenses, there will be, I suggest, a source of funding for a trust fund mechanism to make sure that public broadcasting remains, in fact, public broadcasting, less dependent upon taxpayers' support, but also less dependent upon the commercial world for the support of its initiatives, as this Congress declares public broadcasting's initiatives to be defined.

Let me say, I think America appreciates its public broadcasting. America, in the most recent poll, lists public television and public radio as two of the top three best dollar expenditures of the Federal Government.

As it was pointed out earlier, 93 percent of the money is shared with the local stations. A 6-to-1 return in other support for the Federal dollars we put into it indicate a great public interest and support for public broadcasting. This amendment, I think, takes us in the wrong direction.

I am urging this House to reject it, give the authorizing committee a chance to reform it, and then let us begin the good debate.

Ms. PELOSI. Mr. Chairman, I rise in opposition to amendments to cut funding for the Corporation for Public Broadcasting.

Since 1994, when our committee began cutting appropriations for CPB, which dropped 15 million from fiscal year 1996 to fiscal year 1997 and will drop 10 million more next year, the corporation has been aggressive in implementing policies to distribute its Federal funds in more efficient ways. Through administrative cuts, the phaseout of multiple base grants, a moratorium on adding new stations to grant programs, and increased fundraising effort, the CPB is making strong efforts to address the committee's concerns and make the most frugal use of its tax dollars while still carrying out its mission to provide excellence in programming.

For 30 years, the corporation has provided educational, cultural, and informational programming to the American public. Public television is available to every child and adult, regardless of family income, or geographical location. CPB is dedicated to helping learners of all ages. It provides responsible programming with a reputation for excellence, nonviolent, educational programming which teaches our children and prepares them for the classroom.

Federal support is the foundation used to leverage state, local, university, and viewer support. It is a public/private partnership that serves to benefit the widest array of Americans. It is an investment that reaps enormous benefit for us all. I urge my colleagues to oppose all cuts in funding to this important program.

Mr. BLUMENAUER. Mr. Chairman, I rise in opposition to the Hefley and Crane amendments to reduce or eliminate funds for the Corporation for Public Broadcasting. The $300 million in the bill represents a slightly more than 2 percent increase in public broadcasting's buying power over the last decade. We should be investing more in this national cultural and information resource.

I find it incredibly ironic that as we are debating whether to adequately fund one of the most critical cultural institutions of our time, we have recently simply handed over tens of billions of dollars' worth of spectrum to commercial broadcasters—are they going to use this spectrum to provide the depth and breadth of programs and services found in public broadcasting? I don't think so.

Public broadcasters can and should play a significant role in preparing our communities for the 21st century. We need to give them the tools to do so. A Federal commitment to CPB is a commitment to partnering with our communities to invest in our future.

The Nation's public broadcasting system is an outstanding example of the public/private partnership at work. Every dollar appropriated to CPB generates approximately five more from corporate donors, endowments, viewers, and listeners. That's a five to one return on the Federal investment—and the paybacks are in programs, services, and jobs all across the country. I can't think of another Federal program with such a high rate of return.

Public broadcasters are holding up their end of the partnership. In fact, the CPB appropriation represents only 14 percent of the industry's total income. While some might argue that 14 percent is easily replaceable, I believe that the Federal component of the partnership serves as critical seed money to leverage private investments in programs and services. Without the initial CPB funds, many public television, and radio stations would be unable to develop a specific program or service concept to the point where other parties would be interested in investing.

From improving the livability of our communities through programs such as "Planet Neighborhood" to providing emergency communication services, public broadcast stations use these funds to provide a breadth and depth of critical programs and services to our communities that are unparalleled elsewhere in the broadcast world.

Public broadcasting programs and services are particularly critical for Oregon.

Without OPB, critical educational services would be lost, including: The classroom TV service, which provides instructional television to 30,000 elementary and secondary teachers; college telecourses, which have reached 80,000 students, making OPB one of the top distance educators in America; and since 1987, OPB has prepared more than 3,000 Oregonians for high school equivalency exams, making it one of the State's most highly attended secondary schools.

Public broadcasting is so important to Oregonian's that over half of OPB's operating budget comes from more than 100,000 members. OPB's television audience has the largest percentage of prime-time viewers of any American public television market.

We have the tools, infrastructure, and innovative spirit to make communities across the Nation more livable through cultural opportunities. What we need is a national commitment to improving the livability of our communities by investing in culture.

We won't be able to balance the budget by eliminating spending on our Nation's cultural heritage. In fact, the Federal Government spends only about 1/100th of 1 percent on culture. If we attempt to use our cultural investments to balance the budget, we will lose much more than we would ever gain in deficit reduction.

I urge my colleagues to recognize the long-term economic and social benefits an investment in culture convey to our communities and the Nation as a whole and oppose the Hefley-Crane amendments.

Ms. SLAUGHTER. Mr. Chairman, public broadcasting gives the American people, both young and old, exceptional programming not available on commercial television, such as the award-winning "Civil War" series, the "Jim Lehrer NewsHour," "Masterpiece Theater," and PBS' unique children's educational programming.

The Corporation for Public Broadcasting [CPB] is an asset to children and families throughout the nation and is worthy of its funding.

According to a Roper Starch Worldwide, Inc. poll from July, 1997, the American public rates public radio as the second best value in return for tax dollars spent out of 20 services.

The quality and variety of educational, informational, and cultural programming found on public broadcast stations cannot be found anywhere else on radio or television.

Public broadcast stations are among a limited selection of stations that cater to a large number of locally originated programs. In addition, public broadcast stations in rural and underserved urban areas greatly depend on Federal funds for their economic base.

CPB provides services that reach out to people of all backgrounds and ages throughout the country. For example, many public radio stations provide radio reading services for the blind. In my own district of Rochester, NY the local public broadcasting station, WXXI, helps prepare young children to learn when they enter school and provides numerous college telecourses for adult education. In fact, the national Public Broadcasting Service arm of CPB is the leading source of college telecourses in the country.

CPB plays an essential role in our educational and cultural growth as a nation. Vote against the Hefley amendment to the Labor-HHS-Education appropriations bill to cut funding from the CPB.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, further proceedings on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] will be postponed, and will occur prior to the disposition of the amendment offered by the gentleman from Illinois [Mr. CRANE].

The Clerk will read.

The Clerk read as follows:

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles, and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $33,481,000, including $1,500,000, to remain available through September 30, 1999, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 8701 et seq.), $6,060,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended by Public Law 102–95), $1,000,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,793,000.

Ms. MILLENDER-McDONALD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I did have an amendment that I put at the desk, but I have talked with the leadership of both sides, I have talked with the leadership on the Democratic side, and I am going to withdraw that amendment. But I do want to speak to school construction.

Mr. Chairman, we sit in this House and talk about testing. We sit in this House and talk about higher standards. We sit here and talk about parental involvement. But we never talk about the one thing that will be the important factor in quality education, and that is an environment that is conducive to learning.

The amendment that I was to introduce would have spoken to that, and this amendment was simple. It was to speak to the whole notion of allowing our children to have the quality education through an environment that will be conducive to learning.

We know that schools have leaky roofs, they have bad plumbing, they have asbestos, they have all types of hazards around them that will not allow children to have the quality education and the environment that is conducive to learning. The buildings that our children are forced to try to learn in are the most deplorable types of buildings that anyone would ask to have anyone come into.

One-third of all the elementary and secondary schools in the United States serving 14 million students need extensive repair or renovation. Over 60 percent of the Nation's 110,000 public, elementary, and secondary school facilities need major repair.

Last year an estimated $112 billion was needed to repair and upgrade school facilities to a good condition, not an excellent one; and yet, it is amazing to me that we are talking about just $5 billion, in trying to correct the ills that will afford our children a quality education in our schools. If education is going to be a priority in this country, then we must have the environment that is conducive to the quality education that we want.

Furthermore, many schools do not have the physical infrastructure to take advantage of computers and other technology needed to meet the challenges of the next century. In my State of California, 87 percent of schools report a need to upgrade or repair on-site buildings to good overall condition. Seventy-one percent of all California schools have at least one inadequate building feature, and of these building feature problems, 40 percent are the roofs, 42 percent are interior walls and windows, and 41 percent are plumbing. Forty-one percent are also the ventilation and heating and air conditioning, and 37 percent of schools do not even have sufficient capabilities to use the computers.

We talk about high-tech, we talk about the Information Highway, but without having sufficient wiring in schools, we cannot have our children prepare for what is called the Information Highway and this whole high-tech era. As my colleagues know, it is by far the poorest communities, such as my communities, that have the most difficulty meeting the needs to maintain and improve school facilities.

So I urge all of my colleagues, as we come to this floor, not to just talk about higher learning, higher standards, we want that; not to just talk about parental involvement, we want that; not to just talk about testing, we certainly want that; but we also want an environment that is conducive to learning. That environment must include school construction that will allow us to fix and repair those schools that we ask our children to attempt to learn in.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank my distinguished colleague, the gentlewoman from California [Ms. MILLENDER-McDONALD] for bringing this issue to our attention. The gentlewoman has been a leader on this issue, and is a cosponsor of H.R. 1104, the Partnership to Rebuild America's Schools. We currently have 113 cosponsors. The gentlewoman from California [Ms. MILLENDER-McDONALD] has spent a great deal of time touring the schools in her district, as I have in mine. There is widespread support in this House for rebuilding our schools.

It seems to me that if we are going to put computers in each of our schools, if we are going to build bridges to the 21st century, we have to acknowledge that we cannot put computers in 19th century schools. As I have driven up to some of our schools, there was coal being delivered, plaster was falling down, large sheets of plastic were holding up walls that were crumbling because of leaks in the roof. This is a national emergency. The GAO has made it clear in their report that there is over $112 billion needed to repair our schools.

As the gentlewoman from California [Ms. MILLENDER-MCDONALD] has said, if we are going to be partners with State and local governments in a whole range of issues, such as building prisons, then how can we not invest in our schools?

Mr. Chairman, I want to thank my distinguished colleague again for her leadership on this issue, and I want to assure the Members that not only are there 113 cosponsors in this House, but there are parents, there are children, there are PTAs, there are school boards all around the country who understand that the Federal Government can be and should be a partner with them.

Although our schools are a State and local responsibility, we do have a responsibility to make sure that every child is educated in a safe classroom and gets the best supplies they need.

I want to assure the gentlewoman from California [Ms. MILLENDER-MCDONALD] that we are going to work together to make this investment a reality, and make sure the Federal Government is a partner in rebuilding our schools. I thank her again for addressing this issue.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not propose to take anywhere near 5 minutes, but I had a discussion with the gentlewoman from California, and I do realize her strong commitment in this area, as well as the commitment of my senior Senator from Illinois.

But I have to say that this is not a Federal responsibility. There are repairs of $120 billion needed in our Nation's schools that the States and local school districts have not taken care of as they should have, and as they have a responsibility for, and now want to come to the Federal Government and say, you do it for us; you raise the taxes, or deficit-spend, and let us spend the money.

I believe very strongly that there are much higher priorities, such as special education and impact aid, which is an obligation of the Federal Government, and existing programs, and that the Federal Government simply cannot undertake this responsibility that belongs to the States and local school districts, and must be borne by them.

Mr. Chairman, I include for the RECORD a written statement further explaining my views.

Mr. Chairman, the amendment offered by the gentlewoman is certainly well-intentioned, but this provision would provide a woefully inadequate response to a national problem which is properly within the jurisdiction of local and State governments. Local governments across this country bear the responsibility and have jealously guarded the prerogative of educating students through the high school level. The Federal Government simply does not nor should it bear the responsibility of providing general capital and operating funds for elementary and secondary education any more than it should dictate curricula to local schools.

Under both Republican and Democratic leadership, this subcommittee has considered and rejected several proposals during the 1990's to establish Federal school infrastructure or construction initiatives. Congress has repeatedly considered and rejected, as it should, proposals to actively involve the Federal Government in financing of public elementary and secondary education in this country. Even the President's budget justification for 1995 indicated "The construction and renovation of school facilities has traditionally been the responsibility of State and local government" and "we are opposed to the creation of a new Federal grant program for school construction."

Mr. Chairman, I believe this amendment is well-intentioned and responds to studies released recently indicating great unmet school infrastructure needs nationwide. The General Accounting Office [GAO], for example, recently issued a report based on a self-reported survey estimating $112 billion in school infrastructure needs in America. But even if accurate, the study does not suggest that these needs ought to be Federal responsibilities, and in fact, they are not. Nor does the study indicate the vast Federal resources that contribute indirectly to addressing this problem.

First, the GAO report does not provide a high quality of information. The survey did not provide any standards for reporting infrastructure needs. In fact, the data is based on self-reporting with an obvious bias toward over-reporting needs in order to generate demand for funding.

Nor does the study indicate the vast Federal resources already dedicated to local school infrastructure needs. The Congressional Research Service recently reported that for 1993, the last year for which data are available, the Federal Government provided a tax subsidy of $16.5 billion for the outgoing and capital costs of elementary and secondary education. The report indicated the Federal Government had tax expenditures of $1.4 billion for tax exempt bonds used for school construction, $6.1 billion for the exclusion of the portion of property tax payments from Federal taxation that go directly for education, and $9 billion for the exclusion of the portion of other State and local taxes that go directly for education.

Given that the GAO estimates national infrastructure needs at $112 billion and the CRS estimates Federal tax contributions of over $16 billion for education, this amendment to create a $3 million Federal infrastructure fails to make a substantive contribution to the solution of the problem. By way of illustration, the proposed funding represents three-thousandths of 1 percent of the unmet need and an increase of one fiftieth of 1 percent of the current Federal tax investment in school infrastructure.

Mr. Chairman, proponents of the various construction initiatives this subcommittee has considered over the last several years indicate that technology improvements are a major concern of schools and would receive a substantial portion of any Federal funding dedicated to infrastructure needs. However, in this area the Congress is already providing substantial resources that dwarf the proposed funding level. This bill already provides several hundred million dollars in direct education technology appropriations in addition to an estimated $57 million in the title IV block grant program, $5 million in the Goals 2000 Program, and $450 million in title I program. The Department of Education cannot even estimate the amount of Federal funds spent to train teachers on the use of technology in the classroom.

Worst of all, this proposal is a one time infusion of a very small amount of funding that is not part of an integrated or considered plan to make a substantive, ongoing contribution to the infrastructure and technology needs of schools. The CRS recently estimated the cost of outfitting each of the approximately 2 million classrooms with computers, software, and connections to the Internet from $9.4 billion to $22 billion. The ongoing costs of upgrading technology, software, and service charges for Internet connection range from $1.8 to $4.6 billion annually. The proposal in no way indicates how the Federal Government, with a $3 million program, can make any serious contribution to these needs.

The $112 million in unmet infrastructure needs reported by the GAO represents one and one half times the total funding in this bill for all labor, health, and education programs. Clearly, we do not have the resources in this bill, even if we funded nothing else, to solve the problem of local school infrastructure needs. State and local governments spent $23 billion in 1992–93, the most recent year for which data are available, an amount greater than total Federal appropriations for the Department of Education.

Mr. Chairman, education infrastructure is the proper responsibility of local governments, not the Federal Government. Even if we believed otherwise, within the context of a balanced budget, the Federal Government clearly does not have the resources to make a significant and substantial contribution to eliminating unmet infrastructure needs. This amendment is so small as to make no contribution if enacted. I urge Members to oppose the amendment, focus Federal resources on Federal responsibilities which are currently underfunded, and solve the problems we can solve and should solve.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I will not prolong the debate, because I know there have been many debates on this issue. But I hope that we can convince our distinguished chairman that since there is precedent for the Federal Government becoming a partner in building prisons and a partner in building roads and highways, that together we can work to address this serious issue in all of our schools.

If we can be a partner in providing computers for our schools and other modern technology, I would hope we could work together to be a partner in what many of us feel is of vital national interest.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am sort of in the middle between the position of the gentleman from Illinois [Mr. PORTER] and the position of the gentlewoman from California [Ms. MILLENDER-MCDONALD] and the gentlewoman from New York [Mrs. LOWEY]. I congratulate both of them because of their concern in this issue and their leadership in trying to get Congress to face this issue.

I, for one, do not feel that the Federal Government can become a major funding source for construction in the education area, but I do think there is a constructive role the Federal Government could play in the construction area.

I note that the Senate has added some funding for a version of school construction in their committee bill, and I would hope that we could work out some way to use that action as an opportunity to find a constructive and well-defined role for the Congress and the Federal Government to play in helping a very narrow band of school districts around the country who do not have the financial capability to move ahead with construction so that they might get out of that box.

I want to make sure that whatever initiative we proceed with is targeted at urban poverty and rural poverty alike. I also want to make certain that any formula that would be established in the distribution of funds would place a greater emphasis on the need to assist districts who have actual health and safety problems in their schools because the furnaces do not run, the plumbing does not work, the windows are in bad shape. There are a lot of incredibly dilapidated hulks in which children are trying to learn, and they are a disgrace to the country.

There are some school districts who simply do not have the financial capacity to proceed with any useful construction program, and I think State governments and the Federal Government both have an obligation to try to do something about that, because the students who come out of those schools are mobile and move around the country, and we all suffer the consequences of inadequate education.

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So I hope that we can avoid this issue being polarized. I hope that we can move the Congress into a very narrow but, nonetheless, crucial role in dealing with our school construction shortages in districts with serious need.

I understand very well where both of the Members are coming from on this issue, and I hope that we can use the Senate amendment as an opportunity to move toward a useful consensus that will meet the problem without making us vulnerable to a bottomless pit of funding which the Government clearly cannot afford.

Ms. MILLENDER-McDONALD. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from California.

Ms. MILLENDER-McDONALD. Mr. Chairman, I would like to thank the gentleman from Wisconsin [Mr. OBEY] for his sensitivity on the issue, and ask that the gentleman continue to work with the gentlewoman from New York [Mrs. LOWEY] and myself to try to find the common ground that will help us to improve school construction.

Mr. Chairman, I would also like to thank the gentleman from Illinois [Mr. PORTER] and hope that the gentleman will continue to look at this and find some common ground to work with the ranking member.

Mr. FARR of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think that this is a real watershed issue of where American public policy is reflected in how we are going to use Federal funds, Federal taxpayer dollars, to spend those dollars effectively in the coming years and in the coming century.

Without a doubt, with the actions we have taken this year, we have been the educational Congress and the educational President with all the tax breaks and incentives we have given. We have promoted wiring every classroom in the United States with computers. We have promoted the downsizing of schools so that we can have a smaller class size.

But, Mr. Chairman, when we think about it we cannot get there from here unless we put money into construction. What is happening in the United States, and California is probably the leading State in this area because we have the largest number of students in the United States, what happens is we are moving all of our expenditures for school construction out of the regular budgets. The only way those capital outlay programs are funded is through State bond acts or through local general obligation bond votes. Those votes in California, and other States I think are going to adopt those same requirements, require a two-thirds vote. So it is harder and harder and harder for schools to provide money for construction, which is absolutely essential.

Here we are, the Federal Government, we are providing construction for university buildings through agricultural research money, we promoted money for prisons and for local jails, and those moneys can actually be used to build classrooms in the jails and in the prisons, but we have no money in the Federal Government to assist school districts, no money for those that the gentleman from Wisconsin [Mr. OBEY] just talked about in the poor, rural areas, or in the urban areas.

Mr. Chairman, this is essentially an area where we have to get involved. We cannot afford to not commit some Federal dollars to this. It is ridiculous that we have the money for roads, we have the money for promoting economic development, we have money for everything but the very essential that we have said is in our national interest and our national security interest to have, a well-educated electorate. We cannot do that unless we have school construction money.

So, Mr. Chairman, I think it is essential that this Congress begin the first step of finding those funds. I appreciate this time to bring that to the attention of the gentleman from Illinois [Mr. PORTER], who is working hard on this, and to the attention of the gentleman from Wisconsin.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the remainder of title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore [Mr. LAHOOD]. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the remainder of title IV is as follows:

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $2,000,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $174,661,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes: *Provided further*, That none of the funds made available by this Act shall be used in any way to promulgate a final rule (altering 29 CFR part 103) regarding single location bargaining units in representation cases.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $8,400,000: Provided, That unobligated balances at the end of fiscal year 1998 not needed for emergency boards shall remain available for other statutory purposes through September 30, 1999.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $7,900,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $3,258,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $3,257,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $206,000,000, which shall include amounts becoming available in fiscal year 1998 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $206,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $50,000, to remain available through September 30, 1999, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $87,228,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,000,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: *Provided further*, That none of the funds made available in this paragraph may be used for any audit, investigation, or review of the Medicare program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,308,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $426,090,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act 1977 for the first quarter of fiscal year 1999, $160,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $16,170,000,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

From funds provided under the previous paragraph, not less than $100,000,000 shall be available for payment to the Social Security trust funds for administrative expenses for conducting continuing disability reviews.

In addition, $175,000,000, to remain available until September 30, 1999, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and Supplemental Security Income administrative work as authorized by Public Law 104–193. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended, and reviews and redeterminations authorized under section 211 of Public Law 104–193.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 1999, $8,680,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $5,938,040,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $1,600,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances at the end of fiscal year 1998 not needed for fiscal year 1998 shall remain available until expended for a state-of-the-art computing network, including related equipment and non-payroll administrative expenses associated solely with this network: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the previous paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $245,000,000, to remain available until September 30, 1999, for continuing disability reviews as authorized by section 103 of Public Law 104–121 and Supplemental Security Income administrative work as authorized by Public Law 104–193. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act as amended, and reviews and redeterminations authorized under section 211 of Public Law 104–193.

In addition to funding already available under this heading, and subject to the same terms and conditions, $200,000,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and non-payroll administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

In addition, $35,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 1998 exceed $35,000,000, the amounts shall be available in fiscal year 1999 only to the extent provided in advance in appropriations Acts.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $10,164,000, together with not to exceed $42,260,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $11,160,000.

The CHAIRMAN pro tempore. Are there any amendments to this portion of the bill?

If not, the Clerk will read:

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and II, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Medication Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needless for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

AMENDMENT OFFERED BY MR. HASTERT

Mr. HASTERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HASTERT:

On page 93, line 2, after the word "drug" insert a period, and strike out beginning with the word "unless" on line 2 all the language thru line 5 on page 93.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, close in 80 minutes, and that the time be equally divided between the gentleman from Illinois [Mr. HASTERT] and the gentleman from Wisconsin [Mr. OBEY], or his designee.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HASTERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment clearly states that the policy of this Congress is not to use Federal money to hand out free needles in free needle exchange programs.

Mr. Chairman, one of the things that we have seen escalating among our youth is the increase in the use of heroin. In 1994, we had over 2,000 teenagers who, for the first time, used heroin. The way of using heroin and inducing it into the body primarily is through needles.

Mr. Chairman, one of the things that I have looked at and tried to study in the last 2 years, in my responsibility in looking at drug use and the increase in drug usage among the youth of this country, was a visit to Zurich, Switzerland. I revisited Zurich for the first time in 20 years. I had remembered Zurich as a pristine city on a lake in the story book land of Switzerland.

However, Mr. Chairman, when I revisited last year in April and walked the streets of Zurich, there was a look of devastation. Needle Park, heroin use, methamphetamine use, heroin clinics where people have increased the use of heroin in that country. As a matter of fact, Zurich has become a mecca for heroin users throughout Europe. Why? Because not only do they provide free heroin, but they provide free needles.

Mr. Chairman, 15,000 needles a day are consumed in the streets of Zurich. Some are obtained by walking into the train station and depositing money into a machine and getting needles also at a very low price. Why? Because ostensibly if we give free needles away, we curb the increase of HIV.

Mr. Chairman, what recent studies have shown, the Montreal and Vancouver studies have shown, is that intravenous drug users have a greater chance of becoming HIV positive than intravenous drug users who do not use the free needle programs. Intravenous drug users who participate in free needle exchange programs have a 33-percent chance of becoming HIV positive. Those who do not have a 13-percent chance of changing from HIV negative to HIV positive.

So, basically, the studies, the statistics just do not prove that free needle exchanges, No. 1, stop HIV positive increases. But mostly, when we are spending $34 or $35 million to tell our youth in this country that we should not smoke, that smoking is bad, that it hurts your health, why then should we even think about beginning to give away free needles, free needles whose only purpose is to shoot an illegal drug, heroin, a free needle that leads to a child, a young person's path down a slippery slope that begins with drug use, illness and many, many times eventually death?

Mr. Chairman, this amendment prohibits the use of Federal dollars to give away free needles for heroin addicts. I think it is self-explanatory.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 7½ minutes.

Mr. Chairman, I grew up in an era where drug use was a rarity. I hate a lot of things that have happened to this society. I hate what has happened to our cities because of drugs, and I have to say that drugs are not just a big city problem. My hometown is a city of less than 35,000 people, and yet we have even seen the problem there.

Mr. Chairman, I do not think anybody ought to use drugs, and I think we need to have a strong policy in this country that discourages drugs. I think much of the money that we spend abroad to interdict drugs is wasted. I was told several years ago by a person who had been responsible for administering the antidrug interdiction programs under the Reagan administration that their private view was that nothing was working internationally because of the nature of the capitalistic system worldwide which, unfortunately, rewards a profit motive even for evil products.

So, Mr. Chairman, I do not think this issue is about whether we like drugs or not. I think we do have two fundamental problems in this country. One is how we go about effectively reducing drug use; and second, in that effort, how we do so in a way which saves the most possible lives.

The wording in the bill before us reads as follows: "Notwithstanding any other provision of this act, no funds appropriated under this act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug, unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs."

The purpose of the amendment would knock out that exception so that if even the Secretary determined that those programs were helpful in preventing the spread of HIV, and did not encourage the use of illegal drugs, those programs still could not be carried out.

Mr. Chairman, I understand the motivation of the people who offer this amendment. They are offended by the idea, as am I, that the Government should appear to be in any way encouraging the use of drugs. Nobody wants to do that.

But more important than whether my sensibilities are offended is the practical result of American policy in terms of lives that are endangered or saved by that policy. That is why I must oppose the gentleman's amendment. I do so because organizations such as the American Medical Association, the American Public Health Association, the National Academy of Sciences, the American Nurses Association, the American Academy of Pediatrics, all tell us that the best public policy, if we want to prevent the spread of a variety of diseases, including HIV and AIDS, is to support the language in our bill.

Mr. Chairman, I would note the public officials and legal groups who also take that position, including the U.S. Conference of Mayors and the American Bar Association. I would also point out that virtually every needle exchange program operating in this country provides referrals to drug treatment programs which, in my view, is the key ingredient in discouraging the use of drugs.

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Now, the Family Research Council has made an argument against this because, among other reasons, they point to what has happened in Zurich, Switzerland. The United States is not Switzerland and no American city is Zurich.

As I understand it, the study that was done of the Switzerland experiment took place in a city which allows the open use of hard drugs in a number of those cities. Clearly, the Swiss experiment bears little relationship to what would be contemplated in this country. We have those who argue for the legalization of drugs in this country or at least the decriminalization of drugs and the open distribution of them in order to eliminate the profit motive. I doubt very seriously that any proposal like that would stand a chance of a snowball in you know where of being adopted by this Congress or by our Government.

It just seems to me that we have a tough choice forced upon us by the complicated and sometimes perverse aspects of human nature, our culture, our society, and the outrageous insistence of certain elements of our society to make a buck regardless of the human or moral consequences.

I do not know half the time which the right choice is in instances like that, but I have to come down always on the side of having science and scientific leadership guide politicians in these matters, rather than having politicians making judgments independent of scientific evidence or advice, because very often we do not have the expertise to know what, in fact, is right in the scientific arena.

So I recognize the legitimate moral and social concerns raised by the gentleman's amendment. I respect deeply the worries that folks on his side of this issue have. I just think there is an honest disagreement about whether or not the gentleman's amendment will lead to more damage of human beings or not. That is the honest debate that is occurring here today.

I hope Members respect that on both sides. I would urge in the interest of saving lives that we allow the Secretary to have this discretion if, after scientific review, they determine that such a program, distasteful though it is to me, will in fact contribute to the saving of lives and the prevention of a very damaging and fatal disease.

Mr. HASTERT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I appreciate the comments of the gentleman from Wisconsin. I hope we can talk about orderly and logical reasons. I was in Switzerland. The heroin movement in Switzerland, the heroin giveaway programs in Switzerland did not start out with giveaway heroin programs. They started out with free needle exchanges, started out with free needle exchanges in heroin in places like Needle Park and downtown Zurich.

My concern is that, yes, science says maybe there is a hedge on HIV. Others studies show that there is not. But I think that this is a place where we have to debate what we feel is right and wrong and what this country feels is right and wrong. I think the majority of my constituents and certainly the majority of people across this country feel that it is wrong to give free needles out to heroin users which really encourage the use of heroin among our youth and our children.

Mr. Chairman, I yield 4 minutes and 15 seconds to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank the distinguished gentleman from Illinois who heads our subcommittee for yielding me this time.

This amendment is important because what it attacks is both bad science and bad policy of the Clinton administration. It is bad science because there is no evidence whatsoever that providing addicts an easy way to accomplish their actions, that is injecting their bodies with deadly mind-altering drugs, is diminished or reduced in any way, shape, or form by providing them the means with which to inject their bodies with deadly mind-altering substances.

This is bad policy, Mr. Chairman, because what it does, that is the underlying policy of the Clinton administration, is to, in effect, launder money into drug needle exchange programs through grants from the CDC that are otherwise prohibited directly by Federal law. And the Congress, all of us, whether we like needle exchange programs or we do not like needle exchange programs, should have some concern over the integrity of laws that the Congress passes and stand up to an administration, whether it is Republican or Democrat, that is flouting the intent of the law passed by Congress and say, you cannot do that.

Mr. Chairman, I had the opportunity, as did the chairman from Illinois, recently to travel to Switzerland. I did so just over this past weekend. As the chairman has indicated, the epidemic of heroin use, the increases in heroin use, the legalization of heroin use in Switzerland was not the beginning. The beginning was needle exchange programs. It has now reached the point in Zurich where any person, whether they are 5 or 50, can walk up to a vending machine on the street corner, put in about 2 dollars' worth of coins and get back a box.

Inside that box is death. Inside that box are three syringes, needles, instructions on how to inject deadly, mind-altering substances into one's body. Why on the face of the Earth would our Government be interested in doing that to our children? That is where this administration is heading.

Would this administration, would those on the other side who so eloquently argue against this amendment, which simply tells the administration they cannot do what Congress has already prohibited it from doing indirectly, why would we not at the same time, to be consistent, go to our schoolchildren, who folks on the other side are very vehement about saying we must stop teen smoking, why should we not also have programs that provide free filters to cigarettes for those students, because that is exactly what we are doing with needle exchange programs? We are going to our children and saying, we do not like what you are doing but here, as long as you are going to do it, make it easier.

The experience in Switzerland, while the gentleman on the other side is absolutely correct, is not directly parallel to ours, is precisely, though, on point. Needle exchange programs further facilitate increase and exaggerate the use of mind-altering substances. We do not need to be a rocket scientist to figure that out.

Look at the statistics. Look at the sorry experience of what is happening in Switzerland. Please, let us make sure that this administration and no future administration is able to take the first step toward putting boxes of syringes and needles in the hands of our schoolchildren.

Support this amendment. That is all that it does. It simply reaffirms what Congress has already done and would stop an administration from surreptitiously going outside the intent and around the intent of Congress and doing indirectly what they have been prohibited from doing directly. This amendment is good policy. It reflects good science. It is for our children.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Chairman, I rise in strong opposition to the Wicker-Hastert amendment. This amendment may be popular, as evidenced by polls that simplify the issue, but it is not enlightened public policy.

AIDS continues to ravage our country, from the big cities to the little towns. Sure, we have multidrug treatment, it may delay death. Maybe it will affect long-term survival. But despite these successes, we still have needle sharing as one of the most significant modes of HIV transmission.

In 1995, a panel of the National Research Council and the Institute of Medicine reported that between 1981 and 1993 the proportion of AIDS cases resulting from injection drug use rose from 12 to 28 percent. They concluded that "the HIV epidemic in this country is now clearly driven by infections occurring in the population of injection drug users, their sexual partners, and their offspring."

One-third of all reported cases of AIDS in adults can be traced directly or indirectly to injection drug use. Over half of the children with AIDS got it from others who were injection drug users.

Mr. Chairman, we will never win this fight against AIDS if we fail to reduce the transmission of HIV through shared needles. Numerous studies have shown that needle exchange programs hold promise as a means to slow the spread of AIDS. The General Accounting Office conducted a review of these programs and found that a Connecticut program could reduce new HIV infection among participants by 33 percent over 1 year. Equally important, the GAO did not find evidence that these programs resulted in increased drug use. In fact, a University of California study indicated that some needle exchange programs have made significant numbers of referrals to drug abuse treatment programs.

Even if needle exchange programs cannot change the behavior of the drug users, they can at least reduce the number of times a needle is reused, getting it out of circulation more quickly, reducing the possibility that it will give HIV to somebody else.

One survey in the Journal of the American Medical Association found that a needle exchange program removed more than 3,500 HIV-contaminated syringes from San Francisco in 1 month. A 1997 consensus panel of the NIH was emphatic on the possible benefits of needle exchange programs, stating that they do not increase needle injecting behavior among current drug users; they do not increase the number of drug users; they do not increase the number of drug paraphernalia that is discarded.

In light of this evidence, which I have outlined, and many more studies suggesting the benefits of needle exchange programs, it would be wrong to close the door to Federal involvement in these projects.

Mr. Chairman, current law provides the Secretary of Health and Human Services with the discretion to lift the ban on needle programs, if she finds that these programs reduce the incidence of AIDS and also if they do not increase the use of illegal drugs.

Given the number of people who are losing their lives to AIDS every day, that discretion is appropriate. We should not change it. I urge my colleagues to think of the thousands of children who get AIDS because a parent got HIV from a dirty needle. Oppose the Wicker-Hastert amendment. Preserve our options in preventing the spread of HIV.

Mr. HASTERT. Mr. Chairman, I yield 6½ minutes to the gentleman from Oklahoma [Mr. COBURN], a distinguished doctor.

Mr. COBURN. Mr. Chairman, there are a lot of confusing issues about the AIDS epidemic. I happen to be one of those that think that we have handled the epidemic in an incorrect fashion. We have done so for a very good reason, because there has been significant discrimination in this country with those who have had HIV. But there are some things that the American public ought to know about the concept of free needle exchanges.

First of all, this prohibition will not limit the right of any State to do this. That is where most free needle exchange programs are going on.

□ 1215

The other thing people should remember is a free needle exchange program is a free needle exchange for a felon, somebody who has already proven they do not respect our laws and who violates our laws. Now, yes, they are addicted, but nevertheless they are felons.

Second, most people support their drug habit by selling drugs, IV drugs. So if they are addicted to heroin, what happens is, they become motivated to supply their habit by agreeing to sell more heroin for the person that they are buying it from to take care of their addiction.

Third, it is not just heroin. In Oklahoma we have a significant problem with IV methamphetamine, something that is made in small labs throughout the State, and then people become addicted to IV methamphetamine.

So for us to assume this is just a heroin problem is completely wrong. For us to assume this is just people who have been victimized by the drug culture is wrong. They are felons. They also are the very people we are going to be giving free needles to who are going to be encouraging people who are presently not drug addicted to become drug addicted, and we are going to give them some of the tools to help them do that.

Now, is the goal worthy? There are six studies that I have read in North America that are associated with free needle exchange programs. The information on decreasing HIV transmission is mixed. Two of the studies show a marked increase in HIV transmission, as compared to those who were not in a free needle exchange program; four do not show that. So we do not know what the science says.

We can get out here and say that we know that the science is absolute that it will do this, but we do not really know that. It is nice to claim that in a debate, but we do not know that.

What we do know from the two most comprehensive studies that had the same people in the beginning of the study and the same people at the end of the study is that we see an increase in drug usage, one, and that we see an increase in the transmission of HIV among those groups.

Another point: One of the concepts of drug treatment is not to enable people to continue their addiction. There are a large number of people who are very well involved in hard drug addiction who oppose the idea of enabling people or making it easier for people to pursue their addiction. It goes against some of the greatest concepts of addictive psychiatrists when we say we are going to give people an easier way to utilize their addiction.

The gentleman from Wisconsin [Mr. OBEY] stated that of the various groups that have recommended that this be done, from the American Medical Association to the American Pediatric Society to the American Public Health Association, the Montreal and Vancouver studies were not available to them at the time they made those recommendations. So they are acting on information that is not the latest of information.

I also want to share with my colleagues what is going on in Plano, TX. Plano, TX, is not in my district, but here is a community of 200,000 people who have lost six youths this year from IV drug overdose, six youth that are no longer here because they had access to drugs.

It is debatable if this is a good way to slow HIV transmission. What is not debatable is that this is not a good way to slow drug addiction. This is not a good way to slow habits that are destructive to our society, and it certainly is not a good way to lessen the ability of those that are already addicted to, in fact, addict other people on the basis that now we have made it easier for them to promote their wares to support their habit.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding to me.

What the amendment before us would do is, even if we found a needle exchange program could reduce the incidence of AIDS and if, when people came in for needle exchange, they were then encouraged to go into some program to cure their drug addiction, we would not be allowed to use funds for that purpose. That is what troubles me about this amendment.

Mr. COBURN. Mr. Chairman, just to answer that. I am not saying that is not a good goal, but that is only a part of what this amendment does.

This amendment violates the very sincere and straightforward principles that we have learned about addiction.

I want to read to my colleagues about a participant who drove up, did not have to give her name in a free New York needle exchange program. Here is what she said:

> I made a personal visit to the "exchange" and without one dirty needle to exchange, I was supplied with 40 clean needles, alcohol wipes, cotton balls and cookers, along with a graphic description of the proper way to shoot up so as to protect my health and prevent my loved ones from knowing I was using drugs. Her instructions were, "Don't shoot up in your neck. If you get bad dope, your head can explode."
>
> I was also provided a needle exchange card making me exempt from arrest or prosecution if I were to be stopped by police and found to be carrying clean needles, a felony under New York law. I lied in response to every question and purposely reported I had been shooting up for only 6 months in the hope they would lean on me to come for counseling.
>
> In parting, I asked the worker whether I had to return the needles he had supplied me in order to get more. He said, no, I don't have to bring the needles back, but advised me to discard the used syringes in an opaque container so no one would see them. The sheer willingness to supply me with 40 syringes without expecting anything to be returned leaves a grave unanswered question: What happens to those 40 dirty needles?

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I thank the gentlewoman for yielding me this time.

The problem in the argument that was just advanced by the gentleman from Oklahoma [Mr. COBURN] is that even if we found that the use of a needle exchange program could reduce the incidence of AIDS, even if we found that there would not be more drug use, but in fact people might then be encouraged to go into programs to shake their addiction, we would prohibit, if this amendment were adopted, the use of Federal funds, by the decision of the local health people, to be used for a needle exchange program. We would be saying to the local people, at their discretion, that under no circumstances could they use this tool of a needle exchange program to prevent the spread of HIV.

Now, I find it surprising that people who say we ought to use Federal funds at the discretion of local governments to take the opposite position when a needle exchange program is involved.

But before local public health agencies can even decide to have a needle exchange program, the law says the Secretary of HHS must make two findings: The Secretary of Health and Human Services must find that a needle exchange reduces the spread of HIV and that the needle exchange program does not cause any increase in illegal drug use.

The amendment before us would strike the ability of the Secretary to get this information and possibly make this finding. It would say under no circumstances, we do not care what the evidence may tell us, will we allow a needle exchange program at the discretion of the local public health officials.

This is short-sighted. These are the kinds of short-sighted decisions that have kept us from approaching this AIDS epidemic with all the tools at our disposal. We should not let the decision be made by people in the Congress, who do not have the evidence but who have a lot of fears about how their views will be interpreted as to whether it is politically correct from the point of view of an opponent who may attack a distorted statement of those views. We ought to let these decisions be made on a scientific basis.

Mr. Chairman, I urge defeat of the amendment.

Mr. HASTERT. Mr. Chairman, I yield myself 1 minute to answer the gentleman from California.

One of the things we found, especially in the largest needle exchange program in New York, is that there is no referral to drug treatment programs. Matter of fact, they offer the addict anonymity so that they can hide their problem from their friends and their families so that they do not get help. That is one of the real problems.

We also found in Switzerland a study of one of the needle exchange programs and heroin-providing programs that has been tracked, of 1,035 heroin addicts given needles and clean heroin, only 83 exited the program since 1992, many by dying, and at the hands of their own government.

We talk about politically correct. Mr. Chairman, this is not politically correct. This is what is right and wrong and how the people of this country believe what is right and wrong. The job of this Congress is to move that belief forward.

Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. WICKER].

Mr. WICKER. Mr. Chairman, I want to certainly rise in support of the amendment, which would prohibit taxpayer dollars—taxpayer dollars—from being spent to distribute needles to intravenous drug abusers. And I want to thank the gentleman from Illinois [Mr. HASTERT] for his leadership on this issue, not only on the floor, but also before his subcommittee.

I also want to thank the distinguished chairman of the appropriations subcommittee, the gentleman from Illinois [Mr. PORTER], for indicating his support for this very important amendment to the appropriation bill. I very much appreciate the gentleman from Illinois for supporting this.

At the outset, I think it is important that we define what we are talking about when we say needle exchanges. How does a needle exchange program work?

Under a needle exchange program, an intravenous drug user comes to a facility with a dirty needle that has been used to perpetrate a felony, to inject either heroin or cocaine or another form of illegal drug, and they exchange it for a new needle. They simply hand over the needle that was used in the illegal drug act and receive, in return, a clean needle.

In many cases, the illegal drug user will be given a permission slip which would authorize him to carry the otherwise illegal drug paraphernalia. So, in reality, the activity that we are talking about, that we are talking about using Federal funds for today, is to facilitate an act which is in fact illegal, which is in fact a felony in almost all of the United States of America.

Now, where are we under the current law, under the current law and the current appropriation bill that we are trying to amend?

For the past few years we have given the discretion to the Secretary of Health and Human Services to allow for needle exchanges if she determined that that should be done. And I believe the gentleman from California [Mr. WAXMAN] has read the appropriate language about determinations she must make.

I think this current law was a mistake. I think that this is a decision that is so important and rises to such a level that it should be made by the elected representatives of the people. The gentleman from Wisconsin [Mr. OBEY] says this issue raises very serious moral questions, and I agree. Those questions ought to be answered by the representatives of the people.

We have had two distinguished physicians who have spoken on different sides of the issue already this very afternoon. This demonstrates that there are serious policy determinations that surround this issue, and they should be made by the Congress of the United States, not by an appointed official in the executive branch. I do not think Congress should have punted this decision to the Secretary.

I think this is a decision that should be made by Congress. And the gentleman from California [Mr. WAXMAN] is correct. If we make this decision as a Congress, then we should change the drug laws, but that decision ought to be made with our eyes open. We ought to make that decision after full debate and after acknowledging this: that IV drug use is now illegal; that it is now a felony; that in 45 States, possession of needles, syringes, and other drug paraphernalia is illegal; and that in providing for needle exchanges by the Secretary of HHS we would not only be preempting laws against illegal IV drugs, but also we would be going a step further in overruling these State laws, against possession of needles, and we would be taking taxpayer funds to provide for the illegal activity.

I say, vote against preemption of State and Federal laws against IV drug use; vote against preemption of State laws which make possession of drug paraphernalia illegal. Let us regain congressional discretion over this major policy decision and vote for the Hastert-Wicker amendment.

☐ 1230

Mr. GANSKE. Mr. Chairman, will the gentleman yield?

Mr. WICKER. I yield to the gentleman from Iowa.

Mr. GANSKE. I appreciate the gentleman's comments. Nobody is arguing to legalize illegal drugs. What we are talking about is a needle exchange program.

Mr. WICKER. Mr. Chairman, my point is the very activity that the gentleman would authorize is illegal.

Ms. PELOSI. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. WAXMAN] for the purpose of responding to the gentleman.

Mr. WAXMAN. Mr. Chairman, I want to make a couple of points.

First, taxpayers' dollars are going to be used to treat and pay a higher price for the care of patients who have AIDS than for a program to prevent HIV infection. We are trying to prevent the spread of AIDS. In order to prevent the spread of AIDS, the decision would reside at the local level whether they want to use a needle exchange program and use Federal funds. But before they can make such a decision, the Secretary must find that a needle exchange program reduces the spread of AIDS and the needle exchange does not cause any increase in illegal drug use. Her decision is not discretionary. If she makes that finding, we ought to then allow the local governments to make the decision to have a program, if they choose that option.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. RANGEL], the distinguished ranking member of the Committee on Ways and Means and the former chair of the Select Committee on Narcotics.

Mr. RANGEL. Mr. Chairman, I rise in opposition to this ban on needle exchange only because, and I underline, only because it takes away the discretion from the Secretary of HHS. I think it is an indictment of a failed antidrug policy in this country that this august body has to even consider the exchange of needles with people who have problems that we are not even attacking why these hopeless people believe that drugs is the only answer they have to a better life.

I truly believe that starting off on this path, I do not see any different when we know the number of addicts that die because of overdoses and impure drugs, why some do-gooder will not be saying, why do we not give them purified drugs or something where they will be protected under doctor's advice, and already we have people running off talking about legalization and giving up what they call a fight that we have not had it.

But because I do not know and I do not think anyone in this House knows exactly how many lives are lost because of contaminated needles, I am prepared to leave it up to the Secretary of Health and Human Services and not make that political judgment myself.

PREFERENTIAL MOTION OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Miller of California moves that the Committee do now rise.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 39, noes 362, not voting 32, as follows:

[Roll No. 387]

YEAS—39

Berry
Brown (OH)
Carson
Coyne
Davis (FL)
DeFazio
DeLauro
Deutsch
Dingell
Doggett
Eshoo
Farr
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gutierrez
Hinchey
Johnson, E.B.
Kind (WI)
Lowey
McDermott
McNulty
Meehan
Millender-McDonald
Miller (CA)
Mink
Olver
Owens
Pallone
Pastor
Pelosi
Rangel
Slaughter
Stupak
Vento
Waxman
Woolsey

NAYS—362

Abercrombie
Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Deal
DeGette
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Foglietta
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow

Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—32

Allen
Barr
Boehner
Bonilla
Bonior
Burr
Clayton
Conyers
Davis (IL)
Delahunt
Dellums
Dooley
Flake
Gonzalez
Hastings (FL)
Hilliard
Jackson-Lee (TX)
Lewis (GA)
Meek
Moran (VA)
Norwood
Roemer
Rush
Sanchez
Scarborough
Schiff
Smith (MI)
Smith, Adam
Solomon
Waters
Watt (NC)
Wise

□ 1252

Mr. SHADEGG changed his vote from "yea" to "nay."

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Chairman, on rollcall No. 387, I was unavoidably detained at a Social Security meeting away from the Capitol. Had I been present, I would have voted "nay."

The CHAIRMAN pro tempore [Mr. LAHOOD]. The gentleman from Illinois [Mr. HASTERT] has 18½ minutes remaining, and the gentlewoman from California [Ms. PELOSI] has 25 minutes remaining.

Following debate on this amendment, we will vote on the amendment of the gentleman from Illinois [Mr. HASTERT], followed by votes on two other amendments that were postponed.

Ms. PELOSI. Mr. Chairman, I yield 4 minutes to the very distinguished gentleman from Ohio [Mr. STOKES], a member of the subcommittee.

Mr. STOKES. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I rise in strong opposition to this amendment, which would terminate the Secretary of the Department of Health and Human Services' authority to determine if Federal funds can be used for needle exchange programs.

HIV–AIDS is a very serious public health epidemic that must be dealt with openly and aggressively. Our Nation's aggressive head-on attack to conquering this devastating disease is what has led to AIDS patients living longer and enjoying a fuller quality of life.

There was a time not too long ago when we could not use the word "AIDS" and the word "living" in the same sentence. As a result of our pulling-out-all-the-stops approach to this disease, we can now speak of living with AIDS.

□ 1300

In fact, we should be here today speaking of how to apply the war on AIDS blueprint to conquering diabetes, heart disease, cancer, and violence. Yet, instead, we are here playing politics with one of our Nation's most deadly diseases and major causes of premature deaths.

Mr. Chairman, research studies conducted by the National Commission on AIDS, the General Accounting Office, the University of California at the direction of the Centers for Disease Control and Prevention, the National Academy of Sciences, the Office of Technology Assessment, and also the National Institutes of Health Consensus Development Conference all support needle exchange as an effective means of controlling and preventing the spread of HIV–AIDS.

Renowned public health and medical expert organizations, including the National Academy of Sciences, the American Medical Association, the American Public Health Association, the American Academy of Pediatrics, all support needle exchange programs.

We must put this amendment into perspective. AIDS is now the leading cause of death among Americans ages 25 to 44. Approximately one-third of all reported adult AIDS cases are directly or indirectly associated with injection drug use. Drug users account for approximately two-thirds of all cases of newly acquired HIV infection. Over half of AIDS deaths are injection-related.

It is imperative that we not create Federal policies that would restrict the ability of the Federal Government and local communities to end this HIV–AIDS epidemic. Let us not turn back the clock on HIV–AIDS. Current law allows the use of Federal funds for needle exchange programs if the Secretary of Health and Human Services determines that these programs effectively reduce HIV and do not encourage the use of illegal drugs.

Mr. Chairman, I ask my colleagues to join me in fighting the spread of this deadly HIV–AIDS disease by voting "no" to an amendment that would prohibit the Secretary's authority to protect the health, safety, and well-being of the American people, especially those most at risk for HIV–AIDS. Vote "no" on relinquishing the Secretary's authority.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New York [Mr. NADLER], a leader in the fight against AIDS.

Mr. NADLER. Mr. Chairman, some things are no longer debatable. They may have been debatable 5 years ago, but despite some assertions from some gentlemen here, they are no longer debatable.

One, needle exchange does not promote drug use. We are all opposed to drug use. Any number of studies and plenty of experience have found that needle exchange does not increase drug use.

Also, needle exchange saves lives. These two propositions are not debatable except by people who are ignorant of what the truth of the matter is, from any number of studies and experience in 100 cities in the United States.

Point two, if we want to send a message, we do not send a message at the cost of people's lives. Some people may think, oh, it is only junkies, let them die. They will not say it, but some people think that. That is immoral. But beyond that, it is not just junkies. It is their children who are born with AIDS, it is people they have sex with, it is people who have sex with people they had sex with, it is the whole transmission.

One-third of all AIDS transmission in the United States today is because of our ignorant restrictions on needle exchanges. Do not pass this amendment. If Members vote for this amendment, they are voting to transmit AIDS and to have more people die of this scourge.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO], a distinguished member of the subcommittee.

Ms. DELAURO. Mr. Chairman, I understand the concerns expressed by the proponents of this amendment. The issue makes me uncomfortable, but it saves lives and it reduces drug use.

The experience of my hometown, New Haven, CT, has had me look very hard and clear at the facts. The needle exchange program in New Haven was created in 1991. A recent Yale University study talked about the effects of the program. Let me let the Members know about this.

The program reduced sharing of needles by drug abusers from 71 percent to 15 percent of people who shared. It reduced the spread of HIV by 33 percent. It helped 350 people each year get off drugs and get their lives turned around. The New Haven Police Department indicates that this caused no increase in the number of drug-related problems during the time the program was in effect.

In the State of Connecticut, 53 percent of our AIDS cases are in drug users. Most children with AIDS in Connecticut had a parent who was a drug user. Stopping needle sharing saves lives, especially those of innocent children.

Mr. HASTERT. Mr. Chairman, I yield 4½ minutes to the gentleman from Indiana [Mr. SOUDER], who has been a leader on this issue.

Mr. SOUDER. Mr. Chairman, it is hard to believe we are even debating this amendment of giving free needles to enable people to abuse an illegal substance, heroin, and possibly terminate their own lives and the lives of others. It is truly astonishing that anyone who wants to prevent drug abuse or help an addict get off drugs would support a needle exchange program. In fact, what we are saying would be, here is a clean needle, keep injecting yourself with this, it will kill you. This is not compassion, this is truly just masquerading as compassion.

In fact, the lead author of the San Francisco needle exchange study, a needle provider himself, was later found dead of an IV heroin drug overdose. Beyond the evidence now coming in from the Canadian needle exchange give-away programs in Montreal and Vancouver that show increased HIV infection in addicts who participated in the program versus those who did not, evidence is not clear. Earlier evidence was suggesting one thing, and evidence coming in now is suggesting another.

One has to question the consequences of needle exchange programs for the community involved. What happens when a clinic, with government sanction, is allowed to dispense free needles to addicts? The zone around the clinic dispensing free needles to IV drug users becomes a no-go area for law enforcement. The result is, drug dealers move in, certain they are immunized against prosecution and free to keep their clients addicted.

In Manhattan, the lower east side community Board 3 passed a resolution in November, 1995, to close down their needle exchange program because the community was inundated with drug dealers. Law-abiding businessmen shut down, and needed law enforcement was withheld by the police.

In Willimantic, CT, after a toddler was stuck by a needle discarded near the needle exchange program and an intoxicated man died from an overdose after receiving clinic needles, residents protested and the program was finally shut down in 1997. Do not be fooled, needle exchange programs are only a subtle form of drug legalization, and at least enables that.

I want to read from a statement from Dr. James Curtis on June 4, 1997, director of the Department of Psychiatry and Addiction Services at the Harlem Hospital Center, a professor of clinical psychiatry at the Columbia University College of Physicians and Surgeons on behalf of the Black Leadership Commission on AIDS.

He describes his college and then he says,

> The specific topic of needle exchange programs is one I have carefully followed since they were first proposed almost 15 years ago. From the first and up until the present time, I remain firmly opposed to the needle exchange because I am convinced they would do much harm to black people. Addicts need to be treated and can be effectively treated. They should not be given needles and encouraged to continue their addiction.

Dr. Curtis of the Harlem Hospital continues,

> Let us examine needle exchanges. Addicts are well-informed about how the HIV/AIDS is transmitted, and also about methods of obtaining clean needles. It is absurd to believe addicts cannot afford the small cost of injection equipment, but that they can afford to raise the much larger amount of money to purchase illicit drugs they will inject in their veins. By giving free needles and syringes to addicts, we help them to finance their addiction. . . . Often needles are supplied free along with the purchase of powdered heroin, and cocaine needles are sold freely on the black market, since large supplies are regularly stolen from hospitals and physicians' offices,

Dr. Curtis of the Harlem Hospital continues.

> Furthermore, since needles and syringes can be prescribed for diabetic patients, many addicts, whether they are diabetic or not, obtain prescriptions this way. However, even well-informed addicts, who carefully use clean needles for years, eventually reach the point that they have used up all of their veins. The unfortunate result is that when they are admitted to hospitals for treatment for other medical or surgical procedures, physicians often are sometimes unable to find a vein to perform a life-saving function.

Furthermore, Dr. Curtis of the Harlem Hospital Center says,

> The addict cannot remain an addict unless he or she receives a lot of help from a group of other people. These other people are referred to as enablers, other addicts and well-intentioned family members or friends.

He said that needle exchange programs encourage denial and are frankly enabling.

He also points out that the public has been led to believe that persons who have a compassionate concern for drug addicts should favor the use of clean needles, and anybody opposing the program is in favor of forcing addicts to use dirty needles. In other words, it is a contest between the liberal and humane persons versus those who are prejudiced against addicts, black people, and persons with AIDS. In actuality, the choices are not between clean needles or dirty needles. It is a still better choice to be opposed altogether to needles.

It would be appalling to use our tax dollars to be enablers for people who are putting their life and their communities at risk.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA], a great leader in the fight against AIDS, especially women with AIDS.

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for her kind words, and for yielding time to me.

Mr. Chairman, I rise in opposition to the Hastert-Wicker amendment. The bill before us today already prohibits the use of Federal funds for needle exchange programs unless the Secretary of the Department of Health and Human Services determines that needle exchange programs are effective in preventing HIV transmission and that they do not promote the use of illegal drugs.

The Hastert amendment would remove the authority of the Secretary to manage public health threats and would, in effect, substitute political expediency for sound science and public health policy. The bill's language is the very same language on needle exchange that has been part of this bill since 1990.

The American Medical Association, the American Bar Association, the American Public Health Association, the Association of State and Territorial Health Officials, the National Academy of Sciences, and the U.S. Conference of Mayors, all have expressed their support for needle exchange, as part of a comprehensive HIV prevention program. A number of federally funded studies have reached the same conclusion and have found that needle exchange does not increase drug use—including a consensus conference convened by the National Institutes of Health, earlier this year.

In my own State of Maryland, injection drug use is the major mode of transmission for HIV/AIDS. Baltimore city's needle exchange program has been associated with a 40 percent reduction in new cases of HIV, and evaluation of the program has demonstrated that needle exchange did not increase drug use. In fact, a bill was approved to continue the program by an overwhelming vote in the Maryland State Legislature earlier this year. It passed by a vote of 113 to 23 in the house of delegates and by a vote of 30 to 17 in the State senate.

Nationally, 66 percent of all AIDS cases among women and more than half of AIDS cases in children are related to injection drug use. It is important to note that if the Secretary decided to lift the ban, Federal funding for needle exchange programs would not mean that local communities would have to implement them; only those communities that believe such a program would be effective in their HIV prevention strategy would do so—thereby leaving the decisionmaking to the local communities. Community-based solutions have always been the most effective prevention programs, and are consistent with our attempts in this House to prevent the Federal Government from interfering with local decisionmaking.

I urge my colleagues to act in the best interests of our Nation's public health. Retain the Secretary's authority to respond to public health threats, and vote "no" on the Hastert-Wicker amendment.

Mr. HASTERT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from North Carolina [Mrs. MYRICK].

Mrs. MYRICK. Mr. Chairman, I rise in support of the amendment today. I have just three simple points.

One, I speak as a parent and also as a former mayor who spent many, many years in the local area fighting the drug war and knowing the ravages of what happens. It is simply not proper for the Federal Government to be funding a program, or any government, really, to fund a program like needle exchange. In a time when drug use is again on the rise, we simply should not send a message of tolerance in any form, because we need to discourage drug use, not try and make it safer for the user. It has been a fact, and it is still a fact, that when society disapproval of drug use drops, we see drug use rise; and we are in the midst of that there.

I reference one of the President's research reports in youth attitudes toward drugs. It is talking about marijuana and 12th graders, but it shows a definite rise. They are saying that there is a correlation between that and a 3-year lag in the rising cocaine use after that.

My concern is that heroin is now becoming the drug of choice. Anything that we begin to do that literally encourages that in any way, I believe is a big mistake. I urge people to support the Hastert amendment.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California [Mr. BECERRA], the distinguished chair of the Hispanic Caucus.

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman for yielding time to me, and for her continued fight on behalf of people with HIV.

□ 1315

Mr. Chairman, certainly needle exchange programs will not reduce the use of drugs. But all the evidence and all the research out there tells us that needle exchange programs do reduce the spread of HIV.

The National Institutes of Health reports that needle exchange programs have brought down the spread of HIV by some 30 percent. When we consider that one needle costs a dime, and the estimate is that it costs some $120,000 to treat someone who gets HIV, we can understand why this is such a powerful program.

When we put on top of that the fact that one-third of all the cases of HIV are now related to drug use, and the fact that most of the new HIV cases among women and children are related to drug use, my colleagues can see how powerful a weapon this is.

Certainly, we just do not do a needle exchange program by itself. If we also want to address, and I hope we do, the issue of drug prevention, we have treatment programs, we have other avenues to try to make sure that we do reduce the use of drugs. But right now what we are talking about is trying to stop the spread of AIDS and HIV, and we should do whatever we can that has been proven to work to do so at a minimal cost.

Mr. Chairman, we may not succeed just through needle exchange in reducing drug usage. That is not the effort behind needle exchange programs. But we have proven through needle exchange programs that we will reduce the spread of HIV.

Why should we do this? Well, the U.S. Conference of Mayors tells us we should do this. Why? Because they have to deal with this most directly. We should follow the advice of those who have to deal with people who unfortunately have become infected by the HIV virus.

Unfortunately, there are impediments. We should not be an impediment. Let us let those local programs work and help them coordinate nationwide and let us do the right thing in trying to stop the spread of HIV. I urge my colleagues to oppose the Hastert amendment.

Mr. HASTERT. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I rise in support of this amendment, and I would disagree with some of the people who would claim that the current language in the bill does not represent a change in policy. I think it does. I think we do not have the data to support such a change in policy. For that reason, I highly encourage my colleagues to vote for this amendment.

Mr. Chairman, let me say that I think I can bring a little bit of perspective to this. Prior to coming to the Congress, I was a practicing physician. Many of my patients were AIDS patients. Indeed, my colleague and I for years were the only AIDS doctors in a county of 400,000 people. I saw them in my office. I went in the hospital in the middle of the night.

I have also taken care of a lot of drug addicts and I can tell my colleagues that these needle exchange programs, they cut down on the frequency of sharing needles but they do not bring this down to zero. If my colleagues deal with drug addicts, they will see why. They are pretty irrational people in their behavior most often, and a lot of them will cooperate with the exchange, but a lot of times they will still share needles. It is just a bare fact.

We have heard from a lot of people today that all the data is in and this works; needle exchange programs save lives. I can tell my colleagues that that indeed is not the case. There have been some significant articles in the medical literature that challenge that, and I think it is really a major mistake for the Federal Government to get on this bandwagon.

Specifically, there is a 1996 study that was published in Lancet, and that is a British medical journal, a respected British medical journal, that showed that needle exchange programs, the people in the program have a two times greater risk of contracting AIDS. Not that it reduces, as some people have been claiming, the transmission of AIDS by 30 percent, but that it doubles the transmission of AIDS. Now, this is a study in a respected medical journal.

Mr. Chairman, additionally, probably one of the best journals, the best medical journals, is a journal called Epidemiology. Epidemiology is the study of the spread of disease, and they published in the Annals of Epidemiology a study this year, January of this year, that showed that needle exchange programs have no impact. There is no reduction in the transmission of AIDS.

So, if my colleagues like needle exchange, they can whip out all their studies that show it works. If my colleagues do not like needle exchange, they can whip out these studies and show it does not work.

Mr. Chairman, what I say to my colleagues is we are talking about Federal dollars and what we are going to be doing with Federal dollars. I think, considering that so many people think it is so objectionable, to do this, indeed, I have been informed by a Member since I have been on this floor that needle exchange programs are illegal in something like 45 States, I think it is very, very inappropriate for us to be giving this administration the freedom to go out and start engaging in more of this. I think we need more scientific data and more studies.

Mr. Chairman, I would encourage all of my colleagues to support the Hastert amendment.

Ms. PELOSI. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I want to first make the point there has been a lot of notion of felonious drug use and that we are going to promote it through opposition to this amendment. I remember a bumper sticker that used to say, "If we outlaw guns, only the outlaws will have guns."

Well, Mr. Chairman, if we outlaw needle exchange programs, then only the outlaws will have needles, dirty needles that are killing them.

Clearly, I do not have any medical testimony that suggests that I have the perfect answer. But I will suggest that the Federal Government is spending $120,000 over their lifetime to care for somebody infected with HIV virus, and it costs 10 cents to provide a sterile needle.

Mr. Chairman, I ask anyone listening to my voice, if given a free needle will they inject themselves? The attending physician here has people fainting by getting a flu shot. It is not something you would do naturally, is find a free needle and then suggest I think I will try heroin. It does not happen.

But what is happening is the disease of AIDS is being spread through the use of hypodermic needles. Plain and simple. I know this is a very sensitive area for people, and I do not want the Members who oppose the good amendment of the gentleman from Illinois

[Mr. HASTERT] to suggest that we are for drug use, neither do I want the view of the gentleman from Illinois to be taken lightly. He has very serious concerns.

Mr. Chairman, maybe this Congress, through the deliberations being held today, could discuss creating a needle that is only for one-time use, whether it is for a diabetic user or someone else. Maybe we invent the technology that allows a needle to be only used once, a collapsible syringe type that has one-time use only. Maybe that is a better alternative, and we could eliminate this.

But if Members think that by not engaging in this debate we are furthering the health care of average Americans, we are not. They will still find the needle in the trash. They will still rob the doctor's office. They will rob the pharmacy or they will claim to be a diabetic to get that needle, and so the disease goes on and spreads throughout our community; 67 percent are through injection of drugs, and then we as a society pay for that.

What I thought was most important is that perhaps we have a chance of getting a person into counseling. And I agree, the gentleman from Oklahoma [Mr. COBURN] was absolutely right when he suggested why should they be given 40 needles in exchange for 1? I do not agree with that type of program. I think they have to be very well-controlled and monitored.

But at the same time if we can lure one person off of heroin, one person off of drugs, one person off of catching or being exposed to HIV or AIDS, then we have done something meaningful here today. But to blanketly say that this administration is promoting drug use by trying to experiment in a very, very small controlled atmosphere is wrong.

Mr. Chairman, Members have denounced facts today that have been proven in New Haven, CT, and Tacoma, WA, about the reduction of the spread of AIDS. We see this. But in all due respect to the physicians who testified for the amendment, they have some valid points. But let us meet in the middle and talk about something new and different.

But most importantly, let us talk about lives and saving lives. Let us talk about minimizing the spread of AIDS and HIV. And, hopefully, let us talk about eradicating this Nation of the deadly drugs that are out there on our streets.

Ms. PELOSI. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in opposition to the Hastert amendment. As we discuss this on the floor today, I think it is truly important to keep reminding ourselves that the leading cause of death amongst adults 25 to 44 years old is AIDS. The leading cause of death. It is the seventh leading cause of death for all Americans.

Furthermore, we are not debating here the Federal program. We are debating whether the Secretary can use the money, after she has reported to Congress that studies show that it does not increase the number of drug users, injecting drug users, and that needle exchange programs actually reduce the spread. So she would have to report on those critical issues before anything could happen.

Mr. Chairman, in Connecticut, we have evidence, evidence that 52 percent of all injecting drug users were sharing needles. The needle exchange program reduced that amount sharing to 32 percent. Now, needle sharing is one of the three leading causes of AIDS spreading in America, the No. 1 cause of death amongst adults 25 to 44.

Mr. Chairman, why would we not allow the Secretary to release the money if she does the studies that come back and show, yes, like in Connecticut, needle sharing reduced the percent of injecting drug users who used other people's needles?

Now, it worked in Connecticut. The National Academy of Sciences found that there is no credible evidence to date that drug use has increased among participants as a result of the programs that provide legal access to sterile equipment. And I quote, "The National Academy of Science's study concluded that the programs were effective at lowering the number of contaminated needles in circulation."

Mr. Chairman, given the role that contaminated needles play in the spread of AIDS, and given that AIDS is the No. 1 killer of adult Americans 25 to 44, I urge my colleagues to not only oppose the Hastert amendment, but to allow our local mayors, our local program directors to make the difficult decision whether in their circumstances needle sharing is appropriate to fight AIDS and death.

Mr. HASTERT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I have a news article here from the American Medical News talking about the needle exchanges in Connecticut. Children are finding needles in the streets and garbage. The States attorney in Connecticut said he has written the Governor, legislature, and the head of the State department of public health saying this is an abomination. These needles are finding their way to the street corner, the same brand that is in the needle exchange program. Frankly, it is a problem.

Ms. PELOSI. Mr. Chairman, I yield 30 seconds to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I would just like to say that needle exchange programs have nothing to do with that problem of discarded needles being available and spreading infection. But the American Medical Association does support the underlying bill, as does the National Alliance of State and Territorial AIDS Directors, the National Research Council, the Institute of Medicine, the American Bar Association, and the U.S. Conference of Mayors, and those are the people on the frontlines.

Mr. HASTERT. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. Mr. Chairman, I am going to support this amendment. I want to provide some perspective on this issue by discussing who our government subsidizes through providing Federal funding for needle exchange programs or needle programs.

Mr. Chairman, I am vitally interested in the issue of diabetes, along with the gentlewoman from Oregon, Ms. FURSE, and Speaker GINGRICH. I am cochairman of the Diabetes Caucus. We have about 100 members in the Caucus here in the House.

□ 1330

There are 16 million diabetics in our country; 27 cents out of every Medicare dollar is used to pay for the complications of diabetes. It ranks about fourth on the death list in our country, not seventh like AIDS, and AIDS is a very serious issue and I am very concerned about it, but billions of dollars are spent on the consequences of diabetes.

At least 1 million children have diabetes, and they take two to three injections a day. No subsidy for them, for families that have to deal with this very serious disease that costs not only human suffering but lots of money in our society. They do not get subsidized.

If the evidence is, and it sounds to me like it is conflicting here today, if the evidence that the needle exchange programs perpetuate AIDS and illegal drug use, then we would be far better off to spend that money on subsidizing needle programs for diabetics, those families who have a major problem in paying for that cost for their children and for people all across the AIDS spectrum of our country.

I am going to support this amendment. I hope my colleagues will, also.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. MCDERMOTT], who has been a leader in the field of preventing the spread of AIDS internationally.

Mr. MCDERMOTT. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Florida [Mr. FOLEY] and the gentlewoman from Connecticut [Mrs. JOHNSON] because it really makes it very clear this is not a partisan issue. This is a public health issue.

My colleague from Washington made the best case for a national health insurance program that I have ever heard. But we are not talking about that today. We are talking about prevention of a disease. It is a program that works. And people at the local level in my State, in Tacoma, came up with local money to do this because they know what the costs are if we do not prevent.

Benjamin Franklin said, an ounce of prevention is worth a pound of cure. We spend millions, hundreds of millions of dollars on the cost of triple therapy, on homes for people living with AIDS, and all other kinds of things, but we will not spend money on a program that works at the local level to reduce the incidence of AIDS infection.

Members can argue out here and make this into somehow we are promoting drugs. That is the argument that has been made all over the country on this issue. But the fact is that if people are using clean needles, they are not going to be spreading the drugs, and we know that is a major route of infection, not only in the United States but worldwide.

This epidemic is not getting smaller. It is getting larger. It is spreading through all kinds of methods, but this is one of the main ones.

In my view, to take the step of taking away from the Secretary a route to deal with this issue nationally is simply to say we are willing to come back in here and put another $100 million or $500 million or whatever into triple therapy.

As long as the pharmaceutical industry can find ways to keep people alive longer, the costs are going to grow. If we want to be just fiscally sound, this is a fiscally sound program. Every conservative in the House ought to be for it because it saves money as well as deals with the problem in a humane way.

The CHAIRMAN pro tempore (Mr. LAHOOD). The Chair would advise Members that the gentleman from Illinois [Mr. HASTERT] has 6½ minutes remaining, and the gentlewoman from California [Ms. PELOSI] has 7½ minutes remaining.

Ms. PELOSI. Mr. Chairman, I yield 1 minute and 30 seconds to the gentlewoman from New York [Mrs. LOWEY], who is a member of the Subcommittee on Labor, Health and Human Services, and Education and former chair of the Congressional Caucus on Women's Issues.

Mrs. LOWEY. Mr. Chairman, I thank the gentlewoman for her important work on this issue and so many other issues on the committee.

Mr. Chairman, under current law no Federal funds may be used for needle exchange programs unless the Secretary of HHS determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

This amendment would ban the Secretary from exercising this authority. However, there is mounting scientific evidence that needle exchange programs are useful in controlling the spread of the deadly HIV virus while not encouraging elicit drug activity. Mr. Chairman, this evidence comes from the most reputable scientific agencies in the land, such as the NIH, the CDC, and National Research Council.

Leading sectors of the public health community support retaining the Secretary's authority to lift the ban on Federal funding for needle exchange programs and oppose this amendment. These organizations include the American Academy of Pediatrics, American Nurses Association, the AMA.

There is uncontestable evidence that the proportion of HIV cases related to injection drug use has dramatically increased over the last 15 years. In fact, injection drug users now account for almost two-thirds of all cases of newly acquired HIV infection.

This amendment will handicap public health officials from controlling the spread of HIV and AIDS, particularly in our inner cities.

I urge my colleagues, vote "no" on this amendment.

Mr. HASTERT. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I rise in support of this amendment. Americans do not support needle exchange programs. In fact, 62 percent of all Americans oppose needle exchange programs for drug addicts, and 88 percent are concerned that the programs cause a public health hazard as a result of poorly discarded needles.

Advocates of needle exchange programs say it will decrease the number of injection drug users who contract HIV and this has been proven to be untrue. According to a study from McGill and Montreal Universities, injection drug users who participated in a needle exchange program in Canada were two times more likely to become infected with HIV than those who did not.

Without passage of this amendment, the Secretary can authorize needle exchanges to be funded from taxpayer dollars. Under no circumstances should we allow Federal dollars to be spent on needle exchange programs, period.

Illegal drugs kill people, and I want to tell my colleagues, in my own home town of Plano, seven youths have died since the first of January this year, one of them in school, from drugs provided by clean needles.

We have got to stop the deadly use of illegal drugs, not encourage it. And Americans do not want, need, or deserve needle exchange programs funded by taxpayer dollars. Support this amendment.

Ms. PELOSI. Mr. Chairman, I yield myself 1 minute to respond to the gentleman about the attitudes of the American people.

The gentleman from Texas, my friend, knows that I hold him in high regard, but I question the poll data that he might be citing.

Indeed, in March 1996, the Kaiser Foundation found that 66 percent of Americans favored, "having clinics make clean needles available to IV drug users to help stop the spread of AIDS." And this year, in April 1997, a recent poll by the Tarrance Group found 53 percent of respondents approved needle exchange to help prevent HIV transmission. And that is the response that the American people give when they are asked if they want to support needle exchange programs to stop the spread of HIV-AIDS, especially among IV drug users.

The Family Research Council poll that has been cited by some of our colleagues today presented a scenario, the Swiss experience, which is not what we are talking about here. We are talking about a needle exchange. We are not talking about making drugs available. I do not know anybody who supports that formulation that was presented in the poll.

The facts are clear by the poll. Needle exchange to prevent AIDS plan is supported by overwhelming numbers of the American people.

Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, I did not go to med school. I went to law school. As such, I do not speak the language of medicine. I speak the language of logic.

I have to tell my colleagues, the last few days have been a revelation here. Because if the way we reduce teen pregnancies is to deny access to contraceptives to teens who are already sexually active, and if the way that we reduce drug use and HIV infection is to deny needle exchange to people who are already addicted to intravenous drug use, then I have to believe that the way to stop fires already started is to deny homeowners access to fire trucks.

Mr. HASTERT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Mr. Chairman, I appreciate my colleague yielding me this time.

I think what we have is really competing public policy objectives, Members of goodwill on both sides trying to get at competing objectives.

On the one hand there is conflicting evidence, albeit some good evidence, and this amendment would take away the discretion of the Secretary to find that if, in fact, we can do more to prevent AIDS by needle exchange programs, that we would not be able to do so.

But stopping AIDS and stopping the threat of AIDS is only one policy objective. Even if this does that, and we have had a family member in my family who has died of AIDS, my wife did that bike ride from Raleigh to Washington to raise money for research for

AIDS. I have been a strong supporter of AIDS research. It is very important; stopping the spread of AIDS is an important public policy objective. But we cannot look at that in a vacuum.

We also have other policy objectives as well. Why I am troubled by the needle exchange programs and Federal dollars going in to subsidize that is the fact that we are, in effect, sending conflicting messages to drug users. If you are an illegal drug user, the Federal Government will, in effect, subsidize that use. But if you are on diabetes, as the gentleman from Washington discussed a few minutes ago, if you are a veteran trying to get help, you end up buying your own needles. I think that is a bad message for the Federal Government to send. It is bad public policy in that sense.

It is for those reasons that trouble me that I am supporting the amendment in this case. The Federal Government should not be in the business of subsidizing illegal behavior. We have a rising drug epidemic in this country, and the message should be clear and concise, without any confusion at all, that we are going to do everything we can to stop the use of drugs, not to subsidize it.

The current policies, if this amendment does not pass, would in effect end up having the Federal Government subsidize that. I think the Members on the other side of this amendment have good will, but they are looking narrowly at one public policy objective, when I think we have a larger public policy objective here, and that is to stop illegal drug use in this country. I think this amendment goes to that objective. That is why I rise to support it.

Ms. PELOSI. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is mostly political suicide to stand up and oppose this amendment, but it is the high moral ground to be able to recognize the devastation of AIDS and drug use.

This is not the Federal Government promoting drug use. It is allowing local jurisdictions to make determinations that in their community the sharing of needles that are clean most helps to stem the tide of illegal drug use and the devastation that comes about.

Let us take the high moral ground, not the politically safe position, and allow local jurisdictions to make the choices of using their funds to save their community and to prevent the degradation of drug use and the violence of drug use in our communities.

Mr. HASTERT. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. PICKERING].

Mr. PICKERING. Mr. Chairman, I rise in support of this amendment. I come with two personal questions. As the father of four and as a son with a mother and father could I ask them for money to buy needles to then inject drugs into another person's veins? Could any in this Chamber actually stick a needle in another person's veins, and fill them with deadly drugs? That will give them a slow but sure death?

Congress must say no. It is immoral to do otherwise? We must stand together to give a clear signal that the problem is drug addiction. It is not AIDS.

For the best in public health, for the most compassionate response, I ask all to join in support of this amendment to prohibit taxpayers' money from funding something that we believe is wrong.

At a time when drug abuse in this country is spiraling out of control and we hear daily of tragic tales where families have been devastated by drug abuse—I believe that this amendment sends the right kind of message.

The Federal Government is actively fighting a war on drugs, yet there has recently been a debate to federalize a program to provide syringes to drug addicts in hopes of lessening the spread of AIDS.

This is clearly an emotionally charged debate, but we cannot lose sight of what kind of message this sends to the children of this Nation.

I believe a federalized needle exchange program sends a mixed signal that will undermine the credibility of all our other anti-drug efforts. By implementing a needle exchange program we will be telling our children to "Just say no," unless you have a free needle!

Let me take a moment to remind my colleagues that heroin use is still illegal in this country. I find it morally repugnant to think that we would even contemplate making the United States Government a co-conspirator in illegal drug use—that is destroying lives across this Nation.

If we truly want to fight and win the war on drugs, we must stop coddling addicts. Drug users need treatment, not encouragement to keep injecting deadly drugs into their bodies—and those of their unborn children.

I agree with Roman Catholic Cardinal John O'Connor who has said that the needle exchange program "drags down the standards of all society. * * * It is an act born of desperation."

Those who favor this program say that we may reduce the spread of AIDS and we may not increase drug use. But, the President's own former drug czar, Lee Brown, stated that his office could "find no compelling reason for the administration to depart from existing Federal policy regarding needle exchange"—which does not allow for a Federal needle exchange program.

The new majority in Congress has encouraged and fostered personal responsibility. If we truly want the American people to take responsibility for their own actions, we cannot in the same breath give them a formal sanction for their illegal activities.

If the true intention of supporters of this program is the reduction of AIDS by drug users, then they should join us in eliminating the use of illegal drugs, not subsidizing it.

We should help addicts rid drugs from their lives, not give them a cleaner, better way of shooting up. The problem is not AIDS or needles—it is drug addiction.

□ 1345

Mr. HASTERT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have had certainly a spirited debate and, I think, certainly a debate that tries to bring in logic and experience. Quite frankly, the experience shows that free needle exchanges does not stop drug use, it does not stop the spread of AIDS, and in fact the studies cited show that AIDS spread.

Now, in this country, we face a huge challenge, a challenge as debated on the other side by people like the Sorros movement, where millions of dollars in California and Arizona were put into advertising, to promote illegal drug use as a matter of fact, not to make it illegal but to make it legal.

The same Sorros who owns the pharmaceutical companies, who owns the banks in Colombia and has the conference in Colombia, these are the people who are promoting needle exchanges and drug use in this country.

It is time that this Congress said no, that free needle exchanges are for one thing and one thing only, and that is to give people the ability to inject illegal drugs into their system and to pass needles out to people who have the intent to spread illegal drugs to themselves and others.

My fellow colleagues, it is wrong to do that. It is wrong public policy to give needles out to kids, just as it would be wrong public policy to give clean guns out to kids. My colleagues, we need to band together, this Congress needs to stand up for what is right and against what is wrong. And if we want to look at what is right, we need to ban free needle programs and the ability of this Government to hand out free needles.

It is not the intent of this country, it is not the intent of this Congress, and it is not the intent of the American people; 45 States ban free needle exchanges today. We should say no. Vote "yes" for this amendment.

Ms. PELOSI. Mr. Chairman, I yield myself the balance of my time. Before I close, I want to commend my colleague, the gentleman from Illinois [Mr. HASTERT], and my colleagues on both sides of the aisle for the civility and the tone of this debate. I think it is an important one for us to have, and I always enjoy working with the gentleman from Illinois and want to thank him for his courtesy during this debate.

Having said that, I rise in very, very strong opposition to the gentleman's amendment. First, I would like to say what a privilege it is to defend the subcommittee's position, to defend the bill; and I would like to read to my colleagues what the bill says on this issue.

The bill says,

> No funds appropriated under this act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drugs unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

What this amendment will do will remove the discretion from the Secretary of HHS and say that if the Secretary determines that such programs are effective in preventing the spread of HIV and do discourage the use of illegal drugs, that she does not have the discretion to have funds used on those needle exchange programs.

I just do not see how that makes sense from a humanitarian standpoint, from a scientific standpoint, or from a fiscal standpoint.

Starting at the fiscal end, if I did not think it would frighten my colleagues so much, I would have brought a hypodermic needle to the floor. The exchange of clean needles is very important in many ways including the fact that one hypodermic needle costs 10 cents.

The medical cost alone, lifetime medical cost alone of a person with HIV/AIDS is $120,000, not counting loss of productive years, taxes that person would pay, and just the human concerns we would have about that person's health. So in the interest of balancing the budget and cutting costs, the prevention a 10-cent hypodermic needle, a clean one, seems to me very cost effective.

We are talking, I want to emphasize to my colleagues, about needle exchange, not needle giveaway. The needle exchange programs do not increase the number of hypodermic needles in circulation because it is an exchange. To get a needle, one must bring a needle in. What these exchange programs do is decrease the number of contaminated needles that are in circulation, and in that way help stop the spread of AIDS.

The needle exchange programs are helping our young people because, in some instances, it is the only way they are drawn into a system of care. That is why on the scientific level there is so much support for lifting this ban or for sticking with the language in our bill.

In February of this year the National Institutes of Health sponsored a consensus development conference on interventions to prevent HIV risk behaviors. The group recommended lifting the current restrictions on the use of Federal funds for needle exchange programs, and that means also supporting groups which use funds for needle exchange programs. Their key findings were a 30 percent, or greater, reduction in HIV and other disease transmission and a preponderance of evidence which shows no change or indeed even decreased drug use.

During the NIH overview hearings that our subcommittee held, Dr. Varmus, the Director of the National Institutes of Health, testified that in his view the ban on the use of Federal funds should be lifted and that science supported the findings outlined in section 505 of the appropriations bill. His findings were supported by Dr. Leshner of the National Institute on Drug Abuse and Dr. Hyman of the National Institutes of Mental Health.

Support the scientists that Congress has asked to give us their opinions. Vote against the Hastert amendment.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise today to strongly oppose the Wicker/Hastert amendment which would prohibit the use of Federal funds to implement or promote programs that remove AIDS-tainted needles from our streets. Passage of this amendment would mean that the Department of Health and Human Services would not be able to make determinations as to the scientific and public health merit of needle exchange programs and other blood-borne disease transmission and injection drug use.

Mr. Chairman, HIV transmission continues to rise at an alarming rate. From 1981 to today, the Centers for Disease Control and Prevention has received data on nearly 600,000 persons with AIDS from State and local health departments. Giving the alarmingly high rate of HIV transmission resulting from intravenous drug use, it is critical that informed policies be established to help contain the spread of HIV.

Research to date, provides strong scientific evidence that needle exchange programs can significantly reduce the risk of HIV among injection drug users without adverse impact on communities. At least six different government panels, and most recently a National Institute of Health Consensus Development Panel, have reviewed needle exchange programs and concluded that these programs are an effective method to curb the spread of HIV and other blood borne diseases.

Numerous respected organizations, including the American Medical Association, the American Bar Association, the U.S. Conference of Mayors, the National Black Caucus of State Legislators, the National Alliance of State and Territorial AIDS Directors, the National Research Council and the Institute of Medicine have also, all concluded, that needle exchange programs are effective.

It is vital, Mr. Chairman, if we are to begin to address this epidemic, that we must preserve the discretion of the Secretary of Health and Human Services to look at this issue on the basis of public health concerns and not politically expedient ones. Legislative bodies, such as this one, have been said to be the greatest threat to public health because of our failure to respond to research findings.

We must stop being a threat to the health of our constituents and meet the challenges that are important to saving millions of lives. We must exercise courage on this critical public health issue and vote no on this amendment.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I rise today in opposition to the amendment which would prohibit local communities from using Federal funds for needle exchange programs.

We all know that this is a difficult issue to debate. But, the fact is that AIDS is a huge problem in all of our communities, and that approximately one-third of reported AIDS cases are related to injection drug use. Communities across our country are finding ways to reduce the number of AIDS cases each year, including needle exchange programs. Needle exchange programs have been implemented in more than 100 communities around the country, including several in my own State of Connecticut, and there is a good deal of evidence that they are successfully reducing the number of new HIV infections.

In my own district in Connecticut, Hartford's needle exchange program actually takes in more needles than it gives out. Almost 70,000 needles have been exchanged; almost 40 percent of the needles returned to the program prove to be infected with HIV antibodies. This program is removing hundreds of infected needles from circulation, yet costs only $120,000 a year, the cost of treatment for two individuals with full-blown AIDS.

Because the HIV epidemic is different across our country, communities need to be able to develop their own HIV prevention plans. In Connecticut, the State-funded needle exchange programs are working to decrease the spread of HIV. At a time when this devastating disease is so rampant, I believe it is time we lend our support to our communities and States.

I urge my colleagues to oppose this amendment and show our support for local HIV-prevention programs.

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in opposition to this amendment, but I would like to make several points very clear. This amendment is not about whether or not we should be providing free syringes to drug users. Like most of my colleagues, I would oppose any program that would promote any form of drug abuse, especially among intravenous users.

However, let's speak to the facts, Mr. Chairman. There is no Federal needle-exchange program in existence at this point. There have been programs implemented in more than 100 communities around the country, and many of those communities have seen a significant decrease of new HIV infections as a result. This amendment, however, would not directly address these programs. Rather, it would preclude the Secretary of Health and Human Services from doing her job to identify public health issues and promote programs to improve the health of the U.S. population. This, Mr. Chairman, is a solution in search of a problem.

If anyone here contends that we are no longer in a crisis situation concerning the spread of HIV in this Nation, then this Nation is in a state of denial.

Approximately one-third of reported AIDS cases are related to injection drug use, as are most new AIDS cases among the heterosexual population. So I disagree with the sponsor of this amendment, my distinguished colleague from Illinois, that this is a behavior that the public health community should ignore.

Current language in this bill already prohibits local communities from using Federal funds for needle exchange programs unless the Secretary determines that exchange programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs. This effective prohibition has been in effect since 1990.

I hope that my colleagues and the American public will see through this political gimmick and maintain current law. I urge a no vote on this amendment and thank the chairman for this time.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Illinois [Mr. HASTERT].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. HASTERT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, further proceedings on the amendment offered by the gentleman from Illinois [Mr. HASTERT] will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENTS.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE:

Page 94, strike lines 16 through 21 and insert the following (and redesignate the succeeding sections accordingly):

SEC. 508(a) None of the funds appropriated under this Act shall be expended for any abortion.

(b) None of the funds appropriated under this Act shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509(a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds) for abortion services or coverage of abortion by contract or other arrangement.

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider or organization from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with state funds (other than a State's contribution of Medicaid matching funds).

Mr. HYDE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes and that the time be equally divided between the gentleman from Illinois [Mr. HYDE] and the gentlewoman from New York [Mrs. LOWEY].

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. This amendment will be considered for 10 minutes; 5 minutes controlled by the gentleman from Illinois [Mr. HYDE] and 5 minutes controlled by the gentlewoman from New York [Mrs. LOWEY].

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an updated version of the Hyde amendment which has been in the law since 1976. Essentially, the Hyde amendment denies the use of Federal funds to pay for Medicaid abortions except where the life of the mother would be endangered if the fetus were carried to term and except in cases of rape and incest.

We have found over the years that the Hyde amendment, which as I say has been the law since 1976 in one version or the other, needs to be updated because of the prevalence of health maintenance organizations.

Early on, about 9 percent of the Medicaid patients were served by health maintenance organizations and the general procedure was a fee-for-service procedure. The Hyde amendment withheld Federal funds for abortions, except, as I explained earlier, with the three exceptions.

Now we find about 40 percent of the Medicaid patients are being served by health maintenance organizations, and the concern has been expressed that under the vaguely worded plans of those HMOs, abortions could end up being paid for with Federal funds. So we have clarified the intent and applied it to managed care situations so that no Federal funds can be expended for abortions, whether it is fee-for-service or under a managed care plan.

I want to make clear this does not broaden the Hyde amendment. It does not include anybody that has not previously been included. What it does is clarify its applicability to the managed care situation. An HMO can still perform and provide abortion services or, as they are euphemistically called, "reproductive services," if they are paid for by non-Medicaid funds, namely State funds or private funds.

We also have clarified the exception for the life of the mother by requiring a greater degree of specificity from the doctor certifying the life-threatening situation. And that simply is recognizing that some doctors conclude that merely being pregnant is life-threatening and, hence, negating the effect of the Hyde amendment.

So it is an updating of the Hyde amendment; it is not a broadening. It does not include anybody who was not included before.

I want to say before I yield my time that every word of this amendment has been negotiated strenuously with the gentlewoman from New York [Mrs. LOWEY] and her supporters, the gentlewoman from California [Ms. PELOSI] and the gentlewoman from Connecticut [Ms. DELAURO] and the gentlewoman from New York [Ms. SLAUGHTER] and others, and they in no manner can be said to support the amendment. They have opposed it over the years and they do so now.

But I would be remiss if I did not say that dealing with them on this highly emotional issue was a professional experience and one that I am pleased with because we retained civility while we disagreed strenuously, and that is an ideal situation.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I certainly say I support the gentleman's amendment. As he knows, I was involved in those negotiations, and I think that they reached an extremely constructive result, and I appreciate the attitude of all of the parties involved.

This is a logical action to reflect changes as HMOs deliver more and more health services, and I appreciate the gentleman's constructive attitude on it.

Mr. HYDE. Mr. Chairman, reclaiming my time, I also wish to thank the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY]. I omitted them in my praising of the women, but they were very professional and helpful on this very difficult issue.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my colleague from Illinois.

Mr. PORTER. Mr. Chairman, as one who has been a long-long-time supporter of the Hyde amendment, and as one who is most proud to have cast his first legislative vote ever in favor of the gentleman from Illinois as Speaker of the Illinois House, I was very pleased to work with the gentleman and with the gentlewoman from New York [Mrs. LOWEY] in attempting to find the common ground that is needed on this amendment. We did that.

I commend the gentleman for his unending strong leadership in this area and for what he deeply believes in, and am pleased to support the amendment.

□ 1400

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to begin by thanking the gentleman from Illinois for working with us to improve and clarify his amendment. Although I disagree strenuously with the gentleman from Illinois [Mr. HYDE] on the abortion issue, he certainly is a gentleman and a man of his word, and I am pleased that the gentleman has changed his amendment to satisfy our concerns that it would have prevented private insurance plans from offering abortion coverage. We no longer object to it on those grounds.

I also want to thank the gentleman from Wisconsin [Mr. OBEY], the gentleman from Illinois [Mr. PORTER], the gentleman from Louisiana [Mr. LIVINGSTON], the gentlewoman from California [Ms. PELOSI], the gentlewoman from Connecticut [Ms. DELAURO] and all the people who worked so hard to make this possible.

However, I continue to oppose the Hyde amendment for the same reason I have opposed it every year since being elected to Congress. The Hyde amendment, in my judgment, blatantly discriminates against poor women by preventing them from obtaining safe, legal abortions. I abhor the Hyde amendment, and I oppose its punitive restriction on low-income women. A woman's ability to obtain an abortion should not depend on her income. By creating a two-tiered health care system, the Hyde amendment prevents lower income women from obtaining vital reproductive health services. That is wrong. Federal health programs must cover the full range of reproductive health care services, including abortion.

The Hyde amendment also puts the health of American women at risk. Funding restrictions that deter or delay women from seeking abortions make it more likely that women will bear unwanted children, continue a potentially health-threatening pregnancy or have abortions later in pregnancy.

I am also outraged that the amendment's life exception effectively narrows the protection accorded to women by Roe versus Wade. The antichoice Republican leadership has been waging war on the reproductive rights of American women since taking over Congress in 1994. Poor women have been especially vulnerable to this assault.

In fact, in the last Congress I would like to remind my colleagues that the Republican leadership voted to limit abortion rights more than 50 separate times, a new record, and the assault does not stop with abortion. At the same time that the Republican leadership is reducing access to abortion, they are also attacking family planning programs that prevent unplanned pregnancies and reduce the number of abortions.

And so, if this is the Republican vision for women as we head into the 21st century, no access to family planning, no access to safe, legal abortion, no control over our own bodies, we have a different vision. We will continue to fight to ensure that women are able to obtain safe, legal abortions, and we will work to reduce the number of abortions by providing women with greater access to family planning and contraceptives. We will work to empower women to help them make responsible choices about their own bodies. The Republicans have chosen, unfortunately, to make our bodies their battleground. They will not succeed, and they cannot succeed.

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Hyde amendment. While my colleague Mrs. LOWEY worked diligently with Mr. HYDE to clarify the scope of his amendment, it is still not language that we can accept. The Medicaid Program provides for the use of Federal and State funds for medical care for low-income individuals, including necessary health care related to pregnancy. As the Supreme Court decided in Roe versus Wade, abortion is a legal medical procedure. By forcing poor women to carry possibly health threatening pregnancies to term, the Hyde amendment is contrary to the goals of Medicaid itself, which is designed to protect the health of indigent women by enabling them to obtain needed medical services they are unable to afford.

I believe it is the hope of all in this body that we can increase biomedical research and contraceptive care in order to provide better health choices for women so the number of abortions performed each year will be reduced. But to deny poor women access to a legal medical procedure is to segregate by class or financial resources. To limit the right to choose only to those who can afford to choose is unacceptable. I urge my colleagues to oppose the Hyde amendment.

Mr. FAZIO of California. Mr. Chairman, I rise today in opposition to the Hyde amendment.

Every year since 1977, Congress has attached a version of the Hyde amendment to the Labor, Health and Human Services and Education appropriations bill. For 20 years now, many of my colleagues have supported the traditional Hyde amendment, which restricts the use of Federal Medicaid funds to pay for abortion services and has made exceptions only in cases of rape or incest or when the life of the mother is in danger.

I am glad that an expanded version of the Hyde amendment that was originally proposed is not being offered today. An expanded Hyde amendment would have prevented private managed care organizations from contracting with Medicaid if an organization provided coverage for reproductive health services to private patients. This version would have seriously infringed upon the rights of private health insurance companies and the rights of women to receive legal coverage of abortion.

But, once again, a form of the original Hyde amendment is before us today, and this version of the Hyde amendment still infringes upon the rights of women as it has for the past 20 years. The Hyde amendment discriminates against the rights of low-income women. By preventing Medicaid recipients from receiving coverage for abortion services, the Hyde amendment singles out women on Federal assistance, and in doing so, prevents these women from exercising a constitutionally protected right.

Congress rejected making the language of the Hyde amendment permanent in this year's budget bill. We must be as strong in our opposition to this language during the appropriations process as we were in the budget process. I would hope that this year, Congress will reconsider the prohibitive language of the Hyde amendment and finally reject adding this language to the Labor-HHS-Education appropriations bill.

I urge my colleagues to vote against the Hyde amendment and, for the first time in 20 years, protect the rights of all women.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore (Mr. LAHOOD). Pursuant to order of the House of Thursday, July 31, 1997, the Chair announces that following any recorded vote on the pending amendment, he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the Hefley, Crane, and Hastert amendments on which the Chair has postponed further consideration.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. OBEY. Mr. Chairman, I think that there was considerable inattention to the Chair's comments, and I think that there may be confusion in terms of which order we are going to be voting in.

The CHAIRMAN pro tempore. The first vote will be on the Hyde amendment, the second vote will be on the Hefley amendment, the third vote will be on the Crane amendment, and the fourth vote will be on the Hastert amendment. The last 3 votes will be 5-minute votes.

AMENDMENT OFFERED BY MR. HYDE

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 270, noes 150, not voting 13, as follows:

[Roll No 388]

AYES—270

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonior
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—150

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gilman
Greenwood
Gutierrez
Harman
Hinchey
Hinojosa
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Morella
Nadler
Olver
Owens
Pallone
Pastor
Pelosi
Pickett
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Stabenow
Stark
Stokes
Strickland
Tauscher
Thompson
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Bonilla
Borski
Delahunt
Dellums
Gonzalez
Green
Hall (OH)
Hastings (FL)
Hilliard
Moran (VA)
Payne
Schiff
Solomon

□ 1423

The Clerk announced the following pair:

On this vote:

Mr. Bonilla for, with Mr. Dellums against.

Mr. SHAYS and Mrs. CLAYTON changed their vote from "aye" to "no."

Mr. GILCHREST and Mr. GIBBONS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HALL of Ohio. Mr. Chairman, I was inadvertently delayed for rollcall vote No. 388, the Hyde amendment. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. FRANKS of New Jersey. Mr. Chairman, on rollcall vote No. 388, the Hyde amendment of the Labor, Health and Human Services appropriations bill, I inadvertently and mistakenly voted "aye." Please let the RECORD show that I intended to vote "no" on this amendment.

AMENDMENT NO. 25 OFFERED BY MR. HEFLEY

The CHAIRMAN pro tempore (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 155, noes 265, not voting 13, as follows:

[Roll No. 389]

AYES—155

Aderholt
Archer
Armey
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bilirakis
Bliley
Blunt
Boehner
Bono
Brady
Bryant
Bunning
Burton
Buyer
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Foley
Fowler
Gallegly
Ganske
Gibbons
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Largent
Lewis (KY)
Linder
Livingston
LoBiondo
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Riggs
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Sisisky
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Thomas
Thornberry
Tiahrt
Traficant
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Wicker

NOES—265

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baker
Baldacci
Barcia
Barrett (WI)
Bass
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Callahan
Calvert
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Gordon
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hefner
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Skaggs
Skeen
Skelton
Slaughter
Smith (OR)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson
Thune
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—13

Bateman
Becerra
Bonilla
Borski
Delahunt
Dellums
Gonzalez
Hastings (FL)
Hilliard
Payne
Schiff
Solomon
Taylor (NC)

☐ 1431

Mrs. CUBIN and Mr. HILL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BATEMAN. Mr. Chairman, on rollcall No. 389, I was detained and missed the vote. Had I been present, I would have voted "no."

AMENDMENT NO. 28 OFFERED BY MR. CRANE

The CHAIRMAN pro tempore (Mr. LaHood). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois [Mr. Crane] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 78, noes 345, not voting 10, as follows:

[Roll No. 390]

AYES—78

Archer
Armey
Barr
Barrett (NE)
Bartlett
Barton
Boehner
Bono
Brady
Bryant
Burton
Campbell
Canady
Cannon
Chabot
Chambliss
Christensen
Coburn
Collins
Combest
Cox
Crane
DeLay
Doolittle
Dreier
Dunn
Ehrlich
Ensign
Graham
Hastings (WA)
Hayworth
Herger
Hilleary
Hostettler
Hunter
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kingston
Largent
Linder
LoBiondo
Manzullo
McIntosh
Metcalf
Miller (FL)
▸Myrick
Neumann
Norwood
Paul
Paxon
Petri
Pitts
Pombo
Radanovich
Riley
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shuster
Snowbarger
Solomon
Stearns
Stump
Talent
Thornberry
Tiahrt
Wamp
Weldon (FL)

NOES—345

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Capps
Cardin
Carson
Castle
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hefley
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio

Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—10

Bonilla
Borski
Delahunt
Dellums
Gonzalez
Hastings (FL)
Meek
Payne
Schiff
Taylor (NC)

□ 1440

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HASTERT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois [Mr. HASTERT] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 266, noes 158, not voting 9, as follows:

[Roll No. 391]

AYES—266

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Forbes
Fowler
Fox
Franks (NJ)
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manzullo
Mascara
McCarthy (MO)
McCollum
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)

NOES—158

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Cooksey
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Greenwood
Gutierrez
Harman
Hilliard
Hinchey
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kolbe
Kucinich
Lampson
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McKinney
Meehan
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—9

Bonilla
Borski
Dellums
Gonzalez
Hastings (FL)
Meek
Payne
Schiff
Taylor (NC)

□ 1449

The Clerk announced the following pair:

On this vote:

Mr. Bonilla for, with Mr. Dellums against.

□ 1449

Mr. REYES and Mr. OBERSTAR changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. CASTLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of engaging in a colloquy with the gentleman from Illinois [Mr. PORTER].

Mr. Chairman, the gentleman from Illinois is to be commended for his strong support for the Job Corps Program. As the gentleman is well aware, Job Corps is our Nation's oldest, largest, and most comprehensive national residential and training program for unemployed, undereducated, and at-risk youth, and has provided almost 2 million disadvantaged youth with needed skills to become productive members of society. In the last program year, 75 percent of all Job Corps students were placed into employment or higher education when they left the program.

Mr. Chairman, this legislation provides over $1.2 billion for Job Corps for fiscal year 1998. Through the leadership of the gentleman from Illinois, Job Corps received a $93 million increase from this year's appropriation. In its report, the subcommittee designated $2 million of this funding for the Department of Labor to use, and I quote, "For serving more at-risk youth through Job Corps, such as constructing satellite centers in proximity to existing high-performing Job Corps centers, particularly in States without Job Corps campuses."

Mr. Chairman, as the gentleman is aware, my home State of Delaware does not have a Job Corps center, despite substantial community support for such a facility and a demonstrated need for the services that it would provide to Delaware's economically disadvantaged youth. Delaware is only a short distance from the Philadelphia Job Corps Center, a center that is considered one of the best in the Nation.

Mr. Chairman, I ask the gentleman whether it was the subcommittee's intent, when including this language and these funds in its bill, for the Department of Labor to expend $2 million in fiscal year 1998 for the potential purpose of establishing a satellite of the high-performing Philadelphia Job Corps Center in Delaware.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, the gentleman is correct that it was our intent that the Department of Labor expend $2 million in fiscal year 1998 to pursue expansion of Job Corps programs in States that do not currently have Job Corps presence, such as Delaware.

Mr. CASTLE. Mr. Chairman, reclaiming my time, I would further like to ask the gentleman whether it is the subcommittee's intent that the Department of Labor proceed expeditiously, this year, with site selections, facility rehabilitation, and leasing of suitable sites in areas that are allowable under guidelines spelled out in the committee report, and that through this approach fiscal year 1999 funds could be allocated for operational purposes.

Mr. PORTER. Mr. Chairman, if the gentleman would continue to yield, I would tell the gentleman from Delaware that it is the subcommittee's intent that the Department of Labor expend the funding within this bill this year and move forward with the process of site selections, facility rehabilitation, and the leasing of suitable sites in areas that are allowable under the committee's guidelines. Through this approach, fiscal year 1999 funds could later be allocated for operational purposes.

Mr. CASTLE. Mr. Chairman, reclaiming my time, I thank the gentleman from Illinois for this clarification and for his support.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The Clerk will read.

The Clerk read as follows:

SEC. 509. Notwithstanding any other provision of law—

(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation Act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purpose for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

SEC. 510. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

SEC. 511. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" include any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 512. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES.—None of the funds made available in this Act may be used for any activity when it is made known to the Federal official having authority to obligate or expend such funds that the activity promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that Federally-sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 513. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 514. (a) FEES FOR FEDERAL ADMINISTRATION OF STATE SUPPLEMENTARY SSI PAYMENTS.—

(1) OPTIONAL STATE SUPPLEMENTARY PAYMENTS.—

(A) IN GENERAL.—Section 1616(d)(2)(B) of the Social Security Act (42 U.S.C. 1382e(d)(2)(B)) is amended—

(i) by striking "and" at the end of clause (iii); and

(ii) by striking clause (iv) and inserting the following:

"(iv) for fiscal year 1997, $5.00;

"(v) for fiscal year 1998, $6.20;

"(vi) for fiscal year 1999, $7.60;

"(vii) for fiscal year 2000, $7.80;

"(viii) for fiscal year 2001, $8.10;

"(ix) for fiscal year 2002, $8.50; and

"(x) for fiscal year 2003 and each succeeding fiscal year—

"(I) the applicable rate in the preceding fiscal year, increased by the percentage, if any, by which the Consumer Price Index for the month of June of the calendar year of the increase exceeds the Consumer Price Index for the month of June of the calendar year preceding the calendar year of the increase, and rounded to the nearest whole cent; or

"(II) such different rate as the Commissioner determines is appropriate for the State.".

(B) CONFORMING AMENDMENT.—Section 1616(d)(2)(C) of such Act (42 U.S.C. 1382e(d)(2)(C)) is amended by striking "(B)(iv)" and inserting "(B)(x)(II)".

(2) MANDATORY STATE SUPPLEMENTARY PAYMENTS.—

(A) IN GENERAL.—Section 212(b)(3)(B)(ii) of Public Law 93-66 (42 U.S.C. 1382 note) is amended—

(i) by striking "and" at the end of subclause (III); and

(ii) by striking subclause (IV) and inserting the following:

"(IV) for fiscal year 1997, $5.00;

"(V) for fiscal year 1998, $6.20;

"(VI) for fiscal year 1999, $7.60;

"(VII) for fiscal year 2000, $7.80;

"(VIII) for fiscal year 2001, $8.10;

"(IX) for fiscal year 2002, $8.50; and

"(X) for fiscal year 2003 and each succeeding fiscal year—

"(aa) the applicable rate in the preceding fiscal year, increased by the percentage, if any, by which the Consumer Price Index for the month of June of the calendar year of the increase exceeds the Consumer Price Index for the month of June of the calendar year preceding the calendar year of the increase, and rounded to the nearest whole cent; or "(bb) such different rate as the Commissioner determines is appropriate for the State.".

(B) CONFORMING AMENDMENT.—Section 212(b)(3)(B)(iii) of such Act (42 U.S.C. 1382 note) is amended by striking "(ii)(IV)" and inserting "(ii)(X)(bb)".

(b) USE OF NEW FEES TO DEFRAY THE SOCIAL SECURITY ADMINISTRATION'S ADMINISTRATIVE EXPENSES.—

(1) CREDIT TO SPECIAL FUND FOR FISCAL YEAR 1998 AND SUBSEQUENT YEARS.—

(A) OPTIONAL STATE SUPPLEMENTARY PAYMENT FEES.—Section 1616(d)(4) of the Social Security Act (42 U.S.C. 1382e(d)(4)) is amended to read as follows:

"(4)(A) The first $5 of each administration fee assessed pursuant to paragraph (2), upon collection, shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

"(B) That portion of each administration fee in excess of $5, and 100 percent of each additional services fee charged pursuant to paragraph (3), upon collection for fiscal year 1998 and each subsequent fiscal year, shall be credited to a special fund established in the Treasury of the United States for State supplementary payment fees. The amounts so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out this title and related laws.".

(B) MANDATORY STATE SUPPLEMENTARY PAYMENT FEES.—Section 212(b)(3)(D) of Public Law 93–66 (42 U.S.C. 1382 note) is amended to read as follows:

"(D)(i) The first $5 of each administration fee assessed pursuant to subparagraph (B), upon collection, shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

"(ii) The portion of each administration fee in excess of $5, and 100 percent of each additional services fee charged pursuant to subparagraph (C), upon collection for fiscal year 1998 and each subsequent fiscal year, shall be credited to a special fund established in the Treasury of the United States for State supplementary payment fees. The amounts so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out this section and title XVI of the Social Security Act and related laws.".

(2) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—From amounts credited pursuant to section 1616(d)(4)(B) of the Social Security Act and section 212(b)(3)(D)(ii) of Public Law 93–66 to the special fund established in the Treasury of the United States for State supplementary payment fees, there is authorized to be appropriated an amount not to exceed $35,000,000 for fiscal year 1998, and such sums as may be necessary for each fiscal year thereafter, for administrative expenses in carrying out the supplemental security income program under title XVI of the Social Security Act and related laws.

SEC. 515. Section 520(c)(2)(D) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997, is amended by striking "September 30, 1997" and inserting in lieu thereof "December 31, 1997".

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOYER:

Page 102, after line 24, insert the following new section:

SEC. 516. The amounts otherwise provided by this Act are revised by reducing the amount made available for "DEPARTMENT OF LABOR—Employment and Training Administration—State Unemployment Insurance and Employment Service Operations" from the Unemployment Trust Fund (and the amount specified under such heading for assisting States to convert their automated State employment security agency systems to be year 2000 compliant), and increasing the amount made available for "DEPARTMENT OF HEALTH AND HUMAN SERVICES—Centers for Disease Control and Prevention—Disease Control, Research, and Training" from general Federal funds, by $7,000,000.

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Chairman, this is a critically important amendment that I offer on behalf of the gentleman from Maryland [Mr. GILCHREST], the gentleman from Delaware [Mr. CASTLE], myself, and all the Members, I believe, of the delegations of Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida. This is obviously a Central to South Atlantic problem.

Mr. Chairman, our amendment seeks to address a growing environmental and health problem in the Chesapeake Bay watershed and throughout the Atlantic seaboard. Many of my colleagues may be familiar with the microscopic organism called Pfiesteria. While this organism has been in the environment for millions of years, current conditions in the waterways have triggered the cell to move into at least 24 different stages, some of which are toxic.

Mr. Chairman, in the past few years, several of these stages have become lethal to fish and cause adverse effects to humans who come in contact with it. While North Carolina has previously witnessed a fish kill on its shores in the billions, in late August Maryland experienced a prolonged fish kill on the lower Pocomoke River in the district of the gentleman from Maryland [Mr. GILCHREST].

Mr. Chairman, just yesterday I spoke with Maryland Governor Glendening, who informed me of yet another fish kill, which my colleagues read about today in the Washington Post.

□ 1500

This elusive microscopic organism has been blamed for killing over 30,000 fish in the Pocomoke River alone this summer, as well as causing adverse health effects, and this is a critical point, to humans, including skin lesions, respiratory problems, memory loss, and immune system depression.

All of the States from Delaware to Florida are concerned by this organism and its effects on human health, tourism, and the economy. In Maryland, it has already begun to take a tremendous toll on the seafood industry.

Our amendment, Mr. Chairman, will appropriate $7 million to the Centers for Disease Control to address the emerging issue of human health effects from exposure to Pfiesteria. Specifically they will develop and implement a multistate disease surveillance system that will identify and monitor health effects in people who have been exposed to waters likely to contain this organism.

The CDC, Mr. Chairman, is well-equipped to work with State health departments and university laboratories, and these funds will be used to develop a multistate response which will focus on waters in Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, and Florida.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, if the gentleman from Maryland would explain to me, how do they know a fish has memory loss?

Mr. HOYER. The answer to that question is, Mr. CALLAHAN, I would not know because I forgot. I knew the answer once but I forgot it.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I can give a response to that. The question is not whether fish have memory loss. The question is that it has been confirmed that humans that come in contact with this micro-organism not only have memory loss but have other severe neurological problems that can lay dormant and reoccur 6 years later.

Mr. HOYER. Mr. Chairman, reclaiming my time, I will tell the gentleman, I think the gentleman from Alabama knew that. I think he was just giving us a little fish story.

But that aside, this is obviously a very serious problem. This funding will not be the entire solution to the problem. The CDC, however, will play a major role in this effort, specifically in the public health arena.

Of course, as my friend, the gentleman from Maryland [Mr. GILCHREST], has just pointed out, the impact now is not just on fish, although billions, I repeat, billions with a "B," of fish have been killed in North Carolina and now hundreds of thousands in Maryland. This funding will be critical in determining the impact that has on human health, as the gentleman from Maryland so correctly pointed out.

Mr. Chairman, Pfiesteria is responsible for killing more than a billion fish. People and Newsweek magazine have called it the cell from hell. This is a critical moment in the fight against

Pfiesteria. I urge my colleagues to support this amendment.

I also want to say to the chairman of our committee, the gentleman from Illinois [Mr. PORTER], I thank him and I thank the staff for working very closely with us as this became a crisis situation and evidently we had to move quickly.

I thank the gentleman from Wisconsin [Mr. OBEY], the ranking member, and his staff for working with us.

Mr. Chairman, I rise today with my colleagues from States throughout the mid-Atlantic region and Southeast, to offer a bipartisan amendment to H.R. 2264, the Labor, Health, and Education Appropriations Act. Our amendment seeks to address a growing environmental and health problem in the Chesapeake Bay watershed and throughout the Atlantic seaboard. Many of my colleagues may be familiar with a microscopic organism called Pfiesteria. While this organism has been in the environment for millions of years, current conditions in the waterways, especially high nutrients, have triggered the cell to morph into at least 24 different stages, some of which are toxic. In the past few years, several of these stages have become lethal to fish and caused adverse health effects to humans who come into contact with it.

While North Carolina has previously witnessed a fish kill on its shores in the billions, in late August Maryland experienced a prolonged fish kill on the lower Pocomoke River. And just yesterday, I spoke with Maryland Gov. Parris Glendening who informed me of yet another fish kill in a completely separate watershed on the lower-Eastern Shore.

This elusive microscopic organism has been blamed for killing over 30,000 fish in the river this summer, as well as causing adverse health effects to humans including skin lesions, respiratory problems, memory loss, and immune system depression.

Mr. Chairman, this is not a problem affecting only Maryland. In the Delaware inland bays there have been reports of numerous fish kills. And in addition to North Carolina, all of the States from Delaware south to Florida are concerned about Pfiesteria and its effects on human health, tourism, and the economy. In Maryland, it has already begun to take a tremendous toll on the seafood industry.

Our amendment will appropriate $7 million to the Centers for Disease Control and Prevention to address the emerging issue of human health effects from exposure to Pfiesteria. The Disease Control, Research, and Training Operation of the CDC is in a unique position to lead the public health response to this threat and has the crucial epidemiologic and laboratory resources that are necessary to address this issue in a timely manner. Specifically, they will develop and implement a multi-State disease surveillance system that will identify and monitor health effects in people who have been exposed to waters likely to contain this organism. Moreover, they will initiate case-control studies when new incidents of exposure are identified. The CDC is well equipped to work with State health departments and university laboratories and these funds will be used to develop a multi-State response plan which will focus on waters in Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, and Florida.

Mr. Chairman, this funding will not be the entire solution to this problem. The CDC will play a major role in this effort, specifically in the public health arena. However, I will continue to work with my colleagues in the seven identified States to develop a comprehensive plan to address this problem, which will involve several Federal and State agencies.

Mr. Chairman, Pfiesteria is responsible for killing more than a billion fish. People and Newsweek magazines have called it the cell from hell. This is a critical moment in the fight against Pfiesteria and I urge my colleagues to support this amendment. We must address this problem now before it continues to spread across the rest of the Atlantic seaboard.

Mr. GILCHREST. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise to encourage my colleagues to vote for this funding for the Centers for Disease Control for this rather extraordinary situation, not only on the East Coast of the United States but this is found under certain conditions in coastal waters which meet a certain criteria worldwide.

We are concerned with this not only in the coastal waters of the United States, but the Centers for Disease Control is looking into this particular issue along with other scientists worldwide.

As my colleague from Maryland has stated, over a billion fish, that is with a *B*, that is hard to imagine, but in the last 6 years over a billion fish on the East Coast, most of them in the tidal estuaries of North Carolina, have died as a result of this microorganism that comes to life, has 24 different life cycles, several of them toxic. To give Members some sense of this microorganism, it is a cross between a vegetable and an animal, depending on the life cycle.

Now, in human beings, first of all, I want to make sure that Members understand, we are not creating hysteria here, even though that sounds like Pfiesteria, this is not a situation where Members can become afraid of waters on the coastal areas of the United States. There are certain conditions which they need to stay away from, but for the most part, the Chesapeake Bay, the areas around North Carolina, from Delaware to Florida, are fine.

But we have seen a phenomenon here that scientists have told us they were not able to anticipate. As a result of that, this needs to be studied, not only for fish health but for the health of human beings who become exposed to these areas at a critical time.

What I would like to read just briefly to my colleagues are some of the human health conditions that can result as a result of exposure to these microorganisms called Pfiesteria.

You can have a drugged feeling effect. You can have uniform reddening of the eyes. You can have blotches and lesions on the skin. You can have severe headaches, blurred vision, nausea and vomiting, kidney and liver dysfunction, acute memory loss. When I say acute memory loss, you cannot add numbers between one plus two equals three.

There are certain conditions in North Carolina and around the world where these physical effects have gone away and then mysteriously returned years later. So we are dealing with a specific issue that we basically have the science to fix, and we want to make sure that we dot every *I* and cross every *T*.

The Centers for Disease Control needs $12 million. We are going to appropriate $7 million here, move forward with the research, find the solution to this problem and fix it. We have, as human beings, interrupted by our human activity, the mechanics of natural processes in the marine ecosystem. What that means is we need the best minds available to figure out how we can resolve this issue.

My colleagues, I want to thank the gentleman from Illinois [Mr. PORTER] for his help on this issue, the gentleman from Wisconsin [Mr. OBEY], the gentleman from Delaware [Mr. CASTLE], and especially my good friend, the gentleman from Maryland [Mr. HOYER] for having this amendment.

Mr. CASTLE. Mr. Chairman, I move to strike the last word.

We have heard two excellent presentations by my colleagues from the great State of Maryland with respect to the problems of Pfiesteria. Indeed, that is what we are reading about in the national news in the Pocomoke River, perhaps another river in the Maryland area. But Delaware is close by Maryland. As a matter of fact. We have a Delmar and a Marydel, DE. One never knows exactly what State they are in sometimes.

I guarantee the fish do not know what State they are in. We have had an outbreak of Pfiesteria in Delaware, sort of identified after the fact in 1987, when I was Governor of the State. We have had some concerns this year in Delaware. And several things have to be done.

It has been laid out, I think, by the two gentlemen who have spoken before. I will not take the time of this House to reestablish everything that will be done in this bill. But we do need, as has been indicated, a multistate surveillance system. We do need case control studies and we do need a biological test of human exposure.

Here is the basic problem. So far we have been dealing with this issue as States, been dealing with it through our departments of natural resources. That is true in all the States from Delaware down to Florida. There is an expert at North Carolina State University who has helped us a great deal. The bottom line is, there has not been a united, concerted effort to make a difference in fighting the problems of Pfiesteria. We have not necessarily identified what its effects are on human health. We have already heard this is a single cell organism that can manifest itself in a variety of ways, maybe up to 24, some of which are toxic. All of that is not absolute at this point. We do not know what causes this to go from a dormant form to one which is very virulent and which can attack fish and perhaps, in that way, human beings as well.

Is it the temperature of the water? Is it nutrients in the water from all manner of sources which might exist, from runoffs or point or nonpoint problems? We just simply do not know that. We need to get the answers to that as well. We do not know what prevention mechanisms should be put into place in our various States and, quite frankly, the place to do this is right here at the Federal Government level where we can coordinate the efforts of all the States.

I should point out, it is probably not just a localized problem. It probably could exist in other parts of the country as well. In addition, the research that could be done at the CDC might also help with other waterborne-related diseases or problems dealing with our fish and then our human beings in this country.

So for that reason, I would hope that we could universally, all of us in this House of Representatives, come to the support of this very, very important piece of legislation.

I am delighted to work with the gentleman from Maryland [Mr. HOYER]; I am delighted to work with the gentleman from Maryland [Mr. GILCHREST], two true experts on the environment. I think it makes a great difference to those people who reside in our States but I think to all people in America.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words, and I accept the Hoyer-Gilchrest-Castle amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER].

The amendment was agreed to.

AMENDMENT NO. 37 OFFERED BY MRS. EMERSON

Mrs. EMERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 37 offered by Mrs. EMERSON:

Page 102, after line 24, insert the following new section:

SEC. 516. No funds made available under this Act may be used to implement any voluntary residency reduction plan under section 1886(h)(6) of the Social Security Act (42 U.S.C. 1395ww(h)(6)), as added by section 4626(a) of the Balanced Budget Act of 1997 (Public Law 105-33), unless the Secretary of Health and Human Services certifies to the Congress that the implementation of the plan will not result in a reduction of the number of residents in primary care who will be available to practice in underserved rural areas.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The CHAIRMAN pro tempore. The gentleman reserves a point of order.

Mrs. EMERSON. Mr. Chairman, I applaud the work of the gentleman from California [Mr. THOMAS] and the Subcommittee on Health to save Medicare from bankruptcy.

This was not an easy task and they are to be commended for developing a sound bipartisan bill for America's senior citizens. There were provisions in the bill I disagreed with, but they were not sufficient to cause me to vote against the plan to save Medicare. However, had the resident reduction program been a stand-alone bill, I would have opposed the plan.

Quite frankly, I do not believe it is good policy to subsidize teaching institutions for not teaching doctors. Earlier this year, I formed a health care advisory team in my district and the most glaring problem we defined in rural southern Missouri is a shortage of primary care physicians. I can understand that there are some regions in this country where there may be a physician glut. However, in rural Missouri ours is not the problem of too many primary care physicians but too few.

Mr. Chairman, the amendment I have proposed today would simply seek a guarantee that the voluntary residency reduction plan will not lead to fewer primary care physicians who are available to practice in rural areas.

Mr. Chairman, it makes no sense to pay not to produce doctors. While I understand the merits of the point of order against my amendment, I would like to make it clear for the record that the intent of my amendment is to prevent the Government from paying to produce fewer doctors.

As the outreach coordinator for the Rural Health Care Coalition, I do know of the longstanding commitment of the gentleman from Illinois [Mr. PORTER] and the gentleman from California [Mr. THOMAS] to ensure that rural Americans are provided the best health care opportunities available.

We in the coalition are grateful for their continued support, and I look forward to working with them in the future to rectify the misguided practice of paying hospitals not to train doctors who are needed in rural America.

Mr. Chairman, I yield to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in support of this amendment because it would ensure that underserved areas, rural areas, such as the 17th District of Texas, will not be left with any fewer primary care physicians as a result of the new voluntary incentive program included in the balanced budget agreement, which would pay teaching hospitals to train fewer doctors.

The balanced budget agreement included a number of provisions which should help rural Americans obtain access to health care. I am grateful for these statutory changes and for the leadership shown by the gentleman from California [Mr. THOMAS] in ensuring the inclusion of these provisions.

I am concerned, however, that this medical education provision would set us back.

Our amendment, the amendment offered by the gentlewoman from Missouri, would require the Secretary of Health and Human Services to certify to Congress that any voluntary incentive program would not adversely affect underserved rural areas before any funds could be released. It would ensure that any reduction in residents would not result in fewer primary care physicians available to practice in rural underserved areas.

I strongly urge this body to address this issue and correct this provision.

□ 1515

Mrs. EMERSON. Mr. Chairman, I yield to the gentleman from Kansas [Mr. MORAN].

Mr. MORAN of Kansas. Mr. Chairman, I appreciate the gentlewoman's yielding me this time.

This Medicare provision is a typical Government one-size-fits-all solution to a problem that we do not have in rural America. In Kansas, we have too few physicians, not too many. Rural communities have access to one-half the physicians of those who live in urban areas, and in fact, as our Nation as a whole has. Of the 66 counties in the First Congressional District of Kansas, two-thirds of those have been designated as medically underserved.

I work hard almost every week to try to assist communities and hospitals in obtaining foreign-trained physicians in order to try to satisfy these needs. Thirty-five foreign-trained physicians have been admitted and are practicing in the First District in Kansas under this J-1 visa program. We have another dozen applicants pending to fill a very desperate need.

What we should be doing instead of utilizing money not to train physicians, we should be paying hospitals and physicians to train physicians who will then fulfill these needs in rural and other underserved areas of the country. We should support physicians who are willing to serve in those communities, and we also should assist in keeping them there once they have been trained and are willing to serve the needs of rural and other underserved areas of the country.

Mr. Chairman, in rural Kansas, this is not a quality-of-life issue, this is a survival issue.

Mrs. EMERSON. Mr. Chairman, reclaiming my time, I include for the Record a letter of support for this amendment from the National Rural Health Association.

National Rural Health Association,
Washington, DC, September 8, 1997.

Hon. Jo Ann Emerson,
House of Representatives, Cannon House Office Building, Washington, DC.

Dear Congresswoman Emerson: I write to convey the National Rural Health Association's (NRHA) strong support for your proposed amendment to H.R. 2264, the Fiscal Year 1998 Labor-HHS-Education Appropriations bill. The amendment, which calls for the Secretary of HHS to certify to Congress that any plan the Department accepts from teaching institutions to voluntarily reduce the number of residents in its program will not lead to a reduction in the amount of primary care physicians who will be available to practice in underserved rural areas, is a vital step in ensuring rural Americans have access to primary care services.

Residency training programs have historically never been correlated with our country's work force needs, but instead, have grown up to meet the service needs of urban and suburban-based teaching hospitals. This has led to a grossly disproportionate distribution of physicians and training of specialists. Before any type of residency reduction program is implemented nationally, the continuing shortage of primary care physicians in rural and frontier area must be addressed.

Thank you for introducing this amendment and for your leadership on this issue important to the future of health care delivery in rural America. If there is anything the NRHA or I can do to secure passage of this important amendment, please feel free to contact me.

Sincerely,

Darin E. Johnson,
Government Affairs Director.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. LaTourette). Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

AMENDMENT OFFERED BY MR. ROMERO-BARCELÓ

Mr. ROMERO-BARCELÓ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Romero-Barceló:

Page 102, after line 24, insert the following new section:

Sec. 516. (a) Allotments to Territories under the State Children's Health Insurance Program.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd), as inserted by section 4901(a) of the Balanced Budget Act of 1997 (Public Law 105–33), is amended—

(1) in subsection (b)—

(A) by amending the matter before paragraph (1) to read as follows:

"(b) Amount of Allotments.—",

(B) in paragraph (1), by striking ", reduced by the amount of allotments made under subsection (c) for the fiscal year,",

(C) in paragraph (1), by striking "(other than a State described in such subsection)", and

(D) by adding at the end the following new paragraph:

"(5) Data for territories.—If the data required under paragraph (2)(B) and (3)(B) are not available with respect to a State that is a territory, the Secretary determines to be appropriate.";

(2) by striking subsection (c); and

(3) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively.

(b) Conforming Amendments.—(1) Section 2104 of such Act (42 U.S.C. 1397dd) is further amended—

(A) in subsection (b)(1), by striking "subsection (d)" and inserting "subsection (c)",

(B) in subsection (b)(4), by striking "Subject to paragraph (5), in" and inserting "In",

(C) in subsection (c)(1), as so redesignated, by striking "or (c)",

(D) in subsection (d), as so redesignated, by striking "subsection (f)" and inserting "subsection (e)", and

(E) in subsection (e), as so redesignated, by striking "subsection (e)" and inserting "subsection (d)".

(2) Section 2105(a) of such Act (42 U.S.C. 1397cc(a)) is amended by striking "2104(d)" and inserting "2104(c)".

(3) Section 1905(u) of such Act (42 U.S.C. 1396d(u)), as added by section 4911(a)(2) of the Balanced Budget Act of 1997, is amended—

(A) in paragraph (1)(B), by striking "2104(d)" and inserting "2104(c)", and

(B) in paragraph (2)(B), by striking "2104(d)(2)" and inserting "2104(c)(2)".

(c) Effective Date.—The amendments made by this section shall apply to allotments for fiscal years beginning with fiscal year 1998.

Mr. ROMERO-BARCELÓ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Puerto Rico [Mr. Romero-Barceló].

Mr. ROMERO-BARCELÓ. Mr. Chairman, this amendment corrects the Children's Health Care Insurance Program, a part of the budget reconciliation agreement.

The President, upon signing this into law stated that this is a victory for every child in a poor household who needs health care. Unfortunately, there was no victory celebration by the children in Puerto Rico and the other territories. The State Children's Health Insurance Program extends to the children living in Puerto Rico an egregious U.S. national policy which views the lives and the health of U.S. citizens in the territories as far less valuable than the lives and health of those residing in the States.

Puerto Rico's participation in the Children's Health Insurance Program is less than one-seventh of what it would receive under the standards established for the States. There is one and only one reason for this treatment: The U.S. citizens residing in the territories have no voting representation in Washington and, therefore, have no viable means of defending themselves against such unjust treatment.

The budget reconciliation agreement provides Puerto Rico with participation in the children's health care program of approximately 0.23 percent in the program, 0.03 percent for Guam, the U.S. Virgin Islands, Samoa, and the Northern Mariana Islands. On average, this is less than $11 million per year for a jurisdiction of nearly 3.8 million citizens. If the program's funds were distributed nationally on a pro rata basis, Puerto Rico's participation would average nearly $60 million per year over the next 5 years; and if Puerto Rico participated under the same standards established for the States under the reconciliation agreement, its average annual participation might be even higher.

While we applaud all the efforts to protect others in the Nation, how can anyone justify the failure of Congress and the White House to similarly protect the children of U.S. citizens in the territories? It certainly would not have been a relative expense to the Federal budget. The cost of providing just treatment to the children living in the territories under the children's health care initiative is negligible in comparison to the total appropriation for the children's health care.

The sole reason for the disparate treatment of children living in the territories is that all the other children in America have voting Members of Congress to represent them. The children in the territories have no such participation in the democratic process of our Nation, and where the whole process is being discussed, sometimes it is the staffers inside that make the decisions, and at the last minute the Congressmen and the Senators who are involved really in making the decisions do not know what they are doing and they end up by discriminating against a group of citizens. Who would dare take the blame and proudly say that they are responsible for discriminating in health care against children?

U.S. citizens; we are not talking about illegal residents, we are talking about U.S. citizens. We are talking about children. And this policy discriminates against the children in the territories.

For years we have complained about the poor treatment of the U.S. citizens in Puerto Rico and the U.S. Virgin Islands and Guam and Samoa that we receive under the Federal health care programs. We strongly urge all of our colleagues to vote the full resources in the Congress and the White House to correct this unfair discrimination toward the children in the islands. To do otherwise will leave a permanent stain on the creation of the children's health initiative which, as a program for the protection of our Nation's children, should represent the highest and most pure ideals of our society.

This Nation, which is an example of democracy throughout the world, we defend other people's rights, other people's participation in the democratic process, yet how can we as a nation espouse a policy which discriminates against U.S. citizens, particularly against children in their health care.

I hope that before the year ends, before we go into recess, this issue of discrimination can be addressed.

Mr. Chairman, I know that there is a point of order that has been raised, so I reluctantly ask unanimous consent to withdraw this amendment, but I plead with my colleagues and the Members of this House to make sure that before we go home this year that this discrimination is addressed and resolved.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

AMENDMENT NO. 62 OFFERED BY MR. FATTAH

Mr. FATTAH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 62 offered by Mr. FATTAH:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 516. None of the funds made available under this Act may be used by the Department of Education for a State or local educational agency in a State in which the coefficient of variation of per pupil expenditures in local educational agencies statewide for elementary and secondary education in such State is more than 10 percent.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. The point of order is reserved.

The Chair recognizes the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, I want first to congratulate the chairman, the gentleman from Illinois [Mr. PORTER], and the ranking member, the gentleman from Wisconsin [Mr. OBEY], on the fine work they have done on this very important piece of legislation.

The amendment that I bring to the floor today is one in which we would require States to equalize their investment in public education within their State boundaries. We have seen sweeping the country now legislation and court orders in States really addressing this issue.

In my home State of Pennsylvania, we have school districts in our rural communities where we are spending $3,500 a year per student, and we have other school districts where we are spending $16,000 a year per student. In Ohio, the Ohio Supreme Court has just ruled on the financing system in that State in which they spend $4,000 in the lower spending districts and $12,000 in the higher spending districts. We have seen all across the land, from Kentucky to Wyoming to New Jersey, this issue being raised.

I wanted to raise it on the floor today because I think it is essential relative to our push for educational excellence in this country.

Now, we know that money is not everything, but I think it is safe to assert that money matters. And if we are going to spend twice and three and four times the amount on one child's education in one school district that we spend on another, and we are going to, as a Federal Government, put our stamp of approval on these State financing systems, then I think it is extraordinarily unfair for us to come up with standardized tests and act as if each of these children has been given an equal opportunity and an adequate investment in terms of pursuing their educational potential.

A point of order has been raised against this amendment, and I will withdraw it, but I do think that it is something that the Congress has sought to address in the past. In the Improving American School Act out of the 103d Congress, there was an effort to create an approach to support States who wanted to create a more equitable financing system. I think that we should search for ways in which we could try to create a more fairer playing field for all of these school districts that are within these various State boundaries.

The State court system does seem to be addressing this matter, but I would let my colleagues know that in all of these court cases it seems to take 10 or 15 years before these cases can move their way through the courts to some resolution. And in almost all cases, the courts have found these State financing systems unconstitutional.

I would hope that we here in the Congress could find some way, and I seek to do that through this amendment, to help encourage States to create a more level playing field for all children and families in their States in terms of public education.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would simply like to commend the gentleman from Pennsylvania for raising this issue, and I think it is a fundamental issue which States are ducking.

Children are mobile. A child educated in one school district will move into another school district and the taxpayers in the district to which he moves will experience the consequences of an underfunded education for that individual.

I would simply say that in my own State, despite the fact that it is better than most in this regard, I think my own State has a disgraceful difference in purchasing power for these school districts. I have a small school district, the Maple School District in my own congressional district, and they spend about $5,000 per student; Maple Dale, which is a very wealthy school district in the same State, spends $10,045 per student.

I do not know how any rational person can expect that we can really produce equal opportunity in this country with that kind of a huge disparity.

I, for instance, strongly favor educational testing, but I think that those who favor educational testing have an obligation to recognize that if they are going to test children, then they also have an obligation to take a position at the State and national level that will push States into doing something to correct this problem.

I commend the gentleman for raising it. I wish there were some way we could adopt, if not this identical proposal, at least something similar, because we do not have equal educational opportunity in this country as long as States continue to have some of these outrageous variations in support levels for providing children with basic education for the 21st century.

Mr. FATTAH. Mr. Chairman, I thank the gentleman for his comments, and I ask unanimous consent to withdraw the amendment in respect of the point of order of the gentleman from Illinois.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

AMENDMENT NO. 64 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 64 offered by Mr. HOSTETTLER:

At the end of title V (relating to general provisions), insert the following new sections:

SEC. . (a) None of the funds made available in this Act may be used to administer or enforce the restriction on the discretion of the National Labor Relations Board set forth in the proviso in section 14(c)(1) of the National Labor Relations Act (29 U.S.C. 164(c)(1)).

(b) The limitation established in subsection (a) shall not apply to any labor dispute involving an employer whose business activity in interstate commerce is greater than—

(1) the financial threshold amount in effect for the class or category of the employer under the rules and standards of the National Labor Relations Board pursuant to section 14(c) of the National Labor Relations Act (29 U.S.C. 164(c)); as adjusted by

(2) the percentage increase (since the threshold amount was established or last adjusted) in the Consumer Price Index for All Urban Consumers published by the Secretary of Labor, acting through the Bureau of Labor Statistics, pursuant to section 4 of the

Act of March 4, 1913 (29 U.S.C. 2) and section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)).

Mr. HOSTETTLER. Mr. Chairman, this amendment is simple, straightforward, and necessary for the NLRB, the National Labor Relations Board, to do its job.

The National Labor Relations Board currently has jurisdiction over many labor disputes that involve enterprises that impact interstate commerce. The board has traditionally addressed cases that substantially affect interstate commerce. In 1959, Congress endorsed this notion and enacted legislation known as the Labor-Management Reporting and Disclosure Act.

Congress essentially gave discretion to the NLRB to decline cases where its jurisdiction was not warranted.

□ 1530

However, this law did provide thresholds whereby the Board could not decline to assert its jurisdiction. These standards were based on raw dollar amounts and are based, for the most part, on the gross annual receipts of a business entity. Quite simply, the level at which the NLRB's jurisdiction over businesses kicks in is based on a business' economic activity and the thresholds vary depending upon the nature of the business.

The reason for my amendment is that most of these thresholds have not been modified since the law was enacted in 1959. Clearly, the legislative method for determining jurisdiction is outdated and therefore overly burdensome to many small businesses that should never have been affected. My amendment merely indexes these thresholds for inflation.

Let us take an example. In 1959, the gross annual receipts threshold established for nonretail businesses was $50,000. As an aside, this $50,000 means interstate business that substantially affected interstate commerce. While the Board today exercises jurisdiction over businesses that meet the $50,000 threshold, had indexation for inflation occurred, the threshold for nonretail businesses would be at least $261,859. To put it another way, a $50,000 threshold level today would have been approximately $9,550 in 1959. These thresholds for determining jurisdiction have never taken into account inflation. Furthermore, the jurisdiction levels fail to account for size of businesses.

According to John Runyan at the Labor Policy Association, in 1994, 20 percent of the NLRB's efforts were spent on bargaining units of 9 people or less and these efforts reached less than 2 percent of the total number of employees involved in representation elections. Clearly, this is unacceptable and my amendment is a simple and straightforward way to address these inequities and allow the NLRB to focus on the truly egregious cases. Leaders at the NLRB repeatedly state that the caseloads are too heavy and this amendment gives the NLRB greater discretion in taking on new cases.

But speaking of egregious cases, I do want to mention a few instances where the NLRB has been very aggressive and these low and unfair thresholds have contributed to the zeal of the Board in handling these cases.

For example, the NLRB exercised a case against an Episcopal church in New York City with a congregation of 600 and a primary school with enrollment of 365 children. Its gross annual revenues were approximately $1 million and its direct inflow was just over $50,000. The NLRB exercised jurisdiction based on the current thresholds established in 1959. I find it difficult to believe any of the business conducted by the church substantially impacted interstate commerce.

In another instance, the NLRB handled a case involving a day care center in Massachusetts that employed nine teachers, a janitor, a cook and a social worker because it had gross receipts over $250,000. I would contend, as was contended in the dissenting opinion, that this day care service simply provides a local service and has minimal correlation to interstate industry.

Furthermore, I must mention the case where a small business purchased a machine valued at $50,000 from out of State and the Board exercised jurisdiction over the business because of this one purchase alone. Increasing the threshold would help avoid such frivolous cases and enable the NLRB to pursue cases where real abuses and inequities are occurring.

I would like to make another point. Even though these mandatory thresholds are increased, the NLRB can still exercise its jurisdiction over any case it deems appropriate. The thresholds only provide levels at which the NLRB's discretion ends and they are mandated to exercise their jurisdiction. In other words, the NLRB can choose to pursue a case at any level, above or below this jurisdiction level that is set out in this amendment. Furthermore, if there is a case that falls below the threshold level and the NLRB has declined the case, that case can be pursued in the State courts.

Clearly there is plenty of protection for employees at every level. However, a little relief for both the NLRB and small businesses means a more productive and effective NLRB. I would simply like to conclude by reminding everyone that a similar provision as this was included in last year's House passed a version of the Labor/HHS/Ed appropriations bill. I ask for consideration and acceptance of this amendment.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I support the substance of this amendment. I think a change in the law would make great sense since it has not been adjusted for 40 years, I believe, maybe longer. But I frankly do not understand why the amendment would not be subject to a point of order when in the first place it is in a sense legislation on an appropriation bill but, more important, if this were adopted, it would only be law for 1 year. The gentleman from Indiana can correct me if I am wrong.

It seems to me that this is a clear example of why appropriators ought to stand back and allow the authorizing committee to take this matter up, to address it and to bring out a bill to make the correction where it is needed.

It is true, this language was put into our bill at the request of one of our Members, either last year or the year before. The provision really does not belong here. It belongs in the hands of the chairman of the authorizing committee. They have had ample time to undertake legislation in this area. All it does in our bill, very frankly, and again I sympathize with the substance of what the gentleman from Indiana is trying to do, is to make our bill that much more difficult to pass. We have worked very hard, as I have said earlier, to achieve a bipartisan consensus. We had a debate earlier on the level of funding for the NLRB which was quite contentious and the Members chose to stick with the level that the subcommittee had recommended to them. While this could be good legislation if the authorizing committee had taken it up and brought it out on the floor. Had they done that I would support it and vote for it. However, I must oppose it as an amendment to this bill which will simply upset the bipartisan nature of what we have worked to achieve. It will have little real effect since it could only remain in effect in my understanding, for 1 year as part of the appropriations process. I oppose the amendment.

Mr. HOSTETTLER. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Indiana.

Mr. HOSTETTLER. I appreciate the gentleman's point and it is a very good point. The issue here is that as I do not sit on the authorizing committee and I know that similar legislation is not forthcoming at this point, the appropriation bill allows the only instrument at this time to allow such a change and the Parliamentarian of the House said that it would be made in order. It would be very good, I think, if it could be part of an authorizing bill, but given that this is the only possible vehicle this year to change it for 1 year, that is why I offered the amendment. I thank the gentleman for yielding.

Mr. PORTER. If the gentleman would allow me to reclaim my time, again I am not critical of the parliamentarians. They have obviously looked over the precedents of the House, but I would say this clearly modifies existing duties and powers of the agency. It imposes additional duties on them. It can only last for 1 year, and it seems to me under that circumstance it simply should not be permitted to be offered on this bill.

Again, I agree with the gentleman in substance, but I just think it is inappropriate to have it considered as part of our bill and I would oppose it.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this amendment again is just another one in a long line of amendments over the past 3 years which has tried to savage the ability of the National Labor Relations Board to defend the interests of working people. Two years ago, the majority tried to cut the National Labor Relations Board by 30 percent. They passed this amendment in the House. That was one of the issues that led to the Government shutdown. Last year they tried to cut it by 15 percent. Yesterday they tried to cut it by 10 percent. Now they are trying to, by another means, eliminate the ability of the National Labor Relations Board to protect the legal rights of workers and corporations.

I would point out, first of all, that if this amendment passes, it will create a large amount of confusion because there will be many State laws which will cover more people than the Federal laws, and employers and employees alike will have to relearn all of those new relationships.

I would point out that the NLRB is charged with the responsibility to see to it that collective bargaining takes place in a fair manner, they are charged with the responsibility to prevent discrimination against workers based on their support or opposition to a union. They are charged with the responsibility to see to it that workers who are fired for trying to organize a union can get back to work with back pay, because firing those workers is an illegal act, which nonetheless occurs frequently in this country.

They are also charged with the responsibility of enforcing the rules against union violence and coercion on the picket lines, and they are charged with the responsibility to settle worker jurisdiction disputes between two competing unions. I have seen that problem often in my own district where an employer gets whipsawed between two competing unions.

I would point out, also, that it is not the responsibility of the Committee on Appropriations to make the determination about what level ought to be in the law with respect to the jurisdiction of the NLRB. We are a budget committee. We are supposed to decide what each program merits and what we can afford to spend. It is the responsibility of the authorizing committee to bring to the floor any recommendations to change these thresholds. Virtually every fight that we have had on Labor Department issues comes on an appropriation bill because, in my judgment, the Committee on Education and the Workforce for a good many years has not done the work it is supposed to do in a lot of these areas, and I for one have had a belly full of members on the authorizing committee bringing their disputes to this floor when they cannot work them out in their own committee. That has been the case under Democratic Congresses, it is the case now under a Republican Congress, and I am much bemused by the fact that you will often have authorizing committee members cry all over this floor about actions that the Committee on Appropriations takes to impinge upon their jurisdiction and yet 10 minutes later will be asking us to put a provision in an appropriation bill which takes care of an authorizing problem that they just cannot seem to get to.

And so it seems to me if you have got an argument, settle it where it ought to be settled, in the committee that under the rules of the House is given the responsibility and given the staff and has developed the expertise to deal with these issues. Do not bring them to this floor under general limitation amendments.

Let me point out, for instance, that you are talking about raising the threshold to cover multimillion dollar businesses. In some industries, that may be justifiable, in some it may not. But with all due respect, our subcommittee does not have the expertise to make these judgments.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. This floor, with all due respect, does not have the information to make those judgments. Committees are supposed to serve the House by doing their own work in their own jurisdiction by developing specific areas of expertise and then bringing that expertise to the floor. If you have got the expertise, demonstrate it by getting your own committee to buy your idea. Do not plague appropriation bills with this mini-filibuster because you cannot get your problem solved in another committee.

Mr. HOSTETTLER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Indiana.

□ 1545

Mr. HOSTETTLER. Mr. Chairman, it is not my intention to squelch the gentleman's bemusement, but I do not serve on the education authorizing committee.

Mr. OBEY. That is not my fault. Get your leadership to put you there.

Mr. HOSTETTLER. No, I want to serve on the National Security and Agriculture Committees.

Mr. OBEY. Then it is your fault, because you are not on the committee that is supposed to deal with this problem. If you have got a problem on this, take it to the right committee. Do not take it here.

Mr. HOSTETTLER. If the gentleman will yield, the Parliamentarian said that this is the proper forum in which to offer this.

Mr. OBEY. The Parliamentarian did not. The Parliamentarian said that it was germane. That does not mean it is smart to offer it to this bill. It ought to be offered to the committee that is supposed to handle this.

I have had my staff check it out. We have over 500 authorization laws that some Member of this Congress is demanding to be changed, and you are all coming to the floor asking the Appropriations Committee to solve your problem.

Do your own work. If you are so interested in this issue, change committees and get it done where it is supposed to get done.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes, and the time be equally divided between the gentleman from Indiana [Mr. HOSTETTLER] and the gentleman from Wisconsin [Mr. OBEY].

The CHAIRMAN pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HOSTETTLER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I find the just previous comments rather strange. We have just supported title X, which is totally unauthorized, on the floor of this House, without any objection from Mr. OBEY whatsoever that the authorizing committee did not do his work.

There was no problem with him supporting that language. And to use an argument against a Member of this body, who has the right and privilege to offer any amendment under this bill, under the rules of this bill, is wrong, and it should not be allowed.

The other thing that Mr. OBEY brings up is that if you do this, business is going to have to learn something new. Well, I would put forward to Mr. OBEY that HCFA changes the rules on Medicare every year, and every hospital in this country, every doctor's office, every health care agency that does anything, has to totally relearn the rules that HCFA puts out. It is a lame excuse that should not be used.

The fact is, there has not been a growth to allow for inflation in the coverage of the NLRB. The NLRB does some very important things. But to waste their time in areas which is not well used and not wisely spent, I think is inappropriate.

I will say again, and I will look forward to next year, Mr. OBEY, when we bring these amendments to the floor, that you will support what you just said about nonauthorized programs should not be debated, should not be left up to the expertise of your subcommittee, where you voted for those unauthorized programs, but yet come to the floor and admit you do not have the expertise to do it.

It is on both sides of the issue. * * *

Mr. Chairman, I yield back.

Mr. OBEY. Mr. Chairman, I demand the gentleman's words be taken down.

The CHAIRMAN pro tempore. The gentleman from Oklahoma [Mr. COBURN) will take a seat. The Clerk will report the words.

Mr. OBEY. Mr. Chairman, Members are not under the rules supposed to engage in personal attacks on other Members. The gentleman did that. I demand the words be taken down.

The CHAIRMAN pro tempore. The gentleman will suspend while the Clerk reports the words.

☐ 1550

Mr. COBURN. Mr. Chairman, I wish to withdraw my words as to speaking out of both sides of one's mouth, and offer apology to the gentleman from Wisconsin [Mr. OBEY] for that statement.

The CHAIRMAN. Without objection, the words are withdrawn.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. COBURN. Mr. Chairman, I also would want to make a parliamentary inquiry as to the number of unauthorized pieces of legislation that have been voted on in this bill associated with this, to prove the point.

The CHAIRMAN. The Chair cannot respond to that parliamentary inquiry at this point other than to suggest that the gentleman refer to the committee report.

Mr. COBURN. I thank the Chair.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] seek to yield time?

Mr. OBEY. Yes, I do, Mr. Chairman. I appreciate the gentleman's apology.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Hawaii [Mrs. MINK], a member of the committee of jurisdiction on this matter, the committee which should handle this issue.

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I believe there might be some merit to look at the jurisdiction, exercise of jurisdiction by the NLRB. But certainly, to bring this matter before the floor, to ask for a vote, is simply not the way to go. The matter should be brought to the committee.

The Member of the majority certainly has access to the leadership on the majority side of the Committee on Education and the Workforce, and will be able to work out a matter such as this and allow the committees to deliberate on it, call hearings, have an analysis, to bring this matter to the floor without our ability to understand even what the impacts of this limitation would be?

And the most egregious part of this amendment is, as we know, an appropriation bill has only the effect of 1 year. That means that this limitation would be in effect only for 1 year, the life of the appropriation bill. So the people who are affected by it are not going to know whether, when the charges are brought, they fall within the old jurisdiction or the new jurisdiction.

Mr. Chairman, it seems to me that the employers will have a greater havoc in terms of the stability of their own operations, to know whether a matter can legitimately come under the Board or cannot come under the Board. It will be a huge mess to try to untangle this whole issue of jurisdiction, which is a very, very troublesome matter.

Second, it would seem to me that the employers out there listening to this debate ought to be enraged at the idea that this instability in jurisdiction would be foisted by the adoption of this amendment. What is going to happen is, when jurisdictional issues are raised as to whether the Board can look into an employer's complaint, there is going to have to be an overhaul, again, of much of the confidential material that will be necessary for the Board to have in order to make these jurisdictional decisions, because they go to the operations of the business: How much money, what the gross intake was, what the expenditures were, in order to make a determination as to whether the new jurisdictions would allow the Board to have jurisdiction or not have jurisdiction.

I think it would be an extremely chaotic situation to have an appropriation bill decide this very difficult matter of jurisdiction of the Board. These matters ought to be left to the authorizing committee, my Committee on Education and the Workforce, and I am sure that this distinguished Member who has offered this amendment would have the access and ability to work with the Republican members of my committee and determine whether a bill can be fashioned which can be brought to the consideration of our committee.

The idea of having this matter then go to the States for determination is a second point of uncertainty. There would be no uniform operations of the application of this law in order to determine what is proper activity on the part of the working person, upon the unions, as also against the correct operations of the employer.

Because if a business is exempted under this exemption provision which has been offered and is no longer under the jurisdiction of the Board, what happens is, it has to then fall under the jurisdiction of the State or local communities, and we will then have no uniform labor policy with reference to labor activity and worker protections.

It seems to me that whatever the merits are of looking at the jurisdictional issues, it ought to be left to the committees. I urge my colleagues to vote down this amendment.

Mr. HOSTETTLER. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I rise in support of the amendment of the gentleman from Indiana [Mr. HOSTETTLER]. I think it is interesting to hear some people being concerned suddenly with redtape or procedure, rather than the merits of this, because I thought we were here about a particular government agency, and it is certainly not alone in this, but a particular government agency that had its dollar threshold of jurisdiction, in other words, the level at which it could start getting involved in a business, set in 1959, and it has not been adjusted for inflation since then.

We are told that there are no things certain in this world except for two, that the only two certain things are death and taxes. Well, they are wrong, Mr. Chairman. There is a third thing. The third thing that is perpetual and eternal is a government program. Once it is in place, it perpetuates its existence.

The National Labor Relations Board, when it had the jurisdictional threshold set in 1959, there was a reason for it, so you could know what kinds of disputes were a Federal case that needed to involve a Federal agency in Washington, DC, and what other matters still covered by Federal law really should be handled on the local level, and they could be handled in the State courts, where it is more convenient for everybody concerned, without hiring the specialists, without having the huge expense of going back and forth to Washington or going to a regional office of the NLRB. So the jurisdiction, when the NLRB could get involved, was set at a particular level.

For example, for a nonretail business, if they had $50,000 a year of gross volume, then in 1959 dollars, they said, that is a big enough business that the NLRB ought to be involved in that. Today that equivalent amount would require that you have a business doing business with something closer to, I believe, around $300,000.

Mr. Chairman, it makes no sense not to adjust for inflation. We hear people say, oh, we have to adjust Federal spending for inflation. After all, costs go up. Taxpayers are rightfully concerned about bracket creep, which Congress, after many years, finally adjusted so taxpayers would not automatically be pushed into another bracket.

Last year, the NLRB spent 20 percent of its resources, 20 percent of its huge Federal budget, working on cases involving employers with fewer than nine people working for them. I submit, Mr. Chairman, that is a waste.

The gentleman from Indiana [Mr. HOSTETTLER] has an excellent amendment to fix that.

In fact, it is such a nice amendment that last year the same thing was in this very bill when it passed out of committee, when it came to the House floor, and it was the position of the House of Representatives that we ought to make this change for adjustment. Nobody stood on this House floor and sought to have an amendment to take it out or to change it. People who today say, well, that ought to be covered by a committee of jurisdiction, last year were willing to let it be covered in this identical piece of legislation.

In fact, it got in there with the approval of the committee of jurisdiction. I know, because last year I was the one who was sponsoring it and who asked for it. And this House of Representatives agreed to it, and nobody on either side of the aisle, no Republican and no Democrat, stood up and said, we think it is a bad idea.

Here I hear people complaining today about, well, it is a redtape-type objection. We think you should have used some other procedural method. We think Members of the House of Representatives should be confined in the area in which they want to take part; that the gentleman from Indiana [Mr. HOSTETTLER], if he is not on a committee that deals with labor, he should forget about labor issues.

Maybe we should just abolish the House floor and just let committees make the decisions, and tell each Member of Congress, never mind your constitutional duty, never mind your oath, never mind what you owe to the people back home, whether it be in Indiana, Wisconsin, or Oklahoma, or Pennsylvania, wherever it may be, you should not get involved in things if you are not on that committee.

Last year every single Member of this House of Representatives had an opportunity to object last year and say, we should not make this change. Instead, the House of Representatives said that this measure, which the gentleman from Indiana [Mr. HOSTETTLER] is sponsoring today, that yes, that should be part of this bill.

The gentleman from Indiana [Mr. HOSTETTLER] is only asking that we be consistent. I think that is a pretty simple, pretty basic request. After all, I think what was going on with me in 1959, if things adjusted for inflation. I was in elementary school. I used to walk home from Castleberry Elementary School, public school, to home, and I would stop at the Griddle if I had a nickel, because a nickel would get me a Hershey bar. Mr. Speaker, it was bigger than today's Hershey bars are. It was only a nickel.

Let us make the inflation judgment. Let us support the gentleman from Indiana [Mr. HOSTETTLER] in this amendment.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I think some of us in this House, most especially me, would be better off if we had fewer Hershey bars.

But let me simply make some observations. First of all, with respect to the comments made by the gentleman from Oklahoma, not the previous speaker, but the previous gentleman from Oklahoma, I understand that new Members cannot be expected to be fully aware of the intricacy of the rules of the House. I would note that some Members, at least two Members yesterday, or 2 days ago, in conversations with me, seemed to take great pride in that fact, which I do not understand. But nonetheless, I understand why they do not have full familiarity with it.

I think it is important for all Members to understand that there is a distinction between the Committee on Appropriations being asked to carry an unauthorized appropriation and the committee searching for ways to add all kinds of unauthorized actions to bills that we have on the floor. We have often, unfortunately, on the Committee on Appropriations, been asked by Members of authorizing committees to put provisions in our appropriation bills which are not yet authorized.

The Congress is supposed to work in two ways. The Congress is supposed to, first, through its authorizing committees, decide what basic law is; and then the Committee on Appropriations is supposed to determine how much we can afford to spend on each of the programs that are authorized by law.

The Committee on Appropriations on many occasions has had members of the authorizing committee come to us and ask us to put unauthorized items in the bill. When we have done so, they have then gone to the Committee on Rules and attacked us for the very same things which they asked us to put in the bill. It just seems to me that authorizing committee members need to understand that we do not appreciate being yinged and yanged, and on that issue, by Members who have lost arguments in authorizing committees.

I would ask the authors of this amendment these questions. Since we have not had the hearings and we do not have the expertise, why should there be a threshold of $2,600,000 before the NLRB jurisdiction kicks in for a retail establishment, but only $535,000 for a shopping center? Why should there be a threshold of $2.8 million for art museums, cultural centers, and libraries, but a threshold of only $283,000 for nursing homes?

Can anyone tell me the specific reasons for the differences in those amounts? I would be very surprised if they could.

Mr. HOSTETTLER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. HOSTETTLER. Mr. Chairman, our amendment seeks only to index the levels that were created in 1959.

Mr. OBEY. I understand that.

Mr. HOSTETTLER. I do know why those original levels, but the philosophy was not to change them.

Mr. OBEY. Mr. Chairman, taking back my time, that is exactly my point. The gentleman does not know why the original numbers were selected. Neither do we on the committee. The role of the authorizing committee is to determine what those reasons were and to determine whether or not those relative relationships still make sense in a modern economy.

I would fully agree that virtually every one of these numbers probably ought to be adjusted because inflation has had an effect. My point is that I do not know what the correct level of adjustment is, and I would suggest that no Member of this House, on the basis of information which has been presented to us here today, can go out and explain to the media or our constituents why these different relationships should continue to exist.

Shopping centers in many areas of the country did not even exist in 1959. I would suggest that the economy has changed so much since then that we probably need a far different level of threshold in relationship to the other thresholds than we have in the law today. I would grant that. But to simply come in here and say each of these outmoded numbers should be adjusted by the same percentage is in and of itself just as ham-handed and outmoded, I believe, as the original statute.

☐ 1605

The place to correct that is in the authorizing committee, and that is why I make an argument that may appear to be just a jurisdictional argument, but which is basically a practical argument about how this Congress can produce recommendations based on knowledge rather than bias.

Mr. HOSTETTLER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. HOSTETTLER. Mr. Chairman, as the chairman of the subcommittee pointed out, this is a 1-year process. And the desire of this Member to grant some regulatory relief to small business, as the NLRB has itself said, that 20 percent of the caseloads are those individuals that are——

Mr. OBEY. Mr. Chairman, reclaiming my time, I understand that. But I am amused by the fact that a number of the Members on the other side of the aisle who attacked the NLRB said that these lawyers down there were not working hard enough, and now today the gentleman is telling me that they have too much business. I do find it hard to watch arguments that go two ways on the same agency.

Second, I would point out that I am persuaded by a letter which we received from the Chamber of Commerce a number of years ago which said as follows: "Whatever the current situation in any State, it could change substantially each time the State legislature convened. Although the NLRB is not perfect, at least it rarely has changed in significant ways."

Mr. Chairman, it seems to me that the last thing we want is to do this on the appropriations process, which is an annual process, because then we will have these numbers changing annually and that will drive every businessman in America nuts.

Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. SOUDER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. LaTourette). The gentleman will state it.

Mr. SOUDER. Mr. Chairman, my question is on language. When a Member of Congress refers to the other Member as talking on both sides of the issue, how does that differ from saying that someone talks out of both sides of their mouth?

The CHAIRMAN pro tempore. On the latter example, Members should not speak in personal terms about the motives or sincerity of other Members.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, there is nothing wrong under the Rules of the House when a Member points out that arguments are inconsistent with arguments made the day before, and that is what I said and that is what I meant.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, the gentleman from Indiana [Mr. Hostettler] did not make those arguments yesterday, and the gentleman from Wisconsin [Mr. Obey] implied that he was reversing himself.

Mr. OBEY. Mr. Chairman, reclaiming my time, I would say to the gentleman, no, I did not. The gentleman, is reading something into something that I never said. I would again appreciate it, if the gentleman is going to object to my words, that the gentleman make certain he has heard them accurately.

Mr. SOUDER. Mr. Chairman, I believe I did.

Mr. HOSTETTLER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Indiana [Mr. Souder].

Mr. SOUDER. Mr. Chairman, I would like to make a number of points. One is that we can explain the different categories logically. For example, shopping centers do not mean the sales of all the units inside the shopping center; it means the sales that are controlled by the shopping centers. Those ratios may be slightly changed, but by not changing them at all for inflation, we merely stay with the old ratio.

So the argument that we do not have the new, precise relationships down means that we keep the same relationships that we have always had. That was not a logical argument.

As to the argument as far as the substance here, it may indeed be true, both what some Members may have maintained on the floor that there is not enough to do over at the NLRB, and at the same time it may mean because they are chasing around a lot of little cases and they are not focusing on the larger cases, which is what the amendment attempts to do.

Mr. Chairman, nearly 20 percent of their representation efforts has been on bargaining units of nine persons or less. Yet this 20 percent effort only reaches 2 percent of the total number of employees. What we are arguing is that it should be targeted. So this is really a small business amendment. If the NLRB feels they need to intervene, they can intervene.

Mr. Chairman, this is really a small business issue and precisely the type of thing we have been trying to point out throughout this bill. That is we need more, like in OSHA, more toward compliance and less toward enforcement and overhead. If we were targeting to the higher risk cases, we could do a better job of protecting the workers and employees of this country, than by just going willy-nilly for the benefit, predominantly for the benefit, in many cases, of lawyers, or at least largely the case of lawyers.

Now to the substance on the question of whether something or not is authorized, I understood the gentleman from Wisconsin [Mr. Obey] to say, and I want to say that while we are at the end of a long stretch here, that in general these debates have been very orderly and we have not had the personal conflicts that we have seen here this afternoon, which I think is unfortunate.

But the question is when the gentleman says that some programs that are not authorized are asked to be carried; asked by whom? According to the House rules, Members cannot bring something to the floor, even if the authorizing chairman asks them to do it, and what usually happens in the House rules, without a rule that protects the particular piece of legislation from being subject to a point of order.

For example, Mr. Chairman, National Endowment for the Arts comes to the floor without our ability to make a point of order. I would ask the gentleman from Illinois if that is not correct.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would say to the gentleman yes; however, the difficulty with that, and we on appropriations want the authorizing committees to take up legislation and authorize these programs. It used to be on this very bill that the chairman would not fund any program that was not authorized. The difficulty was that so many programs became unauthorized and the authorizing committees did not act, and the Senate follows no such rule, they fund programs authorized or not. And then when we go to conference, the House is put in a disadvantaged position because they have done nothing on that particular program.

Mr. SOUDER. Mr. Chairman, reclaiming my time merely, the gentleman makes an excellent point, which is why we need to, occasionally on the House floor, protect things from points of order, like the National Endowment for the Arts. I attempted to offer an amendment to transfer funds from Goals 2000 over to breast cancer and we found out, much to all of our surprise to some degree, that the National Cancer Institute is not authorized.

We went through a debate on what was going to be called Whole School Reform, because there it was authorized, but authorized under a previous Congress by sticking it in a bill that was moving through for authorization without a single hearing, without a single subcommittee process, without a single full committee vote, and, by the way, happened when Congress was under control of a different party. Yet that moved through with the appropriators. We will always be at a disadvantage to the Senate and always at a disadvantage in this process.

Mr. Chairman, informally if we do not allow amendments on the floor that are not authorized, and informally I think it is a good rule to say that if the committee chairman of the authorizing committee asks the Committee on Appropriations to carry it, that they do. But the point is that we do not have a hard and fast rule on how to do this.

Mr. Chairman, ergonomics, for example, was in this bill and, as we heard on the first day of this debate, it was added for one more year. In general, I absolutely agree with the gentleman from Wisconsin that things should move through in an orderly process. The Committee on the Budget sets targets, it goes to the authorizing committee and then goes to the appropriating committee.

But as a practical matter, not only this Congress but every Congress has dealt with this fundamental substantive fact: When the President is of the opposite party of the House, often appropriations bills have to carry authorizing language to do different things, because otherwise it never gets done. Mr. Chairman, that is the case with this amendment, and I say that as a member of the committee.

Mr. HOSTETTLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. WICKER].

Mr. WICKER. Mr. Chairman, I rise in support of the Hostettler amendment, which should be relatively noncontroversial.

Mr. Chairman, I rise today in favor of this amendment which would update the jurisdictional threshold of the National Labor Relations Board.

While the NLRB has attracted quite a bit of attention during the past 2 years, I believe that the least controversial of the issues surrounding the NLRB is this one. When the NLRB was created in 1959, it had jurisdiction over nonretail businesses whose gross receipts were greater than $50,000 per year, and retail businesses with receipts over $500,000 per year. This level was developed so that the labor disputes involving small businesses would remain under the jurisdiction of State courts. Because these levels have not been increased to keep pace with the rate of inflation, small business has come under the regulatory hand of the NLRB. Congress intended that small business be regulated by the States.

I believe that these thresholds should be updated for the same reason that we increase Social Security recipients paychecks with an annual COLA: Because the value of the dollar is not the same in 1997 as it was in 1959.

I urge my colleagues to support small businesses and support commonsense Government by voting for the Hostettler amendment.

Mr. HOSTETTLER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, I rise to answer some of the things that have been said from the other side of the aisle here this afternoon. To the gentleman from Indiana [Mr. HOSTETTLER], my good friend and one of the brightest and most well-respected Members of the freshman class that came in in 1995, who does not serve on the Committee on Appropriations, I would say that I do serve on the Committee on Appropriations and the mere suggestion that somehow legislating on an appropriations bill is not the appropriate procedure in this body is almost a joking matter, when one looks at how many times it occurs not only at the full House debate level, but at the subcommittee level and at the full committee level.

Mr. Chairman, I would invite the gentleman from Indiana to join us in an appropriations meeting some day and see how many times in fact they do legislate on an appropriation bill. The legislation passes, it gets added to the bill, and any sort of an inference that the gentleman from Indiana is inappropriate in acting in this manner is just plain wrong.

So, Mr. Chairman, I conclude my remarks to one of the brightest and most well-respected Members of this body by suggesting that legislating on an appropriations bill is a very common practice.

Mr. HOSTETTLER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I wish to bring us back to the substance of this amendment. The substance of the amendment seeks to simply index the levels of jurisdiction, mandatory jurisdiction for the National Labor Relations Board. And it is important that I stress the point "mandatory level," because the National Labor Relations Board, under this amendment and under current law, has the ability to look at any case that merits, that deserves their attention at any level of gross annual receipts. This amendment merely indexes the level of their mandatory jurisdiction.

Most of these thresholds have not been changed since 1959, and I think it is time we do so. The chairman of the full committee made an excellent point, that this is going to be for a 1-year time period only. But I hope that we would get back to the substance of the issue.

Mr. Chairman, I think that it is important to understand that when one side of an argument does not have the merits of the argument on their side, they tend to divert attention into areas of procedure and process. Unfortunately, that is what has taken place at this time.

Mr. Chairman, I would simply ask for those Members who are watching this debate, that they would simply consider the merits of this amendment and would understand that we are seeking to grant regulatory relief to small businesses and granting a relief of caseload, if they so desire, to the National Labor Relations Board so that the National Labor Relations Board can fully spend more time and more of their resources on those most egregious cases that they see fit indeterminate of this jurisdiction level, even above or below.

Mr. Chairman, I seek for acceptance and adoption of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to return to the merits of this issue. We are told that the numbers that NLRB uses in determining whether it has jurisdiction or not in any given industry are outmoded. Then we are given a new set of numbers that are supposed to be better.

Mr. Chairman, I, for the life of me, do not understand why the heavy hand of the Federal Government ought to come into play when a figure of $283,000 is reached for a nursing home, but $708,000 for a hospital. I do not understand why if we are going to modernize and update outmoded numbers, we continue that kind of outlandish differential.

The differential between nursing homes and hospitals under existing law is only $150,000. The differential under the gentleman's amendment would be over $500,000. The gentleman is greatly expanding the unfairness of the numbers by the adjustments he makes.

Why should architectural firms be subjected to the NLRB jurisdiction when their business hits $261,000, but retail businesses not subject to that same jurisdiction until they hit a figure 10 times that amount? I for the life of me do not understand why we should expand the difference.

Mr. HOSTETTLER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. Mr. Chairman, no, I will not. The gentleman has had his time. It is my time now.

Mr. HOSTETTLER. Mr. Chairman, the gentleman is asking me questions.

Mr. OBEY. Mr. Chairman, I ask that the rules of the House be abided.

The CHAIRMAN pro tempore. The time is controlled by the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would ask why on hotels and motels, right now there is a $500,000 differential between them in the law. Under the gentleman's recommendation, there would be almost a $2 million differential between hotels and motels. And symphony orchestras, why should symphony orchestras be treated that much better than a hotel-motel operator?

Mr. Chairman, my family used to run a hotel. I do not see why we should be subjected to a threshold which is over a million and a half dollars lower than a symphony orchestra. With all due respect to symphony orchestras, I prefer bluegrass.

It just seems that the gentleman from Indiana is absolutely correct in suggesting that these numbers ought to be adjusted. But the adjustments that the gentleman makes are just as irrational. They will last for only 1 year. It invites this House to jockey these numbers around each and every year. That will lead to massive confusion on the part of businesses.

□ 1620

The net result, as I said earlier, is that it eliminates protection of the NLRB for millions of workers in this country, and it also greatly raises the threshold that would apply in protecting corporations and businesses from illegitimate tactics.

I would urge rejection of the amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentleman from Indiana [Mr. HOSTETTLER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 235, not voting 22, as follows:

[Roll No. 392]

AYES—176

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Bilbray
Bliley
Blunt
Boehner
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fowler
Frelinghuysen
Gallegly
Ganske
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Kolbe
LaHood
Largent
Latham
Lewis (KY)
Linder
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Packard
Parker
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf
Young (AK)

NOES—235

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Boswell
Boucher
Boyd
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gordon
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Pascrell
Pastor
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—22

Baker
Bonilla
Borski
Brown (CA)
Brown (FL)
Christensen
Cox
Dellums
Gonzalez
Hall (OH)
Lewis (GA)
McCarthy (MO)
Meek
Murtha
Payne
Rangel
Ros-Lehtinen
Rush
Schiff
Shadegg
Taylor (NC)
Thompson

Mrs. KELLY changed her vote from "aye" to "no."

Mr. DAVIS of Virginia changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. FARR of California. Mr. Chairman, today we faced the possible weakening or elimination of the Corporation for Public Broadcasting [CPB]. I am extremely pleased that both misadvised amendments were defeated. I believe public broadcasting funding is a good investment. The Corporation for Public Broadcasting is an excellent example of one of the most successful public-private partnerships in the country. Every $1 in appropriated funds leverages $5 in private investment.

More than 90 percent of the Federal appropriation goes directly back to States and local communities, either for direct services or programming. In 1993, for example, CPB's $253 million appropriation created more than $1.5 billion in revenue for local stations. This modest investment is critical to our local communities.

Public broadcasting programs are the only commercial-free shows available on television, and have wide appeal; many are educational and award-winning, such as "Sesame Street" and "NOVA." I am sure that almost every Member in Congress has fond memories of watching "Sesame Street," "Mr. Rogers' Neighborhood," or the "Electric Company" themselves or with their children, along with new ones such as "Barney." CPB programs are not just for children though; many of us regularly tune into CPB supported shows such as "This Old House" and the "McNeil-Leher Hour."

Public television and radio provide an important outlet which is not dictated by corporate sponsors. Public broadcasting stations serve as community institutions, much like libraries or museums, and as such are supported by the community through financial aid. CPB is a public service, "owned" by the American people.

Mr. FOX of Pennsylvania. Mr. Chairman, I rise to commend Chairman PORTER, Ranking Member OBEY, and the members of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies Appropriations for their foresight in increasing appropriations in recognition of the contributions made by this Nation's seniors through the programs of the National Senior Service Corps—Foster Grandparents, Senior Companions, and Retired and Senior Volunteers Program. The resources which the committee proposes to make available through the fiscal year 1998 appropriations process will go far toward affording thousands more older Americans to share their experience of a lifetime in helping children in need of a loving mentor, peers in need of a caring friend to help out in daily living, and communities across the Nation. I am proud to be considered a proponent of these important programs.

In reporting companion versions of the fiscal year 1998 Labor/HHS/Education funding measure, the House and Senate Appropriations Committees suggested different methods for allocating their respective increases in the senior volunteer programs. Since the time of committee action, representatives of the National Senior Service Corps Directors Associations have met with officials of the Corporation for National Service in an effort to agree on a common plan for moving the programs forward with these desperately needed funds. It is my understanding that the parties have reached common ground for allocation of fiscal year 1998 resources—reflected in an exchange of letters between Corporation CEO

Harris Wofford and the presidents of the respective associations. I further understand that this agreement is a recommendation for fiscal year 1998 funding only and should not serve as a precedent for funding decisions in future fiscal years.

While no one is certain of the final outcome of this year's deliberations on the Labor/HHS appropriations bill, it is my hope that no matter the outcome—even if these funds end up in a continuing resolution—the respective leaders on the part of the House and the Senate on this funding legislation would agree to the highest possible levels for each of the three programs—Senate level for the Foster Grandparent Program and House level for the Senior Companion Program and Retired and Senior Volunteer Program. Further, I would encourage the leaders of the respective committees to embrace the funding plan developed between the Directors Associations and the Corporation for National Service as reflected in Mr. Wofford's letter, which I submit for the RECORD.

CORPORATION FOR NATIONAL SERVICE,
Washington, DC, September 5, 1997.

MRS. MARY LOUISE SCHWEIKERT,
President, National Association of Foster Grandparent Program Directors, Laurelton, PA.

DEAR MARY LOUISE: Discussions between the Corporation for National Service and the National Senior Corps Directors' Associations have resulted in a consensus recommendation to resolve differences in report language between the House and Senate Appropriations Committees for purpose of fiscal year (FY) 1998 funding.

We agree that:

1. One third of new funds above the prior year level shall be allocated to Programs of National Significance. Of this one third, one-half shall be allocated consistent with current law and one-half may be utilized within the confines of each program but with the flexibility envisioned in section 231 of the DVSA.

2. A ten cent stipend increase shall be provided to Foster Grandparent and Senior Companion Volunteers to be effective January 1, 1998.

3. The intent of the National Associations and the Corporation is to provide each project with a 2.5 percent administrative cost increase. The Corporation shall make a best effort to resolve budget issues which arise from the allocation of program funds on a percentage basis to States to reach this goal.

4. Remaining funds after fulfillment of items 1–3 above, may be utilized within the confines of each program but with flexibility as envisioned in section 231 of DVSA.

5. Further, the Corporation will utilize the FY 1998 funding as detailed by the Administration budget request, where applicable, to further senior service initiatives in areas related to the national need of child literacy and reading.

6. Finally, with the agreement, the need for detailed report language from the Joint Statement of Managers of the Conference committee is eliminated, and we will suggest only broad language supportive of the programs and Senior Corps. This will allow the Corporation, in consultation with the respective Boards of the National Associations, to appropriately and best respond to the programmatic and administrative needs of the individual programs.

Thank you for your collaboration on working to find a unified an mutual solution to this issue. Please let me know at your earliest convenience, if you agree with these understandings so that we can promptly communicate it to the relevant committees.

Sincerely,

HARRIS WOFFORD,
Chief Executive Officer.

NATIONAL SENIOR SERVICE CORPS
DIRECTORS ASSOCIATIONS,
Washington, DC, September 9, 1997.

Hon. HARRIS WOFFORD,
Chief Executive Officer, Corporation for National Service, Washington, DC.

DEAR HARRIS, Thank you for your letter of September 5. The consensus recommendations you set forth, consistent with our discussions, holds great promise for the future of the Foster Grandparent Program, Senior Companion Program, and Retired and Senior Volunteer Program, as well as the continued productive working relationship between the National Senior Service Corps Director Associations and the Corporation.

While appropriate to the present circumstances, we share your view that the fiscal year 1998 plan for allocating resources we embrace should not be interpreted as a precedent for future spending decisions and funding allocations among the senior volunteer programs.

We also appreciate your commitment that each existing senior volunteer project receive a 2.5 percent administration cost increase over the funding levels appropriated for fiscal year 1997. While we understand that administrative nuances can affect the allocation of program funds, we accept your assurances that the Corporation will take whatever steps necessary to award an increase of 2.5 to every existing NSSC project for FY 1998 so that we might retain and improve program quality and efficiency.

Finally, we share your desire to work with the relevant committees of Congress to assure that this mutual understanding is carried out. We think it important that this remarkable agreement be communicated in an appropriate manner aimed at establishing a legislative history sufficient to overcome what presently amounts to a conflict between language included in the House and Senate committee reports on the NSSC funding allocation for fiscal year 1998.

Sincerely,

MARY LOUISE SCHWEIKERT,
President, NAFGPD.
JOHN PRIBYL,
President, NASCPD.
NAN YORK,
President, NARSVPD.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOEHNER) having assumed the chair, Mr. LATOURETTE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. KOLBE. Mr. Speaker, yesterday I was unavoidably detained and missed rollcall votes 385 and 386. Had I been present I would have voted "aye."

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I wish to inquire from the distinguished majority leader the schedule for today and the remainder of the week and next week.

☐ 1645

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding to me.

I am pleased to announce that we have concluded votes for this week, Mr. Speaker. After this schedule discussion, the gentleman from Indiana [Mr. BURTON] will ask unanimous consent to pass a resolution honoring the life and achievements of Mother Teresa of Calcutta. There is an agreement that there will be no recorded votes on this resolution.

Next week, the House will meet at 12 noon on Monday, September 15, for a pro forma session. There will be no legislative business and no votes on that date.

On Tuesday, September 16, the House will meet at 10:30 a.m. for morning hour and 12 noon for legislative business. It is our intention to hold any recorded votes ordered until after 2 p.m. on Tuesday.

Let me be very clear on that. There will be votes on Tuesday, and it is our intention to hold any recorded votes that are ordered until after 2 p.m. on Tuesday of next week.

On Tuesday, the House will take up a number of suspensions, a list of which will be distributed to Members' offices.

After consideration of the suspensions, the House will consider the conference report on H.R. 2106, Military Construction Appropriations, which will be subject to a rule.

We will have a motion to go to conference on H.R. 2159, the Foreign Assistance Appropriations, before resuming consideration of H.R. 2264, the Labor, Health and Human Services Appropriations Act.

On Wednesday, September 17 and Thursday, September 18, the House will meet at 10 a.m. for legislative business. We hope to consider the following, all of which will be subject to rules:

H.R. 2267, the Commerce, Justice, State and Judiciary Appropriations Act for Fiscal Year 1998; H.R. 2378, the Treasury, Postal Appropriations Act for Fiscal Year 1998; and a resolution containing the recommendations of the bipartisan Ethics Reform Task Force.

We hope to conclude legislative business by 6 p.m. on Thursday, September

18. The House will not be in session on Friday, September 19.

Mr. BONIOR. Mr. Speaker, reclaiming my time, I thank my colleague for the information on today, the rest of the week and next week.

I have one additional question for my colleague from Texas, and that is on the Commerce, Justice, State and Judiciary Appropriations Act. The chairman of the Committee on Rules has indicated his willingness to make in order the amendment of the gentleman from West Virginia [Mr. MOLLOHAN] with respect to the census, and I am wondering if we can expect that to happen and be brought to the floor with that amendment made in order?

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I thank the gentleman for those comments, and it is my understanding that the Mollohan amendment will be in order.

Mr. BONIOR. Mr. Speaker, reclaiming my time I thank my colleague and wish him a very good weekend.

ADJOURNMENT TO MONDAY, SEPTEMBER 15, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. BOEHNER). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 16, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 15, 1997, it adjourn to meet at 10:30 a.m. on Tuesday, September 16, 1997, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that it be the will of the House that the Vikings should beat the Tampa Bay Buccaneers on Sunday next.

Mr. BARR of Georgia. Mr. Speaker, reserving the right to object.

The SPEAKER pro tempore. The gentleman is out of order.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2016, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1998

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 105–248) on the resolution (H. Res. 228) waiving points of order against the conference report to accompany the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2034

Mr. BARR of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 2034, the Use by Minors Deterrence Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause I, rule I, the Journal stands approved.

EXPRESSING CONDOLENCES OF THE HOUSE ON THE DEATH OF MOTHER TERESA OF CALCUTTA

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 227), expressing the condolences of the House of Representatives on the death of Mother Teresa of Calcutta, to the end that that resolution be considered immediately in the House; and that after debate not to exceed 1 hour, controlled by the chairman of the Committee on International Relations, the resolution be considered as agreed to and the motion to reconsider laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 227

Whereas the House of Representatives has heard with great sorrow of the death of Mother Teresa of Calcutta;

Whereas Mother Teresa of Calcutta dedicated her life to helping the sick, the dying, the unborn, and the poorest of the poor for a half century;

Whereas Mother Teresa founded the Missionaries of Charity, which now comprises over 3,000 members in 25 countries who are engaged in caring for the sick, dying, and poor;

Whereas Mother Teresa's humanitarian work and the inspiration she provided to others has been recognized by the award of the first Pope John XXIII Peace Prize in 1971, the Jawaharal Nehru Award for International Understanding in 1972, the Nobel Peace Prize in 1979, and the Presidential Medal of Freedom in 1985;

Whereas in 1997, pursuant to Public Law 105–16, Mother Teresa was awarded the Congressional Gold Medal; and

Whereas Mother Teresa's life-long example of selfless dedication to humanitarian work has inspired millions of people around the world: Now, therefore, be it

Resolved, That the House of Representatives expresses its admiration and respect for the life and work of Mother Teresa, and its sympathy to the Missionaries of Charity on their loss.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the General Mother House of the Missionaries of Charity in Calcutta, India.

Mr. GILMAN (during the reading]. Mr. Speaker, I ask unanimous consent that the resolution be considered as having been read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] is recognized for 1 hour.

Mr. GILMAN. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New Jersey [Mr. Menendez], pending which I yield myself such time as I may consume. All time yielded on this resolution is for the purposes of debate only.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, "Mother Is Gone." That was the historic headline on the front page of one of India's leading newspapers last week. With the passing of Mother Teresa of Calcutta a diminutive figure of towering moral stature, people around the world felt a most personal loss.

Mother Teresa spent most of her life in India, the last half-century heading the Missionaries of Charity, an order she founded after receiving a divine call to devote her life to tending to the needs of the sick, the dying, and the poorest of the poor. She became a public figure over time, demonstrating a single-mindedness and a steadfastness of purpose that were remarkable; and in that sense, she was certainly a woman of valor.

Mother Teresa's stellar contributions and her moral example were widely recognized by such accolades as the Nobel Prize for Peace and the Presidential Medal of Freedom. And just this year Congress passed and the President signed into law a measure providing for the award of a Congressional Gold Medal to Mother Teresa. The medal ceremony, held in the rotunda of the Capitol, was a most moving one.

Mr. Speaker, considering, as we are, a woman of valor, the end of Solomon's words in Proverbs, chapter 31, come to mind: "Grace is deceitful and beauty is vain, but a woman that fears the Lord, she shall be praised. Give her of the fruit of her hands and let her works praise her in the gates."

Mr. Speaker, I yield the balance of my time to the gentleman from Indiana [Mr. BURTON], the sponsor of this resolution, and I ask unanimous consent that he be permitted to yield to other Members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. BURTON] will control the remainder of the debate time on that side.

Mr. MENENDEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleagues in sponsoring this resolution and rise in strong support of the resolution before us honoring Mother Teresa. It is appropriate that today, as we honor the life of a simple woman whom millions called Mother, this week Catholics commemorate the birthday of another simple woman who became the most important woman in Catholicism, Mary, the Blessed Mother.

Last Friday, September 5, the world lost one of its shining lights. Mother Teresa's death was a loss for us all. She was the embodiment of compassion and a beacon of goodness. Her name grew to become synonymous with caring for the poor, the indigent, and the downtrodden. She was not one who sought the spotlight; rather, she let her deeds and service do the speaking for her. She had a strong will that enabled her to accomplish many good deeds and improve the lives of thousands of human beings daily, and without a doubt, she left her mark on our world, helping millions of people in India, the United States, and all over the world.

Her work was not easy, glamorous, or pleasant. She was a devout Roman Catholic teaching nun in India until a train ride in 1946 when she heard her call within a call, and the call within a call was to go to the slums of Calcutta to care for, in her own words, "the poorest of the poor." She founded the order of the Missionaries of Charity in 1948, and through her dedication, made the order into a worldwide organization with more than 4,000 nuns and 400 Catholic brothers running nearly 600 homes and schools in more than 100 countries. The order operates schools and hospitals, youth centers and orphanages, and it also treats over 50,000 lepers at its medical centers in Africa and Asia.

Mother Teresa took Indian citizenship in 1950. She saw her order in the broader context of India's own tradition of spirituality and compassion and incorporated it into Indian society. In a meeting with Prime Minister Nehru, he promised her all the assistance she needed. And even though India is primarily a country consisting of Hindus, it adopted Mother Teresa as its own and welcomed her with open arms.

For her, pity was not what the poor needed; rather, she sought to provide dignity for them. She and members of her order lived like the people they served, without the amenities most of us take for granted. And she taught us all, regardless of religion, that in fact without a title, and without any form of nobility, that it is how one lives their life and what one does within their life that is the most important ingredient.

I am proud that she was awarded honorary U.S. citizenship and granted the Presidential Medal of Freedom. And earlier this year I had the honor, with so many of our other colleagues, in being present as she received the Congressional Gold Medal in the rotunda of the Capitol.

□ 1700

I am reminded of what she said at that ceremony, where she repeated her admonition time and time again that we should focus on our concerns for the poorest of the poor, which she said several times during her brief remarks. Those of us who serve in this Congress should remember those words, those of us who were there, who were proud to be there at that historical moment, proud to be in her company, who rejoice in her life's works, we need to take to heart as we decide in this Chamber issues that cut across the board on the poorest of the poor, in education, in housing, in health care, whether it be in our cities or in Appalachia, that the fate of the poorest of the poor is a matter that constantly is before us as we decide on many of the votes that we take in this House. Sometimes I would daresay we do not cast our votes in a manner in which I think we would meet Mother Teresa's standards.

Finally, while her loss saddens us, Mother Teresa provided reassuring words about her work and the future. She said, "If the work were mine, it would die with me, but it is the work of God, so He will look after it." I wish her successor at the Missionaries of Charity, Sister Nirmala, my best wishes as she carries forth the work Mother Teresa started and nurtured. She was a beacon of hope, and that beacon of hope that burned brightly during her life will continue through her order. Good-bye, Mother Teresa, and God bless.

Mr. Speaker, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 60 years ago this Wednesday, a young teacher at a secondary school for girls in Calcutta, India, made a decision that was to later influence the lives of millions of people around the world. Close to the school is one of the great slums of Calcutta. She could not close her eyes any longer. Who cares for this poor living in the streets, she asked? It was upon this revelation that Mother Teresa, then Sister Teresa, really heard God's voice calling and His message was clear. She had to leave the convent to help the poorest of the poor, not just to work with the poor but to live among them, to live on rice and salt like the poor had to live. Sister Teresa said, "It was an order, a duty, an absolute certainty."

On September 10, 1937, Sister Teresa decided to leave the convent in Calcutta and make what she later said to be the most important journey of her life, to a distant city at the feet of the Himalayan Mountains. The thirst for her heart by so many of the world's unfortunate called her to form the Missionaries of Charity, a religious order based in Calcutta, India. She created an international network of shelters for the poor, the sick, and the dying that now stretch from Calcutta to New York. Of her Sisters of Charity, she said this:

> We are not social workers. There are a lot of institutions caring for the sick. We do not want to be among them. We are not another organization of social service. We have to be more, to give more, we have to give ourselves. We have to bring God's love to the people by our service. And the poor have taught us what it really means to love and serve God.

Mr. Speaker, I join my colleagues in mourning Mother Teresa's passing. We have lost a great woman, perhaps nearest to sainthood that we know, but heaven has gained a pure soul. I do not understand, Mr. Speaker, why she so often takes a back seat to other notables in today's media, not only in her passing but in her work throughout her blessed life. Was it because she did not keep the company of aristocrats or run in the posh circles of the glamorous while she selflessly cared for the needy?

And I do not raise the issue because the Sisters of Charity are looking for media exposure. They do not ask for it. They do not wish it. But what does it say about our society today when someone who cared for so many is overshadowed because she does not draw enough ratings to command a week's worth of coverage on television? It tells me she represents that which we find difficult to face, ourselves, our own failures, selfishness and cowardice, our own imperfections. We fail where she succeeded because we refuse to make the time to reach out and help our neighbors.

For her service and sacrifice, Mother Teresa was awarded most notably the Nobel Peace Prize in 1979. If we accept her as its recipient, then we should accept what she said when she accepted the Nobel Peace Prize:

> Abortion is the worst evil in the world. The life of a child that still has to be born or the life of the poor whom we meet in the streets of Calcutta, Rome or anywhere else in the world, the life of children or adults is the same life. It is our life, it is a gift of God. Countries that allow abortion are poor because they do not have the courage to accept one more life.

That is why it is altogether fitting and proper that we honor her for who she was. Let us not forget what she stood for. To hide or mask this only does Mother Teresa, her years of selfless giving and the millions she comforted a tremendous disservice.

Mr. Speaker, while she would never accept it, she deserves to be honored by this body and this Nation in this way. It is truly the least we could do on her death. Mr. Speaker, I suspect we will not see the rich, the famous or the glamorous walking in the processional behind Mother Teresa's casket this weekend. Instead I imagine we will witness the poor, the unwanted, the unloved, the uncared for and the untouchables marching behind a woman whom some say was the pencil of God.

Mr. Speaker, I reserve the balance of my time.

Mr. MENENDEZ. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, I thank those who brought forth this resolution. It is only a short week ago that we came here to this very floor to talk about a woman, a young woman, Princess Diana, who died, a woman who had taken the interest and the delight of so many, so many millions. And here we are back again to speak about a woman, to speak about her life, her work, and her memory. This is one of the greatest women of this century, Mother Teresa. And yes, there will be people in Calcutta on Saturday, as so many of us that was just I think about a month, 2 months ago that we went to Statuary Hall and we were so thrilled and delighted that Mother Teresa was going to be among us, that Mother Teresa was going to receive the Congressional Medal. We were all somewhat like children trying to see this woman of small stature with the lines of life in her face.

Now she too is gone and I could only say probably that the lesson of all this every one of us can get, probably the main lesson, is we are all going to die, some earlier and some later. But tomorrow our President's wife, Hillary Clinton, in fact she might be right now at this very moment flying to Calcutta, and she will represent us.

But we are talking tonight about a woman who not because of her great political power, the way she shaped world events, we are not talking about that. We are talking about her moral power. And what that great moral power did was to convert so many, her own sisters, kings, and presidents, but also people who just saw that she was doing the right thing. This most humble of women was a giant, a giant of compassion. She recognized the humanity of even the least of us. And she did not judge us harshly as some judge others. And she insisted that every human being deserve our care.

Her devotion to the poor and her dedication to the dying overflowed in her Calcutta mission, bringing her worldwide acclaim and making her an inspiration to millions. But she always heard the teachings of her religion and she always acted taking to heart the biblical injunctions to feed the hungry and clothe the naked.

The great sadness I feel and felt at the news of Mother Teresa's passing is tempered by the gratitude that I feel for her life. Her compassion for others, her service to the poor and her devotion to her faith set the highest standard. Her life was proof that one humble individual can touch many lives and her absolute memory will inspire us all.

Mr. BURTON of Indiana. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I thank the gentleman not only for giving me this time, but for his initiative in this very important resolution.

Some months ago as the gentlewoman from Connecticut [Mrs. KENNELLY] mentioned, we had a ceremony in the rotunda and I was honored to be the master of ceremonies. I made some remarks then which I am adapting and updating for this evening.

One of Mother Teresa's constant themes was how much God loves each one of us, even and perhaps especially the most humble. Proof of that love is shown by His granting Mother Teresa fullness of years. She was in our midst for 87 years before she was called home. Hers were long years of service, self-sacrifice and example.

Archimedes said centuries ago, "Give me a place where to stand and I will move the world." Mother Teresa stood on the streets of Calcutta and the back alleys of the world literally clutching to her bosom the diseased and the dying, and she moved the world.

Mother Teresa displayed the most intensely human compassion, one that recognized the bond of humanity that links us to the poorest of the poor, a compassion which is the substance from which sanctity is forged.

In the year 1666, London was decimated by a great fire. Out of the ashes of that fire, a genius named Christopher Wren emerged and he literally rebuilt London. Some 80 buildings were his legacy. The greatest was the Cathedral of St. Paul's. If you go in the back of the cathedral, you look on the floor and you kick the dust away, you will see where he is buried. The words around his burial place "si requiris monumentum, circumspice"—if you would seek his monument, look around.

I apply those words to Mother Teresa. If you would seek her monument, just look around. People all over the globe can see and benefit from one of her monuments, the Missionaries of Charity, a bright, shining oasis of self-giving in a darkened world of calculation. In a world of doubts and ambiguities and cynicism, she was blessed with certainties. And the certainties that guided her life and her self-sacrifice are ancient, they are noble and to my mind indisputable.

She believed we are not lost in the stars, we are not alone in this universe which was created by a wise and benevolent Providence, and she lived the truth of that belief. She believed that every human being no matter how abandoned, no matter how poor, no matter how useless or inconvenient as the world calculates utility and convenience, is an image of the invisible God and invested with an innate and an inalienable dignity and value and thus commands our attention and our respect and our care. She poured out her life in service to that belief.

She believed that love is the most living thing there is, that love is stronger than death, and that every human heart can be touched by the power of love. So often she cradled the wretched of the Earth in her arms and witnessed to that belief.

She believed that the goodness of a society is measured by the way it treats the most helpless and vulnerable of its members, especially the defenseless unborn. She lived that belief and she challenged us to make that truth a living part of the fabric of our democracy. We live at the end of the bloodiest century in human history. Wars, ethnic and racial hatreds, mad ideologies and plain old human wickedness have made the 20th century, which the best and the brightest of 1897 thought would be a century of boundless human progress, instead a slaughterhouse.

On the edge of a new century and a new millennium, the world does not lack for icons of evil, Auschwitz, the gulag, the killing fields of Cambodia, Bosnia, the Great Lakes region of Central Africa. What the world desperately needs are icons of goodness, and that is what she has been for us, an icon of goodness. She reminded us that hatred and death do not have the last word. She called us back to what Abraham Lincoln called the better angels of our nature. She was a blessing, a great gift of God, and we thank God for permitting us to live in her time.

☐ 1715

Mr. MENENDEZ. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. PALLONE], who will be part of a delegation attending Mother Teresa's funeral and has to depart soon.

Mr. PALLONE. Mr. Speaker, I want to say that my colleagues' expressions that I have heard on a bipartisan basis so far this evening have been wonderful, and I think really express the deep sympathy that we share and the lesson I think that we have learned on a bipartisan basis, and, certainly, that all Americans, I believe, have learned from the life of Mother Teresa.

I rise today to honor and remember her. Last week we lost, I believe, one of the world's greatest humanitarian leaders. Her death, which has touched the lives of people all over the world, has prompted an outpouring of grief and mourning worldwide. Just here in Washington, hundreds of flowers have been placed at the foot of the Indian Embassy in her honor.

On September 6, over 2,000 people signed a condolence book at the Indian Embassy, and approximately 5,000 people attended a memorial service at the National Shrine of the Immaculate Conception to mourn her death. As India's Prime Minister Gujral said of her death, "The world is mourning."

This Saturday, on September 13, it has been mentioned that a State funeral is being given for Mother Teresa, the highest honor that the Indian Government can bestow upon an individual. The First Lady is leading a delegation, which I am honored to join this evening.

While such an elaborate funeral may seem to be somewhat at odds with her teaching and her way of life, the funeral gives the world the opportunity to remember a woman who has always given to others.

Although small in stature, her heart was enormous. Despite receiving a pacemaker in 1989 and plagued by a series of heart attacks, her commitment to the poor and disadvantaged never ceased.

Mr. Speaker, Mother Teresa was much more than a symbol or a figurehead. She lived by example. People from around the world recall stories in which she would tell flight attendants to pack leftovers for needy children and how she asked the Nobel prize organizers to cancel a banquet in her honor and use the money to feed the needy.

The Order of the Missionaries of Charity, which she founded, is established in 120 countries, committed to serving and helping the homeless, the dying, and the hungry.

While she was a Roman Catholic, Mother Teresa respected the religious practices of each of the individuals to whom she attended. She once told a friend when she was accused of converting Hindus to Catholicism, "I do convert. I convert you to become a better Hindu, or a better Muslim, or a better Protestant. When you have found God, it is up to you to do with him what you wish."

Mr. Speaker, we must not forget the work begun by this remarkable woman who saw God in the face of every human being. I am assured, just listening to some of the statements that my colleagues have made today, that her work will not be forgotten, and will be going on for time immemorial.

Mr. BURTON of Indiana. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from the great State of New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, let me just thank the gentleman from Indiana [Mr. BURTON] for his leadership in bringing this very important resolution to the floor, and especially thank the gentleman from Illinois [Mr. HYDE] for those very eloquent remarks spoken a moment ago in remembering Mother Teresa.

Mr. Speaker, as I think we all know, in Matthew's Gospel, the 25th chapter, in speaking about the Last Judgment, Jesus said:

> When the Son of Man comes in His glory, escorted by all the angels of heaven, He will sit upon His royal throne and all the nations will be assembled before Him. Then He will separate them into two groups, as a shepherd separates sheep from the goats. The sheep He will place on His right hand, the goats on his left.
>
> The King will say to those on the right, come, you have My Father's blessing! Inherit the kingdom prepared for you from the creation of the world. For I was hungry and you gave me food. I was thirsty and you gave me drink. I was a stranger and you welcomed me; naked and you clothed me. I was ill and you comforted me, in prison and you came to visit me.
>
> Then the just will ask him: "Lord, when did we see you hungry and feed you or see you thirsty and give you drink? When did we welcome you away from home or clothe you in your nakedness? When did we visit you when you were ill or in prison?"
>
> The King will answer them, "I assure you, as often as you did it for the least of my brethren, you did it for me."

As we all know, Mr. Speaker, Mother Teresa took these words from our Lord, Jesus Christ, literally, in pouring out her heart and her soul for the least of our brethren. Mother Teresa saw the downtrodden and the disenfranchised as Christ himself, and she believed that every act of mercy toward those less fortunate was for the Lord.

That is why she clothed, fed, and housed the sick and dying around the world. That is why she loved what the world considered to be the unlovable. That is why Mother Teresa was the most outspoken woman in the world in the defense of unborn children.

Mr. Speaker, at the 1994 National Prayer Breakfast, Mother Teresa addressed thousands of political leaders, including President Bill Clinton, Vice President GORE, and their wives. Few could listen to Mother Teresa and not be moved to believe that in this very small, frail, humble woman, there stood a powerful messenger, a prophetess, sent by God, to directly speak to a President and a Nation, and, yes, a world that had lost its moral compass.

She said, "Please don't kill the child," she admonished all those assembled, and looked directly at the President of the United States and said, "I want the child. We are fighting abortion with adoption, by care of the mother and adoption of the baby."

Mother Teresa stated, "The greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of an innocent child."

She then urged all Americans and diplomats to more fully understand the linkage of abortion with other forms of violence, and she said, "Any country that accepts abortion is not teaching its people to love, but to use violence to get what they want." "That is why," to continue the quote, "the greatest destroyer of peace and love is abortion."

Unfortunately, there are those, and this is usually behind closed doors, but there are many who have ridiculed Mother Teresa for doing what is right. Sometimes it comes to the surface. It especially came to the surface after she received her Nobel Peace Prize and spoke so eloquently in defense of the unborn.

I will never forget reading a particular attack against Mother Teresa by William Hamilton, Planned Parenthood Federation of America, one of their top leaders, and he said, and I do not think we should put this under the table, because this is all part of the record.

Mr. Hamilton said on behalf of Planned Parenthood:

> Spare us the preachings of Mother Teresa against abortion and the advancement of women. Allow us to cling to the romantic notion of a tiny 71-year-old woman doing good work in the slums of Calcutta, and not think about the destructive views that she represents.

According to Mr. Hamilton and Planned Parenthood, Mother Teresa's belief that abortion kills children and is anti-child, her belief that every child is precious and sacred and made in the image and likeness of God, is somehow destructive. Some can smirk when you say that, but that is what she would say. We need to defend these little innocent children.

As I am sure Mother Teresa would agree, it is Planned Parenthood's agenda of aborting over 230,000 little babies in this country every year, and countless more abroad, that is what is destructive.

Upon receiving her Nobel peace prize in 1979, Mother Teresa characterized abortion as the worst evil in the world because of its violence.

Undoubtedly, Mother Teresa's defense of the right to life of every human being, whether it is the child yet to be born, or the life of the poor whom she met in the streets of Calcutta, Rome, or anywhere else in the world, kept her focus on the work which she was chosen for by God.

I think by now we all know by way of background that Mother Teresa was born one of three children of an Albanian builder on August 27, 1910, in Macedonia. At the age of 18, she joined the Loreto Sisters, and soon thereafter, on January 6, 1929, arrived in Calcutta, India, to teach at a school for girls.

On September 10, 1946, on a train ride to Darjeeling, where she was to go on retreat to recover from a suspected bout of tuberculosis, she received her calling from God to care for the sick and the dying, the hungry, the naked, the unborn, and the homeless, to be God's love in action. And that was the beginning of the Missionaries of Charity.

In 1952, Mother Teresa and her Missionaries of Charity began the work for which they have been noted ever since, opening the first Home for the Dying in the city of Calcutta.

The Missionaries of Charity grew from 12 to thousands, reported to be over 5,000 nuns by 1997, in over 450 centers being run around the world. Mother Teresa created many homes for the dying and unwanted, from Calcutta, to New York, to Albania.

She is one of the pioneers of establishing homes for AIDS victims, and for more than 45 years she has comforted the poor, the unwanted, especially speaking out on behalf of babies yet unborn.

In closing, as we continue to fight for, and this is a worldwide struggle, the plight of the so-called throwaways, the unwanted, the unborn, the poor, the dying, those who are "inconvenient" and others in the world's needy, the words of Mother Teresa should ring in our ears.

She said, "At the end of our lives we will not be judged by how many diplomas we received, how much money we made, or how many great things we may have done or think we have done. We will be judged by 'I was hungry and you gave me to eat, I was naked and you clothed me, I was homeless and you took me in,' our Lord's words.

"Hungry, not only for bread, but hungry for love. Naked, not only for clothing, but naked for human dignity and respect. Homeless, not only for the want of a row of bricks, but homeless because of rejection."

Mr. Speaker, this resolution puts us on record and says that we care about this great woman, and, hopefully, her words, her life, will enlighten all of us as we go about the people's business in this body.

Mr. Speaker, in a parable about the Last Judgment, as recorded in the 25th chapter of Matthew's Gospel, Jesus said:

> When the Son of Man comes in his glory, escorted by all the angels of heaven, he will sit upon his royal throne, and all the nations will be assembled before him. Then he will separate them into two groups, as a shepherd separates sheep from goats. The sheep he will place on his right hand, the goats on his left. The king will say to those on his right: "Come. You have my Father's blessing! Inherit the kingdom prepared for you from the creation of the world. For I was hungry and you gave me food, I was thirsty and you gave me drink. I was a stranger and you welcomed me, naked and you clothed me. I was ill and you comforted me, in prison and you came to visit me." Then the just will ask him: "Lord, when did we see you hungry and feed you or see you thirsty and give you drink? When did we welcome you away from home or clothe you in your nakedness? When did we visit you when you were ill or in prison?" The king will answer them: "I assure you, as often as you did it for the least of my brethren, you did it for me."

As we all know, Mother Teresa took these words from Our Lord Jesus Christ literally in pouring out her heart and soul for the "least of our brethren." Mother Teresa saw the downtrodden and disenfranchised as Christ Himself and she believed that every act of mercy toward those less fortunate was for the Lord. That's why she clothed, fed, and housed the sick and dying around the world. That's why she loved what the world considered the unlovable. That's why Mother Teresa was outspoken in her defense of unborn children.

At the 1994 National Prayer Breakfast, Mother Teresa addressed thousands of political leaders, including President Bill Clinton, Vice President GORE, and their wives. Few could listen to Mother Teresa and not be moved to believe that—in this small, frail, humble woman—there stood a powerful messenger, a prophetess, sent by God, to directly speak to a President and nation that lost its moral compass.

"Please don't kill the child," Mother Teresa admonished, looking directly at the President of the United States. "I want the child," she went on to say, looking directly at the abortion President. ". . . We are fighting abortion with adoption, by care of the mother and adoption of the baby . . ."

Mother Teresa further stated that "the greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of an innocent child . . ." She then urged all Americans and diplomats to more fully understand the linkage of abortion with other forms of violence: "Any country that accepts abortion is not teaching its people to love, but to use violence to get what they want. This is why the greatest destroyer of love and peace is abortion."

Unfortunately, there are those who could only ridicule and demean Mother Teresa for doing what is right. I will never forget reading the attack on Mother Teresa by William W. Hamilton, Jr. of Planned Parenthood Federation America in 1985. (Washington Post, June 29, 1985, p. A21). The top Planned Parenthood official stated:

> . . . [S]pare us the preachings of Mother Teresa against abortion and the advancement of women. . . . Allow us to cling to the romantic notion of a tiny, (woman) . . . doing good work in the slums in Calcutta and not think about the destructive views she represents.

According to Mr. Hamilton and Planned Parenthood, Mother Teresa's belief that abortion kills children and is antichild and that children are precious, sacred, and made in the image and likeness of God, is somehow—destructive. As I am sure Mother Teresa would agree, it is Planned Parenthood's agenda of aborting over 230,000 children a year in the United States alone and countless move abroad which is destructive. Upon receiving her Noble Peace Prize in 1979 Mother Teresa did what was probably incorrect and characterized abortion as the worst evil in the world.

Undoubtedly, Mother Teresa's defense of the right to life for every human being—whether the life of a child yet to be born or the life of the poor whom she met in the streets of Calcutta, Rome, or anywhere else in the world—kept her focused on the work which was chosen for by God.

Mother Teresa was born Agnes Gonxa Bojaxhiu, the youngest of three children of an Albanian builder, on August 27, 1910 in Skopje, Macedonia. At the age of 18, she joined the Loretto Sisters and soon after, on January 6, 1929, arrived in Calcutta, India, to teach at a school for girls. On September 10, 1946, on a train ride to Darjeeling where she was to go on retreat to recover from suspected tuberculosis, Mother Teresa received her calling from God to care for the sick and the dying, the hungry, the naked, the unborn, the homelss—to be God's Love in action to the poorest of the poor. That was the beginning of the Missionaries of Charity.

In 1952 Mother Teresa and her Missionaries of Charity began the work for which they have been noted ever since, opening the first Home for the Dying in the City of Calcutta. The Missionaries of Charity grew from 12 to thousands—reported to be over 5,000 nuns in 1997—in over 450 centers being run in 125 countries. Mother Teresa created many homes for the dying and unwanted from Calcutta to New York to Albania, She was one of the pioneers of establishing homes for AIDS victims. For more than 45 years, Mother Teresa comforted the poor, the dying, and the so called unwanted around the world.

In closing, as we continue to consider the plight of the unborn, the poor, the dying, and the world's needy, these words of Mother Teresa should remain in the forefront of our minds:

> At the end of our lives, we will not be judged by how many diplomas we have received, how much money we have made or how many great things we have done. We will be judged by "I was hungry and you gave me to eat. I was naked and you clothed me. I was homeless and you took me in."
>
> Hungry not only for bread—but hungry for love. Naked not only for clothing—but naked for human dignity and respect.
>
> Homeless not only for want of a row of bricks—but homeless because of rejection. This is Christ in distressing disguise.

Mr. MENENDEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois, [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Speaker, first of all, let me thank the gentleman from New Jersey for yielding me time.

Mr. Speaker, I rise today to pay tribute to one of the world's finest humanitarians, Mother Teresa of Calcutta, India.

Mother Teresa departed this life Friday, September 5, 1997, at the age of 87. She leaves behind a committed life of service to mankind. Her legacy has been appropriately quoted in newspapers as the "Saint of Gutters."

She came to my district. She came to St. Malachy's Catholic Church. She came to the west side of Chicago. She dared to be different and championed the causes of the poor. She could be found in the most destitute areas on the planet, trying to aid the sick and heal the brokenhearted.

Her mission and ministry was clear, and that was to do God's will, no matter what the cost.

She was a tiny woman, but she had enormous inspiration. She founded a religious order called the Missionaries of Charity. Beginning with one single convent, almost five decades ago, and now she leaves behind hundreds of religious centers and convents on six continents.

Yes, she won a Nobel Peace Prize and countless other awards, but the prize she sought after most was to uplift the poor. In the poor, afflicted and rejected, she saw God, but, more importantly, she saw an opportunity to be a blessing and to make a difference. She had an uncanny ability to be in the midst of the destitute and still have joy and hope.

Someone once asked St. Francis what a person needed to do to please God. He answered, "Preach the Gospel every day, and, if necessary, use words."

Mother Teresa lived just that sort of life. She is a living reminder to all of us that faith is more than just words. It is the good deeds that we do in this world. The millions of lives she touched through her ministry made this world a much better place.

Mother Teresa, yes, has left; but the bright light and legacy that she leaves behind must continue. The challenge for us today is clear: We must continue the work of reaching out to help the poorest of the poor. Our Damascus road lies just before us. And the question is, will we, like Mother Teresa, assume the role of the good samaritan?

Mrs. NORTHUP. Mr. Speaker, I rise today to honor and express my admiration for the life and work of Mother Teresa.

Mother Teresa's acts of compassion transcended religious, cultural, and national boundaries. Her lifelong devotion to the poor, sick, and downtrodden served as an inspiration not only to those of us in the Catholic community, but to members of all faiths. Pope John Paul II remarked upon her death that

> Mother Teresa marked the history of our century. She courageously defended life; she served all human beings by promoting their dignity and respect; and made those who had been defeated by life feel the tenderness of God.

Mother Teresa taught by example the true meaning of service to mankind. Although she achieved widespread praise and recognition for her efforts, she was not comfortable in the spotlight. In fact, it seems that as her celebrity status increased, so did her commitment to serve her fellow man. She served as a role model by pulling us toward the higher purposes in life—doing what is right and good.

Mother Teresa had only a very small step to take from her life on earth to the afterlife. She has accurately been called a living saint, and an angel on earth. Mr. Speaker, we have lost one of history's truly outstanding people. As French President Jacque Chirac remarked upon her death, "this evening, there is less love, less compassion, less light in the world."

Mr. ROEMER. Mr. Speaker, it was with great sadness that I learned of the passing of one of the most remarkable women to ever grace our planet, Mother Teresa of Calcutta.

Mother Teresa dedicated her life to serving the poor, the destitute, and the most helpless among us. In so doing, she set an example for all people of the world to live by. She demonstrated that love and kindness and hope are far greater rewards than any material goals. Her selfless dedication to humanity and charity will never be forgotten. She devoted her life to those with less—the helpless and the homeless. She did not hesitate to visit a slum or leper colony. She truly lived Jesus Christ's proclamation in the Bible: "What you do to the least of us you do unto me."

I feel so fortunate to have had the opportunity to hear Mother Teresa speak twice in my lifetime: once at the congressional prayer breakfast in 1995 and most recently at the award ceremony where she was presented with the Congressional Gold Medal. Listening to her speak, listening to her conviction, her dedication to the poor, I truly believed I was in the presence of a saint. She was humble and modest, but strongly committed to the poor, the unborn, and the hungry.

Mother Teresa's work will carry on through the Missionaries of Charity which she founded, but she will be missed. I admired her greatly and pray that she, in her infinite faith, is joyfully reunited with her God.

☐ 1730

Mr. MENENDEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I thank my colleague for his participation, and all of my colleagues, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOEHNER). Pursuant to the previous order of the House, the resolution is considered as adopted.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRESSWOMAN SHEILA JACKSON-LEE SALUTES THE ENSEMBLE THEATRE WHICH CELEBRATES ITS NEW FACILITY WITH GRAND OPENING GALAS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to take a moment to recognize and salute the grand opening of the Ensemble Theatre in Houston, TX. Today, Friday, September 12, kicks-off The Grand Opening Galas, a weekend of performances, receptions, and entertainment that will be inspiring and fun for the entire community. As a longstanding supporter of the Ensemble Theatre, it brings me great pleasure to honor the theatre today.

The Ensemble Theatre is the oldest and most distinguished professional theatre in the Southwest devoted to the African-American experience. Founded in 1976 by the late George Hawkins, this nonprofit organization was established to preserve African-American artistic expression. Out of a sense of frustration with the limited number of theatre opportunities for blacks, Hawkins used his own financial resources to found the theatre. He assembled a group of black artists dedicated to producing and presenting theatre to Houston's black community. Today, I rise to share and build upon his important legacy.

In the grandest of styles and with pomp and pageantry that will include Houston's community and civic leaders, the Theatre opens the doors today to its new facility. Indeed, I am pleased to be associated with a campaign that began in 1993 to raise funds for the new facility. Nearly $4 million has been generously donated by 20 foundations, 35 corporations, and 150 individuals, as well as the great city of Houston and the National Endowment for the Arts, headed by Jane Alexander.

As the U.S. Representative of the 18th Congressional District in which the Ensemble sits, I am proud to commend this artistic jewel reflecting African-American lifestyles on good theatre for all of Houston. I look forward to bringing Jane Alexander to Houston to showcase this great House of theatre so that all the world will know of one of our prized possession in the midst of Houston's great art institutions. Congratulations to all the Ensemble Family.

THE NEW WORLD MINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana [Mr. HILL] is recognized for 5 minutes.

Mr. HILL. Mr. Speaker, this afternoon I want to visit for a few minutes with my colleagues, about a matter that is referred to as the New World Mine. Members may be aware of or have heard about this.

The President asked for $65 million to be inserted in the Interior budget under the Land and Water Conservation Fund for the purposes of executing an agreement that he entered into on August 12, 1996. This was an agreement that was negotiated in secret. It was negotiated behind closed doors with representatives of the White House, representatives of an environmental group, and representatives of a mining company.

What it basically called for is the exchange of 65 million dollars worth of public land in Montana in exchange for the rights to mine a project called the New World Mine, which is located about 3 miles northeast of Yellowstone Park.

This caused quite an uproar, Mr. Speaker, in Montana, because the people of Montana did not take kindly that the President of the United States would be giving away 65 million dollars worth of the public land in Montana. Sportsmen's groups, environmental groups, and just ordinary citizens who are very used, to and accustomed to, using the public lands became very disturbed.

So the President then decided that he had to come up with another alternative, so he proposed taking $65 million out of the Conservation Reserve Program. I would remind my colleagues that the Conservation Reserve Program is a program that takes environmentally sensitive lands out of production and puts them into grasses, and is very popular among the environmental community and the sportsmen's community, and has helped the farm communities in many parts of the drier parts of the West. Again, this group expressed outrage, because those are very valuable programs.

So finally the President came to the Congress and said, give me a blank check. Let me execute this arrangement. The House of Representatives, Mr. Speaker, said no. It said no because the President's plan is fatally flawed. I would like to explain to my colleagues why that is. It is fatally flawed for two primary reasons.

First, the President decided to ignore two very important parties. One of those parties is the State of Montana. The other party is a woman and her name is Margaret Reeb. Who is Margaret Reeb? It turns out that Margaret Reeb is the individual who owns the mineral interests that this group of people met together and decided to sell out.

Mr. Speaker, if I could liken this to an example, it would be like having your neighbor come to you and say, you know, someone came to me and offered me a lot of money to buy my house, but they said, I will not buy your house unless I can get your neighbor's house, too, so your neighbor sold your house from underneath you. That is basically what happened, because Margaret Reeb was never contacted, she was never consulted, and she never made any agreements.

I will to enter into the RECORD, Mr. Speaker, a copy of an article, a story in Time, May 12, 1997. In it Margaret Reeb says she is not going to play ball with the President. She says, "I knew nothing about" the negotiations. "When I finally got a copy of the agreement, I practically went into shock." Had any of the parties approached her, she said, she would have informed them, well, I am not interested in selling my property.

At the end of the day, she says, she does not give a damn whether or not the thing gets mined, she just wants to keep her property. There is a concern with that, because according to this article, Kathy McGinty, the chairwoman of the White House Council on Environmental Quality, says ominously, "There are other ways for us to arrange this agreement," suggesting they could leave Margaret Reeb's real estate an island in a sea of Government property that would have no value.

So the secret deal, made behind closed doors, left out the public. There were no hearings. The President had no authority and, certainly, no appropriation. Even more important, Mr. Speaker, is, it interrupted what we call the NEPA process, the National Environmental Policy Act process.

There was an environmental impact statement that was in the process. The White House says the environmental impact statement was not near completion, but I want my colleagues to look here, because I have a copy of the draft, copy of the environmental impact statement, which I will not ask to be put in the RECORD, but it was near completion. That environmental impact statement addressed the environmental concerns this mine might have represented.

Why did the President announce on August 12, 1996, this deal, when he did not have the property owner even on board? It turns out, Mr. Speaker, that August 12, 1996, was the first day of the Republican National Convention. The President used this opportunity to upstage the convention.

I am not opposed to it because of that; I am opposed to it because it is a wrong deal. The deal is wrong. The deal seeks to steal Margaret Reeb's property, and it seeks to hurt the State of Montana. GAO says the impacts would be that Montana would lose 321 direct jobs, 145 indirect jobs, and about 100 million dollars worth of tax revenues, should this mine go forward.

Mr. Speaker, I have offered an alternative plan, a plan that will protect Margaret Reeb's property rights and protect the taxpayers of Montana, and I urge my colleagues to become familiar with it.

Mr. Speaker, I include for the RECORD the following article.

The material referred to is as follows:

[From Time, May 12, 1997]

NOBODY ASKED HER

A VERY HUMAN, VERY STUBBORN GLITCH IN THE YELLOWSTONE GOLD-MINING DEAL

(By Patrick Dawson)

Margaret Reeb is somewhere in her 80's. In her Livingston, Mont., sitting room stands an ancient upright piano. On a wall hangs a photograph of Reeb and a smiling Eleanor Roosevelt. The topic of her verse—the mountain's beauty, the nobility of the pioneer gold miners who wrested their destinies from it—is a variation on an old frontier theme. Were she merely a wistful ex-schoolteacher, one could dismiss Reeb as a member of a familiar but vanishing species: the Western romantic.

But as things stand, it would be imprudent. Because Reeb, although she did teach school for decades, does not merely admire the forget-me-nots on the sides of Montana's Henderson Mountain; she owns the rights to millions of dollars in gold ore lying somewhere beneath it. Ore that President Clinton vowed publicly would never be mined. But about which he may have spoken too soon. For Margaret Reeb is not simply the eccentric heroine in her own romantic western. A bona-fide scion of the mining heroes she celebrates, she has the financial leverage to throw a shudder into the massive federal machinery she believes would grind up their dream.

It has been nine months since Clinton played federal marshal in the Great Yellowstone Mine Shootout. The dispute began in the late 1980s as new techniques for locating pay dirt suddenly turned old claims on Henderson into a $1 billion lode of extractable ore. The glitch was that the peak is a scant 2.5 miles upstream from Yellowstone National Park. Environmental groups, warning that a megamine would poison the park's ecosystem, threatened massive lawsuits against Crown Butte, the company planning a round-the-clock extraction effort. Then the Administration stepped in, and after months of secret talks, Crown Butte agreed to swap the mine for $65 million worth of government holdings elsewhere. Clinton was able to upstage the first day of the Republican Convention last August by posing in a beautiful alpine meadow flanked by an environmentalist and a mining executive, announcing that "Yellowstone is more precious than gold."

But a key figure was absent from that photo op. Margaret Reeb spent the summers of her girlhood on Henderson's slopes, where her father supervised a mine. Her family has owned claims in the district for over a century. "It was gold seekers who settled the West," she notes crisply. "They built the churches; they built the towns." Her purchase of dozens of nonproducing Henderson claims over 50 years probably struck some as more sentimental than savvy. But now her holdings, on lease to Crown Butte, constitute at least 40% of its goldfield—a portion so large that the pact is specifically contingent on her selling her rights to the company so that they can be part of the exchange.

But Reeb will not play ball. "I knew nothing about the negotiations," she claims. "And when I finally got a copy of the agreement, I practically went into shock." Had any of the parties approached her, she says, she would have informed them, "Well, I'm not interested in selling my property." In part the stance is just age-old miner's shrewdness: Don't sell your stake unless it's running out. But her rebuff also reflects a century of skirmishing between Western miners and the feds: "We Montanans feel pretty strongly about our love of the land," she says. "It is not American to be trying to wipe out selective private property."

The head of Crown Butte's new corporate parent has come calling at least twice since August, entreating her cooperation. But Reeb does not seem receptive to his blandishments. David Rovig, a former Crown Butte head who spent years talking her into leasing her claims to the company, doubts she will sell. "At the end of the day," he says, "Margaret doesn't give a damn whether the thing gets mined or not. She wants her property."

That may be all she ends up with. Katie McGinty, the chairwoman of the White House Council on Environmental Quality, says ominously, "There are other ways for us to arrange this agreement." One might involve Crown Butte's swapping only the land it owns, leaving Reeb's real estate an island in a sea of government property. Although her underground holdings are vast, her actual surface lot may be too small to accommodate a large-scale extraction operation.

Meanwhile, other problems have come up. Since signing the agreement, the Administration has not found any politically acceptable properties for a swap. It may have to try to pry $65 million out of a Republican Congress through deferred agricultural subsidies. By comparison, Margaret Reeb could come to seem a pushover.

PROTECTING AMERICA'S PATENT RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. ROHRABACHER] is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, I yield to the gentleman from Michigan [Mr. SMITH].

OUR SOCIAL SECURITY SYSTEM IS GOING BROKE

Mr. SMITH of Michigan. I thank the gentleman for yielding to me, Mr. Speaker.

I want to talk straightforwardly about what I think is one of the greatest problems facing this country, and that is the fact that Social Security is going broke. Mr. Speaker, we are now looking at a situation where there is going to be less money coming in from the taxes charged to workers than the amount of the dollars going out in benefit payments.

When we started this program in 1935, it was started as a pay-as-you-go program that cannot be sustained. It was started as a program charging workers a 1-percent tax, and then paying a very meager, a very small benefit to retirees once they reached the age of 65. However, most retirees at that time did not reach the age of 65. The average age of death in 1935 was 61 years old. That meant that most people never got any Social Security benefits, but simply paid into it.

We have now developed, with this pay-as-you-go problem, where we have constantly solved the shortage of funds to pay benefits by increasing taxes. So what we have done, since 1971, we have increased the taxes, Social Security taxes, on workers 36 times, more often than once a year. We are going to end up with generational warfare. We cannot continue to make workers today pay more and more money in to pay for the benefits of existing retirees.

When I go to my town hall meetings in Jackson and Battle Creek and in Hillsdale and Adrian, people say, look, if you would keep the Government's cotton-picking hands out of the money in the trust fund, we would be all right. But let me tell the Members how much money is in that trust fund, and how long it would last. The trust fund only uses the surpluses coming in in Social Security taxes. In other words, when there is money left over after benefits are paid out, then it goes into the trust fund.

Now the trust fund has roughly $600 billion of IOU's. Even if the Government came up with the money to pay back that $600 billion, it would not last 2 years. It would last less than 2 years. So that is not the solution, but it is part of the solution.

I think what we have to face up to is that this is a tremendous political challenge. There are only two ways, or a combination of the two, to save Social Security and keep it solvent. That is to increase the revenues coming in, or reduce the benefits going out. The longer we delay, the longer we put off coming up with a solution, the more drastic that solution is going to be.

Dorcas Hardy, a former Commissioner for Social Security, estimates that we are going to have less money than is needed to pay benefits, as early as 2005. The official date according to the actuary at the Social Security Administration is probably going to be closer to 2011 or 2012, but it is still a huge problem.

When we started back in the 1940's, what we had is 42 people working, paying in their Social Security taxes, to come up with the money for each retiree. By 1950, we got down to 17 workers working and paying in their taxes to support each retiree. Today, Mr. Speaker, guess how many people are working today, paying in their taxes, to support each retiree? Three. The estimate now is that by 2027 there will only be two workers working and paying in their taxes to support each retiree. There need to be some changes. We need to face up to it.

It should not be a commission. We have had many commissions. Ned Gramlich, who I have known for years, from the University of Michigan, of course led the President's effort 2 years ago with his commission, looking at what we should do with Social Security. They could not agree. A majority of that commission could not agree on any one solution, so what they brought back was three different solutions.

I asked Ned when we were in a Social Security forum together if he thought it was reasonable to appoint yet another commission, and he rolled his eyes back and said, absolutely not. We have had that. We have had Ned's commission, we have had the Kerrey commission, we have had White House studies, we have had congressional studies. What we need to do is have a Congress that is willing to face up to a very serious problem, and come up with some solutions that are going to keep Social Security solvent.

When I first came to Congress 4½ years ago I introduced legislation, a Social Security bill, to help keep Social Security solvent. Last year after working for a couple of years trying to refine a long-lasting solution, I introduced another bill. That bill and the bill that we will be introducing in the next several weeks did not affect existing retirees. In fact, it did not affect anybody over 58 years old. But it made a lot of modest changes, plus what we are doing in that legislation is allowing workers of this country to start their own personal retirement savings accounts, and gain from that personal ownership.

Unlike today's fixed pay-outs for Social Security, if you happen to die before you reach the retirement age, you do not get anything. Under the personal retirement savings concept, that is your money. It is your account. It becomes part of your estate. It is what we need to move ahead on.

One reason that all three proposals produced by Ned Gramlich's and the Social Security commission said that privatization and private investment has to be part of the solution is because Social Security is not even hardly breaking even today. The money that is actually paid on these IOU's in the Social Security trust fund only brings in a real return of 2.3 percent.

□ 1745

And when you look at index bonds or index stocks for a long time, for the last 50 years, they have averaged 8.5 percent or the potential of bringing in much more money. Opening the doors to private investment as part of the solution is reasonable and we have to proceed with it. Countries around the world are leading the United States.

Mr. Speaker, in conclusion, I think there are many legislators that are very nervous about the fact that senior groups are very strong politically, and many senior groups are very nervous that some of their benefits are going to be taken away. But more and more senior groups today realize that something needs to be done with Social Security if we are going to keep it solvent. My bill is the only bill that has been introduced in the House that keeps Social Security solvent for the next 75 years.

Mr. Speaker, I ask my colleagues to join me in studying this and trying to perfect it. But it is an idea. We need to move ahead. We need to figure out improvements for this kind of legislation so that we can solve one of the huge problems facing this country.

Mr. Speaker, I thank the gentleman from California [Mr. ROHRABACHER] very much for yielding.

The SPEAKER pro tempore. The gentleman from California [Mr. ROHRABACHER] is recognized for the remaining 50 minutes.

Mr. ROHRABACHER. Mr. Speaker, I am excited today to call the attention of my colleagues to an event of awesome importance that happened today at the Massachusetts Institute of Technology. It concerns an issue that is in the process of being decided by Congress that will determine our country's prosperity, our country's security, and will determine whether or not the American people can maintain their high standard of living, their high level of standard of living as compared to the rest of the world and our competitors in the world who would drag us down.

The event at MIT was a forceful communication on the part of 26 American Nobel Prize winners. These renowned economists and scientists signed an open letter to the U.S. Congress. These are the ultimate source of expertise that could possibly be called upon to advise we neophytes in Congress in making the decisions that will determine the future of our country and the well-being of our people.

Mr. Speaker, what did these 26 preeminent American scholars, these Nobel laureates want to tell us? What is such a threat that the likes of Paul Samuelson and Milton Friedman, Nobel Prize winning economists, one a liberal and one a conservative, would join forces to alert our country in?

These 26 Nobel Prize winners are pleading with Congress to defeat the effort to dramatically change the patent law that has served our country well since the founding of our Republic. Most Americans are unaware that we have had the strongest patent protection system in the world since the founding of our country. It was written right into our Constitution. It was the commitment of Jefferson and Franklin and other heroes of freedom and the champions of the rights of the common man that made sure that this patent protection was written into our Constitution.

Mr. Speaker, it has been this protection that ensured our country and ensured our country the prosperity and progress that we have enjoyed and ensured our people that we would be a country that would be the bastion of human progress and they would enjoy the fruits of that progress, and that our country would be the laboratory of free thought and entrepreneurialism and innovation that would foster the aspirations of people like Alexander Graham Bell, Thomas Edison, the Wright brothers and so many others.

It is a powerful force, this protection of law for technology innovation in our country, that elevated the standard of living of our people and secured our Nation from war and aggression.

Mr. Speaker, we were a different kind of country. That is what Thomas Jefferson, Benjamin Franklin, and others foresaw. We would not be dragged into war and the common man would live with rights guaranteed by law that the common people all over the world were denied, that these freedoms and these protections would afford us a higher standard of living and afford us the ability to live in peace. Peace and progress.

Mr. Speaker, we have had the strongest patent protection, as well as the other protection for all other rights, of any country in the world. Now we discover a quiet but determined effort to dramatically change it. This is what has caught the attention of our Nobel laureates.

Mr. Speaker, not a minor change. It is a change in the fundamental laws that have protected us for over 200 years. We literally as Americans have taken this legal protection for granted. Perhaps one out of a thousand Americans fully understand that this has had something to do with the standard of living our people have enjoyed, and that their own happiness and their own success in their own life might be traced back to this legal protection of technological development in our country.

What 26 of America's greatest thinkers are warning us about is a bill that is going through the Senate, S. 507, the so-called patent reform bill. According to the Nobel laureates this bill, quote, "Could result in lasting harm to the United States and the world." They point out that it, "will prove very damaging to American small inventors" and that was by, I quote again, "curtaining the protection they obtain by patents relative to large multinational corporations."

Mr. Speaker, at the end of my special order I will submit for the RECORD a copy of that letter that these 26 Nobel laureates have sent to the Congress today and affixed their signatures at MIT today.

Mr. Speaker, in their press conference today, the Nobel laureates spoke bluntly so their warning could not be misunderstood and could not be downplayed. I quote, "It would create total chaos and it is conducive to fraud and deceit," says Harvard economist Dudley Herschbach, who won a 1986 Nobel Prize in chemistry, a Harvard professor. "It would facilitate the theft of an inventor's intellectual property rights," end of quote by Mr. Herschbach as well.

America's greatest economic and scientific minds are pleading with us not to make the changes in our law that will diminish the patent protection of the average American. I have heard this pleading before, Mr. Speaker. As this legislation slid through the Subcommittee on Courts and Intellectual Property, the owner of a small solar energy corporation was in my office. And when we looked at the provisions of this bill, his face turned white and then he clenched his fist and he pounded on my desk and he told me, "Mr. Congressman, if they change the patent law in this way," and this is a man who owns a small company that is innovative and bringing about new changes in technology dealing with solar energy, something that will determine who will be able to be in a dominant position for providing energy on this planet 100 years from now or maybe even 50 years from now. This man was pounding on my desk:

> Congressman, if they change the laws in this way, it will mean that my Japanese adversaries will be able to steal all of my research and use it against me, and they will put me out of business. They will use the profit from my own technological developments to put me out of business.

That is what he told me.

Mr. Speaker, he was pleading with me to please inform my colleagues of the threat that this held to our economy. Then a few months ago, an entrepreneur in California who was aware of the debate then going on in Congress about this bill called me. This is a man who also runs a small company. This company specializes in the killing of bugs in an environmentally safe way. His company is now developing a whole new system of killing termites and bugs that eat up the food of mankind and eat up our houses and destroy property. He has developed a whole new method of doing this without the use of chemicals that would be totally environmentally safe.

Mr. Speaker, this man told me that he was frightened because his patent had not been issued and if this bill passed, he was afraid that again his adversaries would have the information available from research that he had financed and that they would put him out of business using his own technology against him, that they would be able to capitalize with stolen information; that he would not be able to capitalize until the patent was issued, and he had that in his hand to go to give people to invest in his company.

Then, more recently, I spoke with a constituent who wanted to know what I was doing in Congress. Mr. Speaker, I told him about the patent fight. He told me that he had been waiting for over 2 years for a patent and he described to me a unique way, and I cannot go into detail, of course, but a unique way of protecting the public against tainted meat.

He told me that if the patent reform, the changes that they were trying to put through in the Senate and they put forward in a bill here on the House floor, would go into law, that it would bankrupt him and that obviously people overseas and elsewhere would be copying his idea and he would never be able to compete with the big guys, because they would have all of his information before he was in production.

It was a heart rending thing for me to hear this, because what we have is we have just these three examples. Someone who is developing new solar technologies to try to make the world better. This man who has solar technology, it is a company in Ohio, claims that his changes will revolutionize energy production in the United States and throughout the world. But this could make it totally environmentally safe to produce electricity. Yet, he knows that that will be taken from him if the changes that are being suggested in our patent law would go into effect.

Mr. Speaker, we have someone who basically is trying to change the way that we kill bugs so that we do not have to poison our soil, which eventually becomes part of our body as we eat the food from the food chain, or to put poisons and chemicals into our homes so that our elderly and our little babies have such adverse effects from the chemicals we need just to kill the bugs in our own houses. He has a new way of doing that, but he knows if we change the patent law he is going to be left out.

Then we have, here on the heels of the E. coli catastrophe in which people lost their lives, a man who has a new way so that every housewife, every person who runs a restaurant will know whether or not, in a very cheap way, whether or not meat they are eating is tainted.

Mr. Speaker, these people will not continue to make these innovations that have changed our lives in the past. These individuals I am discussing right now, they will not continue to come forward with their new ideas if we make them vulnerable to their foreign and domestic predators who would take away from them everything that they have earned with their creativity, in their investment of their time, and their skill and their energy.

The spring of human progress will run dry if we take it for granted and if we change our laws so that people like this, the innovators of our society, can be robbed.

Mr. Speaker, now, what are these changes that I am talking about? The American people who have not heard about these proposals will be shocked to find out, because it must be pretty bad since we have 26 Nobel laureates who are pleading with us. We have had entrepreneurs pleading with us not to do this, and yet there is huge support in the Congress for this because there is an army of lobbyists representing special interests trying to get these changes put into law and the changes made in the fundamental law that have protected our citizens.

What are these changes? Who will win and who will lose by this legislative maneuver that is going on as we speak?

□ 1800

Well, it was 3 years ago when I discovered that Bruce Lehman, the head of our U.S. Patent Office, had quietly gone to Japan and signed an agreement to harmonize America's patent law with that of Japan.

Let me make that clear. Bruce Lehman, the head of our Patent Office, signed an agreement, we have a copy of that agreement, it has been in the CONGRESSIONAL RECORD several times, that would harmonize, commit us to harmonize America's patent law with that of Japan's.

The very existence of this agreement that had basically been kept from the public was frightening enough. The details of this giveaway of American legal protections was beyond anything that I could ever have predicted could ever even exist until I saw it for myself. I saw this agreement.

I said, no, this is a Pearl Harbor in slow motion. This is a person signing away the rights of the American people and getting almost nothing in return. And I discounted it until I actually found evidence that there were already legislative maneuvers taking place to implement this hushed agreement with Japan. Of course, during the debate on the patent issue, over and over and over again, I have stated about the agreement with Japan as being the primary motivating force for the changes that are being proposed in our patent law. Never did the opponents, my opponents on this issue, ever address that issue until we forced it on the floor.

Then finally they admitted, well, if you are trying to fulfill international agreements, that is a good enough motive, and then let it slide very quickly. I do not consider that a good answer. I do not consider making an agreement with Japan to change our laws and make our laws like theirs to be something that should be taken lightly.

First and foremost, the agreement made with Japan, yes, would change our patent system, which was the strongest in the world. It is not going to change their system; it is going to change ours. They want change that would make our system, the strongest in the world, so it will mirror the Japanese system which is the weakest in the world.

Thus we have a situation where a fundamental protection for the American people, written into our Constitution, is changed. And people are acting as if that will not change reality, that it will not change the way we live, that it will not change our standard of living, that it will not weaken the middle class or make us less prosperous or make us less secure.

I hate to tell people who are that optimistic, but that is irrational optimism. The fact is, the prosperity we enjoy, the opportunity of the average person in this country, the peace that we have had comes from the fact that we have been technologically superior to our adversaries, both our economic adversaries and our political adversaries and, yes, our military adversaries.

We have been superior to them because we have had the strongest patent protection in the world. And now there is an agreement with the Japanese to make our system exactly like theirs, which is the weakest system in the world.

What happens? What happens in Japan? In Japan they do not invent anything. Twenty-six Nobel laureates have signed this letter pleading with us not to make these changes in our patent law. Japan does not even have 26 Nobel laureates. They do not have that many Nobel laureates to sign a letter because they have a system that pushes the individual down, that makes sure that you have powerful economic shoguns that beat the little guy down and steal from him, and they have learned in Japan to be submissive.

Well, that is not what America is all about. I am not going to sit by and neither are many of my colleagues, when they have found out about this, and watch these changes be put into place blithely, as if they will not affect the well-being of the American people. They will affect it in a terrible way.

Again, I call this nothing more than a Pearl Harbor in slow motion because if these changes are made and these people are successful, 20 years from now we will have lost our edge and the American people will never know what hit them.

What is the essence that made ours such a strong patent system and provided these benefits? Well, from the very founding of our country, if you applied for a patent and it took you a long time to get that patent, you did not worry about it. Thomas Edison and the rest of them did not worry about it because they knew that no matter how long it took them to be issued that patent, they would have a guaranteed patent term, once it was issued, of 17 years.

They knew they would have that guaranteed patent term. The Wright Brothers knew that. Thomas Edison knew that. Cyrus McCormick knew that. The inventor of the sewing machine, Mr. Singer, knew that. This was something that was guaranteed. It was a guaranteed right of Americans to a patent term of 17 years.

Then we had a right of confidentiality. Everybody knows about that. You have heard of industrial espionage. What we are really talking about is the right of someone who has produced some new technology to own that and that when a patent has been applied for, that American has always had the right from the very beginning of our country to confidentiality. That confidentiality, by the way, has meant up until now that if someone in the Patent Office or someone else got ahold of the information of that patent application and released it to the public or stole it away or gave it to an adversary, that person could be charged criminally. That was a criminal charge to disclose information at the Patent Office.

So until the patent was issued, the person, the inventor, the innovator would know that, be comfortable that that information was not going to get to his enemies.

Third, there was an integrity to the patent once it was issued. In our system, once that patent is issued, it is a property right that is respected and has all the protections of almost every other property right. It was a solid piece of legal protection.

The Japanese system was different in each and every one of these ways. There was no guaranteed patent term. The minute someone applies for a patent under the Japanese system, the clock is ticking, not against the bureaucracy or the adversaries, but it is ticking against the inventor. And 20 years later, even if the patent has never been issued, that patent applicant loses all rights, all rights to any rewards from his invention and his new patent application.

Second, under the Japanese system, unlike our system, there is no right of confidentiality. After 18 months in Japan, an inventor applies for a patent and, after 18 months, it is published so that all the big guys can see what that guy is doing. They can come down and surround that little guy, and they can force him, through legal actions, both above the board and under the board, to give up that new innovation so that they can take the benefits for themselves.

Again, people in Japan never invent anything; of course, they do not. Just like if we let people steal the crops from our farmers and that would have been the way we lived, that the farmers always had all their crops stolen, pretty soon there would not be many farmers trying to grow crops anymore. Why should they?

Of course, in Japan, once a patent is issued, that patent is only worth about a half or a fourth as much as patents over here because there is what is called reexamination, which is basically saying that their patents lack integrity.

Needless to say, I was shocked when I learned that there was already an effort to implement the secret agreement to make our system like Japan's, because I could not believe it. No one is going to permit this to happen.

Sure, not only is it going to happen, they are trying to make it happen as we speak. This sellout of American patent rights to the Japanese and other American economic adversaries is going on right now. I first discovered the maneuver when I found a small provision snuck into the GATT implementation legislation. You may remember that.

GATT, a few years ago, GATT was brought to this body under fast track. I voted for fast track. I would not do it again. I would not do it again. But I voted for fast track because here is the understanding: The administration can negotiate an important trade deal with the knowledge that when they come here to the House that we will not be able to add or detract little provisions of it, but we have to vote it up or down. We cannot amend it. And in agreement for that, the administration agrees not to put in the implementation legislation anything that is not required by the treaty itself and give us ample time to look at the provisions.

The administration, this administration betrayed the Congress, betrayed me personally, because I voted for fast track. But I found that they had put into the GATT implementation legislation a provision that was not required by GATT. But what it was required by was this secret, little hushed-up agreement that they made with the Japanese to make our law exactly like the Japanese patent law. It had nothing to do with GATT. It had everything to do with that agreement with the Japanese.

In fact, I asked several times whether that provision would be in the GATT implementation legislation. Several times I was told it was none of my business. Is that not really nice for Members who are elected by the people of the United States to hear from an unelected official, that it is none of our business whether or not something will be included in a major piece of legislation? That provision in the GATT implementation legislation ended the 17-year guaranteed patent term that had been a right of Americans for over 160 years.

Was it a coincidence? Was this a coincidence? No. It was not a coincidence. In fact, you might think this just sort of got in there by mistake. It might be, well, that is not a plan, it is not some sort of maneuver.

Well, darn, if you just take a look at the other things that we have found since GATT passed, you will find that it is not a coincidence at all. In fact, lo and behold, another bill, another bill was passed through this body, and it was another bill that contained the other provisions that were part of the agreement that Bruce Lehman made with the Japanese years ago. What a coincidence.

In the GATT bill, there is the first provision of ending the guaranteed patent term. By the way, every American who hears my voice tonight or reads this in the CONGRESSIONAL RECORD or my colleagues should understand that 5 years ago, Americans had a right, a right to a guaranteed patent term. And they had that right since the founding of our country, and that now has been taken away and people do not even know what that is all about.

They have already had one of their rights taken away, and it is like they do not understand it. But they knew that Members of Congress, of course, would watch out for them and, if that right was important, that we would not have let it go.

No, it was put into the GATT implementation legislation, and we had no choice but either vote for that bill, including that provision, or vote against the entire world trading system. It was a betrayal of those of us who voted for fast track.

Then we find that the skids are greased for another piece of legislation that finishes the job of fulfilling the commitments made by Mr. Lehman to the Japanese. It was part of the Patent Publication Act which last session was put into the hopper, the Patent Publication Act.

But we stopped it in the last session. One of the reasons we were able to stop the Patent Publication Act last session was because it was too blatant. No one thought that anybody would pay attention to DANA ROHRABACHER or anybody else talking about the patent issue. And the very title of the bill demonstrated what that bill did. What did it do?

It demanded, like in Japanese law, after 18 months, if someone applies for a patent after 18 months, whether or not the patent has been issued, that it is going to be published for the entire world to see. This is what the entrepreneurs that I was talking about were pleading with us to save them from. They knew that if all of their innovation and their technological development was made public before their patent was issued, it was an invitation for every thief in the world to come here and steal our technology and use it against us, not only economically but on the battlefield as well.

So this session, this last session of Congress, we were able to stop that. It did not go through. So this session of Congress, it was reintroduced. It was reintroduced in a different name. The new name of the Patent Publication Act, which lets you know exactly what it is all about, they are going to publish all of our secret information, the new name of this bill is now the 21st Century Patent Reform Act.

Oh, my goodness, the Patent Reform Act has replaced the Patent Publication Act. I do not think this fools anybody. I think it is pretty crass for them to change the name of the legislation like this in order to cover up the basic purpose of the legislation.

☐ 1815

What was in that bill? Well, what was in the bill this session was the same thing as last session. No. 1, after 18 months, whether the patent has been issued or not, it was going to be published for every thief in the world to come and take our technology and use it against us.

No. 2, in the bill was a provision, again mirroring some of the things in the Japanese system. A system of reexamination, that is what they call it. What reexamination is, is it means that once an individual is issued a patent, these powerful interest groups, whether they are in Japan or in the United States or in China, or wherever they are, they can come in and challenge the patents that have already been issued to Americans.

So we are not only talking about new innovations that are being threatened by this patent bill, we are talking about challenges to our patent holders so that instead of paying the royalties to our inventors, foreign corporations and, yes, our own big corporations will just find legal ways to attack the legitimacy of the patent that has already been issued.

This will be a catastrophe. It will be a disaster for the guys who do not have the money to buy a stable of lawyers.

Third, this bill, and I know this is going to sound funny, but it actually obliterates the Patent Office as part of the U.S. Government. It really does. That bill, the bill I am talking about, the 21st Century Patent Reform Act, would take the Patent Office, which has never had a scandal in our country's history, because the patent examiners, God bless those hard-working people, they have never had a scandal in the sense that our patent examiners have been found guilty of passing on information or taking bribes. They have always done their job without fanfare.

But they want to take that organization now and turn it into a quasi-private, quasi-government corporation like the Post Office, opening these patent examiners up to influences and forces that they have never had to deal with before.

The patent examiners work hard. They make decisions that will tell us who owns what properties that are worth billions of dollars, and now we are going to just for no reason, without looking at this, turn it into a Post Office, like private corporations, like where huge corporations can have their people on the board of directors and it can accept gifts.

This makes no sense at all. It is like taking our courts and opening them up to outside influence. It is crazy, but that is what is part of the bill.

There has been an army of lobbyists in this town spending millions of dollars, and these lobbyists are not just from huge American corporations; they are from corporate interests from throughout the world trying to influence this Congress, this House and the U.S. Senate to pass this legislation, and they are trying to keep it as quiet as possible.

Tonight, they are so upset because these 26 Nobel Laureates are calling attention, calling to the attention of the American people this horrible, horrible change that they are trying to make in our legal protections.

Well, if it were not for democracy on the air, talk radio, because the mainstream media has never paid attention to this, and hopefully, the mainstream media will pay some attention to these Nobel Laureates, but throughout this entire battle, for 3 years, the mainstream media would not pay attention to this battle.

So I went to the talk shows and other people went to the talk shows and democracy on the air mobilized the American people. And when that bill went through this House, we were able to get out of it about 60 percent of the bad stuff.

Then it went over to the Senate. However, in the Senate, Senator HATCH is trying to push a piece of legislation, S.507, that is just as bad as the worst piece of legislation that was introduced here in the House.

What is going to happen? Action will take place in the Senate. People will have to call their U.S. Senators and their Congressmen, because once it takes place in the Senate, it will come back to the House in a conference committee, and behind closed doors, the decision will be made as to what the patent system will look like, and behind closed doors is where these lobbyists from these multinational corporations, from these huge predator corporations will have their most influence unless we can kill it in the Senate, unless the Senate votes it down and refuses to let it through the Senate.

It will be decided by the close of this session of Congress.

If we are able to mobilize the American people and let them know that a decision is being made that changes the fundamental protections we have had as Americans, we can win this. But every American has to participate. Every Member of Congress has to participate.

And let me note that I had lost my battle to offer a substitute to the patent bill when it came to the floor. I lost my battle. And it was the gentlewoman from Ohio [Ms. KAPTUR], a Democrat, and this is a totally bipartisan effort, but the gentlewoman from Ohio introduced a piece of legislation, an amendment to that same patent bill, that gave us the victory that we had. We won that because of that amendment, and we took out 60 percent of the bad stuff of that patent bill.

We have had broad-based bipartisan support because people, once we get their attention, once they listen to the Nobel Laureates pleading and saying something must be wrong here, what is going on, they understand that we are making a change that will hurt the American people, that will ensure that our children have a lower standard of living because they will not have the technological edge against our adversaries.

The entrepreneurs, the small businessmen, the individual inventors, the professors, and now the Nobel Laureates are pleading with us to pay attention. Please, please look and see what is happening here.

How can anyone vote for a piece of legislation that will disclose all of America's economic and technological secrets to our worst adversaries to use against us? How is that possible?

Please get involved. Do what Americans have to do to keep this a free country, and that is, participate in the decisionmaking process from the community back to Washington, DC. We are not meant to be a country that is ruled from a central capital.

That brings me to the final point I would like to make. Yes, this patent battle is symbolic. It is important in and of itself, but it is also symbolic. It is symbolic of something else that is happening in this post-cold war world that worries me tremendously.

What worries me is, I see the centralization of power, this sort of momentum that is taking place, that will leave Americans vulnerable to the predators of the world and will leave the American people on a desolate island that lacks freedom and lacks prosperity in the years ahead because we have given away our authority and given away our constitutional protections to multinational organizations, whether it is the World Trade Organization, the World Environmental Organization, the United Nations, or the continued squandering of our defense dollars in order to defend Europe or Africa or other places.

The fact is, European security is not worth the tens of billions of dollars we spend by stationing troops there. Let them defend themselves. We should be a strong military power, but we should make the decisions ourselves. We should not be submitting our troops to the United Nations. We should not be submitting our economic decisions to global organizations who are run by unelected officials, who someday will make decisions detrimental to our people, and we will have no recourse through the ballot box to change those decisions. We will find ourselves vulnerable because we have given authority to foreigners who are not elected to make the fundamental decisions for our country or for the security of our troops.

This change in the patent law, trying to harmonize us with another country like Japan, which will prove, I believe, to be catastrophic, is just one of many moves to create a global marketplace, a global economy.

I believe in free trade, but that is free trade between free individuals. That is not a world-regulated trading system with an unelected bureaucracy making decisions for us.

Our multinational corporations seem to want to invest in dictatorships so they can make a 15-percent profit off slave labor, rather than a 5-percent profit over here using free Americans who are proud and have rights protected by the Constitution. No, they would rather go overseas and invest in Communist China.

These things are elite. America's political and economic elite seem to have lost faith with the fundamental vision our Founding Fathers had of a country of free and prosperous people where even the common man had opportunities and guaranteed rights that were undreamed of in the whole history of mankind. If we lose that vision, we will lose our freedom and our children will not live decent lives, and this bothers me. This patent fight is only one indication of that attitude.

Let us fight this battle together. Let us pick up the torch that Thomas Jefferson and Benjamin Franklin talked about.

Mr. Speaker, as I yield back the balance of my time, I submit for the RECORD the letter I referred to earlier in my remarks.

AN OPEN LETTER TO THE U.S. SENATE:

We urge the Senate to oppose the passage of the pending U.S. Senate Bill S. 507. We hold that Congress, before embarking on a revision of our time tested patent system, should hold extensive hearings on whether there are serious flaws in the present system that need to be addressed and if so, how best to deal with them. This is especially important considering that a delicate structure such as the patent system, with all its ramifications, should not be subject to frequent modifications. We believe that S. 507 could result in lasting harm to the United States and the world.

First, it will prove very damaging to American small inventors and thereby discourage the flow of new inventions that have contributed so much to America's superior performance in the advancement of Science and technology. It will do so by curtailing the protection they obtain through patents relative to the large multi-national corporations.

Second, the principle of prior user rights saps the very spirit of that wonderful institution that is represented by the American patent system established in the Constitution in 1787, which is based on the principle that the inventor is given complete protection but for a limited length of time, after which the patent, fully disclosed in the application and published at the time of issue, becomes in the public domain, and can be used by anyone, under competitive conditions for the benefit of all final users. It will do so by giving further protection to trade secrets which can be kept secret forever, while reducing the incentive to rely on limited life patents.

Nobel Laureates in support of the letter to congress, re: Senate Bill 507

Franco Modigliani, (1985, Economics) MIT.
Robert Solow, (1987, Economics) MIT.
Mario Molina, (1995, Chemistry) MIT.
Ronald Hoffman, (1981, Chemistry) Cornell.
Milton Friedman, (1976, Economics) University of Chicago.
Richard Smalley, (1996, Chemistry) Rice.
Clifford Shull, (1994, Physics) MIT.
Herbert A. Simon, (1978, Economics) Carnegie-Mellon.
Douglass North, (1993, Economics) Washington University.
Dudley Herschbach, (1986, Chemistry) Harvard.
Herbert C. Brown, (1979, Chemistry) Purdue.
David M. Lee, (1996, Physics) Cornell.
Daniel Nathans, (1978, Medicine) Johns Hopkins.
Doug Osheroff, (1996, Physics) Stanford.
Har Gobind Khorana, (1968, Medicine) MIT.
Herbert Hauptman, (1985, Chemistry) Hauptman-Woodward Medical Research Institute.
John C. Harsanyi, (1994, Economics) UC Berkeley.
Paul Berg, (1980, Chemistry) Stanford.
Henry Kendall, (1990, Physics) MIT.
Paul Samuelson, (1970, Economics) MIT.
James Tobin, (1981, Economics) Yale.
Jerome Friedman, (1990, Physics) MIT.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BONILLA (at the request of Mr. ARMEY) for today, on account of family illness.

Ms. ROS-LEHTINEN (at the request of Mr. ARMEY) after 3 p.m. today, on account of attending the funeral of Mother Teresa.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. MENENDEZ) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Member (at the request of Mr. HILL) to revise and extend his remarks and include extraneous material:)

Mr. HILL for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. MENENDEZ) and to include extraneous matter:

Mr. NEAL.
Mr. FRANK of Massachusetts.
Mrs. TAUSCHER.
Mr. PALLONE.
Mr. FILNER.
Mr. UNDERWOOD.
Ms. JACKSON-LEE.
Mr. KUCINICH.
Mr. REYES.
Mr. ROEMER.
Mr. LANTOS.
Mr. STARK.

The following Members (at the request of Mr. HILL) and to include extraneous matter:

Mr. GALLEGLY.
Mrs. MORELLA.
Mr. TAUZIN.
Mr. EVERETT.
Mr. FOX of Pennsylvania, in two instances.
Mr. JOHNSON of Texas.
Mr. FRELINGHUYSEN.
Mrs. ROUKEMA.
Mr. SOLOMON.
Mrs. NORTHUP.

The following Members (at the request of Mr. ROHRABACHER) and to include extraneous matter:

Mr. ETHERIDGE.
Mr. LAZIO of New York.
Mr. KILDEE.
Mr. FARR of California.
Ms. PELOSI.
Mr. ORTIZ.
Mr. MENENDEZ.

SENATE BILL REFERRED

A bill of the Senate of the following titles was taken from the Speaker's table and, under the rule, referred as follows:

S. 1161. An act to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999; to the Committee of the Judiciary.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1866. An act to continue favorable treatment for need-based educational aid under the antitrust laws.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until Monday, September 15, 1997, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4994. A letter from the Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule—Rural Cooperative Development Grants (RIN: 0570–AA20) received August 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4995. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Paraquat; Pesticide Tolerances for Emergency Exemptions [OPP–300542; FRL–5739–8] (RIN: 2070–AB78) received August 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4996. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Desmedipham; Pesticide Tolerances for Emergency Exemptions [OPP–300532; FRL–5738–5] (RIN: 2070–AB78) received August 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4997. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyromazine; Pesticide Tolerances for Emergency Exemptions [OPP–300534; FRL–5738–7] (RIN: 2070–AB78) received August 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4998. A letter from the Director, Test, Systems Engineering & Evaluation, Department of Defense, transmitting a report to notify Congress of the intent to obligate funds for FY 1998 Foreign Comparative Testing projects, pursuant to 10 U.S.C. 2350a(g); to the Committee on National Security.

4999. A letter from the Secretary of the Navy, transmitting a list of certified civilian recipients for the Pearl Harbor Commemorative Medal, pursuant to Public Law 104–201, section 1066; to the Committee on National Security.

5000. A letter from the Secretary of Defense, transmitting a report on programs for youth who are dependents of members of the Armed Forces, pursuant to Public Law 104–201, section 1044(b); to the Committee on National Security.

5001. A letter from the Secretary of Defense, transmitting a report on the Department's efforts to form partnerships to share their child-care model with the civilian sector, pursuant to Public Law 104–201, section 1043; to the Committee on National Security.

5002. A letter from the Clerk, United States Court of Appeals, District of Columbia Circuit, transmitting an opinion of the United States Court of Appeals for the District of Columbia Circuit (No. 96–1209—*Unbelievable, Inc., D/B/A Frontier Hotel & Casino* v. *National Labor Relations Board*); to the Committee on Education and the Workforce.

5003. A letter from the General Counsel, Department of Transportation, transmitting the Department's "Major" final rule—Federal Motor Vehicle Safety Standards; Hydraulic Brake Systems; Passenger Car Brake Systems (National Highway Traffic Safety Administration) [Docket No. 85–6; Notice 12] (RIN: 2127–AG05) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5004. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Reasonably Available Control Technology for Nitrogen Oxides [FRL–5883–4] received August 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5005. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans and Designation of Areas for Air Quality Planning Purposes: State of Oregon, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5006. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Outer Continental Shelf Air Regulations Remands [FRL–5880–6] (RIN: 2060–AG40, AG39) received August 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5007. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Extension of Operating Permits Program Interim Approvals [FRL–5884–6] received August 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5008. A letter from the Deputy Secretary, Department of State, transmitting a report pursuant to section 3 of the AECA concerning the unauthorized transfer of U.S.-origin defense articles, pursuant to 22 U.S.C. 2314(d); to the Committee on International Relations.

5009. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President has authorized the expenditure of up to $30 million in Foreign Military Financing funds to support counternarcotics operations in Colombia (Presidential Determination No. 97–31), pursuant to 22 U.S.C. 2364(a)(1); to the Committee on International Relations.

5010. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the original report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

5011. A letter from the Director, United States Information Agency, transmitting the 1995 annual report entitled "International Exchange and Training Activities of the U.S. Government"; to the Committee on International Relations.

5012. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the final regulations for Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations and Uniform Administration Requirements for Grants and Cooperative Agreements to State and Local Governments, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Government Reform and Oversight.

5013. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Uniform Administrative Requirements for Grants and Cooperative Agreements: Common Rule (RIN: 2105–AC66) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5014. A letter from the Acting Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the 1996 section 8 report on National Historic and Natural Landmarks that have been damaged or to which damage to their integrity is anticipated, pursuant to 16 U.S.C. 1a–5(a); to the Committee on Resources.

5015. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace South of Abbotsford, British Columbia, on the United States Side of the U.S./Canadian Border, and the Establishment of a Class C Airspace Area in the Vicinity of Point ROBERTS, Washington (Federal Aviation Administration) [Airspace Docket No. 93–AWA–16] (RIN: 2120–AA66) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5016. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Normal and Transport Category Rotorcraft Regulations (Federal Aviation Administration) [Docket No. 29008; Amdt. 27–34, 29–41] (RIN: 2120–AZ97) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5017. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establish Class E Airspace; Spencer, IA (Federal Aviation Administration) [Airspace Docket No. 97–ACE–9] (RIN: 2120–AA66) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5018. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 97–NM–181–AD; Amdt. 39–10118; AD 97–18–08] (RIN: 2120–AA64) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5019. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes Equipped with Rolls Royce Engines (Federal Aviation Administration) [Docket No. 97–NM–125–AD; Amdt. 39–10114; AD 97–18–04] (RIN: 2120–AA64) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5020. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–41–AD; Amdt. 39–10119; AD 97–18–09] (RIN: 2120–AA64) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5021. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes Equipped with Pratt & Whitney Engines (Federal Aviation Administration) [Docket No. 97–NM–130–AD; Amdt. 39–10115; AD 97–18–05] (RIN: 2120–AA64) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5022. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model BAe 125–800A Series Airplanes, and Model Hawker 800 and Hawker 800XP Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–228–AD; Amdt. 39–10117; AD 97–18–07] (RIN: 2120–AA64) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5023. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Waimanalo Bay, Oahu, Hawaii (Coast Guard) [COTP HONOLULU 97-003] (RIN: 2115-AA97) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5024. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Commercial Fishing Industry Vessel Regulations (Coast Guard) [CGD 96-046] (RIN: 2115-AF35) received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5025. A letter from the Chief, Regulations Branch, United States Customs Service, transmitting the Service's final rule—Duty-Free Treatment of Articles Imported from U.S. Insular Possessions [T.D. 97-75] (RIN: 1515-AB14) received August 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5026. A letter from the Chief, Regulations Branch, United States Customs Service, transmitting the Service's final rule—Use of Containers Designated as Instruments of International Traffic in Point-to-Point Local Traffic [T.D. 97-69] (RIN: 1515-AB79) received August 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KOLBE. Committee on Appropriations. Supplemental report on H.R. 2378. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-240, Pt. 3).

Mr. LINDER. Committee on Rules. House Resolution 228. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-248). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 695. Referral to the Committee on Intelligence (Permanent Select) extended for a period ending not later than September 16, 1997.

H.R. 695. Referral to the Committee on Commerce extended for a period ending not later than September 26, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. NORTON (for herself, Mr. CUMMINGS, Ms. CHRISTIAN-GREEN, Mr. CONYERS, Mr. WELLER, Ms. BROWN of Florida, Mr. HASTINGS of Florida, Mr. CLAY, Mr. FROST, Mr. WATTS of Oklahoma, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HOLDEN, Ms. RIVERS, Mr. DAVIS of Illinois, Mr. PALLONE, Mr. BROWN of California, Mr. FILNER, Mr. DEFAZIO, Mr. ENGEL, Mr. JACKSON, Mr. RUSH, Mr. OWENS, Mr. BERMAN, Mr. BISHOP, Mr. DELLUMS, Mr. DIXON, Ms. KILPATRICK, Ms. CARSON, Mr. HILLIARD, Mr. WYNN, and Mr. FORD):

H.R. 2453. A bill to require the Secretary of the Treasury to mint coins in commemoration of the African-American Civil War veterans; to the Committee on Banking and Financial Services.

By Mr. FRANKS of New Jersey:

H.R. 2454. A bill to amend the Electronic Fund Transfer Act to prohibit any financial institution which accepts the direct deposit of Social Security benefits into the account of an accountholder from imposing any fee on the withdrawal of any amount from such account by such accountholder by electronic fund transfer, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. OBERSTAR (for himself, Mr. WISE, Mr. VENTO, Mr. LIPINSKI, Mr. TRAFICANT, Mr. DEFAZIO, Mr. COSTELLO, Mr. CLYBURN, Mr. FILNER, Ms. MILLENDER-MCDONALD, Mr. HOLDEN, and Mr. LAMPSON):

H.R. 2455. A bill to reform the safety practices of the railroad industry, to prevent railroad fatalities, injuries, and hazardous materials releases, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WELLER (for himself, Mr. MCINTOSH, Mrs. CUBIN, Mrs. KELLY, Mr. HERGER, Mr. ADERHOLT, Mr. BACHUS, Mr. BAKER, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BASS, Mr. BEREUTER, Mr. BILBRAY, Mr. BLILEY, Mr. BLUNT, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mr. BONO, Mr. BRADY, Mr. BRYANT, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BUYER, Mr. CALLAHAN, Mr. CANNON, Mr. CANADY of Florida, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. CONDIT, Mr. COOK, Mr. COOKSEY, Mr. CRAPO, Mr. CUNNINGHAM, Mr. DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DIAZ-BALART, Mr. DOOLITTLE, Mr. DREIER, Mr. DUNCAN, Mr. EHLERS, Mr. EHRLICH, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EWING, Mr. FOLEY, Mr. FORBES, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. GALLEGLY, Mr. GEKAS, Mr. GIBBONS, Mr. GILCHREST, Mr. GILMAN, Mr. GOSS, Mr. GRAHAM, Ms. GRANGER, Mr. GUTKNECHT, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HILL, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HULSHOF, Mr. HUNTER, Mr. HUTCHINSON, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. JENKINS, Mr. JONES, Mr. KIM, Mr. KING of New York, Mr. KINGSTON, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LIVINGSTON, Mr. MANZULLO, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCHUGH, Mr. MCINNIS, Mr. MCKEON, Mr. METCALF, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NEY, Mrs. NORTHUP, Mr. NORWOOD, Mr. NUSSLE, Mr. OXLEY, Mr. PACKARD, Mr. PAPPAS, Mr. PARKER, Mr. PAUL, Mr. PAXON, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. POMBO, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. RIGGS, Mr. RILEY, Mr. ROGAN, Mr. ROGERS, Mr. SALMON, Mr. SAXTON, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SESSIONS, Mr. SHADEGG, Mr. SMITH of Texas, Mrs. LINDA SMITH of Washington, Mr. SMITH of Michigan, Mr. SOLOMON, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. SUNUNU, Mr. TALENT, Mr. TAUZIN, Mr. THUNE, Mr. TIAHRT, Mr. UPTON, Mr. WALSH, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WHITE, Mr. WICKER, Mr. WOLF, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. ARMEY, Mr. BURTON of Indiana, Mr. CHABOT, Mr. GOODLING, Mr. HANSEN, Mr. LINDER, Mr. REDMOND, Mr. ROYCE, Mr. RYUN, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. MICA, Mrs. ROUKEMA, Mr. ROHRABACHER, Ms. DUNN of Washington, Mr. HORN, Mr. KOLBE, Mr. CRAMER, Mr. MORAN of Kansas, and Mr. THORNBERRY):

H.R. 2456. A bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey:

H.R. 2457. A bill to amend the Electronic Fund Transfer Act to prohibit any financial institution which accepts the direct deposit of veterans benefits paid by the Secretary of Veterans Affairs into the account of an accountholder from imposing any fee on the withdrawal of any amount from such account by such accountholder by electronic fund transfer, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. CHENOWETH (for herself, Mr. HERGER, and Mr. BOB SCHAFFER):

H.R. 2458. A bill to provide new authority to the Secretary of Agriculture and the Secretary of the Interior to safeguard communities, lives, and property from catastrophic wildfire by eliminating hazardous fuels buildup, and to undertake other forest management projects to protect noncommodity resources, on Federal lands where wildlands abut, or are located in close proximity to, urban areas; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS (for himself, Mr. QUINN, Mr. MORAN of Virginia, Mr. LEWIS of Georgia, Mr. DELAHUNT, Mr. MCGOVERN, Mr. HINCHEY, Mr. SANDERS, Mr. CAPPS, Mr. UNDERWOOD, Mr. ALLEN, Mr. FILNER, Ms. FURSE, Ms. LOFGREN, Mr. BARRETT of Wisconsin, Ms. SANCHEZ, Mrs. MORELLA, Mr. FALEOMAVAEGA, Ms. HARMAN, Mr. GUTIERREZ, Mr. WEXLER, Mr. BOEHLERT, Mr. UPTON, Mr. BONIOR, Ms. PELOSI, Mrs. KELLY, Mr. GEJDENSON, Mr. LAFALCE, Ms. STABENOW, Mr. OLVER, Mr. CLAY, Mr. ENGLISH of Pennsylvania, Mr. EHLERS, Mr. FAWELL, Mr. FOX of Pennsylvania, Mr.

Klug, Mr. Porter, Mrs. Roukema, Mr. Gilchrest, Mr. Castle, Mr. Matsui, Mr. Hastings of Florida, Mr. Paxon, Mr. Shays, Mr. Smith of New Jersey, Mr. Cooksey, Mr. LaHood, Mr. Markey, Ms. Woolsey, Mr. Weller, Mr. Brown of California, Ms. Eshoo, Mr. Gephardt, Ms. Slaughter, Mr. Blumenauer, Mr. Brown of Ohio, Mr. Rush, Mr. Manton, Mr. LoBiondo, Mr. Maloney of Connecticut, Mr. Dooley of California, Mr. Tierney, Mr. Flake, Ms. Hooley of Oregon, Mr. Towns, Ms. McCarthy of Missouri, Mr. Yates, Ms. Kaptur, Mr. Kanjorski, Ms. Rivers, Mr. Strickland, Mr. Pomeroy, Mr. Conyers, Mr. Costello, Mr. Bilbray, Mr. Leach, Mr. Pastor, Ms. Kilpatrick, Ms. Carson, Mr. Adam Smith of Washington, Mr. Kennedy of Rhode Island, Mr. Kennedy of Massachusetts, Mr. Stark, Mr. Minge, Mr. Bentsen, Mr. Dixon, Mr. Torres, Ms. DeLauro, Mr. John, Ms. Waters, Ms. DeGette, Mr. Moakley, Mr. Davis of Illinois, Mr. Farr of California, Mr. Engel, Mr. Visclosky, Mr. Frank of Massachusetts, Mr. Franks of New Jersey, Mr. Nadler, Mr. Cummings, Mrs. Maloney of New York, Mrs. Mink of Hawaii, Mrs. Lowey, Mr. Lampson, Mr. Borski, Mr. Davis of Virginia, Mrs. Johnson of Connecticut, Mr. Pascrell, Mr. Schumer, Mr. Kleczka, Mr. Clement, Mr. Hamilton, Mr. Sabo, Mr. Neal of Massachusetts, Ms. Norton, Mr. Lantos, Mr. Foley, Mr. Camp, Mr. Kucinich, Mr. Skaggs, Mr. Sherman, Mr. Obey, Ms. McKinney, Mr. Frost, Mrs. McCarthy of New York, Mr. Poshard, Mr. Serrano, Mr. Wynn, Mr. Walsh, Mr. Dellums, Mr. Lipinski, Ms. Velazquez, Mr. LaTourette, Mr. Abercrombie, Mr. Horn, Mr. Kind of Wisconsin, Mr. Weygand, Mr. Baldacci, Ms. Pryce of Ohio, and Mr. Wolf):

H.R. 2459. A bill to restrict the use of funds for new deployments of antipersonnel landmines, and for other purposes; to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON (for himself, Mr. McCollum, Mr. Schumer, Mr. Norwood, and Mr. Smith of Texas):

H.R. 2460. A bill to amend title 18, United States Code, with respect to scanning receivers and similar devices; to the Committee on the Judiciary.

By Mr. JONES:

H.R. 2461. A bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, NC, on December 17, 1903; to the Committee on Banking and Financial Services.

By Mr. KASICH (for himself, Mr. Franks of New Jersey, Mr. Hobson, Mr. Portman, Mrs. Cubin, and Mrs. Northup):

H.R. 2462. A bill to amend the Internal Revenue Code of 1986 to allow the taxable income of each spouse of a married couple to be taxed using either the rates applicable to single filers or the rates applicable to joint returns; to the Committee on Ways and Means.

By Mrs. KENNELLY of Connecticut (for herself, Mrs. Meek of Florida, Ms. Eddie Bernice Johnson of Texas, Ms. Millender-McDonald, Ms. Christian-Green, Mrs. Thurman, Ms. Lofgren, Mrs. Maloney of New York, Mr. McDermott, Mr. Poshard, Mr. Frost, Mr. Stark, and Mr. LaFalce):

H.R. 2463. A bill to amend part A of title IV of the Social Security Act to prevent States from requiring employees of work experience and community service programs to work in exchange for child support collected on their behalf; to the Committee on Ways and Means.

By Mr. McCOLLUM (for himself and Mr. Delahunt):

H.R. 2464. A bill to amend the Immigration and Nationality Act to exempt internationally adopted children under age 10 from the immunization requirement; to the Committee on the Judiciary.

By Mr. SALMON:

H.R. 2465. A bill to make medical savings accounts available in connection with certain health plans under chapter 89 of title 5, United States Code, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 2466. A bill to amend the Social Security Act with respect to limiting the use of automatic stays and discharge in bankruptcy proceedings for provider liability for health care fraud; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 2467. A bill to amend the Internal Revenue Code of 1986 to relieve a spouse or former spouse of liability for income tax for a taxable year if the divorce decree allocates such liability to the other spouse; to the Committee on Ways and Means.

By Mr. FATTAH (for himself, Mr. Filner, Mr. Hastings of Florida, Mr. Borski, Ms. Kaptur, Mr. Bonior, Mr. Olver, Ms. Christian-Green, Mr. Sabo, Mr. Hilliard, Mr. Barrett of Wisconsin, Mr. Faleomavaega, and Mr. Lipinski):

H.R. 2468. A bill to provide that Federal contracts and certain Federal subsidies shall be provided only to businesses which have qualified profit-sharing plans; to the Committee on Government Reform and Oversight, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself, Mr. Towns, Mr. Klug, Mr. Hall of Texas, Mr. Greenwood, Mr. Manton, Mr. Burr of North Carolina, Ms. McCarthy of Missouri, Mr. Barton of Texas, Mr. Coburn, Mr. Upton, Mr. Deal of Georgia, Mr. Bilirakis, Mr. Engel, and Mr. Dingell):

H.R. 2469. A bill to amend the Federal Food, Drug, and Cosmetic Act and other statutes to provide for improvements in the regulation of food ingredients, nutrient content claims, and health claims, and for other purposes; to the Committee on Commerce.

By Mr. BURTON of Indiana (for himself, Mr. Hyde, Mr. Smith of New Jersey, Mr. Cunningham, Mr. McCollum, Mrs. Myrick, Mr. Boehlert, Mr. Bliley, Mr. John, Mr. Hayworth, Mr. King of New York, Mrs. Emerson, Mr. Tauzin, Mr. Menendez, and Mr. Gilman):

H. Res. 227. Resolution expressing the condolences of the House of Representatives on the death of Mother Teresa of Calcutta; to the Committee on International Relations.

By Mr. MENENDEZ (for himself, Mr. Barrett of Wisconsin, Mr. Meehan, Mr. Fazio of California, Mr. Bonior, Mr. Edwards, Mr. Gejdenson, and Mr. Farr of California):

H. Res. 229. Resolution amending the Rules of the House of Representatives to limit admission of ex-Members of the House of Representatives to the House floor and rooms leading thereto in certain instances where personal or pecuniary interests are involved; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

193. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 29 memorializing the President and Congress of the United States to adopt specified guidelines and policies with respect to Base Realignment and Closure legislation; to the Committee on National Security.

194. Also, a memorial of the Legislature of the Commonwealth of Massachusetts, relative to Resolutions memorializing the United States Senate Foreign Relations Committee to hold a hearing and vote on the nomination of William F. Weld as United States Ambassador to Mexico; to the Committee on International Relations.

195. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 80 memorializing the United States Congress to extend the coastal boundary in Louisiana to be at least equal to that of Texas and Mississippi; to the Committee on Resources.

196. Also, a memorial of the General Assembly of the State of Nevada, relative to Assembly Joint Resolution No. 10 urging Congress and the Uniform Law Commissioners to make certain changes to the laws regarding jurisdiction over matters of child custody; to the Committee on the Judiciary.

197. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 16 memorializing the President and Congress of the United States to study the impact of the Fair Housing Amendments Act and evaluate how well the act is assisting individuals with disabilities; to the Committee on the Judiciary.

198. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 8 memorializing the President and the Congress to maintain the current standards relating to truck size and weight set forth in the federal Intermodal Surface Transportation Efficiency Act of 1991; to the Committee on Transportation and Infrastructure.

199. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 99 memorializing the United States Congress to enact

legislation to return the control of the Mississippi River to state and local governing authorities; to the Committee on Transportation and Infrastructure.

200. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 10 memorializing the United States Congress to reauthorize laws providing funding for projects under the federal Coastal Wetlands Planning, Protection and Restoration Act; to the Committee on Transportation and Infrastructure.

201. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 75 memorializing the United States Congress to take such action as is necessary to amend the federal regulations regarding commercial driver's license standards; to the Committee on Transportation and Infrastructure.

202. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 253 memorializing the United States Congress to enact legislation to return the control of the Mississippi River to state and local governing authorities; to the Committee on Transportation and Infrastructure.

203. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 97 memorializing Congress not to renew the temporary two-tenths percent unemployment insurance tax; to the Committee on Ways and Means.

204. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 170 memorializing the United States Congress to enact legislation which would provide for consideration of geographical location and the availability of patient options in the reimbursement of claims for emergencies treated in rural hospital emergency rooms which are not life-threatening and to enact legislation which would correct the current inequity in reimbursing rural hospitals for costs of stabilizing patients who are to be referred to larger, more suitable equipped facilities; to the Committee on Ways and Means.

205. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 160 memorializing the United States Congress to require the Health Care Financing Administration to enforce existing regulations prohibiting the improper downstreaming of hospital self-referrals from physicians they compensate and to instruct the Health Care Financing Administration to reinstate the two "Hoyer letters" stating that hospitals referring to their own home health agencies are in violation of federal regulations on self-referral; to the Committee on Ways and Means.

206. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 194 memorializing the United States Congress and the appropriate federal agencies to approve the Louisiana Coastal Wetlands Conservation Plan; jointly to the Committees on Resources and Transportation and Infrastructure.

207. Also, a memorial of the Senate of the State of Nevada, relative to Senate Bill No. 400 urging Congress to address the problem of child labor; jointly to the Committees on International Relations, Commerce, and Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. GOSS:

H.R. 2470. A bill to authorize the Secretary of Transportation to issue a certificate of doucmentation with appropriate endorsement for employement in the coastwise trade for the vessel *Windwisp*; to the Committee on Transportation and Infrastructure.

By Mr. SHAW:

H.R. 2471. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *M/V Bahama Pride*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. BOEHLERT.

H.R. 211: Mr. GUTIERREZ.

H.R. 251: Mr. LATOURETTE.

H.R. 350: Mr. JACKSON, Mr. CHRISTENSEN, Mr. LOBIONDO, and Mr. MANTON.

H.R. 693: Mr. GIBBONS, Mr. SAXTON, and Mr. KING of New York.

H.R. 741: Mr. WELLER.

H.R. 754: Mr. STARK.

H.R. 859: Mr. MANZULLO.

H.R. 881: Mr. STARK.

H.R. 939: Mr. GEJDENSON.

H.R. 991: Mrs. MALONEY of New York, Mr. KLINK, Mr. ANDREWS, and Ms. STABENOW.

H.R. 1010: Mr. MCCOLLUM and Mr. BLILEY.

H.R. 1031: Mr. BONILLA.

H.R. 1070: Mr. CRAMER and Mr. MASCARA.

H.R. 1104: Mr. PASCRELL.

H.R. 1114: Mr. SANDLIN.

H.R. 1129: Mrs. THURMAN and Mr. CLEMENT.

H.R. 1280: Mr. PAXON.

H.R. 1289: Ms. PRYCE of Ohio, Mrs. MINK of Hawaii, Mr. COOK, Mr. WELLER, Mrs. THURMAN, and Mr. SKAGGS.

H.R. 1362: Mr. MCDERMOTT.

H.R. 1367: Mr. SHAYS.

H.R. 1371: Ms. KAPTUR and Mr. CANNON.

H.R. 1507: Mr. THOMPSON, Mr. LIPINSKI, Mr. GILCHREST, and Ms. MCCARTHY of Missouri.

H.R. 1573: Mr. BROWN of California.

H.R. 1613: Mr. LUTHER.

H.R. 1636: Mr. FRELINGHUYSEN.

H.R. 1671: Ms. LOFGREN and Ms. STABENOW.

H.R. 1679: Mr. GREENWOOD and Mr. WOLF.

H.R. 1689: Mr. MILLER of Florida and Mr. CALVERT.

H.R. 1703: Mr. MASCARA.

H.R. 1710: Mr. MILLER of Florida, Mr. HUNTER, Mr. GOODLING, Mr. BISHOP, Mr. ROHRABACHER, Mr. SOLOMON, Mr. SUNUNU, Mr. CHRISTENSEN, Mr. THOMAS, Mrs. NORTHUP, Mr. PITTS, Mr. SOUDER, and Mr. BERMAN.

H.R. 1719: Mr. WELLER.

H.R. 1748: Mr. BLUMENAUER, Mr. LANTOS, Mr. KINGSTON, and Mr. WATT of North Carolina.

H.R. 1773: Mr. COOK.

H.R. 1842: Mr. DELAY, Mr. RIGGS, and Mr. MCINTOSH.

H.R. 1909: Mr. BLUNT and Mr. CRANE.

H.R. 1970: Mr. ETHERIDGE.

H.R. 1975: Mr. KILDEE and Mr. LUTHER.

H.R. 1984: Mr. RILEY, Mr. BOYD, Mr. RIGGS, Mr. YOUNG of Alaska, and Mr. HINOJOSA.

H.R. 1995: Mr. FARR of California, Mr. DELLUMS, Mr. WAXMAN, Mr. BERMAN, Ms. PELOSI, Mr. BROWN of California, and Ms. ESHOO.

H.R. 2019: Mr. CRAPO and Mr. LIVINGSTON.

H.R. 2094: Mr. FARR of California, Mr. DIXON, and Mr. SHAYS.

H.R. 2140: Mr. LAMPSON and Mr. GEKAS.

H.R. 2183: Mr. DEUTSCH, Mr. VISCLOSKY, Mr. MINGE, Ms. CARSON, and Mr. CAPPS.

H.R. 2212: Ms. WOOLSEY.

H.R. 2233: Mr. UNDERWOOD, Mr. GREENWOOD, Mr. GOSS, Mr. FARR of California, Mr. DEUTSCH, Ms. WOOLSEY, Mr. MILLER of California, Mrs. KELLY, and Mr. BILBRAY.

H.R. 2250: Mr. COOK, Mr. SCHIFF, Mr. MORAN of Virginia, Mr. ANDREWS, Mr. SOLOMON, and Mr. WELDON of Florida.

H.R. 2272: Mr. WATT of North Carolina.

H.R. 2283: Mr. METCALF, Mr. POMBO, Ms. WOOLSEY, and Mr. GALLEGLY.

H.R. 2345: Mr. FRANK of Massachusetts.

H.R. 2363: Mr. BLUNT, Mr. BRADY, Mr. CANNON, Ms. DANNER, Mr. DAVIS of Virginia, Mr. SAM JOHNSON, Mr. MANZULLO, Mr. PARKER, Mr. POMBO, Mr. SHIMKUS, Mr. COOK, Mrs. CHENOWETH, Mr. WATTS of Oklahoma, Mr. TAYLOR of Mississippi, Mr. SOUDER, and Mr. GREEN.

H.R. 2403: Mr. MCCRERY, Ms. MCCARTHY of Missouri, Mr. SOLOMON, Mr. NETHERCUTT, Mr. FOLEY, Mr. NEUMANN, Mr. BARTON of Texas, Mr. SANDLIN.

H.R. 2438: Mrs. EMERSON, Mr. SESSIONS, Mr. HERGER, and Mrs. CHENOWETH.

H. Con. Res. 65: Mr. SABO, Mr. MORAN of Virginia, Ms. MCCARTHY of Missouri, Mr. OWENS, Mr. JENKINS, Mr. WELLER, Mr. DAVIS of Virginia, Mr. SHERMAN, Mr. GIBBONS, Mrs. THURMAN, Mr. BURR of North Carolina, Mr. BLILEY, Mrs. MYRICK, and Ms. WOOLSEY.

H. Con. Res. 96: Mr. OWENS.

H. Con. Res. 100: Mr. BARTON of Texas, Mr. CRANE, Mr. MINGE, Mr. HINCHEY, Mr. LEVIN, Mr. COOKSEY, and Mr. PAYNE.

H. Con. Res. 131: Mr. CUNNINGHAM, Mr. WELDON of Pennsylvania, Mrs. MINK of Hawaii, Mr. FARR of California, Mr. LOBIONDO, Mr. HORN, Ms. WOOLSEY, Ms. LOFGREN, Mr. GREEN, Mr. GUTIERREZ, Mr. DAVIS of Florida, Mr. BILBRAY, Mr. MCGOVERN, and Mr. KENNEDY of Rhode Island.

H. Con. Res. 134: Mr. RUSH.

H. Con. Res. 139: Mr. GEPHARDT and Mr. MCCOLLUM.

H. Res. 224: Mr. BOSWELL, Mr. BOEHLERT, Mr. HINCHEY, Mr. JEFFERSON, Mr. HOLDEN, Mr. KANJORSKI, and Mr. BLUNT.

H. Res. 226: Mr. BOEHLERT, Mr. FOLEY, Mr. TAUZIN, Mr. BLAGOJEVICH, Mr. POMEROY, Mrs. MALONEY of New York, Mr. BLILEY, Mr. MCDADE, Mr. CUNNINGHAM, Mr. MCCOLLUM, Mr. DUNCAN, Mr. BISHOP, Mr. MEEHAN, Mr. PETERSON of Minnesota, Mr. BROWN of Ohio, Mr. PASCRELL, Mr. KENNEDY of Massachusetts, Mr. ADAM SMITH of Washington, Mr. SNYDER, Mr. GIBBONS, Mr. SAWYER, Mr. PALLONE, Mr. MCKEON, Mrs. MYRICK, Mr. MCGOVERN, Mr. LARGENT, Mr. FARR of California, Mr. CAMP, Mr. DOYLE, Mr. ADERHOLT, Mr. POMBO, Mr. GILMAN, Mr. SABO, Mr. DAVIS of Virginia, Mr. FRANK of Massachusetts, Ms. CHRISTIAN-GREEN, Ms. KILPATRICK, Mr. WATTS of Oklahoma, Mr. BALLENGER, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. CHABOT, Mr. MCDERMOTT, Mr. WOLF, Mr. LAHOOD, Mr. HALL of Ohio, Mr. BLUNT, Mr. KING of New York, Mr. KUCINICH, Mr. CLEMENT, Mr. COOKSEY, Mr. HAYWORTH, Mr. COBURN, Mr. RYUN, Ms. STABENOW, Mr. JOHN, Mr. BAESLER, Mr. SERRANO, Ms. ROS-LEHTINEN, Mr. TORRES, and Mr. GREEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2034: Mr. BARR of Georgia.

DISCHARGE PETITIONS

The following discharge petition was filed pursuant to clause 3 of rule XXVII.

House Resolution 141. By Sidney R. Yates.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2267

OFFERED BY: MS. LOFGREN

AMENDMENT NO. 25: Page 50, line 13, after the dollar amount insert "(increased by $4,900,000)".

Page 107, line 16, after the dollar amount insert "(reduced by $4,900,000)".

SENATE—*Thursday, September 11, 1997*

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, help us to listen to Your fear-dispelling words: "Fear not, I am with you, I will never leave nor forsake you. You are mine for eternity."

Lord, You remind us to seek to please only You and we will have nothing or no one to fear. Help us to face our fears, allow You to displace them with Your indwelling presence, and erase them with Your forgiving love. Free us to love ourselves as loved by You. Banish any frightening memories.

Holy Love, cast out our fear. You are our strength, wisdom, and courage. When we endure the qualified love of others, we can be sure of Your unqualified love.

We surrender our own control and trust You to guide us each step of the way. We need not manipulate people, but motivate them with Your love. We can trust Your guidance in decisions and Your solutions to the most complicated problems. Use our imaginations to picture and live Your best for our lives. We have nothing to fear. Thank You, Father, through our Lord and Saviour. Amen.

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

The PRESIDENT pro tempore. The assistant majority leader is recognized.

Mr. NICKLES. Mr. President, thank you.

SCHEDULE

Mr. NICKLES. Mr. President, on behalf of the majority leader, I announce that this morning the Senate will resume consideration of S. 1061, the Labor-HHS appropriations bill. As under the order reached last evening, there will be 30 minutes of debate equally divided on the Nickles amendment, No. 1081, regarding Teamsters elections, to be followed by 30 minutes of debate equally divided on the Gregg amendment, No. 1070, regarding educational testing.

Following that debate time, at approximately 10 a.m. there will be a series of four stacked rollcall votes, including final passage of the Labor-HHS appropriations bill.

Following those votes, the Senate will begin consideration of S. 830, the FDA reform bill. Under the previous order, there will be 1 hour of debate under the control of Senator JEFFORDS, and 1 hour of debate under the control of Senator KENNEDY.

In addition, a cloture motion is expected to be filed on the FDA reform bill today. Also, it is anticipated that the Senate will begin consideration of H.R. 2107, the Interior appropriations bill.

Subsequently, following the ordered votes, which begin at approximately 10 a.m. this morning, additional votes are expected.

I wish to thank my colleagues for their attention.

MEASURE READ FOR THE SECOND TIME—S. 1160

Mr. NICKLES. Mr. President, I understand that there is a bill at the desk that is due for its second reading.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1160) to provide for educational facilities improvement.

Mr. NICKLES. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDENT pro tempore. The clerk will report the pending business.

The assistant legislative clerk read as follows:.

A bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gregg amendment No. 1070, to prohibit the use of funds for national testing in reading and mathematics, with certain exceptions.

Coats-Gregg amendment No. 1071 (to amendment No. 1070), to prohibit the development, planning, implementation, or administration of any national testing program in reading or mathematics unless the program is specifically authorized by Federal statute.

Nickles-Jeffords amendment No. 1081, to limit the use of taxpayer funds for any future International Brotherhood of Teamsters leadership election.

Craig-Jeffords amendment No. 1083 (to amendment No. 1081), in the nature of a substitute.

Harkin-Bingaman-Kennedy amendment No. 1115, to authorize the National Assessment Governing Board to develop policy for voluntary national tests in reading and mathematics.

Domenici (for Gorton) modified amendment No. 1122, to provide certain education funding directly to local educational agencies.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as I understand it, the time between now and 9:30 is evenly divided on the Nickles and Gregg amendments. Am I correct?

The PRESIDENT pro tempore. That is correct.

Mr. KENNEDY. How much time then on each side?

The PRESIDENT pro tempore. Fifteen minutes on each side.

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair. Mr. President, I thank Senator KENNEDY.

AMENDMENT NO. 1081, AS AMENDED

Mr. WELLSTONE. Mr. President, we had an extensive discussion on the Nickles amendment last time. I just want to speak for a very brief period of time about it this morning.

Pending before a Federal court in New York, scheduled to be considered next Friday, is a motion by the election officer of the 1996 Teamsters election. A judge will make a decision then. And the problem with this amendment, Mr. President, is that it essentially tells the judge what to do.

I would like to say this morning that in many ways this reminds me of yesterday. This is an overreach. I think we are getting a little bit carried away with our power here.

My colleague from Oklahoma is a fine Senator. But he is not a judge. It is Senator NICKLES. It is not "Judge NICKLES." We don't really have the right to tell a judge what kind of decision he should make regarding the 1989 consent decree. That is for the judge to decide next week.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. President, it is true that we had an election, and it is true that it was not satisfactory. And, indeed, the investment that we made to make sure it was a clean and fair election lead to a report, and the election officer essentially saying there has to be a rerun; that this has to be done again. That is the way it is supposed to be. An election which is not a fair election means that you have to have another election. That is where we are heading.

Mr. President, my colleague from Oklahoma has said that the consent decree was neutral as to whether there would be any more money spent on the election—silent on that matter. If so, on the Kennedy amendment, what my colleague from Massachusetts has talked about is right on the mark; that we make a commitment that we will not do anything here that will overturn, or essentially contradict, that consent decree.

The judge makes the decision in New York next week. What are we as a U.S. Senate doing trying to tell that judge how he should decide? That is an overreach. That is not our business. I think it raises constitutional questions. But I also think it raises another set of questions. I said this last time. I will repeat it in the last minute or two that I have.

Whatever the intentions of my colleague—and I know they are good intentions—the fact of the matter is that there is a whole lot of people in the country who find the timing of the Nickles amendment to be suspect. I mean it comes in a relatively short period of time after a very successful justice struggle by UPS workers and by the Teamsters. It just looks like payback time. That is, I am sure, not his intention.

But the point of it is the timing is off. It doesn't look good for the U.S. Senate to be coming out on the floor of the Senate with an amendment like this short on the heels of this great victory for working people. And, in addition, it is an overreach. I mean we should not be telling the judge what kind of decision a Federal district judge in New York makes next week. I don't think it is constitutionally the right thing to do. I think it is probably unconstitutional. I don't think it is appropriate, and I hope that there will be a very strong vote against the Nickles amendment.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

Mr. President, the fact of the matter is, whether it is the intention or not the intention of those that propose this amendment, one can reach no other conclusion that this amendment is on the floor of the U.S. Senate because of the success of the Teamsters in the recent UPS strike. For the first time in many years, the Nation focused on the particular needs of part-time workers—their future, their security, and their well-being.

During that UPS strike, one of the key points that was made—and which I think resonated across the country—was that part-time workers don't have part-time mortgages, don't have part-time bills when they are feeding their children, don't have part-time bills when they are trying to work for their families, and bring up their families, and that in this Nation with our growing and expanding economy—and with the strongest economy that we have had in many years—part-time workers should not be excluded. That is the key issue. There are many of those that fought that issue. But, nonetheless, as a result of collective bargaining, part-time workers' needs were recognized. I think America understood this issue much better. Pension issues were resolved to try to ensure that we are not going to only have Social Security to rely on when they retire but at least have some benefit in terms of their pensions for men and women that work hard over a long period of time.

Those were the negotiations. Now there are many, and many in this body, that do not like the outcome of that particular measure. They have put this measure that is before us, which I think is really a reflection of that success.

The fact is, Mr. President, if we accept this amendment of Senators NICKLES and GREGG, we will be directly interfering with a consent decree that was agreed to by a Republican administration, agreed to by a Republican Attorney General, Attorney General Thornburgh, and it was heralded at that period of time as a great success by Republicans in trying to clean up corruption in a particular union. The fact is that when the Teamsters have a Teamster Union election, the Teamsters pay for it. But under that consent decree, if there are going to be Federal supervisors involved in this, and the Federal Government is going to be involved in ensuring that the election is going to be fair, then the Federal Government is going to be paying for this and participating.

We are not saying now and in the future when this matter is before the courts what the future is going to be, or whether there is going to be another election and who ought to pay for it. All we are saying is let the consent decree that is in place now continue to be respected and not be undermined by actions by the legislative body which is a direct interference into the separation of powers and into the judicial decision to have a consent decree by which the executive body agreed to.

That is the issue, Mr. President, and there are many important scholars that agree that, if we do have this kind of interference in a consent decree, we are going to subject this body to a contempt action because we will be interfering in a consent decree.

Mr. President, it seems to me that we ought to follow the regular order. This overall agreement consent decree is before the Southern District Court in New York. Briefs are being required by the middle of this month. There will be a judgment to be made by the judge in that decision. And we ought to respect that particular decision which has been agreed on and it is now a matter of consent decree. We should not interfere with a consent decree with a legislative intrusion. There are no funds in this appropriations affecting that particular settlement. And we have no business, as the Senator from Alaska has pointed out, a Republican, to be adding these kinds of extraneous issues into an appropriations bill. It makes no sense.

I withhold the remainder of my time.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, in listening to my colleagues, I heard, "Well, the reason why this amendment is offered is because the Teamsters strike against UPS was a phenomenal success." I have never commented on that. But I don't know that I could consider success that they have 15,000 fewer workers today after the strike than they had before the strike.

I know that some people characterize it. But I will tell my colleagues, you can question my integrity or not, that is not the reason I am offering this amendment. I am offering this amendment because I read that taxpayers paid $22 million for it. I don't know who won that strike. With strikes I think basically everybody loses. I think the company loses, and the workers lose. And if you have 15,000 fewer jobs, that is a loss. And certainly the company loses lots of money and lots of customers. So that is a loss.

But that is not the purpose of my amendment. The purpose of my amendment is that I didn't know that the taxpayers were paying for that election.

I thought, why did we pay for that election? Well, there was a consent decree order in 1989 that said we will have a couple of elections to deal with, 1991 and 1996. And they agreed in the consent decree to supervise all future Teamsters elections. It is in the consent decree. They said, in 1991, the Teamsters will pay for it. They said, in 1996, the taxpayers will pay for it. They were silent on any subsequent elections.

I want to make sure that we do not pay for it. I do not think we should have paid for the one in 1996. I did not know about it until after the fact. So if anybody wants to question my motives, I almost could put out—I am not questioning other people's motives. I have not raised the fact the Teamsters put in so much money in these elections, and so on. I have never said people are out here defending this because they received support. I am not going to do it. I am not questioning other people's motives.

I am a little sensitive to that statement because it was made last week, and I did not respond to it earlier this week and now it is repeated. That is infringing, or very close to infringing on Senate rules.

We have a right to say how money is appropriated in this body. My colleague from Minnesota said, well, maybe in this institution a consent decree overrides the Constitution. I do not think so. In the Constitution of the United States, article I, section 9 says, "No money shall be drawn from the Treasury but in consequence of appropriations made by law."

That is by Congress. Article I of the Constitution says, under congressional powers, Congress has the right to appropriate money. We have the right basically not to appropriate money, and that is what this amendment says. This amendment says we do not want to spend another $22 million. We can supervise the election. Frankly, we have to supervise the election. The consent decree says we will supervise the election.

What happened in the last election? According to the report that was done by the election officer of the Teamsters' last election, "The violation of the rules described above were not merely"—this is a quote from her report, and I will put it into the record. "The violations of the rules described above were not merely technical but products of schemes to funnel union and outside money into the election and thus change the outcome. These were egregious violations by high level functionaries who believed that winning at all costs was more important than abiding by the rules and the law. Members cannot have confidence in their union or its leaders if they see that their choice of officers has been manipulated by outsiders. The election officer has searched for means of properly remedying the violations while at the same time avoiding the burden on the union and its members inherent in holding a new election. Unfortunately, no such path is apparent."

Mr. President I will ask unanimous consent that at least these two pages of the report of the election officer be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ELECTION OFFICER FOR THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS

In re: Jeraldine Cheatem; Robert H. Spearman; Jim Hoffa—No dues increase—25 and out slate; Jerry Halberg; James P. Hoffa.

DECISION CORRECTION

The first full paragraph on page 130 should read as follows:

An order of the Election Officer, unless otherwise stayed, takes immediate effect against a party found in violation of the Rules. *In Re: Lopez*, 96—Elec. App.—73 (KC) (February 13, 1996). However, the fines levied in Part III(C) of the decision are not final and are not to be paid until such fines are ordered by the Court upon application of the Election Officer.

Dated: August 21, 1997.

BARBARA ZACK QUINDEL,
Election Officer.

ELECTION OFFICER FOR THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS

In re: Jeraldine Cheatem; Robert H. Spearman; Jim Hoffa—No dues increase—25 and out slate; Jerry Halberg; James P. Hoffa.

SUMMARY OF DECISION[1]

The Election Officer for the International Brotherhood of Teamsters ("IBT") was appointed by the U.S. District Court for the Southern District of New York to supervise and conduct the rank-and-file election for International officers to ensure a free, fair and informed process. Her duties arise from the 1989 Consent Decree approved by the District Court in a case brought by the government under federal racketeering laws. The ballot count in the 1996 International officer election concluded on February 27, 1997. This decision follows the investigation of numerous post-election protests.

Part I of the decision addresses several protests which challenged the fairness and accuracy of the ballot count. Following a detailed explanation of the receipt, processing, and count of the ballots, those protests are denied.

Parts II and III of the decision address allegations that non-IBT members made $221,000 in improper contributions to Teamsters for a Corruption Free Union ("TCFU"), a fundraising committee of the Ron Carey Campaign. The Election Officer concludes that the contributions violated the Election Rules' prohibition against employer and IBT contributions.

The TCFU contributions were used by the Carey Campaign to fund approximately 40% of a direct mail get-out-the-vote program. Given the small margins between the winning candidates on the Carey slate and the losing candidates on the Hoffa slate, the * * *

* * * in their attacks on the positions, records, and integrity of the opposing candidates. One may question whether such campaigns are the most effective in winning votes or even building democratic institutions, but no one can question that this campaign was as open and competitive as any undertaken in an American labor union in recent history.

Preserving the new open spirit within the IBT requires some sacrifice. Certainly the hardship on the candidates and the members of rerunning so massive an election is a factor to weigh in this decision. A rerun election inevitably affects the Union as an institution, as many of its leaders, at both the local and national level, become diverted from the central work of bargaining and enforcing contracts and organizing new members. Many members of this Union want nothing more than to return to the basic tasks of trade unionism and have looked forward to a respite from the almost ceaseless campaigning of the past two years. However, there are even greater dangers if strong action is not taken when employers secretly attempt to influence the election of IBT officers. The violations of the Rules described above were not merely technical, but products of schemes to funnel Union and outside money into the election and thus change the outcome. These were egregious violations by high level campaign functionaries who believed winning at all costs was more important than abiding by the Rules and the law. Members cannot have confidence in their Union or its leaders if they see that their choice of officers has been manipulated by outsiders. They cannot have confidence in the Consent Decree if Court officers do not take effective action to prevent and remedy such misconduct.

The Election Officer has searched for a means of properly remedying the violations while at the same time avoiding the burden on the Union and its members inherent in holding a new election. Unfortunately, no such path is apparent. The election of International officers is the clearest expression of the control of members over their union; it is also the key to insuring that organized crime, employers, or any other outsiders do not use the Union for their own purposes. To avoid a rerun because of the disruption it brings could allow this union to lose its most valuable resource: the support, participation, and confidence of its membership. Such a result cannot be allowed.

Because the violations of the Rules described above may have affected the outcome of the election and further threatened the integrity of the process, the Election Officer hereby orders a rerun election for all International officer positions except Central Region Vice * * *

Mr. NICKLES. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Oklahoma has 9 minutes 30 seconds; the Senator from Massachusetts controls 6 minutes and 30 seconds.

Mr. NICKLES. I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks the floor?

Mr. KENNEDY. How much time remains again?

The PRESIDING OFFICER. The Senator from Massachusetts controls 6 minutes and 30 seconds.

Mr. KENNEDY. And the other side?

The PRESIDING OFFICER. Nine minutes and fifteen seconds.

Mr. KENNEDY. I yield 4 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 4 minutes.

Mr. SARBANES. Mr. President, I urge my colleagues to oppose the Nickles amendment. This represents an unjustified intrusion by the Congress into the decades-long effort by Federal prosecutors to rid the International Brotherhood of Teamsters of corrupt influences.

That is what is involved here, it is the effort to drive corrupt influences out of the Teamsters Union. Now, that effort has been vigorously pursued by both Republican and Democratic Departments of Justice. It culminated in litigation and ultimately a consent decree between the International Brotherhood of Teamsters and the United States. This was a consent decree entered into by the Bush administration and Attorney General Thornburgh, who hailed this as a major achievement, which I concede it was. And now Congress, with this amendment, is seeking to interfere in that law enforcement effort at a vital moment.

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[1] This summary has been prepared by the Office of the Election Officer for the convenience of the parties and the general reader. The summary is not part of the decision and may not be cited before the Election Appeals Master, the District Court, or any other tribunal.

In the 1989 consent decree, the Federal Government effectively entered into a contract to pay for the supervision of the 1996 election. In fact, the consent decree is very clear in stating, "The union defendants consent to the election officer at Government expense to supervise the 1996 elections." And the rerun election we are talking about is the 1996 election, which has not been certified. It is now back before the court.

Now, this amendment breaches that agreement. It in effect violates the consent decree.

It is asserted that unions typically pay for their own elections. That is quite true. But in those elections they do not have election officers, and they do not have Federal supervision of the election. What the consent decree said was that the union would pay for the 1991 election and that the 1996 election would be supervised under the consent decree at Government expense.

Now, the Teamsters already pay $3 to $4 million annually for consent decree activities related to the effort to prevent corruption. Between 1990 and 1995, they incurred costs in excess of $40 million in complying with its obligations and responsibilities under the consent decree.

The danger with this amendment is that if the Government goes back on its undertaking to pay for the supervisory costs of the 1996 election, you will take the Teamsters out from under the necessity of having an election officer. You do not ordinarily get election officers to supervise union elections.

My colleagues on the other side will say, well, what did we get out of it? What we got out of it was the continued supervision of the union elections into the 1996 election to help ensure that corrupt influences would not creep back into the union and affect its legitimate operations. The executive branch agreed to this consent decree.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SARBANES. It is embodied in a court order.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SARBANES. And this amendment blatantly violates that court order. I urge my colleagues to reject this amendment.

Mr. President, we reserve the remainder of our time.

The PRESIDING OFFICER. Who seeks the floor?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I heard the comments of my colleague from Maryland, but he is incorrect. The consent decree that was agreed to in 1989 stated that the Teamsters would pay for the election. I will just read it. "The union defendants further consent to U.S. Department of Labor"—this is from the consent decree, page 16—"supervising any IBT"—that is the Teamsters, International Brotherhood of Teamsters—"elections or special elections to be conducted after 1991 for the office of President, Secretary, Treasurer, Vice President and Trustee."

They have agreed to supervision. And the Federal Government supervised the 1991 and 1996 elections. What was unique about the 1996 election, we paid for it as well. We conducted it. We paid $22 million. I hope all my colleagues understand that. We paid $22 million, the Federal taxpayers paid $22 million for the 1996 election. It was the one that was determined to be corrupt. We did not do that in 1991.

What was the difference? I think people are a lot more willing to cheat maybe if it is somebody else's money. And they did. There was corruption with the taxpayers' money.

We will still have supervision. My amendment does not prohibit supervision. It does not abrogate the consent decree. The consent decree, frankly, was silent on who would pay for any subsequent elections. I even called the former Attorney General and asked him. No, we did not say anything about that. I read this section. It is not there.

Now, some people would like to interpret it as, oh, the taxpayers will pay for this forever. If there is corruption in the next election, the taxpayers will pay for it. If there is corruption in the next election, we are going to continue having taxpayers get stiffed. In this case, the Teamsters got hurt. I am talking about members of the Teamsters. Union members got hurt because they had a fraudulent election. They have to have it again. And the taxpayers got hurt. I am trying to say it wasn't the taxpayers' fault there was fraud last time. We should not have taxpayers getting ripped off again.

What is the cost of this? Twenty-two million dollars. Every other union in the country pays for their own election. Every other union in the country. This is not a group that is not doing well. Senator KENNEDY and Senator WELLSTONE have been bragging how well they did in the contract. I do not know what kind of improvements they got. I did check; I think the average wage is about $27 an hour, wages and benefits. That is pretty good. That is $50,000-some a year. In the last election, the taxpayers paid $22 million; there are 1.4 million Teamsters; a little less than 500,000 voted. That is a cost to the taxpayers of about $45 a vote. That is pretty high. If the Teamsters have to pay for this themselves, I calculate it is about $15 a member. That is about a half-an-hour's pay. But they should have to pay for it. When any other union has an election, when the Teamsters have an election, they pay for it. The taxpayers should not have to pay for this.

So, Mr. President, this amendment is consistent with the consent decree. We are just trying to make it perfectly clear we are not going to pay for the next one. And for anyone to say, well, wait a minute; we don't have the right to do that, they are not reading the Constitution. The consent decree does not say anything about a future election. Maybe they would like to have the discretion, and if the Teamsters have a good attorney they can convince some judge, well, maybe this will be a continuation and therefore taxpayers should pay for it, but that is not in the consent decree. And frankly that should not happen.

By passing this amendment—and I am optimistic that we will pass this amendment—we say we are not going to pay for it again. We got ripped off once. We paid $22 million for a fraudulent election. We, being the taxpayers, paid $22 million for a fraudulent election last time. We should not do it again. Frankly, we are not going to do it again.

Do we have the right to do this? Somebody said the consent decree supersedes law. No way in the world. I will read a memo that came from Deputy U.S. Attorney Jamie Gorelick. This is dealing with the Antideficiency Act, but she said, "You should be particularly mindful of this restriction if you are contemplating entering into any consent decree. Please ensure the terms of the consent decree do not obligate the government to spend funds beyond your office litigation budgets or beyond the current fiscal year."

They know that. The CRS did some study on the 1989 consent decree, and this was dated May 18, 1995. "Legislation enacted by Congress limiting or restricting funds for the 1996 election would be Federal law and Government parties would be bound to take appropriate action in reliance of that law."

That would be if we had denied funding for the 1996 election. We didn't do that. What this amendment will do is say we are going to deny taxpayers' subsidy to the 1998 election. We can still have supervision. As a matter of fact, there will be supervision. There will be supervision on any subsequent election, but it will not be paid for by the taxpayers. Let the Teamsters pay for it. They are the ones who engaged in this corruption. And if anyone looks at the report of the election observer, she talks about "outside money into this election and thus change the outcome." She said there "were egregious violations by high level campaign functionaries who believed winning at all costs was more important than abiding by the rules and the law."

I do not want to repeat that. If we allowed the opponents of this amendment to prevail, we could have the exact same thing happen again. We could have another election. We could have more corruption, and they would be coming back to say, oh, we want you to pay for it again.

There is no end to what they say would be the outflow of Government dollars. I do not think it is needed. I do not think it is necessary. We got ripped off once. We should not be ripped off again. And so I urge my colleagues to adopt the Nickles-Jeffords-Gregg amendment.

Mrs. BOXER. Mr. President, I rise today in opposition to the Nickles amendment to prohibit Federal funding to the Teamsters election an amendment to the Labor-HHS appropriations bill. I believe this amendment is a clear violation of the 1989 consent decree entered into by the Department of Justice and the International Brotherhood of Teamsters.

The consent decree required, among other things, that the 1996 Teamsters' election be subject to the supervision of a court-appointed election officer, at Government expense. Due to problems uncovered related to the campaign of the elected president, however, the court-appointed election officer has refused to certify the 1996 election and has asked a Federal court in New York to formally order a new election. Inasmuch as any court ordered election is a continuation of the 1996 election, it seems clear that the rerun election must also be subject to the terms of the consent decree—including the portion of the decree which provides "The union defendants consent to the election officer, at Government expense, to supervise the 1996 elections."

I think it is important to recognize that this is not, or at least should not, be a partisan issue. It was a Republican administration and thus, a Republican-controlled Department of Justice, that obligated the Federal Government to the financial obligations outlined in the 1989 consent decree—not a Democratic administration. Rather, the Democratic administration, under President Clinton, is simply living up to the obligations of the consent decree. If the Nickles amendment passes, the Government would be prohibited from paying for the rerun election and thus, could be held in contempt of court for failing to adhere to the terms of the consent decree. Again, this rerun election is not a new election; rather, it is necessary to complete the 1996 election, and thus is subject to the 1989 consent decree.

So I urge my colleagues to oppose the Nickles amendment and to support this very important consent decree to which the Government obligated itself in 1989. Thank you Mr. President.

Mr. NICKLES. Mr. President, what is the situation on time?

The PRESIDING OFFICER. The Senator from Oklahoma controls 2 minutes 45 seconds; the Senator from Massachusetts controls 2 minutes and 30 seconds.

Mr. NICKLES. Mr. President, I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator from Maryland.

Mr. SARBANES. Mr. President, I have been listening very carefully to my colleague from Oklahoma. I am beginning to wonder, what is happening to this tremendous effort to drive corruption out of the Teamsters union? The Senator quoted a memorandum from Deputy Attorney General Jamie Gorelick, which is dated after the 1989 consent degree. I say to my colleague from Oklahoma, you cited this memorandum of Deputy Attorney General Gorelick which comes after the 1989 consent decree. The consent decree was entered into by Attorney General Thornburgh and the Bush Administration. So, now we are told that a later memorandum is going to vitiate the earlier consent decree. How is that for undoing the law?

The Senator is playing with fire. If this rerun is not the 1996 election, then the results of the 1996 election ought to hold and there should not be a further election. This is not a new election. This is a rerun of the 1996 election.

The Senator selectively quotes from the consent decree. The consent decree is very clear. It says, "The union defendants consent to the election officer, at Government expense, to supervise the 1996 IBT election." He omitted that part of the consent decree. My colleague then quotes, "The union defendants further consent to the Department of Labor supervising IBT elections." That supervision, I say to my colleague, by the Department of Labor, does not encompass an election officer and it does not encompass the severe degree of supervision that comes with an election officer. What is the objective here? Is the objective to get the Teamsters out from under the consent decree so they don't have to use an election officer in doing this rerun of the election? If that is the objective, I strongly disagree with it. Having an election officer serves a public interest.

Then we are told every other union pays for its own elections. We have heard that time again and again, but they don't have an election officer to supervise their elections.

The PRESIDING OFFICER. All time has expired.

Mr. SARBANES. I urge my colleagues to oppose this amendment.

AMENDMENT NO. 1070

The PRESIDING OFFICER. There will now be 30 minutes of debate equally divided on amendment No. 1070.

Who seeks the floor? The Senator from Indiana.

Mr. COATS. Mr. President, we are debating, here, under this limited time agreement, an issue that has received considerable discussion. There is considerable controversy over the issue of national testing. It has received enormous attention.

When the issue was first raised in the context of this appropriations bill, Senator GREGG and I offered an amendment expressing our concern that we were going forward, here, with an issue of considerable controversy, without it being authorized and without hearings and without discussion as to the implications of this. We felt it deserved a full public discussion because there was great controversy over the idea of national testing.

Unfortunately, the decision that was made on the part of the administration was to go forward with this initiative without congressional authorization. We attempted to address that issue with our amendment. But last August, without congressional approval or statutory authority, the Department of Education announced that it would develop a national test to be implemented in the spring of 1999, and went forward and awarded a $13 million contract to a consortium of testing companies. Instead of turning the proposed test program over to the National Assessment Governing Board, an entity with 10 years of experience in this area, the administration intended to bypass this procedure. Senator DORGAN spoke on the floor. We raised the issue. Senator DORGAN responded by saying he agrees with us that we would be far better off getting this out of the hands of the Department of Education and into the hands of an independent assessment agency to address some of this controversy about the Federal direction of how the test is derived and how it is administered and so forth.

The President, in his radio address a week ago, stated that he would concede to the argument that many were posing, that this would be better if not designed and directed by the Federal Government. That, then, opened the door to our trying to find a way to constitute an outside independent agency to write the test and administer the test. Many of us, even with that, expressed real concerns about the whole concept of a national testing program versus allowing these decisions to be made at State and local levels. But it was clear that the issue was going forward. So, in response to that, what we attempted to do was negotiate with the administration, with our Democrat colleagues and others, to comply, essentially, with what Senator DORGAN was suggesting we do and what the President was suggesting we do. The initial proposal that the President had outlined maintained what we thought was a link with the Harvard education administration, which simply fueled the controversy.

So, over the last several days we have had considerable discussion and negotiation with the administration on this, attempting to improve this process and really to reserve further debate, on whether there ought to be national testing or not be national testing, for the conference committee and for this body. There is a division of opinion on that, a division all along the ideological spectrum. Former Secretary of Education Bill Bennett said national testing can be beneficial if done the right way, if not manipulated to achieve a certain result or to drive a curriculum, but as an assessment tool.

I quote from an article written by his former assistant, Chester Finn, Jr., who says:

> Properly done, standards-based national tests would provide useful information to students and their parents and put pressure on schools to improve.

Congress, which created the National Assessment Group, NAGB, could easily design a program which would achieve the goals of national testing, being a useful tool in improving public education.

> The crucial questions [he says] about any test are who decides what's on [the test] and who sets the standards by which student performance is judged.

We have set out to do that. I am pleased to announce that late last evening we were able to achieve agreement with the administration on the conditions upon which this would go forward. Under the agreement, and I will briefly explain it, no school or school district will be forced to use the national test if they don't want to. It is strictly voluntary.

We also have provided that no school not using the test will in any way be denied the Federal funds that come to that school for various purposes. So, receipt of Federal funds is not conditioned on their using or not using the test.

Further, we have provided that no private or parochial school or home-schooled individuals are forced to take a test without their consent. That was a legitimate response to some questions raised by home-schoolers and private and parochial schools. This is a key provision. Currently, States are using a variety of testing instruments to determine how their students are performing. Yet, according to many experts, this patchwork of tests does not provide a common yardstick by which parents and educators can compare results. And while it is true that testing won't help children learn more, it is equally true that testing can give us valuable information about how we are doing, and will ultimately be useful in providing tools for parents to use in holding schools accountable for their results.

Second, the changes that we have made allow the National Assessment Governing Board the exclusive authority over all policies, directions, and guidelines for establishing voluntary national tests for fourth-grade English reading and eighth-grade mathematics. To assure NAGB's independence, the amendment provides that NAGB shall have the sole authority to award grants and contracts and otherwise operate independently of the Department of Education. The compromise which we reached gives NAGB 90 days to review and make substantial changes, if needed, in the contract negotiated by the Department of Education.

Third, we have directed NAGB to ensure that the content and the standards for the national test are the same as those for the National Assessment of Educational Progress test, the NAEP tests. The President has stated on numerous occasions his intention to have voluntary national tests based on the well-respected, high standard of the NAEP test, and this amendment accomplishes that.

Fourth, we have made numerous changes to the composition of the 25-member board, NAGB, to ensure bipartisanship and a new focus on locally elected officials rather than the so-called Washington experts. These changes include the addition of a current or former Governor, bringing the total number of Governors on the board to three; the addition of a new category, allowing participation of two mayors; two additional representatives of business or industry, bringing the total of that to three; and the elimination of five curriculum or testing experts who were employed by the board but should not have had voting privileges, a potential conflict of interest there. We have also increased the length of the terms on the board from 3 to 4 years in order to provide for more continuity.

Fifth, the amendment returns to NAGB the authority it had prior to 1994 to nominate individuals to fill vacancies which occur on the board. Under this process, the Secretary must select from candidates nominated by NAGB. The amendment provides a 30-day transition, so that current vacancies and newly created positions are filled by the Secretary after consultation with the House and the Senate.

These changes are critical to ensuring that national testing is under the supervision of an independent, bipartisan agency and not the Federal Department of Education.

There is no doubt that standardized tests assess performance, but they do not generate it. Yet I am increasingly convinced that giving parents a better and possibly more accurate picture of their child's academic performance will help them obtain the best education for their child. These tests are simply another tool for parents to use in holding local schools and local systems accountable for providing the kind of opportunities for educational achievement that all children in America deserve.

Mr. President, I have other Members who wish to speak on this. I reserve my time at this particular point.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me start by complimenting the Senator from Indiana for the compromise that we have worked out here. I am pleased to cosponsor that compromise amendment with him. I do think the essential point to be made here is that through this amendment, this compromise amendment, we transfer control of the development of voluntary national tests over to this independent governing board that is referring to as NAGB, the National Assessment Governing Board. This is essentially the same approach that was suggested by Secretary Riley and proposed by myself, Senator DORGAN, Senator HARKIN, and offered in the amendment 1115 which we offered last week. More important, the amendment will allow the test development process to continue without any undue delay.

Let me say a word about what NAGB is, because it would now be the organization or the entity with this responsibility. The governing board that now will oversee the development of these tests is the National Assessment Governing Board. It was established in 1988 by the Congress. It is bipartisan. It is independent. As Senator COATS indicated, it contains Governors, legislators, superintendents—now it will contain some mayors, business people, experts in education as well; and the core responsibility of this group has been to oversee the development and execution of NAEP, the National Assessment for Educational Progress. This test that we are talking about here, which will be available on an individual student basis, is to be an outgrowth of that National Assessment of Educational Progress test, which is well respected and has been for a long time.

Let me point to two charts here, and then I know Senator KENNEDY wishes to speak, Senator WELLSTONE and Senator DORGAN. I want to defer to them.

Mr. President, how much time remains, and is the time controlled or is it uncontrolled at this point?

The PRESIDING OFFICER. Time is equally divided. The Senator from New Mexico has 11 minutes.

Mr. BINGAMAN. I yield myself an additional 5 minutes, and then I will divide the remaining 6 minutes among the three Senators I indicated before.

Let me first point to this chart which I think makes the case for these tests that the President is talking about and that many of us have supported. At the present time, we have a hodgepodge of tests that have been developed around the country that are given to students and then the results of which are given to parents, and they are told that this is an accurate description of how their child is doing in school.

The reality is that some parents and some students are led to believe that they are performing at acceptable levels and are led to believe that the education they are receiving is an appropriate education. They don't find out the reality until they apply to college or get in the workplace and find they do not have the skills or the training they need.

This chart shows a comparison between the standards that have been adopted by many States and the standards set by this National Assessment for Education Progress, or NAEP. You can see the dramatic difference. For example, in the case of Wisconsin, 35 percent, according to the National Assessment for Education Progress, which is the standard we are trying to give people information on, 35 percent of their students were performing at acceptable levels. According to the standard used by the State of Wisconsin, 88 percent of the students were performing at acceptable levels.

In the case of Louisiana, the disparity is even greater. The State of Louisiana indicated that 88 percent of their students are doing fine. When you look at what the National Assessment for Education Progress given to students in Louisiana indicates, only 15 percent of their students were doing fine. So there is a dramatic disparity there.

What we are trying to do is get good objective information to parents throughout the country.

This is strictly voluntary. No State needs to use this test. No school district needs to use this test. No individual student needs to take this test. And if parents want to ignore the results of the comparison, they can, but it needs to be available to those who want to use it.

This other chart I want to show is a listing of the States that have already chosen to use this voluntary test once it is developed. There are several States listed here: Alaska, Kentucky, Maryland, Massachusetts, Michigan, North Carolina, and West Virginia. There are many other States, including my own, which are thinking seriously about it. They have not taken any formal action to commit themselves to use this test, but they are looking at it and they are very interested.

There are 15 school districts in our major urban areas that have indicated they wish to have the advantage of the benefit of taking this test or using it in their schools.

All this amendment will do is to allow the development of the test, allow us to go forward with the development of the test so that it will be available to these States and to these school districts to the extent that they choose to use it.

I believe this is a very good course to follow. I think this is the right thing to do for our students, it is the right thing to do for the parents of these students so that they can show with some accuracy whether their children are getting the kind of education that they are going to need in later life.

I very much support the effort the Senator from Indiana has made here. I hope we can adopt this amendment with a large margin.

Mr. President, I defer to the Senator from Massachusetts for a couple of minutes for him to make his statement.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I congratulate Senator COATS, Senator GREGG, and our Republican friends for working with the administration and working with concerned Members in fashioning this compromise.

I think there are basically two fundamental approaches that we ought to be doing for our children. One is we ought to have support systems and, secondly, we ought to have accountability.

What we are trying to do with this testing program is empower parents, empower parents so that they know how their children are doing, and then to ensure that we are going to have support systems to help those parents.

We are seeing an expansion, hopefully, of our literacy program. We have an expansion of our basic skills program with the math and science, with the title I programs. We have seen the support for our technology program. Under Senator JEFFORDS, we are going to see an expansion of teacher training. Under our Goals 2000 program, 90 percent of the money goes locally to help the local schools meet these standards.

So what we are trying to do is have the support systems for our children, but on the other end we want to have accountability for parents and for children so they know how they are doing. If children do not know how to read, as 40 percent of them do not at the fourth grade level, they are going to be in trouble in terms of continuing their education, the problems of dropping out and all the other challenges which they are going to face.

This is really an enormously important effort to try and address that very considerable concern for every family in this country. We welcome the strong bipartisan effort we are seeing reflected on the floor at this time.

I thank the Senator from New Mexico.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, can I inquire how much time is available on each side?

The PRESIDING OFFICER. Five minutes to each side.

Mr. COATS. I yield 2 minutes to the Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the Senator from Indiana. I rise to indicate my opposition to a national individualized testing system that could lead to a one-size-fits-none curriculum dictated from Washington. Once you let Washington decide what kids should know, it will effectively control what and how they are taught.

President Clinton's initiative for a federally funded testing system already is headed down this slippery slope—work on the tests is currently underway. Here is what we know about them:

First, there is the eighth grade math test. Instead of measuring competence in basic computational skills directly, the test under construction would allow students to use calculators at all times. Some local parents, organizations, and States might decide they don't want to be controlled by a curriculum that only has reference to calculators. They might really want their young people to learn how to do mathematics absent calculators.

Furthermore, the content being tested, which ignores algebra, would not promote higher achievement or hold up to international competition.

Hundreds of mathematicians, teachers, school board members, parents and others recently signed a letter to President Clinton protesting the failed design of this math exam.

In testing reading, when you have a national uniform test, one size fits none. The proposed fourth grade reading test is predicated on the same philosophy of reading that drives what is known as whole language instruction. Under this philosophy, it is not as important for children to learn the difference between nouns and verbs as it is for students to analyze an author's feelings about what is written.

If a national test imposes a whole language approach to reading and rejects the phonics approach, what are we saying to parents about the potential for local control if those parents don't have a capacity to say we want our kids to learn reading by using phonics and we want a test that reinforces that kind of learning? Parents at the local level need to be able to decide if they want their fourth graders to learn the basics of the English language, not merely get in touch with an author's feelings.

I understand that the Nation needs to know where we are academically as a nation. However, we already have a capacity to assess student performance on a national level. Since 1969, the National Assessment of Educational Progress has tested a representative sample of students in 4th, 8th, and 12th grades in reading, U.S. history, geography, math, and science. NAEP has provided the Nation an understanding of overall student performance while allowing decisions on appropriate tests for individual students to be made at the local level. While NAEP allows a measure of student performance by sampling, an individualized testing system threatens local control substantially.

In my judgment, national uniform individualized testing will ultimately direct curriculum, curriculum which will become nationalized and uniform. This will take from the system the energy of the kind of curriculum that can be developed to suit local needs and will involve parents in education.

The real test before us today is whether or not the President is willing to trust parents and teachers at the local level to determine what their children should learn. The single most important factor in educational achievement is parental involvement. It is more important than computers, than blackboards, than teacher salaries, than the nature of the school facility. Whether parents are actively engaged means a lot.

If we nationalize our system of education for elementary and secondary students, we will have made it far less likely that parents will be actively involved. Parents can and should get good information about the progress of their children. That is possible at the State and local level. However, national, individualized tests would seriously threaten parental involvement and control and lead to more Washington intermeddling in our schools.

I just want to indicate that I think nationalizing the testing process for our schools will drive us to a national curriculum and drive us to national teacher certification. I believe States ought to have the authority to certify teachers and develop a just curriculum, particularly as it relates to trying new methods of teaching.

Many of America's schools are failing; they are failing to teach our kids how to read, write, and count; they are failing to offer them the skills to compete effectively in the information age; they are failing to teach them what America is and what she represents in the long history of the world.

Involved parents controlling and directing schools that teach basic academic skills have been, and should always be, the foundation of our educational system. These are the building blocks that made America's schools the envy of the world. They are the standards upon which we must base their return to greatness.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COATS. Mr. President, I yield 1 minute to the Senator from Vermont. Before I do, let me just say that I recognize the legitimate concerns that the Senator from Missouri has raised, and that is why we negotiated a totally voluntary process and exemption for any school, any individual, any school district that does not want to participate does not have to participate without any jeopardy of losing any funds.

So whether it is a home school, private school, parochial school, individual school district, whatever, if they agree with the Senator from Missouri—and I believe he raises some legitimate concerns—they don't have to participate in this at all.

I now yield to the Senator from Vermont.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise only to commend those who have brought about this very reasonable compromise. This could have been a very divisive issue, but Senator BINGAMAN, especially Senator COATS and Senator GREGG have worked very long and hard to make this into a reasonable compromise which will be of assistance to us rather than something that could have been detrimental. I yield the floor.

Mr. BINGAMAN. Mr. President, I yield 2 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President.

I congratulate my colleagues. I am going to vote for this, but it is a close call. I have some sympathy for the comments made by the Senator from Missouri. I would like to, in the midst of people feeling good about this work, sound a cautionary note. There are different ways of measuring accountability rather than just standardized tests. If teachers have to use the standardized tests, it will be educationally deadening, and I worry about the worksheets becoming the primary way we are teaching.

The second point I want to make, I say to my colleagues, is it is true, we have to have standards in accountability, but if we don't do anything to dramatically transform the concerns and circumstances of these children's lives, we already know which children are going to do well on these tests and which children are going to fail. If I had a criticism to level, it would be more at my party and more at the administration.

The fact of the matter is, we are investing not anything in rebuilding crumbling schools. Where is the President and the administration on this? The fact of the matter is, we are not even reaching 1 million Head Start students. I was out here on the floor yesterday talking about that. The White House did not even ask for enough money to cover 1 million. Why can't we do more by way of Head Start, early childhood development, reinvest and build schools as opposed to having these dilapidated crumbling schools in this country? What did we do when we cut food stamps, which is the major food nutrition program for children, 20 percent by 2002?

In all due respect, these tests are a small move in the right direction, but they are use just a technical fix and are just symbolic and do not do much until we finally make a commitment to make sure there is equal opportunity for every child in this country. We are a long, long, long way away from that in the U.S. Senate or the U.S. House of Representatives. I call on the President to show much more leadership when we are talking about children and education.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to have Senators DORGAN and HARKIN added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I yield the remainder of my time to the Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from North Dakota has 3 minutes.

Mr. DORGAN. Mr. President, while I agree with my colleague, the Senator from Minnesota, on the entire discussion about deteriorating schools and equal opportunity and a range of other things, this issue is very simple. This issue is about national testing. It is not about a national curriculum. It is not about investing in schools. It is national testing.

The reason I support this is we can either decide as a country to figure out what we are getting from this educational system and have some kind of national testing to determine are we reaching achievement levels in the fourth grade and eighth grade or we can have no such approach.

The other body is passing legislation that would prohibit any approach of this point. "We don't want to evaluate what is happening," they say. That is a very strange position.

It seems to me you ought to evaluate if children can read sufficiently at the fourth-grade level because these are gateways to the rest of their educational life. If you can't read sufficiently at that level, you are not going to do well the rest of your educational life. So we are talking about can children read in fourth grade. Do they have a mastery of the mathematics principles in the eighth grade they need? This is what this is about: national testing to evaluate in these two areas.

It is voluntary. Any child may opt out. Any school may opt out. Any State may opt out. It is purely voluntary, but it does say, as a country, we aspire to reach achievement levels and aspire to give our parents across this country the opportunity to understand what are we getting for the education dollar we are spending, where are the problems and how do we fix them. That is what you get with this kind of national testing opportunity.

Again, it is not about national curriculum. It is not about a national requirement. It is a voluntary approach to national testing to determine whether our children can read sufficiently in the fourth grade and perform the basic tests of mathematics in the eighth grade. To the extent we do that as a country, we will aspire to better understand our education system, better understand what we are getting for our education dollar, and in that way I think will be able to improve the system of education in this country.

I appreciate very much the cooperation of the Senator from Indiana, the Senator from New Hampshire, and others, and especially the leadership of the Senator from New Mexico. Doing this today I think is a step forward for the American people and is in marked contrast to what we are going to see come from the other body. I hope when we go to conference we will accept the Senate provision because it is moderate, thoughtful and the right thing for this country and its children.

Mr. President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I appreciate the remarks by the Senator from North Dakota. He raised the issue, and in a sense extended the offer to make the adjustments necessary to make this truly an independent effort and a constructive effort. His support in all of this is much appreciated, along with the Senator from New Mexico.

AMENDMENT NO. 1070, AS MODIFIED

Mr. COATS. Mr. President, on behalf of Senator GREGG and myself, I send a modification to the desk. I ask for its modification.

The PRESIDING OFFICER. The amendment is modified.

Mr. COATS. Do I need to ask unanimous consent that the amendment be modified?

The PRESIDING OFFICER. The amendment has been modified.

The amendment (No. 1070), as modified, is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . (a) Notwithstanding any other provision of law, the Office of Educational Research and Improvement shall submit to the Committee on Appropriations of the Senate a spending plan for activities funded under this title under the heading "EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT", prior to the obligation of the funds.

(b)(1) Notwithstanding any other provision of law, the National Assessment Governing Board established under section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011) (hereafter in this section referred to as the "Board") shall hereafter have exclusive authority over all policies, direction, and guidelines for establishing and implementing voluntary national tests for 4th grade English reading and 8th grade mathematics: *Provided*, That the tests shall be made available to a State, local educational agency, or private or parochial school, upon the request of the State, agency, or school, and the use of the tests shall not be a condition for receiving any Federal funds: *Provided further*, That within 90 days after the date of enactment of this Act, the Board shall review the national test development contract in effect on the date of enactment of this Act, and modify the contract as the Board determines necessary: *Provided further*, That if the contract cannot be modified to the extent determined necessary by the Board, the contract shall be terminated and the Board shall negotiate a new contract, under the Board's exclusive control, for the tests.

(2) In exercising the Board's responsibilities under paragraph (1) regarding the national tests, and notwithstanding any action undertaken by the Department of Education or a person contracting with or providing services for the Department regarding the planning, or the development of specifications, for the tests, the Board shall—

(A) ensure that the content and standards for the tests are the same as the content and standards for the National Assessment;

(B) exercise exclusive authority over any expert panel or advisory committee that will be or is established with respect to the tests;

(C) ensure that the tests are linked to the National Assessment to the maximum degree possible;

(D) develop test objectives, test specifications, and test methodology;

(E) develop policies for test administration, including guidelines for inclusion of, and accommodations for, students with disabilities and students with limited English proficiency;

(F) develop policies for reporting test results, including the use of standards or performance levels, and for test use;

(G) have final authority over the appropriateness of all test items;

(H) ensure that all items selected for use on the tests are free from racial, cultural, or gender bias; and

(I) take such actions and make such policies as the Board determines necessary.

(c) No State or local educational agency may require any private or parochial school student, or home-schooled individual, to take any test developed under this Act without the written consent of the student or individual.

(d) Section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011) is amended—

(1) in subsection (b)(1)—

(A) by amending subparagraph (A) to read as follows:

"(A) three Governors, or former Governors, of whom not more than 1 shall be a member of the same political party as the President;";

(B) by amending subparagraph (B) to read as follows:

"(B) two State legislators, of whom not more than 1 shall be a member of the same political party as the President;";

(C) in subparagraph (H), by striking "one representative" and inserting "three representatives";

(D) by amending subparagraph (I) to read as follows:

"(I) two mayors, of whom not more than 1 shall be a member of the same political party as the President;";

(E) by striking subparagraph (J); and

(F) by redesignating subparagraphs (K), (L), and (M) as subparagraphs (J), (K), and (L), respectively;

(2) in subsection (c)—

(A) in paragraph (1), by striking "and may not exceed a period of 3" and inserting "and shall be for periods of 4"; and

(B) in paragraph (2), by inserting "consecutive" after "two";

(3) by amending subsection (d) to read as follows:

"(d) VACANCIES.—As vacancies on the Board occur, new members of the Board shall be appointed by the Secretary from among individuals who are nominated by the Board after consultation with representatives of the individuals described in subsection (b)(1). For each vacancy, the Board shall nominate at least 3 individuals who are qualified by experience or training to fill the particular Board vacancy."; and

(4) in subsection (e) by adding at the end the following:

"(7) INDEPENDENCE.—In the exercise of its functions, powers, and duties, the Board shall be independent of the Secretary and the other offices and officers of the Department. The Secretary shall by written delegation of authority, authorize the Board to award grants and contracts, and otherwise operate, to the maximum extent practicable, independent of the Department.".

(e) Not later than 30 days after the date of enactment of this Act, the Secretary of Education, in consultation with the Speaker and Minority Leader of the House of Representatives, and the Majority Leader and Minority Leader of the Senate, shall appoint individuals to fill vacancies on the National Assessment Governing Board caused by the expiration of the terms of members of the Board, or the creation of new membership positions on the Board pursuant to amendments made by this Act.

Mr. COATS. Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I ask unanimous consent, at this point, now that the modification is pending at the desk, that myself, Senator DORGAN and Senator HARKIN be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1122, AS FURTHER MODIFIED

The PRESIDING OFFICER. Before the Senate now is the amendment by the Senator from Washington, amendment No. 1122. The time limit is 2 minutes to be equally divided.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Have the yeas and nays been ordered on this amendment?

The PRESIDING OFFICER. They have not been.

Mr. GORTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that Senator HELMS and Senator COATS be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, the issue involved in this amendment is extremely simple. If you believe that the regulation of our public schools is best conducted through hundreds of pages of detailed regulations, imposed by the Department of Education in Washington, DC, on all school districts alike, you will vote against this amendment.

If you believe that teachers, parents, principals, and elected school board members in the thousands of school districts across the country can best determine how money coming from the Federal Government ought to be spent to advance their children's education, you will vote for the amendment.

No State will lose money under the terms of this amendment. Every State will gain money under the terms of this amendment, because the administrative costs, amounting to more than a billion dollars, will no longer be withheld by the Department of Education in Washington, DC, but will be transferred to the local school districts.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise in strong opposition to this amendment. This amendment goes under the presumption that the Federal Government controls these programs. The fact that the author of the amendment has already taken three-quarters of the money out of his amendment and continues to give it to the States recognizes that.

The additional funds that would go for these programs will no longer go to these programs, but will go directly to local governments—Goals 2000; school-to-work; technology; reading, school improvement programs like "Reading is Fundamental"; arts education; magnet schools; women's equity, et cetera, et cetera, et cetera.

Drug-free schools will just go to local governments. Indian education, bilingual education, vocational rehabilitation—50 percent going to rehab will instead go to local governments to do with as they want. Vocational education, they will do the same. Yes, it goes to education, but there is no maintenance of effort here, therefore, the local governments may well decide to replace their present educational money.

Mr. KYL. Mr. President, I rise in support of the Gorton amendment which would give the States more flexibility and resources to create quality education reform plans that address the specific needs of their particular students.

As reported recently by the Heritage Foundation, the Federal Government annually spends $100 billion in direct and indirect education costs, of which only $13.1 billion makes it to local school districts. If the majority of these funds went to the States and local school districts, I believe the concerns of parents about the quality of their children's education would be more effectively addressed than by the faceless bureaucracy in the Department of Education.

Polls taken in Arizona and across America consistently demonstrate that Americans consider the quality of education to be their most serious concern. Further, a survey reported in the Washington Post in September 1996 shows that Americans consider the decay of the public schools to be the country's most pressing problem. A surprising 62 percent of those surveyed felt that "the American educational system will get worse instead of better." In my view, nothing is more important to the future of our country than whether our children are academically well-prepared.

We fail the fundamental tests of parenthood and good citizenship if we let our children down by failing to impart to them the skills and values they need to govern themselves and this country, and to compete in the global marketplace of the 21st century. Yet, poll after poll shows that Arizonans and Americans alike are concerned about the dumbing down of the politically correct education their children are receiving, the safety of the schools they attend, the general lack of discipline meted out in those schools, and parents' inability to choose to send their children to the school that best fits their kid's individual needs.

The State of Arizona has taken some important steps to address these concerns and to come up with solutions. For instance, Arizona, using a creative legislative approach, recently enacted a law creating an income-tax credit available for donations to private schools. The private schools will pool the tax credit money in a scholarship fund to be used to finance full or partial scholarships for any students on a first-come, first-served basis.

The Gorton amendment, by giving States even more control over their education resources, would allow States more latitude to implement creative education reform plans specifically tailored to their particular needs.

What the Gorton amendment would do, with some exceptions, would bundle all funds from the Federal Government which go to support K–12 education and send those funds directly to school districts.

Why do we need the Gorton amendment? There are too many Federal education programs. So many in fact, no one seems to be able to agree on exactly how many there are. One count discovered 760 education programs totaling several billion dollars. With such a large number of programs funded by the Federal Government, it's no wonder there is such a concern about undue Federal influence over the operation of local schools, or whether they are being administered in an efficient way.

The people best equipped to make decisions regarding the education of our children are the parents, teachers, principles, school board members and administrators of our local schools. It's not that Members of Congress don't have an interest in the education of children. It's just that we don't have the best information upon which to base decisions.

Congress is simply not close enough to the problems school districts face to be able to dictate through Federal mandates how they should address their concerns. This is not to say the Congress does not have a responsibility assisting in the education of America's children. However, we also must see to it that those who are closest to our students have the resources they need.

Also, we must ensure that they are not hamstrung by the rules and regulations set by a group of individuals who have never set foot in their school.

In sum, Mr. President, the Gorton amendment would empower States, school districts, and parents to take a more active role in the education of their children.

Mr. KERREY. Mr. President, I am deeply concerned about the passage of the Gorton amendment today. This amendment, which gives approximately $12 billion directly to local school districts in the form of a block grant, threatens to undermine some of the most valuable educational programs in existence.

I am a strong supporter of creative school reform, and I believe in getting rid of programs that do not work. But this amendment is an attack on programs that do work. I have worked with these programs firsthand, and I know they work. Through my extensive involvement in Nebraska with early-childhood programs such as Head Start and school-to-work programs such as Careers 2000, I have seen effective programs in action.

Many of us in Congress have worked hard over the years to help build and sustain programs such as vocational education, education technology, Goals 2000, adult literacy, and safe and drug-free schools. As a result, millions of students have benefited from the opportunity to improve their achievement levels and enhance their skills portfolios. With the concerted effort of teachers, school administrators, parents, State governments, and Congress, we have been able to ensure that these opportunities remain available to all students, regardless of their particular school district. Under the Gorton amendment, only the lucky would benefit. For example, under this provision, money that once would have been designated for technological training in an inner-city high school could be used instead to build a new basketball court if local administrators saw fit. As we move toward the 21st century, the demand for technological skills in the marketplace is increasing rapidly.

Therefore, it is crucial that all students have the skills necessary to compete for jobs once they leave school.

In bypassing the State entirely and giving funds directly to local school districts, the Gorton amendment is analagous to amputating the whole head in order to cure a headache. In doing so, it harms the very people it claims to help, America's children. Federal taxpayers deserve to know that a sufficient portion of their tax dollars is being used to support effective educational programs. State governments are equipped to make sure this happens.

Mr. President, I voted for passage of this bill today because, for the most part, it represents a good bipartisan effort to ensure the well-being of American citizens. But because I believe strongly that we must continue the work of education reform in an effective and measurable way, I will strongly oppose the bill if it comes back from conference with this provision intact. I will not stand by and watch American children suffer the consequences of poor legislation.

I move to table the amendment.

The PRESIDING OFFICER. Are the yeas and nays requested?

Mr. JEFFORDS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to lay on the table the amendment No. 1122, as further modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—49

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Snowe
Specter
Torricelli
Wellstone
Wyden

NAYS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Warner

The motion to lay on the table the amendment (No. 1122), as further modified, was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 1122), as further modified, was agreed to.

AMENDMENT NO. 1081, AS AMENDED

The PRESIDING OFFICER. The business before the Senate is now amendment No. 1081 by the Senator from Oklahoma. There are 2 minutes in regard to the time limit to this amendment, equally divided. The Senate will be in order.

The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I ask unanimous consent that the remaining votes in this series of three votes be limited to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. NICKLES. Mr. President, the amendment that I have before the Senate, cosponsored by myself, Senator JEFFORDS, and Senator CRAIG basically would say that the taxpayers would not have to pay for a subsequent Teamsters election. The last one cost $22 million, and only 500,000 people voted.

My amendment does not prohibit supervision. There can still be supervision. My amendment says that if the President certifies to Congress that the Teamsters don't have the money for the election, taxpayers could pay for it, but the Teamsters would have to pay it back, and pay it back with interest.

I might mention, in 1991, there was an election that the taxpayers didn't pay for, supervised by the Government, and it was fair, it worked. In 1996, the election was supervised and paid for by the taxpayers, and there was corruption. It was a mistake and we should not repeat that mistake. This would protect taxpayers and, in my opinion, the Teamsters as well.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield a minute to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, this is an incredibly mischievous amendment. The Teamsters are operating under a court order. This would violate the consent decree. The reason the Government pays for the election is so they can have an election officer supervise the election in order to ensure that we drive corruption out of the Teamsters Union.

This consent decree was entered into by Attorney General Thornburgh in the Bush administration and heralded at the time as a great and significant accomplishment.

The Nickles amendment violates the consent decree and it carries with it the very severe risk of resulting in an unsupervised election. Now, it is asserted that other unions pay for their own elections. That is quite true, but they don't have an election officer to supervise the election. The agreement in the consent decree provided for this payment.

I urge a vote against the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The yeas and nays have been ordered. The Chair reminds Senators that this is a 10-minute vote.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 58, nays 42, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—58

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—42

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Ford
Glenn
Graham
Harkin
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

The amendment (No. 1081), as amended, was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1070, AS MODIFIED

The PRESIDING OFFICER. The business before the Senate is now amendment No. 1070, the amendment of the Senator from New Hampshire. There is a 2-minute time limit on this amendment to be equally divided. The Senator from New Hampshire is recognized.

The Presiding Officer observes that there appears to a natural garrulousness in the well of the Senate. The Presiding Officer would urge a reversal of the garrulousness into the Cloakroom where Senators can certainly enjoy their conversations in private and other Senators will be able to hear the Senator from New Hampshire.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment, which we are now considering, is one which has been discussed already. It is something that has been worked out by the various parties involved. And certainly Senator COATS from Indiana has been the lead in trying to design this settlement of the matter.

It essentially resolves the matter by making sure that the testing will be done by a totally independent organization, and it will in no way be influenced monetarily—by the monetary involvement of the Federal Government—by the Department of Education, or those forces in the Department of Education who are pushing for a national curriculum. It is, therefore, a totally voluntary effort, and something which I believe deserves our support as an attempt to try to move forward on this issue.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me commend the Senator from New Hampshire and the Senator from Indiana for working in bringing this compromise together. I support it. I think it is important to give effective information. It is purely voluntary. It is a step forward. I urge very much that the Senate adopt this with a large margin so that we can stick to this position in conference.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on the amendment.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 87, nays 13, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—87

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—13

Allard
Ashcroft
Brownback
Gramm
Grams
Hagel
Helms
Hutchinson
Inhofe
Nickles
Sessions
Shelby
Thompson

The amendment (No. 1070), as modified, was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. HELMS. Mr. President, as always, we are sometimes called on to be two places at one time with two or three committee meetings going on. I was recorded—and it was my fault. It was not the clerk's fault. It was my fault because I thought it was a tabling motion when it was not. In any case, on rollcall vote No. 234, I voted "yea," and it was my intent to vote "nay."

Therefore, I ask unanimous consent that I be permitted to change my vote, which will in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 1115, WITHDRAWN

Mr. HARKIN. Mr. President, I ask unanimous consent that amendment No. 1115 to S. 1061 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1115) was withdrawn.

AMENDMENT NO. 1122

Mrs. MURRAY. Mr. President, today the Senate has passed the Gorton amendment to the Fiscal Year 1998 Labor, Health and Human Services, and Education Appropriations Act. This amendment seeks to block-grant certain Federal education funds and send them directly to school districts across the country. I appreciate my colleague Senator GORTON's intent to pass as much responsibility as possible for making educational and funding decisions to those levels closest to the classroom. This is also a goal of mine.

However, with all due respect to my colleague, this is one issue where we fundamentally disagree. His amendment, like many ideas, sounds good in theory because it oversimplifies the practical reality in our schools and communities.

As a former school board member, I agree with my Republican colleagues that our local elected school officials and educators are fully capable of deciding what their local needs and priorities are, and directing funds to those areas.

But those local school board members and superintendents and principals and educators will tell you that the Federal Government does indeed have a role in education in this country—in setting priorities and assuring equity.

Despite the occasional difficulties of writing a grant or filling out a form, Federal programs such as School-to-Work, or Safe and Drug-Free Schools, or STAR schools or other Federal technology programs, have made very real differences in the lives of students in schools across this Nation.

They will tell you that equity protection efforts, such as providing funds for magnet schools, funds for Indian education, or funds for bilingual or migrant education, should continue to be uniquely within the purview of the Federal Government. This is because despite the best intentions, we all know that some school districts in this country have not always been able to do best by all the students all of the time. Equity funds must continue to go to the students and school districts which need them, and must not be watered down and spread across all school districts, regardless of need, as it appears the Gorton amendment would require.

My problem with the Gorton amendment is that it may cost significantly more to educate one student than another, but this amendment will send them both the same Federal allocation—and ignore the intent of the Federal education program set up to recognize the specific needs associated with the higher cost.

Every child deserves an effective, relevant education. Not all children have the same opportunity to get it. This amendment will assure that we increase the disparities between the haves and have-nots in our Nation's schools.

Federal education funds leverage State and local money, as they do in my State, in the area of technology funding. Federal programs include caps on administrative expenditures, and maintenance of effort requirements—so we do not allow States to supplant or misuse funds. Federal education efforts safeguard equity concerns important to the Nation, and set important national goals priorities.

The Gorton amendment is bad policy. It uses a meat-ax approach to educational reform when what is needed is the precision of a scalpel and a careful ear listening to what local people are really saying. No one likes bureaucracy. Everyone believes our schools can be improved. But educators and taxpayers across the country will grumble more loudly about the potential ill-effects of the Gorton amendment than they ever have over redtape.

Local control is the goal; the Gorton amendment is fundamentally the wrong way to go about reaching it.

FUNDING FOR THE BUREAU OF LABOR STATISTICS

Mr. SARBANES. I would like to commend the committee and subcommittee for their hard work on the Labor-HHS Appropriations bill. I am particularly pleased that the committee has seen fit to honor the administration's request for funding of the efforts of the Bureau of Labor Statistics [BLS] with respect to its review of the Consumer Price Index.

However, I am concerned about the level of funding provided in the Labor-HHS bill for the remainder of the BLS budget, which is $6.8 million below the administration's request.

BLS has suffered substantial funding reductions in past years, and consequently has had to eliminate or reduce the scope of several important programs—programs which produced valuable information on the Nation's labor markets and economy as a whole. It would not serve the national interest for BLS to have to undertake similar reductions as a result of the funding level in this appropriations bill.

For example, high school guidance counselors around the country who help young graduates find work in growing sectors of the economy rely on Occupational Outlook Handbook, Occupational Outlook Quarterly, and other special reports produced by the BLS Employment Projections Program. The proposed cuts in this bill, however, may make the continued publication of these important materials less likely in the future.

Similarly, to excel in the increasingly competitive global economy American businesses and trade officials need reliable international comparison statistics on employment, labor costs, and productivity. The proposed level of funding in this legislation jeopardizes our ability to receive such information.

Finally, another consequence of the committee's proposed BLS funding level could be a delay in the implementation of the new industrial classification system—the so-called NAICS—that BLS has been working on. Updating the current system, which dates back to the 1930's, to reflect an economy approaching the 21st century is critical to the ability of our business leaders and policymakers to understand the challenges our economy will be facing in the upcoming years.

I understand that the House funds all BLS activities at a level consistent with the administration's request. Would the Senator from Pennsylvania, as ranking member of the Labor-HHS Appropriations Subcommittee, be willing to accept the House funding levels in conference?

Mr. SPECTER. The concerns of the Senator from Maryland are well founded. I will look closely at fully funding BLS programs as we move to conference with the House.

Mr. SARBANES. I thank the Senator from Pennsylvania, and appreciate his attention to this important matter.

AIDS PROGRAMS

Mr. HATCH. Would the distinguished chairman yield for a question?

Mr. SPECTER. I would be pleased to yield to my colleague.

Mr. HATCH. Many of us have been reading the excellent series in the Washington Post this week about the changing face of the AIDS virus. The article on Monday, if I am correct, highlighted the dramatic gains that have been made with new AIDS therapies, particularly the so-called triple drug therapy or cocktails which seem to have so much promise, at least in the short term. We are all keeping our fingers crossed.

Could you tell me how the bill addresses this issue?

Mr. SPECTER. Funding for the Ryan White AIDS programs was a priority for the committee this year, and I worked very hard to make sure that we provided an adequate level for the Health Resources and Services Administration service programs, as well as, I might add, for research at the National Institutes of Health.

I am pleased to assure you that S. 1061 contains $1.077 billion for the Ryan White AIDS programs, which is $41 million above the administration's request, and over $80 million higher than the current year's level. That includes $469.9 million for HIV health care and support services, of which $217 million is dedicated to AIDS medications under the State AIDS drug assistance program [ADAP]. That $217 million figure for ADAP compares to $167 million in fiscal year 1997, so it is a substantial increase in an atmosphere of budget constraints.

Mr. HATCH. As the original author of the Ryan White CARE Act with Senator KENNEDY in 1990, I am extremely pleased to hear of the committee's action to provide such a high level of support for the CARE Act. There is no doubt we have come a long way in the past 7 years. A good deal of that progress has been made because you, Senator SPECTER, have had the foresight and the courage to provide the funding HHS needs to operate the program. And I hope all of our colleagues recognize that fact.

But, despite our best efforts at both research and services, AIDS is still a serious problem in the United States. The most promising development we have had in years are the protease inhibitors and the combination therapies which are giving thousands of people literally a new lease on life. In fact, as you have noted, we are now seeing lower mortality rates for individuals for the first time in the history of the HIV/AIDS epidemic.

Let me ask you one final question. Are you satisfied that the committee's recommendation for the ADAP program will be sufficient?

Mr. SPECTER. I am not sure we will ever have enough money in the Labor-HHS bill. It is a constant struggle. I have to say that one thing which alarmed the committee is the high cost of these new AIDS medications. Pharmaceutical research, as you well know, is extremely time intensive and costly, and this is especially true for AIDS drugs.

The committee was very concerned about the lack of timely national data available to estimate the demands for AIDS medications funded by the ADAP program, and also, I might add, about the wide variation in State Medicaid policies on individual eligibility, benefits, and drug availability. We have asked the Secretary to develop benchmarks to measure progress in this area and to increase data collection and information sharing, and so we hope to have a better guideline in the future.

Mr. HATCH. I thank the Senator for this information. It is clear that we are all going to have to work harder—both the government and the private sector—in making AIDS medications available to those who need them. It is one of the modern paradoxes that the new AIDS drugs can defer an HIV infected individual's progression to disability. Yet, it may only be that the individual can get financial assistance when disabled, a situation we would clearly like to prevent.

I am aware of a Pharmaceutical Research and Manufacturers of America study which indicated that, as of December 1, there were 122 medicines in testing for AIDS. The cost, which the Senator alluded to, is astounding. One company spent more than $1 billion over a 10-year period to develop a protease inhibitor. American technological gains are nothing short than miraculous, but we all have to recognize they are expensive as well.

I am heartened by the Senator's remarks about funding for the State ADAP programs. I am fully supportive of your efforts and I thank you for your substantial interest in this area.

RURAL HEALTH TRANSITION GRANTS

Mr. BURNS. I would like to clarify the intent of the Appropriations Subcommittee on Labor, Health and Human Services and Education, and the full Appropriations Committee, with respect to the Rural Health Transition Grant Program. This program provides small, 3-year grants to assist financially troubled small rural hospitals as they attempt to adjust to changes brought on by new medical technology, changing practice patterns, and replacement of cost-based reimbursement with prospective, or fixed, payments. Last year Congress discontinued funding for rural health transition grants, but several facilities around the country were already in their grant cycle, having received their first or second year grants. These small hospitals were promised 3-year grants, and had relied on those grants, when the funds were cut off.

Is it the intention of the Appropriations Committee to urge the Secretary of Health and Human Services to provide, from the funds appropriated for program management, continuation grants to those rural hospitals which have received first or second year grants?

Mr. SPECTER. I respond to the Senator from Montana that it is the intention of the committee to urge the Secretary to provide, from the program management account, continuation grants to those rural hospitals which have received first or second year grants. The committee believes that an undue hardship could be brought upon these hospitals if their 3-year grants are not completed as promised. I thank the Senator from Montana.

Mr. BURNS. I thank the subcommittee chairman for his clarification.

AMENDMENT NO. 1098

Mr. KERREY. Mr. President, I share the interest of my colleague from Georgia in enhancing food safety not only for children but for all consumers. I note that several provisions in my colleague's amendment appear to be related to the types of research efforts that are undertaken by the U.S. Department of Agriculture.

Based on those ongoing efforts, I suggest that the Secretary of Health and Human Services should consult and coordinate with the Secretary of Agriculture in carrying out the provisions of this amendment. I ask my colleague from Georgia if this is his expectation as well.

Mr. COVERDELL. Yes; I agree that the Department of Agriculture has spearheaded efforts in this area, and that the Department of Health and Human Services should consult and coordinate with the Department of Agriculture so that these funds are utilized in the most effective and efficient manner.

Mr. KERREY. I thank my colleague from Georgia for both his interest in ensuring and improving the safety of our food and for agreeing that the two Departments should work together in implementing the provisions of his amendment.

STUDY ON IODINE-131 RELATED THYROID CANCER

Mr. BENNETT. Mr. President, I would like to bring to the Senate's attention the recent National Cancer Institute recommendation that followup studies be conducted regarding American's exposure to radioactive iodine-131. During the 1950's and 1960's the Nevada test site conducted a number of atomic tests. The radioactive fallout from such tests was significant. I believe that a number of Utahns were exposed to this radioactive fallout.

The University of Utah has conducted several studies to assess the impact of this fallout. In doing so the University of Utah collaborated with the Public Health Service, the National Cancer Institute, and the Department of Energy. Although these studies concluded that there is an increase in the incidence of thyroid cancers among the examined group and that further research was needed. Many of those exposed are just now coming to the age where thyroid cancer is manifested. As a result, I believe it is important that Congress fund the next phase of this study.

I would like to ask Chairman SPECTER if he would work with me to find the necessary resources to fund the next phase of this study. I am well aware of the limited resources available to this subcommittee. I also understand that there are many competing needs and important programs and projects. However, I am hopeful that we can work together to find the necessary resources to fund this study.

Mr. SPECTER. Mr. President, I say to my friend from Utah that I am aware of his concerns with regard to atomic tests performed at the Nevada test site and the fallout of radioactive iodine-133. I also understand that the University of Utah has done some outstanding research in this area. I would like to ask Senator BENNETT what resources would be required to complete this phase of the study?

Mr. BENNETT. I am told that this would be a 5-year study that would require about $1.9 million per year.

Mr. SPECTER. Senator BENNETT is correct that resources are limited. However, I would be pleased to work with Senator BENNETT to try to find the resources necessary to fund this important study.

Mr. BENNETT. Mr. President, I thank my friend Senator SPECTER for his willingness to work with me on this important and I look forward to working with him on this matter.

FUNDING FOR RURAL DRUG ABUSE PREVENTION PROGRAMS FOR DISTRESSED YOUTH

Mr. DASCHLE. Mr. President, during a recent visit to rural South Dakota, I had the profoundly moving experience of meeting with a heroic individual who is working to keep deeply distressed kids off alcohol and drugs. Durein Chase works to build opportunities for distressed children by providing them with drug-abuse prevention counseling in a safe, drug-free recreation center. My hope for these children and excitement about the Crow Creek Four Winds Youth Center Program were cut short when I learned that Federal funding for this program was abruptly terminated because Congress ended its authorization in fiscal year 1996. The Homeless and Runaway Youth Drug Abuse Prevention Program, known as DAPP, had previously supported as many as 184 local programs around the country at an annual cost of $15 million. When DAPP lost its appropriation, the program was incorporated into a new comprehensive program for homeless youth. Unfortunately, the new initiative does not help those programs, like the one on Crow Creek Reservation, that do not run residential facilities. Simply put, the children of Crow Creek have slipped through the cracks. Dureine's heroic effort to help particularly vulnerable kids avoid drugs will disappear without our support. Fortunately, the Appropriations Committee has included in its fiscal year 1998 bill $10 million for SAMHSA, the Substance Abuse and Mental Health Services Administration, to support youth drug prevention programs. It is my understanding that the Crow Creek Four Winds Youth Center and facilities like it are eligible for a portion of the $10 million provided to the Department of Health and Human Services and it is my hope that the Department will seriously consider funding the Crow Creek Youth Center in fiscal year 1998. With adequate funding, the Crow Creek Youth Center will be able to provide help for isolated and distressed youth who come from areas distinguished by historically high rates of teen suicide.

Mr. SPECTER. I join my colleague from South Dakota in recognizing the importance of drug prevention efforts in rural America. It is my understanding that the Crow Creek Youth Center would be eligible for these funds and I encourage the Secretary of Health and Human Services to give serious consideration to funding such efforts out of the money appropriated under this bill.

Mr. HARKIN. It is our intention to support programs which provide such essential drug abuse prevention services to youth. It strikes me that the Crow Creek Youth Center meets that criteria, and I join with my colleagues in encouraging the Secretary to identify funding for the South Dakota program and similar programs in rural and isolated areas plagued by high rates of alcohol and drug abuse.

FLUORIDATING COMMUNITY WATER SUPPLIES

Mr. DASCHLE. Mr. President, I note with pleasure that both the Senate and

House reports accompanying the Labor/HHS appropriations bills reflect strong support for community water fluoridation in preventing tooth decay among children. These reports clearly state that we can both save money and improve children's health through fluoridation. Tooth decay remains the single most common disease of childhood and is highest in low-income children. Millions of Medicaid dollars currently used to repair these children's teeth could be saved through fluoridation. After 50 years, water fluoridation remains the hallmark public health preventive intervention. In my own State of South Dakota, water supplies for communities as small as 500 persons are fluoridated. It is my hope to extend similar benefit to children throughout the country.

Both the House and Senate reports direct the Department of Health and Human Services to support implementation plans for additional community water fluoridation. The House provides $1,000,000 for this effort while the Senate directs the Department to fund this effort at a level no less than last year. Unfortunately, last year the Department allocated only $200,000 for this purpose, which did not meet the need.

It is my hope that the conferees will be able to provide sufficient resources in the conference report to address this serious problem. The House level of $1,000,000 for community water fluoridation strikes me as a reasonable amount to accomplish this important purpose. Anything the Senate conferees could do to work with the House conferees to achieve this level in the final conference report would be enormously appreciated by beneficiaries of this program throughout the Nation.

Mr. SPECTER. The benefits of fluoridated water to our Nation's children are well known and appreciated. I will work with my colleagues on the House and Senate conference to provide the resources to implement this program more broadly.

Mr. HARKIN. The National Institutes of Health reports that more than half of 6 to 8 year olds already suffer tooth decay. There are few things that the Federal Government can do directly to decrease this disease in children. Fluoridation is one of them. I, too, will work with my colleagues to provide the necessary funding in the conference report.

FUNDING FOR BREAST CANCER RESEARCH

Mr. DASCHLE. Mr. President, I note the committee is recommending a significant increase in funding for the National Institutes of Health as a whole, and for the National Cancer Institute in particular. I applaud the committee for its dedication to tapping the full potential of medical research. Such research represents hope for millions of Americans with cancer and other devastating illnesses, and in that sense it is far more valuable than any dollar figure we may attach to it.

I understand that in its report, the committee stated that breast cancer research is among its top priorities, and asserted that the National Cancer Institute should strengthen its budgetary commitment to breast cancer. In light of these statements, I believe it is the committee's expectation that the substantial increase in NCI funding should be reflected in additional funding for breast cancer research. It is reasonable that NCI would increase its funding commitment to breast cancer research in order to respond to the committee's concern that more research is needed to better understand the underlying mechanisms of breast cancer and to improve the ability to detect, diagnose and treat this pervasive, life-threatening disease.

Mr. SPECTER. I agree with your interpretation of the committee's report. Our intent was to convey the need to redouble our efforts to successfully prevent, detect and treat breast cancer. Sufficient funding to push the boundaries of breast cancer research is essential if we are truly committed to these goals. Increased funding for the National Cancer Institute should indeed be reflected in a larger financial commitment to breast cancer research.

Mr. HARKIN. I, too, fully concur with Senator DASCHLE's assessment. NCI must not forsake this important opportunity to expand its breast cancer research agenda. I anticipate that NIH and NCI will give this critical avenue of research every consideration as they make their fiscal year 1998 funding decisions.

FULFILLING THE PROMISE OF THE BREAST AND CERVICAL CANCER MORTALITY PREVENTION ACT (P.L. 101–345)

Mr. DASCHLE. Mr. President, I am grateful that this bill provides an increase in funding for the Centers of Disease Control and Prevention's National Breast and Cervical Cancer Early Detection Program. The program was implemented in accordance with the Breast and Cervical Cancer Mortality Prevention Act of 1990 to reduce morbidity and mortality from two cancers that will claim the lives of an estimated 500,000 women during the 1990's. It is structured as a State and Federal partnership to provide screening and diagnostic help and assure followup care for low-income uninsured women.

Under the 1990 act, Federal funding is restricted to screening and diagnostic services. To ensure that women diagnosed with cancer receive treatment, States are expected to arrange access to treatment through whatever means they have at their disposal. The CDC's National Breast and Cervical Cancer Early Detection Program is now active in all 50 States, and as of January 1997, the program has screened more than 1.5 million American women. Unfortunately, too many women are not being provided the screening, disgnostic help, and treatment they need to save their lives.

At the current level of funding, the program can provide screening to only 15 percent of the eligible low-income population, meaning that roughly 10 million low-income uninsured American women are not provided access to critical screening services. Moreover, as in many other States, the program in my home State of South Dakota faces another critical resource constraint: Insufficient resources to provide diagnostic services for women who have been screened by the program and require additional diagnostic treatment. It is tragic to think that some women are told they may have breast or cervical cancer, and then informed that their diagnosis cannot be confirmed. Additional funding for this program is critically needed to complete the task of diagnosing women as early as possible so that they can receive potentially life-saving treatment, and to fulfill the promise of the 1990 bill for all eligible women, not just a small fraction of them.

In addition to our inability to provide screening and diagnostic services to all low-income women, we have not yet been able to establish a program to ensure the necessary treatment for those who are diagnosed with cervical or breast cancer. When you consider that the fundamental goal of the 1990 act is to prevent mortality, it becomes clear that we need to take greater steps to secure treatment for affected women. Since passage of the 1990 act, CDC and the States have been working diligently to ensure that all women diagnosed with breast or cervical cancer receive appropriate treatment. However, the resources that are available to fulfill this task—often an uneven patchwork of free clinics, charity care from hospitals, and pro bono services donated physicians—makes the job extremely difficult.

To meet this challenge, it is essential that we determine accurately the extent to which women diagnosed with cancer under the CDC Program lack access to the care they need and how we can overcome the remaining barriers to providing all women with care they need. I understand that the CDC is conducting a comprehensive study of State-level efforts to provide appropriate treatment. Based on the results of that study, which should be available within the next few months, Congress and the administration have a responsibility to determine whether additional measures are necessary to help States ensure proper treatment for women who are diagnosed with cancer through the CDC screening program. It is my hope that when the results of the CDC study become available, the administration will evaluate them and make recommendations to Congress on ways the Federal Government can better help States ensure that women diagnosed with cervical or breast cancer obtain the treatment they need.

Additionally, it is my hope that the Department of Health and Human Services will utilize whatever unexpended or discretionary funds that are available in fiscal year 1998 to expand the number of women who are provided screening or diagnostic assistance for cervical or breast cancer.

Mr. HARKIN. Mr. President, I couldn't agree more. Providing crucial early detection and diagnostic screening services to uninsured women is a high priority for me. It is essential that women who are diagnosed with breast cancer through our efforts are not abandoned without hope of appropriate treatment. I know that our committee, with the chairman's support, will work hard to support CDC's National Breast and Cervical Cancer Early Detection Program and strongly encourage the administration to develop recommendations to Congress to ensure broader access to followup treatment.

Mr. SPECTER. Mr. President, I very much agree. I recognize the importance of providing early detection and diagnostic screening services to as many uninsured women as possible, and agree that the Department of Health and Human Services should consider providing the screening and diagnostic program with any unexpended or otherwise available funds under this bill in fiscal year 1998. Also, Congress and the administration should take a close look at the current program and be willing to consider further efforts to provide followup treatment for all women diagnosed with cancer through the screening program.

RESEARCH AIMED AT DETECTING, PREVENTING, AND TREATING OSTEOPOROSIS

Mr. DASCHLE. Mr. President, it is estimated that up to 50 percent of the women alive today will experience at least one serious osteoporosis-related fracture during the remainder of their lives. Approximately 25 percent of men alive today will also experience a serious fracture related to osteoporosis. It is clear that osteoporosis is becoming a greater and more expensive public health problem with each passing year. Medicare and other publicly funded health care programs are spending an estimated $28 billion per year to treat osteoporosis-related conditions.

Osteoporosis is both preventable and treatable. There are a number of FDA-approved therapies that have been demonstrated to be effective in preventing the disease in those at risk, as well as treatments that can arrest or retard the progress of the disease in individuals who already have it. Good nutrition, including sufficient calcium, has also been shown to help protect against the illness. If programs can be put into place soon that will help detect and combat this illness, we can make a tremendous difference in the quality of life of seniors, and effectively reduce the spiraling cost of osteoporosis-related health problems.

I understand that in its report, the committee has encouraged the National Institute of Arthritis and Musculoskeletal and Skin Diseases [NIAMS] and the Agency for Health Care Policy Research [AHCPR] to use competitive grants and other mechanisms to plan and carry out definitive studies, including epidemiological studies, that will enable us to better understand the nature and scope of osteoporosis and design more effective prevention and treatment programs. I commend the committee for its action, and would like to reinforce the urgency of moving forward with the planning and execution of such studies and the importance of using competitive grants as appropriate to tap the skills and expertise of the Nation's academic and research communities. I would also like to emphasize the importance of including, as part of this effort, an analysis of policies and programs that should be pursued to prevent osteoporosis in the future. It is critical that we have an accurate sense of the dimensions of this widespread health problem and take every possible step to lessen its destructive impact.

I hope the committee's well-articulate views, which clearly recognize the value of a comprehensive assessment of osteoporosis, and acknowledge the important contribution NIAMS and AHCPR can make to that effort, are incorporated into the conference report.

Mr. SPECTER. I agree that osteoporosis should be the focus of aggressive detection, prevention and treatment activities. We owe it to our own and future generations to tackle the root cause of so much injury and debilitation in later life, and to reduce the growing financial burden it imposes on individuals and the public alike. I agree that NIAMS and AHCPR should pursue, within the funds provided, strategies to detect, prevent, and treat osteoporosis in both women and men, and I look forward to working with the conferees to include such language in the conference report.

Mr. HARKIN. I also recognize the value of a comprehensive research strategy aimed at detecting, preventing and treating osteoporosis, and I encourage NIAMS and AHCPR to give this research every consideration as they make their fiscal year 1998 funding decisions.

AGING RESEARCH AND ALZHEIMER'S DISEASE

Mr. GRASSLEY. I would like to take this opportunity to commend the distinguished chairman of the subcommittee, Senator SPECTER, for his leadership in crafting what is arguably one of the most difficult and perhaps the most complex appropriations bills Congress must deal with each year.

I share his concerns that while there are so many worthwhile programs covered by this legislation, we are unfortunately constrained by limited resources.

As chairman of the Senate Special Committee on Aging, I am especially concerned about one item in the bill—the recommended appropriation for the National Institute on Aging.

As baby boomers shoulder their way into the 21st century, nearly 35 million Americans will be age 65 or older, compared to just 3.1 million at the start of this century. This tremendous growth is due in large part to better living standards as well as this Nation's commitment to medical research. As a result of past research investments we now have new and more effective treatments for arthritis, high blood pressure, stroke, and other diseases.

But as you know, many critical challenges remain—not the least of which is the scourge of Alzheimer's disease.

Alzheimer's disease and related disorders present one of the greatest threats to the health and economic security of the generation that will enter retirement in the 21st century. It has already stricken 4 million Americans. And if left unchecked, 14 million will fall victim to Alzheimer's by the middle of the next century. It will defeat all of our best efforts in Congress and as a nation to control health care costs and assure the quality of health care in general.

I know that the distinguished chairman of the subcommittee shares my concern. As in my State of Iowa, his home State has a high proportion of elderly.

I note that this legislation recommends $520.7 million for the National Institute on Aging. While that represents an increase over this year's funding and the House level, the rate of increase is below the average increase to NIH as a whole.

I would like to ask the distinguished chairman that he keep in mind the importance of adequate funding of the National Institute on Aging. The challenges, and the opportunities, surrounding our aging population have never been greater.

Mr. SPECTER. I would like to thank Senator GRASSLEY, the distinguished chairman of the Aging Committee for his leadership on this important issue. The Senator can be certain that I understand the importance of maintaining adequate funding for the National Institute on Aging. I will certainly keep this in mind as the appropriations process continues.

EARLY HEAD START PROGRAM

Mr. HARKIN. Mr. President, the pending legislation increases funding for Head Start by $324 million and directs that 10 percent of the fiscal year 1998 increase be dedicated for further expansion of the Early Head Start Program which serves children from 0–3 years of age. The appropriations bill does not amend the underlying Head Start statute, therefore, there is no change to the 5 percent set-aside for the Early Head Start Program as prescribed by that law for fiscal year 1998.

I would ask the chairman if he could clarify the intent of the legislation with respect to the Early Head Start Program. It is my understanding that the 10 percent from the fiscal year 1998 increase is in addition to the 5 percent set-aside already provided by law.

Mr. SPECTER. The Senator is correct. The pending legislation does not change the 5 percent set-aside for the Early Head Start Program provided by current law for fiscal year 1998 and the 10 percent provided by the bill is additional funding to expand programs for children from 0–3 years of age.

Mr. HARKIN. I thank the chairman for clarifying this point.

MUSIC EDUCATION

Mr. KENNEDY. Mr. President, in the past the Senate has supported, through the Labor-HHS appropriations bill, music training as an educational tool. I support the continuation of support for this type of program.

I urge the Department of Education, through its fund for the improvement of education, to give favorable consideration to a proposal that will stimulate students' interest in and attention to music by airing the work of young and gifted student performers and which will also involve the public through supplemental educational tools. A young performance series, which affords 6–18-year-old musicians the opportunity to publicly demonstrate their talents would be especially suited to carry out such a demonstration.

If we are to encourage innovation and talent, we must foster that talent by recognizing the developing skills of our Nation's youth. Public broadcasts of a quality young performance program will encourage youth involvement in classical and other serious music.

Mr. SPECTER. I note the Senator's support for music programs for young people with interest and agree that we should encourage education and learning through the use of the arts. I would also encourage the Department of Education to consider this proposal.

STUDENT/PARENT MOCK ELECTIONS

Mr. KENNEDY. Mr. President, every Member of Congress understands the importance of elections. The votes cast on election day determine the leadership and direction of communities across the country, and of the Nation as a whole. We know that informed voters are the essence of our democracy.

The National Student-Parent Mock Election helps young students learn about the importance of the election process. It also offers parents and teachers across the country an opportunity to help students learn about democracy, make decisions about key issues, and understand the meaning of the citizen responsibility on which democracy thrives.

On October 30, 1996, millions of students and parents across the country cast their votes for President, Vice President, Senators, Representatives, Governors, and local officials as part of the National Student-Parent Mock Election. Every State called in its votes on who would win the elections and its recommendations on key national issues to the National Mock Election Headquarters, while over 20 million viewers watched on television.

The National Student-Parent Mock Election is an on-going project that received $125,000 in Federal funding in fiscal year 1997.

I understand that it is the intention of the chairman and ranking member of the Labor-HHS-Education Appropriations Subcommittee to fund the National Student-Parent Mock Election at $225,000 for the fiscal year 1998 so that it can continue to educate students on key issues and the principles of democracy.

Mr. SPECTER. That is true. It was our intention to include in report language that the National Student-Parent Mock Election be funded at $225,000 this fiscal year. I, too, believe that this is an important and worthy program.

Mr. HARKIN. I also agree that it was our intention to fund the program at $225,000 this fiscal year, and I comment the National Student-Parent Mock Election program of its continued success.

Mr. KENNEDY. I thank the Senator for the clarification. The lessons that students and their parents learn in the mock elections will benefit American politics for years to come. If the next generation of Americans is well prepared for the challenges of democracy, our liberties will be in good hands.

FUNDING FOR THE CENTERS FOR DISEASE CONTROL AND ITS SUICIDE PREVENTION INITIATIVES

Mr. COVERDELL. Mr. President, I would like to direct the attention of my colleagues to the work of the Centers for Disease Control [CDC] located in Atlanta, GA. As you all are aware, the CDC is dedicated to the public health—providing valuable resources for disease research and prevention from cancer and infectious disease research to diabetes control to suicide prevention.

Mr. SPECTER. Yes, I think our colleagues will all agree that the CDC performs valuable public health services. There is widespread support for the CDC and its missions, and I believe it is a worthwhile use of Federal funds.

Mr. COVERDELL. I thank the Senator from Pennsylvania for his remarks. Let me add that a number of my constituents have contacted me regarding CDC funding, particularly in regard to the National Center for Injury Prevention and Control's research on suicide prevention.

While both the House and Senate bills provide funding for the CDC above the administration's request, my constituents fear that the CDC's research potential will not be attained under the Senate's lower appropriation level. As you may know, I joined with several of my colleagues in sponsoring S. Res. 84 which recognizes suicide as a national problem. I share my constituents' interest in promoting efforts to prevent suicide, and as deliberations on S. 1061 continue, I respectfully request that the Chairman consider my constituents' request to fund the CDC at the House level.

Mr. SPECTER. I appreciate the Senator from Georgia's comments regarding fiscal year 1998 CDC funds. Let me assure him that the subcommittee will take his comments into careful consideration.

Mr. COVERDELL. Once again, I would like to thank the Senator for his and his subcommittee's support. I yield the floor.

Mr. SPECTER. I appreciate the distinguished Senator from Georgia bringing to the attention of this Senate his interest in the valuable work of the CDC. I will ensure that the conference committee considers the Senator's interest in these important public health programs.

Mr. COVERDELL. I thank the distinguished chairman for his attention to my interest in these matters.

DEPARTMENT OF LABOR JOB SEARCH INITIATIVE

Mr. DOMENICI. Mr. President, I rise to engage the distinguished chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee in a dialog about an item in the House version of the fiscal year 1998 appropriations bill.

Mr. President, the House Appropriations Committee has approved $3 million within the Employment and Training Administration to support a telephone-access job search system. These funds are provided as part of the $71.8 million approved in the House bill for other federally administered programs. Through the labor market information activity, $3 million would be used to support the installation of a telephone access labor market exchange network for searching America's Job Bank by telephone. This service has the potential of providing access to job information to persons with disabilities, including individuals who are blind.

I would ask the chairman if he would review the House proposal and give it serious consideration for inclusion in the final version of the Labor-HHS-Education appropriations bill. I understand that the $3 million would most appropriately go to assist states in meeting the first-year costs of joining a labor market exchange network for providing job seekers with access to America's Job Bank by telephone. With the innovative use of computer technology, this proposal could be of significant assistance to those who are disabled and in search of employment opportunities.

Mr. SPECTER. I thank the Senator from New Mexico for bringing this matter to my attention. I am familiar with the recommendation of the House Appropriations Committee to encourage a telephone-access job search initiative. I can assure my friend from New Mexico that I will give this proposal serious consideration for inclusion in the conference report accompanying the final bill.

WHITE HOUSE INITIATIVE ON TRIBAL COLLEGES AND UNIVERSITIES

Mr. BINGAMAN. Mr. President, I wish to take this opportunity to speak in support of a new Office of Tribal Colleges and Universities that has been created by Executive order, and to clarify language in the Senate Committee Report 105-58 that accompanies the legislation currently under consideration. This Executive order began as Senate Resolution 264, a Sense-of-the-Senate Resolution urging the President to issue an Executive order to promote and expand Federal assistance for Indian institutions of higher education. I am proud to be one of the initiators of this resolution, and I was very pleased when the President responded by issuing Executive Order 13021 pertaining to tribal colleges and universities in October 1996, in which he created an Office of White House Initiative in the Department of Education. The order also directed the Department of Education to "provide appropriate administrative services and staff support for the Board and the Initiative."

This issue was raised in two separate sections in the Senate committee report. Support for the Initiative Office was mentioned in the section pertaining to the Department of Education's Office of Indian Education, and then again in the section pertaining to the Office of Vocational Education. I ask my colleague from Pennsylvania, Senator SPECTER, if it was the committee's intent to provide the White House Initiative Office with adequate support from the Department of Education's increased funds for general departmental management, and not from the limited funds allocated to the Office of Indian Education?

Mr. SPECTER. Mr. President, I thank my colleagues for this opportunity to clarify the committee's recommendation regarding the Department of Education's White House Initiative Office on tribal colleges and universities. It was, indeed, the committee's intent that the Office receive adequate support for its mission, and that administrative funds be allocated for this purpose from the Department of Education's general management funds.

Mr. BINGAMAN. I thank my colleague for this clarification. The 30 Tribal Colleges and Universities in this country provide the best opportunity for many Native Americans to attend college. The Carnegie Foundation for the Advancement of Teaching recently published its second report on Native American colleges, pointing out the critical role they play. I believe that the office created under the White House initiative will have an opportunity to work across Federal agencies to strengthen tribal institutions of higher education and can help to implement the recommendations made in the Carnegie Foundation report.

I know that my colleague from North Dakota, Senator DORGAN, shares my concern for the support of tribal colleges and universities, and I would ask for his thoughts on this issue.

Mr. DORGAN. Mr. President, I thank my colleague from New Mexico for his leadership in urging the creation of this White House Office on Tribal Colleges and Universities. Like Senator BINGAMAN, I supported S. Res. 264 and was among the Senators that subsequently urged the President to issue the Executive order. It was at my request that the committee included language for increased funding support for this office, and I am most grateful to the chairman for his help on this matter and for clarifying the committee's intent.

North Dakota is home to five tribal colleges, and these institutions are an important part of the higher education community in my State. It is my belief that the White House initiative has the potential to galvanize Federal support for these institutions, and in so doing will open the door to college wider for many Native Americans.

NATIONAL MEDIATION BOARD

Mr. HARKIN. As the chairman knows, this bill includes funding for the National Mediation Board [NMB] which is responsible for mediating labor-management disputes in the railroad and airline industries under the Railway Labor Act [RLA]. To help meet this responsibility section 3 of the RLA requires the arbitration of certain disputes that arise between employee and their employers in the rail industry.

Unfortunately, there is a serious need to help the NMB fulfill its section 3 responsibilities. Delays in care processing cause uncertainty and hardship for both rail workers and the carriers. I want to thank the chairman for recognizing this problem and for including an additional $500,000 to the budget of the NMB. It is my understanding that it is the intent of the chairman and the committee that the NMB should use this extra money to deal with the section 3 cases. Is this also understanding of the chairman?

Mr. SPECTER. I want to thank the Senator from Iowa for raising this issue. In appropriating an additional $500,000 over the administration's request' it is indeed by intent that the NMB will use these funds to more quickly process the section 3 cases that are currently pending. There are now a few thousand unresolved cases affecting workers and employers in Pennsylvania and throughout the Nation who deserve to have these cases decided as quickly as possible.

Mr. HARKIN. I want to again thank the chairman for his interest and help in addressing this problem.

Mr. LEAHY. I am concerned that the Community Schools Program has not been funded within the fiscal year 1998 HHS appropriations bill. The elimination of this program means the cutting of funds for grants in over 35 States, midcycle, including programs in Vermont and Pennsylvania.

Senator JEFFORDS and I have been working to find an acceptable way to ensure that the Community Schools programs which work well will continue to be funded.

I understand the fiscal constraints faced by the committee. I appreciate the willingness of the chairman to add language to this bill that would give priority funding through the high-risk youth grant program to currently running Community Schools grants that are successful.

The program in Vermont is called CITYSCAPE. This grant has allowed Barre City to develop partnerships between the schools, the community and other key service providers to target assistance to youth who are at risk of abuse and neglect, at risk of substance abuse and at risk of teen pregnancy. The program seeks to increasing community and school connection to these youth, decrease youth violence and to decrease youth use or potential use of alcohol, tobacco or other drugs.

Mr. JEFFORDS. I thank my colleague for his remarks. We share a commitment to ensure that effective Community Schools programs like CITYSCAPE in Vermont are given priority in funding within the new program for at-risk youth.

I would also add to my colleague from Vermont's remarks that a key component of the Barre City Program is the development of community ownership and a volunteer base that will ensure the continuation of this program beyond the end of the grant cycle.

Our intention is to work with the committee to make sure that CITYSCAPE and other good programs reach the point that they can stand on their own with community support.

Mr. SPECTER. I thank the Senators from Vermont for bringing their concerns about the elimination of this program to me. I certainly want programs that are successful to continue. I will work with the House during the conference to make sure that programs that are meeting the needs of high-risk youth can continue.

AIDS DRUG ASSISTANCE PROGRAM AND OTHER PROGRAM FUNDING UNDER THE RYAN WHITE CARE ACT

Mr. D'AMATO. Mr. President, I would like to commend the chairman for his continued leadership in providing substantial support for the Ryan

White CARE Act, research through the National Institutes of Health, and various prevention and education programs seeking to discover new treatments and a cure for the HIV/AIDS virus. Each of these areas deserves the full attention from congressional leaders if we are to finally win our struggle with this dreaded virus.

However, I am particularly concerned that the level of funding for the AIDS Drug Assistance Program [ADAP] under title II of the Ryan White CARE Act will fail to meet the needs of those suffering from this terrible disease. With some of the recent advances in HIV/AIDS drug treatments, many seem to believe that the pressure imposed by this disease upon our society has been relieved. However, I believe the Senate must increase the ADAP funding level for fiscal year 1998 to the House level of $132 million in order to protect our citizens from this continued deadly disease.

As with every State, in my State of New York many working people living with HIV/AIDS must rely on the ADAP Program for their only access to the new effective combination therapy AIDS medications which were discovered and produced through our public and private investment in research at the National Institutes of Health and in private industry. These newly approved drugs offer real hope for continued life to hundreds of thousands of Americans living with HIV/AIDS. With millions of Americans lacking health insurance with adequate prescription benefits, the ability to access these treatments has literally become a matter of life and death for thousands of these Americans.

Currently, the ADAP Program in New York State provides treatment opportunities to nearly 17,000 people with many, many more projected to seek treatment in the future. Congress has the ability to lead the way to assure access to these therapies and the hope they provide against the inescapable progression to an untimely death. We must seize this opportunity. No one wants to be in the position of telling a constituent that they are out of luck this year and that maybe next year we can do something. Every State will face intolerable choices in deciding who shall have the opportunity to receive these life-saving treatments without an adequate ADAP funding level. I ask the chairman to leave no stone unturned in obtaining the funds so desperately needed for us to offer a chance for life to every American living with HIV/AIDS in the United States. I know my colleague from California would like to provide further emphasis to this statement.

Mrs. BOXER. Mr. President, I thank the Senator from New York and I appreciate his comments on the Ryan White CARE Act. This vital program is literally a life line for people living with HIV and AIDS.

AIDS continues to be the leading cause of death for Americans between the ages of 25 and 44. Over a half million Americans have been diagnosed with AIDS, and over 360,000 have died of the disease. In the coming year, HIV will infect some 40,000 Americans, half of them under the age of 25.

The Ryan White CARE Act demonstrates our commitment to providing necessary health care services to these individuals and families with HIV, and to assisting communities hardest hit by the AIDS epidemic.

Recent advances in research have provided us with new and effective combination therapy AIDS medications. These newly approved drugs offer the first real hope to the hundreds of thousands of people living with HIV and AIDS.

Under title II of the CARE Act, the ADAP program provides access to these essential, life-saving drugs to the people who desperately need them. It literally makes the difference between life and death for tens of thousands of Americans. It is because of this new hope that new clients are coming to get the treatment they need to survive, and that is why increased funding for this program is vital.

We have the ability and the responsibility to make these drugs available to people who need them. I don't believe anyone in this room would want his or her State to be in a position of having to cut patients off life-saving drugs because funding is inadequate.

Given that the number of individuals with HIV continues to escalate, our commitment to providing AIDS care must remain firm. Therefore, I strongly urge my colleagues in conference to adopt the highest funding for the Ryan White CARE Act. I urge support of the House funding levels for title I and title II and the Senate levels for title III, IV, and V.

In addition, I would like to reiterate my strong support for AIDS prevention and education programs through the Centers for Disease Control. These programs are key to stopping the spread of HIV infection and saving lives, and I urge the highest funding level possible.

Individuals living with this disease and their loved ones known that these programs are saving lives, enabling patients to live life to the fullest, and preventing new infections. It is our obligation to provide the highest level of funding possible for these critical appropriations.

Again, I thank the Senator from New York and the chairman and ranking member of the subcommittee for their tireless work on behalf of people with HIV and AIDS.

Mr. D'AMATO. I thank the Senator from California for providing further perspective on this issue. Mr. President, we again thank the chairman for his leadership and support of the Ryan White CARE Act in the past. We hope to secure your continued support for Senate appropriations for titles III, IV, and V of the Ryan White CARE Act, and at least the House funding levels for titles I and II in conference committee. In particular, the ADAP funding level affects every State in our great Nation and, therefore, I look forward to working with him and our colleagues to ensure that every American will have access to any HIV/AIDS treatment he or she may require.

COMMUNITY EMPLOYMENT ALLIANCE

Mrs. HUTCHISON. Mr. President, I would like to bring to the attention of the Senator the Community Employment Alliance [CEA], which is sponsored by the Enterprise Foundation. It is my hope that the Department of Labor may identify the CEA as a project for full consideration under research, demonstration, and pilot program funds being made available to the Department in the 1998 Labor, Health and Human Services, and Education Appropriations Act.

CEA is working in eight cities nationwide, including San Antonio and Dallas in my home State, to develop an effective job opportunity system for low-income individuals, particularly those on public assistance. CEA offers a new, comprehensive model for developing job opportunities for low-income citizens based on the utilization of community-based organizations, in conjunction with private sector and Government resources.

CEA's approach envisions the development of compacts involving city and State governments, local and regional business leaders, and community-based organizations. Each local alliance will formulate strategies and implement programs for creating an effective job opportunity system for welfare recipients. The ultimate goal of the CEA, therefore, is to improve job prospects for unemployed and underemployed residents of distressed inner-city neighborhoods through well-coordinated, high performance economic and work force development activities. I believe that it is this type of integrated approach that will help move more Americans from welfare to work.

Mr. SPECTER. I thank Senator HUTCHISON for bringing this important project to my attention and the attention of the committee. There is much work to be done in assisting those on welfare to gain a better life. Approaches to this problem which fully integrate business, civic, and community leaders are in my view the most likely to succeed. Therefore, I believe that the Department of Labor should, in fact, give full consideration to the request for funds made by the Community Employment Alliance for this purpose.

BOSTON SYMPHONY ORCHESTRA

MR. KENNEDY. Mr. President, one of the integral parts of a classical education includes a knowledge and appreciation of music. Studies have shown that there is a direct correlation between children with an early exposure to music and high achievement in mathematics. Music provides a universal language that knows no boundaries, and heightens a person's awareness and sensitivity to the world around them.

Boston Symphony Orchestra, one of the world's leading symphonies, has developed in collaboration with area schools a model youth concert program which contributes to a student's understanding and appreciation of music. It annually conducts 15 youth concerts for approximately 40,000 elementary, middle and high school students from over 120 communities throughout Massachusetts. BSO also provides training for music teachers and manages a resources center for educators in New England.

The House fiscal year 1998 Labor, Health and Human Services, and Education Appropriations Committee report contains language that encourages the Department of Education's fund for the Improvement of Education to support the operation and evaluation of such a program as the Boston Symphony Orchestra's model youth concert program. I urge the final conference report to adopt this language, which will broaden the horizons of our children's education.

Mr. HARKIN. Mr. President, what is the parliamentary situation at this time?

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to take just a minute before the final passage of this bill to comment upon an amendment that was just adopted here, the amendment offered by the Senator from Washington State. I am concerned about the impact of that amendment and what it is going to do to education.

I do not know how many people understand what we have just done here. What we have just said in adopting this amendment on such a narrow vote is that many education programs including vocational education, bilingual education, education technology, immigrant education, safe and drug-free schools, and Goals 2000—some you may like, some you may not like, but all of these programs are now part of a block grant. This money now goes to local education agencies in the form of a block grant. All of the things that we have worked so hard on, on a bipartisan basis, in terms of technology, safe and drug-free schools, vocational education, all of these are gone under this amendment.

Mr. President, $4 billion of that money now goes out to local education agencies in the form of a block grant. There will be no requirements on how this money is to be spent—none whatsoever. In other words, they can take the money and build a swimming pool and say the heck with education technology or safe and drug-free schools or vocational education. There is no limitation. We have had in the past limitations on how much of this money could be used for administrative costs, to pay for superintendents and all the administrative people who make up our schools.

The PRESIDING OFFICER. The Senator's time has expired.

Two minutes equally before the vote.

Mr. HARKIN. Mr. President, I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. And the other side, too, get an additional minute.

Mr. President, we have had requirements in the past that no more than a certain amount of this money could be spent for administration because we wanted it to get to the kids and we wanted it to get to vocational education and technology.

These requirements are done away with in this amendment. So now they can use this money to pay superintendents or other school personnel more money.

Mr. DODD. Will my colleague yield?

Mr. HARKIN. I will yield.

Mr. DODD. Would my colleague not disagree with me, Mr. President, if this bill comes back from conference with this measure, we ought to filibuster this bill; it ought not to pass?

Mr. HARKIN. I appreciate that. I just have a sense that some people may have voted on this and not understood exactly what was going on in terms of stripping away all of these measures and taking away the prohibition that we had in the past to limit how much could be spent on administration. That is all taken off.

I heard time and time again from people on both sides of the aisle how we should cut down on how much money we put into administration. I agree with that. We all agreed with that. Now those restrictions are gone. They will be able to use this money for whatever they want. I just think it is a terrible mistake on the part of the Senate to have adopted this amendment.

I appreciate the time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. GORTON. Mr. President, I find it regrettable but not surprising that the expressions against the amendment which we just adopted are based on the proposition that all knowledge with respect to educational priorities is lodged right here among the 100 Members of this body, and, if not here, certainly no closer to our students than the Department of Education's bureaucrats here in Washington, DC; that if we are to allow local school board members, teachers, and parents to decide how they would like to spend the money on the education of their children setting different priorities in different school districts, they will, of course, waste the money, ignore our children, and use it to build swimming pools.

Well, Mr. President, I wonder why it is that the voters are so wise when they pick us and so foolish when they pick local school board members. That is the real issue here. Do we trust the people who are running our schools to run them properly, to care for the education of their children and to do a better job than Washington, DC, bureaucrats?

Fifty-one of you voted that we trust our educators.

The PRESIDING OFFICER. All time having expired, the vote now is on final passage.

Mr. INOUYE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—92

Abraham
Akaka
Allard
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—8

Ashcroft
Coats
Faircloth
Gramm
Helms
Inhofe
Sessions
Smith (NH)

The bill (S. 1061), as amended, was passed, as follows:

S. 1061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; the Stewart B. McKinney Homeless Assistance Act; the Women in Apprenticeship and Nontraditional Occupations Act; the National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; $5,010,053,000 plus reimbursements, of which $3,815,062,000 is available for obligation for the period July 1, 1998 through June 30, 1999; of which $118,491,000 is available for the period July 1, 1998 through June 30, 2001 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers; and of which $200,000,000 shall be available from July 1, 1998 through September 30, 1999, for carrying out activities of the School-to-Work Opportunities Act: *Provided,* That $55,127,000 shall be for carrying out section 401 of the Job Training Partnership Act, $72,749,000 shall be for carrying out section 402 of such Act, $7,300,000 shall be for carrying out section 441 of such Act, $10,000,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under such Act, $955,000,000 shall be for carrying out title II, part A of such Act, and $129,965,000 shall be for carrying out title II, part C of such Act: *Provided further,* That the National Occupational Information Coordinating Committee is authorized, effective upon enactment, to charge fees for publications, training and technical assistance developed by the National Occupational Information Coordinating Committee: *Provided further,* That revenues received from publications and delivery of technical assistance and training, notwithstanding 31 U.S.C. 3302, shall be credited to the National Occupational Information Coordinating Committee program account and shall be available to the National Occupational Information Coordinating Committee without further appropriations, so long as such revenues are used for authorized activities of the National Occupational Information Coordinating Committee: *Provided further,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further,* That funds provided for title III of the Job Training Partnership Act shall not be subject to the limitation contained in subsection (b) of section 315 of such Act; that the waiver described in section 315(a)(2) may be granted if a substate grantee demonstrates to the Governor that such waiver is appropriate due to the availability of low-cost retraining services, is necessary to facilitate the provision of needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services; and that funds provided for discretionary grants under part B of such title III may be used to provide needs-related payments to participants who, in lieu of meeting the enrollment requirements under section 314(e) of such Act, are enrolled in training by the end of the sixth week after grant funds have been awarded: *Provided further,* That funds provided to carry out section 324 of such Act may be used for demonstation projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further,* That service delivery areas may transfer funding provided herein under authority of title II, parts B and C of the Job Training Partnership Act between the programs authorized by those titles of the Act, if the transfer is approved by the Governor: *Provided further,* That service delivery areas and substate areas may transfer up to 20 percent of the funding provided herein under authority of title II, part A and title III of the Job Training Partnership Act between the programs authorized by those titles of the Act, if such transfer is approved by the Governor: *Provided further,* That, notwithstanding any other provision of law, any proceeds from the sale of Job Corps center facilities shall be retained by the Secretary of Labor to carry out the Job Corps program: *Provided further,* That notwithstanding any other provision of law, the Secretary of Labor may waive any of the statutory or regulatory requirements of titles I–III of the Job Training Partnership Act (except for requirements relating to wage and labor standards, worker rights, participation and protection, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility, review and approval of plans, the establishment and functions of service delivery areas and private industry councils, and the basic purposes of the Act), and any of the statutory or regulatory requirements of sections 8–10 of the Wagner-Peyser Act (except for requirements relating to the provision of services to unemployment insurance claimants and veterans, and to universal access to basic labor exchange services without cost to job seekers), only for funds available for expenditure in program year 1998, pursuant to a request submitted by a State which identifies the statutory or regulatory requirements that are requested to be waived and the goals which the State or local service delivery areas intend to achieve, describes the actions that the State or local service delivery areas have undertaken to remove State or local statutory or regulatory barriers, describes the goals of the waiver and the expected programmatic outcomes if the request is granted, describes the individuals impacted by the waiver, and describes the process used to monitor the progress in implementing a waiver, and for which notice and an opportunity to comment on such request has been provided to the organizations identified in section 105(a)(1) of the Job Training Partnership Act, if and only to the extent that the Secretary determines that such requirements impede the ability of the State to implement a plan to improve the workforce development system and the State has executed a Memorandum of Understanding with the Secretary requiring such State to meet agreed upon outcomes and implement other appropriate measures to ensure accountability: *Provided further,* That the Secretary of Labor shall establish a workforce flexibility (work-flex) partnership demonstration program under which the Secretary shall authorize not more than six States, of which at least three States shall each have populations not in excess of 3,500,000, with a preference given to those States that have been designated Ed-Flex Partnership States under section 311(e) of Public Law 103–227, to waive any statutory or regulatory requirement applicable to service delivery areas or substate areas within the State under titles I–III of the Job Training Partnership Act (except for requirements relating to wage and labor standards, grievance procedures and judicial review, nondiscrimination, allotment of funds, and eligibility), and any of the statutory or regulatory requirements of sections 8–10 of the Wagner-Peyser Act (except for requirements relating to the provision of services to unemployment insurance claimants and veterans, and to universal access to basic labor exchange services without cost to job seekers), for a duration not to exceed the waiver period authorized under section 311(e) of Public Law 103–227, pursuant to a plan submitted by such States and approved by the Secretary for the provision of workforce employment and training activities in the States, which includes a description of the process by which service delivery areas and substate areas may apply for and have waivers approved by the State, the requirements of the Wagner-Peyser Act to be waived, the outcomes to be achieved and other measures to be taken to ensure appropriate accountability for Federal funds.

For necessary expenses of Opportunity Areas of Out-of-School Youth, in addition to amounts otherwise provided herein, $250,000,000, to be available for obligation for the period October 1, 1998 through September 30, 1999, if job training reform legislation authorizing this or similar at-risk youth projects is enacted by April 1, 1998.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(TRANSFER OF FUNDS)

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $353,340,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $99,660,000.

The funds appropriated under this heading shall be transferred to and merged with the Department of Health and Human Services, "Aging Services Programs", for the same purposes and the same period as the account to which transferred, following the enactment of legislation authorizing the administration of the program by that Department.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $349,000,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $173,452,000, together with not to exceed

$3,288,476,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $2,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 1201 of the Small Business Job Protection Act of 1996, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 1998, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 2000; and of which $173,452,000, together with not to exceed $738,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 1998 through June 30, 1999, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose, and of which $150,000,000 shall be available solely for the purpose of assisting States to convert their automated State employment security agency systems to be year 2000 compliant, and of which $212,333,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1998 is projected by the Department of Labor to exceed 2,789,000 an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, section 104(d) of Public Law 102–164, and section 5 of Public Law 103–6, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1999, $392,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1998, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $88,308,000, together with not to exceed $41,285,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $82,000,000, of which $3,000,000 shall remain available through September 30, 1999 for expenses of completing the revision of the processing of employee benefit plan returns.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1998, for such Corporation: *Provided*, That not to exceed $10,433,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $299,660,000, together with $993,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided further*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $201,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 1997, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary of Labor determines to be the cost of administration for employees of such fair share entities through September 30, 1998: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $7,269,000 shall be made available to the Secretary of Labor for expenditures relating to capital improvements in support of Federal Employees' Compensation Act administration, and the balance of such funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $1,007,000,000, of which $960,650,000 shall be available until September 30, 1999, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $26,147,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, $19,551,000 for transfer to Departmental Management, Salaries and Expenses, $296,000 for transfer to Departmental Management, Office of Inspector General, and $356,000 for payment into miscellaneous receipts for the expenses of the Department of Treasury, for expenses of operation and administration of the Black

Lung Benefits program as authorized by section 9501(d)(5) of that Act: *Provided*, That, in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year.

Occupational Safety and Health Administration

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $336,205,000, including not to exceed $77,941,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 1998, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act: *Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

Mine Safety and Health Administration

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $205,804,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

Bureau of Labor Statistics

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $320,097,000, of which $15,430,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 1999, together with not to exceed $52,574,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

Departmental Management

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to $4,439,000 for the President's Committee on Employment of People With Disabilities, $152,131,000; together with not to exceed $282,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995): *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than one year shall be considered affirmed by the Benefits Review Board on that date, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

WORKING CAPITAL FUND

The paragraph under this heading in Public Law 85-67 (29 U.S.C. 563) is amended by striking the last period and inserting after "appropriation action" the following: ": *Provided further*, That the Secretary of Labor may transfer annually an amount not to exceed $3,000,000 from unobligated balances in the Department's salaries and expenses accounts, to the unobligated balance of the Working Capital Fund, to be merged with such Fund and used for the acquisition of capital equipment and the improvement of financial management, information technology and other support systems, and to remain available until expended: *Provided further*, That the unobligated balance of the Fund shall not exceed $20,000,000.".

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $181,955,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A and 4321–4327, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 1998.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $43,105,000, together with not to exceed $3,645,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

SEC. 103. Funds shall be available for carrying out title IV–B of the Job Training Partnership Act, notwithstanding section 427(c) of that Act, if a Job Corps center fails to meet national performance standards established by the Secretary.

SEC. 104. None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate or issue any proposed or final standard regarding ergonomic protection before

September 30, 1998: *Provided*, That nothing in this section shall be construed to limit the Occupational Safety and Health Administration from issuing voluntary guidelines on ergonomic protection or from developing a proposed standard regarding ergonomic protection: *Provided further*, That no funds made available in this Act may be used by the Occupational Safety and Health Administration to enforce voluntary guidelines through section 5 (general duty clause) of the Occupational Safety and Health Act.

SEC. 105. Section 13(b)(12) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(12)) is amended by inserting after "water" the following: ", at least 90 percent of which is ultimately delivered".

SEC. 106. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available under this Act, or any other Act making appropriations for fiscal year 1998, may be used by the Department of Labor or the Department of Justice to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters.

(b) EXCEPTION.—

(1) IN GENERAL.—Upon the submission to Congress of a certification by the President of the United States that the International Brotherhood of Teamsters does not have funds sufficient to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters, the President of the United States may transfer funds from the Department of Justice and the Department of Labor for the conduct and oversight of such a rerun election.

(2) REQUIREMENT.—Prior to the transfer of funds under paragraph (1), the International Brotherhood of Teamsters shall agree to repay the Secretary of the Treasury for the costs incurred by the Department of Labor and the Department of Justice in connection with the conduct of an election described in paragraph (1). Such agreement shall provide that any such repayment plan be reasonable and practicable, as determined by the Attorney General and the Secretary of the Treasury, and be structured in a manner that permits the International Brotherhood of Teamsters to continue to operate.

(3) REPAYMENT PLAN.—The International Brotherhood of Teamsters shall submit to the President of the United States, the Majority and Minority Leaders of the Senate, the Majority and Minority Leaders of the House of Representatives, and the Speaker of the House of Representatives, a plan for the repayment of amounts described in paragraph (2), at an interest rate equal to the Federal underpayment rate established under section 6621(a)(2) of the Internal Revenue Code of 1986 as in effect for the calender quarter in which the plan is submitted, prior to the expenditure of any funds under this section.

(c) EFFECTIVE DATE.—This section shall take effect one day after enactment of this Act.

This title may be cited as the "Department of Labor Appropriations Act, 1998".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XVI, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, and the Health Care Quality Improvement Act of 1986, as amended, and the Native Hawaiian Health Care Act of 1988, as amended, $3,449,071,000, of which $225,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $208,452,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $217,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That notwithstanding any other provision of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408: *Provided further*, That, of the funds made available under this heading, not more than $6,000,000 shall be made available and shall remain available until expended for loan guarantees for loans funded under part A of title XVI of the Public Health Service Act as amended, made by non-Federal lenders for the construction, renovation, and modernization of medical facilities that are owned and operated by health centers, and for loans made to health centers under section 330(d) of the Public Health Service Act as amended by Public Law 104–299, and that such funds be available to subsidize guarantees of total loan principal in an amount not to exceed $80,000,000: *Provided further*, That notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $103,609,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $6,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $85,000,000: *Provided further*, That the Secretary may use up to $1,000,000 derived by transfer from insurance premiums collected from guaranteed loans made under title VII of the Public Health Service Act for the purpose of carrying out section 709 of that Act. In addition, for administrative expenses to carry out the guaranteed loan program, $2,688,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, and XIX of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21 and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $2,317,113,000, of which $23,007,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, up to $70,063,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer.

In addition, $51,000,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40151 and 40261 of Public Law 103–322.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,558,377,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,539,898,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $211,611,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $883,321,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $781,351,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,359,688,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,058,969,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $676,870,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $357,695,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $331,969,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $520,705,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $272,631,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $200,428,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $64,016,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $228,585,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $531,751,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $753,334,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $218,851,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $455,805,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $20,000,000 shall be for extramural facilities construction grants.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $28,468,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $162,825,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 1998, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $292,196,000 of which $40,266,000 shall be for the Office of AIDS Research: *Provided*, That funding shall be available for the purchase of not to exceed five passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That NIH is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That $13,000,000 shall be available to carry out section 404E of the Public Health Service Act.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $203,500,000, to remain available until expended, of which $90,000,000 shall be for the clinical research center: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the clinical research center may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

Substance Abuse and Mental Health Services Administration

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $2,126,643,000 of which $10,000,000 shall be for grants to rural and Native American projects: *Provided*, That in addition to amounts provided herein, up to $10,000,000 shall be available from amounts available under section 241 of the Public Health Service Act, for State-level data collection activities by the National Household Survey on Drug Abuse: *Provided further*, That notwithstanding any other provision of law, each State's allotment for fiscal year 1998 for each of the programs under subparts I and II of part B of title XIX of the Public Health Service Act shall be equal to such State's allotment for such programs for fiscal year 1997.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

Agency for Health Care Policy and Research

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $77,587,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $65,000,000.

Health Care Financing Administration

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $71,602,429,000, to remain available until expended.

For making, after May 31, 1998, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1998 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1999, $27,800,689,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary

Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $63,581,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, and section 191 of Public Law 104–191, not to exceed $1,719,241,000 to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended, together with such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to medicare overpayment recovery activities, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $900,000 shall be for carrying out section 4021 of Public Law 105–33: *Provided further*, That in carrying out its legislative mandate, the National Bipartisan Commission on the Future of Medicare shall examine the role increased investments in health research can play in reducing future Medicare costs, and the potential for coordinating Medicare with cost-effective long-term care services: *Provided further*, That $54,100,000 appropriated under this heading for the development of, transition to, and implementation of the Medicare Transaction System shall remain available until expended: *Provided further*, That $2,000,000 of the amount available for research, demonstration, and evaluation activities shall be available for carrying out demonstration projects on Medicaid coverage of community-based attendant care services for people with disabilities which ensures maximum control by the consumer to select and manage their attendant care services: *Provided further*, That no less than $50,000,000 appropriated under this heading in fiscal year 1997 shall be obligated in fiscal year 1997 to increase medicare provider audits and implement the Department's corrective action plan to the Chief Financial Officer's audit of the Health Care Financing Administration's oversight of medicare.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1998, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act: *Provided further*, That, notwithstanding section 418(a) of the Social Security Act, for fiscal year 1997 only, the amount of payment under section 418(a)(1) to which each State is entitled shall equal the amount specified as mandatory funds with respect to such State for such fiscal year in the table transmitted by the Administration for Children and Families to State Child Care and Development Block Grant Lead Agencies on August 27, 1996, and the amount of State expenditures in fiscal year 1994 or 1995 (whichever is greater) that equals the non-Federal share for the programs described in section 418(a)(1)(A) shall be deemed to equal the amount specified as maintenance of effort with respect to such State for fiscal year 1997 in such table.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the first quarter of fiscal year 1999, $660,000,000, to remain available until expended.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,200,000,000, to be available for obligation in the period October 1, 1998 through September 30, 1999.

For making payments under title XXVI of such Act, $300,000,000: *Provided*, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $392,332,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 104–134 for fiscal year 1996 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1997 and 1998.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), in addition to amounts already appropriated for fiscal year 1998, $26,120,000; and to become available on October 1, 1998 and remain available through September 30, 1999, $1,000,000,000: *Provided*, That of funds appropriated for each of fiscal years 1998 and 1999, $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which for fiscal year 1998 $6,120,000 shall be derived from an amount that shall be transferred from the amount appropriated under section 452(j) of the Social Security Act (42 U.S.C. 652(j)) for fiscal year 1997 and remaining available for expenditure.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,245,000,000: *Provided*, That notwithstanding section 2003(c) of such Act, as amended, the amount specified for allocation under such section for fiscal year 1998 shall be $2,245,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, (including section 105(a)(2) of the Child Abuse Prevention and Treatment Act), the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, part B(1) of title IV and sections 413, 429A and 1110 of the Social Security Act; for making payments under the Community Services Block Grant Act; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100–485, $5,611,094,000, of which $539,432,000 shall be for making payments under the Community Services Block Grant Act: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That notwithstanding any other provision of law, 10 percent of any additional funds for Head Start over the fiscal year 1997 appropriation shall be made available for Early Head Start programs.

In addition, $93,000,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40155, 40211 and 40241 of Public Law 103–322.

Funds appropriated for fiscal year 1998 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000.

Funds appropriated for fiscal year 1998 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $255,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, $3,200,000,000.

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, for the first quarter of fiscal year 1999, $1,157,500,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, $894,074,000: *Provided*, That notwithstanding section 308(b)(1) of such Act, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995: *Provided further*, That of the funds appropriated to carry out section 303(a)(1) of such Act, $4,449,000 shall be available for carrying out section 702(a) of such Act and $4,732,000 shall be available for carrying out section 702(c) of such Act: *Provided further*, That in considering grant applications for nutrition services for elder Indian recipients, the Assistant Secretary shall provide maximum flexibility to applicants who seek to take into account subsistence, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the American Indian, Alaskan and Hawaiian native communities to be served.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Socal Security Act, $174,588,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $31,921,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $16,345,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $9,500,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. None of the funds appropriated in this Act may be obligated or expended for the Federal Council on Aging under the Older Americans Act or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

(TRANSFER OF FUNDS)

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. Funds appropriated in this Act for the National Institutes of Health may be used to provide transit subsidies in amounts consistent with the transportation subsidy programs authorized under section 629 of Public Law 101-509 to non-FTE bearing positions including trainees, visiting fellows and volunteers.

COMPREHENSIVE INDEPENDENT STUDY OF NIH RESEARCH PRIORITY SETTING

SEC. 211. (a) STUDY BY THE INSTITUTE OF MEDICINE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine to conduct a comprehensive study of the policies and process used by the National Institutes of Health to determine funding allocations for biomedical research.

(b) MATTERS TO BE ASSESSED.—The study under subsection (a) shall assess—

(1) the factors or criteria used by the National Institutes of Health to determine funding allocations for disease research;

(2) the process by which research funding decisions are made;

(3) the mechanisms for public input into the priority setting process; and

(4) the impact of statutory directives on research funding decisions.

(c) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit a report concerning the study to the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate, and the Committee on Commerce and the Committee on Appropriations of the House of Representatives.

(2) REQUIREMENT.—The report under paragraph (1) shall set forth the findings, conclusions, and recommendations of the Institute of Medicine for improvements in the National Institutes of Health research funding policies and processes and for any necessary congressional action.

(d) FUNDING.—Of the amount appropriated in this title for the National Institutes of Health, $300,000 shall be made available for the study and report under this section.

PARKINSON'S DISEASE RESEARCH.

SEC. 212. (a) SHORT TITLE.—This section may be cited as the "Morris K. Udall Parkinson's Research Act of 1997".

(b) FINDING AND PURPOSE.—

(1) FINDING.—Congress finds that to take full advantage of the tremendous potential for finding a cure or effective treatment, the Federal investment in Parkinson's must be expanded, as well as the coordination strengthened among the National Institutes of Health research institutes.

(2) PURPOSE.—It is the purpose of this section to provide for the expansion and coordination of research regarding Parkinson's, and to improve care and assistance for afflicted individuals and their family caregivers.

(c) PARKINSON'S RESEARCH.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

"PARKINSON'S DISEASE

"SEC. 409B. (a) IN GENERAL.—The Director of NIH shall establish a program for the conduct and support of research and training with respect to Parkinson's disease (subject to the extent of amounts appropriated under subsection (e)).

"(b) INTER-INSTITUTE COORDINATION.—

"(1) IN GENERAL.—The Director of NIH shall provide for the coordination of the program established under subsection (a) among all of the national research institutes conducting Parkinson's research.

"(2) CONFERENCE.—Coordination under paragraph (1) shall include the convening of a research planning conference not less frequently than once every 2 years. Each such conference shall prepare and submit to the Committee on Appropriations and the Committee on Labor and Human Resources of the Senate and the Committee on Appropriations and the Committee on Commerce of the House of Representatives a report concerning the conference.

"(c) MORRIS K. UDALL RESEARCH CENTERS.—

"(1) IN GENERAL.—The Director of NIH shall award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's. The Director shall award not more than 10 Core Center Grants and designate each center funded under such grants as a Morris K. Udall Center for Research on Parkinson's Disease.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—With respect to Parkinson's, each center assisted under this subsection shall—

"(i) use the facilities of a single institution or a consortium of cooperating institutions, and meet such qualifications as may be prescribed by the Director of the NIH; and

"(ii) conduct basic and clinical research.

"(B) DISCRETIONARY REQUIREMENTS.—With respect to Parkinson's, each center assisted under this subsection may—

"(i) conduct training programs for scientists and health professionals;

"(ii) conduct programs to provide information and continuing education to health professionals;

"(iii) conduct programs for the dissemination of information to the public;

"(iv) separately or in collaboration with other centers, establish a nationwide data system derived from patient populations with Parkinson's, and where possible, comparing relevant data involving general populations;

"(v) separately or in collaboration with other centers, establish a Parkinson's Disease Information Clearinghouse to facilitate and enhance knowledge and understanding of Parkinson's disease; and

"(vi) separately or in collaboration with other centers, establish a national education program that fosters a national focus on Parkinson's and the care of those with Parkinson's.

"(3) STIPENDS REGARDING TRAINING PROGRAMS.—A center may use funds provided under paragraph (1) to provide stipends for scientists and health professionals enrolled in training programs under paragraph (2)(B).

"(4) DURATION OF SUPPORT.—Support of a center under this subsection may be for a period not exceeding five years. Such period may be extended by the Director of NIH for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(d) MORRIS K. UDALL AWARDS FOR EXCELLENCE IN PARKINSON'S DISEASE RESEARCH.—The Director of NIH shall establish a grant program to support investigators with a proven record of excellence and innovation in Parkinson's research and who demonstrate potential for significant future breakthroughs in the understanding of the pathogensis, diagnosis, and treatment of Parkinson's. Grants under this subsection shall be available for a period of not to exceed 5 years.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section and section 301 and title IV of the Public Health Service Act with respect to direct Parkinson's disease research, there are authorized to be appropriated a total of $100,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000.".

COMPREHENSIVE FETAL ALCOHOL SYNDROME PREVENTION

SEC. 213. (a) SHORT TITLE.—This section may be cited as the "Comprehensive Fetal Alcohol Syndrome Prevention Act".

(b) FINDINGS.—Congress finds that—

(1) Fetal Alcohol Syndrome is the leading known cause of mental retardation, and it is 100 percent preventable;

(2) each year, up to 12,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) thousands more infants are born each year with Fetal Alcohol Effects, which are lesser, though still serious, alcohol-related birth defects;

(4) children of women who use alcohol while pregnant have a significantly higher infant mortality rate (13.3 per 1000) than children of those women who do not use alcohol (8.6 per 1000);

(5) Fetal Alcohol Syndrome and Fetal Alcohol Effects are national problems which can impact any child, family, or community, but their threat to American Indians and Alaska Natives is especially alarming;

(6) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effects are up to 30 times greater than national averages;

(7) in addition to the immeasurable toll on children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effects pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected individuals;

(8) the total cost to the economy of Fetal Alcohol Syndrome was approximately $2,700,000,000 in 1995, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated to be at least $1,400,000;

(9) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effects increases in proportion to the amount and frequency of alcohol consumed by a pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the emotional, physical, and mental consequences of alcohol exposure to the baby; and

(10) though approximately 1 out of every 5 pregnant women drink alcohol during their pregnancy, we know of no safe dose of alcohol during pregnancy, or of any safe time to drink during pregnancy, thus, it is in the best interest of the Nation for the Federal Government to take an active role in encouraging all women to abstain from alcohol consumption during pregnancy.

(c) PURPOSE.—It is the purpose of this section to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effects nationwide. Such program shall—

(1) coordinate, support, and conduct basic and applied epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

(2) coordinate, support, and conduct national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

(3) foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

(d) ESTABLISHMENT OF PROGRAM.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"PART O—FETAL ALCOHOL SYNDROME PREVENTION PROGRAM

"SEC. 399G. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.

"(a) FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.—The Secretary shall establish a comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effects prevention program that shall include—

"(1) an education and public awareness program to—

"(A) support, conduct, and evaluate the effectiveness of—

"(i) training programs concerning the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(ii) prevention and education programs, including school health education and school-based clinic programs for school-age children, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(iii) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(B) provide technical and consultative assistance to States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations concerning the programs referred to in subparagraph (A); and

"(C) award grants to, and enter into cooperative agreements and contracts with, States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of—

"(i) evaluating the effectiveness, with particular emphasis on the cultural competency and age-appropriateness, of programs referred to in subparagraph (A);

"(ii) providing training in the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(iii) educating school-age children, including pregnant and high-risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects, with priority given to programs that are part of a sequential, comprehensive school health education program; and

"(iv) increasing public and community awareness concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects through culturally competent projects, programs, and campaigns, and improving the understanding of the general public and targeted groups concerning the most effective intervention methods to prevent fetal exposure to alcohol;

"(2) an applied epidemiologic research and prevention program to—

"(A) support and conduct research on the causes, mechanisms, diagnostic methods, treatment, and prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(B) provide technical and consultative assistance and training to States, Tribal governments, local governments, scientific and academic institutions, and nonprofit organizations engaged in the conduct of—

"(i) Fetal Alcohol Syndrome prevention and early intervention programs; and

"(ii) research relating to the causes, mechanisms, diagnosis methods, treatment, and prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(C) award grants to, and enter into cooperative agreements and contracts with, States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of—

“(i) conducting innovative demonstration and evaluation projects designed to determine effective strategies, including community-based prevention programs and multicultural education campaigns, for preventing and intervening in fetal exposure to alcohol;

“(ii) improving and coordinating the surveillance and ongoing assessment methods implemented by such entities and the Federal Government with respect to Fetal Alcohol Syndrome and Fetal Alcohol Effects;

“(iii) developing and evaluating effective age-appropriate and culturally competent prevention programs for children, adolescents, and adults identified as being at-risk of becoming chemically dependent on alcohol and associated with or developing Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

“(iv) facilitating coordination and collaboration among Federal, State, local government, Indian tribal, and community-based Fetal Alcohol Syndrome prevention programs;

“(3) a basic research program to support and conduct basic research on services and effective prevention treatments and interventions for pregnant alcohol-dependent women and individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effects;

“(4) a procedure for disseminating the Fetal Alcohol Syndrome and Fetal Alcohol Effects diagnostic criteria developed pursuant to section 705 of the ADAMHA Reorganization Act (42 U.S.C. 485n note) to health care providers, educators, social workers, child welfare workers, and other individuals; and

“(5) the establishment, in accordance with subsection (b), of an inter-agency task force on Fetal Alcohol Syndrome and Fetal Alcohol Effects to foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance, and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

“(b) Inter-agency Task Force.—

“(1) Membership.—The Task Force established pursuant to paragraph (5) of subsection (a) shall—

“(A) be chaired by the Secretary or a designee of the Secretary; and

“(B) include representatives from all relevant agencies within the Department of Health and Human Services, including the Centers for Disease Control and Prevention, the National Institutes of Health, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, and any other relevant agencies of the Department of Health and Human Services.

“(2) Functions.—The Task Force shall—

“(A) coordinate all relevant programs and research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects, including programs that—

“(i) target individuals, families, and populations identified as being at risk of acquiring Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

“(ii) provide health, education, treatment, and social services to infants, children, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effects;

“(B) coordinate its efforts with existing Department of Health and Human Services task forces on substance abuse prevention and maternal and child health; and

“(C) report on a biennial basis to the Secretary and relevant committees of Congress on the current and planned activities of the participating agencies, including a proposal for a Federal Interagency Task Force to include representatives from all relevant agencies and offices within the Department of Health and Human Services, the Department of Agriculture, the Department of Education, the Department of Defense, the Department of the Interior, the Department of Justice, the Department of Veterans Affairs, the Bureau of Alcohol, Tobacco and Firearms, the Federal Trade Commission, and any other relevant Federal agency.

“(c) Scientific Research and Training.—The Director of the National Institute on Alcohol Abuse and Alcoholism, with the cooperation of members of the interagency task force established under subsection (b), shall establish a collaborative program to provide for the conduct and support of research, training, and dissemination of information to researchers, clinicians, health professionals and the public, with respect to the cause, prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and the related condition know as Fetal Alcohol Effects.

“SEC. 399H. ELIGIBILITY.

“To be eligible to receive a grant, or enter into a cooperative agreement or contract under this part, an entity shall—

“(1) be a State, Indian tribal government, local government, scientific or academic institution, or nonprofit organization; and

“(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe, including a description of the activities that the entity intends to carry out using amounts received under this part.

“SEC. 399I. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part, such sums as are necessary for each of the fiscal years 1998 through 2002.”.

Sec. 214. (a) That section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by striking “fiscal year 1995, fiscal year 1996, and fiscal year 1997” and inserting “each of fiscal years 1998 and 1999”.

(b) The amendment made by subsection (a) shall take effect October 1, 1997.

Sec. 215. (a) Study.—From amounts appropriated under this title, the Secretary should conduct a study on the health effects of perchlorate on humans with particular emphasis on the health risks to vulnerable subpopulations including pregnant women, children, and the elderly.

(b) Report.—Not later than 9 months after the date of enactment of this Act, and annually thereafter, the National Institutes of Health should prepare and submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report concerning the results of the study conducted under subsection (a), including whether further health effects research is necessary.

Sec. 216. Subparagraphs (B) and (C) of section 1143(a)(2) of the Social Security Act (42 U.S.C. 1320b–13(a)(2)(B), (C)) are each amended by striking “employee” and inserting “employer, employee,”.

Sec. 217. (a) Notwithstanding any other provision of law, the payments described in subsection (b) shall not be considered income or resources in determining eligibility for, or the amount of benefits under, a program or State plan under title XVI or XIX of the Social Security Act.

(b) The payments described in this subsection are payments made by the Secretary of Defense pursuant to section 657 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2584).

Sec. 218. (a) Study.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the General Accounting Office, shall conduct a comprehensive study concerning efforts to improve organ and tissue procurement at hospitals. Under such study, the Secretary shall survey at least 5 percent of the hospitals who have entered into agreements with an organ procurement organization required under the Public Health Service Act and the hospitals' designated organ procurement organizations to examine—

(1) the differences in protocols for the identification of potential organ and tissue donors;

(2) whether each hospital, and the designated organ procurement organization of the hospital, have a system in place for such identification of donors; and

(3) protocols for outreach to the relatives of potential organ or tissue donors.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report concerning the study conducted under subsection (a), that shall include recommendations on hospital best practices—

(1) that result in the most efficient and comprehensive identification of organ and tissue donors; and

(2) for communicating with the relatives of potential organ and tissue donors.

Sec. 219. (a) Findings.—Congress finds that—

(1) over 53,000 Americans are currently awaiting organ transplants;

(2) in 1996, 3,916 people on the transplant waiting list died because no organs became available for such people;

(3) the number of organ donors has grown slowly over the past several years, even though there is significant unrealized donor potential;

(4) a Gallup survey indicated that 85 percent of the American public supports organ donation, and 69 percent describe themselves as likely to donate their organs upon death;

(5) most potential donors are cared for in hospitals with greater than 350 beds, trauma services, and medical school affiliations;

(6) a recent Harvard study showed that hospitals frequently fail to offer donation services to the families of medically eligible potential organ donors;

(7) staff and administration in large hospitals often are not aware of the current level of donor potential in their institution or the current level of donation effectiveness of the institution;

(8) under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq; 1396 et seq.), hospitals that participate in the medicare or medicaid program are required to have in place policies to offer eligible families the option of organ and tissue donation; and

(9) many hospitals have not yet incorporated systematic protocols for offering donation to eligible families in a skilled and sensitive way.

(b) Sense of the Senate.—It is the sense of the Senate that hospitals that have organ or tissue donor potential take prompt steps to ensure that a skilled and sensitive request for organ or tissue donation is provided to eligible families by—

(1) working with the designated organ procurement organization or other suitable

agency to assess donor potential and performance in their institutions;

(2) establishing protocols for organ donation that incorporate best-demonstrated practices;

(3) providing education to hospital staff to ensure adequate skills related to organ and tissue donation;

(4) establishing teams of skilled hospital staff to respond to potential organ donor situations, ensure optimal communication with the patient's surviving family, and achieve smooth coordination of activities with the designated organ procurement organization; and

(5) monitoring organ donation effectiveness through quality assurance mechanisms.

PROTECTING VICTIMS OF FAMILY VIOLENCE

SEC. 220. (a) FINDINGS.—Congress finds that—

(1) the intent of Congress in amending part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat 2112) was to allow States to take into account the effects of the epidemic of domestic violence in establishing their welfare programs, by giving States the flexibility to grant individual, temporary waivers for good cause to victims of domestic violence who meet the criteria set forth in section 402(a)(7)(B) of the Social Security Act (42 U.S.C. 602(a)(7)(B));

(2) the allowance of waivers under such sections was not intended to be limited by other, separate, and independent provisions of part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(3) under section 402(a)(7)(A)(iii) of such Act (42 U.S.C. 602(a)(7)(A)(iii)), requirements under the temporary assistance for needy families program under part A of title IV of such Act may, for good cause, be waived for so long as necessary; and

(4) good cause waivers granted pursuant to section 402(a)(7)(A)(iii) of such Act (42 U.S.C. 602(a)(7)(A)(iii)) are intended to be temporary and directed only at particular program requirements when needed on an individual case-by-case basis, and are intended to facilitate the ability of victims of domestic violence to move forward and meet program requirements when safe and feasible without interference by domestic violence.

(b) CLARIFICATION OF WAIVER PROVISIONS.—

(1) IN GENERAL.—Section 402(a)(7) of the Social Security Act (42 U.S.C. 602(a)(7)) is amended by adding at the end the following:

"(C) NO NUMERICAL LIMITS.—In implementing this paragraph, a State shall not be subject to any numerical limitation in the granting of good cause waivers under subparagraph (A)(iii).

"(D) WAIVERED INDIVIDUALS NOT INCLUDED FOR PURPOSES OF CERTAIN OTHER PROVISIONS OF THIS PART.—Any individual to whom a good cause waiver of compliance with this Act has been granted in accordance with subparagraph (A)(iii) shall not be included for purposes of determining a State's compliance with the participation rate requirements set forth in section 407, for purposes of applying the limitation described in section 408(a)(7)(C)(ii), or for purposes of determining whether to impose a penalty under paragraph (3), (5), or (9) of section 409(a).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect as if it had been included in the enactment of section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2112).

(c) FEDERAL PARENT LOCATOR SERVICE.—

(1) IN GENERAL.—Section 453 of the Social Security Act (42 U.S.C. 653), as amended by section 5534 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 627), is amended—

(A) in subsection (b)(2)—

(i) in the matter preceding subparagraph (A), by inserting "or that the health, safety, or liberty or a parent or child would by unreasonably put at risk by the disclosure of such information," before "provided that";

(ii) in subparagraph (A), by inserting ", that the health, safety, or liberty or a parent or child would by unreasonably put at risk by the disclosure of such information," before "and that information"; and

(iii) in subparagraph (B)(i), by striking "be harmful to the parent or the child" and inserting "place the health, safety, or liberty of a parent or child unreasonably at risk"; and

(B) in subsection (c)(2), by inserting ", or to serve as the initiating court in an action to seek and order," before "against a noncustodial".

(2) STATE PLAN.—Section 454(26) of the Social Security Act (42 U.S.C. 654), as amended by section 5552 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 635), is amended—

(A) in subparagraph (C), by striking "result in physical or emotional harm to the party or the child" and inserting "place the health, safety, or liberty of a parent or child unreasonably at risk";

(B) in subparagraph (D), by striking "of domestic violence or child abuse against a party or the child and that the disclosure of such information could be harmful to the party or the child" and inserting "that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information"; and

(C) in subparagraph (E), by striking "of domestic violence" and all that follows through the semicolon and inserting "that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information pursuant to section 453(b)(2), the court shall determine whether disclosure to any other person or persons of information received from the Secretary could place the health, safety, or liberty or a parent or child unreasonably at risk (if the court determines that disclosure to any other person could be harmful, the court and its agents shall not make any such disclosure);".

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 day after the effective date described in section 5557(a) of the Balanced Budget Act of 1997 (Public Law 105–33).

SEC. 221. (a) TRANSFER.—Using $5,000,000 of the amounts appropriated under this title, the Secretary of Health and Human Services shall carry out activities under subsection (b) to address urgent health threats posed by E. coli:0157H7.

(b) USE OF FUNDS.—From amounts transferred under subsection (a) the Secretary of Health and Human Services shall—

(1) provide $1,000,000 for the development of improved medical treatments for patients infected with E. coli:0157H7-related disease (HUS);

(2) provide $550,000 to fund ongoing research to detect or prevent colonization of E. coli:0157H7 in live cattle;

(3) provide, through the existing partnership between the Federal Government, industry, and consumer groups, $1,000,000 for the National Consumer Education Campaign on Food Safety as part of the activities to address safe food handling practices;

(4) provide $1,000,000 for a study to determine the feasibility of the use of electronic pasteurization on red meats to eliminate pathogens and to carry out activities to educate the public on the safety of that process; and

(5) provide $1,000,000 for a contract to be entered into with the National Academy of Sciences to assess the effectiveness of testing to ensure zero tolerance of E. coli:0157H7 in raw ground beef products.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1998".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act, the School-to-Work Opportunities Act, and sections 3132, 3136, and 3141 of the Elementary and Secondary Education Act of 1965, $1,271,000,000, of which $530,000,000 for the Goals 2000: Educate America Act and $200,000,000 for the School-to-Work Opportunities Act shall become available on July 1, 1998, and remain available through September 30, 1999: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended to carry out section 304(a)(2)(A) of the Goals 2000: Educate America Act, except that no more than $1,500,000 may be used to carry out activities under section 314(a)(2) of that Act: *Provided further*, That section 315(a)(2) of the Goals 2000 Act shall not apply: *Provided further*, That up to one-half of one percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program: *Provided further*, That if any State educational agency does not apply for a grant under section 3132, that State's allotment under section 3131 shall be reserved by the Secretary for grants to local educational agencies in that State that apply directly to the Secretary according to the terms and conditions published by the Secretary in the Federal Register.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act, $7,807,349,000, of which $6,488,271,000 shall become available on July 1, 1998, and shall remain available through September 30, 1999, and of which $1,298,386,000 shall become available on October 1, 1998 and shall remain available through September 30, 1999, for academic year 1998–1999: *Provided*, That $6,273,712,000 shall be available for basic grants under section 1124: *Provided further*, That up to $4,000,000 of these funds shall be available to the Secretary on October 1, 1997, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,022,020,000 shall be available for concentration grants under section 1124A, $6,977,000 shall be available for evaluations under section 1501 and not more than $7,500,000 shall be reserved for section 1308, of which not more than $3,000,000 shall be reserved for section 1308(d): *Provided further*, That grant awards under section 1124 and 1124(A) of title I of the Elementary and Secondary Education Act shall be made to each State or local educational agency at no less than 100 percent of the amount such State or local educational agency received under this authority for fiscal year 1997 under Public Laws 104–208 and 105–18: *Provided further*, That in determining State allocations under any other program administered by the Secretary, amounts provided under Public Law 105–18, or equivalent amounts provided for in this bill, will not be taken into account in determining State allocations.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $794,500,000, of which $623,500,000 shall be for basic support payments under section 8003(b), $80,000,000 shall be for payments for children with disabilities under section 8003(d), $52,000,000, to remain available until expended, shall be for payments under section 8003(f), $5,000,000 shall be for construction under section 8007, and $24,000,000 shall be for Federal property payments under section 8002 and $10,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV–A–1 and 2, V–A and B, VI, IX, X, XII and XIII of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964; $1,482,293,000, of which $1,206,278,000 shall become available on July 1, 1998, and remain available through September 30, 1999: *Provided*, That of the amount appropriated, $310,000,000 shall be for Eisenhower professional development State grants under title II–B of the Elementary and Secondary Education Act, $310,000,000 shall be for innovative education program strategies State grants under title VI–A of said Act and $750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of said Act: *Provided further*, That—

(1) of the amount appropriated under this heading and notwithstanding any other provision of law, the Secretary of Education may award $1,000,000 to a State educational agency (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) to pay for appraisals, resource studies, and other expenses associated with the exchange of State school trust lands within the boundaries of a national monument for Federal lands outside the boundaries of the monument; and

(2) the State educational agency is eligible to receive a grant under paragraph (1) only if the agency serves a State that—

(A) has a national monument declared within the State under the authority of the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906 (16 U.S.C. 431 et seq.) (commonly known as the Antiquities Act of 1906) that incorporates more than 100,000 acres of State school trust lands within the boundaries of the national monument; and

(B) ranks in the lowest 25 percent of all States when comparing the average per pupil expenditure (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) in the State to the average per pupil expenditure for each State in the United States.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, and section 215 of the Department of Education Organization Act, $62,600,000.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act, without regard to section 7103(b), $354,000,000: *Provided*, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies: *Provided further*, That the Department of Education should only support instructional programs which ensure that students completely master English in a timely fashion (a period of three to five years) while meeting rigorous achievement standards in the academic content areas.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $4,958,073,000, of which $4,713,112,000 shall become available for obligation on July 1, 1998, and shall remain available through September 30, 1999: *Provided*, That $1,500,000 of the funds provided shall be for secton 687(b)(2)(G), and shall remain available until expended.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, $2,591,286,000.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $7,906,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $44,141,000: *Provided*, That from the amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $81,000,000: *Provided*, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act and the Adult Education Act and the National Literacy Act of 1991, $1,487,698,000, of which $1,484,598,000 shall become available on July 1, 1998 and shall remain available through September 30, 1999; and of which $5,491,000 from amounts available under the Adult Education Act shall be for the National Institute for Literacy under section 384(c) which shall be derived from unobligated Pell Grant funds: *Provided*, That, of the amounts made available for title II of the Carl D. Perkins Vocational and Applied Technology Education Act, $13,497,000 shall be used by the Secretary for national programs under title IV, without regard to section 451: *Provided further*, That the Secretary may reserve up to $4,998,000 under section 313(d) of the Adult Education Act for activities carried out under section 383 of that Act: *Provided further*, That no funds shall be awarded to a State Council under section 112(f) of the Carl D. Perkins Vocational and Applied Technology Education Act, and no State shall be required to operate such a Council.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $8,556,641,000, which shall remain available through September 30, 1999: *Provided*, That, $35,000,000 shall be available for State Student Incentive grants derived from unobligated balances: *Provided further*, That $60,000,000 shall be for education infrastructure authorized under title XII of the Elementary and Secondary Education Act to be derived from unobligated balances.

The maximum Pell Grant for which a student shall be eligible during award year 1998–1999 shall be $3,000: *Provided*, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 1997 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $46,482,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, parts A and B of title III, without regard to section 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, and part A and subpart 1 of parts B and E of title X and title XI of the Higher Education Act of 1965, as amended, part G of title XV of Public Law 102–325, the Mutual Educational and Cultural Exchange Act of 1961, and Public Law 102–423; $929,752,000, of which $13,700,000 for interest subsidies under title VII of the Higher Education Act shall remain available until expended: *Provided*, That funds available for part D of title IX of the Higher Education Act shall be available to fund new and noncompeting continuation awards for academic year 1998–1999 for fellowships awarded originally under part C of title IX of said Act, under the terms and conditions of part C.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $198,000,000: *Provided*, That not less than $3,530,000, shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to facility loans entered into under title VII, part C and section 702 of the Higher Education Act, as amended, $698,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed

$357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $104,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994; section 2102 of title II, and parts B, C, and D of title III, and parts A, B, I, and K and section 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of Public Law 103-227, $362,225,000.

CHILD LITERACY INITIATIVE

For carrying out a child literacy initiative, $260,000,000, which shall become available on October 1, 1998 and shall remain available through September 30, 1999 only if specifically authorized by subsequent legislation enacted by April 1, 1998.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out subtitle B of the Museum and Library Services Act, $146,369,000, of which $15,455,000 shall be for national leadership grants, notwithstanding section 221(a)(1)(B).

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $340,064,000: *Provided*, That $1,100,000 shall be used for the Millennium 2000 project.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $57,522,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $32,000,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the Department of Education may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

SEC. 305. Of the funds made available under this title, the Secretary of Education shall establish a program to provide training and technical assistance to State educational agencies and local educational agencies (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) in developing, establishing, and implementing procedures and programs designed to protect victims of and witnesses to incidents of elementary school and secondary school violence, including procedures and programs designed to protect witnesses testifying in school disciplinary proceedings.

SEC. 306. Of the funds made available under this title, $450,000 shall be awarded by the Secretary of Education for grants for the establishment, operation, and evaluation of pilot student safety toll-free hotlines to provide elementary school and secondary school students with confidential assistance regarding school crime, violence, drug dealing, and threats to the personal safety of the students.

SEC. 307. The Secretary of Education shall annually provide to the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate and the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives a certification that not less than 95 percent of the amount appropriated for a fiscal year for the activities of the Department of Education is being used directly for teachers and students. If the Secretary determines that less than 95 percent of such amount appropriated for a fiscal year is being used directly for teachers and students, the Secretary shall certify the percentage of such amount that is being directly used for teachers and students.

SEC. 308. (a) The Secretary of Education shall conduct a study that examines—

(1) the economic, educational, and societal costs of—

(A) the increase in enrollments of secondary school students during the period 1998 through 2008;

(B) the creation of smaller class sizes for students enrolled in grades 1 through 3; and

(C) the increase in enrollments described in subparagraph (A) in relation to the creation of smaller class sizes described in subparagraph (B); and

(2) the costs to States and local school districts for taking no action with respect to such increase in enrollments and smaller class sizes.

(b) The Secretary of Education shall report to Congress within 9 months of the date of enactment of this Act regarding the results of the study conducted under subsection (a). Such report shall include recommendations regarding what local school districts, States and the Federal Government can do to address the issue of the increase in enrollments of secondary school students and the need for smaller class sizes in grades 1 through 3.

SEC. 309. (a) The Senate finds that—

(1) Federal Pell Grants are a crucial source of college aid for low- and middle-income students;

(2) in addition to the increase in the maximum Federal Pell Grant from $2,700 to $3,000, which will increase aid to more than 3,600,000 low- and middle-income students, our Nation should provide additional funds to help more than 250,000 independent and dependent students obtain crucial aid in order to help the students obtain the education, training, or retraining the students need to obtain good jobs;

(3) our Nation needs to help children learn to read well in fiscal year 1998, as 40 percent of the Nation's young children cannot read at the basic level; and

(4) the Bipartisan Budget Agreement includes a total funding level for fiscal year 1998 of $7,600,000,000 for Federal Pell Grants, and of $260,000,000 for a child literacy initiative.

(b) It is the sense of the Senate that prompt action should be taken by the authorizing committees to—

(1) make the change in the needs analysis for Federal Pell Grants for independent and for dependent students; and

(2) enact legislation and authorize the funds needed to cover the cost of the changes for a $260,000,000 child literacy initiative.

(c) It is the sense of the Senate that the maximum level possible of fiscal year 1998 funding should be achieved in the appropriations conference committee.

This title may be cited as the "Department of Education Appropriations Act, 1998".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $65,452,000, of which $10,000,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $232,604,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2000, $300,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

Federal Mediation and Conciliation Service

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. chapter 71), $33,481,000, including $1,500,000, to remain available through September 30, 1999, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

Federal Mine Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,060,000.

National Commission on Libraries and Information Science

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended by Public Law 102–95), $1,000,000.

National Council on Disability

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,793,000.

National Education Goals Panel

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $2,000,000.

National Labor Relations Board

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $174,661,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes: *Provided further*, That none of the funds made available by this Act shall be used in any way to promulgate a final rule (altering 29 CFR part 103) regarding single location bargaining units in representation cases.

National Mediation Board

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $8,600,000: Provided, That unobligated balances at the end of fiscal year 1998 not needed for emergency boards shall remain available for other statutory purposes through September 30, 1999.

Occupational Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $7,800,000.

Physician Payment Review Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $3,508,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

Prospective Payment Assessment Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $3,507,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $205,500,000, which shall include amounts becoming available in fiscal year 1998 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $205,500,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $50,000, to remain available through September 30, 1999, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $87,728,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,394,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

Social Security Administration

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,308,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $426,090,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act 1977 for the first quarter of fiscal year 1999, $160,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $16,162,525,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: *Provided further*, That not less than $2,225,000 shall be available for conducting a disability return to work demonstration initiative, which focuses on providing persons who have lost limbs with an integrated program of prosthetic and rehabilitative care and job placement assistance.

From funds provided under the previous paragraph, not less than $100,000,000 shall be available for payment to the Social Security trust funds for administrative expenses for conducting continuing disability reviews.

In addition, $175,000,000, to remain available until September 30, 1999, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and Supplemental Security Income administrative work as authorized by Public Law 104–193. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended, and reviews and redeterminations authorized under section 211 of Public Law 104–193.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 1999, $8,680,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than

$5,937,708,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $1,268,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances at the end of fiscal year 1998 not needed for fiscal year 1998 shall remain available until expended for a state-of-the-art computing network, including related equipment and non-payroll administrative expenses associated solely with this network.

From funds provided under the previous paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $290,000,000, to remain available until September 30, 1999, for continuing disability reviews as authorized by section 103 of Public Law 104–121, section 10203 of Public Law 105–33 and Supplemental Security Income administrative work as authorized by Public Law 104–193. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act as amended, and reviews and redeterminations authorized under section 211 of Public Law 104–193.

In addition to funding already available under this heading, and subject to the same terms and conditions, $200,000,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and non-payroll administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

In addition, $35,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 1998 exceed $35,000,000, the amounts shall be available in fiscal year 1999 only to the extent provided in advance in appropriations Acts.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $6,265,000, together with not to exceed $31,089,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $11,160,000.

TITLE V—GENERAL PROVISIONS

Sec. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

Sec. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

Sec. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

Sec. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

Sec. 506. (a) Purchase of American-Made Equipment and Products.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) Notice Requirement.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) Prohibition of Contracts With Persons Falsely Labeling Products as Made in America.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Sec. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

Sec. 508. (a) None of the funds appropriated under this Act shall be expended for any abortion.

(b) None of the funds appropriated under this Act shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

Sec. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of medicaid matching funds) for abortion services or coverage of abortion by contract or other arrangement.

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider or organization from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of medicaid matching funds).

Sec. 510. Notwithstanding any other provision of law—

(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation Act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purpose for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position

in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

Sec. 511. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

Sec. 512. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term “human embryo or embryos” include any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

Sec. 513. (a) Limitation on Use of Funds for Promotion of Legalization of Controlled Substances.—None of the funds made available in this Act may be used for any activity when it is made known to the Federal official having authority to obligate or expend such funds that the activity promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) Exceptions.—The limitation in subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that Federally-sponsored clinical trials are being conducted to determine therapeutic advantage.

Sec. 514. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

Sec. 515. (a) Fees for Federal Administration of State Supplementary SSI Payments.—

(1) Optional state supplementary payments.—

(A) In general.—Section 1616(d)(2)(B) of the Social Security Act (42 U.S.C. 1382e(d)(2)(B)) is amended—

(i) by striking “and” at the end of clause (iii); and

(ii) by striking clause (iv) and inserting the following:

“(iv) for fiscal year 1997, $5.00;

“(v) for fiscal year 1998, $6.20;

“(vi) for fiscal year 1999, $7.60;

“(vii) for fiscal year 2000, $7.80;

“(viii) for fiscal year 2001, $8.10;

“(ix) for fiscal year 2002, $8.50; and

“(x) for fiscal year 2003 and each succeeding fiscal year—

“(I) the applicable rate in the preceding fiscal year, increased by the percentage, if any, by which the Consumer Price Index for the month of June of the calendar year of the increase exceeds the Consumer Price Index for the month of June of the calendar year preceding the calendar year of the increase, and rounded to the nearest whole cent; or

“(II) such different rate as the Commissioner determines is appropriate for the State.”.

(B) Conforming amendment.—Section 1616(d)(2)(C) of such Act (42 U.S.C. 1382e(d)(2)(C)) is amended by striking “(B)(iv)” and inserting “(B)(x)(II)”.

(2) Mandatory state supplementary payments.—

(A) In general.—Section 212(b)(3)(B)(ii) of Public Law 93–66 (42 U.S.C. 1382 note) is amended—

(i) by striking “and” at the end of subclause (III); and

(ii) by striking subclause (IV) and inserting the following:

“(IV) for fiscal year 1997, $5.00;

“(V) for fiscal year 1998, $6.20;

“(VI) for fiscal year 1999, $7.60;

“(VII) for fiscal year 2000, $7.80;

“(VIII) for fiscal year 2001, $8.10;

“(IX) for fiscal year 2002, $8.50; and

“(X) for fiscal year 2003 and each succeeding fiscal year—

“(aa) the applicable rate in the preceding fiscal year, increased by the percentage, if any, by which the Consumer Price Index for the month of June of the calendar year of the increase exceeds the Consumer Price Index for the month of June of the calendar year preceding the calendar year of the increase, and rounded to the nearest whole cent; or

“(bb) such different rate as the Commissioner determines is appropriate for the State.”.

(B) Conforming amendment.—Section 212(b)(3)(B)(iii) of such Act (42 U.S.C. 1382 note) is amended by striking “(ii)(IV)” and inserting “(ii)(X)(bb)”.

(b) Use of New Fees To Defray the Social Security Administration's Administrative Expenses.—

(1) Credit to special fund for fiscal year 1998 and subsequent years.—

(A) Optional state supplementary payment fees.—Section 1616(d)(4) of the Social Security Act (42 U.S.C. 1382e(d)(4)) is amended to read as follows:

“(4)(A) The first $5 of each administration fee assessed pursuant to paragraph (2), upon collection, shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

“(B) That portion of each administration fee in excess of $5, and 100 percent of each additional services fee charged pursuant to paragraph (3), upon collection for fiscal year 1998 and each subsequent fiscal year, shall be credited to a special fund established in the Treasury of the United States for State supplementary payment fees. The amounts so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out this title and related laws.”.

(B) Mandatory state supplementary payment fees.—Section 212(b)(3)(D) of Public Law 93–66 (42 U.S.C. 1382 note) is amended to read as follows:

“(D)(i) The first $5 of each administration fee assessed pursuant to subparagraph (B), upon collection, shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

“(ii) The portion of each administration fee in excess of $5, and 100 percent of each additional services fee charged pursuant to subparagraph (C), upon collection for fiscal year 1998 and each subsequent fiscal year, shall be credited to a special fund established in the Treasury of the United States for State supplementary payment fees. The amounts so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out this section and title XVI of the Social Security Act and related laws.”.

(2) Limitations on authorization of appropriations.—From amounts credited pursuant to section 1616(d)(4)(B) of the Social Security Act and section 212(b)(3)(D)(ii) of Public Law 93–66 to the special fund established in the Treasury of the United States for State supplementary payment fees, there is authorized to be appropriated an amount not to exceed $35,000,000 for fiscal year 1998, and such sums as may be necessary for each fiscal year thereafter, for administrative expenses in carrying out the supplemental security income program under title XVI of the Social Security Act and related laws.

Sec. 516. Section 520(c)(2)(D) of Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997, is amended by striking “September 30, 1997” and inserting in lieu thereof “December 31, 1997”.

Sec. 517. Of the budgetary resources available to agencies funded in this Act for salaries and expenses during fiscal year 1998, $75,500,000, to be allocated by the Office of Management and Budget, are permanently canceled: *Provided further*, That this provision shall not apply to the Food and Drug Administration and the Indian Health Service.

Sec. 518. Repeal of Tobacco Industry Settlement Credit.—Subsection (k) of section 9302 of the Balanced Budget Act of 1997, as added by section 1604(f)(3) of the Taxpayer Relief Act of 1997, is repealed.

Sec. 519. (a) General Limitation.—Notwithstanding any other provision of law, if any attorneys' fees are paid (on behalf of attorneys for the plaintiffs or defendants) in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures or for other causes of action involved in the national tobacco settlement agreement, such fees shall—

(1) not be paid at a rate that exceeds $250 per hour; and

(2) be limited to a total of $5,000,000.

(b) Fee Arrangements.—Subsection (a) shall apply to attorneys' fees provided for or in connection with an action of the type described in such subsection under any—

(1) court order;

(2) settlement agreement;

(3) contingency fee arrangement;

(4) arbitration procedure;

(5) alternative dispute resolution procedure (including mediation); or

(6) other arrangement providing for the payment of attorneys' fees.

(c) Expenses.—The limitation described in subsection (a) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(d) REQUIREMENTS.—No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(1) provided to the Governor of the appropriate State, a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(2) made public disclosure of the time accounting under paragraph (1) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

(e) PROVISION OF FUNDS FOR CHILDREN'S HEALTH RESEARCH.—Any amounts provided for attorneys' fees in excess of the limitation applicable under this section shall be paid into the Treasury for use by the National Institutes of Health for research relating to children's health.

(f) EFFECTIVE DATE.—The limitation on the payment of attorneys' fees contained in this section shall become effective on the date of enactment of any Act providing for a national tobacco settlement.

SEC. 520. SENSE OF THE SENATE ON COMPENSATION FOR TOBACCO GROWERS AS PART OF LEGISLATION ON THE NATIONAL TOBACCO SETTLEMENT.

(a) FINDINGS.— (1) On June 20, 1997, representatives of tobacco manufacturers, public health organizations, and Attorneys General from a majority of the States announced that an agreement had been reached on a national tobacco settlement;

(2) the national tobacco settlement was intended to provide a comprehensive framework for dealing with several issues relevant to the tobacco industry, including youth smoking prevention, legal liabilities, and the sales and marketing practices of the industry;

(3) implementation of the national tobacco settlement requires the enactment of Federal legislation by the Congress and the President;

(4) there are more than 125,000 farms in the United States which derive a substantial portion of their income from the cultivation and sale of tobacco;

(5) representatives of tobacco growers were completely excluded from the negotiations on the national tobacco settlement, and were poorly informed, or not informed at all, of any details of the settlement negotiations by any participants in those negotiations;

(6) the national tobacco settlement includes compensation for several adversely affected groups, including NASCAR, rodeo, and other event sponsors, but includes absolutely no compensation whatsoever or other provisions relating to the impact of the settlement on tobacco growers;

(7) no other group has their livelihoods affected by the national tobacco settlement as adversely as tobacco growers;

(8) the local economies of tobacco growing communities will be adversely affected by implementation of the national tobacco settlement;

(9) the national tobacco settlement contemplates $368,500,000,000 in payments from tobacco manufacturers over the next 25 years, and not all of this amount has been specifically earmarked by the agreement; and

(10) the Federal tobacco program was designed to operate at no net cost to the Federal taxpayer, the national tobacco settlement does not contemplate any changes to the operation of this program, and even many critics of the national tobacco settlement, including representatives from the public health community, have expressed support for the continued operation of a Federal tobacco program which operates at no net cost to taxpayers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) tobacco growers should be fairly compensated as part of any Federal legislation for the adverse impact which will follow from the enactment of the national tobacco settlement;

(2) tobacco growing communities should be provided sufficient resources to adequately adjust to the impact on their local economies which will result from the enactment of the national tobacco settlement;

(3) any compensation provided to tobacco growers and tobacco growing communities as part of Federal legislation to implement the national tobacco settlement should be included within the $368,500,000,000 in payments which are to be provided over the next 25 years; and

(4) No provisions should be included in any Federal legislation to implement the national tobacco settlement which would restrict or adversely affect the continued administration of a viable Federal tobacco program which operates at no net cost to the taxpayer.

SEC. 521. Nothing in this Act may be construed to interfere with, or abrogate, any agreement previously entered into between any State and any private attorney or attorneys with respect to litigation involving tobacco.

SEC. 522. It is the sense of the Senate that attorneys' fees paid in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related costs affected by Federal tobacco settlement legislation should be publicly disclosed and should not displace spending in the settlement legislation intended for public health.

SEC. 523. (a) Notwithstanding any other provision of law, the Secretary of Education shall award the total amount of funds described in subsection (b) directly to local educational agencies in accordance with subsection (d) to enable the local educational agencies to support programs or activities for kindergarten through grade 12 students that the local educational agencies deem appropriate.

(b) The total amount of funds referred to in subsection (a) are all funds that are appropriated for the Department of Education under this Act to support programs or activities for kindergarten through grade 12 students, other than—

(1) amounts appropriated under this Act—

(A) to carry out title VIII of the Elementary and Secondary Education Act of 1965;

(B) to carry out the Individuals with Disabilities Education Act;

(C) to carry out the Adult Education Act;

(D) to carry out the Museum and Library Services Act;

(E) for departmental management expenses of the Department of Education; or

(F) to carry out the Educational Research, Development, Dissemination, and Improvement Act;

(G) to carry out the National Education Statistics Act of 1994;

(H) to carry out section 10601 of the Elementary and Secondary Education Act of 1965;

(I) to carry out section 2102 of the Elementary and Secondary Education Act of 1965;

(J) to carry out part K of the Elementary and Secondary Education Act of 1965;

(K) to carry out subpart 5 of part A of title IV of the Higher Education Act of 1965; or

(L) to carry out title I of the Elementary and Secondary Education Act of 1965; or

(2) 50 percent of the amount appropriated under title III under the headings "Rehabilitation Services and Disability Research" and "Vocational and Adult Education".

(c) Each local educational agency shall conduct a census to determine the number of kindergarten through grade 12 students served by the local educational agency not later than 21 days after the beginning of the school year. Each local educational agency shall submit the number to the Secretary.

(d) The Secretary shall determine the amount awarded to each local educational agency under subsection (a) as follows:

(1) First, the Secretary, using the information provided under subsection (c), shall determine a per child amount by dividing the total amount of funds described in subsection (b), by the total number of kindergarten through grade 12 students in all States.

(2) Second, the Secretary, using the information provided under subsection (c), shall determine the baseline amount for each local educational agency by multiplying the per child amount determined under paragraph (1) by the number of kindergarten through grade 12 students that are served by the local educational agency.

(3) Lastly, the Secretary shall compute the amount awarded to each local educational agency as follows:

(A) Multiply the baseline amount determined under paragraph (2) by a factor of 1.1 for local educational agencies serving States that are in the least wealthy quintile of all States as determined by the Secretary on the basis of the per capita income of individuals in the States.

(B) Multiply the baseline amount by a factor of 1.05 for local educational agencies serving States that are in the second least wealthy such quintile.

(C) Multiply the baseline amount by a factor of 1.00 for local educational agencies serving States that are in the third least wealthy such quintile.

(D) Multiply the baseline amount by a factor of .95 for local educational agencies serving States that are in the fourth least wealthy such quintile.

(E) Multiply the baseline amount by a factor of .90 for local educational agencies serving States that are in the wealthiest such quintile.

(4) Notwithstanding paragraph (3), the Secretary shall compute the amount awarded to each local educational agency serving the State of Alaska or Hawaii by multiplying the base line amount determined under paragraph (2) for the local educational agency by a factor of 1.00.

(e) If the total amount of funds described in subsection (b) that are made available to carry out subsection (a) is insufficient to pay in full all amounts awarded under subsection (d), then the Secretary shall ratably reduce each such amount.

(f) If the Secretary determines that a local educational agency has knowingly submitted false information under subsection (c) for the purpose of gaining additional funds under subsection (a), then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under subsection (d), and the correct amount the local educational agency would have received if the agency had submitted accurate information under subsection (c).

(g)(1) Notwithstanding any other provision of law, the Secretary of Education shall award the total amount of funds made available under this Act to carry out title I of the Elementary and Secondary Education Act of 1965 for fiscal year 1998 directly to local educational agencies in accordance with paragraph (2) to enable the local educational agencies to support programs or activities for kindergarten through grade 12 students that the local educational agencies deem appropriate.

(2) Each local educational agency shall receive an amount awarded under this subsection that bears the same relation to the total amount of funds made available under this Act to carry out title I of the Elementary and Secondary Education Act of 1965 for fiscal year 1998 as the number of children counted under section 1124(c) of such Act for the local educational agency for fiscal year 1997 bears to the total number of students so counted for all local educational agencies for fiscal year 1997.

(h) Notwithstanding any other provision of this section, the total amount awarded to local educational agencies in each State under this section shall not be less than the net dollars that States would have received absent the provisions of this section.

(i) In this section—

(1) the term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965;

(2) the term "Secretary" means the Secretary of Education; and

(3) the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

SEC. 524. (a) Notwithstanding any other provision of law, the Office of Educational Research and Improvement shall submit to the Committee on Appropriations of the Senate a spending plan for activities funded under this title under the heading "EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT", prior to the obligation of the funds.

(b)(1) Notwithstanding any other provision of law, the National Assessment Governing Board established under section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011) (hereafter in this section referred to as the "Board") shall hereafter have exclusive authority over all policies, direction, and guidelines for establishing and implementing voluntary national tests for 4th grade English reading and 8th grade mathematics: *Provided*, That the tests shall be made available to a State, local educational agency, or private or parochial school, upon the request of the State, agency, or school, and the use of the tests shall not be a condition for receiving any Federal funds: *Provided further*, That within 90 days after the date of enactment of this Act, the Board shall review the national test development contract in effect on the date of enactment of this Act, and modify the contract as the Board determines necessary: *Provided further*, That if the contract cannot be modified to the extent determined necessary by the Board, the contract shall be terminated and the Board shall negotiate a new contract, under the Board's exclusive control, for the tests.

(2) In exercising the Board's responsibilities under paragraph (1) regarding the national tests, and notwithstanding any action undertaken by the Department of Education or a person contracting with or providing services for the Department regarding the planning, or the development of specifications, for the tests, the Board shall—

(A) ensure that the content and standards for the tests are the same as the content and standards for the National Assessment;

(B) exercise exclusive authority over any expert panel or advisory committee that will be or is established with respect to the tests;

(C) ensure that the tests are linked to the National Assessment to the maximum degree possible;

(D) develop test objectives, test specifications, and test methodology;

(E) develop policies for test administration, including guidelines for inclusion of, and accommodations for, students with disabilities and students with limited English proficiency;

(F) develop policies for reporting test results, including the use of standards or performance levels, and for test use;

(G) have final authority over the appropriateness of all test items;

(H) ensure that all items selected for use on the tests are free from racial, cultural, or gender bias; and

(I) take such actions and make such policies as the Board determines necessary.

(c) No State or local educational agency may require any private or parochial school student, or home-schooled individual, to take any test developed under this Act without the written consent of the student or individual.

(d) Section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011) is amended—

(1) in subsection (b)(1)—

(A) by amending subparagraph (A) to read as follows:

"(A) three Governors, or former Governors, of whom not more than 1 shall be a member of the same political party as the President;";

(B) by amending subparagraph (B) to read as follows:

"(B) two State legislators, of whom not more than 1 shall be a member of the same political party as the President;";

(C) in subparagraph (H), by striking "one representative" and inserting "three representatives";

(D) by amending subparagraph (I) to read as follows:

"(I) two mayors, of whom not more than 1 shall be a member of the same political party as the President;";

(E) by striking subparagraph (J); and

(F) by redesignating subparagraphs (K), (L), and (M) as subparagraphs (J), (K), and (L), respectively;

(2) in subsection (c)—

(A) in paragraph (1), by striking "and may not exceed a period of 3" and inserting "and shall be for periods of 4"; and

(B) in paragraph (2), by inserting "consecutive" after "two";

(3) by amending subsection (d) to read as follows:

"(d) VACANCIES.—As vacancies on the Board occur, new members of the Board shall be appointed by the Secretary from among individuals who are nominated by the Board after consultation with representatives of the individuals described in subsection (b)(1). For each vacancy, the Board shall nominate at least 3 individuals who are qualified by experience or training to fill the particular Board vacancy."; and

(4) in subsection (e) by adding at the end the following:

"(7) INDEPENDENCE.—In the exercise of its functions, powers, and duties, the Board shall be independent of the Secretary and the other offices and officers of the Department. The Secretary shall, by written delegation of authority, authorize the Board to award grants and contracts, and otherwise operate, to the maximum extent practicable, independent of the Department.".

(e) Not later than 30 days after the date of enactment of this Act, the Secretary of Education, in consultation with the Speaker and Minority Leader of the House of Representatives, and the Majority Leader and Minority Leader of the Senate, shall appoint individuals to fill vacancies on the National Assessment Governing Board caused by the expiration of the terms of members of the Board, or the creation of new membership positions on the Board pursuant to amendments made by this Act.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998".

Mr. SPECTER. Mr. President, I thank my distinguished colleague, Senator HARKIN, for his cooperation on this bill and the outstanding staff: Bettilou Taylor, Craig Higgins, Jim Sourwine, Jack Chow, Dale Cabaniss, for the majority, and the outstanding work on the minority side by Marsha Simon and Ellen Murray. I thank the leadership of Senator LOTT—who is right here—and has been here at all times.

I believe the passage of this bill is noteworthy. We had great problems passing a separate appropriations bill on Labor, Health and Human Services, and Education for fiscal year 1996. We were not able to get floor action on a bill until April 1996. It should have been finished on September 30, 1995. We finally broke that logjam with an amendment, which Senator HARKIN and I had offered, for an additional $2.6 billion for education and training programs. That legislation was then folded into the omnibus appropriations bill. So we did not have a regular Labor, HHS and Education appropriations bill for fiscal year 1996.

Then the fiscal year 1997 bill was not considered separately by the Senate. Instead, funding was included in an Omnibus appropriations bill that was significantly written by the administration and leadership. I said at that time that I thought the process was inappropriate. Our constitutional system is to have Congress deliberate and pass the bills and then submit them to the White House for approval or veto.

This year we were able to complete it the regular Labor, HHS and Education appropriations bill. It took a fair amount of time. We started on September 2. Senator LOTT brought us back at 11 o'clock the day after Labor Day. We now mark its conclusion. I am delighted. I also thank the distinguished minority leader, the Democratic leader. We have concluded action on an important bill. I thank the Chair and yield the floor.

Mr. HARKIN. Mr. President, I join with my colleague, my chairman, Senator SPECTER, in commending, first of all, the staff for all the wonderful work they did in pulling this bill together. I especially want to thank Craig Higgins, Bettilou Taylor, Jack Chow, Jim Sourwine of Senator SPECTER's staff. And our staff on our side: Ellen Murray and Marsha Simon.

This is a very complex, very big bill. It took us a long time to get it through. The Senate worked its will, and we did finish action on the bill. For the most part, I think it is a good bill, and I think it does move us in the right direction. There is a lot of good stuff in there for children's health, preventive health care measures. There are good provisions in there dealing with human services. For the most part, there are a lot of good items in there that will advance the cause of education in this country.

However, I must once again, Mr. President, for the record state that the adoption of the Gorton amendment basically does away with all the targeted programs that this Congress has supported on a bipartisan basis for so long; things like vocational education, bilingual education, education technology, and some of the newer ones, like Goals 2000. These are all done away with by the Gorton amendment.

What it says is we are going to take all this money and it goes to the local education agencies without any restrictions whatsoever. I am concerned that this was not widely known by a number of Senators when the vote was taken, and what also was not widely known, I don't believe, is that we have always had a cap, a limitation on how much money could be spent for administration.

That has been even more heavily supported on the Republican side than the Democratic side, and yet that is removed. So the money that we have said should go out to States for vocational education will now go to a local education agency, and they can do whatever they want with it. They can build a swimming pool. They can pay their superintendents whatever they want. They can take, not the 5-percent cap we have on administration, they can say we want to use 20 percent for administration.

Also, we have said in the past that these moneys should be used to supplement, not supplant, State efforts. That is taken away. So what can happen is all the money we put out to an area now that normally would go for vocational education or education technology or safe and drug-free schools, all of that money now doesn't have to be used for that, and the State can say, "OK, we're not going to put the money in, we'll just use the Federal dollars and we'll take our money for roads, bridges" and whatever else the State wants to do with their money, thus downgrading the amount of funds that actually go into education.

I know it was said by the Senator from Washington, "Well, not all knowledge resides in Washington; do we know what to do best in local school districts? The answer to that, obviously, is no. Keep in mind this money is not forced on the States. We are just saying this is Federal tax money that we vote to collect. And, yes, we do have a right and an obligation under the Constitution of the United States to decide how that money is to be spent.

We don't have the obligation or the right to decide how States spend their own State tax dollars, but we certainly do have the right and the constitutional obligation to decide how we spend Federal tax dollars. And that's what we said. We want it spent on vocational education. We want it spent on safe and drug-free schools. Those programs have been supported widely on both sides of the aisle.

We have also said we don't want more than 5 percent of that money to go to administrative costs, which has been widely supported on both sides of the aisle. That is all taken away by the Gorton amendment.

Mr. President, I talked with a number of my colleagues on this side of the aisle—certainly not all of them—but a great number of them prior to the vote on final passage. While I voted for final passage of the bill, because there is a lot more good than bad in it, I must state for the record that if, in fact, this provision is not dropped in conference, if we don't have the votes to drop it in conference, if it comes back from conference, as the minority manager on this bill, I am going to vote against it.

I hope that the President will send strong signals that he will veto this bill if this provision remains in the bill because it would do away with years and years of what we have done to focus attention on areas of education, like vocational education, safe and drug-free schools, education technology and others, that we thought were so necessary in order to move this country forward. I just hope this provision will be dropped in conference and that we can come back and support the bill out of conference with the same strong vote that we had here.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. LOTT. As in executive session, I ask unanimous consent that at the hour of 2 p.m. today, the Senate proceed to a vote on Executive Calendar No. 234, the nomination of Joseph Bataillon, to be immediately followed by a vote on Calendar No. 236, Christopher Droney, to be immediately followed by a vote on Calendar No. 237, Janet Hall. I ask unanimous consent that there be 2 minutes of debate, equally divided, prior to each of the above votes.

I further ask unanimous consent that immediately following those votes, Calendar Nos. 238, 239, 245 and 247 be confirmed.

I finally ask unanimous consent that following these confirmations, the motions to reconsider be laid upon the table; that any statements relating to the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information then of all Senators, that is three judicial nominations that have been cleared on both sides of the aisle, although recorded votes will be required, and then two U.S. attorneys that have been on the calendar for some time, U.S. Attorney Sharon Zealey of Ohio and U.S. Attorney James Hurd of the Virgin Islands. We also have two nominees for the Corporation for Public Broadcasting that we are able to confirm.

With these nominations moving forward, I think it is very positive for the Senate. I want the Senators to be aware that there will be three back-to-back votes beginning at 2 p.m. today.

Also, I am very pleased we are going to be able to get clearance for all committees to meet during the afternoon hours and the rest of this morning.

I believe, Mr. President, we will momentarily be prepared to go to opening statements with regard to the Food and Drug Administration reform. Senator JEFFORDS and Senator KENNEDY are here ready to proceed.

Mr. President, with regard to the comments made by Senator HARKIN, the fundamental difference in his position and our position with regard to education funds is that we just believe that the people at the local level and people at the State level want good education in their schools. I am a big advocate of vocational education, but I just happen to believe that if the State of Mississippi had more discretion in how those funds are to be used, they probably would put more money in vocational education in our State and less money in some of the programs they are mandated to do by the Federal Government.

We want good vocational education. We want safe schools. The difference is we just think that parents and teachers at the local level would do a better job of deciding how to educate their children than dictates from Washington, DC, and the Federal bureaucracy. It has not worked. We spent billions of dollars on education, and the test scores and the quality of education and the safety of the schools and parental involvement has gone down, down, down, down.

It is time we try something else to really improve education in America. That is what we are trying to do.

I yield the floor, Mr. President.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from to the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food and Drug Administration Modernization and Accountability Act of 1997".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

TITLE I—IMPROVING PATIENT ACCESS

Sec. 101. Mission of the Food and Drug Administration.
Sec. 102. Expedited access to investigational therapies.
Sec. 103. Expanded humanitarian use of devices.

TITLE II—INCREASING ACCESS TO EXPERTISE AND RESOURCES

Sec. 201. Interagency collaboration.
Sec. 202. Sense of the committee regarding mutual recognition agreements and global harmonization efforts.
Sec. 203. Contracts for expert review.
Sec. 204. Accredited-party reviews.
Sec. 205. Device performance standards.

TITLE III—IMPROVING COLLABORATION AND COMMUNICATION

Sec. 301. Collaborative determinations of device data requirements.
Sec. 302. Collaborative review process.

TITLE IV—IMPROVING CERTAINTY AND CLARITY OF RULES

Sec. 401. Policy statements.
Sec. 402. Product classification.
Sec. 403. Use of data relating to premarket approval.
Sec. 404. Consideration of labeling claims for product review.
Sec. 405. Definition of a day for purposes of product review.
Sec. 406. Certainty of review timeframes.
Sec. 407. Limitations on initial classification determinations.
Sec. 408. Clarification with respect to a general use and specific use of a device.
Sec. 409. Clarification of the number of required clinical investigations for approval.
Sec. 410. Prohibited acts.

TITLE V—IMPROVING ACCOUNTABILITY

Sec. 501. Agency plan for statutory compliance and annual report.

TITLE VI—BETTER ALLOCATION OF RESOURCES BY SETTING PRIORITIES

Sec. 601. Minor modifications.
Sec. 602. Environmental impact review.
Sec. 603. Exemption of certain classes of devices from premarket notification requirement.
Sec. 604. Evaluation of automatic class III designation.
Sec. 605. Secretary's discretion to track devices.
Sec. 606. Secretary's discretion to conduct postmarket surveillance.
Sec. 607. Reporting.
Sec. 608. Pilot and small-scale manufacture.
Sec. 609. Requirements for radiopharmaceuticals.
Sec. 610. Modernization of regulation of biological products.
Sec. 611. Approval of supplemental applications for approved products.
Sec. 612. Health care economic information.
Sec. 613. Expediting study and approval of fast track drugs.
Sec. 614. Manufacturing changes for drugs and biologics.
Sec. 615. Data requirements for drugs and biologics.
Sec. 616. Food contact substances.
Sec. 617. Health claims for food products.
Sec. 618. Pediatric studies marketing exclusivity.
Sec. 619. Positron emission tomography.

TITLE VII—FEES RELATING TO DRUGS

Sec. 701. Short title.
Sec. 702. Findings.
Sec. 703. Definitions.
Sec. 704. Authority to assess and use drug fees.
Sec. 705. Annual reports.
Sec. 706. Effective date.
Sec. 707. Termination of effectiveness.

TITLE VIII—MISCELLANEOUS

Sec. 801. Registration of foreign establishments.
Sec. 802. Elimination of certain labeling requirements.
Sec. 803. Clarification of seizure authority.
Sec. 804. Intramural research training award program.
Sec. 805. Device samples.
Sec. 806. Interstate commerce.
Sec. 807. National uniformity for nonprescription drugs and cosmetics.
Sec. 808. Information program on clinical trials for serious or life-threatening diseases.
Sec. 809. Application of Federal law to the practice of pharmacy compounding.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

TITLE I—IMPROVING PATIENT ACCESS

SEC. 101. MISSION OF THE FOOD AND DRUG ADMINISTRATION.

Section 903 (21 U.S.C. 393) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) MISSION.—

"(1) IN GENERAL.—The Administration shall protect the public health by ensuring that—

"(A) foods are safe, wholesome, sanitary, and properly labeled;

"(B) human and veterinary drugs are safe and effective;

"(C) there is reasonable assurance of safety and effectiveness of devices intended for human use;

"(D) cosmetics are safe; and

"(E) public health and safety are protected from electronic product radiation.

"(2) SPECIAL RULES.—The Administration shall promptly and efficiently review clinical research and take appropriate action on the marketing of regulated products in a manner that does not unduly impede innovation or product availability. The Administration shall participate with other countries to reduce the burden of regulation, to harmonize regulatory requirements, and to achieve appropriate reciprocal arrangements with other countries.".

SEC. 102. EXPEDITED ACCESS TO INVESTIGATIONAL THERAPIES.

Chapter V (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

"SUBCHAPTER D—UNAPPROVED THERAPIES AND DIAGNOSTICS

"SEC. 551. EXPANDED ACCESS TO UNAPPROVED THERAPIES AND DIAGNOSTICS.

"(a) IN GENERAL.—Any person, acting through a physician licensed in accordance with State law, may request from a manufacturer or distributor, and any manufacturer or distributor may provide to a person after compliance with the provisions of this section, an investigational drug (including a biological product) or investigational device for the diagnosis, monitoring, or treatment of a serious disease or condition, or any other disease or condition designated by the Secretary as appropriate for expanded access under this section if—

"(1) the licensed physician determines that the person has no comparable or satisfactory alternative therapy available to diagnose, monitor, or treat the disease or condition involved;

"(2) the licensed physician determines that the risk to the person from the investigational drug or investigational device is not greater than the risk from the disease or condition;

"(3) the Secretary determines that an exemption for the investigational drug or investigational device is in effect under a regulation promulgated pursuant to section 505(i) or 520(g) and the sponsor of the drug or device and investigators comply with such regulation;

"(4) the Secretary determines that the manufacturer of the investigational drug or investigational device is actively pursuing marketing approval with due diligence;

"(5) the Secretary determines that expanded access to the investigational drug or investigational device will not interfere with adequate enrollment of patients by the investigator in the ongoing clinical investigation of the investigational drug or investigational device authorized under section 505(i) or 520(g); and

"(6) the Secretary determines that there is sufficient evidence of safety and effectiveness to support the expanded use of the investigational drug or investigational device in accordance with this section.

"(b) PROTOCOLS.—A manufacturer or distributor may submit to the Secretary 1 or more expanded access protocols covering expanded access use of a drug or device described in subsection (a). The protocols shall be subject to the provisions of section 505(i) or 520(g) and may include any form of use of the drug or device outside a clinical investigation, prior to approval of the drug or device for marketing, including protocols for treatment use, emergency use, or uncontrolled trials, and single patient protocols. If the request for expanded access to an investigational drug or investigational device is intended for a single patient only, the Secretary may waive the requirements of paragraphs (3) and (4) of subsection (a) and accept a submission under section 505(i) or 520(g) for an exemption for the investigational drug or investigational

device for the single patient use. In the case of an emergency that does not allow sufficient time for a submission under section 505(i) or 520(g), the Secretary may, prior to the submission, authorize the shipment of the investigational drug or investigational device for a single patient use.

"(c) NOTIFICATION OF AVAILABILITY.—The Secretary shall inform national, State, and local medical associations and societies, voluntary health associations, and other appropriate persons about the availability of an investigational drug or investigational device under expanded access protocols submitted under this section, except that this subsection shall not apply to expanded access protocols for single patient use.

"(d) TERMINATION.—The Secretary may at anytime terminate expanded access provided under subsection (a) for an investigational drug or investigational device if the requirements under this section are no longer met.".

SEC. 103. EXPANDED HUMANITARIAN USE OF DEVICES.

Section 520(m) (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (2), by adding at the end the following flush sentences:

"The request shall be in the form of an application submitted to the Secretary. Not later than 60 days after the date of the receipt of the application, the Secretary shall issue an order approving or denying the application.";

(2) in paragraph (4)—

(A) in subparagraph (B), by inserting after "(2)(A)" the following: ", unless a physician determines that waiting for such an approval from an institutional review committee will cause harm or death to a patient, and makes a good faith effort to obtain the approval, and does not receive a timely response from an institutional review committee on the request of the physician for approval to use the device for such treatment or diagnosis"; and

(B) by adding at the end the following flush sentences:

"In a case in which a physician described in subparagraph (B) uses a device without an approval from an institutional review committee, the physician shall, after the use of the device, notify the chairperson of the institutional review committee of such use. Such notification shall include the identification of the patient involved, the date on which the device was used, and the reason for the use."; and

(3) by striking paragraph (5) and inserting the following:

"(5) The Secretary may require a person granted an exemption under paragraph (2) to demonstrate continued compliance with the requirements of this subsection if the Secretary believes such demonstration to be necessary to protect the public health or if the Secretary has reason to believe that the criteria for the exemption are no longer met.".

TITLE II—INCREASING ACCESS TO EXPERTISE AND RESOURCES

SEC. 201. INTERAGENCY COLLABORATION.

Section 903(b) (21 U.S.C. 393(b)), as added by section 101(2), is amended by adding at the end the following:

"(3) INTERAGENCY COLLABORATION.—The Secretary shall implement programs and policies that will foster collaboration between the Administration, the National Institutes of Health, and other science-based Federal agencies, to enhance the scientific and technical expertise available to the Secretary in the conduct of the duties of the Secretary with respect to the development, clinical investigation, evaluation, and postmarket monitoring of emerging medical therapies, including complementary therapies, and advances in nutrition and food science.".

SEC. 202. SENSE OF THE COMMITTEE REGARDING MUTUAL RECOGNITION AGREEMENTS AND GLOBAL HARMONIZATION EFFORTS.

It is the sense of the Committee on Labor and Human Resources of the Senate that—

(1) the Secretary of Health and Human Services should support the Office of the United States Trade Representative, in consultation with the Secretary of Commerce, in efforts to move toward the acceptance of mutual recognition agreements relating to the regulation of drugs, biological products, devices, foods, food additives, and color additives, and the regulation of good manufacturing practices, between the European Union and the United States;

(2) the Secretary of Health and Human Services should regularly participate in meetings with representatives of other foreign governments to discuss and reach agreement on methods and approaches to harmonize regulatory requirements; and

(3) the Office of International Relations of the Department of Health and Human Services (as established under section 803 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 383)) should have the responsibility of ensuring that the process of harmonizing international regulatory requirements is continuous.

SEC. 203. CONTRACTS FOR EXPERT REVIEW.

Chapter IX (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

"SEC. 906. CONTRACTS FOR EXPERT REVIEW.

"(a) IN GENERAL.—

"(1) AUTHORITY.—The Secretary may enter into a contract with any organization or any individual (who is not an employee of the Department) with expertise in a relevant discipline, to review, evaluate, and make recommendations to the Secretary on part or all of any application or submission (including a petition, notification, and any other similar form of request) made under this Act for the approval or classification of an article or made under section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) with respect to a biological product. Any such contract shall be subject to the requirements of section 708 relating to the confidentiality of information.

"(2) INCREASED EFFICIENCY AND EXPERTISE THROUGH CONTRACTS.—The Secretary shall use the authority granted in paragraph (1) whenever the Secretary determines that a contract described in paragraph (1) will improve the timeliness or quality of the review of an application or submission described in paragraph (1). Such improvement may include providing the Secretary increased scientific or technical expertise that is necessary to review or evaluate new therapies and technologies.

"(b) REVIEW OF EXPERT REVIEW.—

"(1) IN GENERAL.—Subject to paragraph (2), the official of the Food and Drug Administration responsible for any matter for which expert review is used pursuant to subsection (a) shall review the recommendations of the organization or individual who conducted the expert review and shall make a final decision regarding the matter within 60 days after receiving the recommendations.

"(2) LIMITATION.—A final decision under paragraph (1) shall be made within the applicable prescribed time period for review of the matter as set forth in this Act or in the Public Health Service Act (42 U.S.C. 201 et seq.).

"(3) AUTHORITY OF SECRETARY.—Notwithstanding subsection (a), the Secretary shall retain full authority to make determinations with respect to the approval or disapproval of an article under this Act, the approval or disapproval of a biologics license with respect to a biological product under section 351(a) of the Public Health Service Act, or the classification of an article as a device under section 513(f)(1).".

SEC. 204. ACCREDITED-PARTY REVIEWS.

Subchapter A of chapter V (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

"SEC. 523. ACCREDITED-PARTY PARTICIPATION.

"(a) ACCREDITATION.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall accredit entities or individuals who are not employees of the Federal Government, to review reports made to the Secretary under section 510(k) for devices and make recommendations to the Secretary regarding the initial classification of such devices under section 513(f)(1), except that this paragraph shall not apply to reports made to the Secretary under section 510(k) for devices that are—

"(A) life-supporting;

"(B) life sustaining; or

"(C) intended for implantation in the human body for a period of over 1 year.

"(2) SPECIAL RULE.—The Secretary shall have the discretion to accredit entities or individuals who are not employees of the Federal Government—

"(A) to review reports made to the Secretary under section 510(k) for devices described in subparagraphs (A) through (C) of paragraph (1), and make recommendations of initial classification of such devices; or

"(B) to review applications for premarket approval for class III devices under section 515 and make recommendations with respect to the approval or disapproval of such applications.

"(b) ACCREDITATION.—Within 180 days after the date of enactment of this section, the Secretary shall adopt methods of accreditation that ensure that entities or individuals who conduct reviews and make recommendations under this section are qualified, properly trained, knowledgeable about handling confidential documents and information, and free of conflicts of interest. The Secretary shall publish the methods of accreditation in the Federal Register on the adoption of the methods.

"(c) WITHDRAWAL OF ACCREDITATION.—The Secretary may suspend or withdraw the accreditation of any entity or individual accredited under this section, after providing notice and an opportunity for an informal hearing, if such entity or individual acts in a manner that is substantially not in compliance with the requirements established by the Secretary under subsection (b), including the failure to avoid conflicts of interest, the failure to protect confidentiality of information, or the failure to competently review premarket submissions for devices.

"(d) SELECTION AND COMPENSATION.—Subject to subsection (a)(2), a person who intends to make a report described in subsection (a), or to submit an application described in subsection (a), to the Secretary shall have the option to select an accredited entity or individual to review such report or application. Upon the request by a person to have a report or application reviewed by an accredited entity or individual, the Secretary shall identify for the person no less than 2 accredited entities or individuals from whom the selection may be made. Compensation for an accredited entity or individual shall be determined by agreement between the accredited entity or individual and the person who engages the services of the accredited entity or individual and shall be paid by the person who engages such services.

"(e) REVIEW BY SECRETARY.—

"(1) IN GENERAL.—The Secretary shall require an accredited entity or individual, upon making a recommendation under this section with respect to an initial classification of a device or approval or disapproval of an application for premarket approval, to notify the Secretary in writing of the reasons for such recommendation.

"(2) TIME PERIOD FOR REVIEW.—

"(A) INITIAL CLASSIFICATION.—Not later than 30 days after the date on which the Secretary is notified under paragraph (1) by an accredited entity or individual with respect to a recommendation of an initial classification of a device, the Secretary shall make a determination with respect to the initial classification.

"(B) PREMARKET APPROVAL.—Not later than 60 days after the date on which the Secretary is notified under paragraph (1) by an accredited entity or individual with respect to a recommendation of an approval or disapproval of an application for a device, the Secretary shall make a determination with respect to the approval or disapproval.

"(3) SPECIAL RULE.—The Secretary may change the initial classification under section 513(f)(1), or the approval or disapproval of the application under section 515(d), that is recommended by the accredited entity or individual under this section, and in such case shall notify in writing the person making the report or application described in subsection (a) of the detailed reasons for the change.

"(f) DURATION.—The authority provided by this section terminates—

"(1) 5 years after the date on which the Secretary notifies Congress that at least 2 persons accredited under subsection (b) are available to review devices for each of at least 70 percent of the generic types of devices subject to review under subsection (a); or

"(2) 4 years after the date on which the Secretary notifies Congress that at least 35 percent of the devices that are subject to review under subsection (a), and that were the subject of final action by the Secretary in the fiscal year preceding the date of such notification, were reviewed by the Secretary under subsection (e),

whichever occurs first.

"(g) REPORT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall contract with an independent research organization to prepare and submit to the Secretary a written report examining the use of accredited entities and individuals to conduct reviews under this section. The Secretary shall submit the report to Congress not later than 6 months prior to the conclusion of the applicable period described in subsection (f).

"(2) CONTENTS.—The report by the independent research organization described in paragraph (1) shall identify the benefits or detriments to public and patient health of using accredited entities and individuals to conduct such reviews, and shall summarize all relevant data, including data on the review of accredited entities and individuals (including data on the review times, recommendations, and compensation of the entities and individuals), and data on the review of the Secretary (including data on the review times, changes, and reasons for changes of the Secretary).".

SEC. 205. DEVICE PERFORMANCE STANDARDS.

(a) ALTERNATIVE PROCEDURE.—Section 514 (21 U.S.C. 360d) is amended by adding at the end the following:

"Recognition of a Standard

"(c)(1)(A) In addition to establishing performance standards under this section, the Secretary may, by publication in the Federal Register, recognize all or part of a performance standard established by a nationally or internationally recognized standard development organization for which a person may submit a declaration of conformity in order to meet premarket submission requirements or other requirements under this Act to which such standards are applicable.

"(B) If a person elects to use a performance standard recognized by the Secretary under subparagraph (A) to meet the requirements described in subparagraph (A), the person shall provide a declaration of conformity to the Secretary that certifies that the device is in conformity with such standard. A person may elect to use data, or information, other than data required by a standard recognized under subparagraph (A) to fulfill or satisfy any requirement under this Act.

"(2) The Secretary may withdraw such recognition of a performance standard through publication of a notice in the Federal Register that the Secretary will no longer recognize the standard, if the Secretary determines that the standard is no longer appropriate for meeting the requirements under this Act.

"(3)(A) Subject to subparagraph (B), the Secretary shall accept a declaration of conformity that a device is in conformity with a standard recognized under paragraph (1) unless the Secretary finds—

"(i) that the data or information submitted to support such declaration does not demonstrate that the device is in conformity with the standard identified in the declaration of conformity; or

"(ii) that the standard identified in the declaration of conformity is not applicable to the particular device under review.

"(B) The Secretary may request, at any time, the data or information relied on by the person to make a declaration of conformity with respect to a standard recognized under paragraph (1).

"(C) A person relying on a declaration of conformity with respect to a standard recognized under paragraph (1) shall maintain the data and information demonstrating conformity of the device to the standard for a period of 2 years after the date of the classification or approval of the device by the Secretary or a period equal to the expected design life of the device, whichever is longer.".

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

"(x) The falsification of a declaration of conformity submitted under subsection (c) of section 514 or the failure or refusal to provide data or information requested by the Secretary under section 514(c)(3).".

(c) SECTION 501.—Section 501(e) (21 U.S.C. 351(e)) is amended—

(1) by striking "(e)" and inserting "(e)(1)"; and

(2) by inserting at the end the following:

"(2) If it is, declared to be, purports to be, or is represented as, a device that is in conformity with any performance standard recognized under section 514(c) unless such device is in all respects in conformity with such standard.".

TITLE III—IMPROVING COLLABORATION AND COMMUNICATION

SEC. 301. COLLABORATIVE DETERMINATIONS OF DEVICE DATA REQUIREMENTS.

Section 513(a)(3) (21 U.S.C. 360c(a)(3)) is amended by adding at the end the following:

"(C)(i)(I) The Secretary, upon the written request of any person intending to submit an application under section 515, shall meet with such person to determine the type of valid scientific evidence (within the meaning of subparagraphs (A) and (B)) that will be necessary to demonstrate the effectiveness of a device for the conditions of use proposed by such person, to support an approval of an application. The written request shall include a detailed description of the device, a detailed description of the proposed conditions of use of the device, and, if available, information regarding the expected performance from the device. Within 30 days after such meeting, the Secretary shall specify in writing the type of valid scientific evidence that will provide a reasonable assurance that a device is effective under the conditions of use proposed by such person.

"(II) Any clinical data, including 1 or more well-controlled investigations, specified in writing by the Secretary for demonstrating a reasonable assurance of device effectiveness shall be specified as a result of a determination by the Secretary—

"(aa) that such data are necessary to establish device effectiveness; and

"(bb) that no other less burdensome means of evaluating device effectiveness is available that would have a reasonable likelihood of resulting in an approval.

"(ii) The determination of the Secretary with respect to the specification of valid scientific evidence under clause (i) shall be binding upon the Secretary, unless—

"(I) such determination by the Secretary would be contrary to the public health; or

"(II) based on new information (other than the information reviewed by the Secretary in making such determination) obtained by the Secretary prior to the approval of an application for an investigational device exemption under section 520(g), the Secretary finds that such determination is scientifically inappropriate.".

SEC. 302. COLLABORATIVE REVIEW PROCESS.

Section 515(d) (21 U.S.C. 360e(d)) is amended—

(1) in paragraph (1)(A), by striking "paragraph (2) of this subsection" each place it appears and inserting "paragraph (4)";

(2) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (1) the following:

"(2)(A)(i) The Secretary shall, upon the written request of the applicant involved, meet with the applicant not later than 100 days after the receipt of an application, from the applicant, that has been filed as complete under subsection (c), to discuss the review status of the application.

"(ii) If the application does not appear in a form that would require an approval under this subsection, the Secretary shall in writing, and prior to the meeting, provide to the applicant a description of any deficiencies in the application identified by the Secretary and identify the information (other than information the Secretary needs to make a finding under paragraph (4)(C)) that is required to bring the application into an approvable form.

"(iii) The Secretary and the applicant may, by mutual consent, establish a different schedule for a meeting required under this paragraph.

"(B) The Secretary shall notify the applicant immediately of any deficiency identified in the application that was not described as a deficiency in the written description provided by the Secretary under subparagraph (A).".

TITLE IV—IMPROVING CERTAINTY AND CLARITY OF RULES

SEC. 401. POLICY STATEMENTS.

Section 701(a) (21 U.S.C. 371(a)) is amended—

(1) by striking "(a) The" and inserting "(a)(1) The"; and

(2) by adding at the end the following:

"(2) Not later than February 27, 1999, the Secretary, after evaluating the effectiveness of the Good Guidance Practices document published in the Federal Register at 62 Fed. Reg. 8961, shall promulgate a regulation specifying the policies and procedures of the Food and Drug Administration for the development, issuance, and use of guidance documents.".

SEC. 402. PRODUCT CLASSIFICATION.

Chapter VII (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

"SUBCHAPTER D—CLASSIFICATION OF PRODUCTS AND ENVIRONMENTAL IMPACT REVIEWS

"SEC. 741. CLASSIFICATION OF PRODUCTS.

"(a) REQUEST.—A person who submits an application or submission (including a petition, notification, and any other similar form of request) under this Act, may submit a request to

the Secretary respecting the classification of an article (including an article that is a combination product subject to section 503(g)) as a drug, biological product, or device, or respecting the component of the Food and Drug Administration that will regulate the article. In submitting the request, the person shall recommend a classification for the article, or a component to regulate the article, as appropriate.

"(b) Statement.—Not later than 60 days after the receipt of the request described in subsection (a), the Secretary shall determine the classification of the article or the component of the Food and Drug Administration that will regulate the article and shall provide to the person a written statement that identifies the classification of the article or the component of the Food and Drug Administration that will regulate the article and the reasons for such determination. The Secretary may not modify such statement except with the written consent of the person or for public health reasons.

"(c) Inaction of Secretary.—If the Secretary does not provide the statement within the 60-day period described in subsection (b), the recommendation made by the person under subsection (a) shall be considered to be a final determination by the Secretary of the classification of the article or the component of the Food and Drug Administration that will regulate the article and may not be modified by the Secretary except with the written consent of the person or for public health reasons.".

SEC. 403. USE OF DATA RELATING TO PREMARKET APPROVAL.

(a) In General.—Section 520(h)(4) (21 U.S.C. 360j(h)(4)) is amended to read as follows:

"(4)(A) Any information contained in an application for premarket approval filed with the Secretary pursuant to section 515(c) (including information from clinical and preclinical tests or studies that demonstrate the safety and effectiveness of a device, but excluding descriptions of methods of manufacture and product composition) shall be available, 6 years after the application has been approved by the Secretary, for use by the Secretary in—

"(i) approving another device;

"(ii) determining whether a product development protocol has been completed, under section 515 for another device;

"(iii) establishing a performance standard or special control under this Act; or

"(iv) classifying or reclassifying another device under section 513 and subsection (l)(2).

"(B) The publicly available detailed summaries of information respecting the safety and effectiveness of devices required by paragraph (1)(A) shall be available for use by the Secretary as the evidentiary basis for the agency action described in subparagraph (A).".

(b) Conforming Amendment.—Section 517(a) (21 U.S.C. 360g(a)) is amended—

(1) in paragraph (8), by adding "or" at the end;

(2) in paragraph (9), by striking ", or" and inserting a comma; and

(3) by striking paragraph (10).

SEC. 404. CONSIDERATION OF LABELING CLAIMS FOR PRODUCT REVIEW.

(a) Premarket Approval.—Section 515(d)(1)(A) (21 U.S.C. 360e(d)(1)(A)) is amended by adding at the end the following flush sentences:

"In making the determination whether to approve or deny the application, the Secretary shall rely on the conditions of use included in the proposed labeling as the basis for determining whether or not there is a reasonable assurance of safety and effectiveness, if the proposed labeling is neither false nor misleading. In determining whether or not such labeling is false or misleading, the Secretary shall fairly evaluate all material facts pertinent to the proposed labeling.".

(b) Premarket Notification.—Section 513(i)(1) (21 U.S.C. 360c(i)(1)) is amended by adding at the end the following:

"(C) Whenever the Secretary requests information to demonstrate that the devices with differing technological characteristics are substantially equivalent, the Secretary shall only request information that is necessary to make a substantial equivalence determination. In making such a request, the Secretary shall consider the least burdensome means of demonstrating substantial equivalence and shall request information accordingly.

"(D) The determinations of the Secretary under this section and section 513(f)(1) with respect to the intended use of a device shall be based on the intended use included in proposed labeling of the device submitted in a report under section 510(k).".

SEC. 405. DEFINITION OF A DAY FOR PURPOSES OF PRODUCT REVIEW.

Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

"(ii) In any provision relating to a review of any application or submission (including a petition, notification, and any other similar form of request), made under this Act with respect to an article that is a new drug, device, biological product, new animal drug, an animal feed bearing or containing a new animal drug, color additive, or food additive, that is submitted to the Secretary to obtain marketing approval, to obtain classification of a device under section 513(f)(1), or to establish or clarify the regulatory status of the article—

"(1) the term 'day' means a calendar day in which the Secretary has responsibility to review such an application or submission; and

"(2) a reference to a date relating to the receipt of such an application or submission by the Secretary shall be deemed to be a reference to the date on which the Secretary receives a complete application or submission within the meaning of this Act and the regulations promulgated under this Act.".

SEC. 406. CERTAINTY OF REVIEW TIMEFRAMES.

(a) Clarification on the 90-Day Timeframe for Premarket Notification Reviews.—Section 510(k) (21 U.S.C. 360) is amended by adding at the end the following flush sentence:

"The Secretary shall review the notification required by this subsection and make a determination under section 513(f)(1) not later than 90 days after receiving the notification.".

(b) Certainty of 180-Day Review Timeframe.—Section 515(d) (21 U.S.C. 360e(d)), as amended by section 302, is amended by inserting after paragraph (2) the following:

"(3) Except as provided in paragraph (1), the period for the review of an application by the Secretary under this subsection shall be not more than 180 days. Such period may not be restarted or extended even if the application is amended.".

SEC. 407. LIMITATIONS ON INITIAL CLASSIFICATION DETERMINATIONS.

Section 510 (21 U.S.C. 360) is amended by adding at the end the following:

"(m) The Secretary may not withhold a determination of the initial classification of a device under section 513(f)(1) because of a failure to comply with any provision of this Act that is unrelated to a substantial equivalence decision, including a failure to comply with the requirements relating to good manufacturing practices under section 520(f).".

SEC. 408. CLARIFICATION WITH RESPECT TO A GENERAL USE AND SPECIFIC USE OF A DEVICE.

Not later than 270 days after the date of enactment of this section, the Secretary of Health and Human Services shall promulgate a final regulation specifying the general principles that the Secretary of Health and Human Services will consider in determining when a specific intended use of a device is not reasonably included within a general use of such device for purposes of a determination of substantial equivalence under section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)(1)).

SEC. 409. CLARIFICATION OF THE NUMBER OF REQUIRED CLINICAL INVESTIGATIONS FOR APPROVAL.

(a) Device Classes.—Section 513(a)(3)(A) (21 U.S.C. 360c(a)(3)(A)) is amended by striking "clinical investigations" and inserting "1 or more clinical investigations".

(b) New Drugs.—Section 505(d) (21 U.S.C. 355(d)) is amended by adding at the end the following: "Substantial evidence may, as appropriate, consist of data from 1 adequate and well-controlled clinical investigation and confirmatory evidence (obtained prior to or after such investigation), if the Secretary determines, based on relevant science, that such data and evidence are sufficient to establish effectiveness.".

SEC. 410. PROHIBITED ACTS.

Section 301(l) (21 U.S.C. 331(l)) is repealed.

TITLE V—IMPROVING ACCOUNTABILITY

SEC. 501. AGENCY PLAN FOR STATUTORY COMPLIANCE AND ANNUAL REPORT.

Section 903(b) (21 U.S.C. 393(b)), as amended by section 201, is further amended by adding at the end the following:

"(4) Agency Plan for Statutory Compliance.—

"(A) In General.—Not later than 180 days after the date of enactment of this paragraph, the Secretary, after consultation with relevant experts, health care professionals, representatives of patient and consumer advocacy groups, and the regulated industry, shall develop and publish in the Federal Register a plan bringing the Secretary into compliance with each of the obligations of the Secretary under this Act and other relevant statutes. The Secretary shall biannually review the plan and shall revise the plan as necessary, in consultation with such persons.

"(B) Objectives of Agency Plan.—The plan required by subparagraph (A) shall establish objectives, and mechanisms to be used by the Secretary, acting through the Commissioner, including objectives and mechanisms that—

"(i) minimize deaths of, and harm to, persons who use or may use an article regulated under this Act;

"(ii) maximize the clarity of, and the availability of information about, the process for review of applications and submissions (including petitions, notifications, and any other similar forms of request) made under this Act, including information for potential consumers and patients concerning new products;

"(iii) implement all inspection and postmarket monitoring provisions of this Act by July 1, 1999;

"(iv) ensure access to the scientific and technical expertise necessary to ensure compliance by the Secretary with the statutory obligations described in subparagraph (A);

"(v) establish a schedule to bring the Administration into full compliance by July 1, 1999, with the time periods specified in this Act for the review of all applications and submissions described in clause (ii) and submitted after the date of enactment of this paragraph; and

"(vi) reduce backlogs in the review of all applications and submissions described in clause (ii) for any article with the objective of eliminating all backlogs in the review of the applications and submissions by January 1, 2000.

"(5) Annual Report.—

"(A) Contents.—The Secretary shall prepare and publish in the Federal Register and solicit public comment on an annual report that—

"(i) provides detailed statistical information on the performance of the Secretary under the plan described in paragraph (4);

"(ii) compares such performance of the Secretary with the objectives of the plan and with the statutory obligations of the Secretary;

"(iii) analyzes any failure of the Secretary to achieve any objective of the plan or to meet any statutory obligation;

"(iv) identifies any regulatory policy that has a significant impact on compliance with any objective of the plan or any statutory obligation; and

"(v) sets forth any proposed revision to any such regulatory policy, or objective of the plan that has not been met.

"(B) STATISTICAL INFORMATION.—The statistical information described in subparagraph (A)(i) shall include a full statistical presentation relating to all applications and submissions (including petitions, notifications, and any other similar forms of request) made under this Act and approved or subject to final action by the Secretary during the year covered by the report. In preparing the statistical presentation, the Secretary shall take into account the date of—

"(i) the submission of any investigational application;

"(ii) the application of any clinical hold;

"(iii) the submission of any application or submission (including a petition, notification, and any other similar form of request) made under this Act for approval or clearance;

"(iv) the acceptance for filing of any application or submission described in clause (iii) for approval or clearance;

"(v) the occurrence of any unapprovable action;

"(vi) the occurrence of any approvable action; and

"(vii) the approval or clearance of any application or submission described in clause (iii).".

TITLE VI—BETTER ALLOCATION OF RESOURCES BY SETTING PRIORITIES

SEC. 601. MINOR MODIFICATIONS.

(a) ACTION ON INVESTIGATIONAL DEVICE EXEMPTIONS.—Section 520(g) (21 U.S.C. 360j(g)) is amended by adding at the end the following:

"(6)(A) The Secretary shall, not later than 120 days after the date of enactment of this paragraph, by regulation modify parts 812 and 813 of title 21, Code of Federal Regulations to update the procedures and conditions under which a device intended for human use may, upon application by the sponsor of the device, be granted an exemption from the requirements of this Act.

"(B) The regulation shall permit developmental changes in a device (including manufacturing changes) in response to information collected during an investigation without requiring an additional approval of an application for an investigational device exemption or the approval of a supplement to such application, if the sponsor of the investigation determines, based on credible information, prior to making any such changes, that the changes—

"(i) do not affect the scientific soundness of an investigational plan submitted under paragraph (3)(A) or the rights, safety, or welfare of the human subjects involved in the investigation; and

"(ii) do not constitute a significant change in design, or a significant change in basic principles of operation, of the device.".

(b) ACTION ON APPLICATION.—Section 515(d)(1)(B) (21 U.S.C. 360e(d)(1)(B)) is amended by adding at the end the following:

"(iii) The Secretary shall accept and review data and any other information from investigations conducted under the authority of regulations required by section 520(g), to make a determination of whether there is a reasonable assurance of safety and effectiveness of a device subject to a pending application under this section if—

"(I) the data or information is derived from investigations of an earlier version of the device, the device has been modified during or after the investigations (but prior to submission of an application under subsection (c)) and such a modification of the device does not constitute a significant change in the design or in the basic principles of operation of the device that would invalidate the data or information; or

"(II) the data or information relates to a device approved under this section, is available for use under this Act, and is relevant to the design and intended use of the device for which the application is pending.".

(c) ACTION ON SUPPLEMENTS.—Section 515(d) (21 U.S.C. 360e(d)), as amended by section 302, is further amended by adding at the end the following:

"(6)(A)(i) A supplemental application shall be required for any change to a device subject to an approved application under this subsection that affects safety or effectiveness, unless such change is a modification in a manufacturing procedure or method of manufacturing and the holder of the approved application submits a written notice to the Secretary that describes in detail the change, summarizes the data or information supporting the change, and informs the Secretary that the change has been made under the requirements of section 520(f).

"(ii) The holder of an approved application who submits a notice under clause (i) with respect to a manufacturing change of a device shall not distribute the device for a period of 14 days after the date on which the Secretary receives the notice.

"(B)(i) Subject to clause (ii), in reviewing a supplement to an approved application, for an incremental change to the design of a device that affects safety or effectiveness, the Secretary shall approve such supplement if—

"(I) nonclinical data demonstrate that the design modification creates the intended additional capacity, function, or performance of the device; and

"(II) clinical data from the approved application and any supplement to the approved application provide a reasonable assurance of safety and effectiveness for the changed device.

"(ii) The Secretary may require, when necessary, additional clinical data to evaluate the design modification to provide a reasonable assurance of safety and effectiveness.".

SEC. 602. ENVIRONMENTAL IMPACT REVIEW.

Chapter VII (21 U.S.C. 371 et seq.), as amended by section 402, is further amended by adding at the end the following:

"SEC. 742. ENVIRONMENTAL IMPACT REVIEW.

"Notwithstanding any other provision of law, no action by the Secretary pursuant to this Act shall be subject to an environmental assessment, an environmental impact statement, or other environmental consideration unless the Secretary demonstrates, in writing—

"(1) that there is a reasonable probability that the environmental impact of the action is sufficiently substantial and within the factors that the Secretary is authorized to consider under this Act; and

"(2) that consideration of the environmental impact will directly affect the decision on the action.".

SEC. 603. EXEMPTION OF CERTAIN CLASSES OF DEVICES FROM PREMARKET NOTIFICATION REQUIREMENT.

(a) CLASS I AND CLASS II DEVICES.—Section 510(k) (21 U.S.C. 360(k)) is amended by striking "intended for human use" and inserting "intended for human use (except a device that is classified into class I under section 513 or 520 unless the Secretary determines such device is intended for a use that is of substantial importance in preventing impairment of human health or such device presents a potential unreasonable risk of illness or injury, or a device that is classified into class II under section 513 or 520 and is exempt from the requirements of this subsection under subsection (l))".

(b) PUBLICATION OF EXEMPTION.—Section 510 (21 U.S.C. 360) is amended by inserting after subsection (k) the following:

"(l)(1) Not later than 30 days after the date of enactment of this subsection, the Secretary shall publish in the Federal Register a list of each type of class II device that does not require a notification under subsection (k) to provide reasonable assurance of safety and effectiveness. Each type of class II device identified by the Secretary not to require the notification shall be exempt from the requirement to provide notification under subsection (k) as of the date of the publication of the list in the Federal Register.

"(2) Beginning on the date that is 1 day after the date of the publication of a list under this subsection, the Secretary may exempt a class II device from the notification requirement of subsection (k), upon the Secretary's own initiative or a petition of an interested person, if the Secretary determines that such notification is not necessary to assure the safety and effectiveness of the device. The Secretary shall publish in the Federal Register notice of the intent of the Secretary to exempt the device, or of the petition, and provide a 30-day comment period for public comment. Within 120 days after the issuance of the notice in the Federal Register, the Secretary shall publish an order in the Federal Register that sets forth the final determination of the Secretary regarding the exemption of the device that was the subject of the notice.".

SEC. 604. EVALUATION OF AUTOMATIC CLASS III DESIGNATION.

Section 513(f) (21 U.S.C. 360c(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "paragraph (2)" and inserting "paragraph (3)"; and

(B) in the last sentence, by striking "paragraph (2)" and inserting "paragraph (2) or (3)";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following:

"(2)(A) Any person who submits a report under section 510(k) for a type of device that has not been previously classified under this Act, and that is classified into class III under paragraph (1), may request, within 30 days after receiving written notice of such a classification, the Secretary to classify the device into class I or II under the criteria set forth in subparagraphs (A) through (C) subsection (a)(1). The person may, in the request, recommend to the Secretary a classification for the device. The request shall describe the device and provide detailed information and reasons for the recommended classification.

"(B)(i) Not later than 60 days after the date of the submission of the request under subparagraph (A) for classification of a device under the criteria set forth in subparagraphs (A) through (C) of subsection (a)(1), the Secretary shall by written order classify the device. Such classification shall be the initial classification of the device for purposes of paragraph (1) and any device classified under this paragraph into class I or II shall be a predicate device for determining substantial equivalence under paragraph (1).

"(ii) A device that remains in class III under this subparagraph shall be deemed to be adulterated within the meaning of section 501(f)(1)(B) until approved under section 515 or exempted from such approval under section 520(g).

"(C) Within 30 days after the issuance of an order classifying a device under this paragraph, the Secretary shall publish a notice in the Federal Register announcing such classification.".

SEC. 605. SECRETARY'S DISCRETION TO TRACK DEVICES.

(a) RELEASE OF INFORMATION.—Section 519(e) (21 U.S.C. 360i(e)) is amended by adding at the end the following flush sentence:

"Any patient receiving a device subject to tracking under this section may refuse to release, or refuse permission to release, the patient's name, address, social security number, or other identifying information for the purpose of tracking.".

(b) PUBLICATION OF CERTAIN DEVICES.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall develop and publish in the Federal Register a list that identifies each type of device subject to tracking under section 519(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i(e)(1)). Each device not identified by the Secretary of Health and Human Services under this subsection or designated by the Secretary under section 519(e)(2) shall be deemed to be exempt from the mandatory tracking requirement under section 519 of such Act. The Secretary of Health and Human Services shall have authority to modify the list of devices exempted from the mandatory tracking requirements.

SEC. 606. SECRETARY'S DISCRETION TO CONDUCT POSTMARKET SURVEILLANCE.

(a) IN GENERAL.—Section 522 (21 U.S.C. 360l) is amended by striking "SEC. 522." and all that follows through "(2) DISCRETIONARY SURVEILLANCE.—The" and inserting the following:

"SEC. 522. (a) DISCRETIONARY SURVEILLANCE.—The".

(b) SURVEILLANCE APPROVAL.—Section 522(b) (21 U.S.C. 360l(b)) is amended to read as follows:

"(b) SURVEILLANCE APPROVAL.—

"(1) IN GENERAL.—Each manufacturer that receives notice from the Secretary that the manufacturer is required to conduct surveillance of a device under subsection (a) shall, not later than 30 days after receiving the notice, submit for the approval of the Secretary, a plan for the required surveillance.

"(2) DETERMINATION.—Not later than 60 days after the receipt of the plan, the Secretary shall determine if a person proposed in the plan to conduct the surveillance has sufficient qualifications and experience to conduct the surveillance and if the plan will result in the collection of useful data that can reveal unforeseen adverse events or other information necessary to protect the public health and to provide safety and effectiveness information for the device.

"(3) LIMITATION ON PLAN APPROVAL.—The Secretary may not approve the plan until the plan has been reviewed by a qualified scientific and technical review committee established by the Secretary.".

(c) DURATION OF SURVEILLANCE.—Section 522 (21 U.S.C. 360l), as amended by subsection (b), is further amended by adding at the end the following:

"(c) DURATION OF SURVEILLANCE.—

"(1) IN GENERAL.—Each manufacturer required to conduct surveillance of a device under subsection (a) shall be required to conduct such surveillance for not longer than 24 months.

"(2) EXTENSION OF THE PERIOD OF SURVEILLANCE.—If the Secretary determines that additional surveillance is needed to identify the incidence of adverse events documented during the initial period of surveillance that were not foreseen at the time of approval or classification of the device, the Secretary may extend the period of surveillance for such time as may be necessary after providing the person required to conduct such surveillance an opportunity for an informal hearing to determine whether or not additional surveillance is appropriate and to determine the appropriate period, if any, for such surveillance.".

SEC. 607. REPORTING.

(a) REPORTS.—Section 519 (21 U.S.C. 360i) is amended—

(1) in subsection (a)—

(A) in the first sentence by striking "make such reports, and provide such information," and inserting "and submit such samples and components of devices (as required by paragraph (10)),"; and

(B) by inserting after the first sentence the following: "Every person who is a manufacturer or importer of a device intended for human use shall make reports, and provide such information, as the Secretary may by regulation reasonably require to assure that such device is not adulterated or misbranded and to assure the safety and effectiveness of such device.";

(C) in the last sentence by striking "sentence" and inserting "sentences";

(D) in paragraph (8), by striking "; and" and inserting a semicolon; and

(E) by striking paragraph (9) and inserting the following:

"(9) shall require distributors to keep records and make such records available to the Secretary upon request; and";

(2) by striking subsection (d); and

(3) in subsection (f), by striking ", importer, or distributor" each place it appears and inserting "or importer".

(b) REGISTRATION.—Section 510(g) (21 U.S.C. 360(g)) is amended—

(1) by redesignating paragraph (4) as paragraph (5);

(2) by inserting after paragraph (3), the following:

"(4) any distributor who acts as a wholesale distributor of devices, and who does not manufacture, repackage, process, or relabel a device; or"; and

(3) by adding at the end the following flush sentence:

"In this subsection, the term 'wholesale distributor' means any person who distributes a device from the original place of manufacture to the person who makes the final delivery or sale of the device to the ultimate consumer or user.".

SEC. 608. PILOT AND SMALL-SCALE MANUFACTURE.

Section 505(c) (21 U.S.C. 355(c)) is amended by adding at the end the following:

"(4) A new drug manufactured in a pilot or other small facility may be used to demonstrate the safety and effectiveness of the new drug and to obtain approval of the new drug prior to scaling up to a larger facility, unless the Secretary determines that a full scale production facility is necessary to ensure the safety or effectiveness of the new drug.".

SEC. 609. REQUIREMENTS FOR RADIO PHARMACEUTICALS.

(a) REQUIREMENTS.—

(1) REGULATIONS.—

(A) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, after consultation with patient advocacy groups, associations, physicians licensed to use radiopharmaceuticals, and the regulated industry, shall issue proposed regulations governing the approval of radiopharmaceuticals designed for diagnosis and monitoring of diseases and conditions. The regulations shall provide that the determination of the safety and effectiveness of such a radiopharmaceutical under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262) shall include (but not be limited to) consideration of the proposed use of the radiopharmaceutical in the practice of medicine, the pharmacological and toxicological activity of the radiopharmaceutical (including any carrier or ligand component of the radiopharmaceutical), and the estimated absorbed radiation dose of the radiopharmaceutical.

(B) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate final regulations governing the approval of the radiopharmaceuticals.

(2) SPECIAL RULE.—In the case of a radiopharmaceutical intended to be used for diagnostic or monitoring purposes, the indications for which such radiopharmaceutical is approved for marketing may, in appropriate cases, refer to manifestations of disease (such as biochemical, physiological, anatomic, or pathological processes) common to, or present in, 1 or more disease states.

(b) DEFINITION.—In this section, the term "radiopharmaceutical" means—

(1) an article—

(A) that is intended for use in the diagnosis or monitoring of a disease or a manifestation of a disease in humans; and

(B) that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons; or

(2) any nonradioactive reagent kit or nuclide generator that is intended to be used in the preparation of any such article.

SEC. 610. MODERNIZATION OF REGULATION OF BIOLOGICAL PRODUCTS.

(a) LICENSES.—

(1) IN GENERAL.—Section 351(a) of the Public Health Service (42 U.S.C. 262(a)) is amended to read as follows:

"(a)(1) Except as provided in paragraph (4), no person shall introduce or deliver for introduction into interstate commerce any biological product unless—

"(A) a biologics license is in effect for the biological product; and

"(B) each package of the biological product is plainly marked with—

"(i) the proper name of the biological product contained in the package;

"(ii) the name, address, and applicable license number of the manufacturer of the biological product; and

"(iii) the expiration date of the biological product.

"(2)(A) The Secretary shall establish, by regulation, requirements for the approval, suspension, and revocation of biologics licenses.

"(B) The Secretary shall approve a biologics license application on the basis of a demonstration that—

"(i) the biological product that is the subject of the application is safe, pure, and potent; and

"(ii) the facility in which the biological product is manufactured, processed, packed, or held meets standards designed to assure that the biological product continues to be safe, pure, and potent.

"(3) A biologics license application shall be approved only if the applicant (or other appropriate person) consents to the inspection of the facility that is the subject of the application, in accordance with subsection (c).

"(4) The Secretary shall prescribe requirements under which a biological product undergoing investigation shall be exempt from the requirements of paragraph (1).".

(2) ELIMINATION OF EXISTING LICENSE REQUIREMENT.—Section 351(d) of the Public Health Service Act (42 U.S.C. 262(d)) is amended—

(A) by striking "(d)(1)" and all that follows through "of this section.";

(B) in paragraph (2)—

(i) by striking "(2)(A) Upon" and inserting "(d)(1) Upon;" and

(ii) by redesignating subparagraph (B) as paragraph (2); and

(C) in paragraph (2) (as so redesignated by subparagraph (B)(ii))—

(i) by striking "subparagraph (A)" and inserting "paragraph (1)"; and

(ii) by striking "this subparagraph" each place it appears and inserting "this paragraph".

(b) LABELING.—Section 351(b) of the Public Health Service Act (42 U.S.C. 262(b)) is amended to read as follows:

"(b) No person shall falsely label or mark any package or container of any biological product or alter any label or mark on the package or container of the biological product so as to falsify the label or mark.".

(c) INSPECTION.—Section 351(c) of the Public Health Service Act (42 U.S.C. 262(c)) is amended by striking "virus, serum," and all that follows and inserting "biological product.".

(d) DEFINITION; APPLICATION.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended by adding at the end the following:

"(i) In this section, the term 'biological product' means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, analogous product, or arsphenamine or derivative of arsphenamine (or any other trivalent organic arsenic compound), applicable to the prevention, treatment, or cure of a disease or condition of human beings.".

(e) CONFORMING AMENDMENT.—Section 503(g)(4) (21 U.S.C. 353(g)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking "section 351(a)" and inserting "section 351(i)"; and

(B) by striking "262(a)" and inserting "262(i)"; and

(2) in subparagraph (B)(iii), by striking "product or establishment license under subsection (a) or (d)" and inserting "biologics license application under subsection (a)".

(f) SPECIAL RULE.—The Secretary of Health and Human Services shall take measures to minimize differences in the review and approval of products required to have approved biologics license applications under section 351 of the Public Health Service Act (42 U.S.C. 262) and products required to have approved full new drug applications under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)).

SEC. 611. APPROVAL OF SUPPLEMENTAL APPLICATIONS FOR APPROVED PRODUCTS.

(a) PERFORMANCE STANDARDS.—Not later than 180 days after the date of enactment of this section, the Secretary of Health and Human Services shall publish in the Federal Register performance standards for the prompt review of supplemental applications submitted for approved articles under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

(b) GUIDANCE TO INDUSTRY.—Not later than 180 days after the date of enactment of this section, the Secretary of Health and Human Services shall issue final guidances to clarify the requirements for, and facilitate the submission of data to support, the approval of supplemental applications for the approved articles described in subsection (a). The guidances shall—

(1) clarify circumstances in which published matter may be the basis for approval of a supplemental application;

(2) specify data requirements that will avoid duplication of previously submitted data by recognizing the availability of data previously submitted in support of an original application; and

(3) define supplemental applications that are eligible for priority review.

(c) RESPONSIBILITIES OF CENTERS.—The Secretary of Health and Human Services shall designate an individual in each center within the Food and Drug Administration (except the Center for Food Safety and Applied Nutrition) to be responsible for—

(1) encouraging the prompt review of supplemental applications for approved articles; and

(2) working with sponsors to facilitate the development and submission of data to support supplemental applications.

(d) COLLABORATION.—The Secretary of Health and Human Services shall implement programs and policies that will foster collaboration between the Food and Drug Administration, the National Institutes of Health, professional medical and scientific societies, and other persons, to identify published and unpublished studies that may support a supplemental application, and to encourage sponsors to make supplemental applications or conduct further research in support of a supplemental application based, in whole or in part, on such studies.

SEC. 612. HEALTH CARE ECONOMIC INFORMATION.

Section 502 (21 U.S.C. 352) is amended by adding at the end the following:

"(u) In the case of a health care economic statement that is included in labeling or advertising provided to a formulary committee, managed care organization, or similar entity with responsibility for drug selection decisions (other than the label or approved physician package insert) relating to an indication approved under section 505 or 351 of the Public Health Service Act (42 U.S.C. 262), if the health care economic statement is not based on competent and reliable scientific evidence. The only requirements applicable to any such statement under this Act shall be the requirements of this paragraph. In this paragraph, the term 'health care economic statement' means any statement that identifies, measures, or compares the costs (direct, indirect, and intangible) and health care consequences of a drug to another drug, to another health care intervention for the same indication, or to no intervention, where the primary endpoint is an economic outcome.".

SEC. 613. EXPEDITING STUDY AND APPROVAL OF FAST TRACK DRUGS.

(a) IN GENERAL.—Chapter V (21 U.S.C. 351 et seq.), as amended by section 102, is further amended by adding at the end the following:

"SUBCHAPTER E—FAST TRACK DRUGS

"SEC. 561. FAST TRACK DRUGS.

"(a) DESIGNATION OF DRUG AS A FAST TRACK DRUG.—

"(1) IN GENERAL.—The Secretary shall facilitate development, and expedite review and approval of new drugs and biological products that are intended for the treatment of serious or life-threatening conditions and that demonstrate the potential to address unmet medical needs for such conditions. In this Act, such products shall be known as 'fast track drugs'.

"(2) REQUEST FOR DESIGNATION.—The sponsor of a drug (including a biological product) may request the Secretary to designate the drug as a fast track drug. A request for the designation may be made concurrently with, or at any time after, submission of an application for the investigation of the drug under section 505(i) or section 351(a)(4) of the Public Health Service Act.

"(3) DESIGNATION.—Within 30 calendar days after the receipt of a request under paragraph (2), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (1). If the Secretary finds that the drug meets the criteria, the Secretary shall designate the drug as a fast track drug and shall take such actions as are appropriate to expedite the development and review of the drug.

"(b) APPROVAL OF APPLICATION FOR A FAST TRACK DRUG.—

"(1) IN GENERAL.—The Secretary may approve an application for approval of a fast track drug under section 505(b) or section 351 of the Public Health Service Act (21 U.S.C. 262) upon a determination that the drug has an effect on a surrogate endpoint that is reasonably likely to predict clinical benefit.

"(2) LIMITATION.—Approval of a fast track drug under this subsection may be subject to the requirements—

"(A) that the sponsor conduct appropriate post-approval studies to validate the surrogate endpoint or otherwise confirm the clinical benefit of the drug; and

"(B) that the sponsor submit copies of all promotional materials related to the fast track drug during the preapproval review period and following approval, at least 30 days prior to dissemination of the materials for such period of time as the Secretary deems appropriate.

"(3) EXPEDITED WITHDRAWAL OF APPROVAL.—The Secretary may withdraw approval of a fast track drug using expedited procedures (as prescribed by the Secretary in regulations) including a procedure that provides an opportunity for an informal hearing, if—

"(A) the sponsor fails to conduct any required post-approval study of the fast track drug with due diligence;

"(B) a post-approval study of the fast track drug fails to verify clinical benefit of the fast track drug;

"(C) other evidence demonstrates that the fast track drug is not safe or effective under conditions of use of the drug; or

"(D) the sponsor disseminates false or misleading promotional materials with respect to the fast track drug.

"(c) REVIEW OF INCOMPLETE APPLICATIONS FOR APPROVAL OF A FAST TRACK DRUG.—

"(1) IN GENERAL.—If preliminary evaluation by the Secretary of clinical efficacy data for a fast track drug under investigation shows evidence of effectiveness, the Secretary shall evaluate for filing, and may commence review of portions, of an application for the approval of the drug if the applicant provides a schedule for submission of information necessary to make the application complete and any fee that may be required under section 736.

"(2) EXCEPTION.—Any time period for review of human drug applications that has been agreed to by the Secretary and that has been set forth in goals identified in letters of the Secretary (relating to the use of fees collected under section 736 to expedite the drug development process and the review of human drug applications) shall not apply to an application submitted under paragraph (1) until the date on which the application is complete.

"(d) AWARENESS EFFORTS.—The Secretary shall—

"(1) develop and widely disseminate to physicians, patient organizations, pharmaceutical and biotechnology companies, and other appropriate persons a comprehensive description of the provisions applicable to fast track drugs established under this section; and

"(2) establish an ongoing program to encourage the development of surrogate endpoints that are reasonably likely to predict clinical benefit for serious or life-threatening conditions for which there exist significant unmet medical needs.".

(b) GUIDANCE.—Within 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance for fast track drugs that describes the policies and procedures that pertain to section 561 of the Federal Food, Drug, and Cosmetic Act.

SEC. 614. MANUFACTURING CHANGES FOR DRUGS AND BIOLOGICS.

(a) IN GENERAL.—Chapter VII (21 U.S.C. 371 et seq.), as amended by section 602, is further amended by adding at the end the following:

"SUBCHAPTER E—MANUFACTURING CHANGES

"SEC. 751. MANUFACTURING CHANGES.

"(a) IN GENERAL.—A change in the manufacture of a new drug, including a biological product, may be made in accordance with this section.

"(b) CHANGES.—

"(1) VALIDATION.—Before distributing a drug made after a change in the manufacture of the drug from the manufacturing process established in the approved new drug application under section 505, or license application under section 351 of the Public Health Service Act, the applicant shall validate the effect of the change on the identity, strength, quality, purity, and potency of the drug as the identity, strength, quality, purity, and potency may relate to the safety or effectiveness of the drug.

"(2) REPORTS.—The applicant shall report the change described in paragraph (1) to the Secretary and may distribute a drug made after the change as follows:

"(A) MAJOR MANUFACTURING CHANGES.

"(i) IN GENERAL.—Major manufacturing changes, which are of a type determined by the Secretary to have substantial potential to adversely affect the identity, strength, quality, purity, or potency of the drug as the identity, strength, quality, purity, and potency may relate to the safety or effectiveness of a drug, shall be submitted to the Secretary in a supplemental application and drugs made after such changes may not be distributed until the Secretary approves the supplemental application.

"(ii) DEFINITION.—In this subparagraph, the term 'major manufacturing changes' means—

"(I) changes in the qualitative or quantitative formulation of a drug or the specifications in the approved marketing application for the drug (unless exempted by the Secretary from the requirements of this subparagraph);

"(II) changes that the Secretary determines by regulation or issuance of guidance require completion of an appropriate human study demonstrating equivalence of the drug to the drug manufactured before such changes; and

"(III) other changes that the Secretary determines by regulation or issuance of guidance have a substantial potential to adversely affect the safety or effectiveness of the drug.

"(B) OTHER MANUFACTURING CHANGES.—

"(i) IN GENERAL.—As determined by the Secretary, manufacturing changes other than major manufacturing changes shall—

"(I) be made at any time and reported annually to the Secretary, with supporting data; or

"(II) be reported to the Secretary in a supplemental application.

"(ii) DISTRIBUTION OF THE DRUG.—In the case of changes reported in accordance with clause (i)(II)—

"(I) the applicant may distribute the drug 30 days after the Secretary receives the supplemental application unless the Secretary notifies the applicant within such 30-day period that prior approval of such supplemental application is required; and

"(II) the Secretary shall, after making the notification to the applicant under subclause (I), approve or disapprove each such supplemental application.

"(iii) SPECIAL RULE.—The Secretary may determine types of manufacturing changes after which distribution of a drug may commence at the time of submission of such supplemental application.".

(b) EXISTING LAW.—The requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.) and the Public Health Service Act (42 U.S.C. 201 et seq.) that are in effect on the date of enactment of this Act with respect to manufacturing changes shall remain in effect—

(1) for a period of 24 months after the date of enactment of this Act; or

(2) until the effective date of regulations promulgated by the Secretary of Health and Human Services implementing section 751 of the Federal Food, Drug, and Cosmetic Act,

whichever is sooner.

SEC. 615. DATA REQUIREMENTS FOR DRUGS AND BIOLOGICS.

Within 12 months after the date of enactment of this Act, the Secretary of the Health and Human Services, acting through the Commissioner of Food and Drugs, shall issue guidance that describes when abbreviated study reports may be submitted, in lieu of full reports, with a new drug application under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and with a biologics license application under section 351 of the Public Health Service Act (42 U.S.C. 262) for certain types of studies. Such guidance shall describe the kinds of studies for which abbreviated reports are appropriate and the appropriate abbreviated report formats.

SEC. 616. FOOD CONTACT SUBSTANCES.

(a) FOOD CONTACT SUBSTANCES.—Section 409(a) (21 U.S.C. 348(a)) is amended—

(1) in paragraph (1)—

(A) by striking "subsection (i)" and inserting "subsection (j)"; and

(B) by striking at the end "or";

(2) by striking the period at the end of paragraph (2) and inserting "; or";

(3) by inserting after paragraph (2) the following:

"(3) in the case of a food additive as defined in this Act that is a food contact substance, there is—

"(A) in effect, and such substance and the use of such substance are in conformity with, a regulation issued under this section prescribing the conditions under which such additive may be safely used; or

"(B) a notification submitted under subsection (h) that is effective."; and

(4) by striking the matter following paragraph (3) (as added by paragraph (2)) and inserting the following flush sentence:

"While such a regulation relating to a food additive, or such a notification under subsection (h) relating to a food additive that is a food contact substance, is in effect, and has not been revoked pursuant to subsection (i), a food shall not, by reason of bearing or containing such a food additive in accordance with the regulation or notification, be considered adulterated under section 402(a)(1).".

(b) NOTIFICATION FOR FOOD CONTACT SUBSTANCES.—Section 409 (21 U.S.C. 348), as amended by subsection (a), is further amended—

(1) by redesignating subsections (h) and (i), as subsections (i) and (j), respectively;

(2) by inserting after subsection (g) the following:

"Notification Relating to a Food Contact Substance

"(h)(1) Subject to such regulations as may be promulgated under paragraph (3), a manufacturer or supplier of a food contact substance may, at least 120 days prior to the introduction or delivery for introduction into interstate commerce of the food contact substance, notify the Secretary of the identity and intended use of the food contact substance, and of the determination of the manufacturer or supplier that the intended use of such food contact substance is safe under the standard described in subsection (c)(3)(A). The notification shall contain the information that forms the basis of the determination, the fee required under paragraph (5), and all information required to be submitted by regulations promulgated by the Secretary.

"(2)(A) A notification submitted under paragraph (1) shall become effective 120 days after the date of receipt by the Secretary and the food contact substance may be introduced or delivered for introduction into interstate commerce, unless .the Secretary makes a determination within the 120-day period that, based on the data and information before the Secretary, such use of the food contact substance has not been shown to be safe under the standard described in subsection (c)(3)(A), and informs the manufacturer or supplier of such determination.

"(B) A decision by the Secretary to object to a notification shall constitute final agency action subject to judicial review.

"(C) In this paragraph, the term 'food contact substance' means the substance that is the subject of a notification submitted under paragraph (1), and does not include a similar or identical substance manufactured or prepared by a person other than the manufacturer identified in the notification.

"(3)(A) The process in this subsection shall be utilized for authorizing the marketing of a food contact substance except where the Secretary determines that submission and review of a petition under subsection (b) is necessary to provide adequate assurance of safety, or where the Secretary and any manufacturer or supplier agree that such manufacturer or supplier may submit a petition under subsection (b).

"(B) The Secretary is authorized to promulgate regulations to identify the circumstances in which a petition shall be filed under subsection (b), and shall consider criteria such as the probable consumption of such food contact substance and potential toxicity of the food contact substance in determining the circumstances in which a petition shall be filed under subsection (b).

"(4) The Secretary shall keep confidential any information provided in a notification under paragraph (1) for 120 days after receipt by the Secretary of the notification. After the expiration of such 120 days, the information shall be available to any interested party except for any matter in the notification that is a trade secret or confidential commercial information.

"(5)(A) Each person that submits a notification regarding a food contact substance under this section shall be subject to the payment of a reasonable fee. The fee shall be based on the resources required to process the notification including reasonable administrative costs for such processing.

"(B) The Secretary shall conduct a study of the costs of administering the notification program established under this section and, on the basis of the results of such study, shall, within 18 months after the date of enactment of the Food and Drug Administration Modernization and Accountability Act of 1997, promulgate regulations establishing the fee required by subparagraph (A).

"(C) A notification submitted without the appropriate fee is not complete and shall not become effective for the purposes of subsection (a)(3) until the appropriate fee is paid.

"(D) Fees collected pursuant to this subsection—

"(i) shall not be deposited as an offsetting collection to the appropriations for the Department of Health and Human Services;

"(ii) shall be credited to the appropriate account of the Food and Drug Administration; and

"(iii) shall be available in accordance with appropriation Acts until expended, without fiscal year limitation.

"(6) In this section, the term 'food contact substance' means any substance intended for use as a component of materials used in manufacturing, packing, packaging, transporting, or holding food if such use is not intended to have any technical effect in such food.";

(3) in subsection (i), as so redesignated by paragraph (1), by adding at the end the following: "The Secretary shall by regulation prescribe the procedure by which the Secretary may deem a notification under subsection (h) to no longer be effective."; and

(4) in subsection (j), as so redesignated by paragraph (1), by striking "subsections (b) to (h)" and inserting "subsections (b) to (i)".

(c) EFFECTIVE DATE.—Notifications under section 409(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b), may be *submitted beginning 18 months after the date of enactment of this Act.*

SEC. 617. HEALTH CLAIMS FOR FOOD PRODUCTS.

Section 403(r)(3) (21 U.S.C. 343(r)(3)) is amended by adding at the end the following:

"(C) Notwithstanding the provisions of clauses (A)(i) and (B), a claim of the type described in subparagraph (1)(B) that is not authorized by the Secretary in a regulation promulgated in accordance with clause (B) shall be authorized and may be made if—

"(i) an authoritative scientific body of the Federal Government with official responsibility for public health protection or research directly relating to human nutrition (such as the National Institutes of Health or the Centers for Disease Control and Prevention), the National Academy of Sciences, or a subdivision of the scientific body or the National Academy of Sciences, has published an authoritative statement, which is currently in effect, about the relationship between a nutrient and a disease or health-related condition to which the claim refers;

"(ii) a person has submitted to the Secretary at least 90 days before the first introduction of a food into interstate commerce a notice of the claim, including a concise description of the basis upon which such person relied for determining that the requirements of subclause (i) have been satisfied;

"(iii) the claim and the food for which the claim is made are in compliance with clause (A)(ii), and are otherwise in compliance with paragraph (a) and section 201(n); and

"(iv) the claim is stated in a manner so that the claim is an accurate representation of the authoritative statement referred to in subclause (i) and so that the claim enables the public to comprehend the information provided in the claim and to understand the relative significance of such information in the context of a total daily diet.

For purposes of this paragraph, a statement shall be regarded as an authoritative statement of such a scientific body described in subclause (i) only if the statement is published by the scientific body and shall not include a statement of an employee of the scientific body made in the individual capacity of the employee.

"(D) A claim meeting the requirements of clause (C) may be made until—

"(i) such time as the Secretary issues a final regulation under clause (B) prohibiting or modifying the claim, and the regulation has become effective; or

"(ii) a district court of the United States in an enforcement proceeding under chapter III has determined that the requirements of clause (C) have not been met.".

SEC. 618. PEDIATRIC STUDIES MARKETING EXCLUSIVITY.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505 the following:

"SEC. 505A. PEDIATRIC STUDIES OF DRUGS.

"(a) MARKET EXCLUSIVITY FOR NEW DRUGS.—If, prior to approval of an application that is submitted under section 505(b)(1) the Secretary determines that information relating to the use of a drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which may include a timeframe for completing such studies), and such studies are completed within any such timeframe and the reports thereof submitted in accordance with subsection (d)(2) or completed within any such timeframe and the reports thereof are accepted in accordance with subsection (d)(3)—

"(1)(A) the period during which an application may not be submitted under subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 shall be five years and six months rather than five years, and the references in subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 to four years, to forty-eight months, and to seven and one-half years shall be deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(B) the period of market exclusivity under subsections (c)(3)(D) (iii) and (iv) and (j)(4)(D) (iii) and (iv) of section 505 shall be three years and six months rather than three years; and

"(2)(A) if the drug is the subject of—

"(i) a listed patent for which a certification has been submitted under section 505(b)(2)(A)(ii) or section (j)(2)(A)(vii)(II) and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(ii) a listed patent for which a certification has been submitted under section 505(b)(2)(A)(iii) or section 505(j)(2)(A)(vii)(III),

the period during which an application may not be approved under section 505(c)(3) or section 505(j)(4)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(B) if the drug is the subject of a listed patent for which a certification has been submitted under section 505(b)(2)(A)(iv) or section 505(j)(2)(A)(vii)(IV), and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under section 505(c)(3) or section 505(j)(4)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions).

"(b) SECRETARY TO DEVELOP LIST OF DRUGS FOR WHICH ADDITIONAL PEDIATRIC INFORMATION MAY BE BENEFICIAL.—Not later than 180 days after the date of enactment of this section, the Secretary, after consultation with experts in pediatric research (such as the American Academy of Pediatrics, the Pediatric Pharmacology Research Unit Network, and the United States Pharmacopoeia) shall develop, prioritize, and publish an initial list of approved drugs for which additional pediatric information may produce health benefits in the pediatric population. The Secretary shall annually update the list.

"(c) MARKET EXCLUSIVITY FOR ALREADY-MARKETED DRUGS.—If the Secretary makes a written request for pediatric studies (which may include a timeframe for completing such studies) concerning a drug identified in the list described in subsection (b) to the holder of an approved application under section 505(b)(1) for the drug, the holder agrees to the request, and the studies are completed within any such timeframe and the reports thereof submitted in accordance with subsection (d)(2) or completed within any such timeframe and the reports thereof accepted in accordance with subsection (d)(3)—

"(1)(A) the period during which an application may not be submitted under subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 shall be five years and six months rather than five years, and the references in subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 to four years, to forty-eight months, and to seven and one-half years shall be deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(B) the period of market exclusivity under subsections (c)(3)(D) (iii) and (iv) and (j)(4)(D) (iii) and (iv) of section 505 shall be three years and six months rather than three years; and

"(2)(A) if the drug is the subject of—

"(i) a listed patent for which a certification has been submitted under section 505(b)(2)(A)(ii) or (j)(2)(A)(vii)(II) and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(ii) a listed patent for which a certification has been submitted under section 505(b)(2)(A)(iii) or section 505(j)(2)(A)(vii)(III),

the period during which an application may not be approved under section 505(c)(3) or section 505(j)(4)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(B) if the drug is the subject of a listed patent for which a certification has been submitted under section 505(b)(2)(A)(iv) or section 505(j)(2)(A)(vii)(IV), and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under section 505(c)(3) or section 505(j)(4)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions).

"(d) CONDUCT OF PEDIATRIC STUDIES.—

"(1) AGREEMENT FOR STUDIES.—The Secretary may, pursuant to a written request for studies, after consultation with—

"(A) the sponsor of an application for an investigational new drug under section 505(i);

"(B) the sponsor of an application for a drug under section 505(b)(1); or

"(C) the holder of an approved application for a drug under section 505(b)(1),

agree with the sponsor or holder for the conduct of pediatric studies for such drug.

"(2) WRITTEN PROTOCOLS TO MEET THE STUDIES REQUIREMENT.—If the sponsor or holder and the Secretary agree upon written protocols for the studies, the studies requirement of subsection (a) or (c) is satisfied upon the completion of the studies and submission of the reports thereof in accordance with the original written request and the written agreement referred to in paragraph (1). Not later than 60 days after the submission of the report of the studies, the Secretary shall determine if such studies were or were not conducted in accordance with the original written request and the written agreement and reported in accordance with the requirements of the Secretary for filing and so notify the sponsor or holder.

"(3) OTHER METHODS TO MEET THE STUDIES REQUIREMENT.—If the sponsor or holder and the Secretary have not agreed in writing on the protocols for the studies, the studies requirement of subsection (a) or (c) is satisfied when such studies have been completed and the reports accepted by the Secretary. Not later than 90 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within the 90 days, whether the studies fairly respond to the written request, whether such studies have been conducted in accordance with commonly accepted scientific principles and protocols, and whether such studies have been reported in accordance with the requirements of the Secretary for filing.

"(e) DELAY OF EFFECTIVE DATE FOR CERTAIN APPLICATIONS; PERIOD OF MARKET EXCLUSIVITY.—If the Secretary determines that the acceptance or approval of an application under section 505(b)(2) or 505(j) for a drug may occur after submission of reports of pediatric studies under this section, which were submitted prior to the expiration of the patent (including any patent extension) or market exclusivity protection, but before the Secretary has determined whether the requirements of subsection (d) have been satisfied, the Secretary shall delay the acceptance or approval under section 505(b)(2) or 505(j), respectively, until the determination under subsection (d) is made, but such delay shall not exceed 90 days. In the event that requirements of this section are satisfied, the applicable period of market exclusivity referred to in subsection (a) or (c) shall be deemed to have been running during the period of delay.

"(f) NOTICE OF DETERMINATIONS ON STUDIES REQUIREMENT.—The Secretary shall publish a notice of any determination that the requirements of subsection (d) have been met and that submissions and approvals under section 505(b)(2) or (j) for a drug will be subject to the provisions of this section.

"(g) DEFINITIONS.—As used in this section, the term 'pediatric studies' or 'studies' means at least 1 clinical investigation (that, at the Secretary's discretion, may include pharmacokinetic studies) in pediatric age-groups in which a drug is anticipated to be used.

"(h) LIMITATION.—The holder of an approved application for a new drug that has already received six months of market exclusivity under subsection (a) or (c) may, if otherwise eligible, obtain six months of market exclusivity under subsection (c)(1)(B) for a supplemental application, except that the holder is not eligible for exclusivity under subsection (c)(2).

"(i) SUNSET.—No period of market exclusivity shall be granted under this section based on studies commenced after January 1, 2004. The Secretary shall conduct a study and report to Congress not later than January 1, 2003 based on the experience under the program. The study and report shall examine all relevant issues, including—

"(1) the effectiveness of the program in improving information about important pediatric uses for approved drugs;

"(2) the adequacy of the incentive provided under this section;

"(3) the economic impact of the program; and

"(4) any suggestions for modification that the Secretary deems appropriate.".

SEC. 619. POSITRON EMISSION TOMOGRAPHY.

(a) REGULATION OF COMPOUNDED POSITRON EMISSION TOMOGRAPHY DRUGS UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(1) DEFINITION.—Section 201 (21 U.S.C. 321), as amended by section 405, is further amended by adding at the end the following:

"(jj) The term 'compounded positron emission tomography drug' means a drug that—

"(1) exhibits spontaneous disintegration of unstable nuclei, including the emission of positrons;

"(2) includes any nonradioactive reagent, reagent kit, ingredient, nuclide generator, accelerator, target material, electronic synthesizer, or other apparatus or computer program to be used in the preparation of any such drug; and

"(3)(A) has been compounded in a State in accordance with State law for a patient or for research, teaching, or quality control by or on the order of a practitioner licensed by that State to compound or order such a drug; or

"(B) has been compounded in a Federal facility in a State in accordance with the law of the State in which the facility is located.".

(b) REGULATION AS A DRUG.—Section 501(a)(2) (21 U.S.C. 351(a)(2)) is amended by striking "; or (3)" and inserting the following: "; or (C) if it is a compounded positron emission tomography drug and the methods used in, or the facilities and controls used for, its compounding, processing, packing, or holding do not conform to or are not operated or administered in conformity with the positron emission tomography compounding standards and the official monographs of the United States Pharmacopoeia to assure that such drug meets the requirements of this Act as to safety and has the identity and strength, and meets the quality and purity characteristics, which it purports or is represented to possess; or (3)".

(c) REGULATION AS A NEW DRUG.—Section 505 (21 U.S.C. 355) is amended by adding at the end the following:

"(n) The provisions of subsections (a) and (j) shall not apply to the preparation of a compounded positron emission tomography drug.".

(d) REVOCATION OF CERTAIN INCONSISTENT DOCUMENTS.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a notice revoking—

(1) a notice entitled "Regulation of Positron Emission Tomographic Drug Products: Guidance; Public Workshop", published in the Federal Register of February 27, 1995;

(2) a notice entitled "Guidance for Industry: Current Good Manufacturing Practices for Positron Emission Tomographic (PET) Drug Products", published in the Federal Register of April 22, 1997; and

(3) a final rule entitled "Current Good Manufacturing Practice for Finished Pharmaceuticals; Positron Emission Tomography", published in the Federal Register of April 22, 1997.

TITLE VII—FEES RELATING TO DRUGS

SEC. 701. SHORT TITLE.

This title may be cited as the "Prescription Drug User Fee Reauthorization Act of 1997".

SEC. 702. FINDINGS.

Congress finds that—

(1) prompt approval of safe and effective new drugs and other therapies is critical to the improvement of the public health so that patients may enjoy the benefits provided by these therapies to treat and prevent illness and disease;

(2) the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for review of human drug applications;

(3) the provisions added by the Prescription Drug User Fee Act of 1992 have been successful in substantially reducing review times for human drug applications and should be—

(A) reauthorized for an additional 5 years, with certain technical improvements; and

(B) carried out by the Food and Drug Administration with new commitments to implement more ambitious and comprehensive improvements in regulatory processes of the Food and Drug Administration; and

(4) the fees authorized by amendments made in this title will be dedicated toward expediting the drug development process and the review of human drug applications as set forth in the goals identified in the letters of ____________, and ____________, from the Secretary of Health and Human Services to the chairman of the Committee on Commerce of the House of Representatives and the chairman of the Committee on Labor and Human Resources of the Senate, as set forth at ___ Cong. Rec. ______ (daily ed. __________, 1997).

SEC. 703. DEFINITIONS.

Section 735 (21 U.S.C. 379g) is amended—

(1) in the second sentence of paragraph (1)—

(A) by striking "Service Act, and" and inserting "Service Act,"; and

(B) by striking "September 1, 1992." and inserting the following: "September 1, 1992, does not include an application for a licensure of a biological product for further manufacturing use only, and does not include an application or supplement submitted by a State or Federal Government entity for a drug or biological product that is not distributed commercially. Such term does include an application for licensure, as described in subparagraph (D), of a large volume biological product intended for single dose injection for intravenous use or infusion.";

(2) in the second sentence of paragraph (3)—

(A) by striking "Service Act, and" and inserting "Service Act,"; and

(B) by striking "September 1, 1992." and inserting the following: "September 1, 1992, does not include a biological product that is licensed for further manufacturing use only, and does not include a drug or biological product that is not distributed commercially and is the subject of an application or supplement submitted by a State or Federal Government entity. Such term does include a large volume biological product intended for single dose injection for intravenous use or infusion.";

(3) in paragraph (4), by striking "without" and inserting "without substantial";

(4) in paragraph (7)(A)—

(A) by striking "employees under contract" and all that follows through "Administration," and inserting "contractors of the Food and Drug Administration,"; and

(B) by striking "and committees," and inserting "and committees and to contracts with such contractors,";

(5) in paragraph (8)—

(A) in subparagraph (A)—

(i) by striking "August of" and inserting "April of"; and

(ii) by striking "August 1992" and inserting "April 1997";

(B) by striking subparagraph (B) and inserting the following:

"(B) 1 plus the total percentage increase for such fiscal year since fiscal year 1997 in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia."; and

(C) by striking the second sentence; and

(6) by adding at the end the following:

"(9) The term 'affiliate' means a business entity that has a relationship with a second business entity if, directly or indirectly—

"(A) 1 business entity controls, or has the power to control, the other business entity; or

"(B) a third party controls, or has power to control both of the business entities.".

SEC. 704. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) TYPES OF FEES.—Section 736(a) (21 U.S.C. 379h(a)) is amended—

(1) by striking "Beginning in fiscal year 1993" and inserting "Beginning in fiscal year 1998";

(2) in paragraph (1)—

(A) by striking subparagraph (B) and inserting the following:

"(B) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the application or supplement.";

(B) in subparagraph (D)—

(i) in the subparagraph heading, by striking "NOT ACCEPTED" and inserting "REFUSED";

(ii) by striking "50 percent" and inserting "75 percent";

(iii) by striking "subparagraph (B)(i)" and inserting "subparagraph (B)"; and

(iv) by striking "not accepted" and inserting "refused"; and

(C) by adding at the end the following:

"(E) EXCEPTION FOR DESIGNATED ORPHAN DRUG OR INDICATION.—A person that submits a human drug application for a prescription drug product that has been designated as a drug for a rare disease or condition pursuant to section 526, or a supplement proposing to include a new indication for a rare disease or condition pursuant to section 526, shall not be assessed a fee under subparagraph (A), unless the human drug application includes indications for other than rare diseases or conditions.

"(F) EXCEPTION FOR APPLICATIONS AND SUPPLEMENTS FOR PEDIATRIC INDICATIONS.—A person that submits a human drug application or supplement that includes an indication for use in pediatric populations shall be assessed a fee under subparagraph (A) only if—

"(i) the application is for initial approval for use in a pediatric population; or

"(ii) the application or supplement is for approval for use in pediatric and non-pediatric populations.

"(G) REFUND OF FEE IF APPLICATION WITHDRAWN.—If an application or supplement is withdrawn after the application or supplement is filed, the Secretary may waive and refund the fee or a portion of the fee if no substantial work was performed on the application or supplement after the application or supplement was filed. The Secretary shall have the sole discretion to waive and refund a fee or a portion of the fee under this subparagraph. A determination by the Secretary concerning a waiver or refund under this paragraph shall not be reviewable.";

(3) in paragraph (2)(A), by striking "505(j), and" and inserting the following: "505(j) or under an abbreviated new drug application pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984, or a product approved under an application filed under section 507 that is abbreviated, and"; and

(4) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i), by striking "is listed" and inserting "has been submitted for listing"; and

(ii) by striking "Such fee shall be payable" and all that follows through "section 510." and inserting the following: "Such fee shall be payable for the fiscal year in which the product is first submitted for listing under section 510, or for relisting under section 510 if the product has been withdrawn from listing and relisted. After such fee is paid for that fiscal year, such fee shall be payable on or before January 31 of each year. Such fee shall be paid only once for each product for a fiscal year in which the fee is payable."; and

(B) in subparagraph (B), by striking "505(j)." and inserting the following: "505(j), or under an abbreviated new drug application pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984, or is a product approved under an application filed under section 507 that is abbreviated.".

(b) FEE AMOUNTS.—Section 736(b) (21 U.S.C. 379h(b)) is amended to read as follows:

"(b) FEE AMOUNTS.—Except as provided in subsections (c), (d), (f), and (g), the fees required under subsection (a) shall be determined and assessed as follows:

"(1) APPLICATION AND SUPPLEMENT FEES.—

"(A) FULL FEES.—The application fee under subsection (a)(1)(A)(i) shall be $250,704 in fiscal year 1998, $256,338 in each of fiscal years 1999 and 2000, $267,606 in fiscal year 2001, and $258,451 in fiscal year 2002.

"(B) OTHER FEES.—The fee under subsection (a)(1)(A)(ii) shall be $125,352 in fiscal year 1998, $128,169 in each of fiscal years 1999 and 2000, $133,803 in fiscal year 2001, and $129,226 in fiscal year 2002.

"(2) FEE REVENUES FOR ESTABLISHMENT FEES.—The total fee revenues to be collected in establishment fees under subsection (a)(2) shall be $35,600,000 in fiscal year 1998, $36,400,000 in each of fiscal years 1999 and 2000, $38,000,000 in fiscal year 2001, and $36,700,000 in fiscal year 2002.

"(3) TOTAL FEE REVENUES FOR PRODUCT FEES.—The total fee revenues to be collected in product fees under subsection (a)(3) in a fiscal year shall be equal to the total fee revenues collected in establishment fees under subsection (a)(2) in that fiscal year.".

(c) INCREASES AND ADJUSTMENTS.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(1) in the subsection heading, by striking "INCREASES AND";

(2) in paragraph (1)—

(A) by striking "(1) REVENUE" and all that follows through "increased by the Secretary" and inserting the following: "(1) INFLATION ADJUSTMENT.—The fees and total fee revenues established in subsection (b) shall be adjusted by the Secretary";

(B) in subparagraph (A), by striking "increase" and inserting "change";

(C) in subparagraph (B), by striking "increase" and inserting "change"; and

(D) by adding at the end the following flush sentence:

"The adjustment made each fiscal year by this subsection will be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 1997 under this subsection.";

(3) in paragraph (2), by striking "October 1, 1992," and all that follows through "such schedule." and inserting the following: "September 30, 1997, adjust the establishment and product fees described in subsection (b) for the fiscal year in which the adjustment occurs so that the revenues collected from each of the categories of fees described in paragraphs (2) and (3) of subsection (b) shall be set to be equal to the revenues collected during the past fiscal year from the category of application and supplement fees described in paragraph (1) of subsection (b)."; and

(4) in paragraph (3), by striking "paragraph (2)" and inserting "this subsection".

(d) FEE WAIVER OR REDUCTION.—Section 736(d) (21 U.S.C. 379h(d)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively and indenting appropriately;

(2) by striking "The Secretary shall grant a" and all that follows through "finds that—" and inserting the following:

"(1) IN GENERAL.—The Secretary shall grant a waiver from or a reduction of 1 or more fees assessed under subsection (a) where the Secretary finds
that—";

(3) in subparagraph (C) (as so redesignated by paragraph (1)), by striking ", or" and inserting a comma;

(4) in subparagraph (D) (as so redesignated by paragraph (1)), by striking the period and inserting ", or";

(5) by inserting after subparagraph (D) (as so redesignated by paragraph (1)) the following:

"(E) the applicant is a small business submitting its first human drug application to the Secretary for review."; and

(6) by striking "In making the finding in paragraph (3)," and all that follows through "standard costs." and inserting the following:

"(2) USE OF STANDARD COSTS.—In making the finding in paragraph (1)(C), the Secretary may use standard costs.

"(3) RULES RELATING TO SMALL BUSINESSES.—

"(A) DEFINITION.—In paragraph (1)(E), the term 'small business' means an entity that has fewer than 500 employees, including employees of affiliates.

"(B) WAIVER OF APPLICATION FEE.—The Secretary shall waive under paragraph (1)(E) the application fee for the first human drug application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay—

"(i) application fees for all subsequent human drug applications submitted to the Secretary for review in the same manner as an entity that does not qualify as a small business; and

"(ii) all supplement fees for all supplements to human drug applications submitted to the Secretary for review in the same manner as an entity that does not qualify as a small business.".

(e) ASSESSMENT OF FEES.—Section 736(f)(1) (21 U.S.C. 379h(f)(1)) is amended—

(1) by striking "fiscal year 1993" and inserting "fiscal year 1997"; and

(2) by striking "fiscal year 1992" and inserting "fiscal year 1997 (excluding the amount of fees appropriated for such fiscal year)".

(f) CREDITING AND AVAILABILITY OF FEES.—Section 736(g) (21 U.S.C. 379h(g)) is amended—

(1) in paragraph (1), by adding at the end the following: "Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of human drug applications within the meaning of section 735(6).";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "Acts" and inserting "Acts, or otherwise made available for obligation,"; and

(B) in subparagraph (B), by striking "over such costs for fiscal year 1992" and inserting "over such costs, excluding costs paid from fees collected under this section, for fiscal year 1997"; and

(3) by striking paragraph (3) and inserting the following:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fees under this section—

"(A) $106,800,000 for fiscal year 1998;

"(B) $109,200,000 for fiscal year 1999;

"(C) $109,200,000 for fiscal year 2000;

"(D) $114,000,000 for fiscal year 2001; and

"(E) $110,100,000 for fiscal year 2002,

as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by application, supplement, establishment, and product fees.

"(4) OFFSET.—Any amount of fees collected for a fiscal year which exceeds the amount of fees specified in appropriation Acts for such fiscal year, shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under appropriation Acts for a subsequent fiscal year.".

(g) REQUIREMENT FOR WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND FEES.—Section 736 (21 U.S.C. 379h) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

"(i) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND REFUNDS.—To qualify for consideration for a waiver or reduction under subsection (d), or for a refund, of any fee collected in accordance with subsection (a), a person shall submit to the Secretary a written request for such waiver, reduction, or refund not later than 180 days after such fee is due.".

(h) SPECIAL RULE FOR WAIVER, REFUNDS, AND EXCEPTIONS.—Any requests for waivers, refunds, or exceptions for fees paid prior to the date of enactment of this Act shall be submitted in writing to the Secretary of Health and Human Services within 1 year after the date of enactment of this Act.

SEC. 705. ANNUAL REPORTS.

(a) FIRST REPORT.—Beginning with fiscal year 1998, not later than 60 days after the end of each fiscal year during which fees are collected under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.), the Secretary of Health and Human Services shall prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letter described in section 702(4) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

(b) SECOND REPORT.—Beginning with fiscal year 1998, not later than 120 days after the end of each fiscal year during which fees are collected under the part described in subsection (a), the Secretary of Health and Human Services shall prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

SEC. 706. EFFECTIVE DATE.

The amendments made by this title shall take effect October 1, 1997.

SEC. 707. TERMINATION OF EFFECTIVENESS.

The amendments made by sections 703 and 704 cease to be effective October 1, 2002 and section 705 ceases to be effective 120 days after such date.

TITLE VIII—MISCELLANEOUS

SEC. 801. REGISTRATION OF FOREIGN ESTABLISHMENTS.

Section 510(i) (21 U.S.C. 360(i)) is amended to read as follows:

"(i)(1) Any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or a device that is imported or offered for import into the United States shall register with the Secretary the name and place of business of the establishment and the name of the United States agent for the establishment.

"(2) The establishment shall also provide the information required by subsection (j).

"(3) The Secretary is authorized to enter into cooperative arrangements with foreign countries to ensure that adequate and effective means are available for purposes of determining, from time to time, whether drugs or devices manufactured, prepared, propagated, compounded, or processed by an establishment described in paragraph (1), if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a).".

SEC. 802. ELIMINATION OF CERTAIN LABELING REQUIREMENTS.

(a) PRESCRIPTION DRUGS.—Section 503(b)(4) (21 U.S.C. 353(b)(4)) is amended to read as follows:

"(4)(A) A drug that is subject to paragraph (1) shall be deemed to be misbranded if at any time prior to dispensing the label of the drug fails to bear, at a minimum, the symbol 'Rx only'.

"(B) A drug to which paragraph (1) does not apply shall be deemed to be misbranded if at any time prior to dispensing the label of the drug bears the symbol described in subparagraph (A).".

(b) MISBRANDED DRUG.—Section 502(d) (21 U.S.C. 352(d)) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) Section 503(b)(1) (21 U.S.C. 353(b)(1)) is amended—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) Section 503(b)(3) (21 U.S.C. 353(b)(3)) is amended by striking "section 502(d) and".

(3) Section 102(9)(A) of the Controlled Substances Act (21 U.S.C. 802(9)(A)) is amended—

(A) in clause (i), by striking "(i)"; and

(B) by striking "(ii)" and all that follows.

SEC. 803. CLARIFICATION OF SEIZURE AUTHORITY.

Section 304(d)(1) (21 U.S.C. 334(d)(1)) is amended—

(1) in paragraph (1), in the fifth sentence, by striking "paragraphs (1) and (2) of section 801(e)" and inserting "subparagraphs (A) and (B) of section 801(e)(1)"; and

(2) by inserting after the fifth sentence the following: "Any person seeking to export an imported article pursuant to any of the provisions of this subsection shall establish that the article was intended for export at the time the article entered commerce.".

SEC. 804. INTRAMURAL RESEARCH TRAINING AWARD PROGRAM.

Chapter IX (21 U.S.C. 391 et seq.), as amended by section 203, is further amended by adding at the end the following:

"SEC. 907. INTRAMURAL RESEARCH TRAINING AWARD PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Commissioner of Food and Drugs, may, directly or through grants, contracts, or cooperative agreements, conduct and support intramural research training in regulatory scientific programs by predoctoral and postdoctoral scientists and physicians, including the support through the use of fellowships.

"(b) LIMITATION ON PARTICIPATION.—A recipient of a fellowship under subsection (a) may not be an employee of the Federal Government.

"(c) SPECIAL RULE.—The Secretary, acting through the Commissioner of Food and Drugs, may support the provision of assistance for fellowships described in subsection (a) through a Cooperative Research and Development Agreement.".

SEC. 805. DEVICE SAMPLES.

(a) RECALL AUTHORITY.—

(1) IN GENERAL.—Section 518(e)(2) (21 U.S.C. 360h(e)(2)) is amended by adding at the end the following:

"(C) If the Secretary issues an amended order under subparagraph (A), the Secretary may require the person subject to the order to submit such samples of the device and of components of the device as the Secretary may reasonably require. If the submission of such samples is impracticable or unduly burdensome, the requirement of this subparagraph may be met by the submission of complete information concerning the location of 1 or more such devices readily available for examination and testing.".

(2) TECHNICAL AMENDMENT.—Section 518(e)(2)(A) (21 U.S.C. 360h(e)(2)(A)) is amended by striking "subparagraphs (B) and (C)" and inserting "subparagraph (B)".

(b) RECORDS AND REPORTS ON DEVICES.—Section 519(a) (21 U.S.C. 360i(a)) is amended by inserting after paragraph (9) the following:

"(10) may reasonably require a manufacturer, importer, or distributor to submit samples of a device and of components of the device that may have caused or contributed to a death or serious injury, except that if the submission of such samples is impracticable or unduly burdensome, the requirement of this paragraph may be met by the submission of complete information concerning the location of 1 or more such devices readily available for examination and testing.".

SEC. 806. INTERSTATE COMMERCE.

Section 709 (21 U.S.C. 379a) is amended by striking "a device" and inserting "a device, food, drug, or cosmetic".

SEC. 807. NATIONAL UNIFORMITY FOR NONPRESCRIPTION DRUGS AND COSMETICS.

Chapter VII (21 U.S.C. 371 et seq.), as amended by section 614, is further amended by adding at the end the following:

"SUBCHAPTER F—NATIONAL UNIFORMITY FOR NONPRESCRIPTION DRUGS FOR HUMAN USE AND COSMETICS

"SEC. 761. NATIONAL UNIFORMITY FOR NONPRESCRIPTION DRUGS AND COSMETICS.

"(a) IN GENERAL.—Except as provided in subsection (b), (c)(1), or (d), no State or political subdivision of a State may establish or continue in effect any requirement—

"(1) that relates to the regulation of a drug intended for human use that is not subject to the requirements of section 503(b)(1) or a cosmetic; and

"(2) that is different from or in addition to, or that is otherwise not identical with, a requirement of this Act, the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.).

"(b) EXEMPTION.—Upon application of a State, the Secretary may by regulation, after notice and opportunity for written and oral presentation of views, exempt from subsection (a), under such condition as may be prescribed in such regulation, a State requirement that—

"(1) protects an important public interest that would otherwise be unprotected;

"(2) would not cause any drug or cosmetic to be in violation of any applicable requirement or prohibition under Federal law; and

"(3) would not unduly burden interstate commerce.

"(c) SCOPE.—For purposes of subsection (a), a requirement that relates to the regulation of a drug or cosmetic—

"(1) shall not include any requirement that relates to the practice of pharmacy or any requirement that a drug be dispensed only upon the prescription of a practitioner licensed by law to administer such drug; and

"(2) shall be deemed to include any requirement relating to public information or any other form of public communication relating to the safety or effectiveness of a drug or cosmetic.

"(d) NO EFFECT ON PRODUCT LIABILITY LAW.—Nothing in this section shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.".

SEC. 808. INFORMATION PROGRAM ON CLINICAL TRIALS FOR SERIOUS OR LIFE-THREATENING DISEASES.

(a) IN GENERAL.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i), the following:

"(j)(1) The Secretary, acting through the Director of the National Institutes of Health and subject to the availability of appropriations, shall establish, maintain, and operate a program with respect to information on research relating to the treatment, detection, and prevention of serious or life-threatening diseases and conditions. The program shall, with respect to the agencies of the Department of Health and Human Services, be integrated and coordinated, and, to the extent practicable, coordinated with other data banks containing similar information.

"(2)(A) After consultation with the Commissioner of Food and Drugs, the directors of the appropriate agencies of the National Institutes of Health (including the National Library of Medicine), and the Director of the Centers for Disease Control and Prevention, the Secretary shall, in carrying out paragraph (1), establish a data bank of information on clinical trials for drugs, and biologicals, for serious or life-threatening diseases and conditions.

"(B) In carrying out subparagraph (A), the Secretary shall collect, catalog, store and disseminate the information described in such subparagraph. The Secretary shall disseminate such information through information systems, which shall include toll-free telephone communications, available to individuals with serious or life-threatening diseases and conditions, to other members of the public, to health care providers, and to researchers.

"(3) The Data Bank shall include the following:

"(A) A registry of clinical trials (whether federally or privately funded) of experimental treatments for serious or life-threatening diseases and conditions under regulations promulgated pursuant to sections 505 and 520 of the

Federal Food, Drug, and Cosmetic Act that provides a description of the purpose of each experimental drug or biological protocol, either with the consent of the protocol sponsor, or when a trial to test efficacy begins. Information provided shall consist of eligibility criteria, a description of the location of trial sites, and a point of contact for those wanting to enroll in the trial, and shall be in a form that can be readily understood by members of the public. Such information must be forwarded to the Data Bank by the sponsor of the trial not later than 21 days after the approval by the Food and Drug Administration.

"(B) Information pertaining to experimental treatments for serious or life-threatening diseases and conditions that may be available—

"(i) under a treatment investigational new drug application that has been submitted to the Food and Drug Administration pursuant to part 312 of title 21, Code of Federal Regulations; or

"(ii) as a Group C cancer drug.

The Data Bank may also include information pertaining to the results of clinical trials of such treatments, with the consent of the sponsor, including information concerning potential toxicities or adverse effects associated with the use or administration of such experimental treatments.

"(4) The Data Bank shall not include information relating to an investigation if the sponsor has certified to the Secretary that disclosure of such information would substantially interfere with the timely enrollment of subjects in the investigation.

"(5) For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary. Fees collected under section 736 of the Federal Food, Drug, and Cosmetic (21 U.S.C. 379h) shall not be authorized or appropriated for use in carrying out this subsection.".

(b) COLLABORATION AND REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Commissioner of Food and Drugs shall collaborate to determine the feasibility of including device investigations within the scope of the registry requirements set forth in subsection (j) of section 402 of the Public Health Service Act.

(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report that shall consider, among other things—

(A) the public health need, if any, for inclusion of device investigations within the scope of the registry requirements set forth in subsection (j) of section 402 of the Public Health Service Act; and

(B) the adverse impact, if any, on device innovation and research in the United States if information relating to such device investigations is required to be publicly disclosed.

SEC. 809. APPLICATION OF FEDERAL LAW TO THE PRACTICE OF PHARMACY COMPOUNDING.

Section 503 (21 U.S.C. 353) is amended by adding at the end the following:

"(h)(1) Sections 501(a)(2)(B), 502(f)(1), 502(l), 505, and 507 shall not apply to a drug product if—

"(A) the drug product is compounded for an identified individual patient, based on a medical need for a compounded product—

"(i) by a licensed pharmacist in a State licensed pharmacy or a Federal facility, or a licensed physician, on the prescription order of a licensed physician or other licensed practitioner authorized by State law to prescribe drugs; or

"(ii) by a licensed pharmacist or licensed physician in limited quantities, prior to the receipt of a valid prescription order for the identified individual patient, and is compounded based on a history of the licensed pharmacist or licensed physician receiving valid prescription orders for the compounding of the drug product that have been generated solely within an established relationship between the licensed pharmacist, or licensed physician, and—

"(I) the individual patient for whom the prescription order will be provided; or

"(II) the physician or other licensed practitioner who will write such prescription order; and

"(B) the licensed pharmacist or licensed physician—

"(i) compounds the drug product using bulk drug substances—

"(I) that—

"(aa) comply with the standards of an applicable United States Pharmacopeia monograph; or

"(bb) in a case in which such a monograph does not exist, are drug substances that are covered by regulations issued by the Secretary under paragraph (3);

"(II) that are manufactured by an establishment that is registered under section 510 (including a foreign establishment that is registered under section 510(i)); and

"(III) that are accompanied by valid certificates of analysis for each bulk drug substance;

"(ii) compounds the drug product using ingredients (other than bulk drug substances) that comply with the standards of an applicable United States Pharmacopeia monograph and the United States Pharmacopeia chapter on pharmacy compounding;

"(iii) only advertises or promotes the compounding service provided by the licensed pharmacist or licensed physician and does not advertise or promote the compounding of any particular drug, class of drug, or type of drug;

"(iv) does not compound a drug product that appears on a list published by the Secretary in the Federal Register of drug products that have been withdrawn or removed from the market because such drug products or components of such drug products have been found to be unsafe or not effective;

"(v) does not compound a drug product that is identified by the Secretary in regulation as presenting demonstrable difficulties for compounding that reasonably demonstrate an adverse effect on the safety or effectiveness of that drug product; and

"(vi) does not distribute compounded drugs outside of the State in which the drugs are compounded, unless the principal State agency of jurisdiction that regulates the practice of pharmacy in such State has entered into a memorandum of understanding with the Secretary (based on the adequate regulation of compounding performed in the State) that provides for appropriate investigation by the State agency of complaints relating to compounded products distributed outside of the State.

"(2)(A) The Secretary shall, after consultation with the National Association of Boards of Pharmacy, develop a standard memorandum of understanding for use by States in complying with paragraph (1)(B)(vi).

"(B) Paragraph (1)(B)(vi) shall not apply to a licensed pharmacist or licensed physician, who does not distribute inordinate amounts of compounded products outside of the State, until—

"(i) the date that is 180 days after the development of the standard memorandum of understanding; or

"(ii) the date on which the State agency enters into a memorandum of understanding under paragraph (1)(B)(vi), whichever occurs first.

"(3) The Secretary, after consultation with the United States Pharmacopeia Convention Incorporated, shall promulgate regulations limiting compounding under paragraph (1)(B)(i)(I)(bb) to drug substances that are components of drug products approved by the Secretary and to other drug substances as the Secretary may identify.

"(4) The provisions of paragraph (1) shall not apply—

"(A) to compounded positron emission tomography drugs as defined in section 202(jj); or

"(B) to radiopharmaceuticals.".

The Senate proceeded to consider the bill.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 1130

(Purpose: To provide a complete substitute)

Mr. JEFFORDS. Mr. President, I send a modification of the committee amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 1130.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Will the Senator yield?

Mr. JEFFORDS. I certainly yield to the majority leader.

Mr. LOTT. Mr. President, this will be just very brief. I know you have your statements. Senator KENNEDY has another event at 3 or 4 that he may attend. I have a conflict with other events, too.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk and ask the clerk to report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the substitute amendment to Calendar No. 105, S. 830, the FDA reform bill:

Trent Lott, James M. Jeffords, Pat Roberts, Kay Bailey Hutchison, Tim Hutchinson, Conrad Burns, Chuck Hagel, Jon Kyl, Rod Grams, Pete Domenici, Ted Stevens, Christopher S. Bond, Strom Thurmond, Judd Gregg, Don Nickles, and Paul Coverdell.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, the amendment that I sent to the desk is a modification of the committee amendment, and it is the amendment we desire to move forward on.

The PRESIDING OFFICER. Amendment No. 1130 is a modification of the committee substitute, and cloture has been filed on that amendment.

Mr. JEFFORDS. Thank you, Mr. President.

First, filing a cloture motion sort of indicates a serious situation which requires its action. I am pleased to report that I am more optimistic now than I have been at any time that a vote will not be necessary to have cloture and that we are all working very long and hard upon resolving the remaining questions. The most difficult one that we were facing appears to be resolved. So it is my firm belief that by the time we come before this body again, other than today's debate, we will have an opportunity to expeditiously pass an FDA bill for the Food and Drug Administration to ensure that we have it passed in time to prevent the problems which might occur by failing to do so.

Legislation to reform and modernize the Food and Drug Administration has been under consideration by Congress for over 3 years. At least six hearings have been held over the past 2 years in the Senate.

Last year, our measure was reported out of committee but never reached the floor for full consideration. This year, we have held hearings and worked through months of negotiations with my colleague from Massachusetts and with the administration.

S. 830 passed out of the Labor Committee on a vote of 14-4, a strong statement as to the bipartisan support this moderate measure enjoys. Last week we had a vote on the motion to proceed, and the vote was 89-5 that we begin consideration of this measure. We are here today to do that. The Senate spoke loud and clear last week: "Let's move on the bill. Let's consider amendments. And let us vote." We have now had over 15 hours of debate on this measure stretching back to before the August recess.

Most recently, we spent a good part of Friday and Monday debating essentially 6 pages out of the 152-page bill. The time to move forward on this measure is now. I urge Senators to examine this measure, and I believe they will agree with me that it provides moderate, incremental but important improvements to the FDA while continuing the agency's "gold standard" of public safety.

I have never worked harder on a bill, and I say the same for the members of the committee, than we have on this one. The number of hours that have been spent bringing about consensus is incredible. I thank my ranking member and our staff for their cooperation and for placing us in a position where I believe we can expeditiously pass this next week without the necessity of having to invoke cloture.

So at this point, Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I have on other occasions, I pay tribute to my friend and colleague from Vermont, Senator JEFFORDS, who has been shepherding this very complicated but enormously important health policy issue through the Senate. As he has correctly stated, there has been broad agreement on a number of the very important aspects of the bill that relate to the drug and medical device provisions.

We have made considerable progress on one other aspect of the legislation, and that deals with an amendment which was added by the Senator from New Hampshire, which I will address momentarily. There are still some very important issues that are still being considered by Members. All of us are hopeful that we will have a positive outcome, but we are not quite there yet.

Mr. President, just on another item, I want to identify myself with the excellent remarks of my friend and colleague from Iowa, Senator HARKIN, on the vote that was taken just an hour or so ago about the block granting of various education programs.

I think all of us have understood that the role of the Federal Government is very limited in terms of its help and assistance to local communities in terms of education. We have a much more profound responsibility in the areas of higher education. But our responsibilities in the elementary and secondary education respects that education is a local function but also an important State responsibility.

That is why for every dollar that is expended, only about 6 cents of that dollar really comes from the Federal Government. The targeting of those programs has been in the areas where there has been, as he pointed out and others have recognized, general recognition nationwide of very important national objectives, and that is with the most disadvantaged students, primarily in the areas of basic skills—basic skills—math and science programs in the title I programs across this country, the neediest children in the most disadvantaged areas. It is a very important program. It has been evaluated, has had broad support. That is one of the very important areas.

There have been adjustments about what programs will be in and what programs will be out, but you cannot get away from the fact that these programs that have been included are targeted and by and large go to local communities where there is wide discretion. If you take the Goals 2000, 90 percent of that fund is spent at the local level. You can't get any more in terms of local control than what we have at the present time.

You find that there is 2 percent administrative costs by the Department of Education in the overall programming, 6 percent at the State level of all of these various programs. A great percent of that 6 percent is technical assistance, goes to local communities that are trying to deal perhaps with special-needs children. Maybe it is a small community that has two or three members of a class that have special needs. They do not develop a whole program, but there are other schools, other school districts that have similar kinds of needs.

This technical assistance helps and assists those local communities: the School to Work Program has had strong bipartisan support—we still remember the strong Republican support to try to help young people move from school into the employment programs and into employment—the drug-free schools to try to do something about the problems of drug addiction and violence in our various school districts.

Now, we do not know. There is no accountability in this particular program. There is no requirement for reporting on how the money is expended. It bypassed even the States, so the States will not have an understanding of how these resources are going to be spent. We do not know which States are going to be advantaged, which disadvantaged or communities advantaged or disadvantaged.

So I join in expressing strong reservations. I want to say very clearly that if this comes back, this particular provision, we are going to take some time on the floor of the U.S. Senate to really make sure that not only every Member of this body understands it but all Americans understand it. If the local States want to expend additional resources, let them go out and tax their local communities to do so. If they want it, let them do it. But if we are going to commit ourselves to trying to raise resources to meet targeted needs for the neediest children in this country, we ought to be able to do it. If you are going to take that and block grant it and send it back to the States and just use the Federal tax system to raise these funds, that ought to be done in a different forum. We will have a longer time to debate it if it comes back. But we should not permit a vote in support of the general appropriations to go by without some comment.

Now, Mr. President, I am pleased that we have achieved an important compromise on one of the most important issues in the FDA reform legislation, the issue of Federal preemption of State regulation of over-the-counter drugs and cosmetics.

I compliment Senator GREGG, Secretary Shalala, and others involved in working out this responsible agreement. It will assure that States have the ability to step in to protect consumers from cosmetics when necessary while also providing companies reasonable guarantees that when the FDA has acted effectively to protect consumers, they will not be subjected to conflicting and potentially duplicative labeling requirements.

Under the agreement, the Federal Government will not preempt State regulation of the safety of a cosmetic. This is appropriate. If a State feels strongly enough about a particular ingredient or a product to ban it or to take similar actions, it should be free to do so. States virtually never use this authority. But even though it is rarely used, it should be preserved.

In the critical realm of packaging and labeling where States have been most active in ensuring consumers receive the information they need to protect themselves, this amendment strikes a fair balance. The reason preserving States' ability to act is so important is that FDA regulation has been weak. Under this agreement, States would continue to have the ability to act to protect their consumers except in those cases where the FDA has already taken appropriate action in a specific area.

The compromise reached in section 762, which relates to the preemption of the State regulation for the packaging and labeling of cosmetics, will assure that the States retain full authority to regulate cosmetics in those circumstances when the FDA has not acted. As you know, I think it is essential for the States to be able to regulate the labeling and packaging of cosmetics whenever the FDA has not acted. This is especially important because there is so little FDA regulation in the area of cosmetics.

Section 762 would preempt a State labeling and packaging requirement only when FDA has specifically acted on the same aspect of the labeling or packaging of that cosmetic. Thus, if FDA issues a regulation that requires cosmetic manufacturers to include a specific warning about an aspect of an ingredient in a cosmetic, a State cannot require a different warning about the same aspect of that ingredient.

For example, if the FDA required a warning label for a particular product regarding its use by pregnant women, the State would be prohibited from requiring a different warning label for the same hazard and product. On the other hand, where the FDA has not taken action, the States would be free to fill the gap. So, if we are going to breathe new life into the FDA to take on more and more kinds of responsibilities to assure the public in terms of some of these health hazards, as a result of the debates we have had in the past days, they are free to do so.

On the other hand, if a State wants to require a warning on a cosmetic and FDA has not acted, the State can require that warning. For example, Minnesota has required a caution statement on flammable products. This provision would not preempt that requirement because FDA has not acted.

Similarly, if FDA requires a warning about a specific ingredient contained in a cosmetic, ingredient A, and a State wants to require a warning about another ingredient in the same cosmetic, ingredient B, the State would not be preempted. Likewise, if FDA requires a warning about a certain aspect of an ingredient, for example, ingredient A causes cancer, a State can require a warning about a different aspect of the same ingredient, for example, ingredient A causes birth defects. The bottom line is that the States are preempted only when FDA has acted on the same ingredient and the same health concern.

Finally, this provision does not in any way affect the State's ability to regulate the safety of cosmetics. Thus, if FDA has a specific labeling requirement for a cosmetic ingredient about a particular concern, the State may take additional steps, such as a ban on the ingredient, to protect the public health, although the State cannot require additional labeling about the concern for that ingredient.

This may very well be an invitation to give the FDA the authority and the resources to adequately regulate cosmetics, but if they do not do it, which is the condition today, we are not going to be interfering with the States. That is very, very important.

The debate on this issue has highlighted the potential hazards that cosmetics pose to consumers, especially women, which are too often underestimated.

A study by the respected, nonpartisan General Accounting Office reported that more than 125 ingredients available for use in cosmetics are suspected in causing cancer. Other cosmetics may cause adverse effects on the nervous system, including convulsions. Still other ingredients are suspected of causing birth defects. And a carefully controlled study found that 1 in 60 users suffered a cosmetic-related injury identified by a physician.

The fact is, Mr. President, there are enormous numbers of new compounds, an enormous expansion of the use of various products, including toxic products, that are being utilized in cosmetics. We want to make sure that the States, through their own public health agencies or through various studies or through their research, are going to be able to raise health concerns necessary to protect their consumers.

Mr. President, we have outlined at other times on the floor various items which raise some important concerns—alpha-hydroxy acid, feminine hygiene products, and talcum powder. We have heard from Dr. Wallinga, a physician at the Natural Resource Defense Council. He points out the dangers of these products citing studies in prestigious medical journals.

We have in this compromise preserved the right of the States to protect the public.

We have seen recently the impact of State laws on public health. In California, for example, action has been taken against Grecian Formula and toluene in nail polish.

We also know of other States that have introduced legislation aimed at further regulation of cosmetics. New York, for example, is pursuing expiration dating of certain cosmetics. Ohio and Texas are also considering additional regulation of cosmetics. My own State of Massachusetts is pursuing a consumer right-to-know law similar to that in California.

Nothing in this legislation will infringe upon these or similar activities by the States to protect the public.

The agreement we have reached today is a very reasonable one. I commend Senator GREGG for his hard work in making it a reality. The fact is neither the Food and Drug Administration nor the States are doing enough to protect women from the dangers posed by cosmetics. This issue deserves to be a high priority. I intend to see that it is.

Mr. President, regarding remaining issues in the legislation, I hope we can have the same hard work and accommodation in addressing these issues before we turn to the legislation. They deal with important questions about the procedures of the Food and Drug Administration in reviewing medical devices. We want to make sure that the medical devices that are going to be used on the American public are safe and effective. We want to make sure that FDA reviewers look at data on the use of a medical device that is clearly indicated by the technical design of the device—whether or not it is on the label. Under the current language, FDA would be unable to make a complete review of the device. The public would be deprived of assurances they have today that devices are truly safe and effective. We talked about this previously on the floor of the U.S. Senate. We will have further opportunity to address this issue. It is an extremely important one.

A second item we hope to address is ensuring that FDA can consider certain manufacturing practices that produce an unsafe product in clearing a medical device for marketing. The language requires FDA to allow a new device on the market even if the manufacturer is producing defective devices. This provision endangers the public health by putting unsafe products on the market. It also requires the Food and Drug Administration to spend its resources chasing after unsafe medical devices already on the market rather than simply requiring that the device be produced safely in the first place.

These are important items and in my full statement, to a considerable degree, I expand on them.

There are environment considerations, the effective removal of the environmental impact statements under NEPA. I do not remember considering this provision as part of our hearings on this legislation. I do not feel that we should start taking various agencies and exempting them from considering the environmental impact of their actions. I think this is an issue that we should address.

My colleagues have raised other questions in terms of the ethical issues that surround the payment of third party reviewers. These individuals are going to be reviewing products that are manufactured by the same companies that are paying them. This raises important ethical issues. I will have an opportunity to debate and take action on some of those.

I thank very much, Mr. President, the chairman of the committee, for his continued cooperation, and the other Members for their help and assistance. I am particularly grateful to Senator GREGG for his cooperation in helping us work out a satisfactory resolution of the amendment on cosmetics.

Consumers have suffered painful, permanent injuries from hair treatment products that have caught fire. They have suffered serious urinary tract infections from bubble bath. They have suffered life-threatening allergic reactions to hair dyes, and severe chemical burns from skin creams and sun tan lotions. The GAO concluded that "cosmetics are being marketed in the United States which may pose a serious hazard to the public."

And these are only the acute injuries that require immediate medical care. The poisons in cosmetics can also cause long-term injuries and illnesses that do not develop for years after exposure.

Three specific products highlight the risks consumers face. Alpha-hydroxy acid is one of the hottest selling cosmetic products on the market, with sales of roughly a billion dollars a year. It is sold to erase fine lines and tighten the skin. FDA has received numerous complaints of adverse effects from the use of these products. Alpha-hydroxy acids have been linked to severe redness, burning, blistering, bleeding, rash, itching, and skin discoloration. Most troubling, there is concern that alpha-hydroxy may promote skin cancer by increasing sensitivity to sun exposure. Yet these products are in the marketplace—with no warning labels and no limits on the concentrations that may be sold. Under this bill, every State would be prohibited from requiring these sensible warnings.

I ask unanimous consent that I may put a fact sheet laying the issues on alpha-hydroxy in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHO WILL ACT TO PROTECT THE PUBLIC FROM HAZARDOUS PRODUCTS IN COSMETICS IF S. 830 PASSES? NO ONE WILL!

(Statement of David Wallinga, MD, MPA, Senior Scientist, Public Health Program, Natural Resources Defense Council, September 10, 1997)

People often assume that government is there to protect them. They figure that if a consumer product is sold at the corner drug or department store, it must some passed some sort of regulatory scrutiny. People would especially like to believe that cosmetics—the products they put on their hair, lips, faces and underarms each day—have been adequately tested and found to be safe.

They couldn't be more wrong. As a physician, I couldn't believe it when it first learned how powerless the Food and Drug Administration is to regulate cosmetics in a way that ensures their safety. FDA's lack of regulatory authority is based on a law from 1938—a time when scientists knew very little about the potential health effects of the chemicals found in cosmetics. This law only lets FDA act if a cosmetic has been adulterated or misbranded. What's even more amazing is that the law has absolutely no requirement that cosmetic products be tested for safety.

That means the thousands of chemicals currently found in cosmetics: Do not have to be tested to see if they are absorbed through the skin and in the blood; do not have to be tested to see if the cause cancer; do not have to be tested to see if they cause allergies or infections; do not have to be tested for effects on the brain or nervous system; do not have to be tested to see if they affect fertility or the reproductive organs; and do not have to be tested for their effects on infants and children, who can be more susceptible to the toxic effects of certain chemicals.

It is outrageous that products which people put on their faces, their underarms and other parts of their body each day are not even adequately tested for safety. Testing of the pesticide in your dog's flea collar is more extensive than that for cosmetics. This, despite the fact that cosmetics are often used by pregnant women, and women of reproductive age. Since many chemicals in cosmetics are fat-soluble, or are organic solvents, it means they can penetrate the skin—and possibly enter the fetus where they may cause reproductive harm.

It gets worse. The Senate is now proposing to strip the states of much of their regulatory authority over cosmetics as well. In particular, the Senate would limit the states ability to provide consumers with product warnings and other information, including adequate labeling. This will extend FDA's ignorance about potentially-toxic cosmetic products to consumers. It will also strip consumers of their only conceivable protection against these products. In this regulatory magic act, science will have been frozen solid. FDA is already frozen into the science of the 1930s; now, we are freezing out states from acting on any new scientific information. This might be great news for a $20 billion dollar-a-year industry, but its pretty lousy news for public health.

Each year, around 1000 new cosmetic products enter the consumer market. In perfumes and fragrances alone, there are at least 1500 different chemicals. How many of these are safe? No one knows. But because of the FDA's impotence, it is certain that the vast majority have not been broadly tested for health effects, and are not well understood from a scientific standpoint.

There are some cosmetics, however, whose safety we already have good reason to question. Skin-peeling creams, for example, are extremely popular. But they contain alpa-hydroxyacids which have been shown to greatly increase the skin's susceptibility to ultraviolent light. Someone who has used one of these creams recently would want to be careful about sun exposure, to prevent sunburn and avoid the increased risk of skin cancer. How will the consumer know to use sun screen or avoid sun exposure after using these creams? The short answer is, they won't.

FDA not only lacks the authority to require safety testing, it also has very weak authority to require product labels that reflect health and safety concerns about cosmetics. Even worse, the proposed bill would deny individual states the authority to require such labels. It doesn't seem like much to ask: a label that would tell people to avoid sun or use sunscreen. It's not a product ban, it's not changing the formulation . . . it's just an advisory label. But it will be forbidden by this law. We will instead just have to hope that industry voluntarily labels its products so that people use them correctly.

There's more. In medicine we know about a disease called "talcosis" which occurs from inhaling talcum powder. Mostly, that's a problem in talc workers. But what about a recent study from Yale University, a study that confirmed earlier research finding an association between the use of talcum powder on the genital region and ovarian cancer in women? Scientists have shown that talc particles can enter the body and accumulate in ovarian tissue. There, they are associated with a 40% increased risk of ovarian cancer. Ovarian cancer is hard to diagnose, hard to treat effectively, and is often fatal. It is something which is much better to prevent than to try and treat once it occurs. Yet if a state wanted to notify women that talcum powder should not be used regularly in the genital region, that would be illegal under this new law.

These are only two examples of the many, many potential hazards from the thousands of chemicals in cosmetic products. There are more: hair dyes and shampoos which contain coal tars which are known to cause cancer; feminine hygiene products associated with infertility, ectopic pregnancy, and an increased risk of pelvic inflammatory disease; lipstick and hair dyes which contain lead, used by pregnant women, and particularly dangerous for fetuses; and numerous products which contain immune system sensitizers, such as cinnamates, which can cause severe allergic reactions, skin rashes, or asthma.

Currently, we have an empty law regulating these cosmetics, a law directing the FDA into empty regulation. Until we have a better system in place at the federal level, we should certainly not interfere with the right of states to act on these hazards, and to protect the health of their citizens, independently. Our best hope as consumers, as patients, and as health care professionals, is to let states fill this regulatory gap.

FACT SHEET: FDA REFORM BILL AND PREEMPTION OF COSMETIC REGULATION BY THE STATES

The regulation of health and safety has traditionally rested in the hands of the States.

Cosmetics pose substantial threats to the health and safety of consumers.

There is no substantial Federal regulatory presence in cosmetics (see below), but proposed cosmetic preemption would completely bar the States from exercising their traditional regulation of cosmetic labeling, packaging and consumer information and would severely limit states ability to regulate these products in other ways.

BACKGROUND

Traditionally, preemption only takes place in areas where the Federal government has a strong presence, or has "occupied that field."

FDA currently employs less than 30 people to regulate the $20 billion cosmetics industry. Only 2 employees actually regulate cosmetic packaging and labeling.

FDA has no authority to approve cosmetic products or review ingredients, require companies to register, or to even report cosmetic-related injuries.

Nor can FDA require products be tested for safety or the results of safety testing be made available to the FDA or the public. It has no legal access to manufacturers' records. Nor can it require a product recall—cosmetic recalls are voluntary.

The basic Federal law regulating cosmetics has not been amended since 1938.

A 1978 General Accounting Office (GAO) study found that more than 125 cosmetic ingredients were suspected of causing cancer. Twenty ingredients were believed to cause central nervous system disorders, ranging from headaches and drowsiness to convulsions. Twenty-five were believed to cause birth defects. The industry adds approximately 1,000 new chemicals annually, with no requirement to show that these chemicals are safe.

The GAO concluded that "cosmetics are being marketed in the United States which may pose a serious hazard to the public" and recommended that additional Federal authorities be granted to FDA to protect the public.

S. 830 AND STATE PREEMPTION

There is no public record, hearings, testimony, studies or otherwise, from the 104th or 105th Congresses which substantively addresses the issue of cosmetic preemption.

The cosmetics preemption provision was not in the Chairman's original mark, nor was it subject to hearings.

States will be completely barred from regulating cosmetic labeling and packaging under S. 830. States will also be barred from establishing any requirements for communicating the safety and effectiveness of a drug or cosmetic to the public.

States will also be barred from other forms of safety regulation if the Federal government has acted in that area, even if the Federal regulation is outdated, narrow, or vague.

The industry cannot cite one example of a burdensome state regulation that this law preempts.

OTHERS OPPOSED TO S. 830 PREEMPTION PROVISION

The Administration position states, "if the bill were maintained in its present form, and the outstanding issues were not addressed, I would be forced to recommend to the President that he veto this legislation."

A broad coalition of state officials, women's organizations, environmental advocates, and others concerned about public health opposes this provision (see attached letters).

EXAMPLES OF COSMETIC INJURIES

A six-year-old girl in Oakland, California had her mother apply a hair product to her head, which resulted in second degree burns to the child's ears and neck.

A 59-year-old California woman almost died from an allergic reaction to hair dye.

A 47-year-old woman had her cornea destroyed by a mascara wand.

Still another woman's hair caught fire as the result of an inflammable hair treatment gel.

In fact, a carefully controlled three month study found that one in 60 users of cosmetics experienced adverse reactions.

DANGERS OF WIDELY USED PRODUCTS

The attached fact sheets highlight possible dangers from three widely used cosmetic products: skin creams containing alpha-hydroxy products—skin irritation and burns, long-term risk of skin cancer associated with greater sun sensitivity; feminine hygiene products—pelvic inflammatory disease, ectopic pregnancy, and infertility; and talc and talcum powder—ovarian cancer.

INTERNATIONAL STANDARDS

The European Union requires full ingredient listing on packaging, documentary proof of good manufacturing practice and similar proof that extensive testing has been carried out.

FACT SHEET: HAZARDS OF SKIN CARE PRODUCTS CONTAINING ALPHA-HYDROXY

WHAT ARE ALPHA-HYDROXY ACIDS?

Alpha-hydroxy acids are naturally occurring acids that have recently been included in skin care products. Alpha-hydroxy products promise to erase wrinkles and acne, restore skin elasticity and firmness, and produce younger-looking, smoother skin. They are used both in skin creams intended for daily use and "skin peels" that are sometimes described as chemical face lifts.

Products containing alpha-hydroxy acids working by penetrating the upper-layer of skin, breaking apart the bonds that hold the skin cells together. The skin then sloughs off these cells.

Alpha-hydroxy products include Avon Anew Face Cream, Ponds' Age Defying Complex, Alpha Hydrox Face Cream, Murad, and MDForte.

Products containing alpha-hydroxy acids are among the hottest-selling cosmetics, used by millions of women, with sales of roughly a billion dollars a year.

WHAT ARE THE CONCERNS ABOUT COSMETICS CONTAINING ALPHA-HYDROXY ACIDS?

There is very little data on the effects of alpha-hydroxy acids. Researchers suggest that they can cause skin irritation and increased sensitivity to UV radiation, with the potential for increasing risk of skin cancer. There have been no long-term studies of the safety of the product.

FDA reported that between 1989 and 1996, there were likely "many thousands" of complaints associated with alpha-hydroxy acids, including "severe redness, swelling (especially in the area of the eyes), burning, blistering, bleeding, rash, itching, and skin discoloration. Many of the products involved are the lower concentration, mass market products." (February 23, 1996 letter from Dr. John E. Bailey (Acting Director, Office of Cosmetics and Colors, FDA) to Dr. F. Alan Andersen (Scientific Coordinator and Director, Cosmetic Ingredient Review). At least one major manufacturer has discontinued one of its alpha-hydroxy products because of the high volume of complaints.

In fact, FDA was sufficiently concerned about alpha-hydroxy acids that it designated them as their highest priority for review by the National Toxicology Program—a rare occurrence for a cosmetic.

A June 1997 report sponsored by the cosmetics industry found that more study is needed to determine if the use of alpha-hydroxy acids to remove the epidermis causes the skin to be more UV sensitive and increasingly susceptible to skin cancer. In the meantime, the report noted that "some steps should be taken to minimize the potential that use of alpha-hydroxy acid ingredients would result in increased sun sensitivity. Accordingly, the Expert Panel admonished producers of leave-on cosmetics containing alpha-hydroxy acid ingredients to either formulate to avoid increasing sun sensitivity or to provide directions for use that include the daily use of sun protection." (Final Report: June 6, 1997, Cosmetic Ingredient Review, pg. 131). The report also made safety recommendations regarding maximum acceptable levels for alpha-hydroxy acids in both products for daily use and products used for skin peels by cosmeticians or health professionals.

There are no binding requirements assuring that manufacturers abide by the safety recommendations of the advisory committee with regard to tolerance levels or provide any safety information on the product. Manufacturers' packaging typically includes no warnings on the need to use sunscreen in conjunction with use of the product, no warning on the potential danger of skin cancer from use of the product, no information on risks of skin damage or irritation. Nor are the manufacturers required to list on the package the concentration of alpha-hydroxy acids in the product, or inform users if the other ingredients strengthen or weaken its effectiveness.

Under S. 830, States would be prohibited from requiring warning labels or other consumer information about alpha-hydroxy acids.

FACT SHEET: ADVERSE HEALTH EFFECTS OF FEMININE HYGIENE PRODUCTS

Over one third of all women regularly use feminine hygiene products—generating roughly $100 million a year in sales.

These products have been shown to cause upper reproductive tract infections, pelvic inflammatory disease, ectopic pregnancies and infertility in women.[1]

Analyses has shown that use of these products increased the overall risk of pelvic inflammatory disease by 73% and the risk of ectopic pregnancy by 76%.[2]

The current literature also suggests an increased risk in cervical cancer.[3]

Researchers at University of Washington, Brigham and Women's Hospital, Harvard Medical School, Mount Sinai School of Medicine and Centers for Disease Control and Prevention have all published data regarding the adverse effects of feminine hygiene products.[4]

The National Women's Health Network testified that the FDA needs to do more to educate women and recommended that feminine hygiene product labeling information on their severe adverse effects.[5]

Under S. 830, States would be prohibited from requiring warning labels or other consumer information on feminine hygiene products.

FOOTNOTES

[1] J Zhang, AG Thomas, and E Leybovich. "Vaginal douching and adverse health effects: a meta-analysis." *American Journal of Public Health*. 1997 Jul; 87(7): 1207-1211.

[2] Ibid.

[3] Gardner JW, KL Shuman, ML Slattery, JS Sanborn, TM Abbott, and JC Overall Jr. "Is vaginal douching related to cervical carcinoma?" *American Journal of Epidemiology*. 1991 Feb; 133(4): 368-375.

[4] Baird DD, CR Weinberg, LF Voight and JR Daling. "Vaginal douching and reduced fertility"

American Journal of Public Health 1996 June: 86(6):844–850. Kendrick JS, HK Atrash, LT Strauss, PM Garguiullo and YW Ahn. "Vaginal Douching and the risk of ectopic pregnancy among black women." *American Journal of Obstetrics and Gynecology*. 1997 May; 176(5):991–997. Onderdonk AB, ML Delaney, PL Hinkson and Am DuBois. "Quantitative and qualitative effects of douche preparations on vaginal microflora." *Obstetrics and Gynecology*. 1992 Sept; 803 Pt 1):333–8.; Phillips RS, RE Tuomala, PJ Feldblum, J Schachter, MJ Rosenberg, and MD Aronson, "The effects of cigarette smoking, Chlamydia trachomatis infection, and vaginal douching on ectopic pregnancy." *Obstetrics and Gynecology*. 1992 Jan; 79(1): 85–90, and Zhang J, p 1207–1211.

5. Cox, Lisa. National Women's Health Network testimony before FDA Nonprescription Drugs Advisory Committee hearing, 15 Apr 1997.

FACT SHEET: TALC MAY POSE A RISK OF OVARIAN CANCER

Talc, or talcum powder, is widely used in popular bath and cosmetic products, and is applied directly to the body, typically after bathing. Common products with talc include baby powders and sanitary napkins.

A relationship between talc exposure and ovarian cancer has been investigated by a number of prominent epidemiologists and physicians for years.

A recent study by the Yale School of Public Health confirmed that talc exposure may lead to an increased risk of developing ovarian cancer.

Dr. Harvey Risch in the Yale study, states that, "Several lines of evidence support the argument for an association between talc usage and ovarian carcinoma."[2]

In the United States, approximately 26,000 women develop ovarian cancer annually.[3]

Due to its chemical similarity to asbestos, talc has long been suspected as a lung and ovarian carcinogen.[4]

A technique used to extract ovarian tumor material found talc particles in approximately 75% of ovarian tumors examined. Subsequent evaluations have appeared to support the contention of an association between talc exposure and ovarian carcinoma.[5]

The Cancer Prevention Coalition has submitted a citizen's petition to FDA expressing their concern about the possible health risks posed by talc and requested the agency establish regulations to require carcinogen warning labels on cosmetics containing talc as an ingredient.

Under S. 830, States would be prohibited from requiring warning labels or other consumer information about the possible hazards of talc.

FOOTNOTES

1. Chang, Stella and Risch, Harvey. "Perineal Talc Exposure and Risk of Ovarian Carcinoma," *Cancer*. Vol. 79, No. 12, June 15, 1997.

2. Ibid.

3. Ibid.

4. Herbst AL. "The Epidemiology of Ovarian Carcinoma and the Current Status of Tumor Markers to Detect Disease," *American Journal of Obstetrics and Gynecology*. Vol. 170, 1994.

5. Hederson, WJ, et al. "Talc and Carcinoma of the Ovary and Cervix," *Journal of Obstetrics and Gynecology for the British Commonwealth*. Vol. 78, 1971.

Mr. KENNEDY. Mr. President, a critical point is that an industry-appointed panel itself set out safety tolerance levels for use of the product with regard to short-term effects and warned that the product should not be used without sunscreen. Yet, there is absolutely no binding requirement that manufacturers follow these recommendations—and virtually none of the products carry the information or warnings developed by the industry's own committee that would enable consumers to help protect their own safety. And, in point of fact, there has been no truly independent evaluation of the work of the industry panel. In fact, the FDA is so concerned about the safety of alpha-hydroxy acid that it has chosen it has its top priority for review by the prestigious National Toxicology Program.

A second example is feminine hygiene products, which have sales of $100 million a year. More than one-third of women use them—but they pose serious health hazards. They have been shown to cause upper reproductive tract infections, pelvic inflammatory disease, ectopic pregnancies, and infertility. They may place women at additional hazard for cervical cancer. Women using these products should have the right to warning labels informing them of these hazards. But the FDA has done little to protect or warn women against these dangers.

There are a substantial number of studies on the safety of these products. The evidence that they are dangerous seems incontrovertible—but this legislation would prevent States from acting to simply warn women of the dangers. How outrageous it is that women should face illness and sterility without being warned of the danger of a seemingly harmless and beneficial product.

A third example is talc, or talcum powder is widely used in popular bath and cosmetic products. But it is chemically similar to asbestos, and it has long been suspected of causing cancer. A number of studies have suggested the possibility of a link to ovarian cancer, which afflicts 26,000 women annually—but there are no warning labels on these products. American women deserve better protection from their Government.

These three issues have been carefully analyzed by Dr. David Wallinga, a physician and the senior scientist at the Natural Resources Defense Council. He points out the dangers of each of these three products based on studies in prestigious medical journals from researchers at institutions like Yale and the Mount Sinai Hospital in New York. I ask unanimous consent to enter his comments in the RECORD, along with the articles analyzing these issues.

Federal oversight of this $20 billion industry today is extremely limited. The basic Federal law regulating cosmetics has not been updated since 1938. The FDA has less than 30 employees overseeing this huge industry—and only two employees dealing with the critical issues of packaging, labeling, and consumer warnings. The FDA has no authority to require manufacturers to register their plants and products. It cannot require manufacturers to file data on the ingredients in their products. It cannot compel manufacturers to file reports on cosmetic-related injuries. It cannot require that products be tested for safety or that the results of safety testing be made available to the agency. It does not have the right of access to manufacturers' records. It cannot require recall of a product.

In the Federal Food, Drug and Cosmetic Act there are 126 pages devoted to the regulation of drugs and devices; 55 pages are devoted to foods regulation. A full eight pages of the act is dedicated to definitions. But less than two pages are devoted to cosmetic regulation.

In 1938, there was no requirement that industry show safety of drugs, medical devices, food additives, or cosmetics before they were marketed. Today, the public demands higher standards of protection, and they have been established for drugs, for medical devices, and for food additives—but not for cosmetics.

The agreement we have reached today is a highly reasonable one. I especially commend Senator GREGG for his hard work to make it a reality. But the fact is that neither the FDA and the States are doing enough to protect women from these dangers. This is an issue that deserves a higher priority, and I intend to do all I can to see that it gets it.

There are important remaining issues in this legislation, and I hope that with the same hard work and spirit of accommodation we can reach agreement on these issues before we return to consideration of this legislation on Tuesday.

Two changes in the regulation of devices in particular put consumers at unacceptable and unnecessary risk. They should be removed in this bill before it goes forward—and the administration has made it clear that they put the whole bill at risk of a veto.

A great deal of negotiation has taken place on the medical device provisions of this bill, and I compliment Senator JEFFORDS, Senator COATS, and my other colleagues on the committee for resolving most of the device provisions in a way that is consistent with protection of the public health. But there are at least two medical device provisions in the bill which still raise substantial concerns. They could be corrected very simply and with negligible effect to the basic purpose and intent of this bill. Yet these corrections have not been made and my colleagues deserve a clear description of the hazards they pose.

A brief explanation of how the FDA regulates and clears medical devices for marketing may first be in order. Under current law, manufacturers of new class I and class II devices can get their products onto the market by showing that they are substantially equivalent to devices already on the market. For example, the manufacturer of a new laser can get that laser onto the market if it can show FDA that the laser is substantially equivalent to a laser that is already on the market.

Similarly, the manufacturer of a new biopsy needle can get that biopsy needle onto the market by showing that it is substantially equivalent to a biopsy needle already on the market. And the manufacturer of new patient examination gloves can get those gloves onto the market by showing that they are substantially equivalent to patent gloves already on the market.

Mr. President, these manufacturers are obliged to demonstrate substantial equivalence to the FDA by showing that the new product has the same intended use as the old product and that the new product has the same technological characteristics as the old product. If the new product has different technological characteristics, these characteristics must not raise new types of safety and effectiveness questions in order for the product to still be substantially equivalent to the older product.

The logic of this process for bringing medical devices onto market is quite simple: if a product is very much like an existing product, it can get to market quickly. If it raises new safety or effectiveness questions, those questions should be answered before the product can be marketed.

This process for getting new medical devices on the market, commonly known as the 510(k) process, is considered by most to be the easier route to the market. Devices that are not substantially equivalent to a class I or class II device already on the market must go through a full premarket review. Thus, device manufacturers have an incentive to get new products on the market through the 510(k) process. And in fact, well over 90 percent of all new devices get on the market through the submission of a 510(k) application.

This legislation seriously compromises the FDA's ability to protect the public health through its regulation of medical devices that are marketed through the 510(k) process. Of the dozens of provisions that we have negotiated and discussed which affect medical devices in this bill, these two still raise fundamental public health problems. Although few in number, these provisions raise substantial risks to the public health which simply cannot be ignored.

The first problem raised by this bill relating to medical devices is its prohibition on the FDA from considering how a new device will be used if the manufacturer has not included that use in its proposed labeling.

You may think that this approach makes sense—why should the Agency consider the use of a device if the manufacturer has not specified that use on the label? I'll tell you why—because that proposed label may be false or misleading. How would the FDA know that? Because the design of the new device may make it perfectly clear that the new device is intended for a different use.

Let me provide my colleagues with a few examples. Let's talk about the biopsy needle I mentioned before, which is used on breast lesions. Most biopsy needles for breast lesions currently on the market take a tissue sample that is about the size of the tip of pencil lead. Let's assume the manufacturer of a new biopsy needle comes to the FDA with a 510(k) submission. But this new biopsy needle takes a tissue sample that is 50 times as big—the size of a 1-inch piece of a hot dog.

The manufacturer of this new needle has proposed labeling that says that the needle will be used like the old, marketed needles to biopsy breast lesions. But FDA knows that the chunk of tissue being biopsied will usually exceed the size of the lesion. This makes it clear to FDA—and to any impartial observer—that the new needle will in most cases be used to remove the lesion.

Under these circumstances the FDA should be able to ask the manufacturer to provide information on this new use. Is it safe to remove lesions? Does it really work? The bill, however, categorically bars FDA from asking these essential questions. This means that the FDA would be unable to make a complete review of the device and the public would be deprived of existing assurances that devices are truly safe and effective.

The proponents of this provision have argued that the FDA could simply say that the change in device design or technology—such as the change in size of the biopsy needle—renders the new product unequivalent to the old product. But that is not always true. The manufacturer could argue that there are no new questions of safety or effectiveness for the purpose claimed on the label. In the case of the biopsy needle, Mr. President, there are times where a large sample is needed—a sample larger than a pencil tip.

So long as the larger needle is safe and effective for removing a sample, FDA would still be barred from obtaining data about the new use of removing lesions—and to the extent the needle is used for the new use, women could be put at risk for an effective or unsafe treatment of breast cancer.

Another good example is surgical lasers. Lasers have been used for decades to remove tissue. Several years ago, a manufacturer added a side-firing mechanism to their laser to improve its use in prostate patients. While the manufacturer did not include this specific use in its proposed labeling, it was transparently clear that the new side-firing design was intended solely for this purpose of treating prostate patients.

As a result, FDA required the manufacturer to submit data demonstrating the laser's safety and effectiveness in treating prostate patients. This is precisely how the device review process should work. Manufacturers must prove their devices live up to their claims, while patients and doctors receive all of the information needed to make the best possible treatment choices.

But under this bill, FDA would be prohibited from getting adequate safety data on the laser's use on prostate patients—even though that would be the product's primary use. This defies common sense yet this is the result of one troubling and indefensible provision.

Other examples in the way that this provision could allow unsafe and ineffective devices abound. A stent designed to open the bile duct for gallstones could be modified in a way that clearly was designed to make it a treatment for blockages of the carotid artery.

Without adequate testing, it could put patients at risk of stroke or death. But under this bill, the FDA would be prohibited from looking behind the label to the actual intended use of the device. A laser to use to excise warts could have its power raised so that it was also possible to use it in smoothing facial wrinkles. But without FDA's ability to assure adequate testing, the use of the laser for this purpose could lead to irreversible scarring.

Most companies, of course, will not try to bypass the process in this way. But some bad actors will. And this legislation should not force the FDA to fight those bad actors with one hand tied behind it. This provision is like asking a policeman to accept a known armed robber's assurance that the only reason he is wearing a mask and carrying a gun is that he is going to a costume party.

The second way this bill undercuts the FDA's ability to protect the public health and adequately regulate medical devices is the way it forces the FDA to clear a new device for marketing even if the Agency knows that the manufacturer cannot manufacture a safe device.

Let me repeat that statement. It sounds frankly preposterous but it is true. One of the bill's provisions actually requires the FDA to allow a new device onto the market even if the manufacturer is producing defective devices. Surprisingly, the proponents of this provision freely admit that this is true.

Under current law, let's assume that a maker of new examination gloves submits a 510(k) to the FDA and claims that the new gloves are substantially equivalent to gloves already on the market. If the FDA knows for a fact from its inspectors that the company uses a manufacturing process that often results in these gloves having holes, FDA would simply not clear the gloves for marketing. FDA would find that these gloves are not substantially equivalent to gloves on the market because gloves on the market don't have holes. That's common sense, and fortunately, that's also the law.

In contrast, this bill would force FDA to clear the gloves for marketing. At this point, these defective gloves would be sold to hospitals, clinics, and HMO's, where they will be used routinely by doctors, nurses, paramedics, and other health professionals every single day. Every single glove would expose these professionals needlessly to the risk of fatal blood-borne diseases like AIDS and hepatitis.

Here is the response of the provision's supporters. They argue that once these defective gloves are in the market and being used by health professionals, FDA can simply institute an enforcement action to remove them from the market. But when hundreds or thousands of defective devices have been distributed, and when dozens or hundreds of facilities may be using these devices, an enforcement action entails far more than blowing a whistle or picking up the phone to place a simple call.

In reality, the FDA must coordinate with the U.S. Attorney's office, the U.S. Marshal's Service and persuade the court of jurisdiction to issue the appropriate papers. As any attorney or law enforcement professional can tell you that this takes precious time. And in the case of a defective device which is exposing people to unnecessary risks, time is absolutely critical. The sooner a defective glove is pulled from the market, the sooner the public is protected.

But all this makes absolutely no sense when the FDA today can prevent this situation from ever arising. If this provision becomes law, the debater's point distinguishing between different forms of FDA authority will ultimately be paid for in the health and safety of American consumers placed at needless risk of death and injury. In fact, even the regulated industry is willing to compromise on this provision, because they recognize that it is so unreasonable.

So I hope we can continue to work to compromise these important devices issues over the weekend. We have been successful on so many other issues in this bill. These should be resolvable as well.

The last unacceptable element of this bill is an assault on basic environmental protections contained in the National Environmental Protection Act. The National Environmental Protection Act of 1969 is a key Federal environmental statute which regulates the Government's own actions through environmental impact statements. Under NEPA, Federal agencies must undertake a comprehensive environmental planning process for every major action they take. This law is a crucial statutory assurance that the work of the Government and the actions of regulated industries are consistent with the guiding principle of environmental protection.

Section 602 of the bill broadly exempts the FDA's activities from environmental impact assessments under NEPA. In fact, the provision even precludes the FDA from taking environmental considerations into account in its work. The administration unequivocally opposes this provision. This week, I spoke with the Vice President, who expressed his serious personal concerns about this provision. In just a few sentences, this bill opens the door to weakening our environmental protections and lays a welcome mat down for future exemptions and future attacks on an effective and essential environmental statute.

This is a terrible precedent, but it also directly affects the environment. The FDA regulates products which constitute a quarter of our gross domestic product. When it makes decisions on food containers, or manufacturing plant approvals, or handling and disposal of medical supplies, it can have an immense impact on the environment.

Ironically, this antienvironmental extremism is not even demanded by the regulated industry, which regards the reforms of the NEPA process recently announced by the Clinton administration as fair and balanced.

We all agree on the importance of FDA reform. The reauthorization of the Prescription Drug User Fee Program is tremendously important to assure that the FDA will have adequate resources to review new drugs and biological products quickly and effectively. This legislation contains many significant reforms that can streamline the regulatory process and codify improvements that FDA has already taken administratively. I compliment Senator JEFFORDS, the chairman of our committee, and many other colleagues who have worked hard on this bill and have been willing to work together to eliminate many other troublesome provisions in the bill as originally introduced. Let us now move to complete this work by fixing the remaining contentious issues included in this legislation.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, this legislation is the result of a well-considered process to consult with all points of view and to benefit from the expertise needed to craft legislation on this complex matter. The substitute before us today stands on the shoulders of four hearings and a committee markup of a comprehensive Food and Drug Administration reform bill in the 104th Congress.

This year we held two more hearings, taking testimony from Food and Drug Administration, industry experts, physicians, and consumer groups—and I emphasize "and consumer groups." Staff held dozens of meetings with Food and Drug Administration, experts and patient groups, discussing in detail every issue of this bill. The negotiation process with Food and Drug Administration, and the minority started in the drafting phase of the bill and continued up to and right through the markup, and has continued right up to this moment. This has been a process marked by openness and consultation.

The philosophy of this bill is to codify recent efforts of the self-reform of the Food and Drug Administration, and a great deal of that is self-reform which we are codifying, and to provide the Food and Drug Administration with the tools to do even better in certain areas.

We recognize that Congress cannot micromanage an agency like the Food and Drug Administration, nor do we want to. But we must set realistic performance goals to ensure the public is protected and well served and that the industry is fairly treated. In an era of flat or declining resources, we must give the Food and Drug Administration the management tools it needs to manage an increasing workload without the expectation of ever-increasing appropriations to assist them.

The first title of S. 830 establishes in statute that the mission of the Food and Drug Administration is to protect the public health, promptly and efficiently review clinical research, and take appropriate action on the marketing of regulated products in a manner that does not unduly impede innovation or product availability.

From the 1906 Food and Drugs Act through the 1990 Safe Medical Devices Act, food and drug law has emphasized the duty of the Food and Drug Administration is to protect the public against unsafe or ineffective products. This legislation, as reflected in the mission statement, strengthens protection of the public from unsafe or ineffective products and provides a better balance in the law by ensuring timely access to safe and effective products. It is simple: Safe and effective products can be made available more quickly—and they should be. That is what this bill does.

The legislation reauthorizes the Prescription Drug User Fee Act of 1992, commonly referred to as PDUFA, to allow the continued collection of user fees from prescription drug manufacturers for 5 additional years. PDUFA I represented a consensus among the Food and Drug Administration, the prescription drug industry, and Congress that the industry would pay user fees to augment the resources of the Food and Drug Administration devoted to the review of human drug applications. PDUFA I has succeeded in substantially reducing review times for human drug applications, bringing those drugs to the market sooner than before.

At some point in the debate I would like to engage a colloquy with Senator MIKULSKI, a cosponsor of S. 830, to discuss the importance of the performance enhancements that PDUFA will bring to the drug review process. We have all benefited from Senator MIKULSKI's determination to bring the Food and Drug Administration into the 21st century for the benefit of her own constituents who work at the FDA, for the betterment of the burgeoning biotechnology sector in Maryland, and for the parties throughout America who are served by the technologies developed by those companies.

Title VII of S. 830, or PDUFA II, would build on the original legislation by codifying new commitments from FDA to implement more ambitious and comprehensive improvements in the regulatory process. PDUFA I focused on reducing the length of time taken by FDA in reviewing an application. The committee commends FDA for successfully meeting, and at times exceeding, the performance goals established at PDUFA I. However, while review times for submitted applications have improved, the period of time taken to get the drug through the drug development phase has recently increased from 5 to 7 years. Appropriately, PDUFA II will focus on shortening overall development time.

It will streamline interaction with the FDA during the highly regulated drug development phase and also establish new performance levels and procedures for FDA that are designed to reduce the time required to show that a drug is ready for FDA review.

The bill provides improved access to new treatments and important information needed by patients. Section 102 establishes a statutory right for any person, acting through a physician, to request an investigational drug, biological product, or device for diagnosis of a serious disease or condition. This provision builds upon current FDA programs that have proved so successful for aids and cancer drugs, and this is an area that is critical to all of us.

This section of the bill includes modifications urged by the FDA and patient groups, that codify important patient protections. These provide patient access under their physician's supervision, to unapproved therapies, under the existing emergency use, and investigational device and drug treatment exemption programs.

Another important provision advocated by the patient groups as one of their top priorities is section 808, which establishes a registry of clinical trials, both publicly or privately funded, of experimental drugs and biological or serious life-threatening medical conditions.

Registry information must be understandable to the general public and include the purpose of experimental protocol, trial eligibility criteria, and sites and contact points for people wishing to enroll in a clinical trial. It is critical that those people who are suffering from the diseases of this nature be able to find out how they can get involved and be able to take part in a program which is designed to bring them back to health. Patients, health care providers, researchers, and the public would access the registry through toll-free telephone communications and other informational systems. This provision was included in the bill as an amendment offered by Senator DODD, based on legislation introduced by Senator SNOWE and Senator FEINSTEIN. We are all grateful for their leadership in this area. I should add that Senator DODD, who is a cosponsor of S. 830, must be recognized for his early and unflagging support for enacting broad-based reform this year. He has worked incredibly hard and has been one of the most steadfast leaders in bringing forth a bipartisan bill.

Yet another provision designed to speed new drugs to patients who need them is section 613. The FDA currently has a number of mechanisms aimed at streamlining the development and approval process for new therapies for serious and life-threatening conditions. Section 613 establishes a statutory mechanism for identifying breakthrough drugs early in the product development phase. It provides sponsors of such drugs a reasonable opportunity for early interaction with the agency to further help streamline the development and approval process for such drugs.

This provision is intended to clarify and to coordinate some of FDA's mechanisms for new drugs and biological products that are intended for the treatment of serious and life-threatening conditions and that demonstrate the potential to address unmet medical needs for such conditions. It defines and clarifies a process pursuant to which sponsors of these drugs may interact with the FDA, and includes provisions that will ensure that these processes are well known and well understood.

I want to mention other changes made in the substitute that have been the subject of discussion between the committee markup and floor consideration.

I want to make sure that everyone has an opportunity to know what we will be voting on and that they will have an opportunity to review this and, hopefully, fully understand it. Certainly, my staff, and I am sure Senator KENNEDY's staff is available to enlighten them if they have questions. I urge all members to take a look at the bill that is now before the Senate.

The third-party review provision has undergone substantial revision since its was first debated in the 104th Congress. This provision has been developed under the leadership of Senator COATS, who has played an important role in advancing FDA modernization throughout this process. This year, he has played a special role in the development of S. 830 from its inception and provided wise counsel on how to achieve the best possible reform at the FDA. The third-party review pilot in this bill moves important expansion to the current FDA third-party review program for medical devices.

I should mention that two amendments to the provision on third-party review for medical devices offered by Senator HARKIN in committee, which were not agreed to, did form the basis for subsequent compromise reflected in the substitute now before the Senate. To meet the Senator's concerns and the concerns of others, the bill sponsors have agreed to statutory language establishing the right of FDA to review records related to compensation arrangements, and excluding from third-party review class III products, products that are implanted for more than 1 year, products that are life sustaining or life supporting, and products that are of substantial importance in the prevention of impairment to human health.

This was an important provision which brought peace of mind to many and allowed us to come forward with the bill in the form we have now. These changes in scope and the additional safeguards to protect against conflict of interest broaden public confidence in this pilot and provide FDA with a needed tool to manage an increasing workload of medical device reviews.

Two other critical provisions to improve the medical device review program will make the review process more efficient and collaborative for high-technology products—those which offer the greatest benefit for patients and which also experience the longest review times at FDA. Senator WELLSTONE is the sponsor of legislation to reform the medical device approval process that includes these two provisions and others in S. 830, and I applaud his leadership on these issues. Section 301 creates the opportunity for a manufacturer to meet with FDA to establish the type of scientific evidence necessary to demonstrate effectiveness for a device. FDA had earlier concerns about binding determinations of device data requirements needed to show efficacy. In response to the FDA, the provision has been modified to ensure that the agency will receive sufficient information to make such a determination and is provided authority to modify the determination where appropriate.

Manufacturers should not have to spend months wondering if their application is still on track in the review process. Section 302 requires the agency to meet with manufacturers 100 days after a premarket approval application is submitted to discuss deficiencies and any additional information required for approval. This provision, too, was modified to address FDA's concerns that the agency only be required to identify deficiencies known at the time of the 100-day meetings. And FDA would only be required to identify information needed to correct those deficiencies.

In recognition that the mandatory postmarket surveillance authority established in the 1990 Safe Medical Devices Act was overbroad and inconsistently applied, S. 830 made the current mandatory postmarketing surveillance discretionary and limited surveillance to a 24-month period, unless FDA showed that longer time is needed to track device after marketing.

Concerns of the FDA and patient group are further addressed in the substitute by striking the portions of the provision establishing new duration and scope limitations on postmarket surveillance—under the agreement the only change to the existing surveillance authority is to make it discretionary, allowing FDA the flexibility to impose surveillance requirements as appropriate without leaving itself or companies in technical violation of the law.

Another area of disagreement prior to markup was the manner in which S. 830 proposed to handle certain types of manufacturing changes for medical devices. Senate bill 830 proposed to allow these changes to proceed on the basis of a notification rather than a full supplemental application.

The substitute modifies the provision in the manufacturing changes section so that FDA may in some cases still require the submission of a supplement for a manufacturing change, and such supplement must be approved prior to implementation of the change. These manufacturing change supplements shall be reviewed in 135 days. This compromise will still allow many, if not most, manufacturing changes to proceed under a streamlined process.

Senator GREGG, who worked very, very hard on this bill, has been certainly one of those who deserves a great deal of credit for bringing it to the body in the form it is in, which I believe is most satisfactory. He is to be also commended for his proposals to streamline the FDA process for the consideration of health claims based on Federal research and his amendments to establish uniformity for over-the-counter [OTC] drugs and cosmetics.

He has modified this provision to exempt California's proposition 65 and allow States to regulate cosmetic labeling and packaging issues where FDA has not acted. Senate bill 830 authorizes truthful, nonmisleading health claims for food products that are based on published authoritative statements of scientific bodies of the U.S. Government such as the National Institutes of Health. FDA expressed concern regarding the length of time the agency had to assess these proposed claims and the mechanism by which they might prevent a particular claim from going forward. Agreement with FDA was reached on the basis that FDA is given 30 additional days to review a health claim under the provision, for a total of 120 days to review a health claim. FDA is able to prevent the claim from being used in the marketplace by issuing an interim final regulation. FDA may also block a claim from going forward, if the conditions established under the provision governing claims are not met. Again, I thank the Senator for his excellent work in crafting this provision and reaching agreement with the FDA.

The committee adopted an amendment by Senator FRIST which conforms the statute with FDA's current practice and today's science with regard to the quality of data required to show drug efficacy. I am especially grateful to Dr. FRIST, a cosponsor of the S. 830, whose medical expertise has lent credibility to the decisions we have made in the complex area of medical technology regulation.

Senator DEWINE, joined by Senator DODD, offered an important amendment to establish incentives for the conduct of research into pediatric uses for existing and new drugs.

The bill was improved by Senator HUTCHINSON's amendment, to establish a rational framework for pharmacy compounding, which respects the State regulation of pharmacy while allowing an appropriate role for FDA. I look forward to participating in a colloquy with the Senator and the ranking minority member on this topic.

The ranking minority member, Senator KENNEDY, has played a vital role in bringing this compromise to the floor. In markup, he offered two important amendments adopted by the committee. One amendment, developed in consultation with Senator GREGG, improved a provision from last year's legislation governing the regulation of radiopharmaceuticals. The second improved the bill's provision setting forth a streamlined process for the review of supplemental applications for new uses of approved drugs.

I commend the Senator for his hard work and willingness to compromise on a number of issues which threatened to hold up proceeding on the bill. We reached agreement on the distribution of health care economic information. This data is the essential information ingredient in the drug selection process in the growing managed care sector of the health insurance marketplace. We agreed to require pharmaceutical companies to report annually on their efforts to comply with postapproval studies. This is essential information needed to provide the assurance that these studies will in fact be completed. Again, I thank the Senator for his willingness to work out these and other compromises.

Finally, I would like to comment on the involvement of patient and consumer groups: They testified at one of our committee hearings. Also, our staff met a dozen times with representatives of these groups to discuss their proposals, share our ideas and drafts, and debate policy issues. Representatives of these groups were in key meetings with industry, FDA, and bipartisan staff to discuss the resolution of issues they identified as critical—pharmacoeconomics and the requirement of drug companies to comply with post-approval, or phase four, study requirements are examples of where we relied heavily on their advice and were pleased to have their information.

The bill reflects changes to address their concerns: Companies must report on their compliance with phase four studies; FDA is given express authority to inspect compensation records of third-party reviewers; patients will have access to a registry of clinical trials information; and additional safeguards were built into the provision allowing expanded access to products under clinical investigation. It is clear that these groups have played an active and important role in drafting this bill.

Mr. President, I stand before the body today with a sense of relief because, for the first time, I feel we are really, without any further delays, coming toward completion. It is also still my purpose and my goal to ensure that all Members will still have an opportunity to express themselves, and that when we come back next time, I hope that we will have an agreement or unanimous consent that we can proceed without the necessity of invoking cloture, and have amendments established to be considered in reasonable lengths of time, so that this bill can move forward. Certainly, I ask those who are desiring to propose amendments, when we come back here next week, to get in touch with us today, tomorrow, and during the weekend and the first of the week so we can try to accommodate all Members who desire to have amendments that they desire to have expeditiously considered.

I urge all of the body to recognize that this is an important piece of legislation. It has to be acted upon yet by the House. They are anxiously awaiting us to move, so hopefully the bills can be as close together as possible, so that we can have the bill signed into law expeditiously, within a month.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I come to the floor to speak about S. 830, the FDA Modernization Reform Act of 1997.

I guess there are a couple of things I would like to say about this piece of legislation.

First of all, I would like to thank my colleagues who have worked very hard on this. Senator JEFFORDS, Senator KENNEDY, Senator COATS, Senator GREGG, Senator HARKIN, and many others as well.

I also would like to thank Linda Degutis, who is going to be on the floor with me who has been a fellow with our office. These fellow programs are wonderful programs. I think many of us are always looking for additional support and expertise. She has done a marvelous job.

This bill has traveled an interesting journey. It was in committee markup about maybe a year ago, or thereabouts. I voted against it then. That was a difficult vote for me because it never really came to the floor. But I said then that there was much in this bill that I approved. I wanted to see some changes. But I thought the bill went too far.

It was frustrating because on the medical device part of this bill our office had put much work into it. We spent about a year and a half, and I think other Senators know what this is like—writing a lot of the provisions. But I thought the legislation went too far.

There were a number of things in it that are technical sounding. I will not go into all of it. But it was an overreach. It went too far trying to privatize FDA. The one thing you don't want to do is throw the baby out with the bathwater. I really have to keep the consumer protection part. It is quite one thing to say that you want more predictability and more timeliness and more focus in the regulatory process. I am all for that. It is one thing to say that we have to get these products to the market in a timely fashion. I am all for that. But they have to be safe and effective.

Then we came back to committee. The second time around it was close again because there were some provisions in the bill that I did not agree with. I voted for it. I have tried to work real hard with lots of different people here. I don't think I need to talk about myself because that is not important. I think this has been a pretty darned important collaborative effort.

We are almost there. I thank Senator GREGG for his cooperation. I think the provisions dealing with cosmetics and preemption of State standards, which would have affected my State in a very negative way, was a mistake. I think that has been worked out. We still may have some work to do yet with NEPA in terms of how this affects environmental impact statements. I believe that will be worked out. There are a couple of other problems that I think we are working on right now.

But, Mr. President, let me just say that it is my belief that we can do better—that we can provide medical products to consumers in a more timely manner through the provisions in this bill while retaining significant consumer protection. It is my belief as a Senator that this legislation would improve the predictability and the timeliness and the focus of the regulatory process for medical products.

Mr. President, next week when we bring this bill up, I am going to talk about what all of this means in specifics because this has been about 2½ years of work for me as a Senator from Minnesota. But as long as we are just kind of setting the stage here, if you will, I think the mood here in the Senate is very positive.

I say to Senator JEFFORDS again, Senator JEFFORDS has done a really fine job of bringing people together. I actually think that we brought together not only Democrats and Republicans but others, a lot of people who have been involved with this. I will give full credit to a lot of the consumer organizations who have not agreed with everything in the bill, and they have been fighting hard and they continue to fight hard. They certainly have let me know when they have not agreed with positions I have taken, but they have done it with class, and they have been tough. They should be tough, and they should be critical. And they have been.

By the same token, I want to make it clear that I think the business community, the industry has been very responsible. At one point in time when the Congress first started talking about FDA reform, I think there were some—this now goes back probably 2 years or so—who really looked at this as an opportunity to privatize FDA, roll back the really important consumer protection provisions.

I think that is over. It is over for a lot of different reasons. It is over because I think people now in the Congress hopefully understand that people in the country are not interested in not having strong consumer protection. They view FDA as extremely important to them and the regulation that FDA does as being very important to their lives and to their children's lives.

I also think people have pulled back from that because the of industry—and I want to give a lot of credit to the industry. There are a lot of people in the industry—and I know more about the medical device industry—who have basically every step along the way made it clear that, no, this goes too far; we are willing to compete with the gold standard; we are just asking to get our products to the market in a more timely fashion, but we don't want to give any ground. These products have to be safe and effective.

To say that there ought to be more predictability, to say that when you have a protocol and you have waited for a year or you have waited more than a year and then all of a sudden you are told the protocol is no good, you had a right to learn about that earlier, you would like to at least have conversation with the agency, is very reasonable.

Now, we had some provisions in the bill, including when I voted for it in the committee, that I thought still needed to be worked on, changes needed to be made. Again, Senator JEFFORDS, Senator KENNEDY, and a number of people worked very hard and I think we have really worked very diligently, and a lot of those problems I think we have dealt with.

So what we have here, Mr. President, I think is an important piece of legislation. We will undoubtedly have that, when we bring this bill to the floor—I say to my colleague, Tuesday, probably, is that correct?

Mr. JEFFORDS. That is correct.

Mr. WELLSTONE. There will be discussion. Some of us are still working on improvements. But overall what this piece of legislation does, I will summarize—and I will talk about it in specifics later. I will talk about it in a fairly technical way next week. But if I had to summarize, I do believe now after tough negotiation, after a lot of people in the country being involved with this on all sides, after Democrats and Republicans I think pulled together on this, with Senator JEFFORDS—and I am not just saying this because he is in the Chamber—really providing key leadership, Senator KENNEDY being in there fighting, with Senator COATS as well, being willing to negotiate; I am proud of our office's roll and other people as well, what we have is a piece of legislation which says essentially, look, there will be more predictability, there will be more timeliness, more focus on FDA's regulatory action, we can get products to the market in a timely fashion, which is important to families and consumers, but we can do it in such a way that we do not sacrifice consumer protection.

We are almost there, and I think this is going to be a very important reform bill, and I am very proud to be a part of it.

I thank my colleague for his work.

Mr. JEFFORDS. Mr. President, I will yield on my time. I thank the Senator for all the work he has put into this bill. I know he is probably one of the strongest consumer advocates this Senate has ever seen. I would like to chat with the Senator just a bit because there is some concern of consumer advocates in my State who say how come we are getting all these editorials? And I would have to say in fairness to this committee they are based upon information which may have been true a month or 2 months or 3 months ago, but we have gone out of our way to put on the web pages—in fact, the most recent agreement which we have reached on cosmetics is now, or will be this afternoon, on the web pages so that all they have to do is tune in and they can see the exact wording.

So I urge those who are still nervous about what is in the bill to find out. It is available. In the modern age of being able to have information available, it is available instantly around the country. I hope that we would continue to work on the basis of what the bill is instead of what it used to be.

I acknowledge the Senator's contribution to this effort entirely. The Senator has been instrumental in proposing innovative ideas and finding solutions. He has done an outstanding job in helping myself and Senator KENNEDY bring this bill to where it is. The Senator is looked upon by many as a person they can trust to protect the interests of the consumer. So I thank the Senator for his very active participation in this bill.

Mr. WELLSTONE. Mr. President, I thank my colleague, and I think he is right about the time lag on information that has gotten to people. We have continued to be in tough negotiations and a good number of these problems have been resolved. I guess my style would be to say to the strong consumer organizations, keep on pushing hard to the very end. I think this is emerging as a real solid piece of work, and I am proud to be a part of it.

I thank the Senator very much for the very gracious remarks. Linda Degutis, again, I thank very much for her help. She has been helpful in this in a big way.

I thank the Chair.

Mr. DODD. Mr. President, I want to begin by thanking my colleagues for their overwhelming support last week for cloture on the motion to proceed with this bill. Some 89 Senators very loudly and very clearly told us last week that they were ready to move forward to reauthorize PDUFA and to begin debating the other critical reforms this bill contains.

There is no Federal agency with a more direct and significant impact on the lives of the American people than the Food and Drug Administration. The foods we serve our family, the medicines we take when we're sick, even the drugs we give our pets, are all approved and monitored by the FDA.

We must not lose the opportunity that we have before us now to enact legislation that ensures the FDA has the authorities it needs to bring safe and effective products to the American people quickly and efficiently.

I would like to again thank both Senator JEFFORDS and Senator KENNEDY for their perseverance on this issue. Time after time they have been willing to return to the bargaining table after many others would have just walked away. With open minds and in good faith, they've extensively negotiated this bill, line by line.

We have come to a point where issues on which Members were previously completely polarized—third party review of medical devices, off-label dissemination of information, health claims for food products, the number of clinical trials needed for drug approval, and just today national uniformity of cosmetics—we've now reached agreement.

I don't know that any of us would have thought unanimity possible on these provisions even 2 months ago—yet here we are with full agreement on all but a handful of issues.

I know we have a better bill for all of the arduous negotiations that have occurred.

Just as an example of how far we've come, let's talk about third party review of medical devices. The bill would expand the pilot program currently administered by the FDA.

This is a program, I should note, that is supported by the FDA as a way to make more efficient use of its resources.

In last years debate, which many of you will remember as being much more acrimonious, we were told this provision was a nonstarter, no room to compromise, subject closed.

This year, I am pleased to say, a spirit of bipartisanship and compromise prevailed. Senator HARKIN, Senator KENNEDY, and Senator COATS worked diligently to draft language that ensures that higher risk devices aren't inappropriately included in this pilot program and that strong conflict of interest protections are in place.

And just last night, again on an issue that appeared unresolvable—national uniformity for cosmetics, we have reached agreement. Senator GREGG has offered what I think is a very reasonable compromise. In the area of safety requirements, States can continue to regulate where the FDA has not acted.

Conflicting State requirements that could confuse consumers will be removed. But where the FDA has not chosen to act, where it does not have either the manpower or the authority to protect the public, States can contain to play their historic role in regulating cosmetics.

This is the kind of effort made over and over again on this bill—some 30 times just since markup 2 months ago we have made improvements to this bill. A great many of us take pride in the product that has been created—a bill that will speed lifesaving drugs and devices to patients and that clearly retains the FDA as the undisputed arbiter of the safety effectiveness of these products.

Mr. President, I would like to speak for a moment about some of the positive reforms contained in this bill.

At the heart of this bill is the 5-year reauthorization of PDUFA, the Prescription Drug User Fee Act—a piece of legislation remarkable for the fact that there is unanimous agreement that it really works.

PDUFA has set up a system of user fees which drug companies pay to the FDA. These fees have enabled the Agency to hire more staff. As a result, drug approval times have been cut almost in half, getting new and life-saving therapies to patients more quickly.

In addition, by improving the certainty and clarity of the product review process, S. 830 encourages U.S. companies to continue to develop and manufacture their products in the United States. The legislation emphasizes collaboration early on between the FDA and industry during the product development and product approval phases. This will prevent misunderstandings about Agency expectations and should result in even quicker development and approval times.

In addition, S. 830 establishes or expands upon several mechanisms to provide patients and other consumers with greater access to information and to life-saving products.

For example, S. 830 will give individuals with life-threatening illness greater access to information about the location of on-going clinical trials of drugs.

Based on a bill originally championed by Senators SNOWE and FEINSTEIN. I offered an amendment in committee, which I was pleased to see adopted, to expand an existing aids database to include trials for all serious or life-threatening diseases.

Experimental trials offer hope for patients who have not benefited from treatments currently on the market. Currently, patients' ability to access experimental treatments is dependent upon their spending large amounts of time and energy contacting individual drug manufacturers just to discover the existence of trials.

This is not a burden that we should place on individuals already struggling with chronic and debilitating diseases. This database will provide "one-stop-shopping" for patients seeking information on the location of and eligibility criteria for studies of promising treatments.

Mr. President, I am particularly pleased that this bill incorporates the Better Pharmaceuticals for Children Act, legislation originally introduced by our former colleague from Kansas, Senator Kassebaum, and now cosponsored by myself and Senator DEWINE, along with Senators KENNEDY, MIKULSKI, HUTCHINSON, COLLINS, and COCHRAN.

This provision addresses the problem of the lack of information about how drugs work on children, a problem that just last month President Clinton recognized publicly as a national crisis.

According to the American Academy of Pediatrics, only one-fifth of all drugs on the market have been tested for their safety and effectiveness in children. This legislation provides a fair and reasonable market incentive for drug companies to make the extra effort needed to test their products for use by children. It gives the Secretary of Health and Human Services the authority to request pediatric clinical trials for new drug applications and for drugs currently on the market. If the manufacturer successfully conducts the additional research, 6 extra months of market exclusivity would be given.

I recognize that there are few matters still unresolved on this bill despite the best efforts of all involved. And those we will need to simply address though the traditional process of holding votes on the issues.

One issue, which I plan to discuss further when we debate the bill on Tuesday involves section 404 of the bill, which relates to the FDA's review of medical devices. This provision, the so-called labeling claims provision clarifies current law by stating that when reviewing a device for approval, FDA should look at safety and efficacy issues raised by the use for which the product was developed and for which it will be marketed.

Again, this is current law. Unfortunately, in a few instances, the FDA has inappropriately expanded the scope of its review by requiring manufacturers to submit data on potential uses of product.

Some have raised concerns that under this provision a manufacturer could propose a very narrowly worded label for a device and that the FDA would be barred from asking for information on other obvious uses.

This is simply not the case. The FDA retains its current authority to not approve a device if based on a fair evaluation of all material facts, the labeling is false or misleading. Clearly, if a bad actor device manufacturer attempted to get a misleading label past the FDA, the Agency would have full authority to disapprove the product.

I was pleased to join Senator JEFFORDS as the first Democratic cosponsor of this bill. I would thank him again for the hard work and long hours that he and his staff, as well, as Senator KENNEDY, Senator MIKULSKI, Senator WELLSTONE, Senator COATS, Senator GREGG, and others, have contributed.

I look forward to further debate on and to joining my colleague next week in enacting this legislation.

Mr. JEFFORDS. Mr. President, I make a point of order that a quorum is not present and ask unanimous consent that it be evenly divided between the minority and majority.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. The minority representative and myself are sitting here. There is some time left. However, we also want to move the calendar forward as best we can. I just want to alert all Members, minority and majority, if we do not receive a communication from a Member or staff within 10 minutes, it is our intention to yield back the remainder of our time in order that we may move the process of the Senate forward. I just let everyone know that. We will be sitting here, awaiting the news.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, speaking on behalf of the leader, I ask unanimous consent that the cloture vote with respect to FDA occur at 10 a.m. on Tuesday, September 16, the mandatory quorum call under rule XXII be waived, and the time between 9:30 and 10 a.m. be equally divided for debate, prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Therefore, under rule XXII, all first-degree amendments must be filed at the desk by 1 p.m. on Monday, September 15. I ask unanimous consent that all second-degree amendments may be filed up to the time of the vote on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, at this time, and I have the permission of the minority, I will yield back the remainder of our time, both minority and majority time; and I so do.

The PRESIDING OFFICER. All time is yielded back.

Mr. JEFFORDS. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent that I be recognized for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN MEMORY OF MOTHER TERESA

Mr. INHOFE. Mr. President, Mother Teresa, truly a saint, died last week at age 87. I think we have all talked about her and the fact she dedicated her life to helping the poor and the sick, the dying around the world, particularly in India. But I remember so well a morning on February 3, 1994. It was a National Prayer Breakfast. We had invited Mother Teresa to come and be our speaker. She did not reject. She just said, well, if the Lord is willing, I will be there. And we said, do you think he will be willing? And she wasn't too sure.

Nonetheless, she did show up and we had an audience of 3,000 people in the hotel, including the President and his wife, and the Vice President and Mrs. Gore, and congressional leaders, people from all over the Hill and from all over America. Every State was represented, almost every country was represented, and, of course, in addition to that there was a television audience of millions.

Mother Teresa gave really an extraordinary speech. It was referred to by columnist Cal Thomas as "the most startling and bold proclamation of truth to power I have heard in my more than 30 professional years in Washington."

I think a lot of us know Peggy Noonan. She was the speech writer for Ronald Reagan. She called it "a breathtaking act of courage."

In describing it she said Mother Teresa was introduced and spoke of God and love and families. She said, "We must love one another and care for one another." And she described it that there were "great purrs of agreement" from the audience. And I remember that so well because I was one who was purring.

But the speech became more pointed at that moment.

Mother Teresa—and I am quoting now, Mr. President—said:

> I feel that the greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of the innocent child, murder by the mother herself. And if we accept that a mother can kill her own child, how can we tell people not to kill one another?

She said:

> By abortion, the mother does not learn to love but kills even her own child to solve her problems. And, by abortion, the father is told that he does not have to take any responsibility at all for the child he has brought into the world. That father is likely to put other women into the same trouble. So abortion just leads to more abortion.

Then she said:

> Any country that accepts abortion is not teaching its people to love, but to use any violence to get what they want. This is why the greatest destroyer of love and peace is abortion.

Mrs. Noonan described the scene:

> For about 1.3 seconds there was complete silence, then applause built up and swept across the room. But not everyone: the President and the First Lady, the Vice President and Mrs. Gore looked like seated statues at Madame Tussaud's, glistening in the lights and moving not a muscle.

I remember when Mother Teresa then looked over at President and Mrs. Clinton and she said:

> Please don't kill the child. I want the child. Please give me the child. I am willing to accept any child who would be aborted and to give that child a married couple who will love the child and be loved by the child.
>
> From here, a sign of care for the weakest of weak—the unborn child—must go out to the world. If you become a burning light of justice and peace in the world, then really you will be truest to what the founders of this country stood for.

Mr. President, we must revere Mother Teresa for what she was, the saint that she was, and we must remember her. But I think most of all we must listen to her. I repeat: "Any country that accepts abortion is not teaching its people to love but to use any violence to get what they want. This is why the greatest destroyer of love and peace is abortion."

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAST-TRACK TRADE AUTHORITY

Mr. DORGAN. Mr. President, the President has sent to the Congress a determination that he would like Congress to provide what is called fast-track trade authority with which he could negotiate additional and new trade agreements with other countries. It is my hope that in the coming weeks, this request will result in a significant, new and interesting debate about this country's trade policies.

I know as I begin this discussion that we will almost retreat immediately into two camps. The one camp is "We're for free trade, we're for, therefore, what is called fast-track trade authority." The other side is somehow a bunch of know-nothing protectionists, a bunch of xenophobes who just don't understand the world, and all they want to do is create walls around our country.

That is the thoughtless way that most trade debate has been conducted in this town and in Congress. I hope, however, that this time, when we discuss fast-track trade authority, we will have an opportunity to evaluate trade policy.

The issue for me is not fast track. That is a procedural issue. Yes; I will want to evaluate the underlying law from 1974 on fast track, and I am going to do that to see whether that fast-track approach might be changed. However, I am much more interested in the question of what will be the results? What kind of trade agreements and what kinds of trade policies are they seeking under fast track?

We had fast track most recently for something called NAFTA, a set of trade agreements with the United States, Mexico, and Canada. Just prior to fast track, we had a $2 billion trade surplus with Mexico. Now we have a $16 billion trade deficit with Mexico. Can anyone believe that should be described as a success? I think not. Just prior to this trade agreement, we had an $11 billion trade deficit with Canada. Now we have a $23 billion trade deficit with Canada. Can that be described as a success? I think not.

Our trade problems go and on. There is China, Japan, and more. We will have a trade deficit with China of well over $40 billion a year. Our trade deficit with Japan has hovered between $50 and $60 billion a year as far as the eye can see.

No one wants to talk about the central question we ought to debate with respect to trade, and that is, what about enforcing the trade agreements that already exist?

I want to give my colleagues an example of one of the things that bothers me so much about where we go in this trade discussion. Right at this moment we have an ongoing discussion with Japan on the issue of the United States aviation industry's access to the Japanese markets. In trade with Japan, in the arena of airline passenger service, we have a net surplus with Japan of a couple billion dollars. We have better carriers in terms of being able to compete. They are better able to compete with the Japanese, and we actually do quite well. We have a surplus in that area.

If we had completely open skies and unlimited competition and unfettered competition with the Japanese with respect to airlines, we would have an even larger surplus with Japan. But we have trade agreements with Japan that we made previously with respect to passenger aviation and with respect to hauling freight on airlines, and so on.

What has happened is the Japanese have not abided by the previous agreements. We have had a freight agreement with them that they simply have ignored, and have not abided by. Now we are back into negotiation with the Japanese, and the Japanese have done a couple of things. For one, they said, "We don't like the fact that you have a surplus with us on hauling airline passengers."

Think of the arrogance of that. Here is a country that has a $50 billion trade surplus with us—and has had such a surplus every year, year after year after year—complaining about one little sector where we have a surplus with them, and then they want to get us into a negotiation. Instead of going to open skies where you have free and open competition, they want to get this administration—and I think this administration is headed in that direction—to reach an agreement that is not in our interest.

That is an example of what is wrong with trade policy. We ought to say to the Japanese that on aviation and other issues that we believe that our trade policy ought to result for this country, for the United States, increased economic opportunity and increased trade and, yes, balanced trade. This country cannot and should not countenance long-term trade deficits with countries like Japan of $50 and $60 billion a year.

We ought to say to China, for example, that you have a $40 billion trade surplus with us. We have become a cash cow for your hard currency needs in China, and we will no longer stand for it. If you want to send us all the goods from China into the United States, then we say to you, you have a responsibility and an obligation to buy more from us.

Why is all this important? Because it represents economic vitality and jobs. It is interesting. I hear people talk about trade and they say, "Gee, we've done so well in trade. We've doubled our exports to this country or that country." That is the first thing they will point out in a press release.

So the headline is "U.S. Doubles Export of Goods to Country X." What they didn't say was that imports from that country increased 10 times during the same time period, which means that our trade deficit with that country skyrocketed.

So the whole story, the rest of the story, would describe failure, but the press release describes success—"We've doubled our exports."

In sectors where you have tradable goods, we actually have had a net job loss in this country as a result of all the trade agreements. The job gains which are often trumpeted as being the result of exports actually come from areas in the nontradable sectors of our economy, particularly in services.

The point I am making about all of this is we are going to have a debate about fast-track trade authority. I want the debate to be about trade policy. Is our trade policy working for this country or isn't it?

I happen to believe in expanded trade. I believe in free trade to the extent that it is fair. I also believe in trade agreements to the extent that we negotiate trade agreements that are in this country's interest. But, for a change, I would like the negotiators who negotiate trade agreements to start wearing the jersey of our side. It is our team that we are worried about.

Is that economic nationalism? Well, I don't know about all those terms they throw about. Do I care about the long-term economic opportunities in this country? Yes. Do I want economic growth here? Yes. Do I want jobs in this country? Yes.

So when a country like China says to the United States, "We want to ship you all of these goods and run a very large surplus with you or have you run a large deficit with us," and then China says, "By the way, we want to buy some airplanes," and they say, "We don't want to buy airplanes made in America, we want you to have your American company produce these airplanes in China," we ought to say that's not the way a trade relationship works.

A bilateral trade relationship works in a way that says, "When you have goods our consumers need, we will buy them from you and you have access to our marketplace, but when you need what we produce, when you need what our workers and our companies produce, we expect you to buy them from us." That is the way a trade relationship works in a manner that is mutually beneficial to both parties.

Our country has been satisfied to have a trade policy that has produced trade deficits, net trade deficits for 36 out of the last 38 years. You show me one CEO of one American company who has had 167 successive quarters of losses, quarter after quarter after quarter forever, who isn't going to stop and say, "Gee, I think there's something wrong here. Something is out of whack." That is exactly what is wrong with our trade policy. Yet, Republicans and Democrats will tell us on the floor of this Senate that our trade policy is working very well. What a terrific policy, they tell us.

I want for us to have greater access to foreign markets. For example: If China wants to send us goods that exceed the amount of goods they will accept from us by $40 billion a year, I want us to say to China, "You have an obligation to buy much, much, much more from the United States of America to have a balanced trade relationship." I want us to say the same thing to Japan, the same thing to Mexico, the same thing to Canada and others with whom we have large, abiding trade deficits. We need to say that because those deficits weaken this country. Those deficits detract from our economic growth and fundamentally weaken the American economy.

There are those who, I guess, believe that whatever the interests of the largest corporations in the world are, that they are also in the common interests of the United States. Things have changed. We do, indeed, have a global economy, but the largest corporations in the world now are not national citizens. They don't get up in the morning and say, "Well, you know, I'm an artificial person, I'm a corporation, what in law is described as an artificial person; I can sue and be sued, contract and be contracted with; I'm an artificial person and, therefore, I have allegiance to this country." That's not what they do.

We are not talking about American corporations anymore. We are talking about international corporations that do global business that are interested in profits for their shareholders.

How do you maximize profits for your shareholders? You access the cheapest kind of production that you can access in the world, produce there at a dime-an-hour, a-quarter-an-hour, or a half-a-dollar-an-hour wages and then ship the products to Pittsburgh, Toledo, Los Angeles, or Fargo and sell it on a shelf in a store in one of those cities. Produce where it is cheap and then access the American marketplace.

The problem with that strategy is that while it presents increased profits for international corporations it tends to undermine the American economy. I am not saying the global economy and the growth of the global economy is wholly bad; it is not. It provides new opportunities and new choices for the consumers, and in some cases lower-priced goods for the consumers. The question we have to ask ourselves is: what is fair trade and what advances this country's economic interests?

If deciding that you can produce something that you used to produce in Akron, OH, in a factory in Sri Lanka or Indonesia or Bangladesh and you can get 14-year-olds, pay them 24 cents an hour, working 13 hours a day—if you decide that is in your company's interest—is that in this country's interest? I don't think so.

Is it in this country's interest to see that kind of manufacturing job flight from this country to a low-wage country so that the same product can be produced to be shipped back into this country, and the only thing that's changed is the corporation has more profit and the United States has fewer jobs? Is that in this country's interest? I don't think so.

I was on a television program 2 days ago. When I asked this question the moderator said the conditions under which goods are produced in other countries is none of our business. If another country wants to hire kids and pay them dimes an hour, if another country wants to produce by dumping chemicals into the water and pollution into the air, if another country wants to produce having no restrictions on those companies and allows them to pollute the air and water, hire kids, pay a dime an hour, if that's what they want to do, is that none of our business? And if the production from that factory—hiring kids and polluting the air and polluting the water—if that production comes into this country and goes on the grocery store shelves, is that all the better for the American consumer because it is going to be cheaper?

I think that is a catastrophe to have that kind of attitude. This country spent 60 years debating the question of what is a fair wage? This country spent decades debating whether we ask polluters to stop polluting, and whether we demand that polluters stop polluting in order to clean our air and water. This country spent a long while debating the question of child labor and whether we should allow factories to employ 10-year-olds and 12-year-olds.

This country has debated all those issues. Yet, in the so-called global economy, fashioned in the interest of those who want to accelerate profits from it, there are those who would tell us that they can just pole vault over all of those issues. They don't have to worry about minimum wages. They do not have to worry about pollution control. They do not have to worry about any of that because they can move their factories elsewhere and ship their products back into the United States. That is not fair trade. That is not something that advances the economic interests of our country and ought not be allowed.

What we do is we pass trade agreement after trade agreement, and we don't enforce any of them. When someone hears me speak they say, "Gee, this is just another protectionist that wants to put walls around this country." I do not; not at all. I am very interested in saying to other countries, first of all, you have an obligation. There is an admission price to the American marketplace. The admission price is that you must abide by certain standards with respect to clean air and clean water, and you can't hire kids, and you can't pay a nickel an hour. Yes, that is the admission price to compete in our domestic market.

And, yes, there is a requirement with other countries with whom we have a trade relationship. That requirement is if they want to access the American marketplace and dump tens of millions of dollars of products into that marketplace, then they have a responsibility to America. That responsibility is that their marketplace must be open to us. If our workers and our producers want to go to Japan and go to China to sell our goods in their marketplace, they must have their marketplace open for that. And to the extent you don't, it is unfair trade.

To the extent any country is involved in unfair trade, this country ought to have the will and the nerve to say that we're not going to put up with it.

Mr. President, one final point. This advent of a global economy post-Second World War has been an interesting kind of development. The first 25 years after the Second World War we could compete with anybody in the world with one hand tied behind our back. It did not matter much. Our trade policy was almost all foreign policy. Whatever we did or had with another country had to do with foreign policy. For the first 25 years we could do that easily. We did that and our incomes kept rising in this country.

The second 25 years we have had to deal with competitors who are shrewd, tough economic competitors. We now must insist on trade relationships and trade agreements that are fair to this country's interests. The conditions of trade must be conditions with rules that are fair to our workers and producers. The absence of that means that this country is the economic loser. This ought not be what we aspire to achieve in trade agreements.

Mr. President, I have more to say, regrettably, for my colleagues who do not like this message. I will say it often in the coming weeks as we discuss the trade issue. For now I will yield the floor. I see the minority leader has come to the floor. I know he is going to talk about another topic of great interest. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. I will use my leader time to talk on another matter, and I appreciate very much the Senator from North Dakota yielding the floor to allow me to do so.

CAMPAIGN FINANCE REFORM

Mr. DASCHLE. Mr. President, we just announced the signing of a letter dated September 9 by every one of our Democratic colleagues in support of some bipartisan legislation that I hope will enjoy even broader bipartisan support in the not-too-distant future.

The letter is addressed to the majority leader. Because it is brief, and I think the letter is very to the point, perhaps it would be appropriate for me simply to read it.

On July 9, we sent you a letter requesting a date certain on which comprehensive campaign finance reform legislation would be considered on the floor.

Today, we do more than simply renew this request. The purpose of this letter is to communicate to you in the clearest terms possible our specific legislative intentions in this regard.

Senate Democrats are prepared to cast 45 affirmative votes for the substitute language to S. 25, as announced by Senators McCain and Feingold on May 22, 1997. This support, coupled with the votes of the three current Republican cosponsors of this legislation, constitutes 48 votes for final passage, merely two votes shy of a majority.

While each of us might prefer to craft a bill to our individual liking, we recognize that 1997 represents an historic opportunity for comprehensive reform. We are therefore prepared to announce our unanimous support for the only comprehensive, bipartisan approach with a viable prospect of enactment in this session.

There should now be no confusion about the prospects for enactment of the McCain-Feingold bill. Your willingness to schedule S. 25 for an up-or-down vote, coupled with the support of only two additional Republican Senators, could break ten years of gridlock on this matter.

The environment for real campaign finance reform has never been more favorable. We are determined to seize this opportunity, and we ask your assistance in the effort.

It is signed, as I indicated, by all 45 Senators in the Democratic caucus.

Mr. President, I ask unanimous consent that the letter, as it was signed, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, September 9, 1997.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: On July 9, we sent you a letter requesting a date certain on which comprehensive campaign finance reform legislation would be considered on the floor.

Today, we do more than simply renew this request. The purpose of this letter is to communicate to you in the clearest terms possible our specific legislative intentions in this regard.

Senate Democrats are prepared to cast 45 affirmative votes for the substitute language to S. 25, as announced by Senators McCain and Feingold on May 22, 1997. This support, coupled with the votes of the three current Republican cosponsors of this legislation, constitutes 48 votes for final passage, merely two votes shy of a majority.

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The environment for real campaign finance reform has never been more favorable. We are determined to seize this opportunity, and we ask your assistance in the effort.

Sincerely,

Max Cleland, Tim Johnson, Byron L. Dorgan, Bob Kerrey, D. Inouye, Herb Kohl, Barbara A. Mikulski, Ted Kennedy, Dale Bumpers, Dianne Feinstein, Frank R. Lautenberg, Max Baucus, Paul Wellstone, Paul Sarbanes, Mary Landrieu.

Wendell Ford, Jeff Bingaman, Tom Harkin, Dick Durbin, Richard H. Bryan, Chuck Robb, John Kerry, Fritz Hollings, Daniel K. Akaka, Bob Graham, Carol Moseley-Braun, Patty Murray, Ron Wyden, Carl Levin, Chris Dodd.

Russell D. Feingold, Joe Lieberman, Jay Rockefeller, Robert Byrd, Joe Biden, Robert Torricelli, John Glenn, Barbara Boxer, Tom Daschle, Patrick Leahy, Daniel P. Moynihan, Kent Conrad, Harry Reid, Jack Reed, John Breaux.

Mr. DASCHLE. Mr. President, I give extraordinary credit to our two leaders on this issue, Senators MCCAIN and FEINGOLD, for their persistence and diligence in the manner in which they have conducted themselves as they have sought resolution of this issue.

I have indicated on occasions, both publicly and privately, that I think Senator MCCAIN deserves great credit for having taken the initiative this year and worked as diligently as he has to bring us to where we are. Certainly the same could be said for our colleague from Wisconsin, Senator FEINGOLD.

The two of them have spent countless hours and an extraordinary effort to bring us to a point where for the first time in recent modern history, Democrats and Republicans can join together in the passage of truly meaningful comprehensive reform.

What I think this letter does is to reaffirm the new math on this issue, to reaffirm how close we really are to passage of a comprehensive bill. I'm not suggesting that all 48 Senators who have signed the letter have agreed to every provision in the legislation. Rather, I firmly believe this letter demonstrates that we are committed to enacting real campaign finance reform this Congress.

There have been suggestions that all we really have to do is to strip away all but a soft money ban, and perhaps we can pass something this year if it is only that. But what this letter indicates is that we have 48 Senators, 2 shy of a majority, who are willing to do a lot more than that, who are willing to take a comprehensive approach to meaningful campaign finance reform, not next year, the year after, but this year, this fall.

So I just hope that everybody understands the ramifications of a letter like this. This is unprecedented. I have looked back and our staffs have investigated the matter. We have never had an occasion where every single member of the Democratic caucus has signed on to one piece of legislation that is bipartisan, that is a direct intention or represents a direct intention to pass comprehensive campaign finance reform. It has never happened before.

So this is an unprecedented and an extraordinarily strong statement on behalf of a lot of Senators who want to see something happen this year, who believe it can happen this year, who want to deal with spending limits, who want to deal with soft money, who want to ensure that somehow we are able to deal effectively with independent expenditures and these growing problems with "issue" ads, who want to see stronger enforcement of disclosure rules, who want to ban foreign contributions, who want to further limit the effort to put some end to the madness in campaigns today when it comes to financing.

How tragic, how ironic it would be if, after all that we have read and all the print and all the time on television about investigations and speeches and intentions for change, and all the things that are going on currently in the Governmental Affairs Committee, after all that we said, our response is to do nothing at all, our response is to ignore the overwhelming evidence that something has to be done.

One does not have to go through campaign cycle after campaign cycle to come to the conclusion that something is wrong in the system and something needs to be done in a comprehensive way to address the system, all of the difficulties we have, in a much more constructive and effective way than we have on the books today.

That is why what Senators MCCAIN and FEINGOLD are doing is so laudatory. That is why what they are doing deserves not only Democratic but strong Republican support. That is why we cannot lose the momentum and let this opportunity pass us by. That is why we wrote the letter and why it is important now that we commit to an opportunity to resolve these issues this year, before we leave.

So, Mr. President, I am very hopeful that this will add renewed momentum to the effort that I know is already underway in a very diligent manner by our colleagues and by others who have worked on this issue for as long as they have.

Our history on campaign finance reform is not a good one. There have been too many lost efforts. There have been too many lost opportunities. There have been too many partisan divisions and extraordinarily confrontational fights on the floor in an effort to move something in the past.

At various times we actually did move a bill through the Senate, at one point all the way to the President's desk, only to have it vetoed. Let us not have that happen again. President Clinton has said he will sign the McCain-Feingold bill if it gets to his desk.

I have no doubt in my mind, if we ever got to a debate on the Senate floor, an overwhelming number of Senators, Republican and Democrat, would support something like this. Let us work our will. Let us come up with amendments. Let us try to find ways in which to come together rather than to be split apart on this issue in the future.

Will we have unanimity? No. But can we achieve a meaningful, overwhelming consensus on this issue? My guess is, absolutely, yes, we can.

Mr. DORGAN. Will the Senator yield for a question?

Mr. DASCHLE. I will be happy to yield.

Mr. DORGAN. Mr. President, this is quite a remarkable day. I am enormously gratified by the announcement. We have 45 members of our caucus, every single member of our caucus, who signed a letter saying we support the comprehensive campaign finance reform bill called McCain-Feingold. There are three cosponsors, I think, on the other side. That brings to 48 the number of people who have signed up to say, "We will vote for comprehensive campaign finance reform."

There are some around this town who I think are quitters on this issue. This is not a time to quit. They say, "Well, it's clear you can't get much done. Just do a little piece over here." This is the wrong time to quit. We have 45 people in our caucus who have said they will vote for comprehensive campaign finance reform of our campaign finance system and at least three other cosponsors. We are at 48 votes just with that. And the question is, are there two other votes out there? Are there two other votes? I think there are.

So, those who say this cannot be done, I think what we are demonstrating here with this letter is a substantial reservoir of support to say this system is broken, this system needs fixing, and it ought not be done with a niche over here. Let us do it with comprehensive campaign finance reform that is embodied in the McCain-Feingold proposal.

I ask the Senator from South Dakota—I noticed we have had 3,361 floor speeches on campaign finance reform. So that is 3,362, and mine is 3,363, and we will have a couple more, I reckon. We have had 446 legislative proposals on campaign finance reform. If ever there was a demonstration of this statement that when all is said and done, more is said than done, it must certainly be on campaign finance reform.

Isn't it the case that with this news that we have one caucus with 45 people who have signed up and with several others already cosponsoring, that we are within striking distance of having the opportunity to pass comprehensive campaign finance reform?

Mr. DASCHLE. The Senator is absolutely right. You do not have to be a math whiz to count the numbers, to figure out what it takes to get us to 50. Because if we had 50, of course, the Vice President would be there to break a tie. God forbid we would have to call upon him to do so. My guess is, as I said a moment ago, there would be an overwhelming vote.

But to get us to 50, we just need 2 more votes, two more people. If 2 Republican Senators would come forth and indicate their support publicly, that would be 50 votes. That would be, with the Vice President should he be needed, the majority necessary to pass it this year. In fact, this afternoon.

So, there is absolutely no question that we are now within striking range, within reach, of an opportunity to pass it in the not too distant future. It really is an extraordinary opportunity, one that I would not have guessed we could have reached at this point, but we have, in large measure because of the unanimity of our caucus and because of the courage and leadership of some of our Republican colleagues to date.

Mr. DURBIN. Will the minority leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Illinois.

Mr. DURBIN. I thank the Senator for taking the floor on this issue. It is a very timely issue.

I am a member of the Governmental Affairs Committee, and we have been engaged in months of preparation and weeks of deliberation on the question of campaign finance. Over $4 million will be spent on this investigation. Seventy lawyers have been hired. We have issued hundreds of subpoenas for documents, and we have brought before our committee dozens of witnesses, most under oath, and some with grants of immunity, and yet it does not seem what we are doing has resonated.

I think what it suggests is that, if this committee had started off with the premise that when their deliberations had been completed we would come forward with campaign finance reform, the 1998 election would look different to the American voters and I think the public interest would have been heightened in our effort.

Unfortunately, if we just find ourselves recapitulating the sins of the past instead of talking about real reform, it does not strike a resonant cord. The recent vote in the primary in New York City, which was very low, and the vote last November, the lowest percentage turnout for a Presidential election in 72 years, should be a signal to us and to every politician: The more money we spend on campaigns, the fewer voters turn out to vote.

Now, that is a message, unfortunately, of a growing cynicism about this system. Those of us who believe in this democracy and believe in this Government and believe that we as a democracy have the capacity to change in the right direction, have to move forward in a positive way.

I want to congratulate the minority leader, Senator DASCHLE. Forty-five Democrats coming together behind us, with three Republican sponsors, puts us within striking distance. Within hours—within hours—we could have two Republican Senators this afternoon say, "That's it, we have decided we will join."

It is time for campaign finance reform. We could achieve it before we leave at the end of this year. If we do not, I suggest that it is only going to add to the public's cynicism. I certainly hope that is not the case.

I salute the Senator for his leadership and thank him for bringing this matter to the forefront.

Mr. DASCHLE. I thank the Senator from Illinois for his eloquence and his comments. He is absolutely right. I think this failure, should we experience it again, would add to the cynicism. On the other hand, if we could pass it, it would do so much to instill new confidence and new admiration for the legislative process, and I think restore hope in democracy itself.

This is a rare opportunity. We have the momentum. We have demonstrated the votes now are there. I think it is simply a matter of continuing to ensure that we strike an agreement with regard to scheduling this legislation in the not too distant future. We can do it this week. We can do it within a very short period of time. We do not need a lot of time for debate. We can make this happen. We just need a commitment that we will make it happen. I do not know that the country could be any more pleased with the results of what I would consider to be one of the most consequential accomplishments of this session of Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, let me thank the Senator from South Dakota, our Democratic leader, for this initiative.

I think you have to understand that the momentum is there because people are concerned, Senators are concerned, politicians are concerned with the turnout, with the cynicism, with all the problems we are facing in this political arena.

In 1974, when I ran for the U.S. Senate the first time, the average cost of a Senate race in this country was $425,000. In 1996, it was $4.4 million. The race in Kentucky would probably be a $5 million race on each side—$10 million or more, to run for the U.S. Senate from a small State like Kentucky.

There is not a Senator that I know of, not a Senator, that enjoys raising money—enjoys raising money—making calls, calling people they have never heard of before. Some group organized to help with a fundraiser gives you a list to call. These are what we referred to as "cold calls" when I was growing up. A cold call is calling somebody you never heard of and asking for money so that you can run your race.

I think we ought to take the M and M's out of politics—money and meanness, money and meanness. The more money you have, the meaner you can become. I listened to a Senator who was defeated who had a lot of mean ads run against him. He said by the end of the campaign he did not like himself. It gets pretty rough, so we need to take the money out.

We hear a lot about free speech. I understand it. I can go outside and start talking. That is free speech. I can go over to Courthouse Square in my hometown and make a speech to nobody. That is free speech. I can do all of those things. But what we are talking about here is paid speech, paid speech. The more money you have, the more speech you have, but it is paid speech. It is television, it is radio, it is newspapers. Why, some places they make more money off of a political campaign—they want one every year, every 6 months, because we will raise the money to be competitive. Let's be competitive as individuals. Let's be competitive on the issues. Let's be competitive by seeing people and convincing them that your position and what you want to do is right, that you represent a party of principles—families first. Get out there and talk to people.

In Kentucky, we had our first election last year in the Governor's race where you had a limited amount of money you could spend. With all of its warts, the two candidates stayed on the road. They did not fly in airplanes because it cost too much. They were looking for every Kiwanis Club, every Rotary Club, every Jaycees, every Lion's Club they could get to. There were an unprecedented 41 joint appearances. We used to have a joint appearance on television. It was on Kentucky educational television. It was a night Kentucky played for the championship of the NCAA basketball. They even sent the cubs out there to cover it, so no one really watched it. But when we limited the amount of money and limited what they could do, they had to see people, they had to talk about issues, they had to believe in what they were saying.

Mr. President, now is the time to say to this country, "Let us get back to the people. Let us get back to issues. Let us get back to shaking hands and saying, 'I want your vote.'" Look them in the eye and they can ask you questions. That is the way we ought to run political campaigns. That is the kind of political campaign I like to run.

Now we have that opportunity. We can touch it with our fingernails. We can touch it with our fingernails. If only two more Republicans will join, we will have the 50 votes necessary to say we have a comprehensive campaign finance reform bill that will be so important not only to the American people but to us as representatives of the American people. We will not be beholden to people we have never known.

Mr. President, I hope we will join together now and give the American people what I believe they want—less money in politics, more personal contact.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Let me briefly commend our leader, the Democratic leader, for soliciting the support of the 44 others of us who make up this caucus, the Democratic caucus. There are 45 members of this caucus, and all 45 members have signed this letter urging the adoption of the legislation introduced by our colleague, JOHN McCAIN, from the Republican side and RUSS FEINGOLD from our side.

I think, as the leader has said, this is not a perfect bill. I have disagreements with it. I do not applaud every single dotted "i" and crossed "t," nor do I assume anyone else does, but it is a common vehicle to embrace most of the positions we would like to see adopted as campaign finance reform. The fact that 100 percent of those of us on this side have joined in this letter, I think, is a strong indication of our commitment to this issue.

It would not have happened had it not been for our leader on this side. I want to commend him publicly for his leadership on this issue as he has demonstrated in so many other areas and urge that his words be heeded and we try to get some additional sponsors here and see if we cannot bring this up.

NOMINATIONS OF JANET HALL AND CHRISTOPHER F. DRONEY

Mr. DODD. Mr. President, I want to briefly say to my colleagues, we will vote in a few minutes on two nominees for the Federal district court bench, Janet Hall and Christopher Droney.

Senator LIEBERMAN and I have appeared before the Judiciary Committee on their behalf. I see our colleague from Alabama here on the floor, who is a member of that committee and who very graciously heard the two nominees.

They are two very highly confident, very qualified nominees. Janet Hall has superlative work experience, both in government service and in private practice. She has worked in the Antitrust Division of the Justice Department from 1975 to 1979. She later joined one of the finest law firms in the State of Connecticut, Robinson and Cole, where she has been a partner since 1982. She has appeared before Federal, State, and appellate courts, and even the U.S. Supreme Court, and her work has focused primarily on complex commercial litigation. In short, she is a very, very fine nominee.

She is a graduate of Mount Holyoke College and the New York University School of Law. She has received numerous awards and recognitions including Mount Holyoke's Alumnae Medal of Honor, and she has served on the Board of the Connecticut Bar Foundation since 1993. She also serves on the Parents' Advisory Committee of her hometown high school and has volunteered in numerous other activities in her community.

She is a very fine lawyer, a very fine person, very community oriented, and she brings wonderful legal knowledge and expertise to this nomination. I am confident that my colleagues across political lines here will be very proud of their vote in casting it this afternoon for Janet Hall to be a district court judge in Connecticut.

The other nominee is Christopher F. Droney. Some of our colleagues know Christopher Droney. He has been our U.S. attorney in Connecticut for the last 4 or 5 years and a very successful one. He is known as one of the leading U.S. attorneys in the country for his anticrime efforts, and in particular for fighting juvenile crime.

I might point out that he also knows something about what it is like to be in elective office. He served as the mayor of West Hartford, CT, and did a wonderful job there. He is a graduate of the University of Connecticut Law School, where he was on the Law Review. He was named Citizen of the Year by the Connecticut District of the Boy Scouts of America, and he received the Distinguished Law Enforcement Award from the Hartford Police Union. He also received special recognition award from the Spanish-American Merchants Association. He is very community-oriented and very successful in his community activities. He is a member of the Federal Bar Council, a member of the St. Timothy Roman Catholic Church in his community, and very involved in the YMCA and YWCA in our State, as well.

Again, given his background experience as a U.S. attorney, I think my colleagues can feel very, very proud, Mr. President, in casting a vote this afternoon to confirm the nomination of Christopher Droney, as well, to be a district court judge in Connecticut. I urge support for these nominees. I think they will do us all proud. The Senate can be proud of the work they will perform on behalf of all of us. I yield the floor.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider a series of nominations.

NOMINATION OF JOSEPH F. BATAILLON OF NEBRASKA TO BE U.S DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA

The legislative clerk read the nomination of Joseph F. Bataillon of Nebraska to be U.S District Judge for the District of Nebraska.

Mr. GORTON. Have the yeas and nays been requested with respect to either this nomination or either of the two succeeding nominations?

The PRESIDING OFFICER. They have not.

Mr. GORTON. I ask unanimous consent I be permitted to make one request that the yeas and nays be ordered and it apply to all three nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered on the three nominations.

There are 2 minutes of debate.

The PRESIDING OFFICER [Mr. GRAMS]. Does any Senator wish to speak on the nomination?

Mr. KERREY. Mr. President, I just rise to offer my strong support for Joe Bataillon, a man who I have known for a number of years, and the Chair does as well. He served in the Judge Advocate Corps. He has been a lawyer in Omaha. He has gotten high marks from anybody who has interviewed him, on both sides of the aisle. The judges like him. He is a crucial appointment. I appreciate very much the majority leader scheduling this vote. I encourage my colleagues to vote for him.

The PRESIDING OFFICER. Are there any other Senators who wish to speak?

Mr. GORTON. Mr. President, I yield back the balance of our time on the first nomination.

The PRESIDING OFFICER. All time is yielded back.

The question is, will the Senate advise and consent to the nomination of Joseph F. Bataillon, of Nebraska, to be U.S. District Judge for the District of Nebraska. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 236 Ex.]

YEAS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

The nomination was confirmed.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that the remaining two votes in this sequence be limited to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I believe we are ready to proceed to the next vote.

NOMINATION OF CHRISTOPHER F. DRONEY, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT

The PRESIDING OFFICER (Mr. INHOFE). The clerk will report.

The legislative clerk read the nomination of Christopher F. Droney, of Connecticut, to be United States District Judge for the District of Connecticut.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. The Senate is not in order.

Mr. President, I understand that we have a minute on each side.

Mr. LOTT. That is correct.

Mr. LEAHY. I ask the Chair to call the Senate to order before my time begins.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I do not intend to start until the Senate is in order.

The PRESIDING OFFICER. Will the Senate please come to order.

The Senator from Vermont.

Mr. LEAHY. Mr. President, we will confirm three judges this afternoon.

I ask my colleagues to look at the chart, which indicates the shameful lack of progress of this Senate in considering judicial nominations. We still have approximately 100 judicial vacancies. When we adjourned last year there were 64 vacancies and when we began this Congress there were about 74 vacancies. We are confirming judges far slower than the vacancies are occurring through death, attrition, retirements, and so forth. Even with the three judges we are confirming today, there has been a net increase in vacancies of over 30 in the last year. In fact, vacancies on the federal courts around the country have increased by more than 50 percent over the last year.

I ask, as I have many, many times, that the majority leader, whose caucus has held back these judges, allow them to go forward. We see what happens when we have a vote on them. It is unanimous. You keep hearing that there are concerns about these judges, and then no Senator votes against them.

Let us bring them forward. I ask that one of the first we proceed to consider be Margaret Morrow, who seems to be held up only because she is a woman—only because she is a woman. There is no reason to hold up that judicial nomination. Let it be voted. If people do not want her, vote against her. If they want her, vote for her. But let's have a vote on this.

We are not helping the independence—in fact, we are diminishing the independence—of the Federal judiciary.

Mr. President, I am encouraged that the Senate is taking up three of the six judicial nominations from the Executive Calendar.

I am delighted to see the Senate confirm Joseph F. Bataillon to be a U.S. District Judge for the District of Nebraska. He served as deputy public defender for Douglas County, NE before entering private practice as a trial attorney in Omaha. He is supported by Senator KERREY and Senator HAGEL. The ABA found him to be qualified for this judicial appointment. Mr. Bataillon's nomination was first received by the Senate in March 1996 over 17 months ago. Unfortunately, this was one of the nominations caught up in the election year slowdown last year. I congratulate Mr. Bataillon and his family and look forward to his service on the district court.

I am also delighted that the Senate majority leader has decided to take up the nomination of Christopher F. Droney to be a U.S. District Judge for the District of Connecticut. The nominee has served as U.S. Attorney in Connecticut since 1993. The ABA has unanimously found him to be qualified for this judicial appointment. With the strong support of Senator DODD and Senator LIEBERMAN, this nomination has moved through the Committee and now to confirmation. I congratulate Mr. Droney and his family and look forward to his service on the district court.

Likewise, I am delighted to see the Senate moving forward to consider Janet C. Hall to be a U.S. District Judge for the same district. Since 1980, this nominee has practiced law in Hartford and prior to that she had served as a special assistant U.S. attorney and trial attorney for the Antitrust Division of the Department of Justice. The ABA unanimously found her to be well qualified, its highest rating. This nomination also has the strong support of Senator DODD and Senator LIEBERMAN. I congratulate Ms. Hall and her family and look forward to her service on the district court.

In spite of the progress we have made over the last week in confirming six judicial nominations, we still have some 40 nominees among the 65 nominations sent to the Senate by the President who are pending before the Judiciary Committee and have yet to be accorded even a hearing during this Congress.

Many of these nominations have been pending since the very first day of this session, having been renominated by the President. Several of those pending before the Committee had hearings or were reported favorably last Congress but have been passed over so far this year, while the vacancies for which they were nominated over 2 years ago persist. The committee has 12 nominees who have been pending for more than a year, including seven who have been pending since 1995.

So, while I am encouraged that the Senate is today proceeding with the longstanding nomination of Joseph Bataillon and those of Chris Droney and Janet Hall, there is no excuse for the committee's delay in considering the nominations of such outstanding individuals as Professor William A. Fletcher, Judge James A. Beaty, Jr., Judge Richard A. Paez, Ms. M. Margaret McKeown, Ms. Ann L. Aiken, and Ms. Susan Oki Mollway, to name just a few of the outstanding nominees who have all been pending all year without so much as a hearing. Professor Fletcher and Ms. Mollway had both been favorably reported last year. Judge Paez and Ms. Aiken had hearings last year but have been passed over so far this year.

Thus, even with the increased activity of the last week in which the Senate has confirmed six nominees and raised by 67 percent the number of judges confirmed all year, we continue to lag well behind the pace established by the 104th Congress. By this time 2 years ago, the Senate had confirmed 36 Federal judges. With today's actions, the Senate will have confirmed only 15 judges. We still face almost 100 vacancies and have 50 nominees yet to consider.

For purposes of perspective, let us also recall that by August 1992, during the last year of the President Bush's term, a Democratic majority in the Senate had confirmed 53 of the 65 nominees sent to us by a Republican President. That, too, is a far cry from this year's 15 out of 65.

Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. We can pass all the crime bills we want, but you cannot lock up criminals if you do not have judges. The mounting backlogs of civil and criminal cases in the dozens of emergency districts, in particular, are growing taller by the day.

I have spoken often about the crisis being created by the vacancies that are being perpetuated on the Federal courts around the country. At the rate that we are going, we are not keeping up with attrition. When we adjourned last Congress there were 64 vacancies on the Federal bench. After the confirmation of 15 judges in 9 months, there has been a net increase of 33 vacancies. The Chief Justice of the Supreme Court has called the rising number of vacancies "the most immediate problem we face in the federal judiciary."

The Courts Subcommittee heard on Thursday afternoon from second and eighth circuit judges about the adverse impact of vacancies on the ability of the Federal courts to do justice. The effect is seen in extended delay in the hearing and determination of cases and the frustration that litigants are forced to endure. The crushing caseload will force Federal courts to rely more and more on senior judges, visiting judges and court staff.

Judges from the Second Circuit Court of Appeals testified, for example, that over 80 percent of its appellate court panels over the next 12 months cannot be filled by members of that Court but will have to be filled by visiting judges. This is wrong.

We ought to proceed without delay to consider the nomination of Judge Sonia Sotomayor to the second circuit and move promptly to fill vacancies that are plaguing the second and ninth's circuits. We need to fill the 5-year-old vacancy in the Northern District of New York and move on nominations for judicial emergency districts.

In choosing to proceed on these three nominees, the Republican leadership has chosen for the third time in a week to skip over the nomination of Margaret Morrow. I, again, urge the Senate to consider the long-pending nomination of Margaret Morrow to be a district court judge for the Central District of California.

Ms. Morrow was first nominated on May 9, 1996—not this year but May of 1996. She had a confirmation hearing and was unanimously reported to the Senate by the Judiciary Committee in June 1996. Her nomination was, thus, first pending before the Senate more than a year ago. This was one of a number of nominations caught in the election year shutdown.

She was renominated on the first day of this session. She had her second confirmation hearing in March. She was then held off the judiciary agenda while she underwent rounds of written questions. When she was finally considered on June 12, she was again favorably reported with the support of Chairman HATCH. She has been left pending on the Senate Executive Calendar for more 3 months and has been passed over, time and again without explanation or justification.

This is an outstanding nominee to the district court. She is exceptionally well qualified to be a Federal judge. I have heard no one contend to the contrary. She has been put through the proverbial wringer—including at one point being asked her private views, how she voted, on 160 California initiatives over the last 10 years.

The committee insisted that she do a homework project on Robert Bork's writings and on the jurisprudence of original intent. Is that what is required to be confirmed to the district court in this Congress?

With respect to the issue of judicial activism, we have the nominee's views. She told the committee: "The specific role of a trial judge is to apply the law as enacted by Congress and interpreted by the Supreme Court and Courts of Appeals. His or her role is not to 'make law.'" She also noted: "Given the restrictions of the case and controversy requirement, and the limited nature of legal remedies available, the courts are ill equipped to resolve the broad problems facing our society, and should not undertake to do so. That is the job of the legislative and executive branches in our constitutional structure."

Margaret Morrow was the first woman president of the California Bar Association and also a past president of the Los Angeles County Bar Association. She is an exceptionally well-qualified nominee who is currently a partner at Arnold & Porter and has practiced for 23 years. She is supported by Los Angeles' Republican Mayor Richard Riordan and by Robert Bonner, the former head of DEA under a Republican administration. Representative JAMES ROGAN attended her second confirmation hearing to endorse her.

Margaret Morrow has devoted her career to the law, to getting women involved in the practice of law and to making lawyers more responsive and responsible. Her good works should not be punished but commended. Her public service ought not be grounds for delay. She does not deserve this treatment. This type of treatment will drive good people away. The president of the Woman Lawyers Association of Los Angeles, the president of the Women's Legal Defense Fund, the president of the Los Angeles County Bar Association, the president of the National Conference of Women's Bar Association, and other distinguished attorneys from the Los Angeles area have all written the Senate in support of the nomination of Margaret Morrow. They write that: "Margaret Morrow is widely respected by attorneys, judges and community leaders of both parties" and she "is exactly the kind of person who should be appointed to such a position and held up as an example to young women across the country." I could not agree more.

Mr. President, the Senate should move expeditiously to consider and confirm Margaret Morrow, along with Anthony Ishii and Katherine Hayden Sweeney to be district court judges.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I hear these cries of hysteria all the time on judges. Let's be honest about it.

So far this year we processed out of committee 24 nominees. Fifteen have been confirmed. Three will be left after this, and six are pending in the committee. We will have another hearing within a week on another five or six, and another hearing after that. So we are moving ahead quite well.

Let's understand something. There are more sitting judges today than there were throughout virtually all of the Reagan and Bush administrations, as of right now. As of August 10, we had 742 active Federal judges.

Let's just be honest about it. In the 101st Congress and the 102d Congress by contrast, when a Democrat controlled Congress was processing President Bush's nominees, there were only 711 and 716 active judges. The fact of matter is that we have not had a White House processing these people very fast. And there are some who have problems.

Mr. President, we received 13 new nominees just before the August recess, and a few more just a short while ago. They have not even been processed yet.

We are doing our best. All I can say is that there is room here to realize that we are doing a fairly good job. We can do a better job. But the White House has not been doing its job in a full effect. And, frankly, we still have something like 53 total pending out of the 98 vacancies.

Mr. DODD. Mr. President, I consider my role in making recommendations to the President on judicial nominees to be one of the most important parts of my job as a Senator. It is imperative that we fill these lifetime positions with the most able and talented individuals available. That is why I am very pleased that President Clinton chose to nominate Mr. Droney to serve on the Federal bench.

Chris Droney is a man of strong character, and I believe that his skills and intellect will enable him to serve the country with honor and integrity as a Federal judge. Since 1993, Mr. Droney has served as the U.S. attorney for Connecticut. During his tenure, he has been well-received by the judiciary and law enforcement agencies and has played a key role in the State's crackdown on street gangs. The Justice Department's last evaluation of his office concluded that Mr. Droney is, and I quote, "strongly committed to the Department's law enforcement priorities and has demonstrated significant leadership in the law enforcement community, as witnessed by the remarkable cooperation among the law enforcement agencies through the District." We are proud that the Justice Department has recognized what we in Connecticut already know: Chris Droney is an outstanding lawyer and public servant.

Prior to becoming U.S. attorney, Mr. Droney was in private practice in Hartford specializing in civil litigation. He also served as mayor of West Hartford from 1985 to 1989, where he did an excellent job.

He has been very active in a number of charitable organizations, and his community service has earned him several honors and awards. In particular, he was named Citizen of the Year by the Connecticut division of the Boy Scouts of America, and he received the Distinguished Law Enforcement Award from the Hartford Police Union.

Christopher Droney is an honest, forthright, and intelligent individual, who is highly qualified to serve on the Federal bench. I am confident that he will serve Connecticut well as a district judge for many years to come, and I strongly urge all of my colleagues to support his nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Christopher Droney, of Connecticut, to be U.S. District Judge for District of Connecticut. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 237 Ex.]

YEAS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF JANET C. HALL OF CONNECTICUT, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read the nomination of Janet C. Hall, of Connecticut, to be U.S. District Judge for the District of Connecticut.

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided. The Senator from Arizona.

Mr. McCAIN. Mr. President, I support this judge. I would like to make a comment.

Mr. LEAHY. Mr. President, the Senate is not in order. The Senator should be allowed to be heard.

The PRESIDING OFFICER. The Senator is correct.

CAMPAIGN FINANCE REFORM

Mr. McCAIN. Mr. President, I noted several of my colleagues, a number of my colleagues from the other side of the aisle, signed a letter this morning concerning campaign finance reform and a number of them came and spoke about the urgency of the issue. Obviously, we welcome that activity. But I want to point out, and point out in the strongest possible terms, that this issue has to be brought up in a bipartisan fashion. It is not 51 votes that are necessary in order to pass any legislation through this body on an issue of this importance, it is going to be 60 votes.

I have been working with the majority leader in a most cooperative fashion on this issue. I believe that we can reach an agreement which would be satisfactory to all parties. I do not believe it will be helpful, in any way, to divide up on party lines on this issue.

I again thank the majority leader but I also thank my colleagues on the other side of the aisle. I am confident we can move forward on this issue.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, A question has been raised about statistics. I would point out that during President Bush's last year, with the Democrats in the control of the Senate, by August we had confirmed 53 of the 65 nominees sent to us by the Republican President, notwithstanding the "Thurmond rule" which calls for a slowdown in confirmations during a Presidential year—53 out of 65.

In this the first year of President Clinton's second term, the Republican-controlled Senate confirmed only 9 out of 61 judicial nominees sent by the President to the Senate by August. So the relevant statistical comparison is 53 out of 65 when Democrats were helping Republicans, but when Republicans are in control and there is a Democratic President, only 9 out of 61.

I yield the remainder of my time to the distinguished senior Senator from California.

Mrs. FEINSTEIN. I thank the distinguished ranking member.

Mr. President, while I am pleased that we are voting today on three judicial nominees and I am supporting them, I am concerned about those whom we are not voting upon—in particular two fine nominees from California.

I am also concerned about what appears to me to be a plan to force the splitting of the U.S. Court of Appeals for the Ninth Circuit by crippling its ability to do its work.

Ten of the twenty-eight judgeships on that court are now vacant—36 percent of the bench.

I will ask unanimous consent that a table showing the status of each vacancy within the ninth circuit be place in the RECORD following my remarks.

I believe that proponents of the ninth circuit split wish to keep these seats vacant as long as possible, so that the vacant judgeships can then be transferred to the new twelfth circuit, and filled by judges who they hope will be more in line with their own political philosophy.

Unfortunately, this plan is substantially impairing the ability of the ninth circuit to do its job, and impeding justice for the millions of Americans who live within the ninth circuit—creating what the Honorable Proctor Hug, chief justice of the ninth circuit, has called a vacancy crisis.

The time has come for the Senate to end this death by attrition, and act upon these nominations, so that the ninth circuit can get on with its work.

These votes we are taking today will clear out all the judicial nominees who remain on the executive calendar, except for three, two of whom, as I have mentioned, are from California

These two nominees, Margaret Morrow and Anthony Ishii, have had their nominations pending longer, both in the Senate and on the floor of the Senate, than have two of the three nominees upon whom we are voting today.

Margaret Morrow was first nominated almost a year and a half ago, on March 18, 1996. She was favorably reported by the Judiciary Committee on June 27, 1996, but the Senate failed to take further action upon her nomination before we adjourned.

She was nominated again in the beginning of this year, and favorably reported by the committee again on June 12, 1997.

Anthony Ishii was nominated on February 12, 1997, and has been on the floor since July 10.

In contrast, Christopher Droney and Janet Hall were nominated on June 5, 1997, and have only been on the floor since July 31.

So while I am happy that we are acting upon their nominations, I hope that we will soon act upon the older nominations of Margaret Morrow and Anthony Ishii.

Let's bring their nominations up, debate them if necessary, and vote them up or down.

I urge the distinguished majority leader to do this, I thank the Chair, and I yield the floor.

Mr. President, I ask unanimous consent a table regarding the ninth circuit vacancies be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Court and vacancy created by—	Reason	Vacancy date	Nominee	Nomination date
NINTH CIRCUIT				
CCA:				
Breezer, Robert R.	Senior	7/31/96		
Canby, William C. Jr	Senior	5/23/96		
Farris, Jerome	Senior	3/4/95	McKeown, M. Margaret	1/7/97
Hall, Cynthia Holcomb	Senior	8/31/97		
Leavy, Edward	Senior	5/19/97	Graber, Susan	7/30/97
Noonan, John T	Senior	1/1/97		
Norris, William A	Senior	7/7/94	Fletcher, William A	1/7/97
Poole, Cecil F	Senior	1/15/96	Paez, Richard A	1/7/97
Wallace, J. Clifford	Senior	4/8/96	Ware, James S	6/27/97
Wiggins, Charles E	Senior	12/31/96		
CA–N:				
Aguilar, Robert P	Senior	6/24/96		
Jensen, D. Lowell	Senior	6/27/97	Breyer, Charles R	7/24/97
Lynch, Eugene F	Senior	3/14/97	Jenkins, Martin J	7/24/97
CA–E:				
Coyle, Robert E	Senior	5/13/96	Ishii, Anthony W	2/12/97
Garcia, Edward J	Senior	11/24/96	Damrell, Frank C	2/24/97
CA–C:				
Gadbois, Richard A. Jr	Disabled	1/24/96	Morrow, Margaret M	1/7/97
Hupp, Harry L	Senior	1/1/97		
Rafeedie, Edward	Senior	1/6/96	Snyder, Christina A	1/7/97
Takasugi, Robert M	Senior	9/30/96	Moreno, Carlos R	7/31/97

Court and vacancy created by—	Reason	Vacancy date	Nominee	Nomination date
CA–S: Rhoades, John S. Sr	Senior	11/4/95	Lasry, Lynne R	2/12/97
HI: Fong, Harold M	Deceased	4/20/95	Mollway, Susan Oki	1/7/97
OR:				
Frye, Helen	Senior	12/10/95		
Redden, James	Senior	3/13/95	Aiken, Ann L	1/7/97
WA–E: McDonald, Alan A	Senior	12/13/96		

Mr. DODD. Mr. President, Ms. Hall is one of the premier litigators in the State of Connecticut, and I know that her impressive work experience, both in Government service and in private practice, along with her intelligence and character, will enable her to become an excellent Federal judge.

After working in the Antitrust Division of the Justice Department from 1975 to 1979, Ms. Hall joined the Hartford law firm of Robinson & Cole, where she has been a partner since 1982. Since returning to private practice, she has handled numerous matters before both Federal and State appellate courts, and her work has focused primarily on complex commercial litigation.

Ms. Hall is respected throughout Connecticut's legal community for her intelligence and sense of fairness, but she is best known for her dedicated work ethic. More than one associate at her firm described her as the hardest working, most prepared lawyer that they had ever known. Not only does Ms. Hall push herself, but she also expects a lot from those around her. Her former secretary said that the only time that she was bored during 14 years of working with Ms. Hall was when she was on maternity leave with her third child. However, while Ms. Hall can be tough on others, she always demanded even more from herself.

Part of me is actually relieved that I'm no longer an attorney in Connecticut, because I anticipate that trying a case before Ms. Hall would not be an easy day's work.

Janet Hall is unquestionably an excellent attorney, but she is also a person of great character and integrity. While Ms. Hall always worked hard to fulfill her responsibilities at her firm, she always managed to keep her career in perspective, and her family was always her top priority.

After successfully arguing a case before the U.S. Supreme Court, she was discussing the case with a group of associates. When asked to describe what was the most important thing to remember about arguing the case before the highest Court in the land, she said, "The most important thing was to bring my family."

In closing, Janet Hall is an honest, forthright, and intelligent individual, who is highly qualified to serve on the Federal bench, and all of my colleagues should be proud to vote in support of her nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Janet C. Hall, of Connecticut, to be United States district judge for the District of Connecticut? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas [Mr. HUTCHINSON] is necessarily absent.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 98, nays 1, as follows:

[Rollcall Vote No. 238 Ex.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Faircloth

NOT VOTING—1

Hutchinson

The nomination was confirmed.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, Executive Calendar Nos. 238, 239, 245, and 247 are confirmed.

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Sharon J. Zealey, of Ohio, to be United States Attorney for the Southern District of Ohio for the term of four years.

James Allan Hurd, Jr., of the Virgin Islands, to be United States Attorney for the District of the Virgin Islands for the term of four years.

CORPORATION FOR PUBLIC BROADCASTING

Katherine Milner Anderson, of Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2000.

CORPORATION FOR PUBLIC BROADCASTING

Heidi H. Schulman, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2002.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the confirmation of the nominations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate proceeded with the consideration of the bill.

Mr. GORTON. I ask unanimous consent the Senate proceed to the consideration of Calendar No. 122, H.R. 2107, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted as shown in italic.)

H.R. 2107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending

September 30, 1998, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), [$581,591,000] *$578,851,000*, to remain available until expended, of which $2,043,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which $3,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–6a(i)); and of which $1,500,000 shall be available in fiscal year 1998 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for challenge cost share projects supporting fish and wildlife conservation affecting Bureau lands; in addition, [$27,300,000] *$27,650,000* for Mining Law Administration program operations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than [$581,591,000] *$578,851,000*; and in addition, not to exceed $5,000,000, to remain available until expended, from annual mining claim fees; which shall be credited to this account for the costs of administering the mining claim fee program, and $2,000,000 from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire use and management, fire preparedness, suppression operations, and emergency rehabilitation by the Department of the Interior, [$280,103,000] *$282,728,000*, to remain available until expended, of which not to exceed [$5,025,000] *$6,950,000* shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9601 et seq.), [$12,000,000] *$14,900,000*, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, [$3,254,000] *$3,154,000*, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended, (31 U.S.C. 6901–6907), [$113,500,000] *$120,000,000*, of which not to exceed $400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, [$12,000,000] *$9,400,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $101,406,000, to remain available until expended: *Provided*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. Any receipts derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $9,113,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended, [$591,042,000] *$585,064,000*, to remain available until September 30, 1999, of which $11,612,000 shall remain available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976, to compensate for loss of fishery resources from water development projects on the Lower Snake River, and of which not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended[, and of which not to exceed $5,190,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act of 1973, as amended]*: Provided, That the proviso under this heading in Public Law 104–208 is amended by striking the words "Education and" and inserting in lieu thereof "Conservation", by striking the word "direct" and inserting in lieu thereof the word "full", and by inserting before the period ", to remain available until expended": Provided further, That the Bureau of Reclamation transfers to the Fish and Wildlife Service for the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin shall be exempt from any Fish and Wildlife Service overhead charge.*

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; [$40,256,000] *$43,053,000*, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and Public Law 101–337; [$4,128,000] *$4,328,000*, to remain available until expended: *Provided*, That under this heading in Public Law 104–134, strike "in fiscal year 1996 and thereafter" in the proviso and insert "heretofore and hereafter", and before the phrase, "or properties shall be utilized" in such proviso, insert ", to remain available until expended,"*: Provided further, That the first proviso under this heading in Public Law 103–138 is amended by inserting after "account" the following: ", including transfers to Federal trustees and payments to non-Federal trustees,".*

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460*l*–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, [$53,000,000] *$57,292,000*, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $14,000,000, for grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), [$10,000,000] *$10,779,000*.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), $1,000,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, [$10,500,000] *$13,000,000*, to remain available until expended.

RHINOCEROS AND TIGER CONSERVATION FUND

For deposit to the Rhinoceros and Tiger Conservation Fund, $400,000, to remain available until expended, to carry out the Rhinoceros and Tiger Conservation Act of 1994 (Public Law 103–391).

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 108 passenger motor vehicles, of which 92 are for replacement only (including 57 for police-type use); not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the report accompanying this bill: *Provided further*, That the Secretary may sell land and interests in land, other than surface water rights, acquired in conformance with subsections 206(a) and 207(c) of Public Law 101–816, the receipts of which shall be deposited to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund and used exclusively for the purposes of such subsections, without regard to the limitation on the distribution of benefits in subsection 206(f)(2) of such law.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed [$2,500,000] *$1,593,000* for the Volunteers-in-Parks program, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, [$1,232,325,000] *$1,249,409,000*, of which $12,800,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $72,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, [$43,934,000, of which $4,500,000 is for grants to Heritage areas in accordance with titles I–VI and VIII–IX, division II of Public Law 104–333 and is] *$45,284,000* to remain available until September 30, 1999.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), [$40,412,000] *$39,812,000*, to be derived from the Historic Preservation Fund, to remain available until September 30, 1999, *of which $3,200,000 pursuant to section 507 of Public Law 104–333 shall remain available until expended.*

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, *including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989*, [$148,391,000] *$167,894,000* to remain available until expended[, *Provided*, That $500,000 for the Rutherford B. Hayes Home and $600,000 for the Sotterly Plantation House shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470A]*: Provided, That $500,000 for the Darwin Mountain House in Buffalo, New York and $500,000 for the Penn Center, South Carolina, shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided further, That $3,000,000 for the Hispanic Cultural Center, New Mexico, is subject to authorization: Provided further, That $1,000,000 for the Oklahoma City Bombing Memorial is subject to authorization: Provided further, That none of the funds provided in this Act may be used to relocate the Brooks River Lodge in Katmai National Park and Preserve from its current physical location.*

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1998 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, [$129,000,000] *$125,690,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended[, of which $1,000,000 is to administer the State assistance program]: *Provided*, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress[: *Provided further*, That of the funds provided herein, $8,500,000 is available for acquisition of the Sterling Forest]*: Provided further, That from the funds made available for land acquisition at Everglades National Park and Big Cypress National Preserve, the Secretary may provide for Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys) under terms and conditions deemed necessary by the Secretary, to improve and restore the hydrological function of the Everglades watershed: Provided further, That funds provided under this head to the State of Florida shall be subject to an agreement that such lands will be managed in perpetuity for the restoration of the Everglades.*

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 396 passenger motor vehicles, of which 302 shall be for replacement only, including not to exceed 315 for police-type use, 13 buses, and 6 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

United States Geological Survey

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; [$755,795,000] *$758,160,000* of which $66,231,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; *and of which $2,000,000 shall remain available until expended for development of a mineral and geologic database*; and of which [$147,794,000] *$147,159,000* shall be available until September 30, 1999 for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities: *Provided further, That hereafter the United States Geological Survey may disperse to local entities Payment in Lieu of Taxes impact funding appropriated to the Fish and Wildlife Service pursuant to the Refuge Revenue Sharing Act that is associated with Federal real property being transferred to the United States Geological Survey from the United States Fish and Wildlife Service.*

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302, et seq.: *Provided further*, That the USGS may contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to section 41 U.S.C. 5, for the temporary or intermittent services of science students or recent graduates, who shall be considered employees for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

Minerals Management Service

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; [$139,621,000] *$135,722,000*, of which not less than [$70,874,000] *$66,175,000* shall be available for royalty management activities; and an amount not to exceed $65,000,000 [for activities within the Outer Continental Shelf (OCS) Lands Program,] to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for OCS administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for OCS administrative activities established after September 30, 1993: *Provided*, That [$1,500,000] *$3,000,000* for computer acquisitions shall remain available until September 30, 1999: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

Office of Surface Mining Reclamation and Enforcement

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and

Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; **[$94,937,000]** *$97,437,000*, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1998: *Provided*, That the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1998 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, **[$179,624,000]** *$177,624,000*, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $5,000,000 shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 1998: *Provided further*, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for federally-administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 per centum limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available to States under title IV of Public Law 95–87 may be used, at their discretion, for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau, including such expenses in field offices; maintaining of Indian reservation roads as defined in 23 U.S.C. 101; and construction, repair, and improvement of Indian housing, **[$1,526,815,000]** *$1,527,024,000*, to remain available until September 30, 1999 except as otherwise provided herein, of which not to exceed $93,825,000 shall be for welfare assistance payments and not to exceed $105,829,000 shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts entered into with the Bureau prior to fiscal year 1998, as authorized by the Indian Self-Determination Act of 1975, as amended, and up to $5,000,000 shall be for the Indian Self-Determination Fund, which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts, or cooperative agreements with the Bureau under such Act; and of which not to exceed $374,290,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 1998, and shall remain available until September 30, 1999; and of which not to exceed **[$59,775,000]** *$59,479,000* shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvements and the Navajo-Hopi Settlement Program: *Provided*, That tribes and tribal contractors may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants or compact agreements and for unmet welfare assistance costs: *Provided further*, That funds made available to tribes and tribal organizations through contracts, compact agreements, or grants obligated during fiscal years 1998 and 1999, as authorized by the Indian Self-Determination Act of 1975, or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than two years may be reprogrammed to two year availability but shall remain available within the Compact until expended: *Provided further*, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further*, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: *Provided further*, That any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1998, may be transferred during fiscal year 1999 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 1999: *Provided further*, That notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1998: *Provided further*, That funds made available in this or any other Act for expenditure through September 30, 1999 for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996: *Provided further*, That no funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995: *Provided further*, That beginning in fiscal year 1998 and thereafter and notwithstanding 25 U.S.C. 2012(h)(1)(B), when the rates of basic compensation for teachers and counselors at Bureau-operated schools are established at the rates of basic compensation applicable to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act, such rates shall become effective with the start of the next academic year following the issuance of the Department of Defense salary schedule and shall not be effected retroactively: *Provided further*, That the Cibecue Community School may use prior year school operations funds for the construction of a new high school facility which is in compliance with 25 U.S.C. 2005(a) provided that any additional construction costs for replacement of such facilities begun with prior year funds shall be completed exclusively with non-Federal funds: *Provided further, That tribes may use Tribal Priority Allocations funds for the replacement and repair of school facilities which are in compliance with 25 U.S.C. 2005(a) provided that any construction costs for subsequent replacement of such facilities is completed exclusively with non-Federal funds.*

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public

Law 87–483, [$110,751,000] *$125,051,000*, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis: *Provided further*, That for fiscal year 1998, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, [$41,352,000] *$43,352,000*, to remain available until expended; of which [$40,500,000] *$42,000,000* shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 102–374, and 102–575, and for implementation of other enacted water rights settlements, including not to exceed $8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103–116; and of which [$852,000] *$1,352,000* shall be available pursuant to Public Laws 99–264, *100–383, 103–402*, and 100–580: *Provided*, That the Secretary is directed to sell land and interests in land, other than surface water rights, acquired in conformance with section 2 of the Truckee River Water Quality Settlement Agreement, the receipts of which shall be deposited to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund, and be available for the purposes of section 2 of such Agreement, without regard to the limitation on the distribution of benefits in the second sentence of paragraph 206(f)(2) of Public Law 101–618.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $34,615,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $500,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, [$68,214,000] *$67,214,000*, of which (1) [$64,365,000] *$63,365,000* shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $3,849,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99–396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands grant funding: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this head in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, [$20,445,000] *$20,545,000*, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $58,286,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,200,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $35,443,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, [$24,439,000] *$24,500,000*.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

[For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, $1,000,000.]

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, $1,000,000, to remain available until expended.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, [$32,126,000] *$35,689,000*, to remain available until expended [for trust funds management:] *Provided*, That funds for trust management improvements may be transferred to the Bureau of Indian Affairs: *Provided further*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1998, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to "Wildland Fire Management" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

[SEC. 107. No final rule or regulation of any agency of the Federal Government pertaining to the recognition, management, or validity of a right-of-way pursuant to Revised Statute 2477 (43 U.S.C. 932) shall take effect unless expressly authorized by an Act of Congress subsequent to the date of enactment of this Act.]

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior for the conduct of [leasing, or the approval or permitting of any drilling or other exploration activity,] *offshore oil and natural gas preleasing, leasing, and related activities* on lands within the North Aleutian Basin planning area.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the Eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997-2002.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

[SEC. 112. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450, et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

[(a) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States, or

[(b) deposited only into accounts that are insured by an agency or instrumentality of the United States.]

SEC. 112. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450, et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(a) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States, or

(b) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the Funds, even in the event of a bank failure.

[SEC. 113. (a) Employees of Helium Operations, Bureau of Land Management, entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Secretary of the Interior may pay the total amount of the severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Helium Fund.

[(b) Helium Operations employees who elect to continue health benefits after separation shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A). The Helium Fund shall pay for 18 months the remaining portion of required contributions.

[(c) Benefits under this section shall be available to Helium Operations employees who are or will be involuntarily separated before October 1, 2002 because of the cessation of helium production and sales and other related activities.]

SEC. 113. (a) Employees of Helium Operations, Bureau of Land Management, entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Secretary of the Interior may pay, the total amount of the severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i) (2) and (3), except that any repayment shall be made to the Helium Fund.

(b) Helium Operations employees who elect to continue health benefits after separation shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A). The Helium Fund shall pay for 18 months the remaining portion of required contributions.

(c) The Secretary of the Interior may provide for training to assist Helium Operations employees in the transition to other Federal or private sector jobs during the facility shut-down and disposition process and for up to 12 months following separation from Federal employment, including retraining and relocation incentives on the same terms and conditions as authorized for employees of the Department of Defense in section 348 of the National Defense Authorization Act for Fiscal Year 1995.

(d) For purposes of the annual leave restoration provisions of 5 U.S.C. 6304(d)(1)(B), the cessation of helium production and sales, and other related Helium Program activities shall be deemed to create an exigency of public business under, and annual leave that is lost during leave years 1997 through 2001 because of, 5 U.S.C. 6304 (regardless of whether such leave was scheduled in advance) shall be restored to the employee and shall be credited and available in accordance with 5 U.S.C. 6304(d)(2). Annual leave so restored and remaining unused upon the transfer of a Helium Program employee to a position of the executive branch outside of the Helium Program shall be liquidated by payment to the employee of a lump-sum from the Helium Fund for such leave.

(e) Benefits under this section shall be paid from the Helium Fund in accordance with section 4(c)(4) of the Helium Privatization Act of 1996. Funds may be made available to Helium Program employees who are or will be separated before October 1, 2002 because of the cessation of helium production and sales and other related activities. Retraining benefits, including retraining and relocation incentives, may be paid for retraining commencing on or before September 30, 2002.

[SEC. 114. None of the funds in this or previous appropriations Acts may be used to establish a new regional office in the United States Fish and Wildlife Service without the advance approval of the House and Senate Committees on Appropriations.]

SEC. 115. (a) CONVEYANCE REQUIREMENT.—Within 90 days after the date of enactment of this Act, the Secretary of the Interior shall convey to the State of West Virginia without reimbursement, all right, title, and interest of the United States in and to the property described in subsection (b), for sole use by the Wildlife Resources Section of the West Virginia Division of Natural Resources, as part of the State of West Virginia fish culture program.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the property known as the Bowden National Fish Hatchery, located on old United States route 33, Randolph County, West Virginia, consisting of 44 acres (more or less), and all improvements and related personal property under the control of the Secretary that is located on that property, including buildings, structures, equipment, and all easements, leases, and water rights relating to that property.

(c) USE AND REVERSIONARY INTEREST.—The property conveyed to the State of West Virginia pursuant to this section shall be used and operated solely by the Wildlife Resources Section of the West Virginia Division of Natural Resources for the purposes of fishery resources management and fisheries related activities, and if it is used for any other purposes or by any other party other than the use authorized under subsection (a), all right, title, and interest in and to all property conveyed under this section shall revert to the United States. The State of West Virginia shall ensure that the property reverting to the United States is in substantially the same or better condition as at the time of transfer.

SEC. 116. Section 115 of Public Law 103–332 is amended by inserting after the word "title" the following: "or provided from other Federal agencies through reimbursable or other agreements pursuant to the Economy Act".

SEC. 117. The third proviso under the heading "Compact of Free Association" of Public Law 100–446 is amended by striking "$2,000,000" and inserting "$2,500,000" and by adding at the end of the proviso the following: "and commencing on October 1, 1998 and every year thereafter, this dollar amount shall be changed to reflect any fluctuation occurring during the previous twelve (12) months in the Consumer Price Index, as determined by the Secretary of Labor."

SEC. 118. (a) No funds available in this Act or any other Act for tribal priority allocations (hereinafter in this section "TPA") in excess of the funds expended for TPA in fiscal year 1997 (adjusted for fixed costs and internal transfers pursuant to other law) may be allocated or expended by the Bureau of Indian Affairs (hereinafter in this section "BIA") until sixty days after the BIA has submitted to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives the report required under subsection (b).

(b) The BIA is directed to develop a formula through which TPA funds will be allocated on the basis of need, taking into account each tribe's tribal business revenues from all business ventures, including gaming. The BIA shall submit to the Congress its recommendations for need-based distribution formulas for TPA funds prior to January 1, 1998. Such recommendations shall include several proposed formulas, which shall provide alternative means of measuring the wealth and needs of tribes.

(c) Notwithstanding any other provision of law, the BIA is hereby authorized to collect such financial and supporting information as is necessary from each tribe receiving or seeking to receive TPA funding to determine such tribe's tribal business revenue from business ventures, including gaming, for use in determining such tribe's wealth and needs for the purposes of this section. The BIA shall obtain such information on the previous calendar or fiscal year's business revenues no later than April 15th of each year. For purposes of preparing its recommendations under subsection (b), the BIA shall require each tribe that received TPA funds in fiscal year 1997 to submit such information by November 1, 1997.

(d) At the request of a tribe, the BIA shall provide such technical assistance as is necessary to foster the tribe's compliance with subsection (c). Any tribe which does not comply with subsection (c) in any given year will be ineligible to receive TPA funds for the following fiscal year, as such tribe's relative need cannot be determined.

(e) For the purposes of this section, the term "tribal business revenue" means income, however derived, from any venture (regardless of the nature or purpose of the activity) owned, held, or operated, in whole or in part, by any entity (whether corporate, partnership, sole proprietorship, trust, or cooperative in nature) on behalf of the collective members of any tribe that has received or seeks to receive TPA, and any income from license fees and royalties collected by any such tribe. Payments by corporations to shareholders who are shareholders based on stock ownership, not tribal membership, will not be considered tribal business revenue under this section unless the corporation is operated by a tribe.

(f) Notwithstanding any provision of this Act or any other Act hereinafter enacted, no funds may be allocated or expended by any agency of the Federal Government for TPA after October 1, 1998 except in accordance with a needs-based funding formula that takes into account all tribal business revenues, including gaming, of each tribe receiving TPA funds.

SEC. 119. Section 116 of the Omnibus Appropriations Act for Fiscal Year 1997 (Public Law 104–208; 110 Stat. 3009–201) is amended—

(1) by striking "Miners Hospital Grant" each place it appears and inserting in lieu thereof "Miners Hospital Grants";

(2) by striking "(February 20, 1929, 45 Stat. 1252)" each place it appears and inserting in lieu thereof "(July 16, 1894, 28 Stat. 110 and February 20, 1929, 45 Stat. 1252)"; and

(3) by striking "(July 26, 1894, 28 Stat. 110)" each place it appears and inserting in lieu thereof "(July 16, 1894, 28 Stat. 110)".

TRIBAL PRIORITY ALLOCATION LIMITATION

SEC. 120. The receipt by an Indian Tribe of tribal priority allocations funding from the Bureau of Indian Affairs "Operation of Indian Programs" account under this Act shall—

(1) waive any claim of immunity by that Indian tribe;

(2) subject that Indian tribe to the jurisdiction of the courts of the United States, and grant the consent of the United States to the maintenance of suit and jurisdiction of such courts irrespective of the issue of tribal immunity; and

(3) grant United States district courts original jurisdiction of all civil actions brought by or against any Indian tribe or band with a governing body duly recognized by the Secretary of the Interior, wherein the matter in controversy arises under the Constitution, laws, or treaties of the United States.

SEC. 121. KANTISHNA MINING CLAIMS.—Notwithstanding any other provision of law, on October 1, 1998, there is hereby vested in the United States all right, title, and interest in and to, and the right of immediate possession of, all patented mining claims and valid unpatented mining claims (including any unpatented claim whose validity is in dispute, so long as such validity is later established in a settlement or judgement pursuant to this section) in the Kantishna Mining District within Denali National Park and Preserve whose owners consent in writing to this action within said 120 day period: Provided, That in the event a bankruptcy trustee is an owner in interest in a mining claim in the Kantishna Mining District, that consent will be deemed timely for purposes of this section if the trustee applies within said 120 day period to the bankruptcy court for authority to sell the mining claim and to consent to the taking of such claim, and that in such event title shall vest in the United States 10 days after entry of an unstayed order or judgement approving the trustee's application: Provided further, That the United States shall pay just compensation to the owners of any property taken pursuant to this section, determined as of the date of taking: Provided further, That payment shall be in the amount of a negotiated settlement of the value of such property or the valuation of such property awarded by judgement and shall be made solely from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code, and shall include accrued interest on the amount of the agreed settlement value or the final judgment from the date of taking to the date of payment, calculated in accordance with section

258e-1 of title 40, United States Code, except that interest shall not be allowed on such amounts as shall have been paid into the court registry: Provided further, That the United States or the property owner may initiate proceedings at any time after said 120 day period seeking a determination of just compensation in the District Court for the District of Alaska pursuant to sections 1358 and 1403 of title 28, United States Code: Provided further, That the United States shall deposit in the registry of the court the estimated just compensation, or at least seventy-five percent thereof, in accordance with the procedures generally described in section 258a of title 40, United States Code not otherwise inconsistent with this section: Provided further, That in establishing any estimate (other than an estimate based on an agency-certified appraisal made prior to the date of enactment of this Act) the Secretary of the Interior shall permit the property owner to present evidence of the value of the property, including potential mineral value, and shall consider such evidence and permit the property owner to have a reasonable and sufficient opportunity to comment on such estimate: Provided further, That the estimated just compensation or part thereof deposited in the court registry shall be paid to the property owner upon request: Provided further, That any payment from the court registry to the property owner shall be deducted from any negotiated settlement or award by judgement: Provided further, That the United States may not request the court to withhold any payment from the court registry or pursue any claim for environmental remediation with respect to such property until 30 days after a negotiated settlement or award by judgement with respect to such property has been reached and payment has been made: Provided further, That the Secretary shall not allow any unauthorized use of property acquired pursuant to this section after the date of taking, and the Secretary shall permit the orderly termination of all operation on the lands and the removal of equipment, facilities, and personal property.

Sec. 122. Section 1034 of Public Law 104–333 (110 Stat. 4093, 4240) is amended by striking "at any time within 12 months of enactment of this Act" and inserting in lieu thereof "on or before October 1, 1998".

Sec. 123. (a) Kodiak Land Valuation.—Notwithstanding the Refuge Revenue Sharing Act (16 U.S.C. 715s) or any regulations implementing such Act, the fair market value for the initial computation of the payment to Kodiak Island Borough pursuant to such Act shall be based on the purchase price of the parcels acquired from Akhiok-Kaguyak, Incorporated, Koniag, Incorporated, and the Old Harbor Native Corporation for addition to the Kodiak National Wildlife Refuge.

(b) The fair market value of the parcels described in subsection (a) shall be reappraised under the normal schedule for appraisals adopted by the Alaska Region of the United States Fish and Wildlife Service under the Refuge Revenue Sharing Act (16 U.S.C. 715s). Any such reappraisals shall be made in accordance with such Act and any other applicable law or regulation.

(c) The fair market value computation required under subsection (a) shall be effective as of the date of the acquisition of the parcels described in such subsection.

Sec. 124. (a) Androscoggin River Valley Heritage Area Act—Short Title.—This Act may be cited as the "Androscoggin River Valley Heritage Area Act".

(b) Purpose.—The purpose of this Act is to establish a locally oriented commission to assist the city of Berlin, New Hampshire, in identifying and studying the Androscoggin River Valley's historical and cultural assets.

(c) Establishment of Commission.—There is established the Androscoggin River Valley Heritage Commission (referred to in this Act as the "Commission"), which shall consist of 10 members appointed not later than 3 months after the date of enactment of this Act, as follows:

(1) 1 member appointed by the Governor of New Hampshire, who shall serve as Chairperson.

(2) 1 member appointed by the Speaker of the House of Representatives of the State of New Hampshire.

(3) 1 member appointed by the President of the Senate of the State of New Hampshire.

(4) 2 members appointed by the Secretary of the Interior from among individuals recommended by State and local cultural or historic preservation organizations.

(5) 1 member, appointed by the Secretary of the Interior, who has experience in the area of historical projects.

(6) 4 members appointed by the mayor of the city of Berlin, New Hampshire.

(d) Voting.—The Commission shall act and advise by affirmative vote of a majority of its members.

(e) Compensation.—

(1) In general.—A member of the Commission shall receive no pay on account of the member's service on the Commission.

(2) Travel expenses.—A member of the Commission, while away from the member's home or regular place of business in the performance of services for the Commission, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) Exemption From Charter Renewal Requirements.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(g) Termination.—The Commission shall terminate on submission of a report under section 4(b).

(h) Support.—

(1) Staff and technical services.—The Director of the National Park Service may provide such staff support and technical services as are necessary to carry out the functions of the Commission.

(2) Completion of study.—The Secretary of the Interior may provide the Commission such technical and other assistance as is necessary to complete the study described in subsection (j).

(i) Open Meetings.—All meetings of the Commission shall be open to the public.

(j) Study.—

(1) In general.—Not later than 1 year after the completion of appointment of the members of the Commission, the Commission shall complete a comprehensive study of the Androscoggin River Valley's history and culture in New Hampshire, which shall—

(A) include a catalog of all available historically and culturally significant sites, buildings, and areas in the region;

(B) examine the feasibility of any Federal or State historic recognition in the region;

(C) include a set of options for the city of Berlin, New Hampshire, to pursue with respect to heritage-based development, including a list of available Federal, State, and private programs that would further any such efforts; and

(D) account for the impacts of any heritage-based development on State, municipal, and private property.

(2) Report.—The Commission shall provide Congress, the Secretary of the Interior, and the State of New Hampshire with a report based on the study described in paragraph 1.

(k) No Regulatory Authority.—Nothing in this Act provides the Commission with any regulatory authority.

(l) Authorization of Appropriations.—For the purpose of carrying out the functions of the Commission, there is authorized to be appropriated $50,000.

TITLE II—RELATED AGENCIES

Department of Agriculture

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, [$187,644,000] *$188,644,000*, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, Territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities, [$157,922,000] *$162,668,000*, to remain available until expended, as authorized by law: *Provided, That of funds available under this heading for Pacific Northwest Assistance in this or prior appropriations Acts, $800,000 shall be provided to the World Forestry Center for purposes of continuing scientific research and other authorized efforts regarding the land exchange efforts in the Umpqua River Basin region: Provided further, That activities conducted pursuant to funds provided herein for the Alaska Spruce Bark Beetle task force shall be exempt from the requirements of the Federal Advisory Committee Act.*

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, for forest planning, inventory, and monitoring, and for administrative expenses associated with the management of funds provided under the heads "Forest and Rangeland Research," "State and Private Forestry," "National Forest System," "Wildland Fire Management," "Reconstruction and Construction," and "Land Acquisition," [$1,364,480,000] *$1,346,215,000*, to remain available until expended, which shall include 50 per centum of all monies received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460*l*–6a(i)): *Provided*, That up to $10,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed: *Provided further, That funds may be used to construct or reconstruct facilities of the Forest Service: Provided further, That no more than $250,000 shall be used on any single project, exclusive of planning and design costs: Provided further, That the Forest Service shall report annually to Congress the amount obligated for each project, and the total dollars obligated during the year.*

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned over National Forest System lands, [$591,715,000] *$582,715,000* to remain available until expended: *Provided*, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.

RECONSTRUCTION AND CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, [$160,122,000 (reduced by $5,600,000)] *$160,269,000*, to remain available until expended for construction, reconstruction and acquisition of buildings and other facilities, and for construction, reconstruction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205[: *Provided*, That not to exceed $50,000,000, (reduced to $25,000,000), to remain available until expended, may be obligated for the construction of forest roads by timber purchasers.]

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, [$45,000,000] *$49,176,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MIDEWIN NATIONAL TALLGRASS PRAIRIE RESTORATION FUND

All funds collected for admission, occupancy, and use of the Midewin National Tallgrass Prairie, and the salvage value proceeds from sale of any facilities and improvements pursuant to sections 2915(d) and (e) of Public Law 104–106, are hereby appropriated and made available until expended for the necessary expenses of restoring and administering the Midewin National Tallgrass Prairie in accordance with section 2915(f) of the Act.

[COOPERATIVE WORK, FOREST SERVICE

[For restoring the balances borrowed for previous years firefighting, $128,000,000, to remain available until expended: *Provided*, That the appropriation shall be merged with and made a part of the designated fund authorized by Public Law 71–319, as amended.]

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 159 passenger motor vehicles of which 22 will be used primarily for law enforcement purposes and of which 156 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 20 aircraft from excess sources notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture *other than the relocation of the regional office for Region 10 to Ketchikan and other office relocations and closures in Alaska as specified in the Committee report accompanying this bill*, without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be advanced to the Wildland Fire Management appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the report accompanying this bill.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in the report accompanying this bill.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of the law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93–153 (30 U.S.C. 185(l)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 note, 2101–2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to [$2,000,000] *$2,500,000* may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the

Foundation, no more than [$500,000] *$1,000,000* shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a recipient of Federal financial assistance for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: *Provided further*, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, up to $2,000,000 of the funds available to the Forest Service shall be available for matching funds, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a recipient of Federal financial assistance for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Reconstruction and Construction" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Any funds available to the Forest Service may be used for retrofitting the Commanding Officer's Building (S–2), to accommodate the relocation of the Forest Supervisor's Office for the San Bernardino National Forest: *Provided*, That funds for the move must come from funds otherwise available to Region 5: *Provided further*, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: *Provided*, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: *Provided further*, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

For purposes of the Southeast Alaska Economic Disaster Fund as set forth in section 101(c) of Public Law 104–134, the direct grants provided in subsection (c) shall be considered direct payments for purposes of all applicable law except that these direct grants may not be used for lobbying activities.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1997 or prior years, $101,000,000 are rescinded: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, [$313,153,000] *$363,969,000*, to remain available until expended: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1997, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, [$115,000,000] *$107,000,000*, and such sums as are necessary to operate Naval Petroleum Reserve Numbered 1 between May 16, 1998 and September 30, 1998, to remain available until expended: *Provided*, That notwithstanding any other provision of law, revenues received from use and operation of Naval Petroleum Reserve Numbered 1 in excess of $163,000,000 shall be used to offset the costs of operating Naval Petroleum Reserve Numbered 1 between May 16, 1998 and September 30, 1998: *Provided further*, That revenues retained pursuant to the first proviso under this head in Public Law 102–381 (106 Stat. 1404) shall be immediately transferred to the General Fund of the Treasury: *Provided further*, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1998.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, [$644,766,000] *$627,357,000*, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1998 determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): *Provided*, That [$153,845,000] *$160,100,000* shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509 such sums shall be allocated to the eligible programs as follows: [$123,845,000] *$129,000,000* for weatherization assistance grants and [$30,000,000] *$31,100,000* for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $2,725,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), [$209,000,000] *$207,500,000*, to remain available until expended, of which [$209,000,000] *$207,500,000* shall be repaid from the "SPR Operating Fund" from amounts made available from the sale of oil from the Reserve: *Provided*, That notwithstanding section 161 of the Energy Policy and Conservation Act, the Secretary shall draw down and sell in fiscal year 1998 [$209,000,000] *$207,500,000* worth of oil from the Strategic Petroleum Reserve: *Provided further*, That the proceeds from the sale shall be deposited into the "SPR Operating Fund", and shall, upon receipt, be transferred to the Strategic Petroleum Reserve account for operations of the Strategic Petroleum Reserve.

SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided*, That outlays in fiscal year 1998 resulting from the use of funds in this account shall not exceed $5,000,000.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, [$66,800,000] *$62,800,000*, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

The Secretary is authorized to accept funds from other Federal agencies in return for assisting agencies in achieving energy efficiency in Federal facilities and operations by the use of privately financed, energy saving performance contracts and other private financing mechanisms. The funds may be provided after agencies begin to realize energy cost savings; may be retained by the Secretary until expended; and may be used only for the purpose of assisting Federal agencies in achieving greater efficiency, water conservation, and use of renewable energy by means of privately financed mechanisms, including energy savings performance contracts. Any such privately financed contracts shall meet the provisions of the Energy Policy Act of 1992, Public Law [102-496] *102-486* (42 U.S.C. 8287).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, [$1,829,008,000] *$1,958,235,000*, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That [$359,348,000] *$362,375,000* for contract medical care shall remain available for obligation until September 30, 1999: *Provided further*, That of the funds provided, not less than $11,889,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That of the funds provided, $7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, compacts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1999: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act[, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $257,310,000] *$168,501,000*, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law 93-638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act[: *Provided further*, That funds received from any source, including tribal contractors and compactors for previously transferred functions which tribal contractors and compactors no longer wish to retain, for services, goods, or training and technical assistance, shall be retained by the Indian Health Service and shall remain available until expended by the Indian Health Service:] *Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: Provided further*, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, [$18,345,000] *$15,000,000*, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56, part A), [$3,000,000] *$5,500,000*.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; [$334,557,000] *$333,708,000*, of which not to exceed $32,718,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $3,850,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, [$50,000,000] *$32,000,000*, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $33,000,000, to remain available until expended: Provided, That notwithstanding any other provision of law, a single procurement for the construction of the National Museum of the American Indian may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $55,837,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, [$6,442,000] *$5,942,000*, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $11,375,000.

CONSTRUCTION

For necessary expenses for capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $9,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

[For necessary expenses of the Woodrow Wilson International Center for Scholars, $1,000,000.]

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $5,840,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $83,300,000 shall be available to the National Endowment for the

Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,760,000, to remain available until expended, to the National Endowment for the Arts: Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

National Endowment for the Humanities

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$96,100,000] *$96,800,000*, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $13,900,000, to remain available until expended, of which $8,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.*

Institute of Museum and Library Services

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, [$23,390,000] *$22,290,000*, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

Commission of Fine Arts

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $907,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, [$6,000,000] *$7,000,000*.

Advisory Council on Historic Preservation

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), [$2,700,000] *$2,745,000*: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

National Capital Planning Commission

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, [$5,700,000] *$5,740,000*: *Provided*, That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV: *Provided further*, That beginning in fiscal year 1998 and thereafter, the Commission is authorized to charge fees to cover the full costs of Geographic Information System products and services supplied by the Commission, and such fees shall be credited to this account as an offsetting collection, to remain available until expended.

United States Holocaust Memorial Council

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended, $31,707,000 of which $1,575,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's exhibitions program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

Sec. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

Sec. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

Sec. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

Sec. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

Sec. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

Sec. 307. (a) Compliance With Buy American Act.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) Sense of Congress; Requirement Regarding Notice.—

(1) Purchase of american-made equipment and products.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) Notice to recipients of assistance.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) Prohibition of Contracts With Persons Falsely Labeling Products as Made in America.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Sec. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1995.

Sec. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

Sec. 310. Beginning in fiscal year 1998 and thereafter, where the actual costs of construction projects under self-determination contracts, compacts, or grants, pursuant to Public Laws 93–638, 103–413, or 100–297, are less than the estimated costs thereof, use of the resulting excess funds shall be determined by the appropriate Secretary after consultation with the tribes.

Sec. 311. Notwithstanding Public Law 103–413, quarterly payments of funds to tribes and tribal organizations under annual funding agreements pursuant to section 108 of Public Law 93–638, as amended, beginning in fiscal year 1998 and therafter, may be made on the first business day following the first day of a fiscal quarter.

Sec. 312. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: *Provided*, That if no funds are provided for the AmeriCorps program by the VA–HUD and Independent Agencies fiscal year 1998 appropriations bill, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

Sec. 313. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

Sec. 314. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) On September 30, 1998, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) Mineral Examinations.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

Sec. 315. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring lands in the counties of Gallia, Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

[Sec. 316. None of the funds available to the Department of the Interior or the Department of Agriculture by this or any other Act may be used to prepare, promulgate, implement, or enforce any interim or final rule or regulation pursuant to title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over any waters (other than non-navigable waters on Federal lands), non-Federal lands, or lands selected by, but not conveyed to, the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act, or an Alaska Native Corporation pursuant to the Alaska Native Claims Settlement Act.

[Sec. 317. No funds appropriated under this or any other Act shall be used to review or modify sourcing areas previously approved under section 490(c)(3) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101–382) or to enforce or implement Federal regulations 36 CFR part 223 promulgated on September 8, 1995. The regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 subpart D, 36 CFR 223 subpart F, and 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of the Interior shall not adopt any policies concerning Public Law 101–382 or existing regulations that would restrain domestic transportation or processing of timber from private lands or impose additional accountability requirements on any timber. The Secretary of Commerce shall extend until September 30, 1998, the order issued under section 491(b)(2)(A) of Public Law 101–382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1998.

[Sec. 318. No part of any appropriation contained in this Act shall be expended or obligated to fund the activities of the western director and special assistant to the Secretary within the Office of the Secretary of Agriculture.]

Sec. 318. No part of any appropriation contained in this Act shall be expended or obligated to fund the activities of the western director and special assistant to the Secretary within the Office of the Secretary of Agriculture unless the proposed expenditure is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the report accompanying this bill.

Sec. 319. Notwithstanding any other provision of law, for fiscal year 1998 *and hereafter* the Secretaries of Agriculture and Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" component of the President's Forest Plan for the Pacific Northwest to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, and northern California that have been affected by reduced timber harvesting on Federal lands.

[Sec. 320. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading "TITLE III—GENERAL PROVISIONS" amend section 315(c)(1), subsections (A) and (B) by striking each of those subsections and inserting in lieu thereof:

["(A) Eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(A).

["(B) Twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).".]

Sec. 321. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations *if the estimated total cost of the facility exceeds $500,000.*

Sec. 322. Section 303(d)(1) of Public Law 96–451 (16 U.S.C. 1606a(d)(1)) is amended by inserting before the semicolon the following: "and other forest stand improvement activities to enhance forest health and reduce hazardous fuel loads of forest stands in the National Forest System".

[Sec. 323. The Secretaries of Agriculture and Interior, in their conducting the Interior Columbia Basin Ecosystem Management Project, including both the Eastside Draft Environmental Impact Statement and the Upper Columbia River Basin Ecosystem Management Strategy Draft Environmental Impact Statement as described in a Federal Register notice on January 15, 1997 (Vol. 62, No. 10, page 2176) (hereinafter "Project"), shall analyze the economic and social conditions, and culture and customs of communities at the sub-basin level of analysis within the project area to the extent practicable and delineate the impacts the alternatives will have on the communities in the 164 sub-basins. The project managers shall release this more thorough analysis for public review as an addition to the draft environmental impact statements for the project, and incorporate this analysis and public comments to this analysis in any final environmental impact statements and record of decisions generated by the project.]

Sec. 324. Notwithstanding section 904(b) of Public Law 104–333, hereafter, the Heritage Area established under section 904 of title IX of division II of Public Law 104–333 shall include any portion of a city, town, or village within an area specified in section 904(b)(2) of that Act only to the extent that the government of the city, town, or village, in a resolution of the governing board or council, agrees to be included and submits the resolution to the Secretary of the Interior and the management entities for the Heritage Area and to the extent such resolution is not subsequently revoked in the same manner.

[Sec. 325. None of the funds appropriated or otherwise made available to the Indian Health Service by this Act may be used to restructure the funding of Indian health care delivery systems to Alaskan Natives.]

Sec. 325. (a) Notwithstanding any other provision of law, and except as provided in this section, the Aleutian/Pribilof Islands Association, Inc., Bristol Bay Area Health Corporation, Chugachmiut, Copper River Native Association, Kodiak Area Native Area Association, Maniilaq Association, Metlakatla Indian Community, Arctic Slope Native Association, Ltd., Norton Sound Health Corporation, Southcentral Foundation, Southeast Alaska Regional Health Consortium, Tanana Chiefs Conference, Inc., and Yukon-Kuskokwim Health Corporation (hereinafter "regional health entities"), without further resolutions from the Regional Corporations, Village Corporations, Indian Reorganization Act Councils, tribes and/or villages which they represent are authorized to form a consortium (hereinafter "the Consortium") to enter into contracts, compacts, or funding agreements under Public Law 93–638 (25 U.S.C. 450 et seq.), as amended, to provide all statewide health services provided by the Indian Health Service of the U.S. Department of Health and Human Services through the Alaska Native Medical Center and the Alaska Area Office. Each specified "regional health entity" shall maintain that status for purposes of participating in the Consortium only so long as it operates a regional health program for the Indian Health Service under Public Law 93–638 (25 U.S.C. 450 et seq.), as amended.

(b) The Consortium shall be governed by a 15 member Board of Directors, which shall be composed of one representative of each regional health entity listed in subsection (a) above, and two additional persons who shall represent Indian tribes, as defined in 25 U.S.C. 450b(e), and sub-regional tribal organizations which operate health programs not affiliated with the regional health entities listed above and Indian tribes not receiving health services from any tribal, regional or sub-regional health provider. Each member of the Board of Directors shall be entitled to cast one vote. Decisions of the Board of Directors shall be made by consensus whenever possible, and by majority vote in the event that no consensus can be reached. The Board of Directors shall establish at its first meeting its

rules of procedure, which shall be published and made available to all members.

(c) The statewide health services (including any programs, functions, services and activities provided as part of such services) of the Alaska Native Medical Center and the Alaska Area Office may only be provided by the Consortium. Statewide health services for purposes of this section shall consist of all programs, functions, services, and activities provided by or through the Alaska Native Medical Center and the Alaska Area Office, not under contract or other funding agreement with any other tribe or tribal organization as of October 1, 1997, except as provided in subsection (d) below. All statewide health services provided by the Consortium under this section shall be provided pursuant to contracts or funding agreements entered into by the Consortium under Public Law 93–638 (25 U.S.C. 450 et seq.), as amended, and for such purpose the Consortium shall be deemed to have mature contract status as defined in section 4(h) of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450b(h).

(d) Cook Inlet Region, Inc., through Southcentral Foundation (or any successor health care entity designated by Cook Inlet Region, Inc.) pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.), as amended, is hereby authorized to enter into contracts or funding agreements under such Public Law for all services, provided at or through the Alaska Native Primary Care Center or other satellite clinics in Anchorage or the Matanuska-Susitna Valley without submission of any further authorizing resolutions from any other Alaska Native Region, village corporation, Indian Reorganization Act council, or tribe, no matter where located. Services provided under this paragraph shall, at a minimum, maintain the level of statewide and Anchorage Service Unit services provided at the Alaska Native Primary Care Center as of October 1, 1997, including necessary related services performed at the Alaska Native Medical Center. In addition, Cook Inlet Region, Inc., through Southcentral Foundation, or any lawfully designated health care entity of Cook Inlet Region, Inc., shall contract or enter into a funding agreement under Public Law 93–638 (25 U.S.C. 450 et seq.), as amended, for all primary care services provided by the Alaska Native Medical Center, including, but not limited to, family medicine, primary care internal medicine, pediatrics, obstetrics and gynecology, physical therapy, psychiatry, emergency services, public health nursing, health education, optometry, dentistry, audiology, social services, pharmacy, radiology, laboratory and biomedical, and the administrative support for these programs, functions, services and activities. Cook Inlet Region, Inc., through Southcentral Foundation, or any lawfully designated health care entity of Cook Inlet Region, Inc., may provide additional health care services at the Alaska Native Medical Center if such use and services are provided pursuant to an agreement with the Consortium. All services covered by this subsection shall be provided on a nondiscriminatory basis without regard to residency within the Municipality of Anchorage.

SEC. 326. (a) Notwithstanding any other provision of law, after September 30, 1997 the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.), with any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursal of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 1997, or to prohibit the renewal of any such agreement.

(c) The General Accounting Office shall conduct a study of the impact of contracting and compacting by the Indian Health Service under Public Law 93–638 with Alaska Native villages and Alaska Native village corporations for the provision of health care services on the provision of health care services by Alaska Native regional corporation health care entities. The General Accounting Office shall submit the results of that study to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House by June 1, 1998.

[SEC. 326. None of the funds made available by this Act may be used for the eviction of any person from real property in Sleeping Bear Dunes National Lakeshore that the person was authorized, on July 10, 1997, to occupy under a lease by the Department of the Interior or a special use permit issued by the Department of the Interior.

[SEC. 327. None of the funds made available by this Act may be obligated or expended for the Man and Biosphere Program or the World Heritage Program administered by the United Nations Educational, Scientific, and Cultural Organization (UNESCO).]

SEC. 328. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 329. Of the funds provided to the National Endowment for the Arts:

(a) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(b) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(c) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 330. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate Endowment for the purposes specified in each case.

SEC. 331. In fiscal years 1998 through 2002, the Secretaries of the Interior and Agriculture may make reciprocal delegations of their respective authorities, duties and responsibilities in support of joint pilot programs to promote customer service and efficiency in the management of public lands and national forests: Provided, That nothing herein shall alter, expand or limit the existing applicability of any public law or regulation to lands administered by the Bureau of Land Management or the United States Forest Service.

SEC. 332. No part of any appropriation contained in this Act shall be expended or obligated to fund any activities associated with revision of national forest land management plans until the administration publishes new final rules in the Federal Register for forest land management planning activities.

SEC. 333. No part of any appropriation contained in this Act shall be expended or obligated to fund any activities associated with issuance of the five year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 334. (a) WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS—IN GENERAL.—For fiscal year 1998 and each year thereafter, appropriations for the Forest Service may be used by the Secretary of Agriculture for the purpose of entering into cooperative agreements with willing state and local governments, private and non-profit entities and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resources on public or private land or both that benefit these resources within the watershed.

(b) DIRECT AND INDIRECT WATERSHED AGREEMENTS.—The Secretary of Agriculture may enter into a watershed restoration and enhancement agreement—

(1) directly with a willing private landowner; or

(2) indirectly through an agreement with a state, local or tribal government or other public entity, educational institution, or private nonprofit organization.

(c) TERMS AND CONDITIONS.—In order for the Secretary to enter into a watershed restoration and enhancement agreement—

(1) the agreement shall—

(A) include such terms and conditions mutually agreed to by the Secretary and the landowner;

(B) improve the viability of and otherwise benefit the fish, wildlife, and other resources on national forests lands within the watershed;

(C) authorize the provision of technical assistance by the Secretary in the planning of management activities that will further the purposes of the agreement;

(D) provide for the sharing of costs of implementing the agreement among the Federal government, the landowner(s), and other entities, as mutually agreed on by the affected interests; and

(E) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest; and

(2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on non-federal lands, provided such terms and conditions are mutually agreed to by the Secretary and other land owners, state and local governments or both.

SEC. 335. The joint resolution entitled "Joint Resolution to establish a commission to formulate plans for a memorial to Franklin Delano Roosevelt", approved August 11, 1955 (69 Stat. 694), is amended—

(a) in the first section by inserting before the last sentence the following: "The Commission shall submit a final report to the President and Congress prior to termination.";

(b) by redesignating section 4 as section 5; and

(c) by inserting after section 3 the following:

"TERMINATION OF THE COMMISSION

"SEC. 4. (a) IN GENERAL.—The Commission shall terminate on the earlier of—

"(1) December 31, 1997; or

"(2) the date that the Commission reports to the President and the Congress that the Commission's work is complete.

"(b) COMMISSION FUNDS.—

"(1) DESIGNATION.—Before the termination of the Commission, the Commission shall designate a nonprofit organization to collect, manage, and expend Commission funds after its termination.

"(2) TRANSFER OF FUNDS.—Before termination the Commission shall transfer all Commission funds to the entity designated under paragraph (1).

"(3) AMOUNTS COLLECTED AFTER TERMINATION.—The entity designated under paragraph (1) shall have the right to collect any amounts accruing to the Commission after the Commission's termination, including amounts—

(A) given to the Commission as a gift or bequest; or

(B) raised from the sale of coins issued under the United States Commemorative Coin Act of 1996 (110 Stat. 4005; 31 U.S.C. 5112 note).

"(4) USES OF FUNDS.—The Commission may specify uses for any funds made available under this section to the entity designated under paragraph (1), including—

"(A) to provide for the support, maintenance, and repair of the Memorial; and

"(B) to interpret and educate the public about the Memorial.

"(5) NEGOTIATION AND CONTRACT.—The Commission may negotiate and contract with a nonprofit organization before designating the organization under paragraph (1).".

SEC. 336. To facilitate priority land exchanges through which the United States will receive land within the White Salmon Wild and Scenic River boundaries and within the Columbia River Gorge National Scenic Area, the Secretary of Agriculture may hereafter accept title to such lands deemed appropriate by the Secretary within the States of Oregon and Washington, regardless of the State in which the transferred lands are located, following existing exchange authorities.

SEC. 337. The boundary of the Wenatchee National Forest in Chelan County, Washington, is hereby adjusted to exclude section 1 of Township 23 North, Range 19 East, Willamette Meridian.

SEC. 338. None of the funds provided in this Act can be used for any activities associated with the Center of Excellence for Sustainable Development unless a budget request has been submitted and approved by the Committees on Appropriations of the House of Representatives and the United States Senate.

SEC. 339. (a) No funds provided in this or any other act may be expended to develop a rulemaking proposal to amend or replace the Bureau of Land Management regulations found at 43 C.F.R. 3809 or to prepare a draft environmental impact statement on any such proposal, until the Secretary of the Interior establishes a Committee which shall prepare and submit a report in accordance with this section.

(b) The Committee shall be composed of appropriate representatives from the Department of the Interior and a representative appointed by the Governor from each State that contains public lands open to location under the General Mining Laws. The Committee shall be established and operated pursuant to the terms of the Federal Advisory Committee Act, 5 U.S.C. app. 2 1 et seq.

(c) The Committee established pursuant to subsection (b) shall prepare and submit a report to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives which (1) contains consensus recommendations on the appropriate relationship of States and Federal land management agencies in environmental, land management and regulation of activities subject to the Bureau's regulations at 43 C.F.R. 3809, (2) identifies current and proposed State environmental, land management and reclamation laws, regulations, performance standards and policies applicable to such activities, including those State laws and regulations which have been adopted to achieve primacy in the administration of federally mandated efforts; (3) explains how these current State laws, regulations, performance standards and policies are coordinated with Federal surface management efforts; and (4) contains consensus recommendations for how Federal and State coordination can be maximized in the future to ensure environmental protection and minimize regulatory duplication, conflict and burdens.

SEC. 340. (a) The Secretary of Agriculture shall convey to Skamania County, Washington, all right, title, and interest of the United States in and to a parcel of unused real property known as the Wind River Nursery site, Gifford Pinchot National Forest, Washington. (See U.S. Department of Interior Geological Survey modified for USDA Forest Service map, Stabler Quadrangle, Washington, Skamania County, 7.5 minutes series, topographic, Provisional Edition 1983). The conveyance under this subsection shall include all improvements to the parcel, including all infrastructure, water rights, easements, and personal property.

(b) As consideration for the conveyance under subsection (b), Skamania County shall convey to the United States all right, title, and interest of the county in a parcel of approximately 120 acres of high biodiversity, special management area land located within the Columbia River Gorge National Scenic Area.

(c) The exact acreage and legal description of the real property to be exchanged by Skamania County under this section shall be determined by a survey. The cost of any such survey shall be borne by Skamania County.

(d) The conveyances made pursuant to this section shall be subject to existing valid rights.

(e) Section 120(h) of the Comprehensive Environmental Response, Compensation, Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to the conveyance required under subsection (b).

(f) The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States consistent with existing law.

SEC. 341. (a) LOCAL EXEMPTIONS FROM FOREST SERVICE USER FEES DUE TO LESS THAN FULL FUNDING OF PAYMENTS IN LIEU OF TAXES.—Section 6906 of title 31, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Necessary"; and

(2) by adding at the end the following:

"(b) LOCAL EXEMPTIONS FROM USER FEES DUE TO INSUFFICIENT APPROPRIATIONS.—

"(1) IN GENERAL.—Unless sufficient funds are appropriated for a fiscal year to provide full payments under this chapter to each unit of general local government eligible for the payments, persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a recreational user fee imposed by the Secretary of Agriculture for access to the White Mountain National Forest that lies, in whole or in part, within those boundaries.

"(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from requirements to pay user fees under paragraph (1).".

SEC. 342. None of the funds in this or any other Act shall be expended by the Department of the Interior, the Forest Service or any other Federal agency, for the introduction of the grizzly bear population in the Selway-Bitteroot area of Idaho and adjacent Montana, or for consultations under section 7(b)(2) of the Endangered Species Act for Federal actions affecting grizzly bear within the Selway-Bitteroot area of Idaho, except that, funds may be used by the Department of the Interior or the Forest Service, or any other Federal agency for the purposes of receiving public comment on the draft Environmental Impact Statement dated July 1997, and for conducting a habitat-based population viability analysis.

[TITLE IV—DEFICIT REDUCTION LOCK-BOX

[SEC. 401. SHORT TITLE.

[This title may be cited as the "Deficit Reduction Lock-box Act of 1997".

[SEC. 402. DEFICIT REDUCTION LOCK-BOX LEDGER.

[(a) ESTABLISHMENT OF LEDGER.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

["DEFICIT REDUCTION LOCK-BOX LEDGER

["SEC. 314. (a) ESTABLISHMENT OF LEDGER.—The Director of the Congressional Budget Office (hereinafter in this section referred to as the 'Director') shall maintain a ledger to be known as the 'Deficit Reduction Lock-box Ledger'. The Ledger shall be divided into entries corresponding to the subcommittees of the Committees on Appropriations. Each entry shall consist of three parts: the 'House Lock-box Balance'; the 'Senate Lock-box Balance'; and the 'Joint House-Senate Lock-box Balance'.

["(b) COMPONENTS OF LEDGER.—Each component in an entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

["(c) CREDIT OF AMOUNTS TO LEDGER.—(1) The Director shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of that bill by the Senate, credit to the applicable entry balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

["(2) The Director shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

["(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that bill; and

["(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that bill.

["(3) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

["(d) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.".

[(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

["Sec. 314. Deficit reduction lock-box ledger.".

[SEC. 403. TALLY DURING HOUSE CONSIDERATION.

[There shall be available to Members in the House of Representatives during consideration of any appropriations bill by the House a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported.

[SEC. 404. DOWNWARD ADJUSTMENT OF 602(a) ALLOCATIONS AND SECTION 602(b) SUBALLOCATIONS.

[(a) ALLOCATIONS.—Section 602(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

["(5) Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 314(d)) for a fiscal year, the amounts allocated under paragraph (1) or (2) to the Committee on Appropriations of each House upon the adoption of the most recent concurrent resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 314(c)(2). The revised levels of budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.".

[(b) SUBALLOCATIONS.—Section 602(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Whenever an adjustment is made under subsection (a)(5) to an allocation under that subsection, the chairman of the Committee on Appropriations of each House shall make downward adjustments in the most recent suballocations of new budget authority and outlays under subparagraph (A) to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 314(c)(2). The revised suballocations shall be submitted to each House by the chairman of the Committee on Appropriations of that House and shall be printed in the Congressional Record.".

[SEC. 405. PERIODIC REPORTING OF LEDGER STATEMENTS.

[Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Such reports shall also include an up-to-date tabulation of the amounts contained in the ledger and each entry established by section 314(a).".

[SEC. 406. DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS.

[The discretionary spending limits for new budget authority and outlays for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amounts set forth in the final regular appropriation bill for that fiscal year or joint resolution making continuing appropriations through the end of that fiscal year. Those amounts shall be the sums of the Joint House-Senate Lock-box Balances for that fiscal year, as calculated under section 602(a)(5) of the Congressional Budget Act of 1974. That bill or joint resolution shall contain the following statement of law: "As required by section 406 of the Deficit Reduction Lock-box Act of 1997, for fiscal year [nsert appropriate fiscal year] and each outyear, the adjusted discretionary spending limit for new budget authority shall be reduced by $ [insert appropriate amount of reduction] and the adjusted discretionary limit for outlays shall be reduced by $ [insert appropriate amount of reduction] for the budget year and each outyear.". Notwithstanding section 904(c) of the Congressional Budget Act of 1974, section 306 of that Act as it applies to this statement shall be waived. This adjustment shall be reflected in reports under sections 254(g) and 254(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

[SEC. 407. EFFECTIVE DATE.

[(a) IN GENERAL.—This title shall apply to all appropriation bills making appropriations for fiscal year 1998 or any subsequent fiscal year.

[(b) DEFINITION.—As used in this section, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.]

TITLE V—PRIORITY LAND ACQUISITIONS AND EXCHANGES

For priority land acquisitions and land exchange agreements to be conducted by the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Park Service and the U.S. Forest Service, $700,000,000, to be derived from the Land and Water Conservation Fund, to remain available until September 30, 2001, of which not to exceed $65,000,000 may be available for the acquisition of identified lands and interests in lands to carry out the Agreement of August 12, 1996, to acquire interests to protect and preserve Yellowstone National Park, of which not to exceed $250,000,000 may be available for the acquisition of identified lands and interest in lands, at the purchase price specified, in the September 28, 1996, Headwaters Forest Agreement, and of which $100,000,000 shall be available for financial assistance to States pursuant to section 6 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11): Provided, That the Secretary of the Interior, after consultation with the Secretary of Agriculture and with the House Committee on Appropriations and the Senate Committee on Appropriations, shall submit to the Committees a list of Federal acquisitions and exchanges proposed to be conducted with the funds provided under this heading: Provided further, That none of the funds appropriated under this heading shall be available until the House Committee on Appropriations and the Senate Committee on Appropriations approve, in writing, a project list to be submitted by the Secretary: Provided further, That none of the funds appropriated under this heading shall be available for the acquisition of lands and interests in lands to carry out the Agreement of August 12, 1996, to acquire interests to protect and preserve Yellowstone National Park, or for the acquisition of lands and interest in lands identified in the September 28, 1996, Headwaters Forest Agreement until enactment of legislation specifically authorizing such expenditure: Provided further, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress: Provided further, That of the funds provided herein, $8,500,000 is available for acquisition of the Sterling Forest: Provided further, That the National Park Service may use not to exceed $2,500,000 annually of the amounts provided herein for the state assistance program to administer the state assistance program.

TITLE VI—FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF

SECTION 1. SHORT TITLE.—This Act may be cited as the "Forest Resources Conservation and Shortage Relief Act of 1997".

SEC. 2. (a) USE OF UNPROCESSED TIMBER—LIMITATION ON SUBSTITUTION OF UNPROCESSED FEDERAL TIMBER FOR UNPROCESSED TIMBER FROM PRIVATE LAND.—Section 490 of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620b) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "paragraph (3) and" after "provided in"; and

(B) by adding at the end the following:

"(3) APPLICABILITY.—In the case of the purchase by a person of unprocessed timber originating from Federal lands west of the 119th meridian in the State of Washington, this paragraph shall apply only if—

"(A) the private lands referred to in paragraph (1) are owned by the person; or

"(B) the person has the exclusive right to harvest timber from the private lands described in paragraph (1) during a period of more than 7 years, and may exercise that right at any time of the person's choosing.";

(2) in subsection (c)—

(A) in the subsection heading, by striking "APPROVAL OF";

(B) in paragraph (2)—

(i) in the paragraph heading, by inserting "FOR SOURCING AREAS FOR PROCESSING FACILITIES LOCATED OUTSIDE THE NORTHWESTERN PRIVATE TIMBER OPEN MARKET AREA"; after "APPLICATION"; and

(ii) in subparagraph (A), by inserting "(except private land located in the northwestern private timber open market area)" after "lands";

(C) in paragraph (3)—

(i) in the paragraph heading, by inserting "FOR SOURCING AREAS FOR PROCESSING FACILITIES LOCATED OUTSIDE OF THE NORTHWESTERN PRIVATE TIMBER OPEN MARKET AREA.—(A) IN GENERAL"; after "APPROVAL"; and

(ii) by striking the last sentence of paragraph (3) and adding at the end the following:

"(B) FOR TIMBER MANUFACTURING FACILITIES LOCATED IN IDAHO.—Except as provided in subparagraph (D), in making a determination referred to in subparagraph (A), the Secretary concerned shall consider the private timber export and the private and Federal timber sourcing patterns for the applicant's timber manufacturing facilities, as well as the private and Federal timber sourcing patterns for the timber manufacturing facilities of other persons in the same local vicinity of the applicant, and the relative similarity of such private and Federal timber sourcing patterns.

"(C) FOR TIMBER MANUFACTURING FACILITIES LOCATED IN STATES OTHER THAN IDAHO.—Except as provided in subparagraph (D), in making the determination referred to in subparagraph (A), the Secretary concerned shall consider the private timber export and the Federal timber sourcing patterns for the applicant's timber manufacturing facilities, as well as the Federal timber sourcing patterns for the timber manufacturing facilities of other persons in the same local vicinity of the applicant, and the relative similarity of such Federal timber sourcing patterns. Private timber sourcing patterns shall not be a factor in such determinations in States other than Idaho.

"(D) AREA NOT INCLUDED.—In deciding whether to approve or disapprove an application, the Secretary shall not—

"(i) consider land located in the northwestern private timber open market area; or

"(ii) condition approval of the application on the inclusion of any such land in the applicant's sourcing area, such land being includable in the sourcing area only to the extent requested by the applicant.";

(D) in paragraph (4), in the paragraph heading, by inserting "for sourcing areas for processing facilities located outside the northwestern private timber open market area"; after "application";

(E) in paragraph (5), in the paragraph heading, by inserting "for sourcing areas for processing facilities located outside the northwestern

private timber open market area''; after "Determinations''; and

(F) by adding at the end the following:

"(6) SOURCING AREAS FOR PROCESSING FACILITIES LOCATED IN THE NORTHWESTERN PRIVATE TIMBER OPEN MARKET AREA—

"(A) ESTABLISHMENT.— In the northwestern private timber open market area—

"(i) a sourcing area boundary shall be a circle around the processing facility of the sourcing area applicant or holder;

"(ii) the radius of the circle—

"(I) shall be the furthest distance that the sourcing area applicant or holder proposes to haul Federal timber for processing at the processing facility; and

"(II) shall be determined solely by the sourcing area applicant or holder;

"(iii) a sourcing area shall become effective on written notice to the Regional Forester for Region 6 of the Forest Service of the location of the boundary of the sourcing area;

"(iv) the 24-month requirement in paragraph (1)(A) shall not apply;

"(v) a sourcing area holder—

"(I) may adjust the radius of the sourcing area not more frequently than once every 24 months; and

"(II) shall provide written notice to the Regional Forester for Region 6 of the adjusted boundary of its sourcing area before using the adjusted sourcing area; and

"(vi) a sourcing area holder that relinquishes a sourcing area may not reestablish a sourcing area for that processing facility before the date that is 24 months after the date on which the sourcing area was relinquished.

"(B) TRANSITION.—With respect to a portion of a sourcing area established before the date of enactment of this paragraph that contains Federal timber under contract before that date and is outside the boundary of a new sourcing area established under subparagraph (A)—

"(i) that portion shall continue to be a sourcing area only until unprocessed Federal timber from the portion is no longer in the possession of the sourcing area holder; and

"(ii) unprocessed timber from private land in that portion shall be exportable immediately after unprocessed timber from Federal land in the portion is no longer in the possession of the sourcing area holder.

"(7) RELINQUISHMENT AND TERMINATION OF SOURCING AREAS.—

"(A) IN GENERAL.—A sourcing area may be relinquished at any time.

"(B) EFFECTIVE DATE.—A relinquishment of a sourcing area shall be effective as of the date on which written notice is provided by the sourcing area holder to the Regional Forester with jurisdiction over the sourcing area where the processing facility of the holder is located.

"(C) EXPORTABILITY.—

"(i) IN GENERAL.—On relinquishment or termination of a sourcing area, unprocessed timber from private land within the former boundary of the relinquished or terminated sourcing area is exportable immediately after unprocessed timber from Federal land from within that area is no longer in the possession of the former sourcing area holder.

"(ii) NO RESTRICTION.—The exportability of unprocessed timber from private land located outside of a sourcing area shall not be restricted or in any way affected by relinquishment or termination of a sourcing area.''; and

(3) by adding at the end the following:

"(d) DOMESTIC TRANSPORTATION AND PROCESSING OF PRIVATE TIMBER.—Nothing in this section restricts or authorizes any restriction on the domestic transportation or processing of timber harvested from private land, except that the Secretary may prohibit processing facilities located in the State of Idaho that have sourcing areas from processing timber harvested from private land outside of the boundaries of those sourcing areas.''.

(b) RESTRICTION ON EXPORTS OF UNPROCESSED TIMBER FROM STATE AND PUBLIC LAND.—Section 491(b)(2) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620c(b)(2)) is amended—

(1) by striking "the following'' and all that follows through "(A) The Secretary'' and inserting "the Secretary'';

(2) by striking "during the period beginning on June 1, 1993, and ending on December 31, 1995'' and inserting "as of the date of enactment of the Forest Resources Conservation and Shortage Relief Act of 1997''; and

(3) by striking subparagraph (B).

SEC. 3. MONITORING AND ENFORCEMENT.—Section 492 of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620d) is amended—

(1) in subsection (c)(2), by adding at the end the following:

"(C) MITIGATION OF PENALTIES.—

"(i) IN GENERAL.—The Secretary concerned—

"(I) in determining the applicability of any penalty imposed under this paragraph, shall take into account all relevant mitigating factors, including mistake, inadvertence, and error; and

"(II) based on any mitigating factor, may, with respect to any penalty imposed under this paragraph—

"(aa) reduce the penalty;

"(bb) not impose the penalty; or

"(cc) on condition of there being no further violation under this paragraph for a prescribed period, suspend imposition of the penalty.

"(ii) CONTRACTUAL REMEDIES.—In the case of a minor violation of this title (including a regulation), the Secretary concerned shall, to the maximum extent practicable, permit a contracting officer to redress the violation in accordance with the applicable timber sale contract rather than assess a penalty under this paragraph.''; and

(2) in subsection (d)(1)—

(A) by striking "The head'' and inserting the following:

"(A) IN GENERAL.—Subject to subparagraph (B), the head''; and

(B) by adding at the end the following:

"(B) PREREQUISITES FOR DEBARMENT.—

"(i) IN GENERAL.—No person may be debarred from bidding for or entering into a contract for the purchase of unprocessed timber from Federal lands under subparagraph (A) unless the head of the appropriate Federal department or agency first finds, on the record and after an opportunity for a hearing, that debarment is warranted.

"(ii) WITHHOLDING OF AWARDS DURING DEBARMENT PROCEEDINGS.—The head of an appropriate Federal department or agency may withhold an qward under this title of a contract for the purchase of unprocessed timber from Federal lands during a debarment proceeding.''.

SEC. 4. DEFINITIONS.—Section 493 of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620e) is amended—

(1) by redesignating paragraphs (3) through (8) as paragraphs (5) through (10), respectively;

(2) by inserting after paragraph (2) the following:

"(3) MINOR VIOLATION.—The term 'minor violation' means a violation, other than an intentional violation, involving a single contract, purchase order, processing facility, or log yard involving a quantity of logs that is less than 25 logs and has a total value (at the time of the violation) of less than $10,000.

"(4) NORTHWESTERN PRIVATE TIMBER OPEN MARKET AREA.—The term 'northwestern private timber open market area' means the State of Washington.'';

(3) in subparagraph (B)(ix) of paragraph (9) (as redesignated by paragraph (1))—

(A) by striking "Pulp logs or cull logs'' and inserting "Pulp logs, cull logs, and incidental volumes of grade 3 and 4 sawlogs'';

(B) by inserting "primary'' before "purpose''; and

(C) by striking the period at the end and inserting: ", or to the extent that a small quantity of such logs are processed, into other products at domestic processing facilities.''; and

(4) by adding at the end the following:

"(11) VIOLATION.—The term 'violation' means a violation of this Act (including a regulation issued to implement this Act) with regard to a course of action, including—

"(A) in the case of a violation by the original purchaser of unprocessed timber, an act or omission with respect to a single timber sale; and

"(B) in the case of a violation by a subsequent purchaser of the timber, an act or omission with respect to an operation at a particular processing facility or log yard.''.

SEC. 5. REGULATIONS.—Section 495(a) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620f(a)) is amended—

(1) by striking "The Secretaries'' and inserting the following:

"(1) AGRICULTURE AND INTERIOR.—The Secretaries'';

(2) by striking "The Secretary of Commerce'' and inserting the following:

"(2) COMMERCE.—The Secretary of Commerce''; and

(3) by striking the last sentence and inserting the following:

"(3) DEADLINE.—

"(A) IN GENERAL.—Except as otherwise provided in this title, regulations and guidelines required under this subsection shall be issued not later than June 1, 1998.

"(B) INTERIM REGULATIONS AND GUIDELINES.—The regulations and guidelines issued under this title that were in effect on the date of enactment of this paragraph shall remain in effect until new regulations and guidelines are issued under subparagraph (A).

"(4) PAINTING AND BRANDING.—

"(A) IN GENERAL.—The Secretary concerned shall issue regulations that impose reasonable painting, branding, or other forms of marking or tracking requirements on unprocessed timber if—

"(i) the benefits of the requirements outweigh the cost of complying with the requirements; and

"(ii) the Secretary determines that, without the requirements, it is likely that the unprocessed timber—

"(I) would be exported in violation of this title; or

"(II) if the unprocessed timber originated from Federal lands, would be substituted for unprocessed timber originating from private lands west of the 100th Meridian in the contiguous 48 States in violation of this title.

"(B) MINIMUM SIZE.—The Secretary concerned shall not impose painting, branding, or other forms of marking or tracking requirements on—

"(i) the face of a log that is less than 7 inches in diameter; or

"(ii) unprocessed timber that is less than 8 feet in length or less than ⅓ sound wood.

"(C) WAIVERS.—

"(i) IN GENERAL.—The Secretary concerned may waive log painting and branding requirements—

"(I) for a geographic area, if the Secretary determines that the risk of the unprocessed timber being exported from the area or used in substitution is low;

"(II) with respect to unprocessed timber originating from private lands located within an approved sourcing area for a person who certifies *that the timber will be processed at a specific domestic processing facility to the extent that the processing does occur; or*

"(III) as part of a log yard agreement that is consistent with the purposes of the export and substitution restrictions imposed under this title.

"(ii) REVIEW AND TERMINATION OF WAIVERS.—A waiver granted under clause (i)—

"(I) shall, to the maximum extent practicable, be reviewed once a year; and

"(II) shall remain effective until terminated by the Secretary.

"(D) FACTORS.—In making a determination under this paragraph, the Secretary concerned shall consider—

"(i) the risk of unprocessed timber of that species, grade, and size being exported or used in substitution;

"(ii) the location of the unprocessed timber and the effect of the location on its being exported or used in substitution;

"(iii) the history of the person involved with respect to compliance with log painting and branding requirements; and

"(iv) any other factor that is relevant to determining the likelihood of the unprocessed timber being exported or used in substitution.

"(5) REPORTING.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary concerned shall issue regulations that impose reasonable documentation and reporting requirements if the benefits of the requirements outweigh the cost of complying with the requirements.

"(B) WAIVERS.—

"(i) IN GENERAL.—The Secretary concerned may waive documentation and reporting requirements for a person if—

"(I) an audit of the records of the facility of the person reveals substantial compliance with all notice, reporting, painting, and branding requirements during the preceding year; or

"(II) the person transferring the unprocessed timber and the person processing the unprocessed timber enter into an advance agreement with the Secretary concerned regarding the disposition of the unprocessed timber by domestic processing.

"(ii) REVIEW AND TERMINATION OF WAIVERS.—A waiver granted under clause (i)—

"(I) shall, to the maximum extent practicable, be reviewed once a year; and

"(II) shall remain effective until terminated by the Secretary.".

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1998".

PRIVILEGES OF THE FLOOR

Mr. GORTON. Mr. President, I ask unanimous consent that Bruce Evans, Ginny James, Anne McInerney, Hank Kashdan, and Martin Delgado of the committee staff be granted floor privileges for the duration of the debate on the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, before I begin my opening statement on this bill, I ask unanimous consent that the Senator from Nevada [Mr. BRYAN] be heard in order to introduce a bill and briefly to discuss it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. I thank the Chair.

(The remarks of Mr. BRYAN pertaining to the introduction of S. 1163 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I am pleased, together with my colleague from West Virginia, Senator BYRD, to bring before the Senate the fiscal year 1998 Interior and related agencies appropriations bill.

This bill provides $13.755 billion in net budget authority for the agencies and programs under the jurisdiction of the Interior subcommittee—a reduction of $46 million from the administration's amended budget request. In spite of this reduction, I believe that this bill protects the high priorities of the administration, while also reflecting the priorities of this body.

The Interior bill, Mr. President, is a fascinating mix of 91 appropriations accounts covering more than 40 individual bureaus in four different Cabinet Departments and numerous independent agencies.

When I first became chairman of the subcommittee, I asked the staff to break down the bill into its major components so that I could understand better the competing demands within the bill. What we came up with was this chart behind me, Mr. President.

The chart breaks this bill into six functional categories—land management programs, Indian programs, science and minerals programs, energy programs, cultural programs, and the operation of the Interior Department office itself.

Though many of the individual programs within these categories are small in simple dollar terms, most of them have direct and tangible impacts on the lives of average Americans. As such, they tend to have vocal constituencies.

You will see, Mr. President, that within each of these six major functions, we have shown some of the breakdowns. The largest amount of money goes into land management programs. Those programs, in turn, fall into two separate departments. As the Forest Service, the largest single one of these programs, is within the Department of Agriculture, the others are within the Department of the Interior. They are in green on the left side of this chart. The second largest, by all odds, of the elements that are in this bill are Indian programs, primarily the Indian Health Service, and the general programs of the Bureau of Indian Affairs. Smaller amounts fall within the science and minerals programs. The most significant there is the United States Geological Survey. Energy programs within the purview of that Department include fossil energy research and development and energy conservation research and development.

Finally, the cultural programs which may well occupy more of the passionate debate time on this floor than any of the others, include museums and the two national endowments.

Finally, the very small graph line on the right is for the operation of the Department of Interior itself. An indication of how vocal the constituencies for this bill are is the fact that we on the subcommittee received more than 1,800 individual requests from Senators. Mr. President, 100 Senators and 1,800 requests for items in the Interior bill, the vast majority of which were for additions to the President's budget request. Within a subcommittee allocation that is actually somewhat smaller than the President's request, it has obviously been impossible to satisfy more than a fraction of these requests while still pressuring the ongoing base programs of the individual agencies shown in that chart.

So the task of putting together the fiscal year 1998 bill was complicated by the completion of the balanced budget agreement.

First, I need to report something that I have said frequently on the floor that I am a strong supporter of that agreement, from the very beginning of negotiations through the deliberations of the Budget Committee, through its final passage and implementation. I also recognize that the agreement makes available more discretionary spending for the Interior bill than I think we would have had in its absence.

That said, the agreement explicitly provided that four programs in the Interior bill be funded at the request level that the President made for the budget: The operation of the National Park System, the Park Service land acquisition program and State assistance, the restoration of the Everglades, and tribal priority allocations within the Bureau of Indian Affairs.

In the absence of a budget agreement I would only be honest to say I would not have recommended that all of these programs be funded at the budget request level. Personally, I believe there are other programs covered by the bill that are of at least that degree of priority or of a higher priority. Even so, the bill before you does fund these programs at levels consistent with the budget agreement. Having reached the agreement, having voted for the agreement in principle, Mr. President, it seems appropriate to me that we keep the promises that were included within it. I intend to do so to the best of my ability. Nevertheless, the effect of protecting these programs is that there was less funding available for other agencies and activities funded in the bill.

The budget agreement also created a $700 million reserve fund for priority land acquisitions. That amount has been included in the bill and is in addition to the $242 million provided for specific land acquisition projects in the regular acquisition accounts.

The budget agreement made no provision for the carrying costs of the lands to be acquired with the $700 million, nor for the payments in lieu of taxes that likely must be paid on these lands. While I believe that the $700 million might better be spent reducing the huge maintenance backlogs that already exist on Federal lands, essentially taking care of what we already have, my strong support for the budget agreement compelled me to include the $700 million in this bill. The House did not do so. Knowing how strongly Chairman REGULA feels about this issue, I anticipate our discussion in conference on the subject will be a lively one, to say the least.

Of the $700 million provided for land acquisition in title V, $250 million is set aside for the acquisition of the Headwaters Forest in California and $65 million is set aside for the acquisition of the New World Mine in Montana. Both of these appropriations remain subject to enactment of specific authorizing legislation. I have included the authorizing clause due to the magnitude of these two acquisitions, the complex structure of the acquisition agreement, and the fact that the agreements themselves were struck with very little congressional oversight or involvement. The Senator from Alaska [Mr. MURKOWSKI], among others, has expressed to me a number of serious concerns and questions about each of these acquisitions. As chairman of the relevant authorizing committee, it is appropriate that he be given the opportunity to have his questions answered by the administration. I am confident he will work in good faith to draft appropriate authorizing legislation, and I understand that he intends to hold a hearing on this issue in the near future.

The administration and many Members on the other side of the aisle wish to avoid the authorizing process entirely. The House of Representatives, on the other hand, made no such appropriation at all.

It seems to me where we stand in this bill for the purposes of debating this bill here in the Senate, we are at the right stage. We should appropriate the $700 million. We should allow the authorizing committee to do its work on these two expensive, complicated, and vitally important acquisitions.

Of the $700 million, an additional $100 million is provided specifically for the stateside grant program. As some of my colleagues may be aware, this is a program that was essentially terminated by the Appropriations Committee in the fiscal year 1996 bill. The Interior subcommittee's allocation was cut sharply that year and it was simply not possible to continue the stateside program while protecting the core Federal programs included in the bill. Furthermore, I suspect that continued funding constraints and the growing cost of maintaining Federal land and facilities make it unlikely that the stateside program will be resurrected in the context of any annual appropriations bill in the near future.

I hope this one-time appropriation of $100 million, to be allocated over a 4-year period, will enable the authorizing committee to identify a permanent funding source for that stateside program.

The remaining $285 million provided in title V of the bill is for Federal acquisition projects. The specific acquisition projects to be funded would be determined through discussions between Congress and the administration but no funds would be available until the project list is approved by the House and Senate Appropriations Committees. This process will enable us to target these funds for acquisitions that protect the most critically threatened resources and that reduce the cost of lands management by eliminating problematic inholdings. I do not intend to use these funds to create new parks, forests or refuges.

Now, for the land management agencies themselves, the bill includes a number of positive features. For the National Park Service, the bill fully funds the administration's budget request for operation of the National Park System. This results in a 1 percent across-the-board funding increase for all park units. In addition, the bill includes a $24.8 million increase for special needs parks, an increase of $8.1 million over the budget request. These funds will be used to staff new parks, address critical operating shortfalls at park units with high visitation and protect threatened park resources.

For the Fish and Wildlife Service, the bill includes an increase of $33.2 million over the fiscal year 1997 level for the operation and maintenance of our Nation's fish and wildlife refuges. This amounts to a $20 million increase over the budget request. The increase will enable the service to make a dent in its growing maintenance backlog and to address critical operating shortfalls at selected refuges.

The bill provides $1.135 billion for the Bureau of Land Management, an increase of more than $40 million over the comparable fiscal year 1997 funding level. The amount provided includes increases over fiscal year 1997 of $12.5 million for wildland fire preparedness, and $18.2 for fire operations and for payments in lieu of taxes.

Total funding for the Forest Service is $2.495 billion, an increase of $133 million above the comparable fiscal year 1997 enacted amount. Funds have been provided to produce 3.8 billion board feet of timber, consisting of 2.525 billion board feet from green sales, and 1.275 billion board feet from salvage. The funding provided also includes a $33.4 million increase over the administration's request for forest health-related programs, including $21 million to reduce the severe potential for catastrophic fire on our national forest lands. Through language in the bill and report, the committee has taken steps to eliminate needless duplicate planning processes, and to increase Forest Service accountability for land management planning and implementation of the Columbia Basin ecosystem assessment and other ecoregion assessments.

Within the area of programs for Native Americans, the bill provides $2.1 billion for the Indian Health Service. This funding level is $72.7 million over the fiscal year 1997 level and 4.7 million over the President's request. The committee's recommendation includes $35 million for uncontrollable fixed costs related largely to hospital and clinic personnel, an increase of $15 million over the budget request. This increase will allow the Indian health service to maintain current levels of service.

As I already noted, it fully funds the President's request for tribal priority allocations at $757.4 million, consistent with the budget agreement. This represents an increase of $76.5 million over fiscal year 1997 levels. Tribal priority allocations now make up 49 percent of the bureau's operating budget.

Within those tribal priority allocations, approximately 30 percent is distributed by formula based on tribes meeting criteria for the following programs: The Indian Child Welfare Act, new tribes, Johnson O'Malley education assistance, housing improvement, road maintenance, contract support, and welfare assistance.

The committee has included report language directing the continued allocation of these funds based on qualification with specific criteria.

The committee has also included language in section 118 of the bill that directs the Bureau of Indian affairs to develop and present to the Congress by January 1, 1998, its recommendations for the allocation of the tribal priority allocations funding based on tribal economic wealth and need. Currently, TPA funds are distributed to the tribes based on a historical methodology dating to the 1930's when we had many fewer recognized tribes and when circumstances were very much different for both the tribes and the Federal budget. This old funding plan was further corrupted in the 1960's through the 1980's when the base TPA funds for certain tribes were increased significantly. This provision and a revised version that will be offered as an amendment will be the subject of extensive debate during the consideration of the bill unless agreement on the provision can be reached, an agreement which now seems to be within the range of possibility.

It is, however, based on the very simple premise in an area of severe fiscal constraints, the distribution of scarce funds for tribal governments should be based upon an objective assessment of relative need, not the political power of individual tribes or the arbitrary accumulation of individual funding decisions over past years.

The committee has included language in section 120 of the bill pursuant to which tribes that receive tribal priority allocation funding for this fiscal year must waive a claim of immunity, be subject to the jurisdiction of the U.S. courts, and grant original jurisdiction of all civil actions involving the tribe to U.S. district courts. This provision will also be the subject of extensive and sometimes complex debate during the consideration of the bill. At its core, section 120 is an attempt to preserve the right of all Americans to have their grievances heard and decided in neutral courts.

The Interior bill continues the Federal investment in key energy research and development programs. Fossil energy research and development is funded at $363.9 million, comparable to the fiscal year 1997 enacted level. Increases above the budget request are provided to sustain critical technology development programs intended to produce environmental benefits while improving energy efficiency.

Mr. President, $627.4 million is provided for energy conservation programs, an increase of $58 million over the fiscal year 1997 level. Increases over current year levels include $17 million for transportation programs, $20 million for building research and development, and $16 million for industry programs. The bill provides $129 million for the weatherization program and $31.1 million for the State grant program, respective increases of $8 million and $2.1 million over current year levels.

The bill does include a sale of $207.5 million worth of oil from the Strategic Petroleum Reserve to finance operation of that reserve.

Though I had hoped not to sell oil to finance reserve operations in fiscal year 1998, the constraints of the subcommittee's 602(b) allocation, the precedent set in the President's budget request, and the funding expectations raised by House action made it impossible to avoid the sale. While I remain open to alternatives to oil sales, it is with the recognition that any such alternative will likely have an adverse impact on other programs funded in this bill.

Within the grouping of programs that I have identified as cultural lies the one agency that probably receives more attention per appropriated dollar than any other funded in this bill—the National Endowments for the Arts. The bill reported by the committee provides just over $100 million for the NEA, roughly the same as the fiscal year 1997 level. The fact that the committee has chosen to fund the NEA, which the House did not do, reflects the overwhelming support that the agency enjoys among committee members, both Republican and Democrat. Nevertheless, I anticipate a spirited debate about the future of the agency as we proceed with consideration of this bill, and when we go to conference with the House.

Mr. President, putting this legislation together has been a tremendous challenge. While the fiscal constraints under which the subcommittee must operate make it impossible to please everyone, I do believe this bill represents a fair balance between the priorities of the Members of this body—both Republican and Democrat—and the priorities of the administration. I truly hope to have the support of my colleagues in voting for final passage, as well as their consideration on any amendments that may be offered during debate on the bill.

Finally, I want to express my gratitude to the staff for their hard work on this bill. Bruce Evans, Ginny James, Anne McInerney, Martin Delgado, and Kevin Johnson of the subcommittee staff have worked many long hours to put this bill together, and I have greatly appreciated their advice, counsel, and perseverance. Hank Kashdan—our detailee from the Forest Service—has also been a great help, and we will be sorry to see him go at the end of the year. I also want to thank Chuck Berwick and Nina Nguyen of my personal staff for all their help on a number of critical issues in this bill. On Senator BYRD's staff, it has been a continued pleasure to work with Sue Masica, without whose expertise and institutional knowledge this bill would have been a lesser product. I also want to thank Carole Geagley of Senator BYRD's staff, as well as Lisa Mendelson who worked with Senator BYRD's staff as a detailee from the Park Service. I would be remiss in not extending my thanks to the full committee staff for their help, cooperation, and guidance, particularly the majority and minority staff directors, Steve Cortese and Jim English.

With that, I will defer to Senator BYRD. Before doing that, I want to say publicly once again how much I have learned, working as subcommittee chairman, from his vast experience, his guidance and, perhaps even more significant, in the last few years his personal friendship. His technical knowledge of the appropriations process, his appreciation for its nuances, and his respect for the entire Senate have been invaluable to me both in producing the bill and, I hope, in becoming a better Senator. At the same time, his advocacy on behalf of his colleagues has been invaluable to many on that side of the aisle and, I think I can say, to this side of the aisle as well. It has been a wonderful partnership. I hope we can continue it for a long time to come.

PRIVILEGE OF THE FLOOR

Mr. BYRD. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Dr. Robert M. Simon, on detail from the Department of Energy to my staff, during the pendency of H.R. 2107.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I speak today in support of the fiscal year 1998 Interior and related agencies appropriations bill. This is a bill that is very important to the continued protection and management of our Nation's natural resources, to our energy future, to the well-being of our Indian population, and to the cultural and historical heritage of our country. I hope the Senate will move quickly in its consideration of this bill. If there are amendments—and I am sure there will be some—I encourage Senators to come to the floor and let us have the debate and then vote on those matters that are controversial. The start of the fiscal year is less than 3 weeks away, and we still face a difficult conference with the House.

It has been my high privilege to serve as the ranking member at the side of our very able chairman, the senior Senator from Washington [Mr. GORTON]. He is an absolute master of the details of the Interior bill. He is a student, and a good one, of much of the history that we protect in this bill, and he is a very fair arbiter of the competing demands that fall within the subcommittee's jurisdiction. This bill was put together in a very bipartisan manner, and it is responsive to priorities identified by many Senators, by the administration, by the public, and by the agencies that are charged with carrying out the directions provided in the bill.

Mr. President, the reach of the programs in the Interior bill is vast, and not much of the funding provided in this bill is spent here in Washington. Rather, the dollars that we are considering today will flow out to more than 370 national park units, over 500 national wildlife refuges, 121 national forests, more than 435 Indian hospitals and clinics, 16 different museums of the Smithsonian Institution, and to countless other locations where the research and technology development supported by this bill occurs.

So these funds will reach from the northernmost point in Alaska to the southernmost tip of Florida and from the Outer Banks of North Carolina to the islands in the western Pacific.

The extent to which this bill makes its presence known in each State is reflected in the number of requests that Senator GORTON and I receive for project funding each year. While no one receives every item he or she requests, I believe that Senator GORTON has done an excellent job of trying to accommodate high-priority items within the allocation assigned to this subcommittee. This bill contains approximately $13 billion in funding for the base programs, as well as an additional $700 million for priority land acquisitions and exchanges. This bill is at its allocation figure, so any additional funding sought by Senators will need to be offset.

Senator GORTON has summarized in a very detailed and clear way the items and the details of the bill thoroughly. So I will not attempt to cover them again.

While this bill provides needed resources to address protection of some of our most important national treasures, we still have a long way to go. The National Park Service has a $6 billion maintenance and rehabilitation backlog. The Forest Service, the Fish and Wildlife Service, the Bureau of Indian Affairs, the Smithsonian, and other agencies also have considerable backlogs. Continued pressures to balance the budget on the back of discretionary spending will further impede our efforts to provide the resources necessary to protect the wonders with which we have been entrusted.

For all of the pride that we take in our National Park System, it is also crumbling before us. Visitors flock to these national treasures every year—not only American visitors and their families, but increasingly, visitors from other countries. They come to partake of the historic, the cultural, and the scenic resources that have been so carefully preserved and entrusted to the National Park Service.

Mr. President, as a reflection of our infrastructure and restoration projects, this bill takes into account the needs. And as a reflection of the patriotism and commitment to future generations, we should be doing more to preserve and to protect these wondrous resources.

Innovative fee structures, enhanced partnership efforts, and expanded use of volunteers—all of which are supported by this bill—are not the sole solution to the needs of our national parks. Rather, we must commit funds to allow major infrastructure and restoration projects to proceed. When the house is crumbling, we must tend to the foundations and not just make minor cosmetic repairs.

Lastly, Mr. President, I extend a word of appreciation to the staff that have assisted the chairman and me in our work on this bill. They work as a team, and they serve both of us, as well as the full Senate, in a very effective and dedicated manner. They have taken years to acquire this expertise, and it is a vast benefit to Senators and to the people who research. On the majority side, the staff members, I believe, have already been mentioned by the distinguished chairman of the subcommittee, as well as on my side of the aisle, which he kindly referred to. This team works under the tutelage of the staff directors of the full committee—Steve Cortese for the majority and Jim English for the minority.

This is a good bill, Mr. President, and I urge the Senate to complete its action promptly.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the managers of the bill, particularly my good friend from Washington.

I have good news that an amendment that I had proposed to offer I will not have to offer on this bill.

On behalf of the people of Seneca, MO, and really people all across southwest Missouri, I, along with my colleagues Senator ASHCROFT and Congressman ROY BLUNT, have been fighting against an effort by an Oklahoma Indian tribe, the Eastern Shawnee, to move into southwest Missouri and establish a gambling casino in Seneca.

In truth, it is a New Jersey gaming operation that is behind this operation. They have claimed that they provided $25 million to the tribe because they felt that a gambling casino in the heart of the family entertainment vacation area of southwest Missouri would be extremely profitable for the corporation and its shareholders.

Over the last several months, I have presented to the Secretary of the Interior what I thought were good legal arguments that the tribe is not entitled to use an exception in the statute that would permit them automatically to move across the border from Oklahoma into Missouri.

The people of southwest Missouri finally have some good news. Last night Secretary Babbitt called me to say that the tribe cannot automatically move across the border and build a casino in Missouri. This means that other tribes with land bordering on our State will not be able to come in. They would have to go through the process of getting approval of the Governor and support of the local residents.

I think this is a huge victory for the overwhelming majority of local residents who are concerned that gambling would destroy the family environment and the quality of life for which southwest Missouri is so well known.

I assure my constituents and my colleagues that I intend to continue to fight to ensure that the entire State is protected from the invasion of unwanted gambling. I assure those people who are behind the efforts, the gambling interests, if they find or think they find another loophole, I will do my best to close it. So, Mr. President, more authorizing legislation may well be needed in this.

I express my thanks to the Secretary of the Interior, who has advised me orally, although I have not seen the written opinion, that the tribe does not qualify for the exception, and under the circumstances that avenue is no longer open to bring a gambling casino into Seneca, MO.

Mr. President, I thank the Chair and yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I thank the Chair.

Mr. President, later during the Senate's consideration of this bill, the Interior appropriations bill, there will be, it is my understanding, a rider offered by Senator BRYAN of Nevada. That rider would reduce the Forest Service road construction by $10 million, roughly 20 percent. It would eliminate the Forest Service's Purchaser Credit Road Construction Program and modify the formula for receipt-sharing for Forest Service receipts with the counties.

Mr. President, at the appropriate time, I intend to rise in opposition to the amendment and vote against it. I encourage my colleagues to do likewise. But I wanted to share a brief perspective with my colleagues from the standpoint of the chairman of the authorizing committee with jurisdiction over these matters.

The Bryan amendment will follow hard on the heels of a similar amendment which was offered in the House by Congressman KENNEDY and Congressman PORTER in July. That amendment precipitated, as a consequence, a very intense debate in which numerous sets of facts were presented to the House and some statements were made that were not necessarily factual.

Not surprisingly, the material that was brought into the debate, to a large degree, was in conflict. I have often believed that everyone is entitled to their own opinion, but that we ought to try to express our opinions using a commonly held set of facts. Oftentimes in this Chamber rhetoric will prevail over sound science simply because of the inability of the scientists to be heard and the scientists' willingness to stand behind their recommendations with their professional reputations.

Mr. President, both the Speaker and my House counterpart, the Congressman for Alaska, Congressman YOUNG, as chairman of the House Resources Committee, agree with this proposition. As a consequence, today Congressman YOUNG has sent me a letter, which I ask unanimous consent be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, September 10, 1997.
Hon. FRANK MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During House consideration of the Interior Appropriations bill, the Kennedy-Porter amendment was offered to reduce the Forest Service timber roads program.

As you know, the reduction proposed in these amendments would devastate communities that rely on public land timber. It would gravely affect constituents in the West who work in the woods and the mills that supply the nation with wood for homes and other essential products. The implications to schools and children who depend on revenue sharing from timber receipts would also be substantial.

In speaking to many of the supporters of the Kennedy-Porter amendment to reduce funding for timber roads, they have explained that they supported the amendment in order to reduce costs and improve the environment. We too have real concerns with the skyrocketing cost of roads and timber sales. We have concluded that our goals may in fact be consistent. We believe that using collaboration and facts to address the problems that face the Forest Service we can reach a mutually beneficial solution.

We have offered to work cooperatively with interested House Members who hold different perspectives of forestry issues. We plan to do this in an inclusive way to properly address the real problems with these programs. This approach may be of interest to Senators grappling with the same problems that we grappled with in the House. To begin this process, we are planning an all day workshop involving as many interested Members of Congress as possible. If you wish to organize a group of Senators with an interest in this approach to the roads and cost issue, we invite you to do so and participate with us.

Sincerely,
DON YOUNG.
HELEN CHENOWETH.

Mr. MURKOWSKI. At the end of the House debate, many of the parties in opposition to one another found they simply shared a common goal. So after an extended debate, they came together and found what they could agree upon. They cared a great deal about the skyrocketing costs of the Forest Service program, without exception. They agreed then that collaboration and common understanding was necessary to address the problems in a way that would most likely achieve a mutual beneficial solution and it would be better to do that than simply replay the debate.

I think that is where we are today, Mr. President. We do not want to replay that debate that unfolded in the House and perhaps would unfold in this body.

So Congressman YOUNG has taken the lead from the Speaker of the House of Representatives to work with the conflict resolution center at George Mason University to schedule an all-day workshop with interested Congressmen to review these issues and find where some common ground and consensus could be found. And this is the issue in mind, the Forest Service's Purchaser Credit Road Construction Program.

Congressman YOUNG is inviting me and other interested Senators to the workshop. I will support the House effort and urge Members here to do likewise.

I do not believe that we can make sound public policy decisions when we disagree on basic facts associated with the issues that come to the Senate floor. This particular issue is ripe for that kind of exposure. So I will leave it to my colleagues later in the debate to come to their own judgment. We voted on this issue time and time again. It prevailed. But I believe the search for consensus, which has been initiated in the House, is something the Senate should adopt. I urge the consideration of my colleagues.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I rise today to describe to my colleagues an amendment that it is my intention to offer on this appropriations bill. I intend to offer an amendment on behalf of myself, and Senator JOHNSON, from the State of South Dakota, who will be speaking on it when I finish. We are joined in this endeavor by a fairly large number of Senators: Senators CAMPBELL, DASCHLE, DOMENICI, INOUYE, BURNS, CONRAD, BINGAMAN, KOHL, WELLSTONE, MCCAIN, HARKIN, MURRAY, and LEVIN—a very distinguished and significant bipartisan group of Senators—and, as I mentioned previously, by Senator JOHNSON of South Dakota who has worked very closely with me on this amendment.

The amendment deals with tribal colleges. Before I describe the amendment I would like to make a comment about this subcommittee.

I am privileged to serve on the Senate Appropriations Committee. I consider it a distinct privilege to work with the Appropriations Committee, with the distinguished chairman, Senator STEVENS of Alaska, and the distinguished ranking member and former chairman, Senator BYRD of West Virginia. I also serve on the Interior subcommittee. It has been a pleasure to work with the Senator from Washington, Senator GORTON, whose leadership has been excellent. Although he is not at the present moment on the floor, I want him to know that the chart he brings to the floor to describe the breakdown of expenditures for this particular subcommittee is unique, and particularly useful. It is the only chart of its type that I know of that has been presented to Members, and it, more than almost any other approach, really gives us a good description of where we are spending the money in this subcommittee, how much we are spending, and the purpose of that spending.

So I say "thank you" to Senator GORTON, and to the ranking member of this subcommittee, Senator BYRD from West Virginia as well, for their leadership.

I would like to thank Bruce Evans, Anne McInerney, and Sue Masica, the staff on this subcommittee who have been very helpful in working with me on a wide range of issues.

The purpose of my offering an amendment today is to increase the funding for tribal colleges. And I want to describe why I think that is necessary.

Funding for tribally controlled colleges has not increased for 3 years. The President's budget requested $30,411,000 for these colleges—a $3 million increase over the last fiscal year. Both the House and the Senate bills have provided for a $1 million increase. And I would like to add the extra $2 million to bring funding up to the President's request in his budget recommendation. With the adoption of this amendment, the Senate will be at the budget request level. And that is still only half of the authorized level. Nonetheless, I think it is a very important step forward. This amendment will be offset by a pro rata reduction in travel for all agencies covered by this bill whose budgets exceed $20 million.

I can think of no more worthwhile investment in the future of native Americans than to invest in their education, particularly at the postsecondary level. All of us know that education is the key to success. We have 24 tribally controlled community colleges in this country that will be covered by this amendment. These colleges now serve more than 20,000 students.

There are five tribal colleges in North Dakota. And I have been pleased to play a role in trying to help them, all of which I have visited personally. I must say that they have made a significant difference in the lives of many, many students. These colleges have been successful in educating native American students by preserving the cultural environment in which these students are familiar while still providing them with the skills to be competitive in the society at large. I am proud of what they have accomplished. I think the extra $2 million will be very, very helpful. Unfortunately, tribal college appropriations have failed to keep pace with inflation, and actual per student funding has decreased by $317 while the student enrollment has increased by more than 230 percent over the last decade.

Mr. President, I would like just for a moment to describe a couple of people that I have either been privileged to meet or have heard about, who have demonstrated to me the importance of tribal colleges.

I was invited to speak at a tribal college commencement in North Dakota a few years ago. As they lined up in cap and gown, enormously proud of their achievement on their graduation day, I felt pride as well. I was visiting with several from the class, just kibitzing back and forth, and I asked, "Who is the oldest of this graduating class?" A woman raised her hand. She said, "I am the oldest." She was, I believe, 41 years old. She was a single mother of four children, whose husband had left her. She had been employed as the janitor in that school at the tribal college cleaning the hallways, cleaning the lavatories, working long hours, and working hard to try to care for her children. As she was cleaning the lavatories and the hallways in this tribal college, she got a notion that she would very much like to graduate from this college.

So from the position of custodian or janitor at a tribal college, on this day when I was to speak at the graduation, she was wearing a cap and a gown, and at age 41 was getting a college degree. She had a smile so wide and such pride in her eyes because of what she had achieved for herself that no one will ever take away. It was, I think, Ben Franklin who suggested that if we empty our purse in our head, no one will ever been able to take it from us. And she knew that. But think of the odds to overcome—a single mother, raising four children, few skills, without much pay coming from the employment she then had. But on this day, she was a college graduate. I have never forgotten that smile. It was a remarkable achievement for her. But you will find that similar stories at all these tribal colleges. It changes people's lives.

I want to tell you about a friend of mine named Loretta De Long, a North Dakotan. I am privileged to know Loretta. She was a single Chippewa mother of two. She was wondering about her life and her future. And tribal colleges were established just about the time that she realized the key to her future could be a higher education.

After getting her high school diploma in a GED Program, this mother of two young children, the youngest of which was 6 weeks at the time, enrolled in one of the tribal colleges in North Dakota and that allowed for her to stay near her family and care for her children while she pursued her education. She said that "going to college was like looking in the mirror and seeing myself for the first time that college seemed to tap a leadership quality that had been squashed by the outside world."

Well, today Loretta De Long is Dr. De Long, Dr. Loretta De Long. The same woman, yes. She is also the Superintendent of Education for the Turtle Mountain Agency of the Turtle Mountain Tribe in North Dakota—another example of one person, but a success as a result of tribal colleges.

I don't know Myra Lefthand, but Myra Lefthand is a Montanan, and she is a Crow Indian from Montana. She and her daughter lived on clerk's pay and after 15 years in the same position on clerk's pay, not doing very well, she felt there were many positions that she saw in and around her job situation that she would like to have had but was never able to apply for them because she didn't have the education.

Here is what she said. She entered a tribal college to get an education. She said:

> For me, it meant a commitment to a goal. When I quit my job, I left behind what little security I had for myself and my daughter and I could no longer expect a paycheck, no matter how small. But while I was at the Little Bighorn College, I was encouraged daily in my pursuit of an associate degree in chemical dependency counseling by the dean of students, Punkie Anne Bollis, and by my sister, Clarice Deny. Between the two of them, a lot of hitchhiking, a lot of scrimping to make small savings go a long way, and the generosity of a sister who brought daily lunches to me, I was able to persist and to graduate from the Little Bighorn Tribal College with an AA degree.
>
> To all potential tribal college students, I say that going to get a professional degree is possible. With a little effort, hard study, support, prayers of family members, some financial aid, and the encouragement of some good teachers, an associate degree can be earned.

The reason I mention today Myra, Dr. De Long, or Wilma, the first woman I described, is that these are people whose lives have been changed by the ability to go to a tribal college, the ability to, on an Indian reservation, have the support of family and have the other support that is available and still enter college and get a degree and change their lives.

Now, what I am suggesting by this amendment is that we provide the additional $2 million which will bring the request up to the President's budget request. It is not a large amount of money by some Appropriations Committee standards, but it is an important amount of money that will I think invest in and benefit the lives of many Americans who now attend these tribal colleges, the enrollments of which are growing very rapidly but student funding has not kept pace.

My intention would be to have this amendment offered. I will offer it or it can be offered on my behalf at the appropriate time after the committee amendments have been offered and I would like to work with the committee chair and the ranking member to see if we can find a way to adopt this amendment.

The chairman of the subcommittee is here now. He was not here when I described the compliments I have for the chart that he provided the Senate. He does that every year, and it is the only one I know that exists with these subcommittees. It is an awfully good way to describe to the Congress what we are spending and where we are spending it, and I want to say thanks for the Senator's excellent leadership, and thanks to the Senator from West Virginia for his leadership as well.

I know the Senator from South Dakota wishes to speak on this amendment, and I thank him very much for his strong work and support. I hope as we move along this amendment can be offered and hopefully we can agree to it.

Mr. President, I yield the floor.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I am pleased to join in the amendment of the Senator from North Dakota soon to be offered. I join Senator DORGAN in commending Chairman STEVENS for his work, certainly the Senator from West Virginia, Mr. BYRD, for his extraordinary leadership over the years on issues of this nature, and I look forward to working with the subcommittee chairman, Senator GORTON, to see what we can do to move this kind of amendment along.

Mr. President, I represent a State, the State of South Dakota, where we have nine Indian reservations, and where levels of poverty are extraordinary. I have worked very hard over the years both in the House of Representatives prior to my service in the Senate and now in the Senate on a wide range of initiatives designed to try to improve the circumstances of the native American citizens of our Nation, and of our State—water development initiatives and efforts on housing and health care and infrastructure improvements. I think all of them are important.

I have come to the conclusion after years of struggling and facing what sometimes appeared to me to be almost overwhelming circumstances of poverty, isolation, and difficulty, that if there is one area that deserves particular emphasis it needs to be education, and in this instance higher education for native American citizens of our country.

There was a time when I was, frankly, a bit skeptical, there was a time when I thought that perhaps we could just better utilize the existing State and other private institutions of higher education throughout our States. And we have made some successful efforts there in our Upward Bound Programs and others that have been of some help. But, frankly, the dropout rate and the lack of success was very high over the years. Now we have 25 tribal colleges serving between 20,000 to 25,000 native American students in 11 States around the country. We have four of them in the State of South Dakota, all of them accredited, all of them providing high-quality educational opportunities not just for native American students but for many non-Indian students as well who live in those extremely rural areas and who need to have this kind of access to educational opportunity.

We find that 56 percent of the American Indian population in our Nation is age 24 or younger. There is, demographically, a huge number of people of college age and younger; 90 percent of tribal college students qualify for need-based financial aid; 85 percent live in poverty; more than 50 percent are parents; 70 percent of these young people attending tribal colleges are female.

As I examine what has transpired over these years that we have developed a tribal college system, I see for the first time a whole generation of native Americans who are becoming teachers and nurses and managers and entrepreneurs; who are becoming role models in their communities where none before ever existed in terms of making their way in the larger economic system of our country. We have so many people who have lived all of their lives without an economic opportunity, without jobs being available, without anyone in their family having had the opportunity to work, who have not had the skills to make it in the larger economy of our Nation, and yet now finally we are seeing this forward edge of progress being made among native Americans. It is, more than anything else, because of this opportunity to secure the job skills, the training, the education, the brainpower that is required to succeed in America, that is required to succeed in the global economy in which we live today.

These colleges have made their way with very modest resources. In fact, even with the President's recommendation, we will spend only about half the dollars per student as is authorized under Federal law and far less than half of what other community colleges and other 4-year colleges in America use to educate each student. It is amazing that they have done as well as they have, that they have kept their accreditation, that they have kept the torch of hope alive for so many people and yet they have done it with far less per student than any other college in America.

The $2 million request that Senator DORGAN has put into his amendment will be divided among 25 colleges, and yet they have gone so far on so little that even this will be a very significant help for them, given the fact that they have now gone 3 years in a row without any upward adjustment in their funding at all, and despite the fact that enrollment numbers have increased significantly, that this really has become the steppingstone for success and is recognized as such in tribe after tribe throughout our country.

Mr. GORTON. Will the Senator from South Dakota yield?

Mr. JOHNSON. I will be pleased to yield to the Senator.

Mr. GORTON. On behalf of the majority leader, I am authorized to announce there will be no further rollcall votes today.

I thank the Senator.

Mr. JOHNSON. I thank the Senator. That is always a well received kind of announcement from the subcommittee chairman.

We find that our tribal colleges are unmatched in retention, in matriculation and job placement of American Indian students; 42 percent of these tribal college students transfer to 4-year institutions.

As we undertake the welfare reform initiatives at the Federal level and which the States are carrying through, it is all the more reason we need this opportunity, this steppingstone for people to develop the skills to in fact break out of what has been a relentless, an overwhelming cycle of poverty that so many native Americans have been caught up in. But again, it is not just native Americans who benefit from this.

I think of an instance of Wilma Sachtjen of Burke, SD, a displaced homemaker with a high school diploma. Wilma enrolled in the Sinte Gleska College in Rosebud, SD. A non-Indian, she was able to secure an education because of this program when no other opportunity could possibly have existed for her. She secured a bachelor's degree in human srvices. She has been employed in that field ever since. And so we have not just native Americans but the entire population of our States at many of these colleges, in most cases in remote areas, gaining opportunity.

The four colleges in South Dakota: the Cheyenne River Community College at Eagle Butte; the Oglala Lakota College at Kyle; the Sinte Gleska University at Rosebud, and Sisseton Wahpeton Community College at Sisseton, have all provided key educational opportunities for the population of our State. Many of our students also attend Sitting Bull College at the Standing Rock Reservation in North Dakota and many attend the United Tribes Technical College in Bismark as well.

So these colleges serve regional populations and not simply the tribal membership of their own reservations. So I cannot share with you in stronger terms the importance of continuing these colleges with adequate funding—certainly not extraordinary funding but adequate funding—to make sure that the ladder of opportunity remains in place. This is a newfound opportunity, a newfound ladder, really, that has only been with us for a relatively recent number of years. But I think it is one of the most vital components we could possibly imagine to have if in fact we are going to break the cycle of poverty, create greater self-sufficiency, greater dignity, greater pride and greater opportunity for native American students.

I simply say, Mr. President, I cannot commend in stronger terms to my colleagues the importance of the passage of the Dorgan amendment and a continuation of a strong tribal college system in America.

Mr. DORGAN. Will the Senator from South Dakota yield for a question?

Mr. JOHNSON. I certainly yield to my colleague from North Dakota.

Mr. DORGAN. Mr. President, many people ask the question—if you have other colleges elsewhere in the country, why is there a need for tribal colleges? The answer to that, very simply, is that a substantial number of women are attending these colleges, especially women who are living in poverty, many of them well above the 18- or 20-year-old age when people are moving into college. And because tribal college students are older and female—often single mothers in their late twenties or thirties—the ability to go to a tribal college on the reservation itself allows them to access the support of families for child care. That support is often the difference between going to college and not going to college; being able to have an opportunity for a higher degree or not being able to have the opportunity. It is in evidence all across this country that these tribal colleges work, whereas in other circumstances those same people, who are now proud graduates, would probably not have had the opportunity to go on for an advanced education.

I appreciate very much the Senator's yielding. I would like to make one additional comment if I might, if the Senator will indulge me.

When I mentioned the thank you for so many staffers who worked with us on this amendment, I did not mention Mary Hawkins, who works with me on appropriations issues. Mary is going to be leaving the Hill at the end of this year. She has worked for a long while and does wonderful work. I am blessed having her work with me on appropriations issues, and I wanted to say thank you to her as well.

Mr. JOHNSON. Mr. President, reclaiming my time, I share the Senator's congratulations to Mary and the staff in general who have worked very hard on these and other key issues.

I think the Senator from North Dakota raises an important point relative to the unique importance of these institutions, given the kinds of circumstances that the students face where there is a great need for extended family, where transportation is difficult to secure, where the extended family is necessary to make education—oftentimes far more than 4 years, oftentimes 5 and 6 and 7 years—

for nontraditional students to become a reality. Were it not for these institutions, there simply would not be this level of educational achievement, there would not be these role models being created, there would not be this kind of leadership created in Indian country today. So, again, I have to thank the Senator for his leadership and insights on this issue, and I yield my time.

Mr. CONRAD. Mr. President, tribal colleges play a crucial role in Indian country. An educated population is central to all successful economic and community development efforts. Tribal colleges serve young people preparing to enter the job market for the first time, dislocated workers learning new skills, and people seeking to move off welfare and onto a career path. These schools are at the heart of efforts to strengthen native American communities.

Tribal colleges serve more than 25,000 students nationwide. While meeting with tribal college students from North Dakota earlier this year, they told me how important it was for them to be able to attend schools near their homes, and how they planned to search for employment in their communities after graduation. Tribal colleges also strengthen Indian communities by increasing access to cultural resources, and by promoting the revitalization and preservation of American Indian and Alaska Native languages, visual and performance arts, and tribal history.

Last October, President Clinton signed an Executive order regarding tribal colleges and universities, designed to ensure that they have Federal resources committed to them on a continuing basis. This Executive order demonstrates a recognition of the central mission of tribal colleges and universities: making educational opportunities accessible to people of all ages in Indian country. To this end, it is important that we increase the Federal resources available to the tribal colleges. I am a cosponsor of the Dorgan amendment to increase the fiscal year 1998 appropriation for tribal colleges by $2 million, to the level of the administration's request, and I strongly urge its adoption.

The PRESIDING OFFICER. The Senator from Washington.

PRIVILEGE OF THE FLOOR

Mr. GORTON. Mr. President, I ask unanimous consent that the privilege of the floor be granted for the duration of the Interior bill to Angela Logomasini of Senator BROWNBACK's staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I have a series of clarifications of the committee report that have been agreed to by Senator BYRD. I ask unanimous consent that they be printed in the RECORD, and I submit them for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLARIFICATIONS TO COMMITTEE REPORT

Page 23 of the report indicates that funding for the aquatic nuisance species control program under the Fish and Wildlife Service is increased by $500,000 over the current year level. The actual increase provided is $1,000,000.

On page 119 of the report, the Bureau of Land Management is incorrectly listed as an unauthorized program pursuant to paragraph 7 of Rule XVI of the Standing Rules of the Senate. BLM was reauthorized through fiscal year 2002 in the 1996 omnibus parks bill.

The last paragraph on page 9 of the report addresses procedures that the Forest Service must follow in order to change its regional office structure. That paragraph should have included a requirement for the Forest Service to obtain consent from the Senate Energy and Natural Resources Committee.

On page 54, in the description of special programs and pooled overhead, the total is $72,726,000. The changes from the FY 1997 enacted level consist of the following:

an increase of $341,000 for fixed costs ($42,000 for fixed costs for UTTC are reflected as part of their total);

an increase of $2,000,000 for employee displacement;

an increase of $728,000 for UTTC, which includes $42,000 for fixed costs;

a decrease of $1,569,000 for trust services transferred to the office of special trustee;

a decrease of $2,801,000 for internal transfers; and

a decrease of $46,000 for other fixed costs (consisting of a decrease of $417,000 for workers compensation and an increase of $371,000 for unemployment compensation).

Mr. GORTON. Mr. President, I do want to respond to the thoughtful suggestions of the Senators from North Dakota and South Dakota while each of them is still on the floor.

I reflected, as they discussed the value of higher education, in this case to Indians, on the force of their argument. It certainly is possible that on some other elements of this bill relating to Indians that we may have some disagreements. But, certainly, if we speak about either a doctrine of self-determination or self-sufficiency, education makes a major contribution to the ability of an individual either to be self-determining or self-sufficient. To the extent that we can encourage education, greater sophistication and greater knowledge, obviously we ought to do so.

In this bill we have added $1 million to approximately a $27 million appropriation last year for the particular purpose to which they speak. That is $2 million less than the President's request, where the total allocation we have is some $46 million less than the President's request. We have, however, given almost a $700,000 increase to the United Tribes Technical College in the State of the Senator from North Dakota, which the President did not include in his budget, based essentially on the same philosophy that has been stated here by the two of them.

I can assure both Senators that we will see whether or not in some respect or another we can accommodate what seems to be a reasonable request, understanding that we have a lot of reasonable requests in a lot of areas of the bill. Also, I have to state that one reservation I have is to the sort of let's just cut everything else proportionately without setting values. We worked as hard as we could on these matters, the others of which applied to all citizens of the United States. The degree of deferred maintenance in our national parks and national forests and other recreational facilities is literally measured in the billions of dollars. We tried to at least begin to work on that.

So, if, perhaps, the focus of where we find the $2 million could be more narrowly aimed, if they could discuss with their own constituents whether there are other Indian programs that could absorb such a shift, or some other thing of that sort, it will make it easier for us.

But I do want to assure both of them that I have heard what they have to say. With their philosophy about education, I entirely agree. And to the extent, in a bill where, as I said in my opening remarks, we had 1,800 requests from Members of the Senate, very few of which this Senator thinks in the abstract were not justified, by any means, I will try to the best of my ability to oblige. I am sure I speak for Senator BYRD when I make that statement.

Mr. DORGAN. Will the Senator yield just for a comment?

Mr. GORTON. Certainly.

Mr. DORGAN. Because the Senator mentioned United Tribes Technical College, I wanted to say how much I appreciate what the subcommittee did in that area. That is a unique institution which has been very successful and has not had a funding increase for a long, long while. Just last Saturday I was at the United Tribes Technical College, where they had one of the largest Indian powwows in this country. It is a wonderful cultural celebration, about as colorful and beautiful a celebration as you will see anywhere in the country. I can tell you the people at United Tribes Technical College were enormously grateful for what you have done in this appropriations bill for them. I think they understand that the increase you have provided is a recognition of excellence in education, an investment in human potential. They are very grateful for it. Because you mentioned that, I wanted to say how appreciative I was as well.

Mr. GORTON. Mr. President, I thank my colleague from North Dakota.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent to proceed as in morning business for the next 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I thank the Chair.

(The remarks of Mr. REED pertaining to the introduction of S. 1169 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1132

(Purpose: To amend title 31, United States Code, to address the failure to appropriate sufficient funds to make full payments in lieu of taxes under chapter 69 of that title by exempting certain users of White Mountain National Forest from fees imposed in connection with the use)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask unanimous consent that it be in order to be considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. GREGG, proposes an amendment numbered 1132.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 126, line 16 insert after "government" the following: "that lies in whole or in part within the White Mountain National Forest and is"

On page 126, line 19, strike "recreational user fee" and insert in lieu thereof. "Demonstration Program Fee (parking permit or passport)"

On page 126, line 21–22, strike "White Mountain National" and "that lies, in whole or in part, within those boundaries."

Mr. GORTON. Mr. President, this is an agreed-to amendment between Senator BYRD and myself that is presented on behalf of the Senator from New Hampshire, Mr. GREGG. He has a special provision relating to certain uses of the White Mountain National Forest that are included in the bill. Technical errors were made in connection with that amendment, which added an unanticipated cost. These technical changes will cure that defect.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1132) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. I yield the floor, Mr. President.

Mr. President, I think I can announce I know of no further business relating to the Interior bill that is likely to come before the Senate this afternoon. But I do ask that any Senator who may wish to speak on the subject or offer an amendment on the subject report his or her intention to do so promptly.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, with the following exceptions: page 46, line 15 through page 47, line 25; page 52, line 16 through page 54, line 22; page 55, line 11 through page 56, line 2; page 96, line 12 through page 97, line 8; page 115, lines 1 through 22; page 123, line 9 through page 124, line 20; that the bill, as amended, be considered as original text for the purpose of further amendment, and that no points of order be waived by reason of this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF GENERAL SHELTON TO BE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Mr. DASCHLE. Mr. President, I ask unanimous consent that a letter I received from Senator WYDEN be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 11, 1997.

Hon. THOMAS A. DASCHLE,
Democratic Leader,
The Capitol.

DEAR MR. LEADER: I am writing to notify you that if the leadership were to seek unanimous consent to proceed to the consideration of the nomination of General Shelton to be Chairman of the Joint Chiefs of Staff, I would object.

I have been frustrated in my attempts to obtain complete information regarding the crash of an HC–130 Air Force Reserve plane which killed 10 Oregonians in November of 1996. The widows and families of those servicemen deserve complete and accurate information about the cause of that accident. Until I am able to make progress in obtaining this information, I plan to maintain my objection.

I also ask unanimous consent that this notice be published in today's Congressional Record.

Sincerely,

RON WYDEN,
United States Senator.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

A BALANCED BUDGET

Mr. HOLLINGS. Mr. President, the greatest difficulty I had during the August break was convincing the various newpaper editors I visited while traveling the State, that the budget was not balanced. Everywhere I went, they said that Congress had done its job, producing the first balanced budget since Lyndon Johnson's back in 1968–69. And I said that it was totally out of the whole cloth.

Mr. President, I think of Mark Twain's famous observation. He said, "The truth is such a precious thing, it should be used very sparingly." Unfortunately, our media friends have been caught up in the politics and with the consultants in the polls and the truth goes unreported.

I stated this on the floor when we debated the conference report to the budget resolution. I referred at that particular time to the report of Mr. KASICH from the committee of conference, submitted on June 4, 1997.

On page 4, I showed where, listed under "Deficits," that under fiscal year 2002 a deficit of $108,300,000,000 was listed. It was listed with the exclusion of the Social Security surplus as required under section 13:301 of the Budget Act.

Under that particular act that we passed in 1990, 98 Senators voted for it and President George Bush signed it into law. It said that you cannot report in the Congress nor shall the President submit a budget that includes the Social Security trust funds in the calculation of the budget deficit. We got this enacted into law, and today it is totally disregarded.

I wish I could put in a criminal penalty. We could lock up the Congress. But the fact of the matter is, a criminal penalty for this already exists, the 1994 Pension Reform Act. This law was enacted to make sure that workers, with all this merger mania, could be sure that their pension funds would remain fiscally intact and safe from defraying company debt. Denny McLain, the famous Detroit pitcher, which the distinguished Chair should be very familiar with—is in jail today because he violated this law. Our great pitcher, McLain, was elected the chairman of a certain corporation where he used the pension fund to pay the debts. Earlier this year, Denny McLain was sentenced to 8 years in prison. Now, if you can find Denny, and what cell he is in, tell him he made a mistake. He should have run for the U.S. Senate instead of going into business, because instead of a prison term, what you get is a good Government award. The constant babble over the land in by all the talking heads, on the TV and the radio, is balance, balance, balance.

Well, heavens above, this is exactly what is occurring today in the U.S. Senate. Even Mr. KASICH said that his submission was not a balanced budget. All you have to do is read and you will see the increase in the debt between the years 2001 and 2002. In 2002, instead of a balanced budget—you have a $173.9 billion deficit.

So, I went to all the different newspaper editors, and I said, Wait until the Congressional Budget Office makes their estimate. It usually comes out in August but because of reconcilliation, it will come out in September this year. They finally submitted "The Economic and Budget Outlook," in September 1997.

Mr. President, I ask unanimous consent that the table on page 34 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEBT SUBJECT TO LIMIT

As part of the Balanced Budget Act of 1997, the Congress increased the statutory limit on federal debt from $5.5 trillion to $5.95 trillion. That amount should be sufficient until the summer of 2000. Even in the face of small deficits and budget surpluses, though, the debt subject to limit will continue to increase, thereby implying that the ceiling will have to be raised in the future.

Debt subject to limit far exceeds debt held by the public (a much more useful measure of what the government owes), mainly because it includes the holdings of the Social Security, Medicare, and other government trust funds. The Congressional Budget Office's projections of debt subject to limit through 2007 are presented below. Because the size of the trust fund surplus dwarfs the projected total budget surpluses after 2002, debt subject to limit continues to rise throughout the projection period.

BASELINE PROJECTIONS OF DEBT SUBJECT TO STATUTORY LIMIT

[By fiscal year, in billions of dollars]

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Debt Subject to Limit, Start of Year	5,137	5,314	5,525	5,751	5,979	6,179	6,339	6,513	6,674	6,834	6,996
Changes:											
Deficit	34	57	52	48	36	−32	−13	−29	−36	−72	−86
Trust fund surplus	112	130	153	159	143	171	168	172	179	218	178
Other changes[1]	31	24	21	21	20	22	19	18	17	15	17
Total	177	210	226	228	199	161	174	161	160	162	110
Debt Subject to Limit, End of Year	5,314	5,525	5,751	5,979	6,179	6,339	6,513	6,674	6,834	6,996	7,106

[1] Primarily changes in Treasury cash balances, investments by government funds (such as the Bank Insurance Fund) that are not trust funds, and activity of the credit financing accounts.

Source: Congressional Budget Office.

Mr. HOLLINGS. Let us cite that table.

Here they have what they all like to call under the euphemism, a "unified deficit." Here they just use the word "deficit." They are very clever because they do not want to get in controversy with that particular section, 13:301. So CBO says: "Deficit for 1997, $34 billion." This is what everybody is crowing about. But—but—Mr. President, trust fund surpluses. You see under the moneys there, and other changes, other short-falls there, that there is veritably $143 billion used, spent, in order to make the deficit appear to be only $34 billion. The truth is, and actually listed in this document now by CBO, is a deficit of $177 billion for fiscal 1997. And extrapolating it out for 1998, the actual deficit is $210 billion; 1999, $226 billion; the year 2000, $228 billion; the year 2001, $199 billion; and the year 2002, $161 billion.

There you are, Mr. President. The Congressional Budget Office has not estimated a balanced budget. And no one else in his right mind has estimated a balanced budget except for the political dissembling over the land, in the editorial columns, and in the news reports, "balance, balance, balance," because what they've got up here this consultant thing to get our "message, message, message" out. If you say it enough, they will believe anything.

The truth is—the truth is—that we are going to expand the debt by over $1 trillion in the next 5 years, Mr. President. Now, let me say something about a soaring debt. When debt increases, interest increase. Everybody around here is saying, "I'm cutting taxes, cutting taxes," when in essence they are increasing taxes. There are two kinds of taxes. One tax, of course, is like a school tax, where in my home State, South Carolina, all the sales tax goes to the public school system, or gasoline taxes which go to highway construction. Those are what you call win taxes—you win something for paying those taxes.

The second kind of tax is the waste tax. An example of this is the interest costs on the national debt. You do not win anything. It is absolute waste. This goes up, up, and away to the tune now in the last several years, of at least $15 billion, and it is going up more every day. The actual estimated amount for this particular fiscal year which will end in a couple of weeks' time, at the end of September, is $358 billion. That is the CBO estimate. That is almost $1 billion a day for nothing. I ask unanimous consent that "Hollings Budget Realities" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOLLINGS' BUDGET REALITIES

[In billions of dollars]

President and year	U.S. Budget[1]	Borrowed Trust Funds	Unified Deficit With Trust Funds	Actual Deficit Without Trust Funds	National Debt	Annual Increases in Spending for Interest
Truman:						
1945	92.7	5.4	−47.6	....	260.1	....
1946	55.2	−5.0	−15.9	−10.9	271.0	....
1947	34.5	−9.9	4.0	+13.9	257.1	....
1948	29.8	6.7	11.8	+5.1	252.0	....
1949	38.8	1.2	0.6	−0.6	252.6	....
1950	42.6	1.2	−3.1	−4.3	256.9	....
1951	45.5	4.5	6.1	+1.6	255.3	....
1952	67.7	2.3	−1.5	−3.8	259.1	....
1953	76.1	0.4	−6.5	−6.9	266.0	....
Eisenhower:						
1954	70.9	3.6	−1.2	−4.8	270.8	....

HOLLINGS' BUDGET REALITIES—Continued

[In billions of dollars]

President and year	U.S. Budget[1]	Borrowed Trust Funds	Unified Deficit With Trust Funds	Actual Deficit Without Trust Funds	National Debt	Annual Increases in Spending for Interest
1955	68.4	0.6	-3.0	-3.6	274.4	
1956	70.6	2.2	3.9	+1.7	272.7	
1957	76.6	3.0	3.4	+0.4	272.3	
1958	82.4	4.6	-2.8	-7.4	279.7	
1959	92.1	-5.0	-12.8	-7.8	287.5	
1960	92.2	3.3	0.3	-3.0	290.5	
1961	97.7	-1.2	-3.3	-2.1	292.6	
Kennedy:						
1962	106.8	3.2	-7.1	-10.3	302.9	9.1
1963	111.3	2.6	-4.8	-7.4	310.3	9.9
Johnson:						
1964	118.5	-0.1	-5.9	-5.8	316.1	10.7
1965	118.2	4.8	-1.4	-6.2	322.3	11.3
1966	134.5	2.5	-3.7	-6.2	328.5	12.0
1967	157.5	3.3	-8.6	-11.9	340.4	13.4
1968	178.1	3.1	-25.2	-28.3	368.7	14.6
1969	183.6	0.3	3.2	+2.9	365.8	16.6
Nixon:						
1970	195.6	12.3	-2.8	-15.1	380.9	19.3
1971	210.2	4.3	-23.0	-27.3	408.2	21.0
1972	230.7	4.3	-23.4	-27.7	435.9	21.8
1973	245.7	15.5	-14.9	-30.4	466.3	24.2
1974	269.4	11.5	-6.1	-17.6	483.9	29.3
Ford:						
1975	332.3	4.8	-53.2	-58.0	541.9	32.7
1976	371.8	13.4	-73.7	-87.1	629.0	37.1
Carter:						
1977	409.2	23.7	-53.7	-77.4	706.4	41.9
1978	458.7	11.0	-59.2	-70.2	776.6	48.7
1979	503.5	12.2	-40.7	-52.9	829.5	59.9
1980	590.9	5.8	-73.8	-79.6	909.1	74.8
Reagan:						
1981	678.2	6.7	-79.0	-85.7	994.8	95.5
1982	745.8	14.5	-128.0	-142.5	1,137.3	117.2
1983	808.4	26.6	-207.8	-234.4	1,371.7	128.7
1984	851.8	7.6	-185.4	-193.0	1,564.7	153.9
1985	946.4	40.5	-212.3	-252.8	1,817.5	178.9
1986	990.3	81.9	-221.2	-303.1	2,120.6	190.3
1987	1,003.9	75.7	-149.8	-225.5	2,346.1	195.3
1988	1,064.1	100.0	-155.2	-255.2	2,601.3	214.1
Bush:						
1989	1,143.2	114.2	-152.5	-266.7	2,868.3	240.9
1990	1,252.7	117.4	-221.2	-338.6	3,206.6	264.7
1991	1,323.8	122.5	-269.4	-391.9	3,598.5	285.5
1992	1,380.9	113.2	-290.4	-403.6	4,002.1	292.3
Clinton:						
1993	1,408.2	94.3	-255.0	-349.3	4,351.4	292.5
1994	1,460.6	89.2	-203.1	-292.3	4,643.7	296.3
1995	1,514.6	113.4	-163.9	-277.3	4,921.0	332.4
1996	1,560.0	154.0	-107.0	-261.0	5,182.0	344.0
1997	1,612.0	143.0	-34.0	-177.0	5,359.0	358.0

[1] Outlays.

Note: Historical Tables, Budget of the U.S. Government FY 1998: Beginning in 1962 CBO's 1997 Economic and Budget Outlook.

Mr. HOLLINGS. When is this crowd going to wake up around here? The interest cost was less than $75 billion when Mr. Reagan came to town and promised to balance the budget in 1 year. We had less than $1 trillion debt. Now we have a $5.3 trillion debt—quadruple the debt since that time. We are spending about $283 billion more a year today in interest costs than that particular day 17 years ago.

Now, if I had that $283 billion, I would get all the highways built, I would get all the research at NIH, I would put in all the money at Head Start. With all of these amendments, we are spending the money but not getting the government. We are proving with this cut taxes, cut taxes, cut taxes that we are incompetent up here.

Now, Mr. President, I had hoped at that particular time, since the economy was going well and we have had lower deficits each year for the last 5 years under President Clinton, that we would stay the course, not have any tax cuts, not have any spending increases. But this hope was defeated.

Instead, Mr. President, we passed what? We passed a $52 billion increase in spending and cut the revenues $95 billion and call it balanced. How can you increase spending, lower your revenues, and get to a balanced budget? Of course, it is obvious—you cannot. That is why you have the $177 billion deficit this particular fiscal year and instead of a balanced budget in the year 2002, we have a $161 billion deficit.

Interestingly, this assumes that by the year 2000—you will have a deficit of $228 billion, an almost $70 billion decrease in a 2-year period. The cuts are back-loaded. That is the smoke and mirrors.

Everyone is talking about balance, talking about baby boomers, talking about Social Security, which is in the black and balanced. But we are not paying for defense, we are not paying for education, we are not paying for Senators' pay, we are not paying for Head Start, we are not paying for foreign aid, we are not paying for the general Government expenses, and we come around here and we say, "Now what we need is tax cuts to buy the election next year."

Mr. President, they have a big hearing going on about campaign financing. The biggest campaign finance violation is the Federal budget scam of a balanced budget and cutting taxes. We are using this budget scam to reelect ourselves. This is what ought to be investigated. This is a public hearing. I hope C-SPAN is covering it. I hope everyone is listening right now, because this is how we buy the votes. I am not worried whether I get from a PAC contribution of $1,000 or $2,000 The country of Japan has over 100 lawyers here, paid over $113 million to lobby us, the Congress. I need not tell you that this is significantly more than the pay of the 535 Members of Congress. I am not worried about those things. What I am worried about is the campaign financing fraud scam that is going on on the floor of the national Congress. We're all running around here hollering, "balance," and our good friends, the Concord Coalition, is yelling "entitlements, entitlements." They have not yet faced the reality.

My friend, David Broder, says I have gotten to be a nuisance on this subject. I wonder why the truth has become a nuisance in Washington?

LABOR-HHS-EDUCATION SPENDING BILL FOR FY98

Mr. BINGAMAN. Mr. President, the fiscal year 1998 Labor-HHS-Education appropriations bill that was passed overwhelmingly by the Senate today contains several education and health provisions that I feel are especially important and have worked hard on to help improve the lives of people in New Mexico and nationwide.

The key health and education provisions include a plan to move control over the proposed new math and reading tests to an independent board, increased funding for education technology and technology training for teachers, first-time funding to help low-income students participate in the rigorous and cost saving academic program known as Advanced Placement, and funding for a Boarder Health Commission that I helped enact in 1994.

It is especially important to note that the United States Senate today approved $1 million in funding to implement the United States-Mexico Border Health Commission. The Commission, which has long been one of my priorities, is designed to help improve public health along the United States-Mexico border. I requested that the funds be included in the 1998 spending bill in a letter to Senate appropriators earlier in the year.

I led the fight to fund the Commission because I believe that we can't wait any longer to begin addressing the serious health problems along the border. They greatly affect people in nearby communities and in New Mexico. What's alarming is that many of these health problems—such as malaria and tuberculosis—can affect people nationwide. This appropriation represents the first time Federal funds have been earmarked specifically for implementation of the commission.

The funds would go to the commission to begin a comprehensive border health needs assessment followed by a coordinated medical response to border health problems. Each United States-border State would receive two federally appointed commissioners who would work with Mexico to design and coordinate programs to improve health, water resources, sewage treatment, vector control and air quality along the border. Because of the Senate's move today, we are inching closer to being able to directing medical help to our ailing border region.

The Senate has also now approved funding for several key education initiatives that have been some of my top priorities in this Congress.

Perhaps most notable is that the Senate approved $30 million to train teachers in the use of technology in the classroom. The funding will be used to implement the Technology for Teachers Act, new legislation that I authored earlier this year.

There is a tremendous effort underway to put computers in classrooms and hook schools across American into the Internet. But until now, the primary focus has been on obtaining equipment—not on training teachers to use it. We can't simply install a computer in the classroom and expect it to revolutionize education all by itself. These new resources represent the first time Federal funds have been set aside specifically for training new and current teachers in the use of education technology.

As a founding member of the Senate Education Technology Workforce, I am also proud that the Senate voted to double the funding for the Technology Literacy Challenge Fund, created by my 1994 Technology for Education Act. The fund would jump to $425 million in 1998 from $200 million in 1997. New Mexico's State Department of Education this year received $1.7 million from the Technology Literacy Challenge Fund, and awarded grants to 26 communities across the State. The 1998 funding would boost New Mexico's share to $3.55 million.

And finally, the Senate also approved $3 million in funding to increase the number of low-income students who participate in the rigorous Advanced Placement [AP] program in schools in New Mexico and across the country. I secured this funding in the 1998 Labor-HHS appropriations bill in order to broaden the reach of AP classes to all students—not just to those who attend more affluent schools or have definite plans to attend college. By promoting AP, we're promoting high-standards education in our schools without creating new Federal programs.

These are just a few of the most important elements of a bill that on the whole is very strong, I believe. However, I must note one part of the legislation that we are sending into conference with the House of Representatives, which is the Gorton amendment.

As part of this spending bill, the Senate narrowly approved—49 to 51—an amendment by Senator GORTON that would convert billions of dollars in critical Federal education dollars into unrestricted block grants that school districts could spend with few restrictions and little accountability. For reasons I would like to describe here, I strongly oppose the amendment and will push for its elimination from the final version of the 1998 Labor-HHS appropriations measure.

In essence, this amendment would eliminate much of the U.S. Department of Education—a radical and misguided effort that I had thought was abandoned in the face of tremendous public opposition over the last few years.

Specifically, this amendment block grants to local districts—not states—roughly $5.5 billion in annual funding for Federal education programs. The eliminated programs would include:

Funding for the new voluntary national tests for reading and math, which would help so many parents keep their schools accountable for preparing their students for a high-tech world;

Title 1, the roughly $7 billion program to help poor children improve their reading and math skills in the early grades;

The $425 million Technology for Education Act, which is already providing $1.7 million in education technology funding to 26 grantees around the state, and would rise to $3.5 million next year;

The $50 million Charter Schools program, which helps foster the creation of more new, independent public schools like the five that are up and running in New Mexico;

Goals 2000, which has provided millions of dollars to New Mexico as part of its effort to raise academic standards and achievement;

The School-to-Work Opportunities Act, which has given both local and statewide implementation grants to help improve training for students going straight into the workforce from high school;

Safe and Drug Free Schools, a program that sends Federal funds to the States and schools most affected by school violence in order to make them more orderly;

Teacher training funds called the Eisenhower program that are used in New Mexico to help upgrade the preparation of teachers in our classrooms; and

Bilingual and immigrant education programs, which also provide much-needed support for communities with large numbers of limited English proficient students.

In effect, this would create an unmonitored windfall for school districts that could be used for nearly any purpose—conceivably even raising administrative salaries, or building swimming pools and tennis courts. There would be no oversight or accountability—in fact, all of the limits on administrative costs and accountability measures that rely on State oversight and are already in Federal law would be eliminated by the amendment.

The Gorton amendment would also fully by-pass State education agencies that in New Mexico help coordinate and monitor programs. Some people think block-granting education funds might give local school districts more control or more funding. The reality is that if we block grant these programs and bypass the our entire State education network, we actually put a huge administrative burden on school districts that very few will be able to handle. And in fact, only about 6 percent of Federal funding is taken off the top by States for administrative and technical assistance. It simply isn't cost-efficient for small districts to provide the specialized training or diverse course offerings that can be provided economically at a State and regional level.

It's also entirely unclear how New Mexico would fare under such an arrangement—there is no real way of telling from the amendment, which proposes an entirely untried approach that has never really been debated before. Funding levels would basically be determined by having each individual district conduct a self-reported census on its own of all the school-aged children in the district, and then weighting each district's funding according to each State's average per capita income level. However it's not too hard to guess that we won't do nearly as well as some may think, since current formulas already awarding money directly to districts based on individual community need would be scrapped—and many communities would be left to fend for themselves.

For these reasons, it is my hope that this ill-conceived amendment will be dropped in conference, and left out of the final bill that is made into law. If necessary, I would likely join my colleague Senator DODD in filibustering the fiscal year 1998 appropriations bill if the Gorton amendment is kept in the final version.

THE CRISIS IN SIERRA LEONE

Mr. BIDEN. Mr. President, I rise today to bring to light recent events in Sierra Leone. This has been a challenging year for democracy on the African Continent, and no where has it been more seriously challenged than in this West African nation. On May 25, 1997, mutinous soldiers overthrew the democratically elected government of President Ahmad Tejan Kabbah. Lawlessness reigns throughout the country, as jail doors throughout Sierra Leone have been thrown wide, and judges and lawyers who once worked to ensure the rule of law have been forced to flee the country for their lives.

Ironically, it was only a year and a half ago that Sierra Leone held its first multiparty elections in 30 years, resulting in the transfer of power from the military to the civilian government of President Kabbah. With the conclusion of Sierra Leone's 5-year civil war last November, Sierra Leone was hailed by many in Africa and the West as a model for other African nations. The bloody military coup d'état that ousted President Kabbah almost 4 months ago is not only an affront to the expressed will of the people of Sierra Leone, but is a direct challenge to the cause of democracy in Africa. I strongly condemn this deplorable action, and call upon the military to return power to the democratically-elected government.

Now, as a result of the spring coup, the Sierra Leone is largely isolated from the world. Foreign embassies have closed their doors. Foreign aid has been suspended. There is virtually no humanitarian assistance to speak of left in Sierra Leone. Every day that the military junta remains in power more men, women and children needlessly fall victim to senseless violence.

Meanwhile, the military junta continues its rapacious looting of the country, oblivious to the dire consequences of its actions. Freetown, the capital city, without electricity, sits in darkness. Schools are closed. Most doctors have fled the country and hospitals have been looted. Those who have not already fled the country face both a dwindling food supply and the military leaders' seemingly abject disregard for human life.

Mr. President, Sierra Leone's West African neighbors have courageously taken the lead in responding to this humanitarian crisis. Upon the outbreak of the coup, regional leaders quickly condemned the coup and imposed regional sanctions. At a recent meeting of West African heads of state those who called for the use of force to end the standoff were resisted, and it was resolved to strengthen the sanctions regime already in place.

I strongly commend this decision. Although attempts at negotiation with the junta in July were unsuccessful, I strongly believe that the successful road to peace and stability in Sierra Leone leads to the negotiating table instead of the battlefield. Sanctions must be given more time to pressure the military junta to give up its quixotic lust for power.

While the United States was among the first to condemn the coup, I urge our Government to continue to seek every opportunity to publicly support democracy in Sierra Leone. Those who would subvert the will of the people in Sierra Leone should have no illusion about the United States position.

The United Nations has already added its voice to international condemnation of the military junta in Freetown. Moreover, the Secretary-General has just appointed a special envoy to Sierra Leone in an attempt to resolve the crisis. I applaud these efforts. I urge the administration to use its influence at the United Nations to initiate a multilateral effort to severely restrict the military junta's ability to purchase arms and fuel. At the same time, I believe it is necessary to try to find a way to address the humanitarian needs of the innocent.

Mr. President, these are very troubled days for democracy in Africa. Although democracy is beginning to blossom in other parts of the world since the end of the cold war, it has yet to firmly take root in the fertile soil of many African nations.

Mr. President, as the rest of the world moves toward integration into the global economy, embracing democracy and liberal economic principles, we must not leave Africa behind. It is imperative that we who have fought for our own freedom, and who enjoy the fruits that democracy offer, continue to support others in their fight for the same. I thank the chair and yield the floor.

THE VERY BAD DEBT BOXSCORE

MR. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 10, 1997, the Federal debt stood at $5,410,105,013,993.47. (Five trillion, four hundred ten billion, one hundred five million, thirteen thousand, nine hundred ninety-three dollars and forty-seven cents)

One year ago, September 10, 1996, the Federal debt stood at $5,217,211,000,000. (Five trillion, two hundred seventeen billion, two hundred eleven million)

Five years ago, September 10, 1992, the Federal debt stood at $4,035,342,000,000. (Four trillion, thirty-five billion, three hundred forty-two million)

Ten years ago, September 10, 1987, the Federal debt stood at $2,355,393,000,000. (Two trillion, three hundred fifty-five billion, three hundred ninety-three million)

Fifteen years ago, September 10, 1982, the Federal debt stood at $1,110,901,000,000 (One trillion, one hundred ten billion, nine hundred one million) which reflects a debt increase of more than $4 trillion—$4,299,204,013,993.47 (Four trillion, two hundred ninety-nine billion, two hundred four million, thirteen thousand, nine hundred ninety-three dollars and forty-seven cents) during the past 15 years.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1866. An act to continue favorable treatment for need-based educational aid under the antitrust laws.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bills, previously received from the House of Representatives for the concurrence of the Senate, were read the first and second times by unanimous consent and referred as indicated:

H.R. 28. An act to amend the Housing Act of 1949 to extend the loan guarantee program for multifamily rental housing in rural areas; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 103. An act to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes; to the Committee on the Judiciary.

The following concurrent resolutions, previously received from the House of Representatives for the concurrence of the Senate, were read the first and second times by unanimous consent and referred as indicated:

H. Con. Res. 105. Concurrent resolution expressing the sense of the Congress relating to the elections in Albania scheduled for June 29, 1997; to the Committee on Foreign Relations.

H. Con. Res. 133. Concurrent resolution expressing the sense of the Congress regarding the terrorist bombing in the Jerusalem market on July 30, 1997; to the Committee on Foreign Relations.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S. 1160. A bill to provide for educational facilities improvement.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC 2937. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule entitled "Business and Media Visas" received on September 8, 1997; to the Committee on Foreign Relations.

EC 2938. A communication from the Acting General Counsel, Department of Energy, transmitting, pursuant to law, a rule received on August 28, 1997; to the Committee on Energy and Natural Resources.

EC 2939. A communication from the Assistant Secretary of Labor for Pension and Welfare Benefits, transmitting, pursuant to law, a rule entitled "Class Exemption for Collective Investment Fund Conversion Transactions" received on August 13, 1997; to the Committee on Labor and Human Resources.

EC 2940. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a rule entitled "Allocation of Assets in Single-Employer Plans" received on September 10, 1997; to the Committee on Labor and Human Resources.

EC 2941. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Protecting Workers Exposed to Lead-based Paint Hazards"; to the Committee on Labor and Human Resources.

EC 2942. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedure 97-43; to the Committee on Finance.

EC 2943. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97-39; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-226. A joint resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

ASSEMBLY JOINT RESOLUTION NO. 11

Whereas, Many of our senior citizens rely on the Congregate Nutrition Services under Subpart 1 (commencing with Section 3030e) of Part C of Subchapter 3 of Chapter 35 of Title 42 of the United States Code, the Older Americans Act, for their main source of nutrition; and

Whereas, Many of our senior citizens rely on the Home Delivered Nutrition Services under Subpart 2 (commencing with Section 3030f) of Part C of Subchapter 3 of Chapter 35 of Title 42 of the United States Code, the Older Americans Act, for their only source of nutrition; and

Whereas, In many cases, the delivery person may be the only person who sees the senior citizen daily, and that person also serves as a resource for other needs that the senior citizen may have; and

Whereas, Delivered meals to a home-bound senior citizen is very cost-effective, since nutrition is basic to maintaining health and life; and

Whereas, Without home-delivered meals to home-bound seniors, they are forced into higher levels of care and the residential and skilled nursing facilities that those seniors are moved to cost much more; and

Whereas, Most of the cost of care in residential homes and skilled nursing facilities are passed on to the state and the federal government; and

Whereas, The means by which lowest cost under which care may be provided is to maintain these senior citizens in their own homes; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to maintain current levels of funding of Congregate Nutrition Services under Subpart 1 (commencing with Section 3030e) of Part C of Subchapter 3 of Chapter 35 of Title 42 of the United States Code, and Home Delivered Nutrition Services under Subpart 2 (commencing with Section 3030f) of Subchapter 3 of Chapter 35 of Title 42 of the United States Code; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to index annual cost-of-living increases in funding for Congregate Nutrition Services and Home Delivered Nutrition Services; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 360. A bill to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area, and for other purposes (Rept. No. 105-78).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 590. A bill to provide for a land exchange involving certain land within the Routt National Forest in the State of Colorado (Rept. No. 105-79).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 783. A bill to increase the accessibility of the Boundary Waters Canoe Area Wilderness, and for other purposes (Rept. No. 105-80).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance:

Olivia A. Golden, of the District of Columbia, to be Assistant Secretary for Family Support, Department of Health and Human Services.

Kenneth S. Apfel, of Maryland, to be Commissioner of Social Security for the term expiring January 19, 2001. (New Position)

Gary Gensler, of Maryland, to be an Assistant Secretary of the Treasury.

Nancy Killefer, of Florida, to be Chief Financial Officer, Department of the Treasury.

Nancy-Ann Minn Deparle, of Tennessee, to be Administrator of the Health Care Financing Administration.

David A. Lipton, of Massachusetts, to be an Under Secretary of the Treasury.

Timothy F. Geithner, of New York, to be a Deputy Under Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ALLARD:

S. 1162. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack offenses; to the Committee on the Judiciary.

By Mr. BRYAN:

S. 1163. A bill to amend the Truth in Lending Act to prohibit the distribution of any negotiable check or other instrument with any solicitation to a consumer by a creditor to open an account under any consumer credit plan or to engage in any other credit transaction which is subject to that Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ABRAHAM (for himself, Mr. FEINGOLD, Mr. HUTCHINSON, Mr. COVERDELL, Mr. DEWINE, Mr. ASHCROFT, Mr. BROWNBACK, Mr. MACK, and Mr. HELMS):

S. 1164. A bill to state a policy of the United States that engages the People's Republic of China in areas of mutual interest promotes human rights, religious freedom, and democracy in China, and enhances the national security interests of the United States with respect to China, and for other purposes; to the Committee on Foreign Relations.

By Mr. GRASSLEY:

S. 1165. A bill to apply rules regarding the conduct of meetings and record-keeping under the Federal Advisory Committee Act to the Social Security Advisory Board and for other purposes; to the Committee on Finance.

By Mr. CAMPBELL:

S. 1166. A bill to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits; to the Committee on the Judiciary.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 1167. A bill to amend the Tariff Act of 1930 to clarify the method for calculating cost of production for purposes of determining antidumping margins; to the Committee on Finance.

By Mr. LEVIN:

S. 1168. A bill for the relief of Retired Sergeant First Class James D. Benoit, Wan Sook Benoit, and the estate of David Benoit, and for other purposes; to the Committee on the Judiciary.

By Mr. REED:

S. 1169. A bill to establish professional development partnerships to improve the quality of America's teachers and the academic achievement of students in the classroom, and for other purposes; to the Committee on Labor and Human Resources.

By Ms. SNOWE:

S. 1170. A bill to establish a training voucher system, and for other purposes; to the Committee on Labor and Human Resources.

By Ms. MOSELEY-BRAUN:

S. 1171. A bill for the relief of Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HOLLINGS (for himself and Mr. ABRAHAM):

S. Con. Res. 52. A concurrent resolution relating to maintaining the current standard behind the "Made in USA" label, in order to protect consumers and jobs in the United States; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLARD:

S. 1162. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack offenses; to the Committee on the Judiciary.

THE POWDER-CRACK COCAINE PENALTY EQUALIZATION ACT OF 1997

Mr. ALLARD. Mr. President, today I rise to address one of the most longstanding and racially sensitive disputes in the criminal justice system. I am introducing legislation to equalize the criminal penalties for offenses involving crack and powder cocaine.

Under current law, a seller of 5 grams of crack cocaine receives the same mandatory 5-year prison term as a seller of 500 grams of powder cocaine.

That disparity between penalties has been scrutinized by the U.S. Sentencing Commission, Congress, and the Clinton administration for the last several years. Although many solutions have called for narrowing the gap in penalties, these recommendations don't go far enough. Instead of equalizing the penalties, they only narrow the disparity in sentencing for powder versus crack cocaine by altering the ratio from 5 to 1 instead of the current 100 to 1.

Additional recommendations have called for lessening the penalty for crack dealers, bringing it closer to the lax penalties applied to powder offenders.

My legislation rejects the hollow solution of lowering the penalty for crack to make it equal to powder cocaine penalties. The fact is that 90 percent of those convicted of dealing crack are African-Americans, while the majority of powder cocaine offenders are white.

Raising the powder cocaine penalties to that of crack will help alleviate the perception of unfairness and racial bias in sentencing. But reducing the penalties for crack cocaine would only increase violent crime and harm those which the law is seeking to help.

Statistics remind us that cocaine addiction continues to plague our society. According to the Partnership for a Drug Free America, 1 out of every 10 babies born in the United States is born addicted to drugs, and most are addicted to crack cocaine. Crime exploded between 1985 and 1990, the years crack was introduced. In fact, violent crime went up 37 percent in 1990 and aggravated assaults increased 43 percent. Partly because of crack cocaine, more teens in this country now die of gunshot wounds than all natural causes combined. Lowering sentences on crack cocaine would be devastating to the progress we have made in fighting the drug war.

During the 1980's, Congress legislated steep consequences for crack cocaine.

The crack epidemic spread across our Nation—and it warranted several drastic legal reforms. We saw the destruction wrought on entire communities by this cheap and highly addictive form of cocaine and realized that tough penalties were needed to restrict its availability.

These tougher sentences were needed, but the problem we are seeing today is that powder cocaine sentences were set before the crack epidemic began and do not reflect the influence powder has had on crime and drug trafficking.

This bill provides a twofold solution: It corrects the inequality in penalties which has contributed to the perceived race bias in sentencing; while at the same time stiffening the penalty for powder cocaine offenses, which are currently far too lenient.

In light of the numerous proposals introduced to correct this problem, I encourage my colleagues to contemplate the alternatives and consider how justice is served in this matter. Maintaining the current ratio is allowing a wrongful disparity in penalties to continue. Congress must act now to correct this injustice.

By Mr. BRYAN:

S. 1163. A bill to amend the Truth in Lending Act to prohibit the distribution of any negotiable check or other instrument with any solicitation to a consumer by a creditor to open an account under any consumer credit plan or to engage in any other credit transaction which is subject to that Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE UNSOLICITED LOAN CONSUMER PROTECTION ACT

Mr. BRYAN. Mr. President, I rise today to introduce legislation that will protect consumers from a new, egregious banking practice that gives new meaning to the old expression, "The check's in the mail."

This practice involves financial institutions sending unsolicited checks to consumers, some of whom have no prior relationship with the financial institution at all. These checks in fact obligate the recipient to a loan with interest rates as high as 25 percent.

I invite my colleagues' attention to a format that is frequently used. This check is sent in a window envelope in which the recipient sees his or her name, opens it up and believes that indeed a check has been sent to him or to her.

What may at first appear to be pennies from Heaven is in reality a loan backed by exorbitant interest rates and punitive loan terms, but these details are only found in the fine print often on the back of the check.

While only a few banks are engaged in this practice, it is nevertheless a growing practice and needs to be stopped before it gets completely out of hand. For example, one bank has booked $1 billion of these unsolicited loans in a period of 18 months.

At a time when personal bankruptcies are at an all-time high—many attribute that to easy credit-card debt—the practice in which consumers are enticed into taking a loan that they really have not sought should concern all Americans.

I fear for the long-term consequence of these loans should the economy take a sudden downturn and these loans are left in default.

The bottom line, Mr. President, is loans should only be issued when an application has been made and approved, with the consumer fully understanding the terms of the loan. In the case of these loans, all the pertinent information consumers need to know about fees, charges, interest rates is in microscopic print and most frequently on the back of the check itself.

Mr. President, banks are trying the patience of the American consumer with their ever increasing use of fees and questionable market practices.

My State of Nevada has gone through a series of bank mergers that have left customers frustrated and confused. Service has been downgraded, accounts lost and fees increased. According to one report, the number of types of fees charged by banks increased from 96 to 250 while the banking industry itself continues to earn record profits—surpassing $50 billion.

These unsolicited checks are setting rates right up against the usury ceilings with some carrying rates as high as 25 percent. Adding insult to injury, these checks are targeted to people who can least afford to pay these exorbitant rates but are easily tempted by the lure of easy money.

Mr. President, I want to commend Congressmen HINCHEY and GONZALEZ in the House for raising this issue. I look forward to the Banking Committee holding hearings on this important legislation. The distinguished chairman of the subcommittee has indicated that it is his intention to hold hearings on this issue. I look forward to processing this legislation as quickly as possible.

By Mr. ABRAHAM (for himself, Mr. FEINGOLD, Mr. HUTCHINSON, Mr. COVERDELL, Mr. DEWINE, Mr. ASHCROFT, Mr. BROWNBACK, Mr. MACK, and Mr. HELMS):

S. 1164. A bill to state a policy of the United States that engages the People's Republic of China in areas of mutual interest, promotes human rights, religious freedom, and democracy in China, and enhances the national security interests of the United States with respect to China, and for other purposes; to the Committee on Foreign Relations.

CHINA POLICY ACT OF 1997

Mr. ABRAHAM. Mr. President, I rise today to introduce the China Policy Act of 1997. Cosponsors of this legislation include Senators FEINGOLD, HUTCHINSON, COVERDELL, DEWINE, ASHCROFT, BROWNBACK, MACK, and HELMS.

Now is the time, Mr. President, to take a closer look at our relations with the People's Republic of China. Preparations are underway for the October 28 state visit of Chinese President Jiang Zemin. The President will be feted, toasted, and praised. Meanwhile, Wei Jingsheng rots in a Beijing prison, serving out a 14-year sentence for the crime of peacefully advocating democracy and other political reforms.

This contrast, in my view, points up the current crisis in United States-China relations. For too long now, this administration has put process over substance, holding repeated meetings and discussions with Chinese leaders, but failing to set and hold to a concrete agenda addressing critical issues of human rights and religious freedom, as well as nuclear and other weapons proliferation.

There is much of substance to work out with Chinese leaders, Mr. President. To begin with, China's record of human rights abuses and repression of religious faith is long and disturbing. Women pregnant with their second or third child have been coerced into abortions. Peaceful advocates of democracy and political reforms have been sentenced to long terms in prisons where they have been beaten, tortured, and denied needed medical care. Religious meeting places have been forcibly closed. Tibetan monks refusing to condemn their religious leader, the Dalai Lama, have been forced from their monasteries; some of their leaders have disappeared.

President Clinton knows full well about these abuses. His own State Department just released a report on human rights in China which states that in 1996 "The Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms." America cannot allow these abuses of fundamental human rights to continue unopposed.

Our own national security also demands that we take a firmer, more substantive stance in our dealings with China. Although China signed the Nuclear Non-Proliferation Treaty and agreed to abide by the terms of the missile technology control regime in 1992, violations of both agreements continue. Especially worrisome are Chinese sales of weapons technology to Pakistan, Iran, and other countries in the Middle East.

Chinese weapons exports also have more directly threatened Americans here on United States soil. Companies associated with the People's Liberation Army [PLA] have been caught attempting to sell smuggled assault weapons to street gangs in Los Angeles.

Mr. President, I am not advocating any rash response to these provocations. China is an important nation with the potential to take part in mutually beneficial commerce and diplomatic cooperation, or destabilize a number of important strategic areas. In my view our disagreements with China call for development of incentives and disincentives designed to steer that country toward internal liberalization and constructive participation in the international community.

Up until now, debates over American policy toward China have focused almost exclusively on the annual extension of that country's most-favored-nation trading status [MFN]. Both sides in this debate have highlighted legitimate issues calling for reasoned argument. But, now that Congress has renewed MFN, it is imperative that we address broader United States-China relations, lest China policy be relegated to the back pages for another year.

I firmly believe, Mr. President, that Congress and the President can put United States-Chinese relations on a course toward substantive progress by taking concrete action now. That is why I am introducing the China Policy Act of 1997. This legislation is designed to discourage the Chinese regime from oppressive internal policies and destabilizing actions contrary to United States national security, while advancing American values of freedom and human rights among the Chinese people. It represents a consensus view reached among proponents on both sides of the MFN question. It combines provisions of China-related bills and amendments authored by myself and Senators FEINGOLD, ASHCROFT, DEWINE, COVERDELL, and BROWNBACK. I would like to extend special thanks to Senator FEINGOLD for strengthening the human rights focus of the bill.

This legislation includes a number of sanctions aimed at Chinese leaders intended to express our dismay at recent human rights abuses. First, the bill would deny American visas to high ranking Chinese Government officials involved in political and religious persecution. The bill also would require United States representatives at multilateral development banks to vote "no" on all loans to China, except those related to famine, national disaster relief, and environmental protection. This last provision also puts into practice the important principle that United States taxpayers should not be forced to subsidize the Chinese Government.

In addition, Mr. President, the bill would institute targeted sanctions against PLA companies found to have engaged in weapons proliferation, illegal importation of weapons to the United States or military or political espionage in the United States. The U.S. Government also would publish a list of other PLA-controlled companies. This would allow American companies and consumers to decide whether they wish to purchase products manufactured in whole or in part by the Communist Chinese army. The bill also takes direct aim at China's use of slave labor by instituting stricter enforcement of the ban against sale of Chinese products produced in prison labor camps.

These sanctions, specifically aimed at government officials and the Chinese Governmental apparatus, will show our determination to stand up and defend human rights and religious freedom.

This legislation also would tighten United States export licensing requirements for supercomputers sold to China. This will impede Chinese weapons development and proliferation.

In addition to its sanctions, the bill includes provisions to encourage internal reforms and cultural exchanges between our two countries. It would increase funding for international broadcasting to China, including Radio Free Asia and the Voice of America. I also would increase funding for National Endowment for Democracy and U.S. Information Agency student, cultural, and legislative exchange programs.

These concrete actions would make clear to the Chinese leadership that there is a price to be paid for human rights abuses and for irresponsible weapons proliferation. They also would encourage greater openness in that country, without penalizing the Chinese people for the actions of their Government. They would provide the basis for substantive negotiations and a productive relationship with China.

It is my hope that my colleagues will adopt these measures, and that the President will seize the opportunity to set our policy on a new, more productive course.

Mr. President, I ask unanimous consent that a summary and the full text of the China Policy Act of 1997 be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 1164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "China Policy Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Declaration of policy.

TITLE I—SANCTIONS

Sec. 101. Denial of entry into United States of certain officials of the People's Republic of China.
Sec. 102. Limitations on multilateral assistance for the People's Republic of China.
Sec. 103. Sanctions regarding China North Industries Group, China Poly Group, and certain other entities affiliated with the People's Liberation Army.
Sec. 104. Consultations with allies regarding sanctions against the People's Republic of China.
Sec. 105. Termination of certain authorities.

TITLE II—HUMAN RIGHTS, RELIGIOUS FREEDOM, AND DEMOCRACY IN CHINA

Sec. 201. Findings on human rights abuses in the People's Republic of China.
Sec. 202. Findings on religious freedom in the People's Republic of China.
Sec. 203. Findings on Tibet.
Sec. 204. Findings on coercive family planning practices in the People's Republic of China.
Sec. 205. Combating slave labor and "reeducation" centers.
Sec. 206. International broadcasting to China.
Sec. 207. National Endowment for Democracy.
Sec. 208. United States Information Agency student, cultural, and legislative exchange programs.
Sec. 209. Annual reports on family planning activities in the People's Republic of China by recipients of United States funds.
Sec. 210. Sense of Congress regarding multilateral efforts to address China's human rights record.
Sec. 211. Sense of Congress regarding compliance by the People's Republic of China with the Joint Declaration on Hong Kong.

TITLE III—NATIONAL SECURITY MATTERS

Sec. 301. Findings on the proliferation of ballistic missiles by the People's Republic of China.
Sec. 302. Findings on the proliferation of weapons of mass destruction by the People's Republic of China.
Sec. 303. Findings on the proliferation of destabilizing advanced conventional weapons by the People's Republic of China.
Sec. 304. Findings on the evasion of United States export control laws by the People's Republic of China.
Sec. 305. Findings on the inconsistent application of United States export control laws to the People's Republic of China and Hong Kong.
Sec. 306. Exports of supercomputers to the People's Republic of China.
Sec. 307. Dual-use exports to Hong Kong.
Sec. 308. Enforcement of Iran-Iraq Arms Non-Proliferation Act with respect to the People's Republic of China.
Sec. 309. Transfers of sensitive equipment and technology by the People's Republic of China.
Sec. 310. Annual reports on activities of the People's Liberation Army.
Sec. 311. Annual reports on intelligence activities of the People's Republic of China.
Sec. 312. Study of theater ballistic missile defense system for Taiwan.
Sec. 313. Sense of Congress regarding United States force levels in Asia.
Sec. 314. Sense of Congress regarding establishment of commission on security and cooperation in Asia.

TITLE IV—TRADE

Sec. 401. Sense of Congress regarding the accession of Taiwan to the World Trade Organization.

TITLE V—HUMAN RIGHTS AND RELIGIOUS FREEDOM WORLDWIDE

Sec. 501. Training for immigration officers regarding religions persecution.
Sec. 502. Promotion of religious freedom and human rights worldwide.

TITLE VI—OTHER MATTERS

Sec. 601. Termination of United States assistance for East-West Center.

SEC. 2. DECLARATION OF POLICY.

The policy of the United States with respect to the People's Republic of China is as follows:

(1) To encourage freedom and democracy in the People's Republic of China and to deter the Government of the People's Republic of China from engaging in activities that are contrary to the national security interests of the United States.

(2) To encourage the Government of the People's Republic of China to make progress towards improving overall human rights conditions in China and Tibet, including the taking of concrete steps to assure freedom of speech, freedom of religion, and freedom of association in compliance with international standards on human rights.

(3) To encourage the Government of the People's Republic of China to channel its emerging power and influence along paths that are conducive to peace, stability, and development in the Asian Pacific region.

(4) To preserve and protect the national security interests of the United States and its allies by—

(A) deterring the proliferation of weapons and sensitive equipment and technology by the Government of the People's Republic of China; and

(B) sanctioning companies affiliated with the People's Liberation Army that engage in the proliferation of weapons of mass destruction, the importation of illegal weapons or firearms into the United States, or espionage in the United States.

(5) To support a strong United States presence in and commitment to the leadership of the Asian Pacific region.

(6) To support integration of the People's Republic of China into the community of nations.

(7) To limit the use of United States taxpayer funds for the subsidization of the Government of the People's Republic of China through such mechanisms as assistance through multilateral development banks and other United States Government programs.

TITLE I—SANCTIONS

SEC. 101. DENIAL OF ENTRY INTO UNITED STATES OF CERTAIN OFFICIALS OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) DENIAL OF ENTRY.—Except as provided in subsection (b), the Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, any of the following officials of the Government of the People's Republic of China:

(1) High-ranking officials of the People's Liberation Army, as determined by the Secretary.

(2) High-ranking officials of the Public Security Bureau, as so determined.

(3) High-ranking officials of the Religious Affairs Bureau, as so determined.

(4) Other high-ranking officials determined by the Secretary to be involved in the implementation or enforcement of laws and directives of the People's Republic of China which restrict religious freedom.

(5) High-ranking officials determined by the Secretary to be involved in the implementation or enforcement of laws and directives of the People's Republic of China on family planning.

(6) Officials determined by the Secretary to have been materially involved in ordering or carrying out the massacre of students in Tiananmen Square in 1989.

(b) WAIVER.—

(1) IN GENERAL.—Subject to paragraph (2), the President may waive the applicability of subsection (a) with respect to any official otherwise covered by that subsection if the President determines that the waiver with respect to the official is in the interests of the United States.

(2) NOTICE.—

(A) REQUIREMENT.—The President may not exercise the authority provided in paragraph (1) with respect to an official unless the

President submits to Congress a written notification of the exercise of the authority before the entry of the official into the United States.

(B) CONTENTS.—Each notice shall include a justification of the exercise of the authority, including—

(i) a statement why the exercise of the authority is in the interests of the United States; and

(ii) a statement why such interests supersede the need for the United States to deny entry to the official concerned in response to the practices of the Government of the People's Republic of China which limit the free exercise of religion and other human rights.

SEC. 102. LIMITATIONS ON MULTILATERAL ASSISTANCE FOR THE PEOPLE'S REPUBLIC OF CHINA.

(a) INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.—

(1) OPPOSITION TO ASSISTANCE.—

(A) OPPOSITION.—Except as provided in subparagraph (B), the Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to vote against any loan or other utilization of the funds of the Bank to or for the People's Republic of China.

(B) EXCEPTION.—Subparagraph (A) shall not apply to any loan or other utilization of funds for purposes of—

(i) meeting basic human needs; or

(ii) environmental improvements or safeguards.

(2) OPPOSITION TO MODIFICATION OF SINGLE COUNTRY LOAN LIMIT.—The Secretary shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to vote against any modification of the limitation on the share of the total funds of the Bank that may be loaned to a single country.

(b) ASIAN DEVELOPMENT BANK.—

(1) OPPOSITION TO ASSISTANCE.—Except as provided in paragraph (2), the Secretary shall instruct the United States Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank to or for the People's Republic of China.

(2) EXCEPTION.—Paragraph (1) shall not apply to any loan or other utilization of funds for purposes of—

(A) meeting basic human needs; or

(B) environmental improvements or safeguards.

(c) INTERNATIONAL MONETARY FUND.—

(1) OPPOSITION TO ASSISTANCE.—Except as provided in paragraph (2), the Secretary shall instruct the United States Executive Director of the International Monetary Fund to vote against any loan or other utilization of the funds of the Fund to or for the People's Republic of China.

(2) EXCEPTION.—Paragraph (1) shall not apply to any loan or other utilization of funds for purposes of—

(A) meeting basic human needs; or

(B) environmental improvements or safeguards.

(d) BASIC HUMAN NEEDS DEFINED.—In this section, the term "basic human needs" refers to human needs arising from natural disasters or famine.

SEC. 103. SANCTIONS REGARDING CHINA NORTH INDUSTRIES GROUP, CHINA POLY GROUP, AND CERTAIN OTHER ENTITIES AFFILIATED WITH THE PEOPLE'S LIBERATION ARMY.

(a) FINDING; PURPOSE.—

(1) FINDING.—Congress finds that, in May 1996, United States authorities caught representatives of the People's Liberation Army enterprise, China Poly Group, and the civilian defense industrial company, China North Industries Group, attempting to smuggle 2,000 AK–47s into Oakland, California, and offering to sell to Federal undercover agents 300,000 machine guns with silencers, 66-millimeter mortars, hand grenades, and "Red Parakeet" surface-to-air missiles, which, as stated in the criminal complaint against one of those representatives, ". . . could take out a 747" aircraft.

(2) PURPOSE.—The purpose of this section is to impose targeted sanctions against entities affiliated with the People's Liberation Army that engage in the proliferation of weapons of mass destruction, the importation of illegal weapons or firearms into the United States, or espionage in the United States.

(b) SANCTIONS AGAINST CERTAIN PLA AFFILIATES.—

(1) SANCTIONS.—Except as provided in paragraph (2) and subject to paragraph (3), the President shall—

(A) prohibit the importation into the United States of all products that are produced, grown, or manufactured by a covered entity, the parent company of a covered entity, or any affiliate, subsidiary, or successor entity of a covered entity;

(B) direct the Secretary of State and the Attorney General to deny or impose restrictions on the entry into the United States of any foreign national serving as an officer, director, or employee of a covered entity or other entity described in subparagraph (A);

(C) prohibit the issuance to a covered entity or other entity described in subparagraph (A) of licenses in connection with the export of any item on the United States Munitions List;

(D) prohibit the export to a covered entity or other entity described in subparagraph (A) of any goods or technology on which export controls are in effect under section 5 or 6 of the Export Administration Act of 1979;

(E) direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit with respect to a covered entity or other entity described in subparagraph (A);

(F) prohibit United States nationals from directly or indirectly issuing any guarantee for any loan or other investment to, issuing any extension of credit to, or making any investment in a covered entity or other entity described in subparagraph (A); and

(G) prohibit the departments and agencies of the United States and United States nationals from entering into any contract with a covered entity or other entity described in subparagraph (A) for the procurement or other provision of goods or services from such entity.

(2) EXCEPTIONS.—

(A) IN GENERAL.—The President shall not impose sanctions under this subsection—

(i) in the case of the procurement of defense articles or defense services—

(I) under contracts or subcontracts that are in effect on October 1, 1997 (including the exercise of options for production quantities to satisfy United States operational military requirements);

(II) if the President determines that the person or entity to whom the sanctions would otherwise be applied is a sole source supplier of essential defense articles or services and no alternative supplier can be identified; or

(III) if the President determines that such articles or services are essential to the national security; or

(ii) in the case of—

(I) products or services provided under contracts or binding agreements (as such terms are defined by the President in regulations) or joint ventures entered into before October 1, 1997;

(II) spare parts;

(III) component parts that are not finished products but are essential to United States products or production;

(IV) routine servicing and maintenance of products; or

(V) information and technology products and services.

(B) IMMIGRATION RESTRICTIONS.—The President shall not apply the restrictions described in paragraph (1)(B) to a person described in that paragraph if the President, after consultation with the Attorney General, determines that the presence of the person in the United States is necessary for a Federal or State judicial proceeding against a covered entity or other entity described in paragraph (1)(A).

(3) TERMINATION.—The sanctions under this subsection shall terminate as follows:

(A) In the case of an entity referred to in paragraph (1) or (2) of subsection (c), on the date that is one year after the date of enactment of this Act.

(B) In the case of an entity that becomes a covered entity under paragraph (3) or (4) of subsection (c) by reason of its identification in a report under subsection (d), on the date that is one year after the date on which the entity is identified in such report.

(c) COVERED ENTITIES.—For purposes of subsection (b), a covered entity is any of the following:

(1) China North Industries Group.

(2) China Poly Group, also known as Polytechnologies Incorporated or BAOLI.

(3) Any affiliate of the People's Liberation Army identified in a report of the Director of Central Intelligence under subsection (d)(1).

(4) Any affiliate of the People's Liberation Army identified in a report of the Director of the Federal Bureau of Investigation under subsection (d)(2).

(d) REPORTS ON ACTIVITIES OF PLA AFFILIATES.—

(1) TRANSFERS OF SENSITIVE ITEMS AND TECHNOLOGIES.—Not later than 30 days after the date of enactment of this Act and annually thereafter through 2002, the Director of Central Intelligence shall submit to the appropriate members Congress a report that identifies each entity owned wholly or in part by the People's Liberation Army which, during the 2-year period ending on the date of the report, transferred to any other entity a controlled item for use in the following:

(A) Any item listed in category I or category II of the MTCR Annex.

(B) Activities to develop, produce, stockpile, or deliver chemical or biological weapons.

(C) Nuclear activities in countries that do not maintain full-scope International Atomic Energy Agency safeguards or equivalent full-scope safeguards.

(2) ILLEGAL ACTIVITIES IN THE UNITED STATES.—Not later than 30 days after the date of enactment of this Act and annually thereafter through 2002, the Director of the Federal Bureau of Investigation shall submit to the appropriate members Congress a report that identifies each entity owned wholly or in part by the People's Liberation Army which, during the 2-year period ending on the date of the report, attempted to—

(A) illegally import weapons or firearms into the United States; or

(B) engage in military intelligence collection or espionage in the United States under the cover of commercial business activity.

(3) FORM.—Each report under this subsection shall be submitted in classified form.

(e) DEFINITIONS.—In this section:

(1) AFFILIATE.—The term "affiliate" does not include any United States national engaged in a business arrangement with a covered entity or other entity described in subsection (b)(1)(A).

(2) APPROPRIATE MEMBERS OF CONGRESS.—The term "appropriate members of congress" means the following:

(A) The Majority leader and Minority leader of the Senate.

(B) The chairmen and ranking members of the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(C) The Speaker and Minority leader of the House of Representatives.

(D) The chairmen and ranking members of the Committee on International Relations and the Committee on National Security of the House of Representatives.

(3) COMPONENT PART.—The term "component part" means any article that is not usable for its intended function without being embedded or integrated into any other product and, if used in the production of a finished product, would be substantially transformed in that process.

(4) CONTROLLED ITEM.—The term "controlled item" means the following:

(A) Any item listed in the MTCR Annex.

(B) Any item listed for control by the Australia Group.

(C) Any item relevant to the nuclear fuel cycle of nuclear explosive applications that are listed for control by the Nuclear Suppliers Group.

(5) FINISHED PRODUCT.—The term "finished product" means any article that is usable for its intended function without being embedded in or integrated into any other product, but does not include an article produced by a person or entity other than a covered entity or other entity described in subsection (b)(1)(A) that contains parts or components of such an entity if the parts or components have been substantially transformed during production of the finished product.

(6) INVESTMENT.—The term "investment" includes any contribution or commitment of funds, commodities, services, patents, processes, or techniques, in the form of—

(A) a loan or loans;

(B) the purchase of a share of ownership;

(C) participation in royalties, earnings, or profits; and

(D) the furnishing of commodities or services pursuant to a lease or other contract,

but does not include routine maintenance of property.

(7) MTCR ANNEX.—The term "MTCR Annex" has the meaning given that term in section 74(4) of the Arms Export Control Act (22 U.S.C. 2797c(4)).

(8) UNITED STATES NATIONAL.—

(A) IN GENERAL.—The term "United States national" means—

(i) any United States citizen; and

(ii) any corporation, partnership, or other organization created under the laws of the United States, any State, the District of Columbia, or any territory or possession of the United States.

(B) EXCEPTION.—The term "United States national" does not include a subsidiary or affiliate of corporation, partnership, or organization that is a United States national if the subsidiary or affiliate is located outside the United States.

SEC. 104. CONSULTATIONS WITH ALLIES REGARDING SANCTIONS AGAINST THE PEOPLE'S REPUBLIC OF CHINA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should begin consultations with the major allies and other trading partners of the United States in order to encourage such allies and trading partners to adopt sanctions against the People's Republic of China that are similar to the sanctions imposed on the People's Republic of China by section 102.

(b) REPORT.—Not later than 45 days after the completion of the first Group of Seven summit meeting after the date of enactment of this Act, the President shall submit to Congress a report on the results, if any, of consultations referred to in subsection (a).

SEC. 105. TERMINATION OF CERTAIN AUTHORITIES.

(a) TERMINATION DATE.—Sections 101 and 102 shall cease to apply at the end of the five-year period beginning on the date of enactment of this Act.

(b) SENSE OF CONGRESS ON REVIEW.—It is the sense of Congress that Congress should review the desirability of terminating the sanctions in this title before the date on which the sanctions would otherwise terminate under this title upon the occurrence of any of the following events:

(1) The admission of the People's Republic of China into the World Trade Organization on commercially viable terms.

(2) A determination by the President that the Government of the People's Republic of China is implementing fully all applicable international agreements relating to the proliferation of arms.

(3) A determination by the President that the Government of the People's Republic of China is actively and effectively combatting all forms of religious persecution in China.

(4) A determination by the President that the Government of the People's Republic of China is reevaluating in a meaningful manner its actions regarding the massacre of students in Tiananmen Square in 1989.

(5) The publication by the Government of the People's Republic of China of a report on the national security strategy of that government which includes a comprehensive description and discussion of the elements of that strategy similar to the description and discussion of the national security strategy of the United States in the annual report required by section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

(6) A determination by the President that the Government of the People's Republic of China has taken meaningful actions toward improving overall human rights conditions in China and Tibet, including the release of political prisoners, improving prison conditions, providing prisoners with adequate medical care, and full compliance with any international human rights accords to which that government is a signatory.

TITLE II—HUMAN RIGHTS, RELIGIOUS FREEDOM, AND DEMOCRACY IN CHINA

SEC. 201. FINDINGS ON HUMAN RIGHTS ABUSES IN THE PEOPLE'S REPUBLIC OF CHINA.

Congress makes the following findings regarding human rights abuses in the People's Republic of China:

(1) Congress concurs in the following conclusions of the Department of State regarding human rights in the People's Republic of China in 1996:

(A) The People's Republic of China is "an authoritarian state" in which "citizens lack the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government".

(B) The Government of the People's Republic of China has "continued to commit widespread and well documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms".

(C) "Abuses include torture and mistreatment of prisoners, forced confessions, and arbitrary and incommunicado detention".

(D) "Prison conditions remained harsh [and] [t]he Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights".

(E) "Although the Government denies that it holds political prisoners, the number of persons detained or serving sentences for 'counterrevolutionary crimes' or 'crimes against the state' and for peaceful political or religious activities are believed to number in the thousands".

(F) "Non-approved religious groups, including Protestant and Catholic groups . . . experienced intensified repression".

(G) "Serious human rights abuses persist in minority areas, including Tibet, Xinjiang, and Inner Mongolia [, and] [c]ontrols on religion and other fundamental freedoms in these areas have also intensified".

(H) "Overall in 1996, the authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end.".

(2) People's Republic of China authorities continue to hold Wei Jingsheng in prison for his prodemocracy beliefs, and he is suffering in prison from a lack of medical attention and beatings by fellow prisoners.

(3) On October 30, 1996, a People's Republic of China court sentenced Wang Dan to 11 years in prison primarily for articles published outside the People's Republic of China, and People's Republic of China authorities are not providing him with adequate medical care.

(4) In addition to Wei Jingsheng and Wang Dan, hundreds, if not thousands, of other political, religious, and labor dissidents are imprisoned in China for peacefully expressing their beliefs and exercising their internationally recognized rights of free association and expression.

(5) Labor activist Liu Nianchun, severely ill in a labor camp, has not only been denied medical treatment but has been tortured with electric batons and has had his 3 year reeducation-through-labor sentence in prison arbitrarily extended by 216 days.

(6) Li Hai was charged with prying into and gathering state secrets and subsequently sentenced to a 9-year term in prison on December 18, 1996, for going door-to-door to collect the names, ages, family situations, alleged crimes, lengths of prison sentences, locations of imprisonment, and treatment while imprisoned of people sentenced to prison for their activities during the 1989 Tiananmen Square protests.

(7) Gao Yu, serving a 6-year term in prison on charges of "leaking state secrets" despite the fact that the information in question was already common knowledge, has been denied medical parole and adequate medical care despite life threatening illness and was

vilified by People's Republic of China authorities after she was awarded the UNESCO Guillemo Cano World Press Freedom Prize.

(8) People's Republic of China companies still export prison labor products to the United States. Since 1991, the United States Customs Service has issued 27 detention orders banning the importation of goods suspected to be products of prison labor in China, including hand tools, artificial flowers, Christmas tree lights, and diesel engines.

(9) The People's Republic of China has not fully complied with the 1992 Memorandum of Understanding on Prison Labor, and People's Republic of China authorities often wait several years before granting requests by United States Customs Service officials to inspect prison facilities in China. In 1996, such authorities granted just one of eight outstanding requests by such officials to inspect prison facilities in China.

(10) Under current law, People's Republic of China authorities may administratively sentence China citizens to 3 years of labor reform without trial.

(11) The People's Republic of China restricts the access of its citizens to the Internet and blocks web sites operated by foreign news organizations and human rights organizations.

(12) The Government of the People's Republic of China prohibits independent labor unions, and workers who attempt to form unions without state approval are given severe prison sentences as shown in the treatment of Zhang Jingsheng, a labor leader in Hunan province who was arrested following the 1989 Tiananmen Square Massacre and sentenced to 13 years in prison for organizing workers.

SEC. 202. FINDINGS ON RELIGIOUS FREEDOM IN THE PEOPLE'S REPUBLIC OF CHINA.

Congress makes the following findings regarding religious freedom in the People's Republic of China:

(1) The Government of the People's Republic of China restricts the ability of religious adherents, including Christians, Buddhists, Muslims, and others, to practice outside of state-approved religious organizations, and detains worshipers and clergy who participate in religious services conducted outside state-approved religious organizations, as well as those who refuse to register with the authorities as required.

(2) Bishop Zeng Jingmu, 76 years old, detained for the third time in 7 months and in poor health from pneumonia, is serving a reeducation through labor term for organizing religious assemblies and masses not sanctioned by the official Chinese Catholic Church.

(3) On January 31, 1994, Premier Li Peng signed decrees number 144 and 145 which restrict worship, religious education, distribution of Bibles and other religious literature, and contact with foreign coreligionists.

(4) The Government of the People's Republic of China has created official religious organizations that control all religious worship, activity, and association in China and Tibet and supplant the independent authority of the Roman Catholic Church, independent Protestant churches, and independent Buddhist, Taoist, and Islamic associations.

(5) In July 1995, Ye Xiaowen, a rigid communist hostile to religion, was appointed to head the Bureau of Religious Affairs, a government agency of the People's Republic of China that is controlled by the United Front Work Department of the Chinese Communist Party. The Bureau of Religious Affairs has administrative control over all religious worship and activity in China and Tibet through a system of granting or denying rights through an official registration system. Those who fail to or are not allowed to register are subject to punitive measures.

(6) Unofficial Christian and Catholic communities were targeted by the Government of the People's Republic of China during 1996. A renewed campaign aimed at forcing all churches to register or face dissolution resulted in beating and harassment of congregants, closure of churches, and numerous arrests, fines, and sentences. In Shanghai, for example, more than 300 house churches or meeting points were closed down by the security authorities in April alone.

SEC. 203. FINDINGS ON TIBET.

Congress makes the following findings regarding Tibet:

(1) The Department of State China Country Report on Human Rights Practices for 1996 states: "Chinese government authorities continued to commit widespread human rights abuses in Tibet, including instances of death in detention, torture, arbitrary arrest, detention without public trial, long detention of Tibetan nationalists for peacefully expressing their religious and political views, and intensified controls on religion and on freedom of speech and the press, particularly for ethnic Tibetans.".

(2) The report also cites three instances in which Tibetan Buddhist monks died in prison in the People's Republic of China in 1996.

(3) Many victims of the brutality committed by the People's Armed Police and the Public Security Bureau of the People's Republic of China have been young Tibetan Buddhist nuns and monks.

(4) Between June 1994 and May 1995, three Tibetan nuns—15-year-old Sherab Ngawang, 24-year-old Gyaltsen Kelsang, and 20-year-old Phuntsok Yangkyi—died as a result of torture in prison in Tibet.

(5) On March 11, 1997, the Senate adopted a resolution calling for the release by the Government of the People's Republic of China of Tibetan ethnomusicologist and Fulbright Scholar Ngawang Choephel, who was sentenced to 18 years in prison in the People's Republic of China in December 1996, and of other Tibetans who are prisoners in the People's Republic of China for reasons of conscience.

(6) In May 1995, authorities of the Government of the People's Republic of China detained Gedhun Choekyi Nyima, then 6 years old, and his parents, just days after the boy was recognized by the Dalai Lama as the 11th Panchen Lama, and authorities of that government continue to hold him and his family.

(7) In May 1997, the Government of the People's Republic of China announced the sentencing of Chadrel Rinpoche, the head of the search committee for the 11th Panchen Lama, to 6 years in prison.

(8) In April 1996, authorities of the Government of the People's Republic of China banned the display of photographs of the Dalai Lama, even in private homes, and the decision led to demonstrations in Ganden monastery during which 90 monks were arrested and 1 monk was shot to death by security forces of that government.

SEC. 204. FINDINGS ON COERCIVE FAMILY PLANNING PRACTICES IN THE PEOPLE'S REPUBLIC OF CHINA.

Congress makes the following findings regarding family planning practices in the People's Republic of China:

(1) For more than 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with the coercive population control practices of the People's Republic of China.

(2) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(3) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program of the Government of the People's Republic of China, the policy of that government seems to encourage both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and impunity for local population control officials who engage in coercion. Officials acknowledge that there have been instances of forced abortions and sterilization, yet there is no evidence that the perpetrators of such acts have been punished.

(4) The People's Republic of China population control officials, in cooperation with employers and works unit officials, monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions (including unpayable fines and loss of employment), and to physical force.

(5) Official sanctions for giving birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People's Republic of China. In Fujian, for example, the average fine is estimated to be twice a family's gross annual income. Families who cannot pay the fine have had their homes and personal property confiscated and destroyed.

(6) Especially harsh punishments have been inflicted on those whose resistance to such policies is motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of two villages in Hebei Province were subjected to population control under the slogan "better to have more graves than one more child". Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

(7) Forced abortions in the People's Republic of China often take place in the very late stages of pregnancy, or even during the process of birth itself.

SEC. 205. COMBATING SLAVE LABOR AND "REEDUCATION" CENTERS.

(a) Authorizations for Appropriations for Additional Monitoring of Exportation of Slave Labor Products.—There are authorized to be appropriated $2,000,000 for fiscal year 1998 and $2,000,000 for fiscal year 1999 for monitoring by the United States Customs Service and the Department of State of the export by the People's Republic of China to the United States of products which may be made with slave labor in violation of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) or section 1761 of title 18, United States Code.

(b) Reports on Exportation of Products Made With Slave Labor.—

(1) Reports.—

(A) In general.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the Commissioner of Customs and the Secretary of State shall each submit to the Members of Congress referred to in subparagraph (B) a report on the manufacturing and exportation of products made with slave labor in the People's Republic of China during the one-year period ending on the date of the report. Each report shall be submitted in unclassified form, but may include a classified annex.

(B) MEMBERS OF CONGRESS.—Reports under subparagraph (A) shall be submitted to the following Members of Congress:

(i) The Majority leader and Minority leader of the Senate.

(ii) The chairman and ranking member of the Committee on Foreign Relations of the Senate.

(iii) The Speaker and Minority leader of the House of Representatives.

(iv) The chairman and ranking member of the Committee on International Relations of the House of Representatives.

(2) CONTENTS OF REPORTS.—Each report under paragraph (1) shall include information concerning the following:

(A) The extent of the use of slave labor in manufacturing products for exportation by the People's Republic of China, as well as the volume of exports of such slave labor products by that country.

(B) The progress of the United States Government—

(i) in identifying products made with slave labor in the People's Republic of China that are destined for the United States market in violation of section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code; and

(ii) in stemming the importation of such products.

(c) RENEGOTIATION OF MEMORANDUM OF UNDERSTANDING ON PRISON LABOR WITH THE PEOPLE'S REPUBLIC OF CHINA.—It is the sense of Congress that, since the People's Republic of China has substantially frustrated the purposes of the 1992 Memorandum of Understanding with the United States on Prison Labor, the President should immediately commence negotiations to replace the memorandum of understanding with one providing for effective monitoring of forced labor in the People's Republic of China, without restrictions on which prison labor camps international monitors may visit.

SEC. 206. INTERNATIONAL BROADCASTING TO CHINA.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated for "International Broadcasting Activities" for fiscal year 1998, there is authorized to be appropriated for "International Broadcasting Activities" for that fiscal year $5,000,000, which shall be available only for broadcasting by Radio Free Asia and the Voice of America to the People's Republic of China.

(b) SENSE OF CONGRESS.—It is the sense of Congress that United States international broadcasting through Radio Free Asia and Voice of America should be increased to provide continuous 24-hour broadcasting in Chinese and Tibetan dialects which include Mandarin Chinese, Tibetan, and at least one other dialect.

SEC. 207. NATIONAL ENDOWMENT FOR DEMOCRACY.

In addition to such sums as are otherwise authorized to be appropriated for fiscal year 1998 for grants to the National Endowment for Democracy, there is authorized to be appropriated for that fiscal year $2,000,000 for grants to the Endowment which shall be available only for purposes of programs relating to the People's Republic of China.

SEC. 208. UNITED STATES INFORMATION AGENCY STUDENT, CULTURAL, AND LEGISLATIVE EXCHANGE PROGRAMS.

In addition to such sums as are otherwise authorized to be appropriated to the United States Information Agency for fiscal year 1998, there is authorized to be appropriated for the Agency for that fiscal year $2,000,000, which shall be available only for the purposes of student, cultural, and legislative exchange activities in or with the People's Republic of China.

SEC. 209. ANNUAL REPORTS ON FAMILY PLANNING ACTIVITIES IN THE PEOPLE'S REPUBLIC OF CHINA BY RECIPIENTS OF UNITED STATES FUNDS.

(a) ANNUAL REPORTS.—

(1) REQUIREMENT.—Not later than January 15 each year, the Secretary of State shall submit to Congress a report that describes the family planning activities in the People's Republic of China during the preceding year of each covered family planning organization that carried out such activities in the People's Republic of China during that year.

(2) ADDITIONAL INFORMATION.—Each report under paragraph (1) shall include the filing submitted to the Secretary for purposes of such report by each covered family planning organization whose activities are covered by such report.

(b) COVERED FAMILY PLANNING ORGANIZATION DEFINED.—In this section, the term "covered family planning organization" means any for-profit or non-profit entity that receives United States funds to conduct family planning activities abroad.

SEC. 210. SENSE OF CONGRESS REGARDING MULTILATERAL EFFORTS TO ADDRESS CHINA'S HUMAN RIGHTS RECORD.

(a) FINDINGS.—Congress makes the following findings:

(1) On April 15, 1997, members of the United Nations Human Rights Commission voted 27–17 to block a resolution, sponsored by Denmark, critical of the human rights record of the Government of the People's Republic of China.

(2) The United States Government failed to vigorously lobby other nations to support the resolution in a timely and effective manner, and France, Canada, Germany, Italy, Spain, Australia, and Japan did not cosponsor the resolution.

(3) In response to support for the resolution by Denmark and the Netherlands, the Government of the People's Republic of China has adopted punitive measures against Denmark and Netherlands businesses—including the denial of contracts to Netherlands companies and undue delays in authorizing expansion plans by the Denmark shipping line Maersk—thereby linking human rights and trade.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Government should greatly increase efforts in the United Nations Human Rights Commission and other international fora to draw attention to and condemn the gross violations of international standards on human rights by the Government of the People's Republic of China;

(2) the President should vigorously lobby other countries for passage of future Commission resolutions on the human rights record of the Government of the People's Republic of China; and

(3) such lobbying should begin not later than 6 months before the commencement of the next annual meeting of the Commission.

SEC. 211. SENSE OF CONGRESS REGARDING COMPLIANCE BY THE PEOPLE'S REPUBLIC OF CHINA WITH THE JOINT DECLARATION ON HONG KONG.

(a) FINDINGS.—Congress makes the following findings:

(1) The People's Republic of China resumed sovereignty over Hong Kong on July 1, 1997.

(2) In the Joint Declaration, a legally binding document in all its parts and the highest form of commitment between sovereign states, the People's Republic of China pledged that after its resumption of sovereignty over Hong Kong "[t]he current social and economic systems in Hong Kong will remain unchanged, and so will the life-style. Rights and freedoms, including those of the person, of speech, of the press, of association, of travel, of movement, of correspondence, of strike, of choice of occupation, of academic research and religious belief will be ensured by law in the Hong Kong Special Administrative Region".

(3) The People's Republic of China further pledged in the Joint Declaration that the policies of the "... Joint Declaration will be stipulated in a Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, by the National People's Congress of the People's Republic of China, and they will remain unchanged for 50 years".

(4) The Basic Law prescribes the systems to be practiced in the Hong Kong Special Administrative Region after the resumption of sovereignty over Hong Kong by the People's Republic of China.

(5) According to Article 2 of the Basic Law: "The National People's Congress authorizes the Hong Kong Special Administrative Region to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication".

(6) According to Article 5 of the Basic Law: "The socialist system and policies (of the People's Republic of China) shall not be practiced in the Hong Kong Special Administrative Region, and the previous capitalist system and way of life shall remain unchanged for 50 years".

(7) According to Article 27 of the Basic Law: "Hong Kong residents shall have freedom of speech, of the press and publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike".

(8) According to Article 32 of the Basic Law: "Hong Kong residents shall have freedom of religious belief and freedom to preach and to conduct and participate in religious activities in public".

(9) According to Article 34 of the Basic Law: "Hong Kong residents shall have freedom to engage in academic research, literary and artistic creation, and other cultural activities".

(10) According to Article 39 of the Basic Law: "The provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the Hong Kong Special Administrative Region".

(11) President Jiang Zemin of the People's Republic of China, in his statement of July 1, 1997, at the ceremony in Hong Kong marking the establishment of the Hong Kong Special Administrative Region, said that "... Hong Kong will enjoy a high degree of autonomy as provided for by the Basic Law, which includes the executive, legislative and independent judicial power, including that of final adjudication".

(12) President Jiang further said that the Hong Kong Special Administrative Region has the "ultimate aim of electing the Chief Executive and the Legislative Council by universal suffrage".

(13) President Jiang further said that "[n]o central department or locality (of the People's Republic of China) may or will be allowed to interfere in the affairs which, under

the Basic Law, should be administered by the Hong Kong Special Administrative Region on its own".

(14) President Jiang further said that "the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international covenants as applied to Hong Kong shall remain in force to be implemented through the laws of Hong Kong's regional legislation".

(15) President Jiang further said that adherence to these principles "serves Hong Kong, serves the (People's Republic of China) and serves the entire nation as well. Therefore there is no reason whatsoever to change them. Here I want to reaffirm that 'one country, two systems, Hong Kong administering Hong Kong' and 'a high degree of autonomy' will remain unchanged for 50 years".

(16) President Jiang, in another statement of July 1, 1997, at a rally in Beijing marking the establishment of the Hong Kong Special Administrative Region, said that the People's Republic of China "will unswervingly carry out the principles of 'one country, two systems', 'Hong Kong people administering Hong Kong' and 'high degree of autonomy', and make sure that the previous socio-economic system and way of life of Hong Kong remain unchanged and that laws previously in force will remain basically unchanged. We will firmly support the Hong Kong SAR in its exercise of the functions and powers bestowed on it by the Basic Law and the Hong Kong SAR Government in its administration in accordance with law.".

(b) Sense of Congress.—It is the sense of Congress that—

(1) the statements of President Jiang Zemin of the People's Republic of China constitute a welcome reaffirmation of the obligations of the People's Republic of China under the Joint Declaration to ensure that Hong Kong remains autonomous, the human rights of the people of Hong Kong remain protected, and the government of the Hong Kong Special Administrative Region is elected democratically; and

(2) the fulfillment by the People's Republic of China of the obligations under the terms of the Joint Declaration and the Basic Law constitutes a crucial test of Beijing's ability to play a responsible global role.

(c) Definitions.—In this section:

(1) Basic Law.—The term "Basic Law" means the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, as adopted on April 4, 1990, by the Seventh National People's Congress of the People's Republic of China.

(2) Joint declaration.—The term "Joint Declaration" means the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984.

TITLE III—NATIONAL SECURITY MATTERS

SEC. 301. FINDINGS ON THE PROLIFERATION OF BALLISTIC MISSILES BY THE PEOPLE'S REPUBLIC OF CHINA.

Congress makes the following findings regarding the proliferation of ballistic missiles by the People's Republic of China:

(1) In December 1992, the Government of the People's Republic of China violated the Arms Export Control Act and the Export Administration Act of 1979 with the transfer by the Ministry of Aerospace Industry of approximately 24 M–11 missiles to Sargodha Air Force Base in Pakistan.

(2) From September 1994 to June 1996, the Government of the People's Republic of China again violated the Arms Export Control Act and the Export Administration Act of 1979 with the transfer by the Ministry of Aerospace Industry of as many as 30 M–11 ballistic missiles to Sargodha Air Force Base.

(3) In June 1995, the Government of the People's Republic of China violated the Arms Export Control Act and the Export Administration Act of 1979 with the transfer by the Chinese Aerospace Corporation to Iran of possibly hundreds of missile guidance systems and computerized machine tools for the production of ballistic missiles.

(4) In August 1996, the Government of the People's Republic of China violated the Arms Export Control Act and the Export Administration Act of 1979 with the transfer to Pakistan of factory plans and equipment capable of constructing a ballistic missile factory.

(5) In August 1996, the Government of the People's Republic of China violated the Arms Export Control Act, the Export Administration Act of 1979, and the Iran-Iraq Arms Non-Proliferation Act of 1992 with the transfer by the China Precision Engineering Institute to Iran's Defense Industries of gyroscopes, accelerometers, and test equipment for the construction and test of ballistic missile guidance systems.

(6) It has been reported that the Central Intelligence Agency discovered a shipment by the People's Republic of China to the Syrian Scientific Studies and Research Center, a Syria Government agency that oversees missile development, of guidance equipment for M–11 ballistic missiles. This alleged shipment would be a violation of the Missile Technology Control Regime. This alleged shipment would have taken place after the limited sanctions imposed by the United States on the People's Republic of China for shipments of M–11 missiles and components to Pakistan had been lifted following the assurances of the Government of the People's Republic of China that it would comply with the Missile Technology Control Regime.

(7) After each of these violations, the President either failed to take appropriate actions to deter future violations of such Acts and the Regime, took the least onerous action against the Government of the People's Republic of China that was possible under such Acts and the Regime, or rescinded previous actions thereby diluting or eliminating the deterrent effect of sanctions under such Acts and the Regime with respect to the Government of the People's Republic of China.

(8) This inaction forces Congress to take affirmative action in the bilateral relations between the United States and the People's Republic of China in order to respond sufficiently to these violations of United States law.

SEC. 302. FINDINGS ON THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION BY THE PEOPLE'S REPUBLIC OF CHINA.

Congress makes the following findings regarding the proliferation of weapons of mass destruction by the People's Republic of China:

(1) In January 1996, the Government of the People's Republic of China violated the Arms Export Control Act, the Nuclear Proliferation Prevention Act of 1994, and the Export-Import Bank Act of 1945 with the transfer by the China Nuclear Energy Industry Corporation to the Abdul Qadeer Khan Research Laboratory in Kahuta, Pakistan, of as many as 5,000 ring-magnets for the extraction of enriched uranium for the potential use in nuclear weapons.

(2) In September 1996, the Government of the People's Republic of China violated the Arms Export Control Act, the Export Administration Act of 1979, and the Nuclear Proliferation Prevention Act of 1994 with the transfer by the China Nuclear Energy Industry Corporation to a nuclear reactor facility in Khushab, Pakistan, of an industrial furnace and special diagnostic equipment capable of converting plutonium and uranium to weapons grade material.

(3) In March 1996, the Government of the People's Republic of China violated the Arms Export Control Act, the Export Administration Act of 1979, the Iran-Iraq Arms Non-Proliferation Act of 1992, and Executive Order 12938 with the transfer by the Jiangsu Corporation to Iran organizations affiliated with the Iranian Defense Industries Organization and the Revolutionary Guards of virtually complete chemical weapons production facilities.

(4) After each of these violations, the President either failed to take any action to deter future violations of such Acts or took such trifling action as to have no meaning or effect on the future proliferation of weapons of mass destruction by the People's Republic of China.

(5) This inaction forces Congress to take affirmative action in the bilateral relations between the People's Republic of China and the United States in order to respond sufficiently to these violations of United States law.

SEC. 303. FINDINGS ON THE PROLIFERATION OF DESTABILIZING ADVANCED CONVENTIONAL WEAPONS BY THE PEOPLE'S REPUBLIC OF CHINA.

Congress makes the following findings regarding the proliferation of destabilizing advanced conventional weapons by the People's Republic of China:

(1) In January 1996, the Government of the People's Republic of China violated the Iran-Iraq Arms Non-Proliferation Act of 1992 with the transfer by the Chinese Precision Machinery Import-Export Corporation to the Iran military of 60 C–802 advanced anti-ship missiles and 20 Houdong fast-attack patrol craft, 15 of which were equipped with C–802 missiles.

(2) In test firings of this missile from land-based batteries and from naval vessels, and test firings of a similar missile from fighter aircraft, the Iran Government claimed direct hits on the intended targets. This operational ability restores an anti-surface warfare capability lost by the Iran military during the Iran-Iraq War.

(3) The Commander of the United States Fifth Fleet commented that these missiles represented a new dimension to the threat faced by the United States Navy, stating "[i]t used to be we just had to worry about land-based cruise missiles. Now [the Iranians] have the potential to have that throughout the [Persian] Gulf mounted on ships.".

(4) It was reported in numerous press sources that the Department of Defense found these transfers destabilizing, and pressed for the imposition of sanctions under the Iran-Iraq Arms Non-Proliferation Act of 1992 but that the Department of State did not wish to impose such sanctions for fear of damaging bilateral relations between the People's Republic of China and the United States.

(5) The Iran-Iraq Arms Non-Proliferation Act of 1992 does not differentiate between transfers of destabilizing weapons that will and will not damage bilateral relations. Any determination of whether to impose sanctions on the People's Republic of China for

this transfer should have been made strictly on the basis whether this transfer was or was not destabilizing.

(6) In light of these reports, it is likely that sanctions would have been imposed if the Clinton Administration had been more concerned with the stability of the region and the security of United States troops than with the maintenance of cordial relations between the People's Republic of China and the United States.

(7) This inaction forces Congress to take affirmative action in the bilateral relations between the People's Republic of China and the United States in order to respond sufficiently to this violation of United States law.

SEC. 304. FINDINGS ON THE EVASION OF UNITED STATES EXPORT CONTROL LAWS BY THE PEOPLE'S REPUBLIC OF CHINA.

Congress makes the following findings regarding the evasion of United States export control laws by the People's Republic of China:

(1) On November 14, 1994, the President issued Executive Order 12938, relating to the emergency regarding weapons of mass destruction, declaring that the proliferation of weapons of mass destruction and the means of delivering them constitute "an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States" and that he had therefore decided to "declare a national emergency to deal with that threat".

(2) The President reaffirmed Executive Order 12938 on November 15, 1995, and again on November 11, 1996.

(3) The Director of Central Intelligence stated in the report entitled "The Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions" that, from July to December 1996, "China was the most significant supplier of W[eapons of] M[ass] D[estruction]-related goods and technology to foreign countries.".

(4) United States supercomputers are the computer of choice for the nuclear weapons agencies of the People's Republic of China as highlighted by the comments of the Chinese Academy of Sciences, an agency known to work on nuclear weapons development, that its United States-built supercomputer provides the Academy with "computational power previously unknown" and is available to "all the major scientific and technological institutes across China".

(5) The People's Republic of China has consistently provided technical and scientific assistance for the development of nuclear weapons to both Iran and Pakistan, and it is illogical to believe that such assistance would not also include computational assistance if needed.

(6) According to the Under Secretary of Commerce for Export Administration, 47 United States high-performance supercomputers were exported to the People's Republic of China between January 1996 and March 1997. Press reports indicate United States intelligence sources consider the actual number of such supercomputers exported to the People's Republic of China during that period to have been in the hundreds.

(7) Current United States export regulations require an export license for shipments of supercomputers to the People's Republic of China only if the end-use will be militarily related. However, the determination of that end-use is left to the exporter, thereby providing an incentive for inadequate investigations of the end-use of supercomputers exported to the People's Republic of China.

(8) The Department of Commerce has initiated investigations of United States supercomputer manufacturers who, as last as June 1996, allegedly sold supercomputers to the Chinese Academy of Sciences, which also administers research in nuclear weapons and missiles, in violation of existing United States export control regulations relating to supercomputers.

(9) On 14 July 1997, the "China Daily", the newspaper of the Government of the People's Republic of China, stated that "China will open up its defense sector to foreign investors" by "strengthening international military-related electronic technology exchanges" and that "China's defense-related electronics should no longer be hidden from foreign investors".

(10) It was exactly this concern of diversion to military end-use and to third nation proliferators that prompted the President, on June 16, 1997, to tighten export controls for supercomputers so as to address the concern of "[t]he potential diversion to military use of technology acquired" through experience developed in operating supercomputers and customizing software and the concern that "the People's Republic of China may transfer advanced-weapons related technology to other countries, as in the case of ballistic missile transfers".

(11) Throughout this period, the President has consistently acted in a manner so as to loosen controls on the export of supercomputers from the United States and thereby make it easier for the Government of the People's Republic of China to divert United States supercomputers to military end-uses and to assist in the proliferation of weapons of mass destruction.

(12) This inaction forces Congress to take affirmative action in the bilateral relations between the People's Republic of China and the United States in order to respond sufficiently to these violations of United States law.

SEC. 305. FINDINGS ON THE INCONSISTENT APPLICATION OF UNITED STATES EXPORT CONTROL LAWS TO THE PEOPLE'S REPUBLIC OF CHINA AND HONG KONG.

Congress makes the following findings regarding the inconsistent application of United States export control laws to the People's Republic of China and Hong Kong:

(1) While Hong Kong was sovereign territory of the United Kingdom, United States control of United States exports to Hong Kong of items listed on the United States Munitions List and the Commerce Control List was considerably more lax than United States control of exports of such items to the People's Republic of China.

(2) On June 19, 1997, at a time when Hong Kong was still territory of the United Kingdom, the Department of Commerce discovered that a supercomputer exported to a Hong Kong based company without the need of an export license because it was being exported to Hong Kong was reexported to a defense research institute in Changsha, People's Republic of China.

(3) A Federal grand jury is currently investigating the 1995 diversion by the Government of the People's Republic of China to military aviation production of aircraft machining equipment that was originally exported from the United States for civilian end-use.

(4) The People's Republic of China is the only country which does not allow United States officials to investigate the final end-use of exported technology and recently refused United States requests to examine the location of the supercomputer diverted from Hong Kong.

(5) The continuation of this inconsistent export control regime without specific assurances and verification measures to prevent unauthorized reexport from Hong Kong, or diversion to military end-use, provides the Government of the People's Republic of China with the means to circumvent United States export controls and gain access to critical technology necessary both for defense modernization and the proliferation of ballistic missiles and weapons of mass destruction.

(6) This inaction forces Congress to take affirmative action in the bilateral relations between the People's Republic of China and the United States in order to respond sufficiently to these violations of United States law.

SEC. 306. EXPORTS OF SUPERCOMPUTERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) Prior Approval of Exports and Reexports.—The President shall require that no covered computer may be exported or reexported to the People's Republic of China without the prior written approval of each of the designated officials.

(b) Export or Reexport Without Unanimous Approval.—If any one of the designated officials does not approve of the export or reexport of a covered computer to the People's Republic of China, the computer may be exported or reexported to the People's Republic of China only pursuant to a license issued by the Secretary of Commerce under the export administration regulations of the Department of Commerce, and without regard to the licensing exceptions otherwise authorized under section 740.7 of title 15, Code of Federal Regulations, as in effect on June 10, 1997.

(c) Deadline for Response to Application.—Each designated official shall approve or disapprove in writing of the export or reexport of a covered computer to the People's Republic of China not later than 10 days after receipt by the United States of the application for the export or reexport of the computer.

(d) Definitions.—In this section:

(1) Covered computers.—The term "covered computers" means the digital computers listed as "eligible computers" in section 740.7(d)(2) of title 15, Code of Federal Regulations, as in effect on June 10, 1997.

(2) Designated officials.—The term "designated officials" means the following:

(1) The Secretary of Commerce.

(2) The Secretary of Defense.

(3) The Secretary of Energy.

(4) The Secretary of State.

(5) The Director of the Arms Control and Disarmament Agency.

SEC. 307. DUAL-USE EXPORTS TO HONG KONG.

(a) In General.—Notwithstanding any other provision of law, the provisions of this section shall apply with respect to exports of covered items to Hong Kong.

(b) Pre-License Verifications.—The Secretary of State and the Secretary of Commerce shall not approve an export license application for the export of a covered item to Hong Kong if United States officials are denied an opportunity to conduct a pre-license verification with respect to the end-use of such covered item and the recipient of such item.

(c) Post-Shipment Verification.—If United States officials are denied the ability to a conduct post-shipment verification of the location, recipient, and end use of a covered item that has been exported to Hong Kong from the United States pursuant to an export license granted by the Secretary of State and the Secretary of Commerce, thereafter any application to export a covered item to Hong Kong shall be treated in the same manner as a request to export such item to the People's Republic of China.

(d) DIVERSION OF COVERED ITEMS.—If the President, or any other official of the United States, obtains credible evidence that a covered item exported from the United States to Hong Kong on or after July 1, 1997, has been diverted—

(1) to the People's Republic of China;

(2) to an end use not authorized under the export control laws or regulations of the United States, or

(3) to a recipient, other than the recipient specified in the export license application,

any application to export a covered item to Hong Kong that is pending or filed after the date on which such evidence is obtained shall be treated in the same manner as a request to export such item to the People's Republic of China.

(e) COVERED ITEM DEFINED.—In this section, the term "covered item" means the following:

(1) Any item on the United States Munitions List.

(2) Any item on the Commerce Control List of the Department of Commerce.

SEC. 308. ENFORCEMENT OF IRAN-IRAQ ARMS NON-PROLIFERATION ACT WITH RESPECT TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States that—

(1) the delivery of 60 C–802 cruise missiles by the China National Precision Machinery Import Export Corporation to Iran poses a new, direct threat to deployed United States forces in the Middle East and materially contributed to the efforts of Iran to acquire destabilizing numbers and types of advanced conventional weapons; and

(2) the delivery is a violation of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note).

(b) IMPLEMENTATION OF SANCTIONS.—

(1) REQUIREMENT.—The President shall impose on the People's Republic of China the mandatory sanctions set forth in paragraphs (3), (4), and (5) of section 1605(b) of the Iran-Iraq Arms Non-Proliferation Act of 1992.

(2) NONAVAILABILITY OF WAIVER.—For purposes of this section, the President shall not have the authority contained in section 1606 of the Iran-Iraq Arms Non-Proliferation Act of 1992 to waive the sanctions required under paragraph (1).

SEC. 309. TRANSFERS OF SENSITIVE EQUIPMENT AND TECHNOLOGY BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress makes the following findings:

(1) Credible allegations exist that the People's Republic of China has transferred equipment and technology as follows:

(A) Gyroscopes, accelerometers, and test equipment for missiles to Iran.

(B) Chemical weapons equipment and technology to Iran.

(C) Missile guidance systems and computerized machine tools to Iran.

(D) Industrial furnace equipment and high technology diagnostic equipment to a nuclear facility in Pakistan.

(E) Blueprints and equipment to manufacture M–11 missiles to Pakistan.

(F) M–11 missiles and components to Pakistan.

(2) The Department of State has failed to determine whether most such transfers violate provisions of relevant United States laws and Executive orders relating to the proliferation of sensitive equipment and technology, including the Arms Export Control Act, the Nuclear Proliferation Prevention Act of 1994, the Export Administration Act of 1979, and the Export-Import Bank Act of 1945, and Executive Order 12938.

(3) Where the Department of State has made such determinations, it has imposed the least onerous form of sanction, which significantly weakens the intended deterrent effect of the sanctions provided for in such laws.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the transfers of equipment and technology by the People's Republic of China described in subsection (a)(1) pose a threat to the national security interests of the United States;

(2) the failure of the Clinton Administration to initiate a formal process to determine whether to impose sanctions for such transfers under the provisions of law referred to in subsection (a)(2) contributes to the threat posed to the national security interests of the United States by the proliferation of such equipment and technology; and

(3) the President should immediately initiate the procedures necessary to determine whether sanctions should be imposed under such provisions of law for such transfers.

(c) REPORT.—

(1) REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report setting forth—

(A) the date, if any, of the commencement and of the conclusion of each formal process conducted by the Department of State to determine whether to impose sanctions under the provisions of law referred to in subsection (a)(2) for each transfer described in subsection (a)(1);

(B) the facts providing the basis for each determination not to impose sanctions under such provisions of law on the Government of the People's Republic of China, or entities within or having a relationship with that government, for each transfer, and the legal analysis supporting such determination; and

(C) a schedule for initiating a formal process described in paragraph (1) for each transfer not yet addressed by such formal process and an explanation for the failure to commence such formal process with respect to such transfer before the date of the report.

(2) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 310. ANNUAL REPORTS ON ACTIVITIES OF THE PEOPLE'S LIBERATION ARMY.

(a) ENTITIES OWNED BY PLA.—Not later than January 31 each year, the Secretary of State shall publish in the Federal Register a list of each corporation or other business entity that was owned in whole or in part by the People's Liberation Army of the People's Republic of China as of December 31 of the preceding year.

(b) REPORT ON PRC MILITARY MODERNIZATION.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Not later than March 31 each year, the Secretary of Defense, in consultation with the Secretary of State, shall submit to Congress a report on the military modernization activities of the People's Liberation Army.

(B) SUBMITTAL.—The Secretary of Defense shall submit each report to the following:

(i) The Majority leader and Minority leader of the Senate.

(ii) The chairmen and ranking members of the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(iii) The Speaker and Minority leader of the House of Representatives.

(iv) The chairmen and ranking members of the Committee on International Relations and the Committee on National Security of the House of Representatives.

(C) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

(2) CONTENTS OF REPORT.—

(A) CONTENTS.—Each report under paragraph (1) shall include the following:

(i) A description of developments within the People's Liberation Army, including the implications of the developments for United States policy toward the People's Republic of China.

(ii) A description of the scope and pace of modernization by the People's Liberation Army.

(iii) To the maximum extent practicable, an analysis of the intent of such modernization programs.

(B) RELATIONSHIP TO ANNUAL HUMAN RIGHTS REPORT.—The report shall complement and not replace applicable sections of the annual report on human rights in China by the Department of State.

(c) PROTECTION OF SOURCES AND METHODS.—In publishing a list under subsection (a) and preparing a report under subsection (b), the Secretary of Defense shall take appropriate actions to ensure the protection of sources and methods of gathering intelligence.

SEC. 311. ANNUAL REPORTS ON INTELLIGENCE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORTS.—

(1) IN GENERAL.—Not later than March 31 each year, the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly and in consultation with the heads of other appropriate Federal agencies (including the Departments of Defense, Justice, Treasury, and State), shall submit to the Members of Congress referred to in paragraph (2) a report on the intelligence activities of the People's Republic of China directed against or affecting the interests of the United States.

(2) SUBMITTAL.—Each report under paragraph (1) shall be submitted to the following:

(A) The Majority leader and Minority leader of the Senate.

(B) The chairman and ranking member of the Select Committee on Intelligence of the Senate.

(C) The Speaker and Minority leader of the House of Representatives.

(D) The chairman and ranking member of the Permanent Select Committee on Intelligence of the House of Representatives.

(3) FORM.—Each report shall be submitted in unclassified form, but may include a classified annex.

(b) CONTENTS OF REPORTS.—Each report under subsection (a) shall include information concerning the following:

(1) Political and military espionage.

(2) Intelligence activities designed to gain political influence, including activities undertaken or coordinated by the United Front Work Department of the Chinese Communist Party.

(3) Efforts to gain direct or indirect influence through commercial or noncommercial intermediaries subject to control by the People's Republic of China, including enterprises controlled by the People's Liberation Army.

(4) Disinformation and press manipulation by the People's Republic of China with respect to the United States, including activities undertaken or coordinated by the United Front Work Department of the Chinese Communist Party.

SEC. 312. STUDY OF THEATER BALLISTIC MISSILE DEFENSE SYSTEM FOR TAIWAN.

(a) STUDY.—The Secretary of Defense shall carry out, with appropriate representatives of the Government of Taiwan, a study of the architecture requirements for the establishment and operation of a theater ballistic missile defense system for Taiwan, including the Penghu Islands, Kinmen, and Matsu. The study shall include the following:

(1) An assessment of missile threats to Taiwan.

(2) Identification of the requirements of Taiwan for deployment of an effective theater ballistic missile defense system.

(3) Identification of existing theater ballistic missile defense systems or existing technology for such systems, that the United States could sell to Taiwan to assist in meeting the requirements identified under paragraph (2).

(4) Systems or technologies the United States is developing that could address the missile threats to Taiwan's security.

(5) Identification of potential joint cooperative efforts by the United States and Taiwan to develop theater ballistic missile defense systems.

(b) SUBMITTAL TO CONGRESS.—

(1) SUBMITTAL.—Not later than July 1, 1998, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives a report on the study conducted under subsection (a).

(2) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 313. SENSE OF CONGRESS REGARDING UNITED STATES FORCE LEVELS IN ASIA.

It is the sense of Congress that—

(1) the current force levels in the Pacific Command Theater of Operations are necessary to the fulfillment of the military mission of that command and are vital to continued peace and stability in the region covered by that command;

(2) any reductions in such force levels should only be done in close consultation with Congress and with a clear understanding of their impact upon the capacity of the United States to fulfill its current treaty obligations with other states in the region as well as to the continued ability of the United States to deter potential aggression in the region; and

(3) the annual report on the national security strategy of the United States required by section 108 of the National Security Act of 1947 (50 U.S.C. 404a) should include specific information on the adequacy of the capabilities of the United States Armed Forces to support the implementation of the national security strategy of the United States as it relates to the People's Republic of China.

SEC. 314. SENSE OF CONGRESS REGARDING ESTABLISHMENT OF COMMISSION ON SECURITY AND COOPERATION IN ASIA.

It is the sense of Congress that the President and the Secretary of State should initiate negotiations with the Government of the People's Republic of China and the governments of other countries in Asia to establish a commission on matters relating to security and cooperation in Asia that would be modeled after the Commission on Security and Cooperation in Europe.

TITLE IV—TRADE

SEC. 401. SENSE OF CONGRESS REGARDING THE ACCESSION OF TAIWAN TO THE WORLD TRADE ORGANIZATION.

It is the sense of Congress that Taiwan should be admitted to the World Trade Organization as a separate customs territory when Taiwan meets the established criteria of the Organization for membership on that basis.

TITLE V—HUMAN RIGHTS AND RELIGIOUS FREEDOM WORLDWIDE

SEC. 501. TRAINING FOR IMMIGRATION OFFICERS REGARDING RELIGIONS PERSECUTION.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

"(e) TRAINING ON RELIGIOUS PERSECUTION.—The Attorney General shall establish and operate a program to provide to immigration officers performing functions under subsection (b), or section 207 or 208, training on religious persecution, including training on—

"(1) the fundamental components of the right to freedom of religion;

"(2) the variation in beliefs of religious groups; and

"(3) the governmental and nongovernmental methods used in violation of the right to freedom of religion.".

SEC. 502. PROMOTION OF RELIGIOUS FREEDOM AND HUMAN RIGHTS WORLDWIDE.

(a) REPORTS ON RELIGIOUS PERSECUTION.—

(1) REPORTS.—Not later than March 30, 1998, and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on religious persecution worldwide.

(2) CONTENTS.—Each report shall include a list of the government officials of any country worldwide who have been materially involved in the commission of acts of persecution that are motivated by a person's religion.

(b) PRISONER INFORMATION REGISTRY.—

(1) ESTABLISHMENT.—The Secretary of State shall establish and maintain a registry to be known as the Prisoner Information Registry.

(2) CONTENTS.—The registry shall be a repository of information on matters relating to the penal systems of the various countries and of individuals in such systems, including—

(A) the charges brought against the individuals in such systems;

(B) the judicial or administrative processes to which such individuals were subject;

(C) the length of imprisonment of such individuals in such systems;

(D) the use (if any) of forced labor in such systems;

(E) the incidences (if any) of torture in such systems;

(F) the physical and health conditions in such systems; and

(G) such other matters as the Secretary considers appropriate.

(3) ALLOCATION OF RESOURCES.—The Secretary may make funds available to non-governmental organizations currently engaged in monitoring penal systems worldwide or individuals in such systems in order to assist in the establishment and maintenance of the registry.

TITLE VI—OTHER MATTERS

SEC. 601. TERMINATION OF UNITED STATES ASSISTANCE FOR EAST-WEST CENTER.

(a) REPEAL OF AUTHORIZATION OF ASSISTANCE.—The Center for Cultural and Technical Interchange Between East and West Act of 1960 (chapter VII of Public Law 86-472; 22 U.S.C. 2054 et seq.) is repealed.

(b) PROHIBITION ON USE OF FUNDS FOR CENTER.—Notwithstanding any other law, no funds appropriated or otherwise made available to the Director of the United States Information Agency for any fiscal year after fiscal year 1997 may be used for any purposes (including grants and payments and expenses of operation) relating to the Center for Cultural and Technical Interchange Between East and West.

SUMMARY OF THE CHINA POLICY ACT OF 1997

TITLE I: SANCTIONS

- Deny visas to Chinese Government officials involved in political and religious persecution. This measure would deny visas to high ranking officials who are employed by the Public Security Bureau (the state police), the Religious Affairs Bureau, China's family planning apparatus, the People's Liberation Army (PLA), and those found to be materially involved in the ordering or carrying out of the massacre of Chinese students in Tiananmen Square. The President is granted waiver authority that can be exercised, in writing, each time a proscribed individual is to enter this country that explains why awarding such visas overrides United States concerns about China's human rights practices past and present.
- Require U.S. Representatives at multilateral banks to vote "no" on loans to China. Exception for loans related to environmental improvements and safeguards, famine, and natural disaster relief. China received approximately $3 billion in World Bank loans in the most recent fiscal year. While receiving this foreign aid, the Chinese military budget increased by 12.7 percent. Between 1985 and 1995 the United States supported 111 of 183 loans approved by the World Bank Group and 15 of 92 loans that the Asian Development Bank approved. The bill also requires the Secretary of Treasury to oppose and instruct the U.S. executive director of the World Bank to oppose any change in the World Bank's rules that limit the total share of the bank's lending that can be made in any one country.
- Require the President to begin consultations with major United States allies and trading partners to encourage them to adopt similar measures contained in this bill and to work with our allies to vote against loans for China at multilateral development banks. Within 60 days of a G-7 meeting, the President shall submit a report to Congress on the progress of this effort.
- Targeted sanctions against People's Liberation Army (PLA) companies involved in the illegal sale of AK-47 rifles in the United States. China North Industries Group (NORINCO) and the PLA-owned company China Poly Group (POLY) will be prohibited from (1) exporting to, and maintaining a physical presence in, the United States; (2) receiving loans from the Export-Import Bank; and (3) receiving contracts for goods or services from the U.S. Government for a period of one year. The attempted illegal sale of AK-47 machine guns to street gangs in California warrant these targeted sanctions against these firms.
- The bill establishes a mechanism to apply sanctions on additional PLA companies based on certain specific actions, including weapons proliferation, illegal arms sales

in U.S., and military and political espionage in the United States. The Director of Central Intelligence and the Director of the Federal Bureau of Investigation, in separate annual reports, shall identify entities owned in part or wholly by the People's Liberation Army who have engaged in proliferation of nuclear or chemical weapons, the illegal importation of weapons to the United States, or unlawful military intelligence collection or espionage in the United States. Such entities will be prohibited from exporting to, or maintaining a physical presence in the United States, receiving loans from the Export-Import Bank, and receiving contracts from the United States Government for a period of 1 year.

- Sanctions remain in effect for 5 years. The bill includes a Sense of Congress that the sanctions in the China Policy Act shall be reviewed by Congress within the 5 year period upon the occurrence of one or more of the following events: (1) People's Republic of China's entry into the WTO on commercially viable terms; (2) President's certification of PRC's full implementation of international proliferation standards and agreements; (3) President's certification that PRC is actively and effectively combating all forms of religious persecution; (4) PRC re-evaluation of Tiananmen Square massacre; (5) Publication by the PRC of a National Security White Paper describing its intentions internationally; or (6) President's certification that the PRC has taken concrete steps towards improving overall human rights conditions in China and Tibet, including the release of political prisoners; improving prison conditions and providing prisoners with adequate medical care; and full compliance with the international human rights accords to which the PRC is a signatory.

TITLE II: HUMAN RIGHTS, RELIGIOUS FREEDOM, AND DEMOCRACY

- Congressional findings detailing the Chinese Government's jailing of political dissidents, persecution of religious groups, human rights violations in Tibet and coercive family planning practices.
- Combats slave labor and "reeducation" centers. The bill calls for stricter enforcement of the ban against the sale of products produced in slave labor camps; appropriations to United States Customs to increase monitoring; require reporting and advocacy requirements; and a Sense of Congress urging renegotiation of prison labor memorandum of understanding with China.
- Authorize an additional $5 million for international broadcasting to China, including Radio Free Asia and the Voice of America to expand broadcast hours in multiple Chinese dialects, Tibetan, and other languages spoken in China.
- Authorize additional $2 million in funding for National Endowment for Democracy programs in China.
- Authorize additional $2 million of funding for existing United States Information Agency student, cultural, and legislative exchange programs between the U.S. and China.
- Terminate the East-West Center. This center funds cooperative programs of study, research and training between the U.S. and Asian Pacific nations. However, the resources of the State Department, which maintains a network of embassies and consulates in Asian Pacific countries, should be more than sufficient to promote good relations with these countries. Eliminating this $10 million program offsets the spending increases proposed in the bill.

Require United States contractors who receive international family planning funds from the United States to report on their organization's activities in China.

Sense of Congress concerning multilateral efforts to address China's human rights record.

Sense of Congress that China should abide by the 1984 Sino-British Joint Declaration on Hong Kong.

TITLE III: NATIONAL SECURITY MATTERS

Congressional findings on PRC's proliferation of ballistic missiles, weapons of mass destruction, destabilizing advanced conventional weapons, and evasion of U.S. export controls.

Tighten United States export licensing requirements on super computers sold to China. Current regulation only requires an export license for mid-range supercomputers to countries such as China with only a certification, by the exporting firm, that the end-use is not military-related. This provision requires an export license for any mid-range supercomputers (currently 2000–7000 MTOP range, but amendable by the Secretary of Commerce) sold to China which the Departments of Defense, State, Energy, and Commerce, and the Arms Control and Disarmament Agency do not unanimously agree to export without a license. This provision is a modified version of the Spence-Dellums amendment to the House Fiscal Year 98 DoD Authorization bill.

Protects against dual-use export diversion from Hong Kong. The recent diversion of a Sun Microsystems supercomputer from a Hong Kong importer to a military end-user in the People's Republic of China highlights the potential problems with having dual-use technology exports to Hong Kong being treated more liberally than such exports to the PRC. This provision would deny licenses for export of items on the U.S. Munitions List and the Commerce Control List to Hong Kong if United States officials are denied access to conduct pre-license checks verifying the end-user. It will also require that if United States officials are denied access for post-shipment verification checks, or if an actual diversion of dual-use items takes place from Hong Kong to the PRC, then Hong Kong will thereafter be placed in the same export control category as the People's Republic of China.

A finding that China violated the Iran-Iraq Nonproliferation Act with the export of C-802 missiles to Iran, and a requirement on the implementation of this Act's sanctions. The Commander of the United States Navy's Fifth Fleet in the Persian Gulf has called the Iranian acquisition of C–802 cruise missiles a direct threat to the 15,000 US servicemen stationed in the area. Iran acquired these missiles from China, in direct contravention of the Iran-Iraq Nonproliferation Act (McCain-Gore Act). However, the Administration did not implement the sanctions called for in the Act.

Limiting transfers of sensitive equipment and technology by the People's Republic of China. Require within 60 days a report detailing State Department's sanctions determination process for each allegation against China in the area of proliferation, and a schedule for initiating sanctions determination process where the process has not been initiated.

Sunshine requirement on PLA companies. On an annual basis, the United States Government shall publish a list of all companies owned in part or wholly by the People's Liberation Army (PLA) of the People's Republic of China who export to, or have an office in, the United States. In addition, require a report on PLA military modernization.

Require enhanced monitoring of Chinese intelligence activities in the United States, including a report on such activities and a report on political and military espionage.

Require a bilateral United States-Taiwan study of establishing theater missile defense in the Pacific Rim.

Sense of the Congress that the current level of United States forces in Asia are vital to continued peace and stability in the region and should only be reduced with a clear understanding of their impact on United States treaty obligations and the continued ability of the United States to deter potential aggression in the region.

Sense of Congress that the President shall initiate negotiations with the PRC and other Asian countries to establish a "Helsinki Commission" for Asia.

TITLE IV: TRADE

Sense of Congress that Taiwan should enter the World Trade Organization (WTO) as soon as it meets the established criteria.

TITLE V: HUMAN RIGHTS AND RELIGIOUS FREEDOM WORLDWIDE

The legislation mandates additional and extensive training for United States asylum officers world-wide in recognizing religious persecution.

Enhanced reporting of human rights violations and religious persecution around the world. Increased publicizing of political and religious persecution world-wide through annual reports by the State Department, publication of list of individuals involved in religious persecution, and establishment of a Prisoner Information Registry.

Mr. ASHCROFT. Mr. President, I rise today in strong support of the China Policy Act of 1997. As an original cosponsor of the act, I believe this legislation provides the starting point for a much needed restructuring of United States-China relations. For too long, our approach to China has been one of passivity and appeasement. The Clinton administration seems willing to tolerate virtually any misbehavior—gross violations of human rights, arms deals with terrorist states, a headlong push to develop military capabilities that exceed any conceivable threat, even efforts to smuggle guns into the United States. This is no way to build a stable, peaceful, and constructive relationship.

Our legislation offers a dramatically different approach. Under this bill, when China violates standards of decency or endangers vital American interests, there will be a response that is swift, predictable, and appropriate. This legislation is an important first step toward a policy that rewards and encourages constructive behavior, and discourages questionable activity. It points the way to a new and better era in United States-China relations.

The 20th century has been the American century, and if the new century is to bear the same imprint, we must fashion a stable and constructive relationship with the People's Republic of China, which is pushing hard for global superpower status.

One specific provision I have included in this bill protects the United States from Chinese diversion of sensitive technology from Hong Kong. Hong Kong has abided by international export control regimes and has benefited from preferential access to sensitive U.S. technology—technology that can be used for military purposes.

My provision simply does the following: if China diverts controlled technology from Hong Kong, or if United States officials are denied the opportunity to conduct post-shipment checks on location and end use of controlled items, then the United States shall apply the stricter export controls to Hong Kong presently applied to the rest of China. In addition, if United States officials are denied an opportunity to conduct a prelicense check on the end use and end user of a controlled item, then the export license for that item shall be denied.

A May, 1997 GAO report on the export of controlled items to Hong Kong stated that effective monitoring is critical to prevent weapons and technology proliferation. The report identified prelicense checks and post-shipment verification as possible means to ensure the continued effectiveness of Hong Kong's export control system.

Now that Hong Kong has reverted to Chinese control, China undoubtedly will attempt to use the port to divert technology and proliferate weapons. Prosecutions for illegal shipments of arms-related commodities in Hong Kong have grown dramatically in recent years, from 65 cases in 1994 to 250 last year. One Hong Kong firm, Cheong Yee, was sanctioned by the United States last May for helping Iran obtain chemical weapons.

The technology flow to Hong Kong is a significant national security risk if China compromises the integrity of Hong Kong's export control system. Chinese front companies in Hong Kong already have been identified with efforts to acquire controlled technologies for illicit export to countries of proliferation concern, according to United States and Hong Kong officials. China has refused to sign many of the export control regimes by which Hong Kong historically has abided. The old restrictions are kept in place only from a sense of moral obligation, states Brian Lo, Hong Kong's chief trade-licensing officer.

Mr. President, moral obligation is flimsy stuff when you are dealing with the Communist leaders of Beijing. These are the leaders who attack their own young people in Tiananmen Square, persecute Christians, and proliferate weapons to terrorist states which target U.S. citizens around the world.

In the face of this growing proliferation risk, the Clinton administration has been relaxing America's export control regulations. Just this week, a bipartisan report issued by the House National Security Committee stated that the changes made to U.S. export controls contributed to the proliferation of weapons of mass destruction and their means of delivery as well as the development of advanced conventional weapons.

The number of export licenses reviewed each year for national security reasons has fallen from 150,000 in the mid-1980's to less than 8,000 today. The world may have become a safer place, but the international arena is still threatening.

Clearly, it is time for the United States to take aggressive steps which protect United States national security interests and limit the ability of potential enemies to develop weapons of mass destruction. I am proud to be a cosponsor of the China Policy Act and believe that the provisions contained therein make a significant contribution to the United States-China debate. I urge the Senate's prompt consideration and passage of this bill.

Mr. FEINGOLD. Mr. President, I join the Senator from Michigan [Mr. ABRAHAM] in introducing the China Policy Act of 1997. This is a bill that I am proud to cosponsor and one that will send a much-needed message to the leaders of the People's Republic of China. I commend the Senator from Michigan for his efforts.

The China Policy Act is an omnibus bill that covers a broad range of issues. This legislation will impose targeted sanctions against Chinese entities—such as the military and public security apparatus—that are directly engaged in weapons proliferation and human rights abuses. In addition, this bill calls for tighter enforcement of various laws related to China, such as the ban on Chinese prison-labor goods and controls on the export of high-speed computers to China. The legislation also contains funding increases for student, cultural, and legislative exchanges between the United States and China.

The China Policy Act is designed to move Congress and the American public beyond the sometimes polarizing debate over China's most-favored-nation trade status, offering realistic alternatives to revoking MFN that merit broad bipartisan support.

As many of my colleagues know, I have been a strong opponent of granting MFN privileges to China and, in fact, have been an original cosponsor of the resolutions of disapproval for the past 3 years. I strongly believe that, in light of Beijing's egregious human rights record, China does not deserve to have such trade privileges with the United States. Ever since the administration delinked MFN and human rights in 1994, I have watched with alarm as the Chinese Government has heightened its political and religious persecution throughout the country.

But despite my strong views on the issue, I realize that the Congress has been unable to reach a consensus on whether MFN is the best tool to pressure China to make improvements in human rights. I know that many of my colleagues share my concerns over China's human rights record, but nevertheless feel that MFN is too blunt an instrument, especially for a nation as large and diverse as China.

But once you step away from the debate over the effectiveness of MFN, there is widespread agreement among Members of both the Senate and the House that the administration's current policy of constructive engagement toward China remains unsatisfactory.

I believe the administration is promoting engagement for engagement's sake, not as a way to halt the many offensive behaviors of the Chinese regime. I prefer to call the administration policy not "constructive" engagement but rather unconditional engagement.

No matter how uncooperative China is, the United States appears ready to continue business as usual with the Chinese regime. This is especially true with respect to human rights. Recent events paint a very bleak picture. In October of last year, a Chinese court sentenced Wang Dan—a leader of the Tiananmen Square protests—to 11 years in prison for peacefully expressing his prodemocracy beliefs. Seventy-six-year-old Bishop Zeng Jingmu has been sentenced to reeducation through labor for organizing religious ceremonies outside China's official Catholic Church. In Tibet, Chinese authorities have banned the display of the Dalai Lama's photograph and the State Department Human Rights Report cites three instances of Buddhist monks dying in Chinese prisons in 1996. Sadly, this represents on a tiny fraction of the human rights abuses that are taking place in China today. It would be impossible to name all of the people who are being kept behind bars for the expression of their political and religious beliefs.

Yet, even as the Chinese leadership continues to brutalize political dissidents and the people of Tibet, the administration is preparing to welcome China's President, Jiang Zemin, to the White House next month. What kind of message does this send?

The China Policy Act of 1997 represents the efforts of both pro- and anti-MFN Senators to find new ways to deal with the problems the United States currently faces in China.

And there is no shortage of problems. I have already mentioned my primary concern, which is China's deplorable human rights record, but in addition, the Government of China continues to sell dangerous chemical and nuclear weapons technologies to terrorist and rogue regimes. China has used military intimidation to disrupt free elections in Taiwan and has harassed its neighbors in the South China Sea. Furthermore, we have all seen reports of Beijing's unfair trade practices and rampant copyright violations. This is what I refer to as a kaleidoscope of problems the United States has with China.

The China Policy Act of 1997 contains targeted sanctions aimed at the organizations most directly associated with China's poor behavior. For example, the bill contains provisions imposing comprehensive sanctions against enterprises run by the People's Liberation Army that have engaged in weapons smuggling or proliferation. The United States simply should refrain from doing business with companies that create security risks to our country.

This bill will also require the administration to deny United States visas to high-level Chinese officials directly connected with human rights violations and religious persecution. This provision expresses United States outrage at China's human rights abuses while still giving the President adequate waiver authority to conduct foreign policy.

I am particularly pleased this bill contains strong language on human rights, an area that has been a special focus of mine. The bill includes a provision stating that the administration needs to greatly increase multilateral efforts to condemn China's human rights record. As you know, Mr. President, this past April, the U.N. Human Rights Commission failed to pass a resolution criticizing China's human rights policies. Unfortunately, the United States only began lobbying for the resolution at the last moment and, as a result of this delay, many of our allies—including France, Germany, and Canada—would not cosponsor the motion. To make our China policy more effective, the United States must do a better job of coordinating with our allies in multilateral fora.

In addition to addressing a wide spectrum of issues in Sino-United States relations, the China Policy Act also gives the Senate—and the American people we represent—an important opportunity to have an extensive debate about China policy. Such a debate is long overdue, and has continued to be delayed because of the controversy surrounding MFN.

It is my view that the inability of Congress to reach a consensus on MFN has led the Chinese authorities to believe that they can continue to commit gross human rights violations without facing any consequences. Unfortunately, it may be that, until now, the Beijing leadership has been right. In China's eyes, Congress has become what Chairman Mao Zedong would have called a paper tiger, something that might act ferocious, but is, in fact, harmless.

However, once Congress steps out of the restrictive confines of the MFN debate, I think China will be surprised at the level of dissatisfaction in Congress toward Beijing's actions.

The Chinese Government will obviously condemn this legislation because it demands that Chinese leaders live up to the international and bilateral agreements on weapons-proliferation, human rights, and trade to which China is a party. The Beijing government categorically rejects any outside scrutiny of its policies and equates good relations with a complete lack of criticism. But truly close relations between two countries can only be built when both sides fulfill their obligations and act in good faith toward one another.

The China Policy Act of 1997 is intended to send a strong message that Chinese Government's actions on many fronts remains unacceptable. Unfortunately, Chinese leaders have not heard this message loudly or strongly enough in the past. They have not heard it from the U.N. Human Rights Commission. They have not heard it from our trade negotiators. And, until now, they have not heard it from the U.S. Congress.

It is my view that the time has come for us to send this message clearly.

I yield the floor.

By Mr. GRASSLEY:

S. 1165. A bill to apply rules regarding the conduct of meetings and recordkeeping under the Federal Advisory Committee Act to the Social Security advisory board and for other purposes; to the Committee on Finance.

THE SOCIAL SECURITY ADVISORY BOARD SUNSHINE ACT

Mr. GRASSLEY. Mr. President, today I rise to introduce the Social Security Advisory Board Sunshine Act. This legislation will apply the public meeting and disclosure requirements of the Federal Advisory Committee Act to the Social Security Advisory Board.

The Social Security Advisory Board was created in 1994 when the Social Security Administration became an independent agency. Its purpose is to serve as an advisor to the Commissioner of the Social Security Administration, the President, and the Congress. The 1994 law requires the Board to make recommendations on some of the most critical issues facing the Social Security Administration and the country, including: How to ensure economic security for Government retirement and disability programs; how to ensure the solvency of Social Security programs; how to improve the quality of service and the policies and regulations that influence that service; and how to increase the public's understanding of Social Security.

With such a significant mandate, the question we should be asking is not why have open meetings, but why not have open meetings? This Board has been entrusted with the responsibility of making policy recommendations regarding the largest domestic Government program in this country. Virtually every American is affected by Social Security. Every American has a stake in Social Security. They have the right to know what recommendations are being made and why. The Federal Advisory Committee Act, which became public law in 1972, is intended to promote good government values, such as openness, accountability, and balance of viewpoints. At the heart of the matter is a desire to keep the channels open between Government and the interested public.

Yesterday, during the confirmation hearing for Ken Apfel for the position of Commissioner of the Social Security Administration, I asked him if bringing the Advisory Board under the Sunshine laws was a good idea. He said, "I think sunshine is almost always a good idea."

My legislation would require the Advisory Board to provide notice of all meetings, make available for public inspection all Advisory Board documents, provide opportunities for nonmembers to participate in Board meetings, keep minutes of those meetings, and make transcripts of Advisory Board meetings available. In addition, the Social Security Administration will be required to disclose the disbursement of money to, and the disposal of money by, the Advisory Board.

My legislation would also provide for compensation of the Board members. Board members are paid per diem travel expenses, but they receive no compensation for the time they take off work to attend the meetings, which are held once a month. Because they have been given charge of such an important task, and because of the homework that must be done in order for them to be prepared and participate in meetings, compensation commensurate with that of similar boards and committees is only fair.

I want to commend the Board on the work it has done so far, particularly to highlight the need to expand the Social Security Administration's policy analysis capabilities. Those capabilities will be very important as we jump start discussions about Social Security reform.

The Advisory Board will be undergoing some changes in membership in the near future. I intend to work at getting this legislation enacted as soon as possible so the change in membership will occur with a change in the philosophy that Government is best done in the open and not behind closed doors.

By Mr. CAMPBELL:

S. 1166. A bill to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits; to the Committee on the Judiciary.

THE FEDERAL AGENCY COMPLIANCE ACT

Mr. CAMPBELL. Mr. President, because the concept of nonacquiescence is so often mired and hidden in the bureaucratic processes of our Government agencies, few realize the magnitude of its true implications. I am extremely concerned that so many Federal agencies currently fail to comply with established case law when dealing with American's rights and legal claims. Instead, the very agencies whose function it is to serve the people of this country have been ignoring the law through the policy of nonacquiescence. Specifically, nonacquiescence occurs when an agency refuses to comply with judicial precedent and instead, relies on agency policy to determine the outcome of a claim. For example, if a beneficiary has a Social Security claim, the agency can rule against the claimant even if the judicial precedent in that circuit is entirely in favor of the beneficiary. Agency wins—claimant loses—end of story. The only recourse that beneficiary has is to relitigate that same issue in court. The beneficiary can't bypass the agency and go directly to court, because he or she must first exhaust all administrative remedies. This is an extremely expensive burden on any person with a claim against an agency. In fact, it is a financial burden on the entire judicial system and on the American taxpayer who eventually pays the cost of relitigation.

Stare decisis—"let the decision stand"—is the fundamental doctrine of law upon which our entire judicial system is based. It is a concept of fairness and equity that has withstood the test of time. We require the American people and courts to adhere to judicial precedent. This policy of nonacquiescence completely undermines that principle. It allows the agency to completely ignore judicial precedent and instead rely solely on agency interpretation. The most glaring examples of nonacquiescence have surfaced in a select few agencies, such as the Social Security Administration, the National Labor Relations Board, and the Internal Revenue Service. This year alone, the Social Security Administration itself indicates that tens of thousands of claims involving nonacquiescence may be litigated. In a recent judicial opinion, the appellate judge stated that "if a [social security] claimant has the determination and financial and physical strength and lives long enough to make it through the administrative process he can turn to the courts * * *" and ultimately prevail. Similarly, the NLRB and the IRS have invoked this policy and were the subject of inquiry during a recent House hearing which investigated the alarming rise of agency nonacquiescence.

The true residual dangers of the nonacquiescence policy, however, lie in its more far-reaching implications. Theoretically, any agency can invoke this policy to avoid the law. When the Bureau of Land Management recently proposed reform regulations for grazing permits, ranchers challenged the new provisions. After exhausting all administrative remedies, the ranchers took their case to court. Following lengthy and costly litigation, the appellate court ruled in favor of the ranchers. However, under the nonacquiescence policy, the BLM could refuse to abide by this ruling each and every time this issue arises. Now grazing permits may not seem like a big deal to people here in Washington, but like many Western States, more than 30 percent of all the land in my home State of Colorado is Government-owned and under the control of a Federal agency. In western Colorado, almost 60 percent of the land falls into this arrangement. A rancher waiting for a grazing permit may be unable to get a loan or conduct necessary planning, which could force that rancher out of the livestock industry altogether. At the very least, each time a claim is relitigated, it involves tens of thousands of dollars and years of financial uncertainty for the claimant. Such a refusal to adhere to judicial precedent sends a clear message to the American people—a message of unfairness and inequality which in turn breeds mistrust against the Government. If the people must adhere to judicial precedent, we should require no less of Government agencies.

This problem has been around for decades, but Congress first addressed this issue when it was considering the Social Security Act of 1984. The conference report for that legislation highlighted the magnitude of concern over this policy when it stated:

> By refusing to apply circuit court interpretations and by not promptly seeking review by the Supreme Court, the Secretary forces beneficiaries to re-litigate the same issue over and over again in the circuit, at a substantial expense to both beneficiaries and the federal government. This is clearly an undesirable consequence.

At that time, Congress allowed the agencies to address this problem internally rather than by statute. Now in 1997, 13 years later, nonacquiescence is alive and well and it would be a gross understatement to say that this problem continues to be an undesirable consequence. In fact, Congress' failure to act 13 years ago has allowed the nonacquiescence policy to grow into a bureaucratic nightmare. This is nothing less than bureaucracy run amuck. It is now our duty to address this situation before any more time and money is wasted.

Because I believe it is important to hold Federal agencies accountable, today I am introducing legislation which would require a Federal agency to comply with Federal court precedents within the circuit where a claim is filed. However, this bill also allows an agency to deviate from such precedent under certain circumstances, thus giving the agency additional avenues when there is a conflict between judicial precedent and agency regulations. In contrast to the present policy of nonacquiescence, in which the general public has no additional avenue except to relitigate an issue at personal expense, my bill upholds the fundamental concept of stare decisis and will in turn provide stability, economy and equality for all Americans.

The House version of this legislation was introduced earlier in this Congress by Congressman GEKAS and Congressman FRANK and has been reported favorably out of the Subcommittee on Commercial and Administrative Law. This bill is supported by the Judicial Conference of the United States, Americans for Tax Reform, the Association of Administrative Law Judges, and the American Bar Association.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent, that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Agency Compliance Act".

SEC. 2. PROHIBITING INTRACIRCUIT AGENCY NONACQUIESCENCE IN APPELLATE PRECEDENT.

(a) IN GENERAL.—Chapter 7 of title 5, United States Code, is amended by adding at the end the following:

"§ 707. Adherence to court of appeals precedent

"(a) Except as provided in subsection (b), an agency (as defined in section 701(b)(1) of this title) shall, in administering a statute, rule, regulation, program, or policy within a judicial circuit, adhere to the existing precedent respecting the interpretation and application of such statute, rule, regulation, program, or policy, as established by the decisions of the United States court of appeals for that circuit.

"(b) An agency is not precluded under subsection (a) from taking a position, either in administration or litigation, that is at variance with precedent established by a United States court of appeals if—

"(1) it is not certain whether the administration of the statute, rule, regulation, program, or policy will be subject to review by the court of appeals that established that precedent or a court of appeals for another circuit;

"(2) the Government did not seek further review of the case in which that precedent was first established, in that court of appeals or the United States Supreme Court, because—

"(A) neither the United States nor any agency or officer thereof was a party to the case; or

"(B) the decision establishing that precedent was otherwise substantially favorable to the Government; or

"(3) it is reasonable to question the continued validity of that precedent in light of a subsequent decision of that court of appeals or the United States Supreme Court, a subsequent change in any pertinent statute or regulation, or any other subsequent change in the public policy or circumstances on which that precedent was based.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 5, United States Code, is amended by adding at the end of following new item:

"707. Adherence to court of appeals precedent.".

SEC. 3. PREVENTING UNNECESSARY AGENCY RELITIGATION IN MULTIPLE CIRCUITS.

(a) IN GENERAL.—Chapter 7 of title 5, United States Code, as amended by section 2(a), is amended by adding at the end the following:

"§ 708. Supervision of litigation; limiting unnecessary relitigation of legal issues

"(a) In supervising the conduct of litigation, the officers of any agency of the United States authorized to conduct litigation, including the Department of Justice acting under sections 516 and 519 of title 28 shall ensure that the initiation, defense, and continuation of proceedings in the courts of the United States within, or subject to the jurisdiction of, a particular judicial circuit avoids unnecessarily repetitive litigation on questions of law already consistently resolved against the position of the United States, or an agency or officer thereof, in precedents established by the United States courts of appeals for 3 or more other judicial circuits.

"(b) Decisions on whether to initiate, defend, or continue litigation for purposes of subsection (a) shall take into account, among other relevant factors, the following:

"(1) The effect of intervening changes in pertinent law or the public policy or circumstances on which the established precedents were based.

"(2) Subsequent decisions of the United States Supreme Court or the courts of appeals that previously decided the relevant question of law.

"(3) The extent to which that question of law was fully and adequately litigated in the cases in which the precedents were established.

"(4) The need to conserve judicial and other parties' resources.

"(c) The Attorney General shall report annually to the Committees on the Judiciary of the Senate and the House of Representatives on the efforts of the Department of Justice and other agencies to comply with subsection (a).

"(d) A decision on whether to initiate, defend, or continue litigation is not subject to review in a court, by mandamus or otherwise, on the grounds that the decision violates subsection(a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 5, United States Code, as amended by section 2(b) is amended by adding at the end of the following new item:

"708, Supervision of litigation; limiting unnecessary relitigation of legal issues.".

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 1167. A bill to amend the Tariff Act of 1930 to clarify the method for calculating cost of production for purposes of determining antidumping margins; to the Committee on Finance.

THE TARIFF ACT OF 1930 ANTIDUMPING CLARIFICATION AMENDMENT ACT OF 1997

Mr. INOUYE. Mr. President, I rise to introduce legislation that would make very minor changes to the antidumping provisions of the Tariff Act of 1930. This bill will clarify Commerce Department authority to allocate costs in antidumping cases consistent with sound accounting principles and commercial reality. Although the antidumping law generally affords the Commerce Department wide latitude in determining proper cost allocations in antidumping cases, developing case law in this area severely limits the ability of the Department to calculate accurate dumping margins. Specifically, these cases interpret the current antidumping statute to prevent the Department from relying on cost allocations based on revenues, even though revenue-based allocations are widely accepted in the accounting profession and often are most appropriate in particular fact situations.

This bill would not require a particular kind of cost allocation in any given case. Rather, the proposal would clarify the Department of Commerce's authority to use any appropriate cost allocation methodology, including a revenue-based methodology, consistent with generally accepted accounting principles and the particular facts of the case at hand.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF RULES FOR CALCULATING COST OF PRODUCTION AND CONSTRUCTED VALUE.

Section 773(f)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1677b(f)(1)(A)) is amended—

(1) by striking "Costs" and inserting "(i) CALCULATION OF COSTS.—Costs";

(2) by striking "The Administering authority" and inserting "(ii) ALLOCATION OF COSTS.—

"(I) GENERAL RULE.—The administering authority";

(3) by indenting the text so as to align clauses (i) and (ii) (as added by paragraphs (1) and (2)) with clause (i) of subparagraph (C) of such section 773(f)(1)); and

(4) by adding at the end the following:

"(II) METHODS FOR ALLOCATING COST OF PRODUCTION.—In determining the proper allocation of costs, the administering authority may use value-based methodology, weight-based cost methodology, or any other methodology that is consistent with generally accepted accounting principles of the exporter country (or producing country, where appropriate) and that reasonably reflects the costs associated with the production and sale of each product.".

(b) APPLICATION TO CANADA AND MEXICO.—Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act, the amendments made by this section shall apply with respect to goods from Canada and Mexico.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to—

(1) investigations initiated—

(A) on the basis of petitions filed under section 732(b) or 783(b) of the Tariff Act of 1930 after January 1, 1995; or

(B) by the administering authority under section 732(a) of such Act after such date;

(2) reviews initiated under section 751 of such Act—

(A) by the administering authority or the Commission on their own initiative after such date; or

(B) pursuant to a request filed after such date;

(3) petitions filed under section 780 of such Act after such date; and

(4) inquiries initiated under section 781 of such Act—

(A) by the administering authority on its initiative after such date; or

(B) pursuant to a request filed after such date.

By Mr. REED:

S. 1169. A bill to establish professional development partnerships to improve the quality of America's teachers and the academic achievement of students in the classroom, and for other purposes; to the Committee on Labor and Human Resources.

THE TEACHER EXCELLENCE IN AMERICA CHALLENGE ACT OF 1997

Mr. REED. Mr. President, we all recognize the need for qualified, well-trained and dedicated teachers to improve the education of students throughout the United States. Unfortunately, many students who are just returning from their summer vacations are entering classrooms where teachers have not been so prepared, who are not as qualified as they should be, and this, of course, impacts tremendously on the productivity and the excellence of American education.

Today I am introducing legislation which I believe will change fundamentally the way teachers are trained and, thus, improve the quality of teaching in America's classrooms. This is absolutely critical, since over the next decade, 2 million new teachers will need to be hired. This is the result of a combination of retirements of existing teachers, together with the increase in student population which is taking place throughout the United States.

Last year's report by the National Commission on Teaching and America's Future entitled, "What Matters Most: Teaching for America's Future", shed light on the disheartening state of the teaching profession in the United States: more than 12 percent of all newly hired teachers have no training whatsoever in educational technique and pedagogy; more than 14 percent enter the teaching profession without meeting State standards; 23 percent of all secondary teachers do not have even a minor in the main teaching field which they have been hired to perform, including more than 30 percent of mathematics teachers; and, in schools with the highest minority enrollments, students have less than a 50-percent chance of getting a science or mathematics teacher who holds a license and degree in the field which they are teaching.

These findings were echoed also in "Quality Counts: A Report Card on the Condition of Public Education in the 50 States," which was published this past January by Education Week. This report notes that on average, 4 out of 10 secondary teachers do not have a degree in the subjects they teach; there are too many unlicensed teachers in America's classrooms; and too few of our prospective teachers receive the high-quality education they need to be effective teachers.

Overall, this report rated the States, and the average was C. No State received an A, and there were only eight B's: California, Colorado, Georgia, Kentucky, Massachusetts, Minnesota, Nebraska, and Vermont. Three States received D's for their teaching: Arizona, Hawaii, and Idaho. And the rest, including my State of Rhode Island, received a gentleman's C, which in today's competitive world is unsatisfactory for the future of our country and the success of our children.

It must be noted that teacher quality varies tremendously; that in different classrooms in the same schools, you will see outstanding teachers in one and less qualified teachers in another. Many students are taught by a qualified teacher who understands their subject and how to teach students to excel. But not all students are so fortunate. These students are being deprived essentially of the quality education they need because their teacher is not well prepared and not qualified.

"What teachers know and do is the most important reflection on what students learn" is the first premise of the National Commission on Teaching and America's Future.

Given the statistics I just recited about the current state of teaching in America, it is no wonder American students are failing to make the grade in a very competitive world. Indeed, a study which compared high- and low-achieving elementary schools with similar student characteristics found that more than 90 percent of the variation in achievement in math and reading was directly attributable to differences in the qualifications of the teachers in those schools.

It is also no wonder that American students don't fare well in international comparisons. The results of the eighth-grade Third International Mathematics and Science Study found that these students barely scored above the world average in science and below the world average in mathematics. And today, being mediocre is insufficient in order to face the challenges of a very complex world.

Even though much has been done to address teacher quality, the truth is that the current system of teacher preparation does not give teachers a fair chance at success. Prospective teachers, those in training in our Nation's teacher colleges, are not likely to be provided with the panoply of experiences which they need, such as actual classroom time, structured practice opportunities, a talented and experienced teacher as a mentor, and the skills to work with diverse student populations.

These are the tools they need to be adequately prepared and, sadly, many do not receive this help while they are in teacher preparation. Indeed, as the 1996 report by the National Commission on Teaching and America's Future notes, traditional teacher education programs are failing because they are too short, too fragmented and they use textbooks rather than active hands-on teaching methods. They also neglect to develop some of the ideas and concepts that are critical to success, such as working in teams and using technology.

Sadly, I believe there is a real disconnect between the teacher colleges that prepare teachers and the elementary and secondary schools that hire them to teach the children of America. Consequently, beginning teachers are thrown into classrooms without the skills to succeed. As Linda Darling-Hammond, the Executive Director of the National Commission on Teaching and America's Future, writes, the message given to these teachers in the beginning of the school year is "Figure it out yourself. We'll see you in June. . . if you make it that long!"

Due to this sink-or-swim method of teacher preparation, some teachers do not make it to June or survive past the first few years of teaching. As a USA Today article from earlier this year points out, 17 percent of new teachers leave the classroom after 1 year, and a 1987 study by Grissmer and Kirby estimated that 30 to 50 percent of new teachers leave the profession within 3 to 5 years.

Add to this defection from the ranks of the profession the increased student enrollment due to the continuing Baby Boom Echo which will reach a record 52.2 million in 1997 and, indeed, increase each year through 2006, and impending retirements of many of our teachers. This situation creates a tremendous challenge and a need to prepare over 2 million new teachers to face the next century.

The time is ripe to face this challenge. We must do so now before public support for education wanes. By enacting needed reforms and changes in how we prepare and continue the development of teachers, we can guarantee the success of both students and teachers.

We must directly connect our teacher preparation and development system to our elementary and secondary schools. Our future teachers need and deserve the kind of hands-on training and "real world" experience they will get from more exposure and practice in today's classrooms, as well as the mentoring and assistance they will receive from our best and most experienced veteran teachers. My bill accomplishes this by fostering partnerships between the teacher colleges at our Nation's institutions of higher education and elementary and secondary schools.

These partners should work in concert to prepare teachers adequately and keep their skills updated by working jointly to develop enhanced curricula and mentoring activities, as well as to research and implement sound teaching and learning practices.

As Jerrald Shrive wrote in "Lessons from Restructuring Experiences: Stories of Change in Professional Development Schools":

> . . . educational partnerships and collaborations [between schools and universities] can be one significant piece of the actions necessary to move all of education to more productive levels.

These premises underlie the legislation I introduce today. The Teacher Excellence in America Challenge Act or the TEACH Act, aims to improve the continuum of professional development from preservice preparation to the induction of new teachers to the improvement of veteran teachers, all of this designed to increase the achievement of our students.

My legislation establishes a competitive 5-year grant program to provide grants to professional development partnerships consisting of institutions of higher education, public elementary and secondary schools, local educational agencies, and others, such as the State educational agency, teacher organizations, or nonprofit organizations. These partnerships must be based upon a mutual commitment to improve teaching and learning.

These partnerships would use grant funding to support, as well as create, professional development schools, a reform that has been employed across this country and other industrialized nations and has shown success in increasing student achievement, better preparing prospective and beginning teachers, and providing critical ongoing opportunities for the professional development of veteran teachers.

Professional development schools involve shared responsibility and cooperation between the institutions of higher education that prepare teachers and the public elementary and secondary schools that employ teachers, a system similar to teaching hospitals.

An example of a professional development school can be found at the Sullivan School in Newport, RI. It is in a partnership with Salve Regina University. At the Sullivan School, Salve Regina students are given opportunities to practice teaching in a real classroom. Sullivan teachers are involved in observing these Salve Regina students, and they can also utilize the resources of Salve Regina University for professional development opportunities. Sullivan students go on field trips to Salve

Regina for both higher education and career awareness activities, and the parents of these Sullivan students are also involved and are also provided opportunities for education and training.

This is a model of one possible way to use professional development schools to enhance the preparation of teachers, the education of students, and the involvement of parents.

Additional components of the TEACH Act include forging links between a university's school of education and their schools of arts and sciences. We have found in our discussions and research that many times within the university itself there is no collaboration, connection and concentration. This legislation will foster such cooperation.

The TEACH Act also encourages the development of mentoring programs in which senior expert teachers would help younger teachers. It emphasizes technology training, which is a key piece now of higher education everywhere, and it recognizes that in order to be a good teacher, you have to have time to prepare to be a good teacher. It also would create a cadre of quality teachers that would act as a resource to enhance the professional development of all teachers and reestablishes principals as educational leaders.

This is not a giveaway grant program. The TEACH Act offers resources to partnerships but it demands results. Strong evaluation provisions in the TEACH Act require that partnerships demonstrate increased student achievement, improved teacher preparation, increased opportunities for professional development, and also it insists that well-qualified teachers be placed in the classroom in order to continue to receive this grant funding.

In addition, the legislation requires an independent national evaluation of the short-term and long-term impacts and outcomes of these professional development partnerships.

Mr. President, given the growing need to update and improve the teacher training in this country, I expect we will see other proposals to address this problem offered in this body. I would be concerned if such proposals fell short on what we must accomplish by block granting training programs or failing to approach the kind of rigor that is included in the legislation I submit today. We have to have a rigorous and demanding legislative agenda in order to inspire and act as a catalyst for better teacher training across the country. Better teacher training will lead to better teachers. And better teachers will lead to better education and a better future for our children.

My legislation puts us on track to answering the call of the National Commission on Teaching and America's Future to provide every student in America with access to competent, qualified, and dedicated teaching by the year 2006.

I urge my colleagues to join me in this essential endeavor and to support the TEACH Act and help reform our system of teacher training as well as update the skills of teachers already in the classroom.

Mr. President, I ask unanimous consent that a copy of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEACHER EXCELLENCE IN AMERICA CHALLENGE.

Part A of title V of the Higher Education Act of 1965 (20 U.S.C. 1102 et seq.) is amended to read as follows:

"PART A—TEACHER EXCELLENCE IN AMERICA CHALLENGE

"SEC. 501. SHORT TITLE.

"This part may be cited as the 'Teacher Excellence in America Challenge Act of 1997'.

"SEC. 502. PURPOSE.

"The purpose of this part is to improve the preparation and professional development of teachers and the academic achievement of students by encouraging partnerships among institutions of higher education, elementary schools or secondary schools, local educational agencies, State educational agencies, teacher organizations, and nonprofit organizations.

"SEC. 503. GOALS.

"The goals of this part are as follows:

"(1) To support and improve the education of students and the achievement of higher academic standards by students, through the enhanced professional development of teachers.

"(2) To ensure a strong and steady supply of new teachers who are qualified, well-trained, and knowledgeable and experienced in effective means of instruction, and who represent the diversity of the American people, in order to meet the challenges of working with students by strengthening preservice education and induction of individuals into the teaching profession.

"(3) To provide for the continuing development and professional growth of veteran teachers.

"(4) To provide a research-based context for reinventing schools, teacher preparation programs, and professional development programs, for the purpose of building and sustaining best educational practices and raising student academic achievement.

"SEC. 504. DEFINITIONS.

"In this part:

"(1) ELEMENTARY SCHOOL.—The term "elementary school" means a public elementary school.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution of higher education that—

"(A) has a school, college, or department of education that is accredited by an agency recognized by the Secretary for that purpose; or

"(B) the Secretary determines has a school, college, or department of education of a quality equal to or exceeding the quality of schools, colleges, or departments so accredited.

"(3) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(4) PROFESSIONAL DEVELOPMENT PARTNERSHIP.—The term 'professional development partnership' means a partnership among 1 or more institutions of higher education, 1 or more elementary schools or secondary schools, and 1 or more local educational agency based on a mutual commitment to improve teaching and learning. The partnership may include a State educational agency, a teacher organization, or a nonprofit organization whose primary purpose is education research and development.

"(5) PROFESSIONAL DEVELOPMENT SCHOOL.—The term 'professional development school' means an elementary school or secondary school that collaborates with an institution of higher education for the purpose of—

"(A) providing high quality instruction to students and educating students to higher academic standards;

"(B) providing high quality student teaching and internship experiences at the school for prospective and beginning teachers; and

"(C) supporting and enabling the professional development of veteran teachers at the school, and of faculty at the institution of higher education.

"(6) SECONDARY SCHOOL.—The term 'secondary school' means a public secondary school.

"(7) TEACHER.—The term 'teacher' means an elementary school or secondary school teacher."

"SEC. 505. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—From the amount appropriated under section 511 and not reserved under section 509 for a fiscal year, the Secretary may award grants, on a competitive basis, to professional development partnerships to enable the partnerships to pay the Federal share of the cost of providing teacher preparation, induction, classroom experience, and professional development opportunities to prospective, beginning, and veteran teachers while improving the education of students in the classroom.

"(b) DURATION; PLANNING.—The Secretary shall award grants under this part for a period of 5 years, the first year of which may be used for planning to conduct the activities described in section 506.

"(c) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

"(1) PAYMENTS.—The Secretary shall make annual payments pursuant to a grant awarded under this part.

"(2) FEDERAL SHARE.—The Federal share of the costs described in subsection (a)(1) shall be 80 percent.

"(3) NON-FEDERAL SHARE.—The non-Federal share of the costs described in subsection (a)(1) may be in cash or in-kind, fairly evaluated.

"(d) CONTINUING ELIGIBILITY.—

"(1) 2ND AND 3D YEARS.—The Secretary may make a grant payment under this section for each of the 2 fiscal years after the first fiscal year a professional development partnership receives such a payment, only if the Secretary determines that the partnership, through the activities assisted under this part, has made reasonable progress toward meeting the criteria described in paragraph (3).

"(2) 4TH AND 5TH YEARS.—The Secretary may make a grant payment under this section for each of the 2 fiscal years after the third fiscal year a professional development partnership receives such a payment, only if the Secretary determines that the partnership, through the activities assisted under this part, has met the criteria described in paragraph (3).

"(3) Criteria.—The criteria referred to in paragraphs (1) and (2) are as follows:

"(A) Increased student achievement as determined by increased graduation rates, decreased dropout rates, or higher scores on local, State, or national assessments for a year compared to student achievement as determined by the rates or scores, as the case may be, for the year prior to the year for which a grant under this part is received.

"(B) Improved teacher preparation and development programs, and student educational programs.

"(C) Increased opportunities for enhanced and ongoing professional development of teachers.

"(D) An increased number of well-prepared individuals graduating from a school, college, or department of education within an institution of higher education and entering the teaching profession.

"(E) Increased recruitment to, and graduation from, a school, college, or department of education within an institution of higher education with respect to minority individuals.

"(F) Increased placement of qualified and well-prepared teachers in elementary schools or secondary schools, and increased assignment of such teachers to teach the subject matter in which the teachers received a degree or specialized training.

"(G) Increased dissemination of teaching strategies and best practices by teachers associated with the professional development school and faculty at the institution of higher education.

"(e) Priority.—In awarding grants under this part, the Secretary shall give priority to professional development partnerships serving elementary schools, secondary schools, or local educational agencies, that serve high percentages of children from families below the poverty line.

"SEC. 506. AUTHORIZED ACTIVITIES.

"(a) In General.—Each professional development partnership receiving a grant under this part shall use the grant funds for—

"(1) creating, restructuring, or supporting professional development schools;

"(2) enhancing and restructuring the teacher preparation program at the school, college, or department of education within the institution of higher education, including—

"(A) coordinating with, and obtaining the participation of, schools, colleges, or departments of arts and science;

"(B) preparing teachers to work with diverse student populations; and

"(C) preparing teachers to implement research-based, demonstrably successful, and replicable, instructional programs and practices that increase student achievement;

"(3) incorporating clinical learning in the coursework for prospective teachers, and in the induction activities for beginning teachers;

"(4) mentoring of prospective and beginning teachers by veteran teachers in instructional skills, classroom management skills, and strategies to effectively assess student progress and achievement;

"(5) providing high quality professional development to veteran teachers, including the rotation, for varying periods of time, of veteran teachers—

"(A) who are associated with the partnership to elementary schools or secondary schools not associated with the partnership in order to enable such veteran teachers to act as a resource for all teachers in the local educational agency or State; and

"(B) who are not associated with the partnership to elementary schools or secondary schools associated with the partnership in order to enable such veteran teachers to observe how teaching and professional development occurs in professional development schools;

"(6) preparation time for teachers in the professional development school and faculty of the institution of higher education to jointly design and implement the teacher preparation curriculum, classroom experiences, and ongoing professional development opportunities;

"(7) preparing teachers to use technology to teach students to high academic standards;

"(8) developing and instituting ongoing performance-based review procedures to assist and support teachers' learning;

"(9) activities designed to involve parents in the partnership;

"(10) research to improve teaching and learning by teachers in the professional development school and faculty at the institution of higher education; and

"(11) activities designed to disseminate information, regarding the teaching strategies and best practices implemented by the professional development school, to—

"(A) teachers in elementary schools or secondary schools, which are served by the local educational agency or located in the State, that are not associated with the professional development partnership; and

"(B) institutions of higher education in the State.

"(b) Construction Prohibited.—No grant funds provided under this part may be used for the construction, renovation, or repair of any school or facility.

"SEC. 507. APPLICATIONS.

"Each professional development partnership desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

"(1) describe the composition of the partnership;

"(2) describe how the partnership will include the participation of the schools, colleges, or departments of arts and sciences within the institution of higher education to ensure the integration of pedagogy and content in teacher preparation;

"(3) identify how the goals described in section 503 will be met and the criteria that will be used to evaluate and measure whether the partnership is meeting the goals;

"(4) describe how the partnership will restructure and improve teaching, teacher preparation, and development programs at the institution of higher education and the professional development school, and how such systemic changes will contribute to increased student achievement;

"(5) describe how the partnership will prepare teachers to implement research-based, demonstrably successful, and replicable, instructional programs and practices that increase student achievement;

"(6) describe how the teacher preparation program in the institution of higher education, and the induction activities and ongoing professional development opportunities in the professional development school, incorporate—

"(A) an understanding of core concepts, structure, and tools of inquiry as a foundation for subject matter pedagogy; and

"(B) knowledge of curriculum and assessment design as a basis for analyzing and responding to student learning;

"(7) describe how the partnership will prepare teachers to work with diverse student populations, including minority individuals and individuals with disabilities;

"(8) describe how the partnership will prepare teachers to use technology to teach students to high academic standards;

"(9) describe how the research and knowledge generated by the partnership will be disseminated to and implemented in—

"(A) elementary schools or secondary schools served by the local educational agency or located in the State; and

"(B) institutions of higher education in the State;

"(10)(A) describe how the partnership will coordinate the activities assisted under this part with other professional development activities for teachers, including activities assisted under titles I and II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq., 6601 et seq.), the Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.); and

"(B) describe how the activities assisted under this part are consistent with Federal and State educational reform activities that promote student achievement of higher academic standards;

"(11) describe which member of the partnership will act as the fiscal agent for the partnership and be responsible for the receipt and disbursement of grant funds under this part;

"(12) describe how the grant funds will be divided among the institution of higher education, the elementary school or secondary school, the local educational agency, and any other members of the partnership to support activities described in section 506;

"(13) provide a description of the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, and time commitments; and

"(14) describe the commitment of the partnership to continue the activities assisted under this part without grant funds provided under this part.

"SEC. 508. ASSURANCES.

"Each application submitted under this part shall contain an assurance that the professional development partnership—

"(1) will enter into an agreement that commits the members of the partnership to the support of students' learning, the preparation of prospective and beginning teachers, the continuing professional development of veteran teachers, the periodic review of teachers, standards-based teaching and learning, practice-based inquiry, and collaboration among members of the partnership;

"(2) will use teachers of excellence, who have mastered teaching techniques and subject areas, including teachers certified by the National Board for Professional Teaching Standards, to assist prospective and beginning teachers;

"(3) will provide for adequate preparation time to be made available to teachers in the professional development school and faculty at the institution of higher education to allow the teachers and faculty time to jointly develop programs and curricula for prospective and beginning teachers, ongoing professional development opportunities, and the other authorized activities described in section 506; and

"(4) will develop organizational structures that allow principals and key administrators to devote sufficient time to adequately participate in the professional development of their staffs, including frequent observation and critique of classroom instruction.

"SEC. 509. NATIONAL ACTIVITIES.

"(a) IN GENERAL.—The Secretary shall reserve a total of not more than 10 percent of the amount appropriated under section 511 for each fiscal year for evaluation activities under subsection (b), and the dissemination of information under subsection (c).

"(b) NATIONAL EVALUATION.—The Secretary, by grant or contract, shall provide for an annual, independent, national evaluation of the activities of the professional development partnerships assisted under this part. The evaluation shall be conducted not later than 3 years after the date of enactment of the Teacher Excellence in America Challenge Act of 1997 and each succeeding year thereafter. The Secretary shall report to Congress and the public the results of such evaluation. The evaluation, at a minimum, shall assess the short-term and long-term impacts and outcomes of the activities assisted under this part, including—

"(1) the extent to which professional development partnerships enhance student achievement;

"(2) how, and the extent to which, professional development partnerships lead to improvements in the quality of teachers;

"(3) the extent to which professional development partnerships improve recruitment and retention rates among beginning teachers, including beginning minority teachers; and

"(4) the extent to which professional development partnerships lead to the assignment of beginning teachers to public elementary or secondary schools that have a shortage of teachers who teach the subject matter in which the teacher received a degree or specialized training.

"(c) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate information (including creating and maintaining a national database) regarding outstanding professional development schools, practices, and programs.

"SEC. 510. SUPPLEMENT NOT SUPPLANT.

"Funds appropriated under section 511 shall be used to supplement and not supplant other Federal, State, and local public funds expended for the professional development of elementary school and secondary school teachers.

"SEC. 511. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this part $100,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 through 2003.".

SEC. 2. REPEALS.

Part B of title V of the Higher Education Act of 1965 (20 U.S.C. 1103 et seq.), subparts 1 and 3 of part C of such title (20 U.S.C. 1104 et seq., 1106 et seq.), subparts 3 and 4 of part D of such title (20 U.S.C. 1109 et seq., 1110 et seq.), subpart 1 of part E of such title (20 U.S.C. 1111 et seq.), and part F of such title (20 U.S.C. 1113 et seq.), are repealed.

By Ms. SNOWE:

S. 1170. A bill to establish a training voucher system, and for other purposes; to the Committee on Labor and Human Resources.

THE WORKING AMERICAN TRAINING VOUCHER ACT OF 1997

Ms. SNOWE. Mr. President. I rise today to introduce legislation that will address a serious need of America's workers: The need to receive training that will prepare individuals for the workplace of the 21st century. My legislation, entitled the "Working American Training Voucher Act," would provide $1,000 training vouchers to 1 million working men and women who typically have little or no access to employer-provided training.

Mr. President, many Federal programs focus on the needs of those whose challenges and difficulties are most easily recognized and tangible. When we see a hungry child, an unemployed adult, or an impoverished senior citizen, we justifiably want to reach out and do what we can to help. Indeed, I am proud to be an active voice for those whose challenges and pains we can sometimes only imagine. However, it is oftentimes difficult to recognize the needs of those whose challenges are less tangible, whose concerns are less evident, or whose sense of insecurity about the future is known only by the individual and their family.

It is this difficulty that confronts many American workers today. In the face of increasing global competition, many workers wonder if the job they have today will be there for them tomorrow. They are concerned that the advent of new technologies is making their skills and talents less useful for their current employers which, in turn, makes them feel more vulnerable and expendable. And they wonder if the skills they posses today are even marketable if they are downsized or otherwise put out of work.

Unfortunately, these types of concerns and anxieties oftentimes do not show on the surface, so it can be difficult for others to recognize or address them. It is too easy for many to assume that because a man or woman is already holding down a job, all is well and his or her future is secure. After all, how bad can it be if you're punching a time clock and getting a paycheck? Unfortunately, such a view is not only shortsighted, it is also misguided and could prove disastrous.

We should not wait until a worker has been laid off from their job, or a company shuts its doors and shutters its windows, to take steps to help the American worker. Rather, we should take steps to ensure that our Nation's work force is confident of their future and feels prepared to address the changes that tomorrow will bring. Not only does this help the individual, but I think we would all agree that the best way to reduce the impact and cost of unemployment is to take steps to keep those who are already employed on the job.

Admittedly, many policies and decisions play an integral role in creating a vibrant job market. The tax burden we place on businesses, the trade agreements we sign with foreign governments, and the regulatory load we place on employers all have a significant impact on our economy's ability to produce and sustain good jobs. However, for the individual, many of these polices seem too macro to have an impact on their own employment prospects. In fact, an individual may not even recognized the direct impact these broader policies have on their job from day to day.

There is, however, one issue that truly strikes at the heart of how an individual feels about the future: The degree to which he or she knows that their skills match the needs of their current employer or other prospective employers in the marketplace. Without this knowledge, it does not matter to an individual if the unemployment rate is as low as economists consider the natural rate of unemployment or if the newspapers tell him or her that the economy couldn't be better. The simple fact is that unless an individual personally feels that their skills are up-to-date and marketable, there will never be a complete sense of security on the job from one day to the next.

And that's what the legislation I am introducing today is all about. The Working American Training Voucher Act addresses the needs of the average American worker—the individual who has a job today, but doesn't know if he or she has the skills needed for the jobs of tomorrow. The person who's collecting a paycheck now, but is concerned that the rapidly changing work environment may put an end to that soon.

Mr. President, we all know new technologies and new products are entering the workplace at an unprecedented rate and the changes these technologies bring are substantial. Few professions and few jobs have gone untouched by these changes—and even fewer will be immune from change in the future. Indeed, just as computers have changed the face of manufacturing, they have also changed the world of art and design. Even labor intensive tasks at assembly shops have taken on a high-tech flair thanks to new technologies.

For an individual who understands these technologies or received training in their use, these changes present exciting new opportunities that improve performance and ultimately give one a sense of assurance that their skills are in demand. But for those who do not understand these technologies or do not receive training in their use, these technologies are nothing more than a threat and cause for anxiety.

Regrettably, even as the demand for training at all levels in the workplace continues to grow because of these changing technologies, the United States has historically lagged far behind our global competitors in training workers. In fact, a study by the Congressional Office of Technology Assessment concluded: "When measured by international standards, most American workers are not well trained."

While some U.S. companies devote a substantial amount of money to training, many of our global competitors spend considerably more. A study by the American Society for Training and Development highlighted this point when it found that U.S. companies spend—in the aggregate—approximately 1.4 percent of their payroll on training, while a number of our competitor nations actually require companies to spend 2 to 4 percent. While I would not espouse a mandatory training budget for any business, I believe we can and should seek to improve the availability of training for our Nation's workers—and especially for those who need it most but are least likely to receive it. And that's precisely who the working American training voucher is designed to reach.

Mr. President, the working American training voucher would provide access to critically needed training for workers at businesses with 200 or fewer employees. Why is it targeted to workers in small businesses? Quite simply, because these are the individuals who are the least likely to receive—or be offered—employer-provided training. The same report by the Congressional Office of Technology Assessment summarized the plight of employees at small businesses quite succinctly: "Many (employees) in smaller firms receive no formal training."

A recent report—completed by Prof. Craig Olson at the University of Wisconsin-Madison and presented to the Senate Manufacturing Task Force this past September—looked at the difference between the likelihood an individual would receive training and the level of educational achievement he or she attained, or the field he or she chose to enter. Dr. Olson's study found that individuals with a bachelor's or master's degree had a 50 percent chance of receiving training in the past year, while individuals with a high school diploma had only a 17 percent chance. Those who dropped out of high school fared even worse; their odds of receiving training were only 5 percent.

When viewed by occupation, individuals who worked in production- or service-related jobs had only a 16 percent and 18 percent chance of receiving training respectively, while those in management had a 50 percent chance. When considering that only one in four American workers received training in the past 12 months, these odds don't bode well for many employees at small businesses whose educational attainment and occupations fall in the categories that are the least likely to receive training.

One might understandably ask: Why is it that small businesses often provide so little training? The answer: cost. Small businesses are quite often unable to afford the cost of sending an employee to a training program. When your business is just trying to make ends meet, it's impossible to send an employee to a training class that costs the business both money and time away from work.

Mr. President, the working American training voucher is designed to address this problem in a straightforward and efficient way. These vouchers—valued at up to $1,000 each—would be made available to employees at small businesses through the existing job training system that is already in place as a result of the Job Training Partnership Act, or JTPA. As my colleagues in the Senate know, State and local governments—joined by the private sector—have primary responsibility for the development, management, and administration of job training programs in the JTPA, so no new distribution network would be necessary to conduct this voucher program.

The only major requirement for receiving a voucher would be that the employee and employer must agree on the specific training that will be purchased with the voucher. This will ensure that the training will be targeted specifically to the needs of the individual and the business—money would not be spent on generic training programs that teach skills that are of little, if any, use in a particular field or job. Furthermore, such an agreement will ensure that workers are actively engaged in pursuing training that will help their careers, even as employers will be urging employees to undertake training that will help the business.

The Senate Labor Committee will soon be preparing legislation to recraft and consolidate many of our federally-run job training programs in the JTPA. I am greatly concerned that none of our current 128 job training programs is specifically targeted to training for currently employed individuals—and I believe that the working American training voucher would fill this void for those who need access to this training the most. Therefore, I am hopeful that my legislation and this concept will be incorporated in the job training reform bill when it is reported from the Senate Labor Committee and is considered on the floor of the Senate.

Mr. President, I believe that as we prepare our work force for the next century, we should be encouraging workers to develop new skills that will improve their longevity in their current jobs even as they gain confidence that their skills will be needed in the future. Not only will these new skills increase the confidence and performance of the individual worker, but they will also improve the productivity of the business who employs them. And we all know that if we improve a business' productivity and output, that business is more likely to survive and thrive—which means that this voucher may ultimately assist in preserving businesses and jobs in the long run.

Furthermore, better skills and training will ensure that individuals are able to rapidly transition to new jobs in the unfortunate event their current job is lost for reasons beyond their control. Regardless of how favorable the Tax Code is made or how many burdensome regulations we remove, we will never be able to guarantee an individual that his or her job will be around forever. But we can provide a worker with access to training that will keep his or her skills up to date and marketable no matter what the future holds.

Mr. President, the working American training voucher would be a tangible, concrete, and definable program that would address a core issue facing American workers. It will ensure that those who typically have the least access to training will be able to acquire the skills needed for their current jobs, while improving their jobs in the future. It is targeted to those who are most in need of assistance, and will ensure that we no longer wait until an individual is out of work to provide help.

The Federal Government often promises the American people many things, but we can never offer peace of mind to a worker who doesn't know if his or her skills are adequate to keep them employed. Let's take a step in the right direction and at least ensure that those who have a job will not lose it due to a lack of access to training and new skills. Let's pass the Working American Training Voucher Act.

By Ms. MOSLEY-BRAUN:

S. 1171. A bill for the relief of Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Ms. MOSELEY-BRAUN. Mr. President, I am introducing this bill today to provide relief to Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas. These two individuals, who currently reside in Chicago, IL, face deportation later this month to the Dominican Republic as a result of an absurd technicality in current Federal immigration law.

Ms. Rojas has been denied citizenship because her mother was the child of a U.S. citizen female and foreign male. Previous law allowed only children of U.S. citizen males and foreign females to claim U.S. citizenship.

Simply put, Mrs. Rojas has been denied U.S. citizenship because she had the "misfortune" of having a U.S. citizen grandmother instead of a U.S. citizen grandfather.

In 1994, Senator Paul Simon passed the Immigration and Nationality and Technical Corrections Act, which allowed individuals born overseas before

1934 to U.S. citizen mothers, and their descendants, to claim U.S. citizenship. As a result of that 1994 law, the mother of Janina Rojas applied for U.S. citizenship, which she received in January 1996.

When Janina Rojas attempted to derive citizenship as a descendant of a direct beneficiary of the 1994 law, however, her application was denied. Despite the 1994 law, the Immigration and Naturalization Service requires that the mother of Janina Rojas meet transmission requirements: the mother must have been physically present in the U.S. for 10 years prior to Janina's birth, 5 of which were after the age of 16 years, in order for Janina to derive citizenship. Since her mother was prohibited from becoming a U.S. citizen until 1996, however, it is unreasonable to require that she was in the U.S. for 10 years.

Clearly, while 60 years of discriminatory law was corrected in 1994, the citizenship qualifications of the line of descendants of those U.S. citizen females remain adversely impacted.

On May 1 of this year, I introduced a bill, S. 677, the Equity In Transmission of Citizenship Act of 1997, that will waive the parental transmission requirement for the grandchildren of U.S. citizen females. That bill has been referred to the Senate Judiciary Committee. While I am hopeful S. 677 will be promptly approved, it may not be approved before September 27, the deportation date of Mr. and Mrs. Rojas. The private relief bill I introduce today will provide an extension for Mr. and Mrs. Rojas so that S. 677 can be taken up and passed.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provisions of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Janina Altagracia Castillo-Rojas and her husband, Diogenes Patrico Rojas, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

ADDITIONAL COSPONSORS

S. 294

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 294, a bill to amend chapter 51 of title 18, United States Code, to establish Federal penalties for the killing or attempted killing of a law enforcement officer of the District of Columbia, and for other purposes.

S. 623

At the request of Mr. INOUYE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 623, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 859

At the request of Mr. KYL, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 859, a bill to repeal the increase in tax on social security benefits.

S. 1037

At the request of Mr. JEFFORDS, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1037, a bill to amend the Internal Revenue Code of 1986 to establish incentives to increase the demand for and supply of quality child care, to provide incentives to States that improve the quality of child care, to expand clearing-house and electronic networks for the distribution of child care information, to improve the quality of child care provided through Federal facilities and programs, and for other purposes.

S. 1154

At the request of Mr. REED, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 1154, a bill to amend the Electronic Fund Transfer Act to clarify consumer liability for unauthorized transactions involving debit cards that can be used like credit cards, and for other purposes.

SENATE RESOLUTION 94

At the request of Mr. WARNER, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of Senate Resolution 94, a resolution commending the American Medical Association on its 150th anniversary, its 150 years of caring for the United States, and its continuing effort to uphold the principles upon which Nathan Davis, M.D. and his colleagues founded the American Medical Association to "promote the science and art of medicine and the betterment of public health."

SENATE RESOLUTION 119

At the request of Mr. FEINGOLD, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Resolution 119, a resolution to express the sense of the Senate that the Secretary of Agriculture should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers.

AMENDMENT NO. 1070

At the request of Mr. GREGG the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Iowa [Mr. HARKIN], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of amendment No. 1070 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1122

At the request of Mr. GORTON the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Indiana [Mr. COATS] were added as cosponsors of amendment No. 1122 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

At the request of Mr. BINGAMAN his name, and the names of the Senator from North Dakota [Mr. DORGAN], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of amendment No. 1122 proposed to S. 1061, supra.

SENATE CONCURRENT RESOLUTION 52—RELATIVE TO FTC RULING ON MADE IN USA LABELING

Mr. HOLLINGS (for himself and Mr. ABRAHAM) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 52

Whereas for the past several decades the "Made in USA" label has defined a product as having all or virtually all of its parts and labor originating in the United States;

Whereas the people of the United States depend upon the integrity of this label when purchasing products;

Whereas the label projects a sense of pride for American workmanship and value;

Whereas the Federal Trade Commission has proposed regulations to lower this standard to allow substantial amounts of a product to be of foreign origin;

Whereas lowering this standard will be a misrepresentation to consumers in the United States who presently believe products bearing the "Made in USA" label were all or virtually all made in the United States;

Whereas consumers in the United States are entitled to purchase products with the understanding that the labels on these products reflect consistent definitions; and

Whereas the Federal Trade Commission is responsible for safeguarding the consumer from unfair, deceptive, and fraudulent practices: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) maintains that the standard for the "Made in USA" label should continue to be that a product was all or virtually all made in the United States; and

(2) urges the Federal Trade Commission to refrain from lowering this standard at the expense of consumers and jobs in the United States.

Mr. HOLLINGS. Mr. President, today, along with Senator SPENCER ABRAHAM of Michigan, I am pleased to submit a resolution opposing a proposal by the Federal Trade Commission to allow the "Made in the USA" label to be applied by products that are not made in the United States. If the FTC's proposal were to take effect, it would result in misleading and inaccurate claims and could ultimately cause widespread deception and consumer confusion. Moreover, the FTC's proposal would encourage manufacturers to send U.S. jobs abroad.

The FTC's recent proposal would reverse 50 years of precedent by the use of the "Made in USA" label even for products with as much as 25 percent or more, foreign labor or materials if they were substantially transformed in the United States. In some instances this could result in a product being labeled as "Made in the USA", even if all of the product's materials or components were made abroad.

Under current rules, products can only be labeled as made in the USA. If all or virtually all of the products is made in the United States. This strict rule ensures that American consumers can rely on the assertions made by manufacturers, on U.S. made products. American consumers have come to rely on this label, as insurance that the components, materials, and labor used to make the product are from the United States. To change the standard would invite confusion and undermine the value of the made in the USA label.

The FTC's proposal is opposed by many of the country's leading consumer groups, including the National Consumer's League, the National Council of Senior Citizens, and Citizen Action. Moreover, many leading manufacturers, agriculture groups, and labor unions oppose changes to the current standard. In my State of South Carolina one of our pre-eminent manufactures, Nucor Steel Corp., is among the corporations opposed to the FTC changes.

In addition, by permitting manufacturers to mislabel their products, the FTC is encouraging American employers to transfer manufacturing of components or materials abroad. Because consumers prefer products made in the United States, the "Made in USA" label is strong incentive for manufacturers to keep jobs in the United States. By permitting manufacturers to shift manufacturing abroad where they can pay lower wages and still maintain the benefits of labeling products as made in the USA, the FTC is explicitly encouraging the transfer of jobs abroad.

AMENDMENTS SUBMITTED

THE FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997 PRESCRIPTION DRUG USERS FEE REAUTHORIZATION ACT OF 1997

JEFFORDS AMENDMENT NO. 1130

Mr. JEFFORDS proposed an amendment to the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food and Drug Administration Modernization and Accountability Act of 1997".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

TITLE I—IMPROVING PATIENT ACCESS

Sec. 101. Mission of the Food and Drug Administration.
Sec. 102. Expanded access to investigational therapies.
Sec. 103. Expanded humanitarian use of devices.

TITLE II—INCREASING ACCESS TO EXPERTISE AND RESOURCES

Sec. 201. Interagency collaboration.
Sec. 202. Sense of the committee regarding mutual recognition agreements and global harmonization efforts.
Sec. 203. Contracts for expert review.
Sec. 204. Accredited-party reviews.
Sec. 205. Device performance standards.

TITLE III—IMPROVING COLLABORATION AND COMMUNICATION

Sec. 301. Collaborative determinations of device data requirements.
Sec. 302. Collaborative review process.

TITLE IV—IMPROVING CERTAINTY AND CLARITY OF RULES

Sec. 401. Policy statements.
Sec. 402. Product classification.
Sec. 403. Use of data relating to premarket approval.
Sec. 404. Consideration of labeling claims for product review.
Sec. 405. Certainty of review timeframes.
Sec. 406. Limitations on initial classification determinations.
Sec. 407. Clarification with respect to a general use and specific use of a device.
Sec. 408. Clarification of the number of required clinical investigations for approval.
Sec. 409. Prohibited acts.

TITLE V—IMPROVING ACCOUNTABILITY

Sec. 501. Agency plan for statutory compliance and annual report.

TITLE VI—BETTER ALLOCATION OF RESOURCES BY SETTING PRIORITIES

Sec. 601. Minor modifications.
Sec. 602. Environmental impact review.
Sec. 603. Exemption of certain classes of devices from premarket notification requirement.
Sec. 604. Evaluation of automatic class III designation.
Sec. 605. Secretary's discretion to track devices.
Sec. 606. Secretary's discretion to conduct postmarket surveillance.
Sec. 607. Reporting.
Sec. 608. Pilot and small-scale manufacture.
Sec. 609. Requirements for radiopharmaceuticals.
Sec. 610. Modernization of regulation of biological products.
Sec. 611. Approval of supplemental applications for approved products.
Sec. 612. Health care economic information.
Sec. 613. Expediting study and approval of fast track drugs.
Sec. 614. Manufacturing changes for drugs and biologics.
Sec. 615. Data requirements for drugs and biologics.
Sec. 616. Food contact substances.
Sec. 617. Health claims for food products.
Sec. 618. Pediatric studies marketing exclusivity.
Sec. 619. Positron emission tomography.
Sec. 620. Disclosure.
Sec. 621. Referral statements relating to food nutrients.

TITLE VII—FEES RELATING TO DRUGS

Sec. 701. Short title.
Sec. 702. Findings.
Sec. 703. Definitions.
Sec. 704. Authority to assess and use drug fees.
Sec. 705. Annual reports.
Sec. 706. Effective date.
Sec. 707. Termination of effectiveness.

TITLE VIII—MISCELLANEOUS

Sec. 801. Registration of foreign establishments.
Sec. 802. Elimination of certain labeling requirements.
Sec. 803. Clarification of seizure authority.
Sec. 804. Intramural research training award program.
Sec. 805. Device samples.
Sec. 806. Interstate commerce.
Sec. 807. National uniformity for nonprescription drugs and cosmetics.
Sec. 808. Information program on clinical trials for serious or life-threatening diseases.
Sec. 809. Application of Federal law to the practice of pharmacy compounding.
Sec. 810. Reports of postmarketing approval studies.
Sec. 811. Information exchange.
Sec. 812. Reauthorization of clinical pharmacology program.
Sec. 813. Monograph for sunburn products.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

TITLE I—IMPROVING PATIENT ACCESS

SEC. 101. MISSION OF THE FOOD AND DRUG ADMINISTRATION.

Section 903 (21 U.S.C. 393) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) Mission.—

"(1) In general.—The Administration shall protect the public health by ensuring that—

"(A) foods are safe, wholesome, sanitary, and properly labeled;

"(B) human and veterinary drugs and biologics are safe and effective;

"(C) there is reasonable assurance of safety and effectiveness of devices intended for human use;

"(D) cosmetics are safe; and

"(E) public health and safety are protected from electronic product radiation.

"(2) Special rules.—The Administration shall promptly and efficiently review clinical research and take appropriate action on the marketing of regulated products in a manner that does not unduly impede innovation or product availability. The Administration shall participate with other countries to reduce the burden of regulation, to harmonize regulatory requirements, and to achieve appropriate reciprocal arrangements with other countries.".

SEC. 102. EXPANDED ACCESS TO INVESTIGATIONAL THERAPIES.

Chapter V (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

"Subchapter D—Unapproved Therapies and Diagnostics

"SEC. 551. EXPANDED ACCESS TO UNAPPROVED THERAPIES AND DIAGNOSTICS.

"(a) Emergency Situations.—The Secretary may, under appropriate conditions determined by the Secretary, authorize the shipment of investigational drugs (including investigational biological products), or investigational devices, (as defined in regulations prescribed by the Secretary) for the diagnosis, monitoring, or treatment of a serious disease or condition in emergency situations.

"(b) Individual Patient Access to Investigational Products Intended for Serious Diseases.—Any person, acting through a physician licensed in accordance with State law, may request from a manufacturer or distributor, and any manufacturer or distributor may provide to such physician after compliance with the provisions of this subsection, an investigational drug (including an investigational biological product), or investigational device, (as defined in regulations prescribed by the Secretary) for the diagnosis, monitoring, or treatment of a serious disease or condition if—

"(1) the licensed physician determines that the person has no comparable or satisfactory alternative therapy available to diagnose, monitor, or treat the disease or condition involved, and that the risk to the person from the investigational drug or investigational device is not greater than the risk from the disease or condition;

"(2) the Secretary determines that there is sufficient evidence of safety and effectiveness to support the use of the investigational drug or investigational device in the case described in paragraph (1);

"(3) the Secretary determines that provision of the investigational drug or investigational device will not interfere with the initiation, conduct, or completion of clinical investigations to support marketing approval; and

"(4) the product sponsor, or clinical investigator, of the investigational drug or investigational device submits to the Secretary a clinical protocol consistent with the provisions of section 505(i) or 520(g) and any regulations promulgated under section 505(i) or 520(g) describing the use of investigational drugs or investigational devices in a single patient or a small group of patients.

"(c) Treatment INDs/IDEs.—Upon submission by a product sponsor or a physician of a protocol intended to provide widespread access to an investigational product for eligible patients, the Secretary shall permit an investigational drug (including an investigational biological product) or investigational device to be made available for expanded access under a treatment investigational new drug application or investigational device exemption (as the terms are described in regulations prescribed by the Secretary) if the Secretary determines that—

"(1) under the treatment investigational new drug application or investigational device exemption, the investigational drug or investigational device is intended for use in the diagnosis, monitoring, or treatment of a serious or immediately life-threatening disease or condition;

"(2) there is no comparable or satisfactory alternative therapy available to diagnose, monitor, or treat that stage of disease or condition in the population of patients to which the investigational drug or investigational device is intended to be administered;

"(3)(A) the investigational drug or investigational device is under investigation in a controlled clinical trial for the use described in paragraph (1) under an effective investigational new drug application or investigational device exemption; and

"(B) all clinical trials necessary for approval of that use of the investigational drug or investigational device have been completed;

"(4) the sponsor of the controlled clinical trials is actively pursuing marketing approval of the investigational drug or investigational device for the use described in paragraph (1) with due diligence;

"(5) the provision of the investigational drug or investigational device will not interfere with the enrollment of patients in ongoing clinical investigations under section 505(i) or 520(g);

"(6) in the case of serious diseases, there is sufficient evidence of safety and effectiveness to support the use described in paragraph (1); and

"(7) in the case of immediately life-threatening diseases, the available scientific evidence, taken as a whole, provides a reasonable basis to conclude that the product may be effective for its intended use and would not expose patients to an unreasonable and significant risk of illness or injury.

A protocol submitted under this subsection shall be subject to the provisions of section 505(i) or 520(g) and regulations promulgated under section 505(i) or 520(g). The Secretary may inform national, State, and local medical associations and societies, voluntary health associations, and other appropriate persons about the availability of an investigational drug or investigational device under expanded access protocols submitted under this subsection. The information provided by the Secretary, in accordance with the preceding sentence, shall be of the same type of information that is required by section 402(j)(3).

"(d) Termination.—The Secretary may, at any time, with respect to a person, manufacturer, or distributor described in this section, terminate expanded access provided under this section for an investigational drug (including an investigational biological product) or investigational device if the requirements under this section are no longer met.".

SEC. 103. EXPANDED HUMANITARIAN USE OF DEVICES.

Section 520(m) (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (2), by adding at the end the following flush sentences:

"The request shall be in the form of an application submitted to the Secretary. Not later than 75 days after the date of the receipt of the application, the Secretary shall issue an order approving or denying the application.";

(2) in paragraph (4)—

(A) in subparagraph (B), by inserting after "(2)(A)" the following: ", unless a physician determines that waiting for such an approval from an institutional review committee will cause harm or death to a patient, and makes a good faith effort to obtain the approval, and does not receive a timely response from an institutional review committee on the request of the physician for approval to use the device for such treatment or diagnosis"; and

(B) by adding at the end the following flush sentences:

"In a case in which a physician described in subparagraph (B) uses a device without an approval from an institutional review committee, the physician shall, after the use of the device, notify the chairperson of the institutional review committee of such use. Such notification shall include the identification of the patient involved, the date on which the device was used, and the reason for the use."; and

(3) by striking paragraph (5) and inserting the following:

"(5) The Secretary may require a person granted an exemption under paragraph (2) to demonstrate continued compliance with the requirements of this subsection if the Secretary believes such demonstration to be necessary to protect the public health or if the Secretary has reason to believe that the criteria for the exemption are no longer met.".

TITLE II—INCREASING ACCESS TO EXPERTISE AND RESOURCES

SEC. 201. INTERAGENCY COLLABORATION.

Section 903(b) (21 U.S.C. 393(b)), as added by section 101(2),. is amended by adding at the end the following:

"(3) Interagency collaboration.—The Secretary shall implement programs and policies that will foster collaboration between the Administration, the National Institutes of Health, and other science-based Federal agencies, to enhance the scientific and technical expertise available to the Secretary in the conduct of the duties of the Secretary with respect to the development, clinical investigation, evaluation, and postmarket monitoring of emerging medical therapies, including complementary therapies, and advances in nutrition and food science.".

SEC. 202. SENSE OF THE COMMITTEE REGARDING MUTUAL RECOGNITION AGREEMENTS AND GLOBAL HARMONIZATION EFFORTS.

It is the sense of the Committee on Labor and Human Resources of the Senate that—

(1) the Secretary of Health and Human Services should support the Office of the United States Trade Representative, in consultation with the Secretary of Commerce, in efforts to move toward the acceptance of mutual recognition agreements relating to

the regulation of drugs, biological products, devices, foods, food additives, and color additives, and the regulation of good manufacturing practices, between the European Union and the United States;

(2) the Secretary of Health and Human Services should regularly participate in meetings with representatives of other foreign governments to discuss and reach agreement on methods and approaches to harmonize regulatory requirements; and

(3) the Office of International Relations of the Department of Health and Human Services (as established under section 803 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 383)) should have the responsibility of ensuring that the process of harmonizing international regulatory requirements is continuous.

SEC. 203. CONTRACTS FOR EXPERT REVIEW.

Chapter IX (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

"SEC. 906. CONTRACTS FOR EXPERT REVIEW.

"(a) In General.—

"(1) Authority.—The Secretary may enter into a contract with any organization or any individual (who is not an employee of the Department) with expertise in a relevant discipline, to review, evaluate, and make recommendations to the Secretary on part or all of any application or submission (including a petition, notification, and any other similar form of request) made under this Act for the approval or classification of an article or made under section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) with respect to a biological product. Any such contract shall be subject to the requirements of section 708 relating to the confidentiality of information.

"(2) Increased efficiency and expertise through contracts.—The Secretary shall use the authority granted in paragraph (1) whenever the Secretary determines that a contract described in paragraph (1) will improve the timeliness or quality of the review of an application or submission described in paragraph (1), unless using such authority would reduce the quality, or unduly increase the cost, of such review. Such improvement may include providing the Secretary increased scientific or technical expertise that is necessary to review or evaluate new therapies and technologies.

"(b) Review of Expert Review.—

"(1) In general.—Subject to paragraph (2), the official of the Food and Drug Administration responsible for any matter for which expert review is used pursuant to subsection (a) shall review the recommendations of the organization or individual who conducted the expert review and shall make a final decision regarding the matter within 60 days after receiving the recommendations.

"(2) Limitation.—A final decision under paragraph (1) shall be made within the applicable prescribed time period for review of the matter as set forth in this Act or in the Public Health Service Act (42 U.S.C. 201 et seq.).

"(3) Authority of secretary.—Notwithstanding subsection (a), the Secretary shall retain full authority to make determinations with respect to the approval or disapproval of an article under this Act, the approval or disapproval of a biologics license with respect to a biological product under section 351(a) of the Public Health Service Act, or the classification of an article as a device under section 513(f)(1).".

SEC. 204. ACCREDITED-PARTY REVIEWS.

(a) In General.—Subchapter A of chapter V (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

"SEC. 523. ACCREDITED-PARTY PARTICIPATION.

"(a) Accreditation.—Not later than 1 year after the date of enactment of this section, the Secretary shall accredit entities or individuals who are not employees of the Federal Government to review reports made to the Secretary under section 510(k) for devices and make recommendations to the Secretary regarding the initial classification of such devices under section 513(f)(1), except that this paragraph shall not apply to a report made to the Secretary under section 510(k) for a device that is—

"(1) for a use in supporting or sustaining human life;

"(2) for implantation in the human body for more than 1 year; or

"(3) for a use that is of substantial importance in preventing the impairment of human health.

"(b) Accreditation.—Within 180 days after the date of enactment of this section, the Secretary shall adopt methods of accreditation that ensure that entities or individuals who conduct reviews and make recommendations under this section are qualified, properly trained, knowledgeable about handling confidential documents and information, and free of conflicts of interest. The Secretary shall publish the methods of accreditation in the Federal Register on the adoption of the methods.

"(c) Withdrawal of Accreditation.—The Secretary may suspend or withdraw the accreditation of any entity or individual accredited under this section, after providing notice and an opportunity for an informal hearing, if such entity or individual acts in a manner that is substantially not in compliance with the requirements established by the Secretary under subsection (b), including the failure to avoid conflicts of interest, the failure to protect confidentiality of information, or the failure to competently review premarket submissions for devices.

"(d) Selection and Compensation.—A person who intends to make a report described in subsection (a) to the Secretary shall have the option to select an accredited entity or individual to review such report. Upon the request by a person to have a report reviewed by an accredited entity or individual, the Secretary shall identify for the person no less than 2 accredited entities or individuals from whom the selection may be made. Compensation for an accredited entity or individual shall be determined by agreement between the accredited entity or individual and the person who engages the services of the accredited entity or individual and shall be paid by the person who engages such services.

"(e) Review by Secretary.—

"(1) In general.—The Secretary shall require an accredited entity or individual, upon making a recommendation under this section with respect to an initial classification of a device, to notify the Secretary in writing of the reasons for such recommendation.

"(2) Time period for review.—Not later than 30 days after the date on which the Secretary is notified under paragraph (1) by an accredited entity or individual with respect to a recommendation of an initial classification of a device, the Secretary shall make a determination with respect to the initial classification.

"(3) Special rule.—The Secretary may change the initial classification under section 513(f)(1) that is recommended by the accredited entity or individual under this section, and in such case shall notify in writing the person making the report described in subsection (a) of the detailed reasons for the change.

"(f) Duration.—The authority provided by this section terminates—

"(1) 5 years after the date on which the Secretary notifies Congress that at least 2 persons accredited under subsection (b) are available to review at least 60 percent of the submissions under section 510(k); or

"(2) 4 years after the date on which the Secretary notifies Congress that at least 35 percent of the devices that are subject to review under subsection (a), and that were the subject of final action by the Secretary in the fiscal year preceding the date of such notification, were reviewed by the Secretary under subsection (e), whichever occurs first.

"(g) Report.—

"(1) In general.—Not later than 1 year after the date of enactment of this section, the Secretary shall contract with an independent research organization to prepare and submit to the Secretary a written report examining the use of accredited entities and individuals to conduct reviews under this section. The Secretary shall submit the report to Congress not later than 6 months prior to the conclusion of the applicable period described in subsection (f).

"(2) Contents.—The report by the independent research organization described in paragraph (1) shall identify the benefits or detriments to public and patient health of using accredited entities and individuals to conduct such reviews, and shall summarize all relevant data, including data on the review of accredited entities and individuals (including data on the review times, recommendations, and compensation of the entities and individuals), and data on the review of the Secretary (including data on the review times, changes, and reasons for changes of the Secretary).".

(b) Recordkeeping.—Section 704 (21 U.S.C. 374) is amended by adding at the end the following:

"(f)(1) A person accredited under section 523 to review reports made under section 510(k) and make recommendations of initial classifications of devices to the Secretary shall maintain records documenting the training qualifications of the person and the employees of the person, the procedures used by the person for handling confidential information, the compensation arrangements made by the person in accordance with section 523(d), and the procedures used by the person to identify and avoid conflicts of interest. Upon the request of an officer or employee designated by the Secretary, the person shall permit the officer or employee, at all reasonable times, to have access to, to copy, and to verify, the records.

"(2) Within 15 days after the receipt of a written request from the Secretary to a person accredited under section 523 for copies of records described in paragraph (1), the person shall produce the copies of the records at the place designated by the Secretary.".

SEC. 205. DEVICE PERFORMANCE STANDARDS.

(a) Alternative Procedure.—Section 514 (21 U.S.C. 360d) is amended by adding at the end the following:

"Recognition of a Standard

"(c)(1)(A) In addition to establishing performance standards under this section, the Secretary may, by publication in the Federal Register, recognize all or part of a performance standard established by a nationally or internationally recognized standard development organization for which a person may submit a declaration of conformity in order to meet premarket submission requirements or other requirements under this Act to which such standards are applicable.

"(B) If a person elects to use a performance standard recognized by the Secretary under subparagraph (A) to meet the requirements described in subparagraph (A), the person shall provide a declaration of conformity to the Secretary that certifies that the device is in conformity with such standard. A person may elect to use data, or information, other than data required by a standard recognized under subparagraph (A) to fulfill or satisfy any requirement under this Act.

"(2) The Secretary may withdraw such recognition of a performance standard through publication of a notice in the Federal Register that the Secretary will no longer recognize the standard, if the Secretary determines that the standard is no longer appropriate for meeting the requirements under this Act.

"(3)(A) Subject to subparagraph (B), the Secretary shall accept a declaration of conformity that a device is in conformity with a standard recognized under paragraph (1) unless the Secretary finds—

"(i) that the data or information submitted to support such declaration does not demonstrate that the device is in conformity with the standard identified in the declaration of conformity; or

"(ii) that the standard identified in the declaration of conformity is not applicable to the particular device under review.

"(B) The Secretary may request, at any time, the data or information relied on by the person to make a declaration of conformity with respect to a standard recognized under paragraph (1).

"(C) A person relying on a declaration of conformity with respect to a standard recognized under paragraph (1) shall maintain the data and information demonstrating conformity of the device to the standard for a period of 2 years after the date of the classification or approval of the device by the Secretary or a period equal to the expected design life of the device, whichever is longer.".

(b) Section 301.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

"(x) The falsification of a declaration of conformity submitted under subsection (c) of section 514 or the failure or refusal to provide data or information requested by the Secretary under section 514(c)(3).".

(c) Section 501.—Section 501(e) (21 U.S.C. 351(e)) is amended—

(1) by striking "(e)" and inserting "(e)(1)"; and

(2) by inserting at the end the following:

"(2) If it is declared to be, purports to be, or is represented as, a device that is in conformity with any performance standard recognized under section 514(c) unless such device is in all respects in conformity with such standard.".

TITLE III—IMPROVING COLLABORATION AND COMMUNICATION

SEC. 301. COLLABORATIVE DETERMINATIONS OF DEVICE DATA REQUIREMENTS.

Section 513(a)(3) (21 U.S.C. 360c(a)(3)) is amended by adding at the end the following:

"(C)(i)(I) The Secretary, upon the written request of any person intending to submit an application under section 515, shall meet with such person to determine the type of valid scientific evidence (within the meaning of subparagraphs (A) and (B)) that will be necessary to demonstrate the effectiveness of a device for the conditions of use proposed by such person, to support an approval of an application. The written request shall include a detailed description of the device, a detailed description of the proposed conditions of use of the device, a proposed plan for determining whether there is a reasonable assurance of effectiveness, and, if available, information regarding the expected performance from the device. Within 30 days after such meeting, the Secretary shall specify in writing the type of valid scientific evidence that will provide a reasonable assurance that a device is effective under the conditions of use proposed by such person.

"(II) Any clinical data, including 1 or more well-controlled investigations, specified in writing by the Secretary for demonstrating a reasonable assurance of device effectiveness shall be specified as a result of a determination by the Secretary—

"(aa) that such data are necessary to establish device effectiveness; and

"(bb) that no other less burdensome means of evaluating device effectiveness is available that would have a reasonable likelihood of resulting in an approval.

"(ii) The determination of the Secretary with respect to the specification of valid scientific evidence under clause (i) shall be binding upon the Secretary, unless such determination by the Secretary is contrary to the public health.".

SEC. 302. COLLABORATIVE REVIEW PROCESS.

Section 515(d) (21 U.S.C. 360e(d)) is amended—

(1) in paragraph (1)(A), by striking "paragraph (2) of this subsection" each place it appears and inserting "paragraph (4)";

(2) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (1) the following:

"(2)(A)(i) The Secretary shall, upon the written request of an applicant, meet with the applicant, not later than 100 days after the receipt of an application from the applicant that has been filed as complete under subsection (c), to discuss the review status of the application.

"(ii) If the application does not appear in a form that would require an approval under this subsection, the Secretary shall in writing, and prior to the meeting, provide to the applicant a description of any deficiencies in the application identified by the Secretary based on an interim review of the entire application and identify the information that is required to correct those deficiencies.

"(iii) The Secretary and the applicant may, by mutual consent, establish a different schedule for a meeting required under this paragraph.

"(B) The Secretary shall notify the applicant immediately of any deficiency identified in the application that was not described as a deficiency in the written description provided by the Secretary under subparagraph (A).".

TITLE IV—IMPROVING CERTAINTY AND CLARITY OF RULES

SEC. 401. POLICY STATEMENTS.

Section 701(a) (21 U.S.C. 371(a)) is amended—

(1) by striking "(a) The" and inserting "(a)(1) The"; and

(2) by adding at the end the following:

"(2) Not later than February 27, 1999, the Secretary, after evaluating the effectiveness of the Good Guidance Practices document published in the Federal Register at 62 Fed. Reg. 8961, shall promulgate a regulation specifying the policies and procedures of the Food and Drug Administration for the development, issuance, and use of guidance documents.".

SEC. 402. PRODUCT CLASSIFICATION.

Chapter VII (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

"Subchapter D—Classification of Products and Environmental Impact Reviews

"SEC. 741. CLASSIFICATION OF PRODUCTS.

"(a) Request.—A person who submits an application or submission (including a petition, notification, and any other similar form of request) under this Act, may submit a request to the Secretary respecting the classification of an article as a drug, biological product, device, or a combination product subject to section 503(g) or respecting the component of the Food and Drug Administration that will regulate the article. In submitting the request, the person shall recommend a classification for the article, or a component to regulate the article, as appropriate.

"(b) Statement.—Not later than 60 days after the receipt of the request described in subsection (a), the Secretary shall determine the classification of the article or the component of the Food and Drug Administration that will regulate the article and shall provide to the person a written statement that identifies the classification of the article or the component of the Food and Drug Administration that will regulate the article and the reasons for such determination. The Secretary may not modify such statement except with the written consent of the person or for public health reasons.

"(c) Inaction of Secretary.—If the Secretary does not provide the statement within the 60-day period described in subsection (b), the recommendation made by the person under subsection (a) shall be considered to be a final determination by the Secretary of the classification of the article or the component of the Food and Drug Administration that will regulate the article and may not be modified by the Secretary except with the written consent of the person or for public health reasons.".

SEC. 403. USE OF DATA RELATING TO PREMARKET APPROVAL.

(a) In General.—Section 520(h)(4) (21 U.S.C. 360j(h)(4)) is amended to read as follows:

"(4)(A) Any information contained in an application for premarket approval filed with the Secretary pursuant to section 515(c) (including information from clinical and preclinical tests or studies that demonstrate the safety and effectiveness of a device, but excluding descriptions of methods of manufacture and product composition) shall be available, 6 years after the application has been approved by the Secretary, for use by the Secretary in—

"(i) approving another device;

"(ii) determining whether a product development protocol has been completed, under section 515 for another device;

"(iii) establishing a performance standard or special control under this Act; or

"(iv) classifying or reclassifying another device under section 513 and subsection (l)(2).

"(B) The publicly available detailed summaries of information respecting the safety and effectiveness of devices required by paragraph (1)(A) shall be available for use by the Secretary as the evidentiary basis for the agency actions described in subparagraph (A).".

(b) Conforming Amendment.—Section 517(a) (21 U.S.C. 360g(a)) is amended—

(1) in paragraph (8), by adding "or" at the end;

(2) in paragraph (9), by striking ", or" and inserting a comma; and

(3) by striking paragraph (10).

SEC. 404. CONSIDERATION OF LABELING CLAIMS FOR PRODUCT REVIEW.

(a) Premarket Approval.—Section 515(d)(1)(A) (21 U.S.C. 360e(d)(1)(A)) is amended by adding at the end the following flush sentences:

“In making the determination whether to approve or deny the application, the Secretary shall rely on the conditions of use included in the proposed labeling as the basis for determining whether or not there is a reasonable assurance of safety and effectiveness, if the proposed labeling is neither false nor misleading. In determining whether or not such labeling is false or misleading, the Secretary shall fairly evaluate all material facts pertinent to the proposed labeling.”.

(b) Premarket Notification.—Section 513(i)(1) (21 U.S.C. 360c(i)(1)) is amended by adding at the end the following:

“(C) Whenever the Secretary requests information to demonstrate that the devices with differing technological characteristics are substantially equivalent, the Secretary shall only request information that is necessary to make a substantial equivalence determination. In making such a request, the Secretary shall consider the least burdensome means of demonstrating substantial equivalence and shall request information accordingly.

“(D) The determination of the Secretary under this subsection and section 513(f)(1) with respect to the intended use of a device shall be based on the intended use included in the proposed labeling of the device submitted in a report under section 510(k).”.

(c) Rule of Construction.—Nothing in the amendment made by subsection (b) shall be construed to alter any authority of the Secretary of Health and Human Services to regulate any nicotine-delivery device.

SEC. 405. CERTAINTY OF REVIEW TIMEFRAMES.

(a) Clarification on the 90-Day Timeframe for Premarket Notification Reviews.—Section 510(k) (21 U.S.C. 360) is amended by adding at the end the following flush sentence:

“The Secretary shall review the report required by this subsection and make a determination under section 513(f)(1) not later than 90 days after receiving the report.”.

(b) One-Cycle Review.—Section 515(d) (21 U.S.C. 360e(d)), as amended by section 302, is amended by inserting after paragraph (2) the following:

“(3) Except as provided in paragraph (1), the period for the review of an application by the Secretary under this subsection shall be not more than 180 days. Such period may not be restarted or extended even if the application is amended. The Secretary is not required to review a major amendment to an application, unless the amendment is made in response to a request by the Secretary for information.”.

SEC. 406. LIMITATIONS ON INITIAL CLASSIFICATION DETERMINATIONS.

Section 510 (21 U.S.C. 360) is amended by adding at the end the following:

“(m) The Secretary may not withhold a determination of the initial classification of a device under section 513(f)(1) because of a failure to comply with any provision of this Act that is unrelated to a substantial equivalence decision, including a failure to comply with the requirements relating to good manufacturing practices under section 520(f).”.

SEC. 407. CLARIFICATION WITH RESPECT TO A GENERAL USE AND SPECIFIC USE OF A DEVICE.

Not later than 270 days after the date of enactment of this section, the Secretary of Health and Human Services shall promulgate a final regulation specifying the general principles that the Secretary of Health and Human Services will consider in determining when a specific intended use of a device is not reasonably included within a general use of such device for purposes of a determination of substantial equivalence under section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)(1)).

SEC. 408. CLARIFICATION OF THE NUMBER OF REQUIRED CLINICAL INVESTIGATIONS FOR APPROVAL.

(a) Device Classes.—Section 513(a)(3)(A) (21 U.S.C. 360c(a)(3)(A)) is amended by striking “clinical investigations” and inserting “1 or more clinical investigations”.

(b) New Drugs.—Section 505(d) (21 U.S.C. 355(d)) is amended by adding at the end the following: “Substantial evidence may, as appropriate, consist of data from 1 adequate and well-controlled clinical investigation and confirmatory evidence (obtained prior to or after such investigation), if the Secretary determines, based on relevant science, that such data and evidence are sufficient to establish effectiveness.”.

SEC. 409. PROHIBITED ACTS.

Section 301(*l*) (21 U.S.C. 331(*l*)) is repealed.

TITLE V—IMPROVING ACCOUNTABILITY

SEC. 501. AGENCY PLAN FOR STATUTORY COMPLIANCE AND ANNUAL REPORT.

Section 903(b) (21 U.S.C. 393(b)), as amended by section 201, is further amended by adding at the end the following:

“(4) Agency plan for statutory compliance.—

“(A) In general.—Not later than 180 days after the date of enactment of this paragraph, the Secretary, after consultation with relevant experts, health care professionals, representatives of patient and consumer advocacy groups, and the regulated industry, shall develop and publish in the Federal Register a plan bringing the Secretary into compliance with each of the obligations of the Secretary under this Act and other relevant statutes. The Secretary shall biannually review the plan and shall revise the plan as necessary, in consultation with such persons.

“(B) Objectives of agency plan.—The plan required by subparagraph (A) shall establish objectives, and mechanisms to be used by the Secretary, acting through the Commissioner, including objectives and mechanisms that—

“(i) minimize deaths of, and harm to, persons who use or may use an article regulated under this Act;

“(ii) maximize the clarity of, and the availability of information about, the process for review of applications and submissions (including petitions, notifications, and any other similar forms of request) made under this Act, including information for potential consumers and patients concerning new products;

“(iii) implement all inspection and postmarket monitoring provisions of this Act by July 1, 1999;

“(iv) ensure access to the scientific and technical expertise necessary to ensure compliance by the Secretary with the statutory obligations described in subparagraph (A);

“(v) establish a schedule to bring the Administration into full compliance by July 1, 1999, with the time periods specified in this Act for the review of all applications and submissions described in clause (ii) and submitted after the date of enactment of this paragraph; and

“(vi) reduce backlogs in the review of all applications and submissions described in clause (ii) for any article with the objective of eliminating all backlogs in the review of the applications and submissions by January 1, 2000.

“(5) Annual report.—

“(A) Contents.—The Secretary shall prepare and publish in the Federal Register and solicit public comment on an annual report that—

“(i) provides detailed statistical information on the performance of the Secretary under the plan described in paragraph (4);

“(ii) compares such performance of the Secretary with the objectives of the plan and with the statutory obligations of the Secretary;

“(iii) analyzes any failure of the Secretary to achieve any objective of the plan or to meet any statutory obligation;

“(iv) identifies any regulatory policy that has a significant impact on compliance with any objective of the plan or any statutory obligation; and

“(v) sets forth any proposed revision to any such regulatory policy, or objective of the plan that has not been met.

“(B) Statistical information.—The statistical information described in subparagraph (A)(i) shall include a full statistical presentation relating to all applications and submissions (including petitions, notifications, and any other similar forms of request) made under this Act and approved or subject to final action by the Secretary during the year covered by the report. In preparing the statistical presentation, the Secretary shall take into account the date of—

“(i) the submission of any investigational application;

“(ii) the application of any clinical hold;

“(iii) the submission of any application or submission (including a petition, notification, and any other similar form of request) made under this Act for approval or clearance;

“(iv) the acceptance for filing of any application or submission described in clause (iii) for approval or clearance;

“(v) the occurrence of any unapprovable action;

“(vi) the occurrence of any approvable action; and

“(vii) the approval or clearance of any application or submission described in clause (iii).

“(C) Special rule.—If the Secretary provides information in a report required by section 705 of the Food and Drug Administration Modernization and Accountability Act of 1997 or a report required by the amendments made by the Government Performance and Results Act of 1993 and that information is required by this paragraph, the report shall be deemed to satisfy the requirements of this paragraph relating to that information.”.

TITLE VI—BETTER ALLOCATION OF RESOURCES BY SETTING PRIORITIES

SEC. 601. MINOR MODIFICATIONS.

(a) Action on Investigational Device Exemptions.—Section 520(g) (21 U.S.C. 360j(g)) is amended by adding at the end the following:

“(6)(A) The Secretary shall, not later than 120 days after the date of enactment of this paragraph, by regulation modify parts 812 and 813 of title 21, Code of Federal Regulations to update the procedures and conditions under which a device intended for human use may, upon application by the sponsor of the device, be granted an exemption from the requirements of this Act.

"(B) The regulation shall permit developmental changes in a device (including manufacturing changes) in response to information collected during an investigation without requiring an additional approval of an application for an investigational device exemption or the approval of a supplement to such application, if the sponsor of the investigation determines, based on credible information, prior to making any such changes, that the changes—

"(i) do not affect the scientific soundness of an investigational plan submitted under paragraph (3)(A) or the rights, safety, or welfare of the human subjects involved in the investigation; and

"(ii) do not constitute a significant change in design, or a significant change in basic principles of operation, of the device.".

(b) Action on Application.—Section 515(d)(1)(B) (21 U.S.C. 360e(d)(1)(B)) is amended by adding at the end the following:

"(iii) The Secretary shall accept and review data and any other information from investigations conducted under the authority of regulations required by section 520(g), to make a determination of whether there is a reasonable assurance of safety and effectiveness of a device subject to a pending application under this section if—

"(I) the data or information is derived from investigations of an earlier version of the device, the device has been modified during or after the investigations (but prior to submission of an application under subsection (c)) and such a modification of the device does not constitute a significant change in the design or in the basic principles of operation of the device that would invalidate the data or information; or

"(II) the data or information relates to a device approved under this section, is available for use under this Act, and is relevant to the design and intended use of the device for which the application is pending.".

(c) Action on Supplements.—Section 515(d) (21 U.S.C. 360e(d)), as amended by section 302, is further amended by adding at the end the following:

"(6)(A)(i) A supplemental application shall be required for any change to a device subject to an approved application under this subsection that affects safety or effectiveness, unless such change is a modification in a manufacturing procedure or method of manufacturing and the holder of the approved application submits a written notice to the Secretary that describes in detail the change, summarizes the data or information supporting the change, and informs the Secretary that the change has been made under the requirements of section 520(f).

"(ii) The holder of an approved application who submits a notice under clause (i) with respect to a manufacturing change of a device may distribute the device 30 days after the date on which the Secretary receives the notice, unless the Secretary within such 30-day period notifies the holder that the notice is not adequate and describes such further information or action that is required for acceptance of such change. If the Secretary notifies the holder that a premarket approval supplement is required, the Secretary shall review the supplement within 135 days after the receipt of the supplement. The time used by the Secretary to review the notice of the manufacturing change shall be deducted from the 135-day review period if the notice meets appropriate content requirements for premarket approval supplements.

"(B)(i) Subject to clause (ii), in reviewing a supplement to an approved application, for an incremental change to the design of a device that affects safety or effectiveness, the Secretary shall approve such supplement if—

"(I) nonclinical data demonstrate that the design modification creates the intended additional capacity, function, or performance of the device; and

"(II) clinical data from the approved application and any supplement to the approved application provide a reasonable assurance of safety and effectiveness for the changed device.

"(ii) The Secretary may require, when necessary, additional clinical data to evaluate the design modification of the device to provide a reasonable assurance of safety and effectiveness.".

SEC. 602. ENVIRONMENTAL IMPACT REVIEW.

Chapter VII (21 U.S.C. 371 et seq.), as amended by section 402, is further amended by adding at the end the following:

"SEC. 742. ENVIRONMENTAL IMPACT REVIEW.

"Notwithstanding any other provision of law, no action by the Secretary pursuant to this Act shall be subject to an environmental assessment, an environmental impact statement, or other environmental consideration unless the Secretary demonstrates, in writing—

"(1) that there is a reasonable probability that the environmental impact of the action is sufficiently substantial and within the factors that the Secretary is authorized to consider under this Act; and

"(2) that consideration of the environmental impact will directly affect the decision on the action.".

SEC. 603. EXEMPTION OF CERTAIN CLASSES OF DEVICES FROM PREMARKET NOTIFICATION REQUIREMENT.

(a) Class I and Class II Devices.—Section 510(k) (21 U.S.C. 360(k)) is amended by striking "intended for human use" and inserting "intended for human use (except a device that is classified into class I under section 513 or 520 unless the Secretary determines such device is intended for a use that is of substantial importance in preventing impairment of human health or such device presents a potential unreasonable risk of illness or injury, or a device that is classified into class II under section 513 or 520 and is exempt from the requirements of this subsection under subsection (l))".

(b) Publication of Exemption.—Section 510 (21 U.S.C. 360) is amended by inserting after subsection (k) the following:

"(l)(1) Not later than 30 days after the date of enactment of this subsection, the Secretary shall publish in the Federal Register a list of each type of class II device that does not require a notification under subsection (k) to provide reasonable assurance of safety and effectiveness. Each type of class II device identified by the Secretary not to require the notification shall be exempt from the requirement to provide notification under subsection (k) as of the date of the publication of the list in the Federal Register.

"(2) Beginning on the date that is 1 day after the date of the publication of a list under this subsection, the Secretary may exempt a class II device from the notification requirement of subsection (k), upon the Secretary's own initiative or a petition of an interested person, if the Secretary determines that such notification is not necessary to assure the safety and effectiveness of the device. The Secretary shall publish in the Federal Register notice of the intent of the Secretary to exempt the device, or of the petition, and provide a 30-day period for public comment. Within 120 days after the issuance of the notice in the Federal Register, the Secretary shall publish an order in the Federal Register that sets forth the final determination of the Secretary regarding the exemption of the device that was the subject of the notice.".

SEC. 604. EVALUATION OF AUTOMATIC CLASS III DESIGNATION.

Section 513(f) (21 U.S.C. 360c(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "paragraph (2)" and inserting "paragraph (3)"; and

(B) in the last sentence, by striking "paragraph (2)" and inserting "paragraph (2) or (3)";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following:

"(2)(A) Any person who submits a report under section 510(k) for a type of device that has not been previously classified under this Act, and that is classified into class III under paragraph (1), may request, within 30 days after receiving written notice of such a classification, the Secretary to classify the device under the criteria set forth in subparagraphs (A) through (C) subsection (a)(1). The person may, in the request, recommend to the Secretary a classification for the device. Any such request shall describe the device and provide detailed information and reasons for the recommended classification.

"(B)(i) Not later than 60 days after the date of the submission of the request under subparagraph (A) for classification of a device under the criteria set forth in subparagraphs (A) through (C) of subsection (a)(1), the Secretary shall by written order classify the device. Such classification shall be the initial classification of the device for purposes of paragraph (1) and any device classified under this paragraph shall be a predicate device for determining substantial equivalence under paragraph (1).

"(ii) A device that remains in class III under this subparagraph shall be deemed to be adulterated within the meaning of section 501(f)(1)(B) until approved under section 515 or exempted from such approval under section 520(g).

"(C) Within 30 days after the issuance of an order classifying a device under this paragraph, the Secretary shall publish a notice in the Federal Register announcing such classification.".

SEC. 605. SECRETARY'S DISCRETION TO TRACK DEVICES.

(a) Release of Information.—Section 519(e) (21 U.S.C. 360i(e)) is amended by adding at the end the following flush sentence:

"Any patient receiving a device subject to tracking under this section may refuse to release, or refuse permission to release, the patient's name, address, social security number, or other identifying information for the purpose of tracking.".

(b) Publication of Certain Devices.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall develop and publish in the Federal Register a list that identifies each type of device subject to tracking under section 519(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i(e)(1)). Each device not identified by the Secretary of Health and Human Services under this subsection or designated by the Secretary under section 519(e)(2) shall be deemed to be exempt from the mandatory tracking requirement under section 519 of such Act. The Secretary of Health and Human Services shall have authority to modify the list of devices exempted from the mandatory tracking requirements.

SEC. 606. SECRETARY'S DISCRETION TO CONDUCT POSTMARKET SURVEILLANCE.

(a) In General.—Section 522 (21 U.S.C. 360*l*) is amended by striking "Sec. 522." and all that follows through "(2) Discretionary surveillance.—The" and inserting the following:

"Sec. 522. (a) Discretionary Surveillance.—The".

(b) Surveillance Approval.—Section 522(b) (21 U.S.C. 360*l*(b)) is amended to read as follows:

"(b) Surveillance Approval.—

"(1) In general.—Each manufacturer that receives notice from the Secretary that the manufacturer is required to conduct surveillance of a device under subsection (a) shall, not later than 30 days after receiving the notice, submit for the approval of the Secretary, a plan for the required surveillance.

"(2) Determination.—Not later than 60 days after the receipt of the plan, the Secretary shall determine if a person proposed in the plan to conduct the surveillance has sufficient qualifications and experience to conduct the surveillance and if the plan will result in the collection of useful data that can reveal unforeseen adverse events or other information necessary to protect the public health and to provide safety and effectiveness information for the device.

"(3) Limitation on plan approval.—The Secretary may not approve the plan until the plan has been reviewed by a qualified scientific and technical review committee established by the Secretary.".

SEC. 607. REPORTING.

(a) Reports.—Section 519 (21 U.S.C. 360i) is amended—

(1) in subsection (a)—

(A) in the first sentence by striking "make such reports, and provide such information," and inserting "and each such manufacturer or importer shall make such reports, provide such information, and submit such samples and components of devices (as required by paragraph (10)),";

(B) in paragraph (8), by striking "; and" and inserting a semicolon; and

(C) by striking paragraph (9) and inserting the following:

"(9) shall require distributors to keep records and make such records available to the Secretary upon request; and";

(2) by striking subsection (d); and

(3) in subsection (f), by striking ", importer, or distributor" each place it appears and inserting "or importer".

(b) Registration.—Section 510(g) (21 U.S.C. 360(g)) is amended—

(1) by redesignating paragraph (4) as paragraph (5);

(2) by inserting after paragraph (3), the following:

"(4) any distributor who acts as a wholesale distributor of devices, and who does not manufacture, repackage, process, or relabel a device; or"; and

(3) by adding at the end the following flush sentence:

"In this subsection, the term 'wholesale distributor' means any person who distributes a device from the original place of manufacture to the person who makes the final delivery or sale of the device to the ultimate consumer or user.".

SEC. 608. PILOT AND SMALL-SCALE MANUFACTURE.

(a) New Drugs.—Section 505(c) (21 U.S.C. 355(c)) is amended by adding at the end the following:

"(4) A new drug manufactured in a pilot or other small facility may be used to demonstrate the safety and effectiveness of the new drug and to obtain approval of the new drug prior to scaling up to a larger facility, unless the Secretary determines that a full scale production facility is necessary to ensure the safety or effectiveness of the new drug.".

(b) New Animal Drugs.—Section 512(c) (21 U.S.C. 360b(c)) is amended by adding at the end the following:

"(4) A new animal drug manufactured in a pilot or other small facility may be used to demonstrate the safety and effectiveness of the new drug and to obtain approval of the new drug prior to scaling up to a larger facility, unless the Secretary determines that a full scale production facility is necessary to ensure the safety or effectiveness of the new drug.".

SEC. 609. REQUIREMENTS FOR RADIOPHARMACEUTICALS.

(a) Requirements.—

(1) Regulations.—

(A) Proposed regulations.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, after consultation with patient advocacy groups, associations, physicians licensed to use radiopharmaceuticals, and the regulated industry, shall issue proposed regulations governing the approval of radiopharmaceuticals designed for diagnosis and monitoring of diseases and conditions. The regulations shall provide that the determination of the safety and effectiveness of such a radiopharmaceutical under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262) shall include (but not be limited to) consideration of the proposed use of the radiopharmaceutical in the practice of medicine, the pharmacological and toxicological activity of the radiopharmaceutical (including any carrier or ligand component of the radiopharmaceutical), and the estimated absorbed radiation dose of the radiopharmaceutical.

(B) Final regulations.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate final regulations governing the approval of the radiopharmaceuticals.

(2) Special rule.—In the case of a radiopharmaceutical intended to be used for diagnostic or monitoring purposes, the indications for which such radiopharmaceutical is approved for marketing may, in appropriate cases, refer to manifestations of disease (such as biochemical, physiological, anatomic, or pathological processes) common to, or present in, 1 or more disease states.

(b) Definition.—In this section, the term "radiopharmaceutical" means—

(1) an article—

(A) that is intended for use in the diagnosis or monitoring of a disease or a manifestation of a disease in humans; and

(B) that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons; or

(2) any nonradioactive reagent kit or nuclide generator that is intended to be used in the preparation of any such article.

SEC. 610. MODERNIZATION OF REGULATION OF BIOLOGICAL PRODUCTS.

(a) Licenses.—

(1) In general.—Section 351(a) of the Public Health Service (42 U.S.C. 262(a)) is amended to read as follows:

"(a)(1) Except as provided in paragraph (4), no person shall introduce or deliver for introduction into interstate commerce any biological product unless—

"(A) a biologics license is in effect for the biological product; and

"(B) each package of the biological product is plainly marked with—

"(i) the proper name of the biological product contained in the package;

"(ii) the name, address, and applicable license number of the manufacturer of the biological product; and

"(iii) the expiration date of the biological product.

"(2)(A) The Secretary shall establish, by regulation, requirements for the approval, suspension, and revocation of biologics licenses.

"(B) The Secretary shall approve a biologics license application on the basis of a demonstration that—

"(i) the biological product that is the subject of the application is safe, pure, and potent; and

"(ii) the facility in which the biological product is manufactured, processed, packed, or held meets standards designed to assure that the biological product continues to be safe, pure, and potent.

"(3) A biologics license application shall be approved only if the applicant (or other appropriate person) consents to the inspection of the facility that is the subject of the application, in accordance with subsection (c).

"(4) The Secretary shall prescribe requirements under which a biological product undergoing investigation shall be exempt from the requirements of paragraph (1).".

(2) Elimination of existing license requirement.—Section 351(d) of the Public Health Service Act (42 U.S.C. 262(d)) is amended—

(A) by striking "(d)(1)" and all that follows through "of this section.";

(B) in paragraph (2)—

(i) by striking "(2)(A) Upon" and inserting "(d)(1) Upon;" and

(ii) by redesignating subparagraph (B) as paragraph (2); and

(C) in paragraph (2) (as so redesignated by subparagraph (B)(ii))—

(i) by striking "subparagraph (A)" and inserting "paragraph (1)"; and

(ii) by striking "this subparagraph" each place it appears and inserting "this paragraph".

(b) Labeling.—Section 351(b) of the Public Health Service Act (42 U.S.C. 262(b)) is amended to read as follows:

"(b) No person shall falsely label or mark any package or container of any biological product or alter any label or mark on the package or container of the biological product so as to falsify the label or mark.".

(c) Inspection.—Section 351(c) of the Public Health Service Act (42 U.S.C. 262(c)) is amended by striking "virus, serum," and all that follows and inserting "biological product.".

(d) Definition; Application.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended by adding at the end the following:

"(i) In this section, the term 'biological product' means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product, or arsphenamine or derivative of arsphenamine (or any other trivalent organic arsenic compound), applicable to the prevention, treatment, or cure of a disease or condition of human beings.".

(e) Conforming Amendment.—Section 503(g)(4) (21 U.S.C. 353(g)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking "section 351(a)" and inserting "section 351(i)"; and

(B) by striking "262(a)" and inserting "262(i)"; and

(2) in subparagraph (B)(iii), by striking "product or establishment license under subsection (a) or (d)" and inserting "biologics license application under subsection (a)".

(f) SPECIAL RULE.—The Secretary of Health and Human Services shall take measures to minimize differences in the review and approval of products required to have approved biologics license applications under section 351 of the Public Health Service Act (42 U.S.C. 262) and products required to have approved full new drug applications under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)).

SEC. 611. APPROVAL OF SUPPLEMENTAL APPLICATIONS FOR APPROVED PRODUCTS.

(a) PERFORMANCE STANDARDS.—Not later than 180 days after the date of enactment of this section, the Secretary of Health and Human Services shall publish in the Federal Register performance standards for the prompt review of supplemental applications submitted for approved articles under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

(b) GUIDANCE TO INDUSTRY.—Not later than 180 days after the date of enactment of this section, the Secretary of Health and Human Services shall issue final guidances to clarify the requirements for, and facilitate the submission of data to support, the approval of supplemental applications for the approved articles described in subsection (a). The guidances shall—

(1) clarify circumstances in which published matter may be the basis for approval of a supplemental application;

(2) specify data requirements that will avoid duplication of previously submitted data by recognizing the availability of data previously submitted in support of an original application; and

(3) define supplemental applications that are eligible for priority review.

(c) RESPONSIBILITIES OF CENTERS.—The Secretary of Health and Human Services shall designate an individual in each center within the Food and Drug Administration (except the Center for Food Safety and Applied Nutrition) to be responsible for—

(1) encouraging the prompt review of supplemental applications for approved articles; and

(2) working with sponsors to facilitate the development and submission of data to support supplemental applications.

(d) COLLABORATION.—The Secretary of Health and Human Services shall implement programs and policies that will foster collaboration between the Food and Drug Administration, the National Institutes of Health, professional medical and scientific societies, and other persons, to identify published and unpublished studies that may support a supplemental application, and to encourage sponsors to make supplemental applications or conduct further research in support of a supplemental application based, in whole or in part, on such studies.

SEC. 612. HEALTH CARE ECONOMIC INFORMATION.

Section 502(a) (21 U.S.C. 352(a)) is amended by adding at the end the following: "Health care economic information provided to a formulary committee, or other similar entity, in the course of the committee or the entity carrying out its responsibilities for the selection of drugs for managed care or other similar organizations, shall not be considered to be false or misleading if the health care economic information directly relates to an indication approved under section 505 or 507 or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) for such drug and is based on competent and reliable scientific evidence. The requirements set forth in section 505(a), 507, or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) shall not apply to health care economic information provided to such a committee or entity in accordance with this paragraph. Information that is relevant to the substantiation of the health care economic information presented pursuant to this paragraph shall be made available to the Secretary upon request. In this paragraph, the term 'health care economic information' means any analysis that identifies, measures, or compares the economic consequences, including the costs of the represented health outcomes, of the use of a drug to the use of another drug, to another health care intervention, or to no intervention.".

SEC. 613. EXPEDITING STUDY AND APPROVAL OF FAST TRACK DRUGS.

(a) IN GENERAL.—Chapter V (21 U.S.C. 351 et seq.), as amended by section 102, is further amended by adding at the end the following:

"Subchapter E—Fast Track Drugs and Reports of Post-Market Approval Studies

"SEC. 561. FAST TRACK DRUGS.

"(a) DESIGNATION OF DRUG AS A FAST TRACK DRUG.—

"(1) IN GENERAL.—The Secretary shall facilitate development, and expedite review and approval of new drugs and biological products that are intended for the treatment of serious or life-threatening conditions and that demonstrate the potential to address unmet medical needs for such conditions. In this Act, such products shall be known as 'fast track drugs'.

"(2) REQUEST FOR DESIGNATION.—The sponsor of a drug (including a biological product) may request the Secretary to designate the drug as a fast track drug. A request for the designation may be made concurrently with, or at any time after, submission of an application for the investigation of the drug under section 505(i) or section 351(a)(4) of the Public Health Service Act.

"(3) DESIGNATION.—Within 30 calendar days after the receipt of a request under paragraph (2), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (1). If the Secretary finds that the drug meets the criteria, the Secretary shall designate the drug as a fast track drug and shall take such actions as are appropriate to expedite the development and review of the drug.

"(b) APPROVAL OF APPLICATION FOR A FAST TRACK DRUG.—

"(1) IN GENERAL.—The Secretary may approve an application for approval of a fast track drug under section 505(b) or section 351 of the Public Health Service Act (21 U.S.C. 262) upon a determination that the drug has an effect on a surrogate endpoint that is reasonably likely to predict clinical benefit.

"(2) LIMITATION.—Approval of a fast track drug under this subsection may be subject to the requirements—

"(A) that the sponsor conduct appropriate post-approval studies to validate the surrogate endpoint or otherwise confirm the clinical benefit of the drug; and

"(B) that the sponsor submit copies of all promotional materials related to the fast track drug during the preapproval review period and following approval, at least 30 days prior to dissemination of the materials for such period of time as the Secretary deems appropriate.

"(3) EXPEDITED WITHDRAWAL OF APPROVAL.—The Secretary may withdraw approval of a fast track drug using expedited procedures (as prescribed by the Secretary in regulations) including a procedure that provides an opportunity for an informal hearing, if—

"(A) the sponsor fails to conduct any required post-approval study of the fast track drug with due diligence;

"(B) a post-approval study of the fast track drug fails to verify clinical benefit of the fast track drug;

"(C) other evidence demonstrates that the fast track drug is not safe or effective under conditions of use of the drug; or

"(D) the sponsor disseminates false or misleading promotional materials with respect to the fast track drug.

"(c) REVIEW OF INCOMPLETE APPLICATIONS FOR APPROVAL OF A FAST TRACK DRUG.—

"(1) IN GENERAL.—If preliminary evaluation by the Secretary of clinical efficacy data for a fast track drug under investigation shows evidence of effectiveness, the Secretary shall evaluate for filing, and may commence review of, portions of an application for the approval of the drug if the applicant provides a schedule for submission of information necessary to make the application complete and any fee that may be required under section 736.

"(2) EXCEPTION.—Any time period for review of human drug applications that has been agreed to by the Secretary and that has been set forth in goals identified in letters of the Secretary (relating to the use of fees collected under section 736 to expedite the drug development process and the review of human drug applications) shall not apply to an application submitted under paragraph (1) until the date on which the application is complete.

"(d) AWARENESS EFFORTS.—The Secretary shall—

"(1) develop and widely disseminate to physicians, patient organizations, pharmaceutical and biotechnology companies, and other appropriate persons a comprehensive description of the provisions applicable to fast track drugs established under this section; and

"(2) establish an ongoing program to encourage the development of surrogate endpoints that are reasonably likely to predict clinical benefit for serious or life-threatening conditions for which there exist significant unmet medical needs.".

(b) GUIDANCE.—Within 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance for fast track drugs that describes the policies and procedures that pertain to section 561 of the Federal Food, Drug, and Cosmetic Act.

SEC. 614. MANUFACTURING CHANGES FOR DRUGS AND BIOLOGICS.

(a) IN GENERAL.—Chapter VII (21 U.S.C. 371 et seq.), as amended by section 602, is further amended by adding at the end the following:

"Subchapter E—Manufacturing Changes

"SEC. 751. MANUFACTURING CHANGES.

"(a) IN GENERAL.—A change in the manufacture of a new drug, including a biological product, or a new animal drug may be made in accordance with this section.

"(b) CHANGES.—

"(1) VALIDATION.—Before distributing a drug made after a change in the manufacture of the drug from the manufacturing process established in the approved new drug application under section 505, the approved new animal drug application under section 512, or the license application under section 351 of the Public Health Service Act, the applicant shall validate the effect of the change on the identity, strength, quality, purity, and potency of the drug as the identity, strength, quality, purity, and potency may relate to the safety or effectiveness of the drug.

"(2) Reports.—The applicant shall report the change described in paragraph (1) to the Secretary and may distribute a drug made after the change as follows:

"(A) Major manufacturing changes.—

"(i) In general.—Major manufacturing changes, which are of a type determined by the Secretary to have substantial potential to adversely affect the identity, strength, quality, purity, or potency of the drug as the identity, strength, quality, purity, and potency may relate to the safety or effectiveness of a drug, shall be submitted to the Secretary in a supplemental application and drugs made after such changes may not be distributed until the Secretary approves the supplemental application.

"(ii) Definition.—In this subparagraph, the term 'major manufacturing changes' means—

"(I) changes in the qualitative or quantitative formulation of a drug or the specifications in the approved marketing application for the drug (unless exempted by the Secretary from the requirements of this subparagraph);

"(II) changes that the Secretary determines by regulation or issuance of guidance require completion of an appropriate human study demonstrating equivalence of the drug to the drug manufactured before such changes; and

"(III) other changes that the Secretary determines by regulation or issuance of guidance have a substantial potential to adversely affect the safety or effectiveness of the drug.

"(B) Other manufacturing changes.—

"(i) In general.—As determined by the Secretary, manufacturing changes other than major manufacturing changes shall—

"(I) be made at any time and reported annually to the Secretary, with supporting data; or

"(II) be reported to the Secretary in a supplemental application.

"(ii) Distribution of the drug.—In the case of changes reported in accordance with clause (i)(II)—

"(I) the applicant may distribute the drug 30 days after the Secretary receives the supplemental application unless the Secretary notifies the applicant within such 30-day period that prior approval of such supplemental application is required;

"(II) the Secretary shall approve or disapprove each such supplemental application; and

"(III) the Secretary may determine types of manufacturing changes after which distribution of a drug may commence at the time of submission of such supplemental application.".

(b) Existing Law.—The requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.) and the Public Health Service Act (42 U.S.C. 201 et seq.) that are in effect on the date of enactment of this Act with respect to manufacturing changes shall remain in effect—

(1) for a period of 24 months after the date of enactment of this Act; or

(2) until the effective date of regulations promulgated by the Secretary of Health and Human Services implementing section 751 of the Federal Food, Drug, and Cosmetic Act, whichever is sooner.

SEC. 615. DATA REQUIREMENTS FOR DRUGS AND BIOLOGICS.

Within 12 months after the date of enactment of this Act, the Secretary of the Health and Human Services, acting through the Commissioner of Food and Drugs, shall issue guidance that describes when abbreviated study reports may be submitted, in lieu of full reports, with a new drug application under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and with a biologics license application under section 351 of the Public Health Service Act (42 U.S.C. 262) for certain types of studies. Such guidance shall describe the kinds of studies for which abbreviated reports are appropriate and the appropriate abbreviated report formats.

SEC. 616. FOOD CONTACT SUBSTANCES.

(a) Food Contact Substances.—Section 409(a) (21 U.S.C. 348(a)) is amended—

(1) in paragraph (1)—

(A) by striking "subsection (i)" and inserting "subsection (j)"; and

(B) by striking at the end "or";

(2) by striking the period at the end of paragraph (2) and inserting "; or";

(3) by inserting after paragraph (2) the following:

"(3) in the case of a food additive as defined in this Act that is a food contact substance, there is—

"(A) in effect, and such substance and the use of such substance are in conformity with, a regulation issued under this section prescribing the conditions under which such additive may be safely used; or

"(B) a notification submitted under subsection (h) that is effective."; and

(4) by striking the matter following paragraph (3) (as added by paragraph (2)) and inserting the following flush sentence:

"While such a regulation relating to a food additive, or such a notification under subsection (h) relating to a food additive that is a food contact substance, is in effect, and has not been revoked pursuant to subsection (i), a food shall not, by reason of bearing or containing such a food additive in accordance with the regulation or notification, be considered adulterated under section 402(a)(1).".

(b) Notification for Food Contact Substances.—Section 409 (21 U.S.C. 348), as amended by subsection (a), is further amended—

(1) by redesignating subsections (h) and (i), as subsections (i) and (j), respectively;

(2) by inserting after subsection (g) the following:

"Notification Relating to a Food Contact Substance

"(h)(1) Subject to such regulations as may be promulgated under paragraph (3), a manufacturer or supplier of a food contact substance may, at least 120 days prior to the introduction or delivery for introduction into interstate commerce of the food contact substance, notify the Secretary of the identity and intended use of the food contact substance, and of the determination of the manufacturer or supplier that the intended use of such food contact substance is safe under the standard described in subsection (c)(3)(A). The notification shall contain the information that forms the basis of the determination, the fee required under paragraph (5), and all information required to be submitted by regulations promulgated by the Secretary.

"(2)(A) A notification submitted under paragraph (1) shall become effective 120 days after the date of receipt by the Secretary and the food contact substance may be introduced or delivered for introduction into interstate commerce, unless the Secretary makes a determination within the 120-day period that, based on the data and information before the Secretary, such use of the food contact substance has not been shown to be safe under the standard described in subsection (c)(3)(A), and informs the manufacturer or supplier of such determination.

"(B) A decision by the Secretary to object to a notification shall constitute final agency action subject to judicial review.

"(C) In this paragraph, the term 'food contact substance' means the substance that is the subject of a notification submitted under paragraph (1), and does not include a similar or identical substance manufactured or prepared by a person other than the manufacturer identified in the notification.

"(3)(A) The process in this subsection shall be utilized for authorizing the marketing of a food contact substance except where the Secretary determines that submission and review of a petition under subsection (b) is necessary to provide adequate assurance of safety, or where the Secretary and any manufacturer or supplier agree that such manufacturer or supplier may submit a petition under subsection (b).

"(B) The Secretary is authorized to promulgate regulations to identify the circumstances in which a petition shall be filed under subsection (b), and shall consider criteria such as the probable consumption of such food contact substance and potential toxicity of the food contact substance in determining the circumstances in which a petition shall be filed under subsection (b).

"(4) The Secretary shall keep confidential any information provided in a notification under paragraph (1) for 120 days after receipt by the Secretary of the notification. After the expiration of such 120 days, the information shall be available to any interested party except for any matter in the notification that is a trade secret or confidential commercial information.

"(5)(A) Each person that submits a notification regarding a food contact substance under this section shall be subject to the payment of a reasonable fee. The fee shall be based on the resources required to process the notification including reasonable administrative costs for such processing.

"(B) The Secretary shall conduct a study of the costs of administering the notification program established under this section and, on the basis of the results of such study, shall, within 18 months after the date of enactment of the Food and Drug Administration Modernization and Accountability Act of 1997, promulgate regulations establishing the fee required by subparagraph (A).

"(C) A notification submitted without the appropriate fee is not complete and shall not become effective for the purposes of subsection (a)(3) until the appropriate fee is paid.

"(D) Fees collected pursuant to this subsection—

"(i) shall not be deposited as an offsetting collection to the appropriations for the Department of Health and Human Services;

"(ii) shall be credited to the appropriate account of the Food and Drug Administration; and

"(iii) shall be available in accordance with appropriation Acts until expended, without fiscal year limitation.

"(6) In this section, the term 'food contact substance' means any substance intended for use as a component of materials used in manufacturing, packing, packaging, transporting, or holding food if such use is not intended to have any technical effect in such food.";

(3) in subsection (i), as so redesignated by paragraph (1), by adding at the end the following: "The Secretary shall by regulation

prescribe the procedure by which the Secretary may deem a notification under subsection (h) to no longer be effective.”; and

(4) in subsection (j), as so redesignated by paragraph (1), by striking “subsections (b) to (h)” and inserting “subsections (b) to (i)”.

(c) Effective Date.—Notifications under section 409(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b), may be submitted beginning 18 months after the date of enactment of this Act.

SEC. 617. HEALTH CLAIMS FOR FOOD PRODUCTS.

Section 403(r)(3) (21 U.S.C. 343(r)(3)) is amended by adding at the end the following:

“(C) Notwithstanding the provisions of clauses (A)(i) and (B), a claim of the type described in subparagraph (1)(B) that is not authorized by the Secretary in a regulation promulgated in accordance with clause (B) shall be authorized and may be made if—

“(i) an authoritative scientific body of the Federal Government with official responsibility for public health protection or research directly relating to human nutrition (such as the National Institutes of Health or the Centers for Disease Control and Prevention), the National Academy of Sciences, or a subdivision of the scientific body or the National Academy of Sciences, has published an authoritative statement, which is currently in effect, about the relationship between a nutrient and a disease or health-related condition to which the claim refers;

“(ii) a person has submitted to the Secretary at least 120 days before the first introduction of a food into interstate commerce a notice of the claim, including a concise description of the basis upon which such person relied for determining that the requirements of subclause (i) have been satisfied;

“(iii) the claim and the food for which the claim is made are in compliance with clause (A)(ii), and are otherwise in compliance with paragraph (a) and section 201(n); and

“(iv) the claim is stated in a manner so that the claim is an accurate representation of the authoritative statement referred to in subclause (i) and so that the claim enables the public to comprehend the information provided in the claim and to understand the relative significance of such information in the context of a total daily diet.

For purposes of this paragraph, a statement shall be regarded as an authoritative statement of such a scientific body described in subclause (i) only if the statement is published by the scientific body and shall not include a statement of an employee of the scientific body made in the individual capacity of the employee.

“(D) A claim submitted under the requirements of clause (C), may be made until—

“(i) such time as the Secretary issues an interim final regulation—

“(I) under the standard in clause (B)(i), prohibiting or modifying the claim; or

“(II) finding that the requirements of clause (C) have not been met; or

“(ii) a district court of the United States in an enforcement proceeding under chapter III has determined that the requirements of clause (C) have not been met.

Where the Secretary issues a regulation under subclause (i), good cause shall be deemed to exist for the purposes of subsections (b)(B) and (d)(3) of section 553 of title 5, United States Code. The Secretary shall solicit comments in response to a regulation promulgated under subclause (i) and shall publish a response to such comments.”.

SEC. 618. PEDIATRIC STUDIES MARKETING EXCLUSIVITY.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505 the following:

“SEC. 505A. PEDIATRIC STUDIES OF DRUGS.

“(a) Market Exclusivity for New Drugs.—If, prior to approval of an application that is submitted under section 505(b)(1) the Secretary determines that information relating to the use of a drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which may include a timeframe for completing such studies), and such studies are completed within any such timeframe and the reports thereof submitted in accordance with subsection (d)(2) or completed within any such timeframe and the reports thereof are accepted in accordance with subsection (d)(3)—

“(1)(A) the period during which an application may not be submitted under subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 shall be five years and six months rather than five years, and the references in subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 to four years, to forty-eight months, and to seven and one-half years shall be deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

“(B) the period of market exclusivity under subsections (c)(3)(D) (iii) and (iv) and (j)(4)(D) (iii) and (iv) of section 505 shall be three years and six months rather than three years; and

“(2)(A) if the drug is the subject of—

“(i) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

“(ii) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

“(B) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions).

“(b) Secretary To Develop List of Drugs for Which Additional Pediatric Information May Be Beneficial.—Not later than 180 days after the date of enactment of this section, the Secretary, after consultation with experts in pediatric research (such as the American Academy of Pediatrics, the Pediatric Pharmacology Research Unit Network, and the United States Pharmacopoeia) shall develop, prioritize, and publish an initial list of approved drugs for which additional pediatric information may produce health benefits in the pediatric population. The Secretary shall annually update the list.

“(c) Market Exclusivity for Already-Marketed Drugs.—If the Secretary makes a written request for pediatric studies (which may include a timeframe for completing such studies) concerning a drug identified in the list described in subsection (b) to the holder of an approved application under section 505(b)(1) for the drug, the holder agrees to the request, and the studies are completed within any such timeframe and the reports thereof submitted in accordance with subsection (d)(2) or completed within any such timeframe and the reports thereof accepted in accordance with subsection (d)(3)—

“(1)(A) the period during which an application may not be submitted under subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 shall be five years and six months rather than five years, and the references in subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 to four years, to forty-eight months, and to seven and one-half years shall be deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

“(B) the period of market exclusivity under subsections (c)(3)(D) (iii) and (iv) and (j)(4)(D) (iii) and (iv) of section 505 shall be three years and six months rather than three years; and

“(2)(A) if the drug is the subject of—

“(i) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

“(ii) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

“(B) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions).

“(d) Conduct of Pediatric Studies.—

“(1) Agreement for studies.—The Secretary may, pursuant to a written request for studies, after consultation with—

“(A) the sponsor of an application for an investigational new drug under section 505(i);

“(B) the sponsor of an application for a drug under section 505(b)(1); or

“(C) the holder of an approved application for a drug under section 505(b)(1),

agree with the sponsor or holder for the conduct of pediatric studies for such drug.

“(2) Written protocols to meet the studies requirement.—If the sponsor or holder and the Secretary agree upon written protocols for the studies, the studies requirement of subsection (a) or (c) is satisfied upon the completion of the studies and submission of the reports thereof in accordance with the original written request and the written agreement referred to in paragraph (1). Not later than 60 days after the submission of the report of the studies, the Secretary shall determine if such studies were or were not conducted in accordance with the original written request and the written agreement and reported in accordance with the requirements of the Secretary for filing and so notify the sponsor or holder.

"(3) OTHER METHODS TO MEET THE STUDIES REQUIREMENT.—If the sponsor or holder and the Secretary have not agreed in writing on the protocols for the studies, the studies requirement of subsection (a) or (c) is satisfied when such studies have been completed and the reports accepted by the Secretary. Not later than 90 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within the 90 days, whether the studies fairly respond to the written request, whether such studies have been conducted in accordance with commonly accepted scientific principles and protocols, and whether such studies have been reported in accordance with the requirements of the Secretary for filing.

"(e) DELAY OF EFFECTIVE DATE FOR CERTAIN APPLICATIONS; PERIOD OF MARKET EXCLUSIVITY.—If the Secretary determines that the acceptance or approval of an application under subsection (b)(2) or (j) of section 505 for a drug may occur after submission of reports of pediatric studies under this section, which were submitted prior to the expiration of the patent (including any patent extension) or market exclusivity protection, but before the Secretary has determined whether the requirements of subsection (d) have been satisfied, the Secretary shall delay the acceptance or approval under subsection (b)(2) or (j), respectively, of section 505 until the determination under subsection (d) is made, but such delay shall not exceed 90 days. In the event that requirements of this section are satisfied, the applicable period of market exclusivity referred to in subsection (a) or (c) shall be deemed to have been running during the period of delay.

"(f) NOTICE OF DETERMINATIONS ON STUDIES REQUIREMENT.—The Secretary shall publish a notice of any determination that the requirements of subsection (d) have been met and that submissions and approvals under subsection (b)(2) or (j) of section 505 for a drug will be subject to the provisions of this section.

"(g) DEFINITIONS.—As used in this section, the term 'pediatric studies' or 'studies' means at least 1 clinical investigation (that, at the Secretary's discretion, may include pharmacokinetic studies) in pediatric age-groups in which a drug is anticipated to be used.

"(h) LIMITATION.—The holder of an approved application for a new drug that has already received six months of market exclusivity under subsection (a) or (c) may, if otherwise eligible, obtain six months of market exclusivity under subsection (c)(1)(B) for a supplemental application, except that the holder is not eligible for exclusivity under subsection (c)(2).

"(i) SUNSET.—No period of market exclusivity shall be granted under this section based on studies commenced after January 1, 2004. The Secretary shall conduct a study and report to Congress not later than January 1, 2003 based on the experience under the program. The study and report shall examine all relevant issues, including—

"(1) the effectiveness of the program in improving information about important pediatric uses for approved drugs;

"(2) the adequacy of the incentive provided under this section;

"(3) the economic impact of the program; and

"(4) any suggestions for modification that the Secretary deems appropriate.".

SEC. 619. POSITRON EMISSION TOMOGRAPHY.

(a) REGULATION OF COMPOUNDED POSITRON EMISSION TOMOGRAPHY DRUGS UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(1) DEFINITION.—Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

"(ii) The term 'compounded positron emission tomography drug'—

"(1) means a drug that—

"(A) exhibits spontaneous disintegration of unstable nuclei by the emission of positrons and is used for the purpose of providing dual photon positron emission tomographic diagnostic images; and

"(B) has been compounded by or on the order of a practitioner who is licensed by a State to compound or order compounding for a drug described in subparagraph (A), and is compounded in accordance with that State's law, for a patient or for research, teaching, or quality control; and

"(2) includes any nonradioactive reagent, reagent kit, ingredient, nuclide generator, accelerator, target material, electronic synthesizer, or other apparatus or computer program to be used in the preparation of such a drug.".

(b) ADULTERATION.—

(1) IN GENERAL.—Section 501(a)(2) (21 U.S.C. 351(a)(2)) is amended by striking "; or (3)" and inserting the following: "; or (C) if it is a compounded positron emission tomography drug and the methods used in, or the facilities and controls used for, its compounding, processing, packing, or holding do not conform to or are not operated or administered in conformity with the positron emission tomography compounding standards and the official monographs of the United States Pharmacopeia to assure that such drug meets the requirements of this Act as to safety and has the identity and strength, and meets the quality and purity characteristics, that it purports or is represented to possess; or (3)".

(2) SUNSET.—Section 501(a)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(a)(2)(C)) shall not apply 4 years after the date of enactment of this Act or 2 years after the date or which the Secretary of Health and Human Services establishes the requirements described in subsection (c)(1)(B), whichever is later.

(c) REQUIREMENTS FOR REVIEW OF APPROVAL PROCEDURES AND CURRENT GOOD MANUFACTURING PRACTICES FOR POSITRON EMISSION TOMOGRAPHY.—

(1) PROCEDURES AND REQUIREMENTS.—

(A) IN GENERAL.—In order to take account of the special characteristics of compounded positron emission tomography drugs and the special techniques and processes required to produce these drugs, not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall establish—

(i) appropriate procedures for the approval of compounded positron emission tomography drugs pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355); and

(ii) appropriate current good manufacturing practice requirements for such drugs.

(B) CONSIDERATIONS AND CONSULTATION.—In establishing the procedures and requirements required by subparagraph (A), the Secretary of Health and Human Services shall take due account of any relevant differences between not-for-profit institutions that compound the drugs for their patients and commercial manufacturers of the drugs. Prior to establishing the procedures and requirements, the Secretary of Health and Human Services shall consult with patient advocacy groups, professional associations, manufacturers, and physicians and scientists licensed to make or use compounded positron emission tomography drugs.

(2) SUBMISSION OF NEW DRUG APPLICATIONS AND ABBREVIATED NEW DRUG APPLICATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of Health and Human Services shall not require the submission of new drug applications or abbreviated new drug applications under subsection (b) or (j) of section 505 (21 U.S.C. 355), for compounded positron emission tomography drugs that are not adulterated drugs described in section 501(a)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(a)(2)(C)) (as amended by subsection (b)), for a period of 4 years after the date of enactment of this Act, or for 2 years after the date or which the Secretary establishes procedures and requirements under paragraph (1), whichever is later.

(B) EXCEPTION.—Nothing in this Act shall prohibit the voluntary submission of such applications or the review of such applications by the Secretary of Health and Human Services. Nothing in this Act shall constitute an exemption for a compounded positron emission tomography drug from the requirements of regulations issued under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) for such drugs.

(d) REVOCATION OF CERTAIN INCONSISTENT DOCUMENTS.—Within 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a notice terminating the application of the following notices and rule, to the extent the notices and rule relate to compounded positron emission tomography drugs:

(1) A notice entitled "Regulation of Positron Emission Tomographic Drug Products: Guidance; Public Workshop", published in the Federal Register on February 27, 1995.

(2) A notice entitled "Guidance for Industry: Current Good Manufacturing Practices for Positron Emission Tomographic (PET) Drug Products; Availability", published in the Federal Register on April 22, 1997.

(3) A final rule entitled "Current Good Manufacturing Practice for Finished Pharmaceuticals; Positron Emission Tomography", published in the Federal Register on April 22, 1997.

(e) DEFINITION.—As used in this section, the term "compounded positron emission tomography drug" has the meaning given the term in section 201 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321).

SEC. 620. DISCLOSURE.

Chapter IV (21 U.S.C. 341 et seq.) is amended by adding after section 403B the following:

"DISCLOSURE

"SEC. 403C. (a) No provision of section 403(a), 201(n), or 409 shall be construed to require on the label or labeling of a food a separate radiation disclosure statement that is more prominent than the declaration of ingredients required by section 403(i)(2).

"(b) In this section, the term 'radiation disclosure statement' means a written statement that discloses that a food or a component of the food has been intentionally subject to radiation.".

SEC. 621. REFERRAL STATEMENTS RELATING TO FOOD NUTRIENTS.

Section 403(r)(2)(B) (21 U.S.C. 343(r)(2)(B)) is amended to read as follows:

"(B) If a claim described in subparagraph (1)(A) is made with respect to a nutrient in a food, and the Secretary makes a determination that the food contains a nutrient at a level that increases to persons in the general population the risk of a disease or health-related condition that is diet related, then the label or labeling of such food shall contain, prominently and in immediate proximity to such claim, the following statement: 'See nutrition information panel for   content.' The blank shall identify the nutrient associated with the increased disease or health-related condition risk. In making the determination described in this clause, the Secretary shall take into account the significance of the food in the total daily diet.''.

TITLE VII—FEES RELATING TO DRUGS

SEC. 701. SHORT TITLE.

This title may be cited as the "Prescription Drug User Fee Reauthorization Act of 1997".

SEC. 702. FINDINGS.

Congress finds that—

(1) prompt approval of safe and effective new drugs and other therapies is critical to the improvement of the public health so that patients may enjoy the benefits provided by these therapies to treat and prevent illness and disease;

(2) the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for review of human drug applications;

(3) the provisions added by the Prescription Drug User Fee Act of 1992 have been successful in substantially reducing review times for human drug applications and should be—

(A) reauthorized for an additional 5 years, with certain technical improvements; and

(B) carried out by the Food and Drug Administration with new commitments to implement more ambitious and comprehensive improvements in regulatory processes of the Food and Drug Administration; and

(4) the fees authorized by amendments made in this title will be dedicated toward expediting the drug development process and the review of human drug applications as set forth in the goals identified in appropriate letters from the Secretary of Health and Human Services to the chairman of the Committee on Commerce of the House of Representatives and the chairman of the Committee on Labor and Human Resources of the Senate.

SEC. 703. DEFINITIONS.

Section 735 (21 U.S.C. 379g) is amended—

(1) in the second sentence of paragraph (1)—

(A) by striking "Service Act, and" and inserting "Service Act,"; and

(B) by striking "September 1, 1992." and inserting the following: "September 1, 1992, does not include an application for a licensure of a biological product for further manufacturing use only, and does not include an application or supplement submitted by a State or Federal Government entity for a drug or biological product that is not distributed commercially. Such term does include an application for licensure, as described in subparagraph (D), of a large volume biological product intended for single dose injection for intravenous use or infusion.";

(2) in the second sentence of paragraph (3)—

(A) by striking "Service Act, and" and inserting "Service Act,"; and

(B) by striking "September 1, 1992." and inserting the following: "September 1, 1992, does not include a biological product that is licensed for further manufacturing use only, and does not include a drug or biological product that is not distributed commercially and is the subject of an application or supplement submitted by a State or Federal Government entity. Such term does include a large volume biological product intended for single dose injection for intravenous use or infusion.";

(3) in paragraph (4), by striking "without" and inserting "without substantial";

(4) by striking paragraph (5) and inserting the following:

"(5) The term 'prescription drug establishment' means a foreign or domestic place of business which is at 1 general physical location consisting of 1 or more buildings all of which are within 5 miles of each other, at which 1 or more prescription drug products are manufactured in final dosage forms.";

(5) in paragraph (7)(A)—

(A) by striking "employees under contract" and all that follows through "Administration," and inserting "contractors of the Food and Drug Administration,"; and

(B) by striking "and committees," and inserting "and committees and to contracts with such contractors,";

(6) in paragraph (8)—

(A) in subparagraph (A)—

(i) by striking "August of" and inserting "April of"; and

(ii) by striking "August 1992" and inserting "April 1997";

(B) by striking subparagraph (B) and inserting the following:

"(B) 1 plus the decimal expression of the total percentage increase for such fiscal year since fiscal year 1997 in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia."; and

(C) by striking the second sentence; and

(7) by adding at the end the following:

"(9) The term 'affiliate' means a business entity that has a relationship with a second business entity if, directly or indirectly—

"(A) 1 business entity controls, or has the power to control, the other business entity; or

"(B) a third party controls, or has power to control both of the business entities.".

SEC. 704. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) TYPES OF FEES.—Section 736(a) (21 U.S.C. 379h(a)) is amended—

(1) by striking "Beginning in fiscal year 1993" and inserting "Beginning in fiscal year 1998";

(2) in paragraph (1)—

(A) by striking subparagraph (B) and inserting the following:

"(B) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the application or supplement.";

(B) in subparagraph (D)—

(i) in the subparagraph heading, by striking "NOT ACCEPTED" and inserting "REFUSED";

(ii) by striking "50 percent" and inserting "75 percent";

(iii) by striking "subparagraph (B)(i)" and inserting "subparagraph (B)"; and

(iv) by striking "not accepted" and inserting "refused"; and

(C) by adding at the end the following:

"(E) EXCEPTION FOR DESIGNATED ORPHAN DRUG OR INDICATION.—A human drug application for a prescription drug product that has been designated as a drug for a rare disease or condition pursuant to section 526 shall not be subject to a fee under subparagraph (A), unless the human drug application includes indications for other than rare diseases or conditions. A supplement proposing to include a new indication for a rare disease or condition in a human drug application shall not be subject to a fee under subparagraph (A), provided that the drug has been designated pursuant to section 526 as a drug for a rare disease or condition with regard to the indication proposed in such supplement.

"(F) EXCEPTION FOR SUPPLEMENTS FOR PEDIATRIC INDICATIONS.—A supplement to a human drug application for an indication for use in pediatric populations shall not be assessed a fee under subparagraph (A).

"(G) REFUND OF FEE IF APPLICATION WITHDRAWN.—If an application or supplement is withdrawn after the application or supplement is filed, the Secretary may waive and refund the fee or a portion of the fee if no substantial work was performed on the application or supplement after the application or supplement was filed. The Secretary shall have the sole discretion to waive and refund a fee or a portion of the fee under this subparagraph. A determination by the Secretary concerning a waiver or refund under this paragraph shall not be reviewable.";

(3) by striking paragraph (2) and inserting the following:

"(2) PRESCRIPTION DRUG ESTABLISHMENT FEE.—

"(A) IN GENERAL.—Each person that—

"(i) is named as the applicant in a human drug application; and

"(ii) after September 1, 1992, had pending before the Secretary a human drug application or supplement;

shall be assessed an annual fee established in subsection (b) for each prescription drug establishment listed in its approved human drug application as an establishment that manufactures the prescription drug product named in the application. The annual establishment fee shall be assessed in each fiscal year in which the prescription drug product named in the application is assessed a fee under paragraph (3) unless the prescription drug establishment listed in the application does not engage in the manufacture of the prescription drug product during the fiscal year. The establishment fee shall be payable on or before January 31 of each year. Each such establishment shall be assessed only 1 fee per establishment, notwithstanding the number of prescription drug products manufactured at the establishment. In the event an establishment is listed in a human drug application by more than 1 applicant, the establishment fee for the fiscal year shall be divided equally and assessed among the applicants whose prescription drug products are manufactured by the establishment during the fiscal year and assessed product fees under paragraph (3).

"(B) EXCEPTION.—If, during the fiscal year, an applicant initiates or causes to be initiated the manufacture of a prescription drug product at an establishment listed in its human drug application—

"(i) that did not manufacture the product in the previous fiscal year; and

"(ii) for which the full establishment fee has been assessed in the fiscal year at a time before manufacture of the prescription drug product was begun;

the applicant will not be assessed a share of the establishment fee for the fiscal year in which manufacture of the product began."; and

(4) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i), by striking "is listed" and inserting "has been submitted for listing"; and

(ii) by striking "Such fee shall be payable" and all that follows through "section 510." and inserting the following: "Such fee shall be payable for the fiscal year in which the product is first submitted for listing under section 510, or for relisting under section 510 if the product has been withdrawn from listing and relisted. After such fee is paid for that fiscal year, such fee shall be payable on or before January 31 of each year. Such fee shall be paid only once for each product for a fiscal year in which the fee is payable."; and

(B) in subparagraph (B), by striking "505(j)." and inserting the following: "505(j), or under an abbreviated new drug application pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984, or is a product approved under an application filed under section 507 that is abbreviated.".

(b) Fee Amounts.—Section 736(b) (21 U.S.C. 379h(b)) is amended to read as follows:

"(b) Fee Amounts.—Except as provided in subsections (c), (d), (f), and (g), the fees required under subsection (a) shall be determined and assessed as follows:

"(1) Application and supplement fees.—

"(A) Full fees.—The application fee under subsection (a)(1)(A)(i) shall be $250,704 in fiscal year 1998, $256,338 in each of fiscal years 1999 and 2000, $267,606 in fiscal year 2001, and $258,451 in fiscal year 2002.

"(B) Other fees.—The fee under subsection (a)(1)(A)(ii) shall be $125,352 in fiscal year 1998, $128,169 in each of fiscal years 1999 and 2000, $133,803 in fiscal year 2001, and $129,226 in fiscal year 2002.

"(2) Fee revenues for establishment fees.—The total fee revenues to be collected in establishment fees under subsection (a)(2) shall be $35,600,000 in fiscal year 1998, $36,400,000 in each of fiscal years 1999 and 2000, $38,000,000 in fiscal year 2001, and $36,700,000 in fiscal year 2002.

"(3) Total fee revenues for product fees.—The total fee revenues to be collected in product fees under subsection (a)(3) in a fiscal year shall be equal to the total fee revenues collected in establishment fees under subsection (a)(2) in that fiscal year.".

(c) Increases and Adjustments.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(1) in the subsection heading, by striking "Increases and";

(2) in paragraph (1)—

(A) by striking "(1) Revenue" and all that follows through "increased by the Secretary" and inserting the following: "(1) Inflation adjustment.—The fees and total fee revenues established in subsection (b) shall be adjusted by the Secretary";

(B) in subparagraph (A), by striking "increase" and inserting "change";

(C) in subparagraph (B), by striking "increase" and inserting "change"; and

(D) by adding at the end the following flush sentence:

"The adjustment made each fiscal year by this subsection will be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 1997 under this subsection.";

(3) in paragraph (2), by striking "October 1, 1992," and all that follows through "such schedule." and inserting the following: "September 30, 1997, adjust the establishment and product fees described in subsection (b) for the fiscal year in which the adjustment occurs so that the revenues collected from each of the categories of fees described in paragraphs (2) and (3) of subsection (b) shall be set to be equal to the revenues collected from the category of application and supplement fees described in paragraph (1) of subsection (b)."; and

(4) in paragraph (3), by striking "paragraph (2)" and inserting "this subsection".

(d) Fee Waiver or Reduction.—Section 736(d) (21 U.S.C. 379h(d)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively, and indenting appropriately;

(2) by striking "The Secretary shall grant a" and all that follows through "finds that—" and inserting the following:

"(1) In general.—The Secretary shall grant a waiver from or a reduction of 1 or more fees assessed under subsection (a) where the Secretary finds that—";

(3) in subparagraph (C) (as so redesignated by paragraph (1)), by striking ", or" and inserting a comma;

(4) in subparagraph (D) (as so redesignated by paragraph (1)), by striking the period and inserting ", or";

(5) by inserting after subparagraph (D) (as so redesignated by paragraph (1)) the following:

"(E) the applicant is a small business submitting its first human drug application to the Secretary for review."; and

(6) by striking "In making the finding in paragraph (3)," and all that follows through "standard costs." and inserting the following:

"(2) Use of standard costs.—In making the finding in paragraph (1)(C), the Secretary may use standard costs.

"(3) Rules relating to small businesses.—

"(A) Definition.—In paragraph (1)(E), the term 'small business' means an entity that has fewer than 500 employees, including employees of affiliates.

"(B) Waiver of application fee.—The Secretary shall waive under paragraph (1)(E) the application fee for the first human drug application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay—

"(i) application fees for all subsequent human drug applications submitted to the Secretary for review in the same manner as an entity that does not qualify as a small business; and

"(ii) all supplement fees for all supplements to human drug applications submitted to the Secretary for review in the same manner as an entity that does not qualify as a small business.".

(e) Assessment of Fees.—Section 736(f)(1) (21 U.S.C. 379h(f)(1)) is amended—

(1) by striking "fiscal year 1993" and inserting "fiscal year 1997"; and

(2) by striking "fiscal year 1992" and inserting "fiscal year 1997 (excluding the amount of fees appropriated for such fiscal year)".

(f) Crediting and Availability of Fees.—Section 736(g) (21 U.S.C. 379h(g)) is amended—

(1) in paragraph (1), by adding at the end the following: "Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of human drug applications within the meaning of section 735(6).";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "Acts" and inserting "Acts, or otherwise made available for obligation,"; and

(B) in subparagraph (B), by striking "over such costs for fiscal year 1992" and inserting "over such costs, excluding costs paid from fees collected under this section, for fiscal year 1997"; and

(3) by striking paragraph (3) and inserting the following:

"(3) Authorization of appropriations.—There is authorized to be appropriated for fees under this section—

"(A) $106,800,000 for fiscal year 1998;
"(B) $109,200,000 for fiscal year 1999;
"(C) $109,200,000 for fiscal year 2000;
"(D) $114,000,000 for fiscal year 2001; and
"(E) $110,100,000 for fiscal year 2002,

as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by application, supplement, establishment, and product fees.

"(4) Offset.—Any amount of fees collected for a fiscal year which exceeds the amount of fees specified in appropriation Acts for such fiscal year, shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under appropriation Acts for a subsequent fiscal year.".

(g) Requirement for Written Requests for Waivers, Reductions, and Fees.—Section 736 (21 U.S.C. 379h) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

"(i) Written Requests for Waivers, Reductions, and Refunds.—To qualify for consideration for a waiver or reduction under subsection (d), or for a refund, of any fee collected in accordance with subsection (a), a person shall submit to the Secretary a written request for such waiver, reduction, or refund not later than 180 days after such fee is due.".

(h) Special Rule for Waiver, Refunds, and Exceptions.—Any requests for waivers, refunds, or exceptions for fees paid prior to the date of enactment of this Act shall be submitted in writing to the Secretary of Health and Human Services within 1 year after the date of enactment of this Act.

SEC. 705. ANNUAL REPORTS.

(a) First Report.—Beginning with fiscal year 1998, not later than 60 days after the end of each fiscal year during which fees are collected under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.), the Secretary of Health and Human Services shall prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letter described in section 702(4) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

(b) Second Report.—Beginning with fiscal year 1998, not later than 120 days after the end of each fiscal year during which fees are collected under the part described in subsection (a), the Secretary of Health and Human Services shall prepare and submit to the Committee on Commerce of the House of

Representatives and the Committee on Labor and Human Resources of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

SEC. 706. EFFECTIVE DATE.

The amendments made by this title shall take effect October 1, 1997.

SEC. 707. TERMINATION OF EFFECTIVENESS.

The amendments made by sections 703 and 704 cease to be effective October 1, 2002 and section 705 ceases to be effective 120 days after such date.

TITLE VIII—MISCELLANEOUS

SEC. 801. REGISTRATION OF FOREIGN ESTABLISHMENTS.

Section 510(i) (21 U.S.C. 360(i)) is amended to read as follows:

"(i)(1) Any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or a device that is imported or offered for import into the United States shall register with the Secretary the name and place of business of the establishment and the name of the United States agent for the establishment.

"(2) The establishment shall also provide the information required by subsection (j).

"(3) The Secretary is authorized to enter into cooperative arrangements with foreign countries to ensure that adequate and effective means are available for purposes of determining, from time to time, whether drugs or devices manufactured, prepared, propagated, compounded, or processed by an establishment described in paragraph (1), if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a).".

SEC. 802. ELIMINATION OF CERTAIN LABELING REQUIREMENTS.

(a) Prescription Drugs.—Section 503(b)(4) (21 U.S.C. 353(b)(4)) is amended to read as follows:

"(4)(A) A drug that is subject to paragraph (1) shall be deemed to be misbranded if at any time prior to dispensing the label of the drug fails to bear, at a minimum, the symbol 'Rx only'.

"(B) A drug to which paragraph (1) does not apply shall be deemed to be misbranded if at any time prior to dispensing the label of the drug bears the symbol described in subparagraph (A).".

(b) Misbranded Drug.—Section 502(d) (21 U.S.C. 352(d)) is repealed.

(c) Conforming Amendments.—

(1) Section 503(b)(1) (21 U.S.C. 353(b)(1)) is amended—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) Section 503(b)(3) (21 U.S.C. 353(b)(3)) is amended by striking "section 502(d) and".

(3) Section 102(9)(A) of the Controlled Substances Act (21 U.S.C. 802(9)(A)) is amended—

(A) in clause (i), by striking "(i)"; and

(B) by striking "(ii)" and all that follows.

SEC. 803. CLARIFICATION OF SEIZURE AUTHORITY.

Section 304(d)(1) (21 U.S.C. 334(d)(1)) is amended—

(1) in the fifth sentence, by striking "paragraphs (1) and (2) of section 801(e)" and inserting "subparagraphs (A) and (B) of section 801(e)(1)"; and

(2) by inserting after the fifth sentence the following: "Any person seeking to export an imported article pursuant to any of the provisions of this subsection shall establish that the article was intended for export at the time the article entered commerce.".

SEC. 804. INTRAMURAL RESEARCH TRAINING AWARD PROGRAM.

Chapter IX (21 U.S.C. 391 et seq.), as amended by section 203, is further amended by adding at the end the following:

"SEC. 907. INTRAMURAL RESEARCH TRAINING AWARD PROGRAM.

"(a) In General.—The Secretary, acting through the Commissioner of Food and Drugs, may, directly or through grants, contracts, or cooperative agreements, conduct and support intramural research training in regulatory scientific programs by predoctoral and postdoctoral scientists and physicians, including support through the use of fellowships.

"(b) Limitation on Participation.—A recipient of a fellowship under subsection (a) may not be an employee of the Federal Government.

"(c) Special Rule.—The Secretary, acting through the Commissioner of Food and Drugs, may support the provision of assistance for fellowships described in subsection (a) through a Cooperative Research and Development Agreement.".

SEC. 805. DEVICE SAMPLES.

(a) Recall Authority.—

(1) In general.—Section 518(e)(2) (21 U.S.C. 360h(e)(2)) is amended by adding at the end the following:

"(C) If the Secretary issues an amended order under subparagraph (A), the Secretary may require the person subject to the order to submit such samples of the device and of components of the device as the Secretary may reasonably require. If the submission of such samples is impracticable or unduly burdensome, the requirement of this subparagraph may be met by the submission of complete information concerning the location of 1 or more such devices readily available for examination and testing.".

(2) Technical amendment.—Section 518(e)(2)(A) (21 U.S.C. 360h(e)(2)(A)) is amended by striking "subparagraphs (B) and (C)" and inserting "subparagraph (B)".

(b) Records and Reports on Devices.—Section 519(a) (21 U.S.C. 360i(a)) is amended by inserting after paragraph (9) the following:

"(10) may reasonably require a manufacturer or importer to submit samples of a device and of components of the device that may have caused or contributed to a death or serious injury, except that if the submission of such samples is impracticable or unduly burdensome, the requirement of this paragraph may be met by the submission of complete information concerning the location of 1 or more such devices readily available for examination and testing.".

SEC. 806. INTERSTATE COMMERCE.

Section 709 (21 U.S.C. 379a) is amended by striking "a device" and inserting "a device, food, drug, or cosmetic".

SEC. 807. NATIONAL UNIFORMITY FOR NONPRESCRIPTION DRUGS AND COSMETICS.

(a) Nonprescription Drugs.—Chapter VII (21 U.S.C. 371 et seq.), as amended by section 614(a), is further amended by adding at the end the following:

"Subchapter F—National Uniformity for Nonprescription Drugs and Preemption for Labeling or Packaging of Cosmetics

"SEC. 761. NATIONAL UNIFORMITY FOR NONPRESCRIPTION DRUGS.

"(a) In General.—Except as provided in subsection (b), (c)(1), (d), (e), or (f), no State or political subdivision of a State may establish or continue in effect any requirement—

"(1) that relates to the regulation of a drug that is not subject to the requirements of section 503(b)(1) or 503(f)(1)(A); and

"(2) that is different from or in addition to, or that is otherwise not identical with, a requirement under this Act, the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.).

"(b) Exemption.—Upon application of a State or political subdivision thereof, the Secretary may by regulation, after notice and opportunity for written and oral presentation of views, exempt from subsection (a), under such conditions as may be prescribed in such regulation, a State or political subdivision requirement that—

"(1) protects an important public interest that would otherwise be unprotected;

"(2) would not cause any drug to be in violation of any applicable requirement or prohibition under Federal law; and

"(3) would not unduly burden interstate commerce.

"(c) Scope.—

"(1) In general.—This section shall not apply to—

"(A) any State or political subdivision requirement that relates to the practice of pharmacy; or

"(B) any State or political subdivision requirement that a drug be dispensed only upon the prescription of a practitioner licensed by law to administer such drug.

"(2) Safety or effectiveness.—For purposes of subsection (a), a requirement that relates to the regulation of a drug shall be deemed to include any requirement relating to public information or any other form of public communication relating to a warning of any kind for a drug.

"(d) Exceptions.—

"(1) In general.—In the case of a drug described in subsection (a)(1) that is not the subject of an application approved under section 505 or 507 or a final regulation promulgated by the Secretary establishing conditions under which the drug is generally recognized as safe and effective and not misbranded, subsection (a) shall apply only with respect to a requirement of a State or political subdivision of a State that relates to the same subject as, but is different from or in addition to, or that is otherwise not identical with—

"(A) a regulation in effect with respect to the drug pursuant to a statute described in subsection (a)(2); or

"(B) any other requirement in effect with respect to the drug pursuant to an amendment to such a statute made on or after the date of enactment of this section.

"(2) State initiatives.—This section shall not apply to a State public initiative enacted prior to the date of enactment of this section.

"(e) No Effect on Product Liability Law.—Nothing in this section shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

"(f) State Enforcement Authority.—Nothing in this section shall prevent a State or political subdivision thereof from enforcing, under any relevant civil or other enforcement authority, a requirement that is identical to a requirement of this Act.".

(b) Inspections.—Section 704(a)(1) (21 U.S.C. 374(a)(1)) is amended by striking "prescription drugs" each place it appears and inserting "prescription drugs, nonprescription drugs intended for human use,".

(c) Misbranding.—Paragraph (1) of section 502(e) (21 U.S.C. 352(e)(1)) is amended to read as follows:

"(1)(A) If it is a drug, unless its label bears, to the exclusion of any other nonproprietary name (except the applicable systematic chemical name or the chemical formula)—

"(i) the established name (as defined in subparagraph (3)) of the drug, if there is such a name;

"(ii) the established name and quantity or, if deemed appropriate by the Secretary, the proportion of each active ingredient, including the quantity, kind, and proportion of any alcohol, and also including whether active or not the established name and quantity or if deemed appropriate by the Secretary, the proportion of any bromides, ether, chloroform, acetanilide, acetophenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein: *Provided*, That the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this paragraph, shall not apply to nonprescription drugs not intended for human use; and

"(iii) the established name of each inactive ingredient listed in alphabetical order on the outside container of the retail package and, if deemed appropriate by the Secretary, on the immediate container, as prescribed in regulation promulgated by the Secretary, but nothing in this clause shall be deemed to require that any trade secret be divulged: *Provided*, That the requirements of this clause with respect to alphabetical order shall apply only to nonprescription drugs that are not also cosmetics: and *Provided further*, That this clause shall not apply to nonprescription drugs not intended for human use.

"(B) For any prescription drug the established name of such drug or ingredient, as the case may be, on such label (and on any labeling on which a name for such drug or ingredient is used) shall be printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient: *Provided*, That to the extent that compliance with the requirements of clause (A)(ii) or (iii) or this clause of this subparagraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary.".

(d) Cosmetics.—Subchapter F of chapter VII, as amended by subsection (a), is further amended by adding at the end the following:

SEC. 762. PREEMPTION FOR LABELING OR PACKAGING OF COSMETICS.

"(a) In General.—Except as provided in subsection (b), (d), or (e), a State or political subdivision of a State shall not impose or continue in effect any requirement for labeling or packaging of a cosmetic that is different from or in addition to, or that is otherwise not identical with a requirement specifically applicable to a particular cosmetic or class of cosmetics under this Act, the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.).

"(b) Exemption.—Upon application of a State or political subdivision thereof, the Secretary may by regulation after notice and opportunity for written and oral presentation of views, exempt from subsection (a), under such conditions as may be prescribed in such regulation, a State or political subdivision requirement for labeling and packaging that—

"(1) protects an important public interest that would otherwise be unprotected;

"(2) would not cause a cosmetic to be in violation of any applicable requirements or prohibition under Federal law; and

"(3) would not unduly burden interstate commerce.

"(c) Scope.—For purposes of subsection (a), a reference to a State requirement that relates to the packaging or labeling of a cosmetic means any specific requirement relating to the same aspect of such cosmetic as a requirement specifically applicable to that particular cosmetic or class of cosmetics under this Act for packaging or labeling, including any State requirement relating to public information or any other form of public communication.

"(d) No Effect on Product Liability Law.—Nothing in this section shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

"(e) State Initiative.—This section shall not apply to a State requirement adopted by a State public initiative or referendum enacted prior to September 1, 1997.".

SEC. 808. INFORMATION PROGRAM ON CLINICAL TRIALS FOR SERIOUS OR LIFE-THREATENING DISEASES.

(a) In General.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i), the following:

"(j)(1) The Secretary, acting through the Director of the National Institutes of Health and subject to the availability of appropriations, shall establish, maintain, and operate a program with respect to information on research relating to the treatment, detection, and prevention of serious or life-threatening diseases and conditions. The program shall, with respect to the agencies of the Department of Health and Human Services, be integrated and coordinated, and, to the extent practicable, coordinated with other data banks containing similar information.

"(2)(A) After consultation with the Commissioner of Food and Drugs, the directors of the appropriate agencies of the National Institutes of Health (including the National Library of Medicine), and the Director of the Centers for Disease Control and Prevention, the Secretary shall, in carrying out paragraph (1), establish a data bank of information on clinical trials for drugs, and biologicals, for serious or life-threatening diseases and conditions.

"(B) In carrying out subparagraph (A), the Secretary shall collect, catalog, store, and disseminate the information described in such subparagraph. The Secretary shall disseminate such information through information systems, which shall include toll-free telephone communications, available to individuals with serious or life-threatening diseases and conditions, to other members of the public, to health care providers, and to researchers.

"(3) The data bank shall include the following:

"(A) A registry of clinical trials (whether federally or privately funded) of experimental treatments for serious or life-threatening diseases and conditions under regulations promulgated pursuant to sections 505 and 520 of the Federal Food, Drug, and Cosmetic Act that provides a description of the purpose of each experimental drug or biological protocol, either with the consent of the protocol sponsor, or when a trial to test efficacy begins. Information provided shall consist of eligibility criteria, a description of the location of trial sites, and a point of contact for those wanting to enroll in the trial, and shall be in a form that can be readily understood by members of the public. Such information must be forwarded to the data bank by the sponsor of the trial not later than 21 days after the approval by the Food and Drug Administration.

"(B) Information pertaining to experimental treatments for serious or life-threatening diseases and conditions that may be available—

"(i) under a treatment investigational new drug application that has been submitted to the Food and Drug Administration pursuant to part 312 of title 21, Code of Federal Regulations; or

"(ii) as a Group C cancer drug.

The data bank may also include information pertaining to the results of clinical trials of such treatments, with the consent of the sponsor, including information concerning potential toxicities or adverse effects associated with the use or administration of such experimental treatments.

"(4) The data bank shall not include information relating to an investigation if the sponsor has provided a detailed certification to the Secretary that disclosure of such information would substantially interfere with the timely enrollment of subjects in the investigation, unless the Secretary, after the receipt of the certification, provides the sponsor with a detailed written determination that finds that such disclosure would not substantially interfere with such enrollment.

"(5) For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary. Fees collected under section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h) shall not be authorized or appropriated for use in carrying out this subsection.".

(b) Collaboration and Report.—

(1) In general.—The Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Commissioner of Food and Drugs shall collaborate to determine the feasibility of including device investigations within the scope of the registry requirements set forth in subsection (j) of section 402 of the Public Health Service Act.

(2) Report.—Not later than 2 years after the date of enactment of this section, the Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report that shall consider, among other things—

(A) the public health need, if any, for inclusion of device investigations within the scope of the registry requirements set forth in subsection (j) of section 402 of the Public Health Service Act; and

(B) the adverse impact, if any, on device innovation and research in the United States if information relating to such device investigation is required to be publicly disclosed.

SEC. 809. APPLICATION OF FEDERAL LAW TO THE PRACTICE OF PHARMACY COMPOUNDING.

Section 503 (21 U.S.C. 353) is amended by adding at the end the following:

"(h)(1) Sections 501(a)(2)(B), 502(f)(1), 502(l), 505, and 507 shall not apply to a drug product if—

"(A) the drug product is compounded for an identified individual patient, based on a medical need for a compounded product—

"(i) by a licensed pharmacist in a State licensed pharmacy or a Federal facility, or a licensed physician, on the prescription order of a licensed physician or other licensed practitioner authorized by State law to prescribe drugs; or

"(ii) by a licensed pharmacist or licensed physician in limited quantities, prior to the receipt of a valid prescription order for the identified individual patient, and is compounded based on a history of the licensed pharmacist or licensed physician receiving valid prescription orders for the compounding of the drug product that have been generated solely within an established relationship between the licensed pharmacist, or licensed physician, and—

"(I) the individual patient for whom the prescription order will be provided; or

"(II) the physician or other licensed practitioner who will write such prescription order; and

"(B) the licensed pharmacist or licensed physician—

"(i) compounds the drug product using bulk drug substances—

"(I) that—

"(aa) comply with the standards of an applicable United States Pharmacopeia monograph; or

"(bb) in a case in which such a monograph does not exist, are drug substances that are covered by regulations issued by the Secretary under paragraph (3);

"(II) that are manufactured by an establishment that is registered under section 510 (including a foreign establishment that is registered under section 510(i)); and

"(III) that are accompanied by valid certificates of analysis for each bulk drug substance;

"(ii) compounds the drug product using ingredients (other than bulk drug substances) that comply with the standards of an applicable United States Pharmacopeia monograph and the United States Pharmacopeia chapter on pharmacy compounding;

"(iii) only advertises or promotes the compounding service provided by the licensed pharmacist or licensed physician and does not advertise or promote the compounding of any particular drug, class of drug, or type of drug;

"(iv) does not compound a drug product that appears on a list published by the Secretary in the Federal Register of drug products that have been withdrawn or removed from the market because such drug products or components of such drug products have been found to be unsafe or not effective;

"(v) does not compound a drug product that is identified by the Secretary in regulation as presenting demonstrable difficulties for compounding that reasonably demonstrate an adverse effect on the safety or effectiveness of that drug product; and

"(vi) does not distribute compounded drugs outside of the State in which the drugs are compounded, unless the principal State agency of jurisdiction that regulates the practice of pharmacy in such State has entered into a memorandum of understanding with the Secretary (based on the adequate regulation of compounding performed in the State) that provides for appropriate investigation by the State agency of complaints relating to compounded products distributed outside of the State.

"(2)(A) The Secretary shall, after consultation with the National Association of Boards of Pharmacy, develop a standard memorandum of understanding for use by States in complying with paragraph (1)(B)(vi).

"(B) Paragraph (1)(B)(vi) shall not apply to a licensed pharmacist or licensed physician, who does not distribute inordinate amounts of compounded products outside of the State, until—

"(i) the date that is 180 days after the development of the standard memorandum of understanding; or

"(ii) the date on which the State agency enters into a memorandum of understanding under paragraph (1)(B)(vi),

whichever occurs first.

"(3) The Secretary, after consultation with the United States Pharmacopeia Convention Incorporated, shall promulgate regulations limiting compounding under paragraph (1)(B)(i)(I)(bb) to drug substances that are components of drug products approved by the Secretary and to other drug substances as the Secretary may identify.

"(4) The provisions of paragraph (1) shall not apply—

"(A) to compounded positron emission tomography drugs as defined in section 201(ii); or

"(B) to radiopharmaceuticals.

"(5) In this subsection, the term 'compound' does not include to mix, reconstitute, or perform another similar act, in accordance with directions contained in drug labeling provided by a drug manufacturer.".

SEC. 810. REPORTS OF POSTMARKETING APPROVAL STUDIES.

(a) In General.—Chapter V (21 U.S.C. 351 et seq.), as amended by section 613(a), is further amended by adding at the end the following:

"SEC. 562. REPORTS OF POSTMARKETING STUDIES.

"(a) Submission.—

"(1) In general.—A sponsor of a drug that has entered into an agreement with the Secretary to conduct a postmarketing study of a drug shall submit to the Secretary, within 1 year after the approval of such drug and annually thereafter until the study is completed or terminated, a report of the progress of the study or the reasons for the failure of the sponsor to conduct the study. The report shall be submitted in such form as prescribed by the Secretary in regulations issued by the Secretary.

"(2) Agreements prior to effective date.—An agreement entered into between the Secretary and a sponsor of a drug, prior to the date of enactment of this section, to conduct a postmarketing study of a drug shall be subject to the requirements of paragraph (1). An initial report for such an agreement shall be submitted within 6 months after the date of the issuance of the regulations under paragraph (1).

"(b) Consideration of Information as Public Information.—Any information pertaining to a report described in paragraph (1) shall be considered to be public information to the extent that the information is necessary—

"(1) to identify the sponsor; and

"(2) to establish the status of a study described in subsection (a) and the reasons, if any, for any failure to carry out the study.

"(c) Status of Studies and Reports.—The Secretary shall annually develop and publish in the Federal Register a report that provides a status of the postmarketing studies—

"(1) that sponsors have entered into agreements to conduct; and

"(2) for which reports have been submitted under subsection (a)(1).".

(b) Report to Congressional Committees.—Not later than October 1, 2001, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report containing—

(1) a summary of the reports submitted under section 562 of the Federal Food, Drug, and Cosmetic Act; and

(2) an evaluation of—

(A) the performance of the sponsors in fulfilling the agreements with respect to the conduct of postmarketing studies described in such section of such Act;

(B) the timeliness of the Secretary's review of the postmarketing studies; and

(C) any legislative recommendations respecting postmarketing studies.

SEC. 811. INFORMATION EXCHANGE.

(a) In General.—Chapter VII (2 U.S.C. 371 et seq.), as amended by section 807, is further amended by adding at the end the following:

"Subchapter G—Dissemination of Treatment Information

"SEC. 771. DISSEMINATION OF TREATMENT INFORMATION ON DRUGS, BIOLOGICAL PRODUCTS, AND DEVICES.

"(a) Dissemination of Treatment Information.—

"(1) In general.—Notwithstanding sections 301(d), 502(f), 505, and 507 and section 351 of the Public Health Service Act (42 U.S.C. 262), and subject to the requirements of paragraphs (2) through (6) and subsection (b), a manufacturer may disseminate to a health care practitioner, a pharmacy benefit manager, a health maintenance organization or other managed health care organization, or a health care insurer or governmental agency, written information concerning the safety, effectiveness, or benefit (whether or not such information is contained in the official labeling) of a drug, biological product, or device for which—

"(A) an approval of an application filed under section 505(b), 505(j), or 515, a clearance in accordance with section 510(k), an approval in accordance with section 507, or a biologics license issued under section 351 of the Public Health Service Act, is in effect; and

"(B) if the use is not described in the approved labeling of the product, the manufacturer has submitted to the Secretary a certification that a supplemental application for that use will be submitted to the Secretary pursuant to paragraph (3) or the manufacturer has received an exemption under paragraph (3)(C).

"(2) Authorized information.—A manufacturer may disseminate the written information under paragraph (1) only if the information—

"(A) is in the form of an unabridged—

"(i) reprint or copy of a peer-reviewed article from a scientific or medical journal (as defined in subsection (c)(5)) of a clinical investigation, with respect to a drug, biological product or device, that would be considered to be scientifically sound by experts qualified by scientific training or experience to evaluate the safety or effectiveness of the drug, biological product, or device that is the subject of such clinical investigation; or

"(ii) reference textbook (as defined in subsection (c)(4)) that includes information about a clinical investigation with respect to a drug, biological product, or device, that would be considered to be scientifically sound by experts qualified by scientific training or experience to evaluate the safety or effectiveness of the drug, biological product, or device that is the subject of such clinical investigation; and

"(B) is not false, not misleading, and would not pose a significant risk to the public health.

"(3) Commitment to file a supplemental application; incentives for research.—

"(A) IN GENERAL.—A manufacturer may disseminate information about a use not described in the approved labeling of a drug, biological product, or device pursuant to paragraph (1) only if—

"(i) the manufacturer has submitted to the Secretary a certification that the studies needed to file a supplemental application for such use have been completed and such supplement will be filed within 6 months after the date of the initial dissemination of information under paragraph (1); or

"(ii)(I) the manufacturer has submitted to the Secretary a proposed protocol and schedule for conducting the studies needed to submit a supplemental application for such use and has certified that the supplement will be submitted within 36 months after the date of the initial dissemination of information under paragraph (1); and

"(II) the Secretary has determined that the protocol for conducting such studies is adequate and that the schedule for completing such studies is reasonable.

"(B) EXTENSION.—

"(i) LONGER PERIOD OF TIME.—The Secretary may grant a longer period of time for a manufacturer to submit a supplemental application pursuant to subparagraph (A) if the Secretary determines that the studies needed to submit a supplemental application cannot be completed and submitted within 36 months.

"(ii) EXTENSION OF 3-YEAR PERIOD.—The Secretary may extend the time within which a manufacturer must submit a supplemental application pursuant to subparagraph (A) if the manufacturer demonstrates that the manufacturer has acted with due diligence to conduct the studies in a timely manner. Such extension shall not exceed a period of 24 months.

"(C) EXEMPTIONS.—A manufacturer may file a request for an exemption from the requirements set forth in subparagraph (A). Such request shall be submitted in the form and manner prescribed by the Secretary and shall demonstrate that—

"(i) due to the size of the patient population or the lack of potential benefit to the sponsor, the cost of obtaining clinical information and submitting a supplemental application is economically prohibitive; or

"(ii) it would be unethical to conduct the studies necessary to obtain adequate evidence for approval of a supplemental application.

The Secretary shall act on a request for an exemption under this subparagraph within 60 days after the receipt of the request. If the Secretary fails to act within 60 days, the manufacturer may begin to disseminate information pursuant to paragraph (1) without complying with subparagraph (A). If the Secretary subsequently denies the request for an exemption, the manufacturer either shall cease dissemination or shall comply with the requirements of subparagraph (A) within 60 days after such denial. If the manufacturer ceases dissemination pursuant to this subparagraph solely on the basis that the manufacturer does not comply with subparagraph (A), the Secretary may take appropriate corrective action, but may not order the manufacturer to take corrective action.

"(D) REPORT.—A manufacturer who submits a certification to the Secretary under subparagraph (A) shall provide the Secretary periodic reports that describe the status of the studies being conducted to obtain adequate evidence for approval of a supplemental application.

"(4) INFORMATION ON NEW USES.—

"(A) IN GENERAL.—If the information being disseminated under paragraph (1) meets the requirements of this section, a manufacturer may disseminate information under paragraph (1) concerning the new use of a drug, biological product, or device (described in paragraph (1)) 60 calendar days after the manufacturer has submitted to the Secretary—

"(i) a copy of the information; and

"(ii) any clinical trial information the manufacturer has relating to the safety or efficacy of the new use, any reports of clinical experience pertinent to the safety of the new use, and a summary of such information.

If any of the information required to be provided under clause (ii) has already been provided to the Secretary, the manufacturer may meet the requirements of clause (ii) by providing any such information obtained by the manufacturer since the manufacturer's last submission to the Secretary and a summary that identifies the information previously provided.

"(B) ADDITIONAL INFORMATION.—If the Secretary determines that the information submitted by a manufacturer under subparagraph (A)(i) with respect to a new use of a drug, biological product, or device fails to provide data, analyses, or other written matter, that is objective and balanced, the Secretary may require the manufacturer to disseminate along with the information described in subparagraph (A)—

"(i) additional information with respect to the new use of the drug, biological product, or device that—

"(I) is in the form of an article described in paragraph (2)(A); and

"(II) provides data, analyses, or other written matter, that is scientifically sound;

"(ii) additional objective and scientifically sound information that pertains to the safety or efficacy of the use and is necessary to provide objectivity and balance, including any information that the manufacturer has submitted to the Secretary, or where appropriate, a summary of such information, or any other information that the Secretary has authority to make available to the public;

"(iii) an objective statement prescribed by the Secretary based on information described in clause (i) or (ii), provided the manufacturer has access to the data that forms the basis of such statement unless the Secretary is prohibited from making such data available to the manufacturer; and

"(iv) a statement that describes any previous public announcements by the Secretary relevant to the new use.

"(5) NEW INFORMATION.—If a manufacturer that is disseminating information pursuant to paragraph (1) becomes aware of new information relating to the safety or efficacy of a new use of a drug, biological product, or device for which information was disseminated under paragraph (1), the manufacturer shall notify the Secretary with respect to the new information. If the Secretary determines that the new information demonstrates that a drug, biological product, or device may not be effective or may present a significant risk to public health, the Secretary shall, in consultation with the manufacturer, take such appropriate action as the Secretary determines necessary to ensure public health and safety. The Secretary may limit the types of new information that must be submitted under this paragraph.

"(6) CESSATION OF DISSEMINATION; CORRECTIVE ACTION.—The Secretary may order a manufacturer to cease the dissemination of all information being disseminated pursuant to paragraph (1) if—

"(A) the Secretary finds that a supplemental application does not contain adequate information for approval for the use that is the subject of the information;

"(B) the Secretary determines, after an informal hearing, that the manufacturer is not acting with due diligence to complete the studies necessary to file a supplemental application for the use that is the subject of the information being disseminated; or

"(C) the Secretary determines that the information being disseminated does not comply with the requirements set forth in this section, after providing notice, an opportunity for a meeting, and for minor violations of this section (if there has been substantial compliance with this section), an opportunity to correct such information.

If the Secretary orders cessation of dissemination pursuant to this paragraph, the Secretary may order the manufacturer to take appropriate corrective action.

"(7) SPONSORED RESEARCH.—If a manufacturer has sponsored research that results in information as described in paragraph (2)(A), another manufacturer may not distribute the information under this section, unless such manufacturer is required by the Secretary to distribute the information.

"(b) DISCLOSURE STATEMENT.—In order to afford a full and fair evaluation of the information described in subsection (a), a manufacturer disseminating the information shall include along with the information—

"(1) a prominently displayed statement that discloses—

"(A) that the information concerns a use of a drug, biological product, or device or other attribute of a drug, biological product, or device that has not been approved by the Food and Drug Administration;

"(B) if applicable, that the information is being disseminated at the expense of the manufacturer;

"(C) if applicable, the name of any authors of the information who are employees of, or consultants to, or have received compensation from, the manufacturer, or who have a significant financial interest in the manufacturer;

"(D) the official labeling for the drug, biological product, or device and all updates with respect to the labeling;

"(E) if applicable, a statement that there are products or treatments that have been approved for the use that is the subject of the information being disseminated pursuant to subsection (a)(1); and

"(F) the identification of any person that has provided funding for the conduct of a study relating to a new use of a drug, biological product, or device for which such information is being disseminated; and

"(2) a bibliography of other articles from a scientific reference textbook or scientific or medical journal that have been previously published about the new use of a drug, biological product, or device covered by the information disseminated (unless the information already includes such bibliography).

"(c) DEFINITIONS.—As used in this section:

"(1) HEALTH CARE PRACTITIONER.—The term 'health care practitioner' means a medical provider that is licensed to prescribe a drug or biological product, or to prescribe or use a device, for the treatment of a disease or other medical condition.

"(2) MANUFACTURER.—The term 'manufacturer' includes a person who manufactures, distributes, or markets a drug, biological product, or device.

"(3) NEW USE.—The term 'new use' used with respect to a drug, biological product, or device means a use of a drug, biological product, or device not included in the approved labeling of such drug, biological product, or device.

"(4) Reference textbook.—The term 'reference textbook' means a reference publication that—

"(A) has not been written, edited, excerpted, or published specifically for, or at the request of a manufacturer of a drug, biological product, or device;

"(B) has not been edited or significantly influenced by a manufacturer of a drug, biological product, or device;

"(C) is not solely distributed through a manufacturer of a drug, biological product, or device but is generally available in bookstores or other distribution channels where medical textbooks are sold;

"(D) does not focus on any particular drug, biological product, or device of a manufacturer that disseminates information under subsection (a), and does not have a primary focus on new uses of drugs, biological products, or devices that are marketed or under investigation by a manufacturer supporting the dissemination of information; and

"(E) presents materials that are not false or misleading.

"(5) Scientific or medical journal.—The term 'scientific or medical journal' means a scientific or medical publication—

"(A) that is published by an organization—

"(i) that has an editorial board;

"(ii) that utilizes experts, who have demonstrated expertise in the subject of an article under review by the organization and who are independent of the organization, to review and objectively select, reject, or provide comments about proposed articles; and

"(iii) that has a publicly stated policy, to which the organization adheres, of full disclosure of any conflict of interest or biases for all authors or contributors involved with the journal or organization;

"(B) whose articles are peer-reviewed and published in accordance with the regular peer-review procedures of the organization;

"(C) that is generally recognized to be of national scope and reputation;

"(D) that is indexed in the Index Medicus of the National Library of Medicine of the National Institutes of Health;

"(E) that presents materials that are not false or misleading; and

"(F) that is not in the form of a special supplement that has been funded in whole or in part by 1 or more manufacturers.

"(d) Construction.—Nothing in this section shall be construed as prohibiting a manufacturer from disseminating information in response to an unsolicited request from a health care practitioner.

"(e) Studies and Reports.—

"(1) General accounting office.—

"(A) In general.—The Comptroller General of the United States shall conduct a study to determine the impact of this section on the resources of the Department of Health and Human Services.

"(B) Report.—Not later than January 1, 2002, the Comptroller General of the United States shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report of the results of the study.

"(2) Department of health and human services.—

"(A) In general.—In order to assist Congress in determining whether the provisions of this section should be extended beyond the termination date specified in section 811(e) of the Food and Drug Administration Modernization and Accountability Act of 1997, the Secretary of Health and Human Services shall, in accordance with subparagraph (B), arrange for the conduct of a study of the scientific issues raised as a result of the enactment of this section, including issues relating to—

"(i) the effectiveness of this section with respect to the provision of useful scientific information to health care practitioners;

"(ii) the quality of the information being disseminated pursuant to the provisions of this section;

"(iii) the quality and usefulness of the information provided, in accordance with this section, by the Secretary or by the manufacturer at the request of the Secretary; and

"(iv) the impact of this section on research in the area of new uses, indications, or dosages, particularly the impact on pediatric indications and rare diseases.

"(3) Procedure for study.—

"(A) In general.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to conduct the study required by paragraph (2), and to prepare and submit the report required by subparagraph (B), under an arrangement by which the actual expenses incurred by the Institute of Medicine in conducting the study and preparing the report will be paid by the Secretary. If the Institute of Medicine is unwilling to conduct the study under such an arrangement, the Secretary shall enter into a similar arrangement with another appropriate nonprofit private group or association under which the group or association will conduct the study and prepare and submit the report.

"(B) Report.—Not later than September 30, 2005, the Institute of Medicine, the group, or association, as appropriate, shall prepare and submit to the Committee on Labor and Human Resources of the Senate, the Committee on Commerce of the House of Representatives, and the Secretary a report of the results of the study required by paragraph (2). The Secretary, after the receipt of the report, shall make the report available to the public.

"(4) Authorization of appropriation.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

"SEC. 772. ESTABLISHMENT OF LIST OF ARTICLES AND TEXTBOOKS DISSEMINATED AND LIST OF PROVIDERS THAT RECEIVED ARTICLES AND REFERENCE TEXTBOOKS.

"(a) In General.—A manufacturer that disseminates information in the form of articles or reference textbooks under section 771 shall prepare and submit to the Secretary biannually—

"(1) a list containing the titles of the articles and reference textbooks relating to the new use of drugs, biological products, and devices that were disseminated by the manufacturer to a person described in section 771(a)(1) for the 6-month period preceding the date on which the manufacturer submits the list to the Secretary; and

"(2) a list that identifies the categories of providers (as described in section 771(a)(1)) that received the articles and reference textbooks for the 6-month period described in paragraph (1).

"(b) Records.—A manufacturer that disseminates information under section 771 shall keep records that identify the recipients of articles and textbooks provided pursuant to section 771. Such records are to be used by the manufacturer when, pursuant to section 771(a)(6), such manufacturer is required to take corrective action and shall be made available to the Secretary, upon request, for purposes of ensuring or taking corrective action pursuant to paragraph (3), (5), or (6) of section 771(a).

"SEC. 773. CONSTRUCTION.

"(a) Dissemination of Information on Drugs or Devices Not Evidence of Intended Use.—Notwithstanding subsection (a), (f), or (o) of section 502, or any other provision of law, the dissemination of information relating to a new use of a drug or device, in accordance with section 771, shall not be construed by the Secretary as evidence of a new intended use of the drug or device that is different from the intended use of the drug or device set forth in the official labeling of the drug or device. Such dissemination shall not be considered by the Secretary as labeling, adulteration, or misbranding of the drug or device.

"(b) Patent Protection.—Nothing in section 771 shall affect patent rights in any manner.

"(c) Authorization for Dissemination of Articles and Fees for Reprints of Articles.—Nothing in section 771 shall be construed as prohibiting an entity that publishes a scientific journal (as defined in section 771(c)(5)) from requiring authorization from the entity to disseminate an article published by such entity and from charging fees for the purchase of reprints of published articles from such entity.".

(b) Prohibited Act.—Section 301 (21 U.S.C. 331), as amended by section 205(b), is further amended by adding at the end the following:

"(y) The dissemination of information pursuant to section 771 by a manufacturer who fails to comply with the requirements of such section.".

(c) Regulations.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations to implement the amendments made by this section.

(d) Effective Date.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act, or upon the Secretary's issuance of final regulations pursuant to subsection (c), whichever is sooner.

(e) Termination of Effectiveness.—The amendments made by this section cease to be effective September 30, 2006, or 7 years after the date on which the Secretary promulgates the regulations described in subsection (c), whichever is later.

SEC. 812. REAUTHORIZATION OF CLINICAL PHARMACOLOGY PROGRAM.

Section 2 of Public Law 102–222 (105 Stat. 1677) is amended—

(1) in subsection (a), by striking "a grant" and all that follows through "Such grant" and inserting the following: "grants for a pilot program for the training of individuals in clinical pharmacology at appropriate medical schools. Such grants"; and

(2) in subsection (b), by striking "to carry out this section" and inserting ", and for fiscal years 1998 through 2002 $3,000,000 for each fiscal year, to carry out this section".

SEC. 813. MONOGRAPH FOR SUNBURN PRODUCTS.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a final monograph for over-the-counter sunburn products for prevention or treatment of sunburn.

SNOWE (AND OTHERS) AMENDMENT NO. 1131

(Ordered to lie on the table.)

Ms. SNOWE (for herself, Mrs. MURRAY, Mr. D'AMATO, Ms. MOSELEY-BRAUN, Mr. FAIRCLOTH, and Ms. MIKULSKI) submitted an amendment intended to be proposed by them to the bill, S. 830, supra; as follows:

At the appropriate place, insert the following:

SEC. . OFFICE OF WOMEN'S HEALTH.

Chapter IX (21 U.S.C. 391 et seq.), as amended by section 804, is further amended by adding at the end the following:

"SEC. 908. OFFICE OF WOMEN'S HEALTH.

"(a) ESTABLISHMENT.—There is established within the Office of the Commissioner of the Food and Drug Administration an office to be known as the Office of Women's Health (hereafter referred to in this section as the 'Office'). The Office shall be headed by a Director who shall be appointed by the Commissioner of the Agency.

"(b) PURPOSE.—The Office shall—

"(1) monitor current levels of activity regarding women's participation in clinical trials and the study of gender differences in the testing of drugs, medical devices, and biological products;

"(2) advise the agency in providing guidance or criteria for drug and device manufacturers to use in determining the extent and sufficiency of female representation in clinical trials;

"(3) consult with women's health advocacy organizations, health professionals with expertise in women's issues, consumer organizations, and pharmaceutical manufacturers on Commission policy with regard to women's health.

"(4) make annual estimates of funds needed to monitor clinical trials in accordance with needs that are identified; and

"(5) coordinate women's health activities throughout the Food and Drug Administration.

"(c) COORDINATING COMMITTEE.—

"(1) ESTABLISHMENT.—In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Women's Health (hereafter referred to in this subsection as the 'Coordinating Committee').

"(2) COMPOSITION.—The Coordinating Committee shall be composed of the Directors of the Food and Drug Adminstration Centers or their representatives.

"(3) CHAIRPERSON.—The Director of the Office shall serve as the Chairperson of the Coordinating Committee.

"(4) DUTIES.—With respect to advancing women's health within the mission of the Food and Drug Administration, the Coordinating Committee shall assist the Director of the Office in—

"(A) identifying the need for further studies in specific areas of women's health that fall within the mission of the agency, and developing strategies to foster such studies;

"(B) advising and expediting the intramural research funding process;

"(C) identifying needs regarding the coordination of agency activities; and

"(D) maintaining the agency's focus in ensuring that all agency actions are conducive to women's health.

"(d) REPORTS.—Not later than January 31, 1998, and January 31 of each second year thereafter, the Director shall prepare and submit to the Commissioner of the Food and Drug Administration, a report describing the activities carried out under this section during the preceding 2 fiscal years.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.".

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

GREGG AMENDMENT NO. 1132

Mr. GORTON (for Mr. GREGG) proposed an amendment to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 126, line 16, insert after "government" the following "that lies in whole or in part within the White Mountain National Forest and is"

On page 126, line 19, strike "recreational user fee" and insert in lieu thereof: "Demonstration Program Fee (parking permit or passport)"

On page 126, line 21–22, strike "White Mountain National" and "that lies, in whole or in part, within those boundaries."

RESOLUTION ON THE BOMBING IN JERUSALEM

HUTCHINSON (AND BREAUX) AMENDMENT NO. 1133

Mr. GORTON (for Mr. HUTCHINSON, for himself and Mr. BREAUX) proposed an amendment to the concurrent resolution (S. Con. Res. 50) condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997; as follows:

On page 3, beginning on line 6, strike out "should provide" and all that follows through "it has fulfilled" and insert in lieu thereof "will only provide monetary or other assistance to the Palestinian Authority once it has fulfilled".

On page 3, strike out lines 16 and 17.

On page 3, line 18, strike out "(E)" and insert in lieu thereof "(D)".

On page 3, line 21, strike out "(F)" and insert in lieu thereof "(E)".

On page 4, line 1, strike out "(G)" and insert in lieu thereof "(F)".

On page 4, strike out lines 3 through 5.

On page 4, line 6, strike out "(I)" and insert in lieu thereof "(G)".

On page 4, line 9, strike out "(J)" and insert in lieu thereof "(H)".

On page 4, line 15, strike out "(K) taking affirmative steps to reduce the size of the Palestinian police force," and insert in lieu thereof "(I) taking affirmative steps to ensure that the size of the Palestinian police force is".

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules ahd Administration will hold a hearing in SR–301, Russell Senate Office Building, on Thursday, September 18, 1997 at 2 p.m. to receive testimony relating to the contested Senate election in Louisiana in November, 1996.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, September 11, 1997 at 9 a.m. in SD–106 to examine the broad implications of the recently proposed tobacco settlement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 11, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on S. 660, a bill to provide for the continuation of higher education through the conveyance of certain lands in the State of Alaska to the University of Alaska, and for other purposes, and S. 1092, a bill to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, AK, and King Cove, AK, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President: I ask unanimous consent that the Committee on Finance be permitted to meet Thursday, September 11, 1997 beginning at 10 a.m. in room SH–215, to conduct a markup on several trade bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 11, 1997, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Thursday, September 11, at 10 a.m. for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on confidentiality of medical information during the session of the Senate on Thursday, September 11, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 11, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to receive testimony reviewing the Commemorative Works Act and the administrative and public process involved in the site selection of the World War II Memorial and the recently announced Air Force Memorial.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IN RECOGNITION OF ETTA MOTEN BARNETT'S 96TH BIRTHDAY

• Ms. MOSELEY-BRAUN. Mr. President, I would like to extend my heartfelt congratulations to Etta Moten Barnett on the occasion of her recent 96th birthday. Mrs. Barnett is a remarkable woman who has lived a life of great artistic and civic achievement.

By the time she was 30, Mrs. Barnett was married, had three children, divorced, and returned to school. After receiving a fine arts degree in voice from the University of Kansas, Mrs. Barnett moved to New York City to begin an illustrious career in show business that would take her around the world and before millions of people.

Mrs. Barnett distinguished herself with her incredible singing ability, both on the stage and on the silver screen. Her theatrical accomplishments include Broadway performances of "Porgy and Bess", "Fast and Furious", "Sugar Hill", "Zombie", and "Lysistrata". George Gershwin wrote the role of Bess with Mrs. Barnett in mind, and she performed in the starring role in the first revival of "Porgy and Bess" on Broadway in 1942.

Mrs. Barnett's film credits include "The Gold Diggers", "Flying Down to Rio", and "My Forgotten Man". Her stirring performance in The "Carioca" earned the film an Oscar nomination for best song. After seeing her in "My Forgotten Man", President Franklin Roosevelt invited Mrs. Barnett to personally sing for him, and thus, she became the first African-American woman ever to perform at the White House.

Although Mrs. Barnett stopped performing in 1952, her contributions to American society continued. Along with husband Claude Barnett, the founding director of the Associated Negro Press, Mrs. Barnett took an active interest in issues affecting people of color around the world and became a champion of equal rights for all people.

As a founding member of the North Shore Chapter of the Links, Inc. in Chicago, Mrs. Barnett continues to give freely of herself to numerous cultural and civic organizations. Her commitment to improving the plight of women throughout the world was recognized when she was the first nongovernmental organization representative of the Links at the United Nations.

Etta Moten Barnett is truly an American legend. In honoring her 96th birthday, I join her family, friends, and colleagues in commending her for her outstanding accomplishments. Her talent on Broadway and on film has touched thousands of Americans, and her hard work, gracefulness, and civic-mindedness has inspired and set an example for thousands more.•

TRIBUTE TO THE HONORABLE ALBERT LEE SMITH, JR.

• Mr. SHELBY. Mr. President, I rise today in honor of The Honorable Albert Lee Smith, Jr., who died at age 65 on August 12, 1997, from injuries suffered in a tragic fall at his home. Mr. Smith was a friend, dedicated husband and father. He served with distinction in the U.S. House of Representatives during the 96th Congress on behalf of the people of Alabama's Sixth District.

Albert Lee Smith, Jr., grew up in Birmingham, AL and received his bachelor's degree from Auburn University. Always a leader, he served as an officer in the U.S. Navy, and was later awarded an honorary doctor of law degree from Samford University.

In 1956, Mr. Smith joined the Jefferson-Pilot Life Insurance Co. in Birmingham. For the next 41 years, Mr. SMITH had a distinguished career as a Chartered Life Underwriter. He served as president of the Birmingham Association of Life Underwriters and held several leadership positions in other professional organizations.

Albert Lee Smith, Jr. was a true gentleman and conservative visionary. He was an extraordinary leader for the Alabama Republican Party. Active since 1962, Mr. Smith served as a pollwatcher, precinct captain and vicechairman of the county party. At the time of his untimely passing, he was serving as a vice-chairman of the Alabama Republican Executive Committee. Further, Mr. Smith was a delegate to the 1968, 1972, 1976, and 1984 Republican National Conventions.

Driven by his desire to help Alabamians, Albert Lee Smith, Jr., ran for Congress to work for lower taxes and a smaller, more efficient government for the American people. Among the first in Congress to do so, Congressman Smith demonstrated concern for the strength of American families as the sponsor of the Family Protection Act. As a member of the House Budget Committee and the Committee on Veteran's Affairs, he supported tax cuts and a strong national defense.

Albert Lee Smith, Jr., knew the importance of restoring America's financial and spiritual health for our children and grandchildren. For his dedicated service, Congressman Smith was honored by several important awards: The Taxpayers Best Friend Award from the National Taxpayers' Union; the Leadership Award from the American Security Council; and the Golden Bulldog Award from the Watchdog of the Treasury, among others.

Congressman Smith was a public servant of the first order. The Alabama Republican Party nominated him as its candidate for the U.S. Senate in 1984. Following his departure from the House of Representatives, President Ronald Reagan named him in 1985 to the Federal Council on Aging, an appointment subsequently confirmed by the U.S. Senate.

An exemplary citizen, leader and role model, Congressman Smith served as a board member of the Birmingham Campus Crusade for Christ and was a member of the Kiwanis Club and the Metropolitan Board of the YMCA. Mr. Smith served as a deacon at the First Baptist Church in Birmingham and was elected by the Southern Baptist Convention to the Baptist Joint Committee on Public Affairs. As a husband, father and friend, Albert Lee Smith, Jr., was a compassionate and thoughtful human being.

My prayers go out to Albert's wife, Eunie Walldorf Smith, their children, Karen, Smith, Albert Smith, and Meg Wallace, and their family and friends. The Honorable Albert Lee Smith's lifelong dedication to community and country made our world a better place.•

APPLAUDING LITHUANIA AND POLAND FOR HOSTING THE VILNIUS CONFERENCE

• Mr. DURBIN. Mr. President, I rise today to applaud Lithuania and Poland for their efforts in promoting peace and security in Central and Eastern Europe. This past weekend, Lithuania and Poland hosted an international conference in Vilnius on the subject of coexistence between nations and good neighborly relations. The conference brought together the leaders of 11 countries—Lithuania, Poland, Latvia, Estonia, Ukraine, Hungary, the Czech Republic, Romania, Belarus, Finland, and Russia—to discuss practical ways to promoting peaceful relations among their peoples. Lithuania and Poland pointed to improvements in their own relationship as a model for other nations. I also commend President Clinton for recognizing the leadership of Lithuania and Poland on this issue, by sending the Deputy Assistant Secretary of State for European Affairs as the United States representative to the Vilnius conference.

In convening this conference, Lithuania and Poland stressed the essential connections between democratic institutions, free markets, and peace. Democratic institutions are founded on the values of tolerance and respect for individual and minority rights; values which promote good relations between neighbors. Free markets are providing the people of that region with unprecedented opportunities to improve their lives in material terms, giving them an incentive to put aside old animosities and differences. And of course, peace provides an environment in which democratic institutions and free markets can flourish. The work of the Vilnius conference advances major American foreign policy goals: security in the North Atlantic region and the expansion of democratic institutions and free markets.

Lithuania and Poland are meeting their responsibilities in the new Europe. They are leading the way in forging a new pattern of politics in Europe, as Secretary of State Albright called for during her trip to Lithuania last July. During her visit, Secretary Albright stated that any new members of NATO must be producers of security, not merely consumers. Mr. President, by reaching out to their neighbors—including Russia—Lithuania and Poland are showing themselves to be producers of security. They are, in short, excellent candidates for NATO membership. We in the Senate should do all we can to encourage Lithuania and Poland in their efforts to promote security in the North Atlantic region and to support their membership in NATO.•

THE 50TH ANNIVERSARY OF THE U.S. AIR FORCE

• Mr. LEVIN. Mr. President, I rise today to honor the U.S. Air Force on its 50th anniversary, which will be celebrated across the country on September 18, 1997.

On July 26, 1947, the National Security Act was signed into law by President Truman. This act established the U.S. Air Force as a separate branch of our Nation's Armed Forces. On September 18, 1947, W. Stuart Symington was sworn in as the first Secretary of the Air Force. Eight days later, Gen. Carl A. Spaatz became the Air Force's first Chief of Staff.

While 1947 marked the beginning of the Air Force as we know it today, the U.S. official involvement with the military applications of flight actually started 40 years earlier in 1907. On August 1 of that year—just 3 years after the Wright Brothers' historic first manned flight—the Aeronautical Division of the U.S. Army Signal Corps was established. This was the forerunner of today's Air Force. The Aeronautical Division's mission was to "take charge of all matters pertaining to military ballooning, air machines, and all kindred subjects." It is from this initial mandate that the Air Force has evolved into the indispensable force which today provides the United States with "Global Reach, Global Power."

With its founding in 1947, the Air Force became an equal partner with the Army, Navy, and Marine Corps in our Nation's Armed Forces. It did not take long for the Air Force to make history. Within 2 weeks of its creation, the Air Force hit the first of many impressive milestones. On October 14, 1947, a young Air Force captain by the name of Chuck Yeager courageously piloted the X-1 on the first supersonic flight.

Beginning in June 1948, it was the Air Force that was called upon to take the lead in the Berlin Airlift. Dubbed Operation Vittles and over the course of the next 15 months, the Anglo-American airlift delivered a total of 2.3 million tons of food, fuel, and supplies to sustain the people of that beleaguered city.

The theme of this 50th anniversary year for the Air Force—"Golden Legacy—Boundless Future"—is very appropriate because facing challenges has been the hallmark of the Air Force. They have always aimed high. The Air Force has achieved countless numbers of aviation firsts that are the envy of the aeronautical world. Lesser known actions, though, are also an important part of the Air Force's golden legacy and should also be celebrated. For instance, on July 1, 1949, the Air Force became the first service to announce an end to racial segregation in its ranks.

The greatest strength in all of the military services has always been in its members themselves. Without any doubt and question, Gens. Hap Arnold and Jimmie Doolittle and Sen. Ira Eaker are great Air Force legends in their own right. So too though is Lt. Col. John Paul Stapp, a Air Force flight surgeon who in 1954 rode a rocket sled to 632 mph and then decelerated to zero in 125 seconds. He survived more than 35 times the force of gravity in order to determine if a pilot could eject from an airplane at supersonic speed and live. We should also remember Col. Robin Olds who, on January 2, 1967, became the first and only U.S. Air Force ace with 12 victories in World War II and 4 victories in Vietnam.

Over the past 50 years the men and women of the Air Force have served with honor and distinction in the major conflicts of Korea, Vietnam, and in the Persian Gulf. They have been the faithful stewards of two-thirds of America's arsenal of nuclear weapons. They have kept the peace deep below the Earth in missile silos and high in the heavens in reconnaissance aircraft.

The Air Force truly does have a golden legacy that we should all take time to reflect upon and honor. I am confident that the Air Force's rich history is the foundation of its boundless future. Regardless of any future threat our Nation may face, the Air Force will meet the challenge just as they always have.

I know my Senate colleagues join me in celebrating the 50th anniversary of the United States Air Force.•

CONDEMNATION OF BOMBING IN JERUSALEM

Mr. GORTON. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Concurrent Resolution 50 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 50) condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GORTON. Mr. President, Senator HUTCHINSON has two amendments at the desk which amend the resolution and the preamble.

I ask unanimous consent that the amendment to the resolution be agreed to, the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, and the preamble, as amended, be agreed to.

I further ask unanimous consent that the motions to reconsider be laid upon the table and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1133) was agreed to, as follows:

On page 3, beginning on line 6, strike out "should provide" and all that follows through "it has fulfilled" and insert in lieu thereof "will only provide monetary or other assistance to the Palestinian Authority once it has fulfilled".

On page 3, strike out lines 16 and 17.

On page 3, line 18, strike out "(E)" and insert in lieu thereof "(D)".

On page 3, line 21, strike out "(F)" and insert in lieu thereof "(E)".

On page 4, line 1, strike out "(G)" and insert in lieu thereof "(F)".

On page 4, strike out lines 3 through 5.

On page 4, line 6, strike out "(I)" and insert in lieu thereof "(G)".

On page 4, line 9, strike out "(J)" and insert in lieu thereof "(H)".

On page 4, line 15, strike out "(K) taking affirmative steps to reduce the size of the Palestinian police force," and insert in lieu thereof "(I) taking affirmative steps to ensure that the size of the Palestinian police force is".

The amendment to the preamble was agreed to, as follows:

In the first clause, strike out "8 people" and insert in lieu thereof "7 people".

In the sixth clause, strike out "a list of 150" and insert in lieu thereof "a long list of".

In the eighth clause, strike out "over 260 Israelis" and insert in lieu thereof "more than 100 Israelis".

The concurrent resolution, as amended, was agreed to.

The preamble, as amended, was agreed to.

The concurrent resolution (S. Con. Res. 50), as amended, and its preamble, as amended, read as follows:

S. CON. RES. 50

Whereas on September 4, 1997, 3 bombs exploded in Jerusalem on Ben Yehuda Street, killing at least 7 people and injuring more than 165 others;

Whereas HAMAS, a terrorist organization, has a "military wing" which has claimed responsibility for this cowardly act;

Whereas Yasser Arafat, Chairman of the Palestinian Authority, has made statements in which he said "HAMAS, even its military wing, is a patriotic movement.";

Whereas on August 20, 1997, Chairman Arafat publicly embraced the leader of HAMAS, Abdel Aziz al-Rantisi;

Whereas Yasser Arafat has recently ordered the release of several HAMAS terrorists being held in Palestinian Authority jails, including Nabil Sharihi, who is suspected in a bombing that killed Alisa Flatow, a American citizen;

Whereas Israel has recently given Yasser Arafat a long list of suspected terrorists who are presently residing in Palestinian-controlled territory;

Whereas Yasser Arafat has made public statements in which he vowed not to "bow down" to Israeli requests that he arrest suspected terrorists;

Whereas since the beginning of the Oslo peace process, more than 100 Israelis have been killed, and hundreds more have been injured, far more than a similar period before the peace process began; and

Whereas in violation of the Oslo Accords, the Palestinian Authority has withheld full security cooperation with the State of Israel, which may have made this attack more likely: Now, therefore be it

Resolved by the Senate (the House of Representative concurring), That Congress—

(1) condemns in the strongest possible terms this latest bombing and those responsible for encouraging or inciting such cowardly acts;

(2) expresses its deepest condolences to the families of the victims of this latest bombing and expresses its solidarity with the people of the State of Israel in this tragic time;

(3) reaffirms that the United States should fully cooperate with the State of Israel in helping to stem the tide of terrorism, which has threatened the Oslo peace process and the stability of this vital region; and

(4) affirms that the United States will only provide monetary or other assistance to the Palestinian Authority once it has fulfilled its obligations under the Oslo Accords, including—

(2) taking affirmative steps to arrest and prosecute suspected terrorists;

(B) resuming full security and intelligence cooperation with the State of Israel;

(C) taking affirmative steps to confiscate all unlicensed weapons and explosives;

(D) prohibiting participation in the Palestinian security services of individuals suspected of committing terrorist acts;

(E) ceasing all anti-Israeli rhetoric, including statements which refer to terrorist groups as "patriotic", statements which praise terrorists or terrorist leaders, and statements encouraging a "battle" or "juhad" against Israel;

(F) cooperating with Israel in the transfer of suspected terrorists to Israel to stand trial;

(G) ceasing the use of maps depicting "Palestine" as encompassing the entire State of Israel;

(H) completing the process of amending the covenant of the Palestinian Liberation Organization, including the recession of those specific articles which call for armed struggle to liberate "Palestine" or question their legitimacy of Zionism or the State of Israel; and

(I) taking affirmative steps to ensure that the size of the Palestinian police force is in accordance with the limits set forth in the Oslo and subsequent accords.

ORDERS FOR FRIDAY, SEPTEMBER 12, 1997

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Friday, September 12.

I further ask unanimous consent that on Friday the Senate immediately begin a period of morning business, with Senators permitted to speak for up to 10 minutes each.

I further ask unanimous consent that following morning business, the Senate adjourn over until Monday, September 15, and immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of H.R. 2107, the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. For the information of all Members, the Senate will be in session for the transaction of morning business only tomorrow. No rollcall votes will occur during Friday's session of the Senate.

On Monday, the Senate will resume consideration of the Interior appropriations bill. The majority leader intends that the Senate conclude debate on this legislation by Tuesday. Therefore, Members are encouraged to contact the managers of the bill to schedule floor action on any possible amendments.

As Members are aware, this is the next to the last appropriations bill remaining for Senate consideration. In other words, the Senate has concluded action on 11 of the 13 appropriations bills. Therefore, Members' cooperation is appreciated in the scheduling of floor action as we attempt to complete action on both the Interior appropriations bill and the District of Columbia appropriations bill next week.

The Senate will be in session on Friday for morning business only. There will be no rollcall votes on Friday or Monday. Therefore, the next rollcall vote will be a cloture vote on S. 830, the FDA reform bill, occurring on Tuesday at 10 a.m. Under rule XXII, all first-degree amendments to S. 830 must be filed by 1 p.m. on Monday.

I thank my colleagues for their attention.

ORDER FOR ADJOURNMENT

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order following the remarks of Senator SNOWE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Maine is recognized.

ARMY REPORTS ON SEXUAL HARASSMENT

Ms. SNOWE. Mr. President, the American people watched with horror and disgust as the incidents of sexual misconduct at Aberdeen Proving Ground unfolded last fall. As details emerged at Aberdeen and other Army training facilities, the extent and seriousness of this problem became increasingly and terribly evident.

As a result of these events, the Secretary of the Army, Togo West, commissioned his senior review panel and tasked the Army Inspector General to conduct two separate widescale investigations of sexual harassment within the Army. Today, the Secretary released the results of these two studies.

Both reports delivered a scathing indictment of the climate and lack of leadership that permits sexual harassment to permeate all levels of the Army.

Mr. President, in each case involving leaders and trainees, the sexual misconduct which occurred at Aberdeen and elsewhere within the Army was a result of abuse of authority. The key to solving this problem is to eliminate the systemic conditions which created the atmosphere which allowed these outrageous and egregious instances of abuse to occur. The Army's equal opportunity system, which is supposed to provide a safety valve when all else fails, is itself a complete and utter failure—devoid of support by the chain of command and lacking credibility by those it seeks to protect.

The stark reality is that only 5 percent of the 9,000 people surveyed, as part of the Army's own review, said they would use the formal complaint mechanism provided by the equal opportunity system.

Mr. President, what kind of program engenders confidence in only 5 percent of the population? The answer is simple. One that is badly broken, and in desperate need of repair.

The reports released today found that sexual harassment exists throughout the Army, crossing gender, rank, and racial lines. They also found that the Army leadership is the critical factor in creating, maintaining, and enforcing an environment of respect and dignity, yet too many leaders have failed to gain the trust of their soldiers.

As a member of the Armed Services Committee, I have taken a long hard look at sexual harassment throughout the military. I have made visits to Fort Jackson, SC, Aberdeen Proving Ground, MD, and Camp Lejeune, NC. As part of these visits, I asked the Army about the quality of its sexual harassment training designed to sensitize both instructors and trainees to the problems of sexual harassment. Army officials assured me that the training was adequate, but today's shocking report reveals otherwise.

The Inspector General's survey reported that professionals and leaders who are expected to deal with soldiers reporting incidents of inappropriate sexual behavior need to be trained and qualified, indicating that is obviously not the case today.

Army officials must act swiftly and aggressively to change the climate that has allowed sexual harassment to permeate the Army. These same officials must also vastly improve the education provided to both instructors and trainees to ensure beyond the shadow of a doubt that all parties understand their responsibilities with regard to sexual harassment. The equal opportunity system has clearly failed and must be repaired so that victims of sexual harassment will have confidence that Army leadership will act on valid complaints and actively seek to eliminate sexual harassment.

Today's acknowledgment by the Army is a first step that identifies the alarming scope of this problem. Now, it is incumbent upon the military and on our civilian leaders to put an end to sexual harassment once and for all.

I will again meet with Army officials tomorrow and will continue to aggressively pursue changes to eliminate the poisonous environment that allows such pervasive levels of sexual harassment to undermine the good order and discipline of the United States Army, so crucial to our national security.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned under the previous order.

Thereupon, the Senate, at 6:14 p.m, adjourned until Friday, September 12, 1997, at 10 a.m.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate September 11, 1997:

CORPORATION FOR PUBLIC BROADCASTING

KATHERINE MILNER ANDERSON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2000.

HEIDI H. SCHULMAN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2002.

THE JUDICIARY

JOSEPH F. BATAILLON, OF NEBRASKA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA.

CHRISTOPHER DRONEY, OF CONNECTICUT, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT.

JANET C. HALL, OF CONNECTICUT, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT.

DEPARTMENT OF JUSTICE

SHARON J. ZEALEY, OF OHIO, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF 4 YEARS.

JAMES ALLAN HURD, JR., OF THE VIRGIN ISLANDS, TO BE U.S. ATTORNEY FOR THE DISTRICT OF THE VIRGIN ISLANDS FOR THE TERM OF 4 YEARS.

EXTENSIONS OF REMARKS

ANNIVERSARY OF THE NOAA CORPS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mrs. MORELLA. Mr. Speaker, this year marks the 80th anniversary of the National Oceanic and Atmospheric Administration Commissioned Corps, one of the seven uniformed services of the United States. Under the auspices of the Department of Commerce, the officers of the NOAA Corps are an integral part of the National Oceanic and Atmospheric Administration and serve with distinction throughout this multidisciplinary scientific organization.

Dating back to 1807, the heritage of the NOAA Corps began when President Thomas Jefferson created the U.S. Coast and Geodetic Survey. Directed by the Congress, the Department of War and the Department of the Navy provided commissioned officers to the survey to chart the U.S. coastlines and for shoreside mapping, thus opening the United States to expanded maritime commerce. Congress, by the act of May 22, 1917, formally established a separate uniformed service, patterned after the military, to meet the survey's growing responsibilities and unique needs. This commissioned service of the United States Coast and Geodetic Survey [C&GS] served with distinction in the world wars of this century. Hydrographic and geodetic surveying operations transitioned to the Environmental Science Service Administration in 1965 and in 1970, these responsibilities were incorporated into the National Oceanic and Atmospheric Administration. The NOAA Corps was designed to allow for continued flexibility in the assignment of professionals to remote, hazardous, or otherwise arduous duties throughout the wide range of environmental measurement and stewardship activities encompassed by the new NOAA, and so vital to the Nation. Corps officers today combine unique qualifications as research ship and aircraft operators; as technical experts with advanced academic backgrounds in hydrography, geodesy, fisheries sciences, meteorology, and oceanography; and as leaders in technical program and data management contributing to the coherence, integrity, and effectiveness of the administrative structure of NOAA.

The NOAA Corps today continues to provide NOAA with a highly effective interface with counterparts in the Coast Guard, Navy, Air Force, and Army Corps of Engineers, military branches with which NOAA has a continuing need to interact in order to discharge its responsibilities. The Corps houses the Nation's expertise and capabilities in nautical charting, and performs a principal mission of hydrographic surveying vital to our national interest of ensuring the safe navigation of foreign trade, 98 percent of which travels in U.S. coastal waters. NOAA Corps pilots are unique in their ability to conduct low-altitude penetration of hurricanes in tropical storm research missions and snow cover measurement flights for flood predictions in the upper mid-western United States. Corps officers provide the data collection and management that are requisite to ensuring accurate fisheries stock, turtle, and marine mammal assessments.

The Corps has contributed on many occasions over the recent decades in providing valuable scientific and engineering skills to the armed services and the Nation, especially in times of national emergencies. A very recent example is the NOAA ship *Rude*, which swiftly located the wreckage of TWA Flight 800. The *Rude* and a shore component composed of NOAA Corps officers also created highly detailed map products which greatly facilitated the retrieval of wreckage by Navy divers. Their effort was recently recognized by Secretary Peña of the Department of Transportation at the U.S. Coast Guard Awards Ceremony and by NOAA's parent bureau, the Department of Commerce, with the Department's highest award, the Commerce Gold Medal.

Iraq's destructive actions during the gulf war created one of the worst oil-based environmental catastrophes known to man. NOAA provided ship, aircraft, and technical expertise for environmental appraisal, and the first comprehensive study of the Persian Gulf. Shore personnel provided scientific expertise in hazardous materials management, while the NOAA Ship *Mt. Mitchell* carried a contingent of world-class scientists to the gulf to evaluate and determine the extent of the environmental damage. Sailing as a commissioned survey ship with warship status she easily bypassed many of the administrative restrictions placed upon commercial vessels by Iran and surrounding countries. In addition, *Mt. Mitchell* was able to work more closely with the other services to obtain necessary information and logistic support such as mine and weather reports, fuel and supplies. The NOAA Corps provided instant credibility not only to U.S. services, but to Saudi Arabian, Kuwait, and Iranian authorities and observers. Most important, the skills and knowledge of the NOAA Corps officers maximized the productivity of this scientific expedition by providing a safe, effective research platform. The captain and crew of this expedition received a Commerce Gold and Silver Medal respectively, for their service.

A similar response was made by the officers and crew of the NOAA Ship *Rainier* in 1989 to one of this Nation's largest environmental catastrophes, when the tanker *Exxon Valdez* spilled 11 million gallons of crude oil in Prince William Sound, Alaska. The vessel was on scene immediately in support of critical Federal spill management decisions and a wide variety of environmental studies, which allowed scientists to better understand the effects of a hazardous material spill of that magnitude in such a remote, environmentally sensitive area.

Today the NOAA Corps continues to perform its missions whether in charting our Nation's coastline, assessing its fisheries stocks, or flying into hurricanes for science and the humanitarian need to produce better warnings for saving of life and property. Today's NOAA Corps officer might be found virtually anywhere on the surface of the Earth, in or on the sea, or in our atmosphere. These officers remain ready to apply their science and service skills to the many problems facing the United States in the management of its oceanic and atmospheric resources.

Most all of us have benefited from the dedicated service of these officers to our Nation, and I ask that you join me in a salute to the men and women of the Corps on this, their 80th anniversary.

CONGRATULATIONS TO THE ARIZONA RATTLERS

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. PASTOR. Mr. Speaker, I rise before you today to congratulate the Arizona Rattlers who for the second time in 4 years are the Arena Football champions.

The Rattlers wrapped up the Arena Bowl XI last month with an unforgettable 55–33 victory over the Iowa Barnstormers.

The fans who have watched the Rattlers in the Snake Pit are especially proud because they are the only professional sports team in the Valley of the Sun with a league championship. And now they have two. All this despite a season-ending fractured leg suffered by quarterback Sherdrick Bonner during the semifinal against Tampa Bay that left the team going into the championship game as the underdog.

But those who doubted the Rattlers were proved wrong when, with the leadership of Coach Danny White and with touchdowns by Hunkie Cooper and rookie Donnie Davis, the Rattlers kept Iowa at bay and came through with its second championship crown.

I want to not only congratulate the team, but the coach, staff, and all the fans who have made this a memorable season.

As team president, Bryan Colangelo said the excitement levels that were displayed in the championship game were unprecedented in the league and unprecedented in local pro sports.

I thank the Arizona Rattlers for their win, because as Colangelo also said, "It's such a great experience to win a championship." And the Rattlers have provided a great experience for fans in Arizona and the Valley of the Sun.

I also wish to draw attention to this win because, as true football fans will attest, this is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

a wonderful sport and victory. Some might say arena football is not the real thing, but I would have to disagree. This sport has come a long way in 11 years and I'm proud to say is gaining more attention from sports fans.

Therefore, Mr. Speaker, I hope you and my colleagues will join me in congratulating the Arizona Rattlers and extending the warmest of wishes for continued success.

TRIBUTE TO JOHN E. "JIMMY" WILSON; SPIRIT OF AMERICA AWARD WINNER

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. EVERETT. Mr. Speaker, I offer tribute today to an outstanding member of the Alabama business community whose labors have distinguished him before a national audience.

I am speaking of Mr. John E. "Jimmy" Wilson of Luverne, AL, who was honored with the Spirit of America Award presented by the National Grocers Association of July 29, 1997.

Mr. Wilson is in good company, joining the likes of President George Bush, Vice President Dan Quayle, and some 350 others who have all received the Spirit of America Award for support of America's independent grocers.

Mr. Wilson has given much to this country. He served honorably in World War II, flying 65 bombing missions in the European theater with the 416 Bombardment Group, 9th Air Force, U.S. Army. His many military honors include the Distinguished Flying Cross for saving a fellow airman's life, the Air Medal with 11 Oak Leaf Clusters, and the Presidential Citation for Outstanding Work in Support of Ground Forces.

His war service, combined with strong merchandising skills acquired as a part-time stock boy at T.W. Woolworth's in the early 1930's, served to propel Mr. Wilson toward a lifelong career as a successful businessman.

Beginning in Pensacola and then moving to Montgomery, Mr. Wilson steadily climbed the ladder of the retail grocery business eventually acquiring his own store in Luverne, AL, in 1971. He branched out to include grocery businesses in Greenville in 1977 and in Ozark in 1985.

I not only congratulate Mr. Jimmy Wilson on receiving the Spirit of America Award for 1997, but for inspiring so many by his example as a great American.

HONORING MOTHER TERESA OF CALCUTTA

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to honor, Mother Teresa of Calcutta, the closet person to a living saint we may ever know, a woman who transcended religious and political differences wherever her presence was felt. Whether she was opening an AIDS hospice or, as she did in my own district, establishing a homeless shelter, she reached out to all people.

When Mother Teresa died on Friday, the heart of a world already in mourning for Diana, Princess of Wales, broke in grief over the death of this humble Indian woman and for the passing of what many have called a "living saint."

Mr. Speaker, I was personally deeply saddened by the announcement from the Missionaries of Charity that Mother Teresa, the founder of the order, had died. For the past 50 years, Mother Teresa defined compassion as she devoted her life entirely to poor, the homeless, the disenfranchised, and the sick.

This woman who, during her lifetime, walked with Popes, Presidents, royalty and the most powerful individuals on Earth, clothed in the simple blue and white habit of her order, was happiest when she was attending to the needs of the destitute and ill dying in the gutters of Calcutta, India. She and the sisters of her order literally rescued abandoned children from trash heaps and gave them a lifetime of care and love. She bathed the wounds of lepers and those wracked with AIDS who most would not even touch and she brought peace to those suffering the agony of mental illness. To her, compassion was a vocation—her gift to mankind which she offered as part of her devotion to God.

This tiny, frail woman, whose own body was bent with arthritis and wracked with pain, put her own physical suffering aside as she worked to bring comfort to others. She said "I see God in every human being. When I wash the lepers wounds, I feel I am nursing the Lord himself. Is it not a beautiful experience?" There is much we all could learn from this simple woman of God.

Born Agnes Gonxha Bojaxhu on August 27, 1910, in Skopje in what is now Macedonia, she was the youngest of three girls of Albanian parents. In 1928, she became a novitiate in the Loretto Order which runs mission schools in India. She chooses the name Teresa after a French nun, Thésèse Martin who was canonized in 1927.

In 1929, Sister Teresa arrived in Calcutta, India and began to teach at St. Mary's High School. However, teaching was not to be the fulfillment of her life of religious service. In 1946, while riding a train to the mountain town of Darjeeling to recover from suspected tuberculosis, she received a calling from God "to serve Him among the poorest of the poor." In 1947, she was permitted to leave her order and she moves to the slums of Calcutta to establish her first school. In 1949, a former student, Sister Agnes, becomes her first follower and within a year, Sister Teresa has papal approval to form an order called "Missionaries of Charity." It was founded on October 7, the Feast of the Holy Rosary. Mother Teresa chose for her habit a plain, white sari with a blue border and a simple cross pinned to the left shoulder. This same year, she becomes a citizen of India.

In 1952, Mother Teresa received permission from India to use an abandoned Temple to Kali, the Hindu goddess of death and destruction. There she opened the Kalighat Home for the Dying. That same year, she opens Nirmal Hriday ("Pure Heart"), a second home for the dying followed the next year by her first orphanage.

The Indian Government gave Mother Teresa a 34-acre plot of land near the city of Asansol in the mid-1950's. There she opened a leper colony called Shanti Nagar ("Town of Peace").

Mother Teresa won her first prize for her humanitarian work in 1962 when she was given the Padma Shri Award for Distinguished Service. It was at this time that she began her tradition of giving the money from such prizes to the poor.

In 1965, His Holiness, Pope Paul VI places the Missionaries of Charity under direct papal authority and directs Mother Teresa to expand her calling beyond India. In 1971, Pope Paul honored her by awarding Mother Teresa the first Pope John XXIII Peace Prize. The Government of India honored her in 1972 with the Jawaharlal Nehru Award for International Understanding.

In 1979, Mother Teresa's tireless efforts on behalf of world peace brought her the Nobel Prize for Peace. Even as the world honored her, the poor were never far from her thoughts saying that such honors were important only if they helped the world's needy. Unlike most Nobel ceremonies, for Mother Teresa there was no lavish banquet and she insisted that the monetary award be given to the poor. When accepting her Nobel Prize she said, "I choose the poverty of our poor people but I am grateful to receive it (the Nobel Prize) in the name of the hungry, the naked, the homeless, of the crippled, of the blind, of the lepers, of all those who feel unwanted, unloved, uncared for throughout society, people that have become a burden to the society and are shunned by everyone."

She once said that "The poor give us much more than we give them. They are such strong people, living day-to-day with no food. And they never curse and complain. We don't have to give them pity or sympathy. We have so much to learn from them."

As if to prove her influence on the peace process, in 1982 she persuades Israelis and Palestinians to stop shooting at each other long enough so she and her sisters could rescue 37 mentally-handicapped children from a hospital in besieged Beirut.

What a sight it must have been for the combatants, watching this tiny woman leading a group of children through the rubble of war to safety. The courage it must have taken her and her followers to walk that path, knowing that weapons of all kinds were trained on her and her charges. Yet, it was what God told her to do. She had to save those children and she later said that she knew God would not let her be killed until she saw them to safety.

In 1983, while at the Vatican visiting with His Holiness, Pope John Paul II, Mother Teresa suffered a heart attack. In 1989, she suffered a second, nearly fatal heart attack and was given a pacemaker—the beginning of a long list of personal illnesses which never slowed her pace.

Mother Teresa traveled to the United States in 1985 where President Ronald Reagan awarded her the Medal of Freedom, the highest civilian award given by the United States. A frequent visitor to the United States, Mother Teresa returned in November 1996 when this

105th Congress authorized that she be granted honorary American citizenship—a rare honor.

I had the distinct honor of meeting Mother Teresa at that time and it was one of the most memorable moments I have ever experienced. I have never felt such a presence of compassion, faith, and charity in my life. I had previously worked with her followers and saw their good work at a homeless shelter in my district run by members of her order.

The day she visited our Nation's capital and Congress paid tribute to her with honorary citizenship, I will never forget the sight of her. Clad in her simple robe and sandals she stood there among the ornate surroundings of the Capitol Building. This symbol of American freedom and liberty which had seen the like of Jefferson, Lincoln, Kennedy, and Roosevelt had never seen the likes of her. She accepted the honor but took the opportunity to remind us of all the gifts we as Americans sometimes take for granted and urged us to use our position as a world power to strive for peace and recognize the beauty of the human spirit.

She devoted her soul to God and dedicated her life to His children and while I believe her contributions are so enormous that she may be irreplaceable, her humility led her to believe otherwise. In 1989 Mother Teresa announced her retirement saying, "God will find another person, more humble, more devoted, more obedient to Him, and the society will go on." But her devotion to her order and the need to continue her missionary work let her to withdraw her resignation the following year. "I was expecting to be free but God has his own plan," she said.

Combined with the recent death of Princess Diana, we have lost two of our most compassionate souls. Very different in style and appearance, they found an affinity of each other by fulfilling the needs of the forgotten. They became friends. Diana raised millions for people with AIDS, lepers, the homeless and the forgotten by selling the designer gowns she not longer needed. Mother Teresa owned only two outfits, both of them the simple habit she designed. It is proof positive that it really doesn't matter if you wear designer clothes or wrap yourself in a simple sari. What lies in your heart is what will ultimately define your humanity. While Princess Diana was a master of loosening our purse strings, Mother Teresa spent a lifetime opening our hearts. Princess Diana called Mother Teresa her role model and this simple nun from Calcutta accepted the Princess into the family of man and asked her to be nothing but herself. The Princess and the nun, glamour and simplicity, royalty and humility and yet somehow, the partnership worked.

The world grieved the loss of Diana, Princess of Wales at the highest levels of society. The depth of Mother Teresa's loss might be felt most in the gutters of Calcutta where an abandoned child first felt the touch of human kindness and the love of God all through this tiny vessel—a simple nun from Calcutta.

The loss of Mother Teresa who has dedicated herself to the service of others forces us to examine our own lives and rededicate ourselves to helping those who are in need. I will never forget Mother Teresa and the way she lived her life, never seeking a spotlight except that which God chose to shine on her. Her faith guided her actions and her kindness sparked the humanity in each of us.

In 1996, Mother Teresa showed that she also possesses a sense of humor when she told Prince Michael of Greece, "The other day I dreamed that I was at the gates of heaven and St. Peter said, 'Go back to Earth, there are no slums here.'" She toiled on behalf of others for half a century. I believed she has earned her place in heaven with God.

Mr. Speaker, I am proud to be included as a member of the official delegation from the United States to the State Funeral for Mother Teresa of Calcutta. The power of her faith and the strength of her will must become our own as we honor Mother Teresa who I believe is the single, most-loved human being of our times. The goodness, humanity, and faith she possessed must also guide our actions as we legislate. Like her, no one can be excluded. We must be willing to cradle the least among us if we are to be worthy of the positions we hold.

THE CELLULAR PROTECTION ACT OF 1997

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to take this opportunity to introduce the Cellular Protection Act of 1997. This bill takes a serious step forward in helping our law enforcement combat a growing type of crime, cellular cloning.

For those who are not familiar with cellular cloning, the process is simple. It usually involves criminals seated in parked cars outside of airports or along busy roadways to harvest electronic serial numbers [ESN's] from legitimate cell phone users. Special software and equipment are used to insert the stolen numbers into other cell phones, the clones. The cloned phones charge their calls to the account of the lawful, unsuspecting user. Like me. For instance, my phone was cloned while coming out of Dallas/Fort Worth Airport. I was faced with over $6,000 in illegal charges on my bill.

As you may know, it is estimated that the cellular industry lost $650 million due to fraud in 1995, much of it as a result of cloning fraud. I have talked with many people in the telecommunications industry about this problem. My district is home to the largest concentration of telecommunications companies in the Nation.

The Secret Service has doubled the number of arrests in the area of wireless telecommunications fraud every year since 1991, with 800 individuals charged for their part in the cloning of cellular phones last year.

The sad thing is they probably could have caught a lot more of them. However, current law requires prosecutors to prove that a cloner acted with the intent to defraud. The Cellular Telephone Protection Act of 1997, removes this burden.

This legislation clarifies, that—except for law enforcement and telecommunications carriers—there is no lawful purpose for which to possess, produce, or sell hardware or software configured for cloning a wireless telephone or its ESN.

This is good commonsense legislation that is supported on both sides of the aisle, the Department of Justice, U.S. Secret Service, and the wireless industry.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. KIND. Mr. Speaker, another day and still no campaign finance reform vote. We have now been back in session for a week, we will have at the most 8 weeks left. If we don't begin the process of consideration of these bills then we will run out of time and will have once again let the public down.

This does not have to be a partisan issue. Yesterday Members of the Republican party joined Democrats in calling for a vote on campaign reform. There are a number of bipartisan reform bills pending before this House, including H.R. 2183, the Bipartisan Campaign Integrity Act, and the Shays-Meehan bipartisan reform bill, both of which I am a cosponsor. I am confident that we can work together as Republicans and Democrats to make meaningful changes to the system that do not unfairly benefit either political party.

Unfortunately, we read today that the Government Reform and Oversight Committee is about to engage in an expensive series of hearings investigating campaign abuses in the 1996 election year. An exhaustive investigation is being conducted on the same issue in the Senate. Rather than hold hearings on campaign finance reform the Government Reform and Oversight Committee is using our taxpayer's time and money to duplicate the Senate hearing. This is unacceptable.

Mr. Speaker, it is time for this House to get serious about campaign reform. We can no longer accept "no" as an answer.

IN HONOR OF HOPE CENTRAL ACADEMY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to recognize HOPE Central Academy in Cleveland, OH, for its outstanding record of educating Cleveland's young people.

The Subcommittee on Oversight and Investigations of the Committee on Education and the Workforce has selected HOPE Central Academy as the site for their hearings tomorrow on What Works? And What's Wasted in Education. HOPE Academy is 1 of 57 schools participating in a pilot program testing the efficacy of school choice in Ohio. The nearly 2,000 inner-city children from low income families who enrolled in 1996 saw test scores rise an incredible 15-percentile points in mathematics and 5-percentile points in reading, while national test scores for inner-city children of the same age (K–3) usually decline. More than 3,000 children are expected to take advantage of this exceptional program next year.

I am confident that the panelists at Friday's What Works? And What's Wasted hearing will realize that HOPE Central Academy shows "What really Works" in education when parents, teachers, and the community work together to give our children a chance to learn in a positive environment. The only thing wasted in the case of HOPE Central Academy is time, as in we should have done this a long time ago.

TRIBUTE TO THE PHOENIX MERCURY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. PASTOR. Mr. Speaker, the Mercury is rising in Phoenix and it's not due to the weather.

I'm referring to the Phoenix Mercury, my hometown's WNBA Western Conference Champions.

I know that Phoenicians and Arizonans alike join me in congratulating the Phoenix Mercury for their successful inaugural season, for which we are very proud. Through the energetic leadership of Coach Cheryl Miller, former Olympian and a winner of the WNBA Coach of the Year Award, the Mercury games led the league in attendance and drew 16,751 fans for the playoff game.

As you may know, the Mercury players quickly captured the heart and following of many sports fans throughout the country, but especially in Arizona. With the team's spark plug, Michele Timms, and the great performance of honor roll players such as Bridget Pettis, Jennifer Gillom, and Toni Foster, the Mercury had screaming fans with their arms outstretched above their heads to raise the roof off the America West Arena at every game. This excitement and fever spread throughout the Valley of the Sun and the Nation and caught the attention of hundreds of young girls and women who themselves now aspire to WNBA careers. Through the Mercury players, they have seen that women too can partake in professional basketball career opportunities in addition to other athletic careers.

From the beginning of the season, Cheryl Miller promised to give fans the championship. While we were disappointed in the loss to New York, the fans have not been disappointed in the coach or the players or their overall performance.

Through the ups and downs of the season, they gave it their all and we are very proud of them. I want to thank the team, Coach Miller and the players, for their fantastic effort and I look forward to a great future for the Phoenix Mercury.

CONGRATULATIONS TO BISHOP BOOTKOSKI

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Msgr. Paul G. Bootkoski on being named auxiliary bishop of the Newark Archdiocese. Bishop Bootkoski is a devout, learned priest with impeccable credentials for this important post. He is also a kind, caring, compassionate man who parishioners regard as a comforting, trusted friend and uplifting spiritual leader. He is always there to help families in distress. Archbishop Theodore McCarrick has made an excellent choice.

Bishop Bootkoski was born July 4, 1940, in Newark, the son of Peter G. Bootkoski and Antoinette R. Klimek Bootkoski of Westwood. His Catholic education began early as he attended Queen of Peace Grammar School in North Arlington, run by the Sisters of St. Joseph of Chestnut Hill. He attended St. Benedict's Preparatory High School in Newark and in 1962 received his bachelor of arts degree from Seton Hall University. He received a master's degree from Manhattan College in 1975 and his Master's of Divinity degree from Immaculate Conception Seminary in 1976.

Ordained at Sacred Heart Cathedral in Newark on May 28, 1966, by Archbishop Thomas A. Boland, Bishop Bootkoski first served as parochial vicar at Sacred Heart Church in Bloomfield. In 1969, he was reassigned to Holy Spirit Church in Orange and also served at its mission church, St. Peter Claver in Montclair. He was assigned to St. Michael's in Cranford in 1970 before becoming Catholic chaplain at Rutgers University's Newark campus in 1972. He became archdiocesan director of campus ministry in 1975.

In 1980, Bishop Bootkoski returned to his alma mater as assistant vice president of student affairs at Seton Hall. He held that post for 4 years before being named pastor of St. Mary of the Assumption Church in Elizabeth. In 1990 he became pastor of St. Gabriel the Archangel Parish in Saddle River and also resumed the post of archdiocesan director of campus ministry. He was named vicar for priests by Archbishop McCarrick in July 1996.

Bishop Bootkoski has been a member of the Presbyterial Council, the College of Consultors, the National Federation of Presbyterial Councils and the Catholic Campus Ministry Association. In 1991 he was named prelate of honor.

Bishop Bootkoski should know that our prayers are with him as he faces the challenges of his new responsibilities. And we stand with him. We are assured that he will follow in the steps of those who have gone before in seeking wisdom and guidance from above.

SARATOGA CHAPTER NO. 131, ORDER OF THE EASTERN STAR

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. SOLOMON. Mr. Speaker, there is no greater tradition of charitable works in America than that of the various Masonic lodges across the country.

Mr. Speaker, to illustrate why I am so proud of my own affiliation with the Masons, allow me to list the civic involvement of just one such organization, Saratoga Chapter No. 131, Order of the Eastern Star.

The chapter supports the Eastern Star Home at Oriskany, the Veteran's Hospital in Albany, the Children's Day Care Center in Oriskany, the Empty Stocking Project in Saratoga Springs, and the Red Cross, American Cancer Society, and Saratoga Hospital. Their work with the hospital includes knitting caps for newborns.

The chapter has also established the Morgan Bloodgood Horseman's Scholarship at BOCES, the area vocational school, and every year contributes a scholarship to a worthy student.

Mr. Speaker, this is a record to be proud of as the chapter celebrates its 100th anniversary this month.

It's a record typical of the order, which is dedicated to serving people in need, to social enjoyment, and to promoting civic interests.

I would ask all Members to join me in saluting the officers, patrons, and 100 members of Saratoga Chapter No. 131, Order of the Eastern Star and wish them all the best as they enter their second century of service to a grateful community and Nation.

SECRETARY OF STATE ALBRIGHT VISITS THE MIDDLE EAST—CRITICAL MISSION FOR REGIONAL PEACE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. LANTOS. Mr. Speaker, earlier this week, our Secretary of State, Madeleine Albright began her first visit to the Middle East since she assumed the position of Secretary of State earlier this year. The timing of her visit is particularly critical. In just the past 6 weeks, we have seen two terrorist bombing attacks in the streets and the market of Jerusalem. In these dastardly attacks, scores of people were killed and hundreds more were injured. These terrorist assaults are nothing more than an effort to destroy the peace process.

I commend Secretary Albright for her determination and willingness to undertake the extremely precarious peace mission. She is going to that difficult region of the world with no pre-arranged outcome. There is always considerable risk in undertaking diplomatic efforts in this area. She is brave and courageous to make this trip under these difficult conditions.

Yesterday, Mr. Speaker, I introduced a resolution which notes the significance of Secretary Albright's mission and expresses the support of the Congress for her efforts to bring peace to that region. I urge my colleagues to join me in approving this statement of encouragement and support for our Secretary of State at this critical time.

I ask that the full text of my resolution—House Concurrent Resolution 149—be placed in the RECORD.

H. CON. RES. 149

Expressing the sense of the Congress regarding the visit of Secretary of State Madeleine Albright to the Middle East.

Whereas Madeleine Albright is currently making her first official visit to the Middle East since her appointment as Secretary of State, and

Whereas the Middle East peace process is in danger of total collapse,

Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring) that the Congress

fully supports the efforts of Secretary of State Madeleine Albright to bring a just, comprehensive, and permanent peace to the Middle East, and expresses its full confidence in her demonstrated ability and motivation to achieve that end.

CONGRATULATIONS TO MICHELLE FORTIER

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. TAUZIN. Mr. Speaker, I rise today to congratulate a constituent of mine, Michelle Fortier, who won the Veterans of Foreign Wars 1997 Voice of Democracy broadcast scriptwriting contest for Louisiana. This is a tremendous accomplishment which deserves recognition. I applaud Michelle for her hard work and wish her all the best in future endeavors.

I am happy to share with my colleagues Michelle's outstanding winning script by entering it into the CONGRESSIONAL RECORD:

DEMOCRACY—ABOVE AND BEYOND

(By Michelle Fortier)

Ever since I was a little girl, I can remember being told exciting accounts in American history, but it wasn't until recently that I began contemplating how these long and inevitable struggles have influenced my own life. Democracy must be the most powerful word in the English language, and so often I have taken it for granted. This word affects everything that I do, but I hardly ever noticed it. To the citizens of these United States, democracy is a way of life, but to people of foreign lands, it is a hope, a dream.

Now that I've almost reached voting age, I realize how much Democracy has meant to my life. In just one short year, I will take on the awesome responsibility of making decisions affecting my country. That is truly a wondrous privilege.

I used to wonder why people would be willing to fight and die for the principles we hold so dear today. It wasn't until I was older that I realized exactly what those people had been fighting for. Those early Americans were fighting for the nights of future generations to not have to live in fear. They fought for me, and I realized how much I had not acknowledged. All the choices and privileges I have came with a price, and it was paid through the blood and sweet of Americans, past and present. Americans who have gone above and beyond the call to duty. This preservation of rights has been the basis for all of America's conflicts ever since the footprints of pilgrims imprinted the sandy shores of Plymouth, Massachusetts because democracy is a never-ending process. Every decision we make or every right we engage in is a continuation of the ideals expressed so long ago.

Every time I turn on the news I hear stories of people of foreign nations struggling to gain their independence or even a single basic right, and I think, "Would I be willing to die for the sake of freedom for future generations? Would I fight to keep my country free? Would I go above and beyond what was dutifully expected of me? I'm sure all Americans who have seen war or conflicting times, such as depression or civil strife, have contemplated these questions. But to live in a country whose basis was founded on the dreams and visions of the brave men and women who came searching for more than their own personal gain and has been kept alive through the sacrifices of those willing to risk life and limb to preserve our nation's freedom is to have a proud heritage. We've seen endless accounts of this throughout this great nation's history. The horrors of Gettysburg, the friendlessness of the World Wars, to the struggles of the immigrants who came to America searching for opportunity and independence. They have all contributed to the dignified heritage I display as my own. It is truly an honor to have been born in a land that serves as a beacon of moderm democracy.

From the recent free elections in Bosnia to the new democratic societies of the former, Soviet Union, we can see that democracy is growing like a virus. It infiltrates a group of people with such fury that it spreads to anyone close enough to experience it. More and more each day I realize that the voice of democracy can be silenced no longer. It screams in the souls of imprisoned people, and it's echoes can be heard all over the earth. People are standing up for their inalienable right to be free. People are finally going above and beyond.

IN HONOR OF THE HARMONIA-CHOPIN SINGING SOCIETY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to announce the 95th anniversary of the Harmonia-Chopin Singing Society. Since its inception in 1902, this organization has interacted with leading artists and performers and has participated in countless significant musical events. Among many other significant contributions to the city of Cleveland's cultural scene, in 1946, the society used concert proceeds to purchase and install a bust of Frederic Chopin in the Polish garden of Cleveland's Cultural Garden.

The Harmonia-Chopin Singing Society has remained committed to Cleveland's "Warswaza" community through participation in numerous events and through continued investment in the community as a whole. The dedicated members of the society have kept Polish culture and tradition alive and celebrated in the Cleveland area.

Once again, I salute and congratulate the Harmonia-Chopin Singing Society for 95 years of preserving, promoting, and sharing the Polish culture to people of all nationalities and races in the Cleveland area. I wish the group continued success.

MARY CHALFANT: DEDICATED TO PRESERVING MORRIS COUNTY'S HERITAGE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise to pay tribute to my constituent and friend Mary Chalfant. Mary recently retired after 21 years of dedicated service to preserving the heritage of one of our Nation's most historically important counties, through her work on the Morris County Heritage Commission.

Mary first became involved with the Morris County Heritage Commission when she became interested in one of the county's many Revolutionary War Era historical sites, the Lewis Condict House—home to the Women's Club of Morristown. She quickly became indispensable, serving as executive secretary of the commission. As current Heritage Commission Chairperson Nancy Knapp noted, "They don't make them like Mary any more." "She has been the heart and soul of the commission", added Frances Pingeon, a former chairperson of the commission. Mary's total dedication and deft communications skills made her an irreplaceable asset.

Throughout her years of service, Mary was instrumental in the Heritage Commission's most important projects. These include the commission's historic marker program, the wonderful tour brochures of Morris County municipalities, the 39 volume "Morris County Historic Sites Survey," and the "Highlights of History: 300 Years in Morris County" slide show, not to mention the many other brochures and annual publications on Morris County's rich history and fascinating historical sites.

A resident of Morristown since 1950, Mary Chalfant has devoted her efforts to other organizations as well, including Morristown Memorial Hospital, the Morris County bicentennial committee, and the Morris County Historical Society. Mary remains involved in the Woman's Club of Morristown and Saint Peter's Episcopal Church, also in Morristown. Anyone who has worked alongside Mary knows how her enthusiasm and warmth have touched thousands of people in Morris County and New Jersey.

Mr. Speaker, I want to commend Mary Chalfant for all her efforts with the commission and so many other organizations. She is a tireless worker, dedicated, compassionate and so very loyal to all she serves. I wish Mary all the best in her retirement from the Heritage Commission knowing that her work there with so many commissioners has assured that Morris County's rich heritage will be better preserved.

GARY KARNOPP: DISTINGUISHED SERVICE AWARD, SAN DIEGO BUILDING & CONSTRUCTION TRADES COUNCIL

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. FILNER. Mr. Speaker, I rise today to recognize Gary Karnopp, an exemplary representative of the San Diego region. Mr. Karnopp is being honored with the Distinguished Service Award by the San Diego Building & Trades Council for his dedication to working Americans.

Mr. Karnopp is a carpenter and skilled tradesman, and as such has represented his brothers and sisters of the Carpenter's Union in a wide variety of positions, always working to promote higher standards of employment for building trades workers.

He has been a member and leader of his union during his entire career. For the past 24 years, he has been a business representative and office in a local union. He served 17 years as financial secretary for Carpenters Local 2398, and earlier this year was elected financial secretary of local 547. He has been a delegate to the San Diego District Council of Carpenters for 15 years. He has served both as a delegate to the Southern California Conference of Carpenters and to the Southern California-Nevada Regional Council of Carpenters. He is currently business representative for the southern California-Nevada region.

In addition, Mr. Karnopp is a long-time member of the East County Carpenters Joint Apprenticeship Committee, the San Diego County Carpenters Joint Apprenticeship Committee, and the Southern California Carpenters Overall Joint Apprenticeship Committee. He has served for two decades as a delegate to the San Diego Building Trades Council, 10 years on the executive board. He is also a 20-year delegate to the San Diego-Imperial Counties Labor Council.

His service extends to the greater community, as chairman of the personnel commission for the city of El Cajon, the east county advisory board for United Way, and a member of Masonic Lodge No. 576.

I want to sincerely congratulate Gary Karnopp, his wife Cynthia and their two children, Lindsey and Alyssa—and I want to recognize his contributions to San Diego County and his achievement in receiving the Distinguished Service Award from the San Diego Building & Construction Trades Council.

BECTON DICKINSON & CO. 100TH ANNIVERSARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Becton Dickinson & Co.—along with all of its employees and their families—on the 100th anniversary of the founding of this global medical technology company. Becton Dickinson is one of the largest and most important employers in my district. It is more than just a major economic force, however. It is a company whose products have saved the lives and improved the health of millions of people around the world. It is also a shining example of the proverbial good corporate citizen, playing an active role and making important contributions to all the communities in which it does business.

Becton Dickinson was founded after Maxwell W. Becton—a medical supplies salesman—and Fairleigh S. Dickinson—a stationery salesman—met on a sales trip in 1897. The two traveled together, became friends, and decided that fall to form their own company to import medical devices from Europe. The choice of medical devices as their line of business was simple—Dickinson realized that Becton's small satchel of thermometers was easier to carry than his heavy sample cases of stationery.

From those early days up to the present, Becton Dickinson has built a reputation for quality. Dissatisfied with the reliability and quality of imports, the partners soon began to manufacture their own syringes and clinical thermometers. The company quickly outgrew its New York City home and, in 1907, moved to a new factory in East Rutherford, N.J., beginning its long association with the Garden State. When World War I halted medical imports from Europe, Becton Dickinson began to set the standard for all-glass syringes.

During World War II, the company geared up for war production and produced innovative new products such as the first sterile disposable blood donor kits for the Red Cross and a new device to collect blood in glass tubes. Other Becton Dickinson innovations included machines to manufacture syringe needles automatically rather than by hand, syringes with interchangeable parts, and the ACE bandage.

Following the war, control of the company passed to the founders' sons, Fairleigh S. Dickinson Jr. and Henry P. Becton. On a personal note, I can testify to the high standards of personal character and integrity that Dick and Betty Dickinson and Henry "Hank" Becton brought to the business community and philanthropic and civic communities of northern New Jersey. Product lines were broadened and new businesses acquired as the company expanded nationally and internationally. The sons took the company public in 1962 to obtain financing for huge investments in equipment to produce sterile disposable medical products as part of the "disposable revolution" in medicine.

Becton Dickinson grew rapidly, diversifying from the 1950's through the 1980's to enter many aspects of the health care industry, including diagnostics, while continuing to lead the medical device market.

Over the years, Becton Dickinson has demonstrated a strong commitment to corporate social responsibility, funding basic research and higher education, health care assistance in developing nations, and support of community based health, social service, civic and cultural organizations. Its products have played major roles in the fight to end polio and the development of crash test "dummies" to improve the safety of automobiles.

Sales for the company have grown dramatically, from $2,639 in the first year of business to $2.8 billion last year. Approximately 18,000 workers are employed in 80 locations in 40 countries. Research and development in 1996 amounted to $154 million while the company made $3.6 million in contributions to charitable organizations, not including significant product donations to disaster and humanitarian relief both in the United States and overseas.

Throughout a century of growth, Becton Dickinson's commitment to raising the quality of health care worldwide has remained constant. Its founders' passion for excellence is still reflected in the dedication and hard work of its employees. Becton Dickinson brings the miracles of modem medicine to millions of people around the world.

I would like to take this opportunity to thank this leading company for the contributions it has made to the world of medicine and to our community in northern New Jersey. Under the leadership of Chairman Clateo Castellini, we can rest assured that this dedication and commitment will continue. I wish Becton Dickinson many years of continued success.

WEBSTER HOSE, HOOK AND LADDER COMPANY HONORED

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. MALONEY of Connecticut. Mr. Speaker, I rise today in the U.S. House of Representatives to pay tribute to the outstanding and courageous service of past and present Ansonia Webster Hose, Hook and Ladder Company firefighters. Since 1897, generations of Webster volunteer firefighters have put their lives on the line, time and time again, on behalf of the Ansonia community. They've responded with only a seconds notice to save the lives of others without even contemplating the threatening dangers awaiting them. This kind of selfless and courageous work on behalf of the fellow citizens must be honored to the highest degree.

Knowing that during this anniversary year many will focus on the factual history of the Webster Hose Company, I want to honor each and every firefighter who has so generously given of his or her body and heart to the city of Ansonia. The historical collective effort by which the company was started is the best demonstration of the tremendous dedication Ansonia residents have always had toward their community. At that time, buildings were illuminated and heated in ways that dangerously exposed families and businesses to fires. Residents wisely recognized the need for more firefighters and signed petitions actually offering themselves as volunteers for this new company. Because of the people's true commitment and dedication, the Webster Company was officially incorporated on January 7, 1897.

Since responding to their first fire on Factory Street that August with only one 550 hose cart, the company has since extinguished hundreds of fires, including the massive blaze at the Blake Bus Co. in the 1950's and the arson of the Arnold Building in 1987 and 5–7 Jewitt Street in 1995. They've had tremendous success at saving people's homes, retrieving thousands of irreplaceable belongs, and most important, rescuing hundreds of Ansonia residents.

Mr.Speaker, as a State and a nation, we can truly learn a lot from past and present Webster volunteers. Their dedication and selflessness on behalf of the greater Ansonia community is symbolic of an older time, when cities and towns were more rooted and people knew their neighbors. We must learn from their example, embrace volunteerism, and in turn create stronger communities across our State and Nation.

THE RETIREMENT OF SOUTH AFRICAN STATESMAN F.W. DE KLERK AND THE CRITICAL IMPORTANCE OF USIA'S INTERNATIONAL VISITOR PROGRAM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. LANTOS. Mr. Speaker, just yesterday, the South African National Party elected a successor to F.W. de Klerk, who has served for many years as the head of the party. Mr. de Klerk is the former President of South Africa. In 1990, he rejected his party's policy and his country's laws which established the vicious apartheid system, freed Nelson Mandela, and began negotiations which led to the generally peaceful transformation of South Africa from a racist society to one that is moving toward a pluralistic, multiethnic, open society. In 1993, Mr. de Klerk and Nelson Mandela were jointly awarded the Nobel Peace Prize—an award that was an appropriate honor to Mr. de Klerk's statesmanship, foresight, and commitment to principle.

Mr. Speaker, I pay tribute to Mr. de Klerk's role in the transformation of South Africa. He now retires from public life to have the time to chronicle the significant changes that he has both witnessed and helped to bring about. Mr. de Klerk gave his farewell address to the South African parliament on Tuesday, and I join his colleagues in the parliament in paying tribute to him.

Commentators around the world have reacted to Mr. de Klerk's announcement by taking note of the key role he played in ending apartheid and moving his country toward democracy. I have no doubt that change eventually would have come to South Africa, even without Mr. de Klerk's efforts; justice cannot be denied forever. There is general agreement, however, that without Mr. de Klerk the transition to democracy would have been a much longer, much more painful, and certainly a much bloodier process.

It is exceedingly rare that a political leader helps dismantle the system within which he has risen to power. And yet that is exactly what F.W. de Klerk did. He grew up in the world of apartheid, and he was tremendously successful in that world. But in spite of all the connections linking him to the status quo, he came to the realization that apartheid had to end. For a man so steeped in the old system and its ways of thinking, that realization represented an extraordinary conceptual leap. And, I am proud to say, Mr. Speaker, that leap occurred at least in part because of experiences and insights gathered by Mr. de Klerk during a trip to the United States. What he saw here helped him envisage a new and better path for South Africa.

Mr. de Klerk and his wife visited our country in 1976 thanks to the U.S. Information Agency's International Visitor Program. That program—in place since 1940—gives carefully selected individuals from foreign countries a chance to come to the United States and confer with professional counterparts and experience firsthand our institutions and society. Participants in the program are up-and-coming figures in key fields such as government, politics, the media, and education. More than 130 of them—including Mr. de Klerk—have eventually achieved positions of chief of state or head of government, and some 600 have been named to cabinet-level jobs. Margaret Thatcher, Anwar Sadat, and Willy Brandt were all participants in the program before they rose to leadership positions. The same is true of the new Prime Minister of the United Kingdom, Tony Blair.

In many cases, participants may think they already know our country based on the flood of images they have received from the mass media and popular culture. But in almost every instance, they discover that those images provide an incomplete or even distorted sense of who we are. The 3- to 4-week tours of the United States provided by the International Visitor Program—a carefully structured blend of briefings, meetings, discussion sessions, and hands-on experience—give participants a much richer and more nuanced view of our Nation.

This experience makes an indelible impression on most participants. That certainly was the case with Mr. de Klerk. In 1991—15 years after his trip—he stated:

> [My wife and I] toured the United States in 1976 on an International Visitor Exchange Program. We saw the vibrant magnificence of New York City, nature's artistry in the majestic formations of the Grand Canyon in Arizona, the cultural diversity of New Orleans, Louisiana; Miami, Florida; the excitement of Las Vegas, Nevada; the serene beauty of San Francisco, California; but most of all, we experienced the vitality and warmth of the American people.

The International Visitor Program not only affected Mr. de Klerk's view of the United States, it also had a profound impact on the way he regarded his own country and its future. A profile of Mr. de Klerk published in the New York Times Sunday Magazine of November 19, 1989, includes the following statement: "As de Klerk tells it, a 1976 visit to the United States as a guest of the United States Information Agency convinced him that race relations could not be left to run their course."

Clearly, Mr. Speaker, that was a vitally important moment in the development of Mr. de Klerk's thinking—and we as Americans can be proud that we helped make it possible. It is no exaggeration to say that the insights that F.W. de Klerk achieved while visiting the United States as a participant in the International Visitor Program were an important factor in his decision to break with the past and help his nation in its movement toward justice and democracy.

Mr. Speaker, it is significant that our country's exchange programs may be just as important a weapon in the fight to encourage democratic development as other more traditional diplomatic weapons that we use. The International Visitors Program may have been as important in bringing about the transformation of South Africa as the economic sanctions that were imposed by the Congress, over the veto and strenuous objections of then-President Ronald Reagan.

I invite my colleagues in the Congress to join me in paying tribute to the former President of South Africa F.W. de Klerk, and at the same time also to join me in paying tribute to the critically important programs of the U.S. Information Agency which have also played a key role in influencing positively Mr. de Klerk's thinking about race relations, and thus affecting the course of history.

TRIBUTE TO DON "THE BEAR" HASKINS

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. REYES. Mr. Speaker, I rise today to recognize a man of great talent and rare humility; a man who has challenged young people to excel and reach beyond their dreams; a man whose steady guidance has influenced the lives of many over the course of a long and distinguished career. I am speaking of Don "The Bear" Haskins who has been the head basketball coach for the University of Texas at El Paso for more than 36 years.

Don's teams have won 691 games, a historic national championship, 7 WAC titles, and made 14 NCAA tournament appearances. In 1987, Don was inducted into the Texas Sports Hall of Fame. Don Haskins ranks ninth among the all-time winningest coaches.

But beyond his obvious success on the court, Don Haskins is most proud of the fact that he opened doors for minority players. Don Haskins won the 1966 National Championship over heavily favored Kentucky with an all black starting five, an NCAA first.

Later this month, Don Haskins will be inducted into the Naismith Memorial Basketball Hall of Fame, joining other sports legends—former Princeton coach Pete Carril, former NBA stars Alex English and Bailey Howell, women stars Denise Curry and Joan Crawford and Spain's Antonio Diaz-Miguel.

A native of Enid, OK, Don is married to the former Mary Gorman of Bartlesville, OK. The couple has three sons, Brent, Steve, and David, and two grandchildren. I want to congratulate Don not only for being inducted into the Hall of Fame but for the contributions he has made to UTEP and the community of El Paso, and indeed, for the advancement of race relations in this country. He has inspired us all and I am proud to honor him today before my colleagues in the U.S. House of Representatives as a man of great integrity, courage, and honor.

IN HONOR OF THE 75TH ANNIVERSARY OF OUR LADY OF MERCY CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. KUCINICH. Mr. Speaker, I rise to recognize Our Lady of Mercy Church for 75 years of service to its dedicated and faithful parishoners.

Over the past 75 years, Our Lady of Mercy Catholic Church has grown and flourished from a small, isolated Slovak community, to a modern thriving parish. The original name of the church was St. John the Baptist. Early parishoners converted a store into a frame church, and remodeled nearby houses into a two-room schoolhouse and a rectory. After going heavily into debt and being abandoned by the Polish National Church, these parishoners were finally received into the Roman Catholic Church by a public Act of Faith in 1921. The church was blessed and renamed Our Lady of Mercy.

In 1948, construction on a much needed, larger, and more modern building began. The new building is built in the Slovakian Church Architecture style and boasts a 56-foot bell tower and unique artwork. The church used to host an annual Slovak Cultural Day to celebrate its rich traditional history. It still offers parishoners a Catholic Parish Credit Union, the second in the Cleveland Diocese; a weekly bulletin, "Our Lady of Mercy News," and is highly involved in the Cleveland community.

This summer, after 24 dormant years, the school building at Our Lady of Mercy Church was renovated and is once again in full use. The new Hope Academy, a private noncatholic school, serves students in the greater Cleveland area and is the crown jewel of the recent accomplishments of Our Lady of Mercy Church.

Our Lady of Mercy Church has served its community well for 75 years. My fellow colleagues, please join me in honoring this exceptional parish as its dedicated members and other prominent dignitaries of the community celebrate this landmark anniversary on September 14, 1997. I wish them continued success.

INTRODUCTION OF COMMUNITY PROTECTION AND HAZARDOUS FUELS REDUCTION ACT OF 1997

HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mrs. CHENOWETH. Mr. Speaker, I rise today to introduce the Community Protection and Hazardous Fuels Reduction Act of 1997. Last year, wildfires burned over 6 million acres and cost nearly $1 billion to fight. Although not the biggest fire season ever, that was 1930 when over 52 million acres were scorched, the 1996 fire season is regarded by many fire experts as the most severe. The reason is population growth and distribution, and the intensity of many of the fires occurring throughout the United States.

These intense fires are now frequently occurring in America's back yards. In the early part of the century, a clear delineation existed between the urban center and what was considered rural America. This no longer exists. Over time, cities have grown into suburbs, and suburbs have blended in to what was once considered rural. The complex landscape has come to be known as the wildland-urban interface. Forests and grasslands are intermixed with housing, businesses, farms, and other developments, posing new challenges for fire management and suppression.

The intensity of many of the wildfires witnessed in recent years are of a magnitude seldom seen before. These intense fires are the result of unnaturally high fuel loads, caused from years of aggressive suppression, forest disease, and grossly overstocked stands. This is an unhealthy condition that must be properly dealt with now.

Wildfires resulting from these unnatural fuels buildup not only threaten the destruction of communities, putting human life and property at risk, they also damage water supplies, destroy fish and wildlife habitat, and damage ambient air quality. The damage to the soil also substantially reduces the ability of the land to support future stands of trees and greatly increases the potential for massive soil erosion.

Regarding the importance of protecting our forests, President Teddy Roosevelt, one of our greatest conservationists said this, "If there is any one duty which more than any other we owe it to our children and our children's children to perform at once, it is to save the forests of this country, for they constitute the first and most important element in the conservation of the natural resources of this country."

The costs levied on society from wildfire are enormous. Loss of life is the ultimate price that we pay, but the human price paid does not end there. A lifetime of memories and cherished possessions can be incinerated in a matter of minutes. Over 25,000 Californians alone were left homeless before the fire season of 1993 had calmed. And in my own district, the 8th Street fire burned the foothills of Boise last year, causing devastation to human life and property.

As chairman of the Subcommittee on Forest and Forest Health, I have had the opportunity to tour many of our Nation's forests. Several weeks ago, Speaker GINGRICH, Majority Leader ARMEY and Majority Whip DELAY had the opportunity to witness the devastation that these intense wildfires cause due to unnatural levels of fuel.

I rise today to introduce the Community Protection and Hazardous Fuels Reduction Act of 1997 to help mitigate these problems. This bill will allow the U.S. Forest Service and the Bureau of Land Management [BLM] to issue timber sale contracts in the urban-wildland interface to reduce hazardous wildfire fuel buildup. It will also provide the Forest Service and BLM with the ability to use revenue generated from these sales to reduce noncommercial fuels buildup and conduct other forest management projects in the sale area to improve forest health, wildlife and fish habitat, riparian areas, streams and water quality, or achieve other forest objectives.

To deal with special problems associated with grass buildup around communities, the legislation provides authority so that a country or unit of local government can work with the Secretary of Interior or Agriculture to properly deal with the potential fire danger from excessive levels of grasses and forbs in the wildland-urban interface.

This bill helps protect forests, fish and wildlife habitat, air quality, water quality, as well as its main objective of human life and property. In addition to taking care of the fire danger around communities, the bill also improves forest health and water quality by allowing the use of revenue generated from the authorized sales to be used for projects to achieve their objectives.

I urge my colleague's support for this measure that I am introducing today. In light of last year's severe fire season, now is the time to properly deal with the unnaturally high fuel loads that lead to fires that create most of the environmental damage and expenditures each year as well as the loss of human life and property.

JACK WARD: LABOR LEADER OF THE YEAR SAN DIEGO BUILDING AND CONSTRUCTION TRADES COUNCIL

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. FILNER. Mr. Speaker, I rise today to recognize Jack Ward, a labor leader, community activist, humanitarian, sportsman, and patriot. Mr. Ward is being recognized by the San Diego Building and Trades Council as Labor Leader of the Year.

His more-than-full-time job is secretary-treasurer and principal executive officer of Teamsters Local 36. Before he was elected to this top position in his local union, Mr. Ward was president, vice president, trustee, and shop steward while employed by Bechtel Construction Co. He has also been on staff as a business representative since 1984.

He has served in several capacities with the Teamsters—as delegate to Joint Council 42 and the Southwest Building Material and Construction Council He has also been a delegate and committee member at conventions of the Teamsters International Union. In addition, he is delegate and officer of the San Diego Building and Construction Trades Council and an executive board member of the San Diego-Imperial Counties Labor Council, AFL–CIO.

His activities in the wider community include volunteering in political campaigns, serving on the board of the United Way, helping collect and distribute food for needy families with the letter carriers, giving of his time at Children's Hospital and at the Polinsky Center. He has been president of Pop Warner and Little League.

As a Member of the House of Representatives Committee on Veterans' Affairs, I would like to especially acknowledge his service as a marine veteran of Vietnam. I want to take this opportunity to thank Mr. Ward for his hard work, dedication, and contributions to the San Diego region. I am also pleased to recognize his selection as Labor Leader of the Year by the San Diego Building and Construction Trades Council. My sincere congratulations go to him, his wife, Janet, and their two sons, Jack Jr. and Jeff.

SISTER MARGHERITA MARCHIONE: HONORED AS ACADEMIAN AND HUMANITARIAN

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, today, I rise to recognize Sister Margherita Marchione on being the 1997 recipient of the Religious Teachers Filippini Humanitarian Award at the Villa Walsh Academy Gala this Saturday evening hosted by comedian Joe Piscopo. I have spoken before the House floor about the work of Sister Margherita, she is one of New Jersey's great academic and humanitarian treasures. Although academia is her calling, her special talent is building bridges between different peoples through greater understanding and knowledge.

Born in the town of Little Ferry, NJ, in 1922, Sister Margherita became a member of the Filippini Sisters teaching order in 1941. A Fulbright Scholar, she received her own schooling at Georgian Court College in Lakewood, where she earned a B.A. and continued her education at Columbia University where she gained her M.A. and a Ph.D. Aside from the numerous books she has authored, including the acclaimed "L'imagine testa" and the 1986 biography of Lucy Filippini, "From the Land of the Etruscans," Sister Margherita serves as treasurer of the Villa Walsh Academy in Morris Township and is professor emerita of Italian Language and Literature at Farleigh Dickinson University in Madison. She also lectures throughout the United States and abroad, including numerous radio and television appearances.

During the past few years, Sister Margherita has devoted much of her time to illuminating the efforts of Pope Pius XII and thousands of Italian Catholics to save Italian Jews and other persecuted peoples from Nazi concentration camps during World War II. In 1995, she organized an event to mark Holocaust Rescuers in Italy Day, held at Villa Walsh, which debuted the documentary film "Debt of Honor" narrated by New Jersey resident Alan Alda. Sister Margherita assisted "Debt of Honor" producer Sy Rotter in collecting the memories of Italy's Jewish survivors.

Her latest literary effort, "Yours Is a Precious Witness: Memoirs of Jews and Catholics in Wartime Italy," recognizes the extraordinary acts of courage exhibited by ordinary people during the Second World War. It is a little known fact that, although 67 percent of European Jews were killed by the Axis Powers during the war, more than 80 percent of Italy's Jews were saved. As the New World Press wrote, "Yours Is a Precious Witness" is helping to promote "better understanding and deeper relations between Catholics and Jews." In addition, the editors of the Association of Jewish Libraries Newsletter praised her book for reversing their previously derogatory view of Pope Pius XII.

As a member of the World Who's Who of Women, Sister Margherita Marchione's associations, accomplishments, awards and honors are too numerous to mention. However, I do want to personally congratulate Sister Margherita on receiving the Religious Teachers Filippini Humanitarian Award and have this House join me in honoring her collective work on behalf of promoting greater understanding among the human race.

TRIBUTE TO THE 50TH BATTALION DURING THE KOREAN WAR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. PALLONE. Mr. Speaker, I would like to draw my colleagues' attention to a very important event that is taking place on September 16, 17, and 18 in Atlantic City, NJ.

On that day, about 80 members of the 50th Battalion—veterans of the Korean war—will reunite to commemorate the tremendous contribution of the 50th Battalion from 1950 to 1955 and honor the soldiers who were injured and who died in many critical offensives of the Korean war.

I am pleased to call as a friend the coordinator of the event, Peter A. Marone, and wish him great success for this reunion of Korean war heroes. These wishes also go out to the cocoordinator, Donald Sullivan of Absecon, NJ.

Mr. Marone, former mayor of St. Pleasant, NJ, has reminded me of the tremendous contribution made by the 50th Battalion and I want to share a brief account with you.

The goal of the initial invasion by our troops at Inchon in September, 1950, was to seize the vital rail and communications center of Seoul, seal off the main areas of escape to the north, and secure the port at Inchon and the airfields at Kimpo and Seoul.

This incredible series of battles and troop movements was followed shortly by what was called "The Christmas Miracle." By November 1950 the Korean war seemed all but over. The North Koreans were squeezed back to the Yalu River on the Manchurian border. It seemed the war was coming to an end.

But on November 27, Communist China sent 120,000 troops into North Korea and pitted them against 15,000 U.N. forces in the East. There were many casualties among Marines and Army troops. In the following days, of the 15,000 U.N. troops encircled by the Communist Chinese, 12,000 became casualties.

It was then that the chosen fighters of the 50th Battalion made their greatest contribution. By checking the Chinese forces in the mountains as part of a perimeter established around the besieged Hamhung, they enabled the escape of 100,000 North Korean men, women, and children to safety.

I would like to recognize the courage of the participants in the Christmas Miracle, as well as all those who nobly served in the battalion in the following years. It is so important that current and future generations never forget the sacrifices and the bravery of the soldiers of the 50th Battalion as well as all the veterans of our wars.

THE MEDICARE AND MEDICAID RECOVERY ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. STARK. Mr. Speaker, today I am introducing the Medicare and Medicaid Recovery Act of 1997.

Under current law, providers and suppliers are using the Bankruptcy Code as a vehicle to defeat the Secretary's efforts to battle fraud and abuse involving Medicare and Medicaid payments. Specifically, providers and suppliers who have acted improperly or have been overpaid by Medicare, are using the protections afforded by the Bankruptcy Code to stop short the imposition of administrative sanctions or recoupment of Medicare overpayments. Providers can make strategic use of two devices—the automatic stay and the discharge of all pre-bankruptcy obligations.

Under the Bankruptcy Code, the provider can respond to the threat or imposition of an administrative sanction by filing a petition in bankruptcy and then asserting that the automatic stay bars any further sanction activity. Regarding discharge, the provider can assert that any overpayment or civil monetary penalty due to the Medicare program is discharged and does not survive the bankruptcy proceeding.

The Federal Government has long enjoyed a priority for taxes, duties and related penalties. However, it does not have a priority for nontax claims, such as Medicare and Medicaid overpayments to providers. The Government's priority for nontax claims was abolished in 1979.

A 1992 report issued by the Office of Inspector General (OIG), entitled "Federal Recovery of Overpayments from Bankrupt Providers," found that as of March 1991, the Medicare Trust Fund lost $109 million due to the ability of providers and suppliers to discharge their outstanding overpayments. While the report recommends giving Medicare claims a priority status in bankruptcy, better cost savings would be achieved by excepting these claims from discharge. Surely, we should favor the path that leads to greater cost savings.

The U.S. taxpayer spends $191 billion each year to fund Medicare programs. However, an estimated $20 billion, or 10 percent, is lost to fraud. Too many health providers are putting their hands into the public trough.

Mr. Speaker, this bill holds fraudulent providers accountable. It would amend the Social Security Act to specify that an administrative sanction imposed by the OIG on a health care provider, whether a civil monetary penalty or program exclusion, is not subject to the automatic stay provisions of the Bankruptcy Code. Second, this bill would also amend the Social Security Act to specify that any overpayment or civil monetary penalty amounts due to the Medicare program are not dischargeable under the Bankruptcy Code.

The Medicare Trust Fund has suffered losses from the bankruptcy discharge of providers' obligations to repay Medicare overpayments. The drafters of the Bankruptcy Code could not have foreseen or intended that the protections they afforded under the Code would be used to support and sustain Medicare fraud and abuse. Allowing medical professionals to use such loopholes as those discussed above only makes it more difficult for the Government to provide the types of programs that Americans deserve. With this bill we can force providers and suppliers to take responsibility for their actions while putting money back into the Medicare Trust Fund where it is desperately needed.

JERUSALEM TERRORISM

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. LAZIO of New York. Mr. Speaker, I rise today to strongly condemn the most recent terrorist attacks in Jerusalem's Rehov Ben-Yehuda pedestrian mall. I was deeply saddened to learn, once again, of such a horrible act carried out by a group so willing to claim responsibility. My heart goes out to the families of the victims.

At this critical point in the Middle East peace process we must do all that we can to promote this fragile initiative and move forward. This week, Secretary of State Albright will travel to the Middle East and will hold important meetings with leaders in that region. She needs to carry a strong message, backed by both the administration and the U.S. Congress, that the terror must stop. There is an end to our patience; we will not forever call for continuation of a process that is flawed and dangerous.

Those who are using terrorism as a tool must learn that it is not the way, and there is no excuse. Terrorism is not the way to accomplish any goal. Innocent people deserve to live their lives in peace, without the constant threat of terrorist attack. The responsibility for this falls on chairman Arafat. Simply put, Chairman Arafat must live up to the promises that he has already made as part of the Oslo accords.

In the Oslo accords, signed in 1993, the Palestinians committed to fighting terrorism and searching out those who commit acts of terrorism and punishing them accordingly. They have been negligent at fulfilling this promise, the most fundamental of the Oslo accords. Mr. Arafat has allowed these acts to go on, has allowed known terrorists to continue to operate, and has completely failed to live up to these promises. The United States must keep an even closer eye on the situation than it has in the past.

The time for Mr. Arafat to fulfill his commitments is now. The most recent tragedy in Jerusalem will only be repeated if he continues to operate as he has done in the past. I promise my colleagues that I will do all that I can to assure that the United States keeps a most watchful eye on Mr. Arafat, and that our aid to the Palestinians is carefully scrutinized based on his actions.

THE AFRICAN-AMERICAN CIVIL WAR MEMORIAL COMMEMORATIVE COIN ACT INTRODUCED

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Ms. NORTON. Mr. Speaker, today I am introducing legislation that will establish a commemorative coin for the African-American soldiers that fought in the Civil War. Several years ago, the release of the movie "Glory" brought national attention to the role played by African-American soldiers during the Civil War. This movie told the story of the 54th Massachusetts Regiment which distinguished itself at the historic battle of Fort Wagner in July 1863. These soldiers of the 54th Massachusetts Regiment and those African-Americans who served with the Union Army did so as volunteers. At first they were barred from combat and made to contribute only as members of service and labor battalions. The number of African-American troops that were in the Union Army was larger than the entire Confederate Army in the final months of war. Ultimately, their determination, courage, and love for their country and for the cause of freedom, enabled them to transcend this barrier.

the 185,000 African-American troops who served in the Civil War never received the recognition they deserved for fighting so bravely for our country. Following the end of the Civil War, The Grand Army of the Republic paraded 200,000 Union soldiers for 2 days down Pennsylvania Avenue in the District of Columbia, but not one of the units representing the African-American soldiers was invited to attend the celebration. They never received a thank you for their service. Not only is it fitting for the memorial in their honor to be located in our Nation's Capital, but they too deserve a commemorative coin to memorialize their sacrifice to our country.

This coin would be of no net cost to the Government and it is for an outstanding cause. It is my hope that this legislation serves as a reminder of the contribution that these brave men gave for this country.

TRIBUTE TO DAN SAIN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a man who has worked to improve the quality of life in my hometown of Flint, MI, Mr. Dan Sain. On September 14, 1997, Dan Sain will be the guest of honor as many of his family and friends gather to celebrate over 40 years of dedicated service to our community.

It has been over four decades since Dan Sain moved to Flint from his home of Leachville, AR. When he first arrived, Dan supported his family by working several jobs, including working during the day at Standard Cotton Products, and at Fisher Body plant at nights. In 1953, Dan accepted a position with Buick, and with that, he began a long partnership with the UAW. In his service with the union, Dan served as committeeman, trustee, shop committeeman, newspaper editor, and vice-president. In 1972, Dan was elected president of the UAW Community Action Council, a position he held until 1996.

Danny was the ultimate political organizer. He worked endlessly to elect people who were pro-union. Under his leadership, the UAW attained the highest standards of political and community awareness. There are very few political officeholders in Genesee County who have not benefitted from the work of Danny Sain. Whether it was organizing the county effort for a Presidential campaign, or if it involved an election in a small local town, Dan always knew what was going on, and more often than not, he knew who was going to win.

We in Genesee County have been extremely fortunate to have someone like Dan Sain live in our community. Dan always believed that the UAW must play a role in the larger community and he has made a positive impact with his work. Dan has served on a number of boards and commissions including chairing the Bishop International Airport board, serving on the Genesee County Parks and Recreation Commission, the Genesee County Planning Commission, Healthplus of Michigan, and the local board of the Federal Emergency Management Association. He has also been a active supporter of the United Way for a quarter of a century.

Mr. Speaker, this year, the labor movement celebrated the 60th anniversary of the famous Sitdown Strike that took place in Flint. I ask my colleagues in joining me in honoring a man who, although too young to have been a sitdowner himself, through his thoughts, deeds, and actions has proven himself time and again as a living legacy to the perseverance and courage shown by a group of determined young men in February of 1937, and their quest for equity and equality for all.

IN MEMORY OF DR. ROBERTO OLIVARES

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. HALL of Texas. Mr. Speaker, today is the funeral of one of the kindest and most compassionate men I have ever known and one of the most gifted, most respected and most beloved physicians in Sherman, TX—Dr. Roberto Olivares, who died Sunday at the age of 57.

Dr. Olivares was born in Puebla, Puebla Mexico, studied at UNAM, the national university in Mexico City, and received his medical degree in 1962. He moved to the United

States in 1966 and after completing his internship at Kettering Memorial Hospital in Dayton, OH, he spent 4 years as urology resident at The Methodist Hospital in Indianapolis, IN. While there he was named chief resident and received the Pediatric Fellowship from Riley Children's Hospital.

After a brief return to Mexico, Dr. Olivares moved to Sherman in 1974 to begin what would be a 23-year practice. He was a beloved and highly respected physician and was only the second urologist in the United States to receive the Distinguished T. Leon Award from the American Urological Association four times for significant achievement in the field of urology.

Dr. Olivares was a member of the AUA Terminology and Health Policy Committee from 1992 to 1997 and served on the board of directors for the South Central Region and as the Texas delegate to the national organization. He was past president and board member of the Texas Urological Society and was a selected member of the International Andrology Society, the Society of Laparascopy Surgery, the Endouriological Society and Lithotripsy Society. He was dedicated to the local medical community and served as president of Medical Plaza Hospital for 2 years, chief surgeon at Wilson N. Jones and past president of the Grayson County Medical Society.

Dr. Olivares was a dedicated and prominent figure in the community. He served as president of the Parks and Recreation Board, was a basketball and soccer coach for many years for the Boys and Girls Club and was a proud member of the Sherman Bearcat Booster Club. He could always be seen sitting at the 50-yard line cheering for the Bearcats. He and his wife, Gayle, hosted numerous fundraising events for local charities.

But more than any of these achievements, his kindness, his compassion, and his faith distinguished him among his patients and his friends. I never heard him utter an unkind statement, and I never heard an unkind statement uttered about him. He took both a professional and personal interest in his patients and was concerned about both their physical and emotional well-being. His faith sustained his own struggles with leukemia, which eventually claimed his life, and with other family tragedies and other challenges that he endured with eternal optimism. His faith was a powerful example for all who knew him and were inspired by him, and he demonstrated his faith in all that he did and with all those he touched—through his words, his deeds and his daily interactions with people from every walk of life.

Dr. Olivares is survived by his wonderful wife, Gayle; his sons, Roberto III and Ricardo; his daughters, Rebecca and Raquel; his mother, Minerva; sisters, Minerva and Elsa; brother, Sergio; and grandsons, Roberto IV, Julian and Austin. I am saddened to lose such a dear friend and constituent, and I share the grief of his family and many friends in the Sherman community.

But I know that this great man would want us to carry on with the same optimism that he demonstrated so well, and we will carry him with us in our hearts and in our memories. Mr. Speaker, as we adjourn today in the House of Representatives, I ask that we do so in honor of and in memory of this great America, great physician, and great man—Dr. Roberto Olivares.

CENTRAL AMERICA: INDEPENDENCE, PEACE AND PROGRESS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. GALLEGLY. Mr. Speaker, on Monday, September 15, five of the nations of Central America will celebrate their respective independence days. As chairman of the Western Hemisphere Subcommittee, I want to congratulate the nations of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua on the occasion of this day and to call to the attention of the Members of the House the great progress which the region as a whole has made toward peace, stability, and democracy.

The historic signing of the Guatemala Peace Accords last December 29 ushered in a period in which for the first time in almost 40 years, the entire Central American region is at peace. Even more significant is the fact that democracy is taking hold as evidenced by the fact that every current government in the region has been elected in what have been determined to be free and fair elections by both domestic and international observers. The economies of these nations seem to be making solid progress as growth, albeit slow, is being achieved through a combination of liberalization, modernization, and privatization. Further, it would appear that in general, an awareness and respect for human rights is on the increase and that the militaries of several of these nations are accepting their new roles under civilian leadership.

Nowhere are these last two issues more evident than in Guatemala. A recent subcommittee staff visit there found very encouraging signs that the peace process is taking hold thanks to the total commitment of President Arzu and the representatives of the URNG. And, the Guatemalan Congress is about to begin a historic debate on amending their Constitution to accommodate the political and economic reforms mandated by the accords. In the 9 months since the peace accords were signed, more than 3,000 former URNG combatants have been reintegrated into Guatemalan society. A Historical Clarification Commission has begun looking into 36 years of human rights abuses and atrocities committed against the general populace during the conflict years. And, the U.N. Verification Mission, MINUGUA, has stepped up its work in helping to strengthen organizations dealing with human rights issues. The significant U.S. financial commitment to this process as well as to programs we are funding in Nicaragua and El Salvador are clearly helping make these efforts successful.

This is not to say that there are not problems. Drug use and crime seem to be on the increase everywhere and nagging problems of poverty, unemployment, illiteracy, and infant mortality persist. But on the whole, Central America has moved beyond the crisis period of the past 15 years and has given us great cause for optimism.

So, Mr. Speaker, on the occasion of the celebration of the independence of these nations, I want to congratulate each of these nations for the progress they are making and to express my hope that they continue on this impressive path.

TAX RELIEF FOR SMALL BUSINESSES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. PACKARD. Mr. Speaker, no one ever said that running a business was supposed to be easy. But Washington seems to want to make it more difficult. Small businesses need a break. And for the first time in 16 years, they will get this long-awaited and much-deserved relief—a serious tax cut. The Taxpayer Relief Act is looking out for small businesses across the Nation.

Higher taxes and burdensome regulations are hurting America's small business community. Our Taxpayer Relief Act will relieve the tax burden on working Americans while simplifying the small business tax code. By offering estate tax relief as well as capital gains tax relief, we will ensure that businesses grow and prosper, while providing jobs and opportunities to many.

Mr. Speaker, not only do small businesses need a real break, they deserve one. They employ 53 percent of the private work force, contribute 47 percent of all sales in the country, and create millions of jobs each year. But yet Washington tax-and-spend values have led to the demise of many small businesses across the Nation. It doesn't have to be this way. Our plan ensure that this will not be the case in the future.

We want to see as many small businesses succeed as possible. They are critical to our economy. The Taxpayer Relief Act is good for small businesses and self-employed entrepreneurs. Under our plan, businesses will not only succeed, but will thrive and prosper for many years to come. Hard-working, tax-paying citizens have finally won a major victory. Relief is becoming a reality because the American people have spoken loudly and we have listened.

CONGRATULATING MICAH MORGAN, PACIFIC AREAS WINNER, VFW VOICE OF DEMOCRACY BROADCAST SCHOLARSHIP PROGRAM

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. UNDERWOOD. Mr. Speaker, each year, the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct the Voice of Democracy broadcast scriptwriting contest. Entries for this year's theme, "Democracy—Above and Beyond," were received from more than 109,000 secondary school students. Fifty-four national scholarships were distributed among the 54 national winners.

Mr. Micah Morgan is this year's Pacific areas winner. He is the recipient of a $1,000 USS Battleship Maine Memorial Scholarship Award. Micah is a senior at Morrison Academy in Taichung, Taiwan. He is the son of Mr. and Mrs. Keith Morgan and he plans a career in architecture.

As I congratulate Micah for being this year's Pacific areas winner, I would like to submit his speech for the CONGRESSIONAL RECORD:

"DEMOCRACY-ABOVE AND BEYOND"

Deep in the jungle, a soldier fights. But he is not the first. He is the newest warrior in a battle that men have been fighting for centuries. Just as those soldiers did long ago, he fights against tyranny and oppression backed by brothers in his own country, as well as sympathizers around the world. He is not fighting in their name, however, nor is he fighting for any kingdom or revered leader, nor even his own comrades in arms. He is fighting for himself. He is fighting for the opportunity to provide for his family. He is fighting so his children won't have to grow up in fear. He is fighting so that he and his wife will be able to express their opinions openly. He is fighting so that he can have a voice in who governs him. He is fighting for his right to be a man. He is fighting for an idea which began centuries ago, but one which has survived while so many other great ideas have passed away. He is fighting for Democracy. The only government in the world that will give him and his family the hope to keep going, the freedom to express their opinions and the opportunities to do something about it.

Democracy gives people hope because it listens to them and helps them and allows them to succeed. Hope: something that everyone wants and needs to keep going. It can come through a baby's smile, an encouraging word from a friend, or even just a beautiful day. Not much to ask, really, but still people in many countries don't even have hope. Millions of immigrants fled to America during the 1820's and 1830's because it gave them this hope. In their own countries, no matter how hard they worked, they could never overcome the lot that they have been dealt in life. But, in America, their work would be rewarded and they could see that their children started off better in life than they had. The hope of a brighter future is one factor which makes democracy a step ahead of the rest.

Freedom, something which many take for granted, but something for which many people are willing to give their lives. Hope is a wonderful thing but is a short-lived thing if there is no freedom in which to enjoy it. People can experience life more when they have freedom because they can develop their own thoughts, express their own opinions, and pick their own direction in life without worrying about somebody looking over their shoulder. Freedom is something people respond well to, but most governments in the world haven't realized this. They don't realize that allowing people to make their own choices can only aid the government, because people work better when they know that they are doing it for themselves. Democracy, on the other hand, gives people freedom and it takes advantage of the work that people are doing for their own sakes. Freedom unlocks spirit and, by giving its people freedom, Democracy takes one more giant leap ahead of the rest.

Opportunities are essential to a good government. Hope and freedom are wonderful but they only breed discontentment if the people are not given the opportunities to do something about it. Giving people hope and freedom without opportunities is like grooming, encouraging, and aiding a pitcher to become amazing, but then never putting him into a game. People with hope and freedom will exercise their opportunities to improve government, technology, society, and countless other things. No other form of government is willing, however, to give up the little bit of power that it takes to give people opportunities, in order to gain the great advancements that they will bring to the nation.

BLACK LUNG COMPENSATION

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mrs. NORTHUP. Mr. Speaker, I rise today to voice my opposition to regulations proposed by the Department of Labor regarding black lung compensation.

I strongly believe injured parties should be compensated, and the current black lung progarm has provided much needed relief to many coal miners. However, the regulations proposed by the Department of Labor go far beyond necessary retribution and would effectively eliminate the coal mining industry in my State of Kentucky and other States that are home to small coal operators.

As a member of the Kentucky State Assembly, I participated in a special session in December where we revamped the workers compensation system to ensure the solvency of a program that was bankrupt. Now the Labor Department is proposing changes to the Federal Black Lung Program that are moving directly in the opposite direction.

On January 22, 1997, the Department of Labor—Employment Standards Administration—issued proposed changes to the Black Lung Benefits Program. These regulations would change the legal definition of pneumoconiosis—black lung—to include other lung abnormalities. The regulations would also declare the disorder progressive, so if someone who worked in coal mines for even a short time and was a smoker and developed lung cancer, the cause of the cancer would be job related, even if the prevailing medical information concluded it was smoking related. Furthermore, there would be the presumption that any sign of lung problem, even an x ray that showed a shadow on the lung of a smoker, would be progressive and eventually result in disability and death. This is true even in cases where there is no current physical limitation. Such a presumption is simply inaccurate.

In addition, the Department would allow all cases to be reopened and reconsidered under the new guidelines. In some cases, even the widow or survivors of the claimant would be entitled to reopen cases. This is about 80,000 cases.

About 230,000 miners, survivors, or dependents receive either compensation and/or medical benefits under the Federal Black Lung Program. To date, more than $32 billion have been spent providing black lung benefits to miners and their survivors. The current program is supported by Congress. I am not arguing that this program should be cut or eliminated. Rather, I believe the program should be left alone.

The authorizing committee agrees that the Department of Labor should not implement the proposed changes to this program. In fact, the committee wrote Secretary Herman with their concerns earlier this year. Summarizing, the committee believes that the regulation changes go directly against the will of the Congress, which considered similar changes in the 103d Congress—but did not pass.

What's more, thorough economic impact studies have not been performed. As such, information on the costs of the proposed changes to the Federal Government and the coal companies is insufficient to allow these regulations to be implemented. While the Department of Labor concludes that the proposed regulations will result in an increased cost of only $28 to $40 million to the Federal Government, this conclusion is based on an inaccurate assumption that the claims approval rate will increase only from 7.5 to 9 percent. The conclusion does not account for any change in the initial filing rate or refiling rate and ignores the fact that many lawyers are waiting for a chance to refile their clients' claims. Analyses of the legislation considered in the 103d Congress—which was similar to the proposed regulations—indicated that as many as 80,000 previously denied claims could be refiled and could cost as much as an additional $30 billion.

In addition, the proposed regulations will not only directly cost taxpayers through costs to the Black Lung Program. They also will severely impact small coal operators. These costs could effectively eliminate small coal operators in such States as Kentucky and have an enormous impact on rural communities that depend on the coal industry.

The Department of Labor failed to provide appropriate information to substantiate the basis for the claim that the proposed rules will not have a significant impact on a substantial number of small businesses. In fact, the Small Business Administration [SBA] Office of Advocacy has filed formal complaint regarding the failure of the Department of Labor to comply with the Regulatory Flexibility Act [RFA] as amended by the Small Business Regulatory Enforcement Fairness Act [SBREFA]. The goal of these laws is to require agencies during consideration of regulations to analyze the impact on small businesses. The Department of Labor has failed to follow the guidelines set in law and consider the impact of these proposed regulations on small businesses.

The proposed regulations have also been opposed by the American Bar Association [ABA], which adopted a resolution expressing its opposition to any principle in the new regulations.

I am submitting documents by both SBA and ABA for the RECORD.

In short, the new regulations would have a terrible impact on Kentucky and other States which are home to small coal operators. While I strongly believe injured parties should be compensated, these proposed regulations go far beyond necessary retribution and would effectively eliminate the coal mining industry in my State of Kentucky at huge economic cost to taxpayers nationally.

U.S. SMALL BUSINESS ADMINISTRATION, OFFICE OF CHIEF COUNSEL FOR ADVOCACY,
Washington, DC, August 21, 1997.

Hon. BERNARD E. ANDERSON,
Assistant Secretary, Employment Standards Administration, Department of Labor, Washington, DC.

Re: RIN 1215–AA99: Regulations Implementing the Federal Coal Mine Health and Safety Act of 1969, as Amended.

DEAR MR. ANDERSON: This letter is the official comments of the Small Business Administration's (SBA) Office of Advocacy on the Employment Standards Administration's (ESA) rule for implementing the Black Lung Benefits Act.[1] These comments are to be placed on the public docket.

The Office of Advocacy was established by Congress under Public Law No. 94–305 to represent the views of small businesses before Federal agencies and Congress. Advocacy is required by §612 of the Regulatory Flexibility Act (RFA)[2] to monitor agencies' compliance with the RFA.

Advocacy has two primary concerns with the proposal. (1) Advocacy will address the ESA's failure to use established SBA size standards. The ESA is required by the RFA to use the SBA definitions when determining the economic impact of the rule or to follow the appropriate statutory process for selecting an alternative size standard. (2) Advocacy will also address the agency's economic impact analysis. Advocacy believes that the ESA's RFA certification[3] is inadequate because the agency has failed to provide appropriate data to substantiate a factual basis for this certification.[4] Based on a preliminary assessment and information received from mining industry employers, Advocacy is convinced that the proposed changes to the black lung regulations may have a significant impact on a substantial number of small entities. The agency should complete an initial regulatory flexibility analysis detailing the potential impact of this rule on small businesses.

SMALL BUSINESS DEFINITION

When determining if a proposed rule will have a significant economic impact on a substantial number of small entities,[5] the RFA requires that agencies comply with the size standards established by the SBA.[6] If an agency decides to deviate from the pre-established size standard for the purposes of a particular rule, the agency must consult with the SBA prior to publishing the proposed rule. The agency also must publish the alternative size standard for public comment.

For the purposes of the proposed rule, ESA defines a small mine as a mine with a net worth of less than $10 million or has been in operation for less than three years. The SBA defines a small mine as a mine which employs less than 500 employees. Although the preamble discusses the use of SBA and Mine Safety and Health Administration (MSHA) definitions, there is no indication that ESA contacted SBA to discuss alternatives. For the purposes of determining the economic impact of the proposed rule on small businesses, ESA must use the SBA definition or follow the statutory procedure for developing an alternative. ESA's decision to deviate from SBA's standards for the economic analysis was made independent of any consultation with the Office of Advocacy. Such a decision, without consultation with Advocacy, is a violation of the law.

QUANTITATIVE DATA ON THE MINING INDUSTRY

Advocacy contends that the agency has not provided the quantitative data necessary to substantiate the agency's certification that this rule will not have a substantial impact on small businesses. In fact, the agency has not provided the public with estimates on the number of small mines which will be affected by this rule, either as a whole or by mining sector (e.g., surface and underground bituminous and anthracite). Data available to Advocacy indicate that the coal mining industry includes 1,811 small firms, 95 percent of the mines in the industry.[7] Therefore, Advocacy maintains that there are a substantial number of small firms affected by this rule and an initial regulatory flexibility analysis must be completed.

ECONOMIC IMPACT ANALYSIS

Determining a rule's impact on small businesses and other small entities is an important part of the rulemaking process.[8] It is the burden of the agency to conduct a complete analysis of the affected industry and publish its findings for public comment. The analysis should provide a detailed breakdown of the economic impact proposed changes by various sizes, types of operations, and practices within the small mining industry.

The economic impact data provided by the ESA on small coal mining firms is not sufficient to substantiate the agency's assertion that "small firms are not expected to be disproportionately affected by these changes." [9] First, the criteria for RFA is a significant impact (not a "disproportionate" burden). After evaluating the preliminary information provided by ESA in the preamble, the Office of Advocacy concludes that the impact on small firms likely would be both significant and disproportionate.

For instance:

The agency predicts that in a maximum impact scenario, the total costs for the coal industry would be an additional $3.65 per $100 of payroll. This would be an 84 percent increase over current costs ($4.33 per $100 of payroll).[10]

The agency projects that approval rates for claims will increase and result in an increase in the premium rate of less than 75 cents per $100 of payroll for underground bituminous miners. Using ESA estimates of the average annual per employee wage cost of $38,355, the increase in premium rates for this industry sector would be $287 per employee each year. This would be a 17 percent increase in insurance costs.

Advocacy examined just one sector of this industry to demonstrate just how significant the cost of this rule will be for small firms. For an anthracite mine with 20 employees, the costs of labor represents 37 percent of revenue value. ESA indicates that average labor costs in the industry equal less than one fourth of the value of its product output. Assuming that receipts are equal to output, this size and type of mine does not enjoy the economies of scale and higher productivity per employee of larger mines. Therefore, the insurance costs based on payroll will be significantly greater. We estimate that similar costs will be discovered for many or all of the small mines affected by this rule.[11]

Given the rule's potential economic impact on small mines, Advocacy is making several suggestions for improving the agency's economic data. Generally, the process of preparing an economic analysis requires an ample amount of due diligence on the part of the agency. In order to provide the public with the necessary economic information to solicit constructive public comment, the ESA's process of analyzing the impact of the black lung regulations should be transparent, clearly illustrating the cost of implementing the rule on the various segments which comprise the small mining industry. Economic assumptions and methodologies should be made known so that the analysis can be reviewed actuarially. If costs are determined to be significant in a particular industry sector and/or in a particular small business size range, this would justify a full analysis with regulatory alternatives for small entities.

The following are specific recommendations to improve the data to determine economic impact more realistically.

The agency is using the criteria of one percent of payroll as the threshold for determining "significant." However, Advocacy believes that this threshold is inappropriate and essentially meaningless. First, small firms' costs may be concentrated in payroll and not other operating costs. Therefore, the percentage of costs will be much greater for small mines relative to larger, mechanized mines. Second, with payroll cost increases, there is no indication of correlating revenue or profit increases. Our preliminary investigation of the industry shows that the product prices are fixed, established by long-term contract. Larger firms may be able to absorb the costs in the short term with some measure of profitability. Smaller firms, however, may not be able to assume the added costs and remain competitive. Sector specific profit margins and standard industry practices, like long-term contracting, must be discussed in the analysis.

The analysis should use SBA size standards to determine the impact of the proposed changes by various size ranges. Cost projections by size range is fundamental to determining economic impact. An example of how economic impact can vary by size is illustrated by the anthracite industry. Based on 1994 U.S. Census data, anthracite mines with fewer than 20 employees had estimated annual receipts of $821,000, mines with 20–24 employees had estimated receipts of $2.07 million and mines with 25–29 employees had estimated receipts of $2.99 million. Clearly, increased insurance premiums would have a significantly different economic impact depending on the size of the anthracite firm.

The rule is anticipated to have a $40 million[12] impact on the entire coal mining industry. The agency's use of aggregate numbers to determine anticipated economic impact is not particularly useful. The analysis should explore how the regulation will impact specific sectors (e.g., anthracite and bituminous) within the industry by various sized firms. The analysis should also examine the rule's impact on different mining practices, e.g. surface and underground mining.

The agency's economic data has concentrated on the rule's impact to commercially-insured coal mines. The agency should also estimate the impact of the rule on self-insured mines. In addition, the analysis should compare the potential impact of the rule between self-insured and commercial-insured firms.

To assist the agency, Advocacy has provided 1994 U.S. Census Bureau data detailing

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See footnotes at end of article.

industry specific firm size by number of employees and company receipts. (The ESA indicated that the lack of such data was a reason not to use established SBA size standards in its economic impact study.[13]) For future reference, this information can be easily retrieved from Advocacy's homepage at *http://www.sba.gov/ADVO/*.

OUTREACH

As we have indicated, Advocacy is convinced that this rule could have significant impact on small mines. Therefore, Advocacy recommends that the agency conduct extensive outreach to small mines to solicit information on the economic impact of this rule. Within the U.S. Government, several sources of information are available. For instance, the ESA's sister agency, the MSHA, maintains detailed industry data and mining company mailing lists. This information could be used for outreach purposes. The Office of Advocacy is also available to assist ESA identify small mining business organizations.

The RFA suggests that direct communication with the regulated industry can be beneficial for complying with the law.[14] Advocacy encourages ESA to incorporate the expertise of the mining business community, input from the regulated community is crucial to the development of an analysis which accurately reflects the industry.

CONCLUSION

In 1996 Congress and the President enacted the SBREFA, thus, renewing a public policy commitment to small businesses by reminding agencies of RFA obligations and by allowing by small businesses (through judicial review) to challenge agencies that fail to comply with the law. Good public policy and the law dictate that agencies provide the public a factual basis for an agency determining whether a rulemaking will have "a significant impact on a substantial number of small entities."

Advocacy has been contacted by several organizations representing various sectors of small coal mines concerned that these proposed changes were substantially understated by the agency and would significantly increase the cost and availability of black lung workers' compensation insurance. Advocacy encourages the agency to review the record for small businesses comments made on all aspects of the proposal. Aggressive outreach to the small mining industry will help determine the true economic impact of this proposed rule and any information on alternatives which would meet the agency's public policy objectives while mitigating the impact of the rule on small business.

In order for the ESA to meet its requirements under the RFA, the agency must develop a meaningful economic analysis which can be defended upon critical review. In the analysis, the agency also must use the SBA definition of small business or follow the statutory procedure for proposing an alternative definition.

If you have any questions about our comments, please contact me or Sarah Rice of my staff at (202) 205-6532.

Sincerely,

JERE W. GLOVER,
Chief Counsel for Advocacy.

Enclosure.

AMERICAN BAR ASSOCIATION,
Chicago, IL, August 15, 1997.

Via Federal Express

The Honorable ALEXIS HERMAN,
Secretary of Labor, U.S. Department of Labor, Washington, DC.

Re: Proposed Regulations to Restructure the Black Lung Program

DEAR SECRETARY HERMAN: As President of the American Bar Association, I am transmitting to you the enclosed resolution that was adopted by the House of Delegates of the American Bar Association during the ABA's Annual meeting in San Francisco last week. The resolution comments on the proposed regulations at 62 Federal Register 3337 et seq. that pertain to the Federal Black Lung compensation program. The resolution now constitutes the official policy of the ABA.

The ABA appreciates this opportunity to submit its views to you. If you should have any questions, please feel free to call me directly at 215-977-2290.

Sincerely,

JEROME J. SHESTACK,
President, American Bar Association.

Enclosure.

RESOLUTION OF THE AMERICAN BAR ASSOCIATION—ADOPTED BY THE HOUSE OF DELEGATES, AUGUST 1997

Resolved, That the American Bar Association expresses its opposition in principle to any revisions of the Code of Federal Regulations (20 CFR Part 725) recommended by the United States Department of Labor on Wednesday, January 22, 1997 [62 Federal Register 3337 et seq.] pertaining to the Federal Black Lung compensation program which are contrary to the requirements of the Federal Administrative Procedure Act or the Black Lung Benefit Act.

Further resolved, That the American Bar Association expresses its opposition to the following proposed revisions of the Code of Federal Regulations (20 CFR Part 725) recommended by the United States Department of Labor on Wednesday, January 22, 1997 [62 Federal Register 3337 et seq.] which pertain the Federal Black Lung compensation program:

Section 725.103—Burden of Proof: asserts authority to adopt burden-shifting presumptions.

Section 725.309—Additional Claims: revises the extent to which the common law concepts of res judicata, or claim preclusion, and collateral estoppel, or issue preclusion, apply to the adjudication of black lung benefits claims.

Section 725.401—Claims Development—General: transfers adjudicative functions from administrative law judges to district director.

Section 725.405—Development of Medical Evidence: fails to account for district director obligation to develop evidence other than medical evidence.

Section 725.405(c)—Medical Examination and Tests: limits the development of medical evidence.

Section 725.408—Operator's Response to Notification: requires potentially liable operators to respond to notification of its status within thirty days, research up to 27 years of employment data within sixty days of notification to submit evidence to claims examiner to support its position that it is not a potentially responsible operator.

Section 725.413(c)—Initial Adjudication by the District Director: transfers adjudication functions from the ALJ to the district director, limits development of medical evidence.

Section 725.414—Development of Evidence: defines the amount and type of medical evidence which each party may submit.

Section 725.415—Action by the District Director After Development of Operator's Evidence: provides for adjudication at an informal hearing before the district director that is not an on-the-record proceeding under oath.

Section 725.416—Conferences: permits sanctions, including abandonment or waiver of the right to contest issues, for failure to appear at an informal conference and permits the conference procedures to be within the discretion of the district director.

Section 725.454—Time and Place of Hearing: Transfer of Cases: deletes language permitting the ALJ to reopen the hearing or admit additional evidence for good cause shown.

Section 725.456—Introduction of Documentary Evidence: deletes authority of the ALJs to perform certain functions and denies all parties, rights to fully cross-examine adverse evidence and witnesses.

Section 725.457—Witnesses: denies all parties, rights to fully cross-examine adverse evidence and witnesses; denies full development of a record at the hearing; limits expert witness testimony.

FOOTNOTES

[1] Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p.p. 3338–3435.

[2] 5 U.S.C. §§601 *et seq.*

[3] Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p. 3373.

[4] 5 U.S.C. §605(b).

[5] 5 U.S.C. §601.

[6] 13 C.F.R. part 121.

[7] See 13 C.F.R. part 121 and U.S. Bureau of the Census data 1994.

[8] In the preamble, the agency appears to indicate that economic impact to small business can be correlated to the $100 million per year impact used for the Unfunded Mandates Reform Act of 1995. The use of the $100 million threshold is not relevant for determining the economic impact of the regulation to a particular size or a particular type of coal mine.

[9] Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p. 3373.

[10] Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p. 3372.

[11] Using data from the U.S. Bureau of the Census on firm revenues and the ESA. Advocacy calculated that an anthracite mine with 20 employees would have annual revenues of $2,069,000. This amount divided by 20 employees indicates that the firm has revenues of $103,450 per employee. With an average employee salary of $38,355, the firm is incurring 37 percent labor costs. If the agency challenges this assertion, then ESA should provide additional information on industry salaries.

[12] Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p. 3373.

[13] Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p. 3371.

[14] 5 U.S.C. §609.

GEN. HUGH SHELTON'S APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. ETHERIDGE. Mr. Speaker, I rise to praise President Clinton's appointment of Army Gen. Hugh Shelton as Chairman of the Joint Chiefs of Staff and the U.S. Senate's Armed Services Committee's vote to confirm the nomination.

General Shelton's career is the embodiment of North Carolina values: hard work, service to country, respect, and commitment to excellence. He has earned the opportunity to service as the highest ranking member of the U.S. Military, Chairman of the Joint Chiefs of Staff.

General Shelton grew up with his hand in the dirt as we say in North Carolina, and is head in the books. He comes from the small town of Speed, in Edgecombe County in eastern North Carolina, a county I have the honor of representing as the Representative of the Second Congressional District of North Carolina.

As a veteran myself of the U.S. Army and a farm boy from eastern North Carolina, I have the utmost respect for General Shelton, who grew up working tobacco as a school boy, days on end. He went on to earn his degree in textile engineering from North Carolina State University in Raleigh, and his commission through the University's ROTC program.

General Shelton is a leader. his distinguished career of leadership and service to our Nation began in 1963, when he joined the U.S. Army. Her served with the 5th Special Forces Group from 1966 to 1967 and from 1969 to 1970 with the 173d Airborne Brigade. His service in the campaign against the Viet Cong and Communist North Vietnamese in the highly volatile back country of Vietnam won him the respect of his colleagues for his personal sacrifice and service to our Nation.

In the Persian Gulf war, our largest military confrontation since Vietnam, General Shelton served as assistant commander of the 101st Airborne Division (air assault) "when it made the largest, longest helicopter assault in history."

He has commanded Fort Bragg and the 18th Airborne Corps and the 82d Airborne Division at Fort Bragg, NC. Currently, he serves as commander of U.S. Special Forces at MacDill Air Force Base in Tampa, FL, which is home to the Army's Green Berets and the Navy's Seals.

One of his greatest attributes has been his experience and effectiveness in bringing together the Armed Forces as he did at the Pentagon and as the task force commander for Haiti.

He has sacrificed, served, and fought to keep our Nation free. God has blessed him with these great skills which will serve him and the United States well as Chairman of the Joint Chiefs of Staff.

I commend the President for appointing General Shelton to this most important position, and I congratulate the general on this outstanding accomplishment. I urge the full Senate to complete his confirmation as soon as possible.

EXTENSION OF REMARKS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. SOLOMON. Mr. Speaker, who would not love to have been a fly on the wall when President Clinton, as the Wall Street Journal noted in its September 11 editorial, "unleashed John Huang at a meeting on September 13, 1995, approving his transfer from the Commerce Department to work as a fundraiser at the Democratic National Committee."?

Now that I think of it, Mr. Speaker, we also would like to know what in the first place Mr. Huang was doing at Commerce, where he had access to sensitive information he allegedly shared with a foreign government and a foreign company which once employed him. It would take a wall-sized chart to show the constellation of quid-pro-quos and money trails.

But that is another story, Mr. Speaker, and for right now we are concentrating on how so many bright, Ivy League educated lawyers could allegedly break the law, do so knowingly, and then suffer such memory lapses about it.

The Journal suggests that Vice President GORE is being set up as the administration's sacrificial lamb. It also suggests that justice would not be served if it went no further than the Vice President's office.

I proudly place the Journal editorial in today's RECORD.

TOSSING GORE

On the eve of new hearings by the Thompson committee, Attorney General Janet Reno felt forced to relax her hard-line stance against an independent counsel in the campaign contributions scandal, starting a review of phone calls by Vice President Al Gore. Conceivably Ms. Reno is edging toward facing the real issue, which is not the Vice President but the President. More likely this is another stall, reflecting a Martha's Vineyard decision by Bill Clinton to divert the pursuing wolves once again by throwing another child from the sled. Sorry, Al.

The Justice Department pre-hearing statement promised to review whether "allegations that the vice president illegally solicited campaign contributions on federal property should warrant a preliminary investigation under the independent counsel act." But the central issue is not whether Mr. Gore's phone calls broke some quaint statute. Nor whether he was sentient at the Hsi Lai Temple fund-raiser. Nor whether there is some metaphysical distinction, as in the latest collapsed excuse by Ms. Reno and her mysterious "career prosecutors," between "hard money" and "soft money." Nor whether Democratic National Chairman Don Fowler knew he was talking to the CIA when he talked to the CIA on behalf of Roger Tamraz, a rogue Mr. Fowler had already been warned shouldn't have White House access.

The issue that needs to be investigated is whether all of these various fund-raising outrages are the result of a conspiracy set in motion by the President of the United States. As detailed July 7 by our Micah Morrison, Mr. Clinton unleashed John Huang at a meeting on September 13, 1995, approving his transfer from the Commerce Department to work as a fundraiser at the Democratic National Committee. Also at this significant meeting were three members of Mr. Clinton's inner circle: senior aide Bruce Lindsey, Arkansas wheeler-dealer Joseph Giroir and Indonesian financier James Riady. White House accounts of the meeting are full of stonewalls and half-truths. If Mr. Clinton agreed then to raise money by means he recognized as illegal, he would be party to a criminal conspiracy. This is what we need an independent counsel to investigate.

Under the Independent Counsel Statute, the Attorney General's 30-day review is followed by a "preliminary investigation" of up to 90 days, after which Ms. Reno could petition a special judicial panel for a counsel if there are "reasonable grounds." The Attorney General plays a large role in defining the independent counsel's prosecutorial jurisdiction. Whether Justice can somehow maintain a bright line between Al Gore and Bill Clinton here is open to much doubt. What both men appear to share is John Huang and his enterprises.

Thanks to Senator Fred Thompson's hearings, we know Mr. Huang was the key mover in the Hsi Lai Temple event, just one example of the deeds carried out on Mr. Clinton's behalf. The temple scam began around March 15, 1996, when Mr. Huang and fund-raiser Maria Hsia escorted the temple head, Venerable Master Hsing Yun, to a 10-minute meeting with Mr. Gore. Mr. Huang followed up with an April 11 memo discussing a "fund raising lunch." Meanwhile, a National Security Council aide had warned Mr. Gore's deputy chief of staff to take "great caution" with the event, presumably because of Chinese sensitivities to Vice Presidential utterances before the Taiwan-based organization. When the fund-raiser came up $55,000 short of its goal, the Buddhist nuns testified last week, Mr. Huang initiated what clearly appears to be the laundering of 11 checks for $5,000 each through temple adherents.

Meanwhile, even as more dots get connected, elements of the media have undertaken to exonerate China. "No smoking gun" to show a Chinese connection has become not a "shred of evidence," according to David Rosenbaum of the New York Times. John Judis in the September 22 New Republic called Mr. Thompson's inquiry into a China connection "a disastrous blunder."

But mounds of pretty compelling circumstantial evidence now exist that China connections played a role. Presidential money pal Charlie Trie has fled to Beijing. His patron, Macau-based Ng Lap Seng, has been linked by the FBI to some $900,000 in funds wired to Mr. Trie from abroad; Mr. Ng has significant business interests in China and is a member of one of its rubber stamp provincial advisory boards.

The Riadys' Lippo Group, former employers of John Huang and longtime allies of the Clintons, have extensive interests in China, with a piece of that pie in the hands of Arkansas' Joseph Giroir. While Mr. Giroir was attempting to broker business deals for Lippo in China and the U.S., his Arkansas associate, former White House aide Mark Middleton, was in Taipei, allegedly shaking down public officials for campaign donations as tensions with China mounted and the Seventh Fleet steamed for the Taiwan Strait. Of course, everybody has now been lawyered up, issued denials and fled to the Fifth Amendment.

Whatever Al Gore's legal exposure in this affair, he shouldn't be left to take the fall for someone else. We don't for a minute believe all this stuff was born in the office of the Vice President. Janet Reno shouldn't be allowed to pursue an independent counsel investigation that ignores the possibility of a conspiracy directed out of the Oval Office.

TRIBUTE TO ANGENETTE MARTIN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Ms. PELOSI. Mr. Speaker, I rise today in honor of Angenette "Angie" Martin who died August 31 after a courageous battle with cancer. This past Saturday, September 6, in San Anselmo, CA, her family and friends gathered together to celebrate her life. She was remembered with tears and laughter, and I was honored to speak at this memorial on behalf of many of my colleagues in both the House and Senate who knew Angie.

Angie Martin's entire professional career was reflected in her profound commitment to citizen action and participation in advocating for progressive social issues and candidates. Her incredible energy and passion for her work are what set her apart and made Angie the best of the best.

My thoughts and prayers are with her husband, Gene Eidenberg, and daughters, Danielle and Elizabeth. I know my colleagues join with me in tribute to this remarkable woman who showed so many of us how to live well and with dignity.

The obituary which follows describes many of Angie's achievements and her important contributions on behalf of social issues confronting our society.

[From the San Francisco Chronicle, Sept. 2, 1997]

ANGENETTE MARTIN

Angenette "Angie" Martin, a founding partner in the Mill Valley-based Martin & Glantz, a social issues organizing and media strategies firm, died Sunday in Sausalito. Ms. Martin, 50, had been battling breast cancer for more than five years.

She pioneered grass-roots organizing techniques in the early 1970s when she ran field operations for the Connecticut Citizens Action Group, Ralph Nader's first statewide organizing effort. There she created the first ever "citizens lobby." The CCAG, which influenced many environmental and consumer issues, quickly became a model for grass-roots and political campaigns nationwide.

During the 1970s and early '80s, she was in tremendous demand as a political organizer, strategist and campaign manager. She worked to improve conditions for migrant workers in New York state and ran several successful congressional and gubernatorial campaigns. She ran several states for Senator Edward Kennedy's 1980 presidential campaign, as well as the campaign's convention activities.

In 1981, she was named director of candidate services for the Democratic National Committee. In 1982, she became political director for Walter Mondale's political action committee and a year later, field director for his presidential campaign.

With a reputation as one of the nation's most innovative and sophisticated organizers, in 1985 she founded Martin & Glantz with Gina Glantz. In addition to their Mill Valley headquarters, the firm also has an office in Arlington, Va.

As a partner at Martin & Glantz, she shaped campaigns on a variety of social issues, including organizing the highly successful 1986 "Hands Across America" event that raised national consciousness of hunger and homelessness. She created effective grass-roots communications programs for the National Cable Television Association, managed California-based child safety and educational reform campaigns and ran a multiyear attempt to strengthen community leadership for the American Association of Retired Persons.

She was born Nov. 8, 1946, in Hartford, Conn. In 1968, she graduated from Wells College in Aurora, N.Y., with a bachelor's degree in sociology. After college, she spent two years as a VISTA volunteer.

Ms. Martin is survived by her husband, Eugene Eidenberg; her mother, Angenette Vail Martin, of Hartford, Conn.; brothers Erie Martin, Jr., of Albany, Ga., and Steve T. Martin of Briarcliff Manor, N.Y.; and her stepchildren, Elizabeth Eidenberg of Los Angeles and Danielle Eidenberg Noppe of Seattle.

A memorial service will be conducted at 3 p.m. Saturday at the home of Gina Glantz.

TRIBUTE TO CUSTOMS SENIOR INSPECTOR VIRGINIA C. RODRIGUEZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a very special law enforcement agent, who, by virtue of her quick-thinking and intuition, captured one of the most-wanted robbers in the United States and recovered a portion of the biggest heist in U.S. history.

As a former law enforcement officer myself, I have a unique understanding of the difficulties facing peace officers. I also know how important it is for law enforcement officers to follow their instincts. On August 30, 1997, customs senior inspector, Virginia C. Rodriguez, was spot checking passengers coming across the border, and her intuition told her that something just wasn't right about passenger Phillip Johnson traveling from Matamoros, Mexico, to Brownsville, TX.

Upon closer questioning, Johnson remained calm, but this law enforcement officer just felt like something was not right about this guy. So she went through his luggage and came across $10,000 and several fake identification cards with various aliases. The agents at the port of entry soon realized that the quick work and level head of Ms. Rodriguez had snagged the man who pulled off the biggest robbery in U.S. history.

Phillip should have stayed in Mexico. Ms. Rodriguez, a former Border Patrol agent, represents the very finest in the law enforcement tradition. She used all her skills, including the most important, intuition, to go above and beyond the call of duty.

I ask my colleagues to join me in commending and thanking this outstanding law enforcement agent who lives in Harlingen, TX.

FOXBORO SUMMER PROGRAM DOES FIRST RATE JOB

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, during the congressional recess I visited a work site in the town of Foxboro MA where the town human services program was employing young people through the JTPA program. The material I have included here describes the program. This was a chance for young people from the town to get a variety of work experiences in both profit and nonprofit entities. I visited an elderly center where I was delighted to see the young people and the older citizens who were using the center interacting in a very positive way. This is an excellent example of a creative use of Federal programs in a way that benefits both the direct participants, and other citizens who gain from their work. I believe that examples such as this of a good use of Federal programs are very instructive and I therefore ask that this material be printed here so that others may benefit from the experience of this first rate program in Foxboro.

[From the Foxboro Reporter, July 24, 1997]

WORK IT OUT: YOUTH PROGRAM IS NOW OFFERING JOB EXPERIENCE

(By James Loewenstein)

Several town departments and local agencies are getting some helping hands from Foxboro teenagers this summer.

The youngsters are waxing fire engines for the fire department, answering phones for Foxboro Human Services, and serving as aides at a day care center at St. Mark's Church. Others are doing gardening at the Doolittle Home or helping clean out storage rooms at the Council on Aging.

The 20 teenagers who are helping out are learning job skills and collecting a government-funded paycheck under the Foxboro Human Services' newly revamped summer youth program.

While the program has existed in Foxboro for 11 years, this is the first year that participants have had to work at a job site, according to Valerie McKenney, executive director of both the program and Foxboro Human Services.

"The program is radically different from before," said Bill Breen, one of the staff members who run the program.

Students spend 2½ hours in the morning at their job site, and another 2½ hours in the afternoon at the Ahern Middle School where they learn math and reading and are coached on ways to improve their job performance, said Breen, who teaches the students job and career skills.

The students are "at-risk kids," said Breen, who works during the school year as a Spanish teacher in Taunton.

"We want them to stay in high school and give them good work habits," he said.

In the past, the students spent more time in class. However, the federal government, which funds the program, required that it be changed, said Breen's wife, Rosanne, who directs the program in Foxboro.

"They wanted the kids to do work and see what it's like," said Bill Breen.

Students are still paid for their efforts, earning $131 a week, said Rosanne Breen. Those funds ultimately come from the federal government, said McKenney.

Now that the program includes a work component, the students "feel like they are earning their money," said Donna Breen.

The students are in the 8th, 9th, or 10th grades, said Bill Breen, adding that this is typically their first job experience.

As part of their afternoon session, the students are given coaching on good job habits and social skills on the job, Rosanne Breen said.

Some students in the program say it keeps them occupied and out of trouble.

"If I have nothing to do [during the summer], I always get yelled at," said Kevin Thomas, an eighth-grader.

Students say the program has also taught them good work habits.

Mike Robitaille, a ninth-grader, said he has learned "to be respectful to people you're working for."

And Lisa Kinney, an eighth-grader, said she has learned the importance of getting to work on time.

The five-week program is funded by a $10,600 grant under the Job Training Partnership Act, said Bill Breen.

While the revamped program has been in effect in Foxboro only since July 14, "It seems to be working out really well," said Bill Breen. "Their employers have been very happy with what's going on," he said.

"A lot of the jobs are things the staff can't get to during the course of the year," he said. And some jobs, such as answering phones, "frees up staff [in the host departments or agencies] to do other things," he said.

McKenney said she is disappointed that due to the on-the job component there is not enough time to offer as many classes for the students as in the past.

"It was an important part of the program," she said.

FOXBOROUGH HUMAN SERVICES,
Foxborough, MA.

The Foxboro Co., Personnel Department, Mail Room, Cocasset Copy Center, Blueprint Copy Room.

Kennedy Donovan Kiddie Kare, Inc.

Foxboro School Department, John J. Ahern Middle School, Vincent M. Igo Elementary School, Foxboro High School.

Each job site supervisor was asked to fill out a work progress report for each participant that had worked at the site. All were very pleased with the work done by the participants and asked to be included in next year's summer programs.

This year we stressed the following SCANS: Working on teams, Teaching others, Serving customers, Working well with people, Interpreting and Communicating, Using a Computer to process information, Making good decisions, Allocating Time, Practical application on job site, Integrated learning of arithmetic operations, Reading comprehension using Cloze passages.

The two person team approach worked well. It gave the participants the security of having a partner who could help them learn the job when they came to the site for the first time. It also was a manageable number of students for the busy job site supervisors to work with. The "teaching others" aspect took some stress off of the on site supervisors and helped the participants take on some responsibility of helping their partner learn "the ropes". Participants learned many invaluable lessons in serving the customers whether it be the little child in Day Care or the elderly resident at the retirement home. In their journals they shared the lessons they learned. One is that it is not always easy to work well with people. It takes patience and understanding to accomplish this consistently. The journal writing was used as a way for the participants to reflect on their morning's experience and discover what they learned and what advice they would give another participant who would work at the site. Using computers helped those students with communication deficits overcome them to relate their thoughts and ideas without concerns about the tedious writing process. The Career Exploration session provided a platform to explore the world of work and discuss good job skills and habits. For many participants this was their first experience of receiving a substantial paycheck. The managing and budgeting money gave them insight about the need for sensible money management. The Career Opportunities Preference test that was given at the orientation was followed up during the summer program with locating, understanding and interpreting of information and documents regarding careers and jobs. In order to prepare participants for their jobs in the world of work proper interview skills were practiced in simulated interviews. The remedial Math/Reading session kept the participant's skills sharp so that transition from summer break back to school would be smooth and successful.

There were many positive results from this summer program. Several participants stated they wanted to go back to a job site during the year and volunteer their services. Participants grew in self confidence and self esteem taking pride in the work they had done. This made them feel confident and competent. The group seem to grow together as a result of having experienced success at the same job sites. Members could see their strengths and other's strengths working in various jobs. As the summer progressed participants became not only aware of intergenerational differences but also their similarities. They came to genuinely care about the people they served. Finally there was created a bond of service to the community in which the participants learned about how they can help make their town a little better place and the community learned that young people even at this early age can contribute in positive ways by helping the community.

Janet Pineault did her customary excellent job with recruitment. We came to realize that the 14–15 year old age group was perfect for what we were trying to teach on the job site and in the classroom.

Our liaison Steve Rizzo did a superb job in supporting the program, its participants, and the director in many and various ways that helped make this a very successful summer. He was able to make himself so available that the participants came to think of him as a part of the Foxboro Summer Youth Program.

It has been a very busy summer, one in which all worked hard and felt a real sense of accomplishment. The low absentee rate attested to the participants' enthusiasm for the program. The sense that this was a job seemed more apparent to all and it is hoped that this experience will be of value when these participants enter the world of work. It was a great pleasure to continue to serve the youth of Foxborough and we look forward to working with Metro once again next year.

Best Regards,

ROSANNE M. BREEN,
Program Director.

The following are excerpts from the journals of 12 participants in the program.

JULY 14–18, 1997

I am working at the Council on Aging building. I moved heavy boxes. Mary is a lady that works at the Council on Aging building. She is very nice. I also put hard plastic cups away. Before and after I work I write down the time on a daily time card that I come in and when I leave. There was a tin of tasty cookies on a table. I moved a heavy copier that was on wheels. I did some tiresome but easy sorting of papers. After I did that I taped paper and stuff together. I took a few breaks so I didn't get too tired. All the people there are nice to me. I moved boxes of light wicker baskets. I like working there!! It's fun. I like working because now I can make a difference.

JULY 21–AUGUST 5

I've started working at the Igo school moving boxes to different floors. I got a little tired. The best thing to do when you get tired is to take it easy don't rush to get things done. Work may be fun one day and dull the next but if you work the time will pass more quickly. I rummaged through boxes looking for books and other school supplies. Then I went in the elevator to get empty boxes to throw away on different floors. I can't wait to work again. I'm learning so much. Some times it's easy but not boring. Now I know how much work goes into cleaning schools. I used a vacuum to clean the rugs in the class room. By the time I got to the last class the vacuum broke down so I had to find a better one. If you're not sure what to do next or how to do something you should ask someone.

AUGUST 6, 1997

I work at a food stand this week and next. I moved big watermelons and left them on a table. Then I took bags of corn and propped them against the same table. One lady came over and said she wanted to buy some corn so I put some corn in a bag for her. You have to be careful not to hurt yourself when you move some thing. Then I picked cucumbers. It is easy. When picking cucumbers make sure they're ready to be picked.

JULY 30, 1997

Today at the Human Services Valerie told me to sort out forms and then copy numbers from the forms onto a piece of paper. During the job I found a couple mistakes. That was cool. I answered phones and they all said I was really professional how I did it and that I am a natural and that I would be a really good secretary. One person called and asked for Lorraine Garland. Because I worked with her last week I knew that she worked at the Council on Aging when I looked up in the rolodex the phone number there and asked Barbara and Valerie and they were both very impressed that was probably the best part of the day for me. It got a little busy in there today but I could handle it. Today I liked the job. It wasn't bad at all.

JULY 31, 1997

Today at the Human Services I started by stamping booklets. When I finished that I copied License numbers and Social Security numbers onto a piece of paper. It was—well what can I say—OK. When I was finished Valerie had no more projects for me to do. So she suggested for me to read the Foxboro Reporter in between calls.

JULY 25, 1997

Today I worked at the other side of Foxboro Human Services. I helped crystal put papers into folders and label them. It was a slow and boring day for me. Also today the day care side of Foxboro Human Services was not open. They had the day off so there was not much to do today. It was easy. We also had a break for 15 minutes. Over all the two weeks I've been here I enjoyed this experience because I liked the people I worked with and the job that I did. One part I didn't like doing was answering the phones because they hardly ever rang. I learned that when I look for a job that I should get one that involves working with people because I like working with people and not things. If you are working on the day care side of the Foxboro Human Services you should act polite to the seniors and they will appreciate you. If you are on the opposite side then do all your work and don't make any messes and ask your supervisor if they have any jobs's for you to do and also be polite to everyone there.

JULY 25, 1997

Today I walked to the Day Care. The children had popcorn for snack and I poured the children some juice. I work with the little children. They played while other children did a craft. The craft was to write how old they were. Then they colored in the parts of the flower and glued the piece to the yellow paper. After that when the children left the room I started to clean the tables. Then I went to the movie room and watched Bambi. One child had to go to the bathroom, but I know he was wearing a diaper because he had bottom overalls and I was right. I learned a lot this week in this Day Care. How they get the toys for the children to play with? The toy are donations or raised money. If I could give advice to someone who would take my place I would tell them the children's names and what they would be basically doing at work.

JULY 15, 1997

The first day we cleaned rooms on the first floor. It wasn't that tiring. When the day started we had to stack containers of water in the shower. That took just about a little more than thirty minutes. The rest of the day we cleaned the building. After that the day was over. It was a very quick and good first day.

JULY 16, 1997

Today wasn't as fast as the first day. We had to clean the entire 2nd floor. The job took the whole day. Finally at about 10:30 we took our break. Our break lasted fifteen minutes. This day was without doubt a long day.

JULY 17, 1997

Today was the most exciting day so far. We had a move a room downstairs to an empty room on the third floor. We were able to use the elevators again. It was fun to move all the furniture, because I got to ride the cart that carries the furniture up. It went by fast for me. I left early today (11:15) to go to the hospital for an appointment.

JULY 22, 1997

Today at the Doolittle home I learned the correct way to file folders of the people that live at the home. I played catch with some people there. I think that the skills that I learned this summer will help me better understand what older people do in a nursing home. It was fun. I wish I could stay there for the rest of the weeks of the program.

JULY 23, 1997

Today was my last day at the Doolittle Home. We did small chores for an hour but then there was nothing else to do. We watched The Rosie O'Donnell for a half an hour. My advice is to have fun because it is a blast. I wish that I was staying there for the rest of the program. The people I met there helped me and I appreciate it.

JULY 25, 1997

Today at the produce stand we picked the beans and other veggies for an hour. Then we put out two bags of corn. After we did that we sat for a half hour. Today we learned how to pick plants the right way. It wasn't as bad as yesterday. Yesterday it was 95 degrees out and we were out in the field for the whole time we were there. Mr. Breen came to video tape us. It was very weird having someone tape us. I love the outdoors, so I like my job site now. The difference between this job and the Doolittle is at the Doolittle it was mostly having to help and entertain people. At the produce stand we just pick and put out veggies.

JULY 29, 1997

They sent me upstairs at the Doolittle and I went to the second floor. I was upstairs where the nurses and residents are. We spent some time talking to the older people. We went to visit the residents when the fire alarm went off and scared some of the people. We told them not to be scared because there were people there working on the wires.

JULY 22, 1997

Today in Kindergarten Donovan Kiddy Kare I worked with the other group of kids who are in pre-kindergarten. First thing in the morning I prepared their snacks. After I made their snacks I cleaned the tables with bleach. Then I swept the floor. After that we all went outside to play. First I played monster and all the kids wanted to eat me. Then, after I pushed some of the kids on the swings, the kids were happy. They were saying that I was the greatest. Then after being outside for a half of an hour we went inside to watch a movie, but I had to go home so I only got to see half an hour of the movie. I really like this job but I feel bad because this is my last week. I had a real good time, I really liked working with the kids at Kiddie Kare. Who knows it could turn out to be one of my goals. I really enjoyed this job and I had a lot of fun.

JULY 25, 1997

Today at the Kennedy Kiddy Kare as soon as I got there and all the kids were eating popcorn already. After that Kristen sent the kids to play a game called rainy. Rainy is a day that they all went to the bathroom then they would go up to the calendar to say all the days of the month and to figure out the date and the weather. Today was my last day at the Day Care center, I felt very sad that I had to leave. After the summer is over, I will probably get an application to get a job at the daycare after school. Working at the day care was a good experience for me. I learned a lot of stuff about being a teacher and I also remembered about my childhood. Next week I will start working at the fire department. Let's see if I like it as much as I liked the day care. I consider myself like a person who feels comfortable working with kids. They make me happy even if I am having a bad day. I wouldn't like to work at a fire department, but, then again, I would like to experience what it is like working at a fire department.

JULY 25, 1997

Today when I arrived at the Fire Dept. I went to the chief's office and went through all his paper work. I threw away what he didn't want and put the rest in order. Mr. Haley was the fireman that told us what jobs to do and also what not to do. Mr. Haley went out on a fire call. One thing that you should always keep in mind is you should always be willing to work even if you don't like it. You can't be shy in this line of work. People always enjoy having you around if you're friendly. You can do stuff on your own and do your very best in every thing you do. The fire station is my favorite job.

JULY 18, 1997

Today we went back over our work and scraped the glue off the tables on the third floor. While we worked we listened to music and I was entertained by the boys dancing while we all worked. We didn't take many breaks although we were told to slow down many times. We finished early but went over our work. We all worked hard and put our best effort into our job. One thing I think I need to learn is how to keep a slow pace and not work myself too hard.

JULY 25, 1997

Today it rained so we worked under the tent. We helped unload the van and we helped open the stand. If it is rainy weather when you're working, bring a jacket. I was extremely cold and frozen. It was busy as far as the number of people who came to buy produce. We saw deer and other birds. I was relieved when it rained. I like to work with people but working at the farm stand is something I don't want to do again.

SENATE—*Friday, September 12, 1997*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, as we conclude this week, we claim Your promise through Isaiah. Your ears shall hear a word behind you, saying, "This is the way, walk in it."—Isaiah 30:21. We pray for that kind of clear and decisive guidance in the relationships and responsibilities ahead of us. Speak so that we may speak in an echo of both the tone and tenor of Your truth. We tune our minds to the frequency of Your spirit. Help us communicate Your caring and compassion as well as Your justice and righteousness. May our consistent communion with You radiate on our faces, be expressed in our character, and be exuded in positive joy. Fill this Chamber with Your spirit and bless the Senators with strength and courage to listen to You, learn from You, and lean on Your everlasting arms. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader from Washington State is recognized.

SCHEDULE

Mr. GORTON. Mr. President, the Senate will be in session today only for the transaction of morning business. No rollcall votes will occur during today's session of the Senate. On Monday, the Senate will resume consideration of the Interior appropriations bill. As announced, no rollcall votes will occur during Monday's session. The majority leader intends that the Senate conclude debate on the Interior bill by Tuesday. As a consequence, Members are encouraged to contact the managers of the bill to schedule floor action on any possible amendments on Monday or Tuesday.

As Members are aware, this is the next to the last appropriations bill remaining for Senate consideration, so Members' cooperation is appreciated in the scheduling of floor action as we attempt to conclude action on both the Interior appropriations bill and the District of Columbia appropriations bill next week. As a result of this policy, the next rollcall vote will be a cloture vote on the substitute amendment to S. 830, the Food and Drug Administration reform bill, which will occur on Tuesday at 10 a.m. Under rule XXII, all first-degree amendments to S. 830 must be filed by 1 p.m. on Monday. The majority leader thanks his colleagues for their attention.

Mr. President, as manager of the Interior appropriations bill, I have spoken to a number of my colleagues with interest in the National Endowment for the Arts to express my views and those of Senator STEVENS and the majority leader that to the maximum possible extent, amendments relating to the National Endowment for the Arts be presented and debated on Monday. With a single exception, all of the Members who I am aware of who may have such amendments have been contacted and have expressed their cooperation. But for the information of all Members on both sides of the aisle, Monday will provide a time at which the National Endowment for the Arts can be debated at leisure without time constraints or the interference of other matters.

So I do hope that those Members who have an interest in expressing their views on the subject will come to the floor of the Senate on Monday afternoon and let their views be known to other Members of the Senate.

This is not to say, of course, that other amendments will not be in order on Monday, as they will be. We are aware of the possibility of amendments by Senators HELMS and ASHCROFT that would terminate the National Endowment for the Arts in the way that the House of Representatives voted to do; additional amendments by Senator HELMS with respect to content restrictions; a potential amendment by Senator HUTCHINSON of Arkansas, together with Senators SESSIONS and ABRAHAM on block granting most or all of the funds for the National Endowment for the Arts; an amendment by Senator HUTCHISON of Texas to restructure the grant process of NEA; an amendment by Senator JEFFORDS, as the chairman of the authorizing committee for the Endowment, to deal with the committee's authorization proposal as a part of this appropriations debate; and the possibility that Senator COCHRAN may wish to clarify the definition of arts education. That is not to say all these amendments will, in fact, be adopted. It is not to say there are not others. I may report that there seems to be more interest in debating this issue in a number of different guises than there is of any other part of the Interior appropriations bill. I, obviously, will be here for the day. I hope I am accompanied by the great majority of those who wish to speak on the issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, what is the business before the Senate?

MORNING BUSINESS

The PRESIDING OFFICER. Under a previous order, there will be a period of morning business with Senators permitted to speak therein for 10 minutes each.

OPPOSITION TO THE GORTON AMENDMENT

Mr. BINGAMAN. Madam President, I wanted to speak first today about this Gorton amendment that we adopted yesterday as part of the Labor and Human Services appropriation measure.

The Senate approved that amendment by a narrow vote of 51 to 49. And the effect of the amendment is to convert billions of dollars in Federal education funds into unrestricted block grants that go to school districts, and with very few restrictions or accountability for how the funding is spent. I think the amendment is extremely far-reaching, and it was a mistake by the Senate to go along with this amendment. I hope very much that, in the final analysis in the conference, we can drop the amendment and send to the President a bill that keeps intact the various programs that many of us have worked for on both the Democratic and Republican side of the aisle for many years.

Let me just say, putting it in its baldest terms, that this amendment would eliminate much of the U.S. Department of Education. That is a radical and a misguided effort, which does not have strong public support. This is an issue that was discussed in the last Presidential campaign. It became clear, I believe, during the course of that campaign and in the polling that was done throughout the campaign and since, that the American public does not favor elimination of the Department of Education, either in a formal way or by the gutting of the Department through an amendment such as this.

I have fundamental problems with the notion that there is no national interest in helping parents and schools

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

and students to compete in the world economy. What we are saying is that the local schools in every part of this country can figure out how to prepare their students to compete in the international marketplace if they have no help from outside. I disagree with that. It is not realistic to expect a local school board to have at its disposal the resources and expertise that we can develop at the national level and provide as assistance in the educational process.

So there is an honest disagreement here about whether we as a nation can step up to this responsibility and assist States and local school districts, or whether we need to stay completely out of it. I feel very much that we need to provide assistance and expertise where we can.

The Secretary of Education, in a quotation in the morning paper, says very clearly—this is Secretary Riley in the Washington Post:

> Secretary Riley warned that the Senate's action, which he called a "back-door attempt to kill the Department of Education" would abolish many vital programs for students, including Clinton's Goals 2000 grants for school reform.

Madam President, when you look at the roughly $12.5 billion in annual funding for Federal education programs that would go into block grants under this amendment, you see how broad-based this amendment is. Let me just go through the list so the people know what we are talking about here.

First of all, there is the Goals 2000 program that, of course, has been somewhat controversial, but has been a great benefit to many school districts in my State. I go to school district after school district as I travel around New Mexico and talk to those school district administrators and teachers and students about the Goals 2000 program. I find good support for it. I think they appreciate the funding they have received and the assistance that the Federal Government provides. So it would be eliminated.

The School-to-Work Program. The education funds involved in the School-to-Work Program—not the Department of Labor funds, but the Education Department funds—would be eliminated.

Education technology. This has been a concern of mine and of many Senators for many years now as to how do we get additional resources to our schools and to our school districts so that they can put in place the various purchasing of hardware and software and training of teachers that is necessary for them to turn out a technologically literate group of graduates at the end of the high school experience.

Star Schools Program, the regional technology education consortia, the telecommunications demonstration programs that are in place around the country, the challenge grants for technology innovation, technology literacy challenge fund—all of these are specific initiatives that have benefited my State significantly.

I think it would be a major error for us to eliminate the Federal funds. Some will say we are not eliminating Federal funds, we are giving a block grant to the school districts and if they want to spend them on this, they can. The unfortunate reality is that a local school district is under tremendous pressure. The school board members in my State are elected, as they are throughout most of the country. They are under tremendous pressure at the local level to raise salaries, raise salaries for school administrators, to build additional facilities, and to do a whole range of things. If we want funds to go to improve technological literacy and provide educational technology for our schools, we have to specify that is what the money goes for. Otherwise, the reality is that it will be spent for other purposes.

So this Gorton amendment eliminates any requirement that any funds be spent for this purpose. I think that would be a major mistake. In my own State, we have received, this year, about $1.7 million in Federal funds for educational technology. We are expected, this next year, to receive $3.5 million in funds. The total, nationwide, is $425 million. I think this is money well spent. It is cost-effective. It is a cost-effective way for the taxpayers to try to assist in improving education at the local level.

Let me go through some of the others that are covered here. The Eisenhower professional development State grants. These are funds that go to assist teachers in getting additional training so that they can better teach and remain in the profession of teaching. The innovative education program strategies under title 6. The safe and drug-free schools program. Again, in my State, I have gone to many schools and they have been extremely appreciative that the safe and drug-free schools program has allowed them to hire counselors to work at the middle school level, so that when students are beginning to get into difficulties with drugs or beginning to lose interest in school and become truant, they can have counselors there to be an early prevention device to keep those students involved. That safe and drug-free schools money would be eliminated under this amendment.

The magnet schools assistance. That, again, has been very helpful in many school districts around the country. Education for homeless children and youth. Women's educational equity funding. Education for native Hawaiians. Alaska Native education equity funding. Charter schools funding. Funding for Indian education. All of these are specific programs that will not be funded if this amendment prevails. So, clearly, I think we have a major problem. Bilingual and immigration education programs are another example.

The key part of this amendment that I think is most objectionable is that it creates an unmonitored windfall to local school districts that would be used for any of a wide range of purposes. There would be no oversight, no accountability as to how any of the funds are spent. The various purposes that we have meticulously specified over the years as priorities for the Nation, those priorities will be put aside.

Let me mention one other program, Madam President, that I think is of particular concern as to how it would fare under this amendment, and that is title I. When I talk to elementary schoolteachers and administrators in my State, the one Federal program that they consistently point to and say "thank you" for sending the funds to the State and to local districts, it is in this title I area. That is funding for disadvantaged students. It makes a tremendous difference in many of our schools. I think for us to—in an amendment here on the floor, without hearings, without any comprehension of what we are doing—just say we are going to eliminate title I, I think that is highly irresponsible. I believe very strongly that we made a serious mistake when we went that way.

So there is no accountability if this amendment prevails. There is no oversight by the Federal Government as to how these funds are spent if this amendment prevails. We would cut State support networks out of the picture, also, if this amendment prevails. The Gorton amendment fully bypasses State educational agencies. In my State, our State educational agencies help to coordinate and monitor programs. Those are all bypassed under the amendment. Some people think that block granting education funds might give local school districts more control or more funding. The reality is that if we block grant these programs and bypass the entire State education network, we put a huge administrative burden on school districts, which very few of them are equipped to handle at this point. About 6 percent of Federal funds is taken off the top by States for administrative and technical expenses. I wish they didn't have to take any expenses off. But I fear that we will see a duplication at the local district level that will soak up substantially more than 6 percent of the total Federal funds if we bypass the networks that the States have set up.

In my own State, there is really no way to anticipate the total effect of this amendment. It is untried. Funding levels would basically be determined by having each individual district conduct a self-reported census on its own of all school-age children in the district, weigh the district's funding according to each State's average per capita income level. It is not difficult to guess that we won't do nearly as well in my State as some might think. Current formulas already awarding money directly to the school district based on individual community need would be scrapped and many communities would be left to fend for themselves.

Madam President, in summary, let me just say that this amendment should not become law. I am persuaded that if it remains in this bill, the President will veto the bill, as he should.

I think this is the kind of irrational, unwise, misguided action which we sometimes get involved in here in the Senate when we don't have active debate. There was not adequate debate on the Gorton amendment. We have not had hearings in the Education Subcommittee of the Labor and Human Resources Committee on the Gorton amendment. If Senator GORTON and other sponsors of this bill want to pursue this course of action, I believe it should be put out as a piece of legislation that we can have hearings on in the authorizing committee. I am fortunate to be a member of the Labor, Health and Human Resources Committee which has worked long and hard over the years to authorize the various Federal programs being eliminated with this amendment. I think the proper course would be to have a full set of hearings on all of these programs, and determine which of them should be eliminated. If the will of the Senate and the will of the Congress and the will of President is to eliminate some of them, then fine. But coming along with this kind of an amendment absent hearings and absent adequate debate I think is not the responsible way to proceed.

So I would join others here in objecting strenuously to the provision. As Senator DODD suggested yesterday on the floor, if the bill comes back from the appropriations conference with this provision in it, he would commit to filibuster against the 1998 appropriations bill. I hope very much that course is not required. But, obviously, I and many others would have to join him in that course of action, if that amendment remains in the legislation.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. FRIST). The Senator's time just expired.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 additional minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE TEST BAN TREATY

Mr. BINGAMAN. Mr. President, I wanted to speak for a few minutes here on the subject of the Comprehensive Test Ban Treaty. My distinguished colleague from Delaware, Senator BIDEN, spoke about it this week. He, of course, is the ranking member on the Foreign Relations Committee which is one of the key committees with responsibility over this subject matter.

The Comprehensive Test Ban Treaty, as I understand it, is intended to be sent by the administration to the Senate in the very near future. And I want to just reemphasize some of the points that Senator BIDEN made, and highlight the importance of the treaty to our national security and international peace.

In the wake of the cold war, our world remains a very dangerous place in which to live. When the United States and the Soviet Union were still aiming thousands of nuclear warheads at each other during the cold war, all of us understood the danger that existed—perhaps only a half an hour away. But with the fall of international communism, the world breathed a huge sigh of relief, and hoped that we could move into a postnuclear age. The Comprehensive Test Ban Treaty is a major part of the hope and a major part of what needs to be done in order to move into that postnuclear age.

No greater threat to our national security or international peace exists than the proliferation of nuclear weapons. The potential damage that such weapons could do remains no less a threat than the one that we feared during the cold war. Think for a moment about the possibility of terrorists armed with nuclear weapons having been in the Tokyo subway instead of terrorists there with nerve gas. Think of the possibility of terrorists having been in Oklahoma City with a small nuclear weapon instead of with the weapon that was there. Perhaps my colleagues have read recent reports about the suitcase-sized nuclear weapons being unaccounted for in Russia. Whether these reports are true or not I recently had the chance to visit Russia and observe a model of the nuclear weapons that existed there; the size of artillery shells. And I am told that is also a weapon that we have had in our own inventory at various times. Such miniature nuclear weapons are indeed, feasible. They pose a realistic threat to the post-cold war world in which we live.

The Comprehensive Test Ban Treaty is a critical element in the spectrum of policies and actions that we need to take to prevent the spread of nuclear weapons of whatever size—prevent the spread of them to rogue nations, to terrorist organizations, to individuals bent on some type of irrational destructive behavior. For countries that have no nuclear weapons, it is impossible for them to develop nuclear weapons and be confident that they will work without being able to test them.

Senator BIDEN recently stated that the proof of this belief is manifested by the current reluctance of Pakistan and India to sign the Comprehensive Test Ban Treaty. These nations currently prefer to be able to test their weapons in order to ensure that they work—thereby demonstrating their nuclear capability and supporting their foreign policy goals. The danger of a nuclear conflict between these two nations and the potential impact such a war could have on the entire planet should be very clear to everyone who serves here in the Senate.

But India and Pakistan, and other potential nuclear powers, will not step back from the nuclear brink if the United States and the other nuclear powers do not take convincing steps toward controlling, reducing, and eliminating nuclear weapons through arms control treaties, specifically through the Comprehensive Test Ban Treaty.

The recent seismic event that occurred off the coast of northern Russia reminds us of how important it is for the Senate to ratify and for the world to implement this test ban treaty. In this case the experts disagree among themselves about the exact nature of the event. Article IV of the treaty will ensure that we could take steps to clarify whether or not that incident was a nuclear explosion or an underground earthquake. But, without the treaty, the experts will continue to massage the data in search for definitive answers. With the treaty, we could observe some answers directly through on-site inspection.

Without the treaty, potential nuclear powers might well conclude that today's superpowers are ignoring their promises to discontinue nuclear testing—that, therefore, license exists for these nonnuclear powers who have the ambition to become nuclear powers to proceed on their own path toward development of nuclear weapons with impunity. If we put this treaty in place, those same potential nuclear powers would recognize that current nuclear powers should be held accountable for their promises not to test nuclear weapons. With the treaty in place, they would know that the commitment of today's nuclear powers to nonproliferation was a genuine commitment and one that we would abide by.

It serves the peaceful interests of the United States and the peaceful interests of countries throughout the world to take this important step to ratify the Comprehensive Test Ban Treaty and eliminate nuclear testing. At the same time it serves the security interests of this Nation to ensure that our nuclear weapons remain a viable deterrent force. The science-based Stockpile Stewardship Program that we have in place today as part of our defense strategy is the means by which the United States can achieve this dual goal—the goal of a comprehensive test ban to ensure nonproliferation, and also a reliable nuclear deterrent force, should we ever need such weapons in the future. I will be working hard, and I urge all my colleagues in the Senate both to ratify the Comprehensive Test Ban Treaty and to ensure that the Stockpile Stewardship Program is fully funded and implemented. The Nation's prospects for a peaceful world and our national security demand that we move ahead on world fronts.

I urge my colleagues to examine these and other important issues surrounding the Comprehensive Test Ban Treaty very carefully during the coming months. I hope that we can have this treaty presented to the Senate in the next few weeks. I hope that we can begin the hearing process this fall. I hope that early next year we can act favorably upon it.

I have written a letter to the chairman and the ranking member of the Armed Services Committee requesting that we hold hearings on this Comprehensive Test Ban Treaty at our earliest opportunity—hopefully, before we adjourn this fall. I look forward to that debate.

I am confident that the Senate will choose to ratify the treaty since it is so much in our national interest to do so and in the interests of world peace, once we have all the facts.

Mr. President, I think it is essential that we spend some of our valuable time between now and final adjournment this fall focused on this treaty so that we can understand those facts and act responsibly on this matter.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIDDEN COSTS OF THE TOBACCO SETTLEMENT

Mr. KENNEDY. Mr. President, 30 years ago this week, Senator Robert Kennedy addressed the World Conference on Smoking and Health in New York City on ways to address the mounting death rate attributed to cigarette smoking. He spoke to the conference about the difficulty of convincing people, particularly the Nation's youth, that smoking can kill them. He emphasized the grim statistics of premature death and illness caused by smoking.

Today, 30 years later, little has changed. Over 400,000 Americans die from smoking-related diseases each year. In fact, in 1993, smoking was attributed to one in every five deaths—more than alcohol, car accidents, fires, homicides, suicides, drugs, and AIDS combined.

This chart, Mr. President, shows very accurately what the impact of cigarettes is in terms of the mortality of Americans—the red line being 418,000. These are all statistics from the Centers for Disease Control—from alcohol, 105,000; car accidents, 46,000; suicides, 30,000, and so on. This is a very clear graph about the magnitude of the impact of the use of cigarettes, of which 90 percent of smokers start when they are children of 14 or 15 years of age. It is an issue that must be addressed in any kind of agreement that this body is going to sanction or support.

One million young people between the ages of 12 and 17 take up the deadly habit every year, 3,000 new smokers a day, and 90 percent of the current adult smokers began to smoke before they reached the age of 18. If nothing is done to reverse this trend in adolescent smoking, the Centers for Disease Control and Prevention estimate that 5 million of today's children will die prematurely from smoking-caused illnesses.

Congress and President Clinton have a historic opportunity to protect current and future generations from the scourge of nicotine addiction and tobacco-induced illnesses.

Study after study has shown that the most powerful weapon in reducing smoking, particularly by the Nation's youth, is to raise the price of cigarettes. A $1.50 price increase, as Dr. Koop and Dr. Kessler have advocated, would have a double benefit. It would reduce youth smoking by more than half over the next decade and provide some compensation to the Federal Government for the damage that smoking has done.

Most health economists agree that in addition to Medicaid, tobacco imposes a heavy toll, exceeding $20 billion a year, on numerous other Federal health programs, including Medicare, the Department of Defense health programs for military personnel, veterans health programs, and the Federal employees health benefit programs.

To compensate the Federal Government fairly for these high costs, the total settlement would have to be more than doubled from its current figure.

The State attorneys general have done a very impressive job in working out the tobacco settlement, but their primary focus was on reimbursing the States for the States' participation in the Medicaid Program. They did not have the responsibility to try to ensure the protection for the Federal Treasury in terms of these other health-related programs—Medicare, the veterans programs and others.

If you evaluate those programs and the costs, as Professor Harris has done in his testimony before the Senate Judiciary Committee and also before the Labor and Human Resources Committee, you would see that the cost of treating tobacco-related illnesses to Medicare alone are approximately $9.3 billion, and others have calculated the Medicare costs to be substantially higher. Yet the proposed settlement provides not a single penny to the Federal Government for the recovery of these expenses.

As I mentioned, the State attorneys general have obtained a fair reimbursement under the pending settlement for the costs imposed on Medicaid. It would be unreasonable and irresponsible for Congress and the Clinton administration to let Joe Camel and the Marlboro man off the hook for the high costs imposed on Federal health programs.

Already this year the tobacco industry had the audacity to write a special-interest loophole in the budget legislation requiring the Federal Government to deduct the $50 billion amount generated by the increased cigarette tax devoted to children's health from the amount the industry would pay under the tobacco settlement. I am pleased that the Senate voted to repeal this flagrant provision earlier this week, and I commend Senator DURBIN and Senator COLLINS for their outstanding effort. But its surreptitious inclusion in the budget legislation demonstrates that nothing has changed in big tobacco's continuing efforts to subvert reasonable legislation.

The Federal Government has the same claim for recovering health costs as the States that are suing the tobacco industry for billions of dollars in Medicaid expenses.

You could have a situation where one person was in a hospital bed under the Medicaid Program, in the next bed a person might be under the Medicare Program, and in another bed somebody might be there under the Veterans' Administration health care program. All of the patients may have the same kind of illness as a result of their addiction to nicotine.

The attorneys general looked out for the individuals who receive Medicaid. But certainly the taxpayers and the Medicare trust fund ought to be able to receive compensation for the costs to the Medicare system.

If the tobacco industry understood and agreed to compensation under Medicaid, it is difficult for me to see why they should not also agree to the compensation under Medicare, the veterans health care programs, or other health programs which are supported by the American taxpayers.

The tobacco companies admitted that cigarettes are deadly. They have accepted the necessity for broad new restrictions on cigarette marketing and advertising. They have admitted their liability for billions of dollars in compensation for tobacco-induced illnesses. Having made these admissions and concessions, the industry can no longer put up a smokescreen and maintain its past position of total denial. Clearly, the tobacco industry should pay more and can pay more. Given Joe Camel's deep pockets and the substantial toll that tobacco imposes on the Federal Government, doubling the final settlement is reasonable, justifiable, and affordable.

A doubling of the settlement would have a number of important public health benefits. I believe that the test ought to be what the impact of the settlement will have on the public health of this nation, primarily in terms of youth smoking.

Mr. President, the doubling of the settlement would require that the tobacco industry increase the price of their products by about $1.50 to compensate the Federal Government and the States for the costs of smoking.

Professor Harris estimates that under the current settlement, cigarette prices would only rise by 62 cents a pack. Since teenage smokers are very sensitive to price increases because of their lack of income, a 62-cent price hike would reduce tobacco use by the Nation's youth by only 18 percent over the next decade, which is significantly less than the settlement's requirement that teenage smoking drop by 58 percent in 10 years.

There have been extensive studies and extensive review of what has happened when the price of cigarettes has gone up and what the impact has been upon youth smoking.

We have also seen that, where the price has gone up and the tobacco industry has redoubled their efforts in advertising, still young people will go out and purchase cigarettes. There are studies that make the clear case that when you have a significant increase in the price of tobacco products and have effective advertising restrictions, you have a dramatic impact in reducing teenage smoking. That ought to be our objective, and it ought to be our objective at the beginning of the process, not at the end of the process.

The best estimates by those who have reviewed what the price increase ought to be in order to discourage young people from purchasing cigarettes is at least $1.50 a pack. Such an increase would move us much closer to the objective which has been agreed to in the settlement of a reduction of 58 percent in youth smoking over the next several years. With a $1.50 increase, the tobacco industry will be able to meet these youth smoking reduction targets, and will at least partially compensate Federal health care programs for their expenditures due to tobacco-induced illnesses.

Doubling of the settlement would also bring cigarette prices in the United States in line with other industrial nations. With a 62-cent increase, cigarette prices in Europe will still be far higher than in America. With the 62-cent increase, we are talking about the price in the United States being $2.56 a pack. In Canada, it is $3.06 a pack. In Germany, it is $3.18 a pack. If we have a $1.50 increase, the United States will be at $3.44. This figure is, in effect, doubling the amount of resources that would be paid by the cigarette companies.

This is the price increase recommended by Dr. Kessler and Dr. Koop, which would have a dramatic result in reducing teenage smoking. When you look at that increase, even though it appears to be quite significant, it still puts a pack of cigarettes cheaper in the United States than it would be in France, where it is $3.47 a pack, or in Denmark, where it is $4.75, or Ireland, at $4.94, or the United Kingdom, at $5.27. We would still be in the lower range of the industrialized nations of the world. The best estimate and review by those who understand the workings of the tobacco companies believe that they can afford that.

So, doubling the settlement amount would raise an additional $10 to $15 billion a year over the next quarter century to improve the health of the Nation's citizens or other important purposes. For example, we could extend the recently enacted children's health insurance program for low- and moderate-income working adults. We are talking about the sons and daughters of working families who are starting off as teachers or as police officers or social service workers—all starting out at $28,000 or $29,000 a year. We could also act on the new knowledge about the important role of the first 3 years in a child's life by launching an initiative to transform the lives of millions of children. We have learned dramatically in the last several years that early intervention has a significant impact in building skills and confidence in young people. With all of the research that has been done on the brain and early development, we are finding out that children in those first years have immense capacity for learning. We know the vacuum that is out there in so many different parts of America. There are children who are not being encouraged to expand their horizons. Even at the very earliest age, we ought to be about trying to find the ways that we can stimulate that early learning experience for children.

This is a matter of national importance. President Clinton has made a strong commitment to improving the early years of children. We would have an opportunity to really respond to that very, very important human need—the need that families are facing.

The tobacco industry can easily afford the $1.50 increase in prices. There is broad support within the public health community for a price increase as high as $2 a pack. Dr. Koop and Dr. Kessler and the members of the commission have endorsed such an increase, and so has the American Cancer Society.

Doubling the settlement payment is the right thing to do. It will provide a fair measure of compensation to the Federal Government and the American taxpayer for the hundreds of billions of dollars that smoking-induced illnesses have cost us.

Robert Kennedy closed his speech 30 years ago with these words which are equally true today:

> We must be equal to the task, for the stakes involved are nothing less than the lives and the health of millions. . . . But this is a battle which can be won.

Congress and President Clinton should accept nothing less than a doubling of the tobacco settlement, and I urge my colleagues' support.

Mr. President, I think most of us would agree this Congress is going to be hard pressed this year to get about the business of resolving this issue. But the tobacco settlement will be a matter of enormous importance and consequence at the beginning of the next Congress. It is important that we begin to establish some parameters in which to consider these various agreements. It is important to provide some criteria by which we can judge whether the proposal is beneficial to the country or whether it is a proposal that needs to be enhanced, as I believe this one does need to be.

So, this is a matter of enormous importance for the public health of the American people for the future. We must make sure we are not going to involve the nation's children in the nicotine addiction which has brought such tragedy and loss of life into so many families of this country. We can do something about it. It is a challenge for all of us, and I hope we are going to be up to the task.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Chair recognizes the Senator from Montana. I remind the Senator from Montana there is a 10-minute limitation.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. BAUCUS. Mr. President, we Americans are very lucky. We live in the most beautiful place on Earth. Our mountain chains, our Great Plains, our national parks, our coasts and forests are a heritage no other country can match. It is our responsibility, through this annual bill, to protect our heritage, to manage it so ranchers and the natural resource industry workers prosper and, as much as possible, to hand it down to the next generation

At the same time, in this bill, we have a responsibility to keep our promise to our more than 500 Indian tribes and an opportunity to support and stimulate the creativity of our artists and authors. Unfortunately, this bill falls far short.

If we act now, in the coming debate—if we adopt some good amendments, we can create a very good bill, something we can all be proud of and, just as important, something President Clinton can sign, so we are not just wasting our time over here. But if we fail to improve this bill, we will have a bill that doesn't measure up and will not become law.

Let me begin by saying that this bill is quite good in some areas. For example, one of the West's real glories is its fishing. Norman Maclean spoke for quite a few Montana families when, in the opening lines of his book "A River Runs Through It" he writes, "In our family, there was no clear line between religion and fly fishing."

Today, this way of life is under threat. A parasite now found in many western rivers threatens the fish with whirling disease, and the Interior budget makes a commitment to protect these fish. It funds the Fish Technology Center in Bozeman, MT, as well as the Creston fish hatchery in the Flathead Valley. As well, this bill contains crucial research dollars for the nationally recognized Wild Trout Research Laboratory at Montana State University. It also provides $1 million to the U.S. Fish and Wildlife Service to fund the western Montana project, which will acquire conservation easements to protect land in Montana's Blackfoot Valley, where Norman Maclean grew up, the basis for his book and movie, "A River Runs Through It." These are just a couple of important projects that I believe help both Montana and the country.

I would like to address a few sections in this bill which I think must be improved. The first crucial issue is the New World Mine. Of all our country's natural treasures, the finest might be Yellowstone National Park. It is America's first national park, home to the world-famous Old Faithful geyser, Yellowstone Lake and its wild trout, paint pots, mountain streams, and America's only free-ranging buffalo herd.

Several years ago, a Canadian company filed a patent to mine land in the mountains just north of Yellowstone Park. Such a mine, nearly 2 miles in the air, would have been a permanent threat to the park's water resources. Every generation of Montana children and every American child would have lived with it. Last year, the Clinton administration worked out an agreement to buy out the New World Mine, using the Land and Water Conservation Fund.

Congress agreed to do that when we passed the balanced budget amendment. I am very pleased that the Senate followed up with $700 million in new funding for the Land and Water Conservation Fund; a wise investment in the conservation of our prized natural resources.

I am disappointed, however, that the House of Representatives failed to live up to its end of the bargain when they failed to appropriate the necessary funds. I must say, I am disappointed that the Senate appropriated the money but then attached language requiring authorization. There is no reason for that. The deal is done. It is fair to the company and it will protect the park forever. To add an extra hurdle to an already tortuous process is unnecessary, and, in fact, it is foolish, because it may put the whole New World Mine deal at risk. I will work in this debate to change that.

GALLATIN LAND EXCHANGE

A similar, although less well-known, example is the Gallatin land exchange.

For 10 years, we have been working to complete this critical land exchange, protecting some very special wild land for future generations. In this bill, we can complete the acquisition, blocking development in sensitive wildlife areas, and preserving access for our sportsmen and outdoor enthusiasts who use our public lands. Instead, we shortchange and drag out the process with an appropriation of only $1 million, paying for only part of the exchange.

We must act swiftly, and decisively, if we are to preserve this special part of America. This exchange has broad public support in Montana. I call on my colleagues to provide the necessary commitment to this exchange.

NATIVE AMERICAN TRIBES

I am also concerned with the portions of this bill which address our relationship with native American tribes.

Section 120, for example, requires tribal governments to waive their sovereign immunity as a condition of receiving tribal priority allocations [TPA's]. These moneys fund local reservation programs, like housing, adult vocational training, and law enforcement, all desperately needed, and anyone who visits reservations can tell you that. Anyone who has visited Indian country knows that reservations are not always rich places and tribal governments don't have money to throw around. Section 120 would require tribes to choose between meeting the basic needs of their members or defending against frivolous lawsuits. And I believe that is wrong.

Equally troublesome is section 118, which would require the more than 500 federally recognized tribal governments to submit reports of business income to the Bureau of Indian Affairs as a condition of receiving TPA, since it is under the program I mentioned. Section 118 would create more bureaucracy by requiring the BIA to analyze income records, compile reports, develop formulas for allocating TPA funds, and submit the formulas back to the Appropriations Committee. That is bad enough. But still worse is the breach of faith this provision implies.

Mr. President, payments to tribes are the result of treaty obligations—I repeat, treaty obligations. The Federal Government agreed to make these payments in exchange for land and resources that the tribes ceded. Section 118 violates both the letter and the spirit of our American treaty obligations. We have a basic idea in America that you ought to keep your word, and that is a good ideas. We should keep it here, too.

NATIONAL ENDOWMENT FOR THE ARTS

My final concern is the way that this Congress intends to treat the National Endowment for the Arts, the NEA.

The NEA represents a modest, but very important, commitment to the arts in America. In Montana, for example, NEA supports eight symphony orchestras in cities like Billings, Bozeman, Butte, and Missoula. Over 20 nonprofit art museums and galleries such as the Liberty Village Art Center in Chester, the Jailhouse Gallery in Hardin, and the Hockaday Center for the Arts in Kalispell. And nearly 20 performing arts groups like Shakespeare in the Park and the Vigilante Players who tour communities all across Montana, from the towns to the most remote rural areas.

This is a great service. Through the work of NEA, children all over Montana come to understand our cultural heritage, meet and talk with artists and authors, and get an appreciation of much of the best and most creative work Americans can do. It is a small investment but a good one.

Yet, every year we hear almost hysterical attacks against any commitment to the arts at all. NEA has certainly picked a few clunkers, I admit, but nothing to justify the rhetorical flights that some of our colleagues direct against it. The House this year, by one vote, eliminated all commitment to the arts in America. I repeat, eliminated all commitment to the arts in America. That means a great loss for our children, and particularly those in rural America where there are no offsetting private resources to fund the arts.

I am hoping that the Senate will do better. I asked that the NEA be funded at administration's request of $136 million. So far, the Interior Appropriations Subcommittee has seen fit to fund the NEA at $100 million. I believe that is a start, but I will oppose any actions taken on the Senate floor to lower that funding level.

CONCLUSION

As you can see, this bill needs a great deal of work, but we should see that as an opportunity rather than a disappointment. This bill is our chance, this year, to protect America's natural heritage for our children. To give renewed vitality to our artistic and cultural life, and to show that, in relations with America's sovereign Indian nations, that we are people who keep our word.

I commend the members of the Interior subcommittee for their hard work. I know they have devoted a lot of time to dealing with these contentious issues. They have done some good work. I applaud them for it. We can build on that as we debate the bill on the floor. I hope that the result will be an Interior bill in which we can all take great pride.

Thank you, Mr. President. I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the Chair.

(The remarks of Mr. WARNER pertaining to the introduction of S. 1173 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

NOMINATION OF DR. DAVID SATCHER TO BE SURGEON GENERAL

Mr. FRIST. Mr. President, I rise to speak to the nomination for the position of U.S. Surgeon General and Assistant Secretary for Health to be made by the President of the United States today, which will be sent to Congress today for consideration.

Nearly 4 months ago, I, the only physician in the U.S. Senate, publicly called for the immediate nomination of a Surgeon General—specifically, one who could rise above partisanship, rise above the political fray to be a reasoned and nonpartisan spokesman for public health. The reason was very simple, and I outlined it at that time, and that is that the position of Surgeon General is one of recognition—a recognized authority not just in this country, but throughout the world. Second, it is a leadership position, leadership that can offer a clear, concise, consistent message. Third, I briefly made a point at that time of the advantages of actually merging into this position of Surgeon General that position of Assistant Secretary for Health.

For the past year, I have served as chairman of the Subcommittee on Public Health and Safety within the Senate Labor Committee. This particular subcommittee oversees the statutory jurisdiction of the Public Health Service. The Surgeon General oversees the administration of the eight agencies of the Public Health Service, and the Surgeon General serves as the public's doctor, the Nation's doctor, the Nation's physician, in advising the Secretary of Health and Human Services. It is in this role that I feel even more strongly that we need a Surgeon General to provide that clear, that loud, that visible, that understandable voice to promote the health and the safety of our citizens.

Like most Americans of my generation, I vividly remember that very famous, well-known—and it's actually referred back to a lot today—Surgeon General's report back in 1964 warning of the dangers of cigarettes. Well, over 30 years ago now, we still point back to that single instance, that label, that stepping forth as a benchmark in warning our children today, and others, about the dangers of smoking.

In the 1980's, Dr. C. Everett Koop woke America up to something that at that time was terribly misunderstood, and that was the emerging AIDS crisis. He spoke with candor and realism that helped the American people, helped people who saw him on television, who saw him in person, who read his writings, separate fact from fiction about what at that time was a very mystical, misunderstood disease.

Just last summer, the Surgeon General's office issued a significant report demonstrating that moderate physical activity does indeed reduce the risk of cardiovascular disease and some cancers. All of these reports were issued with no political agenda in mind—only the well-intentioned health of the Nation being the focus. We inevitably still face lingering public health problems, and we can only think about and imagine the new public health challenges that will face us—the current challenges of AIDS, emerging infectious diseases—and, again, who knows 3 years from now what new virus, bacteria, or resistance to bacteria will be a threat to each of our children? There are issues like foodborne illnesses, substance abuse, tobacco use by children, alcoholism.

We need to use the same approach today that we have used in the past. To do so, I think it can be best accomplished by having a high-profile, experienced official who speaks with authority and can educate all of us, the public, about the important link between illness and personal behavior. Past experience shows that the uniformed position of the U.S. Surgeon General, with the right person in that position, can educate the Nation on these key public health issues. During Surgeon General Koop's tenure, by educating the public on the dangers of smoking, adult tobacco use decreased 7 percent. More recently, we have witnessed, unfortunately, increased drug and tobacco usage among our youth over the past years. Is it coincidental that during this same period the Surgeon General position has been vacant?

I think we as legislators, as trustees of the public, in many ways have an obligation, a responsibility, to appoint a Surgeon General and to do it as expeditiously as possible, so that we can direct our attention to improving the public health.

Now, clearly, tough problems, whether it is smoking or alcoholism or foodborne illnesses, a Surgeon General is not going to be able to fix them alone. But what he or she can do is be that one voice. We all know how important it is to have a simple message, a straightforward message, a concise message, a persistent message given by one voice—that voice being the Surgeon General.

Dr. Koop I think summarized the position very well. He said that the Surgeon General is a position "* * * high calling with an obligation to interpret health and medical facts for the public."

I like the way Dr. Koop expressed it because, first of all, that is a calling, and in many ways public service can be a thankless job. So it really is a calling. But the obligation is one that the nominees must take very seriously; and, that is to interpret the health and medical facts for the public. We know that there is a tremendous amount written today, with the health advances, with the new discoveries. We just simply need to look at the new genes being discovered today, the human gene projects. But when a person looks at the medical literature, how can they interpret it? The Surgeon General can look at the reports, can assimilate the data, and help boil that down into a simple, crystal-clear message which can improve and affect the health of every American.

Dr. David Satcher today is being forwarded to the Senate as the nominee for the position of U.S. Surgeon General and Assistant Secretary for Health. It will arrive in Congress today.

As a result, the Senate is asked to consider this nomination and to eventually vote as to whether or not to confirm Dr. Satcher for these positions. I hope that my colleagues will consider this nomination based on his qualifications and his ability—again, pushing partisanship and politics aside.

Dr. Satcher is a family physician. He is an accomplished researcher and educator, and he has a very long truly distinguished record in promoting public health. I understand his goal is to improve the health of our Nation based on science, which is the essential role of the Surgeon General's office.

The confirmation process is, as all of us in this body have seen, a fascinating one as we subject our nominees to interrogation. But it is critical that we interrogate in the right way—touch on the right issues, looking at the substance. It is very clear that we will not—and I as a physician very likely will not—agree with Dr. Satcher on every particular issue and every particular policy. But what I am confident of, in knowing Dr. Satcher, is that debate, that discussion, will be based on rigorous and disciplined science—not on politics, and not on rhetoric. That is what this position deserves, and that is what the American people deserve.

Looking out for this Nation's public health, both domestically and abroad, is truly a daunting role. Simply the way I define it is that is the public spokesperson for health for the United States of America. But I am confident that Dr. Satcher will reclaim the integrity surrounding that position that has historically been associated with that position of Surgeon General.

The sort of questions that we need to look at as Dr. Satcher goes through the Senate confirmation process are things like: Does this man have the commitment? Does he have the intelligence? Does he have the training, the honesty, and integrity to be the chief spokesperson for Americans on matters concerning public health? And I also would like to add—in no small part because I know Dr. Satcher is so strong here—it is critical that this person be able to articulate his views with clarity, with simplicity, and with dignity.

We have before us a man with a long record of demonstrated public service. He currently serves as Director of the Centers for Disease Control and Prevention in Atlanta. In that role over the last several years he has demonstrated those very qualities that I mentioned are important in this confirmation process. He has been a strong manager. He has been an excellent spokesperson for public health. He has been a man of scientific integrity.

As a member of the Labor and Human Resources Committee, I am committed to the confirmation process and take very seriously the responsibility of voting on this nominee. I approach this with a very open mind and will continue to scrutinize everything that comes before the committee as information is being made available to the committee by the administration.

I have the one advantage, in that Dr. Satcher spent approximately 11 years in Nashville, TN, where I am from. I have been able to witness firsthand his accomplishments, and have had a chance to go back and look at many of his other distinguished qualifications.

I look forward to hearing his articulation of his goals, his statements, and the testimonials of others about him as we go through this confirmation process. This is a public process. It should be a public process.

I look forward to meeting with Dr. Satcher personally next week to discuss with him the specifics of his plans as the next Surgeon General.

As I mentioned, Dr. Satcher lived in Nashville. I consider him a Tennessean from my hometown for about 11 years where he ran a very prominent historically black medical college—the Meharry Medical School.

Dr. Satcher has a knowledge of population-based medicine, epidemiology, family practice, and a broad understanding of our health care system. He is widely respected by his peers in our community of Tennessee, in Nashville, and across this country.

Mr. President, at this juncture I ask unanimous consent that letters of support from the Tennessee Medical Association, Vanderbilt University Medical Center, and the Phoenix Healthcare Corp. be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TENNESSEE MEDICAL ASSOCIATION,
Nashville, TN, September 10, 1997.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR PRESIDENT CLINTON: On behalf of the 6,800 members of the Tennessee Medical Association, we take this opportunity to offer our wholehearted support for your nomination of David Satcher, MD, as the Surgeon General of the United States. Dr. Satcher has ably proven his leadership capabilities by serving as president of Meharry Medical College in Nashville, Tennessee. During his tenure at Meharry, he presented a strong voice in the Nashville community as a public health advocate. I am especially pleased to commend him to you for consideration in light of his stellar leadership, unparalleled history of community service, and sense of mission in the public health sector.

Over the last four years, he has only enhanced his position as a leader in the medical community, and displayed his clear commitment to disease prevention, by serving as the director of the Centers for Disease Control. He will make an outstanding spokesman for the nation's health and will be a valued adviser to both you and Secretary Shalala.

Without reservation, we commend Dr. Satcher's nomination to the U.S. Senate Labor and Human Resources Committee and encourage the full Senate to act responsibly and quickly to confirm his nomination both as Surgeon General and Assistant Secretary for Health.

Sincerely,

R. BENTON ADKINS, MD,
President, Tennessee Medical Association.

VANDERBILT UNIVERSITY
MEDICAL CENTER,
Nashville, TN, September 11, 1997.

President BILL CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of Vanderbilt University Medical Center, I wish to extend our strong support for the nomination of Dr. David Satcher for the positions of Assistant Secretary for Health and Surgeon General at the US Department of Health and Human Services.

We believe Dr. Satcher is well qualified to fill these two positions where his medical knowledge, executive experience, and very real eloquence on behalf of the nation's health make him uniquely suited. As director of the Centers for Disease Control (CDC) he has lead the health community's effort to increase childhood immunization, expand access to breast and cervical cancer screening, and build a framework that will better enable us to defend against the threats of infectious diseases.

The announcement today of the nation's health vital statistics are a strong indictor of a strengthened CDC under Dr. Satcher's leadership. These statistics show a 26% decline of mortality from HIV-AIDS between 1995 and 1996 for 25–44 year olds; teen birth rate declining for the fifth straight year; a new record low in the infant mortality rate; and continued increase in the number of women obtaining early prenatal care.

In addition, during Dr. Satcher's tenure at Meharry Medical College he was an absolutely critical voice on behalf of medical education and research, but even more importantly he was a voice on behalf of the underserved and uninsured of Middle Tennessee. We believe he will bring a perspective that will well serve the medical community and the patients we care for.

Sincerely,

HARRY R. JACOBSON, M.D.,
Interim Vice Chancellor for Health Affairs.

PHOENIX HEALTHCARE CORP.,
Nashville, TN, September 11, 1997.

President BILL CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am honored and pleased to write this letter in support of Dr. David Satcher for Surgeon General and Assistant Secretary for Health. I have known Dr. Satcher since 1982 when he became President of Meharry Medical College where I served as Vice President of Finance and Business from 1973–1977. During his tenure at Meharry, we worked very closely on a number of local community and health care issues, including the merger of Metropolitan General Hospital and Meharry Hubbard Hospital. Dr. Satcher and I, during his tenure in Nashville, were also Deacons in First Baptist Church—Capitol Hill and members of 100 Black Men of Middle Tennessee.

Dr. Satcher is a physician-scholar with a strong public health focus. Intellectually, Dr. Satcher will make an excellent person for the position of Assistant Secretary for Health which is responsible for health policy. His experience and ability to articulate with passion on matters promoting health and preventing disease, injury and premature death makes him also capable of being the national physician, Surgeon General of the United States. His thoughtful presentations on health care matters and administrative experience will enhance the health status of Americans generally as he has done during his tenure at the CDC where childhood immunization rates have increased from 55% in 1992 to 78% in 1996. Finally, one could not get a person with higher moral and ethical standards than Dr. Satcher.

I certainly hope that the nation will accept the services of Dr. Satcher as Surgeon General and Assistant Secretary for Health. The country will be well served by a person of his ability.

Sincerely,

SAMUEL H. HOWARD,
Chairman.

Mr. FRIST. Mr. President, if I just look at these letters from Vanderbilt University Medical Center, Dr. Harry Jacobson in one sentence describes very well what his peers feel about Dr. Satcher.

I quote from that letter.

> We believe Dr. Satcher is well qualified to fill these two positions where his medical knowledge, executive experience, and very real eloquence on behalf of the Nation's health make him uniquely suited.

From the Tennessee Medical Association, talking about his tenure at Meharry—remember, he was there for 11 years—Dr. Benton Adkins, who is President of the Tennessee Medical Association, writes:

> During his tenure at Meharry, he presented a strong voice in the Nashville community

> as a public health advocate. I am especially pleased to commend him to you for consideration in light of his stellar leadership, unparalleled history of community service, and sense of mission in the public health sector.

In the third letter, Mr. Samuel Howard, chairman of Phoenix Healthcare Corp., who had known him well through working together at Meharry, says:

> Dr. Satcher is a physician-scholar with a strong public health focus.

Those are just samplings of the sort of recommendations by his associates.

I urge my colleagues to focus on Dr. David Satcher's qualifications to hold the two positions of U.S. Surgeon General and Assistant Secretary for Health. As I mentioned, he is a family physician. He respects the role of the family within the community. He is an accomplished scientist and researcher. He has a Ph.D. as well as a medical degree. His Ph.D. is in cytogenetics—he allows science to drive decisionmaking, not politics. He is a proven public health leader—an experienced public health leader—having served as Director, where he currently serves, of the Centers for Disease Control and Prevention in Atlanta, GA, which is that Health and Human Service agency responsible for promoting health and preventing disease, injury, and premature death, with 11 major branches and worldwide responsibilities.

Mr. President, in closing, as a physician, I will have to say that ultimately much of my feeling comes back to putting faith in the trust, which is a very vital part of the doctor-patient relationship. I look at this very similarly. The Surgeon General is the people's doctor. And, to be truly effective, Dr. Satcher must earn and maintain the public's trust on health issues. Trust I think will be a large part of this nomination. It was the main reason, if we look at failures, I think that occurred in the past as related to this position.

From everything that I know of Dr. Satcher, he not only has the ability to be a reasoned scientific voice but he has the ability to win the trust of the American people.

I am fortunate to have known Dr. Satcher in his capacity as physician, as a president of a medical school, and as the head of one of our great public health agencies.

I will work with my colleagues in the U.S. Senate in this nomination process, and I urge their full, fair, and expeditious consideration of Dr. Satcher's nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered.

THE VICE PRESIDENT

Mr. DASCHLE. Mr. President, I want to say a few words this morning about the Vice President of the United States—a man with whom most of us in this Chamber have served either in the House or here in the Senate.

Right now, the bright glare of the public spotlight is on AL GORE. I think all of us know that public spotlight can sometimes be very harsh and unforgiving. Sometimes it can distort. But I don't believe the frenzy of the moment is going to diminish the achievement of two decades.

AL GORE has spent 21 years in public life—and it has been a distinguished 21 years by any standard. Before his career in the Congress, he was an investigative reporter for the Nashville Tennessean. Prior to that time, he was a student at Vanderbilt's Divinity and Law Schools. And prior to that, he served this country honorably during the Vietnam war.

People sometimes make a caricature of AL GORE's reputation for seriousness and honesty. But the truth of the matter is that AL GORE earned that reputation by immersing himself totally in his responsibilities as a lawmaker.

In the House, he mastered the subtleties of the arms control debate and made internationally recognized contributions to stabilizing the nuclear arms race. In the Senate, he devoted himself passionately to protecting the environment. He was one of the first in this body to appreciate the potential of Federal Government supercomputers and the backbone that ultimately became the information superhighway. There's every likelihood that he will be remembered as a parent of the internet just as his own father is remembered as one of the founders of the Interstate Highway System.

By almost all accounts, AL GORE has been the most influential and effective Vice President in modern American history. His Reinventing Government Program has literally revolutionized the executive branch agencies, reducing the size of bureaucracies, cutting out red tape, and building a more business-like paradigm for the delivery of vital services to the American people.

That litany of achievement is real and familiar. I only run through it to give some sense of proportion to the charges that are now dominating the news. And my point is simple: we know AL GORE in this Chamber. The American people know him. The hearings we've had here in the Congress have revealed nothing to alter what we know. And I don't believe that insubstantial charges based on ambiguous law are going to count for anything against AL GORE's solid and unambiguous record of public service.

I'm confident that, ultimately, a dispassionate and fair-minded American people will put the issues raised in the last campaign in their proper perspective. And I'm equally confident that, at the end of the day, AL GORE's reputation for public service and integrity will emerge absolutely intact.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 11, 1997, the Federal debt stood at $5,414,576,336,750.83. (Five trillion, four hundred fourteen billion, five hundred seventy-six million, three hundred thirty-six thousand, seven hundred fifty dollars and eighty-three cents)

One year ago, September 11, 1996, the Federal debt stood at $5,219,274,000,000. (Five trillion, two hundred nineteen billion, two hundred seventy-four million)

Five years ago, September 11, 1992, the Federal debt stood at $4,032,390,000,000. (Four trillion, thirty-two billion, three hundred ninety million)

Ten years ago, September 11, 1987, the Federal debt stood at $2,353,045,000,000. (Two trillion, three hundred fifty-three billion, forty-five million)

Twenty-five years ago, September 11, 1972, the Federal debt stood at $435,983,000,000 (Four hundred thirty-five billion, nine hundred eighty-three million) which reflects a debt increase of nearly $5 trillion—$4,978,593,336,750.83 (Four trillion, nine hundred seventy-eight billion, five hundred ninety-three million, three hundred thirty-six thousand, seven hundred fifty dollars and eighty-three cents) during the past 25 years.

NOMINATION OF DR. DAVID SATCHER TO BE SURGEON GENERAL

Mr. KENNEDY. Mr. President, I commend President Clinton for his announcement today of his nomination of Dr. David Satcher to be Surgeon General and Assistant Secretary for Health.

David Satcher is an excellent choice for these important positions. As Director of the Centers for Disease Control and Prevention for the last 4 years, he has ably led that agency which is responsible for protecting health and preventing disease, injury, and premature death. He is uniquely qualified to become the Nation's foremost spokesman on health issues.

In 1992, under Dr. Satcher's leadership, the CDC launched and implemented a successful childhood immunization initiative. Before the initiative, only a little more than half of the Nation's children—55 percent—were immunized. Now, 78 percent are immunized. As a result, vaccine-preventable childhood diseases are at record lows.

Dr. Satcher has also led CDC efforts to strengthen the Nation's defenses against infectious diseases and food-borne illnesses. We rely on the CDC to provide a rapid response to outbreaks of disease and protect public safety. Under Dr. Satcher, CDC has begun to implement a comprehensive strategy on infectious diseases and plays a key role in a new early warning system on food-borne illnesses.

Dr. Satcher was previously a member of the faculty of the UCLA School of Medicine and the King/Drew Medical Center in Los Angeles. For 2 years, he served as interim dean of the Drew Postgraduate Medical School. He also served as professor and chairman of the department of community medicine and family practice at the Morehouse School of Medicine in Atlanta.

For over a decade, from 1982 to 1993, Dr. Satcher served as president of Meharry Medical College in Nashville, the Nation's largest private historically black institution for educating health care professionals and biomedical researchers.

At the CDC, he has combined a proven track record of leadership and effectiveness that make him an excellent choice to be Surgeon General and Assistant Secretary for Health, and I urge the Senate to move expeditiously to confirm him.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURBIN:

S. 1172. A bill for the relief of Sylvester Flis; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. BOND, Mr. SMITH of New Hampshire, Mr. GRAHAM, Mr. REID, Mr. KEMPTHORNE, Mr. THOMAS, Mr. ALLARD, Mr. INHOFE, Mr. DORGAN, Mr. HARKIN, Mr. GRASSLEY, and Mr. JOHNSON):

S. 1173. A bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN (by request):

S. 1174. A bill to improve the operations and governance of the Internal Revenue Service, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 1172. A bill for the relief of Sylvester Flis; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mr. DURBIN. Mr. President, I rise today to offer legislation on behalf of Mr. Sylvester Flis, a permanent resident alien from Poland, now living in Chicago. This bill would grant immediate citizenship to Sylvester by waiving the mandatory 5-year waiting period required of all permanent residents wishing to become U.S. citizens. Out of great respect for what U.S. citizenship stands for and the privileges it bestows, the Senate has rarely granted this kind of request, and only in cases that it deems to be uniquely compelling. After hearing Sylvester's story, I am confident my colleagues will agree with me that this request fulfills this high standard and is therefore deserving of their support.

Sylvester entered this country as a permanent resident in July 1994 after learning that his grandmother, by virtue of having been born in New Haven, CT and being a U.S. citizen, could sponsor her family to be in the United States. He now lives in Chicago with his parents, Czeslaw and Lucja, his sister, Anna, and brother, Ireneusz.

Like many young Eastern Europeans who grew up during the final years of Soviet domination, Sylvester, now 23 years of age, is eager to take advantage of the opportunities offered by his new found freedom. He currently takes English classes and is working toward his GED, general equivalency diploma. Sylvester works for his uncle's carpentry business and hopes to eventually find a job in electronics, which is what he studied as a student in Poland. Like the millions of immigrants who have preceded him, Sylvester has left behind the security of friends and familiar surroundings to come to the United States to share his talents and make our Nation a stronger one.

Two things, however, make Sylvester very different from most immigrants. First, he suffers from a disease known as spina bifida. Spina bifida is the failure of the spine to close during the first month of pregnancy. This results in varying degrees of paralysis, loss of sensation in the lower limbs, difficulty with bowel and bladder management, and learning disabilities. As a result of his condition, Sylvester is confined to a wheelchair.

The second thing that distinguishes Sylvester from most immigrants is that he is a world class athlete. Despite his condition, Sylvester has developed into one of the top sled hockey players in the country. I imagine most of you are unfamiliar with sled hockey, as was I until I became familiar with Sylvester's story. Sled hockey is a variation of regular hockey that is played by disabled individuals on a regulation rink. Sled hockey has all the same rules as regular hockey except that players use sleds, rather than ice skates, to maneuver around the ice.

Last Spring, Sylvester competed with the United States National Team in international sled hockey competitions in Sweden and the United Kingdom. He hopes to compete with the United States in the 1998 Paralympics in Nagano, Japan next March. The Paralympics are an international athletic competition for individuals with mobility disabilities held every 4 years. They begin soon after the completion of the regular Olympic Games and are held in the same city and country as the Olympics. Sylvester is considered a lock to make next year's team.

To make that dream a reality, however, Sylvester needs to be a U.S. citizen by the end of this coming January, which is when the final team will be selected. While the International Olympic Committee allows Paralympians to represent countries with which they have permanent residency, the U.S. Olympic Committee [USOC] has very strict rules which require citizenship for all U.S. competitors. Sylvester was eligible to participate with the United States team in Europe last Spring because those competitions were not sponsored by the USOC. By granting Sylvester citizenship and waiving the mandatory 5-year-waiting period, he will be eligible to compete for the United States in Japan. Without a waiver, Sylvester would become a citizen in July 1999, which would be too late for the 1998 games. Poland will not be competing in sled hockey at these games, making the United States team Sylvester's only chance to participate in this once-in-a-lifetime event.

As I mentioned at the outset, Sylvester is more than just a good athlete who wants to compete for the United States. He is a young man of tremendous character who has worked hard to become part of our community. I've spoken to several people who have worked with Sylvester and they all attest to his work ethic, his character, and his enthusiasm for helping others. This spirit is best demonstrated by the active role he has played in the Chicago community to help other disabled individuals overcome the obstacles they face in their daily lives. His volunteer activities include teaching sled hockey at the Chicago Park District to disabled and nondisabled individuals. He also volunteers with Wheelchair Dance Chicago, an organization that, as the name suggests, helps disabled individuals learn to dance. Through his association with the Spina Bifida Association, Sylvester has provided a positive role model to those with disabilities who wish to excel.

Being disabled can be hard. It's even harder when you live in an unfamiliar country where you have to learn a new language. Sylvester has overcome these obstacles to not only build a new life with his family in the United States, but to become an accomplished athlete and a valuable part of his community. He is a true American success story. The waiving of the mandatory waiting period for Sylvester would grant citizenship to a young man who has much to offer our country, both inside the rink and out.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANT OF NATURALIZATION TO SYLVESTER FLIS.

(a) IN GENERAL.—Notwithstanding any other provision of law, Sylvester Flis shall be naturalized as a citizen of the United States upon the filing of the appropriate application and upon being administered the oath of renunciation and allegiance in an appropriate ceremony pursuant to section 337 of the Immigration and Nationality Act.

(b) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for naturalization is filed with appropriate fees within 1 year after the date of the enactment of this Act.

By Mr. WARNER (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. BOND, Mr. SMITH of New Hampshire, Mr. GRAHAM, Mr. REID, Mr. KEMPTHORNE, Mr. THOMAS, Mr. ALLARD, Mr. INHOFE, Mr. DORGAN, Mr. HARKIN, Mr. GRASSLEY, and Mr. JOHNSON):

S. 1173. A bill to authorize funds for construction of highway safety programs, and for mass transit programs, and for other purposes; to the Committee on Environment and Public Works.

THE INTERMODAL TRANSPORTATION ACT OF 1997

Mr. WARNER. Mr. President, I note, of course, the presence on the floor of the distinguished Senator from Montana. I don't suggest he remain, but I am about to praise him at great length for his participation in the drafting of a very important piece of legislation entitled "A bill to authorize funds for construction of highways, for highway safety programs and for mass transit programs, and for other purposes."

Mr. BAUCUS. Mr. President, if the Senator will yield, the Senator who now has the floor has led the way in developing a very balanced, very fair way to spend our highway dollars over 6 years. My staff has worked long, long hours along with his staff and that of Senator CHAFEE. I want all Americans to know just how much I appreciate the very, very hard work of the Senator from Virginia who has led the way among the three of us in developing, I think, a terrific bill. I compliment him, and I want all Virginians to know all that he has done, as well as all Americans.

Mr. WARNER. Mr. President, I thank my colleague. As the distinguished ranking member of our Environment and Public Works Committee, Senator BAUCUS was instrumental from the very beginning. I think his presence and his comments reflect the truly bipartisan nature in which we, the members of the committee, have forged this bill. Indeed, under the leadership of our distinguished chairman, the senior Senator from Rhode Island, we have been able to achieve this piece of legislation, which although receiving, understandably, early criticism from some few quarters, those quarters are fewer than I had anticipated. I thank my distinguished colleague. I shall have further comments about his contribution as I proceed, Mr. President.

I should also like to acknowledge the presence on the floor of the distinguished Senator from Florida. He, Mr. GRAHAM, has been instrumental from the very first in working this bill toward a balanced piece of legislation which we feel it represents. I was extraordinarily heartened by the fact that nine members of our committee have joined and I think others will soon join as cosponsors. Our list of cosponsors now as of the introduction totals some 12, in addition to Senator CHAFEE and Senator BAUCUS.

Mr. President, also it is traditional around here to acknowledge the participation of staff, and all too often that is done at the end. I want to do it at the very, very beginning, because the contribution of the staff in the preparation of a 400-page bill, a copy of which I will momentarily have in my hands and present to the Senate—400 pages—you can imagine the staff was absolutely instrumental.

We have the staff director, Mr. Jimmie Powell, Dan Corbett, Kathy Ruffalo, who works for Senator BAUCUS, Tom Sliter, Linda Jordan, Ellen Stein, and, above all, my distinguished chief counsel of the subcommittee, Ann Loomis. This is my 19th year in the Senate, and I say unequivocally, Mr. President, I have never seen an individual work harder on a piece of legislation than Ann Loomis, proudly of the Commonwealth of Virginia.

We go into the final review by the Senate, which is scheduled, I believe, in the last week, according to Senator LOTT who is very enthusiastic about the Senate moving forward expeditiously on this bill, in September, or thereabouts. So we will consider it at that time.

Mr. President, I introduce the Intermodal Surface Transportation Act of 1997. There have been many names given to this. There was ISTEA which was passed by the Congress in 1991. I think for simplicity I will refer to this as ISTEA II, as I am sure there will be an ISTEA III and an ISTEA IV. There is no more important function of the Congress of the United States than to address our transportation needs. So there will be a succession of bills, but I am hopeful that this bill, which is of 6-year duration, in contrast to the House of Representatives which is 3, will, again, sequentially follow on from ISTEA I as ISTEA II.

This 6-year bill represents a hard-fought set of negotiations. Again, I most sincerely express my appreciation to the leadership and the wisdom contributed by our distinguished chairman, Mr. CHAFEE, and Mr. BAUCUS, the ranking member of the committee and also the ranking member of the Subcommittee on Transportation—which was given the principal responsibility for drafting the bill—of which I am privileged to be the chairman, together with Mr. BAUCUS in his dual capacity as ranking on the subcommittee.

Balance and fairness, those are the two words that will enable the supporters of this piece of legislation to have it passed by the Senate—those two words—because those are the principal goals that I sought and others who worked so hard on this bill, and also to preserve those parts of ISTEA that have served the Nation well.

In 1991, ISTEA represented a landmark piece of legislation, unlike anything that had ever been passed in the history of the United States, other than perhaps the significance of the original interstate system. But ISTEA I was landmark. It embraced the need for an intermodal concept. It embraced the need to preserve our environment as we, indeed, paved America to meet our transportation needs. Therefore, I would like to recognize the principal author of that bill, Senator MOYNIHAN, the senior Senator from New York. He has been referred to as "the father of ISTEA." His duties on the Finance Committee did not enable him to have as active a role as I am sure he wished to have had in the preparation of this bill, and he also recognized in the passage of these 6 years that there are other factors that have come to the forefront that were going to guide ISTEA II. But nevertheless, I think today in the New York press, it is reported that "Senator MOYNIHAN states New York has been treated fairly."

I thank "the father of ISTEA" for that first statement because it comes from one who is well informed as to this Nation's requirements on transportation. In his capacity as a senior member, indeed ranking member, of the Senate Finance Committee, he will have a very active role in fulfilling that committee's responsibility with respect to this bill, as will two other committees: The Banking Committee and the Commerce Committee. So this legislation eventually embraces the work of four Senate committees.

This bill addresses the unique transportation needs in the different regions of the country. The congestion needs of the growing South, the aging infrastructure needs of the Northeast and, indeed, the unique, the very unique requirements of, we call them the Western States, primarily those in the Northwest corridor of the United States—Montana, Wyoming. Mr. THOMAS, a member of our committee, and Mr. KEMPTHORNE were very active, together with Mr. BAUCUS, in bringing to the forefront the special requirements of those States.

It was the judgment of myself and Mr. BAUCUS that we should have a hearing, which we indeed did, hosted by Mr. BAUCUS, in Idaho with officials both from Montana and Idaho testifying before our committee. I learned things like, given the extensive mileage and the sparse settlement of houses, farms and cities and factories, the shoulders of those roads need some special attention; the speeds at which they travel are somewhat different than in other parts of America.

So the rural West—I think they look with pride on still being referred to as "rural." In my few moments of vacation, I tried to spend a little time in that region, but it is one of the most well-preserved, most magnificent parts of our great country. This transportation bill takes into consideration their special needs, their special environmental concerns so that America can continue to enjoy the bountiful natural resources we have in that part of the country.

So I am pointing out that we very carefully took into consideration—and I shall not further enumerate—all of the unique parts of each of our 50 States, and particularly as they are located in certain geographic locations. We have carefully preserved the principles of ISTEA. We have proven so successful by hard experience, practical experience, practical application in our several States.

Examples. Ensuring that transportation contributes to preserving our environment. The President of the United States acknowledged some months ago in a speech that this piece of legislation—not referring to the specific bill, although I hope this bill meets the requirements of the administration. Indeed, I have, just moments ago, finished another lengthy conference with the Secretary of Transportation who visited my office. And we talked about the President's desire to make sure that this legislation preserved the best parts of ISTEA as it related to the environment and, indeed, built on that foundation. And I think, Mr. President, largely under the leadership of Senator CHAFEE, we have done that.

But that is an example of how we took the best of ISTEA and preserved it in this bill. We built upon the shared decisionmaking that was in ISTEA I between the Federal, State, and local governments, and most importantly ensuring that the public, I mean right down to townhall meeting, the public continues to participate fully in the transportation planning process.

The experience, over 6 years, of ISTEA I has shown that local governments contribute positively to setting transportation priorities. I look forward to working with my own local governments and projects of significance to them. For example, I have spent so much of my life down in the rural part of Virginia, primarily in the Middleburg, Upperville areas.

I first started down there working on farms in the middle 1930's. I remember the farms did not even have tractors, and it was all horses. But through the years this small section of my State has been able to preserve the qualities of this rural community. We have Route 50, which is a winding road. It was actually an oxcart road cut by the need to move west from Alexandria, which was a major port, surprisingly a major port on the east coast at one time, and Georgetown. And they gathered there and then moved on "westward ho" down Route 50.

Route 50 winds and twists through the lovely hills and the valleys and crosses the streams. We want to somehow keep that for future generations, keep it in place. There are some people with considerable vision as to how to do it, yet still meet the needs for modern transportation. Anyway, I hope to incorporate in this bill certain legislative provisions which will foster the ability of the local governments and local leaders to preserve the best, not only in the community in which I grew up through these many years, but elsewhere in America.

Also of profound importance to the Greater Metropolitan Washington area is the Woodrow Wilson Bridge. In this legislation, we have more than doubled the administration's $400 million proposed level of funding for the bridge to $900 million, thereby elevating the significance of the bridge. We have however provided that before any funds can be spent on construction of the bridge, either an authority or agreement between Maryland, Virginia, or the District of Columbia must be made as to who will take title of the bridge.

We have also carefully preserved those principles of ISTEA which have again a proven record of success, an absolute proven record of success.

The heart of this piece of legislation again is fairness and balance. There is no more dramatic provision to document that goal than the equitable fair funding of return of the tax dollars.

ISTEA failed—and I have to criticize ISTEA—it failed to provide funding to our States based on current data that measured the extent and the use of our transportation system. It contained five equity adjustments, yet still the formula did not equitably treat all States with the fairness based on their contributions to the highway trust fund.

Our bill today ensures balance and fairness. This one does what we possibly set out to do—I will attribute the best of intentions to the crafters of ISTEA I—but I assure you the drafters of ISTEA II have locked in a formula, predicated on modern, up-to-date factors, and it cannot be twisted and bent or changed in such a way as to deny to every State a 90-cent return on each dollar of taxes sent from a State to Uncle Sam's Treasury in the highway trust fund wherever the depository may be in Washington, DC.

Our bill today ensures this balance and fairness. Every State will receive a minimum return of 90 percent of their contributions to the highway trust fund. This guarantee is very different from the so-called 90 percent minimum allocation in ISTEA I. This is a real guarantee, not to be readjusted by any further actions. I would not have supported anything that did not give every State a minimum guarantee of 90 cents on the dollar.

Mr. President, we have listened to our colleagues and made our best attempt to be fair. Either this bill succeeds on the doctrine of fairness or it will fall victim to politics, not Republican versus Democrat politics for this is a bipartisan bill. You need only look at the list of cosponsors. You only need to heed the remarks of the distinguished Senator from Montana. No, it will not fall victim to politics as we recognize them, but will fall victim to literally civil strife between big States, industrial States, small States, and the whole thing can be torn apart, and I doubt that Humpty Dumpty could ever be put back together again if they pull this apart in a way that any Senator could stand on the floor and say each State is treated equally and gets 90 cents back on the tax dollar.

I ask my colleagues, who understandably have concerns about this legislation, to consult with their respective highway officials. STEP-21 was put together, again, as a consequence of a group of these well-experienced individuals in a number of States; Stars 2000, likewise, which was put together by a number of expert highway officials in the several States. They understand the problems. I hope that our colleagues will seek the advice and counsel of their respective highway officials before they decide exactly what they are going to do on this bill.

At the outset, again, my highest priority was to improve the mobility of people and goods. The biggest threat to the United States today comes from the growing competition around the world, all throughout the world. It is a one-world market. While we sleep the other half are busily engaged in their activities. Those economic activities are to meet us at our very doorsteps with competition in their products and in their services. It is an extraordinary world in which we live today compared to just a decade ago.

How do we compete in this market? America very much wants to keep our wages, our lifestyle, our environment at the very best. The standards of those factors in other nations in many instances are far less. Those priorities are not sought by the central governments, indeed, the governments of those States. So what do we do?

How do we beat the marketplace sale on a pair of blue jeans manufactured in the Far East versus a pair of blue jeans manufactured in the United States? Well, I have a dramatic experience I remember. I went to my State to a blue jeans plant, and I talked to the workers. I watched them make a quality product that would match any product in the world, in fact, in my judgment, is better. I may have a slight prejudice. It was better.

But I asked them, "How do you beat the low wages, the marginal environment, and lifestyle in faraway lands, but when your product reaches the store shelf right beside them is a product from a foreign land?"

He said, "Come with me."

We went to the back of this plant where every hour big trucks backed up and loaded on the products. He said, "We get an order in in the morning. That order is filled. And overnight it is delivered right to the store's shelf."

We can beat them because of America's transportation system. And that is what this bill, Mr. President, is designed to do, to thrust America ahead in the competitive economic market by virtue of a modern, efficient transportation system, to cut down the time of Mr. and Mrs. America behind the wheel getting to their place of work, getting to the school to drop off the children, and returning safely at home. Every minute wasted behind that wheel in gridlock is a wasted moment from work, from family, and such leisure time as we may have.

This bill is directed to make America more competitive in that one-world market. How do we achieve these goals? We streamline ISTEA's five programs into three programs: The National Highway System, NHS; the Surface Transportation Program; STP; and the Congestion Mitigation and Air Quality Program, CMAQ. Those are the three.

By condensing five into three, we build in efficiencies. We have given more authority to the Governors, to the various highways and boards and commissions. We have given more authority down to the boards of supervisors and to the mayors and to other local authorities to make the decisions that are best for their community, nevertheless, maintaining the Federal focus on our most important network of roads, the National Highway System, which indeed now embraces the historic interstate system.

While I started with a goal of a 95 percent return for every State—I see on the floor my good friend, the Senator from Florida [Mr. GRAHAM]. He will address this momentarily because he was a real fighter, not only in ISTEA I but throughout the drafting of this bill. It had been our hope to reach 95 cents, but we soon recognized that we could not do it if we were to build a successful coalition and to properly recognize the individual requirements of certain geographic regions of the United States, primarily the Western States.

They require certain augmentation of their financial status under this legislation because they recognize from experience, not only on this bill but on other bills, that when western interests go into a conference between the House and the Senate, they have far fewer Members of the House of Representatives from those States.

It goes back to the very fundamental principle, Mr. President, the very fundamental principle that when our forefathers laid down this Government and fashioned this Republic, the oldest surviving democratic form of republic on Earth today, the United States with its Constitution and Bill of Rights, when they fashioned that, they recognized letting the States have equal representation in the Senate because in the House of Representatives that representation is recognized by virtue of the population.

So we strengthened the financial position of the Western States, recognizing historically that strength has been diminished from the Senate position as a consequence of fewer Members in the House.

We are going to hold and protect our Western States in this bill. That is why we had to drop from 95 cents to the 90 cents.

Many, many of the donor States are now recognizing that 90 cents is an enormous increment from where they were. In my State, we got 79 cents on the dollar. There is relative joy in my State as we move to 90, and indeed, six donor States got a small fraction or so above 90 as a consequence of a small application of the formula, not through selectivity.

This bill will use the most currently available data to achieve a fair distribution fund. That will include factors that represent the divergent transportation needs of our Nation. There will be no surprises. We will use lane miles which represent the extent of our highway network, vehicle miles traveled or VMT's, which measure the volume of traffic on the system, bridge measurement based on the number of structurally deficient and capacity limited bridges, and diesel fuel consumption that represents the freight traffic.

I look forward to continuing the Senate's work on this vital legislation and am proud today to have brought to the Senate a balanced, fair, and solid proposal. This highway transportation proposal, in terms of spending is second in size only to the defense bill, and its significance to the American economy is similar. The bottom line is this bill is a regionally balanced, multidimensional plan that will establish transportation policy for the 21st century. It carves a big role for public input, respects the environment, and in a broader sense empowers States and local governments.

We have at long last abandoned the archaic measurements of postal route mileage and other outdated measurements used in ISTEA.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intermodal Transportation Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition.

TITLE I—SURFACE TRANSPORTATION

Sec. 1001. Short title.

Subtitle A—General Provisions

Sec. 1101. Authorizations.
Sec. 1102. Apportionments.
Sec. 1103. Obligation ceiling.
Sec. 1104. Obligation authority under surface transportation program.
Sec. 1105. Emergency relief.
Sec. 1106. Federal lands highways program.
Sec. 1107. Recreational trails program.
Sec. 1108. Value pricing pilot program.
Sec. 1109. Highway use tax evasion projects.
Sec. 1110. Bicycle transportation and pedestrian walkways.
Sec. 1111. Disadvantaged business enterprises.
Sec. 1112. Federal share payable.
Sec. 1113. Studies and reports.
Sec. 1114. Definitions.
Sec. 1115. Cooperative Federal Lands Transportation Program.
Sec. 1116. Trade corridor and border crossing planning.
Sec. 1117. Appalachian development highway system.
Sec. 1118. Interstate 4R and bridge discretionary program.
Sec. 1119. Magnetic levitation transportation technology deployment program.
Sec. 1120. Woodrow Wilson Memorial Bridge.
Sec. 1121. National Highway System components.
Sec. 1122. Highway bridge replacement and rehabilitation.
Sec. 1123. Congestion mitigation and air quality improvement program.
Sec. 1124. Safety belt use law requirements.

Subtitle B—Program Streamlining and Flexibility

CHAPTER 1—GENERAL PROVISIONS

Sec. 1201. Administrative expenses.
Sec. 1202. Real property acquisition and corridor preservation.
Sec. 1203. Availability of funds.

Sec. 1204. Payments to States for construction.
Sec. 1205. Proceeds from the sale or lease of real property.
Sec. 1206. Metric conversion at State option.
Sec. 1207. Report on obligations.
Sec. 1208. Terminations.
Sec. 1209. Interstate maintenance.

CHAPTER 2—PROJECT APPROVAL

Sec. 1221. Transfer of highway and transit funds.
Sec. 1222. Project approval and oversight.
Sec. 1223. Surface transportation program.
Sec. 1224. Design-build contracting.

CHAPTER 3—ELIGIBILITY AND FLEXIBILITY

Sec. 1231. Definition of operational improvement.
Sec. 1232. Eligibility of ferry boats and ferry terminal facilities.
Sec. 1233. Flexibility of safety programs.
Sec. 1234. Eligibility of projects on the National Highway System.
Sec. 1235. Eligibility of projects under the surface transportation program.
Sec. 1236. Design flexibility.

Subtitle C—Finance

CHAPTER 1—GENERAL PROVISIONS

Sec. 1301. State infrastructure bank program.

CHAPTER 2—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

Sec. 1311. Short title.
Sec. 1312. Findings.
Sec. 1313. Definitions.
Sec. 1314. Determination of eligibility and project selection.
Sec. 1315. Secured loans.
Sec. 1316. Lines of credit.
Sec. 1317. Project servicing.
Sec. 1318. Office of Infrastructure Finance.
Sec. 1319. State and local permits.
Sec. 1320. Regulations.
Sec. 1321. Funding.
Sec. 1322. Report to Congress.

Subtitle D—Safety

Sec. 1401. Operation lifesaver.
Sec. 1402. Railway-highway crossing hazard elimination in high speed rail corridors.
Sec. 1403. Railway-highway crossings.
Sec. 1404. Hazard elimination program.
Sec. 1405. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
Sec. 1406. Safety incentive grants for use of seat belts.

Subtitle E—Environment

Sec. 1501. National scenic byways program.
Sec. 1502. Public-private partnerships.
Sec. 1503. Wetland restoration pilot program.

Subtitle F—Planning

Sec. 1601. Metropolitan planning.
Sec. 1602. Statewide planning.
Sec. 1603. Advanced travel forecasting procedures program.
Sec. 1604. Transportation and community and system preservation pilot program.

Subtitle G—Technical Corrections

Sec. 1701. Federal-aid systems.
Sec. 1702. Miscellaneous technical corrections.
Sec. 1703. Nondiscrimination.
Sec. 1704. State transportation department.

TITLE II—RESEARCH AND TECHNOLOGY

Subtitle A—Research and Training

Sec. 2001. Strategic research plan.
Sec. 2002. Multimodal transportation research and development program.
Sec. 2003. National university transportation centers.
Sec. 2004. Bureau of Transportation Statistics.
Sec. 2005. Research and technology program.
Sec. 2006. Advanced research program.
Sec. 2007. Long-term pavement performance program.
Sec. 2008. State planning and research program.
Sec. 2009. Education and training.
Sec. 2010. International highway transportation outreach program.
Sec. 2011. National technology deployment initiatives and partnerships program.
Sec. 2012. Infrastructure investment needs report.
Sec. 2013. Innovative bridge research and construction program.
Sec. 2014. Use of Bureau of Indian Affairs administrative funds.
Sec. 2015. Study of future strategic highway research program.
Sec. 2016. Joint partnerships for advanced vehicles, components, and infrastructure program.
Sec. 2017. Conforming amendments.

Subtitle B—Intelligent Transportation Systems

Sec. 2101. Short title.
Sec. 2102. Findings.
Sec. 2103. Intelligent transportation systems.
Sec. 2104. Conforming amendment.

Subtitle C—Funding

Sec. 2201. Funding.

SEC. 2. DEFINITION.

In this Act, the term "Secretary" means the Secretary of Transportation.

TITLE I—SURFACE TRANSPORTATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Surface Transportation Act of 1997".

Subtitle A—General Provisions

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $11,979,000,000 for fiscal year 1998, $11,808,000,000 for fiscal year 1999, $11,819,000,000 for fiscal year 2000, $11,916,000,000 for fiscal year 2001, $12,242,000,000 for fiscal year 2002, and $12,776,000,000 for fiscal year 2003, of which—

(A) $4,600,000,000 for fiscal year 1998, $4,609,000,000 for fiscal year 1999, $4,637,000,000 for fiscal year 2000, $4,674,000,000 for fiscal year 2001, $4,773,000,000 for fiscal year 2002, and $4,918,000,000 for fiscal year 2003 shall be used for the Interstate maintenance component; and

(B) $1,400,000,000 for fiscal year 1998, $1,403,000,000 for fiscal year 1999, $1,411,000,000 for fiscal year 2000, $1,423,000,000 for fiscal year 2001, $1,453,000,000 for fiscal year 2002, and $1,497,000,000 for fiscal year 2003 shall be used for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,000,000,000 for fiscal year 1998, $7,014,000,000 for fiscal year 1999, $7,056,000,000 for fiscal year 2000, $7,113,000,000 for fiscal year 2001, $7,263,000,000 for fiscal year 2002, and $7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,150,000,000 for fiscal year 1998, $1,152,000,000 for fiscal year 1999, $1,159,000,000 for fiscal year 2000, $1,169,000,000 for fiscal year 2001, $1,193,000,000 for fiscal year 2002, and $1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Transportation Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Transportation Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

“(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

“(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

“(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

“(i) IN GENERAL.—For the National Highway System (excluding activities for which funds are apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 29 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

“(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

“(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

“(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

“(ii) the total of all weighted nonattainment and maintenance area populations in all States.

“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area;

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under that Act; or

“(III) as of the date of enactment of the Intermodal Transportation Act of 1997, the area is considered by the Administrator of the Environmental Protection Agency to be a flexible attainment region;

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

“(II) the total square footage structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

“(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.”.

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Transportation Act of 1997 and title 23, United States Code.”.

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) ADJUSTMENT.—

"(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

"(A) the ratio that—

"(i) each State's percentage of the total apportionments for the fiscal year—

"(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

"(II) under section 1102(c) of the Intermodal Transportation Act of 1997 for ISTEA transition; bears to

"(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

"(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

"(i) not less than the percentage specified for the State in paragraph (2); but

"(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Transportation Act of 1997 for the fiscal year.

"(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

"State	**Percentage**
Alaska	1.24
Arkansas	1.33
Delaware	0.47
Hawaii	0.55
Idaho	0.82
Montana	1.06
Nevada	0.73
New Hampshire	0.52
New Jersey	2.41
New Mexico	1.05
North Dakota	0.73
Rhode Island	0.58
South Dakota	0.78
Vermont	0.47
Wyoming	0.76.

"(b) TREATMENT OF ALLOCATIONS.—

"(1) OBLIGATION.—Amounts allocated under subsection (a)—

"(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

"(B) shall be available for any purpose eligible for funding under this title.

"(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

"(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

"(d) Authorization of Contract Authority.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.".

(2) Conforming amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

"105. Minimum guarantee.".

(e) Audits of Highway Trust Fund.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

"(i) Audits of Highway Trust Fund.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.".

(f) Technical Amendments.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting "Notification to States.—" after "(e)";

(B) in the first sentence—

(i) by striking "(other than under subsection (b)(5) of this section)"; and

(ii) by striking "and research";

(C) by striking the second sentence; and

(D) in the last sentence, by striking ", except that" and all that follows through "such funds"; and

(2) in subsection (f)—

(A) by striking "(f)(1) On" and inserting the following:

"(f) Metropolitan Planning.—

"(1) Set-aside.—On";

(B) by striking "(2) These" and inserting the following:

"(2) Apportionment to states of set-aside funds.—These";

(C) by striking "(3) The" and inserting the following:

"(3) Use of funds.—The"; and

(D) by striking "(4) The" and inserting the following:

"(4) Distribution of funds within states.—The".

(g) Conforming Amendments.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking "104(b)(2), and 104(b)(6)" and inserting "and 104(b)(2)".

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking "After the first year" and inserting "In general"; and

(II) by striking ", 104(b)(2), 104(b)(5), and 104(b)(6)" and inserting "and 104(b)(2)"; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraph (1)"; and

(B) by striking subsection (b) and inserting the following:

"(b) Effect of Withholding of Funds.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.".

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking "or 104(b)(5), as the case may be,".

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(1)(A)".

(C) Section 141(c) of title 23, United States Code, is amended by striking "section 104(b)(5) of this title" each place it appears and inserting "section 104(b)(1)(A)".

(D) Section 142(c) of title 23, United States Code, is amended by striking "(other than section 104(b)(5)(A))".

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking "(5) of" each place it appears and inserting "(5) (as in effect on the day before the date of enactment of the Intermodal Transportation Act of 1997) of"; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking "section 104(b)(5)(A)" each place it appears and inserting "section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Transportation Act of 1997)";

(II) in paragraph (1)(A)(ii), by striking "section 104(b)(5)(B)" and inserting "section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Transportation Act of 1997)";

(III) in paragraph (3)(B), by striking "(5)(B)" and inserting "(5)(B) (as in effect on the day before the date of enactment of the Intermodal Transportation Act of 1997)"; and

(IV) in paragraphs (3)(B) and (4), by striking "section 104(b)(5)" each place it appears and inserting "section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Transportation Act of 1997)".

(F) Section 161(a) of title 23, United States Code, is amended by striking "paragraphs (1), (3), and (5)(B) of section 104(b)" each place it appears and inserting "paragraphs (1) and (3) of section 104(b)".

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking "sections 130, 144, and 152 of this title" and inserting "subsection (b)(1)(B) and sections 130 and 152";

(ii) in the first and second sentences—

(I) by striking "section" and inserting "provision"; and

(II) by striking "such sections" and inserting "those provisions"; and

(iii) in the third sentence—

(I) by striking "section 144" and inserting "subsection (b)(1)(B)"; and

(II) by striking "subsection (b)(1)" and inserting "subsection (b)(1)(C)".

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking "104(b)(2), 104(b)(3), 104(f), 144," and inserting "104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),"; and

(ii) in subsection (c), by striking "144,,".

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking "and in section 144 of this title".

(D) Section 151(d) of title 23, United States Code, is amended by striking "section 104(a), section 307(a), and section 144 of this title" and inserting "subsections (a) and (b)(1)(B) of section 104 and section 307(a)".

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking "or section 144 of this title".

(F) Section 303(g) of title 23, United States Code, is amended by striking "section 144 of this title" and inserting "section 104(b)(1)(B)".

SEC. 1103. OBLIGATION CEILING.

(a) General Limitation.—Subject to the other provisions of this section and notwithstanding any other provision of law, the total amount of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $21,800,000,000 for fiscal year 1998;

(2) $22,768,000,000 for fiscal year 1999;

(3) $22,901,000,000 for fiscal year 2000;

(4) $23,070,000,000 for fiscal year 2001;

(5) $23,511,000,000 for fiscal year 2002; and

(6) $24,259,000,000 for fiscal year 2003.

(b) Exceptions.—

(1) In general.—The limitations under subsection (a) shall not apply to obligations of funds under—

(A) section 125 of title 23, United States Code;

(B) section 105(a) of that title, excluding amounts allocated under section 105(a)(1)(B) of that title;

(C) section 157 of that title (as in effect on the day before the date of enactment of this Act);

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(F) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(G) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198); and

(H) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027).

(2) Effect of other law.—A provision of law establishing a limitation on obligations for Federal-aid highway and highway safety construction programs may not amend or limit the applicability of this subsection, unless the provision specifically amends or limits that applicability.

(c) Applicability to Transportation Research Programs.—Obligation limitations for Federal-aid highway and highway safety construction programs established by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code.

(d) Obligation Authority.—Section 118 of title 23, United States Code, is amended by adding at the end the following:

"(g) Obligation Authority.—

"(1) Distribution.—For each fiscal year, the Secretary shall—

"(A) distribute the total amount of obligation authority for Federal-aid highways and highway safety construction programs made available for the fiscal year by allocation in the ratio that—

"(i) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to each State for the fiscal year; bears to

"(ii) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to all States for the fiscal year;

"(B) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State; and

"(C) not distribute—

"(i) amounts deducted under section 104(a) for administrative expenses;

"(ii) amounts made available for the Federal lands highways program under section 204;

"(iii) amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201); and

"(iv) amounts made available for implementation of programs under chapter 5 of this title and sections 5222, 5232, and 5241 of title 49.

"(2) REDISTRIBUTION.—Notwithstanding paragraph (1), the Secretary shall, after August 1 of each of fiscal years 1998 through 2003—

"(A) revise a distribution of the funds made available under paragraph (1) for the fiscal year if a State will not obligate the amount distributed during the fiscal year; and

"(B) redistribute sufficient amounts to those States able to obligate amounts in addition to the amounts previously distributed during the fiscal year, giving priority to those States that have large unobligated balances of funds apportioned under section 104 and under section 144 (as in effect on the day before the date of enactment of this subsection).".

(e) APPLICABILITY OF OBLIGATION LIMITATIONS.—An obligation limitation established by a provision of any other Act shall not apply to obligations under a program funded under this Act or title 23, United States Code, unless—

(1) the provision specifically amends or limits the applicability of this subsection; or

(2) an obligation limitation is specified in this Act with respect to the program.

SEC. 1104. OBLIGATION AUTHORITY UNDER SURFACE TRANSPORTATION PROGRAM.

Section 133 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

"(f) OBLIGATION AUTHORITY.—

"(1) IN GENERAL.—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3) shall make available during the 3-fiscal year period of 1998 through 2000, and the 3-fiscal year period of 2001 through 2003, an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

"(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during each such period; by

"(B) the ratio that—

"(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

"(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

"(2) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).".

SEC. 1105. EMERGENCY RELIEF.

(a) FEDERAL SHARE.—Section 120(e) of title 23, United States Code, is amended in the first sentence by striking "highway system" and inserting "highway".

(b) ELIGIBILITY AND FUNDING.—Section 125 of title 23, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively;

(3) by inserting after the section heading the following:

"(a) GENERAL ELIGIBILITY.—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any part of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

"(1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

"(2) catastrophic failure from any external cause.

"(b) RESTRICTION ON ELIGIBILITY.—In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges that have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.

"(c) FUNDING.—Subject to the following limitations, there are hereby authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis:

"(1) Not more than $100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out the provisions of this section, except that, if in any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated in such fiscal year, the unobligated balance of such amount shall remain available until expended and shall be in addition to amounts otherwise available to carry out this section each year.

"(2) Pending such appropriation or replenishment, the Secretary may obligate from any funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, provided that such funds are reimbursed from the appropriations authorized in paragraph (1) of this subsection when such appropriations are made.";

(4) in subsection (d) (as so redesignated), by striking "subsection (c)" both places it appears and inserting "subsection (e)"; and

(5) in subsection (e) (as so redesignated), by striking "on any of the Federal-aid highway systems" and inserting "Federal-aid highways".

(c) SAN MATEO COUNTY, CALIFORNIA.—Notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, that—

(1) was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide;

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities; and

(3) complies with the local coastal plan;

shall be eligible for assistance under section 125(a) of title 23, United States Code.

SEC. 1106. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) FEDERAL SHARE PAYABLE.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

"(j) USE OF FEDERAL LAND MANAGEMENT AGENCY FUNDS.—Notwithstanding any other provision of law, the funds appropriated to any Federal land management agency may be used to pay the non-Federal share of the cost of any Federal-aid highway project the Federal share of which is funded under section 104.

"(k) USE OF FEDERAL LANDS HIGHWAYS PROGRAM FUNDS.—Notwithstanding any other provision of law, the funds made available to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.".

(b) AVAILABILITY OF FUNDS.—Section 203 of title 23, United States Code, is amended by adding at the end the following: "Notwithstanding any other provision of law, the authorization by the Secretary of engineering and related work for a Federal lands highways program project, or the approval by the Secretary of plans, specifications, and estimates for construction of a Federal lands highways program project, shall be deemed to constitute a contractual obligation of the Federal Government to the pay the Federal share of the cost of the project.".

(c) PLANNING AND AGENCY COORDINATION.—Section 204 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges.

"(2) TRANSPORTATION PLANNING PROCEDURES.—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

"(3) APPROVAL OF TRANSPORTATION IMPROVEMENT PROGRAM.—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

"(4) INCLUSION IN OTHER PLANS.—All regionally significant Federal lands highways program projects—

"(A) shall be developed in cooperation with States and metropolitan planning organizations; and

"(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

"(5) INCLUSION IN STATE PROGRAMS.—The approved Federal lands highways program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

"(6) DEVELOPMENT OF SYSTEMS.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.";

(2) in subsection (b), by striking the first 3 sentences and inserting the following: "Funds available for public lands highways,

park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.";

(3) in the first sentence of subsection (e), by striking "Secretary of the Interior" and inserting "Secretary of the appropriate Federal land management agency";

(4) in subsection (h), by adding at the end the following:

"(8) A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.";

(5) by striking subsection (i) and inserting the following:

"(i) Transfers of Costs to Secretaries of Federal Land Management Agencies.—

"(1) Administrative costs.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

"(2) Transportation planning costs.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section."; and

(6) in subsection (j), by striking the second sentence and inserting the following: "The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).".

SEC. 1107. RECREATIONAL TRAILS PROGRAM.

(a) In General.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

"§206. Recreational trails program

"(a) Definitions.—

"(1) Motorized recreation.—The term 'motorized recreation' means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

"(2) Recreational trail; trail.—The term 'recreational trail' or 'trail' means a thoroughfare or track across land or snow, used for recreational purposes such as—

"(A) pedestrian activities, including wheelchair use;

"(B) skating or skateboarding;

"(C) equestrian activities, including carriage driving;

"(D) nonmotorized snow trail activities, including skiing;

"(E) bicycling or use of other human-powered vehicles;

"(F) aquatic or water activities; and

"(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

"(b) Program.—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails (referred to in this section as the 'program').

"(c) State Responsibilities.—To be eligible for apportionments under this section—

"(1) a State may use apportionments received under this section for construction of new trails crossing Federal lands only if the construction is—

"(A) permissible under other law;

"(B) necessary and required by a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.);

"(C) approved by the administering agency of the State designated under paragraph (2); and

"(D) approved by each Federal agency charged with management of the affected lands, which approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

"(2) the Governor of a State shall designate the State agency or agencies that will be responsible for administering apportionments received under this section; and

"(3) the State shall establish within the State a State trail advisory committee that represents both motorized and nonmotorized trail users.

"(d) Use of Apportioned Funds.—

"(1) In general.—Funds made available under this section shall be obligated for trails and trail-related projects that—

"(A) have been planned and developed under the laws, policies, and administrative procedures of each State; and

"(B) are identified in, or further a specific goal of, a trail plan or trail plan element included or referenced in a metropolitan transportation plan required under section 134 or a statewide transportation plan required under section 135, consistent with the statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.).

"(2) Permissible uses.—Permissible uses of funds made available under this section include—

"(A) maintenance and restoration of existing trails;

"(B) development and rehabilitation of trailside and trailhead facilities and trail linkages;

"(C) purchase and lease of trail construction and maintenance equipment;

"(D) construction of new trails;

"(E) acquisition of easements and fee simple title to property for trails or trail corridors;

"(F) costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment received by the State for a fiscal year; and

"(G) operation of educational programs to promote safety and environmental protection as these objectives relate to the use of trails.

"(3) Use of apportionments.—

"(A) In general.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments received for a fiscal year by a State under this section—

"(i) 40 percent shall be used for trail or trail-related projects that facilitate diverse recreational trail use within a trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

"(ii) 30 percent shall be used for uses relating to motorized recreation; and

"(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

"(B) Small state exclusion.—Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of subparagraph (A) upon application to the Secretary by the State demonstrating that the State meets the conditions of this subparagraph.

"(C) Waiver authority.—Upon the request of a State trail advisory committee established under subsection (c)(3), the Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to the State if the State certifies to the Secretary that the State does not have sufficient projects to meet the requirements of subparagraph (A).

"(D) State administrative costs.—State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

"(e) Environmental Benefit or Mitigation.—To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

"(f) Federal Share.—

"(1) In general.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

"(2) Federal agency project sponsor.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

"(A) the share attributable to the Secretary of Transportation may not exceed 80 percent; and

"(B) the share attributable to the Secretary and the Federal agency jointly may not exceed 95 percent.

"(3) Use of funds from federal programs to provide non-federal share.—Notwithstanding any other provision of law, amounts made available by the Federal Government under any Federal program that are—

"(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

"(B) expended on a project that is eligible for assistance under this section;

may be credited toward the non-Federal share of the cost of the project.

"(4) Programmatic non-federal share.—A State may allow adjustments to the non-Federal share of an individual project under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for a fiscal year does not exceed 80 percent.

"(5) State administrative costs.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).

"(g) Uses Not Permitted.—A State may not obligate funds apportioned under this section for—

"(1) condemnation of any kind of interest in property;

"(2) construction of any recreational trail on National Forest System land for any motorized use unless—

"(A) the land has been apportioned for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

"(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

"(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

"(A) has been apportioned for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to other uses by an Act of Congress; and

"(B) the construction is otherwise consistent with the management direction in the approved management plan; or

"(4) upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by nonmotorized trail users and on which, as of May 1, 1991, motorized use is prohibited or has not occurred.

"(h) Project Administration.—

"(1) Credit for donations of funds, materials, services, or new right-of-way.—

"(A) In general.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).

"(B) Federal project sponsors.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

"(2) Recreational purpose.—A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

"(3) Continuing recreational use.—At the option of each State, funds made available under this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(f)(3)).

"(4) Cooperation by private persons.—

"(A) Written assurances.—As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the property will cooperate with the State and participate as necessary in the activities to be conducted.

"(B) Public access.—Any use of the apportionments to a State under this section on private land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

"(i) Apportionment.—

"(1) Definition of eligible state.—In this subsection, the term 'eligible State' means a State that meets the requirements of subsection (c).

"(2) Apportionment.—Subject to subsection (j), for each fiscal year, the Secretary shall apportion—

"(A) 50 percent of the amounts made available to carry out this section equally among eligible States; and

"(B) 50 percent of the amounts made available to carry out this section among eligible States in proportion to the quantity of nonhighway recreational fuel used in each eligible State during the preceding year.

"(j) Administrative Costs.—

"(1) In general.—Whenever an apportionment is made under subsection (i) of the amounts made available to carry out this section, the Secretary shall first deduct an amount, not to exceed 1 percent of the authorized amounts, to pay the costs to the Secretary for administration of, and research authorized under, the program.

"(2) Use of contracts.—To carry out research funded under paragraph (1), the Secretary may—

"(A) enter into contracts with for-profit organizations; and

"(B) enter into contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations.

"(k) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $17,000,000 for fiscal year 1998, $20,000,000 for fiscal year 1999, $22,000,000 for fiscal year 2000, $23,000,000 for fiscal year 2001, $24,000,000 for fiscal year 2002, and $25,000,000 for fiscal year 2003.

"(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.".

(b) Conforming Amendments.—

(1) The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title I (16 U.S.C. 1261 et seq.).

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting the following:

"206. Recreational trails program.".

SEC. 1108. VALUE PRICING PILOT PROGRAM.

(a) In General.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in the subsection heading, by striking "Congestion" and inserting "Value"; and

(2) in paragraph (1), by striking "congestion" each place it appears and inserting "value".

(b) Increased Number of Projects.—Section 1012(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence by striking "5" and inserting "15".

(c) Eligibility of Preimplementation Costs.— Section 1012(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence—

(1) by inserting after "Secretary shall fund" the following: "all preimplementation costs and project design, and"; and

(2) by inserting after "Secretary may not fund" the following: "the implementation costs of".

(d) Tolling.—Section 1012(b)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking "a pilot program under this section, but not on more than 3 of such programs" and inserting "any value pricing pilot program under this subsection".

(e) HOV Passenger Requirements.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking paragraph (6) and inserting the following:

"(6) HOV passenger requirements.—Notwithstanding section 102 of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.".

(f) Funding.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by adding at the end the following:

"(7) Authorization of contract authority.—

"(A) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $8,000,000 for each of fiscal years 1998 through 2003.

"(B) Availability.—

"(i) In general.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(ii) Use of unallocated funds.—If the total amount of funds made available from the Highway Trust Fund under this subsection but not allocated exceeds $8,000,000 as of September 30 of any year, the excess amount—

"(I) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

"(II) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

"(III) shall be available for any purpose eligible for funding under section 133 of that title.

"(C) Contract authority.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this paragraph shall be determined in accordance with this subsection.".

(g) Conforming Amendments.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in paragraph (1), by striking "projects" each place it appears and inserting "programs"; and

(2) in paragraph (5)—

(A) by striking "projects" and inserting "programs"; and

(B) by striking "traffic, volume" and inserting "traffic volume".

SEC. 1109. HIGHWAY USE TAX EVASION PROJECTS.

(a) IN GENERAL.—Section 143 of title 23, United States Code, is amended to read as follows:

"§ 143. Highway use tax evasion projects

"(a) DEFINITION OF STATE.—In this section, the term 'State' means the 50 States and the District of Columbia.

"(b) PROJECTS.—

"(1) IN GENERAL.—The Secretary shall use funds made available under paragraph (7) to carry out highway use tax evasion projects in accordance with this subsection.

"(2) ALLOCATION OF FUNDS.—The funds may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary.

"(3) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

"(4) LIMITATION ON USE OF FUNDS.—Funds made available under paragraph (7) shall be used only—

"(A) to expand efforts to enhance motor fuel tax enforcement;

"(B) to fund additional Internal Revenue Service staff, but only to carry out functions described in this paragraph;

"(C) to supplement motor fuel tax examinations and criminal investigations;

"(D) to develop automated data processing tools to monitor motor fuel production and sales;

"(E) to evaluate and implement registration and reporting requirements for motor fuel taxpayers;

"(F) to reimburse State expenses that supplement existing fuel tax compliance efforts; and

"(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes.

"(5) MAINTENANCE OF EFFORT.—The Secretary may not make an allocation to a State under this subsection for a fiscal year unless the State certifies that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding 2 fiscal years of the State.

"(6) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be 100 percent.

"(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(A) IN GENERAL.—There shall be available to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,000,000 for each of fiscal years 1998 through 2003.

"(B) AVAILABILITY OF FUNDS.—Funds authorized under this paragraph shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

"(c) EXCISE FUEL REPORTING SYSTEM.—

"(1) IN GENERAL.—Not later than April 1, 1998, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development and maintenance by the Internal Revenue Service of an excise fuel reporting system (referred to in this subsection as the 'system').

"(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

"(A) the Internal Revenue Service shall develop and maintain the system through contracts;

"(B) the system shall be under the control of the Internal Revenue Service; and

"(C) the system shall be made available for use by appropriate State and Federal revenue, tax, or law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

"(3) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

"(A) $8,000,000 for development of the system; and

"(B) $2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.".

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 143 and inserting the following:

"143. Highway use tax evasion projects.".

(2) Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is repealed.

(3) Section 8002 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2204) is amended—

(A) in the first sentence of subsection (g), by striking "section 1040 of this Act" and inserting "section 143 of title 23, United States Code,"; and

(B) by striking subsection (h).

SEC. 1110. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

Section 217 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "pedestrian walkways and" after "construction of"; and

(B) by striking "(other than the Interstate System)";

(2) in subsection (e), by striking ", other than a highway access to which is fully controlled,";

(3) by striking subsection (g) and inserting the following:

"(g) PLANNING AND DESIGN.—

"(1) IN GENERAL.—Bicyclists and pedestrians shall be given consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively.

"(2) CONSTRUCTION.—Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

"(3) SAFETY AND CONTIGUOUS ROUTES.—Transportation plans and projects shall provide consideration for safety and contiguous routes for bicyclists and pedestrians.";

(4) in subsection (h)—

(A) by striking "No motorized vehicles shall" and inserting "Motorized vehicles may not"; and

(B) by striking paragraph (3) and inserting the following:

"(3) wheelchairs that are powered; and"; and

(5) by striking subsection (j) and inserting the following:

"(j) DEFINITIONS.—In this section:

"(1) BICYCLE TRANSPORTATION FACILITY.—The term 'bicycle transportation facility' means a new or improved lane, path, or shoulder for use by bicyclists or a traffic control device, shelter, or parking facility for bicycles.

"(2) PEDESTRIAN.—The term 'pedestrian' means any person traveling by foot or any mobility impaired person using a wheelchair.

"(3) WHEELCHAIR.—The term 'wheelchair' means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.".

SEC. 1111. DISADVANTAGED BUSINESS ENTERPRISES.

(a) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I and II of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $16,600,000, as adjusted by the Secretary for inflation.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(c) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

SEC. 1112. FEDERAL SHARE PAYABLE.

Section 120 of title 23, United States Code (as amended by section 1106(a)), is amended—

(1) in each of subsections (a) and (b), by adding at the end the following: "In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection."; and

(2) by adding at the end the following:

"(l) CREDIT FOR NON-FEDERAL SHARE.—

"(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal share requirement for any program under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) or this title, other than the emergency relief program authorized by section 125, toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain, without the use of Federal funds, highways, bridges, or tunnels that serve the public purpose of interstate commerce.

“(2) MAINTENANCE OF EFFORT.—

“(A) IN GENERAL.—The credit toward any non-Federal share under paragraph (1) shall not reduce nor replace State funds required to match Federal funds for any program under this title.

“(B) CONDITIONS ON RECEIPT OF CREDIT.—

“(i) AGREEMENT WITH THE SECRETARY.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.

“(ii) EXCEPTION.—Notwithstanding clause (i), a State may receive a credit under paragraph (1) for a fiscal year if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 25 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years.

“(3) TREATMENT.—

“(A) IN GENERAL.—Use of the credit toward a non-Federal share under paragraph (1) shall not expose the agencies from which the credit is received to additional liability, additional regulation, or additional administrative oversight.

“(B) CHARTERED MULTISTATE AGENCIES.—When credit is applied from a chartered multistate agency under paragraph (1), the credit shall be applied equally to all charter States.

“(C) NO ADDITIONAL STANDARDS.—The public, quasi-public, and private agencies from which the credit for which the non-Federal share is calculated under paragraph (1) shall not be subject to any additional Federal design standards or laws (including regulations) as a result of providing the credit beyond the standards and laws to which the agency is already subject.”.

SEC. 1113. STUDIES AND REPORTS.

(a) HIGHWAY ECONOMIC REQUIREMENT SYSTEM.—

(1) METHODOLOGY.—

(A) EVALUATION.—The Comptroller General of the United States shall conduct an evaluation of the methodology used by the Department of Transportation to determine highway needs using the highway economic requirement system (referred to in this subsection as the “model”).

(B) REQUIRED ELEMENT.—The evaluation shall include an assessment of the extent to which the model estimates an optimal level of highway infrastructure investment, including an assessment as to when the model may be overestimating or underestimating investment requirements.

(C) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the evaluation.

(2) STATE INVESTMENT PLANS.—

(A) STUDY.—In consultation with State transportation departments and other appropriate State and local officials, the Comptroller General of the United States shall conduct a study on the extent to which the highway economic requirement system of the Federal Highway Administration can be used to provide States with useful information for developing State transportation investment plans and State infrastructure investment projections.

(B) REQUIRED ELEMENTS.—The study shall—

(i) identify any additional data that may need to be collected beyond the data submitted, prior to the date of enactment of this Act, to the Federal Highway Administration through the highway performance monitoring system; and

(ii) identify what additional work, if any, would be required of the Federal Highway Administration and the States to make the model useful at the State level.

(C) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(b) INTERNATIONAL ROUGHNESS INDEX.—

(1) STUDY.—The Comptroller General of the United States shall submit a report to Congress on the international roughness index that is used as an indicator of pavement quality on the Federal-aid highway system.

(2) REQUIRED ELEMENTS.—The study shall specify the extent of usage of the index and the extent to which the international roughness index measurement is reliable across different manufacturers and types of pavement.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(c) REPORTING OF RATES OF OBLIGATION.—Section 104 of title 23, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (m); and

(2) by inserting after subsection (i) the following:

“(j) REPORTING OF RATES OF OBLIGATION.—On an annual basis, the Secretary shall publish or otherwise report rates of obligation of funds apportioned or set aside under this section and sections 103 and 133 according to—

“(1) program;

“(2) funding category or subcategory;

“(3) type of improvement;

“(4) State; and

“(5) sub-State geographic area, including urbanized and rural areas, on the basis of the population of each such area.”.

SEC. 1114. DEFINITIONS.

(a) FEDERAL-AID HIGHWAY FUNDS AND PROGRAM.—

(1) IN GENERAL.—Section 101(a) of title 23, United States Code, is amended by inserting before the undesignated paragraph defining “Federal-aid highways” the following:

“The term ‘Federal-aid highway funds’ means funds made available to carry out the Federal-aid highway program.

“The term ‘Federal-aid highway program’ means all programs authorized under chapters 1, 3, and 5.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 101(d) of title 23, United States Code, is amended by striking “the construction of Federal-aid highways or highway planning, research, or development” and inserting “the Federal-aid highway program”.

(B) Section 104(m)(1) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended by striking “Federal-aid highways and the highway safety construction programs” and inserting “the Federal-aid highway program”.

(C) Section 107(b) of title 23, United States Code, is amended in the second sentence by striking “Federal-aid highways” and inserting “the Federal-aid highway program”.

(b) ALPHABETIZATION OF DEFINITIONS.—Section 101(a) of title 23, United States Code, is amended by reordering the undesignated paragraphs so that they are in alphabetical order.

SEC. 1115. COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code (as amended by section 1107(a)), is amended by inserting after section 206 the following:

“§ 207. Cooperative Federal Lands Transportation Program

“(a) IN GENERAL.—There is established the Cooperative Federal Lands Transportation Program (referred to in this section as the ‘program’). Funds available for the program may be used for projects, or portions of projects, on highways that are owned or maintained by States or political subdivisions of States and that cross, are adjacent to, or lead to federally owned land or Indian reservations, as determined by the State. Such projects shall be proposed by a State and selected by the Secretary. A project proposed by a State under this section shall be on a highway or bridge owned or maintained by the State, or 1 or more political subdivisions of the State, and may be a highway or bridge construction or maintenance project eligible under this title or any project of a type described in section 204(h).

“(b) DISTRIBUTION OF FUNDS FOR PROJECTS.—

“(1) IN GENERAL.—

“(A) IN GENERAL.—The Secretary—

“(i) after consultation with the Administrator of General Services, the Secretary of the Interior, and other agencies as appropriate, shall determine the percentage of the total land in each State that is owned by the Federal Government or that is held by the Federal Government in trust;

“(ii) shall determine the sum of the percentages determined under clause (i) for States with respect to which the percentage is 4.5 or greater; and

“(iii) shall determine for each State included in the determination under clause (ii) the percentage obtained by dividing—

“(I) the percentage for the State determined under clause (i); by

“(II) the sum determined under clause (ii).

“(B) ADJUSTMENT.—The Secretary shall—

“(i) reduce any percentage determined under subparagraph (A)(iii) that is greater than 7.5 percent to 7.5 percent; and

“(ii) redistribute the percentage points equal to any reduction under clause (i) among other States included in the determination under subparagraph (A)(ii) in proportion to the percentages for those States determined under subparagraph (A)(iii).

“(2) AVAILABILITY TO STATES.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall make funds available to carry out eligible projects in a State in an amount equal to the amount obtained by multiplying—

“(A) the percentage for the State, if any, determined under paragraph (1); by

“(B) the funds made available for the program for the fiscal year.

“(3) SELECTION OF PROJECTS.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline may not be earlier than January 1, 1998. For each fiscal year, if a State does not have pending, by that deadline, applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount for the State determined under paragraph (2).

"(c) TRANSFERS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a State and the Secretary may agree to transfer amounts made available to a State under this section to the allocations of the State under section 202 for use in carrying out projects on any Federal lands highway that is located in the State.

"(2) SPECIAL RULE.—This paragraph applies to a State that contains a national park that was visited by more than 2,500,000 people in 1996 and comprises more than 3,000 square miles of land area, including surface water, that is located in the State. For such a State, 50 percent of the amount that would otherwise be made available to the State for each fiscal year under the program shall be made available only for eligible highway uses in the national park and within the borders of the State. For the purpose of making allocations under section 202(c), the Secretary may not take into account the past or future availability, for use on park roads and parkways in a national park, of funds made available for use in a national park by this paragraph.

"(d) RIGHTS-OF-WAY ACROSS FEDERAL LAND.—Nothing in this section affects any claim for a right-of-way across Federal land.

"(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $74,000,000 for each of fiscal years 1998 through 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be made available for obligation in the same manner as if the funds were apportioned under chapter 1.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 207 and inserting the following:

"207. Cooperative Federal Lands Transportation Program.".

SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING PLANNING.

(a) DEFINITIONS.—In this section:

(1) BORDER REGION.—The term "border region" means—

(A) the region located within 60 miles of the United States border with Mexico; and

(B) the region located within 60 miles of the United States border with Canada.

(2) BORDER STATE.—The term "border State" means a State of the United States that—

(A) is located along the border with Mexico; or

(B) is located along the border with Canada.

(3) BORDER STATION.—The term "border station" means a controlled port of entry into the United States located in the United States at the border with Mexico or Canada, consisting of land occupied by the station and the buildings, roadways, and parking lots on the land.

(4) FEDERAL INSPECTION AGENCY.—The term "Federal inspection agency" means a Federal agency responsible for the enforcement of immigration laws (including regulations), customs laws (including regulations), and agriculture import restrictions, including the United States Customs Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, the Food and Drug Administration, the United States Fish and Wildlife Service, and the Department of State.

(5) GATEWAY.—The term "gateway" means a grouping of border stations defined by proximity and similarity of trade.

(6) NON-FEDERAL GOVERNMENTAL JURISDICTION.—The term "non-Federal governmental jurisdiction" means a regional, State, or local authority involved in the planning, development, provision, or funding of transportation infrastructure needs.

(b) BORDER CROSSING PLANNING INCENTIVE GRANTS.—

(1) IN GENERAL.—The Secretary shall make incentive grants to States and to metropolitan planning organizations designated under section 134 of title 23, United States Code.

(2) USE OF GRANTS.—The grants shall be used to encourage joint transportation planning activities and to improve people and vehicle movement into and through international gateways as a supplement to statewide and metropolitan transportation planning funding made available under other provisions of this Act and under title 23, United States Code.

(3) CONDITION OF GRANTS.—As a condition of receiving a grant under paragraph (1), a State transportation department or a metropolitan planning organization shall certify to the Secretary that it commits to be engaged in joint planning with its counterpart agency in Mexico or Canada.

(4) LIMITATION ON AMOUNT.—Each State transportation department or metropolitan planning organization may receive not more than $100,000 under this subsection for any fiscal year.

(5) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,400,000 for each of fiscal years 1998 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(c) TRADE CORRIDOR PLANNING INCENTIVE GRANTS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States to encourage, within the framework of the statewide transportation planning process of the State under section 135 of title 23, United States Code, cooperative multistate corridor analysis of, and planning for, the safe and efficient movement of goods along and within international or interstate trade corridors of national importance.

(B) IDENTIFICATION OF CORRIDORS.—Each corridor referred to in subparagraph (A) shall be cooperatively identified by the States along the corridor.

(2) CORRIDOR PLANS.—

(A) IN GENERAL.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary not later than 2 years after receipt of the grant.

(B) COORDINATION OF PLANNING.—Planning with respect to a corridor under this subsection shall be coordinated with transportation planning being carried out by the States and metropolitan planning organizations along the corridor and, to the extent appropriate, with transportation planning being carried out by Federal land management agencies, by tribal governments, or by government agencies in Mexico or Canada.

(3) MULTISTATE AGREEMENTS FOR TRADE CORRIDOR PLANNING.—The consent of Congress is granted to any 2 or more States—

(A) to enter into multistate agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of interstate trade corridor planning activities; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable to make the agreements effective.

(4) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $3,000,000 for each of fiscal years 1998 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(d) FEDERAL ASSISTANCE FOR TRADE CORRIDORS AND BORDER INFRASTRUCTURE SAFETY AND CONGESTION RELIEF.—

(1) APPLICATIONS FOR GRANTS.—The Secretary shall make grants to States or metropolitan planning organizations that submit an application that—

(A) demonstrates need for assistance in carrying out transportation projects that are necessary to relieve traffic congestion or improve enforcement of motor carrier safety laws; and

(B) includes strategies to involve both the public and private sectors in the proposed project.

(2) SELECTION OF STATES, METROPOLITAN PLANNING ORGANIZATIONS, AND PROJECTS TO RECEIVE GRANTS.—In selecting States, metropolitan planning organizations, and projects to receive grants under this subsection, the Secretary shall consider—

(A) the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State as compared to the annual volume of commercial vehicle traffic at the border stations or ports of entry of all States;

(B) the extent to which commercial vehicle traffic in each State has grown since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103-182) as compared to the extent to which that traffic has grown in each other State;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the reduction in commercial and other travel time through a major international gateway expected as a result of the project;

(E) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding;

(F) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(G) the degree of demonstrated coordination with Federal inspection agencies; and

(H) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(I) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(J) other factors to promote transport efficiency and safety, as determined by the Secretary.

(3) Use of grants.—

(A) In general.—A grant under this subsection shall be used to develop project plans, and implement coordinated and comprehensive programs of projects, to improve efficiency and safety.

(B) Type of plans and programs.—The plans and programs may include—

(i) improvements to transport and supporting infrastructure;

(ii) improvements in operational strategies, including electronic data interchange and use of telecommunications to expedite vehicle and cargo movement;

(iii) modifications to regulatory procedures to expedite vehicle and cargo flow;

(iv) new infrastructure construction;

(v) purchase, installation, and maintenance of weigh-in-motion devices and associated electronic equipment in Mexico or Canada if real time data from the devices is provided to the nearest border station and to State commercial vehicle enforcement facilities that serve the border station; and

(vi) other institutional improvements, such as coordination of binational planning, programming, and border operation, with special emphasis on coordination with—

(I) Federal inspection agencies; and

(II) their counterpart agencies in Mexico and Canada.

(4) Construction of transportation infrastructure for law enforcement purposes.—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period of fiscal years 1998 through 2001, not more than $10,000,000 of the amounts made available under paragraph (5) to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States.

(5) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $125,000,000 for each of fiscal years 1998 through 2003.

(e) Coordination of Planning.—

(1) Planning and development of border stations.—The General Services Administration shall be the coordinating Federal agency in the planning and development of new or expanded border stations.

(2) Cooperative activities.—In carrying out paragraph (1), the Administrator of General Services shall cooperate with Federal inspection agencies and non-Federal governmental jurisdictions to ensure that—

(A) improvements to border station facilities take into account regional and local conditions, including the alignment of highway systems and connecting roadways; and

(B) all facility requirements, associated costs, and economic impacts are identified.

(f) Cost Sharing.—A grant under this section shall be used to pay the Federal share of the cost of a project. The Federal share shall not exceed 80 percent.

(g) Use of Unallocated Funds.—If the total amount of funds made available from the Highway Trust Fund under this section but not allocated exceeds $4,000,000 as of September 30 of any year, the excess amount—

(1) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

(2) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

(3) shall be available for any purpose eligible for funding under section 133 of that title.

SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) Availability, Release, and Reallocation of Funds.—Section 201(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the second sentence, by inserting before the period at the end the following: ", except that each allocation to a State shall remain available for expenditure in the State for the fiscal year in which the allocation is allocated and for the 3 following fiscal years"; and

(2) by inserting after the second sentence the following: "Funds authorized under this section for fiscal year 1998 or a fiscal year thereafter, and not expended by a State during the 4 fiscal years referred to in the preceding sentence, shall be released to the Commission for reallocation.".

(b) Substitute Corridor.—Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking "(b) The Commission" and inserting the following:

"(b) Designations.—

"(1) In general.—The Commission"; and

(3) by adding at the end the following:

"(2) Substitute corridor.—In lieu of Corridor H in Virginia, the Appalachian development highway system shall include the Virginia portion of the segment identified in section 332(a)(29) of the National Highway System Designation Act of 1995 (Public Law 104–59; 109 Stat. 597).

(c) Federal Share for Prefinanced Projects.—Section 201(h)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "70 per centum" and inserting "80 percent".

(d) Authorization of Contract Authority.—Section 201(g) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking subsection (g) and inserting the following:

"(g) Authorization of Contract Authority.—

"(1) In general.—

"(A) Fiscal years 1998 through 2003.—For the continued construction of the Appalachian development highway system approved as of September 30, 1996, in accordance with this section, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) $40,000,000 for each of fiscal years 1998 through 2000, $50,000,000 for fiscal year 2001, $60,000,000 for fiscal year 2002, and $70,000,000 for fiscal year 2003.

"(B) Obligation authority.—The Secretary shall provide equivalent amounts of obligation authority for the funds authorized under subparagraph (A).

"(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined in accordance with this section and the funds shall remain available in accordance with subsection (a).".

SEC. 1118. INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM.

(a) In General.—Section 104 of title 23, United States Code (as amended by section 1113(c)(1)), is amended by inserting after subsection (j) the following:

"(k) Set-Aside for Interstate 4R and Bridge Projects.—

"(1) In general.—For each of fiscal years 1998 through 2003, before any apportionment is made under subsection (b)(1), the Secretary shall set aside $70,000,000 from amounts to be apportioned under subsection (b)(1)(A), and $70,000,000 from amounts to be apportioned under subsection (b)(1)(B), for allocation by the Secretary—

"(A) for projects for resurfacing, restoring, rehabilitating, or reconstructing any route or portion of a route on the Interstate System (other than any highway designated as a part of the Interstate System under section 103(c)(4) and any toll road on the Interstate System that is not subject to an agreement under section 119(e) (as in effect on December 17, 1991) or an agreement under section 129(a));

"(B) for projects for a highway bridge the replacement or rehabilitation cost of which is more than $10,000,000; and

"(C) for projects for a highway bridge the replacement or rehabilitation cost of which is less than $10,000,000 if the cost is at least twice the amount reserved under section 144(c) by the State in which the bridge is located for the fiscal year in which application is made for a grant for the bridge.

"(2) Availability to States of Interstate 4R funds.—The Secretary may grant the application of a State for funds made available for a fiscal year for a project described in paragraph (1)(A) if the Secretary determines that—

"(A) the State has obligated or demonstrates that it will obligate for the fiscal year all of the apportionments to the State under subparagraphs (A) and (B) of subsection (b)(1) other than an amount that, by itself, is insufficient to pay the Federal share of the cost of a project described in paragraph (1)(A) that has been submitted by the State to the Secretary for approval; and

"(B) the State is willing and able to—

"(i) obligate the funds within 1 year after the date on which the funds are made available;

"(ii) apply the funds to a project that is ready to be commenced; and

"(iii) in the case of construction work, begin work within 90 days after the date of obligation of the funds.

"(3) Period of availability of discretionary funds.—Amounts made available under this subsection shall remain available until expended.".

(b) Conforming Amendment.—Section 118 of title 23, United States Code, is amended by striking subsection (c).

SEC. 1119. MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.

(a) In General.—Chapter 3 of title 23, United States Code, is amended by inserting after section 321 the following:

"§ 322. Magnetic levitation transportation technology deployment program

"(a) Definitions.—In this section:

"(1) Eligible project costs.—The term 'eligible project costs' means the capital cost of the fixed guideway infrastructure of a MAGLEV project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities, but not including costs incurred for a new station.

“(2) Full project costs.—The term ‘full project costs’ means the total capital costs of a MAGLEV project, including eligible project costs and the costs of stations, vehicles, and equipment.

“(3) MAGLEV.—The term ‘MAGLEV’ means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour.

“(4) Partnership potential.—The term ‘partnership potential’ has the meaning given the term in the commercial feasibility study of high-speed ground transportation conducted under section 1036 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 1978).

“(b) Assistance.—

“(1) In general.—The Secretary shall make available financial assistance to provide the Federal share of full project costs of eligible projects selected under this section.

“(2) Federal share.—The Federal share of full project costs under paragraph (1) shall be not more than ⅔.

“(3) Use of assistance.—Financial assistance provided under paragraph (1) shall be used only to pay eligible project costs of projects selected under this section.

“(c) Solicitation of Applications for Assistance.—Not later than 180 days after the date of enactment of the Intermodal Transportation Act of 1997, the Secretary shall solicit applications from States, or authorities designated by 1 or more States, for financial assistance authorized by subsection (b) for planning, design, and construction of eligible MAGLEV projects.

“(d) Project Eligibility.—To be eligible to receive financial assistance under subsection (b), a project shall—

“(1) involve a segment or segments of a high-speed ground transportation corridor that exhibit partnership potential;

“(2) require an amount of Federal funds for project financing that will not exceed—

“(A) the amounts made available under subsection (h)(1)(A); and

“(B) the amounts made available by States under subsection (h)(4);

“(3) result in an operating transportation facility that provides a revenue producing service;

“(4) be undertaken through a public and private partnership, with at least ⅓ of full project costs paid using non-Federal funds;

“(5) satisfy applicable statewide and metropolitan planning requirements;

“(6) be approved by the Secretary based on an application submitted to the Secretary by a State or authority designated by 1 or more States;

“(7) to the extent non-United States MAGLEV technology is used within the United States, be carried out as a technology transfer project; and

“(8) be carried out using materials at least 70 percent of which are manufactured in the United States.

“(e) Project Selection Criteria.—Prior to soliciting applications, the Secretary shall establish criteria for selecting which eligible projects under subsection (d) will receive financial assistance under subsection (b). The criteria shall include the extent to which—

“(1) a project is nationally significant, including the extent to which the project will demonstrate the feasibility of deployment of MAGLEV technology throughout the United States;

“(2) timely implementation of the project will reduce congestion in other modes of transportation and reduce the need for additional highway or airport construction;

“(3) States, regions, and localities financially contribute to the project;

“(4) implementation of the project will create new jobs in traditional and emerging industries;

“(5) the project will augment MAGLEV networks identified as having partnership potential;

“(6) financial assistance would foster public and private partnerships for infrastructure development and attract private debt or equity investment;

“(7) financial assistance would foster the timely implementation of a project; and

“(8) life-cycle costs in design and engineering are considered and enhanced.

“(f) Project Selection.—Not later than 90 days after a deadline established by the Secretary for the receipt of applications, the Secretary shall evaluate the eligible projects in accordance with the selection criteria and select 1 eligible project for financial assistance.

“(g) Joint Ventures.—A project undertaken by a joint venture of United States and non-United States persons (including a project involving the deployment of non-United States MAGLEV technology in the United States) shall be eligible for financial assistance under this section if the project is eligible under subsection (d) and selected under subsection (f).

“(h) Funding.—

“(1) In general.—

“(A) Authorization of contract authority.—

“(i) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $10,000,000 for fiscal year 1999 and $20,000,000 for fiscal year 2000.

“(ii) Contract authority.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

“(I) the Federal share of the cost of a project carried out under this section shall be determined in accordance with subsection (b); and

“(II) the availability of the funds shall be determined in accordance with paragraph (2).

“(B) Authorization of appropriations.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $200,000,000 for each of fiscal years 2000 and 2001, $250,000,000 for fiscal year 2002, and $300,000,000 for fiscal year 2003.

“(2) Availability of funds.—Funds made available under paragraph (1) shall remain available until expended.

“(3) Other federal funds.—Notwithstanding any other provision of law, funds made available to a State to carry out the surface transportation program under section 133 and the congestion mitigation and air quality improvement program under section 149 may be used by the State to pay a portion of the full project costs of an eligible project selected under this section, without requirement for non-Federal funds.

“(4) Other assistance.—Notwithstanding any other provision of law, an eligible project selected under this section shall be eligible for other forms of financial assistance provided under this title, including loans, loan guarantees, and lines of credit.”.

(b) Conforming Amendment.—The analysis for chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 321 the following:

“322. Magnetic levitation transportation technology deployment program.”.

SEC. 1120. WOODROW WILSON MEMORIAL BRIDGE.

(a) Definitions.—Section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 628) is amended—

(1) in paragraph (3), by striking “, including approaches thereto”; and

(2) in paragraph (5), by striking “to be determined under section 407. Such” and all that follows and inserting the following: “as described in the record of decision executed by the Secretary in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The term includes ongoing short-term rehabilitation and repairs to the Bridge.”.

(b) Ownership of Bridge.—

(1) Conveyance by the secretary.—Section 407(a)(1) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 630) is amended by inserting “or any Capital Region jurisdiction” after “Authority” each place it appears.

(2) Agreement.—Section 407 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 630) is amended by striking subsection (c) and inserting the following:

“(c) Agreement.—

“(1) In general.—The agreement referred to in subsection (a) is an agreement concerning the Project that is executed by the Secretary and the Authority or any Capital Region jurisdiction that accepts ownership of the Bridge.

“(2) Terms of the agreement.—The agreement shall—

“(A) identify whether the Authority or a Capital Region jurisdiction will accept ownership of the Bridge;

“(B) contain a financial plan satisfactory to the Secretary, which shall be prepared before the execution of the agreement, that specifies—

“(i) the total cost of the Project, including any cost-saving measures;

“(ii) a schedule for implementation of the Project, including whether any expedited design and construction techniques will be used; and

“(iii) the sources of funding that will be used to cover any costs of the Project not funded from funds made available under section 412; and

“(C) contain such other terms and conditions as the Secretary determines to be appropriate.”.

(c) Federal Contribution.—The Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 627) is amended by adding at the end the following:

“SEC. 412. FEDERAL CONTRIBUTION.

“(a) Authorization of Contract Authority.—

“(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $100,000,000 for fiscal year 1998, $100,000,000 for fiscal year 1999, $125,000,000 for fiscal year 2000, $175,000,000 for fiscal year 2001, $200,000,000 for fiscal year 2002, and $200,000,000 for fiscal year 2003, to pay the costs of planning, preliminary engineering and design, final engineering, acquisition of rights-of-way, and construction of the Project, except that the costs associated with the Bridge shall be given priority over other eligible costs, other than design costs, of the Project.

“(2) Contract authority.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that—

"(A) the funds shall remain available until expended and shall not be subject to any obligation limitation;

"(B) the Federal share of the cost of the Bridge component of the Project shall not exceed 100 percent; and

"(C) the Federal share of the cost of any other component of the Project shall not exceed 80 percent.

"(b) Use of Apportioned Funds.—Nothing in this Act limits the authority of any Capital Region jurisdiction to use funds apportioned to the jurisdiction under paragraph (1) or (3) of section 104(b) of title 23, United States Code, in accordance with the requirements for such funds, to pay any costs of the Project.

"(c) Availability of Apportioned Funds.—None of the funds made available under this section shall be available before the execution of the agreement described in section 407(c), except that the Secretary may fund the maintenance and rehabilitation of the Bridge and the design of the Project.".

(d) Conforming Amendment.—Section 405(b)(1) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 629) is amended by striking "the Signatories as to the Federal share of the cost of the Project and the terms and conditions related to the timing of the transfer of the Bridge to".

SEC. 1121. NATIONAL HIGHWAY SYSTEM COMPONENTS.

The National Highway System consists of the routes and transportation facilities depicted on the map submitted by the Secretary to Congress with the report entitled "Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals" and dated May 24, 1996.

SEC. 1122. HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION.

(a) In General.—Section 144 of title 23, United States Code, is amended—

(1) in the section heading, by striking "**program**";

(2) by striking subsections (a) through (n), (p), and (q);

(3) by inserting after the section heading the following:

"(a) Definition of Rehabilitate.—In this section, the term 'rehabilitate' (in any of its forms), with respect to a bridge, means to carry out major work necessary—

"(1) to address the structural deficiencies, functional obsolescence, or physical deterioration of the bridge; or

"(2) to correct a major safety defect of the bridge.

"(b) Bridge Inventory.—

"(1) In general.—In consultation with the States, the Secretary shall—

"(A) annually inventory all highway bridges on public roads that cross waterways, other typographical barriers, other highways, and railroads;

"(B) classify each such bridge according to serviceability, safety, and essentiality for public use; and

"(C) assign each such bridge a priority for replacement or rehabilitation based on the classification under subparagraph (B).

"(2) Consultation.—In preparing an inventory of highway bridges on Indian reservation roads and park roads under paragraph (1), the Secretary shall consult with the Secretary of the Interior and the States.

"(3) Inventory of historical bridges.—At the request of a State, the Secretary may inventory highway bridges on public roads for historical significance.

"(c) Certification by the State.—Not later than 180 days after the end of each fiscal year beginning with fiscal year 1998, each State shall certify to the Secretary, either that—

"(1) the State has reserved, from funds apportioned to the State for the preceding fiscal year, to carry out bridge projects eligible under sections 103(b)(5), 119, and 133(b), an amount that is not less than the amount apportioned to the State under this section for fiscal year 1997; or

"(2) the amount that the State will reserve, from funds apportioned to the State for the period consisting of fiscal years 1998 through 2001, to carry out bridge projects eligible under sections 103(b)(5), 119, and 133(b), will be not less than 4 times the amount apportioned to the State under this section for fiscal year 1997.

"(d) Use of Reserved Funds.—A State may use funds reserved under subsection (c) to replace, rehabilitate, reconstruct, seismically retrofit, paint, apply calcium magnesium acetate to, or install scour countermeasures on a highway bridge on a public road that crosses a waterway, other typographical barrier, other highway, or railroad.

"(e) Off-System Bridges.—

"(1) Required expenditure.—For each fiscal year, an amount equal to not less than 15 percent of the amount apportioned to a State under this section for fiscal year 1997 shall be expended by the State for projects to replace, rehabilitate, reconstruct, seismically retrofit, paint, apply calcium magnesium acetate to, or install scour countermeasures on highway bridges located on public roads that are functionally classified as local roads or rural minor collectors.

"(2) Use of funds to meet required expenditure.—Funds reserved under subsection (c) and funds made available under section 104(b)(1) for the National Highway System or under section 104(b)(3) for the surface transportation program may be used to meet the requirement for expenditure under paragraph (1).

"(3) Reduction of required expenditure.—After consultation with local and State officials in a State, the Secretary may, with respect to the State, reduce the requirement for expenditure under paragraph (1) if the Secretary determines that the State has inadequate needs to justify the expenditure.

"(f) Federal Share.—The Federal share of the cost of a project under this section shall be 80 percent.

"(g) Bridge Permit Exemption.—

"(1) In general.—Subject to paragraph (2), notwithstanding any other provision of law, the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) shall apply to each bridge authorized to be replaced, in whole or in part, under this section.

"(2) Exception.—Section 502(b) of the General Bridge Act of 1946 (33 U.S.C. 525(b)) and section 9 of the Act of March 3, 1899 (30 Stat. 1151, chapter 425; 33 U.S.C. 401), shall not apply to any bridge constructed, reconstructed, rehabilitated, or replaced with assistance under this title if the bridge is over waters that are—

"(A) not used and not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce; and

"(B)(i) not tidal; or

"(ii) tidal but used only by recreational boating, fishing, and other small vessels that are less than 21 feet in length.

"(h) Indian Reservation Road Bridges.—

"(1) Nationwide priority program.—The Secretary shall establish a nationwide priority program for improving deficient Indian reservation road bridges.

"(2) Reservation of funds.—

"(A) In general.—Of the amounts authorized for Indian reservation roads for each fiscal year, the Secretary, in cooperation with the Secretary of the Interior, shall reserve not less than $9,000,000 for projects to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate to, or install scour countermeasures for deficient Indian reservation road bridges, including multiple-pipe culverts.

"(B) Eligible bridges.—To be eligible to receive funding under this subsection, a bridge described in subparagraph (A) must—

"(i) have an opening of 20 feet or more;

"(ii) be on an Indian reservation road;

"(iii) be unsafe because of structural deficiencies, physical deterioration, or functional obsolescence; and

"(iv) be recorded in the national bridge inventory administered by the Secretary under subsection (b).

"(3) Approval requirement.—Funds to carry out Indian reservation road bridge projects under this subsection shall be made available only on approval of plans, specifications, and estimates by the Secretary.";

(4) by redesignating subsection (o) as subsection (i); and

(5) in subsection (i) (as so redesignated)—

(A) in paragraph (1), by inserting "for alternative transportation purposes (including bikeway and walkway projects eligible for funding under this title)" after "adaptive reuse";

(B) in paragraph (3)—

(i) by inserting "(regardless of whether the intended use is for motorized vehicular traffic or for alternative public transportation purposes)" after "intended use"; and

(ii) by inserting "or for alternative public transportation purposes" after "no longer used for motorized vehicular traffic"; and

(C) in the second sentence of paragraph (4)—

(i) by inserting "for motorized vehicles, alternative vehicular traffic, or alternative public transportation" after "historic bridge"; and

(ii) by striking "up to an amount not to exceed the cost of demolition".

(b) Conforming Amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 144 and inserting the following:

"144. Highway bridge replacement and rehabilitation.".

SEC. 1123. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) Established Program.—Section 149(a) of title 23, United States Code, is amended by striking "Establishment.—The Secretary shall establish" and inserting "In General.—The Secretary shall carry out".

(b) Eligible Projects.—Section 149(b) of title 23, United States Code, is amended in the first sentence—

(1) by striking "that was designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) during any part of fiscal year 1994" and inserting "that is designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) or classified as a submarginal ozone nonattainment area under that Act, or if the project or program is for a maintenance area or an area that, as of the date of enactment of the Intermodal Transportation Act of 1997, is considered by the Administrator of the Environmental Protection Agency to be a flexible attainment region";

(2) in paragraph (1)—

(A) in subparagraph (A), by striking "clauses (xii) and" and inserting "clause"; and

(B) in subparagraph (B), by striking "such section" and inserting "section 108(f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A))";

(3) in paragraph (2), by inserting "or maintenance" after "State implementation";

(4) in paragraph (3), by inserting "or maintenance of the standard" after "standard"; and

(5) in paragraph (4), by inserting "or maintenance" after "attainment".

(c) States Receiving Minimum Apportionment.—Section 149 of title 23, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) States Receiving Minimum Apportionment.—

"(1) States without a nonattainment area.—If a State does not have, and never has had, a nonattainment area designated under the Clean Air Act (42 U.S.C. 7401 et seq.), the State may use funds apportioned to the State under section 104(b)(2) for any project eligible under the surface transportation program under section 133.

"(2) States with a nonattainment area.—If a State has a nonattainment area or maintenance area and receives funds under section 104(b)(2)(D) above the amount of funds that the State would have received based on its nonattainment and maintenance area population under subparagraphs (B) and (C) of section 104(b)(2), the State may use that portion of the funds not attributed to the nonattainment or maintenance area for any project eligible under section 133.".

(d) Federal Share.—Section 120(c) of title 23, United States Code, is amended in the first sentence by striking "The" and inserting "Except in the case of a project funded from sums apportioned under section 104(b)(2), the".

(e) Conforming Amendments.—

(1) Section 101(a) of title 23, United States Code, is amended by inserting after the undesignated paragraph defining "maintenance" the following:

"The term 'maintenance area' means an area that was designated as a nonattainment area, but was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).".

(2) Section 149(b)(1)(A)(ii) of title 23, United States Code, is amended by striking "an area" and all that follows and inserting "a maintenance area; or".

SEC. 1124. SAFETY BELT USE LAW REQUIREMENTS.

Section 355 of the National Highway System Designation Act of 1995 (109 Stat. 624) is amended—

(1) in the section heading, by striking "**AND MAINE**";

(2) in subsection (a)—

(A) by striking "States of New Hampshire and Maine shall each" and inserting "State of New Hampshire shall";

(B) in paragraph (1), by striking "and 1996" and inserting "through 2000"; and

(3) by striking "or Maine" each place it appears.

Subtitle B—Program Streamlining and Flexibility

CHAPTER 1—GENERAL PROVISIONS

SEC. 1201. ADMINISTRATIVE EXPENSES.

Section 104 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) Administrative Expenses.—

"(1) In general.—Whenever an apportionment is made of the sums made available for expenditure on the surface transportation program under section 133, the congestion mitigation and air quality improvement program under section 149, or the National Highway System under section 103, the Secretary shall deduct a sum, in an amount not to exceed 1½ percent of all sums so made available, as the Secretary determines necessary to administer the provisions of law to be financed from appropriations for the Federal-aid highway program and programs authorized under chapter 2.

"(2) Consideration of unobligated balances.—In making the determination described in paragraph (1), the Secretary shall take into account the unobligated balance of any sums deducted under that paragraph in prior fiscal years.

"(3) Availability.—The sum deducted under paragraph (1) shall remain available until expended.".

SEC. 1202. REAL PROPERTY ACQUISITION AND CORRIDOR PRESERVATION.

(a) Advance Acquisition of Real Property.—Section 108 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 108. Advance acquisition of real property";

and

(2) by striking subsection (a) and inserting the following:

"(a) In General.—

"(1) Availability of funds.—For the purpose of facilitating the timely and economical acquisition of real property for a transportation improvement eligible for funding under this title, the Secretary, upon the request of a State, may make available, for the acquisition of real property, such funds apportioned to the State as may be expended on the transportation improvement, under such rules and regulations as the Secretary may issue.

"(2) Construction.—The agreement between the Secretary and the State for the reimbursement of the cost of the real property shall provide for the actual construction of the transportation improvement within a period not to exceed 20 years following the fiscal year for which the request is made, unless the Secretary determines that a longer period is reasonable.".

(b) Credit for Acquired Lands.—Section 323(b) of title 23, United States Code, is amended—

(1) in the subsection heading, by striking "Donated" and inserting "Acquired";

(2) by striking paragraphs (1) and (2) and inserting the following:

"(1) In general.—Notwithstanding any other provision of this title, the State share of the cost of a project with respect to which Federal assistance is provided from the Highway Trust Fund (other than the Mass Transit Account) may be credited in an amount equal to the fair market value of any land that—

"(A) is obtained by the State, without violation of Federal law; and

"(B) is incorporated into the project.

"(2) Establishment of fair market value.—The fair market value of land incorporated into a project and credited under paragraph (1) shall be established in the manner determined by the Secretary, except that—

"(A) the fair market value shall not include any increase or decrease in the value of donated property caused by the project; and

"(B) the fair market value of donated land shall be established as of the earlier of—

"(i) the date on which the donation becomes effective; or

"(ii) the date on which equitable title to the land vests in the State.";

(3) by striking paragraph (3);

(4) in paragraph (4), by striking "to which the donation is applied"; and

(5) by redesignating paragraph (4) as paragraph (3).

(c) Conforming Amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 108 and inserting the following:

"108. Advance acquisition of real property.".

SEC. 1203. AVAILABILITY OF FUNDS.

Section 118 of title 23, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) Availability of Funds.—

"(1) In general.—Any Federal-aid highway funds released by the final payment on a project, or by the modification of a project agreement, shall be credited to the same program funding category for which the funds were previously apportioned and shall be immediately available for obligation.

"(2) Transfer of interstate construction funds.—Any Federal-aid highway funds apportioned to a State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of this paragraph) and credited under paragraph (1) may be transferred by the Secretary in accordance with section 103(d).".

SEC. 1204. PAYMENTS TO STATES FOR CONSTRUCTION.

Section 121 of title 23, United States Code, is amended—

(1) in subsection (a), by striking the second and third sentences and inserting the following: "The payments may also be made for the value of such materials as—

"(1) have been stockpiled in the vicinity of the construction in conformity to plans and specifications for the projects; and

"(2) are not in the vicinity of the construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in the vicinity.";

(2) by striking subsection (b) and inserting the following:

"(b) Project Agreements.—

"(1) Payments.—A payment under this chapter may be made only for a project covered by a project agreement.

"(2) Source of payments.—After completion of a project in accordance with the project agreement, a State shall be entitled to payment, out of the appropriate sums apportioned or allocated to the State, of the unpaid balance of the Federal share of the cost of the project.";

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

SEC. 1205. PROCEEDS FROM THE SALE OR LEASE OF REAL PROPERTY.

(a) In General.—Section 156 of title 23, United States Code, is amended to read as follows:

"§ 156. Proceeds from the sale or lease of real property

"(a) Minimum Charge.—Subject to section 142(f), a State shall charge, at a minimum, fair market value for the sale, use, lease, or lease renewal (other than for utility use and occupancy or for a transportation project eligible for assistance under this title) of real property acquired with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account).

"(b) Exceptions.—The Secretary may grant an exception to the requirement of subsection (a) for a social, environmental, or economic purpose.

"(c) USE OF FEDERAL SHARE OF INCOME.—The Federal share of net income from the revenues obtained by a State under subsection (a) shall be used by the State for projects eligible under this title.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 156 and inserting the following:

"156. Proceeds from the sale or lease of real property.".

SEC. 1206. METRIC CONVERSION AT STATE OPTION.

Section 205(c)(2) of the National Highway System Designation Act of 1995 (23 U.S.C. 109 note; 109 Stat. 577) is amended by striking "Before September 30, 2000, the" and inserting "The".

SEC. 1207. REPORT ON OBLIGATIONS.

Section 104(m) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended—

(1) by inserting "REPORT TO CONGRESS.—" before "The Secretary";

(2) by striking "not later than" and all that follows through "a report" and inserting "a report for each fiscal year";

(3) in paragraph (1), by striking "preceding calendar month" and inserting "preceding fiscal year";

(4) by striking paragraph (2);

(5) in paragraph (3), by striking "such preceding month" and inserting "that preceding fiscal year"; and

(6) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 1208. TERMINATIONS.

(a) RIGHT-OF-WAY REVOLVING FUND.—Section 108 of title 23, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) TERMINATION OF RIGHT-OF-WAY REVOLVING FUND.—

"(1) IN GENERAL.—Funds apportioned and advanced to a State by the Secretary from the right-of-way revolving fund established by this section prior to the date of enactment of the Intermodal Transportation Act of 1997 shall remain available to the State for use on the projects for which the funds were advanced for a period of 20 years from the date on which the funds were advanced.

"(2) CREDIT TO HIGHWAY TRUST FUND.—With respect to a project for which funds have been advanced from the right-of-way revolving fund, upon the termination of the 20-year period referred to in paragraph (1), when actual construction is commenced, or upon approval by the Secretary of the plans, specifications, and estimates for the actual construction of the project on the right-of-way, whichever occurs first—

"(A) the Highway Trust Fund shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120, out of any Federal-aid highway funds apportioned to the State in which the project is located and available for obligation for projects of the type funded; and

"(B) the State shall reimburse the Secretary in an amount equal to the non-Federal share of the funds advanced for deposit in, and credit to, the Highway Trust Fund.".

(b) PILOT TOLL COLLECTION PROGRAM.—Section 129 of title 23, United States Code, is amended by striking subsection (d).

(c) NATIONAL RECREATIONAL TRAILS ADVISORY COMMITTEE.—As soon as practicable after the date of enactment of this Act, the Secretary shall take such action as is necessary for the termination of the National Recreational Trails Advisory Committee established by section 1303 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1262) (as in effect on the day before the date of enactment of this Act).

(d) CONGRESSIONAL BRIDGE COMMISSIONS.—Public Law 87–441 (76 Stat. 59) is repealed.

SEC. 1209. INTERSTATE MAINTENANCE.

(a) INTERSTATE FUNDS.—Section 119 of title 23, United States Code, is amended—

(1) in subsection (a), by striking the second sentence;

(2) by striking subsection (d); and

(3) by striking subsection (f) and inserting the following:

"(f) TRANSFERABILITY OF FUNDS.—

"(1) UNCONDITIONAL.—A State may transfer an amount not to exceed 30 percent of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1) to the apportionment of the State under paragraphs (1)(C) and (3) of section 104(b).

"(2) UPON ACCEPTANCE OF CERTIFICATION.—If a State certifies to the Secretary that any part of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1) is in excess of the needs of the State for resurfacing, restoring, rehabilitating, or reconstructing routes and bridges on the Interstate System in the State and that the State is adequately maintaining the routes and bridges, and the Secretary accepts the certification, the State may transfer, in addition to the amount authorized to be transferred under paragraph (1), an amount not to exceed 20 percent of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1) to the apportionment of the State under paragraphs (1)(C) and (3) of section 104(b).".

(b) ELIGIBILITY.—Section 119 of title 23, United States Code, is amended—

(1) in the first sentence of subsection (a), by striking "and rehabilitating" and inserting ", rehabilitating, and reconstructing";

(2) by striking subsections (b), (c), (e), and (g);

(3) by inserting after subsection (a) the following:

"(b) ELIGIBLE ACTIVITIES.—

"(1) IN GENERAL.—A State—

"(A) may use funds apportioned under subparagraph (A) or (B) of section 104(b)(1) for resurfacing, restoring, rehabilitating, and reconstructing routes on the Interstate System, including—

"(i) resurfacing, restoring, rehabilitating, and reconstructing bridges, interchanges, and overcrossings;

"(ii) acquiring rights-of-way; and

"(iii) intelligent transportation system capital improvements that are infrastructure-based to the extent that they improve the performance of the Interstate System; but

"(B) may not use the funds for construction of new travel lanes other than high-occupancy vehicle lanes or auxiliary lanes.

"(2) EXPANSION OF CAPACITY.—

"(A) USING TRANSFERRED FUNDS.—Notwithstanding paragraph (1), funds transferred under subsection (c)(1) may be used for construction to provide for expansion of the capacity of an Interstate System highway (including a bridge).

"(B) USING FUNDS NOT TRANSFERRED.—

"(i) IN GENERAL.—In lieu of transferring funds under subsection (c)(1) and using the transferred funds for the purpose described in subparagraph (A), a State may use an amount of the sums apportioned to the State under subparagraph (A) or (B) of section 104(b)(1) for the purpose described in subparagraph (A).

"(ii) LIMITATION.—The sum of the amount used under clause (i) and any amount transferred under subsection (c)(1) by a State may not exceed 30 percent of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1)."; and

(4) by redesignating subsection (f) as subsection (c).

(c) CONFORMING AMENDMENTS.—

(1) Section 119(a) of title 23, United States Code, is amended in the first sentence by striking "; except that the Secretary may only approve a project pursuant to this subsection on a toll road if such road is subject to a Secretarial agreement provided for in subsection (e)".

(2) Section 1009(c)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 119 note; 105 Stat. 1933) is amended by striking "section 119(f)(1)" and inserting "section 119(c)(1)".

CHAPTER 2—PROJECT APPROVAL

SEC. 1221. TRANSFER OF HIGHWAY AND TRANSIT FUNDS.

Section 104 of title 23, United States Code (as amended by section 1118), is amended by inserting after subsection (k) the following:

"(l) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—

"(1) TRANSFER OF HIGHWAY FUNDS.—Funds made available under this title and transferred for transit projects shall be administered by the Secretary in accordance with chapter 53 of title 49, except that the provisions of this title relating to the non-Federal share shall apply to the transferred funds.

"(2) TRANSFER OF TRANSIT FUNDS.—Funds made available under chapter 53 of title 49 and transferred for highway projects shall be administered by the Secretary in accordance with this title, except that the provisions of that chapter relating to the non-Federal share shall apply to the transferred funds.

"(3) TRANSFER TO AMTRAK AND PUBLICLY-OWNED PASSENGER RAIL LINES.—Funds made available under this title or chapter 53 of title 49 and transferred to the National Railroad Passenger Corporation or to any publicly-owned intercity or intracity passenger rail line shall be administered by the Secretary in accordance with subtitle V of title 49, except that the provisions of this title or chapter 53 of title 49, as applicable, relating to the non-Federal share shall apply to the transferred funds.

"(4) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority provided for projects described in paragraphs (1) through (3) shall be transferred in the same manner and amount as the funds for the projects are transferred.".

SEC. 1222. PROJECT APPROVAL AND OVERSIGHT.

(a) IN GENERAL.—Section 106 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 106. Project approval and oversight";

(2) by redesignating subsections (e) and (f) as subsections (g) and (h), respectively;

(3) by striking subsections (a) through (d) and inserting the following:

"(a) IN GENERAL.—Except as otherwise provided in this section, the State transportation department shall submit to the Secretary for approval such plans, specifications, and estimates for each proposed project as the Secretary may require. The Secretary shall act upon such plans, specifications, and estimates as soon as practicable after they have been submitted, and shall enter into a formal project agreement with the State transportation department formalizing the conditions of the project approval. The execution of such project agreement shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

"(b) Project Agreement.—The project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of the project and for the maintenance of the project after completion of construction. The Secretary may rely upon representations made by the State transportation department with respect to the arrangements or agreements made by the State transportation department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

"(c) Special Rules for Project Oversight.—

"(1) NHS projects.—Except as otherwise provided in subsection (d) of this section, the Secretary may discharge to the State any of the Secretary's responsibilities for the design, plans, specifications, estimates, contract awards, and inspection of projects under this title on the National Highway System. Before discharging responsibilities to the State, the Secretary shall reach agreement with the State as to the extent to which the State may assume the responsibilities of the Secretary under this subsection. The Secretary may not assume any greater responsibility than the Secretary is permitted under this title as of September 30, 1997, except upon agreement by the Secretary and the State.

"(2) Non-NHS projects.—For all projects under this title that are off the National Highway System, the State may request that the Secretary no longer review and approve the design, plans, specifications, estimates, contract awards, and inspection of projects under this title. After receiving any such request, the Secretary shall undertake project review only as requested by the State.

"(d) Responsibilities of the Secretary.—

"(1) In general.—Subject to paragraph (2), nothing in this section, section 133, or section 149 shall affect or discharge any responsibility or obligation of the Secretary under any Federal law other than this title.

"(2) Limitation.—Any responsibility or obligation of the Secretary under sections 113 and 114 of this title shall not be affected and may not be discharged under this section, section 133, or section 149.

"(e) Value Engineering Analysis.—In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid highway shall be accompanied by a value engineering or other cost reduction analysis.

"(f) Financial Plan.—The Secretary shall require a financial plan to be prepared for any project with an estimated total cost of $1,000,000,000 or more.".

(b) Standards.—

(1) Elimination of guidelines and annual certification requirements.—Section 109 of title 23, United States Code, is amended—

(A) by striking subsection (m); and

(B) by redesignating subsections (n) through (q) as subsections (m) through (p), respectively.

(2) Safety standards.—Section 109 of title 23, United States Code (as amended by paragraph (1)), is amended by adding at the end the following:

"(q) Phase Construction.—Safety considerations for a project under this title may be met by phase construction.".

(c) Programs; Project Agreements; Certification Acceptance.—Sections 110 and 117 of title 23, United States Code, are repealed.

(d) Conforming Amendments.—

(1) The analysis for chapter 1 of title 23 is amended—

(A) by striking the item relating to section 106 and inserting the following:

"106. Project approval and oversight.";

and

(B) by striking the items relating to sections 110 and 117.

(2) Section 101(a) of title 23, United States Code, is amended in the undesignated paragraph defining "project agreement" by striking "the provisions of subsection (a) of section 110 of this title" and inserting "section 106".

(3) Section 114(a) of title 23, United States Code, is amended in the second sentence by striking "section 117 of this title" and inserting "section 106".

SEC. 1223. SURFACE TRANSPORTATION PROGRAM.

(a) Transportation Enhancement Activities.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking "10" and inserting "8"; and

(B) in the first sentence of paragraph (3), by striking "80" and inserting "82"; and

(2) in subsection (e)—

(A) in paragraph (3)(B)(i), by striking "if the Secretary" and all that follows through "activities"; and

(B) in paragraph (5), by adding at the end the following:

"(C) Innovative financing.—

"(i) In general.—For each fiscal year, the average annual non-Federal share of the total cost of all projects to carry out transportation enhancement activities in a State shall be not less than the non-Federal share authorized for the State under section 120(b).

"(ii) Exception.—Subject to clause (i), notwithstanding section 120, in the case of projects to carry out transportation enhancement activities—

"(I) funds from other Federal agencies, and other contributions that the Secretary determines are of value, may be credited toward the non-Federal share of project costs;

"(II) the non-Federal share may be calculated on a project, multiple-project, or program basis; and

"(III) the Federal share of the cost of an individual project subject to subclause (I) or (II) may be equal to 100 percent.".

(b) Program Approval.—Section 133(e) of title 23, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) Program approval.—

"(A) Submission of project agreement.—For each fiscal year, each State shall submit a project agreement that—

"(i) certifies that the State will meet all the requirements of this section; and

"(ii) notifies the Secretary of the amount of obligations needed to carry out the program under this section.

"(B) Request for adjustments of amounts.—As necessary, each State shall request from the Secretary adjustments to the amount of obligations referred to in subparagraph (A)(ii).

"(C) Effect of approval by the Secretary.—Approval by the Secretary of a project agreement under subparagraph (A) shall be deemed a contractual obligation of the United States to pay surface transportation program funds made available under this title.".

(c) Payments.—Section 133(e)(3)(A) of title 23, United States Code, is amended by striking the second sentence.

SEC. 1224. DESIGN-BUILD CONTRACTING.

(a) Authority.—Section 112(b) of title 23, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(2) in paragraph (2)(A), by striking "Each" and inserting "Subject to paragraph (3), each"; and

(3) by adding at the end the following:

"(3) Design-build contracting.—

"(A) In general.—A State transportation department may award a contract for the design and construction of a qualified project described in subparagraph (B) using competitive selection procedures approved by the Secretary.

"(B) Qualified projects.—A qualified project referred to in subparagraph (A) is a project under this chapter that involves installation of an intelligent transportation system or that consists of a usable project segment and for which—

"(i) the Secretary has approved the use of design-build contracting described in subparagraph (A) under criteria specified in regulations promulgated by the Secretary; and

"(ii) the total costs are estimated to exceed—

"(I) in the case of a project that involves installation of an intelligent transportation system, $10,000,000; and

"(II) in the case of a usable project segment, $50,000,000.".

(b) Competitive Bidding Defined.—Section 112 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

"(f) Competitive Bidding Defined.—In this section, the term 'competitive bidding' means the procedures used to award contracts for engineering and design services under subsection (b)(2) and design-build contracts under subsection (b)(3).".

(c) Regulations.—

(1) In general.—Not later than the effective date specified in subsection (e), the Secretary shall promulgate regulations to carry out the amendments made by this section.

(2) Contents.—The regulations shall—

(A) identify the criteria to be used by the Secretary in approving the use by a State transportation department of design-build contracting; and

(B) establish the procedures to be followed by a State transportation department for obtaining the Secretary's approval of the use of design-build contracting by the department and the selection procedures used by the department.

(d) Effect on Experimental Program.—Nothing in this section or the amendments made by this section affects the authority to carry out, or any project carried out under, any experimental program concerning design-build contracting that is being carried out by the Secretary as of the date of enactment of this Act.

(e) Effective Date for Amendments.—The amendments made by this section take effect 2 years after the date of enactment of this Act.

CHAPTER 3—ELIGIBILITY AND FLEXIBILITY

SEC. 1231. DEFINITION OF OPERATIONAL IMPROVEMENT.

Section 101(a) of title 23, United States Code, is amended by striking the undesignated paragraph defining "operational improvement" and inserting the following:

"The term 'operational improvement' means the installation, operation, or maintenance, in accordance with subchapter II of chapter 5, of public infrastructure to support intelligent transportation systems and includes the installation or operation of any traffic management activity, communication system, or roadway weather information and prediction system, and any other improvement that the Secretary may designate that enhances roadway safety and mobility during adverse weather.".

SEC. 1232. ELIGIBILITY OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) In General.—Section 129(c) of title 23, United States Code, is amended by inserting "in accordance with sections 103, 133, and 149," after "toll or free,".

(b) National Highway System.—Section 103(b)(5) of title 23, United States Code (as amended by section 1234), is amended by adding at the end the following:

"(R) Construction of ferry boats and ferry terminal facilities, if the conditions described in section 129(c) are met.".

(c) Surface Transportation Program.—Section 133(b) of title 23, United States Code, is amended by adding at the end the following:

"(12) Construction of ferry boats and ferry terminal facilities, if the conditions described in section 129(c) are met.".

(d) Congestion Mitigation and Air Quality Improvement Program.—Section 149(b) of title 23, United States Code, is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(5) if the project or program is to construct a ferry boat or ferry terminal facility and if the conditions described in section 129(c) are met.".

SEC. 1233. FLEXIBILITY OF SAFETY PROGRAMS.

Section 133(d) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) Safety programs.—

"(A) In general.—With respect to funds apportioned for each of fiscal years 1998 through 2003—

"(i) an amount equal to 2 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out activities eligible under section 130;

"(ii) an amount equal to 2 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out activities eligible under section 152; and

"(iii) an amount equal to 6 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out activities eligible under section 130 or 152.

"(B) Transfer of funds.—If a State certifies to the Secretary that any part of the amount set aside by the State under subparagraph (A)(i) is in excess of the needs of the State for activities under section 130 and the Secretary accepts the certification, the State may transfer that excess part to the set-aside of the State under subparagraph (A)(ii).

"(C) Transfers to other safety programs.—A State may transfer funds set aside under subparagraph (A)(iii) to the apportionment of the State under section 402 or the allocation of the State under section 31104 of title 49.".

SEC. 1234. ELIGIBILITY OF PROJECTS ON THE NATIONAL HIGHWAY SYSTEM.

Section 103(b) of title 23, United States Code (as amended by section 1701(a)), is amended by adding at the end the following:

"(5) Eligible projects for NHS.—Subject to approval by the Secretary, funds apportioned to a State under section 104(b)(1)(C) for the National Highway System may be obligated for any of the following:

"(A) Construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of the National Highway System.

"(B) Operational improvements for segments of the National Highway System.

"(C) Construction of, and operational improvements for, a Federal-aid highway not on the National Highway System, construction of a transit project eligible for assistance under chapter 53 of title 49, and capital improvements to any National Railroad Passenger Corporation passenger rail line or any publicly-owned intercity passenger rail line, if—

"(i) the highway, transit, or rail project is in the same corridor as, and in proximity to, a fully access-controlled highway designated as a part of the National Highway System;

"(ii) the construction or improvements will improve the level of service on the fully access-controlled highway described in clause (i) and improve regional traffic flow; and

"(iii) the construction or improvements are more cost-effective than an improvement to the fully access-controlled highway described in clause (i).

"(D) Highway safety improvements for segments of the National Highway System.

"(E) Transportation planning in accordance with sections 134 and 135.

"(F) Highway research and planning in accordance with chapter 5.

"(G) Highway-related technology transfer activities.

"(H) Capital and operating costs for traffic monitoring, management, and control facilities and programs.

"(I) Fringe and corridor parking facilities.

"(J) Carpool and vanpool projects.

"(K) Bicycle transportation and pedestrian walkways in accordance with section 217.

"(L) Development, establishment, and implementation of management systems under section 303.

"(M) In accordance with all applicable Federal law (including regulations), participation in natural habitat and wetland mitigation efforts related to projects funded under this title, which may include participation in natural habitat and wetland mitigation banks, contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetland, and development of statewide and regional natural habitat and wetland conservation and mitigation plans, including any such banks, efforts, and plans authorized under the Water Resources Development Act of 1990 (Public Law 101-640) (including crediting provisions). Contributions to the mitigation efforts described in the preceding sentence may take place concurrent with or in advance of project construction, except that contributions in advance of project construction may occur only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and State transportation planning processes.

"(N) Publicly-owned intracity or intercity passenger rail or bus terminals, including terminals of the National Railroad Passenger Corporation and publicly-owned intermodal surface freight transfer facilities, other than seaports and airports, if the terminals and facilities are located on or adjacent to National Highway System routes or connections to the National Highway System selected in accordance with subsection (b).

"(O) Infrastructure-based intelligent transportation systems capital improvements.

"(P) In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for funding under section 133, any airport, and any seaport.

"(Q) Publicly owned components of magnetic levitation transportation systems.".

SEC. 1235. ELIGIBILITY OF PROJECTS UNDER THE SURFACE TRANSPORTATION PROGRAM.

Section 133(b) of title 23, United States Code (as amended by section 1232(c)), is amended—

(1) in paragraph (2), by striking "and publicly owned intracity or intercity bus terminals and facilities" and inserting ", including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus or rail";

(2) in paragraph (3)—

(A) by striking "and bicycle" and inserting "bicycle"; and

(B) by inserting before the period at the end the following: ", and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)";

(3) in paragraph (4)—

(A) by inserting ", publicly owned passenger rail," after "Highway";

(B) by inserting "infrastructure" after "safety"; and

(C) by inserting before the period at the end the following: ", and any other noninfrastructure highway safety improvements";

(4) in the first sentence of paragraph (11)—

(A) by inserting "natural habitat and" after "participation in" each place it appears;

(B) by striking "enhance and create" and inserting "enhance, and create natural habitats and"; and

(C) by inserting "natural habitat and" before "wetlands conservation"; and

(5) by adding at the end the following:

"(13) Publicly owned intercity passenger rail infrastructure, including infrastructure owned by the National Railroad Passenger Corporation.

"(14) Publicly owned passenger rail vehicles, including vehicles owned by the National Railroad Passenger Corporation.

"(15) Infrastructure-based intelligent transportation systems capital improvements.

"(16) Publicly owned components of magnetic levitation transportation systems.".

SEC. 1236. DESIGN FLEXIBILITY.

Section 109 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) In General.—

"(1) Requirements for facilities.—The Secretary shall ensure that the plans and specifications for each proposed highway project under this chapter provide for a facility that will—

"(A) adequately serve the existing traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance; and

"(B) be designed and constructed in accordance with criteria best suited to accomplish the objectives described in subparagraph (A) and to conform to the particular needs of each locality.

"(2) Consideration of planned future traffic demands.—In carrying out paragraph (1), the Secretary shall ensure the consideration of the planned future traffic demands of the facility.".

Subtitle C—Finance

CHAPTER 1—GENERAL PROVISIONS

SEC. 1301. STATE INFRASTRUCTURE BANK PROGRAM.

(a) In General.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 162. State infrastructure bank program

"(a) Definitions.—In this section:

"(1) Other assistance.—The term 'other assistance' includes any use of funds in an infrastructure bank—

"(A) to provide credit enhancements;

"(B) to serve as a capital reserve for bond or debt instrument financing;

"(C) to subsidize interest rates;

"(D) to ensure the issuance of letters of credit and credit instruments;

"(E) to finance purchase and lease agreements with respect to transit projects;

"(F) to provide bond or debt financing instrument security; and

"(G) to provide other forms of debt financing and methods of leveraging funds that are approved by the Secretary and that relate to the project with respect to which the assistance is being provided.

"(2) State.—The term 'State' has the meaning given the term under section 401.

"(b) Cooperative Agreements.—

"(1) In general.—

"(A) Purpose of agreements.—Subject to this section, the Secretary may enter into cooperative agreements with States for the establishment of State infrastructure banks and multistate infrastructure banks for making loans and providing other assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under this section.

"(B) Contents of agreements.—Each cooperative agreement shall specify procedures and guidelines for establishing, operating, and providing assistance from the infrastructure bank.

"(2) Interstate compacts.—If 2 or more States enter into a cooperative agreement under paragraph (1) with the Secretary for the establishment of a multistate infrastructure bank, Congress grants consent to those States to enter into an interstate compact establishing the bank in accordance with this section.

"(c) Funding.—

"(1) Contribution.—Notwithstanding any other provision of law, the Secretary may allow, subject to subsection (h)(1), a State that enters into a cooperative agreement under this section to contribute to the infrastructure bank established by the State not to exceed—

"(A)(i) the total amount of funds apportioned to the State under each of paragraphs (1) and (3) of section 104(b), excluding funds set aside under paragraphs (1) and (2) of section 133(d); and

"(ii) the total amount of funds allocated to the State under section 105 and under section 1102 of the Intermodal Transportation Act of 1997;

"(B) the total amount of funds made available to the State or other Federal transit grant recipient for capital projects (as defined in section 5302 of title 49) under sections 5307, 5309, and 5311 of title 49; and

"(C) the total amount of funds made available to the State under subtitle V of title 49.

"(2) Capitalization grant.—For the purposes of this section, Federal funds contributed to the infrastructure bank under this subsection shall constitute a capitalization grant for the infrastructure bank.

"(3) Special rule for urbanized areas of over 200,000.—Funds that are apportioned or allocated to a State under section 104(b)(3) and attributed to urbanized areas of a State with a population of over 200,000 individuals under section 133(d)(2) may be used to provide assistance from an infrastructure bank under this section with respect to a project only if the metropolitan planning organization designated for the area concurs, in writing, with the provision of the assistance.

"(d) Forms of Assistance From Infrastructure Banks.—

"(1) In general.—An infrastructure bank established under this section may make loans or provide other assistance to a public or private entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section.

"(2) Subordination of loans.—The amount of any loan or other assistance provided for the project may be subordinated to any other debt financing for the project.

"(3) Initial assistance.—Initial assistance provided with respect to a project from Federal funds contributed to an infrastructure bank under this section shall not be made in the form of a grant.

"(e) Qualifying Projects.—

"(1) In general.—Subject to paragraph (2), Federal funds in an infrastructure bank established under this section may be used only to provide assistance with respect to projects eligible for assistance under this title or for capital projects (as defined in section 5302 of title 49).

"(2) Interstate funds.—Funds contributed to an infrastructure bank from funds apportioned to a State under subparagraph (A) or (B) of section 104(b)(1) may be used only to provide assistance with respect to projects eligible for assistance under those subparagraphs.

"(3) Rail program funds.—Funds contributed to an infrastructure bank from funds made available to a State under subtitle V of title 49 shall be used in a manner consistent with any project description specified under the law making the funds available to the State.

"(f) Infrastructure Bank Requirements.—

"(1) In general.—Subject to paragraph (2), in order to establish an infrastructure bank under this section, each State establishing such a bank shall—

"(A) contribute, at a minimum, to the bank from non-Federal sources an amount equal to 25 percent of the amount of each capitalization grant made to the State and contributed to the bank under subsection (c);

"(B) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances and its ability to pay claims under credit enhancement programs of the bank;

"(C) ensure that investment income generated by funds contributed to the bank will be—

"(i) credited to the bank;

"(ii) available for use in providing loans and other assistance to projects eligible for assistance from the bank; and

"(iii) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

"(D) ensure that any loan from the bank will bear interest at or below market rates, as determined by the State, to make the project that is the subject of the loan feasible;

"(E) ensure that repayment of the loan from the bank will commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later;

"(F) ensure that the term for repaying any loan will not exceed the lesser of—

"(i) 35 years after the date of the first payment on the loan under subparagraph (E); or

"(ii) the useful life of the investment; and

"(G) require the bank to make a biennial report to the Secretary and to make such other reports as the Secretary may require in guidelines.

"(2) Waivers by the secretary.—The Secretary may waive a requirement of any of subparagraphs (C) through (G) of paragraph (1) with respect to an infrastructure bank if the Secretary determines that the waiver is consistent with the objectives of this section.

"(g) Limitation on Repayments.—Notwithstanding any other provision of law, the repayment of a loan or other assistance provided from an infrastructure bank under this section may not be credited toward the non-Federal share of the cost of any project.

"(h) Secretarial Requirements.—In administering this section, the Secretary shall—

"(1) ensure that Federal disbursements shall be at an annual rate of not more than 20 percent of the amount designated by the State for State infrastructure bank capitalization under subsection (c)(1), except that the Secretary may disburse funds to a State in an amount needed to finance a specific project; and

"(2) revise cooperative agreements entered into with States under section 350 of the National Highway System Designation Act of 1995 (Public Law 104–59) to comply with this section.

"(i) Applicability of Federal Law.—

"(1) In general.—The requirements of this title or title 49 that would otherwise apply to funds made available under that title and projects assisted with those funds shall apply to—

"(A) funds made available under that title and contributed to an infrastructure bank established under this section, including the non-Federal contribution required under section (f); and

"(B) projects assisted by the bank through the use of the funds;

except to the extent that the Secretary determines that any requirement of that title is not consistent with the objectives of this section.

"(2) Repayments.—The requirements of this title or title 49 shall not apply to repayments from non-Federal sources to an infrastructure bank from projects assisted by the bank. Such a repayment shall not be considered to be Federal funds.

"(j) United States Not Obligated.—

"(1) In general.—The contribution of Federal funds to an infrastructure bank established under this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party. No third party shall have any right against the United States for payment solely by virtue of the contribution.

"(2) Statement.—Any security or debt financing instrument issued by the infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

"(k) MANAGEMENT OF FEDERAL FUNDS.—Sections 3335 and 6503 of title 31, United States Code, shall not apply to funds contributed under this section.

"(l) PROGRAM ADMINISTRATION.—

"(1) IN GENERAL.—A State may expend not to exceed 2 percent of the Federal funds contributed to an infrastructure bank established by the State under this section to pay the reasonable costs of administering the bank.

"(2) NON-FEDERAL FUNDS.—The limitation described in paragraph (1) shall not apply to non-Federal funds.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"162. State infrastructure bank program.".

CHAPTER 2—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

SEC. 1311. SHORT TITLE.

This chapter may be cited as the "Transportation Infrastructure Finance and Innovation Act of 1997".

SEC. 1312. FINDINGS.

Congress finds that—

(1) a well-developed system of transportation infrastructure is critical to the economic well-being, health, and welfare of the people of the United States;

(2) traditional public funding techniques such as grant programs are unable to keep pace with the infrastructure investment needs of the United States because of budgetary constraints at the Federal, State, and local levels of government;

(3) major transportation infrastructure facilities that address critical national needs, such as intermodal facilities, border crossings, and multistate trade corridors, are of a scale that exceeds the capacity of Federal and State assistance programs in effect on the date of enactment of this Act;

(4) new investment capital can be attracted to infrastructure projects that are capable of generating their own revenue streams through user charges or other dedicated funding sources; and

(5) a Federal credit program for projects of national significance can complement existing funding resources by filling market gaps, thereby leveraging substantial private co-investment.

SEC. 1313. DEFINITIONS.

In this chapter:

(1) ELIGIBLE PROJECT COSTS.—The term "eligible project costs" means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

(B) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and

(C) interest during construction, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

(2) FEDERAL CREDIT INSTRUMENT.—The term "Federal credit instrument" means a secured loan, loan guarantee, or line of credit authorized to be made available under this chapter with respect to a project.

(3) LENDER.—The term "lender" means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

(4) LINE OF CREDIT.—The term "line of credit" means an agreement entered into by the Secretary with an obligor under section 1316 to provide a direct loan at a future date upon the occurrence of certain events.

(5) LOAN GUARANTEE.—The term "loan guarantee" means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

(6) LOCAL SERVICER.—The term "local servicer" means—

(A) a State infrastructure bank established under title 23, United States Code; or

(B) a State or local government or any agency of a State or local government that is responsible for servicing a Federal credit instrument on behalf of the Secretary.

(7) OBLIGOR.—The term "obligor" means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

(8) PROJECT.—The term "project" means any surface transportation project eligible for Federal assistance under title 23 or chapter 53 of title 49, United States Code.

(9) PROJECT OBLIGATION.—The term "project obligation" means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

(10) SECURED LOAN.—The term "secured loan" means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 1315.

(11) STATE.—The term "State" has the meaning given the term in section 101 of title 23, United States Code.

(12) SUBSTANTIAL COMPLETION.—The term "substantial completion" means the opening of a project to vehicular or passenger traffic.

SEC. 1314. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.

(a) ELIGIBILITY.—To be eligible to receive financial assistance under this chapter, a project shall meet the following criteria:

(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project—

(A) shall be included in the State transportation plan required under section 135 of title 23, United States Code; and

(B) at such time as an agreement to make available a Federal credit instrument is entered into under this chapter, shall be included in the approved State transportation improvement program required under section 134 of that title.

(2) APPLICATION.—A State, a local servicer identified under section 1317(a), or the entity undertaking the project shall submit a project application to the Secretary.

(3) ELIGIBLE PROJECT COSTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible for assistance under this chapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

(i) $100,000,000; or

(ii) 50 percent of the amount of Federal-aid highway funds apportioned for the most recently-completed fiscal year under title 23, United States Code, to the State in which the project is located.

(B) INTELLIGENT TRANSPORTATION SYSTEM PROJECTS.—In the case of a project involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed $30,000,000.

(4) DEDICATED REVENUE SOURCES.—Project financing shall be repayable in whole or in part by user charges or other dedicated revenue sources.

(5) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored as provided in paragraphs (1) and (2).

(b) SELECTION AMONG ELIGIBLE PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (a).

(2) SELECTION CRITERIA.—The selection criteria shall include the following:

(A) The extent to which the project is nationally or regionally significant, in terms of generating economic benefits, supporting international commerce, or otherwise enhancing the national transportation system.

(B) The creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment. The Secretary shall require each project applicant to provide a preliminary rating opinion letter from a nationally recognized bond rating agency.

(C) The extent to which assistance under this chapter would foster innovative public-private partnerships and attract private debt or equity investment.

(D) The likelihood that assistance under this chapter would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

(E) The extent to which the project uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.

(F) The amount of budget authority required to fund the Federal credit instrument made available under this chapter.

(c) FEDERAL REQUIREMENTS.—The following provisions of law shall apply to funds made available under this chapter and projects assisted with the funds:

(1) Section 113 of title 23, United States Code.

(2) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(3) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(5) Section 5333 of title 49, United States Code.

SEC. 1315. SECURED LOANS.

(a) IN GENERAL.—

(1) AGREEMENTS.—Subject to paragraphs (2) and (3), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

(A) to finance eligible project costs; or

(B) to refinance interim construction financing of eligible project costs;

of any project selected under section 1314.

(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the project.

(3) AUTHORIZATION PERIOD.—The Secretary may enter into a loan agreement during any of fiscal years 1998 through 2003.

(b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed 33 percent of the reasonably anticipated eligible project costs.

(3) PAYMENT.—The secured loan—

(A) shall be payable, in whole or in part, from revenues generated by any rate covenant, coverage requirement, or similar security feature supporting the project obligations or from a dedicated revenue stream; and

(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

(4) INTEREST RATE.—The interest rate on the secured loan shall be equal to the yield on marketable United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

(5) MATURITY DATE.—The final maturity date of the secured loan shall be not later than 35 years after the date of substantial completion of the project.

(6) NONSUBORDINATION.—The secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

(7) FEES.—The Secretary may establish fees at a level sufficient to cover the costs to the Federal Government of making a secured loan under this section.

(c) REPAYMENT.—

(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from project revenues and other repayment sources.

(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

(4) DEFERRED PAYMENTS.—

(A) AUTHORIZATION.—If, at any time during the 10 years after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay scheduled principal and interest on the secured loan, the Secretary may, pursuant to established criteria for the project agreed to by the entity undertaking the project and the Secretary, allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

(ii) be scheduled to be amortized over the remaining term of the loan beginning not later than 10 years after the date of substantial completion of the project in accordance with paragraph (1).

(5) PREPAYMENT.—

(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

(d) SALE OF SECURED LOANS.—As soon as practicable after substantial completion of a project, the Secretary shall sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

(e) LOAN GUARANTEES.—

(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

(2) TERMS.—The terms of a guaranteed loan shall be consistent with the terms set forth in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

SEC. 1316. LINES OF CREDIT.

(a) IN GENERAL.—

(1) AGREEMENTS.—The Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any project selected under section 1314.

(2) USE OF PROCEEDS.—The proceeds of a line of credit made available under this section shall be available to pay debt service on project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

(b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

(2) MAXIMUM AMOUNTS.—

(A) TOTAL AMOUNT.—The total amount of the line of credit shall not exceed 33 percent of the reasonably anticipated eligible project costs.

(B) ONE-YEAR DRAWS.—The amount drawn in any 1 year shall not exceed 20 percent of the total amount of the line of credit.

(3) DRAWS.—Any draw on the line of credit shall represent a direct loan and shall be made only if net revenues from the project (including capitalized interest, any debt service reserve fund, and any other available reserve) are insufficient to pay debt service on project obligations.

(4) INTEREST RATE.—The interest rate on a direct loan resulting from a draw on the line of credit shall be equal to the yield on 30-year marketable United States Treasury securities as of the date on which the line of credit is obligated.

(5) SECURITY.—The line of credit—

(A) shall be made available only in connection with a project obligation secured, in whole or in part, by a rate covenant, coverage requirement, or similar security feature or from a dedicated revenue stream; and

(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

(6) PERIOD OF AVAILABILITY.—The line of credit shall be available during the period beginning on the date of substantial completion of the project and ending not later than 10 years after that date.

(7) RIGHTS OF THIRD PARTY CREDITORS.—

(A) AGAINST FEDERAL GOVERNMENT.—A third party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on the line of credit.

(B) ASSIGNMENT.—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the lenders' behalf.

(8) NONSUBORDINATION.—A direct loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

(9) FEES.—The Secretary may establish fees at a level sufficient to cover the costs to the Federal Government of providing a line of credit under this section.

(10) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—A line of credit under this section shall not be issued for a project with respect to which another Federal credit instrument under this chapter is made available.

(c) REPAYMENT.—

(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each direct loan under this section based on the projected cash flow from project revenues and other repayment sources.

(2) TIMING.—All scheduled repayments of principal or interest on a direct loan under this section shall commence not later than 5 years after substantial completion of the project and be fully repaid, with interest, by the date that is 20 years after the end of the period of availability specified in subsection (b)(6).

(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

SEC. 1317. PROJECT SERVICING.

(a) REQUIREMENT.—The State in which a project that receives financial assistance under this chapter is located may identify a local servicer to assist the Secretary in servicing the Federal credit instrument made available under this chapter.

(b) AGENCY; FEES.—If a State identifies a local servicer under subsection (a), the local servicer—

(1) shall act as the agent for the Secretary; and

(2) may receive a servicing fee, subject to approval by the Secretary.

(c) LIABILITY.—A local servicer identified under subsection (a) shall not be liable for the obligations of the obligor to the Secretary or any lender.

(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

SEC. 1318. OFFICE OF INFRASTRUCTURE FINANCE.

(a) Duties of the Secretary.—Section 301 of title 49, United States Code, is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) develop and coordinate Federal policy on financing transportation infrastructure, including the provision of direct Federal credit assistance and other techniques used to leverage Federal transportation funds.".

(b) Office of Infrastructure Finance.—

(1) In general.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§113. Office of Infrastructure Finance

"(a) Establishment.—The Secretary of Transportation shall establish within the Office of the Secretary an Office of Infrastructure Finance.

"(b) Director.—The Office shall be headed by a Director who shall be appointed by the Secretary not later than 180 days after the date of enactment of this section.

"(c) Functions.—The Director shall be responsible for—

"(1) carrying out the responsibilities of the Secretary described in section 301(9);

"(2) carrying out research on financing transportation infrastructure, including educational programs and other initiatives to support Federal, State, and local government efforts; and

"(3) providing technical assistance to Federal, State, and local government agencies and officials to facilitate the development and use of alternative techniques for financing transportation infrastructure.".

(2) Conforming amendment.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"113. Office of Infrastructure Finance.".

SEC. 1319. STATE AND LOCAL PERMITS.

The provision of financial assistance under this chapter with respect to a project shall not—

(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

SEC. 1320. REGULATIONS.

The Secretary may issue such regulations as the Secretary determines appropriate to carry out this chapter and the amendments made by this chapter.

SEC. 1321. FUNDING.

(a) Authorization of Contract Authority.—

(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this chapter—

(A) $60,000,000 for fiscal year 1998;

(B) $60,000,000 for fiscal year 1999;

(C) $90,000,000 for fiscal year 2000;

(D) $90,000,000 for fiscal year 2001;

(E) $100,000,000 for fiscal year 2002; and

(F) $100,000,000 for fiscal year 2003.

(2) Administrative costs.—From funds made available under paragraph (1), the Secretary may use, for the administration of this chapter, not more than $2,000,000 for each of fiscal years 1998 through 2003.

(3) Availability.—Amounts made available under paragraph (1) shall remain available until expended.

(b) Contract Authority.—

(1) In general.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this chapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

(2) Availability.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

(c) Limitations on Credit Amounts.—For each of fiscal years 1998 through 2003, principal amounts of Federal credit instruments made available under this chapter shall be limited to the amounts specified in the following table:

Fiscal year:	**Maximum amount of credit:**
1998	$1,200,000,000
1999	$1,200,000,000
2000	$1,800,000,000
2001	$1,800,000,000
2002	$2,000,000,000
2003	$2,000,000,000.

SEC. 1322. REPORT TO CONGRESS.

Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this chapter, including a recommendation as to whether the objectives of this chapter are best served—

(1) by continuing the program under the authority of the Secretary;

(2) by establishing a Government corporation or Government-sponsored enterprise to administer the program; or

(3) by phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this chapter without Federal participation.

Subtitle D—Safety

SEC. 1401. OPERATION LIFESAVER.

Section 104 of title 23, United States Code (as amended by section 1102(a)), is amended—

(1) in the matter preceding paragraph (1) of subsection (b), by striking "subsection (f)" and inserting "subsections (d) and (f)"; and

(2) in subsection (d), by striking paragraph (1) and inserting the following:

"(1) Operation lifesaver.—Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside $500,000 of the funds authorized to be appropriated for the surface transportation program for the fiscal year to carry out a public information and education program to help prevent and reduce motor vehicle accidents, injuries, and fatalities and to improve driver performance at railway-highway crossings.".

SEC. 1402. RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.

Section 104(d) of title 23, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) Railway-highway crossing hazard elimination in high speed rail corridors.—

"(A) In general.—Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside $5,000,000 of the funds authorized to be appropriated for the surface transportation program for the fiscal year for elimination of hazards of railway-highway crossings.

"(B) Eligible corridors.—Funds made available under subparagraph (A) shall be expended for projects in—

"(i) 5 railway corridors selected by the Secretary in accordance with this subsection (as in effect on the day before the date of enactment of this clause); and

"(ii) 3 railway corridors selected by the Secretary in accordance with subparagraphs (C) and (D).

"(C) Required inclusion of high speed rail lines.—A corridor selected by the Secretary under subparagraph (A) shall include rail lines where railroad speeds of 90 miles or more per hour are occurring or can reasonably be expected to occur in the future.

"(D) Considerations in corridor selection.—In selecting corridors under subparagraph (A), the Secretary shall consider—

"(i) projected rail ridership volume in each corridor;

"(ii) the percentage of each corridor over which a train will be capable of operating at its maximum cruise speed taking into account such factors as topography and other traffic on the line;

"(iii) projected benefits to nonriders such as congestion relief on other modes of transportation serving each corridor (including congestion in heavily traveled air passenger corridors);

"(iv) the amount of State and local financial support that can reasonably be anticipated for the improvement of the line and related facilities; and

"(v) the cooperation of the owner of the right-of-way that can reasonably be expected in the operation of high speed rail passenger service in each corridor.".

SEC. 1403. RAILWAY-HIGHWAY CROSSINGS.

Section 130 of title 23, United States Code, is amended—

(1) in the first sentence of subsection (a)—

(A) by striking "structures, and" and inserting "structures,"; and

(B) by inserting after "grade crossings," the following: "trespassing countermeasures, railway-highway crossing safety education, enforcement of traffic laws relating to railway-highway crossing safety, and projects at privately owned railway-highway crossings if each such project is publicly sponsored and the Secretary determines that the project would serve a public benefit";

(2) in subsection (d), by adding at the end the following: "In a manner established by the Secretary, each State shall submit a report that describes completed railway-highway crossing projects funded under this section to the Department of Transportation for inclusion in the National Grade Crossing Inventory prepared by the Department of Transportation and the Association of American Railroads."; and

(3) by striking subsection (e).

SEC. 1404. HAZARD ELIMINATION PROGRAM.

(a) In General.—Section 152 of title 23, United States Code, is amended—

(1) in subsection (a), by inserting ", bicyclists," after "motorists";

(2) in subsection (b), by striking "highway safety improvement project" and inserting "safety improvement project, including a project described in subsection (a)"; and

(3) in subsection (c), by striking "(other than a highway on the Interstate System)".

(b) Conforming Amendments.—

(1) Section 101(a) of title 23, United States Code, is amended—

(A) in the undesignated paragraph defining "highway safety improvement project", by striking "highway safety" and inserting "safety"; and

(B) by moving that undesignated paragraph to appear before the undesignated paragraph defining "Secretary".

(2) Section 152 of title 23, United States Code, is amended in subsections (f) and (g) by

striking "highway safety improvement projects" each place it appears and inserting "safety improvement projects".

SEC. 1405. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE.

(a) In General.—Chapter 1 of title 23, United States Code (as amended by section 1301(a)), is amended by adding at the end the following:

"§ 163. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence

"(a) Definitions.—In this section:

"(1) Alcohol concentration.—The term 'alcohol concentration' means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

"(2) Driving while intoxicated; driving under the influence.—The terms 'driving while intoxicated' and 'driving under the influence' mean driving or being in actual physical control of a motor vehicle while having an alcohol concentration above the permitted limit as established by each State.

"(3) License suspension.—The term 'license suspension' means the suspension of all driving privileges.

"(4) Motor vehicle.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line or a commercial vehicle.

"(5) Repeat intoxicated driver law.—The term 'repeat intoxicated driver law' means a State law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence within 5 years after a conviction for that offense whose alcohol concentration with respect to the second or subsequent offense was determined on the basis of a chemical test to be equal to or greater than 0.15 shall receive—

"(A) a license suspension for not less than 1 year;

"(B) an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and

"(C) either—

"(i) an assignment of 30 days of community service; or

"(ii) 5 days of imprisonment.

"(b) Transfer of Funds.—

"(1) Fiscal years 2001 and 2002.—

"(A) In general.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402 to be used for alcohol-impaired driving programs.

"(B) Derivation of amount to be transferred.—An amount transferred under subparagraph (A) may be derived—

"(i) from the apportionment of the State under section 104(b)(1);

"(ii) from the apportionment of the State under section 104(b)(3); or

"(iii) partially from the apportionment of the State under section 104(b)(1) and partially from the apportionment of the State under section 104(b)(3).

"(2) Fiscal year 2003 and fiscal years thereafter.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer 3 percent of the funds apportioned to the State on that date under each of paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402 to be used for alcohol-impaired driving programs.

"(3) Federal share.—The Federal share of the cost of a project carried out under section 402 with funds transferred under paragraph (1) or (2) shall be 100 percent.

"(4) Transfer of obligation authority.—

"(A) In general.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

"(B) Amount.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

"(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

"(ii) the ratio that—

"(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

"(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

"(5) Limitation on applicability of highway safety obligations.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under that section.".

(b) Conforming Amendment.—The analysis for chapter 1 of title 23, United States Code (as amended by section 1301(b)), is amended by adding at the end the following:

"163. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.".

SEC. 1406. SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS.

(a) In General.—Chapter 1 of title 23, United States Code (as amended by section 1405(a)), is amended by adding at the end the following:

"§ 164. Safety incentive grants for use of seat belts

"(a) Definitions.—In this section:

"(1) Motor vehicle.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line.

"(2) Multipurpose passenger motor vehicle.—The term 'multipurpose passenger motor vehicle' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed on a truck chassis or is constructed with special features for occasional off-road operation.

"(3) National average seat belt use rate.—The term 'national average seat belt use rate' means, in the case of each of calendar years 1995 through 2001, the national average seat belt use rate for that year, as determined by the Secretary.

"(4) Passenger car.—The term 'passenger car' means a motor vehicle with motive power (except a multipurpose passenger motor vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

"(5) Passenger motor vehicle.—The term 'passenger motor vehicle' means a passenger car or a multipurpose passenger motor vehicle.

"(6) Savings to the Federal Government.—The term 'savings to the Federal Government' means the amount of Federal budget savings as determined by the Secretary.

"(7) Seat belt.—The term 'seat belt' means—

"(A) with respect to an open-body passenger motor vehicle, including a convertible, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(B) with respect to any other passenger motor vehicle, an occupant restraint system consisting of integrated lap and shoulder belts.

"(8) State seat belt use rate.—The term 'State seat belt use rate' means the rate of use of seat belts in passenger motor vehicles in a State, as measured and submitted to the Secretary—

"(A) for each of calendar years 1995 through 1997, by the State, as adjusted by the Secretary to ensure national consistency in methods of measurement (as determined by the Secretary); and

"(B) for each of calendar years 1998 through 2001, by the State in a manner consistent with the criteria established by the Secretary under subsection (e).

"(b) Determinations by the Secretary.—Not later than 30 days after the date of enactment of this section, and not later than September 1 of each calendar year thereafter through September 1, 2002, the Secretary shall determine—

"(1)(A) which States had, for each of the previous calendar year (referred to in this subsection as the 'previous calendar year') and the year preceding the previous calendar year, a State seat belt use rate greater than the national average seat belt use rate for that year; and

"(B) in the case of each State described in subparagraph (A), the amount that is equal to the savings to the Federal Government due to the amount by which the State seat belt use rate for the previous calendar year exceeds the national average seat belt use rate for that year; and

"(2) in the case of each State that is not a State described in paragraph (1)(A)—

"(A) the base seat belt use rate of the State, which shall be equal to the highest State seat belt use rate for the State for any calendar year during the period of 1995 through the calendar year preceding the previous calendar year; and

"(B) the amount that is equal to the savings to the Federal Government due to any increase in the State seat belt use rate for the previous calendar year over the base seat belt use rate determined under subparagraph (A).

"(c) Allocations.—

"(1) States with greater than the national average seat belt use rate.—Not later than 30 days after the date of enactment of this section, and not later than each October 1 thereafter through October 1, 2002, the Secretary shall allocate to each State described in subsection (b)(1)(A) an amount equal to the amount determined for the State under subsection (b)(1)(B).

"(2) Other states.—Not later than 30 days after the date of enactment of this section, and not later than each October 1 thereafter through October 1, 2002, the Secretary shall allocate to each State described in subsection (b)(2) an amount equal to the amount determined for the State under subsection (b)(2)(B).

"(d) Use of Funds.—For each fiscal year, each State that is allocated an amount under this section shall use the amount for projects eligible for assistance under this title.

"(e) Criteria.—Not later than 180 days after the date of enactment of the Intermodal Transportation Act of 1997, the Secretary shall establish criteria for the measurement of State seat belt use rates by States to ensure that the measurements are accurate and representative.

"(f) Funding.—

"(1) Authorization of contract authority.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $60,000,000 for fiscal year 1998, $70,000,000 for fiscal year 1999, $80,000,000 for fiscal year 2000, $90,000,000 for fiscal year 2001, and $100,000,000 for each of fiscal years 2002 and 2003.

"(2) Use of unallocated funds.—To the extent that the amounts made available for any fiscal year under paragraph (1) exceed the total amounts to be allocated under subsection (c) for the fiscal year, the excess amounts—

"(A) shall be apportioned in accordance with section 104(b)(3);

"(B) shall be considered to be sums made available for expenditure on the surface transportation program, except that the amounts shall not be subject to section 133(d); and

"(C) shall be available for any purpose eligible for funding under section 133.

"(3) Administrative expenses.—Not more than 2 percent of the funds made available to carry out this section may be used to pay the necessary administrative expenses incurred in carrying out this section.".

(b) Conforming Amendment.—The analysis for chapter 1 of title 23, United States Code (as amended by section 1405(b)), is amended by adding at the end the following:

"164. Safety incentive grants for use of seat belts.".

Subtitle E—Environment

SEC. 1501. NATIONAL SCENIC BYWAYS PROGRAM.

(a) In General.—Chapter 1 of title 23, United States Code (as amended by section 1406(a)) is amended by adding at the end the following:

"§ 165. National scenic byways program

"(a) Designation of Roads.—

"(1) In general.—The Secretary shall carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities by designating the roads as National Scenic Byways or All-American Roads.

"(2) Criteria.—The Secretary shall designate roads to be recognized under the national scenic byways program in accordance with criteria developed by the Secretary.

"(3) Nomination.—To be considered for the designation, a road must be nominated by a State or a Federal land management agency and must first be designated as a State scenic byway or, in the case of a road on Federal land, as a Federal land management agency byway.

"(b) Grants and Technical Assistance.—

"(1) In general.—The Secretary shall make grants and provide technical assistance to States to—

"(A) implement projects on highways designated as National Scenic Byways or All-American Roads, or as State scenic byways; and

"(B) plan, design, and develop a State scenic byway program.

"(2) Priorities.—In making grants, the Secretary shall give priority to—

"(A) each eligible project that is associated with a highway that has been designated as a National Scenic Byway or All-American Road and that is consistent with the corridor management plan for the byway;

"(B) each eligible project along a State-designated scenic byway that is consistent with the corridor management plan for the byway, or is intended to foster the development of such a plan, and is carried out to make the byway eligible for designation as a National Scenic Byway or All-American Road; and

"(C) each eligible project that is associated with the development of a State scenic byway program.

"(c) Eligible Projects.—The following are projects that are eligible for Federal assistance under this section:

"(1) An activity related to the planning, design, or development of a State scenic byway program.

"(2) Development and implementation of a corridor management plan to maintain the scenic, historical, recreational, cultural, natural, and archaeological characteristics of a byway corridor while providing for accommodation of increased tourism and development of related amenities.

"(3) Safety improvements to a State scenic byway, National Scenic Byway, or All-American Road to the extent that the improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway as a result of the designation as a State scenic byway, National Scenic Byway, or All-American Road.

"(4) Construction along a scenic byway of a facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement, passing lane, overlook, or interpretive facility.

"(5) An improvement to a scenic byway that will enhance access to an area for the purpose of recreation, including water-related recreation.

"(6) Protection of scenic, historical, recreational, cultural, natural, and archaeological resources in an area adjacent to a scenic byway.

"(7) Development and provision of tourist information to the public, including interpretive information about a scenic byway.

"(8) Development and implementation of a scenic byways marketing program.

"(d) Limitation.—The Secretary shall not make a grant under this section for any project that would not protect the scenic, historical, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas.

"(e) Federal Share.—The Federal share of the cost of carrying out a project under this section shall be 80 percent, except that, in the case of any scenic byways project along a public road that provides access to or within Federal or Indian land, a Federal land management agency may use funds authorized for use by the agency as the non-Federal share.

"(f) Authorization of Contract Authority.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $17,000,000 for fiscal year 1998, $17,000,000 for fiscal year 1999, $19,000,000 for fiscal year 2000, $19,000,000 for fiscal year 2001, $21,000,000 for fiscal year 2002, and $23,000,000 for fiscal year 2003.".

(b) Conforming Amendment.—The analysis for chapter 1 of title 23, United States Code (as amended by section 1406(b)), is amended by adding at the end the following:

"165. National scenic byways program.".

SEC. 1502. PUBLIC-PRIVATE PARTNERSHIPS.

Section 149 of title 23, United States Code, is amended by adding at the end the following:

"(e) Partnerships With Nongovernmental Entities.—

"(1) In general.—Notwithstanding any other provision of this title and in accordance with this subsection, a metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project carried out under this section.

"(2) Forms of participation by entities.—Participation by an entity under paragraph (1) may consist of—

"(A) ownership or operation of any land, facility, vehicle, or other physical asset associated with the project;

"(B) cost sharing of any project expense;

"(C) carrying out of administrative, construction management, project management, project operation, or any other management or operational duty associated with the project; and

"(D) any other form of participation approved by the Secretary.

"(3) Allocation to entities.—A State may allocate funds apportioned under section 104(b)(2) to an entity described in paragraph (1).

"(4) Alternative fuel projects.—In the case of a project that will provide for the use of alternative fuels by privately owned vehicles or vehicle fleets, activities eligible for funding under this subsection—

"(A) shall include the incremental costs of vehicle refueling infrastructure and other capital investments associated with the project; but

"(B) shall not include the base cost of any vehicle that would otherwise be borne by a private party or the cost of any project element that would otherwise be offset by any other Federal, State, or local program.

"(5) Prohibition on federal participation with respect to required activities.—A Federal participation payment under this subsection may not be made with respect to any activity that is required under the Clean Air Act (42 U.S.C. 7401 et seq.) or any other Federal law.".

SEC. 1503. WETLAND RESTORATION PILOT PROGRAM.

(a) Findings.—Congress finds that—

(1) surface transportation has unintended but negative consequences for wetlands and other water resources;

(2) in almost every State, construction and other highway activities have reduced or eliminated wetland functions and values, such as wildlife habitat, ground water recharge, flood control, and water quality benefits;

(3) the United States has lost more than ½ of the estimated 220,000,000 acres of wetlands that existed during colonial times; and

(4) while the rate of human-induced destruction and conversion of wetlands has slowed in recent years, the United States has suffered unacceptable wetland losses as a result of highway projects.

(b) Establishment.—The Secretary shall establish a national wetland restoration pilot program (referred to in this section as the “program”) to fund mitigation projects to offset the degradation of wetlands, or the loss of functions and values of the aquatic resource, resulting from projects carried out before December 27, 1977, under title 23, United States Code (or similar projects as determined by the Secretary), for which mitigation has not been performed.

(c) APPLICATIONS.—To be eligible for funding under the program, a State shall submit an application to the Secretary that includes—

(1) a description of the wetland proposed to be restored by a mitigation project described in subsection (b) (referred to in this section as a “wetland restoration project”) under the program (including the size and quality of the wetland);

(2) such information as is necessary to establish a nexus between—

(A) a project carried out under title 23, United States Code (or a similar project as determined by the Secretary); and

(B) the wetland values and functions proposed to be restored by the wetland restoration project;

(3) a description of the benefits expected from the proposed wetland restoration project (including improvement of water quality, improvement of wildlife habitat, ground water recharge, and flood control);

(4) a description of the State's level of commitment to the proposed wetland restoration project (including the monetary commitment of the State and any development of a State or regional conservation plan that includes the proposed wetland restoration); and

(5) the estimated total cost of the wetland restoration project.

(d) SELECTION OF WETLAND RESTORATION PROJECTS.—

(1) INTERAGENCY COUNCIL.—In consultation with the Secretary of the Army, the Secretary of the Interior, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, the Secretary shall establish an interagency advisory council to—

(A) review the submitted applications that meet the requirements of subsection (c); and

(B) not later than 60 days after the application deadline, select wetland restoration projects for funding under the program.

(2) SELECTION CRITERIA FOR PRIORITY WETLAND RESTORATION PROJECTS.—In consultation with the Secretary of the Army, the Secretary of the Interior, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, the Secretary shall give priority in funding under this section to wetland restoration projects that—

(A) provide for long-term monitoring and maintenance of wetland resources;

(B) are managed by an entity, such as a nature conservancy, with expertise in the long-term monitoring and protection of wetland resources; and

(C) have a high likelihood of success.

(e) REPORTS.—Not later than April 1, 2000, and April 1, 2003, the Secretary shall submit a report to Congress on the results of the program.

(f) AUTHORIZATION OF CONTRACT AUTHORITY.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $12,000,000 for fiscal year 1998, $13,000,000 for fiscal year 1999, $14,000,000 for fiscal year 2000, $17,000,000 for fiscal year 2001, $20,000,000 for fiscal year 2002, and $24,000,000 for fiscal year 2003.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

Subtitle F—Planning

SEC. 1601. METROPOLITAN PLANNING.

(a) IN GENERAL.—Section 134 of title 23, United States Code, is amended to read as follows:

“§ 134. Metropolitan planning

“(a) GENERAL REQUIREMENTS.—

“(1) FINDINGS.—Congress finds that it is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution.

“(2) DEVELOPMENT OF PLANS AND PROGRAMS.—To accomplish the objective stated in paragraph (1), metropolitan planning organizations designated under subsection (b), in cooperation with the State and public transit operators, shall develop transportation plans and programs for urbanized areas of the State.

“(3) CONTENTS.—The plans and programs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.

“(4) PROCESS.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

“(b) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

“(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

“(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census); or

“(B) in accordance with procedures established by applicable State or local law.

“(2) REDESIGNATION.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) as appropriate to carry out this section.

“(3) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.

“(4) STRUCTURE.—Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area, when designated or redesignated under this subsection, shall consist of—

“(A) local elected officials;

“(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization as of June 1, 1991); and

“(C) appropriate State officials.

“(5) OTHER AUTHORITY.—Nothing in this subsection interferes with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities to—

“(A) develop plans and programs for adoption by a metropolitan planning organization; or

“(B) develop long-range capital plans, coordinate transit services and projects, and carry out other activities under State law.

“(c) METROPOLITAN PLANNING AREA BOUNDARIES.—

“(1) IN GENERAL.—For the purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the metropolitan planning organization and the Governor.

“(2) INCLUDED AREA.—Each metropolitan planning area—

“(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period; and

“(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

“(3) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—Notwithstanding paragraph (2), in the case of an area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the boundaries of the metropolitan planning area in existence as of the date of enactment of the Intermodal Transportation Act of 1997, shall be retained, except that the boundaries may be adjusted by agreement of the affected metropolitan planning organizations and Governors in the manner described in subsection (b)(2).

“(4) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of the Intermodal Transportation Act of 1997 as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

“(A) shall be established by agreement between the appropriate units of general purpose local government (including the central city) and the Governor;

“(B) shall encompass at least the urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period;

“(C) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census; and

“(D) may address any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide.

“(d) COORDINATION IN MULTISTATE AREAS.—

“(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

"(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

"(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

"(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

"(e) COORDINATION OF METROPOLITAN PLANNING ORGANIZATIONS.—If more than 1 metropolitan planning organization has authority within a metropolitan planning area or an area that is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), each such metropolitan planning organization shall consult with the other metropolitan planning organizations designated for the area and the State in the development of plans and programs required by this section.

"(f) SCOPE OF PLANNING PROCESS.—The metropolitan transportation planning process for a metropolitan area under this section shall consider, as appropriate, the following:

"(1) Supporting the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.

"(2) Increasing the safety and security of the transportation system for motorized and nonmotorized users.

"(3) Increasing the accessibility and mobility options available to people and for freight.

"(4) Protecting and enhancing the environment and promoting energy conservation and improved quality of life.

"(5) Enhancing the integration and connectivity of the transportation system, across and between modes, for people and freight.

"(6) Promoting efficient system management and operation.

"(7) Emphasizing the preservation of the existing transportation system.

"(g) DEVELOPMENT OF LONG-RANGE TRANSPORTATION PLAN.—

"(1) IN GENERAL.—

"(A) DEVELOPMENT.—In accordance with this subsection, each metropolitan planning organization shall develop, and update periodically, according to a schedule that the Secretary determines to be appropriate, a long-range transportation plan for its metropolitan area.

"(B) FORECAST PERIOD.—In developing long-range transportation plans, the metropolitan planning process shall address—

"(i) the considerations under subsection (f); and

"(ii) any State or local goals developed within the cooperative metropolitan planning process;

as they relate to a 20-year forecast period and to other forecast periods as determined by the participants in the planning process.

"(C) FUNDING ESTIMATES.—For the purpose of developing the long-range transportation plan, the State shall consult with the metropolitan planning organization and each public transit agency in developing estimates of funds that are reasonably expected to be available to support plan implementation.

"(2) LONG-RANGE TRANSPORTATION PLAN.—A long-range transportation plan under this subsection shall, at a minimum, contain—

"(A) an identification of transportation facilities (including major roadways and transit, multimodal, and intermodal facilities) that should function as a future integrated transportation system, giving emphasis to those facilities that serve important national, regional, and metropolitan transportation functions;

"(B) an identification of transportation strategies necessary to—

"(i) ensure preservation, including requirements for management, operation, modernization, and rehabilitation, of the existing and future transportation system; and

"(ii) make the most efficient use of existing transportation facilities to relieve congestion, to efficiently serve the mobility needs of people and goods, and to enhance access within the metropolitan planning area; and

"(C) a financial plan that demonstrates how the long-range transportation plan can be implemented, indicates total resources from public and private sources that are reasonably expected to be available to carry out the plan (without any requirement for indicating project-specific funding sources), and recommends any additional financing strategies for needed projects and programs.

"(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas that are in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a long-range transportation plan with the process for development of the transportation control measures of the State implementation plan required by that Act.

"(4) PARTICIPATION BY INTERESTED PARTIES.—Before adopting a long-range transportation plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan.

"(5) PUBLICATION OF LONG-RANGE TRANSPORTATION PLAN.—Each long-range transportation plan prepared by a metropolitan planning organization shall be—

"(A) published or otherwise made readily available for public review; and

"(B) submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

"(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—In cooperation with the State and any affected public transit operator, the metropolitan planning organization designated for a metropolitan area shall develop a transportation improvement program for the area for which the organization is designated.

"(B) OPPORTUNITY FOR COMMENT.—In developing the program, the metropolitan planning organization, in cooperation with the State and any affected public transit operator, shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(C) FUNDING ESTIMATES.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

"(D) UPDATING AND APPROVAL.—The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization and the Governor.

"(2) CONTENTS.—The transportation improvement program shall include—

"(A) a list, in order of priority, of proposed federally supported surface transportation projects and strategies to be carried out within each 3-year-period after the initial adoption of the transportation improvement program; and

"(B) a financial plan that—

"(i) demonstrates how the transportation improvement program can be implemented;

"(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program (without any requirement for indicating project-specific funding sources); and

"(iii) identifies innovative financing techniques to finance projects, programs, and strategies (without any requirement for indicating project-specific funding sources).

"(3) INCLUDED PROJECTS.—

"(A) CHAPTER 1 AND CHAPTER 53 PROJECTS.—A transportation improvement program developed under this subsection for a metropolitan area shall include the projects and strategies within the area that are proposed for funding under chapter 1 of this title and chapter 53 of title 49.

"(B) CHAPTER 2 PROJECTS.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 of this title shall be identified individually in the transportation improvement program.

"(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 of this title that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

"(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (g) for the area.

"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(4) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall, in cooperation with the State and any affected public transit operator, provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

"(5) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in subsection (i)(4) and in addition to the transportation improvement program development required under paragraph (1), the selection of federally funded projects for implementation in metropolitan areas shall be carried out, from the approved transportation improvement program—

"(i) by—

"(I) in the case of projects under chapter 1, the State; and

"(II) in the case of projects under chapter 53 of title 49, the designated transit funding recipients; and

"(ii) in cooperation with the metropolitan planning organization.

"(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project of higher priority in the program.

"(i) TRANSPORTATION MANAGEMENT AREAS.—

"(1) DESIGNATION.—

"(A) REQUIRED DESIGNATIONS.—The Secretary shall designate as a transportation management area each urbanized area with a population of over 200,000 individuals.

"(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

"(2) TRANSPORTATION PLANS AND PROGRAMS.—Within a transportation management area, transportation plans and programs shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and any affected public transit operator.

"(3) CONGESTION MANAGEMENT SYSTEM.—Within a transportation management area, the transportation planning process under this section shall include a congestion management system that provides for effective management of new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49 through the use of travel demand reduction and operational management strategies.

"(4) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—In addition to the transportation improvement program development required under subsection (h)(1), all federally funded projects carried out within the boundaries of a transportation management area under this title (excluding projects carried out on the National Highway System) or under chapter 53 of title 49 shall be selected for implementation from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

"(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out within the boundaries of a transportation management area on the National Highway System shall be selected for implementation from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.

"(5) CERTIFICATION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) ensure that the metropolitan planning process in each transportation management area is being carried out in accordance with applicable provisions of Federal law; and

"(ii) subject to subparagraph (B), certify, not less often than once every 3 years, that the requirements of this paragraph are met with respect to the transportation management area.

"(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

"(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

"(ii) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor.

"(C) EFFECT OF FAILURE TO CERTIFY.—

"(i) WITHHOLDING OF FUNDS.—If a metropolitan planning process is not certified, the Secretary may withhold up to 20 percent of the apportioned funds attributable to the transportation management area under this title and chapter 53 of title 49.

"(ii) RESTORATION OF WITHHELD FUNDS.—The withheld apportionments shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary.

"(iii) FEASIBILITY OF PRIVATE ENTERPRISE PARTICIPATION.—The Secretary shall not withhold certification under this paragraph based on the policies and criteria established by a metropolitan planning organization or transit grant recipient for determining the feasibility of private enterprise participation in accordance with section 5306(a) of title 49.

"(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated metropolitan transportation plan and program that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

"(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or programs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

"(k) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title or chapter 53 of title 49, in the case of a transportation management area classified as nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), Federal funds may not be programmed in the area for any highway project that will result in a significant increase in carrying capacity for single occupant vehicles unless the project results from an approved congestion management system.

"(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (c).

"(l) LIMITATION.—Nothing in this section confers on a metropolitan planning organization the authority to impose any legal requirement on any transportation facility, provider, or project not eligible for assistance under this title or chapter 53 of title 49.

"(m) FUNDING.—

"(1) IN GENERAL.—Funds set aside under section 104(f) of this title and section 5303 of title 49 shall be available to carry out this section.

"(2) UNUSED FUNDS.—Any funds that are not used to carry out this section may be made available by the metropolitan planning organization to the State to fund activities under section 135.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 134 and inserting the following:

"134. Metropolitan planning.".

SEC. 1602. STATEWIDE PLANNING.

Section 135 of title 23, United States Code, is amended to read as follows:

"§ 135. Statewide planning

"(a) GENERAL REQUIREMENTS.—

"(1) FINDINGS.—It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight throughout each State.

"(2) DEVELOPMENT OF PLANS AND PROGRAMS.—Subject to section 134 of this title and sections 5303 through 5305 of title 49, each State shall develop transportation plans and programs for all areas of the State.

"(3) CONTENTS.—The plans and programs for each State shall provide for the development and integrated management and operation of transportation systems (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal State transportation system and an integral part of the intermodal transportation system of the United States.

"(4) PROCESS OF DEVELOPMENT.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

"(b) SCOPE OF PLANNING PROCESS.—Each State shall carry out a transportation planning process that shall consider, as appropriate, the following:

"(1) Supporting the economic vitality of the United States, the States, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency.

"(2) Increasing the safety and security of the transportation system for motorized and nonmotorized users.

"(3) Increasing the accessibility and mobility options available to people and for freight.

"(4) Protecting and enhancing the environment and promoting energy conservation and improved quality of life.

"(5) Enhancing the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight.

"(6) Promoting efficient system management and operation.

"(7) Emphasizing the preservation of the existing transportation system.

"(c) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—In carrying out planning under this section, a State shall—

"(1) coordinate the planning with the transportation planning activities carried out under section 134 for metropolitan areas of the State; and

"(2) carry out the responsibilities of the State for the development of the transportation portion of the State air quality implementation plan to the extent required by the Clean Air Act (42 U.S.C. 7401 et seq.).

"(d) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall, at a minimum, consider—

"(1) with respect to nonmetropolitan areas, the concerns of local elected officials representing units of general purpose local government;

"(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

"(3) coordination of transportation plans, programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas.

"(e) LONG-RANGE TRANSPORTATION PLAN.—

"(1) DEVELOPMENT.—Each State shall develop a long-range transportation plan, with a minimum 20-year forecast period, for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

"(2) CONSULTATION WITH GOVERNMENTS.—

"(A) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the plan shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5305 of title 49.

"(B) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area, the plan shall be developed in consultation with local elected officials representing units of general purpose local government.

"(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the plan, the State shall—

"(A) provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan; and

"(B) identify transportation strategies necessary to efficiently serve the mobility needs of people.

"(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—The State shall develop a transportation improvement program for all areas of the State.

"(B) CONSULTATION WITH GOVERNMENTS.—

"(i) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5305 of title 49.

"(ii) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area in the State, the program shall be developed in consultation with units of general purpose local government.

"(iii) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(C) PARTICIPATION BY INTERESTED PARTIES.—In developing the program, the Governor shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(2) INCLUDED PROJECTS.—

"(A) IN GENERAL.—A transportation improvement program developed under this subsection for a State shall include federally supported surface transportation expenditures within the boundaries of the State.

"(B) CHAPTER 2 PROJECTS.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually.

"(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually.

"(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall—

"(i) be consistent with the long-range transportation plan developed under this section for the State;

"(ii) be identical to the project as described in an approved metropolitan transportation improvement program; and

"(iii) be in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under that Act.

"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—

"(i) IN GENERAL.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(ii) LIMITATION.—Clause (i) does not require the indication of project-specific funding sources.

"(E) PRIORITIES.—The program shall reflect the priorities for programming and expenditures of funds, including transportation enhancements, required by this title.

"(3) PROJECT SELECTION FOR AREAS OF LESS THAN 50,000 POPULATION.—

"(A) IN GENERAL.—Projects carried out in areas with populations of less than 50,000 individuals (excluding projects carried out on the National Highway System) shall be selected, from the approved statewide transportation improvement program, by the State in cooperation with the affected local officials.

"(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out in areas described in subparagraph (A) on the National Highway System shall be selected, from the approved statewide transportation improvement program, by the State in consultation with the affected local officials.

"(4) BIENNIAL REVIEW AND APPROVAL.—A transportation improvement program developed under this subsection shall be reviewed and, on a finding that the planning process through which the program was developed is consistent with this section and section 134, approved not less frequently than biennially by the Secretary.

"(5) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved statewide transportation improvement program in place of another project of higher priority in the program.

"(g) FUNDING.—Funds set aside under section 505 of this title and section 5313(b) of title 49 shall be available to carry out this section.

"(h) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section or section 134 are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section or section 134 shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

SEC. 1603. ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish an advanced travel forecasting procedures program—

(1) to provide for completion of the advanced transportation model developed under the Transportation Analysis Simulation System (referred to in this section as "TRANSIMS"); and

(2) to provide support for early deployment of the advanced transportation modeling computer software and graphics package developed under TRANSIMS and the program established under this section to States, local governments, and metropolitan planning organizations with responsibility for travel modeling.

(b) ELIGIBLE ACTIVITIES.—The Secretary shall use funds made available under this section to—

(1) provide funding for completion of core development of the advanced transportation model;

(2) develop user-friendly advanced transportation modeling computer software and graphics packages;

(3) provide training and technical assistance with respect to the implementation and application of the advanced transportation model to States, local governments, and metropolitan planning organizations with responsibility for travel modeling; and

(4) allocate funds to not more than 12 entities described in paragraph (3) for a pilot program to enable transportation management areas designated under section 134(i) of title 23, United States Code, to convert from the use of travel forecasting procedures in use by the areas as of the date of enactment of this section to the use of the advanced transportation model.

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $4,000,000 for fiscal year 1998, $3,000,000 for fiscal year 1999, $6,500,000 for fiscal year 2000, $5,000,000 for fiscal year 2001, $4,000,000 for fiscal year 2002, and $2,500,000 for fiscal year 2003.

(2) ALLOCATION OF FUNDS.—

(A) FISCAL YEARS 1998 AND 1999.—For each of fiscal years 1998 and 1999, 100 percent of the funds made available under paragraph (1) shall be allocated to activities in described in paragraphs (1), (2), and (3) of subsection (b).

(B) FISCAL YEARS 2000 THROUGH 2003.—For each of fiscal years 2000 through 2003, not more than 50 percent of the funds made available under paragraph (1) may be allocated to activities described in subsection (b)(4).

(3) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of—

(A) any activity described in paragraph (1), (2), or (3) of subsection (b) shall not exceed 100 percent; and

(B) any activity described in subsection (b)(4) shall not exceed 80 percent.

SEC. 1604. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.

(a) ESTABLISHMENT.—In cooperation with appropriate State, regional, and local governments, the Secretary shall establish a comprehensive initiative to investigate and address the relationships between transportation and community and system preservation.

(b) Research.—

(1) In general.—In cooperation with appropriate Federal agencies, State, regional, and local governments, and other entities eligible for assistance under subsection (d), the Secretary shall carry out a comprehensive research program to investigate the relationships between transportation, community preservation, and the environment.

(2) Required elements.—The program shall provide for monitoring and analysis of projects carried out with funds made available to carry out subsections (c) and (d).

(c) Planning.—

(1) In general.—The Secretary may allocate funds made available to carry out this subsection to States, metropolitan planning organizations, and local governments to plan, develop, and implement strategies to integrate transportation and community and system preservation plans and practices.

(2) Purposes.—The purposes of the allocations shall be—

(A) to improve the efficiency of the transportation system;

(B) to reduce the impacts of transportation on the environment;

(C) to reduce the need for costly future investments in public infrastructure; and

(D) to provide efficient access to jobs, services, and centers of trade.

(3) Criteria.—In allocating funds made available to carry out this subsection, the Secretary shall give priority to applicants that—

(A) propose projects for funding that address the purposes described in paragraph (2);

(B) demonstrate a commitment to public involvement, including involvement of nontraditional partners in the project team; and

(C) demonstrate a commitment of non-Federal resources to the proposed projects.

(d) Allocation of Funds for Implementation.—

(1) In general.—The Secretary may allocate funds made available to carry out this subsection to States, metropolitan planning organizations, and local governments to carry out projects to address transportation efficiency and community and system preservation.

(2) Criteria.—In allocating funds made available to carry out this subsection, the Secretary shall give priority to applicants that—

(A) have instituted preservation or development plans and programs that—

(i) meet the requirements of title 23 and chapter 53 of title 49, United States Code; and

(ii) are—

(I) coordinated with adopted preservation or development plans; or

(II) intended to promote strategic investments in transportation infrastructure;

(B) have instituted other policies to integrate transportation and community and system preservation practices, such as—

(i) spending policies that direct funds to high-growth areas;

(ii) urban growth boundaries to guide metropolitan expansion;

(iii) "green corridors" programs that provide access to major highway corridors for areas targeted for efficient and compact development; or

(iv) other similar programs or policies as determined by the Secretary;

(C) have preservation or development policies that include a mechanism for reducing potential impacts of transportation activities on the environment; and

(D) propose projects for funding that address the purposes described in subsection (c)(2).

(3) Use of allocated funds.—

(A) In general.—An allocation of funds made available to carry out this subsection shall be used by the recipient to implement the projects proposed in the application to the Secretary.

(B) Types of projects.—The allocation of funds shall be available for obligation for—

(i) any project eligible for funding under title 23 or chapter 53 of title 49, United States Code; or

(ii) any other activity relating to transportation and community and system preservation that the Secretary determines to be appropriate, including corridor preservation activities that are necessary to implement—

(I) transit-oriented development plans;

(II) traffic calming measures; or

(III) other coordinated transportation and community and system preservation practices.

(e) Authorization of Contract Authority.—

(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $20,000,000 for each of fiscal years 1998 through 2003.

(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

Subtitle G—Technical Corrections

SEC. 1701. FEDERAL-AID SYSTEMS.

(a) In General.—Section 103 of title 23, United States Code, is amended to read as follows:

"§ 103. Federal-aid systems

"(a) In General.—For the purposes of this title, the Federal-aid systems are the Interstate System and the National Highway System.

"(b) National Highway System.—

"(1) Description.—The National Highway System consists of an interconnected system of major routes and connectors that—

"(A) serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major travel destinations;

"(B) meet national defense requirements; and

"(C) serve interstate and interregional travel.

"(2) Components.—The National Highway System consists of the following:

"(A) The Interstate System described in subsection (c).

"(B) Other urban and rural principal arterial routes.

"(C) Other connector highways (including toll facilities) that provide motor vehicle access between arterial routes on the National Highway System and a major intermodal transportation facility.

"(D) A strategic highway network consisting of a network of highways that are important to the United States strategic defense policy and that provide defense access, continuity, and emergency capabilities for the movement of personnel, materials, and equipment in both peacetime and wartime. The highways may be highways on or off the Interstate System and shall be designated by the Secretary in consultation with appropriate Federal agencies and the States.

"(E) Major strategic highway network connectors consisting of highways that provide motor vehicle access between major military installations and highways that are part of the strategic highway network. The highways shall be designated by the Secretary in consultation with appropriate Federal agencies and the States.

"(3) Maximum mileage.—The mileage of highways on the National Highway System shall not exceed 178,250 miles.

"(4) Modifications to NHS.—

"(A) In general.—The Secretary may make any modification, including any modification consisting of a connector to a major intermodal terminal, to the National Highway System that is proposed by a State or that is proposed by a State and revised by the Secretary if the Secretary determines that the modification—

"(i) meets the criteria established for the National Highway System under this title; and

"(ii) enhances the national transportation characteristics of the National Highway System.

"(B) Cooperation.—

"(i) In general.—In proposing a modification under this paragraph, a State shall cooperate with local and regional officials.

"(ii) Urbanized areas.—In an urbanized area, the local officials shall act through the metropolitan planning organization designated for the area under section 134.

"(c) Interstate System.—

"(1) Description.—

"(A) In general.—The Dwight D. Eisenhower National System of Interstate and Defense Highways within the United States (including the District of Columbia and Puerto Rico), consists of highways—

"(i) designed—

"(I) in accordance with the standards of section 109(b); or

"(II) in the case of highways in Alaska and Puerto Rico, in accordance with such geometric and construction standards as are adequate for current and probable future traffic demands and the needs of the locality of the highway; and

"(ii) located so as—

"(I) to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers;

"(II) to serve the national defense; and

"(III) to the maximum extent practicable, to connect at suitable border points with routes of continental importance in Canada and Mexico.

"(B) Selection of routes.—To the maximum extent practicable, each route of the Interstate System shall be selected by joint action of the State transportation agencies of the State in which the route is located and the adjoining States, in cooperation with local and regional officials, and subject to the approval of the Secretary.

"(2) Maximum mileage.—The mileage of highways on the Interstate System shall not exceed 43,000 miles, exclusive of designations under paragraph (4).

"(3) Modifications.—The Secretary may approve or require modifications to the Interstate System in a manner consistent with the policies and procedures established under this subsection.

"(4) Interstate system designations.—

"(A) Additions.—If the Secretary determines that a highway on the National Highway System meets all standards of a highway on the Interstate System and that the highway is a logical addition or connection to the Interstate System, the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a route on the Interstate System.

"(B) DESIGNATIONS AS FUTURE INTERSTATE SYSTEM ROUTES.—

"(i) IN GENERAL.—If the Secretary determines that a highway on the National Highway System would be a logical addition or connection to the Interstate System and would qualify for designation as a route on the Interstate System under subparagraph (A), the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a future Interstate System route.

"(ii) WRITTEN AGREEMENT OF STATES.—A designation under clause (i) shall be made only upon the written agreement of the State or States described in that clause that the highway will be constructed to meet all standards of a highway on the Interstate System by the date that is 12 years after the date of the agreement.

"(iii) REMOVAL OF DESIGNATION.—

"(I) IN GENERAL.—If the State or States described in clause (i) have not substantially completed the construction of a highway designated under this subparagraph within the time provided for in the agreement between the Secretary and the State or States under clause (ii), the Secretary shall remove the designation of the highway as a future Interstate System route.

"(II) EFFECT OF REMOVAL.—Removal of the designation of a highway under subclause (I) shall not preclude the Secretary from designating the highway as a route on the Interstate System under subparagraph (A) or under any other provision of law providing for addition to the Interstate System.

"(iv) PROHIBITION ON REFERRAL AS INTERSTATE SYSTEM ROUTE.—No law, rule, regulation, map, document, or other record of the United States, or of any State or political subdivision of a State, shall refer to any highway designated as a future Interstate System route under this subparagraph, nor shall any such highway be signed or marked, as a highway on the Interstate System until such time as the highway is constructed to the geometric and construction standards for the Interstate System and has been designated as a route on the Interstate System.

"(C) FINANCIAL RESPONSIBILITY.—

"(i) IN GENERAL.—Except as provided in clause (ii), the designation of a highway under this paragraph shall create no additional Federal financial responsibility with respect to the highway.

"(ii) CERTAIN HIGHWAYS.—Subject to section 119(b)(1)(B), a State may use funds available to the State under paragraphs (1) and (3) of section 104(b) for the resurfacing, restoration, rehabilitation, and reconstruction of a highway—

"(I) designated before March 9, 1984, as a route on the Interstate System under subparagraph (A) or as a future Interstate System route under subparagraph (B); or

"(II) in Alaska or Puerto Rico designated under subparagraph (A).

"(d) TRANSFER OF INTERSTATE CONSTRUCTION FUNDS.—

"(1) INTERSTATE CONSTRUCTION FUNDS NOT IN SURPLUS.—

"(A) IN GENERAL.—Upon application by a State and approval by the Secretary, the Secretary may transfer to the apportionment of the State under section 104(b)(1) any amount of funds apportioned to the State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Transportation Act of 1997), if the amount does not exceed the Federal share of the costs of construction of segments of the Interstate System in the State included in the most recent Interstate System cost estimate.

"(B) EFFECT OF TRANSFER.—Upon transfer of an amount under subparagraph (A), the construction on which the amount is based, as included in the most recent Interstate System cost estimate, shall be ineligible for funding under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Transportation Act of 1997) or 104(k).

"(2) SURPLUS INTERSTATE CONSTRUCTION FUNDS.—Upon application by a State and approval by the Secretary, the Secretary may transfer to the apportionment of the State under section 104(b)(1) any amount of surplus funds apportioned to the State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Transportation Act of 1997), if the State has fully financed all work eligible under the most recent Interstate System cost estimate.

"(3) APPLICABILITY OF CERTAIN LAWS.—Funds transferred under this subsection shall be subject to the laws (including regulations, policies, and procedures) relating to the apportionment to which the funds are transferred.

"(e) UNOBLIGATED BALANCES OF INTERSTATE SUBSTITUTE FUNDS.—Unobligated balances of funds apportioned to a State under section 103(e)(4)(H) (as in effect on the day before the date of enactment of the Intermodal Transportation Act of 1997) shall be available for obligation by the State under the law (including regulations, policies, and procedures) relating to the obligation and expenditure of the funds in effect on that date.".

(b) CONFORMING AMENDMENTS.—

(1)(A) Section 101(a) of title 23, United States Code, is amended in the undesignated paragraph defining "Interstate System" by striking "subsection (e) of section 103 of this title" and inserting "section 103(c)".

(B) Section 104(f)(1) of title 23, United States Code, is amended by striking ", except that" and all that follows through "programs".

(C) Section 115(a) of title 23, United States Code, is amended—

(i) in the subsection heading, by striking "SUBSTITUTE,"; and

(ii) in paragraph (1)(A)(i), by striking "103(e)(4)(H),";

(D) Section 118 of title 23, United States Code (as amended by section 1118(b)), is amended—

(i) by striking subsection (d); and

(ii) by redesignating subsections (e), (f), and (g) (as added by section 1103(d)) as subsections (c), (d), and (e), respectively.

(E) Section 129(b) of title 23, United States Code, is amended in the first sentence by striking "which has been" and all that follows through "and has not" and inserting "which is a public road and has not".

(2)(A) Section 139 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 139.

(C) Section 119(a) of title 23, United States Code, is amended in the first sentence—

(i) by striking "sections 103 and 139(c) of this title" and inserting "section 103(c)(1) and, in Alaska and Puerto Rico, under section 103(c)(4)(A)"; and

(ii) by striking "section 139 (a) and (b) of this title" and inserting "subparagraphs (A) and (B) of section 103(c)(4)".

(D) Section 127(f) of title 23, United States Code, is amended by striking "section 139(a)" and inserting "section 103(c)(4)(A)".

(E) Section 1105(e)(5) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597) is amended by striking subparagraph (B) and inserting the following:

"(B) TREATMENT OF SEGMENTS.—Subject to subparagraph (C), segments designated as parts of the Interstate System under this paragraph shall be treated in the same manner as segments designated under section 103(c)(4)(A) of title 23, United States Code.".

SEC. 1702. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) DEFINITIONS AND DECLARATION OF POLICY.—

(1) CREATION OF POLICY SECTION.—Section 102 of title 23, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§ 102. Declaration of policy";

(B) by redesignating subsection (a) as subsection (c) and moving that subsection to the end of section 146; and

(C) by redesignating subsection (b) as subsection (f) and moving that subsection to the end of section 118 (as amended by section 1701(b)(1)(D)(ii)).

(2) TRANSFER OF POLICY PROVISIONS.—Section 101 of title 23, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§ 101. Definitions";

(B) in subsection (a), by striking "(a)";

(C) by striking subsection (b); and

(D) by redesignating subsections (c) through (e) as subsections (a) through (c), respectively, and moving those subsections to section 102 (as amended by paragraph (1)).

(3) CONFORMING AMENDMENTS.—

(A) The analysis for chapter 1 of title 23, United States Code, is amended by striking the items relating to sections 101 and 102 and inserting the following:

"101. Definitions.
"102. Declaration of policy.".

(B) Section 47107(j)(1)(B) of title 49, United States Code, is amended by striking "section 101(a)" and inserting "section 101".

(b) ADVANCE CONSTRUCTION.—Section 115 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by striking "PROJECTS" and all that follows through "When a State" and inserting "PROJECTS.—When a State";

(B) by striking paragraphs (2) and (3); and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately;

(2) by striking subsection (c);

(3) in subsection (d), by striking "section 135(f)" and inserting "section 135"; and

(4) by redesignating subsection (d) as subsection (c).

(c) MAINTENANCE.—Section 116 of title 23, United States Code, is amended—

(1) in subsection (a), by striking the second sentence;

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in the first sentence, by striking "he" and inserting "the Secretary"; and

(B) in the second sentence, by striking "further projects" and inserting "further expenditure of Federal-aid highway program funds"; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(d) INTERSTATE MAINTENANCE PROGRAM.—Section 119(a) of title 23, United States Code, is amended in the first sentence by striking "the date of enactment of this sentence" and inserting "March 9, 1984".

(e) ADVANCES TO STATES.—Section 124 of title 23, United States Code, is amended—

(1) by striking "(a)"; and

(2) by striking subsection (b).

(f) Diversion.—

(1) In general.—Section 126 of title 23, United States Code, is repealed.

(2) Conforming amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 126.

(g) Railway-Highway Crossings.—Section 130(f) of title 23, United States Code, is amended by striking "Apportionment" and all that follows through the first sentence and inserting "Federal Share.—".

(h) Surface Transportation Program.—Section 133(a) of title 23, United States Code, is amended by striking "Establishment.—The Secretary shall establish" and inserting "In General.—The Secretary shall carry out".

(i) Control of Junkyards.—Section 136 of title 23, United States Code, is amended by striking subsection (m) and inserting the following:

"(m) Primary System Defined.—For purposes of this section, the term 'primary system' means the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.".

(j) Fringe and Corridor Parking Facilities.—Section 137(a) of title 23, United States Code, is amended in the first sentence by striking "on the Federal-aid urban system" and inserting "on a Federal-aid highway".

(k) Nondiscrimination.—Section 140 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "subsection (a) of section 105 of this title," and inserting "section 106(a),";

(B) by striking "he" each place it appears and inserting "the Secretary";

(C) in the second sentence, by striking "He" and inserting "The Secretary";

(D) in the third sentence, by striking "In approving programs for projects on any of the Federal-aid systems," and inserting "Before approving any project under section 106(a),"; and

(E) in the last sentence, by striking "him" and inserting "the Secretary";

(2) by striking subsection (b);

(3) in the subsection heading of subsection (d), by striking "and Contracting"; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(l) Priority Primary Routes.—

(1) In general.—Section 147 of title 23, United States Code, is repealed.

(2) Conforming amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 147.

(m) Development of a National Scenic and Recreational Highway.—

(1) In general.—Section 148 of title 23, United States Code, is repealed.

(2) Conforming amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 148.

(n) Hazard Elimination Program.—Section 152(e) of title 23, United States Code, is amended by striking "apportioned to" in the first sentence and all that follows through "shall be" in the second sentence.

(o) Access Highways to Public Recreation Areas on Certain Lakes.—

(1) In general.—Section 155 of title 23, United States Code, is repealed.

(2) Conforming amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 155.

SEC. 1703. NONDISCRIMINATION.

(a) In General.—Section 324 of title 23, United States Code, is amended—

(1) by inserting "(d) Prohibition of Discrimination on the Basis of Sex.—" before "No person"; and

(2) by moving subsection (d) (as designated by paragraph (1)) to the end of section 140 (as amended by section 1702(k)).

(b) Conforming Amendments.—

(1) Section 324 of title 23, United States Code, is repealed.

(2) The analysis for chapter 3 of title 23, United States Code, is amended by striking the item relating to section 324.

SEC. 1704. STATE TRANSPORTATION DEPARTMENT.

(a) In General.—Section 302 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "(a)";

(B) by striking the second sentence; and

(C) by adding at the end the following: "Compliance with this section shall have no effect on the eligibility of costs."; and

(2) by striking subsection (b).

(b) Conforming Amendments.—

(1) Title 23, United States Code, is amended—

(A) by striking "State highway department" each place it appears and inserting "State transportation department"; and

(B) by striking "State highway departments" each place it appears and inserting "State transportation departments".

(2) The analysis for chapter 3 of title 23, United States Code, is amended in the item relating to section 302 by striking "highway" and inserting "transportation".

(3) Section 302 of title 23, United States Code, is amended in the section heading by striking "**highway**" and inserting "**transportation**".

(4) Section 410(h)(5) of title 23, United States Code, is amended in the paragraph heading by striking "HIGHWAY" and inserting "TRANSPORTATION".

(5) Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the second sentence by striking "State highway department" and inserting "State transportation department".

(6) Section 138(c) of the Surface Transportation Assistance Act of 1978 (40 U.S.C. App. note to section 201 of the Appalachian Regional Development Act of 1965; Public Law 95-599) is amended in the first sentence by striking "State highway department" and inserting "State transportation department".

TITLE II—RESEARCH AND TECHNOLOGY

Subtitle A—Research and Training

SEC. 2001. STRATEGIC RESEARCH PLAN.

Subtitle III of title 49, United States Code, is amended—

(1) in the table of chapters, by inserting after the item relating to chapter 51 the following:

"52. RESEARCH AND DEVELOPMENT ... 5201";

and

(2) by inserting after chapter 51 the following:

"CHAPTER 52—RESEARCH AND DEVELOPMENT

"Sec.
"5201. Definitions.

"SUBCHAPTER I—GENERAL AND ADMINISTRATIVE PROVISIONS

"5211. Transactional authority.

"SUBCHAPTER II—STRATEGIC PLANNING

"5221. Strategic planning.
"5222. Authorization of appropriations.

"SUBCHAPTER III—MULTIMODAL TRANSPORTATION RESEARCH AND DEVELOPMENT PROGRAM

"5231. Multimodal Transportation Research and Development Program.
"5232. Authorization of appropriations.

"SUBCHAPTER IV—NATIONAL UNIVERSITY TRANSPORTATION CENTERS

"5241. National university transportation centers.

"§ 5201. Definitions

"In this chapter:

"(1) Department.—The term 'Department' means the Department of Transportation.

"(2) Secretary.—The term 'Secretary' means the Secretary of Transportation.

"SUBCHAPTER I—GENERAL AND ADMINISTRATIVE PROVISIONS

"§ 5211. Transactional authority

"To further the objectives of this chapter, the Secretary may make grants to, and enter into contracts, cooperative agreements, and other transactions with—

"(1) any person or any agency or instrumentality of the United States;

"(2) any unit of State or local government;

"(3) any educational institution; and

"(4) any other entity.

"SUBCHAPTER II—STRATEGIC PLANNING

"§ 5221. Strategic planning

"(a) Authority.—The Secretary shall establish a strategic planning process to—

"(1) determine national transportation research, development, and technology deployment priorities, strategies, and milestones over the next 5 years;

"(2) coordinate Federal transportation research, development, and technology deployment activities; and

"(3) measure the impact of the research, development, and technology investments described in paragraph (2) on the performance of the transportation system of the United States.

"(b) Criteria.—In developing strategic plans for intermodal, multimodal, and mode-specific research, development, and technology deployment, the Secretary shall consider the need to—

"(1) coordinate and integrate Federal, regional, State, and metropolitan planning research, development, and technology activities in urban and rural areas;

"(2) promote standards that facilitate a seamless and interoperable transportation system;

"(3) encourage innovation;

"(4) identify and facilitate initiatives and partnerships to deploy technology with the potential for improving transportation systems during the next 5-year and 10-year periods;

"(5) identify core research to support the long-term transportation technology and system needs of urban and rural areas of the United States, including safety;

"(6) ensure the ability of the United States to compete on a global basis; and

"(7) provide a means of assessing the impact of Federal research and technology investments on the performance of the transportation system of the United States.

"(c) Implementation.—

"(1) In general.—In carrying out subsection (a), the Secretary shall adopt such policies and procedures as are appropriate—

"(A) to provide for integrated planning, coordination, and consultation among the Administrators of the operating administrations of the Department and other Federal officials with responsibility for research, development, and technology transfer important to national transportation needs;

"(B) to promote the exchange of information on transportation-related research and development activities among the operating elements of the Department, other Federal departments and agencies, State and local governments, colleges and universities, industry, and other private and public sector organizations engaged in the activities;

"(C) to ensure that the research and development programs of the Department do not duplicate other Federal and, to the maximum extent practicable, private sector research and development programs; and

"(D) to ensure that the research and development activities of the Department—

"(i) make appropriate use of the talents, skills, and abilities at the Federal laboratories; and

"(ii) leverage, to the maximum extent practicable, the research, development, and technology transfer capabilities of institutions of higher education and private industry.

"(2) CONSULTATION.—The procedures and policies adopted under paragraph (1) shall include consultation with State officials and members of the private sector.

"(d) REPORTS.—

"(1) IN GENERAL.—Concurrent with the submission to Congress of the budget of the President for each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the strategic plans, goals, and milestones developed under subsections (a) and (b) to help guide research, development, and technology transfer activities during the 5-year period beginning on the date of the report.

"(2) COMPARISON TO PREVIOUS REPORT.—The report shall include a delineation of the progress made with respect to each of the plans, goals, and milestones specified in the previous report.

"(3) PROHIBITION ON OBLIGATION FOR FAILURE TO SUBMIT REPORT.—Beginning on the date of the submission to Congress of the budget of the President for fiscal year 2000, and on the date of the submission for each fiscal year thereafter, none of the funds made available under this chapter or chapter 5 of title 23 may be obligated until the report required under paragraph (1) for that fiscal year is submitted.

"§ 5222. Authorization of contract authority

"(a) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter $1,500,000 for each of fiscal years 1998 through 2003.

"(b) CONTRACT AUTHORITY.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, except that—

"(1) any Federal share of the cost of an activity under this subchapter shall be determined in accordance with this subchapter; and

"(2) the funds shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which the funds are authorized.

"(c) USE OF UNALLOCATED FUNDS.—To the extent that the amounts made available for any fiscal year under subsection (a) exceed the amounts used to carry out section 5221 for the fiscal year, the excess amounts—

"(1) shall be apportioned in accordance with section 104(b)(3) of title 23;

"(2) shall be considered to be sums made available for expenditure on the surface transportation program, except that the amounts shall not be subject to section 133(d) of that title; and

"(3) shall be available for any purpose eligible for funding under section 133 of that title.".

SEC. 2002. MULTIMODAL TRANSPORTATION RESEARCH AND DEVELOPMENT PROGRAM.

Chapter 52 of title 49, United States Code (as added by section 2001), is amended by adding at the end the following:

"SUBCHAPTER III—MULTIMODAL TRANSPORTATION RESEARCH AND DEVELOPMENT PROGRAM

"§ 5231. Multimodal Transportation Research and Development Program

"(a) ESTABLISHMENT.—The Secretary shall establish a program to be known as the 'Multimodal Transportation Research and Development Program'.

"(b) PURPOSES.—The purposes of the Multimodal Transportation Research and Development Program are to—

"(1) enhance the capabilities of Federal agencies to meet national transportation needs, as defined by the missions of the agencies, through support for long-term and applied research and development that would benefit the various modes of transportation, including research and development in safety, security, mobility, energy and the environment, information and physical infrastructure, and industrial design;

"(2) identify and apply innovative research performed by the Federal Government, academia, and the private sector to the intermodal and multimodal transportation research, development, and deployment needs of the Department and the transportation enterprise of the United States;

"(3) identify and leverage research, technologies, and other information developed by the Federal Government for national defense and nondefense purposes for the benefit of the public, commercial, and defense transportation sectors; and

"(4) share information and analytical and research capabilities among the Federal Government, State and local governments, colleges and universities, and private organizations to advance their ability to meet their transportation research, development, and deployment needs.

"(c) PROCESS FOR CONSULTATION.—To advise the Secretary in establishing priorities within the Program, the Secretary shall establish a process for consultation among the Administrators of the operating administrations of the Department and other Federal officials with responsibility for research.

"§ 5232. Authorization of contract authority

"(a) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter $2,500,000 for each of fiscal years 1998 through 2003.

"(b) CONTRACT AUTHORITY.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, except that—

"(1) any Federal share of the cost of an activity under this subchapter shall be determined in accordance with this subchapter; and

"(2) the funds shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which the funds are authorized.".

SEC. 2003. NATIONAL UNIVERSITY TRANSPORTATION CENTERS.

(a) IN GENERAL.—Chapter 52 of title 49, United States Code (as amended by section 2002), is amended by adding at the end the following:

"SUBCHAPTER IV—NATIONAL UNIVERSITY TRANSPORTATION CENTERS

"§ 5241. National university transportation centers

"(a) REGIONALLY BASED CENTERS.—The Secretary shall make grants to, or enter into contracts with, the nonprofit institutions of higher learning selected under section 5317 (as in effect on the day before the date of enactment of this section) to operate 1 university transportation center in each of the 10 Federal administrative regions that comprise the Standard Federal Regional Boundary System.

"(b) ADDITIONAL CENTERS.—

"(1) IN GENERAL.—The Secretary may make grants to nonprofit institutions of higher learning to establish and operate not more than 10 additional university transportation centers to address—

"(A) transportation management, research, and development, with special attention to increasing the number of highly skilled minority individuals and women entering the transportation workforce;

"(B) transportation and industrial productivity;

"(C) rural transportation;

"(D) advanced transportation technology;

"(E) international transportation policy studies;

"(F) transportation infrastructure technology;

"(G) urban transportation research;

"(H) transportation and the environment;

"(I) surface transportation safety; or

"(J) infrastructure finance studies.

"(2) SELECTION CRITERIA.—

"(A) APPLICATION.—A nonprofit institution of higher learning that desires to receive a grant under paragraph (1) shall submit an application to the Secretary in such manner and containing such information as the Secretary may require.

"(B) SELECTION OF RECIPIENTS.—The Secretary shall select each grant recipient under paragraph (1) on the basis of—

"(i) the demonstrated research and extension resources available to the recipient to carry out this section;

"(ii) the capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-term transportation problems;

"(iii) the establishment by the recipient of a surface transportation program that encompasses several modes of transportation;

"(iv) the demonstrated ability of the recipient to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program; and

"(v) the strategic plan that the recipient proposes to carry out using the grant funds.

"(c) OBJECTIVES.—Each university transportation center shall use grant funds under subsection (a) or (b) to carry out—

"(1) multimodal basic and applied research, the products of which are judged by peers or other experts in the field to advance the body of knowledge in transportation;

"(2) an education program that includes multidisciplinary course work and participation in research; and

"(3) an ongoing program of technology transfer that makes research results available to potential users in a form that can be readily implemented, used, or otherwise applied.

"(d) Maintenance of Effort.—Before making a grant under subsection (a) or (b), the Secretary shall require the grant recipient to enter into an agreement with the Secretary to ensure that the recipient will maintain, during the period of the grant, a level of total expenditures from all other sources for establishing and operating a university transportation center and carrying out related research activities that is at least equal to the average level of those expenditures in the 2 fiscal years of the recipient prior to the award of a grant under subsection (a) or (b).

"(e) Additional Grants and Contracts.—

"(1) Grants or contracts.—In addition to grants under subsection (a) or (b), the Secretary may make grants to, or enter into contracts with, university transportation centers without the need for a competitive process.

"(2) Use of grants or contracts.—A noncompetitive grant or contract under paragraph (1) shall be used for transportation research, development, education, or training consistent with the strategic plan approved as part of the selection process for the center.

"(f) Federal Share.—The Federal share of the cost of establishing and operating a university transportation center and carrying out related research activities under this section shall be not more than 50 percent.

"(g) Program Coordination.—

"(1) In general.—The Secretary shall—

"(A) coordinate research, education, training, and technology transfer activities carried out by grant recipients under this section;

"(B) disseminate the results of the research; and

"(C) establish and operate a clearinghouse for disseminating the results of the research.

"(2) Review and evaluation.—

"(A) In general.—Not less often than annually, the Secretary shall review and evaluate programs carried out by grant recipients under this section.

"(B) Notification of deficiencies.—In carrying out subparagraph (A), if the Secretary determines that a university transportation center is deficient in meeting the objectives of this section, the Secretary shall notify the grant recipient operating the center of each deficiency and provide specific recommendations of measures that should be taken to address the deficiency.

"(C) Disqualification.—If, after the end of the 180-day period that begins on the date of notification to a grant recipient under subparagraph (B) with respect to a center, the Secretary determines that the recipient has not corrected each deficiency identified under subparagraph (B), the Secretary may, after notifying the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination—

"(i) disqualify the university transportation center from further participation under this section; and

"(ii) make a grant for the establishment of a new university transportation center, in lieu of the disqualified center, under subsection (a) or (b), as applicable.

"(3) Funding.—The Secretary may use not more than 1 percent of Federal funds made available under this section to carry out this subsection.

"(h) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $12,000,000 for each of fiscal years 1998 through 2003.

"(2) Contract authority.—Funds authorized under this subsection shall be made available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.

"(3) Technology transfer activities.—For each fiscal year, not less than 5 percent of the amounts made available to carry out this section shall be available to carry out technology transfer activities.

"(i) Limitation on Availability of Funds.—Funds authorized under this section shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which the funds are authorized.".

(b) Conforming Amendments.—

(1) Sections 5316 and 5317 of title 49, United States Code, are repealed.

(2) The analysis for chapter 53 of title 49, United States Code, is amended by striking the items relating to sections 5316 and 5317.

SEC. 2004. BUREAU OF TRANSPORTATION STATISTICS.

(a) In General.—Section 111 of title 49, United States Code, is amended—

(1) in subsection (b)(4), by striking the second sentence;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (J), by striking "and" at the end;

(ii) in subparagraph (K), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(L) transportation-related variables that influence global competitiveness.";

(B) in paragraph (2)—

(i) in the first sentence, by striking "national transportation system" and inserting "transportation systems of the United States";

(ii) by striking subparagraph (A) and inserting the following:

"(A) be coordinated with efforts to measure outputs and outcomes of the Department of Transportation and the transportation systems of the United States under the Government Performance and Results Act of 1993 (Public Law 103-62) and the amendments made by that Act;"; and

(iii) in subparagraph (C), by inserting ", made relevant to the States and metropolitan planning organizations," after "accuracy";

(C) in paragraph (3), by adding at the end the following: "The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993 (Public Law 103-62) and the amendments made by that Act, and shall carry out such other reviews of the sources and reliability of other data collected by the heads of the operating administrations of the Department as shall be requested by the Secretary."; and

(D) by adding at the end the following:

"(7) Supporting transportation decisionmaking.—Ensuring that the statistics compiled under paragraph (1) are relevant for transportation decisionmaking by the Federal Government, State and local governments, transportation-related associations, private businesses, and consumers.";

(3) by redesignating subsections (d), (e) and (f) as subsections (h), (i) and (j), respectively;

(4) by striking subsection (g);

(5) by inserting after subsection (c) the following:

"(d) Transportation Data Base.—

"(1) In general.—In consultation with the Associate Deputy Secretary, the Assistant Secretaries, and the heads of operating administrations of the Department of Transportation, the Director shall establish and maintain a transportation data base for all modes of transportation.

"(2) Use.—The data base shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

"(3) Contents.—The data base shall include—

"(A) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation and intermodal combinations, and by relevant classification;

"(B) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes) and intermodal combinations, and by relevant classification;

"(C) information on the location and connectivity of transportation facilities and services; and

"(D) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

"(e) National Transportation Library.—

"(1) In general.—The Director shall establish and maintain a National Transportation Library, which shall contain a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

"(2) Access.—The Bureau shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the ability of the Bureau to make statistics readily accessible under subsection (c)(5).

"(3) Coordination.—The Bureau shall work with other transportation libraries and other transportation information providers, both public and private, to achieve the goal specified in paragraph (2).

"(f) National Transportation Atlas Data Base.—

"(1) In general.—The Director shall develop and maintain geospatial data bases that depict—

"(A) transportation networks;

"(B) flows of people, goods, vehicles, and craft over the networks; and

"(C) social, economic, and environmental conditions that affect or are affected by the networks.

"(2) Intermodal network analysis.—The data bases shall be able to support intermodal network analysis.

"(g) Research and Development Grants.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State departments of transportation, metropolitan planning organizations, and institutions of higher education) for—

"(1) investigation of the subjects specified in subsection (c)(1) and research and development of new methods of data collection, management, integration, dissemination, interpretation, and analysis;

"(2) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (e); and

"(3) development and improvement of methods for sharing geographic data, in support of the national transportation atlas data base under subsection (f) and the National Spatial Data Infrastructure developed under Executive Order No. 12906.";

(6) by striking subsection (i) (as redesignated by paragraph (3)) and inserting the following:

"(i) PROHIBITION ON CERTAIN DISCLOSURES.—

"(1) IN GENERAL.—An officer or employee of the Bureau may not—

"(A) make any disclosure in which the data provided by an individual or organization under subsection (c)(2) can be identified;

"(B) use the information provided under subsection (c)(2) for a nonstatistical purpose; or

"(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under subsection (c)(2).

"(2) PROHIBITION ON REQUESTS FOR CERTAIN DATA.—

"(A) GOVERNMENT AGENCIES.—No department, bureau, agency, officer, or employee of the United States (except the Director of the Bureau of Transportation Statistics in carrying out this section) may require, for any reason, a copy of any report that has been filed under subsection (c)(2) with the Bureau of Transportation Statistics or retained by an individual respondent.

"(B) COURTS.—Any copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

"(i) shall be immune from legal process; and

"(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

"(C) APPLICABILITY.—This paragraph shall apply only to information that permits information concerning an individual or organization to be reasonably inferred by direct or indirect means.

"(3) DATA COLLECTED FOR NONSTATISTICAL PURPOSES.—In a case in which the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, so as to inform a respondent that is requested or required to supply the data or information of the nonstatistical purpose.";

(7) in subsection (j) (as redesignated by paragraph (3)), by striking "On or before January 1, 1994, and annually thereafter, the" and inserting "The"; and

(8) by adding at the end the following:

"(k) PROCEEDS OF DATA PRODUCT SALES.—Notwithstanding section 3302 of title 31, United States Code, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for the expenses.

"(l) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $26,000,000 for fiscal year 1998, $27,000,000 for fiscal year 1999, $28,000,000 for fiscal year 2000, $29,000,000 for fiscal year 2001, $30,000,000 for fiscal year 2002, and $31,000,000 for fiscal year 2003, except that not more than $500,000 for each fiscal year may be made available to carry out subsection (g).

"(2) AVAILABILITY.—Funds authorized under this subsection shall remain available for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(3) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23.".

(b) CONFORMING AMENDMENTS.—Section 5503 of title 49, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

SEC. 2005. RESEARCH AND TECHNOLOGY PROGRAM.

Title 23, United States Code, is amended—

(1) in the table of chapters, by adding at the end the following:

"5. Research and Technology .... 501"; and

(2) by adding at the end the following:

"CHAPTER 5—RESEARCH AND TECHNOLOGY

"SUBCHAPTER I—RESEARCH AND TRAINING

"Sec.
"501. Definition of safety.
"502. Research and technology program.
"503. Advanced research program.
"504. Long-term pavement performance program.
"505. State planning and research program.
"506. Education and training.
"507. International highway transportation outreach program.
"508. National technology deployment initiatives and partnerships program.
"509. Infrastructure investment needs report.
"510. Innovative bridge research and construction program.
"511. Study of future strategic highway research program.

"SUBCHAPTER II—INTELLIGENT TRANSPORTATION SYSTEMS

"521. Findings and purposes.
"522. Definitions.
"523. Cooperation, consultation, and analysis.
"524. Research, development, and training.
"525. Intelligent transportation system integration program.
"526. Integration program for rural areas.
"527. Commercial vehicle intelligent transportation system infrastructure.
"528. Standards.
"529. Funding limitations.
"530. Advisory committees.

"SUBCHAPTER III—FUNDING

"541. Funding.

"SUBCHAPTER I—RESEARCH AND TRAINING

"§ 501. Definition of safety

"In this chapter, the term 'safety' includes highway and traffic safety systems, research and development relating to vehicle, highway, driver, passenger, bicyclist, and pedestrian characteristics, accident investigations, communications, emergency medical care, and transportation of the injured.

"§ 502. Research and technology program

"(a) GENERAL AUTHORITY AND COLLABORATIVE AGREEMENTS.—

"(1) AUTHORITY OF THE SECRETARY.—

"(A) IN GENERAL.—The Secretary—

"(i) shall carry out research, development, and technology transfer activities with respect to—

"(I) motor carrier transportation;

"(II) all phases of transportation planning and development (including construction, operation, modernization, development, design, maintenance, safety, financing, and traffic conditions); and

"(III) the effect of State laws on the activities described in subclauses (I) and (II); and

"(ii) may test, develop, or assist in testing and developing any material, invention, patented article, or process.

"(B) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out this section—

"(i) independently;

"(ii) in cooperation with other Federal departments, agencies, and instrumentalities; or

"(iii) by making grants to, or entering into contracts, cooperative agreements, and other transactions with, the National Academy of Sciences, the American Association of State Highway and Transportation Officials, or any State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or person.

"(C) TECHNICAL INNOVATION.—The Secretary shall develop and carry out programs to facilitate the application of such products of research and technical innovations as will improve the safety, efficiency, and effectiveness of the transportation system.

"(D) FUNDS.—

"(i) IN GENERAL.—Except as otherwise specifically provided in other sections of this chapter—

"(I) to carry out this subsection, the Secretary shall use—

"(aa) funds made available under section 541 for research, technology, and training; and

"(bb) such funds as may be deposited by any cooperating organization or person in a special account of the Treasury established for this purpose; and

"(II) the funds described in item (aa) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(ii) USE OF FUNDS.—The Secretary shall use funds described in clause (i) to develop, administer, communicate, and achieve the use of products of research, development, and technology transfer programs under this section.

"(2) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

"(A) IN GENERAL.—To encourage innovative solutions to surface transportation problems and stimulate the deployment of new technology, the Secretary may carry out, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State.

"(B) AGREEMENTS.—In carrying out this paragraph, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)).

"(C) FEDERAL SHARE.—

"(i) IN GENERAL.—The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this paragraph shall not exceed 50 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share.

"(ii) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware development costs, shall be credited toward the non-Federal share of the cost of the activities described in clause (i).

"(D) USE OF TECHNOLOGY.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this paragraph, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

"(3) WAIVER OF ADVERTISING REQUIREMENTS.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to a contract or agreement entered into under this chapter.

"(b) MANDATORY ELEMENTS OF PROGRAM.—The Secretary shall include in the surface transportation research, development, and technology transfer programs under this subsection and as specified elsewhere in this title—

"(1) a coordinated long-term program of research for the development, use, and dissemination of performance indicators to measure the performance of the surface transportation systems of the United States, including indicators for productivity, efficiency, energy use, air quality, congestion, safety, maintenance, and other factors that reflect the overall performance of the system; and

"(2) a program to strengthen and expand surface transportation infrastructure research, development, and technology transfer, which shall include, at a minimum—

"(A) methods and materials for improving the durability of surface transportation infrastructure facilities and extending the life of bridge structures, including new and innovative technologies to reduce corrosion;

"(B) a research and development program directed toward the reduction of costs, and the mitigation of impacts, associated with the construction of highways and mass transit systems;

"(C) a surface transportation research program to develop nondestructive evaluation equipment for use with existing infrastructure facilities and with next-generation infrastructure facilities that use advanced materials;

"(D)(i) information technology, including appropriate computer programs to collect and analyze data on the status of infrastructure facilities described in subparagraph (C) with respect to enhancing management, growth, and capacity; and

"(ii) dynamic simulation models of surface transportation systems for—

"(I) predicting capacity, safety, and infrastructure durability problems;

"(II) evaluating planned research projects; and

"(III) testing the strengths and weaknesses of proposed revisions to surface transportation operation programs;

"(E) new innovative technologies to enhance and facilitate field construction and rehabilitation techniques for minimizing disruption during repair and maintenance of structures;

"(F) initiatives to improve the ability of the United States to respond to emergencies and natural disasters and to enhance national defense mobility; and

"(G) an evaluation of traffic calming measures that promote community preservation, transportation mode choice, and safety.

"(c) REPORT ON GOALS, MILESTONES, AND ACCOMPLISHMENTS.—The goals, milestones, and accomplishments relevant to each of the mandatory program elements described in subsection (b) shall be specified in the report required under section 5221(d) of title 49.".

SEC. 2006. ADVANCED RESEARCH PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as added by section 2005), is amended by adding at the end the following:

"§ 503. Advanced research program

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish an advanced research program within the Federal Highway Administration to address longer-term, higher-risk research that shows potential benefits for improving the durability, mobility, efficiency, environmental impact, productivity, and safety of transportation systems.

"(2) DEVELOPMENT OF PARTNERSHIPS.—In carrying out the program, the Secretary shall attempt to develop partnerships with the public and private sectors.

"(b) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary may make grants and enter into cooperative agreements and contracts for advanced research.

"(c) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $5,000,000 for fiscal year 1998, $7,000,000 for fiscal year 1999, $9,000,000 for fiscal year 2000, and $10,000,000 for each of fiscal years 2001 through 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of any activity funded under this subsection shall be determined by the Secretary.".

SEC. 2007. LONG-TERM PAVEMENT PERFORMANCE PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2006), is amended by adding at the end the following:

"§ 504. Long-term pavement performance program

"(a) AUTHORITY.—The Secretary shall complete the long-term pavement performance program tests initiated under the strategic highway research program established under section 307(d) (as in effect on the day before the date of enactment of this section) and continued by the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) through the midpoint of a planned 20-year life of the long-term pavement performance program (referred to in this section as the 'program').

"(b) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts to—

"(1) monitor, material-test, and evaluate highway test sections in existence as of the date of the grant, agreement, or contract;

"(2) analyze the data obtained in carrying out paragraph (1); and

"(3) prepare products to fulfill program objectives and meet future pavement technology needs.

"(c) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $15,000,000 for each of fiscal years 1998 through 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(A) the Federal share of the cost of any activity funded under this section shall be determined by the Secretary; and

"(B) the funds shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.".

SEC. 2008. STATE PLANNING AND RESEARCH PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2007), is amended by adding at the end the following:

"§ 505. State planning and research program

"(a) IN GENERAL.—

"(1) AVAILABILITY OF FUNDS.—Two percent of the sums apportioned for fiscal year 1998 and each fiscal year thereafter to any State under section 104 (except section 104(f)) and any transfers or additions to the surface transportation program under section 133 shall be available for expenditure by the State transportation agency, in consultation with the Secretary, in accordance with this section.

"(2) USE OF FUNDS.—The sums referred to in paragraph (1) shall be available only for—

"(A) intermodal metropolitan, statewide, and nonmetropolitan planning under sections 134 and 135;

"(B) development and implementation of management systems referred to in section 303;

"(C) studies, research, development, and technology transfer activities necessary for the planning, design, construction, management, operation, maintenance, regulation, and taxation of the use of surface transportation systems, including training and accreditation of inspection and testing on engineering standards and construction materials for the systems; and

"(D) studies of the economy, safety, and convenience of surface transportation usage and the desirable regulation and equitable taxation of surface transportation usage.

"(b) MINIMUM EXPENDITURES ON STUDIES, RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—

"(1) IN GENERAL.—Not less than 25 percent of the funds of a State that are subject to subsection (a) shall be expended by the State transportation agency for studies, research, development, and technology transfer activities described in subparagraphs (C) and (D) of subsection (a)(2) unless the State certifies to the Secretary for the fiscal year that the total expenditures by the State transportation agency for transportation planning under sections 134 and 135 will exceed 75 percent of the amount of the funds and the Secretary accepts the certification.

"(2) EXEMPTION FROM SMALL BUSINESS ASSESSMENT.—Funds expended under paragraph (1) shall not be considered to be part of the extramural budget of the agency for the purpose of section 9 of the Small Business Act (15 U.S.C. 638).

"(c) FEDERAL SHARE.—The Federal share of the cost of a project financed with funds referred to in subsection (a) shall be 80 percent unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

"(d) Administration of Funds.—Funds referred to in subsection (a) shall be combined and administered by the Secretary as a single fund, which shall be available for obligation for the same period as funds apportioned under section 104(b)(1).".

SEC. 2009. EDUCATION AND TRAINING.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2008), is amended by adding at the end the following:

"§ 506. Education and training

"(a) Local Technical Assistance Program.—

"(1) Authority.—The Secretary shall carry out a transportation assistance program that will provide access to modern highway technology to—

"(A) highway and transportation agencies in urbanized areas with populations of between 50,000 and 1,000,000 individuals;

"(B) highway and transportation agencies in rural areas; and

"(C) contractors that do work for the agencies.

"(2) Grants, cooperative agreements, and contracts.—The Secretary may make grants and enter into cooperative agreements and contracts to provide education and training, technical assistance, and related support services that will—

"(A) assist rural, local transportation agencies and tribal governments, and the consultants and construction personnel working for the agencies and governments, to—

"(i) develop and expand their expertise in road and transportation areas (including pavement, bridge, safety management systems, and traffic safety countermeasures);

"(ii) improve roads and bridges;

"(iii) enhance—

"(I) programs for the movement of passengers and freight; and

"(II) intergovernmental transportation planning and project selection; and

"(iv) deal effectively with special transportation-related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials;

"(B) identify, package, and deliver transportation technology and traffic safety information to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with transportation-related problems;

"(C) operate, in cooperation with State transportation agencies and universities—

"(i) local technical assistance program centers to provide transportation technology transfer services to rural areas and to urbanized areas with populations of between 50,000 and 1,000,000 individuals; and

"(ii) local technical assistance program centers designated to provide transportation technical assistance to Indian tribal governments; and

"(D) allow local transportation agencies and tribal governments, in cooperation with the private sector, to enhance new technology implementation.

"(3) Authorization of contract authority.—

"(A) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $7,000,000 for fiscal year 1998, $7,000,000 for fiscal year 1999, $7,000,000 for fiscal year 2000, $8,000,000 for fiscal year 2001, $8,000,000 for fiscal year 2002, and $8,000,000 for fiscal year 2003 to be used to develop and administer the program established under this section and to provide technical and financial support for the centers operated under paragraph (2)(C).

"(B) Contract authority.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(i) the Federal share of the cost of any activity under this subsection shall be determined by the Secretary; and

"(ii) the funds shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(b) National Highway Institute.—

"(1) Establishment; duties; programs.—

"(A) Establishment.—The Secretary shall establish and operate in the Federal Highway Administration a National Highway Institute (referred to in this subsection as the 'Institute').

"(B) Duties.—

"(i) Institute.—In cooperation with State transportation agencies, United States industry, and any national or international entity, the Institute shall develop and administer education and training programs of instruction for—

"(I) Federal Highway Administration, State, and local transportation agency employees;

"(II) regional, State, and metropolitan planning organizations;

"(III) State and local police, public safety, and motor vehicle employees; and

"(IV) United States citizens and foreign nationals engaged or to be engaged in surface transportation work of interest to the United States.

"(ii) Secretary.—The Secretary shall administer, through the Institute, the authority vested in the Secretary by this title or by any other law for the development and conduct of education and training programs relating to highways.

"(C) Types of programs.—Programs that the Institute may develop and administer may include courses in modern developments, techniques, methods, regulations, management, and procedures relating to—

"(i) surface transportation;

"(ii) environmental factors;

"(iii) acquisition of rights-of-way;

"(iv) relocation assistance;

"(v) engineering;

"(vi) safety;

"(vii) construction;

"(viii) maintenance;

"(ix) operations;

"(x) contract administration;

"(xi) motor carrier activities;

"(xii) inspection; and

"(xiii) highway finance.

"(2) Set aside; federal share.—Not to exceed ¼ of 1 percent of the funds apportioned to a State under section 104(b)(3) for the surface transportation program shall be available for expenditure by transportation agencies of the State for the payment of not to exceed 80 percent of the cost of tuition and direct educational expenses (excluding travel, subsistence, or salaries) in connection with the education and training of employees of State and local transportation agencies in accordance with this subsection.

"(3) Federal responsibility.—

"(A) In general.—Except as provided in subparagraph (B), education and training of employees of Federal, State, and local transportation (including highway) agencies authorized under this subsection may be provided—

"(i) by the Secretary at no cost to the States and local governments if the Secretary determines that provision at no cost is in the public interest; or

"(ii) by the State through grants, cooperative agreements, and contracts with public and private agencies, institutions, individuals, and the Institute.

"(B) Payment of full cost by private persons.—Private agencies, international or foreign entities, and individuals shall pay the full cost of any education and training received by them unless the Secretary determines that a lower cost is of critical importance to the public interest.

"(4) Training fellowships; cooperation.—The Institute may—

"(A) engage in training activities authorized under this subsection, including the granting of training fellowships; and

"(B) carry out its authority independently or in cooperation with any other branch of the Federal Government or any State agency, authority, association, institution, for-profit or nonprofit corporation, other national or international entity, or other person.

"(5) Collection of fees.—

"(A) General rule.—In accordance with this subsection, the Institute may assess and collect fees solely to defray the costs of the Institute in developing or administering education and training programs under this subsection.

"(B) Limitation.—Fees may be assessed and collected under this subsection only in a manner that may reasonably be expected to result in the collection of fees during any fiscal year in an aggregate amount that does not exceed the aggregate amount of the costs referred to in subparagraph (A) for the fiscal year.

"(C) Persons subject to fees.—Fees may be assessed and collected under this subsection only with respect to—

"(i) persons and entities for whom education or training programs are developed or administered under this subsection; and

"(ii) persons and entities to whom education or training is provided under this subsection.

"(D) Amount of fees.—The fees assessed and collected under this subsection shall be established in a manner that ensures that the liability of any person or entity for a fee is reasonably based on the proportion of the costs referred to in subparagraph (A) that relate to the person or entity.

"(E) Use.—All fees collected under this subsection shall be used to defray costs associated with the development or administration of education and training programs authorized under this subsection.

"(6) Funding.—

"(A) Authorization of contract authority.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,000,000 for fiscal year 1998, $5,000,000 for fiscal year 1999, $5,000,000 for fiscal year 2000, $6,000,000 for fiscal year 2001, $6,000,000 for fiscal year 2002, and $6,000,000 for fiscal year 2003.

"(B) Relation to other fees.—The funds provided under this paragraph may be combined with or held separate from the fees collected under paragraph (5).

"(C) Contract authority.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(i) the Federal share of the cost of any activity under this subsection shall be determined by the Secretary; and

"(ii) the funds shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

"(7) Contracts.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to a contract or agreement entered into under this subsection.

"(c) Dwight David Eisenhower Transportation Fellowship Program.—

"(1) General authority.—The Secretary, acting independently or in cooperation with other Federal departments, agencies, and instrumentalities, may make grants for fellowships for any purpose for which research, technology, or capacity building is authorized under this chapter.

"(2) Dwight David Eisenhower transportation fellowship program.—

"(A) In general.—The Secretary shall carry out a transportation fellowship program, to be known as the 'Dwight David Eisenhower Transportation Fellowship Program', for the purpose of attracting qualified students to the field of transportation.

"(B) Types of fellowships.—The program shall offer fellowships at the junior through postdoctoral levels of college education.

"(C) Citizenship.—Each recipient of a fellowship under the program shall be a United States citizen.

"(3) Authorization of contract authority.—

"(A) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $2,000,000 for each of fiscal years 1998 through 2003.

"(B) Contract authority.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(i) the Federal share of the cost of any activity funded under this subsection shall be determined by the Secretary; and

"(ii) the funds shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

"(d) Highway Construction Training Programs.—

"(1) Use of funds by the secretary.—

"(A) In general.—The Secretary, in cooperation with any other department or agency of the Federal Government, State agency, authority, association, institution, Indian tribal government, for-profit or nonprofit corporation, or other organization or person, may—

"(i) develop, conduct, and administer highway construction and technology training, including skill improvement, programs; and

"(ii) develop and fund Summer Transportation Institutes.

"(B) Waiver of advertising requirements.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to a contract or agreement entered into by the Secretary under this subsection.

"(C) Funding.—

"(i) In general.—Before making apportionments under section 104(b) for a fiscal year, the Secretary shall deduct such sums as the Secretary determines are necessary, but not to exceed $10,000,000 for each fiscal year, to carry out this subsection.

"(ii) Availability.—Sums deducted under clause (i) shall remain available until expended.

"(2) Use of funds apportioned to states.—Notwithstanding any other provision of law, upon request of a State transportation department to the Secretary, not to exceed ½ of 1 percent of the funds apportioned to the State for a fiscal year under paragraphs (1) and (3) of section 104(b) may be made available to carry out this subsection.

"(3) Reservation of training positions for individuals receiving welfare assistance.—In carrying out this subsection, the Secretary and States may reserve training positions for individuals who receive welfare assistance from a State.".

SEC. 2010. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

(a) In General.—Title 23, United States Code, is amended—

(1) by redesignating section 325 as section 507;

(2) by moving that section to appear at the end of subchapter I of chapter 5 (as amended by section 2009);

(3) in subsection (a) of that section, by inserting ", goods, and services" after "expertise"; and

(4) by striking subsection (c) of that section and inserting the following:

"(c) Use of Funds.—

"(1) Funds deposited in special account.—Funds available to carry out this section shall include funds deposited by any cooperating organization or person in a special account for the program established under this section with the Secretary of the Treasury.

"(2) Use of funds.—The funds deposited in the special account and other funds available to carry out this section shall be available to pay the cost of any activity eligible under this section, including the cost of promotional materials, travel, reception and representation expenses, and salaries and benefits of officers and employees of the Department of Transportation.

"(3) Reimbursements.—Reimbursements for the salaries and benefits of Federal Highway Administration employees who provide services under this section shall be credited to the special account.

"(d) Eligible Use of State Planning and Research Funds.—A State, in coordination with the Secretary, may obligate funds made available to carry out section 505 for any activity authorized under subsection (a).".

(b) Conforming Amendment.—The analysis for chapter 3 of title 23, United States Code, is amended by striking the item relating to section 325.

SEC. 2011. NATIONAL TECHNOLOGY DEPLOYMENT INITIATIVES AND PARTNERSHIPS PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2010), is amended by adding at the end the following:

"§ 508. National technology deployment initiatives and partnerships program

"(a) Establishment.—The Secretary shall develop and administer a national technology deployment initiatives program.

"(b) Purpose.—The purpose of the program is to significantly accelerate the adoption of innovative technologies by the surface transportation community.

"(c) Deployment Goals.—

"(1) Establishment.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish not more than 5 deployment goals to carry out subsection (a).

"(2) Design.—Each of the goals and the program developed to achieve the goals shall be designed to provide tangible benefits, with respect to transportation systems, in the areas of efficiency, safety, reliability, service life, environmental protection, or sustainability.

"(3) Strategies for achievement.—For each goal, the Secretary, in cooperation with representatives of the transportation community such as States, local governments, the private sector, and academia, shall use domestic and international technology to develop strategies and initiatives to achieve the goal, including technical assistance in deploying technology and mechanisms for sharing information among program participants.

"(d) Continuation of SHRP Partnerships.—Under the program, the Secretary shall continue the partnerships established through the strategic highway research program established under section 307(d) (as in effect on the day before the date of enactment of this section).

"(e) Grants, Cooperative Agreements, and Contracts.—Under the program, the Secretary may make grants and enter into cooperative agreements and contracts to foster alliances and support efforts to stimulate advances in transportation technology, including—

"(1) the testing and evaluation of products of the strategic highway research program;

"(2) the further development and implementation of technology in areas such as the Superpave system and the use of lithium salts to prevent and mitigate alkali silica reactivity; and

"(3) the provision of support for long-term pavement performance product implementation and technology access.

"(f) Reports.—Not later than 18 months after the date of enactment of this section, and biennially thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress and results of activities carried out under this section.

"(g) Funding.—

"(1) Authorization of contract authority.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $50,000,000 for each of fiscal years 1998 through 2003.

"(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(A) the Federal share of the cost of any activity under this section shall be determined by the Secretary; and

"(B) the funds shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(3) Allocation.—To the extent appropriate to achieve the goals established under subsection (c), the Secretary may further allocate funds made available to carry out this subsection to States for their use.".

SEC. 2012. INFRASTRUCTURE INVESTMENT NEEDS REPORT.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2011), is amended by adding at the end the following:

"§ 509. Infrastructure investment needs report

"Not later than January 31, 1999, and January 31 of every second year thereafter, the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on estimates of the future highway and bridge needs of the United States.".

SEC. 2013. INNOVATIVE BRIDGE RESEARCH AND CONSTRUCTION PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2012), is amended by adding at the end the following:

"§ 510. Innovative bridge research and construction program

"(a) In General.—The Secretary shall establish and carry out a program to demonstrate the application of innovative material technology in the construction of bridges and other structures.

"(b) Goals.—The goals of the program shall include—

"(1) the development of new, cost-effective innovative material highway bridge applications;

"(2) the reduction of maintenance costs and life-cycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;

"(3) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

"(4) the development of engineering design criteria for innovative products and materials for use in highway bridges and structures; and

"(5) the development of highway bridges and structures that will withstand natural disasters, including alternative processes for the seismic retrofit of bridges.

"(c) Grants, Cooperative Agreements, and Contracts.—

"(1) In general.—Under the program, the Secretary shall make grants to, and enter into cooperative agreements and contracts with—

"(A) States, other Federal agencies, universities and colleges, private sector entities, and nonprofit organizations to pay the Federal share of the cost of research, development, and technology transfer concerning innovative materials; and

"(B) States to pay the Federal share of the cost of repair, rehabilitation, replacement, and new construction of bridges or structures that demonstrates the application of innovative materials.

"(2) Grants.—

"(A) Applications.—

"(i) Submission.—To receive a grant under this section, an entity described in paragraph (1) shall submit an application to the Secretary.

"(ii) Contents.—The application shall be in such form and contain such information as the Secretary may require.

"(B) Approval criteria.—The Secretary shall select and approve applications for grants under this section based on whether the project that is the subject of the grant meets the goals of the program described in subsection (b).

"(d) Technology and Information Transfer.—The Secretary shall take such action as is necessary to ensure that the information and technology resulting from research conducted under subsection (c) is made available to State and local transportation departments and other interested parties as specified by the Secretary.

"(e) Federal Share.—The Federal share of the cost of a project under this section shall be determined by the Secretary.

"(f) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account)—

"(A) to carry out subsection (c)(1)(A) $1,000,000 for each of fiscal years 1998 through 2003; and

"(B) to carry out subsection (c)(1)(B)—

"(i) $10,000,000 for fiscal year 1998;

"(ii) $15,000,000 for fiscal year 1999;

"(iii) $17,000,000 for fiscal year 2000; and

"(iv) $20,000,000 for each of fiscal years 2001 through 2003.

"(2) Contract authority.—Funds authorized under this subsection shall be made available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.".

SEC. 2014. USE OF BUREAU OF INDIAN AFFAIRS ADMINISTRATIVE FUNDS.

Section 204(b) of title 23, United States Code, is amended in the last sentence by striking "326" and inserting "506".

SEC. 2015. STUDY OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2013), is amended by adding at the end the following:

"§ 511. Study of future strategic highway research program

"(a) Study.—

"(1) In general.—Not later than 120 days after the date of enactment of this section, the Secretary shall make a grant to, or enter into a cooperative agreement or contract with, the Transportation Research Board of the National Academy of Sciences (referred to in this section as the 'Board') to conduct a study to determine the goals, purposes, research agenda and projects, administrative structure, and fiscal needs for a new strategic highway research program to replace the program established under section 307(d) (as in effect on the day before the date of enactment of this section), or a similar effort.

"(2) Consultation.—In conducting the study, the Board shall consult with the American Association of State Highway and Transportation Officials and such other entities as the Board determines to be necessary to the conduct of the study.

"(b) Report.—Not later than 2 years after making a grant or entering into a cooperative agreement or contract under subsection (a), the Board shall submit a final report on the results of the study to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.".

SEC. 2016. JOINT PARTNERSHIPS FOR ADVANCED VEHICLES, COMPONENTS, AND INFRASTRUCTURE PROGRAM.

(a) In General.—Subchapter I of chapter 3 of subtitle I of title 49, United States Code, is amended by adding at the end the following:

"§ 310. Joint partnerships for advanced vehicles, components, and infrastructure program

"(a) Purpose.—The Secretary of Transportation, in coordination with other government agencies and private consortia, shall encourage and promote the research, development, and deployment of transportation technologies that will use technological advances in multimodal vehicles, vehicle components, environmental technologies, and related infrastructure to remove impediments to an efficient and cost-effective national transportation system.

"(b) Definition of Eligible Consortium.—In this section, the term 'eligible consortium' means a consortium that receives funding under the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1876), and that comprises 2 or more of the following entities:

"(1) Businesses incorporated in the United States.

"(2) Public or private educational or research organizations located in the United States.

"(3) Entities of State or local governments in the United States.

"(4) Federal laboratories.

"(c) Program.—The Secretary shall enter into contracts, cooperative agreements, and other transactions as authorized by section 2371 of title 10 with, and make grants to, eligible consortia to promote the development and deployment of innovation in transportation technology services, management, and operational practices.

"(d) Eligibility Criteria.—To be eligible to receive assistance under this section, an eligible consortium shall—

"(1) for a period of not less than the 3 years preceding the date of a contract, cooperative agreement, or other transaction, be organized on a statewide or multistate basis for the purpose of designing, developing, and deploying transportation technologies that address identified technological impediments in the transportation field;

"(2) facilitate the participation in the consortium of small- and medium-sized businesses, utilities, public laboratories and universities, and other relevant entities;

"(3) be actively engaged in transportation technology projects that address compliance in non-attainment areas under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(4) be designed to use Federal and State funding to attract private capital in the form of grants or investments to carry out this section; and

"(5) ensure that at least 50 percent of the funding for the consortium project will be provided by non-Federal sources.

"(e) Proposals.—The Secretary shall prescribe such terms and conditions as the Secretary determines to be appropriate for the content and structure of proposals submitted for assistance under this section.

"(f) Reporting Requirements.—At least once each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the projects undertaken by the eligible consortia and the progress made in advancing the purposes of this section.

"(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 1998 through 2003, to remain available until expended.".

(b) Conforming Amendment.—The analysis for subchapter I of chapter 3 of subtitle I of title 49, United States Code, is amended by adding at the end the following:

"310. Joint partnerships for advanced vehicles, components, and infrastructure program.".

SEC. 2017. CONFORMING AMENDMENTS.

(a) Sections 307, 321, and 326 of title 23, United States Code, are repealed.

(b) The analysis for chapter 3 of title 23, United States Code, is amended by striking the items relating to sections 307, 321, and 326.

(c) Section 115(a)(1)(A)(i) of title 23, United States Code, is amended by striking "or 307" and inserting "or 505".

(d) Section 151(d) of title 23, United States Code, is amended by striking "section 307(a)," and inserting "section 506,".

(e) Section 106 of Public Law 89-564 (23 U.S.C. 403 note) is amended in the third sentence by striking "sections 307 and 403 of title 23, United States Code," and inserting "section 403 and chapter 5 of title 23, United States Code,".

Subtitle B—Intelligent Transportation Systems

SEC. 2101. SHORT TITLE.

This subtitle may be cited as the "Intelligent Transportation Systems Act of 1997".

SEC. 2102. FINDINGS.

Congress finds that—

(1) numerous studies conducted on behalf of the Department of Transportation document that investment in intelligent transportation systems offers substantial benefits in relationship to costs;

(2) as a result of the investment authorized by the Intelligent Transportation Systems Act of 1991 (23 U.S.C. 307 note; 105 Stat. 2189), progress has been made on each of the goals set forth for the national intelligent transportation system program in section 6052(b) of that Act; and

(3) continued investment by the Department of Transportation is needed to complete implementation of those goals.

SEC. 2103. INTELLIGENT TRANSPORTATION SYSTEMS.

Chapter 5 of title 23, United States Code (as added by section 2005), is amended by adding at the end the following:

"SUBCHAPTER II—INTELLIGENT TRANSPORTATION SYSTEMS

"§ 521. Purposes

"The purposes of this subchapter are—

"(1) to expedite deployment and integration of basic intelligent transportation system services for consumers of passenger and freight transportation across the United States;

"(2) to encourage the use of intelligent transportation systems to enhance international trade and domestic economic productivity;

"(3) to encourage the use of intelligent transportation systems to promote the achievement of national environmental and safety goals;

"(4) to continue research, development, testing, and evaluation activities to continually expand the state-of-the-art in intelligent transportation systems;

"(5) to provide financial and technical assistance to State and local governments and metropolitan planning organizations to ensure the integration of interoperable, intermodal, and cost-effective intelligent transportation systems;

"(6) to foster regional cooperation, standards implementation, and operations planning to maximize the benefits of integrated and coordinated intelligent transportation systems;

"(7) to promote the consideration of intelligent transportation systems in mainstream transportation planning and investment decisionmaking by ensuring that Federal and State transportation officials have adequate, working knowledge of intelligent transportation system technologies and applications and by ensuring comprehensive funding eligibility for the technologies and applications;

"(8) to encourage intelligent transportation system training for, and technology transfer to, State and local agencies;

"(9) to promote the deployment of intelligent transportation system services in rural America so as to achieve safety benefits, promote tourism, and improve quality of life;

"(10) to promote the innovative use of private resources, such as through public-private partnerships or other uses of private sector investment, to support the development and integration of intelligent transportation systems throughout the United States;

"(11) to complete the Federal investment in the Commercial Vehicle Information Systems and Networks by September 30, 2003; and

"(12) to facilitate intermodalism through deployment of intelligent transportation systems, including intelligent transportation system technologies for transit systems to improve safety, efficiency, capacity, and utility for the public.

"§ 522. Definitions

"In this subchapter:

"(1) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.—The term 'Commercial Vehicle Information Systems and Networks' means the information systems and communications networks that support commercial vehicle operations.

"(2) COMMERCIAL VEHICLE OPERATIONS.—The term 'commercial vehicle operations'—

"(A) means motor carrier operations and motor vehicle regulatory activities associated with the commercial movement of goods, including hazardous materials, and passengers; and

"(B) with respect to the public sector, includes the issuance of operating credentials, the administration of motor vehicle and fuel taxes, and roadside safety and border crossing inspection and regulatory compliance operations.

"(3) COMPLETED STANDARD.—The term 'completed standard' means a standard adopted and published by the appropriate standards-setting organization through a voluntary consensus standardmaking process.

"(4) CORRIDOR.—The term 'corridor' means any major transportation route that includes parallel limited access highways, major arterials, or transit lines.

"(5) INTELLIGENT TRANSPORTATION SYSTEM.—The term 'intelligent transportation system' means electronics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.

"(6) NATIONAL ARCHITECTURE.—The term 'national architecture' means the common framework for interoperability adopted by the Secretary that defines—

"(A) the functions associated with intelligent transportation system user services;

"(B) the physical entities or subsystems within which the functions reside;

"(C) the data interfaces and information flows between physical subsystems; and

"(D) the communications requirements associated with the information flows.

"(7) PROVISIONAL STANDARD.—The term 'provisional standard' means a provisional standard established by the Secretary under section 528(c).

"(8) STANDARD.—The term 'standard' means a document that—

"(A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions of characteristics so as to ensure that materials, products, processes, and services are fit for their purposes; and

"(B) may support the national architecture and promote—

"(i) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and

"(ii) interoperability among intelligent transportation system technologies implemented throughout the States.

"§ 523. Cooperation, consultation, and analysis

"(a) COOPERATION.—In carrying out this subchapter, the Secretary shall—

"(1) foster enhanced operation and management of the surface transportation systems of the United States;

"(2) promote the widespread deployment of intelligent transportation systems; and

"(3) advance emerging technologies, in cooperation with State and local governments and the private sector.

"(b) CONSULTATION.—As appropriate, in carrying out this subchapter, the Secretary shall—

"(1) consult with the heads of other interested Federal departments and agencies; and

"(2) maximize the involvement of the United States private sector, colleges and universities, and State and local governments in all aspects of carrying out this subchapter.

"(c) PROCUREMENT METHODS.—To meet the need for effective implementation of intelligent transportation system projects, the Secretary shall develop appropriate technical assistance and guidance to assist State and local agencies in evaluating and selecting appropriate methods of procurement for intelligent transportation system projects, including innovative and nontraditional methods of procurement.

"§ 524. Research, development, and training

"(a) IN GENERAL.—The Secretary shall carry out a comprehensive program of intelligent transportation system research, development, operational testing, technical assistance and training, national architecture activities, standards development and implementation, and other similar activities that are necessary to carry out the purposes of this subchapter.

"(b) INTELLIGENT VEHICLE AND INTELLIGENT INFRASTRUCTURE PROGRAMS.—

"(1) IN GENERAL.—

"(A) PROGRAM.—The Secretary shall carry out a program to conduct research, development, and engineering designed to stimulate and advance deployment of an integrated intelligent vehicle program and an integrated intelligent infrastructure program, consisting of—

"(i) projects such as crash avoidance, automated highway systems, advanced vehicle controls, and roadway safety and efficiency systems linked to intelligent vehicles; and

"(ii) projects that improve mobility and the quality of the environment, including projects for traffic management, incident management, transit management, toll collection, traveler information, and traffic control systems.

"(B) CONSIDERATION OF VEHICLE AND INFRASTRUCTURE ELEMENTS.—In carrying out subparagraph (A), the Secretary may consider systems that include both vehicle and infrastructure elements and determine the most appropriate mix of those elements.

"(2) NATIONAL ARCHITECTURE.—The program carried out under paragraph (1) shall be consistent with the national architecture.

"(3) PRIORITIES.—In carrying out paragraph (1), the Secretary shall give higher priority to activities that—

"(A) assist motor vehicle drivers in avoiding motor vehicle crashes;

"(B) assist in the development of an automated highway system; or

"(C) improve the integration of air bag technology with other on-board safety systems.

"(4) Cost sharing.—

"(A) In general.—Except as provided in subparagraph (B), the Federal share of the cost of a research project carried out in cooperation with a non-Federal entity under a program carried out under paragraph (1) shall not exceed 80 percent.

"(B) Innovative or high-risk research projects.—The Federal share of the cost of an innovative or high-risk research project described in subparagraph (A) may, at the discretion of the Secretary, be 100 percent.

"(5) Plan.—The Secretary shall—

"(A) not later than 1 year after the date of enactment of this subchapter, submit to Congress a 6-year plan specifying the goals, objectives, and milestones to be achieved by each program carried out under paragraph (1); and

"(B) report biennially to Congress on the progress in meeting the goals, objectives, and milestones.

"(c) Evaluation.—

"(1) Guidelines and requirements.—

"(A) In general.—The Secretary shall establish guidelines and requirements for the independent evaluation of field and related operational tests, and, if necessary, deployment projects, carried out under this subchapter.

"(B) Required provisions.—The guidelines and requirements established under subparagraph (A) shall include provisions to ensure the objectivity and independence of the evaluator so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this subchapter.

"(2) Funding.—

"(A) Small projects.—In the case of a test or project with a cost of less than $5,000,000, the Secretary may allocate not more than 15 percent of the funds made available to carry out the test or project for an evaluation of the test or project.

"(B) Moderate projects.—In the case of a test or project with a cost of $5,000,000 or more, but less than $10,000,000, the Secretary may allocate not more than 10 percent of the funds made available to carry out the test or project for an evaluation of the test or project.

"(C) Large projects.—In the case of a test or project with a cost of $10,000,000 or more, the Secretary may allocate not more than 5 percent of the funds made available to carry out the test or project for an evaluation of the test or project.

"(3) Inapplicability of paperwork reduction act.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the evaluation of any test or program assessment activity under this subchapter shall not be subject to chapter 35 of title 44.

"(d) Information Clearinghouse.—

"(1) In general.—The Secretary shall—

"(A) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this subchapter; and

"(B) on request, make that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

"(2) Delegation of authority.—

"(A) In general.—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity not within the Department of Transportation.

"(B) Federal assistance.—If the Secretary delegates the responsibility, the entity to which the responsibility is delegated shall be eligible for Federal assistance under this section.

"(e) Traffic Incident Management and Response.—The Secretary shall carry out a program to advance traffic incident management and response technologies, strategies, and partnerships that are fully integrated with intelligent transportation systems.

"(f) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $120,000,000 for fiscal year 1998, $125,000,000 for fiscal year 1999, $130,000,000 for fiscal year 2000, $135,000,000 for fiscal year 2001, $140,000,000 for fiscal year 2002, and $150,000,000 for fiscal year 2003, of which, for each fiscal year—

"(A) not less than $25,000,000 shall be available for activities that assist motor vehicle drivers in avoiding motor vehicle crashes, including activities that improve the integration of air bag technology with other onboard safety systems;

"(B) not less than $25,000,000 shall be available for activities that assist in the development of an automated highway system; and

"(C) not less than $3,000,000 shall be available for traffic incident management and response.

"(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1.

"§ 525. Intelligent transportation system integration program

"(a) In General.—The Secretary shall conduct a comprehensive program (referred to in this section as the 'program') to accelerate the integration and interoperability of intelligent transportation systems.

"(b) Selection of Projects.—

"(1) In general.—Under the program, the Secretary shall select for funding, through competitive solicitation, projects that will serve as models to improve transportation efficiency, promote safety, increase traffic flow, reduce emissions of air pollutants, improve traveler information, or enhance alternative transportation modes.

"(2) Priorities.—Under the program, the Secretary shall give higher priority to funding projects that—

"(A) promote and foster integration strategies and written agreements among local governments, States, and other regional entities;

"(B) build on existing (as of the date of project selection) intelligent transportation system projects;

"(C) deploy integrated intelligent transportation system projects throughout metropolitan areas;

"(D) deploy integrated intelligent transportation system projects that enhance safe freight movement or coordinate intermodal travel, including intermodal travel at ports of entry into the United States; and

"(E) advance intelligent transportation system deployment projects that are consistent with the national architecture and, as appropriate, comply with required standards as described in section 528.

"(c) Private Sector Involvement.—In carrying out the program, the Secretary shall encourage private sector involvement and financial commitment, to the maximum extent practicable, through innovative financial arrangements, especially public-private partnerships.

"(d) Financing and Operations Plans.—As a condition of receipt of funds under the program, a recipient participating in a project shall submit to the Secretary a multiyear financing and operations plan that describes how the project can be cost-effectively operated and maintained.

"(e) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $100,000,000 for fiscal year 1998, $110,000,000 for fiscal year 1999, $115,000,000 for fiscal year 2000, $130,000,000 for fiscal year 2001, $135,000,000 for fiscal year 2002, and $145,000,000 for fiscal year 2003.

"(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that, in the case of a project funded under paragraph (1)—

"(A) the Federal share of the cost of the project payable from funds made available under paragraph (1) shall not exceed 50 percent; and

"(B) the total Federal share of the cost of the project payable from all eligible sources (including paragraph (1)) shall not exceed 80 percent.

"§ 526. Integration program for rural areas

"(a) In General.—The Secretary shall conduct a comprehensive program (referred to in this section as the 'program') to accelerate the integration or deployment of intelligent transportation systems in rural areas.

"(b) Selection of Projects.—Under the program, the Secretary shall—

"(1) select projects through competitive solicitation; and

"(2) give higher priority to funding projects that—

"(A) promote and foster integration strategies and agreements among local governments, States, and other regional entities;

"(B) deploy integrated intelligent transportation system projects that improve mobility, enhance the safety of the movement of passenger vehicles and freight, or promote tourism; or

"(C) advance intelligent transportation system deployment projects that are consistent with the national architecture and comply with required standards as described in section 528.

"(c) Private Sector Involvement.—In carrying out the program, the Secretary shall encourage private sector involvement and financial commitment, to the maximum extent practicable, through innovative financial arrangements, especially public-private partnerships.

"(d) Financing and Operations Plans.—As a condition of receipt of funds under the program, a recipient participating in a project shall submit to the Secretary a multiyear financing and operations plan that describes how the project can be cost-effectively operated and maintained

"(e) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $10,000,000 for fiscal year 1998, $10,000,000 for fiscal year 1999, $15,000,000 for fiscal year 2000, $15,000,000 for fiscal year 2001, $20,000,000 for fiscal year 2002, and $20,000,000 for fiscal year 2003.

"(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that, in the case of a project funded under paragraph (1)—

"(A) the Federal share of the cost of the project payable from funds made available under paragraph (1) shall not exceed 50 percent; and

"(B) the total Federal share of the cost of the project payable from all eligible sources (including paragraph (1)) shall not exceed 80 percent.

"§ 527. Commercial vehicle intelligent transportation system infrastructure

"(a) IN GENERAL.—The Secretary shall carry out a comprehensive program—

"(1) to deploy intelligent transportation systems that will promote the safety and productivity of commercial vehicles and drivers; and

"(2) to reduce costs associated with commercial vehicle operations and State and Federal commercial vehicle regulatory requirements.

"(b) ELEMENTS OF PROGRAM.—

"(1) SAFETY INFORMATION SYSTEMS AND NETWORKS.—

"(A) IN GENERAL.—The program shall advance the technological capability and promote the deployment of commercial vehicle, commercial driver, and carrier-specific safety information systems and networks and other intelligent transportation system technologies used to assist States in identifying high-risk commercial operations and in conducting other innovative safety strategies, including the Commercial Vehicle Information Systems and Networks.

"(B) FOCUS OF PROJECTS.—Projects assisted under the program shall focus on—

"(i) identifying and eliminating unsafe and illegal carriers, vehicles, and drivers in a manner that does not unduly hinder the productivity and efficiency of safe and legal commercial operations;

"(ii) enhancing the safe passage of commercial vehicles across the United States and across international borders;

"(iii) reducing the numbers of violations of out-of-service orders; and

"(iv) complying with directives to address other safety violations.

"(2) MONITORING SYSTEMS.—The program shall advance on-board driver and vehicle safety monitoring systems, including fitness-for-duty, brake, and other operational monitoring technologies, that will facilitate commercial vehicle safety, including inspection by motor carrier safety assistance program officers and employees under chapter 311 of title 49.

"(c) USE OF FEDERAL FUNDS.—

"(1) IN GENERAL.—Federal funds used to carry out the program shall be primarily used to improve—

"(A) commercial vehicle safety and the effectiveness and efficiency of enforcement efforts conducted under the motor carrier safety assistance program under chapter 311 of title 49;

"(B) electronic processing of registration, driver licensing, fuel tax, and other safety information; and

"(C) communication of the information described in subparagraph (B) to other States.

"(2) LEVERAGING.—Federal funds used to carry out the program shall, to the maximum extent practicable—

"(A) be leveraged with non-Federal funds; and

"(B) be used for activities not carried out through the use of private funds.

"(d) FEDERAL SHARE.—The Federal share of the cost of a project assisted under the program shall be not more than 80 percent.

"(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $25,000,000 for fiscal year 1998, $25,000,000 for fiscal year 1999, $25,000,000 for fiscal year 2000, $35,000,000 for fiscal year 2001, $35,000,000 for fiscal year 2002, and $40,000,000 for fiscal year 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that, in the case of a project funded under paragraph (1)—

"(A) the Federal share of the cost of the project payable from funds made available under paragraph (1) shall not exceed 50 percent; and

"(B) the total Federal share of the cost of the project payable from all eligible sources (including paragraph (1)) shall not exceed 80 percent.

"§ 528. Standards

"(a) IN GENERAL.—

"(1) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.—The Secretary shall develop, implement, and maintain a national architecture and supporting standards to promote the widespread use and evaluation of intelligent transportation system technology as a component of the surface transportation systems of the United States.

"(2) INTEROPERABILITY AND EFFICIENCY.—To the maximum extent practicable, the standards shall promote interoperability among, and efficiency of, intelligent transportation system technologies implemented throughout the States.

"(3) USE OF STANDARDS-SETTING ORGANIZATIONS.—In carrying out this section, the Secretary may use the services of such standards-setting organizations as the Secretary determines appropriate.

"(b) REPORT.—

"(1) IN GENERAL.—Not later than January 1, 1999, the Secretary shall submit a report describing the status of all standards.

"(2) CONTENTS.—The report shall—

"(A) identify each standard that is needed for operation of intelligent transportation systems in the United States;

"(B) specify the status of the development of each standard;

"(C) provide a timetable for achieving agreement on each standard as described in this section; and

"(D) determine which standards are critical to ensuring national interoperability or critical to the development of other standards.

"(c) ESTABLISHMENT OF PROVISIONAL STANDARDS.—

"(1) ESTABLISHMENT.—Subject to subsection (d), if a standard determined to be critical under subsection (b)(2)(D) is not adopted and published by the appropriate standards-setting organization by January 1, 2001, the Secretary shall establish a provisional standard after consultation with affected parties.

"(2) PERIOD OF EFFECTIVENESS.—The provisional standard shall—

"(A) be published in the Federal Register;

"(B) take effect not later than May 1, 2001; and

"(C) remain in effect until the appropriate standards-setting organization adopts and publishes a standard.

"(d) WAIVER OF REQUIREMENT TO ESTABLISH PROVISIONAL STANDARDS.—

"(1) NOTICE.—The Secretary may waive the requirement to establish a provisional standard by submitting, not later than January 1, 2001, to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a notice that—

"(A) specifies the provisional standard subject to the waiver;

"(B) describes the history of the development of the standard subject to the waiver;

"(C) specifies the reasons why the requirement for the establishment of the provisional standard is being waived;

"(D) describes the impacts of delaying the establishment of the standard subject to the waiver, especially the impacts on the purposes of this subchapter; and

"(E) provides specific estimates as to when the standard subject to the waiver is expected to be adopted and published by the appropriate standards-setting organization.

"(2) PROGRESS REPORTS.—

"(A) IN GENERAL.—In the case of each standard subject to a waiver by the Secretary under paragraph (1), the Secretary shall submit, in accordance with the schedule specified in subparagraph (B), a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the progress of the adoption of a completed standard.

"(B) SCHEDULE OF REPORTS.—The Secretary shall submit a report under subparagraph (A) with respect to a standard—

"(i) not later than 180 days after the date of submission of the notice under paragraph (1) with respect to the standard; and

"(ii) at the end of each 180-day period thereafter until such time as a standard has been adopted and published by the appropriate standards-setting organization or the waiver is withdrawn under paragraph (3).

"(C) CONSULTATION.—In developing each progress report under subparagraph (A), the Secretary shall consult with the standards-setting organizations involved in the standardmaking process for the standard.

"(3) WITHDRAWAL OF WAIVER.—

"(A) IN GENERAL.—At any time, the Secretary may, through notification to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, withdraw a notice of a waiver of the requirement to establish a provisional standard.

"(B) IMPLEMENTATION.—If the Secretary submits notification under subparagraph (A) with respect to a provisional standard, not less than 30 days, but not more than 90 days, after the date of the notification, the Secretary shall implement the provisional standard, unless, by the end of the 90-day period beginning on the date of the notification, a standard has been adopted and published by the appropriate standards-setting organization.

"(e) REQUIREMENT FOR COMPLIANCE WITH STANDARD.—

"(1) IN GENERAL.—

"(A) STANDARD IN EXISTENCE.—Funds made available from the Highway Trust Fund shall not be used to deploy an intelligent transportation system technology if the technology does not comply with each applicable provisional standard or completed standard.

"(B) NO STANDARD IN EXISTENCE.—In the absence of a provisional standard or completed standard, Federal funds shall not be used to deploy an intelligent transportation system technology if the deployment is not consistent with the interfaces to ensure interoperability that are contained in the national architecture.

"(2) APPLICABILITY.—Paragraph (1) shall not apply to—

"(A) the operation or maintenance of an intelligent transportation system in existence on the date of enactment of this subchapter; or

"(B) the upgrade or expansion of an intelligent transportation system in existence on the date of enactment of this subchapter if the Secretary determines that the upgrade or expansion—

"(i) does not adversely affect the purposes of this subchapter, especially the goal of national or regional interoperability;

"(ii) is carried out before the end of the useful life of the system; and

"(iii) is cost effective as compared to alternatives that meet the compliance requirement of paragraph (1)(A) or the consistency requirement of paragraph (1)(B).

"(f) SPECTRUM.—

"(1) CONSULTATION.—The Secretary shall consult with the Secretary of Commerce, the Secretary of Defense, and the Chairman of the Federal Communications Commission to determine the best means for securing the necessary spectrum for the near-term establishment of a dedicated short-range vehicle-to-wayside wireless standard and any other spectrum that the Secretary determines to be critical to the implementation of this title.

"(2) PROGRESS REPORT.—After consultation under paragraph (1) and with other affected agencies, but not later than 1 year after the date of enactment of this subchapter, the Secretary shall submit a report to Congress on the progress made in securing the spectrum described in paragraph (1).

"(3) DEADLINE FOR SECURING SPECTRUM.—Notwithstanding any other provision of law, not later than 2 years after the date of enactment of this subchapter, the Secretary of Commerce shall release to the Federal Communications Commission, and the Federal Communications Commission shall allocate, the spectrum described in paragraph (1).

"(g) FUNDING.—The Secretary shall use funds made available under section 524 to carry out this section.

"§ 529. Funding limitations

"(a) CONSISTENCY WITH NATIONAL ARCHITECTURE.—The Secretary shall use funds made available under this subchapter to deploy intelligent transportation system technologies that are consistent with the national architecture.

"(b) COMPETITION WITH PRIVATELY FUNDED PROJECTS.—To the maximum extent practicable, the Secretary shall not fund any intelligent transportation system operational test or deployment project that competes with a similar privately funded project.

"(c) INFRASTRUCTURE DEVELOPMENT.—Funds made available under this subchapter for operational tests and deployment projects—

"(1) shall be used primarily for the development of intelligent transportation system infrastructure; and

"(2) to the maximum extent practicable, shall not be used for the construction of physical highway and transit infrastructure unless the construction is incidental and critically necessary to the implementation of an intelligent transportation system project.

"(d) PUBLIC RELATIONS AND TRAINING.—For each fiscal year, not more than $15,000,000 of the funds made available under this subchapter shall be used for intelligent transportation system outreach, public relations, training, mainstreaming, shareholder relations, or related activities.

"§ 530. Advisory committees

"(a) IN GENERAL.—In carrying out this subchapter, the Secretary shall use 1 or more advisory committees.

"(b) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Any advisory committee so used shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 2104. CONFORMING AMENDMENT.

The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title VI (23 U.S.C. 307 note; 105 Stat. 2189).

Subtitle C—Funding

SEC. 2201. FUNDING.

Chapter 5 of title 23, United States Code (as amended by section 2103), is amended by adding at the end the following:

"SUBCHAPTER III—FUNDING

"§ 541. Funding

"(a) RESEARCH, TECHNOLOGY, AND TRAINING.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out sections 502, 507, 509, and 511 $98,000,000 for fiscal year 1998, $101,000,000 for fiscal year 1999, $104,000,000 for fiscal year 2000, $107,000,000 for fiscal year 2001, $110,000,000 for fiscal year 2002, and $114,000,000 for fiscal year 2003.

"(b) CONTRACT AUTHORITY.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(1) any Federal share of the cost of an activity under this chapter shall be determined in accordance with this chapter; and

"(2) the funds shall remain available for obligation for a period of 4 years after the last day of the fiscal year for which the funds are authorized.

"(c) LIMITATIONS ON OBLIGATIONS.—Notwithstanding any other provision of law, the total amount of all obligations under subsection (a) shall not exceed—

"(1) $98,000,000 for fiscal year 1998;
"(2) $101,000,000 for fiscal year 1999;
"(3) $104,000,000 for fiscal year 2000;
"(4) $107,000,000 for fiscal year 2001;
"(5) $110,000,000 for fiscal year 2002; and
"(6) $114,000,000 for fiscal year 2003.".

Mr. CHAFEE. Mr. President, I rise today as a cosponsor of the Intermodal Transportation Act of 1997, a comprehensive, 6-year measure to reauthorize the Nation's Federal aid-highway, highway safety, and other surface transportation programs. I am particularly pleased to be doing so with 10 of my colleagues from the Environment and Public Works Committee, Senator WARNER and Senator BAUCUS, Senators BOND, THOMAS, KEMPTHORNE, REID, GRAHAM, SMITH, ALLARD, INHOFE; as well as Senators DORGAN, HARKIN, and GRASSLEY. As you can tell from the list of names I just read, this bill truly represents a consensus effort, with cosponsors from all regions of the country and from both sides of the aisle.

This legislation is the product of well over a year of hard work and careful negotiation. Some say that it has taken a long time to get to this point, but we had three very different proposals—all commendable—to coalesce into one unified plan that we can rally around. We also could not put together a serious proposal before we knew the amount of money we had for transportation under the budget agreement.

The result of these efforts, the Intermodal Transportation Act of 1997 [ITA], provides $145 billion over the next 6 years to keep our Nation's transportation system up and running. This bill preserves and builds upon the laudable goals of ISTEA—intermodalism and efficiency. More important, it does so in a manner that: First, stays within a balanced budget; second, enhances highway and driver safety; and finally, protects the environment.

First, I want to stress that the Intermodal Transportation Act is fiscally responsible and fiscally innovative. In my view, the most important aspect of this bill is that it works within the context of a balanced budget. This is essential. On America's highways, you get to where you are going by staying within the lines and playing by the rules. That should be our guide when it comes to the budget as well.

To maximize limited Federal funds, strategic investment in transportation is critical. Forty years ago, it made sense for the Nation to build an interstate highway system. Today, however, we must be more creative. Simply building more roads and highways is no longer a workable solution. We must carefully plan and allocate our limited resources.

The bill before us includes a number of innovative ways to finance our formidable transportation needs. It establishes a federal credit assistance program for surface transportation. The provision is identical to S. 986, the Transportation Infrastructure Finance and Innovation Act, which I introduced in the Senate earlier this year. This new program leverages limited Federal funds by allowing up to a $10 billion Federal line-of-credit for transportation projects, at a cost to the Federal budget of just over $500 million. The bill also provides tools, such as the State Infrastructure Bank Program, to enable States to make the most of their transportation dollars.

Second, this legislation substantially increases the Federal commitment to safety. I am very concerned about the safety of our Nation's highways, and I am particularly alarmed by the escalating incidence of highway motor vehicle injuries and fatalities. In the United States alone, there are more than 40,000 fatalities and 3.5 million automobile crashes every year. Between 1992 and 1995, the average highway fatality rate increased by more than 2,000 lives, while the annual injury rate increased by over 380,000. We must work vigorously to reverse this trend, and this bill will help us do so. The funds set-aside for safety programs such as hazard elimination and railway-highway crossings under this bill totals $690 million dollars per year, almost a 55-percent increase over the current level.

Often, it is a safety belt that can make the difference between saving a life and becoming another tragic statistic. The bill establishes a new State safety belt incentive program, rewarding those States that increase their seat belt use rate or take other measures to promote seat belt use. It provides an average of $83 million per year from the highway trust fund to pay for the new incentives program.

The ITA establishes a new program that, through economic sanctions, encourages States to enact laws and minimum penalties for repeat drunk driving offenders. The bill also establishes a new border infrastructure and safety program to address safety concerns that have resulted from NAFTA, such as deteriorating roads and bridges in our border States. I can assure you that safety is an uncompromising priority of the legislation before us.

Third, the Intermodal Transportation Act upholds ISTEA's strong commitment to preserving and protecting our environment. As valuable as transportation is to our society through the movement of goods and people, it takes a heavy toll on the Nation's air, land, and water. The costs of air pollution that can be attributed to cars and trucks range from $30 to $200 billion per year. Passenger cars alone account for almost 30 percent of the Nation's total oil consumption.

ISTEA provided States and localities with tools to cope with the growing demands on our transportation system and the corresponding strain on our environment. I am proud that the bill before us increases funding for ISTEA's key programs to offset transportation's impact on the environment.

The bill before us provides an average of $1.18 billion per year over the next 6 years for the CMAQ, or Congestion Mitigation and Air Quality Improvement, Program. That's an 18-percent increase over the current funding levels for transit improvements, shared ride services, and bicycle and pedestrian facilities, to help fight air pollution.

Highway construction can be a destructive impact on a community and its surrounding environment. To redress some of the damage highways have done in the past, the bill increases funding for enhancement activities to $552 million per year, a 24-percent increase over the current law. Enhancement money can be used for a variety of projects, such as billboard removal, historic preservation, and the Rails-to-Trails Program.

We must recognize that caring for our precious natural heritage and expanding transportation infrastructure can go hand in hand. The bill establishes a new wetlands restoration pilot program. The purpose of the program is to fund projects to offset the loss or degradation of wetlands resulting from Federal-aid transportation projects. It also establishes a new pilot program to integrate transportation, development and the environment, and to preserve communities.

When it was enacted in 1991, ISTEA expanded the focus of national policy, transforming what was once simply a highway program into a surface transportation program, dedicated to the mobility of passengers and goods. And it recognized, for the first time, that the individual transportation modes function best as a cohesive and interrelated system.

Admittedly, the transition from old policies and practices to those embodied in ISTEA has not always been easy. The two complaints we have heard time and again from the States are that ISTEA's program structure is too complicated and its formulas are not fair. The bill before us will carry forward ISTEA's strengths but it also will correct ISTEA's weaknesses, and provide a responsive transportation program to take us into the next century.

The Intermodal Transportation Act addresses the concerns of the States by making the program easier to understand and by providing real flexibility to States and localities. It reduces the number of ISTEA program categories from 5 to 3, and it includes more than 20 improvements to reduce the redtape involved in carrying out transportation projects. The bill also expands the eligibility of NHS and surface transportation funds to passenger rail, such as AMTRAK, and intelligent transportation systems.

Moreover, the Intermodal Transportation Act significantly reforms the ISTEA funding formulas to balance the diverse needs of the various regions of the Nation. It guarantees 90 cents back for every dollar a State contributes to the highway trust fund. Forty-nine of the fifty States share in the growth of the overall program. The bill also recognizes the diversity and uniqueness of the country and all of its transportation needs.

By making the surface transportation program more responsive to all regions of the country, this bill will ensure that the laudable goals of the original ISTEA—intermodalism and efficiency—are upheld. Finding the right solutions to address all of our needs requires strategic and comprehensive approaches to transportation policy.

Before I conclude, I want to give a special thanks to Senators WARNER and BAUCUS for their hard work and determination in developing this legislation. It has not been easy, and we still have a long way to go. But I look forward to working with the other members of the Environment and Public Works Committee and all Members of the Senate, as well as the House leadership, to enact a bill this year that will take the Nation's transportation system into the 21st century.

Mr. BAUCUS. Mr. President, let me start by thanking the chairman of the committee and the chairman of the subcommittee for their fine work on this bill. Their efforts have produced a bill that will build upon and improve the current transportation bill, ISTEA.

The bill we will introduce shortly is a good bill. It is a balanced bill. It is a national bill. And while it may not be everyone's idea of the perfect bill, it is a solid start for the Senate debate.

When we began developing the legislation, I had three principal goals. I am pleased that this bill meets all three:

First, the bill is fair to all regions of the country. It recognizes the diverse transportation needs of all regions of this country—Western States, Southern States and Northeastern States. And it includes programs and funding to meet those needs.

Second, the bill streamlines today's complex transportation programs while still retaining the integrity of ISTEA.

We have consolidated funding categories—yet maintained funding requirements for all portions of the transportation system, including interstate highways and our bridges.

Third, the bill gives State and local officials back home greater flexibility to deliver transportation services efficiently.

I also am pleased that the bill retains an emphasis on the National Highway System, which includes the Interstate System. These are the most important roads and bridges in the country and they deserve the priority this bill gives them.

Finally, we have retained important programs on air quality and enhancements.

The chairman rightly points out that the bill does not bust the budget. Under the bill, spending for transportation will increase substantially over the next 6 years. Yet it is consistent with the budget resolution.

But as I have said before, I believe those levels are too low. They simply cannot meet today's very real transportation needs. So as we move forward in the Senate, I hope we can identify ways to attain a more appropriate level of funding.

In conclusion, this bill will keep our economy growing, while it improves the safety of our roads and bridges, and protects our environment.

I look forward to moving this bill through the Senate and I again thank my colleagues for their hard work on this measure.

Mr. GRAHAM. Mr. President, I am very pleased to be able to join my good friend and colleagues, Senator BAUCUS and Senator WARNER, in discussing the legislation that was introduced or will be introduced today, and was presented yesterday, the Intermodal Transportation Act.

Mr. President, I will discuss some of the substantive provisions of this which have caused me to give it enthusiastic support, but I would like to comment in a preliminary manner about the way in which this legislation was developed.

In a sense, this legislation has been in the course of development since we adopted the current Highway Transportation Act in 1991. It has been a course of development both by those who had high expectations and those such as myself who had apprehensions about the 1991 enactment and have been monitoring it closely to see what lessons we might learn from that experience to apply to now the next 6-year reauthorization of this important national legislation.

This close scrutiny has particularly drawn the attention of those who have responsibility for the management of our highway systems at the State and local level, and it is appropriate that it should have that close scrutiny. Most of the responsibility for the construction, the management, the operation of our highway and bridge system is at the State and local level. Those officials represent a unique source of insight and wisdom as to what our national policy should be, and those resources of wisdom and insight have been applied in the development of the legislation that today is being introduced.

I will also comment about the bipartisan spirit in which this has been developed. Senator WARNER spoke about the many months in which we worked together in attempting to develop some principles that would be sound for America and would represent a fair and balanced program for each of the States of America. The fact that we are at the point of introducing this legislation, with almost every region of the country, almost every difference in the country from States that are mature, States that are rapidly growing, States that have peculiar climactic considerations that impact their highway system, large States, small States, States from every corner of the geography of America, Members of the U.S. Senate representing those States have now come together behind this legislation. That is in the best spirit of a democracy, seeking consensus behind a plan which will then have the confidence and support of the American people.

I want to particularly commend Senator WARNER, Senator BAUCUS, and Senator CHAFEE for their leadership on the Environment and Public Works Committee for taking all the principle, ideas, and suggestions and now putting them in the form of this legislation with strong bipartisan support.

Let me talk briefly, Mr. President, about some of the reasons I am supporting this legislation. First, I am doing it as a strong supporter of a balanced budget. It would be easy to have a highway bill which would satisfy everyone's needs if there was an unlimited amount of money to be spent in that area of national responsibility. The fact is, there is not an unlimited amount of money to be spent in that area or in any other of our national responsibilities. We have committed ourselves to a policy of fiscal prudence, and to balance the Nation's budget by the year 2002. It would be the height of irresponsibility, within less than 2 months of having congratulated ourselves on having passed a balanced budget agreement, to then bust that agreement by presenting a highway bill which was substantially beyond the limits that had been prescribed in the balanced budget as our Nation's allocation for highway and bridge construction. I am pleased that this legislation complies with the balanced budget agreement.

Second, I am pleased that this legislation will bring fundamental fairness and integrity to the allocation of our national resources for surface transportation among the 50 States and among the communities of America.

We have had a system in the past which has utilized a number of factors that were increasingly irrelevant and frequently outdated in terms of their ability to determine relative need among the States in terms of highway and bridge construction. As an example, the current legislation that we are using in 1997 has the factor of census—where are the American people—and one of the considerations as to where the American people's transportation dollars should be allocated among the 50 States in order to best meet national needs.

The difficulty is that the census that is used in that formula is the 1980 census, 17 years out of date. For a rapidly growing State like mine, that is a punishing provision. For some States, where the population has been stable or even declining over that 17-year period, it creates an unwarranted bonus.

One of the principles of this bill in terms of fairness is that a key central indicator of highway need is the amount of highway transactions collected within that State for Federal purposes. All motorists across this land pay the same number of pennies per gallon of motor fuel purchased for Federal highway purposes. Therefore, there is a relationship between how much individual States collect for that Federal highway motor fuel tax and what the relative demand on the system is. People buy gasoline and other motor fuels because they will drive their vehicles. They tend to drive the vehicles relatively close to the point of purchase of that motor fuel. So, assessing how much tax is collected is a very strong indicator of where the need for the transportation services resides.

So this bill essentially says that 90 cents of every dollar will be returned to the State at the point of collection. If a particular State collects $100 million a year of Federal motor fuel tax, it can be assured it will get back at least $90 million to meet the needs that were generated by those persons who purchased their motor fuel and paid that Federal tax. This is a very significant departure from our previous surface transportation acts.

To put this in the context of my State of Florida, a large, fast-growing State, since 1991 we have averaged receiving not 90 cents, but less than 78 cents per year of our Federal motor fuels tax. That has resulted in an average per year return to our State of $768 million. When this legislation goes into effect for the next 6 years at a somewhat higher annual level of return, because as the country grows and as the economy expands more motor fuel is purchased, therefore, more taxes are paid, but primarily because we will be moving from 78 cents to 90 cents of every dollar returned, our State is projected for the next 6 years to receive an average of $1 billion a year in Federal highway funds. That will allow my fast-growing State and its 15 million residents to be able to much better meet the needs of maintaining the system that is in existence and expanding the system in order to meet the demands of a growing population and an expanding economy.

Third, Mr. President, this legislation balances national needs and State and local needs. Some would argue, and I think with considerable persuasion, that what we ought to do is to have the National Government substantially back away from a Federal highway program, repeal substantial amounts of the Federal motor fuel tax and let the States make a determination as to whether they want to pick up that tax and levy it now as a State tax and use those funds directly for State purposes.

Frankly, moving toward the 90 cents on the dollar program to assure fundamental fairness is a major step toward that type of a turnback philosophy. But this legislation continues to recognize that there is an important national role in transportation. If I want to drive my car from Miami Lakes, FL, to the home State of our Presiding Officer, I have to drive through many States. It is, therefore, important to me that each one of those States has a safe and efficient highway system to allow me to achieve my destination of mobility from one part of America to another. That is a national need for which we all have an interest and a responsibility. I believe that this legislation balances those two desires to place as much responsibility and freedom of action and determination of priorities at the State and local level out of a belief that it is there that there is the best ability to assess what the real needs are, while still maintaining a sufficient national role to assure that we have national mobility across this great continent. I believe that the legislation that we introduce today strikes that appropriate balance.

A fourth aspect of this legislation is simplification and streamlining. As Senator WARNER discussed, this legislation will reduce the number of categories in which the Federal Government provides highway and bridge funds to the States and local communities. It will make it easier for the public, easier for people in our communities and States, easier for us here in the Congress to understand the system, because it will be more simplified. We will get greater efficiency out of the funds derived. There should be lessened administrative costs because there will be fewer programs to maintain and monitor. Increasing the ability of people in our communities and in our States to make their transportation decisions should be and is a key priority of this legislation.

Mr. President, I close by discussing a final point, which is a point at which I suggest that we need to be totally candid with the American people. I voted against ISTEA in 1991 and stated that one of my reasons for voting against it was the fact that in all probability, at the end of the 6-year period of that legislation, our roads and bridges would be in worse shape than they were in 1991. I am sad to report that the U.S. Department of Transportation has issued reports which indicate that my prophecy was correct, that we had lower levels of maintenance on our highways, we have more bridges in need of serious repair, we have not maintained sufficient capacity in order to meet the needs of a growing economy and a growing American population.

I regret to say that I am afraid the same prophecy can be made about the legislation that we are about to pass, and that is a serious commentary. It speaks to the level of our commitment to transportation as an important national priority. Transportation is not being singled out. We are doing an inadequate job in almost every area of our Nation's infrastructure. One of those areas in which I am particularly concerned is educational infrastructure. All over the country we see older schools crumbling because of lack of adequate maintenance and repair and rehabilitation. All over the country, we see children going to classrooms that don't have the kind of access to modern technology that an education at the end of the 20th century requires. We see students in portables and inappropriate educational facilities because there have not been the resources to keep pace with building the new classrooms that the expanding student populations require. So what we are encountering in our transportation system is replicated in our education system, also in water and sewer and other basic community health services. I hope that, as part of this debate on transportation in 1997, we will use this as a means of stimulating a national awareness to the fact that we have a much greater job to do in terms of building the basic systems upon which our people, our society, our free enterprise economic system depend.

Having said that, there is a glimmer of hope in this legislation relative to the total adequacy of funds for transportation. While recognizing that the traditional means of funding transportation—so much money from the National Government through a Federal program, supplemented by additional funds from State or local sources—while those traditional sources are not likely to be adequate in order to maintain our current system and meet the needs for expansion, this legislation does call for some new opportunities for creativity and innovation and encouraging nontraditional funding to come into transportation—particularly, funding from the private sector.

We started several years ago with a plan that encouraged States to set up State banks to engage in various forms of innovative financing—public-private partnerships, encouragement to early acquisition of highway corridors in order to lower the cost of right-of-way acquisition—a whole series of innovative ideas at the State level, with Federal support, in order to stretch our available dollars further so that we have a better chance of meeting the total demands that would be made upon transportation as one important part of our infrastructure obligations.

This legislation builds on those past provisions. It expands the States' ability to set up those State-based infrastructure banks. It also will create a new Federal innovative financing program to work with the States where they have projects that will benefit by these kinds of new means of financing transportation and involving the private sector. I think that is going to be an absolute key if we are going to meet our obligation to future generations in terms of maintaining a transportation system that will give us the economic capabilities to sustain our global position as well as provide the mobility that the American people require for their own day-to-day life experiences.

So, Mr. President, I am enthusiastic about the legislation that we are introducing today. I believe it represents a significant step forward in terms of accepting our national responsibility and doing it in a fair and balanced manner. I applaud those who have joined in this effort and look forward to this Senate passing this legislation at the earliest possible date so that before we recess for 1997, we can say as one of our accomplishments for this year that we have passed a significant national transportation policy and have that policy in place for the next 6 years, and we can get on with the business of benefiting by that new policy.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. MOYNIHAN, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 389

At the request of Mr. ABRAHAM, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 781

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 781, a bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

S. 852

At the request of Mr. LOTT, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Kansas [Mr. ROBERTS] were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1113

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1113, a bill to extend certain temporary judgeships in the Federal judiciary.

SENATE CONCURRENT RESOLUTION 51

At the request of Mr. HELMS, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of Senate Concurrent Resolution 51, a concurrent resolution expressing the sense of Congress regarding elections for the legislature of the Hong Kong Special Administrative Region.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

DEWINE AMENDMENT NO. 1134

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the end of title III, insert the following:

SEC. . (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals who have historically been outside the purview of arts and humanities programs due to a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

DEWINE AMENDMENT NO. 1135

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to an amendment intended to be proposed by Mr. JEFFORDS to the bill, H.R. 2107, supra; as follows:

On page 9, strike lines 21 through 24, and insert the following:

"(9) UNDERSERVED POPULATION.—The term 'underserved population' means a population of individuals who have historically been outside the purview of arts and humanities programs due to a high incidence of income below the poverty line or to geographic isolation. For purposes of the preceding sentence, the term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

On page 20, lines 9 and 10, strike "UNDERSERVED COMMUNITIES GRANTS.—" and insert "UNDERSERVED POPULATIONS GRANTS.—".

On page 21, line 12, strike "UNDERSERVED COMMUNITIES GRANTS.—" and insert "UNDERSERVED POPULATIONS GRANTS.—".

On page 25, lines 21 and 22, strike "in rural and urban underserved communities" and insert "for rural and urban underserved populations".

On page 30, lines 7 and 8, strike "underserved communities" and insert "underserved populations".

On page 31, lines 3 and 4, strike "in rural and urban underserved communities" and insert "for rural and urban underserved populations".

On page 33, lines 17 and 18, strike "underserved communities" and insert "underserved populations".

On page 38, line 10, strike "underserved communities" and insert "underserved populations".

On page 41, line 14, strike "underserved communities" and insert "underserved populations".

On page 43, lines 10 and 11, strike "UNDERSERVED COMMUNITIES GRANTS.—" and insert "UNDERSERVED POPULATIONS GRANTS.—".

On page 43, lines 15 and 16, strike "in underserved communities" and insert "for underserved populations".

On page 45, lines 2 and 3, strike "in underserved communities" and insert "for underserved populations".

On page 45, lines 5 and 6, strike "in underserved communities" and insert "serving underserved populations".

On page 45, lines 9 and 10, strike "in underserved communities" and insert "serving underserved populations".

On page 47, line 18, strike "underserved communities" and insert "underserved populations".

On page 54, line 12, strike "underserved communities" and insert "areas serving underserved populations".

On page 58, line 7, strike "underserved community" and insert "underserved population".

THE FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997; PRESCRIPTION DRUG USERS FEE REAUTHORIZATION ACT OF 1997

DEWINE AMENDMENT NO. 1136

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes; as follows:

Strike section 618 and insert the following:

SEC. 618. PEDIATRIC STUDIES MARKETING EXCLUSIVITY.

(a) GENERAL AUTHORITY.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505 the following:

"SEC. 505A. PEDIATRIC STUDIES OF DRUGS.

"(a) MARKET EXCLUSIVITY FOR NEW DRUGS.—If, prior to approval of an application that is submitted under subsection (b)(1) or (j) of section 505, the Secretary determines that information relating to the use of a drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which may include a timeframe for completing such studies), and such studies are completed within any such timeframe and the reports thereof submitted in accordance with subsection (d)(2) or completed within any such timeframe and the reports thereof are accepted in accordance with subsection (d)(3)—

"(1)(A) the period during which an application may not be submitted under subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 shall be five years and six months rather than five years, and the references in subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 to four years, to forty-eight months, and to seven and one-half years shall be deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(B) the period of market exclusivity under subsections (c)(3)(D) (iii) and (iv) and (j)(4)(D) (iii) and (iv) of section 505 shall be three years and six months rather than three years; and

"(2)(A) if the drug is the subject of—

"(i) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(ii) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(B) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions).

"(b) SECRETARY TO DEVELOP LIST OF DRUGS FOR WHICH ADDITIONAL PEDIATRIC INFORMATION MAY BE BENEFICIAL.—Not later than 180 days after the date of enactment of this section, the Secretary, after consultation with experts in pediatric research (such as the American Academy of Pediatrics, the Pediatric Pharmacology Research Unit Network, and the United States Pharmacopoeia) shall develop, prioritize, and publish an initial list of approved drugs for which additional pediatric information may produce health benefits in the pediatric population. The Secretary shall annually update the list.

"(c) MARKET EXCLUSIVITY FOR ALREADY-MARKETED DRUGS.—If the Secretary makes a written request for pediatric studies (which may include a timeframe for completing such studies) concerning a drug identified in the list described in subsection (b) to the holder of an approved application under subsection (b)(1) or (j) of section 505 for the drug, the holder agrees to the request, and the studies are completed within any such timeframe and the reports thereof submitted in accordance with subsection (d)(2) or completed within any such timeframe and the reports thereof accepted in accordance with subsection (d)(3)—

"(1)(A) the period during which an application may not be submitted under subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 shall be five years and six months rather than five years, and the references in subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 to four years, to forty-eight months, and to seven and one-half years shall be deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(B) the period of market exclusivity under subsections (c)(3)(D) (iii) and (iv) and (j)(4)(D) (iii) and (iv) of section 505 shall be three years and six months rather than three years; and

"(2)(A) if the drug is the subject of—

"(i) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(ii) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(B) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions).

"(d) Conduct of Pediatric Studies.—

"(1) Agreement for studies.—The Secretary may, pursuant to a written request for studies, after consultation with—

"(A) the sponsor of an application for an investigational new drug under section 505(i);

"(B) the sponsor of an application for a drug under subsection (b)(1) or (j) of section 505; or

"(C) the holder of an approved application for a drug under subsection (b)(1) or (j) of section 505,

agree with the sponsor or holder for the conduct of pediatric studies for such drug.

"(2) Written protocols to meet the studies requirement.—If the sponsor or holder and the Secretary agree upon written protocols for the studies, the studies requirement of subsection (a) or (c) is satisfied upon the completion of the studies and submission of the reports thereof in accordance with the original written request and the written agreement referred to in paragraph (1). Not later than 60 days after the submission of the report of the studies, the Secretary shall determine if such studies were or were not conducted in accordance with the original written request and the written agreement and reported in accordance with the requirements of the Secretary for filing and so notify the sponsor or holder.

"(3) Other methods to meet the studies requirement.—If the sponsor or holder and the Secretary have not agreed in writing on the protocols for the studies, the studies requirement of subsection (a) or (c) is satisfied when such studies have been completed and the reports accepted by the Secretary. Not later than 90 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within the 90 days, whether the studies fairly respond to the written request, whether such studies have been conducted in accordance with commonly accepted scientific principles and protocols, and whether such studies have been reported in accordance with the requirements of the Secretary for filing.

"(e) Delay of Effective Date for Certain Applications; Period of Market Exclusivity.—If the Secretary determines that the acceptance or approval of an application under subsection (b)(2) or (j) of section 505 for a drug may occur after submission of reports of pediatric studies under this section, which were submitted prior to the expiration of the patent (including any patent extension) or market exclusivity protection, but before the Secretary has determined whether the requirements of subsection (d) have been satisfied, the Secretary shall delay the acceptance or approval under subsection (b)(2) or (j), respectively, of section 505 until the determination under subsection (d) is made, but such delay shall not exceed 90 days. In the event that requirements of this section are satisfied, the applicable period of market exclusivity referred to in subsection (a) or (c) shall be deemed to have been running during the period of delay.

"(f) Notice of Determinations on Studies Requirement.—The Secretary shall publish a notice of any determination that the requirements of subsection (d) have been met and that submissions and approvals under subsection (b)(2) or (j) of section 505 for a drug will be subject to the provisions of this section.

"(g) Limitation.—The holder of an approved application for a new drug that has already received six months of market exclusivity under subsection (a) or (c) may, if otherwise eligible, obtain six months of market exclusivity under subsection (c)(1)(B) for a supplemental application, except that the holder is not eligible for exclusivity under subsection (c)(2).

"(h) Study and Report.—The Secretary shall conduct a study and report to Congress not later than January 1, 2003 based on the experience under the program. The study and report shall examine all relevant issues, including—

"(1) the effectiveness of the program in improving information about important pediatric uses for approved drugs;

"(2) the adequacy of the incentive provided under this section;

"(3) the economic impact of the program; and

"(4) any suggestions for modification that the Secretary deems appropriate.

"(i) Termination of Market Exclusivity Extension Authority for New Drugs.—Except as provided in section 618(b) of the Food and Drug Administration Modernization and Accountability Act of 1997, no period of market exclusivity shall be extended under subsection (a) for a drug if—

"(1) the extension would be based on studies commenced after January 1, 2002; or

"(2) the application for the drug under subsection (b)(1) or (j) of section 505 was not submitted by January 1, 2002.

"(j) Definitions.—In this section, the term 'pediatric studies' or 'studies' means at least 1 clinical investigation (that, at the Secretary's discretion, may include pharmacokinetic studies) in pediatric age-groups in which a drug is anticipated to be used.".

(b) Market Exclusivity Under Other Authority.—

(1) Through calendar year 2003.—

(A) Determination.—If the Secretary requests or requires pediatric studies, prior to January 1, 2002, under Federal law other than section 505A of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), from the sponsor of an application, or the holder of an approved application, for a drug under subsection (b) or (j) of section 505 of such Act (21 U.S.C. 355), the Secretary shall determine whether the studies meet the completeness, timeliness, and other submission requirements of the Federal law involved.

(B) Market exclusivity.—If the Secretary determines that the studies meet the requirements involved, the Secretary shall ensure that the period of market exclusivity for the drug involved is extended for 6 months in accordance with the requirements of subsection (a), (c), (e), and (g) (as appropriate) of section 505A of such Act (as in effect on the date of enactment of this Act.).

(2) Calendar year 2002 and subsequent years.—

(A) New drugs.—Effective January 1, 2002, if the Secretary requests or requires pediatric studies, under Federal law other than section 505A of the Federal Food, Drug, and Cosmetic Act, from the sponsor of an application for a drug under subsection (b) or (j) of section 505 of such Act, nothing in such law shall be construed to permit or require the Secretary to ensure that the period of market exclusivity for the drug is extended.

(B) Already marketed drugs.—

(i) Determination.—Effective January 1, 2002, if the Secretary requests or requires pediatric studies, under Federal law other than section 505A of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), from the holder of an approved application for a drug under subsection (b) or (j) of section 505 of such Act (21 U.S.C. 355), the Secretary shall determine whether the studies meet the completeness, timeliness, and other submission requirements of the Federal law involved.

(ii) Market exclusivity.—If the Secretary determines that the studies meet the requirements involved, the Secretary shall ensure that the period of market exclusivity for the drug involved is extended for 6 months in accordance with the requirements of subsection (a), (c), (e), and (g) (as appropriate) of section 505A of such Act (as in effect on the date of enactment of this Act.).

(3) Definitions.—In this subsection:

(A) Drug.—The term "drug" has the meaning given the term in section 201 of such Act.

(B) Pediatric studies.—The term "pediatric studies" has the meaning given the term in section 505A of such Act.

(C) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet with the Senate Committee on the Judiciary on Wednesday, September 17, 1997, at 9 a.m. in room 226 of the Dirksen Senate Office Building to conduct a joint oversight hearing on the problem of youth gang activity in Indian country.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Friday, September 12, at 9 a.m. for a hearing on regulatory reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Senate Committee on the Judiciary, be authorized to meet during the session of the Senate on Friday, September 12, 1997, at 10 a.m. to hold a hearing in room 226, Senate Dirksen Building, on: "Religious Workers."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REPEAL OF THE TOBACCO TAX CREDIT

• Mr. McCAIN. Mr. President, I supported the amendment offered this week by my colleagues, Senators DURBIN and COLLINS, to eliminate the tax credit for tobacco companies contained in the Balanced Budget Act of 1997.

I am amazed at the inventiveness of the process that resulted in this little known provision becoming law. The tax credit was not included in either the balanced budget or taxpayer relief bills that were first considered in the House and Senate. It was not included in the final, conference version of the 1,056-page Balanced Budget Act that the Senate approved on July 31. Instead, it was added to the Balanced Budget Act by means of an amendment quietly slipped into the final, conference version of the 809-page Taxpayer Relief Act, that the Senate passed just hours later on the same day.

This $50 billion giveaway was never discussed or reviewed in an open, public forum, but was added at the eleventh hour, in a conference meeting behind closed doors. This is not the way the Congress should conduct the people's business.

Not only did this unnecessary and undeserved multi-billion-dollar tax credit bypass the normal and appropriate procedures of both Houses of Congress, it also ignored the good intentions of both the Senate and House to provide health care to our Nation's children. This tax break would give the tobacco industry a share of the $50 billion raised from increased tobacco excise taxes, instead of protecting those funds to fund new children's health care initiatives. This tax break would benefit the tobacco industry by shortchanging an important and widely supported public health initiative.

The overwhelming vote to repeal this unwarranted tax credit demonstrates clearly that the majority in the Senate did not intend to give a $50 billion tax break to tobacco companies, instead of providing funds to meet the health care needs of approximately 10 million uninsured children in our country. Congress intended to, and did, gradually raise the tax on tobacco products by 15 cents, to provide much-needed funds for health insurance for uninsured children.

I am very concerned that the tobacco tax credit provision that was inserted into the Balanced Budget Act was an attempt by some to begin drafting tobacco liability settlement legislation before Congress has had an opportunity to carefully review the proposed settlement. The provision the Senate voted to repeal would have credited a portion of the increased tobacco excise taxes toward liability payments the tobacco companies could be required to make under legislation implementing the settlement. Clearly, this is inappropriate since Congress is still conducting a thorough examination of the settlement and has not reached a consensus on this matter.

While Congress continues to examine the multibillion-dollar litigation settlement between the tobacco industry and several States, we need to remain mindful that the most important aspect of these discussion is public health, particularly the welfare of our children. By approving the Dubin-Collins amendment and repealing the tax break to tobacco companies, Congress sent a clear message to the American public that their health and well-being is the priority in the complex tobacco settlement discussions. Supporting the Durbin amendment returns $50 billion to the general Treasury while protecting the $24 billion necessary for funding the children's health care initiative.

We need to carefully examine utilizing the funds returned to the treasury as financial support for various public health initiatives. Particularly, we need to discuss using these funds for developing initiatives which would provide our children with the appropriate guidance and information regarding the potential health dangers associated with tobacco products. It is imperative that we create educational campaigns which utilize a variety of tools including advertisement, special events, and public service campaigns. By disseminating the appropriate information to the public, specifically children, we could significantly raise awareness on the perils associated with smoking.

History demonstrates that antismoking campaigns, particularly on television and the radio can serve as strong disincentives for smoking. During the late 1960's, the Federal Communications Commission mandated televised antismoking messages to counter the tobacco advertising which was filling the television airwaves. Anti-smoking advertisements and public service announcements caused a decline in the number of smokers in the country. However, in 1971, the FCC implemented a ban on radio and television advertisement. Since implementation of that ban, antismoking campaigns have also declined.

As chairman of the Commerce Committee, which has jurisdiction over many aspects of the tobacco settlement, I have already held one hearing on the settlement and fully intend on holding more hearings in the near future. Specifically, I intend to hold a hearing regarding the impact of television and radio messages in the antismoking campaign. I believe it is important to hold a hearing which examines the role of various media in the campaign to raise public awareness regarding the dangers associated with tobacco products, especially for the Nation's children.

Mr. President, it is important that we continue to give all aspects of the proposed tobacco settlement careful and coordinated consideration. At the same time, we need to remain mindful that a very important goal of any settlement ought to be the protection of the health and welfare of our children and the general public.•

RECOGNITION OF SEAN P. ALLERTON, BOY SCOUTS OF AMERICA, TROOP 189

• Mr. BREAUX. Mr. President, I would like to take this opportunity to recognize Sean P. Allerton, a member of the Boy Scouts of America's Troop 189 in New Orleans, LA. In 1992, the 102d Congress amended the Constitution of the United States of America by ratifying the 27th amendment. In doing so, thousands of Government textbooks and educational tools throughout the country became outdated. American government students around the world were retrieving information in libraries, in classrooms and in textbooks that reported the Constitution as only having 26 amendments.

Sean Allerton recognized this lack of current information, and as his Eagle Scout project, decided to rectify the problem. He called upon numerous organizations and individuals in the New Orleans area to sponsor his goal of getting 6,600 copies of the new Constitution distributed to every American government and civics student in New Orleans. On August 21 of this year, he received a letter and a check from State District Court Judge Lloyd J. Medley, Jr., who believed in the importance of Sean's project and donated the financial backing to carry it forth.

On September 17, mayor of New Orleans Marc Morial will hold a press conference to congratulate and thank Sean on his endeavor, and to distribute the new copies of the Constitution to the students of New Orleans. I, too, would like to send words of support and thanks from the 105th Congress to Sean P. Allerton, for reminding us of the value of service and the patriotism that strengthens this country's heart. Thank you, Sean.•

CONTINUING THE FOOD ANIMAL RESIDUE AVOIDANCE DATABANK PROGRAM

• Mr. BURNS. Mr. President, I wish to speak in support of S. 1153, introduced by my colleague Senator BAUCUS, which will continue the Food Animal Residue Avoidance Databank [FARAD] Program.

Although the recent E. coli scares are unfortunate, they present a good opportunity for the Senate to act on the issue of food safety. Public interest in the safety of our food supply is high, and the call for consumer awareness has never been greater. The FARAD Program stores and disseminates information on drug, pesticide, and environmental contaminant residue. This information allows veterinarians and producers to avoid problems with contaminated meat and helps ensure the integrity of our Nation's food supply. Producers and veterinarians can access FARAD information over the telephone, through e-mail, or even through two sites on the Internet, putting valuable data at everyone's fingertips. Information is also available in print material, such as FARAD's compendium on available drugs and the FARAD Digest column in the Journal of the American Veterinary Medical Association. Unfortunately, a lack of funding has prevented FARAD's directors and employees from updating the databank. FARAD must contain complete and current data in order to continue protecting American consumers. And that's the bottom line. The public must be confident that the food on their plate is safe. I hope that my colleagues will support consumer awareness and support the FARAD Program.●

BRAILLE LITERACY

● Mr. BINGAMAN. Mr. President, Helen Keller, the moving spirit for the American Foundation for the Blind and many in the visually handicapped community, once said, ". . . when I hold a beloved [braille] book in my hand my limitations fall from me, my spirit is free."

During the recent reauthorization of the Individuals With Disabilities Education Act it was my pleasure to work with the American Foundation for the Blind, the National Federation of the Blind, the American Council of the Blind, and other groups to include a provision for the teaching of braille for all blind or visually impaired students for whom it is appropriate as part of the IEP process. Because of this change which is now in law, every blind or visually impaired child will soon have the chance to experience the same freedom enjoyed by Helen Keller.

Most children who are blind or visually impaired benefit from specialized instruction in braille to enable them to participate equally with their sighted peers in school and ultimately to compete in the workplace. Additionally, for those who cannot use print, braille provides an excellent means for reading confidential information, making notes at meetings and giving presentations, recordkeeping, labeling information files, performing household management functions, and ease of studying and reviewing critical information.

Over 57,000 students, as of 1996, were registered with the American Printing House for the Blind and over 500 students from New Mexico are registered. Mr. President, I am pleased to report that in my State, 2,500 braille books were circulated by the New Mexico State Library for the Blind and Physically Handicapped, the Regional Library for the Blind in Santa Fe, in fiscal year 1996.

The mission of the American Foundation for the Blind is to enable persons who are blind or visually impaired to achieve equality of access and opportunity that will ensure freedom of choice in their lives. I am delighted that the braille provisions of the recently reauthorized Individuals With Disabilities Education Act will help all children who are blind or visually impaired to achieve this goal.●

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, SEPTEMBER 15, 1997

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, September 15; in addition, on Monday, following the prayer, the Senate immediately resume consideration of H.R. 2107, the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN

Mr. SESSIONS. Mr. President, I also ask unanimous consent that the RECORD remain open until 3 p.m. for the introduction of legislation and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. As under the previous order, on Monday, the Senate will resume consideration of H.R. 2107, the Interior appropriations bill, as announced. No rollcall votes will occur during Monday's session. Any votes ordered on amendments to H.R. 2107 will be set aside, to occur at a time to be determined by the majority leader. It is our hope that the Senate will conclude debate on the Interior bill by Tuesday. Therefore, Members are encouraged to contact the managers of the bill to schedule floor action on any possible amendments. As Members are aware, this is the next-to-last appropriations bill remaining for Senate consideration; the last being the District of Columbia appropriations. Therefore, Members' cooperation is appreciated in the scheduling of floor action as we attempt to conclude action on both the Interior appropriations bill and the District of Columbia appropriations bill next week.

As a reminder to all Members, there will be no rollcall votes on Monday, and the next rollcall vote will be a cloture vote on the substitute amendment to S. 830, the FDA reform bill, which will occur on Tuesday at 10 a.m., under rule XXII. All first-degree amendments to S. 830 must be filed by 1 p.m. on Monday.

I thank my colleagues for their attention.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 15, 1997

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:24 p.m, adjourned until Monday, September 15, 1997, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 12, 1997:

DEPARTMENT OF COMMERCE

DAVID L. AARON, OF NEW YORK, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE, VICE STUART E. EIZENSTAT, RESIGNED.

DEPARTMENT OF STATE

BETTY EILEEN KING, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DAVID SATCHER, OF TENNESSEE, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE PHILIP R. LEE, RESIGNED.

DAVID SATCHER, OF TENNESSEE, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF 4 YEARS, VICE M. JOCELYN ELDERS.

DEPARTMENT OF JUSTICE

MARK REID TUCKER, OF NORTH CAROLINA, TO BE THE U.S. MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA, FOR THE TERM OF 4 YEARS, VICE WILLIAM I. BERRYHILL.

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE COMMISSIONED CORPS SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be medical director

WILLIAM E. HALPERIN

To be senior surgeon

DIANE L. ROWLEY

To be surgeon

JAY C. BUTLER

ROBERT H. JOHNSON

To be senior assistant surgeon

JOSEPH M. CHEN
SUSAN A. LIPPOLD
CARLOS M. RIVERA
THOMAS J. VANGILDER
STEVEN S. WOLF
PRISCILLA L. YOUNG
STEPHANIE ZAZA

To be dental surgeon

RICHARD M. DAVIDSON

To be senior assistant dental surgeon

GLEN A. EISENHUTH
MARK S. ELLIOTT
CLAY D. HENNING
STEVEN A. JOHNSON
MICHAEL J. MINDIOLA
DONALD L. ROSS
JAMES H. TENNYSON

To be nurse director

SUSAN P. HUBBARD

To be senior nurse officer

ELIZABETH J. MCCARTHY

To be nurse officer

VERONICA G. STEPHENS

To be senior assistant nurse officer

BRIAN P. ASAY
AMY V. BUCKANAGA
DEBORAH K. BURKYBILE
THOMAS L. DOSS
DEANN M. EASTMAN-JANSEN
EDWIN M. GALAN
LOUIS J. GLASS
NELSON HERNANDEZ
RICHARD G. HILLS
LEONARD L. HOWELL
LENORA B. JONES
JOAN F. KELLEY
ERIC A. LASURE
PATRICIA A. LAWRENCE
LUCIENNE D. NELSON
SUSAN M. NORD
MARTHA T. OLONE
JUDY L. PEARCE
JULIANA M. SADOVICH
CARMELITA SORRELMAN
MARY T. VANLEUVEN
DANIEL J. WESKAMP
VERNON L. WILKIE

To be assistant nurse officer

KAREN E. BIKOWICZ
GUADALUPE R. DEMSKE
ROBERT T. EDWARDS
WILLIAM C. GUINN
MICHAEL J. LACKEY
RICHARD N. LELAND
MARK J. MARTINEAU
EDWARD A. SEXTON

To be engineer director

RICHARD R. TRUITT

To be senior assistant engineer officer

DAVID M. APANIAN
CHARLES S. HAYDEN, II
LEE C. JACKSON
JOHN W. LONGSTAFF
KATHY M. PONELEIT
STEPHEN P. RHODES
CAROL L. ROGERS
HUNG TRINH
RICHARD S. WERMERS
ANDREW J. ZAJAC

To be assistant engineer officer

MICHAEL S. COENE
PAUL J. RITZ

To be scientist

SUSANNE M. CAVINESS

To be senior assistant scientist

DRUE H. BARRETT
ROY A. BLAY
ANN M. MALARCHER
ROBERT L. WILLIAMS

To be sanitarian

EDWIN J. FLUETTE

To be senior assistant sanitarian

CLINT R. CHAMBERLIN
JEFFREY A. CHURCH
NANCY J. COLLINS
ERIC J. ESSWEIN
WENDY L. FANASELLE
MICHAEL G. HALKO
DIANA M. KUKLINSKI
JOSEPH D. LITTLE
GINA L. LOCKLEAR
JOE L. MALONEY
MICHAEL A. NOSKA
DAVID E. ROBBINS
SARATH B. SENEVIRATNE
DANIEL C. STRAUSBAUGH
JESSILYNN B. TAYLOR
TIMOTHY WALKER

William S. Stokes

To be senior assistant pharmacist

LISA A. COHN
ALISON R. DION
CINDY P. DOUGHERTY
THOMAS P. GAMMARANO
ROBERT W. GRIFFITH
JILL D. MAYES
PAUL J. NA
CHERYL A. NAMTVEDT
WILLIAM A. RUSSELL, JR.
DONNA A. SHRINER
PAMELA J. WEST
ROCHELLE B. YOUNG

To be assistant pharmacist

CHRISTOPHER A. BINA

To be senior assistant dietitian

JO ANN A. HOLLAND
MARILYN A. WELSCHENBACH

To be senior assistant therapist

CINDY R. MELANSON

To be assistant therapist

MICHELLE Y. JORDAN
JEAN E. MARZEN

To be health services officer

EUGENE A. MIGLIACCIO

To be senior assistant health services officer

DEBORA S. DESCOMBES
MICHAEL J. FLOOD
DONALD H. GABBERT
DENISE L. GOUDELOCK
JANE MARTIN
DOREEN M. MELLING
DAVID J. MILLER
PEGGY J. ROYS
WILLIAM TOOL

To be assistant health services officer

JAMES A. GREGORY
TRINH K. NGUYEN

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JOHN A. GORDON, 7817.

HOUSE OF REPRESENTATIVES—*Monday, September 15, 1997*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. HASTINGS of Washington].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 15, 1997.

I hereby designate the Honorable DOC HASTINGS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using words from Psalm 107:
O give thanks to the Lord, for he is good;
For his steadfast love endures for ever;
Let the redeemed of the Lord say so,
whom he has redeemed from trouble
and gathered in from the lands,
from the east and from the west,
from the north and from the south.
Whoever is wise, let him give heed to these things;
Let all consider the steadfast love of the Lord.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Guam [Mr. UNDERWOOD] come forward and lead the House in the Pledge of Allegiance.

Mr. UNDERWOOD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 50. Concurrent resolution condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GOVERNOR WELD DESERVES A HEARING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, while the House of Representatives does not have a role in the process of confirming individuals to high-level Government positions, I feel compelled to object today to Senate intransigence with regard to a particular nomination, both because of the significance of the nomination itself and because of the reflection it casts on Senate procedures and American politics.

First, with regard to the individual involved, it should be stressed that the President of the United States has designated a superbly qualified former Governor to be our Ambassador to Mexico. Bill Weld stands out for his integrity, his intelligence, and his distinguished public service. In selecting a Republican, the President has wisely determined to act in a bipartisan fashion. He is to be congratulated.

The irony that a Senate controlled by the same political party as a nominee has not even given Governor Weld the courtesy of a public hearing reveals an intolerant aspect of public discourse today. It is an embarrassment to the Republican Party and to the Congress.

In addition, the capacity of a single U.S. Senator to prevent a nomination from being considered underscores the need for the Senate to reform itself.

The Constitution posits within the Senate the power to confirm. The Founding Fathers carefully and prudently crafted this provision to ensure that highly qualified persons would occupy high offices. They did not devolve this power over nominations by the President to an individual Senator. Presidents, under the Constitution, are provided veto authority over legislation. Individual Senators were never provided such authority over nominations.

Indeed, the American Revolution was premised on the notion that democratic decisionmaking involving institutional checks and balances was preferable to kingly dictates and capricious decisions of a landed nobility. Governor Weld deserves a hearing. Senate procedures demand reform. The Constitution requires respect.

Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are cautioned not to urge action or inaction by the Senate during the confirmation process.

FOREIGN AIR CARRIER FAMILY SUPPORT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, today I will introduce the Foreign Air Carrier Family Support Act which would require foreign air carriers to implement a disaster family assistance plan should an accident involving their carrier take place on American soil.

As many of my colleagues know, the accident involving Korean Air flight 801 has spurred the momentum for this legislation. Two hundred and twenty-eight individuals perished from that tragic episode, and countless friends and families have been affected by the loss of a loved one.

Various civil, military, and Federal personnel were involved in the search and rescue mission, as well as assisting family members on Guam and those who traveled from South Korea and the continental United States. Under the conditions at the time, all personnel contributed their time and energy to preserving life, searching for remains, and helping families cope with their grief.

However, I do point out that there were many criticisms made on behalf of family members regarding the search and rescue efforts as well as media involvement in the aftermath of the Korean Air crash. My legislation will aim to coordinate the complex procedures associated with an airline accident.

The foreign air carrier's clear delineation of responsibilities will clarify and streamline efforts when providing assistance to family members. This regulation is already required for our domestic airlines, as mandated in the

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

passage of the Aviation Disaster Family Assistance Act of 1996. And, after close consultation with the Department of Transportation and the National Transportation Safety Board, I am ready to introduce the Foreign Air Carrier Family Support Act.

I am pleased that two of my colleagues have chosen to support me in this important matter. Representative JIMMY DUNCAN, chairman of the Subcommittee on Aviation, and Representative LIPINSKI, ranking member of the subcommittee, demonstrated their commitment to airline safety by electing to be original cosponsors of this legislation. I have also received support from the administration and Members of the Senate.

The overwhelming endorsement for this bill is not surprising. More and more of our own citizens take domestic and foreign air carriers to various destinations. We must work to ensure their safety as well as peace of mind.

The crash of Korean Air flight 801 demonstrated the need for this legislation. Although Korean Air did all that they could to assist victims' family members, their efforts could have been more efficient had a prearranged plan been in effect. With prior arrangements there could have been greater coordination not only with family members but with NTSB officials and military personnel.

I encourage my colleagues to support the Foreign Air Carrier Family Assistance Act. This bipartisan legislation assures us that victims' family members of a foreign air carrier accident will not receive not merely sufficient assistance but efficient assistance as well.

COMPREHENSIVE APPROACH NEEDED IN EDUCATION REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we are already in the process of debating the Labor, Health and Human Services, and Education appropriation. We have spent most of last week on that debate, and that debate will continue tomorrow. I think it is very interesting some of the kinds of amendments that have been introduced with respect to using funds from other places to assist various programs in education.

While I am all in favor of increased funding for education, I did not support amendments that sought to take funds from Health and Human Services or to take funds from labor programs, programs related to working people. I think we should take this opportunity that has been presented to us. Education is now clearly on the minds of a lot of people, including the decisionmakers in the 105th Congress.

We have listened to the common sense of the American people. They have clearly made education a high priority over a long period of time. Education as a priority has not gone away. Prior to the last election, there was a clear, highly visible concern about education which both parties responded to. We had a sudden increase of $4 billion in funding for education just before the last elections in 1996, last year. That was an indication that both parties had gotten the message. They funded time honored programs, like Head Start got an increase and title I got an increase, and we had several other increases which were very much needed.

We are still in a situation where the public is demanding more, and rightly so, from elected officials at every level for education. They are demanding more of people at the local level and State level and here. We have an unprecedented window of opportunity to do something of great and lasting significance about educational reform in this country.

We can start our schools on the road to improvement, a road to improvement which will have a continuum. It will not be a stop-and-start sort of situation, but it can be a road of steady improvement. But we cannot do that unless we understand that the window of opportunity that we have now requires a comprehensive approach to reform. It requires that we not vulcanize our attempts to improve education.

We understand that it is good to have so much concern at every level; all Members of Congress concerned, parents concerned, people in general concerned about education. That is wonderful.

It is also a fact of life that everybody in America who is an adult considers himself to be an expert in education. Everybody has their own set of pet theories about how education can be improved and what should be done. Everybody has their own theory and approach to instructions on how to raise kids and how to handle young people in the school system.

Lots and lots of people are involved in the process, and that is good. We should not try to turn that off. It is good that millions and millions of people care about education and they care about school reform.

□ 1215

I would like to, however, caution those of us who are in power to understand that although it is good to have everybody involved in the process, there is a danger that any one person who thinks he has the truth can do a great deal of harm if he also has a lot of power. Those who are concerned, who have a lot of power, who want to put their pet theories into practice can wreck the process, or certainly throw it off track for a long time.

Let me just use the story that we have heard repeated often about the blind men who were describing the elephant. Each blind man who felt a part of the elephant, the tail, the trunk, the leg, the body, each blind man who felt a part of the elephant proceeded to describe the elephant, and they felt they had the true situation, the true perception of the elephant. They described the elephant in terms of the parts they felt. They were blind, however. We cannot blame them. They were not lying. They were sincere. They really believed that, according to what they felt, they had a good description of the truth of what an elephant is.

We have millions of blind men and women, I am one, blind in different degrees, who are involved in trying to reform education and improve education. We should stop and think of ourselves as blind people groping to try to come to some kind of ongoing, continual improvement of education in America and have a little more humility. The blind men should understand that you cannot hand down the truth here, that education and reform, improving our schools, is as complicated as nuclear physics. It is more complicated than building an atom bomb or building a hydrogen bomb. It is more complicated than putting a shuttle in orbit. It is more complicated than building a space station, putting a rover on the surface of the Moon or Mars. These things are very difficult, we know, but they are all in the realm of the physical sciences, and in physical science, properties, things do not move and change and vary in the ways that they do when we are dealing with human beings.

Education is a human enterprise. It has many different sciences involved. Education should be respected for being complicated. There are no simple solutions to the improvement of schools in America. There is no one solution. There is a need to approach the problem of school reform on a comprehensive basis and try across the board to deal with the various problems.

There are problems that will not go away in the area of physical facilities. We need schools that are able to provide conducive settings for children to learn. We cannot back away and ignore the fact that the General Accounting Office says we need about $112 billion to really revamp the infrastructure of elementary and secondary schools across America. That includes in some cases we have just got to build new schools.

There are areas where the large population growth of young people necessitates the building of new schools. There are areas where the old schools are just not sufficient, and they have to be replaced. We have to build new schools there. There are other schools that have to be drastically renovated.

There are other schools that need various repairs in various degrees.

So $112 billion just to do it with physical facilities. We cannot ignore that, no matter what we try to do in terms of improvement of instruction, training of teachers, new forms of governance and management.

Charter schools are very popular. Charter schools represent a new form of governance and management of public schools that has a lot of agreement. Both parties, a lot of people on various sides of the issue think that charter schools are not a bad idea. But even before you try to deal with charter schools, the problem of physical facilities is a major problem. One of the reasons we have so few charter schools starting up is that they cannot find a place to start. The physical facility problem stops them, also. So physical facilities cannot be ignored.

Testing is on the other end of the priorities scale, and I think testing is important. I think assessment in various forms, testing standards are very important. Testing is important, and that cannot be ignored. But you cannot stampede the situation. You cannot insist that you have to have testing, and testing is the most important thing, and generate a debate, a long, prolonged logjam or debate, on testing while you ignore the fact that physical facilities are important.

Training of teachers is important. New materials and technology are important. We want to wire our schools. We want them to have the best capability to make use of the Internet, video, computers, et cetera. All of these things are important, but there are some that in sequence are more important than others.

You cannot have a computer without a mouse. The mouse is a very important piece of the computer. Most people have forgotten that it did not exist 10 years ago. It is a recent addition. Computers existed for some time before we had the mouse. A mouse is very important. But to talk about focusing on the mouse and forget about the fact that the chips, the basis for the computer, the chips had to be perfected first, if there were no chips there to form the basis of the whole computer technology, the mouse would be insignificant. To leap to testing, to emphasize testing over everything else is that kind of absurdity.

We are going to come back to that, but I want to not move into a detailed discussion of the testing debate without first making the case for an approach for school reform. We have a window of opportunity. Stop and think about the fact that the American people can focus on education more now because there is no more cold war. There is no hot war going on. There are really no global crises of a magnitude to take a lot of the time and attention of the leading thinkers of America, to the leading decisionmakers in Government. We can take time to really take a long, hard look at education from a lot of different points of view. That is what the lack of global crises allows us to do.

We have few national emergencies. There is a fire out of control in California, but I do not know whether it is going to become a national emergency or not. No earthquakes, no floods, nothing right now is of a magnitude to require a lot of time and attention. So if we have this kind of time and attention as a sort of a surplus at this point, then let us focus on education in a deliberative manner. Let us focus on the totality of trying to improve education in a deliberative manner. Let us not bully the process from the bully pulpit of the White House or from the bully pulpit of the Appropriations Committee.

If the blind men that I described before have power, any one of those blind men have power, they can force an interpretation of what the elephant looks like, and we have to buy it for a while. But, of course, if they do not have the truth, it will only distort things and make a fool of everybody, because the blind man who had the tail had power, and he insisted that the elephant looks like a tail of the elephant. He describes it as a long, stringy thing. We go off for the next few years trying to deal with elephants as a long, stringy thing, and that is not the truth.

Education suffers in the same way. If powerful people on the Committee on Appropriations have their own pet theory and they push it forward, then they are going to mess up things for a long time to come. If the President and the White House have their own pet theory and they push it forward, ignoring how it fits into the totality of the comprehensive strategy, then we are going to have a mess. We are going to have some real problems.

I hate to compare education reform and trying to improve our schools to war, but it is a good analogy in this sense. We do not go off to fight wars and let each powerful person in Congress or in a State legislature have his own little pet theory to guide how the war is fought. We won World War II and we won other wars because we have taken a comprehensive approach. It is understood that if you are at war, it takes a total effort. You have to look at manpower recruitment as well as the materials manufacturing, the tanks and the guns and the bombs. You have to look at the psychology of the country. You have to raise the bonds to finance the whole enterprise. You have to have a spy apparatus as well as the Army, the Navy, the Marines. We understand that it is a complex operation, and we prepare for it in an across-the-board, comprehensive way.

Education deserves the same treatment. Let us look at it across the board. We do not have quite the urgency of war. People are not dying. There is no threat to our liberties directly. But it is important enough to take a comprehensive approach, and because of the fact that the urgency is not a matter of guns and bullets and dying, we can take a little more time to be more deliberative.

The history of this body, of the House of Representatives and the Senate, has been that education has been dealt with in the past in a very deliberative manner. The Committee on Education and the Workforce, once called the Education and Labor Committee and now called the Committee on Education and the Workforce, the Education Committee has been the place where we have had the deliberations on education, and the bills have developed out of there and been brought to the floor after they have gone through the committee process.

That has worked very well, in my opinion. I may be prejudiced because I am a member of the Committee on Education and the Workforce. I have been on the Committee on Education and the Workforce now for 15 years. I have seen it change names quite a bit. I have seen it change its form of operation, also, which is unfortunate. There is less deliberativeness now. There is more secrecy even on the committee. The majority does not share with the minority exactly what it is doing. We get last-minute bills put in front of us, proposals.

That is most unfortunate that the deliberative process is treated with contempt even at the committee level. Is it any wonder that when you reach the House floor, you have a process which treats the whole Committee on Education and the Workforce with contempt? You have more important legislation being proposed through the Committee on Appropriations, more important decisions being made through the Committee on Appropriations than we have through the Committee on Education and the Workforce. That is treating the people on the Committee on Education and the Workforce and the whole process and the function of the Committee on Education and the Workforce with great contempt. That is unfortunate. It started in the last Congress. Now it has reached proportions where it may generate a major disaster.

I know we are not supposed to talk about the other body, but news is news. I will read from the Washington Post editorial so that we are not in a position of breaking the rules and criticizing the other body, but the Washington Post has an editorial which talks about a wrong move on education. It really is focusing on the fact that by a 51 to 49 rollcall vote in the other body, it was voted to take all the education programs and put them into a set of block grants. The Committee on Appropriations made this proposal; not the Committee on Education and the Workforce, the Committee on Appropriations. The Senate voted almost casually.

I am reading a quote from the Washington Post, Monday, September 15, today's Washington Post. It is called "Wrong Move on Education."

> The Senate voted almost casually last week in effect to abolish most of the current forms of Federal aid to elementary and secondary schools for the year ahead by merging them into two block grants to school districts. The 51-49 roll call after only perfunctory debate seemed mainly meant to score a political point—that Republicans, all but four of whom supported the amendment, favor local control of the schools, while Democrats, all of whom opposed it, would have the Federal Government dictate school policy. But the issue is phony. Democrats no more than Republicans favor anything like Federal control of the schools, of which there is scant danger—and the schools deserve better from the Senate than to be used as political stage props.
>
> The Federal Government pays only a small share of the cost of elementary and secondary education, about 6 percent.

This is their figure. I think it is not exactly correct. It may be even less than that. The total Federal involvement in education may be about 8 percent, and that includes higher education, which has a far larger percentage of the Federal fund part than the elementary and secondary education. But let us use the Washington Post figure. Only about 6 percent.

> The rest is State and local. The Federal role thus never has been to sustain the schools, but to fill gaps and push mildly in what have seemed to be neglected directions. About half the Federal money—some $6 billion a year—has been aimed since the 1960's at providing so-called compensatory education for lower-income children.
>
> The block grant amendment, by Senator Slade Gorton, would have the effect of converting this into general aid. The requirement that the money be spent on poorer students would be dropped in favor of letting school districts spend it as they deem appropriate. That's more than just a shift to local control; it's a shift away from a longstanding sensible effort to concentrate the limited Federal funds on those in greatest need. Does Congress really want to reverse that policy?
>
> Most other Department of Education programs—though not such popular ones as aid to the disabled—would be bunched in the second block grant. As in most departments, a pretty good indication can be made for such bunching. Some programs are always floating around for which the original rationale was weak or has faded and that are too small to warrant separate administration. But that is true of only some, not all, of those Mr. Gorton would dispatch. Example: The Senate voted Thursday in favor of a compromise version of the national testing program the President supports, but in voting for the block grant, as Education Secretary Riley observed, it then voted to eliminate the funding for this purpose.
>
> Other special purpose programs in aid of particular groups or in support of reform likewise would disappear, the secretary said, including several the President has touted as evidence of his commitment to education. The President and Democrats generally have made effective political use of the education issue in the past few years. Block-granting would leave them less of a stage from which to do so.
>
> The Gorton amendment would be only for a year, at which point the appropriations bill to which it was attached would lapse, and the issue would have to be fought all over again. That's another reason why, even if mainly for show, it was the wrong way to do business. Mr. Riley was authorized to say it was "unacceptable" to the administration, meaning presumably that the President would veto the bill if the amendment were to survive in conference. He'd be right to do so.

□ 1230

That is the end of quote from the Washington Post editorial.

Mr. Speaker, I will submit the entire Washington Post editorial for the RECORD.

While we fiddle about national testing, there is a basic crisis being created by a proposal that we block grant all of the education programs. The Washington Post has amnesia in one area, and that is they do not point out the fact that the great debate on Federal involvement in elementary and secondary education that took place over a number of years reached the conclusion by deciding that the Federal Government should enter elementary and secondary education only to come to the aid of special situations, like impact. If military bases have an impact on the area, there should be Federal aid. The other place was aid to disadvantaged students.

The poor, aid to the poor, was a primary thrust of the Federal intervention, Federal involvement, and the Federal initiatives with respect to education. The Johnson administration, which led the way for title I, they made a case on the basis of poverty. The Office of Education, Research and Improvement, in the charter which establishes it, talks about improving education, first in the area of disadvantaged children and children in poverty.

The whole thrust of the Federal Government's involvement in education, which is primarily a State function and nobody debates that, the whole thrust has been to help the poorest districts, to help where it felt it could come to the aid of States and local governments in trying to deal with a problem that was clearly seen.

We saw it in World War I and World War II when they started recruiting youngsters for the draft. They saw gross inequities. We saw it at the time of Sputnik, when the Russians jumped ahead of us in space technology, and they did it because they had a superior apparatus in materials of education, which produced not only the general uses at the top, but the technicians and all the people up and down which are necessary for a complex society to produce the kind of technology we have in this space age. We understood that.

So we have had a history of the Federal Government's rather limited involvement, very limited. People blame the Federal Government for what is not right with education, but they forget that the Federal Government's involvement in terms of dollars in all education is no more than 8 percent. When you include higher education, the heavy involvement of the Federal Government in college aid now, it is 8 to 10 percent. It has never gone above 10 percent.

If even all of that 10 percent were in local elementary and secondary education, let us hypothetically say you have the whole 10 percent in elementary and secondary education, if the whole amount went to local education, it is still only 10 percent. The other 90 percent comes from the States and local governments.

The control, if control is followed by dollars, they say if you have Federal Government involvement, if they are paying part of the money, if they are paying for it, they are going to call the tune. Their influence would be, at the greatest, 10 percent. Ninety percent of the influence and decisionmaking, 90 percent of the power to run our schools, still rests with the State and local governments.

Let us be reasonable. You cannot control the situation with 10 percent of the funding. We talk about title I and all these other things that have failed. Well, they were only the icing on the cake, maybe the raisins in the bread; very, very tiny, but important elements. We think they are important because they are considered like the yeast in the bread. They have a vital role. They can be stimulants, like the catalysts and enzymes in our bodies, that do nothing except speed up certain operations or make them work properly. Like the oil which lubricates the machinery, there are a lot of things that can be done by a small quantity of something which is placed in the right way and serves the right function. That is the way the Federal Government's involvement in education has been.

Maybe too little of it. I am not one of those who fears that there is too much Federal intervention. I really think personally we should move toward a 25 percent involvement of funding, that the Federal funding in local education should go as high as 25 percent in order for us to get out of the present rut we are in with respect to infrastructure, materials and teacher training, the new technology.

It is unfortunate that we have these myths that get caught on. They hold on to these notions that somebody else is to blame, that local governments have done a bad job, that local school boards have done a bad job in terms of measuring up to the world standards.

Before Sputnik and the Federal Government got involved in promoting science and math education, we were way behind. We are in many ways failing to meet the challenges of the final years of the 20th century and the 21st century in terms of education, which provides young people can step out of high school and take the jobs that are available in the areas of media, computer, and a number of areas where we have jobs that are going begging because there is nobody qualified to handle those jobs. That failure is not a Federal Government failure, it is a local and State failure.

I am not here to lay blame, I am here to call for unity. I would like to see some unity, Federal, State, local governments, in terms of a comprehensive, deliberative approach to educational improvement.

Instead of going off on headline grabbing, highly visible ventures like national testing or uniforms or block grants, which will hand to the schools a pot of money, and say we do not care how you spend it, forget about the disadvantaged youngsters that we originally intended this money for, those kinds of things will wreck the system, instead of facilitating the construction of a school improvement effort that will go forward and serve future generations.

I am sure every parent and grandparent is concerned about their child being able to have first rate schools now, and not to wait.

There is a bright light in terms of when I was the chairman of the Subcommittee on Select Education with the Office of Education, Research and Improvement under the jurisdiction of that committee. We did push for the formation and reorganization of the Office of Education Research and Improvement, and developed a National Education Research Policies and Priorities Board. That does exist. I hope they take into consideration that priorities part. They are not only supposed to set the research agenda and project that 5 or 10 years ahead of time, but also supposed to help set priorities. With all due respect to what is going on now with the National Educational Research Policy and Priorities Board, I want to appeal to them to understand that the priority setting is getting out of hand. Other people are setting the priorities. We need to hear from the National Education Research Policy and Priorities Board.

This document they produced, the first report called "Building Knowledge for a Nation of Learners: A Framework for Educational Research, 1997," talks about what the parameters are and what the elements are for a good, long dialog and discussion with all facets of the American Nation of people concerned with education. Everybody is concerned. Teachers, policymakers, government people, they want to have a dialog. They talk about this dialog, and that is good. They put a great deal of emphasis on teacher training and putting teachers at the center of the process. That is good and generally agreed upon. There is no debate between Republicans and Democrats about the role of teachers in the process or the need for greater teacher training.

The problem with the document is the sense of urgency is not there and the next deliberation, the next document, the next outreach, the next initiative by the National Educational Research Policy and Priorities Board has to take into consideration the fact that we are moving very rapidly. There is a lot of concern, and we need from them a greater sense of urgency to help pull in all of these various proposals that are being made.

All these blind men out here groping for the truth, sincerely, the blind Republican Party, the blind Democratic Party, the blind members of the Committee on Appropriations, the Committee on Education and the Workforce, we all need to take those parts that we can see and feel and are strongly advocating and put them into a framework for an ongoing comprehensive reform policy.

Now, that is not an easy order. Education is as complicated as nuclear physics, as I said. Reform in education is as complicated as building a nuclear submarine or hydrogen bomb. It is a complicated process and we should not belittle the difficulties. But there is agreement, and I want to emphasize, we have a window of opportunity not only because the American people have made it a high priority, but because there is a great amount of agreement among the people who are most concerned about education, about certain very important items. There is a great deal of agreement between Republicans and Democrats on certain important items.

The first elements of our accelerated reform effort, a reform effort which moves with a sense of emergency, a reform effort which acts more like you are fighting a war, and it is across the board and you have to deal with it. You have to deal with governance of schools or boards of education, you have to deal with management, the quality of administration and direction we are getting. You have to deal with the teaching apparatus. You have to deal with the physical facilities, construction, repair, renovation. You have to deal with the new technologies. You have to deal with the need for materials. We have library books in New York City libraries which deal with geography and history, and they are 30 years old. That is distortion of education. That is miseducation. You should throw them away even if you have empty shelves. But what do you replace them with? You have to deal with that.

Opportunities to learn. We have to focus on opportunities to learn and what that means and the Federal role in opportunities to learn. Opportunities to learn is a very simple concept, and I want to repeat, we have agreement in 1994 when we passed the Elementary and Secondary Schools Assistance Act, which also contained Goals 2000 as a part of it, we had agreement, a working compromise. Some people did not like the idea of national testing, the Federal Government being involved in developing testing standards, liked the idea of a national curriculum, and the others liked the idea of national testing that did not like the idea of national curriculum. There were some of us that did not think either idea was that good unless you combined it with something else, and that was called a national set of opportunity to learn standards.

We had a compromise. In the legislation passed in 1994, the reauthorization of the Elementary and Secondary Schools Assistance Act, there was a three-pronged attack in terms of the Federal Government pushing national standards: National standards for curriculum, national standards for testing, and national standards for opportunity to learn.

Now, where there is disagreement, and the unfortunate thing that happened was in 1996, the all-powerful Committee on Appropriations took out, they repealed, the opportunities to learn prong of the three initiatives. Opportunities to learn was taken away, leaving just testing, national standards for testing and national standards for curriculum. I say national standards for testing. It was not a national test. They are moving beyond that when they called for national test. We will get to national testing in a few minutes.

But opportunity to learn, I regret, does not have the kind of agreement we need. So let us put it on a back burner for a while and look at the places where we do have agreement. We have agreement there is a great need for teacher training and more involvement in the Federal Government in trying to facilitate teacher training that should take place. We have agreement that we need more technology in our schools and we should harness the advantages of the Internet and computerization and prepare our children, students, for the jobs that are to come in the future and for the transformation of society with the computer and the technology of the Internet and telecommunications playing a major role.

This Congress passed the Telecommunications Act of 1996, which had in it a mandate that the FCC had to develop certain procedures and a program to provide aid to schools and libraries. They have done so. The FCC has passed a set of regulations which will provide $2.2 billion a year, $2.2 billion a year, for telecommunications services to schools and libraries. That is going forward.

Coupled with that is the Technology Literacy Act that is also getting an increase in funding. There is agreement, Republicans and Democrats across the board, local level, State level, and Federal level, on technology. So that is a second place where there is great agreement. Teacher training, technology, the uses of technology for education, a new initiative, improved initiative for technology in schooling is going forward.

The third is charter schools. The charter schools, there is still some controversy lingering with respect to charter schools and not everybody is on board, but there is great agreement between Democrats and Republicans that they are a good idea. There is a great agreement. Even the National Education Association and the American Federation of Teachers, they have approved the concept and are willing to go forward to experiment.

Charter schools are no cure-all or miracle for anything. Charter schools can be added as one component of the whole reform effort. Across the board you have these various attempts to improve schooling. The whole school reform, the whole school approach to reform that was advocated by a member of the Committee on Appropriations, that is important. It ought to be in there in terms of the overall running of schools. I think that is a very good idea. I have always advocated that.

There are a number of other approaches in terms of reading, there are approaches in terms of the way you use technology. All those things should be in there across the board, in that across-the-board strategy. One important component would be charter schools. Charter schools are very important because they deal with governance and management.

At the heart of some of our problems is the failure of governance. While we praise local school boards and some Senators and Congressmen want to push more money down to the local level, some of the worst and most corrupt decisionmaking processes in the whole area of schooling has taken place at the local school boards. Patronage problems, corruption, all kinds of things have happened in the area of local school boards, and it is just a fantasy, a romantic ideal without any basis to talk about local control being the Godsend that can handle everything. Local control often is very poor, very backward, and even when it is honest, as in the case of 90 percent of our school districts or more, most of them are honest, hard-working people, they are slow to pick up on national trends. They are slow to pick up on international trends. They are slow to pick up on innovations. They need some help in terms of understanding what the possibilities are.

So governance and management, new ways to approach that, is found in the area of charter schools. When you have a charter school, which is a public school, the funding for the charter school is public, the whole idea is that the amount of money spent per child in the traditional public schools or localities, that same amount of money would be spent per child in the charter school. The charter school would have a different governance. They would be bound by certain State rules and maybe certain local rules, but they would be able to get out from under the local apparatus, the bureaucracy that runs the local traditional schools in the area. They would be able to experiment and do some things without having to have a level of improvement within the bureaucracy or without being bound by tradition. They could have innovations without seeking approval, and they would be held accountable, the same accountability mechanism, the same tests that you apply to local schools. The same whatever judgments you are going to make or criteria you will use to evaluate what the traditional local schools are doing, you would use that on the charter school.

□ 1245

You would have the flexibility. They could breathe. Teachers who complain all the time about being stultified by the bureaucracy, the rules, all the other things they have to do other than teaching, all the kinds of problems that teachers present, some could be ameliorated because they would have a way to get command of those rules and those processes and those procedures in a charter school setting.

Charter schools do not have to be a little red schoolhouse. It should not be limited to 100 kids or 300 kids. Charter schools can take many forms. I hope we have some charter schools which deal with disruptive junior high school and high school students, and take on the challenge.

That is a major problem in the cities, complaining all the time about disruptive students and what they do to other students. They imply that they cannot be handled in the classroom, that the regular traditional apparatus cannot deal with them. If that is the case, let us have some charter schools which seek to deal with disruptive youngsters, and lay out a plan of people who are dedicated and went to do that.

They are in charge in terms of they are the board of directors, they make the policies, they determine who the managers are going to be, the principals, the rules for the faculty, the structure; if they went to a different structure from the traditional structure of one teacher in a class of 25 or 30 kids; maybe they want to infuse more technology, more kinds of approaches to squad learning, and techniques used by the Army to teach. There are other things that they would be free to do without having to get approval from the whole system.

I have no quarrel, and I am not criticizing local education agencies as being inevitably stupid or inevitably hidebound. Local education will for a long time be all we have. Even with charter schools, it is the local education agency that is going to have to get things done.

But a local education agency has to stop and think about what it is doing in terms of many different entities before it can make a move. They are inevitably forced to be more cautious and move slower. So let us welcome on the fringes, and I do not want to use the word "fringes," but let us welcome a component which can move with greater freedom and flexibility within the strictures, really, of the local education system.

Charter schools are not a threat to the public schools, I assure the Members. Charter schools at this point, according to the Office of Educational Research and Improvement review, it said there are about 600 charter schools in the country now, 600.

Charter schools, as I said, are public schools. There are 86,000 total public schools, 86,000. That is 16,000 local school boards; but actual schools, 86,000 schools. Six hundred charter schools are no threat to 86,000. In fact, by the end of this year they expect maybe we will have 800. Eight hundred are no threat to 86,000. It is far too small. We need enough charter schools to be able to measure what is going on.

If we do not do something to improve the environment that charter schools exist in, they are going to drop off the radar screen. They do not want to lose them as part of this experiment, or I do not want to see them not become a part of the experiment. We ought to have enough charter schools to measure how they perform against the public schools.

A lot of people insist that the competition is needed. As Members know, the Republican platform for some years has insisted that we need competition with traditional schools through vouchers, that vouchers provide competition. It allows parents to make choices and take their kids to some better school, and the competition with the school that receives the vouchers, between the school that receives the vouchers and the school that has a traditional education, that competition is going to help improve education overall. That is the argument made.

We differ on vouchers, but on the competition I agree. Competition in the schooling process, competition within the whole environment of school reform, will be very good. We need competition. We can get the competition through charter schools. Publicly funded charter schools can give us the kind of competitive situation which would allow us to compare what the traditional schools do with what a group of people who are free to innovate and freer to do things in many ways.

Let us understand that Republicans agree that charter schools are good, Democrats agree that charter schools are good, the National Education Association agrees that they are willing to try charter schools as part of the experiment. The American Federation of Teachers and numerous other organizations that care about education and are involved deeply in education have approved the concept.

If the concept is approved, this is one of those areas of agreement where we can move forward in this comprehensive approach. We do not have all the pieces there, but we have teacher training, technology, and charter schools. Let us not lose this window of opportunity quarreling about block grants, which would wipe out the focus of the Federal Government on special needy targets, or quarreling about testing, or quarreling about uniforms. Let us understand what the priorities are. Those things may be important.

There is one thing that we do not agree on, and that is construction. The President's construction initiative would propose $5 million over a 5-year period for school renovation and repair. We need that, because these other parts will not work, the charter schools and the technology will not work, if we do not have some relief in the area of physical facilities. The teacher training will have limited impact.

Teachers are laughing at us when we talk about education reform and we have children who are in crowded schools, so crowded that some of them have to go to school or have to study in the bathroom. That is not a fiction. There is a great controversy in New York now about an ad that was used in the mayoral campaign by candidate Ruth Messenger when she told the truth. She had a picture of the kids in the bathroom. Twenty-five percent of the schools at one time or another have had to use their bathrooms for the overflow. Many of them regularly use hallways. A large percentage, probably the majority, are using their cafeterias and their gyms as classrooms.

There are schools in New York where children must go to lunch at 10 o'clock in the morning, and one at 9:45, because there is so much overcrowding that they cannot go to the cafeteria except in relays. So the first children are forced to eat at 10 o'clock, the last children eat at 2 o'clock.

In my opinion, and I have made it quite clear that I intend to do more about this in pursuing it, this is child abuse. To make a child eat his lunch at 10 o'clock, that is child abuse. I do not know why the health department would tolerate this, and we are going to push on this. But it is done in a large number of schools because of overcrowding. There is a major problem.

So the teacher will be very cynical when you say you are interested in reform and you want to bring in new technology, computers, the Internet, while you are not relieving the problem of overcrowding. The teacher will be very cynical if you talk about charter schools being a good idea but there is no money to buy a building for a charter school or renovate an old building in order to have a charter school take place. Charter schools have indicated, or people who are concerned about charter schools have indicated that their No. 1 problem is facilities. They cannot find the facilities, so construction is important in our across-the-board comprehensive approach.

There are many pieces that I have not talked about, and there are some that I do not even know about. But let us recognize with humility that we are all blind men. There is one piece, though, that we ought to have in there in order to make the three pieces work that we agree on, the three components that Republicans and Democrats agree on: teacher training, charter schools, and technology. Those three will be made more operable and meaningful if we have the initiative for construction. The construction initiative is a very cautious one, limited one, conservative one: $5 billion over 5 years. That is all we are talking about.

New York State has already, I think, been inspired by the President's direction. The President did announce in his State of the Union Address that he was going to push for the $5 billion. The President did put it in his list of items in the nonpartisan budget negotiation, so I think that the very fact that in the budget the President took the initiative and made a trial has inspired some other States and localities. So New York State has a bond issue on the ballot on November 4 to provide $2.2 billion for school construction.

□ 1300

It is very much needed. I hope that we go back, before this first year of the 105th Congress is over, so that we can do something about that construction initiative that was knocked off track for the whole country.

It was only a stimulus; $1 billion a year over a 5-year period, would only stimulate the local and State governments, but the stimulus is very important. It helps to promote an idea for a population that is generally suspicious of any new initiative to spend money.

We expect in New York State that this bond issue will pass. The voters in all parts of the State feel the pressure of aging physical facilities. There are some communities where they are concerned about the infrastructure. They have fairly decent schools, but they are 30, 40 years old, and they see problems arising in terms of new wiring for the computers, new kinds of things happening, plus the aging factor is there. And the question is, Is it more important to repair very old buildings or try to build new ones? Or if we are going to repair the old ones, that will cost a great deal, too.

So we have, I think, a universal need. Probably in every school district in America there is some need for renovation, repair or construction. So we ought to get back to it. This window of opportunity where the people of America have clearly shown their concern about education, the window of opportunity should not be lost. They deserve more from their elected officials at every level. Certainly they deserve more from the Members of Congress.

Members of Congress should try to respond to the demand of the people, of the voters, in a more responsible way. Let us not just throw them gimmicks, let us deal with items of agreement, teacher training, charter schools, and technology, and understand that those three cannot work unless we have a Federal initiative in construction.

The Congressional Black Caucus has some other initiatives that they have proposed in terms of computer training which should be extended beyond the schools, and in order to have youngsters who are disadvantaged and do not have computers at home to have places to practice outside the schools. So we are proposing storefront training centers, computer centers, and a few innovations of that kind.

But let us agree on the basics. At least get the technology into the local schools and get charter schools in a position, if it is a good idea, where they can have the money they need for the facilities and be able to go forward.

Where does testing come into all this? We will have a debate on the floor on the President's proposal for national testing. I am on the side which opposes national testing at this time. I was a member of the Committee on Economic and Educational Opportunities when we passed the Elementary and Secondary School Assistance Act in 1994. We had this great debate. We went through a deliberative process on the committee. We debated for months. And after we passed it out of the House of Representatives we debated with the Senate, because they did not have the same thing we had. In the conference process we worked back and forth with the Senate for another 3 months.

The deliberative process was in place and a compromise was reached where we had a three-pronged approach: National standards for curriculum, national standards for assessment and testing, and national standards for opportunities to learn. I am against the testing at this point because in 1996 they pulled out the national standards for opportunities to learn.

If we do not have the Federal Government using its influence, its clout, its bully pulpit, we cannot make the States do anything. And all this is voluntary. But when the Government speaks up and the President speaks up, people listen and the local elected officials at the State and local level must respond.

When the President talks about opportunities to learn in terms of construction that will provide new facilities; when the President talks about opportunities to learn in terms of science laboratories where kids can really study science, with appropriate science equipment; when the President talks about opportunities to learn in terms of teacher training, we do not have a situation like the one we had in New York a few years ago.

A survey was done by the Community Service Society and they found that two-thirds of our schools, where the African-American and Latino youngsters go to school, in those junior high schools, two-thirds of our junior high schools in the city, and we have 1,100 schools, and I do not know how many junior high, but within the context of 1,100, that many schools, that two-thirds of the junior high schools did not have any teacher who had majored in math and science teaching math and science.

Math and science was being taught by teachers who had certification in other areas. That was 3 or 4 years ago. It is worse now because, since then, we have had campaigns by the city to encourage older teachers to retire. In order to save money, older teachers are encouraged to leave the system. The science and math teachers were some of the first to go because they had jobs waiting for them outside in private industry or in other school systems in the suburb.

We have a steady drain on the brain, the best teachers and the most experienced teachers. Even without encouragement from our Government, they are steadily moving out from New York City to the various suburban areas which pay higher salaries. That is always a drain. So the likelihood that the situation with physics, chemistry, general science teachers, biology teachers is going to improve is zero.

Any reasonable analysis of the situation will show us that it is not going to get any better under the present conditions. Math teachers. We are not going to have the teachers. We have to have some new form of teaching to deal with that. Opportunities to learn must be provided somehow. We have to come up with something.

I emphasize technology, new technology, which will have videotapes and commuter instruction and Internet instruction to help back up the few math teachers we do have and have some kind of way to approach it by getting the best of help through distance learning and these various techniques where we can bring high quality teachers into any classroom in America and provide a lesson or demonstration on a video which can illustrate a principle in physics or some part of biology in ways in which we could never do it without the new technology.

So the new technology is not a luxury, it may be the only answer to solving the problem of decent math and science teachers in inner city schools where we have lost them and we are not going to get them back any time soon. So opportunities to learn means we address that kind of problem.

When they pulled out the opportunity to learn standards during a Committee on Appropriations conference, and I questioned the legality of that because appropriations committees are not supposed to legislate, but in this case, in 1996, the Committee on Appropriations repealed a part of the Elementary and Secondary School Assistance Act. When they pulled it out, they left us with just the two prongs, national curriculum standards, which I am still in favor of, but national testing standards, which I do not want to see go forward without the opportunity to learn. They must balance off each other.

If we do not have the opportunity to learn, I know what the tests will tell us. We know who will fail. We know who fails now. They will fail on the national test if they do not have the opportunity to learn. Testing without the opportunity to learn is abuse of students. We are abusing the students by saying the burden of school reform, the burden of school improvement is on their backs. We are not going to give the students a decent place to sit, a safe place to learn; we are not going to give them decent laboratories or decent library books, we will not give them the kind of science equipment and materials they need, but we are still going to test them and put a score there where they will be stuck with that score for a long time to come.

A national test is being proposed. That was not in the legislation. The National Government was not supposed to be involved in testing standards, setting standards so that States and localities would have a similar set of standards and be able to make comparisons. Now we propose a national test which, one of these days, might not be a bad idea. I have no problem with a national test if it is done in conjunction with the opportunities to learn.

Our problem is that presently the national test represents an easy way to fool the American people that are clamoring for improvements in education and make them believe that they have accomplished something significant when they have accomplished nothing. The national testing is a decoy, a diversion. A diversion. It really should not come at this time. It diverts us.

There are other people that have other reasons for opposing national testing. I support not the generally stated conservative reason of we do not want any more Federal intervention. I do not agree with that. William Bennett does not agree with that, Chester Finn does not agree with that. They want a national test. They are Republicans. I think national testing is not a bad idea eventually, but the national testing at this time, under these conditions, we are being stampeded into doing a national test, and that is wrong.

It should go back to Congress, as an amendment on the floor tomorrow would propose, that Congress should have the opportunity to deliberate. Back to the deliberative process, where the blind men have a chance to confer with each other and come up with something where all the very important is taken into consideration.

I use the analogy of the elephant and the blind men, because I think it is very important that we make the point that very powerful blind men can do a great deal of harm. A blind man who happens to be in the White House, a blind man who happens to be on the Committee on Appropriations can do a great deal of harm, because they insist that they have the truth without consulting with the others of us who are groping the same elephant, and we can do some things that will set us back in the process of education reform.

The Leadership Conference on Civil Rights is opposed to testing, and they give a set of good reasons, which all relate to the fact that we are moving too fast, being stampeded. They said the administration proposal allows school authorities to exclude or refuse to accommodate students who have limited English proficiency or who have disabilities. They say also that the administration's proposal fails to provide safeguards against the invalid and inappropriate use of test results. They fail to hold school authorities accountable by requiring public reporting of results so that parents and others can take informed action. The administration's proposal does not take even modest steps to identify details of critical educational resources that have a significant impact on test results.

That is the primary point of my concern. Critical educational resources, opportunities to learn, have an impact on test results. And we can say ahead of time who will fail and who will score high by looking at the kind of resources that are available to our students. The administration must take the necessary steps to assure that the laws and policies according to the rights of equal educational opportunity will be effectively enforced.

That is the Leadership Conference on Civil Rights. NAACP Legal Defense Fund had some of the same kinds of concerns. Tests will be used for high stakes decisions about students' futures and under the present conditions it is not fair to do that, and on and on it goes.

I hate to conclude on the note of tests because my plea, my major concern is that we operate together on the points where we are in unison. We do agree that teacher training, charter schools and technology are important. Democrats and Republicans should join hands and respond to the public demand for improvements in education in a positive way by moving on these areas of agreement in a comprehensive reform approach.

Mr. Speaker, I include the Washington Post article for the RECORD.

[From the Washington Post, Sept. 15, 1997]

WRONG MOVE ON EDUCATION

The Senate voted almost casually last week in effect to abolish most of the current forms of federal aid to elementary and secondary schools for the year ahead by merging them into two block grants to school districts. The 51–49 roll call after only perfunctory debate seemed mainly meant to score a political point—that Republicans, all but four of whom supported the amendment, favor local control of schools, while Democrats, all of whom opposed it, would have the federal government dictate school policy. But the issue is phony. Democrats no more than Republicans favor anything like federal control of the schools, of which there is scant danger—and the schools deserve better from the Senate than to be used as political stage props.

The federal government pays only a small share of the cost of elementary and secondary education—about 6 percent. The rest is state and local. The federal role thus never has been to sustain the schools, but fill gaps and push mildly in what have seemed to be neglected directions. About half the federal money—some $6 billion a year—has been aimed since the 1960s at providing so-called compensatory education for lower-income children. The block grant amendment, by Sen. Slade Gordon, would have the effect of converting this into general aid. The requirement that the money be spent on poorer students would be dropped in favor of letting school districts spend it as they "deem appropriate." That's more than just a shift to local control; it's a shift away from a long-standing sensible effort to concentrate the limited federal funds on those in greatest need. Does Congress really want to reverse that policy?

Most other Department of Education programs—though not such popular ones as aid to the disabled—would be bunched in the second block grant. As in most departments, a pretty good case can be made for some such bunching. Some programs are always floating around for which the original rationale was weak or has faded and that are too small to warrant separate administration. But that's true of only some, not all, of those Mr. Gorton would dispatch. Example: the Senate voted Thursday in favor of a compromise version of the national testing program the president supports—but in voting for the block grant, as Education Secretary Richard Riley observed, "It then voted to eliminate the funding for this purpose."

Other special-purpose programs in aid of particular groups or in support of reform likewise would disappear, the secretary said, including several the president has touted as evidence of his commitment to education. The president and Democrats generally have made effective political use of the education issue in the past few years. Block-granting would leave them less of a stage from which to do so.

The Gorton amendment would be only for a year, at which point the appropriations bill to which it was attached would lapse, and the issue would have to be fought all over again. That's another reason why, even if mainly for show, it was the wrong way to do business. Mr. Riley was authorized to say it was "unacceptable" to the administration, meaning presumably that the president would veto the bill if the amendment were to survive in conference. He'd be right to do so.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The Chair would remind Members or caution them not to characterize action of the Senate or to quote from publications which are critical of the Senate.

Mr. OWENS. Mr. Speaker, I am sorry. I did not know that we cannot quote from publications.

The SPEAKER pro tempore. Members are not to characterize action of the Senate in any way, critical or otherwise.

THE YEAR 2000 PROBLEM: CAN IT BE MANAGED?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. HORN] is recognized for 30 minutes as the designee of the majority leader.

Mr. HORN. Mr. Speaker, as many of my colleagues know, we have a major problem coming up on January 1, the year 2000. It is called the "Year 2000 Problem", and it relates to our problems with computers that have been programmed going back into the sixties, where we had very little capacity and somebody came up with the bright idea that we could save a few digits here and there by not putting 19 before the year. If it is 1967, let us just put in '67 and we can do all our subtraction and addition based on that.

As we near the year and the day of January 1, 2000, we face the problem of thousands and tens of thousands of computers within the Federal Government, throughout the private sector, State government and other parts of society where we will have 00 and the computer will not know whether it is the year 1900 or the year 2000.

Now, this affects millions of people in terms of Federal entitlements, in determining age eligibility, and so this is the second report card that the Subcommittee on Government Management, Information, and Technology, which I chair, has issued. The other one was last year. We first began focusing attention on this matter in April 1996. We urged the administration to focus attention on this problem.

The big problem that year was to get the administration to make an estimate as to what it would cost to make the conversions, where lines of code, some of them placed in computers in the sixties, the seventies, the eighties, and the nineties have to be brought up on the screen. That information has to be looked at, by a technician, who determines: Is this date relevant? If so, should we save it? And if we are going to save it, we need that date to be in 4-digit years, not 2-digit years.

□ 1315

We now have unbelievable capacity in our computers. Many laptops have a storage capacity now that would take a whole room of computers to provide such storage in the sixties. So this is a solvable problem. But there are no easy answers. If there were, somebody would be a billionaire in solving this problem. So I urge high school students that might watch this to think about how they can fit into helping us solve this crisis, because it is a crisis and it involves not only the Federal systems but State systems, and systems in local governments and the private sector.

When we held our hearings in April 1996, we had experts in computing estimate that this was a $600 billion worldwide problem. And since half the computers are in the United States, it is a $300 billion problem for the United States in private and public sectors. The Gartner Group also estimated that the Federal Government had a $30 billion problem. I thought that was high. But we are not sure. We will know on January 1, 2000.

We asked in the appropriations legislation last year for the submission by the President of the budget it would take to solve this year 2000 problem. The budget for fiscal year 1998 that will end September 30, 1998 and will begin on October 1, 1997, which is just a few weeks away. We asked the administration to give us a recommendation. The recommendation was that it was a $2.3 billion problem to make the various renovations and conversions of existing computer systems in the executive branch.

I must say I had a hearty laugh when I read that figure. I felt that was so far out of touch with reality that maybe it was not even worth considering. So we held a hearing and we had a number of key experts testify. Obviously, one major user of computers is the Department of Defense. We had the very able Assistant Secretary for Command, Control, Communications, and Intelligence General Emmett Paige, Jr., as a witness. We asked him about the administration figure of $2.3 billion for the whole executive branch. He smiled and responded that $1 billion of that $2.3 billion was his recommendation; and that DOD has not even started to look at the assessment to see what is really there in the thousands of systems that the Department of Defense has responsibility to operate.

So we knew that the administration had not quite done its homework. What we have been pressuring for the last few months is to get a much more solid figure on which Congress could depend.

I have very high regard for the Director of OMB, the Office of Management and Budget. Dr. Franklin Raines is a very able person. He immediately started to get on top of this when he became Director last fall. He is planning to make it a major issue in his budget reviews as the Cabinet departments, independent agencies, and smaller commissions come before the Office of Management and Budget to prepare their recommendations to the President for fiscal year 1999 that will begin October 1, 1998.

Now, with computing, we usually underestimate or overestimate, depending on whether it is money or work. What my colleagues will see here in our chart of our original grades made in 1996 compared with the current grades in 1997. Some went completely backward. Only one agency—the Social Security Administration—received an A, and that was an A-minus at that. Three received B's. One received a B-minus. The rest are in trouble. Almost half the agencies involved, there are 11 D's and F's. Those are failing grades.

Some agencies received worse grades than last year because they made very little progress in terms of renovation of these programs. Last year we were putting the stress on: "Are you planning? Are you organized? Have you faced up to your resources?" This year we are talking about, "Okay, last year was to get you organized for planning and looking at the resources. Now, have you gone far enough to renovate some of your systems and to convert them so there will not be a problem on January 1 of the year 2000."

I will take the responsibility for the actual grades, but my decision was based on an interaction with our fine professional staff in the subcommittee headed by Russell George, the staff director, and a very fine team from the General Accounting Office, which is the legislative branch's financial end program auditors, under Joel Willemssen, the Director of Information Resources Management. And they concur in my conclusions on this.

We have asked the General Accounting Office to look into some of these cases in great depth. And we will continue to do that and depend on them, just as Congress has since they were established in 1921.

Thousands of Government programs must be changed before the 1st of January 2000 or they are going to fail in a series of unpredictable ways. Most of the failures will be very frustrating. Imagine yourself applying for Social Security or Medicare. There is an age relationship between your eligibility and receipt of that check.

And so, the Social Security Administration gets the A-minus here. They had an A last year. They have been working on this problem on their own initiative since 1989, and I commend them for that. The reason they received an A-minus this year is they have not looked into the State portion of their systems on disability and other programs that involve joint State-Federal action through the Social Security Administration. Social Security needs to get to work on those and bring them up to speed as to where they are in terms of year 2000 compliance in their basic database.

But my colleagues can imagine those entitlement programs, be it a student loan or a Social Security check or a Medicare check, a lot of them are date-related. What we have to do is make sure that those agencies that affect human beings solve the problem. There are millions of people affected by the Social Security Administration. These people must not have a failure of Government service on January 1 of 2000. These are serious problems and not a laughing matter.

Some of the failures will probably be humorous. We had one a few months ago. A delinquency notice was sent on a contract. It said to the vendor that it had been 97 years delinquent. It is because they passed into the 2000 period and instead of giving them a 3-year delinquency, the computer did not know what to do and did what it did. Computers are dumb unless human beings program them.

But these are the kinds of things that can happen. And unfortunately, many of the failures have been disastrous. That is why we are urging the executive branch to get focused on this, and I think Dr. Raines knows what I am talking about, we see eye to eye, that we do not waste a lot of time looking for money up here, that we reprogram money already in the executive branch.

This is the time of year to reprogram. That unspent money is reverting to the Cabinet officers. They are not spending it on some of the authorized programs. They need to put the year 2000 problem as program No. 1 to solve. They need to take those millions that are left in almost every department and independent agency and apply them to the year 2000 program. These agencies must not fall behind schedule.

Some, such as those with especially low grades such as HUD, the Housing and Urban Development Department, the Department of the Interior, Department of Labor, all in the C's and getting down here in the D's and the Fs.

AID is a rather interesting one, the Agency for International Development. We gave them an A last year. They had the planning. They had the resources. They had the focus. And they were getting a new computer system and, by George, they would not have these problems in the year 2000. Lo and behold, they secured the new computer system and then they found it was not year 2000 compliant. It was making the same mistakes. The only difference was it was new. So they have fallen rather far from A to F.

They used to tell the old story in college that the only difference between the A student and the F student is that the F student forgot it before the exam. Well, AID had a little problem here after the exam. Last year they were A on the exam. Now they are on F until they solve the problem.

We know that a lot of programs are going to fail, and we know that Government payments will not be made. And so, our problem is we do not know which programs will fail until there is further assessment by the departments and the independent agencies.

Waiting for a disaster is frankly not my style of governance or management. All Congress can do is to provide oversight. We can goad and prod those that are legally responsible in the executive branch to keep moving.

Management should be active, not passive. The President needs to appoint an individual who will step up to the plate and directly address the Nation's Year 2000 computer problems, starting with the executive branch. The American people deserve nothing less.

Last year's agencies could achieve a good grade by having a complete set of plans. That was last year. This year plans are not enough, as I have suggested in the other examples. Action is what is required.

On the average, only 20 percent of the fixes have been made and only 14 percent tested to see that the fix actually works. When we held our hearing after the administration's $2.3 billion budget recommendation in February. It was clear that too many had not even looked at the extent of the problem.

I cited the Defense example: $1 billion of the $2.3 billion. It was a figure out of the air. Now the administration has recommended that the cost is going to be a little higher now. Now it is $3.8 billion. But that plan did not make sense either. One gap was the plan to implement and test for some agencies in the same year, 1999.

Now, anyone who has worked with computer systems, and I have, knows that what they tell us is usually not what occurs. I will not compare it to used car salesmen, but there is some of that there. They always overestimate. The Government needs time to make sure that after the assessment, after the renovation, that there is an operating evaluation.

I learned long ago, and I have said this many times, that I do not want to be the alpha site, or the first site, on a new computer; I want to be the beta site, or the second site, on a computer system where someone else has worked out all the bugs and they do not have to be worked out on my watch or my beat, to use the analogy of the Navy and the police.

So the administration believed last February it was a $2.3 billion problem. Our hearing showed that the estimate was not in touch with reality. They now estimate the cost to $3.8 billion. That figure is also unrealistic.

Another factor must be considered: Scarce human resources. As we near January 1, 2000, the cost of human resources to fix the problem will rise dramatically. It is not simply a matter of do we have enough time in the year 1999 before we face January 1, 2000. The problem is, the slower we go now, the faster we will have to be in 1999. Our costs will also rise.

The simple answer is that it takes human resources to sit in front of that computer screen, pull up the existing database and deal with it in a new format or get rid of it if we do not need it. That takes people, and those people are going to have higher and higher wages as we get down to crunch day.

The executive branch, the President, cannot issue an executive order to move January 1, 2000. It is going to happen. What they need to do is get their act together in terms of management. In his last appearance before our Subcommittee on Government Management, I asked the very able and distinguished Deputy Director for Management, "How many people in the Office of Management and Budget give any attention to management?" And he said right away, "Oh, 540."

Well, that is nonsense. That is the total number of personnel in the Office of Management and Budget. The fact is that if they have 20 employees focused on strictly management problems, I would be amazed. But former administrations had that number or so back under President Truman, President Eisenhower, President Kennedy, President Johnson. They had a first rate management staff in what was then the Bureau of the Budget. That staff could advise Cabinet officers how to solve some of these problems, and that is what we need now.

Our committee will be suggesting down the line that we create an Office of Management whose Director will report to the President or an individual the President delegates within the Executive Office of the President. Right now we have a first rate budget Director who has an interest in management questions. That is not enough.

We have a $5.3, $5.4 trillion national debt and we have a budget that for the first time since 1969 will be balanced thanks to the work of Congress and the agreement of the President. We have a budget that should zero out in 2002 and some even think it might zero out in 1999. The Director of OMB has a full load of budget problems. The President needs an office where a first rate staff can advise on management problems.

☐ 1330

The year 2000 problem is not a technical problem. It should not be a money problem. The director is right. Let us reprogram existing money at the end of the fiscal year. We need senior management direction in these Cabinet departments to make the decision to free up resources so that the job will be done.

The year 2000 problem is a crucial problem. It is a management problem. It needs attention at the highest level of the executive branch. We wrote the President a few months ago. He is a great communicator. We urged him to use some of that skill and to make people aware that this is a serious problem. The citizenry needs to be assured that the executive branch will do its work in a timely way.

If this problem does not have the attention at the highest level of the executive branch, many of our fellow citizens will be adversely affected. The costs are going to be rising, because skilled personnel to do this will demand more for their services. They will be in demand by State governments, by corporations, by investment houses, by local governments, among others.

While the President and the Vice President promise computer marvels to come in the 21st century, the American taxpayer needs today's Federal computers fixed before they come crashing down in the near future, which is actually only 838 days away. The clock is ticking.

Despite it all, I am still hopeful. It is within the power of every agency listed here to earn an A next year. I grade on an absolute. I do not grade on the curve. I never have. You either all get A's, or you all get F's.

Now you can see that we have a real problem here in the executive branch. Here is where the C's start, which is a D plus. Here is where the D's start: Commerce, Energy, Justice, National Regulatory Commission, Office of Personnel Management, Agriculture, National Aeronautics and Space Administration, Treasury.

Then you get down to the F's. I mentioned the Agency for International Development, Department of Transportation, Education. As a former university president and professor, it anguishes me to see Education down in the F's. We gave them a B last year for their planning.

I mentioned the Department of Transportation, two very fine Secretaries in the last few years, Secretary Peña, Secretary Slater. Interestingly enough and unbeknownst to all Secretaries, the Federal Highway Administration, within the Department of Transportation, had discovered this problem the same time that Social Security did, back in 1989. But it apparently never percolated up the communications management network of the Department of Transportation so it could get to the desk of the Secretary or the Deputy Secretary or the Under Secretary, the people who are responsible at the top management level in the Department. They were working on it, but the executive staff did not know it. They did not even know it last year. And we found out by accident that this had happened. I do not know that they have continued it, but I am told they had one marvelous person that recognized the problem and started working on it. That is what Social Security did. They took their own initiative.

Well, we have had the two showings of initiative now. Now what we need is systematic daily concentration to get the job done. The President needs to appoint someone that can devote executive efforts full time. It is not someone in OMB who has a million other things to do, such as regulatory affairs, for example, or many other assignments. This issue needs full-time attention until the job is done.

Mr. Speaker, I think we should take this very seriously in all the relevant authorization committees of the House, the various appropriation subcommittees. The subcommittee of the gentleman from Arizona [Mr. KOLBE] has done a fine job in demanding that the administration produce a realistic budget in this area. As I have suggested the first administration budget was not realistic. The second budget is about as dubious. But I an encouraged that Director Raines will systematically go through the department, agency, and commission budgets this fall and view how they are handling the year 2000 problem so he can make recommendations to the President for the budget he will submit to us in February 1998.

It is a serious problem. It needs focus. It needs people talking about it. It needs every employer in America, public and private, asking their top staff the question: Are we 2000-year-compliant? If they are not compliant, then they need to pitch in and help solve the problem. These systems will not be able to interact with each other without being fixed. If they are not fixed, they could pollute those systems which have been fixed.

So what we have here is a bug, a virus, call it what you will, that can really create chaos throughout integrated computer systems. Our Subcommittee on Government Management, the Subcommittee on Technology of Science, and the Subcommittee on General Government Appropriation and this House have shown that we are determined to do something about this problem. We urge the executive branch to do the same.

Mr. Speaker, I include the following material for the RECORD:

REPORT CARD, YEAR 2000 PROGRESS FOR MISSION CRITICAL SYSTEMS OF FEDERAL DEPARTMENTS AND AGENCIES

Agency	1996	1997	1998	1999	2000 Final exam
SSA (Social Security Administration)	A	A–			
GSA (General Services Administration)[1].	D	B			
NSF (National Science Foundation)[1] ..	C	B			
SBA (Small Business Administration)	A	B			
HHS (Department of Health and Human Services)[1].	D	B–			
EPA (Environmental Protection Agency)[1].	D	C			
FEMA (Federal Emergency Management Agency)[1].	F	C			
HUD (Department of Housing and Urban Development)[1].	D	C			
Interior (Department of the Interior)[1]	D	C			
Labor (Department of Labor)[1]	F	C			
State (Department of State)	B	C			
VA (Department of Veterans Affairs)[1]	D	C			
DOD (Department of Defense)	C	C–			
Commerce (Department of Commerce).	D	D			
DOE (Department of Energy)[1]	F	D			
Justice (Department of Justice)	D	D			
NRC (Nuclear Regulatory Commission).	B	D			
OPM (Office of Personnel Management).	A	D			
Agriculture (Department of Agriculture).	D	D–			
NASA (National Aeronautics and Space Administration).	D	D–			
Treasury (Department of the Treasury).	C	D–			
AID (Agency for International Development).	A	F			
DOT (Department of Transportation)	F	F			
Education (Department of Education)	B	F			
State Governments (State Governments).	?	?			
Local Governments (Local Governments).	?	?			

[1] Improved from last grading period.

Prepared for Subcommittee Chairman Stephen Horn.

Subcommittee on Government Management, Information, and Technology.

Subcommittee Home Page on the Internet: http://www.house.gov/reform/gmithtml, September 15, 1997.

SOCIAL SECURITY: A minus The negative grade resulted from concerns that certain systems which process State disability claims may be susceptible to Year 2000 problems.

GSA: B This is a big improvement from its "D" grade last year. It's based on the percentage of renovation, testing and implementation completed.

NSF: B Based on renovation and testing completed. An increase from last year's "C."

SBA: B It went from "A" to a "B" based on its percentage of renovation, testing and implementation.

HHS: B minus It moved up from a "D" based on its renovation percentage. [GAO has more information in its summary]

EPA: C It missed the assessment deadline, but moved up from a "D" last year due to the percentage of renovation and testing completed.

FEMA: C Missed assessment deadline, has shown weakness in the renovation percentage. It improved from an "F" last year.

HUD: C It is lacking in both renovation and testing percentages.

INTERIOR: C It improved from a "D" based on renovation reported, however, it has conducted no testing.

LABOR: C It improved from an "F" but is lacking in renovation and testing.

STATE: C Its grade was reduced from a "B" due to its poor renovation and testing percents.

VETERANS: C Improved from its "D" grade, the agency has not completed its assessment.

DEFENSE: C minus DOD has half of the Federal Government's computer systems, and has not completed the assessment phase. [GAO summary provides greater detail] Last year "C."

COMMERCE: D Failed to complete assessment, poor renovation and testing percentages. Last year it received the same grade.

ENERGY: D Failed to complete assessment, poor renovation and testing percentages. It received an "F" last year. [GAO has more information in its summary]

JUSTICE: D Very poor renovation and testing percentages. Same grade last year.

NUCLEAR REGULATORY: D It dropped from a "B" due to zero renovation and testing.

OPM: D One of the biggest declines in grades ("A" last year) due to poor renovation and no testing.

AGRICULTURE: D minus Failed to complete assessment, poor renovation and testing percentages.

NASA: D minus Has not completed its assessment and has poor renovation and testing percentages.

TREASURY: D minus Failed to complete its assessment and has poor renovation and testing percentages. [See GAO's summary for additional information]

AID: F The most dramatic drop, (it received an "A" last year) is because the new system they adopted has Year 2000 problems despite statements made last year by AID that the new system would be Year 2000 complaint.

TRANSPORTATION: F For the second year in a row, it receives an F. This is due to its failure to complete its assessment, with no renovation, testing or implementation. [GAO has more information in its summary]

EDUCATION: F Dropped from a "B" due to its failing to complete its assessment and conducting no renovation, testing, or implementation.

YEAR 2000 PROGRESS FOR MISSION CRITICAL SYSTEMS OF FEDERAL DEPARTMENTS AND AGENCIES

Assessment completed Yes/No	In percent		Any implementation Yes/No	Grade	
	Renovation completed	Testing completed			
SSA (Social Security Administration).	Yes	78	67	Yes	A–
GSA (General Services Administration).	Yes	35	26	Yes	B
NSF (National Science Foundation).	Yes	33	25	No	B
SBA (Small Business Administration).	Yes	35	35	Yes	B
HHS (Department of Health and Human Services).	Yes	28	10	Yes	B–
EPA (Environmental Protection Agency).	No	33	28	Yes	C
FEMA (Federal Emergency Management Agency).	No	35	35	Yes	C
HUD (Department of Housing and Urban Development).	Yes	9	2	Yes	C
Interior (Department of the Interior).	Yes	43	0	No	C
Labor (Department of Labor).	Yes	15	11	Yes	C
State (Department of State).	Yes	25	0	No	C
VA (Department of Veterans Affairs).	No	51	28	Yes	C
DOD (Department of Defense).	No	40	34	Yes	C–
Commerce (Department of Commerce).	No	15	6	Yes	D
DOE (Department of Energy).	No	10	10	Yes	D
Justice (Department of Justice).	Yes	1	1	No	D
NRC (Nuclear Regulatory Commission).	Yes	0	0	No	D
OPM (Office of Personnel Management).	Yes	3	0	No	D
Agriculture (Department of Agriculture).	No	8	4	Yes	D–
NASA (National Aeronautics and Space Administration).	No	8	7	Yes	D–
Treasury (Department of the Treasury).	No	6	5	Yes	D–
AID (Agency for International Development).	No	N/A	N/A	N/A	F
DOT (Department of Transportation).	No	0	0	No	F
Education (Department of Education).	No	0	0	No	F

Notes: The grades are based on percentages reported by departments and agencies for four categories: Assessment, Renovation, Testing, and Implementation. The departments and agencies are responsible for the accuracy and consistency of percentages reported.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. UNDERWOOD) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes each day, on September 16, 17, and 18.

Mr. DIAZ-BALART, for 5 minutes, on September 16.

Mr. UNDERWOOD, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. UNDERWOOD) and to include extraneous matter:)

Mr. GORDON.

Ms. JACKSON-LEE of Texas.

Mr. CRAPO.

Ms. ROS-LEHTINEN.

(The following Members (at the request of Mr. HORN) and to include extraneous matter:)

Mr. PETRI.

Mr. SANDERS.

ADJOURNMENT

Mr. HORN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 16, 1997, at 10:30 a.m. for morning hour debates.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, September 5, 1997.

Honorable NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 304 of the Congressional Accountability Act of 1995, 2 U.S.C. §1384(b)(1), (e), I am transmitting on behalf of the Board of Directors the enclosed notice of proposed rulemaking (proposing amendments to regulations previously adopted by the Board) for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely yours,

GLEN D. NAGER,
Chair of the Board.

Enclosure.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Extension of Rights and Protections Under the Employee Polygraph Protection Act of 1988, the Worker Adjustment and Retraining Notification Act, and the Occupational Safety and Health Act of 1970

NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors ("Board") of the Office of Compliance is publishing proposed amendments to its regulations implementing sections 204, 205, and 215 of the Congressional Accountability Act of 1995 ("CAA" or the "Act"), 2 U.S.C. §§1314, 1315, 1341. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch. Section 204 applies rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), section 205 applies rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act"), and section 215 applies rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct"). These sections of the CAA will go into effect with respect to the General Accounting Office ("GAO") and the Library of Congress (the "Library") on December 30, 1997, and this Notice of Proposed Rulemaking ("NPRM") proposes to amend the Board's regulations implementing these sections to extend the coverage of the regulations to include GAO and the Library. Several typographical and other minor corrections and changes are also being made to the regulations being amended.

The regulations under section 204, 205, and 215 were adopted in three virtually identical versions, one that applies to the Senate and employees of the Senate, one that applies to the House of Representatives and employees of the House, and one that applies to other covered employees and employing offices. This NPRM proposes that identical amendments be made to the three versions of the regulations. The proposal to amend the regulations that apply to the Senate and its employees is the recommendation of the Office of Compliance's Deputy Executive Director for the Senate, the proposal to amend the regulations that apply to the House and its employees is the recommendation of the Office of Compliance's Deputy Executive Director for the House of Representatives, and the proposal to amend the regulations that apply to other employing offices and their employees is the recommendation of the Executive Director of the Office of Compliance.

Dates: Comments are due within 30 days after the date of publication of this NPRM in the Congressional Record.

Addresses: Submit comments in writing (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426–1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance, at (202) 724–9250 (voice), (202) 426–1912 (TTY). This Notice is also available in the following formats: large print and braille. Requests for this notice in large print or braille should be made to Mr. Russell Jackson, Director, Services Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, at (202) 224–2705 (voice), (202) 224–5574 (TTY).

SUPPLEMENTARY INFORMATION:

1. Background and purpose of this Rulemaking

The Congressional Accountability Act of 1995 ("CAA" or the "Act"), Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438, was enacted on January 23, 1995. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch.

Sections 204, 205, and 215 apply three of these laws. Section 204 of the CAA, 2 U.S.C. §1314, applies the rights and protections under the Employee Polygraph Protection Act of 1988 ("EPPA"), by providing generally that no employing office may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the EPPA, 29 U.S.C. §2002 (1), (2), (3). Section 205 of the CAA, 2 U.S.C. §1315, applies the rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act"), by providing generally that no employing office shall be closed or a mass layoff ordered within the meaning of section 3 of the WARN Act, 29 U.S.C. §2102, until 60 days after the employing office has provided written notice to covered employees. Section 215 of the CAA, 2 U.S.C. §1341, applies the rights and protections of section 5 of the Occupational Safety and Health Act of 1970 ("OSHAct"), by providing generally that each employing office and each covered employee must comply with the provisions of section 5 of the OSHAct, 29 U.S.C. §654.

For most covered employees and employing offices, sections 204 and 205 became effective on January 23, 1996, and section 215 became effective on January 1, 1997. However, "with respect to the General Accounting Office and the Library of Congress," the CAA provides that sections 204, 205, and 215 "shall be effective * * * 1 year after transmission to the Congress of the study under section 230." Sections 204(d)(2), 205(d)(2), 215(g)(2) of the CAA, 2 U.S.C. §§1314(d)(2), 1315(d)(2), 1341(g)(2). This "study under section 230" is a study of the application of certain laws, regulations, and procedures at the General Accounting Office ("GAO") the Government Printing Office ("GPO"), and the Library of Congress ("Library"), which the Board was directed to undertake by section 230 of the CAA, as amended, 2 U.S.C. §1371. The Board transmitted the completed study to Congress on December 30, 1996, and sections 204, 205, and 215 will therefore become effective with respect to GAO and the Library on December 30, 1997.[1]

The CAA requires that the Board adopt regulations to implement sections 204, 205, and 215, and further requires that these regulations be the same as the substantive regulations promulgated by the Secretary of Labor to implement the provisions of applicable statute, except if the Board determines, for good cause shown, that a modification would be more effective for the implementation of the rights and protections under these sections. 2 U.S.C. §§1314(c), 1315(c), 1341(d). The Board has adopted regulations implementing these sections with respect to employing offices other than GAO and the Library, and the purpose of this rulemaking is to adopt regulations implementing these sections with respect to GAO and the Library as well.

2. Record of Earlier Rulemakings

To avoid duplication of effort in proposing and adopting regulations with respect to GAO and the Library, the Board plans to rely, in part, on the record of its earlier rulemakings. The regulations implementing sections 204 and 205 of the CAA were proposed, adopted, and issued during the latter part of 1995 and the first part of 1996, and, during that period, the Board solicited comment and explained the basis and purpose of the regulations in several notices published in the CONGRESSIONAL RECORD. On September 28, 1995, the Board published an Advance Notice of Proposed Rulemaking ("ANPRM"), in which the Board solicited comments before promulgating proposed rules under several sections of the CAA, including sections 204 and 205. 141 CONG. REC. S14542–44 (daily ed. Sept. 28, 1995). On November 28, 1995, the Board issued NPRMs proposing regulations under sections 204 and 205, among others, 141 CONG. REC. S17652–64 (daily ed. Nov. 28, 1995), and on January 22, 1996, the Board published Notices of Adoption of Regulation and Submission for Approval and Issuance of Interim Regulations under these sections, 142 CONG. REC. S262–74 (daily ed. Jan. 22, 1996). The Board also proposed and adopted separate regulations, pursuant to section 204(a)(3) of the CAA, authorizing the Capitol Police to use lie detector tests. 141 CONG. REC. S14544–45 (daily ed. Sept. 28, 1995) (NPRM); 142 CONG. REC. S260–62 (daily ed. Jan. 22, 1996) (Notice of Adoption, etc.). The adopted regulations were then approved by Congress, and, on April 23, 1996, the Board's Notices of Issuance of Final Regulations were published in the CONGRESSIONAL RECORD setting forth the text of the final regulations implementing several CAA sections, including 204 and 205. 142 CONG. REC. S3917–24, S3948–52 (daily ed. Apr. 23, 1996).

The Board published proposed regulations to implement section 215 on September 19, 1996, 142 CONG. REC. H10711–19 (daily ed. Sept. 19, 1996), and published its Notice of Adoption and Submission for Approval for these regulations on January 7, 1997, 143 CONG. REC. S61–70 (Jan. 7, 1997). The House and Senate have not yet approved this section 215 regulations, and, accordingly, these regulations have not yet been issued.[2]

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[1] The study under section 230, as well as copies of the December 30, 1996 letters from the Board transmitting the study to Congress, are available for inspection in the Law Library Reading Room, at the address and times stated at the beginning of this Notice. The study may also be viewed on the Office of Compliance's Internet web site at either http://www.compliance.gov/230.html or http://www.access.gpo.gov/compliance/230.html.

[2] Although the Board's regulations implementing section 215 have not yet been issued, section 411 of the CAA provides that, in proceedings to enforce most provisions of the CAA, including section 215, "if the Board has not issued a regulation on a matter for which this Act requires a regulation to be issued, the hearing officer, Board, or court, as the case may be, shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding." 2 U.S.C. §1411.

3. Proposed Amendments

The Board is presently aware of no reason why the regulations to be adopted under section 204, 205, or 215 for GAO and the Library and their employees should be separate or substantively different from the regulations already adopted for other employing offices and their employees. The Board therefore proposes in this NPRM to expand the coverage of the regulations already adopted under sections 204, 205, and 215 to include GAO and the Library and their employees, and to make no other substantive change to the regulations.

a. Regulations Under Section 204—Rights and Protections Under the Employee Polygraph Protection Act of 1988

The Board's two regulations implementing section 204 of the CAA—*i.e.*, the exclusion for employees of the Capitol Police, and the regulations covering all other employing offices except GAO and the Library—were issued in final form and published in the April 23, 1996 issue of the Congressional Record, 142 Cong. Rec. S3917-24 (Apr. 23, 1996). In the regulations for employing offices other than the Capitol Police, the scope of coverage is established by the definitions of "covered employee" in section 1.2(c) and "employing office" in section 1.2(i). The Board proposes to amend these regulations by adding any employee of GAO or the Library to the definition of "covered employee," and by adding GAO and the Library to the definition of "employing office."

b. Regulations Under Section 205—Rights and Protections Under the Worker Adjustment and Retraining Notification Act.

Regulations implementing section 205 for employing offices other than GAO and the Library were issued in final form and published in the April 23, 1996 issue of the Congressional Record, 142 Cong. Rec. S3949-52 (Apr. 23, 1996). The scope of coverage of these regulations is established by the definition of "employing office" in section 639.3(a)(1). As presently drafted, the definition in section 639(a)(1) incorporates by reference the definition of "employing office" in section 101(9) of the CAA, 2 U.S.C. §1301(9), which includes all covered employees and employing offices other than GAO and the Library. The Board proposes to amend these regulations by adding to the definition of "employing office" a reference to section 205(a)(2) of the CAA, which, for purposes of section 205, adds GAO and the Library to the definition of "employing office."

c. Regulations Under Section 215—Rights and Protections Under the Occupational Safety and Health Act of 1970

Regulations implementing section 215 for employing offices other than GAO and the Library were adopted by the Board and published in the January 7, 1997 issue of the Congressional Record, 143 Cong. Rec. S61-70 (Jan. 7, 1997). The scope of coverage of these regulations is established by the definition of "covered employee" in section 1.102(c), the definition of "employing office" in section 1.102(i), and a listing in both sections 1.102(j) and 1.103 of entities that, pursuant to the regulations, are included as employing offices if responsible for correcting a violation of section 215 of the CAA. The Board proposes to amend these regulations by adding any employee of GAO or of the Library to the definition of "covered employee," and by adding GAO and the Library to the definition of "employing office" and to the entities listed in sections 1.102(j) and 1.103 that can be included as employing offices.

In addition to the proposed changes described above, several typographical and other minor corrections are being made to the regulations being amended, including a few corrections and changes to the list of Department of Labor's regulations under the OSHAct that are incorporated by reference into the regulations adopted by the Board under section 215 of the CAA.[3]

4. Request for Comment

The Board invites comment on these proposed amendments generally, and invites comment specifically on whether there is any reason why the regulations to be adopted under section 204, 205, or 215 for GAO and the Library and their employees should be separate or substantively different from the regulations already adopted for other employing offices and their employees.

Recommended method of approval. The Board proposes that it will adopt three identical versions of the amendments and recommends: (1) that the version amending the regulations that apply to the Senate and employees of the Senate be approved by the Senate by resolution, (2) that the version amending the regulations that apply to the House of Representatives and employees of the House of Representatives be approved by the House by resolution, and (3) that the version amending the regulations that apply to other covered employees and employing offices be approved by the Congress by concurrent resolution.

The Board expects to adopt the amendments and to submit them to the House and Senate for approval by three separate documents, one for the amendments under section 204 of the CAA, one for the amendments under section 205, and one for the amendments under section 215. This procedure will enable the House and Senate to consider and act on the amendments under sections 204, 205, and 215 separately, if the House and Senate so choose. The Board's regulations under section 215 have not yet been approved by the House and Senate, and, if the regulations remain unapproved when the Board adopts the amendments under section 215, the Board recommends that the House and Senate approve those amendments together with the regulations.

Signed at Washington, D.C., on this ___ day of ________, 1997.

Glen D. Nager,
Chair of the Board,
Office of Compliance.

Accordingly, the Board of Directors of the Office of Compliance hereby proposes the following amendments to its regulations:

AMENDMENTS TO REGULATIONS UNDER SECTION 204 OF THE CAA—APPLICATION OF RIGHTS AND PROTECTIONS OF THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988

It is proposed that the regulations implementing section 204 of the CAA, issued by publication in the Congressional Record on April 23, 1996 at 142 Cong. Rec. S3917-3924 (daily ed. Apr. 23, 1996), be amended by revising section 1.2(c) and the first sentence of section 1.2(i) to read as follows:

"*Sec. 1.2 Definitions*

* * * * *

"(c) The term *covered employee* means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Congressional Budget Office; (5) the Office of the Architect of the Capitol; (6) the Office of the Attending Physician; (7) the Office of Compliance; (8) the General Accounting Office; or (9) the Library of Congress.

* * * * *

"(i) The term *employing office* means (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; (5) the General Accounting Office; or (6) the Library of Congress. * * *".

AMENDMENTS TO REGULATIONS UNDER SECTION 205 OF THE CAA—APPLICATION OF RIGHTS AND PROTECTIONS OF THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

It is proposed that the regulations implementing section 205 of the CAA, issued by publication in the Congressional Record on April 23, 1996 at 142 Cong. Rec. S3949-52 (daily ed. Apr. 23, 1996) be amended by revising the title at the beginning of the regulations, and the introductory text of the first sentence of section 639.3(a)(1), to read as follows:

"APPLICATION OF RIGHTS AND PROTECTIONS OF THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

* * * * *

"*§639.3 Definitions.*

"(a) *Employing office.* (1) the term "employing office" means any of the entities listed in section 101(9) of the CAA, 2 U.S.C. §1301(9), and either of the entities included in the definition of "employing office" by section 205(a)(2) of the CAA, 2 U.S.C. §1315(a)(2), that employs—

"(i) * * *".

* * * * *

AMENDMENTS TO REGULATIONS UNDER SECTION 215 OF THE CAA—APPLICATION OF RIGHTS AND PROTECTIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

It is proposed that the regulations implementing section 215 of the CAA, adopted and published in the Congressional Record on

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[3] In the regulations implementing section 204 of the CAA, in the definitions of "employing office" and "covered employee" in sections 1.2(c) and (i), the references to the Office of Technology Assessment ("OTA") and to employees of OTA are being removed, as OTA no longer exists. In the regulations implementing section 205 of the CAA, the title at the beginning of the regulations is being corrected. In the regulations implementing section 215 of the CAA, in the definition of "employing office" in section 1.102(i), "the Senate" is stricken from clause (1) and "of a Senator" is inserted instead, and "or a joint committee" is stricken from that clause, for conformity with the text of section 101(9)(A) of the CAA, 2 U.S.C. §1301(9)(A). In section 1.102(j) of those regulations, "a violation of this section" is stricken and "a violation of section 215 of the CAA (as determined under section 1.106)" is inserted instead, for consistency with the language in section 1.103 of the regulations. Furthermore, in Appendix A to Part 1900 of the regulations, several editorial and technical errors are being corrected in the cross-references to the Secretary of Labor's regulations under the OSHAct and recent changes in the Secretary's regulations are being incorporated. These corrections comport with the Board's stated intention to incorporate by reference the Labor Secretary's substantive regulations in effect at the time the Board approved the regulations under section 215 of the CAA, and to update the list of incorporated regulations when necessitated by the Secretary's changes to those regulations. *See* 142 Cong. Rec. H10711, H10715 (daily ed. Sept. 19, 1996) (NPRM under section 215); section 1900.1(c) of the Board's regulations under section 215, 143 Cong. Rec. S61, S67 (daily ed. Jan. 7, 1997).

January 7, 1997 at 143 CONG. REC. S61, 66–69 (daily ed. Jan. 7, 1997), be amended as follows:

1. Extension of coverage.—By revising sections 1.102(c), (i), and (j) and 1.103 to read as follows:

"*§1.102 Definitions.*

* * * * *

"(c) The term *covered employee* means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Compliance; (9) the General Accounting Office; and (10) the Library of Congress.

* * * * *

"(i) The term *employing office* means: (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; (5) the General Accounting Office; or (6) the Library of Congress."

* * * * *

"(j) The term *employing office* includes any of the following entities that is responsible for the correction of a violation of section 215 of the CAA (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such violation occurs: (1) each office of the Senate, including each office of a Senator and each committee; (2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee; (3) each joint committee of the Congress; (4) the Capitol Guide Service; (5) the Capitol Police; (6) the Congressional Budget Office; (7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden); (8) the Office of the Attending Physician; (9) the Office of Compliance; (10) the General Accounting Office; and (11) the Library of Congress.

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"*§1.103 Coverage.*

"The coverage of Section 215 of the CAA extends to any "covered employee." It also extends to any "covered employing office," which includes any of the following entities that is responsible for the correction of a violation of section 215 (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs:

"(1) each office of the Senate, including each office of a Senator and each committee;

"(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

"(3) each joint committee of the Congress;

"(4) the Capitol Guide Service;

"(5) the Capitol Police;

"(6) the Congressional Budget Office;

"(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

"(8) the Office of the Attending Physician;

"(9) the Office of Compliance;

"(10) the General Accounting Office; and

"(11) the Library of Congress.".

2. Corrections to cross-reference.—By making the following amendments in Appendix A to Part 1900, which is entitled "References to Sections of Part 1910, 29 CFR, Adopted as Occupational Safety and Health Standards Under Section 215(d) of the CAA":

(a) After "1910.1050 Methylenedianiline." insert the following:

"1910.1051 1,3-Butadinene.

"1910.1052 Methylene chloride.".

(b) Strike "1926.63—Cadmium (This standard has been redesignated as 1926.1127)." and insert instead the following:

"1926.63 [Reserved]".

(c) Strike "Subpart L—Scaffolding", "1926.450 [Reserved]", "1926.451 Scaffolding.", "1926.452 Guardrails, handrails, and covers.", and "1926.453 Manually propelled mobile ladder stands and scaffolds (towers)." and insert instead the following:

"Subpart L—Scaffolds

"1926.450 Scope, application, and definitions applicable to this subpart.

"1926.451 General requirements.

"1926.452 Additional requirements applicable to specific types of scaffolds.

"1926.453 Aerial lifts.

"1926.454 Training.".

(d) Strike "1926.556 Aerial lifts.".

(d) Strike "1926.753 Safety Nets.".

(f) Strike "Appendix A to Part 1926—Designations for General Industry Standards" and insert instead the following:

"APPENDIX A TO PART 1926—DESIGNATIONS FOR GENERAL INDUSTRY STANDARDS INCORPORATED INTO BODY OF CONSTRUCTION STANDARDS".

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5027. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Tennessee Valley Marketing Area; Termination of the Order [DA–97–09] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5028. A letter from the Administrator, Agricultural Marketing Services, transmitting the Service's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Florida Red Seedless Grapefruit [Docket No. FV97–905–1 IFR] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5029. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Oriental Fruit Fly; Designation of Quarantined Area [Docket No. 97–073–2] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5030. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Additions to Quarantined Areas and Treatments [Docket No. 97–056–5] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5031. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to improve the safety net for agricultural producers; to the Committee on Agriculture.

5032. A letter from the the Director, the Office of Management and Budget, transmitting the Mid-Session Review of the 1998 Budget, pursuant to 31 U.S.C. 1106(a); (H. Doc. No. 105–129); to the Committee on Appropriations and ordered to be printed.

5033. A letter from the the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of September 1, 1997, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 105–128); to the Committee on Appropriations and ordered to be printed.

5034. A letter from the Acting Under Secretary, Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act by the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5035. A letter from the Director, Washington Headquarters Services, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Health Promotion and Disease Prevention Visits and Immunizations [DoD 6010.8–R] (RIN: 0720–AA33) received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

5036. A letter from the Board of Governors, Federal Reserve System, transmitting the Board's final rule—Collection of Checks and Other Items by Federal Reserve Banks and Funds Transfers Through Fedwire [Regulation J; Docket No. R–0972] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5037. A letter from the Assistant Secretary, Department of Defense, transmitting the Department of Defense Education Activity (DoDEA) Accountability Report and the Accountability Profiles for the Department of Defense Dependents Schools, pursuant to 20 U.S.C. 924; to the Committee on Education and the Workforce.

5038. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting the annual report of the Office of Juvenile Justice and Delinquency Prevention for Fiscal Year 1996, pursuant to 42 U.S.C. 5617; to the Committee on Education and the Workforce.

5039. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5040. A letter from the Secretary of Education, transmitting a draft of proposed legislation to authorize the National Assessment Governing Board to develop policy for voluntary national tests in reading and mathematics; to the Committee on Education and the Workforce.

5041. A letter from the Secretary of Agriculture, transmitting the annual Horse Protection Enforcement Report for fiscal year 1996, pursuant to 15 U.S.C. 1830; to the Committee on Commerce.

5042. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Consumer Information Regulations, Uniform Tire Quality Grading Standards (National Highway Traffic Safety Administration) [Docket No. 94–30, Notice] (RIN: 2127–AF17) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5043. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designation Facilities and Pollutants: Oregon; Correction [OR–1–0001; FRL–5891–5] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5044. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Texas: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–5892–1] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5045. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans: State of Washington [WA 13–6–6121; WA 55–7130; and WA 57–7132; FRL–5889–5] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5046. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Northern Sierra Air Quality Management District [CA 185–0047a; FRL–5888–8] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5047. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District [CA 167–0036a; FRL–5888–6] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5048. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan, South Carolina: Listing of Exempt Volatile Organic Compounds [SC31–1–9646a: FRL–5874–9] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5049. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Direct Final Rule Amending the Test Procedures for Heavy-Duty Engines, and Light-Duty Vehicles and Trucks and the Amending of Emission Standard Provisions for Gaseous Fueled Vehicles and Engines [FRL–5881–3] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5050. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Georgetown and Garden City, South Carolina) [MM Docket No. 96–196, RM–8878] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5051. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bainbridge, Georgia) [MM Docket No. 96–253, RM–8962] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5052. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—National Environmental Policy Act; Revision of Policies and Procedures; Correction [Docket No. 96N–0057] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5053. A communication from the President of the United States, transmitting the annual report on authorized U.S. commercial exports, military assistance and foreign military sales and military imports for fiscal year 1996, pursuant to Public Law 104–106, section 1324(c) (110 Stat. 481); to the Committee on International Relations.

5054. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5055. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Privacy Program [32 CFR Part 311] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5056. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to extend the Federal physicians comparability allowance authority; to the Committee on Government Reform and Oversight.

5057. A letter from the Chairman, Railroad Retirement Board, transmitting a letter providing observations of numerous errors and misrepresentations in the Inspector General of the Railroad Retirement Board's semiannual report for the period October 1, 1996 through March 31, 1997; to the Committee on Government Reform and Oversight.

5058. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7052–02; I.D. 090597B] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5059. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 090597A] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5060. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Connecticut [Docket No. 961210346–7035–02; I.D. 090897B] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5061. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico [Docket No. 970903225–7225–01; I.D. 081297G] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5062. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation to repeal section 808 of the Antiterrorism and Effective Death Penalty Act of 1996; to the Committee on the Judiciary.

5063. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: documentation of nonimmigrants under the Immigration and Nationality Act, as amended [Public notice 2594] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5064. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Canadian Border Boat Landing Program [INS No. 1796–96] (RIN: 1115–AE53) received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5065. A letter from the General Counsel, Department of Transportation, transmitting the Department's "Major" final rule—Offshore Supply Vessels (Coast Guard) [CGD 82–004 and CGD 86–074] (RIN: 2115–AA77) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5066. A letter from the General Counsel, Department of Transportation, transmitting the Department's "Major" final rule—Overfill Devices (Coast Guard) [CGD 90–071a] (RIN: 2115–AD87) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5067. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Antarctic Treaty Environmental Protection Protocol (Coast Guard) [CGD 97–015] (RIN: 2115–AF43) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5068. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Harbor Festival Fireworks Display, Greenport, NY (Coast Guard) [CGD01–97–089] (RIN: 2115–AA97) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5069. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Fleur De Lis Regatta Ohio River Mile 602.0–604.0, Louisville, Kentucky (Coast Guard) [CGD08–97–035] (RIN: 2115–AE46) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5070. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Qualifications for Tankermen and for Persons in Charge of Transfers of Dangerous Liquids and Liquefied Gases (Coast Guard) [CGD 79–116] (RIN: 2115–AA03) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5071. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 97-NM-164-AD; Amdt. 39-10122; AD 97-19-02] (RIN: 2120-AA64) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5072. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-221-AD; Amdt. 39-10124; AD 97-19-04] (RIN: 2120-AA64) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5073. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100) Airplanes (Federal Aviation Administration) [Docket No. 96-NM-271-AD; Amdt. 39-10120; AD 97-18-10] (RIN: 2120-AA64) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5074. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes Equipped With Manual IPECO Captain and First Officer Seats (Federal Aviation Administration) [Docket No. 97-NM-168-AD; Amdt. 39-10123; AD 97-19-03] (RIN: 2120-AA64) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5075. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to enhance the safety of motor carrier operations and the Nation's highway system by amending existing Federal motor carrier safety laws to strengthen Federal and State enforcement capabilities and to provide the Department of Transportation with greater administrative flexibility through which to promote innovative approaches to ensuring motor carrier safety; to the Committee on Transportation and Infrastructure.

5076. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Acquisition of Rail Lines Under 49 U.S.C. 10901 and 10902—Advance Notice of Proposed Transactions [STB Ex Parte No. 562] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5077. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Mark to Market Accounting Method for Dealers in Securities [Rev. Rul. 97-39] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5078. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting [Rev. Proc. 97-43] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5079. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Medical Savings Accounts [Announcement 97-96] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5080. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate [Rev. Rul. 97-40] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5081. A letter from the Secretary of Defense, transmitting a report concerning the tax deductibility of nonreimburseable expenses incurred by members of reserve components in connection with military service, pursuant to Public Law 104-201, section 1251; to the Committee on Ways and Means.

5082. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to establish the position of Under Secretary of Agriculture for Marketing and Regulatory Programs; jointly to the Committees on Agriculture and Government Reform and Oversight.

5083. A letter from the Chair of the Board, Office of Compliance, transmitting notice of proposed rulemaking for publication in the Congressional Record, pursuant to Public Law 104-1, section 304(b)(1) (109 Stat. 29); jointly to the Committees on House Oversight and Education and the Workforce.

5084. A letter from the Assistant Secretary, Department of Defense, transmitting a report notifying Congress of determinations that institutions of higher education have been deemed ineligible for certain Federal funding, pursuant to Public Law 104-208, section 514; jointly to the Committees on National Security, Education and the Workforce, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on National Security. H.R. 695. A bill to amend title 18, United States Code, to affirm the rights of United States persons to use and sell encryption and to relax export controls on encryption; with an amendment (Rept. 105-108, Pt. 3). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DAN SCHAEFER of Colorado:

H.R. 2472. A bill to extend certain programs under the Energy Policy and Conservation Act; to the Committee on Commerce.

By Mr. NADLER:

H.R. 2473. A bill to amend the Immigration and Nationality Act to exempt orphan children from the immigration vaccination requirement; to the Committee on the Judiciary.

By Mr. PETRI (for himself, Mr. Oberstar, Mr. Christensen, Mr. McCrery, Mr. Bachus, and Mr. Collins):

H.R. 2474. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the excise tax on diesel fuel used in trains by 1.25 cents per gallon, and for other purposes; to the Committee on Ways and Means.

By Mr. SANDERS (for himself, Mr. Moran of Virginia, Mr. Evans, Mr. Rush, Mr. Towns, Mr. Stark, Mr. Filner, Mr. Davis of Illinois, Mr. Payne, Mr. Manton, and Mrs. Maloney of New York):

H.R. 2475. A bill to amend the Tariff Act of 1930 to prohibit imports of articles produced or manufactured with bonded child labor, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UNDERWOOD (for himself, Mr. Duncan, and Mr. Lipinski):

H.R. 2476. A bill to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 339: Mr. Thune.

H.R. 1544: Mr. Nadler.

H.R. 1872: Mr. Cox of California.

H.R. 1967: Mr. Hilleary.

H.R. 2129: Mr. Boehner, Ms. Pryce of Ohio, and Mr. Chabot.

H.R. 2377: Mrs. Emerson, Mrs. Johnson of Connecticut, Ms. Hooley of Oregon, Mr. Bachus, Mr. Everett, Mr. Smith of Michigan, Mr. Walsh, Mr. Hastert, Mr. Gekas, Mr. LaFalce, Mr. Barrett of Nebraska, and Mr. Boyd.

H. Res. 16: Mr. Peterson of Minnesota and Mr. Lazio of New York.

SENATE—*Monday, September 15, 1997*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, this is a day for rejoicing over the manifold good things You have given us. Help us to take nothing and no one for granted. As we move through this day, help us to savor the sheer wonder of being alive. Thank You for giving us the ability to think, understand, and receive Your guidance. We praise You for the people You have placed in our lives. Help us to appreciate the never-to-be-repeated miracle of each personality.

We are grateful for the challenges we have before us, which compel us to depend on You more. Thank You, too, for the opportunities that are beyond our ability to fulfill so that we may be forced to trust You for wisdom and strength to accomplish them. We rejoice over Your daily interventions to help us; we even rejoice in our problems, for they allow You to show us what You can do with a life entrusted to You. Rather than pray, "Get me out of this," help us to pray, "Lord, what do You want me to get out of this?" Then free us to rejoice in the privilege of new discoveries.

Today, gracious Lord, we express our sympathy to Senator DANIEL AKAKA on the loss of his brother, the Reverend Abraham Akaka, who made such a great impact on the State of Hawaii. Bless this family in their time of need.

And so, Lord, in all things, great and small, we rejoice in You, gracious Lord of all. Through our Saviour and Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT from Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, we have the opportunity this week, I believe, to complete action on the Interior appropriations bill and on the Food and Drug Administration reform package. There has been a lot of work done on FDA, and I believe a consensus is evolving. Hopefully, within a day or day and a half, we could complete action on that bill this week. And if time permits, we will also take up the D.C. appropriations bill which would be the last of the 13 appropriations bills the Senate needs to pass.

Today, though, the Senate will resume consideration of H.R. 2107, the Interior appropriations bill. As announced earlier, there will be no rollcall votes today. Any votes ordered on amendments to this bill, H.R. 2107, will be set aside to occur at a time to be determined by the majority leader in consultation with the minority leader. Presumably, that would be in the morning, hopefully even early in the morning. The Senate will be able, hopefully, to conclude debate on the Interior bill by Tuesday. We have one of our most outstanding chairmen who is managing this bill. I think this one is going to be a handful for him, but they have worked out a number of issues. I feel like we will be able to get an early resolution and complete action on the Interior appropriations bill. Members are encouraged to contact the managers of the bill to schedule floor action on any possible amendments. I hope Members will not wait until sometime Tuesday afternoon or late Tuesday night, or whenever, when it is convenient for them to drop by if they have any amendments. If you have a good amendment, you get more attention, you get a better chance to have it properly considered and even get a vote if you show up early for work and offer your amendment.

As Members are aware, then, there will only be one appropriations bill left, and we will take it up later on this week or the D.C. appropriations bill will come up perhaps early next week. We need Members' cooperation in scheduling floor action, and we will attempt to conclude action on both these bills this week. We will notify the Members when rollcall votes are agreed to.

Under rule XXII, all first-degree amendments to S. 830, that is the FDA reform bill, must be filed by 1 p.m. today. I want to remind Members of that deadline.

I thank my colleagues for their attention, and I wish the chairman and manager of the bill, the great Senator from the State of Washington, good luck in completing his work.

I yield the floor, Mr. President.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, the Senate will now resume consideration of H.R. 2107, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998.

The Senate resumed consideration of the bill.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 46, LINE 15

The PRESIDING OFFICER. The pending question is the committee amendment on page 46, line 15.

The distinguished Senator from Washington is recognized.

Mr. GORTON. Mr. President, the majority leader has already pointed out what he hopes will be the schedule in connection with this and other bills during the course of the week. As he said, there will not be any votes on any amendments to this bill today, but through most of last week, we expressed our views that today would present a wonderful opportunity to debate what may very well be the most controversial of all of the elements in the bill: the appropriation for the National Endowment for the Arts.

The notices that I have received in connection with amendments include more on that subject, those which are to be more liberal with the National Endowment than the bill has been and those wishing to be more conservative or to restrict its use or even to abolish its appropriation, have stated that they will produce such amendments.

We have asked as many of those Members to be present sometime during today's session of the Senate as possible. Most of them on Friday indicated that they would be able to be here today. Obviously, as the majority leader said, today gives them an opportunity to debate their amendments and to state their views on the National Endowment for the Arts in full and at leisure, where tomorrow may be somewhat more hectic.

So I hope that all of them who are in or around the Capitol and the staffs of all of those Senators who have an interest in the subject will urge them to come to the floor, offer their amendments, speak to the National Endowment for the Arts, complete much of the debate on the subject today so that we can vote tomorrow on that subject.

Having said that, Mr. President, noticing that no such Senators are present today, I have remarks on a subject of importance—vital importance—to the people of the State of Washington, one that has a high local profile and one that has also been of interest to the administration to the extent that it made a specific reference to it in its budget presentation this year. So

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I will ask the indulgence of the President and will make my remarks with respect to the Elwha River dams at this point.

Mr. President, during the course of the last week, I said publicly that I would consider supporting removal of one of two dams on the Elwha River on the Olympic Peninsula in Washington State. Specifically, with important conditions attached, I can support legislation that would allow the removal of the smaller downriver dam. As this represents something of a change in my position, it warrants a more detailed explanation on my part—what this new position means and, just as importantly, what it does not mean.

For many years, national environmental groups, the Clinton administration, much of the media in the Pacific Northwest, and many Northwest elected officials have pushed for the removal of both dams on the Elwha River.

In 1992, I reluctantly supported legislation to begin the process of having the Government study and acquire both of these dams with an eye toward removing them at some time in the future. Even so, it is no surprise to anyone from Washington State to hear me say today that I have been less than excited about this proposal. While I always have been enthusiastic about the Federal Government's purchasing these two dams from a local paper company, I have been skeptical that Elwha River dam removal will provide significant benefit to our salmon resources.

For years, I have been told that 100-pound salmon used to fill the Elwha River, and that if we just removed these two dams, those big salmon would return.

While that is the proponents' most compelling argument—perhaps their only argument—for removal, I fear that it is one with the promises that have caused us to spend some $3 billion on the Columbia River, with little discernible effect, except on our power costs. If dams are the reason that there are no 100-pound salmon swimming in the Elwha River, why are there no huge salmon in dozens of other Olympic Peninsula rivers that have never been dammed? Will we waste our money on the Elwha as we have on the Columbia?

As you can tell, I have severe doubts about the wisdom of knocking down either of these dams under the guise of benefit to the salmon. I am quite certain, however, that there are other clear costs to their removal. Taxpayers must pay the huge costs of that removal. Power generation will be lost, and in the case of the Elwha River Dams, serious questions remain about potential damage to the city of Port Angeles' water supply. As I weigh these costs against the potential benefits to salmon, I have almost always sided against dam removal.

Unfortunately, the issue isn't as simple as a cost-benefit analysis. If it were, the costs of removing the two dams would certainly outweigh the potential benefit to the salmon. But, as I say, it is not just that simple anymore. There is a wild card to this issue that makes me nervous, a wild card that makes me want to act now, a wild card that, if played, could have a devastating effect on the Port Angeles community.

The desire of the Interior Secretary to tear down a dam, a proposal he has advocated consistently, together with the very real and growing threat that a Federal judge, or the Federal Energy Regulatory Commission, may order the removal of Elwha River Dams without congressional approval, present real threats to the community, are beyond our control and cannot be ignored.

A court- or agency-ordered removal may well impose all of the costs of removing the dams on the local community. Jobs would be destroyed, and Port Angeles' supply of clean drinking water would be threatened. The risk of court or agency action is too great and will leave the local community in a terrible position if a judge or Washington, DC, bureaucrat were to suddenly decide that he or she could take charge of this issue.

The lower Elwha River Dam produces only a modest amount of power, about a third of that produced by the upper Elwha River Dam, and a minuscule amount in comparison to our productive Snake and Columbia River Dams. In addition, Mr. President, the lower Elwha River Dam is in bad physical shape.

So, if Congress acts properly, we can remove the wild card from the deck and assure an important level of community protection. As a consequence, my support for this lower dam's removal is conditioned on legislated protection for Port Angeles' water supply and protection for the jobs created by the local mill. No legislation to remove an Elwha River Dam will pass the U.S. Senate without these protections, except over my strong objections, while I am a Member.

Mr. President, I must tell you that while I believe the course of action I am taking on the issue is the right one, I am disturbed by what is forcing me to take this step in such a hasty manner. I am driven by the threat of court action, or the possibility that the Federal Government might just step in and remove the dams on its own with no thought given to the concerns of the local community.

While I have come to this agonizing decision after years of internal and public debate about the fate of these dams, my decision has been driven by the unilateral activism this administration has demonstrated when it comes to complex environmental issues.

Based upon the Clinton administration's actions last year in Utah, can anyone not justifiably worry that a similar overreaching Federal Government authority will take place on the Elwha River? Is there any doubt that when this administration is faced with deciding between the desires of national environmental organizations and the needs of local communities, it always sides with the national environmental groups?

This is not an easy decision for me—it is made difficult by the dozens of meetings I've had with people most affected by this issue. I've listened to hundreds of local people who live near the Elwha River express their concerns with dam removal and what it means to the local community.

To be fair, I am also impressed by the work of a broad-based coalition of residents who have studied the issue and who may have originated the proposal to deal with the two dams separately, in a staged process. I want to commend the Elwha Citizens' Advisory Committee for its work on this issue, and all of the hard work that went into developing the committee's report, "The Elwha River and Our Community's Future."

I've also listened to the concerns of my constituents in eastern Washington, who while not immediately impacted by the removal of the Elwha River dams, are watching this debate closely because of their concern that something similar could happen on the Columbia or Snake Rivers.

I want to speak specifically to those people right now, Mr. President, and to anyone who might attempt to use my position on this issue as a justification for removing other dams in the Pacific Northwest, or as asserting that I believe the idea to be worth considering.

Because of the controversial nature of this issue, I think it is important that people understand what my position on the Elwha River dams does not mean. Some groups and elected officials support removal of Elwha River dams as a first step, a practice run, toward removing Columbia River system hydroelectric dams. Those who want to make a habit of dam removal should understand this proposition: I will never support their proposals to remove Snake or Columbia River dams—never.

Our Northwest forebears built for us the world's most productive hydroelectric system. It is our great economic legacy and continues today as part of the reason families in the Northwest enjoy the Nation's lowest power rates. This clean and renewable resource does not pollute.

These dams also irrigate productive farmland in Idaho, eastern Washington, and eastern Oregon. These dams have created an enormous and productive aquatic highway that moves our agricultural products to our ports. These dams save Portland, Oregon, and hundreds of other communities from disastrous flooding.

Of course, the Columbia River System dams exact an environmental price. They hurt our salmon runs. That damage was felt primarily in the 1930's and 1940's. Since the last Columbia River dam was constructed we continued to have large and healthy salmon runs. The last decade's alarming decline in Columbia River salmon runs obviously has more profound causes than our hydroelectric facilities alone.

We can do more for salmon especially by acting in a more intelligent and coordinated way to restore our Northwest salmon resources. But the costs associated with removing dams on the Snake or Columbia Rivers will always dwarf the potential benefit to salmon.

Therefore, Mr. President, I intend this year to work with my colleagues to complete acquisition of the two Elwha River dams with dollars from the Land and Water Conservation Fund. In addition, I will introduce legislation authorizing the removal of the lower Elwha River dam. But that bill will also contain three vital conditions I believe to be absolutely necessary at the same time:

First, a 12-year study of the impact of lower dam removal on fish populations before any consideration of removing the upper dam;

Second, a guaranteed hold harmless for the Pot Angeles water supply;

Third, no dam on the Columbia or Snake Rivers System can be removed, breached, or modified in a way that substantially destroys its ability to produce power, and provide irrigation, transportation or flood control without the prior authorization of Congress.

I think it is vitally important to America's taxpayers that the first condition be met. This is a very costly proposition—the Government estimates that it will cost as much as $60 million to remove the lower Elwha River dam. My sources tell me that those estimates are way too low and that the final cost could be much higher. Of course, no one really knows what this project might cost, which is why only the lower dam should come down now.

I want to be sure that when the inevitable day comes when national environmental groups and editorial writers push for removal of the upper dam, they have a true idea of what it will cost and whether the removal of the dam will actually work. The best way to do that is to study what happens when the lower dam is removed. We will be able to find out exactly what it costs to take out this dam, and, even better, we can find out once and for all whether removing a dam will actually bring back salmon.

I believe my second condition is only fair to the people of Port Angeles, and is one that should be met with little, or no, opposition.

As for my third condition, I think it is vital to my constituents in eastern Washington, and to my colleagues who represent Montana, Idaho, and eastern Oregon, that we in the Congress, and in the administration make the important statement that the dams on the Columbia and Snake Rivers are not to be touched in the immediate future, unless Congress has debated the issue and agrees.

Radical revisionists in the media, national environmental groups, and in the administration are actually talking more and more about tearing down 1 of the 11 dams on the Columbia and Snake Rivers. Just last week, a prominent Northwest newspaper had a lengthy story about the dam removal movement, and how the proposition for tearing down a dam on the Columbia River System was gaining momentum. As you can imagine, even talking about this subject causes huge concern in the communities that depend upon the river for their livelihoods.

It also causes a profound concern to this Senator, which is why I think it is important that we nip such a proposal in the bud, and nip it now. This legislation is the most appropriate place to do so.

With that, Mr. President, I have completed my thoughts on the policy of this proposal. Let me now discuss the practicality of getting this done in a reasonable amount of time.

Many of the advocates for Elwha River Dam removal think Congress should be able to fund the entire project out of the remaining money in the land and water conservation fund. Because I am chairman of the Interior Appropriations Subcommittee, these people believe that I can simply tell my colleagues that I intend to take $18.5 million of this money to complete acquisition, and then grab another $60 million for removal of the lower dam, leaving the remaining dollars—after the $315 million for the acquisition of the Headwaters Forest in California and the New World Mine in Montana, and the $100 million in State acquisition grants—for division among the other 49 States.

To those back home who believe that it is either fair or possible that I should be able to do that with a snap of my fingers, I suggest a lack of understanding of how Congress works.

Today we start in earnest on working through this year's Interior appropriations bill. In this bill, I have dealt with Washington State projects in a fair and generous fashion. We have been able to fund an additional $2 million for the Forest Legacy Program, $8 million for land acquisition in the Columbia River Gorge National Scenic Area, and an additional $3 million for forest health research at the Pacific Northwest Research Station.

Other priority projects which have been funded in the Senate Interior appropriations bill and directly benefit Washington State include: An increase of $3 million over the President's budget request for trail maintenance in the Pacific Northwest; $2.5 million to develop a visitors center, interpretive center, and educational center at the Vancouver National Historic Reserve; $500,000 in support of Lewis and Clark National Historic Trail activities; $2,452,000 to replace the Paradise employee dorm at Mount Ranier National Park; $750,000 for regional fisheries enhancement; $840,000 for construction of a trailhead and information station at the Steigerwald National Wildlife Refuge; and $275,000 for the North Cascades National Park to fulfill its obligations under various settlement agreements relating to the relicensing of hydroelectric projects.

I feel comfortable with what I have accomplished for my State, and proud of that work. I must admit that I would not feel comfortable simply demanding from my colleagues that the remaining acquisition funds come out of the land and water conservation fund without a strong statement of support from the administration and the entire Congress.

I believe such a statement is needed so that my colleagues from around the Nation can understand why their priority items are being placed behind spending an additional $18 million to complete the acquisition of the Elwha River Dams, and another $60 million to remove the lower dam. And Washingtonians may well ask themselves if they are willing to give up new projects like those I have already discussed for several years in order to put all of our fair share into Elwha River Dam removal.

Second, there is little chance that funds for removal of the lower dam will come from the land and water conservation fund. Frankly, I would be embarrassed to ask for such a sum. Out of fairness to other States around the country, I believe the funds for removal of the lower dam need to move through other channels, or at least be specifically authorized to come out of a land and water conservation fund primarily for land acquisition rather than capital improvements.

Just as the original legislation sponsored by Senator Brock Adams needed the authorization of the Energy Committee and the entire Congress, the extraordinary level of funding requested for this project needs to be authorized by Congress as well. My legislation will propose just that. And I hope that this legislation will be considered as swiftly as possible.

I realize that back home I will be criticized for not grabbing all of the funding for this project in this year's appropriations process. To those critics, I suggest an absence of rational thought and fairness.

Washington State does quite well under this year's Interior appropriations bill. Funding the removal of the lower Elwha River Dam would dramatically tip the scales away from fairness, and rightly cause justifiable and successful opposition from my colleagues around the country who have vital programs in their States that need funding.

All of us want to get the most for our States, and in our hearts, we believe that every request for our State is an urgent priority, but in our minds we also know that we can't fund every request. That means we must balance our desire to help our States with the reality that Congress can only fund so many projects for each State.

As I said at the beginning of this debate on Friday, Mr. President, I had 1,800 requests from the 100 Senators in this body for projects in which they had a great interest, the huge majority of which were home-State projects.

That is the reality I face as I work to resolve this difficult issue involving the Elwha River dams. I know it is a reality that critics don't want to hear or acknowledge, but the simple truth is this—full funding of acquisition and removal this year is highly unlikely, and impossible without setting aside almost all other important Washington State projects, and something I am not willing to do.

Therefore, the best solution is to complete acquisition this year, and for that I need the administration to state publicly that this remains one of its top priorities. At the same time, I will start the process for removing the lower dam by introducing legislation for consideration by the Energy Committee, the administration, and the rest of Congress.

Mr. President, I thank you for giving me this time this morning to discuss an issue important for my home State. In summary, I guess I would finish by saying that on this issue of Northwest dam removal, tally me this way: "once, with conditions."

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHSION). Without objection, it is so ordered.

NATIONAL ENDOWMENT FOR THE ARTS

Mr. BAUCUS. Madam President, I rise today to speak on the importance of funding for the National Endowment for the Arts, otherwise known as NEA. This endowment makes a tremendous impact on my State, and it worries me greatly that Congress is considering slashing it, or otherwise killing it through block grants.

I think President John Kennedy said it best when he said—and I will quote him now:

> When power leads man toward arrogance, poetry reminds him of his limitations. When power narrows the areas of man's concern, poetry reminds him of the richness and diversity of his existence. When power corrupts, poetry cleanses, for art establishes the basic human truths which must serve as the touchstone of our judgment.

The people of my State understand that. Montana boasts a rich cultural heritage which can be seen in the work of such notable artists as Charlie Russell and Kevin Red Star. Our love of the arts can also be seen in the rich crop of literary talent that blankets the State.

I had a chance to witness that love of the arts firsthand last year when I worked with the National Symphony Orchestra on their trip to Montana. They broke into many, many groups—I think there were 120 different ensembles spread across our State—and I was fortunate to be able to conduct the National Symphony Orchestra in their encore performance in Billings, MT.

I think it is even more instructive to look at a smaller, more constructive event where the NEA makes a real difference every year in Montana. Shakespeare in the Park is a group of talented actors who travel around the State every summer offering free productions of Shakespeare to the public. And every July, for over 20 years now, they have come, for example, to Birney, MT. Guess what the population of Birney is. Seventeen.

The troupe of actors sets up their stage just outside of town on Poker Jim Butte. They perform two nights, and it is a big deal for the people of Birney. They hold their annual Birney Turkey Shoot for Spakespeare in order to help subsidize the productions. Every year they attract crowds of 100 to 200 people. Not bad for a town with a population of 17. The audience usually consists of farmers, ranchers, and native Americans. They are people who, without this event, might have to travel over 100 miles to see a Shakespearean play. This year's productions were Shakespeare's "Love's Labor Lost" and Moliere's "Learned Ladies"—two classic works that everyone should have a chance to see.

The Shakespeare in the Park program relies on the NEA grant they receive every year, and without it they would have to limit where they can go. That means that Birney might not get to see its yearly productions on Poker Jim Butte.

I think the responses to the Shakespeare in the Park productions speak for themselves. One parent, for example, said:

> I want to thank you so much for coming to Richey. We are a small community with a total enrollment, grade and high school, of 91. It was great to introduce our children, especially the high schoolers, to Shakespeare and acting. It is rare for them, and us, to attend something other than a sports event.

Or listen to what another student had to say:

> I have never had an interest in Shakespeare until I saw your program.

Madam President, I think this last quote is particularly insightful, particularly in this day and age when many people are afraid that the value of our great works has been diminished. Funding the NEA shows our commitment to the classics like Shakespeare, and it helps make sure that our kids can learn firsthand about these valuable works.

There are some in this body, however, who believe that Federal funding for the arts should end. These people believe that Federal funds can be replaced by contributions from private citizens and corporations. While this might be true in populated areas like New York and California, States like mine would have no way of making up the loss. I make that very clear. It just is not possible.

Quite simply, without the NEA, there are no arts in places like Birney, MT, or countless other communities across the country.

There are some who argue that we cannot afford to fund arts programs while we are cutting the budget. But when one looks at the total amount of money we spend in our budget, the figures for the NEA are rather small. The $99 million the NEA received last year was merely a small fraction of the total budget. That comes to less than 40 cents per person. But when one looks at all the great returns from our investment in the NEA, I believe it is money very well spent.

Finally, there are others who say the NEA should be defunded, eliminated, because it funds obscenity. I believe those are valid concerns, and I have to admit there have been a few poor choices in the past. But I believe that those problems have been addressed, and it would be a shame to focus on a few mistakes when there are so many good, worthwhile projects that the NEA has made a reality.

A complete list of Montana projects, museums, and artists who benefit from the NEA grants would be too long to give, but the following is a small example of the recipients:

Eight symphony orchestras in cities like Billings, Bozeman, Butte, and Missoula; over 20 nonprofit art museums and galleries such as the Liberty Village Art Center in Chester, the Jailhouse Gallery in Hardin, and the Hockaday Center for the Arts in Kalispell; and nearly 20 performing arts groups like Shakespeare in the Park and the Vigilante Players who tour to communities all across Montana.

In addition, the NEA funds go to organizations which make an effort to reach out to children, to educate them on the importance of arts in our society.

Without a doubt, NEA funding has made a real, positive difference in Montana. That is why I believe we should continue funding this worthwhile program.

My basic philosophy toward the budget is this. We must have a budget that reflects our values. To have no funding for the arts truly takes away some of our humanity, some of what makes our Nation great. Those are not the values I want my budget to reflect. That is why I urge my colleagues to support full funding, with no block grants, for the National Endowment for the Arts.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I also ask unanimous consent I might proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Chair.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 1176 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask that it be filed.

I just ask the distinguished manager of this bill if I could work with him to have it brought up at the appropriate time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I commend the Senator from Texas in proceeding in this fashion. As I announced previously, there are a number of amendments we expect with respect to the National Endowment for the Arts. I believe that the proposal by the Senator from Texas will be a perfecting amendment, that she is attempting to improve it.

The logic in dealing with these amendments will be to deal with those amendments that strike or substantially cut funding for the endowment first. And so the willingness of the Senator from Texas to speak, as I am sure she will quite eloquently, to her proposition but not to introduce it yet will facilitate dealing with the matter when it comes to a vote in a more logical way.

Mrs. HUTCHISON. I will leave it to the discretion of the manager what is the right order because of course there will be a number of amendments dealing with the NEA.

My particular amendment takes the dollar amount that is in the bill and reallocates it and established a way to spend it. There will be amendments offered that will do other things. And I think it is really a healthy thing that we are going to be debating the NEA and what kind of funding the NEA has and how it is allocated, because I think a number of people in our country have concerns about some of the types of grants that the NEA has approved.

There have been inappropriate uses of NEA funding. The National Endowment for the Arts I think is a program that everyone hoped would establish as a priority a commitment to the arts in this country. I believe that is a proper commitment for our country to encourage arts in our country, to make arts accessible to all the people of our country, to educate our children in the importance of the arts.

All of these things are worthy goals. But because we have seen the funding of obscenity, of pornography, of things that you could not even in your most modest attempts to describe as art, many people have opposed the NEA. And many people have said, "We don't need it. Why would we want the Government involved in this?" I certainly have great respect for that view.

I do believe that there should be a commitment in this country to the arts. I speak as a person who grew up in a town of 15,000. My parents were very careful to try to make sure that I had access to the arts. They gave me ballet lessons for 13 years. You would have thought it would have taken. But after 13 years, I decided that maybe there was something else in my life that would be more successful than ballet.

They also made sure that I went to the nearest big city, when possible, to go to the symphony. They drove me to Houston, sometimes to Galveston, to see plays or to go to an art museum.

But, you know, many children in America are not as fortunate as I was because perhaps they do not have parents who thought this was important or that this would make their education more complete. Some children do not have that opportunity.

I want all children in America to have this opportunity, whether they come from families that do not have time to appreciate the arts because they are working so hard to make ends meet; or whether they come from a rural community that does not have easy access to a major city or regional arts center. I want to try to give that same opportunity that I think was important in my life to every child in America.

I would like to see school districts adopt arts appreciation programs because it is proven in the testing of our children in school that where children do have access to the arts, where they have arts appreciation or arts classes in their school curricula, they also do better in math and science and reading. That is a proven fact.

So we are not talking about something that is just extra that would be nice if we could afford it. We are talking about giving children a more well-rounded education and giving children the chance, by having the full range of education, to do better in the basic subjects.

So that is why I believe it is important for our country to have a commitment to arts education and to provide access to the arts for all the children so that some of them can grow up to be artists or to appreciate the arts and pass that involvement or appreciation on to future generations. I cannot imagine a country that is as developed, as technologically advanced as ours, that does not also have an appreciation for and a commitment to the arts.

That is why I am putting forward an amendment to this bill that would keep the allocation for 1998 exactly where the committee has it, $100,060,000 to be exact. But under my amendment, I would rearrange the priorities.

Instead of having the NEA make all of the grants with this money, I think it is time that we allocate to the States, in block grants, the bulk of the money. I think it is time that we have a more just and equitable distribution of arts funding.

For one thing, I think giving the money in block grants to the States—and I will talk about the very few restrictions we would put on this—gives the States the ability to fashion programs that will best meet the needs and priorities of their States. They can divide this money among, for example, arts access or education in the schools, transportation from rural areas to regional arts centers, or insurance programs for art museums to be able to sponsor national exhibitions that would otherwise not be seen by the citizens of that region outside of New York or Washington, DC, or California or Texas. I think it is important that states have that flexibility.

Also, under my amendment States would have the flexibility to invest up to 25 percent of their Federal funding in an endowment. I think that is important because I would like to see more States have permanent endowments for funding of arts and access to the arts within the State.

So here is what my amendment does.

First, it limits the administrative costs of the NEA. Instead of allowing the 17 percent of the funding that the NEA now uses for administrative costs, my amendment would set a cap of 5 percent, reducing the money spent on administration to $5 million down from approximately $17 million. I think 5 percent should be enough for the allocation that the NEA would be able to grant to national art works.

The NEA grants to national groups or institutions would be 20 percent. The NEA would be allowed 5 percent for administrative costs to administer 20 percent of the total for grants to national groups or institutions.

My amendment would not allow grants to individuals, but only to institutions or groups. NEA would absolutely be prohibited from granting any obscene works. NEA could also not grant seasonal grants such as, for example, giving the Metropolitan Opera $1 million for its season, whatever works might be performed during that season. Grants would be for a specific project that the Metropolitan Opera would have to specify, so that the NEA would be able to know exactly what it was funding.

My amendment would also prohibit grantees from giving subgrants to other groups.

In other words, 20 percent, or $20 million, would be available for national grants to groups or institutions. Such groups would be opera companies, symphonies, art museums, ballets, or other groups or institutions that clearly serve a national purpose or exhibit a national stature.

These national grants would require matching grants. If the grantee—an art museum, for example—had a total budget of $3 million or less, it could cover up to one-third of the art project with Federal grant money. This way, two-thirds of the cost of the project would have to come from the local community or State.

If the grantee—for example, an art museum—has an annual budget of over $3 million, the maximum Federal funds the grantee could use for the project would be one-fifth of the total cost of the project. So for large institutions, the maximum contribution of Federal dollars would be 20 percent and the other 80 percent would have to come from local or State matching funds. These matching requirements would apply to the $20 million allocated national grants.

However, under my amendment the bulk of the Federal funds would go to the States in block grants, namely 75 percent or $75 million. That will guarantee level funding from fiscal year 1997 for every State and territory of the United States, up to 6.6 percent of the total funds available to the States for fiscal year 1998. The only two states that would not be guaranteed level funding from fiscal year 1997 would be New York and California. However, those States would be expected to seek a large portion of the $20 million in national grants. So under my proposal 75 percent of the Federal funds would go to the States in block grants, and almost every State in this country will get more of the arts funding under this allocation.

Behind me on the charts you will see the differences in the funding for each State. Most States will have a significant amount of funding beyond fiscal year 1997. I think it is time that States have more opportunity to support their school systems or their regional arts centers and provide more access to the arts by more people in this country.

States may use up to 25 percent of their funds to establish or enhance a permanent arts endowment. I think it is a worthy goal to give States this incentive. Under my amendment, States may contribute any amount of money in addition to the 25 percent, but they must match whatever portion they use for an endowment by at least 1 to 1. In other words, if the State of Oklahoma decides to have an endowment for the arts, it can take up to 25 percent of its Federal allocation but it must match that amount, dollar for dollar, with funds from other State, local, or private funds.

Of course, my hope is that eventually every State will have a permanent arts endowment so that they will be able always to ensure access to art that is available within their own communities and within their own States. But permanent endowments will also in the long run assure the States will be able to attract from the outside some of the national touring art shows, such as the wonderful Monet exhibition that traveled to the Fort Worth Kimball Art Museum. Many people in my part of the country would not have been able to see that exhibition had it not traveled to Fort Worth, TX. This is the case all over the country.

Right now the NEA serves a valuable role in supporting an insurance indemnity program that has allowed international blockbuster shows, such as the Jewels of the Romanovs, to travel around the country. People all over America, because of this insurance program, will have access to see the jewels from the Romanov dynasty in Russia that I hear are really incredible. Thanks to NEA funds, Americans have also had the opportunity to see the presentation of Tennessee Williams' "The Glass Menagerie." Shakespeare's "As You Like It" went to 45 communities in 26 States because the NEA helped them with the cost of touring. Those productions traveled to Cincinnati, OH; Keene, NH; and Orange, TX.

I think Senator BAUCUS earlier today talked about the Shakespeare plays viewed in Montana would not have traveled to Montana but for the help from the NEA. I think it is exciting when Senator BAUCUS says that someone in Montana said he had never even thought of reading Shakespeare until he was able to attend his first Shakespeare outdoor play and began to love Shakespeare and studying Shakespeare seriously. These are the kind of things that I think having a small national funding priority will continue to do for this country.

In Abilene, TX, the NEA has been helpful in starting the Abilene opera. There are so many people in west Texas who had never seen the opera and, in fact, thought the opera was a stuffy event that nobody would really enjoy but would just attend for social purposes. When they went to their first opera, the first opera they have ever had in Abilene, they came back just thinking, "what a joy, what a treasure." These people are now going to encourage people to contribute locally so that they can enjoy more opera productions. NEA funds were the seed corn that gave access to people who had never even seen an opera who now not only have seen one, but loved it and are contributing to bringing that experience to other people, especially children, in the west Texas area.

Regional touring by the best American dance companies to rural towns and small cities has been helped by the NEA. The production of performance specials and art documentaries by the Education Broadcasting Corp., WNET, in New York are now viewed by millions of Americans because that seed corn was planted by the NEA.

So that is why I am not among those who want to just do away with the NEA, because I believe that Americans overall will be more culturally aware and enjoy culture more, if they have the opportunity and exposure to the arts, which is ensured by our having a national commitment to the arts. I don't want to do away with that. Do we need to change the NEA? Yes. Do we need to impose strict prohibitions against obscenity and pornography? Absolutely, because it has been shown that because there have not been enough limits on the NEA, truly inappropriate use of our tax dollars has occurred. But I don't think that means we walk away from this commitment. I think it means that we change NEA, that we get control of it, that we make sure that the money is being used for what we intended it to be used for. But we don't walk away from it.

Let me give another example: Del Rio, TX, is on the border of Mexico. The average per capita income of Del Rio is about one-half of the national per-capita income. The population of Del Rio is 80 percent Hispanic. Yet, despite the economic difficulties that Del Rio faces, the people have a long history of commitment to the arts. In 1992, they converted their old firehouse into an arts center. The new arts center now holds free exhibitions of work of national, regional, and local artists.

It conducts art instruction classes. It offers free children's classes in the summer and supports a children's dance troupe that performs at civic and cultural events. All of this is helped by seed money from the NEA.

Mr. President, I think we have an opportunity here to get control of a funding program that has been abused in the past. But it has not been abused 100 percent. It has been abused but it has also done so much good for places like Del Rio, TX, like Beaumont, TX, like Cincinnati, OH, like Keene, NH. There are so many wonderful stories of young people getting their first access to the arts and their first appreciation for the arts because the NEA gave some grant money, some seed corn, to a local community, which was matched by that local community. Something was made possible because of the national commitment to the arts that has spurred many young people to go into arts as a profession. Artists or dancers or musicians who now belong to a symphony—all of these contributors to the arts in America began their careers from seed corn that came from a national commitment to the arts.

Now, I do understand how people have become very frustrated. But let's do something positive and productive with this frustration. Let's make something very good out of a modest commitment to national arts. Let's give our young children a chance either to excel in the arts or by an appreciation of the arts to make them more well rounded, to allow them to be literate in whatever circles they may walk. Let's allow them to have the same access that their European counterparts have. Many times I have been told that our young people do not have the cultural awareness that many of their age group in European countries have. I think they should. I think they should also appreciate the contribution of Americans to the great art of the world. The more young people to whom we can offer arts access and appreciation, the more of a contribution America will make to the world art community.

I think we have something that is worth keeping, and I think it is our responsibility to support it in a responsible way. That is why under my amendment I preserve the allocation of dollars but redistribute those dollars to allow the States to use arts funds in the way that will best give access to all people in their State. I oppose throwing out the national commitment to the arts, because we have proof that it helps our young people in all of their educational endeavors to have an appreciation and an awareness of the arts. We also know that art adds to the quality of life in our country.

If we are the greatest, freest, fairest nation on the Earth, which I believe we are, I think a commitment to the arts is part of keeping the well-rounded, cultural, thorough education of our young people at the premier level that we also value for the preservation of our freedom and democracy that are beacons to the world.

Mr. President, I am proud to sponsor an amendment. I will look forward to working with the manager of this bill to introduce it at the most appropriate time. I think this is an important debate that we should be having. I hope in the end when all is said and done that the bill we send to the President will say we have a national commitment to the arts in this country. We want to make sure it is done in the way that will give the most access to the arts to the most people of our country and that will give Americans an appreciation for what America contributes to the world art community.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I do not think it would be possible for a Member of this body to defend more eloquently the mission of the National Endowment for the Arts or the place that the arts in the broadest sense of that term play in our society than we have just heard from the Senator from Texas.

From the beginning of the debate over this issue she has taken a consistently supportive position but not a position that simply supports the status quo blindly. She helped draft the conditions a year or 2 or 3 years ago that prohibited the National Endowment for the Arts from making a broad range of individual grants that were the source of most of what the vast majority of the American people regarded as outrageous misuses of the taxpayers' money. And here today, she does not defend the status quo—though, essentially, the status quo is what is proposed by this bill in its present form—but is attempting to strengthen the Endowment by decentralizing the granting process to a significant degree, and by spreading it in a way that she feels is more equitable across all of the States and jurisdictions of the United States.

So this is one of the amendments that is a friendly amendment, one can say, and it was for that reason that I asked her to defer formally introducing it until we could hear from the opponents of the Endowment itself and deal with the several amendments on this subject in logical fashion.

As the Senator from Texas knows, the committee bill that is on the floor at the present time simply makes a very modest—probably less than inflation—increase in the Endowment, maintains essentially the same conditions that have been imposed on it over the last 2 or 3 years, but does not attempt to change the structure of the way in which those grants are made. I think that the proposal of the Senator from Texas is likely to be considered very carefully and thoughtfully by her colleagues here on the floor and, if not here on the floor, perhaps in a conference committee where, as all Senators are quite well aware, we will be faced with a House position that is essentially to abolish the National Endowment, and which will almost certainly require us to make some changes in the proposal that is here before the Senate in order to assure an acceptable compromise.

So, without at this point taking a position on the specific amendment proposed by the Senator, I do want to say that I am convinced that it is a constructive contribution to a very important debate.

Mrs. HUTCHISON. Mr. President, I want to thank the Senator for those remarks. I think that he, too, is approaching this in a positive way. Like the Senator from Washington, who is chairing this very important subcommittee, I don't have ideas that I consider to be in concrete and I am not unwilling to change allocations or hear other views. But I think if you are going to make constructive change, you have to start with an outline. I think that is what the Senator from Washington has done. While he has brought the bill to the floor, essentially not changing the status quo, he has always been open to suggestions on ways to make it better. I think, in the end, in conference, if the Senate will speak in what I hope is a decisive way on the approach that it wants to take, then I would like to see us work with the House to do something that will be constructive that will preserve our national commitment to the arts. But I would hope that whatever we do, we make the American people feel comfortable and give them something they think is worth their hard earned tax dollars, something that will give their children better access to the arts and enhance their education, if you will, something that the American people would write if they were standing here on the floor.

I am speaking from my roots. I am speaking as a person who has benefited greatly from growing up in a town of 15,000, with the strong values that this small town gave me, but with wonderful parents for whom I can never fully express my appreciation. They knew that while I learned the values represented in that small town, there were other important things for my education, such as appreciation for the arts, for which they would have to make an extra effort to give me. They did make that extra effort. But, Mr. President, not everyone has parents like I had.

What I want when we finish this bill is for us to have made up for the fact that every parent is not as responsible as mine were and does not give every child the same access that I had, the same opportunities that I had. I want to see that we in the Congress kept our commitment to funding of the arts for our children all over America, from whatever part of the country. If we can take that responsible action, then every girl who grows up in a town of 15,000 with no arts of its own will have the same access that I was fortunate enough to have, and I think we will be a better country and make a stronger contribution to the arts of the world if we keep this commitment. Thank you, Mr. President.

I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. I have an amendment that I would like to file. I will not offer it at this time, but I would like to file it.

The PRESIDING OFFICER. The amendment will be received.

Mr. HUTCHINSON. We have heard many arguments over the years that the National Endowment for the Arts [NEA] is not living up to its original intent of "broadening public access to the arts." In fact, in NEA's original mandate and mission statement, they are charged with the responsibility of broadening public access to the arts. That is the key question: Have they really fulfilled that? We have heard a lot of debate through the years as to whether the NEA has really fulfilled that mandate.

In fact, one-third of the Federal share currently goes to six of the largest cities in the country. The agency, in addition to sending most of those direct grants to six large cities, has also demonstrated soaring administrative costs. Nearly 20 percent of every dollar that the National Endowment for the Arts expends is spent in overhead here in Washington, DC—much more than most of the Federal agencies—even more, for instance, than the National Endowment for Humanities (NEH). NEH's overhead costs are much, much less than that 19 to 20 percent figure.

Furthermore, the NEA continues to fund what many Americans believe is objectionable art. While we have heard a lot of debate on those issues—the administrative costs, the formula, whether or not it is fulfilling its mandate—very few actual solutions have been offered.

So, this afternoon, I want to present what I think is a common-sense solution to the problems that we have seen in the National Endowment for the Arts. I ask the question: What happens to the novice artist, or the songwriter in middle America, when the NEA funnels one-third of its direct grant funds to only six cities? Those cities are New York, Boston, MA, Los Angeles, CA, Chicago, IL, San Francisco, CA, and the District of Columbia. Each one of these six cities already has well-established arts communities. Yet, the NEA continues to pour a huge amount of its limited resources—over one-third of its direct grants—to those six cities.

So what happens to that new artist, that songwriter just starting out in Arkansas, or in the State of Oklahoma, or in Iowa, or the startup band in Small Town, U.S.A., who doesn't have their dreams realized, when one-fifth of direct grants are sent to multimillion dollar arts organizations who already benefit from over $11 billion in private giving each year? In fact, the private giving to the arts, combined with what is spent and purchased on tickets, is almost equal to that which is spent on professional sports in this country.

And most tragic of all, I believe, is: What about the children? As my colleague, Senator HUTCHISON from Texas, spoke so eloquently on, the children in rural towns across this Nation who only dream of ever seeing the lavish theaters in New York City—what happens to them when they are denied the opportunity to perform a school play because bureaucrats in Washington awarded $400,000 to the Whitney Museum for one single exhibit rather than their school play?

Mr. President, how can we justify this kind of very, very selective spending? For instance, in the State of Arkansas, the average per-person expenditure from the National Endowment for the Arts amounted to, if you divided it up for every man, woman, and child in the State, 17 cents per person. The State of Arkansas has a per capita income of about $18,000. My home State received, out of the $99.5 million appropriated for fiscal year 1997, approximately 17 cents per person. And then we turn around and look at the State of Massachusetts, which has a per capita income of $30,000—not quite, but almost twice the income in the State of Arkansas—and the National Endowment for the Arts has decided in its infinite wisdom to spend 60 cents per person in the State of Massachusetts.

That is what I regard as very selective spending. In the State of Mississippi, with a per capita income of about $18,000 per person, they received about 25 cents per person from the NEA last year, while the State of New York, which has a per capita income of $29,000 per person, received $1 per person from the National Endowment for the Arts. After looking more closely at the per capita numbers, the NEA used very selective funding. The Midwestern State of Iowa, with a per capita income of $22,000, received 20 cents per person, while the State of Maryland, with a higher per capita income of $27,000, received more than twice the per capita expenditure than the State of Iowa—Maryland received 45 cents per person. That is very, very selective spending on the part of the National Endowment for the Arts. How can we justify that?

Then when you break it down by political party, it becomes even more intriguing. Last year, NEA funding totaling close to $45 million was sent to congressional districts represented by Democrats in Congress, while about $14 million was sent to congressional districts represented by Republicans across the country. If you break that down by the number of direct grants from the National Endowment for the Arts, you find that almost 1,300 direct grants went to congressional districts represented by Democrats, while only 408 went to congressional districts represented by Republicans.

When the funding is broken down per district, on average, about $223,000 was sent to districts represented by Democrats, and on average, about $60,000—almost one-fourth—went to congressional districts represented by Republicans. And you can go on and on.

The fact is that $3 out of every $4 going to the States is going to congressional districts represented by Democrats. That is very selective funding. As one observer in Arkansas said, "Why not send the $100 million to the Democratic National Committee and cut out the middle man?" It has become a very selective funding formula used by the National Endowment for the Arts.

Well, I cannot and will not justify what I think is inequitable and out-of-control spending by an elitist agency rife with problems and abuses.

So, Mr. President, it is time to bring this funding into line and it is time for a solution. So I rise today, along with several of my colleagues, to offer a solution. I see Senator SESSIONS here on the floor. I hope he will speak as a cosponsor of this amendment. I offer a solution that gets the money down to the artists, the songwriters, that startup band, that local writer, the painter on the local level and, most importantly, down to our children—a solution that fulfills the NEA's original mandate and mission statement of "broadening public access to the arts."

When you look at what is spent in Mississippi as compared to what is spent in New York, or in Massachusetts as compared to what is spent in Iowa, I think there is no one who can, with a straight face, defend the National Endowment for the Arts and say they are fulfilling their mission statement of broadening public access to the arts.

So the amendment I am offering today supports my belief that there are potential artists everywhere and in every corner of every State. From the plains of Wyoming to the mountains in West Virginia, from the Mississippi Delta to the potato fields of Iowa, we have budding artists, potential artists, everywhere.

Contrary to Jane Alexander's notion that "the areas of nurturing and development of artists tend to be located in a few States * * * "—by the way, Jane Alexander made that statement in our

April hearing before the Labor and Human Resources Committee.

Mr. President, I ask unanimous consent that her statement made before the Labor and Human Resources Committee be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> Ms. ALEXANDER. Let me suggest an analogy here with regard to the arts. You are correct that Arkansas received very little in the way of awards and dollars this year. Again, they would have received more, of course, had we had the budget that we had before. However, an analogy that might be appropriate is that there are apples grown in practically every State of the United States, but there are few States that have the right conditions for nurturing and developing apple trees; and then, they are distributed all throughout the Nation.
>
> The same is true of the arts. The talent pools, the areas of nurturing and developing of artists tend to be located in a few States—but there are artists everywhere.

Mr. HUTCHINSON. Ms. Alexander said, "* * * the areas of nurturing and development of artists tend to be located in a few States * * *" I take great exception to that. In fact, I take great offense to that statement. I believe artists are everywhere—in every city, town, and county across this Nation, in every home, in every schoolyard, in every playground in America. It is time that talent is recognized and realized. It is time that the elitist attitude that says that the pools of artistic talent in this country are restricted to a few small States is rejected once and for all. In fact, my home State of Arkansas is the home State to many famous artists; John Grisham, author; William McNamara, painter; Billy Bob Thornton, Academy Award winner for his role in "Slingblade"; Mary Steenburgen, actress; Vance Randolph, famous folklorist; and Maya Angelou, famous poet. On and on the list goes.

So the pool of talent in this country is not restricted to a few States where we should put our limited resources from the National Endowment.

Simply put, my proposal would cut out the Washington middleman and send the arts dollars down to the States so that those who are closest to the unknown writer, the start-up band, or the schoolchild, can make the decisions as to where those wise investments will be made to those individuals who might otherwise have been passed over for the well-endowed Whitney Museum or the Boston Symphony, which has a $43 million annual income, or the Art Institute of Chicago, which has a $96 million annual income, or the Metropolitan Opera, which has $133 million in total annual income. In giving grants to those great, but well-endowed institutions, we rob from those who need it most and who would best fulfill the mandate that the National Endowment espouses.

Additionally, by getting the decision-making out of Washington, the nearly 20-percent in administrative overhead the agency currently maintains is virtually abolished. That 20 percent currently being spent on administrative overhead in Washington would be awarded back to the States. It is the artists all across America who win under this proposal, who stand to be recognized by their home State rather than by a bloated bureaucracy in Washington.

In fact, as we will demonstrate on this chart—and I hope that all of my colleagues in the Senate will take a look—we will have a handout for them—45 out of 50 States will gain under this block grant proposal. Cut out the 20-percent administrative overhead, limit administrative costs to 1 percent, write the checks to the Governors, send it to the States' art councils or to the State legislatures, and in so doing we will have more resources to send directly to those who will benefit most from them.

In fact, all but a few States—45 out of 50—will increase arts dollars compared to last year. Most notably, for Senators MACK and GRAHAM from the State of Florida—Florida will receive almost $3.4 million more than last year, while the artists in Texas, Senator HUTCHISON's State, will benefit from close to $3 million more than in fiscal year 1997. How do we do that? We take that 20-percent bloated administrative cost in Washington, eliminate the National Endowment, let the Secretary of the Treasury write a check to the Governors to go through the legislature or the State arts councils, limit State administrative spending to 15 percent, impose strict auditing requirements, award a $500,000 basic grant to each State, and then expend the remainder of those dollars under a per capita formula—45 out of 50 States will be winners. Florida, $3.4 million; Texas, $3 million. This commonsense solution seeks to give the dollars directly to the States in an equitable fashion, particularly to many underserved areas, and, most importantly, permits more local control of this money.

Moreover, this proposal includes clear and precise language requiring States to conduct strict audits on the Federal dollars they receive, as well as submit a report for public inspection within that State. Let the public know how the money is being spent. Let the public have the reassurance that audits are being performed and that strict accounting measures are being followed. Any State found to have misused their Federal funds under the guidelines set forth in this amendment will be required to repay the money, plus a 10-percent penalty, to the Treasury.

Mr. President, in my efforts to find a solution to the current inequities that exist in the distribution of arts dollars, I solicited feedback on this proposal from a number of individuals, including our current Governor of the State of Arkansas, Gov. Mike Huckabee. We had staff talk with his staff. I personally talked with Governor Huckabee, and was encouraged by his enthusiastic response to this block grant approach. I asked him point blank, "Would Arkansas benefit from having more control over arts dollars for the budding artists, musicians, writers, and actors in Arkansas?"

I am very pleased to report that he gave a resounding thumbs-up to this proposal. He believes very much that this proposal will benefit the State of Arkansas. I quote from Governor Huckabee's letter. Mr. President, I ask unanimous consent to have printed in the RECORD the entire letter from Gov. Mike Huckabee from the State of Arkansas.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF ARKANSAS,
OFFICE OF THE GOVERNOR,
Little Rock, AR, September 11, 1997.

Hon. TIM HUTCHINSON,
U.S. Senator,
Little Rock, AR

DEAR TIM, I am in full support of the proposed amendment regarding the manner in which grant funds from the National Endowment of the Arts will be distributed to the states. I believe states have a better understanding of their needs and a much closer relationship with our constituents at the state level than a bureaucracy in Washington.

As you are aware, the citizens of Arkansas have recently voted for an increased tax upon themselves, part of which is going to the Department of Heritage, the state agency that is responsible for distributing funds for development of the arts in Arkansas.

As a state, we have a need for the continued support of developing art talents, as well as making the Arts available to the public. I appreciate your leadership on this, and I am in full support. If I can assist this effort in any way, please let me know.

Sincerely yours,

MIKE HUCKABEE.

Mr. HUTCHINSON. Mr. President, Governor Huckabee wrote, "As a State, we have a need for the continued support of developing art talents, as well as making the arts available to the public." Then Governor Huckabee went on to state that he "believes States have a better understanding of their needs and a much closer relationship with our constituents at the State level than a bureaucracy in Washington."

I think what Governor Huckabee said would be echoed by Governors—both Democrat and Republican—all across this country; that, if they could receive those funds directly, have control over them, be able to make the decisions as to where those grants should go, we will have a more productive arts community in each one of our States.

Mr. President, it becomes increasingly harder to justify the existence of the National Endowment for the Arts' Washington bureaucracy when one takes a more careful look at the overhead and the salary costs of this agency.

For example, from 1994 to 1996, the administrative costs of the National Endowment for the Arts went from a little over 14 percent in 1994, 14.4 percent, to almost 19 percent in 1996, at a time when the agency was cut by 39 percent, and was faced with a loss of 89 positions. The administrative costs amount to almost 20 cents on the dollar. At a time when the NEA was cutting budgets and the number of positions at the agency, administrative costs as a percentage of their budget went up to nearly 20 cents on every dollar of our constituents' hard-earned paychecks.

My constituents in Arkansas wonder why it costs almost $19 million to distribute just over $50 million in NEA direct grant funds. They wonder for good reason—$19 million to distribute $50 million. These are their hard-earned tax dollars on the line. I don't doubt that many of my colleagues' constituents have exactly the same questions.

A closer analysis of how the NEA spends its administrative budget raises even further questions about the efficiency and effectiveness of the agency. While the agency repeatedly complains of the draconian effects of the budget cuts on its staff, over 68 percent of the 154 individuals currently employed by the NEA earn over $50,000 per year. Let me repeat that. The agency complains about the burden that they are facing under the budget cuts that have been imposed over the last couple of years, but at the same time over 68 percent of their staff out of 154 individuals employed by the NEA, are earning over $50,000 per year. That is the equivalent of an average constituent in Arkansas earning three yearly salaries in just 1 year.

To make matters worse, the NEA's own inspector general uncovered significant problems, deficiencies, and abuses during its audit of grantees from 1991 to 1996. This chart demonstrates some of the inspector general's findings—not a Republican committee nor a Republican chairman—but the NEA's own inspector general found this:

Sixty-three percent of the grantees had project costs that were not reconcilable to their accounting records. That is well over half. Sixty-three percent of the grantees could not reconcile their accounting records.

Seventy-nine percent, over three-fourths, had inadequate documentation of personnel costs charged to the grant. That is money going to individuals. That is personnel salaries that are unaccountable, according to the NEA's own inspector general.

Fifty-three percent had failed to engage independent auditors to conduct grant audits as is required by OMB guidelines. The Office of Management and Budget requires that these audits be conducted, and over half did not do so.

I am curious. Those who are advocates of the National Endowment, those who are advocates of maintaining the status quo—and I heard them speak on the floor of the Senate today—they speak eloquently on behalf of art; they speak eloquently on behalf of culture. But I have not heard any of them respond to these findings conducted by the inspector general that find blatant misuse of taxpayers' funds. Fifty-three percent—over half—not even complying with the Office of Management and Budget's requirement for independent audits.

These numbers are alarming. They are intolerable. They compel us to change the status quo. The best way we can change it is to rid the country of the National Endowment and send the money down to the States where it can truly go to benefit arts on the local level and fulfill the original intent and mandate of the NEA. As if this scenario is not gruesome enough, how is it justifiable that the NEA assisted in promoting the President's William D. Ford Federal Direct Student Loan Program? That is correct—the NEA, under an interagency agreement with the Department of Education, provided design assistance for marketing materials promoting the President's Direct Student Loan Program. This is the National Endowment for the Arts. This is the agency originally established to broaden access to the arts in this country. This was the agency established so that underserved areas like Virginia, Arkansas, Oklahoma, and Alabama with start-up artists who want the opportunity to build a future in the arts community, would receive funding for these purposes. Instead, we find a grant going for surely a strictly political and not arts-oriented program—the promotion of the President's Direct Student Loan Program. You can take any position you want on the President's Direct Student Loan Program, whether that is the right way to go or not, but to use NEA funds to promote it—that is indefensible.

Although the NEA claims that the Department of Education reimbursed the agency $100,000 under this agreement, the NEA reports that they have no accounting of the time or expenses they incurred in providing those services.

Mr. President, how much more mismanagement of taxpayer money will we tolerate? When is enough, enough? Well, enough is enough for me.

Mr. President, I cannot sit idly by while our tax dollars are used and abused by a Washington bureaucracy.

The proposal I am offering today, along with several of my colleagues, is the fair solution to an agency run amok. It sends arts money directly to the States, eliminating the high administrative costs currently plaguing the agency. It shifts control from Washington bureaucrats to those closest to our artists and calls for strict auditing by the States. It initiates a more equitable distribution of Federal arts dollars on a per capita basis, benefiting more currently underserved areas, and significantly increasing the award amounts for all but a few States. Most of all, it makes good on the original mission of the NEA—to broaden public access to the arts.

The horrendous realities I have outlined today have compelled many, including myself, to the conclusion that, over the years, the NEA has failed to live up to its legislative mandate of increasing access to the arts and has gotten into the business of picking favorites—making the National Endowment the arbiters of art in our culture.

In summary, the NEA is rife with abuses: extravagant administrative costs; poor management, and a vacuum of oversight, according to the GAO; glaring inequities in distribution; a biased process where the East does better than the South, the big cities do better than rural America, Democratic districts do three times better than Republican districts, higher-income States fare better than lower-income States, and the haves get more and the have-nots continue to have not; wholesale failure to fulfill its original mission to broaden public access to the arts, and the adoption of a kind of trickle-down arts theory in which the arbiters of art reside primarily in Washington, DC. My amendment would end publicly subsidized cultural elitism by sending these decisions back to the States, more money for the arts and less for the bureaucrats, more resources for 45 of the 50 States and less for 5 States, more accountability and more local control.

I urge my colleagues to support this amendment. It is fair. It is equitable. It is common sense. And the artists, musicians, and writers in your home State depend upon the resources that this amendment will make available.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Virginia is recognized.

(The remarks of Mr. WARNER pertaining to the introduction of S. 1177 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I appreciate the opportunity to be here today to join with my good friend from Arkansas, Senator HUTCHINSON in cosponsoring what I think is an outstanding amendment to the fiscal year 1998 Interior Department appropriations bill, an amendment which will do more for the arts in America than we have ever done before. Simply put, the Hutchinson/Sessions amendment will produce more diversity and quality in the arts. We need and I strongly support a healthy arts community in America. It is important and it is valuable.

Madam President, I attended a liberal arts college. I believe in having quality arts to lift and improve the lives of American citizens. I think we ought to strengthen it. I encourage and salute those who contribute selflessly to the symphonies and museums and all sorts of artistic activities in their communities. This is what helps make us the great culture and Nation that we are. I want to make sure that people understand that our goal in passing this amendment is one and one goal only, to eliminate the Washington waste, bureaucracy and mismanagement while continuing to support in a very real way the arts in this country.

Madam President, I oppose the systematic elitism in funding for the arts. I oppose funding of the arcane, the pornographic, the bizarre and just plain silly. I oppose funding to the politically correct crowd and I oppose the partisan funding, as the Senator from Arkansas has so eloquently pointed out. So many of these funds go for partisan reasons. We can do better with our funding process, and we have far too much money going in directions that are not healthy for America.

I know everybody has a different opinion of art. There is a piece of art work in my hometown of Mobile, AL, a metal structure that is now rusted that a distinguished artist in town was recently commenting about. Someone said, "Well, they wanted something that would attract people's attention." And he said, "Well, you can hang a dead horse in the square and that will attract people's attention but it won't be art."

Now, I know there is difference of opinion as to what art is and what we should do about it, but I feel very strongly that we can do better in managing our moneys.

I am very familiar with the situation of the museum in Mobile, which wanted and sought a grant to receive funding to do art work in the foyer of their auditorium. They got the money, but they were told by the NEA that the artist had to be from New York, and by a NEA preselected artist, and she chose some art work on a burlap type of material. It stayed up for a few years and has now been removed and is currently being stored in the basement of the museum.

But again, I suppose that expenditure was counted as an expenditure to Alabama when in fact it was really an expenditure to New York. So I submit to the Members of this body that we can be for the arts, but we must make sure that the moneys we spend are spent wisely on the arts.

As to the National Endowment for the Arts, I say it has had its chance. Year after year after year they have come before this body, and they have faced strong criticism and questions about their mismanagement and poor funding decisions and still nothing has changed. Madam President, I submit that we can do more and that we can do better with this money.

The sad fact is that the National Endowment for the Arts is captive of an artistic elitism complicated by an insider cronyism and political favoritism undermined by mismanagement and wholly without a vision to make a difference for arts in America. In fact, we have learned, as we have studied the numbers, that only 15 percent of the grants, in fiscal year 1997, by the NEA went to new groups; 85 percent of the grants are just the re-funding of the same old art programs which the NEA has funded before.

The Hutchinson-Sessions amendment does more for the arts. It takes the Senate appropriations figure, $1,060,000, which has already been propounded in the bill before us today and it eliminates the Washington bureaucracy and sends all the money down to the people. It expands the money to all the regions and States in this country.

I would like to show you a chart that indicates the mission statement of the NEA. The mission statement clearly states:

> To foster the excellence, diversity and vitality of the arts in the United States, and to broaden public access to the arts.

Madam President, when you have only six cities receiving one-third of the national expenditures, Boston, Chicago, Los Angeles, San Francisco, New York, and Washington, DC, we are not broadening public access to the arts. And when we have one city, New York City, in fiscal year 1997 receiving more money than a total of 29 other States, including my home State of Alabama, something is wrong. The National Endowment for the Arts is not administering these grants fairly, wisely, or effectively.

Madam President, these are not just my figures or some Republican agenda. NBC's "Dateline" with Jane Pauley on July 17, 1997, exposed these very figures. They pointed out just how disproportionate the funding is. They pointed out that the NEA provided a $31,000 grant for a film called "Watermelon Woman" which involved sexually explicit homosexual activities, which was paid for entirely by the American taxpayer.

People say, Well, you don't believe in the first amendment, JEFF. You don't respect freedom of the arts.

I respect the freedom of the arts. I respect the first amendment. I am an attorney, and I believe very deeply in the first amendment, but I must say I don't think the hard-working taxpayers of Alabama, who are getting drastically shortchanged in this funding process, ought to be required to fund things that simply offend their sense of decency and their standards of ethics and faith. It is just not the kind of thing we ought to do, and we have every right as representatives of the people to come before this body and demand that governmental agencies adhere to proper standards and spend their money wisely and effectively. And when they do not, we have every right to abolish those agencies and shift that money in a way which will improve the livelihood of the people.

NBC's "Dateline" talked about the Whitney Museum in New York, which has a $30 million endowment, receiving a $400,000 NEA grant last year. That is nearly as much money as the entire State of Alabama received last year from the National Endowment for the Arts, and I am also offended by Chairman Jane Alexander's suggestion that artistic endeavors only appear in certain select areas of the country.

The distinguished Senator from Montana, Senator BAUCUS, discussed the Shakespeare in the Park festival in his home State of Montana. I would just point out to the Senator, that under this amendment, as we propose it, the State of Montana would receive a $165,000 increase in funding. If Alabama only had 8 or 10 projects approved by the NEA—Montana with less people probably has about the same number—that would be $16,000 additional for each grant recipient in the State of Montana under our amendment. State after State after State shows benefits and funding increased under our proposal. Over 12 or more States receive twice as much funding. States like Michigan, Alabama, Florida, Indiana receive twice as much funding under the Hutchinson-Sessions amendment as under the present NEA formula for distributing grants. This is an outrage, I submit, in the that way we have allowed for this funding formula to continue.

Madam President, our amendment will eliminate unnecessary bureaucratic spending. It eliminates the arcane, pornographic, bizarre, and just plain silly projects that are being funded by the National Endowment for the Arts. It ends the political favoritism that is being uncovered, which clearly shows that we are not spending the money in an effective way.

So this, I submit to the Members of this body, is a very important vote. We have the opportunity today without any increase in taxes, to provide a historic infusion of funds to local artists in every State across this country. It is critical that we send the money to the States where they can wisely and effectively spend it.

Madam President, if the money is sent directly to my home State of Alabama, the Alabama Shakespeare Festival in Montgomery, one of the finest facilities in the world—a facility which Sir Anthony Hopkins referred to as the finest Shakespeare facility he has ever performed at—would receive more than the $15,000 they received last year from the National Endowment for the Arts.

Madam President, I feel very strongly about this amendment. I salute my colleague from Arkansas, Mr. HUTCHINSON, for the hard work he has put into it, and I am honored to be an original cosponsor of it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Madam President, may I inquire of the Chair if there is another amendment pending?

Mr. GORTON. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. As manager of the bill, I say to my colleague from North Carolina, I asked both the previous two Senators who spoke, and Senator HUTCHISON who preceded them, not to introduce their block grant amendments because it seemed to me most logical that the proposal of the Senator from North Carolina, which would effectively reflect the House position of abolishing an appropriation for the National Endowment for the Arts, logically ought to go first. So I believe the answer to the Senator's question is a committee amendment is the business and the amendment that the Senator from North Carolina proposes, I think, would be in order.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. The first committee amendment is the pending business.

Mr. HELMS. I am sorry, I did not understand the Chair.

The PRESIDING OFFICER. The pending business is the first committee amendment.

Mr. HELMS. That is subject to amendment?

The PRESIDING OFFICER. It is.

Mr. HELMS. I am sorry, I just walked into the Chamber. Is it necessary to set aside that amendment?

The PRESIDING OFFICER. The Senator may either offer an amendment to the first committee amendment, or he may request that all six committee amendments be set aside.

Mr. HELMS. Madam President, Senator ASHCROFT of Missouri is on an airplane at this moment, which I hope is approaching Washington. It has been delayed, but he will be here shortly to offer the amendment on which I desire to speak.

I am honored to cosponsor this amendment, which would eliminate funding for the National Endowment for the Arts. Other Senators will voice their support, I believe, for the Ashcroft-Helms amendment; certainly the distinguished Senator from Oklahoma [Mr. INHOFE], and the senior Senator from Kansas [Mr. BROWNBACK]. In any case, I commend Senator ASHCROFT's willingness to exercise strong leadership on this issue. We will proceed while looking forward to his arrival on the Senate floor.

The other day, JOHN ASHCROFT and I were visiting on this subject, and we were reflecting upon the fact that more than 8 years have passed since an award-winning, blasphemous, and—how to put it—stomach-churning photograph of a crucifix soaked in urine alerted this Senate to the disgusting decision by the National Endowment for the Arts to reward the so-called artist who conceived the concept and submitted it for a grant with a substantial amount of the taxpayers' money.

Along about the same time I came into possession of copies of the so-called, now well-known, Mapplethorpe artistry, which was a homosexual display. I recall bringing that to this floor. The distinguished Senator from West Virginia was sitting right over there, and another Senator was speaking. I don't remember which one. I asked Senator BYRD if he would consider an amendment to outlaw something that I thought was grievously blasphemous, and I thought that he might think so, too. I remember that I showed Senator BYRD the Mapplethorpe photos. I will say that he exclaimed very definitely that he found them repulsive. The bottom line is that he took my amendment and it was accepted on the legislation. That is when the hard feelings developed with certain people who favored not restraining the National Endowment for the Arts.

During the 8 years that have elapsed since that evening that I came and spoke to Senator BYRD, the Senate has learned a very great deal about the way the National Endowment for the Arts conducts its affairs, and, thank the Lord, so have many millions of Americans found out about it across the land. They constitute loud voice to echo exactly what the House of Representatives did the month before last, I believe it was, in cutting off all funding, zeroing the National Endowment for the Arts. For one thing, it is self-evident that many of the beneficiaries of NEA grants are contemptuous of—how to say it—traditional moral standards.

Now, we have stripped the phony veneer from the curiously elitist nature of those people who are self-selected arts experts. I run into them frequently. I hear from some in North Carolina, one in particular—he was born rich, never did a day's work in his life. He spends much of his time writing letters to me complaining about my not caring about the arts. Well, of course I do care about the arts. I have grandchildren who participate, and I think very well, in the arts. But they don't participate in the kind of things that I am talking about here today.

We have stripped, as I say, the phony veneer from those people. Above all, we have learned the lengths that this crowd supporting the National Endowment for the Arts will go, and has been going, in order to preserve their access to millions of dollars of the taxpayers' money.

I am going to get down to the nitty-gritty. It is going to offend some people here and there. Once the true nature of the National Endowment for the Arts became clear, more and more Senators have joined in supporting simple, commonsense measures to ensure that the NEA is operated in a reasonable manner. We have endeavored, sometimes successfully, sometimes not, to put an end to Federal grants, spending the taxpayers' money rewarding obscene or patently offensive work. We have worked to try to make sure that the NEA grants go to institutions rather than to individual artists. At every step, the arts establishment and its defenders in the left wing media—and in Congress, I might add—have vigorously opposed those reasonable reforms, often implying or downright declaring that anybody opposing such Federal grants is ignorant and indifferent to culture and art.

There is a fellow in Massachusetts who used the words, phony baloney, the other day. I am going to borrow those two words from him and apply it to that kind of stand. I suppose this sort of opposition will continue just as long as the Congress allows the National Endowment for the Arts to cater to phony, self-appointed artists who insist on using the American taxpayers' money to finance anything they want to drag up from the sewer and declare to be art.

But enough is surely enough. Millions of Americans have come to the conclusion that the National Endowment for the Arts is beyond salvation as a reasonable Federal agency. The amendment which the Senator from Missouri will a little later on send to the desk proposes to fund the NEA at a deserving level, exactly what it deserves—zero. To put it bluntly, I propose that none of the taxpayers' money be wasted by this agency anymore.

I have done my best to work in good faith with administrators, past and present, of the National Endowment for the Arts. The present administrator, Jane Alexander, is a gracious lady. I like her personally, and I think she means well. But the problem persists: Despite all of the rhetoric, despite all the promises, the National Endowment for the Arts continues to underwrite projects that offend the sensibilities of millions of American taxpayers who resent the NEA's giving the taxpayers' money to self-styled artists whose art comes straight from the gutter and the sewer.

So, this amendment that Senator ASHCROFT and I will formally offer shortly keeps faith with the courageous decision of the House of Representatives to withhold funding from the National Endowment for the Arts during the House consideration of H.R. 2107, the Interior appropriations bill. The Senate, simply said, ought to do what is right and follow suit.

Following that vote in the House of Representatives, the NEA's supporters did the usual thing. They trotted out their customary absurdities in describing an America without art, an America without culture unless the Senate restores full funding to the NEA. And they did that with violins being played and weeping voices. Baloney. Perhaps the Senate will default on its responsibilities, but it will have to do it after a number of Senators have made clear why the House action with reference to the NEA was entirely justified.

Madam President, Americans watching and hearing this Senate session this afternoon on C-SPAN should be prepared, sooner or later, for another dose of the same old, tired rhetoric about how the survival of arts in America depends upon the NEA—when the truth of the matter is that American arts were thriving long before the agency received its first penny, its first appropriation, back in 1966, and the arts will continue to flourish and flower long after the NEA has disappeared from the radar screen.

In any event, the American people may be forgiven for wondering precisely how do the powers-that-be at the National Endowment for the Arts define—define—American arts and culture. Let's do a little thinking about that. The agency's recent grant to the Whitney Museum may provide a useful clue. On July 15, 1997, the news program "Dateline" NBC reported that the NEA had given a grant of—now get this—$400,000 to the Whitney Museum. As NBC pointed out, the Whitney Museum is the beneficiary already of an unusually large private endowment. Yet the museum is nevertheless deemed by the NEA to be a worthy recipient for Federal taxpayers' dollars.

What exactly is it about the Whitney Museum that makes it so worthy? Certainly, one must hope, not the 1997 biennial exhibition.

The average taxpayer sitting in North Carolina or Idaho, or wherever, will never know anything about this unless the news media tells them or unless they are watching C-SPAN at this moment. But this year's biennial—and this is just an example —this year's biennial featured an exhibit that launched an attack on Santa Claus. The Kansas City Star newspaper reviewed the show and included this observation:

> The myth of Santa propounded by Disney and Hallmark is rendered all but unrecognizable by Paul McCarthy's video installation of a wildly perverted Santa's workshop. The main players, raunchy art-girl elves dressed in skimpy elf tunics and sticky-dirty with chocolate sauce, alternately devote themselves to creating confections and performing lewd acts with stuffed animals, one of them large and animate.

Oh, boy, Madam President, if that is art, then the sewer is a swimming pool. In awarding the show's "booby prize" to Mr. McCarthy, the Wall Street Journal's Deborah Solomon wrote this:

> Reader, I can only hope you're not eating your breakfast when I tell you that his "Santa's Workshop" revolves around the theme of Christmas personalities doing weird things with excrement.

Indeed. And I hope anyone listening to this debate in this audience this afternoon will inquire of the Senators from their States why they approve of a Federal agency that awards $400,000 of the taxpayers' money to the curators of a museum who countenance such an exhibit.

Oh, I can hear it, Madam President. I have been hearing it for over 8 years. "Oh," they say, "such grants of questionable taste are purely isolated incidents." The trouble with that is that the evidence suggests otherwise, because last year, $150,000 of the NEA's funds went to a project by a choreographer named Mark Morris, and he is the very same Mark Morris who once staged a homosexual version of "The Nutcracker Suite," called "The Hard Nut." The taxpayer will be forgiven for wondering whether Mr. Morris' future work will deal with similar material.

I believe we already heard all we want to hear about last year's $31,500 grant for the production of the film "Watermelon Woman," to which two or three Senators have already alluded on this floor this afternoon. This film was made by and about lesbians and featured in the words of the reviewer "the hottest lesbian sex scene ever recorded on celluloid." And this is one of the art projects that the National Endowment for the Arts, Madam President, said we must have in order to preserve art and culture in our society.

Perhaps worst of all, however, is a travesty that emerged from a $25,000 grant to an organization called FC2, a bunch of weirdoes responsible for publishing, among other sickening things, Doug Rice's book entitled "Blood of Mugwump: A Tiresian Tale of Incest."

Oh, boy, what an artistic achievement that is. According to the back cover of the book, the plot, if you can call it a plot, describes "[a] member of a clan of Catholic, gender-shifting vampires [setting] out to discover himself in his sister's body."

Twenty-five thousand dollars of your money, Mr. and Mrs. America, goes so we can keep art flourishing in the United States.

That is not the half of it, Madam President. Suffice it to say that our staff members were—and I am talking about the folks I work for in my office, the finest young people you ever saw—they were just about ready to throw up earlier today after they had glanced through this wretched book's description of incestuous sexual activity, paid for with the taxpayers' money, mind you.

Whether all this garbage is metaphorical or literal or whatever, I don't know, I don't care, and I don't want to know. What I want to know is how long we are going to tolerate the National Endowment for the Arts continuing to fund this kind of garbage. I do know, and I have known this for a long time, and I have said it a thousand times on this floor—and maybe if I live long enough I will say it another thousand times: the American taxpayers should not be forced to pay for stuff like this. But if one opens this book to the copyright page, there it is: The seal of approval from and by the National Endowment for the Arts.

Let me say that again—and I like Jane Alexander, she is a nice lady—but she is not controlling that shop down there. I cannot believe that she is. Let me be clear. I am not calling for censorship. I come from the news business. I made my living that way for most of my life before I came here. But this is not censorship to say we are not going to pay for this kind of mess anymore. I say again what I have said many times, I don't have any problem with some guy going in the men's room and scrawling dirty words on the wall, provided he pays for his own crayons and provided he owns the men's room. Making the taxpayers pay for it is what I object to.

This Doug Rice is entitled to write whatever he pleases. He may try to shock and offend whatever poor souls across America run across his foul literary pretense, but let me reiterate, again and again, the American taxpayers should not be forced to subsidize such sewage as this work.

But you know, Madam President, many Americans believe—and I agree with them—that grants such as these are sufficient reason to end, once and for all, funding for the National Endowment for the Arts. I suspect that the American people would be even more resolute in their opposition to the NEA if they were aware of other practices of the NEA that bring the NEA's legitimacy into question.

To begin with, the American public needs to know about the NEA's practice of carefully rewarding its supporters and past beneficiaries. For example, even the New York Times, liberal as it is, loving the NEA as it does, has reported that 85 percent of this year's recipients have previously fed at the NEA trough.

How have they done it? I will tell you. The NEA does not consider the financial position of its applicants. That would step on some toes, you know. Instead, the NEA continues to hand out money to institutions that have a conspicuous lack of need—they don't need it—for being handed large sums of the taxpayers' money.

Harvard University—now get this, Harvard, which has in its bank accounts an endowment of more than $6 billion—billion with a "b"—$6 billion; nevertheless, it was sent $150,000 by the National Endowment for the Arts. What for? I will quote it to you:

> To support augmentation of the Harvard University Art Museum's endowment.

Doesn't that grab you? That just makes me tearful with joy. If you believe that, you will believe anything.

Phillips Academy, one of the most prestigious boarding schools in the country, received $125,000 from the NEA this year.

The University of California at Berkeley received $135,500.

Princeton University, with its total endowment exceeding $2.6 billion that they have already gotten from private sources, nevertheless the good old NEA sent them $20,000 of taxpayers' money. Now, how do you like them apples?

Yale University—I am not going to let them get off the hook—with a total endowment fund of $3.5 billion which it had gotten from private sources, received $100,000 from the NEA for the Yale Repertory Theater for—I want you to guess what for—a celebration of the 100th birthday of a Marxist playwright, Bertolt Brecht.

Boy, I know the people in Shetland Switch will be delighted to hear that their money was sent there. That is exactly what we count on our Federal Government to do.

Additional scrutiny of NEA grants provides countless examples of such financial judgment. For one example, bureaucracy being piled upon bureaucracy. How do they do it? Very simple. The NEA gives grants to the Federal Government itself. That is a neat trick, isn't it? For example, the Federal Facilities Council of the State Department—and I am going to speak to Madeleine Albright about this—will receive from the NEA up to $10,000—now stay with me—up to $10,000 "to support a partnership of Federal agencies convened to identify and advance technologies, processes and management practices that improve the planning, design, construction, operation, and evaluation of Federal facilities and enable more effective utilization of limited resources."

Madeleine, you better come home.

Seriously, Madam President, what does all of this mean? For those of us not fluent in the language of bureaucrats, your guess would be as good as anybody's, but only in Washington would one Federal agency fund another Federal agency for a study on how to increase efficiency.

Finally, there are the so-called planning and stabilization grants for which the NEA spent more than 10 million bucks this year. And what is the purpose of those grants? Mostly for giveaway gambits like the $125,000 grant to Jacob's Pillow Dance Festival, Inc., in Lee, MA, which was given the money not because it needed the money, but they wanted to increase their cash reserve a little bit.

Well, I expect there are some Senators around here who would like to have their cash reserves increased a little bit.

This, to be serious about it, I say to Senators and ladies and gentlemen who may be listening, this is your tax money. And I want to ask you, How's your cash reserve?

But let us be very clear about what the NEA is doing. It is putting your tax dollars—no questions asked—into the bank accounts of artists and institutions for which there is simply no precedent—no precedent—for these handouts.

Even disadvantaged businesses that qualify for low-interest loans from the Government must pay back the money, but not these rich folks. If any of these struggling small businesspeople asked for a cash-direct handout from the Federal Government, they would be laughed off the premises and they would be recommended for a medical examination.

Madam President, I am not going to belabor the subject anymore except for one closing observation. I say this with all seriousness. What does or does not constitute art is not decreed from on high by the National Endowment for the Arts. Art and culture—for better or worse—should remain in the hands of the American people, not bureaucrats. Continued funding of the NEA not only wastes the taxpayers' money on a small contingent of wealthy elitists, it also continues the arrogant assumption that a Government-funded arts establishment must—must—determine what art is fit for public consumption.

I think there is no exaggeration involved in saying that this assumption is contrary to the Founding Fathers' notions of freedom and liberty on which I was taught as a little boy that this Nation was built. In fact, I think that if Jefferson and Franklin and all the rest came around here one of these afternoons, I suspect they would agree with millions of Americans who have so little regard for the entity known as the National Endowment for the Arts.

Thank you, Madam President. I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK

Mr. DEWINE. Madam President, I would like to take a moment to discuss a project of great importance to me and to the people of the State of Ohio. I am referring to funding for the Dayton Aviation Heritage National Historical Park. This project is currently included in the House version of the bill that we are currently debating. I am very hopeful that it will receive full consideration by the conference committee and be included in the final bill that is reported by the conference committee.

Madam President, on October 16, 1992, Congress established the Dayton Aviation Heritage National Historical Park to commemorate the legacy of two Daytonians, Orville and Wilbur Wright and their significant contribution to human history through their pioneering exploration of flight.

Madam President, in an effort to create a single coordinated facility recognizing the Wright Brothers' work in Dayton, in 1994 the National Park Service assumed responsibility for the remains of the brothers' bicycle company. And then 2 years later, in 1996, the Park Service obtained the surrounding property which is known locally as the Hoover block.

Madam President, the Hoover block has been designated as the core site for Federal management of the Dayton Aviation Park and will be the park headquarters and will also be the primary visitor center.

From 1890 to 1895, this very site served as the location of the brothers' print shop, the print shop called Wright & Wright Job Printers, which, by the way, printed the Tattler, a newspaper founded by the famous Daytonian and Ohioan black poet, Paul Laurence Dunbar.

Madam President, timely restoration of these sites is critical to ensure the building will be renovated and open to the public by the year 2003 when Ohio and the rest of the Nation and the world will celebrate the centennial of powered flight.

Trying to meet this deadline, Madam President, I have been working with my colleagues in the Ohio delegation in the House, most notably, Congressman RALPH REGULA, Congressman DAVID HOBSON, and Congressman TONY HALL, working with them to ensure and secure funding for the upcoming fiscal year so that renovations can proceed without delay.

Madam President, I think that this project has national significance. It has significance for my home community, the Miami Valley in Ohio, and the entire State of Ohio. I grew up about 20 miles from where the Wright Brothers really learned to fly and where they did their pioneer work, where they did their studies, and where they prepared to fly.

Madam President, I note the presence on the floor of my good friend from Washington, Senator SLADE GORTON, who is of course the chairman of the appropriations Subcommittee on the Interior. I already have had several conversations with my friend and colleague regarding this particular project. He knows well of my personal interest in the project. I really wish to express to him my appreciation for his willingness to pursue this matter in the conference committee.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. I thank the Senator from Ohio for his eloquent statement. I know how important this project is to Senator DEWINE. As he has stated, we have talked about this project on several occasions over the past 2 months, and I must confess that the Senator's enthusiasm for his project has rubbed off on this Senator. As my colleagues may know, the Senator from Ohio grew up not far from where the Wright Brothers made their dreams of powered flight a reality. It also is no secret that the legacy of the Wright Brothers is very much alive and well in my own State of Washington.

Madam President, I want to assure the Senator from Ohio that he has convinced me of the merits of this effort to restore this important historical landmark in time for the centennial celebration of powered flight less than 6 years from now. I am strongly inclined to support his position in our inevitable conference with the House of Representatives on the subject.

I also urge my friends from Ohio to keep me and the members of my subcommittee informed of his continued efforts and those of the Dayton community as it prepares for the celebration in the year 2003.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. I thank my colleague for his work on this bill and for his commitment to pursue this issue in conference. I appreciate that very, very much. It means a great deal to me and to our community and to our State. I thank him very much.

I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Thank you, Madam President.

NATIONAL ENDOWMENT FOR THE ARTS

Mr. ABRAHAM. Madam President, I rise today to speak about a topic which has been ostensibly discussed this afternoon, namely, the portion of the Interior appropriations bill devoted to the National Endowment for the Arts. It is my plan—and still in the process of being drafted—to offer a slightly different type of an amendment from the ones which have been discussed already. I do not have that amendment here, so I will not be introducing it at this time. I am going to be trying to work with some of the others who have concern about this issue to determine exactly how we might finally present the proposal I am going to discuss here today.

I rise as a Senator who finds himself, and has since he arrived in the Senate, somewhat perplexed as to how we should proceed with regard to funding for the arts. I am an enthusiastic supporter of the arts. I think that it is in the Nation's interest, certainly, to do the most we can with scarce resources to try to encourage young artists, regardless of their specialties, to pursue their interests and their creative skills. And at the same time it is quite clear that the method that has been used recently, at least, has prompted a great deal of controversy and, in my judgment, to a large extent set back the progress with regard to our Nation's artistic activities.

Because what we have had for too long, it seems, is this ongoing debate between whether or not the National Endowment for the Arts is properly funded by the Federal Government or whether it should be eliminated.

What we have is a debate that essentially, on the one hand, argues that taxpayer dollars should not be used to support what many consider to be obscene activities or inappropriate activities, and, on the other hand, we hear from the arts community—and I have certainly heard from a number of individuals representing that community since I have gotten to the Senate—that the efforts on the part of Congress to either limit the funding or to put strings on the funding constitute, if not an explicit form of censorship, certainly an implicit form of censorship.

In addition, I hear in my State a lot of concerns because, as the charts which were here earlier indicate, our State is not getting the sort of revenues and resources to work with as many other states of equivalent size. So there is a frustration both with the inadequacy of the resources which come back to my State of Michigan as well as some concern about whether or not Washington expertise is in the best position to determine which projects in our State should be supported.

In my judgment, the logical solution to all of this is to maintain a national entity which oversees various arts activities and supports those which are worthy of such support but to not have it funded by the taxpayers' dollars. In other words, what we ought to do, in my judgment, is to privatize a national program, an American endowment, if you will, for the arts, one which receives no direct taxpayer support but one which nonetheless can perform some of the national responsibilities that have been outlined by advocates of the existing NEA.

If it were done in that fashion, Madam President, we would be in a position where at a national level determinations could be made as to priority arts programs. Those priorities could be given support, and the support would not necessarily therefore have to come with a lot of strings attached. If performing artists became a priority, individual artists became a priority, a national endowment not supported by taxpayers' dollars would be able to support such efforts.

Today, because of the handcuffs which have been attached in recent appropriations bills, that cannot happen. In short, we can get away from this debate between obscenity on the one hand and censorship on the other and support the arts in a private fashion.

Some have argued this is not feasible, that there is no way to come up with the resources required. But in my judgment that is wrong. Just as a starting point, it is currently the case that over $9 billion a year is expended in support of arts activities across this country. Indeed, a number of the individual arts organizations have larger, substantially larger, annual budgets than the National Endowment for the Arts. Indeed, the amount of money that we currently spend in the NEA on an annual basis—$100 million—is just a fraction of the $9 billion which is annually expended on these types of programs. It is smaller than that expended by the Lincoln Center, by a variety of other very large and well-known arts organizations.

Indeed, I believe, as we have seen by the remarkable outpouring of support from the arts community itself, whether they are famous artists individually or national organizations, corporations who deal in arts and entertainment, it would seem to me that the ability to raise funds for such an independent entity would be rather within our reach.

My plan basically is to privatize the NEA over the next 3 years. In this year's appropriations bill we would, consequently, reduce funding by approximately one-third, although we would make it feasible for the NEA to expend a percentage of its dollars it has to begin a fundraising program to find ways to privatize the entity at the end of the 3-year period. In other words, we would begin the process. It would not be done overnight. It would allow for existing institutions, who are beneficiaries of NEA support, to not find themselves overnight without any support but on notice that in 3 years the support would be coming from a private entity.

In exchange, what I would envision is to spend these dollars, which would be reduced on an annual basis, on other very important national treasures. It is currently the case, for instance, Madam President, that the Star-Spangled Banner, the actual flag that prompted Francis Scott Key to write our Nation's national anthem, is in desperate need of financial support for purposes of preserving that flag.

Ellis Island, the site of the arrival of millions of immigrants to this country—one of the true historical treasures—is in decay and in desperate need of support. The Presidential Papers of many of our Nation's Chief Executives are in a position where the preservation of those documents is at risk.

My amendment will allocate the funds that are being reduced from the NEA to the support of these national treasures, treasures which I think virtually every Member of Congress could agree deserve support.

If my amendment were to pass this year, my plan would be to follow up with a variety of very specific actions designed to be consistent with the support for a privatized NEA, including a sense-of-the-Senate amendment which I will be offering to specifically express the Senate support for a private ongoing NEA outside of taxpayer support, and other ideas such as a checkoff plan by which taxpayers could direct individual contributions to an independent entity.

The bottom line is this, Madam President, we have to make decisions all the time about priorities. It seems to me in the area of the National Endowment for the Arts, the logical thing is to preserve it in a way that allows it to function in its fullest sense, and to function independently and privately. When I offer my amendment, I will discuss this in greater detail.

In the meantime, I think we have an obligation, whether it is to preserve the Star-Spangled Banner itself, or to renovate Ellis Island so it can be preserved, or to make sure the papers of our Presidents are preserved, we have an obligation to preserve them.

I believe the amendment I will be offering strikes the right balance. My amendment is quite consistent with that offered earlier by Senator HUTCHISON. I have indicated I would support that approach as well, because it does not immediately phase out the support which many of our State and local arts organizations receive. I think my amendment moves us in the right direction because it brings us to a point, in a short period of time, over 3 years, where the National Endowment for the Arts would not have to be here each year trying to justify itself on Capitol Hill, but could operate with unfettered discretion and make its own judgments and eliminate the debate between censorship and obscenity.

The best way to do that is to take the taxpayers out of the picture so they can make independent decisions and not worry about the political debate it finds itself in. Then we can direct the resources which our taxpayers send to Washington to preserve items such as a President's papers, Ellis Island and a variety of other national parks and national institutions in desperate need of support. This would be the most sensible way to approach it.

It is my plan currently to offer an amendment, once it is fully drafted, to that effect.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from New York.

Mr. MOYNIHAN. Mr. President, I have the honor to rise in support of the distinguished chairman's remarks in regard to the proposed allocation of appropriations for the National Endowment for the Arts.

I will presume upon the Senate's time on a relatively quiet afternoon to give just a little background of the measure that is before the Senate today.

Once again we seem to be doing a major disservice to ourselves with the politicization of matters that ought to be as far from politics as ever is possible: the support the Government provides, not expensive but nonetheless critical, for the arts of our Nation.

It would seem that the National Endowment for the Arts is challenged on three fronts: first, whether our Nation even needs Federal funding for the arts, second, that the Endowment should do more to reduce objectionable art, and third, that the current grant apparatus disproportionately funds some regions more than others. If I might, I may be able to shed light on this triumverate.

I was present at the creation of the National Endowment for the Arts which we are debating today, which we debated last year, and which we will debate henceforth how long, who knows.

It was begun in a time of great national agreement on this subject and a rather clearer understanding, if I may say, than we sometimes have now, on the nature of this subject. This all began in the summer of 1961 when the musicians in the Metropolitan Opera Orchestra in New York announced they could not continue under the contract they had with the trustees. They were members of local 802 of the American Federation of Musicians.

Indeed, the prospect confronted us all that the Metropolitan, the Met, as we say in New York, would have to cancel its 1961–62 season. Then some inspired person had the thought, why not ask the newly appointed Secretary of Labor, Arthur J. Goldberg, to arbitrate the dispute? It was a natural thing for him to do; he was Secretary of Labor, this was a labor dispute. He was a great supporter of activities of this kind, a man of huge, varied talent. As an American Jew, he had served in the OSS behind German lines during World War II. He had been very close to the steelworkers. He had helped bring about the merger between the AFL and the CIO, what we now call the AFL–CIO, the American Federation of Labor and the Congress of Industrial Organizations.

His wife Dorothy was a supremely gifted artist. He moved easily in the world of the arts, as well as of business and labor and government. He went on, of course, to be an Associate Justice of the Supreme Court, and then in an act of great self-sacrifice—and he knew it at the time; I was with him at the time—he accepted the demand, if you put it that way, from President Johnson that he leave the Court and go to New York to be the United States permanent representative at the United Nations at a time of cold war crisis. It was his way to do such things and to accept such assignments.

Now, in the life of the things he had done, arbitrating a dispute between, I believe, some 62 musicians and a well-established and attractive, civic-minded charity was not especially challenging, except he found something out. He found, as he put it, "Mrs. August Belmont and Mrs. Lewis W. Douglas, who were the leaders of the trustees, didn't have any money." With the best will in the world, they could not meet the requests that the union was making. They were then making $170 dollars a month. That comes to about $45 a week. That, sir, amounts to about $1 an hour. The minimum wage was twice that, or thereabouts, at that time. They were persons of world standing in the arts, but the arts could not provide them a living. What they were asking for was $268 a month—something like $60 a week, something like $1.50 an hour. With the best view in the world, all that Secretary Goldberg could do was to offer them a $10 a month raise. They made their living teaching and doing other things. They were devoted to music, but they had families, too, and the ordinary interests of persons who live an ordinary life, an ordinary citizen.

What they were caught up with—and I do not want to take the Senate into a long discourse on economics, but it is a matter which comes to this floor in one mode or another almost every day—they were caught up with what came to be known as the cost disease of the personal services. This was a concept worked out by a great American economist, happily still vigorously pursuing his works, William Jay Baumol, then at Princeton University. He and his wife were opera lovers, as it happened, and he, too, noticed about this time that the Metropolitan Opera orchestra always seemed to be about to go on strike—this problem, that problem—and what was the matter here?

His main field in economics is deeply abstract, hugely influential studies of transaction costs and things like that. But he said, well, listen, if I'm an economist, I ought to be able to understand some of this, and he came up with the idea of the cost disease. His colleagues, as is frequently the case in medicine and physics and economics, began to call this Baumol's disease.

It can be very easily explained. The productivity of personal services does not grow, or grows very slowly compared to the productivity generally in the economy. You could put it this way. In 1797, if you wished to perform a Mozart quartet, you needed four persons, four stringed instruments, and 43 minutes. Two centuries go by and to produce that stringed quartet you need four persons, four stringed instruments, and 43 minutes.

If the great Mormon Temple Choir undertook to do a Bach oratory when it was founded, I believe there are 350 members of that choir, so to do a Bach oratory in 1897, that would take 350 musicians an hour and a half. A century goes by and it still takes 350 persons and an hour and a half. That is called Baumol's disease. If you play the "Minute Waltz" in 50 seconds, you speed up productivity but you do not get quite the same product.

That is why teachers are relatively more expensive than farmers. Farmers have quadrupled and quintupled and quintupled again their productivity, but a first-grade teacher can handle about 18 young 6- or 7-year-olds in 50-minute classes; you can put 190 kids in that class and it would not be the same.

That is why we always have friction in our economy between those activities where we depend very much on the personal services and those which involve the mechanized services or the electronic services—think what we have seen in productivity in computation in the last 20 years.

Secretary Goldberg thought what to do, and I think at this removed place in time it is no indiscretion to say he called me in and said, "PAT, I have no money for these musicians. We have to give them hope," and he said, "Write a portion of my arbitration decision which says it's time the Federal Government gets into the business of helping with the arts."

This is not a new idea. George Washington wrote to a Rev. Joseph Willard, March 22, 1781, and said, "The arts and sciences are essential to the prosperity of the state and to the ornament and happiness of human life. They have a claim to the encouragement of every lover of his country and mankind." It was as clear to George Washington as a matter could be. A few years later—that was in 1781. In 1785, Jefferson wrote to Madison:

> You see, I am an enthusiast on the subject of the arts, but it is an enthusiasm of which I am not ashamed, as its object is to improve the taste of my countrymen to increase their reputation, to reconcile them to the respect of the world, and to procure them its praise.

And so, Mr. President, on that occasion, the arbitration decision was accompanied by a statement urging U.S. support for the performing arts. The New York Times—and forgive my provincialism, as that is where I come from—announced this on the front page, and this was Friday, December 15, 1961:

> Goldberg Urges U.S. To Subsidize Performing Arts. He Asks Business and Labor To Help as He Gives Pay Increase in Met Dispute.

Then it says, "Excerpts from proposals aid for the arts * * *."

Inside, they printed the text of Goldberg's statement urging U.S. support for performing arts.

> Washington, December 14—Following is the text of Secretary of Labor Arthur J. Goldberg's statement on "The State of the Performing Arts," which was included in his findings in the Metropolitan Opera dispute.

The statement begins.

> The financial crisis of the Metropolitan Opera, which raised the prospect that the 1961–62 season might not take place, may prove to have been an event of larger significance in this history of American culture.

And, sir, it has. As the Senator from Vermont and Senators supporting this measure on both sides of the aisle will know, the National Endowment moved in direct sequence from the Goldberg finding to President Kennedy to the White House where President Kennedy established an advisory commission on the arts and humanities. Let's remember that the humanities are still part of this. Earlier, we heard the distinguished Senator from Michigan talking about the public papers of Presidents, which are now being very steadily published and compiled—they had not been, but now they are.

Now, the question is, were we aware that one day we might be on the floor of the U.S. Senate facing charges like that? Sir, I would like to say with considerable vigor—if that is the term—of course, we were. We knew perfectly well that once the Federal Government got into the question of funding for the arts, we would get into the question of what arts to fund. It is not a very complicated sequence. This statement says,

> President Kennedy observed not long ago that the Federal Government "cannot order that culture exist, but the Government can and should provide the climate and the freedom, deeper and wider education, and the intellectual curiosity in which culture flourishes."

And then Secretary Goldberg's prescient finding on the nature of our debate today:

> The issue of Federal support for the arts immediately raises problems. Many persons oppose Federal support on grounds that it will inevitably lead to political interference. This is by no means an argument to be dismissed, and the persons who make it are to be honored for their concern for the freedom of artistic expression. In an age in which a third of the globe languishes under the pathetic banalities of "Socialist realism," let no one suppose that political control of the arts cannot be achieved.

I might say that again.

> In an age in which a third of the globe languishes under the pathetic banalities of "Socialist realism"—

As it was called in the Soviet Union—

> let no one suppose that political control of the arts cannot be achieved.

As we look in that direction in the world right now, we realize that there are limits to such control, and the efforts of Government to control the arts will never, in the end, succeed. I will go back to our statement, sir.

Justice Goldberg said, "The overwhelming evidence is that the free American society has shown deep respect for the artistic integrity of the artist. Every attempt to interfere with that freedom has been met with vigorous opposition, not least from the artistic community * * * Artists are as susceptible to pressure as the next person, but for every artist who capitulates there is another from that unruly band to take his place, which the late Russell Lynes has described as the 'uncaptured, the disrespectful, and the uncomfortable searchers after truth.'"

I don't want to make any special case for work that has no real purpose, save to shock—although some work that shocks in one generation is revered in the next. We would be very wrong to forget that. Artists have always sort of known it. In 1939, one of the great American painters, John Sloan, one of those who organized the armory show of 1913 in Manhattan, which brought the postimpressionist French painters from the School of Paris to Manhattan, and it shocked everybody. Picasso was shocking, as were the others. But in very short order they came to be revered. It took a generation, but it did happen.

Sloan once said, in 1939—and he had a particular kind of humor in this regard, also a kind of clairvoyance. He said:

> It would be good to have a Ministry of Fine Art. Then we would know where the enemy is.

Indeed, I can recall an occasion when this subject was raised in a hearing before the Finance Committee and some witness, someone out of patience, said, "All right, Senator, what would you do to have the Government encourage the arts?" I said, "Well, offhand, the only thing I can think to do would be for the Government to forbid them." That always has a lively effect, as we can look around the history of the world and the history of the 20th century and find out. But what we are doing here is supporting the arts.

The National Endowment began as an effort to provide a living wage for musicians in a situation where, through no fault of their own, through the workings of the economic system—I mean the laws of economics, of productivity change, they needed public support, and it has flourished. It was a very interesting fact that after President Kennedy's assassination, the first thing this body did was to propose that a cultural center that was being discussed for the arts be named the John F. Kennedy Center for the Performing Arts. That was a center that needed public support to make it possible in the present day. Those resources were there, and that activity has become part of the life of our Capital.

Nonetheless it remains the case, inevitably it is the case, that there are places where particularly intensive activities in the arts occur—our third proposition at issue today. It is somehow in the nature of creative work that it tends to concentrate in one place and bring people to it. It is the normal experience of the arts, particularly large and expensive activities which involve musicians and performers and composers, as well as audiences. New York has been such a place since the beginning.

It has been argued that it cannot be fair that one third of NEA grants go to six cities—with New York at the top. As it was when we examined this subject three decades ago, New York is the center of the arts—as it is of the visual arts, as it is of publishing—as it has been from the time we started our Nation with New York as the Capital.

The purpose of culture is not to serve the Nation, but we speak proudly of our role in the last two centuries. And to the extent that we do, we speak of the things that have happened, to an extraordinary degree, things that have happened in the city of New York by people who came from all over the country—and the world—to that center of creative activity.

Some propose that we take money away from the city of New York and distribute it elsewhere. This idea is very different. The idea is to strike at the artistic activities and expressions which are found at the center of the Nation's art world. There is something foreboding here. Do we break up the country into its competing parts? Do we want to go back to a time when those who had kept? They did not share—to reach out and bring to a place that did not have things they might need in health, in education, in standards of relations between labor and management—in a sense of sharing of common culture, of diffusing, and enriching of culture. I do hope not.

It all began, sir—and I will conclude on this thought—at a time of promise in our Nation—great threat and danger, good God, yes, but promise, good spirits and creativity in Government. The Government thought through a problem that the public had, that the polity had, that the culture had, and came up with some answers. They have proven themselves powerfully important in what has now been almost two generations. And I would hope that this moment of unparalleled prosperity, with the United States—we wrote of a third of the world "languishing under the banalities of Socialist realism," all that gone, and could we not relax a little bit and do what the chairman and able committee wishes done and get on with the other matters of State. The arts will be there whether we wish them or not and, in the main, I think we do wish that they will be.

Mr. President, I thank the Chair, I thank my colleagues for their courtesy. May I ask unanimous consent, sir, that the text of Secretary Goldberg's decision on the arts be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 15, 1961]

TEXT OF GOLDBERG'S STATEMENT URGING U.S. SUPPORT FOR PERFORMING ARTS

WASHINGTON, Dec. 14.—Following is the text of Secretary of Labor Arthur J. Goldberg's statement on "The State of the Performing Arts," which was included in his findings in the Metropolitan Opera dispute:

The financial crisis of the Metropolitan Opera, which raised the prospect that the 1961–62 season might not take place, may prove to have been an event of larger significance in this history of American culture.

In an age when we must accustom ourselves to a welter of untoward and unwelcome events, there are yet some things that are unthinkable. It was unthinkable that the Metropolitan Opera season should not take place. Yet suddenly that very prospect faced us. Few events could have produced so instant a national awareness that an artistic calamity of the first order was in the offing. The insistent, repeated warning of artists, critics and benefactors as to the financial crisis of the performing arts in America were confirmed in the most dramatic possible way.

It is worth emphasizing that this situation was confirmed rather than discovered. The problem has been well known to and thoroughly expounded by any number of persons in responsible positions in cultural affairs. This, happily, is a positive factor in the present situation.

We are fortunate in having the present crisis brought vividly to the national attention without any actual loss—the Metropolitan Opera season is taking place. We are doubly fortunate that, confronted with the need to act, we have at hand an abundance of thoughtful, constructive proposals for action. This is perhaps notably true in Congress where legislators such as Senators William Fulbright and Jacob K. Javits, and Representatives Frank Thompson Jr., of New Jersey and John Lindsay of New York have devoted a great deal of attention to this important public issue.

PROBLEM OUTLINED

It is not necessary to review the full range of information which is available on the financial condition of the performing arts, nor to recapitulate the many valuable proposals that have been put forth to improve that situation.

One central fact, however, is worth emphasizing. The problems of the performing arts in America today are not the problems of decline. They are the problems of growth: A growth so rapid, so tumultuous, so eventful as to be almost universally described as an explosion. The specifics have no parallel in history.

America today has some 5,000 community theatres—more theatres than radio and television stations. There are better than 500 opera-producing groups—seven times as many as fifteen years ago. Symphony orchestras now total 1,100—twice as many as only ten years ago, and fifty in the suburbs of Los Angeles alone.

Resources such as these for the consumption of artistic creation do not of themselves insure creativity, but one could hardly hope for a climate more receptive to the creative artist. An era of unequaled achievement may well be upon us.

LONDON STATEMENT NOTED

Recently the times Literary Supplement observed from England, "If neither a Bach nor a Michelangelo has as yet appeared in Detroit, a splendid mass of evidence has been assembled to point the way. Not only is the talent visible in ever-increasing quantity but the facilities for using it exist as nowhere else."

The American artistic scene today is alive and vibrant. At the same time, some of the foremost institutions of American culture are in grave difficulty. The Metropolitan Opera is not alone, Other opera companies, and a number of our leading symphonies, share in a substantially similar financial plight. The artists, moreover, are generally underpaid. The details may differ, but the general condition is the same. The problem, of course, is money. The individual benefactors and patrons just aren't there, as they once were. Just as importantly, as we become more and more a cultural democracy, it becomes less and less appropriate for our major cultural institutions to depend on the generosity of a very few of the very wealthy. That is a time that has passed, and the fact is evident.

HOW TO SAVE IT

The question before the nation, then, is how to restore the financial viability of these institutions and to promote the welfare of the artists upon whom these institutions in the final analysis do and must depend.

It is, to repeat, unthinkable that they should disappear at the very moment when they have achieved an unprecedented significance to the American people as a whole. They are a heritage of the past. They are equally an earnest for the future: they stand as our expectation of the quality of the American creative artists whose works they will perform.

The answer to this question is evident enough. We must come to accept the arts as a new community responsibility. The arts must assume their place alongside the already accepted responsibilities for health, education and welfare. Part of this new responsibility must fall to the Federal Government, for precisely the reasons that the nation has given it a role in similar undertakings.

The issue of Federal support for the arts immediately raises problems. Many persons oppose Federal support on grounds that it will inevitably lead to political interference. This is by no means an argument to be dismissed, and the persons who make it are to be honored for their concern for the freedom of artistic expression. In an age in which a third of the globe languishes under the pathetic banalities of "Socialist realism," let no one suppose that political control of the arts cannot be achieved.

RESPECT FOR INTEGRITY

The overwhelming evidence, however, is that the free American society has shown a deep respect for the artistic integrity of the artist. Every attempt to interfere with that freedom has been met with vigorous opposition, not least from the artistic community. Artists are as susceptible to pressure as the next person, but for every artist who capitulates there is another to take his place from the unruly band which Russell Lynes has described as "the uncaptured, the disrespectful, and the uncomfortable searchers after truth."

The answer to the danger of political interference, then, is not to deny that it exists, but rather to be prepared to resist it. A vigorous, thriving artistic community, close to and supported by a large portion of the public, need not fear attempts at interference.

Let our writers and composers and performers give as good as they get. Indeed, when have they done otherwise? The situation is no different from that of academic freedom in our colleges and universities: it is by defending their rights that our faculties strengthen them. This is ever the condition of freedom.

This is not an area in which we are without experience or precedent. For many years the arts have received support from public funds in many different forms. Much experience supports the general proposition that public support is most successful when it represents only a portion of the total funds involved. The principle of matching grants has clearly proved its validity, and should be the basic principle of any Federal participation in support of the arts. The variations of this arrangement are many, and perhaps as a general rule it may be said that the more levels of government, institutions and individuals involved, the more likely it is that the artists themselves will retain control over their work.

6-POINT PARTNERSHIP

The principle of diversity of support for the arts should accompany the principle of community responsibility. Our objective should be the establishment of a six-point partnership that will provide a stable, continuing basis of financial support for an artistic community that will at once be responsive to the needs and wishes of the public and at the same time free to pursue its own creative interests

I

The principal source of financial support for the arts must come, in the future as in the present, from the public. Art is consumed in many forms, by a vast and widely diverse audience. The essence of a democratic culture is that the artistic community should have a large audience, drawn from all areas of the society, which returns value for value in a direct and equal relationship.

While, if anything, greater provision should be made for special children's concerts and below-cost performances for special groups, the general musical and theatrical public must expect to provide a greater portion of the costs of the performing arts, through devices such as season subscriptions and special associations for the support of particular activities.

II

The patrons and benefactors of the arts have a continuing and vital role to play. It is inevitable that in an age or esthetic creativity the interests and tastes of many of the best artists will run ahead of, or even counter to, the general standards of the time. Here the support of the enlightened patron can have the most profound and fruitful consequences.

Similarly, there are many artistic forms of the past, of which opera is but one; which are simply too expensive to be supported entirely by ticket sales or general purchases. In such instances the support of art patrons makes it possible to preserve for the present and future many of the most profound creative achievements of the past.

III

Private corporations must increasingly expand their support of community activities to include support for the arts. One of the hallmarks of American free enterprise is the remarkable extent to which business has voluntarily contributed to educational, charitable and health activities in localities throughout the nation.

In line with the wider recognition of community responsibility for the arts, business corporations would do well to consider allocating, as a matter of course, a portion of their total contributions to these activities. The Texaco-sponsored broadcasts of the Metropolitan Opera, the television dramas sponsored by the Westinghouse Corporation and the makers of Hallmark Cards, and the institutional advertisements of the Container Corporation of America, using modern art, are good illustrations of another and important form of support which business corporations can give to the arts.

IV

The American labor movement has a responsibility for support of the arts similar to that of American business. This has been recognized to some degree, as in the contributions several unions have made to support children's and other special concerts, but on the whole the community contributions of American trade unions have been directed for activities similar to those which have attracted business support. A parallel adjustment is in order.

V

Local governments, and to a lesser extent, state governments are already providing a considerable measure of support for the arts, in line with the clearly manifested interest of the American people in expanding the artistic resources available to the general public.

The support of art museums is already a general practice. Everyone accepts the fact that it is appropriate for a state or local government to provide housing and custodial support to such museums. The question naturally arises why this support should not be provided for our operas and symphonies as well. Of course, the main source of public support for the arts should continue to arise from the spontaneous, direct desire of local and state governments to provide for the needs of their own communities. This is an ancient tradition in the arts, one on which we might draw more extensively.

For example, the practice of universities of making provisions for artists-in-residence might profitably be adopted by municipalities—one recalls that Bach for the last quarter century of his life was the Municipal Cantor of Leipzig.

VI

The Federal Government has from its beginning provided a measure of support for the arts, and there can be little question that this support must now be increased. This can and should be done in a variety of ways.

The Federal Government may be a direct consumer of the arts, by commissioning sculpture, painting, and awarding musical scholarships.

One of the most important, and perhaps most proper role of the Federal Government is to help state and local governments and private nonprofit groups build and maintain the physical plants required by the arts. Theaters, concert halls, galleries are the precondition of many of the arts. Public support at all levels of government in the area of helping provide and maintain art facilities poses the minimum danger of Government interference with the arts themselves. A splendid example of such cooperation is the Lincoln Center for the Performing Arts, where city, state and Federal funds are all being combined to provide a magnificent cultural center in New York.

The concentration of public support upon providing physical facilities for the arts should not preclude programs of direct Federal subsidy for theatrical and musical performances and similar activities. However, Federal subsidies of this kind should be granted on a matching basis, with much the larger proportion of funds provided by private sources, or by other levels of government.

LARGER DUTY SEEN

The Government has a larger responsibility toward the arts than simply to help support them. President Kennedy observed not long ago that the Federal Government "cannot order that culture exists, but the Government can and should provide the climate of freedom, deeper and wider education, and the intellectual curiosity in which culture flourishes."

Our concern with the condition of the arts in America must ultimately and principally take the form of concern for the position of the artists. Our principal interest is that the American artist should remain a free man. Without freedom there is no art or life worth having. That there are more comfortable conditions than freedom has no bearing on the central fact.

However, we may also legitimately concern ourselves with the status of the artist in our society. An artist may be well fed and free at the same time. That an artist is honored and recognized need not mean he is any the less independent. America has a long way to go before our musicians, performers and creative artists are accorded and creative artists are accorded the dignity and honor to which their contribution to American life entitles them.

The President and Mrs. Kennedy have greatly advanced this cause by the inclusion of artist and writers such as Pablo Casals and Robert Frost in a number of the most solemn as well as the more festive occasions of state. The proposal of the President to consider the establishment of a national honors system clearly presents an important area in which Artistic achievement can be further recognized by the nation.

ADVISORY COUNCIL SOUGHT

The most important immediate step which the Federal Government may take is the establishment of a Federal advisory council on the arts. Such a measure has been introduced by Representative Frank Thompson Jr. and others, and is now before the Congress.

The functions of such a council would be fourfold:

(1) Recommend ways to maintain and increase the cultural resources of the United States.

(2) Propose methods to encourage private initiative in the arts;

(3) Cooperate with local, state, and Federal departments and agencies to foster artistic and cultural endeavors and the use of the arts both nationally and internationally in the best interest of our country, and

(4) Strive to stimulate greater appreciation of the arts within the councils of Government.

If it were composed in large part of working artists and artistic directors, it could have important influence on Government policies which have a direct bearing on the resources available for support of the arts. A number of proposals which have come to my attention are perhaps worth noting as instances of a very considerable body of ideas that are worthy of consideration.

TAXES DISCUSSED

Mr. John D. Rockefeller 3d, has pointed out that under present Federal income tax law, a deduction for charitable contributions by an individual is limited to 20 per cent of his adjusted income, or in the case of gifts to churches, operating schools and colleges, and certain types of hospitals and medical research organizations, the limitation is 30 per cent instead of 20 per cent.

Congressman Keogh of New York has introduced legislation which would extend this added 10 per cent to include libraries and museums of history, art or science.

Senator Javits has proposed to add symphony orchestras or operas to this list.

Mr. Rockefeller has suggested it be further extended to include ballet, repertory drama and community arts centers. While it is not possible to forecast with any precision just how much extra support would be forthcoming as a result of such a measure, it is obviously a matter worthy of the attention of an advisory council on the arts.

Another tax matter which merits careful consideration is the problem of artists generally, and performing artists in particular, whose earnings are frequently concentrated in a comparatively short period of years, with the result that they are taxed at a much heavier rate than if their earnings were spread over a normal life employment span.

This is a hardship to the artists, it is also a burden to the managers of theatrical and musical enterprises, who frequently are required to make up some of the difference by paying stars higher salaries than would be required if their tax payments were lower.

Recently forty nations met in Rome to negotiate an international convention for the protection of performers, producers of phonograms and broadcasting organizations. Parts of this convention concern the protection of performing rights, which correspond for performing artists to the copyright protection now enjoyed by authors. These rights do not exist for performers under United States law. It would seem quite in order for this subject to be given careful consideration.

ROYALTY PROPOSAL GIVEN

Mr. Robert Dowling has recently brought up to date a proposal introduced in Congress in 1958 by Senator Fulbright which would make it possible for the Federal Government to collect royalties on music which is now in the public domain, or becomes so in the future.

Senator Fulbright's bill provided that "all music now or hereafter in the public domain shall be the property of the United States as copyright owner, and be used by it for the benefit of the public."

Although this is a new concept in the United States, the arrangement has been followed for years in other countries, notably France. Senator Fulbright proposed that an administrative body be established which would be authorized to administer the licensing of such music, utilizing the proceeds for the support of the arts, much in the manner of a private foundation devoted to this work.

The sums involved in such an arrangement, while not enormous, are nonetheless considerable. Mr. Dowling has estimated that the total potential income from royalties on music in the public domain, calculated on the same percentage basis as copyrighted material would be $6,520,000 annually, distributed as follows:

Popular music (records)	$1,100,000
Sheet music (classical)	3,420,000
Classical music (records)	2,000,000

At this period when the entire body of copyright law is under study, it would seem appropriate to give further attention to this attractive proposal for supporting the arts.

I commend these observations on the state of the arts to the earnest consideration of an advisory council on the arts, when constituted, to the Administration, the Congress, state and local governments and the public.

CONCLUSION

In concluding this award it would not, I feel, be inappropriate to make special note of the needs of the Metropolitan Opera itself. For years this grand institution had had the unfailing support of a great and varied number of New Yorkers and persons from all parts of the country.

The generosity—the magnanimity—of such splendid benefactors as Mrs. August Belmont and Mrs. Lewis W. Douglas is matched only by the devotion of the everyday opera lovers who fill and overflow the galleries. Try as, everyone does, the deficit is always there, and somehow ever more difficult to meet.

An outpouring of support for this great cultural resource would be an inspiring affirmation of the public interest in the preservation and encouragement of cultural activities throughout the nation. It would be an altogether appropriate, and most influential, beginning of an era of widely based and sustained support for the arts in America.

In his message of greetings and good wishes on the occasion of the opening of the 1961–62 Metropolitan Opera season in October, the President said: "The entire nation rejoices that this distinguished cultural asset in our national life will again be bringing the splendid performances of great artists to millions of American homes. For the music of the Metropolitan reaches far beyond the hearing of those gathered in this great hall. It endures, captured and held by human memory, a pleasure and inspiration for years."

For myself, I would wish to thank all those of both parties who have helped me with courtesy and assistance, and who have suffered this entire undertaking with a deep and fully mutual devotion to the art of the opera. I am fully confident that relations between the orchestra and the opera association can reach the level of confidence and cooperation that this shared devotion entirely warrants.

The difficulties of the present have proved the needed stimulus for a large and promising future. We look to the Met with high expectations for ever greater achievement in the musical arts.

Mr. JEFFORDS. First of all, Mr. President, I want to thank the Senator from New York, the ranking member of the Finance Committee, for his excellent presentation on the history of the Endowment. I think it is important that we dwell on that a while, or just a few minutes here anyway, because we have heard some rather severe condemnations of a program of which, in the final analysis, after review, would show has been very helpful in enhancing the availability of the arts in this Nation. I find it problematic that even though we seem to have eliminated all of the policies that have caused problems as part of the 1996 appropriations act, to some, they still seem to exist. Let me talk a little bit about that, after again, thanking the Senator most sincerely for that historical presentation, which was most helpful.

Back in 1996, when we passed the appropriations legislation, we placed prohibitions on policies that have caused difficulty with the Senator of North Carolina and others, on the utilization of funds from the Endowment. First, we placed a prohibition on subgranting. Now, subgranting was a practice in which the Endowment itself would give a grant to an institution and that institution would in turn make grants for other things or to individual performances. An example of such a practice was raised with regard to a program mentioned by the Senator from North Carolina with respect to the Whitney Museum. It is illustrative because it points out how far we would have to go in order to satisfy those who are concerned about painting the Endowment out to be making inappropriate grants—some time, some place, somewhere, some performance will be what someone might call pornographic. Most often, it is that subgrant or another activity, separately funded, which was not issued by the Endowment, like the example of a performance at the Whitney Museum. The Whitney Museum did get a grant for its building, but not for the performance that the Senator from North Carolina mentioned. Now, the Senator from North Carolina would say that because a performance was done in that building, which had received a grant for its construction, it should have been prevented because it, in his determination, would have been offensive. That is an unrealistic standard and I would hate to think that of the programs that we fund in the United States, that we would go to the extent of censoring what people there participated in or what happens in our places of enjoyment, museums, or any place else.

Another thing we did to prevent some of the types of programming which had become offensive was to prevent seasonal support. Institutions must now specify what specific projects they will support with the funds they receive from the Endowment. And also, even more important from the perspective of trying to prevent the kinds of performances which the Senator from North Carolina was pointing out, was to prevent grants to individuals.

In the House when the issue of some of these grants was raised, Jane Alexander, the Chairman of the NEA—and I will make this a part of the RECORD—pointed out in the House definitively that they were not grants made by the NEA. Still, those are the ones that are used to condemn the NEA.

I ask unanimous consent that a copy of the letter from Jane Alexander to Representatives in the House be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ENDOWMENT FOR THE ARTS,
Washington, DC, June 24, 1997.

DEAR REPRESENTATIVE: In recent days you may have received a videotape produced and distributed by the American Family Association (AFA) which contains film scenes that the AFA says were supported by the National Endowment for the Arts during my administration of the agency.

The video apparently contains scenes from five specifically named films. I want you to know that the NEA did not in any way pay for the production of three of the films entitled Access Denied, Coconut/Cane & Cutlass and Bloodsisters. The fourth film entitled Nitrate Kisses was supported by means of an NEA production grant to an individual filmmaker during the previous administration before I became Chairman.

NEA did support production during my chairmanship of the fifth film, The Watermelon Woman, by means of a grant to Woman Make Movies/Cheryl Dunye in 1995. For your information, The Watermelon Woman has been reviewed very favorably, and is showing to audiences in theaters and film festivals throughout the country.

You should know that the NEA has not made any grants to individual filmmakers since 1996, because grants to most individual artists were abolished by Congress that year. We also have not supported the general distribution of films since 1996, because those grants fall into the category of general seasonal operating support, which Congress also abolished in 1996.

The AFA also criticized the agency for supporting Fiction Collective 2 (FC–2), a small publisher at the University of Illinois, which has introduced some of our newest minority writers of quality to the American public. Over the years, FC–2 has sustained a commitment to intellectual challenge, and some of America's greatest writers have supported it.

As you may know, the AFA has a long record of distributing purposefully inaccurate information about the NEA. The fact remains that this agency has made more than 112,000 grants over the course of its thirty-two year history, and fewer than forty of them have caused some people some problems. That's a record of excellence that any private business or government agency would envy.

I hope you find this information helpful, and hope that I can count on your support.

Sincerely;

JANE ALEXANDER, *Chairman.*

Mr. JEFFORDS. Mr. President, I want to point out that we should not get off track of what the Senator from New York has attempted to do, and that is to remember why the Endowment was created and what is the importance of the arts, what is the importance of the Federal support for the arts.

We have a huge Nation, a wonderful Nation, and a nation with diverse cultures with wonderful things occurring from one coast to the other, from the North to the South. The arts help us understand life and the NEA help the Nation learn about the good things that are going on in the arts across the country—the good things that will help us understand where we are going, what our society is about, and what we need to do to be happy, to have a good life, and to be able to solve our problems.

The purpose of the Endowment is to allow those areas—those things that are successful, those things that appeal to us, that make our culture rich—our art—to be shared from State to State. The Federal role encourages this exchange and supports all States by collecting, disseminating, and allowing programs to tour all around the country, making sure that programs which are important and essential to education or to assist those in depressed areas that are impoverished are shared.

So I will be offering an amendment which will say that at this time in our Nation we recognize that we have two very serious problems, and they are very closely related:

Education. We know that we must improve education in our Nation. It is essential that we do that. It is essential because in this day and age competition from international economies has created real problems for us, with jobs in the thousands leaving this country and going to others, threatening our Nation's ability to compete right now. For instance, we have 190,000 jobs in the technology area that are going unfilled because we do not have the young people or older people with the skills necessary to perform those jobs. We had one CEO who testified before the Labor Committee who said that he had seriously considered, like others are moving centers of their manufacturing from this Nation to other nations because people there have the skills, they are ready, they are available, and the cost is cheaper.

So one of the purposes and an important function of the Endowment is to try to see how we can help solve that problem of education.

In addition to that, we also have the problem of welfare reform. Some of the greatest problems this Nation faces are in the inner cities with our poor, with violence, and with the incredible problems that people face trying to find direction and meaning in their lives. What can you do? How can you escape from the pressures that you have in the ghettos?

I have traveled around this Nation and have observed education and welfare programs. Many of these are programs that were enhanced by programs put on or financed in part by the National Endowment for the Arts. Let me give you a few of those to demonstrate what I mean.

The thing I would like to talk about first is education; and learning. It is so much easier to understand and to learn if what you are doing is relevant, or in some way relevant, to your life, making it a little bit better, or giving you a way to make it a little bit better.

Let me go through some of the programs that I have witnessed. These were funded by the Endowment, or assisted by the Endowment. Let me take you to the inner city of New York City in the Hispanic area where some of the highest crime rates and some of the highest poverty rates exist.

I visited Ballet Hispanico on a weekend morning where young kids of 5, 6, 7, or 8 years old received instruction in ballet, participating with all the enthusiasm that young kids can have, knowing that when they left there they were going to have just a little bit more hope. This program provided a way that they could see a window through all of the chaos that they live in to be able to take them to a better life.

A more dramatic exhibition of that, also in New York City was a program that I visited—again, a program which was supported by the Endowment—where I saw these young children all drawing kind of frantically on the papers that were in front of them. I asked, "What is going on here?" The teacher informed me that each one of those children had lost a member of their family, by violence, that they had blocked off reality, and they could not communicate about what happened to them. But by drawing and by artistic expression they could let their feelings out, they could break through, there was hope for those children that their life could break away from this poverty and violence which they were in.

Also, one only has to go to listen to the Harlem Boys Choir or so many other demonstrations of what has gone on with the individuals who have participated in NEA funded activities. I also went out to San Diego, CA, and went to a school out there which was an incredible one, a music magnet school, but again in one of the depressed areas of San Diego. This was a middle school of seventh, eighth, and ninth grades, where they had an orchestra, a band, a jazz band. Almost everyone in that school had arrived there in the seventh grade without any skills in music. When I listened to them play, it brought tears to my eyes. To think that these young people when they came to that school did not see a purpose in life but perhaps now saw that there could be some beauty in their lives. I could go right here to Washington, DC. In Washington, DC, we have a school that is under the tutelage of the Kennedy Center. I was amazed with that one. I found they had artists there who were teaching, but they weren't teaching art. They were teaching math, and they were teaching science. How were they doing that? I went, and I watched these young kids making little pianos. They were learning how to measure them, construct them, and learning their geometry. Then they learned how the sounds came out differently from the little thing they hit it with. They could make music. They understood why the frequencies were different and why the frequencies were made different by the lengths of those strings.

What happened to those students? The math rates went up in that school—not so much for the reading scores, but the math rate went climbing upward.

So we know that using the arts, there are ways in which we can break through to things which are interesting and relevant—music as well as the performing arts and the graphic arts.

So we have a way to realize improvement here. So that is why my amendment would say that what we need in this country is to identify each of these programs all throughout the country and to let other people know in other States what programs are working, what are the ones that break through to those young kids who had suffered from violence and loss in their families. Which ones broke through to help? Is there further evidence of how this could work?

Statistics based on College Board figures, the organization that performs the SATs, show a difference between those students who participated in music and the arts as compared with students who did not. They found there was a dramatic difference. With those who had 4 or more years in music or art, verbal SAT scores went up almost 60 points and math SAT scores went up over 40 points. To a young person who is hoping to break out of poverty, to not get caught on welfare, the thought that by participating in music and art, the window of opportunity could be enlarged and the doors of college or university could be opened wide to them gives you an idea of what can happen if we structure the NEA better so that it identifies, helps fund and allows us to share throughout this broad Nation of ours those successful programs.

I have done a rough analysis and summary of just a few of the successful kinds of programs that we have like this in this country. They are very different. Some use the arts secondarily. Some in different ways teach math or science. Roughly 1 percent of our schools are good; 1 percent are doing the job; 1 percent of our students are getting that kind of education that we need. Ninety-nine percent need to learn from somebody, somewhere, or somehow how they can improve their results. The way they can do it is by being able to know where those programs are, who has them, so that they can identify and look at them and replicate them.

I think the Endowment, by helping identify, perhaps in cooperation and coordination with the States and the Department of Education, can make those programs available for others to see and to utilize.

One of the advantages of this great Nation is that we have people who are innovative, who can design and find ways to solve these problems. The disadvantage we have over foreign nations is that of replication, getting the people who are in charge of the programs, who are trying to design these things well to become aware of successful programs that already exist.

Let me give you an example of how we differ from other nations, and we have to analyze it as to whether we should be looking at this problem and see if we can correct it. I think we should. We have a program in the area of work force improvement called TECH PREP. It is in combination with the secondary schools and junior colleges or community colleges, and how they can work together and bring some of the courses down into the high school and to pull the students up to the level where when they graduate they will have the ability to get those jobs that I was talking about those $30-, $40-, $50-an-hour jobs paying $100,000 or $90,000 that are available in this Nation.

Malaysia came over and took one look at our program, TECH PREP, and said this is a great idea. Look how well it is working. They went back and overnight Malaysia adopted our TECH PREP program. We are still at 1 percent. About 1 percent of the schools in this country have the TECH PREP linkage with other higher educational institutions.

Those are just examples of why it is necessary for us to have programs and methodology to be able to share those great things which are occurring throughout the Nation so that they can be available to all. Those things will not be readily located or identified or provided unless we have some way to collect, to identify, to evaluate, and to let others know about them. I believe the Endowment could help us immeasurably in that area.

Mr. President, I have gone on longer than I wanted to. I suppose I will be back tomorrow when we take this up. I hope that my colleagues will share some other examples of NEA-funded programs that demonstrate the advantage of a Federal system which tries to enhance the arts and our culture, enhances enrichment and educational activities as well as to show what positive results can be achieved by giving young people, at an early age, an interest in learning. The NEA has been successful in these areas.

Mr. President, I yield the floor.

Mr. ENZI. Mr. President, I want to make some comments about funding the arts, and I rise in strong support of the amendment offered earlier today by my friend and colleague from Arkansas, Mr. HUTCHINSON. I commend him for taking such an active role in the issue. It is an issue that people have very strong and very divergent feelings about. It is that divergence of opinion that brings me to the floor to support this amendment.

In the House, it is my understanding that there is a majority in favor of eliminating funding. We will be voting on that, too. Senator HUTCHINSON is offering an alternative. He has done a lot of research on funding equity to meet the purpose of arts, of getting it out as divergent as possible across the United States, and we have not been doing that with equity.

During the course of this debate we have heard example after example of successful and valuable local projects. We hear about Shakespeare in the Park and we hear about traveling museums, we hear about folk festivals and chamber music, and visiting artists. These are very worthwhile programs, and they yank at the rural heartstrings of both liberals and conservatives alike, but the survival of those activities is not the subject of this amendment. In fact, this amendment would strengthen those programs.

The variety of approaches today alone for funding the arts shows that what we are doing has some major flaws, and there is a saying that if you keep on doing what you have always been doing, you are going to wind up with what you have, or less.

Everyone in this Chamber is familiar with the past trouble surrounding funding for the national endowments. There are too many examples of poor judgment in the granting process, too many examples of taxpayers' money wasted on projects with absolutely no redeeming social or cultural value. There are also those who argue that art is subjective, that Congress should refrain from limiting expenditures in order to foster freedom of expression.

This is not a debate about censorship. It is a debate about spending the people's money. It is a debate about who gets to make the decisions. It is a debate about who can most encourage art participation and who should make those decisions.

Is there any reason why national panels are more qualified to fund art than State or local panels? If the strongest justification for continued arts funding is the value of local programs, then we should recognize that and strengthen what works, eliminating what does not.

Last week the Senate took a historic step in the right direction when we voted to return K through 12 education spending decisions to the local school boards. That vote indicates a frustration we all feel with the abrogation of local decisionmaking authority, with the dissolution of American democracy. Programming decisions, on programs such as education and the arts, must be subject to local sensitivities and needs. Federal bureaucrats have no accountability to people because nobody lives at the Federal level. People live at the local level, people learn at the local level, and people appreciate and produce art at the local level. Even the Smithsonian, National Gallery, and the Kennedy Center produce and display collections of local art. So if we are going to fund our cultural resources with taxpayers' dollars, then let us give the taxpayers the opportunity and the responsibility to do it right.

In my hometown of Gillette, for example, where I served as mayor for 8 years, we are particularly fond of Camplex—the Campbell County Arts and Activities Center. Representatives from all over northeastern Wyoming take advantage of the performances and exhibits offered at Camplex, and many of those productions are made possible using Wyoming Arts Council support to leverage additional matching funds from local, State, and national sources. In fact, they leverage the resource about 10 to 1. That is local participation, local approval, and local decisionmaking.

I understand the importance of arts and humanities funding in places like Wyoming. I know about the distances between small towns that would never get to participate in the arts if it were not for some funding that helps to get it to them over those distances.

Seeing the arts encourages the talent that lives there. It brings out the talent of the kids, and we do have some very talented kids. Every Senator in this Chamber could point to some successes in their States. There is some misconception out there that conservatives do not appreciate the value of the arts and humanities in our society, but that is not an accurate view. This conservative Senator believes there is a place for arts funding, but that place is not in Washington. This is about an equal chance throughout the United States for equal funding in the arts.

I congratulate the Senator from Arkansas for his middle of the road approach, and I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise in support of the Helms amendment to the Interior appropriations bill. The Helms amendment, which abolishes the National Endowment for the Arts, is the only fiscally responsible approach to the funding of the arts by the Federal Government.

The Federal Government truly has to be downsized and more limited. Some on the Senate floor today have argued, and rightfully so, that the National Endowment for the Arts would function much better as a private endowment funded with private dollars, and I agree. We cannot let the Federal Government continue growing unabated, swallowing up the private function of our society as it grows. We have been given stewardship over the public purse, and we cannot abdicate that responsibility just to placate some of the special interests in Washington. We cannot continue wasting taxpayer dollars on the National Endowment for the Arts.

NEA funding in this appropriations bill is over $100 million. I support the arts, but the simple truth is our Federal Government is broke. We simply cannot afford to keep on funding art when we are in this type of fiscal condition and when we have other programs that do struggle which we should be funding.

Before we vote on this issue, I simply ask my colleagues to consider a simple question. If your family was broke, if they were in a tough financial circumstances, if they were looking at an enormous mortgage on their house, enormous debt that they have, would they be out buying art? The simple answer to that is no, they would not.

We are in a similar situation here. We are still struggling to get the budget balanced, and we are going to get there. But once we balance it, we are still over $5 trillion in debt. That is how big the mortgage is on the country.

We are talking about a program that I just do not think can justify itself, given the financial conditions that we are in and given the role of a limited and focused Government. I do think we ought to support the arts, and that should be done privately. That can occur and should occur. But when we are in this type of fiscal condition, funding art is clearly not an essential. Subsidizing artistic endeavors, inspiring artists is a worthwhile project but not for the Federal Government. The House has seen the wisdom to abolish this Government program. We should have the wisdom to do the same.

In considering this amendment, there are a lot of things that it seems to me the Federal Government could do without—a smaller, better focused Federal Government, a more limited Federal Government—and have a better Federal Government at the end of the day. Here is one clear example. It is one we do not need. It is one we have had extended debate about. It is not as if this is a new topic coming up. It is time to do it, and that is why I am supporting this amendment.

Mr. President, I yield the floor.

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 96, LINE 12 THROUGH PAGE 97, LINE 8

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Senate proceed now to the committee amendment on page 96.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $83,300,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,760,000, to remain available until expended, to the National Endowment for the Arts: Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

AMENDMENT NO. 1188

(Purpose: To eliminate funding for programs and activities carried out by the National Endowment for the Arts)

Mr. ASHCROFT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT], for himself, Mr. BROWNBACK, and Mr. SESSIONS, proposes an amendment numbered 1188 to the committee amendment beginning on page 96, line 12 through page 97, line 8.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 96, strike line 14 and all that follows through page 97, line 8.

Mr. ASHCROFT. Mr. President, I want to thank Senator HELMS from North Carolina for having participated and spoken in advance about this amendment. This amendment relates to the funding of the National Endowment for the Arts. It's a means whereby arts are subsidized by the Federal Government, where the citizens of this country are asked to participate in funding a variety of things which are designated as art or as worthy of being supported by the Government. I appreciate the leadership of Senator HELMS in this matter. I thank him for his outstanding remarks which he has made earlier today.

On the tomb of English architect Sir Christopher Wren, there is an inscription which reads, "If you would see his monuments, look around you." Each day I am moved by the beauty of the monuments of this historic city, monuments to Washington, to Jefferson, to Lincoln. They are emblematic of what is great in the art and architecture history of the United States. For years we will stand looking at these monuments as testaments to our faith. Further, they serve to remind us of the central role that artistic and scholarly expression can and should play in our lives.

It is within this context that we must determine what involvement, if any, the Federal Government should have in the arts. It is my belief that arts and humanities funding is primarily a matter for private and local initiatives. There are, however, some areas that do merit Federal assistance. For example, the Smithsonian plays an important part in transmitting the cultural heritage of Americans from one generation to the next. We appreciate the fact that we can learn about what has happened in America by visiting the Smithsonian Institution museums. I think they are of great value.

Conversely, a number of federally funded programs, from, one, for instance, labeled "A Theater History of Women Who Dressed as Men," to projects representing various manifestations of political correctness, are a waste of our taxpayers' resources.

Begun in 1965 as part of President Lyndon Johnson's Great Society Program, the National Endowment for the Arts was supposed to raise the level of artistic excellence and promote a wide variety of art. The agency's budget reached a high of $176 million just 5 years ago, in 1992, and it is slated to receive $99.5 million in fiscal year 1997. Although the NEA has funded some worthwhile programs around the Nation, it has managed to create an unbroken record of special favors and embarrassments. Year after year, the NEA has doled out money to shock artists who produce obscene, antifamily, antireligious, so-called works. I will not say they are works of art. Nonetheless, President Clinton has continued his efforts to secure tax dollars for the NEA, requesting $136 million for the agency in his proposed funding for fiscal year 1998.

Since the beginning of my tenure as a U.S. Senator, I have opposed Federal funding for the National Endowment for the Arts. I believe that Congress has no constitutional authority or valid role to play in funding the NEA. For example, during the 104th Congress, I offered, though unsuccessfully, an amendment in the Senate Labor and Human Resources Committee to reduce authorization levels for the NEA by 50 percent.

On July 15 the House passed legislation eliminating, this year, funding for the National Endowment for the Arts. However, on July 22 our Senate colleagues in the Senate Appropriations Committee took a different approach from the House by providing $100.06 million in funding for the NEA for fiscal year 1998. This reversed a trend of declining amounts from 1992, and sends the dollar amounts back up again. I was disappointed by this action. That is why I am here today. I am here today to attempt to persuade my colleagues to end funding for the National Endowment for the Arts.

There are numbers of reasons why we should end funding for the National Endowment for the Arts. Earlier today, Senator HELMS eloquently discussed one of those reasons, that the NEA has consistently funded art that is antifamily, morally objectionable, and obscene. There has been much debate on this point, and this debate, I am sure, will continue. I would like now to discuss some of the other reasons why we should stop funding the NEA.

In a time when we are paying the highest taxes in the history of the United States, why should we continue funding the National Endowment for the Arts? I think our priorities should be to balance the Federal budget as quickly as possible and deliver deep across-the-board tax relief to the American people. Another public gift to the NEA bureaucrats would be a slap in the face of millions of taxpayers who deserve tax relief but were told this year we just don't have enough resources to be able to accord you the relief you deserve. Frankly, that is an inadequate response to individuals while we are funding a variety of art projects which qualify on the basis of their political correctness; art projects which would undermine the very things that parents are trying to teach their children about the values that have made this Nation great.

Second, Congress should not be in the business of making direct subsidies to free speech. I really question whether it is the proper role of the Federal Government to directly subsidize free speech as we do through the National Endowment for the Arts.

Government subsidies, even with the best of intentions, are dangerous because they skew the market. They tend to allocate resources to something that would not be or could not be supported on its own. And they skew the market toward whatever the Government grantmakers prefer. It says that we think a certain kind of art is best and we will pay for that kind of art but we won't pay for other kinds of art. It seems to me, to have the Federal Government as a giant art critic, trying to say that one kind of art is superior to another, one kind of speech is superior to another, one set of values is superior to another, is not something that a free nation would want to encourage.

National Endowment for the Arts grants placed the stamp of official U.S. Government approval on funded art. This gives the Endowment enormous power to dictate what is regarded as art and what is not. Frankly, I believe they have made serious mistakes in the past, suggesting, of things that were nothing more than offensive, obscene material, that they were in fact art.

The Los Angeles Times critic Jan Breslauer demonstrates that the NEA's subsidization of certain viewpoints poses great problems. The Los Angeles Times critic writes:

> [T]he endowment has quietly pursued qualities rooted in identity politics—a kind of separatism that emphasizes racial, sexual and cultural difference above all else. The art world's version of affirmative action, these policies . . . have had a profoundly corrosive effect on the American arts. . . .

Here is a critic, accustomed to evaluating art, saying that the National Endowment for the Arts and its subsidies have had a profoundly corrosive effect on the American arts. All too frequently, Government programs, even well-intentioned ones, have a reverse effect, an unintended consequence, an unanticipated impact. And that is what we have here. Critics, understanding, aware, in tune with what is happening in the art world, say that what we are doing with $100 million of taxpayers' money is having a "profoundly corrosive effect on the American arts."

Here is how the Los Angeles Times critic says it is happening:

> . . . pigeonholing artists and pressuring them to produce work that satisfies a politically correct agenda rather than their best creative instincts.

What the critic has really talked about here is that, instead of creating to express himself or herself, the artist ends up trying to create to express or impress Government.

When you have a sale of what the communication is and a subsidy that reinforces the fact that someone is willing to sell their idea and to distort their idea for purposes of selling it, that is nothing more than a prostitution of the arts. It changes arts from their purity—from purity to pandering. It panders after the bureaucracy and has, according to this well-known critic, "a profoundly corrosive effect on the American arts."

Despite Endowment claims that Federal funding permits underprivileged individuals to gain access to the arts, it is important to look at what actually happens. The NEA grants offer little more than a subsidy to the well-to-do. One-fifth of the direct NEA grants go to multimillion-dollar arts organizations, $1 out of every $5 goes to the multimillion-dollar art organizations.

Harvard University political scientist Edward C. Banfield has noted that the "art public is now, as it has always been, overwhelmingly middle and upper middle class and above average in income—relatively prosperous people who would probably enjoy art about as much in the absence of the subsidies." The poor and the middle class thus benefit less from public art subsidies than do the museum- and symphony-going upper middle class.

Economist David Sawers of Great Britain argues that "those who finance the subsidies through taxes are likely to be different from and poorer than those who benefit from the subsidies." In fact, the $99.5 million that funds the NEA also represents the entire annual tax burden for over 436,000 working-class American families. To say to nearly half a million American families, everything you have as an annual tax burden will be taken and spent to subsidize art, or so-called art, or politically correct expression which has been distorted by the bureaucrats that have demanded that things be politically correct, is an affront to hard-working American families. I think we either ought to spend the money far more wisely or, preferably, we ought to say to those families, we will not tax you so we can demand and elicit from an art community politically correct statements in which they do not necessarily believe but for which they will seek to alter their art in order to get the Federal funding.

In short, the Government should not pick and choose among different points of view and value systems. Garth Brooks' fans pay their own way, while the NEA canvasses the Nation for politically correct "art" that needs a transfusion from the Treasury.

If country music folks can spend their own money to enjoy the art they enjoy, I don't know why those who would patronize the ballet or the symphony or would somehow want to induce the support of politically correct art can't support their own version of what they enjoy in the field of art or performance. It is bad public policy to have these direct Federal subsidies of free expression.

Third, Congress had no constitutional authority to create or fund the NEA.

Although funding for the NEA is small in comparison to the overall budget, elimination of this agency sends the message that Congress is taking seriously its obligation to restrict the Federal Government's actions to the limited role envisioned by the Framers of the Constitution. Nowhere in the Constitution is there any grant of authority that could reasonably be construed to include promotion of the arts.

There has been a little debate about this. I would like to point out that during the Constitutional Convention in Philadelphia in 1787, delegate Charles Pinckney introduced a motion calling for the Federal Government to subsidize the arts in the United States. Although the Founding Fathers were cultured men who knew firsthand of various European systems for public arts patronage, they overwhelmingly rejected Pinckney's suggestion because of their belief in limited, constitutional government. Accordingly, nowhere in its list of the powers enumerated and delegated to the Federal Government does the Constitution specify a power to subsidize the arts. It was considered and overwhelmingly rejected by the founders.

Fourth, the arts receive funding from a variety of other sources, and they really don't need the NEA money. The arts in America have traditionally been funded by the private sector. Up until the creation of the National Endowment for the Arts in the mid-1960s, the arts flourished in this country. As a matter of fact, from my perspective, I don't think we have had a superior development of arts in America with Federal subsidies or Federal funding. And, if we can believe the criticism of federally funded art as being art which has been distorted in order to follow the dollars of the Federal bureaucrats, insincere art that comes as a result of an enticement to be politically correct and doesn't really represent the expression of the artist, it can't, by definition, be art which would be as sound in quality as art which would have emanated from the conviction of one to convey what one believed.

As a matter of fact, if one was to compare the art generated prior to the NEA to art that has come after NEA, I don't think it would be any problem to see we have had great art throughout the history of the United States and worthy art for our consideration and our heritage in the absence of the subsidy of the Federal Government.

The growth of private sector charitable giving in recent years has rendered the NEA funding relatively insignificant to the arts community. Private funding of the arts has been rising consistently since 1965. It is estimated that individuals alone will donate nearly $1 billion to the arts and humanities this year. That is the estimate of the House Committee on Education and the Workforce, Subcommittee on Oversight and Investigations.

Overall giving to the arts in 1996 totaled almost $10 billion, up from $6.5 billion in 1991, dwarfing the NEA's Federal subsidy. This 40-percent increase in private giving occurred during the same period that the NEA budget was reduced by 40 percent from approximately $170 million to $99.5 million. Thus, as conservatives had predicted, cutting the Federal NEA subsidy coincided with increased private support for the arts and culture.

Let me make a point here. When the Government tries to elicit politically correct art through the NEA, it distorts what happens in the artistic community. It distorts it in the favor of a few who would gain a majority in Government. When the private marketplace supports art based on the quality of the art, I believe that is a superior way to do it, and I believe it is superior for art. It is a way of promoting the arts through the private sector and the marketplace which doesn't have the pernicious impact of promoting art which is not for art sake or not for communication sake, but is for the purpose of attracting from the bureaucrats a Federal subsidy.

So not only is it better to have increasing funding coming from the private sector, in terms of providing adequate resources for the arts, but it provides the validity of which and the integrity of which I believe is much more to be desired.

Let me give you an example. National Endowment for the Arts funding is just a drop in the bucket compared to giving to the arts by private citizens. In 1996, the Metropolitan Opera of New York received a $390,000 grant from the Endowment. That is a Federal subsidy of $390,000. That amounted to less than three-tenths of 1 percent of the opera's annual income of $133 million, and it amounts to less than the ticket revenue of a single sold-out performance.

State and local governments outspend the NEA, and their funding of the arts has been increasing. The arts are a healthy industry, if you would call it such in this country. Employment and earnings of artists are rising. Art attendance is up in virtually every category, and the educational level of artists is rising, too. Ticket receipts for arts are rising.

The National Endowment for the Arts is not operating in an efficient and effective manner. Let me just indicate to you we have a lot of waste in this program. There is a lot of overhead. There is a lot of ineffective spending here. The NEA is not subject, for example, to the Chief Financial Officers Act, the Government Corporations Control Act, or other strict accounting standards. The NEA has not been subject to any outside reviews of its management or accounting procedures. And—listen to this—the NEA has an unusually high administrative cost for a Government agency which now approaches 20 percent.

We talked about whether or not the Endowment's budget would carry funding to common, average people, wage earners. Twenty percent of it goes just to fund the salaries of bureaucrats in Washington, DC, who make the demand that politically correct art be produced by artists who would otherwise paint or otherwise provide other artistic work.

We earlier learned that 20 percent of the budget goes to multimillion-dollar art agencies. So you have 20 percent that goes to the multimillion-dollar art agencies, another 20 percent that goes to the bureaucrats here in Washington, DC, and almost half the budget so far is in categories that clearly aren't going to benefit people, even if the nature of the art produced was valid and had the integrity that art ought to have. Then you have art critics saying that the remaining 60 percent is used to distort what would otherwise be produced in the marketplace.

The National Endowment for the Arts recently wasted millions of dollars of taxpayers' money on a failed computer upgrade. And according to the NEA's own inspector general, a large percentage of grantees fail to document properly their use of Federal funds. So even when they send money out under the agenda of the bureaucracy and there are requirements there be documentation for the utilization of the funds, the NEA's own enforcement office, the inspector general, says, "Well, a large percentage of the people never really explain adequately how they use the resource."

The NEA is not operating in accordance with congressional intent. According to its mission statement, the NEA is to foster the excellence, diversity, and vitality of arts in the United States and to broaden public access to the arts.

One-third of direct NEA grant funds go to six large cities. One-third of all the funds find their way to New York, Boston, San Francisco, Chicago, Los Angeles, and Washington, DC. The rest of the country is left holding the bag, having made these other locations substantial beneficiaries of the tax resources of America.

Those six cities really leave much of the country without. One-third of the congressional districts fail to get any direct NEA funding. We have 435 districts. We have a lot of folks. So 140 districts, basically, get nothing. And, there is a large disparity in the amount of funding in districts that do receive funding. One-fifth of the direct NEA grants go to multimillion-dollar arts organizations. I already said that.

Moreover, the NEA continues to fund objectionable art, continues to do so despite the attempts by Congress to limit such funding.

I support and I appreciate the arts. Anybody who spent as much time with his mother standing behind him breathing down his neck as he sat on the piano bench and she counted the music and insisted on practicing has developed some appreciation for the arts. I don't play any of them well, but I manage to play three or four instruments. I have had the privilege of cutting a couple records and had a few people record songs I have written myself, but I never expected the Federal Government to come and subsidize what I do. Even the singing Senators don't want a subsidy for what we do. Of course, no one, not even the National Endowment, would construe what we do as art.

But I support the arts and I know that arts enrich our lives and make us better citizens, arts that are created and developed by individuals on the basis of their own sense of communication and not as a source of chasing Federal funding.

I believe we are challenged by the creative efforts and the talents of artists. Sometimes art doesn't have to be magnificent in order to be challenging or inspiring. I have seen inspiring art by children. I have seen inspiring art by those who are less fortunate than most of us, by those who are handicapped, because it represented some sincere expression from them as individuals. That art can teach us, it can help us, it can shape us, and it can challenge us.

No doubt, the abundance and variety of artistic expression in America plays a significant role in shaping our culture. My position in regard to eliminating the NEA should not be interpreted as a repudiation of the arts. It should be interpreted as a means of supporting the arts.

It must be clear that Congress should act pursuant only to its constitutional authority and not simply when Members of this body believe that it is a good idea for Congress to support something. Amidst all the rhetoric and all of the accusation lies a central salient fact: that the U.S. Government is a profoundly poor patron of the arts, it is a poor judge of beauty and it is an even poorer judge of inspiration. If we had at our disposal all the money in the world, it would not change this reality.

Our resources should not be devoted toward subsidizing one kind of speech or expression over another, toward saying your sense of creativity is superior, your idea is superior to another. Rather, we should allow as many of those resources to remain in the hands of those who have earned them. When we have sought to elicit artistic achievement by governmental subsidy, according to some of the very best critics, we have distorted and profoundly impaired the ability of artists to operate. They have called our impact a corrosive impact on what would otherwise be art of greater integrity.

With that in mind, I thank Senator HELMS for his eloquent statement and his joining me in this amendment which would allow the Senate to join the House in declining to fund the National Endowment for the Arts.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have listened with great interest to the debate this afternoon, hearing interesting comments by the senior Senator from New York who, as he said, was present at the creation of the National Endowment, hearing now this eloquent and well-reasoned attack on the National Endowment by the junior Senator from Missouri, I find myself compelled to make a few comments from my own observation that I think will be a little different from some that we have heard.

The Senator from Missouri talks about distorting the arts by virtue of Federal involvement and Federal subsidization. I can only say that is not what happens in my State. The main impact of the National Endowment for the Arts in the State of Utah has been to spread the arts; that is, make them available in areas in rural Utah and in poorer school districts where they would not be available otherwise.

I find no distortion of the arts when a Federal grant goes to support the establishment of string quartets playing Bach and Beethoven and Mozart in areas where the people would not of themselves be able to sustain that kind of musical organization coming into their community. I don't think it is a distortion of good art to have this kind of spreading effect take place in the rural areas of our country.

The Senator from Missouri makes the point that the vast amount of funding for the arts does, indeed, come from the private sector and that the amount of Federal contribution is so small as to be almost negligible, and he uses as his example the Metropolitan Opera.

I would be happy to stipulate that if the National Endowment for the Arts went away, the Metropolitan Opera clearly would not. The Metropolitan Opera has the ability and the visibility to raise the money necessary to stay viable if the NEA were to disappear.

But I stand here as a supporter of the NEA not because I love the Metropolitan Opera. I have been to a few performances. I think it is fine. I would go to more if I had the opportunity to be in New York more often. It is the Utah opera I am concerned about and, yes, the Utah opera would probably survive without support from the National Endowment for the Arts, but the fundraising efforts of those who put on and produce the Utah opera would be hampered.

The National Endowment for the Arts is something like a "Good Housekeeping Seal of Approval" put on a local effort which allows the people who are running that local effort to then go out and do their fundraising and say, "You see what we have here is really a class operation. It's something worthy of your support, worthy of your private contributions. Look. It's good enough that the National Endowment for the Arts has put their seal of approval on it."

There are organizations in Utah that compete heavily for that seal of approval, not because they are involved in any distortion of what they are doing for purpose of seeking a Federal grant.

The Utah Shakespearian Festival, for example, is not going to rewrite Shakespeare's plays just in an effort to get a Federal grant. But if they can get just enough seed money out of the National Endowment for the Arts that says to the people of southern Utah, "The Utah Shakespearian Festival has arrived, the Utah Shakespearian Festival is a first-class operation important enough to come to the attention of the National Endowment for the Arts," they can then take that statement, along with what little amount of money that came along with it, and redouble their fundraising efforts to make sure that the Utah Shakespearian Festival will thrive.

If I may, for just a moment, talk about the Utah Shakespearian Festival. It started as almost a class project at the College of Southern Utah in Cedar City for something to do during the summer. The founder of the festival would probably be a little more grandiose in his description of what he was getting started. This was roughly 30 years ago. It has grown to be one of the top five Shakespearian festivals in the country. People come from all over the country to attend it. And we have a marvelous, marvelous cultural experience in southern Utah as a result of its existence.

Do they need money from the National Endowment for the Arts to survive? No, they do not. But they compete for the money as often as possible even though they are now a multi-million-dollar operation because they want the seal of approval that comes with the recognition by a centrally located Government agency that says, "You are quality. You have reached the point where you justify our kind of concern."

So those who are involved in the Shakespearian festival are grateful to me for speaking out in their behalf on behalf of the NEA. They are not seeking to distort what they do. They are not, as I say, rewriting Shakespeare's plays so some bureaucrat will love them. They are simply seeking the credibility that comes with association with the National Endowment for the Arts.

I have talked to school districts around the State of Utah. In every case, they have the same story to tell. "If we can just get a few hundred dollars that has the NEA seal connected with it attached to our program, we can then raise far more easily the local money that we need."

No, the Utah Opera will not disappear. The Utah Shakespearian Festival will not disappear. The Utah Symphony will not disappear. Ballet West will not disappear. These are the leading arts organizations in Utah. But the school music programs will be hurt. The orchestras—they are not even big enough to be orchestras. The school musical activities that go on throughout rural Utah will be hurt if the NEA disappears. I think that is something to be concerned about.

The Senator from Missouri says, well, the art in this country was just as good before the NEA as it has been afterward. I will not dispute that. I do not think the NEA has funded the creation of a new Beethoven or a new Michelangelo or a new Shakespeare. But it has made it possible for people to enjoy the productions of the old Michelangelo and Beethoven and Shakespeare in places where they had not had that opportunity previously.

Of course, in my State there is a long history of public funding for the arts. This is, as people perhaps are beginning to get tired of being reminded, the sesquicentennial of the arrival of the Mormon pioneers in Salt Lake Valley; 150 years ago this group trekked across the plains, came in to found what is now the State of Utah. And there has been a great deal of national publicity about that, a great deal of discussion about the difficulties and hardships that they went through.

In the context of this debate, I point out that within weeks after their arrival in the Salt Lake Valley, which was about as inhospitable a place as they could possibly have arrived, they put on a production of the "Merchant of Venice." In their total poverty, having walked across the plains, now exhausted, faced with the possibility of starvation because they were not sure they could get their crops in in time to get any kind of a harvest before the winter set in, in a hostile environment where no crops had ever been grown before, they turned their attention to put on a production of the "Merchant of Venice"—public support for the arts.

You say, "Oh, that was all private money." Well, that is true. They did not have any Federal money. They did not have any money at all. And I am sure it was not the most wonderful production of the "Merchant of Venice" that has ever been put on. But they focused on the renewing, enriching circumstance of the arts. Brigham Young, when he arrived in the valley, planted his cane in the ground and said, "Here we will build a temple to our God," establishing his first priority, which was worship in the manner that they saw fit. That is why they went there, because they were prevented from worshiping the way they saw fit when they had been in the United States. And so they went to leave the United States. When they started out for that part of the world it was part of Mexico.

But the temple was 40 years in the building. Long before the temple was built, they had built the Salt Lake Theater. And they were having plays. They were supporting the arts with public funds.

We recently passed a tax increase in Salt Lake County for one purpose, and one purpose only, to support the arts—public funding going for arts support. The Utah Symphony probably would not survive without that tax increase. And there was a recognition that what the Utah Symphony does for the school children of Utah, what the Utah Symphony does for the cultural atmosphere of the entire State of Utah, the concerts they give all up and down the State that are attended free by schoolchildren and others is worth public funding for the arts.

That is a precedent that I think we cannot lose sight of when we are having this debate here on the floor and saying, "“The public has no business funding the arts. Let the private people take care of it."

The public has an enormous stake in seeing to it that the arts flourish in our society, that if we ever get to the point where our schoolchildren have no appreciation for Shakespeare, have no sense of excitement when they hear the "Ode to Joy" from the last movement of Beethoven's 9th Symphony, because they have never heard it before—oh, if they live in a major metropolitan area they will hear it, if they live within the sound of public radio, which some of our colleagues in the House want to destroy as well, they may hear it—but there is nothing quite like hearing it live in your own rural community, maybe badly played, put on by the local folk, and only a few hundred dollars from the National Endowment for the Arts that made it possible, that started the ball rolling, but essential, vital, important to the lives of all of us.

The public, as a whole, has a stake in seeing that the arts flourish. Those who would cancel any kind of Federal participation in the arts will be sending a powerful message that the public in the United States wants to turn its back on any kind of public involvement in disseminating the impact of the arts throughout our society.

So, Mr. President, with all due respect to my colleagues for whom I have great personal affection who are on the other side of this issue, I make it clear that I stand for funding for the National Endowment for the Arts.

Out of that general statement, let me make some specific comments about the debate we are having.

Is the National Endowment for the Arts the perfect vehicle for this funding activity that I have just defended? Probably not. There are always improvements that can be made in the bureaucracy.

Has the National Endowment for the Arts funded art with which I am disappointed? Absolutely. There is no question that the sense of outrage that has been raised on the floor of this House and the other over the years about some things that have been funded by money from the Federal Government is a legitimate sense of outrage.

Unfortunately, we have ourselves in the circumstance where if you are for the arts you almost have to stand up for this appropriations, in the way the public perceives it. And if you think that there is a problem, you almost have to be with Senator HELMS and opposing everything. I would hope we could get away from that. And I know there are a lot of amendments on the floor.

Senator HUTCHISON from Texas has one that I am almost tempted to vote for, maybe with some tweaking I might be able to vote for it. I wish we could be in the atmosphere where we started out with the amendment of the Senator from Texas and said, "OK, this is a description of where we want to be. Now let's try to work from here towards solution."

But unfortunately, the matter has been so polarized you almost have to pick a side and stand on that side and say, "Any movement away from this side opens me up to misinterpretation," any movement away from a stand for the full amount approved by the subcommittee that Senator GORTON chairs, and on which I serve, is a demonstration you are not in favor of the public support for the arts; or, on the other side, any movement away from total elimination is a demonstration that you are in favor of filthy art. I do not think either of those extremes is accurate in the legislative situation in which we find ourselves.

I would hope that in this Congress we would pass the bill as it came out of the subcommittee—I voted for it in the subcommittee and support it strongly on the floor—and then move toward a more reasoned or, if you will, less emotional analysis of what should be the future of funding for the arts, what should be the restructuring of the National Endowment for the Arts.

Could we perhaps combine the National Endowment for the Arts and the National Endowment for the Humanities in a single endowment, overseeing both activities, and see if we can't achieve some efficiencies in administration, that some of the same administrative functions could take place to support both activities, and do that in a much less emotionally charged atmosphere that seems to surround this debate?

For that reason, I will support the amendment by the chairman of the full committee, Senator STEVENS, that says once this is all over in this appropriations bill, Congress should hold some hearings on this issue and see where we really ought to go.

But in this emotionally charged atmosphere that we find ourselves, I find that those kinds of conversations get lost in the rhetoric and you have to chose either one side or the other. The highly polarized atmosphere of this debate is, I think, unfortunate.

But in that atmosphere I have made my choice, true to the traditions of the State that I represent, going back 150 years. I have decided to support public funding for the recognition that it is the spreading of the arts throughout all of society that is the great benefit of the arts.

It is not for the elite, who sit in the concert hall and listen to the Metropolitan Opera, to say, "That is a magnificent operatic experience"; it is for the people in the small towns of Utah, who sing those operatic arias, usually rather badly, but are nonetheless inspired by the experience of coming in contact with that which the Metropolitan Opera itself helps preserve for the Nation as a whole.

Would I like to have more money for my State out of the National Endowment? Of course. What politician would not, but not at the expense of dismantling the great artistic organizations that are at the core of the spreading of art throughout our society as a whole.

So I look forward to the passage of Senator STEVENS' amendment, for the coming of some kind of hearings for the examination of the particulars of how we deal with this. But I repeat again, in the polarization that has occurred here where you have to ultimately say you are on one side or the other, I have chosen the side that I have been on. And I wish to make that clear.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I was particularly moved by the remarks of the Senator from Utah and decided I would come to the floor at this time and add my own thoughts, which are in support of the funding for the National Endowment for the Arts.

Mr. President, support for the arts and the humanities, in my judgment, characterizes a civil society. It establishes in many respects that Nation's place in history. We read so much about wars and politicians, but I find that the search for the arts is what really leaves the strongest impression about a Nation's contribution to mankind.

Throughout our Nation's history, the arts have held a very valued place in our country. I listened earlier to our good friends and colleagues speak, and I went over to my reception room and lifted this volume entitled "The Art in the United States Capitol." Would it not be hypocrisy for those who feel so inclined to no longer help the communities have their own arts, would it not be somewhat hypocritical for us, since we live in and work in this collection of buildings, amidst one of the greatest collections of art in the world, and we are so proud that we put this book out?

Let me read the preface. It is 1976, the year of our bicentennial. 94th Congress of the United States, concurrent resolution.

> *Resolved by the House of Representatives, the Senate concurring,* That there be printed with black and white and color illustrations as a House document, a volume entitled "Art in the United States Capitol," as prepared under the direction of the Architect of the Capitol; and that there be printed 36,400 additional copies of such document, of which 10,300 will be for the use of the Senate, 22,100 copies will be used for the House of Representatives, and 4,000 copies for the use of the Architect of the Capitol.

It is a beautiful volume, Mr. President. I urge those who enjoy, as I do, these magnificent paintings in this great institution to get a copy, if we can find it for them, and place it in their reception room. As the visitors come from all across my State, and indeed from other States, this is the volume which they pick up and go through with great pride. I am astonished we would enjoy what we have and at the same time not try to take the proper steps to provide for the rest of the country a comparable enjoyment.

As my distinguished colleague said, while we may not have, thus far, with the NEA created a Michelangelo, perhaps we have instilled in men to study his works. I often take time to go through our galleries and museums all across this country to enjoy the great contributions of those in our Nation who have placed in history this Nation's contribution to the arts.

I feel it would be a sad contradiction were Members of Congress to turn their back on funding for the arts at the same time we work among this marvelous collection of art and buildings, some of the most priceless pieces of art work in the country and enjoyed by millions of visitors every day to the Capitol of the United States.

The Rules Committee, of which I am a member, has oversight responsibility for these buildings and the works of art proudly displayed. We have a curator, a very knowledgeable individual with whom I have had many, many, enjoyable conversations. Each day our own collection is checked. Often it has to be refurbished. The Capitol Building itself is one of the finest examples of 19th-century neoclassical architecture, and it is noted in the hallways and throughout some 540 rooms of the Capitol that there are over 677 works of art, including portraits, major paintings, statutes, reliefs, frescoes, murals, sculptures, and other miscellaneous items.

The National Endowment for the Arts and the National Endowment for the Humanities were founded some 30 years ago with the passage of the National Foundation on the Arts and Humanities Act of 1965. Since their inception, the NEA and the NEH have funded numerous museums, symphonies, and projects of historical and cultural significance.

In my State, the economic wealth of Virginia has been the beneficiary of many of those contributions.

In addition, the NEA and NEH grants served as a catalyst for organizations by assisting them in fundraising efforts in their own communities.

How often have I attended these events. And the fact that the National Endowment for the Arts in Washington, DC, recognizes that this particular entity in Virginia is eligible for a grant has enabled them to raise additional funds. It is a force multiplier in the all-important work of raising private contributions.

Have the NEA and the National Endowment for the Humanities made mistakes? Oh, yes, Mr. President, very, very serious errors in judgment and mistakes. But show me any other department or agency of the Federal Government that has not likewise made serious mistakes in the course of their history. We learn by our mistakes. I was here at the time a very serious problem arose with the National Endowment, and I say to my good friend from North Carolina—and I am privileged to sit in front of his desk, a dear and valued friend—how properly he brought that to the attention of the American people. That was a serious example. But I am convinced we have learned from these mistakes, and they shall not be repeated. Fundamental change, nevertheless, is needed, Mr. President.

In July, the Senate Labor and Human Resources Committee, of which I am privileged to be a member, had the opportunity to review, mark up and report legislation reauthorizing the NEA and the NEH.

This measure, the Arts and Humanities Amendments of 1997 (S. 1020) makes progress toward the structural reforms many of us believe need to be made. It focuses the mission of the agencies, while broadening the populations served. It reduces bureaucracy, while increasing accountability. And it sets in motion a process by which a true endowment can be established.

This reauthorization bill represents the bipartisan work of the committee with jurisdiction. During markup, there were three areas of the measure that I believed merited the committee's attention. I put forth three amendments, all of them being adopted.

First, I expressed concern with the authorization levels contained in this bill. Given the current climate, working toward a balanced budget, which I support, we need to provide a realistic authorization level for the NEA. I offered an amendment to reduce authorization level for the NEA from $175 to $105 million, which was successful. Granted, I recognize that permanent reauthorization of these agencies is unlikely at best. But we must be realistic.

I am pleased that the Appropriations Committee has likewise come to a similar level of funding.

Second, I stated that the NEA's advisory panels need to be more geographically representative. Currently, membership on the panels is concentrated in two States: New York and California. Again, I offered an amendment to ensure that no more than 10 percent of panel members were from one State. We need to ensure that America's geographic diversity is represented on these panels, for it is they who determine which works are funded.

Finally, I remain convinced that administrative costs must be limited. Every dollar saved on administrative costs is another dollar available for grantmaking activities. This panel recognized that fact last Congress, when it favorably reported a reauthorization bill with a 12-percent cap on administrative expenses. We need to get to that level. I outline these points simply to illustrate that the reported measure, represents, in my view, a balanced, thoughtful approach to the dilemma of the NEA. As I said, at the hearing before the Labor Committee nearly 2 months ago, I want to express my support for the arts and the maintenance of a national presence. But I also wish to express my strong support for a thorough review of the agency policy.

The Labor and Human Resources Committee put forth a bipartisan consensus predicted on the hearing and amendment process. The framework of S. 1020 represents a solid basis for handling these issues on this bill. I hope that the leaders of both committees of jurisdiction can set forth a consensus that builds on the work done in the Labor Committee and can come together and craft a measure to be put in this bill that reflects and takes into consideration, I think, the very constructive considerations that have been offered by many of my colleagues this afternoon, and can put together a framework predicated on the foundation set in S. 1020.

I understood the desire to report from the Senate Labor Committee and from the Senate the most favorable bill possible from the agencies' perspective. However, presenting the most realistic measure possible will ensure that our priorities are preserved.

As a new member of the Senate Labor and Human Resources, I was pleased to work with Chairman JEFFORDS and other members of the committee to craft this proposal. This measure meets the need for structural reform, provides appropriate funding levels, and maintains our commitment to the arts.

It is my hope that the work of the committee will be recognized and incorporated in the final legislation funding these agencies.

One thing that this debate makes clear is the need for a thorough revamp of this process. I would support funding for 1 more year with the commitment to evaluate, through hearings before the Labor Committee, appropriate policy changes. It is my hope that a comprehensive review of Federal funding of the arts and the proposed alternatives—several of which have been offered on the floor—will resolve this annual debate.

The United States is the world's leading economic and military superpower, and as we enter the second millennium, I believe we have a special obligation to ensure that the arts are not neglected.

Mr. President, we are approaching the millennium. It would be tragic, I think, for the United States of America to begin to celebrate the millennium having abandoned public support for the arts and, yet, we in the Capitol will still remain in this magnificent set of buildings containing this magnificent art, which were contributions of previous generations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I thank the Chair.

(The remarks of Mr. ENZI pertaining to the introduction of Senate Resolution 122 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE BUREAU OF INDIAN AFFAIRS

Mr. BENNETT. Mr. President, with all of the discussions that have occurred in recent weeks regarding the Bureau of Indian Affairs [BIA], it seems that every year about this time, we in Congress scratch our heads and wring our hands over how to improve efficiency with this most cumbersome of Federal bureaucracies. I want to share with my colleagues an experience that one of my constituents recently had with the BIA. It deals with Hodges, Inc., a small construction firm with home offices in Sandy, UT. This is a case with a long and complicated history, but I want my colleagues to have a better understanding of what it is like for a small contractor to conduct business with the BIA.

On June 20, 1994, the BIA awarded to Hodges, Inc., a contract for the renovation of the Taos Pueblo Day School in New Mexico, in the amount of $649,541. According to this agreement, the renovation work was to have been completed within 120 days from July 5, 1994.

The first problem occurred when the architect of the project was also selected to be the contracting officer's representative [COR] creating several built-in conflicts of interest. When Hodges, Inc., the primary contractor, pointed out several deficiencies in the design, the COR unfortunately interpreted these comments as personal attacks. Problems escalated as the COR visited the job site only three or four times, and failed to take into account differing site conditions, changes, and payment clauses of the contract. The COR never attempted to determine if the work was satisfactorily completed at the time of invoice preparation.

Unfortunately, the COR and the contracting officer also failed to understand the significance and importance of issuing change orders to the contractor. Numerous incidents occurred during the renovation when change orders were issued to the contractor, directing him to perform a specific repair and to submit a proposal for that work. Under the terms of the original contract, Hodges, Inc., had no choice but to perform these tasks as directed and, in return, the contracting officer was to pay the contractor an equitable adjustment, covering any increased costs and recognize the additional contract performance time as a result of the directed change.

However, the BIA did not always agree with the invoices submitted by Hodges, Inc., and arbitrarily determined the amount it would pay with no attempt to negotiate the payment or understand the nature of the expenses incurred by the contractor.

Mr. President, competent architects and engineers know that renovation of an existing building is frequently far more complicated than new construction projects. Consequently, extra care should be taken to ensure the accuracy of the contract documents. The number of complications during renovation of the Taos Pueblo Day School that can be traced to defects in the plans and specifications led to significant changes to the contract. Singularly, these defects might not have been significant, but the considerable number of defects hindered the contractor's ability to perform in a timely and cost-efficient manner.

Throughout all the performance process, there was no sense of urgency on the part of the BIA in responding to several concerns raised by the contractor, with delays in answering critical correspondence of up to 45 days. The BIA's failure to respond to requests for clarification or direction in a timely manner impacted Hodges, Inc.'s ability to perform its contractual obligation. By September 1994, the antagonistic relationship between the BIA and Hodges, Inc., was so strained as to make any sort of amicable solution very difficult. Rather than having meaningful discussions to resolve the differences, the remaining performance period became a nonproductive paper war.

The contract was terminated for default by the BIA on April 6, 1995. In accordance with the disputes clause of the contract, Hodges, Inc., appealed the termination for default to the Interior Board of Contract Appeals [IBCA] on June 6, 1995. In October, Hodges, Inc., filed a complaint with the IBCA alleging they were delayed in performing the contract by the BIA's improper administration of several contract clauses. Hodges, Inc., filed claims against the BIA in the amounts of $16,627.39 for improper administration of payments during contract performance, $82,394.53 in documenting costs because of equitable adjustments to the contract under the changes clause of the contract, and $573,398.28 requesting termination for convenience costs.

In December, BIA agreed to a termination for convenience rather than the termination for default, with an effective date of April 6, 1996. On December 12, 1996, the BIA and Hodges, Inc., settled the termination for convenience costs with a payment due to Hodges, Inc., in the amount of $495,000.00. During the course of the negotiations the parties agreed that payment would be made by the middle of January 1997, the because the project was not yet completed by the construction contractor performing on behalf of the bonding company, the costs that the bonding company incurred would be paid directly to them by BIA.

To almost no one's surprise, BIA did not fulfill its obligation of paying by mid-January. Only after my office contacted the BIA in behalf of Hodges, Inc., and with the oversight of the Department of the Interior, were payments made. The first $145,000 payment was received on April 2, 1997, a second $300,000 payment was received on April 16, 1997, and a third $50,000 payment was received on May 6, 1997. All payments were made well after the convened date, causing undue hardship on the contractor who had made arrangements with its subcontractors in order to clear its own debts.

Unfortunately, chapters in this strange saga continue to be written. BIA has denied the contractor claim to recover interest penalties owed them, and because the bonding company has not received payment from BIA for work beyond the conversion, they have been forced to withhold Hodges, Inc.'s performance and payment bonds with the Small Business Administration. As a result, Hodges, Inc., is limited on the size of contracts it can bid, hindering its ability to do business.

Mr. President, this whole episode has escalated the cost of the renovation of the Taos Pueblo Day School from about $650,000 to $1.1 million—$500,000 over the original amount awarded. That is a half a million dollars that could better be spent improving education, law enforcement or housing. And we wonder why things don't seem to be getting any better for the tribes over the years.

In the coming days, we will discuss the future of tribal funding. As this debate is conducted, I ask my colleagues to also keep in mind that no matter how funding formulas are changed, failure to force BIA to improve efficiency will only hinder efforts to improve conditions for the tribes. A new funding formula administered by an old, inefficient, and unresponsive bureaucracy is the equivalent of putting new wine in old bottles. I encourage my colleagues to seriously consider the need to restructure BIA in addition to the need to restructure current funding formulas.

THE GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

Mr. BENNETT. Mr. President, as my colleagues know nearly a year ago, on September 18, 1996, President Clinton announced the creation of the Grand Staircase-Escalante National Monument under the authority of the Antiquities Act, declaring 1,7 million acres in the State of Utah as a national monument. The majority of the citizens in southern Utah were understandably distressed that they were left out of the designation process. Today, those local citizens continue to be alarmed by the potential negative impact this designation may have on their counties' economies. While we may not wish to reverse the President's designation, we must ensure that the Grand Staircase-Escalante National Monument is sufficiently funded and managed in a way that ensures the integrity of the public comment process.

I have included specific language included in the committee report accompanying H.R. 2107 represents the first opportunity we have to appropriate funds for this monument. I would like to express my appreciation to the chairman, Senator SLADE GORTON and the distinguished ranking member, Senator ROBERT BYRD, for working with me to address the immediate needs of the monument.

The language included in the committee report identifies $6,400,000 in funding for the monument. This amount, rather than been consolidated in a single line item, has been distributed among 20 different subaccounts within the Bureau of Land Management's budget under "Management of Lands and Resources" account. Because these funds are appropriated through so many separate budget functions, it is extremely important that the moneys allocated for the monument be clearly listed in the report by line item, so that funds are not diverted to other agency programs. In order to ensure that sufficient resources are available during this planning stage, the report language mandates that all of the funds designated in this bill are to be allocated to the Utah BLM office and the on-ground field office. I thank the chairman for his help in this matter.

Mr. President, it is also important that Congress provide maximum flexibility at the field office level to utilize these funds in most effective way. The report language expresses the expectation that funds will be relocated as needed, with an emphasis on the provision of visitor services. On this matter, the committee directs the BLM to work cooperatively with Kane and Garfield Counties and the State of Utah in accommodating the diverse range of visitor expectations. The agency should look first to the capabilities and expertise of local citizens, private and government entities in addressing the issue of safety, access, and maintenance of the areas visited by the public. The two impacted counties have already signed cooperative agreements with the BLM outlining the goals, expectations and deliverables and defining the counties' participation in the planning process. The reports I have received of this cooperative effort have been encouraging.

The committee is appropriating ample funds to continue the development of a management plan and allow the continuation of the existing cooperative agreements with Kane and Garfield Counties. However, the committee has expressed that the cooperative relationship must not be limited to the management plan, as it has been already expanded to include some short-range search and rescue and other related concerns.

Mr. President, regarding the ever critical matter of schools, President Clinton assured the people of Utah that "the creation of this monument will not come at the expense of Utah's children" and that once land exchanges were underway, "the differences in valuation will be resolved in favor of the school Trust." However, the committee rightly so, has expressed its concern that the Department of Interior may be undervaluating school trust lands within the monument. We have been very specific in our instructions to the BLM that this is unacceptable.

In closing, I would like again to thank my distinguished colleagues, Senators GORTON and BYRD and their staff for their assistance in forging the directives that will guide the BLM and the Department of Interior in the planning and management of the Grand Staircase-Escalante National Monument in the next fiscal year.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 12, 1997, the Federal debt stood at $5,415,082,668,733.48. (Five trillion, four hundred fifteen billion, eighty-two million, six hundred sixty-eight thousand, seven hundred thirty-three dollars and forty-eight cents)

One year ago, September 12, 1996, the Federal debt stood at $5,216,902,000,000 (Five trillion, two hundred sixteen billion, nine hundred two million)

Twenty-five years ago, September 12, 1972, the Federal debt stood at $436,267,000,000 (Four hundred thirty-six billion, two hundred sixty-seven million) which reflects a debt increase of nearly $5 trillion—$4,978,815,668,733.48 (Four trillion, nine hundred seventy-eight billion, eight hundred fifteen million, six hundred sixty-eight thousand, seven hundred thirty-three dollars and forty-eight cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 343. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Mongolia (Rept. No. 105–81).

S. 747. A bill to amend trade laws and related provisions to clarify the designation of normal trade relations (Rept. No. 105–82).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. 1175. A bill to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission for 10 additional years; to the Committee on Energy and Natural Resources.

By Mr. THOMAS (for himself and Mr. CRAIG):

S. 1176. A bill to guarantee that Federal agencies identify State agencies and counties as cooperating agencies when fulfilling their environmental planning responsibilities under the National Environmental Policy Act; to the Committee on Environment and Public Works.

By Mr. WARNER:

S. 1177. A bill to prohibit the exhibition of B–2 and F–117 aircraft in public air shows not sponsored by the Armed Forces; to the Committee on Armed Services.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. HATCH, Mr. LEAHY, Mr. MURKOWSKI, Mr. DURBIN, Mr. STEVENS, Mr. REED, Mr. GORTON, Mr. INOUYE, and Mr. TORRICELLI):

S. 1178. A bill to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes; read twice and placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Mr. COATS, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DASCHLE, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. GLENN, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. INHOFE, Mr. JEFFORDS, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, Mr. TORRICELLI, and Mr. WELLSTONE):

S. Res. 122. A resolution declaring September 26, 1997, as "Austrian-American Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself and Mr. CRAIG):

S. 1176. A bill to guarantee that Federal agencies indentify State agencies and counties as cooperating agencies when fulfilling their environmental planning responsibilities under the National Environmental Policy Act; to the Committee on Environment and Public Works.

THE STATE AND LOCAL GOVERNMENT PARTICIPATION ACT OF 1997

Mr. THOMAS. Madam President, I come to the floor to introduce a piece of legislation which I will submit. It is called the State and Local Participation Act of 1997.

What I would like to do, Madam President, is to introduce a bill that would provide for the opportunity for State, local, and county agencies to participate in the National Environmental Policy Act [NEPA]. This bill is to guarantee that local agencies have an opportunity to be identified as cooperating agencies in the NEPA process, as it takes place in the various locations throughout the country. All of us know that NEPA was passed in the late 1960's, designed to provide for full study before activities are undertaken which affect the environment, and I support that idea. It has been an interesting topic over the years. NEPA, of course, is a relatively small, simple piece of legislation—less than three pages, which is unusual in this place, to have a bill that is that short. But fortunately or unfortunately, over the period of the 20 years or more that have gone since the introduction and passage of this bill, a great many changes have been made, not by amendment, not even by regulation, but in fact by court decisions. So now we have a very complicated, very expensive, very time-consuming process that is still designed, as it was originally, to make sure that studies are completed, EIS's are completed—environmental impact statements or environmental assessments, whichever is appropriate. I support that idea. But we have been very involved, in our committee, Energy and Natural Resources—been very involved in my State of Wyoming in the use of NEPA to provide for mineral exploration, to provide for roads in the public areas, to provide for grazing, to provide for the number of uses that take place on public lands.

As you can imagine, when you have a State that is 50 percent public lands, these kinds of processes are particularly important. We want to maintain them. We want to strengthen them, in fact. After 20 years of experience, there are some things that we can change. So NEPA was designed to ensure the environmental impacts of proposed actions are considered and minimized by the Federal agency that is responsible for taking the action.

It is also designed to provide for adequate public participation in that decision, in the decision process that is undertaken by the Federal agencies. This sounds pretty simple. As a matter of fact, it sounds pretty basic and reasonable. And it is. Unfortunately, the regulations—have caused it to be something other than simple.

For example, we had the question of exploring for gas in an area north of Casper, WY—a relatively small area. It would have made a great deal of difference to that county in terms of employment, a great deal of difference to that county in terms of tax base and all the things that affect a community. So the county commissioners felt as if they ought to be a part of this process, and I certainly agreed with them. They had more knowledge about that than any other agency, they had more caring about that than any other agency, yet this area was in their county so they also cared, of course, equally as much about taking care of the environment and the natural resources.

Unfortunately the BLM, in this instance, would not make this county commission a cooperating agency. And they turned to the current law which says, basically, "Prior to making any detailed statement, the responsible Federal official shall consult and obtain the comments of Federal agencies which have jurisdiction."

We are simply suggesting that there be added the words, "and State and county agencies." So it would read, ". . . obtain the comments of Federal and State agencies and counties which have jurisdiction." We think that is a reasonable thing to do. I think it is a reasonable thing to do. As a matter of fact, most people think it is a reasonable thing to do.

We also had a forest study that is now underway, in the Medicine Bow Forest, in Wyoming. I talked to the regional forester. And we had another forest in the Black Hills where the counties and local people were not made a cooperating agency. So the regional director said, "Yes, this one we will." Unfortunately, when it came to it, they didn't. And they put them in, in some other category, but not as a cooperating agency. And as a cooperating agency you can participate with the Federal agencies, put your comments in the report rather than just submitting them as any other citizen.

So that is basically what we do with this legislation. It is designed to provide for greater input of State and local governments in the NEPA process. This measure will be known as the State and Local Government Participation Act of 1997. It will simply guarantee that States and counties are given an opportunity to participate, and participate in the decisions that affect the areas over which they have jurisdiction, whether it be in New York, whether it be in Wyoming, whether it be in Texas.

Madam President, I would like also to have unanimous consent that Senator CRAIG, from Idaho, be listed also as a sponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I thank the Chair very much for the time. I certainly urge my associates in the Senate to take a look at this opportunity to provide for one of the things that we talk about as much as anything in this Senate, and that is providing local input into the decisions that are made by the Federal Government. Let me tell you, that is particularly important to those of us from the West—Idaho, Nevada. In Nevada, some 80 percent of the land in Nevada belongs to the Federal Government. So the decisions that are made on Federal lands by Federal agencies have a tremendous impact on the future of those States and the future of the economy, and on the future of citizens. It is my belief, and the belief of many others, that local governments, the people that have been elected from these areas, should be participating, cooperating agencies in the determination of the NEPA arrangement. We think that is what this bill will do and we certainly urge support for it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "State and Local Government Participation Act of 1997."

SEC. 2. Section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)(C)) is amended—

(1) by striking "any Federal agency which has" in the first full sentence after subparagraph (v); and

(2) inserting in lieu thereof "Federal and state agencies, and county governments which have".

By Mr. WARNER:

S. 1177. A bill to prohibit the exhibition of B-2 and F-117 aircraft in public air shows not sponsored by the Armed Forces; to the Committee on Armed Services.

THE PUBLIC AIR SHOW EXHIBITION PROHIBITION ACT OF 1997

Mr. WARNER. Madam President, I am going to momentarily send a bill to the desk which will prohibit the use of F-117 aircraft and B-2 aircraft in public shows.

Madam President, I was stunned to learn last night of this tragic accident, and in no way does my action reflect any discredit on the pilot or in any way prejudge the outcome of this tragic accident. Indeed, there are facts at this moment which indicate this pilot took a risk of life to possibly avoid a greater degree of risk to others. As I listened to that report, I thought back to my own experience in Korea in 1951. My commanding officer—I remember him very well—Lt. Col. Al Gordon, U.S. Marine Corps, took off in his AD-1 bomber, and he experienced fire over a community. He stayed with his aircraft in order to avoid that aircraft going into a community, and as a consequence it lost altitude. When he finally bailed out, there was insufficient distance between the aircraft and the ground. His chute streamed and he lost his life. I remember it so well because I was detailed to go out into the mountains and collect that brave officer.

I believe that we as a nation should not be using this type of military asset in this type of show. This airplane, on a unit program cost, costs the taxpayers $100 million a copy. We only have 53 remaining, and they are needed for special missions in the national security interests of this country. I just do not believe that type of asset can be put at this type of risk. The B-2 bomber is $2 billion a copy.

Madam President, I stand with some embarrassment because I realize my office and others are besieged with requests from communities and constituents to provide these aircraft for air shows. The aircraft do enhance an air show a great deal, but I feel it is a matter of principle that this Nation cannot subject that costly an aircraft, one that is essential to the performance of specialized missions, in this type of circumstance. As a result, I will submit this bill. Further, I am going to consider this issue in the course of the conference between the House and the Senate on the 1998 authorization bill. It will undoubtedly provoke some comment which I will listen to very carefully. I just wanted to express the heartfelt feelings of one Senator that we have to look more carefully at the use of these very costly systems in connection with public air shows such as this.

I yield the floor and thank my colleagues.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. HATCH, Mr. LEAHY, Mr. MURKOWSKI, Mr. DURBIN, Mr. STEVENS, Mr. REED, Mr. GORTON, Mr. INOUYE and Mr. TORRICELLI):

S. 1178. A bill to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes; read twice.

THE VISA WAIVER PILOT PROGRAM REAUTHORIZATION ACT OF 1997

Mr. ABRAHAM. Mr. President, today I am introducing legislation that would reauthorize the current Visa Waiver Pilot Program, which is scheduled to expire on September 30, 1997. Senator KENNEDY has joined me in developing this reauthorizing legislation, and I am pleased to be introducing it with him. I am also pleased to have Senators HATCH, LEAHY, MURKOWSKI, DURBIN, STEVENS, REED, GORTON, INOUYE and TORRICELLI as original cosponsors.

The Visa Waiver Pilot Program permits aliens from designated countries to enter the United States as temporary visitors for up to 90 days with a passport, but without the additional visa that normally would also be required to enter our country. The program became effective in 1988, and was originally limited to eight countries and for a duration of 3 years. Twenty-five countries now participate, and the program's authorizing statute has been amended and extended five times—a clear tribute to the program's success. Last year's immigration reform law, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, extended the Visa Waiver Pilot Program through September 30, 1997. The program was extended for only 1 year so that we could consider related issues in more detail and apart from the multitude of immigration issues Congress was considering last year.

Visa waiver countries are now selected by the Attorney General in consultation with the Secretary of State, a change that was instituted through last year's immigration reform law. In order to be eligible for the program, countries must meet a number of statutory requirements, which aim to ensure that aliens admitted under the program are generally low risk and will not overstay their authorized period of stay in the United States.

Mr. President, this program has proven a great success. It has significantly furthered international travel and tourism. Nonetheless, I believe the program's authorizing statute can be improved in a number of ways to address administrative failings and, more generally, some of our Nation's very serious illegal immigration problems.

For instance, under the program, any country designated a Visa Waiver Program participant may be placed in probationary status if it does not maintain a low disqualification rate and may eventually be removed from the program. The disqualification rate represents the percentage of nationals from a particular country who applied for admission to the United States. at a port of entry as non-immigrants and who violated the terms of their nonimmigrant visas, were excluded from admission upon trying to enter or withdrew their applications for admission. But, due to problems in the administration of the program, no country has ever been removed from the program, and countries' continuing eligibilities have not even been assessed.

What can we do to improve this situation? First, we simply must improve the current abysmal record of tracking—and even counting—visa overstayers. Estimates released earlier this year by the INS put the number of illegal aliens in the United States at 5 million; 41 percent of these illegal aliens entered the United States legally but overstayed their authorized period of stay.

Moreover, we recently learned that the INS cannot even accurately assess overall numbers of those who enter legally and overstay, despite the current use of an entry-exit matching system through the I-94 cards. The current paper-based entry-exit control system relies on a card, the I-94 form, half of which is collected upon entry and the other half of which is collected by the airline or other carrier on exit. Ideally, the INS then would match up the two halves of the card. This system should permit the INS to identify individual overstayers. Yet the INS has used it only to collect aggregate numbers of overstayers. Even for that limited purpose the system has failed. We recently learned that INS data based on the I-94's has been virtually unusable since 1992.

The inspector general of the Department of Justice recently issued an alarming report on the subject of nonimmigrant visa overstayers. In that report, which was issued on September 4, the inspector general found that INS's primary information system on nonimmigrants, is not producing reliable overstay data, either in the aggregate, or on individual nonimmigrants, and noted that INS is unable to perform its responsibilities for monitoring the Visa Waiver Pilot Program, including determining whether a country should be placed on probation or terminated from the program. We need to take immediate action to correct these failings and require INS to carry out its responsibilities.

Mr. President, on July 17 I held a subcommittee hearing to examine this program. In addition to learning about weaknesses in the INS's monitoring of visa overstayers, we also learned that, in the view of many nations, the visa refusal rates countries must meet to gain admission to the program are set too low given the somewhat subjective nature of the visa awards process. Since the program's inception, efforts to modify numerical criteria have continually resurfaced. Some narrow efforts have been successful for a time, but none have resolved the issue on a more permanent basis. Rather than have any sort of special probationary status reappear from time to time or create any special status for particular countries, in my view it is better to set these criteria at a more fair level once and for all and to apply the requirements of the Visa Waiver Pilot Program rigorously to newly admitted countries and to countries already in the program.

This legislation addresses the problem of numerical criteria by slightly broadening potential eligibility for the Visa Waiver Program. At the same time, this legislation contains three provisions tightening the program, along with a provision improving administration and one extending the program for 5 years.

Allow me to be specific:

First: The bill would modify the refusal rate countries must meet to be eligible for the Visa Waiver Pilot Program. Under current law, 8 U.S.C. 1187(c), in order to be eligible for pilot program status, a country must have a low nonimmigrant visa refusal rate of 2 percent per year on average over the previous 2 fiscal years, and its refusal rate must not exceed 2.5 percent in either year. The refusal rate is the percentage of nonimmigrant visa applications that are rejected at U.S. Embassies and consulates overseas. Our legislation would change those numbers to 3 percent and 3.5 percent, respectively.

Our goal here in changing the numbers should not be to guarantee that any particular countries will be admitted into the program or to increase participation generally for its own sake. Rather, we should seek to make the criteria more fair and as a whole more reflective of reasons for which a country should be entitled to visa waiver status. A number of witnesses testified at our hearing that the Republic of Korea—commonly referred to as South Korea—should be admitted to the program. While I am confident that South Korea will eventually be admitted to the Visa Waiver Pilot Program, I should note that, since South Korea's refusal rate numbers may exceed 3 percent for the current fiscal year, South Korea may not be eligible for admission to the Visa Waiver Pilot Program immediately.

Mr. President, increasing the refusal rate numerical cutoffs from 2 percent/2.5 percent to 3 percent/3.5 percent will not have a dramatic effect on the number of countries eligible for the Visa Waiver Pilot Program. Fourteen countries meet the current refusal rate criteria but have not been admitted to the program for other reasons. Four others—Botswana, Chile, Greece, and South Korea, do not meet the current criteria, but may meet a modified cutoff of 3 percent/3.5 percent, depending on what happens with their FY97 numbers. Changing the numerical cutoff by 1 percent would thus mean that 18 rather than 14 countries not admitted to the Visa Waiver Pilot Program might now meet the refusal rate criteria. Of those four additional countries, only South Korea is likely to meet other program requirements in the near future.

The second reform in this legislation will improve reporting of visa overstayer numbers and disqualification rates. Current law provides that countries can be removed from the Visa Waiver Pilot Program if their visa overstay and disqualification rates—i.e., the rate of those turned away at ports of entry as inadmissible, exceed 2 percent of those seeking admission as nonimmigrants under the Visa Waiver Pilot Program. Yet the INS has produced no data on overstay numbers since 1992 and has accordingly been unable to fulfill its statutory duties.

To address this serious shortcoming in administration of the Visa Waiver Pilot Program, the bill would require that the Attorney General: First, make precise numerical estimates for each pilot program country of that country's visa overstay and disqualification rates, and second, report those estimates to Congress within 30 days after the end of each fiscal year. In addition, for any new country to be admitted under the slightly revised refusal rate criteria, the Attorney General would have to certify that the country's visa overstay and disqualification rates had been within the statutory limits.

Third, this legislation provides for enhanced passport security requirements. Under current program requirements, a country may not be admitted to the Visa Waiver Pilot Program unless it certifies that it has or is in the process of developing a program to issue machine-readable passports to its citizens. At the subcommittee hearing we held on this issue in July, the INS suggested that participant countries also be required to issue fraud resistant passports. This legislation actually builds on the INS's proposed requirement. It would require that countries seeking admission to the program issue machine-readable and highly fraud-resistant passports. It would no longer be enough for countries to certify that they were moving toward issuing these passports.

The proposed bill would also extend this requirement to countries already in the program. Despite the requirement in current law that countries at least be developing machine-readable passport programs, there is no requirement that they follow through. Likewise, there has been no follow-up by the State Department to ensure that they eventually meet the requirement. For countries in the program as of September 30, 1997, the bill provides that the Attorney General may not redesignate a country as a pilot program country unless the country certifies that it has issued or will issue as of a date certain machine-readable and highly fraud-resistant passports and unless the country subsequently complies with any such certification commitments.

Fourth, this legislation links expansion of Visa Waiver Pilot Program with INS development of an automated entry-exit control system. The illegal immigration reform bill requires the Attorney General to develop, by September 30, 1998, an automated entry-exit control system that will match arrival and departure records and make possible identification of individual aliens who overstay their visas. INS indicates that they will have this system up and running on time for ports of entry other than our land borders. To ensure that the Visa Waiver Pilot Program will not be expanded before INS complies with those requirements—and to add some incentive for them to do so—the Abraham-Kennedy bill would require that no new country be admitted to the program until 30 days after the Attorney General certifies to Congress that the automated entry-exit control system mandated by the illegal immigration reform law is operational at all ports of entry excluding the land borders. I note that there may be some question as to whether last year's law intended to have the automated entry-exit control system apply to the land borders, and I will be working separately to clarify that Congress intended the provision to apply only to entry and exit at ports of entry excluding the land borders.

Fifth, this legislation provides modified roles for the Secretary of State and Attorney General to reflect their respective Agency's expertise. Last year's immigration reform law also altered the relationship between the Secretary of State and the Attorney General with respect to decisions under the Visa Waiver Pilot Program. That program previously provided that relevant determinations would be made jointly by the Secretary and the Attorney General. The illegal immigration bill provided that such determinations are to be made by the Attorney General in consultation with the Secretary. Under the Abraham-Kennedy bill, the Secretary, in consultation with the Attorney General, would have the lead role only in terms of initially allowing a country into the Visa Waiver Pilot Program.

The Secretary is given this role because she compiles the refusal rates and is in a better position to assess a country's passport program than the Attorney General. Once countries are admitted to the program, however, the Attorney General would play the lead agency role in determining whether a country will remain in the program or be placed on probation for having excessive overstay and disqualification rates. This is in keeping with the Attorney General's responsibility for determining these figures and over aliens once they arrive at a port of entry to the United States.

Finally, the proposed bill includes a 5-year extension of the Visa Waiver Pilot Program, setting an expiration date of September 30, 2002.

Mr. President, I urge my colleagues to support the extension of this important program in conjunction with the changes that Senator KENNEDY and I have developed. This legislation will rationalize an important program that has brought significant benefits to our Nation, while instituting important safeguards to protect that program's integrity.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Visa Waiver Pilot Program Reauthorization Act of 1997".

SEC. 2. AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.

(a) DESIGNATION OF PILOT PROGRAM COUNTRIES.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended to read as follows:

"(c) DESIGNATION OF PILOT PROGRAM COUNTRIES.—

"(1) IN GENERAL.—The Secretary of State, in consultation with the Attorney General, may designate any country as a pilot program country if it meets the requirements of paragraph (2). In order to remain a pilot program country in any subsequent fiscal year, a country shall be redesignated as a pilot program country by the Attorney General in accordance with the requirements of paragraph (3).

"(2) QUALIFICATIONS.—The Secretary of State may not designate a country as a pilot program country unless the following requirements are met:

"(A) LOW NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 3.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(B) LOW NONIMMIGRANT VISA REFUSAL RATE FOR EACH OF 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 3.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(C) MACHINE-READABLE PASSPORT PROGRAM.—The government of the country certifies to the Secretary of State's and the Attorney General's satisfaction that it issues machine-readable and highly fraud-resistant passports to its citizens.

"(D) LAW ENFORCEMENT INTERESTS.—The Attorney General determines that the United States' law enforcement interests would not be compromised by the designation of the country.

"(E) ILLEGAL OVERSTAY AND DISQUALIFICATION.—For any country with an average nonimmigrant visa refusal rate during the previous two fiscal years of greater than 2 and less than 3 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and for any country with an average number of refusals during either such year of greater than 2.5 and less than 3.5 percent, the Attorney General shall certify to the Committees on the Judiciary of the Senate and the House of Representatives that the sum of—

"(I) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission at a port of entry during such previous fiscal year as a nonimmigrant visitor, and

"(II) the total number of nationals for that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

is less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

"(3) CONTINUING AND SUBSEQUENT QUALIFICATIONS.—The Attorney General, in consultation with the Secretary of State, shall assess the continuing and subsequent qualification of countries designated as pilot program countries and shall redesignate countries as pilot program countries only if the requirements specified in this subsection are met. For each fiscal year (within the pilot program period) after the initial period the following requirements shall apply:

"(A) COUNTRIES PREVIOUSLY DESIGNATED.—(i) Except as provided in subsection (g) of this section, in the case of a country which was a pilot program country in the previous fiscal year, the Attorney General may not redesignate such country as a pilot program country unless the sum of—

"(I) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor, and

"(II) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

was less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

"(ii) In the case of a country which was a pilot program country in the previous fiscal year, the Attorney General may not redesignate such country as a pilot program country unless the Attorney General has made a precise numerical estimate of the figures under clauses (i)(I) and (i)(II) and reports those figures to the Committees on the Judiciary of the Senate and the House of Representatives within 30 days after the end of the fiscal year. As of September 30, 1999, any such estimates shall be based on data collected from the automated entry-exit control system mandated by section 110 of Public Law 104–708.

"(iii) In the case of a country which was a pilot program country in the previous fiscal year and which was first admitted to the visa waiver pilot program prior to September 30, 1997, the Attorney General may not redesignate such country as a pilot program country unless the country certifies that it has issued or will issue as of a date certain machine-readable and highly fraud-resistant passports and unless the country subsequently complies with any such certification commitments.

"(B) NEW COUNTRIES.—In the case of a country to which the clauses of subparagraph (A) do not apply, such country may not be designated as a pilot program country unless the following requirements are met:

"(i) LOW NONIMMIGRANT VISA REFUSAL RATE IN PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 3.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(ii) LOW NONIMMIGRANT VISA REFUSAL RATE IN EACH OF THE 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 3.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(4) INITIAL PERIOD.—For purposes of paragraph (3), the term 'initial period' means the period beginning at the end of the 30-day period described in section 2(c)(1) of the Visa Waiver Pilot Program Reauthorization Act of 1997 and ending on the last day of the first fiscal year which begins after such 30-day period.".

(b) AUTHORIZED PILOT PROGRAM PERIOD.—Section 217(f) of that Act is amended by striking "September 30, 1997" and inserting "September 30, 2002".

(c) DEVELOPMENT OF AUTOMATED ENTRY CONTROL SYSTEM.—(1) As of the date of enactment of this Act, no country may be newly designated as a pilot program country until the end of the 30-day period beginning on the date that the Attorney General submits to the Committees on the Judiciary of the House of Representatives and the Senate a certification that the automated entry-exit control system described in paragraph (2) is operational.

(2) The automated entry-exit control system is the system mandated by section 110 of Public Law 104–208 as applied at all ports of entry excluding the land borders.

Mr. KENNEDY. Mr. President, I am honored to join Senator ABRAHAM, the chairman of the Immigration Subcommittee, in introducing legislation to extend the Visa Waiver Program for 5 additional years. The program serves the Nation well, and deserves to be extended.

I am particularly pleased that the bill we introduce today would create a pilot program to expand the number of countries able to participate in the Visa Waiver Program. I am optimistic that Portugal, for example, will qualify for the waiver program under the legislation which Senator ABRAHAM and I propose today. I have advocated Portugal's inclusion in this program for several years because of the close ties between the people of Massachusetts and that country. Its inclusion in this program will allow Portuguese citizens to come to the United States to visit relatives or conduct trade and business without facing the often time-consuming task of obtaining a visa.

This Visa Waiver Program started as a pilot program in 1988 with only one country, the United Kingdom. Today, it has grown into an important part of overall U.S. immigration policy. Twenty-five countries now qualify for the program, and it brings significant benefits to the United States as well as to visitors from those nations.

Almost half of those who visit the United States for business or tourism now enter under this program. Billions of dollars in international transactions are facilitated by the ease of travel that it makes available. According to the Travel Industry Association of America, tourists coming to this country under the program contribute $84 billion to the economy and help support 947,000 American jobs in the tourist industry.

The Visa Waiver Program also strengthens immigration enforcement. Rather than spending tax dollars to conduct needless visa interviews, the program enables us to concentrate scarce resources on the serious immigration problems of keeping criminals and terrorists out and dealing more effectively with visa fraud. As a result of the program, millions of dollars and hundreds of consular personnel have been reallocated to target the most serious immigration threats.

Countries must meet strict criteria before they are eligible to participate in the waiver program, in order to prevent illegal immigration to the United States. The Attorney General may cancel a country's participation at any time if she believes a waiver compromises law enforcement or national security.

Travelers from participating countries may come to the United States without visas, but they still must be interviewed by U.S. immigration officials at the airport or other points of entry before they are admitted to this country. According to INS statistics, few travelers abuse the program to enter the United States illegally. INS has turned away less than 1 percent of those seeking entry under the Visa Waiver Program.

The bill we introduce today makes a good waiver program even better. It builds on the success of the current waivers by establishing a small pilot program to enable certain countries that do not currently qualify to participate if they meet certain strict requirements. A precondition for the pilot program is for INS to develop and implement an automated entry-exit control system. Today, we know who comes to America, but we do not always know who leaves. We need this information in order to track down visitors who remain in this country illegally after their visas expire, and to ensure that countries are abiding by the requirements of the program, and are not contributing to illegal immigration.

In order to participate in the new pilot program, a country must have a low visa refusal rate at our consulates abroad. Under the normal Visa Waiver Program, qualifying countries must have a refusal rate of less than 2 percent over the past 2 years. The Abraham-Kennedy pilot program would set the requirement at 3 percent for countries to enter the program on a pilot basis. In recent times, Portugal's refusal rate has been below the 3-percent threshold, so unless Portugal's refusal rate rises, I would look forward at long last to welcoming Portugal into this program.

Mr. President, the Visa Waiver Program works, and I urge Congress to extend it. I commend Senator ABRAHAM for offering this timely legislation, and I am proud to be a sponsor.

Mr. MURKOWSKI. Mr. President, I rise today to support Senator ABRAHAM and Senator KENNEDY's efforts to amend and reauthorize the Visa Waiver Pilot Program [VWPP]. The Visa Waiver Pilot Program has been highly successful program, freeing up embassy staff, promoting tourism and trade, and fostering closer ties between our country and her allies. Chairman ABRAHAM has made a number of important changes to the VWPP which I believe will make this program even more successful. The changes include tightening controls so that there will not be abuse of the program, and adjusting the admission criteria to include deserving countries.

As many of my colleagues know, I have been a strong advocate of including South Korea in the Visa Waiver Pilot Program. I believe no other country, not currently included in the pilot program, represents as close an ally as South Korea. As our fifth largest export market, home to 37,000 of our troops, and with an economy larger than all but 5 of the current visa waiver countries, this democratic country deserves the right to participate in this program. With a 1996 unemployment rate of 2 percent, lower than all but one of the VWPP countries, the burgeoning middle class in South Korea should be able to travel to the United States without the cumbersome restraints associated with citizens traveling from high-risk countries.

The Abraham legislation is a positive step, but it is unclear if South Korea will be eligible for the VWPP in the short term because of the bill's continued reliance on refusal rates as the defining criteria for admission. However, under this legislation Korea stands a much better chance of becoming eligible than under current law. For this reason and the fact that Senator ABRAHAM and Senator KENNEDY have strengthened the safeguards in the VWPP, I am supporting this legislation.

This bill expands along the concept of promoting tourism and trade and fostering closer ties between our country and our allies by increasing the refusal rates needed to become eligible for inclusion into the Visa Waiver Pilot Program. The bill also addresses many of the concerns raised by the Immigration and Naturalization Service and the Justice Department by including additional safeguards to ensure that the program is not abused and becomes a vehicle for illegal immigration.

For instance, in order for a visa waiver country to be redesignated as a visa waiver country, under this legislation the Attorney General must make precise estimates, based upon data collected from an automated entry-exit control system, of the overstay rates of each country. If the Attorney General cannot make an estimate for a country, that country will lose its privilege to travel to the United States visa free.

In the past, Congress could not adequately monitor the effectiveness of the Visa Waiver Pilot Program. With the requirements for overstay rates, Congress will have analytical evidence that countries are not abusing this privilege and that the Visa Waiver Pilot Program works. Coupled with the additional safeguards, including the requirement for machine readable and highly fraud resistant passports for countries entering the program, the entry-exit control system, already being implemented by INS, will ensure that the VWPP continues to be successful.

I would like to see further changes. For example, changing the reliance on arbitrary refusal rates decided in many cases by overworked staff in our embassies and consulate offices abroad. Examples where embassy staff have mistakingly denied visas, abound. They include:

President Kim Young Sam's sister-rejected the first time she applied for a tourist visa.

The daughter of the chairman of the multibillion-dollar company, Hyundai, was rejected for a student visa based on insufficient financial resources.

The son of the president of IBM Korea was rejected because the consular office did not believe the son would be a good student. He had already been accepted in the school in the United States.

For South Korea, where our United States Embassy processes more nonimmigrant visa applications than any other country in the world, the use of the refusal rate automatically puts South Korea at a disadvantage. This needs to be corrected. Perhaps with the establishment of a working entry-exit control system required in this bill, the overstay rate coupled with other objective criteria can be used to determine eligibility.

I would like to commend Senator ABRAHAM and Senator KENNEDY for taking such an active role regarding Korea and the Visa Waiver Pilot Program. The Subcommittee on Immigration on the Judiciary Committee has worked closely with my staff to try to accommodate my concerns. I look forward to working closely with both Senators in the future regarding this issue.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 219

At the request of Mr. LUGAR, his name was added as a cosponsor of S. 219, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for value-added agricultural products of the United States.

S. 606

At the request of Mr. HUTCHINSON, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 606, a bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors.

S. 648

At the request of Mr. GORTON, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 648, a bill to establish legal standards and procedures for product liability litigation, and for other purposes.

S. 723

At the request of Mr. LAUTENBERG, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 723, a bill to increase the safety of the American people by preventing dangerous military firearms in the control of foreign governments from being imported into the United States, and for other purposes.

S. 781

At the request of Mr. HATCH, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 781, a bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

S. 927

At the request of Ms. SNOWE, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 927, a bill to reauthorize the Sea Grant Program.

S. 1066

At the request of Mr. WELLSTONE, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of S. 1066, a bill to amend the Internal Revenue Code of 1986 to allow the alcohol fuels credit to be allocated to patrons of a cooperative in certain cases.

SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 7

At the request of Mr. SARBANES, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Concurrent Resolution 7, a concurrent resolution expressing the sense of Congress that Federal retirement cost-of-living adjustments should not be delayed.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 38

At the request of Mr. ROTH, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of Senate Concurrent Resolution 38, a concurrent resolution to state the sense of the Congress regarding the obligations of the People's Republic of China under the Joint Declaration and the Basic Law to ensure that Hong Kong remains autonomous, the human rights of the people of Hong Kong remain protected, and the government of the Hong Kong SAR is elected democratically.

SENATE RESOLUTION 119

At the request of Mr. FEINGOLD, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of Senate Resolution 119, a resolution to express the sense of the Senate that the Secretary of Agriculture should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers.

SENATE RESOLUTION 122—DECLARING SEPTEMBER 26, 1997 AS AUSTRIAN-AMERICAN DAY

Mr. ENZI submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 122

Whereas 1997 marks the 50th anniversary of General George C. Marshall's plan for assisting the free countries of Europe in their post-World War II rebuilding process;

Whereas on September 26, 1945, upon the insistence of the United States, a conference was held in Vienna by the Allies and the 9 Austrian Federal State Governors, that laid the foundation for the first post-war Austrian government recognized by the United States and the other Allied Forces;

Whereas this treaty saved Austria from being divided into an East and West, as in Germany;

Whereas Austrians are thankful for the generosity demonstrated by the citizens and the Government of the United States after World War II;

Whereas Austrian-Americans have made important contributions to the American way of life as well as in industry, education, culture, and the arts and sciences; and

Whereas Austrian born Americans, or Americans of Austrian descent, have brought prestige and recognition to the United States as Nobel laureates in medicine, economics, and the sciences: Now, therefore, be it

Resolved, That the Senate—

(1) declares September 26, 1997, as "Austrian-American Day"; and

(2) authorizes and requests the President to commend this observance to the citizens of the United States in honor of this momentous occasion.

Mr. ENZI. Mr. President, I rise to join my friend, the Honorable Senator from Indiana, RICHARD LUGAR, in the submission of a resolution declaring September 26, 1997, Austrian-American Day. We are also joined by many distinguished colleagues from both sides of the aisle in support of this measure to commemorate and celebrate the strong ties that bind the Government of Austria and the United States and our people. This resolution has deep meaning to me because of my Austrian roots and heritage.

The year 1997 has special significance in the history of Austrian-American relations for it marks the 50th anniversary of what became known as the Marshall plan. It was 1947 when Gen. George C. Marshall outlined his vision of a program to rebuild war-torn Europe through a policy of reconciliation and compassion. The Marshall plan that was eventually implemented by the United States is remembered fondly by the free nations of Europe for its monumental and generous aid that gave the people of these nations hope after the most costly war in the history of the world—hope for freedom and lasting piece. Without the incredible vision of General Marshall the democracies of Europe might have floundered in their rebuilding efforts, creating an avenue for the expansion of communism in the midst of the cold war. Marshall's foresight and the willingness of the people and the Government of the United States to assist all of free Europe, especially Austria, resulted in the growth of stable governments in these countries.

Austrians have not forgotten the efforts of the United States to maintain the unity of their country after World War II. The United States was instrumental in calling for a conference to be held in Vienna to debate the future of Austria. On September 26, 1945, this conference was convened between the Allies and the representatives of the nine Austrian Federal States, during which a treaty was signed that rescued Austria from a fate similar to that of the Soviet-occupied European countries and a divided Germany.

The resolution I propose today, commemorates the sacrifices Americans made for Austria after World War II, as well as contributions that Austrian immigrants and Americans and Austrian decent have made to the American way of life in industry, education, government, culture, and the arts. Austrian-Americans that have earned the Nobel Prize include Victor Franz Hess in physics, Karl Landsteiner in medicine, and Friedrich von Hayek in economics. Austria has produced the likes of United States Supreme Court Justices Felix Frankfurter and Earl Warren; the originator of the Pulitzer Prize, Joseph Pulitzer; John David Hertz, the founder of today's Hertz-Rent-A-Car and the well-known Yellow Cab system; Estee Lauder, maker of leading cosmetics; and Raoul Fleischman, cofounder of the New Yorker magazine and member of the Fleischman yeast family.

Through the years, Americans have also enjoyed the work of those Americans of Austrian descent or origin, such as Fred Astaire, Billy Wilder, and of course "The Terminator," Arnold Schwarzenegger. This is but a small sample of the names to be found on a list of famous Austrian-Americans who have made heartfelt contributions to the legacy of the America they love.

Austria and the United States have shared these common ideals and interests, not just in the past 50 years, but for nearly two centuries. It is for these reasons that I feel it is altogether appropriate that we recognize not only the proud people of Austria, but the warm and cordial relations that exist between our two countries at this historic time that holds such deep meaning for both our nations.

AMENDMENTS SUBMITTED

THE FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997 PRESCRIPTION DRUG USERS FEE REAUTHORIZATION ACT OF 1997

HARKIN (AND OTHERS) AMENDMENT NO. 1137

(Ordered to lie on the table.)

Mr. HARKIN (for himself, Mr. HATCH, Mr. DASCHLE, and Ms. MIKULSKI) submitted an amendment intended to be proposed by them to the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. ____. ESTABLISHMENT OF NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE.

(a) IN GENERAL.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by striking section 404E; and

(2) in part E, by amending subpart 4 to read as follows:

“Subpart 4—National Center for Complementary and Alternative Medicine

“SEC. 485C. PURPOSE OF CENTER.

“(a) IN GENERAL.—The general purposes of the National Center for Complementary and Alternative Medicine (in this subpart referred to as the ‘Center’) are—

“(1) the conduct and support of basic and applied research (including both intramural and extramural research), research training, the dissemination of health information, and other programs, including prevention programs, with respect to identifying, investigating, and validating complementary and alternative treatment, prevention, and diagnostic systems, modalities, and disciplines; and

“(2) carrying out the functions specified in sections 485D (relating to dietary supplements).

The Center shall be headed by a director, who shall be appointed by the Secretary. The Director of the Center shall report directly to the Director of NIH.

“(b) ADVISORY COUNCIL.—The Secretary shall establish an advisory council for the Center in accordance with section 406, except that the members of the advisory council who are not ex officio members shall include one or more practitioners from each of the disciplines and systems with which the Center is concerned, and at least 3 individuals representing the interests of individual consumers of complementary and alternative medicine.

“(c) COMPLEMENT TO CONVENTIONAL MEDICINE.—In carrying out subsection (a), the Director of the Center shall, as appropriate, study the integration of alternative medical treatment and diagnostic systems, modalities, and disciplines into the practice of conventional medicine as a complement to such medicine and into health care delivery systems in the United States.

“(d) APPROPRIATE SCIENTIFIC EXPERTISE.—The Director of the Center, after consultation with the advisory council for the Center and the division of research grants, shall ensure that scientists with appropriate expertise in research on complementary and alternative medicine are incorporated into the review, oversight, and management processes of all research projects and other activities funded by the Center. In carrying out this subsection, the Director of the Center, as necessary, may establish review groups with appropriate scientific expertise.

“(e) EVALUATION OF VARIOUS DISCIPLINES AND SYSTEMS.—In carrying out subsection (a), the Director of the Center shall identify and evaluate alternative medical treatment and diagnostic modalities in each of the disciplines and systems with which the Center is concerned, including each discipline and system in which accreditation, national certification, or a State license is available.

“(f) ENSURING HIGH QUALITY, RIGOROUS SCIENTIFIC REVIEW.—In order to ensure high quality, rigorous scientific review of complementary and alternative medical and diagnostic systems, modalities, and disciplines, the Director of the Center shall conduct or support the following activities:

“(1) Outcomes research and investigations.

“(2) Epidemiological studies.

“(3) Health services research.

“(4) Basic science research.

“(5) Clinical trials.

“(6) Other appropriate research and investigational activities.

“(g) DATA SYSTEM; INFORMATION CLEARINGHOUSE.—

“(1) DATA SYSTEM.—The Director of the Center shall establish a bibliographic system for the collection, storage, and retrieval of worldwide research relating to complementary and alternative medical treatment and diagnostic systems, modalities, and disciplines. Such a system shall be regularly updated and publicly accessible.

“(2) CLEARINGHOUSE.—The Director of the Center shall establish an information clearinghouse to facilitate and enhance, through the effective dissemination of information, knowledge and understanding of alternative medical treatment and diagnostic systems and disciplines by health professionals, patients, industry, and the public.

“(h) RESEARCH CENTERS.—

“(1) IN GENERAL.—The Director of the Center, after consultation with the advisory council for the Center, shall provide support for the development and operation of multipurpose centers to conduct research and other activities described in subsection (a)(1) with respect to complementary and alternative medical treatment and diagnostic systems, modalities, and disciplines.

“(2) REQUIREMENTS.—Each center assisted under paragraph (1) shall use the facilities of a single entity, or be formed from a consortium of cooperating entities, and shall meet such requirements as may be established by the Director of the Center. Each such center shall—

“(A) be established as an independent entity; or

“(B) be established within or in affiliation with an entity that conducts research or training described in subsection (a)(1).

“(3) DURATION OF SUPPORT.—Support of a center under paragraph (1) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director of the Center and if such group has recommended to the Director that such period should be extended.

“(i) BIENNIAL REPORT.—The Director of the Center shall prepare biennial reports on the activities carried out or to be carried out by the Center, and shall submit each such report to the Director of NIH for inclusion in the biennial report under section 403.

“(j) AVAILABILITY OF RESOURCES.—After consultation with the Director of the Center, the Director of NIH shall ensure that resources of the National Institutes of Health, including laboratory and clinical facilities, fellowships (including research training fellowship and junior and senior clinical fellowships), and other resources are sufficiently available to enable the Center to appropriately and effectively carry out its duties as described in subsection (a).

“(k) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1998 through 2002. Amounts appropriated under this subsection for fiscal year 1998 are available for obligation through September 30, 2000. Amounts appropriated under this subsection for fiscal year 1999 are available for obligation through September 30, 2000.

“SEC. 485D. OFFICE OF DIETARY SUPPLEMENTS.

“(a) IN GENERAL.—There is established within the Center an office to be known as the Office of Dietary Supplements (in this section referred to as the ‘Office’). The Office shall be headed by a director, who shall be appointed by the Director of the Center. The Director of the Center shall carry out the functions specified in this section acting through the Director of the Office.

“(b) DUTIES.—

“(1) IN GENERAL.—The Director of the Office shall—

“(A) expand the activities of the national research institutes with respect to the potential role of dietary supplements as a significant part of the efforts of the United States to improve health care; and

“(B) promote scientific study of the benefits of dietary supplements in maintaining health and preventing chronic disease and other health-related conditions.

“(2) CERTAIN DUTIES.—The Director of the Office shall—

“(A) conduct and coordinate scientific research within the National Institutes of Health relating to dietary supplements and the extent to which the use of dietary supplements can limit or reduce the risk of diseases such as heart disease, cancer, birth defects, osteoporosis, cataracts, or prostatism;

“(B) collect and compile the results of scientific research relating to dietary supplements, including scientific data from foreign sources or other offices of the Center;

“(C) serve as the principal advisor to the Secretary and to the Assistant Secretary for Health and provide advice to the Director of NIH, the Director of the Centers for Disease Control and Prevention, and the Commissioner of Food and Drugs on issues relating to dietary supplements including—

“(i) dietary intake regulations;

“(ii) the safety of dietary supplements;

“(iii) claims characterizing the relationship between dietary supplements and the prevention of disease or other health-related conditions;

“(iv) claims characterizing the relationship between dietary supplements and the maintenance of health; and

“(v) scientific issues arising in connection with the labeling and composition of dietary supplements;

“(D) compile a database of scientific research on dietary supplements and individual nutrients; and

"(E) coordinate funding relating to dietary supplements for the National Institutes of Health.

"(c) BIENNIAL REPORT.—The Director of the Office shall prepare biennial reports on the activities carried out or to be carried out by the Office, and shall submit each such report to the Director of the Center for inclusion in the biennial report under section 485C(i).

"(d) DEFINITION.—For purposes of this section, the term 'dietary supplement' has the meaning given such term in section 201(ff) of the Federal Food, Drug, and Cosmetic Act.".

(b) SAVINGS PROVISIONS.—

(1) NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE.—All officers and employees employed in the Office of Alternative Medicine on the day before the date of the enactment of this Act (pursuant to section 404E of the Public Health Service Act, as in effect on such day) are transferred to the National Center for Complementary and Alternative Medicine. Such transfer does not affect the status of any such officer or employee (except to the extent that the amendments made by subsection (a) affect the authority to make appointments to employment positions). All funds available on such day for such Office are transferred to such Center, and the transfer does not affect the availability of funds for the purposes for which the funds were appropriated (except that such purposes shall apply with respect to the Center to the same extent and in the same manner as the purposes applied with respect to the Office). All other legal rights and duties with respect to the Office are transferred to the Center, and continue in effect in accordance with their terms.

(2) OFFICE OF DIETARY SUPPLEMENTS.—With respect to the Office of Dietary Supplements established in section 485D of the Public Health Service Act (as added by subsection (a)), such establishment shall be construed to constitute a transfer of such Office to the National Center for Complementary and Alternative Medicine from the Office of the Director of the National Institutes of Health (in which the Office of Dietary Supplements was located pursuant to section 485C of the Public Health Service Act, as such section was in effect on the day before the date of the enactment of this Act). Such transfer does not affect the status of any individual as an officer or employee in the Office of Dietary Supplements (except to the extent that the amendments made by subsection (a) affect the authority to make appointments to employment positions), does not affect the availability of funds of the Office for the purposes for which the funds were appropriated, and does not affect any other rights or duties with respect to the Office.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.), as amended by subsection (a), is amended—

(1) in section 401(b)(2), by amending subparagraph (E) to read as follows:

"(E) The National Center for Complementary and Alternative Medicine."; and

(2) in section 402, by redesignating subsections (g) through (k) as subsections (f) through (j), respectively.

DURBIN AMENDMENTS NOS. 1138–1141

(Ordered to lie on the table.)

Mr. DURBIN submitted four amendments intended to be proposed by him to the bill, S. 830, supra; as follows:

AMENDMENT NO. 1138

Strike subsection (c) of section 404 and insert the following:

(c) RULE OF CONSTRUCTION.—Nothing in this Act or any amendment made by this Act shall be construed to alter any authority of the Secretary of Health and Human Services to regulate any tobacco product, or any additive or ingredient of a tobacco product.

AMENDMENT NO. 1139

Strike sections 605 and 606.

AMENDMENT NO. 1140

In section 523 of the Federal Food, Drug, and Cosmetic Act, as added by section 204, strike subsection (b) and insert the following:

"(b) ACCREDITATION.—

"(1) IN GENERAL.—Within 180 days after the date of enactment of this section, the Secretary shall adopt methods of accreditation that ensure that entities or individuals who conduct reviews and make recommendations under this section are qualified, properly trained, knowledgeable about handling confidential documents and information, and free of conflicts of interest.

"(2) STANDARDS.—In adopting the methods of accreditation, the Secretary shall ensure that the entities and individuals—

"(A) are subject to—

"(i) the conflict of interest standards applicable to employees of the Food and Drug Administration under subparts E, H, and I of part 73 of title 45, Code of Federal Regulations (as in effect on January 1, 1996); or

"(ii) if the standards described in clause (i) would be inappropriate for the entities and individuals, conflict of interest standards developed by the Secretary that are—

"(I) based on the standards described in clause (i); and

"(II) modified, as appropriate, to apply to the entities and individuals; and

"(B) are not subject to the conflict of interest standards under supbart J of such part.

"(3) PUBLICATION.—The Secretary shall publish the methods of accreditation in the Federal Register on the adoption of the methods.".

AMENDMENT NO. 1141

At the end of title VIII, add the following:

SEC. ___. NOTIFICATION OF DISCONTINUANCE OF A LIFE SAVING PRODUCT.

Chapter VII (21 U.S.C. 371 et seq.), as amended by section 811, is further amended by adding at the end the following:

"Subchapter H—Notification of the Discontinuance of a Life Saving Product

"SEC. 781. DISCONTINUANCE OF A LIFE SAVING PRODUCT.

"(a) IN GENERAL.—A manufacturer that is the sole manufacturer of a drug (including a biological product) or device—

"(1) that is—

"(A) life supporting;

"(B) life sustaining; or

"(C) intended for use in the prevention of a debilitating disease or condition; and

"(2) for which an application has been approved under section 505(b), 505(j), or 515(d),

shall notify the Secretary of a discontinuance of the manufacture of the drug or device at least 6 months prior to the date of the discontinuance.

"(b) REDUCTION IN NOTIFICATION PERIOD.—On application of a manufacturer, the Secretary may reduce the notification period required under subsection (a) for the manufacturer if good cause exists for the reduction, such as a situation in which—

"(1) a public health problem may result from continuation of the manufacturing for the 6-month period;

"(2) a biomaterials shortage prevents the continuation of the manufacturing for the 6-month period;

"(3) a liability problem may exist for the manufacturer if the manufacturing is continued for the 6-month period;

"(4) continuation of the manufacturing for the 6-month period may cause substantial economic hardship for the manufacturer; or

"(5) the manufacturer has filed for bankruptcy under chapter 7 or 11 of title 11, United States Code.

"(c) DISTRIBUTION.—To the maximum extent practicable, the Secretary shall distribute information on the discontinuation of the drugs and devices described in subsection (a) to appropriate physician and patient organizations.".

KENNEDY AMENDMENTS NOS. 1142–1155

(Ordered to lie on the table.)

Mr. KENNEDY submitted 14 amendments intended to be proposed by him in the bill, S. 830, supra; as follows:

AMENDMENT NO. 1142

Strike section 404.

AMENDMENT NO. 1143

On page 30, strike lines 1 through 16, and insert the following:

(b) PREMARKET NOTIFICATION.—Section 513(i)(1) (21 U.S.C. 360c(i)(1)) is amended by adding at the end the following:

"(C) Whenever the Secretary requests information to demonstrate that the devices with differing technological characteristics are substantially equivalent, the Secretary shall only request information that is necessary to make a substantial equivalence determination. In making such a request, the Secretary shall consider the least burdensome means of demonstrating substantial equivalence and shall request information accordingly.

"(D) The determination of the Secretary under this subsection and section 513(f)(1) with respect to the intended use of a device shall be based on the intended use included in the proposed labeling of the device submitted in a report under section 510(k), except that nothing in this subparagraph may be construed to limit what the Secretary may consider in determining whether a device is substantially equivalent to a predicate device under subparagraph (A)(ii).".

AMENDMENT NO. 1144

On page 30, line 16, after the first period, insert the following: "Nothing in the preceding sentence shall be construed to prohibit the Secretary from determining that a new device is not substantially equivalent to a predicate device because changes in the technological characteristics of the new device demonstrate that the device is intended for a different use than the use stated in the labeling of the device.".

AMENDMENT NO. 1145

On page 30, line 16, insert before the first period the following: "If the proposed labeling is neither false nor misleading".

AMENDMENT NO. 1146

Strike section 406.

AMENDMENT NO. 1147

Amend section 406 to read as follows:

SEC. 406. LIMITATIONS ON INITIAL CLASSIFICATION DETERMINATIONS.

Section 510(21 U.S.C. 360) is amended by adding at the end the following:

"(m) The Secretary may not withhold a determination of the initial classification of a device under section 513(f)(1) because of a failure to comply with any provision of this Act that is unrelated to a substantial equivalence decision, including a failure to comply with the requirements relating to good manufacturing practices under section 520(f), if such failure is unrelated to a substantial equivalence decision.".

AMENDMENT NO. 1148

Amend section 406 to read as follows:

SEC. 406. LIMITATIONS ON INITIAL CLASSIFICATION DETERMINATIONS.

Section 510 (21 U.S.C. 360) is amended by adding at the end the following:

"(m) The Secretary may not withhold a determination of the initial classification of a device under section 513(f)(1) because of a failure to comply with any provision of this Act that is unrelated to a substantial equivalence decision, including a failure to comply with the requirements relating to good manufacturing practices under section 520(f), unless such failure could result in harm to human health.".

AMENDMENT NO. 1149

Strike section 602.

AMENDMENT NO. 1150

Strike section 602 and insert the following:

SEC. 602. ENVIRONMENTAL IMPACT REVIEW.

Chapter VII (21 U.S.C. 371 et seq.), as amended by section 402, is further amended by adding at the end the following:

"SEC. 742. ENVIRONMENTAL IMPACT REVIEW.

"Notwithstanding any other provision of law, an environmental impact statement prepared in accordance with the regulations published in part 25 of title 21, Code of Federal Regulations (as in effect on August 31, 1997) in connection with an action carried out under (or a recommendation or report relating to) this Act, shall be considered to meet the requirements for a detailed statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).".

AMENDMENT NO. 1151

On page 26, line 9, strike "1999" and insert "2000".

AMENDMENT NO. 1152

On page 24, line 19, strike "is" and insert "could be".

AMENDMENT NO. 1153

On page 31, strike lines 13 through 15 and insert the following: "a major amendment to an application.".

AMENDMENT NO. 1154

On page 38, line 12, strike "120" and insert "240".

AMENDMENT NO. 1155

On page 43, line 12, strike "30" and insert "180".

WELLSTONE AMENDMENTS NOS. 1156–1159

(Ordered to lie on the table.)

Mr. WELLSTONE submitted four amendments intended to be proposed by him to the bill, S. 830, supra; as follows:

AMENDMENT NO. 1156

Strike section 612 and insert the following:

SEC. 612. HEALTH CARE ECONOMIC INFORMATION.

(a) IN GENERAL.—Section 502(a) (21 U.S.C. 352(a)) is amended by adding at the end the following: "Health care economic information provided to a formulary committee, or other similar entity, in the course of the committee or the entity carrying out its responsibilities for the selection of drugs for managed care or other similar organizations, shall not be considered to be false or misleading if the health care economic information directly relates to an indication approved under section 505 or 507 or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) for such drug and is based on competent and reliable scientific evidence. The requirements set forth in section 505(a), 507, or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) shall not apply to health care economic information provided to such a committee or entity in accordance with this paragraph. Information that is relevant to the substantiation of the health care economic information presented pursuant to this paragraph shall be made available to the Secretary upon request. In this paragraph, the term 'health care economic information' means any analysis that identifies, measures, or compares the economic consequences, including the costs of the represented health outcomes, of the use of a drug to the use of another drug, to another health care intervention, or to no intervention.".

(b) STUDY AND REPORT.—The Comptroller General of the United States shall conduct a study of the implementation of the provisions added by the amendment made by subsection (a). Not later than 4 years and 6 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report containing the findings of the study.

AMENDMENT NO. 1157

Strike section 602.

AMENDMENT NO. 1158

At the appropriate place, insert the following:

SEC. . PARKINSON'S DISEASE RESEARCH.

(a) SHORT TITLE.—This section may be cited as the "Morris K. Udall Parkinson's Research Act of 1997".

(b) FINDINGS AND PURPOSE.—

(1) FINDING.—Congress finds that to take full advantage of the tremendous potential for finding a cure or effective treatment, the Federal investment in Parkinson's must be expanded, as well as the coordination strengthened among the National Institutes of Health research institutes.

(2) PURPOSE.—It is the purpose of this Section to provide for the expansion and coordination of research regarding Parkinson's, and to improve care and assistance for afflicted individuals and their family caregivers.

(c) PARKINSON'S RESEARCH.—Part B of title IV of the public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

"PARKINSON'S DISEASE

"Sec. 409B. (a) IN GENERAL. —The Director of NIH shall establish a program for the conduct and support of research and training with respect to Parkinson's disease with funding for such program allocated to the extent authorized.

"(b) INTER-INSTITUTE COORDINATION.—

"(1) IN GENERAL.—The Director of NIH shall provide for the coordination of the program established under subsection (a) among all of the national research institutes conducting Parkinson's research.

"(2) CONFERENCE.—Coordination under paragraph (1) shall include the convening of a research planning conference not less frequently than once every 2 years. Each such conference shall prepare and submit to the Committee on Appropriations and the Committee on Labor and Human Resources of the Senate and the Committee on Appropriations and the Committee on Commerce of the House of Representatives a report concerning the conference.

"(c) MORRIS K. UDALL RESEARCH CENTERS.—

"(1) IN GENERAL.—The Director of NIH shall award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's. The Director shall award not more than 10 Core Center Grants and designate each center funded under such grants as a Morris K. Udall Center for Research on Parkinson's Disease.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—With respect to Parkinson's, each center assisted under this subsection shall—

"(i) use the facilities of a single institution or a consortium of cooperating institutions, and meet such qualifications as may be prescribed by the Director of the NIH; and

"(ii) conduct basic and clinical research.

"(B) DISCRETIONARY REQUIREMENTS.—With respect to Parkinson's, each center assisted under this subsection may—

"(i) conduct training programs for scientists and health professionals;

"(ii) conduct programs to provide information and continuing education to health professionals;

"(iii) conduct programs for the dissemination of information to the public;

"(iv) develop and maintain, where appropriate, a bank to collect specimens related to the research and treatment of Parkinson's;

"(v) separately or in collaboration with other centers, establish a nationwide data system derived from patient populations with Parkinson's, and where possible, comparing relevant data involving general populations;

"(vi) separately or in collaboration with other centers, establish a Parkinson's Disease Information Clearinghouse to facilitate and enhance knowledge and understanding of Parkinson's disease; and

"(vii) separately or in collaboration with other centers, establish a national education program that fosters a national focus on Parkinson's and the care of those with Parkinson's.

"(3) STIPENDS REGARDING TRAINING PROGRAMS.—A center may use funds provided under paragraph (1) to provide stipends for scientists and health professionals enrolled in training programs under paragraph (2)(B).

"(4) DURATION OF SUPPORT.—Support of a center under this subsection may be for a period not exceeding five years. Such period may be extended by the Director of NIH for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(d) MORRIS K. UDALL AWARDS FOR EXCELLENCE IN PARKINSON'S DISEASE RESEARCH.—The Director of NIH shall establish a grant program to support investigators with a proven record of excellence and innovation in Parkinson's research and who demonstrate potential for significant future breakthroughs in the understanding of the pathogenesis, diagnosis, and treatment of Parkinson's. Grants under this subsection shall be available for a period of not to exceed 5 years.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $100,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000.".

Amendment No. 1159

In section 613, strike subsection (b) and insert the following:

(b) CIVIL MONEY PENALTIES.—Section 303(g)(1) (21 U.S.C. 333(g)(1)) is amended—

(1) in subparagraph (A), by inserting "or a requirement of section 561 that relates to conducting post-approval studies for fast track drugs" after "devices"; and

(2) by adding at the end the following:

"(C) The Secretary may waive the application of subparagraph (A) to a person who fails to conduct post-approval studies for fast track drugs, as required in section 561, if the Secretary determines that the failure was due to circumstances beyond the control of the person, or for other good cause.".

(c) GUIDANCE.—Within 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance for fast track drugs that describes the policies and procedures that pertain to section 561 of the Federal Food, Drug, and Cosmetic Act.

MURRAY AMENDMENTS NOS. 1160–1161

(Ordered to lie on the table.)

Mrs. MURRAY submitted two amendments intended to be proposed by her to the bill, S. 830, supra; as follows:

Amendment No. 1160

On page 118, strike lines 6 through 10, and insert the following:

"(2) would not cause any drug to be in violation of any applicable requirement or prohibition under Federal law;

"(3) would not unduly burden interstate commerce; or

"(4) provides that the label or labeling of a drug shall include written information, or a symbol, to warn or educate children and the parents of the children with respect to any harm that may result from the use of the drug by the children."

Amendment No. 1161

Beginning on page 117, strike line 24 and all that follows through page 118, line 10, and insert the following:

"(b) EXEMPTION.—

"(1) IN GENERAL.—Upon application of a State or political subdivision thereof, the Secretary may by regulation, after notice and opportunity for written and oral presentation of views, exempt from subsection (a), under such conditions as may be prescribed in such regulation, a State or political subdivision requirement that—

"(A) protects an important public interest that would otherwise be unprotected, including the health and safety of children;

"(B) would not cause any drug to be in violation of any applicable requirement or prohibition under Federal law; and

"(C) would not unduly burden interstate commerce.

"(2) TIMELY ACTION.—The Secretary shall make a decision on the exemption of a State or political subdivision requirement under paragraph (1) not later than 120 days after receiving the application of the State or political subdivision under paragraph (1)."

BIDEN AMENDMENTS NOS. 1162–1167

(Ordered to lie on the table.)

Mr. BIDEN submitted six amendments intended to be proposed by him to the bill, S. 830, supra; as follows:

Amendment No. 1162

At the appropriate place in title VIII, insert the following:

SEC. . REAUTHORIZATION FOR MEDICATION DEVELOPMENT PROGRAM.

Section 464P(e) of the Public Health Service Act (42 U.S.C. 285o–4(e)) is amended to read as follows:

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1998 through 2002 of which the following amount may be appropriated from the Violent Crime Reduction Trust Fund:

"(1) $100,000,000 for fiscal year 2001; and

"(2) $100,000,000 for fiscal year 2002.".

Amendment No. 1163

At the appropriate place insert the following:

TITLE —PATENT PROTECTIONS FOR PHARMACOTHERAPIES

SEC. 01. RECOMMENDATION FOR INVESTIGATION OF DRUGS.

Section 525(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360aa(a)) is amended—

(1) by striking "States" each place it appears and inserting "States, or for treatment of an addiction to illegal drugs"; and

(2) by striking "such disease or condition" each place it appears and inserting "such disease, condition, or treatment of such addiction".

SEC. 02. DESIGNATION OF DRUGS.

Section 526(a) of the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. 360bb(a)) is amended—

(1) in paragraph (1)—

(A) by inserting before the period in the first sentence the following: "or for treatment of an addiction to illegal drugs";

(B) in the third sentence, by striking "rare disease or condition" and inserting "rare disease or condition, or for treatment of an addiction to illegal drugs,"; and

(C) by striking "such disease or condition" each place it appears and inserting "such disease, condition, or treatment of such addiction"; and

(2) in paragraph (2)—

(A) by striking "(2) For" and inserting "(2)(A) For";

(B) by striking "(A) affects" and inserting "(i) affects";

(C) by striking "(B) affects" and inserting "(ii) affects"; and

(D) by adding at the end the following:

"(B) TREATMENT OF AN ADDICTION TO ILLEGAL DRUGS.—The term 'treatment of an addiction to illegal drugs' means any pharmacological agent or medication that—

"(i) reduces the craving for an illegal drug for an individual who—

"(I) habitually uses the illegal drug in a manner that endangers the public health, safety, or welfare; or

"(II) is so addicted to the use of the illegal drug that the individual is not able to control the addiction through the exercise of self-control;

"(ii) blocks the behavioral and physiological effects of an illegal drug for an individual described in clause (i);

"(iii) safely serves as a replacement therapy for the treatment of drug abuse for an individual described in clause (i);

"(iv) moderates or eliminates the process of withdrawal for an individual described in clause (i);

"(v) blocks or reverses the toxic effect of an illegal drug on an individual described in clause (i); or

"(vi) prevents, where possible, the initiation of drug abuse in individuals at high risk.

"(C) ILLEGAL DRUG.—The term 'illegal drug' means a controlled substance identified under schedules I, II, III, IV, and V in section 202(c) of the Controlled Substance Act (21 U.S.C. 812(c)).".

SEC. 03. PROTECTION FOR DRUGS.

Section 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc) is amended—

(1) by striking "rare disease or condition' each place it appears and inserting "rare disease or condition or for treatment of an addiction to illegal drugs";

(2) by striking "such disease or condition" each place it appears and inserting "such disease, condition, or treatment of the addiction"; and

(3) in subsection (b)(1), by striking "the disease or condition" and inserting "the disease, condition, or addiction".

SEC. 04. OPEN PROTOCOLS FOR INVESTIGATIONS OF DRUGS.

Section 528 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360dd) is amended—

(1) by striking "rare disease or condition" and inserting "rare disease or condition or for treatment of an addiction to illegal drugs"; and

(2) by striking "the disease or condition" each place it appears and inserting "the disease, condition, or addiction".

Amendment No. 1164

At the appropriate place in title VIII, insert the following:

SEC. . DEVELOPMENT, MANUFACTURE, AND PROCUREMENT OF DRUGS FOR THE TREATMENT OF ADDICTION TO ILLEGAL DRUGS.

Chapter V (21 U.S.C. 351 et seq.), as amended by sections 102 and 613(a), is further amended by adding at the end the following:

"Subchapter F—Drugs for Cocaine and Heroin Addictions

"SEC. 571. CRITERIA FOR AN ACCEPTABLE DRUG TREATMENT FOR COCAINE AND HEROIN ADDICTIONS.

"(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall, through the Institute of Medicine of the National Academy of Sciences, establish criteria for an acceptable drug for the treatment of an addiction to cocaine and for an acceptable drug for the treatment of an addiction to heroin. The criteria shall be used by the Secretary in making a contract, or entering into a licensing agreement, under section 572.

"(b) REQUIREMENTS.—The criteria established under subsection (a) for a drug shall include requirements—

"(1) that the application to use the drug for the treatment of addiction to cocaine or heroin was filed and approved by the Secretary under this Act after the date of enactment of this section;

"(2) that a performance based test on the drug—

"(A) has been conducted through the use of a randomly selected test group that received the drug as a treatment and a randomly selected control group that received a placebo; and

"(B) has compared the long term differences in the addiction levels of control group participants and test group participants;

"(3) that the performance based test conducted under paragraph (2) demonstrates that the drug is effective through evidence that—

"(A) a significant number of the participants in the test who have an addiction to cocaine or heroin are willing to take the drug for the addiction;

"(B) a significant number of the participants in the test who have an addiction to cocaine or heroin and who were provided the drug for the addiction during the test are willing to continue taking the drug as long as necessary for the treatment of the addiction; and

"(C) a significant number of the participants in the test who were provided the drug for the period of time required for the treatment of the addiction refrained from the use of cocaine or heroin for a period of 3 years after the date of the initial administration of the drug on the participants; and

"(4) that the drug shall have a reasonable cost of production.

"(c) Review and Publication of Criteria.—The criteria established under subsection (a) shall, prior to the publication and application of such criteria, be submitted for review to the Committee on the Judiciary and the Committee on Economic and Educational Opportunities of the House of Representatives, and the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate. Not later than 90 days after notifying each of the committees, the Secretary shall publish the criteria in the Federal Register.

"SEC. 572. PURCHASE OF PATENT RIGHTS FOR DRUG DEVELOPMENT.

"(a) Application.—

"(1) In general.—The patent owner of a drug to treat an addiction to cocaine or heroin, may submit an application to the Secretary—

"(A) to enter into a contract with the Secretary to sell to the Secretary the patent rights of the owner relating to the drug; or

"(B) in the case in which the drug is approved by the Secretary for more than 1 indication, to enter into an exclusive licensing agreement with the Secretary for the manufacture and distribution of the drug to treat an addiction to cocaine or heroin.

"(2) Requirements.—An application described in paragraph (1) shall be submitted at such time and in such manner, and accompanied by such information, as the Secretary may require.

"(b) Contract and Licensing Agreements.—

"(1) Requirements.—The Secretary may enter into a contract or a licensing agreement with a patent owner who has submitted an application in accordance with (a) if the drug covered under the contract or licensing agreement meets the criteria established by the Secretary under section 571(a).

"(2) Special rule.—The Secretary may enter into—

"(A) not more than 1 contract or exclusive licensing agreement relating to a drug for the treatment of an addiction to cocaine; and

"(B) not more than 1 contract or licensing agreement relating to a drug for the treatment of an addiction to heroin.

"(3) Coverage.—A contract or licensing agreement described in subparagraph (A) or (B) of paragraph (2) shall cover not more than 1 drug.

"(4) Purchase amount.—Subject to amounts provided in advance in appropriations Acts—

"(A) the amount to be paid to a patent owner who has entered into a contract or licensing agreement under this subsection relating to a drug to treat an addiction to cocaine shall not exceed $100,000,000; and

"(B) the amount to be paid to a patent owner who has entered into a contract or licensing agreement under this subsection relating to a drug to treat an addiction to heroin shall not exceed $50,000,000.

"(c) Transfer of Rights Under Contracts and Licensing Agreement.—

"(1) Contracts.—A contract under subsection (b)(1) to purchase the patent rights relating to a drug to treat cocaine or heroin addiction shall transfer to the Secretary—

"(A) the exclusive right to make, use, or sell the patented drug within the United States for the term of the patent;

"(B) any foreign patent rights held by the patent owner;

"(C) any patent rights relating to the process of manufacturing the drug; and

"(D) any trade secret or confidential business information relating to the development of the drug, process for manufacturing the drug, and therapeutic effects of the drug.

"(2) Licensing agreements.—A licensing agreement under subsection (b)(1) to purchase an exclusive license relating to manufacture and distribution of a drug to treat an addiction to cocaine or heroin shall transfer to the Secretary—

"(A) the exclusive right to make, use, or sell the patented drug for the purpose of treating an addiction to cocaine or heroin within the United States for the term of the patent;

"(B) the right to use any patented processes relating to manufacturing the drug; and

"(C) any trade secret or confidential business information relating to the development of the drug, process for manufacturing the drug, and therapeutic effects of the drug relating to use of the drug to treat an addiction to cocaine or heroin.

"SEC. 573. PLAN FOR MANUFACTURE AND DEVELOPMENT.

"(a) In General.—Not later than 90 days after the date on which the Secretary purchases the patent rights of a patent owner, or enters into a licensing agreement with a patent owner, relating to a drug under section 571, the Secretary shall develop a plan for the manufacture and distribution of the drug.

"(b) Plan Requirements.—The plan shall set forth—

"(1) procedures for the Secretary to enter into licensing agreements with private entities for the manufacture and the distribution of the drug;

"(2) procedures for making the drug available to nonprofit entities and private entities to use in the treatment of a cocaine or heroin addiction;

"(3) a system to establish the sale price for the drug; and

"(4) policies and procedures with respect to the use of Federal funds by State and local governments or nonprofit entities to purchase the drug from the Secretary.

"(c) Applicability of Procurement and Licensing Laws.—The procurement and licensing laws of the United States shall be applicable to procurements and licenses covered under the plan described in subsection (a).

"(d) Review of Plan.—

"(1) In general.—Upon completion of the plan under subsection (a), the Secretary shall notify the Committee on the Judiciary and the Committee on Economic and Educational Opportunities of the House of Representatives, and the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate, of the development of the plan and publish the plan in the Federal Register. The Secretary shall provide an opportunity for public comment on the plan for a period of not more than 30 days after the date of the publication of the plan in the Federal Register.

"(2) Final plan.—Not later than 60 days after the date of the expiration of the comment period described in paragraph (1), the Secretary shall publish in the Federal Register a final plan. The implementation of the plan shall begin on the date of the final publication of the plan.

"(e) Construction.—The development, publication, or implementation of the plan, or any other agency action with respect to the plan, shall not be considered agency action subject to judicial review.

"(f) Regulations.—The Secretary may promulgate regulations to carry out this section.

"SEC. 574. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subchapter, such sums as may be necessary in each of the fiscal years 1998 through 2000.".

Amendment No. 1165

At the end of title VIII, add the following:

SEC. 8 . AUTHORITY TO RESCHEDULE CERTAIN CONTROLLED SUBSTANCES POSING IMMINENT HAZARD TO PUBLIC SAFETY.

Section 201(h) of the Controlled Substances Act (21 U.S.C. 811(h)) is amended—

(1) in paragraph (1)—

(A) by inserting ", or the rescheduling of a scheduled substance," after "the scheduling of a substance"; and

(B) by striking "if the substance is not listed in any other schedule in section 202 or"; and

(2) in paragraph (2), by inserting "or rescheduling" after "scheduling" each place that term appears.

Amendment No. 1166

At the end of title VIII, add the following:

SEC. 8 . CLASSIFICATION OF KETAMINE HYDROCHLORIDE.

Notwithstanding section 201 or subsection (a) or (b) of section 202 of the Controlled Substances Act (21 U.S.C. 811, 812(a), 812(b)) respecting the scheduling of controlled substances, the Attorney General shall, by order, add ketamine hydrochloride to schedule III of such Act.

Amendment No. 1167

At the end of title VIII, add the following:

SEC. 8 . RESCHEDULING OF ROHYPNOL.

Notwithstanding section 201 or subsection (a) or (b) of section 202 of the Controlled Substances Act (21 U.S.C. 811, 812(a), 812(b)) respecting the scheduling of controlled substances, the Attorney General shall, by order, transfer flunitrazepam from schedule IV of such Act to schedule I of such Act.

BREAUX AMENDMENT NO. 1168

(Ordered to lie on the table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to the bill, S. 830, supra; as follows:

At the appropriate place, add the following:

TITLE ___—COMMISSION

SEC. ___1. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—There is established a Drug and Device Review Advisory Commission (referred to in this title as the "Commission"), to conduct a study and prepare recommendations concerning the determinations and administrative processes of the Food and Drug Administration.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 11 members, including—

(A) 5 individuals appointed by the President;

(B) 3 individuals appointed jointly by the President pro tempore of the Senate and the majority and minority leaders of the Senate; and

(C) 3 individuals appointed jointly by the Speaker of the House of Representatives and the majority and minority leaders of the House of Representatives.

(2) QUALIFICATIONS.—

(A) DRUG AND DEVICE MANUFACTURERS.—Two of the members appointed under paragraph (1)(A), one of the members appointed under paragraph (1)(B), and one of the members appointed under paragraph (1)(C), shall be manufacturers of drugs or devices (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)).

(B) MEDICAL PROFESSIONALS.—Two of the members appointed under paragraph (1)(A), one of the members appointed under paragraph (1)(B), and one of the members appointed under paragraph (1)(C), shall be health personnel described in section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)).

(C) GENERAL PUBLIC.—One of the members appointed under paragraph (1)(A), one of the members appointed under paragraph (1)(B), and one of the members appointed under paragraph (1)(C), shall be members of the general public.

(3) APPOINTMENT.—The members of the Commission shall be appointed not later than 60 days after the date of enactment of this Act.

(c) CHAIRPERSON.—The Commission shall select a Chairperson from among its members.

(d) TERM OF OFFICE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Commission shall be appointed for a term of 5 years.

(2) INITIAL MEMBERS.—Of the members first appointed—

(A) 2 shall be appointed for terms of 1 year;

(B) 2 shall be appointed for terms of 2 years;

(C) 2 shall be appointed for terms of 3 years;

(D) 2 shall be appointed for terms of 4 years; and

(E) 3 shall be appointed for terms of 5 years.

(3) SCHEDULE.—The appointing individuals described in subsection (b)(1) shall jointly determine a schedule for the appointment of members of the Commission that ensures that, in any year—

(A) no appointing individual appoints more than 1 member; and

(B) the appointing individuals appoint not more than 1 member from any class of persons described in subparagraph (A), (B), or (C) of subsection (b)(2).

(e) VACANCIES.—Any vacancy occurring in the membership of the Commission shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(f) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Each member of the Commission who is not an employee of the Federal Government shall receive compensation at the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Commission, including attendance at meetings and conferences of the Commission, and travel to conduct the duties of the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

SEC. ___2. STUDY AND REPORT.

(a) STUDY.—The Commission shall annually conduct a study of the determinations and administrative processes of the Food and Drug Administration.

(b) REPORT.—Not later than 15 months after the date of the enactment of this Act, and annually thereafter, the Commission shall prepare and submit to the President and the appropriate committees of Congress a written report containing—

(1) the findings and conclusions of the Commission resulting from the study conducted under subsection (a); and

(2) recommendations, based on the findings and conclusions described in paragraph (1), for improvements in the efficiency and administrative processes of the Food and Drug Administration.

SEC. ___3. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission is authorized to—

(1) hold such hearings and sit and act at such times;

(2) take such testimony;

(3) have such printing and binding done;

(4) enter into such contracts and other arrangements;

(5) make such expenditures; and

(6) take such other actions;

as the Commission may determine to be necessary to carry out the duties of the Commission.

(b) OBTAINING INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal agency such information as the Commission may require to carry out its duties.

(c) USE OF MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies.

SEC. ___4. STAFF AND CONSULTANTS.

(a) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The Commission may appoint and determine the compensation of such staff as the Commission determines to be necessary to carry out the duties of the Commission.

(2) LIMITATIONS.—The rate of compensation for each staff member shall not exceed the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code for each day the staff member is engaged in the performance of duties for the Commission. The Commission may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—The Chairperson of the Commission may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission.

(c) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Commission, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(d) TECHNICAL ASSISTANCE.—On the request of the Chairperson of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

SEC. ___5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this title. The sums shall remain available until expended, without fiscal year limitation.

SEC. ___6. TERMINATION.

Section 15 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

REED AMENDMENTS NOS. 1169–1170

(Ordered to lie on the table.)

Mr. REED submitted two amendments intended to be proposed by him to the bill, S. 830, supra; as follows:

AMENDMENT NO. 1169

Strike section 404.

AMENDMENT NO. 1170

On page 30, strike lines 1 through 16, and insert the following:

(b) PREMARKET NOTIFICATIONS.—Section 513(i)(1) (21 U.S.C. 360c(i)(1)) is amended by adding at the end the following:

"(C) Whenever the Secretary requests information to demonstrate that the devices with differing technological characteristics are substantially equivalent, the Secretary shall only request information that is necessary to make a substantial equivalence determination. In making such a request, the Secretary shall consider the least burdensome means of demonstrating substantial equivalence and shall request information accordingly.

"(D) The determination of the Secretary under this subsection and section 513(f)(1) with respect to the intended use of a device shall be based on the intended use included in the proposed labeling of the device submitted in a report under section 510(k), except that nothing in this subparagraph may be construed to limit what the Secretary may consider in determining whether a device is substantially equivalent to a predicate device under subparagraph (A)(ii).".

HARKIN AMENDMENT NO. 1171

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 830, supra; as follows:

Amendment No. 1171

At the end of title VIII, add the following:

SEC. . ELECTRONIC PASTEURIZATION.

(a) Definition.—In this section, the term "electronic pasteurization" means exposure of a food to en electron beam, or to an x-ray produced from an energy source generated by electricity.

(b) Regulation.—

(1) In general.—Notwithstanding any other provision of this Act, not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a final rule amending the regulation issued under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.) relating to labeling requirements applicable to the use of ionizing radiation for the treatment of food.

(2) Provision.—The amended regulation shall provide that a food that has been treated by electronic pasteurization and has not been irradiated by a radioactive isotope source—

(A) shall not be considered to violate the labeling requirements solely because the labeling and other identifying materials associated with the food fail to identify the food as having been treated with radiation or treated by irradiation; and

(B) shall be considered to comply with the labeling requirements if the labeling and other identifying materials identify the food as electronically pasteurized or having been treated with electronic pasteurization.

COATS AMENDMENT NO. 1172

(Ordered to lie on the table.)

Mr. COATS submitted an amendment intended to be proposed by him to the bill, S. 830, supra; as follows:

At the appropriate place, insert the following:

Sec. . Examinations and Procedures.—Paragraph 353(d)(3) of the Public Health Service Act (42 U.S.C. 263a(d)(3)) is amended—

(1) by striking ", including those which" and by inserting in its place ". The following three types of examinations and procedures shall each be deemed to meet the standards in the preceding sentence";

(2) in subparagraph (A), by inserting at the end thereof "even if FDA places limits on the sale of the devices associated with such examinations or procedures (e.g., prescription status), or"; and

(3) in subparagraph (B), by inserting "by the user" before "negligible".

JEFFORDS AMENDMENTS NOS. 1173–1175

(Ordered to lie on the table.)

Mr. JEFFORDS submitted three amendments intended to be proposed by him to the bill, S. 830, supra; as follows:

Amendment No. 1173

Strike section 619 and insert the following:

SEC. 619. POSITRON EMISSION TOMOGRAPHY.

(a) Regulation of Compounded Positron Emission Tomography Drugs Under the Federal Food, Drug, and Cosmetic Act.—

(1) Definition.—Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

"(ii) The term 'compounded positron emission tomography drug'—

"(1) means a drug that—

"(A) exhibits spontaneous disintegration of unstable nuclei by the emission of positrons and is used for the purpose of providing dual photon positron emission tomographic diagnostic images; and

"(B) has been compounded by or on the order of a practitioner who is licensed by a State to compound or order compounding for a drug described in subparagraph (A), and is compounded in accordance with that State's law, for a patient or for research, teaching, or quality control; and

"(2) includes any nonradioactive reagent, reagent kit, ingredient, nuclide generator, accelerator, target material, electronic synthesizer, or other apparatus or computer program to be used in the preparation of such a drug.".

(b) Adulteration.—

(1) In general.—Section 501(a)(2) (21 U.S.C. 351(a)(2)) is amended by striking "; or (3)" and inserting the following: "; or (C) if it is a compounded positron emission tomography drug and the methods used in, or the facilities and controls used for, its compounding, processing, packing, or holding do not conform to or are not operated or administered in conformity with the positron emission tomography compounding standards and the official monographs of the United States Pharmacopeia to assure that such drug meets the requirements of this Act as to safety and has the identity and strength, and meets the quality and purity characteristics, that it purports or is represented to possess; or (3)".

(2) Sunset.—Sections 201(ii) and 501(a)(2)(C) (21 U.S.C. 321(ii) and 351(a)(2)(C)) shall not apply 4 years after the date of enactment of this Act or 2 years after the date or which the Secretary of Health and Human Services establishes the requirements described in subsection (c)(1)(B), whichever is later.

(c) Requirements for Review of Approval Procedures and Current Good Manufacturing Practices for Positron Emission Tomography.—

(1) Procedures and requirements.—

(A) In general.—In order to take account of the special characteristics of positron emission tomography drugs and the special techniques and processes required to produce these drugs, not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall establish—

(i) appropriate procedures for the approval of positron emission tomography drugs pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355); and

(ii) appropriate current good manufacturing practice requirements for such drugs.

(B) Considerations and consultation.—In establishing the procedures and requirements required by subparagraph (A), the Secretary of Health and Human Services shall take due account of any relevant differences between not-for-profit institutions that compound the drugs for their patients and commercial manufacturers of the drugs. Prior to establishing the procedures and requirements, the Secretary of Health and Human Services shall consult with patient advocacy groups, professional associations, manufacturers, and physicians and scientists licensed to make or use positron emission tomography drugs.

(2) Submission of new drug applications and abbreviated new drug applications.—

(A) In general.—The Secretary of Health and Human Services shall not require the submission of new drug applications or abbreviated new drug applications under subsection (b) or (j) of section 505 (21 U.S.C. 355), for compounded positron emission tomography drugs that are not adulterated drugs described in section 501(a)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(a)(2)(C)) (as amended by subsection (b)), for a period of 4 years after the date of enactment of this Act, or for 2 years after the date or which the Secretary establishes procedures and requirements under paragraph (1), whichever is later.

(B) Construction.—Nothing in this Act shall prohibit the voluntary submission of such applications or the review of such applications by the Secretary of Health and Human Services. Nothing in this Act shall constitute an exemption for a positron emission tomography drug from the requirements of regulations issued under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) for such drugs.

(d) Revocation of Certain Inconsistent Documents.—Within 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a notice terminating the application of the following notices and rule:

(1) A notice entitled "Regulation of Positron Emission Tomography Radiopharmaceutical Drug Products; Guidance; Public Workshop", published in the Federal Register on February 27, 1995, 60 Fed. Reg. 10594.

(2) A notice entitled "Draft Guideline on the Manufacture of Positron Emission Tomography Radiopharmaceutical Drug Products; Availability", published in the Federal Register on February 27, 1995, 60 Fed. Reg. 10593.

(3) A final rule entitled "Current Good Manufacturing Practice for Finished Pharmaceuticals; Positron Emission Tomography", published in the Federal Register on April 22, 1997, 62 Fed. Reg. 19493 (codified at part 211 of title 21, Code of Federal Regulations).

(e) Definition.—In this section:

(1) Compounded positron emission tomography drug.—The term "compounded positron emission tomography drug" means a positron emission tomography drug that has been compounded by or on the order of a practitioner who is licensed by a State to compound or order compounding for such a drug, and is compounded in accordance with that State's law, for a patient or for research, teaching, or quality control.

(2) Drug.—The term "drug" has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

(3) Positron emission tomography drug.—The term "positron emission tomography drug" means a drug that—

(A) exhibits spontaneous disintegration of unstable nuclei by the emission of positrons and is used for the purpose of providing dual photon positron emission tomographic diagnostic images; and

(B) includes any nonradioactive reagent, reagent kit, ingredient, nuclide generator, accelerator, target material, electronic synthesizer, or other apparatus or computer program to be used in the preparation of such a drug.

Amendment No. 1174

On page 30, strike lines 17 through 20, and insert the following:

(c) Rule of Construction.—Nothing in the amendments made by subsections (a) and (b) shall be construed to alter any authority of the Secretary of Health and Human Services to regulate any tobacco product, or any additive or ingredient of a tobacco product.

AMENDMENT NO. 1175

Strike section 602 and insert the following:

SEC. 602. ENVIRONMENTAL IMPACT REVIEW.

Chapter VII (21 U.S.C. 371 et seq.), as amended by section 402, is further amended by adding at the end the following:

"SEC. 742. ENVIRONMENTAL IMPACT REVIEW.

"Notwithstanding any other provision of law, an environmental impact statement prepared in accordance with the regulations published in part 25 of title 21, Code of Federal Regulations (as in effect on August 31, 1997) in connection with an action carried out under (or a recommendation or report relating to) this Act, shall be considered to meet the requirements for a detailed statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)).".

REED AMENDMENTS NOS. 1176–1177

(Ordered to lie on the table.)

Mr. REED submitted two amendments intended to be proposed by him to the bill, S. 830, supra; as follows:

AMENDMENT NO. 1176

On page 30, line 16, after the first period, insert the following: "Nothing in the preceding sentence shall be construed to prohibit the Secretary from determining that a new device is not substantially equivalent to a predicate device because changes in the technological characteristics of the new device demonstrate that the device is intended for a different use than the use stated in the labeling of the device.".

AMENDMENT NO. 1177

On page 30, line 16, insert before the first period the following: "if the proposed labeling is neither false nor misleading".

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

BROWNBACK AMENDMENT NO. 1178

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the appropriate place in title I, insert the following:

"SEC. 1 . (a) In this section—

(1) the term "Huron Cemetery" means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas, as described in subsection (b)(4);

(2) the term "Secretary" means the Secretary of the Interior; and

(3) the term "Wyandot Nation" means the nation of the Wyandot Indians that consists of the descendants of the Wyandott Nation described in the treaty between the United States and the Wyandott Indians, done at Washington on January 31, 1855 (10 Stat. 1159 et seq.), and includes—

(A) the Wyandot Nation of Kansas, Inc.; and

(B) the Wayandotte Tribe of Oklahoma.

(b)(1) Subject to subsection (c), the Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (4)) are held in trust for the Wyandot Nation to be used only for a burial ground for the Wyandot Nation in accordance with this subsection.

(2) Subject to subsection (c), the Secretary shall take such action as may be necessary to ensure that the lands of the Huron Cemetery are used only—

(A) for religious and cultural uses of the Wyandot Nation that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground for members of the Wyandot Nation.

(3) In carrying out this subsection, the Secretary shall take such action as may be necessary to ensure that members of the Wyandot Nation of Kansas, Inc. may use the Huron Cemetery for the purposes specified in paragraph (2) on the condition that if space is available in the Huron Cemetery, no member of the Wyandotte Tribe of Oklahoma may be denied the right to be buried in that cemetery.

(4) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW ¼ of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

"Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

"Thence South 28 poles to the 'true point of beginning';

"Thence South 71 degrees East 10 poles and 18 links;

"Thence South 18 degrees and 30 minutes West 28 poles;

"Thence West 11 and one-half poles;

"Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more.".

THE FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997 PRESCRIPTION DRUG USERS FEE REAUTHORIZATION ACT OF 1997

FEINSTEIN AMENDMENTS NOS. 1179–1181

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted three amendments intended to be proposed by her to the bill, S. 830, supra; as follows:

AMENDMENT NO. 1179

In section 761 of the Federal Food, Drug, and Cosmetic Act, as added by section 807(a), add the following new subsection:

"(g) REGULATIONS.—

"(1) REQUIREMENT.—Not later than 2 years after the date of enactment of the Food and Drug Administration Modernization and Accountability Act of 1997, the Secretary shall promulgate final regulations (after notice and comment) that establish the criteria and conditions under which a State may apply for and receive an exemption under subsection (b).

"(2) EFFECTIVE DATE.—No exemption may be provided under subsection (b) until the date on which the Secretary has promulgated the regulations referred to in paragraph (1).".

AMENDMENT NO. 1180

At the appropriate place in title VIII, insert the following:

SEC. . RULE OF CONSTRUCTION REGARDING STATE LAWS.

Chapter IX (21 U.S.C. 391 et seq.), as amended by section 804, is further amended by adding at the end thereof the following:

"SEC. 908, RULE OF CONSTRUCTION REGARDING STATE LAWS.

"Nothing in this Act shall be construed to prohibit any State or political subdivision from imposing any requirements that are more stringent than those imposed by this Act, including, but not limited to, requirements relating to embargoing products, the licensing and inspection of manufacturers' facilities, advertising, labeling, packaging, the regulation of the quality and nature of ingredients, and the provision of warnings or other communications to protect the public health.".

AMENDMENT NO. 1181

On page 141, after line 24, add the following:

"(8) CONSIDERATION OF INFORMATION AS PUBLIC INFORMATION.—The certification, summary of the proposed protocol, and the schedule for the proposed protocol under this subsection, excluding proprietary information, shall be considered to be public information.

HATCH AMENDMENTS NOS. 1182–1183

(Ordered to lie on the table.)

Mr. HATCH submitted two amendments intended to be proposed by him to the bill, S. 830, supra; as follows:

AMENDMENT NO. 1182

Beginning on page 4, strike line 11 and all that follows through page 5, line 6, and insert the following:

"(1) IN GENERAL.—The Secretary, acting through the Commissioner, in consultation with experts in science, medicine, and public health, and in cooperation with consumers, users, manufacturers, importers, packers, distributors, and retailers of regulated products, shall protect the public health by taking actions that help ensure that:

"(A) foods are safe, wholesome, sanitary, and properly labeled;

"(B) human and veterinary drugs, including biologic, are safe and effective;

"(C) there is reasonable assurance of safety and effectiveness of devices intended for human use;

"(D) cosmetics are safe; and

"(E) public health and safety are protected from electronic product radiation.

"(2) SPECIAL RULES.—The Secretary, acting through the Commissioner, shall promptly and efficiently review clinical research and take appropriate action on the marketing of regulated products in a manner that does not unduly impede innovation or product availability. The Secretary, acting through the Commissioner, shall participate with other countries to reduce the burden of regulation, to harmonize regulatory requirements, and to achieve appropriate reciprocal arrangements with other countries.".

AMENDMENT NO. 1183

At the appropriate place, insert the following:

SEC. . SAFETY REPORT DISCLAIMERS.

Chapter IX (21 U.S.C. 391 et seq.), as amended by section 804, is further amended by adding at the end the following:

"SEC. 908. SAFETY REPORT DISCLAIMERS.

"With respect to any entity that submits or is required to submit a safety report or other information in connection with the safety of a product (including a product which is a food, drug, new drug, device, dietary supplement, or cosmetic) under this Act (and any release by the Secretary of that report of information), such report or information shall not be construed to necessarily reflect a conclusion by the entity or the Secretary that the report or information constitutes an admission that the product involved caused or contributed to an adverse experience, or otherwise caused or contributed to a death, serious injury, serious illness, or malfunction. Such an entity need not admit, and may deny, that the report or information submitted by the entity constitutes an admission that the product involved caused or contributed to an adverse experience or caused or contributed to a death, serious injury, serious illness, or malfunction.".

HUTCHINSON AMENDMENT NO. 1184

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill, S. 830, supra; as follows:

Strike section 809 and insert the following:

SEC. 809. APPLICATION OF FEDERAL LAW TO THE PRACTICE OF PHARMACY COMPOUNDING.

Section 503 (21 U.S.C. 353) is amended by adding at the end the following:

"(h)(1) Sections 501(a)(2)(B), 502(f)(1), 502(l), 505, and 507 shall not apply to a drug product if—

"(A) the drug product is compounded for an identified individual patient, based on a medical need for a compounded product—

"(i) by a licensed pharmacist in a State licensed pharmacy or a Federal facility, or a licensed physician, or the prescription order of a licensed physician or other licensed practitioner authorized by State law to prescribe drugs; or

"(ii) by a licensed pharmacist or licensed physician in limited quantities, prior to the receipt of a valid prescription order for the identified individual patient, and is compounded based on a history of the licensed pharmacist or licensed physician receiving valid prescription orders for the compounding of the drug product that have been generated solely within an established relationship between the licensed pharmacist, or licensed physician, and—

"(I) the individual patient for whom the prescription order will be provided; or

"(II) the physician or other licensed practitioner who will write such prescription order; and

"(B) the licensed pharmacist or licensed physician—

"(i) compounds the drug product using bulk drug substances—

"(I) that—

"(aa) comply with the standards of an applicable United States Pharmacopeia or National Formulary monograph; or

"(bb) in a case in which such a monograph does not exist, are drug substances that are covered by regulations issued by the Secretary under paragraph (3);

"(II) that are manufactured by an establishment that is registered under section 510 (including a foreign establishment that is registered under section 510(i)); and

"(III) that are accompanied by valid certificates of analysis for each bulk drug substance;

"(ii) compounds the drug product using ingredients (other than bulk drug substances) that comply with the standards of an applicable United States Pharmacopeia or National Formulary monograph and the United States Pharmacopeia chapter on pharmacy compounding;

"(iii) only advertises or promotes the compounding service provided by the licensed pharmacist or licensed physician and does not advertise or promote the compounding of any particular drug, class of drug, or type of drug;

"(iv) does not compound a drug product that appears on a list published by the Secretary in the Federal Register of drug products that have been withdrawn or removed from the market because such drug products or components of such drug products have been found to be unsafe or not effective;

"(iv) does not compound a drug product that is identified by the Secretary in regulation as presenting demonstrable difficulties for compounding that reasonably demonstrate an adverse effect on the safety or effectiveness of that drug product; and

"(vi) does not distribute compounded drugs outside of the State in which the drugs are compounded, unless the principal State agency of jurisdiction that regulates the practice of pharmacy in such State has entered into a memorandum of understanding with the Secretary regarding the regulation of drugs that are compounded in the State and are distributed outside of the State, that provides for appropriate investigation by the State agency of complaints relating to compounded products distributed outside of the State.

"(2)(A) The Secretary shall, after consultation with the National Association of Boards of Pharmacy, develop a standard memorandum of understanding for use by States in complying with paragraph (1)(B)(vi).

"(B) Paragraph (1)(B)(vi) shall not apply to a licensed pharmacist or licensed physician, who does not distribute inordinate amounts of compounded products outside of the State, until—

"(i) the date that is 180 days after the development of the standard memorandum of understanding; or

"(ii) the date on which the State agency enters into a memorandum of understanding under paragraph (1)(B)(vi),

whichever occurs first.

"(3) The Secretary, after consultation with the United States Pharmacopeia Convention Incorporated, shall promulgate regulations limiting compounding under paragraph (1)(B)(i)(I)(bb) to drug substances that are components of drug products approved by the Secretary and to other drug substances as the Secretary may identify.

"(4) The provisions of paragraph (1) shall not apply—

"(A) to compounded positron emission tomography drugs as defined in section 201(ii); or

"(B) to radiopharmaceuticals.

"(5) In this subsection, the term 'compound' does not include to mix, reconstitute, or perform another similar act, in accordance with directions contained in approved drug labeling provided by a drug manufacturer.".

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

BROWNBACK AMENDMENT NO. 1185

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, H.R. 2107, supra; as follows:

At the appropriate place in title I, insert the following:

"SEC. 1 . (a) In this section—

(1) the term "Huron Cemetery" means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas, as described in subsection (b)(4);

(2) the term "Secretary" means the Secretary of the Interior; and

(3) the term "Wyandot Nation" means the nation of the Wyandot Indians that consists of the descendants of the Wyandott nation described in the treaty between the United States and the Wyandott Indians, done at Washington on January 31, 1855 (10 Stat. 1159 et seq.), and includes—

(A) the Wyandot Nation of Kansas, Inc.; and

(B) the Wyandotte Tribe of Oklahoma.

(b)(1) Subject to subsection (c), the Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (4)) are held in trust for the Wyandot Nation to be used only for a burial ground for the Wyandot Nation in accordance with this subsection.

(2) Subject to subsection (c), the Secretary shall take such action as may be necessary to ensure that the lands of the Huron Cemetery are used only—

(A) for religious and cultural uses of the Wyandot Nation that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground for members of the Wyandot Nation.

In carrying out this subsection, the Secretary shall take such action as may be necessary to ensure that members of the Wyandot Nation of Kansas, Inc. may use the Huron Cemetery for the purposes specified in paragraph (2) on the condition that if space is available in the Huron Cemetery, no member of the Wyandotte Tribe of Oklahoma may be denied the right to be buried in that cemetery.

(4) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW ¼ of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

"Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

"Thence South 28 poles to the 'true point of beginning';

"Thence South 71 degrees East 10 poles and 18 links;

"Thence South 18 degrees and 30 minutes West 28 poles;

"Thence West 11 and one-half poles;

"Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more.".

(c) Nothing is this section is intended to modify or supersede the agreement that the United States entered into on March 20, 1918, with the City of Kansas City, Kansas, for the maintenance of the Huron Cemetery.

HUTCHISON AMENDMENT NO. 1186

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, H.R. 2107, supra; as follows:

Beginning on page 96, strike line 14 and all that follows through line 8 on page 97, and insert the following:

(a) FUNDING.—For necessary expenses of the National Endowment for the Arts, $100,060,000 to be used in accordance with this section.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Of the amount appropriated under subsection (a), the Chairman of the National Endowment for the Arts shall use—

(A) not less than 75 percent of such amount to make block grants to State under subsection (c);

(B) not less than 20 percent of such amount to make grants to national groups or institutions under subsection (d); and

(C) not more than 5 percent for the administrative costs of carrying out this section, including any costs associated with the reduction in the operations of the National Endowment for the Arts.

(2) LIMITATION ON ADMINISTRATIVE COSTS.—With respect to the budget authority provided for in this section, not more than $1,525,915 shall be available for obligation with respect to the administrative costs described in paragraph (1)(C) prior to September 30, 1998.

(c) BLOCK GRANTS TO STATES OR TERRITORIES.—

(1) In general.—The Secretary shall award block grants to States under this subsection to support the arts.

(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, a State or Territory shall prepare and submit to the Chairman an application, at such time, in such manner, and containing such information as the Chairman may require, including an assurance that no funds received under the grant will be used to fund programs that are determined to be obscene.

(3) AMOUNT OF GRANT.—

(A) IN GENERAL.—Of the amount available for grants under this subsection, the Chairman shall allot to each State (including the District of Columbia) or Territory an amount equal to—

(i) with respect to a State, the amount under subparagraph (B); and

(ii) with respect to a territory, the amount determined under subparagraph (C).

(B) FORMULA.—The amount determined under this subparagraph with respect to a State (or the District of Columbia) shall be equal to—

(i) subject to subparagraph (D), the aggregate of the amounts provided by the National Endowment for the Arts to the State (or District), and the groups and institutions in the State (or District), in fiscal year 1997; and

(ii) an amount that bears the same relationship to the amounts remaining available for allotment for the fiscal year involved after the amounts are determined under clause (i), as the percentage of the population of the State (or District) bears to the total population of all States and the District.

(C) TERRITORIES.—The amount determined under this subparagraph with respect to a territory shall be equal to the aggregate of the amounts provided by the National Endowment for the Arts to the territory, and the groups and institutions in the territory, in fiscal year 1997.

(D) LIMITATION.—Notwithstanding the formula described in subparagraph (B), the allotment for a State (or the District of Columbia) under clause (i) of such subparagraph shall not exceed an amount equal to 6.6 percent of the total amount provided by the National Endowment for the Arts to States and the District of Columbia in fiscal year 1997.

(4) LIMITATION ON OBLIGATION OF FUNDS.—With respect to the budget authority provided for in this section, not more than $22,888,725 shall be available for obligation with respect to block grants under this subsection prior to September 30, 1998.

(5) USE OF FUNDS.—

(A) IN GENERAL.—A State or territory shall use funds provided under a grant under this subsection to carry out activities to support the arts in the State or territory.

(B) ENDOWMENT INCENTIVE.—A State or territory may use not to exceed 25 percent of the funds provided under a grant under this subsection to establish a permanent arts endowment in the State or territory. A State or territory that uses funds under this subparagraph to establish a State endowment shall contribute non-Federal funds to such endowment in an amount equal to not less than the amount of Federal funds provided to the endowment.

(C) LIMITATION.—A State (or territory) may not use in excess of 15 percent of the amount received under this section in any fiscal year for administrative purposes.

(d) NATIONAL GRANTS.—

(1) IN GENERAL.—The Secretary shall award grants to nationally prominent groups or institutions under this subsection to support the arts.

(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, an entity shall prepare and submit to the Chairman an application, at such time, in such manner, and containing such information as the Chairman may require, including an assurance that no funds received under this subsection will be used—

(A) to fund programs that are determined to be obscene;

(B) for seasonal grants; or

(C) for subgrants.

(3) LIMITATION ON AMOUNT OF GRANT.—The amount of a grant awarded to any group or institution to carry out a project under this section shall not exceed—

(A) with respect to a group or institution with an annual budget of not to exceed $3,000,000, an amount equal to not more than 33.5 percent of the total project cost; and

(B) with respect to a group or institution with an annual budget of not less than $3,000,000, an amount equal to not more than 20 percent of the total project cost.

(4) LIMITATION ON OBLIGATION OF FUNDS.—With respect to the budget authority provided for in this section, not more than $6,103,660 shall be available for obligation with respect to grants under this subsection prior to September 30, 1998.

(e) APPLICATION OF SECTION.—Notwithstanding any other provision of law, this section shall apply with respect to grants and contracts awarded by the National Endowment for the Arts in lieu of the provisions of sections 5 and 5A of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954 and 954a).

(f) OFFSET.—Each amount of budget authority for the fiscal year ending September 30, 1998, provided in this Act, for payments not required by law is hereby reduced by .11 percent. Such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

HUTCHINSON (AND OTHERS) AMENDMENT NO. 1187

(Ordered to lie on the table.)

Mr. HUTCHINSON (for himself, Mr. SESSIONS, Mr. ABRAHAM, and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, H.R. 2107, supra; as follows:

On page 96, line 12, strike all after "National" through page 97, line 8, and insert the following:

SUPPORT FOR THE ARTS

FINANCIAL ASSISTANCE TO STATES TO SUPPORT THE ARTS

For the necessary expenses to carry out section 202 of this Act, $100,060,000, of which $33,060,000 shall be available on October 1, 1997, and $67,000,000 shall be available on September 30, 1998: *Provided*, That each amount of budget authority for the fiscal year ending September 30, 1998, provided in this Act (other than section 202), for payments not required by law is hereby reduced by 0.11 percent: *Provided further*, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

GENERAL PROVISIONS

TERMINATION OF THE NATIONAL ENDOWMENT FOR THE ARTS

SEC. 201. (a) REPEALERS.—Sections 5, 5A, and 6 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954, 954a, 955) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) DECLARATION OF PURPOSE.—Section 2 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951) is amended—

(A) in paragraphs (1) and (6) by striking "arts and the",

(B) in paragraphs (2) and (5) by striking "and the arts",

(C) in paragraphs (4), (5), and (9) by striking "the arts and",

(D) in paragraph (7) by striking "the practice of art and",

(E) by striking paragraph (11), and

(F) in paragraph (12) by striking "the Arts and" and redesignating such paragraph as paragraph (11).

(2) DEFINITIONS.—Section 3 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952) is amended—

(A) by striking subsections (b), (c), and (f), and

(B) in subsection (d)—

(i) by striking "to foster American artistic creativity, to commission works of art,",

(ii) in paragraph (1)—

(I) by striking "the National Council on the Arts or", and

(II) by striking ", as the case may be,",

(iii) in paragraph (2)—

(I) by striking "sections 5(l) and" and inserting "section",

(II) in subparagraph (A) by striking "an artistic or" and inserting "a", and

(III) in subparagraph (B)—

(aa) by striking "the National Council on the Arts and", and

(bb) by striking ", as the case may be,", and

(iv) by striking "(d)" and inserting "(b)", and

(C) by redesignating subsections (e) and (g) as subsections (c) and (d), respectively.

(3) ESTABLISHMENT OF NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES.—Section 4(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 953(a)) is amended—

(A) in subsection (a)—

(i) by striking "the Arts and" each place it appears, and

(ii) by striking "a National Endowment for the Arts,",

(B) in subsection (b) by striking "and the arts", and

(C) in the heading of such section by striking "THE ARTS AND".

(4) FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES.—Section 9 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958) is amended—

(A) in subsection (a) by striking "the Arts and",

(B) in subsection (b) by striking "the Chairperson of the National Endowment for the Arts,",

(C) in subsection (c)—

(i) in paragraph (1) by striking "the Chairperson of the National Endowment for the Arts and",

(ii) in paragraph (3)—

(I) by striking "the National Endowment for the Arts", and

(II) by striking "Humanities," and inserting "Humanities", and

(iii) in paragraphs (6) and (7) by striking "the arts and", and

(D) in the heading of such section by striking "THE ARTS AND".

(5) ADMINISTRATIVE FUNCTIONS.—Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking "in them",

(II) by striking "the Chairperson of the National Endowment for the Arts and", and

(III) by striking ", in carrying out their respective functions,",

(ii) by striking "of an Endowment" each place it appears,

(iii) in paragraph (2)—

(I) by striking "of that Endowment" the first place it appears and inserting "the National Endowment for the Humanities",

(II) by striking "sections 6(f) and" and inserting "section", and

(III) by striking "sections 5(c) and" and inserting "section", and

(iv) in paragraph (3) by striking "Chairperson's functions, define their duties, and supervise their activities" and inserting "functions, define the activities, and supervise the activities of the Chairperson",

(B) in subsection (b)—

(i) by striking paragraphs (1), (2), and (3), and

(ii) in paragraph (4)—

(I) by striking "one of its Endowments and received by the Chairperson of an Endowment" and inserting "the National Endowment for the Humanities and received by the Chairperson of that Endowment", and

(II) by striking "(4)",

(C) by striking subsection (c),

(D) in subsection (d)—

(i) by striking "Chairperson of the National Endowment for the Arts and the", and

(ii) by striking "each" the first place it appears,

(E) in subsection (e)—

(i) by striking "National Council on the Arts and the", and

(ii) by striking ", respectively,", and

(F) in subsection (f)—

(i) in paragraph (1)—

(I) by striking "Chairperson of the National Endowment for the Arts and the", and

(II) by striking "sections 5(c) and" and inserting "section",

(ii) in paragraph (2)(A)—

(I) by striking "either of the Endowments" and inserting "National Endowment for the Humanities", and

(II) by striking "involved", and

(iii) in paragraph (3)—

(I) by striking "that provided such financial assistance" each place it appears, and

(II) in subparagraph (C) by striking "the National Endowment for the Arts or".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960) is amended—

(1) in subsection (a)(1)—

(A) by striking subparagraph (A), and

(B) in subparagraph (B) by striking "(B)",

(2) in subsection (a)(2)—

(A) by striking subparagraph (A), and

(B) in subparagraph (B)—

(i) by striking "(B)", and

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively,

(3) in subsection (a)(3)—

(A) by striking subparagraph (A),

(B) by redesignating subparagraph (B) as subparagraph (A), and

(C) by striking subparagraph (C), and

(4) in subsection (a)(4)—

(A) by striking "Chairperson of the National Endowment for the Arts and the",

(B) by striking ", as the case may be,", and

(C) by striking "section 5(e), section 5(l)(2), section 7(f)," and inserting "section 7(f)",

(5) in subsection (c)—

(A) by striking paragraph (1), and

(B) in paragraph (2) by striking "(2)",

(6) in subsection (d)—

(A) by striking paragraph (1), and

(B) in paragraph (2) by striking "(2)", and

(7) by striking subsection (f).

(d) TRANSITION PROVISIONS.—

(1) TRANSFER OF PROPERTY.—On the effective date of the amendments made by this section, all property donated, bequeathed, or devised to the National Endowment for the Arts and held by such Endowment on such date is hereby transferred to the National Endowment for the Humanities.

(2) TERMINATION OF OPERATIONS.—The Director of the Office of Management and Budget shall provide for the termination of the affairs of the National Endowment for the Arts and the National Council on the Arts. Except as provided in paragraph (1), the Director shall provide for the transfer or other disposition of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with implementing the authorities terminated by the amendments made by this section.

(e) CONFORMING AMENDMENTS TO OTHER LAWS.—

(1) POET LAUREATE CONSULTANT.—Section 601 of the Arts, Humanities, and Museums Amendments of 1985 (2 U.S.C. 177) is amended by striking subsection (c).

(2) EXECUTIVE SCHEDULE PAY RATE.—Title 5 of the United States Code is amended in section 5314 by striking the item relating to the Chairman of the National Endowment for the Arts.

(3) INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of the first section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G(a)(2)) is amended by striking "the National Endowment for the Arts".

(4) DELTA REGION PRESERVATION COMMISSION.—Section 907(a) of National Parks and Recreation Act of 1978 (16 U.S.C. 230f(a)) is amended—

(A) by striking paragraph (7),

(B) in the first paragraph (8) by striking the period at the end and inserting "; and", and

(C) by redesignating the first paragraph (8) as paragraph (7).

(5) JACOB K. JAVITS FELLOWSHIP PROGRAM.—Section 932(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1134i(a)(3)) is amended by striking "the National Endowment for the Arts,".

(6) GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.—Section 943(b) of the Higher Education Act of 1965 (20 U.S.C. 1134n(b)) is amended by striking "National Endowments for the Arts and the Humanities" and inserting "National Endowment for the Humanities".

(7) AMERICAN FOLKLIFE CENTER.—Section 4(b) of the American Folklife Preservation Act (20 U.S.C. 2103(b)) is amended—

(A) by striking paragraph (5), and

(B) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(8) JAPAN-UNITED STATES FRIENDSHIP COMMISSION.—Section 4(a) of the Japan-United States Friendship Act (22 U.S.C. 2903(a)) is amended—

(A) in paragraph (3) by adding "and" at the end, and

(B) by redesignating paragraph (5) as paragraph (4).

(9) STANDARDS AND SYSTEMS FOR OUTDOOR ADVERTISING SIGNS.—Section 131(q)(1) of title 23, United States Code, is amended by striking "including the National Endowment for the Arts,".

(10) INTERNATIONAL CULTURE AND TRADE CENTER COMMISSION.—Section 7(c)(1) of Federal Triangle Development Act (40 U.S.C. 1106(c)(1)) is amended—

(A) by striking subparagraph (I), and

(B) by redesignating subparagraph (J) as subparagraph (I).

(11) LIVABLE CITIES.—The Livable Cities Act of 1978 (42 U.S.C. 8143 et seq.) is amended—

(A) in section 804 (42 U.S.C. 8143)—

(i) in paragraph (4) by inserting "and" at the end,

(ii) by striking paragraphs (5) and (7), and

(iii) in paragraph (6)—

(I) by striking "; and" at the end and inserting a period, and

(II) by redesignating such paragraph as paragraph (5), and

(B) in section 805 (42 U.S.C. 8144)—

(i) in subsection (a)—

(I) by striking ", in consultation with the Chairman,", and

(II) in paragraph (3) by striking "jointly by the Secretary and the Chairman" and inserting "by the Secretary",

(ii) in subsection (b) by striking "and the Chairman shall establish jointly" and inserting "shall establish",

(iii) in subsection (c) by striking "jointly by the Secretary and the Chairman" and inserting "by the Secretary",

(iv) in subsection (d)—

(I) by striking "consult with the Chairman and", and

(II) by striking "jointly by the Secretary and the Chairman" and inserting "by the Secretary", and

(v) in subsection (e) by striking ", in cooperation with the Chairman,".

(12) CONVERSION OF RAILROAD PASSENGER PROVISIONS.—Title 49 of the United States Code is amended—

(A) in section 5562(c) by striking "and the Chairman of the National Endowment for the Arts",

(B) in section 5563(a)(4)—

(i) in subparagraph (A) by adding "or" at the end,

(ii) by striking subparagraph (B), and

(iii) by redesignating subparagraph (C) as subparagraph (B),

(C) in section 5564(c)(1)(C) by striking "or the Chairman of the National Endowment for the Arts", and

(D) in section 5565(c)(1)(B) by striking "or the Chairman of the National Endowment for the Arts".

(13) EDUCATIONAL RESEARCH, DEVELOPMENT, DISSEMINATION AND IMPROVEMENT ACT OF 1994.—Title IX of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6001 et seq.) is amended—

(A) in section 921(j) (20 U.S.C. 6021(j))—

(i) by striking paragraph (5), and

(ii) by redesignating paragraphs (6), (7) and (8) as paragraphs (5), (6), and (7), respectively, and

(B) in section 931(h)(3) (20 U.S.C. 6031(h)(3))—

(i) by striking subparagraph (H), and

(ii) by redesignating subparagraphs (I), (J), (K), and (L) as subparagraphs (H), (I), (J), and (K), respectively.

(14) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(A) in section 2101(b) (20 U.S.C. 6621(b)) by striking "the National Endowment for the Arts,",

(B) in section 2205(c)(1)(D) (20 U.S.C. 6645(c)(1)(D)) by striking "the National Endowment for the Arts,",

(C) in section 2208(d)(1)(H)(v) (20 U.S.C. 6648(d)(1)(H)(v))—

(i) by inserting "and" after "Services," the second place it appears, and

(ii) by striking ", and the National Endowment for the Arts",

(D) in section 2209(b)(1)(C)(vi) (20 U.S.C. 6649(b)(1)(C)(vi)) by striking "the National Endowment for the Arts,",

(E) in section 3121(c)(2) (20 U.S.C. 6831(c)(2)) by striking "the National Endowment for the Arts,",

(F) in section 10401 (20 U.S.C. 8091)—

(i) in subsection (d)(6) by striking "the National Endowment for the Arts,", and

(ii) in subsection (e)(2) by striking "the National Endowment for the Arts,",

(G) in section 10411(a) (20 U.S.C. 8101(a))—

(i) by striking paragraph (2), and

(ii) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively,

(H) in section 10412(b) (20 U.S.C. 8102(b))—

(i) in paragraph (2) by striking "the Chairman of the National Endowment for the Arts,", and

(ii) in paragraph (7) by striking ", the Chairman of the National Endowment for the Arts", and

(I) in section 10414(a)(2)(B) (20 U.S.C. 8104(a)(2)(B))—

(i) in clause (i) by inserting "and" at the end,

(ii) by striking clause (ii), and

(iii) by redesignating clause (iii) as clause (ii).

(15) DELTA REGION HERITAGE; NEW ORLEANS JAZZ COMMISSION.—Public Law 103-433 (108 Stat. 4515) is amended—

(A) in section 1104(b) (16 U.S.C. 1a-5 note) by striking "the Chairman of the National Endowment for the Arts,", and

(B) in section 1207(b)(6) (16 U.S.C. 410bbb-5(b)(6)) by striking "and one member from recommendations submitted by the Chairman of the National Endowment of the Arts".

(f) EFFECTIVE DATE.—This section shall take effect on the later of October 1, 1997, or the date of enactment of this Act.

FEDERAL FINANCIAL ASSISTANCE TO THE STATES TO SUPPORT THE ARTS

SEC. 202. (a) GRANTS TO STATES.—

(1) IN GENERAL.—From funds allotted under paragraphs (2) and (3) of subsection (d), the Secretary of the Treasury may make grants to States to support the arts in such a manner as will furnish adequate programs, facilities, and services in the arts to all the people and communities in the States through—

(A) projects and productions which have substantial national or international artistic and cultural significance;

(B) projects and productions, meeting professional standards of authenticity or tradition, irrespective of origin, which are of significant merit;

(C) projects and productions that will encourage and assist artists to work in residence at an educational or cultural institution;

(D) projects and productions which have substantial artistic and cultural significance;

(E) projects and productions that will encourage public knowledge, education, understanding, and appreciation of the arts;

(F) workshops that will encourage and develop the appreciation and enjoyment of the arts by our Nation's citizens;

(G) programs for the arts at the local level; and

(H) projects that enhance managerial and organizational skills and capabilities.

(2) PAYMENTS AND AVAILABILITY.—Grant funds awarded to a State under this section shall be paid to the Governor of the State. The Governor shall make the grant funds available to the Governor's office, the State arts council or commission, or the State legislature.

(3) AMOUNT.—The total amount of grant funds awarded to a State under this section for a project or production may not exceed 50 percent of the cost of the project or production, respectively.

(b) ADMINISTRATIVE AND FISCAL ACCOUNTABILITY.—

(1) AUDIT.—

(A) IN GENERAL.—A State shall audit the State expenditures from amounts received under this section. Such audit shall—

(i) determine the extent to which such expenditures were or were not expended in accordance with this section; and

(ii) be conducted by an approved entity (as defined in subparagraph (B)) in accordance with generally accepted auditing principles.

(B) DEFINITION OF APPROVED ENTITY.—For purposes of subparagraph (A), the term "approved entity" means an entity that is—

(i) approved by the Secretary of the Treasury;

(ii) approved by the Governor of the State; and

(iii) independent of any agency administering activities funded under this section.

(C) SUBMISSION.—Not later than 30 days following the completion of an audit under this subsection, a State shall submit a copy of the audit to the State legislature and to the Secretary of the Treasury.

(D) REPAYMENT AND PENALTY.—Each State or recipient of any proceeds of grant funds made available under this section shall pay to the United States amounts ultimately found by the approved entity under paragraph (1)(A) not to have been expended in accordance with this section plus 10 percent of such amount as a penalty, or the Secretary of the Treasury may offset such amounts plus the 10 percent penalty against any amount that the State or recipient, respectively, may be eligible to receive under this section.

(2) REQUIREMENTS FOR SINGLE AUDITS.—The provisions of chapter 75 of title 31, United States Code, shall apply to the audit requirements of this section.

(3) STATE REPORTS.—

(A) IN GENERAL.—A State shall prepare a comprehensive report regarding the activities carried out with amounts received by the State under this section.

(B) REQUIREMENTS.—Reports prepared under this subsection—

(i) shall be in accordance with generally accepted accounting principles, including the provisions of chapter 75 of title 31, United States Code;

(ii) shall include the results of the most recent audit conducted in accordance with the requirements of paragraph (1); and

(iii) shall be in such form and contain such other information as the State deems necessary—

(I) to provide an accurate description of such activities; and

(II) to secure a complete record of the purposes for which amounts were expended in accordance with this section.

(C) AVAILABILITY OF REPORTS.—A State shall make copies of the reports required under this subsection available for public inspection within the State. Copies also shall be provided upon request to any interested public agency, and each such agency may provide such agency's views on such reports to Congress.

(4) SUPERVISION.—

(A) IN GENERAL.—

(i) REQUIREMENT.—The Secretary of the Treasury shall supervise the amounts received under this part in accordance with clause (ii).

(ii) LIMITATION.—The supervision by the Secretary of the Treasury shall be limited to—

(I) making grant payments to the States;

(II) approving the entities referred to in paragraph (1)(B); and

(III) withholding payment to a State based on the findings of such an entity in accordance with paragraph (1)(C)(ii).

(B) SPECIAL RULE.—No administrative officer or agency of the United States, other than the Secretary of the Treasury shall supervise the amounts received by the States under this section or the use of such amounts by the States.

(5) PROHIBITION.—With the exception of the Department of the Treasury as provided for in this section, no Federal department or agency may promulgate regulations or issue rules regarding this section.

(6) COMPLIANCE.—If the Secretary of the Treasury determines that a State, or a recipient of any proceeds of grant funds made available under this section, has failed to comply with a provision of this section, the Secretary of the Treasury shall notify the Governor of the State and shall request the Governor to secure compliance with such provision. If, not later than 60 days after receiving such notification, the Governor fails or refuses to secure compliance, the Secretary of the Treasury may take such action as the Secretary determines necessary to secure compliance.

(c) CONDITIONS ON USE OF FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, grant funds made available under this section and the proceeds of the grant funds may not be used to promote, disseminate, sponsor, or produce any project or production that—

(A) denigrates the religious objects or religious beliefs of the adherents of a particular religion; or

(B) depicts or describes, in a patently offensive way, sexual or excretory activities or organs.

(2) STRICT APPLICATION.—The prohibition described in paragraph (1) shall be strictly applied without regard to the content or viewpoint of the project or production.

(d) ALLOTMENT OF FUNDS.—

(1) RESERVATION FOR ADMINISTRATIVE COSTS.—From the sum appropriated under subsection (g) the Secretary shall reserve not more than $1,000,000 for the administrative costs of the Department of the Treasury.

(2) MINIMUM ALLOTMENT.—From the sum appropriated under subsection (g) and not reserved under paragraph (1), the Secretary first shall allot—

(A) $500,000 to each State; and

(B) $200,000 to each of the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(3) ALLOTMENT OF REMAINDER.—From the sum appropriated under subsection (g), not reserved under paragraph (1), and not allotted under paragraph (2), the Secretary shall allot to each State an amount that bears the same relation to the sum as the population of the State bears to the population of all States.

(4) STATE ADMINISTRATIVE COSTS.—A State may use not more than 15 percent of the funds allotted under paragraph (3) for administrative costs.

(5) DEFINITION OF STATE.—Notwithstanding subsection (e) and for the purposes of paragraphs (2)(A) and (3), the term "State" means each of the several States of the United States and the District of Columbia.

(e) DEFINITIONS.—In this section:

(1) ARTS.—The term "arts" includes, but is not limited to, music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, costume and fashion design, motion pictures, television, radio, film, video, tape and sound recording, the arts related to the presentation, performance, execution, and exhibition of such major art forms, all those traditional arts practiced by the diverse peoples of this country, and the study and application of the arts to the human environment.

(2) GOVERNOR.—The term "Governor" means the chief executive officer of a State.

(3) PRODUCTION.—The term "production" means plays (with or without music), ballet, dance and choral performances, concerts, recitals, operas, exhibitions, readings, motion pictures, television, radio, film, video tape and sound recordings, and any other activities involving the execution or rendition of the arts.

(4) PROJECT.—The term "project" means programs organized to carry out this section, including programs to foster American artistic creativity, to commission works of art, to create opportunities for individuals to develop artistic talents when carried on as a part of a program otherwise included in this definition, and to develop and enhance public knowledge and understanding of the arts. Such term includes, where appropriate, rental or purchase of facilities, purchase or rental of land, and acquisition of equipment. Such term also includes the renovation of facilities if the amount of the expenditure of Federal funds for such purpose in the case of any project does not exceed $250,000.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(6) STATE.—The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(f) REPORT BY INSPECTOR GENERAL.—The Inspector General of the Department of the Treasury shall submit to Congress a report describing the extent to which States and the recipients of any proceeds of grant funds made available under subsection (a) comply with the requirements of this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,060,000 for fiscal year 1998.

ASHCROFT (AND OTHERS) AMENDMENT NO. 1188

Mr. ASHCROFT (for himself, Mr. HELMS, Mr. BROWNBACK, Mr. SESSIONS, and Mr. INHOFE) proposed an amendment to the bill, H.R. 2107, supra; as follows:

Beginning on page 96, strike line 14 and all that follows through page 97, line 8.

THE FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997 PRESCRIPTION DRUG USERS FEE REAUTHORIZATION ACT OF 1997

HUTCHINSON AMENDMENT NO. 1189

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill, S. 830, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . APPLICATION OF FEDERAL LAW TO THE PRACTICE OF PHARMACY COMPOUNDING.

Section 503 (21 U.S.C. 353) is amended by adding at the end the following:

"(h)(1) Sections 501(a)(2)(B), 502(f)(1), 502(l), 505, and 507 shall not apply to a drug product if—

"(A) the drug product is compounded for an identified individual patient, based on a medical need for a compound product—

"(i) by a licensed pharmacist in a State licensed pharmacy or a Federal facility, or a licensed physician, on the prescription order of a licensed physician or other licensed practitioner authorized by State law to prescribe drugs; or

"(ii) by a licensed pharmacist or licensed physician in limited quantities, prior to the receipt of a valid prescription order for the identified individual patient, and is compounded based on a history of the licensed pharmacist or licensed physician receiving valid prescription orders for the compounding of the drug product that have been generated solely within an established relationship between the licensed pharmacist, or licensed physician, and—

"(I) the individual patient for whom the prescription order will be provided; or

"(II) the physician or other licensed practitioner who will write such prescription order; and

"(B) the licensed pharmacist or licensed physician—

"(i) compounds the drug product using bulk drug substances—

"(I) that—

"(aa) comply with the standards of an applicable United States Pharmacopeia or National Formulary monograph; or

"(bb) in a case in which such a monograph does not exist, are drug substances that are covered by regulations issued by the Secretary under paragraph (3);

"(II) that are manufactured by an establishment that is registered under section 510 (including a foreign establishment that is registered under section 510(i)); and

"(III) that are accompanied by valid certificates of analysis for each bulk drug substance;

"(ii) compounds the drug product using ingredients (other than bulk drug substances) that comply with the standards of an applicable United States Pharmacopeia or National Formulary monograph and the United States Pharmacopeia chapter on pharmacy compounding;

"(iii) only advertises or promotes the compounding service provided by the licensed pharmacist or licensed physician and does not advertise or promote the compounding of any particular drug, class of drug, or type of drug;

"(iv) does not compound a drug product that appears on a list published by the Secretary in the Federal Register of drug products that have been withdrawn or removed from the market because such drug products or components of such drug products have been found to be unsafe or not effective;

"(v) does not compound a drug product that is identified by the Secretary in regulation as presenting demonstrable difficulties for compounding that reasonably demonstrate an adverse effect on the safety or effectiveness of that drug product; and

"(vi) does not distribute compounded drugs outside of the State in which the drugs are compounded, unless the principal State agency of jurisdiction that regulates the practice of pharmacy in such State has entered into a memorandum of understanding with the Secretary regarding the regulation of drugs that are compounded in the State and are distributed outside of the State, that provides for appropriate investigation by the State agency of complaints relating to compounded products distributed outside of the State.

"(2)(A) The Secretary shall, after consultation with the National Association of Boards of Pharmacy, develop a standard memorandum of understanding for use by States in complying with paragraph (1)(B)(vi).

"(B) Paragraph (1)(B)(vi) shall not apply to a licensed pharmacist or licensed physician, who does not distribute inordinate amounts of compounded products outside of the State, until—

"(i) the date that is 180 days after the development of the standard memorandum of understanding; or

"(ii) the date on which the State agency enters into a memorandum of understanding under paragraph (1)(B)(vi),

whichever occurs first.

"(3) The Secretary, after consultation with the United States Pharmacopeia Convention Incorporated, shall promulgate regulations limiting compounding under paragraph

(1)(B)(i)(I)(bb) to drug substances that are components of drug products approved by the Secretary and to other drug substances as the Secretary may identify.

"(4) The provisions of paragraph (1) shall not apply—

"(A) to compounded positron emission tomography drugs as defined in section 201(ii); or

"(B) to radiopharmaceuticals.

"(5) In this subsection, the term 'compound' does not include to mix, reconstitute, or perform another similar act, in accordance with directions contained in approved drug labeling provided by a drug manufacturer.".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the nominations hearing previously scheduled before the full Committee on Energy and Natural Resources on Thursday, September 18, 1997, at 9:30 a.m. will now take place at 9 a.m. in room SE–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Flint at (202) 224–5070.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on "Emerging Securities Fraud: Fraud In The Micro-Capital Markets."

This hearing will take place on Monday, September 22, 1997, at 1:30 p.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy J. Shea of the subcommittee staff at 224–3721.

ADDITIONAL STATEMENTS

ENHANCED OIL RECOVERY PROJECTS PROGRESS

• Mr. DOMENICI. Mr. President, in 1989, I stood on the Senate floor and urged the Senate to enact tax incentives for enhanced oil recovery techniques.

At that time, I told my colleagues that traditional drilling techniques were leaving behind 70 percent of the resource when traditional drilling and pumping was completed. To me, this was wasteful, foolish, and unnecessary.

It is wasteful to leave the oil behind.

It is foolish because the United States has a growing appetite for energy. We are currently importing close to half of the energy we use from an area of the world renowned for political instability.

It is unnecessary because we have the technology to recover the resource if we would use enhanced oil recovery techniques.

In 1989, I also told the Senate that it would be possible to recover another 20 billion barrels of oil from our same oil fields of existing wells if enhanced oil recovery techniques were used. Since our known recoverable reserves at that time were in the neighborhood of 28 billion barrels, the potential was, and still is, significant.

At that time, the Department of Energy conducted extensive studies showing that if a 15-percent investment tax credits were enacted, it could result in the recovery of additional reserves for as little cost to the Treasury as $1 per additional barrel recovered—assuming $20 per barrel oil.

For each and every dollar of Federal revenue invested in EOR incentives, the trade deficit would be reduced by $24 to $76 dollars according to the same DOE studies.

States with significant EOR potential include California, Texas, New Mexico, and Oklahoma. Other States with reserves include Arkansas, Colorado, Florida, Illinois, Kansas, Louisiana, Mississippi, Montana, North Dakota, Utah, and Wyoming.

In 1990, the Congress enacted tax incentives to encourage enhanced oil recovery so that more of this vast resource could be recovered and put to good use. I am proud to have been the primary sponsor of that legislation.

As a Senator, one of the greatest rewards is seeing a new law make the world a better place. During the August recess I had this rewarding experience. I also saw the predictions of the theoretical studies proven up in the real world.

I toured the Texaco enhanced oil recovery project located in Buckeye, NM. The technical name of the project is the "Central Vacuum Unit CO_2 project."

This particular oil field was discovered in 1929. Primary oil recovery techniques were used until 1977. Beginning in 1977, the field was transformed into a waterflood operation. Waterflood is a secondary oil recovery technique. The waterflood technology sustained and enhanced production for awhile, but it was evident that either the oil wells in the field would be shut-in and the field shut down leaving behind a significant amount of oil, or enhanced oil recovery methods could prolong economic levels of production. One very promising enhanced oil recovery technique involves injecting the wells with CO_2.

CO_2 injection is an enhanced oil recovery technique eligible for a 15-percent Federal investment tax credit. Using CO_2 is going to significantly extend the life of this mature field by more than 20 years. The project will recover an additional 20 million barrels of oil and 23 billion cubic feet of gas that otherwise would have been left behind.

Texaco is the operator of this project. Marathon Oil, Phillips Petroleum, Mobil Exploration and Production U.S. Inc., and 15 others are interest owners in the project.

New Mexico is blessed with magnificent oil and gas reserves. It is doubly blessed because it is also the home to the New Mexico Institute of Mining and Technology Petroleum Recovery Research Center. The center has served as a focal point for development and application of improved oil and gas recovery processes. They have a world-renowned reputation as one of the leading petroleum research centers. They were very helpful in developing the original legislation.

In every oil- and gas-producing State, there are aging oil and gas fields with declining production, that could be made more productive using enhanced oil recovery techniques. I am pleased that there is a fine example in New Mexico. It is providing 100 jobs in addition to adding to our energy security.•

UKRAINIAN INDEPENDENCE DAY

• Mr. LEVIN. Mr. President, I rise today to honor Ukrainian Independence Day. Since its independence on August 24, 1991, The Ukrainian Government has taken several bold steps to reform the country after many years of Soviet rule. We should take this opportunity today to review the success that Ukraine has recently experienced.

In 1994, Ukraine held legislative and Presidential elections. These elections were carried out in an open and fair manner that bodes well for stable democracy in Ukraine. Ukraine now exhibits signs of a healthy democracy, including the existence of multiple interests represented within the Government, and last year, Ukraine overwhelmingly enacted a new constitution which guarantees the right of private ownership.

Ukraine has also focused on reforming its economy with some significant results. The Government has taken steps to improve the investment climate in Ukraine. In order to further promote privatization, the President of Ukraine signed the State Privatization Program for 1997. Ukraine also launched a new currency, the hryvna, and inflation has been reduced dramatically.

Ukraine's efforts on security issues may be its most successful. The Government has been rightfully lauded for its efforts to rid Ukrainian soil of nuclear weapons by faithfully following guidelines under the START I Treaty and other agreements. And, by joining the Partnership for Peace Program for NATO membership, Ukraine has shown its determination to contribute to the security of Europe.

The people of Ukraine deserve our admiration and support for the fine work they have done in such a short period of time. The Ukrainian-American community in Michigan is in the front ranks of such support. I know my Senate colleagues join me in celebrating the sixth anniversary of Ukrainian independence.•

PROTECT TRUTH IN LABELING

• Mr. ABRAHAM. Mr. President, last Thursday, Senator HOLLINGS and I introduced a resolution that aims to protect truth in labeling and, specifically, the integrity of the "Made in USA" label. It would express the sense of Congress that the Federal Trade Commission should retain the current standard for labeling products "Made in USA."

For over 50 years now, Mr. President, consumer goods have been labeled "Made in USA" when, and only when, they were made all or virtually all in the United States. But recently the FTC announced plans to allow companies to use the "Made in USA" label on products for which U.S. manufacturing costs represent as little as 75 percent of total manufacturing costs and the product was last substantially transformed in the United States. Alternatively, a product could be labeled "Made in USA" if it was last substantially transformed in the United States and all its significant inputs were last substantially transformed in the United States.

In practice, Mr. President, this means that products containing no materials or parts of U.S. origin could nonetheless be labeled as "Made in USA." Should the company expend 75 percent of its manufacturing costs or engage in the final substantive assembly or other modification of the product in the United States, it could display the "Made in USA" label on the product, even if its entire content, including manufactured parts, came from overseas.

In my view, Mr. President, such rules would in effect condone false advertising. Many Americans look specifically for the "Made in USA" label because they want to support American workers. These loyal Americans do not believe that they are purchasing products mostly made in the USA, let alone products for which most manufacturing costs were incurred in the USA, or which were substantially transformed in the USA. Quite rightly, consumers who look for the "Made in USA" label believe that in purchasing a product with that label they are getting something made all or virtually all in the United States.

Also important, Mr. President, are the expectations of the many companies that have made substantial investments in plant and equipment, as well as hiring and training, in the United States. These companies have a right to expect that the "Made in USA" label, which they have worked so hard to earn and maintain, will continue to apply only to products made all, or virtually all, in the United States.

To dilute the requirement for use of the "Made in USA" label would be to lower the value of that label. It would allow companies operating substantially overseas to deceive American consumers who are attempting to support truly American made products and workers. It would discourage companies from investing in this country by telling them, in effect, that they will no longer receive any benefit for keeping jobs at home. The result would be a loss of American jobs and morale, as well as a critical blow to consumer confidence in the veracity of product labels.

Mr. President, the American people have a right to expect that the "Made in USA" label will mean what it says. For over 50 years they have depended on that label to assure them that they are purchasing products made all or virtually all in the United States. I urge my colleagues to join me in sending the message to the FTC that we must keep things that way.•

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate delegation to the Canada-United States Interparliamentary Group during the first session of the 105th Congress, to be held in Nova Scotia and Prince Edward Island, Canada, September 11–15, 1997:

The Senator from Utah [Mr. MURKOWSKI], Chairman;

The Senator from Utah [Mr. HATCH];

The Senator from Iowa [Mr. GRASSLEY];

The Senator from Indiana [Mr. COATS];

The Senator from Ohio [Mr. DEWINE]; and

The Senator from Wyoming [Mr. ENZI].

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–26

Mr. BENNETT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 15, 1997, by the President of the United States:

Protocol with Mexico Amending Convention for Protection of Migratory Birds (Treaty Document No. 105–26).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol Between the Government of the United States of America and the Government of the United Mexican States Amending the Convention for the Protection of Migratory Birds and Game Mammals, signed at Mexico City on May 5, 1997 ("the Mexico Protocol"). I transmit also, for the information of the Senate, the report of the Department of State with respect to the Mexico Protocol.

In concert with a similar Protocol between the Government of the United States and Canada, the Mexico Protocol represents a considerable achievement for the United States in conserving migratory birds and balancing the interests of conservationists, sports hunters, and indigenous people. The Protocol should further enhance the management of and protection of this important resource for the benefit of all users.

The Mexico Protocol is particularly important because it will permit the full implementation of the Protocol Amending the 1916 Convention for the Protection of Migratory Birds in Canada and the United States ("the Canada Protocol") that is pending before the Senate at this time. The Canada Protocol is an important agreement that addresses the management of a spring/summer subsistence hunt of waterfowl in communities in Alaska and northern Canada. The Mexico Protocol conforms the Canadian and Mexican migratory bird conventions in a manner that will permit a legal and regulated spring/summer subsistence hunt in Canada and the United States.

I recommend that the Senate give early and favorable consideration to the Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 15, 1997.*

MEASURE PLACED ON CALENDAR—S. 1178

Mr. BENNETT. Mr. President, I ask unanimous consent that S. 1178, introduced earlier today by Senators ABRAHAM and KENNEDY, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, SEPTEMBER 16, 1997

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Tuesday, September 16. I further ask that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of S. 830, the FDA reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I further ask unanimous consent that the Senate recess from 12:30 to 2:15 p.m. on Tuesday for the weekly policy conferences to meet.

PROGRAM

Mr. BENNETT. Tomorrow morning when the Senate convenes, there will be 30 minutes of debate prior to a vote on the motion to invoke cloture on the pending substitute amendment to S. 830, the FDA reform bill. Senators should, therefore, anticipate the first rollcall vote tomorrow morning at approximately 10 a.m.

If cloture is invoked, it is the majority leader's hope that the Senate can conclude action on the FDA bill in a reasonable timeframe on Tuesday. Under the consent agreement, all Senators have until 10 a.m. in order to file second-degree amendments to the FDA bill.

The Senate will also resume consideration of the Interior appropriations bill. Therefore, Senators can expect additional votes on Tuesday following the cloture vote.

This week, the Senate may also consider the D.C. appropriations bill, as well as any legislative or executive items that can be cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:11 p.m., adjourned until Tuesday, September 16, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 15, 1997:

IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICERS OF THE U.S. COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF AT THE COAST GUARD ACADEMY FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. COAST GUARD UNDER TITLE 14, UNITED STATES CODE, SECTION 189:

To be commander

STEPHEN E. FLYNN, 3850
JONATHAN C. RUSSELL, 0954
MICHAEL A. ALFULTIS, 2553
VINCENT WILCZYNSKI, 7381

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. COAST GUARD UNDER TITLE 14 UNITED STATES CODE, SECTION 271:

To be commander

FRANK M. PASKEWICH, 6576
ANTHONY S. REYNOLDS, 0002
THEODORE A. BULL, 1867
TIMOTHY F. MANN, 0878
GARY M. ALEXANDER, 4201
GREGORY R. HAACK, 8803
MARK P. O'MALLY, 2568
ROBERT M. PALATKA, 9379
JOHN J. COOK, 0777
MARK A. ROSE, 2181
JOHN F. KAPLAN, 5601
TIMOTHY M. CLOSE, 5959
PAMELA A. RUSSELL, 1686
WILLIAM T. DEVEREAUX, 6536
MATTHEW J. GLOMB, 2447
DAVID C. EKY, 3368
STEPHEN A. BILLIAN, 5131
MARK E. BUTT, 1144
PETER S. SIMONS, 8565
THADDEUS G. SLIWINSKI, 8394
STEVEN R. CORPORON, 5574
JAMES Y. POYER, 2228
VINCE S. SEDWICK, 2255
EUGENE F. CUNNINGHAM, 4318
JOSEPH E. MIHELIC, 2021
STEVEN E. CARLSON, 7484
MICHAEL C. COSENZA, 2007
RAYMOND J. PETOW, 9505
DANIEL J. MCCLELLAN, 9813
ARTHUR C. WALSH, 6486
MICHAEL R. KELLEY, 1094
JOHN A. WATSON, 3770
DAVID A. DURHAM, 8936
LEONARD R. RADZIWANOWICZ, 9657
MICHAEL N. PARKS, 8307
CRAIG A. BENNETT, 9660
DOUGLAS G. RUSSELL, 3726
THOMAS R. HALE, 6821
GEORGE P. HANNIFIN, 3218
JAMES L. MCDONALD, 1785
KEVIN M. O'DAY, 2118
WILLIAM J. DIEHL, 5483
TERRY A. BICKHAM, 4604
MORRIS B. STEWART, 8484
BRIAN D. KELLEY, 1492
THOMAS F. ATKIN, 1758
JOSEPH A. SERVIDIO, 5588
JOSEPH P. SEEBALD, 0513
EDWARD W. GREINER, 9005
JEFFREY S. HAMMOND, 5671
JOHN M. WEBER, 7782
CHARLEY L. DIAZ, 7153
FRED M. MIDGETTE, 3815
MARK J. DANDREA, 0073
JEFFREY S. GRIFFIN, 5567
WILLIAM M. RANDALL, 4964
CHARLES A. MATHIEU, 9420
EVAN Q. KAHLER, 6858
SANDRA L. STOSZ, 7129
GEORGE P. CUMMINGS, 5773
FRED T. WHITE, 6418
ANDREW J. BERGHORN, 3076
STEPHEN P. METRUCK, 7265
VINCENT B. ATKINS, 7523
THOMAS S. MORRISON, 5698
THOMAS A. ABBATE, 5534
ROGER E. DUBUC, 4272
MICHAEL E. LEHOCKY, 7279
EDWARD SINCLAIR, 2245
MARK S. TORRES, 8453
DAVID R. CALLAHAN, 2805
MICHAEL E. SULLIVAN, 1259
LANCE O. BENTON, 2925
ROBERT G. MUELLER, 0018
HAL R. SAVAGE, 1548
RUDY T. HOLM, 0541
DAVID D. SIMMS, 1727
RONALD E. KAETZEL, 0805
STEVEN R. BAUM, 2011
LYLE A. RICE, 0007
JOSEPH M. HANSON, 1221
JAMES B. MCPHERSON, 9585
STEPHEN M. WHEELER, 6961
RICHARD G. BRUNKE, 5955
LEONARD L. RITTER, 0174
MARK M. CAMPBELL, 9251
FRED R. CALL, 1968
CHRISTOPHER W. DOANE, 7360
MICHAEL A. HAMEL, 1066
PEYTON A. COLEMAN, 1472
STEVEN C. TAYLOR, 7835
MICHAEL D. DAWE, 9233
FRANK M. REED, 2927
THOMAS M. HEITSTUMAN, 2101
THOMAS E. ATWOOD, 5275
MICHAEL E. KENDALL, 4492
ROBERT L. DESH, 6175
DANIEL B. ABEL, 0184
RICHARD T. GROMLICH, 4763
LINCOLN D. STROH, 9240
KEITH A. TAYLOR, 2063
MARK R. HIGGINS, 0540
FREDERICK W. TUCHER, 3420
KRISTY L. PLOURDE, 7123
RICHARD D. BELISLE, 9382
MAURA S. ALBANO, 8844
DAVID H. GORDNER, 3813
PAUL E. WIEDENHOEFT, 4925
JOHN C. ODELL, 1737
KARL L. SCHULTZ, 1109
BRUCE L. TONEY, 9463
TERRY A. BOYD, 5496
EDWIN B. THIEDEMAN, 1548
KENNETH K. MOORE, 6150
MATHEW D. BLIVEN, 8920
TODD GENTILE, 7595
RICHARD K. MURPHY, 6899
EUGENE GRAY, 9256
JOHN J. JENNINGS, 8526
ROBERT M. PYLE, 2435

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. PETER J. SCHOOMAKER, 3788

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM J. BOLT, 0705

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JACK P. NIX, JR., 1547

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. LARRY R. JORDAN, 0772

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624.

To be brigadier general

COL. HENRY W. STRATMAN, 1226

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. PETER PACE, 7426

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

To be lieutenant colonel

RAFAEL LARA, JR., 7769

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 12203 AND 12211:

To be colonel

MORRIS F. ADAMS, JR., 4559
CAREY B. BUSSEY, 4724
JAMES P. DALEY, 2270
DAVID N. DUNN, 6826
DORCAS M. EAVES, 2330
BERT W. HOLMES, JR., 4805
DENNIS D. HULL, 9624
DAVID B. JACK, 5486
JAMES G. JAJICH, 4985
WILLIAM G. RANSON, 2570
ROSEMARY A. SEDLACEK, 6252
WILLIAM A. SIMPSON, JR., 7575
RALPH E. STAPLETON, 7368
FRANK A. TREFNY, 7292
GEORGE W. WILSON, 5766

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

To be major

JOHN C. KOTRUCH, 3250

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be captain

DAVID M. BELT, JR., 5624
CHARLES J. BURT, JR., 2264

JOHN S. GWUDZ, 1814
NORMAN D. HOLCOMB, JR., 1443
JOHN S. LINEBACK, 1794
PAUL F. MCLAUGHLIN, 3178
JOHN W. MORRISON, 8335
R.B. PIERCE, 0592
JAMES F. POE, JR., 5474
GARY R. POLLITT, 8750
CHARLES SOTO, 5301
PHILIP S. SPAIN, 1355
GENE P. THERIOT, 3786

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be colonel

CYNTHIA A. ABBOTT, 8663
RICHARD L. AGEE, 6123
EDWIN K. ARMITAGE, 0292
ELLEN M BALD, 2329
JOHN E. BALL, 8341
HOLGER L. BRENCHER, 5022
JAMES D. BROGDON, 2067
ELIZABETH A. BRYANT, 7271
MICHAEL A. CALDER, 0170
JOSEPH D. CAMBRE, 4724
DAVID W. CHANDLER, 5501
DIANA J. CONRAD, 2044
ROBERT C. DAHLANDER, 7167
GEORGE J. DYDEK, 7873
GLEN M. FITZPATRICK, 4716
JAMES L. FLETCHER, 9087
MICHAEL D. GARRETT, 0403
BARBARA S. GSCHEIDLE, 2730
JANET R. HARRIS, 9092
NANCY E. HENDERSON, 3895
CARL E. HENDRICKS, 9804
DOUGLAS HEWITT, 5229
NOLAN J. HINSON, 9026
STEPHEN J. JANNY, 6136
LEIF G. JOHNSON, 7637
MICHAEL G. JOHNSON, 1883
MICHAEL B. KELLEY, 3913
JOHN G. KITSOPOULOS, 6035
LARRY K. LEWIS, 0965
LAWRENCE K. LIGHTNER, 3006
GEORGE D. M AGEE, 5705
JAMES F. MCGAHA, 7442
LAURIE A. MCNABB, 9486
EUGENE A. MILLER, 1491
DAVID T. MOONAN, 1694
SHIRLEY I. NEWCOMB, 4490
LYNN E. NORMAN, 2044
JOHN P. OBUSEK, 5724
GERALD L. ONEY, 1520
BONNIE S. PEARSON, 0152
MYRON V. PIZIAK, 3722
DIANE J. PLEMENIK, 3218
THOMAS N. POOL, 7337
BILLIE J. RANDOLPH, 0602
VALERIE J. RICE, 8301
RONALD M. ROSENBERG, 1523
DAVID A. RUBENSTEIN, 6677
RAMON M. SANCHEZ, 8033
CARL E. SETTLES, 4455
JAMES G. SOLOMON, 1877
CLARENCE D. VESELY, 0008
ARTHUR P. WALLACE, 3312
JOHNNY L. WEST, 6335
CYNTHIA A. WOODLING, 7783
NANCY A. WOOLNOUGH, 2499
LINDA H. YODER, 8264
ANTHONY W. YOUNG, 5125

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be commander

EUGENE M. ABLER, 8337
GLEN C. ACKERMANN, 7878
DAVID B. ADLER, 4079
ROBERT J. ADRION, 4865
RALPH N. ALDERSON, JR, 0520
RICHARD K. J. ALEXANDER, 2116
CHARLES L. ALEY, III, 6333
WILLIAM H. ALL, IV, 3997
EDWARD T. ALLEN, 1869
ROBERT L. ALTEMUS, 5762
CHARLES J. ALTMAN, 3789
JOSE L. ALVAREZ, JR, 6316
JEFFREY C. AMICK, 3500
ROY L. ANDERSON, 2414
GUSTAV A. ANDERSON, 0280
ROBERT G. ANDERSON, 0831
THOMAS X. ANDERSON, 6561
MELISSA S. ANDREWS, 4790
PHILLIP T. ANGELINI, 7248
KEVIN S. APEL, 3330
WILLIAM B. ARCHER, 9765
CLAYTON L. ARMSTRONG, 5203
HERB I. ARNOLD, 0460
ROBERT A. ARONSON, 5606
MICHAEL L. ARTURE, 9210
WILLIAM R. AULT, 9952
MARK E. BAKOTIC, 7580
MICHAEL R. BARCLIFT, 5282
CHRISTOPHER A. BARNES, 4213
ROY T. BARNES, JR, 2423
JEFFREY S. BARTKOSKI, 6317
RUSSELL J. BARTLETT, 7552
KEITH R. BARTON, 4280
MARK T. BASICH, 2025
TIMOTHY A. BATZLER, 9997
JAMES J. BAUSER, 9983
FRED C. BEACH, 0115
PHILLIP L. BEACHY, 3333
THOMAS R. BEALL, 1150
DAVID F. BEAN, 4322
WILLIAM W. BEAUMONT, 8924
RICHARD R. BECK, 6951
RAYMOND S. BEDNARCIK, JR., 8095
KATHLEEN A. BEERNINK, 1760
DAVID F. BEERS, 2963
MARGUERITE E. BELEC, 3949
DAVID D. BELT, 9260
CHARLES J. BERDAR, 4104
WILLIAM J. BERGIN, 1406
RICHARD O. BERNARD, 7344
TIMOTHY C. BERTCH, 8023
RONALD C. BETHMANN, 6373
WILLIAM P. BINGHAM, 3718
GILMORE N. BIRKLUND, 7147
JOHN K. BISHOP, 6344
CRAIG R. BLACK, 1998
WAYNE R. BLANDING, 8678
MATTHEW E. BOBOLA, 8133
DEBRA A. BODENSTEDT, 1689
RICHARD H. BOHNER, JR., 8996
ROBERT A. BONNER, 8247
JAMES R. BOORUJY, 1860
TIMOTHY E. BOOTHE, 5016
STEVEN C. BOS, 9840
KELLY S. BOSE, 6137
THOMAS A. BOTHWELL, 9609
IRVING G. BOUGH, 7284
DAVID M. BOUTON, 7218
FRANK W. BOYD, 5996
ERIC H. BRANDENBURG, 8297
RICHARD L. BRASEL, 7814
RICHARD P. BRECKENRIDGE, 6934
ROBERT J. BRENNAN, 4279
STEPHEN G. BRENNAN, 8413
WILLIAM D. BRENNAN, 1414
ROBERT A. BREWER, JR., 8404
TIMOTHY B. BREWER, 6432
KRISTINE A. BRIDGES, 9307
BRUCE W. BRISSON, 7135
STEVEN G. BROCKETT, 4508
JENNIFER E. BROOKS, 1607
MICHAEL G. BROOKS, 1594
THOMAS L. BROWN, II, 9541
JOHN L. BUCKLES, 8516
FREDERICK B. BUONI, II, 9870
EDWIN J. BURDICK, 0010
STEPHEN V. BURKE, 3731
WILLIAM N. BURNETTE, 0578
JERRY K. BURROUGHS, 8690
JERILYN B. BUSCH, 8555
STEPHEN L. BUSS, 4327
RICHARD W. BUTLER, 2681
MICHAEL W. BYMAN, 3944
JAMES J. BYRNE, JR., 4715
MARK D. CAHILL, 1792
MAUREEN M. CAHILL, 1542
KENT G. CALDWELL, 4142
ALFRED J. CAMP, JR., 2832
SHARON B. L. CAMPBELL, 3873
WELDON J. CAMPBELL, JR., 8799
RENE A. CAMPOS, 1968
MICHAEL A. CAPASSO, 6837
JOSEPH G. CAPSTAFF, 9203
CHRISTOPHER A. CARBOTT, 6531
RONALD R. CARLSON, 4170
EDWARD P. CARROLL, II, 7359
EVON B. CARTER, 7203
EMIL C. CASCIANO, 3751
BENJAMIN A. CATHEY, 2415
NEIL A. CATLETT, 8425
RICHARD G. CATOIRE, 2742
CHARLES F. CAUDILL, JR., 0769
RICHARD C. CECCONI, 2943
GEORGE A. J. CHAMBERLAIN, 4816
JAY M. CHESNUT, 3683
CURTIS S. CHESNUTT, 6855
A. P. CHESTER, III, 6398
LONNIE T. CHIDESTER, 6929
JOHN H. CHILTON, JR., 7399
CAROL L. CHRISTMAN, 1411
THOMAS M. CLEMONS, III, 8744
HUBERT D. CLOPP, 4078
WILLIAM H. COGAN, 0989
KENNETH C. COGGINS, 7527
JAMES A. COLE, JR., 4392
PATRICIA COLE, 5490
THOMAS V. COLE, 7910
ALFRED COLLINS, 3809
JANEANN T. CONLEY, 0835
KENNETH B. CONLEY, 8649
CHARLES B. CONNERS, 3993
MARK E. CONVERSE, 1050
HUGH H. COOK III, 9200
RICHARD H. COOK, 1468
TIMOTHY E. COOLIDGE, 5534
WILLIAM T. COONEY, 7997
JUSTIN D. COOPER II, 6407
JOHN P. CORAY, 0074
MICHAEL J. CORTESE, 1425
JOHN J. COSTELLO, 3038
RICHARD J. COSTON, 3284
JOHN M. COUGHLIN, 7892
JOHN W. COVELL, 2326
BRIEN M. COWAN, 4236
GEORGE A. COY, 3307
LAWRENCE S. COY, 7821
FRANCES K.B. COYLE, 5221
CALVIN H. CRAIG, 4152
KYLE M. CRAIGIE, 3783
PAUL D. CRAIN, 8812
JOSEPH D. CREED, 4864
THOMAS R. CRIGER, 3682
DALE A. CROTHERS, 9283
RICHARD M. CROWELL, 3979
MICHAEL P. CROWLEY, 4468
STEVEN D. CULPEPPER, 8777
JEFFREY S. CURRER, 7227
RICHARD B. CUTTING, 2370
JAMES E. DALBERG, JR., 7578
MICHAEL N. DALFONSO, 2361
FRANK D. DALTON, JR., 6842
WILLIAM F. DANELLA, 5446
EDWARD G. DANIELS, 0163
JEFFREY R. DANSHAW, 4587
MARK W. DARRAH, 5182
KENNETH E. DAVEY, 5089
JOHN C. DAVIDSON, 8711
PHILIP S. DAVIDSON, 3050
MARSDEN S. DAVIS, JR., 3410
STEPHANIE K. DAVIS, 2651
STEPHEN F. DAVIS, JR., 2136
WILLIAM J. DAVIS, JR., 3311
STEVEN P. DAVITO, 9605
GLENN A. DAY, 1308
RICHARD S. DEHART, 0953
EDWARD J. DELANEY, 7252
RENE R. DELROSARIO, 2506
CARLOS DELTORO, 8451
WILLIAM O. DERR, JR., 7289
ERIC E. DEVITA, 0969
STEPHEN B. DIETZ III, 4784
KARL L. DINKLER, 2025
DAVID R. DIORIO, 4033
MICHAEL D. DISANO, 0900
TIMOTHY A. DISHER, 8951
DANIEL N. DIXON, 9241
DOMINIC S. DIXON, 6705
JAMES C. DIXON, 9131
STEVEN H. DOHL, 7194
MATTHEW H. DOLAN, 2149
BRIAN T. DONEGAN, 5348
JAMES M. DONOVAN, 2062
WILLIAM T. DONOVAN, JR., 4836
PATRICK J. DOUGHERTY, 1063
THOMAS J. DOUGHERTY, 0980
STEPHANIE A. DOUGLAS, 3249
MICHAEL W. DOUGLASS, 1266
JONATHAN A. DOWELL, 2890
HAMPTON H. DOWLING, 1863
CHRISTOPHER J. DRENNEN, 8051
PETER U. DREXLER, 3790
VINCENT DROUILLARD, 7452
GERARD DUFFY, 7065
WILLIAM C. DUKE, 7391
HOSONG DUPONT, 0780
JOHN W. DZIMINOWICZ, 7920
STEVEN A. EATON, 3778
JAMES D. EBERHART, 1148
ANDREW W. EDDOWES, 0310
GENE H. EDWARDS III, 5975
WILLIAM R. EDWARDS, 5318
GREG A. EISMAN, 1115
DANA J. ELLIS, 6118
DAVID B. EMICH, 1572
DIANE M. ENBODY, 2098
MICHAEL P. ENRIGHT, 3859
DELL W. EPPERSON, 1354
ROBERT F. ESSMANN, 1328
LAWRENCE T. EVANS, 8304
ROBERT S. EWIGLEBEN, 7602
KEVIN S. EYER, 3772
MATTHEW J. FALETTI, 9681
TIM P. FALEY, 4738
DAVID C. FALK, 8207
CRAIG S. FALLER, 5651
MARK C. FARLEY, 8507
IAN B. FARQUHARSON, 0084
BRIAN L. FAULHABER, 1486
MARK C. FEALLOCK, 4124
KARLA P. FEARS, 6435
BRUCE W. FECHT, 0511
PATRICK J. FELTS, 3975
JOHN A. FERRER, 8984
ROBERT A. FFIELD, 1744
JOHN T. FINCH, 3461
ALAN L. FINK, 4448
JOANNE M. FISH, 6897
PAUL D. FISHER, 3179
OSA E. FITCH, 9772
WILLIAM J. FLANAGAN, JR., 2908
JOHN V. FOLEY, 2470
DOUGLAS L. FOSTER, 6585
MICHAEL D. FOSTER, 3580
LISA E. FRAILEY, 0642
STEVEN C. FRAKE, 8283
KENNETH W. FREEMAN, 0016
DOROTHY J. FREER, 6225
GREGORY P. FRENCH, 9092
PAUL J. FROST, 0151
DAVID J. FUHRMANN, 8968
ANDREW B. FULLER, 7228
ORMAN K. FULLER, 9871
STEVEN P. FULTON, 3881

WILLIAM D. FUSON, 5650
ANTHONY E. GAIANI, 0224
DANIEL J. GALLAGHER, 6776
ANTHONY R. GALLOP, 2530
CLAUDE V. GALLUZZO, 9697
RALPH M. GAMBONE, 7735
STEVEN J. GASPAROVICH, 3745
BRIAN ROBERT GATES, 7247
BRIAN G. GAWNE, 2669
JOHN M. GERAGOTELIS, 9364
GREGORY S. GILBERT, 4535
PATRICK C. GILL, 7631
STERLING G. GILLIAM, JR., 2534
LEE S. GINGERY, 1314
RAYMOND B. GINNETTI, 7048
ROBERT P. GIRRIER, 5596
MICHAEL H. GLASER, 4212
TIMOTHY R. GLASOW, 3124
WILLIAM G. GLENN, 4186
JOHN G. GOETZ, 0970
CURT W. GOLDDACKER, 2605
WILLIAM H. GOODALE II, 3482
THOMAS D. GOODWIN, 2902
MARK L. GORENFLO, 0524
JOHN F. GOUGH, JR., 3926
ROBERT D. GOURLEY, 8864
TERRY L. GOWEN, 6134
KEVIN H. GRAFFIS, 1481
WARREN C. GRAHAM III, 3730
PETER F. GRAUSE, 2972
ROBERT P. GRAY, 6587
ALBERT J. GRECCO, 8409
DANIEL S. GREER, 1688
JAMES GREGORSKI, 0951
STERLING R. GRENI, 4420
WILLIAM T. GRIFFIN, 6098
ROBERT B. GRIMM, 2844
PAUL A. GROSKLAGS, 9153
DOUGLAS J. GROTERS, 6526
ANTHONY M. GRUBER, 7869
WAYNE N. GRUMNEY, 2099
HANS GULICK, 3428
STEPHEN L. GUSE, 7311
MICHAEL F. HAFFNER, 5819
TIMOTHY P. HAGAN, 1117
MARK R. HAGEROTT, 5227
RICHARD P. HAJEK, 4932
ANDREW M. HALE, 2351
PATRICK D. HALL, 3936
DAVID E. HALLADAY, 5985
JOSEPH W. HANKINS, 8385
JEFFREY W. HANSEN, 2952
CRAIG D. HANSON, 4399
JOHN F. HARDISON, 8929
JAMES V. HARDY, 2680
JEFFREY A. HARLEY, 9486
ROBERT L. HARNED, 4989
KIRK N. HARNESS, 0658
SINCLAIR M. HARRIS, 7176
RICHARD E. HARRISON, 5171
EDWARD W. HARTER, 4568
ANNEMARIE HARTLAUB, 8739
KENNETH J. HARVEY, 0198
TODD A. HAUGE, 0550
RANDALL L. HAUKE, 6976
LARRY O. HAUKENES, 1098
KATHERINE M. HAWLEY, 8393
NORMAN R. HAYES, 0003
PETER S. K. HAYES, 4079
PAUL F. HEALY, 0712
DENNIS P. HEIDENTHAL, 1155
MARK J. HELLSTERN, 7878
DAVID M. HENDRICKS, 9952
TERENCE HENN, 7285
PAUL E. HENNES, 1100
KENNETH A. HERMANSON, 8337
RONALD L. HERNDON, 0991
CHARLES M. HERON, 3077
MICHAEL W. HEWITT, 3466
JAMES E. HIGGINS III, 9819
DAVID S. HILL, 1832
JEFFERY M. HILL, 0360
PAUL D. HILL, 2964
ERIC R. HINGER, 2557
BRIAN E. HINKLEY, 1606
THOMAS H. HODGSON, 0485
GEORGE F. HOFFER, 3911
JAMES E. HOGAN, 3995
THOMAS R. HOGAN, 4235
JOHN M. HOHL, 3505
KEVIN T. HOLDEN, 8203
JACK F. HOLLY, 8155
NICHOLAS H. HOLMAN IV, 0524
KENNETH A. HOLMSTRUP, 2786
ELDRIDGE HORD III, 8021
DAVID B. HORTON, 2523
RONALD HORTON, 3467
JONATHAN P. HOUSER, 7427
MICHELLE J. HOWARD, 6763
JAMES M. HUDSON, JR., 7261
JOSEPH S. HUEY, 4476
MICHAEL D. HUFF, 1891
THOMAS W. HUFF, 4045
JEFFREY M. HUGHES, 2116
WILLIAM N. HUGHES, 8671
DAVID C. HULSE, 8831
MARTIN D. HUNDLEY, 8809
ROBERT A. HUNT, 4177
JAMES F. HUNTER, 9577
MARK R. HUNTER, 0416
BRICK R. IMERMAN, 0722
RONALD K. IMHOF, 7059
AVGI IOANNIDIS, 9814
ROMERO G. IRAL, 5160
MICHAEL J. JACOBSEN, 9518
PAUL N. JAENICHEN, 3456
RUSSELL T. JANICKE, 1475
PATRICK L. JECK, 5517
JAMES M. JEPSON, 9422
ALAN F. JOHNSON, 4204
BRUCE L. JOHNSON, 8842
DAVID C. JOHNSON, 2667
KELLY M. JOHNSON, 9929
KEVIN C. JOHNSON, 9833
LEE R. JOHNSON, JR., 6770
MARC J. JOHNSON, 7142
WILLIAM H. JOHNSON, 9037
EUGENE W. JONES, 9310
EVAN S. JONES, 9028
JEFFREY J. JONES, 9140
WILLIAM R. JONSON, 6475
JACK E. JOYNSON, JR., 4371
STEVEN R. JUNG, 3513
GLEN E. KAEMMERER, JR., 8558
GEORGE H. KAHLERT, JR., 5803
ROBERT C. KALLIO, 4241
JONATHAN H. KAN, 1968
ERIC G. KANIUT, 4408
MICHAEL A. KANTOR, JR., 7627
ROBERT E. KAPCIO, 6019
CHARLES T. KEEN III, 5904
KEVIN J. KEILTY, 9719
WILLIAM J. KELLERHALS, 9112
JAMES E. KELLY, 7635
ROBERT D. KELSO, 6452
HEATH R. KEMMAN, 7837
PAUL R.B. KENNEDY, 9619
RONALD W. KENNEDY, 9029
MICHAEL A. KENNERSON, 0965
ROBERT S. KERNO, JR., 5912
MARGARET A. KERRMCKOWN, 6830
PAUL R. KERSTANSKI, 1250
KEVIN M. KEUTMANN, 0809
CURTIS A. KHOL, 5538
CHRISTOPHER W. KILEY, 8440
GEORGE F. KILIAN, 6303
HAROLD S. KING, 6865
JOEL D. KING, 8723
STEPHEN C. KINGSTON, 2095
MARK S. KINNANE, 3323
LUTHER D. KINSEY, 1142
STEPHEN H. KIRBY, 1128
ROBERT M. KIRK, 9532
ROBERT E. KISER, 8418
PETER W. KLAUSE, 0137
JOHN F. KLEMENC, 1359
STEVEN E. KLEMENCIC 7044
NANCY V.C. KNEIPP, 6830
RUSSELL P. KNIGHT, 2331
KAREN M. KOHANOWICH, 1343
MARK A. KOHART, 5855
ALBERT H. KOHNLE, JR., 8984
DAVID M. KOONTZ, 9043
ROBERT G. KOPAS, 5842
MARK S. KOROMHAS, 7415
WILLIAM J. KOVACH, 6359
KEVIN J. KOVACICH, 4918
GARY L. KREEGER, 6797
DAVID KREV, 8325
DEBOARAH S. KRUCIAK, 9050
JAMES H. KRUSE, 5701
EDWARD E. KRUSEMARK, 4661
JOHN T. KUEHN, 6033
JAMES K. KUHN, 5773
JOHN A. KUMMER, 7973
JONATHAN D. KURTZ, 5743
CLAYTON B. KYKER, 8088
ROBERT A. LALLY, 6505
VINCENT L. LAMOLINARA, 1390
FREDERIC D. LANCASTER, 6792
MARK F. LANDERS, 1352
LARRY W. LASKY, 9414
DAVID A. LAUSMAN, 2031
TIMOTHY J. LAWRENCE, 5726
DANIEL E. LEADER, 9805
MARK M. LEARY, 7598
ROCKY R. LEE, 5417
CARROLL F. LEFON, JR., 3184
CHARLOTTE V. LEIDY, 1535
WILLIAM E. LEIGHER, 0427
DAVID A. LENNOX, 2243
RUTH S. LESCHER, 4456
STEPHEN W. LESLIE, 9419
BERNARD O. LESSARD, 4188
LINDSEY LESTERBRUTSCHER, 5962
ADAM S. LEVITT, 0259
KENNETH A. LILES, 6958
STEPHEN R. LILLY, 2941
BRUCE H. LINDSEY, 8361
JOHN J. LITHERLAND, 5915
JOHN D. LITTLE, 4143
JOHN W. LITTLE, JR., 0236
RONALD A. LITTLE, 1072
MARK S. LITTLETON, 2808
MENDAL S. LIVEZEY, 4071
CHARLES M.S. LIVINGSTON, 3638
CHARLES E. LOCKETT, 7778
MICHAEL LOCKETT, 4972
JOHN L. LOCKLER, 6678
JOHN P. LONG, 6510
BRIAN T. LOONEY, 1875
TERRY L.L. LOVE, 2153
JOHN L. LOVERING, JR., 8223
JAMES R. LOW, 8491
FRANK J.M. LOWERY, 3858
STEVEN C. LOWRY, 5740
RUSSELL P. LUEHRSEN, 1991
SHERMAN R. LUPTON, 3776
WALTER E. LUTHIGER, 2325
DANIEL J. LYNCH, 5856
ANTHONY M. LYONS, 1135
BRIAN X. MACK, 8372
DANIEL P. MACK, 1212
STEVEN C. MACKIE, 4809
ANDREW T. MACYKO, 1075
STEVEN A. MALLOY, 3073
DAVID P. MALONEY, 3260
ROBERT L. MALOUIN, JR., 1390
SHAWN D. MANK, 9814
DOLORES R. MANLEY, 3246
JOHN K. MANNING, 9357
STEPHEN G. MARR, 9317
BRADLEY D. MARTIN, 4723
DUANE H. MARTIN, 9190
MICHAEL L. MARTIN, 3833
THOMAS L. MASCOLO, 2429
DAVID F. MATAWITZ, 1613
WAYNE J. MATHE, 2725
DANIEL E. MATHIS, 7834
VICTOR R. MATTES, 7314
CHARLES A. MAXWELL, JR., 3405
JAMES J. MAY, 3733
MARTIN N. MAY, 7263
GARRY R. MAYNOR, 2655
JOHN C. MC CABE II, 3069
KEVIN T. MC CARTHY, 3630
MICHAEL F. MC CARTHY, 1825
JOSEPH S. MC CLAIN, 9482
LOWELL V. MC CLINTOCK, 6962
MATTHEW J. MC CLOSKEY, 1019
ROBERT M. MC CLOSKEY, 6798
MICHAEL D. MC CLURE, 8053
ANGUS A. MC COLL, 9187
WILLIAM C. MC COOL, 5077
MICHAEL R. MC DERMOTT, 0174
MARK T. MC DONALD, 2100
JOHN D. MC GARRY, 8447
DEBORAH A. MC GHEE, 7024
PHILIP J. MC KENNA, 1360
JEFFREY E. MC LEAN, 5747
LINDA H. MC MEANS, 7455
ROBERT B. MC WHORTER, 1574
DAVID A. MEE, 3687
LOUIS O. MEIER, JR., 7779
RONALD W. MELAMPY, 0212
KEITH B. MENZ, 8943
VICTORINO G. MERCADO, 6758
CHARLES K. MERKEL, JR., 7987
ROXIE T. MERRITT, 6309
MARK S. MILLER, 2294
ROBERT W. MILLER, 9921
SCOTT D. MILLER, 6216
PATRICK M. MILLETT, 2640
ENRIQUE F. MIRANDA, 7564
ANTHONY E. MITCHELL, 2120
RUTH A. MOHR, 0749
VALERIE A. MOOT, 1476
WILLIAM MORALES, 2795
EUGENE F. MORAN, 6213
RONALD B. MORANVILLE, 5801
DARREL M. MORBEN, 2249
JEFFREY A. MORRIS, 6848
MICHAEL J. MORRIS, 6672
JONATHAN D. MOSIER, 4860
ERIC B. MOSS, 4010
FRANCIS N. MOULDS, 2112
JEFFREY C. MOULTON, 7513
GREGORY C. MUIR, 7277
ROBERT C. MUIR, III, 2444
MICHAEL J. MULLIGAN, 1207
LYLE V. MUNN, 1042
JOHN F. MURPHY, 1287
MARK A. MURPHY, 8909
VINCENT J. MUSCARELLO, 0227
WILLIAM N. NAGY, 4863
CHARLES J. NEARY, 9426
SEAN G. NEILAN, 8261
MAUREEN A. NEVILLE, 3872
BRUCE A. NEWPORT, 8938
BOB R. NICHOLSON, 8972
PATRICK D. NICKENS, 3877
RICHARD B. NICKLAS, 1597
WESLEY S. NIELSEN, 6932
WILLIAM NIVISON, JR., 4431
JOSEPH F. NOLAN, 3739
BRIAN K. NUTT, 5927
LEWIS C. NYGARD, 2896
KEVIN W. OAKES, 3906
RONALD J. OARD II, 8578
JOHN C. OBERST, 1039
MARI C. OBNINSKY, 2309
KENNETH G. O'BRIEN, 8470
DAVID J. O'CONNOR, 6145
JOHN O'DONNELL, R. 7147
ERIC J. OKERSTROM, 3292
VICTOR R. OLIVAREZ, 0131
MARTIN F. O'LOUGHLIN, 5267
JONATHAN J. OLSON, 4821
MARK J. OLSON, 2533
DENNIS J. O'MEARA, 1351
GERARD O'REGAN, 7265
ALAN OSHIRAK, 1372
JOHN T. OSTLUND, 5521
DOUGLAS E. OTTE, 5774
KENNETH J. OUKROP, 7386
BERNT L. OYDNA, 3652

BURT T. PALMER, 9614
ROBERT P. PAPADAKIS, 2285
PHILLIP C. PARDUE, 6802
KIN A. PARKER, 3144
RONALD G. PARSON, 3374
PHILLIP G. PATTEE, 3373
SHEILA A. PATTERSON, 5030
MICHAEL S. PAUL, 8474
KYRA V. PAULI, 0050
DAVID D. PAULS, 9446
DAVID S. PAUTSCH, 2830
FREDRICK D. J. PAWLOWSKI, 2795
THOMAS J. PAYNE, 8266
JEFFREY R. PENFIELD, 2204
FRANCIS D. PENNYPACKER, 4420
DAVID A. PERRETTA, 3162
GARY C. PETERSON, 2123
WILLIAM T. PETERSON, 1662
WILLIAM S. PETRIE, 3517
ROBERT J. PETRY, 9604
ANN C. PHILLIPS, 9700
DAVID T. PHILLIPS, 5116
CHARLES H. PIERSALL III, 9568
DAVID R. PINE, 6665
HENRY A. PITTS, 7428
MICHEL T. POIRIER, 5881
STEPHEN J. POLLARD, 9748
JOHN M. POLLIN, 2622
FERNANDEZ L. PONDS, 0116
CLYDE C. PORTER, JR., 2200
RICHARD J. POSTERA, 1231
GARY P. POTKAY, 4359
CRAIG D. POWELL, 3948
JEFFREY T. POWERS, 5704
DAVID L. PRATER, 4541
JEROME R. PROVENCHER, JR., 0903
DAVID A. RADI, 9628
EDWIN V. RAHME, JR., 5416
RAOUL A. RALL, 1657
DOUGLAS S. RANDLETT, 1704
FRANCIS F. RANDOLPH, 5055
JOSEPH P. RARDIN, 3474
CHRISTOPHER S. RATLIFF, 2339
MARK E. REDDEN, 0977
THOMAS L. REESE, 4348
KEVIN D. REILLY, 9628
TOD F. REINERT, 5370
RICHARD E. REINKE III, 2973
WARREN E. RHOADES III, 3540
RALPH H. RICARDO, JR., 3357
PAUL J. RICCIUTI, 0209
MARKHAM K. RICH, 7002
CHARLES A. RICHARD, 5143
JEFFREY H. RICHARDS, 0871
RANDALL G. RICHARDS, 9509
SAMUEL B. RICHARDSON, 8042
PAUL E. RIDENOUR, 6867
MARK R. RIOS, 2496
CATHERINE D. RIPLEY, 6008
CLAUDIA M. A. RISNER, 3934
JONATHAN G. ROARK, 9001
WILLIAM J. ROBERTSON, 3874
HARRY M. ROBINSON, 8807
PATRICK W. ROLFE, 1200
JULIA A. ROOS, 4253
JOHN B. ROSANDER, 4005
ROBERT L. ROUNTREE JR., 8854
WILLIAM J. ROZWOOD, 8962
GREGORY, RUCCI, 5473
TERRY L. RUCKER, 0803
RICHARD J. RUEHLIN, 3223
DAVID G. RUFF, 8862
PETER B. RUSH, 6363
ROBIN L. RUSSELL, 2119
STEPHEN S. RUTH, 9031
GORDON B. RUTHERFORD, 3805
BERNARD T. RYAN, 9088
EDMUND K. RYBOLD, JR., 0194
KURT R. SADORF, 3156
GARY SANDALA, 2747
JAMES A. SASS, 1150
PETER D. SAUVE, 7975
PHILLIP G. SAWYER, 8274
PATRICK J. SCANLON, 0492
SHEILA A. SCARBOROUGH, 7318
MATTHEW T. SCASSERO, 2257
MICHAEL D. SCAVONE, 5042
PAUL A. SCHACK, 0335
DAVID A. SCHMICK, 2979
WILLIAM G. SCHMIDLIN, 4958
ROBERT J. SCHMIDT, 8764
STEVEN H. SCHULTE, 7260
CHRISTOPHER J. SCHULZ, 9251
JOHN E. SCHWERING, JR., 6840
JOHN C. SCORBY, JR., 3243
JAMES G. SCOTT, 3955
KEVIN D. SCOTT, 2463
VINCENT M. SCOTT, 5376
EDWARD B. SEAL, 1692
GLEN R. SEARS, II, 1497
LARRY F. SEELEY, JR., 1057
MARK T. SEELEY, 6678
VINCENT L. J. SEIFERD, 7338
ROBERT D. SELIGMAN, 5757
CLAY W. SELLERS, 1353
JAMES D. SETTELE, 6814
CHARLES H. SEWALL, 7847
DONALD G. SEYBOLD, 3054
JOHN A. SHAKESPEARE, 3068
MATTHEW M. SHARPE, 3852
MARTIN J. SHAUNESSY, 7699
JOHNATHAN D. SHAW, 3237
MICHAEL G. SHEA, 9639
LINDA W. SHEDLOCK, 6381
JOHN C. SHEEHAN, 1224
WILLIAM A. SHEEHAN, 4926
KEVIN B. SHERMAN, 6964
PETER S. SHERMAN, 4979
GERALD SHERRILL, 3035
PAUL R. SHIGLEY, 5759
BERNARD V. SHINAL, 7782
GARY L. SHIPLE, 5917
DONALD R. J. SHUNKWILER, 9358
PAUL W. SIEGRIST, 2746
MACK A. SIGMAN, 6966
RICHARD L. SIMON, 7241
DAVID G. SIMPSON, 8388
ROBERT A. SIMS, 8861
DENNIS J. SINNETT, 1790
TAYLOR W. SKARDON, 4224
CHAD M. SKIDMORE, 3777
DOUGLAS E. SMITH, 7628
FRED C. SMITH, 4777
GERALD N. SMITH, 2096
GREGG K. SMITH, 0856
HENRY C. SMITH, 0049
JOHN W. SMITH, JR., 5149
MICHAEL E. SMITH, 9330
MICHAEL W. SMITH, 6056
PAUL C. SMITH, 8291
RICHARD W. SMITH, 8624
RUSSELL H. SMITH, 5674
STEPHEN M. SMOOT, 7534
GLENN R. SNYDER, 9653
JOHN C. SNYDER, 8145
MURRAY R. SNYDER, 9190
RICHARD P. SNYDER, 6434
ROBERT S. SOMMERS, 7045
SEAN D. SORENSEN, 4503
RALPH T. SOULE, 0628
JOSEPH D. SPITZ, 6866
DAVID R. SPOERL, 3599
WILLIAM C. STACIA, JR., 5839
VINCENT A. STAMMETTI, 7915
SCOTT M. STANLEY, 0542
LOWELL S. STANTON, 7787
MARK T. STAPLES, 9412
SCOTT A. STEARNEY, 0890
MICHAEL T. STEED, 4068
BRAD A. STEELE, 9411
JAMES P. STEELE, III, 0638
SEAN A. STEEVES, 9877
SCOTT A. STEPHENSON, 9158
CURTIS R. STEVENS, 3198
JOHN J. STEVENS III, 7920
STEVEN L. STEVENS, 8213
WARD E. STEVENS, 1056
DAVID C. STEWART, 6583
JAY T. STOCKS, 5385
GREGORY J. SULLIVAN, 2040
STEPHEN W. SURKO, 3642
PETER B.R. SUTHON, 1679
JAMES J. SWEENEY, 4287
KEVIN M. SWEENEY, 3349
MICHAEL J. SWEENEY, 1729
STEVEN R. SWICEGOOD, 5395
CHARLES C. SWICKER, 5084
NELSON C. TABINGA, 7675
THOMAS A. TACK, 5716
CHARLES E. TAMBLYN, 9662
NANCY L. TANNER, 5933
SCOTT J. TAPPAN, 1869
DAVID C. TAYLOR, 3074
WINFORD J. TAYLOR, 6879
JOHN B. THOMA, 8490
JEFFREY N. THOMAS, 9241
SCOTT E. THOMAS, 3905
EVIN H. THOMPSON, 8542
LEROY D. THOMPSON, 1323
ROGER K. THORSTENSON, 8855
PATRICK K. THURMAN, 8399
STEPHEN K. TIBBITTS, 2530
SCOTT M. TILDEN, 2407
FRANK J. TINKER, 0531
JOSEPH E. TOFALO, 4974
CURTIS W. TOOMER, 2155
RONALD P. TOWNSEND, 4743
STEPHEN C. TRAINOR, 8612
WILLIAM F. TRAUB, 3240
MARK B. TREADWELL, 9047
M.K. TRIBBIE, 3097
WILLIAM B. TRIMBLE, 9755
TIMOTHY T. TUCKER, 8316
LORI F. TURLEY, 2788
HENRY V. TURNER, 2183
MICHAEL W. ULLRICH, 5893
DONALD K. ULRICH, 2425
MICHAEL C. URQUHART, 5623
FRANK E. VALENTE, 7373
RICHARD E. VANDENHEUVEL, 6806
PERRY F. VANHOOSER II, 9655
ERIC A. VANHOVE, 2263
THOMAS P. VANLEUNEN, JR., 4835
KEVIN S. VANSLOTEN, 7350
RAYMOND E. VANZWIENEN, 4995
RENE VELEZ, 2831
DOUGLAS J. VENLET, 0359
ROBERT M. VERBOS, 2503
FERNANDO T. VILLANUEVA, 8265
JOHN J. VINIOTIS, 9112
RICHARD S. VOTER, 9833
ANTHONY A. VRAA, 7314
JAMES S. WAGNER, 2173
WILLIAM B. WALKER, 9445
JAMES G. WALLACE, 2147
GORDON T. WALTON, 2764
RALPH C. WARD, JR., 3374
VICTOR G. WARRINER, JR., 6882
BILLY J. WASHINGTON, 6262
TIMOTHY M. WATERFIELD, 2113
CHERI D. WATERFORD, 0165
TIMOTHY L. WATKINS, 0787
RICHARD W. WATSON, 4287
STEPHEN J. WATSON, 6283
DAVID W. WAUGH, 6061
MALCOLM L. WEATHERBIE, 8176
ALLISON D. WEBSTERGIDDINGS, 6682
THOMAS E. WEDDING, 7649
HARRY E. WEDEWER, 1526
DANIEL L. WEED, 8702
TONY M. WEEKS, 8306
SIDNEY J. WEGERT II, 3050
DAVID G. WEGMANN, 7916
MARK S. WELSH, 4301
JOSEPH D. WELTER, 4266
WARREN C. WHEELER, 5298
JAMES C. WHITAKER, 9411
PETER S. WHITE, 5118
JAMES L. WHITTINGTON, 7696
CAROL A. WILDER, 5680
CATHY M. WILLIAMS, 6985
DONOVAN J. WILLIAMS, 5188
ROGER D. WILLIAMS, 9943
EDWIN F. WILLIAMSON, 9604
JEFFERY S. WILSON, 8837
KEVIN J. WILSON, 5679
WILLIAM H. WILSON II, 6898
GREGORY J. WITTMAN, 1381
GEORGE G. WOMACK, 6083
RANDOLPH L. WOOD, 7510
BRUCE L. WOODYARD, 6346
MARK E. WRALSTAD, 5708
ROBERT C. WRIGHT, JR., 0981
WILLIAM A. WRIGHT III, 7480
ROBERT P. WYLLY, 0291
MARION D. YANCEY, 5102
PHILIP A. YATES, 3773
HERBERT YEE, 2609
BRIAN C. YETKA, 5232
JOSEPH B. YODZIS, 1911
JAMES R. YOHE, 3661
MARCUS B. YONEHIRO, 9635
JACQUELINE C. YOST, 3025
PETER H. YOUNG, 5771
STEPHEN E. YOXHEIMER, 8510
ULYSSES O. ZALAMEA, 4210
MICHAEL E. ZAMESNIK, 9840
JOHN A. ZANGARDI, 6091
GUY W. ZANTI, 1105
STEVEN C. ZARICOR, 5900
DAVID O. ZIMMERMAN, 9414
CLAY A. ZOCHER, 9250
ERIC A. ZOEHRER, 2878

DEPARTMENT OF LABOR

KATHARINE G. ABRAHAM, OF IOWA, TO BE COMMISSIONER OF LABOR STATISTICS, U.S. DEPARTMENT OF LABOR, FOR A TERM OF 4 YEARS. (REAPPOINTMENT)

DEPARTMENT OF STATE

CORINNE CLAIBORNE BOGGS, OF LOUISIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

STEPHEN W. BOSWORTH, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.

DEPARTMENT OF LABOR

SUSAN ROBINSON KING, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE SUSAN ROBINSON KING, RESIGNED.

DEPARTMENT OF STATE

JOSEPH A. PRESEL, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

THE JUDICIARY

RICHARD W. STORY, OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE WILLIAM C. O'KELLEY, RETIRED.

EXTENSIONS OF REMARKS

INTRODUCTION OF BONDED CHILD LABOR ELIMINATION ACT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1997

Mr. SANDERS. Mr. Speaker, it is an outrage that American workers must compete for jobs with as many as 200 million defenseless children working around the world today without any hope of ever seeing the inside of a classroom. Many of these abused children are making products exported for sale in our shopping malls, sporting goods stores, and oriental rug shops all across America. Even some of our Fourth of July fireworks were most probably made by children in India, China, and elsewhere.

Consider the plight of millions of child laborers, some as young as 4 years old, who are sold into virtual slavery, that is, bonded and indentured laborers, and chained to looms for 14-hours a day hand knotting the oriental rugs that grace the foyers and living rooms of countless homes and offices all across our country.

Exploited children toil in factories, mines, fields, at looms, and even in brothels, sacrificing their youth, health, and innocence for little or no wages.

They are hand-stitching the Nike and Adidas soccer balls that our kids practice with every day. The very same soccer balls that were used at the Atlanta Olympics last year.

They are sewing the blouses and slacks that Kathie Lee Gifford was paid $7 million a year to promote for Wal-Mart stores until she was embarrassed last year.

They are making Mattel Barbie dolls that little girls all across America play with every day.

Sadly it took Kathie Lee's embarrassment in the national media last year for many Americans to confront this dirty little secret of the global marketplace: millions of Americans are buying soccer balls, toys, and clothing for our own kids that are made by brutally exploited children in many of the foreign countries with which we have growing trade deficits.

This situation is totally unacceptable and there are actions we can take to stop this affront to basic human decency.

That is why I am sponsoring legislation—the Bonded Child Labor Elimination Act—to prohibit the importing of any products made by child slaves.

This bill deals with one of the most outrageous forms of exploitation in international trade today—imports made by bonded children who are sold into slavery, some as young as 3 years old.

It would amend the Tariff Act of 1930 which for decades has banned the importing of products into America that are made by adult prison or forced labor. It would simply extend that ban to products made by bonded child labor.

I firmly believe trade is not an end in itself, but a means toward attaining more economic justice, social responsibility, and environmental sustainability in the U.S. and the global economy.

To knee-jerk free traders, I say that hundreds of millions of children working in hazardous jobs in back alleys instead of going to school is unacceptable.

That these defenseless, exploited children should be forced to work under brutal conditions that can kill or maim them for life is outrageous.

That most adults turn a blind eye to this cruelty and provide a market for this suffering is inexcusable.

The fact that current trade rules at the GATT and World Trade Organization go to great lengths to protect property rights, while ignoring the rights of working people, especially children, says much more about the heartless priorities and greed of doctrinaire free trade advocates than their logic and ethics.

Inside and outside the halls of Government, we have the power to change this sorry state of affairs. Access to the American marketplace is powerful leverage that should be used to encourage foreign producers and importers to treat defenseless children with dignity and not contempt.

We cannot accept any longer the shameful, outdated trade policies that force American workers to compete with exploited children. Ask yourself this question: what does it say about our country that we have numerous import laws and consumer campaigns to protect endangered plants and animals, but we have no law or consumer campaigns to protect children consigned to practical slavery?

Some teenagers in Vermont have already begun to speak out and demand action in defense of kids overseas who cannot help themselves. I applaud their human rights leadership and hope more of you will report on their efforts and get involved yourselves.

EXPRESSING CONDOLENCES OF THE HOUSE ON THE DEATH OF MOTHER TERESA OF CALCUTTA

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to recognize the passing of the beloved Mother Teresa, the Catholic nun who labored and loved the world's poor for over 5 decades. The Prime Minister of India, I.K. Gujral, stated that "The world is mourning." He could not have been more correct. Indeed, people all over the world were deeply saddened on September 5, 1997, and many continue to mourn today.

Mother Teresa was a woman who is truly destined for sainthood. "To God there is nothing small," Mother Teresa once quipped. While Mother Teresa was not an imposing figure physically, people that knew her personally—those who struggled by her side—commented on the strength, empathy and dignity she radiated. She was a gentle giant that truly did the Lord's work. Mother Teresa performed the work that many people only pay lip-service to. She said: "I see God in every human being. When I wash the leper's wounds, I feel I am nursing the Lord himself. Is it not a beautiful experience?"

Mother Teresa nurtured and cared for the dispossessed, the downtrodden and the poor in India and the rest of the world. She was the Lord's foot-soldier par excellence.

One of my favorite anecdotes about Mother Teresa tells of her cleaning and caring for the infected wounds of an individual in her care, when an onlooker commented that "I would not do that for $100,000." "Neither would I," she proudly responded. In many respects, Mr. Speaker, this summarizes her life, her mission. Mother Teresa's spirit may have left her body, but her image and memory will remain forever.

I will end my comments by offering a prayer Mother Teresa composed. It is perfect in many ways.

Make us worthy, Lord,
To serve our fellow man,
Throughout the world who live and die
In poverty or hunger.
Give them, through our hands
This day their daily bread,
and by our understanding love,
Give peace and joy.

CONGRATULATIONS TO ELLA IRENE FRIERSON ON HER RETIREMENT FROM MID-CUMBERLAND COMMUNITY ACTION AGENCY HEAD START PROGRAM

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1997

Mr. GORDON. Mr. Speaker, I rise today to recognize the tremendous contributions Ella Irene Frierson has made to the Mid-Cumberland Community Action Agency and to her community.

After 27 years of service with Mid-Cumberland Community Action Agency, "Miss Ella" is retiring at the end of this year. She is presently the Head Start Program's assistant director. Previously, she worked in the Head Start Program as a teacher and health coordinator.

Ella has given much to her community, to its families, children, and individuals in need. She currently serves as board member and secretary for the January Street Mission, a religious mission program serving residents of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Franklin Heights and January Street public housing. Ella is a member of the Holiday High School Alumni Association and the Criterion Literary and Art Club. Both organizations provide scholarships to local high school seniors. She is also a member of the Mid-Cumberland Council on Children and Youth and the Rutherford County Early Childhood Task Force, organizations that advocate improvement in the lives of children and families.

"Sister Frierson" serves the Lord in several capacities at First Baptist Church in Murfreesboro, the Mothers' Board assistant secretary, church clerk, Ardent Workers Missionary Society teacher, General Mission treasurer, Membership Committee chairman, and senior choir member. She has previously been president, secretary, and treasurer of the mass choir.

Mrs. Frierson is an alumni of Tennessee State University. She has five children and four grandchildren.

We honor Mrs. Frierson today for her service with the Mid-Cumberland Community Action Agency Head Start Program, to the local community and First Baptist Church. She is a positive role model in an era where such models are rare. The citizens of Rutherford County are grateful for the many ways she has touched their lives.

Again, Mrs. Frierson, congratulations on your retirement. May the days to come be filled with the happiness of family and friends. Thank you for all the happiness and joy you have given to us.

THE MUSICAL TALENT OF ROBERTO TORRES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I am honored to congratulate Mr. Roberto Torres, a constituent from my congressional district and a leading exponent of Cuban music who is to be recognized for his outstanding talents and for all of the stellar contributions work that he has done for south Florida. Roberto Torres is to receive his much deserved recognition by having his star placed on Miami's renowned star walk on SW eighth street this upcoming Saturday, September 13th.

Roberto has blessed the Latin community in the United States with his excellent compositions and beats filled with Latin flavor that take us all back to the rhythms of the island of Cuba. His first hit in the United States was El Caminante, but he is most renowned for his hit single El Caballo Viejo that every Cuban-American and many a Hispanic have enjoyed and can sing along to regardless of their age. El Caballo Viejo, a song that was listened to worldwide, has always been a sure fire guarantee of filling up a dance floor at any Cuban-American celebration.

I applaud Roberto for his outstanding musical talent, his contributions to the music industry and most important, his ability to maintain in our minds the soulful and upbeat sounds of Salsa music. Music is an art that Roberto has mastered and blessed our lives with. His compositions will transcend many a generation and will repeatedly remind us of the yearnings of the Cuban people to live in freedom and democracy.

CONGRATULATIONS TO BRITTANY GOFF

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1997

Mr. CRAPO. Mr. Speaker, I rise today to bring to your attention an award-winning essay written by a constituent of mine on a subject I know is near to your heart—the importance of freedom and democracy.

I'm pleased to announce that Brittany Goff of Pocatello, ID, has been honored by the Veterans of Foreign Wars of the United States with a VFW 1997 Voice of Democracy Scholarship Award. Brittany's broadcast script is a poignant reminder of the sacrifices and commitments our forefathers made to ensure that we enjoy the rights and freedoms we have today. With all of today's headlines bemoaning the lack of appreciation America's youth has for civics, it is encouraging to know that those as young as Brittany understand the importance of democracy and freedom.

I would like to submit that award-winning script into the RECORD at this time.

"DEMOCRACY—ABOVE AND BEYOND"—1996–97 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

(By Brittany Goff)

America came with a high price tag attached. No one person or groups of people could have paid the price to gain what we now enjoy today. It took many pilgrims, Indians, pioneers, soldiers, and all races of people with mixed ideals to accomplish this enormous feat. There were many tears, sweat, blood, families, friends, and lives sacrificed for the accomplishing a single glory: FREEDOM!!! All of these labors were just a foundation of a great fortress. This firm and unchanging foundation, which we call America's heritage, was the beginning of a wonderful government called—DEMOCRACY!!! After all the trials and sacrifices endured by our fathers it is no wonder why democracy is so strong and pure in its motives.

Democracy is government that is run by the people who live under it. In a democracy people rule either directly through meetings that all may attend or directly through the election of certain representatives to attend to the business.

Imagine the fear and anticipation of the pilgrims as they left their mother country to come to a strange and savage land, leaving everything behind just for a chance to make their own choices and not live under a dictatorship! Little would they know that in 1776 Thomas Jefferson's Declaration of Independence would be accepted on the memorable July fourth and change all of our lives forever. The framers of the Constitution worked primarily to maintain a division of power between federal and state government to preserve an overall balance of federal government.

Democracy accepts all individuals' point of views but traditionally, it is associated with the ideals of liberty and equality. In the United States especially it has been identified with the special concern for the common man, but the equality that is relevant to democracy is the equalizing of liberty, not property or of people. As R.N. Mac Iver said, "True democracy respects not the average man, but the common in man; the moral worth of personality, and its power to achieve independence, integrity, and dignity." From this point of view, democracy declares that any group of people from whatever ancestry or status, has a monopoly of wisdom, importance, and virtue. In this sense, democracy's ultimate goal is respect of human personality and potential. It also guarantees personal freedom for all who choose to live under its direction.

This great fortress of democracy was built upon the foundation of our forefathers and their sacrifices. Although America is still young, no other government can challenge such a strong and stable republic. That is because daily thousands of people across America are speaking out and exercising those freedoms which we have inherited. Each time we do this, we add a brick to our fortress; building it higher and higher until no earthquake or thunderstorm can tear it down. Our children will one day climb the ladder leading to the top of our mighty fortress. They will remember the steps it took of laying such a firm foundation, and then they will be able to follow our example by exercising these freedoms. Once they reach the top and look on the others below, they'll know why DEMOCRACY is above and beyond all other forms of government!!!

A TRUST FUND INVESTMENT IN AMERICA'S FUTURE

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1997

Mr. PETRI. Mr. Speaker, I'd like to call my colleagues' attention to an article published in today's Washington Post, written by Congressman BUD SHUSTER, chairman of the Transportation and Infrastructure Committee. Chairman SHUSTER makes a compelling case not only for the need to invest in our Nation's infrastructure but to do so by utilizing the highway trust fund, into which Americans pay their gas taxes. By unlocking the trust fund, as Chairman SHUSTER notes, we can make our highways and transit systems safer and more efficient.

As we undertake our reauthorization of the Nation's surface transportation program, Chairman SHUSTER's article is necessary reading.

[From the Washington Post, Sept. 15, 1997]

MONEY TO GET AMERICA MOVING

(By Bud Shuster)

The Post can't have it both ways—disdaining the spending of gas-tax dollars to build America's highways ["The Highway Bill," editorial, Sept. 7] while decrying in numerous news stories the growing congestion on the region's highways, the looming crisis of Washington's transit system and the need for a billion-dollar replacement of the Woodrow Wilson bridge. Beyond the Beltway, America is also growing and prospering, but our transportation infrastructure is crumbling.

A 70 percent increase in Asian trade is jamming Seattle's port and snarling traffic at 45 railroad crossings. The antiquated roads of the no-longer sleepy Rio Grande valley are clogged by a 250 percent increase in Mexican-Texan trade. Miami is exploding, with traffic on its main east-west corridor projected to increase by 120 percent and its population projected to increase by 60 percent by the year 2010.

In the past decade, New York has had a 2 percent increase in population but a 27 percent increase in vehicle miles traveled; Illinois, a 3 percent increase in population but a 33 percent increase in vehicle miles traveled; Virginia, a 16 percent increase in population but a 46 percent increase in vehicle miles traveled; and, California, a 20 percent increase in population but a 33 percent increase in vehicle miles traveled. Comparable population-to-transportation growth ratios exist in almost every state.

Urban congestion costs $43 billion annually, our 23 largest airports each experience more than 200,000 hours in delays annually and 30 percent of our 42,000 annual highway fatalities are caused by unsafe roads and bridges. According to the U.S. Department of Transportation, we need to invest $16 billion more annually in our highways, $10 billion more in our airports and $13 billion more in transit. The good news is the gas, airline ticket and related taxes Americans are paying into transportation trust funds are adequate to begin meeting these needs.

The bad news is that the money is not being spent as promised when the transportation trust funds were established.

The transportation trust funds have $32 billion in unspent balances, and those balances will increase to more than $105 billion in five years if nothing changes. And by law, the trust fund revenues can be spent only on transportation infrastructure.

The Building Efficient Surface Transportation & Equity Act of 1997 (BESTEA) will put the trust back into the transportation trust funds by unlocking those funds to be spent as they were intended. Annual gas taxes and related user fees going into the Highway Trust Fund support increasing highway spending from $4 billion to $6 billion annually, without touching the $32 billion balance in the transportation trust funds. In fact, the spending levels in BESTEA will cause the trust fund balances to rise to $59 billion in five years. But that's a battle for the future.

BESTEA is also good transportation policy and has the widespread support of environmentalists, the National League of Cities, the National Association of State Legislatures and hundreds of others groups. Moreover, the National Governors' Association has urged us to go even further than BESTEA spend the surplus and all future revenue flowing into the Highway Trust Fund.

We can keep faith with the American people by spending their trust fund gas taxes to improve roads, bridges and transit systems while balancing the budget. Both the Office of Management and Budget and the Congressional Budget Office have indicated that the five-year budget plan underestimated federal revenues by $135 billion. Fully funding BESTEA transportation trust funds spending by about $25 billion over five years—only 18 percent of the assumed revenues—so no other programs will need to be cut to stay within the five-year deficit-reduction plan. This is an investment in our future that can and should be made.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 16, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 17

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 1158, to amend the Alaska Native Claims Settlement Act regarding the Huna Totem Corporation public interest land exchange, and S. 1159, to amend the Alaska Native Claims Settlement Act regarding the Kake Tribal Corporation public interest land exchange.

SD-366

Environment and Public Works

To hold hearings on S. 1173, to authorize funds for construction of highway safety programs, and for mass transit programs.

SD-406

Labor and Human Resources

Business meeting, to mark up the proposed Workforce Investment Partnership Act.

SD-430

10:00 a.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Subcommittee

To hold hearings on S. 1115, to improve one-call notification process.

SR-253

Finance

To hold hearings on proposed legislation providing fast track trade authority.

SD-215

Foreign Relations

To hold hearings on the International Telecommunication Union Constitution and Convention (Treaty Doc. 104-34).

SD-419

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

Judiciary

To hold hearings with the Committee on Indian Affairs to examine incidences of criminal gang activity within Indian country.

SD-226

Indian Affairs

To hold hearings with the Committee on the Judiciary to examine incidences of criminal gang activity within Indian country.

SD-226

10:30 a.m.

Conferees On H.R. 2209, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998.

S-128, Capitol

1:30 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings to examine antitrust and competition issues in the telecommunications industry.

SD-226

2:15 p.m.

Commerce, Science, and Transportation

To hold hearings on the transition to digital television.

SR-253

SEPTEMBER 18

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings to examine the implications for farmers of the recently proposed tobacco settlement.

SD-106

Energy and Natural Resources

To hold hearings on the nominations of Ernest J. Moniz, of Massachusetts, to be Under Secretary, Michael Telson, of the District of Columbia, to be Chief Financial Officer, Mary Anne Sullivan, of the District of Columbia, to be General Counsel, Dan Reicher, of Maryland, to be an Assistant Secretary for Energy, Efficiency, and Renewable Energy, Robert Wayne Gee, of Texas, to be Assistant Secretary for Policy, Planning, and Program Evaluation, and John C. Angell, of Maryland, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs, all of the Department of Energy.

SD-366

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Robert L. Mallett, of Texas, to be Deputy Secretary, and W. Scott Gould, of the District of Columbia, to be Chief Financial Officer and an Assistant Secretary, both for the Department of Commerce.

SR-253

10:00 a.m.

Foreign Relations

To hold hearings on the nominations of Wyche Fowler Jr., of Georgia, to be Ambassador to the Kingdom of Saudi Arabia, and Martin S. Indyk, of the District of Columbia, to be Assistant Secretary of State for Near Eastern Affairs.

SD-419

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

Select on Intelligence

To hold hearings to examine intelligence issues with regard to China.

SD-G50

Commission on Security and Cooperation in Europe
To hold hearings to examine religious intolerance in Europe.
SD–G50

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the international space station program.
SR–253

Rules and Administration
To resume hearings concerning petitions filed in connection with a contested U.S. Senate election held in Louisiana in November 1996.
SR–301

2:30 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SD–562

SEPTEMBER 22

9:30 a.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine proliferation in the information age.
SD–342

1:30 p.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine fraud in the micro-cap securities industry.
SD–342

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine the bankruptcy code's effect on religious freedom, and to review the Judicial Conference request for additional bankruptcy judges.
SD–226

SEPTEMBER 23

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Judiciary
To hold hearings to examine Federal antitrust policy in the healthcare marketplace.
SD–226

Special on Aging
To hold hearings to examine screening and treatment options for prostate cancer.
SD–628

SEPTEMBER 24

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

SEPTEMBER 25

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Labor and Human Resources
To resume hearings to examine the confidentiality of medical information.
SD–430

SEPTEMBER 29

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to review the operation of the Treasury Department's Office of Inspector General.
SD–342

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to review the operation of the FBI crime laboratory.
SD–226

SEPTEMBER 30

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Michael K. Powell, of Virginia, Harold W. Furchtgott-Roth, of the District of Columbia, and Gloria Tristani (pending receipt by the Senate), each to be a Member of the Federal Communications Commission.
SR–253

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the health risks of 1950's atomic tests.
SD–192

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of William E. Kennard, of California, to be a Member of the Federal Communications Commission.
SR–253

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 2

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 6

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine traditional frauds perpetrated over the Internet.
SD–342

OCTOBER 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation relating to food safety.
SR–332

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 8

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 9

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

CANCELLATIONS

SEPTEMBER 16

10:00 a.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine antitrust and competition issues in the telecommunications industry.
SD–226

SEPTEMBER 19

10:00 a.m.
Governmental Affairs
To resume hearings on S. 981, to provide for the analysis of major regulatory rules by Federal agencies.
SD–342

POSTPONEMENTS

SEPTEMBER 16

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings to review Federal outdoor recreation policy.
SD–366

Labor and Human Resources
To resume hearings to examine the implications of the recent Global Tobacco settlement.
SD–430

SENATE—*Tuesday, September 16, 1997*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God of our Nation, we ask You for the supernatural gift of wisdom. The Bible tells us wisdom is more precious than rubies, more important than riches and honors. Solomon called wisdom a "tree of life to those who lay hold of her." Your gift of wisdom enables true success, righteousness, justice, and equity. The Talmud reminds us that the aim of wisdom is repentance and good deeds. With wisdom, we turn our lives back to You in authentic repentance and commit ourselves to do and say what You guide.

Thank You for the clear invitation to receive wisdom given us by James, Jesus' brother: "If any of you lacks wisdom, let him ask of God who gives to all liberally and without reproach, and it will be given him."—James 1:5.

Having asked for wisdom, we praise You in advance for the x-ray vision to see beneath the surface of issues and discern what is Your will for us and our beloved Nation. Bless the women and men of this Senate with a special measure of wisdom today. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning we are scheduled to have 30 minutes of debate prior to a vote on the motion to invoke cloture on the substitute amendment to S. 830, the FDA reform bill. This is the second cloture vote we have had to have on this very important bipartisan legislation to reform the Food and Drug Administration so that medicines and medical devices can get to the American people in a responsible and reasonable period of time so that they don't have worse health conditions, or even death in many instances. We are scheduled to have a rollcall vote at 10 a.m. this morning on cloture, if it is required. And we had hoped to go ahead and do that and then go back to the Interior appropriations bill and complete that, and then come back to FDA.

We have a Senator that has an illness this morning who would like very much to be able to make this vote. So we are contacting all of the managers of the legislation that is pending this morning, including the Interior appropriations committee, to see if we can maybe take some additional time this morning on Interior appropriations. If we can get that worked out, we may delay that 10 o'clock vote until either say 11:15 or 12:15 in an effort that I know all Members would want to make to accommodate this Senator who is anxious not to miss the vote.

So we will ask our colleagues on both sides to cooperate as we try to use this time for constructive debate and see then exactly what time we could expect these votes to occur.

Under the consent agreement that we entered into last week, Members have until 10 a.m. today to file second-degree amendments to the FDA reform bill. After the disposition of that cloture vote and/or the FDA reform bill, depending on what we can work out, then we will resume consideration of H.R. 2107, the Interior appropriations bill. Senators can expect additional votes throughout the day either on the FDA reform package or on the Interior appropriations bill.

I will ask the managers of the FDA bill to work with us on this and cooperate with us so that we can have some orderly consideration of both the FDA and the Interior appropriations bill. Hopefully we will go to Interior after we invoke cloture again on FDA reform, then allow Senators that are interested to continue to work together, and then see if we can get an agreement to complete action on FDA reform in a reasonable time this week.

Does the Senator from Vermont want me to yield at this point?

Mr. JEFFORDS. Yes. If the Senator will yield, my understanding was when we went home this weekend that we would be ready to close the bill and have all amendments with time agreements. Now my understanding from the minority is that they are not in agreement on one particular provision of the substitute. Thus, I would believe we should go forward with the cloture vote. We are ready, though, with a number of amendments for which I believe we have agreements. We could address those in the interim while we try to work out the final amendment.

Mr. LOTT. I was under the impression last week that there was one remaining issue where there was disagreement, and there was a lot of discussion about that—the so-called cosmetics portion of the bill. I was not involved in the substance of that discussion. But I understand Senators did work out an agreement and that matter has been resolved. But I understand as well that there is another issue.

I just wonder how long this is going to go on.

Mr. JEFFORDS. I do, too. I understood that all matters were taken care of. But now I understand from the leader of the minority that is not the case—that they still have this problem with respect to one provision. But we are ready to go ahead with all of the other amendments and believe we should expeditiously go to the cloture vote whenever the situation presents itself, as the leader outlined.

Mr. LOTT. I thank the Senator from Vermont. I know he is committed to getting this legislation completed. There are very few bills that I have seen that have such broad bipartisan support as this one does. It is costing millions of dollars to comply with the ridiculous delays from FDA, and the American people are being deprived of medicines and devices that should be approved much quicker. Some of them are just impossible to explain.

I hope that we can complete action this week.

I appreciate the efforts and the leadership of the Senator from Vermont.

Mr. HARKIN. If the leader will yield, I have a question.

So we are not having a cloture vote at 10 a.m. Was there a unanimous-consent agreement entered into that I missed before I came onto the floor?

Mr. LOTT. No. There was no unanimous-consent agreement.

Mr. HARKIN. Are we not voting at 10 o'clock?

Mr. LOTT. We have a Senator that is unavoidably detained that really is anxious to be present on that vote. We are trying to accommodate his schedule, as I know the Senator from Iowa would want us to do. We are working with the managers of both this bill and Interior appropriations and the interested Senators to see when we might have that vote. We would at some point try to enter into an agreement as to when it would be.

Mr. HARKIN. Are we going on the FDA bill?

Mr. LOTT. We will talk about it for a little while. But at 10 o'clock we will advise Members whether we are going to have a vote, or when we are deferring it to.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, leader time is reserved.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The PRESIDING OFFICER. The Senate will now resume consideration of S. 830, with the time until 10 a.m. to be equally divided.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

The Senate resumed consideration of the bill.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

MODIFIED COMMITTEE SUBSTITUTE AMENDMENT NO. 1130

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

Mr. President, we are here to discuss yet again the need for cloture on S. 830, the FDA Modernization and Accounting Act. We have already had 14 hours of floor debate on this measure and we have not yet discussed this amendment. This will be the second time that cloture has been voted on regarding this measure. The first vote was 89 to 5 to invoke cloture. The Senate has spoken. And, yet, we are here to repeat ourselves again and again.

My colleagues have already heard repeatedly from both sides of the aisle about the strong bipartisan commitment to crafting this measure, about the months of negotiations, deliberation and collaboration with the administration, the minority, and outside groups. Literally dozens of accommodations have been made and agreements reached. No one disputes that this is a good bill. No one should dispute that we have moved forward, or that we should move forward, with our debate on the remaining issues. Now we should move forward on that debate.

This measure accomplishes two very important objectives. First, it modernizes the way that the Food and Drug Administration accomplishes its mission. It streamlines the review and approval process for medical devices, pharmaceutical, and biological products. In so doing, it helps to ensure that the best and safest medical technology available in the world would be available to the American people. In so doing, it helps ensure that the best medical technology jobs will continue to be available for the American people.

Second, this measure authorizes the Prescription Drug User Fee Act—or PDUFA, as it is known. Everyone agrees that PDUFA has been immensely successful in helping FDA do its job better and more efficiently.

Mr. President, congressional authorization for PDUFA expires in 15 days. At the end of September this successful and innovative program will be at serious risk. It is the height of irony that a program like PDUFA that was designed to reduce delay at the FDA is now at risk of becoming bogged-down in a procedural delay on the Senate floor.

I would argue that the time for delay is over, and that the time for the Senate to do its work it was sent here to do is now.

Almost 50 amendments have been filed on this measure. And, frankly, virtually all of them are nongermane, or they have been worked out, or they can be worked out. A single provision remains that may require some extended debate, and we should move to its consideration and an up-or-down vote on it as soon as possible.

Last week we spent almost 15 hours talking about uniformity for cosmetics. We have an agreement on that provision, thanks to the efforts of Senator GREGG.

I say that we should move on. I say we complete this debate, and finish this measure, and let's vote.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, with all due respect to my friend and colleague, the majority leader, the fact of the matter is by the votes that we had last week requiring that we have some opportunity to examine a very important provision—and that is the preemption of various States' ability to protect their public—we have seen a rather dramatic change in the language of the provision that will continue to permit the States to protect their public. That was very important for the protection of the American public. I know that there are some people around here who want to see the trains run on time. But some of us—not only those of us here but the National Governors' Conference, the public health organizations, the women's network organizations that deal with women's health issues—a wide range of consumers believe, quite deeply, that we are absolutely within our rights to make sure that this provision was offered and changed, and we did so. And, by doing so, the public health interest is preserved.

Now here we are on the floor of the U.S. Senate the morning after having seen the headlines from two national journals—yesterday in the Wall Street Journal, talking about a particular prescription drug called fen/phen, that had been moved through, rushed through the FDA. It has been linked to everything from brain damage in animals to primary pulmonary hypertension; a rare but fatal lung disease; millions of Americans tried the drugs to slim down; some 60 million people worldwide were estimated to have taken the drug; the straw that broke the camel's back was a heart valve problem which now has been widely recognized.

Here is an item in the Washington Post. Two diet drugs are pulled off the market. Why? Because the products were used for purposes for which the drug was not approved.

We are talking about an identical provision in this body with regard to medical devices—the use of the medical device for purposes for which it has not been approved.

We have seen the whole world being awakened to this particular health problem. Some of us are trying to making sure that we don't have headlines like this in 3 months, 4 months, or 6 months with regard to the medical device issue. That is what we are talking about.

Mr. President, I would just point out that there are about six little words that, if the majority would be willing to accept, would move us right ahead, and get us very short time agreements on the other elements.

Let me just point out. Mr. President, there are the two provisions with regard to medical devices—one they call class II—devices which represent about 5 percent of the devices. Those are the new devices.

In the language of this bill, it says, whether or not there is reasonable assurance of safety effectiveness, if the proposed labeling is neither false nor misleading.

"Neither false nor misleading," that is in regard to class III devices. But, if you look at class I and II devices with regard to the representations that are made involving the FDA, there is no such language.

If the majority will take the language that we propose for class III and apply that to class I and II, we will call this cloture vote off. What person in the United States of America wants to permit medical devices to be approved if we cannot have agreement by the manufacturers that their statements to the FDA reflect the true uses for the devices?

My goodness, are we in that big of a hurry? That is why this issue is important. Now, the majority leader says we have just one more item. We are glad to deal with this issue, and we have offered compromise language to deal with it. It is of vital importance and we will have a chance later to discuss the health hazards associated with it. The medical device industry, which has been enormously cooperative in working out other provisions on this, had refused to go along with our proposed language. Medical device labeling has important health implications.

You can rush this through and say the rest of the bill is fine. It is fine. Senator JEFFORDS and his Republican colleagues deserve great credit. My Democratic colleagues deserve great credit. But do we have to be reminded again that the FDA has the responsibility for the protection of the public health. If we do, we don't need to look any father than reading this mornings newspapers. All we are saying is let's not do with medical devices what was done with regard to these diet medicines. I think that is an important health matter. So do the overwhelming majority of patient coalitions and public health coalitions.

If the industry wants to debate that, we are going to take the time to debate it. If there are Members on the floor of the U.S. Senate who want to take the position that we don't need this change in the bill language on medical device regulation, let them make that case on the floor of the U.S. Senate. Because that is the case they are going to have to make, because the amendment has been filed. If the majority indicates they will accept that, that's all fine and well. Our amendment will ensure that FDA is able to comprehensively examine the safety of medical devices. We will move through this legislation very rapidly indeed. But this is one Senator who is not prepared to roll over on that issue. We will have the opportunity during the course of this morning or this afternoon or tonight or tomorrow, or however long it takes, to go through the various instances where medical device labeling could pose an important and significant public health threat, a threat to the American people.

There may be those who do not think this is an important issue. I believe the overwhelming majority of the American public will think so. As they are reading their papers this morning and listening to those who say, let's rush this bill on through, I would think some Americans would say, let's take another look at what we have in this legislation, particularly with regard to the medical device provisions.

Mr. President, with all respect to my friend and colleague, we have talked about this. Senator DURBIN has talked about sections 404 and 406. This particular issue is the key issue.

If we can get the language in the bill ensuring that we will not permit the medical device industry to restrict the FDA's ability to make a full study of medical device safety, I think we would move ahead with the legislation.

I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I must answer that charge.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. To inflame this issue into being one of false information and filing of misleading information is totally incorrect. The issue here is not that. The issue here, on each of these medical devices, is whether or not they must file every conceivable, possible use that FDA thinks might be made of it. FDA should focus rather on the use that it is intended for or any other use that the manufacturers know it will be intended for. There is nothing involving false or misleading information. That, of course, is under the control of the FDA and that would be a serious matter with the FDA. It could, and should deny approval of a device where a manufacturer deliberately files false and misleading information.

Let us set the record straight. Manufacturers cannot file false and misleading language. To raise that as the issue is to really differ from what the important issue is, and that is how long do Americans have to wait to get access to important, new medical devices. In Europe it takes much less time and it is much more expeditiously handled. We can have the same kind of treatment here while ensuring that they are safe and effective for their intended use. For any device that is intended for a particular use and it is known by doctors to be effective for another use, that's fine. That is the practice of medicine. Doctors sometimes find other, valuable uses for medical devices. That is how medical practice and innovation proceeds—and we don't want the Federal Government telling doctors how to practice medicine.

But for the manufacturer to search out every conceivable use and then to study every conceivable possible use ends up in delays of these devices coming onto the market. That means that Americans, doctors and patients, are unable to utilize medical innovations that are more readily available in Europe. So I wish we would get away from making this into a "false and misleading language" filing. There is no such issue here as that. The question is how much right does the FDA have to require a manufacturer to understand and get involved with the practice of medicine where some other use might be made. That is the issue.

I think there are ways we can solve this, but not just by raising it to the issue of emotionalism. That is not the solution here. There is no problem having false or misleading information filed on a medical device approval application, because that is against the law. I yield the floor.

Mr. KENNEDY. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes 32 seconds remaining.

Mr. KENNEDY. I yield the remaining time to the Senator from Iowa. I think we will have more time later.

Mr. HARKIN. I thank the Senator for yielding. Let me agree with Senator KENNEDY on this issue. The stories in the paper this morning ought to alarm us all about the need to proceed very cautiously and very carefully about what we are doing. I spent a lot of time looking at devices. I had amendments on the bill itself, when it was in committee, on devices. The FDA has the authority now, if a device is used for a certain purpose, to make sure that there are not misleading or false advertising proposals. But when they want to use the device for a purpose for which it is not intended, there is nothing in the bill to prohibit that. That is what we are talking about, and I think we have to proceed very cautiously and carefully here.

Mr. President, I did want to talk about another issue. I thank Senator JEFFORDS and Senator KENNEDY for their hard work and leadership on this bill. I think we all agree we need some reform of FDA. I have been in favor of that. We need to streamline the processes. I agree with Senator JEFFORDS in that regard. There are many positive provisions in this bill.

AMENDMENT NO. 1137 TO MODIFIED COMMITTEE SUBSTITUTE AMENDMENT NO. 1130

(Purpose: To establish within the National Institutes of Health an agency to be known as the National Center for Complementary and Alternative Medicine)

Mr. HARKIN. Mr. President, I am disappointed, however, that an essential element was not included. A major goal of FDA reform was to include access to medical innovations without compromising public safety. I have an amendment, amendment No. 1137, which speaks to that. I would like to call up that amendment at this time and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. HATCH, Mr. DASCHLE, and Ms. MIKULSKI, proposes an amendment numbered 1137 to modified committee substitute amendment No. 1130.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HARKIN. Mr. President, further, I ask unanimous consent that this amendment be in order, notwithstanding any vote on cloture.

The PRESIDING OFFICER. Is there objection to the request?

Mr. JEFFORDS. I reserve the right to object. What is the regular order here with respect to amendments?

The PRESIDING OFFICER. Amendments are in order to both the substitute and the bill.

Mr. JEFFORDS. At this time, prior to cloture?

The PRESIDING OFFICER. Amendments may be called up prior to the cloture vote.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. Is there objection to the request?

Mr. JEFFORDS. I object at this time.

The PRESIDING OFFICER. Objection is heard. The Senator from Iowa has the floor.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 seconds.

Mr. HARKIN. Mr. President, this is cosponsored by a number of Senators on both sides of the aisle, Senators HATCH, DASCHLE, MIKULSKI, myself, and a number of Senators on both sides of the aisle. I don't believe it is going to be objected to.

However, we are facing the problem of cloture. That's why I asked for unanimous consent. I am sorry the manager of the bill would not allow this amendment to be in order.

The PRESIDING OFFICER. The Senator from Vermont controls the remaining time.

Mr. JEFFORDS. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Vermont has 5 minutes 26 seconds remaining.

Mr. JEFFORDS. I yield the remaining time to Senator COATS.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I don't need all the 5 minutes. I would be happy to yield back to the Senator from Vermont to wrap up before the cloture vote. It is unfortunate that we are in this position again. We had a substantially bipartisan, overwhelming vote to invoke cloture on the motion to proceed. I believe the vote was 89 to 5. I think that indicates a very broad level of support for the need to move forward with this legislation that was 2½ years in the making. There is obviously a widespread, general consensus that FDA reform is necessary to provide better protection for the health and safety of Americans and to provide access to drugs and devices that Americans have been denied due to delays at FDA. We are trying to expedite that process. We are trying to bring in expertise from outside to help FDA, whether it is through the tax that is levied on prescription drug companies that goes to hire additional workers and provide additional resources for FDA, or whether it is for outside agencies, certified by FDA, to help them in the process of reviewing this tremendous backlog of applications for health-improving, and in many cases lifesaving, devices and drugs.

What we are trying to do here is give FDA the kind of support and resources it needs, along with a pretty good shove in the right direction, to bring our agency up to world class standards and up to the task of effectively dealing with this exciting explosion of technology through which the American people can reap great benefits.

I regret once again we have to go to a cloture vote. We just ran into a problem here, procedurally, with the amendment, the Senator from Iowa fearing that cloture would cut off his ability to offer a relevant amendment under cloture. I would say to the Senator from Iowa, none of us really wants to go to cloture. But in order to move this bill forward, it appears that we have to invoke cloture once again.

I know under the rules of cloture, it limits the amendments as to relevancy. No one in favor of FDA reform wants to keep going through this process of invoking cloture, but unfortunately we have to do it in order to move the bill forward.

Again, 2½ years in the making, there were extensive hearings in the Labor Committee, efforts on a bipartisan basis to resolve problems and disputes, votes in committee, negotiations postcommittee action, 30-some concessions or modifications in response to concerns that were raised postcommittee on this. So, none of us here supporting and promoting the movement forward of this legislation is trying to delay anything. We are just trying to expedite it. Nor are we trying to say, "Our way or no way." There has been extensive negotiation, extensive accommodation, extensive work to move this bill forward in any way that we possibly can.

So I urge my colleagues, as we did a week or so ago, I urge my colleagues to vote with us on cloture. We have no other choice, other than lengthy debate over items and issues that have been discussed over and over and over and voted on and negotiated. Clearly, we know where the Members of the U.S. Senate stand, both Republicans and Democrats, liberals and conservatives. There is about as widespread support for this reform bill as any major legislation that has come before the Senate as long as I have been in here, for 9 years. It is time to move forward. Regretfully, we have to do it once again with a cloture motion.

I urge my colleagues to help us move this very needed and very important legislation the next step forward.

I yield back any remaining time I have to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, as to the Senator from Iowa, I apologize that we are in an awkward situation this morning. I have assured him that we will have a hearing in October on NIH with respect to alternative forms of medicine. I look forward to that because I agree with him on that issue.

UNANIMOUS-CONSENT AGREEMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the previously scheduled cloture vote be postponed to occur at 12:15 p.m. today, and further, that second-degree amendments may be filed up to 10 a.m. this morning. I further ask consent that following debate this morning regarding the FDA reform bill, the Senate resume consideration of the Interior appropriations bill until the cloture vote.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, I do not object to moving the vote to 12:15 today. I understand the leader wants to get to the Interior appropriations bill. I do not want to unduly delay that provision. However, it says under the proposal, "I ask consent that following the debate this morning regarding the FDA reform bill, that the Senate resume * * *." We would like to have at least a limited period of time. I know the Senator from Iowa wanted to speak. I was wondering if we can at least get a half hour debate on the FDA reform bill before finishing. It says here, "I further ask consent that following the debate this morning," I was wondering whether "following the debate" could go until 10:30?

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, under the circumstances, I reserve the right to object since an additional proposal has been made here. Can I inquire of the Senator from Massachusetts exactly what he is proposing to add here?

Mr. KENNEDY. The Senator from Iowa wanted to be heard on a matter. I wanted to speak just briefly to clarify the record. I was wondering if we can divide that time between now and 10:30—we took up some of the time between 9:30 and 10 for debate and discussion—and then go to Interior.

Mr. LOTT. Mr. President, further reserving the right to object, we are moving at this time to accommodate one of our Senators who has a health problem right now. It does disrupt the whole schedule. We have work we need to do on Interior appropriations. If we delay it further and then come back to it and have to go off it at 12:15, it just confuses and complicates the whole process.

We have asked the managers of the Interior appropriations bill—now we have interrupted them—to come to the floor. They are scheduled to be on the floor. I know the Senator from Iowa is working to try and get an amendment included. I feel confident that will be done at some point. At this time, I have to object to the expansion of the unanimous-consent request that was offered by the Senator from Massachusetts and support the request that was made by the Senator from Vermont.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, under those circumstances and to accommodate the Member, I will not press this, although I do think we will have an opportunity to address these issues later in the morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The clerk will report the Interior appropriations bill.

The legislative clerk read as follows:

A bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998.

The Senate resumed consideration of the bill.

Pending:

Ashcroft amendment No. 1188 (to committee amendment beginning on page 96, line 12 through page 97, line 8) to eliminate funding for programs and activities carried out by the National Endowment for the Arts.

Mr. LOTT. Mr. President, just so we will be clear what we have agreed to, Senator GORTON and the other manager of the bill will be here to, again, further debate amendments on the Interior appropriations bill. They have been good partners on this appropriations bill and have worked out some of the areas where there have been disagreements, but there will be amendments and, I presume, votes throughout the day on a number of issues, including the National Endowment for the Arts issue, perhaps on some mining issues. I understand perhaps the Senator from Arkansas has an amendment.

But we need to make progress on the Interior appropriations bill because we hope to finish it tonight or tomorrow and then go to FDA at some point. I hope we can work out a reasonable agreement where we can complete the debate on the Food and Drug Administration reform bill, and we hope to then pretty quickly, either late this week or early next week, go to the District of Columbia appropriations bill. That would be the 13th and last appropriations bill that we would have to deal with this session, and then we could focus the rest of next week and the next week on adopting conference reports to the appropriations bills. We will need to move them very quickly. It will be my intent to try and hold time and focus on getting those conference reports agreed to.

I appreciate the cooperation of all Senators as we try to accommodate one of our most beloved Senators who has a problem this morning, and we will begin with the Interior appropriations momentarily. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. GORTON. Mr. President, we are now on the Interior appropriations bill once again. I believe that the first vote on that bill will be on the Ashcroft-Helms amendment to strike the appropriation for the National Endowment for the Arts. There has been discussion of several other amendments relating to that endowment. I believe it appropriate to continue that debate until the cloture vote at noon. I know that the majority leader hopes, and I hope, that shortly after we get back on the Interior appropriations bill, after our FDA vote, that we will begin to vote on amendments relating to the National Endowment for the Arts. In any event, that is the subject at the present time. I invite all Members who are interested in any of the amendments on the National Endowment for the Arts to come to the floor and speak on that subject between now and noon.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, is time controlled?

The PRESIDING OFFICER. There is no time.

Mr. GREGG. Mr. President, I wish to rise in support of the bill which has been brought forth by the Senator from Washington. I think he has done an extraordinary job in developing this appropriations language in this bill relative to the Interior and various departments which the Interior impacts. I especially want to thank him for his sensitivity relative to the Northeast.

There is a different view in this country between the Northeast and the West on a number of issues that involve land conservation and the question especially of protecting lands, public lands. In the Northeast, especially in northern New England, we are still struggling with the fact that we would like to protect some additional lands. We have a spectacular place called the White Mountain National Forest in New Hampshire, and it is the most visited national forest in the country. In fact, it receives more visitors per year than Yellowstone, which is a national park. It is under tremendous pressures from popular use because it is so close to the megalopolis of New York, Boston, and Washington.

It is an extraordinary place, but to maintain it and to maintain its character, it requires that we continue to address some of the inholding issues around the national forest, and the Senator from the West has been sensitive to the Senators from the East on this point. I thank very much the Senator from Washington for his sensitivity in allowing us to go forward in this bill and complete the purchase of a very critical piece of land called Lake Tarleton in New Hampshire.

In addition, he has assisted us in a number of other areas in this bill, and I thank him for it.

I also want to talk about a position that has been brought forward in this bill relative to the National Endowment for the Arts, because I think the Senator from Washington has reached the appropriate balance in the language which he has put in this bill relative to the National Endowment for the Arts.

The National Endowment for the Arts, as we all know, has been a lightning rod of controversy, especially on the House side, less so on our side of the aisle, because of some of the things that the Endowment over the years has funded, which have been mistakes, to say the least.

But the fact is that there is a role, in my opinion, it is a limited role, but there is a role for the Federal Government and for State governments in the area of assisting the arts in this country.

Arts are an expression of the culture of a country or a nation, an expression of the attitude, personality, and the strength of a nation. The ability to have a vibrant arts community in a nation is critical, I believe, to the good health and the good education of a nation.

The Federal role, in participating in this, should be one of an incubator. The Federal role should be one as the starter of the initiatives. And the dollars which are put in this bill for the purposes of assisting the NEA and the Humanities Council are just that—they are startup dollars.

Essentially, these dollars multiply two times, three times, sometimes five times their basic number.

Mr. HUTCHINSON. Would the Senator yield for a question?

Mr. GREGG. I am happy to yield to the Senator from Arkansas for a question.

Mr. HUTCHINSON. The Senator explained some, I think, valid points concerning the role of our Government support for the arts. My question concerns the very, very high administrative costs that the National Endowment has experienced, approaching 20 cents on the dollar in administration, and the fact that the distribution of the funds from the National Endowment have gone primarily to very few cities in the country. In fact, I think one-third of all of the direct grants go to six cities in the United States. And the fact is that the Whitney Museum in one exhibit received $400,000, received as much as the entire State of Arkansas last year.

So my question is, if we are to continue a Government role in funding the arts, would it not be better to eliminate the National Endowment, block grant those funds directly to the States, cutting out the 20 percent in administrative costs and the inequities in the funding formulas for the funding decisions of the National Endowment—and of course I have offered an amendment that would do exactly that—and provide 45 of the 50 States with more money for the arts than they currently receive under the status quo approach that we find in this bill?

Mr. GREGG. That is a good question. I think it is one of the questions which we need to answer as we go forward with this bill. And there are a number of amendments—I think the Senator has one; and I believe there are other Senators who are offering them—as to the proper allocation of the dollars between the States and between the National Arts Council which administers the Federal moneys.

But if I can come back to that point, I want to talk generally about the need for Government support of the arts; and then in the allocation area I would like to come back to that. Because I think, first, we have to reach a consensus that there is a need for any dollars in the arts community to come from the Federal Government or from the State governments, and that consensus is a long way from being reached. Certainly on the House side they appear to be very resistant to that.

My view is, as I was saying earlier, that there is a need for the Federal Government to play a role as basically the initiator of arts activities, as the incubator that allows the multiplier to occur that creates funding for the arts.

As Governor of New Hampshire I had the same issue before me as to whether or not the State government should be involved in funding the arts. And at a time when we were having the most severe recession probably ever in the history of the State of New Hampshire, regrettably, and we were having to curtail our funding in a variety of areas and cut them back dramatically, I maintained the arts funding, in fact increased it a little bit in the State because I felt strongly that, first, it gave definition and it gave a way of viewing our culture that was critical and, second, it also had a very positive impact, especially in New Hampshire, on our tourist industry.

The arts—performing arts especially; but all forms of arts—go hand in hand, at least in New Hampshire, with the ability of the tourist industry, which happens to be our largest employer, to be a successful and vibrant industry.

So there is an economic benefit of significant proportions to having a strong arts community. The investment which the State or the Federal Government makes in the arts community pays back not only in the way of getting more people involved in the arts, getting more schoolchildren involved in the arts, getting more parents involved with their kids in the arts, but also in the manner of producing economic activity which is fairly significant.

The Senator from Arkansas has raised a very legitimate issue. I know his amendment raised this issue, an issue I raised in committee as a member of the authorizing committee. I sit on both the authorizing committee and have the good fortune to work with the Senator from Washington on the Appropriations Committee. But he has raised the issue, what is the proper allocation here? I think that is proper for debate. How much of the money should be retained with the central arts planning here in Washington and how much should go out to the States?

I have always felt a larger percentage should go out to the States because I think that you get more benefit for the dollars spent at the State level. Therefore, a change in the formula would be something that I might well be amenable to. I have actually proposed such changes in committee. But I do think there is also a role, and I do not happen to believe we should eliminate a central arts council that manages a percentage of the dollars out of Washington.

Why is that? Basically because there are a number of national efforts which do transcend State lines which need to get their funding out of a national fund as versus out of a State fund.

For example, I believe the No. 1 item chosen by the NEA this year to fund—they have a competition obviously and, unfortunately, sometimes they choose some really poor ideas—but the No. 1 item that was agreed to on their list was to bring back out of mothballs the Egyptian exhibit which is now owned by the Brooklyn Museum. This is one of the most expansive exhibits of Egyptian art and artifacts in the world. It is competitive with the English collection and not completely competitive but certainly representative of even the collections in Cairo.

These items had been sort of put in storage and collecting dust. Now the Brooklyn Museum has decided to bring them back. And I believe they are taking this around the country. It will be exceptionally educational for a large number of schoolchildren who participate in seeing this exhibit. It will be a national effort. That is the type of initiative that really should be supported from the national level as versus having to be absorbed by, for example, the State of New York which will obviously benefit from this exhibit but actually the whole country will benefit from it because it is going to travel around the country. There are other items, yes, that obviously are of a national nature and, yes, most of those institutions which are of a national nature, whether it be the New York Symphony or some sort of major proposal in Chicago or Los Angeles are centered in your major urban areas. That is just a fact of life. They are centered there for a variety of reasons and, therefore, those major urban areas do get a disproportionate amount of the national share of the NEA funding.

But that is inevitably going to the happen that way as long as you have a national program that is trying to move these various cultural activities across the country. You are going to have to have a place where they are located where they start. The Boston Pops is in Boston, but it certainly has an impact across the country. Therefore, the main art centers of this Nation—and they do happen to be in your major urban areas—are always going to receive a disproportionate amount of the funds. So that does not bother me so much.

What I do think is legitimate is the question of the proper allocation between the funds going to the National Endowment for the Arts versus going to the States. I do think we can take another look at that formula. I know the Senator from Arkansas is going to make a very aggressive and effective point for restructuring that formula, for restructuring the entire institution.

I look forward to hearing his position on this. But I did want to make these initial comments first in support of the overall bill which I think the Senator from Washington has done an extraordinarily good job on and, second, in support of the basic thrust of his proposals relative to the endowments which are going to be the most controversial items I guess we will be hearing about on the floor. I yield back my time.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Thank you, Mr. President.

Just responding to some of the comments of my colleague concerning the National Endowment for the Arts and the need to preserve and maintain that national entity, I think that if the record is examined, as it has been examined by the General Accounting Office and the inspector general's office, that the record of the National Endowment is not only deplorable but fails to justify its continued funding and continued existence.

The issue of whether or not the Government plays a role in funding for the arts aside, the best means of providing the limited funding, the $100 million approximately that has been appropriated for arts this year directly in the NEA, I think is clear that that money would best be used by eliminating the existence of the National Endowment and allowing the funds to flow directly to the Governors, to the various States for distribution to those programs and those projects and those artists within the States that are most deserving.

In fact, the notion that we are better off with a national endowment that funds six States disproportionately, that funds certain congressional districts and certain States disproportionately, cannot be validated and cannot continue to be justified.

We have a General Accounting Office report indicating that the administrative costs of the NEA, at almost 20 cents on the dollar, is higher than most other Federal agencies, much, much higher than the National Endowment for the Humanities.

The mission statement for the National Endowment is simply that they are to broaden access to the arts. In effect, they are mandated to provide arts to underserved areas in this country. Yet, if you look at where the National Endowment today is sending those funds, it in no way corresponds to the mission that they have been given by this Congress to serve those areas which are, if you will, culturally deprived or who have less access to these arts programs.

Six cities getting over one-third of the direct grants from the NEA cannot be justified. When we had—and the chairman is on the floor this morning—our hearing on the National Endowment in April, and Jane Alexander came in and testified before us, I questioned her as to why, in view of the mission of the NEA to provide arts for underserved areas, in view of that mission, why, out of 12 grant proposals from the State of Arkansas last year, was only 1 approved and the Arkansas Arts Council got approximately $400,000 last year. That equates to little more than many grants for single exhibits across this country.

Her answer was that it is only in certain select States that we find the environment such to foster the arts. And she gave the analogy of growing apples. She said, apples grow everywhere, but there are certain areas of the country in which they are more productive. I think the implication that there are parts of this country that do not have potential artists, there are parts of this country that among their populations do not have those ready to blossom into writers and sculptors and authors, I think, is the very epitome of the elitism that the American people find so offensive by the National Endowment.

So to my colleagues who believe that there is an important role that the Government plays in subsidizing and supporting arts, to those of my colleagues who feel very adamantly that we must show our support to culture and to the arts in general in this country by providing some seed money, I ask you to consider the possibility that we would be far better off eliminating the controversial and I think indefensible actions of the National Endowment, eliminate the NEA as it has traditionally existed, and allow that appropriation, exactly the same amount of money, the $100 million to be sent directly to the States on this basis: A $500,000 grant to every State, $200,000 to every territory, the remainder of the appropriation to be distributed on a strictly per capita basis.

I ask you, could anything be more fair than that? If we took that simple formula, and we said that there will only be 1 percent spent for administrative costs on the Federal level, that the Department of Treasury can spend no more than $1 million to write those checks, and that the State arts councils or the State legislatures or the Governors can spend no more than 15 percent in overhead, that if we adopt that simple formula, the result is that 45 of the 50 States will come out ahead, that 45 of the 50 States will have more resources to fund arts in their States than under the current status quo which this bill, with all due respect, maintains.

I simply ask my colleagues in the Senate, how can we, with a straight face, no matter which side we are on on the concept of whether the Government ought to be involved in the arts, how can we, with a straight face, face our constituents and say, we are going to defend 20 percent administrative costs, we are going to defend one-third of the grants going to six cities, we are going to defend three-fourths of the grants going to congressional districts represented by Democrats?

I just want to tell you, Mr. President, I do not believe those congressional districts represented by Democrats in this country are intrinsically less cultured or more culturally deprived or in more need of those arts grants than those congressional districts that happen to be represented by Republicans. Yet there has been a clear bias, with 75 cents out of every $1 going to congressional districts represented by Democrats.

It has been very selective funding by a group of elitists in Washington, bureaucrats in Washington, who make themselves the arbiters of what is good art and what is culture and where it should be funded.

So I say consider an option that would say we will end the National Endowment, we will block grant the money to the States on a fair, fair, fair formula based upon the resident population. The result is that 45 States are going to have more money for the arts, more money to help the local writer, more money to go to the schools for education programs in the arts, more money to help that struggling artist who may not have an opportunity and may not happen to live in the six blessed cities that have been honored by the NEA with over one-third of the grants.

So when this amendment is debated and when this amendment is voted on, I trust later today, I ask my colleagues to look at that breakdown, to look at that chart, and to consider the fact that their State will come out ahead, that their Governor, their State legislature, or their State arts council will have more money to support their local efforts than under the status quo.

Remember that we are not responsible to a few culture elitists. We are responsible to our constituents in our States for how those limited resources are spent and how we can support the arts. I believe it is fair. I believe it is equitable. I believe it makes eminent common sense. If we will just break out of our lock that the status quo has held over us in the disproportionate influence that this group at the NEA has had in this Congress and consider that there might be a better way, then I think the moral high ground is certainly on behalf of this amendment. I ask my colleagues to support it later today.

I yield the floor.

Mr. SESSIONS. If the Senator from Arkansas has a minute, I would like to ask a question or two about this subject. I certainly support him in his effort.

I believe it was Senator HELMS yesterday who talked about substantial grants being given to Harvard University, which has an endowment of over $6 billion, I believe, and Yale University. Does the Senator know if those figures are correct? Are there universities, let me ask, in Arkansas who could use funding from the National Endowment for the Arts equally as those great universities?

Mr. HUTCHINSON. I thank the Senator from Alabama for his question and thank him for his support and cosponsorship of this amendment.

My answer is an unequivocal yes, that is accurate; the incidents that Senator HELMS cited, to my knowledge, are accurate. And I secondly answer your question by saying, yes, there are many institutions in Arkansas very interested in the arts, very interested in promoting the arts within the State of Arkansas, many that have a great relationship with the local schools and foster arts education in those local schools who would rejoice at having additional funds.

The State of Arkansas would more than double what would be available for arts in the State of Arkansas by going to the block grant approach.

Senator GREGG, commenting earlier, was defending the distribution of these funds to a few select cities—one-third of all grants going to six cities. I say that many of those institutions currently receiving grants, like the Boston Symphony or like the Metropolitan Opera, are very well endowed, have very high annual incomes, have a huge base of support, and are less needy and less dependent upon any kind of Federal help than, say, the University of Arkansas or the University of Central Arkansas, or the University of Arkansas at Pine Bluff, or the many other fine institutions in Arkansas that would be able to work with our local schools and the Arkansas Arts Council, which received just a little over $400,000 last year. That was all the State of Arkansas received. The Whitney Museum by itself received almost as much as the State of Arkansas, and if I am correct, I believe the State of Alabama was in a similar dilemma.

Mr. SESSIONS. Whitney funding almost matched the entire funding of the State of Alabama. It is a concern.

We have one of the finest Shakespeare festivals in the world. As a matter of fact, the Shakespeare theater in Montgomery is well renowned, and people have contributed very heavily of themselves. The former Postmaster General Winton Blount had gone beyond the call of duty in helping create this facility. We only got $15,000 for that premier, world-class facility that is supported substantially by the gifts of local residents.

Let me ask you, if the money came to the State, would they be able if they so chose to give more money to the Shakespeare theater in Montgomery? Would they be able to do that?

Mr. HUTCHINSON. That, of course, is the whole concept behind our amendment—local control. Send the money back to the States, the Governors, the State legislatures, and the State arts council would have the discretion to increase funding.

In the case of Alabama, and I do not have the exact numbers in front of me, but the amount of resources available to the State of Alabama would be greatly enhanced under the block grants approach in which we send a $500,000 grant to every State, and then simply distribute it on a per capita basis. That would allow the State of Alabama to give much more to the Shakespearean theater.

I was interested to hear your comments yesterday quoting Anthony Hopkins and his appreciation for that Shakespeare theater there in Montgomery.

So the needed resources would be much more available, and that would be controlled locally. So insomuch as there was local support in Alabama for increased funding, I think the opportunity would be much enhanced.

Frankly, I am puzzled why anyone would oppose the approach that you and I are offering. I can understand the 5 States that would lose funding being opposed to this, but the 45 States and the Senators from the 45 States that would see their funding for the arts increased under our approach while eliminating bureaucracy in Washington, it is really difficult for me to see how someone objects to that.

Mr. SESSIONS. Let me ask the Senator this, and this is something I think we failed to think enough about, Mr. President. This money that is being spent in our States, the decision of where and how to spend that money primarily is being decided by a group of people in Washington. Under this procedure not only will 45 States have more money—correct me if I am wrong—45 States will have more money, but they will also have more control and be able to make the decisions that they feel would be the best use of that money; is that correct?

Mr. HUTCHINSON. Senator SESSIONS, you are exactly right. One of the areas that this Republican-controlled Congress has pushed for most strongly has been local control. In welfare reform, in a whole host of areas, we said, "Let's flow that power back out of Washington, back to the States."

There is no better example, I think, of where we could do that than in the area of the arts. We not only have a 20-percent overhead that we are paying just by having this bureaucracy of almost 150 employees dispensing this money, but we have a small group that makes decisions on what will be funded across this country, if you will, making themselves the arbiters of what is good art, and the control of our constituents is minimized because of the distance, the inability to really affect the decisions that are made.

So, yes, I think the citizens of Alabama, the citizens of my home State of Arkansas, will have much greater input dealing with the Arkansas Arts Council or the Alabama Legislature, or the Governor's office than trying to affect the decisions that are made in Washington, DC, by a select group.

Mr. SESSIONS. I understand one of the grants that was reported yesterday went to Philipps Academy, one of the most exclusive private prep schools, I think, in America. That is what I understood the reference to be. Do you think there are schools, public schools, throughout Arkansas and Alabama and other States in this Nation that would also likewise be able to make a claim for this money? And are any of those receiving any moneys from the National Endowment for the Arts in Arkansas and Alabama? In Alabama no private or public schools are receiving money as happened in the Northeast.

Mr. HUTCHINSON. I believe those local schools in rural communities across our States and all across this country have a much more legitimate claim to those funds than where those funds have gone under the current status quo of the NEA.

I grew up in a town with a population, when I lived there, of 894. I can remember in junior high school it being one of the great thrills when we were able to take a field trip 40 miles to the University of Arkansas and watch a Shakespearean play. That is the first time I had ever seen a Shakespearean play.

Those kind of opportunities to the small communities of this country would be increased so much if we eliminated the Washington bureaucracy and allowed that money to flow back to the States.

The objectionable art, Senator SESSIONS, that you cited yesterday, that Senator HELMS spent a great deal of time on, that has characterized much of the debate around the NEA in recent years—if a local arts council, the State arts council, or State legislature or Governor made a decision to fund something that the mass of the people found highly objectionable, I guarantee you they will be more responsible in that State legislature or that State arts council, or that Governor will be far more responsive to the complaints of the people than a faraway bureaucracy in Washington, DC, in some ivory tower making those decisions.

Mr. SESSIONS. Mr. President, I agree with that and I support this bill wholeheartedly.

I had an outstanding conversation with the three leaders and directors of three orchestras in Alabama. They are concerned about funding. They need the little funding that we do get. It helps them. They do not want to lose that. I can understand that. I asked them if we could come up with a way that will leave the bureaucracy and put more money in your hands, with more freedom to spend it as you wish, would you support that? And they said, yes, of course they would.

I know some people believe and have committed themselves to supporting the National Endowment for the Arts, but the truth is it is not performing in a good and healthy way, it is not doing a good job of putting money to the arts, it is not invigorating the arts and providing leadership for an enhancement of the good and beautiful and fine in America. Too often, it is, in fact, participating in a degradation of the quality of art in America.

What we need to do is make sure it is done right. I believe the people at the Alabama Arts Council, the arts councils in the other States around this country, if given the opportunity, would spend that money wisely. They would be much less likely to give it to the arcane, the pornographic, the bizarre, and the just plain silly that is so often happening today. It is just not acceptable.

It is time for this body to follow through. It is time for this body, after years of begging and pleading with the National Endowment for the Arts to do a better job to manage their money better, to put an end to it and make sure that what we do actually supports the arts in an effective way. That is why I support this amendment.

I am so proud of the Senator from Arkansas for his outstanding work on it, the Senator from Michigan, Senator ABRAHAM, and the Senator from Wyoming, Senator ENZI, for their outstanding teamwork in putting this proposal together, which is a win-win situation for all America. It puts more money in the arts, and it will eliminate waste, bureaucracy, and silly funding projects.

I think it is a good bill, and I urge my colleagues to support it.

I yield the floor.

Mr. DOMENICI. Mr. President, I want to use just a few moments this morning to talk about this appropriations bill that is pending before the Senate and two projects under the Land and Water Conservation Fund that the distinguished chairman, Senator SLADE GORTON, had put into the bill but subjected them to prior authorization: The so-called Headwaters acquisition in California which could cost $250 million; is that correct, Senator GORTON?

Mr. GORTON. That is correct.

Mr. DOMENICI. And the so-called New World Mine in Montana, which is an effort to acquire a mine before it is mined. That is in Montana. I believe it would cost $65 million.

Now, I am not here on the floor of the Senate to tell the Senate that these projects are good, should be done, or should not be done. But I am here to tell them absolutely and unequivocally that if the administration, through whatever source, is telling Senators that the budget agreement reflected that these projects should be funded, I am here to tell the Senate that is not true.

Now, if the administration wants to say these are their high-priority items, which they have told the distinguished chairman, they are free to do that. In fact, they are free to do anything. Let me tell you that in the ritual and integrity of the agreement, they have spoken about these projects and some others. But we did not agree how the $700 million in new money that we included in this budget agreement should be spent. So one would say, well, how should it be spent? Well, obviously, it was to be spent in a typical manner of spending money out of the land and water conservation fund. Congress and the White House have to work together to decide what they want to do. There is no priority treatment in this budget arrangement in any way, shape, or form.

Now, what I would like to do just visually for everyone so that they will understand. I have before me and I am holding up an agreement called the bipartisan budget agreement, May 15, 1997. Now, it is historic. Nothing like this has ever been done in the history of the Senate, where the leadership from the Senate and House signed an agreement with the White House to do things in a budget. In this agreement, if you look at it, from its 1st page until its 24th page, and two attached letters relevant to taxes, you will not find the names of these two acquisitions—Headwaters Forest or the New World Mine—mentioned. It is not in this agreement. Now, one might say, does it have to be? Yes. If it is a priority item that negotiators agreed would be done, it is in this agreement. If anybody wants to look at it, they can do so.

Mr. GORTON. Will the Senator yield for a question?

Mr. DOMENICI. Yes.

Mr. GORTON. But I take it, Mr. President, that the $700 million for the land and water conservation fund is, in fact, in that agreement, is that correct?

Mr. DOMENICI. Senator, I am going to turn to that right now. It is in the agreement. Anybody who wants to look at it can look at page 19. There is a chart in here that says what this fund is about. Essentially, it says that we have decided that $700 million can be set aside, at the option of the Congress, to be used for land acquisition, and a budget flow even shows how it will be spent. And the language says the $700 million, if spent for priority Federal land acquisition, can be done in excess of the caps for discretionary spending. That is why the U.S. House did not even put it in their appropriations bill, because there is nothing in this agreement that mandates it. It says that if you include $700 million for land acquisition, then when you spend it, the budget credits it to the appropriations committee.

Mr. GORTON. But I ask the Senator from New Mexico, there is nothing there that mentions any specific project?

Mr. DOMENICI. I assumed everybody would be looking at the agreement. You are correct. Verbally, I state there are three footnotes, there are two charts, and nowhere in that do these two projects appear. They are not mentioned.

Mr. GORTON. I thank the Senator from New Mexico.

Mr. DOMENICI. Senator, I want to tell you one other thing. The two instruments that judge our budget responsibility, vis-a-vis the President, what have we agreed to do with our President—frankly, they are not enforceable and everybody knows that, but we have agreed to do it. Might I say that this chairman, Senator SLADE GORTON, has taken the agreements that are stated and he has followed them. As a matter of fact, one found on page 24 of the agreement and is also in the budget resolution, which I will talk to in a moment, was approximately a $74 million increase for Indian tribal priority allocation funding. Senator GORTON had a meeting and asked, "Is that a priority agreement that we agreed with?" I said, "Yes." He said, "So it will be funded." Is that not right?

Mr. GORTON. The Senator is correct.

Mr. DOMENICI. Now, the only other instrument that has anything whatsoever to do with implementing this 24-page historic agreement is the budget resolution itself because what we chose to do is to put in the budget resolution the priority requirements of this agreement. So that if you look at page 23 of the budget resolution, you find a description of the $700 million for land acquisitions and exchanges, but no mention of any single project—not a single project mentioned. It merely states very precisely what I told the Senate 4 minutes ago when I said how the $700 million was to be set up. That is what it says.

But conversely, throughout this agreement, throughout this budget resolution, when we have agreed on a specific program in this agreement, it is found in this resolution. So, Senator, if you want to look at this agreement and say, what did the Congress and the President say about Head Start, that might be a question you could put to me. I would say that we agreed in this agreement that Head Start was a priority. Lo and behold, you will find in the budget resolution that Head Start, in the function on education, is listed, and guess what? The dollar amount that we agreed upon is in the budget resolution.

Now, frankly, I think it is absolutely patent that had we agreed to these two projects—and I repeat that I am not sure how I will vote when we really have them before us in a proper mode. I am not sure how I will vote in the committee that authorizes them. But the pure simplicity of what I have just explained would say that if we agreed to these two projects, you would find them in one of these agreements. In fact, if you found them in the 24-page agreement, you would find them in the function of the budget that funds these kinds of projects, and they would be stated there. Now, I note the chairman is on the floor with a question. I am pleased to yield.

Mr. GORTON. So, I ask the Senator from New Mexico, then the bill that I drafted and is being debated on the floor here today regarding appropriations for the Department of the Interior includes both the $700 million for the land and water conservation fund and a specific mention and, therefore, a degree of priority, for the New World Mine and for the California redwood purchase; this bill, in fact, goes beyond and is more specific than the budget agreement itself, is that not correct?

Mr. DOMENICI. No question. But you might say, in this respect, it is contemplated that if the Congress, and thus the Senate as the initiator, at some point in time wanted to implement the $700 million fund, they would at some time have to decide what they are going to spend it on. At that point in time, however they decided, the White House and Congress would engage in a political dialog in the normal way, with each having its strengths; namely, a vote here, and namely, the President says I don't want it, do it another way; that is typical. That would be envisioned as part of how you would decide how to spend it.

Mr. GORTON. And so when the chairman of the Committee on Energy and Natural Resources, the Senator from Alaska [Mr. MURKOWSKI], chairing the committee on which, incidentally, each of us serves as well, states that he has a number of questions about the very complicated transactions for these two projects proposed by the President and wishes to deal with those in the normal course of authorizing legislation, he, the Senator from Alaska, in the view of the Senator from New Mexico, is taking a quite reasonable position?

Mr. DOMENICI. As a matter of fact, the budget agreement doesn't say whether he should authorize them or not authorize them. The budget agreement speaks of allocating this money to this committee. But as I said, it does not prescribe the spending of the money in this committee on these projects. That is a legislative matter to be dealt with with the executive branch in the normal relationship that we have on spending money. It seems to me that the last thing that makes this argument most rational is that if you didn't put the $700 million in at all, there could not be a letter sent around saying "you violated the budget agreement."

As a matter of fact, the letter being sent by the administration—frankly, I want everybody to know I am trying desperately to get everybody to comply with the budget agreement. We are not complying in every respect. Nobody is finding this Senator running around saying you don't have to. Maybe others are, but I am not. Frankly, when the administration, under letter of September 11, a statement of administration policy, on the first page of that communication, it says: "In addition, the committee bill contains provisions that violate the Bipartisan Budget Agreement, such as the provision to require additional unnecessary authorizing language for key land acquisition in Montana and California."

It urges the Senate to strike that. They can urge that we strike it, but we are not striking it because it violates the budget agreement; we may or may not do it for some other reason. So, Senator, I wanted to come down here and make sure, since many Senators have stopped me and asked me if we agreed to these two projects, my answer is no.

Now, are we forbidden from agreeing upon them and the $700 million to be used for them? Absolutely not. You are not disagreeing with that. As a matter of fact, you spend it. But you are saying that before we spend it we want to see what the authorizing committees say about that. I believe, to assume that you cannot authorize a project for the land and water conservation fund, which would give its resources from the $700 million, is arguing an uncertainty. I mean, that can't be. We never said anything about that. Congress retained that right. Anything we didn't agree upon, the Congress can do. It is just that they can't do anything inconsistent with it.

I could go on, Senator, but I think the Senate will take my word that if you look at the agreement and find specifics that are priorities, you will find them in the budget resolution, which this Senate passed overwhelmingly. Theres a lot of things in it that Senators said they didn't know were in it. That is not my fault. I will tell you that specifics like Head Start and specifics like a new program for literacy are found in the agreement as priorities, and they are found in the resolution—resolved that—priorities such as these shall be funded to the extent of so many million dollars.

Mr. GORTON. The Senator from New Mexico believes, under those circumstances, we are obligated to keep our part of the agreement?

Mr. DOMENICI. The Senator from New Mexico feels that if we don't follow those, that a letter like this one from the administration, under cover of September 11, could clearly say this bill does not fund a priority item that was agreed upon. Therefore, it violates the budget agreement. I would not be here saying the correspondence is inaccurate, incorrect. It would be wrong. In this case, it is not.

Mr. GORTON. I thank the Senator from New Mexico.

Mr. DOMENICI. I just ask the Senator, because I don't intend to speak longer and clutter the RECORD unnecessarily, but would he think I should make the bipartisan agreement a part of the RECORD?

Mr. GORTON. Why don't you make the relevant page of the bipartisan agreement a part of the RECORD.

Mr. DOMENICI. Mr. President, I ask unanimous consent that page 19 of the agreement between the executive branch and the Congress be printed in the RECORD for purposes of showing how the priority land acquisition was described on the page of the agreement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Environmental reserve fund

[Outlay increases in millions of dollars]

Orphan share spending:	
1998	200
1999	200
2000	200
2001	200
2002	200
5-Year Spending	1,000
10-Year Spending	2,028

The proposal would provide new mandatory spending for orphan shares at Superfund hazardous waste cleanup sites. Orphan shares are portions of financial liability at Superfund sites allocated to non-Federal parties with limited or no ability to pay.

The funds will be reserved for this purpose based on the assumption of a policy agreement on orphan share spending.

Priority Federal land acquisitions and exchanges

[Outlay increases in millions of dollars]

Priority Federal Land Acquisitions and Exchanges:	
1998	300
1999	150
2000	150
2001	100
2002	
5-Year Spending	700
10-Year Spending	700

Under this proposal, up to $315 million would be available from the Land and Water Conservation Fund (LWCF) to finalize priority Federal land exchanges in FY 1998 and FY 1999.

Funding from the LWCF for other high priority Federal land acquisitions and exchanges (totaling $385 million) would be available in fiscal years 1999 through 2001.

The funding will be allocated to function 3000 as a reserve fund exclusively for this purpose.

Mr. DOMENICI. I don't choose to put the budget resolution in the RECORD because it was adopted. I assume if anybody wants to refer to any changes on education or to find specifics on the crime section where we obligated funds for the FBI, et cetera, I assume you can look in the budget resolution and find it.

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I have not heard every speech on the question of the National Endowment for the Arts. I know about the principal amendments. Frankly, the amendments that most intrigue me are those that propose for block grant. I am not sure I am going to vote for anything that provides for a block grant, based on what I know about the proposals that are being made. But I will come back to that in just a moment.

I would like to share with my colleagues one of the reasons I am a strong supporter of the National Endowment for the Arts. If I were "king," we would be putting over $1 billion a year into the program, maybe more than that, because I personally feel that it provides the kind of cultural benefit that is not only sorely lacking in this country, but is diminishing. Mr. President, $100 million represents one-tenth of 1 percent of our $1.6 trillion-plus budget. That is 38 cents for every American citizen to provide programs that enrich the culture of this Nation and give a lot of youngsters who would not otherwise have the opportunity the absolute, abject joy of enjoying music, good literature, and dance.

I can tell you that no nation has ever really prospered well that didn't have a culture that embraced the performing arts and the fine arts.

I am sorry Mapplethorpe ever got a grant. That is the thing that set off the firestorm in the country, from which we have never recovered in the Congress. But let me go back.

I grew up in Charleston, AR, with a population during the Depression of 851 people. The only cultural enrichment we got in that town was a high school band. It was started when I was a sophomore in high school. So I took band and became a trumpet player and later became trumpet player in the University of Arkansas band as well as drum major of the Razorback Band—because I had learned some music in the high school band. I might add that we were extremely fortunate because we had an unusual band director, a brilliant man. He used to gather some members of the band at his home in the evening. We listened to great music—Mozart, Bach, Beethoven, Sibelius—and that is when I developed, as a very young teenager, a keen appreciation for symphonic music. We went to Jackson, MS, to a regional band contest, and our sextet won first place. Not only were we learning something about good music, but we were also learning something about how one builds his ego, his self-esteem, and his pride out of this little town.

So when I went to the University of Arkansas, as I said, I was in the band, sang in the university chorus, went to all the drama presentations, and then I went into the Marine Corps.

After the war—I told this story a couple of years ago on the floor of the Senate—I was waiting to come home. I was in Hawaii. One day I saw a bulletin saying that anybody interested in Shakespeare should show up at such nd such a barracks this evening at 7 o'clock. So I went. Lord knows I had never been exposed to Shakespeare. The man who had put the sign up and who was going to teach Shakespeare turned out to be a Harvard professor of Shakespearean literature. He had a tape recorder. Tape recorders were unheard of then. I had never seen a tape recorder, and I certainly had never spoken into one, and, therefore, I didn't know what my voice sounded like.

So, after giving us about a 1-hour lecture on Shakespeare, he took his tape recorder, and he said, "I am going to deliver a couple of lines from Hamlet's Speech to the Players." He had a magnificent baritone voice with that Shakespearean accent. He spoke into his microphone, "Speak the speech, I pray you." And then he went on. I could tell it to you now. I do not want to bore you with it. But I can still remember every word of it.

So, when he played it back, it was so beautiful to hear this mellifluous voice. Then he handed it to me and said, "Here, you do it." He put the lines in front of me, and I spoke into the tape recorder. Then he played it back. I could not believe how poorly I spoke.

You know, I took a vow that evening that I did not want to sound like that. I wanted to have a rich tone of voice like he had. But, more than anything else, I discovered that there was a lot of literature that I knew nothing about that could be very enriching.

So, I came back, and I studied diction and debate. I began, on occasions when I got a chance, to go to all the drama presentations. Most people in this audience are frustrated actors. But my point is all of that had such a powerful influence on my life. I daresay, if it had not been for those experiences, I would have never been Governor of my State, and I certainly wouldn't be standing here as a U.S. Senator. These are the sort of experiences that the National Endowment for the Arts funds for so many youngsters, experiences that they would never otherwise have.

When I was Governor, my wife was looking for some way to use her position as First Lady to benefit the children of Arkansas. Nancy Hanks, who was then Chairman of the National Endowment, came to Arkansas at Betty's invitation. Betty talked Nancy Hanks into giving her a $50,000 grant to do a small pilot program of art in the first grade. Betty had been an art major. She thought children ought to be exposed to art in the first grade.

So, the National Endowment, because of her appeal to Nancy Hanks, gave her $50,000, and she started a few programs. Today programs of that sort are common. Every first grade in Arkansas has art. It is mandated now.

She had a little left over from the $50,000, so she decided she would take it down to the prison and see if any of the inmates had any talent for art. It was absolutely amazing how much talent the inmates had. All I could think about was how many of those people might not have been in prison if somebody had picked up on either their artistic talent or maybe some musical talent that had never been explored.

Do you know something, Mr. President? When I became Governor of my State, the prisons were in such horrible condition that they were under the control of the Federal courts. We couldn't do anything in the prisons without Federal court approval, they were so terrible. I was sort of hesitant to go down there. But I went. I was doing everything I could to improve the condition of our prisons. You know what Winston Churchill said once that you can tell more about a civilization by the way they treat their elderly and the conditions of their prisons than anything else. It is a strange thing but probably true.

So, I started going down to have lunch with the inmates. I would visit with them. I visited with the hardened killers that were on death row. I can tell you, I don't believe in all my conversations with the inmates in the Arkansas prisons that I ever visited one who had a role in the senior class play in high school, who played in the band, who had a college degree—though there were a few there—or who owned his own home. Nobody is shocked at that. We know who is in the prisons—people from broken homes, people who are uneducated, and people who never had a dog's chance as far as learning anything about art, literature, or music.

I can tell you that the $100 million we spend on this program may be the most productive money we spend. It is tragic that it is not at least 10 times more than it is. You think about the greatest Nation on Earth, the United States, spending 38 cents per person per year to support the arts while Canada and France spend $32, almost 100 times more per person than we do. In Germany, it is $27 per person. My colleague and I share a concern. I heard his speech a moment ago. He comes at it a little differently than I would. But certainly his argument about how much our home State gets is, in my opinion, a valid argument. We got about $400,000 this year. I think that in the past we have gotten as much as $500,000. But, if you disbursed the $100 million of the National Endowment for the Arts money according to population, we would get $1 million. We have 1 percent of the population of this country. We would get $1 million. We feel a little slighted.

But there is another dimension to it. That is, if we are going to do block grants to the States, some money should be held aside for national programs that serve all of the States, such as PBS, public broadcasting. I see a lot of fine shows on PBS that are partially funded by NEA grants. In my opinion, many of those shows would not be there for all to enjoy without that funding. If you didn't have the National Endowment, a lot of national programs that benefit everybody, even National Public Radio in Alaska and West Virginia, would not exist.

Second, the national programs that are funded by the National Endowment for the Arts raise an average of $12 in matching money for every dollar that NEA provides. In my State, we leverage $3 in matching funds for all the money you send to Arkansas. And we are proud of that.

So, I am not so sure that, if you put these block grants out, you are not going to wind up losing a lot of matching dollars.

Senator KAY BAILEY HUTCHISON from Texas has an amendment that has some appeal to me. It provides 75 percent of the money in block grants. I think maybe 60 percent for openers would be better. So I am not totally opposed to that. But I am not going to vote for any proposal to block-grant money that does not carry with it a mandate for matching money. If we are going to match money, as we do in Arkansas now, $3 for every $1, why not require the same of block grant recipients?

When you consider how much money the arts produce in this country—between $30 and $40 billion a year—and you think about how much income tax we collect a year from the arts, we are big winners. The $100 million is peanuts compared to the $ 3.4 billion in revenue the arts generate in this country.

I am not going to take much more time here. I see we have other speakers wishing to speak. But there are some national programs that we need to continue funding with this money. The YMCA is putting culture programs in its facilities throughout the country with NEA support. There are a lot of NEA-funded regional dance tours, a lot of national dance tours, and programs for children everywhere.

Incidentally, when I played in the high school band we thought we were pretty good. At the bi-State band contest with Oklahoma, the Iowa State band performed on the stage of the Fort Smith High School. I had never heard a really great band before. We only had 30 members in our band. Here was this Iowa State band with 150 members, and when that conductor brought his baton down, I thought I was going to faint. I had never heard such music. So it was, the first time I ever went to a symphony. I am telling you, these things are important to the culture of this country. I do not for the life of me understand the antipathy that some of the Members of this body have for what I consider to be absolutely essential and basic to the character of this country. It is important that we give a lot of citizens of this country access to the performing and fine arts. That would never happen if it were not for this program.

I look forward to the day—I will not be here, Mr. President, after next year—but I yearn for the day when we treat this program with the respect and the money it deserves. And, like so many other things, if we do away with it and let that bulwark of our culture slip into oblivion, we will pay a very heavy price for it.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I can only add a little bit to what the Senator from Arkansas has just said. I wish he would not be leaving the Senate. I have told him that a hundred times, but I will say it one more time.

Mr. President, as a Senator from Minnesota, I rise in support of the National Endowment for the Arts and the National Endowment for the Humanities. I am troubled we are out here on the floor, again defending the Federal role in really supporting the arts in communities all across our country. Some of my colleagues are arguing that, with their block grant proposals to States, they really support the NEA. This will just get the money to States in a more efficient manner, a more timely manner. But these amendments do nothing more—and I think everybody should be aware of this before they cast their votes—than cut off the lifeblood of the National Endowment for the Arts. That is exactly what these amendments do. I think that is the purpose of these amendments.

There is a bitter irony to the timing of these amendments, because Jane Alexander has done such an excellent job of reorganizing the endowment. I come to the floor to recognize her fine work and to support the NEA. When Ms. Alexander was confirmed as Chairwoman of the NEA, she made a commitment that she was going to work closely with the Congress, that she would take necessary steps to reorganize the Endowment, and she has done that and, as a matter of fact, I think her effort has been nothing short of heroic. She has, through her leadership, helped form and lead a NEA that touches the lives of all citizens, regardless of their age, their race, their disability, their economic status or, I might add, their geographic location. Jane Alexander has been blessed with a lifetime of creativity and accomplishment and she has blessed our country with that creativity. She has done a marvelous job of bringing the arts into our classrooms and into every corner of our Nation.

Now, again we are out here having to defend the NEA. The budget is pathetically low. We could do much more to fire the imaginations of children all across the country. Yet we have another attack on the NEA, out here on the floor today.

In my State of Minnesota, the NEA has given support to the American Composers Forum, the Minnesota Alliance for Arts and Education, Gray Wolf Press, the Duluth-Superior Symphony, the Rochester Civic Music Guild, as well as the nationally renowned Dale Warren Singers, the Saint Paul Chamber Orchestra, and the Guthery Theater.

In addition, because of support from NEA, national theater and dance groups have visited many rural communities all across the State of Minnesota. The NEA has supported some wonderful partnerships in Minnesota, including a partnership between the Minnesota Orchestra Association and the science museum, which has created an interactive work between actors, the full orchestra, and fifth and sixth graders. That is what this is all about.

One grant we are especially proud of that really goes to Minnesota, but goes to the whole Nation—and one of the most important things about these grants is the way in which a grant can go, in this particular case to the Minneapolis Children's Theater Company—and what they have done is this grant has supported the development and production of a new work which is called the Mark Twain Storybook, which has toured 35 communities in 9 States, from Fergus Falls, MN, to Mabel, MN, to Skokie, IL, offering a total of 73 performances and 5 workshops.

Sometimes when my colleagues look at funding that goes to particular States, they forget that one of the things the NEA has done under Ms. Alexander's leadership is taking a chance, this particular case on the Minneapolis Children's Theater Company, which is marvelous, and they then take that on the road and reach out to 9 States, 73 performances, 5 workshops. This is enriching work.

I just would like to make the point that the block grant amendments are not friendly amendments. As I say, they undercut the very heart of what NEA is about, which is national leadership of the arts in our country. We as a national community make a commitment to the arts. We understand how important the arts are to enriching the lives of all of our citizens. We make it one of our priorities—not much of a priority, because we have had attacks on the NEA over the past few years and it is so severely underfunded—but, nevertheless, we as a national community understand that we make a commitment to leverage the funding and to get it to organizations to, in turn, get it to communities all across the country.

The block grant proposal takes us in the exact opposite direction. I really do believe that the timing of these amendments is just way off. One more time, I just want to repeat for colleagues that regardless of the words that are uttered and regardless of the intentions of colleagues, I think the effect of these block grant amendments is to just cut off the very mission, the very lifeblood, the very richness, the very importance of what the NEA is all about.

We are only talking about $100 million. It is an agency that has been severely undercut because of attacks of past Congresses. But I will tell you something, people in the country have rallied behind the NEA, I think in large part because of Ms. Alexander's leadership. We have an agency that is bringing the arts into classrooms and bringing arts into the communities all across our country. We have an agency which has done a marvelous job of being in partnership with local communities and States, doing a really superb job.

Mr. President, I also want to have printed in the RECORD a letter from James Dusso, who is assistant director of the Minnesota State Arts Board. He writes in behalf of Robert Booker, who is the Minnesota State Art Board executive director, who is currently away at a conference, making it very clear that the Minnesota State Arts Board is opposed to the block grant amendments, making it very clear that Minnesota, and I think many, many people in the arts community, appreciate the work of NEA, and making it very clear that these amendments, rather than improving NEA's work, would severely undercut what this agency has been about.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MINNESOTA STATE ARTS BOARD,
St. Paul, MN, September 8, 1997.

Hon. PAUL WELLSTONE,
U.S. Senate.

DEAR SENATOR WELLSTONE: I am writing on behalf of Robert C. Booker, the Minnesota State Arts Board's executive director, who is currently away from the office at a conference addressing enhanced accessibility to the arts for people of all abilities.

It is my understanding that the Senate is currently discussing the amount and the type of support to be provided to the National Endowment for the Arts. In that light, I think it is important that you are aware of the following:

The National Endowment for the Arts currently provides over two million dollars to the state in grants to the Minnesota State Arts Board and Minnesota arts organizations.

Since 1994 the Arts Board has experienced a 48% reduction in support from the National Endowment for the Arts. This decrease parallels the NEA overall budget cuts from $175 million to the current $100 million and reflects their ongoing problems in Congress.

Minnesota is proud of the outstanding caliber of its cultural institutions and its arts community. The citizens of this State and our corporations and foundations have provided extensive financial support to the arts in order to achieve their current high artistic level. Within out state borders, we are proud to have world-class arts organizations and artists of international stature.

Because of the quality of the arts in Minnesota, we consistently have been ranked third to fifth among all states in receiving National Endowment for the Arts support.

Under a block grant funding structure at the National Endowment for the Arts, Minnesota would drop to sixteenth or lower in the amount of federal support it receives for the arts.

Block grants would minimize, if not eliminate, any national leadership for the arts in the country.

NEA support historically has been a valuable tool in leveraging matching private support for the arts. Block grants to states would take that tool away from arts organizations, hampering their ability to raise needed private support.

Please let me know if you have any questions, or if there is any additional information I can provide.

Sincerely,

JAMES DUSSO,
Assistant Director.

Mr. WELLSTONE. I think these amendments represent a different kind of attack. We had amendments to just eliminate the NEA. We may have one of those amendments on the floor now, maybe, to eliminate NEA. We have had amendments in the past to severely undercut the funding for NEA.

I just don't know what will satisfy colleagues. Jane Alexander made a commitment to us that she would be very tough in her management, she would do the necessary reorganization work, she would take all of her creativity and use that creativity to make the NEA an agency that clearly was rooted in communities all across our country. And for Minnesota, for rural America, the east coast, west coast, North and South—that is exactly what has been done. So I hope we will defeat these amendments and we can as a Senate vote for a commitment which is a national community commitment that we care about the arts, that we are committed to enriching the lives of children, all children in this country, and we are committed to making sure the arts reaches out and touches all of our citizens no matter their income, no matter their race, no matter disability, no matter age. That, I think, is what its mission is all about, and I think the NEA under Ms. Alexander's leadership deserves the strong support of the Senate. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, today we are for arts. Last week we were for education. Before that we were for housing. In fact, we are in about a 60-year cycle where the way you show you are for something is to have the Federal Government take the money of working Americans and spend that money for them on the thing you want to show that you are for. For 60 years, the choice that has been presented on the floor of the Senate is a choice about whether or not you are for something based on spending the Federal taxpayer's money on it. The choice is not, "Are you for art?" in the sense that you want to let working families keep their money to invest it in art, the choice is not whether you are for education but letting families decide how to spend their money on education. For 60 years, the only real choice we have had is whether or not we are for things based on spending the taxpayer's money.

It is like the compassion debate we have in Washington. Compassion is not what you do with your money, it's what you do with the taxpayers' money.

Rather than getting into all of the different elements of the debate today, I want to talk about this central point. This is the 12th appropriations bill that we have dealt with this year, and when it is passed today, we will have spent $268,195,000,000 on just domestic appropriations. Nobody knows how much money that is. I have a constituent, Ross Perot, who knows what a billion dollars is, but nobody knows what $268 billion is. But it comes down to $2,126 for every working American. When we pass this bill, we will have, in the last few weeks, spent $2,126 of the income on average of every working person in this country, and what we have decided and, in fact, what we are debating about the arts today is whether or not we are going to spend their money on this purpose.

I know we hear our President say the age of big Government is over, but the plain truth is that next year, we are going to spend more money in Government as a percentage of the income of working Americans than we have ever spent in the history of the United States of America. We are going to have the largest Government that we have ever had in the history of America next year as a result of the money that we are spending here, as a result of the money that we have committed to programs we call entitlement programs and as a result of money that is being spent by State and local government. In other words, the tax burden on the average working American next year will be higher than it has ever been in the history of the country in terms of how much of their money the Government will be taking.

How does this debate about the arts fit into that big picture? It seems to me that we are having the wrong debate. The debate here shouldn't be whether or not you are for the arts based on how much money the Government is going to take from working people and spend on arts. Why don't we have a debate about who should do the spending?

I was examining the figures on spending for the National Endowment for the Arts, for the National Endowment for the Humanities, and the Corporation for Public Broadcasting, programs where we are taking money out of the paychecks of working American families and we are bringing the money to Washington and deciding on their behalf that we want to spend it on NEA, NEH, and the Corporation for Public Broadcasting.

We have heard a lot of debate about whether we are spending it wisely, whether what is being defined as art with the expenditure of our taxpayer money through NEA is, in many cases, art. I think the vast majority of Americans would say in many cases it is not.

But the point is, if we took those three agencies and eliminated them, we could give an art and entertainment tax credit of about $200 to every working family in America. It is in that context that I want to talk about the National Endowment for the Arts, because what we are deciding today is not that we are for the arts by voting to continue funding NEA. What we are deciding is that by funding NEA, NEH, and the Corporation for Public Broadcasting that we are doing more for the average working family in terms of the arts and the humanities and access to information through broadcasting than they could do if they were able to keep $200 more and spend it as they chose.

Granted, I am sure there are some here who would get up and say, "Wait a minute, with this $200, we are funding the symphony, and if we let working families keep the $200, they might go see Garth Brooks, they might decide to spend it going to three or four Texas A&M football games." I guess I would argue that families ought to have a right to choose what is art and what is entertainment to them rather than delegating that responsibility involuntarily through the IRS to 100 Members of the Senate.

In a very real sense, this is the choice that working families are making. How many families would choose to get an Internet hookup rather than to fund public broadcasting if they had the choice to make? How many families would choose to get the cable rather than to fund public broadcasting?

So my point is, this is not a debate about whether you are for the arts or not. This is a debate about whether Government should be the final decisionmaker about what is art and what should be funded.

Our colleague from Minnesota said, "Well, this is only $100 million." Well, $100 million is a lot of money.

I personally would like to begin the process of making fewer decisions in Washington so that we could have more decisions made back home. I think part of our problem in the arts, part of our problem in Government, is that too many spending decisions are made around these committee room and Cabinet tables and too few decisions are made by families sitting around their kitchen tables. The question that we face as Republicans is, if we are not for less Government and more freedom, what are we for? What do we stand for? If we really want to reduce the size of Government and to let people keep more of what they earn to invest in their own family and their own future, to invest in their own art, to invest in their own entertainment, to invest in their own education and housing and nutrition, if that is what we really want, where do we begin?

We are not eliminating a single program in the Federal Government this year that I am aware of. Not a single program in the Federal Government will be terminated as a result of this budget which will spend a record amount where we are increasing discretionary spending and, in the process, deciding that the Government ought to direct more goods and services and where they go.

I don't, quite frankly, know a better place to start than the National Endowment for the Arts. It is not that I am against the National Endowment for the Arts or the National Endowment for the Humanities or against public broadcasting. But the question is, why not eliminate these programs and let working families keep $200 more per family and decide what they want to invest that in, what brings the most to their family. It seems to me that that is the choice.

As I understand it and they proliferated a little, we have three amendments that are before us in some form. One of the amendments would block grant the money to the States and eliminate the National Endowment for the Arts by giving the money directly to the States. Another amendment would give 75 percent of the money to the States, have 20 percent of the money go to national art organizations and give the National Endowment for the Arts 5 percent so we can maintain their infrastructure. The third proposal is to eliminate the National Endowment for the Arts.

Since I see all three of these as an improvement over the status quo, I am going to vote for all three of them. But the position that I want to take today and make clear is that you are not saying whether or not you are for the arts based on how you vote on spending the taxpayers' money. I am for the arts, but I think families ought to have the right to decide what is art and what is not art. I think families ought to have the right to make these decisions. I don't think we should be making those decisions for them.

Finally, if we are really serious about less Government and more freedom, if you really believe that Government is too big and too powerful and too expensive, if you really believe that having the average family give Government almost a third of its income is too much, if you believe all of those things, as I do, I don't see how you can then justify having the Government take $100 million from working families to spend on what we define as art.

So I think this is a fundamental choice. I would have to say that for 60 years, I think we have been making it the wrong way. For 60 years, we have been losing in the appropriations process, because the choice is always spending money and being for something, rather than not spending money. What I would like to do is to have the ability to put all these appropriations bills out here and go through them one by one and basically decide, would you like to do less of this and let families keep more of this money themselves? I think when we start changing the way we make these decisions, when we start looking at them from a bigger perspective, I think ultimately freedom will start winning in this debate instead of losing.

The vote on NEA today is not a vote about arts to me, it is a vote about freedom. It is a question of whether or not we want the Government, with the highest tax burden in American history set to be imposed on working families next year, to spend another $100 million trying to tell people what is and what is not art, and I think given our record on the subject and given the issue itself, that we would be better off letting families keep this money. If they call Garth Brooks art, I call it art. If they would prefer spending their money on an Internet connection instead of public broadcasting, or if they would prefer going to Texas A&M football instead of going to the symphony, maybe there is wisdom in each and every household. And what is wisdom in each and every household can hardly be folly, even in the greatest nation in the world.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I spoke at length yesterday. I will try not to beat that record, but I do want to make a few comments.

First of all, if you take $100 million and divide it by 250 million, you come up with about 38 cents a person and that represents what the endowment costs. I think we have to put in focus what we spend on the arts and why we spend it there.

We had some excellent presentations yesterday and we had some this morning on different views of how the money for the Endowment ought to be spent. I guess if you analyzed the Senate, we would have probably 70 or 80 people who say, "OK, let's spend the money, but we have a different way to spend it."

A number would spend it with more going to the States. Some would spend it with all going to the States. Others would spend it in different proportions. But I guess that if it was just a question of whether there ought to be that much money out there available, that we would have a big vote, 70, 80 votes in the Senate, and that is what we need to do—analyze and figure out whether the way we are spending it is the best way.

That, I think, is what is being asked of this body, and I think is being asked of the people throughout the country: Are we spending too much on administration? Are we directing too much of the money to the big cities? Are we spending too much in other areas rather than out in the States? So I hope we keep that in mind as we go forward and examine the amendments that we will be faced with.

I would also like to point out some of the very excellent points that were made by other Senators yesterday. I think Senator BENNETT from Utah probably made one of the best presentations I have heard on why the Endowments are so important and what it does mean to have your particular program get the stamp of approval. As he stated, it is like the Good Housekeeping Seal of Approval for a program. What this does is allow you to not only utilize the money, the small amount of money you get from the Endowment, but to use that as a fundraiser to be able to let people know, "Hey, this is a good program and it has the sanction of the Endowment and, therefore, you should help us put that program on." It was an excellent presentation.

We have had others this morning, Senator TIM HUTCHINSON and others, as well as Senator HUTCHISON of Texas saying, well, yes, it is a good program, but more of it ought to be distributed to States and a lot less of it ought to be spent from Washington.

I spent my time yesterday stating that I might have an amendment which would spend more of the money in the area of education, indicating that the studies demonstrate that those people who participate in programs of art and music do substantially better on SATs than those who do not. I think that is something we should take note of. And there are a lot of reasons for that.

Some of the basic problems we have in education is the lack of discipline and respect by students. Both of these qualities come along with the arts and the programs with the arts—I delineated a number of those programs that I have viewed as I traveled around the country where students have done exceptionally well, from the east coast to the west coast. When the authorization bill came out of the committee, we suggested that NEA ought to look at trying to evaluate and assist the rest of the country, understand which programs do work, what programs are helpful in improving the access to the arts in education.

Also, as I pointed out yesterday, there are many programs which have been successful in the cities around the country in helping those who are impoverished. I mentioned one program in New York City where there was a horrible situation—so many young people had come from homes of violence, where a member of a family had been killed. Through art and art therapy they were able to bring out the horrible experiences in that child's life and begin to open up a vista of perhaps a life without violence and fear introducing instead hope and other positive things like that.

I think there is a general consensus—or close, a substantial number of Members of this body—that we ought to keep the Endowment but perhaps take a look at how those funds are utilized. So I expect that the Senator from Alaska will have an amendment along those lines.

Also, I would like to just raise a few things. I did not talk about the importance of the Endowment in extending the benefits of the arts and the benefits of museums around the country.

For instance, the Portland Arts Museum moves out to support the Northwest Film Festival, showcasing the works of artists from Alaska, Idaho, Montana, and Washington; the Paul Taylor Dance in New York received a grant to tour through Alaska, Texas, and California; the NEA-supported Educational Broadcasting Corporation in New York to put "Great Performances" and "American Masters" on TV for the enjoyment of millions. The New England Foundation for the Arts received a grant to bring the "Dance on Tour" program to Connecticut, Maine, New Hampshire, Rhode Island, Vermont, and Massachusetts. The YMCA in Chicago received a grant to expand its Writers Voice centers—writing workshops for young people—to Georgia, New Hampshire, Florida, and Rhode Island.

States have little incentive to fund projects which benefit people outside its borders, yet it is those partnerships which enrich our Nation. These are examples of why national leadership is important. So I hope that as we move forward we remind ourselves that there are many activities of the Endowment other than some of the areas of controversy that we have heard of.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Washington.

Mr. GORTON. Mr. President, we are less than 30 minutes from moving on to another subject, the cloture vote on the bill relating to the Food and Drug Administration. If I may, I would like to summarize where we are on this interesting and multifaceted debate on the National Endowment for the Arts.

The Senator from Missouri, Mr. ASHCROFT, who is present on the floor, and Senator HELMS have proposed an amendment that will terminate the National Endowment for the Arts in much the same way as the House of Representatives has already voted.

I hope that we will be able to vote on that amendment in not too great a time after the completion of whatever the majority leader seeks to do with respect to the Food and Drug Administration bill. The Senator from Missouri may very well tell us how much more time he thinks he needs on his amendment.

After that, logically the next amendment would be that proposed by the Senator from Michigan [Mr. ABRAHAM], which would also close down the National Endowment for the Arts but would transfer the money to, I believe, the National Park Service for the preservation of historic American treasures.

The next proposal would be that of the Senators from Alabama and Arkansas who would essentially block grant the entire appropriation for the National Endowment to the States; following that the proposal by the Senator from Texas [Mrs. HUTCHISON], that would have 25 percent, roughly, governed by the National Endowment for the Arts here and 75 percent block granted for the States.

Those are the proposals that have been discussed on the floor at some length yesterday afternoon and this morning. I hope that we can reach an orderly method for voting on each of those amendments so that the will of the Senate with respect to the National Endowment will be made known.

I regret deeply to say that my partner on this bill, Senator BYRD, is indisposed today and will not be able to be here at all, something he regrets. He hopes that maybe at least some of these votes could be postponed until tomorrow. I will have to leave that up to the majority leader, who I think wants to move forward as quickly as we possibly can.

It is appropriate now, however, I think, for me to state my own view at least on the four amendments that are in front of us. My views reflect those of the Appropriations Committee and, most particularly, my subcommittee. I believe the National Endowment for the Arts does in fact play a constructive role in culture in the United States. I believe that reforms in the last 2 or 3 years have cut down tremendously on some of the truly objectionable grants which were rightly objected to by the vast majority of the American people.

So with respect to the first two amendments, I will vote no. I also am unable in my own mind to feel that we would somehow deal more sensitively if all of these grants were decentralized to State arts commissions.

Finally, I find myself somewhat in sympathy with the proposal of the Senator from Texas. I believe that perhaps a greater focusing, but not a universal focusing, on State and regional arts organizations may well be appropriate but that there are also grants that are appropriately national in nature and that many of the institutional grantees, while they may be located in a particular city or a particular State, have an impact on the arts that goes far beyond the locale of their principal office, their museum, their symphony orchestra or their opera company.

Because, however, the Ashcroft-Helms position has governed the House of Representatives, my inclination is to vote against all of these amendments that change the present system simply because we will have to take into account the views of the House of Representatives in a conference committee, a conference committee that I think is likely at least to come out with a proposal that is perhaps closer to that of the Senator from Texas than any other that I have heard at this point.

So at the present time, unless I am persuaded to the contrary, Mr. President, I am going to suggest to the Members of this body that they leave the appropriation for the National Endowment for the Arts contained in the bill as it is before us now untouched and discuss the very important questions that all of them have raised with the House of Representatives that has taken a quite different view in a conference committee. With that, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 1188

Mr. ASHCROFT. Mr. President, thank you very much.

I rise to address the issue of the National Endowment for the Arts and some of the arguments that have been raised in this debate.

I think it is important that we debate this issue thoroughly. I think it is important that we have the discussion of as many Members of this body on this issue made as explicitly as is possible for the American people.

I am not in any rush to judgment or to election on this. To say because the House of Representatives has taken a position that here the Senate should not take a position or that it should merely endorse the position of the Committee on Appropriations I think is to do less than the American people expect of us.

The American people understand that the issue before us is whether or not arts are to be funded by Government and whether that is a role for Government to play. We must look at the reason why we have Government, the reason why we take money from people that they have earned and they cannot spend on their own families. That is a major issue. And whether or not we are going to take it and then give some of it back to a State where we do not have the ability to control it, or whether we are going to give part of it to the State and we are going to control the rest of it, is another major issue.

I think we ought to debate these things. So I, frankly, want the Senate to move forward, and I want us to move forward with dispatch and make sure that we do not unduly delay things. But this is an issue worthy of the American people, it is worthy of our understanding. I think there are substantially basic, philosophic items that are of importance here: Does the Government have a responsibility to shape the culture by paying for artistic expression, and by paying for some artistic expression and not paying for other artistic expression? I think that is a very important point.

I say that it is important to understand that both artists and nonartists are on both sides of this issue. There are people who love the arts so much that they do not want the Government to contaminate the arts. They feel that when the Government gets in the position of starting to say that this art is good and is worthy of being subsidized and this other art over here is not good and is not worthy of being subsidized, they think that is likely to distort the arts and to leave the arts in a situation of impurity, with artists who are seeking not to express themselves but to express what the bureaucrats in Washington or in a State capital would want them to express.

As a matter of fact, that is exactly the point that Jan Breslauer, the critic from the Los Angeles Times, has written about. Eloquently she states—and as a matter of fact, it is more than an eloquent statement. This is a rather embarrassing indictment of the National Endowment for the Arts. Let her words speak this position as I quote them. And she says—or he says. I do not know whether Jan, J-a-n, is a "he" or "she." I apologize if there would be any offense in what I have said.

> [T]he endowment has quietly pursued policies rooted in identity politics—a kind of separatism that emphasizes racial, sexual and cultural differences above all else. The art world's version of affirmative action * * *.

She is describing the way the bureaucracy, known as the National Endowment for the Arts, has operated, that it has emphasized separatism, emphasizing racial, sexual, and cultural differences above all else.

I think we need to get to an America that emphasizes our identity, the common things we enjoy, the freedom we embrace, not the differences we have. I think the Statue of Liberty has stood there without wincing for a long time. She stood through hurricanes and the tests of time, storms, good times and bad, in war and in peace, but I think she winces a little bit when she thinks about all the people that have come here to pursue common goals of freedom being driven by Government to be separate, to be forced apart.

Jan Breslauer says, "The Endowment has quietly pursued policies rooted in identity politics," this idea of separating us into separate identities. I kind of like a single identity for the United States of America. What are the different identities, she says, that are being emphasized by the National Endowment for the Arts? She says that the National Endowment is pushing us into separate racial identities, that it is pushing us into separate sexual and cultural identities. These differences are being elevated, instead of minimized, in the way, she says, the funds are given out from the National Endowment for the Arts.

Fundamentally, I do not believe that Government should be striving to drive wedges between Americans. Whether it is an arts program or anything else, I think we ought to come to the point where we realize there is only one word that ought to describe us in a way that unites us, and it is "America." I don't need someone to try and push me into some politics of separatism or some identity politics and provide a basis for separating me from my fellow Americans. I think the great unity of America is so very important.

I think of the millions of lives lost in the Civil War for unity, so that this would be one Nation united under God with liberty and justice for a few or for this group or that group, with preferences? No, for all.

The National Endowment for the Arts "has quietly pursued policies rooted in identity politics—a kind of separatism that emphasizes racial, sexual, and cultural differences, above all else." These are not my words. These are not the words of some individual who is against art. These are words from a critic from the Los Angeles Times. The art world's version of affirmative action, to prefer people on the basis of their group identity rather than to prefer people on the basis of their own merit. The United States of America is a place where individuals should have the ability to succeed or fail based on their own merit. She says the art world's version of affirmative action, and its policies have had a profoundly corrosive effect on American art.

A corrosive effect—I don't know how you can define that as lifting up the arts or improving the arts. We have heard individuals come to the floor over the last several days and say the reason we need this is because it allows the arts that are sponsored to be shared with the entire culture. Do we want to corrode the arts before we share them?

I want to mention I believe there are some artistic endeavors here that are supported that are good ones. Sure there are. You are spending $100 million, you will probably have some good ones. The question is, Is this what Government is for, to take the hard-earned money of individuals and say we can spend that money better on art than you can spend it on your family?

At a time when real wages for individuals for over half the Americans, according to a recent national article in one of our business journals, are lower than they were in 1989, some 8 years ago, do we still believe that we want to take money that people could be spending on their own families and we want to spend it on art that separates us, that emphasizes racial differences, cultural differences, that has a corrosive effect on the arts itself? That is incomprehensible.

Some people think it is great to have the symphony, it is great to have great art and they think about the great artists of the past, they think about artists from my State whose works are shown in art galleries of this country and have been for hundreds of years. But that is not all that we are talking about here.

Here is a piece of art that is interesting to me. This art was funded by the National Endowment for the Arts. This is a poem. No, Senators, this is not the title of the poem, this is a poem. This poem, spelled L-I-G-H-G-H-T, I am not sure what it means—maybe light—this poem cost the taxpayers $1,500. This was the subject of a grant. Now, this is the English version of the poem, I have to tell you. This is not the French or the German version. Maybe it is the German version of the poem. Maybe it is not the English version. This is it. This is why we would tax individuals, take money that they earned, working hard on their jobs, and we want to say to the rest of the world, this is what you should be doing.

I was stunned by the fact that my colleagues came to the floor and said we need this not because the arts need the money. They recognize it is 1 percent of the art funding in the country. As a matter of fact, less than that. But 1 percent of the art funding in the country comes from the Government. But we need it so we can have the Good Housekeeping Seal of Approval, that somehow when Government comes and puts its seal of approval on things like this, it signals to the country that this is what we are supposed to really look up to.

I am sure getting this poem around to schoolchildren will inspire lots of them to be poets. I don't know whether this is a typographical error or whether this is profoundly insightful, but I don't think it is inspirational. I don't think we have to have the U.S. Government taking tax money from people who get up early and work hard all day and go home late, families with two parents working, one to pay the Government, the other to support the family. I don't think we do that in order to be able to put a Good Housekeeping Seal of Approval on this.

I want to talk a little bit about this concept that you put a Good Housekeeping Seal of Approval on things by having Government tell people what is good and what is bad. Let me just indicate that one of my colleagues yesterday spoke, and I quote from the CONGRESSIONAL RECORD of September 15, 1997:

> The National Endowment for the Arts is something like a Good Housekeeping Seal of Approval put on a local effort which allows people who are running that local effort to then go out and do their fundraising and say you see what we have here is really a class operation. It is something worthy of your support, worthy of your private contributions. Look, it's good enough that the National Endowment for the Arts has put their seal of approval on it.

And the argument is that somehow the American people don't have the intelligence or the judgment or the capacity to know what values they want expressed in their culture. They need someone from the Federal Government to tell them that this is great poetry and that they should buy it or subsidize it.

I don't believe the genius of a democracy is having the Government tell people what is good or bad. The genius of a democracy is not that the Government informs the people. The genius of a democracy is that the people inform the Government. The genius of a democracy is that the collective wisdom of the people is reflected in what is done in Washington. We have inverted the flow of information here. The people are supposed to be represented in Washington to do the will of the people. The Government is not supposed to be represented by a good seal of approval so that the people can then do the will of Government. The whole idea of a democracy is not that the Government puts its good seal of approval on anything and then the people do it. The ideal of a democracy is that the people express their wisdom to the Government, sending their representatives to achieve the will of the people, not the will of the Government.

It is kind of amusing to me that we have this information flow. We are so conditioned to believing that Washington is the source of wisdom that now we have to tell the people what good poetry is, and stuff like this is good enough for their support or something else is good enough for their support. You would think we would learn that the central government is not the place to direct investment, whether it be in art or whether it be in industry.

There are different cultures, there are different ways to do government. There are different ways to allocate resources. One way is to have central planning, to have the Government make the decisions, encourage or allocate the resources on its own. That is a way which was tried for a long time.

Communism was a system which said we will do central planning. We will not trust the marketplace. We will not trust the judgment that people will reach on their own. We will trust the central planners, the superior intellects of Government to make those decisions. We will ask them to decide how many potatoes are grown and how many cars are made and how many TV's are made, and with the superior wisdom of centralized government, we can tell the people how things are and it will all be better.

I love the joke Ronald Reagan used to tell about the guy going to buy a car.

The guy said, "You have to wait 10 years for your car but on the 12th day of February, 10 years from now, in the morning, we are going to deliver your car to you."

The guy said, "Oh, no, you can't deliver the car on the 12th day of February 10 years from now."

The car salesman says, "Why not?"

He says, "Well, the plumber is coming then."

The whole point is planned allocation of resources by central government is a failure, an abject failure.

Yet we have people come to the floor of the Senate and say people really do not know the good art from the bad art, what to support, what not to support, and they need the Government to come look and be the Good Housekeeping Seal of Approval. We cannot trust the private marketplace, the will of the people, the understanding of the people to allocate the resources that they ought to put or want to put into art. We have to confiscate resources from them and then we have to use those resources as some sort of gold stock. This is what you must support, you ought to support this, this is great.

Well, if you put the Good Housekeeping Seal of Approval on material that emphasizes, above all else, racial, sexual, and cultural differences, in the words of Jan Breslauer, the art critic, what we have is the Government telling us what is good and telling us that all these things that divide us are good and the things that unite us are not worthy of funding.

In my judgment, I think we should have learned something. We should have learned that when the Founders of this great country considered this question, they voted overwhelmingly not to have the Federal Government involved in subsidies for the arts. This is not new. This idea came into being in Lyndon Johnson's plan for a Great Society. We know how the governmentalism of the Great Society has been so eminently successful in other areas—such as attempting to deal with poverty. We see there are more children on poverty now than there were when the so-called Great Society began. And in an attempt to deal with situations where there were children being born to parents who would not be parents—there were no families there, really—we have seen that problem exacerbated and intensified rather than assuaged or reduced. Here we have one of the Great Society programs and here is another one that says we know best from Government.

In the area of the Great Society, as it relates to the welfare program, we have that figured out that the central government should not have a sort of a Good Housekeeping Seal of Approval. We have abandoned the old Federal approach that says there is a way you are going to do this and this is the way, the truth, and I guess it would not be the light, would it? The Federal Government's welfare program, we found out, was a failed program.

I yield to the Chair, if there is an item that needs to be brought to my attention.

The PRESIDING OFFICER. Under a previous order, the hour of 12:15 having arrived, the Senate is to conduct a cloture vote.

Mr. ASHCROFT. I ask unanimous consent for 1 more minute in which to conclude my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. I thank the Chair. It is clear to me that the National Endowment for the Arts takes resources from taxpayers to spend in a way that the Government thinks it can spend better than taxpayers. Even art critics indicate that that taking has not only a bad effect on people, it divides them, seeks to separate them, but it has a corrosive effect on the arts. I believe that having the Government establish values that it tries to impose on people is a denial of the genius of America, which is when the American people impose their values on Government, not when the Government imposes its values on the people. The so-called Good Housekeeping Seal of Approval theory of support for the National Endowment for the Arts reveals the bankruptcy of the concept of Government telling people what they should believe and what they should value.

I thank the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Since the Senator from Missouri has taken all the time, I ask unanimous consent that I may have an additional 60 seconds before the vote to make some comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank Senators for their indulgence. I do not have the time to lay out all the reforms that we have made in the National Endowment for the Arts, nor to give you the details on how every single dollar that my colleague talked about is leveraged by $12 in every community across this great country of ours, because the arts, just as they do in the military, preserve our culture. We spend twice as much on military bands as we do on the National Endowment for the Arts. If the military bands make a mistake and play a song that we don't think is appropriate, we don't stop funding the military bands, because they are a very important part of our culture. If a postman acts wrong and is obnoxious, we don't stop delivering the mail.

So I think it is very important that when we go back to this debate—and I think right now it won't be for a couple of days—that we lay out all of the reforms that have been made and all of the wonderful programs, such as the Youth Symphony, the ballet, and all the things we do with the arts, and have a fair debate.

I thank the Chair, and I yield the floor.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The Senate continued with the consideration of the bill.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the substitute amendment to Calendar No. 105, S. 830, the FDA reform bill:

Trent Lott, James M. Jeffords, Pat Roberts, Kay Bailey Hutchison, Tim Hutchinson, Conrad Burns, Chuck Hagel, Jon Kyl, Rod Grams, Pete Domenici, Ted Stevens, Christopher S. Bond, Strom Thurmond, Judd Gregg, Don Nickles, and Paul Coverdell.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the modified committee amendment to S. 830, the FDA Administration Modernization and Accountability Act, shall be brought to a close?

The yeas and nays are required under the rule, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New York [Mr. D'AMATO] is necessarily absent.

Mr. FORD. I announce that the Senator from West Virginia [Mr. BYRD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—94

Abraham
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NAYS—4

Akaka
Kennedy
Reed
Wellstone

NOT VOTING—2

Byrd
D'Amato

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

ORDER OF PROCEDURE

Mr. WYDEN. Mr. President, I ask unanimous consent to proceed as if in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF GENERAL SHELTON

Mr. WYDEN. Mr. President, I have asked for this time to notify my colleagues that I no longer intend to object to the U.S. Senate proceeding to the nomination of General Shelton to be Chairman of the Joint Chiefs of Staff.

Last Thursday morning, I announced publicly that I would object to the Senate proceeding to General Shelton's nomination. My colleague from Oregon, Senator SMITH, supported me in this effort. We did so not out of any reservation about the general's qualifications but because he is about to become the Nation's top ranking military officer.

Mr. President, General Shelton is in a position to assure that the military—and in this case the Air Force—respond to rather than ignore the requests of the Congress and our constituents. It is not too much to ask that the Nation's top general help us address the concerns of the widows of the American airmen who have died serving our country. What they have wanted is simply to have the Air Force explain the reasons for the crash of a C–130 off the coast of California last November that killed 10 airmen on board. In April of this year, the Air Force informed the widows and families that the cause of the crash was engine failure due to fuel starvation. No further explanation was offered at that time. When the widows and families sought further explanation, they were told that the case was closed. Later that month, they came to me, and asked if we could help. I approached my colleague, Senator SMITH. And, at every step of the way, Senator SMITH has been exceptionally helpful in our joint efforts to work to make sure that the Air Force would provide the loved ones of these airmen an answer to what happened in this tragedy. The families, my colleagues, have a right to know.

We asked that an independent group be allowed to review the file. We asked that information about the crash be made available to the families. We asked that the Air Force give the National Transportation Safety Board's aviation experts access to the file.

The denying of the request to provide the National Transportation Safety Board access to the files was especially difficult for Senator SMITH and I to understand, because in the interim the Air Force had allowed a private contractor to look at these materials. On September 10, the National Transportation Safety Board informed us that, based on the limited data available, the Board was unable to determine whether the Air Force had conducted a thorough investigation.

Having exhausted all other avenues to get this critically needed information for Oregon families, it was my hope that we could command some attention at higher levels of the military by appealing to the soon-to-be most senior officer. General Shelton's staff responded quickly. The Air Force has now proposed an agreement with the National Transportation Safety Board that should provide us the information we seek. It is a solid agreement and we wish to thank the Air Force for the prompt response to this case.

The agreement between the Air Force and the National Transportation Safety Board is supported by the widows and the Oregon families, and provides for a joint, high-level review of the accident involving King-56 and other C–130 incidents. The agreement calls for the team to issue a preliminary report within 90 days. It is our hope the full participation of the National Transportation Safety Board in a manner that assures its independence of action will finally get the families and the widows the answers they have awaited for so long.

I want to yield to my colleague, Senator SMITH. Before I do, I thank the chairman of the Armed Services Committee, Senator THURMOND, and Senator McCAIN, his colleague, and Senator LEVIN, for assisting Senator SMITH and me. In yielding to my colleague, I again express my appreciation and thanks for the opportunity to work together on this matter in a bipartisan way.

Mr. President, I yield the remainder of my time to my colleague from Oregon, Senator SMITH.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I thank my colleague, Senator WYDEN, for yielding. I publicly commend my senior colleague from Oregon, with whom it has been my great pleasure to stand on this issue and ask for justice for our State. I want to point out a very pivotal role that Senator STROM THURMOND played in breaking a logjam, if you will, for the State of Oregon. For a very long time now, Senator WYDEN and I have been trying to get answers from the Air Force for widows and orphans, literally, as to why their loved ones, these airmen, perished in this tragic accident. For one reason or another, we were stalled and put off at every turn.

It was Senator THURMOND who, when he heard of Senator WYDEN's hold on this nomination—and, frankly, my encouragement of that—that he intervened in our behalf. I acknowledge it. I thank him. He asked me to go immediately with him to the cloakroom where we got on the phone with the Chief of Staff of the U.S. Air Force.

We laid out the terms of a deal that will include a new investigation into C–130 air transports generally, and this one in particular. It was promised to Oregon's families, that these widows and orphans would be given the information they need as to why this accident occurred. It was promised that a member of the National Transportation Safety Board would be a part of this investigative team. And I think that is important for the Air Force that has, in my State, lost some credibility. I thank the Air Force for their promise to provide to our State, and this issue generally, the kind of investigation that was conducted for Commerce Secretary Ron Brown, who perished in an accident in Bosnia.

So, I thank the Air Force for responding. I regret it took this level of intervention, but I compliment my senior colleague for his leadership on this. I have been proud to stand with him. I am grateful to Senator THURMOND. I am thankful the Air Force has come around to help us on this issue. I only hope that out of all of this will come information that will protect our men in the Air Force who fly C–130 air transports from this ever occurring again to anyone else.

With that, I encourage my colleagues in the Senate to vote for the confirmation of the Chairman of the Joint Chiefs of Staff and I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, it was a pleasure to work with the Senators from Oregon to resolve this matter. I am very pleased it has been resolved.

EXECUTIVE SESSION

Mr. THURMOND. I now ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination, reported from the Armed Services Committee, Calendar No. 244, Gen. Henry H. Shelton.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF GEN. HENRY H. SHELTON FOR APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF

The PRESIDING OFFICER. The clerk will report.

The bill clerk read the nomination of Gen. Henry H. Shelton to be Chairman of the Joint Chiefs of Staff.

Mr. THURMOND. Mr. President, I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid on the table, any statements relating to the nomination appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered. The nomination is confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WILEY K. CARTER

Mr. COCHRAN. Mr. President, the U.S. Senate lost one of its most colorful and well liked staff members last Thursday night when my administrative assistant, Wiley Carter, died. His sudden and unexpected death at 61 years of age following surgery at a hospital in Jackson, MS, has deeply saddened us all. He began his work with me as manager of my campaign for reelection to the U.S. House of Representatives in 1974. In that turbulent election year, with his good assistance we received over 70 percent of the vote. After the election, Wiley joined my congressional staff in Mississippi where he served as my liaison to local governments and case worker. Two years later he became a member of my Washington staff and soon thereafter became my administrative assistant.

During these 23 years of close association, I developed a deep appreciation for Wiley Carter. His warm good nature was constant, his loyalty never failing, and his enthusiasm an ever present inspiration. He was adept at handling constituents' problems, and he reminded all of us by his example that one of our highest priorities was to help solve the problems of the people of our State and to treat everyone who called on us with respect and courtesy. He really loved his job. He loved people. He loved politics. He loved campaigns. He loved Mississippi State University. But, most of all he loved his family. He cared about his children and his efforts to support and assist them in every possible way were well known.

One experience with Wiley and his wife Gwen, and their children, and their extended family is particularly memorable for me. We were all in Starkville, MS, celebrating the donation of his political memorabilia and papers to the Mississippi State University Library. The love the family members felt for each other was obvious to me, and the pride they had in seeing Wiley's career celebrated with such ceremony—well attended by many friends—was evidence of their deep appreciation of him. And, he loved every minute of it as he should have.

One of his former classmates said to me, "Where did Wiley get any papers? When he was in school at State, he didn't have any papers."

Of course, there were a lot of clippings, photographs, and letters that had accumulated over a career dating from the organization of the Mississippi Young Democrats in the 1950's and the Carroll Gartin and John Bell Williams campaigns for Governor, to the present.

The skills he developed along the way led our mutual friend, Bill Simpson, to say to me recently, "Wiley Carter in my book is the best street politician in Mississippi."

I didn't know whether that was such a high compliment or not until I told Wiley what Bill had said about him, and Wiley said, "You know, that's one of the best compliments I've ever gotten."

In this day of cynicism about politics and government, more Wiley Carters would be good to have. People who devote their energy to doing their best to make our government respond to the needs of ordinary people and respect the opinion of average citizens.

Wiley engendered good will wherever he went. He warmed our hearts, and he put a smile on our faces.

Without Wiley, life will not be as interesting, and political campaigns won't be the same either. He would say, for example, "In a campaign, if you haven't heard a rumor by noon, you ought to start one." Wiley organized a War Room before Lee Atwater and James Carville made the term famous. He was so well-liked by so many in Mississippi and here in Washington too. A Capitol Hill policeman, Andy Anders, was one of the first Washington friends whom I called on Friday morning. Andy had taken his vacation a few years ago to come visit Mississippi at Wiley's suggestion, and Wiley gave him the royal treatment. They walked up to the State Capitol. The legislature was in session. He introduced him to Gov. Kirk Fordice, the Speaker of the House, and many others. Of course Andy was impressed and delighted.

That says a lot about Wiley and his capacity and his sense of duty to reciprocate true acts of friendship and kindness.

There will never be another one like him. We all are so fortunate that we have had the benefit of his unique insights into human nature and his example of loyalty to his friends and family.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I join my colleague to express my sadness at the loss of our friend and THAD's administrative assistant, Wiley Carter. I extend my sympathy to Senator COCHRAN and his staff, and certainly to the family and all the many friends that Wiley Carter had in Mississippi.

Senator COCHRAN did a wonderful job of talking about his indomitable spirit. He was a lovable guy, a great pleasure to be around. He was a friend of mine. And on many occasions when I needed advice and counsel, I can remember seeking out Wiley Carter. He did always have good spirits. I have never seen anybody who actually enjoyed Government and politics, which is the art of Government, any more than Wiley Carter. He was dedicated to maintaining an America in which we want our children to grow up. I am not the only person to note that more Wileys would serve us all well.

In the initial part of his 40-year career, Wiley worked for the State's economic development department, the Mississippi Democratic Party, former Lt. Gov. Carroll Gartin and former U.S. Representative John Bell Williams of Mississippi. But it was during his 23-year stint as Senator COCHRAN's administrative assistant that people throughout Mississippi knew him best.

Wiley spent much of that time crisscrossing our State, listening to its citizens, and working on THAD's behalf to carry out their mission. People trusted Wiley. They were comfortable sharing their concerns with him, and they knew that their words would go straight to THAD's ear.

THAD and I were not the only ones who counted on Wiley's knowledge. Very few people knew more about Mississippi politics than Wiley, and in past years, few young political hopefuls in our State have considered a run for office without first consulting him. He also provided advice and perspective for many who had been around for quite a while, and he did it with his infectious smile and sense of humor.

His wit always seemed to put political life in perspective. While running Senator COCHRAN's Senate race, Wiley quipped, "In a campaign, if you haven't heard a good rumor by noon, you better start one." Needless to say, Wiley knew how to have fun in serious situations, and he always got the job done.

Wiley's outstanding work and invaluable knowledge were not the only reasons he was well loved by Mississippians. Many benefited from his tireless work as an ambassador for his beloved Mississippi State University. Wiley was a servant of the people, and he was one of them.

He is best described as the kind of person who never met a stranger or knew an enemy. He reached out to individuals at all levels, and his friendliness was contagious. Quite simply, everyone liked Wiley.

I understand that the church in Jackson couldn't hold all those who showed up yesterday to pay tribute and show appreciation for Wiley. To anyone whose life he touched, this is no surprise.

There is not a story that can be told or a memory brought to mind about Wiley that wouldn't bring a smile to the faces of those who knew him, which is a tribute in itself to his character. Wiley will be sorely missed, but more importantly, he will be fondly remembered.

I am sure all my colleagues in the Senate join me in extending condolences to the members of his family, to his friend Senator COCHRAN, and to the many others who loved him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I know we all join in expressing those feelings about Wiley. They were so adequately and eloquently expressed. We appreciate that.

UNANIMOUS-CONSENT AGREEMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate reconvenes at 2:15 there be an hour for debate only on the FDA bill to be equally divided between Senators JEFFORDS and KENNEDY, and immediately following that hour the Senate will resume the Interior appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. ASHCROFT). The Chair, in his capacity as a Senator from the State of Missouri, asks unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

For the pending request for unanimous consent, no objection being heard, without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 1:25 p.m., recessed until 2:14; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I yield 10 minutes to the Senator from Connecticut.

Mr. DODD. Mr. President, I thank the Chair and I thank my colleague from Vermont, the chairman of the committee.

Let me begin these brief remarks by commending all of our colleagues on the Labor and Human Resources Committee. This has been a long process, 2½ to 3 years. The Presiding Officer is a member of this committee as well and all have worked very hard, I think, to bring a bill which I think most would agree is a very good bill.

There obviously still are some issues that will have to be resolved, but this has been a very fine product that has been assembled by both Democrats and Republicans for the first time in several decades of reforming the Food and Drug Administration and the processes by which we bring important pharmaceutical products and medical devices to patient groups and individuals across this country in an efficient, safe, and expeditious fashion.

Let me begin as well by thanking our colleagues for their overwhelming support earlier today of the cloture motion to proceed with this bill. Mr. President, 94 Senators, of both parties, loudly and clearly told us they are ready to move forward to reauthorize PDUFA and begin debating the other critical reforms this bill contains.

There is no Federal agency with a more direct or significant impact on the lives of the American people than the Food and Drug Administration. The foods that we serve our family, the medicines we take when we are sick, even the drugs we give our pets are all approved and monitored by the Food and Drug Administration. We must not lose the opportunity that we have before the Senate today to enact legislation that ensures that the FDA has the authority it needs to bring safe and effective products to the American people quickly, efficiently and safely.

I again thank both Senator JEFFORDS and Senator KENNEDY for their perseverance on this issue. Time after time they have been willing to return to the bargaining table after many others would have just walked away. With open minds and good faith they have extensively negotiated this bill line by line.

Mr. President, we have now come to a point where issues on which Members were previously completely polarized—third-party review of medical devices, off-label dissemination of information, health claims for food products, the number of clinical trials needed for drug approval, and just today, national uniformity of cosmetics—we have now reached agreement.

I don't know that any of us would have thought unanimity possible on these provisions even a month or two ago. Yet here we are, this afternoon on this day, with full agreement on all but a handful of issues, or less.

I know we have a better bill for all the arduous negotiations that have occurred. As an example of how far we have come, let me just briefly describe third-party review of medical devices. The bill would expand the pilot program currently administered by the FDA. This is a program, I should note, that is supported by the FDA as a way to make more efficient use of its resources.

In last year's debate on this issue, which many may recall as being one of the more acrimonious, we were told that this provision was a nonstarter, no room for compromise, subject closed.

This year, I am pleased to say a spirit of bipartisanship and compromise has prevailed. Senator HARKIN, Senator KENNEDY, and Senator COATS, the Presiding Officer, worked diligently to draft language that ensures that higher risk devices are not inappropriately included in this pilot program and that strong conflict of interest protections are in place.

Late last week, again on an issue that appeared unresolved, national uniformity for cosmetics, we have reached agreement. Senator GREGG of New Hampshire has offered what I think is a very reasonable compromise. In the area of packaging and labeling, States can continue to regulate where the FDA has not acted. Conflicting State requirements that could confuse consumers will be removed. But where the FDA has not chosen to act, where it does not have either the manpower nor the authority to protect the public, States can still play their historic role in regulating cosmetics.

This is the kind of effort, Mr. President, made over and over again on this bill—some 30 times just since the markup 2 months ago that we have made improvements in this legislation. A great many of us take pride in the product that we have created—a bill that would speed lifesaving drugs and devices to patients and that clearly retains the FDA as the undisputed arbiter of the safety and effectiveness of the products.

I will speak about some of the positive reforms contained in this bill, as well.

At the heart of this bill is the 5-year reauthorization of PDUFA, the Prescription Drug User Fee Act, a piece of legislation remarkable for the fact that there is unanimous agreement that it really works. PDUFA has set up a system of user fees which drug companies pay to the FDA. These fees have enabled the agency to hire more staff. As a result, drug approval times have been cut almost in half, getting new and lifesaving therapies to patients more quickly.

In addition, by improving the certainty and clarity of the product review process, S. 830 encourages U.S. companies to continue to develop and manufacture their products in the United States, not an insignificant matter. The legislation emphasizes collaboration early on between the FDA and industry during the product development and product approval phases. This will prevent misunderstandings about agency expectations and we think should result in quicker development of approval times.

Mr. President, in addition, S. 830 establishes or expands upon several mechanisms to provide patients and other consumers with greater access to information and lifesaving products. For example, the legislation will give individuals with life-threatening illnesses greater access to information about the location of ongoing clinical trials of drugs.

Based on a bill originally championed by Senators SNOWE of Maine and DIANNE FEINSTEIN of California, I offered an amendment in committee, which I was pleased to see adopted, to expand the existing AIDS database to include trials for all serious or life-threatening diseases.

Experimental trials offer hope for patients who have not benefited from treatments currently on the market. Currently, patients' ability to access experimental treatments is dependent on their spending large amounts of time and energy contacting individual drug manufacturers just to discover the existence of trials.

Mr. President, this is not a burden that we should place on individuals already struggling with chronic and debilitating diseases. This database will provide one-stop shopping for patients seeking information on the location and the eligibility criteria for studies of promising treatments.

Mr. President, I am particularly pleased that this legislation incorporates the Better Pharmaceuticals for Children Act, legislation originally introduced by our former colleague from Kansas, Senator Kassebaum, and now cosponsored by myself and Senator DEWINE of Ohio, along with Senator KENNEDY, Senator MIKULSKI, Senator HUTCHINSON, Senator COLLINS, and Senator COCHRAN.

This provision, Mr. President, addresses the problem of the lack of information about how drugs work on children, a problem that just last month President Clinton recognized publicly as a national crisis.

According to the American Academy of Pediatrics, only one-fifth of all drugs on the market have been tested for their safety and effectiveness on children. This legislation provides a fair and reasonable market incentive for drug companies to make the extra effort needed to test their products for use by children.

It gives the Secretary of Health and Human Services the authority to request pediatric clinical trials for new drug applications and for drugs currently on the market. If the manufacturer successfully conducts the additional research, 6 extra months of market exclusivity would be given.

I recognize that there are a few matters unresolved in this bill despite the best efforts of all involved, and we will need to hold votes on those issues. One issue, which I plan to discuss further when we debate the bill this week, involves section 404 of the bill, which relates to the FDA's medical devices. This provision, the so-called labeling claims provision, clarifies current law by stating that while reviewing a device for approval, FDA should look at safety and efficacy issues raised by the use for which the product was developed and for which it was marketed.

Again, this is current law. Unfortunately, in a few instances the FDA has inappropriately expanded the scope of its review by requiring manufacturers to submit data on potential uses of the product. Some have raised concerns that under this provision a manufacturer could propose a very narrowly worded label for a device and that the FDA would be barred from asking for information on other obvious uses.

I don't believe this is the case. The FDA retains its current authority to not approve a device if features of the device raise new questions of safety and efficacy. Clearly, if a bad actor device manufacturer attempted to get a misleading label past the FDA, the agency would have full authority to disapprove the product.

Again, I urge, on this matter, that some common ground be sought to see if we cannot resolve this, but I do believe the present legislation is more than adequate to protect the concerns that have been raised about a use for a device beyond what its intended purpose would be.

I was pleased to join Senator JEFFORDS, the chairman of the committee, as the first Democratic cosponsor of this bill. I thank him again for the hard work and long hours that he and his staff, as well as Senator KENNEDY, Senator MIKULSKI, Senator WELLSTONE, Senator COATS, Senator GREGG and others, have contributed.

Mr. President, this has been a long process, and while there are still some outstanding issues, I think this committee deserves a great deal of credit for having been open to the suggestions of others. There are about 50-some-odd amendments that are kicking around that may be offered. I don't know how many will actually survive the germaneness test when they are raised, but I hope, for those who are bringing up new matters here that we have not had a chance to look at, that they would reserve those unless there is an overwhelming need for them. In many cases, if the matters had been brought before the committee earlier, we might have been able to handle them.

We have a few days left to get the bill done. PDUFA goes out of existence on September 30. We have been 2½ years at this now. My hope is we will not delay this to such a degree that we lose a historic opportunity to make a difference. When it takes 14 to 17 years to get some cancer treatments approved, there is something fundamentally wrong with that kind of a process. We ought to be able to make it far more efficient than that and also be able to provide people with the safety that they demand. It is a wonderfully encouraging thing in this country, when we think how many places we go and how many products we ingest and how many products we apply to our bodies and to our children and families, that we have a high sense of confidence that when we do that, it is safe and, by and large, efficient and effective. We don't want to lose that.

We also believe in this day and age with all the technology available to us that we ought to be able to not give up on safety or efficacy and be able to move that process forward.

I thank my colleague from Vermont for yielding.

Mr. KENNEDY. Mr. President, I yield 7 minutes to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Massachusetts for yielding.

We can all remember 2 years ago when there was a debate on Capitol Hill about closing down the Federal Government. Rush Limbaugh and people like him went on the radio and said, "Go ahead and do it, no one will notice. No one will notice if you close down these Federal agencies. They are just a drain on the Treasury and our tax dollars."

But the agency that we are talking about today is an agency you would notice immediately—immediately—because the Food and Drug Administration, as small as it is by Federal standards, is one of the most important. There is not a single thing you buy in the drugstore or look at in your medicine chest at home that the Food and Drug Administration has not taken a look at to make sure it is safe for you, your kids, and your family.

That is why this FDA reform bill is so critically important to this Nation to make sure we make this agency more efficient. I want to salute the Senator from Vermont and the Senator from Massachusetts. They have had their differences on issues, but I think most Senators, Democrats and Republicans, agree reform is needed. This bill is a step in the right direction.

It is in that spirit that I will offer several amendments. Let me tell you about two that I think people should take notice of. If you went out today and decided to buy a car for your family—a few years ago I went out and bought a Ford—you will have your name and address entered into a computer. If at some later date something is found wrong with that car, the brakes are faulty or there is some mechanism on the door that is not safe, they will notify you, they will track you down, and they will send you a notice. A lot of Americans have received them, "Come on in to our shop, and we will fix your car." That is reasonable. None of us want to drive an unsafe vehicle.

My amendment says is it not now reasonable, when it comes to heart valves and pacemakers and items like that, that we do the same thing? If you or your loved one is told by the doctor you need a pacemaker, you think long and hard about it but say, "Doctor, if you think that is what I need to live, so be it." You go through the surgery, and everything works out just fine. Wouldn't you like to be on a list somewhere so that if a defect is found in that pacemaker 6 months, a year, or 2 years later, that you can be notified? That is what my amendment says. Track and surveillance, find the customers that use the products. If there is a change, let the customers know, let the people know, so they can go back to their doctor, back to the hospital. I don't think that is unreasonable.

The second thing is we want to move some of the drug surveillance, for example, and drug approval off the Food and Drug Administration campus and take it to third-party reviewers. Now, this is being done in Europe and other places. It is not unreasonable that we would go to a laboratory and say, "You do the testing, you read the results; you tell us whether this drug is ready for the market." I think that is a reasonable thing for us to try to do, under supervised circumstances. But my amendment says let us make certain, absolutely certain, that this third-party reviewer does not have an economic interest in the drug company seeking approval. Would you trust a reviewer who just happened to have a thousand shares of stock of the company making the product that he is deciding whether it will go to market or not? Would you have second thoughts if that person was being offered a job by the same company whose drug he is reviewing just happened to get a vacation in the Caribbean last summer at the expense of the same company?

Conflict of interest statutes are important here. If we are going beyond the Federal Government and we are going to have private laboratories doing this, for goodness sakes, let's be certain that their judgment and decisions are based on sound science and not on financial gain. That is what my second amendment will do.

I think these will move us along toward making the FDA an even better agency. There are a lot of critics of the Food and Drug Administration. I have worked closely with this administration for over 12 years. Some of the finest people in Government are working out there. Sometimes they are frustrated that we wish they would bring things to market more quickly. Did you read the newspaper this morning? Occasionally, things are moved to the market that aren't safe. Thank goodness, the FDA can say it is time to take the item off the market, or decide the benefits are not outweighed by the problems this drug creates. We have to keep this agency strong and independent and above political criticism. The two amendments which I will be offering on the floor are an attempt to do that.

I thank the Senator from Massachusetts for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 25 minutes, 20 seconds under his control.

Mr. KENNEDY. I yield myself 20 minutes, Mr. President.

The PRESIDING OFFICER. The Senator is recognized for 20 minutes.

Mr. KENNEDY. Mr. President, I thank my colleague and friend from Illinois for reminding us how important this debate is here on the floor of the U.S. Senate. We are talking about the agency of Government that has the prime responsibility for protecting the health of the American consumer. We all have an interest in making sure that medical products are available earlier. Every one of our families have benefited from the innovation and resourcefulness of the medical device industry and from the advances of pharmaceuticals. I doubt there is any Member of the body that has not. So all of us want to be able to make sure that medical advances will be available to the American public.

We are in a situation today where the United States through the FDA is leading the world, in terms of approving new drugs as well as medical devices. That has changed from recent years. I think all of us have seen some very dramatic and important progress made in recent years. As I have said many times before, I want to give a tribute to the chairman of our committee who has worked tirelessly on this issue. He has brought together those individuals on our committee and outside that have differing views, all struggling to try and advance the interest of the public health. I think he has made remarkable progress in moving us forward to where we are today. But there are important remaining items that I hope we can dispose of in the Senate within a reasonable time period so that the process could move forward. I take exception from the understanding of the language that has been included in this bill with regard to ensuring that the consumers of medical devices and users of medical devices have the kind of protection that has been referred to here by my friend and colleague, the Senator from Connecticut, and others.

I have here, Mr. President, a letter from the Secretary of Health and Human Services, which indicates that they have four major concerns with this particular legislation. One of them was the area of cosmetics. Another area is environmental considerations, and another area is device manufacturing procedures. But the other important area is the one that I am going to address here today, and that is what I call the safety issue, the fen/phen issue as it applies to medical devices.

The Secretary, speaking for the President of the United States, has identified this as being a major issue. So when others gather around and say, "Look, we have debated this and discussed it, why are we bringing these matters up in this debate at this time?" The reason that we are bringing it up is, as the Secretary of Health and Human Services has recognized, there are very powerful health consequences we ought to take note of and deal with and that we ought to alter and change.

It isn't only the Secretary of HEW. Here is the National Women's Health Network, who points out:

> The network is extremely concerned with the section 404, which prevents FDA from requiring medical device companies to perform complete reviews on the safety and effectiveness of a medical device. This must be amended to give FDA the authority to verify that the label is not false or misleading. Section 404 is a serious danger to women's health, which must be fixed before S. 830 is acted upon by the Senate.

Then the Patients' Coalition indicates a similar concern. It outlines probably eight or nine major issues and section 404 is one of them.

The Consumer Federation of America wrote:

> We are writing in support of your amendment to change section 404 to prevent serious injuries to patients and consumers from medical devices with false or misleading labels.

This isn't just the Senator from Massachusetts that is saying this. Here is the Secretary of HEW saying it. Here are the primary groups defending women's health and consumers' health, all who have joined in recognizing the dangers that this particular provision provides, and why it is so important that we are going to change it and alter it.

The Consumer Federation says:

> Section 404 has been crafted to permit medical device manufacturers of class II devices to limit FDA's review of the safety and effectiveness of a device based upon conditions of use listed on the label. Even if it were clear from the device's technical characteristics that its real use would be for risky purposes, FDA would be prevented from looking beyond the conditions of use on the label.

There it is. That is what the issue is. The Consumer Federation understands it. They are pointing out that 404 was crafted to permit the device manufacturers of class 2 devices to limit FDA's review of the safety and effectiveness of a device based upon conditions of use listed on the label. Even if it were clear from the device's technical characteristics that its real use would be for risky purposes, FDA would be prevented from looking beyond the conditions of use of the labels.

That is what we are addressing, Mr. President, and why this is important. Mr. President, all we have to do is look at today's newspapers. Look at this morning's newspapers, the Washington Post, Wall Street Journal, all across the Nation, talking about the off-label use of pharmaceuticals, those pharmaceuticals that were used on an off-label basis. That is similar to the issue we are talking about here today with regard to medical devices, the off-label use of medical devices.

But the issue that we have before the Senate this afternoon is more insidious. Why? Because it says that if a medical device company is submitting an application for a certain use, FDA can't look at any other uses even if there is a clear intention—and we are glad to spell out what that criteria would be—for example predominant use—to use the device or market the device for another use. That is what we are interested in—having FDA look at the safety and efficacy of a use clearly intended by the design of the medical device.

I am going to illustrate this in just a few moments. The issue is whether the FDA has the authority to look at whether that medical device has been tested for the off-label use, which is the clear intention of the medical device company. And the answer is, no, they cannot. This isn't off-label use of two products that are being put together and then prescribed by various medical professions. This is the guardian of the American public, the FDA, that is being denied the ability to look beyond the label at the technological differences of a device in terms of safety and effectiveness. That is the issue.

Now, there are those that say—and we heard the argument by my friend from Connecticut—that FDA inherently retains that power. If they do, let's spell it out. If we spell it out, we haven't got a problem. But the Secretary of HEW does not believe they have the inherent power. The Consumer Federation doesn't believe they have the inherent power. The various patient groups don't believe they have the inherent power. The various groups that are out there protecting the public, virtually none of them believe they have the inherent power. If they have it, let's spell it out. We can work that language out. We have been attempting to do that for a considerable period of time, but we have not been able to do so.

The answer on the other side is, well, we can't anticipate every possible use that a medical device might have and we are not going to submit safety data for every possible use and that FDA shouldn't get in the minds of various doctors using that medical device, for whatever purpose. That is not the argument. That will be the argument you will hear out here on the floor of the Senate. That isn't what we are talking about.

We are talking about a limited number of medical device companies that will go to FDA and abuse this process because they are able to get through the process with a label that in so many respects matches a previously approved one, but the medical device has an entirely different technology that clearly indicates a different intended use. That is what we are talking about.

For example, the new lasers that are being approved by the FDA labeled as general lasers that are for cutting various tissue, but clearly designed to treat prostate cancer. We want the FDA to be able to say, if you are going to use that for prostate cancer, we want to make sure that it is safe and efficacious. We don't want to permit the medical device industry to submit false and misleading statements.

That is a powerful statement. But I daresay if they are going to submit a statement that says they are going to use a particular medical device for one purpose and FDA can demonstrate that the company has intended the device for another purpose, and they are already involved in, advertising and promoting that particular medical device in countries all over Europe for an entirely different purpose, I say that is false and misleading. The Members of the U.S. Senate are going to have a chance to decide whether or not they are going to stand and say we will not permit the medical device industry to submit false and misleading information on labeling. We will see how that vote will go.

We include false and misleading under what they call the PMA's, which means the various medical devices that have to go through a more elaborate procedure. We have protections against false and misleading advertising on that. But we are going to say that the American public shouldn't be assured that when the medical device industry submits a particular product, that they do not submit information that is false and misleading. And what we mean by that is that they have an intention to use that various medical device for an entirely different purpose for which there have not been adequate safety standards established or safety records advanced. That is the issue, Mr. President.

That is a very, very important health issue. It is a very important one. You can say it is only one section out of a whole piece of legislation, but it is very important. First of all, let me review very quickly about how medical devices are approved in the FDA, so that we understand and put this into some criteria.

I want to go through examples of some of the problems that we are facing today. I'd like to let the American people make judgments and decisions about whether they think adequate safety information should be available for digital mammography and digital diagnostic x rays. Let the American people judge whether these devices should be used in surveying women who may have cancer when they haven't been approved for that.

Mr. President, let's get back to where we are today. In the light of today's revelations about fen/phen should we be thinking about a provision in this bill that would allow device manufacturers to get their products approved for off-label use on the basis of a false and misleading label.

There are two stories in the Wall Street Journal—one yesterday and one today—as well as one in the Post today, which tell us why the Senate should give a resounding "no" to this fen/phen device division.

The first article explains in detail how an unscrupulous drug company engaged in a broad conspiracy to illegally promote the use of a product for treatments that have not been shown to be safe and effective. This conspiracy involved the laundering of money, deceptive deals, and hospital physicians' coercion of honest employees who objected to these corrupt practices. Fortunately, companies which engage in these kind of fraudulent practices are the exception rather than the rule. But it is precisely the exceptions that make a strong FDA so critical.

The second story outlines the tragic results of off-label use of two approved drugs, dexfenfluramine and fenfluramine. These two drugs, used in unapproved combination for weight reduction, were found to have caused irreversible heart damage in thousands of women. In addition, there are early revelations that fenfluramine phentermine, known as fen/phen, had also caused severe heart damage.

This is truly appalling—women receiving medical assistance for weight reduction, assistance they have been led to believe was entirely safe but which has not been tested adequately for that use—ended up suffering severe heart damage.

The provision that is before us, rather than increasing protection for American consumers against products that have not been safe and effective, would actually reduce those protections. It would permit a device manufacturer to design a product for one use and falsely claim on the label submitted to the FDA that the device was for a different use. The FDA would be barred from protecting consumers. It would require the FDA to accept the manufacturer's label at face value. The FDA under this legislation has to accept the labeling that the manufacturer has put forward, even if it were false or misleading. Fen/phen should teach us that the American consumers deserve to be protected against unsafe product uses. But the provision before us goes in exactly the opposite direction. That is why the President has threatened to veto it. That is why a broad coalition of consumer health groups oppose it. And that is why the Senate should reject it.

Mr. President, as we know, there are two categories of medical devices. Let me give a brief explanation of how the FDA regulates and clears medical devices for marketing. It will help clarify the need for this amendment.

Under the current law, the manufacturers of new class I and class II devices get their products onto the market by showing that they are substantially equivalent to devices already on the market. For example, the manufacturer of a new laser can get that laser onto the market if it can show the FDA that the laser is substantially equivalent to a laser that is already on the market.

Similarly, the manufacturer of a new biopsy needle can get that biopsy needle onto the market by showing that it is substantially equivalent to a needle already on the market. These manufacturers are obligated to demonstrate substantial equivalence to the FDA by showing that the new product has the same intended use as the old product, and that the new product has the same technological characteristics as the old product. If the new product has different technological characteristics, these characteristics must not raise new types of safety and effectiveness questions in order for the product to still be substantially equivalent to the older product.

So, if the product is substantially equivalent and doesn't raise new safety effectiveness questions, it moves on through. The logic of the process for bringing medical devices onto the market is simple. If the product is very much like an existing product, it can get to market quickly, but if it raises new safety or effectiveness questions, those questions should be answered before it gets on the market.

This process for getting new medical devices on the market, commonly known as the 510(k) process, is considered by most to be the easier route to the market. That process accounts for how 95 percent of all devices get to the market. Devices that are not substantially equivalent class I or class II devices already on market must go through a full premarket review. Thus, device manufacturers have an incentive to get new products on the market through the 510(k) process. In fact, well over 90 percent of the new devices get on the market through the submission of a 510(k) application. Section 404 of the bill prohibits the FDA from requiring safety and effectiveness data on any device following the 510(k) route except for uses the manufacturer chooses to put on the label, even if the label is false and misleading—even if the manufacturer says, "We are just going to use it for cutting tissue, we are not going to use it for prostate cancer," knowing full well that they intend to use it for prostate cancer. All the world knows that they are going to use that device for prostate cancer. The FDA is prohibited from saying, "Let us see where the safety is." Where is the safety information on that? That, Mr. President, is the issue.

Let me give you a few more examples.

On the biopsy needle for breast tumors, the needle is labeled for performing a biopsy. But the design clearly indicates that it is designed to remove tumors. Here you have a case where you have a small needle with a very narrow opening at the one end which is used for testing a biopsy of a particular tumor. Now the manufacturer comes in with a much broader needle, a much wider needle, and says, "Look, our needle is for the same thing, just to biopsy the tumor." The design clearly indicates that it is built to remove tumors. Under the bill language, FDA could not ask for safety and efficacy data for the needle's use for tumor removal, even though that is clearly indicated by the designer of the device. The company comes in, and says, "Look, we have a biopsy needle right here. Sure, ours is a little larger. But this biopsy needle is really absolutely intended to do the same thing as the others out there and, therefore, we are substantially equivalent," even though they are out there advertising that this needle can be used for removing a tumor. They don't have to provide any safety information about how safe or effective that device is for the removal procedure.

There is also the "laser for cutting" issue. The labeled use is for general cutting. But the laser has been adapted specifically and clearly to cut prostate tissue. Under the bill language, FDA could not ask for safety and efficacy data for cutting prostate tissue.

Digital mammography is currently approved and labeled for diagnostic x rays—which are used to confirm the suspicion of a breast tumor. If digital mammography is clearly going to be used for screening, based on the design of the instrument, which requires a higher degree of accuracy, FDA should be able to look at the effectiveness of that technology for that use. Without this assurance, too many women may undergo biopsies or be misdiagnosed. But this bill would prevent FDA from asking for the data needed to protect women.

Orthopedic implants—plates and screws for long bones—some implants are made to be removed after the bone has healed and, therefore, labeled for short-term use. But if the FDA determines from the design of the device, or from the particular materials that the implant will clearly be left in the patient on a long-term basis, FDA should be able to ask for safety and efficacy data. For example, how does the bone react to having the implant there over a long period of time? Is the bone weaker? But this bill would prevent the FDA from asking these questions.

Mr. President, I can go on, and will go on when we have the more general debate. But these stories exemplify the issue. The issue is safety. The issue is protecting the safety of the American consumer in regards to the use of medical devices which clearly demonstrate that the dominant use of those medical devices differs from what is put on the label.

It would surely seem to me that men and women of reason would be able to work this out in a spirit of order to provide those protections. But we have been unable to do so. Being unable to do so we should understand the real implications. As when you have the off-label use of fen/phen, and the concern of the American people and all of the newspapers all over the country. You would think that here in the U.S. Senate we would be thinking about how we are going to provide further protections for the American people instead of fewer protections. Here in this particular medical device provision, we are hamstringing the FDA and its ability to gather data on safety and efficacy when it is so clear that the devices are going to be used for in a manner that differs from the one claimed.

That is why many of us—not only the administration, but many public health groups and organizations that represent women—have been so concerned about this issue.

I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized to speak for 10 minutes.

Mr. JEFFORDS. Mr. President, I think I would like to talk a little bit about where we are right now in the process.

We had an agreement this last weekend which would have allowed us to dispose of this bill without the necessity of going through the cloture process. But then fen/phen happened. All of a sudden the Nation is alarmed and concerned, and reasonably so. But to bring the pharmaceutical fen/phen issue into the device issue is disingenuous. The situation with fen/phen is that two different, approved drugs were used in combination on the basis that doctors found out that when used in combination they were more effective in achieving their purpose of reducing weight. It was determined by some astute doctors who noted that there were some problems being caused with respect to heart valves that there was a relationship between those problems and the drug combination. This was brought by the doctors to the attention of FDA, and the FDA immediately alerted the marketplace and called for a prompt in-depth evaluation. On the basis of further data the companies voluntarily removed them from the market.

Now we are talking about a very, very different issue when it comes to the device issue discussed by the Senator. For instance, let's go back to fen/phen. If a drug company had to test its drug in combination with every other drug that is on the market with which it might reasonably be expected to be used in combination, it would take decades before anything would be approved. Right now I have had a whiplash. I am taking two different drugs to manage the injury. But I don't think anybody has done a study to figure out whether Ibuprofen and the other drug I am taking is going to create some problem for me. I hope they don't spend all of that time researching that question because we would never get anything approved. That is certainly the case with the devices, we must not allow the FDA to endlessly question device manufacturers about how physicians might or might not use their product in the future, especially if the manufacturer does not seek permission to market or promote for that use.

Again, we had an agreement going into this week that we would argue this device thing out, and then we would vote on it. Now that is off because of fen/phen. So we are now in the a post-fen/phen situation.

But let us remember that we just had a vote. It was 94 to 4 that we ought to go forward. Why? Last week we were delaying consideration over 6 pages of a 152-page bill, we are now talking about 2 pages of a 152-page bill. I agree that section 404 is an important issue. We need section 404 to correct problems at FDA.

Also, I am concerned that my good friend from Massachusetts is getting into an emotional argument about the security of people in this Nation, and that somehow we are threatening their security by this particular provision—I have been chastised in my own State, and perhaps the country, saying I am threatening the lives of all Americans with this bill. That is life in politics. You have to take that.

Let me talk about the issue that we have with respect to the devices.

While the past has been marked by advances for both patients and the economy, the present is increasingly troublesome, and the future is by no means assured. For both premarket-approved products and the 510(k) product—that is, nearly identical products—the FDA's review requirements have become more burdensome and are taking more time. This has resulted in the delay of approving new devices. That is the issue here. Should we have to wait years to get something which will help us, help our health, help save our life, because FDA wants to explore hypothetical uses of the product by physicians, acting on their own initiative?

This has resulted in the delay of approving new devices. Furthermore, the current regulatory system is not keeping pace with medical innovation. U.S. patients face delayed access to the newer, more advanced generations of devices. In some cases, Americans are going abroad to take advantage of these technologies. U.S. device firms are themselves moving production and research facilities to other countries.

A study conducted by Medical Technology Consultants, MTCE Ltd., found that patients in the United States wait up to three times as long as their European counterparts for Government approval of new medical devices. The study also found that higher risk, breakthrough medical devices were approved in Europe within 80 to 120 days, provided the manufacturer has passed an EU facility inspection, which is completed within 120 days. Similar devices take an average of 773 days to be approved in the United States. New lower risk devices entered the European market with no delay once a manufacturer has passed the initial facility inspection. Similar devices take an average of 178 days to be approved in the United States.

The FDA already takes four times as long to approve breakthrough medical devices as is allowed by U.S. statute—it has to do them faster—according to the Health Industry Manufacturers Association, HIMA. The approval times for these devices have nearly doubled since 1990. The FDA's record on approving incremental improvements to existing devices is similar, with approval times also nearly doubling since 1990. Manufacturers will not continue to research and develop devices in the United States—they will all be overseas—if they face such egragious delays. Patients presently have to wait for devices stuck in the FDA's pipeline, and manufacturers have little incentive to bring new devices into that pipeline in the first place.

According to another study conducted by the Wilkerson Group, a New York-based independent consulting firm, FDA delays in approving devices will lead to the loss of U.S. jobs to nations where approval processes are more streamlined—an estimated 50,000 jobs over the next 5 years. Governments in Ireland, the Netherlands and elsewhere have already begun to highlight the impediment of FDA regulatory delay in their marketing materials to attract United States businesses overseas. Such actions will erode our Nation's medical research infrastructure over time.

So we are going to be getting them all from Europe. That is not going to help us obtain better health care for our citizens.

I would say one of the problems we have had, and the reason we have PDUFA and everything else, is to try to help the FDA be more efficient and effective in getting through their duties. It is important that we become more effective and efficient in reviewing these devices. I point out we here in this country have a wonderful record, but it can be a better record.

Certainly another thing I would like to point out—why are the patients' representatives in favor of amendments that we have and consumers opposing them at times? Because consumers, obviously, are looking at it from a different perspective. They are not ill. They don't need it. So they say, "Don't do anything that might hurt us. It is better to be safe and take a long time and delay it, than it is to put it on the market." That's fine. But if you are a patient, you say, "Hey, wait a minute. I am willing to take a little risk. I am willing to take a little risk. I'm in bad shape." So you have to keep those things in mind when you listen to the arguments. In most all the cases, the patients certainly are on one side, in a sense, and the consumer is on the other.

With that, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. KENNEDY. I yield 1 minute to the Senator from Rhode Island.

Mr. REED. I thank the Senator from Massachusetts for yielding time. Very briefly, what we have done in the overall FDA law is create an incentive for companies, under section 510(k) to get approval of class I and II devices, to go out and pick out existing devices and say the new device is substantially equivalent. This, I think, provides pressure for companies to go out and simply say we are going to do exactly what these other devices do, even though their new design might have many more capabilities. This is not an academic problem.

Take, for example, the issue of a biopsy needle. Typically these needles are very small. They remove a very small amount of tissue, about the size of a pencil tip. If the FDA was presented with a new biopsy needle that was claimed to be simply for biopsy of tissue but in fact removed 50 times that amount of tissue, a much, much larger bit of tissue, the suspicion would be that this is not just for biopsies, it's actually to remove the lesion. Yet under this law, today, as we speak, they could not look behind that claim on the label. They could not look behind it and say, give us some data about the removal of lesions. This is a serious public health problem. That is what we are addressing today. I hope, with Senator KENNEDY's direction and leadership, we can resolve this along with Senator JEFFORDS and his colleagues. I yield the remainder of my time.

Mr. JEFFORDS. I yield to the Senator from Indiana 2 minutes.

Mr. COATS. Mr. President, I don't intend at this particular point to get in a specific discussion over section 404. I just urge—clearly, there is a differing point of view. We heard from Senator DODD from Connecticut, who was involved in the drafting of the bill; and Senator JEFFORDS from Vermont, the committee chairman, explained this. This was someone who was directly involved in the 404 question and has been drafting the language and negotiating the language. This is clearly an issue we are going to have to address. The committee debated it. There has been negotiation subsequent to that. We are now in a position where we are going to have to agree to disagree. I just urge the Senator from Massachusetts, at the earliest possible time—I know it can't be done today given the problems we have with scheduling the Interior appropriations bill—to bring the amendment to the floor and then let us have the debate and then let the Senate work its will by vote and then go forward. Hopefully, this is not something that is going to further delay passage and then implementation of FDA reform.

Every day we delay, many things happen, most of them bad. No. 1, we move ever closer to September 30, at which time the PDUFA, the drug prescription user fee which is used to provide the individuals with the resources necessary to expedite drug approval, expires. That expires on September 30. The House has yet to act on this. They are waiting for the Senate to act. We are trying to wrap up appropriations bills. The clock is ticking and we need to move forward with this so we can allow the House to go forward, get into conference, get the bills back here.

I wonder if I can ask additional time from the Senator from Vermont? Maybe an additional minute or two. I don't know how much time is left.

Mr. JEFFORDS. The Senator can have whatever time he wants.

Mr. COATS. I thank the Senator from Vermont.

Mr. President, it is going to be extraordinarily difficult for us to finish our business on this bill, unify the different positions between the House and the Senate, and get the legislation to the President of the United States before September 30 so we do not have to lay off people at FDA, so we do not have to further delay review of devices and drugs and health-saving and health-improving and lifesaving products for the American people. That is what all this is about, is expediting the process; not to short-circuit the process but just to bring some efficiencies to the process.

The United States lags dramatically behind our foreign competitors. But more important than that, we have American citizens who are being denied access to health-improving and lifesaving drugs and devices because of this huge backlog at FDA. So, we can continue to go through these debates, as the Senator from Vermont said, 2 pages out of 150 pages—an important part but a small part of the entire, overall reform bill.

I hope we can come to some reasonable agreement in terms of bringing forward amendments; where there are disagreements, agreeing to a time limit on debate of those amendments, let each side present their case and then let the Senate vote on the matter and then move forward. Delay, delay, delay simply postpones what is, or at least what I believe is, inevitably going to happen and what should happen. That is that a majority of the Members of the U.S. Senate, on a bipartisan basis, and a majority of the Members of the U.S. House of Representatives, on a bipartisan basis, and the vast majority of the American people, want to see changes in the current FDA so they can bring lifesaving devices and drugs and health-improving devices and drugs safely but efficiently to the marketplace so that people can utilize those without having to get on a plane and go to Mexico or a foreign country, so we do not have to keep shifting manufacturing facilities and jobs out of the United States into areas which have a more reasonable and effective review process.

Many of us thought the device section was resolved and closed and that—at least last week it was presented that the only remaining item left on the agenda was the cosmetics. We went through great drama here over the problem with cosmetics. Now cosmetics has been agreed to. All of a sudden we are back onto devices. Many of us are concerned that even if this issue is resolved, we will suddenly have a new issue appear that will further delay the steps that we need to take here in the Senate to move this legislation forward.

So, I ask our colleague from Massachusetts if we could at least set some schedule here to ensure that we do not go another week, that at least this week we complete debate on the amendments, move to final passage, and then allow the House of Representatives to begin their process. I am not asking him to respond. It's just a plea here that we have spent 2½ years, and each day we delay we run into problems with reauthorization of PDUFA and we run into serious, considerable delay in terms of bringing in the processes which will allow us to more efficiently do the work, the legitimate work, of the Food and Drug Administration.

How much time is left? I will be happy to yield whatever time is remaining back to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I just say to my good friend from Indiana, as well as the Senator from Vermont, I think if we could work this particular provision out we would probably be able to end this legislation today—tonight. I think this is really the last remaining major issue.

I know the Senator mentions the cosmetic issue and then this new issue was raised. This was one of the four items that were identified in the President's letter. I have identified this issue previously. We had a brief discussion on section 404 during the cosmetic debate.

But this, I believe, is really the last issue. There are other issues that other colleagues have spoken about, but I urge early time considerations if we are able to resolve this legislation. I shall try to do the best I can to continue to work on these issues.

If I can ask consent to have 1 more minute and then 1 more minute on his side, too? I ask unanimous consent to have 1 more minute on either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. We will try to work with the Senator hoping that we might now be able to work something out that will meet both the legitimate objectives that the Senator has and the concerns that I have discussed and share with the administration. I am not suggesting that FDA read the minds of all the device companies and determine every conceivable way that a device might be used. Instead that they be limited to the very narrow case where there is a predominant or dominant use or clearly defined use that would be intended that was not on the label. Perhaps an advisory group could make these decisions. I am not interested in trying to anticipate every possible use, just in those very narrow areas which I think pose a threat.

I will try to explore a compromise with both the Chair and the Senator. We are going to the Interior bill and then come back to the FDA reform bill, but as I indicated to Senator JEFFORDS earlier I thought there could be a very timely disposition of all of the remaining amendments.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I thank the Chair.

Mr. JEFFORDS. Mr. President, I ask unanimous consent for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I will say, we will continue to cooperate to bring this to an expeditious ending. I thought we had that agreement. I am ready to enter another one. I hope by the time the Interior bill is over, we will have one. I urge us to work together. I yield back whatever time I have.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I am not sure what unanimous consent is required.

The PRESIDING OFFICER. One minute, I believe.

Mr. COATS. Mr. President, I ask unanimous consent for 1 additional minute to respond to the remarks of the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, the Senator from Massachusetts offers expediting of this process. No one wants to keep delaying it. We have been in negotiation for months, if not years. This particular item has been discussed, debated, turned upside down, dissected. I think we are at the point where the best way we can expedite this is simply to have the amendment offered, have the debate, let the Senate work its will. There are Members on both sides who are willing and able to present the case, and then let the Senate work its will.

Having said that, this Senator has on two occasions now responded to the Secretary of Health and Human Services, who personally called and asked that I look at new language. I said I will be happy to look at new language, but it just seems every time we look at new language and make a concession, there is another issue that pops up. We made 30 some concessions. We don't want to have 31 and then 32.

I appreciate the offer of the Senator from Massachusetts, and we will continue to operate in that spirit.

The PRESIDING OFFICER. The time of the Senator has expired.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The clerk will report the Interior appropriations bill.

The bill clerk read as follows:

A bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate continued with the consideration of the bill.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1188

Mr. GORTON. Mr. President, what is the order of business?

The PRESIDING OFFICER. The Ashcroft amendment is the pending business.

Mr. GORTON. Mr. President, I understand that the proponents of the Ashcroft-Helms amendment are not willing to vote on that amendment today and wish that vote to take place tomorrow so that they have a greater opportunity to discuss it both here on the floor of the Senate and in public. I am firmly of the opinion, because that is the amendment that deals with the

National Endowment for the Arts in the most radical fashion, that it should be voted on first, because if it is defeated, there are other amendments, including one sponsored by the Presiding Officer, that may get a fairer and broader view if they are voted on in an appropriate sequence.

So I intend, and I believe the majority leader intends, to try to see to it that all Members who wish to speak on the National Endowment for the Arts and any of the four amendments that have been offered and spoken to so far have the opportunity to do so and that, at an appropriate time tomorrow, we vote first on the Ashcroft-Helms amendment, second on the Abraham amendment, third on the amendment of which the Presiding Officer is the sponsor, fourth, the amendment of Senator HUTCHISON of Texas, with I hope relatively small or short debate times in between the amendments, hoping that people will have had the ability to say all they wish to say about them in the course of discussing all of them together. There is no agreement at this point that this will be precisely the procedure, but I think it is likely.

In the meantime, for the remainder of the afternoon, we are open for business. There are two controversial provisions relating to Indian matters. I am attempting to get the other Senators, in addition to myself, to the floor as soon as possible to consider those. They will not require a vote but will take a certain degree of discussion.

I have been told that Senator BUMPERS will be willing to present one or more amendments this afternoon, to have them debated and perhaps to have a vote by early this evening. Assuming that he and/or his staff are within hearing, I hope that he will come to the floor as soon as possible and present his amendment and will notify his opponents or ask us to notify his opponents of the fact that he is doing so, so that we can talk about them.

We should not waste this afternoon, Mr. President. If we get some business accomplished today, there is still a very real possibility that we can finish debate on the Interior appropriations bill by tomorrow evening and go on to other questions. The debate so far has been healthy. I look forward to any Member who wishes to come to the floor and propose an amendment. With that, I yield the floor.

Mr. DOMENICI. Will the Senator yield?

Mr. GORTON. Yes, I will be happy to.

Mr. DOMENICI. Mr. President, I want to ask the Senator a question. I think he knows I am interested in the two Indian issues, and I gather at some point he is going to try to get the three or four Senators who have been working on this with him here?

Mr. GORTON. I asked, or caused to be asked, Senator CAMPBELL, chairman of the Indian Affairs Committee, Senator McCAIN, yourself, Senator STEVENS, and Senator INOUYE to gather together as soon as most of us can make it. I think the lead in that is Senator CAMPBELL as chairman of the Committee on Indian Affairs. As soon as we can arrange that, even if we are on something else, I will see if we can interrupt and get this part of the bill completed.

Mr. DOMENICI. I thank the Senator very much. I yield the floor.

Mr. GORTON. For the time being, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I ask unanimous consent that I be recognized for 10 minutes to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEED FOR INDEPENDENT COUNSEL IN CAMPAIGN FUNDRAISING PROBE

Mr. SPECTER. Mr. President, the competency and appearance of integrity, if not the integrity itself, of the Department of Justice was called into sharp question when Attorney General Reno, FBI Director Freeh, and CIA Director Tenet briefed the Senate Intelligence Committee last Wednesday and the Senate Governmental Affairs Committee on Thursday.

In last week's briefing, the CIA Director advised that an individual, referred to here as "X", who had been identified in many news accounts as a major foreign contributor to political campaigns and campaign committees, has made significant contributions as part of a plan of the Government of China.

The CIA Director further advised that the CIA obtained that information about "X" from the FBI, and it only put the FBI information on "X" together with the news reports on "X" after an analysis which was made following a request by Senator BENNETT at the July 1997 FBI–CIA briefing of the Governmental Affairs Committee.

The FBI Director advised that the information about "X" had been in the FBI files since September or October of 1995 on one report and since January 1997 on a second report. The FBI Director advised that the Governmental Affairs Committee was not told about that information at the July 1997 briefing because the FBI did not know it had the information.

These disclosures raise a fundamental question of whether the FBI deliberately withheld the information or was not competent enough to know what information it had in its own files. Either alternative is a strong indictment of the FBI.

With the new information on "X," the question is: Where do we go from here on dealings with the Department of Justice and the FBI?

When the FBI Director said the FBI did not know the FBI had the information on "X" in its files, based on my extensive dealings with Director Freeh, I accept and believe that he personally did not know the FBI had the information in its files. Frankly, I am not so sure that others in the FBI did not know of the import of that data.

This matter obviously adds fuel to the fire on recent questions about the FBI and Director Freeh's leadership of that agency. There are questions on many matters, including the FBI laboratory, the FBI's handling of the interrogation of Mr. Richard Jewel in the Atlanta pipe bombing case, the FBI allowing White House people to look at confidential personnel background files, and the FBI's handling of the Ruby Ridge incident after Judge Freeh became director, as well as before.

But notwithstanding those matters, I believe that Director Freeh is doing his job about as well as it can be done with that giant agency which is ever-expanding and taking on new worldwide assignments. But I do believe that Director Freeh is going to have to find out what went wrong here, take corrective action, including punitive measures, if warranted, and establish procedures to protect against its recurrence.

It is really not a very complicated matter. All that is required is an index of names like "X" who have connections with the Government of China and then to cross-check those names against people who have appeared in the news media as major contributors to candidates or campaign committees.

When I refer to this context, it is obviously not intended to be a comment on any special group. It is hard to understand why that cross-checking of a simple index was not done by the FBI. And it is even harder to understand why the Department of Justice investigators did not find out about it, if in fact they did not.

In a context where the Attorney General has consistently refused to petition the court for appointment of an independent counsel, it may well be that either consciously or subconsciously, those under her command may be less inclined to pursue, vigorously, leads which may embarrass the administration. After all, the fundamental purpose of appointing independent counsel was to have someone in charge who was not allied with the administration, not beholden to the administration, and not motivated in any way to favor the administration.

It is not unusual, as a matter of common experience, for subordinates to do what they think their superiors want whether or not they correctly speculate on their superior's wishes. Beyond giving a clear signal to all the subordinates, an independent counsel would be in a position to press hard on a continuing basis for people to make all searches and analyses which were not done here.

Leadership and intensity establish a tone and purpose. From numerous indicators, that tone and purpose are not present in the current Department of Justice.

The Attorney General said at last Thursday's briefing that she was "not comfortable now" to discuss cooperation with the Governmental Affairs Committee but would "want to sit down and talk with the Department of Justice task force."

There are two problems with her statement. First, she had ample time to discuss the matter with the task force since she had met with the Intelligence Committee the day before and certainly had some advanced knowledge prior to that meeting. Second, she has continually said she would be willing to consider our request, but consistently there has been no followup.

The Governmental Affairs Committee was further advised at last Thursday's briefing that if in the future the Department of Justice found information like that on "X", they would "very seriously consider and talk about bringing that information to the committee." That is palpably insufficient.

An independent counsel should be appointed so that the individual can press to obtain all such information on a continuing basis and so that there is no doubt about the duty of all units in the Department of Justice, including the FBI and other governmental agencies, to follow the direction of the independent counsel.

In short, Mr. President, we have a situation here where the FBI has information in its files since September or October 1995—almost 2 years ago—and other information since January 1997. That information is very important in linking an individual who is reputed to be a major campaign contributor, as noted in many news accounts, with a plan of the Government of China. Yet, that information was not made available to the Governmental Affairs Committee, and on the representation of the FBI not even known to the FBI.

It came to light only because the FBI provides that information to the CIA. And the CIA had done an independent analysis at the request of Senator BENNETT. Absent that request by Senator BENNETT, absent the independent analysis of the CIA, today, we would not have that important link as we seek to understand the puzzle, put together the pieces on the so-called dotted lines, and understand what is going on in this matter.

If we had independent counsel vigorously pursuing these matters and a clear-cut understanding throughout the entire Department of Justice and all Federal agencies, then we would have a realistic opportunity to get to the bottom of whatever is going on and take the corrective action.

This is another link that I suggest is a very, very powerful link in the chain of evidence and circumstances really demanding appointment of independent counsel.

I thank the Chair and yield the floor.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with consideration of the bill.

AMENDMENT NO. 1188

Mr. ASHCROFT. Mr. President, I am aware there are other Members of this body who are going to be coming to the floor to speak on other amendments. However, because of the absence of debate at this moment, I will add additional thoughts to the thoughts I have already expressed regarding the need to cease funding the National Endowment for the Arts.

I have made my position clear here, and I hope I can add something by way of suggesting that there are a variety of reasons why it is time for us to stop spending the hard-earned resources of taxpayers to theoretically support or engender culture or the arts in this country.

I find it somewhat amusing for individuals to suggest we need to have a Federal subsidy in order for people to be artistic. For us to come to that conclusion involves us in what is a substantial repudiation of American heritage, culture and art.

We began as a nation long before the midnight ride of Paul Revere. As a matter of fact, we remember the poem:

> 'Twas late in April of '75.
> Hardly a man is still alive
> That can remember that special day and year
> Of the midnight ride of Paul Revere.

Those who say you have to have subsidies in order to have art or poetry would have to wonder how that poem ever came into existence. Or they might say you have to have a subsidy in order to have quality art. Well, I don't know, but I believe that some of the poems and some of the art and some of the literature of bygone days will stand inspection very well and stand in comparison very well with items that have been produced more recently.

So I want to say for the first several hundred years of this culture on this continent we managed to muddle through, but I don't think we muddled through it all. We mastered, through creating things that were truly artistic and truly things of value, the kind of art that would speak to people and that they could understand.

I was interested in noting an article by William Craig Rice, who is a poet and an essayist, who teaches expository writing at Harvard University. As an individual who went to a competing institution, I am not accustomed to citing Harvard University, but you would think if there would be anyone who would be able to have insight about this, it might be someone from Harvard University, and you might expect them to be uniform in their support of the NEA. He lists objections to the NEA. He says that the NEA refused to fund a conservatory in New York City because its students were required to master the human figure in drawing like the old masters did. They could actually draw people and not just put paint on paper. That disqualified the particular institution from participating in the NEA funding.

He points out that the NEA said that being able to draw people that looked like people would hamper the creativity of artists.

I wonder whether the NEA has this figured out. I don't believe that people are not creative because they can draw the human figure. I don't think you would want to say that Rembrandt was not a creative individual. I don't think you would want to say Thomas Hart Benton, from my home State, with his ability to capture people at work, people bringing this Nation into existence, people conducting themselves in a way that makes America strong—was not a creative individual. He showed people in the fields, he showed people in the Civil War, he showed people at play, but he showed America as America was and for the strength of it. I don't think being able to do that hampers creativity.

William Craig Rice, who is a poet and essayist, who teaches expository writing at Harvard, says, "The NEA recently refused funding to an art colony on aesthetic and sociopolitical grounds and then made the inclusion of performance artists and installation artists a condition of future funding." So you start criticizing people because they are the wrong sociopolitical mix.

Here we have the National Endowment for the Arts taking taxpayers' resources, trying to impose on people some political correctness or sociopolitical correctness, the right kind of mix, in order to satisfy the bureaucracy. These kinds of things—denying funding because they insist that people learn how to draw so that they are recognizable figures, denying funding because there is an inappropriate sociopolitical mix among the artists—sound to me like Government management of what people are thinking and of the kind of people with whom they would associate. It seems to me that is not what we earn money for and pay taxes for: so Government could discriminate against someone because they were not of the right sociopolitical mix.

Mr. Rice, of Harvard University, further writes that "Nowadays, NEA grants are weighted toward multiculturalism, a political cause."

I wonder if, really, we as Americans want to try to foster and advance political causes through a subterfuge which we might label as the National Endowment for the Arts.

Now, his is not the only voice that has been raised in the arts community against the NEA. His is not the only voice which has alleged that the NEA is really an enemy of the arts, which he does say. He puts it this way: "The marketplace, with its potential for democratic engagement and dissemination, is hardly the enemy of the arts. The burgeoning American theater of the 19th century owed nothing to Washington. In fact, any system of selective, expert-dictated federal support for the arts would have been anathema to the rollicking impresarios of that era." He says had we had a National Endowment for the Arts a century ago, it would have hurt the arts in America, it would have curtailed, it would have stifled the creativity of individuals in the arts community.

Responding to a written piece by Robert Storr and Lawrence W. Levine, Rice puts it this way: "What both authors fail to recognize in their own examples is that the NEA actually harms artists and the arts by its methods of selective sponsorship and top-down control."

America prides itself on the freedom of expression, free speech, the ability of people to stand and speak their mind, and America has also understood that speech is not merely what you say but it is your ability to communicate. If you want to communicate artistically, in poetry, graphically or pictorially, that is one of the privileges and rights of an American, within certain bounds of decency to protect children and others from obscenity. We say you are entitled to be able to express yourself. We have never thought that the Government should be meddling in the way people express themselves. It should not be subsidizing one person's expression as opposed to another person's expression.

Here is a good reason for it. Here the author says, "The NEA actually harms artists and the arts by its methods of selective sponsorship and top-down control."

We have to measure what is meant by free speech. I don't think we would say that one of the things included in free speech is top-down control. The control of speech is the kind of thing we associate with other cultures.

Now, we know about what happened in Eastern Europe, we know what used to happen in the Soviet Union, and we abhor what we hear about the control of communication in China. Yet we have an arts bureaucracy which is saying to the arts community, if you want to have the favor of your Government, you have to be willing to participate in a system of selective sponsorship and top-down control.

To put it additionally, Jan Breslauer, of the Los Angeles Times, in a special to the Washington Post said it this way: The effect on the American art system is "pigeonholing artists and pressuring them to produce work that satisfies a politically correct agenda rather than their best creative instincts."

You have to understand, it takes me a minute to put this in perspective. Artists might operate at their best creative instincts in one system and they might distort or twist what they would otherwise say in order to satisfy something else in the other. She is saying that the National Endowment for the Arts pigeonholes artists, it gets them to create within a very confining space, a space they didn't create, but a place where they would be put if they wanted to satisfy the bureaucracy. Then it says it pressures them to produce work that is politically correct rather than work that is the best of what they can offer.

America succeeds when it operates at its highest and best. America fails when it accommodates or induces people to operate at their lowest and least. I think it is tragic that we have in the National Endowment for the Arts what is confessed by the art critic of the Los Angeles Times, the person who spends her endeavors studying art and commenting on art, a situation where artists are pigeonholed and pressured to produce work that satisfies a politically correct agenda rather than producing work that reflects their best creative instincts. I think that is a pretty serious charge.

I think there are other reasons why the National Endowment for the Arts ought to be zeroed out in funding. It does not spend money well. It is not really something authorized under the Constitution. The founders of this country considered it, they voted on it, they rejected it. Somehow, the elasticity that some people find in the Constitution is supposed to now grow with the document to include something that no one ever voted to ratify as part of the Constitution but somehow it is appropriate now but it was not appropriate back then.

The National Endowment itself is not an efficient organization. It spends 20 percent of its resources on overhead, so that by sending the money to Washington, DC, we get a 20 percent shrink factor immediately just by including the bureaucracy in that which we are pursuing.

So my judgment is that we ought to think carefully about saying what the House has said. Let's stop. This thing was never intended as a governmental responsibility by those who constructed this country and founded it and developed the Constitution to limit what we would do. This was not to be within the limits. Let's stop the waste of money. Let's stop the frivolous things that are done.

I was interested to see one of the projects, and I mentioned this before. This represents a poem funded by the National Endowment for the Arts. This is not the title for the poem, this is the entirety of the poem. I had represented earlier that I think this is the English version of the poem but because this is not a word which I recognize in the English dictionary, it could be some other language version of the poem. This poem cost taxpayers $1,500 to write. So it would be about $214 a letter we paid for this poem. I wonder if this deserves what some Members of this body have called the need for the Federal Government to be placing the Good Housekeeping Seal of Approval on various art projects.

It is obvious to me that the average American is not smart enough to recognize this as genius and it may take the special imprimatur of the U.S. Government to tell us just how profound this is—whatever it is—and that we should support this because, well, because Government says to support it.

There are those who came to the floor yesterday who said we need the National Endowment for the Arts not because it is a big part of arts funding—they recognize it is 1 percent or less. The truth of the matter is 99 percent of arts funding comes from other sources. They said we need it because when the National Endowment for the Arts funds something, it tells everybody that it is something good and that by putting that sort of Good Housekeeping Seal of Approval on it, it lets people know to support it as opposed to people being able to make up their own minds.

I have to concede the argument is partly correct. I don't think the average American would think this is worth $1,500 unless he was told it was by his Government. It may be that, once told by Government that these seven letters are worth $214 apiece, the average American citizen will nod in complete complicity and agreement, and say, "Well, Thelma, I never thought of it that way before, but now that the Federal Government has told me of the value of those letters, whatever they mean, I sure hope we get a chance to do that over and over again."

Well, as a matter of fact, they do get a chance to do it over and over again.

But the truth of the matter is, there is something more profound than the light that I would make of this poem—would I be making light of light poetry? I don't know whether that means light or not. The truth is—and it is a fundamental truth—that the values are not to be ascertained in this culture by Government and then imposed on the people. The genius of America is that the values are to be developed by the people and imposed on the Government. The genius of a democracy is that people have values that they say should be reflected in their Government and not that the Government has values that it imposes upon citizens.

Similarly, when they said that we need this kind of guidance from Government so that we will know what to support in the marketplace, that smacks of marketplace planning of other economies. You know, communism is the system whereby the government decided what should be produced and what should not be produced. It allocated the resources of the culture. It said, well, we are going to have this many potatoes and airplanes, and we are going to have this many chairs, and we are not going to allow the marketplace to operate. They tried that for 70, 80 years. Cuba is still trying it; so is North Korea, and their people are in serious distress, and we hear the subject of relief over and over again to try to give them something to eat. But in this country, we have all said that the marketplace should determine this, and we don't believe Government should decide how to allocate resources.

Finally, most of the world has come to that conclusion. The Soviet system tried to manage production based on the values of the central government and say how money ought to be spent, and it collapsed. And when it came down, it wasn't long before the Berlin wall fell, too. Thankfully, the people are free there, and they are rejoicing over their freedom, and the government that was at the center of things no longer tells them what to produce or what not to produce. It is their privilege as free citizens to decide about how things ought to be produced and when and where. The marketplace either rewards them or punishes them. If they don't produce things that are particularly good, they don't sell well. That has a way of suggesting that they should change their minds.

Here we have the National Endowment for the Arts with the argument or suggestion that it is a good thing to have Government telling people from the center of the Nation what they should or should not reward with their own support. Well, frankly, that is a failed system. I could understand short memories, but it seems to me that while we are continually reminded of the poverty of that system and the abject failure of that system by countries like North Korea and Cuba, we should at least remember long enough to know that we should not be embracing some sort of resource allocation strategy in the United States of America whereby we put a Good Housekeeping Seal of Approval on seven letters that may make some sense somewhere, and say, folks, with our help, you can learn to recognize a real buy in art when we tell you that it is a real buy.

I appreciate the opportunity to make these remarks. I appreciate the opportunity for the debate to go forward on the National Endowment for the Arts. I think it is time to say to the American people, who are taxed at a higher level than ever before, we believe you work hard for your resources and we should not take your hard-earned dollars and try to tell you what to support and what not to support artistically. We should let you have some of those resources to spend, believing you can spend your resources better on your own family than we can to subsidize what the Government has decided is art.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Ms. Collins). The Senator from Washington is recognized.

Mr. GORTON. Madam President, I note the presence on the floor of Senator CAMPBELL, who is the chairman of the Committee on Indian Affairs. He and I and Senator STEVENS, Senator INOUYE, Senator DOMENICI, and Senator MCCAIN have had extensive discussions over sections 118 and 120 of this bill, both of which relate to appropriations for or conditions under which Indian tribes operate in our American system. Both are of considerable importance.

We have reached agreement with respect to the bill and with respect to what will take place after this bill has passed. In that connection, I think it will be a matter of some intense relief to many of my colleagues that what we are going to do is not require a rollcall vote at this point. So it does seem to me, in the absence of any Member here who is willing to send up an amendment that will require a rollcall vote, that we should go through this matter. Two of the Senators are present on the floor. I believe others are coming.

With that, I yield the floor and hope that the Chair will recognize Senator CAMPBELL.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. Madam President, I have an amendment, but before I send it to the desk, I want to make a few remarks on H.R. 2107, the fiscal year 1998 Interior spending bill. I certainly want to commend the managers, Senator GORTON and Senator BYRD, for their efforts in constructing a spending bill that balances the competing interests of the approximately 27 different agencies and programs included under the jurisdiction of this committee. As the chairman of the Committee on Indian Affairs, I want to acknowledge both Senator GORTON's and Senator BYRD's efforts in funding Indian programs that are administered through the Bureau of Indian Affairs and Indian Health Service at the levels that meet or exceed the President's fiscal year 1998 budget request.

Overall, the funding for these two agencies, which accounts for the great bulk of Federal spending on Indian-related programs, is significantly increased over fiscal year 1997 enacted levels to the tune of about $150 million. The committee has given priority to funding basic services that are provided to Indian communities through tribal priority allocation [TPA] of the BIA and through direct services provided by the Indian Health Service, while also funding several important construction initiatives, of which there is currently a tremendous backlog.

While I have supported the priorities given to funding Indian programs, I have shared my concern with many colleagues over two provisions that remain in the bill. Senator GORTON has alluded to those two sections, section 118 relating to the means testing of TPA funding, and section 120 relating to the broad waiver of immunity imposed on tribal governments. Both are broad policy-related items that I felt should not be included in this spending measure.

I am happy to announce that after several meetings—and Senator GORTON alluded to one we had yesterday afternoon—with concerned Members on these provisions, an acceptable accommodation has been made with regard to both of these provisions. At the appropriate time, I will offer an amendment that will reflect this agreement.

I want to speak briefly to each of these provisions and why, as presently written, they would adversely impact tribal government activity to a degree that is all but unknown.

As I informed my colleagues on the Appropriations Committee prior to markup, these two provisions constitute a dramatic departure from existing Federal Indian policy, which is based on promoting tribal economic development, tribal self-sufficiency, and strong tribal governments. Sections 118 and 120 would seek to condition the receipt of TPA funding, requiring in section 120 that Indian tribal governments unilaterally waive their immunity from any and all lawsuits. Further, section 118 would require all tribal governments that receive TPA funding to be subjected to a form of means testing analysis of all the available tribal resources as a determining factor in future TPA funding allocations.

The nature of these provisions would suggest that because TPA funding constitutes approximately $760 million, or over half of the overall BIA operating budget, there needs to be some higher level of accountability to the Congress and to the taxpayer over how these funds are allocated and that the appropriate means to this end is the proposed blanket waiver of immunity and an imposed means testing formula allocation.

I want to be very clear and try to inform my colleagues that the impacts of these provisions, if enacted, have yet to be fully contemplated. We can't begin to contemplate what effect they would have on the native American people.

For example, with regard to a broad waiver of immunity, as proposed in section 120, we could ask several questions:

What are the potential liabilities that would be incurred by the executive branch agencies who serve as the Federal trustees to Indian tribal governments and, therefore, would have to defend the tribal governments in lawsuits?

What specific actions would become the purview of the Federal courts under a broad waiver of immunity? Is it limited to non-Indian disputes with Indian tribes, or could any and all intertribal disputes also be heard in Federal court?

More importantly, what will be the impact on the Federal courts as a result of section 120? Would it simply clog the courts with more litigation?

Further, regarding section 118, we should ask:

What resources should be included in any analysis of how to better allocate TPA funding?

Could the BIA begin to implement any alternative allocation method beginning in fiscal year 1998, which begins in just 2 weeks, without any public input or hearings?

These are very practical problems that arise when addressing both of these provisions. It is for these reasons that I have strongly advocated that the appropriate authorizing committees be involved in finding practical solutions to these very complex issues. As the chairman of the Committee on Indian Affairs, I have made it very clear that I am committed to examining these issues through the hearing process. I have told that to Senator GORTON and have followed it with a letter to him guaranteeing that we would hear a bill and we would also attempt to have a markup by April 30, 1998.

Madam President, I want to thank my colleagues for their wisdom in supporting this accommodation.

I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 52, LINE 16

The PRESIDING OFFICER. The question before the Senate is the excepted committee amendment beginning on page 52, line 16.

The excepted committee amendment is as follows:

SEC. 118. (a) No funds available in this Act or any other Act for tribal priority allocations (hereinafter in this section "TPA") in excess of the funds expended for TPA in fiscal year 1997 (adjusted for fixed costs and internal transfers pursuant to other law) may be allocated or expended by the Bureau of Indian Affairs (hereinafter in this section "BIA") until sixty days after the BIA has submitted to the Committee on appropriations of the Senate and the Committee on Appropriations of the House of Representatives the report required under subsection (b).

(b) The BIA is directed to develop a formula through which TPA funds will be allocated on the basis of need, taking into account each tribe's tribal business revenues from all business ventures, including gaming. The BIA shall submit to the Congress its recommendations for need-based distribution formulas for TPA funds prior to January 1, 1998. Such recommendations shall include several proposed formulas, which shall provide alternative means of measuring the wealth and needs of tribes.

(c) Notwithstanding any other provision of law, the BIA is hereby authorized to collect such financial and supporting information as is necessary from each tribe receiving or seeking to receive TPA funding to determine such tribe's tribal business revenue from business ventures, including gaming, for use in determining such tribe's wealth and needs for the purposes of this section. The BIA shall obtain such information on the previous calendar or fiscal year's business revenues no later than April 15th of each year. For purposes of preparing its recommendations under subsection (b), the BIA shall require each tribe that received TPA funds in fiscal year 1997 to submit such information by November 1, 1997.

(d) At the request of a tribe, the BIA shall provide such technical assistance as is necessary to foster the tribe's compliance with subsection (c). Any tribe which does not comply with subsection (c) in any given year will be ineligible to receive TPA funds for the following fiscal year, as such tribe's relative need cannot be determined.

(e) For the purposes of this section, the term "tribal business revenue" means income, however derived, from any venture (regardless of the nature or purpose of the activity) owned, held, or operated, in whole or in part, by any entity (whether corporate, partnership, sole proprietorship, trust, or cooperative in nature) on behalf of the collective members of any tribe that has received or seeks to receive TPA, and any income from license fees and royalties collected by any such tribe. Payments by corporations to shareholders who are shareholders based on stock ownership, not tribal membership, will not be considered tribal business revenue under this section unless the corporation is operated by a tribe.

(f) Notwithstanding any provision of this Act or any other Act hereinafter enacted, no funds may be allocated or expended by any agency of the Federal Government for TPA after October 1, 1998 except in accordance with a needs-based funding formula that takes into account all tribal business revenues, including gaming, of each tribe receiving TPA funds.

AMENDMENT NO. 1197 TO THE EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 52, LINE 16

(Purpose: To provide for tribal priority allocations.)

Mr. CAMPBELL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL] proposes an amendment numbered 1197 to the excepted committee amendment beginning on page 52, line 16.

Mr. CAMPBELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 52 beginning on line 16, strike all through page 54, line 22, and insert in lieu thereof the following:

SEC. 118 Any funds made available in this Act or any other Act for tribal priority allocations (hereinafter in this section "TPA") in excess of the funds expended for TPA in fiscal year 1997 (adjusted for fixed costs, internal transfers pursuant to other law, and proposed increases to formula driven programs not included in tribes' TPA base,) shall only be available for distribution—

(1) to each Tribe to the extent necessary to provide that Tribe the minimum level of funding recommended by the Joint/Tribal/BIA/DOI Task Force on Reorganization of the Bureau of Indian Affairs Report of 1994 (hereafter "the 1994 Report") not to exceed $160,000 per Tribe; and

(2) to the extent funds remain, such funds will be allocated according to the recommendations of a Task Force comprised of two (2) representatives from each BIA area. These representatives shall be selected by the Secretary with the participation of the tribes following procedures similar to those used in establishing the Joint/Tribal/BIA/DOI Task Force on Reorganization of the Bureau of Indian Affairs. In determining the allocation of remaining funds, the Task Force shall consider the recommendations and principles contained in the 1994 Report. If the Task Force cannot agree on a distribution by January 31, 1998, the Secretary shall distribute the remaining funds based on the recommendations of a majority of Task Force members no later than February 28, 1998.

Mr. CAMPBELL. Madam President, I am very pleased to offer this substitute amendment that our colleagues have worked on, which accomplishes several things.

First of all, it holds the tribes harmless to the fiscal year 1997 TPA levels; it follows the recommendations of the 1994 Joint Tribal/DOI/BIA Task Force report by providing funding to the 309 small and needy Indian tribes; it provides $15.5 million for fixed costs and internal transfers; it provides for $17.1 million in increases to formula-driven programs; instead of having the BIA or the Congress allocate the remainder, it creates a mechanism comprised of Interior and BIA officials and tribal representatives from around the country to distribute the remaining $27.8 million.

I think that is probably all we need for an explanation.

With that, I move the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, first of all, I want to express my appreciation and high regard for the leadership of my friend from Colorado, Senator CAMPBELL, on this issue. In his role as chairman of the Indian Affairs Committee, he has taken an active and vigorous role on Native American affairs. I am proud of the job he is doing. I know I reflect the view on both sides of the aisle on the outstanding job that he is doing. We all recognize he is uniquely qualified—uniquely qualified, Madam President—to address the issues that affect Native Americans in our society today.

Second, I thank the Senator from Washington, Senator GORTON. He has strongly held views on these issues, as we know. Senator GORTON's issues have been made clear to those of us on the Indian Affairs Committee, of which he is a distinguished member. He has worked very hard on these issues. We have significant and profound philosophical differences, but our debate and discussions on these issues have been characterized by respect for each other's views. I have the utmost regard not only for his views, but Senator GORTON has long experience in these issues dating back to when he was attorney general of the State of Washington and tried cases before the U.S. Supreme Court regarding Native Americans.

I understand his advocacy, and, frankly, sometimes his frustration. I am very pleased to see the path of the agreement is that the chairman of the Indian Affairs Committee has agreed to hold hearings to consider Senator GORTON's legislation, which is the proper way to carry out our legislative work.

I did point out to Senator GORTON—and he knows full well—that his proposal will probably not receive the majority approval of the Indian Affairs Committee. But the purpose of hearings and the purpose of the debate and discussion is to educate our colleagues. I am very pleased that Senator GORTON will withdraw that provision which would have provoked profound, intense, and emotional debate on the floor of the Senate and has decided, albeit with some reluctance because of his impatience over his view of our failure to address these issues, to agree to take it through the Indian Affairs Committee.

I thank Senator GORTON. I really do, because without his agreement and his position as chairman of the subcommittee, he had every right—even though I disagreed from time to time about legislating on appropriations bills—to bring this issue to the floor as part of his bill. We proved in recent days that we do give the utmost respect to committee chairmen and subcommittee chairmen in their work.

I thank Senator STEVENS, chairman of the full committee. Senator STEVENS, who is as knowledgeable on Native American issues as anyone in this body, played a key role in negotiating the agreement and settlement that we came to, along with my friend, Senator DAN INOUYE, who is most respected, along with Senator CAMPBELL, on these issues.

Senator DOMENICI, I might point out, in his usual articulate, vigorous, and certainly nonconfrontational fashion played an important role in the spirit of the discussions that we had in Senator STEVENS' office.

The upshot of it all is that really, Madam President, there are six old guys here that know each other pretty well. We know that we have to act in what is the best interests of Native Americans, the interests of this body, and, very frankly, the continued bipartisan—indeed, nonpartisan—addressing of Native American issues.

I think we have a very, very good resolution. It would not have been possible without all the figures that I mentioned, and I believe that we will continue.

If I could, finally, caution my colleagues, there will continue to be issues before this body and the Nation concerning Native Americans. There is population growth, which brings Native American tribes and non-Native Americans into collision with one another. There is an increase in Indian gaming, which in the view of many Americans has made all Indians rich. And, by the way, that is far, far from the case. There is a total of about 10 tribes that have become wealthy. There is continued issues, such as taxation. There will be continued Supreme Court decisions, including the recent ones concerning and affecting the State of Alaska.

I urge my colleagues to get involved in understanding these issues. But I have some comfort in the knowledge that we have experienced people such as Senator CAMPBELL, Senator INOUYE, Senator STEVENS, Senator GORTON, and Senator DOMENICI who have many, many years of experience with these issues.

Again, I thank my colleagues for resolving this very difficult issue in a more than amicable fashion.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I thank my good friend from Arizona for his comments concerning my participation in the dialogue on this amendment which has just taken place in my office. Let me state at the outset that I believe that in this country there is a period of rising expectations on the part of our Alaska Native and native American peoples that there will be more assistance coming to them from the Federal Government. And, of course, we all seek to have greater self-determination on the part of those people who are part of the Indian tribes and native peoples of our country. The great difficulty is that this is not just an expectation but an increasing demand now for additional money to enable these peoples to carry out the legitimate roles that they have in their own tribal and native organizations. This comes at a time when we are living under a budget ceiling with diminishing resources, as far as the Department of Interior is concerned, caused primarily, in my opinion, because of the vast increase—the enormous increase—in the amount of interest we are paying on the national debt, which is literally squeezing out a lot of the items that we were able to afford previously. We are working on that in connection with the balanced budget process. But it is hard for many people on the reservations in the contiguous States and small villages throughout my State, and throughout our Nation, to understand that there is a limit on the amount of money we have available to put into such funds, like the Tribal Priority Allocation Fund. We face this year a situation where there is a budget request for an increase in money. Yet, because of actions that have taken place in the last 3 years, there are almost 100 percent more tribes in number than we previously dealt with under this account. Those are primarily in my State, the State of Alaska. Alaska now has 226 different entities that are called tribes by the Department of Interior. In the past, they were Native villages. The population of the Native villages belonged to the several different tribes in our State.

The net result of this is that, despite the increased request for funds, it is not really possible to meet these legitimate requests, and, as I said, in some instances, demands for increased money. This has led to a series of alternative suggestions—some from the Senator from Washington, as the chairman of the Appropriations subcommittee dealing with these issues, and others from those who serve on our Indian committee, led by my good friend from Colorado. And I say to the Senate that I think it is time that we really have some more information to deal with this. I know some people are reluctant to solicit that information. But I have joined the Senator from Washington in asking the GAO to do some examination into the various types of options that may be available to Congress to deal with these increasing demands which exceed our ability to provide funds in all these areas.

It does seem to me that we have to realize, despite our own personal feelings that some people might have on the subject, that the people who live on Indian reservations and in these very isolated Indian and Native communities in my State are literally the poorest of our poor. They are the people that need our consideration, and our help, more than any I know in the Nation. Many of us have spent years trying to find ways to help them deal with their problems. There has been no real panacea. We have not discovered a way yet. But we clearly now have increasing participation in governmental affairs in a democratic way in most of these tribes and villages of our Nation.

I am hopeful that these tribal priority allocations will, in fact, be used to provide a greater degree of democracy, a greater degree of participation, and a greater attempt to satisfy the needs of the people who should be receiving the benefits of the Federal money that we provide through the Bureau of Indian Affairs. We all have some serious questions about the BIA. It is an institution that may well have outlived its usefulness in the sense of being able to deal with the problems of the native American and Alaska Native people. But, for the time being, it is the only institution we have.

As Members of Congress we are vitally interested in the affairs of the Indian tribes and Alaska Native people. We need to take more time in trying to not only work out the differences among us, but also work out solutions with respect to how the Federal Government can further the aspirations of these people to become more able to deal with the problems of the present and the future and better able to find a way to preserve their own culture and have greater participation in American affairs.

For that reason, I am pleased that we have had these meetings. I think that the meetings that have taken place between the Senators who are on the Appropriations Committee and the Indian Affairs Committee have been most helpful for us not to only understand one another but understand some of the problems that are different. They are different in Colorado, they are different in Arizona. They are different in Hawaii. Most people do not think of Hawaii having Indian problems. But there are issues involving the indigenous peoples in Hawaii that are very, very complex. My friend from Hawaii is spending a lot of time on this issue, as is the Senator from New Mexico, and legitimately so.

Our constituents, by the way, don't all make the same requests. They don't necessarily seek the same goals. They don't even seek the same solutions to their common goals. What I'm saying is that it is not an easy thing right now for us to deal with this issue in appropriations.

Therefore, I am delighted as the chairman of the Appropriations Committee that we have this commitment from the Indian Affairs Committee that there will be hearings on the subject, that there will be really an examination in depth into the possible solutions to the problems presented by these issues arising out of the allocation of funds in the tribal priority allocation.

I thank the Senator from Washington for his willingness to step down from some of the requests he has made of the Senate, and to give us a chance to go back and get some basic data and information that will be necessary for us to deal with this. I hope and pray we will deal with it next year in a fair and open way, and find a way to ensure that the moneys that are available are made available first to those who have the greatest need for them, and particularly that the people who are seeking this money understand what it is for. It is for assistance in maintaining the governance of these tribes and villages. These aren't slush money accounts. They are very strictly limited by law, and we want to make certain that they are, in fact, used for the benefit of the people who are on reservations, as well as in those very isolated villages in my State.

Let me thank all of the Members who have participated in this. I do hope that the Senate will accept our compromise amendment to the amendment on this subject that was originally in the bill as reported from our committee.

I thank all concerned for their participation.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Hawaii.

Mr. INOUYE. Mr. President, thank you very much.

Mr. President, this is a battle day—an important day in Indian country. And I am certain that Indian country applauds the resolution that has been reached concerning sections 118 and 120 of this bill.

So, Mr. President, I rise to join my colleagues in applauding and commending the distinguished Senator from Washington for making this day possible.

I am well aware—and I am certain that all of us are well aware—of the controversy that sections 118 and 120 have engendered over the past 2 months. It has been a difficult time for all of us.

Indian country has been vocal in its opposition to these provisions—and I believe rightly so—for these sections go to the very essence and the very foundation of our relationship with Indian governments.

As my chairman, the distinguished Senator from Colorado, Senator NIGHTHORSE CAMPBELL, has indicated, section 118 will cause us to revisit the commitments this Government made to Indian nations in over 800 solemn treaties. Most Americans are not aware that our relationship with the Indian country is based upon treaties, the Constitution of our land, decisions of the Supreme Court, and the laws of this land. These 800 treaties enable the United States to exercise dominion and control over 500 million acres of land which once belonged exclusively to our Nation's first citizens. As Chairman CAMPBELL has indicated, section 120 would have stripped tribal governments of one of the most fundamental attributes of their sovereignty.

So, in the days ahead, I hope we can focus our attention on the concerns that sections 118 and 120 were designed to address in a venue that will enable the full participation of those who would be most directly affected by these provisions, the tribal governments and the citizens of Indian country. For it is my sincere belief that the solutions to these matters can be found in Indian country and that the tribal government leaders will join us in this effort, and that is the way it should be. If we are to legislate, it should be only after we have given careful and thoughtful consideration to these matters. We should have the benefit of all affected citizens, Indians and non-Indians, and whatever we come up with ought to have the benefit of some consensus.

With this in mind, I have given my personal assurance to the chairman of the Interior appropriations subcommittee, the Senator from Washington, that we will seriously and deliberately address these matters in the authorizing committee. We have received assurances of the chairman of that committee, Senator BEN NIGHTHORSE CAMPBELL.

In the interim, I am pleased we have been able to reach agreement and that we have done so in a manner that will enable us to work together in partnership with Indian country as well as other affected citizens to assure the best outcome within the context of our history, our laws and our policy.

So, Mr. President, once again, may I applaud and commend my friend from Washington, Senator SLADE GORTON.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, in the interests of clarity in dealing with two related but distinct issues, I have asked, and the Senator from Colorado has agreed, to deal separately with two amendments on his part to sections 118 and 120. So, while most of the speakers have talked about each, to this point, now, before we vote on the proposal of the Senator from Colorado, I am going to address only section 118, the section that calls, in the form in which it was reported by the Indian Affairs Committee, for a study not only of the needs of Indian communities across the land but the resources available to those Indian communities to support, in whole or in part, their governmental entities.

These tribal priority allocations, in the amount of just over three-quarters of a billion dollars, are directed at the activities, on the broadest possible scale, of the self-governing Indian tribal organizations all across the United States, numbering several hundred in total. And there are, it seems to me, two distinct questions even as we deal with this appropriation of more than three-quarters of a billion dollars of the money of all of the taxpayers of the United States. The first is: Is the historic distribution of money from this account to the various Indian tribes done in a fair and rational manner? And, if not, what can be done to improve that method of distribution?

The second and quite distinct question is whether or not full support of Indian tribal governments is a permanent duty of the people of the United States; a form of entitlement or a matter of discretion in which the people of the United States, in addition to encouraging the development of self-governing institutions, are also entitled to demand on the part of successful Indian governments an increasing duty of self-support of these governing institutions—the tribal legislatures, the court systems, the police systems, and the like, systems that in our Federal system are paid for by the people of the United States in connection with this Congress, the people of the States with their legislatures, and the people of cities, counties, and towns with respect to their governing institutions. And we ran into opposition in connection with each of these; a protection of the status quo in connection with each.

I took over the chairmanship of this subcommittee 2 years ago, and for 2 years asked the Bureau of Indian Affairs, when it justified its budget, about the formula through which it distributed its moneys to Indian tribes, without getting a satisfactory answer. Asked whether or not it had any ability to determine the relative needs of the varying tribes in the United States, the reluctant, ultimate answer was, no, the Bureau of Indian affairs didn't have that kind of information, did not know in any detail the income of tribal governments through gaming, through gambling operations, through natural resource extraction, through rental of its properties and the like.

Moreover, it became quite clear that the Bureau of Indian Affairs didn't care to get that information. The reason that the Bureau of Indian Affairs doesn't really care about getting that information is that it does, in fact, believe that these payments are a permanent entitlement, a permanent burden on all of the other taxpayers of the United States, and that, therefore, while perhaps an examination of needs is appropriate, an examination of resources is not appropriate in any respect whatsoever.

With both of those propositions I disagree. While section 118 that exists in the bill today does not change the system and require a mandated distribution on the basis of a system of needs, which of course implies something about the resources that cover these needs on the part of each individual tribe, it became evident that there is so much disagreement in Indian country with even a determination of the facts on which we can make a later determination of needs and resources that section 118 was unacceptable.

The proposal that Senator CAMPBELL has made, and with which I agree, deals rather narrowly with the distribution of the money in this appropriations bill, increased by something more than $75 million over the current year, and most particularly with the way in which any excess over last year's distribution and over a formula already developed in the Bureau of Indian Affairs will be made. In that connection, it is a significant step and it is something with which I agree. Because it is insufficient, however, because it doesn't even mention either needs or resources, in my view something else very significantly is needed.

Before I get into that, however, much of the debate on the other side of this issue, many of the newspaper editorials, have spoken of the appropriation for tribal governments, so-called TPA, as an entitlement based on treaty—because there are several hundred treaties with various Indian tribes, the last of which was ratified in 1868—that we are in fact dealing with an entitlement, that we should not look at relative needs, we should not look at the ability to provide for governments through the resources of Indian tribes at all because this is a matter of treaty obligation between the Government of the United States and these various Indian tribes.

I wish to make the point, as we look forward to a future debate on this issue, that there is no such treaty right. Mr. President, there is no such treaty right. We found one treaty with one tribe that calls for payment in perpetuity of several thousand dollars a year. Most Indian treaties, however—and we use here the treaty of Point Elliott in my own State, a treaty signed in 1855, that includes a clause very much like this one:

> In consideration of the above cession [that is the lands the Indians were signing away] the United States agree to pay to the said tribes and bands the sum of $150,000 in the following manner.

And it sets out declining annual payments for a period of 20 years, ending, presumably, in 1875, or in 1876. That is the typical Indian treaty with respect to a fiscal obligation on the part of the people of the United States. Obviously, that period of time ran out over a century ago. The optimism with which it was signed, the implication being that by that time the Indians would be integrated into the larger society, did not take place, and the Congress of the United States has gone through several phases of attitudes toward Indian tribes, toward their integration, toward their self-determination and the like. We are now in a period of time in which the strong public opinion, and opinion in this Congress, is in favor of self-determination, conscious self-determination in the Indian institutions.

The point I am making here is not to disagree with that policy. I think it is a perfectly appropriate policy and one that I have supported. The point that I am making here is that it is a discretionary policy, and that this three-quarters of a billion dollars is appropriated as any other discretionary account is in the Congress of the United States. Therefore, it is totally appropriate for us to determine whether we think the money is being well spent, whether we think it is being fairly distributed, whether we think there is a better formula, whether we think there should be some obligation on the part of wealthier tribes to pay all or part of the cost of their own tribal governments.

So we have taken a sample number of tribes with respect to this year's distribution, about 20, on this chart. I may say that this is not one of these telescoped graphs that only works between No. 100 and No. 200. This graph goes from zero to $2,452. Tribal allocation per person to the Pequot Tribe in Connecticut from this year's distribution is $2,452. That is the tribe with the most successful gaming operation in the United States. Unemployment in the Pequot Tribe is zero.

At the other end of the scale, the Fond du Lac Tribe, which gets $24 per person in its TPA allocation, has 67-percent unemployment.

This, of course, doesn't include anything like all the tribes in the United States. I think it is a fair sampling, and any Member who desires to know where on this scale a tribe in his or her State falls can get that information through us. But you have a range of between $24 per capita and $2,452 per capita—a range of 100 to 1. The net result of failing to deal with that issue this year is that the ratio will be greater in 1998 in the bill we are voting on, it will be greater than it is at the present time.

The original formula, I think, dates from sometime in the 1930's. Under those economic circumstances, having no relation to the present day, these tribes' governing authorities, of course, have various powers. Some provide more services than others do. But nonetheless, each year's change has made this system worse and is exacerbated.

I will show you the same chart in a slightly different form, Mr. President. This form works from the Rosebuds in the Dakotas, which have the highest unemployment, 95 percent, down to the

Pequots that have zero. In other words, to the best of our ability to determine need—because we don't have all of the figures, unemployment figures have to be a shorthand here for need—the most needy tribe gets $225 per capita. Again, the Pequots, $2,400. But if we don't want to take that one, let's take this one in Alabama; it is $1,195.

Interestingly enough, the second highest distribution here is to the tribe that has the second highest unemployment. But the obvious import of these charts is that there is simply no relationship whatsoever—no relationship whatsoever—between the need, the economic poverty, the unemployment on a given Indian reservation and the distribution of moneys to the governing body of that institution from the Federal Government pursuant to these TPA's.

One further point, of course, in connection with this question about treaties, most of the tribes in the United States are not treaty tribes. The Senator from Alaska referred to the fact that by fiat, the administration created, I think, a couple of hundred new tribes in Alaska, none of which are treaty tribes, but all of which, by that administrative action, will in a year or so fall into this kind of distribution of money. So the distribution has nothing to do with whether or not tribes are treaty tribes or nontreaty tribes. The tribes really don't have anything to say about the issue.

We are distributing the money at the present time in a manner that is highly irrational. As a consequence, Mr. President, Senator STEVENS and I have authored a letter dated today to the Comptroller General of the United States in the General Accounting Office, asking for a General Accounting Office study of the system I have described here, how we got to that system and how we can do better.

Our request does, of course, include in it a request to the GAO to make a determination, not only of the needs of the tribes, but of their ability to meet those needs with their own resources. We may well learn from the GAO that even it cannot answer that question, because the tribes will not release a sufficient degree of information for us to make an intelligent decision. Then we will be told what kind of legislation is necessary so that Congress can deal with this matter in a rational fashion.

I ask unanimous consent that the letter that Senator STEVENS and I have authored to the General Accounting Office be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 16, 1997.

JAMES F. HINCHMAN,
Acting Comptroller General, General Accounting Office, Washington, DC.

DEAR MR. HINCHMAN: We are writing to request that the General Accounting Office ("GAO") immediately undertake a study of issues related to the distribution of funds by the Bureau of Indian Affairs ("BIA") through Tribal Priority Allocations (TPA). The GAO is requested to complete the study and submit a report by June 1, 1998. The study should address in detail the following:

(1) any inequities in the current distribution of TPA funds among Tribes;

(2) the results of the distribution of TPA funding in FY 98 (to the extent such results are available);

(3) the tribal and non-tribal resources, including tribal business revenue, available to each Tribe for meeting governmental needs;

(4) the extent to which each Tribe can or should, in whole or in part, become self sufficient, in terms of its ability to provide government services, through the use of resources available to it;

(5) the impact of recognition of new Tribes on TPA funds;

(6) recommendations for determining the level of funding needed for a Tribe to provide governmental services; and

(7) recommendations for a formula for the distribution of TPA funds that takes into account the disparate needs, population levels, treaty obligations and other legal requirements with respect to the provision of governmental services, and the resources available to each Tribe to provide such services.

In undertaking the study the GAO should consider the formulas currently used by the BIA for the distribution of funds for other programs, the formulas previously used by the BIA or other federal agencies for the distribution of funds under the Indian Priority System that was developed after enactment of the Indian Reorganization Act, and any formulas recommended by the 1994 Joint Tribal/DOI/BIA Task Force on Reorganization of the BIA, the Commission on Reservation Economics, the American Indian Policy Review Commission, and any other relevant commissions or reviews.

In evaluating the resources available to each Tribe for meeting governmental needs, the GAO should enumerate in its report the nature and availability of the information BIA needs to determine accurately the level of resources available to each Tribe for the provision of governmental services. The report should include recommendations regarding any changes in law that may be necessary in order to obtain such information and what constitutes a de minimus level of revenue for which the cost of reporting or assessing such revenue would outweigh the benefit of obtaining that information. For the purposes of this study, the GAO should consider the term "tribal business revenue" to mean income, however derived, from any venture owned, held, or operated, in whole or in part, by any entity on behalf of the collective members of any Tribe. Such term shall also include any income from license fees or royalties collected by a Tribe. The term "any venture" includes any activity conducted by an entity, regardless of the nature or purpose of the activity, and shall include any entity regardless of how such entity is organized, whether corporate, partnership, sole proprietorship, trust, cooperative, governmental, non-profit, or for-profit in nature.

The recommended formula for the distribution of TPA funds should include a means of assigning priority among Tribes for the allocation of funding, so that those with the greatest need for governmental services and the fewest resources to meet that need, relative to the needs and resources of all other Tribes, are given the highest priority. The GAO shall include as an appendix to the report suggested legislative language to accomplish any changes in law or regulation necessary to ensure the distribution of TPA funds according to the recommended formula.

Thank you for your prompt attention to this request. If you or your staff have any questions regarding this request, please contact Anne McInerney of the Senate Subcommittee on Interior and Related Agencies at 224-2168.

With best wishes,
Cordially,
SLADE GORTON.
TED STEVENS.

Mr. GORTON. I do want to say this, Mr. President. A number of compliments have been made about the way in which Members deal with issues that are highly controversial and on which they have great differences of opinion. I say, with respect to every one of those who have spoken here today, that I have gotten from each of them the greatest consideration, even when they have disagreed with me. Each of them holds his views as firmly as I do and as significantly as I do.

The chairman of the committee has agreed, and will speak to that later, to dealing with a specific bill on the other subject. I haven't asked him to deal with this subject in his committee, but I rather suspect that he is going to wish to do so in order to be able to deal rationally and intelligently with this issue as well.

So I have not gained the goal that I have set for myself when I was writing this bill to make substantive changes, but we are going to be able to vote these issues intelligently in the course of the next year in a way that has not been done in this Congress, certainly since I first arrived here in 1981 and probably for some time before that.

I believe the debate on this issue is long overdue, Mr. President. I am persuaded, quite persuaded, that we can't engage in it in its full substantive fashion at the present time, for lack of information, and that what we are doing here is going to give us a greater ability to make our points at some time in the future.

For their cooperation in seeing to it that we are moving forward on this issue, I thank each one of them, and we will be back here, I suspect, at some time in the future to debate this and the other issue more on its merits. Because the other issue is distinct from this one, I hope as soon as others who wish to speak on it have spoken, we will adopt the proposal, the amendment proposed by the Senator from Colorado, and then move on to the second one, and I will have a set of different remarks on that one.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask the distinguished Senator from Colorado, Senator CAMPBELL, and the distinguished Senator from Washington, Senator GORTON, would it be appropriate for me to speak now or would they rather proceed with something else? If they have to introduce a measure and want to get it done, it will be all right with me.

Mr. President, I say to my fellow Senators, I think the important thing for the hundreds of thousands of Indians in the United States and Indian country and the 10 percent of the population of the State of New Mexico who are Indian people. There are 22 different Indian tribes and pueblos in my State, living in a completely different style, but all Indians nonetheless.

The most important thing for them is we have won today. We did not lose on the issue of sovereignty as it pertains to their immunity in their court systems. We did not lose, in an appropriations bill, without adequate hearings, without adequate information on one of the most complex and historic-filled situations in our Government and our governance. We won, because those decisions to take away tribal judicial immunity, whether it be for 1 year or forever, have been withdrawn from this bill.

I thank the distinguished Senator, Senator SLADE GORTON, for withdrawing his judicial immunity provision. I think it has become absolutely and unequivocally discernible by everyone that is a very complicated issue.

Later, I am sure, in this discursion, we are going to hear proposals about how that is going to be fleshed out and how we are going to talk about judicial immunity, the right to sue Indian tribes or not to sue them in the courts of America and the courts of the States. We are going to hear discussions perhaps on how hearings ought to be structured to get to the bottom of certain issues where inequity may require that some modifications be made. But essentially, for the Indian leaders and the Indian people who came here by the hundreds, at least, this year, their tremendous concern about what was going to happen to them if this occurred is gone from the scene.

The Senator from New Mexico is fully aware that the distinguished Senator, Senator GORTON, desires to fix some things that he feels are wrong with Indian law and the distribution of money, and he feels that just as strongly as I feel that we ought to be very careful about what we do and that it is not a simple proposition. Even the two graphs that were put up that show the disparity in incomes and the disparity in the distribution of our Federal resources don't tell the complete picture.

The picture is one of a tribal allocation system evolving over time filled with history, filled with court decisions, filled with Senators who have purposely helped certain tribes and not helped others, which causes some of these funding levels to be out of whack.

Nonetheless, the needs in Indian country are not debatable, because for every Indian person that has an average American income and an opportunity for a job and some assets, tribal or otherwise, that are significant, my guess would be 50 that don't have these assets. For every one that does, my guess would be 50 don't, 50 are poor. Their tribes are poor. Their reservations are economically depleted. So I suggest, as I did early on when the issue of means testing arrived, that we ought to be equally concerned about the needs of the Indian people.

Frankly, the GAO letter that my friend, Senator GORTON, proposes, is fully within his rights. Any Senator can write to the GAO, whether it is joined by the chairman of the Appropriations Committee or whether it is the most junior Member here. You can write to GAO and ask them for information. Now I intend to ask them to assess the needs of the Indian people: How poor are they, and why are they poor? I want to ask them what physical needs they have—water systems, sewers, roads—for they live, in most cases, in a pretty bad economic situation and a pretty deteriorated public environment with reference to infrastructure and the like.

So it is mighty easy to say, let's fix this formula and have somebody in government formulate a new means test for us, but I will tell you, it is a lot more difficult to find out what our responsibility should have been over the years and how much of the Indians' plight is because of the laws we have and our failure to take care of the related trust responsibilities that we have.

The history of Indian people versus the United States of America is as old as some of the Supreme Court opinions written by Justice Chief Marshall back in 1830's. I am sure Senator GORTON, who is an expert on the legal debates, knows about all those cases. While I am not as legally perfected, I know that there is not one simple evolution of the relationship of the Indian people to the American Government and to the States. It has evolved because of court opinions, it has evolved because Presidents have articulated American policy with reference to Indians. President Nixon articulated a policy of self-governance and self-determination, which has then been carried out by the Government of the United States.

So the next time we debate this issue, we will not just have three exhibits here, one of which quotes from one treaty, for I am sure that more than one of us will be steeped in the history of how we got to where we are. It is not going to be as simple as devising a new means formula and distributing federal money based upon some kind of new means testing.

It may be that treaties don't govern all of these responsibilities, but I can guarantee you, the statutes are filled with commitments to the Indian people. Before we have this next debate and during the next hearings, we ought to be talking about all of those statutes that said we are going to educate the Indian people, and then we never provided enough money; that says we are going to house them, and then did not provide enough money. Where does that come into the equation?

We said we wanted economic prosperity for Indians—but until the 1980's through the highway trust funds, we hardly funded any roads for them. I can remember, when I arrived in 1973, $10 million was the level of funding for Indian roads. We were thrilled to get it up as high as $30 million. When we included Indians in our highway trust funds for the first time, the funding jumped dramatically to $80 annually, and in the most recent highway bill 6 years ago, we finally got it over the $150 million mark for all of Indian country out of the highway trust funds. In spite of them paying into the funds everytime they bought gasoline, we weren't building any roads from this fund for them until the mid 1980's.

Just a few remarks on judicial immunity. I believe it is incumbent upon the Indian leadership of this country to work with us, those of us who are genuinely concerned about their well-being and protecting their rights to self-determination and self-governance. We ought to work on some of the troubling areas where the lack of judicial review is something that is beginning to offend many people and that many of us who are protective of our Indian people are beginning to ask questions about.

In that regard, Senator GORTON, in conversations that are off the record and not on the Senate floor, has talked about the fact that maybe the solution isn't a total waiver of their judicial immunity. Maybe we need to examine these judicial areas that cry out for some kind of equity and fairness. I assume in the next year those will be looked at by various committees.

But in the final analysis, the important thing that happened here today is that, in my humble opinion, fairness prevailed because it would have been grossly unfair to waive tribal sovereign immunity. In fact I think it would have been wrong in the appropriations process to waive judicial immunity across Indian country so that Indian tribes can be sued by almost anyone for anything in any court. I believe we would have wreaked havoc on Indian governance and we would have destroyed the tribes of our country in many cases. And this too is an evolving situation.

For in many of the cases where we have cited that the Indian tribes cannot be sued, they have insurance, I say to Senator INOUYE. We found many of them are in fact settling lawsuits because they bought liability insurance.

We have even found that some of the suits that people talked about here on the floor were indeed covered by liability insurance. So those who sued tribes were not without a remedy.

But let us say the process has worked because we have not jumped precipitously into changing that very large body of law with reference to the governance and status of a recognized Indian tribe in terms of the courts of our land and judicial review of their actions.

And on the previous issue on means testing, in summary, I believe that justice prevailed and the right thing is done by us not acting to establish some formula or even indicate that we are setting down that path.

All we have done today is to set in motion some questions to the Government, the GAO. As indicated, there might be a lot of other questions of them. Then, in due course, means testing will be looked at in a manner that it should be looked at by appropriate committees.

I thank Senator GORTON. I was privy to the meetings where this resolution was finally arrived at. I was not there at every meeting, but nonetheless I was there in time. I was there in time to make sure that some ideas that were apparently gaining credence were denied their credence. And I feel very good about that. And we are now back together saying, let us work together and see what we can do.

I say to Senator CAMPBELL, as chairman of the committee, our new chairman, I have served on your committee for a while, never as chairman because I could not do that, but I pledge to you my support as we move through the next year or so in trying to solve some of these problems. I am firmly convinced that it will not be a simple proposition of “let's have a means testing formula,” because there will be a lot more to it before we finish as we try to understand just what we ought to be doing in fairness.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I think it is certainly appropriate, for a few moments, to speak to the issue at hand here on the floor and my support for what the Senator from Washington has chosen to do with the two issues that he brought to the Interior appropriations bill dealing with native Americans and sovereign immunity.

I discussed these issues with him at length and certainly with native Americans of my State—four different tribes. I have spent a good number of hours discussing this issue and how it relates to their rights and how it relates to the rights of all citizens in this country.

I am extremely pleased also to have worked very closely with the Senator from Colorado who I respect greatly for his opinions in this area and certainly his long-term knowledge about issues of native Americans because he is so proudly one of those amongst us who can claim that title and does so proudly and represents them so well in this body.

I am pleased that we are willing to take this back to hearings. It is an issue of immense proportion for both non-Indian citizens of our country and Indian citizens because of the nature that is evolving upon many of our reservations and the questions that are mounting outside of them as it relates to fairness and equity.

In my State of Idaho we have at this moment some conflict that must, I think, in the end be resolved so that there is a sense of fairness for all parties involved. There is now on both sides of this issue a lack of that sense. I hope that we can resolve some of it. It is our responsibility. We are talking about Federal law and the recognition of that law and that which has built up around it now for well over a century.

I certainly trust my colleague from Colorado to deal with it in an even-handed, straightforward way and the Senator from the State of Washington who forced this issue upon us, in the right way, to cause us to look at something that sometimes we are not willing to or we find difficult to deal with.

Yet there are times in our country's history when it is appropriate to look at what we intended in the past and how it has revolved into the present and whether it fits today's modernness or if there are some reasonable adjustments that can be made within law that affect people in their lives. That certainly is our responsibility.

So I thank both of my colleagues for their willingness to cooperate and work with each other and to resolve, out of what could have been substantial conflict, an approach that I think in the end meets all of our interests in a way that serves this body and native Americans in our country well along with non-Indian citizens.

I yield back my time.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, as my distinguished friend from New Mexico suggested, the matter before us is a very complex one. The history that we will be considering in the days ahead, when we debate this matter, is also a complex one filled with tragedy and filled with sadness.

It is true, as stated by my friend from Washington, that many of the tribes are not treaty tribes. But I will explain why I believe it is not so.

Mr. President, when the first European came upon this land, anthropologists have suggested there were anywhere from 10 million to 50 million native Americans residing in the present 48 States. Today, the number is less than 2 million.

The history of our relationship with our first citizens is not a very happy one, Mr. President. In the early days, we looked upon them and counted upon them to help us in our wars. The record indicates that if it were not for certain tribes belonging to the Iroquois Confederacy, General Washington and his troops at Valley Forge could very well have perished. These Indians traveled hundreds of miles carrying food on their backs so that our troops would be fed.

Well, that was a long time ago, Mr. President. But this is part of our history. There was a time when Indians sent ambassadors here because they were sovereign nations, just as sovereign as Britain or France or China or Japan. And we treated them as sovereigns.

So sovereign nations conferring with other sovereign nations usually come forth with an agreement which we call treaties.

Our history shows that we entered into 800 treaties with Indian nations. Of that number, 430 never came to this floor. They are somewhere in the archives of the Senate of the United States. For one reason or another, we decided not to act upon these treaties, treaties that were signed either by the President of the United States or his designated representative. They were solemn papers, documents that started with very flowery words such as: “As long as the sun rises in the east and sets in the west, as long as the rivers flow from the mountains to the oceans, this land is yours.”

It is true, as I indicated, that not all Indian nations are treaty nations, because 430 of the 800 treaties were not ratified, were not even discussed, were not debated, were not considered. But most of the remaining treaties are treaties that were signed in perpetuity.

It is true that there are some that were not signed in perpetuity. But most of them had the flowery language: “As long as the sun rises in the east and sets in the west, that is yours.”

Then we decided that the 370 remaining treaties may have been a mistake. And, Mr. President, this is a chapter that many of us would try to forget and it is almost difficult to believe. But we proceeded to violate provisions in every one of them.

Ours is a proud Nation. We always point to other nations and say, “You have violated a treaty. You have violated START II. You have violated the nuclear proliferation treaty,” and we convince ourselves that we always fulfill every provision in our treaties. Yes, today we do so.

But there was a time when we disregarded these solemn promises. After the treaties were signed, we decided that Indians were a nuisance. That is a harsh word to use, but we established a policy of extermination. We may not have used that word, but the actions we took were extermination.

We often hear about the trail of tears. We have had hundreds of trails of tears. For example, the Cherokees were rounded up in the Carolinas—thousands of them. They were rounded up in the summertime, and in the wintertime, with their summer attire, some in shackles, had to travel across the country to Oklahoma. It is no surprise that over half of them perished. These were the trails of tears.

Oklahoma, Mr. President—we hate to admit this—is a dumping ground. There are tribes there that cannot trace their ancestral land in Oklahoma. What are the Apache doing in Oklahoma? What are the Seminoles doing in Oklahoma? What are the Cherokees doing in Oklahoma? They were sent there, and oftentimes sent to areas that no one wanted. Yes, if we found gold on certain land, that treaty was violated.

So, Mr. President, this is a very complex issue. After the Indian wars—and we oftentimes look back to those days with great pride; there were great soldiers, great generals, like General Custer—at the end of the Indian wars, as a result of wartime death, disease, and such, the Indian population of the land had come down to 250,000—250,000.

Yet, with this background, with this history, I think we should recall this footnote.

In all of the wars that we have been involved in since World War II of this century, native Americans have put on the uniform to participate in the defense of our freedoms, our liberties, our Constitution, our people, and our land. They have sent more men on a per capita basis than any other ethnic group. More men from Indian reservations served in Desert Storm on a per capita basis than any other ethnic group.

In fact, we oftentimes look at that great statue of the raising of the flag at Iwo Jima on Mt. Suribachi. It should be noted that of the five Americans that are raising the flag, one is an Indian. That has been the contribution of Indian men and Indian women throughout our history. They have done so notwithstanding their strange and tragic history in the back. So I think they have earned the right to say, "Let's not break any more treaties." Enough is enough.

Mr. President, like my distinguished friend from Washington, my friends from Colorado, New Mexico, Arizona, and Alaska, I look forward to this great debate where we can finally with some definitiveness and with some depth discuss our relationship with the first citizens.

In closing, I will read part of the statement of Governor Stevens of the State of Washington when he asked the tribe in the Pacific Northwest to sign the treaty of Point Elliott. The Governor used some extraordinary words:

> There will be witnesses. These witnesses will be tides. You Indians know that the tide goes out and comes in, that it never fails to go in or out. You people know that streams that flow from the mountains never cease flowing. You people know the sun rises and sets and never fails to do so. Those are my witnesses. And you Indians, your witnesses and these promises will be carried out and your promises to me and the promises to the Great Father made to you will be carried out as long as these three witnesses continue.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. I thank Senator INOUYE for those very thoughtful comments. Until he introduced a bill just a few years ago that established a museum of the American Indians as part of the Smithsonian—and I was a House sponsor when I was on the House side—until that happened, there was a common saying here in Washington, DC, by Indians throughout the Nation. That saying was, "There are more dead Indians in Washington than live ones." It was because at that time there were over 16,000 remains, mostly skulls, but other body parts, housed by the Smithsonian.

Senator DOMENICI, when he was here, I think put it in a good and proper perspective. We are dealing with a couple of sections. My primary opposition was not that I was trying to lock anybody out from debate, but I felt it was the wrong vehicle for putting these very, very important policy changes on an appropriations bill. But Senator DOMENICI put it in a proper perspective. Since he did, I will make a point of that, too.

Senator INOUYE mentioned the number of treaties that were dealt with. It is my understanding that 374 were ratified by the U.S. Senate and 374 broken—every single one—but not by the Indians. That is something that ought to be in a historical perspective when we talk about section 120 or 118.

Most of the things that the Indians lost in the centuries past were done through two manners: either at gunpoint or through some subterfuge. Certainly if they had known the value of Long Island, they would never have sold it for $27 worth of beads. In the case of the Black Hills, they did not have a choice; it was at gunpoint, as many other lands were, too.

Some authorities, including Herman Viola, head of the National Archives and a prominent author on American Indians, has written about 14 thoughtful books on American Indians, and he says in some writings that estimates are as high as 30 million aborigine people—30 million—died in North and Central America between 1492 and 1992—30 million. It was not like this place wasn't inhabited. There were complete nations.

If you go back in history and you look at the great cities of Cahokia, which disappeared 400 years before the landing of Columbus, which had 20,000 acres in cultivated crops and astronomers, doctors, artists, and every imaginable kind of profession in their own way—gone, 400 years before anybody landed on a boat here from any of the European countries.

The great city of Tenochtitlan, which the modern city of Mexico City is built on top of, had thousands of years of their own history before the coming of post-Columbian people. I live about half an hour from Mesa Verde, called the Cliff Dwellings. They were there before Christ walked the Earth, the people living on the mesas, planting their corn, raising their kids, praying to their Lord, passing on generation to generation. They left there almost 400 years before Columbus even got here.

So when we talk about who owes what to whom around here, I think it is very important that we remember that Senator DOMENICI and Senator INOUYE have tried to put this in a proper perspective. They were a culture. They did not have prostitution. They did not have jails. They did not have communicable diseases. They did not have unemployment. They did not have taxes, by the way, Mr. President. They did not have welfare, mental institutions, literally all of the social problems that we now think are consuming America, eating up America. They did not have those. They could not even swear. They could not even swear. They had no swear words in the Indian language.

They were a pretty good culture. We could learn a lot from them. We did not learn very much because we found it was easier to take things at gunpoint or to get one to sell out another. That was common in those days. If the negotiators with the Federal Government could not talk some of the chiefs out of the land, they would simply say, "OK, we will set up our own chiefs. We will set up these guys over here. They belong to the tribe. We will say they are the guys that have the authority to sign the agreements and the treaties." That is the way some of the land disappeared.

If we decided we could not deal with the Government of France or Great Britain or any other foreign country, we would simply say, we will set up our own puppet leaders in your country and then we will sign an agreement with them and that will become the law of the land. That is how a lot of the land disappeared.

They had none of these problems. It was not in their nature and it was not in their culture. They inherited it all. Many, many tribes are still trying to find their center, find their way, and make a better life for themselves and their kids. It is an uphill battle all the way because this Government, by and large, has never been very sensitive of their needs.

If you remember, historically, in fact, the Bureau of Indian Affairs was not part of the Department of the Interior when it was set up. It was part of the Department of War. Do you think anybody that sets up a framework to try to find fairness after fighting decades of battle, where some of their own people were lost in their battles, do you think they will be fair? Probably not.

That is what led to the rise of the Surgeon General in the 1800's asking the War Department to send out a request to collect body parts from American Indians. If they were already dead, that was OK, dig them up and send them in. If they were not, kill them and then send them in. The point of that whole study is a matter of historical record. It was to do one thing: They took measurements of the skulls, the bones; they measured how far apart were the eyes, and the cranial cavity and so on, and in their infinite wisdom decided, because those measurements were different from the Anglo majority of this country, they could not have had the intelligence to own land. That was one of the reasons and one of the driving forces of westward expansionism.

I didn't want to get into a big history lesson here, but that is all a matter of record.

It seems to me that if Senator DOMENICI and Senator INOUYE did anything, they tried to put this in a proper perspective. There have been many, many bills and many laws passed dealing with American Indians where they have had very little input and no voice in this body. All they are asking now is to have a voice in this body by having these bills introduced in a legislative forum so they can speak to them, too, and not just slipped in in an appropriations bill.

In the past, there have been many devastating laws passed by this Congress. Certainly one was simply called relocation. That was not so long ago, it just happened in the 1950's, in which Congress decided Indians had lived on reservations long enough and they could be assimilated, and they uprooted families and sent them to the city and taught them to be electricians, plumbers, automobile mechanics, and after they finished school, they dumped them on the streets of Los Angeles, New York, Fresno, and all over this country with no jobs and no skills or ability to get the jobs with which they could make a living doing the things they had been taught under relocation.

That is the reason why we have such high alcoholism rates among urban Indians now, still to this day, 40 years after the relocation act.

In its infinite wisdom, this body decided, through the Termination Acts of the 1950's, they would arbitrarily say the Indians have been living around the city long enough, therefore we will not call them Indians now but terminate them as a legal body. The heck with the whole treaties, the heck with what we agreed to, our word is no good, we will terminate them. I have never understood that. It is like telling a black American you have been around the cities long enough, you are no longer black. I don't know how they could have even done that, but they did it.

To this day, many of those tribes that were terminated and left in limbo, not quite in the Anglo world and certainly not in the Indian world because they were no longer legally Indians, and they have been trying to find their center. That is why in the last few years we have allowed more and more tribes to go through the Bureau's procedure to be reinstated as tribes.

I guess in closing I should say we do an awful lot around here based on the law book. It seems to me we ought to do a little more based on the Good Book. You can be legally right and morally wrong. Everybody in this body knows that. I think we can put something in place that might be legally right and stand up in any court of law, but we have to ask ourselves, was that the right thing to do? Was that a fair thing to do to 2 million people without their input, without them knowing, without them having a voice? I don't think so.

If you look at the unemployment rate on the charts that Senator GORTON showed, it was 95 percent on the reservation in Pine Ridge, SD. When you talk about a 9 percent unemployment nationwide, this country comes unglued. We think we are in a major catastrophe if we have a 9 percent unemployment. Try 40, 50, 80, 90, or 95 percent, like in Pine Ridge, SD, and all the dysfunctional problems, including fetal alcohol syndrome. One out of five or six babies born is destined to lead a life in an institution because his mother drank too much because she didn't know the difference or did not know it would hurt her unborn baby. Try to apply those statistics to the outside world.

Half of our high school kids don't finish high school. We have kids sniffing glue, eating paint, blowing spray paint in their face, burning our their mind. They don't know what they are doing because they have not had proper education or training. We have a suicide rate on some reservations where one out of every two girls, one out of every two, tries suicide before she is out of her teenage years, and one out of every three boys, and too many of them succeed.

That is the historical perspective that I try to put this in when I say we went the wrong way in trying to add this to an appropriations bill with no input. I am delighted and honored that so many Senators came forward and spoke to this, and at least for this year, we got it right and we are telling people this Nation is no better than a human being when we give our word. We are now in the process of dealing with fast-track for NAFTA, expanding that; we dealt with the Chemical Weapons Ban Treaty, and we are dealing with another treaty dealing with landmines. They are all going to affect millions of people. It just seems to me that if this Nation can give their word in treaties to everybody else in the world that live halfway around the world, we can darn sure give our word to the first Americans and keep it.

With that, Mr. President, I would like to get back to the amendment and clarify that. I did ask unanimous consent on the pending question that is now referred to as section 118, beginning on page 52, line 16; is that correct?

The PRESIDING OFFICER. The Senator's amendment does propose a substitute for that language. The Senator is correct.

Mr. CAMPBELL. I am not sure. Did I ask for the yeas and nays?

Mr. GORTON. No. I think we are ready to vote on the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment by the Senator from Colorado?

If not, the question is on agreeing to amendment No. 1197 by the Senator from Colorado.

The amendment (No. 1197) was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 52, LINE 16, AS AMENDED

The PRESIDING OFFICER. The question is now on the Committee amendment, amended by the amendment of the Senator from Colorado.

The excepted committee beginning on page 52, line 16, as amended, was agreed to.

Mr. CAMPBELL. Mr. President, I will move to section 120.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 55, LINE 11

The PRESIDING OFFICER. The question before the Senate is the excepted committee amendment beginning on page 55, line 11.

The text of the excepted committee amendment is as follows:

TRIBAL PRIORITY ALLOCATION LIMITATION

SEC. 120. The receipt by an Indian Tribe of tribal priority allocations funding from the Bureau of Indian Affairs "Operation of Indian Programs"' account under this Act shall—

(1) waive any claim of immunity by that Indian tribe;

(2) subject that Indian tribe to the jurisdiction of the courts of the United States, and grant the consent of the United States to the maintenance of suit and jurisdiction of such courts irrespective of the issue of tribal immunity; and

(3) grant United States district courts original jurisdiction of all civil actions

brought by or against any Indian tribe or band with a governing body duly recognized by the Secretary of the Interior, wherein the matter in controversy arises under the Constitution, laws, or treaties of the United States.

Mr. CAMPBELL. I ask unanimous consent that the committee amendment referred to as section 120, beginning on page 55, line 11, be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The excepted committee amendment beginning on page 55, line 11, was withdrawn.

Mr. CAMPBELL. Mr. President, I wasn't going to speak to that, but I might make one comment. As I read the language of the bill, there were so many unanswered questions. One that came to mind was this. As I understand section 120, tribes who did not want to give up their sovereign immunity would be denied Federal funds. If they did willingly give up Federal funds, then they would not have had to give up their sovereign immunity, which seemed strange to me because the tribes that are the most destitute and therefore the most dependent on Federal help, would have been the ones who would have had to give up immunity and therefore would have been sued more, where the very few, perhaps 1 out of 100, who do have a casino and have some money, simply would have said we don't want Federal money, we have enough; therefore, their immunity would have been intact. It seems that paradox should be the thing that we discuss in a proper forum, which is the committee legislation.

With that, I have no further comments, Mr. President. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, section 120 of the bill is a section that conditioned tribal priority allocations on the abandonment of a doctrine called sovereign immunity on the part of Indian tribes. There has been much said during the course of the day about justice, about simple justice, about there being more important concerns than the letter of the law. With that proposition, I find myself in agreement. And the proposal with respect to sovereign immunity was aimed at just precisely that goal—simple justice.

In fact, Mr. President, there is a letter to the editor in the Washington Post today that goes under the title of "Simple Justice."

I ask unanimous consent that this letter be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 16, 1997]

SIMPLE JUSTICE

I read with disappointment the comments of Sens. Ben Nighthorse Campbell and John McCain regarding Sen. Slade Gorton's provision to the Interior Appropriations bill that would require Indian tribes to waive their sovereign immunity from suit before they can receive federal funds ["Keeping Our Promise to the Indians," op-ed, Sept. 10]. Their argument misses the point.

Sen. Campbell said recently that the legislation that would provide my family access to the federal court system to seek justice for my son's death would pass over his [Campbell's] "dead body." Now Sen. McCain has joined the rhetoric.

On Oct. 25, 1994, two of my sons were returning home from a school function in our farm pickup truck. When Jered, 18, and Andy, 16, were crossing an intersection on an Indian reservation, a tribal police vehicle hit their truck at a speed calculated at 68 mph. My son Jered was killed instantly, and Andy suffered serious injuries.

I then learned that my family has no recourse in the federal and state court systems, because tribes have protection for such actions under the principle of sovereign immunity. According to University of Washington law professor Ralph Johnson, sovereign immunity is based on European law—"you can't sue the King." There are no kings in America. Sovereign immunity is not a right held by Native Americans; it is an authority granted to them by Congress.

I was told that my only avenue to seek justice would be through the tribe's makeshift court system that operates without a constitution. Indian tribal courts have routinely shown their inability to administer justice fairly. The tribes don't even have to allow a person to seek damages against them if they choose not to.

Sen. Gorton has written a provision that tribes receiving federal tax dollars must accept responsibility for their actions in the same court system that every other American must. This proposal is a simple and fair one. Sen. Campbell's objection to this legislation is denying my family's right to seek justice for a tragic incident that has profoundly changed our lives forever.

When Sen. Campbell talked about this legislation passing over his "dead body," it hit a deep and emotional chord with me; that is why I am urging the passing of this legislation. But the death I speak of is real, no political talk. The justice I ask for is no more than any other American enjoys when not dealing with Indian reservations.

The two senators wrote that Native Americans "don't come from large voting blocs, and most cannot afford the kind of access in Washington other Americans have." In addition to that, they referred to Native Americans as a "silent minority".

The Center for Responsive Politics totaled the monies spent by Native American interests on lobbying, soft-money donations to national and state party committees, individual contributions and PACs to be $4,248,464. Common Cause listed the top 25 gambling industry soft-money donors during the 1995 and 1996 campaign cycle. The No. 1 donor was an Indian tribe, as was the ninth, 16th, 17th, 18th, 20th and 23rd.

I am just the father of a son who was killed on a reservation. I have spent $20,000 of my own money to seek justice for his death—money earned by working on my farm. If the Native Americans who have spent more than $4 million influencing proliticans are the "silent minority," I wonder where that leaves me in the senators' eyes.

BERNARD GAMACHE
Wapoto, Wash.

Mr. GORTON. The simple justice referred to in this article is the death of an 18-year-old high school student in an automobile accident in the lower Yakima Valley in the State of Washington. That accident, according to the father of the boy and the police agencies, took place when a Yakima tribal policeman ran a red light in a pursuit and broadsided the pickup being driven by the young man and killed him.

The Yakima Tribe, the employer of that police officer, cannot be sued because of the doctrine of sovereign immunity. In other words, there is no State or Federal court in which the father, the author of this letter, can seek simple justice. He is absolutely precluded by the doctrine of sovereign immunity. Now, if that police vehicle had belonged to the Yakima County sheriff's office, a suit could have been brought against Yakima County. If it had belonged to the Washington State Patrol, the father could have brought a lawsuit against the State of Washington—but not against the Yakima Tribal Council, the employer of that police officer.

The Yakima Tribal Council states that the facts are somewhat different and that perhaps the police officer was not negligent. Neither you nor I, Mr. President, nor any Member of this body can be certain of those facts. But it is for exactly that reason that we set up courts in the United States, so that there could be a neutral body to make that determination and to reward damages where a judge and a jury felt damages were due.

So when we discuss this question of tribal immunity, we aren't dealing with an abstraction, we are dealing with a very real question of justice involving very real people and involving responsibilities that are undertaken by every other governmental corporation in the United States.

During the course of the debate over sovereign immunity, we have also heard, as one of the principal defenses, that it is created by these 367 treaties with Indian tribes. Unlike the debate on the previous question, a treaty-created right of financial support, I can't put a display behind me here showing a treaty and what it does to deal with tribal immunity because, bluntly, there isn't a word about sovereign immunity in any one of those 367 treaties. The reason is not surprising. Governmental immunity from lawsuits is not a concept that traces from that relationship. It is a doctrine of English common law that you could not sue the king, a common law inherited by the United States upon our Declaration of Independence in 1776, and abandoned, in most part, by the Government of the United States, by the governments of varying States, and through them by local governments all across the United States. One of the most recent statements of a Member of the Supreme Court on sovereign immunity is Justice Stevens, in 1991:

> The doctrine of sovereign immunity is founded upon an anachronistic fix. In my opinion, all governments, Federal, State, and tribal, should generally be accountable for their illegal conduct.

And, of course, Mr. President, we never, under our system of judgment, allow the determination of whether or not something is illegal to be made by the person accused of illegality. We use an independent court system for that determination. The Supreme Court has dealt very specifically with the question of where the authority to make that determination about Indian tribal sovereign immunity is lodged.

Chief Justice Rehnquist, in 1991, at the end of a series of cases on this subject, wrote:

> Congress has always been at liberty to dispense with such tribal immunity or to limit it.

It is not a matter contained in any treaty. It is a matter that the Constitution of the United States of America lodges right here in the Congress of the United States.

Now, I have agreed to the amendment that was just accepted because the Senator from Colorado, the Senator from Hawaii, and others have also graciously agreed that a subject that, for all practical purposes, has not previously been taken up by the Committee on Indian Affairs will in fact be taken up.

I will, in the next few days or weeks, introduce a bill on sovereign immunity. They have agreed that there will be a series of hearings in which we will hear from victims of sovereign immunity, like the author of this letter, and from many others, and hear the justification of the various tribes for the retention of this anachronistic concept. They have also agreed that we will have a markup and a vote on such a proposal in the committee.

My friend, the Senator from New Mexico, who is not here now, who vociferously and successfully argued for the removal of this section from this bill, has said, as he just did a few moments ago, that he feels that there may be real room, in connection with this doctrine, for changes, for some removal of that tribal immunity, even if not a total abandonment of it. I find that to be a most encouraging statement. I hope he reflects on others of his own view. The particular example that he has used is one that is pretty close to home, because as long ago as 1981 when I was attorney general of the State of Washington, I was involved in a lawsuit in which the Supreme Court of the United States made the judgment that Indian tribal smoke shops were required to collect the State's cigarette tax on the sale of cigarettes to non-Indians and to remit them to the State. It is curious that now we are debating actively just how much more we should pile on in the way of cigarette taxes in order to discourage smoking.

But in the 17 years since the Supreme Court made that decision, a decision renewed in another case in the Supreme Court of the United States just a few years ago, Indian tribes have systematically and successfully ignored the judgment of the Supreme Court of the United States and have refused to collect those cigarette taxes, and sell cheap cigarettes, often to minors, without collecting the State sales tax, and to successfully defy the Supreme Court because the smoke shops are considered tribal enterprises and the State taxing authorities can't sue to enforce the collection of those taxes because of the doctrine of sovereign immunity. Just what justification we are going to get in these hearings for defying decisions of the Supreme Court of the United States and selling cheap cigarettes in the year 1997 and 1998 I am not sure about. I am going to be very interested in listening to that argument. We are talking about fairness here. We are talking about taxes that support the schools to which members of the tribe go. We are talking about a tax system that creates fair competition between sellers who hold that tribal immunity and those who do not. And, in a third area, we need to examine whether or not the ordinary forms of contract law ought to allow the enforcement of contracts, as against a claim of tribal immunity preventing a determination as to whether a contract has been violated or not.

Those are three areas. I don't know that they are necessarily exclusive, and probably the considerations in each one of them may be different.

Should States be allowed to enforce the collection of taxes that the Supreme Court says they have lawfully imposed? Should persons alleging violations of contract be able to go into a court to get a fair and equitable determination of whether a contract has been violated? Should the victim of negligence, or even an intentional harm in an automobile accident, or an assault, or the like, be able to seek redress in the courts of his or her State, or his or her Federal system, against an Indian tribe under pretty much the same circumstances in which they can seek that redress against any other governmental entity in the United States?

The Supreme Court, Mr. President, has said the buck stops here. It is up to us to make that decision. We have not even talked about it for 20, 30, or 40 years.

I think it is a major step forward that we will in fact talk about it. I suspect that it will still be a controversial issue, though it may be that the Senator from New Mexico has come up with a way for us to say, "Well, perhaps we are not going to go all the way; perhaps we will try to deal with areas which are really quite open and shut, and see whether or not it works to the administration of justice; whether or not it does undercut any kind of tribal right of self-determination."

That offer, as well as the generous statements from the Senator from Hawaii, and the Senator from Colorado, I greatly welcome. And I think we can deal with this in an orderly fashion of committee hearings and committee action.

I now think perhaps for the first time we have some hope that we may not only be able to talk about the issue but to come to some kind of an accommodation in which we meet somewhere in the middle of the road—hopefully we will not get hit by a car on the way—and see whether or not we can't move forward on this.

So, I agree with the amendment of the Senator from Colorado which has just been agreed to. I thank him for his agreement to move forward on an issue on which he feels strongly, just as I do. But that, of course, is the way in which we deal with controversial issues, and I look forward to the next round.

Mr. President, I think we have exhausted this subject. With respect to the bill as a whole, we will return I believe to the debate over the various amendments on the National Endowment for the Arts. The majority leader informs me that he in the strongest possible terms wishes to complete all action on this bill by adjournment tomorrow. Once Members who wish to speak to the National Endowment for the Arts, or any other issue, come to the floor and do so, we will have a further opportunity this evening.

There is an amendment on forest roads to be proposed by Senator BRYAN of Nevada, which I understand will be proposed early tomorrow, which will be highly controversial. And this will require a vote. The Senator from Arkansas, Mr. BUMPERS, and the other Senator from Nevada, Mr. REID, may well have settled the controversy involving them, and others.

So I am not certain, on the Bryan amendment and the various amendments on the National Endowment for the Arts, that there are any others that will require rollcall votes. If there are, I urge Senators, or their staffs, to notify us and come to the floor and discuss them.

We need to pass this bill. We need to get it into a conference committee. There are many controversial differences with the House bill.

With that, Mr. President, and the request of anyone who wants to say anything tonight to say it, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NATIONAL ENDOWMENT FOR THE ARTS

Mr. REED. Mr. President, last November, the people of Rhode Island gave me the great honor of succeeding one of this Chamber's true giants: Senator Claiborne Pell. Throughout his years of service, Senator Pell committed himself to increasing access to education and, fittingly, his name has become synonymous with the fight to open the doors of higher education to all of our Nation's citizens, regardless of income.

Senator Pell also dedicated himself to increasing access to the arts for all Americans, regardless of an individual's or a community's wealth. He recognized the power of the arts to inspire people of all ages, through national and local exhibitions as well as arts education. With his wise and steadfast leadership, Congress made a commitment to advancing these aims, creating a National Endowment for the Arts.

I am proud to follow in Senator Pell's footsteps in supporting the NEA and a strong Federal commitment to the arts. Across the country and in my home State of Rhode Island, the arts enhance our culture and strengthen our economy.

The events of recent years in Rhode Island's capital city of Providence are a testament to the power of the arts. The last half decade has seen the revitalization of Providence's downtown area. One major factor in this rebirth has been the emergence of Waterplace Park, which uses architecture to take advantage of the Woonasquatucket and Providence Rivers' natural beauty. This summer, with NEA support, the WaterFire exhibition was introduced to the park. In the few short months since its installation, this artistic display has already encouraged thousands of Rhode Islanders to rediscover Providence's treasures.

The arts have also contributed to Providence's revival in other ways. Institutions like the recently renovated Providence Performance Arts Center and Trinity Repertory Company, both of which receive NEA support, provide our State's residents with opportunities to see well-renown and innovative theatrical works. In addition, the passage of new tax incentives for artists residing in downtown Providence has attracted a vibrant and increasingly active artistic community to the city. Taken together, these developments led USA Today to name Providence a "Renaissance City" in 1996.

The Federal investment in the NEA is minimal. The $100 million this bill would provide for the NEA, for which I commend the chairman and ranking member of the subcommittee, represents less than 40 cents for each of our Nation's citizens.

But with this tiny investment, the NEA does great things, offering our Nation's citizens increased access to all forms of the arts. In my State, the NEA supports not only theatrical productions, but also the work of the Children's Museum of Rhode Island, the youth concerts given by the Rhode Island Philharmonic Orchestra, and the interactive music program that Rhode Island Hospital offers to its patients. In my hometown of Cranston, the NEA supports the annual Labor and Ethnic Heritage Festival, which brings people of diverse backgrounds together to celebrate and learn about each others' traditions and cultures.

These programs reach a wide range of Rhode Islanders, but even those who choose not to participate in these events benefit from NEA support and our State's vibrant arts communities. There is a close relationship between the arts in Rhode Island and economic growth.

Working closely with the NEA, the Rhode Island State Council on the Arts supports many arts organizations, social service organizations conducting arts programs, and arts educators. One of the Rhode Island Council's funding categories, which supports 26 of the State's largest arts organizations, is known as general operating support. In 1995–96, the council's grants in this category totaled $355,000, with an average grant size of $10,000.

For this investment of $355,000, the State of Rhode Island saw an enormous return. The 26 general operating support organizations directly contributed more than $24 million into the Rhode Island economy. More than 1.1 million people attended these organizations' programs last year, further spurring the economy. Using modest Department of Commerce multipliers, these figures suggest that the activities of the general operating support organizations alone contributed a total of more than $97 million to Rhode Island's economy last year. The figure for all arts organizations would be even greater.

These impressive findings are repeated on a national scale. Recent studies have shown that the national nonprofit arts industry generates some $36.8 billion annually in economic activity; supports 1.3 million jobs; and produces $790 million in local government revenue and $1.2 billion in State revenue. For each dollar the NEA invests in communities, there is a twentyfold return in jobs, services, and contracts. Without question, this is a wise investment of our resources.

We must also recognize the importance of national leadership in the arts, which only a strong, sufficiently funded National Endowment can provide. As my colleague from Utah, Mr. BENNETT, noted yesterday, the NEA's seal of approval helps countless organizations across the country to raise matching funds from private sources to support the arts.

In addition, by identifying arts education and increased access to the arts as its priorities, the NEA has promoted these issues nationwide. In recent years, we have seen a resurgence of our commitment to include the arts in elementary and secondary school curricula in Rhode Island, largely spurred by the NEA's emphasis on how exposure to the arts helps young people to grow more proficient in all subjects.

I am proud to serve on the Labor and Human Resources Committee, which has examined many of these issues. I am also proud to be a cosponsor of S. 1020, which the committee passed earlier this year by a bipartisan 14-to-4 vote. S. 1020 reauthorizes and continues to reform the NEA, while maintaining a strong Federal commitment to the agency and its ideals. I look forward to the consideration of this important legislation on the Senate floor.

Standing on this floor 32 years ago, Senator Pell observed that "the arts throughout history have greatly enriched all truly worthwhile civilizations. The arts can put into tangible form the highest of man's creative ideas, so that they may become permanently memorable."

Today, I wish to echo Senator Pell's wise counsel. I urge my colleagues to support the NEA at the funding level requested by the subcommittee and to preserve a strong Federal commitment to the arts.

VANISHING TREASURES

Mr. DOMENICI. Mr. President, I would like to take a moment to bring an issue to the Senate's attention related to the National Park Service and it's new initiative called Vanishing Treasures.

In a number of park units throughout the Southwest, the Park Service is responsible for maintaining and interpreting numerous ruins and historic structures, some that date back over 1,000 years.

One example of the wonderful ruins that exist in our National Parks is the Chetro Ketl kiva found in Chaco Canyon in New Mexico; a fascinating structure demonstrating the advanced architectural skills of the ancient Anasazi culture.

Many of these structures have become unstable and are constantly being degraded, primarily by the effects of the harsh desert climate. Furthermore, the almost artistic skill required in the stabilization methods that are necessary to preserve these structures is being lost because of the emphasis on other programs within the Park Service.

The Vanishing Treasures initiative will provide a 10-year program to stabilize these kinds of ruins to the point where they can be preserved by routine maintenance activities. Additionally, the initiative will place an emphasis on the training of younger employees, both permanent and seasonal, in the skills needed to perform this needed work.

In all, over 2,000 prehistoric and historic structures in 41 Park Service units, and countless numbers of future visitors will benefit from the work performed under this initiative.

The bill before us provides $1.5 million for this program, which is $0.5 million more than provided by the House, and $2 million less than requested by the administration.

I hope that the chairman will work with me to ensure the Senate level is at least maintained in conference, and I look forward to working with him to explore other opportunities to see that this initiative has sufficient resources to do this important work.

I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VANISHING TREASURES INITIATIVE

Vanishing Treasures (+$3,500,000; 18 FTE): The initiative proposed here would enable the NPS to reduce threats to ancient prehistoric ruins and historic structures that have grown to serious proportions in recent decades. "Vanishing Treasures" will improve the preservation of over 2,000 prehistoric and historic ruins in 41 parks in the arid west, all located within the Intermountain Field Area of the Park Service. The NPS estimates that half of these structures, the remains left by ancient American Indian societies such as the Anasazi, their historic descendants, and later pioneers, are in less than good condition. About 60 percent of these structures are being impacted severely or substantially, mainly by weathering and erosion. The severely impacted structures are at risk of collapse in the near future Others are deteriorating a bit less quickly, but with continued deferred maintenance this process will accelerate. Also of special concern is the poor documentation of these structures, about 60 percent of which are not well recorded and are poorly known.

An estimated 20 million visitors annually come to see these prehistoric and historic ruins and to learn about the ancient and historic cultures that created them. This visitation contributes over $1.6 billion to the economies of the States where the parks are located, helping to create over 33,000 jobs there. If the NPS is unable to maintain these structures, they will be lost. There is no Servicewide base funding for this program in FY 1997.

"Vanishing Treasures" is proposed as a 10-year program to bring NPS capability and the prehistoric and historic structures to a condition in which they will be preserved by routine preservation maintenance activities. The initiative includes: immediate emergency actions to be carried out in the first year; documentation, planning and management of projects to be carried out over the 10-year period of the initiative; a focus on skilled maintenance expert development and training; and provisions for appropriate expertise in other disciplines to make the program successful. Projects will be carried out by parks or centers, depending upon the nature of each project. Following is a summary of the four components of the Vanishing Treasures program:

Emergency Needs. Wind, rain, ice, snow, visitor use, site looters and vandals, insects, birds, rodents, and other forces wear down, break up, and deteriorate prehistoric structures unless counteractive steps are taken. Lack of such steps in recent decades has placed some structures in grave danger. In FY 1998, $2.045 million will fund the most acute emergency preservation projects where collapse and permanent loss of irreplaceable resources is imminent. Approximately 18 to 24 projects will be undertaken to meet most of the acute emergency need. A few examples of types of projects to be undertaken include:

Wupatki and Walnut Canyon National Monuments: These units include 202 sites that have standing prehistoric architecture, including large interpretive sites as well as smaller sites whose structural conditions have been identified as threatened with imminent loss. Only one position is currently devoted to ruins preservation.

Chetro Ketl, Chaco Culture National Historical Park: Large elevated circular kivas are a hallmark of Classic Bonito Phase great house architectural design. Among many, only Kiva G in the Chetro Ketl ruin has been extensively excavated. Kiva G is a series of eight superimposed, independently constructed ancient kivas, representing at least 18 separate prehistoric construction episodes and elevated 35 feet in the central building mass of the ruin. A support system of masonry and wooden piers, wooden sheathing, and steel beams installed more than 60 years ago to preserve the site have rusted, twisted, bowed, fractured, and rotted so that stresses are now transmitted to the prehistoric walls the system was intended to protect. The area is hazardous to the very workers who preserve the walls. Because of the extreme height and mass, collapse would be catastrophic to the kiva and 15 surrounding rooms. Funding would allow a structural/safety evaluation, design plan, and preservation treatment for this important resource.

Fort Union National Monument: In late July of 1995 a major architectural feature located in the Quartermaster's Office fell, and in the summer of 1996 another wall gave way to strong winds. Resources needed preservation work at Fort Union include but are not limited to a minimum of 250,872 square feet of adobe, 83,725 cubic feet of rock foundations, 25 new and replacement braces, and an undetermined amount of fired brick in over sixty structural remains.

Mesa Verde National Park: This park and two associated units protect 5,000 documented prehistoric sites, including 585 cliff dwellings and 45 mesa-top towers. Only about 100 of these sites have received treatment over the last ninety years, and structures renowned for their remarkable state of preservation are deteriorating at an alarming rate. Collapsing walls, undermining foundations, sagging roofs, rising damp and eroding mortar all place the integrity of this architecture in danger. Moreover, the recent fires at Mesa Verde National Park revealed as many as 500 new sites that will adds further to the conservation workload.

Upper Ruin, Tonto National Monument: Unexcavated Room 15 contains as much as eight feet of dirt fill, creating immense stress between it and adjacent excavated Rooms 7 and 14. Stress is exacerbated as seasonal rains swell the fill with moisture. Walls are bulging and cracking despite various temporary shoring and runoff diversions. Without correction, the inevitable collapse will soon destroy important prehistoric architecture and unstudied archaeological deposits.

[From the New Mexico Journal, Sept. 2, 1997]

SUN, WIND, RAIN CRUMBLE RUINS

PRESERVATION EFFORTS HINDERED BY LACK OF FUNDS

(By Peter Eichstaedt)

CHACO CANYON, N.M.—Harsh winds, driving rains, and an unrelenting sun are as common here as the timeless stone and dried mud dwellings of the ancient Anasazi.

But wind, rain and sun could spell the end of these mysterious ruins unless measures are taken soon to preserve them, say National Park Service officials.

The common notion is "you don't need to fix them because they're ruins," says Dabney Ford, archaeologist at the Chaco Culture National Historic Park.

Because most visitors come and go quickly, spending only an hour or two at the parks, they rarely notice the annual deterioration of the ruins, Ford says in a recent interview.

"There are some genuine disasters," she says of Chaco and 40 other national parks, monuments and historic sites across the West in need of preservation. Walls are falling down and sites are being washed away by flash floods and downpours, she says.

To generate public sympathy and federal funds to preserve these ruins, Ford and other national park employees earlier this year launched a drive to secure $3.5 million from Congress.

But Congress, scheduled to reconvene this week, is poised to provide less than a third of that request.

If approved, the money would begin a 10-year project called the "Vanishing Treasures Initiative" to improve and protect more than 2,000 prehistoric and historic ruins in 41 national parks in New Mexico, Arizona, Colorado, Texas, Utah and Wyoming.

The money would also set up a mentor program where the parks' experienced Native American preservationists would train another generation to do the work, Ford says.

GONE WITH THE WIND

As Ford leans into the wind while balanced on the rim of a large round kiva, she points to a bulge in the sandstone masonry work below her feet.

The bulge has been caused by underground moisture that has weakened the ancient mud mortar between carefully laid rock. Natural pressure did the rest, she says.

The rock must be removed and replaced, she says. "It takes about one hour to repair one square foot."

The hands-on work is done by Navajos such as Charles Lanell, who began working part-time at Chaco Canyon in 1973 and who uses techniques that preserve the historic integrity of the sites, she says.

The parks also face a loss of expertise, Ford says, because the most knowledgeable of the Native American restoration specialists are soon to retire. There are no apprentices to replace them, she says.

What repairs are performed on the ruins are dire emergencies, Ford says, and only as much work is done as can be paid out of various park funds.

In some cases, the best thing to do for preservation is simply to backfill some of the multi-room stone structures and kivas, Ford says. Burying these ruins protects them from the ravages of rain, wind and sun.

"We haven't been taking care of these things," she says. "There are reasons, and they are mostly fiscal."

The situation at Chaco is not unique. At Aztec Ruins in Aztec, N.M., ancient rock walls are tilting and some have fallen. Some of the country's best-preserved and hand plastered rooms are being washed away by periodic rains that leak through deteriorating chamber roofs, says Barry Cooper, Aztec Ruins' superintendent.

Mike Sherris, facility manager at Aztec, was among the three people who launched the preservation program.

"They just were not well-funded for many years," Sherris says of preservation work at Aztec and other monuments. "We're going to lose sites here if we don't maintain them."

A third major ruin in New Mexico also has been deteriorating.

Mike Schneegas, facility manager at Salinas Pueblo Missions National Monument, near Mountainair, also helped initiate the program.

The preservation needs at Salinas "were much greater than we thought," he says. With just three or four seasonal employees to do the repair work, "we just can't keep up."

Erosion is the biggest problem at Salinas and threatens the many towering rock walls, he says. Moisture from the soil creeps into the mud mortar and weakens the walls.

A little bit of preservation work goes a long way and can save money in the long run, he says. Repairing a deteriorating wall is much cheaper than rebuilding one.

FINDING A MEANS

Like other federal agencies in recent years, the National Park Service suffered deep budget cuts and preservations funds were lost, Ford says.

"We've downsized and it's been for the good," she says, but "money is tight" and budgets focus on simply keeping the parks open.

The House and Senate, in separate measures in July, proposed $1 million and $1.5 million respectively for the Vanishing Treasures program.

In addition, another $2 million has been proposed for "stabilization" work across the country, only a portion of which would be used by the western parks, says Jerry Rogers, superintendent of the Southwest Office of the Park Service.

The $2 million will be available to all 375 parks and historic sites in the country, Rogers says, while the Vanishing Treasures funds are just for the 41 parks in the West.

"The final amount for Vanishing Treasures will presumably be worked out in a conference committee and will be somewhere between $1 million and $1.5 million," he says.

Rogers says he hopes to get more money in future years, but is happy about any money Congress provides.

"The need for $3.5 million is very real," he says. "We understand the difficulties Congress faces in setting priorities. The National Park Service will make Congress glad it gave us what they did.

AMENDMENT NO. 1200

(Purpose: Clarifies that funds provided for land acquisition in south Florida may be used for acquisitions within Stormwater Treatment Area 1–E)

Mr. GORTON. Mr. President, I send an amendment to the desk sponsored by Senators MACK and GRAHAM, and ask for its immediate consideration.

The PRESIDING OFFICER. If there is no objection, the pending committee amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MACK and Mr. GRAHAM, proposes an amendment numbered 1200.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 2, strike the colon and insert in lieu there of ": Provided further, That the Secretary may provide such funds to the State of Florida for acquisitions within Stormwater Treatment Area 1-E, including reimbursement for lands, or interests therein, within Stormwater Treatment Area 1-E acquired by the State of Florida prior to the enactment of this Act: "

Mr. MACK. Mr. President, I rise today to thank the distinguished chairman of the subcommittee for his hard work in getting this bill to the floor today. I also want to express my personal thanks for his including a truly historic appropriation for land acquisitions related to the Everglades restoration effort in my State of Florida. I would like to take a moment of the Senate's time today to engage the Senator from Washington in a colloquy.

As the chairman well knows, the restoration effort encompasses all of south Florida, from the Kissimmee River in the north to the Florida Keys in the south. I understand that while the $66 million has been allocated for land acquisitions in Everglades National Park, the bill contains language allowing the Secretary to use these funds to purchase lands elsewhere in the south Florida ecosystem. Is that correct?

Mr. GORTON. The Senator from Florida is correct. The legislation before us today allows the Secretary to use this funding to assist the State of Florida in acquiring land in Stormwater Treatment Area 1—East, should he determine it appropriate and deemed necessary by the Secretary.

Mr. GRAHAM. I join my colleague from Florida in thanking the chairman for his hard work on behalf of the Everglades. As my friend from Washington is aware, the Federal Government—under an agreement enshrined in the Everglades Forever Act of the State of Florida—is committed to purchase land for Stormwater Treatment Area 1—East. This land will be used to create a buffer marsh bordering on the Everglades agricultural area to help restore water quality. As I understand it, nothing in the bill before us today prevents the Secretary from using a portion of the Everglades National Park land acquisition funding to assist in STA–1E land acquisitions. Is that correct?

Mr. GORTON. The Senator is correct. The Secretary may use the funding in this provision to improve and restore the hydrological function of the Everglades watershed. Nothing here prevents the Secretary from providing park acquisition funding to assist the State of Florida in the purchase of land for the project you described.

Mr. GRAHAM. I appreciate the chairman's comments and assistance.

Mr. MACK. I thank the chairman for his work on behalf of Florida's environment and for his help here today. I yield the floor.

Mr. GORTON. Mr. President, this amendment has been cleared by the managers on both sides and is noncontroversial. I recommend its adoption.

Mr. REID. I would say these amendments have been cleared on this side, on behalf of Senator BYRD.

I urge the adoption of this amendment.

The PRESIDING OFFICER (Mr. GRAMS). If there is no objection, the amendment is agreed to.

The amendment (No. 1200) was agreed to.

AMENDMENT NO. 1201

(Purpose: To permit the Virgin Islands to issue parity bonds in lieu of priority bonds)

Mr. GORTON. Mr. President, I send an amendment to the desk sponsored by the junior Senator from Alaska. I ask unanimous consent the pending committee amendment be set aside and we proceed to the consideration of the Murkowski amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MURKOWSKI, proposes an amendment numbered 1201.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Sec. . (a) PRIORITY OF BONDS.—Section 3 of Public Law 94–392 (90 Stat. 1193, 1195) is amended—

(1) by striking "priority for payment" and inserting "a parity lien with every other issue of bonds of other obligations issued for payment"; and

(2) by striking "in the order of the date of issue".

(b) APPLICATION.—The amendments made by subsection (a) shall apply to obligations issued on or after the date of enactment of this section.

(c) SHORT TERM BORROWING.—Section 1 of Public Law 94–392 (90 Stat. 1193) is amended by adding the following new subsection at the end thereof:

"(d) The legislature of the government of the Virgin Islands may cause to be issued notes in anticipation of the collection of the taxes and revenues for the current fiscal year. Such notes shall mature and be paid within one year from the date they are issued. No extension of such notes shall be valid and no additional notes shall be issued under this section until all notes issued during a preceding year shall have been paid."

Mr. MURKOWSKI. Mr. President, the amendment that I am offering would amend the Revised Organic Act of the Virgin Islands to permit the Virgin Islands to issue parity bonds rather than priority bonds as now required under the organic legislation. The amendment would also permit the Virgin Islands to issue short-term revenue bonds in anticipation of the receipt of taxes and other revenues. These are authorities generally available to the States. The Governor requested this authority. The Delegate supported the legislation. The administration testified in support of the provisions and the Committee on Energy and Natural Resources unanimously adopted the provisions as part of S. 210, which has passed the Senate. Inclusion of this language on this measure may facilitate providing the Government of the Virgin Islands with this authority and I thank the managers of this legislation for their cooperation.

Mr. GORTON. Mr. President, I believe this amendment has been cleared by both sides and we are prepared for its adoption.

Mr. REID. This amendment has been cleared. On behalf of Senator BYRD, I urge its adoption.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 1201) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1202

(Purpose: Technical amendment clarifying that committee provision regarding Forest Ecosystems Health and Recovery Revolving Fund applies only to Federal share of receipts)

Mr. GORTON. Mr. President, I send an amendment to the desk for myself and Senator BYRD.

This is a technical amendment regarding the Bureau of Land Management's Forest Ecosystems Health and Recovery Revolving Fund. The Recovery Fund is used for the planning, preparing and monitoring of salvage timber sales and forest ecosystem health and recovery activities. The amendment clarifies that the Federal share of any receipts derived from treatment funded by the account shall be deposited back into the Recovery Fund. A percentage of the receipts that are collected from salvage timber sales are returned to the States.

That applies to only the Federal share of receipts.

I ask unanimous consent the pending committee amendment be set aside and this amendment be considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself and Mr. BYRD proposes an amendment numbered 1202.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, line 20, strike "Any" and insert in lieu thereof "The Federal share of".

Mr. GORTON. Mr. President, the amendment has been agreed to by both sides.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 1202) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1203

(Purpose: Technical amendment clarifying provision allowing TPA funds to be used for repair and replacement of school facilities)

Mr. GORTON. Mr. President, I send a further amendment to the desk sponsored by myself and Senator BYRD. It is another technical amendment clarifying the provision allowing TPA funds to be used for repair and replacement of school facilities.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself and Mr. BYRD, proposes an amendment numbered 1203.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, beginning with the colon on line 13, strike all thereafter through "funds" on line 18 and insert in lieu thereof the following: ": *Provided further*, That tribes may use tribal priority allocations funds for the replacement and repair of school facilities which are in compliance with 25 U.S.C. 2005(a) so long as such replacement or repair is approved by the Secretary and completed with non-Federal tribal and/or tribal priority allocations funds".

Mr. GORTON. Mr. President, the amendment is technical. In response to the growing backlog of unmet need for replacement and repair of BIA schools, the committee recommended that tribes be allowed to use their Tribal Priority Allocations funds for replacement and repair of schools if they wish. The technical amendment we are recommending today would clarify that, if a Tribe decides to use its TPA funds for the improvement, repair, or replacement of a school, that work must be preapproved by the Secretary of the Interior. In addition, future work must be completed with TPA or non-Federal Tribal funding. The Bureau correctly noted after the committee included the original language that, absent such conditions, it cannot currently meet the needs as they exist now. We are attempting to give Tribes some options; however, we do not wish to simply add to the need.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 1203) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I would like to spend a few moments discussing the issues pertaining to the National Endowment for the Arts. There are a number of amendments which are either already filed at desk or will be filed between now and, I gather, tomorrow afternoon. There will be further debate on this tomorrow as well. But I wanted to add additional comments, as well as to reiterate some of the points I made yesterday, both in support of the amendment which I have filed, as well as the general issues that have been raised by a number of the others who have spoken with regard to the NEA.

Again, I would like to begin as yesterday by pointing out that, like many of the people here in the Senate, I am a strong proponent of the arts; a supporter. In our State we have a number of outstanding institutions too numerous to mention without forgetting important ones. I will just say in our State we make a major commitment and investment in arts activities. There are problems, though, as have been discussed at great length in the last day and a half, with the way the National Endowment for the Arts has functioned. I don't have specific criticisms of individuals, but I do think the results have been ones that have raised concerns. They have been concerns I have had since I came to the Senate in 1995.

The principal concern I have is that the way we have proceeded has sort of established an ongoing debate which, on the one hand, has people arguing that the funding of specific types of, either arts institutions or artists, has meant that, in effect, tax dollars have been used for unacceptable or, in some cases it is argued, obscene activity. On the other hand, we hear from those who seek to be recipients of NEA grants, the argument that every time we add more controls here in Congress on the way these dollars are distributed, we are in effect performing a type of censorship on art and creativity in our country.

My fear is that ultimately this leads us in a direction where there is a no-win outcome. Everybody loses. I met and discussed this with Jane Alexander. We have talked. I have outlined to her my concern that all it will take is one or two or maybe three more objectionable or provocative grants and we could well see an immediate cessation of support for the National Endowment or for any concept like it. In my State, that would be a bit of a problem because a lot of the institutions, I think, need lead time before we would totally cease support.

Also, I think if we continue this debate we are really, in many ways, undermining the arts themselves. Because every time we have national focus on the problems with respect to artistic activity in this country, I think if anything it causes people not only to want to see fewer tax dollars supporting the NEA, and more strings attached to those tax dollars, but I think it diminishes the overall level of interest in and positive feelings toward arts activities.

I also am concerned, and have expressed this before, about the way the NEA makes its decisions. Because, as we have seen in the very excellent presentation by the Senator from Arkansas and the Senator from Alabama and others, the Senator from Texas as well, the distribution of these dollars has not been in any sense based on any kind of ratios based on population or similar criteria, but rather are very disproportionately focused in a small number of communities in our country. I think a lot of people, at least in my State, probably in others as well, are frustrated, again, with the sort of Washington knows best mindset that makes those allocations.

When I came to the Senate I spent a lot of time trying to decide how best to address the problem. The conclusion I reached in 1995, about which I have spoken on this floor since, which I worked on when I was a member of the Labor Committee, which I have written about in editorials, is that we ought to move in the direction of a private, privately financed, privatized NEA. In my judgment, moving us outside a situation where it is supported with direct tax dollars will allow the National Endowment to retain its independence, to not have to get embroiled in this debate between censorship and obscenity; to fund projects that this national entity would decide makes sense, and not have to worry about whether there would be political consequences each time it made said decisions.

I believe such an approach is in the best interests of the arts. I certainly think it's in the best interests of the NEA. And I think it's in the best interests of the taxpayers who sent us here to make these decisions.

Privatization of the NEA cannot happen overnight. So when I was first elected to the Senate, I proposed a 5-year plan to slowly reduce the Federal Government's support for the NEA, giving that entity the opportunity, the time necessary to become privately chartered, to raise money, to build the kind of support necessary to sustain itself at least at the current levels, and in my judgment it would be sustained at a much greater level if it was privately supported.

I believe, if we provide a similar kind of timeframe from now forward as I originally contemplated—that is through the year 2000, that is now 3 years away—that would be adequate to accomplish this mission.

So, first we need time. Second, we would need to provide, I think, some mechanism, some assistance to the NEA to allow it to move to a situation where it was privately supported. As I say, my proposal is that it be phased out over 3 years. That will give organizations who are looking to receive support, lead time to make long range plans. It will give the NEA time to build support in the private sector for its continuance.

As a consequence, I am offering an amendment that would set in motion the first year of that 3-year plan, by reducing the budget for the NEA accordingly, by approximately one-third. At the same time, I think we need to provide help. Consequently, my amendment would provide the NEA with the authorization to go forward and use some of its dollars to begin the fundraising activities needed for it to be an independent entity.

In addition, it would be my plan, if my amendment is agreed to, to subsequently introduce a sense-of-the-Senate resolution which would encapsulate the full privatization plan that I contemplate. It would also be my plan to work with other interested Members of the Senate to provide additional tools that would make it more feasible for the NEA to function in a private sense. For example, ideas which we have looked at already would be the creation of a special postage stamp which would be marketed and sold at a greater amount than 32 cents, with the proceeds being made available to the private entity.

Other ideas which have been discussed would include such things as a tax checkoff on the tax form through which people could direct a small number of dollars they would otherwise be paying to the NEA. So, in fact, the people who really wanted to support it would be given this opportunity. There are a variety of other ways that we can do it.

The point is, I believe it is very feasible to generate private-level support at least as great as we are providing currently, at approximately $100 million a year. I say that for the following reasons. First of all, we already know that in this country the arts are supported on an annual basis by approximately $9 billion of activity and support of this type.

In addition, we have specific institutions, arts institutions, in this country, such entities as the Lincoln Center, the Metropolitan Museum of Art and many others, that have an annual operating budget considerably greater than the National Endowment for the Arts. So it is certainly the case that support is out there across this country to provide the kind of resources necessary for the entity to function privately and absolutely would be the case if such funds were available if we provided some of the tools that I mentioned earlier.

In addition, as I have indicated in previous speeches on this, I think there are a number of other mechanisms that could be available to the National Endowment for the Arts if it became a private entity to raise funds. They range from fundraising events, where the artists, the very artists, in fact, who come and knock on our doors urging us to support the entity, could produce and support fundraising activities on behalf of that private entity.

My belief is that such events, whether they are simple dinners or they are concerts and performances of that sort, could generate enormous amounts of money. In fact, I was noting the other day that one of the artists who has been down to see Members of Congress, Garth Brooks, just had a concert in Central Park, NY. Approximately 700,000 people attended that concert. It was broadcast on the HBO network. I am sure a huge amount of revenue was generated by the event. Those are the kinds of things I would think artists would be available to do in support of the NEA, especially those artists who have come to us and have said, this is a worthwhile project that ought to be supported.

I also believe there could be support generated for special events. As I pointed out in the Labor Committee when I brought a similar amendment before that committee a couple of years ago, each year during the various televised awards ceremonies celebrating the arts, such as the Oscars, the Emmys, the Tonys, the country and western musical award shows, and so on, we hear a great deal of support expressed for the NEA by the very performers who attend those events and give away awards. Those programs are literally built around the appearance of these pro-NEA entertainers, and it is my suspicion that those programs generate extraordinarily substantial profits for the networks that broadcast them. Indeed, I believe just a couple of years ago it was estimated that the Academy Awards show drew a worldwide audience of over 500 million people.

Certainly, that is the type of programming that could be turned into a fundraising opportunity for a private entity supporting the arts. Indeed, as I pointed out a couple of years ago, only 5 percent of the audience that watched were still willing to pay to watch through a pay-per-view broadcast of that type of program. It would generate more revenue, given the rates that one charges for those pay-per-view shows, more revenue than the NEA's current budget.

Again, all these are opportunities that I think exist out there, and I believe we should move in the direction of providing the NEA with the chance to benefit from that type of support.

There are others as well: Collaborative efforts of artists ranging from the kind of support we saw a few years ago for USA for Africa when the "We Are the World" recording produced approximately $60 million of support for that cause, to similar types of collaboration, or the possibility of reimbursements for commercially successful grants and events which the NEA provides the seed money for.

In short, Mr. President, a variety of opportunities, I think, exist, and I think, therefore, it is feasible for the private entity to at least generate the type of support that we provide annually and, in my judgment, probably considerably more support as if it truly was, as I believe it can be, a national level organization.

Another question, of course, that also has been raised by my amendment is, are there other important American treasures—perhaps arts related, perhaps not—that we ought to be considering funding? So what my amendment does, in addition to beginning the process of privatization of the NEA, is to expend the dollars which would be reduced from the NEA's budget on the preservation of American treasures, the restoration of national treasures. Let me outline the specifics.

First of all, $8 million for the restoration of the Star Spangled Banner. The cost to transfer the flag to begin its restoration will be approximately $1 million alone. It was recently reported in the media that the total cost could run as high as $15 million. Currently, the Smithsonian's calculating this amount will not confirm this number, but the $8 million we would earmark in my amendment represents a responsible amount to begin the preservation effort of the Star Spangled Banner itself, the actual flag which prompted Francis Scott Key to write America's National Anthem.

The amendment would also provide $8 million for the preservation of Presidential papers. Our former Presidents were prolific writers, Mr. President. Their works survive to this date. Private enterprises worked for over 40 years to preserve the works of Jefferson, Adams, Madison, Franklin, and other Founding Fathers, and they will not survive another two centuries.

The National Archives has focused its resources on preserving modern electronic records of local and State archives. The National Historic Publications and Records Commission once provided about one-third of the funding for the preservation of the Presidents' works, but has recently announced that the projects will now have to contend with whatever is left after it has satisfied the local archives proposal.

The fact is the preservation of Presidential papers is now at some risk. As a consequence, approximately $8 million of these earmarked funds would go to maintaining active support adequate to maintain our Presidents' documents.

Two million dollars in this amendment is directed at the restoration of Ellis Island, the site of the arrival of so many people in the United States. On islands 2 and 3, the old hospital ward, the crematorium and housing for immigrants are in desperate condition and appear in the same condition as when they were abandoned by the U.S. Coast Guard in 1954.

The National Trust for Historic Preservation has listed these buildings as 1 of the 11 most endangered historic sites in America. The $2 million which my amendment would earmark to Ellis Island restoration would prevent water intrusion and provide the ventilation and other support services necessary to preserve this national treasure.

There are other components, as well, to my amendment, one which would go toward helping to address a serious problem at Mount Rushmore, to maintain that facility in good condition, as well as preservation of the manuscripts and original works of great American composers which are at some risk now of being, like the Presidents' papers, inadequately supported.

In short, my amendment does several things. It sets us on the course to privatize the National Endowment for the Arts as opposed to an immediate abolition, a 3-year timeframe in which we would slowly give that entity the opportunity to move in the direction of privatization.

Second, it would protect and provide support to protect key national treasures—the Star Spangled Banner, our Presidential papers, the manuscripts and original works of great American composers, Ellis Island, and Mount Rushmore.

Finally, I think it would help end the division that continues to exist at all levels with respect to the National Endowment for the Arts. By making the Endowment a private entity, we will take this issue, this very divisive issue, out of the Congress, give the arts the opportunity to act and give this entity the opportunity to act in an independent fashion without a lot of strings and a lot of limitations and allow us, as a consequence, I think, to move on in other directions.

We would still have a national entity. We would still have that entity supporting worthwhile projects as it deemed, but we would no longer have the ongoing battle I have outlined between the argument on the one hand that we are too often using taxpayers' dollars for objectionable activities and the argument on the other that every time we apply strings to these dollars, we are engaging in a form of censorship.

Mr. President, I think this is the right course to follow because it would accomplish the goals I have set forth, and tomorrow I will be speaking in greater detail on this during the debate time that has been set aside.

At this point, I yield the floor. I thank the Presiding Officer for the time.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1196

(Purpose: To authorize the President to implement the recently announced American Heritage Rivers Initiative subject to designation of qualifying rivers by Act of Congress)

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to set aside the pending committee amendments and call up amendment No. 1196.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 1196.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 152, between lines 13 and 14, insert the following:

TITLE VII—AMERICAN HERITAGE RIVERS INITIATIVE

SEC. 701. AMERICAN HERITAGE RIVERS INITIATIVE.

(a) IN GENERAL.—During fiscal year 1998 and each fiscal year thereafter, the President and other officers of the executive branch may implement the American Heritage Rivers Initiative under Executive Order 13061 (62 Fed. Reg. 48445) only in accordance with this section.

(b) DESIGNATION BY CONGRESS.—

(1) NOMINATIONS.—The President, acting through the Chair of the Council on Environmental Quality shall submit to Congress nominations of the 10 rivers that are proposed for designation as American Heritage Rivers.

(2) PRIORITIZATION.—The nominations shall be subject to the prioritization process established by the Clean Water Act (42 U.S.C. 7401 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and other applicable Federal law.

(3) CONSULTATION WITH PROPERTY OWNERS.—To ensure the protection of private property owners along a river proposed for nomination, all property owners holding title to land directly abutting river bank shall be consulted and asked to offer letters of support for or opposition to the nomination.

(3) DESIGNATION.—The American Heritage Rivers Initiative may be implemented only with respect to rivers that are designated as American Heritage Rivers by Act of Congress.

(c) DEFINITION OF RIVER COMMUNITY.—For the purposes of the American Heritage Rivers Initiative, as used in Executive Order 13061, the term "river community" shall include all persons that own property, reside, or regularly conduct business within 10 miles of the river.

Mr. HUTCHINSON. Mr. President, this amendment supports one of our most fundamental rights, the right of property ownership. This fundamental right, I believe, is threatened by an Executive order signed by the President on September 11 designating the American Heritage Rivers Initiative. This initiative is intended "to help communities and protect the river resources in a way that integrates natural resource protection, economic development, and the preservation of historic and cultural values."

Who could be opposed to that? That, I think, is a goal that all of us share. However, in the eyes of those who live along these historic rivers, this initiative is just another Washington power grab for valuable river front property. It is another Washington intrusion under the guise of a program that has never—has never—been authorized or appropriated.

This Executive order allows for eight Cabinet Departments—the Departments of Defense, Justice, Transportation, Agriculture, Commerce, Housing and Urban Development, Interior, and Energy—along with four Government agencies—the EPA, the NEA, the NEH, and the Advisory Council on Historic Preservation—to decide what happens to America's rivers. I ask you, what does a Washington bureaucrat know about the Arkansas River or the White River, or any of the 16 leading candidates to be designated as American heritage rivers?

I have listened to my constituents, and they want vibrant river front communities that are reflective of the needs of the values of the local community in which they live and work. They want a community-led process that will make the right decisions for their particular community, not a federally dominated process that could dictate to property owners how they can use their land.

The amendment that I offer allows for the river front renaissance that so many of our communities desperately need, while offering protections for the average property owner and members of the community that must live with the decisions that are made.

My amendment provides the necessary safeguard for property owners and communities, while at the same time allowing these river communities to benefit from the Federal funds that are available to improve their polluted or damaged river areas and spur economic development.

Specifically, my amendment requires that the list of 10 rivers, nominated through the American Rivers Heritage Initiative, be submitted for congressional review. It also ensures that the nominations for the initiative will be subject to existing priorities that have been established by the Clean Water Act and the Safe Drinking Water Act.

Most importantly, this amendment ensures protection of private property owners who live and own property along the river proposed for nomination as an American heritage river. It requires that all property owners holding title to land directly abutting the river bank shall be consulted, shall be asked to offer letters of support or letters of opposition to the nomination as an American heritage river.

This amendment also protects vital community interests by defining what constitutes a river community. Under the Executive order—a flawed Executive order, indeed—anyone who is so inclined can nominate a river or have input into the nomination process without any relationship—business, property ownership, any kind of connection—anywhere near the river under consideration.

My amendment defines the river community as those persons who own property, reside, or who regularly conduct business within 10 miles of the river considered for designation. This ensures that the real interest of the community is truly reflected in the development, design, and operation of a river that receives the designation of an American heritage river.

This, I think, is an important issue. It is an issue that many of my constituents have been energized about. It has just recently come onto the scene, in one sense, because the Executive order was issued September 11, and the President is seeking to implement this. So I think it is appropriate for us on this Interior appropriations bill to provide some safeguards and to ensure that while the initiative moves forward, that the right of the property owners along these rivers is protected; that there is a process that is in place to ensure that those who are most vitally affected by the initiative will have input in the process, will have some input, have some say as to whether or not that river should be so designated.

While it ensures the environmental protections of the Safe Drinking Water Act and Clean Water Act, it will also ensure that these communities, many times with damaged rivers and polluted waters, will have access to vital Federal funds to ensure that those communities can be reinvigorated.

So I ask my colleagues to join me in support of this amendment as a safeguard for private property and for American communities.

Thank you, Mr. President. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I share many of the sentiments expressed by my colleague from Arkansas. I believe that he has brought up an important issue, an issue that should not be decided simply by fiat from the President and the President's administration, but one that ought to be carefully considered here by the Congress.

Without having read every word of his amendment, I am inclined to tell him that I agree with it. I must tell him at the same time, in this relatively empty Senate Chamber, as he knows, his amendment will be quite controversial. I am certain it will require a rollcall. For that reason, I am particularly happy that he did bring it up tonight so that other Members can consider its provisions so that it can be debated further tomorrow. But while I had said not too long ago that I did not know of a number of other amendments that will require a rollcall, I will have to amend that statement and say that I think that the amendment of the Senator from Arkansas will require a rollcall.

I do hope that he and others will speak on it tomorrow. I just say that I think the statement he has made is correct, that this is an issue in which the Congress should be involved.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

THEMES FOR BANKRUPTCY REFORM IN THE 105TH CONGRESS

Mr. GRASSLEY. Mr. President, I rise today to address an important topic which will be coming before the Senate in the near future. In 1994, Congress created the Bankruptcy Review Commission and charged this Commission with developing suggestions for changing the bankruptcy code. As the ranking member of the subcommittee with jurisdiction over bankruptcy at that time, I assisted in creating the Commission, When I became the chairman of the subcommittee after the 1994 elections, I fought to ensure that the Commission was funded. The Commission's report is due on October 20, 1997. I will have much to say at that time about the Bankruptcy Review Commission and the way in which it was conducted. As some of my colleagues may know, there have been some troubling instances that have come to my attention regarding the way the Commission has operated.

For now, however, I simply want to outline my views on the substance of bankruptcy reform.

I believe that the current bankruptcy system needs to be fixed in several ways. Under current law, it is just too easy to declare bankruptcy. And it is too easy for people who declare bankruptcy to avoid repaying their debts when they have the ability to do so. Of course, decades of irresponsible and runaway spending by Washington has set a bad example for the American people, so Congress bears some of the responsibility for this new attitude of deficit living that seems to push many Americans into bankruptcy.

With record numbers of personal bankruptcies in this country, American businesses are losing millions of dollars a year to bankruptcy. And this results in higher prices for homes, cars and other consumer goods for those Americans who pay their bills on time, and as agreed. In other words, those of us who play by the rules are picking up the tab for those who don't.

I think that Congress needs to tighten the bankruptcy system so that bankruptcy is reserved for only those Americans who really need the extraordinary protections of the bankruptcy code. At the same time, I'm very aware that creditors can sometimes use abusive tactics. In fact, Sears was recently forced to pay a multi-million dollar settlement for engaging in abusive activity. So, in my opinion, bankruptcy reform which will help creditors get more of what they are owed should also include reforms to enhance protections for debtors from harsh or abusive conduct.

Section 707(b) is one example of a situation where the bankruptcy code sends the wrong signal to the American people and may encourage irresponsible conduct. Section 707(b) allows a bankruptcy judge to dismiss a chapter 7 case only to prevent substantial abuse. In other words, Section 707(b) says that it's OK to abuse the bankruptcy system somewhat, so long as you don't abuse it so much that the abuse becomes substantial. I think we in Congress ought to change this to say that debtors can't abuse the bankruptcy system at all. The consideration of Section 707(b) will be very important when Congress considers reforms in the context of consumer bankruptcy.

I also believe that chapter 11 of the bankruptcy code needs fundamental reform. In hearings before my subcommittee on how bankruptcy disrupts funding for education, I learned that many businesses which attempt to reorganize flounder far too long, thereby deleting the assets of the company. That's less money for creditors and employees of the company. I think that this should change. The Bankruptcy Review Commission has adopted a proposal to speed things up for small businesses in chapter 11 cases. I look forward to supporting that proposal in the next session of Congress.

I believe that Congress needs to look long and hard at the way attorneys are compensated in bankruptcy. It seems to me, from the reports I receive from around the country, that attorneys are using up the assets of the bankruptcy estate without really contributing very much. And attorney's fees are paid ahead of—and at the expense of—schools, workers and children entitled to child support. I think that's something we need to change. I'm a little disappointed that the Review Commission did not really get into this issue, but it is something that I will be pursuing in the bankruptcy reform bill.

Another area which needs attention is the effect of the new global economy on bankruptcy. With the increase in international trade, many complex questions arise when a multinational company declares bankruptcy. Right now, international insolvency is an issue where there isn't very much international cooperation. The United Nations recently approved a model law on international insolvency and bankruptcy and I look forward to considering that model law in the coming year. In the United States, we put a great deal of emphasis on reorganizing companies under chapter 11. Chapter 11 protects jobs and creditors. But other nations don't put such an emphasis on reorganization. So these foreign nations sometimes aren't as respectful of our bankruptcy laws as they should be. Of course, the United States has exercised a leadership role in the area of international bankruptcies for many years through section 304 of the Bankruptcy Code which recognizes the validity of foreign bankruptcies. It is time to take the next step and make sure that all companies—wherever they are located—are treated fairly when they confront the bankruptcy laws of a foreign nation. If companies fear that they won't be treated fairly under a foreign nation's bankruptcy system, they may be less willing to invest. And that would hamper international trade, which America needs if it is to remain a strong and vibrant economy.

Mr. President, unfortunately there is a very parochial perspective among many bankruptcy professionals. The idea has somehow flourished that bankruptcy should be as broad and all-encompassing as possible. I don't share this point of view. I think we have to remember that bankruptcy should be a last resort. And that means the bankruptcy laws should be narrow and provide only as much relief as is necessary. The so-called automatic stay provides a clear example of the parochial attitude of many in the bankruptcy community. The automatic stay is a court injunction which automatically arises whenever anyone declares bankruptcy. Earlier in this Congress, as part of the authorizing legislation for the Chemical Weapons Convention, I authored an amendment which gives the Government an exception to the automatic stay so that public health and safety regulations can be enforced. So, the philosophical question posed by my amendment is this: Which policy should win out, bankruptcy policy or public health and safety policy? For me, that choice is simple. I want to protect the American people from unsafe food and unsafe airlines. But many in the bankruptcy community believe that Congress should make the opposite choice.

When we begin the process of bankruptcy reform, I will be looking to find other instances in which the Bankruptcy Code harms the public so that Congress can make changes to protect the public.

The broad themes that I believe will dominate bankruptcy reform in the 105th Congress, include the following: Promoting personal responsibility; protecting consumers, debtors, and the public; promoting international commerce; and protecting States' rights where possible.

I look forward to coming before the Senate next year with a good bankruptcy reform bill which promotes these themes. I hope to do that in a bipartisan manner. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KEMPTHORNE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I thank the Chair.

(The remarks of Mr. KEMPTHORNE and Mr. CHAFEE pertaining to the introduction of S. 1180 and S. 1181 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BOSNIAN ELECTIONS

Mr. BIDEN. Last weekend the people of Bosnia and Herzegovina went to the polls to elect municipal governments.

These local elections had been postponed from last year because of tampering with registrations, chiefly by the Bosnian Serbs.

I am happy to report, Mr. President, that this year's municipal elections were a success. Despite dire threats of violence against refugees and displaced persons who wanted to cross over to their former homes to vote, over 2 days not one single incident of serious violence occurred in the entire country.

Why? Because SFOR, led by recently reinforced American troops, made clear to all parties that violence would not be tolerated.

Every single time over the past several years when the West has been forceful in its behavior, the ultra-nationalists in Bosnia have backed down.

The elections were carried out by the Organization for Security and Cooperation in Europe [OSCE], in which the United States is an active member. The OSCE deserves a great deal of credit for its successful labors.

The results of the elections will not be known for several days. Already, however, some encouraging signs are emerging. In Tuzla, the Muslim Party for Democratic Action [SDA] conceded defeat by Mayor Selim Beslagic's multi-ethnic joint list. I met Mayor Beslagic last month. He represents just the kind of democratic, tolerant, pragmatic politician that can rebuild Bosnia.

Until now the three ethnically based parties that profess to represent the interests of the Muslims, Serbs, and Croats have dominated the airwaves and the patronage system. Tuzla—and perhaps other cities in both the federation and the Republika Srprska—show that if SFOR and the international community guarantee equal access, their monopoly on power can be broken.

Moreover, it is likely that thanks to absentee voting and to the protection offered by SFOR to returning refugees, the election may reverse the vile ethnic cleansing of the war. For example, the town of Drvar in western Herzegovina was 97 percent Serb until the town's inhabitants were driven out in the fall of 1995. Last weekend the Croats who displaced the Serbs did their best to harass returning Serb voters. International election officials from the OSCE, however, insisted that the Serbs be allowed to vote.

Several other towns like Jajce and Srebrenica, site of the largest civilian massacre in Europe since World War II, may see their former inhabitants, in these two cases Muslims, forming the governments.

The international community is now faced with the stark question of whether it will enforce the results of the elections by guaranteeing that the newly elected councils not remain governments in exile.

Enforcing the election results, of course, means that the right of refugees and displaced persons to return must be honored. In most cases that would be able to be accomplished only by the international community under the protection of SFOR.

Mr. President, I believe we have no choice in this matter. Both for moral and practical reasons we must move rapidly to enforce resettlement of refugees. This will be a difficult task, and time is short before the onset of the Balkan winter. Most likely we will have to begin with highly visible demonstration returns in one to two selected towns. But we must keep the democratic momentum going.

Rebuilding shattered Bosnia is an immense undertaking. Now for the first time in years, there has been a string of successes. The United States has been the prime mover in these, and we must continue our valuable and honorable work.

I thank the Chair and yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 15, 1997, the Federal debt stood at $5,388,983,472,859.37. (Five trillion, three hundred eighty-eight billion, nine hundred eighty-three million, four hundred seventy-two thousand, eight hundred fifty-nine dollars and thirty-seven cents)

Five years ago, September 15, 1992, the Federal debt stood at $4,033,874,000,000. (Four trillion, thirty-three billion, eight hundred seventy-four million)

Ten years ago, September 15, 1987, the Federal debt stood at $2,353,169,000,000. (Two trillion, three hundred fifty-three billion, one hundred sixty-nine million)

Fifteen years ago, September 15, 1982, the Federal debt stood at $1,113,183,000,000 (One trillion, one hundred thirteen billion, one hundred eighty-three million)

Twenty-five years ago, September 15, 1972, the Federal debt stood at $436,866,000,000 (Four hundred thirty-six billion, eight hundred sixty-six million) which reflects a debt increase of nearly $5 trillion—$4,952,117,472,859.37 (Four trillion, nine hundred fifty-two billion, one hundred seventeen million, four hundred seventy-two thousand, eight hundred fifty-nine dollars and thirty-seven cents) during the past 25 years.

HISPANIC HERITAGE MONTH

Mr. HATCH. Mr. President, it is with great pleasure that I join with my colleagues in celebrating Hispanic Heritage Month.

Since 1968, we have formally recognized and celebrated the tremendous contributions of Hispanic-Americans to the history, strength, security, and development of our great nation. This year, we once again embark on this month-long celebration. It is right to honor more than five centuries of contributions by Hispanics to the development not only of our great nation, but of the Western Hemisphere and the world.

As I look back on the history of my own State I see the many great contributions Hispanics have made to its development and progress. It was Father Escalante who first chartered the territory of what is now Utah and made way for the major trade routes that followed. It was through the determination, sweat, and dedication of Mexican-Americans and other Hispanics, working alongside nonHispancs that our railroads, great steel plants, and mining industries were established, making our State competitive in national and global markets. And our State is home to many great Hispanic-Americans, past and present, including Antonio Amador, former Vice-chair of the U.S. Merit Systems Protection Board; Judge Andrew Valdez, Maria Garciaz, the executive director of Neighorhood Housing Services, Inc.; and John Medina, chair of Utah's Coalition of La Raza.

My experience has shown me that Hispanics are a strong and proud people, loyal, patriotic, courageous, and dedicated to their families, their country, and their communities. Hispanics have a strong work ethic and tremendous faith in the American dream. They have made great contributions to the advancement of all people in every area, to music, the arts, science, engineering, mathematics, and government.

I am thrilled to see so many wonderful Hispanic role models help light the way for Hispanic youth to attain the American Dream.

Jaime Escalante, the Garfield High School mathematics teacher, helped an unprecedented number of Hispanic students prepare for and pass the advanced placement tests in calculus. And, Amalia V. Betanzos, president of the John V. Lindsay Wilcat Academcy, an alternative high school with tremendous success rates, has helped us all to see what faith and encouragement can do for the soul.

Such great recording artists as Los Lobos, the late Selena, Freddy Fender, and Gloria Estefan have brought joyous latin rhythms into our homes and our hearts. Great authors, like Luis Valdez, Victor Villasenor, and Nicholasa Mohr, and great screen artists like the late Raul Julia, Andy Garcia, Jimmy Smits, Edward James Olmos, and Rita Moreno have entertained while they inspired us. And the leadership and foresight of Permanent United Nations Representative and former Congressman Bill Richardson, and Carmen Zapata, director and cofounder of the Billingual Foundation of the Arts, helps pave the way for our children as they enter the 21st century.

And, of course, Nancy Lopez, Chi Chi Rodriguez, Pedro Morales, Gigi Fernandez, and Trent Dimas are but five of the great athletes who have shared with us the pride and success born of great sacrifice and a hunger for perfection. We are proud of their accomplishments. It is important that, when they win, all America cheers.

But for all their contributions to the strength of our Nation, many Hispanics have not yet fully shared in the dream. The national dropout for Hispanics exceeds 30 percent—for non-Hispanics the rate is 11 percent, and for blacks, the rate is 12 percent—the highest for any ethnic group, and their educational attainment levels are among the lowest for any ethnic group. Hispanic children are most likely to be among America's poor, even though Hispanic males have the highest labor participation rates. Hispanics are most likely to lack health insurance and access to regular health care, yet suffer disproportionately from certain diseases. We must do better.

As the youngest and fastest growing minority community in the Nation, Hispanics must share equally in the benefits and opportunities of this great Nation, so that our country might grow stronger and compete in global markets.

For this reason, in 1987, Senator JOHN CHAFEE and I established the U.S. Senate Republican Conference Task Force on Hispanic Affairs, which now numbers 24 Senators. The task force provides a unique forum for Hispanic leaders to raise awareness and support on the national level for key issues facing the Hispanic community in the areas of education, economic development, employment, and health. The task force is aided by a bipartisan, volunteer advisory committee, for whose service we are very grateful.

We have made great strides and we continue to progress. But I long for the day when a task force on Hispanic affairs no longer exists because there is no longer a need; because Hispanics will have succeeded in full measure in joining the ranks of the public officials, the managers, the CEO's and presidents of corporations, the teachers, doctors, lawyers, the U.S. Senators, Congressmen, and Presidents of the United States. As we gather this month to celebrate Hispanic Heritage Month, let us celebrate the accomplishments of this year's Hispanic Heritage Awards: Andy Garcia, Nancy Lopez, Amalia V. Betanzos, Nicholasa Mohr, Bill Richardson, and Carmen Zapata.

And, let's also give a nod to those many, many other Hispanic-Americans, whose daily contributions often go unrecognized, but whose legacy continues to demonstrate the viability of the American dream.

Mr. CAMPBELL. Mr. President, today I join my friend and colleague from Utah, Senator HATCH, and other colleagues in recognition of Hispanic Heritage Month and to offer a few remarks regarding the Hispanic tradition in my home State of Colorado and their many contributions to our great country.

To begin with, Colorado is the Spanish word for red, thus we owe the name of our State to Hispanics. The town where I live is Ignacio which is Spanish for Ignatius, and the county I live in is La Plata which is Spanish for silver. To the east you will find Alamosa, San Luis, Monte Vista, Antonio, Las Animas and La Junta, to name but a few towns in Colorado.

As you can see, Mr. President, in my State it is next to impossible to look in any direction without being reminded of Hispanic heritage and influence. More than two thirds of the territory of the 48 contiguous States was discovered, settled or governed by Spanish speaking people. The Hispanic tradition in the United States is as new as the families who enter every year in search of a better life and as old as 1513 when Ponce de Leon landed on the east coast of the peninsula he called La Florida.

Hispanics have enriched us with their cultural traditions and their commitment to la familia, the family. Their language, art, music, literature and food are today very much part of the American landscape. These contributions help make America stronger.

Let us not forget their contributions in defense of our country. Hispanic blood has been spilled in every conflict and war since the Civil War when John Ortega of the U.S. Navy was awarded the Congressional Medal of Honor on December 31, 1864, and as late as May 24, 1970 when it was awarded to Louis Rocco of Albuquerque, NM, for service in Vietnam. In between these two distinguished soldiers, Hispanics have been awarded 36 more medals making them the most decorated minority in our history proportionate to their numbers. Jose P. Martinez of Ault, CO, is also a past recipient of this highest honor we can bestow on our fighting men and women.

Equality is a value central to the promise of America, and we must be conscious and proactive in insuring that equal opportunity is available to all who serve and contribute to the betterment of our country. Hispanics have fought for the idea and ideals of America and are deserving of an equal share of all of its rewards, not more, not less, but equal. That is the promise of America, and it is the promise we must make, and keep, to America's Hispanics.

Mr. President, throughout my life, both personal and public, Hispanics have honored me with their friendship and support. It is with great pleasure I honor them here on the floor of the U.S. Senate in recognition of Hispanic Heritage Month.

Mr. McCAIN. Mr. President, I am pleased to speak today as co-chair of the Senate Republican Task Force on Hispanic Affairs about this month's festivities honoring Hispanic heritage. Although this special month has been celebrated every year at this time since 1968, Hispanics have been making tremendous contributions to our Nation and to my State of Arizona for many generations.

American culture has been enriched by numerous Hispanic influences. Many Americans claim Hispanic culture as their own in everything from food to music, and even celebrate their holidays. This month, set aside by Presidential proclamation, marks several historical events including Independence Day for Mexico, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua and El Dia de la Raza.

It is important to recognize the rich variety of backgrounds that make up this burgeoning segment of society. All too often the various groups that make up Hispanics are lumped together and non-Hispanics forget the dynamic differences between Mexicans and Puerto Ricans or Salvadorans and Cubans, for example. But when Hispanics come together—tied by social and cultural similarities—they form a powerful group that we need to listen to closely.

With more than 22 million Hispanics living in the United States, their importance cannot be understated. The number of Hispanic children is only exceeded by the number of non-Hispanic white children. This generation of children will enter all sectors of public and private life and shape the course of the Nation. And our Nation will be a better place for it.

Their contribution to the economy is significant, with studies indicating that Hispanic businesses remain the fastest growing segment of the small business community. In Arizona alone, the current Hispanic buying power is approximately $6.8 billion with an expected growth of 2.3 percent annually.

While these statistics are compelling, surprisingly, there is much more to be done. The Hispanic dropout rate has hovered around 30 percent for the past 20 years, and Hispanics are the minority least likely to have health insurance. The negative reprecussions of these conditions are not acceptable and are detrimental to America's future.

To further the social and economic well-being of Hispanics we must address their needs with conscientious policy and remember these in all our legislative efforts. That is why I am co-chair of the Senate Republican Task Force on Hispanic Affairs. The task force helps ensure that the needs of the Hispanic community are represented in Federal policy. Through meetings and forums, I speak with Hispanics both in Arizona and from all over the country.

Some of the Hispanics we will be hearing from and recognizing this month include Sandy Ferniza, president of the Arizona Hispanic Chamber of Commerce [AHCC], who recently received the Exemplary Leadership Award. She is credited with turning AHCC into an agency that provides technical assistance and training to small businesses across the State. Also there is Mr. William Y. Velez, a mathematics professor at the University of Arizona, who this month received the Excellence in Science, Mathematics and Engineering Mentoring Presidential Award. He recruits Hispanic and native American students to study mathematics. We thank them for their contributions to America's future.

During Hispanic Heritage Month we will learn about the colorful and proud heritage of the Hispanic people who are dedicated to their families, communities, and country. And when this month's celebrations have come to a close, let us not forget that the success of Hispanic Americans is critical to the future of the United States.

Mr. DEWINE. Mr. President, I am very pleased to join my colleagues here today in recognizing Hispanic Heritage Month.

Americans of Hispanic descent are in this country because they, their parents, or grandparents, or great-grandparents, or even more distant ancestors, made a choice. They were decisive, motivated individuals who made an act of faith in America.

They came here, much as my own great-great-grandfather, Denis DeWine, did back in the 1840's—because they wanted a chance at a brighter future. And in return, they were willing to work hard to build up this country.

That same spirit lives on in today's U.S. Hispanic community—and we ought to look at that spirit as an inspiration to ensure that America remains the kind of place people would want to come to.

There's one area of law I'm working on that is especially important in this context. I'm talking about the attempts to change America's immigration law and make it more restrictive. I read one article in which advocates of restriction repeatedly called new Americans "aliens"—not "immigrants" but "aliens," as if they were a different kind of people from us, who come from someplace as strange as outer space.

I call these people something else. I call them Americans.

Now, we all know that there's nothing new about anti-immigrant movements. We've had them again and again, throughout American history. But we have established a proud tradition in this country of overcoming them, of resisting the temptation to turn inward to ourselves—of welcoming new people and new ideas, and choosing hope over fear.

When Franklin Roosevelt reminded America that even those who came over on the Mayflower were immigrants—when John F. Kennedy wrote a book called "A Nation of Immigrants"—when Ronald Reagan moved the Nation with stories about how the light from Liberty's torch was keeping hope alive for millions of people in oppressed countries—they were expressing something truly fundamental about what it means to be an American. And make no mistake about it—that same spirit is still alive and well in today's America.

Ohioans of Hispanic ancestry have helped build the Buckeye State into an economic and cultural powerhouse. We are grateful to these fellow Ohioans, because they took the talents they or their ancestors were born with to a foreign land, and chose to bestow their benefits to us.

In fact, next week the Hispanic Youth Foundation [HYF], an organization that provides financial assistance to undergraduate and graduate students seeking degrees in areas of political science or other fields related to government of public service, will meet in Washington, DC, to distribute scholarships to only seven outstanding students. I am proud to announce that one of the seven students receiving this scholarship award is from the great State of Ohio.

I join all my fellow citizens in saying thank you—and saluting Ohio's Hispanic community on the occasion of Hispanic Heritage Month.

REPORT OF DRAFT LEGISLATION ENTITLED "THE EXPORT EXPANSION AND RECIPROCAL TRADE AGREEMENTS ACT OF 1997"—MESSAGE FROM THE PRESIDENT—PM 65

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

I am pleased to transmit a legislative proposal entitled the "Export Expansion and Reciprocal Trade Agreements Act of 1997." Also transmitted is a section-by-section analysis.

This proposal would renew over 60 years of cooperation between the Congress and the executive branch in the negotiation and implementation of market-opening trade agreements for the benefit of American workers and companies.

The sustained, robust performance of our economy over the past 5 years is powerful proof that congressional-executive cooperation works. We have made great strides together. We have invested in education and in health care for the American people. We have achieved an historic balanced budget agreement. At the same time, we have put in place trade agreements that have lowered barriers to American products and services around the world.

Our companies, farms, and working people have responded. Our economy has produced more jobs, more growth, and greater economic stability than at any time in decades. It has also generated more exports than ever before. Indeed, America's remarkable economic performance over the past 5 years has been fueled in significant part by the strength of our dynamic export sector. Fully 96 percent of the world's consumers live outside the United States. Many of our greatest economic opportunities today lie beyond our borders. The future promises still greater opportunities.

Many foreign markets, especially in the developing world, are growing at tremendous rates. Latin American and Asian economies, for example, are expected to expand at three times the rate of the U.S. economy over the coming years. Consumers and industries in these countries prize American goods, farm products, services, and the many expressions of American inventiveness and culture. While America is the world's greatest exporting nation, we need to do more if we want to continue to expand our own economy and produce good, high-wage jobs.

We have made real progress in breaking down barriers to American products around the world. But many of the nations with the highest growth rates almost invariably impose far higher trade barriers than we do. We need to level the playing field with those countries. They are the nations whose markets hold the greatest potential for American workers, firms, and agricultural producers.

Today, the United States is the world's strongest competitor. The strength of the U.S. economy over the past several years is testimony to the creativity, productivity, and ingenuity of American firms and workers. We cannot afford to squander our great advantages by retreating to the sidelines and watching other countries conclude preferential trade deals that shut out our goods and services. Over 20 such agreements have been concluded in Latin America and Asia alone since 1992. The United States must continue to shape and direct world trading rules that are in America's interest and that foster democracy and stability around the globe.

I have pledged my Administration to this task, but I cannot fully succeed without the Congress at my side. We must work in partnership, together with the American people, in securing our country's future. The United States must be united when we sit down at the negotiating table. Our trading partners will only negotiate with one America—not first with an American President and next with an American Congress.

The proposal I am sending you today ensures that the Congress will be a full partner in setting negotiating objectives, establishing trade priorities, and in gaining the greatest possible benefits through our trade agreements. The proposal expands upon previous fast-track legislation to ensure that the Congress is fully apprised and actively consulted throughout the negotiating process. I am convinced that this collaboration will strengthen both America's effectiveness and leverage at the bargaining table.

Widening the scope of consultations will also help ensure that we will take all of America's vital interests into account. That is particularly important because today our trade agreements address a wider range of activities than they once did. As we move forward with out trade agenda, we must continue to honor and reinforce the other values that make America an example for the world. I count chief among these values America's longstanding concern for the rights of workers and for protection of the environment. The proposal I am transmitting to you recognizes the importance of those concerns. It makes clear that the agreements we conclude should complement and reinforce those values.

Ever since President Franklin Roosevelt proposed and the Congress enacted America's first reciprocal trade act in the depths of the Great Depression, the Congress and the President have been united, on a bipartisan basis, in supporting a fair and open trading system. Our predecessors learned from direct experience the path to America's prosperity. We owe much of our own prosperity to their wisdom. I urge the Congress to renew our longstanding partnership by approving the proposal I have transmitted today.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 16, 1997.*

MESSAGES FROM THE HOUSE

At 11:29 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of 22 U.S.C. 276d, the Speaker appoints the following Members of the House to the Canada-United States Interparliamentary Group, in addition to Mr. HOUGHTON, chairman, appointed on March 13, 1997: Mr. BEREUTER, Mr. GOSS, Mr. STEARNS, Mr. MANZULLO, Mr. ENGLISH of Pennsylvania, Mr. SANFORD, Mr. HAMILTON, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Ms. DANNER, and Mr. HASTINGS of Florida.

At 5:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. CALLAHAN, Mr. PORTER, Mr. WOLF, Mr. PACKARD, Mr. KNOLLENBERG, Mr. FORBES, Mr. KINGSTON, Mr. FRELINGHUYSEN, Mr. LIVINGSTON, Ms. PELOSI, Mr. YATES, Mrs. LOWEY, Mr. FOGLIETTA, Mr. TORRES, and Mr. OBEY, as the managers of the conference on the part of the House.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2944. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated September 1, 1997; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Energy and Natural Resources, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, and to the Committee on the Judiciary.

EC-2945. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, report on the impact of the closure of the Wagner Indian Health Service Hospital; to the Committee on Indian Affairs.

EC-2946. A communication from the Secretary of Defense, transmitting, a notice of a retirement; to the Committee on Armed Services.

EC-2947. A communication from the Assistant Secretary of Defense (Force Management Policy), transmitting, pursuant to law, a notice relative to institutions of higher education; to the Committee on Armed Services.

EC-2948. A communication from the Acting Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of the Office of Field Programs for fiscal year 1995; to the Committee on Labor and Human Resources.

EC-2949. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the summary of Chapter 2 annual reports for the 1994–1995 school year; to the Committee on Labor and Human Resources.

EC-2950. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-2951. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the status of Exxon and Stripper Well Oil Overcharge Funds as of December 31, 1996; to the Committee on Energy and Natural Resources.

EC-2952. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, two rules including a rule entitled "Energy Conservation Program for Consumer Products" (RIN1904–AA68, AA76); to the Committee on Energy and Natural Resources.

EC-2953. A communication from the Acting Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act; to the Committee on Appropriations.

EC-2954. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97–40; to the Committee on Finance.

EC-2955. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, a rule entitled "The Port Passenger Acceleration Service System Program" (RIN1515–AB90); to the Committee on Finance.

EC-2956. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a memorandum of justification to draw down articles, services, and military education and training; to the Committee on Foreign Relations.

MEASURE PLACED ON THE CALENDAR

The following bill was discharged from the Committee on Finance and placed on the calendar pursuant to section 1023 of Public Law 93–344.

S. 1144. A bill disapproving the cancellation transmitted by the President on August 11, 1997, regarding Public Law 105–33.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO (for himself and Mr. SARBANES) (by request):

S. 1179. A bill to amend the National Flood Insurance Act of 1968 to reauthorize the National Flood Insurance Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KEMPTHORNE (for himself, Mr. CHAFEE, Mr. BAUCUS, and Mr. REID):

S. 1180. A bill to reauthorize the Endangered Species Act; to the Committee on Environment and Public Works.

By Mr. KEMPTHORNE:

S. 1181. A bill to amend the Internal Revenue Code of 1986 to provide Federal tax incentives to owners of environmentally sensitive lands to enter into conservation easements for the protection of endangered species habitat, to allow a deduction from the gross estate of a decedent in an amount equal to the value of real property subject to an endangered species conservation agreement, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. ABRAHAM, and Mr. GRAMM):

S. 1182. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee has thirty days to report or be discharged.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself and Mr. SARBANES) (by request):

S. 1179. A bill to amend the National Flood Insurance Act of 1968 to reauthorize the National Flood Insurance Program; to the Committee on Banking, Housing, and Urban Affairs.

THE NATIONAL FLOOD INSURANCE REAUTHORIZATION ACT OF 1997

Mr. D'AMATO. Mr. President, I rise today to introduce the National Flood Insurance Reauthorization Act of 1997 (NFIRA). This legislation provides for a simple and straightforward 5-year extension of the National Flood Insurance Program (NFIP) which is scheduled to expire on September 30, 1997. This legislation will ensure that this important program is placed on a steady and secure foundation to continue the invaluable protection it provides to flood insurance policyholders and the Federal taxpayers. I am pleased that my colleague, Senator SARBANES, the distinguished ranking member of the Banking Committee, has cosponsored this measure.

The National Flood Insurance Program, which is administered by the Federal Emergency Management Agency [FEMA], enables over 3.5 million American families to insure their homes and possessions. In my home State of New York, 85,000 families participate in the NFIP. The NFIP allows these families, on Long Island and along the Great Lakes and the State's many rivers, to purchase adequate insurance coverage to protect their homes in the event of a catastrophic flood.

The NFIP employs a comprehensive approach to alleviating the risks posed by catastrophic floods. Floodplain communities participate in FEMA's Community Rating System and are offered incentives to adopt and enforce measures to reduce the risk of flood damage and improve flood prevention building criteria. To avoid the danger of repetitive losses, the program provides stringent building standards, including increased elevation, designed to reduce the risk of future damage. These flood protection standards must be met before any structure which suffers substantial damage may be rebuilt. In addition, persons who receive disaster assistance and fail to subsequently purchase flood insurance are barred from receiving future assistance.

Mr. President, the NFIP plays a critical role in reducing the costs of Federal disaster relief. Current NFIP policyholders pay approximately $1.3 billion annually into the NFIP fund. Without this premium income, the Federal Government would likely pay spiraling costs in disaster relief. The NFIP has the added benefits of improving State and community planning and Federal support for locally driven disaster prevention and mitigation activities.

Reauthorizing the NFIP is an important step forward in reaffirming the commitment of the Federal Government to help American families protect their homes and to protect the Federal taxpayer from the risks of catastrophic floods. Clearly, we must do more. Lenders and private insurers who participate in the NFIP must do more to ensure compliance. States and local communities must improve their disaster planning, prevention, and response activities. FEMA must redouble its efforts to increase participation in the program to improve the safety and soundness of the NFIP fund. Also, the Federal Government must do more to prevent and mitigate against the losses which will inevitably occur from future floods.

Mr. President, I note that this bill is supported by the administration. I urge my colleagues to support the adoption of this legislation and I look forward to working with the members of the Banking Committee to ensure a swift and speedy passage.

By Mr. KEMPTHORNE (for himself, Mr. CHAFEE, Mr. BAUCUS, and Mr. REID):

S. 1180. A bill to reauthorize the Endangered Species Act; to the Committee on Environment and Public Works.

THE ENDANGERED SPECIES RECOVERY ACT OF 1997

Mr. KEMPTHORNE. Mr. President, 2 years ago, in Lewiston, ID, as chairman of the Drinking Water, Fisheries, and Wildlife Subcommittee, I held a hearing to review the current Endangered Species Act and to identify ways to improve the act. It was clear from the testimony we heard that the current law simply is not working. It isn't working for species and it isn't working for people. That message was loud and clear. Senator CHAFEE was there with us at that meeting.

We must do a better job of protecting species without jeopardizing our communities. The legislation that I am introducing today with Senator CHAFEE, Senator BAUCUS, and Senator REID will do just that. It will bring real and fundamental reform to the Endangered Species Act, and it will minimize the social and economic impact of the ESA on the lives of ordinary citizens, and it will benefit species. That is the critical point.

I want to thank Senators CHAFEE, BAUCUS, and REID, who have worked diligently with me as we have crafted this legislation, which brings about balance and a bipartisan approach to a very sensitive issue.

There are over 1,000 species on the endangered species list today but fewer than half of them have ever had a recovery plan written for them. The best evidence that the current law isn't working may be the fact that not a single species has recovered as a result of a recovery plan. It is as if you have a recovery room filled with patients and one by one these patients are brought in, given an examination by the doctor, and at the conclusion of the examination the doctor says, "Yes, you are critical. Next." "What do you mean, next, doctor? What is the prescription? What is the recovery for this critical condition?"

The emphasis has not been on recovery. It has been on continuing to list, list, list, without the emphasis on recovery.

But the law must also have balance. It must recognize the rights of people, too.

During our hearings, we heard many compelling stories from people who have had to live with the real life impact of the Endangered Species Act. We heard from families in Owyhee County, ID, who cannot get bank loans for their homes because the listing of a tiny snail—the Bruneau Hot Springs snail—has caused their property value to plummet.

We heard from a woman in Laramie, WY, who told us that the mosquito control program in their community had been suspended because of the ESA, causing severe health risks for the citizens of Laramie, including her son who contracted encephalitis from a mosquito.

We heard from a rancher in Joseph, OR, who described how Federal regulators, under the threat of lawsuit from environmentalists, tried to stop all grazing on forest lands up in the mountains because salmon were spawning in streams that ran through the private land below, but in his words, "The cows were up in the high country as far from the spawning habitat as you could get."

And we heard from mill workers who lost their jobs when the ESA all but shut down logging in certain national forests. I think that Ray Brady from Grangeville, ID, may have captured best the underlying feeling of frustration and anxieties:

> We had a choice of moving, of going someplace else. Why should we? I chose to live in a small community like Grangeville. I chose to work there. I worked there for 28 years and somebody else in a different part of the country makes a decision that has cost me my job and occupation and 28 years worth of experience. Now I am having to start all over again. I don't have any income. I don't have any insurance for my family or myself; and I attribute it directly to this Endangered Species Act. Somebody has to do something about it. I mean, not in the future, I mean now.

Ray Brady is right. We need to improve the way that the ESA works, and we need to do it right now. We need an ESA that will make advocates out of adversaries. As it's administered today, it separates people from their environment. It invites Federal regulators to become land use managers over some of the best stewards of our environment—our farmers and our ranchers and our landowners. And we need their help if we are truly going to save species. Just remember, well over half of our endangered species depend on private property.

The ESA must provide more incentives to encourage property owners to become partners in the conservation of a rare and unique species.

The bill we are introducing today will achieve those goals. It will make the law work better. It will reduce unnecessary bureaucracy; it will enhance the recovery of species; and it will treat property owners fairly.

Let me highlight just a few of the significant improvements that we have included in this legislation.

The bill will put new emphasis on the need to use good science in everything from the listing process through recovery. The Secretary will be required to use the best available science in all of his decisions and to give greater preference to information that is empirical and peer reviewed. In addition, all listing and delisting decisions will be subject to independent peer review. That means that we can all have greater confidence in the decisions made under the ESA.

The bill will add teeth to the recovery planning process so that we're no longer just running an endangered species emergency room without also providing the prescription for recovery. For the first time, we will set deadlines for the development of recovery plans for every listed species. Each recovery plan will be developed by a recovery team that includes scientists, economists, and representatives of the communities that are affected by the listing of the species. And we establish new substantive requirements for each recovery plan, including recovery measures, benchmarks to measure progress, and a biological recovery goal that will trigger delisting when it is met. We'll know that the law is working well when species are no longer just being listed, but when they're also being delisted as a result of a successful recovery plan.

The bill recognizes that we can reduce bureaucracy and unnecessary Federal interference with land management decisions without harming species. In the consultation process, for example, the fact is that people spend too much time trying to comply with too many regulations from too many Federal agencies. That cannot only significantly increase the cost of a project, in some cases, it can be deadly.

In 1996, in Yuba County, CA, for example, the Corps of Engineers was prevented from repairing levees south of the city of Marysville because of the impact that the repairs might have on the hibernating garter snake. The work wasn't done and on January 2, a levee failed in Olivehurst, CA, killing three people and flooding 500 homes.

Under our bill, the Federal action agency, in that case the Corps of Engineers, will have the authority to make the initial determination that its repairs would not be likely to adversely affect the species. The levee repair could then proceed, unless the Fish and Wildlife Service objected to the initial determination within 60 days. This simple procedural fix will allow projects to be completed on time without jeopardizing endangered species.

Perhaps most important, the bill includes a number of incentives for property owners so that they can become partners in saving species.

The key is maximum flexibility and our bill provides that. For example, if you're an individual who wants to clear a few acres of land to build your vacation home in red cockaded woodpecker territory, our new low effect conservation plan may be just what you need. On the other hand, a county planning its development needs for the next 50 years might choose to enter into a multiple species conservation plan to preserve habitat for all of its rare and unique species. State and local governments can even enter into conservation plans to protect unlisted species.

All of the conservation plans are backed by a no-surprises provision that gives landowners certainty that their obligations will be defined by the plan. They won't be required to pay additional money for conservation measures or to further restrict their activities on the land covered by the plan.

In addition to conservation plans, the bill offers landowners the option of entering into separate agreements to manage land for the benefit of species. A small timber company whose lands are suitable habitat for spotted owls might enter into a safe harbor agreement to let the trees grow to attract the owls with the understanding that at the end of some agreed-upon period of time, it can harvest the trees. And a farmer might agree to set aside buffer strips for a species in return for compensation under a habitat reserve agreement.

Finally, the bill limits the ability of the Federal Government and environmental groups to restrict otherwise legal activities on private lands. Under the law today, the Government and environmental groups have used the take prohibition to try to prohibit logging and development on private lands and a city's pumping of an aquifer for drinking water, even where there was no scientific evidence that the activity would in fact harm an endangered species. Our bill will change that, reaffirming that the Federal Government, or an environmental group, has the burden of demonstrating that an activity will actually harm a species and they must meet that burden using real science, not just assumptions or speculation.

When we started this process just over 2 years ago, we asked ourselves the question: Should we make a concerted effort to save species? The answer was yes.

But could we do it without putting people and communities at risk?

Today, I think that we've demonstrated that we can. We can save species with less bureaucracy, using good science, incentives, and where necessary, public financial resources.

Charles Mann and Christopher Plummer wrote in their book "Noah's Choice," "If we truly want to improve the lot of endangered species, we should stop shooting for the stars, because the arrows will fall back to our feet. By aiming a little closer, we might shoot farther in the desired direction."

And I will add, and hit the target more often. This bill hits the target.

I would like to use my prerogative to just thank my staff for their efforts on this—Buzz Fawcett, Ann Klee, Jim Tate, and other members of my staff. I know the other Senators feel as I do about my staff, that they do a tremendous job. As we stand here with results of 18 months of hard effort, we know of the many hours they have contributed as well in making this a success.

Mr. President, we now have a bill that is bipartisan. We have a bill that is scheduled for a hearing 1 week from today and for markup in committee where amendments will be considered 2 weeks from today. It is our full expectation that we will be able to bring this bill to the floor of the Senate for debate and for a vote sometime near the middle of October. It has been many months, if not years, in the making, to create this legislation which improves the Endangered Species Act, so that we can, again, save species and do it without putting people and communities at risk.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Endangered Species Recovery Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Listing and delisting species.
Sec. 3. Enhanced recovery planning.
Sec. 4. Interagency consultation and cooperation.
Sec. 5. Conservation plans.
Sec. 6. Enforcement.
Sec. 7. Education and technical assistance.
Sec. 8. Authorization of appropriations.
Sec. 9. Other amendments.

(c) REFERENCES TO ENDANGERED SPECIES ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or provision of the Endangered Species Act (16 U.S.C. 1531 et seq.).

SEC. 2. LISTING AND DELISTING SPECIES.

(a) BEST SCIENTIFIC AND COMMERCIAL DATA AVAILABLE.—Section 3 of the Act (16 U.S.C. 1532) is amended—

(1) by striking the title and inserting the following: "DEFINITIONS AND GENERAL PROVISIONS";

(2) by striking "For the purposes of this Act—" and inserting the following:

"(a) DEFINITIONS.—For purposes of this Act—"; and

(3) by adding at the end the following new subsection:

"(b) GENERAL PROVISIONS.—

"(1) BEST SCIENTIFIC AND COMMERCIAL DATA AVAILABLE.—Where this Act requires the Secretary to use the best scientific and commercial data available, the Secretary shall when evaluating comparable data give greater weight to scientific or commercial data that is empirical, field-tested or peer-reviewed.".

(b) CONFORMING AMENDMENT.—The table of contents in the first section (16 U.S.C. 1531) is amended by striking the item relating to section 3 and inserting the following:

"Sec. 3. Definitions and general provisions.".

(c) LISTING AND DELISTING.—

(1) FACTORS CONSIDERED FOR LISTING.—Section 4(a)(1) is amended—

(A) in subparagraph (C) by inserting "introduced species, competition," prior to "disease or predation"; and

(B) in subparagraph (D) by inserting "Federal, State and local government and international" prior to "regulatory mechanisms".

(2) CRITICAL HABITAT.—Section 4(a) is amended by striking paragraph (3).

(3) DELISTING.—Section 4(b)(2) is amended to read as follows:

"(2) DELISTING.—The Secretary shall, in accordance with section 5 and upon a determination that the goals of the recovery plan for a species have been met, initiate the procedures for determining, in accordance with subsection (a)(1), whether to remove a species form a list published under subsection (c)."

(4) RESPONSE TO PETITIONS.—Section 4(b)(3) is amended to read as follows:

"(3) RESPONSE TO PETITIONS.—

"(A) ACTION MAY BE WARRANTED.—

"(i) IN GENERAL.—To the maximum extent practicable, within 90 days after receiving the petition of an interested person under section 553(e) of title 5, United States Code, to—

"(I) add a species to,

"(II) remove a species from, or

"(III) change a species status from a previous determination with respect to

either of the lists published under subsection (c), the Secretary shall make a finding as to whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. If a petition is found to present such information, the Secretary shall promptly commence a review of the status of the species concerned the Secretary shall promptly publish each finding made under this subparagraph in the Federal Register.

"(ii) MINIMUM DOCUMENTATION.—A finding that the petition presents the information described in clause (i) shall not be made unless the petition provides—

"(I) documentation that the fish, wildlife, or plant that is the subject of the petition is a species as defined in section 3;

"(II) a description of the available data on the historical and current range and distribution of the species;

"(III) an appraisal of the available data on the status and trends of populations of the species;

"(IV) an appraisal of the available data on the threats to the species; and

"(V) an identification of the information contained or referred to in the petition that has been peer-reviewed or field-tested.

"(iii) NOTIFICATION TO THE STATES.—

"(I) PETITIONED ACTIONS.—If the petition is found to present the information described in clause (i), the Secretary shall notify and provide a copy of the petition to the State agency in each State in which the species is believed to occur and solicit the assessment of the agency, to be submitted to the Secretary within 90 days of notification, as to whether the petitioned action is warranted.

"(II) OTHER ACTIONS.—If the Secretary has not received a petition for a species and the Secretary is considering proposing to list such species as either threatened or endangered under subsection (a), the Secretary shall notify the State agency in each State in which the species is believed to occur and solicit the assessment of the agency, to be submitted to the Secretary within 90 days of the notification, as to whether the listing would be in accordance with the provisions of subsection (a).

"(III) CONSIDERATION OF STATE ASSESSMENTS.—Prior to publication of a determination that a petitioned action is warranted or a proposed regulation, the Secretary shall consider any State assessments submitted within the comment period established by subclause (I) or (II).

"(B) PETITION TO CHANGE STATUS OR DELIST.—A petition may be submitted to the Secretary under subparagraph (A) to change the status of or to remove a species from either of the lists published under subsection (c) in accordance with subsection (a)(1), if—

"(i) the current listing is no longer appropriate because of a change in the factors identified in subsection (a)(1); or

"(ii) with respect to a petition to remove a species from either of the lists—

"(I) new data or a reinterpretation of prior data indicates that removal is appropriate;

"(II) the species is extinct; or

"(III) the recovery goals established for the species in a recovery plan approved under section 5(h) have been achieved.

"(C) DETERMINATION.—Within 12 months after receiving a petition that is found under subparagraph (A)(i) to present substantial information indicating that the petitioned action may be warranted, the Secretary shall make one of the following findings:

"(i) NOT WARRANTED.—The petitioned action is not warranted, in which case the Secretary shall promptly publish the finding in the Federal Register.

"(ii) WARRANTED.—The petitioned action is warranted, in which case the Secretary shall promptly publish in the Federal Register a general notice and the complete text of a proposed regulation to implement the action in accordance with paragraph (5).

"(iii) WARRANTED BUT PRECLUDED.—The petitioned action is warranted, but that—

"(I) the immediate proposal and timely promulgation of a final regulation implementing the petitioned action in accordance with paragraphs (5) and (6) is precluded by pending proposals to determine whether any species is an endangered species or a threatened species; and

"(II) expeditious progress is being made to add qualified species to either of the lists published under subsection (c) and to remove from the lists species for which the protections of the Act are no longer necessary,

in which case the Secretary shall promptly publish the finding in the Federal Register, together with a description and evaluation of the reasons and data on which the finding is based.

"(D) SUBSEQUENT DETERMINATION.—A petition with respect to which a finding is made under subparagraph (C)(iii) shall be treated as a petition that is resubmitted to the Secretary under subparagraph (A) on the date of such finding and that presents substantial scientific or commercial information that the petitioned action may be warranted.

"(E) JUDICIAL REVIEW.—Any negative finding described in subparagraph (A)(i) and any finding described in subparagraph (C)(i) or (iii) shall be subject to judicial review.

"(F) MONITORING AND EMERGENCY LISTING.—The Secretary shall implement a system to monitor effectively the status of all species with respect to which a finding is made under subparagraph (C)(iii) and shall make prompt use of the authority under paragraph (7) to prevent a significant risk to the well-being of any such species.".

(5) PROPOSED REGULATIONS.—Section 4(b)(5) is amended by—

(A) striking "(5) With respect to any regulation" and inserting the following:

"(5) PROPOSED REGULATIONS AND REVIEW.—With respect to any regulation";

(B) striking "a determination, designation, or revision" and inserting "a determination or change in status";

(C) striking "(a)(1) or (3)," and inserting "(a)(1),";

(D) striking "in the Federal Register," and inserting "in the Federal Register as provided by paragraph (8),"; and

(E) striking subparagraph (E) and inserting the following:

"(E) at the request of any person within 45 days after the date of publication of general notice, promptly hold at least 1 public hearing in each State that would be affected by the proposed regulation (including at least 1 hearing in an affected rural area, if any) except that the Secretary may not be required to hold more than 5 hearings under this clause.".

(7) FINAL REGULATIONS.—

(A) SCHEDULE.—Section 4(b)(6)(A) is amended to read as follows:

“(A) IN GENERAL.—Within the 1-year period beginning on the date on which general notice is published in accordance with paragraph (5)(A)(i) regarding a proposed regulation, the Secretary shall publish in the Federal Register—

“(i) a final regulation to implement the determination,

“(ii) notice that the 1-year period is being extended under subparagraph (B)(i), or

“(iii) notice that the proposed regulation is being withdrawn under subparagraph (B)(ii), together with the finding on which such withdrawal is based.”.

(B) CONFORMING AMENDMENTS.—Section 4(b)(6) is amended—

(i) in subparagraph (B)(i) by striking “or revision”;

(ii) in subparagraph (B)(iii), by striking “or revision concerned, a finding that the revision should not be made,”; and

(iii) by striking subparagraph (C).

(8) PUBLICATION OF DATA AND INFORMATION.—Section 4(b)(8) is amended by—

(A) striking “a summary by the Secretary of the data” and inserting “a summary by the Secretary of the best scientific and commercial data available”;

(B) striking “is based and shall” and inserting “is based, shall”; and

(C) striking “regulation; and if such regulation designates or revises critical habitat, such summary shall, to the maximum extent practicable, also include a brief description and evaluation of those activities (whether public or private) which, in the opinion of the Secretary, if undertaken may adversely modify such habitat, or may be affected by such designation.” and inserting “regulation, and shall provide, to the degree that it is relevant and available, information regarding the status of the affected species, including current population, population trends, current habitat, food sources, predators, breeding habits, captive breeding efforts, governmental and non-governmental conservation efforts, or other pertinent information.”.

(9) SOUND SCIENCE.—Section 4(b) is amended by adding at the end the following:

“(9) ADDITIONAL DATA.—

“(A) IN GENERAL.—The Secretary shall identify and publish in the Federal Register with the notice of a proposed regulation pursuant to paragraph (5)(A)(i) a description of additional scientific and commercial data that would assist in the preparation of a recovery plan and—

“(i) invite any person to submit the data to the Secretary; and

“(ii) describe the steps that the Secretary plans to take for acquiring additional data.

“(B) RECOVERY PLANNING.—Data identified and obtained under subparagraph (A) shall be considered by the recovery team and the Secretary in the preparation of the recovery plan in accordance with section 5.

“(C) NO DELAY AUTHORIZED.—Nothing in this paragraph shall be deemed to waive or extend any deadline for publishing a final rule to implement a determination (except for the extension provided in paragraph (6)(B)(i)) or any deadline under section 5.

“(10) INDEPENDENT SCIENTIFIC REVIEW.—

“(A) IN GENERAL.—In the case of a regulation proposed by the Secretary to implement a determination under subsection (a)(1) that any species is an endangered species or a threatened species or that any species currently listed as an endangered species or a threatened species should be removed from any list published pursuant to subsection (c), the Secretary shall provide for independent scientific peer review by—

“(i) selecting independent referees pursuant to subparagraph (B);

“(ii) requesting the referees to conduct the review, considering all relevant information, and make a recommendation to the Secretary in accordance with this paragraph not later than 150 days after the general notice is published pursuant to paragraph (5)(A)(i).

“(B) SELECTION OF REFEREES.—For each independent scientific review to be conducted pursuant to subparagraph (A), the Secretary shall select 3 independent referees from a list provided by the National Academy of Sciences, who—

“(i) through publication of peer-reviewed scientific literature or other means, have demonstrated scientific expertise on the species or a similar species or other scientific expertise relevant to the decision of the Secretary under subsection (a);

“(ii) do not have, or represent any person with, a conflict of interest with respect to the determination that is the subject of the review; and

“(iii) are not participants in a petition to list, change the status of, or remove the species under paragraph (3)(A)(i), the assessment of a State for the species under paragraph (3)(A)(iii), or the proposed or final determination of the Secretary.

“(C) FINAL DETERMINATION.—The Secretary shall take one of the actions under paragraph (6)(A) of this subsection not later than 1 year after the date of publication of the general notice of the proposed determination. If the referees have made a recommendation in accordance with clause (ii) of subparagraph (A), the Secretary shall evaluate and consider the information that results from the independent scientific review and include in the final determination—

“(i) a summary of the results of the independent scientific review; and

“(ii) in cases where the recommendation of a majority of the referees who conducted the independent scientific review under subparagraph (A) are not followed, an explanation as to why the recommendation was not followed.

“(D) FEDERAL ADVISORY COMMITTEE ACT.—The referees selected pursuant to this paragraph shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).”.

(10) LIST.—Section 4(c) is amended by—

(A) inserting “designated” before “critical habitat”; and

(B) striking “determinations, designations and revisions” and inserting “determinations”.

(11) PROTECTIVE REGULATION.—Section 4(d) is amended by—

(A) striking “Whenever any species is listed” and inserting the following:

“(1) IN GENERAL.—Whenever any species is listed”; and

(B) adding at the end the following:

“(2) NEW LISTINGS.—With respect to each species listed as a threatened species after the date of enactment of the Endangered Species Recovery Act of 1997, regulations applicable under paragraph (1) to the species shall be specific to that species by the date on which the Secretary is required to approve a recovery plan for the species pursuant to section 5(c) and may be subsequently revised.”.

(12) RECOVERY PLANS.—Section 4 is amended by striking subsection (f) and redesignating subsections (g) through (i) as subsections (f) through (h), respectively.

(13) CONFORMING AMENDMENT.—Section 4(g) (as redesignated by paragraph (12)) is amended in paragraph (4) by striking “subsection (f) of this section” and inserting “section 5”.

(d) PUBLIC AVAILABILITY OF DATA.—Section 3(b), as amended by subsection (a), is amended by adding at the end the following:

“(2) FREEDOM OF INFORMATION ACT EXEMPTION.—The Secretary, and the head of any other Federal agency upon the recommendation of the Secretary, may withhold or limit the availability of data requested to be released pursuant to section 552 of title 5, United States Code, if the data describes or identifies the location of an endangered species, a threatened species, or a species that has been proposed to be listed as threatened or endangered, and release of the data would be likely to result in increased take of the species.”.

SEC. 3. ENHANCED RECOVERY PLANNING.

(a) REDESIGNATION.—Section 5 of the Act is redesignated as section 5A.

(b) RECOVERY PLANS.—The Act is amended by inserting prior to section 5A (as redesignated by subsection (a)) the following:

“RECOVERY PLANS

“SEC. 5. (a) IN GENERAL.—The Secretary, in cooperation with the States, and on the basis of the best scientific and commercial data available, shall develop and implement plans (referred to in this Act as “recovery plans”) for the conservation and recovery of endangered species and threatened species that are indigenous to the United States or in waters under the jurisdiction of the United States in accordance with the requirements and schedules described in this section, unless the Secretary finds, after notice and opportunity for public comment, that a plan will not promote the conservation of the species or because an existing plan or strategy to conserve the species already serves as the functional equivalent to a recovery plan. The Secretary may authorize a State agency to develop recovery plans pursuant to subsection (m).

“(b) PRIORITIES.—To the maximum extent practicable, the Secretary, in developing recovery plans, shall give priority, without regard to taxonomic classification, to recovery plans that—

“(1) address significant and immediate threats to the survival of an endangered species or a threatened species, have the greatest likelihood of achieving recovery of the endangered species or the threatened species, and will benefit species that are more taxonomically distinct;

“(2) address multiple species including (A) endangered species, (B) threatened species, or (C) species that the Secretary has identified as candidates or proposed for listing under section 4 and that are dependent on the same habitat as the endangered species or threatened species covered by the plan;

“(3) reduce conflicts with construction, development projects, jobs or other economic activities; and

“(4) reduce conflicts with military training and operations.

“(c) SCHEDULE.—For each species determined to be an endangered species or a threatened species after the date of enactment of the Endangered Species Recovery Act of 1997 for which the Secretary is required to develop a recovery plan under subsection (a), the Secretary shall publish—

“(1) not later than 18 months after the date of the publication under section 4 of the final regulation containing the listing determination, a draft recovery plan; and

“(2) not later than 30 months after the date of publication under section 4 of the final regulation containing the listing determination, a final recovery plan.

“(d) APPOINTMENT AND ROLE OF RECOVERY TEAM.—

“(1) In general.—Not later than 60 days after the date of the publication under section 4 of the final regulation containing the listing determination for a species, the Secretary, in cooperation with the affected States, shall either appoint a recovery team to develop a recovery plan for the species or publish a notice pursuant to paragraph (3) that a recovery team shall not be appointed. Recovery teams shall include the Secretary and at least one representative from the State agency of each of the affected States choosing to participate and be broadly representative of the constituencies with an interest in the species and its recovery and in the economic or social impacts of recovery including representatives of Federal agencies, tribal governments, local governments, academic institutions, private individuals and organizations, and commercial enterprises. The recovery team members shall be selected for their knowledge of the species or for their expertise in the elements of the recovery plan or its implementation.

“(2) Duties of the recovery team.—Each recovery team shall prepare and submit to the Secretary the draft recovery plan that shall include the team's recommended recovery measures and alternatives, if any, to meet the recovery goal under subsection (e)(1). The recovery team may also be called upon by the Secretary to assist in the implementation, review and revision of recovery plans. The recovery team shall also advise the Secretary concerning the designation of critical habitat, if any.

“(3) Exception.—

“(A) In general.—Notwithstanding paragraph (1), the Secretary may, after notice and opportunity for public comment, establish criteria to identify species for which the appointment of a recovery team would not be required under this subsection, taking into account the availability of resources for recovery planning, the extent and complexity of the expected recovery activities and the degree of scientific uncertainty associated with the threats to the species.

“(B) State option.—If the Secretary elects not to appoint a recovery team, the Secretary shall provide notice to each affected State and shall provide the affected States the opportunity to appoint a recovery team and develop a recovery plan, in accordance with the requirements and procedures set out in subsection (m).

“(C) Secretarial duty.—In the event that a recovery team is not appointed, the Secretary shall perform all duties of the recovery team required by this section.

“(4) Travel expenses.—The Secretary is authorized to provide travel expenses (including per diem in lieu of subsistence at the same level as authorized by section 5703 of title 5, United States Code) to recovery team members.

“(5) Federal advisory committee act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the selection or activities of a recovery team appointed pursuant to this subsection or subsection (m).

“(e) Contents of Recovery Plans.—Each recovery plan shall contain:

“(1) Biological recovery goal.—

“(A) In general.—Not later than 6 months after the appointment of a recovery team under this section, those members of the recovery team with relevant scientific expertise shall establish and submit to the Secretary of recommended biological recovery goal to conserve and recover the species that, when met, would result in the determination, in accordance with the provisions of section 4, that the species be removed from the list. The goal shall be based solely on the best scientific and commercial data available. The recovery goal shall be expressed as objective and measurable biological criteria. When the goal is met, the Secretary shall be required to initiate the procedures for determining whether, in accordance with section 4(a)(1), to remove the species from the list.

“(B) Peer review.—The recovery team shall promptly obtain independent scientific review of the recommended biological recovery goal.

“(2) Recovery measures.—The recovery plan shall incorporate recovery measures that will meet the recovery goal.

“(A) Measures.—The recovery measures may incorporate general and site-specific measures for the conservation and recovery of the species such as—

“(i) actions to protect and restore habitat;

“(ii) research;

“(iii) establishment of refugia, captive breeding, releases of experimental populations;

“(iv) actions that may be taken by Federal agencies, including actions that use, to the maximum extent practicable, Federal lands; and

“(v) opportunities to cooperate with State and local governments and other persons to recover species, including through the development and implementation of conservation plans under section 10.

“(B) Draft recovery plans.—

“(i) In general.—In developing a draft recovery plan, the recovery team or, if there is no recovery team, the Secretary, shall consider alternative measures and recommend measures to meet the recovery goal including the benchmarks. The recovery measures shall achieve an appropriate balance among the following factors—

“(I) the effectiveness of the measures in meeting the recovery goal;

“(II) the period of time in which the recovery goal is likely to be achieved, provided that the time period within which the recovery goal is to be achieved will not pose a significant risk to recovery of the species; and

“(III) the social and economic impacts (both quantitative and qualitative) of the measures and their distribution across regions and industries.

“(ii) Description of alternatives.—The draft plan shall include a description of any alternative recovery measures considered, but not included in the recommended measures, and an explanation of how any such measures considered were assessed and the reasons for their selection or rejection.

“(iii) Description of economic effects.—If the recommended recovery measures identified in clause (i) would impose significant costs on a municipality, county, region or industry, the recovery team shall prepare a description of the overall economic effects on the public and private sections including, as appropriate, effects on employment public revenues, and value of property as a result of the implementation of the recovery plan.

“(3) Benchmarks.—The recovery plan shall include objective, measurable benchmarks expected to be achieved over the course of the recovery plan to determine whether progress is being made towards the recovery goal.

“(4) Federal agencies.—Each recovery plan for an endangered species or a threatened species shall identify Federal agencies that authorize, fund, or carry out actions that are likely to have a significant impact on the prospects for recovering the species.

“(f) Public Notice and Comment.—

“(1) In general.—If the Secretary makes a preliminary determination that the draft recovery plan meets the requirements of this section, the Secretary shall publish in the Federal Register and a newspaper of general circulation in each affected State a notice of availability and a summary of, and a request for public comment on, the draft recovery plan including a description of the economic effects prepared under subsection (e)(2)(B)(iii) and the recommendations of the independent referees on the recovery goal.

“(2) Hearings.—At the request of any person, the Secretary shall hold at least 1 public hearing on each draft recovery plan in each State to which the plan would apply (including at least 1 hearing in an affected rural area, if any), except that the Secretary may not be required to hold more than 5 hearings under this paragraph.

“(g) Procurement Authority.—The Secretary, in developing and implementing recovery plans, may procure the services of appropriate public and private agencies and institutions and other qualified persons.

“(h) Review and Selection by the Secretary.—

“(1) Review and approval.—The Secretary shall review each plan submitted by a recovery team, including a recovery team appointed by a State pursuant to the authority of subsection (m), to determine whether the plan was developed in accordance with the requirements of this section. If the Secretary determines that the plan does not satisfy such requirements, the Secretary shall notify the recovery team and give the team an opportunity to address the concerns of the Secretary and resubmit a plan that satisfies the requirements of this section. After notice and opportunity for public comment on the recommendations of the recovery team, the Secretary shall adopt a final recovery plan that is consistent with the requirements of this section.

“(2) Selection of recovery measures.—In each final plan the Secretary shall select recovery measures that meet the recovery goal and the benchmarks. The recovery measures shall achieve an appropriate balance among the factors in subclauses (I) through (III) of subsection (e)(2)(B)(i).

“(3) Measures recommended by recovery team.—If the Secretary selects measures other than those recommended by the recovery team, the Secretary shall publish with the final plan an explanation of why the measures recommended by the recovery team were not selected for the final recovery plan.

“(4) Publication of notice on final plans.—The Secretary shall publish in the Federal Register a notice of availability, and a summary, of the final recovery plan, and include in the final recovery plan a response to significant comments that the Secretary received on the draft recovery plan.

“(i) Review.—

“(1) Existing plans—Not later than 5 years after date of enactment of Endangered Species recovery Act of 1997, the Secretary shall review recovery plans published prior to such date.

1“(2) Subsequent plans.—The Secretary shall review each recovery plan first approved or revised under this section subsequent to the enactment of the Endangered Species Recovery Act of 1997, not later than 10 years after the date of approval or revision of the plan and every 10 years thereafter.

“(j) Revision of Recovery Plans.—Notwithstanding any other provisions of this section.the Secretary shall revise a recovery plan if the Secretary finds that substantial new information, that may include the failure to meet the benchmarks included in the plan, based upon the best scientific and commercial data available, indicates that the recovery goals contained in the recovery plan will not achieve the conservation and recovery of the endangered species or threatened species covered by the plan. The Secretary shall convene a recovery team to develop the revisions required by this subsection, unless the Secretary has established an exception for the species pursuant to subsection (d)(3).

"(k) Existing Plans.—Nothing in this section shall be interpreted to require the modification of—

"(1) a recovery plan approved, or

"(2) a recovery plan on which public notice and comment has been initiated,

prior to the date of enactment of the Endangered Species Recovery Act of 1997 until revised by the Secretary in accordance with this section.

"(l) Implementation of Recovery Plans.—

"(1) Implementation agreements.—The Secretary is authorized to enter into agreements with Federal agencies, affected States, Indian tribes, local governments, private landowners and organizations to implement specified conservation measures identified by an approved recovery plan that promote the recovery of the species on lands or waters owned by, or within the jurisdiction of, each such party. The Secretary may enter into such agreements, if the Secretary, after notice and opportunity for public comment, determines that—

"(A) each party to the agreement has the legal authority and capability to carry out the agreement;

"(B) the agreement shall be reviewed and revised as necessary on a regular basis by the parties to the agreement to ensure that it meets the requirements of this section; and

(C) the agreement establishes a mechanism for the Secretary to monitor and evaluate implementation of the agreement.

"(2) Duty of federal agencies.—Each Federal agency identified under subsection (e)(4) shall enter into an implementation agreement with the Secretary not later than 2 years after the date on which the Secretary approves the recovery plan for the species. For purposes of satisfying this section, the substantive provisions of the agreement shall be within the sole discretion of the Secretary and the head of the Federal agency entering into the agreement.

"(3) Other requirements.—

"(A) Agency actions.—Any action authorized, funded or carried out by a Federal agency that is specified in a recovery plan implementation agreement between the Federal agency and the Secretary to promote the recovery of the species and for which the agreement provides sufficient information on the nature, scope and duration of the action to determine the effect of the action on any endangered species, threatened species, or critical habitat shall not be subject to the requirements of section 7(a)(2) for that species, provided the action is to be carried out during the term of such agreement and the Federal agency is in compliance with the agreement.

"(B) Comprehensive agreements.—If a non-Federal person proposes to include in an implementation agreement a site-specific action that the Secretary determines meets the requirements of subparagraph (A) and that action would require authorization or funding by one or more Federal agencies, the agencies authorizing or funding the action shall participate in the development of the agreement and shall identify, at that time, all measures for the species that would be required under this Act as a condition of the authorization or funding.

"(4) Financial assistance—

"(A) In general.—In cooperation with the States and subject to the availability of appropriations under section 13(f), the Secretary may provide a grant of up to $25,000 to any individual private landowner to assist the landowner in carrying out a recovery plan implementation agreement under this subsection.

"(B) Prohibition on assistance for required activities.—The Secretary may not provide assistance under this paragraph for any action that is required by a permit issued under this Act or that is otherwise required under this Act or other Federal law.

"(C) Other payments.—Grants provided to an individual private landowner under this paragraph shall be in addition to, and not affect, the total amount of payments the landowner is otherwise eligible to receive under the Conservation Reserve Program (16 U.S.C. 3831 et seq.), the Wetlands Reserve Program (16 U.S.C. 3837 et seq.), or the Wildlife Habitat Incentives Program (16 U.S.C. 3836a).

"(m) State Authority for Recovery Planning.—

"(1) In general.—At the request of the Governor of a State, or the Governors of several States in cooperation, the Secretary may authorize the respective State agency to develop the recovery plan for an endangered species or a threatened species in accordance with the requirements and schedules of subsections (c), (d)(1), (d)(2), and (e) and this subsection if the Secretary finds that—

"(A) the State or States have entered into a cooperative agreement with the Secretary pursuant to section 6(c); and

"(B) the State agency has submitted a statement to the Secretary demonstrating adequate authority and capability to carry out the requirements and schedules of subsections (c), (d)(1), (d)(2), and (e) of this subsection.

"(2) Standards and guidelines.—The Secretary, in cooperation with the States, shall publish standards and guidelines for the development of recovery plans by a State agency under this subsection, including standards and guidelines for interstate cooperation and for the grant and withdrawal of authorization under this subsection by the Secretary.

"(3) Members and duties of recovery team.—Each recovery team appointed by a State agency under this subsection shall include the Secretary. The recovery team shall prepare a draft recovery plan in accordance with the requirements of this section and shall transmit the draft plan to the Secretary through the State agency authorized to develop the recovery plan.

"(4) Review of draft plans.—Prior to publication of a notice of availability of a draft recovery plan, the Secretary shall review each draft recovery plan developed pursuant to this subsection to determine whether it meets the requirements of this section. If the Secretary determines that the plan does not meet such requirements, the Secretary shall notify the State agency and, in cooperation with such State agency, develop a recovery plan in accordance with the requirements of this section.

"(5) Review and approval of final plans.—Upon receipt of a draft recovery plan transmitted by a State agency, the Secretary shall review and approve the plan in accordance with subsection (h).

"(6) Withdrawal of authority.—

"(A) In general.—The Secretary may withdraw the authority from a State that has been authorized to develop a recovery plan pursuant to this subsection if the actions of the State agency are not in accordance with the substantive and procedural requirements of subsections (c), (d)(1), (d)(2), and (e) of this subsection. The Secretary shall give the State agency an opportunity to correct any deficiencies identified by the Secretary and shall withdraw the authority from the State unless the State agency within 60 days has corrected the deficiencies identified by the Secretary. Upon withdrawal of State authority pursuant to this subsection, the Secretary shall have an additional 18 months to publish a draft recovery plan and an additional 12 months to publish a final recovery plan under subsection 5(c).

"(B) Petitions to withdraw.—Any person may submit a petition requesting the Secretary to withdraw the authority from a State on the basis that the actions of the State agency are not in accordance with the substantive and procedural requirements identified in subparagraph (A). If the Secretary has not acted on the petition pursuant to subparagraph (A) within 90 days, the petition shall be deemed denied and the denial shall be a final agency action for the purposes of judicial review.

"(7) State agency.—For purposes of this subsection, the term 'State agency' includes—

"(A) State agencies (as defined in section 3) of the several States submitting a cooperative request under paragraph (1); and

"(B) for fish and wildlife, including related spawning grounds and habitat, on the Columbia River and its tributaries, the Pacific Northwest Electric Power and Conservation Planning Council established under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.).

"(n) Critical Habitat Designation.—

"(1) Recommendation of the recovery team.—Not later than 9 months after the date of publication under section 4 of a final regulation containing a listing determination for a species, the recovery team appointed for the species shall provide the Secretary with a description of any habitat of the species that is recommended for designation as critical habitat pursuant to this subsection and any recommendations for special management considerations or protection that are specific to such habitat.

"(2) Designation by the secretary.—The Secretary, to the maximum extent prudent and determinable, shall be regulation designate any habitat of an endangered species or a threatened species that is indigenous to the United States or waters under the jurisdiction of the United States that is considered to be critical habitat.

"(A) Designation.—

"(i) Proposal.—Not later than 18 months after the date on which a final listing determination is made under section 4 for a species, the Secretary, after consultation and in cooperation with the recovery team, shall publish in the Federal Register a proposed regulation designating critical habitat for the species.

"(ii) Promulgation.—The Secretary shall, after consultation and in cooperation with the recovery team, publish a final regulation designating critical habitat for a species not later than 30 months after the date on which a final listing determination is made under section 4 for the species.

"(B) OTHER DESIGNATIONS.—If a recovery plan is not developed under this section for an endangered species or a threatened species, the Secretary shall publish a final critical habitat determination for that endangered species or threatened species within 36 months after making a determination that the species is an endangered species or a threatened species.

"(C) ADDITIONAL AUTHORITY.—The Secretary may publish a regulation designating critical habitat for an endangered species or a threatened species concurrently with the final regulation implementing the determination that the species is endangered or threatened if the Secretary determines that designation of such habitat at the time of listing is essential to avoid the imminent extinction of the species.

"(3) FACTORS TO BE CONSIDERED.—The designation of critical habitat shall be made on the basis of the best scientific and commercial data available and after taking into consideration the economic impact, impacts to military training and operations, and any other relevant impact, of specifying any particular area as critical habitat. The Secretary shall describe the economic impacts and other relevant impacts that are to be considered under this subsection in the publication of any proposed regulation designating critical habitat.

"(4) EXCLUSIONS.—The Secretary may exclude any area from critical habitat for a species if the Secretary determines that the benefits of the exclusion outweigh the benefits of designating the area as part of the critical habitat, unless the Secretary determines that the failure to designate the area as critical habitat will result in the extinction of the species.

"(5) REVISIONS.—The Secretary may, from time-to-time and as appropriate, revise a designation. Each area designated as critical habitat before the date of enactment of the Endangered Species Recovery Act of 1997 shall continue to be considered so designated, until the designation is revised in accordance with this subsection.

"(6) PETITIONS.—

"(A) DETERMINATION THAT REVISION MAY BE WARRANTED.—To the maximum extent practicable, within 90 days after receiving the petition of an interested person under section 553(e) of title 5, United States Code, to revise a critical habitat designation, the Secretary shall make a finding as to whether the petition presents substantial scientific or commercial information indicating that the revision may be warranted. The Secretary shall promptly publish such finding in the Federal Register.

"(B) NOTICE OF PROPOSED ACTION.—Within 12 months after receiving a petition that is found under subparagraph (A) to present substantial information indicating that the requested revision may be warranted, the Secretary shall determine how to proceed with the requested revision, and shall promptly publish notice of such intention in the Federal Register.

"(7) PROPOSED AND FINAL REGULATIONS.—Any regulation to designate critical habitat or implement a requested revision shall be proposed and promulgated in accordance with paragraphs (4), (5) and (6) of section 4(b) in the same manner as a regulation to implement a determination with respect to listing a species.

"(o) REPORTS.—The Secretary shall report every two years to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives on the status of efforts to develop and implement recovery plans for all species listed pursuant to section 4 and on the status of all species for which such plans have been developed.".

(c) CITIZEN SUITS.—Section 11(g)(1)(C) of the Act (16 U.S.C. 1540(g)(1)(C)) is amended by inserting "or section 5" after "section 4".

(d) CONFORMING AMENDMENTS FOR RECOVERY PLANNING.—

(1) Section 6(d)(1) is amended by striking "section 4(g)" and inserting "section 4(f)".

(2) Section 10(f)(5) is amended by striking the last sentence.

(3) Sections 104(c)(4)(A)(ii)(I), 115(b)(2), and 118(f)(11) of the Marine Mammal Protection Act are amended by striking "section 4(f)" each place it occurs and inserting "section 5"

(4) The table of contents in the first section (16 U.S.C. 1531) is amended by striking the item related to section 5 and inserting the following:

"Sec. 5. Recovery plans.
Sec. 5A. Land acquisition.".

(e) PLANS FOR PREVIOUSLY LISTED SPECIES.—In the case of species included in the list published under section 4(c) before the date of enactment of this Act, and for which no recovery plan was developed before that date, the Secretary shall develop a final recovery plan in accordance with the requirements of section 5 (including the priorities of section 5(b)) of the Endangered Species Act (16 U.S.C. 1531 et seq.), as amended by this Act, for not less than one-half of the species not later than 36 months after the date of enactment of this Act and for all species not later than 60 months after such date.

SEC. 4. INTERAGENCY CONSULTATION AND COOPERATION.

(A) REASONABLE AND PRUDENT ALTERNATIVES.—Section 3 (16 U.S.C. 1532) is amended by redesignating paragraphs (15) through (21) as paragraphs (16) through (22), respectively, and inserting the following new paragraph after paragraph (14):

"(15) REASONABLE AND PRUDENT ALTERNATIVES.—The term 'reasonable and prudent alternatives' means alternative actions identified during consultation that can be implemented in a manner consistent with the intended purpose of the action, that can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that the Secretary believes would avoid the likelihood of jeopardizing the continued existence of listed species or resulting in the destruction or adverse modification of critical habitat.".

(b) INVENTORY OF SPECIES ON FEDERAL LANDS.—Section 7(a)(1)(16 U.S.C. 1536(a)(1)) is amended by—

(1) inserting "(A)" after "(1)"; and

(2) adding the following at the end thereof:

"(B) INVENTORY OF SPECIES ON FEDERAL LANDS.—The head of each Federal agency that is responsible for the management of lands and waters—

"(i) shall by not later than December 31, 2003, prepare and provide to the Secretary an inventory of the presence or occurrence of endangered species, threatened species, species that have been proposed for listing, and species that the Secretary has identified as candidates for listing under section(4), that are located on lands or waters owned or under control of the agency; and

"(ii) shall at least once every 5 years thereafter update the inventory required by clause (1) including newly listed, proposed and candidate species.".

(c) CONSULTATION.—Section 7(a)(3) (16 U.S.C. 1536(a)(3)) is amended to read as follows:

"(3) CONSULTATION.—

"(A) NOTIFICATION OF ACTIONS.—Prior to commencing any action, each Federal agency shall notify the Secretary if the agency determines that the action may affect an endangered species or a threatened species or critical habitat.

(B) AGENCY DETERMINATION.—

"(i) IN GENERAL.—Each Federal agency shall consult with the Secretary as required by paragraph (2) on each action for which notification is required under subparagraph (A) unless—

"(I) the Federal agency makes a determination based on the opinion of a qualified biologist that the action is not likely to adversely affect an endangered species, a threatened species or critical habitat;

"(II) the Federal agency notifies the Secretary that it has determined that the action is not likely to adversely affect any listed species or critical habitat and provides the Secretary, along with the notice, a copy of the information on which the agency based the determination; and

"(III) the Secretary does not object in writing to the agency's determination within 60 days from the date such notice is received.

"(ii) ACTIONS EXCLUDED.—The Secretary may by regulation identify categories of actions with respect to specific endangered species or threatened species that the Secretary determines are likely to have an adverse effect on the species or its critical habitat and, for which, the procedures of clause (i) shall not apply.

"(iii) BASIS FOR OBJECTION.—The Secretary shall object to a determination made by a Federal agency pursuant to clause (i), if—

"(I) the Secretary determines that the action may have an adverse effect on an endangered species, a threatened species or critical habitat; or

"(II) the Secretary finds that there is insufficient information in the documentation accompanying the determination to evaluate the impact of the proposed action on endangered species, threatened species, or critical habitat; or

"(III) the Secretary finds that, because of the nature of the action and its potential impact on an endangered species, a threatened species or critical habitat, review cannot be completed in 60 days.

"(iv) NAS REVIEW.—Not later than 3 years after the date of enactment of this clause, the Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct a review of and prepare a report on the determinations made by Federal agencies pursuant to clause (i). The report shall be transmitted to the Congress not later than 5 years after the date of enactment of this clause.

"(v) REPORTS.—The Secretary shall report to the Congress not less often than bienally with respect to the implementation of this subparagraph including in the report information on the circumstances that resulted in the Secretary making any objection to a determination made by a Federal agency under clause (i) and the availability of resources to carry out the requirements of this section.

"(C) CONSULTATION AT REQUEST OF APPLICANT.—Subject to such guidelines as the Secretary may establish, a Federal agency shall consult with the Secretary on any prospective agency action at the request of, and in cooperation with, the prospective permit or license applicant if the applicant has reason to believe that an endangered species or a threatened species may be present in the area affected by the applicant's project and that implementation of the action will likely affect the species.''.

(d) GAO REPORT.—The Comptroller General of the United States shall report to the Committee on Environment and Public Works of the Senate and to the Committee on Resources of the House of Representatives not later than 3 years after the date of enactment of this Act, and 2 years thereafter, on the cost of formal consultation to Federal agencies and other persons carrying out actions subject to the requirements of section 7 of the Endangered Species Act (16 U.S.C. 1536), including the cost of reasonable and prudent measures imposed.

(e) NEW LISTINGS.—Section 7(a) (16 U.S.C. 1536(a)) is amended by adding at the end the following:

''(5) EFFECT OF LISTING ON EXISTING PLANS.—

''(A) ACTIONS.—For the purposes of paragraph (2), the term 'action' includes land use plans under the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.) and resource management plans under the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.), as amended by the National Forest Management Act (16 U.S.C. 1600 et. seq.).

''(B) RE-INITIATION OF CONSULTATION.—Whenever a determination to list a species as an endangered species or a threatened species or designation of critical habitat requires re-initiation of consultation under section 7(a)(2) on an already approved action as defined under subparagraph (A), the consultation shall commence promptly, but no later than 90 days after the date of the determination or designation, and be completed within 12 months of the date on which the consultation is commenced.

''(C) SITE-SPECIFIC ACTIONS DURING CONSULTATION.—Notwithstanding subsection (d), the Federal agency implementing the land use plan or resource management plan under subparagraph (B) may authorize, fund, or carry out a site-specific ongoing or previously scheduled action with the scope of the plan on such lands prior to completing consultation on the plan under subparagraph (B) pursuant to the consultation procedures of this section and related regulations, if—

''(i) no consultation on the action is required; or

''(ii) consultation on the action is required and the Secretary issues a biological opinion and the action satisfies the requirements of this section.''.

(f) IMPROVED FEDERAL AGENCY COORDINATION.—Section 7(a) (16 U.S.C. 1536(a)) is amended by adding at the end the following:

''(6) CONSOLIDATION OF CONSULTATION AND CONFERENCING.—

''(A) CONSULTATION WITH A SINGLE AGENCY.—Consultation and conferencing under this subsection between the Secretary and a Federal agency may, with the approval of the Secretary, encompass a number of related or similar actions by the agency to be carried out within a particular geographic area.

''(B) CONSULTATION WITH SEVERAL AGENCIES.—The Secretary may consolidate requests for consultation or conferencing from various Federal agencies the proposed actions of which may affect the same endangered species, threatened species, or species that have been proposed for listing under section 4, within a particular geographic area.''.

(g) USE OF INFORMATION PROVIDED BY STATES.—Section 7(b)(1) (16 U.S.C. 1536(b)(1)) is amended by adding at the end the following:

''(C) USE OF STATE INFORMATION.—In conducting a consultation under subsection (a)(2), the Secretary shall actively solicit and consider information from the State agency in each affected State.''.

(h) OPPORTUNITY TO PARTICIPATE IN CONSULTATIONS.—Section 7(b)(1) (16 U.S.C. 1536(b)(1)) (as amended by subsection (g)) is further amended by adding at the end the following:

''(D) OPPORTUNITY TO PARTICIPATE IN CONSULTATIONS.—

''(i) IN GENERAL.—In conducting a consultation under subsection (a)(2), the Secretary shall provide any person who has sought authorization or funding for an action from a Federal agency and that authorization or funding is the subject of the consultation, the opportunity to—

''(I) prior to the development of a draft biological opinion, submit and discuss with the Secretary and the Federal agency information relevant to the effect of the proposed action on the species and the availability of reasonable and prudent alternatives (if a jeopardy opinion is to be issued) that the Federal agency and the person can take to avoid violation of section 7(a)(2);

''(II) receive information, upon request subject to the exemptions of the Freedom of Information Act (5 U.S.C. 552(b)) on the status of the species, threats to the species, and conservation measures, used by the Secretary to develop the draft biological opinion and the final biological opinion, including the associated incidental take statements; and

''(III) received a copy of the draft biological opinion from the Federal agency and, prior to issuance of the final biological opinion, submit comments on the draft biological opinion and discuss with the Secretary and the Federal agency the basis for any finding in the draft biological opinion.

''(ii) EXPLANATION.—If reasonable and prudent alternatives are proposed by a person under clause (i) and the Secretary does not include the alternatives in the final biological opinion, the Secretary shall explain to such person why those alternatives were not included in the opinion.''.

(i) INCIDENTAL TAKING STANDARDS FOR FEDERAL AGENCIES.—Section 7(b)(4) (16 U.S.C. 1536 (b)(4)) is amended—

(1) in clause (ii), by inserting ''and mitigate'' after ''to minimize''; and

(2) by adding at the end the following: ''For purposes of this subsection, reasonable and prudent measures shall be related both in nature and extent to the effect of the proposed activity that is the subject of the consultation.''.

(j) REVISION OF REGULATIONS.—Not later than 1 year after the date of enactment of the Endangered Species Recovery Act of 1997, the Secretary shall promulgate modifications to part 402 of title 50, Code of Federal Regulations, to implement the provisions of this section.

SEC. 5. CONSERVATION PLANS.

(a) PERMIT FOR TAKE ON THE HIGH SEAS.—Section 10(a)(1)(B) (16 U.S.C. 1539(a)(1)(B)) is amended by striking ''section 9(a)(1)(B)'' and inserting in lieu thereof ''subparagraph (B) or (C) of section 9(a)(1)''.

(b) MONITORING.—Section 10(a)(2)(B) (16 U.S.C. 1539(a)(2)(B)) is amended by striking ''reporting'' and inserting in lieu thereof ''monitoring and reporting''.

(c) OTHER PLANS.—Section 10(a) (16 U.S.C. 1539(a)) is amended by striking paragraph (2)(C) and inserting the following new paragraphs:

''(3) MULTIPLE SPECIES CONSERVATION PLANS.—

''(A) IN GENERAL.—In addition to one or more listed species, a conservation plan developed under paragraph (2) may, at the request of the applicant, include species proposed for listing under section 4(c), candidate species, or other species found on lands or waters owned or within the jurisdiction of the applicant covered by the plan.

''(B) APPROVAL CRITERIA.—The Secretary shall approve an application for a permit under paragraph (1)(B) that includes species other than species listed as endangered species or threatened species if, after notice and opportunity for public comment, the Secretary finds that the permit application and the related conservation plan satisfy the criteria of paragraphs (2)(A) and (2)(B) with respect to listed species, and that the permit application and the related conservation plan with respect to other species satisfy the following requirements:

''(i) The impact on non-listed species included in the plan will be incidental;

''(ii) The applicant will, to the maximum extent practicable, minimize and mitigate such impacts;

''(iii) The actions taken by the applicant with respect to species proposed for listing or candidates for listing included in the plan, if undertaken by all similarly situated persons within the range of such species, are likely to eliminate the need to list the species as an endangered species or a threatened species for the duration of the agreement as a result of the activities conducted by those persons;

''(iv) The actions taken by the applicant with respect to other non-listed species included in the plan, if undertaken by all similarly situated persons within the range of such species, would not be likely to contribute to a determination to list the species as an endangered species or a threatened species for the duration of the agreement;

''(v) The criteria of paragraphs (2)(A)(iv), (2)(B)(iii) and (2)(B)(v); and

the Secretary has received such other assurances as the Secretary may require that the plan will be implemented. The permit shall contain such terms and conditions as the Secretary deems necessary or appropriate to carry out the purposes of this paragraph, including, but not limited to, such monitoring and reporting requirements as the Secretary deems necessary for determining whether such terms and conditions are being complied with.

''(C) TECHNICAL ASSISTANCE AND GUIDANCE.—To the maximum extent practicable, the Secretary and the heads of other Federal agencies, in cooperation with the States, are authorized and encouraged to provide technical assistance or guidance to any State or person that is developing a multiple species conservation plan under this paragraph. In providing technical assistance or guidance, priority shall be given to landowners that might otherwise encounter difficulty in developing such a plan.

''(D) DEADLINES.—A conservation plan developed pursuant to this paragraph shall be reviewed and approved or disapproved not later than 1 year after the date of submission, or within such other period of time as is mutually agreeable to the Secretary and the applicant.

''(E) STATE AND LOCAL LAW.—

''(i) OTHER SPECIES.—Nothing in this paragraph shall limit the authority of a State or local government with respect to fish, wildlife or plants that have not been listed as an endangered species or a threatened species under section 4.

"(ii) COMPLIANCE.—An action by the Secretary, the Attorney General, or a person under section 11(g) to ensure compliance with a multiple species conservation plan and permit under this paragraph may only be brought against a permittee or the Secretary.

"(F) EFFECTIVE DATE OF PERMIT FOR NON-LISTED SPECIES.—For any species not listed as an endangered species or a threatened species, but covered by an approved multiple species conservation plan, the permit issued under paragraph (1)(B) shall take effect without further action by the Secretary at the time the species is listed pursuant to section 4(c), and to the extent that the taking is otherwise prohibited by subparagraphs (B) or (C) of section 9(a)(1).

"(4) LOW EFFECT ACTIVITIES.—

"(A) IN GENERAL.—Notwithstanding paragraph (2)(A), the Secretary may issue a permit for a low effect activity authorizing any taking referred to in paragraph (1)(B), if the Secretary determines that the activity will have no more than a negligible effect, both individually and cumulatively, on the species, any taking associated with the activity will be incidental, and the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. The permit shall require, to the extent appropriate, actions to be taken by the permittee to offset the effects of the activity on the species.

"(B) APPLICATIONS.—The Secretary shall minimize the costs of permitting to the applicant by developing, in cooperation with the States, model permit applications that would constitute conservation plans for low effect activities.

"(C) PUBLIC COMMENT; EFFECTIVE DATE.—Upon receipt of a permit application for an activity that meets the requirements of subparagraph (A), the Secretary shall provide notice in a newspaper of general circulation in the area of the activity not later than 30 days after receipt and an opportunity for comment on the permit. If the Secretary does not receive significant adverse comment within 30 days of the notice, the permit shall take effect without further action by the Secretary 45 days after the notice is published.

"(5) NO SURPRISES.—

"(A) IN GENERAL.—Each conservation plan developed under this subsection shall include a no surprises provision, as described in this paragraph.

"(B) NO SURPRISES.—A person who has entered into, and is in compliance with, a conservation plan under this subsection may not be required to undertake any additional mitigation measures for species covered by such plan if such measures would require the payment of additional money, or the adoption of additional use, development or management restrictions on any land, waters or water-related rights that would otherwise be available under the terms of the plan without the consent of the permittee. The Secretary and the applicant, by the terms of the conservation plan, shall identify—

"(i) other modifications to the plan; or

"(ii) other additional measures,

if any, that the Secretary may require under extraordinary circumstances.

"(6) PERMIT REVOCATION.—After notice and an opportunity for correction, as appropriate, the Secretary shall revoke a permit issued under this subsection if the Secretary finds that the permittee is not complying with the terms and conditions of the permit or the conservation plan.".

(d) CANDIDATE CONSERVATION AGREEMENTS.—

(1) PERMITS.—Section 10(a)(1) (16 U.S.C. 1539(a)(1)) is amended by—

(A) deleting "or" at the end of subparagraph (A);

(B) striking the period at the end of subparagraph (B) and inserting "; or"; and

(C) adding the following subparagraph at the end—

"(C) any taking incidental to, and not the purpose of, the carrying out of an otherwise lawful activity pursuant to a candidate conservation agreement.".

(2) AGREEMENTS.—Section 10 (16 U.S.C. 1539) is amended by adding at the end thereof the following:

"(k) CANDIDATE CONSERVATION AGREEMENTS.—

"(1) IN GENERAL.—At the request of any non-Federal person, the Secretary may enter into a candidate conservation agreement with that person for a species that has been proposed for listing under section 4(c)(1), is a candidate species, or is likely to become a candidate species in the near future on property owned or under the jurisdiction of the person requesting such an agreement.

"(2) REVIEW BY THE SECRETARY.—

"(A) SUBMISSION TO THE SECRETARY.—A non-Federal person may submit a candidate conservation agreement developed under paragraph (1) to the Secretary for review at any time prior to the listing described in section 4(c)(1) of a species that is the subject of the agreement.

"(B) CRITERIA FOR APPROVAL.—The Secretary may approve an agreement and issue a permit under subsection (a)(1)(C) for the agreement if, after notice and opportunity for public comment, the Secretary finds that—

"(i) for species proposed for listing, candidates for listing, or species that are likely to become a candidate species in the near future, that are included in the agreement, the actions taken under the agreement, if undertaken by all similarly situated persons, would produce a conservation benefit that would be likely to eliminate the need to list the species under section 4(c) as a result of the activities of those persons during the duration of the agreement;

"(ii) the actions taken under the agreement will not adversely affect an endangered species or a threatened species;

"(iii) the agreement contains such other measures that the Secretary may require as being necessary or appropriate for the purposes of the agreement;

"(iv) the person will ensure adequate funding to implement the agreement; and

"(v) the agreement includes such monitoring and reporting requirements as the Secretary deems necessary for determining whether the terms and conditions of the agreement are being complied with.

"(3) EFFECTIVE DATE OF PERMIT.—A permit issued under subsection (a)(1)(C) shall take effect at the time the species is listed pursuant to section 4(c), provided that the permittee is in full compliance with the terms and conditions of the agreement.

"(4) ASSURANCES.—A person who has entered into a candidate conservation agreement under this subsection, and is in compliance with the agreement, may not be required to undertake any additional measures for species covered by such agreement if such measures would require the payment of additional money, or the adoption of additional use, development or management restrictions on any land, waters, or water-related rights that would otherwise be available under the terms of the agreement without the consent of the person entering into the agreement. The Secretary and the person entering into a candidate conservation agreement, by the terms of the agreement, shall identify—

"(A) other modifications to the agreements; or

"(B) other additional measures,

if any, that the Secretary may require under extraordinary circumstance.

(e) PUBLIC NOTICE.—Section 10(c) (16 U.S.C. 1539(c)) is amended by—

(1) striking "thirty" each place that it appears and inserting in lieu thereof "60"; and

(2) inserting before the final sentence the following: "The Secretary may, with approval of the applicant, provide an opportunity, as early as practicable, for public participation in the development of a multiple species conservation plan and permit application. If a multiple species conservation plan and permit application has been developed without the opportunity for public participation, the Secretary shall extend the public comment period for an additional 30 days for interested parties to submit written data, views, or arguments on the plan and application.".

(f) SAFE HARBOR AGREEMENTS.—Section 10 (16 U.S.C. 1539) is amended by adding at the end thereof the following new subsection:

"(1) SAFE HARBOR AGREEMENTS.—

"(1) AGREEMENTS.—

"(A) IN GENERAL.—The Secretary may enter into agreements with non-Federal persons to benefit the conservation of endangered species or threatened species by creating, restoring, or improving habitat or by maintaining currently unoccupied habitat for endangered species or threatened species. Under an agreement, the Secretary shall permit the person to take endangered species or threatened species included under the agreement on lands or waters that are subject to the agreement if the taking is incidental to, and not the purpose of, carrying out of an otherwise lawful activity, provided that the Secretary may not permit through such agreements any incidental take below the baseline requirement specified pursuant to subparagraph (B).

"(B) BASELINE.—For each agreement under this subsection, the Secretary shall establish a baseline requirement that is mutually agreed upon by the applicant and the Secretary at the time of the agreement that will, at a minimum, maintain existing conditions for the species covered by the agreement on lands and waters that are subject to the agreement. The baseline may be expressed in terms of the abundance or distribution of endangered or threatened species, quantity or quality of habitat, or such other indicators as appropriate.

"(2) STANDARDS AND GUIDELINES.—the Secretary shall issue standards and guidelines for the development and approval of safe harbor agreements in accordance with this subsection.

"(3) FINANCIAL ASSISTANCE.—

"(A) IN GENERAL.—In cooperation with the States and subject to the availability of appropriations under section 15(d), the Secretary may provide a grant of up to $10,000 to any individual private landowner to assist the landowner in carrying out a safe harbor agreement under this subsection.

"(B) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary may not provide assistance under this paragraph for any action that is required by a permit issued under this Act or that is otherwise required under this Act or other Federal law.

"(C) OTHER PAYMENTS.—Grants provided to an individual private landowner under this paragraph shall be in addition to, and not affect, the total amount of payments that the landowner is otherwise eligible to receive under the Conservation Reserve Program (16 U.S.C. 3831 et seq.), the Wetlands Reserve Program (16 U.S.C. 3837 et seq.), or the Wildlife Habitat Incentives Program (16 U.S.C. 3836a).".

(g) Habitat Reserve Agreements.—Section 10 (16 U.S.C. 1539) is amended by adding at the end thereof the following new subsection:

"(m) Habitat Reserve Agreements.—

"(1) Program.—The Secretary shall establish a habitat reserve program to be implemented through contracts or easements of a mutually agreed upon duration to assist non-Federal property owners to preserve and mange suitable habitat for endangered species and threatened species.

"(2) Agreements.—The Secretary may enter into a habitat reserve agreement with a non-Federal property owner to protect, manage or enhance suitable habitat on private property for the benefit of endangered species or threatened species. Under an agreement, the Secretary shall make payments in an agreed upon amount to the property owner for carrying out the terms of the habitat reserve agreement, provided that the activities undertaken pursuant to the agreement are not otherwise required by this Act.

"(3) Standards and guidelines.—The Secretary shall issue standards and guidelines for the development and approval of habitat reserve agreements in accordance with this subsection. Agreements shall, at a minimum, specify the management measures, if any, that the property owner will implement for the benefit of endangered species or threatened species, the conditions under which the property may be used, the nature and schedule for any payments agreed upon by the parties to the agreement, and the duration of the agreement.

"(4) Payments.—Any payment received by a property owner under a habitat reserve agreement shall be in addition to and shall not affect the total amount of payments that the property owner is otherwise entitled to receive under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), as amended by the Federal Agriculture Improvement and Reform Act of 1996.

"(5) Authorization of appropriations.—There are authorized to be appropriated to the Secretary of Interior $10,000,000 and the Secretary of Commerce $5,000,000 for each of fiscal years 1998 through 2003 to assist non-Federal property owners to carry out the terms of habitat reserve programs under this subsection.".

(h) Habitat Conservation Planning Fund.—Section 10(a) (16 U.S.C. 1539(a)) is further amended by adding at the end thereof the following new paragraph:

"(7) Habitat Conservation Planning Fund.—

"(A) Establishment.—There is established in the Treasury of the United States a revolving fund, to be known as the 'Habitat Conservation Planning Fund', to be used in carrying out this subsection (referred to in this paragraph as the 'Fund'), consisting of—

"(i) amounts made available under section 15(f);

"(ii) repayments of advances from the Fund under subparagraph (C); and

"(iii) any interest earned on investment of amounts in the Fund under subparagraph (D).

"(B) Expenditures from fund.—

"(i) In general.—On request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines necessary to make interest-fire advances under clause (ii).

"(ii) Authority to make grants and advances.—The Secretary may make an interest-free advance from the Fund to any State, county, municipality, or other political subdivision of a State to assist in the development of a conservation plan under this subsection. The amount of the advance under this clause may not exceed the total financial contribution of the other parties participating in the development of the plan.

"(iii) Criteria for advances.—In determining whether to make an advance from the Fund, the Secretary shall consider—

"(I) the number of species covered by the plan;

"(II) the extent to which there is a commitment to participate in the planning process from a diversity of interests (including local governmental, business, environmental, and landowner interests);

"(III) the likely benefits of the plan;

"(IV) such other factors as the Secretary considers appropriate.

"(C) Repayments of advances from the fund.—

"(i) In general.—Except as provided in clause (ii) amounts advanced from the Fund shall be repaid not later than 10 years after the date of the advance.

"(ii) Accelerated repayment.—Amounts advanced from the Fund shall be repaid—

"(I) not later than 4 years after the date of the advance if no conservation plan is developed within 3 years of the date of the advance; or

"(II) not later than 5 years after the date of the advance if no permit is issued under paragraph (1)(B) with respect to the conservation plan within 4 years of the date of the advance.

"(iii) Crediting of repayments.—Amounts received by the United States as repayment of advances from the Fund shall be credited to the Fund and made available for further advances in accordance with this paragraph without further appropriation.

"(D) Investment of fund balance.—

"(i) In general.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

"(ii) Acquisition of obligations.—For the purpose of investments under clause (i), obligations may be acquired—

"(I) on original issue at the issue price; or

"(II) by purchase of outstanding obligations at the market price.

"(iii) Sale of obligations.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at market price.

"(iv) Credits to the fund.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

"(E) Transfers of amounts.—

"(i) In general.—The amounts required to be transferred to the Fund under this paragraph shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

"(ii) Adjustments.—Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.".

(i) Effect on Permits and Proposed Plans.—No amendment made by this section shall be interpreted to require the modification of—

(1) a permit issued under section 10 of the Endangered Species Act (16 U.S.C. 1539); or

(2) a conservation plan submitted for approval pursuant to such section

prior to the date of enactment of this Act.

(j) Rule-making.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, after consultation with the States and notice and opportunity for public comment, publish final regulations implementing the provisions of section 10(a) of the Endangered Species Act (16 U.S.C. 1539(a)), as amended by this section.

(k) NAS Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct a review of and prepare a report on the development and implementation of conservation plans under section 10(a) of the Endangered Species Act (16 U.S.C. 1531 et seq.). The report shall assess the extent to which those plans comply with the requirements of that Act, the role of multiple species conservation plans in preventing the need to list species covered by those plans, and the relationship of conservation plans for listed species to implementation of recovery plans. The report shall be transmitted to the Congress not later than 5 years after the date of enactment of this Act.

SEC. 6. ENFORCEMENT.

(a) Enforcement for Incidental Take.—Section 11 (16 U.S.C. 1540) is amended by adding after subsection (g) the following new subsection and redesignating the subsequent subsection accordingly:

"(h) Incidental Take.—In any action under subsection (a), (b), or (e)(6) of this section against any person for an alleged take incidental to the carrying out of an otherwise lawful activity, the Secretary or the Attorney General must establish, using scientifically valid principles, that the acts of such person have caused, or will cause, the take, of—

"(1) an endangered species, or

"(2) a threatened species the take of which is prohibited pursuant to a regulation under section 4(d).".

(b) Citizen Suit for Incidental Take.—Section 11(g) (16 U.S.C. 1540(g)) is amended by adding the following new paragraph after paragraph (2) and redesignating the subsequent paragraphs accordingly:

"(3) Incidental take.—In any suit under this subsection against any person for an alleged take incidental to the carrying out of an otherwise lawful activity, the person commencing the suit must establish, using scientifically valid principles, that the acts of the person alleged to be in violation of section 9(a)(1) have caused, or will cause, the take, of—

"(1) an endangered species, or

"(2) a threatened species the take of which is prohibited pursuant to a regulation under section 4(d).".

SEC. 7. EDUCATION AND TECHNICAL ASSISTANCE.

(a) In General.—Section 13 (16 U.S.C. 1542) is amended to read as follows:

"PROPERTY OWNERS EDUCATION AND TECHNICAL ASSISTANCE PROGRAM

"Sec. 13. (a) In General.—In cooperation with the States, the Secretary shall develop and implement a private landowners education and technical assistance program to—

"(1) inform the public about this Act;

"(2) respond to requests for technical assistance from property owners interested in conserving species listed or proposed for listing under section 4(c)(1) and candidate species on the land of the landowners; and

"(3) recognize exemplary efforts to conserve species on private land.

"(b) ELEMENTS OF THE PROGRAM.—Under the program, the Secretary shall—

"(1) publish educational materials and conduct workshops for property owners and other members of the public on the role of this Act in conserving endangered species and threatened species, the principal mechanisms of this Act for achieving species recovery, and potential sources of technical and financial assistance;

"(2) assist field offices in providing timely advice to property owners on how to comply with this Act;

"(3) provide technical assistance to State and local governments and property owners interested in developing and implementing recovery plan implementation agreements, conservation plans, and safe harbor agreements;

"(4) serve as a focal point for questions, requests, and suggestions from property owners and local governments concerning policies and actions of the Secretary in the implementation of this Act;

"(5) provide training for Federal personnel responsible for implementing this Act on concerns of property owners, to avoid unnecessary conflicts, and improving implementation of this Act on private land; and

"(6) nominate for national recognition by the Secretary property owners that are exemplary managers of land for the benefit of species listed or proposed for listing under section 4(c)(1) or candidate species.".

(b) CONFORMING AMENDMENT.—The table of contents in the first section is amended by striking the item related to section 13 and inserting the following:

"Sec. 13. Private landowners education and technical assistance program.".

(c) EFFECT ON PRIOR AMENDMENTS.—Nothing in this section or the amendments made by this section affects the amendments made by section 13 of the Endangered Species Act of 1973 (87 State. 902), as in effect on the day before the date of enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(A) IN GENERAL.—Section 15(a) (16 U.S.C. 1542(a)) is amended—

(1) in paragraph (1), by striking "and $41,500,000 for fiscal year 1992" and inserting "$41,500,000 for fiscal year 1992, $135,000,000 for fiscal year 1998, $150,000,000 for fiscal year 1999, and $165,000,000 for each of fiscal years 2000 through 2003";

(2) in paragraph (2), by striking "and $6,750,000" and inserting "$6,750,000"; and inserting ", $50,000,000 for fiscal year 1998, $60,000,000 for fiscal year 1999, and $70,000,000 for each of fiscal years 2000 through 2003" after "and 1992"; and

(3) in paragraph (3), by striking "and $2,600,000" and inserting $2,600,000"; and inserting ", and $4,000,000 for each of fiscal years 1998 through 2003" after "and 1992".

(b) EXEMPTIONS FROM ACT.—Section 15(b) (16 U.S.C. 1542(b)) is amended by inserting "and $625,000 for each of fiscal years 1998 through 2003" after "and 1992".

(c) CONVENTION IMPLEMENTATION.—Section 15(c) (16 U.S.C. 1542(c)) is amended by striking "and $500,000" and inserting $500,000," and by inserting "and $1,000,000 for each fiscal year 1998 through 2003" after "and 1992,".

(d) ADDITIONAL AUTHORIZATIONS.—Section 15 (16 U.S.C. 1542) is further amended by adding the following at the end:

"(d) FINANCIAL ASSISTANCE FOR SAFE HARBOR AGREEMENTS.—There are authorized to be appropriated to the Secretary of the Interior $10,000,000 and the Secretary of Commerce $5,000,000 for each of fiscal years 1998 through 2003 to carry out section 10(l).

"(e) HABITAT CONSERVATION PLANNING FUND.—There are authorized to be appropriated to the Habitat Conservation Planning Fund established by section 10(a)(7) $10,000,000 for each of fiscal years 1998 through 2000 and $5,000,000 for each of fiscal years 2001 and 2002 to assist in the development of conservation plans.

"(f) FINANCIAL ASSISTANCE FOR RECOVERY PLAN IMPLEMENTATION.—There are authorized to be appropriated to the Secretary of Interior $30,000,000 and the Secretary of Commerce $15,000,000 for each of the fiscal years 1998 through 2003 to carry out section 5(l)(4).

"(g) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

"(h) LIMITATION ON USE OF FUNDS.—Of the funds made available to carry out section 5 for any fiscal year, not less than $32,000,000 shall be available to the Secretary of Interior and not less than $13,500,000 to the Secretary of Commerce to implement actions to recover listed species. Of the funds made available to the Secretary of Interior and the Secretary of Commerce in each fiscal year to list species, the Secretary of Interior and the Secretary of Commerce shall use not less than 10% of those funds in each fiscal year for delisting species. If any of the funds made available by the previous sentence are not needed in that fiscal year for delisting eligible species, those funds shall be available for listing.".

(e) ASSISTANCE TO STATES FOR CONSERVATION ACTIVITIES.—Section 6(i) (16 U.S.C. 1535(i)) is amended by adding at the end the following:

"(3) ASSISTANCE TO STATES FOR CONSERVATION ACTIVITIES.—There are authorized to be appropriated to the Secretary such sums as are necessary for each of fiscal years 1998 through 2003 to provide financial assistance to State agencies to carry out conservation activities under other sections of this Act, including the provision of technical assistance for the development and implementation of recovery plans.".

SEC. 9. OTHER AMENDMENTS.

(a) DEFINITIONS.—

(1) CANDIDATE SPECIES.—Section 3 is amended by inserting the following paragraph after paragraph (1) and redesignating the subsequent paragraphs accordingly:

"(2) CANDIDATE SPECIES.—The term 'candidate species' means a species for which the Secretary has on file sufficient information on biological vulnerability and threats to support a proposal to list the species as an endangered species or a threatened species, but for which listing is precluded because of pending proposals to list species that are of a higher priority. This definition shall not apply to any species defined as a 'candidate species' by the Secretary of Commerce prior to the date of enactment of the Endangered Species Recovery Act of 1997.".

(2) IN COOPERATION WITH THE STATES.—Section 3 (16 U.S.C. 1532) is amended by inserting the following paragraph after paragraph (11) (as redesignated by this subsection):

"(12) IN COOPERATION WITH THE STATES.—The term 'in cooperation with the States' means a process in which—

"(A) the State agency in each of the affected States, or the State agency's representative, is given an opportunity to participate in a meaningful and timely manner in the development of the standards, guidelines, and regulations to implement the applicable provisions of this Act; and

"(B) the Secretary carefully considers all substantive concerns raised by the State agency, or the State agency's representative, and, to the maximum extent practicable consistent with this Act, incorporates their suggestions and recommendations, while retaining final decision making authority.".

(3) RURAL AREA.—Section 3(16 U.S.C. 1532) is amended by inserting the following new paragraph after paragraph (16) (redesignated by this subsection and section 4(a)) and redesignating the subsequent paragraphs accordingly:

"(17) RURAL AREA.—The term 'rural area' means a county or unincorporated area that has no city or town that has a population of more than 10,000 inhabitants.".

(4) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Section 3(20) (16 U.S.C. 1532(18)) (as redesignated by this subsection and section 4(a)) is amended by striking "Trust Territories of the Pacific Islands" and inserting "Commonwealth of the Northern Mariana Islands".

(b) FINDINGS, PURPOSES, AND POLICY.—Section 2(a)(3) (16 U.S.C. 1531(a)(3)) is amended by inserting "commercial," after "recreational,".

(c) NO TAKE AGREEMENTS.—Section 9 (16 U.S.C. 1538) is amended by adding at the end thereof the following new subsection:

"(h) NO TAKE AGREEMENTS.—The Secretary and a non-Federal property owner may, at the request of the property owner, enter into an agreement identifying activities of the property owner that will not result in a violation of the prohibitions of paragraphs (1)(B), (1)(C), and (2)(B) of section 9(a). The Secretary shall respond to a request for an agreement submitted by a property owner within 90 days of receipt.".

(d) CONFORMING AMENDMENTS.—

(1) TITLE.—The title of section 10 (16 U.S.C. 1539) is amended to read as follows: "CONSERVATION MEASURES AND EXCEPTIONS".

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Act is amended with respect to the item relating to section 10 to read as follows:

"Sec. 10. Conservation measures and exceptions.".

Mr. CHAFEE. Mr. President, I am proud to sponsor, along with Senators KEMPTHRONE, BAUCUS, and REID, the Endangered Species Recovery Act of 1997, which reauthorizes the Endangered Species Act, and makes some significant improvements to the act which are long overdue. The Endangered Species Act was enacted into law in 1973 to conserve threatened and endangered species, and the ecosystems upon which they depend. The ESA is our most important law to protect our Nation's natural resources and biological diversity, and has often been referred to as the "crown jewel" of environmental laws.

The ESA has been instrumental in saving some of our country's most treasured species. The bald eagle and the grizzly bear have both rebounded from precariously small populations, and the Pacific grey whale and American alligator have both recovered and have been delisted. All told, almost half of the species that fall under the act's protection are either stabilized or improving.

One can understand better the vital need for the ESA when one realizes what we are up against: of somewhere between 10 and 100 million species on this planet, we have discovered only some 1.4 million. Despite this bounty, loss of biological diversity is taking place at a faster rate than ever before. In 1973, Congress offered this poignant observation: "as we homogenize the habitats in which these plants and animals evolved . . . we threaten their—and our own—genetic heritage. The value of this genetic heritage, is quite literally, incalculable." It was principally for this reason that Congress passed the ESA in 1973.

Controversy has surrounded the law, however, since its passage. In the mid-1970's, the law became ensnarled in a bitter fight over the construction of the $900 million Tellico Dam and the dam's impacts on the hapless snail darter. The criticism has grown significantly since 1992, when the most recent authorization of the ESA expired.

Since then, funding for implementing the law has been provided through annual appropriations, which has left the future of the law on uncertain terms, and left the current working of the law subject to numerous appropriations riders, including a moratorium on the listing of species, that resulted in more than a year delay in affording protection to hundreds of species endangered with extinction.

The bill we introduce today includes many reforms. The last major amendment to the ESA was in 1988, almost 10 years ago. Since then, we have developed a greater knowledge of the science of biodiversity, a greater understanding of the problems in implementing the law on private lands, and in this era of shrinking government, a greater need for improved coordination among all levels of government. Our bill takes all this into account by focusing on several key areas: emphasizing recovery as the ultimate goal; seeking to prevent further listings; improving the scientific foundation for decisions; increasing public participation and the role of States; facilitating compliance by, and providing incentives for, private landowners; and streamlining coordination among government agencies. In making these changes, our bill addresses the criticisms leveled against the ESA in recent years.

These criticisms have come from all directions. The environmental community believes that the law has failed in its fundamental mission to recover species to full health, but rather leaves species teetering on the razor's edge of survival. Statistics bear this out: of the approximately 1,000 species currently listed, 41 percent are either improving in status or stabilized, but only 8 percent are actually improving. Furthermore, less than half of the listed species have approved recovery plans.

Private landowners, on the other hand, believe that the ESA is fundamentally flawed in its implementation, with inflexible regulations, heavy-handed enforcement, closed-door science, and no consideration of economic costs. This, too, is largely borne out by the facts: the ESA has very few tools, other than enforcement of certain prohibitions against taking listed species, with which to protect species on private lands. This weakness in the law is heightened by the fact that more than one-third of all listed species reside entirely on private lands. Furthermore, species on private lands are faring worse than on public lands.

If the ESA is to succeed in its ultimate goal of recovering species, these problems must be addressed. Our bill does just that. Most importantly, it completely overhauls the recovery planning and implementation requirements of the ESA. Previously, recovery plans were required to be prepared, but with no deadline for doing so. Once prepared, they generally sat on the shelves with no requirement or incentive to implement them. Furthermore, the scientific findings in the plans were often compromised by political and economic considerations, nor was there any requirement to actually take cost of implementation into account.

This bill requires that recovery plans be completed within a specific deadline. The recovery goal must be developed by scientists, using only the best science available. While economic costs and social impacts must be taken into account, they are considered only in choosing the best method to achieve the biologically based recovery goals. Specifically, measure to achieve the recovery goal must strike an "appropriate balance" among three factors: The effectiveness in meeting the goal; the period of time needed to reach the goal; and the social and economic impacts.

For the first time, the bill provides a requirement that Federal agencies enter into recovery implementation agreements, and also provides incentives for private persons to enter into similar agreements. These incentives include a waiver of consultation normally required under section 7 for actions that are described in sufficient detail. They also include a requirement that Federal agencies participate in the development of an agreement upon the request of a private person, so that the person will know up-front all relevant requirements in undertaking conservation actions.

The bill also improves significantly the law's ability to work on private lands. Under the current law, the permit process has generally been inflexible, cumbersome, and consequently rarely used. The Clinton administration recently instituted a number of policies to encourage landowners to apply for permits in order to conduct economic activities that take listed species on their lands. As a result, the number of permits issued by the administration has increased from 14 in 1992 to more than 200 in 1997, with an additional 250 being developed. Our bill validates and expands those policies.

The bill authorizes permits for multiple species, including both listed and nonlisted species, that depend on the same habitat. New biological standards for nonlisted species ensure that permitted activities do not contribute to the need to list those species in the future. In order to address the needs of small landowners, a more streamlined, less expensive permit process is established for low effect activities. Under this process,the permit can take effect automatically within a certain period, provided that there are no significant adverse comments.

In addition, the bill authorizes several policies and incentives to further encourage landowners to work with the Federal Government. These policies include a no-surprises guarantee that the Government will not seek additional mitigation over time; a safe harbor policy to encourage landowners to protect lands valuable to species without risking additional liability; and a candidate conservation policy, which encourages landowners to undertake protections for species before they become endangered or threatened. The bill also establishes several new funding mechanisms for incentive-based programs, including a habitat reserve program, and a habitat conservation planning fund, which acts as a revolving loan fund. A program to provide technical assistance to landowners is also created.

The bill also makes important changes to the consultation process among Federal agencies. It encourages consultations to be consolidated if they involve related actions by one agency, or they involve several agencies affecting the same species. The consultation process is streamlined by allowing the Federal agency undertaking an action to make the initial determination whether its action affects listed species, and providing an opportunity for the Fish and Wildlife Service, or, for marine species, the National Marine Fisheries Service, to comment on this determination. The Service has 60 days to object, and require a more detailed analysis that it would prepare. This process is similar to the current practice that is used by the agencies.

The bill also addresses the relationship between site-specific and programmatic Federal land management actions. Several recent lawsuits enjoined numerous site-specific actions pending completion of the consultation on the overarching programmatic action. The bill explicitly recognizes that consultation is appropriate and required at both levels of decision-making, but ensures an orderly process for completing those consultations. In addition, the bill affords greater participation in the consultation process for any person who has sought authorization or funding from a Federal agency.

The bill goes a long way in improving the scientific basis on which decisions are made. The greatest lack of knowledge is in the status and distribution of rare and declining species. This bill requires an inventory of species on Federal lands to fill this critical data gap. Listing decisions must be peer-reviewed, and petitions to list are subject to certain minimum information requirements. Enforcement actions must use scientifically valid principles to establish whether the action caused an unlawful taking of a species. In evaluating comparable data, the Secretary would be required to use peer reviewed, field tested or empirical data.

As you can see, Mr. President, this bill not only reauthorizes the ESA, but it also significantly improves the ESA, in order to embrace needed reforms in the law. Numerous attempts to reauthorize the ESA have been made in recent years. The long and arduous effort culminating in today's bill began more than 18 months ago, as a bipartisan process to address the problems with the current law. When discussions stalled, Senator KEMPTHORNE and I spurred the process forward by releasing a discussion draft, which generated hundreds of comments. Since then, we have negotiated with Senators BAUCUS and REID, and the Clinton administration, to reach agreement on a bipartisan bill.

Just as the original ESA was passed by a Democratic Congress and signed into law by a Republican President, this bill to reauthorize the ESA is also a bipartisan product between a Republican Senate and a Democratic administration. To quote one of the foremost conservationists of our country, President Teddy Roosevelt, the conservation of natural resources is a question "upon which men of all parties and all shades of opinion may be united for the common good." The need for a healthy environment, one large enough for all species that inhabit this planet with us, is a need that transcends politics, and I firmly believe that the bill we introduce today fulfills that need, as embodied in the original passage of the ESA.

I would like to thank my distinguished colleagues, Senators KEMPTHORNE, BAUCUS, and REID, for their tireless work over the months on this important legislation, and I would like to thank the Secretary of the Interior, Bruce Babbitt, as well as his very accomplished staff, led by Jaimie Clark, Director of the Fish and Wildlife Service, and Don Barry, Acting Assistant Secretary for Fish, Wildlife and Parks, for their willingness to work with us in negotiating a bill that they can support.

Mr. BAUCUS. Mr. President, today, it is a real pleasure for me to join my colleagues on the Senate Environment and Public Works, Senators CHAFEE, REID, and KEMPTHORNE in introducing the Endangered Species Recovery Act of 1997. The bill we are introducing today represents a real victory for bipartisan, commonsense improvements to the Endangered Species Act.

The Endangered Species Act has been an important tool in our fight to conserve ecosystems and to prevent the extinction of species. But over the years, experience has shown that the act can be improved, both for the species it is designed to protect and for ranchers, farmers, and other private landowners.

Senators CHAFEE, REID, KEMPTHORNE, and I have been working, along with the administration, for the better part of 2 years to find agreement on changes that will improve the ESA on the ground, where it really counts.

The bill we are introducing today incorporates several major improvements to ESA. Let me just reiterate a few that I think are particularly noteworthy.

First, it improves the use of good science in our decisions on listing species. It's important that we elevate the role of scientific information in our decisions on whether to put species on the endangered list. An error at this stage in the process can mean extinction for a species.

Second, the bill really turns the focus of the ESA to conserving and recovering species. It puts real deadlines on development of recovery plans and gives States a greater role in developing those plans. And it insists that we have benchmarks for measuring progress toward recovering the species.

Third, the bill opens up the process to the public. More public hearings will be held on critical issues, such as whether to list a species and what actions should be taken to recover the species. And, most important, these hearings can't be just in Washington. They must also be in the States most affected by the issue.

Fourth, the bill takes important strides in cooperating with landowners to conserve species. It encourages landowners to take voluntary steps to improve habitat and protect species on their property. And it seeks to conserve species before they become endangered, thereby avoiding the need to list them.

The bill also provides landowners with something they have never had before, technical assistance and financial aid for the new conservation agreements that are created by the bill.

These are the kind of improvements that will make the ESA work better. That will better protect species and that will help landowners.

It's been a long, hard road to reach this agreement. And I want to again thank Senator CHAFEE, Senator REID, Senator KEMPTHORNE and Secretary Babbitt for their persistence throughout this process.

I look forward to taking this bill to the committee and to the Senate floor.

By Mr. KEMPTHORNE:

S. 1181. A bill to amend the Internal Revenue Code of 1986 to provide Federal tax incentives to owners of environmentally sensitive lands to enter into conservation easements for the protection of endangered species habitat, to allow a deduction from the gross estate of a decedent in an amount equal to the value of real property subject to an endangered species conservation agreement, and for other purposes; to the Committee on Finance.

THE ENDANGERED SPECIES HABITAT PROTECTION ACT OF 1997

Mr. KEMPTHORNE. Mr. President, I am introducing legislation today which is intended to provide private property owners additional tools in their dealings with the Endangered Species Act. For both those who wish to participate in the conservation of land for the preservation of endangered, threatened, and other species and those whose participation is involuntary, this legislation will add to the already substantial means provided to property owners in the Endangered Species Recovery Act of 1997.

For too long the Federal Government has used its enforcement procedures and it regulatory authority to dictate conservation in aid of endangered and threatened species. This method has failed to produce the kind of results we want. The Endangered Species Act as currently written is almost all stick and no carrot. I would like to begin to change that today.

For 18 months I have negotiated a bill to reauthorize the Endangered Species Act with the Democrats and the administration. Those negotiations have been successfully completed. We have introduced a bill that will provide a variety of incentives to property owners to preserve habitat through conservation agreements and plans, prelisting agreements and other preservation tools. I also have a number of ideas on how to provide tax incentives to private property owners to preserve habitat.

Let me emphasize that inclusion of these new tax incentives will truly benefit both species and people. I have met with many property owners who have said, "we would be happy to step forward and preserve habitat for species and we would grant a conservation easement if there was an incentive." Well with adoption of the ideas included in this bill there will be.

I have had critics that have said that we should not provide these kinds of incentives to private property owners because we will have too many people coming forward and saying, "I have an endangered species on my land." What is wrong with that? To my mind, that would be a welcome reversal from the current prevailing attitude that some have about the presence of an endangered species on their property. Right now you have a situation that some land owners believe that if they do have an endangered species, or if it's suggested that they might, they're just as likely to try to remove the habitat to avoid a problem down the road. We need to change that attitude if we're going to recover endangered species.

We are currently at the crossroads of two systems. One where you have Government overregulation that tells people what they can and cannot do on their land, and the other a system that encourages property owners to step forward and do something good for species because it's good for them too.

We can depend on our property owners to do what's right and what is good for species. I know that our farmers and ranchers know how to be innovative and creative. They know how to help species. And they know how to manage land.

The right system is one where we encourage active involvement of landowners through incentives. Certainly, I know that if I were an endangered species, I would much rather have a friendly and willing landlord—one that viewed me as an asset—than a reluctant one who viewed me as a threat and a liability because of some bureaucrats and regulations handed down from Washington, DC.

That is what this legislation will do. It is going to make the people active partners.

The legislation I am introducing also includes a provision designed to safeguard the property rights of individuals. The Endangered Species Recovery Act of 1997 will do much to improve and enhance the rights of property owners. The bill limits the ability of the Federal Government and environmental groups to restrict otherwise legal activities on private lands. Under the law today, the Government and environmental groups have used the take prohibition to try to prohibit logging and development on private lands and a city's pumping of an aquifer for drinking water, even where there was no scientific evidence that the activity would in fact harm an endangered species. Our bill will change that, reaffirming that the Federal Government, or an environmental group, has the burden of demonstrating that an activity will actually harm a species and they must meet that burden using real science, not just assumptions or speculation.

ESRA '97 will protect the rights of property owners by making them a part of the process—a process that has excluded them for years. Now citizens, business people and State and local government representatives will be at the table for the development of recovery plans. Furthermore, the recovery plans developed will analyze the cost on the public and private sectors and the impact on jobs and property values for any recovery plan selected.

Under ERSA '97 we will substantially reduce the number of consultations under section 7 of the act. But if a consultation is necessary under the act, property owners will have both a seat at the table and the information they need to meaningfully participate in the consultation.

Throughout ERSA '97 we have kept our bond with the property owners of Idaho and America. But there is always more that should be done.

The Endangered Species Habitat Protection Act contains strong property rights language. That language was developed in conjunction with some of the best minds in the property rights movement. Private property rights is a cornerstone of our democracy. As such it is incumbent on this Congress to address the issue in this Congress. The Endangered Species Habitat Protection Act contains my contribution to the effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Endangered Species Habitat Protection Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Nonrefundable credit for the agreement to manage land to preserve endangered species.
Sec. 4. Enhanced deduction for the donation of a conservation easement.
Sec. 5. Additional deduction for certain State and local real property taxes imposed with respect to property subject to an endangered species conservation agreement.
Sec. 6. Exclusion from estate for real property subject to endangered species conservation agreement.
Sec. 7. Exclusion of 75 percent of gain on sales of land to certain persons for the protection of habitat.
Sec. 8. Right to compensation.

SEC. 2. FINDINGS.

The Senate finds and declares the following:

(1) The majority of American property owners recognize the importance of protecting the environment, including the habitats upon which endangered and threatened species depend.

(2) Current Federal tax laws discourage placement of privately held lands into endangered and threatened species conservation agreements.

(3) The Federal Government should assist landowners in the goal of conserving endangered and threatened species and their habitat.

(4) If the environment is to be protected and preserved, existing Federal tax laws must be modified or changed to provide tax incentives to landowners to attain the goal of conservation of endangered and threatened species and the habitats on which they depend.

SEC. 3. NONREFUNDABLE CREDIT FOR THE AGREEMENT TO MANAGE LAND TO PRESERVE ENDANGERED SPECIES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. CREDIT FOR AGREEMENT TO MANAGE LAND TO PRESERVE ENDANGERED SPECIES.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of—

"(1) the applicable acreage rate of the qualified acreage, or

"(2) $50,000.

"(b) APPLICABLE ACREAGE RATE.—For purposes of subsection (a), the applicable acreage rate is the rate established by the Secretary of the Interior for the taxable year utilizing rates comparable to rental payments under the conservation reserve program under section 1234 of the Food Security Act of 1985 (16 U.S.C. 3834).

"(c) QUALIFIED ACREAGE.—For purposes of this section, the term 'qualified acreage' means any acreage—

"(1) which is subject to an endangered species conservation agreement under the Endangered Species Act (16 U.S.C. 1531 et seq.) and accepted into the expanded conservation reserve program pursuant to section 1231(d)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(d)(2)),

"(2) which is owned by one or more individuals directly or indirectly through a partnership or S corporation that is held entirely by individuals, and

"(3) subject to a perpetual restriction that is valued pursuant to section 170(h)(7).

"(d) CREDIT RECAPTURE.—If, during the period of the endangered species conservation agreement, the taxpayer transfers the qualified acreage without also transferring the taxpayer's obligations under the expanded conservation reserve program under subchapter B of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) and the endangered species conservation agreement, then the taxpayer's tax under this chapter for the taxable year shall be increased by the amount of the credit received under this section during all prior years by such taxpayer, plus interest at the overpayment rate established under section 6621 on such amount for each prior taxable year for the period beginning on the due date for filing the return for the prior taxable year involved. No deduction shall be allowed under this chapter for interest described in the preceding sentence, and any increase in tax under the preceding sentence shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, D, or G of this part.

"(e) JOINT OWNERS.—For purposes of this section, the amount of credit under this section that any joint owner is entitled to constitutes the total credit allowable under this section with respect to the qualified acreage multiplied by the individual's percentage ownership in the qualified acreage. Each joint owner shall include on the return of tax in which the credit is claimed the names and taxpayer identification numbers of all other joint owners in the property.

"(f) REGULATORY AUTHORITY.—

"(1) TREASURY DEPARTMENT.—The Secretary shall promulgate regulations to ensure that a taxpayer cannot subdivide property to determine such taxpayer's qualified acreage unless all of the acreage such taxpayer owns within a significant region is submitted to the expanded conservation reserve program, whether or not such acreage is eligible for a credit under this section.

"(2) SECRETARY OF THE INTERIOR.—As necessary, the Secretary of the Interior shall determine the applicable acreage rate for regions within the United States based on rates comparable to those under the expanded conservation reserve program. Once a rate is prescribed under an endangered species conservation agreement, however, such rate shall remain in effect for the duration of that agreement."

(b) CONFORMING AMENDMENTS.—Subchapter B of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) is amended—

(1) in section 1231(b)—

(A) by striking the period at the end and inserting "; or"; and

(B) by adding at the end the following new paragraph:

"(5) lands with respect to which the owner or operator and the Secretary of the Interior or the Secretary of Commerce have entered into an endangered species conservation agreement.";

(2) in section 1231(d), by striking "(d)" and inserting "(d)(1)" and by adding at the end the following new paragraph:

"(2) The Secretary of the Interior and the Secretary of Commerce shall enter into endangered species conservation agreements under this section to enroll acreage, in addition to the 38,000,000 acres authorized by paragraph (1), into the expanded conservation reserve, for which no payment is due under section 3834, totaling 5,000,000 acres during calendar years [1997 through 2002]. In enrolling such acres, the Secretary of the Interior and the Secretary of Commerce shall reserve 1,000,000 acres for enrollment under this section in calendar year [1997].";

(3) in section 1232, by adding at the end the following new subsection:

"(f) This section shall not apply to owners and operators subject to endangered species conservation agreements.";

(4) in section 1234, by adding at the end the following new subsection:

"(i) This section shall not apply to owners and operators subject to endangered species conservation agreements."; and

(5) by inserting after section 1234 the following new section:

"SEC. 1234A. NO PAYMENTS TO PROPERTIES FOR WHICH AN INCOME TAX CREDIT OR DEDUCTION IS TAKEN.

"The Secretary shall ensure that no payment be made under this subchapter to any owner if that owner has indicated an intention to claim an income tax credit (under section 25B of the Internal Revenue Code of 1986) for participation in this program, or an income tax deduction (under section 170(h)(4)(A)(iii) of such Code)."

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Credit for agreement to manage land to preserve endangered species."

(d) EFFECTIVE DATES.—

(1) CREDIT.—The amendments made by subsections (a) and (c) shall apply to taxable years beginning after December 31, [1995].

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (b) shall take effect on the date of enactment of the Endangered Species Habitat Protection Act of 1997.

SEC. 4. ENHANCED DEDUCTION FOR THE DONATION OF A CONSERVATION EASEMENT.

(a) IN GENERAL.—Subparagraph (A) of section 170(h)(4) of the Internal Revenue Code of 1986 (defining conservation purpose) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) the protection of a species designated endangered by the Secretary of the Interior or the Secretary of Commerce."

(b) ENHANCED VALUATION.—Section 170(h) of the Internal Revenue Code of 1986 (defining qualified conservation contribution) is amended by adding at the end the following new paragraph:

"(7) ENHANCED VALUATION OF PROPERTY WITH ENDANGERED SPECIES.—For purposes of this section, the valuation of a perpetual restriction granted to the Secretary of the Interior or the Secretary of Commerce or to a State agency implementing an endangered species program for the purpose described in paragraph (4)(A)(iii) shall be made by comparing the value of the property after the restriction is granted with the value of that same property without either the encumbrance of such restriction or any of the restrictions placed on such property by the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of the enactment of this Act.

SEC. 5. ADDITIONAL DEDUCTION FOR CERTAIN STATE AND LOCAL REAL PROPERTY TAXES IMPOSED WITH RESPECT TO PROPERTY SUBJECT TO AN ENDANGERED SPECIES CONSERVATION AGREEMENT.

(a) IN GENERAL.—Section 164 of the Internal Revenue Code of 1986 (relating to deductions for taxes) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) ADDITIONAL DEDUCTION FOR CERTAIN STATE AND LOCAL REAL PROPERTY TAXES IMPOSED WITH RESPECT TO PROPERTY SUBJECT TO AN ENDANGERED SPECIES CONSERVATION AGREEMENT.—

"(1) GENERAL RULE.—Except as provided in paragraph (3), in the case of property—

"(A) which, on the last day of the taxable year, is described in section 25B(c)(1), and

"(B) with respect to which no recapture event described in section 25B(d) has occurred, a deduction in the amount determined under paragraph (2) shall be allowed for all State and local real property taxes paid or accrued with respect to such property during such year. The deduction allowed by this subsection shall be in addition to any other deduction allowed by this section.

"(2) AMOUNT OF ADDITIONAL DEDUCTION.—The deduction allowed by this subsection shall equal 25 percent of the amount of State and local real property taxes that are otherwise deductible under this section without regard to this subsection.

"(3) DEDUCTION NOT ALLOWED.—No deduction shall be allowed under this subsection for taxes imposed upon real property—

"(A) with respect to which a credit under section 25B is allowable, or

"(B) subject to a perpetual restriction that is valued pursuant to section 170(h)(7)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, [1995].

SEC. 6. EXCLUSION FROM ESTATE FOR REAL PROPERTY SUBJECT TO ENDANGERED SPECIES CONSERVATION AGREEMENT.

(a) IN GENERAL.—Part IV of subchapter A of chapter 11 of the Internal Revenue Code of 1986 (relating to taxable estate) is amended by adding at the end the following new section:

"SEC. 2057. CERTAIN REAL PROPERTY SUBJECT TO ENDANGERED SPECIES CONSERVATION AGREEMENT.

"(a) GENERAL RULE.—For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate an amount equal to the adjusted value of real property included in the gross estate which is subject to an endangered species conservation agreement.

"(b) PROPERTY SUBJECT TO AN ENDANGERED SPECIES CONSERVATION AGREEMENT.—For purposes of this section—

"(1) IN GENERAL.—Real property shall be treated as subject to an endangered species conservation agreement if—

"(A) each person who has an interest in such property (whether or not in possession) has entered into—

"(i) an endangered species conservation agreement with respect to such property, and

"(ii) a written agreement with the Secretary consenting to the application of subsection (d), and

"(B) the executor of the decedent's estate—

"(i) elects the application of this section, and

"(ii) files with the Secretary such endangered species conservation agreement.

"(2) ADJUSTED VALUE.—The adjusted value of any real property shall be its value for purposes of this chapter, reduced by any amount deductible under section 2053(a)(4) or 2055(f) with respect to the property.

"(c) ENDANGERED SPECIES CONSERVATION AGREEMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'endangered species conservation agreement' means a written agreement entered into with the Secretary of the Interior or the Secretary of Commerce—

"(A) which commits each person who signed such agreement to carry out on the real property activities or practices not otherwise required by law or to refrain from carrying out on such property activities or practices that could otherwise be lawfully carried out,

"(B) which is certified by such Secretary as assisting in the conservation of any species which is—

"(i) designated by such Secretary as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),

"(ii) proposed for such designation, or

"(iii) officially identified by such Secretary as a candidate for possible future protection as an endangered or threatened species, and

"(C) which applies to at least one-half of the total area of the property.

"(2) ANNUAL CERTIFICATION TO THE SECRETARY BY THE SECRETARY OF THE INTERIOR or the Secretary of Commerce of the Status of Endangered Species Conservation Agreements.—If the executor elects the application of this section, the executor shall promptly give written notice of such election to the Secretary of the Interior or the Secretary of Commerce. The Secretary of the Interior or the Secretary of Commerce shall thereafter annually certify to the Secretary that the endangered species conservation agreement applicable to any property for which such election has been made remains in effect and is being satisfactorily complied with.

"(d) Recapture of Tax Benefit in Certain Cases.—

"(1) Disposition of interest or material breach.—

"(A) In general.—Except as provided in subparagraph (C), an additional tax in the amount determined under subparagraph (B) shall be imposed on any person on the earlier of—

"(i) the disposition by such person of any interest in property subject to an endangered species conservation agreement (other than a disposition described in subparagraph (C)),

"(ii) the failure by such person to comply with the terms of the endangered species conservation agreement, or

"(iii) the termination of the endangered species conservation agreement.

"(B) Amount of additional tax.—The amount of the additional tax imposed by subparagraph (A) shall be an amount that bears the same ratio to the fair market value of the real property at the time of the event described in subparagraph (A) as the ratio of the amount by which the estate tax liability was reduced by virtue of this section bore to the fair market value of such property at the time the executor filed the agreement under subsection (b)(1). For purposes of this subparagraph, the term 'estate tax liability' means the tax imposed by section 2001 reduced by the credits allowable against such tax.

"(C) Exception if transferee assumes obligations of transferor.—Subparagraph (A)(i) shall not apply if the transferor and the transferee of the property enter into a written agreement pursuant to which the transferee agrees—

"(i) to assume the obligations imposed on the transferor under the endangered species conservation agreement,

"(ii) to assume personal liability for any tax imposed under subparagraph (A) with respect to any future event described in subparagraph (A), and

"(iii) to notify the Secretary of the Treasury and the Secretary of the Interior or the Secretary of Commerce that the transferee has assumed such obligations and liability.

If a transferee enters into an agreement described in clauses (i), (ii), and (iii), such transferee shall be treated as signatory to the endangered species conservation agreement the transferor entered into.

"(2) Due date of additional tax.—The additional tax imposed by paragraph (1) shall become due and payable on the day that is 6 months after the date of the disposition referred to in paragraph (1)(A)(i) or, in the case of an event described in clause (ii) or (iii) of paragraph (1)(A), on April 15 of the calendar year following any year in which the Secretary of the Interior or the Secretary of Commerce fails to provide the certification required under subsection (c)(2).

"(e) Statute of Limitations.—If a taxpayer incurs a tax liability pursuant to subsection (d)(1)(A), then—

"(1) the statutory period for the assessment of any additional tax imposed by subsection (d)(1)(A) shall not expire before the expiration of 3 years from the date the Secretary is notified (in such manner as the Secretary may by regulation prescribe) of the incurring of such tax liability, and

"(2) such additional tax may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law that would otherwise prevent such assessment.

"(f) Election and Filing of Agreement.—The election under this section shall be made on the return of the tax imposed by section 2001. Such election, and the filing under subsection (a) of an endangered species conservation agreement, shall be made in such manner as the Secretary shall by regulation provide.

"(g) Application of This Section to Interests in Partnerships, Corporations, and Trusts.—The Secretary shall prescribe regulations setting forth the application of this section in the case of an interest in a partnership, corporation, or trust which, with respect to a decedent, is an interest in a closely held business (within the meaning of paragraph (1) of section 6166(b)). For purposes of the preceding sentence, an interest in a discretionary trust all the beneficiaries of which are heirs of the decedent shall be treated as a present interest."

(b) Carryover Basis.—Section 1014(a)(4) of the Internal Revenue Code of 1986 (relating to basis of property acquired from a decedent) is amended by inserting "or 2057" after "section 2031(c)".

(c) Clerical Amendment.—The table of sections for part IV of subchapter A of chapter 11 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 2057. Certain real property subject to endangered species conservation agreement."

(d) Effective Date.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this Act.

SEC. 7. EXCLUSION OF 75 PERCENT OF GAIN ON SALES OF LAND TO CERTAIN PERSONS FOR THE PROTECTION OF HABITAT.

(a) In General.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to treatment of capital gains) is amended by adding at the end the following new section:

"SEC. 1203. 75 PERCENT EXCLUSION FOR GAIN ON SALES OF LAND TO CERTAIN PERSONS FOR THE PROTECTION OF HABITAT.

"(a) Exclusion.—Gross income shall not include 75 percent of any gain from the sale of any land to a conservation purchaser if—

"(1) such land was owned by the taxpayer or a member of the taxpayer's family (as defined in section 2032A(e)(2)) at all times during the 3-year period ending on the date of the sale, and

"(2) such land is being acquired by a conservation purchaser for the purpose of protecting the habitat of any species listed by the Secretary of the Interior or the Secretary of Commerce under the Endangered Species Act as endangered or threatened, proposed for listing as endangered or threatened, or which is a candidate for such listing.

"(b) Conservation Purchaser.—For purposes of this section—

"(1) Conservation purchaser.—The term 'conservation purchaser' means—

"(A) any agency of the United States or of any State or local government, and

"(B) any qualified organization.

"(2) Qualified organization.—The term 'qualified organization' has the meaning given such term by section 170(h)(3) (determined without regard to section 170(b)(1)(A)(v))."

(b) Clerical Amendment.—The table of sections for part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 1203. 75-percent exclusion for gain on sales of land to certain persons for the protection of habitat."

(c) Effective Date.—The amendments made by this section shall apply to sales after December 31, [1997].

SEC. 8. RIGHT TO COMPENSATION.

(a) Prohibition.—No agency action affecting privately owned property under this section shall result in the diminishment of the value of any portion of that property by 30 percent or more unless compensation is offered in accordance with this section.

(b) Compensation for Diminishment.—Any agency that takes an action the economic impact of which exceeds the amount provided in subsection (a)—

(1) shall compensate the property owner for the diminution in value of the portion of that property resulting from the action; or

(2) if the diminution in value of a portion of that property is greater than 50 percent, at the option of the owner, such agency shall buy that portion of the property and shall pay fair market value based on the value of the property before the diminution.

(c) Request of Owner.—A property owner seeking compensation under this section shall make a written request for compensation to the agency whose action would limit the otherwise lawful use of property. The request shall, at a minimum, identify the affected portion of the property, the nature of the diminution, and the amount of compensation claimed.

(d) Choice of Remedies.—If the parties have not reached an agreement on compensation within 180 days after the written request is made, the owner may elect binding arbitration through alternative dispute resolution or seek compensation due under this section in a civil action. The parties may by mutual agreement extend the period of negotiation on compensation beyond the 180-day period without loss of remedy to the owner under this section. In the event the extension period lapses the owner may elect binding arbitration through alternative dispute resolution or seek compensation due under this section in a civil action.

(e) Alternative Dispute Resolution.—

(1) In general.—In the administration of this section—

(A) arbitration procedures shall be in accordance with the alternative dispute resolution procedures established by the American Arbitration Association; and

(B) in no event shall arbitration be a condition precedent or an administrative procedure to be exhausted before the filing of a civil action under this section.

(2) Review of arbitration.—

(A) Appeal of decision.—Appeal from arbitration decisions shall be to the United States District Court for the district in which the property is located or the United States Court of Federal Claims in the manner prescribed by law for the claim under this section.

(B) Rules of enforcement of award.—The provisions of title 9, United States Code (relating to arbitration), shall apply to enforcement of awards rendered under this section.

(f) Civil Action.—An owner who prevails in a civil action against any agency pursuant to this section shall be entitled to, and such agency shall be liable for, just compensation, plus reasonable attorney's fees and other litigation costs, including appraisal fees.

(g) SOURCE OF PAYMENTS.—Any payment made under this section shall be paid from the responsible agency's annual appropriation supporting the agency's activities giving rise to the claim for compensation. If insufficient funds are available to the agency in the fiscal year in which the award becomes final the agency shall pay the award from appropriations available in the next fiscal year.

(h) DEFINITIONS.—For the purposes of this section—

(1) the term "agency" has the meaning given that term in section 551 of title 5, United States Code;

(2) the term "agency action" means any action or decision taken by any agency that at the time of such action or decision adversely affects private property rights;

(3) the term "fair market value" means the likely price at which property would change hands, in a competitive and open market under all conditions requisite to fair sale, between a willing buyer and willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts, prior to occurrence of the agency action;

(4) the term "just compensation"—

(A) means compensation equal to the full extent of a property owner's loss, including the fair market value of the private property taken, whether the taking is by physical occupation or through regulation, exaction, or other means; and

(B) shall include compounded interest calculated from the date of the taking until the date the United States tenders payment;

(5) the term "owner" means the owner or possessor of property or rights in property at the time the taking occurs, including when—

(A) the statute, regulation, rule, order, guideline, policy, or action is passed or promulgated; or

(B) the permit, license, authorization, or governmental permission is denied or suspended;

(6) the term "property" means land, an interest in land, proprietary water rights, and any personal property that is subject to use by the Federal Government or to a restriction on use;

(7) the term "private property" or "property" means all interests constituting real property, as defined by Federal or State law, protected under the fifth amendment to the United States Constitution, any applicable Federal or State law, or this section, and more specifically constituting—

(A) real property, whether vested or unvested, including—

(i) estates in fee, life estates, estates for years, or otherwise;

(ii) inchoate interests in real property such as remainders and future interests;

(iii) personalty that is affixed to or appurtenant to real property;

(iv) easements;

(v) leaseholds;

(vi) recorded liens; and

(vii) contracts or other security interests in, or related to, real property;

(B) the right to use water or the right to receive water, including any recorded liens on such water right; or

(C) rents, issues, and profits of land, including minerals, timber, fodder, crops, oil and gas, coal, or geothermal energy.

By Ms. SNOWE (for herself, Mr. ABRAHAM and Mr. GRAMM):

S. 1182. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

THE EMERGENCY SPENDING CONTROL ACT

Ms. SNOWE. Mr. President, I rise today to introduce legislation that will end a common abuse of the budget process in the Congress: the attachment of nonemergency provisions to emergency spending bills. Senator ABRAHAM and Senator GRAMM are also original sponsors of this legislation.

At a time when Congress and the President have come together and agreed on a plan to balance the budget by the year 2002, I believe it is appropriate that we now seek to ensure that all future spending decisions be fully weighed and considered before the tax dollars of hard-working Americans are spent. We must ensure that the costs and benefits of a proposal are thoroughly reviewed through our carefully structured budget process—not allowed to be pushed through the Congress with minimal debate and consideration. The legislation I am introducing today would address one of the ways in which spending programs are pushed through Congress with minimal budget scrutiny: the attachment of nonemergency provisions to emergency spending bills.

Mr. President, as my colleagues know, emergency spending bills have been afforded special treatment because of the unique problems they address. While the annual budget and appropriations process typically takes months to complete, emergency spending legislation often receives special, accelerated consideration that can lead to its adoption in days or weeks. This expedited treatment is understandable: When a flood, earthquake, or other natural disaster imperils the lives and safety of the American people, Congress and the President should be ready and able to respond quickly.

We have even made special exceptions for emergency spending bills within our budgetary rules to ensure that disasters and other emergencies are quickly addressed. While we generally require that new spending be offset to ensure the deficit is not increased, we allow this requirement to be waived if the moneys are being spent on an emergency item. In addition, we waive our annual budgetary spending caps if the moneys are being spent to address an emergency or disaster.

Because of their expedited treatment and budgetary exceptions, emergency spending bills have become a magnet for nonemergency items. Rather than subject a proposal to the regular budget and appropriations process, provisions are often attached to emergency spending bills that are moving through Congress on a virtual fast track.

Although nonemergency items in an emergency spending bill are still subject to the annual spending caps, no offset is required if such spending would be below the annual limit. Furthermore, even if a nonemergency item is offset in an emergency spending bill, the expedited consideration of that legislation often does not allow for a thorough analysis in the broader context of the budget. Rather than subjecting the nonemergency spending provision to the same scrutiny as other programs in the budget and weighing its merits accordingly, Congress is forced to make a rapid decision. Delaying the process and carefully weighing these nonemergency items would also mean risking the timely delivery of assistance to those who have been affected by an emergency or disaster. Such a delay is simply not acceptable.

Mr. President, the bill I am introducing today would eliminate this problem and this practice by ensuring that all nonemergency spending items are subject to the same budget scrutiny and same budgetary rules. If my legislation is adopted, emergency spending bills would no longer be a convenient vehicle for spending money on nonemergency items. Rather, emergency spending bills would be just that: emergency spending bills—not Christmas trees with other goodies and presents tucked beneath them.

Under my bill, nonemergency provisions in an emergency or disaster spending bill would be subject to a new three-fifths majority point of order. If a nonemergency item is included in an emergency spending bill or related conference report—or is contained in an amendment that is being offered to such a bill—this new point of order could be raised by any Member, and a three-fifths majority vote would be required to waive it.

I believe the Members of this body are familiar with the Byrd rule and its impact on the reconciliation process, and my new provision would be administered in much the same way. The only difference would be that while the Byrd rule applies to budget reconciliation bills, this rule would apply to emergency spending bills.

Mr. President, we must no longer allow nonemergency items to be attached to emergency spending bills. We have created an expedited process for considering emergency spending bills for very sound reasons—but providing a vehicle for nonemergency items to be rushed through Congress was not one of them.

As we work toward a balanced budget in the year 2002, I would urge that Congress and the President carefully weigh the merits of every spending program and make priorities accordingly. My legislation would help us achieve this objective by ensuring that non-emergency items are not rushed through Congress while riding on the back of emergency spending bills. I urge that my colleagues join me in this effort and support this legislation.

ADDITIONAL COSPONSORS

S. 474

At the request of Mr. KYL, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 474, a bill to amend sections 1081 and 1084 of title 18, United States Code.

S. 617

At the request of Mr. JOHNSON, the names of the Senator from Idaho [Mr. KEMPTHORNE], the Senator from North Dakota [Mr. CONRAD], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 617, a bill to amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

S. 766

At the request of Ms. SNOWE, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 834

At the request of Mr. HARKIN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 834, a bill to amend the Public Health Service Act to ensure adequate research and education regarding the drug DES.

S. 852

At the request of Mr. LOTT, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1141

At the request of Mr. JOHNSON, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 1141, a bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes.

S. 1173

At the request of Mr. WARNER, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

S. 1178

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 1178, a bill to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes.

SENATE RESOLUTION 116

At the request of Mr. LEVIN, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Resolution 116, a resolution designating November 15, 1997, and November 15, 1998, as "America Recycles Day."

SENATE RESOLUTION 121

At the request of Mr. SPECTER, the names of the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Missouri [Mr. ASHCROFT], the Senator from Alabama [Mr. SHELBY], the Senator from New York [Mr. D'AMATO], the Senator from Ohio [Mr. DEWINE], the Senator from Oklahoma [Mr. INHOFE], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of Senate Resolution 121, a resolution urging the discontinuance of financial assistance to the Palestinian Authority unles and until the Palestinian Authority demonstrates a 100-percent maximum effort to curtail terrorism.

AMENDMENTS SUBMITTED

THE FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997 PRESCRIPTION DRUG USERS FEE REAUTHORIZATION ACT OF 1997

KENNEDY AMENDMENT NO. 1190

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes; as follows:

Amend section 406 to read as follows:

SEC. 406. LIMITATIONS ON INITIAL CLASSIFICATION DETERMINATIONS.

Section 510 (21 U.S.C. 360) is amended by adding at the end the following:

"(m) The Secretary may not withhold a determination of the initial classification of a device under section 513(f)(1) because of a failure to comply with any provision of this Act that is unrelated to a substantial equivalence decision, including a failure to comply with the requirements relating to good manufacturing practices under section 520(f), unless such failure could result in harm to human health from such device.".

HATCH AMENDMENTS NOS. 1191–1192

(Ordered to lie on the table.)

Mr. HATCH submitted two amendments intended to be proposed by him to amendments intended to be proposed to the bill, S. 830, supra; as follows:

AMENDMENT NO. 1191

At the end of the matter proposed to be inserted, insert the following:

SEC. . SAFETY REPORT DISCLAIMERS.

Chapter IX (21 U.S.C. 391 et seq.), as amended by section 804, is further amended by adding at the end the following:

"SEC. 908. SAFETY REPORT DISCLAIMERS.

"With respect to any entity that submits or is required to submit a safety report or other information in connection with the safety of a product (including a product which is a food, drug, new drug, device, dietary supplement, or cosmetic) under this Act (and any release by the Secretary of that report or information), such report or information shall not be construed to necessarily reflect a conclusion by the entity or the Secretary that the report or information constitutes an admission that the product involved caused or contributed to an adverse experience, or otherwise caused or contributed to a death, serious injury, serious illness, or malfunction. Such an entity need not admit, and may deny, that the report or information submitted by the entity constitutes an admission that the product involved caused or contributed to an adverse experience or caused or contributed to a death, serious injury, serious illness, or malfunction.".

AMENDMENT NO. 1192

At the end of the matter proposed to be inserted, insert the following:

(d) MISSION STATEMENT.—Section 903(b), as amended by section 101(2), is further amended by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—The Secretary, acting through the Commissioner, in consultation with experts in science, medicine, and public health, and in cooperation with consumers, users, manufacturers, importers packers, distributors, and retailers of regulated products, shall protect the public health by taking actions that help ensure that—

"(A) foods are safe, wholesome, sanitary, and properly labeled;

"(B) human and veterinary drugs, including biologics, are safe and effective;

"(C) there is reasonable assurance of safety and effectiveness of devices intended for human use;

"(D) cosmetics are safe; and

"(E) public health and safety are protected from electronic product radiation.

"(2) SPECIAL RULES.—The Secretary, acting through the Commissioner, shall promptly and efficiently review clinical research and take appropriate action on the marketing of regulated products in a manner that does not unduly impede innovation or product availability. The Secretary, acting through the Commissioner, shall participate with other countries to reduce the burden of regulation, to harmonize regulatory requirements, and to achieve appropriate reciprocal arrangements with other countries.".

HARKIN (AND OTHERS) AMENDMENT NO. 1193

(Ordered to lie on the table.)

Mr. HARKIN (for himself, Mr. HATCH, Mr. DASCHLE, and Ms. MIKULSKI) submitted an amendment intended to be proposed by them to an amendment intended to be proposed to the bill, S. 830, supra; as follows:

At the end of the amendment, insert the following new section:

SEC. _____. ESTABLISHMENT OF NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE.

(a) In General.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by striking section 404E; and

(2) in part E, by amending subpart 4 to read as follows:

"Subpart 4—National Center for Complementary and Alternative Medicine

"SEC. 485C. PURPOSE OF CENTER.

"(a) In General.—The general purposes of the National Center for Complementary and Alternative Medicine (in this subpart referred to as the 'Center') are—

"(1) the conduct and support of basic and applied research (including both intramural and extramural research), research training, the dissemination of health information, and other programs, including prevention programs, with respect to identifying, investigating, and validating complementary and alternative treatment, prevention and diagnostic systems, modalities, and disciplines; and

"(2) carrying out the functions specified in sections 485D (relating to dietary supplements).

The Center shall be headed by a director, who shall be appointed by the Secretary. The Director of the Center shall report directly to the Director of NIH.

"(b) Advisory Council.—The Secretary shall establish an advisory council for the Center in accordance with section 406, except that the members of the advisory council who are not ex officio members shall include one or more practitioners from each of the disciplines and systems with which the Center is concerned, and at least 3 individuals representing the interests of individual consumers of complementary and alternative medicine.

"(c) Complement to Conventional Medicine.—In carrying out subsection (a), the Director of the Center shall, as appropriate, study the integration of alternative medical treatment and diagnostic systems, modalities, and disciplines into the practice of conventional medicine as a complement to such medicine and into health care delivery systems in the United States.

"(d) Appropriate Scientific Expertise.—The Director of the Center, after consultation with the advisory council for the Center and the division of research grants, shall ensure that scientists with appropriate expertise in research on complementary and alternative medicine are incorporated into the review, oversight, and management processes of all research projects and other activities funded by the Center. In carrying out this subsection, the Director of the Center, as necessary, may establish review groups with appropriate scientific expertise.

"(e) Evaluation of Various Disciplines and Systems.—In carrying out subsection (a), the Director of the Center shall identify and evaluate alternative medical treatment and diagnostic modalities in each of the disciplines and systems with which the Center is concerned, including each discipline and system in which accreditation, national certification, or a State license is available.

"(f) Ensuring High Quality, Rigorous Scientific Review.—In order to ensure high quality, rigorous scientific review of complementary and alternative medical and diagnostic systems, modalities, and disciplines, the Director of the Center shall conduct or support the following activities:

"(1) Outcomes research and investigations.

"(2) Epidemiological studies.

"(3) Health services research.

"(4) Basic science research.

"(5) Clinical trials.

"(6) Other appropriate research and investigational activities.

"(g) Data System; Information Clearinghouse.—

"(1) Data system.—The Director of the Center shall establish a bibliographic system for the collection, storage, and retrieval of worldwide research relating to complementary and alternative medical treatment and diagnostic systems, modalities, and disciplines. Such a system shall be regularly updated and publicly accessible.

"(2) Clearinghouse.—The Director of the Center shall establish an information clearinghouse to facilitate and enhance, through the effective dissemination of information, knowledge and understanding of alternative medical treatment and diagnostic systems and disciplines by health professionals, patients, industry, and the public.

"(h) Research Centers.—

"(1) In general.—The Director of the Center, after consultation with the advisory council for the Center, shall provide support for the development and operation of multipurpose centers to conduct research and other activities described in subsection (a)(1) with respect to complementary and alternative medical treatment and diagnostic systems, modalities, and disciplines.

"(2) Requirements.—Each center assisted under paragraph (1) shall use the facilities of a single entity, or be formed from a consortium of cooperating entities, and shall meet such requirements as may be established by the Director of the Center. Each such center shall—

"(A) be established as an independent entity; or

"(B) be established within or in affiliation with an entity that conducts research or training described in subsection (a)(1).

"(3) Duration of support.—Support of a center under paragraph (1) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director of the Center and if such group has recommended to the Director that such period should be extended.

"(i) Biennial Report.—The Director of the Center shall prepare biennial reports on the activities carried out or to be carried out by the Center, and shall submit each such report to the Director of NIH for inclusion in the biennial report under section 403.

"(j) Availability of Resources.—After consultation with the Director of the Center, the Director of NIH shall ensure that resources of the National Institutes of Health, including laboratory and clinical facilities, fellowships (including research training fellowship and junior and senior clinical fellowships), and other resources are sufficiently available to enable the Center to appropriately and effectively carry out its duties as described in subsection (a).

"(k) Authorization of Appropriations.—For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1998 through 2002. Amounts appropriated under this subsection for fiscal year 1998 are available for obligation through September 30, 2000. Amounts appropriated under this subsection for fiscal year 1999 are available for obligation through September 30, 2000.

"SEC. 485D. OFFICE OF DIETARY SUPPLEMENTS.

"(a) In General.—There is established within the Center an office to be known as the Office of Dietary Supplements (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of the Center. The Director of the Center shall carry out the functions specified in this section acting through the Director of the Office.

"(b) Duties.—

"(1) In general.—The Director of the Office shall—

"(A) expand the activities of the national research institutes with respect to the potential role of dietary supplements as a significant part of the efforts of the United States to improve health care; and

"(B) promote scientific study of the benefits of dietary supplements in maintaining health and preventing chronic disease and other health-related conditions.

"(2) Certain duties.—The Director of the Office shall—

"(A) conduct and coordinate scientific research within the National Institutes of Health relating to dietary supplements and the extent to which the use of dietary supplements can limit or reduce the risk of diseases such as heart disease, cancer, birth defects, osteoporosis, cataracts, or prostatism;

"(B) collect and compile the results of scientific research relating to dietary supplements, including scientific data from foreign sources or other offices of the Center;

"(C) serve as the principal advisor to the Secretary and to the Assistant Secretary for Health and provide advice to the Director of NIH, the Director of the Centers for Disease Control and Prevention, and the Commissioner of Food and Drugs on issues relating to dietary supplements including—

"(i) dietary intake regulations;

"(ii) the safety of dietary supplements;

"(iii) claims characterizing the relationship between dietary supplements and the prevention of disease or other health-related conditions;

"(iv) claims characterizing the relationship between dietary supplements and the maintenance of health; and

"(v) scientific issues arising in connection with the labeling and composition of dietary supplements;

"(D) compile a database of scientific research on dietary supplements and individual nutrients; and

"(E) coordinate funding relating to dietary supplements for the National Institutes of Health.

"(c) Biennial Report.—The Director of the Office shall prepare biennial reports on the activities carried out or to be carried out by the Office, and shall submit each such report to the Director of the Center for inclusion in the biennial report under section 485C(i).

"(d) Definition.—For purposes of this section, the term 'dietary supplement' has the meaning given such term in section 201(ff) of the Federal Food, Drug, and Cosmetic Act.".

(b) Savings Provisions.—

(1) National center for complementary and alternative medicine.—All officers and employees employed in the Office of Alternative Medicine on the day before the date of the enactment of this Act (pursuant to section 404E of the Public Health Service Act, as in effect on such day) are transferred to

the National Center for Complementary and Alternative Medicine. Such transfer does not affect the status of any such officer or employee (except to the extent that the amendments made by subsection (a) affect the authority to make appointments to employment positions). All funds available on such day for such Office are transferred to such Center, and the transfer does not affect the availability of funds for the purposes for which the funds were appropriated (except that such purposes shall apply with respect to the Center to the same extent and in the same manner as the purposes applied with respect to the Office). All other legal rights and duties with respect to the Office are transferred to the Center, and continue in effect in accordance with their terms.

(2) OFFICE OF DIETARY SUPPLEMENTS.—With respect to the Office of Dietary Supplements established in section 485D of the Public Health Service Act (as added by subsection (a)), such establishment shall be construed to constitute a transfer of such Office to the National Center for Complementary and Alternative Medicine from the Office of the Director of the National Institutes of Health (in which the Office of Dietary Supplements was located pursuant to section 485C of the Public Health Service Act, as such section was in effect on the day before the date of the enactment of this Act). Such transfer does not affect the status of any individual as an officer or employee in the Office of Dietary Supplements (except to the extent that the amendments made by subsection (a) affect the authority to make appointments to employment positions), does not affect the availability of funds of the Office for the purposes for which the funds were appropriated, and does not affect any other rights or duties with respect to the Office.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.), as amended by subsection (a), is amended—

(1) in section 401(b)(2), by amending subparagraph (E) to read as follows:

"(E) The National Center for Complementary and Alternative Medicine."; and

(2) in section 402, by redesignating subsections (g) through (k) as subsections (f) through (j), respectively.

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

DeWINE AMENDMENT NO. 1194

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to amendment No. 1186 intended to be proposed by Mrs. HUTCHISON to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the end, insert the following:

(g)(1) In awarding or expending grant funds under this section, the Chairperson of the National Endowment for the Arts, the Secretary, and each State, territory, group, or institution that receives funds under this section shall ensure that priority is given to supporting projects, productions, workshops, or programs that serve underserved populations or children.

(2) In this section:

(A) The term "child" means an individual under the age of 19.

(B) The term "underserved population" means a population of individuals who have historically been outside the purview of arts and humanities programs due to a high incidence of income below the poverty line or to geographic isolation.

(C) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

HUTCHINSON AMENDMENT NO. 1195

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill, H.R. 2107, supra; as follows:

On page 127, between lines 15 and 16, insert the following:

SEC. . MAN AND THE BIOSPHERE PROGRAM.

None of the funds appropriated or otherwise made available by this Act shall be made available for the United States Man and the Biosphere program or any related project.

HUTCHINSON AMENDMENT NO. 1196

Mr. HUTCHINSON proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 152, between lines 13 and 14, insert the following:

TITLE VII—AMERICAN HERITAGE RIVERS INITIATIVE

SEC. 701. AMERICAN HERITAGE RIVERS INITIATIVE.

(a) IN GENERAL.—During fiscal year 1998 and each fiscal year thereafter, the President and other officers of the executive branch may implement the American Heritage Rivers Initiative under Executive Order 13061 (62 Fed. Reg. 48445) only in accordance with this section.

(b) DESIGNATION BY CONGRESS.—

(1) NOMINATIONS.—The President, acting through the Chair of the Council on Environmental Quality shall submit to Congress nominations of the 10 rivers that are proposed for designation as American Heritage Rivers.

(2) PRIORITIZATION.—The nominations shall be subject to the prioritization process established by the Clean Water Act (42 U.S.C. 7401 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and other applicable Federal law.

(3) CONSULTATION WITH PROPERTY OWNERS.—To ensure the protection of private property owners along a river proposed for nomination, all property owners holding title to land directly abutting river bank shall be consulted and asked to offer letters of support for or opposition to the nomination.

(3) DESIGNATION.—The American Heritage Rivers Initiative may be implemented only with respect to rivers that are designated as American Heritage Rivers by Act of Congress.

(c) DEFINITION OF RIVER COMMUNITY.—For the purposes of the American Heritage River Initiative, as used in Executive Order 13061, the term "river community" shall include all persons that own property, reside, or regularly conduct business within 10 miles of the river.

CAMPBELL AMENDMENT NO. 1197

Mr. CAMPBELL proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 52 beginning on line 16, strike all through page 54, line 22, and insert in lieu thereof the following:

SEC. 118. Any funds made available in this Act or any other Act for tribal priority allocations (hereinafter in this section "TPA") in excess of the funds expended for TPA in fiscal year 1997 (adjusted for fixed costs, internal transfers pursuant to other law, and proposed increases to formula driven programs not included in tribes' TPA base,) shall only be available for distribution——

(1) to each Tribe to the extent necessary to provide that Tribe the minimum level of funding recommended by the Joint/Tribal/BIA/DOI Task Force on Reorganization of the Bureau of Indian Affairs Report of 1994 (hereafter "the 1994 Report") not to exceed $160,000 per Tribe; and

(2) to the extent funds remain, such funds will be allocated according to the recommendations of a Task Force comprised of two (2) representatives from each BIA area. These representatives shall be selected by the Secretary with the participation of the tribes following procedures similar to those used in establishing the Joint/Tribal/BIA/DOI Task Force on Reorganization of the Bureau of Indian Affairs. In determining the allocation of remaining funds, the Task Force shall consider the recommendations and principles contained in the 1994 Report. If the Task Force cannot agree on a distribution by January 31, 1998, the Secretary shall distribute the remaining funds based on the recommendations of a majority of Task Force members no later than February 28, 1998.

ABRAHAM AMENDMENTS NOS. 1198–1199

(Ordered to lie on the table.)

Mr. ABRAHAM submitted two amendments intended to be proposed by him to the bill, H.R. 2107, supra; as follows:

AMENDMENT NO. 1198

On page 17, line 8, strike "$167,694,000, to remain available until expended" and insert "$201,048,000, to remain available until expended, of which $8,000,000 shall transferred to the Smithsonian Institution and made available for restoration of the Star Spangled Banner, $8,000,000 shall be transferred to the National Endowment for the Humanities and made available for the preservation of papers of former Presidents of the United States, of which $9,000,000 shall be available for the replacement of the wastewater treatment system at Mount Rushmore National Memorial, of which $2,000,000 shall be available for the stabilization of the hospital wards, crematorium, and immigrant housing on islands 2 and 3 of Ellis Island, and of which $5,000,000 shall be transferred to the Smithsonian Institution and made available for the preservation of manuscripts and original works of great American composers".

On page 96, line 16, strike "$83,300,000" and insert "$55,533,000".

On page 96, line 25, strike "$16,760,000" and insert "$11,173,000".

At the end of title III, insert the following:

SEC. . Notwithstanding any other provision of law, not more than $10,044,000 of the funds appropriated for the National Endowment for the Arts under this Act may be available for private fundraising activities for the endowment.

AMENDMENT NO. 1199

At the end of title III, insert the following:

SEC. . (a) Congress makes the following findings:

(1) The arts play an important part in American culture and should continue to be supported.

(2) The National Endowment for the Arts has been plagued by controversy by those questioning the use of tax dollars for certain projects and by artists who fear their work will be censured.

(3) The private funding for the arts has been increasing consistently since 1965 and the American people generously gave a record high $10,960,000,000 in 1996.

(4) Private giving to the arts increased 40 percent during the same years that Federal funding for the arts decreased from $170,000,000 to $99,500,000.

(5) The National Endowment for the Arts contributes less than 5 percent of total Federal support for the arts and humanities.

(6) Local governments gave a total of $650,000,000 in 1996 and State governments spent a total of $250,000,000 in 1996 for the arts.

(7) The total receipts for performance arts events have increased and are quickly approaching the total receipts for spectator sports.

(8) One-third of direct National Endowment for the Arts grant funds go to 6 large cities. Those cities are New York, Boston, San Francisco, Chicago, Los Angeles, and Washington, D.C.

(9) One-fifth of direct National Endowment for the Arts grant funds go to multimillion dollar arts organizations.

(10) Americans volunteer approximately 2,600,000,000 hours for the arts a year, estimated to be worth $25,600,000,000 annually.

(11) The average household contribution (from households that do contribute to the arts) was $216 in 1996. This amount represents a 55 percent increase from 1993.

(12) Certain individuals feel there needs to be a national entity for the arts.

(b) It is the sense of the Senate that—

(1) the National Endowment for the Arts should continue to be phased out during 1998 and 1999;

(2) in 1998 and 1999, the National Endowment for the Arts should be allowed to use a portion of the funds that are appropriated for the endowment, for private fundraising efforts;

(3) there should be a private, nonprofit organization established, to be known as the "American Foundation for the Arts", where generous Americans can contribute their funds to a national arts entity that promotes the arts throughout the United States without the intrusion of the Federal government; and

(4) additional tax incentives for charitable donations should be established, such as charitable tax deduction for nonitemizers, the elimination of the cap on charitable deductions, and specific tax credit for donations to the private, nonprofit organization described in paragraph (3).

MACK (AND GRAHAM) AMENDMENT NO. 1200

Mr. GORTON (for Mr. MACK, for himself and Mr. GRAHAM) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 19, line 2, strike the colon and insert in lieu there of ": *Provided further*, That the Secretary may provide such funds to the State of Florida for acquisitions within Stormwater Treatment Area 1-E, including reimbursement for lands or water, or interests therein, within Stormwater Treatment Area 1-E acquired by the State of Florida prior to the enactment of this Act."

MURKOWSKI AMENDMENT NO. 1201

Mr. GORTON (for Mr. MURKOWSKI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

SEC. . (a) PRIORITY OF BONDS.—Section 3 of Public Law 94-392 (90 Stat. 1193, 1195) is amended—

(1) by striking "priority for payment" and inserting "a parity lien with every other issue of bonds or other obligations issued for payment"; and

(2) by striking "in the order of the date of issue".

(b) APPLICATION.—The amendments made by subsection (a) shall apply to obligations issued on or after the date of enactment of this section.

(c) SHORT-TERM BORROWING.—Section 1 of Public Law 94-392 (90 Stat. 1193) is amended by adding the following new subsection at the end thereof:

"(d) The legislature of the government of the Virgin Islands may cause to be issued notes in anticipation of the collection of the taxes and revenues for the current fiscal year. Such notes shall mature and be paid within one year from the date they are issued. No extension of such notes shall be valid and no additional notes shall be issued under this section until all notes issued during a preceding year shall have been paid."

GORTON (AND BYRD) AMENDMENTS NOS. 1202–1203

Mr. GORTON (for himself and Mr. BYRD) proposed two amendments to the bill, H.R. 2107, supra; as follows:

AMENDMENT NO. 1202

On page 6, line 20, strike "Any" and insert in lieu thereof "The Federal share of".

AMENDMENT NO. 1203

On page 32, beginning with the colon on line 13, strike all thereafter through "funds" on line 18 and insert in lieu thereof the following: ": *Provided further*, That tribes may use tribal priority allocations funds for the replacement and repair of school facilities which are in compliance with 25 U.S.C. 2005(a) so long as such replacement or repair is approved by the Secretary and completed with non-Federal tribal and/or tribal priority allocations funds".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing on the Federal agency energy management provisions of the Energy Policy Act of 1992, has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Thursday, September 25, 1997, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Karen Hunsicker, counsel to the committee, at (202) 224-3543 or Betty Nevitt, staff assistant at (202) 224-0765.

SUBCOMMITTEE ON WATER AND POWER

Mr. KYL. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources to receive testimony on various measures pending before the subcommittee. The measures are:

S. 725—To direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District;

S. 777—To authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes;

H.R. 848—To extend the deadline under the Federal Power Act applicable to the construction of the AuSable hydroelectric project in New York, and for other purposes;

H.R. 1184—To extend the deadline under the Federal Power Act for the construction of the Bear Creek hydroelectric project in the State of Washington, and for other purposes; and

H.R. 1217—To extend the deadline under the Federal Power Act for the construction of a hydroelectric project in the State of Washington, and for other purposes;

The hearing will begin at 2 p.m. on Tuesday, October 7, 1997, in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Persons interested in testifying or submitting material for the record should contact Betty Nevitt of the subcommittee staff at (202) 224-0765 or write to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, September 16, 1997, at 10 a.m. in open session, to consider the nominations of Gen. Michael E. Ryan, USAF, to be Chief of Staff, U.S. Air Force; Adm. Harold W. Gehman, Jr., USN, to be Commander in Chief, U.S. Atlantic Command; and Lt. Gen. Charles E. Wilhelm, USMC, to be Commander in Chief, U.S. Southern Command and for appointment to the grade of general.

The PRESIDING OFFICER. Without obligation, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 16, 1997, at 9:30 a.m. on tobacco advertising and youth.

The PRESIDING OFFICER. Without obligation, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Tuesday, September 16, 1997, at 10 a.m. for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without obligation, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on: Tuesday, September 16, 1997, at 4 p.m. to hold a closed conference on the fiscal year 1998 Intelligence Authorization bill; Thursday, September 18, 1997 at 10 a.m. to hold an open hearing on China; and Thursday, September 18, 1997 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without obligation, it is so ordered.

SUBCOMMITTEE ON FINANCIAL SERVICES AND TECHNOLOGY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Financial Services and Technology of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, September 16, 1997, to conduct a hearing on financial instrument fraud.

The PRESIDING OFFICER. Without obligation, it is so ordered.

ADDITIONAL STATEMENTS

INTERMODAL TRANSPORTATION ACT OF 1997

• Mr. LEVIN. Mr. President, tomorrow, the Senate Committee on Environment and Public Works will conduct a markup of S. 1173, the Intermodal Transportation Act of 1997. It is time that a bill be reported to the Senate for thorough and careful consideration, as the expiration of ISTEA is only 2 weeks away. So far, we have very little information about the impact of this recently introduced bill. The committee's report to accompany the bill, and analyses from the U.S. Department of Transportation, should be very helpful to Senators in estimating the bill's merits. I look forward to reviewing that report in detail.

Some proponents of the bill say that States will be guaranteed 90 percent of their contributions into the highway trust fund. There were statements like this just before ISTEA was enacted, and which never materialized, so my colleagues will understand if I reserve judgment. The committee, with the help of the Federal Highway Administration, will hopefully show us that that 90 percent is actual. For the moment however, the information available now should concern all donor States.

According to technical assistance provided by the U.S. Department of Transportation, it seems that paying for a 90 percent of contributions guarantee would cause the ITA bill to exceed the amount allotted in the 5-year budget agreement by approximately $10.059 billion. Yet, committee staff have indicated that the bill is just within the budget targets. There seems to be a contradiction there somewhere.

	Fiscal years—					
	1998	1999	2000	2001	2002	2003
Budg. Auth. in Budget Agreement	24.695	23.196	23.701	24.198	24.711	
Budg. Auth. to get 90% of Contrib	20.291	30.374	26.085	26.654	27.156	27.655
Difference	−4.404	+7.178	+2.384	+2.456	+2.445	

According to general information provided thus far by the committee, estimating the State-by-State average return from ITA, Michigan would see about $696 million annually over 6 years. However, according to Federal Highway Administration projected gas tax receipts, Michigan will contribute and would receive the following at a 90 percent guaranteed rate of return on contributions:

	Fiscal years—						Average
	1998	1999	2000	2001	2002	2003	
Proj. Contributions (millions)	795	1,198	1,027	1,049	1,066	1,087	1,037
Proj. Obligation Auth. (at 90% guarantee)	715	1,078	924	944	951	976	931

So, the average return to Michigan under a bill that provides a true guarantee of 90 percent of contributions would be about $931 million. That is about $230 million more annually than the committee's estimate. What's the explanation? It is not yet clear.

I would like to support a Transportation authorization bill that treats States fairly. Unfortunately, there is insufficient information available right now to make that assessment. I am concerned about what I have learned about the bill. I strongly encourage the committee or the Department to provide Senators, as soon as possible, with charts showing the likely apportionments and allocations that each State can expect for each year for the life of the bill, including information on the actual average return that each State can expect in terms of total obligation authority, assuming USDOT's gas tax receipts projections and the balanced budget agreement levels for transportation.

Mr. President, though I am generally pleased that the committee is proposing to modernize the factors in the basic allocation formula to do away with postal routes and other obsolete factors, I was dismayed to learn that S. 1173 would add a convoluted and highly suspect payment to States that seem to receive special treatment. I am referring to the ISTEA transition payments. I strongly urge the committee members to strike this unnecessary and unfair provision during markup.

There are many questions that need to be answered about that provision. For instance, are these ISTEA transition payments subject to an obligation limitation? Can they grow over time? Shouldn't they phase out if they are truly transition payments? Shouldn't the fiscal year 1997 basis used in calculating these transition payments be the authorized amount and not as amended in a supplemental appropriations bill?

Mr. President, I would like to support a fair bill to reauthorize our Nation's transportation systems. This bill holds some promise, but there are too many unanswered questions at this point to make a final conclusion.•

TRIBUTE TO THE PROCTOR MAPLE RESEARCH CENTER

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to the Proctor Maple Research Center in Underhill Center, VT on the occasion of its 50th anniversary. It is the oldest maple research facility in the country with a mission that embraces research, demonstration, and education.

The center employs basic, as well as, applied research in studying various aspects of the sugar maple tree, its products and methods to improve syrup production. In addition, the facility monitors long-term meteorogical as well as air pollution data in close cooperation with a number of State and Federal agencies. Operations on site demonstrate the latest technologies from which the public and industry can learn the best methods available for manufacturing. The center's state-of-the-art laboratory promotes crucial communication among researchers.

Over the years, research conducted at the center has provided new techniques for efficient sap collection and evaporation systems. It has, and will continue to play an integral role in the success of our region's maple sugar industry so very critical to the local economy.

I am sure that the impact of work completed at the center is realized not only in New England, but across the country, as many have had the pleasure of tasting the fruits of their labor. As a Vermonter and one of millions of Americans that enjoys maple sugar products each year, I would like to extend my best wishes to the Proctor Maple Research Center for many more years of continued success.•

FAREWELL TO HIS EXCELLENCY RAUL ENRIQUE GRANILLO OCAMPO, DEPARTING ARGENTINE AMBASSADOR TO THE UNITED STATES

• Mr. DODD. Mr. President, I rise today in order to pay a special tribute to Ambassador Raul E. Granillo Ocampo, until recently the Government of Argentina's Ambassador to the United States. Ambassador Ocampo left Washington last month to return to Buenos Aires and another challenging assignment from President Menem.

During his nearly 4 years in Washington, Ambassador Ocampo did a superb job representing his country's interests. He understood well what it takes to be an effective diplomat in Washington. Not only did he develop close working relationships with the State Department and the White House on matters of mutual concern to the United States and Argentina, he also made a special effort to establish close ties with the United States Congress.

The United States-Argentine relationship has never been better. I believe that Ambassador Ocampo can take a good deal of the credit for this. Certainly issues between our two countries would arise from time to time. That is only natural. But, thanks to Ambassador Ocampo's diplomatic skills, such issues were never allowed to undermine our fundamental friendship and mutual respect.

Those of us who had the privilege of knowing Ambassador Ocampo, quickly recognized and appreciated his special talents. So too did President Menem. Hence, it came as no real surprise when in July, President Menem announced the appointment of Ambassador Ocampo to the post of Minister of Justice—a very important position in his Cabinet. That is why Ambassador Ocampo has returned to Argentina.

Knowing something about Ambassador Ocampo's background, it makes perfect sense to me that he would be selected to become Minister of Justice. Not only does he have a law degree from the National University of La Plata, a master's degree in Comparative International Law from Southern Methodist University, Dallas, TX; and a doctorate in law from the National University of Buenos Aires. He has also practiced law extensively, served as a judge on the Superior Court of the Province of La Rioja, and as the president, or chief judge, for that court for 2 years.

I for one am only grateful that I had the opportunity to get to know Ambassador Ocampo personally during his tenure in Washington. Thanks to him, I have a much better understanding and appreciation of the complexities of the relations between our two countries and of importance of working to maintain those close ties.

Before the August recess, I was able to personally bid farewell to Ambassador Ocampo and his charming wife, Chini. However, I also wanted to say a more formal farewell to him as well. I particularly wanted him to know that we in the U.S. Senate have been enriched by his presence in Washington over these last number of years.

Finally, Mr. President, it is only fitting that as we say goodby to an old friend, we also prepare to welcome a new one. President Menem has chosen as Ambassador Ocampo's replacement, His Excellency Diego Ramiro Guelar, who just recently presented his credentials to President Clinton.

Although I have not yet had the opportunity to meet Ambassador Guelar, I understand that he is both an experienced diplomat and an experienced politician—he has held a number of ambassadorial posts and has been a Representative in the Argentine Congress. I look forward to meeting Ambassador Guelar in the very near future, and to working with him as I did with his predecessor.•

INTEL

• Mr. DOMENICI. Mr. President, Intel is the epitome of a good corporate citizen. During the August recess I was able to view the exceptional good deed performed by Intel. Intel has a large semiconductor manufacturing plant located in Rio Rancho, NM. It is a big employer and it provides good paying jobs. Rio Rancho didn't have a high school so Intel decided to build the community one. Some 1,900 students will attend this beautiful new 30 million-dollar facility. This is exciting for the community because the high schoolers will no longer have to leave Rio Rancho to attend high school. It is a special kind of home coming.

New Mexico is lucky to have Intel as a member of its community. Rio Rancho would have eventually built a high school, but Intel made it happen sooner.

Also of significance is what will be going on inside this high school. Intel has been very active in working with voc-ed programs so that students are trained for the jobs available at Intel. It starts in the high schools and continues in the technical schools, community colleges, and universities. As job requirements change at Intel, the company has a rigorous job training program that makes a prime example of what lifelong learning is all about.•

GROWING SUPPORT FOR AN OUTSIDE AUTHORITY TO HANDLE Y2K

• Mr. MOYNIHAN. Mr. President, there appears to be some movement on my idea to appoint a commission—which will act more like a special task force—to oversee the Federal Government's handling of the year 2000 problem. In this morning's Federal Page of the Washington Post, a story entitled "'Year 2000' Report Flunks 3 Agencies" reports that "three house Republicans called on President Clinton to appoint a special aide to tackle the computer problem." In July 1996, I wrote the President and proposed the creation of just such a "Y2K czar." But the administration is still confident that the Office of Management and Budget can handle the job. Like my House counterparts, I fear OMB may not have the time or the resources to handle this issue.

In 1997, fearing the private sector's lagging awareness, I realized that perhaps a task force could increase awareness in the private sector while ensuring compliance in the public sector.

Thus I introduced a first day bill, S. 22, to address this matter through a special task force. S. 22 is cosponsored by 16 Senators and has been endorsed by the New York Stock Exchange [NYSE]. The enormity of this problem demands a task force of experts to ensure compliance. I hope my colleagues agree.

I ask that "'Year 2000' Report Flunks 3 Agencies" from today's Washington Post be printed in the RECORD.

The material follows:

[From the Washington Post, Sept. 16, 1997]

"YEAR 2000" REPORT FLUNKS 3 AGENCIES—LAWMAKERS URGE SPECIAL AIDE TO HANDLE LOOMING COMPUTER PROBLEM

(By Stephen Barr)

A congressional report card flunked three federal agencies and faulted several others yesterday for moving too slowly on fixing potential "year 2000" computer glitches.

Rep. Stephen Horn (R-Calif), who oversees information technology issues in the House, issued the report card at a news briefing, where he was joined by Reps. Thomas M. Davis III (R-Va.) and Constance A. Morella (R-Md.). The three House Republicans called on President Clinton to appoint a special aid to tackle the computer problem.

"Most agencies are behind schedule," Horn said. "The problem, of course, is that we do not know which programs will fail, what problems their failures will create, an how disastrous will be the consequences."

Most large computer systems use a two-digit dating system that assumes 1 and 9 are the first two digits of the year. Without specialized reprogramming, the system will think the year 2000—or 00—is 1900, a glitch that could cause most to go haywire.

If government systems are not fixed, malfunctions could jeopardize the tax-processing system, payments to veterans with service-connected disabilities, student loan repayments and perhaps even air traffic control.

Horn issued his grades on the same day the Office of Management and Budget delivered to report to Congress that reflected a more aggressive stance by OMB is dealing with the problem. The OMB report said agencies estimate they will spend $3.8 billion fixing the year 2000 problem.

OMB put four agencies on notice that they will not be allowed to buy new computer and other information technology systems in fiscal 1999 until they have fixed critical computer systems. The funding restriction, however, will be lifted if agencies can justify the need for new equipment or show sufficient progress on the year 2000 problem.

"I have a high degree of confidence there will not be adverse economic consequences flowing from this decision," said Sally Katzen, OMB's administrator for information and regulatory affairs. But, she added, OMB's increased scrutiny will "reestablish priorities for these agencies."

The agencies on OMB's troubled list are the departments of Agriculture, Transportation and Education and the Agency for International Development. On his report card, Horn flunked Education, Transportation and AID and gave Agriculture a D-minus.

Agency officials expressed confidence yesterday that they would make their year 2000 fixes before the Jan. 1, 2000, deadline. The pointed out that the OMB report and Horn's grades represented an August snapshot that does not reflect recent decisions to repair or replace computers.

At the Agriculture Department, Secretary Dan Glickman has issued a five-point plan to address year 2000 problems, officials said. An AID official said the agency has narrowed its problem to 28 date fields in a software system that can be "readily resolved." An Education spokesman said the department "hopes to have most if not all the problems resolved in the coming year." And at Transportation, a spokesman said DOT plans to make many of its fixes by early 1999.

Yesterday, Horn, Davis and Morella urged Clinton to designate a White House official to lead the government effort to fix year 2000 computer bugs. Horn and Davis praised OMB Director Franklin D. Raines but said pressing budget issues rob him of the necessary time to oversee the computer situation. Morella said Katzen, who oversees regulatory affairs across the government, has done a "good job" on year 2000 policy but contended "they need someone for whom this is a full-time job."

Katzen said she "very respectfully disagreed that a new bureaucracy is the way to go. . . . This is an issue in which the agencies themselves have to do the work and it is to them that we must look to be responsible and accountable."

REPORT CARD

[Federal agencies were graded on their progress toward addressing year 2000 computer problems—and given a place to have the report cards signed]

Agency	Grade
Social Security Administration	A−
General Services Administration	B
National Science Foundation	B
Small Business Administration	B
Department of Health and Human Services	B−
Environmental Protection Agency	C
Federal Emergency Management Agency	C
Department of Housing and Urban Development	C
Department of Interior	C
Department of Labor	C
Department of State	C
Department of Veterans Affairs	C
Department of Defense	C−
Department of Commerce	D
Department of Energy	D
Department of Justice	D
Nuclear Regulatory Commission	D
Office of Personnel Management	D
Department of Agriculture	D−
Department of Treasury	D−
NASA	D−
Agency for International Development	F
Department of Education	F
Department of Transportation	F

Source: House subcommittee on government management, information and technology.●

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2016

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that at 10:45 a.m. on Wednesday, the Chair lay before the Senate the conference report to accompany H.R. 2016, the military construction appropriations. I further ask unanimous consent that the reading be waived and there be 5 minutes of debate each for Senators BURNS, MURRAY, and MCCAIN and, following the conclusion of that debate, the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following bills, en bloc: Calendar No. 146, S. 308; Calendar No. 150, S. 931; Calendar No. 151, S. 965; Calendar No. 152, H.R. 63; that any committee amendments be agreed to; that the bills be read the third time, and passed, any amendments to the titles be agreed to, the motions to reconsider be laid upon the table, statements relating to the bills appear at this point in the RECORD with the above occurring, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

GRAZING USE STUDY ACT

The Senate proceeded to consider the bill (S. 308) to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, WY, and to extend temporarily certain grazing privileges, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. FINDINGS.

Congress finds that—

(1) open space near Grand Teton National Park continues to decline;

(2) as the population continues to grow in Teton County, Wyoming, undeveloped land near the park becomes more scarce;

(3) the loss of open space around Grand Teton National Park has negative impacts on wildlife migration routes in the area and on visitors to the park, and its repercussions can be felt throughout the entire region;

(4) a few ranches make up Teton Valley's remaining open space, and the ranches depend on grazing in Grand Teton National Park for summer range to maintain operations;

(5) the Act that created Grand Teton National Park allowed several permittees to continue livestock grazing in the park for the life of a designated heir in the family;

(6) some of the last remaining heirs have died, and as a result of the possible termination of ranching, the open space around the park may likely be subdivided and developed;

(7) in order to develop the best solution to protect open space immediately adjacent to Grand Teton National Park, the National Park Service should conduct a study of grazing in the area and its impact on open space in the region; and

(8) the study should develop workable solutions that are fiscally responsible and acceptable to the National Park Service, the public, local government, and landowners in the area.

SEC. 2. STUDY OF GRAZING USE AND OPEN SPACE.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as the "Secretary"), shall conduct a study concerning grazing use and open space in Grand Teton National Park, Wyoming (hereinafter referred to as the "park"), and associated use of certain agricultural and ranch lands within and adjacent to the park, including—

(1) base land having appurtenant grazing privileges within the park, remaining after January 1, 1990, under the Act entitled "An Act to establish a new Grand Teton National Park in the State of Wyoming, and for other purposes", approved September 14, 1950 (16 U.S.C. 406–1 et seq.); and

(2) any ranch and agricultural land adjacent to the park, the use and disposition of which may affect accomplishment of the purposes of the park's enabling Act.

(b) PURPOSE.—The study shall—

(1) assess the significance of the ranching use and pastoral character (including open vistas, wildlife habitat, and other public benefits) of the land;

(2) assess the significance of that use and character to the purposes for which the park was established, and identify any need for preservation of, and practicable means of preserving, the land that is necessary to protect that use and character; and

(3) recommend a variety of economically feasible and viable tools and techniques to retain the pastoral qualities of the area, and estimate the costs of implementing any recommendations made for the preservation of the land.

(c) PARTICIPATION.—In conducting the study, the Secretary shall consult with the Governor of the State of Wyoming, the Teton County Commissioners, the Secretary of Agriculture, affected landowners, and other interested members of the public.

(d) REPORT.—Not later than 3 years from the date funding is made available, the Secretary shall submit a report to Congress that contains the findings of the study under subsection (a) and makes recommendations to Congress regarding action that may be taken with respect to the land described in subsection (a).

SEC. 3. EXTENSION OF GRAZING PRIVILEGES.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall reinstate and extend for the duration of the study described in section 2(a) and until such time as 6 months after the recommendations of the study are submitted, the grazing privileges described in section 2(a)(1), under the same terms and conditions as were in effect prior to the expiration of the privileges.

(b) EFFECT OF CHANGE IN LAND USE.—If, during the period of the study or until 6 months after the recommendations of the study are submitted, any portion of the land described in section 2(a)(1) is disposed of in a manner that would result in the land no longer being used for ranching or other agricultural purposes, the Secretary shall cancel the extension described in subsection (a).

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to require the Secretary of the Interior to conduct a study concerning grazing use and open space of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges.".

MARJORY STONEMAN DOUGLAS WILDERNESS AND ERNEST F. COE VISITOR CENTER DESIGNATION ACT

The bill (S. 931) to designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marjory Stoneman Douglas Wilderness and Ernest F. Coe Visitor Center Designation Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1)(A) Marjory Stoneman Douglas, through her book, "The Everglades: River of Grass" (published in 1947), defined the Everglades for the people of the United States and the world;

(B) Mrs. Douglas' book was the first to stimulate widespread understanding of the Everglades ecosystem and ultimately served to awaken the desire of the people of the United States to restore the ecosystem's health;

(C) in her 107th year, Mrs. Douglas is the sole surviving member of the original group of people who devoted decades of selfless effort to establish the Everglades National Park;

(D) when the water supply and ecology of the Everglades, both within and outside the park, became threatened by drainage and development, Mrs. Douglas dedicated the balance of her life to the defense of the Everglades through extraordinary personal effort and by inspiring countless other people to take action;

(E) for these and many other accomplishments, the President awarded Mrs. Douglas the Medal of Freedom on Earth Day, 1994; and

(2)(A) Ernest F. Coe (1866–1951) was a leader in the creation of Everglades National Park;

(B) Mr. Coe organized the Tropic Everglades National Park Association in 1928 and was widely regarded as the father of Everglades National Park;

(C) as a landscape architect, Mr. Coe's vision for the park recognized the need to protect south Florida's diverse wildlife and habitats for future generations;

(D) Mr. Coe's original park proposal included lands and waters subsequently protected within the Everglades National Park, the Big Cypress National Preserve, and the Florida Keys National Marine Sanctuary; and

(E)(i) Mr. Coe's leadership, selfless devotion, and commitment to achieving his vision culminated in the authorization of the Everglades National Park by Congress in 1934;

(ii) after authorization of the park, Mr. Coe fought tirelessly and lobbied strenuously for establishment of the park, finally realizing his dream in 1947; and

(iii) Mr. Coe accomplished much of the work described in this paragraph at his own expense, which dramatically demonstrated his commitment to establishment of Everglades National Park.

(b) PURPOSE.—It is the purpose of this Act to commemorate the vision, leadership, and enduring contributions of Marjory Stoneman Douglas and Ernest F. Coe to the protection of the Everglades and the establishment of Everglades National Park.

SEC. 3. MARJORY STONEMAN DOUGLAS WILDERNESS.

(a) REDESIGNATION.—Section 401(3) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3490; 16 U.S.C. 1132 note) is amended by striking "to be known as the Everglades Wilderness" and inserting "to be known as the Marjory Stoneman Douglas Wilderness, to commemorate the vision and leadership shown by Mrs. Douglas in the protection of the Everglades and the establishment of the Everglades National Park".

(b) NOTICE OF REDESIGNATION.—The Secretary of the Interior shall provide such notification of the redesignation made by the amendment made by subsection (a) by signs, materials, maps, markers, interpretive programs, and other means (including changes in signs, materials, maps, and markers in existence before the date of enactment of this Act) as will adequately inform the public of the redesignation of the wilderness area and the reasons for the redesignation.

(c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the "Everglades Wilderness" shall be deemed to be a reference to the "Marjory Stoneman Douglas Wilderness".

SEC. 4. ERNEST F. COE VISITOR CENTER.

(a) DESIGNATION.—Section 103 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–7) is amended by adding at the end the following new subsection:

(f) ERNEST F. COE VISITOR CENTER.—On completion of construction of the main visitor center facility at the headquarters of Everglades National Park, the Secretary shall designate the visitor center facility as the 'Ernest F. Coe Visitor Center', to commemorate the vision and leadership shown by Mr. Coe in the establishment and protection of Everglades National Park.".

SEC. 5. CONFORMING AND TECHNICAL AMENDMENTS.

Section 103 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–7) is amended—

(1) in subsection (c)(2), by striking "personnally-owned" and inserting "personally-owned"; and

(2) in subsection (e), by striking "VISITOR CENTER" and inserting "MARJORY STONEMAN DOUGLAS VISITOR CENTER".

AMENDING TITLE II OF THE HYDROGEN FUTURE ACT OF 1996

The bill (S. 965) to amend title II of the Hydrogen Future Act of 1996 to extend an authorization contained therein, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 202 of the Hydrogen Future Act of 1996 (Public Law 104–271) is amended by striking "1997 and 1998, to remain available until September 30, 1999" and inserting "1998, 1999, 2000 and 2001, to remain available until September 30, 2002".

TRINITY LAKE DESIGNATION ACT

The bill (H.R. 63) to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake," was considered, ordered to a third reading, read the third time, and passed.

COMMENDING DR. HANS BLIX AS DIRECTOR GENERAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 139, Senate Concurrent Resolution 45.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 45) commending Dr. Hans Blix for his distinguished service as Director General of the International Atomic Energy Agency on the occasion of his retirement.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KEMPTHORNE. Mr. President, I ask that the resolution and preamble be agreed to, en bloc, and the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 45) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 45

Whereas Dr. Hans Blix is nearing the completion of 16 years of distinguished service as Director General of the International Atomic Energy Agency and is retiring from that position;

Whereas Director General Blix has pursued the fundamental safeguards and nuclear cooperation objectives of the International Atomic Energy Agency with admirable skill and professional dedication; and

Whereas Director General Blix has earned international acclaim for his contributions to world peace and security: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress, on behalf of the people of the United States—

(1) commends Dr. Hans Blix for his untiring efforts on behalf of world peace and development as the Director General of the International Atomic Energy Agency; and

(2) wishes Dr. Blix a happy and fulfilling future.

EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 1997

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 156, Senate bill 1026.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (S. 1026) to reauthorize the Export-Import Bank of the United States.

The Senate proceeded to consider the bill (S. 1026) to reauthorize the Export-Import Bank of the United States, which had been report from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Export-Import Bank Reauthorization Act of 1997".

SEC. 2. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "1997" and inserting "2001".

SEC. 3. TIED AID CREDIT FUND AUTHORITY.

(a) Section 10(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(c)(2)) is amended by striking "through" and all that follows through "1997".

(b) Section 10(e) of such Act (12 U.S.C. 635i–3(3)) is amended by striking the first sentence and inserting the following: "There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the purposes of this section.".

SEC. 4. EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking "1997" and inserting "2001".

SEC. 5. OUTREACH TO COMPANIES.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

"(I) The Chairman of the Bank shall undertake efforts to enhance the Bank's capacity to provide information about the Bank's programs to small and rural companies which have not previously participated in the Bank's programs. Not later than 1 year after the date of the enactment of this subparagraph, the Chairman of the Bank shall submit to Congress a report on the activities undertaken pursuant to this subparagraph.".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KEMPTHORNE. I ask unanimous consent that the committee substitute be agreed to, the bill be considered read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee substitute was agreed to.

The bill (S. 1026), as amended, was read the third time, and passed.

JOINT REFERRAL OF NOMINATION

Mr. KEMPTHORNE. Mr. President, as in executive session, I ask unanimous consent that the nomination of David L. Aaron, of New York, to be Undersecretary of Commerce for International Trade, received on September 12, 1997, be jointly referred to the Committee on Finance and the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 136, No. 202, No. 224. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and agreed to en bloc, are as follows:

DEPARTMENT OF JUSTICE

John D. Trasvina, of California, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

Richard Thomas White, of Michigan, to be a Member of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 1999.

DEPARTMENT OF STATE

Stephen R. Sestanovich, of the District of Columbia, as Ambassador at Large and Special Adviser to the Secretary of State for the New Independent States.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, SEPTEMBER 17, 1997

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:45 a.m. on Wednesday, September 17. I further ask that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of H.R. 2107, the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KEMPTHORNE. Mr. President, tomorrow the Senate will resume consideration of H.R. 2107, and at that point we hope Senator ENZI will be able to offer an amendment on Indian gaming. According to the previous order, at 10:45 a.m., the Senate will begin consideration of the MilCon appropriations conference report. Also, as under the order, a vote will occur at approximately 11 a.m., on the MilCon conference report. Following disposition of that report, the Senate will resume consideration of the Interior appropriations bill with the intention of concluding debate on Wednesday. Therefore, Senators should anticipate numerous votes on Wednesday. As always, Members will be contacted when these votes are ordered.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. KEMPTHORNE. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:14 p.m., adjourned until Wednesday, September 17, 1997, at 9:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 16, 1997:

DEPARTMENT OF STATE

STEPHEN R. SESTANOVICH, OF THE DISTRICT OF COLUMBIA, AS AMBASSADOR AT LARGE AND SPECIAL ADVISER TO THE SECRETARY OF STATE FOR THE NEW INDEPENDENT STATES.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

JOHN D. TRASVINA, OF CALIFORNIA, TO BE SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES FOR A TERM OF 4 YEARS.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

RICHARD THOMAS WHITE, OF MICHIGAN, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 1999.

DEPARTMENT OF DEFENSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED UNDER PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 152:

To be general

GEN. HENRY H. SHELTON, 4698.

HOUSE OF REPRESENTATIVES—*Tuesday, September 16, 1997*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. MILLER of Florida].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 16, 1997.

I hereby designate the Honorable DAN MILLER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentlewoman from California [Ms. PELOSI] for 5 minutes.

FAMILIAS LATINAS EN LOS ESTADOS UNIDOS

Ms. PELOSI. Mr. Speaker, yesterday began Hispanic heritage month. And for that reason and many others, I am very privileged to read a letter from Familias Latinas to the President and Mrs. Clinton.

The following letter is the product of a radio program called Buenos Días California on KIQI AM in San Francisco. The hosts of the show, Carlos de Marty and Marcos Gutierrez, asked, "What would you say in a letter to the Clinton family?" The suggestions from the Spanish listening audience were recorded and a letter written as follows:

DEAR PRESIDENT AND MRS. CLINTON: Congratulations to you and your daughter on selecting Stanford University for her formal education. This means you will be in our State more often since you will want to keep your family together. And that, Mr. President, is the reason for this letter, family unity.

The people who have signed this letter believe that the Latino family in the United States lives in an atmosphere of fear, paranoia, frustration, uncertainty and despair which is detrimental to our community and may eventually have negative effects on the community at large. We want to communicate our feelings and request action now. Our family unit is under a great deal of pressure from propositions and laws which have flourished under your presidency. Among these are Propositions 187, 209 and the latest, a proposition to do away with bilingual classes. We are having a difficult time understanding why you have not been as supportive of us, as we were of you during the last two presidential elections.

Let us look at the specific elements which are hurting our family unit starting from the elderly and working down to our children. Our non-citizen grandparents live in fear of losing their benefits even though they spent a lifetime contributing to the collective wealth of our country, not only in taxes paid, but in hard work done for little pay which allowed the country to flourish. Some of our parents are being deported, even though they have established roots in this country.

You will be leaving your daughter at Stanford for four years in a friendly atmosphere. Imagine having to destroy your family because of immigration rules. Imagine having to leave your children in this country because you are being deported. We must remember that a lot of the men and women being deported now to Central America, came to the United States in defense of democracy, under the hardship of civil war. Citizenship should not be used as a wedge between family members.

Many of us in the Latino family live in a cycle of poverty which forces both parents to work more than eight hours a day. This results in long hours of loneliness for our children. A lot of times we cannot afford to get good care for them. We are sure that because of your busy schedule there were times when you left your daughter alone, but never under inadequate care.

On the educational front, many non-Latino students get preferential treatment because of their parents' connections to educational institutions. Our children don't. In the recent past our students had affirmative action. Now they don't.

On the drug front, it is hard to imagine that the Nation which can focus on little rocks in far away planets, cannot see the enormous amount of drugs coming into our communities. Instead of sensible help, your government has allowed the construction of a sophisticated, profit-oriented prison system which sits waiting for our children.

All these elements, working steadily and daily, have taken their toll on our family unit. We are sure, Mr. President and Mrs. Clinton, this is not what you want. With these signatures, we are declaring our collectively dissatisfaction with the racist, anti-immigrant and anti-Latino atmosphere which has been allowed to prevail for too long. We need your administration's support for our tradition of family unity. We come to this land, as your ancestors did, to find a better way of life, to build community and loyalty to a wonderful country like the United States.

As far as our past, we believe that the Latino community has contributed to the progress of the United States in times of peace, and specifically with our blood in times of war. We know the length of the list of the Latinos who made the ultimate sacrifice for our country. These contributions should have earned for us a more active participation in our country's internal affairs and specifically in the future negotiations and plans between the United States and Latin America.

We recommend that you accommodate more Latinos within your sphere of power so that perhaps you could see our plight under a different light. Many of us feel that as descendants of the original inhabitants of parts of the United States, specifically as described in the Guadalupe-Hidalgo Treaty, we deserve better treatment.

We feel that your role as a leader is to strengthen the Nation's points of agreement, not its differences. We believe that you, Mr. President, have a responsibility to act as a catalyst to rid the xenophobic attitudes which have been allowed to enter our Nation's mainstream. We ask that you undertake a rigorous campaign to establish yourself as a leader who will not tolerate anti-immigrant and anti-affirmative action attitudes.

We also ask for our Government's support for a Latino U.S.A. summit in Washington, D.C. to discuss the issues which concern our families in this country. We also want full participation in the President's Initiative on Race. We are sure that the items which we have outlined can be addressed through communication and mutual respect.

Signed, Familias Latinas en los Estados Unidos.

Mr. Speaker, may I add that a letter has gone from members of the Hispanic Caucus in the House of Representatives to the President asking him to receive the enclosed letter, and with it there will be over 30,000 signatures.

TRIBUTE TO FLORIDA SHERIFFS YOUTH RANCHES

Mr. STEARNS. Mr. Speaker, many people come to the floor to complain about things or complain about how things are done. But this morning, Mr. Speaker, I am glad to share a success story with my colleagues about the outstanding efforts of a dedicated group in my home State of Florida. I am talking about those involved with the Florida Sheriffs Youth Ranches.

The Florida Sheriffs Youth Ranches, Inc., is celebrating 40 years of making a difference in the lives of our State and of our young people. Over 30,000 boys and girls have benefited from the guidance and care provided by this organization over the past four decades.

Although created to serve Florida's 67 counties, the Florida Sheriffs Youth Ranches had its genesis in Texas, the result of a trip by two Florida sheriffs

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

in 1955. Sheriff Don McLeod of my home county, Marion County, and Sheriff Ed Blackburn, Jr., of Hillsborough County were in Texas to pick up two fugitives from Florida. While talking with a local deputy, they heard about a nearby camp for needy and neglected boys. They learned that a former wrestler had started the camp with four boys salvaged from the local slums and how this caring individual turned their lives around by providing a home, support, and discipline.

The next day they took charge of their prisoners for the drive back to Florida. One was a young man 18 years old and badly injured, and the other a 17-year-old girl who was 5 months pregnant, two young people who, without proper guidance, got into big, big trouble. The two sheriffs decided that if a former wrestler could make a difference, then certainly law officers working together could repair damaged lives. After all, they knew full well that the youthful victims of neglect, abuse, and indifference too often take to crime.

Sheriffs McLeod and Blackburn presented their idea to the Florida Sheriffs Association. Later that year the Association persuaded the Elks Club of Suwanee County and a local businessman to donate 140 acres on the banks of the Suwanee River for the ranch. With loans from area banks and contributions to the Association, they began building the Florida Sheriffs Boys Ranch.

Financial contributions, donations of materials, and volunteers helped build the first camp, and four boys moved into the facility in January 1959. Thirteen years later, the Sheriffs opened a camp for girls. And in 1976, a coed facility was built to reunite siblings.

I would like to take note of the support provided by such individuals as Sheriff John P. Hall, Sr., who served as the first treasurer of the Youth Ranches and was sheriff of Clay County, in my congressional district, for a record 36 years. I also commend his children, J.P. Hall, Jr., and Dena Mae Lemen, for continuing their devoted services to the Youth Ranches. These folks are also in my congressional districts.

Mr. Speaker, today there are six camps operated by the Florida Sheriffs Youth Ranches. The goal of these ranches is quite simple: to prevent juvenile delinquency and develop lawful, productive citizens through a broad range of family centered services. They use the basics, tried and true traditional values, to mend broken spirits and lives.

The success of this program is found in the simple values embraced by most Americans today, basic family values that, when abandoned, lead to anguish and despair. By building character and instilling the concept of service and self-sacrifice, these young people learn the importance of community. Add in study, faith and hard work, and we have the ingredients for a future generation of outstanding citizens.

The Florida Sheriffs Youth Ranches are a product of a vision for building a better future for Florida's children, a vision which has flourished with the generous support of Florida's citizens.

It is easy, Mr. Speaker, to look to the Government to solve the problems within our society. However, if we want results, we need to look to ourselves and communities for these solutions. There are many examples of this truth, and I commend the Florida Sheriffs Youth Ranches for making the difference in the lives of 30,000 troubled Florida youths. Thank you for 40 years of service to Florida and Florida's youth.

I also commend J.P. Hall, Jr., and Dena Mae Lemen for coming up here and sharing this 40-year anniversary here in Congress, and I wish them another 40 years or more of success.

TIME FOR ACTION ON CAMPAIGN FINANCE REFORM

Mr. DOGGETT. Mr. Speaker, each day that this Congress has been in action, and not very complete action since we began in September, there have been Members of this House who have come to the floor and have raised the issue of campaign finance, because we realize that unless the House acts within the next month on the issue of campaign finance, that there may be more headlines of people complaining about campaign finance but absolutely nothing will be done to remedy the problems before the 1998 elections. The time for action is now.

As I was home in Austin, TX, this weekend visiting with people, I was reminded again of how much Americans are concerned with the way that their government is operating and with the fact that the cost of these campaigns just seems to go up geometrically with each election. And I came across a book down there in Austin that would suggest that even our children can understand what is at stake with reference to this race for campaign dollars. It is called "The Money Tree" by Sarah Stewart.

It is a book about gardening really, a woman named Ms. McGillicuddy who is quite a gardener, and one day a strange new tree begins to form in her garden. She is not really sure what it is. But before she knows it, it is doing something that maybe all of us have dreamed about at one time or another. The leaves are coming out as long, green hundred-dollar bills.

At first she is pretty happy about the idea that she has got a money tree growing in her yard. She continues to cultivate it, along with doing her other work. But soon she finds that she has many new friends, and it seems like everyone in the area is coming to look at the money tree and to borrow a ladder and interfere with all of her normal work as a gardener, a housekeeper, and someone who takes care of the animals and does other things in her area. She cannot get any of her ordinary work done because people are over there trying to grab those hundred-dollar bills off her money tree.

Finally, after a long time, she decides that maybe she is better off without the money tree, and she chops it down and converts it into firewood. This is a story our children might understand, and a story that people who observe their Congress might also understand. We have Members of Congress and any serious candidate for Congress out trying to find the money tree just about every day of the year, every year, year in, year out.

□ 1045

Some of those who have experience with gardening and cultivating on a larger scale, like the tobacco companies in this country, seem to have mastered the money tree and its influence over Members of Congress pretty well. They are the top soft money contributors of dollars that are largely unregulated and uncontrolled and which have a truly corrupting influence on the operation of this Congress. That is why many of us are coming out day in, day out now and saying, put a ban on soft money, cut down the soft money tree, as Ms. McGillicuddy did, and make this Congress a place that more folks can be proud of instead of simply cynical about.

Indeed, members of the freshman class, our newest Members of this Congress, under the able leadership of the gentleman from Maine [Mr. ALLEN], but including both Republicans and Democrats, have come together with a proposal to ban soft money and to make certain other modest reforms in our system. Yet their proposal, though it has been discussed briefly on this floor, has never come forward for full debate because Speaker GINGRICH refuses to schedule any proposal on campaign finance at a time that it might really make a difference for the next election.

To understand why he will not schedule this proposal, one need only look at his comments over time. A few months after he had shaken hands with President Clinton and promised bipartisan campaign finance reform, he had this to say in a committee of this Congress:

"One of the greatest myths of modern politics is that campaigns are too expensive. The political process, in fact, is underfunded; it is not overfunded."

I think the people that are out there tending to their families, tending to their gardens across America, and looking at this Congress with periodic interruptions for 30-second TV spots do not share the Speaker's enthusiasm for spending more and more money on our elections. They want honest, bipartisan reform. We call on Speaker GINGRICH again this morning to give us that by scheduling campaign finance reform and a ban on soft money immediately.

END BAN ON NEEDLE EXCHANGE

The SPEAKER pro tempore (Mr. MILLER of Florida). Under the Speaker's announced policy of January 21, 1997, the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN] is recognized during morning hour debates for 5 minutes.

Ms. CHRISTIAN-GREEN. Mr. Speaker, on Thursday this House voted for an amendment that would ban the use of Federal funds for needle exchange programs, programs that have been proven to reduce the transmission of HIV, the virus which causes AIDS, programs which without question save lives, and which have never been shown to increase the use of injectable or other drugs. In fact, what has been shown is that persons using these programs are more likely to enter treatment when treatment is available.

I realize, Mr. Speaker, that it was recently reported that AIDS is no longer the leading cause of death for Americans between the ages of 25 and 44. While that may be true for European-Americans, it is definitely not true for my patients in the African-American community or other minorities. Women are still disproportionately affected, and in most of these cases, the transmission is related to intravenous drug use.

Health experts have said that the greatest threat to our public health are legislative bodies such as this. Last Thursday, we may have proved this statement true again.

As a physician who has taken care of patients with AIDS and who has taken care of patients who are addicted to drugs, I look to our colleagues in the conference committee to do the right thing and delete this amendment out of the final legislation. Choose life, my colleagues. Choose life.

IN THE NAME OF OUR CHILDREN'S HEALTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts [Mr. MCGOVERN] is recognized during morning hour debates for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, I have taken to this well many times before to speak about the steps that my home State of Massachusetts has taken to guarantee that no child goes without proper health care. This is not a recent phenomenon. Massachusetts has long been a national leader on the issue of children's health.

Some 70 years ago, President Calvin Coolidge, a Massachusetts native, declared the first Monday in October as National Child Health Day. While an issue as important as children's health certainly merits our Nation's full attention, past generations have unfortunately let this day fall from our national calendar. With the help of my Republican colleague, the gentleman from Illinois [Mr. PORTER], and through the hard work of the American Health Foundation, I am proud to declare that Child Health Day is once again getting the attention that it deserves.

Mr. Speaker, no single issue has the potential to impact the future of the United States more than the health of our kids. This issue goes to the heart of our ability to compete globally and will profoundly impact America's ability to lead the world in the 21st century. As President Coolidge stated in his proclamation back in 1928:

> The protection and development of the health of the children of today are fundamental necessities to the future progress and welfare of the Nation.

We know that children without adequate health care will cost our Nation dearly if we fail to act now. These children, many of whom come from hard-working families, often fail to excel in schools for reasons that are wholly preventable. No child in America should suffer academically because they cannot afford proper eyeglasses. No child in America should suffer permanent hearing loss because they cannot afford to have an ear infection treated. As a Nation that seeks to compete in an increasingly global economy, we simply cannot afford to have preventable illnesses keep our young people from reaching their fullest potential.

There is a rather simple solution to the challenge of keeping kids healthy, and that is preventative care. A dollar spent on immunizations saves $10 later in a child's life, yet some 25 percent of our Nation's 2-year-olds go without immunizations. Every year 400,000 children go without the medicines their doctors have prescribed because they are uninsured or their parents simply cannot afford to pay for these prescriptions. This simply must change.

But even children with adequate health care coverage should become active participants in Child Health Day. Too many of our Nation's youth suffer from poor nutrition, bad oral hygiene or failure to exercise. And thousands of young people each year become victims of substance abuse, including drugs, alcohol, and tobacco. These are health risks that cross all socioeconomic lines and habits that will only worsen in time.

Mr. Speaker, we can act decisively on each of these important health issues. Back home in Massachusetts I have taken several steps to bring the full weight of volunteers, community leaders, nonprofit groups and State and local government officials to bear on many of the negative trends I have mentioned. On October 6, National Child Health Day, Massachusetts will proudly unveil the first and only State report card on children's health, quantifying our Commonwealth's strengths and weaknesses. I am also inviting hundreds of people throughout Massachusetts to attend a forum on November 1 which will seek to find long-term solutions to the challenges that we identify.

On Thursday of this week, the gentleman from Illinois [Mr. PORTER] and I will hold a bipartisan luncheon here in the Capitol to build support for National Child Health Day next month. I encourage all Members who would like to hold Child Health Day events in their districts to attend. Together we can reach across political, social, and cultural boundaries to help prepare our children for healthy and successful lives.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 10 o'clock and 53 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

The Chaplain, Reverend James David FORD, D.D., offered the following prayer:

Remind us always, O gracious God, of those deeds we can do to be Your people and celebrate the good works of life in our world, our Nation, and our communities. May we not only be involved with our own personal needs so that we neglect our concern for the other people that You have created, all the people that You have created, and for whom You share Your love and blessings. May we not only look to our own private relationship with You but the shared blessings and opportunities that You have given to us. May Your good benediction, O God, that is new every morning and with us all the day long, be with us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MILLER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5 of rule I, further proceedings on this matter are postponed.

The point of no quorum is considered is withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas [Mr. HUTCHINSON] come forward and lead the House in the Pledge of Allegiance.

Mr. HUTCHINSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to fifteen 1-minutes on each side.

H.R. 1270, NUCLEAR WASTE POLICY ACT OF 1997

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the American people have been well served by the 105th Congress. This Republican Congress has created a balanced budget, given tax relief to millions of Americans, and allowed small businesses and companies to create thousands of new jobs. All this was done because the American people wanted it and, Mr. Speaker, they deserved it.

However, before adjournment Congress may consider a bill that the American people do not want, a bill that does not reflect their consolidated voice or best interests. That bill I am referring to is H.R. 1270, the Nuclear Waste Policy Act of 1997.

Residents in cities like New York, Los Angeles, Chicago, Houston, Dallas and many others certainly do not want to put their children and loved ones at severe risk because their elected officials voted to ship toxic nuclear waste through their neighborhoods and communities.

Fellow colleagues, one mishap is all it would take to ravage one of these cities or even your community. Let us not mar the monumental accomplishments of this Congress by voting on a truly dangerous and ill-conceived bill. Vote "no" on H.R. 1270.

KIKA DE LA GARZA U.S. BORDER STATION

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINOJOSA. Mr. Speaker, today we will be considering under suspension of the rules a measure to name the U.S. border station located in Pharr, TX, after my esteemed predecessor, the Honorable Kika de la Garza.

This is indeed a fitting tribute for an individual whom many of us here in this Chamber have had the pleasure and privilege of working with. He is a man who has dedicated his life to public service, who has been an international ambassador for American agriculture, and who is known throughout all of Texas and the Nation simply as "Kika."

This is a man who has made an illustrious institution all the more distinguished by his countenance, his acumen, and his devotion to doing what it takes to get the job done. No one deserves this honor more, and I want to take this opportunity to say from my heart, "Congratulations, Kika, for your decades of outstanding work on behalf of the citizens of the 15th District in Texas."

PERSONAL RESPONSIBILITY, A CONCEPT AMERICANS CAN AGREE ON

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute.)

Mr. HUTCHINSON. Mr. Speaker, recently in my Sunday newspaper, I saw a fascinating article in the USA Weekend section that was entitled "What Americans Agree On." USA Weekend took a poll over the July 4th holiday and found out that 95 percent of Americans agree that freedom must be tempered with personal responsibility. Ninety-five percent, Mr. Speaker.

Now leaving aside the poll numbers, it is common sense that personal responsibility is vital to the American conception of freedom. But what if children come from homes in which blaming others for our shortcomings is a way of life? How will such children learn the basic American value of freedom in the context of personal responsibility?

The answer is education. The problem is that too many schools are failing to teach what nearly all Americans agree on that is fundamental to our freedom. Personal responsibility, a concept shared by all Americans, is where education reformers should talk more about when thinking about educating our Nation's children.

IRS AUDITS PAULA JONES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, just days after Paula Jones rejected a settlement and her lawyers deserted her, the IRS has slammed Paula Jones with an audit. Now, if that does not seem strange, check this out: Paula Jones has no income. Paula's husband makes $37,000. They do not own a home. They rent. They have two children and only own one car.

Now tell me, Mr. Speaker, how many families of such meager means get audited? The IRS says, "Wait a minute. The IRS did not target Paula Jones." The IRS says, "We have nothing to do with the White House, and the IRS never has political targets."

Beam me up, Mr. Speaker. Let us tell it like it is. The IRS did not just target Paula Jones. The IRS is nuking Paula Jones because of the sensitive politics involved. I say Congress should target the IRS and straighten those bunch of henchmen out.

WHAT DOES CAMPAIGN FINANCE REFORM MEAN?

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, Thomas Jefferson said, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical." And the Supreme Court agreed in what is called the Beck agreement. They did not call it sinful or tyrannical. They called it illegal.

What is it? It is the involuntary spending of union workers' hard-earned money, their union dues, for opinions in which they disbelieve. The workers have to fund political contributions and candidates they do not support. The administration, by Executive order, refuses to enforce the Beck decision.

So when we hear the term "campaign reform," it means making the Beck decision law; it means removing this injustice that Thomas Jefferson called sinful and tyrannical, it means freeing up the workers of this country.

CONSIDER CAMPAIGN FINANCE REFORM THIS YEAR

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Mr. Speaker, on June 11, 1995, the President and Speaker of the House, in a very famous photo of shaking hands, committed themselves to campaign finance reform. It has been over 2 years later. We have had 85 bills filed. There have been no hearings on campaign finance reform. There have been no bills passed.

The President will support campaign finance reform, Mr. Speaker. This House and the House leadership needs to step forward and let this body consider campaign finance reform this year. My own preference is the freshmen bipartisan bill, the Hutchinson-Allen bill. There are other good bills out there, but they will get nowhere without hearings and without being brought to the floor of this House. We need to do our job this year on campaign finance reform.

FOLLOW MINNESOTA'S LEAD IN EDUCATION

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate my Governor, Arne Carlson, of Minnesota. Back in Minnesota we are very proud of our schools and we are very proud of our students. Many people listen to Garrison Keiler when he talks about Lake Wobegone, and sometimes we talk about the Lake Wobegone syndrome.

In fact, we do believe our women are strong, our men are good looking, and our children are above average. And there is reason to believe that. If we look at the numbers, Minnesota students rank second in graduation rate. On the ACT test, we once again ranked in second place in all of the United States in 1996. But that is the good news.

The bad news is, in some of the tests that we have been giving our students in the last several years on basic skills, Minnesota students are not doing as well as they should. In reading, for example, we asked students to read a few newspaper articles, then answer some questions, and only 59 percent of the students passed that test.

That is why Governor Carlson, together with the legislature, began a process this year of real reform of our schools, and that was built around choices and giving parents more empowerment. It is tax credits. It is empowering parents with more deductibility for educational expenses.

We in Washington ought to do the same. In fact, they say back in Minnesota, either lead, follow, or get out of the way. In terms of education reform, we ought to follow the lead of Governor Carlson and other brave Governors who are empowering parents to get better education for their kids.

NATIONAL STUDENT TESTING IS NOT THE ANSWER

(Mr. COOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOK. Mr. Speaker, the latest great idea from the administration to improve education is national testing. After all, who could be against a proposal that will make it easier to see how your school is doing and make it easier to compare your children against the performance of students nationwide?

I guess my first reaction is that we do not need a national test to discover that a school with fourth graders who do not read has a big problem. We do not need a national test to figure out that something is terribly wrong when kids graduate from high school feeling just wonderful about themselves but are unable to write a coherent paragraph.

The bottom line is, we do not need a national test to determine that our schools are failing us and failing the communities which support them. It is as if the other side actually believes that the same schools that do not enforce standards now will suddenly do so if Washington comes up with a new test.

If academic rigor is absent in our schools now, call it a hunch, but I am guessing that rigor will be absent in our schools after the latest national test is created.

□ 1215

SCHOOL CHOICE

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, my question is, Would a plan to make it easier for parents to save for their children's college education be a good thing or a bad thing? What if their children took that money and used it to go to a private university like Harvard? Would that be a threat to public universities like the University of Michigan or the University of Virginia? Or would that make schools like the University of Michigan and the University of Virginia try even harder to compete for students that might otherwise go to Harvard?

If allowing parents to send their kids to Harvard is not a threat to public universities, why would making it a little easier for parents to send their kids to private schools be a threat to public schools at the elementary and secondary level? Could it be that many parents would vote with their feet and take their kids out of bad public schools and put them in private schools? That would force bad schools to clean up their act or shut down, which is exactly the point.

CAMPAIGN FINANCE REFORM

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, another week has gone by in Washington, and still the Republican leadership has not scheduled a vote on campaign finance reform. Delay has always been the strategy of those who are opposed to curbing the influence of special interest money. We cannot accept delay any longer.

My colleagues and I are demanding that Speaker GINGRICH schedule a vote to ban soft money, the huge unregulated contributions to both political parties that have corrupted our political process in Congress. But the Speaker's response is there is not time, or the Speaker's response is what we need is more money in our election system. That is wrong.

Tomorrow afternoon the Republicans hope to leave work early in the day to travel to New York City to hold a massive fund raiser. Apparently there is enough time in the congressional schedule to leave early and fly to New York on private jets to raise money, but there is not enough time to schedule a vote on campaign finance reform and to ban soft money. This is unacceptable, Mr. Speaker, to me, to my colleagues, and to the majority of the American people.

CAMPAIGN FINANCE IN CURRENT LAW

(Mrs. CHENOWETH asked and was given permission to address the House for 1 minute.)

Mrs. CHENOWETH. Mr. Speaker, most children have tried the tactic we are now seeing from the other side regarding the White House scandals and campaign finance reform. If you catch a child with his hands in the cookie jar, sometimes he tries to change the subject on that which they are doing, and if they cannot successfully change the subject, then they get angry.

Most parents see right through what their child is trying to do to escape punishment for disobeying their parents. Fortunately, thank goodness, most Americans are able to see through the hypocrisy of Democrats who claim to want to ban soft money, the very same people who have raised illegal fund raising from foreign sources to an art form.

Current law, I know that the other side is not very concerned about current law, especially last year, in last year's campaign, but current law does not require full disclosure. If it had during 1996, we would have known what the millions of dollars in soft money raised from foreign sources were that was actually returned because of their criminal behavior.

EDUCATION SAVINGS ACCOUNTS

(Mr. ENGLISH of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGLISH of Pennsylvania. Mr. Speaker, making education affordable, whether at the college level or at the primary and secondary level, has to be one of the primary concerns of Congress. Our Republican tax bill adopted this year contained provisions that provided real tax relief for families that were paying tuition. But unfortunately, at the end of the conference with the administration, the administration demanded that key provisions be stripped out or that the bill would be vetoed.

Specifically the Clinton administration opposed tax relief for prepaid tuition plans like we have in Pennsylvania and tax relief in the form of a parent and student savings account plus, which would provide up to $2,000 a year for an education savings account with the buildup of interest to be tax free.

Mr. Speaker, I strongly support the legislation introduced by Speaker GINGRICH in the House and Senator COVERDELL in the Senate to create an education savings account to make education affordable and make the American dream more accessible.

Mr. President, please realize this issue is not going to go away. We will not go away until working families and students get the tax relief they deserve. We are going to push this issue this year.

DISPENSING WITH CALL OF PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. LAHOOD). This is the day for the call of the Private Calendar.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 2 p.m. today.

JOHN N. GRIESEMER POST OFFICE BUILDING

Mr. McHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1254) to designate the U.S. Post Office building located at Bennett and Kansas Avenue in Springfield, MO, as the "John N. Griesemer Post Office Building," as amended.

The Clerk read as follows:

H.R. 1254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office building located at 1919 West Bennett Street in Springfield, Missouri, shall be known and designated as the "John N. Griesemer Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "John N. Griesemer Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MCHUGH] and the gentleman from Maryland [Mr. CUMMINGS] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. MCHUGH].

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1254 was introduced by the gentleman from Missouri [Mr. BLUNT] on April 29. This legislation, as has been noted, designates the U.S. Post Office located at Bennett and Kansas Avenue in Springfield, MO, as the "John N. Griesemer Post Office Building". The amendment at the desk, Mr. Speaker, corrects the address of the building to 1919 West Bennett Street. The exact assignment of the street address was not known when the bill was originally drafted.

Mr. Speaker, in accordance with the policy of the Committee on Government Reform and Oversight, the bill is cosponsored by the entire House delegation of the State of the sponsoring Member, the State of Missouri. The measure was before the Subcommittee on Postal Service on June 5 and was approved, as amended, by all the subcommittee members.

Mr. Speaker, the legislation obviously honors John N. Griesemer, who was born in Mount Vernon, MO, and, as I am sure we will hear later from the sponsor of the bill, amassed a long and very admirable record in civic and public duties. Most particularly of interest to the subcommittee and to myself, Mr. Speaker, the gentleman was, in 1984, named by President Reagan to serve on the U.S. Postal Board of Governors. He was elected chairman of the Board in 1987 and 1988 and served for 3 years as the Board's vice chairman.

I think it is for this reason particularly, Mr. Speaker, that the naming of this post office in memory of a man who served with distinction through his entire public life, but particularly served with distinction as a member of the very body that governs the Postal Service, makes this bill so very appropriate.

Mr. Speaker, I commend the gentleman from Missouri [Mr. BLUNT], the Missouri delegation, and I wish to thank our full committee chairman and ranking members for their cooperation in bringing this, I think, very worthy piece of legislation to the floor. I would urge our colleagues to support this bill, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of legislation, H.R. 1254, as amended, which would designate the U.S. Post Office Building located at 1919 West Bennett Street in Springfield, Missouri, as the John N. Griesemer Post Office Building.

Mr. Griesemer, a Springfield, MO businessman, was named to serve on the U.S. Postal Service Board of Governors in 1984. He was elected chairman of the Board in 1987 and 1988 and served for 3 years as the vice chairman.

A native of Billings, MO, John Griesemer worked for his family's business, the Griesemer Stone Co. He served as its president and director until his death in 1993.

H.R. 1254, introduced by the gentleman from Missouri [Mr. BLUNT] enjoys the support and cosponsorship of the entire Missouri congressional delegation. I urge my colleagues to support this measure, which is a fitting testament to the great work of Mr. Griesemer.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. BLUNT], the primary sponsor of this legislation.

Mr. BLUNT. Mr. Speaker, first I would like to thank the gentleman from New York [Mr. MCHUGH], the chairman of the Subcommittee on Postal Service, for his assistance in moving this legislation through his subcommittee. I would also like to thank the members of the full committee and the gentleman from Indiana [Mr. BURTON], the chairman, for discharging the bill so it could be considered today. And, of course, I would like to thank the other members of the Missouri delegation for joining me unanimously as cosponsors of this resolution.

The resolution we are debating, Mr. Speaker, will name the new postal facility in my district for the late John N. Griesemer. Mr. Griesemer invested his lifetime in his family, his church and in public service, and perhaps the greatest national impact of that public service, as my colleagues have pointed out from Maryland and New York, was his time as the chairman of the Board of Governors of the Postal Service. He served as vice chairman for 3 years. He served as chairman after that during his remaining time on the Board.

He was dedicated to the Postal Service, and certainly to name a facility in the city, the city of Springfield, where he ran his business, where he was so involved in civic and church affairs, where he and his wife raised their 5 children, is, I think, an appropriate tribute to his service to community, and particularly to his service to the Postal Service.

I want to really join the gentleman from New York [Mr. MCHUGH] and the gentleman from Maryland [Mr. CUMMINGS] in encouraging that the House move for the passage of this resolution, and as this facility is officially opened, it will be officially opened with the name of John N. Griesemer as the name of the facility, Mr. Speaker.

I want to thank the gentleman from New York for yielding me the time.

John Griesemer was born in Mt. Vernon, MO and grew up on a dairy farm near Billings. He graduated from Billings High School in 1948 and he earned a Bachelor of Science degree in Civil Engineering from the University of Missouri, Columbia in 1953. He served as a First Lieutenant, Engineering Officer in the U.S. Air Force from 1954 until 1956.

After his discharge from the Air Force, John returned to southwest Missouri to work for his family's business, Griesemer Stone Co. He served there as president and as a director until his death in 1993.

In defiance of conventional wisdom, John Griesemer balanced a successful career with family life and a dedication to community service. He and his wife, Kathleen, raised five children on a small farm just east of Springfield, MO. John was active in his church, having served as Chairman of the annual Diocesan Development Fund Drive, member of the Financial Advisory Committee and co-trustee of the Heer-Andres Trust of the Catholic diocese of Springfield-Cape Girardeau, MO. He also served as Co-Chairman of the Margin for Excellence fund drive to establish an endowment and build a new Catholic High School in Springfield. John was an Eagle Scout, a Scout Master and, in later years, served on the Board of the Ozarks Council of the Boy Scouts of America. He was also involved with the Junior Achievement Program.

In addition to his work with Griesemer Stone Co., John founded Joplin Stone Co. and Missouri Commercial Transportation Co., and served as president of Springfield Ready Mix Co. He was a director of Boatmen's National Bank and, in 1991 was president of the Springfield Development Council, a non-profit subsidiary corporation of the Springfield Chamber of Commerce.

John Griesemer passed away in 1993, survived by his wife and five children. His legacy is one of service to God, his country and to his fellowman through dedication to family, business and community.

Again I would like to thank Mr. MCHUGH and I would ask all of my colleagues to join in honoring John N. Griesemer by naming this new facility in the city, where he spent his life and spent it wisely, after him.

Mr. MCHUGH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH] that the House suspend the rules and pass the bill, H.R. 1254, as amended.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1254.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMENDING AMERICAN AIRMEN HELD POLITICAL PRISONERS AT BUCHENWALD

Mr. MICA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 95) recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude.

The Clerk read as follows:

H. CON. RES. 95

Whereas 168 Allied airmen captured by Axis forces during World War II were held as political prisoners at the Buchenwald concentration camp in Weimar, Germany;

Whereas of these captured airmen, 82 were Americans, 26 were Canadians, 48 were Britons, 9 were Australians, 2 were New Zealanders, and 1 was Jamaican;

Whereas the facts and circumstances of their confinement are amply documented in the official records maintained by the National Archives and Records Administration;

Whereas a report from the International Red Cross concerning Stalag Luft III in Sagan, Germany, mentioned six American airmen held at Buchenwald, including one whose name does not appear on the lists maintained by the National Archives;

Whereas since the liberation of Buchenwald in 1945 numerous personal memoirs, scholarly books, and articles have been published describing the conditions at the concentration camp;

Whereas this extensive documentation records the extraordinarily inhuman treatment, deprivations, and personal suffering inflicted on these 168 Allied airmen and other inmates at Buchenwald; and

Whereas Allied Governments and veterans organizations outside the United States have granted special recognition to their citizens and servicemembers who were here as political prisoners in World War II concentration camps: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes and commends the 82 American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their faithful service, personal bravery, and exceptional fortitude; and

(2) requests that the President issue a proclamation recognizing and commending, by name, the service, bravery, and fortitude of those airman.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MICA] and the gentleman from Maryland [Mr. CUMMINGS] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MICA].

☐ 1230

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House has an opportunity to recognize the valor and sacrifices of 82 Americans who have earned the gratitude of our Nation. We often speak in this House of the debt that our Nation owes to the many men and women who have served our Armed Forces in defense of this country and its values.

The story of these 82 American airmen forcefully reminds us of the price that others have had to pay to preserve our freedom. These men were held as political prisoners at the notorious Buchenwald concentration camp.

Unlike other American prisoners of war, they were not entitled to the protections of the Geneva Convention. The unspeakable horrors of Buchenwald are well-known, but the ordeal of these men and what they experienced is not known.

For 52 years, this Government has not formally recognized the bravery and loyalty of these 82 airmen. This resolution, which is sponsored by my distinguished colleague and good friend, the gentleman from Florida [Mr. WELDON] and also has the support of the gentleman from Florida [Mr. DEUTSCH], my equally good friend and colleague, will provide public recognition that these men have earned, and it is so long overdue.

But the resolution will do more than that, Mr. Speaker. It will also educate Members of Congress and preserve for the American people the story, the history, and the bravery of these 82 heroic individuals.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on June 10, 1997, Representatives WELDON and DEUTSCH introduced bipartisan legislation, House

Concurrent Resolution 95, to officially honor the only U.S. servicemen to be held prisoner in a concentration camp.

I am delighted that the chairman of the Subcommittee on Civil Service [Mr. MICA] and I have been able to quickly bring this bill to the floor for the consideration of Members. I strongly support House Concurrent Resolution 95 and urge its immediate passage so that this body might go on record as commending 82 brave United States airmen who were held at the Buchenwald concentration camp in Weimar, Germany, during World War II.

These men shared a unique and painful experience that no other American servicemen have endured. A total of 168 allied airmen were captured and held at Buchenwald, and allied governments in other parts of the world have already bestowed special recognition upon these servicemen.

The deplorable conditions, inhumane treatment, and personal suffering of the 82 American servicemen must not go unrecognized by our Nation any longer.

Though more than 50 years have passed since the liberation of the Buchenwald concentration camp, the appreciation due these men for their bravery, service, and unique sacrifice, is as considerable today as it was in 1945 when the camp was liberated.

It is perhaps even more momentous because it is so long overdue. Tragically, some of these men can no longer be located and informed of this legislation. Thirty-three of them are now deceased. It is my hope that the news of our action here today, our official recognition of their service, reaches all who survive, those who have passed on, and all of their families, so that they might know what has finally transpired here this day.

Mr. Speaker, I respectfully urge this entire body to join me in support of this important resolution so that all 82 Americans held at Buchenwald concentration camp may receive the honor they have for so long deserved.

Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Florida [Mr. WELDON], the sponsor of this important legislation. I want to thank the gentleman for bringing the sacrifices of these airmen to the attention of the Congress and to the American people.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to thank my colleague the gentleman from Florida [Mr. MICA] and the gentleman from Maryland [Mr. CUMMINGS], my good friend, for bringing my bill to the floor today.

I also want to thank the gentleman from Indiana [Mr. BURTON], the chairman of the Committee on Government Reform and Oversight, for allowing the bill to be considered in such a timely fashion. I also, in addition, want to thank my very good friend, the gentleman from Florida [Mr. DEUTSCH] for working with me on this important bipartisan effort.

Mr. Speaker, House Concurrent Resolution 95 is a simple bill. It does not spend any money, it does not change any regulations, it does not affect any Federal agencies. But this is an important bill, Mr. Speaker, because it recognizes a unique group of soldiers who fought for this country during World War II. Beside me on my left we can see, of those who are remaining and still alive, a picture of them gathered at a meeting.

Now, lots of men and women sacrificed on behalf of our country in World War II. What makes this group so special?

They were not the only members of the United States military to serve, but they were the only ones to be held in a Nazi concentration camp. Those horrible camps will forever occupy a dark place in human history, and we have long recognized the bravery and daring of many prisoners who fought their Nazi oppressors and struggled to win political and religious freedom.

But, tragically, we have never formally recognized these men for their service, sacrifice, and suffering. My attention was first drawn to their situation when they held a reunion in Melbourne, FL, which is in my district. After talking with Bill Williams, the leader of this group, who lives in Lake Placid, FL, I learned that both Sonny Montgomery and TIM HUTCHINSON had championed this bill when they served in the House, and I was determined to complete their work.

When these 82 airmen were shot down, they were captured in civilian clothing and were sent to Buchenwald concentration camp as spies and as criminals. But when our soldiers were sent to a concentration camp instead of a POW camp, they were considered political prisoners, and therefore not subject to the fundamental protections of the Geneva Convention.

My bill simply recognizes their unique service and asks the President to do the same by issuing a proclamation commending them. Other allied airmen were also held at Buchenwald, and their countries have recognized their service. So it seems fitting that we do so as well.

Senators TIM HUTCHINSON and JOSEPH LIEBERMAN have introduced similar legislation in the other body, and I hope this year that both Chambers can pass these bills and give these men the recognition that has been half a century waiting in coming.

The saga of the airmen is recounted by Mitchell Bard in "Forgotten Victims—The Abandonment of Americans in Hitler's Camps." His book details the horror these men suffered, the violent beatings, the days in solitary confinement, the malnutrition, the freezing temperatures, the sleep deprivation, the medical experimentation. We must never forget their sacrifices for freedom around the world.

Mr. Speaker, today's consideration of this bill is also very timely. Just a few weeks ago, the Department of Justice concluded years of negotiations with Germany regarding reparations for these soldiers and other American civilians held in Nazi concentration and labor camps. I am pleased to report that the negotiations were highly successful and all of the United States soldiers held in Buchenwald are going to be compensated by Germany for their cruel and inhumane imprisonment. I commend the Justice Department for successfully closing out the settlement.

Finally, Mr. Speaker, I would like to submit for the RECORD a note from former President George Bush. President Bush wrote a warm note of greeting to these men when they met in Melbourne last year, and I want to include it as part of the RECORD for today's floor action.

> MARCH 10, 1997.
>
> I am delighted to send warm greetings to all gathered in Melbourne for this special reunion of American World War II veterans.
>
> Present at this remarkable gathering this week are men who represented the best of the American spirit during a time of tremendous peril. Like so many others, you answered the call to duty and turned back a threatening tide of tyranny looming over Europe—and those who live there today in freedom are indebted to you for your sacrifices and selfless service. So as you fellow old-timers come together to renew friendships and recall lost comrades, I am honored to join in saluting you, doing so with the hope that you know your Nation respects you and is grateful to each of you.
>
> GEORGE BUSH.

House concurrent resolution 95 is endorsed by the American Ex-prisoners of War and the Veterans of Foreign Wars.

Mr. Speaker, I would urge my colleagues to support this important bill. By passing this bill today, those veterans still living and the families and friends of those who have passed on can fully realize the public recognition these brave men so rightly deserve.

Mr. Speaker, I thank again my colleagues from Maryland and Florida.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to take this opportunity to thank the distinguished gentleman from Florida [Mr. WELDON], the primary sponsor of this legislation, and also the gentleman from Florida [Mr. DEUTSCH] for their timeliness in bringing this legislation before the House. I congratulate them for their fine efforts to provide these brave men with a public expression of gratitude and recognition from this Congress, which they so richly deserve.

Mr. Speaker, I also want to take a moment and also thank the gentleman who is not with us, but who served with such a distinguished career in the House, Mr. Sonny Montgomery, who was referred to by my colleague from Florida. He did attempt to bring this matter before the House, and he does deserve credit and recognition on this day as we do pass this legislation long overdue.

I also want to take a moment to thank the gentleman from Maryland [Mr. CUMMINGS], the distinguished ranking member of the Subcommittee on Civil Service, for his assistance on this matter. I also want to take this opportunity to thank the gentleman from Indiana [Mr. BURTON], the chairman of the Committee on House Government Reform and Oversight, and the gentleman from California [Mr. WAXMAN], the ranking member, for their leadership and helping to expedite consideration of this matter before the House.

Mr. Speaker, this resolution asks the President to issue a proclamation recognizing and commending each of these 82 men by name for their service, their bravery, and their fortitude. In good conscience we can do no less.

Mr. Speaker, I urge all Members to vote for this long overdue resolution.

Mr. GILMAN. Mr. Speaker, I rise today in support of the resolution offered by the gentleman from Florida. The history of mankind has shown us much about human nature. In World War Two, we faced an evil so unprecedented in its inhumanity we refer to those actions today as "atrocities" and as "crimes against mankind." The Nazi regime inflicted many injuries against the world, some of which were still struggling to heal. Let us take a step in a forward manner today and give our support in honoring a special group of American defenders who were witness to this terrible regime.

The 82 American airmen captured and interred at the Buchenwald concentration camp must be commended. In the service of their nation, they were forced to suffer at the hands of a vile enemy.

The suffering and sacrifice of these Americans cannot be forgotten. It was because of them and the Allied forces that we are in a position today to take preventive measures against such an occurrence ever happening again.

As much as some people wish to deny history, this event was real. A Holocaust took place. These 82 soldiers not only became prisoners, they became witnesses and messengers who could share with us firsthand this terrible event so that we might understand and learn from the tragic mistakes of the past.

To let this moment pass us by without action by this body would cast a pall on the memory of these valiant, selfless men. We have learned of the terrible circumstances at the concentration camps. We have previously honored innocent civilian victims of these camps. Some of those people were our friends and family members, and many were people we did not know. Now we have the opportunity to bestow proper honor and recognition of those service men who were fighting on our behalf. And who ended up in the Buchenwald concentration camp. I urge all of my colleagues to join together and support his admirable resolution.

Mr. MICA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 95.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution Resolution 95.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

HONORING THE CONTRIBUTIONS JIMMY STEWART MADE TO THE NATION

Mr. MICA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 109) recognizing the many talents of the actor Jimmy Stewart and honoring the contributions he made to the Nation.

The Clerk read as follows:

H. CON. RES. 109

Whereas James M. ("Jimmy") Stewart made more than 80 films including comedies, westerns, and dramas of suspense;

Whereas Jimmy Stewart won an Academy Award for best performance by an actor in 1940 for his performance in "The Philadelphia Story" and received four other Oscar nominations for his performances in "Mr. Smith Goes to Washington", "It's a Wonderful Life", "Harvey", and "Anatomy of a Murder";

Whereas Jimmy Stewart received a Screen Actors Guild Award in 1968 for "fostering the finest ideals of the acting profession"; the American Film Institute's eighth life achievement award in 1980, a Kennedy Center Honor in 1983, a special Academy Award in 1984 for "50 years of meaningful performances" and "for his high ideals, both on and off the screen", and the annual tribute by the Film Society of Lincoln Center in 1990;

Whereas Jimmy Stewart appeared in a number of television shows and Broadway plays and received a Tony Award;

Whereas Jimmy Stewart's poetry was compiled into his 1989 book entitled "Jimmy Stewart and his Poems";

Whereas Jimmy Stewart enlisted in the military and served during World War II as operations officer, chief of staff, and squadron commander of the Second Combat Wing of the U.S. Eighth Air Force in England;

Whereas Jimmy Stewart's military decorations include two Distinguished Flying Crosses, the Air Medal, multiple oak leaf clusters, six battle stars, and the Croix de Guerre with Palm;

Whereas Jimmy Stewart attained the rank of colonel during World War II and the rank of brigadier general in 1959, making him the highest ranking entertainer in the American military;

Whereas Jimmy Stewart was active in national politics in his later years and was a close personal friend of former President Ronald Reagan;

Whereas Jimmy Stewart testified before Congress in 1988 in favor of a bill that was later enacted to require film exhibitors and distributors to disclose to the public whether certain culturally, historically, or aesthetically significant films had been colorized or otherwise altered from the original; and

Whereas in 1985 President Ronald Reagan awarded Jimmy Stewart the Nation's highest civilian honor, the Presidential Medal of Freedom: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the many talents of the late James M. ("Jimmy") Stewart and honors the artistic, military, and political contributions he made to the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MICA] and the gentleman from Maryland [Mr. CUMMINGS] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, from time to time the U.S. House of Representatives and our Congress honors the memory and talents of great Americans. Mr. Speaker, I rise today to pay tribute to the late Jimmy Stewart. As an actor, as a citizen, and in his personal life, Jimmy Stewart exemplified the best of America.

Most Americans know Jimmy Stewart through his many movies. All of us have seen at least some of these movies, and he endeared himself to us by his performances. As laymen, though, we probably did not fully appreciate what a consummate craftsman he was. His acting appeared so natural that many wrongly believed that he was not acting at all, just being himself. But, according to biographers and critics, that was deceptive.

□ 1245

What appeared so natural to us was instead the result of talent magnified many times over by dedication and hard work.

Frank Capra, who directed Jimmy Stewart in his most famous movies, "Mr. Smith Goes to Washington" and "It's A Wonderful Life," had this to say about Jimmy Stewart's acting ability:

> There is a higher level than great performances in acting. The actor disappears and there is only a real live person on the screen. There are only a few actors, very few indeed, capable of that level of performance, and that tall string bean sitting over there, he is one of them.

He was referring, of course, to Mr. Stewart.

Jimmy Stewart's personal life was also exemplary. He married his wife Gloria in 1949 and remained married to her until she died in 1994. That is no mean feat in Hollywood and in days where marriages sometimes seem to last only weeks or months. He also contributed to his community. He was an adviser to Princeton University's Theater in Residence, and served on the executive board of the Los Angeles Council of the Boy Scouts of America.

Jimmy Stewart also set a model for all of us in citizenship and patriotism. He was already a famous actor when World War II broke out. Perhaps he could have used his influence to stay out of the armed forces, but he chose not to do so. To the contrary, when the Army rejected him because he was underweight, Jimmy Stewart ate fattening foods so he could pass the weight test.

He served in the Army Air Corps, flying 25 missions over enemy territory and serving as commander of a bombing wing. His distinguished military performance earned him the Air Medal and the Distinguished Flying Cross with Oak Leaf Cluster. In 1945 he returned to the United States as a colonel. He continued serving in the Air Force Reserve, attaining the rank of brigadier general in 1959.

Mr. Speaker, as an actor Jimmy Stewart could have used his wartime service to enhance his box office appeal, but he did not. True to his core values, he took the opposite track by insisting that his wartime exploits be kept out of his movie publicity.

In all aspects of his life, Mr. Speaker, Jimmy Stewart set an example for us all to follow. It is therefore appropriate that this Congress take time today to recognize the great contributions that this man has made to our great Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman from Florida [Mr. MICA], our ranking member, for bringing this resolution to the floor in cooperation with our side of the aisle. I want to thank the gentleman from New York [Mr. KING] for his leadership in guiding this bill to the House floor.

James Stewart was born on May 20, 1908 in his parents' home in Indiana, PA, the only son of Alexander and Elizabeth Stewart. After Jimmy's arrival, the family expanded to include daughters Virginia and Mary.

Young Jimmy graduated with honors from Princeton with a degree in architecture in 1932 in the midst of the Great Depression.

His first film was "Murder Man" with Spencer Tracy for MGM in 1935. He appeared in 24 movies over the next 4 years, with an Oscar nomination for "Mr. Smith Goes To Washington." In 1940, the Oscar went to him for his performance in "The Philadelphia Story." Within the next year his acting career was brought to an abrupt halt by World War II.

Mr. Stewart enlisted in 1941 and became an air corps pilot and a squadron commander. His war record included 20 combat missions as command pilot. After being promoted to squadron commander, he became operations officer, and from 1944 to 1945 served as chief of staff, 2d Combat Wing, 2d Division, 8th Air Force.

It was after the war that Jimmy Stewart, under the direction of Frank Capra, starred in "It's A Wonderful Life." As we all know, it is a story of a small town and how one man's life really does make a difference. This was his favorite film, and for this he won his third Academy Award nomination.

Jimmy Stewart is among Hollywood's most highly honored and deeply loved men. This is not only for his professional successes, but every bit as much for his integrity, his character, and the fact that he was a true humanitarian. He retained his all-American-boy image; the years only added to his stature.

The American Film Institute recognized the magnitude of Mr. Stewart's accomplishments by awarding him the Life Achievement Award in 1980 for fundamentally advancing the art of American film. In presenting the award, the Institute so accurately declared:

> In a career of extraordinary range and depth, Jimmy Stewart has come to embody on the screen the very image of the typical American. Whether flying the ocean as Charles Lindbergh, going to Washington as Senator Jefferson Smith, or playing ordinary men who somehow never got around to leaving their own towns, Stewart has captured the essence of American hopes, doubts, and aspirations. His idealism, his determination, his vulnerability, and above all, his basic decency shine through every role he plays.

Once again, I thank the sponsors of this legislation, and I urge its unanimous passage.

Mr. Speaker, we have no further requests for time, and I yield back the balance of our time.

Mr. MICA. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from New York [Mr. KING], the sponsor of this resolution, and I congratulate him for providing the House with the opportunity to recognize this great American patriot and hero.

Mr. KING. Mr. Speaker, I thank the gentleman for yielding.

At the very outset I want to thank the gentleman from Florida [Mr. MICA] and the ranking member, the gentleman from Maryland [Mr. CUMMINGS], for all of their support in expediting this matter and bringing it to the House floor, and for the support and assistance they have given me on this resolution. I also want to thank our majority leader, the gentleman from Texas [Mr. ARMEY] for the assistance he has given me also and working with my staff in arranging to have this on the floor today.

Mr. Speaker, Jimmy Stewart's death on July 2nd of this year saddened millions of Americans of all ages. Not only was Jimmy Stewart an extremely talented actor, more importantly, he personified the very best of what it means to be an American. He appeared in more than 80 films. He received an Academy Award and four additional Oscar nominations, and appeared on Broadway and on television.

But Jimmy Stewart was also a man of great courage and a genuine war hero. As the gentleman from Florida [Mr. MICA] and the gentleman from Maryland [Mr. CUMMINGS] have already brought out, Mr. Stewart enlisted in the Army Air Corps during World War II and flew more than 20 combat missions over Europe. He was awarded the Distinguished Flying Cross twice, the Air Medal, and six battle stars. Following World War II, Jimmy Stewart remained active in the Air Force Reserve and rose to the rank of brigadier general.

Mr. Speaker, Jimmy Stewart never had the exalted sense of self-importance that afflicts so many Hollywood stars, especially today. In his dealings with everyday people and in his private life Jimmy Stewart was, by all accounts, modest and unassuming, a man of innate decency and integrity.

Mr. Speaker, in 1985 President Reagan awarded Jimmy Stewart the Medal of Freedom, which is our Nation's highest civilian honor. Today, by adopting this resolution honoring Jimmy Stewart's contributions to our Nation, this House, the people's House, is honoring a man who truly personified the essence of the American people and a man who did, indeed, lead a wonderful life.

Mr. Speaker, I urge the adoption of the resolution.

Mr. MICA. Mr. Speaker, I am pleased to yield 5 minutes to my distinguished colleague, the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of this legislation. America was greatly blessed for the past 89 years to have had the privilege of knowing Jimmy Stewart. He was a committed family man and a role model on and off the big screen. He recognized his position as a role model and throughout his life taught us much. Those of us in this Chamber and the Chamber across the Capitol have a lot to learn from him and the roles he played.

It has been said that what is said about a person upon one's death is very telling of the value of their life. As a nation we were saddened at the loss of Jimmy Stewart. What did his friends say about him?

Charlton Heston, who starred with Stewart in "The Greatest Show On Earth" said, "He was deeply patriotic, deeply professional, a fine actor, and more important than any of those things, perhaps, he was a gentleman."

Karolyn Grimes, who at the age of 6 played Stewart's daughter Zuzu in "It's A Wonderful Life" recalled, "I remember very distinctly that I did not learn the words to 'Auld Lang Syne' at the end of the movie. I felt like a very silly fool. Stewart sort of didn't know the words, either. He made me feel really at ease about it. I will always consider him a movie legend and someone I can always respect and keep in my heart."

Ronald and Nancy Reagan said, "He never really understood the greatness that others saw in him."

Bob Hope said, "Jimmy was every man's hero and every woman's dream man. He wasn't just a talent, but a genius and a dear friend. America has lost its role model and I've lost a great friend. Jimmy represented the best in all of us in the characters he played. Who can ever forget his Mr. Smith? Yup, that was Jimmy. I love Jimmy for his humor and warmth and for his commitment to our country. He was a great war hero and did so much for the USO. All that and he played a mean game of golf. I'm going to miss him."

Bob's wife Dolores said, "His life was lonely without his beloved wife Gloria, who died in 1994. He missed her so, and now they're together again. What joy there must be."

"It's A Wonderful Life" and "Mr. Smith Goes To Washington" are stories of commitment to principle and to family. These movies are a far cry from many of the movies we see today, characterized by "Powder", "Pulp Fiction" and "Priest."

We need to continue to send Hollywood the message that America longs for movies in the spirit of Jimmy Stewart, movies about commitment to family, to a husband or a wife, commitment to children, to love them and care for them, to put them first, not our own selfish interests.

Again, I commend the gentleman from New York for bringing forward this legislation, and the subcommittee chairman and the ranking member for supporting it.

Mr. MICA. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, I want to take a moment to thank again the distinguished gentleman from New York [Mr. KING] for bringing this resolution before the House. I also want to take a moment to thank the distinguished gentleman from Pennsylvania [Mr. MURTHA] for his leadership relating to this memorial to a great American, and the gentleman from Maryland [Mr. CUMMINGS], my colleague and distinguished ranking member of our Subcommittee on Civil Service, for his assistance in bringing this resolution to the floor.

□ 1300

Of course, I also want to thank Chairman BURTON, chairman of our full committee, and the ranking member, the gentleman from California [Mr. WAXMAN], who has also helped in expediting the consideration of this resolution.

In closing, Mr. Speaker, I thought it would be interesting to read from "Mr. Smith Goes to Washington," a 1939 classic about Congress, and Mr. Stewart's famous words as Mr. Smith. He said, as many of us remember, about his feelings, "I wouldn't give you two cents for all your fancy rules if behind them they didn't have a little bit of plain, ordinary kindness and a little lookin' out for the other fella." And that is what Congress is sometimes about, and we remember that as we remember this great American today.

Mr. Speaker, as we have heard on the floor today, Jimmy Stewart was an exemplary American. He personified the traditional American virtues of hard work, dedication to family, dedication to country, and personal modesty. He enriched our culture, and he enriched our civic life.

He could have used his heroic military service during World War II to bring additional glory to himself, but like so many of the men and women of his era who served our Nation in war at a perilous time, he did not. Instead, he served his Nation quietly. I have read, Mr. Speaker, that Jimmy Stewart only once used his influence while in the military. He used it to request that he be treated the same as all other men and women in uniform.

It is indeed a privilege for me, Mr. Speaker, to join my distinguished colleague, the gentleman from New York [Mr. KING], and all Members to support this resolution, recognizing the many and lasting contributions of James Maitland Stewart.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 109.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that following passage of this legislation, all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution, House Concurrent Resolution 109.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

COMPUTER SECURITY ENHANCEMENT ACT OF 1997

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1903) to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Security Enhancement Act of 1997".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The National Institute of Standards and Technology has responsibility for developing standards and guidelines needed to ensure the cost-effective security and privacy of sensitive information in Federal computer systems.

(2) The Federal Government has an important role in ensuring the protection of sensitive, but unclassified, information controlled by Federal agencies.

(3) Technology that is based on the application of cryptography exists and can be readily provided by private sector companies to ensure the confidentiality, authenticity, and integrity of information associated with public and private activities.

(4) The development and use of encryption technologies should be driven by market forces rather than by Government imposed requirements.

(5) Federal policy for control of the export of encryption technologies should be determined in light of the public availability of comparable encryption technologies outside of the United States in order to avoid harming the competitiveness of United States computer hardware and software companies.

(b) PURPOSES.—The purposes of this Act are to—

(1) reinforce the role of the National Institute of Standards and Technology in ensuring the security of unclassified information in Federal computer systems;

(2) promote technology solutions based on private sector offerings to protect the security of Federal computer systems; and

(3) provide the assessment of the capabilities of information security products incorporating cryptography that are generally available outside the United States.

SEC. 3. VOLUNTARY STANDARDS FOR PUBLIC KEY MANAGEMENT INFRASTRUCTURE.

Section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)) is amended—

(1) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (7), and (8), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) upon request from the private sector, to assist in establishing voluntary interoperable standards, guidelines, and associated methods and techniques to facilitate and expedite the establishment of non-Federal management infrastructures for public keys that can be used to communicate with and conduct transactions with the Federal Government;".

SEC. 4. SECURITY OF FEDERAL COMPUTERS AND NETWORKS.

Section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)), as amended by section 3 of this Act, is further amended by inserting after paragraph (4), as so redesignated by section 3(1) of this Act, the following new paragraphs:

"(5) to provide guidance and assistance to Federal agencies in the protection of interconnected computer systems and to coordinate Federal response efforts related to unauthorized access to Federal computer systems;

"(6) to perform evaluations and tests of—

"(A) information technologies to assess security vulnerabilities; and

"(B) commercially available security products for their suitability for use by Federal agencies for protecting sensitive information in computer systems;".

SEC. 5. COMPUTER SECURITY IMPLEMENTATION.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is further amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) In carrying out subsection (a)(3), the Institute shall—

"(1) emphasize the development of technology-neutral policy guidelines for computer security practices by the Federal agencies;

"(2) actively promote the use of commercially available products to provide for the security and privacy of sensitive information in Federal computer systems; and

"(3) participate in implementations of encryption technologies in order to develop required standards and guidelines for Federal computer systems, including assessing the desirability of and the costs associated with establishing and managing key recovery infrastructures for Federal Government information.".

SEC. 6. COMPUTER SECURITY REVIEW, PUBLIC MEETINGS, AND INFORMATION.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), as amended by this Act, is further amended by inserting after subsection (c), as added by section 5 of this Act, the following new subsection:

"(d)(1) The Institute shall solicit the recommendations of the Computer System Security and Privacy Advisory Board, established by section 21, regarding standards and guidelines that are being considered for submittal to the Secretary of Commerce in accordance with subsection (a)(4). No standards or guidelines shall be submitted to the Secretary prior to the receipt by the Institute of the Board's written recommendations. The recommendations of the Board shall accompany standards and guidelines submitted to the Secretary.

"(2) There are authorized to be appropriated to the Secretary of Commerce $1,000,000 for fiscal year 1998 and $1,030,000 for fiscal year 1999 to enable the Computer System Security and Privacy Advisory Board, established by section 21, to identify emerging issues related to computer security, privacy, and cryptography and to convene public meetings on those subjects, receive presentations, and publish reports, digests, and summaries for public distribution on those subjects.".

SEC. 7. LIMITATION ON PARTICIPATION IN REQUIRING ENCRYPTION STANDARDS.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), as amended by this Act, is further amended by adding at the end the following new subsection:

"(g) The Institute shall not promulgate, enforce, or otherwise adopt standards, or carry out activities or policies, for the Federal establishment of encryption standards required for use in computer systems other than Federal Government computer systems.".

SEC. 8. MISCELLANEOUS AMENDMENTS.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), as amended by this Act, is further amended—

(1) in subsection (b)(8), as so redesignated by section 3(1) of this Act, by inserting "to the extent that such coordination will improve computer security and to the extent necessary for improving such security for Federal computer systems" after "Management and Budget)";

(2) in subsection (e), as so redesignated by section 5(1) of this Act, by striking "shall draw upon" and inserting in lieu thereof "may draw upon";

(3) in subsection (e)(2), as so redesignated by section 5(1) of this Act, by striking "(b)(5)" and inserting in lieu thereof "(b)(8)"; and

(4) in subsection (f)(1)(B)(i), as so redesignated by section 5(1) of this Act, by inserting "and computer networks" after "computers".

SEC. 9. FEDERAL COMPUTER SYSTEM SECURITY TRAINING.

Section 5(b) of the Computer Security Act of 1987 (49 U.S.C. 759 note) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(3) to include emphasis on protecting sensitive information in Federal databases and Federal computer sites that are accessible through public networks.".

SEC. 10. COMPUTER SECURITY FELLOWSHIP PROGRAM.

There are authorized to be appropriated to the Secretary of Commerce $250,000 for fiscal year 1998 and $500,000 for fiscal year 1999 for the Director of the National Institute of Standards and Technology for fellowships, subject to the provisions of section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1), to support students at institutions of higher learning in computer security. Amounts authorized by this section shall not be subject to the percentage limitation stated in such section 18.

SEC. 11. STUDY OF PUBLIC KEY INFRASTRUCTURE BY THE NATIONAL RESEARCH COUNCIL.

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study of public key infrastructures for use by individuals, businesses, and government.

(b) CONTENTS.—The study referred to in subsection (a) shall—

(1) assess technology needed to support public key infrastructures;

(2) assess current public and private plans for the deployment of public key infrastructures;

(3) assess interoperability, scalability, and integrity of private and public entities that are elements of public key infrastructures;

(4) make recommendations for Federal legislation and other Federal actions required to ensure the national feasibility and utility of public key infrastructures; and

(5) address such other matters as the National Research Council considers relevant to the issues of public key infrastructure.

(c) INTERAGENCY COOPERATION WITH STUDY.—All agencies of the Federal Government shall cooperate fully with the National Research Council in its activities in carrying out the study under this section, including access by properly cleared individuals to classified information if necessary.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Commerce shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report setting forth the findings, conclusions, and recommendations of the National Research Council for public policy related to public key infrastructures for use by individuals, businesses, and government. Such report shall be submitted in unclassified form.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce $450,000 for fiscal year 1998, to remain available until expended, for carrying out this section.

SEC. 12. PROMOTION OF NATIONAL INFORMATION SECURITY.

The Under Secretary of Commerce for Technology shall—

(1) promote the more widespread use of applications of cryptography and associated technologies to enhance the security of the Nation's information infrastructure;

(2) establish a central clearinghouse for the collection by the Federal Government and dissemination to the public of information to promote awareness of information security threats; and

(3) promote the development of the national, standards-based infrastructure needed to support commercial and private uses of encryption technologies for confidentiality and authentication.

SEC. 13. DIGITAL SIGNATURE INFRASTRUCTURE.

(a) NATIONAL POLICY PANEL.—The Under Secretary of Commerce for Technology shall establish a National Policy Panel for Digital Signatures. The Panel shall be composed of nongovernment and government technical and legal experts on the implementation of digital signature technologies, individuals from companies offering digital signature products and services, State officials, including officials from States which have enacted statutes establishing digital signature infrastructures, and representative individuals from the interested public.

(b) RESPONSIBILITIES.—The Panel established under subsection (a) shall serve as a forum for exploring all relevant factors associated with the development of a national digital signature infrastructure based on uniform standards that will enable the widespread availability and use of digital signature systems. The Panel shall develop—

(1) model practices and procedures for certification authorities to ensure accuracy, reliability, and security of operations associated with issuing and managing certificates;

(2) standards to ensure consistency among jurisdictions that license certification authorities; and

(3) audit standards for certification authorities.

(c) ADMINISTRATIVE SUPPORT.—The Under Secretary of Commerce for Technology shall provide administrative support to the Panel established under subsection (a) of this section as necessary to enable the Panel to carry out its responsibilities.

SEC. 14. SOURCE OF AUTHORIZATIONS.

Amounts authorized to be appropriated by this Act shall be derived from amounts authorized under the National Institute of Standards and Technology Authorization Act of 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Tennessee [Mr. GORDON] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER.]

Mr. SENSENBRENNER. Mr. Speaker, today, in a bipartisan effort, the Committee on Science brings to the floor H.R. 1903, the Computer Security Enhancement Act of 1997. I would like to thank the ranking member, the gentleman from California [Mr. GEORGE BROWN], the Subcommittee on Technology chairwoman, the gentlewoman from Maryland [Mrs. CONSTANCE MORELLA], the ranking member of the subcommittee, the gentleman from Tennessee [Mr. BART GORDON], as well as the 25 other members of the committee who cosponsored this bill.

The Computer Security Act of 1987 gave authority over computer and communication security standards in Federal civilian agencies to the National Institute of Standards and Technology. The Computer Security Enhancement Act of 1997 strengthens that authority and directs funds to implement practices and procedures which will ensure that the Federal standard-setting process remains strong, despite its increasing reliance on a network infrastructure.

The need for this renewed emphasis on the security of Federal civilian agencies is underscored by a recently released report from the General Accounting Office. The 1997 Report on Information Management and Technology highlighted information security as a Governmentwide high-risk issue. It stated that despite having critical functions, Federal systems and data are not adequately protected.

Since June 1993, the GAO has issued over 30 reports describing serious information security weaknesses at Federal agencies. In September 1996, it reported that during the previous 2 years, such weaknesses had been determined for 10 of the 15 largest Federal agencies. For half of these agencies, the weakness had been disclosed repeatedly for 5 years or longer.

Much has changed in the 10 years since the Computer Security Act of 1987 became law. The proliferation of network systems, the Internet, and web access are just a few of the dramatic advances in information technology that have occurred. The Computer Security Enhancement Act of 1997 addresses these changes and provides for greater security for the Federal civilian agencies that base their buying decisions for computer security hardware on NIST standards.

Specifically, H.R. 1903 requires NIST to encourage the acquisition of off-the-shelf products to meet civilian agencies' security needs. Such practices will reduce the cost and improve the availability of computer security technologies for Federal civilian agencies.

The bill strengthens the role played by the independent Computer System Security and Privacy Advisory Board in NIST's decision-making process. The CSSPAB, which is made up of representatives from industry, Federal agencies, and private organizations, has long been considered a vital part of NIST's standard-setting process on emerging computer security issues. Strengthening the board's role will help ensure that the Federal Government benefits from private sector expertise.

H.R. 1903 establishes a new computer science fellowship program for graduate and undergraduate students studying computer security.

It provides for the National Research Council to study the desirability of key infrastructures. The NRC would also examine the technologies required for establishing such an infrastructure.

Further, the bill requires the Under Secretary of Commerce for Technology to actively promote the use of technologies that will enhance the security of communications networks and electronic information; to establish a clearinghouse of information available to the public on information security threats; and to promote the development of standards-based infrastructure that will enable the widespread use of encryption technologies for confidentiality and authentication.

Finally, H.R. 1903 establishes a national panel to discuss digital signatures. The panel will explore all factors associated with developing a national digital signature infrastructure based on uniform standards.

Mr. Speaker, Members will notice the old section 7 directing NIST to assess foreign encryption products has been removed, to satisfy the concerns of the administration and my colleagues on the Permanent Select Committee on Intelligence. I trust this action will help assure that all Members can support this legislation without reservation.

Mr. Speaker, the Computer Security Enhancement Act of 1997 will ensure that Federal civilian agencies enjoy the highest standard of information technologies, both for transmitted and stored data. The protection of this vital data is necessary for the security of all Americans.

Mr. Speaker, I encourage my colleagues to support this measure, and I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1903, the Computer Security Enhancement Act of 1997. I am an original cosponsor of H.R. 1903, and have worked closely with the chairman, the gentlewoman from Maryland [Mrs. MORELLA], to improve the bill during the Subcommittee on Technology's deliberations.

Not a day goes by that we do not see some reference to the Internet and the explosive growth of electronic commerce. What was originally envisioned as a network of defense communications and university researchers has now become an international communications network, of which we are just beginning to realize its potential.

Reports from both the Office of Technology Assessment and the National Research Council have identified a major obstacle to the growth of electronic commerce: the lack of widespread use of computer security products. H.R. 1903 is a first step to encourage the use of computer security products, both by Federal agencies and the private sector, which in turn will support the growth of electronic commerce.

I want to highlight the underlying purpose of this legislation: to encourage the use of computer security products, both by Federal agencies and the private sector. I am convinced that we must have a trustworthy and secure electronic network system to foster the growth of electronic commerce.

H.R. 1903 builds upon the successful track record of the National Institute of Standards and Technology, in working with industry and other Federal agencies, to develop a consensus on the necessary standards and protocols required for electronic commerce.

I would like to take a few minutes to explain provisions I added to this legislation. One of the provisions aims to increase the public awareness of the need to improve the security of communication networks by requiring the Technology Administration to establish a clearinghouse of public information on electronic security threats.

And the other provision I felt necessary was to establish a coordination mechanism in the development of national digital signature infrastructure by establishing a national panel of business, technical, legal, State, and Federal experts.

Digital signature technology is essential to ensure the public trust of networks such as the Internet. Digital signature verifies that the businesses or individual we are communicating with is who we think they are, and that the information being exchanged has not been altered in transit. For this technology to be developed, a trusted certification authority for the digital signature must exist.

Several States already have statutes in place to regulate this technology. However, for a national system to develop, uniform standards must be in place. Without this uniformity, variations will exist among different State requirements for certification authorities which could affect the reliability and security of operations associated with issuing and managing certification.

These provisions do not give the Federal Government the authority to establish standards or procedures. We simply create a national panel of public and private representatives to begin to address how to develop and integrate a consistent policy regarding digital signatures.

H.R. 1903 is entirely consistent with recommendations of the Office of Technology Assessment, the National Research Council, and independent experts who have appeared before the subcommittee. I want to stress that the underlying principle of H.R. 1903 is that it recognizes that Government and private sector computer security needs are similar. Hopefully the result will be lower cost and better security for everyone.

This bill is a result of bipartisan cooperation. It has been a pleasure working with Chairman MORELLA on this legislation, as well as Chairman SENSENBRENNER and the former chairman, the gentleman from California, [Mr. GEORGE BROWN]. I urge my colleagues to support H.R. 1903.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Mr. Speaker, I appreciate the chairman yielding time to me.

Mr. Speaker, I very enthusiastically support H.R. 1903, the Computer Security Enhancement Act. This amends, of course, the 1987 act, because the world has changed since 1987. Last year the Department of Defense systems experienced as many as 250,000 attacks, just in 1995. It was estimated that 64 percent of these attacks were successful in gaining access to the Department of Defense systems. I think Federal agencies have to employ appropriate countermeasures, and today we are not set to do that.

With the growth in the Internet, individual users across the country are relying more and more and on communications and business commerce through the Internet, but the testimony before the committee shows that there continue to be problems, and the technologies to better protect users does not exist. Security problems in individual computers that connect to the Internet are very much at risk.

One interesting note, and I think this starts to address it with a system that authorizes the National Institute of Standards to reserve $750,000 for new computer science fellowship programs for students to study security. Of 5,500 Ph.D.'s granted in computer science and engineering last year, a scant 16 pertained to computer security. It is not even a required course to get a doctorate in computer science and engineering. Only 50 percent of the 16 were given to U.S. nationals.

Mr. Speaker, I think this will start to move in a different direction and rectify this. I congratulate the chairman of the committee, the ranking member, and others who are cosponsoring this. I think it is a needed change. I rise in support, and ask my colleagues to support it.

Mr. GORDON. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BROWN], my leader and mentor on the Committee on Science.

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding time to me. I appreciate the opportunity to speak briefly on this subject.

Mr. Speaker, I recognize that the gentleman has already, together with the chairman, the gentleman from Wisconsin [Mr. SENSENBRENNER], laid out the basic content of the legislation, and I hope I do not duplicate what he has said unnecessarily.

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I am, of course, in support of H.R. 1903, the Computer Security Enhancement Act of 1997. This bill will increase the protection of electronic information in Federal computer systems, and moreover, will help to stimulate the development of computer hardware and software technologies by American companies.

The bill was developed as a collaborative initiative by majority and minority members of the Committee on Science, and I applaud the efforts of the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman, in moving the bill expeditiously through the committee and bringing it to the floor as he has on so many other bills before our committee.

I would also like to acknowledge the valuable contribution of the gentlewoman from Maryland [Mrs. MORELLA], the chair of the Subcommittee on Technology, and the gentleman from Tennessee [Mr. GORDON], the ranking Democratic member of the subcommittee, who I am sure all of my colleagues recognize actually do the difficult work of developing the language in legislation of this sort and making whatever necessary compromises have to be made. I of course will defer to their judgment as to what needs to be in a bill of this sort.

A decade ago the Committee on Science was instrumental in the passage of a measure that gave the National Institute of Standards and Technology the responsibility for the protection of unclassified information in Federal computer systems. Specifically, the Computer Security Act of 1987 charged NIST to develop appropriate technical standards and administrative guidelines as well as guidelines for training Federal employees in security practices. We were just beginning to recognize at that time the importance of these new technology communication initiatives which are becoming such an important part of our lives today.

Overall, NIST has received somewhat mixed reviews on its performance in carrying out its responsibilities under the 1987 statute. The agency has been criticized for allowing the National Security Agency to exercise too much influence on the development of standards for unclassified Federal computer systems and for developing standards that were inconsistent with emerging market standards.

We in California, of course, are very much concerned with the role we play in global commerce in systems of this sort because such a large part of new developments in this area occur in California and it has become a large part of our economy.

Also, according to NIST's external advisory committee, the agency ought to devote greater resources and effort to providing advice and assistance to Federal agencies in order to help them to satisfy their information security needs.

H.R. 1903 seeks to elevate NIST's commitment to meeting its responsibilities under the Computer Security Act. It also reinforces the policy established by the 1987 act that NIST has the primary responsibility for the protection of unclassified Federal computer systems and networks.

Mr. Speaker, I want to emphasize two important themes of the bill. First, it seeks to expand the use of validated commercially available cryptography technologies by Federal agencies, which will in turn stimulate the U.S. market for computer security products; and, second, the bill puts in place mechanisms to ensure greater public participation in the development of computer security standards and guidelines for Federal systems.

The threats to electronic information are much greater than when the Computer Security Act was passed in the House in 1987. H.R. 1903 is an important step toward addressing this vulnerability.

Mr. Speaker, I commend H.R. 1903 to my colleagues for their approval and encourage their support for its passage in the House.

Mrs. MORELLA. Mr. Speaker, I rise in support of H.R. 1903, legislation I introduced with Chairman SENSENBRENNER and ranking Members GORDON and BROWN on June 17, 1997, and which was unanimously reported out of the Technology Subcommittee, which I chair, on July 29, 1997.

The Computer Security Enhancement Act of 1997, updates the Computer Security Act of 1987 to take into account the evolution of computer networks and their use by both the Federal Government and the private sector.

H.R. 1903 recognizes that the U.S. Government is not grappling with the issues of data security in a vacuum. The bill encourages the setting of standards which are commercially available, thus aiding our software and hardware industries as well as assuring that the government can secure its information technology infrastructure with the most effective and cost efficient products. This is significant both because of the vital role the information infrastructure plays in our lives and the role that technology has in our economy.

Information technology security, or rather the lack of attention paid to it by the Federal Government, may well make the year 2000 computer problem seem small in comparison if we do not focus our attention on this vital area.

In their May 1996 report, the General Accounting Office [GAO] stated that the Department of Defense systems may have experienced as many as 250,000 attacks during 1995, of that total, about 64 percent of attacks were successful at gaining access to the DOD system. This information is even more troubling when you realize, as the report points out, that these numbers may be underestimated because only a small percentage of attacks are detected.

Federal agencies are incurring significant risk by not effectively employing cryptographic countermeasures for transmitted and stored data.

H.R. 1903, which seeks to promote the effective use of cryptography along with other security tools by Government agencies, is consistent with the conclusions of the National Research Council's CRISIS report and should help to ensure that Federal systems remain safe and the integrity of sensitive and private data is not compromised.

Additionally, according to statistics from the Business Software Alliance, the software industry alone is reported to have employed over 619,400 people last year, with an additional 1,445,600 jobs created in related industries. Placing a renewed emphasis on setting standards for procurement by Federal civilian agencies—standards which consider market driven specifications—will assist industry as well as ensure that Federal civilian agencies benefit from the wealth of knowledge which the private sector can provide.

Mr. Speaker, H.R. 1903 is a good and much needed bill. It was authored and is supported in equal measure on both sides of the aisle and carries over half of the full roster of the Science Committee as its cosponsors. I urge all my colleagues to support its passage.

Mr. TAUZIN. Mr. Speaker, I rise today to explore the issues presented by H.R. 1903, the Computer Security Enhancement Act of 1997, some of which are within the jurisdiction of the Committee on Commerce. The main purpose of H.R. 1903 appears to be to update the Computer Security Act of 1987 to improve computer security for Federal civilian agencies. This is a laudable goal. However, certain provisions of the bill before us today are not limited to issues within the purview of the National Institute of Standards and Technology [NIST], or to the improvement of computer security for Federal civilian agencies. Therefore, I must make note of the fact that the House Committee on Commerce maintains a strong jurisdictional interest in the telecommunications and commerce issues addressed in H.R. 1903.

For example, the findings listed in section 2 of H.R. 1903 include language asserting that the development and use of encryption should not be driven by Government requirements, and that export policy should be determined in light of the public availability of comparable encryption products outside the United States. Neither of these findings, nor policies to promote the findings, are within the scope of the Computer Security Act of 1987, or the authority of NIST.

Several provisions of H.R. 1903 address the use and development of a public key management infrastructure. Public key management infrastructure is an issue between private entities and law enforcement officials. Such infrastructure does not currently exist and is not part of the administrative question of how to improve computer security for Federal civilian agencies.

In addition, H.R. 1903 calls for the establishment of a national panel on digital signatures. While the formation of a panel may or my not be the right course of action, the issue is a question of electronic commerce that is completely outside the scope of this legislation.

Finally, H.R. 1903, as reported by the Committee on Science, included language that would have transferred authority currently vested in the Bureau of Export Administration to NIST. I understand this language regarding the determination of whether a product is generally available abroad has been removed from the bill before us today. However, the existence of the provision illustrates how far afield from the issue of computer security for Federal civilian agencies H.R. 1903 has traveled.

I will not plow through a provision-by-provision analysis of H.R. 1903 in my statement today. For the record, however, I must point out that H.R. 1903 seeks to establish encryption, telecommunications, and commerce policy far beyond the reach of the authority of either NIST or the Computer Security Act of 1987.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to thank Chairman SENSENBRENNER and Ranking Member BROWN for their work in bringing this opportunity to the House to construct a legislative response to the growing dependency of this Government and the public on computers and related technology.

As a cosponsor of this bill I would also like to thank Congresswoman MORELLA for her critical leadership in this area as chair of the Technology Subcommittee.

While telecomputing technologies have generated a great deal of excitement in our country these communications innovations have also presented daunting challenges to privacy and security both in the Federal Government and private sectors.

The challenge for this Congress is to solve the problems of security and privacy while allowing full public access and utilization of the technology to heighten the exchange of information between Government agencies and its citizens Federal computers must be secured from unwanted intrusions.

I support strong encryption products being made available to the private sector domestically and internationally to insure privacy of communications, business transactions, commercial exchanges and for the protection of Internet accessible copyrighted materials. I believe that well-thought-out Federal encryption policy is the first of many steps that this Congress can take to facilitate the development of telecomputing technology and the strengthening of domestic computer-related industries.

It concerns me that many communications today are carried over channels that are easily tapped. For example, satellites, cellular telephones, and local area networks are vulnerable to interception. Tapping wireless channels is almost impossible to detect and to stop, and tapping local area networks may be very hard to detect or stop as well.

Approximately 10 billion words of information in computer-readable form can be scanned for $1.00 today, allowing intruders, the malicious individuals or groups, or spies to gain access to sensitive information. A skilled person with criminal intentions can easily develop a program that recognizes and records all credit card numbers in a stream of unencrypted data traffic.

As a member of the House Committee on the Judiciary, I am particularly interested in the vulnerabilities and weaknesses that have been raised during hearings on government computer security on the House and Senate. Beginning last year under the direction of then Senator Nunn hearings on Security in Cyberspace were held. It is unprecedented in our Nation's history of technology dissemination that in 5 years the number of Internet users has grown from 1 million to 58 million with an estimated growth rate of 183 percent per year.

This rapid growth, which is creating the interconnection of civilian, Government, private, and foreign computers, is the foundation of the Global Information Infrastructure. The expansion of computer telecommunication technology has created growing efficiencies in information management, the delivery of goods and access to ideas. While accomplishing this end, it has created more vulnerability in networked systems that have not incorporated security measures, both private and government.

Unfortunately, as the hearings have so effectively pointed out, our Nation's information infrastructure is increasingly vulnerable to computer attack from foreign states, subnational groups, criminals and vandals. Your own staff's research revealed that computer hackers use different routes of attack, often crossing national boundaries and using private and public computer network systems. I recognize the complex and novel legal and jurisdictional issues that hinder the detection of and response to computer intrusions. However, I am equally mindful of the need to protect government systems with technology which is available from the growing problem of unwanted intrusion or tampering.

It is estimated that the private sector experiences $800 million in losses in a year according to a group of security firms who responded to an inquiry for evidence during the Senate's review of security in cyberspace.

The original design of the Internet was intended for 256 computer networks in the United States. Today, the Internet is a constellation of more than 135,000 networks throughout the world and growing. It is estimated that one-fifth of the American population is already connected to the Internet. The number of worldwide Internet users tripled between 1993 and 1995, to somewhere between 40 and 60 million users. There will be a quarter billion regular users by the year 2000. About 100 countries have Internet access, with 22 joining in 1995. There were fewer than 30,000 Internet-linked computer networks 2 years ago. Today, there are more than 90,000.

In an "Issue Update On Information Security and Privacy in Network Environments" produced by the now disbanded Office of Technology Assessment under the section on safeguarding unclassified information in Federal Agencies it states that, "The need of congressional oversight of federal information security and privacy is even more urgent in time of government reform and streamlining. When the role, size, and structure of the federal agencies are being reexamined, it is important to take into account both the additional information that security and privacy risks incurred in downsizing, and the general lack of commitment on the part of top agency management to safeguarding unclassified information."

The Department of Defense's computer systems are attacked every day according to a GAO Report on Information Security. The Defense Information Systems Agency [DISA] estimates that in 1995 as many as 250,000 attacks may have occurred.

The need to provide guidance to agencies regarding computer security and encryption for Government which is reliable and adequate for the information it is intended to protect, is well established.

I support the need to provide an escrow system for the encryption that is used on Government systems whether they be mainframes or desktop personal computers. These machines are not for private use nor should they be considered personal property. They are purchased and maintained at taxpayer expense and the information they contain is our responsibility to protect.

This legislation would also provide important information on the state of encryption abroad. This will allow us to plan better for a stronger economy and heightened security for information and systems.

Overall, the goals of encryption and its use in the Federal Government may offer the measure of protection needed to secure computers from unwanted intrusions.

I urge my colleagues to vote in favor of H.R. 1903.

Mr. GORDON. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LaHood). The question is on the motion offered by the gentleman from Wisconsin [Mr. Sensenbrenner] that the House suspend the rules and pass the bill, H.R. 1903, as amended.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1903.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EARTHQUAKE HAZARDS REDUCTION ACT OF 1977 AUTHORIZATION

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 910) to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes.

The Clerk read as follows:

S. 910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—

(1) in subsection (a)(7)—

(A) by striking "and" after "1995,"; and

(B) by inserting before the period at the end the following: ", $20,900,000 for the fiscal year ending September 30, 1998, and $21,500,000 for the fiscal year ending September 30, 1999";

(2) in subsection (b)—

(A) by striking "and" after "September 30, 1995;";

(B) by inserting before the period at the end the following: "; $52,565,000 for the fiscal year ending September 30, 1998, of which $3,800,000 shall be used for the Global Seismic Network operated by the Agency; and $54,052,000 for the fiscal year ending September 30, 1999, of which $3,800,000 shall be used for the Global Seismic Network operated by the Agency"; and

(C) by adding at the end the following: "Of the amounts authorized to be appropriated under this subsection, at least—

"(1) $8,000,000 of the amount authorized to be appropriated for the fiscal year ending September 30, 1998; and

"(2) $8,250,000 of the amount authorized for the fiscal year ending September 30, 1999,

shall be used for carrying out a competitive, peer-reviewed program under which the Director, in close coordination with and as a complement to related activities of the United States Geological Survey, awards grants to, or enters into cooperative agreements with, State and local governments and persons or entities from the academic community and the private sector.";

(3) in subsection (c)—

(A) by striking "and" after "September 30, 1995,"; and

(B) by inserting before the period at the end the following: ", (3) $18,450,000 for engineering research and $11,920,000 for geosciences research for the fiscal year ending September 30, 1998, and (4) $19,000,000 for engineering research and $12,280,000 for geosciences research for the fiscal year ending September 30, 1999"; and

(4) in the last sentence of subsection (d)—

(A) by striking "and" after "September 30, 1995,"; and

(B) by inserting before the period at the end the following: ", $2,000,000 for the fiscal year ending September 30, 1998, and $2,060,000 for the fiscal year ending September 30, 1999".

SEC. 2. AUTHORIZATION OF REAL-TIME SEISMIC HAZARD WARNING SYSTEM DEVELOPMENT, AND OTHER ACTIVITIES.

(a) Automatic Seismic Warning System Development.—

(1) Definitions.—In this section:

(A) Director.—The term "Director" means the Director of the United States Geological Survey.

(B) High-risk activity.—The term "high-risk activity" means an activity that may be adversely affected by a moderate to severe seismic event (as determined by the Director). The term includes high-speed rail transportation.

(C) Real-time seismic warning system.—The term "real-time seismic warning system" means a system that issues warnings in real-time from a network of seismic sensors to a set of analysis processors, directly to receivers related to high-risk activities.

(2) In general.—The Director shall conduct a program to develop a prototype real-time seismic warning system. The Director may enter into such agreements or contracts as may be necessary to carry out the program.

(3) Upgrade of seismic sensors.—In carrying out a program under paragraph (2), in order to increase the accuracy and speed of seismic event analysis to provide for timely warning signals, the Director shall provide for the upgrading of the network of seismic sensors participating in the prototype to increase the capability of the sensors—

(A) to measure accurately large magnitude seismic events (as determined by the Director); and

(B) to acquire additional parametric data.

(4) Development of communications and computation infrastructure.—In carrying out a program under paragraph (2), the Director shall develop a communications and

computation infrastructure that is necessary—

(A) to process the data obtained from the upgraded seismic sensor network referred to in paragraph (3); and

(B) to provide for, and carry out, such communications engineering and development as is necessary to facilitate—

(i) the timely flow of data within a real-time seismic hazard warning system; and

(ii) the issuance of warnings to receivers related to high-risk activities.

(5) Procurement of computer hardware and computer software.—In carrying out a program under paragraph (2), the Director shall procure such computer hardware and computer software as may be necessary to carry out the program.

(6) Reports on progress.—

(A) In general.—Not later than 120 days after the date of enactment of this Act, the Director shall prepare and submit to Congress a report that contains a plan for implementing a real-time seismic hazard warning system.

(B) Additional reports.—Not later than 1 year after the date on which the Director submits the report under subparagraph (A), and annually thereafter, the Director shall prepare and submit to Congress a report that summarizes the progress of the Director in implementing the plan referred to in subparagraph (A).

(7) Authorization of appropriations.—In addition to the amounts made available to the Director under section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)), there are authorized to be appropriated to the Department of the Interior, to be used by the Director to carry out paragraph (2), $3,000,000 for each of fiscal years 1998 and 1999.

(b) Seismic Monitoring Networks Assessment.—

(1) In general.—The Director shall provide for an assessment of regional seismic monitoring networks in the United States. The assessment shall address—

(A) the need to update the infrastructure used for collecting seismological data for research and monitoring of seismic events in the United States;

(B) the need for expanding the capability to record strong ground motions, especially for urban area engineering purposes;

(C) the need to measure accurately large magnitude seismic events (as determined by the Director);

(D) the need to acquire additional parametric data; and

(E) projected costs for meeting the needs described in subparagraphs (A) through (D).

(2) Results.—The Director shall transmit the results of the assessment conducted under this subsection to Congress not later than 1 year after the date of enactment of this Act.

(c) Earth Science Teaching Materials.—

(1) Definitions.—In this subsection:

(A) Local educational agency.—The term "local educational agency" has the meaning given that term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(B) School.—The term "school" means a nonprofit institutional day or residential school that provides education for any of the grades kindergarten through grade 12.

(2) Teaching materials.—In a manner consistent with the requirement under section 5(b)(4) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(4)) and subject to a merit based competitive process, the Director of the National Science Foundation may use funds made available to him or her under section 12(c) of such Act (42 U.S.C. 7706(c)) to develop, and make available to schools and local educational agencies for use by schools, at a minimal cost, earth science teaching materials that are designed to meet the needs of elementary and secondary school teachers and students.

(d) Improved Seismic Hazard Assessment.—

(1) In general.—As soon as practicable after the date of enactment of this Act, the Director shall conduct a project to improve the seismic hazard assessment of seismic zones.

(2) Reports.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, and annually during the period of the project, the Director shall prepare, and submit to Congress, a report on the findings of the project.

(B) Final report.—Not later than 60 days after the date of termination of the project conducted under this subsection, the Director shall prepare and submit to Congress a report concerning the findings of the project.

(e) Study of National Earthquake Emergency Training Capabilities.—

(1) In general.—The Director of the Federal Emergency Management Agency shall conduct an assessment of the need for additional Federal disaster-response training capabilities that are applicable to earthquake response.

(2) Contents of assessment.—The assessment conducted under this subsection shall include—

(A) a review of the disaster training programs offered by the Federal Emergency Management Agency at the time of the assessment;

(B) an estimate of the number and types of emergency response personnel that have, during the period beginning on January 1, 1990 and ending on July 1, 1997, sought the training referred to in subparagraph (A), but have been unable to receive that training as a result of the oversubscription of the training capabilities of the Federal Emergency Management Agency; and

(C) a recommendation on the need to provide additional Federal disaster-response training centers.

(3) Report.—Not later than 180 days after the date of enactment of this Act, the Director shall prepare and submit to Congress a report that addresses the results of the assessment conducted under this subsection.

SEC. 3. COMPREHENSIVE ENGINEERING RESEARCH PLAN.

(a) National Science Foundation.—Section 5(b)(4) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(4)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) develop, in conjunction with the Federal Emergency Management Agency, the National Institute of Standards and Technology, and the United States Geological Survey, a comprehensive plan for earthquake engineering research to effectively use existing testing facilities and laboratories (in existence at the time of the development of the plan), upgrade facilities and equipment as needed, and integrate new, innovative testing approaches to the research infrastructure in a systematic manner.".

(b) Federal Emergency Management Agency.—Section 5(b)(1) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(1)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) work with the National Science Foundation, the National Institute of Standards and Technology, and the United States Geological Survey, to develop a comprehensive plan for earthquake engineering research to effectively use existing testing facilities and laboratories (existing at the time of the development of the plan), upgrade facilities and equipment as needed, and integrate new, innovative testing approaches to the research infrastructure in a systematic manner.".

(c) United States Geological Survey.—Section 5(b)(3) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(3)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (G) and inserting "; and"; and

(3) by adding at the end the following:

"(H) work with the National Science Foundation, the Federal Emergency Management Agency, and the National Institute of Standards and Technology to develop a comprehensive plan for earthquake engineering research to effectively use existing testing facilities and laboratories (in existence at the time of the development of the plan), upgrade facilities and equipment as needed, and integrate new, innovative testing approaches to the research infrastructure in a systematic manner.".

(d) National Institute of Standards and Technology.—Section 5(b)(5) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(5)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following:

"(D) work with the National Science Foundation, the Federal Emergency Management Agency, and the United States Geological Survey to develop a comprehensive plan for earthquake engineering research to effectively use existing testing facilities and laboratories (in existence at the time of the development of the plan), upgrade facilities and equipment as needed, and integrate new, innovative testing approaches to the research infrastructure in a systematic manner.".

SEC. 4. REPEALS.

Sections 6 and 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705 and 7705a) are repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. Sensenbrenner] and the gentleman from California [Mr. Brown] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. Sensenbrenner].

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 910, an act to authorize appropriations for carrying out the National Earthquake Hazards Reduction Act for fiscal years 1998 and 1999 is nearly identical to H.R. 2249, a bill reported out of the Committee on Science by voice vote on July 29, 1997, and discharged from further consideration by the Committee on Resources on August 1, 1997.

S. 910 is the result not only of a bipartisan effort but also a bicameral effort to craft legislation that is in the national interest. This legislation is strongly supported by both Democrats and Republicans on the Committee on Science and the Committee on Resources.

The National Earthquake Hazards Reduction Program has been successful in increasing our understanding of the science of earthquakes, where earthquakes are likely to occur and how the built environment is impacted by the ground shaking and other effects of this phenomenon. Because of what this program has taught us over the years, measures have been taken at the Federal, State and local levels to mitigate the effect of potential earthquakes, reducing our risk and vulnerability.

Despite these advances, much more remains to be done. Many areas of this country face an earthquake threat that could result in the loss of thousands of lives and hundreds of billions of dollars of economic damage. Early in 1995, Kobe, Japan suffered just such a catastrophe. Over 6,000 people lost their lives in that earthquake, and the economists have estimated the economic losses at over $200 billion.

The legislation we have before us today will do much to further our understanding of the effects of earthquakes and enable additional mitigation to occur. Specifically, S. 910 enables the program to continue its good work in earthquake research and hazards mitigation. This legislation authorizes approximately $105 million in fiscal year 1998 and $108 million in fiscal year 1999 for the four NEHRP agencies, the Federal Emergency Management Agency, the U.S. Geological Survey, the National Science Foundation, and the National Institute of Standards and Technology.

In addition, the bill provides $3.8 million in each of fiscal years 1998 and 1999 for the U.S. Geological Survey for the operation of the global seismic network.

There are several other provisions of this legislation I would like to highlight which I believe will strengthen NEHRP and provide for a more robust earthquake science and engineering research infrastructure into the next century.

First, the legislation authorizes $8 million specifically for the U.S. Geological Survey's external grants program. This action is consistent with the Committee on Science's ongoing efforts to recognize and support external competitive peer review programs within the science agencies.

Second, the bill requires the Director of the U.S. Geological Survey to develop a prototype, real-time seismic hazard warning system which will enable our Nation's vital lifelines, such as electric utilities, gas lines, and high speed railroads to receive warnings in advance of an earthquake. It is hoped that these warnings can be provided in time to shut down the lifelines, thereby guarding against the catastrophic effects that occur when such facilities are ruptured or damaged by earthquakes.

Third, this reauthorization requires an assessment of regional seismic monitoring networks to determine the state of facilities and equipment.

Fourth, the bill authorizes the Director of the National Science Foundation to use funds to develop Earth science teaching materials and to make them available to local elementary and secondary schools. This is consistent with the increased emphasis which the Committee on Science is placing on all science education for grades K through 12.

Fifth, the legislation directs the Director of the U.S. Geological Survey to approve hazard assessment of seismic zones throughout the United States and report to the Congress.

Sixth, the bill requires the Director of FEMA to assess and report on disaster training capabilities and programs offered by the agency.

And finally, the bill requires the Director of the National Science Foundation to work with the other NEHRP agencies to develop a plan to effectively use earthquake engineering research facilities, which includes upgrading facilities and equipment and integrating innovative testing approaches.

Mr. Speaker, S. 910 is a well thought out bill which has broad bipartisan support as well as the support of the earthquake science and engineering communities.

Before closing, I would like to thank and commend the gentleman from California [Mr. BROWN], my committee's ranking member, for his work on this legislation and his abiding interest throughout his congressional career in earthquake-related research and mitigation.

I would also like to thank the gentleman from Alaska [Mr. YOUNG], the chairman, and the gentleman from California [Mr. MILLER], the ranking member of the Committee on Resources, who share jurisdictions on portions of this legislation, for their timely efforts in bringing this reauthorization to the House floor.

Mr. Speaker, I urge support of my colleagues for the passage of Senate 910, and I reserve the balance of my time.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished chairman of the full Committee on Science has, I think, given an excellent statement explaining the nature of the bill. I, of course, strongly support the reauthorization of the act. I was involved in 1977 in the passage of the original program and I have watched it flourish from its original passage up to the present time.

I should comment here that developing a program which involves close cooperation of four separate agencies is not easy to do in the bureaucratic world of Washington, and it does challenge the oversight role of the appropriate committees. I think that on the Committee on Science, and particularly under the chairmanship of the gentleman from Wisconsin [Mr. SENSENBRENNER], that we have tried to measure up to the requirements of this challenge.

The program, over the last two decades, has accomplished many things. It has produced geological maps and model building codes, for example, that have helped many communities not only understand their seismological risk but to know what to do about it.

In the Nation's public schools the program has introduced schoolchildren to the science of earthquakes, and with our universities it has trained many of the Nation's leading seismologists and earthquake engineers but, most importantly, for 20 years, NEHRP has provided an authoritative voice informing the public about what are real and what are imagined threats from earthquakes, and this is a job that we must not trivialize, especially since Hollywood still produces films like "Volcano," a film that I enjoyed by the way, no matter how factually incorrect it was.

Despite this long list of accomplishments, NEHRP has also failed to meet many of the expectations of its original sponsors, and I think I can say that objectively, as one of those sponsors. For example, it has been unable to convince every earthquake prone community to adopt stronger building codes or to enforce testing protocols for new construction methods or to completely monitor earthquake prone areas with state-of-the-art equipment.

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While these shortcomings can be blamed on such things as a lack of funding, they are also a result of priority-setting efforts within the four different NEHRP agencies that are focused primary on each agency's individual initiatives and not on the needs of the multiagency NEHRP program.

I have already commented on how difficult that is to do in large scale organizations, and this program gives us an opportunity to experiment with ways of handling these kinds of complex interagency programs.

I am excited that the bill before us today addresses some of these concerns. In addition to authorizing increased funding for the base program, the bill begins an ongoing effort to modernize earthquake engineering research facilities, to assess seismic monitoring needs across the Nation, and to explore rapid-response technologies to alert communities to the advent of an earthquake, as the chairman has already described. I look forward to the initiation of these new efforts, and I hope that this committee vigorously oversees the progress.

Before I finish, I would like to commend the chairman of the Committee on Science by noting that this bill is the product of outstanding bipartisan cooperation on the committee and bicameral cooperation between our committee and the Committee on Commerce in the Senate. In a sense we have short-circuited some of the normal processes by meeting informally with the Members on the Senate side to make sure that the bill which finally emerged from that body was compatible with our interests. That has been successfully achieved. And I particularly want to commend the gentleman from Wisconsin [Mr. SENSENBRENNER] for his commitment to utilizing this informal cooperation to expedite the progress of legislation.

I want to also applaud the work of the other Committee members and their staff, especially Kristine Dietz and Tom Weimer of the majority committee staff. I rarely have the opportunity to praise staff members on the majority side, and I delight in doing so when I can.

During the remainder of the Congress I hope we can continue to work in a bipartisan manner and with our Senate counterparts as we have.

Mr. Speaker, I urge the passage of this bill and yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. BOEHLERT] for purpose of a colloquy.

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. SENSENBRENNER] for yielding me the time.

Mr. Speaker, first I would like to point out that the passage of this legislation shows what can happen when we all work together. Since its inception in 1977, the National Earthquake Hazards Reduction Program has contributed greatly to what we now know about the science of earthquakes as well as how to reduce the damage that they can cause. This bill enables the program to continue its good work through continued research, hazard assessment, and public education.

As my colleagues know, Mr. Speaker, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or Stafford Act, as it is commonly referred to, is the primary authority under which FEMA operates many of its preparedness and response programs. The Stafford Act and, in general, Federal management of emergencies and natural disasters falls under the jurisdiction of the Committee on Transportation and Infrastructure and, more specifically, under the Subcommittee on Water Resources and the Environment which I chair. The relationship between the Stafford Act and NEHRP has always been complementary, and I just want to clarify how this bill fits in with the Stafford Act.

Mr. Chairman, section 2(a) authorizes the development of a prototype seismic hazard warning system. It is my understanding that this system will not dictate how disaster warnings are relayed, who is to receive such warnings, or any other aspects of disaster warning or communication systems which are addressed by section 202 of the Stafford Act. Is that correct?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. The gentleman from New York [Mr. BOEHLERT] is correct.

Mr. BOEHLERT. I thank the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman, for that response.

Further, section 2(c) provides for the study of disaster-response training by FEMA. The purpose of this study is to inform the Congress on the adequacy of training for earthquake response. However, it is my understanding this section is not intended to change or otherwise affect the authority for, or implementation of, disaster preparedness training programs. NEHRP does not currently provide authority for such training, and there is no intention that this section is meant to provide such authority. Is that correct?

Mr. SENSENBRENNER. Mr. Speaker, if the gentleman will continue to yield, the gentleman is correct again.

Mr. BOEHLERT. I thank the chairman, and I urge my colleagues to support this well-crafted bipartisan bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Wisconsin [Mr. SENSENBRENNER] that the House suspend the rules and pass the Senate bill, S. 910.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 910, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AUTHORIZING USE OF CAPITOL ROTUNDA TO ALLOW MEMBERS OF CONGRESS TO RECEIVE HIS ALL HOLINESS PATRIARCH BARTHOLOMEW

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 134) authorizing the use of the rotunda of the Capitol to allow Members of Congress to greet and receive His All Holiness Patriarch Bartholomew, as amended.

The Clerk read as follows:

H. CON. RES. 134

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on October 21, 1997, from 11:00 a.m. to 12:00 noon for a ceremony to allow Members of Congress to greet and receive His All Holiness Patriarch Bartholomew, the 270th Ecumenical Patriarch of Constantinople, Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. NEY] and the gentlewoman from Michigan [Ms. KILPATRICK] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

This resolution provides for the use of the rotunda on October 21, 1997, for a ceremony to allow Members of Congress to greet and receive His All Holiness Patriarch Bartholomew, the 270th Ecumenical Patriarch of Constantinople.

At the request of the resolution's sponsor, the gentleman from Florida [Mr. BILIRAKIS], the resolution has been amended to change the time of the ceremony from 10 a.m. to 11 a.m.

Mr. Speaker, I reserve the balance of my time.

Ms. KILPATRICK. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I listened carefully to the gentleman from Ohio [Mr. NEY] and concur with his resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield as much time as he may consume to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from Ohio [Mr. NEY] for yielding me the time.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 134. Mr. Speaker, this bipartisan legislation authorizes the use of the Capitol rotunda for a ceremony where Members of Congress may receive His All Holiness Ecumenical Patriarch Bartholomew, the Archbishop of Constantinople and new Rome.

The Ecumenical Patriarch occupies the foremost position among the National Autocephalos Orthodox Churches worldwide and has the responsibility to coordinate the affairs of the Russian, Eastern Europe, Middle and Far Eastern churches. He is the spiritual leader of nearly 300 million Orthodox Christians worldwide, including approximately 5 million people in the United States.

It is important that Members of Congress, as leaders of a nation that was built on religious freedom and tolerance, have an opportunity to receive and honor one of the world's preeminent religious leaders. Ecumenical Patriarch Bartholomew not only promotes peace and religious understanding throughout the world, but he is also profoundly committed to preserving and protecting the environment. In fact, he has sponsored a conference on the environment at the Theological School of Halki. Today, as the 270th successor to Apostle Andrew, His All Holiness continues his efforts on behalf of religious freedom and human rights.

Finally, Mr. Speaker, I would like to thank Speaker GINGRICH; the gentleman from California Mr. THOMAS, chairman of the Committee on House Oversight, the gentleman from Connecticut [Mr. GEJDENSON], the ranking member, and the gentleman from Texas [Mr. ARMEY], the majority leader, for their efforts toward bringing this resolution to the floor of the House of Representatives.

I also want to express certainly my appreciation to the members of the Hellenic Caucus for their support of this resolution as well as H.R. 2248, the recommendation to award the Patriarch with a Congressional Gold Medal.

In closing, I urge my colleagues to support this most bipartisan legislation.

Ms. KILPATRICK. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from California [Mr. CAPPS].

Mr. CAPPS. Mr. Speaker, I thank the gentlewoman from Michigan [Ms. KILPATRICK] for yielding me the time.

I do want to thank the sponsors of this resolution, the gentleman from California [Mr. THOMAS], the gentleman from Connecticut [Mr. GEJDENSON], the gentleman from Florida [Mr. BILIRAKIS], the Hellenic Caucus and everyone involved. It is a very timely resolution, and I want to give all my support to it.

The Patriarch of Constantinople is one of the world's leading religious figures. He is a man of great intellect, a man of great compassion, and he represents a religious tradition of incomparable majesty. I think that is the only way to describe it.

The Orthodox tradition that he represents is a religious tradition of spiritual validity which combines aesthetic consonance with ancient wisdom. We will bestow the honor on him in allowing him to use the rotunda of the Capitol. But actually, we are the ones who are being honored by his presence here.

I am also very happy to say that he will visit my hometown, my city in the 22d District of California, Santa Barbara, this October for a conference on the environment. He knows spirituality. He knows environmental concerns. He has a very, very keen sense of the geopolitical dynamics of our world today.

So I urge my colleagues to pass this resolution, and I would like to congratulate the authors of the resolution on a very fine resolution.

Mr. NEY. Mr. Speaker, I yield as much time as he may consume to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Ohio [Mr. NEY] for yielding me the time.

Mr. Speaker, I rise in strong support of this resolution authorizing use of the rotunda of the Capitol for Members to greet and receive His All Holiness Bartholomew, Patriarch of the Greek Orthodox Church. I commend the gentleman from Florida [Mr. BILIRAKIS] for introducing this measure which I was pleased to cosponsor, along with many of our colleagues.

We rarely have the occasion to receive individuals of such high character and moral standing as His All Holiness; and when we receive them, we should do so in a manner befitting their rank and title.

Accordingly, I believe reserving the rotunda on the morning of October 21, 1997, for this occasion is highly appropriate, and it is hoped that all of our Members will avail themselves of the opportunity to greet and receive the Patriarch, who is one the world's great spiritual leaders and the 270th Ecumenical Patriarch of Constantinople. He is also a great environmental leader.

His All Holiness is a man of peace who has worked tirelessly to bridge the differences that have sometimes troubled relations between our two friends and NATO allies, Turkey and Greece. As the head of the Orthodox denomination which has close to 300 million congregants worldwide, including millions in North and South America, His All Holiness is looked to for guidance as the principal spiritual leader by many of our fellow citizens.

Accordingly, I urge our colleagues to approve this resolution permitting the use of the rotunda for this important legislation.

Mr. NEY. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I thank the gentleman from Ohio [Mr. NEY] for yielding.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 134, which was introduced by the distinguished gentleman from Florida [Mr. BILIRAKIS], a national leader in the effort to raise awareness of issues of concern to the Greek American community and the Orthodox religion.

Mr. Speaker, House Concurrent Resolution 134 would allow the use of the Capitol rotunda for a ceremony where Members of Congress could greet and receive His All Holiness Patriarch Bartholomew. Patriarch Bartholomew is leader to over 300 million Orthodox Christians worldwide and many millions here in the United States, a religious leader who resides in Istanbul, once referred to as Constantinople, at the ecumenical patriarchade under some very difficult conditions at times.

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Patriarch Bartholomew's visit comes only a few months after the visit of the late Mother Teresa. Having participated in Mother Teresa's visit, I was moved by her presence and felt blessed to be in attendance. It was an honor to meet someone who has done so much to advance the cause of Christ and to "love even the least of these."

Patriarch Bartholomew is similarly a person who is outspoken in his views. He believes in protection of religious freedoms, combating human rights abuses and protecting the vulnerable, born and unborn. As the 270th successor to the Apostle Andrew, His All Holiness Patriarch Bartholomew has been very active in seeking spiritual renewal within the Orthodox Church as well as opening lines of communication between all Christian denominations and other religions.

As such, I am very proud to join with my colleagues in supporting this resolution to make available the Capitol Rotunda to this religious leader who has opened up so many hearts and souls to the good mission of the Orthodox Church. I look forward to his visit next month and urge all my colleagues to participate in his visit. Many of us are excited about this visit as are many of my constituents.

Again, I would like to commend the gentleman from Florida [Mr. BILIRAKIS] on all his hard work to move this matter forward as well as this Congress for considering this important resolution.

Mr. PALLONE. Mr. Speaker, I rise in support of House Concurrent Resolution 134 which, as you know, would authorize the use of the Capitol rotunda for an address by His All Holiness Ecumenical Patriarch Bartholomew. Earlier in the year, I signed a letter to Speaker GINGRICH with over 40 other members of the Hellenic Caucus requesting that the Patriarch have the opportunity to address Congress during his October visit. I consequently signed on as a cosponsor of House Concurrent Resolution 134 when it was introduced just a few months ago and am naturally very pleased to see this bill on the floor today.

On a related front, I hope to see H.R. 2248, another bill concerning His All Holiness Ecumenical Patriarch Bartholomew, on the floor soon. This bill would authorize the President to present a Congressional Gold Medal to the Patriarchate—an honor from this body that I believe he richly deserves.

Mr. Speaker, His All Holiness Bartholomew is one of the world's most important religious leaders. As the Archbishop of Constantinople and New Rome, he is the 270th successor of the almost 2,000-year-old Christian Center founded by Apostle Andrew. In this capacity he serves as the spiritual leader of some 300 million people worldwide. He is also one of the world's most outspoken champions for religious freedom and human rights.

In a recent interview with Time magazine Patriarchate Bartholomew provided some insight on the direction he wants to steer the Orthodox Church. "The Ecumenical Patriarchate," he said "wishes to remain only a church, one which is free and respected by everybody. We have lived side by side with Muslims and Jews, and we have developed trusting relationships with both. It is our belief that Orthodox Christians have a special responsibility to East-West rapproachment."

These are, of course, the types of sentiments that are surely going to be reiterated by Patriarch Bartholomew, and well received by Congress, in October. Indeed, I know many of my colleagues are well aware of the struggles the Eastern Ecumenical Patriarchate in Istanbul has had in exercising its faith free of persecution from the Turkish Government. To date, Patriarch Bartholomew has had no success in persuading the Turkish Government to reopen the Orthodox Church's theological school on Halki. The school was closed by the Turkish Government 25 years ago. It's closure, Mr. Speaker, has prevented the church from preparing new generations of religious leaders.

I am proud to have joined with many of my colleagues in the 104th and 105th Congresses in support of legislation calling on the administration to use its influence with the Turkish Government to help secure religious freedom for Orthodox Christians in Turkey. To that end, I very much look forward to Patriarch Bartholomew's visit and to working with him to pursue religious freedom in Turkey and across the world. I think it is extremely appropriate to make our Capitol available for this purpose and urge all my colleagues to support this resolution.

Ms. KILPATRICK. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Ohio [Mr. NEY] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 134, as amended.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

HOUSING PROGRAMS EXTENSION ACT OF 1997

Mr. LAZIO of New York. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 562) to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage, as amended.

The Clerk read as follows:

S. 562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Housing Programs Extension Act of 1997".

TITLE I—SENIOR CITIZEN HOME EQUITY PROTECTION

SECTION 101. SHORT TITLE.

This title may be cited as the "Senior Citizen Home Equity Protection Act".

SEC. 102. DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.

Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and";

(2) in paragraph (9)(F), by striking "and";

(3) in paragraph (10), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services.".

SEC. 103. IMPLEMENTATION.

(a) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by section 102 in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under subsection (b).

(b) REGULATIONS.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, issue final regulations to implement the amendments made by section 102. Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(B) of such section).

TITLE II—TEMPORARY EXTENSION OF PUBLIC HOUSING AND SECTION 8 RENTAL ASSISTANCE PROVISIONS

SEC. 201. PUBLIC HOUSING CEILING RENTS AND INCOME ADJUSTMENTS AND PREFERENCES FOR ASSISTED HOUSING.

Section 402(f) of The Balanced Budget Downpayment Act, I (42 U.S.C. 1437aa note) is amended by striking "and 1997" and inserting ", 1997, and 1998".

SEC. 202. PUBLIC HOUSING DEMOLITION AND DISPOSITION.

Section 1002(d) of the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995 (42 U.S.C. 1437c note) is amended by striking "September 30, 1997" and inserting "September 30, 1998".

SEC. 203. PUBLIC HOUSING FUNDING FLEXIBILITY AND MIXED-FINANCE DEVELOPMENTS.

Section 201(a)(2) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134)) (42 U.S.C. 1437l note) is amended by striking "fiscal year 1997" and inserting "fiscal year 1998".

SEC. 204. MINIMUM RENTS.

Section 402(a) of The Balanced Budget Downpayment Act, I (Public Law 104–99; 110 Stat. 40) is amended in the matter preceding paragraph (1) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998".

SEC. 205. PROVISIONS RELATING TO SECTION 8 RENTAL ASSISTANCE PROGRAM.

(a) TAKE-ONE-TAKE-ALL, NOTICE REQUIREMENTS, AND ENDLESS LEASE PROVISIONS.—Section 203(d) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134)) (42 U.S.C. 1437f note) is amended by striking "and 1997" and inserting ", 1997, and 1998".

(b) FAIR MARKET RENTALS.—The first sentence of section 403(a) of The Balanced Budget Downpayment Act, I (Public Law 104–99; 110 Stat. 43) is amended by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998".

TITLE III—REAUTHORIZATION OF FEDERALLY ASSISTED MULTIFAMILY RENTAL HOUSING PROVISIONS

SEC. 301. SECTION 8 PROJECT-BASED ASSISTANCE CONTRACT RENEWAL AUTHORITY.

Section 211 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (42 U.S.C. 1437f note) is amended—

(1) in subsection (a)(1), by inserting "or 1998" before the semicolon at the end; and

(2) in subsection (b)(4)(A), by inserting after "fiscal year 1997" each place it appears the following: "or 1998".

SEC. 302. MORTGAGE RESTRUCTURING DEMONSTRATION FOR FHA-INSURED MULTIFAMILY HOUSING.

Section 212 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (42 U.S.C. 1437f note) is amended—

(1) in subsection (a)(3)(B), by inserting "or 1998" before the semicolon at the end;

(2) in subsection (h)(1)(B), by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998";

(3) in subsection (h)(1)(F)(ii), by striking "fiscal year 1997" and inserting: "fiscal years 1997 and 1998"; and

(4) in subsection (k), by striking "50,000 units" and inserting "100,000 units".

SEC. 303. MULTIFAMILY HOUSING FINANCE PILOT PROGRAMS.

Section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(1) in subsection (b)(5), by inserting before the period at the end of the first sentence the following: ", and not more than an additional 15,000 units during fiscal year 1998"; and

(2) in the first sentence of subsection (c)(4)—

(A) by striking "and" and inserting a comma; and

(B) by inserting before the period at the end the following: ", and not more than an additional 15,000 units during fiscal year 1998".

SEC. 304. HUD DISPOSITION OF MULTIFAMILY HOUSING.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended by inserting after "owned by the Secretary" the following: ", including the provision of grants and loans from the General Insurance Fund for the necessary costs of rehabilitation or demolition,".

SEC. 305. MULTIFAMILY MORTGAGE AUCTIONS.

Section 221(g)(4)(C) of the National Housing Act (12 U.S.C. 1715l(g)(4)(C)) is amended—

(1) in the first sentence of clause (viii), by striking "September 30, 1996" and inserting "December 31, 2005"; and

(2) by adding at the end the following new clauses:

"(ix) Subject to the limitation in clause (x), the costs of any multifamily auctions under this subparagraph occurring during any fiscal year shall be paid from amounts in the General Insurance Fund established under section 519.

"(x) This authority of the Secretary to conduct multifamily auctions under this subparagraph shall be effective for any fiscal year only to the extent or in such amounts that amounts in the General Insurance Fund are or have been approved in appropriation Acts for costs of such auctions occurring during such fiscal year.".

SEC. 306. INTEREST REDUCTION PAYMENTS IN CONNECTION WITH SALES OF SECTION 236 MORTGAGES HELD BY HUD.

Section 236 of the National Housing Act (12 U.S.C. 1715z–1) is amended—

(1) in the first sentence of subsection (b), by inserting before the colon at the end of the first proviso the following: "and when the mortgage is assigned or otherwise transferred to a subsequent holder or purchaser (including any successors and assignees)"; and

(2) in subsection (c)—

(A) by inserting "(1)" after the subsection designation; and

(B) by adding at the end the following new paragraphs:

"(2)(A) The Secretary may continue to make interest reduction payments to the holder or purchaser (including any successors and assignees) of a mortgage formerly held by the Secretary upon such terms and conditions as the Secretary may determine. In exercising the authority under the preceding sentence, upon cancellation of any contract for such interest reduction payments as a result of foreclosure or transfer of a deed in lieu of foreclosure, any amounts of budget authority which would have been available for such contract, absent cancellation, shall remain available for the project for the balance of the term of the original mortgage upon such terms and conditions as the Secretary may determine.

"(B) The Secretary may exercise the authority to make payments under this paragraph (i) only with respect to mortgage loans under this section which, at the time of the Secretary's assignment or other transfer, have a total amount of unpaid principal obligation of not more than $92,000,000, and (ii) only to the extent or in such amounts as are or have been provided in advance in appropriation Acts.

"(3) Notwithstanding subsection (i)(2) or any other provision of law, in connection with the sale of mortgages held by the Secretary, the Secretary may establish appropriate terms and conditions, based on section 42 of the Internal Revenue Code of 1986 or another appropriate standard, for determining eligibility for occupancy in the project and rental charges.".

SEC. 307. ASSIGNMENT OF REGULATORY AGREEMENTS IN CONNECTION WITH SALES OF MORTGAGES HELD BY HUD.

Section 203(k) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11(k)) is amended by adding at the end the following new paragraph:

"(7) Assignment of regulatory agreement in connection with sale of mortgages.—Notwithstanding any other provision of law, and upon such terms and conditions as the Secretary may prescribe, the Secretary may, in connection with the sale of mortgages held by the Secretary, provide for the assumption of all rights and responsibilities under the regulatory agreement executed by or for the benefit of the Secretary. Such assumption shall further provide for the regulatory agreement to be so assumed by any successor or assignee of the initial assuming entity. Such regulatory agreement shall continue to be binding upon the mortgagor and its successors and assignees.".

TITLE IV—REAUTHORIZATION OF RURAL HOUSING PROGRAMS

SEC. 401. HOUSING IN UNDERSERVED AREAS PROGRAM.

The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking "fiscal year 1997" and inserting "fiscal years 1997, 1998, and 1999".

SEC. 402. HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES AND OTHER LOW-INCOME PERSONS AND FAMILIES.

(a) Authority To Make Loans.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

(b) Set-Aside for Nonprofit Entities.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking "fiscal year 1997" and inserting "fiscal years 1997, 1998, and 1999".

SEC. 403. LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (q), by striking paragraph (2) and inserting the following:

"(2) Annual limitation on amount of loan guarantee.—In each fiscal year, the Secretary may enter into commitments to guarantee loans under this section only to the extent that the costs of the guarantees entered into in such fiscal year do not exceed such amount as may be provided in appropriation Acts for such fiscal year.";

(2) by striking subsection (t) and inserting the following:

"(t) Authorization of Appropriations.—There are authorized to be appropriated for each of fiscal years 1998 and 1999 for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of loan guarantees made under this section such sums as may be necessary for such fiscal year."; and

(3) in subsection (u), by striking "1996" and inserting "1999".

TITLE V—REAUTHORIZATION OF NATIONAL FLOOD INSURANCE PROGRAM

SECTION 501. PROGRAM EXPIRATION.

Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 502. BORROWING AUTHORITY.

Section 1309(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 503. EMERGENCY IMPLEMENTATION OF PROGRAM.

Section 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4056(a)) is amended by striking "September 30, 1996" and inserting "September 30, 1999".

SEC. 504. AUTHORIZATION OF APPROPRIATIONS FOR STUDIES.

Subsection (c) of section 1376 of the National Flood Insurance Act of 1968 (42 U.S.C. 4127(c)) is amended to read as follows:

"(c) For studies under this title, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999, which shall remain available until expended.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. Lazio] and the gentleman from Massachusetts [Mr. Kennedy] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. Lazio].

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 562, the Housing Programs Extension Act of 1997, will provide security and peace of mind for senior citizens seeking to obtain an FHA-insured reverse mortgage. In short, this legislation gives the Department of Housing and Urban Development authority to issue regulations protecting senior homeowners from being charged excessive or unnecessary fees in the reverse mortgage application process.

I should say here, Mr. Speaker, the Department of Housing and Urban Development supports not just this provision, but, as I understand it, the entirety of this bill.

According to a HUD investigation earlier this year, seniors applying for reverse mortgages were being charged up to 10 percent of the total loan amount for estate-planning services from third-party service providers. In some cases this amounted to as much as $10,000 for simply driving homeowners to the bank and sitting with the applicants during discussions with the lender.

Mr. Speaker, seniors use these funds for assistance with medical expenses, critical home repairs, groceries and other everyday living expenses. Charging senior citizens $10,000 for services that are essentially free is truly an abomination.

In response to these allegations, I, along with members of the minority, including the gentleman from Massachusetts [Mr. KENNEDY], introduced H.R. 1297, the Senior Homeowner Reverse Mortgage Protection Act, earlier this year with the support of the administration. H.R. 1297 was included in the manager's amendment to H.R. 2, which passed the House with strong bipartisan support last May.

Mr. Speaker, last Congress we extended the FHA-insured reverse mortgage program until the year 2000. The program has helped make the American dream of home ownership a continued reality for more than 20,000 seniors who might otherwise be forced to sell their homes because of the rising costs of living associated with aging.

Reverse mortgages allow seniors who are house rich but cash poor to tap into the equity in their homes for much needed assistance with everyday living expenses. For many, the program provides seniors with the opportunity to remain in their own neighborhoods, close to family and friends instead of being forced to live in nursing homes.

Mr. Speaker, it is profoundly disturbing that such a valuable tool for our Nation's most vulnerable population has been jeopardized by such practices. This legislation will prevent these activities and will ensure that the reverse mortgage proceeds will go toward sustaining the quality of life of seniors across America.

Mr. Speaker, the committee amendment to S. 562 will also extend certain noncontroversial public housing reform measures for 12 months. The committee amendment originally extended these provisions for 6 months, but at the request of the minority, the legislation will extend these measures for a full year.

During this Congress and the last Congress, these public housing reform measures have been enacted annually through the appropriations process. These interim reforms are set to expire in only a few weeks, on September 30, 1997. A short-term extension measure from the authorizing committee, therefore, is necessary for the House and Senate to complete a conference and enact permanent public housing reform.

Mr. Speaker, since the 103d Congress we have been working hard to systematically and systemically reform our Nation's public housing programs. In the last Congress both the House and Senate passed comprehensive public housing reform legislation. Unfortunately, we were unable to complete a conference on the two bills before recess. In the 105th Congress, this Congress, the House passed comprehensive public housing reform last May by a vote of 293 to 132. Senate passage of comparable legislation is anticipated in the next few weeks. A conference is fully expected with a conference report to be completed early in the second session.

Mr. Speaker, the legislation also extends the existing section 8 multifamily housing demonstration program for 1 year to prevent any disruption to tenants or owners of section 8 developments while we continue to pursue a permanent solution to the problem of expiring section 8 contracts.

I will say that even if we could come to an agreement tomorrow, Mr. Speaker, with the Senate on this provision, it would probably be at least 1 year to 18 months before regulations were in place. This demo extension is needed and is supported by the administration as well as the National Leased Housing Association and other stakeholders. I want to repeat it is supported by the administration and other stakeholders.

Finally, the legislation includes a number of housekeeping measures, including a number of multifamily housing reforms at the request of the administration, a 2-year extension of rural housing programs and a 2-year extension of the National Flood Insurance Program, both of which will expire at the end of this fiscal year unless we take action now.

Mr. Speaker, these extensions are critical to avoid a destabilization of the marketplace and to ensure the continuity of service to needy Americans. In particular, in regard to the National Flood Insurance Program, if we fail to extend the program's borrowing authority, we risk being unable to serve devastated families that are affected by natural disasters. FEMA Director Witt indicated to me earlier this month, as a matter of fact only a couple of days ago when he called me at home, that without the extension of borrowing authority, FEMA would be forced to turn away families in the event of a significant disaster. We do not want that result. Mr. Speaker, I urge all Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, reluctantly I rise in opposition to S. 562 and urge my colleagues to vote against it. I was surprised to learn, although I was a few minutes late for the beginning of the opening statement of the gentleman from New York [Mr. LAZIO], that he indicated that the administration supports this.

The fact of the matter is I talked to Secretary Cuomo over the weekend. He indicated he was very strongly opposed, not to the provisions that pertain to the Senior Citizen Home Equity Protection Act, but he as well as the White House have all indicated to me that they are very much opposed to the addition of the extenders plus the mark-to-market provisions that are contained in this bill.

I think it is important to recognize that while I do not believe the White House or that HUD or would we take much issue on the extenders on various provisions that both the gentleman from New York [Mr. LAZIO] and I have talked about and agree in most of the provisions that we are talking about here, the real problem comes with the containment of the mark-to-market provisions.

There are two major problems with the bill. First, I would like to point out to Members that we should not be deceived by the title, the Senior Citizen Home Equity Protection Act. I am an original cosponsor of that legislation in the House which would provide important protections against scam artists who bilk senior citizens by charging them excessive fees for reverse mortgage equity loans for services which HUD provides as a matter of course.

The Senate has already passed the bill, and the right thing to do would be to take up the Senate bill without modifications or additions. If the majority party were doing so today, it would pass overwhelmingly, and we could have it on the President's desk this week for enactment into law.

Instead the majority party is playing games, adding on provisions that the Senate will never take up, in effect delaying the final passage of this important consumer protection bill for senior citizens.

Instead S. 562 has been modified to include many other provisions. While most of these are reasonable, we in the minority believe that one provision will undermine efforts to reach final agreement on critically needed mark-to-market legislation.

This is an issue which we in the minority simply disagree with the majority party in the House. We Democrats strongly support the Senate bipartisan mark-to-market proposal which was included in both the Senate reconciliation and the VA–HUD appropriations bills. We Democrats want to include that bill in the VA–HUD conference report, but we are opposed by the same House Republicans who do not support the bill.

In fact, the Senate bipartisan mark-to-market bill is essential to provide an orderly transition to market-based section 8 rental payments. This is necessary to preserve affordable housing and to protect low-income families and seniors from displacement.

Also, the Congressional Budget Office has scored the Senate bill as saving an additional $500 million. Including this in the VA–HUD conference report would allow us to spend $500 million more on critical priority areas like education, health care and housing. But instead, today we are being called upon to reject the mark-to-market proposal and instead pass a continuation of the demonstration program. It is simply the wrong approach.

Finally, I would like to respond to the claim that it is important to pass this bill to reassert the authority of the authorizing committee, the Committee on Banking and Financial Services. This is a curious claim indeed. First, I would like to point out that the Committee on Banking and Financial Services itself has not even considered the bill that we are voting on today. Second, I would like to point out that most of the provisions of the bill are not new authorizing legislation, but simply a continuation of existing policy or appropriations riders.

Finally, with regard to the mark-to-market approach, we have been debating this issue in the Congress for years, but we have never held a committee markup. It is understandable why Senate Republicans and Democrats alike are frustrated with our lack of progress and have moved on their own. It is time to send a bill to the President.

In conclusion, I would urge my colleagues to reject this bill. It will not speed up the final enactment of senior citizens' home equity protections, simply because the Senate will refuse to take up the language if it is included with these extenders and the mark-to-market legislation. All it will do is impede the progress of the critical mark-to-market approach. It is the wrong bill, the wrong process, and I urge a "no" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH], the distinguished chairman of the Committee on Banking and Financial Services.

Mr. LEACH. I thank the gentleman for yielding me this time.

Mr. Speaker, let me say there are several aspects of this bill before us. One is an issue of sheer compassion, the whole precept of whether senior citizens should be preyed upon and whether profiteering should occur with regard to a very responsible Federal program which is applicable in a limited number of circumstances, the so-called reverse mortgage. The second relates to a series of issues of extenders that are part of this bill and what is perceived to be a delaying tactic on the minority side.

I think it fair to ask the gentleman from Massachusetts, what extender does he object to? I say this because all of these provisions were dealt with in a bill that came out of the Committee on Banking and Financial Services called H.R. 2, or they are in current law. And so my concern is what precise extenders does the gentleman object to?

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. For the sake of the record, I would just like to point out to the gentleman that neither title III, title IV nor title V were included in the legislation the gentleman is referring to, No. 1.

No. 2, I do not really have a problem with a lot of the extenders. I tried to pass a message along to the office of the gentleman from New York [Mr. LAZIO] saying that if he wanted to include the extenders but exclude the mark-to-market approach, that I would be happy to support this bill today.

What we are trying to get at here is the gentleman knows because he was, I believe, at a meeting last week where he understands that Senator MACK simply is not going to allow this legislation to be taken up. Why do we not just mark up the mark-to-market legislation, separate that out and go ahead and pass these protections on for the senior citizens?

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Mr. LEACH. Mr. Speaker, reclaiming my time, I would simply say the gentleman gave an opening introduction in which he objected to the extenders. So there is no misunderstanding, the minority has no objection to the extenders. They only object to the mark-to-market provisions. The mark-to-market approach, which is a fairly subtle thing in terms of the public perspective, is simply an extension of an ongoing program.

Now, the question then becomes, what are we doing with the larger issue for which there are certain differences with the other body? The gentleman from New York [Mr. LAZIO] has very thoughtfully introduced a very comprehensive bill. It is in the public record. We have modest differences with the other body on two large issues, both of which, however, are in the context of which there is 95 percent agreement on approach. It is the intent of the House side to be very forthcoming in negotiations with the Senate on these issues. What we are attempting to pass today is by no means intended to be delaying. It is intended to take care of extenders that must occur this month, and also to take care of a very compassionate issue.

So I would only say to the gentleman from Massachusetts [Mr. KENNEDY] that we have some very minor concerns about a given Senate approach in the mark to market. We will negotiate with them very straightforwardly, very reasonably, with the intent of protecting the U.S. taxpayer and the public interest, and no other intent or any other motivation whatsoever.

In so doing, we hope to come out with a better protective taxpayer approach than has simply been endorsed by the other side today. But there is nothing in this proposal that is designed to do anything except advance what must be done this month under law and to take care of an approach, if there is no agreement that can be reached with the Senate. But we have total desire to reach agreement with the Senate. The chairman of the subcommittee and the chairman of the full committee are very committed to resolving this issue in this Congress and if at all possible, in this session.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself 1 minute to respond to the statement by the chairman of the full committee, the gentleman from Iowa [Mr. LEACH]. I would like to point out while he suggests that the mark to market issue is some minor issue that is not out there in the public purview, that does not mean that it is not by far and away the most important issue that we are talking about here. It is fully half of the housing programs of this country.

What we are talking about is whether or not we are going to cost the taxpayers of this country an additional $500 million this year. I would suggest to the chairman of the full committee that there is in fact a substantive reason for doing this, and that is that it will take away from the impetus to get this bill passed.

You have a bipartisan approach that has passed in the U.S. Senate. All it requires is for us to move this bill in the Committee on Appropriations and get this thing done. While we sit and dawdle and dither, we end up costing the taxpayer millions and millions of dollars.

This is simply a tactic to throw in what is not an issue that is in the public view, it is out of the public view, but if you shove this into this bill, what will end up occurring is we will cost the taxpayer money. We will do it without ever showing them the light of day as to what has happened, and it will give a great deal more credence to the ability of the chairman of the Subcommittee on Housing and Community Opportunity to then gut the protections for the poor that will be contained in the bill. That is the ultimate objective of what is occurring here today.

Mr. Speaker, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Speaker, I yield myself 2 minutes for the purpose of entering into a dialog with the gentleman from Massachusetts [Mr. KENNEDY].

Let me begin by saying that I believe deeply that this demonstration program needs to be extended. I think even if we were to come to an agreement tomorrow with the Senate, and I think the chairman of the full panel has explained what our position is, we would still need, because of regulations and rules, there would be a time between 12 and 18 months before we would get an actual program in effect, in which we would need this extension.

I hear the gentleman from Massachusetts has no intention of going along with that, and these other reforms and extensions are so important at this point. We cannot allow the flood insurance program to lapse, we cannot allow these extenders to lapse, and we need to protect seniors to the point where I am wondering if I made a unanimous consent request to delete the sections that are offensive to the gentleman from Massachusetts, if that would win his support of the rest of the provisions of this measure?

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Speaker, it would indeed. I very much appreciate the chairman's willingness to provide that kind of compromise and I look forward to working with the gentleman on the mark to market issue. I think there are a number of extenders, and I just wanted to let the gentlemen know as well as the chairman of the full committee, the gentleman from Iowa [Mr. LEACH], know that I know the gentleman from Nebraska [Mr. BEREUTER] and others have had concerns about rural housing programs and a number of other extenders.

I did try to communicate to the chairman's office that we would be happy to work with the gentleman on those noncontroversial extenders, and I appreciate the offer that the gentleman has made here on the floor.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to express my appreciation to the gentleman for doing this. I would urge the next time, to the gentleman, work this out before the gentleman ruins my afternoon.

Mr. LAZIO of New York. Mr. Speaker, reclaiming my time, let me hold my tongue.

MODIFICATION TO MOTION OFFERED BY MR. LAZIO OF NEW YORK

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that S. 562 be amended to strike sections 301 and 302 from title III.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the modification is as follows:

Modification offered by Mr. LAZIO of New York.

Beginning on page 6, line 5 strike out sections 301 and 302 and renumber succeeding sections accordingly.

Mr. LAZIO of New York. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Nebraska [Mr. BEREUTER], my friend and colleague on the Committee on Banking and Financial Services and the Subcommittee on Housing and Community Opportunity.

Mr. BEREUTER. Mr. Speaker, I rise in strong support of S. 562, as amended, and urge my colleagues to vote for this important measure. I thank the gentleman for his work on the legislation, his initiative, and this Member also felt that the comments of the gentleman from Iowa, the chairman, should have been compelling when he discussed the motivations and objectives of the legislation. But I am glad to see we seem to have arrived at an arrangement here which while it will not satisfy everybody, nevertheless permits, for example, the extenders to go ahead.

Mr. Speaker, as the title of the bill implies, this measure protects senior citizens, one of the Nation's most exploited populations, from unscrupulous financial service providers.

Recent years have seen the development of truly innovative financial tools to assist our aging population. Among these is the reverse mortgage. This product rewards seniors for exercising financial prudence by allowing them to have access to the equity they have built up in their homes without taking out a new first trust mortgage.

Unfortunately, as mentioned a few moments ago, unscrupulous financial planners sometimes have been gouging seniors with inappropriate fees for information which is otherwise available free of charge.

This measure authorizes the Secretary of Housing and Urban Development to take appropriate actions to restrict unnecessary and excessive costs associated with reverse mortgages. The authority should enable HUD to maintain the reverse mortgage as a valued tool in financial planning for seniors, and protect them from being exploited unwittingly.

In addition to the important protections provided to seniors, this measure also contains two other important provisions, among others, which this Member supports.

First, the bill extends for two years section 538, the rural rental multifamily housing loan guarantee program. Legislation permanently authorizing the section 538 loan guarantee program passed the House on April 8, 1997, by an overwhelming bipartisan vote. Unfortunately, the other body has failed to consider this legislation for other extraneous reasons, I gather, and, thus, a more modest authorization is included in this measure.

The section 538 loan guarantee program, which this Member authorized with lots of help from his colleagues on both sides of the aisle, guarantees repayment of loans made by private lenders to either State housing agencies, nonprofit organizations, or for-profit investors, who build or rehabilitate affordable multifamily rental problems in nonmetropolitan areas. This innovative program is a prudent and cost-effective supplementary program to the traditional expensive Federal direct lending program.

Another provision which this Member supports is a 2-year reauthorization of the National Flood Insurance Program, which the subcommittee chairman has mentioned, or NFIP. As a member of the Committee on Banking and Financial Services, this Member was actively involved in writing parts of the recently enacted NFIP reform legislation under the leadership of the gentleman from New York, Chairman LAZIO.

Therefore, this Member is pleased that the program will continue to operate at least somewhat more effectively for 2 more years until this Congress or some future Congress finally enacts the more fundamental reforms which are certainly needed. Note should be made that a problematic provision included in recent disaster assistance legislation has expired and is not extended by this bill. Specifically, a provision lowering the waiting period on new flood policies from 30 to 15 days has expired, and for the benefit of the American taxpayer it should not be resurrected.

In closing, Mr. Speaker, this Member strongly supports this legislation and urges his colleagues and the Members of the other body to approve this measure as soon as possible.

Mr. KENNEDY of Massachusetts. Mr. Speaker, if the chairman of committee has no further speakers, I yield back the balance of my time.

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just once again urge all Members to support these important extensions, protection for senior citizens from being ripped off, antifraud provisions, protections for public housing in general. This is an important vote for rural housing, for people in flood-prone areas to ensure they have proper protection, and I would urge an aye vote.

Mr. Speaker, I include a section-by-section analysis of S. 562 for the RECORD.

S. 562—SECTION-BY-SECTION

Section 1. Short title

Provides that the name of the Act may be cited as the "Housing Programs Extension Act of 1997".

TITLE I—SENIOR CITIZEN HOME EQUITY PROTECTION

Section 102. Disclosure requirements, prohibition of funding of unnecessary or excessive costs

Amends Section 235(d) of the National Housing Act involving Home Equity Conversion Mortgages insured under FHA, and (1) requires a full disclosure of all costs related to originating the mortgage and (2) clarifies the HUD Secretary's authority to appropriately restrict unnecessary or excessive costs related to the origination of the reverse mortgage.

Section 103. Implementation

Requires the HUD Secretary to issue expeditiously an interim notice to implement the provisions of the Act. Further provides that the Secretary shall, within ninety days of the date of enactment, issue final regulations, after notice and opportunity for comment.

TITLE II—TEMPORARY EXTENSION OF PUBLIC HOUSING AND SECTION 8 RENTAL ASSISTANCE PROVISIONS

Section 201. Public housing ceiling rents and income adjustments and preferences for assisted housing

Extends the public housing ceiling rents authority and the definition of adjusted income under the public housing program, and the suspension of Federal preferences, through September 30, 1998.

Section 202. Public housing demolition and disposition

Extends the suspension of the one-for-one replacement requirement through September 30, 1998.

Section 203. Public housing funding flexibility and mixed-finance developments

Extends the public housing flexible funding and mixed-finance development authorities through September 30, 1998. The flexible funding authority enables public housing authorities to use their modernization assistance under section 14 and their development assistance under section 5 of the 1937 Act for any eligible activity authorized under sections 14, 5, or applicable Appropriations Acts (HOPE VI), and for up to 10% of such assistance, any operating subsidy purpose authorized by section 9 of the 1937 Act.

Section 204. Minimum rents

Extends the minimum rent requirement (requiring minimum rents of up to $50) through September 30, 1998.

Section 205. Provisions relating to section 8 rental assistance program

(a) Take-One, Take-All, Notice Requirements, and Endless Lease Provisions. Extends suspension of three requirements of the Section 8 program ("take-one, take-all"; 90-day notice requirement; and "endless lease") through September 30, 1998.

The "take-one, take-all" provision of the 1937 Act requires owners who have entered into a housing assistance payments contract on behalf of any tenant in a multifamily housing project to lease any available unit in the project to an otherwise qualified holder of a certificate or voucher.

The 90-day notice provision for the Certificate and Voucher programs require that owners notify tenants 90 days prior to termination of a contract.

The "endless lease" provision requires that owners not terminate tenancy except for serious or repeated violations of the lease, the law, or for other good cause. This section would limit this requirement to the lease term.

(b) Fair Market Rentals. Extends through September 30, 1998, the requirement that the Secretary establish fair market rents for an area, for purposes of the Section 8 program, at a level equal to the 40th percentile rent of rental distributions of standard quality rental units for the area.

TITLE III—REAUTHORIZATION OF FEDERALLY ASSISTED MULTIFAMILY RENTAL HOUSING PROVISIONS

Section 303. Multifamily housing finance pilot programs

Extends through September 30, 1998, two multifamily risk-sharing demonstration programs, with a 15,000 additional unit limitation for each. Multifamily risk sharing with qualified financial entities was authorized by the Housing and Community Development Act of 1992 (Section 542). The program enables HUD to enter into risksharing partnerships to provide rental housing through two pilot programs for qualified financial entities and for qualified housing finance agencies, and allows FHA to support the multifamily housing market through traditional and new products.

Section 304. HUD disposition of multifamily housing

Enhanced Authority for HUD Disposition of Multifamily Housing. Section 204 of HUD's FY 1997 appropriations Act gave HUD permanent authority to manage and dispose of HUD-owned multifamily properties and mortgages held by the Secretary on such terms and conditions as HUD determines, notwithstanding any other provision of law. Clarifies that the authority to manage and dispose of HUD-owned properties includes the provision of grants and loans from the General Insurance Fund for the necessary costs of rehabilitation or demolition.

Section 305. Multifamily mortgage auctions

Extends the authority to auction mortgages insured under Section 221 of the National Housing Act through December 31, 2005. The current authority expired at the end of FY 1996, and unless extended, HUD will be forced to take assignment of any mortgage where the mortgagee elects to assign such mortgage to HUD. As a result, HUD will incur the financial costs of servicing these mortgages until they are sold in a competitive sale. In addition, extending HUD's ability to auction mortgages prior to assignment allows the mortgage to remain in private hands and avoids payment of a claim against the FHA fund. Costs of the auction activity would be paid from multifamily credit subsidy.

Section 306. Interest reduction payments in connection with sales of section 236 mortgages held by HUD

Provides HUD with limited authority to sell a certain percentage of section 236 mortgages under the National Housing Act with the interest reduction payments contract intact. In this way, the payments would remain available to the project to assist with affordability of the units, support rehabilitation (if any), and increase the selling price of the mortgage. The authority under this provision is limited to an amount of loans which in the aggregate shall not have an unpaid principal balance in excess of $92,000,000, and exercise of the authority shall be subject to prior approval in an appropriations Act.

Section 307. Assignment of regulatory agreements in connection with sales of mortgages held by HUD

Permits HUD to provide for the assumption of all rights and responsibilities under the regulatory agreement when it sells a HUD-held mortgage. The provision would enable HUD to reduce staff time associated with assets which have already been sold.

TITLE IV—REAUTHORIZATION OF RURAL HOUSING PROGRAM ACT OF 1997

Section 401. Housing in underserved areas program

Amends Section 509(f)(4)(A) of the Housing Act of 1949 to extend its authorization for two additional fiscal years, from fiscal year 1997 to fiscal year 1999. This program provides a set-aside out of Sections 502 (single-family), 504 (Repair Loans and Grants), 514 (Farm Labor), 515 (Multifamily Housing) and 524 (site loans) for projects in underserved counties as defined by the Housing Act of 1949.

Section 402. Housing and related facilities for elderly persons and families and other low-income persons and families

(a) Authority to Make Loans. Extends Section 515(b)(4) of the Housing Act of 1949, the authority of the Secretary of Agriculture to make loans, for two additional fiscal years until September 30, 1999. Section 515 provides for multifamily housing loans.

(b) Set-Aside for Non-Profit Entities. Extends Section 515(w)(1) of the Housing Act of 1949, providing for a certain level of funding to be set-aside for non-profit entities, for an additional two fiscal years until September 30, 1999.

Section 403. Loan guarantees. For multifamily rental housing in rural areas

Amends Section 538(q) of the Housing Act of 1949 by inserting a new provision establishing that the Secretary may enter into loan guarantee commitments under this section only to the extent that the costs of the guarantees entered into in a fiscal year do not exceed the amounts provided for that fiscal year in appropriations Acts.

Amends Section 538(t) to extend authorization for loan guarantees made under this title until fiscal year 1999.

TITLE V—REAUTHORIZATION OF NATIONAL FLOOD INSURANCE PROGRAM

Section 501. Program expiration

Amends Section 1319 of the National Flood Insurance Act of 1968 to extend the Act for two additional years until September 30, 1999.

Section 502. Authorization of borrowing authority

Amends Section 1309 of the National Flood Insurance Act of 1968 to extend the borrowing authority until September 30, 1999.

Section 503. Emergency implementation of program

Amends Section 1336(a) of the National Flood Insurance of 1968 to extend the expiration date until September 30, 1999.

Section 504. Authorization of appropriations for studies

Amends Section 1376(c) of the National Flood Insurance Act of 1968 to extend funding authorization for appropriations, in such sums as may be necessary, for studies conducted under the relevant title of the Act, for each of fiscal years 1998 and 1999.

Mr. GILMAN. Mr. Speaker, I rise in support of the Senior Citizen Home Equity Protection Act. Senior citizens are one of our Nation's greatest assets. The guidelines set by this bill will help protect seniors from losing the financial independence they have worked all their lives to achieve.

The Senior Citizen Home Equity Protection Act gives the U.S. Department on Housing and Urban Development authority to issue rules to protect seniors from being overcharged while trying to obtain reverse mortgages. This act also requires that the mortgagor receives a full disclosure of all the costs acquired while attempting to attain this type of mortgage.

A reverse mortgage allows senior citizens age 62 or older to borrow money against the equity of their homes and does not require them to make monthly or principal payments. The purpose of a reverse mortgage is to allow seniors who are "house rich," but "cash poor" to access the equity they have invested in their homes so they may have the money they need to live comfortably on a day to day basis.

If it were not for reverse mortgages, a senior citizen homeowner might have to put their home on the market to cash in on its equity just so they can survive. This would also result in their having no other option but to move into a retirement home, ultimately making them lose the peace of mind and security they had built up in the neighborhoods they used to live in.

Some senior citizens may need our help in protecting the equity which they spent most of their lives in building. That is why I urge my colleagues to join in unanimously supporting the Senior Citizen Home Equity Act.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 562, the Senior Citizen Home Equity Protection Act.

This bill would authorize the Housing and Urban Development [HUD] Department to issue rules to protect senior citizens from being charged unreasonable fees for obtaining reverse mortgages; it reauthorizes for 2 years Federal rural multifamily rental housing development programs and the National Flood Insurance program; it extends for 6 months certain public housing reforms that have been included in appropriations acts the past 2 fiscal years; and it extends for 1 year a section 8 portfolio reengineering demonstration program included in last year's VA–HUD appropriations act.

Maintaining a secure, fair and reliable source of credit for home purchases by senior citizens is very important to me. The service that past generations provided this country is invaluable. Through two World Wars and economic downturns, they stayed the course and kept this country on track to become the economic, social and political success that it is today.

This bill will provide security for seniors who for whatever reason want to purchase a home.

On the behalf of the residents of the 18th Congressional District I am in full support of this bill and would like to urge my colleagues to join me in voting for this measure.

Mr. PAUL. Mr. Speaker, today we are asked to support a bill which has the Federal Government engaged in the unconstitutional business of further regulating mortgage brokers, extending Federal housing programs—some of which would be extended permanently by this bill—and offering flood insurance programs.

This bill will add new regulations by Government and impose new restrictions on the private sector which provides most of the safe and affordable housing in this country. Such regulations and restrictions raise costs and limit availability of housing for our citizens insofar as such additional costs may ultimately be passed along to the consumer. This bill will further add to the Federal Government's intrusion in the housing market by limiting private sector initiatives to help consumers obtain mortgage loans, and eventually, their own homes.

Second, this bill would make authorization of some programs permanent so that future representatives of the people will not be able to judge the wisdom of these specific programs. To the extent Congress has any constitutional right to legislate in this sphere at all, certainly, Representatives must have the legal ability to weigh the specific needs of their constituents and make appropriate decisions. Some of these multi-housing programs are mere demonstration projects which have not proved their worthiness. They have, however, proved their cost to the taxpayer with ever-rising tax bills without the corresponding benefits. Government-run housing schemes are less efficient, more costly and limit the private sector's ability to provide the services that the public wants at a price that properly takes into account true economic costs. Even such misnamed "good government" housekeeping provisions merely perpetuate and extend the Government's reach into the private sector and, ultimately, into the wallets of taxpaying Americans.

With respect to Federal flood insurance programs, the constitutional separation of powers strictly limited the role of the Federal Government and, at the same time, anticipated that maintaining the balance between cost, risk, and the benefits of insuring one's property was best reserved—via the ninth and tenth amendments—to State and local governments, or individuals respectively. One can insure oneself against virtually every natural disaster at some policy premium. Determination of whether the peace of mind and other benefits of insurance outweigh the premium for any particular property is not amongst the constitutionally enumerated Federal powers. The private market provision and resulting cost internalization of such insurance premiums will accomplish much toward enhancing macroeconomic efficiency and, at the same time, eliminate the necessity for the national government to overstep its constitutional bounds with governmental "pseudo-insurance."

In addition, this bill did not go through the proper committee process. I am a member of the House Committee on Banking and Financial Services and have not had the opportunity to vote on, amend, improve, or block this piece of legislation. It is in the committee process, where respective Members make it their responsibility to be better versed in that committee's respective issues, amend and hopefully improve bills as they move through the legislative process. Members of the Banking Committee should have had the opportunity to review relevant legislation before it is voted on by the entire House of Representatives.

As a U.S. Congressman, I remain committed to the Constitution which I, only months ago, swore to uphold. This country's founders recognized the genius of separating power amongst Federal, State and local governments as a means to maximize individual liberty and make Government most responsive to those persons who might most responsibly influence it. For each of these reasons, I must rise in opposition to S. 562, the Senior Citizen Home Equity Protection Act.

Mr. LAZIO of New York. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. LAZIO] that the House suspend the rules and pass the Senate bill, S. 562, as amended.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 562 and that I be allowed to include a section-by-section analysis of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 2016, MILITARY CONSTRUCTION APPROPRIATIONS

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 228 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 228

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 228 waives all points of order against the conference report and against its consideration. The conference report for

H.R. 2016, the military construction appropriations bill for fiscal year 1998, shall be considered as read. The House rules provide for 1 hour of general debate, divided equally between the chairman and ranking member of the Committee on Appropriations.

Mr. Speaker, this conference report appropriates a total of $9.2 billion, which is $600 million less than was appropriated last year. It is important to note, however, this amount is $800 million more than the amount requested by the President.

We know that much of this Nation's military housing and on-base housing have deteriorated to substandard conditions, unsuitable for the men and women who serve our Nation. While our Armed Forces deserve the very best we can provide, the current facilities assure that we will not be able to retain the best and brightest in our military.

□ 1415

This bill addresses the need to improve the quality of life of our military and their families.

Specifically, the bill provides $3.9 billion for family housing, including funding for new housing and improvements. Regarding improvements in the quality of life that I mentioned earlier, H.R. 216 provides $32 million for child development centers, $163 million for medical facilities, and $3 billion for the operation and maintenance of existing family housing units.

It is also important to note that the conference report appropriates $857 million for environmental cleanup and $104 million for environmental compliance.

I hope that we can pass this bill quickly so that there is no delay in cleaning up contaminated sites on our military bases.

This bill achieves our goal of spending taxpayer money more efficiently and where it is needed most. Notwithstanding the constraints we now face after decades of fiscal irresponsibility, H.R. 2016 effectively funds programs that will provide child day care centers and improved hospital facilities. These appropriations guarantee the health and safety of the families and children of our service men and women.

I want to congratulate the gentleman from California [Mr. PACKARD], the chairman of the subcommittee, and the gentleman from North Carolina [Mr. HEFNER], the ranking minority member, for their continued bipartisanship. These two men and their committee understand that this is an important bill for the men and women who defend our country.

I urge the House to pass this rule without delay so that we may proceed with the consideration of a conference report that will improve the quality of life, housing, and medical services of our Armed Forces, their families and their children.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this rule and this conference report providing appropriations for military construction in fiscal year 1998. This conference report rightfully retains the emphasis the House-passed bill placed on quality-of-life issues for the men and women of our Armed Forces and their families, and deserves the support of all of the Members of this body.

Forty-two percent of the funds in this conference agreement are dedicated to family housing, including $900 million for new family housing units and for improvements to existing units and $3 billion for the operation and maintenance of existing units. Decent housing for our troops and their families should be one of the highest priorities, and this bill makes a significant continued commitment toward improving the housing available on our military installations around the world.

But improvements are not just for family housing, Mr. Speaker. This conference agreement also provides $724 million for barracks for single and unaccompanied military personnel. This conference report also includes $32 million for child development centers and $160 million for hospital and medical facilities on military installations.

In combination, these items total more than half of the $9.2 billion recommended in this conference report, amply demonstrating the commitment of this conference on a bipartisan basis to improving the standard of living of the men and women we depend upon to protect and defend our Nation. It is the very least we can do, and I commend this conference report to my colleagues.

Mr. LINDER. Mr. Speaker, I will continue to reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker and Members of the House, at the time that the previous question is put I will ask for a vote on it, hoping to defeat the previous question so that we can make in order a resolution at the end of the resolution, adding a new section which would say that before the House adjourns sine die for the first session of this Congress it shall consider campaign finance reform legislation under an open amendment process.

Mr. Speaker and Members of the House, the purpose of this is to try once again to get the House to consider the important issue of campaign finance reform. We have seen, we have just come through an historic election in this country where hundreds of millions of dollars were raised and spent on behalf of various campaigns, and what we are witnessing now, both in the Senate and soon in the House, are investigations into how that money was spent by both the national committees and the administration and congressional campaign committees.

However, what has become very, very clear in that situation is that there is a dramatic need to overhaul our campaign finance system in this country. Money is now flowing into campaigns that overwhelms all of the limits that originally were placed on Federal campaigns in terms of what individual candidates can take, what individuals can contribute, what organizations, political action committees can contribute. We now see that those reforms are being overwhelmed by the huge influx of soft money into these campaigns.

I personally believe that we should have a ban on soft money, but more important than my personal belief is whether or not this House will schedule campaign finance reform for an open debate on the floor of the House of Representatives.

Last week, the American public witnessed the dictatorial activities of a senior Senator on the Foreign Relations Committee barring a hearing, a simple hearing, as to the fitness of a candidate for Ambassador to Mexico. Democracy seems to have been thrown out of the window here in terms of how these two bodies are now proceeding.

We now see that clearly a majority of Members of the House support some kind of campaign finance reform in one fashion or another, but we are not allowed to debate it. We are not allowed to debate it because a handful of people in the leadership have decided that it will not come to the floor.

POINT OF ORDER

Mr. LINDER. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state his point of order.

Mr. LINDER. Mr. Speaker, I would like to inquire of the Chair whether it is within the Rules of the House to refer to Members in the other body.

The SPEAKER pro tempore. It is not within the rules, and the Chair would advise the Member not to refer to individual Members from the other body.

The gentleman from California may proceed in order.

Mr. MILLER of California. Mr. Speaker, could the Chair explain to me how one talks about the other body, then?

The SPEAKER pro tempore. One refers to it as the other body, and one may not be critical of individual Senators.

Mr. MILLER of California. So some Member in the other body.

The SPEAKER pro tempore. The gentleman may proceed in order.

Mr. MILLER of California. I would be happy to. It is just an interesting notion of free speech.

I would have to say again that some Member in the other body, apparently a single Member in the other body which I cannot identify, but the other body, acted in such a fashion that one cannot get a hearing on the Presidential nomination for Ambassador to Mexico. Those of my colleagues who are familiar with encryption can figure out what I said. Those of my colleagues who are not can read the morning paper and find out what took place.

But the fact of the matter is in this body we see the same kinds of activities to deny a majority in this House a debate and a discussion and a vote on campaign finance reform, and that is tragic. That is tragic because what we see is the infusion of money. The infusion of money, much of the money that cannot be tracked, cannot be traced, nobody takes credit for it, and yet it shows up in campaigns on behalf of one interest versus another, apparently completely unregulated by the campaign laws of this Nation, is influencing how we are making decisions. It is corroding the democratic process. It is corroding the democratic process in this House, and it is corroding the democratic process in the Senate. The time has come to give the people an opportunity to see where we stand on campaign finance reform.

This is not a liberal or conservative issue. This is not a Republican or Democratic issue, although it is the Republican leadership that is currently blocking this. We just noticed this week in one of the more conservative magazines in this country that campaign finance reform has become one of the top issues among conservative constituencies, about whether Republicans will have campaign finance reform or they will not. It has jumped from being of little notice by the American people to now in the double digits of what they consider to be the most important issue confronting this country.

Why is it the most important issue? Because whether we are doing military construction or whether we are doing a tax bill or a commerce bill or whatever it is, what we see now is the special interest influence on the outcome of these debates is disproportionate to that of the average American, and it is disproportionate for one reason. It is disproportionate because of money.

That we are influenced no longer is just the fact that Congressman so-and-so represents us and we can pick up the phone and say "I am an interested citizen in your district." What we now see is too often that phone call is delayed while we talk to people who give tens of thousands of dollars, hundreds of thousands of dollars, and most recently now million dollar contributions.

We now see it is the tobacco companies. We can talk all we want about tobacco while we were doing the tax bill, but it was not in there. And then late one night, the last night of the session, in the dark of night a $50 billion provision got put in that bill because of soft money and special interest money, not because of the American people.

Mr. LINDER. Mr. Speaker, I yield myself 30 seconds to point out that the single largest special interest in the last election were the labor unions which spent, according to a Rutgers University study, between $300 and $500 million in campaigns, 100 percent of it against Republicans, and of the 84 or 85 proposals being proposed or offered as bills, not a single one from the Democrat side proposes dealing with that expenditure.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the Chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank my colleague from Georgia [Mr. LINDER], a member of the Committee on Rules, for yielding me this time.

Mr. Speaker, I would just like to remind the membership that we are debating a rule which waives points of order against the conference report on the military construction appropriation bill. One would not believe that from what I heard when I was sitting up in my office a few minutes ago. Members should generally follow the Rules of the House around here and address themselves to the questions under debate. However, the issue that has been raised by some on the other side of the aisle is of great concern to me, and I really feel compelled to respond to it.

Today, many Members in the minority are advocating that the House should consider some form of campaign finance reform. Well, Mr. Speaker, according to the Congressional Research Service, there are approximately 85 campaign finance reform bills pending before this Congress right now. There are proposals from liberals, there are proposals from conservatives and Republicans and Democrats which approach this issue from differing philosophical perspectives.

But before any legislative body can make laws, it must first assess the functioning of the existing laws. The enforcement of existing law, Mr. Speaker, has experienced an absolute meltdown here in Washington. It is unbelievable to the American public.

When I talk to my constituents in upstate New York, I hear less interest in how political campaigns are financed and more interest in whether public officials in the Clinton White House will obey the law. That is what they were telling me this past weekend when I was home.

Mr. Speaker, the revelations of wrongdoing at the highest levels of the Clinton administration appear in this Nation's newspapers and magazines every single day, not just in conservative publications, but the New York Times just over the weekend calling for an independent counsel to be appointed, and yet nothing is being done by this Attorney General.

The fund-raising scandal of the Clinton administration which continues to unfold on a daily basis raises grave questions about economic espionage that every Member of this body ought to be concerned about. Economic espionage means the loss of American jobs and the extent to which American foreign policy was compromised by influence from a foreign power. Does that not bother my colleagues on the other side of the aisle? I am going to tell my colleagues something, it bothers me as a U.S. citizen.

Was American national security compromised by campaign contributions from abroad, Mr. Speaker? The newspaper editorials across this country say it was, and they call for an independent counsel. Did officials at the highest levels of the Clinton administration break the law in their zeal to raise funds for the President's reelection? Mr. Speaker, these are the profound issues which must be addressed by the investigative functions of this Congress before we can adequately reshape campaign finance laws, if we need to do it at all.

Mr. Speaker, I would urge my friends on the other side to focus their attention on these congressional investigations which are ongoing, rather than call the House into consideration of a nefarious campaign finance reform bill. My constituents are not asking for a vague financing reform proposal, but rather that the occupants of the White House today simply respect their office, and especially the Cabinet level members of the White House, respect their office and obey the laws of the land and carry out their obligations. That is what we ought to be debating on this floor today. That is what the people back home want to know about, Mr. Speaker.

□ 1430

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Speaker, I rise also to talk about the fact that underlying all of the expenditures and the considerations for expenditures is the issue of how we do our business, and whether or not we do it in a credible fashion.

I take some issue with the previous speaker indicating that the voters in his district perhaps are not interested in having us debate campaign finance reform, and instead want to know more what is happening in the investigatory sense.

We have two committees, one in the House and one in the Senate, that are supposedly investigating past practices. Unfortunately, the one in the House is spending a lot of time doing depositions that, I might add, seem to be unfocused, accomplishing very little; in fact, I understand again today have postponed certain hearings with regard to that.

But people in the country are worried about what we are going to do about future practices. They are worried about both parties and the way their fund-raising enterprises have been conducted, and whether or not the perception is that there is any honesty in government, and whether or not the actions we take are credible. There is a perception that the amount of money that is injected into politics at all levels, but particularly the national level, have a bad effect, an ill effect, on our governing.

The fact of the matter is that once again it seems that States and cities are taking the lead in a lot of what should be national or Federal policy initiatives. They are driving national policy.

When it comes to talking about sanctions for South Africa, or it comes to talking about what is going on in Burma, it has been States and local communities that have taken the lead in trying to make sure that something happens there. When it comes to talking about minimum wages, it is the States and local communities that have taken the risk of raising the minimum wage for workers in their communities.

The fact of the matter is that a number of States have moved forward on campaign finance reform. In Vermont we saw the legislature there pass a campaign finance reform initiative. In the State of Maine people went to the ballot and by almost 60 percent got behind a campaign finance reform initiative. In Ohio there has been a cutback in the large contributions and stiffened disclosure rules; in New Hampshire, stiffer disclosure rules; in New York, computerized disclosure rules.

In State after State, in Oregon and Idaho, New Mexico, Georgia, North Carolina, citizens' groups have gone to the fore and led the charge. We should not have to stay here in Congress and wait once again for local citizen groups, local communities, and States to lead the charge on what is, in fact, a national issue of importance to people. As well as knowing what might have gone wrong in the past, they insist that this body look forward to see what we are going to do with our own campaign finance practices.

At a bare minimum we ought to be looking at doing something about soft money. There are few, if any, people in the American public who doubt that that is at least one issue that we can resolve here and we can deal with in this session.

My suggestion is that if there are, in fact, 85 initiatives there, they ought to be assigned to committees, we ought to be debating those, we ought to be moving some of those to this floor, so the American people will not think that the only deliberative body in this entire country that seems unwilling to address the matter is the body that should be doing something first and foremost, this Congress.

Mr. LINDER. Mr. Speaker, I yield 7 minutes to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I, too, want to stand up and echo some comments that were said earlier about how important this military construction budget is, and how important it is that we do first things first and take care of the men and women who have been taking care of our country. I have toured bases across the country, and I have seen, unfortunately, that funding for quality of life issues is woefully inadequate.

I wish this entire debate could be concerned around that, because we could talk not only for an hour but we could talk for days about the importance of taking care of the men and women in uniform that protect and defend this country, and have done so honorably for some time.

Regrettably, the subject has been changed. It has been changed time and time again. Regrettably, some people may believe that there is a cynical reason why the subject continues to be changed. It continues to be changed because those that claim to want to change the law cannot even follow the laws that are already in practice.

I saw this weekend an editorial from the New York Times that aimed directly at many of those who are now clamoring for campaign finance reform. It was in the Sunday editorial. This same Democratic Party who is now stepping forward, claiming that they are now interested in campaign finance reform, took several hits from the usually liberal editorial page of the New York Times.

The New York Times this weekend wrote of this newly reform-minded Democratic Party: "The Democratic Party has engaged in a systematic scheme of juggling its books, transferring money from one account to another, in possible violation of the law." The New York Times also wrote, "* * * the Democrats mixed campaign accounts that are supposed to be rigidly separate. * * * The first order of business ought to be fixing responsibility for the Democrats' fund-raising abuses * * * the shuffling of accounts * * * the laundering of money and illegal transfers of funds from foreign sources."

The New York Times went on to talk about this newly reform-minded Democratic Party by stating, "Last week we learned that the Democratic National Committee routinely deposited soft money in its hard money or candidate accounts without informing the donors * * * it is clear that the DNC was casual about one of the law's most basic distinctions."

They also wrote, "The torrent of disclosures of political fund-raising abuses by the Democrats last year has no doubt had a numbing effect on many Americans. But if ordinary citizens find it hard to keep track of the shady characters, the bank transfers, and memos suggesting that the administration and others knew what they say they did not know, the Justice Department has no excuse."

They conclude by saying that this Attorney General, who for many Democrats in the early 1970's must have been outraged by a lot of the conduct of former Attorney General John Mitchell, it says, "This Attorney General should step aside and let someone with a less partisan view of law enforcement take over the crucial task of investigating the White House money flow."

Yet we continue to hear these so-called calls for reform, when the New York Times itself is talking about money laundering and continued violations of Federal law that we already have in practice.

I have been hearing this now for some time. We have heard that there is a connection, an illegal connection possibly, between the unions, which gave $300,000 to $500,000, and the Democratic National Committee; from Communist China and the Democrat National Committee; and all of these other illegal or improper sources, and yet we hear the Democrats coming to the floor talking about the need for campaign finance reform.

It makes me wonder what parallels could be drawn from, let us say, the driver of Princess Diana coming back from the dead to talk about the need of lowering speed limits in tunnels throughout Paris, or talking about the need to toughen drunk driver laws in Paris. These same people that have violated law after law after law after law now come to us and talk about the need for new laws. They could not abide by the old ones, so let us make them tougher.

Let us talk about a few of the laws we could worry about that fix up things through the rest of this year without going to a new set. The 2 U.S.C. 2441(e) prohibits foreign nationals from directly or through others contributing to any political campaign or soliciting, accepting, or receiving such contributions; in other words, no foreign money. Clearly this law has already been violated.

Then there is section 18 U.S.C. 1956, which prohibits the solicitation or acceptance of laundered campaign contributions intended to conceal the nature, source, ownership, or control of funds. This would apply, for instance, if you are going to, let us say, a Buddhist temple for a fund-raiser and accepting money from dirt-poor Buddhist nuns who have taken an oath of poverty who mysteriously came up with $140,000.

This law, it appears apparent in most major news articles, has already been violated.

Then there is 18 U.S.C. 607, which prohibits the solicitation of campaign funds on Government property. Records show that in this administration a number of people have violated this law over and over again.

Mr. Speaker, I do not have time to do it right now, but we could go through law after law after law. It is certainly not my point to embarrass anybody that comes to this floor, and I will not do it by talking about the specifics of their campaign accounts, but I will say that one person who continually comes to this floor talking about the need to be able to trace campaign forms, and I do not speak today of the gentleman from California [Mr. MILLER], who did bring up this subject, but one person who continually comes to this floor, who comes to this floor talking about the need to be able to trace campaign accounts, received over $590,000 in soft money contributions from union sources who used them in television ads that could not be traced through the Federal Elections Commission.

Mr. Speaker, this call for the changes in laws is nothing more than an attempt to change the subject. Instead of talking about changing the laws, let us just have the Democrats and the Democratic National Committee abide by the laws that are already passed.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the last speaker has made a bunch of interesting comments. I would point out to him that the only Member of the House of Representatives who has pled guilty to campaign violations during this session of Congress was a Member on the other side of the aisle, a Republican Member from the State of California.

If he wants to make these kinds of allegations, he had best be careful when he is talking about Members of the House of Representatives.

Mr. SCARBOROUGH. Mr. Speaker, will the gentleman yield?

Mr. LINDER. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Speaker, my point would be if that gentleman came to this floor talking about the need to clean up campaign finance, I would be the first one to come to this floor telling him that he is acting shamelessly, telling him to get off the floor of this House.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, we are having a little bit of an interesting dialog here on a topic that is important to many of the American people, which is the way we finance our campaigns here to get elected to the U.S. Congress, the Senate, and the Presidency. I think there is room for bipartisan agreement, which is that the current system stinks. It stinks. The influence of special interest money here in Washington, DC, is evident day in, day out.

Go back and page through the tax bill and wonder where some of those special provisions, the 73 special individual provisions in the tax bill which did not grant much tax relief to middle-American families, came from; very, very, very well-financed organizations that give tremendous amounts of money to people running for Federal office.

Mr. Speaker, the Republicans have a problem now. Now their own base, their own constituents, according to a recent poll in the Weekly Standard, a Republican conservative magazine, support by a large margin an overhaul of the way we finance campaigns in this country. So I can understand why the gentleman is defensive the other side of the aisle, why the gentleman wants to obfuscate the issue before us.

I am willing to admit there is a bipartisan problem. There is a problem both with the Democrats and with the Republicans here. I would like to remind the gentleman that it is Bob Dole's vice finance chairman who went to jail for 6 months, Simon Fireman, who pled guilty to 74 counts of money laundering.

Yes, we have some laws, and occasionally someone gets convicted, but the laws are full of loopholes. There are a lot of other people doing things that average Americans think they should go to jail for that are actually legal under these current loophole-ridden numbers.

I am a sponsor of a couple of campaign finance reform bills. I am not going to argue the merits of those bills today, but what I would like to do is see that we here in the U.S. Congress are given a couple of days or a week before we rush home to debate this vitally important issue.

What is wrong with debate? What is wrong with airing these issues? What is wrong with bringing a few bills to the floor in an open amendment process? We have been working on the Health and Human Services bill for 7 days now, interminably, with an open rule. Let us bring campaign finance reform to the floor with an open rule. The chairman of the Committee on Rules promised us we would do almost everything in this Congress under an open rule.

Let us bring something that is so vitally important, that goes so much to the heart of our democracy, here to this floor. Let us have a promise that we will have that debate. Let us have a campaign finance reform week before we leave.

In light of that, we are asking our colleagues to vote no on the previous question to demonstrate their support for bringing this issue up before Congress rushes back for the cover of their home districts.

Mr. LINDER. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. I thank the gentleman for yielding to me, Mr. Speaker.

Mr. Speaker, I rise in support of this rule. Sadly, we got a bit off track on what we are supposed to be discussing. I would concur with the gentleman from Florida's comments who said that we cannot talk about our men and women in the armed services and the wonderful contributions they make to this country.

Mr. Speaker, as I go home each weekend, I meet with constituents, and I talk on talk shows, and I do town hall meetings. The one thing that clearly is communicated to me time and time again is the fact that this body is not very well respected. In fact, some might even say this body is hated and despised. I think it is because hypocrisy flows down the aisles of this body. I think time and time again there are those that speak out of both sides of their mouths.

I am not saying there is a corner on that market with either party, but I have to say that the hypocrisy that I am hearing ring so loudly from the other side is very, very confusing and disheartening.

□ 1445

In fact, what they do rings so loudly in my ears I cannot hear what they say. In the past there have been TV evangelists who stand up, bully thump on the podium and talk about the ravages and the wrongs associated with immorality and extramarital affairs, and then these same TV evangelists, they patrol the streets looking for ladies of the evening to satisfy their desires, and then they wonder aloud why people have lost confidence in them. And we see the exact same thing happening in this body when we see flagrant violation after violation after violation.

And then we have folks on the other side that are trying to play the old bait and switch trick, trying to take the attention from the one nut with the pea under it so that they can pull the old trick on us. Well, let us get down to business and let us make sure that we honor the laws that we have on the books.

I wish that the last speaker was just as passionate in calling for the Attorney General to call on a special counsel so that we can get to the bottom of whether or not existing laws have been violated. Again, what they do rings so loudly in my ears I cannot hear what they say.

The New York Times editorial says Democrats skim $2 million to aid candidates, records show. Why is it that we are not getting that kind of information from the Justice Department? Why is it that we have to rely on the media? Why have we not got special counsel right now? The fact is the Democrats' call for bans on soft money are blatantly hypocritical. While the Democrats cry wolf, the President is soliciting soft contributions of $250,000 a pop from these fund-raisers that he is having.

The Democrats' strategy is simple. Again, it is bait and switch. They are trying to change the subject from illegal fund-raising phone calls of a high ranking official in the White House; from that same official shaking down Buddhist monks. It is time to get with the program. It is time we should understand exactly how existing laws were violated before we cry out for a new law. We have to know all the facts before we move forward.

Should we hold those responsible for violating current campaign finance laws and make them accountable for their actions? Otherwise, if we are going to pass a new law and implement that law with a wink and a nod, as we are doing with existing laws, if we do not have then an Attorney General who has the guts and the decency to investigate current laws, why do we want to add more laws to the books?

It is irresponsible to blame the system for the mess that they are in. It was deliberate unlawful acts, not the system, that caused them to violate the campaign finance laws that existed in the last election. Their calls for new campaign laws are an attempt again to bait and switch.

We want to get the truth out. We all do. Let us work hard to do it, and work hard in a bipartisan way, but let us stop the hypocrisy and walk the walk as well as talking the talk and knock off the hypocritical bait and switch routine that is going on over there.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I can understand the protest from the other side. If I was stonewalling this as hard as they are, I would raise the objections, too.

The fact of the matter is the record is clear that when the Democrats were in control of Congress in the 102d Congress, 1991–92, we passed campaign finance reform and it was vetoed by George Bush. In 1993 and 1994 the Democratic controlled House and Senate again passed comprehensive campaign finance reform, but MITCH MCCONNELL filibustered the final bill on a motion to appoint the conferees.

With the Republican control now in 1995 and 1996, nothing from the Republican Congress; and now in the 105th Congress, nothing from the Republican Congress except a stonewall of the efforts. Our record is clear. When we controlled the House, this debate was brought to the floor of the House and the House worked its will, the Senate worked its will and, unfortunately, President Bush vetoed that legislation.

So I can understand why my Republican colleagues are flailing their arms over there, but the fact of the matter is they are what stands between the American people and the cleaning up of this unacceptable campaign finance system that we currently have.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, I thank the gentleman for yielding me this time, and I wish to remind the body that this rule is for a bill that my colleague and I, the gentleman from North Carolina [Mr. HEFNER], have put together and has been through conference, and we would like to remind the body that that is what this debate is supposed to be about.

We have a good rule. I support the rule. I hope that the body will vote for the rule and that the debate that has now been going on, on campaign finance reform, will not divert our attention away from this very good rule.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

First of all, let me say that I support the rule. This is a reasonable rule, as I stated earlier in my remarks. As the gentleman from California [Mr. MILLER] has indicated, it is his intention to oppose the previous question in order to make an amendment which would require the House to consider campaign finance legislation before we adjourn sine die for the first session of this Congress.

The request being made by the gentleman from California that we consider campaign legislation sometime between now and the end of October is a reasonable request. There are a number of proposals pending which would do a variety of things, and I do not agree with all of the things that are under consideration, and I would like to take a moment to discuss some aspects of that.

That does not mean that we should not consider campaign finance reform, but it does mean that there are some aspects of campaign finance reform that require careful consideration. One is the effort to totally ban donations of non-Federal money, commonly called soft money, to political parties.

Such a ban would have the ultimate effect of destroying the political party system in this country. Mr. Speaker, the destruction of organized political parties does not serve the ends of democracy, and will certainly never ensure the free and open political discourse so many people seek.

Let me be specific. Under this proposal to totally ban soft money, all elections in even numbered years anywhere in this country would essentially be federalized; that is, all activities conducted by State and local political parties would have to be paid for entirely out of federally qualified funds, since the names of Federal candidates appear on the ballot in those years. State and local political parties would be precluded from using funds that are otherwise legal under State law during election years when Federal election contests take place.

Let me take this one step further. If the total ban on soft money were to become law, State and local political parties could not use any locally used funds for such activities as voter registration, slate cards that contain the names of Federal candidates, get-out-the-vote phone banks designed to identify and turn out voters for an entire party ticket, or even programs designed to assist seniors in voting absentee by mail. These activities are of course conducted by State and local parties, which depend upon a combination of non-Federal donations and hard dollars for the funds necessary to carry them out.

Mr. Speaker, since federally qualifying dollars are tightly limited and controlled, and go primarily to candidates for the purchase of television and other advertising, State and local parties and the State and local candidates they support would have great difficulty operating under such a proposal.

There is no question that there have been abuses in the way soft money has been raised and the way soft money has been spent, and I agree, Mr. Speaker, that those abuses should be addressed by the Congress and should be addressed this year. The appropriate way to address these abuses is not to ban soft money, but rather to place reasonable caps on how much any individual or other entity, such as a corporation or union, can contribute to a party committee while allowing political parties to continue to pay for basic turnout activities with a combination of hard and soft dollars.

Mr. Speaker, I for one believe that vibrant, healthy political parties are crucial for the effective functioning of democracy. I feel that the proposal supported by some to totally ban soft money would destroy the institutions that are basic to and necessary for the continuation of a representative democratic government in this Nation. Political parties ensure democratic representation in all levels of government in our society, and without them I fear that ultimately only those individuals who have great personal wealth will have the means to run for political office.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FARR], who has been very active in this area of campaign finance reform on a comprehensive basis for a sustained period of time.

Mr. FARR of California. Mr. Speaker, I would like to submit for the RECORD a short history of campaign finance reform and make it part of the RECORD.

Basically, we have heard comments here today that we as legislators should not legislate; that all we ought to do is investigate, give up our role of making law even when we find things that are broke that need fixing. We would rather hear and smear than make things that are wrong right.

I want to just point out to this House that has certainly not been the history under previous leadership in this House. Whenever my party, the minority party now, has been in charge of this House, we have passed comprehensive campaign finance reform, and that comprehensive campaign finance reform has done one of the primary things that is needed in this country that everybody is talking about, and that is put a limit on what we can spend.

People will say that is unconstitutional, the courts have said. They have never said we could not, in a law, set up a system where candidates could voluntarily limit themselves, and that is the bill that is before this Congress. It was before the last Congress. And in fact in the last Congress it was the bill that got more votes than any other bill on campaign reform.

Unfortunately, this year, we have not even been able to have a hearing in the committee of authorization, much less set a schedule for when that bill will be brought to the floor and voted on.

The American public is sick and tired of seeing us just talk about campaign finance reform, just to investigate past campaigns, they want us to use our role as legislators. The courts cannot do that. The administration cannot do that. When things are broken in the law, the only people that can fix it are the people that are serving in this House. And in fact we can fix it for our House without even fixing it for the Senate. We can have a different set of rules in running for the U.S. Congress.

And we ought to be doing that but, instead, we are trying to backpedal, we are trying to find excuses, we want to have more hearings, we want to discuss it. Well, the history shows that this House has never done that before. We have never waited so long to do so little about campaign reform as we are doing in this session.

In the 1989-90, the 101st Congress, a bill was passed then by Tony Coelho, and it had cosponsors on the other side. It went through the hearings, was adopted and passed the House on August 3, 1990, by a vote of 255. Obviously, it could not have been done just on a pure partisan vote. Bipartisan vote on a comprehensive campaign reform, that same bill, is sitting before the House today, an approved version of that bill H.R. 600.

In the 102d Congress the gentleman from Connecticut [Mr. GEJDENSON] introduced a bill. It had key sponsors from both sides of the aisle. It went through a hearing process and passed the House on November 25.

Mr. Speaker, I will submit the remainder of my remarks for the RECORD. Since I am out of time.

A SHORT HISTORY OF CAMPAIGN FINANCE REFORM

100TH CONGRESS, 1987–88

House

H.R. 2717: Introduced June 18, 1987 by Tony Coelho (D–CA).

Key Cosponsors: Leach, Synar; 96 cosponsors in all.

Legislative action: Went through the hearing process but was never reported from committee (never went to the floor).

Senate

S. 2: Introduced January, 1987 by David Boren (D–OK).

Legislative action: Then-Majority Leader Bob Byrd tried to bring the bill to the floor for a vote. The Republicans filibustered the consideration of the bill for a record seven cloture votes.

101ST CONGRESS, 1989–90

House

H.R. 14: Introduced January 3, 1989 by Tony Coelho (D–CA).

Key Cosponsors: Leach, Synar; 98 cosponsors in all.

Legislative action: No action taken on this bill; for further action, see H.R. 5400.

H.R. 5400: Introduced July 30, 1990 by Al Swift (D–WA).

Key Cosponsors: Gephardt, Gray, Brooks, Annunzio, McHugh, Anthony, Frost, Sabo, Synar; 9 cosponsors in all.

Legislative action: Went through the hearing process. Passed the House August 3, 1990 by a vote of 255–155 (including 15 Republicans voting yes). Was adopted in the Senate on September 18, 1990.

Senate

S. 137: Introduced January 25, 1989 by David Boren (D–OK).

Legislative action: Went through the hearing process. Passed the Senate on September 18, 1990 (H.R. 5400 in lieu) by voice vote.

Conferees were never appointed to reconcile the two versions of the bill. Congress adjourned October 28, 1990.

102D CONGRESS, 1991–92

House

H.R. 3750: Introduced November 21, 1991 by Sam Gejdenson (D–CT).

Key Cosponsors: Gephardt, Bonior, Derrick, Kennelly, Lewis (GA), Hoyer, Fazio; 82 cosponsors in all.

Legislative action: Went through the hearing process. Passed the House November 25, 1991 by a vote of 273–156.

Senate

S. 3: Introduced January 14, 1991 by David Boren (D–OK).

Legislative action: Went through the hearing process. Passed the Senate May 23, 1991 by a vote of 56–42 (H.R. 3750 in lieu).

Conferees were appointed in March, 1992.

House agreed to the conference report on April 9, 1992 by a vote of 259–165.

Senate agreed to the conference report on April 30, 1992 by a vote of 58–42.

President Bush vetoed the bill May 5, 1992.

Senate failed to override the veto May 13, 1992 by a vote of 57–42.

103D CONGRESS, 1993–94

House

H.R. 3: Introduced January 5, 1993 by Sam Gejdenson (D–CT).

Key Cosponsors: Gephardt, Bonior, Derick, Kennelly, Lewis (GA), Hoyer, Fazio; 45 cosponsors in all.

Legislative action: Passed the House November 22, 1993 by a vote of 255–175 (S. 3 in lieu); requested conference with the Senate the same day.

Senate

S. 3: Introduced January 21, 1993 by David Boren (D–OK).

Legislative action: Passed the Senate June 17, 1993 by a vote of 60–38. Cloture filed on motion to go to conference on September 23, 1994 due to filibuster by Senator Phil Gramm (R–TX); cloture failed on September 27. Second cloture petition filed on September 28; failed on September 30.

Congress adjourned sine die on October 8, 1994.

104TH CONGRESS, 1995–96

House

H.R. 3505: Introduced May 22, 1996 by Sam Farr (D–CA).

Key Cosponsors: Gephardt, Bonior, Fazio, DeLauro, Lewis (GA), Richardson, Kennelly; 88 cosponsors in all.

Legislative action: Went through the hearing process; was offered as a substitute to the Republican campaign finance reform bill in committee and on the floor. Failed passage on the floor 177–243. Received bipartisan support.

Senate

S. 1219: Introduced September 2, 1995 by John McCain (R–AZ).

Legislative action: Went through hearing process; cloture filed, failed by a vote of 54–46 on June 25, 1996.

Office of Rep. Sam Farr,
September 9, 1997.

Mr. LINDER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we are here ignoring the purpose of this rule, military construction, and debating campaign finance. It should be pointed out that we are in this fix because the Democrats passed comprehensive reform in 1975, after Watergate, and the adherence to the rules they cannot abide by, and now they want to fix it.

The previous speaker said his party has passed comprehensive reform on many occasions since 1989. They have, reform that they are very happy with because it does not deal with off-record spending by labor unions, the Sierra Club, Ralph Nader, but only those monies raised and spent by candidates. The gentleman from California only deals with soft money. He does not care about all the rest of it, he has to fix soft money.

The fact of the matter is we have good laws on the books that have been broken, and rather than admit that the laws that they broke should put people in trouble with the Justice Department, they want to change the system. This is not new. I have raised two kids through their adolescent and teenage years who are now adults. I have seen people get caught, young children get caught with their hand in the cookie jar and blame the cookie jar. This is blame the system and change the subject.

I have not heard much lately from the Vice President regarding campaign reform. That is perhaps because he has so abused the laws currently on the books. We now see, according to Time Magazine, that his former chief adviser, Mr. Peter Knight, is under investigation by the Justice Department because of his multilayered connections to a Massachusetts manufacturer. They won $33 million in Federal contracts and regulatory breaks from this administration, while the firm and its officers raised or gave a total of $132,000 for the President and his party in the last election.

□ 1500

It goes on to say that Mr. Knight is the epitome of a new generation of money men in both parties whose works does not end with the election, it really just begins. This is the influence peddling. It has nothing to do with money raised or spent legally by Members of Congress or the Senate for election. This is influence peddling, and there are laws on the books currently against that.

It was brought up earlier that the gentleman from California [Mr. KIM] has admitted to raising illegal foreign contributions and is accepting his punishment. It was further brought up that a gentleman raised money for Senator Bob Dole's presidential campaign and spent time in jail. Both are true.

The Justice Department worked fast, swift, and sure against Republicans. But what has it done against Charlie Trie or John Huang or the lady from Thailand, whose last name escapes me? It has not even begun hearing them. The gentleman who helped Senator Bob Dole's Presidential campaign was in jail before. John Huang has not even been questioned.

If the Justice Department worked as meticulously and as quick in the questions of Democratic abuse as it does Republican abuse, we would not be having this discussion.

Mr. Speaker, let me conclude by reminding my colleagues that defeating the previous question is an exercise in futility because the minority wants to offer an amendment that will be ruled out of order as non-germane to this rule. So the vote is without substance. The previous question vote itself is simply a procedural motion to close debate on this rule and proceed to vote on its adoption. The vote has no substantive or policy implication whatsoever.

Mr. Speaker, at this point in the RECORD, I insert an explanation to the previous question.

[From the House Rules Committee]

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

The previous question is a motion made in order under House Rule XVII and is the only parliamentary device in the House used for closing debate and preventing amendment. The effect of adopting the previous question is to bring the resolution to an immediate, final vote. The motion is most often made at the conclusion of debate on a rule or any motion or piece of legislation considered in the House prior to final passage. A Member might think about ordering the previous question in terms of answering the question: Is the House ready to vote on the bill or amendment before it?

In order to amend a rule (other than by using those procedures previously mentioned), the House must vote against ordering the previous question. If the previous question is defeated, the House is in effect, turning control of the Floor over to the Minority party.

If the previous question is defeated, the Speaker then recognizes the Member who led the opposition to the previous question (usually a Member of the Minority party) to control an additional hour of debate during which a germane amendment may be offered to the rule. The Member controlling the Floor then moves the previous question on the amendment and the rule. If the previous question is ordered, the next vote occurs on the amendment followed by a vote on the rule as amended.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appear to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were— yeas 238, nays 189, not voting 6, as follows:

[Roll No. 393]

YEAS—238

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Markey
McCollum
McCrcry
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—189

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boyd
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Farr
Fattah
Fazio
Filner
Flake
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan

Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—6

Brown (FL)
Evans
Foglietta
Furse
Gonzalez
Schiff

□ 1532

Messrs. MARTINEZ, MORAN of Virginia, and BROWN of Ohio changed their vote from "yea" to "nay."

Messrs. PAPPAS, SMITH of Oregon, SAXTON, and DOOLITTLE changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore [Mr. LAHOOD]. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PACKARD. Mr. Speaker, pursuant to House Resolution 228, I call up the conference report on the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 9, 1997, at page 18238.)

The SPEAKER pro tempore. The gentleman from California [Mr. PACKARD] and the gentleman from North Carolina [Mr. HEFNER] each will control 30 minutes.

The gentleman recognizes the gentleman from California [Mr. PACKARD].

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2016, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PACKARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conferees completed this agreement in a short 10 minutes with no disagreement. We have emphasized in this conference report family and unaccompanied housing, daycare centers, hospitals, and those quality of life issues that affect our men and women in the services.

There is no disagreement on the conference report. We feel it will move rather quickly without a great deal of discussion.

I want to express my appreciation to the gentleman from North Carolina [Mr. HEFNER], my counterpart and former chairman of this subcommittee, for the remarkable work he has done in helping to bring this about, and to all members of the committee and subcommittee, both on the Democrat and Republican side. It has been a bipartisan effort to put this conference report together.

Mr. Speaker, I include the following for the RECORD.

MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1998 (H.R. 2016)

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Military construction, Army	565,688,000	595,277,000	721,027,000	652,046,000	714,377,000	+148,689,000
Rescissions	-3,028,000					+3,028,000
Total, Military construction, Army (net)	562,660,000	595,277,000	721,027,000	652,046,000	714,377,000	+151,717,000
Military construction, Navy	707,094,000	540,106,000	685,306,000	605,756,000	683,666,000	-23,428,000
Rescissions	-19,780,000					+19,780,000
Total, Military construction, Navy (net)	687,314,000	540,106,000	685,306,000	605,756,000	683,666,000	-3,648,000
Military construction, Air Force	754,064,000	495,782,000	662,305,000	662,305,000	701,855,000	-52,209,000
Rescissions	-5,100,000					+5,100,000
Total, Military construction, Air Force (net)	748,964,000	495,782,000	662,305,000	662,305,000	701,855,000	-47,109,000
Military construction, Defense-wide	763,922,000	673,633,000	613,333,000	690,889,000	646,342,000	-117,580,000
Rescissions	-51,000,000					+51,000,000
Total, Military construction, Defense-wide (net)	712,922,000	673,633,000	613,333,000	690,889,000	646,342,000	-66,580,000
Total, Active components	2,711,860,000	2,304,798,000	2,681,971,000	2,610,996,000	2,746,240,000	+34,380,000
Department of Defense Military Unaccompanied Housing Improvement Fund	5,000,000					-5,000,000
Military construction, Army National Guard	78,086,000	45,098,000	45,098,000	234,614,000	118,350,000	+40,264,000
Military construction, Air National Guard	189,855,000	60,225,000	137,275,000	185,115,000	190,444,000	+589,000
Rescission	-5,000,000					+5,000,000
Total, Military construction, Air National Guard (net)	184,855,000	60,225,000	137,275,000	185,115,000	190,444,000	+5,589,000
Military construction, Army Reserve	55,543,000	39,112,000	77,731,000	96,079,000	74,167,000	+18,624,000
Military construction, Naval Reserve	37,579,000	13,921,000	40,561,000	21,111,000	47,329,000	+9,750,000
Military construction, Air Force Reserve	52,805,000	14,530,000	27,143,000	31,830,000	30,243,000	-22,562,000
Total, Reserve components	408,868,000	172,886,000	327,808,000	568,749,000	460,533,000	+51,665,000
Total, Military construction	3,125,728,000	2,477,684,000	3,009,779,000	3,179,745,000	3,206,773,000	+81,045,000
Appropriations	(3,209,636,000)	(2,477,684,000)	(3,009,779,000)	(3,179,745,000)	(3,206,773,000)	(-2,863,000)
Rescissions	(-83,908,000)					(+83,908,000)
NATO Security Investment Program	172,000,000	176,300,000	166,300,000	152,600,000	152,600,000	-19,400,000
Family housing, Army:						
Construction	158,503,000	143,000,000	202,131,000	167,100,000	197,300,000	+38,797,000
Operation and Maintenance	1,212,466,000	1,148,937,000	1,148,937,000	1,149,937,000	1,140,568,000	-71,898,000
Total, Family housing, Army	1,370,969,000	1,291,937,000	1,351,068,000	1,317,037,000	1,337,868,000	-33,101,000
Family housing, Navy and Marine Corps:						
Construction	499,886,000	278,933,000	409,178,000	362,619,000	393,832,000	-106,054,000
Operation and Maintenance	1,020,721,000	976,504,000	976,504,000	976,504,000	976,504,000	-44,217,000
Total, Family housing, Navy	1,520,607,000	1,255,437,000	1,385,682,000	1,339,123,000	1,370,336,000	-150,271,000
Family housing, Air Force:						
Construction	317,507,000	253,128,000	341,409,000	296,633,000	295,709,000	-21,798,000
Operation and Maintenance	816,509,000	830,234,000	830,234,000	830,234,000	830,234,000	+13,725,000
Total, Family housing, Air Force	1,134,016,000	1,083,362,000	1,171,643,000	1,126,867,000	1,125,943,000	-8,073,000
Family housing, Defense-wide:						
Construction	4,371,000	4,950,000	4,950,000	4,950,000	4,950,000	+579,000
Operation and Maintenance	30,963,000	32,724,000	32,724,000	32,724,000	32,724,000	+1,761,000
Total, Family housing, Defense-wide	35,334,000	37,674,000	37,674,000	37,674,000	37,674,000	+2,340,000
Department of Defense Family Housing Improvement Fund	25,000,000					-25,000,000
Homeowners Assistance Fund, Defense	36,181,000					-36,181,000
Total, Family housing	4,122,107,000	3,668,410,000	3,946,067,000	3,820,701,000	3,871,821,000	-250,286,000
Construction	(980,267,000)	(680,011,000)	(957,668,000)	(831,302,000)	(891,791,000)	(-88,476,000)
Operation and Maintenance	(3,080,659,000)	(2,988,399,000)	(2,988,399,000)	(2,989,399,000)	(2,980,030,000)	(-100,629,000)
Family Housing Improvement Fund	(25,000,000)					(-25,000,000)
Homeowners Assistance Fund	(36,181,000)					(-36,181,000)

MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1998 (H.R. 2016) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Base realignment and closure accounts:						
Part II	352,800,000	116,754,000	116,754,000	116,754,000	116,754,000	-236,046,000
Rescissions	-35,391,000					+35,391,000
Subtotal	317,409,000	116,754,000	116,754,000	116,754,000	116,754,000	-200,655,000
Part III	971,925,000	768,702,000	768,702,000	768,702,000	768,702,000	-203,223,000
Rescissions	-75,638,000					+75,638,000
Subtotal	896,287,000	768,702,000	768,702,000	768,702,000	768,702,000	-127,585,000
Part IV	1,182,749,000	1,175,398,000	1,175,398,000	1,175,398,000	1,175,398,000	-7,351,000
Rescissions	-22,971,000					+22,971,000
Subtotal	1,159,778,000	1,175,398,000	1,175,398,000	1,175,398,000	1,175,398,000	+15,620,000
Total, Base realignment & closure accounts (net)	2,373,474,000	2,060,854,000	2,060,854,000	2,060,854,000	2,060,854,000	-312,620,000
Revised Economic Assumption (sec. 125)				-31,000,000	-108,800,000	-108,800,000
Grand total:						
New budget (obligational) authority	9,793,309,000	8,383,248,000	9,183,000,000	9,182,900,000	9,183,248,000	-610,061,000
Appropriations	(10,011,217,000)	(8,383,248,000)	(9,183,000,000)	(9,182,900,000)	(9,183,248,000)	(-827,969,000)
Rescissions	(-217,908,000)					(+217,908,000)

Mr. PACKARD. Mr. Speaker, I reserve the balance of my time.

Mr. HEFNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to echo what my friend the gentleman from California [Chairman PACKARD] said, and also compliment the staff for an excellent job, as well as all the members on the committee.

This is a good bill. It goes toward the things we are so concerned about, the quality of life for our men and women in the Armed Forces. I would urge all Members to vote for this conference report, because it is not controversial and it is something that is good for our men and women in the service.

Mr. UNDERWOOD. Mr. Speaker, the House and Senate conference committee report on H.R. 2016, Military Construction Appropriations for FY 1998, secures funding for the replacement of the fuel pipeline at Andersen Air Force Base on Guam. This is good news for the people of Guam.

Recent information relayed to my office indicated that funding for the pipeline relocation project was in danger of being withdrawn in favor of a Military Housing Project. The jet fuel pipes in question are currently installed above ground and are largely located outside Andersen Air Force Base. Had funding for the project been cut, the safety of the military and civilian population on Guam would have been threatened. In addition, leaving these pipes exposed would hinder economic development on Guam due to blockage of access areas. This is why I am greatly relieved that the conferees decided to restore funds for the pipeline project.

While, the pipeline relocation project is of prime importance to the people of Guam, however, I remain concerned that funds were restored at the expense of military housing improvements. I would like to assure everyone that the quality of life for our service members on Guam remains a priority and that I will continue to try securing funds for the project in the future.

In addition, I am happy to see that some $80 million has been earmarked for barracks improvements in Korea. During my trip to Korea, I actually witnessed the dilapidated condition of their living facilities. The funds designated for this project will surely be welcomed and will improve the quality of life for our troops in Korea.

The Conference Committee also appropriated millions of dollars worth of add-ons for Guard and Reserve activities. However, none of the funds were made available to the Guam Army National Guard. I would like to call to everyone's attention that, due to lack of funding this year, the Guam Army National Guard continues to hold the distinction of being the only National Guard Unit that does not have an Armory. This is something that should be of concern to everyone and some thing that should be in everyone's agenda for the next fiscal year's appropriations.

Mr. PACKARD. Mr. Speaker, I rise in strong support of the final conference version of the FY 1998 Military Construction Appropriations Bill, H.R. 2016, which passed the House of Representatives by a vote of 413 to 12 earlier today. As chairman of the House committee which crafted this legislation, I can attest to the bi-partisan, cooperative spirit in which we have worked to bring this bill before Congress. My colleagues and I have worked to ensure that this legislation is both fiscally responsible and effective in addressing the needs of our armed services. The overwhelming support H.R. 2016 received today is clear proof of this legislation's merit.

The Military Construction Subcommittee appropriates funds for family housing, troop barracks, medical facilities and other items essential to the quality of life for our soldiers and their families. While the members of my Subcommittee are responsible for producing a bill that helps protect our national security, we are also compelled to honor a commitment to take care of those who guard our nation and protect freedom worldwide. Mr. Speaker, with the approval of this legislation today, Congress is sending the President a bill that accomplished nothing less.

I think most Americans would be shocked to see the finest trained and best equipped fighting force in the world coming home to leaky roofs, floors with holes and pipes that spew dirty water. Unfortunately, I have learned during my travel to defense installations both here and abroad that these unspeakable conditions are often a reality for the American soldier and his or her family. In fact, over sixty percent of all family housing in the military is unsuitable. Mr. Speaker, that is absolutely unacceptable.

More than any other legislation we will consider this year, the Military Construction Appropriations bill has the most significant impact on those who serve our nation. This year, our bill directs nearly $4 billion toward new family housing and improvements of existing facilities. We are providing $32 million for new child development centers and $163 million for hospital and medical facilities. We are also directing $724 million for troop barracks that will directly benefit over 12,000 service members.

Mr. Speaker, if America wishes to remain the leader of the free world, we must take care of the men and women who protect our democratic ideals. I thank my colleagues for supporting this legislation and urge the president to sign it when it reaches his desk.

Mr. HEFNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PACKARD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7, rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 12, not voting 8, as follows:

[Roll No. 394]

YEAS—413

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman

Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—12

Barrett (WI)
Campbell
Cubin
Filner
McCollum
Minge
Paul
Royce
Sensenbrenner
Stark
Thornberry
Upton

NOT VOTING—8

Brown (FL)
Evans
Furse
Gonzalez
Millender-McDonald
Nadler
Schiff
Smith (TX)

☐ 1600

Mr. MINGE changed his vote from "yea" to "nay."

Mr. MENENDEZ changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. MILLENDER-McDONALD. Mr. Speaker, during rollcall vote No. 394 on H.R. 2016 I was unavoidably detained. Had I been present, I would have voted "yea".

THE JOURNAL

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I the Journal stands approved.

APPOINTMENT OF CONFEREES ON H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Ms. PELOSI moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2159, making appropriations for foreign operations, export financing, and related financing for the fiscal year 1998, be instructed to insist on the provision of the House bill with respect to providing $650 million for the Child Survival and Disease Programs Fund, including $50 million for combatting infectious diseases.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California [Ms. PELOSI] and the gentleman from Alabama [Mr. CALLAHAN] will each be recognized for 30 minutes.

The Chair recognizes the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I have chosen to make the Child Survival and Disease Programs Fund the subject of my motion to instruct on the foreign operations appropriations bill because of its vital importance and to reinforce a top priority of the House with respect to this bill.

The House, under the leadership of Chairman CALLAHAN, included $650 million for the Child Survival and Disease Programs Fund in order to emphasize that child survival and its programs to reduce infant mortality and to improve the health and nutrition of children in the poorest nations of the world should be our highest priority in our foreign assistance programs.

This year's bill contains an increase of $50 million over the amounts provided last year specifically to combat infectious diseases around the world. These funds will add to the funds already planned to combat diseases such as HIV/AIDS, tuberculosis, polio, yellow fever, malaria, and measles. The Senate bill does not segregate these funds in a separate account, and provides for only $30 million to combat infectious diseases.

The passage of this motion, which I am confident the Chairman will support, will strengthen the position of the House as we go into conference. I look forward to working with Chairman CALLAHAN in securing conference approval for this funding in a separate account, and at a full amount of $650 million.

In addition, I look forward to working cooperatively with Chairman CALLAHAN, as we have so far, in achieving a conference agreement on foreign operations which funds all the programs in the bill at a level which will allow for sufficient resources to preserve the U.S. role of the world's only remaining superpower.

Mr. Speaker, I reserve the balance of my time.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have received broad bipartisan support for the appropriations account I created several years ago for child survival and disease programs. This funding is intended to help protect the children of the world and to help stem the tide of infectious diseases that threaten both our children and ourselves.

We provided funding of $600 million for these activities in fiscal year 1997. Although the administration proposed to slash these funds by $44 million in 1998, we rejected that cut. In fact, we added $50 million, for a total of $650 million, to the child survival and disease programs fund, in order to focus on the growing problem of infectious diseases throughout the world.

Even before this year's initiative, the Subcommittee on Foreign Operations, Export Financing and Related Programs launched an effort 3 years ago to wipe out polio throughout the world. We are providing $25 million a year to assist Rotary International to fulfill its noble goal of eliminating this disease in Asia and Africa. That goal is within our grasp, and I am pleased that the subcommittee has been able to assist Rotary Clubs from around the Nation in this program.

But that is not enough. Tuberculosis continues to strike young people and children throughout the world. In fact, up to 30 million people may die from this disease in the next decade. In addition, health experts now realize that acute respiratory infections kill more children than any other disease. While these diseases are a threat to children everywhere, they are also a direct threat to the United States, due to the huge increase of international travel and migration in the last few years.

In addition, there have been confirmed reports of malaria and yellow fever in our own country. These diseases infected millions of Americans, and caused untold misery early in our history. We need to try to prevent outbreaks from these diseases from occurring again.

The committee has recommended an increase of $50 million for activities to detect, control, and to prevent the spread of these and other communicable diseases. I regret that the administration does not consider child survival and disease programs to be a high priority. I am pleased that the Senate has turned its attention to this problem by providing an increase for infectious disease, but I am disappointed that they could not provide the protection of a separate appropriations account for child survival.

However, with the support of my good friend, the ranking Democrat on my committee, the gentlewoman from California [Ms. PELOSI], and with strong support of our subcommittee and strong support of the House, I am most certain that we will this year, as we did last year, prevail once again in Conference.

I thank very much the gentlewoman from California [Ms. PELOSI] for her motion to instruct the conferees, which I wholeheartedly support, and I urge the House to adopt her motion.

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to instruct the conferees on H.R. 2159, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CALLAHAN. Mr. Speaker, I yield back the balance of my time.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am grateful to our chairman for his support for this motion, for what some of us call the Callahan child survival account. I just want to remind our colleagues there is nothing new in what this motion to instruct calls for. Members have already voted for this dollar amount and this separate account. The purpose of this motion to instruct is to make this a priority in the conference and support the leadership of our chairman, the gentleman from Alabama [Mr. CALLAHAN] on this.

Mr. CALLAHAN. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Speaker, since this provision has been dubbed the Callahan amendment, Mr. Speaker, we have still been unsuccessful in convincing the administration of its importance. So maybe we ought to change the name of the Callahan amendment to the Pelosi amendment.

Ms. PELOSI. Mr. Speaker, maybe it should be the Clinton amendment.

Mr. CALLAHAN. Mr. Speaker, it still remains unpopular on Pennsylvania Avenue, and I am certain if we dub it the Pelosi amendment, then in next year's request they indeed would include it in their request. Or maybe we could do better. Maybe we could ensure that if someday there might be a Republican President, maybe we could name it the Pelosi-Callahan amendment, and thus ensure its inclusion in any bill submitted to this Congress.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for his most generous remarks. I do not accept his characterization of what name would be preferred in order to have this accepted by the administration.

Mr. Speaker, I do wish to say that the Clinton administration indeed has a strong interest and places a high priority on child survival. We think this is the better way to go about it, but we look forward to working with them as, again, the only remaining superpower in the world to assume and maintain our leadership in this humanitarian cause.

Mr. Speaker, I urge our colleagues to support the motion to instruct, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California [Ms. PELOSI].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. CALLAHAN, PORTER, WOLF, PACKARD, KNOLLENBERG, FORBES, KINGSTON, FRELINGHUYSEN, LIVINGSTON, Ms. PELOSI, Mr. YATES, Mrs. LOWEY, and Messrs. FOGLIETTA, TORRES, and OBEY.

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 13 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1711

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mrs. EMERSON] at 5 o'clock and 11 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained. Votes will be taken in the following order:

H.R. 1254;

House Concurrent Resolution 95;

House Concurrent Resolution 109;

H.R. 1903;

S. 910;

House Concurrent Resolution 134; and

S. 562.

All votes are de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

JOHN N. GRIESEMER POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 1254, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH] that the House suspend the rules and pass the bill, H.R. 1254, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the United States Post Office building located at 1919 West Bennett Street in Springfield, Missouri, as the 'John N. Griesemer Post Office Building'.".

A motion to reconsider was laid on the table.

COMMENDING AMERICAN AIRMEN HELD POLITICAL PRISONERS AT BUCHENWALD

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 95.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 95.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE CONTRIBUTIONS JIMMY STEWART MADE TO THE NATION

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 109.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 109.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMPUTER SECURITY ENHANCEMENT ACT OF 1997

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 1903, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 1903, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

☐ 1715

EARTHQUAKE HAZARDS REDUCTION ACT OF 1977 AUTHORIZATION

The SPEAKER pro tempore (Mrs. EMERSON). The pending business is the question de novo of suspending the rules and passing the Senate bill, S. 910.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. SENSENBRENNER] that the House suspend the rules and pass the Senate bill, S. 910.

The question was taken.

Mr. BALLENGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule I, the Chair announces that she will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No 395]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—12

Bonior
Brown (FL)
Furse
Gephardt
Gonzalez
Greenwood
Parker
Rangel
Schiff
Souder
Sununu
White

☐ 1736

Mr. WEYGAND changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GREENWOOD. Madam Speaker, on rollcall No. 395, I was inadvertently detained. Had I been present, I would have voted "yes."

AUTHORIZING USE OF CAPITOL ROTUNDA TO ALLOW MEMBERS OF CONGRESS TO RECEIVE HIS ALL HOLINESS PATRIARCH BARTHOLOMEW

The SPEAKER pro tempore (Mrs. EMERSON). The pending business is the question de novo of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 134, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. NEY] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 134, as amended.

The question was taken.

RECORDED VOTE

Mr. NEY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 421, noes 0, not voting 12, as follows:

[Roll No 396]

AYES—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—12

Bonior
Brown (FL)
Furse
Gephardt
Gonzalez
Kennelly
Metcalf
Olver
Pascrell
Rangel
Schiff
Waters

☐ 1745

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOUSING PROGRAMS EXTENSION ACT OF 1997

The SPEAKER pro tempore (Mrs. EMERSON). The pending business is the question de novo of suspending the rules and passing the Senate bill, S. 562, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. LAZIO] that the House suspend the rules and pass the Senate bill, S. 562, as amended.

The question was taken.

RECORDED VOTE

Mr. DIAZ-BALART. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 1, not voting 10, as follows:

[Roll No. 397]

AYES—422

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
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Salmon
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Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
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Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
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Weldon (PA)
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Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—1

Paul

NOT VOTING—10

Abercrombie
Brown (FL)
Ehlers
Furse
Gonzalez
Metcalf
Neal
Schiff
Weldon (FL)
Weller

☐ 1755

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read:

A bill to provide for the temporary extension of certain programs relating to public housing, to reauthorize certain programs relating to housing assistance, and to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage, and for other purposes.

A motion to reconsider was laid on the table.

HAPPY BIRTHDAY, MADAM SPEAKER

Mr. PAPPAS. Madam Speaker, I just want to take this opportunity to wish the gentlewoman a very happy birthday.

The SPEAKER pro tempore. The Chair thanks the gentleman from New Jersey and pretends that she is younger than she really is, or tries to be anyway.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the order of the House of Thursday, July 31, 1997, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2264.

☐ 1758

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. BEREUTER (Chairman pro tempore, in the chair).

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, September 11, 1997, the amendment by the gentleman from Indiana [Mr. Hostettler] had been disposed of and section 515 was open for amendment.

Are there further amendments to this section of the bill?

☐ 1800

Mr. EWING. Mr. Chairman, I move to strike the last word to engage the gentleman from Illinois [Mr. PORTER], my esteemed colleague and chairman of the Subcommittee on Labor, Health and Human Services, and Education, in a colloquy.

On September 10, 1997, the Senate voted 91 to 8 to pass an amendment by Senator COVERDELL of Georgia to the Senate Labor Health and Human Services appropriations bill. This amendment included several proposals designed to help respond to the *E. coli* problems we as a nation have experienced recently.

This amendment addresses the *E. coli* issue head on by providing funding for research on the development of improved medical treatment for patients infected with this disease.

This amendment also provides funding to help detect and prevent colonization of *E. coli* in live cattle, and amongst other important provisions provides the implementation of a study on the feasibility of irradiating raw red meet to eliminate the *E. coli* and to develop a consumer education program on the process' safety.

I would strongly urge that Chairman PORTER look favorably upon this amendment when deliberations begin in conference.

Mr. Chairman, I yield to the gentleman from Illinois [Mr. PORTER], the distinguished subcommittee chairman.

Mr. PORTER. Mr. Chairman, I thank the gentleman from Illinois [Mr. EWING], my colleague, for yielding.

I am aware of the amendment pertaining to *E. coli* that was accepted on the Senate bill. While I cannot agree with the amendment's approach of tapping funds already appropriated for other purposes instead of providing an offset to fund the *E. coli* initiative, I think we would all agree that the *E. coli* problem is a serious one. I would expect the House conferees to look favorably upon action to encourage the Department of Health and Human Services to undertake those activities highlighted in the amendment which appropriately fall within the HHS mission.

In fact, the House bill already provides an increase for the Centers for Disease Control infectious diseases program to support the new food safety initiative.

Mr. EWING. I thank the chairman. I appreciate his interest and concern, and I hope that the conference committee will take this matter up.

AMENDMENT NO. 5 OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore Mr. BEREUTER. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. GOODLING:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) PROHIBITION OF FUNDS FOR NATIONAL TESTING IN READING AND MATHEMATICS.—None of the funds made available in this Act may be used to develop, plan, implement, or administer any national testing program in reading or mathematics.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the following:

(1) The National Assessment of Educational Progress carried out under sections 411 through 413 of the Improving America's Schools Act of 1994 (20 U.S.C. 9010–9012).

(2) The Third International Math and Science Study (TIMSS).

(Mr. GOODLING asked and was given permission to proceed for 5 additional minutes.)

Mr. GOODLING. Mr. Chairman, I have been rather disappointed on several occasions in the last couple weeks when it was mentioned by some that perhaps this was a political argument. I want to assure everyone this has nothing to do with politics whatsoever.

My concern and my interest comes from 22 years as an educator, 22 years as a teacher, a guidance counselor, a principal, a superintendent of schools, a supervisor of student teachers, a school board president, a PTA president. My concern is based simply on the fact that I believe I have learned a lot in those 22 years as to how children learn, why children do not learn, and what one does in order to have children learn. As a matter of fact, in March 1991 I wrote an op ed, and that was during President Bush's administration, in opposition to this very same issue.

We are told, first of all, that 17-year-olds in this country, some of the most recent statistics would indicate that 52 percent read fairly well, comprehend fairly well, and do math and science quite well. That means that the other 50 percent do poorly.

I would ask all of my colleagues who are here and all who may be listening to put themselves in the shoes of that other 50 percent, that 50 percent that has not done well and who are not doing well at the present time. This 50 percent has been tested with every standardized test there is, whether it is Iowa, whether it is California, Stanford. They have been tested with every State test. They have been tested with every district test, and they have been tested with every classroom test.

What have they been told after every one of those tests? The same thing: "You are not doing very well." What they do not want, what that 50 percent do not want at this time is to spend another $100 million to test them one more time on a standardized test to tell them "You are not doing very well." They want to know what it is we are going to do to help them do better.

If someone is in the cattle business, they do not fatten cattle by constantly putting them on the scales and weighing them. We do not make a car run any faster by adding another speedometer. And we do not help those who are not doing well in education with one more standardized national test to tell them "You are doing poorly."

It was an interesting discussion recently in the other body when I testified before a Senate committee. The Secretary indicated that it is a tragedy that students do not have algebra and do not understand algebra by the time they get to 8th grade, and then a little later said, "and in our test we will test for algebra."

And one of the gentlemen from the other body said, "Mr. Secretary, I must have missed something. I thought you said they did not have any algebra by the time they got to the eighth grade."

"That is right."

"But then I thought I heard you say you are going to include in your test, algebra." Well, that does not make very much sense, does it?

First of all, as I have said so many times, if we want to move in that direction, then we sure better prepare those elementary teachers who have had very little math in college, have had very little math in high school, and all of a sudden we are going to ask them to teach algebra.

Let us take the other 50 percent. Let us shift the debate. Suppose we believe in a national test. We certainly would not go about it in a manner in which it was gone about this particular time. If we believe that there is some value in a national standardized test, the first thing we have to do is determine what is our purpose, and that purpose has to be very narrowly stated. We cannot have a valid test, all test experts will tell us, if we do not narrowly focus.

Well, what is the purpose of a test? I heard four, five, six different purposes, one of which, the Assistant Secretary said, "I am not happy with the curricula in this country, and we have to do something about that." That is an interesting statement. That should scare everybody, I think, because who is going to develop that curricula that he was talking about, since he does not like what is there at the present time? So we narrowly focus.

Another says, well, this is to judge one school against another school so that we know which schools are doing well, which are doing poorly. That is one of the worst statements I think anyone could make, because now I am going to compare someone who has had no advantages whatsoever as far as preschool reading readiness is concerned, in a school where there are many students who fit that category, with a school where they have had all the advantages in preschool.

And so somehow or other with a national test, I am going to help that group that have not had those advantages, and then I can do a better job of comparing them with those who have had all the advantages. In my area, I would say we would not compare inner city Pittsburgh with upper St. Claire, which is an area outside of Pittsburgh.

So we say, okay, the purpose is curricula. Now we have to determine what it is we want to test. Now we are getting into some real serious difficulties, what we want to test.

Well, that means, and I am not up here arguing, and I do not want to get involved in this business of, "Yes, it will be a national curricula; no, it will not," but we have to determine what it is we are going to test. In order to do that, someone, someone or somebody has to determine what that curricula is. Otherwise, how would we know what we are going to test?

Now make sure we understand that this is really a controversial issue. That is why we never should have bypassed the Congress in the first place. That is why the debate should have been here. That is why the debate should go on next year, when we are reauthorizing TIMSS, when we are reauthorizing NAEPs, programs where we spend millions of dollars every year from the Federal level in the business of testing.

But if we think there is a consensus out there, then we are missing some very important points. There is no consensus. Let me just read one portion from a letter signed by 500 or more mathematicians from across this country. This is what those mathematicians said:

> The committee which is drafting the exam specifications is biased. First, nearly all of its members are strong advocates of the NCTM standards and of programs that repute to be aligned with the NCTM standards. There is not a balance of different viewpoints regarding mathematics education.
>
> Second, members of the committee have significant conflict of interest, as they are activity involved in the writing or promotion of particular mathematics curricula. Even the slightest suspicion that the authors would bias the test toward material covered in their program, or that their authorship of the tests would be used to sell their program or to help them get grants, undermines the credibility of the exam.

So I want my colleagues to understand how controversial this is. Now we have decided that we are going to narrowly focus it, I hope. Then we have decided what it is we wanted to test. And then after we have made that decision, someone must write that curriculum in order so that we are testing toward what it is that was taught.

After we have done all of that, the next step then is, of course, to educate the teacher, to prepare the teacher to teach to the new standards, to teach to what it is for which we are testing. And after we have done all of that, there is one big step left; and that is, as every testing expert will tell you, it takes 3 to 4 years to develop a valid test. Not 1 year, like the plan is, 3 to 4 years.

We are going to hear some say, "Oh, but this is voluntary." Nonsense. What Federal program do my colleagues know, once it was started, is voluntary? I tell my colleagues what will happen. The 50 percent that I talked about who were fortunate enough to have preschool readiness programs, that 50 percent, as soon as school A decides to do the test, they are going to demand that school B does the test, and then school C is going to demand that they get what school B got, and it will not be long until, as a matter of fact, it will be a national individual test.

Let me also point out to school districts and States: Be very careful. You worry about unfunded mandates. There is the one shot only from the Federal Government; and when that one shot is over, it is your responsibility. And if you are wrapped into it, you are going to have to find a way to pay for it, I will guarantee you.

The program that was rammed through at midnight in the other body, no deliberation, no consideration, is positively totally inadequate, unacceptable.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 3 additional minutes.)

Mr. GOODLING. Mr. Chairman, it reminds me of you are a contractor and you had one contractor who built the foundation, a totally inadequate foundation, a foundation that is going to collapse; and then you bring in another contractor, and then that new contractor is somehow or other going to try to build a new house on top of a flawed foundation. It cannot work.

Let me tell my colleagues some other things they did. It is pretty interesting. I never heard before where one sitting group determines who serves in that group, and that is what they did over there. NAGB will make the recommendations to the Secretary as to who should serve on this independent board. Now that is pretty dangerous. There is one other thing that is dangerous. They then become pretty much a national school board. I do not think our local and State governments are going to be very happy about that.

So please, if we have $100 million to spend, let us help children become reading ready, let us help parents become better teachers. We do not do that by testing. We do that by providing the necessary tools so that, as a matter of fact, they are reading and writing.

And do not cause the first-grade child to fail. The first-grade child did not fail. The adults failed. So we have a pre-first program. I could have 2,500 of those for $100 million. And in those programs the kindergarten teacher knows very well who is reading ready. We have this crazy idea somehow or other that if they are 5½ or 6 years old, they are ready to read.

□ 1815

No one tells you who is ready to read except the children themselves. They may be at 20 different reading levels with 20 different students in the same classroom. Do not cause them to fail first grade. And do not socially promote them, above all. Give them the opportunity to be successful.

We will again next year determine what it is we do with NAGB, determine what we do with NAEP's. That is the time for a discussion on testing. Do not do an end run on the Congress of the United States. We were not sent here to be an end run team. We were sent here to deliberate and do what is right.

Again, when Members are ready to vote, think in terms of children. Do not let them tell you somehow or other that they will do much better if the parents only know. The parents know. The parents have been told over and over again. The parents are saying, help us, and help our children.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I agree with everything that the chairman of the authorizing committee said. I accept the amendment.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 60 minutes with the time to be divided between the gentleman from Pennsylvania [Mr. GOODLING], 25 minutes and the gentleman from Wisconsin [Mr. OBEY], 35 minutes.

The CHAIRMAN pro tempore (Mr. BEREUTER). Is there objection to the request of the gentleman from Illinois?

Mr. GOODLING. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Goodling amendment. This amendment would prevent the adoption of a voluntary testing program. It would prevent parents, cities and States from pursuing a new strategy in our efforts to provide all of our students with the best education in the world.

Let me make it very clear that many House Democrats strongly support the President's initiative. If this amendment passes, it might be a victory for the Republican leadership, but in my judgment it will be a clear defeat for the children of this country.

Voluntary testing will promote reform, excellence. The Goodling amendment undermines educational progress and codifies mediocrity. Quite frankly, a vote for the Goodling amendment is a vote in favor of the status quo. That is simply not good enough.

The gentleman from Pennsylvania [Mr. GOODLING] and I have worked on a whole range of educational initiatives. I am sorry that we disagree so strongly on this one.

Mr. Chairman, the President's initiative will not nationalize education. There are no mandates here. A State will not lose money or face penalties if it chooses not to participate. The program simply provides an opportunity for interested cities and States to test their fourth-graders in reading and eighth-graders in math and measure their performance against students across town and across the Nation. Should a parent or a school not have the ability to make these comparisons?

Frankly, it is very ironic that many of the same Members who support educational competition through school choice are today opposing educational competition through performance measures. What are they afraid of? Do they fear American students cannot compete? I do not. I know that our students can compete and win.

My colleagues should be aware that this amendment is opposed by a wide array of educators, including the American Federation of Teachers, the National Education Association, the chiefs of our State education departments, the National School Boards Association and the National Association of Elementary School Principals.

I know that some opponents say we should be investing more directly in teachers, books, computers and school construction. I certainly agree. We need to invest more in education, and at the same time we ask more of our students in schools, we must provide them with the resources they so desperately need. That is why I am the lead sponsor of the President's school construction initiative. That is why I support increases in title I.

This is not an either/or proposition. I am pleased that six of the Nation's seven largest cities have accepted the challenge of national reading and math tests, including New York City, Chicago, Philadelphia, Los Angeles, Atlanta and Detroit. These cities want to participate in a voluntary testing program. Communities across the Nation have concluded that they want to find out what needs fixing. They want to offer their students the best education possible. They want to ensure that they are preparing their children for a very competitive future, and they want to embrace the challenge and possibilities of voluntary national performance measures.

Two things about these tests are worth noting. First, the tests will be based on the well-respected National Assessment of Education Progress. Second, the highly respected National Academy of Sciences will approve the tests before the first student in the first school sits down with pencil in hand to take the exam. These tests will be developed the right way.

I believe very strongly in raising academic standards. If my colleagues in Congress agree, and I think we all do, then we must finally say no more excuses. We know that students and schools can achieve. We expect them to achieve. We will help them achieve. Voluntary testing is an important component of this process.

I believe that the combination of educational investments and performance standards is a recipe for student success. I would urge my colleagues not to prevent the creation of a voluntary national testing system as a State and local option. I urge my colleagues to vote against the Goodling amendment. And I would urge my colleagues to work with us to support investments in school construction, to support different comprehensive changes in our school system. Because we support this, that does not mean we cannot support school testing as well.

Mr. HINOJOSA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to take this time to share my personal concerns with regard to the administration's proposed national test in reading. First, I want to say that I am wholeheartedly supportive of measures to achieve higher standards for America's schools and students and that I applaud the administration's laudable efforts to improve public education. I do not, however, feel that testing is the route to pursue. Quite simply, I have reservations about the inability of the proposed national tests to improve educational opportunities for all children. These tests may leave out several million limited English-proficient students from taking the test and assessing their skills in reading.

I grew up in an agricultural community in south Texas, and I attended a segregated elementary school where the Mexican American children were separated from children of Anglo-Saxon heritage. Spanish was my first language. I learned a little bit of English, only after my parents enrolled me in the public school system. It took years of practice and the interest and support of my caring parents and teachers along the way before I became fully conversant in the English language. Even so, in my early years in my reading comprehension skills were not what they could have been if I had started the first grade English-ready.

In 1972, I was elected to the local school board in Mercedes, Texas, and in 1974, I was elected to the Texas State Board of Education where I served for four terms. Of that period, 8 years I served as chairman of the Special Populations Committee, which covered bilingual education, migrant education, special education and gifted and talented education programs.

For 25 years I have been a very strong advocate of education. It is in that capacity that I became aware as a policymaker of the difficulties limited English-proficient students, LEP students as they are called, have. Also in that capacity I learned about the art of learning in any language and the importance of learning in the native language.

The whole testing issue raises a red flag for LEP students. It stigmatizes them by both peers and teachers. It sets up the LEP students to fail. When that kicks in, young people begin to drop out of school.

America's elementary and secondary schools will become more diverse in the next 10 years. Between 1995 and 2005, for example, Hispanic Americans between the ages of 5 and 17 will increase by 2.4 million. African American students in this same age group will increase by another 1.1 million. Asian Americans and other minorities will number an additional 1.1 million. The word "diverse" will best describe the Nation's public schools where the formal education and socialization of the young occurs.

For the last decade, reports on the state of education for Hispanics and other minority populations have been poor. A recently released report by the U.S. Department of Education found that the Nation's dropout rate for persons between ages 16 and 24 in 1995 was 12 percent, while the dropout rate for Hispanic students was over 30 percent. The Hispanic high school dropout situation was described by the President in meetings that the Hispanic Caucus and I had with him as a national crisis of economic importance.

We can ill afford to allow another generation of Hispanic Americans and other populations whose primary language is other than English to fall by the wayside. This has far-ranging economic consequences for the population at large.

While it is with a heavy heart that I oppose the President on this issue, I must do so. My reasons are as follows: Standardized testing has a negative, disparate impact on poor and minority students. Equal opportunity in testing cannot be achieved given unequal educational opportunity. Even if testing procedures could be devised to eliminate bias, enormous inequalities in school financing systems and teacher quality and disparities in access to educational technology, combined with discriminatory practices such as tracking and uneven access to high-quality counseling severely restrict the educational opportunities available to poor and minority students. Until issues of resource disparity, discrimination and reliability have been resolved, the national test should not be used as a basis for making high-stakes educational decisions. It is inappropriate.

Mr. Chairman, again I oppose the national testing as proposed.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Goodling amendment and really thank him and express appreciation for his courageous leadership on this subject. He has focused a spotlight on a subject that the Department of Education really wanted to slip through rather unnoticed, and he deserves credit for that. Because we have raised our voices here, over a period of a few weeks, we now have a bipartisan supported agreement here in the form of the Goodling amendment to eliminate funding for this ill-advised encroachment on the direction of curriculum that is best defined in my opinion at the State and local level.

I guess we can say that we are making progress! We are making progress all right. But this is a crucial policy question. These changes and the so-called compromises that preceded this final redefinition by the department that is the compromises that the Department of Education put out every time a legitimate question was raised. After each critical question raised they backed off and they made a so-called compromise or adjustment. As I observed over and over it began to look as though they were making it up as they went along. That is, I am sorry to say was what the Department was doing. I was rather perplexed. As a member of the committee, I must say that I always believed that the Department and Secretary Riley were better than that, and I think it was not up to their regular standards, and I am sorry to have to say that. But it is proof that we need a thorough and thoughtful didactic study on how we should do this, if at all, without opening the door to a national curriculum or the establishment of what I see as the possibility of a full-fledged Ministry of Education.

□ 1830

Please, do not get me wrong. I believe that a national debate on educational standards and achievement levels is overdue. We have critical problems in our schools and we should get back to basics. Our declining achievement levels are an absolute embarrassment. The United States at the Federal level, the State level, the community level, and at the family level, should dedicate itself to raising the standards for educational achievement. We certainly owe it to our children.

But I also strongly believe that testing for the sake of testing serves no purpose, and it certainly does not serve that one. It costs a lot of money, as the chairman already outlined, money that could be better directed to classroom instructions where we could directly help the children of the Nation.

Let us get our priorities straight. Let us fund the programs that work and avoid expensive new educational experiments on our children.

Mr. Chairman, let me summarize in this way: The committee must not be bypassed. We must use the reauthorization process in the next year to study, analyze, and set realistic goals for whatever additional testing may, and I stress, may, be merited, but no more direction or indirection from the department without full debate and analysis.

Number two, we can now have the time to set priorities with a clear goal of directing more monies to instruction, direct instruction in the classroom, whether for teacher training or equipment or individualized instruction, which are my favorites, and, yes, including more money for Early Start and Head Start, as the chairman pointed out, reading readiness programs.

Finally, I think it is important that we a renewed commitment here and now with this vote to State and local control. It is State and local control that is a fundamental of good public education.

Mr. Chairman, I urge full support of this amendment.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise with a great deal of respect for the authorizing committee chair and work with Members on the opposite side of the aisle on a lot of educational issues. I am surprised to see this amendment before us and strongly rise to oppose it.

This is a country that prides itself on testing. Every child that is going to go to a university has to go out and take an SAT exam. If he or she is going to go to medical school, it is a national exam to take; to go to law school one has to take an exam.

We test water and we test air, we test milk, yet now we do not want to test the minds of the kids in this country. We do not want to test their ability in the fourth grade to read or their ability in the seventh grade to do math.

I think what the real fear of this national testing is that the people we are going to find that are flunking the tests is Congress itself, in not appropriating enough money for education. You hear minority groups in this Congress rising against this testing because they do not want kids to be tracked, they do not want kids to be stigmatized, and I agree with that, because I think we are going to find we are not spending enough money on the remedial title I programs to remedy those problems.

We are going to find we are not spending enough money, as Congresswoman LOWEY said a moment ago, in her bill to allow the Federal Government for the first time in history to be a partner in school construction, we are not spending any money to build the classrooms so we can create the environment in which kids can learn better.

Congress is going to flunk the test in showing we do not put enough money into construction, into remedial programs, into special education programs, into migrant education programs or any of the title I programs.

Why, I would like to know, is the Republican leadership in Washington so strongly opposed to testing, when the Republican leadership in Sacramento held up the adjournment of the California State Legislature insisting that they do testing? The arguments pro and con are the same arguments that were held here today.

The point is that the biggest State in the country with the most children in school and the seventh largest economy in the world realizes that unless we have accountability in education we will not be able to compete in a global environment, in a competitive environment.

So I urge my colleagues to defeat this amendment. Allow those who want to test to do the testing. Allow this country to see that we need to invest more in education, not less, to improve reading and math, to let kids know how they are doing. The only way we are going to be able to do that—which is consistent with what we insist when they graduate from high school so that they can get into college—is to allow for a national test on a voluntary basis. The only way we are going to get there from here is to defeat this amendment.

So I urge my colleagues to work with us in defeating the amendment and allowing the President's program to be in the bill.

Mr. NORWOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GOODLING], our chairman, for offering this amendment, and I rise to strongly support it, and I am particularly pleased to immediately follow behind my friend from California, Mr. FARR.

I would point out that the California Republicans did a great job out there. It is their job, you know, to manage education in their State. It is a State function, and if they wanted testing in California, more power to them.

I want to mention just a minute about what the Goodling amendment is all about, because I do not want anybody at the end of this vote to be unclear on it. This amendment simply prohibits spending of any money under the fiscal year 1998 Labor-HHS-Labor appropriations bill to develop, plan, implement or administer new national tests in the fourth grade reading and eighth grade math.

I can rather understand why our chairman would be so concerned to have this amendment, since none of this has been authorized in his committee or appropriated. So I think it is appropriate that he do stand up about this.

Now, the gentleman from Pennsylvania [Mr. GOODLING] does make exceptions, and the exceptions are made for the National Assessment of Educational Progress, NAEP; also the Third International Math and Science Study, TIMSS, both of which would be allowed to continue. NAEP, also known as the Nation's report card, involves random sample testing of students throughout the country in reading, math, science, history and other subjects every 2 years at the 4th, 8th and 12th grade levels, to obtain a snapshot of the academic achievement of students in our country.

TIMSS involves random sample testing of students in this country and other nations in math and science to obtain international comparisons of student achievement. I remind Members that this amendment allows this testing to continue.

Earlier it was said that we do not test our children. The administration would have us believe that there is a real need for standardized tests to determine how our kids are doing in reading and in math, as if we are not testing them now.

So let us look at one of my former constituents, who is also a former constituent of my colleague the gentleman from Georgia [Mr. BISHOP] and is currently a constituent of my colleague the gentleman from Virginia [Mr. WOLF]. Rebecca Stone of Warrenton, VA, just finished the eighth grade last June.

Now, here is the list of standardized tests that she has taken in a country where earlier it was stated we do not test our children.

In Mitchell County, GA, kindergarten through the first grade, Rebecca had the Georgia Test for Kindergartners, the Otis Lennon Mental Abilities Test and the Iowa Test of Basic Skills. Then in Richmond County, GA, in the second grade, she retook the Iowa Test of Basic Skills again. Then in Columbia County, GA, in the third through sixth grades, she had the Iowa Basic Skill Test twice more and the Duke University Talent Test. Finally, in Fauquier County, VA, in the seventh and eighth grades, this young lady was tested with the Virginia Literacy Passport Test and the Stanford Achievement Test.

I think, as readily can be seen by most of our colleagues, a real live public school student we are standard testing across this country. What this debate is really about is not testing, but it is about curriculum. Testing is just the next step in a liberal agenda for Washington to seize control of our local schools. My folks at home do not want that. They do not think that the Department of Education should run their local schools.

If the Federal Government establishes testing on which all of our school systems are judged, the next step will be for the Federal Government to establish a national curriculum to match the test. We say this is voluntary, but I find that humorous. It is not, and we all know it.

Mr. Chairman, we already have standardized tests in use in our public schools today. They are tests freely chosen by State and local educators and recognized nationally. What the administration seems to want is to overrule the testing decisions of local educators and replace them with the decision of inside-the-Beltway bureaucrats. Let us put a stop to that. Support the Goodling amendment. It is very important.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words.

(Mr. SAWYER asked and was given permission to revise and extend his remarks.)

Mr. SAWYER. Mr. Chairman, I rise today in opposition to this amendment, and also to set the record straight about my own statements on the subject of national testing.

The sponsor of this amendment sent a "Dear Colleague" around earlier this week that contains a quote from me from 1992:

> If testing becomes one of the engines of educational reform in this decade we had better be prepared. Those of us who come from States where testing has already become a tool for making policy know that the issue is fraught with peril and consequences for individual students and communities.

However, what his "Dear Colleague" does not include is my next paragraph:

> What I wholeheartedly endorse is the development of national standards. This will take time, not a lot, but time. Then tests—as instruments—need to be very finely tuned. Only then should we begin to think about using them on a national scale.

What I was saying in 1992, and what I continue to believe, is that tests should not be used simply as a right-of-passage. Their objective must not be solely to create measurements on a national scale with no real benefit to students, nor even to measure the success of local school districts or individual schools.

Such tests—used as instruments of education—can be extremely effective as a method for identifying weaknesses in instruction and learning. They can be equally valuable in identifying specific needs of individual students. Tests that provide individual student evaluation—measured against high standards—will help students, teachers, parents and schools to raise achievement if they are combined with comprehensive remediation. Only then can the results become effective in raising performance more broadly across larger student populations.

The approach proposed by the President and the Secretary of Education clearly demonstrates that understanding. For that reason, I wholeheartedly support allowing the Department of Education to continue its work to develop these tests.

We have standards that have been developed locally and can be shared nationally: to be adopted by local schools, or adapted to their specific needs. It is now time to couple them with tests that will not only measure our progress toward those high goals, but will also help teachers and students reach them. That's what real education ought to be about.

I strongly urge a "no" vote on this amendment.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to comment to my colleague who just spoke, the gentleman from Georgia [Mr. NORWOOD], that in fact 81 percent of the students in Georgia meet the minimum acceptable standards that are in Georgia. However, only 16 percent meet the minimum acceptable standards in any national testing of the same students.

I rise in opposition to this amendment, which would unnecessarily delay the development and the implementation of national reading and math tests, and I hope my colleagues will join me in defeating it.

Our children will compete for jobs in the national and even in a global marketplace. We know our workers, our products, and our economy can be the very, very best in the world, and we need to do everything in our power to ensure our schools are giving our kids the tools they need to compete in the economy of the 21st century.

We must not reject this important tool to ensure that every child can read, write, and do basic mathematics. Parents across the country share my belief that these are the very minimum standards to which our students and, more importantly, our schools should be held accountable.

My colleagues who support this amendment argue that there are plenty of other tests and measures of school achievement. I would point out that in Wisconsin and in Louisiana, according to State tests, more than 80 percent of students are meeting acceptable competency levels. However, when Wisconsin and Louisiana students take national tests, fewer than 40 percent meet minimum standards. The same thing about what I just talked about with regard to Georgia students.

Our parents deserve an objective, reliable measure of how their children are doing in school, how well the schools are preparing their children. All of us as taxpayers deserve objective, reliable information to hold schools accountable. We need to be sure that our local school systems are meeting our national expectations.

I understand some of my colleagues have legitimate concerns about how the tests will be implemented, what it may mean for students who are low income or disadvantaged, whose achievement levels are traditionally lower than their more advantaged peers. I believe the concerns are valid and need to be addressed. Four million children should not be left out of this process.

Those who would argue that we know what the problems are and yet we do not want to commit the funding, they are right. We have seen in this body in the last 2 or 3 years people who would like to cut the education budget more than any cuts in the history of the United States. We must identify the problems and provide the resources necessary.

I do not believe we should hold up the development of this initiative, which cannot be implemented for at least another year, even if we start working on the tests now. I know with the support for the whole school reform initiative that was included in this bill, with the renewed commitment to helping every American student achieve, all of our students in all of our schools can make the grade.

In the Third District of Connecticut, people sometimes wonder why Washington is so slow to address the real problems faced by families struggling to raise their kids to be responsible, productive adults and citizens. They wonder why the House would vote to delay this important tool another 1 year, 2 years, or until the Congress holds hearings and debates.

□ 1845

My colleagues, let us remember that we are talking about taking a test to be sure that fourth graders can read and eighth graders can do mathematics. It is no more, no less than that.

This debate is not about nationalized control of education. States will not be penalized for choosing not to administer the tests. This debate is not about taking power away from parents or from school boards. In fact, it will empower parents and school boards to hold schools accountable.

The author of this amendment shared this view just a few short years ago when it was his proposal to have standardized testing. The gentleman from Pennsylvania [Mr. GOODLING] was an original cosponsor of the Bush administration's central education initiative, America 2000 Excellence in Education Act. Included in this bill were voluntary national testing for 4th, 8th and 12th graders. The gentleman from Pennsylvania also introduced an amendment to establish a process in support of voluntary national education standards and a national system of examinations. It was a good idea then, and it is a good idea now.

I urge my colleagues to demonstrate that we are serious about educating our children, serious about holding our schools to the highest possible standards. Let us give parents the tools that they need to hold our schools accountable. I urge my colleagues to defeat this amendment.

Mr. DEAL of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Goodling amendment. It is not a complicated issue that we are talking about here tonight. The issue is simply one of control. The power to test is the power to control. The power to determine whether we have validated through a testing process is the power to determine how that process is arrived at.

I would suggest that what we are engaged in here now is, first of all, an unauthorized effort by the Department of

Education at the Federal level to foist on the American public and on this Congress a testing procedure that has not been authorized. First of all, we should not allow the bypass of this congressional body to determine where the money is to be spent in education.

But, second, I would suggest to my colleagues that this is a very clever way, and a very disguised hook; it is the beginning of a curve that leads to a circle. The chairman has outlined it partially in his testimony. The power to test and thereby to evaluate the test, if it is not a satisfactory result, then would dictate that Washington would have the power to determine the curriculum, since obviously the States and local communities were not properly addressing the curriculum since their test results were not appropriate.

Also, if then by addressing the curriculum the test results are still not adequate, then the next step would be for the Federal Government in Washington and the Department of Education to address the selection and the training of the teachers who are administering the curriculum. Then, if the test results are still not appropriate, the next step would be obviously that the administration that is supervising the teachers who are teaching the curriculum and who are giving the test, if not adequate, then obviously Washington should assume responsibility for that as well.

One can take this circle in ever-ending cycles and go right down to the fact that the ultimate result is that this is an effort for Washington to control education. It has traditionally been the responsibility of States and local communities; it should remain that way.

I would suggest to the preceding speaker that the results of the children in my State of Georgia are best left to the determination of their local elected school boards, that it is best left to their elected State school superintendent and the State school board that works in conjunction with her, and that these are issues that we in our State can adequately address; and unless Washington is willing to assume all of the responsibility, which none of us I think want to see happen, that we should leave it at the level where it is of local and State responsibility.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I just wanted to point out to the gentlewoman who just spoke an editorial in the Connecticut News. Quote: "It would take valuable time away from instruction. We are tested out at this point. I don't find any support from my colleagues," said Bridgeport Superintendent of Schools James A. Connelly. "Quite frankly, we have at least two full weeks involved in testing."

William Breck, superintendent of schools for Durham and Middlefield and chairman of the Connecticut Association of Public School Superintendents, agreed: "We get the type of information that we need already. To add another layer at the Federal level is not going to help. It may help the politicians."

I thank the gentleman for yielding.

Mr. DEAL of Georgia. I thank the chairman.

Mr. Chairman, I would urge the adoption of the Goodling amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is going to pass; it is going to pass by a significant margin. The gentleman from Illinois [Mr. PORTER], the subcommittee chairman, has already accepted the amendment. And for purposes of making clear to the administration that they have a lot of work to do in working out their differences, not only with the gentleman from Pennsylvania [Mr. GOODLING] but with segments of my own caucus, on behalf of the committee I want to indicate that we will accept the amendment as well.

However, if it comes to a rollcall vote, I personally will vote "no," representing not the committee but myself as an individual member. I would like to explain why.

I am a convert on this issue. I have never felt particularly strongly one way or another on the issue of testing. I think there are many more important things to do in the field of education besides simply test, and when the idea of national testing first became respectable a number of years ago, I was very skeptical about it. I thought that teachers would wind up teaching to the test; I thought all of the things that a lot of opponents of testing think now. I thought that it would disadvantage students from low-dollar districts, districts that are not supported with a great deal of financial resources. I thought all of those things.

I guess even Members of Congress can learn something, and at least I think I have, because I talked to a good many school administrators, a good many parents in my own district, and listening to them I gradually changed my view of this issue. I did so for the following reasons.

It is nice to talk about States being able to administer their own tests. It is nice to talk about how well students do on a State's individual test. But the fact is, I was born in Oklahoma. I wound up growing up in Wisconsin. Most people in this society are mobile, and the mistakes that are made in many localities in this country often wind up being exported to some other part of the country, and all communities experience, sooner or later, the consequences of a lack of quality in education, whether that occurs in their own area or whether that occurs in some other district, because people move into communities all the time.

I think the national government has a responsibility to try to assist local districts in their own way to improve quality just as much as possible, and I think that parents do not care much whether the initiative for testing comes from Washington or from Madison or from their own hometown, just so long as there is constant pressure on the system to change and to increase the quality that is being delivered to every single student in this country. I think that testing can play a useful role in that process.

Now, I think we need to point out a few things. First of all, the bill itself does not allow the administration to proceed with testing. The bill, in fact, specifically precludes the administration from proceeding with testing, and I personally thought that the language that the gentleman from Illinois [Mr. PORTER] had worked out on the bill was sufficient to satisfy those who had questions about it. I was obviously wrong.

I would point out that under the bill the administration cannot proceed to test; all it can do is develop a test which then must be sent to the National Academy of Science so that they can review the validity and the accuracy of the test, so that they can in essence serve as a quality control element in the process. That does not satisfy persons who are opposed to the administration initiative, obviously.

The Senate has gone further; not far enough in the eyes of the gentleman from Pennsylvania, but they have gone a far piece. They have, for instance, taken away policy oversight from the Department of Education and they have given it to the National Assessment Governing Board.

The CHAIRMAN pro tempore [Mr. BEREUTER]. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 4 additional minutes.)

Mr. OBEY. Mr. Chairman, that means that authority over all policy guidelines for this testing is being moved to that board; it will not be under the Department of Education. In addition, that board is being expanded to include a higher number of local officials, and along the way they exempted home schoolers; they made quite clear that home schoolers were exempted from any testing.

Now, in practical terms, the administration has indicated that it will not sign a bill that does not allow them to develop the process or continue the process of developing testing.

Now as I said, as far as the committee is concerned, after consultation with the gentleman from Illinois [Mr. PORTER], I am accepting the amendment, simply to make clear that the administration does need to do a lot more work in talking not only with the gentleman from Pennsylvania [Mr. GOODLING], but frankly with additional members of my own party. It is no secret that significant members of the Hispanic caucus and significant members of the Black Caucus of my own party support the Goodling amendment.

I understand their concerns, but frankly, I believe that even if students are originally learning in another language, I believe that they need to take that test in English by the time they get to around the fourth grade.

I understand and respect the concerns of several members of the Black Caucus that it is futile to provide testing if we do not also have a commitment to provide additional resources so that schools with little financial support can, in fact, have an opportunity to perform decently on those tests.

However, I have a different tactical view. It happens to be my view that if this testing consistently demonstrates that low-income districts are not doing well on the tests, I believe that that will generate additional public demands for added resources to those districts.

So basically, I think we have a lot of suspicion about whether these tests are going to be legitimate, whether they are going to be biased or not. People are concerned about it philosophically. We have a lot of concerns about whether these tests are going to be unfair, and I recognize all of that, and I can only say that at some time I think it is important that these problems be resolved. The only way I know to resolve them is by people sitting down in the same room and working them out.

I would simply note the words of Chester Finn, who used to be the number two man in the Department of Education under the Republican administration, and I have disagreed with Mr. Finn often, but he was quoted in the newspaper today saying something that I think is right on. He said, "If this testing initiative runs into trouble, it will be because conservatives will not swallow the word "national" and liberals will not swallow the word "testing."

It seems to me that both need to overcome their own concerns, because I really believe that in the end testing is going to be a crucial element in convincing the public that more resources need to be provided to poorly-financed districts in this country.

□ 1900

I do believe that parents have a right to know how their children do perform on tests which are viewed nationwide. The gentleman from Pennsylvania [Mr. GOODLING] may very well be right.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, the gentleman from Pennsylvania [Mr. GOODLING] may very well be right, that a lot more work needs to be done. It seems to me that the right course would be to go into conference and work out a mutually agreed position. I still think in the end, regardless of the outcome of this amendment, that is what we are going to need to do.

So when this amendment passes today, I hope people on all sides recognize that in the end, evaluation of student performance is a good thing. I believe testing is a good thing if it is done in the right manner, and I think we need to figure out a way to make sure that it can proceed.

Mr. HUTCHINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today I rise in support of an amendment offered by the gentleman from Pennsylvania, Chairman GOODLING, which prohibits the administration from using funds within the education appropriations bill for the development of a national test.

I believe this amendment is necessary and very important. The gentleman from the other side of the aisle has indicated that the Department is not proceeding, but yet we see there has been a $13 million contract already let in order to start developing the test. This amendment is very timely and important.

There are those who believe and argue that a national test will help solve our educational problems. They believe it will set a national benchmark for our students so they may prepare for the future, and students would achieve higher academic standards as a result of these tests, and that the comparison of the results of tests between the States would somehow help the students to prepare effectively for the work force.

Mr. Chairman, I believe what H.L. Mencken once said applies directly to the Department of Education's initiative. He says, "There is always an easy solution to every human problem—neat, plausible and wrong." That applies in this case. Testing will not create greater performance, it only provides an assessment. The creation of national tests would become the vehicle for a national curriculum.

How does this happen, we might ask? Because the content of school curriculum can be directed by the development of national tests. We need to keep control of our children's education in the hands of the local people who work daily with our children and our parents to properly educate them. They are the most qualified to assess their educational needs. We do not need to justify an even more bloated and unmanageable Department of Education.

Let us invest the money in our children, not in more administrative paperwork. The people of Arkansas are not demanding national tests, they are demanding good education. That comes from the local school boards, the parents, teachers who are dedicated do that proposition.

Mr. Chairman, I ask my colleagues to vote in support of this amendment.

Mr. LUTHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. We have before us an opportunity this evening to help all American children reach their potential by objectively testing the basic education they are receiving. We need to keep in mind what we are talking about: A simple, effective way to measure American student performance in the basics of education: Reading and math.

We are not talking about other noncore subjects, only reading and math. We are not talking about a new Federal program or a grand one-size-fits-all Federal study, we are talking about a voluntary tool to be used by parents, teachers, and local schools to assess the results of their own education efforts and the money they are spending, and to then chart a course toward improvement.

Most importantly, parents deserve to know whether their children are being educated early enough in life so corrective action may be taken, because their children deserve to be prepared to compete with children not from their school district and not from their State, but from around the globe. Mr. Chairman, our children are not here to argue this this evening, but we are not doing American children any favor by not giving their parents the tools to measure whether they are being educated.

I urge Members not to stop an initiative that should have occurred years ago. Think of our children's future, and oppose this amendment.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] to prohibit the expenditure of Federal funds for President Clinton's national testing scheme.

The amendment of the gentleman from Pennsylvania would prevent the Department of Education from developing a national test unless authorized to do so by Congress. While I share the concerns of the gentleman from Pennsylvania [Mr. GOODLING] that the administration should not take such a drastic step as developing national testing without congressional authorization, and I thank the gentleman for all his leadership in fighting for this amendment, the fact is the Federal Government has no constitutional authority to develop national testing even with congressional approval.

National testing is another significant step toward total nationalization of education. National testing will ultimately lead to fulfillment of the dream of the enemies of the constitutional system of local and parental control of education, the de facto creation of a national curriculum.

Mr. Chairman, the administration claims that the testing program would be voluntary. However, I remind my colleagues that this is the same administration that considers the Goals 2000 a voluntary program, despite the numerous times Goals 2000 uses the terms "shall" and "must" in describing State functions.

Furthermore, whether or not schools are directly ordered to administer the tests, schools will face pressure to do so as colleagues and employers inevitably begin to use national tests as the standard by which students are measured for college entrance exams and entry-level jobs. At the very least, schools would soon find Federal and perhaps even State funding dependent on their voluntary participation in the national testing programs.

When all or at least the majority of the schools are administering national tests, the tests will then be the standard against which all schools will be measured. Those schools whose students did poorly on the national test would be labeled as doing a poor job of educating children. Educators would react to this pressure to ensure that students scored highly on the national test by teaching the test; that is, structure the curriculum so students can learn those subjects and only those subjects covered by the national tests.

As University of Kansas professor John Poggio remarked in February, "What gets tested is what will be taught." Government bureaucrats would control the curriculum of every school in the Nation, and they would be able to alter the curriculum at will by altering the national test.

Private schools and home schools will be affected as well, as performance on the national tests become the standard by which student performance is judged. Those in private and home schools will face increasing pressure to participate in national testing and to shape what is taught to the criteria of the test itself.

The Department of Education has already admitted its ultimate aim is for a national curriculum. According to a United Press International story on the national assessment of educational progress reprinted in the Santa Rosa Press Democrat in May, "The Education Department * * * hopes the kinds of questions involved in the voluntary test will shape the way science is taught."

Mr. Chairman, under the United States Constitution, the enumerated powers of the Federal Government simply do not include education. Yet the Clinton administration's national test proposal will inevitably result in Federal bureaucrats dictating what every child in America will be taught. National testing represents another giant step in the centralizing of American education and a giant step away from America's constitutional republic.

I therefore urge my colleagues to join me in opposing all moves to implement a national testing scheme, starting by supporting the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] to prohibit the expenditures of Federal funds to develop and administer a national testing program without explicit authorization from Congress.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

Mr. OWENS. Mr. Chairman, I rise in support of this amendment to prohibit the expenditure of funds to develop a national test. We need opportunities to learn before we mandate national tests. In the overall, comprehensive effort to improve our schools, there is a place for a national testing program, but it is counterproductive and oppressive to launch a fast-track stampede for a national test without simultaneously implementing other desperately needed Federal initiatives.

Our national campaign to promote opportunity-to-learn standards ought to come before or in concert with the push for a national test. Testing without opportunity-to-learn standards or other reforms is merely a measurement of the status quo. We know what the tests are going to tell us before we give them.

When there is no effort to improve school facilities or to provide adequate libraries, laboratories, computers, and other learning necessities, the burden of improving education is dumped solely on the backs of the pupils. Under this condition, with gross sins of omission, national testing with high stakes and scores that will remain with students for a lifetime become the instruments for the abuse of students.

We need a moratorium on testing until other school improvement components are implemented with greater vigor than they are now being pursued. The Federal school construction initiative, the construction initiative which will provide safe facilities conducive to study, must be placed back on the political track. Adequate physical facilities do not automatically improve learning; however, they are at the heart of the opportunity-to-learn standards. Since local education agencies throughout the Nation are experiencing overcrowding and infrastructure decay, school construction is a universal priority.

National testing is not a priority. National testing is a highly visible device, but at this critical point the campaign for educational reform deserves more than a dramatic, headline-grabbing gesture. Instead of this piecemeal, isolated gimmick, we need a more balanced and inclusive approach to school improvement.

America's children will be best served by returning to the working compromise that was reached in the 1994 Elementary and Secondary Educational Assistance Act. At that time it was agreed that a three-part Federal initiative would be launched to promote national curriculum standards, national testing standards, and national opportunity-to-learn standards.

This agreement was violated when, through a back door rules-violating Committee on Appropriations deal, the section of the law related to opportunity-to-learn standards was repealed in 1996. States and local governments are no longer exhorted to voluntarily raise their opportunity-to-learn standards. Only the students now have the burden placed on their backs. They have been abandoned by the Federal advocacy process, and they are being loudly challenged to meet new accountability demands that their local education agencies are not being exhorted to develop, and also the States are not being held accountable.

We now have a window of opportunity, since Americans do think education is a high priority and have made that clear, we have a window of opportunity, and we can offer American students a better deal than more tests with less opportunities to learn. We can do more than just test students.

The American people clearly want better schools, and public officials who are able to deliver a machinery for it are desired also by the electorate. It is not an exaggeration to contend that at this particular moment a bipartisan educational achievement of great magnitude is possible. Both Democrats and Republicans agree on enough components of education reform to forge ahead in this session of Congress.

Both parties agree that charter schools offer a way to experiment with governance and management which would provide competitive choices with a minimum loss of public control. Both parties agree that increased resources for teacher training and retraining is a need we jointly recognize. Encouraging the maximum use of technology to aid education is also an approach approved by both parties.

It would not be difficult to produce a bipartisan school package with substance. At a time when there are no absorbing global crises and very few national emergencies, the deliberative powers of both the executive and legislative branch could fashion a program with minimal intervention and a well-focused targeting to stimulate a chain reaction of State efforts to forge continuing improvements in education.

The most productive Federal role is to challenge the States and enhance the programs that work, and that can be implemented and managed at the

State and local levels. A national school reform effort means that all levels of government must make their appropriate contribution. On the scale of priorities for reform, testing is way down on that list of priorities.

Both the NAACP Legal Defense Fund and the Leadership Council on Civil Rights opposed this.

The CHAIRMAN pro tempore. The time of the gentleman from New York [Mr. OWENS] has expired.

(By unanimous consent, Mr. OWENS was allowed to proceed for 1 additional minute.)

Mr. OWENS. Mr. Chairman, also, the Leadership Conference on Civil Rights has opposed this fast-track national testing initiative. They have given very sound reasons for opposing it.

To help the children of America, a bipartisan school reform package with substance is needed. We do not need gimmicks, we do not need block grants, we do not need national testing.

□ 1915

Vote "yes" on this amendment to prohibit the usurpation of the powers of the Congress.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the requisite number of words.

I would submit a couple of thoughts, Mr. Chairman. One is that we already have national tests. We have the Assessment of Education Progress test, the National Assessment of Education Progress test, the SAT, the ACT, the Ohio Test of Basic Skills, the California Achievement Test, the Metropolitan Achievement Test, to name some of those national tests. In addition, we have many State and District tests. The danger is the President's suggestion that the Department of Education design the test. It has been said before, those that design the test, design the curriculum.

Allow me to cite one example. One area where some of us disagree for 4th graders might be that they all should be computer literate. So imagine that a test measures computer literacy among 4th graders in their reading test. Naturally, if a school wants to perform well, they are going to be forced to develop that curriculum that is mandated by a national test. So imagine many other areas that Washington thinks is important for testing but local school communities disagree. Those that design the test, design the curriculum and that decision should be left up to parents and school boards and teachers in the local community.

I would suggest that in this bill, section 306 on page 97, the language simplys say that the National Academy of Science is going to evaluate and submit a report. They are going to evaluate: One, technical quality; two, adequacy of administration; three, reliability; four, validity of contractor's design; and five, degree to which the test can be expected to provide valid and useful information. And then the language on page 76, line 21, implies that after that is submitted, the Department of Education shall proceed to administer final version of that test.

Again, I submit that we do not need bureaucrats in Washington designing the curriculum that can be best judged and decided by local communities and local parents and local school boards.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Goodling amendment to deny funding to the President's national testing proposal. Mr. Chairman, widespread misuse of educational testing has disproportionately penalized poor and minority children. That is why the Congressional Black Caucus opposes the administration's proposed national testing standards for 4th and 8th graders and why we support the Goodling amendment to deny Federal funding for the initiative.

The CBC cannot support any testing that may further stigmatize our children and force them into lower educational tracks and special education classes. The national testing proposal provides no enforceable safeguards against the misuse of test results that can harm our children. Tracking, retention in grade, and ability grouping have all been used to the detriment of millions of students.

Testing is being misused right now in schools across the Nation, as demonstrated by the case in North Carolina where 14 students have filed an equal protection claim based on the misuse of testing. This test appears designed to consciously disregard the estimated 3 million children nationwide with limited English proficiency by refusing to offer the 4th grade test, reading test, in any other language than English.

American students are among the most tested children in the world, yet our educational infrastructure continues to struggle. Paying for a national standardized test while continuing to neglect the pressing needs of our public schools reflects a fundamental misunderstanding of the crisis in our educational system. We need serious solutions to the pressing needs of our Nation's students, not misguided sound bite legislation.

I recently reviewed the test results of a test in California, it may have been the achievement test, and it told me what I already knew. The kids from Beverly Hills did very well; the kids from Compton and from Watts did not do as well. So we know a lot about tests and the results of tests. We need to ask now what do we do? How do we apply the resources to bring those children up? What do we do to invest in their opportunity?

If we want to do some assessments, let us not just test the children, let us take whole schools and school districts. Let us look at the teachers. Let us look at the principals. Let us look at the facilities. Let us find out whether or not they are wired to accommodate computers. Let us find out whether or not they have science laboratories.

I just talked to two of our staffers right here in Congress, and I asked them what did they think about this. They said their children go to schools where they do not have books; our children are attending schools where they have to send the paper towels for them to wash their hands; they have to send toilet tissue. They have to send everything to the school to try and make life in that school just decent for their children, yet at the same time we are in some debate about tests?

Let us have a real debate on education. Let us find out why we could not get a measly $5 billion in the budget to rehabilitate our schools where the roofs are falling in, where we do not have air-conditioning, where heating is less than adequate. Let us have a real debate about education to talk about in-service training for our teachers.

Let us have a real debate. We are being sidetracked into a nondebate about educational testing. We have all kind of tests in the State. And if it is truly voluntary, and some will be doing it and some will not be doing it, why are we trying to have a national test? It is only national if we force it on everybody. So what if only half the Nation participates in this so-called national voluntary testing?

I join with the gentleman from Pennsylvania [Mr. GOODLING], and a lot of people are going to wonder why the Hispanic Caucus and the Black Caucus are joining with those on the other side of the aisle that we normally disagree with on so many issues. Well, I tell my colleagues, we are all taking a common sense approach to this issue. Be it Republican or Democrat, Latino Caucus or Black Caucus, we are taking this common sense approach because we have the lessons of our community about what is wrong with education.

The CHAIRMAN pro tempore (Mr. BEREUTER). The time of the gentlewoman from California [Ms. WATERS] has expired.

(By unanimous consent, Ms. Waters was allowed to proceed for 1 additional minute.)

Ms. WATERS. Mr. Chairman, our children are not failing because they did not have a national test. Our children are failing because in many cases there are just plain lack of resources in districts that are poor, that do not have the resources.

We have discovered from the testing who does best, as I identified with Beverly Hills and South Central Los Angeles. Our children are failing because many of our teachers are inadequate. Many of our teachers are not trained and prepared to do the kind of teaching that they should be doing to make our children successful. We are failing because we are not having the real debate about the needs of our schools and our children.

I tell my colleagues far too many schools in America cannot even have computer labs because they are not wired to accept the computers to do what they should be doing. Let us forget about this so-called national test. Let us get into a real debate and design what our children need to make them successful.

Mr. HOEKSTRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise tonight in support of the Goodling amendment. The Goodling amendment, I think, puts into proper perspective the Federal role in education.

The Federal Government really has no responsibility to go out and test every child in the 4th and 8th grade. We do test on a random basis. Through NAEP, we test children at the 4th, 8th and 12th grade levels, and we get a sampling so that we can get a comparison between how students from one State are doing compared to the other. But we have not put the Federal Government in the role of testing every 4th grader and every 8th grader and every 12th grader, because that is not the job of the Federal Government.

What we do have is we have States who are working through this process, who are setting State standards, who are setting and putting in place State tests to fulfill the proper role that the States employ, which is to control and work with the local units of government in managing education in this country.

We have been involved in a process over the last year where we have gone around the country and we have taken a look at what is going on in education; what is working, what is not working. And it has been very interesting as we have taken a look at the various States and they have shared with us what they are doing in the area of testing.

This should be a word of caution to those of us in Washington before we embark down that road. We were in the State of Delaware. The State of Delaware is about the size of one congressional district. We are trying to design a test here for 435 congressional districts.

As the governor described the process that they went through in designing a State test, he described a very intensive process, a collaborative process between parents, educational professionals, the schools, other interest groups, to design a test that could be given to the students in Delaware, and that when the results came back would be accepted by the parents, by the educators, the administrators and other people that had a vested interest in having a good educational system and that the test would actually mean something.

It took the State of Delaware about 3 years to come up with a test. The State of Delaware is now going through a process of deciding exactly how to administer the test and, when they get the tests back, exactly how to use the results and what decisions can be made off of those tests. This has to be a slow, deliberative process. It needs buy-in, and it needs to be done at the State level and not at the Federal level.

The State of Michigan is going through much of the same struggle, of designing a test that will be widely accepted and will actually enable decision-makers, whether it is a parent, whether it is a teacher or a school district or a governor, a test that will enable those types of individuals to make the kinds of decisions that they need to make; that will actually be an asset in helping them outline educational strategy.

In Michigan what we are finding is that parts of the tests have been widely accepted but we have some problems. Students are opting out; parents are opting their kids out. In some cases we have actually had some school districts advising some of their kids to stay home on the days that the tests are given so that they can manipulate the test scores.

It does not mean the State of Michigan should not be involved in the testing process, but it means that even after having worked on this for a number of years, we still have a lot of work to complete before we will have a valid test in the State of Michigan that parents, students and educators will support.

This work needs to happen at the State level. It needs to happen at the local level. We do not need the Federal Government to get involved. It is not the proper role for the Federal Government. This work is going on where it needs to take place and where constitutionally it should take place, which is at the State and local level.

Mr. Chairman, I rise in support of the Goodling amendment and agree with my colleague from California that we need to have a national debate about how to improve education, and it is not by making the Federal Government get more involved, it is by diminishing the role of the Federal Government and unleashing innovation at the State and local level.

We have seen innovation and we have seen schools, parents and kids that are excelling, but it is when the Federal Government has stepped back and where we have enabled young people and where we have enabled the local governments to take control.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 90 minutes, to be divided 45 minutes to the gentleman from Pennsylvania [Mr. GOODLING] and 45 minutes to the gentleman from Wisconsin [Mr. OBEY].

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1930

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. ETHERIDGE].

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding me the time.

Mr. Chairman, I want to be very brief and maybe set out a few quick points, if I may. We have been talking about tests. And the last time I checked, math is pretty much math anywhere in this country. I state that having been State superintendent, elected by the people in the State of North Carolina for two consecutive 4-year terms.

Reading is something that every child needs to know. It is the foundation of all learning. And we are really talking about testing that in fourth and eighth grade, and we are talking about a voluntary test. This is voluntary. It is not mandatory.

The other point I would make, Mr. Chairman, is that when we are talking about these issues, we are talking about the fundamental issues of education.

Let me very quickly talk about my State for just a moment. In North Carolina we became a part of the National Assessment of Education Progress, and the gentleman from Michigan [Mr. HOEKSTRA] talked about that a few moments ago. That does not require a national curriculum. States can elect to be a part of it, and 45 States in this Nation have participated.

I would say to my colleagues that North Carolina has volunteered to be one of the six States, and we will be a part of any national test that is put in place. But I want to talk about the National Assessment of Education Progress for just a moment and why it is important to have some standard, because I happen to believe in high standards for our children so that all children can gain and do well.

North Carolina has been a leader of that over the last several years, and here is why: No other State in this country has experienced the sustained gains demonstrated by North Carolina schools since 1990. Today, North Carolina's public schools are performing well above other schools anywhere in this country, and let me tell my colleagues why.

When tests were taken this year on NAEP, in 1996, North Carolina gained 17 points in eighth grade mathematics for the 6 years reported by NAEP. That is twice the national average, which happened to have been eight points for all the other States in the Nation, and approximately 50 percent higher than the gain of any other State in the Nation.

The State's average performance was just short of the national average. Why? Because we started right at the bottom. Why did we grow so fast? Because we had standards, we measured them, and every single school knew it. We gave our teachers the resources, and they performed admirably. And so did our students.

North Carolina students have improved the equivalent of one full grade level during the decade of the nineties. In other words, an eighth grade student in 1996 was one full year ahead of eighth grade students in 1990. So in little over 6 years, right at 6 years, they gained a full grade level in elementary grade.

North Carolina's fourth and eighth grade African-American students were five points ahead of African-American students nationally. Why? Because we measured, we put the resources there, and it makes a difference. If it does not make a difference to assess and measure, then why do we do it in other things? Why do we keep the score of a basketball player or football player? It is important to let people know where they are and put the resources and make a difference.

I close by reminding my colleagues that we are talking about voluntary tests, we are talking about reading and mathematics, and it is time that we get away from the rhetoric of who is in charge and let the American people know that we mean to have high standards and we are going to make sure that our children can compete with any children anywhere in the world.

Secretary Riley said, when the tests were released this spring, if we look at the States that are on the way up, States like North Carolina, Michigan, Maryland, and Kentucky, I say it does make a difference to measure. It makes a difference to let children know what we want. And that is why I oppose this amendment.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. RIGGS], chairman of the Subcommittee on Early Childhood, Youth and Families from the Committee on Education and the Workforce.

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GOODLING], the distinguished chairman of the Committee on Education and the Workforce, for yielding me the time.

I say to my colleagues, this has been an interesting debate, although one that seems to have a foregone conclusion, interesting in the sense that it clearly crosses party lines. I want to say at the outset that I hope this debate does not become another political football. I would hope that this kind of debate would occur at the local level, at a local school board meeting in every community around the country, because I think it is real important for those local communities to have a debate regarding the standards and expectations for children that attend schools within that community. But that is really what we are talking about tonight.

I do also want to preface my remarks by saying I believe the President and his administration are well-intentioned in this regard. I think their proposal may be somewhat flawed, but I think the President was right to stand up here behind us and give his State of the Union Address to the Congress and the country in February of this year and talk about the problem of social promotion, this idea that too often our children are advanced from grade to grade or even graduated as much on the basis of good behavior and time served as on the basis of what they know and what they can demonstrate they have learned during their public school years.

I think the President is right to talk about replacing this problem of social promotion with a competency-based advancement system in our schools. But the question really, though, goes to the fundamental issue in American education, and that is: Who is going to design that system of competency-based advancement?

And I submit to my colleagues that it is the responsibility, it is the obligation of the State and local education agencies to design that system. That is very much in keeping, as I have said over and over on this floor, with the long-standing American tradition of decentralized decisionmaking and local control in public education.

Clearly, though, we ought to have high expectations and high standards for all of our children. One out of four high school graduates are functionally illiterate. American students lagging internationally. Unacceptably high dropout rates. In fact, if one child falls through the cracks, much less an entire generation of urban schoolchildren, we have a problem. Too many high school graduates going into our colleges and universities in need of remedial education, defined as not being able to learn at the eighth grade level. Something has gone awry in schools if that is the case.

So I do encourage States, such as my home State of California, such as the State of Virginia, to establish uniform standards for pupil performance so parents have a basis for knowing how all schools within that State are really performing. That makes, to me, very good sense.

As the chairman of the authorizing subcommittee, I want to tell my colleagues I support the Goodling amendment, in part because every time we have a debate about testing, we raise more questions than answers.

In fact, the gentleman from Illinois [Mr. HYDE], one of our very distinguished colleagues, chairman of the House Committee on the Judiciary, sent around a "Dear Colleague" citing four reasons to support the Goodling testing amendment, including no authorization. And clearly now, I say to my colleagues, let us be real clear on one point, and that is, if we are going to expand the NAEP, this random sampling of pupil performance, in 43 of the 50 States to include producing individual test scores, that goes beyond, that exceeds the current statutory authorization for the NAEP. So, no authorization.

Second, the department's testing proposal bypass Congress. And as the chairman said, it just makes good sense to consult the elected representatives of the people when talking about something the magnitude of national testing.

Third, there is real grassroots opposition. There are local concerns regarding the idea of voluntary national testing in many communities around the country, not least of which is that it may cause the States and local communities inadvertently to have to lower the bar in this whole area of standards and expectations.

Lastly, there are again these fundamental questions regarding the President's testing proposal, such as what is the purpose of the test; what is the need, as the chairman said, for yet another set of tests; will the test undermine State and local curriculum assessments; and will these tests, bottom line now, ultimately improve pupil performance?

So that is the message I wanted to convey tonight. I do want to urge, as the subcommittee chairman, State and local school districts to improve public education by raising academic standards, by increasing and, yes, enforcing graduation requirements for all students. Maryland is looking at doing that same thing now and holding schools accountable for poor student performance.

Again, this is very consistent with the long-standing American tradition of decentralized decisionmaking in public education. And in keeping with that tradition, it is those local elected decisionmakers, those school board members who are accountable to their constituents, to their neighbors, to their family and friends in that community, the people who put them in office as school board members, it is those local school board members who should consider adopting and implementing rigorous standards in the core academic subjects and allowing the students to study in school with their testing. That would be a way that parents can see how all students are really performing.

Mr. HOYER. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from California [Mr. MILLER], a longtime member of the committee.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER] for yielding me the time.

Mr. Chairman, I rise in opposition to the Goodling amendment. I do so and I find it rather interesting that we have so many Members coming out onto the floor and saying that what we have got to do is abide by local control and local decisions, and yet this amendment would not allow some 15 major cities in this country and a number of States that have made the decision that they want to use the NAEP for the purposes described in the President's program, this amendment would prohibit them from doing that.

States of Alaska; Kentucky; Maryland; Massachusetts; Michigan; North Carolina; West Virginia; not exactly the hotbeds of a Federal takeover of education; Atlanta, Georgia; Broward County, FL; El Paso, TX; Fresno, CA; Long Beach, CA; Omaha; New York City; Philadelphia; San Antonio would like to use NAEP. They believe in this product. They would like to use it for this purpose, but this amendment will not allow them to do that.

So, it is not quite the level of local control that people would have us believe. They would have the Federal Government keep those local jurisdictions from using this.

But the fact of the matter is, let us take a look at it. Both sides and political leaders of both parties have gotten up, and very often do it in June when we are talking about students who are graduating from high school and cannot read their diploma, most of those students were tested with State tests. Most of those students got a C average or D average or something to get that high school diploma. But there was a bit of a fraud perpetrated on the student and on the family. And that is that somehow this student was performing to standards that were worthy of the diploma and was prepared to go on to the rest of American society, whether that is to work, or training, or education, or what have you.

What, in fact, we see is a lot of students take State tests; and then when we assess them against the NAEP, huge numbers of those students that looked like they were performing very well on the State tests do terribly on the tough tests of the NAEP.

The fact of the matter is that in the last 4 or 5 years American parents and communities have decided to reengage their education system. America has decided that if, in fact, it is going to compete, it is going to have to revalue education; that we have been letting it slide too long for our children, we have not asked enough of our children, we have not set the standards high enough, we have not recognized what they were able to, in fact, achieve. We simply let them muddle through. But parents now understand that muddling through is not good enough if their children are going to be able to actively participate in the American economy and in the world economy and as productive members of our society.

In fact, in California what we now see is a change in terms of what local communities are doing in terms of the reinvestment of their tax dollars into the public system. In almost an unprecedented rate, bond issue after bond issue that must be passed by two-thirds vote is passing in our State because people have decided that they are going to reinvest in this public system. For all of the horror stories that they have been told about it, they still decide that that is where they want to make the investment.

I would think that they would want the NAEP test so they can decide how they are doing, how they are doing alongside of North Carolina, which is achieving changes in its educational achievement and attainment that many States would envy. They would like to know how they are doing against Massachusetts or Alaska or Maryland. Is what they are doing now and the investments that they are making, the new investments in technology, the new investments in physical plants and equipment and teacher training, is that paying off? Are they headed in the right direction with their curriculum?

That is the standard that NAEP would provide them to make those kinds of comparisons. They do not want to do that? Nothing in the law says they have to do that. They do not want to participate in that comparison? They do not have to. They do not want their children to take the test? They do not have to.

But what, in fact, we are seeing is, we are seeing local school districts coming forward, asking to be able to participate, and we are seeing States saying they would like to participate. And somehow the Congress cannot find it quite right that these people have made an informed judgment, that they have made a good determination, what is good for their State or what is good for their school district, to participate in this. We have decided what we will substitute our judgment at the Federal level and they cannot participate in this program.

□ 1945

I know that the gentleman from Pennsylvania [Mr. GOODLING] has been on both sides of this issue, and so have I. I pushed very hard for opportunity-to-learn standards so we would make sure that resources would accommodate testing. But I also think that testing is a road map and is a guidance for communities as to whether or not they are getting shortchanged in some manner or fashion in those school districts.

It also lets communities and school boards know where resources ought to be allocated, because all of those things are true today without the NAEP. It is all true today, the misallocation of resources, misallocations of talented teachers, roofs that leak and all the rest of it. NAEP is not going to cause that to happen. It is happening today. But it may very well provide a blueprint and a guideline and an assessment as to how these renewed efforts that are going on all over our country as people are reinvesting billions and billions of their local tax dollars back into the public education system in this country.

This is a chance for them to determine whether or not they are making not only a wise decision, but the right decision. I happen to think they are making the right decision. But they need to know as to whether or not their local efforts are paying off on behalf of those students.

But the heavy hand of the Federal Government apparently tonight is going to decide that they will not even be able to do that. If they vote at the local level, if they vote at the district level, if they vote at the school level or if they vote at the State level, the Federal Government tonight will decide that that will not happen.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. GRAHAM], a member of the committee.

Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I just wanted to point out that after intense lobbying by the administration, only seven of those States decided to participate. After intense lobbying by the administration over months, only fifteen cities out of thousands have decided to participate. Intense lobbying, I might add.

I thank the gentleman for yielding.

Mr. GRAHAM. Mr. Chairman, I rise in support of the Goodling amendment. I want to compliment the gentleman from Pennsylvania for having the guts to say nationally what people locally are saying about national testing.

In my district, I presented a flag to a local elementary school. We talked very glowingly about what the flag meant and how much we should honor and respect it. The one thing that I left with that meeting was that there are good, polite kids at that school, and every teacher was following this debate, and every administrator was following this debate and said, please do not impose upon us another testing regime. Give us some assets to implement the changes we need to make in South Carolina to improve education.

If you are a taxpayer out there channel flipping, you might want to stop for a minute. This debate involves your money. It is going to take $15 to $16 million to design the tests. In the year 1999, it is going to take $90 to $100 million to administer the tests. That is a lot of money. At least I think it is a lot of money.

The question you ought to be asking is take a few minutes to go to your local education board, to your superintendent, to your teachers, and write your State representative and ask those folks what are we doing in our State right now to test our students, and see if that suffices. This really is about power. If you do not have an agenda, you ought not be in this place. My agenda is clearly to take the education debate and get it home and get as much resources into the hands of a teacher who knows the child's name and less resources here in Washington.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BEREUTER). The gentleman will direct his comments to the Chair and not to an audience.

Mr. GRAHAM. Strike what I said, Mr. Chairman, and I will make it to the Chair.

Mr. Chairman, what I would suggest that everybody in the country do is do what I just said a few minutes ago. Take some time to find out how much money is being spent at the local level and see if this $100 million program does any good, or if we should take the $100 million and give it to the classroom teacher who will actually meet their child every day and see if it will help produce a better result.

Let me tell my colleagues politically where we are. The State has already voted on this. They decided not to give the Department of Education the ability to fashion the test. It passed in the Senate, but there is going to be a Washington-picked group that will design the test.

One reason I think the Black Caucus and the Hispanic Caucus is against this is they do not want some elite group in Washington designing a test for their children, not knowing anything about their community, and creating standards that may not be appropriate for their community.

If you give the power to test, you are eventually going to give the power to change curriculum. It has traditionally been in America a local function to test and prepare students to learn. A local teacher will show up in your classroom, somebody that lives in your community, who will probably see you Friday night at the ballgame. Would it not be nice to be able to talk to that teacher and tell her or him that, I support you and your endeavors to educate my child, and I am against giving more money in Washington, DC to do the job that you are capable of? That is what this debate is about.

The gentleman from Pennsylvania [Mr. GOODLING] has got a lot of guts. He is willing to take the feel-good 30-second, 60-second sound bites and fight for values. I think his agenda is what most people's agenda in the education business is. Give me more of the assets available in education, and I will do a better job. A dollar spent here in Washington will not do what a dime spent in a classroom in South Carolina will do.

Let us take the money, the desires, hopes and dreams we have for our children and put it in the hands of the people who will actually meet the child day in and day out, and do not buy into the dream that Washington knows best. If you want to send your kid to a Washington, DC school system, come up here and go. You would not stay here 1 minute.

Mr. HOYER. Mr. Chairman, I yield myself 5¾ minutes.

Mr. Chairman, I rise in opposition to the Goodling amendment. I am from one of those States apparently that was intensely lobbied. We did not need to be. As the gentleman from North Carolina has mentioned, we believe that assessing performance is critical if we are going to achieve excellence, if we are going to have expectations of our school system, of our students, of our teachers and of our system.

Mr. Chairman, I rise in opposition to the Goodling amendment because I believe it is a crucial part of preparing our children for the next century to have a national assessment available to local States and local education agencies. Available is the key word; not imposed, but available, at their option, voluntary, as everybody has noted.

The funds provided for in this bill will support the implementation of voluntary national tests. States and local districts will have the opportunity to participate in the tests, but the tests are not mandatory. No Federal funds will be withheld if a State or district does not choose to participate. It seems to me the proponents of the Goodling amendment ignore that fact and just suppose that somehow it will turn into being mandatory.

Parents, Mr. Chairman, deserve, having spent their hard-earned money and invested in their school systems, to know how their children are performing based on rigorous standards no matter where they live in this country. The chairman of the subcommittee spoke. The gentleman is from a State of 32 million people. One-ninth of America lives in his State, one-eighth or one-ninth of America lives in his State, so it is very nice to say, well, we will have this State standard, larger than most nations or many nations of the world.

National tests, Mr. Chairman, will provide parents with the information they must have to determine if their children are on track in obtaining the knowledge and skills needed in a global society, not needed in South Carolina, not needed in California, not needed in Maryland. Our young people will compete in a global marketplace. They need to be ready, as this country needs to be ready.

In my State of Maryland, as has been mentioned, national tests will serve as an enhancement to the rigorous assessment program already in place. Why do we have it in place? Because our citizens have demanded that we use their money effectively. All of us, and particularly the majority party, has talked about spending taxpayers' money effectively. How do you know that? By osmosis? I suggest not. You have got to find out, and you have got to tell parents, are your children getting what you are paying for? This is the way to find out.

Since the implementation of this program in Maryland, Mr. Chairman, test scores have continued to climb, dropout rates have dropped significantly, and attendance rates have risen. I hope that everybody listens to that, because that is exactly what the gentleman from North Carolina said was the result in his State of these tests.

The American public supports, I tell my colleagues, high national standards. According to a national education survey, 84 percent of voters favor establishing meaningful standards for what students should be expected to learn in skills such as reading and math. And 77 percent of those surveyed favor national reading and math tests. Why? Because they know their children are going to compete with the young people from California and Florida and New York and Maryland and Mississippi, and they want them to be able to do so, because they know it is crucial for them and for their families' welfare as well as the welfare of our Nation.

The American Federation of Teachers, the National Education Association, the National School Boards Association and the Council of Chiefs of State Schools Officers all endorse voluntary national tests and oppose the Goodling amendment.

Mr. Chairman, when expectations are raised, students rise to meet them. I hope that we oppose this amendment.

Mr. Chairman, there was a book written by Jonathan Kozol some years ago. The title of that book was "Death at an Early Age." The premise of that book was that we do not have high expectations of some young people, minority young people, educationally deprived young people, economically deprived young people, and because we do not have high expectations that they will perform, they meet those expectations. They are low ones. But if we had a way to assess all of our students, then their parents would know that our expectations were not high enough for their children or that our performance in getting them to our expectations were not successful. In either event, parents, communities, States and, yes, this Nation ought to know, are we preparing our young people to compete in a global marketplace.

The CHAIRMAN pro tempore. Without objection, the gentleman from California [Mr. RIGGS] will control the time of the gentleman from Pennsylvania [Mr. GOODLING].

There was no objection.

Mr. RIGGS. Mr. Chairman, I yield myself such time as I may consume to briefly observe that what this debate is about is whether national testing is a proper role for the Federal Government. As a former Governor himself, as a former head of the National Governors Association, the President should realize that he is intruding on what is historically a State and local responsibility. In fact, just last March at a summit in Palisades, NY, the Nation's Governors and prominent business leaders reconfirmed their commitment to developing State standards and State assessments in their own States.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY], the distinguished majority whip of the House of Representatives.

Mr. DELAY. Mr. Chairman, I congratulate the gentleman from Pennsylvania [Mr. GOODLING] and those that have brought this amendment because I rise in support of this common-sense amendment, and I urge my colleagues to support it.

We do not need the Federal Government and national organizations getting involved in our local school districts. There are many problems with our educational system. Parents need more choices when it comes to sending their children to primary and secondary schools. We had a proposal that would have given parents greater opportunities to make these choices, but the President turned it down. Clearly the President was frightened by the power of the teachers' union, and I think that is a shame. We do not need to legislate merely to please the teachers' union. We should legislate to improve the quality of our children's education.

This amendment says that we should not waste our precious resources by identifying problems through more tests administered by Washington bureaucrats. We know the problems. Our kids are not getting the kind of quality education that they need to compete into the next century. We do not need a national test to figure that out. We need to improve our schools by promoting competition and by giving parents more choices to provide better opportunities for their kids. We need to move our precious resources out of Washington and away from the NEA and other national associations and send those resources to our schools where they belong.

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Let us send a signal to this administration: Improve our schools, not our tests.

Mr. RIGGS. Mr. Chairman, I yield 5 minutes to the gentleman from Delaware [Mr. CASTLE], the vice chairman of the Subcommittee on Early Childhood, Youth and Families.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I do rise in support of the Goodling amendment. As a member of the Committee on Education and the Workforce and someone who wants all children to achieve the highest standards of learning, I am reluctantly opposing the administration's current national testing proposal in its current format.

The goals and intentions behind the proposal are excellent, to enable States, schools, and students on a voluntary basis to see how they are doing relative to other State schools and students. At its best, this can spur reform efforts and help target resources where they are most needed. The tests can also provide one indicator of how successful local reform efforts are.

Unfortunately, this proposal has been poorly managed and executed, and consequently has not gained adequate support from families, educators, the States, or Congress.

My home State of Delaware recently implemented world class education standards. These standards were not developed at the top level and presented to educators and parents as a done deal. These standards were the product of extensive discussion and feedback from all parties at the local and State level. Consequently, when the standards were complete, there was widespread, although not universal, support for them.

I believe this serves as a model for how testing should be developed at the national level. Instead, the administration's national testing proposal was developed in a top-down manner at the Education Department without adequate input from Congress and State and local educators.

National standards in testing are issues we should address in a cooperative and coordinated manner. The administration's proposal has gotten off on the wrong foot, and we should go back to square one. The Senate has developed a reasonable compromise, and I hope we in the House can work with the Senate in conference to provide some guidance to the administration about how to revise the testing proposal.

Among other things, the Senate has done the following: Reaffirmed the voluntary nature of the national test; given the National Assessment Governing Board exclusive authority over all policies, direction and guidelines for establishing the tests; provided that the National Assessment Governing Board has authority and responsibility over any activities already begun by the Department of Education and has 90 days to review any contracts; directed the National Assessment Governing Board to ensure that the content and standards for the national tests shall be the same as those to the National Assessment for Educational Progress, which is widely respected, as we have heard on the floor tonight; changed the composition of the 25- member National Assessment Governing Board to ensure it is truly bipartisan and independent; and reasserts the independence of the National Assessment Governing Board from the Department of Education.

Mr. Chairman, I believe this compromise has potential. As Governor of Delaware, I had the opportunity to serve on the National Assessment Governing Board, which is the organization of State officials, educators, and parents that work with the Department of Education on national policy to improve educational standards and assess the educational progress of our children.

I am supportive of increasing the involvement of the National Assessment Governing Board as a good way to involve Governors, local elected officials, business and industry representatives, as well as educators and parents, in the development and oversight of the tests. So while I support the Goodling amendment, I reiterate my hope that the House will work with the Senate on its compromise, and I will work to create a compromise we can all support.

Mr. Chairman, I am not opposed to a strong Federal role in education. The Federal Government should be a partner with local schools, parents, and our States in improving the education we provide to our children. However, the Federal Government cannot dictate policy. Standards and tests must have the input and support of everyone who cares about education, including parents, teachers, administrators, and State officials. The current administration proposal does not do this, and, thus, I support the Goodling amendment to prevent it from moving forward until it is revised.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Chairman, I rise in opposition to the amendment, because I cannot understand the reasoning behind denying communities across the country the opportunity to engage in a voluntary system, a system which will enable them to more accurately test their students to see if they are doing well.

This is not, as some have suggested, about establishing a national curriculum. After all, math and reading are part of every curriculum. It is about testing for those two subjects. These are the two critical parts of every curriculum. If a student cannot participate in math and do math well, they are not going to succeed very well in society. If they cannot read and use language arts very well, they are not going to succeed in society. That is what this program is all about.

The President is offering communities across the country the opportunity to participate voluntarily so they can judge and test whether or not their students are making progress, so that they can compete more effectively throughout the school system on into higher education and then on into the economy.

Some have said that testing establishes a stigma. Well, what kind of stigma is worse than the stigma of not being able to do simple mathematics, or what kind of stigma is worse than the stigma of not being able to read and write, to be able to communicate properly?

That kind of stigma is a real stigma, one that prevents people from participating in the economic system in a fair and just way, prevents them from getting jobs and taking care of their families.

Testing will simply measure the progress that is being made. It is not something that the administration is trying to force on anyone. They are simply offering it. If you want to participate in it, you may. If you want to establish your own statewide tests, you certainly may do that and leave this one alone.

If you want to establish different tests for different communities, do that, if you like, within your States. But if you want a national test that is available to you, which will enable you to see whether or not your students are keeping pace with others in other parts of the country so when they get older and as they move to other parts of the country, and, indeed, to other parts of the world, they will be able to compete effectively with those students who are educated in other places, that simply is what is at stake here.

Mr. Chairman, I just cannot understand why we should be opposed to giving communities the opportunity to allow students to find out more about themselves and about the progress they are making through the educational system. That is what this test does, and we ought to reject the amendment therefore.

Mr. RIGGS. Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia [Mr. GOODE], a new Member of the body.

Mr. GOODE. Mr. Chairman, I want to commend Chairman Goodling for this amendment and for his leadership on this issue. During the recent August recess and during the last two weekends, I have talked with area school superintendents from across Virginia's 5th district. I have talked to school administrators, with teachers, with students and with the parents and with citizens, and there is widespread opposition to any national test.

Recently Cheri Yecke, a member of the Virginia State Board of Education, also spoke out against the national test. We do not want a commission, we do not want an appointed body, we do not want a board making the decision on a national test. We believe that a national test decision should be by elected Representatives of the United States Congress, and I am glad to see the bipartisan opposition to a national test, and I hope we can kill this snake today overwhelmingly on the floor of this body.

Mr. RIGGS. Mr. Chairman, I yield 3½ minutes to the gentleman from Missouri [Mr. BLUNT].

Mr. BLUNT. Mr. Chairman, I want to associate my remarks with those of my colleague the gentleman from Virginia [Mr. GOODE]. Certainly we are talking ultimately about a national test, a national test that will lead to a national curriculum. Anybody who is going to be regulated by this national test, who has ever been in the classroom, knows that eventually you have to make efforts to respond to the test. You do not exactly have to teach the test, but you certainly move in that direction, and that leads in the direction of a national curriculum at the elementary and secondary level.

This is not a good way to spend $50 million. There are good ways to spend $50 million that encourage education. This is not a good way to do that. The States are already doing this job. Forty-seven States are in the process of adopting State assessment vehicles through testing, through monitoring, through grading of how efforts are being made in schools. Forty-seven of 50 states are already doing this job. I think it needs to be done at the State and the community level.

In fact, education tests need to be really developed from the bottom up, not from the top down. The closer you get to where kids leave home to go to school, the closer you need to be to their house where that test is developed.

For 4 years, Mr. Chairman, I was the president of a university, and during that entire 4 years we talked about whether or not the national tests at the university level were adequate vehicles to measure how students were going to do in college. The SAT, the ACT tests were constantly being criticized because of their inability to really measure how people were doing or how people were going to do. And this is not to attack those tests, privately developed, well-used, indicators, I think, of what can happen at the college level. But, remember, the people taking those tests were people who had gone to school 11 or 12 years, people who intended to go to college, people who should by that time have had some commonality of what they were talking about in terms of how you measure those skills. People at the third grade level generally do not have yet a national perspective. They do not have that at the eighth grade level. They may not even quite have that at the 11th and 12th grade level when they are now taking all kinds of national tests that really frankly do not measure people's ability to compete in higher education as effectively as we would like.

A national test for elementary school does not make sense. Government involvement in testing at the Federal level does not make sense. We have handled that well in higher education with privately developed tests. The States are handling that well by encouraging local school districts to develop tests.

Remember, geography comes into how you take this test. Where you live comes into how you take this test. Let us not try to act like that by the third grade, American students become so homogenized that they can react to a national test, because they cannot.

It will be misleading, it will be a misservice to parts of the country. There is no way you can develop this test so that it adequately measures fairly children all over America. Of course, children all over America I think is what motivates both sides here.

Mr. Chairman, I urge support of the Goodling amendment.

Mr. OBEY. Mr. Chairman, I yield 3½ minutes to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, I rise today in opposition to the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

Mr. Chairman, I have listened to those who oppose national testing. They have attempted to claim that the new national test will lead to a national curriculum. They argue that the tests are really just another intrusion into education by the Federal Government and an attempt by Washington to usurp control of education on the State and local level.

Nothing could be further from the truth, Mr. Chairman. The establishment of a reading test for fourth graders and a math test for eighth graders is not an attempt to create a national curriculum. The tests are meant only to serve as a way of ensuring that students all over America are receiving the type of education they deserve.

We are not talking here about history or interpretive studies. We are talking about the very basic skills needed to survive in America today, reading and math. That has nothing to do with history; it has nothing to do with revisionism. It has to do with the very basic skills that we need to survive. These tests are based on generally accepted standards that students should know.

As a former local official and as a mayor, I recognize the importance of keeping control of education at the local level. I support national testing because it assists local school boards in States to measure how well they are doing their job without undermining their ability.

I have heard others argue that we should be dedicating greater resources to improving our schools and then to the classroom. I agree with that premise. I do not, however, believe the two are mutually exclusive. In fact, national testing will provide us with a better picture of where we need to better target our resources.

Let me be clear on this issue: National tests will improve the education that our students receive by providing parents and educators with the knowledge of how their students' individual achievements rank in comparison to widely respected national-international standards by an independent commission of educators and scholars, not the Federal Government.

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National tests will focus attention on the need to improve basic skills. The tests will provide teachers and parents and students a very clear picture of where students should be in their education at specific points. This picture will help guide parents and teachers.

Mr. Chairman, there are those in the Congress, many of my good friends, who oppose these tests on the grounds that they fear that children in underfunded school districts will fail at a higher than average rate. I understand that fear, but believe that these tests actually make the argument for the tests.

The tests will serve as proof that we need to better direct our funding, and direct and provide a guide for which districts are most in need of funding, and our children can compete. To say that tests are simply going to prove failure is absolutely wrong. We send the wrong message to those children. As a former educator, I think it is insulting to those kids if we say, "The more we test you, the more we will know you fail." That is wrong, that is absurd. There is no science to back that up.

In the end, we must understand that we do not live in 50 different bubbles, as the gentleman from Wisconsin [Mr. OBEY] pointed out.

Mr. RIGGS. Mr. Chairman, I yield myself such time as I may consume.

I want to briefly respond and point out to the gentleman, as we have already said on this floor this evening, only 7 of the 50 States have said that they will participate in these tests, which begs the question, if these tests are so essential to the education of our children and to gauging and assessing the progress of our children, if these tests are so essential in that regard, it would seem that more States would already be on board.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I certainly want to thank the gentleman from California [Mr. RIGGS], for yielding me this time.

I rise to speak in support of the Goodling amendment. I do so even with the understanding that reading and arithmetic are the base fundamentals of the development of any educational program. However, I rise to speak in favor of this amendment because I am concerned about a national testing program because of the differences and variations in our society. I am not sure that when we measure and how we use that data, that it will not be used in such a manner that it is not designed to point out the needs that really exist.

If we want to improve education, what we really need to do is galvanize our communities so that people believe that education is essential to making it. Once again, I would be in favor of a national testing program if we had a national funding program, if we had a national resource development program, if we had a national training program so that we could train, inspire and motivate teachers to give their best.

So when that time comes, then I would be in favor of a national testing program. But until then, I believe it makes more sense to make greater use of those resources, to find a way to equalize educational opportunity by finding ways to bring equity to school systems throughout this Nation.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from California [Mr. DOOLEY].

Mr. DOOLEY of California. Mr. Chairman, I rise in opposition to the Goodling amendment.

Throughout this Congress we have had a lot of discussion about an increasing concern across this Nation about the growing differential in wages, the growing differential between the wealthy and those who are somewhat more impoverished.

When I look at what the potential for voluntary testing provides, I think more than anything else it is going to ensure that all of our children are going to have the same opportunities to succeed. Because what we are talking about here more than anything else is how do we empower students, how do we empower parents, how do we empower our educational institutions as well as our communities?

By giving them information on how students and how schools are performing, whether it be in Hanford, CA, or Waco, TX, or Boston, MA, we are going to allow parents to understand whether or not their children are gaining the proficiency in such basic subjects which are critical to their success.

When I talk about the growing wage differential, what is absolutely critical is that when we look at the potential lifetime earnings of any individual, the greatest determinant is the level of education they receive. When we look at what institutions our children are going to be able to get into, oftentimes it is their ability to perform well on college entrance exams. And unfortunately, all too often, some children coming from some areas that might not necessarily be getting the level of academic training that they need, are not being accepted into these higher levels of academic institutions.

What the voluntary testing will allow, it will allow that parent and those schools to gain a greater understanding of whether or not they need to be doing a better job, whether or not they ought to be making some improvements in the way they are trying to educate their children and how they make them more proficient in reading. We are going to be doing a better job in giving schools and again parents the information they need to know, whether or not they ought to be doing something and trying to define some of the basic math skills which are critical to an individual's future success.

Mr. Chairman, I think the administration has put together a terrific program that would allow again the information which is critical to the future success of a child to be known through this voluntary national test program. These are some things that are going to allow the greatest influence to be utilized at the local level, and more than anything else it will give the information to parents so they can make the decisions, so that they can play a major role in the success of their children.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. PETERSON], a member of the Committee on Education and the Workforce.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise today to support the Goodling amendment. The reason we are here discussing this issue tonight is that Johnny and Suzie cannot read as well as they should, and Suzie and Johnny do not do mathematics, they do not add, multiply, subtract and divide as well as they need to, many of them. So that is why we are discussing this tonight.

I ask my colleagues, do we really think a national test will help Johnny read and Suzie do math? Do we really think it will make a difference?

What are some of the problems that we are facing in basic education today? Parental involvement, helping Johnny and Suzie read and do math. Will a test change that? I do not think so. Discipline in the schools, to help Johnny and Suzie read and do math. Will a national test change that? I do not think so.

National and State bureaucracies which chew up our administrators and principals' time, if my colleagues have ever walked through a school, how often do they really get into the classroom? They tell me by the time they get the State and Federal paperwork done, the day is over. They do not have time to get into the classroom like they need to. If my colleagues have ever walked through a State bureaucracy, they are very busy. Ninety percent of the bureaucracy is caused by the Federal Government which gives 6 percent of the money.

Do we reward good teachers? Oh, no, that is not cool, that is not appropriate, to reward good teachers. Will national testing help there? No. Is funding fair and equal in all of our schools? Absolutely not. We have schools that spend 2 and 3 times as much per student as others. Will national testing change that? National testing will not change that. Is the classroom size equal from school to school? No, it is not equal, and national testing will not change that.

We will add another layer of bureaucracy. We will have a Federal bureaucracy, we will have a State bureaucracy in 50 States, regional bureaucracies and local bureaucracies administrating tests. One hundred million dollars to set it up and approximately that much at the Federal level to administer it thereafter, plus the unmeasured costs at the State and local level that never gets figured into the mix.

National testing will not change education, I say to my colleagues. We would be far better off to spend that $100 million getting at one of the problems I have mentioned, but a test will give us a couple more years to observe, we will hire some more employees for the Federal and State governments to build the educational bureaucracy.

Mr. Chairman, I say to my colleagues, the gentleman from Pennsylvania [Mr. GOODLING], our chairman, is right on the ball, he is right on the money. National testing is not the answer. It will not change a thing. It will give a few people a few jobs, but it will not help Johnny and Suzie read and it will not help Suzie and Johnny do multiplication, add and subtract.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in opposition to the Goodling amendment.

Mr. Chairman, as I have listened to some of the debate, I have gotten the impression that many of my colleagues feel that any amount of testing is not worthwhile, and I think we need sort of a reevaluation of what testing is all about. Obviously we spend hundreds of millions of dollars on testing elementary and secondary students today across this country. The question is, do we have a good measurement instrument in terms of making that assessment? Is it valid, is it reliable?

The fact is, I think the real genius of this administration, of this particular proposal, lies in first of all setting some national standards for reading and math. There is an area I think where there is not great controversy. Setting national standards for that is I think of paramount importance; and then, attempting to measure. We cannot have standards unless we know how we are going to assess whether we attain them.

I would submit to my colleagues that testing of course is paramount to that. We cannot tell by the color of the hair of the student or other extrinsic factors that one might look at in terms of making that determination. One can only do that with a valid and reliable measurement instrument, and that is what we are about in terms of this particular case.

We have a lot of private sector companies today developing tests. I do not know if they are all valid and reliable; I doubt very much that they are. I think there are a lot of questions being raised about cultural bias and other things in testing, and the question is, why are we doing this type of testing?

One of my colleagues mentioned we test the 12th grade to see if they can get into the Air Force, the military academies; we give them various scores, all very interesting. However, the one thing that I think most of the parents would come to us in terms of suggesting at the end of the 12 years of elementary and secondary education is, "Why did you not tell me that something was happening where a student could not read or could not do math? Why did you not let me know? We used to get it after just one semester. Why did you not tell me so I could do something about it?"

The fact is that that is what these tests are aimed at, the fourth grade, reading and math, eighth grade, reading and math, to let them know, to give some feedback.

A test as a measurement instrument has an ability to communicate. It tells us and gives us information that we can use, that we can evaluate what is being done in the elementary and secondary schools across this Nation.

I will tell my colleagues, when we look at the billions of dollars being spent, and I frankly very much support the increased budgets in education at the national level and the compensatory education, and I urge my colleagues to do so, but we are spending those billions of dollars and we have a responsibility to also try and include some evaluation measurement instruments so we can communicate back some of the internal type of dynamics that work.

Yes, testing will improve achievement and testing will tell us what is happening, and as I pointed out, we live in such a mobile society today that many individuals that come from other States or from my colleagues' States, come from my State, Minnesota or others. I urge opposition of the amendment.

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Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado, Mr. BOB SCHAFFER, another gentleman from the Committee on Education and the Workforce.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, I would like to refute the arguments of the gentleman from Minnesota [Mr. VENTO] who just spoke. I have a lot that I find that I like about Minnesota, one of which is an author and a storyteller named Garrison Keillor, who writes about a mythical town in Minnesota called Lake Woebegone. He talks about Lake Woebegone, where all the children are above average, all the children are above average.

If Members are inspired by that particular statement, that particular comment, I would suggest that they really would want to embrace national testing, because that is what they will get. They will get 50 States where all children are above average.

Let me suggest, the gentleman who said that those who favor the Goodling amendment, as I do, and hope we have support here today, that this amendment would deny States the opportunity to participate in voluntary testing, I would suggest this debate is not about national testing. It is not about testing at all, and it is not about the value of testing.

What it is, though, is about whether we should embrace a government-owned test versus an independent test. States around this country realize the value of independent testing, testing that is outside of the U.S. Department of Education, that is not controlled and dominated by Federal bureaucrats who are rewarded when they treat all States and all students as though they are somehow all above average.

Members of my State board of education told me that they did not want the government-owned national testing program. Other State legislators and leaders in the areas of schools told me the same. Local school leaders told me the same thing.

Yesterday, Mr. Chairman, there was a meeting here in Washington about this national testing program. It was a meeting of the national test panel which is organizing this effort. The National Governors Association did not show up because they have withdrawn from the effort. State after State after State is coming to the conclusion that when we come here tonight, that this national testing effort is a bad, bad idea, and that the Goodling amendment ought to be passed; that $100 million a year to support this nonsense is something we should not do. We should redirect those dollars directly toward children, not toward more bureaucracy and more administration.

A government-engineered national test, I will submit, is the most direct pathway to mediocrity in America. It is an idea that we should reject, and we should reject it tonight by voting in favor of the Goodling amendment.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I was listening with great attention to some of my colleagues on the other side, and I rise in opposition to the Goodling amendment. Like many Members have said this evening, testing will not solve many of the ills of our educational system.

In my district, I have some very diverse areas of education. In part of my district I have the most affluent district or section of our State. SAT scores are the highest, income level is the highest, and the schools are phenomenal. I also have the poorest section of our State, where over 75 percent of the students are minority. Over 40 percent of the students in the last 3 years did not live in the United States of America. It is very difficult for education in that area.

But testing is extremely important. Remember when we went to school, we went to college and we took those SAT scores. They always scared us, but we had to take them because that was the only tool that educators could use to evaluate whether we were capable of getting into college. It is a national test, the SAT's.

Just 2 weeks ago I dropped off my youngest child to college, and I worried whether he was going to be able to make the test. Was he going to be able to pass all the things that he needed to do in college? Because I was concerned whether he really had all of the kinds of tools from the school system he came from to be in college.

Every one of us lives up to three basic things in life. We set standards, we have assessments or testing, and then there is accountability afterward. Every educational system from kindergarten to graduate studies has the same three elements. Yet we are saying this evening that we do not even want to begin to consider assessments or testing on a national level? That is completely wrong, and completely opposite of what we have all learned.

The poor districts will argue, well, maybe our students will not bear up with national testing. I say that is what we should be doing is to help them with regard to more money, more teacher training, and more professional development, and the kind of assistance and infrastructure that they need. But we should not disregard testing, because, quite frankly, that is the only vehicle that we have to be sure our students in all districts, rich and poor, make the grade.

Testing is what we call tough love. It is difficult. We often do not like to do it, but we have to go through it if we are going to raise the standard of quality education in our States and in our districts. Quite frankly, those of us who believe in it have seen the merit of it. As a former professor, I know that it works. As former teachers, all of us know it works.

Quite frankly, we are a little bit edgy about the concept of national testing. Local cities and towns felt the same way about State testing, and local neighborhoods felt the same way about city- and townwide testing. Quite frankly, we have to live with it. We should live with it. It will make our students better. It will make our children better. It is tough love, but we should be doing it.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MCKEON], the subcommittee chairman on our committee.

Mr. McKEON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Education and the Workforce, and commend him for his leadership and the work he has done to bring us to this point on this debate.

The gentleman's amendment would prohibit funds under this bill from being used by the Clinton administration for a new Federal testing program in grades four to eight. Mr. Chairman, there is no question that our K–12 education system needs reform and attention, but an arbitrary new Federal testing system is not the answer nor the cure-all.

There are already a number of tests that continue to be administered. In fact, in 1997 the Federal Government spent approximately $540 million in testing students. The question is, when you have a test, what do you test? I think we have heard the administration talk about when you have a test, you have to have standards. The question is, who sets the standards? If you have a Federal test, I guess it would be the Federal Government setting the standards. What is the next step?

I spent 9 years on a local school board. My wife was a PTA president. We have reared six children. We have 15 grandchildren. We have real concerns about the Federal Government setting their standards and setting testing. The administration now wants to move forward and implement new testing without input or authorization from Congress. As a member of the Committee on Education and the Workforce, I, along with my committee colleagues, would like the opportunity to evaluate and study any such proposal.

I encourage my colleagues to support the prohibition of this new, unauthorized Federal testing proposal. Let us do what local school boards are asking. Let us take some of the Federal regulation off of their backs. Some of the testing that we now have let us take off of their backs. Let us let them be free to do the things that are best for children. That is what our children need to move forward.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from California [Ms. PELOSI], a member of the subcommittee.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Goodling amendment, with the highest regard for the maker of this motion and for his commitment for education, the education of our children. However, I part company with him on this testing issue.

Mr. Chairman, it seems like yesterday when we were all gathered, celebrating the proposal, was it called America 2000, that included this national testing. There was bipartisan support in the Congress of the United States, including some of the people who are speaking out against the testing this evening. The President of the United States, President Bush, gathered the Governors in a bipartisan fashion. They worked with the business community to develop a proposal that would meet the needs of our children, first and foremost, to prepare them for the work force, as well as to meet the needs of our country.

Mr. Chairman, that is why it seems so strange to me this evening to hear people who were so bullish, if I may borrow a word from the business community, on that proposal, which included testing, which the business community was emphatic about, national voluntary testing to be part of the proposal that was put forth.

President Clinton was at the time a Governor, and he was one of the cochairs of the education task force. I think that the credentials of President Clinton in education are unsurpassed. It has been one of the priorities of his public life, the education of our children. He was committed to it in the statehouse, and he brought that value and that priority to the White House, and with it, a focus on what is best for our children.

That includes this national voluntary testing, and I repeat voluntary. The test that is being proposed by the administration will not impose a national curriculum. It will help States and local communities to tailor a curriculum to the needs of their students. It will provide parents and educators with information that will be helpful to assess the needs, as well as the progress, of their children. The voluntary national test, based on national assessment of educational progress, are tools to give parents and educators information on how students are performing academically.

Others have mentioned, and I will, too, voluntary testing for fourth-graders in reading and eighth-graders in math sets up a challenge, a standard of excellence. We need to invest in the education of our children through funding of programs like title I, but this is imperative, and national standards enhance that effort by allowing us to determine what tools are most effective in preparing our children most successfully for their futures. Setting challenges and higher standards leads to greater efforts to reach those standards.

I am proud to say that after a concentrated effort to meet the individual needs of students, and I repeat, a concentrated effort to meet the individual needs of students, test scores in my district, the district I represent in San Francisco, are up in reading and math for the fifth straight year.

It is my hope that over time, the voluntary testing program will be developed to include limited English-proficient students in testing our efforts to provide these students with equal access to quality education. That is a must.

Parents want to know that their children are learning. Educators want to know how to better reach students. Students need and want to live up to standards and challenges. Without an attempt at accountability in education, our children will not be as well prepared to compete in the 21st century.

I was interested in the remarks of the gentleman from Rhode Island, who spoke from his experience as a professor and as a father, and I as a mother recall taking one of my five children to college when she was looking at colleges in her senior year in high school. And I remember the comment that she made when she was aspiring to one college or another about what was expected and what standards had to be met to be admitted to certain colleges. She said, "I really wish I knew this when I was a freshman in high school, because I would have spent my time a little differently."

Well, she did well and she got in, but I do think that children should know what is expected of them, and I think that this balanced approach that the administration is taking of voluntary national testing helps students to know the challenges so they can meet the challenges.

Mr. GOODLING. Mr. Chairman, I yield 2½ minutes to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. I thank the gentleman from Pennsylvania for yielding time to me, Mr. Chairman, and commend him for his work as the chairman of the Committee on Education and the Workforce, and for this amendment.

Some people think we do not have enough standardized national testing. They think we need to spend more than $90 million on telling us how our kids are doing. Right now in my home State of South Dakota and other States around this country, we already give students two standardized tests at a cost of about $30 million. Both of those tests are given in the month of March, and both take about a week to administer.

Now we are talking about yet another nationalized test, which would take about another week to administer and would be administered in the month of March. That means that people back home, students back home in my State of South Dakota, would spend virtually the entire month of March not learning, but testing. Think about it. Would you like to spend the better part of 3 weeks doing nothing but filling in the oval next to the correct answer with a number 2 pencil? I cannot think of anything I would dislike more, unless it is spending $90 million to do it.

I have a novel idea. If we want to find out how our kids are doing and how they are doing in their local schools, we should call our child's teacher. I know it sounds crazy, but I believe the teachers and the parents back in South Dakota have a better idea of what is right for their children than do the bureaucrats in Washington, DC.

The keys to good education are good parents, good students, good teachers, and good schools. Another layer of bureaucracy is not going to improve American schools. If we really want to know how our students and our schools are doing, go to the people with the answers, our students and teachers. Our child's teacher knows more about how our child is doing than any staff in Washington is ever going to know.

I would also suggest in the area of the money that it is going to take to finance this test that we could probably ask parents in this country, and certainly in my State of South Dakota, if they could think of a better way to spend $90 million. Do we think we have enough computers in the schoolrooms? We could buy a lot of computers with $90 million. How about our teachers? Is your child's teacher doing a good job? We could give your child's teacher a significant, substantial raise with $90 million.

I do not believe national testing is in the best interests of our children, and certainly not the best use of our education tax dollars. That is why I am urging my colleagues to vote against Federal testing for America's schoolchildren and vote in favor of the Goodling amendment.

□ 2045

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Chairman, I rise today in opposition to the Goodling amendment and in favor of finding out just how well this country is educating its future work force.

Today we are behind other nations in educational achievement. Forty percent of our children are not reading at the level they should be; 20 percent of our 8th graders are not even taking algebra. We know these statistics because we recently conducted studies comparing the achievement of our students with those in other countries.

This analysis is a valuable tool for educators, and the administration is trying to conduct a similar analysis to determine how local school districts compare nationally. It is the same kind of approach to find out what we need to be doing to better serve our students.

Despite what proponents of this amendment argue, no such mechanism for analysis currently exists to compare and find the information we need on a national basis. The National Assessment of Educational Progress, for example, is a sample test for a variety of subjects. The tests are not universally administered and are administered as a blind study telling us only national trends.

The new national test would be administered uniformly, it would provide a scale by which standards and progress can be measured, and it will help all of our local educational authorities assess the areas in their curriculum that need improvement.

Another critical difference in the new test is they would be available to parents and teachers who can chart their own children's progress and more easily assess their child's individual educational needs. If Johnny is the worst reading student in the 4th grade, it may help the teacher to know that he is actually way above the national standard. We need to know this kind of information.

Many of the discussions relating to education in this bill have focused on getting parents more involved in their child's education. These steps are a major part of that process. Experts in education, including the National Education Association, the National Association of Elementary School Principals, the National School Boards Association, they all support the proposal to administer a voluntary national test. I am sure I will be corrected if I am wrong.

In addition, the proposal has overwhelming support from the business community, including the U.S. Chamber of Commerce, and the presidents and CEOs of hundreds of technology, manufacturing, service firms throughout the country.

The Goodling amendment would prohibit the use of educational improvement funding for the development of a national testing program in reading and mathematics. It is shortsighted because the ability to compare educational outcomes nationally is the critical first step necessary to improve our educational standards. This proposal is only in its infancy but its potential is enormous.

While I understand the committee chairman's interest in securing jurisdiction over this testing program, this is too important to be stopped because of that kind of territorial dispute. In fact, former Secretary Lamar Alexander used similar authority to develop voluntary national tests. We need to do so and we need to encourage the pursuit of excellence among our future work force.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. PORTER], the chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations.

Mr. PORTER. I thank the gentleman for yielding me this time, Mr. Chairman.

If I believed that the money for national testing would help the children of this country to do better in math and reading, I would support it in an instant. But, Mr. Chairman, we know where we are with respect to the academic achievement of our kids in America. Our States administer hundreds of tests and they know where the problems are. They know where the kids are who are poor at reading and math and they know where those are who excel. Further tests, in my judgment, do not add anything to what they already know. They are really unnecessary.

What we need to do is to take the money that might be spent on national testing and spend it to help those kids who need to be helped. That is where the money ought to be spent, not on tests that are not needed and are merely symbolic, as if that would solve our problem. We need to actually aim at the problem and get it solved.

Mr. Chairman, I commend the gentleman for his amendment. He has his priorities right.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. McGOVERN].

Mr. McGOVERN. Mr. Chairman, I rise in opposition to the Goodling amendment. Today's students will be entering a highly competitive work force that will demand greater knowledge and skills. If we hope for our children to compete in our increasingly global economy, we need to know that they match up to the highest possible academic standards, particularly with regard to reading and mathematics.

Voluntary national testing allows local school districts to focus on how best to improve these basic skills. They provide a measure of student performance against national standards in reading and math as well as against international standards of mathematics. These tests will empower parents by providing them with the information they need to determine if their kids are on track in the basic skills.

By 4th grade, students need to have mastered basic reading skills in order to begin to learn other subjects. Reading is an essential skill in learning science, history, mathematics, geography and social studies. Students who are not able to read independently by the end of 3rd grade have a very difficult time learning other subjects and will likely suffer academically. By 8th grade, students need to have mastered basic math skills if they want to take the advanced mathematics courses necessary for success either in college or in the work force.

Providing a voluntary reading test in 4th grade and a voluntary mathematics test in 8th grade will not create a national curriculum. Parents, teachers, schools and States will decide what their reading and math curriculum should be and how the subject should be taught.

Education is an issue that belongs in the hands of local school boards. Voluntary national tests give local school districts important information about how to use the results in shaping their own curriculum. The results of these voluntary national tests help teachers and principals to better understand where resources are most needed and how they can best be spent.

I am one Member of Congress who continues to fight for a far greater investment in education. In my own State of Massachusetts we have already instituted statewide testing in math, science and English. Furthermore, we are one of six States that have already volunteered to participate in President Clinton's national testing initiative. In the Commonwealth of Massachusetts we are proud to apply rigorous academic standards to our teachers, our schools and our students.

Instituting tough academic standards for our children should not be a partisan issue. Politics should stop at the schoolhouse door. Voluntary national tests improve the odds of success for all students, help energize local efforts to improve teaching and learning, and provide students, parents and teachers with accurate and reliable information about student performance.

Parents have a right to know how well their children are doing, and they have a right to insist that their children be given an education that will allow them to compete on a global scale as we move into the 21st century.

Mr. Chairman, I urge my colleagues to vote against the Goodling amendment and stand up for higher academic standards in our schools.

The SPEAKER pro tempore [Mr. BEREUTER]. The Chair would advise that the gentleman from Pennsylvania [Mr. GOODLING] has 11 minutes remaining and the gentleman from Wisconsin [Mr. OBEY] has 4¼ minutes remaining.

Mr. GOODLING. Mr. Chairman, if I could have the attention of the ranking member. If the gentleman is finished yielding time, I would be willing to close debate at this particular time.

Mr. OBEY. Mr. Chairman, I think the committee is entitled to close the debate.

Mr. GOODLING. The gentleman from Illinois [Mr. PORTER] will close the debate. Does the gentleman have any more speakers?

Mr. OBEY. With all due respect, Mr. Chairman, I think those defending the committee position have the right to close.

The CHAIRMAN pro tempore. The Chair will advise that the gentleman from Wisconsin [Mr. OBEY]—as a member of the committee controlling time in opposition to the amendment—has the opportunity to close the debate.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to make sure that everyone understands that to have a valid test someone or some entity must determine what it is they want to test. Therefore, someone or some entity must determine the curriculum, and then the teacher must be trained to teach to that curriculum and to teach to that test.

I heard a lot of discussion about we are doing this on the State level, we are doing that on the State level. That was what Goals 2000 was all about, was spending $50 million this year. We spent hundreds of millions in the past for Goals 2000. What was the purpose? The purpose was to give seed money to States and local entities to improve their education programs.

Forty-six States have already done that, and several have gotten up here opposing my amendment, at the same time saying all the wonderful things their States have done to elevate their curriculum, to elevate their standards.

Everybody wants high standards. As a matter of fact, when this debate began, the administration liked to say 80 percent of the people are for this. Well, what they did not say is what they asked the people is, "Do you believe in motherhood, apple pie and ice cream?" Well, I am surprised it was not more than 80 percent that believed in that. In other words, they were saying, "Do you want higher standards?" Of course.

But let me tell my colleagues what the poll tells us. Only 22 percent of the American people who were polled want the Federal Government to have any involvement whatsoever in determining those standards, in determining curriculum. They say the Federal Government should not be involved. That is why only seven States, after all the pressure that was put on them, all the lobbying, only seven States said we will go along. Only 15 cities said we will go along.

So now we must have a national curriculum. Call it whatever we want, but if we are to test, then everyone has to be taught the same. As I said earlier, when the secretary said they do not have algebra until they get to 8th grade but we will test them for algebra, that does not make very much sense, does it?

So we take away all the creativity, all the creativity of that classroom teacher. This is what I hear from teachers in a State next to here. They say we have to teach to the test all day long. No creativity in our teaching. We must teach to all the tests that are out there.

I want to give my colleagues a good example. I was supervising student teachers in Pittsburgh, Pennsylvania. At the time there was the so-called Cuban missile crisis. I could not wait to get into all my student teachers' classrooms because I saw here they had a golden opportunity to teach math in relationship to the distance between Cuba and Pittsburgh, to teach history in relationship to that initiative that was going on at that time, a golden opportunity to get all of those children on the edge of their seat.

Not one student teacher mentioned the missile crisis in relationship to the headlines that they could hit Pittsburgh. And that evening I said, "I should fail all of you, you missed a golden opportunity to turn these people on." The response was, our master teachers told us we must stick strictly to the syllabus because that is what we have to cover. What a tragedy that was.

Now, people mentioned tests are for diagnostic purposes. Every time I told a teacher that their purpose for testing was to determine whether they presented the material well enough that everyone understood it or even if they presented it real well, there may be some who did not, who will need extra help. That was the purpose of that test.

To say somehow or other that the 50 percent who are not doing well in our schools are going to do better if we just have one more national test, there is no logic to that. No matter how we slice it, there is no logic. All of our children should have equal opportunity to do well. One more national test does not help them at all.

As I indicated before, reading readiness is very, very important. Parents being able to be the first and most important teacher that the child has is very, very important. And can my colleagues imagine that we would wait until 4th grade to determine that a child cannot read? What would we do? I would love to get my colleagues into a classroom and see us do remedial work with 5th grade students and 6th grade students in reading. I want to see it done with 8th, 9th and 10th grade students in math. Why would we ever wait until that point to determine whether a child is doing well or doing poorly?

□ 2100

But I want to give credit. I want to give credit to the people out there who are working day and night to try to improve our education system. We are doing very well with 50 percent of our students because they are getting a lot in this debate. They have done very, very well.

Keep in mind we educate all. We educate all. Do not compare us with many, many other countries who have an elite system. We educate all. If we are going to give the 50 percent who are doing poorly an opportunity to do better, then we have to start much earlier than 4th grade, much earlier than 8th grade. It is over by that time, folks. It is over by that time for 90 percent of those people. They have dropped out, not physically, but they have dropped out by the time they got into 2nd or 3rd grade. They were not reading-ready, so we pushed them into 1st grade. And then many places they got social promotion, so we just compounded the problem.

Let us not make that mistake. Let us not have them fail. Let us have them ready. Let us have their parents ready to play a leading role. Over and over I heard people say, "Well, parents need to know." Parents have to know. Parents do not know now.

Again, I would love to have my colleagues in a classroom and I would love to have them get that 50 percent to attend parent conferences. Why do not many of them come? Because they have literacy problems and they do not have the confidence to come to a meeting of that nature.

So again, I would call on all of my colleagues to think in terms of children. Do not get the Federal Government involved in one more national test to tell 50 percent of our students one more time, make it 1,001 now, that they are doing poorly and to tell their parents one more time they are doing poorly.

All of these States, including California, including New York, are setting high standards; and they do not need us to dumb down what they are doing. And that is what I fear will happen if we get involved any more than we presently are involved.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. BALLENGER). The gentleman from Wisconsin has 4¼ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as I have indicated, the committee officially on this side of the aisle will accept this amendment. But I will vote against it, for a number of reasons. I would, essentially, like to simply direct my remarks to the most conservative Members of this House and the most liberal.

To conservatives I would simply say, I think it is necessary for us to recognize that not all Federal initiatives are bad. We have a national interest, indeed a national responsibility, to produce quality education in this country. We have a national responsibility to see to it that local school districts are measuring up to that responsibility and are indeed providing the quality opportunity for every American child which each and every American child under this Constitution has the right to expect.

I disagree fundamentally with the gentleman from Texas who said the Constitution does not even allow the Federal Government to prepare testing. The Constitution, the preamble, spells out the Federal Government's responsibility to provide for the common defense, to promote the general welfare, and to secure the blessings of liberties for ourselves and our posterity, among other things.

I think seeing to it that everyone has equal educational opportunity and that that opportunity is met with quality is indeed a Federal responsibility, even though the instruments by which we have chosen to meet that responsibility are largely local school districts.

It is naive to the extreme, in my view, to assume that, totally left to their own devices, local school districts will produce that equality of opportunity. That is why we have Federal law enforcement. That is why we have civil rights laws. That is why we have title I and a number of education programs aimed at assuring equal quality.

I would say to liberals, they do children no favors when they run away from either standards or testing. It seems to me that children desperately need to know where they stand. They desperately need to have us level with them in terms of how they are really doing. If we do not, then we get pressures for the very social promotion which a number of people in this House have voiced objection to.

I recognize that testing may demonstrate that students may have had an unequal opportunity to get a good education and that, therefore, they will do poorly on tests. I think that is one of the advantages of having those tests, because it will then demonstrate to this country the need to put additional resources into districts which, through no fault of their own, do not have the financial ability to provide the same kind of opportunity that some of our districts provide.

So I think on this issue it is necessary for both sides to put aside their ideology, to put aside their bias, to put aside their own philosophic preferences, and to instead put the needs of children first.

I think the President is trying to do that by his testing initiative. I would point out this bill does not allow testing to proceed until a lot of other things happen and that they cannot proceed this year at all, and we have another appropriation bill next year that we can deal with if we do not like the kind of testing or the kind of tests which the administration has prepared, and under the Senate amendment, indeed, the preparation of those tests will be left in other hands.

So I will personally vote "no," even though I recognize that this amendment is going to pass by a very significant margin.

Mr. FAWELL. Mr. Chairman, I rise in support of the Goodling amendment regarding the issue of National Tests for Education. I commend the gentleman for his diligence on this matter; it is a testimony to his hard work that the amendment the House will now consider has been accepted by the House Labor/HHS/Education Appropriations Subcommittee. I also commend my colleague from Illinois, Chairman PORTER, and Ranking Member OBEY for their excellent legislation. Debate on the Labor/HHS/Education bill has been long and in some cases contentious, and I commend their excellent leadership.

The Goodling amendment prohibits the spending of any funds in this bill for the development, planning, implementation or administration of new national tests in 4th grade reading and 8th grade math.

As many of you know, earlier this year, President Clinton announced plans to develop and implement individual tests to compare student progress throughout the United States. Supporters of the Clinton testing proposal believe that the development of the tests, patterned after the widely acclaimed National Assessment of Education Progress (NAEP), is consistent with the Department of Education's traditional role in research and development and that congressional input is unnecessary and not required by the general authority inherent in the Fund to Improve Education. Further, they assert that state participation in the testing program is strictly voluntary, and simply offers an unprecedented opportunity for individual students to compare their abilities with other students from across the nation.

Mr. Goodling's contention is that testing is not the answer to our education problems and that testing will not boost the academic achievement of American students. In addition, opponents of the Clinton testing proposal assert that there are already enough existing tests for evaluation and that the development of national tests is too controversial for the Administration to act without congressional review or authorization.

My feelings on this matter are somewhat mixed. Most education experts would agree that the idea of national standards is an essential component of education reform. I believe that these standards should be based on core academic skills which are essential for the success of today's students. I voted for Goals 2000, and I continue my support for this legislation which encourages schools in their efforts to implement high academic standards. But, if we as a nation concede that academic standards are too low and that we must raise the academic bar for our students, then testing and evaluation of students' progress must necessarily follow the development of high standards. How else can parents, local school boards, school principals, and charter school founders compare the achievement of students?

However, confessing my support for some kind of national test, I still oppose the current effort by the Clinton Administration to develop said tests with no congressional or outside education experts. Indeed, in the words of former Secretary of Education Bill Bennett, "if faced with a choice between no test and the Clinton test, I would endorse no test."

However, I am pleased that the House has an additional choice. I rise in support of the Goodling amendment, but also with the understanding that the Senate has acted on this proposal and that the Senate language offers a different and promising alternative. A proposal, offered by Senator DAN COATS (R–IN), adopted by the Senate, and endorsed by the Clinton Administration, seeks to make key changes to the Clinton plan which keep the idea of a national test, but add safeguards to ensure that the control and development of these tests is academic, and not political.

The Coats proposal will give the National Assessment Governing Board (NAGB), a well-respected, independent, nonpartisan body, power to set policy for the national tests. Further the proposal will give NAGB authority to review and change all aspects of national test specifications, development contracts and advisory committees already implemented by the Administration. To further ensure NAGB nonpartisanship, the proposal also makes key changes in the composition of the NAGB so that it has greater independence, adding another Governor, additional mayors, and representatives of business and industry.

I echo the sentiments of education reformers who state that they would prefer no test to a bad test, but most of all, prefer a good test. Indeed. Let's pass the Goodling amendment, delaying the flawed Clinton Administration testing proposal, and support the efforts of those who seek to implement good tests for our nation's children.

Mr. LAZIO of New York. Mr. Chairman, I rise today in support of the Goodling amendment to prohibit funding for President Clinton's national testing plan. This Congress has an obligation to ensure that any test administered on the national level will provide constructive information to help improve our educational system. However, President Clinton's national testing proposal was created without proper congressional input. At the very least, the public deserves congressional hearings on the matter.

I strongly support providing educators with the best tools to improve our classrooms and raise the level of student performance. Congressional hearings on national tests would allow parents, educators and the test designers to voice their concerns and offer their input, helping to design the most appropriate and effective test.

With the proper design, national tests would provide a much needed national standard for comparison. While some argue that these tests simply will divert much needed dollars from the classroom, national tests have the potential to help focus educational resources where they are needed most, eventually bringing all local schools to a higher level. If not constructed and implemented properly, however, these tests will not only waste taxpayer dollars, but could unfairly mischaracterize student and school performance. Clearly, a testing plan of this scale merits full congressional attention.

We cannot deny that our schools are in need of reform. However, if national tests are meant to enhance school performance, their design and implementation must be well founded. America's students deserve no less.

Mr. RODRIGUEZ. Mr. Chairman, we are today discussing how to give our children the tools they need to succeed in school. This administration, one of the most committed to improving opportunities for all students to learn, has gone a step too far in proposing the national testing initiative.

Don't misunderstand me. I agree with the administration's desire to raise standards for our children. We must have high standards. We must know what and if our children are learning in the classroom. Their success is our success.

We are discussing which tools will best serve schools, teachers and students. There is no question that we need to continue to find innovative approaches to meet the challenges of the late 20th century. Students who can't read can't learn to the fullest.

But national standardized testing is not necessarily the best tool to encourage learning and measure progress. In Texas, our kids are already tested every which way. It's not just students who think there are enough tests, but also teachers and parents.

Testing is necessary, of course, but too much testing, like too much of just about anything, can work against us. Teachers want their students to succeed. If success is measured only by test after test after test, then teachers will teach to the test rather than teach to learn. Students must learn how to think not just how to fill in the bubbles with a number 2 pencil.

Each child learns differently, and they all learn at a different pace. This is especially true for children with limited English backgrounds and for children with special needs.

These students need to be challenged to learn and grow. With the proper tools and attention, students with limited English skills will succeed. But they must be given a fair opportunity to do so.

Mandatory national tests won't help all kids. Testing should be optional; their should be alternatives; we should make sure that we don't have a one-size-fits-all national education program.

The best tools we have for teaching kids are the teachers themselves. We should direct our resources to them. Almost every teacher I have met, and during my time as a school board member I met many, wants to succeed and genuinely cares for the students. But they face terrible challenges: crumbling buildings, crime, drugs, lack of parental support, overcrowding, and a dearth of financial resources in our poorest neighborhoods.

I am afraid that national testing will ultimately stigmatize students who already face the greatest challenges. They need teachers empowered with proper resources, they need challenge, and they need a safe and secure place to learn. But they don't need another standardized test in the morning.

Mr. RUSH. Mr. Chairman, I rise today in support of Representative GOODLING's amendment to bar funds for the national testing initiative as it currently exists. I hope that my vote, and that of other Members, especially those of the Congressional Black Caucus and Congressional Hispanic Caucus, sends a signal that such initiatives must become more inclusive and equitable.

I truly endorse the concept of standards in education. Our children have the right to obtain the core skills and knowledge they will need to compete in a global marketplace. However, I cannot support President Clinton's voluntary national testing program in its present form.

I share the views of several prominent national civil rights groups including the NAACP Legal Defense Fund and the Leadership Council on Civil Rights. Congress ought to support a Federal initiative that creates higher academic standards, but in manner that is participatory and equitable. The Federal Government has a responsibility to watch out for the education of our students, especially those in poor communities. But national standards and assessment must be accompanied by funding to support curriculum development and teacher training so students of all backgrounds can do their best on the tests.

The reality is that students taking these tests do not start out on an equal ground. Because public schools rely significantly on local property taxes, some school districts are better funded than others. Any Federal standards and testing initiative must address these gaps. Unless Federal funds are earmarked for making sure that poorer children have an opportunity to learn, the federal testing program will discriminate against poor and minority children.

Additionally, parents, students, and teachers need assurance that the tests will not be misused. The Department maintains that the tests will be used for information purposes only. But the misuse of standardized tests is widespread. In my own district, I know of honor roll students who were not allowed to graduate 8th grade because they missed the passing test score by less than one point. Federal guidelines should urge school districts not to use the results of these tests as the sole factor in making high stakes decisions about a student's educational progress such as tracking, ability grouping, and retention.

Finally, there is the issue of making sure that national tests are developed with respect to the growing diversity of our Nation's 35 million school children. The growing multiculturalism of our communities, and hence, our public schools, demand that we respect diversity and different learning styles. National Assessment should identify the knowledge and skills students already possess rather than their deficiencies. We should always strive to build on students' strengths, not their weaknesses. As Federal funding for low-income disabled children shrinks, especially due to Federal welfare reform, national testing must accommodate the special needs of these students.

I also support the position of my colleagues in the Congressional Hispanic Caucus who point out that high standards should be established for all children. In its present form, the national test is designed to exclude limited English proficient [LEP] students from the reading test. This policy discriminates and cannot be tolerated. The national tests are supposed to tell us how our school districts are doing. But how do we hold them accountable to LEP students and their families if these very students are excluded from taking these test? I cannot support the administration developing tests that exclude a growing segment of the student population.

The education of our children is among our Nation's top priorities. Despite my vote today, I will continue to work with my constituents, including parents and schools in the first congressional district, and the administration to do whatever is necessary to fulfill our children's right to a first-class education based on respect.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise in support of the Goodling amendment.

I am not against educational testing as a tool to assess our children's level of achievement and in order to address uncovered deficiencies.

But, Mr. Chairman, additional testing is not needed to tell us what we already know—that children in our public schools, especially in minority communities are underachieving.

This is true in my district, the U.S. Virgin Islands, for the same reasons as our counterparts on the mainland.

First, we send our children to schools that are dilapidated, unsafe, and in need of repair. We tell them every day when they look at the schools they attend, that we don't care—that they, our children, are not important—that we are not willing to invest in their future.

And we don't invest in providing the tools that all of our children must have if they are to be prepared to take their rightful place in society.

I am not against testing, per se, but I am against it until the playing field has been leveled for our children: until they are provided with a good and nurturing educational environment; until they are provided with well paid teachers, basic books, and supplies and the all important technology.

Then, Mr. Chairman, I will support testing, but not before.

Mr. BARRETT of Nebraska. Mr. Chairman, I'm a strong supporter of the amendment offered by my chairman, Mr. GOODLING, to prohibit the expenditure of public funds to develop national tests, until Congress has explicitly given the go ahead.

Congress has the responsibility for setting major policies for this Government. And, certainly, creating national education tests for our children is an issue Congress must decide. We can't leave the development of national tests that could mark our children for generations, to some bureaucrat at the White House or at the Department of Education.

National tests are controversial and deserve to have the sunlight of debate. National tests are more than just having an excuse to have a Rose Garden ceremony at the White House. Congress will be taking action on this question within the next year or so. Surely, the deliberative process, and the will of the people, should be heard before the President launches us down the testy road of national testing.

I encourage my colleagues to support the Goodling amendment. No matter what side of the issue you are on; whether you favor or oppose national testing—the right of the peoples' House to set national education policy, must be respected by the administration.

Mr. CALVERT. Mr. Chairman, I rise in support of the Goodling amendment.

The administration is attempting to avoid the current education policy by implementing an agenda that focuses on national testing. These tests only undermine the State and local curriculum. This proposal serves as an unfair comparison between schools and students.

In addition, the Department's of Education's budget did not include any type of national testing and further, the Department has not submitted a proposal to Congress requesting authorization for this type of testing.

It is critical that we concentrate on the real problems such as teacher training, improved academic performance, and increased parental involvement in our classrooms. Local solutions enhance a child's education, not another Federal standardize test.

My constituents back in Riverside County, CA, are tired of the Federal Government meddling with their children's education.

I encourage my colleagues to vote to stop the intrusion of Government and support the Goodling amendment.

Mr. UNDERWOOD. Mr. Chairman, I rise in support of the Goodling amendment, but I certainly would like the opportunity to state my concerns as a parent and longtime educator regarding national testing.

First and foremost, our children are already over tested. Children in nearly every school system in this country are subjected to a battery of standardized tests for a variety of reasons; some are diagnostic, some are meant to gather information to measure individual progress, and some are used to make institutional comparisons. Frequently, these tests are designed for one purpose and used for another purpose. This doesn't lead to better data or more comprehensive conclusions, but testing abuse which is a form of child abuse.

Tests should be used primarily to measure what is learned and what isn't learned. Tests could also be used to measure what is taught and what isn't taught. And the tests should be tied as closely to classroom realities as possible. The further we get away from the classroom and the dynamics of the classrooms, the more convoluted the lesson of testing becomes and the potential for abuse of testing results increases.

Here in Washington, far removed from the classroom we are quick to use tests to make generalizations about the characteristics of student populations, the underlying ability of individual students and to make wholesale generalizations about the quality of school systems. We crave the statistics to help make our point regardless of whether the case of learning is advanced. Regrettably, we help create the opportunity for more testing abuse.

We do need testing, but we need to understand that testing is a tool to achieve the basic purpose of assessing what is taught and what is learned. We need to identify the criteria of what we hope to achieve before we leap into the bottomless pit of standardized test after standardized test.

We do need standards and we need a discussion of national standards. It occurs to me that we struggle with a kind of national schizophrenia about the state of our schools in this country. On the one hand we decry our standing in the world when compared to Japan, Korea, and many countries in Europe, whose school systems are national in scope and implementation. But we shrink from discussing standards under the fear of undermining local authority. We live in a global economy and we live in an educationally competitive world and we should not shrink from discussion about standards which will guide our children to be productive, competitive citizens in the next millennium.

But we shouldn't confuse testing with standards, not until we understand what kinds of standards we wish to implement. Testing should reflect standards and not define them. In this debate, as well as far too many other debates regarding education, we have allowed the tail to wag the dog, the tool to govern the handyman, the test to run the classroom.

We need to understand that a national test at this time will not move us toward such standards nor will they help us make meaningful comparisons to other nations. National testing at this time will not contribute to clarifying which communication or computational skills are necessary as basic standards or are necessary to survive in the world.

Instead, these tests would be used to make internal comparisons, between States, between districts, between groups of students. Testing without informed use to make judgments about how much progress we are making towards clearly identified criteria will be used to make claims about progress in others.

Instead of moving us toward standards, these test would be additional tools for some politicians to make charges about schools, to stigmatize entire blocks of students, and to criticize entire school districts. Therefore, our responsibility should be to make every effort to adequately fund education, to articulate standards which may lead to informed testing and to protect our children in this process from testing abuse.

Some of this abuse includes using the tests for making detrimental educational policies that will do irreversible damage to our children. For example, administrator of schools with low test scores are pressured to weed out below average scoring students rather than providing much needed resources to improve student performance. This "Gaming of Tests" provides incentives for school systems to purge low-test scorers from public schools and herd them into alternative schools.

This type of stigma has already had its damaging effects on the faith, hopes, and aspirations of many of our children. We see it here in Washington, we see it in many urban areas, and we see it in many of the schools in our own districts.

As an educator, as a parent, as your colleague, let's bring some reasoned discussions to this most important topic. This is beyond politics, beyond credit for national initiatives, beyond this side of this aisle and that side of the aisle. This is about the aisles in classrooms, this is about moving each student from basic skill to basic skill, from this century into the next and from rural and urban classrooms throughout America into a complex and competitive new world.

Mr. FOGLIETTA. Mr. Chairman, I rise in opposition to Mr. GOODLING's amendment. In so doing, I want to thank Congresswoman ELEANOR HOLMES NORTON for helping me remember an important lesson learned.

We have a crisis in the schools of the District of Columbia—like we do in my home district in Philadelphia. Here in Washington, school opening day was postponed by 3 weeks and Congresswoman NORTON challenged us to take in a student as an intern. In the absence of school, the hope is that we would be able to provide students with another avenue of learning.

My office has been lucky enough to host Heyda Benkriera, a junior at the Woodrow Wilson Senior High in Tenleytown. Heyda is a joy—smart, hard-working, mature, and a great sport. Some people who have worked with Heyda are shocked to learn that she's in high school, that she's not a member of our staff.

Heyda and Congresswoman NORTON reminded us of a truism that we already knew but took for granted—that Heyda, and her fellow students, are our future. I am here today to remind this Congress what Heyda has taught us—that we as a nation must meet the challenge of bringing back our schools here in the District of Columbia, in Philadelphia, and across the Nation.

I am convinced that one way we can do this is to embrace the kind of national testing program our President has proposed. This is a way for us to better insure that kids in Philadelphia, PA, Washington, DC, and Selma AL, are getting a fair and equal chance at a great future. The best education is a local concern but also a national challenge.

Bright minds and bright futures depend on our commitment to education in big cities and rural schools.

Thank you for your time, Heyda, and thank you for the lesson you taught us. For Heyda and all the other Heydas, I urge my colleagues to support the President's testing program.

Mr. PACKARD. Mr. Chairman, as a father, grandfather, and former member of the Carlsbad, CA, School Board, I take a personal interest in providing quality education for our children. Parents and local school boards know best what their children's education needs are—not bureaucrats in Washington. For these reasons, I rise today to express my grave concerns about President Clinton's proposal for national school testing.

This is a waste of taxpayer's money and will do little more than increase Federal involvement in our schools. In my view, national school testing is an unnecessary Federal intrusion. I am pleased that our colleague, BILL GOODLING, has chosen to offer an amendment to prohibit any funds from being used to develop and implement a national test. We need to restore more local control of education. I intend to wholeheartedly support the Goodling amendment in order to ensure for the prosperity of our schools and the education of our children.

Mr. Chairman, the Government already spends more than $500 million a year to help States develop their own achievement tests. The Clinton plan would cost another $22 million. This is money that could be better spent in the classrooms.

Let's put education policy back in the hands of parents and teachers, rather than the Department of Education. Instead of developing new national tests, I believe we should send scarce Federal dollars directly to the classroom, bolster basic academics, and increase parental involvement. These should be our top priorities—not more testing. I encourage all of my colleagues to vote for the Goodling amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GOODLING. Mr. Chairman I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, July 31 1997, further proceedings on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 41 OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. HOEKSTRA:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 516. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.

Mr. HOEKSTRA. Mr. Chairman, this amendment deals with the Federal funding for the Teamsters election, or perhaps the Federal funding for rerunning of the Teamsters election. Let me share with my colleagues some of the facts about the election that was just recently completed.

Nearly $20 million of Federal taxpayers' dollars was spent on the Teamsters election that was completed in December of 1996. This 1996 Teamsters election was recently invalidated by the Clinton administration due to charges of illegal campaign contributions and other improprieties.

As chairman of the Subcommittee on Oversight and Investigations of the Committee on Education and the

Workforce, with jurisdiction over all Federal education and work force policy issues, I believe it is the responsibility of this committee to provide accountability to the taxpayers for their dollars, to ensure honesty and integrity in this election process, and to facilitate learning from the mistakes that we may make so as not to repeat them in the future.

My subcommittee is going to be involved in these kinds of efforts. We are going to find out where were these dollars spent in the elections that were just completed in 1996. We are going to audit those dollars and share the results with Congress. We want to find out and discover why this process has to be so complex.

When we take a look at $20 million of taxpayers' money for this election, that cost almost $45 for every vote that was cast. What did we get for those dollars? What is the election officer's role? It appears to be almost virtually unrestricted. How long did this process go on? Even after this election is completed, there is a whole series of appeals that are now available. And now most troubling, what happened in this election is that the election officer points out the types of illegal campaign contributions that were made and some of the improprieties.

Let me give my colleagues some examples. Martin Davis, a top campaign consultant to the Carey campaign, the November Group, he was indicted in New York on charges of illegally diverting at least $95,000 of International Brotherhood of Teamsters money into the campaign. Michael Ansara of the Share Group pled guilty in New York on charges of conspiracy to illegally divert at least $95,000 of IBT money into the Carey campaign. Or Rochelle Davis, she is deputy director for Citizen Action and its affiliate, Campaign for a Responsible Congress, seeks immunity for her cooperation with regard to $75,000 to $475,000 in funds channeled to Carey's campaign. Jere Nash, the Carey campaign manager, took the fifth amendment in testimony before a Federal appeals court on the information that he provided to the election officer. Carey's campaign has returned over $220,000 in questionable campaign donations.

No one knows the full story yet. But we do know that the Federal Government running this campaign or supervising this election could not guarantee us a fair election. What we now need to do is to step back and take a time-out to learn from the mistakes that were made and to make sure that we do not spend more taxpayers' dollars in a process that does not give us the kind of results that we would like to have.

So what does my amendment do? My amendment strictly prohibits the use of taxpayer funds for a rerun of the Teamsters elections. The Government can still supervise the election. That is our role and responsibility, to make sure that Federal laws are followed. But we should not be paying for or administering the printing of ballots, the counting of ballots, and these administrative types of activities. This is an internal function to the International Brotherhood of Teamsters that should be paid for by the Teamsters, not by the taxpayers.

As I talked with my constituents about this issue, they are amazed that the taxpayers would be paying for that kind of internal operations; and they want it known that they do not approve and do not want to pick up the tab for another election or rerun elections. There is no debate that the Teamsters deserve an honest and a fair election. We will work with them through that process, but the taxpayers should not pay for it.

In addition, there is no proof that Federal funds provide assurance of a fair election. In fact, the 1991 election was paid for by the Teamsters, was certified, and Ron Carey was elected as president. What this shows is that Federal taxpayer dollars do not make or break an election.

It is time to step back to evaluate and make sure that we do not make the same mistakes over. There were lots of mistakes that were made in this last election. They were made at the cost of $20 million to the American taxpayer. It should not happen again. We do not have a responsibility to do that.

CRS has issued an opinion that stated that there would be no consequences should the Congress not pay for the 1996 election.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. HOEKSTRA] has expired.

(By unanimous consent, Mr. HOEKSTRA was allowed to proceed for 1 additional minute.)

Mr. HOEKSTRA. It went on to say that the decree embodies the consent of the Union defendants to governmental supervision, not the consent of Congress. The consent decree states that the Federal Government has the option of running the Teamsters election and references Government financing with a 1996 opinion.

□ 2115

It is silent on the issue of funding beyond 1996. Therefore, it is the prerogative of Congress to speak at this time. We need to make sure that we have accountability for taxpayer dollars, ensure honesty and integrity in the election process and facilitate learning. Now is the time to step up and protect the taxpayer dollars and to ensure and put together a process to give the Teamsters a fair election.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe the gentleman from Michigan has an excellent amendment. I would say that it is consistent with what is already in the bill. There is no money in this bill for the Federal Government to pay for another Presidential election for the Teamsters. This amendment merely makes that explicit. I certainly accept the amendment.

We provided through the Department of Labor, $5.6 million in fiscal 1996 and an additional $3.8 million in fiscal 1997, a total of about $9.5 million for the 1996 Teamster election. This amount was more than matched by the Subcommittee on Commerce, Justice, State and Judiciary, which provided the balance of $21 million to conduct the 1996 election.

As the gentleman mentioned, under the consent decree of 1989 entered when President Bush was our President, the Federal Government agreed to pay for the 1996 Teamster election, and the Teamsters themselves agreed to pay for the 1991 election. What was the national interest in doing that? It was to take a union that was obviously and by everyone's evaluation under the control of unsavory elements and attempt to assure democratic elections. The goal was to reform the union and remove that unsavory control that had been a part of their history for a long, long time.

I think the taxpayers have gone as far as they should go in paying for Teamster elections. I do not think we should ask the taxpayers to pay again for the irregularities that have occurred in the last election, and I believe that any further responsibility for reform is up to the Teamsters Union and new elections paid for by them. I think the gentleman has offered a very good amendment. We accept it and believe that it makes explicit what is already implicit in the bill; namely, that this is no longer a Federal responsibility in any way, shape or form.

Mr. NORWOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am pleased to rise in support of the Hoekstra amendment, but, frankly, I believe the $20 million that was spent on the Teamsters election in 1996 should be paid back. Talk about general welfare. They represent one-half of 1 percent of the population, yet the taxpayers of this country had to foot the bill for almost $20 million to pay for their election. That makes no sense. So in this amendment we simply say since that election in 1996 was fraudulent, certainly the taxpayers will not have to pay again.

The gentleman pointed out that there is no money authorized or appropriated for a rerun of their election, but I would point out there was no money appropriated in 1996 for the election either. It was a transfer of funds in the Justice Department.

Those who do say that the 1989 consent decree, which is right here, said that the taxpayers should pay for the 1996 election have not read the consent decree real well. It said clearly that the taxpayer will pay to supervise an election, not pay to run the entire election, printing ballots, et cetera. We need to make sure at least on this amendment that we do not fall into the trap again of having the American taxpayer foot a $20 million bill.

On August 22, 1997, the election officer issued a 134-page decision that she would not certify the election and requested a rerun of the election as the result of finding illegal campaign contributions to the Carey campaign as well as a very complex scheme of money laundering to fund the Carey campaign with funds from the Teamsters' treasury. This money laundering scheme involved Citizen Action and the National Council of Senior Citizens, front groups for the unions, and it involved a complex scheme to put money into congressional campaigns. In the last election, labor unions tried to buy this Congress with their illegal activities, distortions, and misrepresentations of the facts with their whatever it takes plan. This laundering scheme was part of all of that.

Every one of you in this Congress who have been attacked by the unions unfairly and untruthfully should vote for this amendment. Every one of you in this Congress who do not want the taxpayers to pay another $20 million to benefit one-half of 1 percent of the taxpayers should vote for this amendment. Every one of you that represent the 49 percent of the Teamsters that voted for Jimmy Hoffa, Jr., for president of the Teamsters should vote for this amendment. Every one of you that say we should fund special education to its legal amount of 40 percent should vote for this amendment. Every one of you who want more inspectors at OSHA should vote for this amendment.

This is what is meant by prioritizing your spending. We cannot afford to waste another $20 million of the taxpayers' money to have an election for one-half of 1 percent of the people. Vote for the Hoekstra amendment, and do not cheat the taxpayers out of another $20 million.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Illinois indicated that he accepted the amendment for the committee. We also accept it on this side of the aisle. I would simply note that I have some doubts about it, because the original funding provided by the Congress to supervise these elections came as the result of an agreement entered into by the Justice Department under the Bush administration.

I think it is in the national interest of the United States to see to it that fair elections are conducted in this union. It has a long and checkered history. I think it is in the interest of the country to see to it that the union is as clean as possible.

It is obvious at this point that there are considerable problems with the last election. We do not know yet what the court decision is going to be, but as the gentleman has indicated, there is no money in this bill for financing supervision of any pending election, so there is certainly no problem at this point with accepting the amendment.

Mr. FAWELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Hoekstra amendment. The 1996 Teamsters election of its officers, including the election of its President Ron Carey, has been nullified as has been indicated because of fraud, and under the order of a Federal court-appointed election officer, one Barbara Zack Quindel, who had the duty to supervise the election.

Previously, in 1988, the United States Government had initiated litigation against the Teamsters to rid the union of the influence of organized crime. That led to the entry of a consent decree, which has been referred to, by a New York Federal court providing for the election officer to supervise the 1996 Teamster election to make sure the election was fair and open. As we all know, the election was not very fair. Even though the 1996 Teamster election was supervised by the court-appointed election officer, still, as the election officer herself recently ruled, the 1996 election of Teamster officers was a nullity because of the fraudulent siphoning of union funds to various third parties, who in turn laundered such funds and then contributed them back into the campaign fund of Ron Carey, the president of the Teamsters. Mr. Carey won a very narrow victory in that election for a second term as president of the Teamsters over challenger James Hoffa, using, however, the tainted contributions. And apparently, as has been indicated, the cost of conducting and operating this fraudulent 1996 Teamster election was financed by the American taxpayers at an estimated cost of $20 million.

It now appears that a rerun of the court-monitored but fraudulent 1996 election will be required. I think most people do believe that this time around, the cost of conducting and/or supervising a rerun election under court order should be paid for by the Teamsters Union and not by the American taxpayers. Thus this amendment attempts to make it clear that at least none of the funds made available in this appropriation bill may be used to pay the expenses of the election officer appointed to oversee the rerun of the Teamster election, whoever that may be.

By the way, I might add that the election officer has seen fit to resign from her post.

At this point, no one knows just how much the conducting and supervising of the Teamsters' 1996 election did or will cost the American taxpayer, nor do we know what the cost will be for a rerun of the election. I do think that this time around, though, as we find ourselves in a position where the United States Government has to now monitor a rerun of a previously monitored but corrupt 1996 election, that certainly this time the union is the entity who ought to pay those costs and not the taxpayer. The amendment may not do the whole job, but it certainly is pointed in the right direction.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let us focus on what happened here. A judge in New York allowed a consent decree as part of a settlement of a corruption charge against the Teamsters Union. That 1989 consent decree said that the Teamsters would pay for the 1991 election; the American taxpayer would pay for the 1996 election.

Mr. Chairman, rightly or wrongly, the families of this country did pay tens of millions of dollars out of their pockets for an election in 1996. Is it their fault the Teamsters and the Federal Government could not conduct an honest election? No. It is not the fault of the American taxpayer, and it is not their responsibility to clean up the mess. They have lived up to their end of the bargain, and it is time for Congress to stand up and prevent the taxpayer from being fleeced by forcing them to pay for a rerun election. The taxpayers funded an election for a private union. The election was filled with unethical behavior. That is it. The Teamsters had their bite of the apple, and this amendment would guarantee that taxpayer funds would not be wasted again.

Mr. McINTOSH. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Michigan. The issue here is whether taxpayers should pay twice for the same Teamsters' election. Hardworking, law-abiding American workers have already forked over more than $20 million for a corrupt, fraudulent 1996 election. Some estimate that when we are done sorting out this whole mess that taxpayers will have paid $30 million or more. It was not the taxpayers' fault that this election stunk to high heaven. It was not the taxpayers' fault that "funny money" was illegally floated around Ron Carey's campaign. This Nation's taxpayers should not be on the hook for the re-run election which has been ordered by the election overseer.

It has been said that this amendment would mean the Congress is meddling with the courts. Yes, a settlement of corruption charges against the Teamsters did result in a 1989 consent decree saying that the Teamsters would pay for the 1991 election and that the taxpayers would pay for the 1996 election. But the consent decree did not say that the taxpayers would pay for a re-run election in 1997 that is ordered because of corruption.

American families have already paid for one election that they did not get, and they should not have to pay for another. I urge my colleagues to support the amendement.

The CHAIRMAN pro tempore (Mr. BEREUTER). The question is on the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. NORWOOD. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, further proceedings on the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA] will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 5 offered by the gentleman from Pennsylvania [Mr. GOODLING]; amendment No. 41 offered by the gentleman from Michigan [Mr. HOEKSTRA].

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 5 OFFERED BY MR. GOODLING

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 295, noes 125, not voting 13, as follows:

[Roll No 398]

AYES—295

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Conyers
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeLay
Dellums
Diaz-Balart
Dickey
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McKinney
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Owens
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Towns
Traficant
Turner
Upton
Velázquez
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—125

Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Borski
Boswell
Boucher
Brown (CA)
Brown (OH)
Capps
Cardin
Clement
Condit
Costello
Coyne
Cramer
Davis (FL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Engel
Eshoo
Etheridge
Farr
Fattah
Fazio
Filner
Foglietta
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gordon
Hall (OH)
Harman
Hefner
Hinchey
Hooley
Horn
Hoyer
Johnson (CT)
Johnson (WI)
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kind (WI)
Kucinich
LaFalce
Lampson
Lantos
Levin
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McNulty
Meehan
Miller (CA)
Minge
Moakley
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Pallone
Pascrell
Pomeroy
Poshard
Price (NC)
Rahall
Rivers
Rothman
Sabo
Sanders
Sandlin
Sawyer
Schumer
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stupak
Tanner
Tauscher
Thurman
Tierney
Vento
Visclosky
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—13

Becerra
Flake
Furse
Gonzalez
Hinojosa
Martinez
Ortiz
Pelosi
Schiff
Smith (OR)
Torres
Yates
Young (AK)

□ 2156

Ms. ESHOO, and Messrs. MALONEY of Connecticut, BORSKI, STUPAK, FATTAH, and RAHALL changed their vote from "aye" to "no."

Ms. KILPATRICK, Mr. BONIOR, and Mr. ABERCROMBIE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on the Goodling amendment I was delayed on official business and unable to get here in time to cast my vote.

Had I been present I would have voted "aye."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BEREUTER). Pursuant to the order of the House of Thursday, July 31, 1997, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the next amendment on which the Chair has postponed further proceedings.

□ 2200

AMENDMENT NO. 41 OFFERED BY MR. HOEKSTRA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 41 offered by the gentleman from Michigan [Mr. HOEKSTRA] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 195, not voting 13, as follows:

[Roll No 399]

AYES—225

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Franks (NJ)
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Manzullo
McCollum
McCrery
McInnis
McIntosh
McIntyre
McKeon
Mica
Miller (FL)
Minge
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—195

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doyle
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Forbes
Ford
Fox
Frank (MA)
Frelinghuysen
Gejdenson
Gephardt
Gilman
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tauscher
Thompson
Thurman
Tierney
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—13

Becerra
Crapo
Flake
Furse
Gonzalez
Martinez
Ortiz
Schiff
Smith (OR)
Solomon
Torres
Yates
Young (AK)

□ 2205

Mr. DEUTSCH changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. PORTER. Mr. Chairman, I move the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. THUNE) having assumed the chair, Mr. BEREUTER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

EXPORT EXPANSION AND RECIPROCAL TRADE AGREEMENTS ACT OF 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 105–130)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and the Committee on Rules and ordered to be printed.

To the Congress of the United States:

I am pleased to transmit a legislative proposal entitled the "Export Expansion and Reciprocal Trade Agreements Act of 1997." Also transmitted is a section-by-section analysis.

This proposal would renew over 60 years of cooperation between the Congress and the executive branch in the negotiation, and implementation of market-opening trade agreements for the benefit of American workers and companies.

The sustained, robust performance of our economy over the past 5 years is powerful proof that congressional-executive cooperation works. We have made great strides together. We have invested in education and in health care for the American people. We have achieved an historic balanced budget agreement. At the same time, we have put in place trade agreements that have lowered barriers to American products and services around the world.

Our companies, farms, and working people have responded. Our economy has produced more jobs, more growth, and greater economic stability than at any time in decades. It has also generated more exports than ever before. Indeed, America's remarkable economic performance over the past 5 years has been fueled in significant part by the strength of our dynamic export sector. Fully 96 percent of the world's consumers live outside the United States. Many of our greatest economic opportunities today lie beyond our borders. The future promises still greater opportunities.

Many foreign markets, especially in the developing world, are growing at tremendous rates. Latin American and Asian economies, for example, are expected to expand at three times the rate of the U.S. economy over the coming years. Consumers and industries in these countries prize American goods, farm products, services, and the many expressions of American inventiveness and culture. While America is the world's greatest exporting nation, we need to do more if we want to continue to expand our own economy and produce good, high-wage jobs.

We have made real progress in breaking down barriers to American products around the world. But many of the nations with the highest growth rates almost invariably impose far higher trade barriers than we do. We need to level the playing field with those countries. They are the nations whose markets hold the greatest potential for American workers, firms, and agricultural producers.

Today, the United States is the world's strongest competitor. The strength of the U.S. economy over the past several years is testimony to the creativity, productivity, and ingenuity of American firms and workers. We cannot afford to squander our great advantages by retreating to the sidelines and watching other countries conclude preferential trade deals that shut out our goods and services. Over 20 such agreements have been concluded in Latin America and Asia alone since 1992. The United States must continue to shape and direct world trading rules that are in America's interest and that foster democracy and stability around the globe.

I have pledged my Administration to this task, but I cannot fully succeed without the Congress at my side. We must work in partnership, together with the American people, in securing our country's future. The United States must be united when we sit down at the negotiating table. Our trading partners will only negotiate with one America—not first with an American President and next with an American Congress.

The proposal I am sending you today ensures that the Congress will be a full partner in setting negotiating objectives, establishing trade priorities, and in gaining the greatest possible benefits through our trade agreements. The proposal expands upon previous fast-track legislation to ensure that the Congress is fully apprised and actively consulted throughout the negotiating process. I am convinced that this collaboration will strengthen both America's effectiveness and leverage at the bargaining table.

Widening the scope of consultations will also help ensure that we will take all of America's vital interests into account. That is particularly important because today our trade agreements address a wider range of activities than they once did. As we move forward with our trade agenda, we must continue to honor and reinforce the other values that make America an example for the world. I count chief among these values America's longstanding concern for the rights of workers and for protection of the environment. The proposal I am transmitting to you recognizes the importance of those concerns. It makes clear that the agreements we conclude should complement and reinforce those values.

Ever since President Franklin Roosevelt proposed and the Congress enacted America's first reciprocal trade act in the depths of the Great Depression, the Congress and the President have been united, on a bipartisan basis, in supporting a fair and open trading system. Our predecessors learned from direct experience the path to America's prosperity. We owe much of our own prosperity to their wisdom. I urge the Congress to renew our longstanding partnership by approving the proposal I have transmitted today.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 16, 1997.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PROCEDURAL JUSTICE FOR NICARAGUANS AND OTHER CENTRAL AMERICANS: THE CASE FOR H.R. 2302

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, on June 24 the U.S. District Court for the Southern District of Florida granted a preliminary injunction in favor of thousands of Central American immigrants in Georgia, Alabama, and Florida. The court in its decision concluded that the Immigration and Naturalization Service violated the due process rights of thousands of Nicaraguans and others bringing suits.

□ 2215

The court stated that an interpretation of a statute that has the effect of barring completely access to the courts irrespective of the merits of a person's claim is violative of due process. A retroactive application of the Immigration Reform Act of 1996 violates due process by barring persons completely from even applying for suspension of deportation.

I firmly believe that U.S. District Judge James King captured in his decision the essence of a key issue that is before Congress: Due process of law for immigrants. Legislation that I have introduced, the Technical Revisions Act, H.R. 2302, in conjunction with legally compelled administrative action will restore due process of law to Central American refugees. The administration, however, must also contribute toward ensuring that Central American immigrants will receive procedural justice.

I would like to commend the Attorney General for her decision in July to set aside the Board of Immigration Appeals' ruling in the case of N-J-B; however, at this urgent time I renew my appeal to her, to her good will so that she will act in accordance with her existing authority to completely reverse the N-J-B decision. Given the persistent demonstration of support for that result and the substantial equities involved, I am hopeful she will render this reversal in the near future.

At this time, Mr. Speaker, I want to also urge very especially and personally that the Attorney General issue a parole for a young lady at the Krome Detention Center in south Florida, Cindy Zuyen Martinez, a 19-year-old Nicaraguan young lady who has been unfairly detained for over 10 months. It is Cindy's 20th birthday on Friday, and I would hope and expect that the Attorney General, with using her good will and her good offices and the power of her office, would issue a humanitarian parole to Cindy Zuyen Martinez before her birthday this Friday.

We in Congress, Mr. Speaker, cannot let the misdirected retroactive effects of the 1996 Immigration Act destroy whole families. In case after case, the Supreme Court has noted that the presumption against retroactive legislation is deeply rooted in our jurisprudence and embodies a legal doctrine centuries older even than our Republic. Consistent with that tradition, I do not believe that a majority of the Members of Congress ever intended that those provisions should apply retroactively to our immigrant communities.

By way of example, a distinguished Member of this Congress, my fellow colleague from Florida, Mr. PETER DEUTSCH, who voted for the 1996 act, testified in Federal Court that he never contemplated that the new law would be implemented to operate against those who had sought relief under prior existing rules.

I have introduced House bill 2302 to seek to clarify the ambiguities in the 1996 Immigration Act and to eliminate arbitrarily harmful and retroactive effects of that law. My bill is a technical corrections bill to the 1996 Immigration Act. It merely ensures that immigrants receive a fair hearing, Mr. Speaker.

Refugees from Central America came to the United States for protection from Civil War and, in the case of our Nicaraguan brothers and sisters, from political persecution. Countless Nicaraguans fought courageously in the Nicaraguan resistance to defeat communism in their homeland. During the Civil War, and after it formally ended in 1990, many resistance members sought refuge in the United States based on the Federal government's pledge they would be able to remain as long as they compiled with their application procedures for suspension or asylum.

Nicaraguan families acted accordingly and patiently waited to have their applications considered, many sacrificing their family savings to pay for legal representation during their long pending asylum processes. In some cases our courts have even certified these delays have been the fault of the

Immigration and Naturalization Service.

Our Nation owes a great deal of gratitude to our Nicaraguan brothers and sisters, and I think it is our moral obligation and a requirement of elemental fairness that at the very least these refugees be considered under the rules in existence when they filed their applications.

Since these refugees were admitted to the United States, I have witnessed in South Florida how they have made significant social, economic and cultural contributions to my community. They have built businesses, created jobs, they pay taxes, and these hard working families now have children, many of them who are native born American citizens. My bill ensures that these refugees will be able to obtain basic procedural justice in recognition of their historically unique and important circumstances.

Mr. Speaker, we will continue to work with all intensity until we prevail. This issue requires it.

UT PROFESSOR WHO BLASTS EFFORTS FOR DIVERSITY ON CAMPUS SPEAKS FOR NO ONE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, in the swirl of discussions of color-blindness and civil rights, I rise this evening to comment on unfortunate and misdirected comments, without academic content, made by one of our University of Texas professors in the State of Texas. Taken from an article in the Houston Chronicle, this professor offered to give his philosophy on the intellectual capacities of blacks and Mexican Americans.

It is my understanding that his training is in law. I do not view him or have no knowledge of his background in sociology or psychology, but his comments are as follows:

"Racial diversity among students adds little to their education", a University of Texas law professor said Wednesday, adding that "blacks and Mexican Americans can't compete academically with whites" and that they come from cultures in which "failure is not looked upon with disgrace."

Professor Lino Graglia's thoughts on affirmative action and minority students' abilities have been publicly known for years. In 1986, his controversial views cost him an appointment to the United States 5th Circuit Court of Appeals after objections were raised to his use of the word "pickaninny" in the classroom and to his published articles in which he seemed to urge Austinites in Austin, Texas, to defy court ordered bussing of public school students.

Let me, in contrast to his remarks, say that I am completely confident in the tenure system as well as the first amendment and academic freedom. I do recognize that our Nation's universities, both public and private, are havens for philosophical thought that I may not agree with and that I may agree with. And I recognize that Dr. Graglia hides behind that shield. Many of my colleagues in the State legislature and community activists have rightly called for these unfortunate, untimely remarks to be "taken down," if I may characterize it that way, in that the professor be asked to resign.

I believe that they have the authority and, of course, the initiative to address whether he comes or whether he stays or goes at the University of Texas, but I offer to say as this Congress looks at debating affirmative action, looks at MWBE programs or programs in the Federal Government that respond to creating opportunity for minority contractors, that we listen to the misguided and misdirected sentiments of individuals that are not informed and are not trained.

The UT law school this year expects 4 blacks and 26 Mexican-Americans among its 468 new students. Final figures will not be available until Friday. Last year 31 blacks and 42 Mexican-Americans enrolled at the University of Texas law school. Graglia, who made his comments at the announcement of a new organization, Students for Equal Opportunity, for which he is the faculty adviser, insisted that "blacks and Mexican-Americans are not academically competitive with whites in selective institutions. It is the result primarily of cultural effects." "Various studies," he says, "seem to show that blacks and Mexican-Americans spend much less time in school. They have a culture, it seems, not to encourage achievement. Failure is not looked upon with disgrace."

Let me simply say to the professor that I find him a disgrace. For it is interesting that with his limited training, no expertise in sociology, or the data of gathering any substance to give support to the comment that their culture seems not to encourage achievement, that here he is, isolated in Austin, TX, and he rises to a national platform to characterize all African-Americans and Mexican-Americans in this Nation.

I assume maybe he has done a national polling, even to the extent of going into each and every household, starting from slavery for African-Americans and maybe from the first immigrant from Mexico, and he now has the absolute results, almost like the Emmy or the Oscars, he has the final tally that culturally we do not encourage achievement amongst African-Americans or Mexican-Americans.

So the leaders of this Nation, who have been African-American and Mexican-American scientists, lawyers, doctors, teachers, business persons, multimillionaires, billionaires, all do not count for this professor. He sits in his isolated shell, protected by the first amendment and academic freedom, and wants to insult a nation of people.

Graglia said, "Admitting less qualified students because of their race brings down the class and denies admissions to qualified white students." I would simply say to this professor that maybe he should remain isolated, protected by academic freedom and the first amendment, but he speaks for no one, and least of all he speaks not with reason, understanding, and intelligence. He speaks with no data. He speaks with no knowledge of the cultural expressions of African-Americans and Mexican-Americans. Frankly, he says nothing. And, frankly, if I were him, I would silence myself.

SUNSETTING THE U.S. TAX CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. PAXON] is recognized for 5 minutes.

Mr. PAXON. Mr. Speaker, I would like to take the opportunity this evening to outline a measure I think, on a bipartisan basis, can say a lot about where this Congress believes the future of our country should be, about what our vision as a Congress is all about for the future of our country.

Mr. Speaker, for decades, few Americans ever really believed in their hearts that this Congress could work together to balance our Nation's budget, yet it was in 1994 our Contract With America finally, and I think clearly, established that we could do it because we put a date certain on it. We said we are going to do this by 2002, let the debate begin on how we are going to accomplish the specifics of balancing this Nation's budget, which in July of this year we finally have done.

In so doing, by establishing that date of 2002, we really captured the attention and the support and the enthusiasm of the American people, and it overrode a lot of obstacles, frankly obstacles at the other end of Pennsylvania Avenue and some right here in this Chamber. I believe that by initiating that balanced budget debate in 1994, with our Contract With America, we defined the playing field and we won an important legislative victory for the American people.

Now, similarly, for years we have talked about abolishing the Tax Code and replacing it with something different, with either a flat rate income tax or a national sales tax or some other alternative. Every day we wait, that 5.5 million word "Tax Code" that is administered by 110,000 IRS employees defines just about everything we do as citizens. It limits our economic freedom, it discriminates against children, families, and entrepreneurs. It encourages hundreds of billions of dollars in the underground economy or in tax avoidance and, most importantly, I believe the complexity of the Tax Code, in its unfairness, turns off many millions of Americans to the government that administers and creates this program.

I do believe that it is time to apply the same defining principles that we did on balancing the budget; establishing a date certain and then letting the debate begin, that same defining approach to the issue of changing our Tax Code.

My colleagues, I believe this fall we should put on the President's desk a bill repealing the entire Federal Tax Code, and today I submitted legislation that would do just that. My bill will effectively sunset the Federal Tax Code at midnight on December 31, the year 2000. It eliminates all elements of the Tax Code except those dealing with Medicare and Social Security.

Now, if this Congress has the courage and the commitment to see this through, think of what it means. Three short years from now Americans everywhere will celebrate New Year's Eve by wishing good riddance to 5.5 million words of Federal bureaucratic gobbledegook along with the 110,000 bureaucrats who enforce all this with a guilty until proven innocent sledgehammer.

Now, I think my colleagues might agree that nothing gets Washington off its duff like a deadline and, frankly, this bill would impose one heck of a deadline. That is why I am calling my legislation No Taxation Without Reformation. I am pleased that already colleagues here in Congress have come forward to support this, and organizations like the NFIB, the National Federation of Independent Businesses, have decided to make the sunsetting of our Federal Tax Code and the beginning of this great national debate on what would replace it a reality.

□ 2230

I think if we have the courage and commitment as a Congress to start the national debate on this issue, it will mean first it will involve every American in helping us figure out what the ultimate solution, the replacement of the current tax code and its complexity, is all about.

Second, it will help change specifically the system we have in front of us.

And, third, by replacing the Tax Code with an alternative, a flatter, fairer income tax system, other national sales tax, or something like the Cato Institute has proposed today, the max tax, any one of these alternatives or others that may come forward, we can and will restore people's faith in this Congress and in this Government, that it has the best interest of this country at heart and offers the opportunity for great hope and optimism for this Nation as we enter the next millennium.

I hope that Members of Congress will join with me in this important crusade that we have begun today in the House of Representatives.

OPPOSING THE RENEWAL OF COMMERCIAL WHALING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I rise in opposition to yet another proposal to renew commercial whaling on our Nation's West Coast.

Next month the International Whaling Commission will meet. On its agenda is a resolution to authorize the Makah Tribe that is on the west coast of Washington State to renew commercial whaling, to kill five gray whales annually. Just three years ago gray whales were removed from the endangered species list. If they are granted whaling rights, 13 tribes in British Columbia are prepared to begin commercial whaling themselves.

We all know that whales were hunted almost to extinction in all the oceans in the last century. I do not believe that people are prepared to renew commercial whaling in North America. There are many reasons: Guilt for the past actions a hundred years ago. People feel protective of whales. They are concerned for these great beasts. And there are economic reasons. There is a multimillion-dollar whale watching industry in northern California, Oregon coast, Washington coast, British Columbia, clear to Alaska.

The gray whales and local orcas, they are used to boats. People sort of consider them like pets. Many individuals have been identified and can be recognized. People are thrilled to get a close look at them. But these are very intelligent animals. Once commercial killing starts, even on a limited basis, explosive harpoons, whales thrashing, blood in the water, there will soon be no whale watching. No boat will get close to gray whales again. That will be the end of a major industry on the Pacific Coast.

We must ask, why renew whale hunting? What will they do with the whales that they catch? The Makah Tribe has not hunted whales for over 70 years. That is not a part of their diet at all. No, this is not subsistence. This is commercial whaling. One gray whale is worth $1 million in Japan.

The Makah Tribe has established contact with the Norwegian and Japanese whaling interests. Boats and modern stun or explosive harpoons are available. The Seattle Times reported on April 13, and I quote,

> The proposed hunt is allied with efforts by the commercial interests in Japan and Norway that hope to turn the tide against anti-whaling sentiment by promoting what they call "community based whaling among indigenous people for cultural, dietary or economic reasons.".

I want to read that again.

> The proposed hunt is allied with efforts by the commercial interests in Japan and Norway that hope to turn the tide against anti-whaling sentiment by promoting what they call "community based whaling among indigenous people for cultural, dietary or economic reasons."

Again, I must question the validity of the proposal and the motivations behind the renewed whale harvest. The fact that many whales are creatures that routinely migrate the globe demands a consistent international policy.

If a few native groups are allowed to harvest whales, then Japan and Norway deserve and they will demand the same. They have hunted whales through all recorded history. This policy is a step we must not take.

Mr. Speaker, the grim history of commercial whaling must not be repeated, and I will do my best to see that it is not. In response to this action, I am drafting a letter to the International Whaling Commission meeting in October asking that they refuse the Makah proposal. I urge every Member of Congress to sign this letter or call my office and have their name added. I believe a firm statement by this House will turn the tide and defeat the commercial whaling resolution.

ISTEA LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, dear colleagues, I come to the House floor tonight because we have legislation which is coming up next week which is very important, the ISTEA legislation. The shorthand for that is the transportation bill.

What is very important about the ISTEA legislation is this is the legislation long awaited which will give each American community and our States the kind of transportation and privilege that we need. Each State and each community has great schools, great health care institutions, and have great employers and great employees. But if they cannot get around, how will they contribute to the quality of life?

So I am hoping that my colleagues will support the Shuster bill, H.R. 2400. That ISTEA legislation will provide the following: The road construction that is needed across the country; the road repairs that are needed in each community; the bike paths that are needed to help the environment, give recreational opportunities; and the public transit assistance. By that I mean trains, buses, subways, any kind of high-tech, new technology transit, any ways of getting people around that may be more easily done in urban and suburban areas, that will cut down on the gridlock and reduce the amount of cars that are too much on the roadway. This would actually not only help people get around faster but do so more economically and preserve the environment.

My position on the Shuster bill is that this is a great piece of legislation that is going to help in a bipartisan way every single district, every single State. It is pro-environment. It is pro-jobs. It is pro-quality-of-life. The Shuster bill is consistent and supports a balanced budget.

The Nation's driving and traveling public need H.R. 2400. This bill is one that is going to set the standard, not only for making sure we have the roads and repair them and making sure we have the public transit, but also adds very important new safety guidelines which will help all of our Americans.

Finally, Mr. Speaker, the Nation's Governors support this legislation. This bill is one that is not only fiscally responsible but it is helpful to our environment, and will make sure that the driving public has safe roads now and into the future.

So I urge my colleagues to cosponsor the bill, to certainly vote for the bill, and meet with constituent groups back home so they are aware that we are looking out for them and making sure that their quality of life is improved and their neighborhoods and communities have the advantage of improved roadways and improved public transit.

THE CITIZENS REFORM ACT OF 1997

The SPEAKER pro tempore (Mr. THUNE). Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. BILBRAY] is recognized for one-half of the time until midnight as the designee of the majority leader.

Mr. BILBRAY. Mr. Speaker, I include for the RECORD the statement by the gentleman from Texas [Mr. SMITH], chairman of the Subcommittee on Immigration of the Committee on the Judiciary, in support of H.R. 7, the Citizens Reform Act of 1997.

Mr. SMITH of Texas. Mr. Speaker, the United States is one of the few major industrialized countries in the world that still grants automatic citizenship to the children of illegal aliens. Only three other countries do so—Mexico, Argentina, and Canada, and Canada is in the process of changing its law.

Some argue, though I disagree, that birthright citizenship is anchored in the first section of the 14th amendment to the Constitution, which states that "all persons born * * * in the United States and subject to the jurisdiction thereof, are citizens of the United States * * *."

The 14th amendment was written to guarantee citizenship to those formerly held in bondage and their descendants after the Civil War.

The Supreme Court did not consider application of the citizenship clause of the 14th amendment to children born in the United States to legally-residential aliens until 30 years after the amendment was ratified. The court ruled that children born in the United States to parents who were lawfully admitted for permanent residence should receive automatic citizenship.

But while the Supreme Court has consistently held that the citizenship clause of the 14th amendment applies to children born to legal immigrants, it has never held that this principle extends to children born here to illegal alien parents.

Because of the adverse effects of our present policy, it should be changed.

Those effects include smugglers bringing pregnant women into this country to give birth only because their children will become citizens. Approximately 16 percent of all the births taking place in California each year are to illegal alien mothers.

The county of Los Angeles estimates that almost 200,000 U.S. citizen children of illegal alien parents living in Los Angeles are collecting $461 million per year in AFDC benefits.

And an estimated 10 percent of total education costs to school districts in Los Angeles County are attributable to primary and secondary education for citizen children of illegal aliens.

Apart from the costs, isn't citizenship being devalued when it is given away as a result of illegal behavior?

I support H.R. 7, legislation introduced by Representative BRIAN BILBRAY of California, because it would do a great deal to discourage illegal aliens from entering the United States. And it would make U.S. policy consistent with the vast majority of countries around the world.

Mr. BILBRAY. Mr. Speaker, those of us who have had the privilege of being American citizens and being raised here in the United States know that the United States has always prided itself as being a Nation of laws, of citizens that respect their laws and serve the Nation, rather than a Nation that serves men and ideas of individuals over the concepts of good laws.

Mr. Speaker, H.R. 7, the Citizens Reform Act of 1997, is a legislative correction by Congress for an issue that has been ignored for much too long. The issue really before us is the issue of who qualifies for automatic citizenship in the United States by right of birth.

Now, many of us assume that if we are born on U.S. territory, no matter what the situation, we get automatic citizenship. The fact is, here in Washington and in New York the diplomats and their children do not get automatic citizenship in the United States, because the Fourteenth Amendment clearly states that not all persons born in the United States are given citizenship, only those who are born or naturalized and who are subject to the jurisdiction thereof.

Now, that conditioning clause has been interpreted in many different ways over the hundred years and plus that it has been in effect. The definition of "subject to the jurisdiction" has clearly stated that the children of diplomats do not get automatic citizenship, and that is not a punitive action. That is a calculated interpretation of the fact that diplomats do not owe allegiance, loyalty to the United States Government, and that their children do not receive the rights of automatic citizenship because the parents do not bear the obligation of loyalty.

Now we may ask, what does this have to do with 1997? Well, Mr. Speaker, across this country there are individuals who are entering this country illegally, who are violating the law, who are violating the trust of the American people, and then are demanding or acquiring automatic citizenship without due process for their children.

Now I, for one, am very sensitive to this. I was raised by an immigrant of a foreign country who came here legally, who played by the rules. I think it is just an assault on our entire concept of fair play to say that there are those who are waiting patiently to immigrate legally, whose children are born in foreign countries, who do not acquire automatic citizenship but who are required to go through the process and naturalize.

At the same time, there are those who enter this country illegally or enter this country, as most illegals do, and I want to point this out, legally, and then violate their agreement with the Federal Government by overstaying their visas. Then their children who are delivered here in the United States gain the right of automatic citizenship, while those who are playing by the rules, their children, as I stated before, do not.

H.R. 7 points out that we need to address this issue of fairness, we need to make sure that we send a very clear message to everyone. And I want to point out quite clearly, it is not the immigrants' fault; it is Congress' fault. The Fourteenth Amendment says that Congress will have the responsibility to statutorily enforce these sections. Congress has ignored this problem because they did not think the problem was very big, did not think it was worth addressing.

Mr. Speaker, let me just say quite clearly, even if it was one person benefiting from the violation of our national laws, that would be enough. But in California alone in 1993 we had 96,000 children born to illegal aliens who qualified for automatic citizenship. That is 40 percent of the Medicaid births in the State of California, the largest State in this Union. That population in itself sends a very clear message that we are sending the wrong message to the rest of the world.

Now I did not do a poll, and a lot of people in Washington did not do a poll, but I just received information from

California that a group did a poll asking women who are illegally in the country, why did they come to the United States. Frankly, even those of us who are involved in illegal immigration were shocked to see that a quarter of them stated that one of the major reasons to come here was so that their children could gain the privileges and rights of automatic citizenship, of citizenship in the greatest Nation in the world.

Now, I do not fault them for doing that. But I do fault a Congress that stands by and ignores the fact that we are telling people who want to come to this country, "Come here illegally and we will reward you. Wait patiently to come here legally, and we will make you toe the line."

□ 2245

I think that is a very wrong statement to send. I think it is one that we need to correct.

H.R. 7, Mr. Speaker, corrects it. It says if you are a citizen of the United States, a resident alien in the United States that has been accepted as a resident by the United States, then you bear the responsibility of loyalty and service to the American people, and we will give your child automatic citizenship. With the obligation goes the rights. But if you are a tourist who is just asking to pass through, or if you are an illegal alien who has violated our laws, we will not reward you or your child for you breaking the law while we require those who wait patiently to immigrate to play by the rules.

Mr. Speaker, this item goes back many years. First of all, many may say, again, I thought everyone on U.S. soil was automatically a citizen. In fact, it was not the 14th amendment that allowed native Americans to become automatic citizens of the United States. In fact, many, many individuals in this country who come from native American backgrounds did not get their right of being automatic citizens from the 14th amendment, because the Supreme Court ruled in a case back in the 1880s that Indians, native-born Americans, did not qualify as being subject to the jurisdiction thereof as conditioned by the 14th amendment. The fact is the Supreme Court ruled that Native Americans could not be tried for treason and could not be drafted and could not be held liable, though they could be arrested, but they could not be held liable for not being loyal to the U.S. Government, and thus their children did not qualify.

The first case of that, that reflected that, was the Elk versus Wilkins, which was a situation where an Indian who had left his tribe went to qualify as a voter and tried to register as a voter. The registrar of voters refused to register him because they said, you are not a citizen. John Elk, an Indian born within the territory of the United States, in Nebraska, went to the Supreme Court and said, I was born within the United States; the 14th amendment gives me automatic citizenship. The court ruled that the Indian born of a member of the tribe within the United States was still not subject to the jurisdiction thereof, and that Mr. Elk was not a U.S. citizen by right of the 14th amendment.

Let me remind my colleagues that this is the same 14th amendment that a lot of people say illegal aliens should get automatic citizenship for, that a legal Native American within the United States has been ruled not to be a U.S. citizen. But this House and this Congress and this Federal Government has continued to assume that illegal aliens qualify under that category.

I think that any reasonable person would say there should be some major questions raised here. I think the question illustrates quite clearly that not all individuals born within the territory of the United States automatically get citizenship under the 14th amendment, because there is that conditioning clause "subject to the jurisdiction."

The next case that is always brought up on this issue, Mr. Speaker, is a case that people that want to give automatic citizenship to illegal aliens point out, and that is U.S. versus Wong Kim Ark. Wong Kim Ark was an individual who was the son of two Chinese immigrants, legal resident aliens, who were allowed to set up business within the United States, and the child was born while they were here legally in the United States. When Mr. Wong Kim tried to come back from a visit after his parents had been extradited through the Chinese Exclusion Act, he went to visit them in China, tried to come back into the United States, and he was told he could not because he was not a citizen.

The Supreme Court ruled quite clearly on that and made a reference to a case, which was our British common law case, that the parents had been legal under a case called the Calvin case, and that the Supreme Court ruled that because they were residents of the United States and had been permitted under British common law and United States immigration law to be in the United States, that the child had the rights, because while the parents were in the United States, they had a temporary allegiance through legal immigration.

This may really sound like a bunch of legal gobbledygook, but it comes back to the point of fairness, and it comes back to a point that I think those of us in Washington forget too often. The whole case that we are talking about citizenship and automatic citizenship comes back to a basic rule that there are rights and responsibilities, and that people or individuals cannot claim rights without bearing equal responsibilities.

Actually in the Calvin case, which was a case where a Scotsman was basically told by one group that he was not a citizen and could not qualify in the English courts, that he had no rights there, that Calvin was able to prove that he had rights because he had obligations; that his parents could have been tried for treason, could have been drafted for service to the king; that his parents in a most gross sense could have been drawn and quartered as traitors because they had an obligation to be loyal to their government, and because of that obligation, there became a right to the child.

The same argument has to be reflected, that there are those in our society who think that rights come without responsibilities. I think we may debate back and forth when and where those begin, but I think it is quite clear here with this case that the law that we base our immigration birthright citizenship is based on a British law that was articulated in the Calvin case which said if the parents are obligated to be loyal and to serve the government, with that obligation comes the rights of the child to be a citizen. The British said it in their very poetic way. It says quite clearly that it is not the ground that really matters, it is the state of mind. The terminology that was used in the Calvin case was that it is not the soil or the climate, but the loyalty and the obedience that makes the subject born.

I think anyone here would agree that it would be absolutely absurd to think that an illegal alien owes loyalty and allegiance to the U.S. Government. If we can come to that conclusion, that a person who has violated our immigration laws, that has come into this country illegally or stayed in this country illegally obviously does not have either the concept of loyalty to the United States or the obligation being enforced of that loyalty.

In fact, I would remind a lot of my colleagues who think that the concept of not giving illegal aliens automatic citizenship is such an outrageous concept, I would ask those colleagues to remember how long would you stand by in this House if an illegal alien was tried for treason, if an illegal alien was being drafted to serve in the U.S. Army, and that illegal alien said, "Look, I want out of it, I don't want to have to serve, I would rather go back to my country." The concept of trying an illegal alien for treason is as absurd today as it would be in the 1860s when the 14th amendment was passed. That same absurdity applies to the fact that you give automatic citizenship to somebody without the related obligation to them or their parents.

Mr. Speaker, it may seem like an academic debate. I think that we have pointed out again and again as we talk about illegal immigration that this city, Washington, DC, and this Federal Government has an obligation, an obligation to start clarifying what behavior is appropriate, and what behavior will be rewarded, and what behavior is inappropriate, and what behavior will not be rewarded. That may seem radical and extreme to somebody. In my family, I try to make sure that we send that message to our children and to our friends, and it is about time Washington understands that common sense may seem extreme here, but America wants to see more of it coming out of this place.

It is not the obligation of illegal immigrants to make rhyme and reason out of our immigration laws. It is not the mothers of illegals who are responsible to make sure that our citizenship laws reflect common sense and reflect the historical precedents that have been set over the decades, over the centuries, that to have the rights you must bear the responsibilities.

When we talk about who bears the responsibility here, it is not the mother who wants to cross a border or come in from Europe or Asia illegally to get automatic citizenship. The responsibility bears right here in Washington, DC. Washington, DC, has to bear that responsibility.

I still remember an illegal woman telling me one time, an illegal alien woman saying, "Mr. Bilbray, if you really didn't want us to do it, you wouldn't be rewarding us for doing it." I think that it is time that we send that clear message, and we send it quite fairly and quite strongly, that we do not blame them, we blame ourselves, for the lack of commitment and involvement in this issue; that we have sent the wrong message for too long, and that we are going to address it.

The 14th amendment, Mr. Speaker, does not say that all persons born or naturalized in the United States are citizens of the United States. The 14th amendment says that you have to be born in the United States and must be subject to the jurisdiction thereof. To be subject to the jurisdiction thereof, you do not only have to be subject to being arrested and prosecuted, as so many people assume in this country, but to be subject to the jurisdiction as defined in British common law and as inherited by us through our own Constitution, because even in the Wong Kim Ark case, it was quite clear the Supreme Court ruled there is no common law in America except the British common law; that the British common law said that to be subjects, you must be not only obedient, but you must be loyal; that the obligation of obedience is only one-half of the responsibility of being subject to the jurisdiction thereof, and that loyalty is the other half.

The 14th amendment specifically was trying to address, after the Civil War, the issue of the Dred Scott case, to ensure that everyone was given equal protection for the right of citizenship regardless of race. One of the biggest problems we had was that there was an assumption that only white Europeans had the rights under the British common law. So to clarify that it was universal, the 14th amendment was passed to specifically say that everyone, regardless of their race or their past servitude or any other condition, had the same rights.

But the 14th amendment did not change the conditions for birthright citizenship in a general sense. The Supreme Court ruled over three times that the 14th amendment was to reinforce the concepts that had been accepted by the United States, and by the Colonies before the United States, and by the English empire before that, that being that those who are going to gain automatic citizenship have to be the children of people who are subject to the jurisdiction, people who are obedient to the law, and obligated to serve the Government and to be loyal to the Government.

Today, Mr. Speaker, most people do not know this, but legal resident aliens are obligated to serve in the military and are obligated to be loyal to the Government while they are here. They have a temporary allegiance of loyalty. When the courts reviewed this under the Calvin case, they clarified that when a legal resident comes into the United States, there is a contract between a legal resident and the Government. The act of allowing someone into your country, you are saying to them, or your Government is, you may come into this country and be a resident, but you must act with the obligations of being a citizen, and you can be drafted, you can be taxed, and you are obligated to be loyal. When an illegal alien comes into the country or when a diplomat comes into the country, there is no contract between the Government and the person entering the country. That contract has not been made, and the obligation does not exist. The obligation does not exist and the rights of automatic citizenship do not exist.

□ 2300

I know there are those in this city that would love to say there are all kinds of rights out there, but no obligations and no responsibilities. That is not reflected in the text of the law or the historical background of automatic citizenship.

Now, we can debate the issues of rights and responsibilities, but one thing that is made quite clear, when the Senators were debating the 14th amendment, there was no concept that they were going to pass an amendment that would encourage people to break the laws of the United States.

Senator Howard, who was one of the authors of the citizenship clause, specifically made reference to the fact that he wanted to treat fairly those individuals who had lived in our country and lived by our rules and followed our laws. In fact, his statement, referring to the slaves, were that they lived by our laws, they have borne the responsibility of citizenship, they are here because we choose them to be here, and, in fact even, without them having a choice to be here, and they have the right and their children and grandchildren have the right of citizenship.

Mr. Speaker, that does not exactly sound like an illegal immigrant to me. It sounds like exactly what it was meant to mean, that those who played by the rules, that have been loyal and served this country, have a right for their children to be automatic citizens. But those who have violated our laws, again, should not be rewarded for it.

I have to say that I live on the Mexican border and I see very interesting things happen. I know of individuals who were in Mexico who are waiting patiently for their immigration status, and I know they are having children in Mexico. When they get here, they will immigrate, they will come here legally, they will wait for years and years to be able to play by the rules, and their children will then have to apply to naturalize, just like everyone else.

But when I talk to a lady, like this one lady from El Paso, about how outraged she was at the concept while she played by the rules, someone could cross the border illegally and their children get automatic citizenship, and then their children qualify for welfare, and their children qualify for Medicare, that is probably the greatest sin, is to continue to tell those who have played by the rules, "Hey, you were crazy to play by rules. Break the rules. This is what this country rewards." I do not think the American people want that to continue.

Mr. Speaker, if the people that really believe that everyone who was born on U.S. soil should get automatic citizenship, if they really believe it would be so unjust to enforce the clause that says that you have to be subject to the jurisdiction thereof, if people think that my legislation and that H.R. 7 is so outrageous, then let them have the guts to finally stand up and say, look, from now on, every child born to a diplomat will get automatic citizenship. From now on, any time anybody violates U.S. territory, there will be no problem, they will get automatic citizenship. But today, tomorrow, and next month, there will be children born in the United States to people who we allowed to come here legally, who will not get automatic citizenship, and those are the children of diplomats and their aides and their support staff. Those individuals are not having their rights taken away. We are not punishing their children. We are just reflecting not only the 14th amendment, but the British common law and the law that we have all inherited into this land.

So the hypocrisy of this issue is there are those who will oppose H.R. 7 and then will continue to ignore the fact that we are today saying not everyone born on U.S. soil is a U.S. citizen.

Again, Mr. Speaker, I must apologize for the fact that this bill has to be brought up, but I think that there are those who have not read the law, the root law, which was the case where you had an individual claiming to be a citizen, and some people saying he was not, and that case goes all the way back to 1607. This is not a new case, 1607.

You had a Scotsman who said I am a British subject, and I am a British citizen, and I should have some rights. The courts ruled then that the determining factor was did the parents have responsibilities? With those responsibilities, they investigated that the parents did have them, they were obligated to be loyal, they were obligated to serve the Government, they did not have the right to leave the country based on the fact that they were aliens and foreigners, that they had the obligation of loyalty, and with that obligation the child received automatic citizenship.

It is not a popular thing to talk about, Mr. Speaker, but it is a fairness issue now. No one in the United States can say that it is a good policy to reward individuals and their families for breaking the law, and that it is a good policy to tell people that if you play by the rules, you will be disadvantaged, if you follow the law, you will be disadvantaged.

Now, I am not talking about punishing the children or punishing immigrants. I am talking about let us stop punishing the people who play by the rules. Let us make a law statutorily under section 5 of the 14th amendment that reflects the intent of the Senators when they stated we are here to protect those who have played by the rules, are here because we choose for them to be here, and we look forward to their ancestors being here henceforth.

I think that we can talk about Elk versus Wilkins, we can talk about the Calvin case, we can talk about many different cases, but I think when it really comes down to it, Mr. Speaker, we have to talk about the future. We have got to talk about how many people are being smuggled in from all over the world. What is the message being told to people, like my cousins in Australia, that say my God, we hear you guys really want illegal immigration; my God, you reward people for breaking the laws.

We have got to send a message that ambassadors are not being discriminated against and their children are not being discriminated against. There is no impunity meant here. We are just reflecting what the law is, and we need to send a quite clear message around the world that if you want to come to the United States, then come here legally. We will reward you and your children if you play by the rules. We will reward your generations to come. But we will not reward you for violating our national sovereignty, for breaking our laws, and for violating the basic concept that when you go into somebody else's neighborhood or somebody's home or into their country, you go there as a guest, not as an intruder.

Mr. Speaker, I hope this House, I hope the Committee on the Judiciary, will consider H.R. 7, and at least have the guts to raise the issue and quit ducking the issue. The 5th article of the 14th amendment specifically says Congress will have the responsibility to enforce the appropriate statutory sections. This is our responsibility. It is not the states of the United States, it is not even the illegal aliens' responsibility, it is our responsibility.

If those of us think that this is too hot an issue to talk about, too hot to take care of, then maybe we ought to talk about going somewhere else, because the Constitution says this issue falls square in the lap of the Congress of the United States.

Mr. Speaker, I ask you to clarify this, and I ask the Speaker and the leadership to allow H.R. 7 to be brought up for a vote and to move through committee so this issue can be debated at length. It is one that has been ignored for too long, it is one with many misperceptions, and it is one that can be really clarified very quickly.

I am sure there are those that will say if somebody is in the United States illegally by their presence, they have obviously showed they are not obedient to the Federal Government's laws. If somebody is here in the United States illegally, they are not held to the same loyalty standards, which is obviously one of the conditions.

With those two conditioning clauses, the children of illegal aliens and the children of tourists who are just passing through fall in the same category as native-born Indians did before 1924 when Congress, Congress, had the guts to finally give all Indians automatic citizenship. The children of illegals, of tourists, fall in the same category as children of diplomats, and the Congress, as it had the guts to address the issue in 1924, has to have the guts to address the issue now in 1997.

FAST-TRACK AUTHORITY SOUGHT ON TRADE AGREEMENT NEGOTIATIONS

The SPEAKER pro tempore (Mr. THUNE). Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. STUPAK] is recognized for 41 minutes as the designee of the minority leader.

Mr. STUPAK. Mr. Speaker, I will not be using all my time tonight, but I do want to say a few comments. Today the President and Vice President came to the legislative hill, to the Capitol Hill to detail for us, at least the Democratic Caucus, the fast-track trade authority that the President would like this Congress to approve.

As I listened to the comments being made by my colleagues and others on fast-track legislation, and I hope the listeners understand that fast track means give the President the authority to enter into a trade agreement mostly with South America, Chile, and the Caribbean Basin, and that authority or that agreement, frayed agreement, that the President would negotiate on behalf of his negotiators, would then come before the Congress for approval or disapproval. There would be no opportunity to amend this fast track. You have no opportunity to alter it. You have to accept it as is and vote yes or no.

I sit on the Subcommittee on Health and Environment of the Committee on Commerce, and as we have dealt with over the past few years food safety and food standards in this country and how it was affected by the NAFTA agreement, and what can we expect as we look for a new round of trade negotiations under a fast track authority with South America, Chile, or the Caribbean Basin. In the caucus today when the President came, we heard a lot of discussion about labor standards and environmental standards, and those are very important, and those standards in and of themselves would be enough to defeat any kind of fast-track legislation, if not adequately covered.

But I come to the floor tonight because I did not hear a lot of discussion about the food safety issue and the pesticides that are used in other countries. As food is developed in other countries and shipped here to the United States, of course the United States being the largest consuming Nation, do those standards underneath these trade agreements, our standards, the U.S. standards, the highest in the world, are they going to be upheld? Or do the trade agreements, as is pointed out in NAFTA, will they be lowered, either due to the written word of the agreement or because of the lack of inspection of the vehicles, container ships, coming into the United States?

Understand when a container ship comes into the United States, and let us say it has bananas in the container, the large container on the outside may be marked bananas from Ecuador. But once they are removed from that container and put into boxes and on our grocery shelves, we do not know where they come from. There is no way. There is no labeling required.

Therefore, you do not know what pesticides, what country it even came from, and do they have standards that you wanted for yourself and for your family?

Recently in this country we have had a lot of outbreaks of E. coli and hepatitis A breaking out throughout this country, including my own State of Michigan. How does it get by our inspectors?

If you take NAFTA alone, if you look back at NAFTA, North American Free-Trade Agreement with Mexico and Canada, coming up through Mexico, 12,000 trucks a day, 3.3 million trucks a year cross the border. Less than 1 percent are inspected.

Now, there is not enough inspection, there is no enforcement. I am not talking about the trucks, which are another story in and of themselves, but I am talking about the container and what do these trucks contain, what kind of food, what have we found?

The Government Accounting Office in May of 1997 reviewed NAFTA and the effect of the food and use of pesticides on food products coming into this country, and they found strawberries alone, about 18 percent, just a random sample, 18 percent violate our standards for food safety and the use of pesticides. Head lettuce, which we get a lot from Mexico, 15 percent is in violation of our food standards in the pesticide use. Carrots, another 12 percent of them.

There is not enough enforcement, there is not enough inspection, not just the vehicles they are traveling in, but also what pesticides are used on these food products and how they are shipped, handled and labeled and sent to the United States.

I mentioned hepatitis A. If you take a look at Texas, where most of the food comes in through this country from Mexico, you will find that along these border communities, hepatitis A outbreak is 2 to 5 times greater than other parts of the country. In fact, there are some counties in Texas where it is 10 times greater than the state average and the national average.

I mentioned Michigan, and being from Michigan, even in Michigan we have the strawberries where we had 130 children affected with hepatitis A because of strawberries, when after we traced back, came out of Mexico, because they do not have the same sanitation requirements, the same safety inspections, the same food inspection. Once they get across the border, again, in a truck, only 99 percent of them are not inspected, less than 1 percent are inspected. Of 12,000 trucks per day, then you can see how these things easily get into our society, into our food chain, and on our dining room table.

Pesticides, if you take a look at it under NAFTA, and in the past agreements and the studies have shown, that basically we have waived our standards. When we come to food safety, we should not be waiving our high standards, and we have. It is not necessarily a trade issue, but reality is a health issue, about the health and safety for our families.

□ 2315

So those who would argue that those of us who may oppose any kind of NAFTA or fast track authority, it is not because we are against trade, it is the health and safety of our families that we are concerned about.

In fact, the concern is not just for our own families and what is happening from other countries and food being shipped into this country that we are consuming, but even if we take a look at it, what have we seen? Even the Department of Agriculture, Secretary Glickman has been on Capitol Hill and has called upon us, the legislative branch, to push for more regulation of meats and poultry, and he continues to raise concerns about the pesticide safety in this country. But yet at the same time that administration and the Department of Agriculture, the opponents of a fast track extension actually make it easier for unsafe food to enter into this country.

So the gentleman from Ohio [Mr. BROWN], who sits on the Subcommittee on Health and Environment with me, will be sending a letter to the President urging him to include specific food safety provisions in his fast track proposal. Again, we did not hear much about it at the caucus today when the President and Vice President were there, but we welcome all Members of the Congress, Democrats and Republicans, to join on the letter.

What we are asking the President to do is to renegotiate the provisions of NAFTA which relate to border inspections and food safety and to ensure that any future request from this fast track authority includes strong food safety protections.

We would like to see increased funding for border inspections, or alternatively, limit the increasing rate of food imports to ensure the safety of our own food supply that we put on the table every night. We would like to see an aggressive program of labeling on all foodstuffs, including fresh and frozen fruits, meats, and vegetables, and also what country were they grown in, what is the country of origin. We think these are just some very basic things we should do to assure the health and safety and security of our families.

Mr. Speaker, I do not think it is fair to ask the American people, when we start talking about fast track or NAFTA, to start lowering our own high standards for the health, safety, and welfare of our children. When we take a look at it, what is the rush to enter into another fast track agreement? There are many arguments for and against, and I am not here to argue trade agreements but I am just trying to say, what is the rush here? Why are we continuing to enter into these trade agreements? Why do we have to have fast track agreements we cannot amend or alter?

I think it is a bad deal for American workers and American consumers. I think we need to take a very serious look, and I think if we do, the country would say, why are we making these trade agreements so quickly? Why are we giving the President so much power? It is really not necessary. The economy is going well; let us keep it going.

I see the gentleman from California [Mr. HUNTER] is here on the floor, and I yield to him.

Mr. HUNTER. Mr. Speaker, I want to say to the gentleman that I agree with him with respect to fast track and the fact that when Americans buy especially agricultural goods now that are grown in other countries, they are really buying a pig in a poke. We have a number of countries that still allow the use of DDT-like pesticides, pesticides and chemicals that this country banned long ago due to the experience of our researchers who found that they had a very unhealthy effect on America's populace.

It is interesting, Mr. Speaker. My kids do a farmer's market every week, and the farmer's markets in San Diego County, in fact in all of California and I am sure in the gentleman's State, generally in farmer's markets one can only sell produce that is grown in the State. We have so many people who ask us, "Can you prove to us this does not come from Mexico, because we know that they can use DDT and other pesticides in Mexico and other places." We can assure them, because there is a certificate there that shows that in fact it is grown in the State of California, that it does not come from those places where some very dangerous substances are placed on the agricultural produce that our population ultimately buys. So I think there is a real value in slowing down the so-called fast track.

I can remember my friend was not a fan of NAFTA, at least I believe he was not a fan of NAFTA, and we were told when NAFTA was before us as an issue that since we had approximately in those days a $3 billion trade surplus with Mexico, that we were going to build on that surplus by passing NAFTA. I glanced at the figures today, and the Clinton administration admits that this year we had a $17 billion trade loss with Mexico. I just wonder what kind of a track record that is to justify a new fast track for other countries that have not yet been able to take advantage of the United States and drive us into such a trade loss.

I appreciate the gentleman for his remarks. I think it would be good, because we have so much produce now that comes from other countries, to at least allow the American people to see by some sort of a labeling system what in fact is grown in America, so that they know that that produce grown in America has protections that we afford it. I know the gentleman, and I think the gentleman from California [Mr. BONO] is offering legislation to that effect, and perhaps the gentleman from Michigan [Mr. STUPAK] is as well.

So I want to add my support for what has been said and tell the gentleman that I will work with him to see that we slow down this fast track.

Mr. STUPAK. Mr. Speaker, reclaiming my time, I thank the gentleman and I appreciate him coming out and saying a few words. I know some people thought, and I do not have much auto in my district, in fact basically none, maybe some parts but no cars are being built there, that it was all a manufacturing issue. A lot of us, and I know the gentleman did also, were against NAFTA, and he is from California and we see the wave of these trucks coming in every day and not getting inspected.

In particular, I know the gentleman was familiar with chapter 7, which dealt with NAFTA, the food trade chapter. Actually, when we read it, it limits our border inspections of food and similar items, and also chapter 9 basically comes right out and says we are going to have an open border to Mexican trucks of limited inspection.

We are seeing these problems developing. The gentleman mentioned DDT as being one of them, and the gentleman is right that they allow DDT being used on lettuce and tomatoes and carrots and vegetables and fruits. One of the things we are saying is, let us renegotiate some of these provisions of NAFTA which relate to border inspections and food safety, and ensure that future requests for fast track would include strong food safety protections. My concern in coming to the floor tonight is we did not hear that today in the caucus when the President appeared.

Also, we want to increase the funding for border inspections to limit the increasing rate of food being imported in. The gentleman was absolutely correct when he said the gentleman from California (Mr. BONO) has the legislation that puts in an aggressive program to label all foodstuffs, including fresh and frozen vegetables, meats and fruits, and label the country of origin, because the gentleman is correct. The farmer's market has an insurance that it is grown in his State and in the local area, it has been inspected, and not being brought from outside the country where we have all kinds of chemicals being used.

So we are concerned here as we start another round of fast track that we want to make sure there are adequate protections, that child labor laws are there, there are workplace and environmental safety standards and some basic human rights. But I would hope that we do not fast track our standards, our safety, and our family's health and security.

If I just may close, once again I find it amazing that at a time when the administration is pushing for more regulation in meats and poultry due to what happened with the Hudson hamburger, and they tell us Burger King, and I am not slamming the company, but in this State we still cannot determine where the meat that goes for those hamburgers comes from. We do not know if it is from Europe, we do not know if it is from Mexico, we do not know if it is from Canada or Kansas; we really do not know, but yet we certainly consume them as a nation, because we are a consuming nation. So those assurances we want in any kind of fast track legislation.

So we, certainly the gentleman from Ohio (Mr. BROWN) and I have been urging Members to make sure there are the food safety provisions in any fast track proposal, and we still have not seen it. As I say that I see that my friend the gentleman from Ohio has joined us on the floor, and I will yield to him at this time.

Mr. BROWN of Ohio. Mr. Speaker, I appreciate the gentleman from Michigan's time and the work that he has done with food safety, a real leader in the House of Representatives on that issue in regards to NAFTA and fast track, and whether or not this Chamber allows the President to continue to negotiate these trade agreements in a way that unfortunately Presidents of both parties, President Bush, President Reagan, President Clinton, have been negotiating over the last many years.

One of the statements that the gentleman was talking about, we do not know where food comes from. One of the things I thought of the other day, if one travels to Mexico, if an American citizen goes to Mexico, people will tell that visitor, that American, other Americans will say in certain parts of Mexico one should not eat the food, one should be careful about the water one drinks; one should just be careful, there are certain things one should not eat. Yet those same places in Mexico send food to this country and we do not really know where it comes from. Some irony. We should not eat that when we are in Mexico, but it is good enough for our kids when it comes here.

That is why it is so important that before we move ahead and rush headlong into another series of trade agreements that cost American jobs and trade agreements that endanger our food supply and trade agreements that put unsafe trucks on the roads throughout the United States, that we stop and we fix the North American Free-Trade Agreement, that we do take care of food safety issues, that we do in the North American Free-Trade Agreement take care of truck safety, that we do deal with the problems of drugs at the border, that we do take care of especially the jobs issues with NAFTA.

One of the real interesting aspects of this is that the administration loves to tell us and the Republican leadership of the House love to tell us that we are exporting more than ever to Mexico, we are sending all of these goods all over the world, that American exports are up and that is why our trade policy is working. Well, the fact is that while we do sell more goods to Mexico than we did 4 years ago, our balance of trade is worse because we import so much more. So we went from a $2 billion trade surplus with Mexico 4 years ago to a $20 billion trade deficit today.

Mr. Speaker, even the things that we sell to Mexico are not really exports. So often they are what somebody termed industrial tourism. We send parts to Mexico. They may be in Mexico only a day or two or three. Those parts are then made and assembled into a car or assembled into something else and then sent back to the United States. So those things that we are exporting to Mexico so often end up being just put together, assembled in Mexico and sent back to the United States.

The other thing we are sending a lot of to Mexico, are so-called capital goods or various kinds of machine tools, where we are sending things to Mexico which they use to build high-technology plants and produce things and then send them back to the United States.

So we really are not sending more goods to Mexico, that really are exports that stay in Mexico, than we were in 1993. The fact is that we are doing things that are only costing us jobs more and more. The people that are the losers in this trade deal that we have going on, whether it is NAFTA or whether it is fast track down the line, the people that are the losers are people in this country that lose their jobs, work with their hands, the people that there are not enough people in Congress caring about.

□ 2330

That is why it is especially important that we slow down on fast track, we fix the things that are wrong with NAFTA, we fix things that are wrong such as the jobs issue, we fix the food safety issues, we fix the truck safety and the drug problems at the border. Because we owe it to the people whom we represent, we owe it to them that when they go to the store, that they do know, in fact, where this food comes from, whether it comes from Michigan or New Jersey or Ohio, or whether it comes from Mexico, or wherever it comes from.

Just like the food labeling that is now on soup cans or anything we eat, it says how much sodium is in that can of soup. We want to know what is in it. We want to know the ingredients in foods and where those foods come from. That is what we are asking.

That is one of the things we can do to fix NAFTA. We can do better inspections at the border, where, as the gentleman [Mr. STUPAK] said, less than 1 percent of fresh and frozen fruits and vegetables are examined and inspected at the border. We have to do better than that.

We are asking the President to simply slow down. Do not rush headlong into this new series of trade agreements. Let us fix what is wrong with NAFTA. Let us make those things better with food safety and truck safety, and all of the jobs issues. Let us make that better before we move on into another trade agreement that costs jobs and endangers our Nation's food supply.

Mr. STUPAK. Reclaiming my time, Mr. Speaker, the gentleman made a good point about the trade deficit, how we had a surplus, and now we have somewhere between a $16 to $20 billion deficit. And the idea of parts going down to Mexico, they are being assembled, and they come right back. The gentleman mentioned tourism. When we take parts and assemble them in another country and send them right back as a finished product at a high rate of cost, such as vehicles, we call those things industrial tourists. They just go down for a few days, enjoy the sunshine, come right back up and be sold to us northerners up here. Industrial tourists is what we call this.

That is why we see the big trade deficit. I know the last time we did a special order we talked about the twin deficits, not just the budget deficit but also a trade deficit which needs to be addressed. What we are asking for, and it is not that we are against free trade, and we are not protectionists, but what we are really saying here is what are the rules of trade here?

We have standards for intellectual property, we have standards for patents, we have standards for compact disk players or CDs, as we call it. Can we not take those same standards, those same rules we apply to intellectual property, to CDs, and to patents, and should they not apply to things like labor standards, environmental standards, but especially food safety standards?

What we are saying, before we have this new fast track, what are the standards we are going to live by, what are the rules of the game, and let us all have the same rules of conduct, whether it is food safety, intellectual property, truck safety, whatever it might be, because we insist, and we have strong consumer standards in this country, and we insist that they be part of any trade agreement.

I see my friend, the gentleman from New Jersey [Mr. PALLONE] is here, and I gladly yield to him.

Mr. PALLONE. I thank the gentleman for yielding to me, Mr. Speaker.

I just want to start out by saying that I appreciate the remarks that my colleague, the gentleman from Michigan [Mr. STUPAK], and also my colleague, the gentleman from Ohio [Mr. BROWN], have been making in talking about fast track, and also talking about the experience that this country has with NAFTA, and expressing their concern over where we are going with this fast track legislation.

I know that the gentleman from Michigan [Mr. STUPAK] and the gentleman from Ohio [Mr. BROWN] have been doing special orders on this issue for a number of months now, and I have listened to some of it. I certainly agree with everything that the two of the gentlemen have been saying. They have really been taking the lead on this.

I just wanted to very briefly, if I could, follow up and talk about the environmental aspect, because it is something that concerns me a great deal. What I find so strange is that the advocates of this new fast track authority, and I guess we are going to be voting on this probably within the next week or two, keep suggesting that somehow we should not even make reference to NAFTA and the experiences of NAFTA in deciding how to vote on fast track. To me, that makes absolutely no sense at all, because if anything, the best indicator to me of what might happen once this fast track authority is given, and if it is given, and these trade agreements are negotiated, that the best experience I have is the experience that we have with NAFTA.

I was very much opposed to NAFTA. I voted against it. For those who at the time were having a debate on NAFTA, I remember distinctly how we were being told that if we were concerned about labor conditions, if we were concerned about the environment, that certain so-called side agreements were going to be entered into, and that those should basically alleviate the concerns of people like myself who felt that enough was not being done to deal with the environmental and labor issues.

I did not buy that at the time, but it was sort of a bill of goods or whatever that was being sold to people at the time to try to persuade them to vote for NAFTA. Frankly, I think that the experience of the last few years with NAFTA has shown very dramatically that there was no result from those side agreements; that, in fact, labor conditions in Mexico got worse; that there were more job losses here in the United States as a result of the loss of jobs and the transfer of factories and manufacturing to Mexico.

The same thing was true of the environmental agreement. The environmental side agreement was supposedly going to improve environmental conditions in Mexico, and what do we have? For the last few years we have more companies going down to the border area, polluting the area so the level of pollution has gotten worse, coming back to the United States, and having a negative impact on the United States.

My understanding was there was about $2 billion in funds that was supposed to be used to clean up some of the toxic wastes and other problems on the border area with Mexico, and not one penny of that money has been spent so far. So for those who say, do not look back at NAFTA in deciding whether to vote for fast track, the only reason they are saying that is because NAFTA has been a failure.

Mr. BROWN of Ohio. If the gentleman will continue to yield, Mr. Speaker, the gentleman is exactly right. When NAFTA passed, obviously the three of us and our friend, the gentleman from California [Mr. HUNTER], voted no on it back in 1993, but the people that supported NAFTA never really prepared, they never really prepared the border area for what was going to happen.

They really were disingenuous about it, because they knew that there would be more traffic coming across the border, they knew there would be more pollution, as the gentleman from New Jersey [Mr. PALLONE] says, more pollution along the maquiladoras, along the area near the border, and they simply did not prepare for building any kind of an infrastructure to deal with what was going back and forth across the border.

When truck traffic is such that I believe there are 12,000 trucks a week, something like that——

Mr. STUPAK. Twelve thousand trucks a day.

Mr. BROWN of Ohio. One truck every 7 seconds across the border, they knew truck traffic was going to increase. They knew more than likely there would be drugs in some of those trucks smuggled in. They knew there would be huge loads of fresh and frozen fruits and vegetables crossing the border coming north every day, and they knew a lot of these trucks would not be safe, and they knew there would be environmental problems because of the increased activity.

Yet, there was no planning in NAFTA; there was no real appropriation to build the infrastructure at the border to take care of that, to accommodate that. It did not just mean hiring more inspectors, because there simply are not enough stations, way stations, and the actual infrastructure itself, gates coming across the border, to be able to manage all that. So they did not prepare, I think, purposely did not prepare this country for the problems at the border.

There is no sign that they are doing it this time with fast track with Chile, with any other trade agreement. That is why we need to stop and say, wait a second, show us you can fix the infrastructure at the border, that you can clean up the environment at the maquiladora, that you can deal with the problems of truck safety and food safety and drug smuggling. Then we can talk about fast track, then we can talk about trade agreements that are actually in people's interests in the Western Hemisphere, American workers' interests, Chilean workers' interests, and not just the investors that benefit from these trade agreements that make the rich richer. That is really what these trade agreements have been all about.

Mr. PALLONE. Mr. Speaker, the gentleman talks about the investors getting richer. Those are the only people who have benefited from this. I look at these agreements and say, OK, you have the United States and you have Mexico. As far as I am concerned, from the United States point of view, if as a result of NAFTA more people have jobs and more people have higher wages for the jobs that they have, or, similarly, that somehow the environmental standards go up in the United States, or looking at it from Mexico's point of view, that the wages of the Mexican citizens go up or that the environmental standards or cleanup is improved in Mexico, then we might say, OK.

But here it actually makes it worse on both sides. The way I understand it, and I have it from my own district, I can give some examples, plants that have closed in my district, what is happening is our plants are closing, our workers are losing their jobs, or in order to make sure that the plant does not move to Mexico, they have to give up benefits or lower their wages. Then at the same time, when we look at the situation in Mexico, my understanding is that wages have actually gone down there.

The same thing with the environment. The effort is to reduce our environmental laws and make them less stringent, because we are told that if we do not, the plant is going to move to Mexico. Similarly, in Mexico, nothing has been done to clean up any of the problems in the border areas, and the amount of pollution that is being spewed is even greater than before. So in reality, what is happening is things are being ratcheted down. The environmental standards and the air quality and the water quality in general between the two countries is getting worse, and the labor situation is getting worse. No one benefits.

The thing that is amazing to me is that even though we have this experience that shows that no one benefits from either the environmental or labor or wage point of view, other than the corporations and those who have invested in the corporations, even though we have that experience that shows that no one has benefited, in the case of NAFTA, nonetheless, we are now being told to move on, let us get the fast track authority, let us enter into similar agreements with other countries, and do not worry about what happened with NAFTA. That is not a good example. Somehow, the situation in Mexico is an aberration, and that will not happen with the other countries.

It is really hard for me to believe that we are being told to do this, based on the experience of NAFTA.

Mr. STUPAK. Right. Reclaiming my time, Mr. Speaker, when they say do not look back, do not look back at NAFTA, I think we do have to take a look at it. Remember, we had side agreements on tomatoes, and we had side agreements on lettuce, we had side agreements on citrus fruits, to try to protect the U.S. interests here.

Yet, if we take a look at it and take a look at NAFTA, and I think we have to, because it is the only agreement we can make a comparison to, but again we are expanding it to South America and Chile, and Mexico is right there in Central America, it is all part of that region, we have an increase. Fruit imports in the United States has increased 45 percent. Vegetable imports have risen 31 percent. So those are going up, the imports in the country, from Mexico.

But then yet, as the gentleman from Ohio [Mr. BROWN] pointed out, the inspections, and take a look at chapter 7 and chapter 9 of the NAFTA food requirements or food trade requirements, we have limited inspections. In fact, they will inspect a limited number of Mexican trucks, and there is a limited infrastructure to even carry it out, where 1 percent of 12,000 trucks per day are being inspected.

Actually, it is 3.3 million trucks entering this country, and we are inspecting 1 percent. And we say, how can there be an increase in drugs coming into this country? The truck may say "bananas," but we do not know what is really in there because we are not inspecting it. They all know that.

Then we have a NAFTA Agreement which limits our ability to make the inspection at the border and to limit the number of trucks that will be inspected. So the more trucks you bring up, the less are going to be inspected, the greater chance of getting through whatever you want, be it contraband, be it fruits or vegetables laced with DDT.

Again, this is not just us who oppose NAFTA saying this. This is found in the Government Accounting Office May 1997 report. It is all documented. And their recommendations that we have been talking about here tonight are certainly contained in here.

Again, I think the issue here is not necessarily a trade agreement, but really a safety agreement: What standards are we going to apply? Do we lower our standards to allow more goods to come in this country? Is that not what this is really about? What are the standards, and should we not all go by the same standards?

We have to have standards. We have them for, as I said earlier, for patent law, intellectual property, compact disks. Remember the big fight with China on that? We have these standards and enforce them, but somehow when it comes to food safety, the environment, labor, we are not going to enforce it? I think there are some very good arguments here that must be made. What is the rush? Let us slow this thing down.

Mr. BROWN of Ohio. That is exactly the point, Mr. Speaker, if the gentleman will continue to yield. We in this country for a long time, for a lot of years, have raised our living standards with pure food laws, with strong clean air laws, with good, solid safe drinking water laws, on fights that were conducted in this Chamber, where often groups of very conservative Members that had major backing from the largest corporations in the country would oppose clean water laws, would oppose safe drinking laws, would oppose pure food laws.

Over a period of decades after decades after decades, beginning in the early part of this century when books were written about contaminated food and all the problems with our food supply, over those many, many years, we have built probably the best standards to protect all people in this country; not just the rich, not just the poor, not just white, not just black, not just men, not just women, everyone.

We have protected people because they know when they go to the grocery store that meat is inspected. They know that there are clean air and clean water requirements. We know when we go shopping that the food we buy is generally, almost 100 percent of the time, good, clean, safe food. What we are doing is we are having our standards pulled down by a country that has not had those kinds of protections built into their laws, and has not had that kind of history.

Rather than allow them to pull our standards down, we can negotiate trade agreements that would pull their standards up. And we are going in the exact opposite direction. That is why we need to pursue the kinds of efforts the gentleman from Michigan [Mr. STUPAK] is pursuing with his work.

Mr. PALLONE. I just wanted to say, I know earlier today the gentleman had spoken up at a meeting about the need for more enforcement, and I think the response was that, well, we need more money. Congress should appropriate more money for enforcement. I sort of laughed and said to myself, well, if we do not have the ability, if this body, if this House of Representatives and the other body are not going to appropriate the money to do the enforcement, to make sure the inspections take place, then we should not be supporting NAFTA and fast track.

□ 2345

I want to say that if this same group of elected officials are going to say that we are not going to provide the funding to make sure these enforcement measures take place, then they should not be supporting NAFTA and should not be supporting fast track.

I think my colleague from Ohio comes right to the point, because he is saying what are we going to put first here? We are going the put the mechanisms to make sure the laws are properly enforced; that the environmental laws are enforced; that there is not going to be the ratcheting down or the weakening of standards, whether it is labor standards or it is environmental standards. And once we have those guarantees in place, both here and in the country we are entering into this trade agreement with, then, sure, we can move toward free trade, but not have the cart before the horse, or whatever the term is, and that is what we are getting now.

We are being told the most important thing is to have the agreement, because the flag of free trade is the most important flag and we have to wave that wherever we are in the world. And in the meantime we will try to use our good devices to try to convince some of these other governments that they should have better environmental standards or better labor standards. But that is secondary and we cannot really talk to them about that now because they might be offended by it and we have to enter these agreements and wave that free trade flag.

I do not buy it, and I am glad the gentlemen with me here tonight do not buy it and, hopefully, we will not have a lot of other people buy it when this comes up a couple of weeks from now.

Mr. STUPAK. Mr. Speaker, reclaiming my time, it is amazing that the President indicated at the caucus today that the way to get around this and to make sure there is inspection and food safety at the border is to increase the inspections. And if Congress will not appropriate the money, the heck with it, let us just move forward with this trade agreement anyway as the fast track trade agreement.

But, remember, it was 2 or 3 weeks ago the administration was up here pushing for more regulation, more regulation for more inspection in this country for meats, poultry, and they continued to raise concerns about pesticides being used in this country. If we cannot control and inspect adequately, and the Secretary of Agriculture wants more regulations and more authority to invoke emergency powers to take food off our tables and the grocery store shelves, if we cannot do it within our own country, because we do not have enough people and they need more authority, how will we do it on items coming into this country where we inspect 1 percent of everything that comes in? It defies their argument. It defies their logic.

So I certainly hope our colleagues on both sides of the aisle, and I am glad to see the gentleman from California [Mr. HUNTER] is here helping us out on this issue tonight and the gentleman from Ohio [Mr. BROWN] and the gentleman from New Jersey [Mr. PALLONE]. I hope they will all join us in sending a letter to the President urging him to include specific food safety provisions in his fast track proposal.

And we welcome all Members, Democrats, Republicans, Independents to sign this letter because, as we said earlier, what we want to know is what are the rules of the game? What are the rules of the trade game? We should not lower our standards as a country. We should not lower the health and safety requirements of this country. We have rules that affect intellectual property rights, compact disks, patent law. Why can those same standards, those same rules not be afforded to labor, the environment but especially food safety? Let us not fast track our standards, our safety and our families' health and security.

Mr. Speaker, I apologize to you and the staff, I said I would be brief, but I was joined by all my friends here tonight, that I could not anticipate, so we went a little longer.

CHANGES THAT HAVE TAKEN PLACE IN CENTRAL AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. HUNTER] is recognized for the remainder of time until midnight, or 11 minutes.

Mr. HUNTER. I think I can do it all in 11 minutes, Mr. Speaker.

I thought I would just come to the floor tonight and talk about several issues. I was late to the special order of the gentleman from California [Mr. BILBRAY] where he spoke about his bill which would disallow automatic citizenship to the children of people who have come into the United States illegally. He went through a fairly lengthy litany of court cases and legal precedent behind the rule of law, the idea that coming to this country and achieving citizenship requires certain accountability and certain responsibilities and that that status should not be conferred; that is, citizenship should not be conferred on people who have come into the country using trickery or deceit or simply forcing their way in or simply walking across a land border.

The theme I think of the gentleman's special order, and I thought it was an excellent special order, was that when an individual comes to the United States that they should use the front door; do not come in through the back door. And it is only appropriate that we reserve citizenship for people who have used the front door. I applaud him for that and wish I could have been here earlier, and I apologize to him for missing his special order. I think it was excellent and I think his legislation is very timely.

Mr. Speaker, I wanted to talk about another person tonight who is a very important person to many of us in Congress who fought in what I call the contra wars in the 1980's. Those were the legislative debates that drove, to a large degree, American policy in the 1980's during the Reagan administration with respect to Central America, and particularly with respect to the Soviet Union's attempt to transfer a terroristic guerilla operation from the Soviet Union and from its client states into the guerilla operations in El Salvador, Guatemala, and in Nicaragua, manifested there by the Sandinista government.

We saw the Soviets, then Soviets, moving in with tons of munitions, automatic weapons, all kinds of explosives, and fostering the guerilla movements in El Salvador that threatened to overthrow that very fragile government which even then had the makings of democracy.

It is interesting, when I came in in 1980, as a freshman, Guatemala, Honduras, Salvador, and Nicaragua all had some form of military dictatorship. None of them had, when Ronald Reagan arrived on the scene as President of the United States, none of them had democracies. Today, they all have democracies, albeit fragile.

It was important for us at that point, when they were struggling to achieve those democracies and to put off the terrorism, I can remember in El Salvador when the FMLN, the guerilla operations supported by the Communists, were blowing up electrical plants and were massacring people trying to engage in a harvest, were regularly assassinating state officials, and I remember when Ronald Reagan enunciated the idea that we need to provide a shield, a military shield for these governments like El Salvador and also for the freedom fighter movement in Nicaragua, where a few very brave souls were fighting the Sandinistas, the Communist Sandinistas, which were strongly supported by the Soviet Union.

There was enormous debate at that time in the United States, and a number of citizen groups were engaged on both sides trying to persuade the Congress either to stay out of Central America and let the Russians have their way or to engage in Central America and provide the shield that I talked about.

Bill Blakemore of Texas was a Texas businessman who wanted to engage in supporting the Reagan doctrine in Central America, and he put together a group of business people in Texas who came to the Hill and lobbied and did everything they could to see to it that people understood what was at stake in having democracies rather than tyranny in Central America in our own hemisphere.

Bill Blakemore did a great job at that. He did not ask for anything in return. He did not get any money for it. He did not make any contracts. He simply did that work because he thought it was important to be a leader as an American citizen and to fight for and persuade people to do what was right.

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He is very ill today in Texas. He is down at his ranch, an Iron Mountain ranch near Marathon, TX. So I want to say to Bill Blakemore and all the people that helped him, thank you for what you did for this country. Because partly because of your efforts, we now have democracies, fragile democracies in that part of the hemisphere, and that has accrued to the benefit of the United States.

Lastly, Mr. Speaker, before I end my time, I wanted to say that my friend Bob Dornan has taken a lot of flak from Members on the other side of the aisle, Democrat Members, for the simple fact that after his election, which he won on Election Day by several hundred votes and then lost later when they counted absentee ballots, when they discovered that one group had fraudulently registered and voted a number over 300, that number of illegal voters, Mr. Dornan raised a question "Were there more?" And he raised a question as to whether or not he had really lost that election. In fact, the question was who had gotten the most votes, the most legal votes.

He had every right to do that. And we, as a House of Representatives, should be very concerned when we see one group that fraudulently votes 300 illegal voters on Election Day, telling them, manipulating them and telling them as non-citizens that they not only had the right but the duty as noncitizens to vote in an American election.

So we are now undergoing a very thorough review of that voting situation to validate or to follow through on a very simple principle, and that is the person with the most votes wins in a democracy. Now why is that anathema to the other side? Why do they not want to see the votes counted?

So we are almost at the end of that situation. And I just wanted to say that I think Mr. Dornan has comported himself in an absolutely fine manner. He has raised the question. He has every right to raise it. I think we have as much interest as he has and as the gentlewoman from Californian [Ms. SANCHEZ] has in seeing who got the most votes in that election.

So the House administration committee is going to be coming up with the results of that analysis fairly soon, and I look forward to it.

On a personal note, nobody fought for the pro-life cause as hard, as energetically, as compassionately and as passionately as Bob Dornan. And I thought it was kind of appropriate here just a few days after Mother Theresa's untimely death to remind our colleagues how valiantly Bob Dornan fought for people who did not have big political action committees and did not have enormous clout on the House floor, and were not CEOs and did not have all the things that generally drive and manifest influence in the city of Washington, DC.

He fought for the most helpless of individuals, that is, unborn children. He never wavered. He always came up with the right amendments at the right time, standing side-by-side with guys like the gentleman from Illinois [Mr. HYDE] and the gentleman from New Jersey [Mr. SMITH].

We miss Bob Dornan. We miss that passion that he brought to the debate. As a member of the Committee on National Security, I can remember when our Rangers were killed in Somalia. And Bob Dornan, the only member of the committee who had the nerve and energy to do it, flew all the way to Somalia and debriefed all of the people or many of the people who had been involved in that combat, and came back and contacted the families of every Ranger who was killed in Somalia and talked to them about the incident and thanked them for the service of their loved one to this country.

Bob Dornan was a great, great member of the Committee on National Security. He was also one of the few guys that actually flew all the planes, went out and looked at all the equipment, had a great analysis of what worked and what did not work, and brought great energy and great expertise to that committee.

Lastly, Bob Dornan was a guy when I was a freshman who gave up his seat that he could have had on the Committee on National Security, then the old Armed Services Committee, to a new freshman from San Diego. That freshman was myself. I am very grateful to Bob for the friendship that he has shown me and many other Members of the House over the years.

So, Mr. Speaker, I would simply conclude my remarks by saying that I wish Bob Dornan the very best and his wonderful family the very best, and I think that the results of this research and this analysis will be out before the House in the next several weeks.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GONZALEZ (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EDWARDS) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

The following Members (at the request of Mr. BILBRAY) to revise and extend their remarks and include extraneous material:

Mr. WELDON, for 5 minutes, on September 17.

Mr. PAXON, for 5 minutes, today.

Mr. GOSS, for 5 minutes, on September 17.

Mr. HANSEN, for 5 minutes, on September 18.

Mr. METCALF, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. EDWARDS) and to include extraneous matter:)

Ms. NORTON.
Mr. SHERMAN.
Mr. LAFALCE.
Mr. HAMILTON.
Mr. LANTOS.
Mrs. MALONEY of New York.
Mr. CAPPS.
Mr. SKELTON.
Ms. MILLENDER-MCDONALD.
Mr. NEAL of Massachusetts.
Mr. DELLUMS.
Mr. MILLER of California.
Mr. KENNEDY of Rhode Island.
Mr. ACKERMAN.
Mr. BENTSEN.
Mr. STARK.
Mr. HASTINGS.
Ms. JACKSON-LEE of Texas.
Mr. UNDERWOOD.
Mr. MENENDEZ.
Mr. RUSH.
Mr. FILNER.

(The following Members (at the request of Mr. BILBRAY) and to include extraneous matter:)

Mrs. JOHNSON of Connecticut.
Mr. TALENT.
Mr. HYDE.

(The following Members (at the request of Mr. HUNTER) and to include extraneous matter:)

Mr. SHUSTER.
Mr. KIND.

Mr. BURTON of Indiana.
Mr. MCINNIS.
Mrs. MCCARTHY of New York.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock a.m.), the House adjourned until tomorrow, Wednesday, September 17, 1997, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Permanent Select Committee on Intelligence. H.R. 695. A bill to amend title 18, United States Code, to affirm the rights of U.S. persons to use and sell encryption and to relax export controls on encryption; with an amendment (Rept. 105-108, Pt. 4). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PAUL:

H.R. 2477. A bill to enforce the guarantees of the 1st, 14th, and 15th amendments to the Constitution of the United States by prohibiting certain devices used to deny the right to participate in certain elections; to the Committee on House Oversight.

H.R. 2478. A bill to require that candidates who receive campaign financing from the Presidential Election Campaign Fund agree not to participate in multicandidate forums that exclude candidates who have broad-based public support; to the Committee on House Oversight.

By Mr. ENSIGN:

H.R. 2479. A bill to authorize a study by the National Academy of Sciences on the migration of plutonium underground at the Nevada Test Site; to the Committee on National Security, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GANSKE (for himself, Mr. ABERCROMBIE, Mr. BARTON of Texas, Mr. BURTON of Indiana, Mr. COBURN, Mr. COOKSEY, Mr. EHLERS, Mr. FRANK of Massachusetts, Mr. GRAHAM, Mr. HASTINGS of Washington, Mr. HASTERT, Mrs. KELLY, Mr. LINDER, Mr. MANTON, Mr. NORWOOD, Mr. OXLEY, Mr. PAUL, Mr. PORTER, Mr. SOUDER, Mr. TAUZIN, Mr. UPTON, and Mr. WELDON of Florida):

H.R. 2480. A bill to provide for the approval of a petition pending at the Food and Drug Administration to allow the use of low-dose irradiation to pasteurize red meat, and for other purposes; to the Committee on Commerce.

By Mr. LAFALCE:

H.R. 2481. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify that records of arrival or departure are not required to be collected for purposes of the automated entry-exit control system developed under section 110 of such Act for Canadians who are not otherwise required to possess a visa, passport, or border crossing identification card; to the Committee on the Judiciary.

By Mr. OBEY:

H.R. 2482. A bill to require that the Secretary of Agriculture include an estimate of the cost to produce milk whenever the Secretary announces the basic formula price for milk to be used under Federal milk marketing orders; to the Committee on Agriculture.

By Mr. PAXON:

H.R. 2483. A bill to terminate the taxes imposed by the Internal Revenue Code of 1986 other than Social Security and railroad retirement-related taxes; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 2484. A bill to amend part C of title XVIII of the Social Security Act to speed up by 1 year the application of risk adjustment factors under the Medicare+Choice Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself, Mr. GOODLING, Mr. HEFLEY, and Mr. MCHALE):

H.R. 2485. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) to provide liability relief for small parties, innocent landowners, and prospective purchasers; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BURTON of Indiana introduced a bill (H.R. 2486) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Southland;* which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. NEUMANN and Mr. SHUSTER.

H.R. 44: Mr. CHRISTENSEN and Mr. WELDON of Pennsylvania.

H.R. 59: Mr. KOLBE.

H.R. 65: Mr. RODRIGUEZ, Mr. KENNEDY of Massachusetts, Ms. STABENOW, and Mr. CHRISTENSEN.

H.R. 84: Mr. MINGE.

H.R. 107: Mr. BRYANT.

H.R. 182: Ms. CHRISTIAN-GREEN, Mr. UNDERWOOD, and Mr. WATT of North Carolina.

H.R. 292: Mr. KOLBE and Mr. SAM JOHNSON.

H.R. 303: Mr. RODRIGUEZ, Mr. HUTCHINSON, and Ms. STABENOW.

H.R. 339: Mr. ENGLISH of Pennsylvania.

H.R. 371: Mr. RIGGS.

H.R. 372: Mr. SANDERS.

H.R. 409: Mr. DREIER and Mr. CAMP.

H.R. 411: Mr. RUSH.

H.R. 438: Mr. SESSIONS.

H.R. 563: Mr. CONDIT.

H.R. 659: Mr. KLINK.

H.R. 715: Mr. COX of California and Mr. MCGOVERN.

H.R. 789: Mr. BOYD.

H.R. 815: Mr. BALLENGER, Mr. SALMON, Mr. HASTINGS of Florida, Mr. BISHOP, Ms. MCKINNEY, Mrs. MALONEY of New York, Mr. MORAN of Virginia, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. BORSKI, Mr. MCNULTY, Mr. MANTON, and Mr. NEAL of Massachusetts.

H.R. 820: Mr. PASCRELL and Ms. LOFGREN.

H.R. 836: Mr. ENSIGN, Mr. BONO, and Mr. HOUGHTON.

H.R 875: Mr. PRICE of North Carolina.

H.R. 922: Mrs. EMERSON.

H.R. 923: Mrs. EMERSON.

H.R. 981: Ms. SLAUGHTER and Ms. ESHOO.

H.R. 1018: Mrs. ROUKEMA.

H.R. 1041: Mr. WEYGAND.

H.R. 1060: Mrs. EMERSON, Mr. KING of New York, Mr. HASTINGS of Washington, and Mrs. MCCARTHY of New York.

H.R. 1114: Mr. MARTINEZ, Mr. ENGLISH of Pennsylvania, Mr. SKEEN, and Mr. WICKER.

H.R. 1126: Mr. SNYDER, Mr. OBERSTAR, and Mr. BLILEY.

H.R. 1134: Mr. SHAYS.

H.R. 1165: Ms. DELAURO.

H.R. 1202: Mr. GOSS, Mr. MALONEY of Connecticut, Mr. BLUMENAUER, Mr. EVANS, and Mr. HINCHEY.

H.R. 1241: Mr. RODRIGUEZ and Mr. RADANOVICH.

H.R. 1270: Ms. ROS-LEHTINEN and Mr. SHADEGG.

H.R. 1322: Mr. HOLDEN, Mr. SPENCE, and Mr. GRAHAM.

H.R. 1329: Mrs. ROUKEMA.

H.R. 1410: Mrs. LINDA SMITH of Washington.

H.R. 1411: Mr. UPTON, Mr. SOLOMON, and Mr. HASTERT.

H.R. 1450: Mr. CUMMINGS.

H.R. 1500: Mr. BLUMENAUER and Ms. HARMAN.

H.R. 1531: Mr. TORRES, Mr. RUSH, Mr. KENNEDY of Rhode Island, and Mr. POSHARD.

H.R. 1534: Mr. EVERETT, Mr. STEARNS, Mr. BACHUS, Mr. GOODLING, Mr. SOUDER, Mr. HOEKSTRA, Mr. RYUN, Mr. WHITE, Mr. FALEOMAVAEGA, Mr. MCDADE, Mrs. CUBIN, Mr. HOBSON, Mr. NUSSLE, Mr. DICKS, Mr. ROGERS, Mr. BILIRAKIS, Mr. PITTS, Mr. PETRI, Mr. LAHOOD, Mr. HAMILTON, and Mr. MICA.

H.R. 1541: Mr. BARRETT of Nebraska.

H.R. 1555: Mr. REYES.

H.R. 1580: Mr. MCHUGH and Mr. QUINN.

H.R. 1619: Mr. HUNTER.

H.R. 1704: Mr. PETERSON of Pennsylvania and Mr. BAKER.

H.R. 1712: Mr. ENGLISH of Pennsylvania.

H.R. 1719: Mr. CANNON.

H.R. 1727: Mrs. TAUSCHER.

H.R. 1753: Mrs. FOWLER.

H.R. 1788: Mr. FALEOMAVAEGA.

H.R. 1791: Mr. DAVIS of Illinois.

H.R. 1792: Mr. DAVIS of Illinois.

H.R. 1823: Ms. CHRISTIAN-GREEN, Mr. FROST, and Mr. CUMMINGS.

H.R 1842: Mrs. EMERSON.

H.R. 1883: Ms. SLAUGHTER.

H.R. 2004: Mr. PETERSON of Minnesota.

H.R. 2040: Mr. REYES.

H.R. 2070: Mr. RIGGS and Mrs. TAUSCHER.

H.R. 2112: Mr. CAPPS and Mr. DOYLE.

H.R. 2118: Ms. DEGETTE and Mr. EVANS.

H.R. 2172: Mr. KLECZKA.

H.R. 2173: Mr. SOUDER.

H.R. 2174: Mr. JACKSON and Ms. SLAUGHTER.

H.R. 2191: Mr. BLILEY and Mr. ROGAN.

H.R. 2198: Mr. DELLUMS.

H.R. 2202: Mr. RUSH, Mr. LAHOOD, Mr. LEACH, Mr. REGULA, Mr. WOLF, Mr. GIBBONS, Mr. WICKER, Mr. HOUGHTON, Mr. BALDACCI, and Mr. PARKER.

H.R. 2206: Mr. BILIRAKIS, Mr. DOYLE, Mr. MASCARA, Mr. SMITH of New Jersey, and Mr. REYES.

H.R. 2265: Mr. DELAHUNT.

H.R. 2290: Mr. FALEOMAVAEGA.

H.R. 2319: Mr. KUCINICH.

H.R. 2321: Mr. CRANE, Mr. HOBSON, Mr. HORN, and Mr. RAMSTAD.

H.R. 2365: Mr. LAFALCE and Mrs. KELLY.

H.R. 2366: Mrs. EMERSON and Mrs. THURMAN.

H.R. 2367: Mr. BILIRAKIS, Mr. DOYLE, Mr. MASCARA, Mr. PASCRELL, Mr. GUTIERREZ, Ms. BROWN of Florida, Mr. REYES, Mr. SNYDER, Mr. RODRIGUEZ, Ms. CARSON, Mr. BISHOP, Mr. KENNEDY of Massachusetts, and Mr. PETERSON of Minnesota.

H.R. 2380: Mr. ANDREWS, Mr. TRAFICANT, Mr. FRANKS of New Jersey, Mr. SAXTON, Mr. GILCHREST, Ms. KAPTUR, Mrs. ROUKEMA, Mr. DOOLITTLE, Mr. HASTERT, Mr. WAMP, Mr. COLLINS, Mr. LIVINGSTON, Mr. GRAHAM, Mr. WICKER, Mr. ENGLISH of Pennsylvania, Mrs. KELLY, Mr. LEACH, Mr. BURR of North Carolina, Mr. METCALF, Mr. BARR of Georgia, and Mr. SHAYS.

H.R. 2385: Mr. ANDREWS and Mr. MINGE.

H.R. 2397: Mr. TOWNS, Mr. UNDERWOOD, Mrs. KELLY. and Mr. DIAZ-BALART.

H.R. 2405: Mr. TRAFICANT and Mr. DEFAZIO.

H.R. 2469: Mr. GREEN and Mr. STRICKLAND.

H.J. Res. 71: Mr. HOLDEN, Mr. SPENCE, and Mr. GRAHAM.

H. Con. Res. 80: Mr. SOUDER.

H. Con. Res. 109: Mr. GUTIERREZ.

H. Con. Res. 114: Ms. ROYBAL-ALLARD.

H. Con. Res. 134: Mrs. KENNELLY of Connecticut.

H. Res. 64: Ms. RIVERS.

H. Res. 171: Mr. LAZIO of New York.

H. Res. 220: Mr. HOSTETTLER and Mr. SOUDER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2204

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 1. Page 14, after line 15, insert the following:

(13) SOUTHLAND (United States official number 639705).

H.R. 2264

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 67: Page 102, after line 24, insert the following new section:

SEC. 516. Subsection (k) of section 9302 of the Balanced Budget Act of 1997, as added by section 1604(f)(3) of the Taxpayer Relief Act of 1997, is repealed.

H.R. 2267

OFFERED BY: MR. BENTSEN

AMENDMENT NO. 26: Page 117, after line 2, insert the following new section:

SEC. 617. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to implement, administer, or enforce any fee or surcharge pursuant to section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, for issuance of a nonimmigrant visa or border crossing card with respect to a child entering the United States for prearranged medical treatment at a hospital or comparable medical facility (or to a parent or guardian of such a child traveling together with the child).

H.R. 2267

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 27: Page 49, line 9, insert "(reduced by $101,000,000)" after "$185,100,000".

H.R. 2267

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 28: Page 81, line 5, insert before ", of which" the following: "(reduced by $3,000,000)" and on page 96, line 23, insert before the colon the following: "(increased by $2,000,000)".

H.R. 2267

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 29: Page 50, line 13, after the dollar amount insert "(increased by $2,500,000)".

Page 50, line 23, after the dollar amount insert "(increased by $2,500,000)".

Page 51, line 11, after the dollar amount insert "(increased by $2,500,000)".

Page 51, line 13, after the dollar amount insert "(increased by $2,500,000)".

Page 51, line 16, after the dollar amount insert "(increased by $2,500,000, which shall be available for implementing the nonpoint source pollution control program authorized by section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b)".

H.R. 2267

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 30: Page 5, line 9, insert "(reduced by $500,000)" after the dollar amount.

Page 7, line 6, insert "(increased by $500,000)" after the dollar amount.

H.R. 2267

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 31: Page 7, line 6, insert "(increased by $500,000)" after "$973,000,000".

H.R. 2267

OFFERED BY: MS. NORTON

AMENDMENT NO. 32: In title I, under the heading "General Provisions—Department of Justice", strike section 103.

H.R. 2267

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 33: Page 67, line 19, insert before the period the following:

: *Provided*, That, of such amount, not more than $356,242,740 shall be available for obligation until the Secretary of State has made one or more designations of organizations as foreign terrorist organizations pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)), as added by section 302 of Public Law 104–132 (110 Stat. 1214, 1248)

H.R. 2267

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 34: Page 67, line 19, insert before the period the following:

: *Provided*, That, of such amount, $7,270,260 shall be for the designation of organizations as foreign terrorist organizations pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)), as added by section 302 of Public Law 104–132 (110 Stat. 1214, 1248)

H.R. 2378

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 7: Page 80, strike lines 7 through 15.

EXTENSIONS OF REMARKS

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. KIND. Mr. Speaker, we are now beginning the third week of our final legislative session this year. And still no campaign finance reform vote.

We have heard from your office that the House of Representatives will stay in session this evening until final action is taken on the Labor, Health, Human Services and Education appropriations bill. I appreciate the fact that the leadership is willing to do what it takes to get this important piece of legislation passed. I wish we had this kind of commitment to campaign finance reform. Mr. Speaker, I and many of my colleagues are ready to stay in session all night long to debate and vote on the various campaign finance reform proposals currently pending in this Congress.

Every day more revelations are being made of abuses in the 1996 election. It is irresponsible for us to continue to investigate the abuses and not offer any legislation that closes the loopholes, strengthens disclosure, or corrects the various problems in the current system. Mr. Speaker, all we want is an opportunity to vote on this issue. Please give us the chance.

THE FREEDOM FROM RELIGIOUS PERSECUTION ACT OF 1997

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. HAMILTON. Mr. Speaker, the Committee on International Relations met earlier this week to hear testimony on H.R. 2431, formerly H.R. 1685, the Freedom From Religious Persecution Act of 1997.

For those of my colleagues who have not yet had an opportunity to study this legislation, I am placing in the RECORD an excerpt from the statement of the Hon. John Shattuck, Assistant Secretary of State for Democracy, Human Rights and Labor. Secretary Shattuck came before the committee on September 9 to share the administration's views on the bill.

I hope my colleagues will find the Secretary's comments useful in their consideration of this important legislation:

STATEMENT OF THE HONORABLE JOHN SHATTUCK, ASSISTANT SECRETARY OF STATE DEMOCRACY, HUMAN RIGHTS AND LABOR ON H.R. 1685 THE FREEDOM FROM RELIGIOUS PERSECUTION ACT OF 1997

We are treating religious liberty as a foreign policy priority and we seek to respond to the call for action by Americans of every faith and belief.

With that important background, let me now turn to the "Freedom From Religious Persecution Act of 1997."

In summary, the Administration strongly supports the objectives of eliminating religious persecution, but we do not believe that the bill in its current form would accomplish this goal. In fact, we believe that the current draft would frustrate these and other objectives, and, for this reason, we oppose the legislation in its current form.

In particular, we fear that the legislation:

is a blunt instrument that is more likely to harm, rather than aid, victims of religious persecution;

runs the risk of harming vital bilateral relations with key allies and regional powers, and undercutting U.S. Government efforts to promote the very regional peace and reconciliation that can foster religious tolerance and understanding from Europe to the Middle East to South Asia;

creates a confusing bureaucratic structure for dealing with religious persecution at the very time the Department of State is consolidating its authority and expending its effectiveness on these issues; and

establishes a de facto hierarchy of human rights violations that would severely damage US efforts—long supported by the religious community—to ensure that all aspects of civil and political rights are protected.

Before I detail these and other serious concerns, let me again emphasize our willingness to work with members in fashioning workable responses—legislative and otherwise—to religious persecution, wherever it occurs.

In particular, we are committed to strengthening and improving our new structures for addressing religious freedom and persecution in our foreign policy. We are prepared for serious discussions with the Committee about ways to reinforce these structures, including by the development of legislation to further enhance our efforts to promote religious freedom, such as by:

further increasing the visibility of this issue in the U.S. Government, undertaking official fact-finding and monitoring missions, and dedicating additional agency personnel to address religious persecution and complement the efforts of the Advisory Committee on Religious Freedom Abroad;

acting to insure that U.S. laws that involve human rights take explicit account of religious persecution;

initiating periodic public reporting on religious freedom issues in general, and increasing U.S. Embassy reporting and action on cases and situations involving religious persecution; and

supporting measures to improve immigration and refugee processing consideration of applicants fleeing religious persecution.

Let me set forth in more detail the basis for our concerns about H.R. 1685. First, and most importantly from our perspective, the bill could seriously harm the very people it seeks to help—those facing religious persecution. It runs the risk of strengthening the hands of governments and extremists who seek to incite religious intolerance. In particular, we fear reprisals by repressive governments against victims, as well as an end to any dialogue on religious freedom, in retaliation for the sanctions that the bill would automatically impose.

The provision that sanctions governments for failure to take adequate action against private acts of persecution is also troubling. Many governments that fail to combat societal religious persecution are simply too unstable or too weak to control extremists, insurgents, terrorists and those inciting societal religious persecution. Imposing punitive sanctions on weak governments, would only play into the hands of those elements in society that are perpetrating religious persecution. To deal effectively with societal religious persecution, our laws must allow us to help these weak transitional governments check extremist forces and protect victims from further persecution.

The bill would mandate a wide variety of sanctions against governments that engage in officially-sponsored religious persecution or that fail to combat societal religious persecution. Because our laws and policies already give significant eight to human rights, the United States provides little direct assistance to such governments. The imposition of automatic sanctions, therefore, would have little effect on government-sponsored religious persecution in most countries, but would make a productive human rights dialogue with sanctioned governments far more difficult or even impossible. The bill also runs the risk of harming vital bilateral relations with key allies and regional powers.

Second, the bill would create a de facto hierarchy of human rights violations under U.S. law that would severely damage our efforts to ensure that all aspects of basic civil and political rights, including religious freedom, are protected. It would differentiate between acts motivated by religious discrimination and similar acts based on other forms of repression or bias, such as denial of political freedom, or racial or ethnic hatred. In doing so, the bill would legislate a hierarchy of human rights into our laws. Certain deplorable acts would result in automatic sanctions when connected to religion, but not in other cases. As a consequence, our ability to promote the full range of basic rights and fundamental freedoms would be compromised.

Some governments and their apologists are now engaged themselves in an insidious campaign to devalue human rights by creating their own hierarchy, arguing that respect for economic rights should be preeminent. Those advancing this argument have often sought to justify a government's failure to respect civil and political rights (such as freedom of expression, assembly and association) by claiming that economic development must precede respect for civil and political rights. The United States has long resisted these attempts to create a hierarchy of basic human rights and fundamental freedoms. We should not yield to the temptation to do so now.

Third, the bill would provide no flexibility to tailor our religious freedom policies to differing circumstances in different countries. Following a finding of persecution by the Director of Religious Persecution Monitoring, sanctions would be automatic. The mechanics of imposition appear designed to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

make sanctions more likely to be imposed, cumbersome to waive and difficult to terminate. Their effectiveness as a means of influencing policy would be sharply limited as a consequence. The provisions of the bill, that authorize the President to waive sanctions for periods up to one year, require the President to determine that such a waiver is in the "national security interests of the United States." This stringent standard would appear to shut the door on any consideration of U.S. foreign and domestic policy interests that do not rise to the level of a direct threat to our national security (e.g. regional peacemaking and stability, environmental protection, there have been security interest in the past, on occasion). Under the bill, in addition, a presidential waiver would not take effect for forty-five days, absent emergency conditions. Affording the President such limited discretion in the area of foreign affairs is contrary to the national interest and is constitutionally suspect.

Fourth, the bill would create a new and unnecessary bureaucracy which would duplicate, and possibly undercut, the functions of the Secretary of State by the creation of an "Office of Religious Persecution Monitoring" within the Executive Office of the President. Creating the position of Director of this office, who would be subject to Senate confirmation, would duplicate existing State Department functions including, promoting religious freedom. The Secretary of State is best situated to report and advise the President on religious persecution abroad. The State Department's reporting channels and annual Country Reports on Human Rights Practices represent the most accurate, cost-effective and appropriate method for the U.S. Government to obtain and report information on religious persecution. Determinations that affect fundamental aspects of our foreign policy, including those regarding sanctions, should be made by the President with the assistance of the Secretary of State and other relevant Department heads, not by the Director of a new specialized office on religious freedom which has no other foreign affairs expertise or responsibility.

Fifth, the proposed administrative structure in the bill in reality would marginalize religious freedom rather than "mainstreaming" religious freedom and other human rights issues in our foreign policy. The Secretary of State's Advisory Committee on Religious Freedom Abroad represents a significant example of mainstreaming. The Advisory Committee reports to the Secretary of State, and through her to the President and other parts of our government. Enhancing existing structures would represent the most effective way to ensure the prominence of religious freedom in our foreign policy. We would be pleased to work with the Congress to accomplish that.

Sixth, the bill would impose several new obligations that would have significant financial implications, without providing any indication of how these mandates would be carried out without new resources. These requirements affect not only the State Department, but also Commerce and the INS. Speaking for my own bureau, I can tell you that additional unfunded mandates require diversions of resources from what we are doing in other areas to promote human rights.

Seventh, the bill would pose the risk of challenge as being inconsistent without international legal obligations, including through the WTO agreement and under other trade laws. The bill poses a similar risk with respect to international obligating contained in the Articles of Agreement of most international financial institutions in which the U.S. participates.

Eighth, while we welcome and share the sponsors' concerns about fairness in asylum adjudications, the bill's proposed changes to asylum procedures would create troubling disparities and threaten to unravel many recent improvements. For example, for persons making asylum claims based on religious persecution in the context of expedited procedures at ports of entry, the bill would create effective presumptions that ease evidentiary burdens and that are not available to others fleeing persecution. Let me be clear: we support procedural protections for all applicants at ports of entry. In fact, before passage of last year's immigration bill, we urged that expedited procedures apply only in exceptional, emergency-like circumstances, but Congress determined that such procedures should be applied more broadly. While we are prepared to readdress this issue, we hope that Members can appreciate our desire to do so with respect to all classes of applicants. Furthermore, we are deeply concerned that changes the bill would make to regular, affirmative asylum procedures (claims made by those already in the country) would recreate unnecessary burdens and inefficiencies that made asylum vulnerable to abuse in the past. We fear that such changes would hurt all legitimate asylum seekers, including those making claims based on religious persecution.

Ninth, the bill contains numerous sanctions specific to Sudan. The United States, of course, already has in place sanctions against the Sundanese government as a result of its support for international terrorism. The Administration nevertheless remains willing to consider a reasonable and workable expansion of our Sundan sanctions to reflect the lack of Sudanese government actions on issues of concern: state sponsorship of terrorism; support for aggressive actions against its neighbors; failure to come to terms with the opposition in the long-standing civil war; and an abysmal human rights record, including violations of religious freedom. We value the opportunity to continue discussions on this subject with Members in connection with the State Department authorization bill. For that reason, continued inclusion of Sudan sanctions in this bill would seem both unnecessary and counterproductive.

Having highlighted our concerns with some of the provisions of this bill, let me conclude by repeating that we welcome the opportunity to work with this committee and the rest of the Congress to fashion appropriate legislation that will underscore and strengthen the commitment of the United States to promote religious freedom. The President and the Secretary of State have made it crystal clear that this issue is now a foreign policy priority. In the endless battle for freedom, we do not claim that we have all the answers. Nor can we assert that the United States alone has the power to bring about an end to all religious persecution abroad. What we can and must proclaim, however, is that we are committed to making the effort, and to working in the most effective way to combat the persecution now victimizing so many people of faith around the world.

THE NATIONAL YOUTH SPORTS PROGRAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. MCINNIS. Mr. Speaker, the National Youth Sports Program at Adams State College in Alamosa, CO, recently entered its 22d year of existence. This program has proven to be a valuable and meaningful outlet for those youths who would not otherwise have access to the activities and instruction the program offers.

The NYSP is a cost-effective partnership program between the NCAA and selected institutions of higher learning, such as Adams State and is designed to benefit the youth of America.

Adams State is one of two colleges in Colorado participating in the program which combines sports instruction with meaningful educational activities for girls and boys ages 10 to 16.

Enrollment in the program and physicals are free and open to all youngsters in the area whose parents or guardians meet the income guidelines provided by the Department of Health and Human Services.

Larry Zaragoza, the activity director for NYSP at Adams State, is stepping down after heading the program at Adams State College for the past 13 years and being involved in the program for all of its 22 years that it has been held at Adams State. He will certainly be missed.

MOTHER MEETS RECIPIENT OF SON'S HEART

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. HYDE. Mr. Speaker, a heart transplant is but one of today's medical miracles, but miraculous it is when 71-year-old Bill Ellis is alive and well today with the transplanted heart of then 10-year-old Travis Robinson of Salt Lake City, Utah.

This remarkable story is well told in an article published April 24, 1996 in the Salt Lake City Tribune.

I take this opportunity to share this great story with my colleagues:

[From the Salt Lake Tribune, Apr. 24, 1996]

MOM IS HAPPY SON'S LITTLE HEART WENT TO SUCH A BIG-HEARTED MAN—MOTHER MEETS RECIPIENT OF SON'S HEART

(By Norma Wagner)

After losing her 10-year-old son Travis to a traffic accident in September, Tracy Robison was not sure she ever would want to meet the patient who received the fifth-grader's heart.

"I had mixed emotions about it," said Robison, an emergency-room nurse in Provo who was working when her son was brought into the hospital.

But through a series of unusual circumstances, 71-year-old Bill Ellis, CEO of a national snack company in Chicago, found out it was Travis' donated heart that saved his life.

Ellis had an old friend in Utah, Gordon "Boots" Barnett, whom he had not seen in 18 years. The two recently got in touch again, and when Ellis—who suffered from terminal heart disease—told Barnett his new heart had come from a young boy in Orem, Barnett knew it had to be Travis.

After all, Barnett's granddaughter was one of Tracy Robison's best friends.

After contacting the Robisons, Ellis flew to Salt Lake City last month and met his donor family.

"Talking with and seeing Bill, it's just been incredible for me," Robison, 33, said. "It just makes me so happy that Travis' heart is still beating. And Bill is a very generous person. In return for someone saving his life, he's turning around and doing good things for other people."

As for Ellis, who has become a major supporter of shelters for abused women and children in Alabama and Los Angeles, he has not only found new meaning in life, but "another family in Salt Lake City."

"I have a picture of Travis and his mother and two brothers right here in my office," Ellis said Tuesday from the Chicago headquarters of Farley Foods. "I met the family, and when you stand there and realize that her son's heart is in your body, well, I just, I get kind of choked up talking about it. I could tell it was the same for her when she looked at me."

Ellis and the Robisons decided to share their story to help increase awareness during National Organ and Tissue Donor Awareness Week, which began Sunday and runs through Saturday.

Across the United States, transplant centers are suffering a critical shortage of organs and tissue and have launched the first nation-wide campaign to increase the number of donors. The Coalition on Donation has enlisted Michael Jordan of the Chicago Bulls as its national spokesman. Jordan will be featured in 30-second radio and television commercials, on billboards, transit advertising and through direct mailings throughout the country.

The coalition is a national, non-profit alliance that represents nearly 100 organizations involved in organ and tissue procurement and transplantation. The thrust of its campaign is to motivate more Americans to discuss with family members their decision to become donors. The coalition estimates that permission required from next-of-kin is denied in 50% to 85% of the cases where there is high potential for donation. Discussions prior to death can eliminate confusion and uncertainty about the desire to be a donor and help make it easier for family members to carry out a donor's wishes, said coalition president Howard Nathan.

More than 45,000 critically ill Americans are on waiting lists for organ transplants, with a new name added every 18 minutes. Last year, more than 19,000 transplants were performed in the United States. But 3,000 people died while waiting for a suitable donor.

In Utah, 190 people are awaiting vital organ transplants. And many more are in need of tissue such as bone, skin and corneas. During 1995, 207 patients received organ transplants from 57 Utah donors.

Utah Gov. Mike Leavitt is joining the effort by holding a press conference at 10:15 a.m. today at University Hospital in the second-floor conference room. And at noon, Intermountain Organ Recovery System will hold a tree planting ceremony in Canyon Rim Park, 3100 S. 2900 East, in a tribute to donor families and transplant recipients.

The decision to donate was an obvious choice for Tracy and Conan Robison.

As a nurse at Utah Valley Regional Medical Center, Tracy Robison witnessed miraculous changes in patients' lives after their diseased organs were replaced by healthy ones.

She was working at the hospital on the evening of Sept. 12 when her mother called and said Travis had been hit by a car a half-block from home. "She said he was unconscious and his legs were twisted. I didn't totally panic at that point because unconscious to me is possibly not as critical," Robison said. "We see it here all the time."

But then the E.R. got a call from the ambulance en route. "They said they were coming in Code 3, which is the worst you could come in with," she said. Travis' pupil's were fixed and he was breathing erratically. "The worst insult was to his brain."

Tests two days later confirmed Robison's worst fear: Travis was brain dead. Within a few hours, transplant technicians were removing his organs.

In addition to his heart going to Ellis, Travis' liver went to a father of five in Springville and both kidneys went to two different women in Salt Lake. And his eyes restored the sight of two others.

"I really think that somebody else should have the opportunity to improve their life with something that somebody else doesn't need," Robison said. "It's not going to do any good for Travis to keep it. And for me, it has brought an incredible amount of peace and happiness that others have been benefited."

When looking at Ellis, she added in a choked voice, "I can see Travis in so many ways. I can't think of a better person that his little heart could have gone to. Travis had a big heart and Bill does, too."

100TH ANNIVERSARY OF THE FIRST ZIONIST CONGRESS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. SHERMAN. Mr. Speaker, it is with great pleasure I rise before you today to commemorate the 100th anniversary of the first Zionist Congress. The first meeting of the Zionist Congress occurred on August 29, 1897 with 204 participants from 17 countries. Now, 100 years later, the anniversary of this important date will be celebrated by Jewish communities across the world.

In 1897, the first Zionist Congress was called in Basle, Switzerland with the purpose of establishing the State of Israel as a homeland for the Jewish people under public law. Theodor Herzl emerged as the father of modern Zionism and founder of the World Zionist Organization. He believed a mass exodus to the Jewish homeland was the only response to the anti-Semitism the Jews were faced with in Europe. He wrote in his Zionist novel, "If you will it, it is no legend," a sentiment that became the mantra of the Zionist movement.

Though Herzl never lived to see the establishment of the State of Israel, his legacy lived on through the movement. The Zionists remained committed to their goal throughout several years of turmoil. Despite religious persecution by the Nazi regime in Europe, and an intense struggle with militant Arab opposition, the Jewish initiative prevailed. The Zionists' goal was finally realized on May 14, 1948 with the U.N. resolution of November 1947, which established the State of Israel. This resolution allowed the Jewish people to live in their historic homeland, free from the religious persecution they were facing in Europe.

Mr. Speaker, distinguished colleagues, please join with me in commemorating the 100th anniversary of the Zionist Congress, an organization which has shown perseverance through adversity and a dedication to the principles of the Judaism.

WORKLINK

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. TALENT. Mr. Speaker, I rise today to recognize the city of St. Peters for the successful implementation of WorkLink, the first telecommuting center in the State of Missouri and the entire Midwest. Opening in July 1996, WorkLink was designed as a community-based telecommunications center equipped to provide individuals, businesses, and organizations with a wide array of advanced telecommunications and related services. WorkLink promotes telecommuting as an efficient way of doing business and helping employees better balance their time between work and family.

WorkLink offers an alternative to many companies and employees to maintain and encourage performance and productivity; assists companies in cutting expenses by consolidating office and parking space; improves employee moral by accommodating work and family needs; and helps the community by reducing traffic congestion and improving air quality.

Currently, two-thirds of the available space at WorkLink is equipped with offices and workstations with the advanced technology and inter-connectivity to handle most advanced office telecommunication functions. The facility houses many business types, including engineering, financial, computer consulting, computer programming, sales/marketing, healthcare, publishing, distance learning, and charitable professionals.

By stepping out onto the cutting edge of telecommuting, the city of St. Peters is offering those in their community a tremendous opportunity. I am sure WorkLink will serve as a model for other communities, and I commend Mayor Tom Brown and Helen Robert, WorkLink manager, for their vision and hard work.

RECORD STATEMENT IN HONOR OF ZAIGA ANTONETTI

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great pride and appreciation that I rise today to express my appreciation to Zaiga Antonetti, for her tireless efforts for small businesses in the State of Connecticut.

Ms. Antonetti has served on numerous statewide and regional committees and commissions involving small business issues, and worked hard to assure that the needs of Connecticut's small businesses are met. She serves on the board of directors of the Connecticut Community Accounting Aid and Services, Inc., and the Hartford Business Advisors. She was twice honored by the U.S. Small Business Administration for her work with small business owners as Small Business Advocate of the Year and Women in Business Advocate of the Year.

Zaiga deserves the many accolades she will receive as she is honored for her accomplishments and dedication. For her tremendous contributions to small businesses in Connecticut, I salute and thank her.

THE FREEDOM FROM RELIGIOUS PERSECUTION ACT OF 1997

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. HAMILTON. Mr. Speaker, the Committee on International Relations met last week to hear testimony on H.R. 2431—formerly H.R. 1685—the Freedom From Religious Persecution Act of 1997.

The long list of witnesses heard by the committee is a reflection of the strong interest generated by this legislation among human rights groups and religious and public policy organizations nationwide.

For those of my colleagues who have not yet had an opportunity to study this bill, I want to share a letter submitted to the committee for inclusion in the hearing record from representatives of six prominent human rights organizations.

I hope my colleagues will find this thoughtful statement useful as the debate on this legislation moves forward.

HON. BEN GILMAN,
Chairman, International Relations Committee.

DEAR CHAIRMAN GILMAN: We in the human rights community strongly support the goals of the "Freedom From Religious Persecution Act" of bringing the spotlight of attention on governments that persecute persons for their religious beliefs, putting pressure on the authorities to end religious repression, and assisting victims of religious repression who seek to come to the U.S. as asylum applicants or refugees. We have worked for many years on ending religious intolerance and persecution, as well as improving U.S. immigration and refugee policy. We believe that the proposed "Freedom From Religious Persecution Act" could better achieve these shared goals if the following changes were made.

Findings: The Findings section is largely limited to persecuted Christians and religious minorities in communist countries. We believe that the section should be enlarged to include other vulnerable religious communities so that the bill will have more universal resonance and be more effective in combating religious persecution. We understand that the sponsors of the bill have indicated a strong desire to insure that the bill is applicable to all persons facing religious persecution and we welcome that commitment. Naming certain Muslim groups could help insure that the bill is not perceived as having an anti-Muslim tone.

Application and Scope: The bill includes two separate standards for triggering an investigation of persecuted groups. One standard is that those named in the bill will automatically be investigated by the Office of Religious Persecution Monitoring. All other groups may be taken up at the discretion of the director of the Office. This dual standard might be take to mean that the bill creates a preference for certain religious groups. Because the automatic imposition of sanction and the creation of new refugee and asylum protocols are so central to the bill's structure we believe that having a single standard that is applicable to all those vulnerable to religious persecution is more appropriate. Such an approach will actually be better for beleaguered Christians than a more specific standard. Frequently Christians (as well as Baha'is, Jews, and other) are wrongly accused of being foreigners or in league with Western powers. In these circumstances, singling them out for special treatment above all other religious minorities might actually embolden those who desire to harm them.

Sanctions: Our organizations[1] favor the imposition of certain sanctions against governments found to be engaged in gross abuses of human rights, including the persecution of religious believers. We strongly support existing human rights law that prohibits bilateral aid (Section 502B of the Foreign Assistance Act) and U.S. support for multilateral aid (Section 701 of the International Financial Institutions Act) to countries engaged in a consistent pattern of gross violations of human rights. The "Freedom From Religious Persecution Act" provides less rather than more protection than existing human rights law. While the list of abuses it targets (such acts as rape, crucifixion, slavery and imprisonment) would be embraced by the "gross violations" standard of existing law the "Freedom From Religious Persecution Act" would impose sanctions only if such acts were "widespread and ongoing." That standard is tougher to demonstrate than the finding of a "consistent pattern" required under current law. We urge that the bill's standard be eased. In addition, we believe that the definition of persecution should be broadened to include forms of discrimination and intolerance that do not reach the extreme measures outlined in the bill but are forms of persecution faced regularly by religious communities around the world, including government restrictions on worship, proselytizing, religious education, freedom of the press and expression, and freedom of movement.

We are also concerned that the trade sanctions against abusers have been so narrowly drawn that even if a government meets the bill's current narrow standard and is found to have engaged in religious persecution, there is little likelihood that exports of persecution-related products will be limited. In particular, the bill requires that the identification of persons involved in religious persecution be drawn as narrowly as possible. If implemented in this way, the Office of Persecution Monitoring will have difficulty in stopping sales of police and military equipment to governments, heads of state, institutions like the police, military, intelligence services, or even officers who may have ordered but not directly participated in abuse.

The sanctions section, in summary, is not strong enough to insure that it will have a serious impact on abusive governments. We urge that it be strengthened so that it is applicable to the widest possible number of regimes, institutions, and individuals that abuse in any way the right of religious freedom.

Creation of a New Bureaucracy: The bill sets up a separate structure in the White House to engage in investigation and reporting and conduct U.S. policy towards those found to be engaged in religious persecution. The desire to have an office which focuses exclusively on religious persecution and which is, at least on the organizational chart, closer to senior level decision makers, is understandable. On the entire range of human rights issues, the Bureau of Democracy, Labor and Human Rights (DRL) must contend with the traditionally powerful regional bureaus, the growing influence of agencies promoting trade, combating narcotics trafficking, and pursuing other priorities. A White House office could come to bolster and add diplomatic weight to the Human Rights Bureau and other quarters in the executive branch engaged in promotion of human rights if its work is integrated into that of others.

On the other hand the record of such separate "coordinators," (such as the Ambassador at Large for Refugee Affairs) has not necessarily been positive. In some past instances, such offices have largely stood outside the policy apparatus and far from elevating, actually served, unwittingly, to downgrade attention to an issue. A separate White House office of Religious Persecution Monitoring would be apart from the information-gathering capacity of the State Department and its formal diplomatic apparatus. Moreover, many proponents of the bill rightly argue that religious persecution rarely operates in isolation from the repression of other basic rights and freedoms. Yet the bill might handicap the defense of religious freedom by isolating it from information about other forms of repression undertaken by abusive regimes. We believe an office of religious persecution monitoring might be more effectively placed within existing human rights machinery in the State Department Bureau of Democracy, Human Rights and Labor and the National Security Council. Existing human rights machinery, if bolstered by staff specially tasked to work on religious persecution, would be able to draw on extensive information about a government's human rights record and build a stronger case for sanctions against those who violate religious freedom than would a stand-alone office of religious persecution operating in isolation. Additional staff and resources for DRL would permit the office to conduct field missions, press U.S. embassy officials to be more attentive to religious persecution, issue reports, and integrate the religious persecution issue into all multilateral and bilateral relations.

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[1] As a matter of Amnesty International policy applicable to all types of human rights violations, Amnesty International does not take a position for or against economic sanctions.

Asylum provisions: Human rights groups have strongly opposed the changes enacted by Congress in asylum law last year, namely the adoption of summary exclusion procedures which we believe make it much more difficult for those fleeing persecution of any type to make their case and receive asylum. We question whether the beneficial treatment for asylum seekers fleeing religious persecution, as intended by this bill, will actually be realized under the current, flawed summary exclusion procedures, which rely upon low-level, secondary inspectors to decide the fate of asylum seekers. This crucial deliberation by inspectors will apply to even those fleeing religious persecution, who will be required to prove that they are members of the named groups. This process will be conducted without any public scrutiny and without any counsel of any kind allowed for the asylum-seeker. Moreover, it is not clear what will happen to individuals who are permitted to bypass the credible fear determination process. For example, will such individuals be detained pending an asylum hearing, as is currently the case with most asylum seekers, or will they be released into the community?

The bill's exemption of persons whose religions are named by the Office of Persecution Monitoring is a clear and very welcome indication that Congress knows that the summary exclusion provision is a problem for those fleeing persecution. We appeal to the Congress to act on that assumption, which we share, and eliminate this unjust requirement for all who flee persecution of any type.

Failing that, however, the Congress should at a minimum enlarge the definition of religious persecution so that the broadest number of victims might take advantage of the asylum protections in the bill, and the maximum number of vulnerable religious believers might be spared the summary exclusion process and the possibility of forced return to persecution. A definition of religious persecution that is restricted to the most severe forms of persecution or to adherents of faiths that happen to be named in the bill risks sending many persecuted believers back to their persecutors.

Refugee Preference: We strongly support the granting of refugee status to members of persecuted religious groups, who should certainly fall within existing refugee law. However, we fear that granting special preference for the religiously persecuted over other victims of persecution and reserving slots for them out of existing numbers may result in one persecuted group being pitted against another. A preferable approach to the proposed legislation would be simply to expand the number of slots available for refugees so that no one currently eligible will be denied entry because of preferences created by this act.

Sincerely,

Kenneth Roth, Executive Director Human Rights Watch; Leonard S. Rubenstein, Executive Director Physicians for Human Rights; Jack Rendler, Executive Director Minnesota Advocates for Human Rights; William Schulz, Executive Director Amnesty International/USA; James Silk, Executive Director Robert F. Kennedy Center; Felice Gaer, Director Jacob Blaustein Institute for the Advancement of Human Rights.

TRIBUTE TO JOEL BONE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. McINNIS. Mr. Speaker, today I would like to recognize a young man in my district who should truly be an inspiration to us all. His name is Joel Bone and he is from Glenwood Springs, CO. Jeol attends Glenwood Springs High School and has worked diligently in recent months to organize the Prime Monday Sports Club which is a forum he creates in order to bring together special needs students and teachers so they could get to know each other outside the classroom.

Joel was recently recognized by the National Downs Syndrome Congress for his efforts and presented with their Outstanding Citizen Award, which is traditionally given to young adults who exhibit a high degree of selfadvocacy.

The award was presented to Joel at the 25th annual convention of the National Downs Syndrome Congress in Phoenix, AZ on August 8. Joel was given the honor of being seated at the head table and then read his acceptance speech in front of 2,000 people where he himself praised all the risk takers in the audience.

Mr. Speaker, I am proud to stand here today to tell the entire House of Representatives about this fine young man from Glenwood Springs whose attitude and work ethic is a lesson to us all.

TRIBUTE TO WOODROW F. BROKENBURR

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. SHERMAN. Mr. Speaker, it is with great pleasure I rise before you today to pay tribute to Woodrow F. Brokenburr, the outgoing Chairman of the Board of the Thousand Oaks/Conejo Valley Chamber of Commerce.

President Kennedy once wrote, "For of those to whom much is given, much is required." Woodrow Brokenburr is an individual who has fulfilled this prophecy through his countless contributions to our community. When asked to describe Woody, the first word that comes to the minds of his friends and colleagues is committed. In addition to a full time career as a Senior Engineer/Project Manager at GTE California, Woody spent several years on the Board before assuming the additional responsibility as Chairman this past year. His commitment to service and responsibility extends to every aspect of his work. At a recent speech before a delegation from China, Woody spoke to the crowd for the first three minutes in Chinese. This attention to detail and thoroughness of preparation is just one example of his dedication and has distinguished Woody as an individual who sees everything though to the end.

In addition to his experience on the Board of the Chamber of Commerce, Woody Brokenburr has sat on the board of several other community organizations, including the Conejo Free Clinic, the Consortium for Advanced and Technical Education and the International Development Research Council. Woody has recognized the importance of our children's education in order to prepare them for a bright and promising future, and he started the Education Committee at the Chamber of Commerce to address problems and questions facing our schools.

Within our community, Woody is seen as an excellent role model, and his career has been highlighted with several awards and distinctions. He is the recipient of five United Way Leadership Awards, the Distinguished Service Award from the California Association of School Administrators, Region XII, and the GTE's Outstanding Volunteer Award.

I join these organizations in commending Woody for the contributions he has made to our community. Mr. Speaker, distinguished colleagues, please join me in paying tribute to Woodrow F. Brokenburr as he concludes his term as chairman of the board.

THE FATHER OF ROSELLE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. HYDE. Mr. Speaker, the Chicago Tribune of last Sunday provided a feature article on one of my district's finer public servants, Joseph Devlin. The article describes Joe's active life and his great contributions to Roselle, IL, and DuPage County as well. I proudly share this with my colleagues:

[From the Chicago Tribune, Sept. 14, 1997]

THE FATHER OF ROSELLE—JOSEPH DEVLIN WEARS MANY HATS WHILE SERVING OTHERS

(By David Sharos)

If public service were a commodity that could be marketed and sold, Roselle's Joseph Devlin would probably be one of the western suburbs' leading entrepreneurs.

Devlin wears many hats, which currently include village trustee, the administrator for the Roselle Historical Foundation, a member of the DuPage County Stormwater Committee, the DuPage Water Commission and financial officer for the American Legion. He is also a former mayor of Roselle.

Roselle Chief of Police Richard Eddington still calls him Mr. Devlin in public, but in the community he has called home for more than 40 years, Devlin says he wishes people would simply call him Joe.

Devlin moved from Pennsylvania in 1953 and has seen Roselle, a town that then boasted 1,000 people and barely a square mile in size grow to 23,000 people and 8 to 10 square miles.

"Joe's the father of our village," said Marj Peterson, a longtime friend. "Roselle as we know it today was really launched as a result of him."

Before moving to Roselle, he fought in a war, went to college and earned a degree in mechanical engineering; he became president of an electric heater and supply company, helped raise three daughters and worked in public office for more than 25 years.

He has also overcome personal hardships. In World War II, Devlin served on a B–24 as a navigator and was captured behind enemy lines after his plane was shot down over Romania and became a prisoner of war. In civilian life, his greatest hardship occurred three years ago when his wife, Barbara, died of cancer.

Not long ago, he said, "I received a card from board members on one of my birthdays that said, 'Congratulations, you've survived another year.' When I opened it, the card said, 'In fact, you've survived it all.' I guess maybe I have."

Serving his fellow citizens and the community he loves is what continues to drive Devlin.

"I'm proud of everything I've done my whole life," Devlin said. "I tend to take over things once I get involved, not because it's a power trip or anything but because I think I'm a natural problem solver and I like to get things done."

Many citizens and public officials in the village say Devlin has lent a guiding hand in making Roselle the community it is today. From sidewalks, which were once non-existent, to upgrading sewer plants and streets, to obtaining Lake Michigan water, to building a $3.5 million Village Hall, Devlin's mark is everywhere.

"Of all the services Joe has performed, I still have this image of him carrying a shovel around in the trunk of his car . . . to repair ruts in the streets after it rained," said village administrator Robin Weaver. "Joe would go over to people's houses he didn't even know and help them pump out their basements if they were flooded. He still does."

The Village Board presented him with a plaque in 1994 for 25 years of public service. During the presentation, he listened to a letter drafted by Mayor Gayle Smolinski that cited many of his accomplishments.

"Joe is one of those pillars of the community who has just always been there when we needed him," Smolinski said. "He often kids us during meetings when a female board member or I cast a deciding vote against him. He'll say, 'I knew we shouldn't have given [women] the right to vote,' but Joe's been one of the greatest influences in terms of empowering women in local government that I know. He has three daughters, and I think that's influenced him."

Devlin said that during his eight years as mayor from 1973–81, Roselle became one of the first towns to hire a female police officer and a female firefighter. He also says having women on the Village Board is an asset because they look at things in a different way from men.

Fred Koehler, who owns and manages the Lynfred Winery in Roselle, said Devlin is the person who made his business possible. "Joe was the guy who supported the winery all the way and thought it would be a good thing for the village and would bring people here," Koehler said.

As mayor, Devlin appealed to State Sen. Doris Karpiel, who in 1980 successfully steered two bills through the legislature that changed existing laws to allow the winery to be established.

"Even though [the winery] was a controversial decision, history has proved Joe right, and the Lynfred Winery in the old Fenz house has brought us fame and recognition," Smolinski said.

A member of Roselle's St. Walter's Catholic Church, Devlin has been a friend since 1954 to its pastor. Rev. Francis McDonald, who says Devlin's involvement with the church has easily matched his community contributions.

"Joe is one of the founding members of the parish, and he has been involved with our administration committee for many years," McDonald said. "He helped with our church's recent renovation and is working with us now on the new parish center gym we're planning to build. To me, his knowledge of the village here and the people has been invaluable. And he's a very humble man."

Devlin, who will celebrate his 76th birthday in January, appears to be far from slowing down. He recently began his fifth term as a village trustee, a job he has held for 16 years since stepping down as mayor. He plays golf once a week, rides a bicycle and plays racquetball and handball. Devlin said he recently taught himself to play left handed because arthritis and bursitis have limited the mobility of his right shoulder.

"[Public Works Director] Rob Burns played Joe in handball a few weeks ago,"Weaver said. "Rob's a jogger and is in great shape, and he has to be 25 years younger. The day after they played, Rob was telling us how Joe just beat the ever-living tar out of him. The poor guy was really beat up."

VOTE CLARIFICATION ON ISTOOK AMENDMENT IN THE LABOR, HHS APPROPRIATIONS ACT FOR FISCAL YEAR 1998

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. SHUSTER. Mr. Speaker, I rise today to clarify my position with regard to two votes I made on September 9, 1997. The votes were rollcall Nos. 378 and 379, concerning Mr. ISTOOK's amendment No. 3 to the Labor, Health and Human Services Appropriations Act for fiscal year 1998. My vote on rollcall No. 378, Mr. CASTLE's substitute to Mr. ISTOOK's amendment, was recorded as aye. I pressed the incorrect button and my vote should have been no. In regard to rollcall vote 379, my vote was recorded correctly as opposing Mr. ISTOOK's amendment as amended by Mr. CASTLE's substitute. My position has been quite clear in the past with regard to Federal funding under title X of the Public Health Service Act. The fact that a doctor must have parental permission to give a minor an aspirin, but not contraceptives is bewildering to me. Even though it was defeated, I am in support of Mr. ISTOOK's language, and will continue in the future to maintain the position that a child and parent relationship should not be undermined by legislative means.

EXPRESSING CONDOLENCES OF THE HOUSE ON THE DEATH OF MOTHER TERESA OF CALCUTTA

SPEECH OF

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. GUTKNECHT. Mr. Speaker, over 50 years ago, Mother Teresa left a comfortable teaching position at a Catholic high school to personally care for the beggars, lepers, and homeless on the streets of Calcutta. She began alone, following the call of the Cross, but her example inspired thousands to join her in service in 25 countries around the world.

I have often told the story of a news reporter who followed Mother Teresa for a few days as she worked among Calcutta's dead and dying, cleaning their sores and comforting them in their last days. Finally the exasperated reporter asked her how she could possibly continue, with more dead and dying every day, saying "You cannot possibly succeed!" "I was not called to succeed," Mother Teresa quietly replied. "I was called to serve."

Being present to see Mother Teresa receive the Congressional Medal of Honor earlier this year was one of the most memorable moments of my life. As she said, "The world today is hungry not only for bread but hungry for love."

Though she was less than 5 feet tall, her humble, unwavering devotion to the truth made her a towering giant of the 20th century. She was the most Christ-like person of this era; the embodiment of Matthew 20:26.

THE FREEDOM FROM RELIGIOUS PERSECUTION ACT OF 1997

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. HAMILTON. Mr. Speaker, the Committee on International Relations met last week to hear testimony on H.R. 2431 (formerly H.R. 1685), the Freedom From Religious Persecution Act of 1997.

The long list of witnesses heard by the committee is a reflection of the strong interest generated by this legislation among human rights groups and religious and public policy organizations nationwide.

For those of my colleagues who have not yet had an opportunity to study this bill, I want to share a letter submitted to the committee for inclusion in the hearing record from the National Council of the Churches of Christ in the USA.

I hope my colleagues will find this thoughtful statement useful as the debate on this legislation moves forward:

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE USA

To: Members of the House International Relations Committee.

From: Oliver Thomas, NCCC Special Counsel.

Re: Freedom From Religious Persecution Act (H.R. 1685/S.772).

Date: September 8, 1997.

Senator Arlin Specter (R-PA) and Representative Frank Wolf (R-VA) have introduced legislation (H.R. 1685/S. 772) to address the persecution of Christians overseas. Mr. Wolf has written to the General Secretary of the National Council of the Churches of Christ in the U.S.A. (NCCC) soliciting the NCCC's support for his bill.

There are a number of reasons why the NCCC and its member communions cannot support the Wolf/Specter bills as they are currently written, but should continue to pray and to take action to end religious persecution on their own terms. That is to say, the NCCC should remain true to its calling to seek justice and peace for all people and to carry on its work and witness in a manner consistent with its own responsibility as an American institution and its own understanding of the Gospel of Jesus Christ.

As the nation's oldest and largest national ecumenical body, the NCCC must continue to emphasize the importance of bearing collective witness to religious liberty. This means working cooperatively with Jews, Muslims and other faith communities as well as with those in the Christian community. Our conversations with those in other faith communities indicate that many have strong reservations about Mr. Wolf's bill.

Before addressing the specifics of H.R. 1685, I would point out that the persecution of Christians must be viewed in the larger context of religious persecution and human rights abuses. God's commandment to love our neighbors as ourselves compels us to seek religious freedom for all—not just for our brothers and sisters in Christ. We, therefore, embrace the Universal Declaration of Rights which states: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

Second, I could not agree more about the need for focused, fervent prayer on behalf of the persecuted members of God's human family. Far from silent, the NCCC and its international counterpart, the World Council of Churches, have long participated in prayer on behalf of our Christian brothers and sisters who suffer persecution. That is why, for example, we support the World Day of Prayer Against Religious Persecution sponsored by the World Evangelical Fellowship, and the International Cycle of Prayer developed through the World Council of Churches.

Turning to the specifics of H.R. 1685/S. 772, I begin with one aspect of the bill that warrants our support.

Reports—Annual reports on religious persecution abroad are extemely useful to the United States Government as well as to the general public. Americans need to know when foreign regimes are guilty of human rights abuses in order that we may respond accordingly. Fortunately, the State Department has begun this practice.

Aspects of the bill to which we are opposed include:

1. Creation of the Office of Religious Persecution Monitoring in the White House—The NCCC General Secretary has stated that the U.S. government office charged with primary responsibility for addressing religious persecution should, in so far as possible, be insulated from partisan political pressure. For that reason, we would oppose any suggestion that those who monitor religious persecution should be located in the White House. We believe that the persons best able and most qualified to monitor and report on religious persecution are at the State Department as the recent report "United States Policies In Support Of Religious Freedom: Focus On Christians" demonstrates. We also support the use of an advisory committee reflecting the religious pluralism of our country as with current practice rather than the appointment of a single individual charged with responsibility for the task. America's religious community is simply too diverse to expect one person to represent all of our concerns adequately. Minority religious communities are often the ones most vulnerable to mistreatment and thus especially need to be included.

2. Automatic Sanctions—The bill's approach to sanctions is overly simplistic. Americans must work in close partnership with people of faith in countries where persecution is occurring. How do they say we and our government can best be helpful? Would sanctions help, or would they hurt the wrong people? What other channels exist for pressure and protest? Clearly, sanctions should not be ruled out as a means to address religious persecution, but they should not be an automatic or first option.

3. Asylum Provisions—This legislation would change the refugee determination process to give special attention to those being singled out for persecution on the basis of religion. Under both international conventions and U.S. refugee law, there are five grounds for being granted refugee status: persecution on the basis of race, nationality, religion, membership in a social group, and political opinion. We do not support singling out religion as being more important than these other forms of persecution. Moreover, over the years, we have not supported designation of groups as refugees for resettlement, but rather have advocated for a case-by-case review of individual claims.

Obviously, there are people who leave their communities and countries because they are persecuted for their religious faith and those people should find the protection they need—whether in a neighboring country of asylum or in a third country through resettlement. But this is already part of international and national law. Singling out persecution of Christians as somehow being worse than persecution of political dissidents or a particular ethnic group undermines a lot of this international law we have worked so hard to get implemented.

What we can advocate is better application of existing law so that all of those claiming persecution get a fair hearing and that the adjudication procedures are both just and humane.

Finally, we believe some measure of humility is required as we act to stop religious persecution outside the United States. This is particularly urgent in light of the communications the NCCC has received from Christians in Egypt, China and other nations who express concern over America's eagerness to impose its political and constitutional ideals on others. As the General Secretary has stated: "Although we cherish the American model of religious liberty and its meaning for us, we recognize that it is not the only model. Some of our most trusted friends in the world community worship and serve God in state churches. Others see toleration, rather than full freedom, as the touchstone for religious rights. In short, due consideration must be given to cultural values and existing religious life, especially on such matters as world missions, proselytizing and areas of permissible regulations."

In short, not all encroachments on religious freedom rise to the level of persecution. And, even when they do, we must be careful to act in a way that alleviates rather than aggravates the problem.

For that reason, the NCCC and its member communions should consider an idea that has been proposed by members of the United States Senate: the establishment of a Commission on Security and Cooperation in Asia modeled after its European counterpart. Such a commission might be the forum where citizens of the United States could press their legitimate concerns about religious persecution in that region without further aggravating the problem.

In sum, the NCCC maintains its commitment to human rights and religious freedom for all persons. We believe this can be achieved through a variety of means including prayer, reporting, dialogue, protests, boycotts, and urging diplomatic pressure, and, in some cases, sanctions. We urge Congress and the Administration to use their full powers to better enforce existing national and international laws which seek to protect individuals from religious persecution. Although H.R. 1685/S.772 have some sections the NCCC could support, other sections (particularly 5 and 7) are highly objectionable. For that reason, the NCCC cannot support H.R. 1685/S.772 until and unless significant changes are made.

SPECIAL TRIBUTE TO ASBURY UNITED METHODIST CHURCH

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Ms. NORTON. Mr. Speaker, the Asbury United Methodist Church, celebrating 161 years in the Washington, DC community, is conducting its 11th annual homecoming September 23 through 28, 1997. Asbury's extraordinary history and contributions warrant praise and honor from this body and I ask that you join me in rendering that honor today.

Asbury United Methodist Church was organized in 1836 when a group led by Eli Nugent left the Foundry Methodist Church to form its own congregation. The first Asbury Church was a white frame building on the same site as the current Asbury Church edifice.

Mr. Speaker, Asbury's growth and history are intricately woven with that of African-American history. The decade of the 1860's brought civil war. Asbury opened its doors to provide space for classrooms for the fleeing and newly freed slaves. Operated under the auspices of various freedmen's aid societies, schools and classes helped provide the basic education needed if former slaves were to survive emancipation. These programs continued through the early 1870's.

Asbury's leadership remained in the hands of whites until the time of the emancipation. The Washington Annual Conference was founded in 1864. Asbury's role and leadership as a black congregation was firmly established with the appointment of the first black pastor, Rev. James Harper. Asbury experienced its greatest growth during the Reconstruction era. New organizations and programs were added and by the 1880's the Sunday school and choir received frequent mention in the press. This growth was accompanied by both missionary efforts and doctrinal disputes which led to the formation of other congregations that separated from the main body. These were Wesley African Methodist Episcopal Zion in 1847, Simpson Methodist Episcopal in 1875, and Peoples Congregational in 1891.

Mr. Speaker, with the dynamic leadership of ministers, Rev. J.W.E. Bowen, Rev. I.L. Thomas, and Rev. Matthew Clair, Sr., Asbury added new programs, expanded its services, and built a new edifice. By 1915, with a membership of over 1,000 the structure built in 1866 could no longer contain the church body.

Under the leadership of Reverend Clair, the old building was replaced with a two story structure of Gothic design.

By the early decades of the 20th century, with its emphasis on social justice, enlightened efforts on behalf of the race and a range of programs for the education and social improvements of its youth, Asbury was attracting Washington, DC's most prominent citizens. The press described it as the "National Church of Negro Modernism."

Mr. Speaker, the heritage and traditions that shaped Asbury's illustrious history continue to inspire its current membership. Asbury has established programs for the hungry from the soup kitchen of the 1930's to its food pantry in the 1980's. Its activities for transients and the homeless includes regularly scheduled breakfast and an outreach center which distributes clothing and personal items. It has operated the Asbury Federal Credit Union since the 1950's and the educational building, which houses the Child Development Center, was completed in 1973. Asbury Dwellings contains 147 apartments for senior citizens and handicapped individuals. The church once operated community centers in Washington, DC and supported a church and school in Sierra Leone, West Africa. Asbury now provides support to Africa University in Zimbabwe and to TransAfrica.

Asbury was placed in the DC Inventory of Historic Sites in 1984 and was listed in the National Register of Historic Places on November 1, 1986. During its 150th anniversary, an endowment was established to support programs in education, outreach, history, and heritage. A history center was established to collect, preserve and disseminate Asbury's history.

Mr. Speaker, the leadership of pastors such as Bishop Matthew W. Clair and the Reverends Robert Moten Williams, James D. Foy, Frank L. Williams, and Joshua Hutchins and the commitment of the membership are very much in evidence today. This legacy continues under Asbury's present senior minister, Dr. Eugene Matthews who was appointed in 1992. Asbury's members now number 1,700 and routinely extends itself into the community-at-large. The church supports the programs of the Washington Interfaith Network [WIN] and the Holy Boldness activities envisioned by Bishop Felton E. May of the Baltimore-Washington Conference. Asbury is also a leader in the United Methodist community with its emphasis on Discipleship Bible Study, Convenant Discipleship, and class leader programs.

Mr. Speaker, I ask that this body join me in saluting the Asbury United Methodist Church on the occasion of its 11th annual homecoming, "Nurturing, Outreaching and Witnessing Into the Twenty First Century." I am proud to recount Asbury's rich history and to emphasize its role in this community since its inception in the 1800's.

KEEPING THE ARTS ALIVE IN THE CONEJO

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. SHERMAN. Mr. Speaker, it is an honor to rise today to pay tribute to those who preserve the dream of the arts and delivering artistic entertainment to local people of our community. It is therefore with great pleasure that I honor the Twilight Award honorees, Rob O'Neill, Ann Hammerslag, Bob Lewis, Alex Fiore, and our Special Achievement Award recipients, the Medders family, for their dedication to the arts. These individuals have given their souls to promoting the performing arts in our community.

The Twilight Awards ceremony provides the Gold Coast Performing Arts Association an opportunity to honor and thank several individuals each year who, in their own way, have promoted and encouraged the success of the Thousand Oaks Civic Arts Plaza and the realization of our collective dream of bringing the performing arts to the Conejo. The gathering also gives Gold Coast and its subsidiary groups, Cabrillo Music Theatre, Santa Susana Repertory Co., Young Artists Ensemble, and the Gold Coast Theatre Conservatory a public occasion to display its successes.

Rob O'Neill is a member of board of directors of Alliance for the Arts and member of the board of directors for the Cabrillo Music Theater, the preeminent theater company presenting full seasons of Broadway musicals at the Probst Center for the Performing Arts. As an active member of these associations Rob has dedicated his own musical and production expertise to the production of "Pump Boys and Dinettes" and next year's musical, "A Little Night Music." These musicals provide local performers the opportunity to show off their skills and also allow local audiences to enjoy popular musical productions. I thank Rob for his great work.

Ann Hammserslag is commonly known as the brains and the heartbeat of the theaters department. She has managed the Thousand Oaks Civic Arts Plaza's business since before the plaza opened. As executive secretary of the threaters department of the city of Thousand Oaks, Ann has the experience and motivation to make the Gold Coast Performing Arts Center the success that it is.

Bob Lewis, the former mayor of Thousand Oaks is now chairman of the Alliance for the Arts. As chairman he oversees the management and growth of an endowment for local arts-related programs and education outreach. His contributions keep arts alive in the Conejo.

Alex Fiore is considered the individual most instrumental in bringing the dream of the Thousand Oaks Civic Arts Plaza to reality during his 30-plus years on the city council. Today, Alex guides the arts plaza's progress from his seat on the board of governors of the Civic Arts Plaza.

This year, the Twlight Awards gathering presents its first annual Special Achievement Award to the Medders family, who represent the highest tenet of volunteerism. Mardy is active on numerous boards of directors, including the Gold Coast Performing Arts Association, Alliance for the Arts, and the New West Symphony Guild. John is a physician and administrator for Kaiser Permanente, who is also active in our community. Their children, Lyndsey, Brian, Emily, and Brett, follow in their mother's footsteps in assisting in every Gold Coast Performing Arts Center Association production and event. The Medders family is truly a gift to the arts in the Conejo.

Mr. Speaker, distinguished colleagues, please join me in honoring these individuals for their dedication to the arts in our community. I stand proud to recognize Ann Hammnerslag, Alex Fiore, Bob Lewis, Rob O'Neill, and the Medders family for their dedication. It is an honor to have the Gold Coast Performing Arts Association in my district.

1997 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. BURTON of Indiana. Mr. Speaker, I submit the following:

ELLIS ISLAND, NY, MAY 4.—Standing on the hallowed grounds of Ellis Island—the portal through which 17 million immigrants entered the United States—a cast of ethnic Americans who have made significant contributions to the life of this nation, among them President William Jefferson Clinton, NYS Attorney General Dennis Vacco, National Football League Commissioner Paul Tagliabue and Little Caesar Enterprises Chairman Michael Illitch, today were presented with the coveted Ellis Island Medal of Honor at an emotionally uplifting ceremony.

NECO's annual medal ceremony and reception on Ellis Island in New York Harbor is the Nation's largest celebration of ethnic pride. This year's event was dedicated to the memory of Albert Shanker, a 1995 Ellis Island Medal recipient and former President of the American Federation of Teachers and a Vice President of the AFL–CIO.

Representing a rainbow of ethnic origins, this year's recipients received their awards in the shadow of the historic Great Hall, where the first footsteps were taken by the millions of immigrants who entered the U.S. in the latter part of the nineteenth century.

"Today we honor great ethnic Americans who, through their achievements and contributions, and in the spirit of their ethnic origins, have enriched this country and have become role models for future generations," said NECO Chairman William Denis Fugazy. "In addition, we honor the immigrant experience—those who passed through this Great Hall decades ago, and the new immigrants who arrive on American soil seeking opportunity."

Mr. Fugazy added, "It doesn't matter how you got here or if you already were here. Ellis Island is a symbol of the freedom, diversity and opportunity—ingredients inherent in the fabric of this nation. Although many recipients have no familial ties to Ellis Island, their ancestors share similar histories of struggle and hope for a better life here.

Established in 1986 by NECO, the Ellis Island Medals of Honor pay tribute to the ancestry groups that comprise America's unique cultural mosaic. To date, some 700 ethnic American citizens and native Americans have received medals.

NECO is the largest organization of its kind in the U.S. serving as an umbrella group for 75 ethnic organizations and whose mandate is to preserve ethnic diversity, promote ethnic and religious equality, tolerance and harmony, and to combat injustice, hatred, and bigotry.

Ellis Island Medal of Honor recipients are selected each year through a national nomination process. Screening committees from NECO's member organizations select the final nominees, who are then considered by the Board of Directors.

Past Ellis Island Medal of Honor recipients have included several U.S. Presidents, entertainers, athletes, entrepreneurs, religious leaders and business executives, such as Ronald Reagan, Jimmy Carter, Gerald Ford, George Bush, Richard Nixon, George Pataki, Mario Cuomo, Bob Hope, Frank Sinatra, Michael Douglas, Gloria Estefan, Coretta Scott King, Rosa Parks, Elie Wiesel, Muhammad Ali, Mickey Mantle, General Norman Schwarzkopf, Barbara Walters, Terry Anderson and Dr. Michael DeBakey.

Congratulations to the 1997 Ellis Island Medal of Honor recipients.

Beny Alagem, Israeli, business leader; Manfred Alstadt, German, business leader; Denis Andreuzzi, Italian, business leader; Stuart Appelbaum, Lithuanian/Russian, labor leader; Edward F. Arrigoni, Italian, business leader; Ralph A. Balzano, Italian, government official; Raphael Baron, Russian, business leader; Herbert F. Boeckmann, II, German, entrepreneur; William Bolster, English/Irish, media executive; J. Frank Brown, Irish, business leader; Young In Chung, Korean, community leader; William Jefferson Clinton, President of the United States; Hon. Nicholas Coffinas, Hellenic, community leader; Joseph M. Cohen, Polish/Russian, business leader; Geneos Pete Cokinos, Hellenic, oil producer.

Jerry Colangelo, Italian, business leader; Hon. Martin E. Connor, Irish, NYS senate minority leader; Daniel F. Cremins, Irish, business leader; Sr. Catherine Crumlish, RSM, Irish, community leader; Richard E. Dauch, German, manufacturing leader; J. Morton Davis, Hungarian/Polish, business leader/author; Hon. Vincent A. Delorio, Italian, attorney; Ralph Destino, Italian, business leader; George Douris, Hellenic, business/community leader posthumous; Irma B. Elder, Syrian/Mexican, business/community leader; Dr. Saul J. Farber, Lithuanian, physician/educator; Ralph D. Farkas, Israeli/Czech, business leader; George Filios, Hellenic, business leader; Michael C. Finnegan, Esq., Irish, business/government leader; Edward Fredkin, Russian, scientist.

Peter C. Gazes, MD, Hellenic, physician/educator; Peter A. Georgescu, Romanian, business leader; Kenneth J. Gorman, Irish, business leader; Salvatore, "Sonny" Grosso, Italian, television & movie producer; Rajat Gupta, Asian Indian, business leader; Marife Hernandez, Hispanic, civic leader; Rev. Theodore M. Hesburgh, CSC, German/Irish, president emeritus U. of Notre Dame; Thomas Y. Hobart, Jr., English/German/Italian, labor leader; Harry G. Hohn, German/Irish, business leader; Hirair Hovnanian, Armenian, business/community leader; Thomas M. Hricik, Slovak, fraternalist; Denis M. Hughes, Irish/Italian, labor leader; Michael Ilitch, Macedonian, business/community leader; Elham Jabiru-Shayota, Chaldean, business leader; Caroline R. Jones, African, business leader.

Myong Y. Juch, Korean, business/community leader; Charles Kanakis, Jr., MD, Hellenic, physician/community leader; Constantine N. Kangles, Esq., Hellenic, attorney/publisher/community leader; Adib Kassis, Lebanese, business/community leader; Henry Kaufman, German, business leader; John H. Klein, German/Irish, business leader; Herbert V. Kohler, Jr., Austrian, business leader; Kamil Kubik, Czech, artist; Andreas C. Kyprianides, Cypriot, community leader; John Lam, Chinese, business leader; Hon. John J. Leskovyansky, Slovak, community leader; Pamela Anagnos Liapakis, Hellenic, business leader; David W. Longaberger, German/Scottish, business leader; Earle I. Mack, Russian/German, government official; Tony J. Mafoud, Lebanese, business leader.

Leonard A. Mancusi, Italian, public official; Ronald Joseph Mannino, Italian, business leader; William J. Marino, Italian/Eng/Ire/Scot, business leader; William T. McCaffrey, Irish, business leader; Jim McCann, Irish, business leader; Hon. William A. McClain, African, religious/legal/community leader; Norman P. McClelland, Irish, business leader; Edward J. McElroy, Irish/Italian, labor leader; Michael A. McManus, Jr., Irish, business leader; Jerry D. McMorris, Italian/Irish, business leader; Dennis Mehiel, Hellenic, business leader; Robert Meister, Russian, business leader; Frank Mercede, Italian, real estate developer; Ernest S. Micek, Polish, business leader; Nicholas G. Moore, Irish, business leader.

Nikos Mouyiaris, Cypriot, business leader; Paul H. Mullan, Irish, business leader; Thomas V. Murphy, Irish, educator/labor leader; Andrew Patrick O'Rourke, Irish, community leader; Frank A. Olson, Swedish, business leader; Hon. Louis J. Papan, Hellenic, member, California State Assembly; Panayiotis Papanicolaou, Cypriot, community leader; Philip E. Parker, Esq., Irish, business leader; Hon. Jeanine F. Pirro, Lebanese, chief law enforcement official; Carlos P. Portes, Cuban, community leader; Patrick J. Purcell, Irish, publisher; Nido R. Qubein, Lebanese, international consultant/author; James H. Quello, Italian, business leader; Stewart Rahr, Russian, business leader; Daniel Rappaport, German/Greek/Russian/Turkish, business leader; James A. Regas, Hellenic, business/community leader.

Walter G. Rich, Scottish/Irish/English, business leader; Dennis Rivera, Puerto Rican/Irish, labor leader; Valerie B. Salembier, Russian, business leader; Naseeb M. Saliba, Lebanese, business leader; Marvin Samson, Russian, business leader; Dr. Joseph V. Scelsa, Italian, educator. Richard Dale Schultz, German/Irish, business leader/educator; Karen Silberman Scott, Russian, media executive; Hon. Peter Secchia, Italian, business leader; John J. Shalam, Middle Eastern, business leader; Michael J. Sherman, Eastern European, business leader; Stephen B. Siegel, Russian, business leader; Albert J. Simmons, African, business leader/community activist; Anwar Soliman, Egyptian, business leader.

Hon. John D. Spencer, Irish, mayor; Nicholas Anthony Spilotro, Italian, labor leader; H.E. Archbishop Spyridon, Hellenic, religious leader; Jose Suquet, Cuban, business leader; Dennis D. Swanson, Swedish/German/Irish/English, business leader; Paul Tagliabue, Italian, business leader; Martin James Tandler, Czech, business leader; George Tenet, Hellenic, CIA Director; Michael E. Tennenbaum, German/Russian, business/community leader; Albert N. Thompson, African, business leader; Hon. Vito Titone, Italian, judge; Thomas Ralph Tizzio, Italian, business leader.

Robert J. Tomsich, Sloven, business leader; Louis R. Tomson, Eastern European, State executive; Richard Torrenzano, Italian, business leader; Savas C. Tsivicos, Cypriot, business/community leader; James G. Tsunis, Hellenic, business leader; Charles Uribe, Chilean, business leader; Hon. Dennis C. Vacco, Italian, NYS attorney general; Peter L. Venetis, Hellenic, business leader; Herbert N. Wallace, Esq., Latvian/Russian, attorney/business leader; Iris Walshin, Austrian/Russian/German, business leader; Scott R. Watterson, Danish/Eng/Welsh, business leader; Sam Hanna Zakhem, Lebanese, Ambassador.

IN HONOR OF THOMAS F. CATAPANO

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to commemorate the 11th Annual Greenpoint/Williamsburg Columbus Day Parade and in particular to commend Thomas F. Catapano upon the occasion of his selection as Grand Marshal of the parade, which is to be held on October 12, 1997.

Mr. Catapano has been chosen by the Federation of Italian-American Organizations of Greenpoint/Williamsburg, under the direction of President Gerard DePaola, Chairman Anthony Pastena, and Parade Chairman Vincent Martello. Mr. Catapano, a resident of Brooklyn, attended St. John's University and the State University of New York College in Old Westbury.

He began his distinguished career in public service as the Assembly-House Operations' Regional Coordinator for New York City and Director of the Assembly Speaker's Field Services Division; in 1982, he was elected to the first of five terms as a Member of the Assembly, representing the 54th District.

As an Assemblyman, Mr. Catapano chaired the Assembly Committee on Real Property and Taxation, on Ethics and Guidance, the Subcommittee on Volunteer Ambulance Services, on Housing for the Elderly, and the Task Force on New Americans. He was also an active member of the Assembly Committees on Aging, Social Services, Banking, Consumer Affairs, Government Employees and Housing, and was instrumental in enacting legislation which established the first State-funded nursing home for veterans in New York City, codifying procedures for the licensing of real estate appraisers statewide, and developing new housing opportunities for the elderly.

Mr. Catapano is currently executive director of the New York State Conference of Italian-American legislators. He has served as a valued public servant on the advisory boards of the John Calandra Institute of CUNY, the Italian-American Legal Defense Fund, Council of State Governments, Cypress Hill Local Development Corp., Coalition of Italian-American Organizations, and the Northern Brooklyn Boy Scouts of America.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to Mr. Catapano and the 11th Annual Greenpoint/Williamsburg Columbus Day Parade.

HONORING THE SESQUICENTENNIAL CELEBRATION AND REDEDICATION OF ST. MICHAEL'S CATHEDRAL SPRINGFIELD, MA

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, it is a privilege to me to have this opportunity to congratulate both the Roman Catholic diocese of Springfield and the parish of St. Michael's Cathedral in Springfield, MA on both their sesquicentennial celebration and September 28, 1997, rededication. This cathedral is a magnificent place of worship located proudly near the center of downtown Springfield. For over a century, St. Michael's has served a diverse body of parishioners and has catered overwhelmingly to the needs of its faith community.

I would be honored to share with you some of the history of the parish of St. Michael's Cathedral. St. Michael's Church originally occupied a simple structure on Union Street in Springfield where a small group of people joined together to worship. Soon enough, this community of believers outgrew the edifice and orchestrated the purchase of land at the corner of State and Eliot Streets. In 1860, on the feast of St. Michael, the cornerstone of a new church was laid. Dedicated on Christmas morning in 1861, this church was eventually consecrated in 1866.

In response to an ever growing parish family, the Diocese of Springfield was established in 1870. St. Michael's Church was at this time named the cathedral church of that new diocese.

On the occasion of its centennial, at the brink of a second century of service, St. Michael's Cathedral underwent interior renovation. Further additions to the cathedral have been witnessed recently with the completion of the Bishop Marshall Center. This unique addition to the church complex provides a forum where the cathedral and the diocese can collaborate to plan increased service to its parishioners, members of the diocese, and the city as a whole. The Bishop Marshall Center is equipped with handicapped access meeting rooms, and contains the Holy Spirit Chapel from which the Sunday celebration of the Eucharist is televised.

Just as it did 150 years ago, St. Michael's Cathedral continues to foster a true spirit of Christian fellowship within the greater Springfield area. The parish and its members have made invaluable contributions to both the diocese and the city. I am delighted to offer these remarks in honor of the cathedral and once again congratulate the parish of St. Michael's on its upcoming sesquicentennial and rededication.

COMMEMORATING THE INTERNATIONAL DAY OF PEACE

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. CAPPS. Mr. Speaker, I rise today to proclaim this the International Day of Peace.

Today is the second annual celebration hosted by the Nuclear Age Peace Foundation in the city of Santa Barbara, CA. It highlights efforts by local organizations who are working to bring peace to both Santa Barbara and the global community.

The International Day of Peace was adopted by the United Nations in 1981 "to commemorate and strengthen the ideals of peace both within and among all nations and people."

As the Representative of the 22d district in California and a former professor of Religious Studies at University of Santa Barbara I strive every day to achieve these goals.

Currently I am working to ban antipersonnel land mines around the world, devices which kill or maim 26,000 people every year. I have joined over 100 of my colleagues in cosponsoring the Land Mine Elimination Act which will halt new deployments of U.S. antipersonnel mines beginning January 1st, in the year 2000. As Andrew Feitt, the 9th grade student who won the U.N. Association of Santa Barbara essay contest so eloquently stated, "Landmines are a piece of military weaponry designed to help end wars, but wars are temporary, and most mines are not."

As a member of the International Relations Committee I am also aware of the important role the United Nations plays in humanitarian and peacekeeping efforts around the world and support the full payment of United States dues to the U.N. Programs like UNICEF, for example, have helped feed millions of children. It would be devastating if missions which help so many were crippled due to lack of funding, and the United States must continue to do its fair share.

Additionally, I believe that the security of our Nation requires an aggressive effort against weapons of mass destruction. Since coming to Congress I have taken a leadership role on this issue. I have signed on to letters to President Clinton, regarding deeper cuts in our strategic nuclear weapons arsenals and to express my concerns about the Department of Energy's plans to conduct underground subcritical nuclear weapons experiments at the Nevada Test Site. It is my belief that these experiments could severely damage the not yet ratified Comprehensive Test Ban Treaty.

Soon after I took office I sent Senate Majority Leader TRENT LOTT a letter urging swift action on ratifying the Chemical Weapons Treaty. Taking quick action and ratifying the treaty afforded the United States an international leadership role on a treaty that will prevent future catastrophes involving chemical agents in warfare. The only way to ensure our Nation's long-term security and prosperity is to continue exerting American leadership across a range of military and humanitarian challenges around the world.

So I commend the Nuclear Age Peace Foundation for bringing us all together tonight, as we share a collective vision of peace. We share a vision of a world that is free of the threat of war and where all individuals live with human dignity, compassion and respect for one another, a world that we must strive to achieve on all the days of the year, if we hope to attain these lofty and constructive goals and to increase the possibilities for peace in the Nuclear Age.

IN MEMORY OF BUFORD E. THURMON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. SKELTON. Mr. Speaker, it is with great regret that I rise to inform the Members of the House of the passing away of Buford E. Thurmon, former mayor of Higginsville, MO, on September 10, 1997.

Mr. Thurmon was a decorated veteran of World War II, having served in the U.S. Marine Corps from November 1940 to April 1946. In May, 1942, Mr. Thurmon was captured and taken prisoner of war during the battle of Corregidor. In recognition for Mr. Thurmon's valor, he received various ribbons and medals, including the Asiatic Pacific Service Ribbon, Purple Heart Medal, U.S. Presidential Unit Citation with two stars, Philippine Defense Medal with one battle star, Philippine Presidential Citation, Bronze Star Medal, China Defense Medal, Prisoner of War Medal, and U.S. Marine Corps Good Conduct Medal.

Buford Thurmon was also an important governmental leader in Higginsville, MO. He twice served as mayor of the community from 1968 to 1972 and again from 1982 to 1985, and was also elected city collector, city treasurer, and city councilman. While serving the people of Higginsville, Mr. Thurmon also devoted his time to various civic and veterans organizations. He was commander of the American Legion Post, treasurer of the C–1 School District, president of Higginsville Country Club, lifetime member of the American Legion, Veterans of Foreign Wars, Blinded Veterans Association, American Ex-Prisoners of War, and American Defenders of Bataan and Corregidor Am Vets.

Buford E. Thurmon served the United States of America as few men have. His great contributions to our country deserve our praise and admiration, and he will long be remembered for his patriotic life and commitment to public service. He truly is a role model to young civic leaders.

Mr. Thurmon was preceded in death by his wife, and is survived by three sons, two sisters, and seven grandchildren. I am certain that the Members of the House will join me in honoring this American who will be missed by all who knew him.

TRIBUTE TO DR. WARREN E. HENRY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. DELLUMS. Mr. Speaker, on September 19, 1997, Dr. Warren E. Henry will be honored for his scientific contributions. Dr. Henry's excellence in scientific research is recognized worldwide and he has contributed greatly to the advancement of science in the fields of magnetism, superconductivity, low temperature physics, and solid state physics, for over 65 years.

Dr. Henry studied with five Nobel laureates, and collaborated and conducted research, or established collegial relationships with 17 Nobel laureates.

Dr. Henry is world renowned as a physicist, chemist, educator, and inventor. He has authored and co-authored 103 scientific papers, and his research results are in the most widely used standard physics textbooks. His work is often cited by scientists worldwide.

His research contributed to our Nation's efforts during World War II, through his work on the Manhattan District project. He has also contributed to the improvements of the performance of radar systems, the performance of jet military aircraft, and physics education of the original Tuskegee Airmen fighter pilots.

Dr. Henry's research at Lockheed Missile and Space Co. in California enabled him to design electronic guidance submarines, and to contribute to a major breakthrough in electronic astronomy by developing a device that measures magnetic fields in outer space.

Dr. Warren Henry's integrity, expertise, and commitment to scientific advancement and willingness to share his knowledge with young scientists has made him a master scientist and educator whose work has benefited all mankind.

TWENTY-FIFTH ANNIVERSARY OF WOMEN IN THE MARITIME INDUSTRY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in celebrating 25 years of women serving in the U.S. maritime industry. The California Maritime Academy in Vallejo, CA, is celebrating this occasion at a series of events scheduled today, and I would like to commend the California Maritime Academy for its role in supporting and encouraging women in the maritime industry.

The California Maritime Academy was established through legislation signed in June 1929 to train merchant marine officers for the maritime industry. Cal Maritime, a campus of the California State University, is the only maritime academy in the western region of the United States.

Women first began pursuing careers in the maritime industry in 1972 when five female cadets enrolled at the California Maritime Academy. One hundred and thirty-seven women have graduated from the California Maritime Academy since 1972. One of the first women graduates at Cal Maritime, Lynn Fivey Korwatch, went on to sail as the first female captain of an American flagship, and another, Jean Thatcher Arnold, became the first female to be licensed as chief engineer in the U.S. merchant marine.

Cal Maritime became the first maritime academy in the United States to have a woman serve as its president, Dr. Mary Lyons, from 1990 to 1996. Currently Sadie Rabe at Cal Maritime is the newly-selected corps commander whose responsibilities include administration and enforcement of all academy rules and regulations, and supervision of all cadet conduct. Cal Maritime can take great pride in the accomplishments and successes of both male and female graduates.

Again, I invite my colleagues to join me in celebrating 25 years of women in the U.S. maritime industry.

IN HONOR OF THE CHURCH OF THE RESURRECTION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to the Polish National Catholic Church of the Resurrection on the 75th anniversary of its founding. The Church of the Resurrection has a noble history in serving the Polish community of Greenpoint, Brooklyn.

Twenty-five years after the founding of the Polish National Catholic Church in 1897, the Church of the Resurrection was organized on September 19, 1922. Originally, Mass had to be said in the rented building of the former Christian Church of the Evangelist from November 1922, until the present church was purchased on December 29, 1924. Prime Bishop Francis Hodur performed the act of consecration on December 13, 1925.

Despite difficult early years in the parish's history, it went on to flourish. A Polish language supplementary school, a catechism class, the White Eagle choir, and numerous other societies and organizations formed around and in the church. On July 1, 1938, the parish acquired the rectory on 137 Meserole Avenue.

During the Second World War, 110 parishioners served in the Armed Forces, and three gave their lives. Chapters of the Red Cross, the Junior Red Cross, and the Boy Scouts were all active at the church during the war.

In 1958, the parish held services in English for the first time. On October 11, 1959, the mortgage was ceremonially burnt. And, as membership increased, the church made improvements to the parish hall.

In preparation for the Diamond Jubilee, the interior of the church has been completely renovated and repainted. The celebration will take place on Sunday, September 21, 1997, with a solemn Mass celebrated by the present Prime Bishop, Most Reverend John Swantek. His Excellency will bless the church and reconsecrate the main altar assisted by the clergy of the New York and New Jersey area.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to the Church of the Resurrection as its celebrates its 75th anniversary. I am proud to have such an important parish in my district continuing the Polish immigrants' traditions of their homeland and introducing them to the culture of their new home.

1996 IMMIGRATION REFORM BILL NEEDS CORRECTION

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. LAFALCE. Mr. Speaker, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 became law 1 year ago this month. Next year at this time, September 30, 1998, section 110 will be implemented and will adversely—and unintentionally—affect our Canadian neighbors. Today I am introducing an amendment to the Immigration Reform Act that will ensure that past regulations and procedures with respect to Canadian citizens' entering and exiting the United States will continue to be as document-free and hassle-free as it always has been.

Last year, Congress passed a well-intentioned provision of the Immigration Reform Act that requires the Immigration and Naturalization Service [INS] to develop an automated entry and exit system for the purpose of documenting the entry and departure of every alien arriving and leaving the United States. Prior to this act, the United States has had no departure management system. The consequence has been the inability of INS to identify lawfully admitted nonimmigrants who remain in the United States beyond the period authorized, the so-called overstays.

The oversight in this provision is the failure to exempt the Canadian nationals who previously have not been required to fill out INS documents, or I–94's, at the border. In 1996, more than 116 million people entered the United States by land from Canada. Of these, more than 76 million were Canadian or United States permanent residents. As anyone who has crossed the United States-Canada border knows, congestion is a problem. The more than $1 billion of goods and services trade that crosses our border daily adds enormously to the daily traffic flow. If the United States were to implement the entry and exit procedure required by section 110, congestion would turn into a nightmare at the border.

After the Immigration Reform Act passed last year, Chairmen SIMPSON and SMITH of the Senate and House Judiciary Subcommittees on Immigration, respectively, wrote to Canadian Ambassador Raymond Chretian assuring him that "we did not intend to impose a new requirement for border crossing cards or I–94's on Canadians who are not presently required to possess such documents."

Mr. Speaker, consistent with the intent of the United States-Canada Accord on Our Shared Border to open and improve the flow of United States and Canadian citizens across our common border, and to prevent the intolerable congestion that would result from implementation of section 110 as it now stands, I am offering an amendment to the Immigration Reform Act. My bill simply exempts from section 110 Canadian nationals who are not otherwise required by law to possess a visa, passport, or border-crossing identification card.

This correction of an oversight in the 1996 Reform Act is the right thing to do, the practical thing to do, and it follows through on assurances made to the Canadian Ambassador that it was not congressional intent to reverse decades of practice with respect to Canadian nationals.

The text of the bill follows:

H.R. —

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify that records of arrival or departure are not required to be collected for purposes of the automated entry-exit control system developed under section 110 of such Act for Canadians who are not otherwise required to possess a visa, passport, or border crossing identification card.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SEC. 1. EXEMPTION FOR CERTAIN ALIENS FROM ENTRY-EXIT CONTROL SYSTEM.

(a) IN GENERAL.—Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

"(a) SYSTEM.—

"(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will—

"(A) collect a record of departure for every alien departing the United States and match the records of departure with the record of the alien's arrival in the United States; and

"(B) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

"(2) EXEMPTION FOR CERTAIN ALIENS.—The system under paragraph (1) shall not collect a record of arrival or departure for an alien—

"(A) who is—

"(i) a Canadian national; or

"(ii) an alien having a common nationality with Canadian nationals and who has his or her residence in Canada; and

"(B) who is not otherwise required by law to be in possession, for purposes of establishing eligibility for admission into the United States, of—

"(i) a visa;

"(ii) a passport; or

"(iii) a border crossing identification card.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-546).

TRIBUTE TO DR. JAMES BILLINGTON ON THE 10TH ANNIVERSARY OF HIS SELECTION AS LIBRARIAN OF CONGRESS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in paying a well-deserved tribute to Dr. James Billington, a dear friend of mine, who has served our Nation with great distinction as the Librarian of Congress for the last 10 years. This week we mark the 10th anniversary of the appointment of Dr. Billington to this important leadership position. I invite my colleagues to join me in paying tribute to him as we celebrate this important milestone.

Dr. Billington was appointed the 13th Librarian of Congress by President Ronald Reagan in 1987, and he was subsequently confirmed to that position by the U.S. Senate. Earlier, he served as the director of the Woodrow Wilson International Center for Scholars, and before that he was a distinguished professor and scholar of Russian history and culture at Princeton University.

The Library of Congress is the largest and most comprehensive library in the world with more than 110 million items in more than 450 languages. Managing that immense collection is a major task in and of itself, but Dr. Billington assumed the position as Librarian of Congress at a critical time in the Library's history. The past 10 years have been a time of great change because of the rapid and complete transformation of information technology. At this critical time, Dr. Billington's vision, insight, and skills have been a tremendous asset for the Library, for the Congress, and for the American people.

Dr. Billington was one of the first scholars and cultural administrators to recognize the significance of the approaching information age and its importance for the Library of Congress. At his confirmation hearing in 1987, Dr. Billington voiced his hope that "the Library might furnish new technologies boldly" and share its catalog and national treasures by the year 2000 with citizens in local communities across America. In 1994, Dr. Billington's hope became reality when the National Digital Library was launched. That project, which has as its objective to digitize 5 million items from the Library's collection at a cost of some $60 million, is being accomplished with private/public funding. Today, the Library's World Wide Web site brings to tens of millions of people the Library's catalog, the American Memory collections of the National Digital Library, and Thomas—the Library's legislative information site. The Library's site is recognized as one of the most important content sites on the Internet, and it is quickly becoming a unique and popular educational resource for teaching and learning for students at all levels.

During his 10 years as Librarian, Dr. Billington has made a great contribution to the improvement of the Library in many areas, in addition to his incredible efforts in the area of technology. He has strengthened control of the Library's various collections, and increased the Library's acquisitions. For example, he was instrumental in the acquisition of the Leonard Bernstein collection, the Marion Carson collection, and the Gordon Parks collection.

Under the direction of Dr. Billington, the Library of Congress has undergone a period of tremendous growth and development. He has established the first office of development at the Library to raise private funds for scholarly activities, exhibitions, and the National Digital Library. He proposed and the Congress approved the establishment of the Madison Council, a group of private citizens who provide sustained financial support to the Library. In the 10 years that Dr. Billington has served at the Library of Congress, he has raised $91.7 million, of which $41.5 million represents the contributions from the Madison Council, which is chaired by John Kluge.

Additionally, Dr. Billington has made a major commitment to public display of the Library's own treasures as well as the priceless heritage of other nations around the world, and he has sponsored a series of widely acclaimed exhibitions at the Library of Congress. A few of the most spectacular exhibitions include "Rome Reborn: The Vatican Library and Renaissance Culture," "Scrolls from the Dead Sea," "Revelations of the Russian Archives," and "From the Ends of the Earth: Judaic Treasures of the Library of Congress."

Mr. Speaker, I am particularly appreciative of my association with Dr. Billington and his friendship. Shortly after he became Librarian of Congress, to mark the "Year of the Book," Dr. Billington and officials of the Library came to San Mateo, CA, in my congressional district, where they gave focus to the incredible resources of the Library and further emphasized the important outreach program that has been given great emphasis under Dr. Billington's leadership.

Mr. Speaker, in my remarks thus far, I have focused on the outstanding achievements and leadership of Dr. Billington over this 4-year period of his stewardship at the Library of Congress. I want to add a few personal comments about Dr. Billington as a friend. A number of our colleagues in the Congress and I, had the wonderful opportunity to travel with him on a visit to Russia a few years go, under the leadership of Mr. GEPHARDT and Mr. GINGRICH. Dr. Billington added an incredible perspective and an understanding of Russia and the Russian people to those of us who participated in that important trip. He was not only a brilliant scholar, but also a delightful traveling companion. Dr. Billington also participated in meetings which I chaired at Dartmouth College in New Hampshire between delegations representing the Congress and the European Parliament. Again, he contributed in a major way to both delegations' understanding of the complexities of our relationships with Russia and the republics of the former Soviet Union.

Mr. Speaker, Dr. Billington should be congratulated for his exceptional successes during his 10-year tenure at the Library of Congress. I invite my colleagues to join me in thanking Dr. Billington and paying tribute to him for the service he has given to the Library of Congress and our Nation over the past decade.

PERSONAL EXPLANATION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. HASTINGS of Florida. Mr. Speaker, on Thursday, September 11, I missed the House vote applying the same the anti-choice Hyde amendment standard to health maintenance organizations as is currently applied to traditional fee-for-service arrangements between doctors and patients. Under the 20-year-old legislation, Medicaid money cannot pay for abortions except in cases of rape or incest or when the mother's life is at stake. The new language makes it clear that the ban also applies to Medicaid treatment through HMO's. During the time the vote was held, I was moderating a Congressional Black Caucus braintrust that I initiated on environmental justice. Let me be clear—had I been present on Thursday, I would have voted against this anti-choice amendment.

INTRODUCTION OF LEGISLATION TO SPEED RISK ADJUSTMENT OF MANAGED CARE PLANS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. STARK. Mr. Speaker, how many studies do we need before we act to correct a gross taxpayer overpayment of many health maintenance organizations?

The GAO has just issued another report in the long line of papers demonstrating that the public is paying HMO's too much for the Medicare beneficiaries that they enroll. In its report entitled "Fewer and Lower Cost Beneficiaries with Chronic Conditions enroll in HMOs" (GAO/HEHS–97–160) prepared for Ways and Means Health Subcommittee Chairman BILL THOMAS, the GAO examined the mature California HMO market and found:

> About one in six 1992 California fee for service (FFS) Medicare beneficiaries enrolled in an HMO in 1993 and 1994. HMO enrollment rates differed significantly for beneficiaries with selected chronic conditions compared with other beneficiaries. Among those with none of the selected [5 chronic] conditions, 18.4% elected to enroll in an HMO compared with 14.9% of beneficiaries with a single chronic condition and 13.4% of those with two or more conditions.
>
> Moreover, we found that prior to enrolling in an HMO a substantial cost difference, 29%, existed between new HMO enrollees and those remaining in FFS because HMOs attracted the least costly enrollees within each health status group. Even among beneficiaries belonging to either of the groups with chronic conditions, HMOs attracted those with less severe conditions as measured by their 1992 average monthly costs.
>
> Furthermore, we found that rates of early disenrollment from HMOs to FFS were substantially higher among those with chronic conditions. While only 6% of all new enrollees returned to FFS within 6 months, the rates ranged from 4.5% for beneficiaries without a chronic condition to 10.2% for those with two or more chronic conditions. Also, disenrollees who returned to FFS had substantially higher costs prior to enrollment compared to those who remained in their HMO. These data indicated that favorable selection still exists in California Medicare HMOs because they attract and retain the least costly beneficiaries in each health status group.

Since we pay Medicare managed care risk contractors [HMO's] 95 percent of the average cost of treating Medicare patients in an area, it is obvious that if they do not sign up the average type of Medicare beneficiary, but sign up healthier people, then the taxpayer will end up paying the HMO's too much. Many HMO's, of course, make a fine art of finding the healthier people to enroll—and encouraging the unhealthy to disenroll. Because we do not adjust the payments to HMO's to reflect the true risk they face of providing needed health care services, risk adjustment, we overpay. We overpay HMO's billions of dollars—and as enrollment grows, the Medicare trust fund will lose an escalating amount.

At the end of my statement I would like to include in the RECORD a recent summary from the Physician Payment Review Commission, a congressional advisory panel, that further documents the problem.

The just-passed Balanced Budget Act requires HHS to begin to collect data to correct this problem and in the year 2000, implement a risk adjustment system to stop the abuse and overpayment that plagues the current program.

The GAO report is just further proof that we need to move faster—and that even a partial risk adjustment program, which can be refined later, is better than the current hemorrhage of Medicare trust fund moneys. Therefore, I am introducing today—as part of our efforts to stop Medicare waste, and in some cases fraud, a bill to require that the risk adjustment changes be implemented January 1, 1999.

This amendment will easily save $1 billion and probably more—and it will help force an end to the outrageous overpayment of those HMO's who have, for whatever reason, managed to avoid the average Medicare beneficiary.

PHASING OUT METERED DOSE INHALERS

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to take this opportunity to offer my position on an issue that I know is of great concern to my constituents in Rhode Island and the Nation at large.

The U.S. Food and Drug Administration has recently proposed regulations which would impact the lives of thousands of Rhode Islanders suffering from respiratory problems such as asthma and cystic fibrosis.

These new regulations would begin to phase out metered dose inhalers, which are used as the primary delivery apparatus of medication to over 14 million citizens with respiratory ailments. This action is being taken to help the United States implement the Montreal Protocol Treaty in which 49 countries have agreed to work toward eliminating substances that deplete the ozone layer and contribute to the effect known as global warming.

As an environmentalist, I strongly support the work of the Montreal Protocol and its goal to improve the quality of our lives by protecting our environment. Over the last 10 years, this international initiative has greatly contributed to reducing dangerous diseases like cataracts and skin cancer which are directly associated with ozone layer depletion.

Scientists have identified that chloroflurocarbons are one of the elements which cause global warming and ozone layer depletion. In accordance with the Montreal Protocol, the United States has worked to greatly reduce the presence of chloroflurocarbons in many of our daily life products such as aerosol containers and air conditioners.

Unfortunately, the FDA's proposal concerning metered dose inhalers creates a Catch-22. Some 30 million Americans, particularly children and elderly, are faced with respiratory disease which requires the use of inhalers. These medications are proven to be safe and effective by the FDA. Moreover, they are cost effective, providing many citizens, especially those in low-income situations, access to prescription medication.

Asthma, in particular, is getting the best of many of our citizens. More than 20,000 children in Rhode Island live with asthma and it is the No. 1 reason for school absences. Over 5,000 people die each year from asthma complications. As an asthmatic, I can definitively say that this is a serious public health threat.

The FDA's preliminary proposal may have a dramatic effect on the availability of affordable asthma medication. Restricting metered dose inhalers may create a situation which will decrease the ability of those with asthma and cystic fibrosis to obtain the medication that they need so desperately. As a result, the new method of medication for asthma has the potential, because of existing market forces, to be far more expensive in the next few years.

My asthma medication costs exceed $100 per month, which I am fortunate to have the ability to pay. But the families of thousands of children, as well as the elderly, are struggling to meet their prescription needs. Ironically, the FDA may be inadvertently driving up the cost of asthma medication in its attempt to implement what is essentially an excellent international treaty with noble purposes.

While I applaud the efforts and innovations of certain companies to create new forms of respiratory medication, there is a potential cost factor associated with these innovations when they first reach the market. This immediate change in potential cost, which impacts millions of working-class families, is of great concern to me.

I want to strongly encourage the private sector and the FDA to keep pushing the envelope to bring our Nation in alignment with the Montreal Protocol. But to potentially limit an approved medical product before the new ones are universally accessible and affordable is simply premature.

If the price for asthma medication rises and more children and elderly are unable to get their medication, we will have a public health crisis on our hands.

The bottom line must be the protection of public health. I would hope we can reduce chlorofluorocarbons without restricting metered dose inhaler use, which are responsible for less than 1 percent of all atmospheric chlorine in the Earth's ozone layer. Clearly, there must be another alternative to reduce global warming and chlorofluorocarbon production without harming the people we are ironically trying to protect through improved environmental quality.

The Montreal Protocol has specifically authorized essential use allowances until the year 2005 for certain products like metered dose inhalers because they are so important.

In my view, metered dose inhalers are categorically essential because so many people depend on them. That is the bottom line that we must commit to, and that is a line we should not cross until we are sure that everyone who suffers from asthma and other respiratory ailments have full access to any new products that come to the marketplace.

The Montreal Protocol is a step in the right direction. The United States should make every effort to comply with this beneficial treaty. We should also, if proven necessary, move toward a new form of respiratory medication that does not contain a chlorofluorocarbon-producing element.

Yet in our zeal, we must not throw out the baby with the bathwater. Until the new methods are proven in the marketplace, our first national responsibility must be to the millions of Americans whose lives depend on the metered dose inhalers that are available and accessible today.

HONORING THE LIFE OF STANLEY WARREN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. ACKERMAN. Mr. Speaker, I rise to honor the life and achievements of Mr. Stanley Warren, who served in the 1960's as the Assistant Director of the General Accounting Office's Defense Auditing and Accounting Division. Mr. Warren was tragically killed in a helicopter crash while serving in Korea in 1964 and is the only GAO employee ever killed on official duty.

Stanley Warren was born in Brooklyn, NY, in 1930. He graduated from the Wharton School of Business at the University of Pennsylvania in 1952. Shortly after graduation, Mr. Warren began to work at the GAO. He temporarily left the GAO to serve in the Army where he fully developed his expertise in defense-related issues. He later returned to the GAO where he continued to work until his tragic death. Mr. Warren was survived by his wife and two sons.

Mr. Warren was an extraordinary individual who sought to serve his country during a time of global instability. He served in the Army and at the GAO to ensure that his children could grow up in a safer, more peaceful world. His dedication to his work will always be admired and appreciated by his colleagues at the GAO. His love for his family will be remembered forever.

On September 29, Mr. Warren will be honored by the GAO for his years of exceptional service. The Acting Comptroller General of the United States will present a memorial statement to his wife and two sons. I ask all of my colleagues to join me in honoring his memory and thanking his family for all that he gave to our country.

COMMEMORATING THE CONSORTIUM OF PEOPLE AND INSTITUTIONS WHO CREATED THE FIRST AMENDMENT/BLACKLIST PROJECT

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. CAPPS. Mr. Speaker, I would like to take a moment to recognize the noble work of those individuals and institutions who are taking part in the development of the first amendment/blacklist project. On October 5, a fundraising event will be held in San Luis Obispo, which I represent, in order to address this important issue.

In October 1947, the House Un-American Activities Committee subpoenaed 10 filmmakers to question them about alleged subversive behavior. These filmmakers, known as the Hollywood 10 refused to testify, choosing instead to invoke their first amendment rights. They were then held in contempt of Congress and were eventually jailed and blacklisted for their refusal to testify. Over the next few years, hundreds of American citizens were accused of holding subversive political beliefs and were consequently blacklisted. The Red baiting associated with this period is now widely recognized as a horrendous abuse of official power. Today the idea of jailing American citizens for their political beliefs—or perceived political beliefs—is deemed to be an unacceptable breach of civil liberties.

On October 27—the 50th anniversary of the McCarthy hearings—individuals associated with the first amendment/blacklist project will break ground on a monument which will serve to remind future generations of this painful chapter in American history. The project will document events antithetical to American principles and our constitutionally protected freedoms.

The first amendment/blacklist project committee is composed of faculty members of the filmic writing program in the school of cinema—television at the University of California in Los Angeles. The project was begun at the suggestion of an undergraduate student enrolled in the filmic writing program, and was undertaken in recognition of the fact that many future filmmakers are unaware of the incidence of the gross misuse of power and authority which characterized the McCarthy hearings of the late 1940's. Margaret Mehring, a former director of the U.S.C. filmic writing program and a valued constituent of mine, has taken it upon herself to assure the successful completion of this project.

Since its inception, the organizing committee of the first amendment blacklist project has expanded to include screenwriters—some of whom were themselves victims of blacklisting—film historians, art museum directors and curators, and other sympathetic individuals. It is the desire of the organizing committee that this memorial serve as a reminder to future generations, rather than as a memorial to specific individuals.

The memorial will be designed by the internationally renowned artist Jenny Holzer. Holzer bases her art on the expression of language and freedom of speech. She is, therefore, an ideal candidate to design the first amendment/blacklist project memorial.

Her design has three components. The first is a circular configuration of granite benches, each inscribed with statements on essential American freedoms—including an excerpt from the bill of Rights. The second component of the memorial is a shallow well from which will emanate recordings of the congressional testimony given by the Hollywood 10. The final element of the project will be a beacon of light directed at the sky—symbolizing the illumination of this dark period in our Nation's history.

This project bears witness to the travails of those individuals persecuted during the infamous McCarthy trials of the 1940's. It is my hope—and the determination of those individuals involved with the first amendment blacklist project—that this memorial will inspire vigilance and personal responsibility, now and in the future, in exercising, upholding, and defending the civil liberties granted to citizens under the Constitution of the United States of America and the Bill of Rights.

RECOGNITION OF THE SERVICES AND SACRIFICES MADE BY THE VETERANS OF THE TERRITORY OF GUAM AND U.S. PACIFIC ISLANDERS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. UNDERWOOD. Mr. Speaker, on a recent press release, the Vietnam Veterans of America claimed that their Eighth National Convention held last August was an "historic occasion." I could not help but fully agree with this claim. Aside from the record attendance and the presence of Vice President AL GORE, this convention saw the first ever representation of Guam's veterans.

Frank San Nicolas, the president of Guam chapter 668 of the Vietnam Veterans of America, is one of Guam's outstanding Vietnam veterans. Frank has been active with the association on Guam and he took part in the convention to emphasize the role of Guam and its veterans and to focus attention on the problems currently encountered by veterans from Guam. Among the resolutions and constitutional changes adopted at the convention to outline organization's agenda for the next 2 years, one honoring the veterans of Guam was approved. I would like to submit a copy of this resolution for the CONGRESSIONAL RECORD:

RECOGNITION OF THE SERVICES AND SACRIFICES MADE BY THE VETERANS OF THE TERRITORY OF GUAM AND U.S. PACIFIC ISLANDERS

VIETNAM VETERANS OF AMERICA
EIGHTH NATIONAL CONVENTION
MINORITY AFFAIRS COMMITTEE
MA-8-97

Issues

According to the March 1993 issue of VFW magazine, 58.9 of every 100,000 males was the national average state death rate during the Vietnam War; West Virginia had the highest state death rate—84.1 for every 100,000 males. According to the 1970 U.S. Census of Guam there were 47,362 males on the island of Guam. 71 sons of Guam died in the Vietnam War. 71 out of 47,362 is a ratio of 74.9 per 50,000 or 149.8 per 100,000.

Background

There are currently 8,037 veterans of Guam who have proudly and honorably served in the Armed Forces of the United States of America in World War II, the Korean War, the Vietnam War, and the Persian Gulf War. The programs and services available to the veterans of Guam are severely limited in comparison to their comrades in the U.S. mainland as it is 3,500 miles to the nearest fully staffed VA Outpatient Clinic and over 7,000 miles to the nearest U.S. VA medical center. 3,142 Vietnam veterans reside on the island of Guam and 71 sons of Guam died in the Vietnam War, an equivalent ratio of 149.8 per 100,000 males, a proportion higher than any other State or Territory.

The island of Guam, "Where America's Day Begins," is also the first American soil reached by the repatriated remains of POW/MIA's on their journey back from Vietnam and appropriate ceremonies mark each occasion.

Position

Vietnam Veterans of America, Inc., at the national convention in Kansas City, Missouri, August 5–10, 1997, recognizes the contributions made by the veterans of Guam; and commends and salutes the Vietnam veterans of Guam for their courageous and gallant contributions to the United States of America during the Vietnam War. Furthermore, VVA strongly supports the improvement of veterans benefits and healthcare provided to veterans of Guam and other U.S. Pacific Islanders.

75TH ANNIVERSARY OF THE UNITED WAY OF THE TEXAS GULF COAST

HON. SHEILA JACKSON-LEE

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 16, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise—joining all members of the Texas delegation to the United States Congress—to recognize and congratulate the United Way of the Texas Gulf Coast on the occasion of its 75th anniversary celebration.

It is a pleasure to honor an organization whose main mission closely parallels our own, that is, to increase the organized capacity of people to care for themselves and others. We share this outlook and strive to meet it every day by encouraging citizens to work together for the common good.

To be sure, because the United Way of the Texas Gulf Coast honors and practices important principles—accountability, fairness and integrity, to name just a few—it was recognized by the United Way of America in 1996 as the first recipient of the Championing Diversity Award. The leadership the United Way of the Texas Gulf Coast demonstrates is inspirational and it brings out the best of those who share its purpose.

August 30, 1997, represented a landmark occasion for Texas in general and for the United Way of the Texas Gulf Coast in particular. We hope you will share this letter with your 80,000 volunteers and employees who are the backbone and lifeblood of the organization. Indeed, it is the United Way's rank-and-file who mobilize valuable resources to make positive contributions to our communities on a daily basis.

In honor of your 75th anniversary, a flag was flown over the United States Capitol on Saturday, August 30, 1997. Let me say, Mr. Speaker, that we are proud of their many accomplishments and we look forward to sharing and contributing to your future success.

IN MEMORY OF C.M. YONGUE OF HOUSTON

HON. KEN BENTSEN

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 16, 1997

Mr. BENTSEN. Mr. Speaker, I rise on behalf of Mr. GREEN, Ms. JACKSON-LEE, and myself to honor the memory of a constituent and a valued and respected member of the Houston community, Mr. C.M. Yongue, who passed away on September 14, 1997. C.M. Yongue was a man who truly loved his community, and his dedication to his fellow working men and women won him admiration and respect across the city of Houston.

Born on September 17, 1916, in Arcadia, FL, C.M. Yongue moved to Houston in 1976 and soon adopted it as his home. Mr. Yongue held degrees in journalism and printing from Marquette University and the Rochester Institute of Technology. He was an active citizen of the Houston community and a member of several civic clubs, The Metropolitan Organization, the Senior Senate, the Central Labor Council of the AFL–CIO, and the Houston Typographical Union Local 87. He also served as an elected member of the Harris County Democratic Executive Committee for 17 years, and on the Southeast Precinct Judges Council since its inception in 1984. He leaves a legacy of good work and grace that will be missed.

I first came to know Mr. Yongue while serving as Chairman of the Harris County Democratic Party. Shortly after I took office, C.M., his sister Mildred Yongue and other members of Local 87 came to meet with me to underscore the importance of union print shops. C.M. pulled out a Democratic Party leaflet which had apparently been printed in a non-union shop. C.M., Mildred and the others asked that, as Chairman of the Democratic Party, I see that it not happen again when a union shop could do the same job. C.M. was quite persistent and I agreed. But beyond his love for the union was his faith in democracy for all. He had an abiding commitment to making our political process work for all Americans and he worked tirelessly to encourage his fellow citizens to exercise their constitutional right to vote.

C.M. Yongue treated everyone in Houston as a family member, and now that family mourns his passing. As much as the community of Houston loved and respected Mr. Yongue, his sister Mildred has suffered an even greater loss. We share her grief as we mourn the passing of Mr. C.M. Yongue.

IN HONOR OF THE MARY T. NORTON MEMORIAL AWARD RECIPIENTS

HON. ROBERT MENENDEZ

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 16, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to three outstanding citizens who have distinguished themselves through their selfless dedication to the residents of my home State of New Jersey. Dorothy E. Harrington, Lourdes I. Santiago, and Rhoda Birnbaum will be honored as this year's recipients of the Mary T. Norton Congressional Award. This prestigious award, sponsored by the United Way of Hudson County, will be presented to these women as a tribute to their invaluable contributions to their communities, at the 62d Annual Campaign Kick-off Luncheon on September 16, 1997 at the Meadowlands Hilton.

Mrs. Dorothy E. Harrington holds the honor of accomplishing two significant firsts for women in the city of Bayonne. A native of Bayonne, Dot has the distinction of being the first woman elected to public office in the city of Bayonne. She also holds the honor of being the first woman to serve as president of the Bayonne Board of Education, from 1981 to 1986. In 1986, Dot was elected to serve as first ward council member of the Bayonne Municipal Council. Dot currently holds the position of council member at-large, to which she was elected in 1990, and re-elected in 1994. Over the years Dot has been an outstanding member of her community, and a dedicated volunteer.

Ms. Lourdes Santiago has made an exceptional commitment in serving others in her community. Ms. Santiago received her juris doctorate in 1981 from Rutgers University School of Law in Newark, NJ. Ms. Santiago has also received admission to the Supreme Court of New Jersey in 1984. In 1994 she was appointed to the supreme court task force on minority affairs and is currently serving a second term on that task force following a 1996 re-appointment. Ms. Santiago has outstandingly represented her Hispanic community as the recipient of numerous professional and community-based awards.

Ms. Rhoda Birnbaum has dedicated herself to enhancing the lives of the people in her community. As a young adult, following the example set by her parents, Ms. Birnbaum became active in social service and religious organizations. As an accountant with Arthur S.

Geiger Co., public accountants, she has provided management and accounting expertise—with member United Way organizations—to advance the health and human services agenda by expanding resources and applying them effectively to build better, self-sufficient communities.

It is an honor to have such outstanding and exceptionally caring individuals working in my district. Their dedication exemplifies the ideal of community service at its best. I ask my colleagues to join me in recognizing Dorothy Harrington, Lourdes Santiago, and Rhoda Birnbaum.

PERSONAL EXPLANATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. RUSH. Mr. Speaker, on Thursday, September 11, 1997, on rollcall vote No. 392, I was unavoidably detained. If I were present, I would have voted, "nay."

TRIBUTE TO HISPANIC HERITAGE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mrs. McCARTHY of New York. Mr. Speaker, on September 15, 1997, our Nation will celebrate National Hispanic Heritage Month to commemorate the achievements of Hispanic-Americans. Since the foundation of this Nation was laid, Hispanics have played an active role in determining the direction of our country. From Joseph Marion Hernandez, the first Latino Member of Congress, sworn into office in 1822, to Bill Richardson, ambassador to the United Nations, Hispanics have made their voices heard.

In politics, it was Senator Joseph Montoya of New Mexico and Congressman Edward R. Roybal of California who played an active role in getting the Voting Rights Act of 1965 signed into law. They pushed to get rid of a poll tax which kept many Hispanic and other minorities from voting. Because of their perseverance, today all individuals are able to vote.

In recent years, Hispanics, in increasing numbers, have been appointed as state officials, cabinet secretaries, mayors, county and municipal officials, and school board members. In 1988 Lauro Cavazos became the first Hispanic Cabinet Member when former President Ronald Reagan appointed him Secretary of Education. Other political appointees include Katherine Ortega who was appointed U.S. Treasurer under Ronald Reagan; Henry Cisneros who became the Secretary of Housing and Urban Development under President Bill Clinton; and Antonio C. Novello who, in 1990, became the Nation's first Hispanic surgeon general. Today, there are 19 Hispanic Members represented in the 105th Congress, two of which represent New York.

Hispanics are also making great strides in education. Since 1990, an ever-growing number of Hispanics have pursued higher education. Hispanic organizations such as the American GI Forum of the United States and the League of United Latin American Citizens have contributed to this influx. Thanks to these organizations and the dedicated individuals who run them, more Hispanics are becoming doctors, lawyers, scientists, teachers, and business owners throughout the Nation. Franklin Chan-Diaz spoke to TV viewers from the space shuttle Columbia in 1986, becoming the first Hispanic to enter space. In 1995, Mario Molino shared the Nobel Prize in chemistry for work that led to an international ban on chemicals contributing to the depletion of the ozone layer.

The cultural contributions Hispanic-Americans have made in literature, music, art, television, and athletics are also overwhelming. Who can forget the harmonious sound of Gloria Estefan's voice at the 1996 summer Olympic games? Or Roberto Clemente, one of America's greatest baseball players, who in 1973 was the first Hispanic to ever be inducted into the National Baseball Hall of Fame? These men and women are only a few examples of the thousands of Hispanic-Americans who have dedicated their lives to making this country as wonderful as it is.

I invite all people, Hispanics and non-Hispanics alike, to take part in the festivities of Hispanic Heritage Month beginning on September 15, 1997 and ending on October 15, 1997. Through this celebration, individuals will have the opportunity to educate themselves about Hispanic culture and all that it has meant to America. Throughout our history, Hispanic-Americans have left an indelible mark. Hispanic-Americans have helped make this country a true melting pot, one which combines different backgrounds for the enrichment of the American soul.

TRIBUTE TO DR. CARROLL CANNON

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. FILNER. Mr. Speaker, I rise today to honor a friend and longtime member of the San Diego educational community—Dr. Carroll Cannon. Dr. Cannon died on Sunday, September 7, 1997 at the age of 80.

As well as a lifelong interest in education, he also had a passionate interest in international affairs—and he traveled throughout the world promoting world peace. He authored the book, "Shaping Our Future Together: the U.S., the U.N. and We, the People" and was in the process of writing his autobiography, "Born to Grow, From Local Village to Global Village," at the time of his death.

He received his bachelor of arts degree at Harding University in Searcy, AR, where he met his wife, Nona. He earned masters of arts degrees from Pepperdine and New York Universities and his Ph.D. at New York University.

Dr. Cannon served for 14 years at California Western University [CWU] from 1958 until 1972, becoming provost in 1965. He was named provost emeritus of the CWU and the U.S. International University in 1992. His earlier days in education were spent as an administrator and teacher from elementary school through college. Carroll and Nona were instrumental in developing the first junior college in Japan in the early 1950's.

Dr. Cannon's support for the United Nations dates back to 1945 when he witnessed the signing of the U.N. Charter in San Francisco. He served as president of the San Diego County chapter of the United Nations Association from 1978–1982, and he became national chairman of the Council of Chapter and Division Presidents of the association in 1983. He attended the ceremony which marked the 50th anniversary of the signing of the U.N. Charter, also in San Francisco. He participated in the U.N. World Conference on Human Settlements in Vancouver and on Women in Copenhagen. He and his wife were often introduced in numerous speaking engagements for the United Nations as the "Cannons for Peace".

At the time of his death, he had become a respected local voice for world peace. Friends knew Dr. Cannon as one of the most gracious, loving, and caring individuals they were privileged to know—and a true world peace patriot.

My thoughts and prayers go out to his wife, Nona, to his two daughters and three grandchildren, to his friends, and to the larger community which was touched by his presence. We will all miss him.

THE PASSING OF C.M. YONGUE

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise before the House this evening to express my deepest regrets for the loss of a colossus of an American activist in Houston, TX. His life, his legacy of tireless public service, are forever encapsulated in the minds of the many people that he served. Mr. C.M. Yongue was a man dedicated to the proposition of crafting a better society for all.

I want to give my deepest condolences to Mr. Yongue's loving sister, Mildred M. Yongue, and his numerous cousins. As an unwavering activist and Democratic Party executive member, Mr. Yongue served as a champion of Democratic Party politics and laborers in the community. I am deeply saddened by his loss and know that we will surely not be privileged enough to see his like again.

Mr. Yongue was lovingly as popular as he was effective. He served for 17 years as precinct judge of precinct 607. He worked as a union printer and was very proud of the work that he accomplished. In fact, he worked in over 50 newspapers across the country. Mr. Yongue was involved in the metropolitan organization which worked with communities. In fact, September 20, 1996, was declared C.M. and Mildred Yongue Day by the mayor of Houston. Mr. Yongue was a member, for 12 years, of the senior senate of the Galveston-Houston diocese of the Catholic faith and served as the chaplin of the Southeast Precinct Judges Council. Mr. Yongue also served as a member of the Harris County Office of Aging Committee which made recommendations on the elderly to the Office of Aging for Harris County. He lived as a resident of Houston for 21 years.

Only time itself will truly allow us all to appreciate this great man and the magnitude of his social contribution. In joining my colleague, Congressman KEN BENTSEN, it is my privilege to duly recognize the lifelong service and contribution of a great American. Let me simply say, on behalf of the 18th Congressional District and the city of Houston, thank you, C.M. Yongue, thank you for your service to your community and the city of Houston. Thank you for all of us.

HOUSE OF REPRESENTATIVES—*Wednesday, September 17, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. CALVERT].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 17, 1997.

I hereby designate the Honorable KEN CALVERT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Through all the trials and tumult that divide the human family and in all the joys and celebrations that bring people together, Your Word of love, O God, is a beacon of hope and a source of comfort and solace. For better or worse, for richer or poorer, and in all the circumstances of life, Your Word unites us and makes us whole. Because of Your everlasting gifts to us, O God, we are grateful for this new day and move forward in the faith and in the hope that You have given to us. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. CALVERT). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MILLER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. BROWN] come forward and lead the House in the Pledge of Allegiance.

Mr. BROWN of Ohio led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment, a bill of the House of the following title:

H.R. 63. An act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake".

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 308. An act to require the Secretary of the Interior to conduct a study concerning grazing use and open space of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges;

S. 931. An act to designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center;

S. 965. An act to amend title II of the Hydrogen Future Act of 1996 to extend an authorization contained therein, and for other purposes;

S. 1026. An act to reauthorize the Export-Import Bank of the United States; and

S. Con. Res. 45. Concurrent resolution commending Dr. Hans Blix for his distinguished service as Director General of the International Atomic Energy Agency on the occasion of his retirement.

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the Canada-United States Interparliamentary Group during the 1st Session of the 105th Congress, to be held in Nova Scotia and Prince Edward Island, Canada, September 11–15, 1997:

The Senator from Alaska [Mr. MURKOWSKI], Chairman;

The Senator from Utah [Mr. HATCH];

The Senator from Iowa [Mr. GRASSLEY];

The Senator from Indiana [Mr. COATS];

The Senator from Ohio [Mr. DEWINE]; and

The Senator from Wyoming [Mr. ENZI].

MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I have a preferential motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 43, nays 355, answered "present" 1, not voting 34, as follows:

[Roll No. 400]

YEAS—43

Allen
Andrews
Baldacci
Becerra
Berry
Brown (OH)
Coyne
Davis (FL)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Eshoo
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Hastings (FL)
Hefner
Jefferson
LaFalce
Lewis (GA)
Lowey
Martinez
McDermott
McNulty
Miller (CA)
Mink
Olver
Owens
Pallone
Pelosi
Slaughter
Stupak
Tierney
Towns
Vento
Waters
Waxman
Woolsey

NAYS—355

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Wynn
Young (FL)

ANSWERED "PRESENT"—1

Pryce (OH)

NOT VOTING—34

Ackerman
Barton
Bonior
Brown (CA)
Chenoweth
Conyers
Crapo
Dellums
Dixon
Flake
Foglietta
Furse
Gonzalez
Hilliard
Hostettler
Houghton
Inglis
Istook
Kaptur
Livingston
McCrery
McInnis
Moran (VA)
Norwood
Reyes
Riggs
Roybal-Allard
Rush
Sanders
Schiff
Taylor (NC)
Wise
Yates
Young (AK)

□ 1022

Mr. PARKER, Mrs. CUBIN, and Messrs. REDMOND, SHADEGG, KINGSTON, SUNUNU, GILCHREST, PETERSON of Pennsylvania, and EHLERS changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, on rollcall vote 397 from yesterday, I inadvertently missed the vote. Had I been present, I would have voted "yes."

THE JOURNAL

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, yesterday on rollcall 398, I was detained in traffic and missed the vote. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minutes on each side.

APPROVE LOW-DOSE IRRADIATION FOR RED MEAT

(Mr. GANSKE asked and was given permission to address the House for 1 minute.)

Mr. GANSKE. Mr. Speaker, some people oppose vaccination for small pox, some people oppose pasteurization to kill TB in milk, some people oppose chlorination to kill bacteria in water, and some people oppose fluoridation of water for healthy teeth. Now we have the FDA sitting on approval for low-dose irradiation to kill bacteria in red meat, in hamburger. For 4 years they have done that. The FDA has already approved low-dose irradiation as safe and effective for spices, vegetables, fruits, chicken, and pork. Why not hamburger? Low-dose irradiation does not cause food to become radioactive. It does kill salmonella, tapeworms, and E. coli. In my opinion, the FDA taking 4 years to approve low-dose irradiation of red meat puts them right there with those critics of vaccination, pasteurization, chlorination, and fluoridation.

□ 1030

PROBLEMS AT THE POST OFFICE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Martha Cherry, a letter carrier for 18 years, has been fired. The Postal Service said, "Your stride is too short." If that is not enough to put a runner in your pantyhose, check this out.

According to the Postal Service, they wrote in the report that the heels of your leading foot did not pass the toe of your trailing foot by more than 1 inch, thus it took you 10 minutes longer to deliver the mail.

Beam me up, Mr. Speaker. Is this the KGB or the Postal Service? The truth is, these postal managers could not deliver their way out of a paper bag. I believe they do not even know their heads from their assets. I say the Congress should join with Martha Cherry and give her a hand in putting her 13-inch goose step right up their gestapo tactics.

After all, I admit the Postal Service has a problem, but it is not Martha Cherry's footwork.

I yield back the balance of all this chicanery.

NATIONAL DEBATE ON TAX CODE

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, the way this Congress balanced the budget was in 1994 in the Contract With America, we set the date on which we would balance the budget, 2002, then we began a great national debate on how we would accomplish that.

My friends, we need to do the exact same thing in reforming our Federal Tax Code. Yesterday I filed legislation that would sunset the entire Federal Tax Code absent Social Security and Medicare effective December 31, 2000. That action by this Congress in giving the President that bill this year will begin a great national debate. We will have the opportunity to listen to the American people on whether they want a flat income tax, a national sales tax, a match tax proposed by the Cato Institute or some other approach.

But the important thing is to begin that debate. But sunsetting the IRS Code, by passing that legislation this year, the debate can begin. The starting gun will go off. I think it will be a great experience to go to this country, to listen to the American people, to get their views. I hope my colleagues will join with me in this important historic national effort.

SUPPORTING THE EXPORT-IMPORT BANK

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, our first job in Congress must always be to do everything we can to defend and create American jobs. Yet the charter of one of the strongest tools in our job creating arsenal, the Export-Import Bank, runs out on September 30. Why should we care? We should care because European-based Airbus, which receives substantial export support from France, Germany, and Britain, is as we speak trying to steal international clients from American-based Boeing.

Airbus is openly telling Boeing's customers that congressional inaction is evidence they can no longer rely on the U.S. Export-Import Bank to keep providing the backing for their transactions. Boeing has thousands of suppliers spread across the country, 72 of them in my home State of New Jersey. Each one of those suppliers supports families and homes and school tuition for hard working Americans.

I am here today with my distinguished colleague the gentleman from Illinois [Mr. HASTERT], the chief deputy Republican whip, because this is not a partisan issue, it is an American issue, it is a jobs issue. For these reasons, it is an issue that should move to the top of the agenda and on to the House floor.

EDUCATION A PRIORITY FOR ALL

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, education is the priority for all of us. There is a lot more to education though than just putting more money in it. Sometimes this body appears to confuse that.

Let us say, for instance, school structure. I could not be prouder than I am of the city of Chicago, which only a few years ago had some of the worst schools in the country, and working with the Democratic mayor, working with the Republican legislature, they put a new structure in place which has reduced crime, put out a core curriculum, and has increased test scores several times over.

They are really moving in the right direction. I am also proud of this body. Yesterday we voted the Goodling amendment. The teachers in my district have told me very plainly, we do not need to test and test and test. I guess my question is, like a farmer, if you test too many times, it is like weighing your cow every day. It does not do any good.

The Republicans, I believe, have the right idea for education and we need to keep pursuing it.

SOLIDARITY IN ORANGE COUNTY

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, during the August recess I joined over 2,000 of my constituents to rally in support of human rights and democracy in Vietnam. We marched in protest of the recently reported human rights abuses and religious oppression by the Government of Vietnam.

In response to high taxes and official corruption, uprisings have begun in the provinces of Vietnam. And what was the response of the Vietnamese Government to these protests? Well, reports indicate that the Vietnamese Government has dispatched security forces and arrested hundreds of these protesters, and the farmers have also been forcibly removed from their land by the special police.

Last month I joined my constituents in sending a strong message to Hanoi, a message that these injustices will not be tolerated, a message that the Government must obey, respect and honor human and religious rights in Vietnam.

I urge the administration to ensure that the protection of religious practice and freedom of expression remains key in any policy towards Vietnam.

THE 50TH ANNIVERSARY OF THE FREEDOM TRAIN

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, exactly 50 years ago today on September 17, 1947, the Freedom Train began its historic 16-month tour across the United States. This special train, commonly known as the Spirit of 1776, carried over 100 historic documents to hundreds of communities in all of the then 48 States.

More than a rolling museum, the Freedom Train was a 16-month experiment in civic awareness that provided a vivid reminder of the greatness of America's heritage to a nation still recovering from economic depression and world war.

Imagine what it must have felt like to see the Freedom Train rolling into your hometown in 1947 and open its doors to reveal original documents like the Magna Carta, the Mayflower Compact and the Declaration of Independence. The Freedom Train's tour logged more than 37,000 miles.

Today railroading enthusiasts across the country pause to pay tribute to this unique train and to its enlightened mission to renew pride in our Nation's founding principles.

I would like to give special thanks to Mary Jayne and John Z. Rowe, two Virginians who have worked tirelessly to ensure that the special story of the Freedom Train will never be forgotten.

THE HOUSE SCHEDULE

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DeFAZIO. Mr. Speaker, I know many people wonder what takes precedence here in Washington, DC. It is kind of puzzling when you watch the House in session. Is it the 13 unfinished appropriations bills, the bills that will fund every part of the Government for the next fiscal year, which are due on the first of October? Not a one has been passed? Can we avoid another Government shutdown? Is that a crisis we should be working on day and night?

No, that is not it.

How about repeal of the special $50 billion tax break snuck into the tax bill for the tobacco industry? Does that take precedence?

No.

There is one simple thing. The House is adjourning at 4 p.m. today, a day on which we usually work late into the night, with all its business pending, for the thing that always drives this body and is driving the majority party. Campaign finance reform will not be heard, but they will be raising money in New York.

They are going to New York. They have got corporate jets coming to pick them up. They are going to New York to raise money. We are adjourning early today and the people's business will not be done so they can go to a $10,000 a plate fund raiser.

STONEWALLING CAMPAIGN FINANCE REFORM

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCARBOROUGH. Mr. Speaker, my goodness. Thank God the liberals have never raised money in New York City. You know, it is interesting, the last speaker shows us the nature of the Democrat's complaints in the past. Here we have somebody complaining about us adjourning at 4 o'clock, when he voted at 10 o'clock to adjourn. I do not understand it. Do you like 10 o'clock better than 4 o'clock?

By gosh, this is the same Democratic Party that complains about campaign finance reform, and complains about not being able to trace soft money, when the same people that come here get over $500,000 from unions that we could not trace for 6 months. We finally traced it. They are getting more money that you cannot trace than I got in my entire TWO campaigns, and yet they are saying we must do something to trace soft money.

Mr. Speaker, it is absolutely ridiculous. That is why the New York Times this past weekend attacked the DNC for stone-walling campaign finance reform. They attacked the DNC for not doing enough to really clear this up. Stop changing the subject.

FIGURES ON CAMPAIGN FINANCE REFORM

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, our Speaker, Speaker GINGRICH, is fond of numbers. Here are new numbers on campaign finance reform.

Zero. Never has the Republican majority brought campaign finance reforms to the floor of the House for a vote.

Two. Twice in this past decade Democrats passed campaign finance reforms, only to see them vetoed by a Republican president.

Twenty-eight. It has been 28 months since Speaker GINGRICH and President Clinton shook hands promising campaign finance reform.

Two hundred sixty-five. In the 1996 election cycle, both parties raised $265 million in soft money.

Finally, 4:30. At 4:30 this afternoon, NEWT GINGRICH and the Republican Party will fly in private planes to New York to raise money for the party, insisting that we have no time for campaign finance reform.

USE OF UNION DUES FOR POLITICAL PURPOSES

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, it is interesting that they want to change all the campaign laws, when the Democrat Party has had trouble keeping the laws we have on the books today.

But here is an issue that you will not hear many of the liberal colleagues discuss when speaking so passionately about campaign finance reform. It is the use of union dues for political purposes.

During the last election, the AFL–CIO spent a minimum of $35 million in an unprecedented effort to buy Congress. This money came from the paychecks of American workers through special assessments of local unions, and yet national polling tells us that 40 percent of the union workers did not agree with the way their money was being spent.

Thomas Jefferson said, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical." Later on, in 1988, the Supreme Court said in its Beck decision that the use of compulsory dues and fees for purposes "beyond those necessary to finance collective bargaining activities violated the judicially created duty of fair representation."

I welcome the AFL–CIO's involvement in the political process. They should however respect the rights of their members. Let us free up the paychecks of American workers.

Union workers should be allowed to voluntarily participate in politics. Not against their will but voluntarily. And no campaign reform is acceptable without freeing the paychecks of American workers.

A TRIP TO WALL STREET

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, there is nothing more important for this Congress to consider than campaign finance reform. The American people ask for it, the President asks for it, and Members of this Congress support it. Two years ago the President and the Speaker shook hands on it.

Mr. Speaker, this year, many of us sent a letter to the Speaker, a reminder, asking for consideration of campaign finance reform within 100 days.

One hundred days have come and gone, and this leadership refuses to act. Instead, they are closing down all business in the House so they can go to New York for a fundraiser. That is right. Tonight the House will close early, very early, so Republicans can go and raise more money, hundreds of thousands, millions of dollars.

Mr. Speaker, this is no way to represent the American people. We deserve better. Bring campaign finance reform to this floor and stop stonewalling.

CONGRATULATING THE UNIVERSITY OF NEVADA LAS VEGAS ON ITS 40TH ANNIVERSARY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today, I rise to congratulate the University of Nevada Las Vegas, which this month begins its 40th year of providing quality education to the citizens of Nevada.

The University of Nevada Las Vegas began in 1957 as the Nevada Regional Division of the University of Nevada, and in its first year of existence, UNLV consisted of only one building on 80 acres of desert land with a total enrollment of 498. Today, the university includes more than 60 structures, spanning 335 acres, and has an estimated 20,000 students enrolled this fall.

With an unyielding commitment to academic excellence and the support of the people of Nevada, UNLV now claims over 35,000 alumni.

□ 1045

Mr. Speaker, I would like to congratulate President Harter on this great achievement and wish the University of Nevada Las Vegas, every continued success in the future.

VOTE "NO" ON FAST TRACK

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, what is the hurry? Before we rush headlong into another trade agreement that costs American jobs and endangers America's food supply, let us slow down. Before passing fast track, let us fix the North American Free Trade Agreement, some of its biggest problems. Twelve thousand trucks a week cross the border from Mexico into the United States, yet only 1 percent of those trucks are inspected and half of the trucks that are inspected fail the safety test.

Since NAFTA was passed in 1993, there has been an increase of 45 percent in the amount of frozen and fresh fruits and vegetables that have crossed the border and passed into the United States, yet less than 1 percent of those foods are inspected at the border.

Mr. Speaker, let us slow down on fast track. Let us protect our food supply, let us keep our highways safe. Vote "no" on fast track.

PARENTAL INVOLVEMENT AND COMPETITION FOR EDUCATION

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I find it fascinating to listen to some of the discussion over the last several weeks about education, and I think those who have been watching on C–SPAN see the real differences between Republicans and Democrats. The

Democrats invariably talk about more money for education; principally, more Federal money for local education. But Mr. Speaker, if more money alone were the answer, Washington, DC, would have the best schools in America. We are spending about $9,000 per student on the schools here in Washington, DC.

Now, we obviously need to make certain that our schools have adequate resources. What we really need, however, is to encourage parental involvement and use the miracle of the marketplace. Competition works. The best way to improve poor schools is to give poor parents the same choices that the wealthy have.

NATIONAL REHABILITATION AWARENESS WEEK

(Mr. CAPPS asked and was given permission to address the House for 1 minute.)

Mr. CAPPS. Mr. Speaker, I rise to call attention to the fact that this is National Rehabilitation Awareness Week throughout the country. Across the country, we are taking time this week to thank the many therapists in the rehabilitation institutes for the good work that they do, for lives that have been brought back together because of that good work.

I am a personal testimony to this. I want to call special attention to the work of the Santa Barbara Rehabilitation Institute that put my life back together; not just my body, but heart, mind, and soul. I want to thank all of the therapists there, the drivers of the vans, and I brought my football today, because when I started that therapy, I could not throw the football, now I can. As a tribute to them and a tribute to National Rehabilitation Awareness Week, I want to show what kind of work we can do.

CONSTITUTION DAY

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, "We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain in this Constitution for the United States of America."

It was 210 years ago today that 39 courageous individuals signed that document and began the ratification process.

It has been fascinating for me to sit here, Mr. Speaker, listening to these speeches and watching the greatest deliberative body known to man proceed with its work, and it is important that we note this very, very important Constitution Day, and it is also Peggy Sampson's birthday back in the Cloakroom.

IMPORTANT DEPARTMENT OF EDUCATION INITIATIVES ARE BEING THREATENED

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the last Congress my colleagues on the other side of the aisle tried to close down the Department of Education. The American people said no. Democrats in this House said no.

But having failed to shut down the department in one fell swoop, my Republican colleagues are now trying to shut down the Department of Education office by office. Today, we will vote on an amendment that would take billions of dollars away from the Department of Education.

Let me tell my colleagues what this amendment would eliminate, initiatives that have proven to work: Safe and drug-free schools. The school-to-work program. Educational technology challenge grants. Goals 2000. These are programs that are working in our schools today. Instead of targeting funds to where they are needed most, this amendment would spread them around to schools whether they are needed or not.

Democrats in this House are standing up for America's children, fighting the Republican assault on this Nation's commitment to education. Reject the Hoekstra amendment.

TRIBUTE TO JIM PACE

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, I rise today to pay tribute to Jim Pace, a constituent of mine from Whatcom County who is retiring today. Jim Pace worked as a veteran service officer for the American Legion in Whatcom and Skagit Counties. Through Jimmy's efforts, innumerable veterans, ready to give up on the system, found help and the benefits they deserve.

His first action was to organize a parade in Whatcom County that served as a homecoming for Vietnam's veterans. "I had a purpose in life," Jim said. "I could not bring back any of the 158,000 soldiers who were killed in Vietnam, but I could help those who came home."

Among Jim's many accomplishments is Operation We Remember which brought disabled veterans to the Vietnam Memorial here in Washington. The veterans of the Second District and I personally will miss Jimmy's energy and compassion, and wish him the best of luck in his retirement.

MOTION TO ADJOURN

Ms. DELAURO. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore (Mr. CALVERT). The Clerk will report the privileged motion.

The Clerk read as follows:

Ms. DELAURO moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentlewoman from Connecticut [Ms. DELAURO].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. DELAURO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 39, nays 364, not voting 30, as follows:

[Roll No. 401]

YEAS—39

Allen
Andrews
Berry
Bonior
Brown (OH)
Conyers
Coyne
Davis (FL)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Eshoo
Filner
Frank (MA)
Gejdenson
Gephardt
Gutierrez
Kaptur
Lowey
McDermott
McNulty
Miller (CA)
Mink
Ney
Olver
Owens
Pallone
Pelosi
Slaughter
Stupak
Tierney
Torres
Towns
Vento
Waters
Woolsey

NAYS—364

Abercrombie
Ackerman
Aderholt
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Dellums
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Flake
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode

Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren

Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meek
Menendez
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Northup
Norwood
Oberstar
Obey
Ortiz
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema

Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—30

Armey
Becerra
Boehner
Brown (CA)
Castle
Diaz-Balart
Fawell
Foglietta
Furse
Gonzalez

Jefferson
Johnson, Sam
Kolbe
Largent
Leach
Martinez
Meehan
Metcalf
Moran (VA)
Nussle

Oxley
Rangel
Reyes
Rohrabacher
Schiff
Souder
Talent
Waxman
Wise
Yates

□ 1115

Mr. KILDEE and Mr. NADLER changed their vote from "yea" to "nay."

Mr. OLVER changed his vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman will state his inquiry.

Mr. MENENDEZ. Mr. Speaker, I have a parliamentary inquiry that goes to the integrity of the House.

My question is, Could the Speaker advise the House of that provision of the rules which prohibits former Members of the House from coming onto the House floor and lobbying when they have a direct personal or pecuniary interest in a matter pending before the House?

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXXII, former Members have the privileges of the floor or rooms leading thereto subject to the provisions of clause 3 of that rule.

Mr. MENENDEZ. And that is the controlling provision as it relates to former Members not lobbying in the House in that respect, Mr. Speaker?

The SPEAKER pro tempore. The gentleman is correct.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2264.

□ 1118

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. BARRETT of Nebraska, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, September 16, 1997, amendment No. 41 by the gentleman from Michigan [Mr. HOEKSTRA] had been disposed of and section 515 was open for amendment.

Are there further amendments to this section of the bill?

PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his inquiry.

Mr. MENENDEZ. Mr. Chairman, what rules of the House permit a former Member of the House to accost verbally another Member of the House on a matter that affects that Member?

The CHAIRMAN pro tempore. The Chair is not aware of any such rule that permits that.

Mr. MENENDEZ. Well, Mr. Chairman, what procedure does a Member of the House have when they are accosted by a former Member of the House to have that Member removed?

The CHAIRMAN pro tempore. The Chair will consult with the gentleman on that question.

Mr. MENENDEZ. Well, I would like an answer, because I have just had Mr. Dornan, a former Member of this House, come up and verbally accost me. And I do not expect in the greatest democratic institution in the world to have to take what my foreparents did not do, in a country in which they left to avoid, is that to have to come to this body and listen to a former Member of the House proceed in that way and to use words that were both profane and at the same time to use words that were demeaning.

So I want to know, in public, what procedure do we have to not have that type of action happen on the House floor?

The CHAIRMAN pro tempore. The Chair will consult with the gentleman and the Sergeant at Arms on that question.

Mr. MENENDEZ. Further parliamentary inquiry, Mr. Chairman.

If in fact a Member of the House, a present Member of the House, were to make comments that were inappropriate, their words could be taken down. They would not be allowed to speak. I want to know whether or not there is a procedure existing that in fact will create the opportunity to not have this type of occurrence that happened on the House floor.

The CHAIRMAN pro tempore. The Chair can direct and will direct the Sergeant at Arms to maintain decorum in the House.

Mr. MENENDEZ. And I will hold the Chair to that expectation.

The CHAIRMAN pro tempore. I thank the gentleman.

AMENDMENT NO. 67 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. LOWEY:

Amendment No. 57: Page 102, after line 24, insert the following new section:

SEC. 516. Subsection (k) of section 9302 of the Balanced Budget Act of 1997, as added by section 1604(f)(3) of the Taxpayer Relief Act of 1997, is repealed.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The point of order is reserved.

Mr. PORTER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. The point of order is reserved.

POINT OF ORDER

Mr. HOYER. Mr. Speaker, the Member continues to be harassed and that is not consistent with our rules.

The CHAIRMAN pro tempore. Former Members are requested to observe the rules.

The gentlewoman from New York [Mrs. LOWEY] may proceed.

Mrs. LOWEY. Mr. Chairman, I am offering this amendment with the gentlewoman from New Jersey, Mrs. MARGE ROUKEMA, my distinguished colleague and coauthor of this amendment, who has been an important leader on this issue.

I am offering this amendment today to repeal a disgraceful giveaway to the tobacco industry that was slipped into the budget bill at the last minute. The other body voted 95 to 3 to repeal this provision last week, and I introduced legislation to repeal this provision that has over 60 cosponsors from both sides of the aisle.

Mr. Chairman, the Republican leadership slipped this infamous $50 billion tobacco tax giveaway into the budget bill in the middle of the night. Now we are going to shine a spotlight on this provision and see who will stand with the American people and who will stand with the big tobacco companies.

At the heart of this issue is the understanding that American taxpayers should not be subsidizing big tobacco companies, but that is exactly what has happened. When asked about this provision, Kenneth Kies, the staff director of the Joint Committee on Taxation, said, "The industry wrote it, submitted it and we just used their language."

This is unacceptable. The Congress should be passing laws to protect the health of all Americans; it should not be lining the pockets of the tobacco industry.

Tobacco products, Mr. Chairman, kill 400,000 Americans every year. Americans spend $50 billion each year to respond to the adverse health effects of smoking. Every day more than 3,000 American teenagers start smoking. One in three will die from cancer, heart disease and other illnesses caused by smoking. American taxpayers, Mr. Chairman, should not be subsidizing this deadly product.

I urge all of my colleagues to stand up for the health of the American people and vote for this amendment.

Mrs. ROUKEMA. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentlewoman from New Jersey, the coauthor of this amendment.

Mrs. ROUKEMA. Mr. Chairman, I thank my colleague from New York and really appreciate this opportunity. I will ask for my own time later, but I do want to commend her for approaching this subject and really make a presentation to our appropriators, the ranking member and the chairman.

Mr. Chairman, I have got to say that this is a very important amendment. This is a relevant issue; relevant because the President today is making a presentation on the tobacco pact, relevant because just last week the Senate past the identical provision to the identical bill.

I would suggest, and here I do not want to be too facetious, and I do not intend to be a William Weld here. I believe in following the rules and normal procedures of the House. But what we are asking here today of the appropriators is that we be given permission under this circumstance to use the rules of the House where waivers are permitted for this very particular issue that is high profile. This amendment is relevant and is an answer to our taxpaying public that we are not giving a tax favor to the tobacco industry on the backs of the taxpayers of this country.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the distinguished ranking minority member, the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, this amendment is not in order under the rules of the House. It is a nongermane amendment. Unlike the other body, this House does have rules which relate to germaneness. I do not think either I or the gentleman from Illinois [Mr. PORTER] want to stand in the way of getting something done which is obviously the will of the House, but we have a long way to go on this bill.

The Durbin amendment, make no mistake about it, is going to be accepted in conference. I congratulate both of the gentlewomen for being interested in this, and I would be willing to withdraw my reservation if we have an understanding that this is going to take very little time of the House today. If we are going to debate something for a considerable period of time, and we have a tight schedule with many other Members who have noticed germane amendments, then I would be constrained to object, even though I do not want to.

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I would be delighted to yield to the chairman, the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would say to the Members that the day that Senator DURBIN offered and passed the amendment in the Senate, he came to me and asked me if I would do everything possible to see that it was sustained in conference, and I assured him that I would.

□ 1130

I assured him, also, that I was certain that the conference would sustain the position of the Senate on this disgraceful tax giveaway to the tobacco industry that should never have found its way into earlier legislation.

My colleague, the gentleman from Wisconsin [Mr. OBEY], is correct, this is not a matter that is germane to this bill. But in a broader sense, it really is. Tobacco causes many of our health problems in this country, and I think it is appropriate that we address this matter in our conference and end this tax giveaway.

If this amendment were to be adopted, there would be identical provisions in both the House and Senate bills. The provision would not be suspect to conference. The provision would be accomplished without any further discussion.

The CHAIRMAN. The time of the gentlewoman from New York [Mrs. LOWEY] has expired.

(On request of Mr. PORTER and by unanimous consent, Mrs. LOWEY was allowed to proceed for 5 additional minutes.)

Mr. PORTER. Mr. Chairman, if the gentlewoman will continue to yield, I feel, as the gentleman from Wisconsin [Mr. OBEY] does, that if we can expeditiously finish this matter very quickly on the floor in this bill, that is a proper way to proceed.

Finally, Mr. Chairman, let me say that the gentlewoman from New Jersey [Mrs. ROUKEMA] and the gentlewoman from New York [Mrs. LOWEY] have shown tremendous leadership on this issue. I am delighted that both of them can offer this amendment together, and I hope that we can wind up debate very quickly and allow this to become a part of our bill.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I thank the chairman, and I am delighted to yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, let me say that I think every thoughtful Member of this House understands what happened on the tax bill was an outrageous sneak play which delivered an illegitimate benefit to an industry that is not entitled to it. I would insist on its being eliminated and the Durbin amendment being accepted even if this amendment were not offered.

But in the interest of driving home the message and saving time, I would be willing to withdraw my objection and support the amendment under the conditions that we just described.

Mr. DOGGETT. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, it is correct that this particular provision was tucked in under a title of the balanced budget amendment, the balanced budget agreement, somewhere around page 300 or 400, under the misleading title of Technical Amendments to Assist the Small Business Protection Act. And the small business that was protected here was the tobacco industry.

I have been on this floor on a number of occasions prior to this morning asking that the removal of this $50 billion tax giveaway be scheduled on the same day that we have reform of the soft money provisions in campaign finance, because I do not think it is a coincidence that the No. 1 soft money contributor to the Republican Party is Philip Morris, the No. 2 contributor is R.J. Reynolds. And I do not think it is a coincidence that this morning if we conducted a political paternity test, we could not find anyone willing to take the test.

This provision did not appear in this bill through divine intervention. It occurred because of the involvement and the corruption of our political system. Not one minute, not one second was devoted on the floor of this House or the U.S. Senate to debate this provision. It was wrong. It is the very kind of thing that the people of America are caused to be most cynical about this institution.

So I am pleased that we are taking the leadership to remove it, but we ought to get at not only the symptom, the $50 billion tax break. It is a symptom of the corruption of this system. We ought to get at the source and the cause, and that is the interference and corruption, not only by the American tobacco industry, but by others.

Every American ends up paying through tax breaks just like this that get stuck into this legislation because the soft money political system is corrupt and it is wrong. And until Speaker GINGRICH comes out here and schedules it for debate, this kind of thing will keep recurring again and again and again, and we will be forced to come to the floor to undo it whenever we find out about the fact that we are facing $50 billion tax breaks.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, again I am very pleased that the chairman and the ranking minority member are in support of this amendment that my colleague, the gentlewoman from New Jersey [Mrs. ROUKEMA] and I are offering. We expect that this amendment will be accepted by the committee as we move forward in the process.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The Chair would inquire, does the gentleman from Illinois withdraw his reservation of a point of order?

Mr. PORTER. Mr. Chairman, I am concerned that we are going to get off the subject, as we did just a moment ago, and this will turn into a long and lengthy debate. I do not want that to happen. If it does, I would insist upon my point of order. Can I continue to reserve that point?

The CHAIRMAN pro tempore. The gentleman from Illinois may continue to reserve his point of order.

Mr. PORTER. I continue to reserve.

Mrs. ROUKEMA. Mr. Chairman, could there be an agreement on the time limit rather than a point of order? Is that possible?

Mr. PORTER. It is certainly possible if we ask unanimous consent. I have not consulted either side as to what time they might want. Let me ask.

I ask unanimous consent that all debate on this amendment and all amendments thereto cease in 10 minutes, with 5 minutes to the majority and 5 minutes to the minority.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mrs. ROUKEMA. Reserving the right to object, Mr. Chairman, I am looking for 5 minutes myself. Could it be a 10-minute time period?

Mr. PORTER. Yes, Mr. Chairman.

Mrs. ROUKEMA. Mr. Chairman, I withdraw my reservation of objection.

Mr. RIGGS. Mr. Chairman, reserving the right to object, I would like to simply inquire of the Chair what amendment we are on now? That is my first inquiry; and second, to ascertain if in fact it is still the intention of the House to rise today, at least for the purposes of votes, by 4 p.m.?

The CHAIRMAN pro tempore. The Chair advises the gentleman from Wisconsin that the Committee is on the Lowey amendment, preprinted, No. 67.

Mr. RIGGS. Further reserving the right to object, Mr. Chairman, did I understand the unanimous-consent agreement would also include any amendment to this amendment?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. RIGGS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Does the gentleman from Illinois modify his request as to 10 minutes on each side?

Mr. PORTER. I do, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. The gentlemen from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, might I just indicate that I hope the gentleman from Illinois [Mr. PORTER] can yield back my 10 minutes without using them. I think we cannot afford this much time on a nongermane amendment if we are going to finish this bill.

The CHAIRMAN pro tempore. Does the gentleman from Illinois continue to reserve his point of order?

Mr. PORTER. Mr. Chairman, I do not continue to reserve my point of order.

Mr. OBEY. Mr. Chairman, I withdraw my reservation of a point of order.

The CHAIRMAN pro tempore. The point of order is withdrawn.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA], the cosponsor of the amendment.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding the time.

Let me say that that this amendment which the gentlewoman from New York [Mrs. LOWEY] and I have presented deals in a legally binding way to repeal the $50 billion tax windfall that, was surreptitiously inserted into the tax bill in the dead of night without the knowledge of the Congress and the voters.

Particularly, I want my colleagues to understand that the taxpayers would be required to pick up the cost of that $50 billion, removing it from the assessment on the tobacco industry. So this is about relieving taxpayers and reducing their taxes.

I want to say also that it is coincidental but very timely that we are taking it up right now, since today, as we know, not only the President but many Members of both parties have expressed concerns and objections to the so-called tobacco pact. And I think that we really should be taking a tough stance not only to protect the taxpayers but to protect American health.

Remember, we are talking about taxpayers bailing out the tobacco industry. Now let me say, in addition to what my colleague, the gentlewoman from New York [Mrs. LOWEY], has already laid out, that this vote will make us accountable to the voters. This was put in the tax bill without anybody's knowledge. And I think the cynical voters out there are ready to throw up their hands and say, "Oh, boy, that is that Washington crowd doing it again" if we do not permit a vote on this issue.

Let me say this makes us accountable, but I also want to stress this is the only way we can do it with legal standing. Any other alternative is just instructive and has no standing in the conference with the Senate. Whether we use it as an amendment to another bill or whether we do a motion to instruct the conferees, it does not have the standing that the Durbin-Collins amendment from the Senate has on their bill. We should have that same parallel provision on our bill.

And so I respectfully must say that this vote will say to the American people that we stand for their health and for their children's health, and that the taxpayers should not be required to pay and bail out the tobacco industry. We must correct the wrong that was done in that budget deal in that tax package, and we can help regain the confidence of the American people and restore some credibility to this House.

I want to thank my colleague, the gentlewoman from New York [Mrs. LOWEY]. I want to thank the chairman and ranking member of the Committee on Appropriations for understanding how critical this is and for permitting us under the rules to use the waiver rule in the House to bring this issue before our colleagues.

Ms. DELAURO. Mr. Chairman, I rise today in strong support of this amendment to repeal the tobacco tax giveaway. For years, the tobacco industry has denied the truth—that smoking kills. Its ads have made smoking appear glamorous and cool, and they have blatantly targeted children with characters such as the omnipresent Joe Camel.

But the truth isn't as comforting as tobacco commercials would have you believe. The truth is, every day 3,000 people under the age of 18 become regular smokers. The truth is, one out of every three of these kids will die of a tobacco-related illness like cancer or heart disease. The truth is, cigarettes kill more Americans than AIDS, alcohol, car accidents, murders, suicides, illegal drugs, and fires combined.

The way the tobacco industry targets children is a crime. And now that we are at the brink of a settlement that will force the industry to pay for its crime, a $50 billion tax giveaway for big tobacco is snuck into the tax bill in the dead of night. We don't know who put it there. No one will stand up to take responsibility.

It truly boggles the mind. This is not an industry that markets games or toys. We are talking about an industry that markets a product which is proven to cause cancer, heart disease, and lung disease. It has tacitly admitted to targeting children by retiring characters such as Joe Camel. And last month, the head of Philip Morris admitted in a court of law that 100,000 Americans might have died from smoking-related illnesses. That same day, another story ran where the Speaker of this House defended this tax giveaway as fair.

My friends, we shouldn't even be here today debating this amendment. In 1993 alone, taxpayers spent over $50 billion in health care costs to care for people who were stricken by cancer and other diseases caused by tobacco. We should be ashamed of ourselves for even considering helping the tobacco industry to pay for its mistakes. The tobacco industry does not deserve to be bailed out by taxpayer dollars. I urge every member of this House to support this amendment to repeal the tax giveaway.

[From the Washington Post, Aug. 22, 1997]

SMOKING MAY HAVE KILLED THOUSANDS, CEO AGREES

WEST PALM BEACH, FL.—About 100,000 Americans "might have" died from smoking-related diseases, the head of Philip Morris Cos. Inc. conceded today to state lawyers suing his company.

Geoffrey C. Bible, chairman and chief executive officer of the nation's largest cigarette maker, made the admission at the end of nearly two hours of questioning in preparation for trial of a lawsuit.

Ron Motley, a lawyer representing the state, called Bible's statement a major breakthrough because except for one maverick, other industry leaders have not made such a concession. Bennett S. LeBow, chief executive officer of the smallest of the major cigarette makers, Liggett Group, Inc., has said that cigarettes kill and are addictive.

Members of Congress are pressing the tobacco industry for admissions before they consider approving a $368 billion settlement that would wipe out most lawsuits against the industry.

Florida was the first of 40 states suing the major tobacco companies to bring a case to trial. It seeks $12.3 billion for the public cost of smoking related illnesses. Jury selection began Aug. 1 and continues during the taking of depositions.

Motley asked Bible: "Would Philip Morris agree that a single American citizen who smokes their products for 30 or more years, a single one, has ever died of a disease caused in part by smoking cigarettes?"

Bible answered, "I think there's a fair chance that one would have, might have."

Motley followed up, "How about a thousand?"

Bible said, "Might have."

Motley pressed, "How about 100,000?"

Bible responded, "Might have."

"I salute Philip Morris for the first time in 40 years being forthright and candid," Motley said on CNN afterward. "It's a very public, health-spirited way of looking at things."

Responding to allegations that cigarette makers manipulate nicotine levels in cigarettes to capitalize on its addictive qualities, Bible said, "I wouldn't even let them discuss adding nicotine, let alone adding nicotine to attract children."

GINGRICH DEFENDS TOBACCO TAX BREAK—$50 BILLION CREDIT IS PART OF FAIR OVERALL DEAL, SPEAKER SAYS

MARIETTA, GA.—House Speaker Newt Gingrich (R-Ga.) today defended a new $50 billion tax credit for the tobacco industry as part of an overall plan that is fair.

"I think people were misreading the tax provision," he said. "We're not cutting a break for the tobacco folks."

The credit is part of a bipartisan tax bill that includes a 15-cents-a-pack tax increase on cigarettes. The tax proceeds would be credited against the money tobacco companies agree to pay in a proposed $368 billion settlement of state lawsuits against the industry.

The tax will pay for expanded child health care programs.

Clinton administration officials have said they will seek to offset the $50 billion tax credit when the proposed tobacco deal is reviewed by Congress.

State attorneys general have threatened to withdraw support for the deal unless the credit is blocked. Tobacco companies said any increase in the settlement's costs could kill the deal.

Gingrich said the tax credit is only part of the final deal with the tobacco companies.

"Whatever the final package is, we want to make sure that it's real," he said. "It's all one pot of money, and I'm in favor of maximizing the amount of money available for children's health."

Gingrich spoke to reporters after touring a vocational training center in his congressional district north of Atlanta.

Mr. BENTSEN. Mr. Chairman, I rise in strong support of the Lowey-Roukema amendment to H.R. 2264, the Labor, Health and Human Services, and Education appropriations bill. This amendment would repeal the stealth, windfall tax credit that was given to the tobacco industry as part of the Taxpayer Relief Act. This $50 billion tax credit was not included in either the House or Senate versions of the tax bill and was adopted without debate and review. This tax provision should never have been enacted and should be repealed as quickly as possible.

I am pleased to be a co-sponsor of legislation sponsored by Representative LOWEY to repeal this tax credit and strongly support this effort to eliminate this ill-advised tax provision. The House of Representatives should approve this amendment, just as the Senate did earlier this month by a vote of 95 to 3.

The balanced budget agreement we enacted in July raised the cigarette excise tax by 15 cents per pack to help pay for a children's health care initiative to provide insurance coverage for uninsured children. The tobacco tax credit completely undermined this intent by subtracting the increased excise tax paid by the industry from whatever they would have to pay as part of a global tobacco settlement. In essence, the children's health initiative would have come at the cost of important public health and smoking cessation initiatives that were to be funded by the global agreement. The children's health initiative was intended to be in addition to these other initiatives, not an alternative to them. The Lowey-Roukema amendment restores this clear congressional intent.

The children's health initiative and the cigarette excise tax to fund it are completely separate issues from the global tobacco agreement and ought to be considered by Congress as such. The Lowey-Roukema amendment makes this clear and allows us to consider these issues separately. Let us pass this amendment and repeal the tax credit now, then give the global tobacco settlement and the President's proposals to reduce underage smoking the careful and thorough deliberation they deserve. President Clinton today announced that he would support raising cigarette excise taxes by $1.50 per pack if tobacco companies fail to reduce smoking among young people. The administration proposal would stipulate targets to cut teen smoking and if these targets are not met, tobacco companies would pay higher penalties that would not be capped or tax deductible as a business expense. I look forward to reviewing these proposals with the goal of crafting legislation that reduces underage smoking and protects the public health.

I urge my colleagues to vote for the Lowey-Roukema amendment to repeal this unfair, irresponsible tax credit provision.

Mrs. ROUKEMA. Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, could I inquire of the gentleman from Illinois [Mr. PORTER], is he prepared to yield his time back if we do the same here?

Mr. PORTER. Mr. Chairman, I have no further requests for speakers, and I would be prepared to yield my time back, yes.

Mr. OBEY. In that case, Mr. Chairman, I yield back the balance of my time.

Mr. PORTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The amendment was agreed to.

AMENDMENT NO. 36 OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 36 offered by Mr. COBURN:

At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. 516. None of the funds made available in this Act may be used by the Centers for Disease Control and Prevention, or any other part of the Public Health Service, to conduct or support any program in which blood samples are collected from newborns and tested for the human immunodeficiency virus in circumstances in which the samples do not indicate the identity of the newborns, from whom the samples were taken.

Mr. COBURN. Mr. Chairman, my friend the gentleman from New York [Mr. ACKERMAN] is not here and will be arriving on the floor shortly. This really is his amendment that I have agreed to introduce with him, and I want to give him credit for it.

In 1995, the CDC was practicing what I believe to be an unconscionable practice, and that was blindly testing newborn infants' blood for the HIV virus, discovering who was positive, yet never telling the mother, never notifying the parents that in fact their children were positive for HIV, which also implied that the mother was positive for HIV.

The tremendous amounts of moneys that have been spent by this country on research to treat this deadly virus have succeeded in bringing us very new, very good, very effective treatments in terms of delaying the ravages of this disease.

Each day, approximately 20 infants in this country are born to HIV-positive mothers. Thanks to the new treatments and thanks to the ban that was agreed to by the CDC in terms of withdrawing this blind testing, most moms now are being identified during their pregnancy, they are being treated, and their children are not becoming infected with HIV. However, concerning to Mr. ACKERMAN, as well as myself, was an indication by the CDC in the last 3 months that they intended to resume blind testing.

What I think is important is we would want the American public to know that we feel that this is a tremendously unethical practice to identify someone with a disease and have medicines available that could prevent that disease, first, second, markedly increase the quality of someone's life, and third, markedly prolong the quantity of that life, and then withhold it, we feel is unethical.

□ 1145

Mr. Chairman, I will submit for the RECORD a letter that I received on September 9 of this year. I would like to read that and then submit it. This is from the Department of Health and Human Services, from Richard Tarplin, the Assistant Secretary for Legislation.

DEAR CONGRESSMAN COBURN: Knowing of your continued concern regarding unlinked HIV testing of newborn blood specimens, I would like to inform you that the Centers for Disease Control and Prevention will pursue surveillance methodologies that do not include HIV serosurveys using any type of blood specimens of newborns without identification.

CDC will continue discussion with HIV prevention partners to identify alternative approaches to monitor HIV trends in women of childbearing age.

Dr. Satcher has recommended this approach, and the Department has concurred.

The text of the letter is as follows:

DEPARTMENT OF HEALTH AND
HUMAN SERVICES,
Washington, DC, September 9, 1997.

Hon. TOM COBURN,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN COBURN: Knowing of your continued concern regarding unlinked HIV testing of newborn blood specimens, I would like to inform you that the Centers for Disease Control and Prevention (CDC) will pursue surveillance methodologies that do not include HIV serosurveys using any type of blood specimens of newborns without identification.

CDC will continue discussion with HIV prevention partners to identify alternative approaches to monitor HIV trends in women of childbearing age.

Dr. Satcher has recommended this approach and the Department has concurred.

Sincerely,

RICHARD J. TARPLIN,
Assistant Secretary for Legislation.

This is a great letter when it comes to babies knowing that, in fact, if they are tested, they are going to be notified by the CDC. But what is very, very worrisome about this letter is they did not mention anything about testing adults blindly and not agreeing to withhold treatment from them.

Mr. Chairman, I am very sorry that the gentleman from New York [Mr. ACKERMAN] is not here at this time. It is our intention to put into the record that we expect the CDC and have their concurrence that they will test no one blindly for a disease that will, in fact, take their life when we do have medicines that could prevent or at least prolong that life. It is our intention to withdraw this amendment pending that approval, knowing that we are now on record, that the CDC has committed that they are not going to do blind, unethical testing for any reason on anybody with HIV.

Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENT NO. 14 OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. RIGGS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) LIMITATION ON PENALTIES UNDER IDEA.—None of the funds made available in this Act may be used by the Department of Education to investigate, or to impose, administer, or enforce any penalty, sanction, or remedy for, a State's election not to provide special education and related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) to individuals who are 18 years of age or older and are incarcerated in adult State prisons.

(b) EXCEPTION.—Subsection (a) shall not apply to any withholding of financial assistance to a State by the Department of Education pursuant to the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

Mr. RIGGS. Mr. Chairman, earlier this year when the Congress passed amendments to the landmark Federal special education and civil rights statute called IDEA, Individuals with Disabilities Education Act, we included in that package of amendments a number of incentives intended to make it easier for States such as my own, California, to serve adult prison inmates who happened to fall within the age group covered under the Federal special education law. These are adult prison inmates, incarcerated individuals between the ages of 18 and 21, so I want to say at the outset and make very clear to my colleagues that we are not talking about children or juveniles. We are talking about convicted adult felons.

Under that package of amendments, we intended to make it easier and less costly for States to serve this particular category, this particular segment of the total IDEA-eligible population in America. However, we did add an additional provision that made it explicitly clear, in my view, that the States still, despite these inducements, had the sole discretion, the sole option, the sole right to decide whether to serve these adult prison inmates, and if the States elected not to serve this segment of the IDEA-eligible population, they would only face the forfeiture of that small pro rata share of the total State allocation of Federal special education dollars.

I was one of the principal negotiators, one of the principal sponsors, one of the principal drafters of these amendments, and I can attest to the fact that it was our intent throughout these negotiations to limit the Federal Government and the Department of Education's remedy against a State, to limit their sanctions against a State to only the forfeiture of that small percentage of their total State allocation of Federal special education dollars.

Since that legislation has become law on obviously a bipartisan, bicameral basis, signed into law by the President with some fanfare down at the White House, the Department of Education has taken a different position. They now say that they may pursue other legal remedies against a State such as California in addition to the loss of that small percentage of funds represented by the adult prison inmate population as a percentage of the total IDEA-eligible population in the State. The Department of Education has corresponded with the State of California saying that they may very well refer this matter to the Justice Department. So I have offered an amendment that makes it explicitly clear that States will not be penalized, cannot be penalized, under the IDEA amendments that passed earlier this year for failing, or for deciding to provide special education to 18- to 21-year-old individuals in adult prisons.

That is the reason that I am proceeding with this amendment. It was part of our negotiations on this floor last week with the minority party. I was told on that occasion that my amendment would be accepted, and if that understanding, that agreement with the minority party survives to this moment, then I do not intend to pursue a recorded vote on my amendment.

I just want to stipulate again that my amendment does not break the agreement, the unique, some said historic, bipartisan, bicameral agreement that enabled us to move this legislation expeditiously through the Congress earlier this year after the last several Congresses had been unable to pass revisions and amendments to the Federal special education statute. Indeed, it is very consistent with that legislation.

My amendment again, Mr. Chairman, prevents the Department of Education from using any funding under this act to force States, specifically California, to provide special education services to adult prisoners in a manner inconsistent with the IDEA amendments enacted into law last June. Again, I want to stress to my colleagues that we did under those amendments make it easier and less costly for States to serve that portion of the IDEA-eligible population. My amendment is not about children with disabilities. It only applies to the way in which the Department of Education requires special education services for adult prison inmates ages 18 to 21 in adult prisons. Many of these individuals are obviously serving long-term sentences for violent crimes.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. RIGGS] has expired.

(By unanimous consent, Mr. RIGGS was allowed to proceed for 30 additional seconds.)

Mr. RIGGS. It is my view, Mr. Chairman, and it is the intent of my amendment, that States should not be forced to spend their very precious and limited Federal and State special education money on education services, special education services, for adult prisoners if the States so elect. If a State does not serve these felons, it is and was the intent of our amendments earlier this year that the U.S. Department of Education should only withhold a pro rata share of the State's total Federal funding for special education.

I hope Members will look at my amendment, I hope that they will vote for my amendment and help protect children with disabilities.

Mr. MARTINEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, regretfully I rise in opposition to the amendment offered by the gentleman. Regretfully, I say, because we all had a deal, we shook hands, tantamount to shaking hands. There were many Members who were in disagreement with certain portions of the bill on both sides, but all decided, in order for unanimous support of this bill and a bipartisan effort, to forgo their own personal feelings.

This particular issue we had a great discussion on, a great deal of decision on before it was signed. I think we all understood what it was at the time. To say that these are adults is carrying it to an extreme in many cases. In many States the laws actually try as adults children as young as 13 or 14 years old, and many of these young people we are talking about in these adult lockups are actually still children.

As the Members know, this amendment would limit the enforcement ability of the Department when States violate the Individuals With Disabilities Education Act with respect to children with disabilities incarcerated in adult correctional facilities.

Mr. Chairman, only 3 months ago on June 4, President Clinton signed the IDEA amendment into law. It was done so after one of the most bipartisan showings of support for a piece of legislation which has passed out of this Congress this session. With this overwhelming show of support, both Republicans and Democrats embraced this legislation as a truly bipartisan compromise aimed at addressing the needs of children with disabilities. Key to this agreement was an understanding that the core group, the many people I just spoke of, of Members who supported this legislation would not offer or support changes to IDEA.

I must respectfully point out to the chairman of the subcommittee that this amendment now would be inconsistent with that agreement. Under the recently enacted IDEA amendments, States are allowed to makes modifications to the plan and individualized program provisions required by the act, but they are still required to provide services to children with disabilities in adult correctional facilities. In fact, at a hearing the chairman heard from two witnesses, one his own, one ours, that said it would be the dumbest thing in the world not to educate these young people in institutions. If a State does not serve this population, they would be deemed in violation of the act, and the Department would be required to take enforcement action against such a State.

This amendment would undercut this core assurance, thereby negating the Department's ability to enforce the act nationwide. It severely weakens the tools which the Department has under the act to enforce the requirement that all children with disabilities receive a free and appropriate public education. In addition, this will deny a population of children who, upon being released from a correctional facility, will not have the education to give them any chance of becoming a contributing member of society. Instead these individuals will be left again at the whims of a society which has not yet learned to deal with its problems. Without the vital education services which children with disabilities desperately need, these children will result in future additional burdens to our society.

Why do we need to increase the burden of our criminal justice and social welfare system when we can give these children the ability to reclaim their lives? Why not deal with the problem now instead of allowing it to balloon into an unmanageable social disaster? These policy questions cannot be ignored.

In closing I would like to stress that I am confused by the gentleman's purpose in offering this amendment. Less than 2 months ago, we both watched the President sign the IDEA amendments of 1997. We both signed off on the legislation even though both of us fully realized that we did not absolutely have everything each of us wanted. Both of us compromised on issues with a goal of coming to an agreement that we could both support. This agreement is embodied in the bipartisan legislation that was signed into law by the President.

Now we are going back on this agreement and proposing changes which would affect the IDEA statute. How can I in good faith expect the gentleman not to have a change of heart on other items upon which we have reached a consensus? These are important questions which Members will have whenever we try to mold any bipartisan agreement in the future.

Mr. PORTER. Mr. Chairman, if the gentleman will yield, we accept the amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would say on this side of the aisle that I reluctantly accept the amendment as well. I understand that this issue was subject to extensive negotiations during the reauthorization of the Individuals With Disabilities Act. I would point out that that reauthorization took 2 years. I think that this amendment is not consistent with that. However, I am willing to accept the amendment in the interest of comity and time. I anticipate we will discuss this issue extensively in conference on the bill to reach a solution that is more satisfactory to everyone.

I will accept very reluctantly the amendment at this time, and I would ask Members to recognize that we have a 5 p.m. deadline today, and if we are to finish this bill, we need to finish the bill.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, although this amendment has been accepted by representatives from the Committee on Appropriations on both sides, I rise to speak very briefly against the amendment. I oppose the amendment for two reasons. One, it is bad public policy. The people in prison will get out, and we know that education will make a difference in their ability to survive and be productive citizens outside. This amendment reduces the education available for prisoners and, therefore, is bad public policy.

In addition, Mr. Chairman, I would like to read a statement from Secretary Riley dated July 30, 1997 in which he says:

> I understand that an amendment will be offered to the Labor/HHS/Education appropriations bill that would undermine the very important bipartisan and bicameral agreement on the IDEA that President Clinton signed into law less than 2 months ago. The IDEA legislation is the product of a painstaking process that reflected thoughtful compromises on behalf of all parties and that will bring about improved services and results for children with disabilities.

□ 1200

> It took at least 2 years to get a balanced agreement and now, before it is even given a chance to work, efforts are being made to upset it.

The Secretary goes on to say,

> As a full participant in this agreement, I strongly oppose any effort to undermine its enforcement. I am committed to honoring the principle that all children 3 to 21 have access to a free appropriate public education. Congress reaffirmed this principle in passing the IDEA amendments last month, which included new provisions allowing reasonable resolution to issues regarding educational services in adult prisons, particularly concerning violent offenders.

Mr. Chairman, I include the letter from Secretary Riley for the RECORD.

U.S. DEPARTMENT OF EDUCATION,
OFFICE OF THE SECRETARY
Washington, DC, July 30, 1997.

STATEMENT BY SECRETARY RICHARD W. RILEY

I understand that an amendment will be offered to the Labor/HHS/Education Appropriations bill that would undermine the very important bipartisan and bicameral agreement on the IDEA that President Clinton signed into law less than two months ago.

The IDEA legislation is the product of a painstaking process that reflected thoughtful compromises on behalf of all parties and that will bring about improved services and results for children with disabilities. It took at least two years to get a balanced agreement and now, before it is even given a chance to work, efforts are being made to upset it.

As a full participant in this agreement, I strongly oppose any effort to undermine its enforcement. I am committed to honoring the principle that all children ages 3–21 have access to a free appropriate public education. Congress reaffirmed this principle in passing the IDEA amendments last month, which included new provisions allowing reasonable resolution to issues regarding educational services in adult prisons, particularly concerning violent offenders.

Mr. Chairman, I therefore would prefer that my colleagues reject the amendment, although I know it is going to be adopted on a voice vote, because it dishonors the historic, bipartisan legislation signed last month, and because it represents bad public policy.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I too oppose this amendment, although I know it is moving forward. Simply to say if we are really sincere about ending recidivism and breaking the cycle of crime, we know that the best way to do that is to provide education for those inmates who will be out in our society. What better investment to ensure people do not return to a life of crime?

The amendment is misdirected and misguided and does not steer us in the direction of rehabilitation and ensuring that these young men and women can come and be viable citizens.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the chairman of the subcommittee for his steadfast efforts over the last week to try to improve the targeted dollars going to IDEA. We had a bill that everybody agreed to in this Congress, and moved it through to try to get more money to these children.

The gentleman has a perfecting amendment here. I am pleased it has been accepted, and we are trying to move the debate forward. But I think it is a very targeted thing, to try to keep these funds directly on the kids affected, and not be wasted away in a lot of places where people in fact may not be coming out of the prison system.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman worked very hard on this legislation, as did the gentleman from Virginia [Mr. SCOTT] and the gentleman from California [Mr. MARTINEZ], my good friend, and the distinguished ranking member of the Subcommittee on Early Childhood, Youth and Families.

I just want to make sure again, I do not know if this will allay concerns for those who believe we should be serving this population, but I want to point out one of the compromises we made on a bipartisan basis was to give States greater flexibility in providing special educational services to 18- to 21-year-old inmates in adult prisons.

Indeed, there were some, including the Governor of my home State, Governor Wilson, whose view I very much respect, who believed we should have flatly prohibited providing services to this segment of the population.

We did not do that. Instead, what we did do in the legislation is allow prison education to be delegated to the prison or corrections system. We relaxed standards to acknowledge the security requirements associated with serving this population in a prison environment or within a correctional facility, and, most importantly, as I stressed earlier, we provided that a State deciding not to provide services to this prison population only would forfeit that pro rata share of Federal funding for that small segment of the totally IDEA eligible population.

This seems again to be very reasonable, and it is the intent of my amendment to confirm that Congress indeed intends to give the States the option not to provide IDEA special education services to adult felons age 18 to 21 in adult prison while receiving only a limited monetary penalty.

I do take exception to anyone who would contend that my amendment somehow would unravel the bipartisan agreement on the IDEA Amendments Act, that it somehow violates the spirit of those good faith, bipartisan, bicameral negotiations.

Again, I view my amendment as purely a clarifying amendment to confirm that the carefully crafted compromise agreement on this issue was indeed structured to allow states to make an election to not provide costly IDEA special education services to convicted felons.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I would just point out that the position taken by the gentleman from California [Mr. RIGGS] was offered, and many of us thought it had been in fact rejected; that if there were a financial penalty, the financial penalty would be limited to the pro rata share of the persons not served, but at no point was an option given that there were other enforcement mechanisms possible.

We differ in terms of what we thought. Everybody else thought there was in fact no option, that the position articulated had in fact been rejected.

Mr. Chairman, I thank the gentleman for yielding.

Mr. JACKSON of Illinois. Mr. Chairman, the merits of affirmative action is not what this amendment is about. We'll get our opportunity to engage in that debate when we consider the so-called Civil Rights Act of 1997 which is sponsored by Mr. CANADY. The question posed by this amendment offered by my colleague, Mr. RIGGS, is whether, by popular sovereignty, a State can undermine, and in fact, ignore the law of the land, and prohibit the Federal Government from enforcing the Federal law.

By prohibiting the Department of Education from withholding assistance to institutions which do not comply with title VI of the Civil Rights Act of 1964, this provision will set a very dangerous precedent indeed. We must not, as a national legislative body, endanger the national interest, and the stability of our Union, by passing an amendment prohibiting the Federal Government from enforcing Federal law in California, or in any other State which seeks to negate the national will of our citizenry, as codified in our law.

The law of the land requires that public educational institutions that receive Federal funds may not discriminate in admissions. Title 42 of the United States Code, section 2000d declares that:

> no person * * * shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Education.

In implementing title VI's mandate for equality of opportunity in public education, the Code of Federal Regulations section 100.3(b)(6) provides that if an institution's:

> noncompliance or threatened noncompliance cannot be corrected by informal means, compliance * * * may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law * * *

If we today, in a very shortsighted fashion, attempt to isolate this particular provision from the broader potential consequences, we will be doing ourselves, and more importantly, the Nation, a historic disservice.

By allowing the State of California and other intended States to affirmatively reject Federal civil rights law—in effect, pick from the panoply of benefits associated with Federal law—Federal funds, whether for public education, or for highway and transportation projects, these same States must uphold the obligations associated with our republican form of government.

History demonstrates that inherent in a State's effort to undermine Federal law is the fertile soil through which the seed of dissension is sown. If we allow Federal law to be undermined in this instance, who is then to stop tobacco growing States from holding a referendum on the tobacco settlement, or border States challenged by immigration issues from negating Federal immigration mandates, or States with lower per capita incomes from rejecting minimum wage increases.

Mr. Chairman, the strength of the Union is contingent upon the ability of the Federal Government to enforce the goals of the Union. States must not be allowed to pick and choose, to embrace Federal benefits, while rejecting Federal protections.

This body roundly embraces the notion of unfunded mandates—the guiding principle that we cannot, as a Federal legislative body, impose mandates on States and localities without adequately funding such mandates. The reverse is true as well. If Federal funds are granted to assist States in providing a quality education to its citizens, those States may not undermine title VI's mandate that these taxpayer dollars are expended in nondiscriminatory manner

Mr. Chairman, the question before us today is not whether you are for or against affirmative action, it is whether we can allow a State to ignore Federal law and undermine Federal enforcement of that law. A vote for this amendment is a vote prohibiting the Federal Government from enforcing a Federal law and in favor of exempting a State from complying with Federal law. In order to provide domestic tranquility, protect our national interest, and indeed build a more perfect union, Mr. Chairman, all Americans must have an equal opportunity to a quality public education.

And, so colleagues, whether you are for affirmative action or not, that is not what this amendment is about. Do not vote to undermine our ability to enforce the provisions amongst the States we fight for on this floor on behalf of our constituents in our efforts to build a more perfect union. Mr. Chairman, on these grounds I urge a "no" vote on the gentleman's amendment, and yield back the balance of my time.

Ms. JACKSON-LEE of Texas, Mr. Chairman, I rise in vehement opposition to the amendment offered by Representative RIGGS of California. This amendment is nothing more than an effort to force the Department of Education to apply a Federal ban on affirmative actions programs in education in States that have passed proposition 209 like efforts.

This is an attack on the Federal civil rights laws that so many have fought and even died to have enacted.

This amendment would, in effect, prohibit the Office for Civil Rights at the Department of Education from enforcing Federal civil rights laws. Title VI of the Civil Rights Act and title IX of the Education amendments of 1972 would not be enforceable.

This amendment effectively bars the Department of Education and the Office of Civil Rights from carrying out its statutory responsibility to enforce Federal antidiscrimination provisions relating to how Federal financial assistance is dispensed under a variety of education programs and activities. Even the most blatant cases of discrimination would have no remedy by the Department of Education if this amendment goes into effect.

Additionally, this amendment prohibits the Office of Civil Rights from enforcing Federal civil rights laws in all 50 States, which creates a patchwork of civil rights enforcement. This goes against the uniform longstanding national policy of the uniform application of civil rights laws.

While this amendment proports to apply only to Federal grant recipients located in States where State law, or a Federal court order prohibits the enforcement of affirmative action programs, we know the true effect of this damaging and dangerous amendment. It will set a difficult precedent for other efforts and amendments to ban all affirmative actions programs of the Federal Government.

The Federal civil rights laws have proved monumental in bringing about real changes in American education and have improved the educational opportunities of millions of students. The Federal civil rights laws have been in place to preserve minorities' rights when States would not act. We need do nothing to promote State actions over Federal law as it relates to protecting civil rights.

What has been the impact of civil rights laws in the United States? The dropout rate of African-American students—ages 16 to 24—declined from 22.9 percent in 1975 to 12.1 percent in 1995. Total minority enrollment at colleges and universities increased 63.4 percent in the past decade. Since 1990, the number of Latino and Hispanic students enrolled in higher education increased by 35 percent, the number of African-American students increased by 16 percent and the number of American-Indian students increased by 24 percent.

We should stop this amendment in its tracks now, before it picks up steam and rolls over all of the hard work and tireless efforts of Americans of all creeds who have stated over and over again that affirmative action works.

What are we really talking about when we talk about affirmative action? We are talking about diversity, opportunity, and the ability for persons who have historically not been able to gain access to education and jobs in this country to simply have access to these important arenas.

The 160,000 members of the American Association of University Women have affirmed that affirmative action programs continue to expand equal opportunity for hundreds of women and minorities in education and employment.

In 1992, the Bureau of Labor Statistics found that only 6.6 percent of all working women were employed in nontraditional occupations. Women in nontraditional occupations earn 20 to 30 percent more than women in traditional occupations.

Affirmative action programs in education and training open doors that were consistently slammed in the faces of women across this country. It allows opportunities for women and girls who might otherwise be tracked into low-wage, predominantly female jobs with little or even no opportunity for real advancement or economic independence.

This amendment is premature. Proposition 209 in California is undecided law. There are serious constitutional challenges to proposition 209 which must be heard by the Supreme Court.

In Texas, the *Hopwood* decision has resulted in a major setback for African-Americans and minorities to enter into graduate and undergraduate programs at public institutions. Among the freshman class of 6,500 students at the University of Texas, only 150 are African-American students. This is half of last year's enrolling class. At the law school, only 4 African-Americans and 26 Hispanics will be entering the first-year class. This is an outrage.

What are we prohibiting when no one has acted yet. We are keeping qualified, energetic, and eager students from attending schools of higher education across this country. We are allowing blatant racism to go unpunished and unanswered if we allow this amendment to pass.

I am pleased this amendment was eventually withdrawn.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment offered by the gentleman from California [Mr. RIGGS].

The amendment was agreed to.

Mr. BERMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on October 1, 1997, the deadline for the child support enforcement system automation program comes upon us. The consequence of the States' failures to meet the automation and centralization of the computer systems obligation for enforcement of child support which were imposed by the 1988 Family Support Act will mean the automatic cutoff of all TANF, formerly AFDC funds, and child support funds.

At least 11 States in this country, including California, clearly cannot meet that October 1 deadline. It is quite possible that seven, eight, or nine other States will also not meet that deadline. The consequence of the failure to meet the deadline is that the cutoff of the TANF funds and the child support funds will mean a loss of $4 billion to the State of California. States like the State of the great chairman of the subcommittee, Illinois, will lose close to $700 million in funds. Ohio, South Dakota, New Mexico, Hawaii, Maryland, Michigan, Nevada, Pennsylvania, all of these States are not going to meet that deadline.

I had originally intended to offer an amendment to delay the imposition of those deadlines and to provide for a moratorium for 6 months so that we could both look at the situation and have time to change the law. I have been persuaded by the fact that my amendment would not be in order, that was helpful in persuading me, but in addition to that, the gentleman from Florida [Mr. SHAW], the chairman of the key subcommittee of the authorizing committee, has a strategy which I would like to yield to the gentleman to describe, which will deal with the possibility of my State and many other States in this country losing an incredible amount of money, totally destroying the whole structure of the Welfare Reform Act the gentleman worked hard on, meaning the inability to enforce interstate child support collection functions and a number of other key functions.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Florida.

Mr. SHAW. I thank the gentleman for yielding to me to clarify exactly where we are on this, because as the gentleman quite correctly stated, this is not only a problem that the Californians are concerned about, but it is a problem that at least 9 other and perhaps 10 other States are concerned about, as the gentleman said.

The deadline was extended under the Welfare Reform Act to October 1 of this year. In that there are a number of States that have tried to comply and been unable to comply for some very technical reasons, we have had this matter under discussion in the committee itself.

The way the law presently is written and hopefully will remain is that after this deadline, there is a period of time of approximately 6 months in which the various States can, and I am sure will, appeal in order to pick up the added time and also in order to negotiate with the Secretary, also in order to give this Congress an opportunity to go back and review exactly where we are.

It is my intention as chairman of the Subcommittee on Human Resources to bring a bill to the floor, in cooperation with the Secretary, that would give her certain discretion in imposing any penalty, and, of course, I am sure she would never impose the tremendous penalty as to total defunding, as the gentleman pointed out, in California.

Nonsupport by noncustodial parents is probably the biggest reason for welfare in this country today. We are only collecting about $14 billion a year out of a total of almost $50 billion that is due. That is a horrible situation, and it is necessary that we solve the problem by making it easier to track the deadbeat parents down in order to be sure that they live up to their obligations.

My own State of Florida will probably make the deadline, but I found out in a hearing just the other day that in order to make that deadline it has had to rely on and continue to use an antique computerized system, which it was characterized as. The State of Florida will be on time with the deadline, but they are going to be on time using an Edsel instead of something that would be more modern than that.

That is a problem, and it was sort of the law of unintended consequences that took place.

The CHAIRMAN. The time of the gentleman from California [Mr. BERMAN] has expired.

(On request of Mr. SHAW, and by unanimous consent, Mr. BERMAN was allowed to proceed for 3 additional minutes.)

Mr. SHAW. Mr. Chairman, I am very much aware of the California problem. I have spoken to the gentleman's Governor, he has been in my office, Governor Wilson. Secretary Eloise Anderson was in my office as late as yesterday discussing this problem with me.

California it appears has a fragmented system, but it is very high-tech and it is a very good system, and California wants to retain their system. We are going to try to work out a way so that the intention of the law will be brought forward and that various States as California, who have used new technology and has been innovative in the way that they have taken care of their system and updated their system, are not penalized by a Federal mandate if they meet the spirit of the law.

So I would say to the gentleman, I look forward to continuing to work with him and other Californians as well as Pennsylvanians and some of the other States the gentleman mentioned, in seeing that they do meet deadlines and that the deadlines are really enforced in a very reasonable way and that the Secretary is given latitude.

Mr. BERMAN. Mr. Chairman, reclaiming my time, just to sort of pin down the issue perhaps a little bit more precisely, California becomes vulnerable on October 1. So do these other at least 11 States. The process, as I understand it, is that by December or January, HHS will assess and decertify the States, and there is an appeals process. So, as the gentleman pointed out, it is very unlikely any money will be withheld for the next 6 months. But the fear in California, Senator FEINSTEIN has worked on this issue, spoken with the President, and is pursuing whatever mechanisms she can to try and deal with it, the fear is that ultimately something will happen, the legislation will not move, and California will now be found to have been in default, owing $4 billion. Next year's payment will be held back because of this, and the fact is the underlying law California will not be able to comply with in 6 months or 1 year anyway.

So there are two issues, the need for California and the other States to know that the penalty structure will be fundamentally changed, it is nuts to withhold TANF or AFDC funds, $3.7 billion in the State of California because of the failure to meet the computer model, and there will be a new penalty structure dealing with child support enforcement proportional to the sins in the sense it will be structured. And then the underlying question also, which is how do we achieve the centralization and coordination we need without, as the gentleman indicated by implication, encouraging old technologies rather than new technologies and requiring the scrapping of very expensive computer systems. These are both difficult questions.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. BERMAN] has expired.

(By unanimous consent, Mr. BERMAN was allowed to proceed for 1 additional minute.)

Mr. BERMAN. Mr. Chairman, people will want to go to the conference committee here and try to get this extension of the moratorium. I know the gentleman's feelings about it. Anything the gentleman can say to reassure people on this point would be very important.

Mr. SHAW. If the gentleman will yield further, first I want to make it very clear that California is not going to lose $4 billion. In fact, I would doubt that they will end up in the long run losing anything.

□ 1215

Both this Member of Congress as well as the Secretary, and I assume the President, want to leave the deadline in place but want flexibility in administering the consequences.

We are looking at the law and we are going to do everything we can to restructure it to answer this California problem.

Mr. BERMAN. Mr. Chairman, I thank the gentleman.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The Committee will rise informally.

The SPEAKER pro tempore (Mr. SHAW) assumed the chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2016) "An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes."

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Committee resumed its sitting.

AMENDMENTS OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. NADLER:

At the end of title V, insert after the last section (preceding the short title) the following section:

SEC. 516. (a) No funds made available under this Act may be used under title XI, XVIII or XIX of the Social Security Act to pay any insurer if such insurer—

(1) offers monetary rewards or penalties, or other inducements to a licensed health care professional to influence his or her decision as to what constitutes medically necessary and appropriate treatments, tests, procedures, or services; or

(2) conditions initial or continued participation of the health care professional in a health insurance plan on the basis of the health care professional's decisions as to what constitutes medically necessary and appropriate treatments, tests, procedures, or services.

(b) For the purposes of this section, the term "insurer" means an insurance company, insurance service, or insurance organization licensed to engage in the business of insurance in a State, a health maintenance organization, a preferred provider organization, and a provider sponsored organization.

(c) For the purposes of this section, the term "health care professional" means a physician or other health care practitioner licensed, accredited, or certified to perform specified health services consistent with State law.

At the end of title V, insert after the last section (preceding the short title) the following section:

SEC. 516. (a) No funds made available under this Act may be used under title XI, XVIII or XIX of the Social Security Act to pay any insurer unless under health care coverage provided by such insurer—

(1) the determination of what is medically necessary and appropriate within the meaning of the insurance contract is made only by the treating health care professional in consultation with the patient; and

(2) the insurer covers the full cost of all treatment, tests, procedures, and services deemed to be medically necessary and appropriate by the treating health care professional in consultation with the patient, subject to any deductibles, co-payments, or percentage limitations provided in the insurance contract.

(b) For the purposes of this section, the term "insurer" means an insurance company, insurance service, or insurance organization licensed to engage in the business of insurance in a State, a health maintenance organization, a preferred provider organization, and a provider sponsored organization.

(c) For the purposes of this section, the term "treating health care professional" means a physician or other health care practitioner licensed, accredited, or certified to perform specified health services consistent with State law, who is directly involved in the care of said patient.

(d) Nothing in this section shall be construed as requiring the provision of coverage for benefits not otherwise covered.

Mr. NADLER (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

Mr. PORTER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. The gentleman reserves a point of order.

Without objection, the amendments are considered en bloc and considered as read.

There was no objection.

Mr. NADLER. Mr. Chairman, we all know that there have been many, many complaints and horror stories about the conduct of some health maintenance organizations or HMO's. It is news to no one that HMO cost-cutting measures are fast becoming an issue of vital concern and often life and death to many of our constituents.

We witnessed the subordination of health to profits just last year during the debate over the so-called drive-through deliveries, and some Members have introduced legislation dealing with drive-through mastectomies. It would certainly be silly for Congress to attempt to deal with this problem procedure-by-procedure, to have one bill for mastectomies and another for tonsillectomies, and so forth and so on.

Many of the States have enacted legislation to deal with this problem, but the State legislation cannot impact Medicare and Medicaid, and for that matter, is barred from dealing with employer insurance where it is self-insured because of ERISA.

These two amendments would protect HMO patients on two fronts. One amendment would simply say that most insurance contracts say that they will have a list of covered services, and say they will pay for any of those covered services, whether it be a gall bladder operation or whatever, if it is determined that that service is medically appropriate and necessary.

This amendment says it is the doctor, the health care professional dealing with the patient, who makes the determination whether it is medically necessary and appropriate, and that no funds can be spent to reimburse an HMO unless their procedures say that the doctor makes that determination, not a utility reviewer sitting thousands of miles away at a computer console. We all have heard complaints from doctors saying that they spend two-thirds of their time arguing with people who have never seen the patient about whether the patient needs a CAT scan or to see a specialist or needs an operation. This amendment simply says the doctor dealing with the patient determines what is medically necessary and appropriate and not someone else.

The second amendment says that when the doctor or the nurse or the physical therapist determines whether a service is medically necessary and appropriate, that decision should be made on the basis of medical necessity, not on the basis of cost. This amendment says that one cannot fund an HMO if the procedures of that HMO give an incentive to the doctor to effect that decision. One cannot say to the doctor, "If you determine too many people need CAT scans, too many people need to see a specialist, we will pay you less money or we will knock you out of the plan; if you determine that very few people need expensive services, we will pay you more money." That sets up an institutionalized conflict of interest.

If someone came to a Member of the House and said, "We will pay you if you vote this way or that way," that would be called bribery, it is a crime. But if someone comes to a doctor, if the HMO comes to a doctor and says, "We will pay you more money if you decide that Mr. Smith and Mrs. Jones together do not need certain services," that sets up an institutionalized conflict of interest between the doctor's medical judgment and his pocketbook, and we should have no such conflicts of interest.

These two practices of someone other than the doctor saying why is it medically necessary, someone who has never seen the patient, and offering the doctor monetary incentives to make cheaper decisions and penalties if he makes more expensive decisions, put cost ahead of health, and they must be stopped.

So these two amendments say Medicare and Medicaid cannot pay for HMO services unless those procedures are changed so that the doctor makes the decision of what is medically necessary and appropriate, not the insurance company, and so that doctors are not pressured by financial incentives to decide what medical procedure is necessary.

Mr. Chairman, I understand that we have not gotten a waiver for these amendments from the Committee on Rules and that they will be ruled out of order, but I thought it important to air this on the House floor, and I will not request a vote on the amendments. I will save the gentleman the trouble of making his point of order.

The CHAIRMAN pro tempore. Does the gentleman withdraw his amendments?

Mr. NADLER. Yes, Mr. Chairman, I do.

The CHAIRMAN pro tempore. Without objection, the amendments are withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RIGGS:

Page 102, after line 24, insert the following new section:

SEC. 516. (a) LIMITATION ON USE OF FUNDS FOR ADMISSIONS PREFERENCES IN PUBLIC EDUCATION.—None of the funds made available in this Act may be used by the Department of Education to withhold any financial assistance, or to impose, administer, or enforce any other penalty, sanction, or remedy, for the refusal or failure of a Federal grant recipient to enforce a preference or affirmative action plan based on race, sex, color ethnicity, or national origin for admissions to public educational institutions.

(b) APPLICABILITY.—The limitation established in subsection (a) shall apply only to Federal grant recipients located in a State in which the enforcement of such preference or plan is prohibited by the laws of the State or by an order of a Federal court.

Mr. CLAY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. The gentleman reserves a point of order.

Mr. RIGGS. Mr. Chairman, I realize that this is a very controversial and I hope serious amendment, deserving far more debate than time will permit on the House floor today, so I want to indicate to the Chairman and to my colleagues at the outset that it is my intent, respecting obviously the reservation of a point of order which has been lodged against my amendment, to withdraw my amendment at the conclusion of my remarks or at the conclusion of the remarks of anyone who wishes to speak on the amendment.

However, I hope this is just the beginning of a congressional and national debate on the whole issue of gender and racial preferences in governmental hiring policies, in governmental contracting policies, and in college admissions. As most of my colleagues I believe probably know by now, the people of California spoke loud and clear last November when they approved by a 54 percent margin Proposition 209, otherwise known as the California Civil Rights Initiative, which prohibits race and sex references in affirmative action programs in State and local government, education, employment, and contracting.

As our Gov. Pete Wilson, the primary proponent of Proposition 209, said, and I quote, "This brings us one step closer to a colorblind society, to ending unfair racial preferences, and to judging people based upon the content of their character rather than the color of their skin."

As we prepare to enter the new decade, the new century, the new millennium, I cannot think of anything better than when that big ball drops on Time Square, that it really does signify the beginning of a new decade, a new era when people really will be judged on the content of their character rather than the color of their skin.

My amendment, Mr. Chairman, is intended to prevent the U.S. Department of Education, through their office of civil rights, from pursuing any sort of legal remedies using funding under this spending bill against a State such as California where the voters have, by a statewide referendum, a statewide ballot initiative, prohibited granting racial or gender preferences in college admissions. Of course, this initiative or these voter sentiments would apply to the California State university system and the very august and distinguished University of California system.

It is interesting also to note, I say to my colleagues, that a Federal appeals court recently upheld the constitutionality of Proposition 209, which has been subject to legal and constitutional challenges almost from the day the California voters voted for its enactment.

Now, my concern, Mr. Chairman and colleagues, is that there is some preliminary indication that the Office of Civil Rights in the Department of Education disagrees with the people of California and may very well attempt to investigate, should the constitutionality and legality of Proposition 209 ultimately be upheld by the highest court of the land, may intend to pursue some sort of investigation that could lead to sanctions against any of the California universities and colleges that fall under the provisions of Proposition 209.

In fact, I am quoting now from a letter sent to me on May 1 of this year by Norma Cantu, the Assistant Secretary in the Department of Education who heads up the Office of Civil Rights, and she says, and I quote now, "It is the position of the Department of Education that outside the 5th Circuit Court of Appeals, the Department believes it is permissible for an educational institution that receives Federal funding to consider race or national origin in an appropriate manner in either its admissions or financial aid programs in order to achieve a diverse student body, consistent with Justice Powell's opinion in the landmark Supreme Court case of the Regents of the University of California v. Bakke."

Well, the problem with that, colleagues, is that Proposition 209 effectively reversed, it overturned the Bakke decision, at least as it applies to admissions policies at the University of California.

She goes on to say, "In addition, outside the 5th Circuit, we believe it is permissible for a State institution to consider race or national origin in an appropriate manner in admissions or financial aid programs in order to remedy past discrimination in State educational systems.''

Well, the problem with that, of course, is it not only flies in the face of what California voters wanted, but we now know in California that these well-intentioned affirmative action policies actually result in discrimination against other minority groups.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. RIGGS] has expired.

(By unanimous consent, Mr. RIGGS was allowed to proceed for 2 additional minutes.)

Mr. RIGGS. Mr. Chairman, in fact it has been well documented that the existing admissions policies at the University of California discriminate against the minority group Asian-Americans. So what we are trying to do here is make sure that the Department of Education, through my amendment, is not able to withhold Federal funding or pursue other sanctions against California universities if they eliminate, as they are required to do by Proposition 209 and the people of California, race-based preferences in college admissions.

My amendment would prevent State universities from being caught in this odd position of either defying a Federal court or losing millions of dollars, potentially losing millions of dollars in Federal funding. My amendment would, as I said, prohibit the Department of Education from withholding funds from schools, from colleges and universities located in States that have a law or a court order prohibiting affirmative action, like California, again through Proposition 209, the California Civil Rights Initiative.

I just want to clarify one other thing for my colleagues. There are claims now that the repeal of race-based preferences or affirmative action admissions in California have had an effect on applications and admissions at the postgraduate schools at the University of California, the professional schools.

□ 1230

So far the results have been very mixed in California. Boalt Hall, which is the University of California at Berkeley's prestigious law school, the incoming class, as has been reported in the news media, contains only one African-American student. That came after black admissions dropped 81 percent, and the 14 individuals who got into the University of California Berkeley law school, Boalt Hall, decided to go elsewhere.

But at the University of California's five medical schools, although the number of minority applicants dropped, the American public enrollment will be about the same, 69 versus 73 students.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. RIGGS] has again expired.

(By unanimous consent, Mr. RIGGS was allowed to proceed for 1 additional minute.)

Mr. RIGGS. Mr. Chairman, so this has occurred in the aftermath of Proposition 209. There has not been this chilling effect, at least at the University of California medical schools, that some people have suggested as a result of California voters expressing their will and passing Proposition 209.

So, Mr. Chairman, I realize, again, that the time is inadequate today to properly debate this issue. I know there are people of sincere good will on both sides of this issue who would like to engage in this debate. So let me signal to my colleagues that I intend, as a member of the Committee on Education and the Workforce, to raise this issue again later this fall or early next year when we bring the reauthorization of the Higher Education Act before the committee and ultimately before the House.

I hope that we can have a debate that will go to the heart of Federal preferences based on race and gender in Government contracting policies as well as in college admissions, and I hope ultimately we will be able to eliminate affirmative action quotas in the Federal Government.

The CHAIRMAN pro tempore. Does the gentleman from Missouri [Mr. CLAY] continue to reserve his objection?

Mr. CLAY. Mr. Chairman, I continue to reserve my objection, and I move to strike the last word.

Mr. Chairman, I am very disappointed that the gentleman has offered an amendment that would undermine our country's civil rights enforcement. This amendment would bar the Department of Education's enforcement authority from seeking remedial action where there has been discrimination in admissions by a college, university, or school.

In truth, this amendment turns the clock back on civil rights enforcements to the pre-Civil War concept of interposition and nullification, where States decided that the Federal law would apply. This amendment weakens the Department's civil rights enforcement. It would create a chaotic patchwork of civil rights protections.

The Department's Office of Civil Rights has never attempted to take enforcement action against a school's refusal to implement affirmative action that was not necessary to remedy discrimination. Schools or colleges may be required to use affirmative action only if a court or the Office of Civil Rights has determined a school violated civil rights laws, and that affirmative action was necessary to remedy discrimination.

In fact, the Department has not charged that Proposition 209 violates the Civil Rights Act of 1964. The complaints made against the California schools only challenge whether the current admissions policies of the schools violate civil rights laws. The Department of Education has made no threats to cut off aid. It does not and never has required quotas or affirmative action for diversity purposes.

The author of this amendment has no evidence to substantiate the allegations he has made regarding the Department. This is a poorly conceived, poorly drafted measure that is without purpose, other than to play to racial fears. I urge its rejection.

Mr. Chairman, continuing to reserve my point of order, I yield to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I join the gentleman in his opposition to this amendment. It is unfortunate, Mr. Chairman, that despite the drastic school resegregation that is taking place in both California and Texas, that we are considering an amendment that would encourage the resegregation of other schools around the country.

Mr. Chairman, the University of Texas Law School, which had no blacks until ordered by the Federal courts, will have no African-Americans in this year's first year class. The University of California at Berkeley Law School will only have one African-American in its first year law school. Medical schools have also registered drops in African-American enrollment of 80 and 90 percent, numbers which are the lowest since the 1960's.

Instead of being appalled by the resegregation of our schools in Texas and California, this amendment applauds turning back the clock and encourages other States to follow suit. It prevents the Federal authorities from determining whether the absence of blacks is mere coincidence or an intentional result of an invidious discrimination, and it prevents the Federal Government from remedying illegal discrimination.

The provision of this amendment which gives the States the ability to opt out of civil rights enforcement is particularly egregious. It suggests a bizarre interpretation of Federalism in which a State can exempt itself from Federal enforcement of civil rights laws simply by passing a statute, even if that statute is not enforced.

Mr. Chairman, the State institutions who receive Federal funds have the responsibility of ensuring that those funds are being disbursed in a manner that does not discriminate against minorities and women. But if they fail in that responsibility, then the Federal authorities must vigorously enforce title XI and title IX of the Civil Rights Act.

Mr. Chairman, Supreme Court Justice Sandra Day O'Connor, writing for the majority in the Adarand decision, stated, and I quote, "The unhappy persistence of both the practice and lingering effects of racial discrimination against minority groups in this country is an unfortunate reality, and government is not disqualified from acting in response to it."

This amendment would effectively disqualify us from acting responsibly to ensure that all Americans have the opportunity to become productive members of our society.

I therefore urge the Members of this body to support diversity in education, oppose the resegregation of America's schools, and vote "no" on this amendment.

Mr. RIGGS. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. Are there other amendments?

AMENDMENT OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOEKSTRA:

Page 102, after line 24, insert the following new section:

SEC. 516. The amounts otherwise provided by this Act for the Department of Education are revised by reducing the amount made available for "Education Reform", increasing the amount made available for "School Improvement Programs" (and the amount specified under such heading to become available on July 1, 1998), reducing the amount made available for Eisenhower professional development State grants under the heading "School Improvement Programs", increasing the amount made available for innovative education program strategies State grants under the heading "School Improvement Programs", reducing the amount made available for "Bilingual and Immigrant Education", reducing the amount made available for "Education Research, Statistics, and Improvement", and reducing the amount made available for "Departmental Management—Program Administration", by $1,022,165,000, $1,734,274,000, $310,000,000, $2,791,662,000, $354,000,000, $322,600,000, and $35,509,000, respectively.

Mr. HOEKSTRA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 40 minutes, and that the time be divided between the gentleman from Michigan [Mr. HOEKSTRA], 20 minutes, the gentleman from Wisconsin [Mr. OBEY], 10 minutes, and myself, 10 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Michigan [Mr. HOEKSTRA] for 20 minutes.

Mr. HOEKSTRA. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, today, I want to talk about what the Hoekstra block grant amendment would do. What we are focusing on here is moving the emphasis on where decisionmaking is in education from Washington to our children. This is a step toward moving decisionmaking back to parents and moving dollars to the classroom. This is about providing flexibility at the State level.

The status quo today in Washington is 760 programs, 100 billion dollars' worth of spending. What we are proposing to do is to take 28 programs and about $2.7 billion of spending and put it into a single block grant, or move it into chapter II of funding, so we give maximum flexibility to the States to do what they believe is most appropriate for the students, the children, and the parents in their State.

Over the past year, year and a half, we have gone around the country taking a look at what works and what is wasted in education. What we are finding is very exciting. What is working in education is the reform and innovation that is going on at the State level. Whether we are in Cleveland, whether we are in New York City, Milwaukee, Los Angeles, Phoenix, Louisville, there are exciting things going on in education. Education is actually turning around, and we are getting the kinds of results we would like to have.

As we talk to parents, as we talk to children, as we talk to educators and administrators, the message is very clear: They are turning around their educational system and getting positive results because of the impact and the decisions they are making at the local level, not because of what we are doing in Washington.

As a matter of fact, too often we find that Washington is a hindrance in driving the kind of reform and change we need at the local level. States will tell us, we get 6 percent of our money from Washington, we get 50 percent of our paperwork. We get all kinds of mandates that inhibit the kind of change that we would like to be making.

We cannot defend that type of status quo, where Washington is standing in the way of reform at the State and local level for a resource as precious as our children. What we see today is, in this area, we see 28 different programs where the directions and decisions about how those dollars are spent and what happens in the classroom are made by people here in Washington; where the local level has to look not to parents for what they want to do, but they have to look to bureaucrats and rules and regulations in Washington.

Here is just one example. These are the forms, not the completed forms, the forms, rules, and regulations that the State of Michigan has to fill out to get their money from Washington. This is what the State fills out, and this is duplicated thousands of times as we go around the State, as we go to individual schools and educational districts. That is not value-added.

We had testimony here in Washington where one of the administrators from a school district in Pennsylvania said, you know, 25 percent of the money that I get from Washington never gets to the classroom, never gets to the kids. I need to spend 25 percent of the Washington money just to fill out the Washington paperwork. That is not value-added.

We need not a Washington-based program that delivers us these kinds of programs and this kind of complexity. We need to move to an approach that does not focus on bureaucracy and goes through thousands of bureaucrats to get to a student. We need the focus to be on the student, on the child, where teachers can look at the child, not at the bureaucrats; where parents can focus on the children, and not the bureaucrats, so that we really are driving the dollars to the classroom where we have the leverage.

It is time to take another look at education. It is time to have true reform and move decisionmaking back to the local level, back to the parents, and away from bureaucrats in Washington. The exciting thing, as I said, is the change and improvements we are seeing in education at the local level: Real progress, real innovation, and real movement away from what one of our administrators described as the three B's, when she dealt with Washington and her local bureaucracy.

□ 1245

Mr. Chairman, the administrator said, Miss Yvonne Chan said, "When I focused, and before I started running the charter school, I focused on the three B's." We said, "What are the 3 B's?" She said, "I had to focus on bussing, on budget and the buts. And the 'but' was, every time I had a good idea, I got the answer back from the local administrators or from Federal rules and regulations that said, 'That is a great idea, but you cannot do that. If we let you do that, but then we would have to let everybody else do it.'" She said, "I had great ideas on how I could help my kids in my school but the rules and the regulations got in the way."

She has now been freed up from many of the State's regulations. What we now want to do is free her up from the Federal regulations.

This is the beginning of the debate. Later on I will ask permission to withdraw this amendment, because this will continue and this is going to be a process. But this process and this dialog has to take place and it has to take place on this amendment, because what is happening is there is a different way to help our kids than the model that is currently in place.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. CLAY], the ranking member of the appropriate committee of jurisdiction.

Mr. CLAY. Mr. Chairman, I first of all want to thank the gentleman for yielding me this time; second, I oppose this irresponsible amendment because it would tear the heart out of critical education programs. It would subject programs such as school-to-work grants, safe and drug-free schools, bilingual education and magnet schools to the whims and fancy of 50 different Governors.

These programs have been vigorously supported by parents, teachers, local and State officials who attest to their great success. There is absolutely no justification other than crass political motives to gut these important initiatives.

Mr. Chairman, more troubling, many of the programs affected by this amendment are targeted to school districts and children most in need. This disastrous amendment would increase instead of decrease the disparity of resources in our public schools. I do not believe anyone who has seriously looked at the needs of our schools believes writing a blank check is the way to improve those schools.

This amendment also plays havoc with the amount of funding State and local educational agencies would receive. Louisiana would lose $6 million in funding, or a 16-percent decrease; Mississippi would lose $4 million; and New York State would lose $46 million. At the local level, some education agencies would lose significant funding.

This amendment would also cause mass disruption in existing services to our students. It is incredibly ironic that the sponsor of this amendment claims to want to send more dollars to the classroom and yet this amendment would have the perverse effect of moving dollars out of the classroom and into State bureaucracies. Title I now only allows 1 percent of the money to be used for administration. Under this amendment, State bureaucracies could claim up to 15 percent of the funds.

Mr. Chairman, it is apparent to me that the majority in this Congress thinks it is smart politics to attack teachers, to bash public education, and to promote school vouchers. I do not think so, and I urge Republicans to stop playing politics with America's schools. I urge defeat of this amendment.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a superficially very alluring amendment. It seemingly would consolidate many programs and reduce redtape. The problem is, when analyzed further, the amendment is in a sense, a pernicious one, based, I think, upon a faulty premise. I do not think it would work the way the authors would expect and it would disrupt State and local funding for education.

This amendment and the Gorton amendment in the Senate, which it attempts to mimic, is a form, in my judgment, of revenue sharing, a policy that was adopted, tried, and ultimately rejected by the Congress and the American people many years ago. Revenue sharing was based on the premise that the progressive income tax would forever create increasing revenues and would not serve as a drag on the economy. We now know better. Revenue sharing was based on the premise that it was good for one level of government to collect money and provide it as a general subsidy to another level of government. We now know better.

We learned that States and localities never felt these funds were a secure source and, thus, used the money for one-time projects or low-priority programs. The very nature of the funding source turned it into a categorical grant that localities would use only for programs that could be terminated if funding ceased, and few of these programs exist in education. Experience indicates that localities would view the money made available in this amendment, perhaps, in the same way.

The amendment would consolidate funding for programs such as safe and drug-free schools and technology programs. Mr. Chairman, this amendment creates massive winners and losers with little, if any, policy justification.

I requested an analysis by the Congressional Research Service of the distribution of funds. They were able in a very short time to provide the current distribution for $1.7 billion of the over $2.5 billion in what I believed to be the most recent version of the Hoekstra amendment. Now there has been a more recent version than that.

The remaining amounts are in small discretionary programs. If we look at the analysis, and we cannot put specific figures on the distribution of funds at this time because the amendment has changed so recently, but it appears very clearly that California, for example, would lose substantial funds; Louisiana would lose money; Mississippi, a particularly poor State, would lose funding; New York would lose substantial amounts of funds; Oklahoma would lose money; Texas would lose money.

Conversely, States such as Alaska, Colorado, Hawaii, Iowa, Minnesota, Rhode Island, and others would receive large increases. While these are, in some cases, needy States, as all States are in a sense, they are hardly States with the greatest numbers of needy students.

This amendment would terminate funding for a number of small programs that many Members on both sides of the aisle have expressed support for, both to me personally and to the subcommittee. These include Very Special Arts, Education for Homeless Children and Youth, the Close-Up Program, International Education Exchange, Civics Education, which supports We The People Program, the National Writing Project, the Javits Gifted and Talented Program.

The committee bill itself, Mr. Chairman, increases the title VI block grant by $40 million, an increase of 13 percent, and we have continually worked to increase the funding level of this program. When we started in 1996, the program was funded at $250 million, it is now $340 million in the bill before the House.

But that does not mean that we should increase it by billions of dollars, because the assumption then is that a State block grant program, and this is a State block grant program, can assure the best decisions. In my judgment, we have to be very careful that we not substitute State bureaucracy for Federal bureaucracy.

It was said before that a lot of money is siphoned off by the Department in respect to programs that it administers. In rough figures, the Department administers about $50 billion in Federal funds through discretionary funds, mandatory funds, and off-budget spending and the overhead costs of those are about $800 million, or about 4 percent. Ninety-six percent of the money goes either to the States or to the local government or to students that are in need or are provided for under Federal programs.

I think the effect of this amendment politically would be very clear. It would destroy the bipartisan support for the bill and increase rather than decrease the leverage of President Clinton, since ultimate passage of the bill, if it occurs, will be with a narrow majority, I believe.

So I think the authors of this amendment are very wise. They have indicated to me that they will withdraw the amendment. I think that is a very wise decision. On the other hand, I strongly agree with them that a good debate on this subject, looking at all the facts involved and looking for the formation of better policies in the future, is all to the benefit of this body.

I believe that this amendment would not do what the proponents believe that it would do; that its impact on the distribution of funds has no policy justification and that would hurt some States while helping others. We ought to look very, very hard before an amendment that moves this massive amount of money from programs that have been tried, tested, and found working to a simple block grant administered by State bureaucracies.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MARTINEZ], a member of the committee.

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, once again, we have those on the other side of the aisle attempting to score political points at the cost of our Nation's children and the educational system which provides for them.

The Hoekstra amendment, which will essentially gut the provisions of numerous Federal education programs intended to ensure educational excellence and equality, is an ill-conceived and destructive policy statement that no Member in this House should support.

As the body knows, a similar, but not identical amendment was passed by the Senate during their consideration of the Labor/HHS appropriations bill.

Unfortunately, my fellow Education Committee colleague, Mr. HOEKSTRA, has latched onto the message of the Gorton amendment and is now attempting to break what, for the most part, has been a careful bipartisan balance on this bill. Fortunately, the President has realized the complete lack of a policy basis for such an amendment and has issued a statement saying he would veto any bill which contained either the Gorton amendment or a similar provision. Ladies and gentlemen, the Hoekstra amendment meets the President's criteria for a veto. This amendment will gut the existing focus of excellence and equality in present Federal programs. Consider some of the programs which this amendment will transfer funds away from: title I, safe and drug-free schools, education technology, Eisenhower Professional Development, magnet schools assistance, bilingual education, and school-to-work, just to name a few. All of these programs focus heavily on providing Federal assistance to States, local education agencies, and schools which are in need of additional funding.

The loss of funding for these programs will take the largely poverty emphasis away from Federal funding efforts in education. Unfortunately, the program to which all of these funds are being transferred to has little if any requirement that poverty be a factor in distribution.

In addition to the very real concern of losing our existing poverty focus if this amendment were to become law, Members should consider how their individual school districts will be impacted.

Those Members who would support this amendment should realize that the current funding streams which are going to their districts could be jeopardized. For example, those States and locals who were recently awarded technology grants by the Department of Education should be aware that the funding for these grants would be absorbed into the title VI block grant—and not distributed as currently envisioned. As a Member whose local school districts have received such a grant, I am especially concerned about the impact of this amendment.

Lastly, members should realize that the vital provisions ensuring accountability in the programs which Mr. HOEKSTRA is seeking to defund will be lost. Gone will be the ability of both Congress and the Department to ensure that Federal tax dollars are being spent in an effective manner. In a time when educational resources are consistently growing scarce, now is not the time to nullify these important provisions.

I urge Members to vote against this ill-conceived and baseless amendment. I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in opposition to this amendment for the reasons enunciated by the gentleman from Missouri [Mr. CLAY] and the gentleman from Illinois [Mr. PORTER], the distinguished chairman of our subcommittee, who both spoke eloquently and effectively to the merits.

I want to say to my friend from Michigan, Mr. HOEKSTRA, that I have a bill in and it is called the Family Services Improvement Act. It seeks to make it easier for local LEA's and States and counties and cities to apply for Federal funds, and seeks to put the burden on the Federal Government, not on the local entities, to coordinate their resources to make it easier to access, to help the children that the gentleman from Missouri and the gentleman from Illinois and the gentleman from Michigan and myself, and everybody on this floor, in fact, want to help.

So although I oppose the gentleman's amendment, I think that the idea that the gentleman expresses in terms of maximizing resources so that children can be better educated, families can be better served, is an objective in a time of fiscal constraint that we need to pursue with vigor.

Mr. Chairman, there is a 7-year-old with a learning disability in my district. This second grader receives special assistance from her school so she can keep up with her class. But because of the financial constraints of her school district, the little girl only receives help because the school district receives specifically designated Federal education funds. And so today, I want to make sure that my colleagues understand just what a drastic effect this amendment would have on all of the children throughout this country who need our help.

The Hoekstra amendment would block grant Federal K through 12 education funding as general education aid without addressing Federal priorities or providing for any program accountability. Mr. Chairman, program accountability must not be overlooked. The Federal programs that this amendment would consolidate have strong accountability requirements that focus on program effectiveness, a crucial requirement for any Federal program.

A vote in favor of this amendment would eliminate the specific national purposes of the Federal investment in education. Under this amendment, Federal funds would not have to be used for their intended purpose. Local education agencies would have an unlimited discretion to spend Federal K through 12 education funds for any purpose they deem appropriate, including noneducational purposes. The current formulas provide funding on the basis of need.

The amendment would drastically reduce the targeting of Federal funds to the most disadvantaged students and neediest school districts. The purpose of Federal education funding is to ensure that school districts and disadvantaged students are not overlooked and receive the resources they so desperately need. The Hoekstra amendment would actually direct a greater percentage of Federal funds to the State educational agencies rather than directly to the school district under the current system.

And, Mr. Chairman, there is another important fact that has been overlooked by my colleagues on the other side of the isle. The Hoekstra amendment breaches the bipartisan budget agreement that this legislative body entered into earlier this year. Specifically, the agreement allowed for the President's budget request for Goals 2000, education technology, and bilingual education. This amendment effectively strips funding for all three important programs by consolidating them into title 6 block grants.

I would urge my colleagues not to overlook that 7-year-old with the learning disability who looks to us for help. She will fall through the cracks if we vote to pass this amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume to thank my colleague from Maryland, and we will take a look at that. I think we both understand and appreciate that there is a problem out there with the Federal bureaucracy and the Federal paperwork.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. PITTS].

Mr. PITTS. Mr. Chairman, I rise today to express my strong support for the Hoekstra amendment to the Labor-HHS appropriations bill. As a former math and science teacher, as the father of three children who went through the public school system in Pennsylvania, I have, for a long time, been involved with education. Since becoming a Member of Congress, I have begun to investigate the Federal Government's impact on our educational system and, frankly, I do not like some of the things I see.

We are wasting a lot of money on bureaucracy. The Hoekstra amendment would help put an end to this practice by sending billions of dollars directly to the States and local school districts and to the classrooms where they are most effective. We must shift the focus of the education debate from Washington to our local communities. We need to listen to the local folks who are trying to teach our local children.

One of my school superintendents, Dr. Charles Garris, came and testified recently before the Committee on Economic and Educational Opportunities and he gave his district's personal experience. If I can sum it up, basically he said that at the local level 25 percent of the funds never reach the students that they are intended to serve. Again, 25 percent never reach the students.

Today, let us support the Hoekstra amendment, which draws the line in the sand, the distinction between those who want to continue the status quo and those who want to continue the education system in which 40 percent of American 8-year-olds cannot even read; those who want to empower bureaucracy and those who want to get education dollars to the classroom; those who want to give local teachers the tools they need to teach kids; those who want to empower parents. We have a choice.

It has been shown time and time again that the Federal Government has created excessive red tape, regulations, paperwork and unproven programs and that we cannot get the dollars to the classroom and to students. So in this battle I think we need to join the gentleman from Michigan to expand the flexibility of the States and give them the funds.

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Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, I rise in support of this amendment and want to commend its author for bringing forward what I think is a very bold and vital policy for us to set forth for the national government on education. It essentially poses the choice between a child-centered program that gets money to the schools to benefit our Nation's children or a Washington-centered approach that keeps the money here, keeps the strings tied to Washington on how that money will be spent, and does not allow our teachers, our school administrators, our parents to make decisions on how to use those resources to best benefit the children and their schools.

Let me tell my colleagues that over the August break I visited several schools in my district and talked with teachers, administrators, parents and students; and the one thing that came up in schools in rural areas and schools in more suburban towns, in schools that are like the inner-city districts in many of our States, they all said that their biggest problem is that they spend time filling out paperwork that comes from Washington rather than spending time teaching children in the classroom. That has to change.

This amendment is a tremendous step forward in moving to that new approach where we say we are going to fully fund the educational needs of this country, but we are not going to attach strings coming out of Washington on how that money is spent and best used for our children. We are going to let the people who know, the teachers, the local school boards, the parents, decide how to make the most out of those funds to help children who are disabled get the extra programs they need, to help children who are gifted and talented get the extra resources they need, to help the students that are in the middle to be able to have a classroom where they learn the skills and the knowledge that they will need to be the future leaders and future citizens of this country.

So I strongly support this amendment. I want to commend my friend, the gentleman from Michigan [Mr. HOEKSTRA] for bringing it forward, and I look forward to working with him in the future in the authorizing committee in moving this type of policy forward as we set forth the clear difference between the Washington-centered approach, which is the old way of spending education money, and this new, bold approach that is a child-centered approach that I am convinced will be the best thing for America's children.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The Chair will advise that the gentleman from Michigan [Mr. HOEKSTRA] has 9½ minutes remaining, the gentleman from Illinois [Mr. PORTER] has 4 minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 6½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield as much time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to the amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Chairman, I thank the gentleman from Michigan [Mr. HOEKSTRA] for yielding.

As a parent and former school teacher myself I know firsthand the vital role that good schools play in our children's future. And I would like to thank my good friend from Michigan [Mr. HOEKSTRA] for offering this amendment, and for bringing his committee to my district in Cincinnati and looking at education and seeing what works there firsthand. This past May his committee came there, and we had many, many programs that we looked into and found out how they work there.

The education reforms that we saw in Cincinnati were local initiatives that took root in schools only after being nourished by parents and teachers and local businesses and local folks. I want to emphasize that the Federal Department of Education played virtually no role in this at all. These were things that grew up locally and work very well.

The amendment today would block grant 28 Federal programs into one block grant and the money has to be used in the classrooms. It can be used to purchase books, computers, but not to support the Federal bureaucracy.

What this amendment does is it focuses the money and the attention on what really works in the classroom. Do we want to spent money in the classroom, or do we want to spend it on bureaucrats here in Washington? I support the Hoekstra amendment. I say let us spend money in the classroom, not on bureaucrats here in Washington.

Mr. OBEY. Mr. Chairman, I have only one speaker left, so I will reserve my time.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Illinois for yielding me the time.

I rise reluctantly to oppose the Hoekstra amendment, reluctantly because I think that the sponsor of the amendment has done a great job in the Committee on Education and the Workforce and sincerely has the best interests of children and education at heart. But I do not agree with the concepts of this particular amendment.

I think we really need to review the role of what the Federal Government is doing in accountability. There are, I believe, 28 programs that are affected here, all the way from Goals 2000 to Safe and Drug-Free Schools, some parts which have worked, others perhaps not worked. But these programs have been specifically created at the Federal Government level, usually to fill a need which is not being served at the local level, and are aimed at that purpose.

If we do block grant these funds, it essentially means that we turn all the money over to a local government, we remove almost all the accountability that we have now. And there may be too much paperwork, and I think those statements are correct that we should be looking at these things at the authorization level. The committee should be examining these particular areas.

But the bottom line is that the money is turned over. We do not know how the money would be expended. And clearly all these programs, it would probably in some way or another result in a lot of them may be eliminated altogether. And yet, they would all seem to have some fairly good cause.

We also do not know to whom we are always turning it over. We complain about the District of Columbia schools, and yet we would be turning the money over to that as well as to other areas. I support the goal of what is happening here. It is my judgment that we are putting the cart before the horse.

It is my judgment that the Committee on Education and the Workforce should sit down and go over this with some care and make recommendations, and then it should go to an appropriation. This is not the way we should be doing business, by having it come up in the Senate and then all of a sudden, out of blue air, have an amendment be brought up in the House of Representatives. I think it is too much, too fast. I do not think it reflects Federal priorities, and I do not think it should be included in the appropriations process.

As I said, there may be some merit to block granting these programs, but it should be through a deliberate reauthorization process. For all these reasons, I would hope we withhold and oppose the amendment at this time.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Chairman, the gentleman from Michigan [Mr. HOEKSTRA], chairman of the Subcommittee on Oversight and Investigations of the Committee on Education and the Workforce, did not invent this out of blue air. He has been working on this issue for some time, and he has always favored block granting.

It is not a question whether or not we believe there should be more emphasis on education. Those of us who are parents realize, with the possible exception of family values and strong personal values and the importance of moral values, nothing is more important than our children and education.

It is a question of who is going to make the decision regarding our children's education. Is it going to be parents, local school boards, teachers, and the State, or is it going to be the Federal Government? It is not a question of where the money goes, but who is micromanaging, how that money is used.

For example, I think as we work through some standards this fall, and the gentleman agreed to withdraw the amendment at this point, if we are going to bring tax dollars to Washington and send them out, holding people accountable is justified. But they should be minimal. When we have two different programs trying to decide how much exactly goes in a drug-free school, how much exactly goes into the arts or whatever, I think those decisions should be made back in Indiana, in my case, rather than here in Washington.

I strongly support the concept of, if we cannot get all the money in the classrooms, at least getting it 600 miles closer to my home State where those decisions are going to be made. I believe that the Hoekstra bill moves this in that direction.

We are starting a debate that is likely to go on through this fall and into next year as we all try to decide not whether our children should be educated but how. And I have more confidence in the school boards of this country, in the parents of this country, in the teachers of this country then to say the fount of all wisdom is here in Washington.

I believe in Indiana we understand that we have a drug problem and that those drug problems can be allocated to the schools where they can be treated, and that we can make them work more efficiently than the way we are currently providing. I believe that a society without arts and culture is damaging. But I do not believe that arts and culture just flow from this building or the buildings down the street in the Education Department and the White House. I believe they flow out of the local community. And that is what this amendment does.

Mr. HOEKSTRA. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS. Mr. Chairman, the gentleman from Michigan [Mr. HOEKSTRA] has given us a unique opportunity today to debate a 20-year-old Federal power grab in education. Those in Washington, who think they know best, continue their assault on local control of schools, putting the future of our students in the hands of the Washington Department of Education.

The lesson of the last 20 years of Federal education policy is clear. Having a centralized Federal authority imposes one-size-fits-all approaches to public education that just simply do not work.

Chairman Johnny Isakson of the Georgia Board of Education made the case against Federal control over education earlier this year. He noted that, and I quote,

> There are simply too many dollars scattered in far too many programs managed by far too many agencies. If the dollars spent could be concentrated, the management less disbursed, then more of the money would actually flow into education and out of administration.

We should join the gentleman from Michigan in supporting this amendment so that we may begin enacting education reforms locally that enhance basic academics, increase parental involvement, and focus attention where it belongs, on our children and on our local classrooms.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. FORD].

Mr. FORD. Mr. Chairman, I thank the gentlewoman from California [Ms. PELOSI] for yielding me the time, and certainly to the gentleman from Missouri [Mr. CLAY] and the gentleman from Wisconsin [Mr. OBEY], and even to the gentleman from Illinois [Mr. PORTER].

I rise today to express strong opposition to the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA], my colleague and friend. I think this amendment and the debate over national testing really go to the heart of a very serious question: "What role should the Federal Government play in educating our Nation's children?"

It is mind-boggling in many ways to listen to my friend, the gentleman from Georgia [Mr. COLLINS], talk about a power grab in education when the Federal Government spends less than 7 percent of moneys we spend on educating elementary and secondary students in this Nation.

I would say to my friend, the gentleman from Georgia [Mr. COLLINS], and those on the other side of the aisle, that this is a national security issue.

When we look at schools here in this District of Columbia and throughout America that are crumbling, without air-conditioning, without proper wiring to bring technology into the classroom, these are our future workers, our future State lawmakers. Since it is clear that you all have an affinity for the State and State lawmakers, these are the future State lawmakers that you choose to devolve power to. These are the future scientists and astronauts and pastors and business people. We have an obligation here at the Federal level to reach out to teachers and to parents and to communities to ensure that they educate our young people.

Oppose this amendment. And I appeal to the gentleman from Michigan [Mr. HOEKSTRA] to withdraw his amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield 1½ minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I thank the gentleman for yielding me the time.

If we are for our children and students, we support this amendment. If we are for more bureaucracy and more strings attached that take the money out of the classroom, then we are against this amendment.

When this block grant program was first created in 1981, 42 programs were put into one, 350 Federal bureaucrats were no longer needed, and for each Federal bureaucrat there are scores and hundreds at the local level that are having to apply for grants, fill out application forms, do compliance reports, do extra audits, and so forth. We are talking about being able to eliminate thousands of bureaucrats who take the money that we want to go into the classroom, and enabling that money to go into the classroom instead.

The U.S. Senate went on record in favor of this last week. Last year, I sponsored a lesser scale amendment that this House supported. I applaud the gentleman from Michigan [Mr. HOEKSTRA] for expanding that and saying we want to take a bold step to help students, not to be supporting bureaucrats.

It takes the taxes of nine American families for each bureaucrat in Washington, DC, and there are similar numbers for all the additional bureaucrats that our State and local governments and our schools have to hire to deal with the Washington bureaucrats and the redtape and the paperwork that flows back and forth, and it does not help the kids.

Let us support this amendment and help children, not bureaucrats.

Ms. PELOSI. Mr. Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Chairman, I thank the gentleman from Michigan [Mr. HOEKSTRA] and applaud him for offering this amendment.

There is a great debate going on in America, and times change. There was a point in the history of our Nation when we felt the best education policy should be in Washington, DC.

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I suggest to my colleagues that time has changed. This amendment takes a giant step in the right direction toward advancing education, improving education in the classrooms of our children. I think it is best said that the money that reaches the teacher that knows my son Stephen's name and the money that reaches the teacher that knows my daughter Courtney's name is the best money spent in education. And the ideas that the teachers and the administrators at Stephen's school and Courtney's school have are better than ideas created and imposed top down thousands of miles away in Washington, DC.

We are not increasing a program here of the Federal Government. What we are doing is embracing a concept. That concept is simple and straightforward: That the best education and the best education reform can be created not in Washington, DC, thousands of miles away from where my daughter Courtney and my son Stephen go to school, but right there at Courtney's school and Stephen's school.

This amendment is a thoughtfully considered amendment which will advance the education of our children. I urge my colleagues to support it. It will, in fact, improve education in America. I urge them to embrace the concept.

Mr. OBEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in opposition to this amendment to rip the foundation out of our public school system.

Mr. Chairman, I rise in opposition to the amendment to block grant Federal education funds. This is an assault on the Federal Government's important role in education, and a serious threat to the future of our students.

The Federal role in education is critical to maintaining a nationwide effort to improve our schools. To shift virtually all funding for elementary and secondary education programs to the title VI education block grant would drastically alter the Federal, State, and local partnerships that prepare our children for the future.

The Hoekstra amendment will eliminate 26 Federal education programs, including the bilingual and immigrant education program—which provides funding to school districts throughout the country to help more than 3 million limited English proficiency students to become proficient in English and achieve high standards.

The amendment would remove all requirements that local education agencies provide services for limited-English proficient students, economically disadvantaged students, Native American students, immigrant students, or gifted and talented students. Funding will be eliminated for education technology, school-to-work programs, professional development, and teacher training. Funds normally targeted for these activities could be used for any purpose, even noneducational purposes.

This block grant provides no guarantee that the maximum amount of funds will reach the classroom. The title VI grants guarantees that only 85 percent of block grant funding must go to local school districts. Under the current title I program, States can retain only 1 percent of funding for administration. The block grant allows up to 15 percent.

While there is talk that each State will receive the same amount it does currently through these programs, we know historically that block grants do not sustain these funding levels. We have not yet received sufficient data to know the precise impact on schools in our districts and in our States. We do know that States with the neediest populations will be hardest hit, because targeting Federal funds to the neediest students and districts through title I formulas will be eliminated.

The progress that has been made in school districts under these priority programs will be completely disrupted. This amendment thoroughly devastates the Federal Government's commitment to strengthen accountability, raise academic standards, and ensure that all children posses the specific skills they need to meet the challenges that lie ahead.

We worked diligently in this subcommittee with our chairman and ranking member in an attempt to keep this bill free of controversial riders. The President will veto this bill with this provision included. This is not the bill or the forum in which to debate an issue that will be so wholly disruptive to our education system. Drastic revisions of our Nation's education policy should be considered carefully through the authorization process, not haphazardly tacked on to an appropriations bill.

This amendment is a thinly veiled first step to completely dismantle the Department of Education. It rips the heart out of the priorities for our children's education that we have taken great pains to address in this bill. I urge my colleagues to oppose this harmful amendment.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. ETHERIDGE].

Mr. ETHERIDGE. Mr. Chairman, I also rise in opposition to this amendment and encourage the gentleman to withdraw it because it literally will do away with the programs that help our children in the public schools.

Mr. Chairman, I rise in opposition to the Hoekstra amendment to eliminate the vital functions of the Education Department.

As the former two-term superintendent of North Carolina's public schools—a statewide, elected position—I know firsthand the critical importance of the partnership between the Education Department and the State of this Nation. Make no mistake about it: this amendment would do great harm to the education and well-being of America's children.

Mr. Chairman, earlier this year, I testified in front of the House Education Committee in defense of the Safe and Drug-Free Schools Program, in opposition to the very same block grant scheme as this amendment. I told the committee that it is crucial that we maintain Safe and Drug-Free Schools as an Education Department priority because it is an essential component of our effort to develop a safe and secure environment for learning. The principle is very simple: our children cannot learn if they are not safe. We cannot expect our children to learn geometry if they are scared to death from gunfire. We cannot expect our teachers to teach effectively when the scourge of drugs invades their classrooms. And we cannot expect our parents to have any faith in our schools as learning institutions without the faith that they are free from drugs and violence. Safe and Drug-Free Schools plays an essential role in that effort, providing support to 97 percent of all school districts in the country.

If it ain't broke, don't fix it. The Safe and Drug-Free Schools initiative is an effective and vitally important effort to improve our Nation's schools, this House should defeat this amendment's attempt to destroy that effort.

This misguided amendment would also eliminate School-to-Work, an innovative approach to help people gain the skills they need to compete and succeed in the modern workforce. Mr. Chairman, I represent one of the most economically booming regions in the country. The unemployment rate in Raleigh-Durham is less than 2 percent. Driven by the technology sector, our economy is growing so rapidly that businesses cannot find workers with the training required for these jobs. Many of these jobs do not require a college education, and Schools-to-Work is an effective tool for skills training.

The Technology Challenge Fund, Goals 2000 education standards, and Eisenhower Teacher Training are all important education initiatives that would be eliminated by the Hoekstra amendment.

During the previous Congress, I served on the front lines of the effort to educate our children. When Members of the people's House tried to abolish the Department of Education it had a devastating effect on the morale of the men and women who teach our children. I came here to fight that effort, and I call on my colleagues to defeat this amendment.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Chairman, I rise in opposition to this ill-advised suggestion.

Mr. HOEKSTRA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as I indicated at the beginning, this is the start of a larger debate of redefining how we help our children. As I have indicated, as we have gone around the country, we have seen wonderful things. We have seen wonderful things in public education. We have seen great innovations in public education. We have seen wonderful teachers who are motivated to help our children and help our children get a better education. At the same time we have run into a constant frustration at the State and the local level about the involvement of the Federal Government in setting priorities, in setting direction at the local level.

This amendment and this debate will be about how do we move dollars to students, how do we move decisionmaking to parents, and how do we increase flexibility for States, because we know that when we focus on basic academics, when we focus on our young people, when we get dollars into the classroom, and when we move decisionmaking back to parents and back to the local level is when we are seeing success. As we withdraw this amendment, recognize that we will come back to flesh out these ideas to move the money to students, decisionmaking to parents and flexibility to States.

Ms. SANCHEZ. Mr. Chairman, why are Republicans so afraid of labor unions? The Hoekstra amendment seeks to allow corruption to play a role in the elections of the largest labor union in the Nation. This amendment would pose such an additional financial burden on the Teamsters that it would prevent the effective organization and representation of its workers.

And this is what the Republicans are really trying to do. They are trying, through any means necessary, to destroy American labor unions. Actions like this throughout this Congress reveal true motives.

Are they afraid of workers having a representative voice? Are they afraid of workers having a voice in contract negotiations? Are they afraid of workers having fair and safe working conditions?

The use of the Republican slush fund to persecute working families and their Representatives combined with the countless hearings held by the Oversight Subcommittee on Education and the Workforce are being done to destroy unions. Mr. HOEKSTRA's latest amendment shows the Republican objective is to silence the only voice of the American worker.

Our Government made an agreement with the Teamsters in the 1989 Consent Decree. Let us not break our word to hard-working Americans.

I urge my colleagues to stop this persecution of labor unions. I urge my colleagues to allow the Justice Department to do their job and to uphold prior agreements. I urge my colleagues to support the working men and women of America and to oppose the Hoekstra amendment.

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to this amendment, and I urge my colleagues to join me in defeating it.

Our children will compete for jobs in a national, and even global, marketplace. We know our workers, and our economy, can be the best in the world—if we also have a world-class education system.

Our schools are not living up to our expectations. Too many schools are overcrowded and crumbling. Too many schools aren't safe, and aren't teaching kids the skills they need to learn. We have failed to hold our schools and our students accountable to the highest standards.

If you believe, as I do, that as a nation we have failed to hold schools accountable, you should be very wary of an amendment which would make it virtually impossible to ever hold them accountable. And that's precisely what this amendment would do.

We need to hold our schools more accountable, not less. We need to demand higher performance and higher standards. And we need to target poor performing schools in resource-poor areas and give them the funds they need to succeed.

In fact, this amendment goes contrary to everything which Republicans and Democrats on this subcommittee and on the Education and the Workforce Committee have been trying to do in reforming the title I and Elementary and Secondary Education Act programs. Where we have attempted to target funds to where they are most needed, this amendment would spread them around to schools whether they are needed or not.

Where the two committees have moved to tie funding to efforts to improve standards and promote better academic achievement, this amendment would spread funds around to schools whether they are taking steps to improve or not.

Where the two committees have moved to tie funding to schoolwide programs rather than scattershot fixes that research shows don't work, this amendment would spread funds around to schools whether they are reforming their practices or not.

I agree with my colleague that we have serious problems in many schools. I agree with my colleague that dramatic improvements are needed. But I disagree that a knee-jerk effort to block grant funds to the State and local level, with no accountability, is the solution. I urge my colleagues to demand accountability for high standards from our public schools. I urge my colleagues to reject this amendment.

Mr. PAYNE. Mr. Chairman, I rise in opposition to the Hoekstra amendment that will eliminate 28 targeted education programs and transfer $2.75 billion in funding into the title VI of Elementary and Secondary School Act. This essential block grant is a direct hit at some of the most effective programs we have developed to encourage education reform in our communities. By terminating these programs we are sending a message to States and localities that programs such as the Safe and Drug Free Schools, school-to-work, educational technology grants, Goals 2000, and bilingual and immigrant education are not important and do not serve our students well. It also sends the message that as congressional representatives have no knowledge of the crucial roles these programs play in our schools and communities. However, most importantly the children who will be punished by this amendment are those who rely on these programs the most. These children reside in low-income urban and rural areas.

Targeted assistance and formulas carefully crafted to ensure the equitable distribution of Federal funding to our school districts in all States will be terminated by the passage of this amendment. This will result in millions of children to be underserved by one of the only vehicles available to them to improve their lives—our education system. Passage of this amendment will be a true crime against low-income children in this country and I urge my colleagues to vote "no" on the Hoekstra amendment. Thank you.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in opposition to the Hoekstra education block grant amendment to H.R. 2264. There is not a shred of doubt in my mind that this amendment is nothing more than what the Republicans wanted to do with the Department of Education in the last Congress—to abolish it. This is nothing more than a piecemeal attempt by Mr. HOEKSTRA to cut Federal funding for our Nation's educational programs; to cut funding of Federal educational programs that the Republicans have been attacking for years.

Mr. Speaker, the Republicans have previously sought cuts in such programs as Safe and Drug Free Schools, school-to-work, Goals 2000 School Reform, Eisenhower teacher training, and bilingual and immigrant education. Now, by the subterfuge of this amendment, by creating block grants, Republicans can succeed in ending these programs.

As we all know, block granting funds for education eliminates all accountability for the use of Federal education funds. If this amendment passes, all education funds could be diverted for noneducational purposes. With the limited amount of Federal funds being spent on education, it is absolutely necessary that funds that are intended by Congress to be spent on specific educational programs, are, in fact, spent on those programs. Congress has identified education as a national priority and without the focus of these programs, funds would not be targeted to the neediest schools and districts.

This arbitrary consolidation of Federal funds into block grants has to be stopped, lest we rob our most needy students of the programs that have proven themselves in the past. We must reject any attempts to undo 40 years of bipartisan Federal investment in our children's future. We must not back away from our commitment to education now, in its time of vital need.

Mrs. MORELLA. Mr. Chairman, I rise to oppose the Hoekstra amendment that would merge a majority of the current Federal education programs into block grants to local school districts.

This amendment would essentially eliminate all accountability for the use of Federal funds in our public education system. I, too, believe in driving dollars to the classroom, and I believe that local education agencies must be afforded a certain amount of flexibility to use Federal funds in accordance with the needs of the local education community. Under this amendment, however, the Federal Government would hand over funds to local school systems and indicate that they may use the money in any way they please, without any standards of accountability.

I believe that the education of our children should be a top priority. An investment in education is essential to our Nation's future. Under the Hoekstra amendment Federal education funds could be used by local agencies for noneducation purposes. The amount that we appropriate for education is always short of what is needed to be fully effective. The Federal Government contributes only 6 percent to elementary and secondary education. As the Washington Post pointed out this week, Federal funds fill in the gaps and provide programs for lower income students who would be underserved without Federal efforts. We simply cannot afford to allow the small amount of money that we appropriate for education to be used for other purposes.

This amendment would unravel years of progress that we have made in providing equality of education for girls and minorities. It would remove all of the Federal civil rights protections for race, gender, and disabilities contained in the elementary and secondary education laws. All of the hard work by the Congressional Caucus for Women's Issues during the 103d Congress to incorporate gender equity through the funding of elementary and secondary education programs would be undone. These programs have made our schools more gender-neutral, which improves education for all students.

Mr. Chairman, I ask my colleagues in the House to reject this effort to put at-risk four decades of bipartisan efforts to develop and define the Federal role in public education. I urge a no vote on the Hoekstra amendment.

Mr. HOEKSTRA. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENT OFFERED BY MR. SHADEGG

Mr. SHADEGG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHADEGG:

Page 102, after line 24, insert the following new section:

SEC. 516. None of the funds made available in this Act may be used to enter into a contract with a person or entity that is the subject of a criminal, civil, or administrative proceeding commenced by the Federal Government and alleging fraud.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. OBEY. Mr. Chairman, the amendment proposes to change existing law and constitutes legislation in violation of clause 2 of rule XXI.

The amendment would require the agencies funded in this bill to undertake new duties. These agencies would be required to determine whether entities are the subject of Federal proceedings alleging fraud before any contracts could be awarded. Fraud would only have to be alleged, not proven. I do not care if the President of the United States is the person making the accusation, people are entitled to the presumption of innocence until proven guilty. Even average citizens. These departments currently do not have to make such determinations. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The CHAIRMAN pro tempore. Does the gentleman from Arizona wish to be heard on the point of order?

Mr. SHADEGG. I do, Mr. Chairman.

Mr. Chairman, my understanding from the other side of the aisle was we had reached an agreement under which I would offer the amendment, the point of order would be reserved, and I would have a chance to explain why I feel the amendment is appropriate, and then at the conclusion of that I would withdraw the amendment. That does not appear to be what has happened, so let me make my arguments with regard to the amendment.

What the amendment says is that the funds appropriated under this bill shall not be used to enter into or pay for either a contract or salary to a person or an entity which is the subject of a criminal, civil, or administrative proceeding in which the Federal Government has alleged fraud. That means, Mr. Chairman, that it would only apply not where there was a mere investigation of fraud, but, rather, where there was an allegation which had been formalized by the filing of a civil or criminal or administrative complaint; and not a civil or administrative complaint by anyone, but, rather, by the Federal Government. If we cannot protect under the laws of this Nation the expenditure of taxpayer funds to entities which are currently being prosecuted for fraud, then I would say we are in deep trouble.

Mr. OBEY. Mr. Chairman, I make a point of order. The gentleman is not discussing the point of order. I do not intend to debate the amendment, and I do not expect anyone else is allowed to under the rules.

The CHAIRMAN pro tempore. The gentleman from Wisconsin is correct.

Does the gentleman from Arizona have an observation pursuant to the point of order raised by the gentleman from Wisconsin which claimed that the amendment violates clause 2 of rule XXI?

Mr. SHADEGG. Mr. Chairman, I do not believe it does violate it. I believe it is, in fact, consistent because it applies only to actions that have been filed, and therefore there would be no investigation required.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The amendment offered by the gentleman from Arizona would appear to require an investigation of each person or entity entering into a contract with funds under this act as to their being the subject of a criminal, civil, or administrative proceeding by the Federal Government with the specific allegation of fraud. In the absence of a citation to an existing law requiring this inquiry, the Chair believes the amendment imposes a new duty on executive officials not required by existing law in violation of clause 2, rule XXI. The Chair therefore sustains the point of order.

Are there further amendments to the bill?

Mr. SHADEGG. Mr. Chairman, I move to strike the last word.

The purpose of the amendment which I just offered, which I would like to address, which is of grave concern to me, is that, in fact, we have a situation under this legislation and elsewhere, but particularly under this legislation, where millions of dollars, indeed tens of millions of dollars, are spent by the Federal Government and can be paid to contractors and individuals currently subject to a fraud prosecution by the Federal Government.

It seems to me if we have a department of the Government called the Justice Department, and if we have inspectors general offices within HHS and a variety of other agencies which are charged with the duty of auditing the expenditure of carefully collected taxpayer dollars and assuring that those dollars are spent pursuant to law and spent in a proper fashion and not fraudulently, then we ought to recognize that there is no right inherent in anyone to get a Federal contract and to be paid Federal moneys under that contract. Indeed, we ought to say that, well, of course there is a presumption of innocence in the criminal law in this Nation. There is no presumption of a right to be paid Federal moneys.

Let me give my colleagues some examples. There was a foundation created in 1994 to implement school-to-work grants. It was awarded $1.05 million. Following the first year, the inspector general called into question more than 73 percent of the claimed expenses of that foundation, alleging fraud. However, even while those practices were being challenged by the inspector general, the foundation was awarded an extension of its contract and an additional $1.43 million.

It seems to me that we are indeed charged as the stewards of taxpayers' money with looking after the proper expenditure of those funds. And if we have entities such as the inspector general's Office, such as the Attorney General, to investigate fraud and to charge fraud, and we make them comply with statutes in bringing those allegations, then indeed we have a duty not to at the same time give away taxpayer dollars to them while they are accused in a civil or criminal proceeding with fraud in the action itself. For those who object to that, I wonder what their motives are. It does concern me.

Mr. Chairman, it seems to me that we can look throughout the Federal Government. There are dozens of incidents, hundreds of incidents, thousands of incidents. Let me pick one from the Medicare field. A physician improperly billed $350,000 over a 2-year period for comprehensive physical exams of residents of a home care institution without ever seeing a single resident. He was charged with fraud. Should he have had the right under the presumption of innocence not just to contest his guilt or innocence on that question, but to get a new contract; to get yet an additional contract so we pay him more money not to see people while we litigate the issue of his fraud under the prior contract? I suggest that if we are properly stewarding the taxpayers' dollars, we should not do that.

A psychotherapist working in a nursing facility manipulated Medicare billing codes to charge for 3 hours of therapy to each resident, when, in fact, he spent only a few minutes with each resident. Again, a charge or an allegation administratively of fraud was brought, yet we renew the contract to this psychotherapist.

We have a duty to steward these moneys. We can raise points of order, we can hang ourselves on technicalities if we want, but, Mr. Chairman, I assert that we have a duty to protect taxpayers' funds. The presumption of innocence does not extend to the right to have a contract with the Federal Government to get even more money when your practices have been seriously called into question.

Some argue that this ought to go to any entity under investigation for fraud, and that was one of the issues brought to me. I rejected that proposal, because indeed if you are simply under an investigation for fraud, no formal charge has been brought, perhaps it would not be fair to turn you down, because you could have an abuse of the investigative power. But once an entity of the Federal Government, the inspector general or the Attorney General, actually charges fraud, it seems to me that taxpayers have a right to say, until that matter is resolved, we are going to suspend further contracts and further payments to that individual.

Let me conclude by saying after surfacing this amendment, individuals at each of the agencies which would have been affected under the Labor-HHS bill contacted my office and said they would love to have this kind of tool to put a cold bar in place and to ensure that where there has been a proceeding, criminal, civil, or administrative, already filed alleging fraud, they would like to be able to deny the funds.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I learned the hard way a long time ago when I was in the State legislature and the Republican floor leader of our legislature lost his seat because a Democratic attorney general falsely accused him of breaking the law. He was indicted. He was convicted. And his conviction was overturned, justifiably so, by a State supreme court. That decision taught me the hard way that no matter how high up the power is, no person ought to be able to cause another person economic injury or personal reputation injury without having it proven. That is my motivation in taking this action.

Mr. PORTER. Mr. Chairman, I include the following tabular material for the RECORD:

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
TITLE I - DEPARTMENT OF LABOR						
EMPLOYMENT AND TRAINING ADMINISTRATION						
TRAINING AND EMPLOYMENT SERVICES (1)						
Grants to States:						
Adult Training	895,000	1,063,990	1,042,990	+147,990	-21,000	D
Youth Training	126,672	129,965	129,965	+3,293	---	D
Summer Youth Program (2)	871,000	871,000	871,000	---	---	D
Dislocated Worker Assistance	1,286,200	1,350,510	1,350,510	+64,310	---	D
Federally administered programs:						
Native Americans	52,502	52,502	52,502	---	---	D
Migrant and Seasonal Farmworkers	69,285	69,285	69,285	---	---	D
Job Corps:						
Operations	1,064,824	1,127,726	1,127,726	+62,902	---	D
Construction and Renovation (3)	88,685	118,491	118,491	+29,806	---	D
Subtotal, Job Corps	1,153,509	1,246,217	1,246,217	+92,708	---	
Veterans' employment	7,300	7,300	7,300	---	---	D

(1) Forward funded except where noted.

(2) Current funded.

(3) 3 year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
National activities:						
Pilots and Demonstrations....................	27,140	23,717	42,500	+15,360	+18,783	D
Research, Demos, evaluation..................	6,196	10,196	8,196	+2,000	-2,000	D
Opportunity Areas for Youth..................	---	250,000	---	---	-250,000	D
Opportunity for Youth, advance FY 1999........	---	---	100,000	+100,000	+100,000	D
Other..	13,489	10,489	13,489	---	+3,000	D
Subtotal, National activities..............	46,825	294,402	164,185	+117,360	-130,217	
Current year............................	(46,825)	(294,402)	(64,185)	(+17,360)	(-230,217)	
1999 advance............................	---	---	(100,000)	(+100,000)	(+100,000)	
Subtotal, Federal activities...............	1,329,421	1,669,706	1,539,489	+210,068	-130,217	
Current year............................	(1,329,421)	(1,669,706)	(1,439,489)	(+110,068)	(-230,217)	
1999 advance............................	---	---	(100,000)	(+100,000)	(+100,000)	
Total; Job Training Partnership Act.........	4,508,293	5,085,171	4,933,954	+425,661	-151,217	
Current year............................	(4,508,293)	(5,085,171)	(4,833,954)	(+325,661)	(-251,217)	
1999 advance............................	---	---	(100,000)	(+100,000)	(+100,000)	
Women in Apprenticeship (1)......................	610	647	647	+37	---	D
Skills Standards.................................	7,000	7,000	7,000	---	---	D
Subtotal, National activities, TES.............	(54,435)	(302,049)	(171,832)	(+117,397)	(-130,217)	

(1) Current funded.

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
School-to-Work (1)	200,000	200,000	200,000	---	---	D
Homeless Veterans (2)	---	2,500	---	---	-2,500	D
Total, Training and Employment Services	4,715,903	5,295,318	5,141,601	+425,698	-153,717	
Current year	(4,715,903)	(5,295,318)	(5,041,601)	(+325,698)	(-253,717)	
1999 advance	---	---	(100,000)	(+100,000)	(+100,000)	
Subtotal, forward funded	(3,844,293)	(4,421,171)	(4,169,954)	(+325,661)	(-251,217)	
Community Serv. Employment Older Americans (3)	463,000	440,200	440,200	-22,800	---	D
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES						
Trade Adjustment	276,100	304,700	304,700	+28,600	---	M
NAFTA Activities	48,400	44,300	44,300	-4,100	---	M
Total	324,500	349,000	349,000	+24,500	---	
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS						
Unemployment Compensation (Trust Funds):						
State Operations	(2,115,125)	(2,204,125)	(2,115,125)	---	(-89,000)	TF*
National Activities	(10,000)	(10,000)	(10,000)	---	---	TF*
Year 2000 Computer conversion	---	(200,000)	(183,000)	(+183,000)	(-17,000)	TF*
Contingency	(216,333)	(216,333)	(196,333)	(-20,000)	(-20,000)	TF*
Subtotal, Unemployment Comp (trust funds)	(2,341,458)	(2,630,458)	(2,504,458)	(+163,000)	(-126,000)	

(1) 15-month forward funded availability.

(2) Current funded.

(3) The budget request proposed transfer of this funding to the Administration on Aging.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Employment Service:						
Allotments to States:						
Federal Funds	23,452	23,452	23,452	---	---	D
Trust Funds	(738,283)	(738,283)	(738,283)	---	---	TF*
Subtotal	761,735	761,735	761,735	---	---	
National Activities:						
Trust Funds (1)	(62,735)	(62,735)	(62,735)	---	---	TF*
Subtotal, Employment Service	824,470	824,470	824,470	---	---	
Federal funds	23,452	23,452	23,452	---	---	
Trust funds	(801,018)	(801,018)	(801,018)	---	---	
One Stop Career Centers	150,000	150,000	150,000	---	---	D
Total, State Unemployment	3,315,928	3,604,928	3,478,928	+163,000	-126,000	
Federal Funds	173,452	173,452	173,452	---	---	
Trust Funds	(3,142,476)	(3,431,476)	(3,305,476)	(+163,000)	(-126,000)	
Advances to the UI and Other Trust Funds (2)	373,000	392,000	392,000	+19,000	---	M

(1) Includes $20 million related to the Work Opportunity Tax Credit which is unauthorized for FY98.

(2) Two year availability.

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
PROGRAM ADMINISTRATION						
Adult Employment and Training	25,842	26,486	26,100	+258	-386	D
Trust Funds	(2,237)	(2,331)	(2,259)	(+22)	(-72)	TF*
Youth Employment and Training	29,607	31,871	29,903	+296	-1,968	D
Employment Security	6,081	4,601	6,142	+61	+1,541	D
Trust Funds	(37,324)	(39,807)	(37,697)	(+373)	(-2,110)	TF*
Apprenticeship Services	16,271	17,367	16,434	+163	-933	D
Executive Direction	5,672	5,889	5,729	+57	-160	D
Trust Funds	(1,316)	(1,291)	(1,329)	(+13)	(+38)	TF*
Welfare to Work	---	6,200	---	---	-6,200	D
Subtotal, Program Administration	124,350	135,843	125,593	+1,243	-10,250	
Federal funds	83,473	92,414	84,308	+835	-8,106	
Trust funds	(40,877)	(43,429)	(41,285)	(+408)	(-2,144)	
Subtotal, Employment & Training Administration	9,316,681	10,217,289	9,927,322	+610,641	-289,967	
Federal funds	6,133,328	6,742,384	6,580,561	+447,233	-161,823	
Current year	(6,133,328)	(6,742,384)	(6,480,561)	(+347,233)	(-261,823)	
1999 advance	---	---	(100,000)	(+100,000)	(+100,000)	
Trust funds	(3,183,353)	(3,474,905)	(3,346,761)	(+163,408)	(-128,144)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
PENSION AND WELFARE BENEFITS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement and Compliance	61,476	67,463	66,100	+4,624	-1,363	D
Policy, Regulation and Public Service	11,781	13,158	12,281	+500	-877	D
Program Oversight	3,583	3,686	3,619	+36	-67	D
Subtotal, PWBA	76,840	84,307	82,000	+5,160	-2,307	
PENSION BENEFIT GUARANTY CORPORATION						
Program Administration subject to limitation (TF) (1).	(10,330)	(10,625)	(10,433)	(+103)	(-192)	TF
Termination services not subject to limitation (NA)...	(125,338)	(137,376)	(137,376)	(+12,038)	---	NA
Subtotal, PBGC new BA	(10,330)	(10,625)	(10,433)	(+103)	(-192)	
Subtotal, PBGC (Program level)	(135,668)	(148,001)	(147,809)	(+12,141)	(-192)	

(1) This limitation is scored as BA in FY98; see scorekeeping summary.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
EMPLOYMENT STANDARDS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement of Wage and Hour Standards................	117,904	124,505	121,213	+3,309	-3,292	D
Office of Labor-Management Standards..................	25,489	26,382	26,709	+1,220	+327	D
Federal Contractor EEO Standards Enforcement..........	58,972	68,728	60,618	+1,646	-8,110	D
Federal Programs for Workers' Compensation............	75,670	81,199	77,783	+2,113	-3,416	D
Trust Funds (1)..................................	(983)	(1,760)	(993)	(+10)	(-767)	TF
Program Direction and Support.........................	11,366	11,629	11,684	+318	+55	D
Subtotal, ESA salaries and expenses.............	290,384	314,203	299,000	+8,616	-15,203	
Federal funds................................	289,401	312,443	298,007	+8,606	-14,436	
Trust funds..................................	(983)	(1,760)	(993)	(+10)	(-767)	
SPECIAL BENEFITS						
Federal employees compensation benefits...............	209,000	197,000	197,000	-12,000	---	M
Longshore and harbor workers' benefits................	4,000	4,000	4,000	---	---	M
Subtotal, Special Benefits......................	213,000	201,000	201,000	-12,000	---	

(1) This limitation is scored as BA in FY98; see scorekeeping summary.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
BLACK LUNG DISABILITY TRUST FUND						
Benefit payments and interest on advances	961,665	960,650	960,650	-1,015	---	M
Employment Standards Adm. S&E	26,053	26,147	26,147	+94	---	M
Departmental Management S&E	19,621	19,551	19,551	-70	---	M
Departmental Management, Inspector General	287	296	296	+9	---	M
Subtotal, Black Lung Disablty. Trust Fund, apprn	1,007,626	1,006,644	1,006,644	-982	---	
Treasury Adm. Costs (Indefinite)	356	356	356	---	---	M
Total, Black Lung Disability Trust Fund	1,007,982	1,007,000	1,007,000	-982	---	
Total, Employment Standards Administration	1,511,366	1,522,203	1,507,000	-4,366	-15,203	
Federal funds	1,510,383	1,520,443	1,506,007	-4,376	-14,436	
Trust funds	(983)	(1,760)	(993)	(+10)	(-767)	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Safety and Health Standards	11,971	12,566	12,091	+120	-475	D
Federal Enforcement	125,907	135,689	127,166	+1,259	-8,523	D
State Enforcement Programs	77,169	79,175	77,941	+772	-1,234	D
Technical Support	17,417	17,617	17,591	+174	-26	D
Compliance Assistance:						
Federal Assistance	37,351	46,285	45,725	+8,374	-560	D
State Consultation Grants	34,477	35,373	34,822	+345	-551	D
Safety and Health Statistics	14,142	14,460	14,283	+141	-177	D
Executive Direction and Administration	6,521	6,640	6,586	+65	-54	D
Total, OSHA	324,955	347,805	336,205	+11,250	-11,600	

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
MINE SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Coal Enforcement	106,993	107,419	108,063	+1,070	+644	D
Metal/Non-Metal Enforcement	41,994	44,315	42,414	+420	-1,901	D
Standards Development	1,008	1,426	1,018	+10	-408	D
Assessments	3,497	3,578	3,532	+35	-46	D
Educational Policy and Development	14,782	14,834	14,930	+148	+96	D
Technical Support	21,268	24,870	21,481	+213	-3,389	D
Program Administration	7,645	9,362	7,721	+76	-1,641	D
Total, Mine Safety and Health Administration	197,187	205,804	199,159	+1,972	-6,645	
BUREAU OF LABOR STATISTICS						
SALARIES AND EXPENSES						
Employment and Unemployment Statistics	102,169	109,955	109,955	+7,786	---	D
Labor Market Information (Trust Funds)	(52,053)	(52,848)	(52,848)	(+795)	---	TF*
Prices and Cost of Living	100,134	107,028	108,028	+7,894	+1,000	D
Compensation and Working Conditions	56,834	58,909	58,909	+2,075	---	D
Productivity and Technology	7,263	7,248	7,248	-15	---	D
Economic Growth and Employment Projections	4,640	4,728	4,728	+88	---	D
Executive Direction and Staff Services	21,584	23,311	23,311	+1,727	---	D
Consumer Price Index Revision (1)	16,145	15,430	15,430	-715	---	D
Total, Bureau of Labor Statistics	360,822	379,457	380,457	+19,635	+1,000	
Federal Funds	308,769	326,609	327,609	+18,840	+1,000	
Trust Funds	(52,053)	(52,848)	(52,848)	(+795)	---	

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
DEPARTMENTAL MANAGEMENT						
SALARIES AND EXPENSES						
Executive Direction	20,029	19,714	18,209	-1,820	-1,505	D
Legal Services	59,911	64,813	64,813	+4,902	---	D
Trust Funds	(297)	(282)	(282)	(-15)	---	TF*
International Labor Affairs	9,465	11,095	13,095	+3,630	+2,000	D
Administration and Management	13,904	14,259	14,043	+139	-216	D
Adjudication	20,483	20,979	20,688	+205	-291	D
Promoting Employment of People with Disabilities	4,358	4,439	4,402	+44	-37	D
Women's Bureau	7,743	7,569	7,569	-174	---	D
Civil Rights Activities	4,535	4,598	4,580	+45	-18	D
Chief Financial Officer	4,394	4,930	4,800	+406	-130	D
Total, Salaries and expenses	145,119	152,678	152,481	+7,362	-197	
Federal funds	144,822	152,396	152,199	+7,377	-197	
Trust funds	(297)	(282)	(282)	(-15)	---	
VETERANS EMPLOYMENT AND TRAINING						
State Administration:						
Disabled Veterans Outreach Program	(81,993)	(80,040)	(80,040)	(-1,953)	---	TF*
Local Veterans Employment Program	(75,125)	(77,078)	(77,078)	(+1,953)	---	TF*
Subtotal, State Administration	(157,118)	(157,118)	(157,118)	---	---	
Federal Administration	(22,733)	(22,837)	(24,837)	(+2,104)	(+2,000)	TF*
National Veterans Training Institute	(2,000)	(2,000)	---	(-2,000)	(-2,000)	TF*
Total, Veterans Employment & Training (TF)	(181,851)	(181,955)	(181,955)	(+104)	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
OFFICE OF THE INSPECTOR GENERAL						
Program Activities	37,480	37,345	36,345	-1,135	-1,000	D
Trust Funds	(3,543)	(3,645)	(3,645)	(+102)	---	TF*
Executive Direction and Management	5,958	5,760	5,760	-198	---	D
Total, Office of the Inspector General	46,981	46,750	45,750	-1,231	-1,000	
Federal funds	43,438	43,105	42,105	-1,333	-1,000	
Trust funds	(3,543)	(3,645)	(3,645)	(+102)	---	
Total, Departmental Management	373,951	381,383	380,186	+6,235	-1,197	
Federal funds	188,260	195,501	194,304	+6,044	-1,197	
Trust funds	(185,691)	(185,882)	(185,882)	(+191)	---	
Total, Labor Department	12,172,132	13,148,873	12,822,762	+650,630	-326,111	
Federal funds	8,739,722	9,422,853	9,225,845	+486,123	-197,008	
Current year	(8,739,722)	(9,422,853)	(9,125,845)	(+386,123)	(-297,008)	
1999 advance	---	---	(100,000)	(+100,000)	(+100,000)	
Trust funds	(3,432,410)	(3,726,020)	(3,596,917)	(+164,507)	(-129,103)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES						
HEALTH RESOURCES AND SERVICES ADMINISTRATION						
HEALTH RESOURCES AND SERVICES						
Consolidated health centers	802,009	809,868	826,000	+23,991	+16,132	D
National Health Service Corps:						
Field placements	37,244	37,244	37,244	---	---	D
Recruitment	78,166	78,166	82,756	+4,590	+4,590	D
Subtotal, National Health Service Corps	115,410	115,410	120,000	+4,590	+4,590	
Health Professions						
Grants to Communities for Scholarships	532	---	545	+13	+545	D
Health Professions data systems	236	---	241	+5	+241	D
Research on Health Professions Issues	450	---	461	+11	+461	D
Nurse loan repayment for shortage area service	2,197	---	2,251	+54	+2,251	D
Workforce Development Cluster (proposed legis.)	---	623	---	---	-623	D
Centers of excellence	24,714	---	27,300	+2,586	+27,300	D
Health careers opportunity program	26,779	---	30,000	+3,221	+30,000	D
Exceptional financial need scholarships	11,332	---	11,610	+278	+11,610	D
Faculty loan repayment	1,061	---	1,087	+26	+1,087	D
Fin. Assistance for disadvantaged HP students	6,718	---	6,883	+165	+6,883	D
Scholarships for disadvantaged students	18,673	---	21,100	+2,427	+21,100	D
Minority/Disadvantaged Cluster (proposed leg.)	---	89,277	---	---	-89,277	D
Family medicine training/departments	49,256	---	50,464	+1,208	+50,464	D
General internal medicine and pediatrics	17,618	---	18,050	+432	+18,050	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Physician assistants..................................	6,376	---	6,532	+156	+6,532	D
Public health and preventive medicine................	7,998	---	8,194	+196	+8,194	D
Health administration traineeships/projects...........	1,095	---	1,122	+27	+1,122	D
Primary Care Medicine & Pub Health Cluster (proposed).	---	7,700	---	---	-7,700	D
Area health education centers........................	28,490	---	29,189	+699	+29,189	D
Border health training centers.......................	3,752	---	3,844	+92	+3,844	D
General dentistry residencies........................	3,785	---	3,878	+93	+3,878	D
Allied health special projects.......................	3,832	---	3,926	+94	+3,926	D
Geriatric education centers and training.............	8,881	---	9,099	+218	+9,099	D
Rural interdisciplinary traineeships.................	4,153	---	4,255	+102	+4,255	D
Podiatric Medicine....................................	677	---	694	+17	+694	D
Chiropractic demonstration grants....................	1,025	---	1,050	+25	+1,050	D
Enhanced Area Health Education Cluster (proposed).....	---	24,700	---	---	-24,700	D
Advanced Nurse Education..............................	12,467	---	12,773	+306	+12,773	D
Nurse practitioners/nurse midwives...................	17,586	---	18,017	+431	+18,017	D
Special projects......................................	10,564	---	10,823	+259	+10,823	D
Nurse disadvantaged assistance.......................	3,865	---	3,960	+95	+3,960	D
Professional nurse traineeships......................	15,941	---	16,332	+391	+16,332	D
Nurse anesthetists....................................	2,765	---	2,833	+68	+2,833	D
Nurse Education / Practice Init Cluster (proposed)....	---	7,700	---	---	-7,700	D
Subtotal, Health professions..................	292,818	130,000	306,513	+13,695	+176,513	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Other HRSA Programs:						
Hansen's Disease Services Cluster (1)............	17,094	16,469	17,094	---	+625	D
Maternal & Child Health Block Grant..............	681,000	681,000	685,000	+4,000	+4,000	D
Healthy Start....................................	95,982	95,982	95,982	---	---	D
Organ Transplantation............................	2,278	3,891	2,278	---	-1,613	D
Health Teaching Facilities Interest Subsidies.....	297	225	225	-72	---	D
Bone Marrow Program..............................	15,270	15,270	15,270	---	---	D
Rural outreach grants............................	27,796	25,092	27,796	---	+2,704	D
Emergency medical services for children..........	12,493	12,000	13,000	+507	+1,000	D
Black lung clinics...............................	4,000	1,906	5,000	+1,000	+3,094	D
Alzheimer's demonstration grants (2).............	5,999	---	5,999	---	+5,999	D
Payment to Hawaii, treatment of Hansen's (1)......	2,045	---	2,045	---	+2,045	D
Subtotal, Other HRSA programs..................	864,254	851,835	869,689	+5,435	+17,854	

(1) Proposed for consolidation.

(2) Proposed for transfer to AoA.

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Ryan White AIDS Programs:						
Emergency Assistance	449,943	454,943	471,663	+21,720	+16,720	D
Comprehensive Care Programs	416,954	431,954	560,994	+144,040	+129,040	D
AIDS Drug Assistance Program (ADAP) (NA)	167,000	167,000	299,000	+132,000	+132,000	NA
Early Intervention Program	69,568	84,568	72,928	+3,360	-11,640	D
Pediatric Demonstrations	36,000	40,000	37,720	+1,720	-2,280	D
AIDS Dental Services	7,500	7,500	7,860	+360	+360	D
Education and Training Centers	16,287	17,287	17,087	+800	-200	D
Subtotal, Ryan White AIDS programs	996,252	1,036,252	1,168,252	+172,000	+132,000	
Family Planning	198,452	203,452	194,452	-4,000	-9,000	D
Rural Health Research	8,713	8,713	8,713	---	---	D
Health Care Facilities	12,902	---	---	-12,902	---	D
Buildings and Facilities (1)	828	---	2,500	+1,672	+2,500	D
National Practitioner Data Bank	6,000	8,000	8,000	+2,000	---	D
User Fees	-6,000	-8,000	-8,000	-2,000	---	D
Program Management	112,929	110,949	110,949	-1,980	---	D
Total, Health resources and services	3,404,567	3,266,479	3,607,068	+202,501	+340,589	

(1) Proposed for consolidation.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:						
Interest subsidy program	7,000	6,000	6,000	-1,000	---	M
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):						
New loan subsidies	477	1,020	1,020	+543	---	M
Liquidating account (NA)	(37,608)	(29,566)	(29,566)	(-8,042)	---	NA
HEAL loan limitation (NA)	(140,000)	(85,000)	(85,000)	(-55,000)	---	NA
Program management	2,688	2,688	2,688	---	---	D
Total, HEAL	3,165	3,708	3,708	+543	---	
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:						
Post-FY88 claims (TF)	50,476	42,448	42,448	-8,028	---	M
HRSA administration (TF)	3,000	3,000	3,000	---	---	M
Subtotal, Vaccine injury compensation trust fund	53,476	45,448	45,448	-8,028	---	
VACCINE INJURY COMPENSATION:						
Pre-FY89 claims (appropriation)	110,000	---	---	-110,000	---	M
Total, Vaccine injury	163,476	45,448	45,448	-118,028	---	
Total, Health Resources & Services Admin	3,578,208	3,321,635	3,662,224	+84,016	+340,589	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
CENTERS FOR DISEASE CONTROL AND PREVENTION						
DISEASE CONTROL, RESEARCH AND TRAINING						
Preventive Health Services Block Grant	153,994	143,940	155,000	+1,006	+11,060	D
Prevention Centers	8,099	8,099	8,099	---	---	D
Childhood immunization (1)	467,583	427,312	440,030	-27,553	+12,718	D
HCFA vaccine purchase (NA)	372,534	437,104	437,104	+64,570	---	NA
Subtotal, CDC/HCFA vaccine program level	467,583	427,312	440,030	-27,553	+12,718	
AIDS	616,790	634,266	621,790	+5,000	-12,476	D
Tuberculosis	119,294	119,236	119,236	-58	---	D
Sexually Transmitted Diseases	106,203	111,171	111,171	+4,968	---	D
Chronic and Environmental Disease Prevention	166,874	191,039	228,039	+61,165	+37,000	D
Breast and Cervical Cancer Screening	139,659	141,897	145,000	+5,341	+3,103	D
Infectious Diseases	87,720	112,428	118,000	+30,280	+5,572	D
Lead Poisoning Prevention	38,181	38,154	38,200	+19	+46	D
Injury Control	43,182	49,033	55,933	+12,751	+6,900	D
Occupational Safety and Health (NIOSH)	141,340	148,463	148,840	+7,500	+377	D
Mine Safety and Health	31,913	32,000	32,000	+87	---	D
Epidemic Services	69,608	69,322	69,322	-286	---	D

(1) Request includes bill language exempting from the excise tax vaccine purchased with appropriated funds; savings are estimated at $25 million.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
National Center for Health Statistics:						
Program Operations	37,612	18,963	37,612	---	+18,649	D
1% evaluation funds (NA)	(48,400)	(70,063)	(48,400)	---	(-21,663)	NA
Subtotal, health statistics	(86,012)	(89,026)	(86,012)	---	(-3,014)	
Buildings and Facilities	30,553	23,007	20,000	-10,553	-3,007	D
Program Management	2,563	2,465	2,465	-98	---	D
Subtotal, Centers for Disease Control	2,261,168	2,270,795	2,350,737	+89,569	+79,942	
Crime Bill Activities:						
Rape Prevention and Education	35,000	45,000	45,000	+10,000	---	D
Domestic Violence Community Demonstrations	6,000	---	---	-6,000	---	D
Subtotal, Crime bill activities	41,000	45,000	45,000	+4,000	---	
Total, Disease Control	2,302,168	2,315,795	2,395,737	+93,569	+79,942	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
NATIONAL INSTITUTES OF HEALTH						
National Cancer Institute	2,389,065	2,217,482	2,513,020	+123,955	+295,538	D
AIDS (NA)	---	(224,256)	---	---	(-224,256)	NA
Subtotal, NCI	(2,389,065)	(2,441,738)	(2,513,020)	(+123,955)	(+71,282)	
National Heart, Lung, and Blood Institute	1,431,830	1,404,770	1,513,004	+81,174	+108,234	D
AIDS (NA)	---	(62,419)	---	---	(-62,419)	NA
Subtotal, NHLBI	(1,431,830)	(1,467,189)	(1,513,004)	(+81,174)	(+45,815)	
National Institute of Dental Research	197,063	190,081	209,403	+12,340	+19,322	D
AIDS (NA)	---	(12,750)	---	---	(-12,750)	NA
Subtotal, NIDR	(197,063)	(202,831)	(209,403)	(+12,340)	(+6,572)	
National Institute of Diabetes and Digestive and Kidney Diseases	813,149	821,164	874,337	+61,188	+53,173	D
AIDS (NA)	---	(12,638)	---	---	(-12,638)	NA
Subtotal, NIDDK	(813,149)	(833,802)	(874,337)	(+61,188)	(+40,535)	
National Institute of Neurological Disorders & Stroke	729,259	722,712	763,325	+34,066	+40,613	D
AIDS (NA)	---	(25,116)	---	---	(-25,116)	NA
Subtotal, NINDS	(729,259)	(747,828)	(763,325)	(+34,066)	(+15,497)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
National Institute of Allergy and Infectious Diseases.	1,257,794	634,272	1,339,459	+81,665	+705,187	D
AIDS (NA)..	---	(678,230)	---	---	(-678,230)	NA
Subtotal, NIAID..............................	(1,257,794)	(1,312,502)	(1,339,459)	(+81,665)	(+26,957)	
National Institute of General Medical Sciences........	995,471	992,032	1,047,963	+52,492	+55,931	D
AIDS (NA)..	---	(28,160)	---	---	(-28,160)	NA
Subtotal, NIGMS..............................	(995,471)	(1,020,192)	(1,047,963)	(+52,492)	(+27,771)	
National Institute of Child Health & Human Development	631,628	582,032	666,682	+35,054	+84,650	D
AIDS (NA)..	---	(65,247)	---	---	(-65,247)	NA
Subtotal, NICHD..............................	(631,628)	(647,279)	(666,682)	(+35,054)	(+19,403)	
National Eye Institute..............................	331,606	330,955	354,032	+22,426	+23,077	D
AIDS (NA)..	---	(9,476)	---	---	(-9,476)	NA
Subtotal, NEI..................................	(331,606)	(340,431)	(354,032)	(+22,426)	(+13,601)	
National Institute of Environmental Health Sciences...	307,562	313,583	328,583	+21,021	+15,000	D
AIDS (NA)..	---	(6,324)	---	---	(-6,324)	NA
Subtotal, NIEHS..............................	(307,562)	(319,907)	(328,583)	(+21,021)	(+8,676)	
National Institute on Aging.........................	484,326	495,202	509,811	+25,485	+14,609	D
AIDS (NA)..	---	(1,874)	---	---	(-1,874)	NA
Subtotal, NIA..................................	(484,326)	(497,076)	(509,811)	(+25,485)	(+12,735)	

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
National Institute of Arthritis and Musculoskeletal and Skin Diseases	256,228	258,932	269,807	+13,579	+10,875	D
AIDS (NA)	---	(4,310)	---	---	(-4,310)	NA
Subtotal, NIAMS	(256,228)	(263,242)	(269,807)	(+13,579)	(+6,565)	
National Institute on Deafness and Other Communication Disorders	188,273	192,447	198,373	+10,100	+5,926	D
AIDS (NA)	---	(1,774)	---	---	(-1,774)	NA
Subtotal, NIDCD	(188,273)	(194,221)	(198,373)	(+10,100)	(+4,152)	
National Institute of Nursing Research	59,554	55,692	62,451	+2,897	+6,759	D
AIDS (NA)	---	(5,360)	---	---	(-5,360)	NA
Subtotal, NINR	(59,554)	(61,052)	(62,451)	(+2,897)	(+1,399)	
National Institute on Alcohol Abuse and Alcoholism	211,254	208,112	226,205	+14,951	+18,093	D
AIDS (NA)	---	(11,234)	---	---	(-11,234)	NA
Subtotal, NIAAA	(211,254)	(219,346)	(226,205)	(+14,951)	(+6,859)	
National Institute on Drug Abuse	490,113	358,475	525,641	+35,528	+167,166	D
AIDS (NA)	---	(163,440)	---	---	(-163,440)	NA
Subtotal, NIDA	(490,113)	(521,915)	(525,641)	(+35,528)	(+3,726)	
National Institute of Mental Health	700,701	629,739	744,235	+43,534	+114,496	D
AIDS (NA)	---	(98,510)	---	---	(-98,510)	NA
Subtotal, NIMH	(700,701)	(728,249)	(744,235)	(+43,534)	(+15,986)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
National Human Genome Research Institute	188,957	202,197	211,772	+22,815	+9,575	D
AIDS (NA)	---	(2,990)	---	---	(-2,990)	NA
Subtotal, NHGRI	(188,957)	(205,187)	(211,772)	(+22,815)	(+6,585)	
National Center for Research Resources	414,049	333,868	436,961	+22,912	+103,093	D
AIDS (NA)	---	(77,053)	---	---	(-77,053)	NA
Subtotal, NCRR	(414,049)	(410,921)	(436,961)	(+22,912)	(+26,040)	
John Fogarty International Center	26,504	16,755	27,620	+1,116	+10,865	D
AIDS (NA)	---	(10,413)	---	---	(-10,413)	NA
Subtotal, FIC	(26,504)	(27,168)	(27,620)	(+1,116)	(+452)	
National Library of Medicine	150,376	152,689	161,171	+10,795	+8,482	D
AIDS (NA)	---	(3,279)	---	---	(-3,279)	NA
Subtotal, NLM	(150,376)	(155,968)	(161,171)	(+10,795)	(+5,203)	
Office of the Director	286,081	234,247	298,339	+12,258	+64,092	D
AIDS (NA)	---	(35,912)	---	---	(-35,912)	NA
Subtotal, OD	(286,081)	(270,159)	(298,339)	(+12,258)	(+28,180)	
Buildings and Facilities	200,000	190,000	223,100	+23,100	+33,100	D
Office of AIDS Research	---	1,540,765	---	---	-1,540,765	D
Total N.I.H.	12,740,843	13,078,203	13,505,294	+764,451	+427,091	

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION						
Mental Health:						
Knowledge development and application............	57,964	58,032	58,032	+68	---	D
Mental Health Performance Partnership............	275,420	275,420	275,420	---	---	D
Children's Mental Health........................	69,896	69,927	72,927	+3,031	+3,000	D
Grants to States for the Homeless (PATH).........	20,000	20,000	23,000	+3,000	+3,000	D
Protection and Advocacy.........................	21,957	21,957	21,957	---	---	D
Subtotal, mental health......................	445,237	445,336	451,336	+6,099	+6,000	
Substance Abuse Treatment:						
Knowledge Development and Application............	155,868	156,000	159,000	+3,132	+3,000	D
Substance Abuse Performance Partnership -- (BA)...	1,310,107	1,320,107	1,320,107	+10,000	---	D
P.L. 104-121 funding............................	(50,000)	(50,000)	(50,000)	---	---	NA
Subtotal, Substance Abuse Treatment (BA)......	1,465,975	1,476,107	1,479,107	+13,132	+3,000	
Total, Treatment program level...............	(1,515,975)	(1,526,107)	(1,529,107)	(+13,132)	(+3,000)	
Substance Abuse Prevention:						
Knowledge Development and Application............	155,869	151,000	151,000	-4,869	---	D
Program Management and Buildings and Facilities.......	54,431	55,500	55,500	+1,069	---	D
Data Collection....................................	---	28,000	15,000	+15,000	-13,000	D
Total, Substance Abuse and Mental Health (BA)...	2,121,512	2,155,943	2,151,943	+30,431	-4,000	
Total, Program level..........................	(2,171,512)	(2,205,943)	(2,201,943)	(+30,431)	(-4,000)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS						
Retirement payments................................	139,299	149,217	149,217	+9,918	---	M
Survivors benefits..................................	10,417	11,643	11,643	+1,226	---	M
Dependents' medical care............................	26,363	27,470	27,470	+1,107	---	M
Military services credits...........................	2,556	2,409	2,409	-147	---	M
Total, Retirement pay and medical benefits......	178,635	190,739	190,739	+12,104	---	

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
AGENCY FOR HEALTH CARE POLICY AND RESEARCH						
Research on Health Care Systems Cost & Access:						
Federal Funds	35,650	17,170	35,573	-77	+18,403	D
1% evaluation funding (NA)	(8,750)	(29,515)	(11,112)	(+2,362)	(-18,403)	NA
Subtotal	(44,400)	(46,685)	(46,685)	(+2,285)	---	
Health Insurance & Expenditure Surveys:						
Federal Funds	224	10,000	---	-224	-10,000	D
1% evaluation funding (NA)	(38,662)	(26,300)	(36,300)	(-2,362)	(+10,000)	NA
Subtotal	(38,886)	(36,300)	(36,300)	(-2,586)	---	
Research on Health Care Outcomes & Quality:						
Federal Funds	57,963	57,600	63,785	+5,822	+6,185	D
1% evaluation funding (NA)	---	(6,185)	---	---	(-6,185)	NA
Subtotal	(57,963)	(63,785)	(63,785)	(+5,822)	---	
Program Support	2,230	2,230	2,230	---	---	D
Total, AHCPR	143,479	149,000	149,000	+5,521	---	
Federal Funds	96,067	87,000	101,588	+5,521	+14,588	
1% evaluation funding (non-add)	(47,412)	(62,000)	(47,412)	---	(-14,588)	
Total, Public Health Service	21,017,433	21,149,315	22,007,525	+990,092	+858,210	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
HEALTH CARE FINANCING ADMINISTRATION						
GRANTS TO STATES FOR MEDICAID						
Medicaid current law benefits	98,210,228	99,144,000	99,144,000	+933,772	---	M
State and local administration	4,633,884	4,874,546	4,874,546	+240,662	---	M
Vaccines for Children	522,904	365,104	365,104	-157,800	---	M
Subtotal, Medicaid program level, FY 1997 / 1998	103,367,016	104,383,650	104,383,650	+1,016,634	---	
Carryover balance	-2,155,048	-4,864,228	-4,864,228	-2,709,180	---	M
Less funds advanced in prior year	-26,155,350	-27,988,993	-27,988,993	-1,833,643	---	M
Total, request, FY 1997 / 1998	75,056,618	71,530,429	71,530,429	-3,526,189	---	
New advance 1st quarter, FY 98/99	27,988,993	27,800,689	27,800,689	-188,304	---	M
PAYMENTS TO HEALTH CARE TRUST FUNDS						
Supplemental medical insurance	59,456,000	63,416,000	63,416,000	+3,960,000	---	M
Hospital insurance for the uninsured	405,000	-52,000	-52,000	-457,000	---	M
Federal uninsured payment	76,000	86,000	86,000	+10,000	---	M
Program management	142,000	131,000	131,000	-11,000	---	M
Total, Payments to Trust Funds, current law	60,079,000	63,581,000	63,581,000	+3,502,000	---	

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
PROGRAM MANAGEMENT						
Research, demonstration, and evaluation:						
Regular Program	(44,000)	(45,000)	(49,000)	(+5,000)	(+4,000)	TF*
Medicare Contractors	(1,207,200)	(1,223,000)	(1,134,000)	(-73,200)	(-89,000)	TF*
H.R. 3103 funding (non-add)	(440,000)	(500,000)	(500,000)	(+60,000)	---	NA
Subtotal, Contractors program level	(1,647,200)	(1,723,000)	(1,634,000)	(-13,200)	(-89,000)	
State Survey and Certification	(158,000)	(148,000)	(148,000)	(-10,000)	---	TF*
Federal Administration	(327,173)	(360,434)	(350,369)	(+23,196)	(-10,065)	TF*
User Fees	(-1,932)	(-1,934)	(-1,934)	(-2)	---	TF*
Subtotal, Federal Administration	(325,241)	(358,500)	(348,435)	(+23,194)	(-10,065)	
Total, Program management	(1,734,441)	(1,774,500)	(1,679,435)	(-55,006)	(-95,065)	
Medicare Trust Fund Activity:						
Hospital Insurance TF (1)	(-12,800,000)	(-20,100,000)	(-20,100,000)	(-7,300,000)	---	NA
Supplemental Medical Insurance TF (2)	(4,000,000)	(500,000)	(500,000)	(-3,500,000)	---	NA
Total, Health Care Financing Administration	164,859,052	164,686,618	164,591,553	-267,499	-95,065	
Federal funds	163,124,611	162,912,118	162,912,118	-212,493	---	
Current year, FY 1997 / 1998	(135,135,618)	(135,111,429)	(135,111,429)	(-24,189)	---	
New advance, 1st quarter, FY 1998 / 1999	(27,988,993)	(27,800,689)	(27,800,689)	(-188,304)	---	
Trust funds	(1,734,441)	(1,774,500)	(1,679,435)	(-55,006)	(-95,065)	

(1) Intermediate estimates: page 40 of the 1997 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund.

(2) Intermediate estimates: page 29 of the 1997 Annual Report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
ADMINISTRATION FOR CHILDREN AND FAMILIES						
FAMILY SUPPORT PAYMENTS TO STATES (1)						
Payments to territories	---	26,741	26,741	+26,741	---	M
Repatriation	---	1,000	1,000	+1,000	---	M
Undistributed	9,600,000	---	---	-9,600,000	---	M
Subtotal, Welfare payments	9,600,000	27,741	27,741	-9,572,259	---	
Child Support Enforcement: (2)						
Net welfare reform child support appropriation	2,158,000	---	---	-2,158,000	---	M
Total, Payments, FY 1997 / 1998 program level	11,758,000	27,741	27,741	-11,730,259	---	
Less funds advanced in previous years	-4,800,000	---	---	+4,800,000	---	M
Total, payments, current request, FY97/98	6,958,000	27,741	27,741	-6,930,259	---	
New advance, 1st quarter, FY98/99	607,000	660,000	660,000	+53,000	---	M

(1) Funds for these activities for FY98 are provided through permanent appropriations in the Personal Responsibility & Work Opportunity Reconciliation Act of 1996. The President's budget does not request funding for these programs in FY98; the Congressional justification indicates a budget amendment will be transmitted to Congress to request indefinite appropriations for these programs in FY98.

(2) Carry over funds from FY97 and the first quarter advance appropriation for FY98 are estimated to be sufficient to cover necessary costs of this program for FY98.

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Job Opportunities and Basic Skills (JOBS)............	300,000	---	---	-300,000	---	M
LOW INCOME HOME ENERGY ASSISTANCE						
Advance from prior year (NA).........................	---	(1,000,000)	(1,000,000)	(+1,000,000)	---	NA
Adjustment..	1,000,000	---	---	-1,000,000	---	D
FY 1997 / 1998 program level......................	(1,000,000)	(1,000,000)	(1,000,000)	---	---	
Emergency Allocation -- Advance from prior year (NA)..	(300,000)	---	---	(-300,000)	---	NA
New Emergency Allocation (NA)........................	---	(300,000)	(300,000)	(+300,000)	---	NA
Advance funding (FY98/99)............................	1,000,000	1,000,000	1,000,000	---	---	D
REFUGEE AND ENTRANT ASSISTANCE						
Transitional and Medical Services....................	246,502	227,138	230,698	-15,804	+3,560	D
Social Services......................................	110,882	110,882	129,990	+19,108	+19,108	D
Preventive Health....................................	4,835	4,835	4,835	---	---	D
Targeted Assistance..................................	49,857	49,477	49,477	-380	---	D
Total, Refugee and entrant assistance (BA)......	412,076	392,332	415,000	+2,924	+22,668	
CHILD CARE AND DEVELOPMENT BLOCK GRANT:						
Advance funding FY98/99..........................	937,000	1,000,000	1,000,000	+63,000	---	D
Forward funding provided in prior year...........	(934,642)	---	---	(-934,642)	---	NA
Advance funding from prior year (NA).............	---	(937,000)	(937,000)	(+937,000)	---	NA
Adjustment (current funding).....................	19,120	63,000	---	-19,120	-63,000	D
Current year program level (FY97/98)...........	(953,762)	(1,000,000)	(937,000)	(-16,762)	(-63,000)	
Social Services Block Grant (Title XX)...............	2,500,000	2,380,000	2,245,000	-255,000	-135,000	M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
CHILDREN AND FAMILIES SERVICES PROGRAMS						
Programs for Children, Youth, and Families:						
Head Start	3,980,546	4,305,000	4,305,000	+324,454	---	D
Consolidated Runaway, Homeless Youth Prog	---	58,602	---	---	-58,602	D
Runaway and Homeless Youth	43,653	---	43,653	---	+43,653	D
Runaway Youth -- Transitional Living	14,949	---	14,949	---	+14,949	D
Subtotal, runaway	58,602	58,602	58,602	---	---	
Child Abuse State Grants	21,026	21,026	21,026	---	---	D
Child Abuse Discretionary Activities	14,154	14,154	14,154	---	---	D
Abandoned Infants Assistance	12,251	12,251	12,251	---	---	D
Child Welfare Services	291,989	291,989	291,989	---	---	D
Child Welfare Training	4,000	4,000	4,000	---	---	D
Adoption Opportunities	13,000	13,000	13,000	---	---	D
Adoption Initiative	---	21,000	---	---	-21,000	D
Family Violence (1)	62,000	---	---	-62,000	---	D
Social Services and Income Maintenance Research	44,000	18,043	21,000	-23,000	+2,957	D
Community Based Resource Centers	32,835	32,835	32,835	---	---	D

(1) The request and the bill provide funding for this activity in the Battered Women's Shelter program.

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Developmental disabilities program:						
State Councils	64,803	64,803	64,803	---	---	D
Protection and Advocacy	26,718	26,718	26,718	---	---	D
Developmental Disabilities Special Projects	5,250	5,250	---	-5,250	-5,250	D
Developmental Disabilities University Affiliated	17,461	17,461	17,461	---	---	D
Subtotal, Developmental disabilities	114,232	114,232	108,982	-5,250	-5,250	
Native American Programs	34,933	34,933	34,933	---	---	D
Community services:						
Grants to States for Community Services	489,600	414,720	489,600	---	+74,880	D
Community initiative program:						
Economic Development	27,332	---	30,065	+2,733	+30,065	D
Rural Community Facilities	3,500	---	3,500	---	+3,500	D
Subtotal, discretionary funds	30,832	---	33,565	+2,733	+33,565	
National Youth Sports	12,000	---	14,000	+2,000	+14,000	D
Community Food and Nutrition	4,000	---	---	-4,000	---	D
Subtotal, Community services	536,432	414,720	537,165	+733	+122,445	
Program Direction	143,061	143,115	143,115	+54	---	D
Rescission of permanent appropriations	-27,000	---	-21,000	+6,000	-21,000	D
Total, Children & Families Services Programs	5,336,061	5,498,900	5,577,052	+240,991	+78,152	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
VIOLENT CRIME REDUCTION PROGRAMS:						
Community Schools	12,800	12,800	---	-12,800	-12,800	D
Runaway Youth Prevention	8,000	15,000	15,000	+7,000	---	D
Domestic Violence Hotline	1,200	1,200	1,200	---	---	D
Battered Women's Shelters	10,800	70,000	82,800	+72,000	+12,800	D
Total, Violent crime reduction programs	32,800	99,000	99,000	+66,200	---	
Family Support and Preservation	240,000	255,000	255,000	+15,000	---	M
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE						
Foster Care	3,807,143	3,540,300	3,540,300	-266,843	---	M
Adoption Assistance	567,888	700,700	700,700	+132,812	---	M
Independent living	70,000	70,000	70,000	---	---	M
Total, Program level: Payment to States	4,445,031	4,311,000	4,311,000	-134,031	---	
Less Advances from Prior Year	---	-1,111,000	-1,111,000	-1,111,000	---	M
Total, request, FY 1997 / 1998	4,445,031	3,200,000	3,200,000	-1,245,031	---	
New Advance, 1st quarter, FY 1998/1999	1,111,000	1,157,500	1,157,500	+46,500	---	M
Total, Administration for Children and Families	24,898,088	15,733,473	15,636,293	-9,261,795	-97,180	
Current year, FY 1997 / 1998	(21,243,088)	(11,915,973)	(11,818,793)	(-9,424,295)	(-97,180)	
FY 1998 / 1999	(3,655,000)	(3,817,500)	(3,817,500)	(+162,500)	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
ADMINISTRATION ON AGING						
Grants to States:						
Supportive Services and Centers	300,556	291,375	309,819	+9,263	+18,444	D
Preventive Health	15,623	15,623	---	-15,623	-15,623	D
Title VII	---	9,181	---	---	-9,181	D
Nutrition:						
Congregate Meals	364,535	359,810	364,535	---	+4,725	D
Home Delivered Meals	105,339	110,064	110,064	+4,725	---	D
Frail Elderly In-Home Services	9,263	9,263	---	-9,263	-9,263	D
Grants to Indians	16,057	16,057	16,057	---	---	D
Aging Research, Training and Special Projects	4,000	4,000	---	-4,000	-4,000	D
Program Administration	14,758	14,795	14,795	+37	---	D
Alzheimer's Initiative	---	8,000	---	---	-8,000	D
Total, Administration on Aging	830,131	838,168	815,270	-14,861	-22,898	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
OFFICE OF THE SECRETARY						
GENERAL DEPARTMENTAL MANAGEMENT:						
Federal Funds	96,135	96,517	101,329	+5,194	+4,812	D
Trust Funds	(5,851)	(5,851)	(5,851)	---	---	TF*
1% Evaluation funds (ASPE) (NA)	(20,552)	(20,552)	(20,552)	---	---	NA
Subtotal	(122,538)	(122,920)	(127,732)	(+5,194)	(+4,812)	
Adolescent Family Life (Title XX)	14,206	14,209	14,209	+3	---	D
Physical Fitness and Sports	998	1,000	998	---	-2	D
Minority health	34,584	23,100	23,100	-11,484	---	D
Office of wqmen's health	12,495	12,500	12,500	+5	---	D
Anti-Terrorism	13,764	10,000	7,500	-6,264	-2,500	D
Total, General Departmental Management	178,033	163,177	165,487	-12,546	+2,310	
Federal funds	172,182	157,326	159,636	-12,546	+2,310	
Trust funds	(5,851)	(5,851)	(5,851)	---	---	

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
OFFICE OF THE INSPECTOR GENERAL:						
Federal Funds	34,790	31,921	30,921	-3,869	-1,000	D
H.R. 3103 funding (non-add)	(60,000)	(80,500)	(80,500)	(+20,500)	---	NA
Total, Office of the Inspector General	34,790	31,921	30,921	-3,869	-1,000	
OFFICE FOR CIVIL RIGHTS:						
Federal Funds	16,183	17,216	16,345	+162	-871	D
Trust Funds	(3,307)	(3,314)	(3,314)	(+7)	---	TF*
Total, Office for Civil Rights	19,490	20,530	19,659	+169	-871	
Federal funds	16,183	17,216	16,345	+162	-871	
Trust funds	(3,307)	(3,314)	(3,314)	(+7)	---	
Policy Research	18,486	9,000	14,000	-4,486	+5,000	D
Total, Office of the Secretary	250,799	224,628	230,067	-20,732	+5,439	
Federal funds	241,641	215,463	220,902	-20,739	+5,439	
Trust funds	(9,158)	(9,165)	(9,165)	(+7)	---	
Public Health & Social Services Emergency Fund	15,000	---	---	-15,000	---	D
Total, Department of Health and Human Services	211,870,503	202,632,202	203,280,708	-8,589,795	+648,506	
Federal Funds	210,126,904	200,848,537	201,592,108	-8,534,796	+743,571	
Current year, FY 1997 / 1998	(178,482,911)	(169,230,348)	(169,973,919)	(-8,508,992)	(+743,571)	
FY 1998 / 1999	(31,643,993)	(31,618,189)	(31,618,189)	(-25,804)	---	
Trust funds	(1,743,599)	(1,783,665)	(1,688,600)	(-54,999)	(-95,065)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
TITLE III - DEPARTMENT OF EDUCATION						
EDUCATION REFORM (1)						
Goals 2000: Educate America Act:						
State & Local Ed. Systemic Improvement Grants.....	476,000	603,500	370,665	-105,335	-232,835	D
State & Local Ed. Systemic Improvement Grants (2).	---	1,500	1,500	+1,500	---	D
Parental Assistance (2).............................	15,000	15,000	15,000	---	---	D
Subtotal, Goals 2000...........................	491,000	620,000	387,165	-103,835	-232,835	
School-to-work opportunities:						
State Grants and Local Partnerships...............	199,973	200,000	200,000	+27	---	D
Education Technology (2)............................	200,000	425,000	435,000	+235,000	+10,000	D
Subtotal, Non-Goals 2000 Ed Reform.............	399,973	625,000	635,000	+235,027	+10,000	
Total...	890,973	1,245,000	1,022,165	+131,192	-222,835	
Subtotal, Forward funded.......................	(675,973)	(803,500)	(570,665)	(-105,308)	(-232,835)	

(1) Forward funded except where noted.

(2) Current funded.

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
EDUCATION FOR THE DISADVANTAGED (1)						
Grants to Local Education Agencies (LEAs):						
Basic Grants	6,269,712	6,187,350	6,187,850	-81,862	+500	D
Basic Grants (2)	3,500	4,000	3,500	---	-500	D
Subtotal, Basic grants	6,273,212	6,191,350	6,191,350	-81,862	---	
Concentration Grants	1,022,020	999,249	949,249	-72,771	-50,000	D
Targeted Grants	---	350,000	400,000	+400,000	+50,000	D
Whole School Reform	---	---	150,000	+150,000	+150,000	D
Subtotal, Grants to LEAs	7,295,232	7,540,599	7,690,599	+395,367	+150,000	
Capital Expenses for Private School Children	41,119	41,119	41,119	---	---	D
Even Start	101,992	108,000	108,000	+6,008	---	D
State agency programs:						
Migrant	305,473	319,500	305,473	---	-14,027	D
Neglected and Delinquent/High Risk Youth	39,311	40,333	39,311	---	-1,022	D
State School Improvement	---	8,000	---	---	-8,000	D
Evaluation (2)	6,977	10,000	10,000	+3,023	---	D
Total, ESEA	7,790,104	8,067,551	8,194,502	+404,398	+126,951	

(1) Forward funded except where noted.

(2) Current funded.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Migrant education:						
High School Equivalency Program (1)	7,441	7,634	7,634	+193	---	D
College Assistance Migrant Program (1)	2,028	2,081	2,081	+53	---	D
Subtotal, migrant education	9,469	9,715	9,715	+246	---	
Total, Compensatory education programs	7,799,573	8,077,266	8,204,217	+404,644	+126,951	
Subtotal, forward funded	(7,779,627)	(8,053,551)	(8,181,002)	(+401,375)	(+127,451)	
IMPACT AID						
Basic Support Payments	615,500	584,000	667,000	+51,500	+83,000	D
Payments for Children with Disabilities	40,000	40,000	40,000	---	---	D
Payments for Heavily Impacted Districts (Sec. f)	52,000	20,000	62,000	+10,000	+42,000	D
Subtotal	707,500	644,000	769,000	+61,500	+125,000	
Facilities Maintenance (Sec. 8008)	---	10,000	---	---	-10,000	D
Construction (Sec. 8007)	5,000	4,000	7,000	+2,000	+3,000	D
Payments for Federal Property (Sec. 8002)	17,500	---	20,000	+2,500	+20,000	D
Total, Impact aid	730,000	658,000	796,000	+66,000	+138,000	

(1) Current funded.

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
SCHOOL IMPROVEMENT PROGRAMS						
Professional development (1)	310,000	360,000	310,000	---	-50,000	D
Program innovation (1)	310,000	---	350,000	+40,000	+350,000	D
Safe and drug-free schools:						
State Grants (1)	530,978	590,000	531,000	+22	-59,000	D
National Programs	25,000	30,000	25,000	---	-5,000	D
Subtotal, Safe and drug-free schools	555,978	620,000	556,000	+22	-64,000	
Inexpensive Book Distribution (RIF)	10,265	12,000	12,000	+1,735	---	D
Arts in Education	9,000	9,500	9,500	+500	---	D
Other school improvement programs:						
Magnet Schools Assistance	95,000	95,000	105,000	+10,000	+10,000	D
Education for Homeless Children & Youth (1)	25,000	27,000	27,000	+2,000	---	D
Women's Education Equity	2,000	4,000	2,000	---	-2,000	D
Training and Advisory Services (Civil Rights)	7,334	14,334	7,334	---	-7,000	D
Ellender Fellowships/Close Up (1)	1,500	---	1,500	---	+1,500	D
Education for Native Hawaiians	15,000	15,000	---	-15,000	-15,000	D
Alaska Native Education Equity	8,000	8,000	---	-8,000	-8,000	D
Charter Schools	50,987	100,000	100,000	+49,013	---	D
Subtotal, other school improvement programs	204,821	263,334	242,834	+38,013	-20,500	
Comprehensive Regional Assistance Centers	25,554	34,388	27,054	+1,500	-7,334	D
Total, School improvement programs	1,425,618	1,299,222	1,507,388	+81,770	+208,166	
Subtotal, forward funded	(1,177,478)	(977,000)	(1,219,500)	(+42,022)	(+242,500)	

(1) Forward funded.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
LITERACY INITIATIVE						
Current year	---	260,000	---	---	-260,000	D
1999 advance funding	---	---	260,000	+260,000	+260,000	D
Total, Literacy initiative	---	260,000	260,000	+260,000	---	
INDIAN EDUCATION (1)						
Grants to Local Educational Agencies	58,050	59,750	59,750	+1,700	---	D
Office of Indian Education	2,943	2,850	2,850	-93	---	D
Total, Indian Education	60,993	62,600	62,600	+1,607	---	
BILINGUAL AND IMMIGRANT EDUCATION						
Bilingual education:						
Instructional Services	141,700	160,000	160,000	+18,300	---	D
Support Services	10,000	14,000	14,000	+4,000	---	D
Professional Development	5,000	25,000	25,000	+20,000	---	D
Immigrant Education	100,000	150,000	150,000	+50,000	---	D
Foreign Language Assistance	5,000	5,000	5,000	---	---	D
Total, Bilingual and Immigrant Education	261,700	354,000	354,000	+92,300	---	

(1) Funding for this account for FY97 was provided in the Interior Appropriations Bill and is shown here for purposes of comparability.

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
SPECIAL EDUCATION						
State grants: (1)						
Grants to States Part B	3,107,522	3,240,750	3,425,911	+318,389	+185,161	D
Preschool Grants	360,409	374,825	388,985	+28,576	+14,160	D
Grants for Infants and Families	315,754	323,964	340,790	+25,036	+16,826	D
Evaluation	1,873	6,300	6,300	+4,427	---	D
Evaluation (2)	---	1,700	1,700	+1,700	---	D
Subtotal, State grants	3,785,558	3,947,539	4,163,686	+378,128	+216,147	
IDEA National Programs (P.L. 105-17):						
State Program Improvement Grants (1)	26,988	35,200	35,200	+8,212	---	D
Research and Innovation to Improve Services	62,803	64,508	64,508	+1,705	---	D
Technical Assistance and Dissemination	34,337	35,056	35,056	+719	---	D
Personnel Preparation	80,735	82,139	82,139	+1,404	---	D
Parent Information Centers	15,535	15,535	15,535	---	---	D
Technology and Media Services	30,023	30,023	32,523	+2,500	+2,500	D
Subtotal, IDEA special programs reauthorization	250,421	262,461	264,961	+14,540	+2,500	
Total, Special education	4,035,979	4,210,000	4,428,647	+392,668	+218,647	
Subtotal, Forward funded	(3,812,546)	(3,981,039)	(4,197,186)	(+384,640)	(+216,147)	

(1) Forward funded except where noted.

(2) Current funded.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
REHABILITATION SERVICES AND DISABILITY RESEARCH						
Vocational Rehabilitation State Grants................	2,176,038	2,246,888	2,246,888	+70,850	---	M
Client Assistance State grants........................	10,392	10,714	10,714	+322	---	M
Training..	39,629	39,629	39,629	---	---	M
Special demonstration programs........................	18,942	16,942	15,942	-3,000	-1,000	M
Migratory workers.....................................	1,850	2,350	2,350	+500	---	M
Recreational programs.................................	2,596	2,596	2,596	---	---	M
Protection and advocacy of individual rights (PAIR)...	7,657	7,894	9,894	+2,237	+2,000	M
Projects with industry................................	22,071	22,071	22,071	---	---	M
Supported employment State grants.....................	38,152	38,152	38,152	---	---	M
Independent living: State grants......................	21,859	21,859	21,859	---	---	M
Centers...	42,876	44,205	44,205	+1,329	---	M
Services for older blind individuals..................	9,952	9,952	9,952	---	---	M
Subtotal, Independent living..........................	74,687	76,016	76,016	+1,329	---	
Program Improvement...................................	2,391	3,900	2,900	+509	-1,000	M
Evaluation..	1,587	1,587	1,587	---	---	M
Helen Keller National Center for Deaf-Blind Youths & Adults..	7,337	7,528	7,528	+191	---	M
National Institute for Disability and Rehabilitation Research (NIDRR)......................................	69,990	71,000	76,800	+6,810	+5,800	M
Subtotal, mandatory programs..........................	2,473,319	2,547,267	2,553,067	+79,748	+5,800	
Assistive Technology..................................	36,109	36,109	36,109	---	---	D
Total, Rehabilitation services........................	2,509,428	2,583,376	2,589,176	+79,748	+5,800	

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES						
AMERICAN PRINTING HOUSE FOR THE BLIND................	6,680	6,680	8,186	+1,506	+1,506	D
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF............	43,041	43,041	43,841	+800	+800	D
GALLAUDET UNIVERSITY.................................	79,182	79,182	80,682	+1,500	+1,500	D
Total, Special Inst for Persons with Disabilities.	128,903	128,903	132,709	+3,806	+3,806	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
VOCATIONAL AND ADULT EDUCATION (1)						
Vocational education:						
Basic State Grants	1,015,550	1,043,550	1,035,550	+20,000	-8,000	D
Tech-Prep Education	100,000	105,000	105,000	+5,000	---	D
Tribally Controlled Postsecondary Vocational Institutions (2)	2,919	2,919	3,100	+181	+181	D
National Progams: Research	13,497	20,497	13,497	---	-7,000	D
Subtotal, Vocational education	1,131,966	1,171,966	1,157,147	+25,181	-14,819	
Adult education:						
State Programs	340,339	382,000	340,339	---	-41,661	D
National programs:						
Evaluation and Technical Assistance	4,998	6,000	4,998	---	-1,002	D
National Institute for Literacy	4,491	6,000	4,491	---	-1,509	D
Subtotal, National programs	9,489	12,000	9,489	---	-2,511	
Literacy Programs for Prisoners	4,723	---	---	-4,723	---	D
Subtotal, adult education	354,551	394,000	349,828	-4,723	-44,172	
Total, Vocational and adult education	1,486,517	1,565,966	1,506,975	+20,458	-58,991	
Subtotal, forward funded	(1,483,598)	(1,563,047)	(1,503,875)	(+20,277)	(-59,172)	

(1) Forward funded except where noted.

(2) Current funded.

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
STUDENT FINANCIAL ASSISTANCE						
Pell Grant -- maximum grant (NA)......................	(2,700)	(3,000)	(3,000)	(+300)	---	NA
Pell Grants -- Regular Program.......................	5,919,000	7,635,000	7,438,000	+1,519,000	-197,000	D
Federal Supplemental Educational Opportunity Grants...	583,407	583,407	583,407	---	---	D
Federal Work Study..................................	830,000	857,000	860,000	+30,000	+3,000	D
Federal Perkins loans:						
Capital Contributions............................	158,000	158,000	135,000	-23,000	-23,000	D
Loan Cancellations...............................	20,000	30,000	30,000	+10,000	---	D
Subtotal, Federal Perkins loans.................	178,000	188,000	165,000	-13,000	-23,000	
State Student Incentive Grants.......................	50,000	---	---	-50,000	---	D
Total, Student financial assistance............	7,560,407	9,263,407	9,046,407	+1,486,000	-217,000	
FEDERAL FAMILY EDUCATION LOANS PROGRAM						
Federal Administration..............................	46,482	47,688	47,688	+1,206	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

				Bill compared with		
	FY 1997 Comparable	FY 1998 Request	Recommended in bill	FY 1997 Comparable	FY 1998 Request	
HIGHER EDUCATION						
Aid for institutional development:						
Strengthening Institutions........................	55,450	55,450	55,450	---	---	D
Hispanic Serving Institutions.....................	10,800	12,000	12,000	+1,200	---	D
Hispanic serving institutions (Agriculture bill)..	(2,000)	(2,000)	(2,000)	---	---	NA
Subtotal, Hispanic serving institutions.........	(12,800)	(14,000)	(14,000)	(+1,200)	---	
Strengthening Historically Black Colleges (HBCUs).	108,990	113,000	120,000	+11,010	+7,000	D
Strengthening historically black graduate insts...	19,606	19,606	25,000	+5,394	+5,394	D
Endowment Challenge Grants, HBCU set-aside........	---	2,015	---	---	-2,015	D
Subtotal, Institutional development.........	194,846	202,071	212,450	+17,604	+10,379	
Program development:						
Fund for the Improvement of Postsec. Ed. (FIPSE)..	18,000	18,000	18,000	---	---	D
Minority Teacher Recruitment......................	2,212	3,727	2,500	+288	-1,227	D
Minority Science Improvement......................	5,255	5,255	5,255	---	---	D
International educ & foreign language studies:						
Domestic Programs............................	53,481	53,481	54,481	+1,000	+1,000	D
Overseas Programs............................	5,270	5,770	5,770	+500	---	D
Institute for International Public Policy.....	1,000	1,000	---	-1,000	-1,000	D
Subtotal, International education...........	59,751	60,251	60,251	+500	---	
Urban Community Service...........................	9,200	---	---	-9,200	---	D
Subtotal, Program development..................	94,418	87,233	86,006	-8,412	-1,227	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Interest Subsidy Grants for Prior Year Const..........	15,673	13,700	13,700	-1,973	---	D
Special grants:						
Mary McLeod Bethune Memorial Fine Arts Center.....	1,400	---	6,620	+5,220	+6,620	D
Federal TRIO Programs...........................	499,994	525,000	532,000	+32,006	+7,000	D
National Early Intervention Scholarships and Partn	3,600	---	---	-3,600	---	D
Advanced Placement Fees.........................	---	6,000	---	---	-6,000	D
Scholarships:						
Byrd Honors Scholarships........................	29,117	39,288	29,117	---	-10,171	D
Presidential Honors Scholarships.................	---	132,000	---	---	-132,000	D
George Bush Fellowships.........................	3,000	---	---	-3,000	---	D
Edmund Muskie Foundation........................	3,000	---	---	-3,000	---	D
Pell Institute for International Relations........	3,000	---	---	-3,000	---	D
Calvin Coolidge Memorial Foundation..............	1,000	---	---	-1,000	---	D
Subtotal, Scholarships.........................	39,117	171,288	29,117	-10,000	-142,171	
Graduate fellowships:						
Javits Fellowships..............................	5,931	---	---	-5,931	---	D
Graduate Assistance in Areas of National Need.....	24,069	30,000	30,000	+5,931	---	D
Subtotal, Graduate fellowships.................	30,000	30,000	30,000	---	---	
Total, Higher education........................	879,048	1,035,292	909,893	+30,845	-125,399	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
HOWARD UNIVERSITY						
Academic Program	166,511	162,981	180,511	+14,000	+17,530	D
Endowment Program	---	3,530	---	---	-3,530	D
Howard University Hospital	29,489	29,489	29,489	---	---	D
Total, Howard University	196,000	196,000	210,000	+14,000	+14,000	
COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM: Federal Administration	698	1,069	698	---	-371	D
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM						
Federal Administration	104	104	104	---	---	D

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT						
Research and statistics:						
Research	72,567	81,035	81,035	+8,468	---	D
Regional Education Laboratories	51,000	53,500	57,000	+6,000	+3,500	D
Statistics	50,000	66,250	66,250	+16,250	---	D
Assessment:						
National Assessment	29,752	35,502	35,502	+5,750	---	D
National Assessment Governing Board	2,865	2,871	2,865	---	-6	D
Subtotal, Assessment	32,617	38,373	38,367	+5,750	-6	
Subtotal, Research and statistics	206,184	239,158	242,652	+36,468	+3,494	
Fund for the Improvement of Education	40,000	40,000	80,000	+40,000	+40,000	D
International Education Exchange	5,000	5,000	---	-5,000	-5,000	D
21st Century Community Learning Centers	1,000	---	50,000	+49,000	+50,000	D
Civics Education	4,500	4,500	5,500	+1,000	+1,000	D
Eisenhower Professional Dvp. National Activities	13,342	30,000	21,000	+7,658	-9,000	D
Eisenhower Regional Math & Science Ed. Consortia	15,000	15,000	15,000	---	---	D
Javits Gifted and Talented Education	5,000	7,000	6,000	+1,000	-1,000	D
National Writing Project	3,100	---	3,100	---	+3,100	D
After School Learning Centers	---	50,000	---	---	-50,000	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
Education technology:						
Technology for Education	66,965	85,000	85,000	+18,035	---	D
Star Schools	30,000	26,000	---	-30,000	-26,000	D
Ready to Learn Television	7,000	7,000	---	-7,000	-7,000	D
Telcom Demo Project for Mathematics	1,035	2,035	---	-1,035	-2,035	D
Subtotal, Education technology	105,000	120,035	85,000	-20,000	-35,035	
Total, ERSI	398,126	510,693	508,252	+110,126	-2,441	

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
LIBRARIES						
Public libraries:						
Services	100,636	---	---	-100,636	---	D
Construction	16,369	---	---	-16,369	---	D
Interlibrary Cooperation	11,864	---	---	-11,864	---	D
Library Education and Training	2,500	---	---	-2,500	---	D
Research and Demonstrations	5,000	---	---	-5,000	---	D
Institute of Museum and Library Services	---	136,369	142,000	+142,000	+5,631	D
Total, Libraries	136,369	136,369	142,000	+5,631	+5,631	
DEPARTMENTAL MANAGEMENT						
PROGRAM ADMINISTRATION	326,217	341,039	329,579	+3,362	-11,460	D
OFFICE FOR CIVIL RIGHTS	54,900	61,500	55,449	+549	-6,051	D
OFFICE OF THE INSPECTOR GENERAL	29,943	32,000	30,242	+299	-1,758	D
Total, Departmental management	411,060	434,539	415,270	+4,210	-19,269	
STUDENT LOANS						
New Annual Loan Volume (including consolidation):						
Federal Family Education Loans (FFEL)	(23,038,000)	(22,995,000)	(22,995,000)	(-43,000)	---	NA
Federal Direct Student Loans (FDSL)	(13,789,000)	(16,930,000)	(16,930,000)	(+3,141,000)	---	NA
Total Outstanding Loan Volume:						
Federal Family Education Loans (FFEL)	(88,864,000)	(101,148,000)	(101,148,000)	(+12,284,000)	---	NA
Federal Direct Student Loans (FDSL)	(23,153,000)	(36,829,000)	(36,829,000)	(+13,676,000)	---	NA
Total, Department of Education	28,957,978	32,069,494	32,144,189	+3,186,211	+74,695	
Current year	(28,957,978)	(32,069,494)	(31,884,189)	(+2,926,211)	(-185,305)	
1999 advance	---	---	(260,000)	(+260,000)	(+260,000)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
TITLE IV - RELATED AGENCIES						
ARMED FORCES RETIREMENT HOME						
Operations and Maintenance: TF Limitation	55,663	55,452	55,452	-211	---	D
Capital Program: TF Limitation	432	24,525	14,825	+14,393	-9,700	D
Total, AFRH	56,095	79,977	70,277	+14,182	-9,700	
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE						
Domestic Volunteer Service Programs: (1)						
Volunteers in Service to America (VISTA)	41,235	54,000	41,235	---	-12,765	D
National Senior Volunteer Corps:						
Foster Grandparents Program	77,812	85,972	84,106	+6,294	-1,866	D
Senior Companion Program	31,244	35,449	34,669	+3,425	-780	D
Retired Senior Volunteer Program	35,708	45,043	39,408	+3,700	-5,635	D
Senior Demonstration Program	---	10,000	---	---	-10,000	D
Subtotal, Senior Volunteers	144,764	176,464	158,183	+13,419	-18,281	
Program Administration	27,850	29,836	28,129	+279	-1,707	D
Total, Domestic Volunteer Service Programs	213,849	260,300	227,547	+13,698	-32,753	
Corporation for Public Broadcasting:						
FY2000 (current request) with FY99 comparable	250,000	325,000	300,000	+50,000	-25,000	D
FY99 advance with FY98 comparable (NA)	(250,000)	(250,000)	(250,000)	---	---	NA
FY98 advance with FY97 comparable (NA)	(260,000)	(250,000)	(250,000)	(-10,000)	---	NA
Federal Mediation and Conciliation Service	32,525	33,481	33,481	+956	---	D
Federal Mine Safety and Health Review Comm'n	6,049	6,060	6,060	+11	---	D

(1) The request earmarks $38 million for America Reads. Appropriations for Americorps are included in the VA-HUD bill.

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
National Commission on Libraries and Info Science.....	897	1,123	1,000	+103	-123	D
National Council on Disability......................	1,791	1,793	1,793	+2	---	D
National Education Goals Panel......................	1,495	2,000	2,000	+505	---	D
National Commission on Cost of Higher Education.......	650	---	---	-650	---	D
National Labor Relations Board......................	174,661	186,434	174,661	---	-11,773	D
National Mediation Board............................	8,284	8,100	8,400	+116	+300	D
Occupational Safety and Health Review Comm'n..........	7,738	7,800	7,900	+162	+100	D
Physician Payment Review Commission (TF).............	(3,258)	(3,578)	(3,258)	---	(-320)	TF*
Prospective Payment Assessment Commission (TF)........	(3,257)	(3,579)	(3,257)	---	(-322)	TF*
RAILROAD RETIREMENT BOARD						
Dual Benefits Payments Account......................	223,000	206,000	206,000	-17,000	---	D
Less Income Tax Receipts on Dual Benefits............	-9,000	-12,000	-12,000	-3,000	---	D
Subtotal, Dual Benefits.......................	214,000	194,000	194,000	-20,000	---	
Federal Payment to the RR Retirement Account..........	300	50	50	-250	---	M
Limitation on administration:						
Consolidated Account............................	(87,728)	(88,800)	(85,728)	(-2,000)	(-3,072)	TF*
Inspector General...............................	(5,394)	(5,400)	(5,000)	(-394)	(-400)	TF*

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with		
				FY 1997 Comparable	FY 1998 Request	
SOCIAL SECURITY ADMINISTRATION						
Payments to Social Security Trust Funds..............	20,923	20,308	20,308	-615	---	M
Additional Administrative Expenses (1)...............	10,000	---	---	-10,000	---	M
SPECIAL BENEFITS FOR DISABLED COAL MINERS						
Benefit payments....................................	625,450	581,470	581,470	-43,980	---	M
Administration......................................	4,620	4,620	4,620	---	---	M
Subtotal, Black Lung, FY97/98 program level.....	630,070	586,090	586,090	-43,980	---	
Less funds advanced in prior year..............	-170,000	-160,000	-160,000	+10,000	---	M
Total, Black Lung, current request, FY97/98.....	460,070	426,090	426,090	-33,980	---	
New advances, 1st quarter FY98/99............	160,000	160,000	160,000	---	---	M

(1) No-year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
SUPPLEMENTAL SECURITY INCOME						
Federal benefit payments	26,559,100	23,710,300	23,710,300	-2,848,800	---	M
Beneficiary services	100,000	46,000	46,000	-54,000	---	M
Research and demonstration	7,000	16,700	16,700	+9,700	---	M
Administration	1,946,015	2,037,000	2,037,000	+90,985	---	D
Automation investment initiative	19,895	50,000	50,000	+30,105	---	D
Subtotal, SSI FY97/98 program level	28,632,010	25,860,000	25,860,000	-2,772,010	---	
Less funds advanced in prior year	-9,260,000	-9,690,000	-9,690,000	-430,000	---	M
Subtotal, regular SSI current year, FY 1997 / 1998	19,372,010	16,170,000	16,170,000	-3,202,010	---	
User Fee Appropriation	---	35,000	35,000	+35,000	---	D
Additional CDR funding	25,000	75,000	75,000	+50,000	---	D
SSI reforms (welfare)	150,000	100,000	100,000	-50,000	---	D
Total, SSI, current request, FY 1997 / 1998	19,547,010	16,380,000	16,380,000	-3,167,010	---	
New advance, 1st quarter, FY98/99	9,690,000	8,680,000	8,680,000	-1,010,000	---	M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
LIMITATION ON ADMINISTRATIVE EXPENSES (1)						
OASDI Trust Funds	(3,068,300)	(2,992,440)	(2,934,440)	(-133,860)	(-58,000)	TF
HI/SMI Trust Funds	(846,099)	(965,000)	(965,000)	(+118,901)	---	TF*
Social Security Advisory Board	(1,268)	(1,600)	(1,600)	(+332)	---	TF
SSI	(1,946,015)	(2,037,000)	(2,037,000)	(+90,985)	---	TF
Subtotal, regular LAE	(5,861,682)	(5,996,040)	(5,938,040)	(+76,358)	(-58,000)	
User Fee Appropriation	---	(35,000)	(35,000)	(+35,000)	---	TF
OASDI Automation	(215,000)	(150,000)	(150,000)	(-65,000)	---	TF
SSI Automation	(19,895)	(50,000)	(50,000)	(+30,105)	---	TF
Subtotal, automation initative	(234,895)	(200,000)	(200,000)	(-34,895)	---	
TOTAL, REGULAR LAE	(6,096,577)	(6,231,040)	(6,173,040)	(+76,463)	(-58,000)	
Additional CDR funding (2)	(160,000)	(190,000)	(145,000)	(-15,000)	(-45,000)	TF
SSI reforms (welfare)	(150,000)	(100,000)	(100,000)	(-50,000)	---	TF
TOTAL, LAE	(6,406,577)	(6,521,040)	(6,418,040)	(+11,463)	(-103,000)	

(1) All trust fund limitations will be scored as BA in FY 98. Comparable adjustments for FY 97 and FY 98 displayed as scorekeeping adjustments.

(2) The request is $45 million above the authorized amount. The recommendation is for the full authorized amount.

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request	
OFFICE OF INSPECTOR GENERAL						
Federal Funds	6,265	10,164	10,164	+3,899	---	D
Trust Funds	(31,089)	---	---	(-31,089)	---	TF
Portion treated as budget authority	---	(34,260)	(42,260)	(+42,260)	(+8,000)	TF*
Total, Office of the Inspector General	37,354	44,424	52,424	+15,070	+8,000	
Federal funds	6,265	10,164	10,164	+3,899	---	
Trust funds	(31,089)	(34,260)	(42,260)	(+11,171)	(+8,000)	
Total, Social Security Administration	36,331,934	32,231,862	32,136,862	-4,195,072	-95,000	
Federal funds	29,894,268	25,676,562	25,676,562	-4,217,706	---	
Current year FY 1997 / 1998	(20,044,268)	(16,836,562)	(16,836,562)	(-3,207,706)	---	
New advances, 1st quarter FY 1998 / 1999	(9,850,000)	(8,840,000)	(8,840,000)	(-1,010,000)	---	
Trust funds	(6,437,666)	(6,555,300)	(6,460,300)	(+22,634)	(-95,000)	
United States Institute of Peace	11,149	11,160	11,160	+11	---	D
Total, Title IV, Related Agencies	37,411,054	33,450,497	33,272,434	-4,138,620	-178,063	
Federal Funds (all years)	30,873,751	26,793,840	26,714,891	-4,158,860	-78,949	
Current year, FY 1997 / 1998	(20,773,751)	(17,628,840)	(17,574,891)	(-3,198,860)	(-53,949)	
FY 1998 / 1999	(9,850,000)	(8,840,000)	(8,840,000)	(-1,010,000)	---	
FY 1999 / 2000	(250,000)	(325,000)	(300,000)	(+50,000)	(-25,000)	
Trust funds	(6,537,303)	(6,656,657)	(6,557,543)	(+20,240)	(-99,114)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request
SUMMARY					
Title I - Department of Labor:					
Federal Funds	8,739,722	9,422,853	9,225,845	+486,123	-197,008
Current year	(8,739,722)	(9,422,853)	(9,125,845)	(+386,123)	(-297,008)
1999 advance	---	---	(100,000)	(+100,000)	(+100,000)
Trust Funds	(3,432,410)	(3,726,020)	(3,596,917)	(+164,507)	(-129,103)
Title II - Department of Health and Human Services:					
Federal Funds	210,126,904	200,848,537	201,592,108	-8,534,796	+743,571
Current year	(178,482,911)	(169,230,348)	(169,973,919)	(-8,508,992)	(+743,571)
1999 advance	(31,643,993)	(31,618,189)	(31,618,189)	(-25,804)	---
Trust Funds	(1,743,599)	(1,783,665)	(1,688,600)	(-54,999)	(-95,065)
Title III - Department of Education:					
Federal Funds	28,957,978	32,069,494	32,144,189	+3,186,211	+74,695
Current year	(28,957,978)	(32,069,494)	(31,884,189)	(+2,926,211)	(-185,305)
1999 advance	---	---	(260,000)	(+260,000)	(+260,000)
Title IV - Related Agencies:					
Federal Funds	30,873,751	26,793,840	26,714,891	-4,158,860	-78,949
Current year	(20,773,751)	(17,628,840)	(17,574,891)	(-3,198,860)	(-53,949)
1999 advance	(9,850,000)	(8,840,000)	(8,840,000)	(-1,010,000)	---
2000 advance	(250,000)	(325,000)	(300,000)	(+50,000)	(-25,000)
Trust Funds	(6,537,303)	(6,656,657)	(6,557,543)	(+20,240)	(-99,114)
Total, all titles:					
Federal Funds	278,698,355	269,134,724	269,677,033	-9,021,322	+542,309
Current year	(236,954,362)	(228,351,535)	(228,558,844)	(-8,395,518)	(+207,309)
1999 advance	(41,493,993)	(40,458,189)	(40,818,189)	(-675,804)	(+360,000)
2000 advance	(250,000)	(325,000)	(300,000)	(+50,000)	(-25,000)
Trust Funds	(11,713,312)	(12,166,342)	(11,843,060)	(+129,748)	(-323,282)

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request
BUDGET ENFORCEMENT ACT RECAP					
Federal Funds (all years)	278,698,355	269,134,724	269,677,033	-9,021,322	+542,309
Mandatory, total in bill	211,774,424	198,701,281	198,572,081	-13,202,343	-129,200
Less advances for subsequent years	-39,556,993	-38,458,189	-38,458,189	+1,098,804	---
Plus advances provided in prior years	40,385,350	38,949,993	38,949,993	-1,435,357	---
Adjustment for savings related to CDRs	-100,000	---	---	+100,000	---
Total, mandatory, current year	212,502,781	199,193,085	199,063,885	-13,438,896	-129,200
Discretionary, total in bill	66,923,931	70,433,443	71,104,952	+4,181,021	+671,509
Less advances for subsequent years	-2,187,000	-2,325,000	-2,660,000	-473,000	-335,000
Plus advances provided in prior years	260,000	2,187,000	2,187,000	+1,927,000	---
Scorekeeping adjustments:					
Trust funds considered budget authority	6,110,432	6,597,917	6,378,594	+268,162	-219,323
Childcare welfare reform rescission	-6,120	---	---	+6,120	---
Title I advance funding, 1997/1998	1,298,239	1,298,386	1,298,239	---	-147
Title I advance funding, 1998/1999	-1,298,239	-1,298,386	-1,298,239	---	+147
LIHEAP 1997 Contingency	300,000	---	---	-300,000	---
Adjustment to balance with FY97 bill	-9,778	---	---	+9,778	---
Community schools transfer	(12,800)	---	---	(-12,800)	---
Adjustment for leg cap on Title XX SSBGs	120,000	---	---	-120,000	---
Emer designations, child care & terrorism	-28,575	---	---	+28,575	---

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1997 Comparable	FY 1998 Request	Recommended in bill	Bill compared with FY 1997 Comparable	Bill compared with FY 1998 Request
Reclassification of non-BA trust funds (1)....	3,461,970	3,271,425	3,167,466	-294,504	-103,959
Supplemental Child Care provision............	1,000	---	---	-1,000	---
HEAL provision..............................	499	---	1,000	+501	+1,000
SSA user fee collection......................	---	-35,000	-35,000	-35,000	---
Direct Loan Administration limitation.........	-218,000	---	---	+218,000	---
Total, discretionary, current year........	74,728,359	80,129,785	80,144,012	+5,415,653	+14,227
Crime trust fund.........................	61,000	144,000	144,000	+83,000	---
General purposes.........................	74,667,359	79,985,785	80,000,012	+5,332,653	+14,227
Grand total, current year.................	287,231,140	279,322,870	279,207,897	-8,023,243	-114,973
Total amount provided in this bill........	278,698,355	269,134,724	269,677,033	-9,021,322	+542,309
Total 602(b) adjustments.............	8,532,785	10,188,146	9,530,864	+998,079	-657,282
Grand total, current year.................	287,231,140	279,322,870	279,207,897	-8,023,243	-114,973

(1) Reflects adjustments in scoring adopted in FY98. These adjustments are included in the FY97 comparable figures only for the purposes of comparability.

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The CHAIRMAN pro tempore. Are there further amendments?

If not, the Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998".

Ms. LOFGREN. Mr. Chairman, there are many elements of this legislation that are very favorable and deserving of our support, such as additional funding for Pell grants, Head Start, and other education programs. However, I reluctantly must oppose the bill due to the adoption of the Goodling amendment prohibiting the Department of Education from developing national standards for reading and mathematics.

Education of our Nation's young people, the future workers and leaders of this country, must be our highest priority. If America is to remain competitive in the global economy, we must have the best educated and best trained work force in the world. In order to ensure this, it is incumbent on the Federal Government to ensure that children across America are receiving adequate instruction, particularly in the core subjects of reading and math. The Goodling amendment will prevent this and may allow many students to fall through the cracks and deny them the education that is critical for their own success and for America's prosperity.

I am hopeful that the conference committee will delete the Goodling amendment from the conference report, and that we are ultimately presented with an appropriations bill for the Departments of Labor, Health and Human Services, and Education that provides adequate funding for the educational needs of our young people, and ensures that these resources are actually utilized to prepare them for their future.

The CHAIRMAN pro tempore. If there are no further amendments, under the order of the House of Thursday, July 31, 1997, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. COLLINS) having assumed the chair, Mr. LATOURETTE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1998, and for other purposes, pursuant to the previous order of the House of Thursday, July 31, 1997, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 346, nays 80, not voting 7, as follows:

[Roll No. 402]

YEAS—346

Abercrombie
Ackerman
Allen
Andrews
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Costello
Coyne
Cramer
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Gordon
Goss
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hayworth
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—80

Aderholt
Archer
Bachus
Barr
Bartlett
Barton
Brady
Bryant
Burton
Chabot
Chenoweth
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Crapo
Cubin
Doolittle
Everett
Goode
Goodlatte
Graham
Granger
Hastings (WA)
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hutchinson
Inglis
Istook
Johnson, Sam
Jones
Largent
Linder
Lofgren
Manzullo
McCollum
McInnis
McIntosh
Mica
Moran (KS)
Myrick
Neumann
Norwood
Paul
Paxon
Pease
Petri
Pitts
Pombo
Radanovich
Riley
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shuster
Smith (MI)
Snowbarger
Souder
Stearns
Stump
Talent
Taylor (MS)
Thornberry
Tiahrt
Wamp
Weldon (FL)

NOT VOTING—7

Condit
Furse
Gonzalez
Gutierrez
Kasich
Schiff
Yates

□ 1404

Messrs. WAMP, ADERHOLT, COX of California, BACHUS, and TAYLOR of Mississippi changed their vote from "yea" to "nay."

Ms. SANCHEZ, and Messrs. HILLIARD, SUNUNU, PORTMAN, and Ms. CARSON changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House. The form of the resolution is as follows:

Whereas, former Representative Robert Dornan has abused his privileges as a former Member of the House of Representatives, and has conducted himself on the floor in a manner which brings discredit to the House;

Whereas in the course of Representative Menendez of New Jersey representing his constituents, exercising his rights as an elected representative of the people and a Member of this House to debate on the House floor, and asking a valid parliamentary inquiry that did not name any individual by name, Robert Dornan, a former Member of this House, verbally assaulted Representative Menendez of New Jersey, using profane language, accused Representative Menendez of religious bigotry, called his integrity into question, and by the tone of voice and the context of his remarks clearly attempted to lure Representative Menendez off the floor into a physical altercation;

Whereas Representative Menendez' family did not face persecution and come to this land, the home and cradle of democracy, so that anyone could attempt to intimidate his constitutional exercise of the democratic process on behalf of the people of his district;

Whereas, clause 2 of rule I of the Rules of the House of Representatives calls upon the Speaker of the House to preserve order and decorum on the House floor Therefore, be it

Resolved that, the Sergeant-at-Arms is instructed to remove former Representative Robert Dornan from the Hall of the House and rooms leading thereto, and to prevent him from returning to the Hall of the House and rooms leading thereto until the election contest concerning the 46th District of California is resolved.

The SPEAKER pro tempore (Mr. LAHOOD). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedent only at a time or place designated by the Chair in the legislative schedule within 2 legislative days of its being properly noticed.

The Chair will announce the Chair's designation at a later time. The Chair's determination as to whether the resolution constitutes a question of privilege will be made at the time designated by the Chair for consideration of the resolution.

PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MENENDEZ. Mr. Speaker, in view that the House is in pro forma session Friday, presuming that the interpretation is that this is an appropriate privileged resolution, would that mean that the resolution would have to be considered within the next 2 days, meaning either today or tomorrow?

The SPEAKER pro tempore. Under the rule, within the next 2 legislative days.

Mr. MENENDEZ. Further parliamentary inquiry. A legislative day in which we are in pro forma session and on which there is no one here, is that considered to be a legislative day in the context of the ruling of the Chair?

The SPEAKER pro tempore. Yes. The gentleman is correct.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 1609 FOR THE PURPOSE OF ADDING COSPONSORS AND REQUESTING REPRINTS

Mr. WELLER. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 1609, a bill originally introduced by Representative MOLINARI of New York, for the purposes of adding cosponsors and requesting reprints pursuant to clause 4 of rule XXII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZING CONGRESS TO AWARD CONGRESSIONAL GOLD MEDAL TO ECUMENICAL PATRIARCH BARTHOLOMEW

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services be discharged from further consideration of the bill, H.R. 2248, to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

Mr. LAFALCE. Mr. Speaker, reserving the right to object, I do so for the purposes of an explanation.

Mr. LEACH. Mr. Speaker, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Iowa.

Mr. LEACH. Under the gentleman's reservation, Mr. Speaker, in response, let me state that H.R. 2248 was introduced by myself, the gentleman from Texas [Mr. GONZALEZ], the gentleman from New York [Mr. LAFALCE], the gentleman from Florida [Mr. BILIRAKIS], and the gentleman from Illinois [Mr. RUSH], and is cosponsored by 327 Members. It authorizes President Clinton to present Ecumenical Patriarch Bartholomew a gold medal on behalf of Congress in recognition of his enduring contributions towards religious understanding and peace.

Yesterday the House passed House Concurrent Resolution 134, introduced by the distinguished gentleman from Florida [Mr. BILIRAKIS], to authorize the use of the Capitol Rotunda for a congressional ceremony honoring the Patriarch Bartholomew later this month.

Patriarch Bartholomew is the spiritual leader of nearly 300 million Orthodox Christians around the world. Through his ministry he has devoted his life to world peace, religious understanding, and protecting the global environment. Patriarch Bartholomew's first visit to our country as Patriarch will provide an opportunity for him to meet with many Americans who comprise the more than 5 million Orthodox Christians in the United States, and to convey his message of reconciliation to citizens of all faiths. Patriarch Bartholomew has been formally recognized for his outstanding achievements by numerous governments and academic institutions around the world.

At this time I ask for the support of this House in awarding the Patriarch a gold medal on behalf of the U.S. Congress and the citizens of the United States. This will be a fitting symbol of our appreciation for his admirable work towards world peace, and I urge my colleagues on a bipartisan basis to support this legislation.

Mr. LAFALCE. Mr. Speaker, further reserving the right to object, I want to point out that I am very, very proud to be a cosponsor of this bill, H.R. 2248, as I was of House Concurrent Resolution 134 yesterday, sponsored by the gentleman from Florida [Mr. BILIRAKIS.]

The gentleman from Florida, myself, and a number of others, the gentleman from New Jersey, [Mr. MICHAEL PAPPAS], the gentleman from Pennsylvania, [Mr. RON KLINK], the gentleman from Colorado, [Mr. DAN SCHAEFER], and the gentleman from California, [Mr. DUKE CUNNINGHAM] recently went to Greece in the last week in August. We know how proud the people of Greece are of their Patriarch Bartholomew, but not just the people of Greece, the 300 million Orthodox Christians across the entire globe.

The people of Greece are also proud of so many other things going on in their country presently, and in the years to come. They rejoiced and sang and danced in the streets of Athens, Salonika when the decision was made to award Athens as the site for the Olympics in the year 2004.

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It is most fitting, most appropriate, that the Congress award a gold medal to Patriarch Bartholomew and President Clinton present that medal to him.

Mr. RUSH. Mr. Speaker, I rise today in strong support of H.R. 2248, to authorize President Clinton to present his all Holiness Ecumenical Patriarch Bartholomew of Constantinople with a congressional gold medal to honor his leadership in promoting world peace and interfaith understanding.

Patriarch Bartholomew has promoted peace in the war torn countries of the Balkans, helping to advance reconciliation among the Catholic, Muslim, and Orthodox communities. He has been a leader in defense of human rights worldwide, in promoting global environmental protection and in strengthening interfaith relations.

Patriarch Bartholomew has been a champion of religious unity and cooperation, encouraging interfaith dialogue between the Orthodox Church, the Roman Catholic Church, leading Protestant denominations and Muslim leaders. He has also sought to strengthen bonds between Judaism and Orthodox Christianity. In 1994 he worked with Rabbi David Schneier and the Appeal of Conscience Foundation to cosponsor the Peace and Tolerance Conference.

He has been a dynamic leader in efforts to ease Greek-Turkish tensions and to promote international cooperation and adherence to international law. He also cares deeply about the environmental legacy we will leave our children, cosponsoring an annual conference devoted to the protection of the environment.

I am honored to be a co-sponsor of this bill. Patriarch Bartholomew is truly an outstanding world leader whose dedication to promoting religious tolerance and unity is an inspiration to all of us.

Mr. LAFALCE. Mr. Speaker, with those remarks, I join with the distinguished chairman of the Committee on Banking and Financial Services, the gentleman from Iowa [Mr. LEACH] and I withdraw my reservation of objection.

The SPEAKER pro tempore [Mr. LAHOOD]. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Ecumenical Patriarch Bartholomew—

(A) is the spiritual leader of nearly 300 million Orthodox Christians around the world and millions of Orthodox Christians in America; and

(B) is recognized in the United States and abroad as a leader in the quest for world peace, respect for the earth's environment, and greater religious understanding;

(2) the extraordinary efforts of Ecumenical Patriarch Bartholomew continue to bring people of all faiths closer together in America and around the world;

(3) the courageous leadership of Ecumenical Patriarch Bartholomew for peace in the Balkans, Eastern Europe, the Middle East, the Eastern Mediterranean, and elsewhere inspires and encourages people of all faiths toward his dream of world peace in the new millennium; and

(4) the outstanding accomplishments of Ecumenical Patriarch Bartholomew have been formally recognized and honored by numerous governmental, academic, and other institutions around the world.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions to religious understanding and peace.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under section 3 shall be deposited in the Numismatic Public Enterprise Fund.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2248, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PERMISSION TO FILE SUPPLEMENTARY REPORT ON H.R. 10, ENHANCEMENT OF COMPETITION IN THE FINANCIAL SERVICES INDUSTRY

Mr. LEACH. Mr. Speaker, I ask unanimous consent to file on behalf of the Committee on Banking and Financial Services a supplemental report to accompany the bill (H.R. 10) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

25TH ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES, FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform and Oversight:

To the Congress of the United States:

As provided by the Federal Advisory Committee Act (FACA), as amended (Public Law 92-463; 5 U.S.C., App. 2, 6(c)), I am submitting the Twenty-Fifth Annual Report on Federal Advisory Committees, covering fiscal year 1996.

The executive branch continues to implement my policy of maintaining the number of advisory committees within the ceiling of 534 required by Executive Order 12838 of February 10, 1993. As a result, the number of discretionary advisory committees (established under general congressional authorizations) was held to 501, or 37 percent fewer than those 801 committees in existence at the beginning of my Administration. Savings achieved through the elimination of discretionary committees during fiscal year 1996 totalled $2.5 million.

Through the advisory committee planning process required by Executive Order 12838, departments and agencies have worked to minimize the total number of advisory committees specifically mandated by statute. The 407 such groups supported at the end of fiscal year 1996 represents a modest 7 percent decrease over the 439 in existence at the beginning of my Administration. However, more can be done to assure that the total costs to fund these groups in fiscal year 1997, or $38.5 million, are dedicated to support high-priority public involvement efforts.

During fiscal year 1996, the General Services Administration (GSA) initiated a process for collaborating with executive departments and agencies to increase public participation opportunities at all levels of American society. Building upon my Administration's commitment to expand access to Federal decisionmakers, managers at all levels will be provided with more timely guidance that includes enhanced options for achieving objectives, better training, and exposure to a variety of tools and techniques, which when used in conjunction with advisory committees, offer additional flexibility to address a wide variety of public participation needs.

Actions to broaden the scope and effectiveness of public participation within the Federal sector will continue during fiscal year 1997. During the year, GSA will develop newly updated guidance implementing FACA. At the same time, GSA will continue to support and work closely with such agencies as the Council on Environmental Quality and the Departments of Agriculture and the Interior to align its efforts with key Administration policies relating to ecosystem and land management priorities.

My Administration will continue to work with the Congress to assure that all advisory committees that are required by statute are regularly reviewed through the congressional reauthorization process and that remaining committees are instrumental in achieving national interests.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *September 17, 1997.*

REPORT ON DEVELOPMENTS CONCERNING CONTINUING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 Fed. Reg. 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Speaker of the House and the President of the Senate by letter dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States.

Executive Order 12959 (60 Fed. Reg. 24757, May 9, 1995) (1) prohibits exportation from the United States to Iran or to the Government of Iran of goods, technology, or services; (2) prohibits the reexportation of certain U.S. goods and technology to Iran from third countries; (3) prohibits dealings by United States persons in goods and services of Iranian origin or owned or controlled by the Government of Iran; (4) prohibits new investments by United States persons in Iran or in property owned or controlled by the Government of Iran; (5) prohibits U.S. companies and other United States persons from approving, facilitating, or financing performance by a foreign subsidiary or other entity owned or controlled by a United States person of certain reexport, investment, trade transactions that a United States person is prohibited from performing; (6) continues the 1987 prohibition on the importation into the United States of goods and services of Iranian origin; (7) prohibits any transaction by a United States person or within the United States that evades or avoids or attempts to violate any prohibition of the order; and (8) allowed U.S. companies a 30-day period in which to perform trade transactions pursuant to contracts predating the Executive order.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize, through specific licensing, certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and United States Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakhstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Speaker of the House and the President of the Senate by letter dated May 6, 1995.

2. On March 5, 1997, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the authority for the current comprehensive trade embargo against Iran in effect since May 1995. Under these sanctions, virtually all trade with Iran is prohibited except for trade in information and informational materials and certain other limited exceptions.

3. On August 19, 1997, I issued Executive Order 13059 in order to clarify the steps taken in Executive Order 12957 and Executive Order 12959, to confirm that the embargo on Iran prohibits all trade and investment activities by United States persons, wherever located, and to consolidate in one order the various prohibitions previously imposed to deal with the national emergency declared on March 15, 1995. A copy of Executive Order 13059 was transmitted to the Speaker of the House and the President of the Senate by letter dated August 19, 1997.

The order prohibits (1) the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran except information or informational material; (2) the exportation, reexportation, sale, or supply from the United States or by a United States person, wherever located, of goods, technology, or services to Iran or the Government of Iran, including knowing transfers to a third country for direct or indirect supply, transshipment, or reexportation to Iran or the Government of Iran, or specifically for use in the production, commingling with, or incorporation into goods, technology, or services to be supplied, transshipped, or reexported exclusively or predominantly to Iran or the Government of Iran; (3) reexportation from a third country of controlled U.S.-origin goods, technology, or services by a person other than a United States person; (4) purchase, sale, transport, swap, brokerage, approval, financing, facilitation, guarantee, or other transactions or dealings by United States persons, wherever located, related to direct or indirect trade with Iran or the Government of Iran or to goods or services of Iranian origin or owned or controlled by the Government of Iran; (5) new investment by United States persons in Iran or in property or entities owned or controlled by the Government of Iran; (6) approval, financing, facilitation, or guarantee by a United States person of any transaction by a foreign person that a United States person would be prohibited from performing under the embargo; and (7) any evasion, avoidance, or attempt to violate a prohibition under the order.

Executive Order 13059 became effective at 12:01 a.m., eastern daylight time on August 20, 1997. Revocation of corresponding provisions in prior Executive orders does not affect the applicability of those provisions, or of regulations, licenses, or other administrative actions taken pursuant to those provisions, with respect to any transaction or violation occurring before the effective date of Executive Order 13059. Specific licenses issued pursuant to prior Executive orders continue in effect, unless revoked or amended by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to prior orders continue in effect, except to the extent inconsistent with Executive Order 13059 or otherwise revoked or modified by the Secretary of the Treasury.

4. The Iranian Transactions Regulations, 31 CFR Part 560 (the "ITR"), were amended on April 18, 1997 (62 Fed. Reg. 19670, April 23, 1997), on July 30, 1997 (62 Fed. Reg. 41851, August 4, 1997), and on August 25, 1997 (62 Fed. Reg. 45098, August 25, 1997). In April 1997, Section 560.603 was amended to require a United States person to file a transaction report as to each foreign affiliate that engages in reportable oil-related transactions involving Iran of $1,000,000 or more during the calendar quarter.

In July 1997, sections 560.510(d)(1) and (d)(2) were amended to generally license all payments of awards against Iran issued by the Iran-U.S. Claims Tribunal in The Hague, irrespective of the source of funds for payment, and to generally license implementation (except exports or reexports that are subject to export license application requirements of Federal agencies other than the Department of the Treasury's Office of Foreign Assets Control (OFAC)) as well as payment of awards or settlements in cases to which the United States Government is a party.

Sections 560.525(a)(3) and (a)(5)(i) were amended to generally license the provision of legal services to initiate and conduct U.S. court and other domestic legal proceedings on behalf of persons in Iran or the Government of Iran and to initiate proceedings to resolve disputes between the Government of Iran or an Iranian national and the United States or a United States national, notwithstanding the prohibition on exportation of services to Iran. On August 25, 1997, general reporting, recordkeeping, licensing, and other procedural regulations were moved from the ITR to a separate part (31 CFR Part 501) dealing solely with such procedural matters. (62 Fed. Reg. 45098, August 25, 1997). A copy of these amendments is attached.

5. During the current 6-month period, OFAC made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued 12 licenses. The majority of denials were in response to requests to authorize commercial exports to Iran—particularly of machinery and equipment for various industries—and the importation of Iranian-origin goods. The licenses issued authorized certain financial transactions, including those relating to disposal of U.S.-owned goods located in Iran and extension of, but not payment under, standby letters of credit. Pursuant to sections 3 and 4 of Executive Order 12959 and consistent with the Iran-Iraq Arms Non-Proliferation Act of 1992 and other statutory restrictions concerning certain goods and technology, including those involved in air-safety cases, Treasury continues to consult with the Departments of State and Commerce on these matters.

The U.S. financial community continues to scrutinize transactions associated with Iran and to consult with OFAC about their appropriate handling. Many of these inquiries have resulted in investigations into the activities of U.S. parties and, where appropriate, the initiation of enforcement action.

6. On March 20, 1997, a seven-count indictment was returned by a grand jury in the District of Maryland against a U.S. resident and two Iranian co-conspirators. The March indictment superseded a two-count indictment handed down on February 13, 1997. Each indictment charged violations of IEEPA and the ITR involving the attempted exportation from the United States to Iran of sophisticated state-of-the-art gas chromotographs used in the electric power industry, which were prevented from reaching Iran.

The U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITR. Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued. Since my last report on March 14, 1997, OFAC has collected four civil monetary penalties totaling nearly $22,000. The violations relate to the unlicensed import from or export of goods to Iran. Civil penalty action is pending against 37 companies, financial institutions, and individuals for violations of the Regulations.

7. The expenses incurred by the Federal Government in the 6-month period from March 15 through September 14, 1997, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are approximately $850,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Intelligence and Research, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

8. The situation reviewed above continues to present an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the United States Government opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders 12957 and 12959 continue to advance important objectives in promoting the nonproliferation and antiterrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 17, 1997.*

POSTPONING VOTES ON AMENDMENTS DURING CONSIDERATION OF H.R. 2378, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 2378, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on (H.R. 2378) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

Mr. KOLBE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2378) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1998, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Maryland [Mr. HOYER] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona [Mr. KOLBE].

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from California [Mr. DREIER] as Chairman of the Committee of the Whole, and requests the gentleman from Ohio [Mr. LATOURETTE] to assume the chair temporarily.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2378, with Mr. LATOURETTE, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the order of today, the bill is considered as having been read the first time.

Under the unanimous consent agreement, the gentleman from Arizona [Mr. KOLBE] and the gentleman from Maryland [Mr. HOYER] each will control 30 minutes.

The Chair recognizes the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I present to the House H.R. 2378, the fiscal year 1998 Treasury, Postal Service and General Government appropriations bill, a bill that is consistent with our objectives of achieving a balanced budget by 2002, a bill strong on oversight of the agencies that come under this subcommittee's jurisdiction. I present to my colleagues legislation that very dramatically changes and improves the way the White House accounts for political events held there; a bill that continues the aggressive oversight over the Internal Revenue Service's modernization program; and a bill that tackles important issues of integrity in the Customs Service.

Mr. Chairman, this bill balances the competing demands of being fiscally responsible and providing what is needed to fully fund drug and law enforcement programs under our jurisdiction. As reported, H.R. 2378 provides $12.5 billion in budget authority and is exactly as its 602(b) allocation in both budget authority and outlays. At the same time, we continue our strong commitment to counter-narcotic and law enforcement programs, providing $3.4 billion for these efforts, an increase of $287 million over fiscal year 1997 funding.

This includes $1.5 billion for drug-related activities, including $195 million for the Office of National Drug Control Policy's proposed media campaign that is targeted to the youth of this country—that is $20 million more than the President requested. It also includes $10 million for the recently authorized Drug-Free Communities Act, and $47 million for additional Customs Service equipment for drug interdiction and passenger processing.

I am also pleased to report a bill that I think makes a strong stand on oversight. During the fiscal year 1998 hearing cycle, the committee learned of instances of taxpayer subsidization of political events in the White House, overspending in GSA's Federal Building Fund, vulnerability within the Customs Service operations, and an ongoing need to get the Internal Revenue Service on track in the development of a modernized tax collection system. H.R. 2378 addresses each of these issues.

Let me just highlight a couple of the ways in which we do that. First, there is a moratorium on construction and major repair projects within GSA's Federal Building Program. There are no GSA construction projects funded in this bill.

Mr. Chairman, I cannot think of a time when we have had a bill that had no Federal building projects in it.

It includes a requirement that the Office of Professional Responsibility within the Treasury Department undertake a comprehensive and aggressive review of Customs Service operations in order to address concerns that agents and inspectors may be vulnerable to corruption, and it includes a continuation of the requirement that IRS complete and submit a comprehensive capital investment blueprint prior to obligating a penny toward computer modernization.

Let me briefly address one issue all Members should be aware of. As I mentioned earlier, we did discover in our hearing process that taxpayers have traditionally, this is not a new thing, subsidized the cost of political fundraisers in the Executive residence of the White House. I fully acknowledge the political hat that the President wears, and I have no intention of limiting the President's duties as the head of his political party. However, all of us in this body and as American citizens should be opposed to using Federal dollars to pay for political events. Apparently, and despite initial protests, the White House now agrees with that position and supports the changes in this bill that would ensure that taxpayers no longer support political events in the Executive residence.

This bill establishes an entirely new appropriation account to be used for official and political events within the White House. It requires that all political events be paid for up front without the use of taxpayer funds. It requires prompt reimbursements for political and official events held in the Executive residence. It requires the Executive to develop a standard definition for the classification of political or nonpolitical events and, based on input from the minority side, it establishes a $25,000 revolving fund, capitalized by the national political party of the President who sits in the White House, to accommodate those political events which cannot be scheduled in advance, such as the spontaneous meetings on legislation that the President may have with congressional leaders from his party.

The changes made to the accounting structure of the Executive residence are based on good budgeting, good government and the fundamental principles of appropriation laws. The changes proposed here are the exact ones I would have proposed for a Republican administration, had we known about this practice of Federal taxpayers paying for political events in the White House.

Mr. Chairman, before I yield back my time I do want to thank the gentleman from Maryland, [Mr. STENY HOYER], my ranking member, who has worked with me and my staff to produce a bill that all Members can support. I have never had a Member that I have worked with as closely as the gentleman from Maryland [Mr. HOYER] and I appreciate the cooperation that he has shown.

Mr. Chairman, I would like also to note the work that has been done by our staff. I think the really exceptional work by our staff, two of them of course are now national media figures with the Wall Street Journal, are: The clerk of the subcommittee, Michelle Mrdeza, and Betsy Phillips, who is also the staff assistant. Without their work and the work of our other staff, Jeff Ashford, Melanie Marshall, Jennifer Rouse, and from the minority side Pat Schlueter, we would not have the bill that we have today.

Let me finally mention the personal work of my assistant Jason Isaak and Mr. HOYER's assistant Seth Statler, who have been instrumental in getting this bill to us.

Mr. Chairman, I reserve the balance of my time.

☐ 1430

Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to begin by complimenting the chairman, the gentleman from Arizona [Mr. KOLBE], for the fine job he and his staff have done in producing this bill. This bill represents a measured and responsible effort to allocate sufficient funds to each of the agencies covered by the bill so that they can carry out the duties assigned to them in an effective way.

Very frankly, I believe this is the best bill that we have passed in last 3 years; and I congratulate the chairman, the gentleman from Arizona [Mr. KOLBE], and our famous staff and others for this accomplishment.

Overall, within the constraints of the Budget Act, our allocation in this bill includes a reduction of $596 million in budget authority from the 1998 requested sum.

Mr. Chairman, basically this bill deals adequately with the IRS. We have had problems with that. That is the biggest component of the bill. Unfortunately, it does not fund law enforcement quite as much as I would like to see done. That is because of the fiscal constraints that confront us. That is understandable.

With respect to other portions of the bill, the gentleman from Arizona [Mr. KOLBE] has pointed out that there are no, I repeat, no GSA projects in this bill. That is unfortunate, I know, from the standpoint of many Members who know that there are needs in their districts. But again, the fiscal constraints that have confronted us have compelled us to that objective.

Mr. Chairman, I simply want to restate that the gentleman from Arizona [Mr. KOLBE] has done an outstanding job. The members of the committee have worked very hard on this bill. I think it is a bill that Members can be proud of and will feel meets the Congress' responsibility to fund the important agencies that come within the ambit of this bill.

Mr. HOYER. Mr. Chairman, I have no requests for time, and I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time in general debate.

The CHAIRMAN pro tempore (Mr. LATOURETTE). All time for general debate has expired.

Pursuant to the order of the House today, the bill shall be considered for amendment under the 5-minute rule. The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 2378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles, maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $150.000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; $113,410,000: *Provided*, That section 113(3) of the Fiscal Year 1997 Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, Public Law 104–208 (110 Stat. 3009–22) is amended by striking "12 months" and inserting in lieu thereof "2 years": *Provided further*, That $200,000 are provided to conduct a comprehensive study of gambling's effects on bankruptcies in the United States.

OFFICE OF PROFESSIONAL RESPONSIBILITY

SALARIES AND EXPENSES

For necessary expenses of the Office of Professional Responsibility, including purchase and hire of passenger motor vehicles, $1,500,000: *Provided*, That the Under Secretary of Treasury for Enforcement shall task the Office of Professional Responsibility to conduct a comprehensive review of integrity issues and other matters related to the vulnerability of the U.S. Customs Service to corruption, to include examination of charges of professional misconduct and corruption as well as analysis of the efficacy of departmental and bureau internal affairs systems.

AUTOMATION ENHANCEMENT

(INCLUDING TRANSFER OF FUNDS)

For the development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $25,989,000, of which $11,500,000 shall be available to the United States Customs Service for the Automated Commercial Environment project, of which $5,600,000 shall be available to Departmental Offices for the International Trade Data System, and of which $8,789,000 shall be available to Departmental Offices to modernize its information technology infrastructure and for business solution software: *Provided*, That these funds shall remain available until September 30, 1999: *Provided further*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated shall be used to support or supplement Internal Revenue Service appropriations for Information Systems: *Provided further*, That of the $27,000,000 provided under this heading in Public Law 104–208, $12,000,000 shall remain available until September 30, 1999: *Provided further*, That none of the funds appropriated for the International Trade Data System may be obligated until the Department has submitted a report on their system development plan to the Committees on Appropriations: *Provided further*, That none of the $11,500,000 appropriated for the Automated Commercial Environment may be obligated until the systems architecture plan has been reviewed by the General Accounting Office and approved by the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses; including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; $30,927,000, of which $26,034 shall be transferred to the "Departmental Offices" appropriation for the reimbursement of Secret Service personnel in accordance with section 117 of this Act.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $6,484,000, to remain available until September 30, 1999.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement; $22,835,000: *Provided*, That funds appropriated in this account may be used to procure personal service contracts.

VIOLENT CRIME REDUCTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 103–322, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as follows:

(a) As authorized by section 190001(e), $88,000,000; of which $21,528,000 shall be available to the Bureau of Alcohol, Tobacco and Firearms, including $3,000,000 for administering the Gang Resistance Education and Training program, $6,000,000 for firearms trafficking initiatives (including the Youth Crime Gun Initiative, Project LEAD, and the National Tracing Center), $5,458,000 for increased explosives inspections, $462,000 for laboratory and investigative supplies, $5,000,000 for vehicles and laboratory, communication, and information technology equipment, and $1,608,000 for collection of information on arson and explosives; of which $1,000,000 shall be available to the Financial Crimes Enforcement Network; of which $16,837,000 shall be available to the United States Secret Service, including $9,323,000 for expenses related to White House Security, $5,000,000 for investigations of counterfeiting, and $2,514,000 for forensic support of investigations of missing and exploited children, of which $514,000 shall be available as a grant on September 30, 1998, for activities related to the investigations of exploited children and shall remain available until expended; of which $43,635,000 shall be available for the United States Customs Service, including $15,000,000 for high energy container x-ray systems and automated targeting systems, $4,000,000 for redeploying agents and inspectors to high threat drug zones, $5,735,000 for laboratory modernization, $10,000,000 for vehicle replacement, $7,800,000 for automated license plate readers, and $1,100,000 for construction of canopies for inspection of outbound vehicles along the Southwest border; and of which $5,000,000 shall be available to the Counterdrug Technology Assessment Center for a program to transfer technology to State and local law enforcement agencies.

(b) As authorized by section 32401, $8,000,000 to the Bureau of Alcohol, Tobacco and Firearms for disbursement through grants, cooperative agreements, or contracts to local governments for Gang Resistance Education and Training: *Provided*, That notwithstanding sections 32401 and 310001, such funds shall be allocated to State and local law enforcement and prevention organizations.

(c) As authorized by section 180103, $1,000,000 to the Federal Law Enforcement Training Center for specialized training for rural law enforcement officers.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $9,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109; $64,663,000, of which up to $13,034,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2000: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available, at the discretion of the Director, for: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training at the Center: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $32,548,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary for the detection and investigation of individuals involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, $73,794,000, of which $7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $199,675,000, of which not to exceed $13,235,000 shall remain available until September 30, 2000 for information systems modernization initiatives: *Provided*, That beginning in fiscal year 1998 and thereafter, there are appropriated such sums as may be necessary to reimburse Federal Reserve banks in their capacity as depositaries and fiscal agents for the United States for all services required or directed by the Secretary of the Treasury to be performed by such banks on behalf of the Treasury or other Federal agencies.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 650 vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $15,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and provision of laboratory assistance to State and local agencies, with or without reimbursement; $477,649,000; of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in the fiscal year ending on September 30, 1998: *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority who has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

LABORATORY FACILITIES

For necessary expenses for construction of a new facility or facilities to house the Bureau of Alcohol, Tobacco and Firearms National Laboratory Center and the Fire Investigation Research and Development Center, not to exceed 185,000 occupiable square feet, to remain available until expended $55,022,000: *Provided*, That these funds shall not be available until a prospectus of authorization for the Laboratory Facilities is approved by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works.

United States Customs Service

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $30,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; $1.526,078,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000 shall be available until expended for research and not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081 and up to $6,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

OPERATIONS, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; $97,258,000, which shall remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, Department, or office outside of the Department of the Treasury, during fiscal year 1998 without the prior approval of the House and Senate Committees on Appropriations.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Beginning in fiscal year 1998 and thereafter, such sums as may be necessary for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary pursuant to section 236 of Public Law 98–573 for each of these airports or other facilities when authorized by law and designated by the Secretary, and to remain available until expended.

HARBOR MAINTENANCE FEE COLLECTION

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

Bureau of the Public Debt

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $173,826,000, of which $2,000,000 shall remain available until September 30, 2000 for information systems modernization initiatives: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 1998 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at $169,426,000, and in addition, $20,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 102 of Public Law 101–380: *Provided further*, That notwithstanding any other provisions of law, effective upon enactment, the Bureau of the Public Debt shall be fully and directly reimbursed by the funds described in Public Law 101–136, title I, section 104, 103 Stat. 789 for costs and services performed by the Bureau in the administration of such funds.

Internal Revenue Service

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; providing tax law and account assistance to taxpayers by telephone and correspondence; matching information returns and tax returns; management services; rent and utilities; and inspection; including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $2,915,100,000, of which up to $3,700,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

(INCLUDING RESCISSION)

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; statistics of income and compliance research; the purchase (for police-type use, not to exceed 850), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,108,300,000: *Provided*, That of the funds made available under this heading in Public Law 104–208, $10,000,000 are rescinded and in Public Law 104–52, $4,500,000 are rescinded.

INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,292,500,000, which shall be available until September 30, 1999: *Provided*, That under the heading "Information Systems" in Public Law 104–208 (110 Stat. 3009), the following is deleted: "of which no less than $130,075,000 shall be available for Tax Systems Modernization (TSM) development and deployment".

INFORMATION TECHNOLOGY INVESTMENTS

For necessary expenses for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisition, including contractual costs associated with operations as authorized by 5 U.S.C. 3109, $326,000,000, which shall remain available until September 30, 2000: *Provided*, That none of these funds is available for obligation until September 30, 1998: *Provided further*, That none of these funds shall be obligated until the Internal Revenue Service and the Department of the Treasury submits to Congress for approval, a plan for expenditure that (1) implements the Internal Revenue Service's Modernization Blueprint submitted to Congress on May 15, 1997; (2) meets the information systems investment guidelines established by the Office of Management and Budget in the fiscal year 1998 budget; (3) has been reviewed and approved by the Internal Revenue Service's Investment Review Board, the Office of Management and Budget, and the Department of the Treasury's Modernization Management Board, and has been reviewed by the General Accounting Office; (4) meets the requirements of the May 15, 1997 Internal Revenue Service's Systems Life Cycle program; and (5) is in compliance with acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The funds provided in this Act for the Internal Revenue Service shall be used to provide, as a minimum, the fiscal year 1995 level of service, staffing, and funding for Taxpayer Services.

SEC. 104. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection, including any private sector employees under contract to the Internal Revenue Service, complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692.)

SEC. 105. The Internal Revenue Service shall institute policies and procedures which will safeguard the confidentiality of taxpayer information.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase not to exceed 705 vehicles for police-type use, of which 675 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $20,000 for official reception and representation expenses; for sponsorship of a conference for the Women in Federal Law Enforcement, to be held during fiscal year 1998; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; $555,736,000.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $5,775,000, to remain available until expended for the Secret Service's Headquarters Building.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 111. Any obligation or expenditure by the Secretary in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1998, shall be made in compliance with the reprogramming guidelines contained in the House and Senate reports accompanying this Act.

SEC. 112. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 113. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1998 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, U.S. Customs Service, and U.S. Secret Service may be transferred between such appropriations upon the advance approval of the House and Senate Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the House and Senate Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. (a) The Bureau of Engraving and Printing and the Department of the Treasury shall not award a contract for Solicitation No. BEP-97-13(TN) or Solicitation No. BEP-96-13(TN) until the General Accounting Office (GAO) has completed a comprehensive analysis of the optimum circumstances for government procurement of distinctive currency paper. The GAO shall report its findings to the House and Senate Committees on Appropriations no later than August 1, 1998.

(b) The contractual term of the distinctive currency paper "bridge" contract shall not exceed 24 months, and the contract shall not be effective until the Secretary of the Department of the Treasury certifies that the price under the terms of any "bridge" contract is fair and reasonable and that the terms of any "bridge" contract are customary and appropriate according to Federal procurement regulations. In addition, the Secretary of the Treasury shall report to the Committees on Appropriations on the price and profit levels of any "bridge" contract at the time of certification.

SEC. 117. The Secretary of the Treasury shall pay from amounts transferred to the "Departmental Offices" appropriation, up to $26,034 to reimburse Secret Service personnel for any attorney fees and costs they incurred with respect to investigation by the Department of the Treasury, Inspector General concerning testimony provided to Congress: *Provided*, That the Secretary of the Treasury shall pay an individual in full upon submission by the individual of documentation verifying the attorney fees and costs: *Provided further*, That the liability of the United States shall not be inferred from enactment of or payment under this provision: *Provided further*, That the Secretary of the Treasury shall not pay any claim filed under this section that is filed later than 120 days after the date of enactment of this Act: *Provided further*, That payment under this provision, when accepted, shall be in full satisfaction of all claims of, or on behalf of, the individual Secret Service agent who was the subject of said investigation.

SEC. 118. (a)(1) Effective beginning on the date determined under paragraph (2), the compensation and other emoluments attached to the Office of Secretary of the Treasury shall be those that would then apply if Public Law 103-2 (107 Stat. 4; 31 U.S.C. 301 note) had never been enacted.

(2) Paragraph (1) shall become effective on the later of—

(A) the day after the date on which the individual holding the Office of Secretary of the Treasury on January 1, 1997, ceases to hold that office; or

(B) the date of the enactment of this Act.

(3) Nothing in this subsection shall be considered to affect the compensation or emoluments due to any individual in connection with any period preceding the date determined under paragraph (2).

(b) Subsection (b) of the first section of the public law referred to in subsection (a)(1) of this section shall not apply in the case of any appointment the consent of the Senate to which occurs on or after the date of the enactment of this Act.

(c) This section shall not be limited (for purposes of determining whether a provision of this section applies or continues to apply) to fiscal year 1998.

SEC. 119. (a) REQUIREMENT OF ADVANCE SUBMISSION OF TREASURY TESTIMONY.—During the fiscal year covered by this Act, any officer or employee of the Department of the Treasury who is scheduled to testify before the Committee on Appropriations of the House of Representatives or the Senate, or any of its subcommittees, shall, not less than 7 calendar days (excluding Saturdays, Sundays, and Federal legal public holidays) preceding the scheduled date of the testimony, submit to the committee or subcommittee—

(1) a written statement of the testimony to be presented, regardless of whether such statement is to be submitted for inclusion in the record of the hearing; and

(2) any other written information to be submitted for inclusion in the record of the hearing.

(b) LIMITATION ON TREASURY CLEARANCE PROCESS.—None of the funds made available in this Act may be used for any clearance process within the Department of the Treasury that could cause a submission beyond the specified time, as officially transmitted by the committee, of—

(1) any corrections to the transcript copy of testimony given before the Committee on Appropriations of the House of Representatives or the Senate, or any of its subcommittees; or

(2) any information to be provided in writing in response to an oral or written request by such committee or subcommittee for specific information for inclusion in the record of the hearing.

(b) EXCEPTION.—The time periods established in subsections (a) and (b) shall not apply to any specific testimony, or corrections, if the Secretary of the Treasury—

(1) determines that special circumstances prevent compliance; and

(2) submits to the committee or subcommittee involved a written notification of such determination, including the Secretary's estimate of the time periods required for specific testimony, information, or corrections.

SEC. 120. (a) NEW RATES OF BASIC PAY FOR UNITED STATES SECRET SERVICE UNIFORMED

Division.—Section 501 of the District of Columbia Police and Firemen's Salary Act of 1958, as amended (D.C. Code, sec. 4-416), is amended—

(1) in subsection (b)(1), by striking "Interior" and all that follows through "Treasury," and inserting instead "Interior";

(2) by redesignating subsection (c) as subsection (b)(3);

(3) in subsection (b)(3) (as redesignated)—

(A) by striking "or to officers and members of the United States Secret Service Uniformed Division"; and

(B) by striking "subsection (b) and inserting instead "this subsection";

(4) by adding after subsection (b) the following new subsection:

"(c)(1) The annual rates of basic compensation of officers and members of the United States Secret Service Uniformed Division, serving in classes corresponding or similar to those in the salary schedule in section 101, shall be fixed in accordance with the following schedule of rates:

"SALARY SCHEDULE

"Salary class and title	Service Steps								
	1	2	3	4	5	6	7	8	9
"Class 1: Private	29,215	30,088	31,559	33,009	35,331	37,681	39,128	40,593	42,052
"Class 4: Sergeant	39,769	41,747	43,728	45,718	47,715	49,713			
"Class 5: Lieutenant	45,148	47,411	49,663	51,924	54,180				
"Class 7: Captain	52,523	55,155	57,788	60,388					
"Class 8: Inspector	60,886	63,918	66,977	70,029					
"Class 9: Deputy Chief	71,433	76,260	81,113	85,950					
"Class 10: Assistant Chief	84,694	90,324	95,967						
"Class 11: Chief of the U.S. Secret Service Uniformed Division	98,383	104,923							

"(2) Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 of title 5, United States Code (or any subsequent similar provision of law), in the rates of pay under the General Schedule (or any subsequent similar provision of law), in the rates of pay under the General Schedule (or any pay system that may supersede such schedule), the annual rates of basic compensation of officers and members of the United States Secret Service Uniformed Division shall be adjusted by the Secretary of the Treasury by an amount equal to the percentage of such annual rate of pay which corresponds to the overall percentage of the adjustment made in the rates of pay under the General Schedule.

"(3) Locality-based comparability payments authorized under section 5304 of title 5, United States Code, shall be applicable to the basic pay under this section. However, locality-based comparability payments may not be paid at a rate which, when added to the rate of basic pay otherwise payable to the officer or member, would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.

"(4) Pay may not be paid, by reason of any provision of this subsection (disregarding any comparability payment payable under Federal law), at a rate in excess of the rate of basic pay payable for level V of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code.

"(5) Any reference in any law to the salary schedule in section 101 with respect to officers and members of the United States Secret Service Uniformed Division shall be considered to be a reference to the salary schedule in paragraph (1) of this subsection as adjusted in accordance with this subsection.

"(6)(A) Except as otherwise permitted by or under law, no allowance, differential, bonus, award, or other similar cash payment under this title or under title 5, United Stated Code, may be paid to an officer or member of the United States Secret Service Uniformed Division in a calendar year if, or to the extent that, when added to the total basic pay paid or payable to such officer or member for service performed in such calendar year as an officer or member, such payment would cause the total to exceed the annual rate of basic pay payable for level I of the Executive Schedule, as of the end of such calendar year.

"(B) This paragraph shall not apply to any payment under the following provisions of title 5, United States Code;

"(i) Subchapter III or VII of chapter 55, or section 5596;

"(ii) Chapter 57 (other than section 5753, 5754, or 5755); or

"(iii) chapter 59 (other than section 5928).

"(7)(A) Any amount which is not paid to an officer or member of the United States Secret Service Uniformed Division in a calendar year because of the limitation under paragraph (6) shall be paid to such officer or member in a lump sum at the beginning of the following calendar year.

"(B) Any amount paid under this paragraph in a calendar year shall be taken into account for purposes of applying the limitations under paragraph (6) with respect to such calendar year.

"(8) The Office of Personnel Management shall prescribe regulations as may be necessary (consistent with section 5582 of title 5, United States Code) concerning how a lump-sum payment under paragraph (7) shall be made with respect to any employee who dies before an amount payable to such employee under paragraph (7) is made.".

(b) Conversion to New Salary Schedule.—

(1) Effective on the first day of the first pay period beginning after the date of enactment of this section, the Secretary of the Treasury shall fix the rates of basic pay for members of the United States Secret Service Uniformed Division as follows: Each officer and member receiving basic compensation, immediately prior to the effective date of this section, at one of the scheduled rates in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958, as adjusted by law and as in effect prior to the effective date of this section, shall be placed in and receive basic compensation at the corresponding scheduled service step of the salary schedule outlined in section 501(c) of such Act as added by subsection (a) of this section; except that (A) the Assistant Chief and the Chief of the United States Secret Service Uniformed Division shall be placed in and receive basic compensation in salary class 10 and salary class 11, respectively, in the appropriate service step in the new salary class in accordance such section 501(c), and (B) each member whose position is to be converted to the salary schedule under such section 501(c), and who, prior to the effective date of this section has earned, but has not been credited with, an increase in his or her rate of pay shall be afforded that increase before he or she is placed in the corresponding service step in the salary schedule under such section 501(c).

(2) Except in the cases of the Assistant Chief and the Chief of the United States Secret Service Uniformed Division, the conversion of positions and individuals to appropriate classes of the salary schedule under section 501(c) of the District of Columbia Police and Fireman's Salary Act of 1958 (D.C. Code, sec. 4-416(c)), as amended by subsection (a) of this section, and the initial adjustments of rates of basic pay of those positions and individuals, in accordance with paragraph (1) of this subsection, shall not be considered to be transfers or promotions within the meaning of section 304 of such Act.

(3) Each member whose position is converted to the salary schedule under such section 501(c) shall be granted credit for purposes of his or her first service step adjustment under the salary schedule in such section 501(c) for all satisfactory service performed by the member since his or her last increase in basic pay prior to the adjustment under that section.

(c) Limitation on Pay Period Earnings.—The first section of the Act of August 15, 1950 (64 Stat. 447), as amended (D.C. Code, section 4–1104), is amended—

(1) in subsection (h), by striking the phrase "any officer or member" each place it appears and inserting instead "an officer or member of the Metropolitan Police force, of the Fire Department of the District of Columbia, or of the United States Park Police";

(2) by redesignating subsection (h)(3) as subsection (i); and

(3) by inserting after paragraph (2) the following new paragraph:

"(3)(A) No premium pay provided by this section shall be paid to, and no compensatory time is authorized for, any officer or member of the United States Secret Service Uniformed Division whose rate of basic pay, combined with any applicable locality-based comparability payment, equals or exceeds the lesser of (I) 150 percent of the minimum rate payable for grade GS–15 of the General Schedule (including any applicable locality-based comparability payment under section 5304 of title 5, United States Code or any similar provision of law, and any applicable special rate of pay under section 5305 of title 5, United States Code or any similar provision of law) or (II) the rate payable for level

V of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code.

"(B) In the case of any officer or member of the United States Secret Service Uniformed Division whose rate of basic pay, combined with any applicable locality-based comparability payment, is less than the lesser of—

"(i) 150 percent of the minimum rate payable for grade GS–15 of the General Schedule (including any applicable locality-based comparability payment under section 5304 of title 5, United States Code or any similar provision of law, and any applicable special rate of pay under section 5305 of title 5, United States Code or any similar provision of law); or

"(ii) the rate payable for level V of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code, such premium pay may be paid only to the extent that such payment would not cause such officer or member's aggregate rate of compensation to exceed such lesser amount with respect to any pay period.".

(d) SAVINGS PROVISION.—On the effective date of this section, any existing special salary rates authorized for members of the United States Secret Service Uniformed Division under section 5305 of title 5, United States Code (or any previous similar provision of law) and any special rates of pay or special pay adjustment under sections 403–405 of the Federal Law Enforcement Pay Reform Act of 1990, as amended, applicable to members of the United States Secret Service Uniformed Division shall be rendered inapplicable.

(e) CONFORMING AMENDMENT.—Sections 405(b)(1) and 405(c)(1) of the Federal Law Enforcement Pay Reform Act of 1990 (104 Stat. 1466) are hereby repealed.

(f) EFFECTIVE DATE.—The provisions of this section shall become effective on the first day of the first pay period beginning after the date of enactment.

SEC. 121. Section 117 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as contained in section 101(f) of division A of Public Law 104–208) is hereby repealed.

SEC. 122. In tax-year 1998, and each tax-year thereafter, the Internal Revenue Service shall pay qualified transmitters who electronically forward and file tax returns (form 1040 and related information returns) properly formatted and accepted by the Internal Revenue Service, up to $3.00 per return so filed: *Provided*, That the transmitter provides the necessary electronic filing service without charge to the taxpayer whose return is so filed: *Provided further*, That in those instances where the transmitter receives a tax return from an electronic return originator (ERO) and/or a paid preparer, the transmitter may only accept the payment from the Internal Revenue Service if the ERO and/or the paid preparer has certified to the Internal Revenue Service that no fee was charged to the taxpayer for electronic filing of the return: *Provided further*, That the Internal Revenue Service shall reduce its paper returns processing seasonal workforce commensurate with any increase in electronic filing resulting from this initiative.

SEC. 123. Subsection (a) of section 5378, title 5 U.S.C., is amended to read as follows:

"(a) The Secretary of the Department of the Treasury, or his designee, shall fix the rates of basic pay for positions within the police forces of the United States Mint and the Bureau of Engraving and Printing without regard to the provisions of title 5, United States Code, except that no entry-level police officer shall receive basic pay for a calendar year that is less than the basic rate of pay for General Schedule GS–7 and no executive security official shall receive basic compensation for a calendar year that exceeds the basic rate of pay for General Schedule GS–15."

SEC. 124. (a) Notwithstanding any other provision of law, paragraph (3)(A) of section 9703(g) of title 31, United States Code, is amended—

(1) by striking "1996, and 1997";

(2) by inserting in lieu thereof "and 1996"; and

(3) by adding at the end of the first sentence of (3)(A) the following new sentence: "No further transfers from the Treasury Forfeiture Fund will be made to the Special Forfeiture Fund after those amounts transferred from excess unobligated balances at the end of fiscal year 1996."

(b) Paragraph (3)(C) of section 9703(g) of title 31, United States Code, is amended—

(1) by adding after the last sentence of that paragraph as amended by Public Law 104–208, the following sentence: "Unobligated balances remaining pursuant to section 4(B) of 9703(g) shall also be carried forward."

(c) Paragraph (4)(B) of section 9703(g) of title 31, United States Code, is amended—

(1) by striking ", subject to subparagraph (C)," from the first and only sentence of that paragraph.

This title may be cited as the "Treasury Department, Appropriations Act, 1998".

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE FUND

PAYMENT TO THE POSTAL SERVICE FUND FOR REVENUE FORGONE

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $86,274,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1998.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 United States Code 2004, $34,850,000.

This title may be cited as the "Postal Service Appropriations Act, 1998".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $51,199,000: *Provided*, That $873,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a systems architecture plan, a milestone schedule for the development and implementation of all projects included in the systems architecture plan, and an estimate of the funds required to support the fiscal year 1998 capital investments associated with that plan: *Provided further*, That $9,800,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $8,045,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall (1) implement a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical; and (2) prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate, by not later than December 1, 1997, a report setting forth a detailed description of such system and a schedule for its implementation: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $200,000, to remain available until expended for renovation and relocation of the White House laundry, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,378,000: *Provided*, That $69,800 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a systems architecture plan, a milestone schedule for the development and implementation of all projects included in the systems architecture plan, and an estimate of the funds required to support the fiscal year 1998 capital investments associated with that plan.

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $334,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,542,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $3,983,000: *Provided*, That $30,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a systems architecture plan, a milestone schedule for the development and implementation of all projects included in the system architecture plan, and an estimate of the funds required to support the fiscal year 1998 capital investments associated with that plan.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $6,648,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles $28,883,000, of which $2,000,000 shall remain available until expended for a capital investment plan which provides for the modernization of the information technology infrastructure: *Provided*, That $2,023,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a systems architecture plan, a milestone schedule for the development and implementation of all projects included in the system architecture plan, and an estimate of the funds required to support the fiscal year 1998 capital investments associated with that plan.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, $57,240,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $43,516,000, of which $25,500,000 shall remain available until expended, consisting of $1,000,000 for policy research and evaluation and $24,500,000 for the Counter-Drug Technology Assessment Center for counternarcotics research and development projects of which $1,000,000 shall be obligated for state conferences on model State drug laws and of which $7,500,000 shall be available for a program to transfer technology to State and local law enforcement agencies: *Provided*, That the $24,500,000 for the Counter-Drug Technology Assessment Center shall be available for transfer to other Federal departments or agencies: *Provided further*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $146,207,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which $5,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in the three State area of Kentucky, Tennessee, and West Virginia; of which $1,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in central Florida; of which no less than $77,000,000 shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of enactment of this Act and up to $69,207,000 may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided*, That funding shall be provided for existing High Intensity Drug Trafficking Areas at no less than the fiscal year 1997 level.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, as authorized by Public Law 100–690, as amended, $205,000,000, to remain available until expended: *Provided*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the amount provided, $195,000,000 shall be to support a national media campaign, to reduce and prevent drug use among young Americans: *Provided further*, That none of the funds provided for the support of a national media campaign may be obligated until the Director, Office of National Drug Control Policy, submits a strategy for approval to the Committees on Appropriations of the House of Representatives and the Senate that includes (1) a certification that funds will supplement and not supplant current anti-drug community based coalitions; (2) a certification that none of the funds will be used for partisan political purposes; (3) an implementation plan for securing private sector contributions including, but not limited to, in-kind contributions; and (4) a system to measure outcomes of success of the national media campaign: *Provided further*, That of the funds provided for the support of a national media campaign, $46,000,000 shall not be obligated prior to September 30, 1998: *Provided further*, That of the amount provided, $10,000,000 shall be to initiate a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997.

This title may be cited as the "Executive Office Appropriations Act, 1998".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28, $1,940,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $30,350,000, of which no less than $2,500,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses: *Provided*, That of the amounts appropriated for salaries and expenses, $750,000 shall be transferred to the General Accounting Office for the sole purpose of entering into a contract with the private sector for a management review, and technology and performance audit, of the Federal Election Commission, and $300,000 may be transferred to the Government Printing Office.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $21,803,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $4,835,934,000, of which (1) $300,000,000 shall remain available until expended, for Basic Repairs and Alterations which includes associated design and construction services: *Provided*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That the amounts provided in this or any prior Act for Repairs and Alterations may be used to fund costs associated with implementing security improvements to buildings necessary to meet the standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That funds made available in this Act or any previous Act for Repairs and Alterations shall, for prospectus projects, be limited to the amount originally made available, except each project may be increased by an amount not to exceed 10 percent when advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (2) $142,542,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (3) $3,607,129,000, to remain available until expended, for building operations, leasing activities, and rental of space; and (4) $680,543,000 which shall remain available until expended for projects and activities previously requested and approved under this heading in prior fiscal years: *Provided further*, That for the purposes of this authorization, and hereafter, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 1998, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $4,835,934,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses; $107,487,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $33,870,000: *Provided*, That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,208,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 1998 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 1999 request for United States Courthouse construction that (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the fiscal year 1999 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency which does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Section 10 of the General Services Administration General Provisions, Public Law 100–440, is hereby repealed.

SEC. 407. Funds provided to other Government agencies by the Information Technology Fund, GSA, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 408. The Administrator of the General Services is directed to ensure that the materials used for the facade on the United States Courthouse Annex, Savannah, Georgia project are compatible with the existing Savannah Federal Building-U.S. Courthouse facade, in order to ensure compatibility of this new facility with the Savannah historic district and to ensure that the Annex will not endanger the National Landmark status of the Savannah historic district.

SEC. 409. (a) The Act entitled "An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (3 U.S.C. 102 note), is amended by striking section 2.

(b) Section 3214 of title 39, United States Code, is amended—

(1) in subsection (a) by striking "(a) Subject to subsection (b), a" and inserting "A"; and

(2) by striking subsection (b).

SEC. 410. There is hereby appropriated to the General Services Administration such sums as may be necessary to repay debts to the United States Treasury incurred pursuant to section 6 of the Pennsylvania Avenue Development Corporation Act of 1972, as amended (Public Law 92–578, 86 Stat. 1266, 40 U.S.C. 875), and in addition such amounts as are necessary for payment of interest and premiums, if any, related to such debts.

SEC. 411. From funds made available under the heading "Federal Buildings Fund Limitations on Revenue," claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House and Senate.

SEC. 412. (a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of General Services shall sell the property described in subsection (b) through a process of competitive bidding, in accordance with procedures and requirements applicable to such a sale under section 203(e) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(e)).

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the property known as the Bakersfield Federal Building, located at 800 Truxton Avenue in Bakersfield, California, including the land on which the building is situated and all improvements to such building and land.

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 65, line 11, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN pro tempore. Are there any points of order to that portion of the bill through page 65 line 11?

POINT OF ORDER

Mr. COLLINS. Mr. Chairman, I make a point of order against an item within the bill found on page 15, line 7 through 11, on the ground that it violates clause 2(b) of rule XXI of the Rules of the House.

The CHAIRMAN pro tempore. Will the gentleman identify the proviso that begins on line 7.

Mr. COLLINS. On page 15, line 7 through 11.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

Mr. HOYER. Mr. Chairman, we would concede to the point of order that the gentleman from Georgia [Mr. COLLINS] has raised.

Mr. KOLBE. Mr. Chairman, I concede the point of order.

The CHAIRMAN pro tempore. The point of order is conceded and sustained. The proviso that begins on line 7 is stricken from the bill.

Are there any further points of order against that portion of the bill through page 65, line 11?

Are there any amendments to that portion of the bill?

AMENDMENT OFFERED BY MR. BLAGOJEVICH

Mr. BLAGOJEVICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Has the gentleman from Illinois supplied the desk with the amendment?

Mr. BLAGOJEVICH. Yes. We have plenty of copies.

Mr. KOLBE. Mr. Chairman, I would reserve a point of order, not being sure which amendment.

The CHAIRMAN pro tempore. The point of order is reserved.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLAGOJEVICH:

Page 5, line 6, after the first dollar amount, insert the following: "(reduced by $1,000,000)".

Page 12, line 2, after the dollar amount, insert the following: "(increased by $1,000,000)".

Mr. BLAGOJEVICH. Mr. Chairman, I will be very brief.

The amendment that I am sponsoring today with my colleague, the gentleman from Massachusetts [Mr. MEEHAN], is simple and straightforward. Our amendment will appropriate $1 million in the Treasury-Postal appropriations bill to be used to expand the Bureau of Alcohol, Tobacco and Firearms Youth Crime Gun Interdiction Initiative, an initiative which works with local law enforcement officials to trace the source of illegal guns found in the possession of juvenile criminals.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. BLAGOJEVICH. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his amendment. And on our behalf, we would certainly accept the amendment.

I yield back to the gentleman.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. BLAGOJEVICH. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I withdraw my reservation of a point of order, and I accept the amendment of the gentleman from Illinois [Mr. BLAGOJEVICH]. But I would like to note that I do have concerns about other high priorities in this bill that are not being met at this time.

The amendment would rescind, as the gentleman from Illinois [Mr. BLAGOJEVICH] has pointed out, the $1 million funding for the Inspector General of the Treasury and place that money in the Bureau of Alcohol, Tobacco and Firearms for funding of the youth programs. And I would accept that amendment.

Mr. BLAGOJEVICH. I thank the gentleman from Arizona [Mr. KOLBE], and again, I want to thank the ranking member.

Before yielding back the balance of my time, I would simply close by saying that both the gentleman from Arizona [Mr. KOLBE], the chairman, and the gentleman from Maryland [Mr. HOYER] are great Members worth emulating; and since they were complimentary to their staffs, I would like to thank my staffer, Deanne Benos, for her work, as well as the staffer of the gentleman from Massachusetts [Mr. MEEHAN], Glen. I do not know his last name. I only met him 7 minutes ago. But he seemed to be very devoted and diligent, and I want to thank Glen for his help, as well.

Mr. Chairman, I rise to urge support for an amendment I am offering in conjunction with Mr. MEEHAN to increase funding for the Bureau of Alcohol, Tobacco and Firearms Youth Crime Gun Interdiction Initiative by $1 million. This successful program has proven to be an effective blueprint for local law enforcement in shutting the doors of the black market of illegal guns that supplies juvenile criminals.

Crimes committed with increasingly accessible available guns account almost entirely for the terrible surge of violent crime by youths that the Nation has experienced over the past decade. In my hometown of Chicago, where 15,000 to 20,000 crime guns are confiscated by police each year, the plague of gun violence has become the leading cause of death for teenagers, and individuals too young to purchase handguns legally, commit the largest number of firearm homicides than any other age group.

As a matter of fact, gun crime is virtually the only type of juvenile crime that is on the rise in our Nation. While juvenile arrests for homicides with guns have quadrupled, arrests for most crimes without guns haven't risen since 1984.

Now more than ever, law enforcement officials need to get to the source of these guns. We are learning that combating juvenile crime goes beyond simply apprehending the culprit. There are deeper layers to this problem that must be examined: Most notably, cutting off the illegal flow of these weapons to young criminals and gang members through both black markets and the iron pipeline that supplies guns to criminals in States with tough guns laws from States with weaker gun laws.

For the past year, the Youth Crime Gun Interdiction Initiative has created partnerships in 17 cities throughout our Nation to trace guns used in juvenile crimes. In the program's first year, 37,000 crime guns were traced back to their sources. On many occasions, this information has led to the arrest of individuals who supply guns to young people—young people who later use them to commit violent crimes.

By expanding the volume of tracing, participating cities have not only provided data needed to identify community crime patterns, but have contributed important analyses that can be useful in deciding how best to focus investigative resources to reduce the illegal firearms supply that has had such a devastating effect on our Nation's youth.

Studies from the program have also led us to some startling, yet helpful information that is leading local law enforcement officials in communities across our Nation to decide how best to focus investigative resources to reduce the illegal firearms supply used in violent crime.

As a representative of the city of Chicago, I look forward to the expansion of this successful program, which will give our law enforcement officials more tools to stop violent juvenile crime I urge adoption of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois [Mr. BLAGOJEVICH].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to the portion of the bill read through page 65, line 11?

AMENDMENT OFFERED BY MR. SUNUNU

Mr. SUNUNU. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Will the gentleman supply the Clerk with a copy of the amendment.

Mr. HOYER. Reserving a point of order, Mr. Chairman, I do not have the amendment in front of me.

The CHAIRMAN pro tempore. A point of order is reserved.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SUNUNU:

Page 50, line 7, after "chapter 35" insert the following: "including $200,000 to be used under those provisions to coordinate implementation of chapter 8 of title 5, United States Code (popularly known as the Congressional Review Act)".

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. SUNUNU. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, if the gentleman is amenable to this, we quickly reviewed the amendment. We believe if his staff indicates that there may be flex, because this is a very small number, that we would not object to this amendment.

Mr. SUNUNU. Mr. Chairman, I am pleased that the gentleman will accept the amendment, and I will yield back the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Maryland withdraw his reservation of a point of order?

Mr. HOYER. Yes, sir, I do.

Mr. KOLBE. Mr. Chairman, I also accept the amendment. I would like to reserve the option to review the resource requirements that OMB has when this bill proceeds to conference with the Senate. I realize it does not create any new money, but it earmarks money within the OMB.

What the gentleman from New Hampshire [Mr. SUNUNU] is trying to do I think is correct, to provide for efficient implementation of the Congressional Review Act, but I would simply like to review this issue when it does get to conference. But I would accept the amendment of the gentleman from New Hampshire.

Mr. SUNUNU. Mr. Chairman, if the gentleman will yield, I thank him very much. Just to emphasize that point, this allocates $200,000 of the $5 million reserved for administrative cost at OMB to implement an important piece of the legislation, the Congressional Review Act, that was passed as part of the 104th Congress to try to ensure proper congressional oversight on new rules and regulations that have a tremendous effect on small business.

The CHAIRMAN pro tempore. The question is on amendment offered by the gentleman from New Hampshire [Mr. SUNUNU].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to this portion of the bill as read?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 413. Section 201(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481) as amended to read as follows:

"(b) The Administrator shall as far as practicable provide any of the services specified in subsection (a) of this section to any other Federal agency, mixed ownership corporation (as defined in chapter 91 of title 31, United States Code), or the District of Columbia, upon its request.".

POINT OF ORDER

Mr. DAVIS of Virginia. Mr. Chairman, I make a point of order against language on page 65, lines 12 through 20, because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part, that "no amendment to a general appropriation bill shall be in order if changing existing law."

The amendment modifies existing powers and duties and changes existing law. I would ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentlewoman from Kentucky [Ms. NORTHUP] desire to be heard on the point of order?

Ms. NORTHUP. Mr. Chairman, regarding the point of order, I understand that this probably will be considered legislating on appropriations, to be subject to the point of order. However, I want to reserve my right to strike the last word and speak to the merits of it when this is concluded.

The CHAIRMAN pro tempore. Does any other Member desire to be heard on the point of order?

Mr. HOYER. Mr. Chairman, we concede the point of order.

Mr. KOLBE. Mr. Chairman, we also concede the point of order. This was a spirited debate in our subcommittee and full committee, but it is clearly, given the fact of the circumstances under which this bill has been brought to the floor, it is legislation on an appropriation and clearly would not be protected as a result of that.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

Mr. MORAN of Virginia. Mr. Chairman, I would ask be heard on the point of order. I will not take but a few seconds.

As the Chair and ranking member have said, this was fully debated in the full committee consideration. It clearly is legislation on an appropriation bill. It belongs in government operations. It does not belong on an appropriations bill. I personally think the Cooperative Purchasing Agreement is a good government measure. I am glad that it is in this bill, and it certainly does not deserve to be taken out by an amendment that is not in order for debate.

So I strongly support the point of order having been raised, and I thank the chairman for his attention.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

If not, the point of order is conceded and sustained and section 413 is stricken from the bill.

Ms. NORTHUP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, recognizing that the provisions of the Cooperative Purchasing Agreement have been struck, I do want to bring to the attention of the House that the language that was struck was passed in its entirety by the Senate and that that language was also voted by the Committee on Appropriations to be included in this bill.

So while it has been struck on the technical provisions, I do think that the intent and the interest and the perspective of the Committee on Appropriations, the entire committee in the House and the Senate, are clear on this issue. And so I look forward in the conference committee to look at this again and to see if we cannot resolve the questions that divide us.

In particular, I want to bring up that the blind community is very concerned about the fact that the complete repeal repealed provisions that have allowed them for many years, under other statutes, to engage in certain business arrangements with the Federal Government and local and State governments.

While I understand that they support the repeal with regard to State and local governments, they do have concerns about their continued operations of the supply depots. I think it is very important, when we iron out these substantive problems that we have, that we make sure that we do not do anything that would upset the existing arrangement with that community.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

Federal Payment to Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Trust Fund, to be available for purposes of Public Law 102–259, $2,000,000, to remain available until expended.

John F. Kennedy Assassination Records Review Board

For the necessary expenses to carry out the John F. Kennedy Assassination Records Collection Act of 1992, $1,600,000: *Provided*, That $100,000 shall be available only for the purposes of the prompt and orderly termination of the John F. Kennedy Assassination Records Review Board, to be concluded no later than September 30, 1998.

Merit Systems Protection Board

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $25,290,000, together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

National Archives and Records Administration

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $202,354,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities and presidential libraries, and to provide adequate storage for holdings, $10,650,000, to remain available until September 30, 1999.

National Historical Publications and Records Commission

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $5,500,000, to remain available until expended.

Office of Government Ethics

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100–598, and the Ethics Reform Act of 1989, Public Law 101–194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $8,078,000.

Office of Personnel Management

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty; $85,350,000; and in addition $91,236,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: *Provided further*, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a-7–1320a-7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1998, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $960,000; and in addition, not to exceed $8,645,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

Office of Special Counsel

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, $8,116,000.

United States Tax Court

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $33,921,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1998".

TITLE V—GENERAL PROVISIONS

This Act

SECTION 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 1998 and hereafter, for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Treasury Department.

SEC. 505. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 506. The Office of Personnel Management may, during the fiscal year ending September 30, 1998, and hereafter, accept donations of supplies, services, land, and equipment for the Federal Executive Institute and Management Development Centers to assist in enhancing the quality of Federal management.

SEC. 507. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 508. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 509. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 510. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1998 from appropriations made available for salaries and expenses for fiscal year 1998 in this Act, shall remain available through September 30, 1999, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. Notwithstanding any other provision of law, no part of any appropriation contained or otherwise made available in this Act for any fiscal year shall be available for paying Sunday premium or night differential pay to any employee unless such employee actually performed work during the time corresponding to such premium or differential pay, except that differential pay may be paid to an employee in a paid leave status if that employee is permanently assigned to work a shift entitled to such pay and has been in night differential pay status for a minimum of 26 weeks immediately prior to the date of paid leave.

SEC. 514. In addition to any other amount appropriated for the salaries and expenses of the Federal Election Commission in this Act, for necessary expenses of the Commission for internal automated data processing systems, $4,200,000, to remain available until expended except that such amount shall not be available for obligation until the conditions set forth in section 515(a) (requiring the filling of Commission vacancies and prohibiting the reappointment of Commission members) have been satisfied.

SEC. 515. (a) CONDITIONS ON ADDITIONAL FUNDS FOR FEC.—The additional amount provided in this Act under the heading "Federal Election Commission—Salaries and Expenses" for internal automated data processing systems of the Federal Election Commission shall not be available for obligation until—

(1) all vacancies that existed in the membership of the Commission as of July 15, 1997, have been filled; and

(2) there is enacted into law a prohibition on the reappointment of members of the Commission.

(b) PROHIBITING REAPPOINTMENT OF MEMBERS OF FEDERAL ELECTION COMMISSION.—

(1) IN GENERAL.—Section 306(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)(2)(A)) is amended by striking "for terms of 6 years" and inserting "for a single term of 6 years".

(2) EFFECTIVE DATE; TRANSITION RULE.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply with respect to individuals appointed as members of the Federal Election Commission on or after the date of the enactment of this Act.

(B) TREATMENT OF CURRENT COMMISSIONERS.—No individual serving as a member of the Federal Election Commission as of the date of the enactment of this Act may be reappointed as a member of the Commission after the expiration of the individual's current term of service.

(3) COORDINATION OF PROVISIONS.—The amendment made by paragraph (1) shall be considered to satisfy the condition set forth in subsection (a)(2).

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Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that the text of the bill through page 80, line 6, up to but not including section 516, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN pro tempore. Are there points of order to the portion of the bill now read, from section 502 to 516, up to but not including section 516? Are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 516. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. LOWEY:

Page 80, strike lines 7 through 15.

The CHAIRMAN pro tempore. The Chair would note that the gentlewoman's amendment touches not only section 516, but also section 517. Is there objection to its being considered at this time?

There was no objection.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that the time be equally divided.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN pro tempore. The gentlewoman from New York [Mrs. LOWEY] and the gentleman from New Jersey [Mr. SMITH] each will control 10 minutes.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Lowey-Hoyer-Morella amendment will allow Federal employees to choose a health care plan that covers the full range of reproductive health care services just like other American workers. Right now women working for the Federal Government are the only group of American women legally prohibited from obtaining employer-provided insurance that includes abortion coverage. These women cannot use their own money. Remember, it is their salary. They cannot use their own money to purchase such coverage.

Let me be very clear. Congress has taken away the right to choose for more than 1 million American women of reproductive age who rely on FEHBP for their medical care. Two years ago, before we enacted this ban, just about half of the plans covered abortion services. Now women relying on FEHBP for health care must go to an abortion provider on their own and pay for the services out of their own pocket. This prohibition has made it more difficult and more dangerous for Federal employees to get an abortion.

Let me give Members an example, real life, what this is all about. I received a letter from a woman in Alabama whose story shows how destructive lack of coverage for abortion services can be. Kim Mathis and her husband, who works for the Federal prison in their town, were expecting twins, but during the pregnancy things went terribly wrong. They learned that the twins had a rare malady with many complications, and there was a very slim chance of either twin surviving the pregnancy.

After consulting with the doctor, Kim and her husband made what she calls "the hardest decision of my life," to terminate the pregnancy. Knowing that that kind of abortion could cost up to $12,000, the doctor asked them about their insurance. They went home, checked the booklet for the insurance they had through Kim's husband's job at the Federal prison, and saw that all legal abortions were covered. Unfortunately, their booklet was 1 year old.

After the procedure was done, they started getting notices from the insurance company stating that their claims were denied. They found out that because of the law enacted by Congress in November 1995, their coverage for abortion had been terminated. Soon the hospital began harassing them for payment, turned the case over to a collections agency, and after receiving threatening letters and phone calls at work, they were forced to file for bankruptcy.

As Kim wrote to me in a letter, "Our lives and financial future have been ruined. Families like ours should not have to go bankrupt in order to receive appropriate medical care."

We have been wrong, my colleagues, for the last 2 years to pass this restriction. I urge Members to vote for the Lowey-Hoyer-Morella amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

First of all, Mr. Chairman, I want to thank the gentleman from Louisiana [Mr. LIVINGSTON] for his very humane and courageous leadership in ensuring that the legislation before the body today does not have an authorization to provide money to pay for abortion. The Livingston amendment, which is a continuous effort that has been made over the years going back to the early 1980's when I first offered this amendment to the Treasury-Postal bill, ensures that taxpayers and premium payers do not subsidize abortion on demand, and that is what the issue is before us today.

Let me make it very clear that taxpayers pay into this program approximately 73 percent of the total funding for our health insurance. The premium payers, and that is all of us, myself included, and my other colleagues, we pay the remaining 27 percent. But the major share, three-fourths of the money that goes into the Federal Employees Health Benefits Program comes from the U.S. taxpayers, and they have shown consistently in every poll that they do not want to pay for abortions on demand.

The Hyde amendment and the vote that we had last week, one of the high water marks in terms of the votes that were garnered for the Hyde amendment, make it very clear that even people who take the other side of this issue recognize that there are many of us who conscientiously believe we should have no complicity in the killing or the maiming of unborn children.

Let me also say, Mr. Chairman, and this does afford us this opportunity, that when we talk about abortion, we very often sanitize it. We try to treat it euphemistically. Some people always like to refer to it as choice, but the bottom line is abortion is violence against children. It takes the life of a baby whether it be by dismembering that unborn child or by injecting poisons like salt poison into the baby's amniotic sac, which kills the baby in a very slow and a very painful way.

As we saw earlier in this session, Mr. Chairman, there are other hideous methods of abortion as well, like the partial-birth abortion. Yes, it was banned by the House and by the Senate. The legislation has not yet gone to the White House, but that, too, could be paid for under the Federal Employees Health Benefits Program if we do not have this language contained within it.

Let me also point out to my colleagues that the language in the bill makes exceptions for rape, incest and life of the mother, but the majority of the abortions, the majority of those children who otherwise would have their lives snuffed out and subsidized by this body and by the premium payers, would not happen if this language stays in the bill.

I urge Members to vote against this amendment that has been offered. It would subsidize abortion on demand, no doubt about that.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding me this time. She has been a great leader in the prochoice movement and for Federal employees.

Mr. Chairman, I rise in strong support of the amendment. It is going to simply prevent discrimination against Federal employees. Two years ago, Congress voted to deny Federal employees coverage for abortions provided to most of the rest of the country's work force through their health insurance plans. This decision was discriminatory, and it was another example of Congress chipping away at the benefits of Federal employees in their opportunity to choose an insurance plan that best meets their own health care needs.

The coverage of abortion services in Federal health plans would not mean that abortions are being subsidized by the Federal Government. Currently the government simply contributes to the premiums of Federal employees in order to allow them to purchase private health insurance. The many participating plans in the FEHBP may or may not choose to include coverage for abortion services, and prior to last year's decision, about half of the participating plans provided this coverage. Thus an employee who did not wish to choose a plan with abortion coverage could do just that.

Unfortunately, Congress denied Federal employees their access to abortion coverage, therefore discriminating against them and treating them differently from the vast majority of private sector employees. Currently two-thirds of private fee-for-service plans and 70 percent of HMO's provide abortion coverage. It is really insulting to Federal employees that they are being told that part of their own compensation package is not under their control.

Thousands of Federal employees struggle to make ends meet. Many Federal employees are single parents or the sole wage earners in their families. For these workers, the cost of an abortion would be a significant hardship, interfering with a woman's constitutionally protected right to choose. For these women, the lack of this health coverage could result in delayed abortions occurring later in the pregnancy, an outcome no one here wants to see.

Mr. Chairman, this amendment simply restores the rights of Federal employees to the same health care services covered by most private sector health plans. I urge my colleagues to support this amendment and reverse the unwise decision made 2 years ago.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER], the very distinguished ranking member of this subcommittee.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I very much appreciate the leadership she has shown on this issue. I want to say that I appreciate the leadership that the gentleman from New Jersey [Mr. SMITH] has shown as well.

This is a very wrenching issue for every Member of the House. It is my perspective, as the Members know, on this particular issue that this is really not about abortion. It is about Federal employees' pay and benefits. Every other employee in America gets certain benefits from their employer. Those benefits are paid in consequence of and in consideration of the services rendered by the employee to the employer. Therefore, the benefit in this case is not the Federal Government's nor the taxpayer's any longer. It is, in fact, the compensation paid to the employee.

Having said that, Mr. Chairman, I know that there is a very serious disagreement on this issue and perception as to whether or not this is the application of taxpayers' funds towards a procedure that many taxpayers find unacceptable; in fact, most taxpayers find unacceptable, whether or not they are for Government action to prohibit it.

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Mr. Chairman, I would simply say that it has been historically my position and continues to be that this is the Federal employees compensation package. It is not ours to control one way or the other. I know there is a significant dispute on that.

I thank the gentlewoman for offering this amendment so it could be brought again for our attention before the House.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume, just so the body is very clear that we are voting on whether or not to permit abortion on demand in the Federal Employees Health Benefits Program.

The Committee on Appropriations wisely included language that would preclude the use of funds under the Federal Employees Health Benefits plan for that, and just to remind Members that just under three-fourths of all of the funding that goes into that health plan comes from the taxpayers, and roughly a quarter of that comes from the premium payers, which, again, is us as well. For that reason, this is a publicly funded abortion scheme.

Just to follow up to what my friend from Maryland said a moment ago, it really is up to the Congress to set it. This is not a collective bargaining issue, and it is up to the Congress to establish the parameters of what this program will look like. That is in the statute. There is nothing out of the ordinary with regards to what we are doing here today.

Let me also remind Members that this pro-life rider was in effect from 1984 to 1993, and it has also been in effect for the last two years.

It has already passed in the other body, and my hope is it will continue so we have no complicity in the killing of unborn children.

I urge a no vote on the Lowey-Hoyer-Morella amendment.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to my good friend, the distinguished gentlewoman from the State of Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I would like to clarify what we are talking about here. First of all, respectfully, I totally and completely disagree with the comments of the gentleman from New Jersey. We are not talking about abortion on demand. The Supreme Court decision does not allow abortion on demand and we all know that, and in the third trimester it is very hard in America to get an abortion, as it should be, and in the mid-trimester it is very difficult, as it should be.

Now, we are talking about whether or not Federal employees ought to have access to the same legal medical procedures as other Americans. Remember, these are people who are paying taxes to fund the health benefits of the people who work at General Electric. We spend $80 billion every year subsidizing private sector health plans, and our Federal employees pay that. Yet you would deny them the same benefits that they are funding for other Americans.

If you want to make abortion illegal, bring the bill to the floor and let us vote on it; but do not make Federal employees second-class citizens. Do not make the kind of woman that the gentlewoman from New York [Mrs. LOWEY] just described.

I have one here, but it takes too long to talk about it. Here was a 36-year-old mother, she and her husband dying to have a family. She had a child with no brain at all. On medical advice she was urged to abort it, did, wants to have another child. She is an older mother, there are risks. She is trying to preserve her fertility because she desperately wants to have not one child, but several. After extensive testing, the medical community said this child has no chance of life at all, it has no brain at all, and you need to abort it and go on.

So I just ask for equal treatment of Federal employees. It is only fair.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield the balance of my time to the gentlewoman from Connecticut [Ms. DELAURO], a woman who has been a fighter on this issue and so many others.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentlewoman from Connecticut is recognized for 30 seconds.

Ms. DELAURO. Mr. Chairman, I rise in strong support of this amendment, which will end the prohibition of abortion coverage for American women, coverage under the FEHB health plan. It seems that every time we turn around we see that some on the other side of the aisle would like to draw back the line of a woman's right to choose.

This is a constitutional right to choose. This is a choice and decision that should be made by a woman, her family, in consultation with her clergy, and with her doctor. No matter what income level, no matter where she lives or what she does for a living, every woman has a right to make this decision on her own. We have no right to take that decision away.

I urge my colleagues to support this amendment. Let us stop discriminating against government workers.

The CHAIRMAN. All time under the unanimous-consent agreement has expired.

The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The amendment was rejected.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 517. The provision of section 516 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

CERTAIN HISTORIC U.S. ORIGIN FIREARMS IMPORTS

SEC. 518. Notwithstanding any other provisions of law, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with the denial of an application for the importation of military firearms (or ammunition, components, parts, accessories, and attachments for such firearms) submitted under section 38(b)(1)(B) of the Arms Export Control Act (22 U.S.C. 2778(b)(1)(B), as added by section 8142(a) of the Department of Defense Appropriations Act, 1988), if the application meets the otherwise applicable requirements of section 178.112 and 178.113 of title 27, Code of Federal Regulations (as in effect on January 1, 1996), and the application is not for the importation of articles on the United States Munitions Import List from a proscribed country. For purposes of the preceding sentence, the term "proscribed country" means a country with respect to which the proscriptions contained in section 47.52 of title 27, Code of Federal Regulations, apply.

POINT OF ORDER

Mrs. MCCARTHY of New York. Mr. Chairman, I rise to a point of order.

The CHAIRMAN pro tempore. The gentlewoman will state her point of order.

Mrs. MCCARTHY of New York. Mr. Chairman, I make a point of order against section 518 on page 80 because it proposes to change existing law and constitutes legislation in an appropriations bill, and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part no amendment to a general appropriations bill shall be in order if in changing law. The amendment does not apply solely to the appropriations under consideration.

I am asking for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Maryland [Mr. HOYER] wish to be heard on the point of order?

Mr. HOYER. Yes.

The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. HOYER. Mr. Chairman, reserving the right to speak on the point of order, we will concede the point of order. We have reviewed it, and the gentlewoman is correct.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

Mr. KOLBE. Mr. Chairman, we would concede the point of order is correct. While I strongly favor this provision, given the circumstances that this bill is brought to the floor, this provision is clearly legislation on an appropriations bill.

Mrs. MCCARTHY of New York. Mr. Chairman, if section 518 were passed as part of the Treasury and Postal Operations Appropriation bill, I believe the result would be an increase in gun violence and increased danger to the lives and safety of our Nation's police officers.

Section 518 would effectively allow foreign governments to resell millions of dangerous, high-powered M1 carbine semiautomatic weapons, M–1 garand rifles, and .45 caliber M1911 pistols in the United States as curios and relics. Importing such high-powered weapons would flood the U.S. gun market, thereby lowering the price of these military weapons, making them more affordable for dangerous criminals.

Congressman PATRICK KENNEDY and Congresswoman CAROLYN MALONEY introduced legislation earlier this year that would help keep our streets safe by permanently banning the importation of these military weapons. The point of order offered today will only prevent the importation of such weapons for 1 year. It is time for Congress to follow Mr. KENNEDY's leadership and pass his bill to provide protection for America's families and police officers by ending the importation of these high-powered military weapons once and for all.

If anyone thinks that these curios and relics are not dangerous and should be imported freely into the United States, I would like to draw their attention to two critical facts. First, with the addition of three inexpensive pieces of hardware, the M–1 carbine—a semiautomatic weapon—can be easily converted into an automatic submachine gun with the potential of firing up to 30 rounds in a matter of seconds. This would effectively squash any rapid response law enforcement officers could ever hope to give.

Second, in the last several years, police officers have been killed and crimes committed at an alarming rate by these dangerous weapons. Nine officers have lost their lives to these so-called relics since 1990. According to the Bureau of Alcohol, Tobacco and Firearms, nearly 2,000 M–1 garand rifles and M1911 pistols were traced to crime scenes in 1995 and 1996. In New York, 71 of these so-called curios and relics were linked to crimes committed during the past 2 years.

Foreign governments should not be allowed to profit off of our misery. We need to make sure that we put a stop to that while trying to reduce gun violence. It is bad policy to allow anyone, including our own Government, to profit off of the agony and pain of others.

Gun violence takes a serious financial toll on our society and on our Nation's healthcare system. According to a May 1997 Violence Policy Center study, firearm injuries cost society approximately $20.4 billion in 1990. Of that figure, at least $17.4 billion represents the value of lost productivity due to premature deaths. According to the Center to Prevent Handgun Violence, direct healthcare expenditures for firearm-related injuries in the United States in 1995 was $4 billion. This figure is high because firearm wounds are the most costly injuries to treat.

Aside from the physical healing that takes place after gun violence there is also the emotional healing. Gun violence leaves families in shambles. It leaves the loved-ones to pick up the pieces of their lives and an empty hole in the hearts of family and friends that can never again be filled. I know from my own experience that gun violence can completely alter the course of a person's life—it did mine.

Congress shouldn't allow foreign countries to dump their weapons in our country. We all know what happens when high-powered weapons fall into the hands of the wrong people. Although some may consider these weapons collectors' items, they are lethal weapons. We need to permanently end the importation of these weapons.

The CHAIRMAN pro tempore. Does the gentleman from Rhode Island [Mr. KENNEDY] wish to be heard?

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to join in raising the point of order.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on this point of order?

The point of order is conceded and sustained, and section 518 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 519. No funds appropriated for the United States Postal Service under this or any other Act may be expended by the Postal Service to expand the Global Package Link Service.

POINT OF ORDER

Mr. McHUGH. Mr. Chairman, I rise to a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. McHUGH. Mr. Chairman, section 519, found on page 81, lines 13 through 16 of the legislation before us, applies not only to current appropriations, but incorporates by reference the permanent appropriations authority contained in title 39 United States Code section 2401(a), and thus violates clause 2 of rule XXI of the House prohibiting reporting a provision which changes existing law.

The CHAIRMAN pro tempore. Does any other Member wish to be on the point of order heard?

Mrs. NORTHUP. Mr. Chairman, regarding the point of order, I understand this provision is probably subject to a point of order and will be stricken, but I want to reserve my right to strike the last word after it is completed and make a few comments.

The CHAIRMAN pro tempore. Does the gentleman from Pennsylvania [Mr. FATTAH] wish to be heard on the point of order?

Mr. FATTAH. Mr. Chairman, I rise as the ranking minority Member on Postal Service in support of the point of order, and would hope that the Chair would concur that clause 2 of rule XXI would be in play as relates to this amendment, and that it should be struck because it attempts to add legislative language to an appropriations bill.

The CHAIRMAN pro tempore. Does the gentleman from Maine [Mr. ALLEN] wish to be heard on the point of order?

Mr. ALLEN. Mr. Chairman, the point of order just made by the gentleman from New York [Mr. McHUGH] was made against section 519 of the bill, which would restrict the U.S. Postal Service's Global Package Link System.

That provision does not belong in this bill. Not only is it inappropriate in an appropriations bill, but it is also bad policy. What this provision seeks to prohibit is the expansion of the Global Package Link System by the Postal Service.

In changing the authority governing the Postal Service's operations, it violates the House rule against legislating on an appropriations bill.

Legislation affecting the Postal Service is clearly within the jurisdiction of the Committee on Government Reform and Oversight, on which I serve. The committee will be looking at Global Package Link as part of postal reform, and that is an appropriate course for review, rather than through this rider.

The Global Package Link, or GPL, is a valuable program that helps U.S. businesses gain new markets and opportunities overseas, which means more jobs here at home. GPL was established by the Postal Service at the request of U.S. catalog companies, who wanted a faster and better way to ship their packages to international customers.

One of these customers is L.L. Bean, which is in my districts in Freeport, Maine. GPL is good for American business and good for jobs. It is innovative. Other competitors like UPS could establish similar systems and streamline their own overseas delivery service.

The CHAIRMAN pro tempore. The Chair would ask the gentleman to confine his remarks to the point of order and not the merits of the section.

Does the gentleman from Arizona wish to be heard?

Mr. KOLBE. Just to say, reluctantly, I accept the point of order, that it is legislation on the appropriations bill. Given the circumstances of bringing this bill to the floor, this would not be in order on this bill.

The CHAIRMAN pro tempore. Does any other Member wish to be heard?

Mr. HOYER. Mr. Chairman, we concede the point of order on this side.

The CHAIRMAN pro tempore. The point of order is conceded and sustained, and section 519 is stricken from the bill.

Mr. FATTAH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Global Package Link provision, authored by Representative Northrup, (R–KY) would prohibit the United States Postal Service (USPS) from expanding its Global Package Link international parcel service for one year, while a Government Accounting Office (GAO) report is completed on the issue of international mail. The GPL, an "electronic Customs preparatory system" was developed by the USPS in direct response to its customers demands. It allows our nation's largest and leading retailers such as Lands' End, Neiman Marcus, J.C. Penny, L.L. Bean and others to deliver merchandise to their catalog customers in the United Kingdom, Canada, and Japan. These and many other companies support and rely upon the Postal Service to send their products via the GPL service.

By way of legitimately responding to a postal matter under the jurisdiction of the Subcommittee on the Postal Service, the Subcommittee in July asked the GAO to investigate charges that the GPL service enjoys any unfair advantages over shipments by private carriers. We expect to have a report on this matter early next year.

The Blair Corporation, a large mail-order company located in my State of Pennsylvania provided some very thoughtful comments on the Northrup provisions. Thoughtful, because unlike the numerous mail-order firms currently using the Postal Service's GPL service, it is not a current user. The President of Blair Corporation states:

"We cannot believe that our Congress would stop a valuable international delivery service, which has become very important to expanding the exports of U.S. direct mail companies, and could become the means by which our company and others like it are able to enter the international market, without even a hearing before the appropriate Committees of Congress, which understand postal operations and their importance to the direct mail industry.

This attempt to prevent the Postal Service from operating as any other business would, when so many in the Congress as well as the business community have pleaded with the Postal Service to become more businesslike and more efficient, is ironic. Global Postal Link and other Postal Service innovations are a serious response by the Postal Service to those pleas. This amendment will wipe out an important Postal Service effort to become more businesslike and will represent a serious blow to many mail order companies and damage this country's export efforts. We urge you to reject this effort to end-run the authorizing committees and vote "yes" to strip the "Northrup" Amendment from H.R. 2378."

In conclusion, the Northrup provision is framed as a limitation on funds, but contains legislative language. It does not belong on an appropriation bill. This is a violation of House Rules.

Mrs. NORTHUP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, understanding that the last provision that we struck was the Global Package Link freeze for one year, I just want to take this opportunity to comment on the importance of this issue.

We all believe that we need to expand all trading opportunities that businesses in this country have. In particular it is important that we open and expand opportunities for overnight delivery services.

The concern that the committee had and that I raised in the committee is that when we open these opportunities, we should not allow the United States Post Office to create a monopoly so that only they can deliver overnight packages.

That is what you do when our government, a government entity, negotiates with another government that this overnight link occurs only if the packages are brought in by the Postal Service.

These arrangements allow the Post Office to bypass both customs, pricewise and timewise, so that they can deliver overnight and no private carriers can. We believe all private carriers should have an opportunity to expand trade in this country.

So it is not in an effort to limit what companies in this country have and the opportunities they have, but, rather, to expand those opportunities through multiple carriers.

We felt like the one-year freeze was a fair balance. Since that has been struck, I want to say that I am reassured by the Committee on Postal Oversight that they are going to take up this issue, that they are going to hold hearings, and that they are going to try to find the fair balance in their reauthorization bill that will come before us early next year.

We all agree that it needs to be looked at; we all agree that it needs to be examined. I look forward to the promise of the subcommittee chairman or the committee chairman of the Committee on Postal Oversight that his committee will do a fair and equitable job at looking at this.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1998 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department, or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences, or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–24.

SEC. 606. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence, (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975, or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in the current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive Order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 612. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 613. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 614. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal year ending on September 30, 1998, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 616 of the Treasury, Postal Service and General Government Appropriations Act, 1997, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1998, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 616; and

(2) during the period consisting of the remainder of fiscal year 1998, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1998 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1998 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1997 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1997, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1997, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1997.

(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 615. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 616. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

SEC. 617. Notwithstanding section 1346 of title 31, United States Code, or section 611 of this Act, funds made available for fiscal year 1998 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 618. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 619. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1998 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 620. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: *Provided*, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 621. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 622. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988;

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or

(6) includes content related to human immunodeficiency virus-acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 623. No funds appropriated in this or any other Act for fiscal year 1998 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive Order and listed statutes are incorporated into this agreement and are controlling.": *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 624. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 625. (a) IN GENERAL.—No later than September 30, 1998, the Director of the Office of Management and Budget shall submit to the Congress a report that provides—

(1) estimates of the total annual costs and benefits of Federal regulatory programs, including quantitative and nonquantitative measures of regulatory costs and benefits;

(2) estimates of the costs and benefits (including quantitative and nonquantitative measures) of each rule that is likely to have a gross annual effect on the economy of $100,000,000 or more in increased costs;

(3) an assessment of the direct and indirect impacts of Federal rules on the private sector, State and local government, and the Federal Government; and

(4) recommendations from the Director and a description of significant public comments to reform or eliminate any Federal regulatory program or program element that is inefficient, ineffective, or is not a sound use of the Nation's resources.

(b) NOTICE.—The Director shall provide public notice and an opportunity to comment on the report under subsection (a) before the report is issued in final form.

SEC. 626. None of the funds appropriated by this Act or any other Act, may be used by an agency to provide a Federal employee's home address to any labor organization except when it is made known to the Federal official having authority to obligate or expend such funds that the employee has authorized such disclosure or that such disclosure has been ordered by a court of competent jurisdiction.

SEC. 627. The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

SEC. 628. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the House and Senate Committees on Appropriations.

SEC. 629. Notwithstanding section 611, interagency financing is authorized to carry out the purposes of the National Bioethics Advisory Commission.

SEC. 630. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 631. None of the funds appropriated in this or any other Act shall be used to acquire information technologies which do not comply with part 39.106 (Year 2000 compliance) of the Federal Acquisition Regulation, unless an agency's Chief Information Officer determines that non-compliance with part 39.106 is necessary to the function and operation of the requesting agency or the acquisition is required by a signed contract with the agency in effect before the date of enactment of this Act. Any waiver granted by the Chief Information Officer shall be reported to the Office of Management and Budget, and copies shall be provided to Congress.

PERSONAL ALLOWANCE PARITY AMONG NAFTA PARTIES

SEC. 632. (a) IN GENERAL.—The United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, shall initiate discussions with officials of the Governments of Mexico and Canada to achieve parity in the duty-free personal allowance structure of the United States, Mexico, and Canada.

(b) REPORT.—The United States Trade Representative and the Secretary of the Treasury shall report to Congress within 90 days of enactment of this Act on the progress that is being made to correct any disparity between the United States, Mexico, and Canada with respect to duty-free personal allowances.

(c) RECOMMENDATIONS.—If parity with respect to duty-free personal allowances between the United States, Mexico, and Canada is not achieved within 180 days after the date of enactment of this Act, the United States Trade Representative and the Secretary of the Treasury shall submit recommendations to Congress for appropriate legislation.

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill, through page 101, line 18, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN pro tempore. Are there points of order to the portion of the bill read?

If not, are there amendments?

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

Add at the end of the bill on page 101, after line 18 the following new section:

SEC. . None of the funds appropriated by this Act may be used for any tax-related mailing to any person if the social security account number issued to any individual for purposes of section 205(c)(2)(A) of the Social Security Act is included—

(1) on the outside of such mailing, or

(2) as part of the contents of such mailing unless—

(A) the contents are in an envelope (or other appropriate wrapper) which is sealed, and

(B) such number may not be viewed without opening such envelope (or wrapper).

For purposes of this section, the term "tax-related mailing" means any mailing related to the administration of the Internal Revenue Code of 1986.

Mr. FILNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I am prepared from the majority side to accept this amendment. I know that the Committee on Ways and Means has expressed some concerns about some of the language, and I would advise the gentleman that I would certainly protect those interests in the conference that the Committee on Ways and Means has expressed. They have not objected and suggested that this amendment should not be accepted here today. I am prepared to accept it.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thought the amendment might be offered and withdrawn, but in light of the chairman's action, I certainly am not going to object to this amendment. We will look at it and work with the gentleman between now and conference to see if it is workable, and, if it is workable, the gentleman has brought up a good idea. I understand also that Mr. BILBRAY of California is in agreement with the gentleman.

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Mr. FILNER. I thank the chairman and the ranking member.

The amendment orders the IRS, because they have refused to do it informally, to stop the printing of Social Security numbers on the front of mailings to taxpayers or on their refund checks. This allows a practice that has become known as identity theft. People steal your Social Security number and then steal your money.

So I appreciate the Chair and the ranking member for accepting this amendment to stop the IRS complicity in identity theft.

Mr. Chairman, I stand to offer an amendment to the Treasury/Postal Appropriations bill because our constituents cannot wait to have the Internal Revenue Service protect them from identity theft. It is up to Congress to safeguard them from a serious attack on personal privacy—an insidious practice that has become known as identity theft—which is facilitated by the IRS.

My amendment to the Treasury/Postal Appropriations bill will forbid the IRS from visibly printing our Social Security numbers on the mailing labels of the tax booklets the IRS mails to us every year. It will also stop the IRS from printing Social Security numbers on the refund checks that millions of people receive annually in a way that they are visible through the window envelope. Identity theft is one of the fastest growing crimes of the 1990's. Identity thieves make off with billions of dollars each year, and each day more than 1,000 people are being defrauded.

With just your name and Social Security number, a thief can open credit lines worth $10,000, rent apartments, sign up for utilities, and even earn income. Your credit rating is ruined, you risk being rejected for everything from a college loan to a mortgage, and it's up to you to fix it all.

Law enforcement generally will not pursue identity theft cases. That is why it is crucial that we act now—to prevent the IRS from making identity thieves' work even easier by allowing public view of Social Security numbers on their mailings and refund checks.

I don't like to ask the Congress to pass judgment of a relatively simple issue. When I asked the IRS to change this practice, all I got was a bureaucratic runaround. I was told that this was a very complex issue and there is no way that they could correct it before the 1999 filing season. I find it incomprehensible that neither the agency nor its contractor can change a computer program for booklets that will be mailed in 1998. The IRS apparently has decided to be the conduit for identity theft—with the Postal Service as a de facto accomplice.

My amendment will force the IRS to make this change in time to protect one of the most precious keys to our personal information—our Social Security numbers—before the coming tax filing season.

To do any less would expose millions of us to devastating personal and financial losses, and the most important loss of all—our good name.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, I appreciate the gentleman from California yielding to me.

Mr. Chairman, what we are saying is that the IRS should not be violating the rules and the procedures that we impose on everyone else; that this is a privacy issue. The IRS has got to be kept within proper boundaries. Technologies need to reflect the privacy laws of this country, and we should be leading by example. Even the IRS should be leading through example to show the rest of society how we should operate.

Posting this information on the front of a piece of mail, where anybody can look at it that opens up that mailbox, really should be addressed. The private sector would probably go to jail for doing this. I do not think those of us in the public sector should be exempt from those privacy rules.

Mr. FILNER. I thank my colleague; I thank the Chair and the ranking member.

The CHAIRMAN pro tempore [Mr. LATOURETTE]. The question is on the amendment offered by the gentleman from California [Mr. FILNER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

Page 101, after line 18, insert the following new section:

SEC. 633. None of the funds made available in this Act for the United States Custom Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

Mr. SANDERS. Mr. Chairman, my understanding is that both the majority and the minority have accepted this amendment and I thank them.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, yes, that is correct. I am prepared to accept the amendment by the gentleman from Vermont [Mr. SANDERS], which would amend the bill to prohibit Customs using any of its funding to allow any imports into the United States of goods that are produced by forced or indentured child labor.

This is a limitation on an expenditure and it would underscore the existing legal barrier. This is already an existing barrier that we have on imports which sometimes, however, may not be adequately enforced. I think the provision that the gentleman is suggesting here is simply a reinforcement of what is existing law, that Customs should vigorously enforce the law with regard to imported merchandise that uses forced child labor.

So in my view it supports and clarifies the current legal requirement and a practice that is very much in law, and I urge the Members to support this amendment.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his amendment. I agree with the remarks of the chairman, the gentleman from Arizona [Mr. KOLBE], and we would accept the amendment on this side.

Mr. SANDERS. Mr. Chairman, I want to thank the gentleman from Arizona [Mr. KOLBE] and the gentleman from Maryland [Mr. HOYER]. Indentured child labor is one of the ugliest forms of slavery that exists in this world. This Congress should stand up for those children. We should not be importing products made by indentured child labor, and I thank both parties for their support.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to the bill?

If not, the Clerk will read the last two lines.

The Clerk read as follows:

This Act may be cited as the "Treasury, Postal Service, and General Government Appropriations Act, 1998".

Mr. SANDLIN. Mr. Chairman, it is with regret that I rise today in opposition to the Treasury-Postal appropriations bill. This bill contains many worthwhile programs that are deserving of funding. However, the manner in which this bill came to the floor denied Members the opportunity to vote for or against the cost of living pay increase for Members of Congress. I strongly believe we should be honest enough with ourselves and with the American people to openly support or oppose this increase instead of sitting silently by while it automatically goes into effect.

When I introduced my legislation, H.R. 2219, to prevent Members from receiving the 1998 pay adjustment, I did so because I believe it is irresponsible for us to increase our own pay at a time when we have not met our obligation to the American people to balance the Federal budget. Only days after I introduced my legislation, the Republican leadership in both houses was widely quoted in the press as saying the pay raise was dead for the year. But instead of letting it die a well-deserved death, they made late night, back room deals and brought this bill to the House floor in a manner accorded precious few pieces of legislation. They brought it to the floor with no rule to ensure that the pay raise would go into effect.

I made a commitment to the people of east Texas to eliminate the Federal deficit before I would agree to raise my pay. I made a commitment to ensure that Medicare is solvent before we raise our pay. I made a commitment to ensure that veterans' benefits are fully funded before we raise our pay. I made a commitment to ensure that every student has an opportunity for a college education before we raise our pay.

The infrastructure across our country is crumbling. However, this body narrowly defeated a proposal earlier this year to increase spending for the infrastructure. The Republican leadership has made it clear to members of the Transportation and Infrastructure Committee that BESTEA will break the budget agreement and that they will oppose this legislation, even though there is additional money in the highway trust fund. They want to continue to use the trust fund to mask the size of the deficit on the one hand, but on the other they are willing to raise our pay. Their logic doesn't make any sense. Why should we pass legislation to benefit 535 people when we can't get an agreement that will benefit millions of people?

The Taxpayer Relief Act raised the estate tax exemption from $600,000 to $1 million by the year 2007. There should be no estate tax. We should not be raising our pay until we have eliminated this punitive tax. Why should we pass legislation to benefit 535 people when we can't get an agreement to protect a family farm?

When I introduced my bill, I said that I hoped my fellow Members would join me in opposing a congressional pay raise until we have taken care of the people. Mr. Chairman, it seems to me that we have not taken care of the people. I can only hope that the conferees will accept the Senate language and deny this disingenuous attempt at a pay raise.

Mrs. MORELLA. Mr. Chairman, I would like to thank the gentleman from Arizona, the distinguished chairman of the Treasury, Postal Appropriations Subcommittee, and the gentleman from Florida, the distinguished chairman of the Civil Service Subcommittee, for pledging to resolve an issue that is very important to me.

In the course of our discussions about this bill, we have all agreed to resolve the issue of pay equity between administrative appeals judges and administrative law judges. I appreciate the good work that the chairman has done on this bill. He knows that I would have liked to have offered an amendment on this subject, but I appreciate his desire to resolve pay equity issues through the authorizing committee, in this case, the Civil Service Subcommittee on Government Reform and Oversight, on which I serve. It is important to raise this issue, however, during consideration of this legislation that addresses so many Federal employee issues, and I appreciate Mr. KOLBE and Mr. MICA's pledge to resolve this issue.

Last spring, along with my colleague TOM DAVIS, I wrote to OPM in hopes that they could resolve this issue. Unfortunately, they could not; we need a legislative solution to resolve this problem. As you know, there are 23 administrative appeals judges at the Social Security Administration. These judges review numerous decisions made by administrative law judges, yet they are not compensated at the same level. The appeals council is now the only administrative appellate body whose members are paid less than the judges whose orders and decisions they review. Historically, AAJ's and ALJ's have been compensated at the same level, but in 1990, when we passed the Federal Employees Pay Comparability Act, the Congress did not include administrative appeals judges in the new administrative law judges special pay category. What I want to do is simply ensure that administrative appeals judges are paid at the same level as those judges whom they review, administrative appeals judges.

I thank Chairman MICA for his commitment to finally resolve this issue in the Civil Service Subcommittee. I look forward to working with him in this endeavor.

Mr. KUCINICH. Mr. Chairman, I rise in support of striking section 413 of H.R. 2378. As a former local official, I know that every dollar counts, and that local taxpayers are being asked to shoulder an ever-increasing burden of services the Federal Government no longer provides. That is why I support a money saving program for local and State governments, and why I now support striking its repeal in this appropriations bill.

The cooperative purchasing program, which Congress passed into law in 1994—section 1555 of the Federal Acquisition Streamlining Act—was designed to allow local and State governments, school districts, and public hospitals to purchase goods and services at the super-discounted Federal rate, saving local taxpayers hundreds of millions of dollars per year. But special interests have manipulated the legislative process in order to repeal the program and block local entities from getting the most for their tax dollars. They would have Washington let local governments be fleeced.

Here's how the cooperative purchasing program is supposed to work: A school district has to purchase computers, chalkboards and basic furniture. Thanks to the cooperative purchasing program, the school district could buy the supplies and services it needed directly from vendors at the discounted prices the General Services Administration [GSA] negotiated. GSA is the procurement agency for the Federal Government.

These GSA-negotiated prices are often the lowest anywhere. The Federal Government is a very large consumer of all kinds of goods and services. That is why it is able to negotiate discounted prices. The 1994 law simply allowed State and local governments and public agencies to benefit from those prices. It is a good example of allowing government officials to think and act efficiently.

Nursing homes and public hospitals would also benefit, since they must purchase equipment, medical devices, and life-saving drugs for elderly citizens and the ill, especially people with AIDS. Basic local government would also operate more efficiently and less expensively, since local governments could purchase many products and services at discounted prices, saving State and local taxpayers billions of dollars.

Initiated by the National Performance Review, led by Vice President Gore, cooperative purchasing aims to bring efficient practices to local and State governments without onerous regulations or government mandates. If for some reason a locality did not want to use the cooperative purchasing program, it would not have to. Cooperative purchasing is also completely voluntary for industry, and it costs the Federal Government nothing.

The bottom-line savings would be realized by local taxpayers, who pay the bill of local government. A pilot project in West Virginia demonstrated that police departments could purchase cruisers at the GSA discount price, saving local governments close to 10 percent. Furniture is available at a discount of 25 percent. Pharmaceuticals and medical devices are available at up to a 37 percent savings.

Although saving money for local taxpayers is a good idea, there are those who oppose it. Certain industry groups benefit from government inefficiency and would like nothing more than to have the law repealed. The pharmaceutical industry wants to see the program repealed, because cooperative purchasing would entitle public hospitals and AIDS clinics to significant discounts on life-saving drugs—why sell AIDS drugs at a life-saving discount when you can sell at full price? The medical equipment industry is also mobilizing against the discounts.

I believe that a reasonable policy is to allow willing industries to participate in the cooperative purchasing program. Indeed, it has received support from a group of Fortune 500 backers, especially in the computer and software industry. In addition, every major association of elected and appointed officials has endorsed the cooperative purchasing program, from mayors to Governors, from school boards to regional hospitals.

Local police departments benefit from a similar, voluntary program administered by the Department of Defense. That program faced initial resistance from certain industry groups, but it has blossomed into a program where hundreds of local police departments are able to purchase police cars, bullet-proof vests, and other crime fighting equipment at money-saving prices.

Strong interest groups have spent large amounts in political contributions to kill the cooperative purchasing program, without even a hearing or congressional debate. Repeal of cooperative purchasing is tantamount to a tax increase on every resident in America.

We have a way to reduce the cost of government. It's called the cooperative purchasing program. Today, the House will keep this idea and this program alive by striking its repeal with a point of order. Let us hope that the House conferees may see to it to preserve the program in conference with the other body.

Mr. PORTER. Mr. Chairman, I am disappointed that this bill has been considered in a manner that has led to the language repealing section 1555 of the Federal Acquisition Streamlining Act being stricken on a point of order.

Mr. Chairman, section 1555 sounds like a good idea, but like many efforts to control the marketplace through Government price fixing, it can trigger certain law of unintended consequences. The most basic unintended consequence is pretty simple to understand—instead of leading suppliers to lower their prices charged to State and local buyers, section 1555 will lead them to raise their prices to the Federal Government. What else can be expected when the Government suddenly decrees that a discount price available to a volume buyer who constitutes 3 to 4 percent of a manufacturer's sales volume must be provided to perhaps to 30 to 40 percent of that manufacturers sales volume?

Mr. Chairman, this law should be repealed and I am certain that the votes to do so exist in this body. It is unfortunate that the provision has been removed in this manner. I urge the conferees to recede to the Senate on this issue and I am certain that a conference report repealing this unfortunate law would receive overwhelming support in the House.

Mrs. ROUKEMA. Mr. Chairman, I rise to express deep regret that the committee bill for FY 1998 would not permit waiver under the rules.

My amendment would have required the creation and enforcement of new standards of security for the firearms inventories of federally licensed gun dealers. Let me explain to the committee why this amendment is so important. First, this amendment will not infringe on the rights of any gun owner to buy a gun. This amendment only creates new Federal guidelines to secure the inventories of firearms in gun shops. It, in fact, makes gun shops safer for gun owners to go and buy a new gun.

Second, this amendment meets a pressing need to make our neighborhoods and streets safer from criminals who use guns stolen from gun shops to commit horrible crimes. On April 19, 1997, a young man named Georgio Gallara age 24 was working at Tony's Pizza and Pasta, a new small business he owned in Sussex County NJ. He was joined by his employee, 22-year-old Jeremy Giordano to go on a pizza delivery. When they arrived to deliver the pizzas, they were brutally gunned down, being shot eight times in the head and neck. When police arrested two men for the murders they found that the gun used in the crime was stolen from a local sporting goods store a couple of weeks earlier.

Guns stolen from gun shops have become a major crime problem in our communities. Since September 1994, licensed firearms dealers have reported 23,775 guns stolen, lost, or missing to the BATF. Up to 32 percent of firearms used in the commission of a crime are obtained by the criminal directly by theft. Stolen guns are a serious threat to our safety.

This amendment will require the BATF, under the direction of the Secretary of Treasury, to create security standards for gun dealers. Gun inventories will have to be secured within the store in order to prevent a common thief from stealing them. Store owners use a safe to put their money in at the end of the business day. Store owners do not leave valuable inventories sitting in window displays vulnerable to smash and grab robberies. Why shouldn't we require gun dealers to secure their inventories especially when so many guns are stolen and used in crimes.

This amendment is based on common sense. Any law abiding gun owner should welcome this improvement as a real means of reducing crime. Critics may call this another form of gun control, but the only guns this amendment controls are the ones in the hands of violent criminals. Based on this, Mr. Chairman, I ask that my amendment be Treasury/Postal appropriations bill of 1997.

Mr. Chairman, this issue will not go away. I and others will use every means of persuasion to urge the Judiciary Committee to take this up on an expedited basis.

A copy of my amendment follows:

Page 101, after line 18, insert the following:

MINIMUM SAFETY AND SECURITY STANDARDS FOR GUN SHOPS

SEC. 633. (a) IN GENERAL.—Section 923 of title 18, United States Code, is amended hereafter by adding at the end the following:

"(m) SAFETY AND SECURITY STANDARDS FOR GUN SHOPS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary of the Treasury, action through the Director of the Bureau of Alcohol, Tobacco, and Firearms, shall issue final regulations that establish minimum firearm safety and security standards that shall apply to dealers who are issued a license under this section.

"(2) MINIMUM STANDARDS.—The regulations issued under this subsection shall include minimum safety and security standards for—

"(A) a place of business in which a dealer covered by the regulations conducts business or stores firearms;

"(B) windows, the front door, storage rooms, containers, alarms, and other items of a place of business referred to in subparagraph (A) that the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco and Firearms, determines to be appropriate; and

"(C) the storage and handling of the firearms contained in a place of business referred to in subparagraph (A).".

(b) INSPECTIONS.—Section 923(g)(1) of title 18, United States Code, is amended hereafter—

(1) in subparagraph (A)—

(A) in clause (i), by striking ", and" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iii) with respect the place of business of a licensed dealer, the safety and security measures taken by the dealer to ensure compliance with the regulations issued under subsection (m)."; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting "and the place of business of a licensed dealer" after "licensed dealer";

(B) in clause (ii), by striking "or" at the end;

(C) in clause (iii), by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(iv) not more than once during any 12-month period, for ensuring compliance by a licensed dealer with the regulations issued under subsection (m).".

(c) PENALTIES.—Section 924(a)(1) of title 18, United States Code, is amended hereafter—

(1) in subparagraph (C), by striking "or" at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

"(D) being a licensed dealer, knowingly fails to comply with any applicable regulation issued under section 923(m); and".

Mr. KENNEDY of Rhode Island. Mr. Chairman, I insert this letter into the RECORD, concerning H.R. 2378, Treasury-Postal Service appropriations for fiscal year 1998.

SEPTEMBER 8, 1997.

DEAR REPRESENTATIVE: In late-July, during mark-up of the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill, the Appropriations Committee accepted an amendment that would allow foreign governments to export to the United States for commercial sale, millions of military weapons the United States previously made available to foreign countries through military assistance programs.

For a range of public health and safety, national security, and taxpayer reasons, we strongly urge you vote to delete this provision from the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill.

Supporters of this amendment describe it as an innocuous measure which simply allows the importation of some obsolete "curios and relics." In reality, the amendment would allow the import of an estimated 2.5 million weapons of war, including 1.2 million M1 carbines. The M1 carbine is a semi-automatic weapon that can be easily converted into automatic fire and comes equipped with a 15–30 round detachable magazine.

THIS IS A PUBLIC SAFETY ISSUE: Although the backers of the provision claim that these World War II era weapons are now harmless "curios and relics", in reality they remain deadly assault weapons. According to the Bureau of Alcohol, Tobacco, and Firearms, the M1 Carbine can easily be converted into a fully-automatic assault rifle. For this reason, the Department of Defense has refused to sell its surplus stocks of these weapons to civilian gun dealers and collectors in the United States.

According to Raymond W. Kelley, the Treasury Department's Under-Secretary for Enforcement, the inflow of these weapons will drive down the price of similar weapons, making them more accessible to criminals. Already, during 1995–1996, ATF has traced 1,172 M1911 pistols and 639 M1 rifles to crimes committed in the United States.

THIS IS A GOVERNMENT OVERSIGHT CONCERN: Nearly 2.5 million of these weapons were given or sold as "security assistance" to allied governments. Under United States law, recipients of American arms and military aid must obtain permission from the United States government before retransferring those arms to third parties. Setting a dangerous precedent, this amendment fundamentally undercuts the ability of the United States government to exercise its right of refusal on retransfer of United States arms.

The Reagan, Bush, and Clinton Administrations have all barred imports of these military weapons by the American public. The Appropriations bill explicitly overrides this policy, prohibiting the government from denying applications for the importation of "U.S. origin ammunition and curio or relic firearms and parts." In effect, the provision would force the Administration to allow thousands of M1 assault rifles and M1911 pistols into circulation with the civilian population, thereby not only threatening public safety but also undermining governmental oversight and taxpayer accountability.

This is also a taxpayer concern. The amendment also presents a windfall of millions of dollars to foreign governments and United States gun dealers. The amendment effectively terminates a requirement that allies reimburse the United States treasury if they sell United States-supplied weapons. According to ATF, each M1 Carbine, M1 Garand rifle, and M1911 pistol currently sells for about $300–500 in the United States market. The South Korean, Turkish, and Pakistani governments and militaries stand to make millions from the resale of these weapons. South Korea has 1.3 million M1 Garands and Carbines, while the Turkish military and police have 136,000 M1 Garands and 50,000 M1911 pistols. These weapons were originally given free, or sold at highly subsidized rates, or retrieved as "spoils of war." The United States Department of Defense does not sell these lethal weapons on the commercial market for profit. Why should we allow foreign governments to do so?

Again, we strongly urge you vote to delete this provision from the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill.

Thank you.

American College of Physicians; American Friends Service Committee, James Matlack, Director, Washington Office; American Jewish Congress, David A. Harris, Director, Washington Office; American Public Health Association, Mohammad Akhter, M.D., Executive Director; Americans for Democratic Action, Amy Isaacs, National Director; British American Security Information Council, Dan Plesch, Director; Ceasefire New Jersey, Bryan Miller, Executive Director; Children's Defense Fund.

Church of the Brethren, Washington Office, Heather Nolen, Coordinator; Church Women United, Ann Delorey, Legislative Director; Coalition to Stop Gun Violence, Michael K. Beard, President; Community Healthcare Association of New York State, Ina Labiner, Executive Director; Concerned Citizens of Bensonhurst, Inc., Adeline Michaels, President; Connecticut Coalition Against Gun Violence, Sue McCalley, Executive Director; Demilitarization for Democracy; Episcopal Peace Fellowship, Mary H. Miller, Executive Secretary.

Federation of American Scientists, Jeremy J. Stone, President; Friends Committee on National Legislation, Edward (Ned) W. Stowe, Legislative Secretary; General Federation of Women's Clubs, Laurie Cooper, GFWC Legislative Director; Handgun Control, Inc., Sarah Brady, Chair; Independent Action, Ralph Santora, Political Director; Iowans for the Prevention of Gun Violence, John Johnson, State Coordinator; Legal Community Against Violence, Barrie Becker, Executive Director; Lutheran Office for Government Affairs, ELCA, The Rev. Russ Siler; Mennonite Central Committee, Washington Office, J. Daryl Byler, Director.

National Association of Children's Hospitals & Related Institutions, Stacy Collins, Assoc. Director, Child Health Improve; National Association of Secondary School Principals, Stephen R. Yurek, General Counsel; National Black Police Association, Ronald E. Hampton, Executive Director; National Coalition Against Domestic Violence, Rita Smith, Executive Director; National Commission for Economic Conversion and Disarmament, Miriam Pemberton, Director; National Council of the Churches of Christ in the U.S., Albert M. Pennybacker, Director, Washington Office; National League of Cities; New Hampshire Ceasefire, Alex Herlihy, Co-Chair.

New Yorkers Against Gun Violence, Barbara Hohlt, Chair; Orange County Citizens for the Prevention of Gun Violence, Mary Leigh Blek, Chair; Peace Action, Gordon S. Clark, Executive Director; Pennsylvanians Against Handgun Violence, Daniel J. Siegel, President; Physicians for Social Responsibility, Robert K. Musil, PhD., Executive Director; Presbyterian Church (U.S.A.), Washington Office, Elenora Giddings Ivory, Director; Project on Government Oversight, Danielle Brian, Executive Director; Saferworld, Peter J. Davies, U.S. Representative.

Texans Against Gun Violence-Houston, Dave Smith, President; Unitarian Universalist Association of Congregations, The Rev. Meg A. Riley, Director, Washington Office for Faith In Action; U.S. Conference of Mayors; Unitarian Universalist Service Committee, Richard S. Scobie, Executive Director; Virginians Against Handgun Violence, Alice Mountjoy, President; WAND (Women's Action for New Directions), Susan Shaer, Executive Director; Westside Crime Prevention Program, Marjorie Cohen, Executive Director; YWCA of the U.S.A., Prema Mathai-Davis, Chief Executive Off; 20/20 Vision, Robin Caiola, Executive Director.

Ms. MILLENDER-McDONALD. Mr. Chairman, I would like to thank the distinguished chairman and ranking member for their work in securing adequate funding for some essential antidrug initiatives. I am particularly proud to support the drug free communities matching grants, which will help community coalitions in the 37th District of California and throughout the country address the Nation's drug problem.

From 1991 to 1996, the proportion of eighth-graders using an illicit drug more than doubled from 11 to 24 percent. Ten years ago, 18.6 percent of high school students reported using at least one illicit drug over the course of a year, and now, 29 percent of high school students report using at least one illicit drug. That is a 58.6-percent increase.

Thanks to the drug-free communities grants, we can change these numbers and parents, teachers, churches, and entire communities can come together to prevent, treat and ultimately, end drug abuse. Creating opportunities for community coalitions to overcome the problem of drug abuse is essential in our effort to maintain and strengthen communities in the 37th District of California, and throughout the entire country.

Mr. MICA. Mr. Chairman, I would like to thank the authors of this bill for their work in increasing funding for drug enforcement activities.

One million dollars in funding for the designation of central Florida as a High Intensity Drug Trafficking Area [HIDTA] has been provided in the House Treasury, Postal Service and General Government appropriations bill. I made this request because I feel it is necessary that we commit every available resource to combat the drug scourge in central Florida.

A HIDTA designation would provide additional resources to help better coordinate Federal, State, and local drug activities. My intent is to support local efforts to combat the influx of drugs and the attending crime that results.

In the Orlando area, heroin overdose deaths went from zero in 1993 to 30 last year. More teens died locally of overdoses than almost any other major U.S. city. So you can see the situation we are in. In fact, my area in Orlando also ranked second behind Miami in total cocaine deaths in Florida. This situation has deteriorated to such an extent in Florida that I have asked our drug czar, Barry McCaffrey, to cooperate in qualifying central Florida as a HIDTA which would bring much needed resources to our area and into our State.

There already are HIDTA's operating in many cities and regions throughout the country—including a successful program in Miami—and they have proved successful in aiding with command and control, manpower and funding issues. Your support for adding central Florida to the HIDTA list guarantees that Florida will continue to have adequate funding to battle the increasing amount of illegal drugs that are trafficking through our state.

Following are additional alarming statistics about drug use which argue for strengthening our resolve to winning the war on drugs for the sake of our children:

1997 CASA (NATIONAL CENTER ON ADDICTION AND SUBSTANCE ABUSE AT COLUMBIA UNIVERSITY) SURVEY OF PUBLIC OPINION

By the Time Middle School Students Reach 13—

40% know someone who has used acid, cocaine or heroin.

29% can buy marijuana within a day; 12% can buy marijuana within an hour or less.

27% have friends who use marijuana.

1 in 4 have attended a party in the last six months where marijuana was available.

15% have witnessed the sale of drugs in their neighborhood.

1 in 10 have a schoolmate who died because of drugs or alcohol.

1997 CASA (NATIONAL CENTER ON ADDICTION AND SUBSTANCE ABUSE AT COLUMBIA UNIVERSITY) SURVEY OF PUBLIC OPINION

By the Time High School Students Reach 17—

Almost 3 out of 4 know someone personally who uses acid, cocaine or heroin.

Two thirds can buy marijuana within a day; 44% within an hour or less.

62% have friends who use marijuana; 21% will say more than half of their friends use marijuana; 34% say at least half of their friends use marijuana.

60% have attended a party in the past six months where marijuana was available; for 30%, more than half of the parties they attend have marijuana.

Half have personally seen drugs sold on their school grounds.

One third have witnessed the sale of drugs in their neighborhood.

1 out of 4 have a schoolmate who died because of drugs or alcohol.

Only 1 in 4 are willing to report a drug user in their school to school officials.

Mr. KOLBE. Mr. Chairman, I move the Committee do now rise and report the bill back to the House, with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SMITH of New Jersey) having assumed the chair, Mr. LATOURETTE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2378) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 231, nays 192, not voting 10, as follows:

[Roll No. 403]

YEAS—231

Abercrombie
Ackerman
Andrews
Archer
Armey
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich

Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Callahan
Calvert
Camp
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Combest
Conyers
Cook
Coyne
Crapo
Cummings
Davis (IL)
DeGette
Delahunt
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Farr
Fattah
Fawell
Fazio
Filner
Flake
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Green
Greenwood
Hall (OH)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefner
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Houghton
Hoyer
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McKeon
McNulty
Meehan
Meek
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne
Pelosi
Pickering
Pickett
Pomeroy
Porter
Quinn
Rahall
Rangel
Regula
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sawyer
Scott
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stark
Stokes
Stupak
Tanner
Tauzin
Taylor (NC)
Thomas
Tierney
Torres
Towns
Traficant
Upton
Velázquez
Vento
Walsh
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—192

Aderholt
Allen
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (WI)
Becerra
Berry
Bono
Boswell
Brady
Bryant
Bunning
Burr
Campbell
Canady
Cannon
Capps
Carson
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Condit
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Deal
DeFazio
DeLauro
Deutsch
Dickey
Duncan
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Foley
Forbes
Ford
Fox
Franks (NJ)
Gejdenson
Gibbons
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hooley
Hostettler
Hulshof
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kelly
Kennedy (RI)
Kennelly
Kildee
Kind (WI)
Klug
Kucinich
LaHood
Lampson
Largent
Lazio
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manzullo
McCarthy (MO)
McInnis
McIntosh
McIntyre
McKinney
Menendez
Metcalf
Minge
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Pappas
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Redmond
Reyes
Riggs
Riley
Rivers
Rogan
Rohrabacher
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Shimkus
Slaughter
Smith (MI)
Smith, Adam
Snowbarger
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauscher
Taylor (MS)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Turner
Visclosky
Wamp
Watkins
Watts (OK)
Weller
Weygand
Whitfield
Wise

NOT VOTING—10

Davis (VA)
Foglietta
Furse
Gonzalez
Goss
Oberstar
Schiff
Smith, Linda
White
Yates

☐ 1544

Messrs. GRAHAM, BRYANT, JENKINS, RADANOVICH, LAMPSON, BOSWELL, CRAMER, BARCIA, PETERSON of Minnesota, FRANKS of New Jersey, and GIBBONS, Ms. NORTHUP, and Messrs. McINNIS, POSHARD, PRICE of North Carolina, ETHERIDGE, and HINOJOSA, Ms. LOFGREN, and Messrs. SCHUMER, THOMPSON, PITTS, and BONO, Mrs. CUBIN, Mrs. TAUSCHER, and Messrs. HALL of Texas, CHAMBLISS, BAESLER, WATTS of Oklahoma, FORD, REYES, GOODLING, DEUTSCH, DICKEY, STENHOLM, LAZIO of New York, SESSIONS, KENNEDY of Rhode Island, and COX of California changed their vote from "yea" to "nay".

Mr. McGOVERN, Mr. PAYNE and Ms. PELOSI changed their vote from "nay" to "yea."

☐ 1545

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2160, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, Wednesday, September 17, 1997, to file a conference report on the bill (H.R. 2160) making appropriations for Agriculture, rural development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1998, and for other purposes.

This request has been cleared by the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 57, noes 359, not voting 17, as follows:

[Roll No. 404]

AYES—57

Allen
Andrews
Barrett (WI)
Barton
Berman
Berry
Bonior
Cardin
Clayton
Coburn
Conyers
Coyne
Davis (FL)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Emerson
Eshoo
Fazio
Filner
Ford
Frank (MA)
Gephardt
Goodling
Hilleary
Hinchey
Jackson (IL)
Kaptur
Largent
Levin
Lewis (GA)
Lowey
Markey
McNulty
Miller (CA)
Mink
Moakley
Olver
Owens
Pallone
Pastor
Pelosi
Sanford
Shadegg
Skaggs
Slaughter
Spratt
Stark
Torres
Towns
Vento
Waters
Waxman
Woolsey

NOES—359

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer

Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Dellums
Diaz-Balart
Dickey
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Ackerman
Dicks
English
Foglietta
Furse
Gonzalez
Goss
Hefner
Houghton
Lewis (CA)
Moran (VA)
Neal
Schiff
Stabenow
Tauscher
White
Yates

□ 1605

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2029

Mr. PAUL. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Florida [Mr. HASTINGS] be removed as cosponsor of my bill, H.R. 2029, the Selective Service Registration Privacy Act of 1997. His name was placed on this legislation in error.

The SPEAKER pro tempore (Mr. COBLE). Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN SUPPORT OF DIVERSITY IN HIGHER EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DOGGETT] is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, I rise this afternoon in solidarity with several thousand students at the University of Texas who yesterday were on the main mall there in front of the tower at the University of Texas to express their concerns about the need for diversity in education throughout the University of Texas system and, in particular, to express their concerns about some very unfortunate comments that were made in the previous week by a member of the University of Texas faculty.

Indeed, to call them unfortunate is quite charitable. Because it appeared to me that masquerading under some form of pseudo-intellectualism, these comments demeaned African-American and Hispanic-American students, their families, and many hard-working Texan taxpayers that finance the University of Texas system and have every reason to be concerned when those who are attending the University of Texas, those who are teaching at the University of Texas, do not reflect the rich diversity of our State.

I know, from my own experience as a lifelong Texan, that the comments that were made by that professor are quite contrary to reality. Some of the hardest working people that I see, some of the people that I see in the central Texas area most concerned with educational advancement and contributing to our community, are people that were unfortunately and unwisely and unfairly attacked during the last week by the comments of that University of Texas professor.

Putting those comments behind us must be done in the context of moving forward at the university to try to assure most diversity. An all-white university is not going to be a university that gives its students, white, brown, black, yellow, or any other color, a sense of what it is to participate in a diverse society and to compete economically in the global marketplace that involves tremendous diversity.

So, for the future of all of us, without regard to race or ethnicity, we need a university educational system across this country that assures that every American has an opportunity to participate, and that puts behind us the racist days of the past and looks forward to working together to provide that educational opportunity for our citizens.

Mr. Speaker, I also wish this afternoon to address a second issue that came up on the floor today and a very closely related issue that needs to come up in the future. Today we had a very interesting matter come up. In fact, it consumed only about 10 minutes of time. And that 10 minutes, without prior announcement, dealt with a little matter of a $50 billion tax break that was stuck into page 300-and-some-odd of the balanced budget agreement to give a $50 billion tax break that was never discussed for 1 second on the floor of this Congress, in either the House or the Senate, to the major tobacco companies of this country.

□ 1615

I think it no coincidence that those same tobacco companies that got a $50 billion tax break at the expense of the rest of the American taxpayers, that they just happened to be very involved in the political process. In fact, as I looked over the figures, the No. 1 and the No. 2 corporate contributors were tobacco companies in soft money to the Republican Party this year. Though certainly not anywhere near as much as to the Republicans, they gave an ample amount of soft money to the Democratic Party as well.

It seems to me that what makes Americans cynical about the way this Congress works is to see that kind of thing happen, where hundreds of thousands of dollars, in fact I think the tobacco companies in the first 6 months of this year gave about $2 million in soft money to political parties, and then in month 7, not coincidentally in month 7, they get a $50 billion tax break.

What was particularly strange about this situation is that while no one would claim the parentage, the paternity, for this tax break, that today suddenly by unanimous consent it is now gone, and I think it tells us a lot about where we are headed as we consider this tobacco settlement that has been proposed, as we consider other issues that concern the tobacco industry. We need to have them exposed in the full light of day rather than handled in the back room.

The second thing it tells us is that we have a very, very strong need for full and complete campaign finance reform. Many of us have been out here day in and day out since we came back in September saying, give us campaign finance reform now. Only Monday in Georgia, Speaker GINGRICH was again saying he was opposed to doing that. It will only be by the demand of the American people that we get that changed.

IN MEMORY OF BILL BURNS, PITTSBURGH BROADCASTING ICON

The SPEAKER pro tempore (Mr. COBLE). Under a previous order of the House, the gentleman from Pennsylvania [Mr. KLINK] is recognized for 5 minutes.

Mr. KLINK. Mr. Speaker, I rise today on the floor of the House to lament the death and to pay tribute to a gentleman who for literally millions of people in the Pittsburgh region has been a father figure, has been a source of information and inspiration. His name is William Michael Burns.

Bill Burns, as he was known to so many of his viewers on the television news, was for 40 years a television personality and was really the anchor and the conscience of many television journalists in a medium that was just finding itself in the 1950's and the 1960's, in the 1970's and the 1980's when Bill Burns came to anchor many of the newscasts on KDKA-TV, the CBS affiliate in Pittsburgh. It was my honor during the last 12 years of Bill's career to sit very near him, to learn from him and to work with him in that very same newsroom.

Bill Burns has passed away after so many years and is really an icon to those people in broadcasting. Walter Cronkite has said of Bill Burns that he could have come to New York to be with the network any time he wanted to, but the problem with Bill Burns, if there was indeed a problem, was that Pittsburgh was his home. It was where he always wanted to live. It was the community that he loved. It was where he wanted to serve.

Bill Burns was born in the tiny town of Houtzdale, PA, in Clearfield County. I remember doing news stories there myself when I was a young cub reporter at channel 10 in Altoona. He always joked about the fact that here he was, a used sewing machine salesman from Houtzdale, PA, and Uncle Sam gave him a gun, let him off a boat near Normandy, and told him to take on the Third Reich's greatest army. He bore the injuries of a very heavy, deep shrapnel wound to his leg. He was awarded the Purple Heart and carried a brace on that leg for the rest of his life.

It was always amazing as he carried his 6-foot-plus carriage into any news conference the respect that he commanded not only from his fellow reporters both in the print and in electronic journalism, but from the people that he interviewed as well. One newscaster, another friend of mine, Adam Lynch, talked about the story when they were all standing in an area waiting for people to come out to give them an interview and the police said to all the reporters, "You have to stay here." Here comes Bill Burns with that leg brace on and that stoic walk that he had, brisked right by all of these people that were behaving dutifully, having been told to wait in a specific place. A uniformed police officer reached over and opened the door and allowed Bill Burns to go in the room. He was the only reporter that was able to have access and to get the story.

He was respected because he cared about not only delivering the news, but he cared so much about the community and the accuracy of the news that he reported. If only just a small part of that honesty and integrity that Bill Burns represented to television journalism were to exist throughout that medium today, it would be a much finer medium.

Those of us who were young reporters, who had to labor under a tough taskmaster, know that when you had to go out in the Pittsburgh market, and particularly working at KDKA with Bill Burns, and you had to cover a news story, if you could answer the questions that Bill had for you when you got back from the story, there was no problem facing the television audience that night. He was fantastic at debriefing a reporter, making sure that before you came on his newscast, that you knew what it was you were talking about, that you had done the A's, the B's and the C's of good news gathering.

And, in fact, right up to his retirement in 1989, he worked many hours every day, 5, 6, 7 days a week if he was needed, well into his seventies. If the reporters who were on the street every day had a problem gathering a news story, if they did not know who to talk to or where to go, all they had to do was talk to Bill Burns. Bill had contacts.

He was respected very much throughout the entire community by those who worked with him, those who competed against him. In fact, Bill Burns commanded the ratings in the city of Pittsburgh. I do not think that any major television news market will ever be dominated again by one particular person. It was not unlike Bill Burns to be able to achieve numbers of 60, 65 percent of the television viewing audience watching his noon newscast.

One of the greatest moments I know in Bill Burns' life came back on October 18, 1976, the year of our Nation's bicentennial, when he was able to sit shoulder to shoulder with his daughter Patty Burns. They anchored the news together. It was jokingly called the Patty and Daddy Show.

To his daughter Patty Burns, who is a wonderful lady and a great friend, I wish her all of our sympathies. To his son Michael, I wish them all of our sympathies. We will miss Bill Burns. We will miss that arching eyebrow as he gave us the news. That, of course, will never happen again.

To Bill Burns, wherever he is, I would like to say, good night, good luck, and good news tomorrow.

FEDERAL BUREAUCRATS ON THE RISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PAUL] is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, earlier this year, another Member severely criticized me on the House floor for declaring on C-SPAN that indeed many Americans justifiably feared their own government. This fear has come from the police state mentality that prompted Ruby Ridge, Waco and many other episodes of an errant Federal Government.

Under the constitution, there was never meant to be a Federal police force. Even an FBI limited only to investigations was not accepted until this century. Yet today, fueled by the Federal Government's misdirected war on drugs, radical environmentalism, and the aggressive behavior of the nanny state, we have witnessed the massive buildup of a virtual army of armed regulators prowling the States where they have no legal authority. The sacrifice of individual responsibility and the concept of local government by the majority of American citizens has permitted the army of bureaucrats to thrive.

We have depended on government for so much for so long that we as people have become less vigilant of our liberties. As long as the government provides largesse for the majority, the special interest lobbyists will succeed in continuing the redistribution of welfare programs that occupies most of Congress's legislative time.

Wealth is limited, yet demands are unlimited. A welfare system inevitably diminishes production and shrinks the economic pie. As this occurs, anger among the competing special interests grows. While Congress and the people concentrate on material welfare and its equal redistribution, the principals of liberty are ignored, and freedom is undermined.

More immediate, the enforcement of the interventionist state requires a growing army of bureaucrats. Since groups demanding special favors from the Federal Government must abuse the rights and property of those who produce wealth and cherish liberty, real resentment is directed at the agents who come to eat out our substance. The natural consequence is for the intruders to arm themselves to protect against angry victims of government intrusion.

Thanks to a recent article by Joseph Farah, director of the Western Journalism Center of Sacramento, CA, appearing in the Houston Chronicle, the surge in the number of armed Federal bureaucrats has been brought to our attention. Farah points out that in 1996 alone, at least 2,439 new Federal cops were authorized to carry firearms. That takes the total up to nearly 60,000. Farah points out that these cops were not only in agencies like the FBI, but include the EPA, U.S. Fish and Wildlife, and the Army Corps of Engineers. Even Bruce Babbitt, according to Farah, wants to arm the Bureau of Land Management. Farah logically asks, "When will the NEA have its armed art cops?" This is a dangerous trend.

It is ironic that the proliferation of guns in the hands of the bureaucrats is pushed by the antigun fanatics who hate the second amendment and would disarm every law-abiding American citizen. Yes, we need gun control. We need to disarm our bureaucrats, then abolish the agencies. If government bureaucrats like guns that much, let them seek work with the NRA.

Force and intimidation are the tools of tyrants. Intimidation with government guns, the threat of imprisonment, and the fear of harassment by government agents puts fear into the hearts of millions of Americans. Four days after Paula Jones refused a settlement in her celebrated suit, she received notice that she and her husband would be audited for 1995 taxes. Since 1994 is the current audit year for the IRS, the administration's denial that the audit is related to the suit is suspect, to say the least.

Even if it is coincidental, do not try to convince the American people. Most Americans, justifiably cynical and untrusting toward the Federal Government, know the evidence exists that since the 1970's both Republican and Democratic administrations have not hesitated to intimidate their political enemies with IRS audits and regulatory harassment.

Even though the average IRS agent does not carry a gun, the threat of incarceration and seizure of property is backed up by many guns. All government power is ultimately gun power and serves the interests of those who despise or do not comprehend the principles of liberty. The gun in the hands of law-abiding citizens serves to hold in check arrogant and aggressive government. Guns in the hands of the bureaucrats do the opposite. The founders of this country fully understood this fact.

THE STRONG NATIONAL ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise in the Chamber today to talk about a very important issue to all Americans, and that is our economy, and specifically what I would like to address is some of the questions surrounding why is our economy doing so well.

There are lots of economists, people on Wall Street, who are marveling at the low unemployment rates, the low inflation rate, the very, very strong stock market. Indeed many people are saying that this is the best economy since World War II, possibly one of the best economies in our Nation's history. Why is that? What is going on? What are the causes for this?

□ 1630

In particular, I want to address an issue that a lot of people have been bringing up, is it indeed secondary to the consequences of the policies and programs of the Clinton administration?

I have had the opportunity to hear both the Vice President and the President speak on a number of occasions, and, indeed, taking advantage of the situation with this strong economy and taking some credit for the good times that exist right now.

I would like to just, first of all, begin by extending my opinion that I personally believe the single biggest reason why the economy is as strong as it is right now is because of the hard work of the American people.

It has, in my opinion, little to do with the policies that are emanating from Washington DC, but very much everything to do with people all over this country who are willing to get up in the morning, work hard to make a living, and, in particular, those people who are willing to take a risk and invest some of their hard-earned money in a new business, start a new company or, more importantly, many of the entrepreneurs all over this country who deny themselves pay raises and instead reinvest their money back into their business, and, in so doing, they create new jobs and make the country a better place to live.

Getting back to the issue I was talking about earlier regarding what impact have the policies of the Clinton administration so far on all this, as we all know, the economy began to turn around in 1992, even before the election when Bill Clinton was elected.

There were lots of economic indicators that we were coming out of the recession of the early nineties and that the economy was going to be turning around.

After being elected, the administration put forward its economic stimulus package to help jump start, quote-unquote, the economy, even though it was beginning to take off, and that was defeated in this House. That was one of the centerpiece issues of the economic package.

The other centerpiece piece was their health care plan, and their health care plan additionally was defeated. Their rationale for their health care plan helping the economy, of course, was by lowering health care costs, our businesses would become more competitive.

One of the most compelling reasons why this economy is going so well is revealed in this chart next to me on the left. What is shown here is interest rates, long-term interest rates, and this very much impacts the ability of businesses to borrow money, their competitiveness, their ability to be profitable and reinvest money back into creating new jobs.

After Bill Clinton was elected, interest rates went up and up and up, and that is because budgets were being presented and passed by this House that increased spending, deficits as far as the eye can see.

This line right here demonstrates the November election of 1994. You can see on this chart that interest rates dropped dramatically, almost 2 points, following the election of 1994, when, for the first time in 40 years, you had a Republican Congress that was going to hold the line on spending, you were going to get the budget balanced. And when the Government is not out there borrowing $200 billion every year, the cost of borrowing money goes down, and that not only helps businesses to do better, it helps moms and dads to make ends meet better because they can get a home mortgage for less money, they can buy a car for less money.

Now, interest rates went back up over here, and that was after the government shutdown. Now they have leveled off since then. In my opinion, yes, if you wanted to say who is responsible for this strong economy, it is the hard working American people.

But if anything coming out of this city has played a role in these economic good times that we are in right now, it has been Washington holding the line on spending, getting the budget balanced, and that was a consequence of the Republican Congress coming in and holding the line on spending.

There is another dividend of the Government spending less. Interest rates go down, yes, and that makes it easier for businesses to be successful and for families to be able to refinance a home mortgage. But when the Government is not spending so much money, it helps keep the inflation rate low. That is why we have this good situation, a situation that has not existed since the 1950's, the last time there was a Republican Congress, where you have low interest rates, a strong economy, low unemployment rates, and, importantly, low inflation rates, because inflation robs people of their hard-earned money.

So, Mr. Speaker, I have to say that though I believe that this economy is so strong, that there is a lot to be proud of, an economy is a fragile thing, and we need to continue to hold the line on spending, we need to continue to work toward balancing the budget.

CLEAN MONEY, CLEAN ELECTIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. TIERNEY] is recognized for 5 minutes.

Mr. TIERNEY. Mr. Speaker, I rise this afternoon just to speak briefly on the issue of campaign finance reform.

As the Speaker knows, we have had very little opportunity for deliberation and debate of this issue in the current Congress, over the objections of a fair number of people who really believe strongly that the American people deserve and in fact are requesting that Congress deal with this matter.

One of the bills that has been presented of the many bills that are before this Congress that could be debated and deliberated and voted upon this session, if the Republican leadership so desired, is the clean money, clean elections bill which I was proud to sponsor, H.R. 2199.

I would like to take a little bit of this time to explain some of the concepts in this bill so people will understand just what one of the proposals is that could be dealt with in this particular session.

The clean money, clean elections bill would have a privately funded candidate, if so desired, and a publicly funded candidate. That would be the option.

If you are a clean money candidate, or the publicly funded candidate, then the campaign would start six months before your primary date. That is when the effort would begin.

Anything before then would only be an opportunity to collect seed money, so-to-speak, just $35,000 or less in contributions of $100 or less to fund the operation of an office and a campaign staff to help you get your grassroots organization to get together. There would be no money involved in that small seed amount for TV or radio or other advertising.

From that period of six months prior to the primary date onward up until the thirtieth day before the election, one month before the election, candidates would seek to qualify these public funded candidates by collecting a set number of $5 contributions from individual residents of the state.

Once that amount was received and you were qualified for the primary, if in fact you won the primary, you would be qualified for the final. The total amount you could receive as a clean money candidate for the primary and the general election would be 80 percent of the national average of campaign expenditures by all winning House candidates for the previous three election cycles. That amount would be limited and set. In addition, if you opted to be a publicly funded candidate, you would receive TV and radio time free, and that would be compensation to the broadcast companies for the spectrum that they already receive from the American public.

This should be a strong incentive for people to forego the private money chase, to become a member of this system of clean money financing.

Soft money would be prohibited. And, yes, if you elect to have private funding, you can certainly go about and raise as much as you want, but there are strong disincentives for you not to do that.

Issues campaigns run for a private money candidate against a clean money candidate would count toward the private money candidate's sum. If they surpassed the limits allowed in the campaign, the clean money candidate would get offsetting moneys, so that this would always be an evenly balanced campaign.

The five objectives that are basically addressed in this particular bill, Mr. Speaker, are as follows: It would eliminate any perceived and real conflicts of interest caused by the direct financing of campaigns by private interests; it would limit campaign spending by requiring that candidates who choose to participate in the clean money system spend no more money than the fixed amount of funding that they receive; it allows qualified individuals to run for office, regardless of their economic status or their access to large contributors; it frees candidates and elected officials from the burden of the continuous money chase; last, it would shorten the effective length of campaigns by defining the point at which candidates receive clean money financing to pay for campaign expenditures.

Mr. Speaker, this bill creates a voluntary system. Candidates may choose to rely upon private financing, though the system provides strong incentives not to do that. For candidates, it also gets rid of the system of disfavored soft money.

It creates a level playing field. There would be no unilateral disarming of any party. In effect, Mr. Speaker, I find that is generally the complaint of one side of this House or another, that many of the campaign finance bills would disarm unilaterally one faction against the other. That is not the case with this bill. It sets an even, level playing field, so the candidate with the message, with the ability to organize, get their message out, put together a strong grassroots campaign, would be the candidate that would get the voters' attention.

It is, I think, Mr. Speaker, a fact that best organized candidates would prevail, and voters would in fact prevail. They would own back their own electoral process and they would once again have faith and the system would have credibility.

Mr. Speaker, I put that out there as one of the options that are available for people as they wonder why it is that this House under the Republican leadership has not dealt with the issue of campaign finance reform.

I say there are a number of other credible bills up for consideration that deserve a chance to be debated, deserve the deliberation of this great body, and deserve to come to a vote in a meaningful way.

I would urge the Republican leadership to put this matter on the floor of the House before we go home for recess this fall, and I hope that other Members who have presented their bills will take the opportunity to address to the public the substance of their bills so that we can in some fashion have a debate that I think is much deserved and long overdue.

PERSIAN GULF WAR SYNDROME STILL A MYSTERY AFTER 6 YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, I want to address one of the most important issues facing American veterans and one of the great medical dilemmas facing our entire country, and that is that over 70,000 veterans of the Persian Gulf war, including hundreds in my own State of Vermont, continue to suffer from gulf war illness, and 6 years, 6 years after the completion of that war, there is still no understanding of the cause of that illness and no effective treatment for it.

Mr. Speaker, as you know, the gentleman from Connecticut [Mr. SHAYS], who is the chairman of the Subcommittee on Human Resources, has held 10 hearings on gulf war illness since March, 1996. As a member of that committee, I cannot begin to express the frustration that many of us feel regarding the ineptitude of the Department of Defense and the Veterans Administration in responding adequately and effectively to the needs of those veterans who continue to hurt.

Pure and simple, the bottom line is that 6 years after the end of the Persian Gulf war, the Department of Defense and the Veterans Administration still have not developed an understanding of the cause of gulf war illness or an effective treatment protocol. In fact, their record has been so inadequate that several weeks ago the Presidential Advisory Committee on Persian Gulf War Veterans Illnesses indicated that it will be recommending to the President that an independent agency outside of the Pentagon take responsibility for investigating the health effects of low level chemical and biological weapons exposure.

According to Arthur L. Kaplan, a bioethics professor at the University of Pennsylvania, and a member of that panel, "The Pentagon is not credible to continue inquiries that veterans and the public do not find persuasive."

The New York Times writes in discussing that issue:

> A special White House panel said today that the Pentagon had lost so much credibility in its investigation of the release of Iraqi chemical weapons in the 1991 Persian Gulf War that oversight of the investigation must be taken away from the Defense Department permanently.

Mr. Speaker, I am happy to inform my colleagues that there is language in the committee report of Labor-HHS, which passed the House today, language which I introduced, which funds an independent, scientific research program, into how chemical exposures in the Persian Gulf relate to the illnesses suffered by 70,000 of our veterans.

□ 1645

This research program is to be implemented through the Secretary of Health, with the National Institute of Environmental Health Science as the lead agency. The committee has agreed to appropriate $1.1 million for next year and $7 million over a 5-year period.

What is important here, and it is very important, is that for the first time a governmental agency outside of the Department of Defense and the Department of Veterans Affairs is going to take a hard look at the role that chemicals may have played in causing gulf war illness. This is a major breakthrough, and we have to continue in that effort.

This report language is strongly supported by the American Legion, the Veterans of Foreign Wars, and the National Gulf War Resource Center. Veterans and Americans all over this country are, to say the least, less than impressed about the role that DOD and VA have played in this entire process from the very end of the war until today.

Mr. Speaker, the military theater in the Persian Gulf was a chemical cesspool. Our troops were exposed to chemical warfare agents, leaded petroleum, widespread use of pesticides, depleted uranium, and burning oil wells. In addition, they were given a myriad of pharmaceuticals as vaccines.

Further, and perhaps most importantly, as a result of a waiver from the FDA, hundreds of thousands of our troops were given pyridostigmine bromide, which was being used as an antinerve gas agent, had never been used in this capacity before. Under an agreement between the DOD and the FDA in regards to this waiver, the DOD was required to collect data on any use of pyridostigmine bromide. However, they failed to do that.

Mr. Speaker, we are beginning to make some progress by going outside of the DOD and the VA. It is a breakthrough. We have to continue in that direction in order to address this enormously serious problem.

For 5 years, the Pentagon denied that our soldiers had been exposed to any chemical warfare agents. Finally, after being forced to admit that there were exposures, they suggested that the exposures were "limited". The DOD's first estimates were 400 troops exposed, then 20,000 troops. In July of this year, the DOD and DIA gave us their best estimate—that as many as 98,910 American troops could have been exposed to chemical warfare agents due to destruction of "the Pit" in Khamisyah, an Iraqi munitions facility. Mr. Chairman, I would not be surprised if this estimate is revised upward in the not too distant future, as more information is gathered regarding other incidents of chemical warfare exposure.

Mr. Speaker, an increasing number of scientists now believe that the synergistic effect of chemical exposures, plus the investigational vaccine pyridostigmine bromide, may well be a major cause of the health problems affecting our soldiers:

Dr. Robert W. Haley of the University of Texas Southwestern Medical Center concludes that the gulf war syndromes are caused by low level chemical nerve agents combined with other chemicals, including pyridostigmine bromide. Doctors Mohammed Abou-Donia and Tom Kurt, of Duke University Medical Center, in studies using hens, found that a combination of two pesticides used in the gulf war, in combination with pyridostigmine bromide causes neurological deficits in test animals, similar to those reported by some gulf war veterans Doctors Garth and Nancy Nicolson have completed research which concludes that gulf war veterans' illnesses may be due to combinations of chemical exposures in the Persian Gulf. Dr. Claudia Miller reports that there are similarities between the gulf war veterans' symptoms and those of some civilians exposed to organophosphate pesticides, carbamate pesticides, or low levels of volatile organic chemical mixtures. Dr. William Rea concludes that neurotoxic environmental exposures and other personal exposures prior to and during deployment in the gulf may have resulted in chronically deregulated immune and nonimmune detoxification systems, resulting in multi-symptom illness. In addition, a number of these scientists and physicians have devised treatment protocols for gulf war illnesses and some are reporting success in their treatments. These are the types of research programs and treatment protocols which our Government should be aggressively pursuing for the sake of our veterans, and what I hope will be accelerated as a result of this language.

The National Institute of Environmental Health is eager and ready to begin research and to provide its results to Congress in an expedient manner. This research program will address three areas of which are necessary to better understand the nature of the problem. These are: First, capitalizing on the existing body of knowledge of a similar disorder called multiple chemical sensitivity, second, defining individual genetic differences in the ability to metabolize environmental agents commonly encountered during Desert Storm, and third, developing a better understanding of how multiple exposures interact to exert their toxicity on an organism. Moreover, the research program is to include an investigation of treatment protocols which are being developed in the public and private sectors for illnesses resulting from chemical and other environmental exposures.

SECRETARY OF THE ARMY'S SENIOR REVIEW PANEL ON SEXUAL HARASSMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, a number of women members of the women's caucus may be coming to the floor this afternoon to make speeches concerning the report of the Secretary of the Army's Senior Review Panel on Sexual Harassment.

The reason women Members of the House would speak to this subject relates to the fact that sexual harassment in the Armed Forces was the first issue of the 105th Congress to come to the attention of the women's caucus. We did not choose it; it chose us. We came back to find a full-blown scandal. This time it was not Tailhook and the Navy, it was Aberdeen and the Army, and it looked like a far more serious scandal than the Tailhook scandal.

We had a meeting with the Secretary of the Army. We have followed this issue, met with officials. Some of our Members have given very special attention to it. We have sought remedies, we have monitored this issue, and now a report comes through.

Mr. Speaker, what is important to note about this report is the absence of equivocation. The findings of the report are nothing short of refreshing, and the Secretary of the Army, Mr. Togo West, deserves our compliments for sending forth a panel to do a job, frank and full, so that the Armed Forces of the United States would not be disgraced by continuing allegations of sexual harassment.

Examples of findings that are bold and unequivocal are, and I am quoting: "The Army lacks institutional commitment to the EO Program. Examples: Sexual harassment exists throughout the Army, crossing gender, rank and racial lines." Pretty stark, pretty frank, and the kind of straight talk that will pierce the ranks up and down. That is what we need if we want to get rid of this stuff.

The panel said, "We are firmly convinced that leadership is the fundamental issue." That is indeed refreshing. At Aberdeen we saw that there were drill sergeants and others of lower rank who were prosecuted and sanctioned. Only now are we seeing that at Aberdeen some of the upper ranks have also been sanctioned. Unless that happens, there is no credibility for sanctions at all in a command structure. If one is at the top, one is in charge and one is accountable for whatever happens throughout the ranks.

Among the conclusion and recommendations is one that says that "It is necessary to imbed human relations training in the Army training system as a doctrinal imperative." That is very strong, because a doctrinal imperative means when it is part and parcel of a mission, and the mission is incomplete unless it is part of that mission.

I was struck by a recommendation that the EO Programs had to be engineered to protect those who use it and ensure that those working in it are not stigmatized. That said to me that if one was in the EO part of the program, one was not in the regular Army, or at least one did not have the same respect as those who were. This says that those people must be given credit for what they are doing, take pride in it and do it well. And when it says protect those who use it, it implies that in fact what we know to be true was true, and that is that the EO Program just as well may not have been there when it came to matters of sexual harassment because it did not do its job.

According to this report, women did not feel that they could come and report the sexual harassment at all. That is a comment on a justice system that no one ever wants to hear. The report says that a command climate assessment down to company size units, at least annually, should take place. If that had taken place, if there had been annual assessments at the company level, then it seems to me sexual harassment, which included criminal conduct, could have been found out. Unless one is willing to go down to that level, of course one is not going to find out about sexual misconduct. People do not come out, salute, and then engage in sexual harassment.

We do not think that there needs to be a witch-hunt, but one can uncover these matters if we do our job, and I congratulate the Army on this report. We will be looking to see if they carry out the report with the strength that its language implies.

SEXUAL HARASSMENT IN THE MILITARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. MORELLA] is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I want to thank my Women's Caucus colleagues for calling this afternoon's series of special orders dealing with sexual harassment and discrimination in the U.S. Armed Forces.

The seriousness of this problem first came to light with reports of sexual harassment and violence at the Aberdeen Proving Ground in my own State of Maryland. Not only were these reports confirmed, but, regrettably, further investigation has revealed that they were only the tip of the iceberg.

In contrast to prior such scandals within the military, the Army, and Secretary Togo West, deserve credit for their quick and serious response to these reports. The Army's Senior Review Panel on Sexual Harassment and the Inspector General's Special Inspection of Initial Entry Training concluded that sexual harassment is widespread, "crossing gender, rank, and racial lines," and that job discrimination is even more pervasive. Additionally, they found that "respect as an Army core value is not well institutionalized in the [initial Entry Training] process."

Clearly, when 47 percent of military women experience unwanted sexual attention, when 15 percent experience sexual coercion, when 7 percent are victims of sexual assault, and the victims are not only afraid to report acts of misconduct against them, but also feel that their charges will go unheeded, the unit cohesion and personal respect necessary for peak military performance, and the defense of the Nation, are jeopardized.

As these two reports also make clear, these issues are complex, and cannot be resolved overnight. Nonetheless, we do expect the Army to undertake every possible effort to remedy these problems as quickly as possible, and to work to maintain a high standard of personal conduct for all of its soldiers and officers.

Mr. Speaker, I again want to thank my Caucus colleagues for calling this special order, and I also want to thank Congresswomen FOWLER and HARMAN, our Caucus members serving on the National Security Committee, for the work which they have done on this issue. I look forward to continuing to work with them, as well as the chairman of the Military Personnel Subcommittee, Mr. BUYER, on gender issues in the military. I look forward to the hearings which the subcommittee will hold on this issue in October, to learn more specifically what actions the Army will take to correct its personnel problems, and what we in Congress can do to assist in their implementation.

KEEPING COSTS DOWN: COMPETITION AMONG VENDORS FOR PROCUREMENT OF POSTAL UNIFORMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STRICKLAND] is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I come to the floor this afternoon to talk about an issue that is of great concern not only to myself but to other Members of this body.

Under our current system, the United States Postal Service allows employees of the service to choose where to purchase their uniforms. Consequently, literally hundreds of small manufacturing companies and vendors from throughout this country are now supplying these needed uniforms on a choice basis to those who work for the Postal Service.

My concern and the concern of many of my colleagues is that the Postal Service is contemplating a change of policy, and rather than working with these large number of vendors and manufacturers, they are contemplating the selection of a single large vendor that would take over the responsibility for the procurement of postal uniforms.

Now, why does this concern me? The Postal Service contends that such a change in policy would save them money. My concern is that it would cost American jobs. I believe that the Postal Service should be required to purchase uniforms that are American-made, and that they should only purchase uniforms from companies which uphold and maintain certain high standards for the way they treat their workers and the fact that they are good corporate citizens.

In my district, in the small town of Nelsonville, OH, we have Rocky Shoes, Rocky Shoes and Boots, and a significant percentage of Rocky Shoes and Boots' business goes to provide shoes for those who work for the Postal Service. It is a good deal for Rocky Boots, and I believe it is a good deal for the men and women who work for our Postal Service.

So it troubles me that an institution, an agency such as the postal system which currently is very profitable and is realizing significant yearly profits, would in the name of cost savings take action which could cost my constituents and the constituents of many other Members of this body their livelihoods and their jobs.

Now, nearly 70 Members of this body have signed letters to the postal system and the Postmaster General expressing our concern about this proposed policy. I am happy with the fact that the postal system has at least temporarily put a moratorium on this proposed policy change. I remain concerned, however, that in the name of cost savings and efficiency, an action could be taken and is currently under consideration that would be very, very damaging to working men and women and working families in this country.

I believe that the best way to realize cost savings is to maintain a system where there is fair competition, where small manufacturers and vendors must compete for the business, rather than placing this responsibility in the hands of a single large vendor. Over 100 manufacturers and over 800 vendors are at risk.

So I come to the floor this evening to express in this venue my concern for this proposal and to ask Members of this body to join me as we request a face-to-face meeting with the Postmaster General of this country, so that as elected representatives of the people we can sit down and express directly to the Postmaster General what our concerns are, and to seek from the Postmaster General guarantees and assurances that the people that we represent, the small American companies and these American workers, will not have to pay this heavy price in terms of job loss. So I close my remarks by saying that it is my intention within the next few days to approach other Members of this body and to ask them to join me in this effort as we carry on these discussions with the Postal Service.

U.S. POSITION IN BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. POSHARD] is recognized for 5 minutes.

Mr. POSHARD. Mr. Speaker, a couple of years ago I was asked to go to Bosnia with 14 other Members of the United States Congress here to ascertain for our colleagues here what America's position should be in that war-torn country. I was honored to go there.

The first day we flew over to Serbia and met with President Milosevic and his people, and the second day we went to Croatia and met with President Tudgman and his folks. The third day we flew into Sarajevo, and not since I had been an 18-year-old kid walking around the hills of Korea with the First Division had I witnessed such devastation in a country.

□ 1700

We landed at the airport, and guards picked us up at the edge of the airport property. They began to take us through town. People lived in burned-out buildings and shells and bunkers and basements, anywhere they could live. Eighty-six percent of the water supply was gone in the city. Very little food was getting in except through the United Nations.

But I noticed as our bus was traveling under heavy security throughout state of Sarajevo, people began running up from the bunkers and clapping, because they understood that there were 15 United States Congressmen visiting their country who were going to have something to say about their future.

We eventually prevailed upon security to let us stop in a little square where just a few months before a mortar round from the surrounding mountainside had killed 57 people. The security said, no one will come out and talk to you. They are too afraid. But by the time we got off the bus, every street filtering into that little square was filled with hundreds of people rushing to the square to surround our bus.

This one elderly gentleman, in the press of that crowd, grabbed me by the arm and said something to me that made such an indelible imprint upon my mind I have never forgotten it to this day. He said to me, after telling me that he had lost every member of his family, his wife was gone, his brothers and sisters, his children, he was alone in the world, he said to me, with tears streaming down his eyes, Congressman, do you not understand that we only trust America? We only trust America.

In the press of the crowd, I did not think too much about his words. We got back on the bus and went to our appointed rounds, and as we were flying up to Germany to see the troops, I began to think about the words of that old man. Some things in this business you know innately in the gut.

He was not saying to me, Congressman, we only trust America's military prowess, or America's economic strength. What he was saying to me was, Congressman, we only trust the experience of America.

We live here in a multiracial, multiethnic, multireligious society, and because we have chosen not to tolerate each other's differences, we have killed or maimed 200,000 of our people beyond repair.

But we know America, and we know the message of America to all of the world, because you are like us. You came from every corner of the world, with different values, different cultures, different ethnicity, different religions. But for some reason or another, not perfectly so, you have made it work better than anybody else in the world, because you tolerate the differences among you. We trust you.

Two weeks to the day after I left that old man in the streets of Sarajevo, I stood before a college class of 25 21-year-old students in this country, who, one by one, rose and looked me square in the eye and said to me in no uncertain terms, Congressman, we do not trust any of you people. You are all in it for the special interests.

Mr. Speaker, to restore the trust in this country between the Representative and the represented, we must enact campaign finance reform to restore confidence from our own children and our government here.

TIME FOR CAMPAIGN FINANCE REFORM TO BE BROUGHT TO THE FLOOR OF THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. POSHARD] for an incredibly moving statement, and thank him for his support of campaign finance reform.

Mr. Speaker, people watching the House of Representatives today should be clear about what has happened here. As we speak right now, leaders of the Republican Party and members of the Republican Party are flying to New York City in private jets to attend a fund-raising dinner. It is not even 5 o'clock, and yet we have stopped doing the legislative business for this day. The fact is that raising money is more important to the Republican Party than finishing the work that we have before us.

We are not finishing a number of important bills to make sure that government does not close at the end of this month, as we recall it closed twice in 1995 and 1996. The fact is that we have one very important piece of legislation that is not yet resolved, but which we have been repeatedly told there is just not enough time to consider. I am talking about campaign finance reform.

Mr. Speaker, my colleagues and I have been demanding for this entire year that Speaker GINGRICH schedule time on the House floor for a measure that would reform our corrupt campaign finance laws and ban soft money. The term "soft money" refers to large contributions to political parties that are not supposed to help elect candidates, but really do.

Some soft money has some very real impact. It comes in a variety of sizes, $25,000, $50,000, $250,000, and most recently even $1 million from a single individual or organization. We want to ban soft money because we believe it has distorted our democracy. We believe that public policy has become for sale to the highest bidder, and we believe that is wrong.

But the Speaker of the House, the gentleman from Georgia [Mr. NEWT GINGRICH] thinks it is more important to go to New York for a fund-raiser than to stay in Congress and work on legislation that will make our election laws more secure and protected from the influence of special interest money. Apparently there is time to go to New York to raise money for the Republican Party, but there is no time to stay here and work to perfect our democracy, and work to reduce the influence of special interest money, and ban soft money.

Mr. Speaker, I am troubled by this decision. I am deeply troubled by it, and I can imagine many Americans are troubled as well. The Speaker once said, we should clean this system up. In fact, over 2 years ago, many Members will remember, he shook hands with President Clinton in New Hampshire over a pledge to reform campaign finance laws, a pledge to the American people.

Do Members know what reforms have been implemented in that time? None. The Speaker has done nothing in 28 months to clean up our campaign finance laws, but he has continued to raise record amounts of money, and continues to believe that what American democracy needs is more money in politics, not less.

The fact is, money has simply overwhelmed our democracy. Too many decisions today in Congress are made based upon whether or not contributions were received with regard to a particular issue. It is not just whether issues are brought to the floor for a vote, it is also the issues that are not brought to the floor for a vote.

Health care reform, labor protections, minimum wage increases, these issues are hard to raise in Congress, in part because of the narrow interests that have fed the political machine with cold, hard cash. Money in politics affects everything lawmakers do in Washington, even our health and our safety.

For example, the meat institute and the grocery manufacturers reportedly spent over $300,000 in the 1996 elections, and today they are actively lobbying against new proposed meat inspection standards in the wake of the E. coli concerns that all Americans share.

Then there is the infamous $50 billion tax break for the tobacco industry in the recent balanced budget and tax agreement approved by Speaker GINGRICH and TRENT LOTT, $50 billion of taxpayers' money given away in the middle of the night. Do Members think it is a coincidence that the tobacco companies are among the largest contributors to political parties and Members of Congress? I do not.

Despite the overwhelming evidence that this system needs to be changed, the leadership in Congress refuses to allow us to have a vote on a bill to reform our campaign finance reform laws. If we are serious about reform, there is still time to ban soft money in the upcoming 1998 elections. That is what I believe we should do, but we cannot get a vote on the House floor to do that. Again, we cannot do it because they say there is no time. Clearly there is time, because as we see, most Republicans have left this Chamber today early to go to New York for a fundraiser.

Mr. Speaker, I will continue and my colleagues will continue to call on Speaker GINGRICH to schedule a vote this month on a ban on soft money, and to restore the will of the people to the House of the people. Mr. Speaker, we are entitled to this vote, and the American people are entitled to this vote.

SEXUAL HARASSMENT IN THE ARMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I would like to say thank you to my colleagues, the gentlewoman from the District of Columbia [Ms. ELEANOR HOLMES NORTON] and the gentlewoman from Connecticut, [Mrs. NANCY JOHNSON], for the opportunity to join with them this evening from the Women's Caucus to discuss an important issue, which is sexual harassment in the Army's ranks; more importantly, what the Army is doing about this sexual harassment.

The Army released its report on the extent of sexual harassment in its ranks last Thursday. I commend the Army for conducting and for making public this extensive review of the circumstances that have led to sexual misconduct at Aberdeen Proving Ground and at other Army installations throughout the Nation. This review hammers home the need for fairness, fairness in our armed services.

According to the findings of the review, 78 percent of women in the Army have experienced crude or offensive behavior, 47 percent have received unwanted sexual attention, and 15 percent have experienced actual sexual coercion. This is a mind-boggling number of women, women who have chosen to serve their Nation in the Army, who are being sexually harrassed or even assaulted.

This kind of treatment is intolerable anywhere in society, and it is particularly disturbing to find it so prevalent in our Armed Forces, from people whose mission it is to stand up for justice, not to promote inequality or discrimination.

It is important to note that while the spotlight of harassment has focused on women, and certainly that is a tremendous problem, the review also shows that men have also been subject to unevenhanded treatment. Seventy-six percent of men questioned said they had experienced crude or offensive behavior, 30 percent have received unwanted sexual attention, and 8 percent have been subject to coercion.

The Army's review states that the U.S. Army lacks commitment, it lacks commitment to its equal opportunity program. Soldiers sometimes do not even receive sexual harassment training until they are 3 or 4 months into their service. Even more disturbing, once soldiers receive the training, there is no strong enforcement of the rules.

Harassment complaints are, and I quote from the Inspector General's report, "generally not processed in accordance with . . . timeliness standards. Required complaint feedback is frequently not provided. Required investigation extensions are generally not done for cases exceeding regulatory timeliness. Required follow-up is generally not conducted to ensure corrective action is taken following investigation."

Most importantly, the Army lacks commitment among its young drill sergeants to teach respect as a core Army value. Drill sergeants exercise total power over their charges. They have a tremendous responsibility to exercise that power wisely and fairly, and the Army has a responsibility to see that they do so.

In the past the Army has served as a shining example to the rest of the country by leading the way in desegregation. I hope that the Army will live up to its tradition of fairness by instituting policy changes that will ensure that every member of the service is treated with fairness and with dignity.

While sensitivity training is important, it needs to go further. We need to know if the findings of this report reflect a trend throughout all branches of the military. We need to institute policies to ensure that the strong regulations and procedures which are already in place will be put into practice. Women must know that their complaints will be acted on so they will not need to be afraid to report misconduct. We need to ensure that all of our soldiers are treated with fairness and with equality.

Women serve our country with great distinction and honor throughout the ranks of all of the branches of our armed services. They play an essential role in our Armed Forces. They should be able to do so without discrimination or fear of violence of any kind.

EDUCATION SHOULD BE AMERICA'S NUMBER ONE PRIORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Massachusetts [Mr. MCGOVERN] is recognized for 60 minutes as the designee of the minority leader.

Mr. MCGOVERN. Mr. Speaker, as a Democrat who believes strongly that education should be this Nation's and this Congress' number one priority, I have found the past week's debate most disturbing and frustrating.

What could be more important to our children's future than providing them with a world-class education? Nothing. So why does the majority party continue to cut and cut and cut the education budget? Why do they continue to block old and positive initiatives aimed at improving the quality of education for all our kids?

□ 1715

In the Third Congressional District of Massachusetts, the district that I represent, we have children going to classes in buildings in desperate need of repair. There are school buildings in my district that were built when Ulysses S. Grant was President of the United States.

Now, Democrats applauded President Clinton earlier this year when he proposed $5 billion for school construction that would help local communities leverage up to $20 billion for school construction and repairs. One-third of American schools need extensive repair, and I bet they are not all in Democratic districts. But what happened to that proposal? Why did that proposal not become law? Well, the Republican majority killed it in the budget deal.

So let us talk about priorities for a moment. What are the priorities of the Republican majority in this Congress? Well, the Republicans said that $5 billion for school construction was too much money to spend on education. We just do not have that kind of money, they said; and yet many of us were absolutely outraged to learn that those same Members, in the very dead of night, secretly inserted into the budget bill a $50 billion tax break for the tobacco industry.

What message can that possibly send to our children; that they are not worth the $5 billion it takes to repair the leaky roofs and the crumbling walls of your schools, but the wealthy and powerful tobacco lobby deserves a tax break of 10 times that amount? How insulting, Mr. Speaker. Tobacco tax breaks rather than investing in education. Talk about getting our national priorities out of whack.

The overcrowding of schools has become a national issue and a local crisis in towns and cities all across America. School enrollment in the United States is breaking all previous records. A new Department of Education report found that more than 52 million children just enrolled in schools this last fall. The fastest growing group is high school students, with high school enrollment expected to grow by 13 percent over the next 10 years. In Massachusetts, that growth is projected to be 23 percent.

So while Republicans are giving tax breaks to executives in corporate palaces, our children are being shoved into overcrowded classrooms with too many students for even our best teachers to provide them with a quality education. For shame, Mr. Speaker. For shame.

During the budget debate it was the Republican majority that tried to punish graduate students who are serving in our Nation's colleges and universities as teaching and research assistants by stripping away their tuition tax waivers. It was the Republicans who sought to punish the clerks, the secretaries, the janitors and the speech professors at community colleges and other academic staff and faculty by taking away tuition waivers for their children.

But Democrats fought back and saved these provisions for students and workers who dedicate their lives to making sure that our children receive a good education. It was the Democrats who fought for the $1,500 HOPE scholarship. It was the Democrats who made the Taxpayer Relief Act one that promotes lifelong learning and helps families across the country find financial relief from the burden of higher education costs.

Mr. Speaker, many of us read in the newspaper about the 200-page guide that a Republican political consultant has been circulating among party members. It contains some suggested language for how Republicans can make themselves seem less unfriendly toward education. Well, let us take a closer look at how the Republican majority really feels about education.

It has been the goal of the Republican majority, ever since they took control of this House, to destroy the Department of Education. In the last session the Democrats said no, that is not what the American people want; people want the President's Cabinet meetings to include an advocate for American education. And Americans from across the land also sent a resounding message of no, eliminating the Department of Education is not the way to improve the quality of American education.

So the Republicans were defeated in their plans to destroy funding for education. And this year they have attempted to dismantle Federal funding programs for a number of important education programs. In fact, we have seen attacks on the very programs that work the best, Safe and Drug Free Schools, School to Work, Educational Technology Challenge Grants, Goals 2000, a program initiated by President George Bush, Bilingual and Immigrant Education, and the Eisenhower Teacher Training Grants.

In school districts across this country these grants and moneys are being used for the most effective and innovative education programs. They supply computers and link classrooms together on the Internet. They support businesses, employers, and school-to-work closely together in promoting education curriculum and job creation. They hold schools accountable to high academic standards, and they help school districts provide professional development for teachers and upgrade their training.

Why do the Republicans want to break apart the very programs that are working best? Now, I understand that there can be legitimate differences of opinion and priorities between Republicans and Democrats, but I cannot understand why anyone would hold hostage the future of America's children and the Nation.

Democrats will fight to improve our country's schools and our children's education. I have decided to make education my No. 1 priority as a Member of Congress, and Democrats, I am proud to say, have fought hard to stem the education cutting frenzy that too many of my Republican colleagues continue to incite.

I call upon my Republican colleagues to abandon their education slashing ways and to join Democrats in our efforts to offer an affordable quality education to every American who wants one.

Mr. Speaker, at this time I wish to yield to my colleague and friend from Massachusetts, JOHN TIERNEY, who is a very eloquent advocate on behalf of education.

Mr. TIERNEY. Mr. Speaker, I thank the gentleman for yielding to me. I was struck by the gentleman's remarks on education. I want to commend the gentleman for his work he has done on the floor in the last several weeks along with the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Subcommittee on Labor, Health and Human Services and Education.

When we dealt with the education matters, we did come up against a barrage of measures, all incidently from the Republican side of the House, but not all Republicans participating in that, that seemed to attack the very foundation of the Federal role in the educational system.

I, as does my colleague, go home every weekend, Friday, Saturday, Sunday, and Monday, and when we have indistrict weeks, and we take that time to go from school district to school district, visiting the high schools, the junior high schools, and some of the elementary schools; going to the businesses, talking to the people that work in those businesses as well as the people that run those businesses, to find out what their thoughts are on the work force, on their own children, their own communities, and their own schools. I have yet, in the entire Sixth District of Massachusetts, heard anyone telling me they are in favor of slashing the Federal role, which is already somewhat minimal in terms of what we provide for resources in education.

I think it is notable that the school-to-work program, which the gentleman just mentioned, which was targeted to be wiped out completely, except for the matter that the Member figured, I think, that he did not have the support and finally withdrew his motion, it was targeted to be wiped out completely, and every business in my district is supportive of that program, every community is supportive of that program. The chambers of commerce, the individual businesses, the people that work either unionized or nonunionized that participate as mentors for high school students, helping them acclimate to the adjustment that it will be going from school to work or school to work plus going back to college or junior college. These are important programs that are working that are showing success.

Two weeks ago I spent time with 14 students from the Lynn, MA, High School that had been working with NYNEX, now known as Bell Atlantic, and basically they have been on that school-to-work program and they have been getting mentored by people that work within the company. And the business itself would put management people into work with that program.

The students were so impressed with what they were learning, when it came time at the end of that summer to get a week's vacation, all of them have opted not to take the week off but to stay in the program right up to the time they went back to school and asked the company if they could not work something out to do part-time, because they were learning valuable skills. They were learning valuable behaviors about the workplace and also learning what they had to know further in order to do very well in the workplace; what other schooling behind high schooling they might need, whereas before they were not everyone anything in that direction. So that is important.

Literacy in our district. We have 15,000 people in Massachusetts that are waiting in line to get into an adult literacy program; that want to help their children with mathematics skills and with reading; that want to be able to encourage their children to go to school and do better. They want to be able to get a job of their own that earns more money for their family and gives them a better quality of life, yet they are waiting in line. Programs like that were targeted to be eliminated, when the ones that we have are working and can be made to work better.

For the first time in our district we got all of the literacy programs, public and private together, introduced them to each other, told them how the system works, how the funding works down, and got them to work cooperatively so that there was not a contest to sort of pull the funds away from each other but to maximize their use, to work with one another so that the programs would dovetail and more people could participate and benefit.

I could go on and on, but I suspect the gentleman has comments he can make of his own.

Mr. McGOVERN. Well, Mr. Speaker, I think my colleague is absolutely right and he realizes, as I do, and as the President of the United States does, that education is really everything. It is the most important priority we can have in this Congress.

We talk about competing in the global economy, we talk about being the economic superpower of the world, but that is not going to continue if we do not have a well educated work force, if we do not invest in our young kids now. I would suggest that we need to invest starting at age zero, and we need to also focus some attention on the very important issue of early childhood development.

Mr. TIERNEY. If the gentleman would further yield, one of the more insidious aspects of this debate that happened over the last couple of weeks was the intention and the repetition that we do not want National Government to get involved with education. We do not want to nationalize education. We do not want the Federal Government doing education programs.

Nothing could be further from the truth in the programs that have been created over the last 15 years, and the resources for which are provided to States and local communities. And the superintendents and the school committees, the principals and the teachers and the parents all recognize that these resources otherwise would not be available.

These programs came into being because local communities and States either were not purposely doing things that they should have been doing or did not have the resources to work on these programs and to give these opportunities, particularly in areas or communities where money is hard to come by, where the tax rate may already be stretching the limits and the base is not big enough to expand.

The programs were designed for participation. One of the programs that people attacked on the other side of the aisle repeatedly was the whole school concept. We have debated that for several days and eventually we passed it, I am happy to say. We needed only to change the language so that others on the other side of the aisle could perhaps feel more comfortable that their efforts had gone for something. Now I believe it is known as the comprehensive school concept.

But to show how it was really not the idea of nationalizing education that they were attacking, that what they were attacking was education and the Department of Education, the project that they eventually ended up working with us to pass takes the resources and brings them down to the community. There is nothing in that package that says the Federal Government instructs them to take any particular action.

What it says is that we go down to a local community and we have to have that community working together to support the concept of building a mission and a foundation for that school or school district. Parents get together, teachers come back to the table to negotiate what changes have to be made, administrators get into the program, businesses in the community and colleges in the community. And they work together and get the kind of effort that identifies what that school's goals are going to be, what are the standards of achievement that are going to exist for those children to live up to. What are the tools that will work, in terms of curriculum and materials to provide those children. How many hours a day will they go and how many days a week in a year will they attend school.

This was a program that was put together, and there are 1200 programs across the country and it has worked.

Mr. McGOVERN. My colleague raised an important point. Some of our friends on the other side of the aisle accuse us of trying to take the decisionmaking aspects with regard to education out of the hands of local communities. That is not the truth. What we are advocating here is the Federal Government to support some of the great efforts that are going on in our cities and towns all throughout this country. They need help.

When we go to a town that has a crumbling school, the cost of rebuilding that schooling is phenomenal. It can break the budget of a town. We need to provide the Federal resources to help those towns build the very best schools that are available.

The programs that the gentleman has outlined here today all deserve the support of the Federal Government. Nobody is advocating taking the decisionmaking role away from the local communities. I think that is an important point. But what we are advocating here in Washington, and I think it is appropriate, and I commend the President for doing this, is we are advocating higher standards. We are urging people to aim high and nothing could be more important.

Mr. TIERNEY. If I can interject for a second, all of the business community in my area is very, very focused on having the product of our public school system and our private school systems get up to a level where they can hire these people and put them to work and do the fine-tune finish training for their particular product or service.

But all of them expect that the school system, through the elementary and secondary level, is going to prepare these people either for a community college or college and/or work, so that they can come in and contribute and make us a productive society and make those businesses be able to perform.

In my area of Massachusetts, which the gentleman also represents a part of, we are going to need millions of jobs in the next decade. Somebody has to fill them. All these jobs will require a lot more in terms of skill and education than we have known in the past, and businesses understand that. That is why they support the school-to-work program. That is why they generally get involved in each one of these local efforts to try to make sure these schools have higher standards and the students have the bar lifted for them to meet.

One of the more inane exercises around here in the last few days was the Republicans arguing against testing on a national level and saying they do not want it, and then arguing, in fact, they want the States to set the standards, in the same breath fighting against Goals 2000, which in fact provides resources so that States can do just that, establish achievement standards and have their students meet those levels.

□ 1730

So a lot of times we get into the rhetoric of the debate. It is more about politics. It is more about trying to establish who wants bureaucracy in government versus who wants to bring the money to the classroom, and it gets obstructed that way.

One of the debates before the amendment was withdrawn, an amendment that sought to block grant all the programs and throw them down to the State, talked about wanting to take government bureaucracy out. The fact of the matter was that under the block grant up to 15 percent of the money could be spent on State bureaucracy to implement the programs, whereas if they were left alone, virtually every one of the programs required that 90 percent, usually 95 percent of the money get to the student and not be absorbed through bureaucracy or administration.

It also implies the fact that some administration is necessary. There is no program that is going to work by going out and handing a check to a kid in the 5th grade. The fact of the matter is that somebody has to construct a program and make sure that it works and that that child deserves and gets the benefits of it.

So to bring the debate to that level and to try to make it that clear is to sort of distract the issue when we try to work on that basis. I think we have to get back down to sensible discussions about what works and what does not. And that is fine. We can disagree on that and have the debate on that level.

Mr. McGOVERN. Reclaiming my time, let me just raise one other aspect with regard to education that I think is important, and I think Democrats can take some pride in having fought for some real accomplishments, and that is making college education more accessible to so many young people in this country.

This tax cut bill that eventually passed this House in the end was a much better bill because Democrats fought for over $35 billion in tax cuts for education that are in that bill. There is not a day that goes by when I am home in Massachusetts, when I do not bump into a family who complains about the high cost of a college education, who wonders how they are going to finance the college education of their daughter or son, and who are looking for help. One way to help them is through the tax cut system, and we have done that, I think, to a certain extent in this tax cut bill. But we need to do much more.

My first bill that I introduced in this Congress was a bill to increase the maximum amount of Pell grants from $2,700 to $5,000, which is where it should be if we kept on adjusting Pell grants for inflation. We need to make the dream of a college education not just a dream. Anybody in this country who wants a college education should be able to get one. People should not be told they cannot get a college education because they do not have the economic resources to do so.

Mr. TIERNEY. If the gentleman would continue to yield, John Kenneth Galbraith, who lives in our State and is well-known by everyone, wrote a book recently called "The Good Society." Is not a difficult book to read. It is not long. He has an excellent small chapter on education.

He talks with an historical perspective about colleges being very private in nature at first because, obviously, wealthy families wanted the best for their children and society thought that education was the important instrument to obtain that. So they moved in that direction and they provided college education for their children. And at some point society woke up and decided this was a good thing for society, to have a large number of people, in fact the more people as possible, who could be trained and educated to increase our productivity and to make it a better place to live, to be better participants in the Government, and simply to raise the quality and standard of life for each individual.

So we created a public higher education system, and most States started with a State college and university system and community college system, and that works basically through a fee system also. But then we started to decide, as the economy got tougher, that we had to find other ways to encourage people and enable them to get their families and children on to college. That is the Pell Grant Program that you started, that you did not start but that you enhanced. But the basic Pell grant was an effort to give the children and families the opportunity to get that entry into college and to go.

As school became more and more expensive and there were not enough public college slots for people, we also tried to help people get into those institutions through scholarships and loans. Now the situation in front of the Subcommittee on Higher Education will be to look and see how, if at all, we can constrain the rising costs that are rising disproportionate to other rising costs, and how we can further enable families to make sure that their children get the opportunity. Because, in essence, we are helping our businesses and we are helping everybody in society.

Mr. McGOVERN. Reclaiming my time, as the gentleman from Massachusetts [Mr. TIERNEY] knows, it is not just young people who are concerned about the cost of college education, it is people mid-career.

The Department of Labor tells us that the average person who enters the workforce today may have 7 or 8 jobs in his or her lifetime. There may be a point in that person's career where they may need to get additional education. And again, it is in our interest as a nation to make sure that that education is available and affordable for that person. I mean, that should be a priority of this Congress. That should be a more urgent priority than it is right now.

Mr. TIERNEY. If the gentleman will yield further, I think that we are going to find that education is not an issue that is going to go away with the American public. I think that the polling that my colleague referenced that was done for the Republican party is going to have to move beyond linguistics, going to have to move beyond the idea of semantics as to what language to use. We are going to have to move in the direction of doing something substantive.

Vouchers, where you run away from the public school system, where you try to abandon it and take a few people with you on the way out, it clearly is not going to work on its face. It does not seem to make sense or reason. What we need to do is work within the public school system to improve them so that there is equal opportunity for every family and every child to go on. When we do that at the secondary level and at the elementary level, then we will also be improving the people that go into our college level and we will be able to move forward in that direction.

Mr. McGOVERN. Reclaiming my time, let me say one thing about the public school education in this country. I spent a lot of time during my visits back home in Massachusetts touring schools. My district almost goes across the entire State, from Princeton to Dartmouth, in Massachusetts. I have visited countless schools, and I have to tell my colleagues that I am very impressed by the quality of teachers that I have encountered, by the curiosity of the students, by the eagerness to constantly challenge those students and to try to basically provide them the very best education.

I think what we need to do here in Washington is to support our teachers back home, to support our school districts, to make sure that they have the funding, to make sure that they are teaching in a classroom that is adequate, that provides the right environment so kids can learn, so there is not this problem of overcrowding, so they have the best textbooks that are available, so they have all the tools that are available, making sure that every classroom in this country is hooked up to the information super highway.

All of those things are vitally important. And we here in Washington can play a vital role in supporting some of those initiatives.

Mr. TIERNEY. If the gentleman will continue to yield, one of the important things we need to do is to focus the debate where it belongs. In order for a voucher program to get support, not only for the abandonment of public schools to get support, I think the polling that we referenced earlier of the other party shows that first they have to denigrate the system so badly that people want to walk away. They have to disparage it. They have to say all schools are bad, all teaching systems are bad, all participants are not performing.

And that simply cannot be done. My colleague knows from the tour of his schools, and I can see that we have with us a former superintendent of schools in his State, that the fact of the matter is a number of public schools are performing and performing well; a number of pilot programs are working and working extraordinarily well; that teachers are trying very hard; that, given the tools, they do perform to an extraordinary degree; that we have teacher involvement programs, the Eisenhower program being one; that we have technology programs available which allow teachers to have the technology in their classrooms and enable them be able to use them effectively in teaching students. So that the whole entire public education system is not broken.

I like to use, instead of the word "reform," the word "improvement." We need to improve those systems that need improvement. We need to build better schools when that is the issue. We need to have smaller classrooms where that is the issue. We need to have better materials, more teacher improvement. We need to have community involvement and parent involvement.

We have all the tools for that in the various programs that we have implemented here as a small part of the Federal budget spent on education. But it is a major impetus for communities to be able to embark on those avenues that will give them hope and equal opportunity for every public school student.

I think that block granting is the first step for the Republican party trying to eliminate education as a Federal part of the agenda, and I think we ought to move away from that.

I thank the gentleman from Massachusetts for allowing me to participate.

Mr. McGOVERN. I thank the gentleman from Massachusetts [Mr. TIERNEY] for his remarks, and I think he has made very clear that the priority of this Congress should be education, education, education.

I would like to yield to my colleague, the gentleman from New Jersey [Mr. PALLONE], who has spoken many times on this issue.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Massachusetts [Mr. McGOVERN]. I was listening to some of his comments before I came down on the floor. Obviously, both gentlemen from Massachusetts are very concerned about where we were going with the education system and want to do whatever they can to improve public education here in the United States. I know they have got some very good ideas which they articulated about how to go about that.

One of the things that I am very proud of is that our party, the Democratic party, for the last few years and historically, but the last few years particularly, has stressed the need to upgrade education, not only at the higher education level in terms of providing finance assistance, loans, grants, work study programs, which we did as part of the balanced budget agreement, and we insisted that there be more money available for assistance programs to students so that they would have access to college and university education, but also now particularly we feel as Democrats that it is important to try to improve and provide additional resources for public schools, for secondary schools.

We talked in the last few weeks on the floor about the need to upgrade infrastructure because schools are overcrowded, that we need to provide a program to provide funds to local boards of education so that they can fix up crumbling schools, address the concerns of overcrowding, because there are so many schools that need repair.

We also talked about standards. One of the major aspects of the Democrats' program for education is to upgrade standards and provide for national standards and provide for ways to help the local boards of education to improve standards.

One of the things that I think that we stress as Democrats is that this needs to be a partnership with the Federal Government. We all know that primarily States and local communities and local governments are the ones that have the primary responsibility for public schools. But there is no reason why the Federal Government cannot be a partner in that, particularly with regard to resources.

I just want to say, one of the things that has been upsetting me a great deal in this appropriations bill, the Labor, Health, Education bill that we have been dealing with in the past few weeks here in Congress, here in the House, is that the Republicans repeatedly put up amendments which seek to attack and I think ultimately reduce resources that are available for public education.

Today there was an amendment that would basically provide a block grant and eliminate Safe and Drug-Free Schools, School-to-Work, Goals 2000, teacher training programs. And I know that the Republicans who are sponsoring that amendment will say, "Well, we are going to give the money back to the schools but we are not going to tell them what to do with it, so that is okay, they are still going to get the same amount of money."

The bottom line is that Federal policy should, in my opinion, be based on what the needs are. We need safe schools. And Goals 2000 has been a very effective program, and the whole School-to-Work program. All these things have been very effective.

I just want to give my colleagues an idea. In New Jersey when we talk about Goals 2000, which the Republicans also tried to eliminate last year, last year, in the 104th Congress, they had a whole series of cuts in elementary and secondary education which included significant cuts in Goals 2000. Goals 2000 is basically a way for the Federal Government to help individual States with their educational programs.

Just to give my colleagues an idea, in New Jersey, with a relatively small amount of money, I do not know if I have the figure here or how important the figure ultimately is in terms of how much New Jersey got, but it was in the millions. It was several million dollars. And basically what they did was to use the money that came from the Federal Government to provide for schools to be safe from violence.

We in New Jersey launched a multifaceted safe school initiative in December of 1994. And reported findings, as a result of that program, indicate a reduction in the number of reported incidents of vandalism and violence in New Jersey public schools for the 1995–96 school year. I can give you the specifics about how crime declined. This was as a direct result of Federal funding coming down through Goals 2000.

I will give my colleagues some of the others, but I see my friend, the gentleman from North Carolina [Mr. ETHERIDGE] would like to comment, and I would certainly yield to him at this time with your permission.

Mr. ETHERIDGE. I thank the gentleman from New Jersey [Mr. PALLONE] and the others who have organized this evening.

The point my colleague made earlier I think is so important for us to understand as we are talking about block grants and education. I do not know why it is just block grant education we want to deal with. We are not talking about block granting funds to the Department of Defense. We do not talk about block granting materials to other things.

As my colleague just indicated, it is important to have a priority; and if there is an issue we want to deal with, what we are talking about is reducing the funds. I cannot imagine this body ever, or any other body who has to report to people, turning over the funds without asking for accountability.

The truth is that is a good way to put it out and do away with it. That is really the bottom line. I remember revenue sharing a long time ago when I was a county commissioner. And when revenue sharing came, I said to the folks, "We do not spend any of this money in programs, because I guarantee you it is going to be cut out because we are getting it without any strings."

□ 1745

Guess what happened to it? It got cut out. If you block grant it without the people who are in your appropriations process understanding what is happening and having feedback directly from what is happening, it is going to be cut out.

The last thing we need to do at a time when this country is growing and expanding and we are dealing in a global economy, we are asking our young people to change and the whole economy to change for that matter in a way like we have never had, we do not need to be pulling away the needed resources for our schools. Six to 7 percent, depending on the State, where they are, is about all the Federal Government is putting in. By and large those dollars are going to specific programs. Most of it goes to chapter 1 and other programs that are for children who have special needs, and that really helps with reading and with math, some of it in very targeted areas for children who are the poorest among our poor children in this country. That does not go equally to States. It really is divided up among the States who have the greatest population of those students and with the greatest needs.

As the gentleman indicated, funds for safe and drug-free schools, that is based on a student population. But if it is sent down and it does not have some direction, I can assure the gentleman, I have been in the Department, I know what will happen. There will be competition for those dollars, and unless there is a requirement to go to certain areas, they may not get there, because the last time I checked, there were those who will stand up and tell us there are too many dollars in education, that we are spending too much money.

If that is true, if that is true as a premise, then why does almost every school in this country have a PTA, and every night on TV we have parents complaining about children retailing to get funds into schools to buy paper and books and all the other things? It is nothing more than a half truth at best and an outright sham at worse. It is not true. It is absolutely not true. It may be true in some communities, but in the bulk of the communities in my State, it is absolutely not true. Otherwise we would not have parents from PTA's selling all these things and doing things and having kids to sell them.

There are not enough resources. We have allowed our schools, as the gentleman indicated, almost half of them in this country have need of some attention, either plumbing, electrical or overcrowding, for a variety of reasons.

What we care about in our communities are what we pay attention to. If you ride through a community, the last thing that is really held in communities in this country right now, in my opinion, that is still intact is that public school where children go. The families are having problems. There are a lot of problems in a lot of institutions, and the school may be the last thing that is holding the community together. The last thing we need to do as a Nation is to pull the underpinnings out from under the one thing that is helping hold this country together.

I would be the first to say if every family was intact, and we had two-parent households and they were there, man, things would be great. It is great to wish that. It is just not true. It is not true in this country today.

We need to give children a safe haven if we can and an opportunity to learn and participate in this great adventure we call America and we call democracy. Education is the one way that we allow those children, whether they come from a Hispanic household, an African-American household, wherever they may come from, as they come to the shores of this country, or if they have been here for 10 generations, they have an opportunity to share in the American dream. If we take away that opportunity for education, and their parents cannot afford to send them to a private school, we have guaranteed them and the next generation that they will not have the opportunity to participate in it. We should never let that happen as long as this Congress meets in Washington, DC.

Mr. PALLONE. I just wanted to say very briefly, I am not going to go into the rest of these things that outline what New Jersey is doing with its Goals 2000 money. We can go into it more. It is very effective. But I just want to say, the gentleman is so much on point. He talks about the public schools being the basis for the community. I think that is totally true.

What I find is that it is true that my constituents talk to me about the need to improve the public schools. They recognize that there are problems. They recognize that the schools can do better, but they want them to do better. They want us as their elected officials to help in that regard. They do not want us to go for voucher systems which are basically going to drain the resources of the public schools and make it so that more and more people go to private school, whatever those schools happen to be, because the bottom line is that public schools historically have brought people together. They have been the equalizer, so to speak. They have been the vehicle for equal opportunity. We just cannot give up. Our constituents do not want us to give up.

I think those who argue for vouchers and encourage voucher-type programs, they have basically given up on the public schools. They are telling us, oh, if we do the vouchers, that that somehow is going to benefit the public schools, and they are going to get better. Not true. It is the people who have given up on the public schools that want to go to a voucher system. That is not what the majority of our constituents want. They want us to do what we can do to improve the public schools and to provide them with adequate resources.

Mr. ETHERIDGE. I could not agree more. I think the American people do believe in the institution of public schools because most of them came through it. The truth is that will be where they will be in the future. We need to strengthen every institution we have, and we can define any number in America today. Those institutions are changing. Whether it be financial, whether it be legal, whether it be medical, whatever that institution is, it is changing. The public schools are changing. If we are defining the public schools as some do as they ride by and see the same building they have seen, they do not go inside and they do not talk, they do not see what is happening in those classrooms.

I have had occasion to do that, as the gentleman has. You will see they are changing. But it takes time, and it takes resources, and it takes commitment, and as the gentleman indicated earlier, it takes support. It is awful hard to ask an institution to change when all you do is throw rocks because you are too busy ducking. I served in the military. There is one thing you learn to do is keep your head down when you are in a fire storm. When you have got your head down, it is kind of hard to be moving forward.

We need to as an institution. Democrats and Republicans, stop throwing rocks and start giving a helping hand. Stop the rhetoric. Quit being rhetoric makers and become help makers. The teachers would applaud us, the children will appreciate it, and I can assure my colleagues their parents would welcome it. That is what it is about.

That is one reason I ran for this people's House, because I want us to have a positive voice in Washington, talking about there are good things happening. Are there problems? Absolutely, as everyone has said already. There are problems in every institution. But we ought to help correct those problems and not just try to destroy the institution. That is so important to the foundations of our democracy, because if we destroy it, I can assure my colleagues our democracy will shortly follow.

Mr. McGOVERN. Mr. Speaker, I for one am glad that the gentleman ran and got elected to this Congress because he has been one of the most passionate and eloquent defenders of education. I think this Congress is absolutely in need of more voices like his.

I would also say that he is right on target when he says that we should stop throwing rocks. That means, I think, we should stop blaming everything on the teachers. I have two sisters, Wendy Talcott and Kelly Tuttle, who are teachers in the Worcester Public School System, where I am from. I do not know of two people who work harder, who care more about the well-being of those children than they. They are not unique. In every school that I visit throughout my congressional district and throughout Massachusetts, I encounter teachers who are thoroughly dedicated to those kids. It is inspiring. They need support. Instead, what they are getting too much of is they are being blamed for everything. Not that every teacher is perfect, but the vast majority are good, and we need to give them the support.

Mr. Speaker, I yield to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. I am delighted to once again join this discussion about education. I think we can approach the situation from a couple of points of view. I think everybody has acknowledged that we know and we understand that there are difficulties in the public school system. But we can approach it in two ways.

We can say, OK, we are going to end this, move on to something else; or we can say, OK, this has been a provider of excellence in the past. It has, as my colleague from New Jersey pointed out, been truly the great equalizer in education for youngsters from every walk of life, from every social strata, from every economic strata, and the opportunity for people to succeed according to their God-given talent. It has proven its mettle and its worth in those areas in the past. That is something that we should applaud, and we ought to say, where are the difficulties, and how can we make this a better system, and how can we change what patterns there are here that are helping to bring down the system? That is, I think what we are suggesting that it is fundamentally a good system, and that what we need to be doing is focusing in on how to make it a better place to be.

I find it just strange when we do have so many people on the other side of the aisle who will say that the system is bad, that it is not producing youngsters who can read or write, that it is a dangerous place, their schools are dangerous places to be, that they are not being run properly, and, therefore, one change that could be made, which was the amendment that was offered today by some of our friends on the other side of the aisle which was to take billions of dollars from the Department of Education and giving it to, in fact, the places that are responsible for a poorly run system.

The Federal Government is only about 6 or 7 percent of the Federal budget that is engaged in the public school system. It is a small amount of money. The Federal Government is not running the education system in the United States. In fact, most of the emphasis is in States with local school boards. Yet there are people here who would like to talk about how bad the institution is on the one hand and yet want to take the billions of dollars from the Federal Government and send it to those who would continue a failing system. It seems wrongheaded, which seems to me to be, as I said, crazy.

Parents today want to make sure that their kids have the best possible education, that there are standards, particularly because parents are not home after school every single day in the way that that used to be the case. They just cannot be. It is economically not feasible.

I used to volunteer my time at the community school in my neighborhood. I had one of the best experiences of my life. I used to teach at that time. I used to go from school to school and teach calligraphy as an afterschool program, a writing program. No one would believe that today, but I was a volunteer in the public school system. I was a substitute schoolteacher in the public school system. I watched community schools, which we took money away from years ago, I watched them open at 7 o'clock in the morning, close at 9 or 10 o'clock at night, and see youngsters and middle school kids and high school kids playing basketball, grandmothers coming in for a program, parents coming in for programs, and this was in an inner city, in the city of New Haven. But we ended that. We did not think that that was such a hot idea.

Now we have got, as I said, mothers and fathers and aunts and uncles in the workplace, and we do not have community schools where kids can go to. Instead of focusing our time and our effort and our resources at making this existing system a better place, we are spending our time denigrating it and trying to put an end to it.

There has been an attempt by some on the other side of the aisle to try to eliminate the Department of Education. I think the American people spoke loud and clear about that, and they said no. I think that we are seeing trying not to go at decimating the Department of Education in one fell swoop, but looking at it piece by piece. As I mentioned the amendment today, which, thank God, was ultimately withdrawn, that amendment would have eliminated Federal initiatives that do work, safe and drug-free schools, school-to-work program, and a whole variety of other programs that are working.

Mr. McGOVERN. I want to thank the gentlewoman from Connecticut for her remarks. I also want to commend her for her leadership in another area of education which is vitally important, and that is on the issue of early childhood development. She has been a leader, and it is something that this Congress needs to focus more attention on.

□ 1800

EDUCATION IN AMERICA

The SPEAKER pro tempore (Mr. COBLE). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey, [Mr. PALLONE] will be recognized for the balance of the minority leader's hour and for the gentleman's information, that is 16 minutes.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I thank my colleague. I just want to say, I find that we are looking at another tool in the arsenal of some of my Republican colleagues when they are talking about education issues today. I think this is worth pointing out. The kind of new catch phrases and code words to hide some of this effort to try to, if you go back when we were talking about school lunch and we were talking about the whole variety of educational programs, the single biggest cuts in education in the history of the country were initiated in the last session of Congress by the majority. So they were unable, and thank God, really unable to succeed in that effort, mainly because the American public spoke out loud and clear.

But there is kind of a new tool in this arsenal, the catch phrases and code words. I just want to call my colleagues' attention to something that was produced by Frank Luntz, who is a Republican pollster, as part of a series of materials. This one is called Education: A Smarter American.

If I can just mention a couple of things here, it says "overview." This was put together to present to the Republican majority as a communications tool, how to talk about specific issues, not what to do about them but how to talk about the issue.

Education: A Smarter America. Overview. "We have been able to isolate specific words, sentences and ideas that may help Republicans sell their education legislation and undercut the President."

I mean, that is the first item of this document. If I can give you some examples, what Luntz is trying to do is teach people, as I said, how to talk about destroying America's public schools in a way that makes it sound as if they are doing the opposite. Again, as I say, a few examples. He recommends that Members, "talk about children in almost every sentence." If you listen closely to the debate on this floor, you can hear it loud and clear. Yet when it comes to putting money where their mouth is, sometimes the majority is leaving America's kids out in the cold.

As I pointed out before, it was the Republican majority, and this is not all, believe me, this is not everyone, because there are reasonable people on the other side of the aisle who in fact do believe that we need to foster a good, solid and strong education system.

They try to eliminate the Department of Education. They insist that the bipartisan budget agreement not include any money for school construction, and they have been pushing a voucher program that my colleague from New Jersey mentioned before that would siphon off needed funds for public schools.

I think one of my colleagues on the other side of the aisle brought up a New York situation with regard to the voucher program and said well, you know there has been a commitment to assist 1,000 youngsters in being able to go to the school of their choice.

I applaud that effort. I do. I think that is a good thing. But that is 1,000 youngsters. We have hundreds of thousands of youngsters. If we begin to pull out money and resources from the public school system to only help a few, we then go back to what we dealt with years and years ago, which is education is the purview of the privileged and of the few, that is not what it is about. It is what public education has stood for, is to be there for everyone to take and get that opportunity that my colleague from North Carolina talked about before.

Mr. PALLONE. Just briefly, just to give you an example, I know for example in my local schools how difficult it is for them just to provide the curriculum that they would like to provide. In other words, if they do not have enough money to hire a teacher at the end of the year, they may not be able to have an advanced placement course or have a program for the disadvantaged or a sports program. You talk about starting to take the money away from vouchers from the public schools, even in a small way, even if it impacts 5 or 10 or 1 percent of their budget, that is going to mean no advanced placement classes, no tutorials for kids having a problem reading. They may have to abolish one of their sports programs, because they are on tight budgets. It is not pie in the sky where they have the opportunity to spend all kinds of money. Everything they do is watched. Most of it is subject to an annual referendum about how much they spend.

Ms. DELAURO. I wanted to make one comment, because I think this voucher program, which is going to be the subject of great debate here, in his documents Frank Luntz goes so far as to admit that the American people are against the Republican voucher program, so he advises Members to call their program, a direct quote, "opportunity scholarships."

Opportunity scholarships. I mean, that is how far we have come here, where we are changing the nature of words to describe a way in which we want to wreak havoc on the public school system, and in fact take this money, taxpayer funds, out of public schools into private and religious schools. That is not the direction we should be going.

Mr. ETHERIDGE. Mr. Speaker, the point is what you are talking about is truly taking money, not putting additional money in for anything. I was in a school just this past Monday, and schools have changed. I think a lot of folks forget how much they have changed. And this is just not in an upscale neighborhood or in a poor neighborhood, or even in a middle class neighborhood. This is in all neighborhoods, by and large.

These were two-parent households. They are dropping their children off at school at 6:15 in the morning. They have the gym open, where the parents were paying for prior to school opening at 8 o'clock. They were picking the children up at 6 p.m.

These folks work in textile plants. Some of them work in the Research Triangle in North Carolina, in which they make good money, so they pay the full cost of the before and after school child care.

My point in making this is a point you just made. Schools have changed dramatically. We are asking people in education to do more than just educate children.

There are a lot of folks who would like for schools to continue to have custodial care. That means you take care of them during the day and teach them when you can, but just take care of them.

It is about more than that. It is about education, it is about opportunity, and it is about giving that child a vision of where he or she can go, what he or she can be, and what the future holds.

Go visit most any school today and you will see bankers, you will see astronauts in the schools, you will see a lot of business people, because in most communities now they are starting to form those partnerships. That is why when you talk about the polling data, it says we are not in favor of vouchers, we are really in favor of the public schools. We realize they are working hard to change.

Our friend from Massachusetts talked a while ago, and I must get this personal point in, about how hard teachers work. Teachers, by and large, and I think this would be true anywhere in this country, put in 50 to 60 hours every week when school is in session. I believe that. I have a wife who works in the public school system. I have two children, one who is teaching the second grade and the other who will start. I know how hard they work. I have seen them work, because their day does not end when they leave.

They are a little bit like legislators. They carry work home with them, but they have to bring it back the next day prepared for the student, they have to prepare the lesson plan and grade those papers.

That is why I think it is so important that at the highest level, in this Congress, and I am glad the President has made it a high priority and raised that vision, and I think he has given educators an awful lot of hope and the American people a lot of hope, that we are going to pay attention to education. Even though we do not put the bulk of the money to the K–12 level, we can do a lot toward raising the vision and the hope.

We have seen business people across this country come together and say "we want to be your partner." I think that is why we are seeing such strong indications of their help. I am very committed to that.

Mr. PALLONE. I just wanted to say it is interesting what you said about President Clinton, because I think he has done more to basically be an advocate for prioritizing education on the Federal level than really anybody else.

I watch him, and I have watched over the years how he has approached it. I think a lot of it just comes from his own background, having grown up in not a wealthy background by any means. I think his father had actually died before he was born or when he was 6 months old, and he had a rough time.

Mr. ETHERIDGE. Without the public schools, he would not have had the opportunities.

Mr. PALLONE. Exactly. He went from public school to very good universities. He was a Rhodes Scholar. He is really sort of the example of how everything can open up and, given equal opportunity, that people really can achieve great things, can become the President of the United States.

I think all the Democrats are saying is we want that to be true for the next generation and generations to come. We do not want that opportunity to be lost, because it may very well be if we do not continue to prioritize the public schools.

I think that is really what may be the reason why so many of us in our party feel so strongly about these education initiatives, because we have seen it ourselves.

You and I were talking earlier about how many Members of Congress went through public schools and how oftentimes we will see those very same Members get up, sometimes on the other side of the aisle, and talk about vouchers or ways that we think will actually drain public school resources.

Sometimes I just wish they would look at themselves in the mirror as an example at how they got here to these hallowed halls, so-to-speak, and it was mostly through public education.

So do not tear it apart. Try to come up with ways that will improve it. That is really all we are saying. I mean, we keep saying it over and over again. We worked on it a lot with the budget in terms of higher education and providing more opportunity and more money that is available, and now we are saying we have to do the same thing with the secondary schools, with preschool, all the way to high school graduation.

Ms. DELAURO. We have to give parents the sense and the confidence that the teachers are accountable, that their kids are learning, and they have a role and a responsibility. We can do that. That has been the way of the public school system in the past. We do not have to take the resources out and, again, as I said before, make education the purview of the few and not the many.

Parents want to know there are standards that are being met. They want it better for their kids. It is what everybody's parents here wanted for their kids.

My dad could not speak English when he came to this country and he suffered for that, because at that time he was in a school where his classmates and teachers laughed at him because he could not speak the language and he left school. Sure, he did fine and did OK. He worked very hard so that I could get an education and I could realize my dreams. But, my God, would it not have been an easier road if we had an understanding, like we try to do today with the great diversity of our public schools, which has made it as strong as it can possibly be.

That is what we need to be about. That is what the great strength of this country is about; it is diversity. That is what its schools need to foster, and make each and every piece of that effort as strong as it can possibly be, and not leave a shell where the public school system used to be.

As I said, this is not a partisan issue. This is a national issue, and we need to try to come together so that we can recognize where there are things that are wrong, agree that they need to be changed, and put our mind and our resources to making the change for the betterment of our country and for our kids.

Mr. ETHERIDGE. If the gentlewoman would yield, I could not agree more. One of the things we need to keep in mind as we are talking about our schools as they change, et cetera, is the public school system that we now see and that has served us well does not go to the founding of this country.

Truthfully, in a lot of States, particularly the southern States, we are talking about the turn of the century. If you dropped out of school, there was a job in business, somewhere in industry, and a place you could be plugged in.

Today we are asking the public schools to have 100 percent graduates, we are asking them to be at a much higher level than they ever have been. So schools are changing. This is a tremendous challenge, and they need all the help to get there, because our economy changed, and as our schools change, they meet some very difficult tasks. All of us can cite some examples that why we made it was because of the public schools, and there are a lot of examples in the Halls of this Congress on both sides, and it is true all across the country.

□ 1815

AIR SERVICE NEGOTIATIONS BETWEEN UNITED STATES AND JAPAN

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois [Mr. HASTERT] is recognized for 60 minutes as the designee of the majority leader.

Mr. HASTERT. Mr. Speaker, I am going to share some time with my good friend from the other side of the aisle, but before I do that, I have seen the previous speakers here kind of quote figures on the other side of the aisle and say that some folks do not believe in public education.

I have to tell my colleagues, I am a product of public education. I taught in the public schools for 16 years. I think one of the real issues that these folks missed in this presentation was that people want to make choices for their kids, and I do not think that it is something that we want to decide in bureaucratic offices in Washington, how our kids should be taught, how our money should be spent.

One of the things that we think might be a good idea is to send our money back to where those local schools are and let those local school boards and those local folks who run schools and State organizations decide what is best for those kids in those areas.

One other thing. I heard people talking on the other side of the aisle, saying we want to deflate school because of vouchers. Vouchers give parents a choice, and if public schools are lacking, it is not up to the Congress to give people the confidence in the public schools. It is the public schools themselves that have to build confidence so that parents believe that their children are getting a good education, that they have the opportunities, and when they graduate from that school they are going to have the same opportunities somebody else has.

So I would join with my friends on the other side of the aisle who just gave this presentation, yes, I think public schools are important, but I think parents ought to have choice and I think vouchers ought to be part of that decision. If a parent wants to send a child to a school, he ought to have the choice to do that. So I would say that there is room maybe for more bipartisanship than just the presentation we just saw.

One of the reasons that I have asked for this time tonight is to discuss really an area of economics, far away from education, but to educate people about what is going on in this country especially with competition of major airlines, and competition with a country that has sometimes been a bitter competitor for us, and that is Japan.

Japan entered into an agreement in 1952 that basically limited airline transportation between the United States and Japan between four airlines, two of those airlines from Japan and two airlines from the United States. One of those airlines from the United States has subsequently gone out of business. The other airline has been enjoying most of the air routes between the United States and Japan over the last almost 40 years plus, and as a consequence, the old story, at least out in the countryside where I am from in rural Illinois, about the farmer standing out in his field and somebody coming and saying, "How do you get to Wright's Corners?" And the old farmer scratches his head and says, "Son, you can't get there from here."

That is a problem, especially in the Midwest. If one wants to fly to Japan from some place like Chicago or Indianapolis or St. Louis or Kansas City or even Atlanta, GA, one cannot get there from there. So what we are saying is there ought to be a change.

What is happening today, there are discussions, high-level discussions between the United States and Japan on changing the way that we put in the regulation on air traffic between the United States, the number of flights between the United States and Japan. The airline who has the sole, not the sole monopoly but a major monopoly of air traffic between the United States and Japan, the American carrier says, well, it is open skies or nothing. In other words, absolutely free regulation, or we stay the same way.

Well, probably we are not going to get to open skies, or at least immediately. Open skies is certainly something that we would like to have, open competition. Open competition means that if one is going to fly as a business trip from Chicago to Tokyo or Chicago to Osaka, instead of paying $4,000 a ticket we may pay less than $3,000 a ticket. That means more people can go, more competition. We have a better infrastructure, interface in business and economic relationships between this country and Japan, and Lord knows we could use that.

However, what happens when we limit the number of flights, especially from the interior of this country, we just cannot get there, so one has to take a train or take another flight to Los Angeles where there are 80-some flights a week, or one has to go to Seattle or San Francisco, or one has to fly to the east coast to get a flight to the Far East, which means one would have to go west.

So it is an issue of fairness. We need to open the skies. We need to have these negotiations take place, but it cannot be all or nothing. What we are looking for is the ability for us to start to open the doors, to allow a place like O'Hare Field, which has one of the largest airfields, at least in capacity and the number of flights that happen in this country. It is No. 1 in this country for domestic passengers, flights in and out and the number of passengers, but we are 30th in the number of trips overseas. So what does that mean? That means that we have less visitors coming from Japan.

If we just had one more flight per day, whether it is a Japanese carrier or an American carrier, out of the Midwest, out of Chicago, an average visitor from Japan spends about $1,500 while they are a guest in this country for a week or 10 days. If we had one more flight a day, that would mean over a year's time we would have almost $15 million more business.

When we start to talk about trying to balance the trade between the United States and Japan, we send a lot of dollars to Japan. We have a lot of Japanese sound equipment and electronic equipment and automobiles. The best thing we can do is try to bring some of those dollars back, and the best way we can capture those dollars is having Japanese tourists come back not just to Washington, DC or New York City or Los Angeles, but yes, to the Midwest and to the South as well.

If we start to open up airline availability so that those people can fly into the Midwest and the mid-South, then we could start to get more people involved, we can start to bring more dollars from Japan here, and certainly even start to balance that imbalance in trade.

One of my colleagues who serves on the Committee on Transportation and Infrastructure and is involved in airline jurisdiction is my good friend from the other side of the aisle, the gentleman from Illinois [Mr. LIPINSKI]. I would like to yield to the gentleman at this time and hear his comments.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman. It is an honor for me to participate in this special order with the gentleman, but before I get into my comments, I would appreciate it very much if my colleague would yield to a fellow Chicagoan, the gentleman also from Illinois [Mr. DAVIS] on this subject.

Mr. HASTERT. Mr. Speaker, it would be my honor.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman. I certainly want to thank my colleagues for putting together this opportunity to talk about the needs of the Midwest.

I rise today to join my Illinois colleagues in urging the Clinton administration and the Japanese government to use this historic opportunity to put an end to the limits on direct air service between Chicago's O'Hare International Airport and Asia. It is imperative that current negotiations with Japan yield an air service policy that will benefit Midwest businesses and consumers.

Liberalization of Midwest air service is an important first step in ensuring real economic gains to our region which has been historically disadvantaged by current air service agreements. It is time for the Midwest to receive its fair share of access to the growing Asia markets.

Under current air service agreements, Chicago's O'Hare, the hub of the Midwest and one of the most frequently-used air terminals in the world, is restricted to only 20 weekly direct flights to and from Tokyo, the gateway to Asia. This is not adequate service for the thousands of midwesterners who do business with companies in Asia.

Four of Illinois's top 10 export markets are in Asia and account for more than $6 million in annual revenue. A new agreement would have enormous economic potential for our region, and would enable the Midwest to be more competitive in the largest and fastest growing economic market in the world.

In fact, it is estimated that lifting current restrictions could bring as many as 2,670 new jobs to the Midwest, 1,820 of those in Illinois alone. Expanding current service of trans-Pacific flights will also provide additional access to the Midwest region for foreign businesses wishing to invest in our region. Unless these restrictions are lifted, the Midwest stands to lose up to $1 billion in Japanese investments in property, plants, and equipment.

It is unfair to require our airline industry to operate under an antiquated post-World War II agreement which only granted limited air service rights to Asia for certain United States cities. As a result of this agreement, flights to and from Chicago are severely restricted.

These outdated regulations do not realize the global economic dependency on efficient air service, nor the state-of-the-art technology of today's airline industry. Furthermore, a new agreement must provide for increased hub-to-hub connections which could provide lower fares for consumers. These reduced fares could generate about $16 billion a year in tourism revenue for the Midwest region.

Mr. Speaker, the Midwest must not be forced to compete in today's global economy while operating under an antiquated air service agreement. Therefore, I, along with my colleagues, urge the Clinton administration to reach an agreement and the Japanese Government to reach an agreement which would increase Midwest-Asia air service. These negotiations offer an unprecedented opportunity to not only expand tourism, increase employment and economic growth for the Midwest region, but to open up enormous opportunities not only in the Midwest but in other major areas throughout the country.

So I thank the gentleman from Illinois [Mr. HASTERT] for giving me the opportunity to share my thoughts and ideas on this subject.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Chicago, a good friend and certainly a supporter of economic development, not only in Illinois and Chicago, but also the Midwest.

It is interesting, his comments. If I wanted to fly from Chicago or Atlanta or New Orleans or St. Louis and the few flights there are, the one flight a day or two flights a day that fly out of Chicago, if I cannot get on one of those flights, that means that I have to fly to San Francisco or Los Angeles or maybe Seattle, but probably from the West, either San Francisco or Los Angeles. All of those are nice towns, but it means one is going to sit around that airport for 2 or 3 hours extra before one gets on his flight or makes his connection, and the cost of that flight is probably going to be $1,000 or $1,500 or $2,000 more than if there was open competition, if we let airlines fly in and out and let the marketplace decide what those prices are.

So not only are we hindering the convenience of people to move from the Midwest and mid-South to the Far East, but we are also saying it is going to cost more money, by the way, and we are not going to let that free competition in.

On September 22 of this year there is that meeting in Japan, in Tokyo, and it is important for our administration and the Japanese Government to try to come to an agreement or an accord. It also means one other thing.

□ 1830

It means if we want to do business, we have to open that business up. We just cannot constrain that business to one airline that gets the majority of it.

Mr. LIPINSKI. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Illinois.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for yielding to me. I have some prepared remarks in regard to this subject. It is a subject that is enormously important not only to Chicago, IL, the Midwest, but I believe to the entire Nation. Aviation is not only the future, but aviation is the present and will be the future. It is something that we have to be involved in, involved in deeply, and we have to really have it be one of the vanguards of our economy.

The bilateral agreement between the United States and Japan was signed in 1952, over 45 years ago. The agreement gave three airlines the right to fly to Japan and beyond to other points in Asia. The three airlines are Northwest, United, which purchased its rights from Pan American, and Federal Express, which purchased its rights from the Flying Tigers.

Federal Express, as we all know, is not a passenger-carrying airline, it is a cargo airline. So actually, these two airlines, Northwest and United, are considered incumbent carriers. Since 1952 the United States and Japan have signed memoranda of understanding granting additional carriers such as American, Delta, Continental, and UPS limited rights to serve Japan. Once again, UPS is not a passenger carrier, but a cargo carrier, so the three additional passenger carriers we have gotten into Japan under a memorandum of understanding are American, Delta, Continental.

These MOU carriers, as they are referred to, fly to and from Japan, but with frequency, capacity, and gateway limitations, and with no beyond rights, which means they can fly into Tokyo, but they cannot fly beyond Tokyo. No other place in Asia can they fly to. They have to return immediately to the United States.

There have been several aviation disputes between the United States and Japan in recent years. Most of the tension has stemmed from Japan's protectionist restrictions on its market. Japan has steadfastly refused to open its international markets in order to protect its national carriers.

Japan fears that its national carriers cannot compete successfully against the larger, more efficient U.S. carriers in an open skies market. However, for the first time in decades, Japanese negotiators have indicated a willingness to be flexible in regard to increased access for U.S. carriers.

The United States must seize upon this rare opportunity to ease the restrictions in the U.S.-Japan aviation market. Obviously, an open skies agreement should be our ultimate goal. However, Japan is adamant in its opposition to open skies. Therefore, we should work on a bilateral agreement that will ease current restrictions in the market and will eventually lead to open skies. It is either a phased-in approach to open skies, or to status quo. The status quo will only keep Chicago and the Midwest isolated from Japan, causing our region to continue to lose a million dollars in missed opportunities.

Right now only two carriers are incumbent carriers. One is a United States carrier, Northwest, and the other a Japanese, JAL, can operate from their primary hub airport without any frequency restrictions. United, although it is considered an incumbent carrier, is restricted to only six flights per week from its principal hub at O'Hare International Airport.

Let me run that by the Members once again. Right now, only two incumbent carriers, one a U.S. carrier, Northwest, and the other a Japanese carrier, JAL, can operate from their primary hub airports without frequency restrictions. United, although it is considered an incumbent carrier, is restricted to only six flights per week from its principal hub at O'Hare International Airport. American, which also hubs at Chicago-O'Hare, is completely shut out of the Chicago-Tokyo market.

Japan wants its other national carrier, ANA, to also have unlimited access between the United States and Japan from its major hubs. This is one of Japan's primary goals in negotiating a new agreement. In fact, as far as I am concerned, it is their number one goal in negotiating a new agreement. The United States should only grant ANA unlimited access normally reserved for incumbent carriers if Japan guarantees that a second U.S. carrier will also enjoy all the rights of an incumbent carrier. Then, with two carriers from each country having unlimited access, each community could potentially be served by four different carriers.

However, if JAL and ANA, Japan's only two international carriers, both have unlimited access between the U.S. and Japan, the nonincumbent U.S. carriers would be at a great disadvantage. Therefore, increased frequencies and additional gateways are needed for MOU carriers so they can also provide service from their major hub airports. U.S. negotiators should not grant ANA incumbent status without also gaining increased access for U.S.A. MOU carriers.

Finally, a phased-in approach to open skies with Japan should definitely allow code-sharing between all United States carriers and Japanese carriers. The aviation industry is moving in a definite direction of abandoning attempting to have beyond rights to relying upon code-sharing networks. Code-sharing networks allow U.S. carriers to offer the service and convenience of a foreign hub without the expense of a self-operating hub.

For example, code-sharing agreements have enabled U.S. carriers to be effectively competitive all over Europe. In fact, all U.S. carriers now rely on code-sharing alliances with one or more European carrier to feed passengers to and from their transatlantic flights. Unfortunately, under the current bilateral with Japan, code-sharing alliances are not permitted, and as a consequence, U.S. incumbent carriers depend solely on their limited beyond rights to provide service beyond their Japanese hubs.

Code-sharing agreements between U.S. and Japanese carriers would provide the service and the access to Japan and beyond that we want for Chicago, the Midwest, the East, and the South. In Japan's Tokyo Narita airport, that is the primary gateway to the rest of Asia. However, available space is severely constrained there. The best use of the limited space at Narita would result from a code-sharing agreement between a U.S. carrier and a Japanese carrier.

For example, if an airline has 100 markets beyond its United States hub and no hub in Tokyo, 100 markets are served. But if an airline has a code-sharing agreement with a carrier with a hub on the other side of the Pacific, with 100 American markets beyond the U.S. hub and six Japanese markets beyond the Tokyo hub, over 600 city pairs can be served.

With O'Hare's position as a hub for both United and American, any service from Chicago O'Hare to Tokyo Narita would provide the greatest number of potential city pairs, representing the best use of limited space at both airports. Code-sharing agreements do not equal open skies, but they do open the market tremendously, increasing access to Japan and beyond.

In addition, once code-sharing agreements are in place, Japanese carriers will want antitrust immunity to maximize the effectiveness of their code-sharing alliances. The Government of the United States does not and will not grant an alliance between a U.S. and a foreign carrier for antitrust immunity until open skies are achieved between the two nations.

Therefore, it is easy to see how our liberalized agreement now will lead to open skies with Japan in the future. Again, a phased-in approach to open skies is much better than the status quo. If the United States does not seize this opportunity with Japan's willingness to be flexible by the end of the month, we will be stuck with limited access to Japan and beyond, and Chicago and the Midwest will continue to be big, big losers.

I thank the gentleman from Illinois [Mr. HASTERT] for this time. There are a number of other people here to speak. I will be back in the future.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Chicago. One of the things, just in a practical application of what the gentleman said, for instance, if I wanted to take a trip to Chicago's sister city, which happens to be Osaka, Japan, a small city in Japan, only about 15 million people in its greater Kansai area, we could not go directly from Chicago to the new airport outside of Osaka.

So what we would have to do, we would have to fly to Tokyo, and because there are not any rights for American carriers to go beyond Tokyo. We would have to fly some other airline from Tokyo to Osaka, and hope that maybe if we wanted to fly from Osaka back to the United States you could do that, but you could not fly direct to Chicago, you would have to fly to Los Angeles, then wait and change planes, and fly from Los Angeles back to Chicago.

Not only does it complicate the ability to do business or to travel or to make exchanges between these two countries, it makes it virtually impossible for people to have free and easy travel plans.

I appreciate the comments of the gentleman from Chicago.

Mr. LIPINSKI. Mr. Speaker, I would just like to say that we all know that the Japanese are extremely difficult people to deal with on all trade issues. One of the reasons for that is because it is a very small island. They are very much people who like to deal with themselves, and if they are actually willing to give us an opportunity to get in there and open up that market in some way, we should certainly take advantage of it.

Mr. HASTERT. I appreciate that, Mr. Speaker. Any time we sit down and deal with trade, we have to sit down honestly and hope that the parties on the other side of the table sit down honestly and try to bargain. Each side will always try to get their best deal.

Mr. Speaker, it is my great privilege to yield to the gentleman from Peoria, Illinois [Mr. LAHOOD].

Mr. LAHOOD. Mr. Speaker, I thank the gentleman for allowing me to offer a few comments regarding this important issue that the gentleman has taken time to set aside this hour for to discuss. I have some prepared remarks that I would like to make, and as a member of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure, our committee has discussed this issue, and there is an awful lot of concern about it.

In 1952, the United States and Japan entered into a highly restrictive aviation agreement that to this day severely restricts the number of flights between O'Hare International Airport in Chicago and Japan. Despite being the busiest airport in the world, O'Hare ranks only 30th in terms of the international passenger travel. This makes no sense at all. Because of this restrictive 1952 agreement, all of the Midwest and the entire country have been hurt by the lost business opportunities.

Fortunately, the U.S. and Japan are currently negotiating an agreement that would drastically increase the number of flights to Japan and all of Asia. The potential economic impact of this agreement cannot be overestimated. An independent study by Arthur Andersen has concluded that lifting the current restrictions would increase passenger travel between Chicago and Tokyo to more than 700,000 by the year 2000, bring in over 2,600 jobs to the Midwest, and result in an additional $80 million in spending throughout the region.

I might add that the Midwest-Asia Aviation Coalition has stepped in to provide important leadership in this effort. This coalition is made up of a diverse group of business, trade associations, labor and civic organizations, and tourism groups.

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Additionally, this group includes a very distinguished list of over 290 individuals, including Gov. Jim Edgar of Illinois, Mayor Richard Daley of Chicago, and our former Republican leader Bob Michel.

I have no doubt that through the efforts of the Midwest-Asia Coalition and others, that when the final negotiations are completed, we will all soon realize the tremendous benefit of this new aviation agreement. Again I wish to thank my friend the gentleman from Illinois [Mr. HASTERT], and all of the Members who are contributing so much in this issue that we are discussing this evening.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Peoria, and at this time I would like to introduce and yield to the gentleman from southern Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, I thank the gentleman for yielding to me. This is a very important issue to the State of Illinois, because in just a few days the Clinton administration and the Japanese Government will meet again to discuss the United States-Japan Passenger Air Service Agreement. This time I hope we do the right thing.

It is time, indeed it is past time, to reach an agreement that will expand service between the two countries and beyond. The United States-Japan aviation agreement is, to some extent, a relic. It was reached in 1952, an era before jet service and before extensive commercial air travel between the two countries began.

At the time, Japan was a weak economy, still recovering from World War II. Because it was a different era, with different circumstances, the two sides agreed on an aviation agreement that fit those times, but not today. The agreement they reached then, which has largely stood through the years, severely limits flights between the two countries. Cities and airports were handpicked by governments, not the markets.

In recent years, the agreement has been loosened a tiny bit, yet there is nothing close to open access or a free market. The result is that only 11 United States mainland cities, only 11 cities, are allowed to have flights to Japan. Currently, Chicago's O'Hare Airport is the busiest airport in the world, yet ranks only 30th in terms of international travel. One of the reasons for this is that access to Japan is severely limited from Chicago, totaling only 20 flights per week. Meanwhile, Los Angeles has 87 flights per week to Japan.

Moreover, the west coast has 160 weekly flights to Japan, while the central part of the country has only 59. What this means is that most residents in the Midwest and the East, where three-fifths of our population reside, are not conveniently located for air travel to Japan. This problem begs to be corrected when we consider that the Arctic Circle flight path from Chicago to Japan is the most efficient route for this trip.

This is not the free market at work. In my State of Illinois, logic and economics demand that Chicago have more flights. Economic research by Coopers & Lybrand indicates that adding just seven round trip flights per week between Chicago and Osaka would bring traffic totaling 60,000 to 70,000 people a year, and this would bring in as much as $503 million a year to the economy.

The U.S. airline industry, except for one airline, has lined up behind the push for more service. Northwest, which currently has a dominant share of the United States-Japan market, has taken a stance that backs stagnation and the status quo. They might be serving their interests but not the interests of people who live in my State and could benefit from the expanded service.

A new expanded agreement with Japan would produce an additional

3,600 new flights a year in the United States-Japan market, more additional flights than any of the 25 so-called open skies agreements that the United States has signed in the past 2 years.

There is more. A new agreement would produce a 25-percent increase in competition by adding new airlines and increasing the number of cities in the United States that could gain service. All that would produce more than $10.8 billion in annual economic activity, which would support nearly 250,000 U.S. jobs across this Nation.

Mr. Speaker, we should push ahead with a new United States-Japan Passenger Air Service Agreement. A new agreement would produce more flights by more airlines to more cities between the United States and Japan and beyond. That is real competition and it benefits all of us.

Mr. Speaker, I wish to thank the gentleman from Illinois for giving me this time and opportunity on this very important issue facing our State.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Illinois, and he brings up some very interesting statistics. One of the things I want to share with my fine colleague from southern Illinois is that he said if we open up one flight a day between Chicago and Osaka, and of course, Osaka is Chicago's sister city, that we affect some 700,000 people.

But what we really do is increase the economy, Japanese yen flowing to the United States and the Midwest. And of course, we know we have that trade deficit, so the more dollars we can get, the better off we are. But just by opening this up, a half billion dollars just to Illinois, not counting what would happen in Texas and Louisiana and Georgia and other places.

I think that is just an amazing piece of information, and I really appreciate the gentleman's effort.

Now, Mr. Speaker, I wish to yield to the gentleman from Texas [Mr. SESSIONS].

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Illinois [Mr. HASTERT]. I appreciate this opportunity to speak about this very important subject, and I rise to offer my support also to the United States and Japan negotiating team who are now entering the next rounds of meetings to continue talks on the long-awaited air transport agreement between our two countries.

I think history will look at this moment as one that is a very important crossroads in the future of both our countries and our nations as we work together, not only now but in the future.

For the first time in almost 50 years, the United States and Japan will come together and agree to a new level of passenger air service between the United States, Japan and beyond. What is even more significant, though, is the economic impact that that will accord and the opportunities that will surely follow in the coming years.

This agreement will provide United States air carriers with a 25-percent increase in passenger flights to Japan. Nearly 3,600 new flights will be added each year. Further expansion can be expected as other carriers begin this service to the region, which I believe can only breed more competition in the marketplace. And the best part is that is only the beginning.

This agreement will have an enormous economic impact to our economy. At present it is estimated that this agreement will generate almost $10.8 billion in direct and indirect economic impact. More importantly, this accord will open additional routes for United States carriers in growing Asian markets and certainly beyond Japan. That factor alone could inflate an additional $1.6 billion for U.S. air carriers.

Clearly the biggest gain in this agreement can be felt in access to markets for American business men and women. The unprecedented increase in commercial and passenger air traffic will open a new day for each and every one of our business men and women as they wish to do business in Asian export sectors. We cannot underestimate the power that these new emerging markets will bring and the opportunities that are before us.

Likewise, these increased opportunities will enhance Japanese investments in our country. The anticipated increase in cargo and tourism and traffic will enhance our own marketplaces and our economy. The possibilities are almost endless for a person from Texas to think about. Not only will it help our economy and our country, but it will bring new and expanded tourism to Texas and the United States.

In closing, I would like to say that I agree with what has been stated here today; it is the marketplace, it is economics at its very best, and it is economic development. And I would like to thank my colleagues from Illinois, and in particular [Mr. HASTERT] for taking the time to discuss this important development and support for our negotiators as they enter into these important agreements.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Texas. And when we talk about what happens and, of course both United and American tend to hub and do hub in Chicago, but American has a big hub in Texas, and so the dynamics we talk about and how that brings economic activity certainly to the Midwest, certainly happens in the Midwest, in the Texas area and the Southwest, and certainly in the Mid-South.

Mr. SESSIONS. Of course it does. We have many, many people who have come to our country with not only opportunities for their lives but have brought high-technology abilities to our country. They want to make sure that we are selling our products overseas. They want to make sure it is easy for us to do business. They do not want to have two or three stops before they get to Japan.

So it is not only faster and better service, but it is a real boom as we near the 21st century.

Mr. HASTERT. Another interesting thing the gentleman brings up, he talks about a $10 billion increase in economic activities. That just does not accrue to any one area in this country. It certainly accrues across the board.

If cities, and especially important cities in Texas and important cities in Illinois and Louisiana and other places, have the ability to get involved and to partake in this, that certainly spreads out. Again, as we talked about, it starts to level out that imbalance of trade that we have.

I really appreciate the gentleman's participation and being here tonight. And at this time, Mr. Speaker, I would like to introduce and yield to one of the youngest members of the Illinois delegation but certainly one of the hardest working, the gentleman from Chicago, IL [Mr. BLAGOJEVICH].

Mr. BLAGOJEVICH. Well, Mr. Speaker, let me thank my colleague from Illinois [Mr. HASTERT], and I want to comment briefly, piggybacking on some of my predecessors speaking here today, principally those from Illinois, but also the gentleman from Texas [Mr. SESSIONS] and agree with them that we need to urge the negotiators from the White House to try to do what they can to free up our skies and make our skies more available for American carriers to fly to Asia.

Closed skies are not friendly skies, they are unfriendly skies. It is probably not realistic to think we are going to have completely open skies, but it is important to realize we need to make an incremental approach and to gradually open the skies and increase routes to Asia from the United States.

Now, much has been said about the 1952 agreement that governs the present rules that decide aircraft flights from the United States to Asia. Let me put that in perspective, if I may. Back in 1952, there was no rock and roll. That is how long ago this was. We were operating under an agreement that is so dated rock and roll had not even existed yet. Elvis was only a junior in high school when this was entered into. Nobody in the NBA dunked back in 1952. Virtually everybody in the NBA dunks.

These are changing times. We live in a changing world. The Baltimore Orioles did not exist in 1952. I think my other colleague from Illinois [Mr. LIPINSKI] is an expert on this. They were the St. Louis Browns, am I right?

Mr. LIPINSKI. The gentleman is correct.

Mr. BLAGOJEVICH. I am right. So we have seen a great deal of change not only in cultural and social developments but a great deal of change in more important things, like technological changes and changes in trade and the like.

□ 1900

So we have seen a great deal of change in other societies, in fact in the world, since 1952. We have an agreement that governs the policy with regard to aircraft flights from the United States to Asia that was agreed to in 1952, yet the world has seen a great deal of changes.

Technological changes have been rapid and continue to change with every passing day. International trade is different today. In fact, the Asian market back in 1952 is not the Asian market that exists in the United States. Over the past two decades, U.S. foreign trade and foreign investment with East Asia has soared, increasing faster than economic ties with any other region.

Between 1978 and 1996, U.S. exports to East Asia grew 620 percent, while during the same period U.S. exports to all of Europe increased by around 246 percent. Back in 1952 Europe was the chief trading partner with the United States. That is a fact that is no longer as relevant as it once was.

In 1996 the value of total U.S. exports to Asia surpassed that of exports to all of Europe. So Asia is a major, major place in the world and is a very, very important region in the world with regard to United States and our economic health and vitality.

Today Japan, for example, is the second largest international destination for United States travelers after the United Kingdom. In fact, by the year 2015 the Asian Pacific region is expected to represent 40 percent of total air travel between North America and any international destination, surpassing the volume of air travel between North America and Europe.

So it seems to me we ought to scrap this 1952 agreement, bring it into the modern era, and apply routes and have a more open sky so that American carriers can reach Asia and American business can enjoy some of the fruits and benefits of those expanding and emerging markets in and throughout Asia.

With regard to technological changes, let me just point out that air travel is different today in 1988 than it was in 1952, when most aircraft flights came out of the West Coast because you could not fly directly from New York to Japan or from New York to Tokyo back in 1952. Forty-five years have transpired. Aviation technology has made it possible to fly directly between Chicago and Japan.

In fact, between 1952 and 1998 we were actually able to fly to the moon, which we did in 1969 for the first time. So there is a great deal of technological change; and, therefore, this agreement needs to be renegotiated so that it fits the times and the era in which we live.

There are advocates who believe we ought to have one or the other, we ought to have only open skies or not change the 1952 agreement, and I would submit that those advocates are either totally erroneous or disingenuous.

The fact of the matter is that the Japanese Government has said publicly that they will not entertain any discussions about completely opening the skies. Therefore, I think it is important that we again try to make incremental gains and slowly approach opening the skies so that the Japanese Government becomes more comfortable with Japanese carriers in more direct competition with American carriers, who would generally have a better record of being able to succeed in a nonregulatory free market environment.

So I hope we can have more flights to Asia. I hope more cities throughout the United States can have more access to Asian flights, in particular to Japan. I hope we can expand some of the buy-on rights agreements, and I would urge the negotiators to continue in their efforts in developing some of the cochairing efforts that they have been doing.

One final point. As we open access to American airports and access to Asian and Japanese airports and air traffic, I would hope that the Midwest is properly represented. And I would urge that we take a serious look at Chicago, which has historically been a transportation hub in the United States, with rail, with trucking, with air travel, and with sea and lake travel.

Chicago historically has been the center of transportation. Chicago O'Hare International Airport is among the busiest in the world. It has a built-in infrastructure that would work perfectly with more flights from Chicago directly to Japan. Chicago would also be able to service other parts of the Midwest.

Three out of five Americans live east of the Mississippi River, yet the region's airports can only offer one out of five weekly flights to and from Japan. There are 87 flights per week between Los Angeles and Asia. There are only 20 flights per week between Chicago and Asia.

As the gentleman from Illinois [Mr. POSHARD] noted moments earlier, there are 160 flights per week to and from Asia which originate from the Western United States. There are only 59 flights per week to and from Asia which originate from the Central United States.

So we should have more air travel from the Midwest United States and Central United States to Asia. I would argue that since O'Hare Airport is a perfect place to fly that has a built-in infrastructure, those flights, many of them, should come out of Chicago's O'Hare International Airport.

One last point, if I may. There are financial considerations, as well. Fifteen different Japanese banks have branches in Chicago. So when you consider the business aspect, it is very convenient for those who want to do business from Chicago to Japan or Asia to be able to fly directly from Chicago to Asia, and having more flights available I think helps with regard to that. There are in fact more Japanese banks and branches in Chicago than any other foreign banks and branches represented in Chicago from other countries.

And one last thing. Chicago is the international leader in the trading of commodities, stock options and currency. Chicago is the home of five major exchanges. It makes perfect sense to have direct travel from Chicago to Asia. As I close, 80 percent of the world's commodities are traded through three of Chicago's exchanges.

So having said that, I hope the negotiators listen to what I hope are words of wisdom. I know that whenever the gentleman from Illinois [Mr. HASTERT] speaks, those are words of wisdom, and I am less confident about my own words.

Mr. HASTERT. I thank the gentleman from Illinois [Mr. BLAGOJEVICH]. Just, you left out the Chicago Bulls. I do not know how we did that.

Mr. BLAGOJEVICH. If the gentleman will yield, I do not want to be parochial.

Mr. HASTERT. Mr. Speaker, I yield to the gentleman from Illinois [Mr. WELLER], who also represents Chicago and parts of down-State Illinois.

Mr. WELLER. I thank the gentleman from Illinois [Mr. HASTERT], my friend and the chief deputy whip and one the leaders in our House. Also, I want to recognize the gentleman from Illinois [Mr. LIPINSKI], who represents the neighboring district, for his leadership on aviation issues. And of course, I echo the words of my friend, the gentleman from Illinois [Mr. BLAGOJEVICH], on why improving aviation opportunities, particularly the connections between the Midwest and the United States and Japan, what it means in jobs for the folks in the Chicago region, which I have the privilege of representing.

I believe it is time that we move forward with negotiations to improve and open more skies to flights for American carriers, particularly between Chicago and the Midwest and Japan.

Today, Chicago O'Hare is the world's busiest airport. We have quite the privilege. Chicago is considered America's second city. It is a global financial center. It is a world class city, and it is also home to the world's busiest airport. More flights come in and out of Chicago's airspace than any other place in the world.

But the surprising thing is that we rank 30th, Chicago O'Hare ranks 30th overall in international flights and international passengers. Now if we were to change that and improve opportunities for American carriers to fly between Chicago and Japan, it would have a big impact financially and economically for working, middle-class families right in the Chicago region.

In fact, according to one study which I have read, one additional flight between Chicago and Japan could generate over one-half a billion dollars in additional economic benefits to the Chicago region. One-half of a billion dollars would benefit from just one more, one additional flight between Chicago and Japan.

As I have always said, when we improve transportation, we create jobs. That is why these negotiations have been underway, and we need to make an even greater effort to open the skies between Japan and the United States, because in doing so we are going to create jobs for working, middle-class families in Chicago, in the Midwest, and also throughout the United States.

It has been said, according to studies, the economic impact of lifting the current restrictions on nonstop Chicago-Japan flights could bring over 2,600 new jobs to the Chicago region just in the next 2 years. Our own Governor, Jim Edgar, stated recently that greater access to the expanding economies of Asia will mean more investments, more trade and more jobs for the people of Illinois and the Midwest.

That is why business and labor and politicians of both political parties have joined together in the Midwest-Asia coalition, working together to emphasize how important opening the skies between the United States and Japan is to working folks right here in the United States, particularly in our home area, in the Chicago area.

Some would say, "Well, what would happen if we do nothing, if nothing changes? What happens if we are unable to expand our current agreement with Japan?" Recent study found that the current restrictions on air travel between the United States and Japan cost the Midwest thousands of jobs and millions of dollars in salaries and probably at least $1 billion in lost investment in the Midwest and in the Chicago region, $1 billion in lost investment because of the current restrictions.

Think about what that would mean to the folks in the Chicago area, working middle-class families who would benefit from increased economic opportunity, more jobs and more opportunity.

My colleagues, I stand in strong support of the negotiations that are currently underway. I stand in strong support, as I know the folks back home do as well, of opening the skies between Japan and the United States. Because, as these negotiations move forward, I think it is important that our negotiators know that we stand behind them and that we are looking to them to open the skies, because by opening the skies, bringing in additional flights between Chicago and Japan will bring jobs to the Chicago region, more jobs, more opportunity. And frankly it is going to be in the best interest of the working folks, the middle class, in the Chicago region.

I yield back my time to the gentleman from Illinois, and again thank the gentleman from Illinois [Mr. HASTERT] for the opportunity to speak on this important issue.

Mr. HASTERT. Mr. Speaker, I include for the RECORD two editorials from Midwest papers:

[From the Chicago Tribune, July 3, 1997]

PHASING IN OPEN SKIES WITH JAPAN

O'Hare International Airport is the world's busiest in terms of passenger volume, yet it ranks only 30th in international business. Its overseas volume is less than half that of New York, Los Angeles and Miami—the top three international airports.

A broad-based, clout-heavy group of Midwest businesses and civic leaders—headed by Gov. Jim Edgar, Mayor Richard Daley and former U.S. Rep. Robert Michel—wants Washington to do something to help O'Hare. The administration should take the group's advice and act accordingly.

Specifically, the Midwest-Asia Aviation Coalition wants United States negotiators to reach a deal with Japan that would adopt a phased-in approach to competition, gradually allowing more flights between the two countries and permitting marketing agreements between U.S. and Japanese airlines.

A bilateral pact that immediately establishes open trade, or "open skies," would be preferable and should be the first, and ultimate, goal, but the Japanese government so far has refused, arguing the U.S. won't open its domestic market to foreign airlines. Japan, however, would accept phased-in competition.

United Airlines and American Airlines, which operate hubs at O'Hare, are coalition members and favor a phased-in approach like that taken with Germany and Canada. Minneapolis-based Northwest Airlines wants unrestricted access to Japan, with no limits on the rights of U.S. carriers to fly to other Asian destinations. Japan is willing to phase in open skies if there are limits on flying on to other countries.

International flights at O'Hare are restricted by the aviation pact between the U.S. and Japan. It gave United, Northwest and Federal Express the right to fly to Japan and beyond, but American and other airlines are allowed only limited service. At O'Hare, United has only six flights a week to Japan, while American can't even fly between Chicago and Tokyo. Northwest, with hubs in Detroit and Minneapolis, has almost as many weekly flights from the U.S. to Japan as the rest of the domestic airlines combined.

The coalition is just being realistic; Northwest is being protectionist. The choice doesn't have to be between immediate open skies or the status quo. The U.S. and Japan can allow more flights and new alliances that will promote business and growth.

A recent study by Arthur Andersen concluded that the number of passengers flying through O'Hare to Asia would more than double if sufficient flights were available. The increased traffic would add jobs and foreign investment in Illinois and the Midwest.

Gradual liberalization doesn't mean the goal of open skies should be abandoned. In fact, as the benefits of greater competition and service are realized, the resistance to open skies will dissolve. Meantime, some progress is better than none.

[From the Chicago Sun-Times, July 2, 1997]

MORE FLIGHTS TO JAPAN

As a Trivial Pursuit question, it is a lock for Chicagoans: What's the busiest airport in the world? O'Hare of course.

But where does O'Hare rank in international flights?

A surprising 30th. O'Hare's international volume is less than half that of New York, Los Angeles or Miami.

An opportunity to help rectify that comes as negotiators from the U.S. and Japan meet to retool a 1952 pact governing flights between the two countries. Under the outdated rules Chicago is artificially held to about 20 flights to and from Tokyo a week.

Some in the airline industry are pushing for "open skies" legislation, essentially allowing an unfettered flow of air traffic between the two countries. Negotiations, however, should not be allowed to collapse into an "all-or-nothing" conclusion. While we favor open skies just a liberalized stop-gap measure featuring a phase-in approach would be acceptable. Such a moderate approach is backed by a broad coalition of Midwest business, labor, trade, civic and tourism groups.

Economics demand it. currently, Japanese businesses may find the Chicago and Midwestern economic climate attractive, but the hassles of getting here send them searching for other American locales. If restrictions were dropped, the number of trans-Pacific passengers could double by 2000, says the Midwest-Asia Aviation Coalition. The coalition estimates that increased air service could result in 2,670 jobs to the Midwest and $52 million in additional salaries.

The current system, as Department of Aviation commissioner Mary Rose Loney says, "has put Chicago at a competitive disadvantage with other cities." Chicago is too important an economic engine for the Midwest to be hamstrung by regulations written 45 years ago in the pre-commercial-jet age.

Mr. Speaker, I yield to my colleague on the Subcommittee on Aviation, who also serves with another Illinois colleague who could not be here tonight and talk. The gentleman from Pontiac, IL [Mr. EWING], certainly has been a leader in this country. The gentleman has served with great distinction and has been a very active advocate of getting these talks in place and done so that we can start to open up our trade and air trade, aviation trade with Japan, and certainly hope that this would be expedited, especially in these talks that are going on this month and next week, September 22.

Mr. Speaker, I yield to my good friend, the gentleman from Chicago [Mr. LIPINSKI].

Mr. LIPINSKI. I thank the gentleman from Illinois [Mr. HASTERT] for yielding.

The American and Japanese negotiators are on the verge of replacing this outmoded 1952 agreement with a new accord which would dramatically increase air service between our two countries. Eventually such an agreement can lead to total deregulation or open skies.

I hope that Japan is not posturing. I hope that we are not posturing. I hope that we can use common sense and really make progress. I urge the administration to complete an agreement with Japan this month which liberalizes air service. We really cannot afford to wait. We have waited far too long already.

We have been asking both sides to put aside symbolic differences in the spirit of achieving real gains for consumers and business, not only in Chicago, IL, the Midwest, but really throughout this Nation. Opening up air travel with Japan just will give us enormous economic benefits, not only in this Nation but in Japan also.

Liberalization is a very important first step. The next step in ensuring that the Midwest historical disadvantage in air service to and from Asia is corrected with significant gains in the number of flights.

Mary Rose Loney, the city of Chicago aviation commissioner, said a new agreement is sorely needed even if it stops short of complete open skies. Dogmatic insistence on open skies may forgo present-day opportunities for a greater liberalized regime between the United States and Japan.

I recognize that open skies with Japan is not on the immediate horizon. The United States may need to accept a phased-in approach so our agreements would be like Germany or Canada, ones that started out very slowly but have expanded tremendously.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 168, IMPLEMENTING THE RECOMMENDATIONS OF BIPARTISAN HOUSE ETHICS REFORM TASK FORCE

Mr. SOLOMON (during the special order of the gentleman from Illinois, Mr. HASTERT, from the Committee on Rules, submitted a privileged report (Rept. No. 105-250), on the resolution (H. Res. 230) providing for consideration of the resolution (H. Res. 168) to implement the recommendations of the bipartisan House ethics reform task force, which was referred to the House Calendar and ordered to be printed.

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AIR SERVICE NEGOTIATIONS AIM TO INCREASE INTERNATIONAL FLIGHTS

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 minutes.

Mr. LIPINSKI. Mr. Speaker, I yield to the gentleman from Illinois [Mr. SHIMKUS].

Mr. SHIMKUS. Mr. Speaker, I rise today with my colleagues to urge the administration to complete an agreement with Japan to liberalize air service as soon as possible. As a new legislator, I am amazed at the arcane and outdated restrictions on air services to and from Japan. The restrictions agreed upon over 40 years ago severely limit the number of flights between Chicago's O'Hare airport and Japan.

One might think that at the world's busiest airport, serving approximately 118,000 passengers a day, a wide range of flights to Japan would be available. Yet with 42 weekly flights, even smaller urban airports in Detroit and Minneapolis offer more service than O'Hare. In fact, recently a San Francisco-based firm was looking into relocating to Chicago. However, because of the limited number of flights to Japan, the decision was made not to relocate.

The effects of this restriction are felt not only in Chicago, but throughout the rest of the State. According to a study recently completed by Arthur Andersen, O'Hare misses out on tens of thousands of passengers annually. Since 4 of Illinois' top 10 export markets are in Asia, just one additional flight between Chicago and Japan would generate up to $503 million annually in total economic impact.

A new agreement would unleash tremendous economic potential for the Asia-Pacific region and enable the Midwest to capitalize on the fastest growing economic market in the world. Again, Mr. Speaker, I urge the administration to complete an agreement with Japan which would liberalize air service and allow the Midwest to share in expanded service to Asia.

Mr. LIPINSKI. Mr. Speaker, I want to thank the gentleman for participating in this special order. I know that his words are sincere, and I think his words were potent.

Before I yield to the gentleman from Illinois [Mr. HASTERT], I would like to make mention of the fact that the gentleman from Illinois [Mr. EWING], who is very much involved in aviation, who serves on the Subcommittee on Aviation, unfortunately has not been able to join us thus far this evening because he is tied up on other business. But in the event that he does not join us by the time we finish our special order tonight, I want everyone within the sound of my voice to know that he, too, supports this and has been very much interested and involved in this issue for a very long period of time.

I yield to the gentleman from Illinois.

Mr. HASTERT. Mr. Speaker, I want to thank the gentleman from Chicago, my colleague and good friend from the other side of the aisle, in joining with this effort tonight. I think the message is strong and clear, strong and clear to our negotiators that are going to Japan next week and to those negotiators in Japan. It is time that we see eye to eye. It is time that we start to let competition into the process. It is time to let U.S. air carriers have the rights to carry passengers beyond Tokyo. It is time to have the right of U.S. carriers to be able to move from cities in the Midwest to other cities, such as Osaka. Those decisions should be forthcoming. They should be made next week. There are many, many people here in this Congress that are urging that to happen.

Again I thank the gentleman from Chicago.

Mr. LIPINSKI. I thank the gentleman from Illinois [Mr. HASTERT], a leader from the Republican side of the aisle, for taking the 1-hour special order and then joining in the 1-hour special order that I have on this very important topic. It has been through his leadership here in the House of Representatives that many of us have been very fortunate to be able to achieve a number of legislative goals that we have been interested in. With him aiding and assisting us in this particular effort, I believe that we will also be successful.

I want to go out of my way, though, to thank the individuals who came here tonight to speak in behalf of this issue: The gentleman from Illinois [Mr. POSHARD], the gentleman from Illinois [Mr. DAVIS], the gentleman from Illinois [Mr. BLAGOJEVICH], the gentleman from Illinois [Mr. WELLER], the gentleman from Illinois [Mr. LAHOOD], the gentleman from Illinois [Mr. SHIMKUS], the gentleman from Texas [Mr. SESSIONS], who joined us, and, of course, the gentleman from Illinois [Mr. HASTERT].

Mr. Speaker, before I conclude this special order, there are a few comments that I would like to make in regard to this subject. In recent editorials, both the Chicago Tribune and the Chicago Sun-Times called for the United States to adopt a phased-in approach to open skies if Japan continues to resist complete deregulation of air service between our two nations. The Sun-Times wrote, "Negotiations should not be allowed to collapse into an all-or-nothing conclusion." The Tribune said, "The choice doesn't have to be between immediate open skies or the status quo. The United States and Japan can allow more flights and new alliances that will promote business and growth."

Our largest aviation trading partner is Canada. Until 1995, the air transport market was extremely restricted. Like Japan, Canada feared open skies. What United States and Canadian negotiators forged was not an open skies agreement. It was something less. For example, beyond rights were and remain limited. The result, however, has been extraordinary. In the first year of the agreement, an added $2 billion was pumped into the United States and Canadian economies.

O'Hare International Airport in Chicago, the Midwest's primary aviation hub, is the world's busiest, but it has been mentioned several times earlier tonight that it ranks only 30th in the world for international passenger travel. This is a direct result of the restrictions of the 1952 bilateral agreement.

The gentleman from Illinois [Mr. BLAGOJEVICH] mentioned that back in 1952, the Baltimore Orioles did not exist. They were still the St. Louis Browns. The Oakland A's did not exist, either. They were the Philadelphia A's. But if we go back to that period of time, to show you that the expansion that has taken place in so many areas has not occurred in the aviation industry in regards to our relationship with Japan, there were eight teams in the National League, eight teams in the American League, and look at how many teams we have today.

The same thing could be talked about in regards to the National Football League, the great expansion since 1952; the National Basketball Association; the National Hockey League. Everything has expanded. More people are involved, more businesses created. Yet our relationship with the Japanese in regards to aviation has been stymied because of the Japanese refusal to liberalize the agreements that were agreed to back in 1952, before rock and roll, as the gentleman from Illinois [Mr. BLAGOJEVICH] mentioned here earlier.

The point I want to make is that we must get the relationship between the United States and Japan into the 21st century. The Japanese need it, we need it in this country, and for far too long we in the Midwest, the East, and the South have been deprived of the opportunity to expand our business dealings, our tourism with Japan.

We have a historic opportunity this month to explode the business we can do with Japan. All we have to do is have our negotiators be willing to take something less than open skies. Take the deal that I outlined the first time I spoke. It will be beneficial to every carrier in this country. It will be beneficial to every business in this country. And most importantly, it will be beneficial to every citizen of this Nation.

TEEN PREGNANCY PREVENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I am here this evening to really report good news and bad news on the level of teen pregnancy. Because we care about our young people, and because they care about themselves, we must celebrate the good news and work to improve the bad.

Mr. Speaker, the good news is that fewer North Carolina teenagers became pregnant in 1996 than in 1995. It was the sixth year in a row that the teen pregnancy rate has fallen in North Carolina, and that is good news.

The bad news is although the teen pregnancy rate has fallen, and that rate continues to fall, it has been rising in many countries including the United States. And in 1996, the teen pregnancy rate for North Carolina girls between the ages of 15 and 19 was 10th highest in the country, 89.8 out of 1,000. That is indeed the bad news.

I am here today for our young people, because they care and they need to have an opportunity. They want a job, they want a career, they want a chance. They want to be both positive and productive in their future. Our young people want an education, a career and a chance, a chance for the future to make a difference, not only in their lives, but in their communities' and in their families' lives.

I have had now nearly one dozen teen pregnancy forums in my district over the past few years, and for the express purpose of helping our young people look toward achieving their goals of having a career and having a positive future. In those forums, we focused on the importance of both boys and girls taking responsibility to prevent adolescent pregnancy.

Premature pregnancy can affect teens physically, but more importantly it impairs their stride toward success. Each year approximately 1 million teens become pregnant. Once a teenager becomes pregnant, there simply is no good solution to that problem. The best solution is to prevent the pregnancy in the first place. The "Kids Having Kids" report released by the Robinhood Foundation gives the alarming costs and consequences of teenage childbearing. It shows that teenage childbearing costs U.S. taxpayers a staggering $6.9 billion each year, and the cost to the Nation in lost productivity rises to as much as $29 billion annually.

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The consequences to the families and to the children of these teen parents in health, social, and economic development are devastating.

Let me just cite a few of those report findings. More childhood health problems: They are more likely to be born prematurely, and 50 percent more likely to be born with low birth weight than if their mothers had been older when they were born.

Increased child abuse: They are twice as likely to be abused and neglected if they are born to teenage parents. Trouble in school: They are 50 percent more likely to repeat grades and to perform significantly worse on cognitive development tests.

Reproducing the cycle of poverty: The girls born to adolescent moms are more than 83 percent more likely to become teen moms themselves, 83 percent.

Behind bars: The teenage sons of adolescent mothers are up to 2.7 times more likely to land in prison than their counterparts in the comparative group.

By extension, adolescent child bearing in and of itself costs taxpayers roughly $1 billion each year to build and maintain prisons for the sons of young teenage mothers.

Kids having kids is the most comprehensive report done on the costs and consequences of teenage pregnancy to parents, children, and society. This ground breaking report graphically illustrates the financial loss in terms of social and economic costs to our Nation. I want young people to be in the optimum position to prepare for the rest of their lives. That means postponing sexual involvement until a much later time in their life when they are mature on these decisions.

There are positive options we should make sure that all of our teenagers have as they grow to be adults. Young people should recognize those positive options. But we should make them available to them. We must provide real choices for a real chance in life.

Some of the young people in North Carolina have taken this first step, and we want to say congratulations to them. However, Mr. Speaker, the good news is that they have done that. The bad news is not enough have done that.

We are part of the responsibility, and we are part of the solution to make sure that the bad news turns into good news.

TAX CODE NEEDS REVAMPING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to talk tonight about a number of issues, but before I do so, I wanted to commend the gentlewoman from North Carolina on a very, very important topic, one which I think is probably one of the biggest issues in America today, and certainly I appreciate your leadership on it. I am from Savannah, your hometown. As the gentlewoman knows, we have a tremendous problem because of so many teenage pregnancies.

Mrs. CLAYTON. I appreciate the gentleman recognizing this as an important problem, and part of the thing I have been trying to get my colleagues to recognize is we are part of the problem if we are not part of the solution. We as adults in society or parents or leaders or colleagues in this deliberative body, we have to make opportunities for young people to say yes to positive options, rather than their saying yes to negative ones.

As the gentleman and I know, there are no good solutions to teenage pregnancy. Once they are pregnant, there are a lot of consequences to that action. There is a young kid raising a kid. That kid, as I said earlier, may have societal problems where they draw on the public for a variety of their assistance. They are sometimes behind in school, the young ladies sometimes repeat that cycle, and part of my bringing this issue up is to suggest that all of us have a responsibility.

I am not here to hold them up in scorn. I am up here to say I care about young people, and if I care about them, I want them to be positive in life, and teenage pregnancy gets in the way of them developing themselves and being the adult that they could be.

Mr. KINGSTON. I agree with the gentlewoman. I was speaking the other day in Brunswick High School, to the junior school, a lot of 16-year-old kids. The young women in that class were particularly interested in a lot of issues, but we got on the success of abortion and so forth, and the subject of choice, and one of the things that I said is remember, you are 16 years old. Decisions about sex are tremendous, major league, life-affecting decisions. You may be pro-life, you may be pro-choice. Whatever your decision is, it is a major league decision when you get into that arena.

So I would say to you, young 16-year-old boys and girls, be very, very careful. This is not deciding what kind of car you are going to drive, what you are going to study, what sport you are going to play or what band you are going to go to. This is a major league decision, whatever you choose.

You need to be very, very cautious about it. Sometimes I think that we as adults do not talk to the kids enough. I have a 14-year-old daughter, and in talking to her, and then turning around and talking to my peer group parents, I am alarmed at what the parents are not talking to their children about.

To some degree, and I would say it is my opinion, if my daughter gets pregnant, it is not her school's fault, at some point it is not my fault or her mother's fault, it is her fault. To put that kind of mentality in her where she is shifting the responsibility and saying you know what, look at yourself in the mirror, you have to take a major role here, and we are always reluctant to talk frankly with our young people, and yet in so many ways they can handle it. But we have got to put them on notice and talk to them.

I find time and time again, parents are not talking to them. I have some drug statistics that I will share later on, it is just unbelievable that parents do not know what is going on with their kids.

Mrs. CLAYTON. I appreciate the gentleman yielding. I want to say to you young people can handle more than you think, and they are handling more than you realize. We are afraid somehow to converse with our young people, but we are conversing non-verbally with them. We give mixed signals that it is not important. We talk about those things that are important to us. We have somehow a reservation about talking about sex.

I am old enough to know my mother had reservations in talking to me about it. I probably conveyed that similar reservation to my adult children, they tell me. But as we get older, we understand that we need to embrace that.

I have looked at talking about sexuality very early, through your church, your home setting, as well as your school, so young people can see that this is not a mystery. This is God's way of procreation, but it is also having people to be positive about themselves. Just as a young man is positive about himself running around the track. He abstained from smoking and staying up. Why? Because he wants to achieve something.

We want to have that same attitude in our young people, that they want to achieve something in life, so you have to say yes to this set of things, staying in school, making sure you do not put certain things in your body, you do not engage in premature sex, that you find those kind of development skills that challenge your mind. You take difficult classes. That is because you have a goal.

So if we begin giving young people goals, rather than scorning them, I think you would have less young people in trouble. I commend the gentleman and express my appreciation for allowing me to interact. I know the gentleman cares about this issue.

Although we come at it a different way, I think abstinence certainly is the number one issue. I also think we should do a lot about family planning. I just think to ignore that young people are engaged in conversation with people is to ignore reality. That is why family planning is so important. That is why I think parents ought to talk to the young people, because other young people are talking to them.

You would be amazed. I just had a forum with a group to talk about the media's influence on them. You would be amazed at what young people are saying to each other about the subject.

Mr. KINGSTON. On the subject of family planning, the most effective course is going to be at home in the family, not the extended institutional family.

Mrs. CLAYTON. You know, all of our young people are not blessed like your young people and mine, and to ignore that is to dump them in the streets. They need some institution embracing them or somewhere where they get factual information and credible information, not the stuff they hear on the street.

Mr. KINGSTON. I agree. Parents have got to come back into the formula. We are moving in the same direction on this.

Let me say one thing that I have been appalled about with the parents. They are bombarded. When you ask parents, well, do you listen to your kids' rock and roll? And parents think rock and roll, they think the Beatles, the Rolling Stones, Pink Floyd or Jimi Hendrix. They think of their rock and roll generation. They do not understand the Fujis or Tori Amos or some of the groups now that are out there. They are not singing "I want to hold your hand." They are very explicit on sex. Sometimes those explicit sex labels or lyrics are not on the CDs that the kids are buying. Parents should take that opportunity to say "let me see what you are listening to," because now most of them have the words out there.

I have had this happen with my daughter Betsy, because I like music, and I like to sit down with her. I cannot believe some of the stuff, the "F" word all the time; sex, all the time. What it does is it gives parents an opportunity to see what their kids are up against every single day of their life, but it also gives, between parent and child, an opportunity to talk. Sometimes parents say "I am a little reluctant to talk to my kids about sex or whatever, and I do not know how to bring it up."

All you have got to do is open some of their magazines, maybe read some of the inscriptions in the yearbook, read some of the lyrics on their records and CDs. There is a volume of material that is an entree for parents to get involved and started talking.

Mrs. CLAYTON. I agree. There is a lot of opportunity for parents to give monitoring guidance and advice about not only the magazines they read, the music they hear, the shows they look at, but that comes from parents being engaged with their young people and taking some responsibility and not leaving it indiscriminately to their young people to buy whatever they want or watch whatever TV they watch.

Also parents ought to express concerns to the media. Still, it is a market-driven situation. If there were enough parents speaking out, young people are going to like different music from what their parents liked. What we call rock and roll, our parents called something else. So you should expect that. Young people want their music. Your music is called the oldies. They do not want to hear that stuff. My kids used to turn the radio when they got in my car. They knew where it was.

So you have got to have an opportunity for them choosing their own music. So the idea is to set standards for them to select within their sphere. You cannot make them like what we like. That is inconceivable, for young people to embrace what their parents liked. But we can have standards by saying what is acceptable for your development, what is ideal for your character formation. Those are things that come from parents engaging, and not enough parents are there, so institutions must be engaged. To ignore that is to relegate too many young people to the street, and we will continue having what is happening already.

Mr. Speaker, I commend the young man for allowing me to interact in his special order.

Mr. KINGSTON. I appreciate your leadership, and look forward to working with you as we wrestle with the issues.

Mr. Speaker, one of the issues I wanted to talk about, that ties into this on the subject of age-appropriate parenting and marriage-based parenting, has to do with the kooky policy that we have in our Internal Revenue Code that says when two people get married, they pay more taxes. It is true, Mr. Speaker, that right now it is less expensive to live together than to get married.

If we agree that marriage is a good institution and we agree that marriage-based parenting is the best way to raise kids, then we should have a tax policy that says when you get married, you either get a tax credit, or at least you do not have to pay higher taxes because of the union between a man and a woman. But right now we have what is called a marriage tax penalty, and it penalizes, of course, working folks.

It is time for this Congress to act on the marriage tax penalty, to repeal it, so that people are not encouraged to live together and they are encouraged to get married, if that is what they want to do, or at least not be discouraged by the tax system.

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A couple of things also that are affecting the family that I wanted to share with my colleagues, Mr. Speaker, on this subject of children. Right now, average middle school students, and this is a very recent survey, shows that by the age of 13, 40 percent of American students know someone who has used acid, cocaine or heroin. Thirty-four percent of the 13-year-olds have friends who are regular drinkers. Twenty-nine percent of the 13-year-olds in America can buy marijuana within a day, and 12 percent can buy it within an hour. Twenty-seven percent have friends who use marijuana, and one of four have attended a party in the last six months where marijuana was used. I do not think parents know to what extent the drug problem is in America.

Now, let us go up a couple of years. By the time these kids are out of middle school and in their senior year, age 17, two-thirds can buy marijuana within a day, 44 percent within an hour; 62 percent have friends who have used marijuana, and 21 percent will say that more than half of their friends use marijuana. Half of the kids have seen drugs personally sold on their school grounds, and 60 percent of American 17-year-olds attend schools where 60 percent of the kids drink on the grounds.

We are losing the war against drugs. I think that the President certainly has a right to bring up this tobacco situation, and we need to reduce teen tobacco use. There is no question about it, and I think we can do a lot in that regard. Yet, while we are debating the tobacco wars, it is a shame that for the columns and the ink and the advertising and the air time that has been spent on tobacco, probably not even one-tenth has been spent on the drug problem. These are tremendous problems, Mr. Speaker.

This is something that centrally affects all of the children in America, and if one does not believe it, talk to a 13-year-old, 14-year-old, 15-year-old, 16-year-old, 17-year-old; find out from them directly, do not take my word for it. Sit down and talk to the kids. As somebody who goes to lots of high schools and lots of student groups to talk, I have seen these statistics are roughly true. I believe that is a tremendous crisis that is facing our country.

Our country, as my colleagues know, Mr. Speaker, has lots of crises, and we as Americans, the great Nation that we are, we face crisis after crisis and we live up to it, and time and time again we pull through. I think a lot of the secret to our success is because of something that happened on this date in history, September 17 in 1787, and that was of course the signing and general ratification of the United States Constitution. Our Constitution, as my colleagues know, came as a result of the Articles of Confederation not being strong enough to meet the needs of the American system of government after the Revolutionary War.

The thing about after the Revolutionary War, we spend a lot of time talking about Francis Scott Key, and we can stand on the gunnel of the ship with him as we see the ramparts in the air and the flying through the night, and we think about the glory of the great American Revolution. We think about Francis Marion, the Swamp Fox of the Revolution, hiding in the oak trees and the Spanish moss with the alligators and the snakes and the mosquitoes and running raids on the British soldiers, and them realizing that if somebody is willing to sacrifice that much for freedom that they probably cannot be defeated on the battlefield.

We think about the Francis Marions of the world. We think about George Washington at Valley Forge. We think about Nathan Hale, a school teacher who went behind enemy lines to spy on Cornwallis, and who, when caught, with a noose around his neck, utters the words, "I regret that I have but one life to give for my country."

Incidentally, Mr. Speaker, that was moments after the British asked him what his last request was, and his last request was to write a letter to his mother and asked them to deliver it, and the British soldier took the paper and tore it up, and he turned around and made this great and wonderful lasting statement about America.

That is our glorious Revolution, and yet sometimes we do not remember that once in war, after we take the hill, sometimes the work is not finished at all, but just beginning in a new phase, and that is where America was after the Revolutionary War. We had a weak executive. We had no, virtually no court system, and the power of the States was tremendous, so there was little State unity. It was clear that the Articles of Confederation needed to be rewritten. So a Constitutional Convention was called on May 14, 1787.

Now, politicians being politicians, it took them from the 14th until the 25th until they had a quorum. Now, we think about how long it takes us to have a quorum coming over from Longworth and Cannon and so forth, but here they had to go by horseback and sometimes they did not even know there was a quorum call. But it took them a while, and finally they got a quorum and they went to work, and out of 55 delegates, 39 made it until September 17 to sign the Constitution.

It was a great period in history. A lot of the big minds, the great minds of our history were in the room: Alexander Hamilton, Benjamin Franklin, Madison, Washington, a lot of the great thinkers, and yet other people were gone. Thomas Jefferson was in France; John Adams was in Britain; Samuel Adams, not a delegate; Patrick Henry refused to because he did not like the idea of a strong, centralized government.

They got together and in September passed it. It took until July 1788 before the State of New York actually ratified it, but the Constitution was brilliant. It was profound, and it was concise.

The major parts of it, part one, the legislative branch, the apportionment, at that time there was a lot of growth in the State of Virginia, some growth of Georgia coming on, but a question as to how many Members of Congress would we in Georgia have. It was decided through a tie, and I believe that Washington and Franklin were both very integral on this, George Washington actually leading the way, that we would have one Member of Congress per 30,000 people, so Georgia ended up with three Members of Congress and Virginia with 25.

Now, when we think about our Congress today, we are at 600,000, and no doubt at the next reapportionment it will probably ease up to 625,000 or something like that.

The legislative branch was outlined in section 1. Also, the power to collect taxes and borrow money. Now, just think about that. We have certainly utilized section 1 of the Constitution to the fullest extent. Section 2 gave the executive branch strong authority. Section 3, the judicial branch.

Now, one of the problems that I think we are experiencing in some parts of the judiciary, the judges can get in an ivory tower. We know the case last year, Mr. Speaker, of a judge who when a drug case got to his court, and the circumstances were such that a woman was driving around in a high-risk area in, I believe, New York City, some guys came out from the darkness. She opened the trunk, and they pulled out of it two duffle bags of cocaine. When this happened, the police sting operation moved in, and the people ran, and the judge threw out the two duffle bags of cocaine as inadmissible evidence because he said that in that part of the country, in that part of the city, it was appropriate to run from the police because the police are oppressive.

Now, that was later, because of the public outcry, the judge backed down on that, but it is pretty bad when we have members of the judiciary who are so high in an ivory tower that they remove themselves from the real world.

I think that can happen in any branch, but with our legislative, executive and judicial branches of government, we all have to keep each other in check from time to time, and certainly the judges have no hesitation of keeping Congress in check.

Section 4 of the Constitution, the interstate commerce clause, part of that was how does a State become part of the Nation. When I was first elected to Congress in 1993, I believe one of the big issues was making Washington, DC, a new State, which was voted down, but that was actually outlined in the Constitution.

Section 5, amending the Constitution. Mr. Speaker, since the beginning, we have had 4,900 proposals to amend the Constitution. I believe only 27 have passed. And Miss Johnson at Brunswick High School corrected me on that the other day, so if I am wrong, we are going to talk to Miss Johnson about it, but Miss Johnson is never wrong.

We have votes on this this year. As my colleagues know, the Balanced Budget Amendment would be another amendment; and flag desecration, to prevent people from burning Old Glory or using it in certain manners, as they did in one art gallery where they put the flag, the United States flag on the floor and had, including young school children, had it arranged such that people had to walk on the flag to see the art exhibit. That would have been prohibited. Another so-called art exhibit had Old Glory stuck in a toilet halfway, and I guess in certain parts of the world, that is considered art. But the flag desecration amendment would have addressed things like that, and that was in section 5.

Section 6, one thing we argue very often around here is the Nation rules over State, national government can supersede State laws, and that is something that of course we fought a war over, and some other issues. That is constantly argued about and debated year after year.

Section 7 talks about how to ratify. As I said, actually New York waited almost a year to ratify the Constitution. North Carolina and Rhode Island actually held out for the Bill of Rights, and the Bill of Rights, as we know, were the first 10 amendments, including very, very importantly, the First Amendment, freedom of speech, freedom of religion, freedom of the right to assemble.

I reminded the school kids the other day, the right to assemble, how important that was to civil rights activists in the 1960s when the civil rights movement was at its heyday. Where did they meet? They met in churches, and they did not need a permit from the governor to do that, as in the early days of the colonies they had to have a permit from King George to get together and that was one way that they kept people from organizing.

In terms of freedom of speech, we are having huge debates right now on what should be on the airways, what should be on the Internet. The number one hit area on the Internet today is pornography.

Now, the question is, Mr. Speaker, should we have the right of freedom of information, freedom of speech on the Internet? I think most Americans would say yes to that. Okay, what about the 10-year-old? Should he or she have a right to it? People would say well, yes. Now, how do we draw the line? It gets a little more complicated the more we explore what our rights are and then what we are potentially exposing people to.

Other things, do we want certain people to have access to how to make a bomb, and would that be something that we would want to guarantee that freedom of speech right to certain folks, maybe prisoners or something like that? Points to ponder.

We have right now under the freedom of religion debated the Istook amendment. That is the Religious Freedom Restoration Act that would allow for nondenominational student-led prayer in school, and yet, there are some cases where that is going to be very controversial. We may and may not have a vote on that amendment. But again, it goes back to the First Amendment.

The Second Amendment, well, we never, ever debated gun control in this body, Mr. Speaker. At least not this week, we will probably get to it next week. But we are always debating these things, and I think the fact that we are makes the Constitution a living, breathing instrument. It shows how profound it is. People do not realize that the American Constitution, while over 200 years old, is one of the oldest constitutions in the world. Britain, France, Japan, all the major nations of the world have had to rewrite their constitutions, but not ours.

□ 2000

It is a great, great document. On this date we, as Americans, should be as aware of September 17 as we are of July 4. I want to mention some names. Mr. Speaker, I will submit all these names, but I want to read a few names, because I want to show what these people were.

George Washington, a planner, a soldier, a statesman;

Nathaniel Gorham from Massachusetts, a merchant;

Rufus King from Massachusetts, a lawyer;

From New Hampshire, John Langdon, a merchant;

William Samuel Johnson, from Connecticut, a lawyer;

Roger Sherman, from Connecticut, a shoemaker;

David Brearly, from New Jersey, a lawyer;

Benjamin Franklin, a printer, a statesman, a scientist, a philosopher;

Thomas Mifflin from Pennsylvania, a merchant;

Robert Morris from Pennsylvania, a merchant;

John Dickinson from Delaware, a lawyer;

Jacob Broom from Delaware, a surveyor;

William Blount from North Carolina, a landowner;

Hugh Williamson from North Carolina, a physician;

Charles Pinckney, from South Carolina, a lawyer and a soldier;

William Few, from Georgia, a lawyer and member of the State legislature;

And Abraham Baldwin from Georgia, a clergyman.

They came from all walks of life, and they got together and formed almost a perfect document, or to the world of government certainly one.

Mr. Speaker, I yield to my friend, the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Georgia. Indeed, as he recalls those who signed the document that was ratified as the Constitution of the United States, I am reminded that in just a few hours, in the Valley of the Sun in the Sixth District of Arizona, many who reference this Constitution will gather to celebrate the vibrancy of this document and its importance.

As the chairman of the Congressional Caucus founded during the 104th Congress, I would say to my colleagues in this institution, and Mr. Speaker, to those who watch throughout our Nation and around the world, that it is this document that we swear to uphold and defend when we take the oath of office.

The challenge for us, I believe, Mr. Speaker, is not one that can be summed up with some sort of political phraseology. There are those here in this body and elsewhere in this town who talk about reinventing government. There are others who have written, part of the Fourth Estate who have written, as journalists, that this new conservative majority in Congress is here for a revolution.

Mr. Speaker, let me simply say that I do not believe what we are all about is a reinvention or a revolution. I think, instead, that we would be better off as a country and as a Congress representing those in our country to really try to work for a restoration, a restoration of what this document intends, enumerated powers specified in the Constitution of the United States.

Sadly, what we have seen over the years is that many have taken this document, and they have put it up on the shelf. It is dusted off from time to time in commemorative weeks for historical observance, but our challenge is to live the Constitution. It is a remarkable document, founding this great Republic. If we remember, if we restore what this document means, with its limited and enumerated powers, then we will serve the American people well.

I would say that certainly there are differences of opinion. We champion those differences of opinion. There are those who claim that this document has great implied powers. That debate should continue. That is the essence of our constitutional republic.

But I think it would be important to remember that as one author put it, Catherine Drinker Bowen, in that remarkable title that reviews the history of the Constitutional Convention, that what our founders were about was putting together what she titled in her book "The Miracle at Philadelphia"; the fact that people from different walks of life, enduring hardship, covering great distances, would embrace a notion that has continued to thrive over two centuries, the notion that here in this Nation, the people are sovereign, a thought that was groundbreaking 2 centuries ago, where, in the kingdoms of Europe, and indeed throughout the world, the notion was that power was conferred from God on a sovereign, someone sitting upon a throne. Here, our notion of governance is that God confers rights on people first, and then people confer power on the government.

Small wonder, then, that the document starts with the three words, "We, the people." And to understand the eloquence and the miracle of that accomplishment in Philadelphia is something that I think all too often we perhaps minimize or perhaps try to put in a special relationship. These were very human people with very human failings.

The book, "Miracle at Philadelphia" encapsulates some debates that, quite candidly, Mr. Speaker, were less than civil, emotional outpourings, honest disagreements; and yes, from time to time, dare I say it, personal attacks. But even through the midst of that type of strife came this remarkable document.

It would be my hope that as we continue to work through this 105th Congress, that we work together, acknowledging differences, coming to the floor in this remarkable Chamber, where 435 of us have been chosen by our fellow citizens to represent them.

It would be my hope that we would do more than simply take this document out and dust it off and speak of it eloquently in commemorative fashion, but to remember that this is a living document, a Constitution of enumerated powers that, if we remember and restore that intent, we will have what Thomas Jefferson spoke of when he talked about a limited but effective government. That is what we should rejoice in and that is what we remember tonight.

Mr. Speaker, as pleased as I am to join my colleague, the gentleman from Georgia, I am also very pleased to join one of the newcomers to the people's House who joined us here in the 105th Congress, our good friend, the gentleman from New Jersey [Mr. PAPPAS].

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I thank the gentleman for yielding to me. I really was quite inspired in hearing the gentlemen speak of what is being celebrated this week as a truly momentous occasion, the history of the world.

We tend to overlook it, but the little booklet the gentleman is holding in his hand, I carry one of those in my briefcase. Every once in a while, especially traveling back and forth between here in Washington on the train, just the other day I read through it. I try to read through it every once in a while when we are dealing with an issue that a portion of the Constitution may deal with specifically. I just find it very helpful.

But as I was thinking about participating in this discussion tonight, I thought of doing something a little bit differently, and in talking to the gentleman from Arizona [Mr. HAYWORTH] and the gentleman from Georgia [Mr. KINGSTON] and those that may be viewing hopefully back home in New Jersey, I will talk a little bit about the four people from New Jersey who participated and signed the Constitution.

For my friend, the gentleman from Georgia [Mr. KINGSTON] and my friend, the gentleman from Arizona [Mr. HAYWORTH], and the chairman from Louisiana, I will give a little history on the four gentlemen.

William Paterson, Jonathan Dayton, David Brearly, and William Livingston.

William Paterson was born in Ireland in 1745. When he was almost 2 years of age his family emigrated to America, disembarking in Newcastle, Delaware. In 1750 he settled in Princeton, New Jersey, which is part of my district in central New Jersey, and became a merchant and manufacturer of tin goods. His prosperity enabled him to attend local private schools in the college of New Jersey, which is now referred to as Princeton University.

Paterson studied law at Princeton under Richard Stockton, a very famous name for those of us in central New Jersey, and later was to sign the Declaration of Independence. Near the end of the decade he began practicing law in New Bromley, in Hunterdon County, also a county in my district.

Then he moved to South Branch, a section of Somerset County, which is my home county. In 1779 he located in New Brunswick, central New Jersey, which is the town that I was born in. The War for Independence broke out. Paterson joined the vanguard of the New Jersey patriots, served in the provincial Congress from 1775 to 1776, the Constitutional Convention in 1776, several other capacities. He also held a militia commission, and from 1776 to 1783 he was the Attorney General for New Jersey, a task that occupied so much of his time that it prevented him from accepting election to the Continental Congress in 1780.

In 1789 he was elected to serve in the U.S. Senate, and he played a pivotal role in drafting the Judiciary Act of 1789. The next position was Governor of his State, my State, for 4 years. He began working on a publication called the Laws of the State of New Jersey. During the years of 1793 through 1806 he served, and I did not know this until this evening, he served as an Associate Justice of the U.S. Supreme Court, and served with distinction.

Jonathan Dayton was born in Elizabethtown, now known as Elizabeth. He practice studied law and established a practice. He sat in the Continental Congress through 1788. He became a foremost Federalist legislator, and although he was elected a representative, he did not serve in the first Congress in 1789, preferring, instead, to become a member of the New Jersey Council and Speaker of the State Assembly.

However, he did serve in this body, in the U.S. House of Representatives, from 1791 to 1799, and became Speaker in the Fourth and Fifth Congresses. The city of Dayton, Ohio, was named after him. He owned extensively landholdings there, I am told over 250,000 acres. The city of Dayton, named after him, many believed to be his greatest monument.

One of the two other people, David Brearly, was born in Trenton, New Jersey. He attended but did not graduate from Princeton; the College of New Jersey, now Princeton. He was elected Chief Justice of the New Jersey Supreme Court, a position he held until 1789. His career was short. He presided at the New Jersey Convention that ratified the Constitution in 1788, and served as a presidential elector in 1789, and President Washington appointed him as a Federal district judge. He served in that capacity until his death.

The last person, William Livingston, was born in Albany, New York, in 1723. He became a member of the Essex County, New Jersey, Committee of Correspondence, and in 1776 he left the Congress to command the New Jersey militia as brigadier general, and held this post until he was elected later. He was the first Governor of the State of New Jersey. Tom Caine served as the Governor of our State in the 1980s, and he is a direct descendent of William Livingston.

He served as a delegate to the Constitutional Convention, though his gubernatorial duties prevented him from attending many of the sessions. I am very proud of these four gentlemen from New Jersey.

Mr. KINGSTON. Mr. Speaker, I would say, Livingston also sat on the committee that drafted the Declaration of Independence.

Mr. PAPPAS. That is correct.

Mr. KINGSTON. He is a very important historical figure. The gentleman actually had a fifth delegate named William Churchill Houston who did not sign. And it is interesting, because in Georgia we had a William Houstoun who also did not sign. They spelled their names slightly differently. The one in the New Jersey was H-O-U-S-T-O-N and the Georgia one is H-O-U-S-T-O-U-N.

As was the case with so many of the delegates, they had to go back home and conduct business or see about family or whatever, and not all of them made it to the actual signing, but boy, did they make their imprint on history, not just for all of us, but in the world.

Mr. Speaker, I yield to the gentleman from Arizona.

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Mr. HAYWORTH. Well, I thank my colleagues from Georgia and New Jersey, and I think about those who helped to write our Constitution but also those blessed in history to help draft the Declaration of Independence. I think of so many who gave so much, and indeed history has well-chronicled the hardships of many of those who signed our Declaration.

As eloquent as the first few words in the Constitution of the United States are, that wonderful, beautiful Preamble, I am also struck by the faith and the determination of our Nation's Founders in the final words in the Declaration. Those words we should remember.

> And for the support of this declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes and our sacred honor.

Mr. Speaker, I said earlier that for some reason, as years pass, we tend to view these events perhaps not through rose colored glass but with an unwillingness or, dare I say, ignorance of the hardships many of these people faced. Several signers of the Declaration saw their personal fortunes fall as the cause of this Nation rose. Others gave their lives. Others saw their families destroyed. It was not some small, some item done without consequence.

For as great as the impact was on the world, it can be argued the impact was felt also in a much more personal way by those who pledged their lives, their fortunes and their sacred honor.

Mr. Speaker, I mentioned earlier that this is a living document, our Constitution now, which we celebrate this week, over two centuries and a decade being applied, being the foundation of our constitutional republic, and after that beautiful Preamble——

Mr. KINGSTON. If the gentleman would yield. Would the gentleman go ahead and read the Preamble or should I? I think we should remind everybody about this.

Mr. HAYWORTH. I would be honored.

Mr. KINGSTON. Back years ago schoolchildren were required to memorize this. What a shame that is no longer the case.

Mr. HAYWORTH. I thank my colleague from Georgia for pointing that out, and let me indeed read the Preamble.

> We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity do ordain and establish this Constitution for the United States of America.

Mr. Speaker, after that beautiful Preamble comes Article I, section 1 of the Constitution. And I believe that is something where we need to remember and restore the intent of our Founders of the past. "All legislative powers herein grant," it reads in Article I section 1, "All legislative powers herein granted shall be vested in a Congress of the United States," and yet one of the historically seismic shifts, if you will, in our opinion, constitutional republic has come in this century as this institution has ceded its power to a branch of government not articulated in this document but one, Mr. Speaker, that I believe historians will comment on, a fourth branch of government, the regulatory state.

With that in mind, I believe we should heed what Article I, section 1 of the Constitution says, and that is why I have introduced in the House and in the other body Senator BROWNBACK of Kansas has introduced the Congressional Responsibility Act; understanding that as industries have developed; that as life in these United States has changed over the years, that there must be a modicum of regulation; that as Theodore Roosevelt pointed out earlier in this century, it was good to involve experts, men of science in government, helping us draft regulations to ensure the safety of food product, to ensure transportation safety, to ensure cosmetic safety, and as we have seen with many different industries that have literally been born in this century, aviation, broadcasting, a variety of different endeavors, there needs to be regulation but, again, we should remember Article I, section 1 of this document.

So what the Congressional Responsibility Act would do would be to simply say that when regulations are promulgated by these executive agencies within the Executive Branch, that in addition to a time of public comment; that before these regulations, these proposed regulations, are published pellmell in the Federal Register, that those proposed regulations be returned to the Congress for an up or down vote in expedited fashion. And if voted down, well, then those proposed regulations would be sent to a respective committee of jurisdiction and those regulations, proposed regulations, would be treated as any other proposed law.

Because here is the curious occurrence that exists today, and it is this. What we have done unintentionally, what we have done, born with the best of intentions, has been to transfer power not only from the people to their elected officials but ofttimes now to bypass elected officials and put the power in the hands of the unelected.

Mr. PAPPAS. If the gentleman would yield, Mr. KINGSTON.

Mr. HAYWORTH. I would gladly yield to the gentleman from New Jersey.

Mr. PAPPAS. If the gentleman would yield, I wanted to respond to my friend from Arizona. I experienced the same thing as a county elected official in my State of New Jersey; that the unelected bureaucracy, at whatever level of government, tends to desire to have more of the decision-making; that we as elected officials are accountable to our constituency for. That is something that is pervasive in all levels of government. What happens here at the Federal level, so difficult for the public to understand and to deal with, is the size of it, the scope of it and the sense that it is so distant; that there is an inability for the public, the taxpayer that provides the funds for these programs, to have any kind of an effect on the programs and the regulations that are enacted that affect our daily lives.

I have just been pleased to be a part of this special order, to again celebrate something that we have and are so fortunate to have as American citizens. I think we take it for granted, and this opportunity to highlight an amazing document that an amazing group of people wrote, and were it not for divine providence, as they refer to it, the hand of God, we would not be here as Americans today.

Mr. KINGSTON. I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank my colleagues for this opportunity and also to point out that this is a living document that we need to restore. That is our mission here in the 105th Congress as we work to honestly engage each other in debate and problem solving; as we work within this constitutional republic.

I mentioned earlier the work of Catherine Drinker Bowen and her book "Miracle at Philadelphia." Let me say, Mr. Speaker, that the miracle that should continue to astound the world is that we, as human beings, for all our failings and frailties and disagreements and challenges, have been able to preserve this constitutional republic for two centuries and a decade.

Indeed, the miracle occurred not in Philadelphia two centuries ago, although that was important, the miracle occurs in Phoenix, AZ; in Phoenix city, AL; in Flagstaff, AZ; in Savannah, GA. The miracle endures, and our challenge is to preserve it, to protect it, to defend it and to represent those who sent us here to the best of our abilities. And it is my privilege to yield to my colleague from Georgia for his closing thoughts.

Mr. KINGSTON. Mr. Speaker, I thank my colleagues. The interesting thing, along the lines of the words of the gentleman from Arizona [Mr. HAYWORTH] in 1997 were said nearly 100 years ago by Grover Cleveland, and these are his comments that I want to close with. It says, Mr. Speaker, and I quote:

> The man who takes the oath today to preserve, protect, and defend the Constitution of the United States only assumes the solemn obligation which every patriotic citizen—on the farm, in the workshop, in the busy marts of trade and everywhere—should share with him. The Constitution which prescribes his oath, my countrymen, is yours; the government you have chosen him to administer for a time is yours; the laws and the entire scheme out of civil rule, from the town meeting to the State capitals and the national capital, is yours. Every voter, as surely as your chief magistrate, under the same high sanction, though in different spheres, exercises a public trust. Nor is this all. Every citizen owes to the country a vigilant watch and close scrutiny of fidelity and usefulness. This is the people's will impressed upon the whole framework of our civil policy—municipal, state, and federal; and this is the price of our liberty and the inspiration of our faith in the public.

CONFERENCE REPORT ON H.R. 2160

Mr. SKEEN submitted the following conference report and statement on the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–252)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2160) "making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $2,836,000: Provided, That not to exceed $11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service, shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104–127: Provided further, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,048,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $11,718,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,986,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,773,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,283,000: Provided, That the Chief Financial Officer shall actively market cross-servicing activities of the National Finance Center.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, $613,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, and repair of Agriculture buildings, $123,385,000: Provided, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account. In addition, for construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the programs of the Department, where not otherwise provided, $5,000,000, to remain available until expended; and in addition, for necessary relocation expenses of the Department's agencies, $2,700,000, to remain available until expended; making a total appropriation of $131,085,000.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961, $15,700,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Waste Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $27,231,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs *and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.*

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,668,000: Provided, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations: Provided further, That not less than $2,241,000 shall be transferred to agencies funded in this Act to maintain personnel at the agency level.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,138,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, $63,128,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98: Provided, That funds transferred to the Office of the Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as a participating agency, as an equitable share from the forfeiture of property in investigations in which the Office of the Inspector General participates, or through the granting of a Petition for Remission or Mitigation, shall be deposited to the credit of this account for law enforcement activities authorized under the Inspector General Act of 1978, to remain available until expended.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $28,524,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $540,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $71,604,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $118,048,000, of which up to $36,327,000 shall be available until expended for the Census of Agriculture: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That, notwithstanding any other provision of law, the Secretary of Agriculture shall conduct the 1997 Census of Agriculture, to the extent practicable, pursuant to the provisions of title 13, United States Code.

AGRICULTURAL RESEARCH SERVICE

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, $744,605,000: Provided, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $250,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: Provided further, That the item under the heading "AGRICULTURAL RESEARCH SERVICE" in title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 (Public Law 104–37; 109 Stat. 304), is amended by striking the penultimate proviso, relating to conveyance of the Pecan Genetics and Improvement Research Laboratory.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $80,630,000, to remain available until expended (7 U.S.C. 2209b): Provided, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $168,734,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–i); $20,497,000 for grants for cooperative forestry research (16 U.S.C. 582a–a7); $27,735,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222); $51,495,000 for special grants for agricultural research (7 U.S.C. 450i(c)); $15,048,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); $97,200,000 for competitive research grants (7 U.S.C. 450i(b)); $4,775,000 for the support of animal health and disease programs (7 U.S.C. 3195); $650,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); $550,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), to remain available until expended; $3,000,000 for higher education graduate fellowships grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); $4,350,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); $1,000,000 for a higher education minority scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); $2,500,000 for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241); $4,000,000 for aquaculture grants (7 U.S.C. 3322); $8,000,000 for sustainable agriculture research and education (7 U.S.C. 5811); $9,200,000 for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, to remain available until expended (7 U.S.C. 2209b); $1,450,000 for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382; and $11,226,000 for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $431,410,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 103–382 (7 U.S.C. 301 note), $4,600,000.

EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative extension *work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $268,493,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $2,000,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,695,000; payments for the pest management program under section 3(d) of the Act, $10,783,000; payments for the farm safety program under section 3(d) of the Act, $2,855,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $3,214,000; payments to upgrade 1890 land-grant college research, extension, and teaching facilities as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $7,549,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $908,000; payments for a groundwater quality program under section 3(d) of the Act, $9,061,000; payments for the agricultural telecommunications program, as authorized by Public Law 101–624 (7 U.S.C. 5926), $900,000; payments for youth-at-risk programs under section 3(d) of the Act, $9,554,000; payments for a food safety program under section 3(d) of the Act, $2,365,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,192,000; payments for Indian reservation agents under section 3(d) of the Act, $1,672,000; payments for sustainable agriculture programs under section 3(d) of the Act, $3,309,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,628,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $25,090,000; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341–349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $11,108,000; in all, $423,376,000: Provided, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.*

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, $426,282,000, of which $4,500,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 1998 the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 1998, $88,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,200,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $90,000 for employment under 5 U.S.C. 3109, $46,592,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $59,521,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $10,690,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,200,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $23,928,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICE EXPENSES

Not to exceed $43,092,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Appropriations Committees.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $446,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, $589,263,000, of which $5,000,000 shall be available for obligation only after promulgation of a final rule to implement the provisions of subsection (e) of section

5 of the Egg Products Inspection Act (21 U.S.C. 1034(e)), and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: Provided, That this appropriation shall not be available for shell egg surveillance under section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)): Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $572,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $700,659,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101–5106), $2,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $550,000, to remain available until expended (7 U.S.C. 2209b): Provided, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: Provided further, That this amount shall be transferred to the Commodity Credit Corporation: Provided further, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $460,000,000 of which $400,000,000 shall be for guaranteed loans; operating loans, $2,395,000,000 of which $1,700,000,000 shall be for unsubsidized guaranteed loans and $200,000,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,000,000; for emergency insured loans, $25,000,000 to meet the needs resulting from natural disasters; for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $34,653,000; and for credit sales of acquired property, $25,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $21,380,000 of which $15,440,000 shall be for guaranteed loans; operating loans, $71,394,000 of which $19,890,000 shall be for unsubsidized guaranteed loans and $19,280,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $132,000; for emergency insured loans, $6,008,000 to meet the needs resulting from natural disasters; for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $250,000; and for credit sales of acquired property, $3,255,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $219,861,000 of which $209,861,000 shall be transferred to and merged with the "Farm Service Agency, Salaries and Expenses" account.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), $64,000,000: Provided, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i). In addition, notwithstanding the provisions of section 516(a)(1)(B) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(1)(B)), for discretionary expenses, $188,571,000 for the payment of administrative and operating expenses of approved insurance providers.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1998, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $783,507,000 in the President's fiscal year 1998 Budget Request (H. Doc. 105–3)), but not to exceed $783,507,000, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1998, the Commodity Credit Corporation shall not expend more than $5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961: Provided, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $693,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $633,231,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $5,835,000 is for snow survey and water forecasting and not less than $8,825,000 is for operation and establishment of the plant materials centers: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–f) in demonstration projects: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That qualified local engineers may be temporarily employed at *per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2): Provided further, That the Secretary is authorized to transfer ownership of land, buildings and related improvements of the plant materials facilities located at Bow, Washington, to the Skagit Conservation District.*

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1009), $11,190,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005, 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $101,036,000, to remain available until expended (7 U.S.C. 2209b) (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a): Provided, That not to exceed $50,000,000 of this appropriation shall be available for technical assistance: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607), the Act of April 27, 1935 (16 U.S.C. 590a–f), and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $34,377,000, to remain available until expended (7 U.S.C. 2209b): Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $6,325,000, to remain available until expended, as authorized by that Act.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,000,000, to remain available until expended.

TITLE III RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $588,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, and 1932, except for sections 381 E–H, 381N, and 381O of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), $652,197,000, to remain available until expended, of which $27,062,000 shall be for rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act; of which $577,242,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; and of which $47,893,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided, That section 381E(d)(3)(B) of such Act is amended by inserting after the phrase, "business and industry", the words, "direct and": Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural utilities programs, not to exceed $20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed $15,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act; not to exceed $15,000,000 shall be for technical assistance grants for rural waste systems pursuant to section 306(a)(14) of such Act; and not to exceed $5,200,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amounts appropriated, not to exceed $20,048,000 shall be available through June 30, 1998, for empowerment zones and enterprise communities, as authorized by Public Law 103–66, of which $1,200,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $18,700,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; of which $148,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That any obligated and unobligated balances available for prior years for the "Rural Water and Waste Disposal Grants," "Rural Water and Waste Disposal Loans Program Account," "Emergency Community Water Assistance Grants," "Solid Waste Management Grants," the community facility grant program in the "Rural Housing Assistance Program" Account, "Community Facility Loans Program Account," "Rural Business Enterprise Grants," "Rural Business and Industry Loans Program Account," and "Local Technical Assistance and Planning Grants" shall be transferred to and merged with this account.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,000,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $3,000,000,000 shall be for unsubsidized guaranteed loans; $30,000,000 for section 504 housing repair loans; $19,700,000 for section 538 guaranteed multi-family housing loans; $15,000,000 for section 514 farm labor housing; $128,640,000 for section 515 rental housing; $600,000 for section 524 site loans; $25,000,000 for credit sales of acquired property; and $587,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $135,000,000, of which $6,900,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,300,000; section 538 multifamily housing guaranteed loans, $1,200,000; section 514 farm labor housing, $7,388,000; section 515 rental housing, $68,745,000; credit sales of acquired property, $3,492,000; and section 523 self-help housing land development loans, $17,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $354,785,000, which shall be transferred to and merged with the appropriation for "Rural Housing Service, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $541,397,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during fiscal year 1998 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $26,000,000, to remain available until expended (7 U.S.C. 2209b).

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95–313), $2,000,000 to fund up to 50 percent of the cost of organizing, training, and equipping rural volunteer fire departments.

RURAL HOUSING ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants and contracts for housing for domestic farm labor, very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service as authorized by 42 U.S.C. 1474, 1479(c), 1486, 1490c, 1490e, and 1490m, $45,720,000, to remain available until expended: Provided, That any obligated and unobligated balances available from prior years in "Rural Housing for Domestic Farm Labor," "Supervisory and Technical Assistance Grants," "Very Low-Income Housing Repair Grants," "Compensation for Construction Defects," and "Rural Housing Preservation Grants" shall be transferred to and merged with this account: Provided further, That of the total amount appropriated, $1,200,000 shall be for empowerment zones and enterprise communities, as authorized by Public Law 103–66: Provided further, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1998, they shall remain available for other authorized purposes under this head.

SALARIES AND EXPENSES

For necessary expenses of the Rural Housing Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, title V of the Housing Act of 1949, and cooperative agreements, $58,804,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $520,000 may be used for employment under 5 U.S.C. 3109.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $16,888,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $35,000,000: Provided further, That through June 30, 1998, of the total amount appropriated, $3,345,000 shall be available for the cost of direct loans for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, to subsidize gross obligations for the principal amount of direct loans, $7,246,000.

In addition, for administrative expenses to carry out the direct loan programs, $3,482,000 shall be transferred to and merged with the appropriation for "Rural Business-Cooperative Service, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $25,000,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $5,978,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 1998, as authorized by section 313 of the Rural Electrification Act of 1936, $5,978,000 shall not be obligated and $5,978,000 are rescinded.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901–5908), $7,000,000 are appropriated to the alternative agricultural research and commercialization corporation revolving fund.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $3,000,000, of which up to $1,300,000 may be available for cooperative agreements for the appropriate technology transfer for rural areas program.

SALARIES AND EXPENSES

For necessary expenses of the Rural Business-Cooperative Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities relating to the marketing aspects of cooperatives, including economic research findings, as authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $25,680,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $260,000 may be used for employment under 5 U.S.C. 3109.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935), shall be made as follows: 5 percent rural electrification loans, $125,000,000; 5 percent rural telecommunications loans, $75,000,000; cost of money rural telecommunications loans, $300,000,000; municipal rate rural electric loans, $500,000,000; and loans made pursuant to section 306 of that Act, rural electric, $300,000,000 and rural telecommunications, $120,000,000, to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of direct loans, $12,265,000; cost of municipal rate loans, $21,100,000; cost of money rural telecommunications loans, $60,000; cost of loans guaranteed pursuant to section 306, $2,760,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $29,982,000, which shall be transferred to and merged with the appropriation for "Rural Utilities Service, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1998 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $3,710,000.

In addition, for administrative expenses necessary to carry out the loan programs, $3,000,000, which shall be transferred to and merged with the appropriation for "Rural Utilities Service, Salaries and Expenses".

DISTANCE LEARNING AND MEDICAL LINK PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $12,530,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: Provided, That the costs of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

SALARIES AND EXPENSES

For necessary expenses of the Rural Utilities Service, including administering the programs authorized by the Rural Electrification Act of 1936, and the Consolidated Farm and Rural Development Act, and for cooperative agreements, $33,000,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $105,000 may be used for employment under 5 U.S.C. 3109.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Consumer Service, $554,000.

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $7,767,816,000, to remain available through September 30, 1999, of which $2,616,425,000 is hereby appropriated and $5,151,391,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That up to $4,124,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $3,924,000,000, to remain available through September 30, 1999: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That up to $12,000,000 may be used to carry out the farmers' market nutrition program from any funds not needed to maintain current caseload levels: Provided further, That notwithstanding sections 17 (g), (h), and (i) of such Act, the Secretary shall adjust fiscal year 1998 State allocations to reflect food funds available to the State from fiscal year 1997 under sections 17(i)(3)(A)(ii) and 17(i)(3)(D): Provided further, That the Secretary shall allocate funds recovered from fiscal year 1997 first to States to maintain stability funding levels, as defined by regulations promulgated under section 17(g), and then to give first priority for the allocation of any remaining funds to States whose funding is less than their fair share of funds, as defined by regulations promulgated under section 17(g): Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of the Child Nutrition Act of 1966: Provided further, That State agencies *required to procure infant formula using a competitive bidding system may use funds appropriated by this Act to purchase infant formula under a cost containment contract entered into after September 30, 1996, only if the contract was awarded to the bidder offering the lowest net price, as defined by section 17(b)(20) of the Child Nutrition Act of 1966, unless the State agency demonstrates to the satisfaction of the Secretary that the weighted average retail price for different brands of infant formula in the State does not vary by more than five percent.*

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $25,140,479,000, of which $100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and for administrative expenses pursuant to section 204 of the Emergency Food Assistance Act of 1983, $141,000,000, to remain available through September 30, 1999: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note), and section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a), $141,165,000, to remain available through September 30, 1999.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $107,619,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $135,561,000, of which $3,231,000 may be transferred from the Export Loan Program account in this Act, and $1,035,000 may be transferred from the Public Law 480 program account in this Act: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691, 1701–1715, 1721–1726, 1727–1727f, and 1731–1736g), as follows: (1) $226,900,000 for Public Law 480 title I credit, including Food for Progress programs; (2) $17,608,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985; (3) $837,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) $30,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: Provided, That not to exceed 15 percent of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: Provided further, That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit agreements under said Act, $176,596,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 480 are utilized, $1,850,000.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $3,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which not to exceed $3,231,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Foreign Agricultural Service, and of which not to exceed $589,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Farm Service Agency.

EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,500,000,000 in credit guarantees under its export credit guarantee program extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 202(a) and (b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

EMERGING MARKETS EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $200,000,000 in credit guarantees under its export guarantee program for credit expended to finance the export sales of United States agricultural commodities and the products thereof to emerging markets, as authorized by section 1542 of Public Law 101–624 (7 U.S.C. 5622 note).

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $948,705,000, of which not to exceed $91,204,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be credited to this appropriation and remain available until expended: Provided, That fees derived from applications received during fiscal year 1998 shall be subject to the fiscal year 1998 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701.

In addition, fees pursuant to section 354 of the Public Health Service Act may be credited to this account, to remain available until expended.

In addition, fees pursuant to section 801 of the Federal Food, Drug, and Cosmetic Act may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $21,350,000, to remain available until expended (7 U.S.C. 2209b).

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act, $46,294,000: Provided, That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 5 percent of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1994, as authorized, $7,728,000.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; $58,101,000, including not to exceed $1,000 for official reception and representation expenses: Provided, That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia *to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.*

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $34,423,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1998 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 394 passenger motor vehicles, of which 391 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954 (7 U.S.C. 427, 1621–1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: Provided, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended (7 U.S.C. 2209b): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, and integrated systems acquisition project; Farm Service Agency, salaries and expenses funds made available to county committees; and Foreign Agricultural Service, middle-income country training program.

New obligational authority for the boll weevil program; up to 10 percent of the screwworm program of the Animal and Plant Health Inspection Service; Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; funds for the Native American Institutions Endowment Fund in the Cooperative State Research, Education, and Extension Service; and funds for the competitive research grants (7 U.S.C. 450i(b)), shall remain available until expended.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94–449.

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 710. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1997 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 711. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 712. With the exception of grants awarded under the Small Business Innovation Development Act of 1982, Public Law 97–219 (15 U.S.C. 638), none of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research, Education, and Extension Service that exceed 14 percent of total Federal funds provided under each award.

SEC. 713. Notwithstanding any other provisions of this Act, all loan levels provided of this Act shall be considered estimates, not limitations.

SEC. 714. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 1998 shall remain available until expended to cover obligations made in fiscal year 1998 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; and the rural economic development loans program account.

SEC. 715. Such sums as may be necessary for fiscal year 1998 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 716. Hereafter: (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 717. Notwithstanding the Federal Grant and Cooperative Agreement Act, marketing services of the Agricultural Marketing Service and the Animal and Plant Health Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service or the Animal and Plant Health Inspection Service and a State or Cooperator to carry out agricultural marketing programs or to carry out programs to protect the Nation's animal and plant resources.

SEC. 718. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 719. None of the funds made available in this Act may be used to provide assistance to, or to pay the salaries of personnel who carry out a market promotion/market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance to the United States Mink Export Development Council or any mink industry trade association.

SEC. 720. Of the funds made available by this Act, not more than $1,000,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 721. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds $150,000,000.

SEC. 722. None of the funds appropriated in this Act may be used to carry out the provisions of section 918 of Public Law 104–127, the Federal Agriculture Improvement and Reform Act.

SEC. 723. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing *agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.*

SEC. 724. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 725. None of the funds appropriated or otherwise made available in this Act may be expended or obligated to fund the activities of the Western Director and Special Assistant to the Secretary within the Office of the Secretary of Agriculture or any similar position.

SEC. 726. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board.

SEC. 727. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 728. Section 3(c) of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2802 (c)) is amended by inserting before the period at the end the following: ", and includes kudzu (Pueraria lobata Dc)".

SEC. 729. Notwithstanding section 520 of the Housing Act of 1949, (42 U.S.C. 1490) the Martin Luther King area of Pawley's Island, South Carolina, located in Georgetown County, shall be eligible for loans and grants under section 504 of the Housing Act of 1949.

SEC. 730. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate the Food and Drug Administration Division of Drug Analysis in St. Louis, Missouri.

SEC. 731. Effective on October 1, 1998, section 136(a) of the Agricultural Market Transition Act (7 U.S.C. 7236(a)) is amended—

(1) in paragraph (1)—

(A) by striking "Subject to paragraph (4), during" and inserting "During"; and

(B) in subparagraph (B), by striking "130" and inserting "134";

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 732. STUDY OF NORTHEAST INTERSTATE DAIRY COMPACT. (a) DEFINITIONS.—In this section:

(1) CHILD, SENIOR, AND LOW-INCOME NUTRITION PROGRAMS.—The term "child, senior, and low-income nutrition programs" includes—

(A) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(B) the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.);

(C) the summer food service program for children established under section 13 of that Act (42 U.S.C. 1761);

(D) the child and adult care food program established under section 17 of that Act (42 U.S.C. 1766);

(E) the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772);

(F) the school breakfast program established under section 4 of that Act (42 U.S.C. 1773);

(G) the special supplemental nutrition program for women, infants, and children authorized under section 17 of that Act (42 U.S.C. 1786); and

(H) the nutrition programs and projects carried out under part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.).

(2) COMPACT.—The term "Compact" means the Northeast Interstate Dairy Compact.

(3) NORTHEAST INTERSTATE DAIRY COMPACT.—The term "Northeast Interstate Dairy Compact" means the Northeast Interstate Dairy Compact referred to in section 147 of the Agricultural Market Transition Act (7 U.S.C. 7256).

(4) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(b) EVALUATION.—Not later than December 31, 1997, the Director shall conduct, complete, and transmit to Congress a comprehensive economic evaluation of the direct and indirect effects of the Northeast Interstate Dairy Compact and other factors which affect the price of fluid milk.

(c) COMPONENTS.—In conducting the evaluation, the Director shall consider, among other factors, the effects of implementation of the rules and regulations of the Northeast Interstate Dairy Compact Commission, such as rules and regulations relating to over-order Class I pricing and pooling provisions. This evaluation shall consider such effects prior to implementation of the Compact and that would have occurred in the absence of the implementation of the Compact. The evaluation shall include an analysis of the impacts on—

(1) child, senior, and low-income nutrition programs including impacts on schools and institutions participating in the programs, on program recipients, and other factors;

(2) the wholesale and retail cost of fluid milk;

(3) the level of milk production, the number of cows, the number of dairy farms, and milk utilization in the Compact region, including—

(A) changes in the level of milk production, the number of cows, and the number of dairy farms in the Compact region relative to trends in the level of milk production and trends in the number of cows and dairy farms prior to implementation of the Compact;

(B) changes in the disposition of bulk and packaged milk for Class I, II, or III use produced in the Compact region to areas outside the region relative to the milk disposition to areas outside the region;

(C) changes in—

(i) the share of milk production for Class I use of the total milk production in the Compact region; and

(ii) the share of milk production for Class II and Class III use of the total milk production in the Compact region;

(4) dairy farmers and dairy product manufacturers in States and regions outside the Compact region with respect to the impact of changes in milk production, and the impact of any changes in disposition of milk originating in the Compact region, on national milk supply levels and farm level milk prices nationally; and

(5) the cost of carrying out the milk price support program established under section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251).

(d) ADDITIONAL STATES AND COMPACTS.—The Director shall evaluate and incorporate into the evaluation required under subsection (b) an evaluation of the economic impact of adding additional States to the Compact for the purpose of increasing prices paid to milk producers.

SEC. 733. From proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970, the Secretary may use up to an additional $2,000,000 to implement a livestock indemnity program as established in Public Law 105–18.

SEC. 734. PLANTING OF WILD RICE ON CONTRACT ACREAGE.—None of the funds appropriated in this Act may be used to administer the provision of contract payments to a producer under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) for contract acreage on which wild rice is planted unless the contract payment is reduced by an acre for each contract acre planted to wild rice.

SEC. 735. RURAL HOUSING PROGRAMS. (a) HOUSING IN UNDERSERVED AREAS PROGRAM.—The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking "fiscal year 1997" and inserting "fiscal year 1998".

(b) HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES AND OTHER LOW-INCOME PERSONS AND FAMILIES.—

(1) AUTHORITY TO MAKE LOANS.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking "September 30, 1997" and inserting "September 30, 1998".

(2) SET-ASIDE FOR NONPROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking "fiscal year 1997" and inserting "fiscal year 1998".

(3) LOAN TERM.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended—

(A) in subsection (a)(2), by striking "up to fifty" and inserting "up to 30"; and

(B) in subsection (b)—

(i) by striking paragraph (2) and inserting the following:

"(2) such a loan may be made for a period of up to 30 years from the making of the loan, but the Secretary may provide for periodic payments based on an amortization schedule of 50 years with a final payment of the balance due at the end of the term of the loan;";

(ii) in paragraph (5), by striking "and" at the end;

(iii) in paragraph (6), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(7) the Secretary may make a new loan to the current borrower to finance the final payment of the original loan for an additional period not to exceed twenty years, if—

"(A) the Secretary determines—

"(i) it is more cost-efficient and serves the tenant base more effectively to maintain the current property than to build a new property in the same location; or

"(ii) the property has been maintained to such an extent that it warrants retention in the current portfolio because it can be expected to continue providing decent, safe, and affordable rental units for the balance of the loan; and

"(B) the Secretary determines—

"(i) current market studies show that a need for low-income rural rental housing still exists for that area; and

"(ii) any other criteria established by the Secretary has been met.".

(c) LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.—Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (q), by striking paragraph (2) and inserting the following:

"(2) ANNUAL LIMITATION ON AMOUNT OF LOAN GUARANTEE.—In each fiscal year, the Secretary may enter into commitments to guarantee loans under this section only to the extent that the costs of the guarantees entered into in such fiscal year do not exceed such amount as may be provided in appropriation Acts for such fiscal year.";

(2) by striking subsection (t) and inserting the following:

"(t) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1998 for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of loan guarantees made under this section such sums as may be necessary for such fiscal year."; and

(3) in subsection (u), by striking "1996" and inserting "1998".

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1998".

And the Senate agree to the same.

JOE SKEEN,
JAMES T. WALSH,
JAY DICKEY,
JACK KINGSTON,
GEORGE R. NETHERCUTT, Jr.,
HENRY BONILLA,
TOM LATHAM,
BOB LIVINGSTON,
MARCY KAPTUR,
VIC FAZIO,
JOSÉ E. SERRANO,
ROSA L. DELAURO,
DAVID R. OBEY,
Managers on the Part of the House.

THAD COCHRAN,
ARLEN SPECTER,
CHRISTOPHER BOND,
SLADE GORTON,
MITCH M. MCCONNELL,
CONRAD BURNS,
TED STEVENS,
DALE BUMPERS,
TOM HARKIN,
HERB KOHL,
ROBERT BYRD,
PATRICK J. LEAHY,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The statement of the managers remains silent on provisions that were in both the House and Senate Bills that remain unchanged by this conference agreement, except as noted in this statement of the managers.

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intent—that is, the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

The House and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

The conference agreement adopts language as proposed by the Senate to prohibit the use of salaries and expenses to carry out section 793(c)(1)(C) of Public Law 104-127, a limitation on housing assistance, and section 793(d) of Public Law 104-127, a limitation on program levels in the Fund for Rural America. The House bill had no similar provisions.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

The conference agreement provides $5,048,000 for the Office of the Chief Economist instead of $4,844,000 as proposed by the House and $5,252,000 as proposed by the Senate. Included in this amount is $656,000 to enhance the Department's weather information activities.

NATIONAL APPEALS DIVISION

The conference agreement provides $11,718,000 for the National Appeals Division as proposed by the House instead of $12,360,000 as proposed by the Senate.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

The conference agreement does not include a separate appropriation of $783,000 for the Office of Small and Disadvantaged Business Utilization as proposed by the Senate. The funding for this office is included in the Departmental Administration appropriation as proposed by the House.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

The conference agreement provides $131,085,000 for Agriculture Buildings and Facilities and Rental Payments as proposed by the Senate instead of $141,085,000 as proposed by the House. Included in this amount is $5,000,000 for repairs, renovations, and construction as proposed by the Senate instead of $15,000,000 as proposed by the House. The conference agreement also deletes language proposed by the Senate expanding the use of operation and maintenance funds.

HAZARDOUS WASTE MANAGEMENT

The conference agreement provides $15,700,000 for Hazardous Waste Management as proposed by the Senate instead of $20,000,000 as proposed by the House.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides $27,231,000 for Departmental Administration as proposed by the House instead of $26,948,000 as proposed by the Senate. Included in this amount is $783,000 for the Office of Small and Disadvantaged Business Utilization. The conferees direct that not less than $15,274,000 of the total amount appropriated be used for civil rights enforcement activities. This amount includes full funding for the establishment of an investigative unit within the Office of Civil Rights.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $63,128,000 for the Office of the Inspector General as proposed by the House instead of $63,728,000 as proposed by the Senate. Included in this amount is $95,000 for confidential operational expenses as proposed by the House instead of $125,000 as proposed by the Senate.

OFFICE OF THE GENERAL COUNSEL

The conference agreement provides $28,524,000 for the Office of the General Counsel instead of $27,949,000 as proposed by the House and $29,098,000 as proposed by the Senate.

ECONOMIC RESEARCH SERVICE

The conference agreement provides $71,604,000 for the Economic Research Service as proposed by the House instead of $53,109,000 as proposed by the Senate. Included in this amount is $18,495,000 for studies and evaluations of food stamp, child nutrition, and WIC programs to be coordinated with the Food and Consumer Service and other Departmental agencies. The conferees anticipate that minimum staff changes will be needed to carry out these studies and direct the agency to notify the House and Senate Committees on Appropriations at least 15 days prior to the use of these funds for any hiring of new employees.

NATIONAL AGRICULTURAL STATISTICS SERVICE

The conference agreement provides $118,048,000 for the National Agricultural Statistics Service as proposed by the Senate instead of $116,861,000 as proposed by the House. Included in this amount is up to $36,327,000 for the Census of Agriculture as proposed by the Senate instead of $36,140,000 as proposed by the House. The conference agreement also includes bill language giving USDA the authority to conduct the 1997 Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

The conference agreement provides $744,605,000 for the Agricultural Research Service instead of $725,059,000 as proposed by the House and $738,000,000 as proposed by the Senate.

The following table reflects the conference agreement:

Amount	
FY 1997 appropriation	$716,826,000
Transfer: Office of Chief Economist	(29,000)
Adjusted FY 1997 appropriation	716,797,000
Emerging Diseases and Exotic Pests	$3,050,000
Vomitoxin in Wheat	(500,000)

Fusarium Head Blight, MN	(500,000)
Karnal Bunt, KS	(500,000)
Citrus Tristeza	(750,000)
Ergot Disease in Sorghum	(300,000)
Asian Long Horn Beetle	(500,000)
Food Safety	4,000.000
Apple E. Coli Research, PA	(250,000)
Food Safety Agency Study	(420,000)
Genetic Resources	1,500,000
Grazing Lands Utilization and Conservation	1,000,000
Logan, UT	(250,000)
El Reno, OK	(250,000)
Las Cruces, NM	(250,000)
University Park, PA	(250,000)
Human Nutrition	7,500,000
Food Consumption Survey Infant/Children	(5,000,000)
Little Rock, AR	(1,000,000)
Houston, TX	(500,000)
Beltsville, MD	(250,000)
Boston, MA	(250,000)
San Francisco, CA	(250,000)
Florida Everglades Restoration	1,250,000
Hydrology-Canal Point, FL	(500,000)
Hydrologist-Dade County, FL	(250,000)
Melaleuca	(500,000)
Integrated Pest Management and Biocontrol	2,500,000
Biological Control	(2,000,000)
Host Plant Resistance	(500,000)
Appalachian Soil and Water Conservation Lab, WV	250,000
Arctic Germplasm Repository	650,000
Coastal Wetlands & Erosion Control, LA	1,000,000
Cotton Genetics, MS	250,000
Cotton Ginning, TX	500,000
Fish Disease, AL	250,000
Food Fermentation, NC	250,000
Formosan Termite, Southern Regional Research Center	5,000,000
Grain Legume, WA	250,000
Honeybee, TX	500,000
Hops Research, OR	100,000
Lyme Disease	200,000
National Aquaculture Research Ctr., AR	500,000
National Ctr. for Cool and Cold Water Aquaculture., WV	250,000
National Warmwater Aquaculture Ctr., MS	500,000
Natural Products, MS	700,000
NW Nursery Crops, OR	500,000
Organics Management Research	500,000
Plant Genetics Equip./Greenhouse, MO	200,000
Poisonous Plant, UT	100,000
Poult Enteritis Mortality Syndrome, GA	250,000
Reproductive Efficiency of Beef Cattle, MT	250,000
Rice research:	
Beaumont, TX.	250,000
Stuttgart, AR.	700,000
Small Fruits, MS.	250,000
Small Grains, Raleigh, NC./Aberdeen, ID	450,000
Sugarcane Biotechnology Research, LA	200,000
Termination of ongoing projects	−3,119,000
Evaluation studies	−913,000
Administrative reductions	−3,760,000
Total	744,605,000

The conference agreement concurs in the following project terminations: improved cropping systems ($158,400), decision support systems ($80,000), CO; composts and organic residuals ($281,700), soybean inoculants ($171,800), populations of Fungi ($182,300), MD; differential root development ($221,100), NY; process modeling of soil and water ($384,300), PA; transferring technology for improvements in agriculture ($158,700), PR; biological control of horn flies ($221,500), improved cultivars for kenaf ($343,900), TX; and management savings ($550,000) headquarters and ($365,200), GA.

The agreement provides $420,000 for a study by the National Academy of Sciences on the scientific and organizational needs for an effective food safety system, including functions overseen by the Food Safety and Inspection Service, the Food and Drug Administration, and other Federal, state and local agencies with responsibilities for food safety. The study will be conducted in two phases. The first phase will examine the current mechanisms in place for assuring a safe food supply and the extent to which they are effective in addressing food safety issues from the farm to the table. It will also analyze the extent to which current functions (i.e., inspection, surveillance, monitoring, research, risk assessment, and education) should be assigned or reassigned to existing food safety agencies or an independent food safety agency. It should also identify whether any functions would be compromised by such an action. If an independent food safety agency is recommended, the second phase will develop further guidance to ensure that the food safety system protects the public's health and is cost-effective. A report on the first phase should be transmitted to the appropriate Committees of Congress no later than August 15, 1998.

The conferees support the food safety initiative and expect the Agricultural Research Service to work with the Food and Drug Administration, the National Institute of Diabetes and Digestive and Kidney Diseases, the National Institute of Allergy and Infectious Diseases, and the Centers for Disease Control and Prevention to develop a biomedical research agenda on food safety.

The conferees expect the work on controlling root diseases of wheat and barley in cereal-based production systems to continue at the Pullman, WA, ARS research station at the fiscal year 1997 level.

The conferees support the addition of a new lettuce geneticist/plant breeder position at the U.S. Agricultural Research Station in Salinas, California.

The USDA-ARS National Sedimentation Laboratory is directed to initiate an integrated watershed research program of monitoring, analyzing, and evaluating sediment production, movement and deposition and their impacts with appropriate solutions on stream degradation, flooding and management of upland areas, environmental and ecological concerns in the Yalobusha River Basin, stream estuaries, and Grenada Lake.

The conferees expect the ARS to expand its work on Meadowfoam research in Oregon and at the Peoria laboratory.

The bill includes language proposed by the House that returns ownership of the Pecan Genetics and Improvement Research Laboratory to the Agricultural Research Service.

BUILDINGS AND FACILITIES

The conference agreement provides $80,630,000 for Agricultural Research Service, Buildings and Facilities instead of $59,000,000 as proposed by the House and $69,100,000 as proposed by the Senate.

The following table reflects the conference agreement:

California:	
Western Human Nutrition Research Center, Davis	$5,200,000
U.S. Horticulture Crop and Water Mgt. Lab., Parlier	23,400,000
France:	
European Biological Control Lab.	3,400,000
Illinois:	
National Center for Agriculture Utilization, Peoria	8,000,000
Louisiana:	
Southern Regional Research Center, New Orleans	1,100,000
Maryland:	
Agricultural Research Center, Beltsville	3,200,000
National Agricultural Library, Beltsville	2,500,000
Michigan:	
Avian Disease Labs, East Lansing	1,800,000
Mississippi:	
Biocontrol and Insect Rearing Lab., Stoneville	900,000
National Center for Natural Products, Oxford	7,000,000
Montana:	
Pest Quarantine and Integrated Pest Management, Sidney	606,000
New York:	
Plum Island Animal Disease Center	2,000,000
New Mexico:	
Joranado Range Research Center, Las Cruces	700,000
North Dakota:	
Human Nutrition Center, Grand Forks	4,400,000
Pennsylvania:	
Eastern Regional Lab.	5,000,000
South Carolina:	
U.S. Vegetable Laboratory, Charleston	4,824,000
Utah:	
Poisonous Plant Lab., Logan	600,000
West Virginia:	
National Center for Cool and Cold Water Aquaculture, Leetown	6,000,000
Total	80,630,000

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

The conference agreement provides $431,410,000 for research and education activities instead of $421,223,000 as proposed by the House and $427,526,000 as proposed by the Senate.

The following table reflects the conference agreement:

Research and Education Activities

[In thousands of dollars]

	Conference agreement
Payments Under Hatch Act	168,734
Cooperative forestry research (McIntire-Stennis)	20,497

	Conference agreement
Payments to 1890 colleges and Tuskegee	27,735
Special Research Grants (P.L. 89–106):	
Aegilops cylindricum (WA)	346
Aflatoxin (IL)	113
Agriculture-based industrial lubricants (IA)	200
Agricultural diversification (HI)	131
Agricultural diversity/Red River Corridor (MN/ND)	250
Alliance for food protection (NE, GA)	300
Alternative crops (ND)	550
Alternative marine and fresh water species (MS)	308
Alternative salmon products (AK)	400
Animal science food safety consortium (AR, IA, KS)	1,521
Apple fire blight (NY, MI)	500
Aquaculture (IL)	158
Aquaculture (LA)	330
Aquaculture (MS)	642
Aquaculture produce and marketing development (WV)	600
Babcock Institute (WI)	312
Binational agriculture research and development	500
Biodiesel research (MO)	152
Center for animal health and productivity (PA)	113
Center for innovative food technology (OH)	281
Center for rural studies (VT)	32
Chesapeake Bay aquaculture	370
Citrus decay fungus (AZ)	250
Coastal cultivars (GA)	250
Competitiveness of agricultural products (WA)	677
Cool season legume research (ID, WA)	329
Cotton research (TX)	200
Cranberry/blueberry disease and breeding (NJ)	220
Dairy (AK)	250
Dairy and meat goat research (TX)	63
Delta rural revitalization (MS)	148
Drought mitigation (NE)	200
Ecosystems (AL)	500
Environmental research (NY)	486
Environmental risk factors/cancer (NY)	100
Expanded wheat pasture (OK)	285
Farm and rural business finance (IL)	87
Feed barley for rangeland cattle (MT)	600
Floriculture (HI)	250
Food and Agriculture Policy Institute (IA, MO)	800
Food irradiation (IA)	200
Food marketing policy center (CT)	332
Food processing center (NE)	42
Food safety	2,000
Food systems research group (WI)	221
Forestry (AR)	523
Fruit and vegetable market analysis (AZ, MO)	296
Generic commodity promotion research and evaluation (NY)	212
Global change	1,000
Global marketing support service (AR)	127
Grain sorghum (KS)	106
Grass seed cropping systems for a sustainable agriculture (WA, OR, ID)	423
Human nutrition (IA)	473
Human nutrition (LA)	752
Human nutrition (NY)	622
Hydroponic tomato production (OH)	140
Illinois-Missouri Alliance for Biotechnology	1,184
Improved dairy management practices (PA)	296
Improved fruit practices (MI)	445
Institute for Food Science and Engineering (AR)	950
Integrated production systems (OK)	161
International arid lands consortium	329
Iowa biotechnology consortium	1,564
Landscaping for water quality (GA)	300
Livestock and dairy policy (NY, TX)	445
Lowbush blueberry research (ME)	220
Maple research (VT)	100
Michigan biotechnology consortium	675
Midwest advanced food manufacturing alliance	423
Midwest agricultural products (IA)	592
Milk safety (PA)	268
Minor use animal drugs (IR–4)	550
Molluscan shellfish (OR)	400
Multi-commodity research (OR)	364
Multi-cropping strategies for aquaculture (HI)	127
National biological impact assessment	254
Nematode resistance genetic engineering (NM)	127
Non-food uses of agricultural products (NE)	64
Oil resources from desert plants (NM)	175
Organic waste utilization (NM)	100
Pasture and forage research (UT)	225
Peach tree short life (SC)	162
Pest control alternatives (SC)	106
Phytophthora root rot (NM)	127
Plant, drought, and disease resistance gene cataloging (NM)	150
Plant genome research (OH)	50
Postharvest rice straws (CA)	300
Potato research	1,214
Poultry carcass removal (AL)	300
Precision agriculture (MS)	600
Preharvest food safety (KS)	212
Preservation and processing research (OK)	226
Rangeland ecosystems (NM)	185
Regional barley gene mapping project	348
Regionalized implications of farm programs (MO, TX)	294
Rice Modeling (AR)	296
Rural development centers (PA, IA, (ND), MS, OR)	423
Rural policies institute (NE, MO)	644
Russian wheat aphid (CO)	200
Seafood and aquaculture harvesting, processing, and marketing (MS)	305
Small fruit research (OR, WA, ID)	212
Southwest consortium for plant genetics and water resources	338
Soybean cyst nematode (MO)	450
STEEP III—water quality in Northwest	500
Sustainable agriculture (MI)	445
Sustainable agriculture and natural resources (PA)	94
Sustainable agriculture systems (NE)	59
Sustainable pest management for dryland wheat (MT)	400
Swine waste management (NC)	300
Tillage, silviculture, waste management (LA)	212
Tropical and subtropical	2,724
Urban pests (GA)	64
Vidalia onions (GA)	84
Viticulture consortium (NY, CA)	800
Water conservation (KS)	79
Water quality	2,461
Weed control (ND)	423
Wheat genetic research (KS)	261
Wood utilization research (OR, MS, NC, MN, ME, MI)	3,536
Wool research (TX, MT, WY)	300
Total, Special Research Grants	51,495
Improved pest control:	
Critical issues	200
Emerging pest and disease issues	1,623
Expert IPM decision support issues	177
Integrated pest management	2,731
Pesticide clearance (IR–4)	8,990
Pesticide impact assessment	1,327
Total, Improved pest control	15,048
Competitive research grants:	
Plant systems	37,000
Animal systems	24,000
Nutrition, food quality, and health	8,000
Natural resources and the environment	17,500
Processes and new products	6,800
Markets, trade, and policy	3,900
Total, Competitive research grants	97,200
Animal Health and Disease (Sec. 1433)	4,775
Critical Agricultural Materials Act	550
Aquaculture Centers (Sec. 1475)	4,000
Alternative Crops	650
Sustainable agriculture	8,000
Capacity building grants	9,200
Payments to the 1994 Institutions	1,450
Graduate fellowship grants	3,000
Institution challenge grants	4,350
Multicultural scholars program	1,000
Hispanic-serving institutions	2,500
Native American Institutions Endowment Fund	(4,600)
Federal Administration:	
Agriculture development in American Pacific	564
Agriculture waste utilization (WV)	360
Alternative fuels characterization laboratory (ND)	218
Animal waste management (OK)	250
Center for Agricultural and Rural Development (IA)	355
Center for Human Nutrition (MD)	150
Center for North American Studies (TX)	87
Data information system	800
Geographic information system	844
Mariculture (NC)	150
Mississippi Valley State University	583

	Conference agreement
National Education Center for Agricultural	
National Center for Peanut Competitiveness	150
Office of grants and program systems	310
Pay costs and FERS (prior)	900
Peer panels	350
PM-10 study (CA, WA)	873
Shrimp aquaculture (AZ, HI, MS, MA, SC)	3,354
Water quality (IL)	492
Water quality (ND)	436
Total, Federal Administration	11,226
Total, Research and Education Activities	431,410

For the geographic information system project, the agreement provides $844,000 which includes funding for past participating entities in Georgia, the Chesapeake Bay, Arkansas, North Dakota, Washington, Wisconsin, and new entities in New Mexico and Colorado.

The conferees have provided the $2,000,000 requested for a new competitive food safety initiative. The conferees urge that a research proposal from Pennsylvania State University's E. Coli Reference Center be considered for funding if judged to be meritorious when subjected to the established review process.

Included in the funding for alternative crops is $500,000 for canola research and $150,000 for hesperaloe research.

EXTENSION ACTIVITIES

The conference agreement provides $423,376,000 for extension activities instead of $415,110,000 as proposed by the House and $423,322,000 as proposed by the Senate. The following table reflects the conference agreement:

[In thousands of dollars]

	FY 1997 enacted	Conference agreement
Smith Lever 3(b) & 3(c)	268,493	268,493
Smith Lever 3(d):		
Pest management	10,783	10,783
Water quality	10,733	9,061
Farm safety	2,855	2,855
Food and nutrition education (EFNEP)	58,695	58,695
Pesticide impact assessment	3,214	3,214
Rural development centers	908	908
Sustainable agriculture	3,309	3,309
Food safety	2,365	2,365
Youth at risk	9,554	9,554
Indian reservation agents	1,672	1,672
1890's Colleges and Tuskegee	25,090	25,090
1890's facilities grants	7,549	7,549
Renewable Resources Extension Act	3,192	3,192
Agricultural telecommunications	1,167	900
Rural health and safety education	2,628	2,628
Extension services at the 1994 institutions	2,000	2,000
Subtotal	414,207	412,268
Federal Administration and special grants:		
Beef producers' improvement (AR)	197	197
Delta teachers academy	3,850	3,500
Extension specialist (AR)	99	99
Extension specialist (MS)	50	50
General administration	4,995	4,995
Income enhancement demonstration (OH)	246	246
Integrated cow/calf resources management (IA)	345	300
National Center for Agriculture Safety (IA)		195
Pilot tech. transfer (OK, MS)	326	326
Pilot tech. transfer (WI)	163	163
Range improvement (NM)	197	197
Rural center for the study and promotion of HIV/STD prevention (IN)	246	
Rural development (NE)	386	
Rural development (OK)	227	247
Rural development (OK)	296	150
Rural rehabilitation (GA)	246	246
Wood biomass as an alternative farm product (NY)	197	197
Total, Federal Administration	12,066	11,108
Total, Extension Activities	426,273	423,376

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

The conference agreement provides $426,282,000 for the Animal and Plant Health Inspection Service instead of $424,244,000 as proposed by the House and $437,183,000 as proposed by the Senate. Included in this amount is $1,255,000 for rabies control activities in Ohio, Texas, New York, and other states.

The conferees are aware of the cooperative efforts of APHIS in controlling boll weevils in New Mexico and that cotton farmers in New Mexico are continuing a voluntary assessment for eradication. The conferees urge APHIS to continue its cooperative effort for boll weevil eradication in New Mexico.

Included in the total amount provided for the boll weevil eradication plan, the conferees provide not less than $400,000 to continue the geographic information system project to prepare for future expansion of the program into remaining cotton production regions that have not eradicated the boll weevil. The technology developed through this system will be transferred to these regions as the program expands, reducing overall program costs.

The conferees direct that APHIS continue its efforts to maximize cost sharing of control activities in all states to the extent possible. However, the conferees recognize that circumstances vary among states and do not support implementation of the rigid cost sharing requirement proposed in the budget.

The following table reflects the conference agreement:

[In thousands of dollars]

	FY 1997 enacted	Conference agreement
PEST AND DISEASE EXCLUSION		
Agricultural guarantee inspection	26,547	26,747
User fees	98,000	88,000
Subtotal, Agricultural quarantine inspection	124,547	114,747
Cattle ticks	4,537	4,627
Foot-and-mouth disease	3,991	3,803
Import-export inspection	6,847	6,815
International programs	6,643	6,630
Fruit fly exclusion and detection	21,161	20,970
Screwworm	31,713	31,713
Tropical bont tick	452	444

[In thousands of dollars]

	FY 1997 enacted	Conference agreement
Total, Pest and disease exclusion	199,891	189,749
PLANT AND ANIMAL HEALTH MONITORING		
Animal health monitoring and surveillance	60,831	61,464
Animal and plant health regulatory enforcement	5,855	5,855
Pest detection	4,202	6,302
Total, Plant and animal health monitoring	70,888	73,621
PEST AND DISEASE MANAGEMENT PROGRAMS		
Animal damage control—operations	26,967	28,487
Aquaculture	571	567
Biocontrol	6,290	6,275
Boll weevil	16,209	16,209
Brucellosis eradication	21,661	19,818
Golden nematode	444	435
Gypsy moth	4,367	4,366
Imported fire ant	1,000	1,000
Miscellaneous plant diseases	1,516	1,516
Noxious weeds	404	454
Pink bollworm	1,069	1,048
Pseudorabies	4,518	4,481
Scrapie	2,967	2,931
Sweet potato whitefly	1,888	1,877
Tuberculosis	4,948	4,920
Witchweed	1,662	1,638
Total, Pest and disease management programs	96,481	96,022
ANIMAL CARE		
Animal werlfare	9,185	9,175
Horse protection	360	353
Total, Animal care	9,545	9,528
SCIENTIFIC AND TECHNICAL SERVICES		
ADC methods development	10,591	10,215
Biotechnical/environmental protection	8,132	8,132
Integrated systems acquisition project	4,000	3,500
Plant methods development laboratories	5,048	5,048
Veterinary biologics	10,360	10,345
Veterinary diagnostics	15,473	15,622
Total, Scientific and technical services	53,604	52,862
Contingency fund	4,500	4,500
Total, Salaries and expenses	434,909	426,282

BUILDINGS AND FACILITIES

The conference agreement provides $4,200,000 for Animal and Plant Health Inspection Service, Buildings and Facilities as proposed by the Senate instead of $3,200,000 as proposed by the House.

Agricultural Marketing Service

MARKETING SERVICES

The conference agreement provides $46,592,000 for the Agricultural Marketing Service instead of $45,592,000 as proposed by the House and $49,627,000 as proposed by the Senate. Included in this amount is $1,000,000 for marketing assistance to Alaska.

Grain Inspection, Packers and Stockyards Administration

The conference agreement provides $23,928,000 for the Grain Inspection, Packers and Stockyards Administration as proposed by the House instead of $23,583,000 as proposed by the Senate. Included in this amount is $800,000 for packer concentration as proposed by the House.

Food Safety and Inspection Service

The conference agreement provides $589,263,000 for the Food Safety and Inspection Service as proposed by the House instead of $590,614,000 as proposed by the Senate.

The conference agreement amends House bill language requiring that $5,000,000 shall be available for obligation only after a final rule is implemented regarding subsection (c) of Section 5 of the Egg Products Inspection Act (21 U.S.C. 1034 (c)). The conference agreement states that the $5,000,000 shall be available for obligation only after promulgation of a final rule to implement that provision. The conferees direct that if a final rule is not promulgated, the Department is not to take the reduction from any funds appropriated for the Food Safety Initiative or any inspection services. The conference agreement does not restrict the Department from promulgating rules beyond the scope of subsection (c) of Section 5 of the Egg Products Inspection Act (21 U.S.C. 1034 (c)).

Farm Service Agency

SALARIES AND EXPENSES

The conference agreement provides $700,659,000 for the Farm Service Agency as proposed by the Senate instead of $702,203,000 as proposed by the House. The agreement also provides transfers to the Farm Service Agency of $589,000 from the export loan program, $815,000 from the P.L–480 program, and $209,861,000 from the Agricultural Credit Insurance Fund for a total available of $911,924,000.

The conferees expect USDA to execute its current office streamlining in a manner that reflects differences among the States and that uses criteria including workload, complexity, and accessibility rather than an arbitrary process based solely on distances between county offices.

DAIRY INDEMNITY PROGRAM

The conference agreement provides $550,000 for the Dairy Indemnity program as proposed by the Senate instead of $350,000 as proposed by the House.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a total subsidy level of $102,419,000 providing for an estimated loan level of $2,940,653,000 for the activities under the Agricultural Credit Insurance Fund.

The following table reflects the conference agreement:

	Fiscal year 1997 enacted	Conference
Agricultural Credit Insurance Fund Program Account:		
Loan authorization:		
Farm ownership loans:		
Direct	(50,000,000)	(60,000,000)
Guaranteed	(550,000,000)	(400,000,000)
Subtotal	(600,000,000)	(460,000,000)
Farm operating loans:		
Direct	(495,071,000)	(495,000,000)
Guaranteed unsubsidized	(1,700,000,000)	(1,700,000,000)
Guaranteed subsidized	(200,000,000)	(200,000,000)
Subtotal	(2,395,071,000)	(2,395,000,000)

	Fiscal year 1997 enacted	Conference
Indian tribe land acquisition loans	(1,000,000)	(1,000,000)
Emergency disaster loans	(25,000,000)	(25,000,000)
Boll weevil eradication loans	(34,653,000)	(34,653,000)
Credit sales of acquired property	(25,000,000)	(25,000,000)
Total, Loan authorization	(3,080,724,000)	(2,940,653,000)
Loan subsidies:		
Direct	5,920,000	5,940,000
Guaranteed	22,055,000	15,440,000
Subtotal	27,975,000	21,380,000
Farm operating loans:		
Direct	65,450,000	32,224,000
Guaranteed unsubsidized	19,210,000	19,890,000
Guaranteed subsidized	18,480,000	19,280,000
Subtotal	103,140,000	71,394,000
Indian tribe land acquisition	54,000	132,000
Emergency disaster loans	6,365,000	6,008,000
Boll weevil loans subsidy	499,000	250,000
Credit sales of acquired property	2,530,000	3,255,000
Total, Loan subsidies	140,563,000	102,419,000
ACIF expenses:		
Salaries and expense (transfer to FSA)	208,446,000	209,861,000
Administrative expenses	12,600,000	10,000,000
Total, ACIF expenses	221,046,000	219,861,000
Total, Agricultural Credit Insurance Fund	361,609,000	322,280,000
(Loan authorization)	(3,080,724,000)	(2,940,653,000)

RISK MANAGEMENT AGENCY

The conference agreement provides $252,571,000 for the Risk Management Agency instead of $253,571,000 as proposed by the House and $266,571,000 as proposed by the Senate. The agreement includes $64,000,000 for administrative and operating expenses of the agency and $188,571,000 for the payment of administrative and operating expenses of approved insurance providers.

The conferees note the difficulty in providing funds for the sales commissions for crop insurance agents. This problem will continue without a change in permanent law. The conferees expect the Department to submit legislation to effect a change to permanent funding for this activity.

TITLE II—CONSERVATION PROGRAMS

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

The conference agreement continues funding conservation operations, watershed surveys and planning, and watershed and flood prevention operations as three separate accounts as proposed by the House. The Senate proposed to fund watershed surveys and planning and technical assistance of watershed and flood prevention operations under the conservation operations account and had a separate account for watershed and flood prevention operations financial assistance.

The conference agreement provides $633,231,000 for conservation operations. Included in this amount are the following: $350,000 for the Great Lakes Basin Program for Soil and Erosion Sediment Control; a total of $3,000,000 for technical assistance in Franklin County, Mississippi; $15,000,000 for the grazing lands initiative; $100,000 for the Trees Forever program in Iowa; and $750,000 for the Deer Creek watershed in Oklahoma. The conferees also provide $300,000, through the Environmental Quality Incentives Program, for the project to assist farmers surrounding Lake Otisco in central New York. The conferees do not provide funding under this account for poultry waste energy recovery.

The conference agreement includes language proposed by the House to transfer ownership of the plant materials center located at Bow, Washington to the Skagit Conservation District. The Senate bill had no similar provision.

The conferees encourage the Department to continue the cooperative agreements it has established with private conservation organizations to support the implementation of the Wetlands Reserve Program.

WATERSHED SURVEYS AND PLANNING

The conference agreement provides $11,190,000 for watershed surveys and planning instead of $10,000,000 as proposed by the House. The Senate proposed funding for this account under Conservation Operations.

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides $101,036,000 for watershed and flood prevention operations as proposed by the House. The Senate proposed funding for this account under Conservation Operations. The conference agreement includes language as proposed by the Senate to provide that up to $15,000,000 of the total may be available for P.L. 534 projects. The conference agreement also includes language as proposed by the House limiting the amount available for technical assistance to not more than $50,000,000.

While conferees do not earmark $1,800,000 for the Potomac Headwaters project as proposed by the Senate, they support continuation of the project. The conferees note the importance of reducing poultry and other waste load-related problems in the South Branch of the Potomac River and encourage the Department to work with the West Virginia Department of Agriculture for further development of the poultry waste energy recovery (POWER) project at Moorefield and project implementation at Franklin.

RESOURCE CONSERVATION AND DEVELOPMENT

The conference agreement provides $34,377,000 for the Resource Conservation and Development program instead of $29,377,000 as proposed by the House and $44,700,000 as proposed by the Senate. The conferees do not specifically earmark this increase for any initiative, instead the conferees expect that this increase will be used for approved RC&D councils waiting for funding.

The conferees expect the NRCS to submit a detailed operating plan for the Resource Conservation and Development program for fiscal year 1998 to the House and Senate Committees on Appropriations no later than 30 days after enactment of this Appropriations Act. This operating plan should include a proposal for expenditure of available funds for each RC&D area. The operating plan should compare proposed funding levels to the initial fiscal year 1998 budget request and fiscal year 1997 current operating levels, and should include narrative explanations as appropriate. The conferees expect the NRCS to consult with the House and Senate Appropriations Committees to develop this operating plan, which will serve as the basis for reprogramming notifications throughout the remainder of the fiscal year.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS

The conference agreement provides $3,000,000 for the Outreach for Socially Disadvantaged Farmers and Ranchers Program instead of $2,000,000 as proposed by the House and $4,000,000 as proposed by the Senate. The conferees note that, in addition to the funding received through appropriations bills, the program has also received $4,500,000 from the Fund for Rural America.

TITLE III—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

RURAL COMMUNITY ADVANCEMENT PROGRAM

The conference agreement provides $652,197,000 for the Rural Community Advancement Program (RCAP) instead of $644,259,000 as proposed by the Senate. The House bill did not provide funds for the Rural Community Advancement Program, but provided funding for its activities under three separate accounts: the Rural Housing Assistance Program, the Rural Business-Cooperative Assistance Program and the Rural Utilities Assistance Program.

The following table reflects the conference agreement:

RCAP ACCOUNTS

	Request	House	Senate	Proposed
Water/Sewer	$608,080,000	$577,242,000	$568,304,000	$577,242,000
Community/Housing	30,037,000	86,488,000	27,562,000	27,062,000
Bus-Co-op	50,453,000	51,400,000	48,393,000	47,893,000
Total	688,570,000	715,130,000	644,259,000	652,197,000
Earmarks:				
Colonias	25,000,000	18,700,000	24,500,000	20,000,000
Tech. Asst. (water&sewer)	15,000,000	15,000,000	15,000,000	15,000,000
Alaska		8,750,000	15,000,000	15,000,000
Circuit Rider	5,150,000	5,200,000	5,650,000	5,200,000
EZ/EC	32,163,000	20,048,000	32,163,000	20,048,000
Tech. Asst. (transportation)		500,000		500,000
Total	77,313,000	67,698,000	92,313,000	75,748,000

The conferees recognize the continuing problem of out migration in rural counties across the country and the efforts being made through the Rural Economic Area Partnership (REAP) pilot program. The conferees recommend that Rural Development, as the lead agency for this pilot program, give priority assistance to the REAP zones.

The conferees urge the Department to consider the following projects which were not mentioned in the House and Senate reports. The conferees expect the Department to apply the same criteria of review to these projects as are used for other applications.

Under Rural Business Enterprise Grants:

Rural Development and Finance Corporation, Raymondville, Texas

Renewable Resources Research Institute, Midwestern states

University of Colorado Health Science Center

Under Rural Utilities Programs:

City of Fort Morgan, Colorado

City of Taos, New Mexico

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a total subsidy level of $226,142,000 (providing for an estimated loan program level of $4,219,527,000) for the activities under the Rural Housing Insurance Fund Program Account instead of $219,642,000 (providing for an estimated program level of $4,169,527,000) as proposed by the House and $224,544,000 (providing for an estimated program level of $3,519,532,000) as proposed by the Senate.

The following table reflects the conference agreement:

	Fiscal year 1997 enacted	Conference
Rural Housing Insurance Fund Program Account:		
Loan authorizations:		
Single family (sec. 502)	(1,000,000,000)	(1,000,000,000)
Unsubsidized guaranteed	(2,300,000,000)	(3,000,000,000)
Housing repair (sec. 504)	(35,000,000)	(30,000,000)
Farm labor (sec. 514)	(15,000,000)	(15,000,000)
Rental housing (sec. 515)	(58,654,000)	(128,640,000)
Multi-family housing guarantees (sec. 538)		(19,700,000)
Site loans (sec. 524)	(600,000)	(600,000)
Self-help housing land development fund	(600,000)	(587,000)
Credit sales of acquired property	(50,000,000)	(25,000,000)
Total, Loan authorizations	(3,459,854,000)	(4,219,527,000)
Loan subsidies:		
Single family (sec. 502)	83,000,000	128,100,000
Unsubsidized guaranteed	6,210,000	6,900,000
Housing repair (sec. 504)	11,081,000	10,300,000
Farm labor (sec. 514)	6,885,000	7,388,000
Rental housing (sec. 515)	28,987,000	68,745,000
Multi-family housing guarantees (sec. 538)		1,200,000
Self-help housing land development fund	17,000	17,000
Credit sales of acquired property	4,050,000	3,492,000
Total, Loan subsidies	140,230,000	226,142,000
RHIF administrative expenses (transfer to RHS)	366,205,000	354,785,000
Total, Rural Housing Insurance Fund	506,435,000	580,927,000
(Loan authorization)	(3,459,854,000)	(4,219,527,000)

RENTAL ASSISTANCE PROGRAM

The conference agreement provides $541,397,000 for rental assistance as proposed by the Senate instead of $493,870,000 as proposed by the House.

RURAL COMMUNITY FIRE PROTECTION GRANTS

The conference agreement provides $2,000,000 for rural community fire protection grants as proposed by the House instead of $1,285,000 as proposed by the Senate.

RURAL HOUSING ASSISTANCE GRANTS

The conference agreement provides $45,720,000 for rural housing assistance grants as proposed by the Senate. The House bill funded these activities under the Rural Housing Assistance Program.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

The conference agreement appropriates a subsidy level of $16,888,000 (providing an estimated loan program level of $35,000,000) for the Rural Development Loan Fund Program Account as proposed by the House instead of $19,200,000 (providing an estimated loan program level of $40,000,000) as proposed by the Senate.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

The conference agreement rescinds $5,978,000 of funds derived from interest on cushion of credit payments established in the Rural Electrification Act (7 U.S.C. 901), and further provides $5,978,000 for the cost of loans for the Rural Economic Development Loans Program Account. This subsidy level provides for an estimated program level of $25,000,000.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND

The conference agreement appropriates $7,000,000 for the Alternative Agricultural Research and Commercialization Corporation Revolving Fund instead of $10,000,000 as proposed by the Senate. The House bill provided no funds for this account. The House report proposed that the program operate with repayments to its revolving fund.

RURAL COOPERATIVE DEVELOPMENT GRANTS

The conference agreement appropriates $3,000,000 for rural cooperative development grants as proposed by both House and Senate and provides for an earmark of up to $1,300,000 for cooperative agreements for the Appropriate Technology Transfer for Rural Areas Program as proposed by the House instead of up to $1,500,000 as proposed by the Senate.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $36,185,000 (providing for an estimated loan program level of $1,420,000,000) instead of $32,161,000 (providing for an estimated loan program level of $1,320,000,000) as proposed by the House and $35,313,000 (providing for an estimated loan program level of $1,397,756,000) as proposed by the Senate.

The following reflects the conference agreement:

	Fiscal year 1997 enacted	Conference
Rural Electrification and Telecommunications Loans Program Account:		
Loan authorizations:		
Direct loans:		
Electric 5%	(125,000,000)	(125,000,000)
Telecommunications 5%	(75,000,000)	(75,000,000)
Subtotal	(200,000,000)	(200,000,000)
Treasury rates: Telecommunications	(300,000,000)	(300,000,000)
Muni-rate: Electric	(525,000,000)	(500,000,000)
FFB loans:		
Electric, regular	(300,000,000)	(300,000,000)
Telecommunications	(120,000,000)	(120,000,000)
Subtotal	(420,000,000)	(420,000,000)
Total, Loan authorizations	(1,445,000,000)	(1,420,000,000)
Loan subsidies:		
Direct loans:		
Electric 5%	3,625,000	9,325,000
Telecommunications 5%	1,193,000	2,940,000
Subtotal	4,818,000	12,265,000
Treasury rates: Telecommunications	60,000	60,000
Muni-rate: Electric	28,245,000	21,100,000
FFB loans: Electric, regular	2,790,000	2,760,000
Total, Loan subsidies	35,913,000	36,185,000
RETLP administrative expenses (transfer to RUS)	29,982,000	29,982,000
Total, Rural Electrification and Telecommunications Loans Program Account	65,895,000	66,167,000
(Loan authorization)	(1,445,000,000)	(1,420,000,000)

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The conference agreement provides that administrative expenses of the Rural Telephone Program Bank Account shall be transferred to and merged with "Rural Utilities Salaries and Expenses" as proposed by the House. The Senate bill had no similar provision.

DISTANCE LEARNING AND MEDICAL LINK GRANTS AND LOANS PROGRAM

The conference agreement appropriates $12,530,000 for the distance learning medical link grants and loans program instead of $15,030,000 as proposed by the House and $12,030,000 as proposed by the Senate.

The conference agreement provides $30,000 from the total amount appropriated for the subsidy cost of distance learning and medical link loan guarantees (providing an estimated program level of $150,000,000) as proposed by both the House and Senate.

The conferees urge the Department to consider the State University of New York Telecommunications Center for Education project which was not mentioned in the House and Senate reports. The conferees expect the Department to apply the same criteria of review to this project as are used for other applications.

TITLE IV—DOMESTIC FOOD PROGRAMS

CHILD NUTRITION PROGRAMS

The conference agreement provides a total of $7,767,816,000 for Child Nutrition Programs instead of $7,766,966,000 as proposed by the House and $7,769,066,000 as proposed by the Senate. Included in this amount is an appropriated amount of $2,616,425,000 and an amount transferred from section 32 of $5,151,391,000. The conference agreement provides for the Child Nutrition Programs at the following annual rates:

TOTAL OBLIGATIONAL AUTHORITY

[In thousands of dollars]

	House	Senate	Conference agreement
Child Nutrition Programs:			
School Lunch Program	$4,327,804	$4,327,804	$4,327,804
School Breakfast Program	1,265,507	1,265,507	1,265,507
Child and adult care food program	1,411,590	1,411,590	1,411,590
Commodity procurement/computer support	337,194	337,194	337,194
Summer food service program	277,292	277,292	277,292
State administrative expenses	112,808	112,808	112,808
Special milk program	19,747	19,747	19,747
School meals initiative	5,900	10,000	8,000
Coordinated review system	4,124	4,124	4,124
Nutrition studies and surveys		3,000	
Nutrition education and training	5,000		3,750
Total	7,766,966	7,769,066	7,767,816

The conference agreement provides $8,000,000 for the school meals initiative. Included in this amount is $4,000,000 for food service training grants to states, $1,000,000 for technical assistance materials, $500,000 for the National Food Service Management Institute cooperative agreement for food service, $400,000 for print and electronic resource systems, and not more than $2,100,000 for other activities.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The conference agreement provides $3,924,000,000 for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) as proposed by the House instead of $3,927,600,000 as proposed by the Senate. The conference agreement includes language as proposed by the Senate to prohibit funds to be used for administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program.

The Secretary of Agriculture has proclaimed a WIC National Breastfeeding Week in an effort to promote breastfeeding among both WIC and non-WIC mothers. The breastfeeding promotion project will be implemented initially in 10 pilot WIC state agencies to encourage breastfeeding using a variety of advertising methods such as radio, television, and billboards. The conferees support this initiative and urge all states to participate in this promotional effort.

FOOD STAMP PROGRAM

The conference agreement provides $25,140,479,000 for the Food Stamp Program as proposed by the House instead of $26,051,479,000 as proposed by the Senate. Included in this amount is a contingency reserve of $100,000,000 as proposed by the House instead of $1,000,000,000 as proposed by the Senate. Also included in this amount is $1,204,000,000 for nutrition assistance for Puerto Rico and $100,000,000 for TEFAP commodity purchases.

COMMODITY ASSISTANCE PROGRAM

The conference agreement provides $141,000,000 for the Commodity Assistance Program as proposed by the House instead of $148,600,000 as proposed by the Senate. The conference agreement includes language as proposed by the House to provide funds from this account for administrative expenses only to the Emergency Food Assistance Program.

FOOD DONATIONS PROGAMS FOR SELECTED GROUPS

The conference agreement provides $141,165,000 for the Food Donations Programs for Selected Groups as proposed by the Senate instead of $146,165,000 as proposed by the House. Included in this amount is $140,000,000 for the Elderly Feeding Program as proposed by the Senate instead of $145,000,000 as proposed by the House.

FOOD PROGRAM ADMINISTRATION

The conference agreement provides $107,619,000 for Food Program Administration instead of $104,128,000 as proposed by the House and $107,719,000 as proposed by the Senate. The conference agreement also provides $554,000 for the Office of the Under Secretary for Food, Nutrition and Consumer Services.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

The conference agreement provides $135,561,000 for the Foreign Agricultural Service and General Sales Manager as proposed by the House instead of $136,664,000 as proposed by the Senate.

In the total amount provided, the conference agreement includes a direct appropriation of $131,295,000 as proposed by the House instead of $132,367,000 as proposed by the Senate, a transfer from Public Law 480 of $1,035,000 as proposed by the House instead of $1,066,000 as proposed by the Senate and a transfer of $3,231,000 from the Export Loan Program as proposed by both House and Senate.

The conference agreement deletes Senate bill language providing that up to $3,000,000 shall be available in fiscal year 1999 for overseas inflation. The conferees direct the Department to develop a plan for establishing an account to manage currency fluctuation.

The conference agreement provides $3,000,000 of the total amount appropriated for the Cochran Fellowship Program as provided by the Senate.

The conference agreement deletes Senate report language providing $500,000 for market barrier access identification and adopts House report language recommending that the Foreign Agricultural Service not spend appropriated funds for market barrier access identification.

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

The following table reflects the conference agreement for Public Law 480 Program Accounts:

	FY 1997 enacted	Conference agreement
Public Law 480 Program Account:		
Title I—Credit sales:		
Program level	(240,805,000)	(244,508,000)
Direct loans	(226,900,000)	(226,900,000)
Ocean freight differential	13,905,000	17,608,000
Title II—Commodities for disposition abroad:		
Program level	(837,000,000)	(837,000,000)
Appropriation	837,000,000	837,000,000
Title III—Commodity grants:		
Program level	(29,500,000)	(30,000,000)
Appropriation	29,500,000	30,000,000
Loan subsidies	185,589,000	176,596,000
Salaries and expenses:		
General Sales Manager (transfer to FAS)	1,035,000	1,035,000
Farm Service Agency (transfer to FSA)	745,000	815,000
Subtotal	1,780,000	1,850,000
Total, Public Law 480:		
Program level	(1,107,305,000)	(1,111,508,000)
Appropriation	1,067,774,000	1,063,054,000

The conferees support the use of Title II funds in fiscal year 1998 to continue the fiscal year 1997 level for the orphan feeding program in Haiti.

The conferees direct that none of the funds appropriated in this Act be made available to provide assistance to the Democratic People's Republic of Korea except for assistance that is provided directly to needy people by the United Nations World Food Programme or private voluntary organizations registered with the United States Agency for International Development and not by the Government of the Democratic People's Republic of Korea.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes a direct appropriation of $857,501,000 for salaries and expenses, instead of $852,501,000 as proposed by the House and $873,057,000 as proposed by the Senate. Also included is $91,204,000 in prescription drug user fees as proposed by the Senate.

Included within the amount available is $34,000,000 for the children's tobacco prevention initiative and $24,000,000 for the food safety initiative. The FDA should consider the use of the National Sea Grant College Program to assist in conjunction with its seafood safety activities.

The conferees have not included a detailed table in this statement of managers. Instead, the conferees expect the FDA to submit a detailed operating plan for fiscal year 1998 to the House and Senate Committees on Appropriations no later than 30 days after enactment of this Appropriations Act. This operating plan should include a proposal for expenditure of available funds by Center, related field activities, and other activities at a level of detail at least as great as that included in the Senate report. The operating plan should compare proposed funding levels to the initial fiscal year 1998 budget request and fiscal year 1997 current operating levels, and should include narrative explanations as appropriate. The conferees expect the FDA to consult with the House and Senate Appropriations Committees to develop this operating plan, which will serve as the basis for reprogramming notifications throughout the remainder of the fiscal year.

The agreement includes $200,000 for a cooperative agreement with the Interstate Shellfish Sanitation Commission to continue research, safety rules, regulations, and education activities.

The conference agreement includes an increase for the Office of Generic Drugs.

BUILDINGS AND FACILITIES

The conference agreement provides $21,350,000 for Food and Drug Administration, Buildings and Facilities as proposed by the House instead of $22,900,000 as proposed by the Senate. The agreement provides the budget request for the National Center for Toxicological Research.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

The conference agreement provides $58,101,000 for the Commodity Futures Trading Commission instead of $57,101,000 as proposed by the House and $60,101,000 as proposed by the Senate.

TITLE VII—GENERAL PROVISIONS

House and Senate Section 705.—The conference agreement includes language proposed by the House to allow the Food Safety and Inspection Service, field automation and information management project funds to remain available until expended. The Senate proposed to prohibit these funds from remaining available until expended.

House Section 716.—The conference agreement includes and amends language proposed by the House to make permanent compliance with the Buy American Act. The Senate bill had no similar provision.

Senate Section 720.—The conference agreement includes language (Section 722) proposed by the Senate to prohibit the use of funds from this Act to carry out the provisions of section 918 of Public Law 104-127, the establishment of a permanent advisory panel known as the Safe Meat and Poultry Inspection Panel. The House bill had no similar provision.

House Section 721 and Senate Section 722.—The conference agreement includes language (Section 721) to limit funding for the Export Enhancement Program to $150,000,000 as proposed by the Senate instead of $205,000,000 as proposed by the House.

House Section 723.—The conference agreement includes language (Section 724) proposed by the House to prohibit USDA from transmitting or otherwise making available to any non-Department employee questions or responses to questions that are the result of information requested for the appropriations hearing process. The Senate bill had no similar provision.

House Section 724.—The conference agreement includes language (Section 725) proposed by the House to prohibit the use of funds in this Act for the Western Director and Special Assistant to the Secretary within the Office of the Secretary. The Senate bill had no similar provision.

House Section 726.—The conference agreement does not include language proposed by the House to reduce the National Agricultural Statistics Service budget by $1,500,000 and add it to Departmental Administration for civil rights enforcement. The Senate bill had no similar provision.

House Section 727.—The conference agreement does not include language proposed by the House to prohibit funds from being used to provide assistance to North Korea except for assistance provided directly to needy people by the United Nations Food Programme or private voluntary organizations registered with the United States Agency for International Development. The Senate bill had no similar provision.

House Section 728.—The conference agreement does not include language proposed by the House relating to the City of Galt, California. The Senate bill had no similar provision.

Senate Section 724.—The conference agreement includes language (Section 728) proposed by the Senate to amend section 3(c) of the Federal Noxious Weed Act of 1974 to include kudzu. The House bill had no similar provision.

Senate Section 725.—The conference agreement includes language (Section 729) proposed by the Senate to make the Martin Luther King area of Pawley's Island, South Carolina eligible for loans and grants under section 504 of the Housing Act of 1949. The House bill had no similar provision.

Senate Section 726.—The conference agreement includes language (Section 730) proposed by the Senate to prohibit the Food and Drug Administration from closing or relocating the FDA Division of Drug Analysis in St. Louis, Missouri. The conference agreement does not include language proposed by the Senate to prohibit the Food and Drug Administration from proceeding with a plan to close or consolidate the laboratory in Baltimore, Maryland. The House bill had no similar provision.

Senate Section 727.—The conference agreement does not include language proposed by the Senate to require the Secretary of Agriculture to submit a plan for reducing the employee level in the Rural Development mission area below the level described in the budget to the House and Senate Committees on Appropriations. The House bill had no similar provision.

Senate Section 728.—The conference agreement includes language (Section 731) proposed by the Senate to modify the conditions for issuance of cotton user marketing certificates. The House bill had no similar provision.

Senate Section 729.—The conference agreement includes language (Section 732) proposed by the Senate that requires the Office of Management and Budget to conduct a comprehensive economic evaluation of the direct and indirect effects of the Northeast Dairy Compact. The House bill had no similar provision.

Senate Section 730.—The conference agreement includes and amends language (Section 733) proposed by the Senate to allow the Secretary of Agriculture to use up to $2,000,000 from proceeds earned from the sale of grain in the disaster reserve to implement a livestock indemnity program. The House bill had no similar provision.

Senate Section 731.—The conference agreement includes language (Section 734) proposed by the Senate to prohibit contract payments to a producer who plants wild rice on contract acreage unless the contract payment is reduced by an acre for each contract acre planted to wild rice. The House bill had no similar provision.

Senate Section 732.—The conference agreement does not include language proposed by the Senate to prohibit the inspection or certification of agricultural products unless the Secretary of Agriculture inspects and certifies the processing equipment and imposes a fee for the inspection and certification. The House bill had no similar provision.

Senate Section 733.—The conference agreement includes language (Section 735) proposed by the Senate to change the term for Section 515 multi-family rural housing loans from 50 years to 30 years and allow the Secretary of Agriculture to structure loan repayments based on a 50-year amortization schedule. The conference agreement also extends the authorizations for the Section 515 Rural Rental Housing Program and the Section 538 Multi-Family Guarantee Program for one year. The House bill contained no similar provision.

New Section 727.—The conferees have included language that provides for reprogramming procedures for agencies funded by this bill. The conferees are concerned about the lack of formal reprogramming procedures for agencies funded by this bill. Recent testimony before the Committees on Appropriations has indicated many instances of funds being used for purposes other than intended by Congress. Accordingly, the conferees have instituted a formal process and expect all agencies to implement the procedures immediately.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follow:

New budget (obligational) authority, fiscal year 1997	$53,889,489,000
Budget estimates of new (obligational) authority, fiscal year 1998	52,302,190,000
House bill, fiscal year 1998	49,603,627,000
Senate bill, fiscal year 1998	50,713,787,000
Conference agreement, fiscal year 1998	49,749,679,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1997	−4,139,810,000
Budget estimates of new (obligational) authority, fiscal year 1998	−2,552,511,000
House bill, fiscal year 1998	+146,052,000
Senate bill, fiscal year 1998	−964,108,000

JOE SKEEN,
JAMES T. WALSH,
JAY DICKEY,
JACK KINGSTON,
GEORGE R. NETHERCUTT, Jr.,
HENRY BONILLA,
TOM LATHAM,
BOB LIVINGSTON,
MARCY KAPTUR,
VIC FAZIO,
JOSÉ E. SERRANO,
ROSA L. DELAURO,
DAVID R. OBEY,
Managers on the Part of the House.
THAD COCHRAN,
ARLEN SPECTER,
CHRISTOPHER BOND,
SLADE GORTON,
MITCH M. MCCONNELL,
CONRAD BURNS,
TED STEVENS,
DALE BUMPERS,
TOM HARKIN,
HERB KOHL,
ROBERT C. BYRD,
PATRICK J. LEAHY,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. FARR of California, for 5 minutes, today.

Mr. KLINK, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. TIERNEY, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Member (at the request of Mr. PAUL) to revise and extend his remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. CLAYTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. NEAL of Massachusetts.
Mr. HAMILTON.
Mr. SCHUMER.
Mr. TOWNS.
Mr. LEVIN.
Mr. ABERCROMBIE.
Ms. SLAUGHTER.
Ms. HARMAN.
Mr. KENNEDY of Rhode Island.

(The following Members (at the request of Mr. PAUL) and to include extraneous matter:)

Mr. SMITH of New Jersey.
Mr. BARRETT of Nebraska.
Mr. BACHUS.
Mr. PORTER.
Mr. CAMP.
Mr. HASTERT.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. LANTOS.
Mr. ORTIZ.
Mr. BOB SCHAFFER of Colorado.
Mr. EHLERS.
Mr. PARKER.

Mr. KIND.
Mr. RIGGS.
Mr. BENTSEN.
Mr. SKELTON.
Ms. SANCHEZ.
Mr. ADERHOLT.
Mr. CLYBURN.
Ms. CARSON.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 965. An act to amend title II of the Hydrogen Future Act of 1996 to extend an authorization contained therein, and for other purposes; to the Committee on Science.

S. Con. Res. 45. Concurrent resolution commending Dr. Hans Blix for his distinguished service as Director General of the International Atomic Energy Agency on the occasion of his retirement; to the Committee on International Relations.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On September 11, 1997:

H.R. 1866. An act to continue favorable treatment for need-based educational aid under the antitrust laws.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Thursday, September 18, 1997, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH: Committee on Banking and Financial Services. Supplemental report on H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes (Rept. 105–164, Pt. 2).

Mr. LEACH: Committee on Banking and Financial Services. H.R. 2343. A bill to abolish the Thrift Depositor Protection Oversight Board, and for other purposes; with an amendment (Rept. 105–249). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 230. Resolution providing for consideration of the resolution (H. Res. 168) to implement the recommendations of the bipartisan House Ethics Reform Task Force (Rept. 105–250). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2247. A bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes; with an amendment (Rept. 105–251). Referred to the Committee of the Whole House on the State of the Union.

Mr. SKEEN: Committee of Conference. Conference report on H.R. 2160. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–252). Ordered to be printed.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

H.R. 2343. A bill to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHAW (for himself and Mr. LEVIN):

H.R. 2487. A bill to improve the effectiveness and efficiency of the child support enforcement program and thereby increase the financial stability of single parent families including those attempting to leave welfare; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. LAMPSON, Mr. CRAMER, Mr. CASTLE, Mrs. THURMAN, Mr. FRANKS of New Jersey, Mrs. FOWLER, Mr. BENTSEN, Mr. LUTHER, Mr. BRADY, Ms. DUNN of Washington, Mr. REYES, Mr. WEXLER, Mrs. MORELLA, and Mr. BARCIA of Michigan):

H.R. 2488. A bill to amend the National Child Protection Act of 1993 to facilitate the fingerprint checks authorized by that act, and for other purposes; to the Committee on the Judiciary.

By Mr. LAHOOD (for himself, Mr. EWING, Mr. BARRETT of Nebraska, Mr. NUSSLE, Mr. EVANS, Mr. MINGE, Mr. SHIMKUS, Mr. WELLER, Mr. HASTERT, Mr. GUTKNECHT, Mr. MANZULLO, Mr. DAVIS of Illinois, Mr. POSHARD, Mr. LEACH, Mr. BOSWELL, Mr. GANSKE, Mr. LATHAM, Mr. MARTINEZ, Mr. COSTELLO, Mr. THUNE, Mr. CHRISTENSEN, Mrs. EMERSON, Mr. SKELTON, Mr. HULSHOF, Ms. DANNER, Ms. STABENOW, Mr. TRAFICANT, Mr. LIPINSKI, Mr. HILL, Mr. POMEROY, Mr. GUTIERREZ, Mr. YATES, Mr. PETERSON of Minnesota, and Mr. BONIOR):

H.R. 2489. A bill to amend the Internal Revenue Code of 1986 to provide that the incentives for alcohol used as a fuel shall be extended as part of any extension of fuel tax rates; to the Committee on Ways and Means.

By Mr. LARGENT:

H.R. 2490. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Ms. LOFGREN:

H.R. 2491. A bill to amend the Immigration and Nationality Act to make permanent the religious worker visa program; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey:

H.R. 2492. A bill to amend the Internal Revenue Code of 1986 to exclude certain severance payments from gross income and to allow a refundable credit for job training expenses of older long-time employees who are laid off; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. GILMAN, Mr. KING of New York, Mr. MANTON, Mr. WALSH, Mr. KENNEDY of Massachusetts, Mr. MCHUGH, Mr. PAYNE, Mr. SHAYS, Mr. HINCHEY, Mr. ANDREWS, and Mrs. KENNELLY of Connecticut):

H. Con. Res. 152. Concurrent resolution expressing the sense of the Congress that all parties to the multiparty peace talks regarding Northern Ireland should condemn violence and fully integrate internationally recognized human rights standards and adequately address outstanding human rights violations as part of the peace process; to the Committee on International Relations.

By Mr. ROHRABACHER (for himself, Mr. SMITH of New Jersey, Mr. ROYCE, Mr. HUNTER, and Mr. BURTON of Indiana):

H. Res. 231. A resolution urging the President to make clear to the Government of the Socialist Republic of Vietnam the commitment of the American people in support of democracy and religious and economic freedom for the people of the Socialist Republic of Vietnam; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. BLUMENAUER, Mr. DIXON, and Mr. ROTHMAN.
H.R. 23: Mr. GUTIERREZ and Mr. BISHOP.
H.R. 84: Mr. GUTIERREZ.
H.R. 96: Mr. MCINTOSH.
H.R. 336: Mr. PARKER.
H.R. 492: Mr. BLUMENAUER.
H.R. 598: Mr. COLLINS.
H.R. 631: Mr. BOYD.
H.R. 634: Mr. SPENCE.
H.R. 725: Mr. STUMP and Mr. BAESLER.
H.R. 754: Mr. DEUTSCH.
H.R. 859: Mr. SOUDER.
H.R. 875: Mr. LAHOOD and Ms. DELAURO.
H.R. 934: Mr. INGLIS of South Carolina.
H.R. 979: Mr. CONYERS, Ms. STABENOW, and Mr. TIERNEY.
H.R. 1022: Mr. BLUNT.
H.R. 1047: Mr. KENNEDY of Massachusetts.
H.R. 1059: Mr. FAWELL, Mr. LEWIS of Kentucky, Mr. SOUDER, and Mr. DUNCAN.
H.R. 1061: Mr. SOUDER.
H.R. 1114: Mr. FLAKE.
H.R. 1126: Mrs. TAUSCHER.
H.R. 1232: Mr. STUPAK, Mr. COSTELLO, Mr. SENSENBRENNER, and Mr. PASCRELL.
H.R. 1264: Mr. KENNEDY of Massachusetts.
H.R. 1335: Mr. WATT of North Carolina.
H.R. 1378: Mr. HULSHOF, Mr. HOBSON, Ms. PRYCE of Ohio, and Mr. BACHUS.
H.R. 1531: Mr. DEUTSCH and Mr. GUTIERREZ.
H.R. 1595: Ms. PRYCE of Ohio and Mr. MCCOLLUM.
H.R. 1609: Mr. JACKSON, Mr. KENNEDY of Massachusetts, and Mr. WEYGAND.
H.R. 1625: Mr. LINDER and Mr. COLLINS.
H.R. 1689: Mr. DREIER, Mr. DOYLE, and Mr. BARCIA of Michigan.
H.R. 1754: Mr. SESSIONS, Mr. BAKER, Mrs. CHENOWETH, and Mr. SPENCE.

H.R. 1777: Mr. Luther.

H.R. 1839: Mr. Clement, Mr. Jefferson, Mr. Wicker, Mr. Schiff, Mr. Hilleary, Mr. Stearns, Mr. Stump, Mr. Doyle, Mr. Davis of Virginia, Mr. Canady of Florida, Mr. Christensen, Mr. Hall of Ohio, Mr. Gibbons, Mr. Bereuter, Mrs. Maloney of New York, Mr. Gutknecht, Mrs. Fowler, Mr. Blunt, Mr. Ramstad, Mr. Neumann, Mr. Talent, and Mr. Barrett of Nebraska.

H.R. 1842: Mr. Bono.

H.R. 1849: Mr. Goodlatte.

H.R. 1970: Ms. McKinney.

H.R. 1984: Ms. Carson, Mr. Gibbons, Mr. McCollum, Mr. Cannon, and Mr. Thune.

H.R. 1995: Mr. Miller of California, Mrs. Mink of Hawaii, Mr. Torres, Mr. Cummings, Mr. Faleomavaega, Ms. Roybal-Allard, Mr. Bass, and Mr. Lantos.

H.R. 2113: Mr. Rogers.

H.R. 2140: Mr. Green.

H.R. 2212: Mr. Farr of California.

H.R. 2248: Mr. Campbell, Mr. Gordon, Mr. Fawell, Mr. Hilleary, Mr. Sisisky, Ms. Waters, Mr. Jones, Mr. Gephardt, Ms. Brown of Florida, Mr. Clyburn, Mr. McInnis, Mr. Obey, and Mr. Boehner.

H.R. 2293: Mr. Herger.

H.R. 2321: Mr. Christensen and Mr. Yates.

H.R. 2345: Mr. Markey, Mr. Farr of California, and Ms. Roybal-Allard.

H.R. 2385: Mr. Hayworth.

H.R. 2387: Mr. Visclosky, Mrs. McCarthy of New York, Mr. Brown of California, Mr. Markey, Mr. Maloney of Connecticut, Mr. Strickland, Mr. Sanders, Mr. Snyder, Mr. Bachus, Ms. Slaughter, Mr. Cook, Ms. Jackson-Lee, Mr. Bentsen, Mr. Levin, Mr. Vento, Mrs. Tauscher, and Mr. McNulty.

H.R. 2409: Mrs. McCarthy of New York, Mr. Stark, and Mr. McNulty.

H.R. 2428: Mr. Stark, Mrs. Kennelly of Connecticut, Mr. Levin, Mr. McDermott, Mr. Kleczka, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. McNulty, Mr. Jefferson, Mr. Olver, Mr. Yates, and Mr. Frost.

H.R. 2449: Mr. Barrett of Nebraska, Mr. McKeon, Mr. McIntosh, Mr. Upton, Mr. Davis of Virginia, Mrs. Northup, Mr. Istook, and Mr. Wicker.

H.R. 2465: Mr. Mica, Mr. Ballenger, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Burton of Indiana, Mr. Campbell, Mr. Cannon, Mr. Cooksey, Mrs. Cubin, Mr. Cunningham, Mr. Duncan, Mr. Ensign, Mr. Foley, Mr. Gibbons, Mr. Goss, Mr. Graham, Mr. Hastert, Mr. Hayworth, Mr. Hill, Mr. Hilleary, Mr. Hoekstra, Mrs. Kelly, Mr. Knollenberg, Mr. Kolbe, Mr. McCrery, Mr. Metcalf, Mr. Nethercutt, Mr. Norwood, Mr. Packard, Mr. Paul, Mr. Scarborough, Mr. Bob Schaffer, Mr. Sensenbrenner, Mr. Shadegg, Mr. Skeen, Mr. Snowbarger, Mr. Souder, Mr. Stump, Mr. Walsh, and Mr. White.

H.J. Res. 89: Mr. Cummings, Mr. Brown of California, Mr. Blumenauer, Mr. Rohrabacher, Mr. Frank of Massachusetts, Ms. Waters, Mr. Borski, Mr. McGovern, and Mr. Dellums.

H. Con. Res. 19: Mrs. McCarthy of New York.

H. Con. Res. 132: Mr. Hastings of Washington, Mr. Andrews, and Mrs. Tauscher.

H. Res. 37: Mr. Sandlin and Ms. Eshoo.

H. Res. 83: Mr. McGovern and Mr. Baldacci.

H. Res. 139: Mr. Gibbons.

H. Res. 224: Mr. Houghton, Mr. Solomon, Mr. Quinn, Mr. Minge, Mr. Baldacci, Mr. Lewis of Kentucky, and Mr. Evans.

H. Res. 229: Mr. Capps, Ms. DeLauro, and Mr. Frost.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2029: Mr. Hastings of Florida.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2267

Offered By: Mr. Coburn

Amendment No. 35: Page 34, line 13, after the dollar amount, insert the following: "(increased by $74,100,000)".

Page 49, line 9, after the dollar amount, insert the following: "(reduced by $74,100,000)".

H.R. 2267

Offered By: Mr. Hoekstra

Amendment No. 36: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. 617. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.

H.R. 2267

Offered By: Mr. Hoekstra

Amendment No. 37: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. 617. (a) In General.—Except as provided in subsection (b), none of the funds made available under this Act, or any other Act making appropriations for fiscal year 1998, may be used by the Department of Labor or the Department of Justice to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters.

(b) Exception.—

(1) In general.—Upon the submission to Congress of a certification by the President of the United States that the International Brotherhood of Teamsters does not have funds sufficient to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters, the President of the United States may transfer funds from the Department of Justice and the Department of Labor for the conduct and oversight of such a rerun election.

(2) Requirement.—Prior to the transfer of funds under paragraph (1), the International Brotherhood of Teamsters shall agree to repay the Secretary of the Treasury for the costs incurred by the Department of Labor and the Department of Justice in connection with the conduct of an election described in paragraph (1). Such agreement shall provide that any such repayment plan be reasonable and practicable, as determined by the Attorney General and the Secretary of Treasury, and be structured in a manner that permits the International Brotherhood of Teamsters to continue to operate.

(3) Repayment plan.—The International Brotherhood of Teamsters shall submit to the President of the United States, the Majority and Minority Leaders of the Senate, the Majority and Minority Leaders of the House of Representatives, and the Speaker of the House of Representatives, a plan for the repayment of amounts described in paragraph (2), at an interest rate equal to the Federal underpayment rate established under section 6621(a)(2) of the Internal Revenue Code of 1986 as in effect for the calender quarter in which the plan is submitted, prior to the expenditure of any funds under this section.

H.R. 2267

Offered By: Mrs. Lowey

Amendment No. 38: Page 50, line 13, after the dollar amount insert "(increased by $2,500,000)".

Page 50, line 23, after the dollar amount insert "(increased by $2,500,000)".

Page 51, line 11, after the dollar amount insert "(increased by $2,500,000)".

Page 51, line 13, after the dollar amount insert "(increased by $2,500,000)".

Page 51, line 16, after the dollar amount insert "(increased by $2,500,000)".

H.R. 2267

Offered By: Mr. Miller of California

Amendment No. 39: Page 5, line 9, insert "(reduced by $100,000)" after the dollar amount.

Page 7, line 6, insert "(increased by $100,000)" after the dollar amount.

H.R. 2267

Offered By: Mr. Miller of California

Amendment No. 40: Page 7, line 6, insert "(increased by $100,000)" after "$973,000,000".

H.R. 2267

Offered By: Mr. Schumer

Amendment No. 41: Page 67, line 19, after the dollar amount, insert the following: "(reduced by $7,270,260)" .

H.R. 2267

Offered By: Mr. Schumer

Amendment No. 42: Page 67, after line 19, insert the following:

DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the designation of organizations as foreign terrorist organizations pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)), as added by section 302 of Public Law 104–132 (110 Stat. 1214, 1248), to be derived by transfer from the amount provided in this title for "DEPARTMENT OF STATE—Administration of Foreign Affairs—Salaries and Expenses". $7,270,260.

H.R. 2267

Offered By: Mr. Weygand

Amendment No. 43: Page 20, line 19, strike "Service" and insert "Service,",

Page 20, line 20, strike "or State" and insert "a State".

Page 20, beginning on line 20, strike "agency and" and all that follows through "interview:" on line 25 and insert "agency, or a designated fingerprinting service certified to take fingerprints under 8 C.F.R. § 103.2(e):".

H.R. 2378

Offered By: Mr. Blagojevich

Amendment No. 8: Page 5, line 6, after the first dollar amount, insert the following: "(reduced by $1,000,000)".

Page 12, line 2, after the dollar amount, insert the following: "(increased by $1,000,000)".

H.R. 2378

Offered By: Mrs. Roukema

Amendment No. 9: Page 101, after line 18, insert the following:

MINIMUM SAFETY AND SECURITY STANDARDS FOR GUN SHOPS

Sec. 633. (a) In General.—Section 923 of title 18, United States Code, is amended hereafter by adding at the end the following:

“(m) SAFETY AND SECURITY STANDARDS FOR GUN SHOPS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco and Firearms, shall issue final regulations that establish minimum firearm safety and security standards that shall apply to dealers who are issued a license under this section.

“(2) MINIMUM STANDARDS.—The regulations issued under this subsection shall include minimum safety and security standards for—

“(A) a place of business in which a dealer covered by the regulations conducts business or stores firearms;

“(B) windows, the front door, storage rooms, containers, alarms, and other items of a place of business referred to in subparagraph (A) that the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco and Firearms, determines to be appropriate; and

“(C) the storage and handling of the firearms contained in a place of business referred to in subparagraph (A).”.

(b) INSPECTIONS.—Section 923(g)(1) of title 18, United States Code, is amended hereafter—

(1) in subparagraph (A)—

(A) in clause (i), by striking “, and” and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iii) with respect the place of business of a licensed dealer, the safety and security measures taken by the dealer to ensure compliance with the regulations issued under subsection (m).”; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting “and the place of business of a licensed dealer” after “licensed dealer”;

(B) in clause (ii), by striking “or” at the end;

(C) in clause (iii), by striking the period at the end and inserting “; or”; and

(D) by adding at the end the following:

“(iv) not more than once during any 12-month period, for ensuring compliance by a licensed dealer with the regulations issued under subsection (m).”.

(c) PENALTIES.—Section 924(a)(1) of title 18, United States Code, is amended hereafter—

(1) in subparagraph (C), by striking “or” at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

“(D) being a licensed dealer, knowingly fails to comply with any applicable regulation issued under section 923(m); and”.

SENATE—*Wednesday, September 17, 1997*

The Senate met at 9:45 a.m., and was called to order by the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, our Creator, Sustainer, and loving heavenly Father, thank You for this moment of profound communication with You. We come to You just as we are—with our hurts and hopes, fears and frustrations, problems and perplexities. We also come to You with great memories of how You have helped us so faithfully when we trusted You in the past.

Now, in the peace of Your presence, we sense a fresh touch of Your Spirit. With a receptive mind and a heart wide open, we receive the inspiration and love You give so generously. Make us secure in Your grace and confident in Your goodness. We need Your power to carry out the responsibilities that are upon us this day.

Humbly, we now ask for divine inspiration in the decisions of this day. Because we are here to please You in all that we do. Our hope is that at the end of this day we will hear Your voice sounding in our souls, "Well done, good and faithful servant." Through our Lord and Saviour. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 17, 1997.

To the Senate:

Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. SANTORUM thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Chair, in his capacity as a Senator from the State of Pennsylvania, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. ROBERTS. Mr. President, today the Senate will resume consideration of H.R. 2107, the Interior appropriations bill. Senators who have any additional amendments to this legislation are encouraged to contact the managers and come to the floor this morning so that we can continue to make real progress on this bill.

At 10:45 this morning, the Senate will begin 15 minutes of debate on H.R. 2016, the military construction appropriations conference report. A vote will occur at approximately 11 o'clock on the MilCon conference report. Following disposition of that report, the Senate will resume consideration of the Interior appropriations bill with the intention of completing that measure today. Therefore, Senators should anticipate votes throughout today's session. As always, Members will be notified as these votes are ordered. I thank my colleagues for their attention and yield the floor.

Mr. BIDEN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

ORDER OF PROCEDURE

Mr. BIDEN. Mr. President, I ask unanimous consent that I be able to proceed as if in morning business for up to 30 minutes.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. BIDEN. Mr. President, first of all, I have two statements I wish to make, but if any of my colleagues come in and wish to begin on the amendments, I will cease at that point and not ask for all 30 minutes.

Second, Mr. President, I apologize to you and others for my gravelly voice; I have a cold, and I understand sitting in the chair can be a task. It is hard enough sometimes to listen to me, and it is even harder sometimes when I am in this condition.

THE CHINA SUMMIT: WHAT KIND OF ENGAGEMENT?

Mr. BIDEN. Mr. President, at the end of October President Clinton will sit down with Chinese President Jiang Zemin to try to put the United States-China relationship on a sounder footing. After 8 years of tension in the relationship, it should go without saying that there is plenty of work to be done by both Presidents.

With over a billion people and a burgeoning economy undergoing a dramatic transformation from doctrinaire communism to market-driven capitalism, China undeniably is an emerging great power. How we deal with China will be one of the great foreign policy challenges of the next century.

The forthcoming meeting with President Jiang Zemin is one of a series of important opportunities to advance our relations that will occur over the next several months.

Today I want to outline some of the objectives that I think the United States should pursue during Jiang's visit, particularly in regard to one of the central issues in our relationship.

The issues on the agenda are familiar. We have deep concerns about China's human rights record, its trade practices, and most important, from the perspective of international security, its lackluster record of adherence to nonproliferation agreements.

It is unrealistic to assume that we will resolve all our differences next month, next year, or even over the next several years.

I am convinced, however, that it is possible to build a mutually beneficial relationship with China. A rising China need not threaten United States interests. In fact, China cannot achieve the economic growth, international respect, and regional stability it seeks without a workable relationship with the United States and close, constructive, integration with global economic, political, and security regimes.

THE CONTAINMENT-VERSUS-ENGAGEMENT DEBATE

Just as China is engaged in a great internal debate about its future direction, the United States is undertaking a great debate about the future direction of its policy toward China. The choice is often framed, simplistically, as one between two mutually exclusive paths: containment or engagement.

But the relationship between these two great nations is far more complicated than that. It demands a more sophisticated strategy.

Containment—the central organizing principle of the West during the cold war—is not a realistic policy option for China. Economically, China is already a powerhouse, the third largest market in the world and our fastest growing export market. Unlike the former Soviet Union, China has a vibrant economy, enjoys normal relations with all of its neighbors, and is attracting vast amounts of foreign investment.

If we try to smother China by denying it access to our markets, the effect

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

on China would be less severe than commonly expected. Exports to the United States represent only about 2 to 3 percent of China's gross domestic product, and the injury would be borne not only by China, but also by our many allies in the region. This is because 70 to 80 percent of the value of China's exports to the United States represent products originally imported by China from the United States and other countries and then processed for export.

Militarily, a containment strategy for China would be a terrible act of folly worthy of a Barbara Tuchman history volume. For the last 25 years our alliances with Japan, South Korea, Australia, Thailand, and the Philippines have helped to foster peace and stability in the Pacific—all without vilifying China. While it is essential that we adapt our regional alliances to post-cold war realities, we should not cast China as an adversary.

Our allies support the integration of China into the region's economic and political structure, including the Association of Southeast Asian Nations regional forum. None would support a policy of containment premised, as it would have to be, on the notion of an expansionist China bent on regional hegemony.

If containment fails to advance our interests, what about engagement? Engagement, a term frequently used to describe the Clinton administration's policy, is, by itself, virtually without substance. Engagement could run the gamut from normal diplomatic relations, to a zealous mercantilist approach that runs the risk of placing profits over principle. Or to paraphrase George Will in another context from years ago, he said, "Some of my friends love capitalism more than they hate communism."

Engagement is not a policy. It is a means to an end. It is the content of the engagement that matters.

We should not be passive in our relationship with China. We can influence what kind of great power China becomes.

Encouraging China's transition from a poor, isolated Communist state to a more prosperous, open, and democratic partner, however, will take more than a bland policy of engagement. It requires patience and purpose in the pursuit of clearly articulated U.S. interests.

U.S. INTERESTS

American interests in China are clear. We seek a free, prosperous, and secure China, at peace with its neighbors. We want China to respect international norms—particularly, nonproliferation, human rights, trade, and the environment.

THE SUMMIT'S MEASURE OF SUCCESS

Next month, Chinese President Jiang Zemin will visit Washington, the first such visit since the Tiananmen Square massacre. I am prepared to support this diplomatic step, provided that it yields meaningful progress on issues of concern to us.

Early reports about China's priorities at this summit call into question whether such progress can be achieved. According to press reports, China is obsessed with ensuring that President Jiang receives the red carpet treatment, similar to the celebrated visit of Deng Xiao-Ping in 1979.

Let me state it plainly: this visit must be about more than ceremony.

In the area of international security, we should not hesitate to criticize China for conduct which calls into question Beijing's commitment to nonproliferation and invites U.S. sanctions.

However, we should also be prepared to lay out plainly the benefits that might accrue to China if it takes decisive steps to join with the United States to halt the spread of weapons of mass destruction.

NONPROLIFERATION CONCERNS

As my colleagues know, I have for several years been critical, along with Senator HELMS, of China's behavior in the area of nonproliferation. Their consistent flouting of international norms warrant skepticism that China is willing to engage us honestly on our proliferation concerns.

Nonetheless, I agree with this objective: we must strive to transform nonproliferation from an issue that has become emblematic of the difficulties in Sino-United States relations to an example of cooperation and trust.

Toward that end, China deserves some credit for development of its official policy on nonproliferation. For example, since 1992, Beijing has promised to abide by the Missile Technology Control Regime, acceded to the Nuclear Nonproliferation Treaty [NPT], signed and ratified the Chemical Weapons Convention, developed regulations governing exports limited by the Chemical Weapons Convention, and issued its first public defense white paper, which focused on arms control and disarmament.

On May 11, 1996, following what the Chinese maintain was an unauthorized sale of ring magnets used in uranium enrichment to Pakistan in violation of China's Nonproliferation Treaty [NPT] commitments and United States law, China pledged not to provide assistance to any nuclear facilities not under International Atomic Energy Agency safeguards.

Last year, China began a moratorium on nuclear testing and signed the Comprehensive Test Ban Treaty. Finally, just last month China promulgated a list of controlled nuclear technologies which are prohibited from export.

Perhaps even more significantly, in recent months we have observed for the first time a Chinese willingness to forego exports of nuclear technology to Iran in response to United States concerns.

Hopefully, this is the dawning on the part of the Chinese of not only a recognition of the commitments they made, but what their self-interest is. It is not in their self-interest, in my humble opinion—although I never tell another man or woman their politics or lecture another country about what is their interest—but on the surface it clearly is not in their interest to continue to engage in the activities they have engaged in during the decades of the 1980's and the 1990's. So I am not making any prophecy about what this portends, I am just stating a fact, that there has been a change—not sufficient change, but a change. Again, hopefully, it is a recognition of their self-interest in addition to their international obligations.

The China Nuclear Energy Industry Corporation reportedly has canceled an agreement to sell Iran a facility to convert uranium ore into uranium hexaflouride gas, which could be enriched to weapons-grade material. I hope that is correct. China has also suspended an agreement to sell nuclear reactors to Iran. Again, if true, if they keep on that path, that is a very positive change.

I hope that these developments are evidence that Chinese leaders now fully accept that China's own national security would be threatened by the proliferation of weapons of mass destruction and the means to deliver them. I also hope that China understands that great powers go beyond their minimum treaty obligations in the interest of peace and security. If they wish to be a great power, they will be required to do the same.

China wants to be accepted as a great power. I welcome that desire and understand it. A great power bears an obligation not to sell dual-use equipment to a country that is known to have a program to develop long-range missiles. A great power bears an obligation not to sell chemical weapons precursors or technology to firms or institutes that are fronts for military programs. A great power agrees to work with other countries to ensure that the burdens of nonproliferation are shared equitably. China must step up to that obligation.

CHINA'S NEXT STEPS

There are several steps China could take to shoulder their share of the nonproliferation burden and to increase the world's confidence in their stance on nuclear nonproliferation. Specifically, in my humble opinion, China should do the following: Expand its pledge not to assist unsafeguarded facilities to include unsafeguarded programs; clarify its recent commitment not to assist Iran's nuclear program and put it in writing; make its nuclear export control list available to Chinese and foreign firms and expand controls to include dual-use nuclear technology; establish a comprehensive export controls enforcement mechanism, and demonstrate its effectiveness through the arrest and prosecution of violators within China; stop all contact between Chinese nuclear engineers and those Pakistani experts with ties to Pakistan's nuclear weapons program; and last, I believe China should agree to join multilateral bodies committed to nuclear nonproliferation, including the Zanger Committee.

If China took these steps, we would be well on our way to transforming nuclear nonproliferation from a sore point in Sino-United States relations to a genuine success story.

ACTIVATING THE NUCLEAR COOPERATION AGREEMENT

United States concerns about Chinese proliferation are not restricted to nuclear technology. China's export of chemicals and equipment destined for Iran's chemical weapons factories and its sale of cruise and ballistic missile technology to Iran, Pakistan, and other countries remain of serious concern to the United States and must be addressed.

But progress in the area of nuclear nonproliferation could serve as an example for these other areas of our bilateral relationships. Moreover, there are benefits that could flow to both the United States and China once we became convinced by China's actions of the sincerity of its commitment to halt the spread of weapons of mass destruction.

For example, if recent progress in the area of nuclear nonproliferation continues, the President could choose to implement the 1985 Peaceful Nuclear Cooperation Agreement with China. That early agreement permits the export of United States nuclear energy technology to China. We have suspended it because of our doubts about China's intentions. If China continued on the path that they have begun of late, the President, or the next President, could in fact reengage that agreement.

The Peaceful Nuclear Cooperation Agreement was suspended in 1986 in response to Congressional concerns about Chinese assistance to Pakistan's nuclear weapons program. I was one of those expressing concern at that time. I think we made the right decision.

For the past decade, China's nonproliferation track record has effectively, in my view, precluded resumption of nuclear cooperation with the United States. I have been one of the people on this floor calling for the rare secret sessions that we occasionally have here to discuss China's activities over the last decade in this area.

During the intervening years, China has pursued a "Noah's Ark" approach to nuclear energy, purchasing two Russian reactors, two French reactors, and two Canadian reactors. Now they are close to reaching a decision on a standard configuration for their nuclear industry, and they would like to purchase two American reactors. The Chinese rightly believe that United States reactors are the safest, most efficient, and reliable on the planet—which they are.

For the United States, reactivation of the nuclear cooperation agreement could mean billions of dollars' worth of exports to help balance our trade with China, additional high-paying jobs for Americans, and a beneficial change in the relationship. There would also be an environmental benefit: reducing China's consumption of high-sulfur coal, which fouls the air over China's cities and contributes to global warming.

So, there could be a great benefit. But China must first, must first demonstrate to us that their recent adumbrations with regard to nuclear nonproliferation, are real, and that is why I was presumptuous enough to suggest the things that I think China could and should do, and should be discussed in the impending visit.

The world system has never been adept at accommodating the aspirations of rising powers.

As a student of history, and although it has been 100 years since I was in undergraduate school, my love and my avocation still, as a student of history—I know, and you know and all our colleagues know, that the world has never been adept at accommodating the aspirations of rising powers. To deny that China is a rising power is to deny reality. China's rise is not likely to be an exception in the way in which the world responds.

Increasingly, China not only wants a seat at the table, it expects its interests to be taken seriously and balks at being held accountable to rules it had no role in shaping when the great powers shaped them, before they had a seat at the table.

China is an ancient country with a rich history and a proud list of cultural and technological accomplishments which will forever distinguish it from our western, Judeo-Christian traditions. In light of this, one can understand why they might feel that it could be unreasonable for us to try to mold them in our image. But we do China no favors by failing to communicate our concerns, or by jettisoning our principles or our strategic interests in pursuit of an ill-defined policy of engagement. To suggest that international norms that all the world are willing to accept, or should be willing to accept, are an imposition of our system on China, is in fact, I think, an incorrect way of looking at it.

We are not trying to make China in our own image. But there are certain basic international norms to which they must conform.

We are not being unreasonable when we expect China to accept international norms of behavior in the area of nonproliferation, human rights, and trade. We are not being unreasonable when we expect China to adhere to the terms of its international agreements—period.

Since the introduction of Deng Xiaoping's reforms 20 years ago, China has opened to the world, seeking even greater integration into global trade and security regimes. And during that process, as an observer, it seems to me, like all change, like all transitions, they have begun to learn. They have begun to learn where their interests lie. My hope is their learning curve continues.

Some China watchers discount this trend as mere tactics. I believe that these China watchers are mistaken. Only in a Chinese historical context of dynasties and centuries could the consistent policy of two decades be dismissed as tactics. China's opening is the single greatest force for economic modernization and political reform that the Middle Kingdom has ever known. We should reinforce this strategic opening.

How ironic and tragic it would be if we attempted to contain China just at the moment in history when China becomes convinced that it no longer needed a great wall to protect it from the barbarian hordes and foreign influences.

Rather than throwing up the ramparts, we should be seeking to expand the areas of cooperation. China must do its part by adhering to international norms of behavior and following through on its commitments, and we must do our part standing ready to welcome China as it strives to become a truly great power. Our interests with China are too vital—the consequences of failing to build a constructive relationship with China too profound—to do otherwise.

Mr. President, how much time do I have left in my request?

The PRESIDING OFFICER. The Senator has 8 minutes 4 seconds.

THE BOSNIAN ELECTIONS

Mr. BIDEN. Mr. President, I would like now to speak very briefly, 8 minutes, to the issue of Bosnia. Last weekend, the people of Bosnia-Herzegovina went to the polls to elect their various municipal governments. I know the President has recently been to Bosnia, as I have. These local elections had been postponed from last year because of tampering with registration, chiefly by the Bosnian Serbs.

But I am happy to report, and we have all observed, that this year's municipal elections were a success. Despite dire threats of violence against refugees and displaced persons who wanted to cross over to their former homes to vote, over 2 days, not one single incident of violence occurred in the entire country.

Why? For a simple reason, I believe, Mr. President. Because of the presence of SFOR, the NATO-sponsored troops on the ground led by recently reinforced American troops. SFOR made clear to all parties that violence would not be tolerated and force would be met with force.

Every single time over the past several years when the West has been forceful in its behavior, the ultranationalists in Bosnia, primarily the Serbs but all ultranationalists, have backed down—every single time.

The elections were carried out by the Organization for Security and Cooperation in Europe, the so-called OSCE, in which the United States is an active member, but only one of many. The OSCE observers deserve a great deal of credit for their successful labors.

The results of the election will not be known for another couple of days. Already, however, some encouraging signs are emerging. In Tuzla, a place I have visited on more than one occasion, the Muslim Party for Democratic Action, the SDA, conceded defeat by Mayor Selim Beslagic, who represented not just the Muslim party but the multiethnic joint group that was running.

I met the mayor last month. I met with him last month in Bosnia in Sarajevo. When I met with him, he indicated that he represents not just Muslims, but he represents this multiethnic slate and he represents just the kind, in my view, of democratic, tolerant, pragmatic politician that is going to be needed to rebuild Bosnia. But the point is, the controlling party in the area lost. The election was free.

Until now, three ethnically based parties that profess to represent the interests of the Muslims, Serbs, and Croats have been dominating the airwaves and the patronage system. Tuzla, and perhaps other cities in both the federation and the Republika Srpska, show that if SFOR and the international community guarantee equal access, the monopoly of these parties on power can be broken.

Moreover, Mr. President, I would argue it represents what I believe to be the majority view of Bosnian Serbs, Bosnian Croats and Bosnian Muslims, who, I might add, lived together in peace for decades and decades prior to this and the majority of whom wish to do that again. But it shows that the monopoly of the parties that are representing purely the xenophobic notions of their particular interests are not necessarily the views of the people of Bosnia.

Moreover, it is likely that, thanks to the absentee voting and the protection offered by SFOR for returning refugees, the election may reverse the vile ethnic cleansing of the war. For example, in the town of Drvar in western Herzegovina, it was 97 percent Serb until the town's inhabitants were driven out in the fall of 1995 by Croats. Last weekend, the Croats who displaced the Serbs did their best to harass returning Serb voters. International election officials from the OSCE, however, insisted the Serbs be allowed to vote, and it looks like there may be a turnaround in that community as well.

Several other towns, like Jajce and Srebrenica, site of the largest civilian massacre in Europe since World War II, may see their former inhabitants, in these two cases Muslims, forming the governments in those two cities.

The international community is now faced with the next—and this is an incremental thing, Mr. President—they are faced with the next stark question of whether now we will enforce the election results, whether we will now be part of that.

I realize that is a dicey deal, but I continue to argue that when we demonstrated force, and given the power of the people in those communities, we, the Western community, have prevailed.

So now the question is, will we enforce the results of the election by guaranteeing that the newly elected councils not remain governments in exile? Enforcing the election results, of course, means that the right of refugees and displaced persons to return must be honored, which Dayton calls for. In most cases, that would be able to be accomplished only by the international community being present and the presence of SFOR.

Mr. President, I believe we have no choice in this matter. Both for moral and practical reasons, it seems to me we must move rapidly to enforce the resettlement of refugees as the results of the election will dictate. This will be a difficult task, and the time is short before the onset of the Balkan winter. Most likely we will have to begin with highly visible demonstration returns in one or two selected towns. But, Mr. President, we must keep the democratic momentum going.

Rebuilding shattered Bosnia is an immense undertaking, and now, for the first time in years, there has been a string of successes. The United States has been the prime mover in these, although not the prime player in terms of numbers. We must continue to exert our leadership on the European Community, and we must continue the valuable and honorable work we have undertaken, for, Mr. President, to do otherwise, I will predict, the result will be disastrous for Europe, disastrous for our interests.

I will end with a rhetorical question. How can we expect stability in Europe if the ethnic cleansing is able to be justified, and partitioning takes place? How do we then explain that to the other parts of the former Soviet Union who have equally deep divisions that exist? Mr. President, there are 5 million ethnic Russians in the Ukraine. There are 5 million of them. There are millions of people who have ethnic differences living throughout that area. How do we deal with Rumania and Hungary? If we say that this vile ethnic cleansing will be rewarded by us backing out and letting it return to the status quo, you know European leadership will not step up to the ball. Again, I want to make it clear, we play the smallest part relative to the rest of the world in this, in the sense that we are only a small portion of the overall effort, but the overall effort is occurring because of our leadership.

So, Mr. President, I acknowledge that this is a dicey deal. I acknowledge that it is going to be difficult, but I would suggest that those who have a different view from me acknowledge that there have been recent successes that at least lend hope to the possibility that we can continue down this path.

I thank the Chair, and I thank my colleague. I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate now resumes consideration of H.R. 2107, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998.

The Senate resumed consideration of the bill.

Pending:

Ashcroft amendment No. 1188 (to committee amendment beginning on page 96, line 12, through page 97, line 8) to eliminate funding for programs and activities carried out by the National Endowment for the Arts.

Hutchinson amendment No. 1196, to authorize the President to implement the recently announced American Heritage Rivers Initiative subject to designation of qualified rivers by act of Congress.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Washington is recognized.

Mr. GORTON. Mr. President, the Senator from Delaware has used this time very much to good effect with thoughtful analyses of two questions, and he certainly did not interfere with debate on the Interior appropriations bill, as no one was here to present an amendment on the subject. I do have a unanimous consent request that has been agreed to by both sides, Mr. President, and I will present it now.

UNANIMOUS-CONSENT AGREEMENT

Mr. GORTON. Mr. President, I ask unanimous consent that at 1:30 p.m. today, the Senate resume consideration of the Ashcroft amendment No. 1188, and that the time be divided in the following fashion: 70 minutes under the control of Senator BYRD, or his designee; 70 minutes under the control of Senator ASHCROFT, or his designee; 5 minutes under my control.

I further ask unanimous consent that following the conclusion or yielding back of time, the Senate proceed to vote on, or in relation to, the Ashcroft amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I also express my strong hope and preference, and that of the majority leader, that after disposition of the Ashcroft amendment, unless it is adopted, that we proceed promptly to the consideration of the other amendments relating to the National Endowment for the Arts. They are: an amendment by Senator ABRAHAM; an amendment by Senator SESSIONS and Senator HUTCHINSON of Arkansas; and an amendment by Senator HUTCHISON of Texas. Each of them has been debated thoroughly. While no unanimous-consent request has been made with respect to any of them, I hope that we will be able to get relatively short debate periods and thereby finish dealing with the most controversial aspect of this bill.

There are also other outstanding amendments, some of which may require rollcall votes. I know of one relating to forest roads that will be proposed by Senator BRYAN of Nevada. I hope we will, within the hour at least, be able to arrange a time for its debate.

I believe that there are a couple of others. I am also delighted to report that Senator BUMPERS and Senator REID have apparently reached an agreement on an element in this bill which divided the two of them. I believe that, again, within the hour or hour and a half, we may be able to adopt an agreed amendment on that subject.

I know the majority leader still would like to finish this bill tonight. That may be a vain hope, but I certainly hope we will get a long way toward that end. With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORTING THE NATIONAL ENDOWMENT FOR THE ARTS

Mr. KENNEDY. Mr. President, here we go again. Every year since 1989, Congress has held a highly charged debate about the future of the National Endowment for the Arts. This year is no different. Ironically, extremists opposing NEA have recently been claiming that there has been inadequate oversight of the agency. Dollar for dollar, it is likely that no agency has been more heavily scrutinized than the Arts Endowment.

The arts and humanities have, and deserve to have, a central role in the life of America. The Arts Endowment has contributed immensely to that role. It has encouraged the growth and development of the arts in communities across the Nation, giving new emphasis and vitality to American creativity and scholarship, and to the cultural achievement that are among America's greatest strengths.

Americans have a great deal to celebrate and learn about our extraordinary cultural traditions. The arts are an important part of our complex and modern society, and will play a key role in fulfilling our country's many possibilities for the future.

Critics used to claim that the Endowment spent money unwisely—awarding grants to unqualified artists or to artists that clearly did not merit Federal aid. But the critics quickly ran out of examples. Over the period of its entire 32-year history, a grand total of about 25 of the tens of thousands of grants awarded by the Endowment have raised genuine concerns. Yet, the budget for the Arts Endowment has been cut to penalize the agency for these so-called inappropriate grants. Other restrictions have also been imposed—on content, on seasonal support grants, on grants to individuals, and on subgrants.

Nothing will ever satisfy the critics, because their real intent is to eliminate any Federal role in the arts. Their goal is to abolish the agency—either directly by denying it any funds at all, or, indirectly by block-granting all the funds to the States.

In fact, the Arts Endowment has an extraordinary record of successful achievement. As a result of the its leadership over the past three decades, there are now double the number of orchestras in America, 11 times the number of dance companies, and 50 times the number of local arts agencies. The NEA reaches out to thousands of America's communities and neighborhoods. It is functioning as it should, encouraging the arts in all parts of the country, providing the seed money that enables local arts to grow and thrive.

Let us be honest. In recent years, since the rightwing's misguided ideological assault on the agency first began, Congress has gone the extra mile. We have taken every reasonable action to ensure that the Arts Endowment only supports grants and programs that are responsible, that fulfill the agency's widely accepted mission, and that reach the widest possible audience. Every year the agency has to run the appropriations gauntlet and every year it convinces a majority of Congress that it deserves support. This year should be no different, because there is no new evidence to justify the critics' shameful attack.

The Labor and Human Resources Committee recently approved a 5-year reauthorization of the Arts Endowment. The bill includes appropriate restrictions and set-asides, so that the arts will reach as many communities across the country as possible. The bill also establishes arts education as a primary focus of the agency. The bill was approved by a solid bipartisan committee vote of 14 to 4.

I commend Senator JEFFORDS of the Labor Committee for his excellent job in guiding that authorization through the committee. He is a strong supporter of the arts and has been thorough and conscientious in his oversight of the Endowment.

The Appropriations Committee has also demonstrated its support for the Endowment, by recommending just over $100 million for the Arts Endowment in this bill. I commend the committee for its support.

The agency has made a significant contribution to the quality of life in thousands of communities in our country. The arts have broad appeal, and the Endowment's mission is to encourage artists and institutions across the country to create, produce, and present programs to tap and encourage that appeal. In 1996, for example, the NEA supported significant programs such as the Delaware Theater Co., the Atlanta Ballet, the Tulsa Philharmonic Society, the University of Southern Mississippi's Folk and Traditional Arts Program, and the International Association of Jazz Educators.

Countless other examples can be cited. Federal support for the arts has clearly made a large difference in communities across the country. The current Federal role is significant, and it has overwhelming support in every State. Families want their children to visit symphonies and museums. They want to enjoy theater and dance. The arts are more than a diversion or entertainment. They are educational and enriching, and their central place in the Nation's life and experiences should be supported and increased.

The Conference of Mayors has strongly endorsed the Arts Endowment. These local officials, who know their communities best, clearly understand the positive role of the arts. They know that the arts contribute to the vitality of their locality, and increase its economic base as well.

In Massachusetts, the arts community is thriving and dynamic. A wealth of cultural and educational activities is available to every citizen. These activities also attract tourists to our State. Recently, the Museum of Science presented its hugely successful Leonardo da Vinci exhibition. A major retrospective on Picasso's early years is about to open at the Museum of Fine Arts. Many of my colleagues, I am sure, had the opportunity to see this extraordinary exhibition at the National Gallery of Art in Washington.

The Endowment's support helped to make this dramatic exhibition possible.

People in every State treasure their own arts institutions and arts programs in the same way. Whatever the size of the State or community, the impact of the arts is significant and indisputable, from the youngest child to the oldest senior citizen.

Leaders in State and local institutions across the country are convinced that support by the Arts Endowment has been a significant part of their success. Federal aid is seed money. It has never been intended to replace State or local or private support for the arts. But it has often been a critical component in the overall development and success of countless local institutions.

In many communities, the Federal role has been indispensable, especially in disseminating innovative programs to institutions that might not have the resources to develop and produce their own programs.

Arts education is an excellent example of this impact. Music is an especially effective tool in developing the discipline and the learning potential of students. Recent studies by the college board show that students who have studied 4 years of music or more do significantly better in both their math and verbal scores on standard SAT tests.

Let me just repeat that. The studies by the college board show that students who have studied 4 years of music or more do significantly better in both their math and verbal scores on standard SAT tests—up to about 50 points more.

You would find it extremely difficult to point to any single particular educational program that results in that kind of a bump in terms of educational achievement and accomplishment. But there it is. There are the statistics. And it should not be any mystery.

We know, for example, for 300 years the Greeks had the greatest mathematicians in the world. It is interesting to note that the reason that they had the greatest mathematicians in the world is that they taught their youngest children mathematics through the arts and through music—for 300 years.

I have 10 schools in my own city of Boston where the Conservatory of Music is working with those schools to try and provide the same kinds of initiative in terms of the music and the math that was used many hundreds of years ago with phenomenal success.

I remember being in the Trotter School in Boston with Larry Lesser, who is probably one of the world's great cellists, and the time he was working in an inner-city school and working with those inner-city children in terms of enhancing their academic achievement and accomplishment. You would, as I say, rarely find a particular educational program that would have that kind of result.

We are all looking to what is going to be magical in terms of education, that is going to enhance academic achievement. We have the results in with regard to those students who study music for 4 or more years and how that has enhanced children who have that 4 or 5 years of study in their academic achievement. And it is out there for all of us to see.

So it is not only an issue that we are talking about in terms of the value of the arts, in terms of the culture, and the values which we value in our society, but it is very, very tangible and a very important component in terms of education.

We have some important alterations and changes in the authorization to try and enhance and build on that in the reauthorization which Senator JEFFORDS and I have been strongly supportive of.

We should be doing more, not less, for the arts. The heavy-handed attempt by the House Republican leadership to eliminate the Arts Endowment should be categorically rejected, and it is gratifying that President Clinton has pledged to veto any bill that reaches his desk that attempts to do so. In fact, many of the agency's strongest and most effective supporters are on the Republican side of the aisle.

Congress should start listening to the people and stop bashing this small agency. When we listen to the exaggerated protests of the critics, it is hard to remember that we are talking about a program that costs each taxpayer 37 cents a year.

We have already taken a full range of steps to see that the agency operates as effectively and responsibly as possible. It is time to support fair funding for this important agency, and give it the solid vote of confidence it deserves.

Mr. President, I remember last year—maybe others do—when we had the Vermeer exhibition at the National Gallery. It was in the wintertime. I remember over a weekend going down to try and visit that exhibit on a cold and blustery day and getting there on a Sunday morning at 8 or 9 o'clock in the morning, and seeing the lines there four blocks long, people outside waiting 4 hours.

Finally, when I was able to get in there a number of people came up and spoke to me just quietly saying to me, "Senator, we hope you will tell Members in the Congress and the Senate that we value the arts. We are prepared to wait for the 3 or 4 hours outside to see this extraordinary exhibit of the arts."

Whether the National Endowment supported that particular exhibit or not, it is doing otherwise, primarily in exhibits that might not have as high a visibility as the Vermeer exhibit but certainly still bringing the value of those programs to the American people.

Mr. President, in his 1960 campaign for President, President Kennedy discussed the close historical relationship between great achievement in public life and great achievement in the arts. He said, "There is a connection, hard to explain logically but easy to feel, between achievement in public life and progress in the arts. The age of Pericles was also the age of Phidias. The age of Lorenzo de Medici was also the age of Leonardo da Vinci. The age of Elizabeth also the age of Shakespeare. And the New Frontier for which I campaign in public life, can also be a new frontier for American arts."

Three years later, as President, in a major address at Amherst College in October 1963, he said this:

> I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. I look forward to an America which will steadily raise the standard of artistic accomplishment and which will steadily enlarge cultural opportunities for all our citizens. And I look forward to an America which commands respect throughout the world not only for its strength but for its civilization as well.

Those are timeless goals. They apply to our own day and generation as well. I urge the Senate to heed them, to give the arts in America the strong support they so eminently deserve.

Mr. President, I have one further observation. Yesterday one of the critics of the Endowment raised the issue of elitism and cited a grant to my State as an example of the elitist focus of the National Endowment for the Arts.

Well, I agree. This grant—to the Phillips Academy—is a perfect example. It is an example of a worthwhile program—and an example of the distortion that critics of the agency rely on to make their specious arguments.

The Addison Gallery of American Art, which is affiliated with Phillips, applied for a NEA grant as the lead members of a consortium. The grant seeks support for a project entitled "To Conserve a Legacy: American Art From Historically Black Colleges." The other consortia organizations are Clark Atlanta University, Fisk University, Hampton University, Howard University, North Carolina Central University, the Studio Museum of Harlem, and the Williamstown Art Conservation Center.

Art work from each of the five participating black colleges and universities will be selected for conservation and inclusion in the exhibit which will travel to Clark, Hampton, Howard, and the Studio Museum of Harlem, in addition to the Addison.

The works in the exhibition will represent artists such as Romare Beardon, Sam Gilliam, Jacob Lawrence, and others. And one component of the project is a year-long training program in which minority students will be selected by the participating universities to work on-site for one school year during the selection and conservation of the art work.

This is one of those grants that is going to Massachusetts—yes, it is, but its scope and audience and impact is national. And the funds were matched on a 3-to-1 basis.

I believe that this grant is not only defensive but also commendable. And I think those that have criticized this grant as an elitist grant will take a second look.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the hour of 10:45 having arrived, the Senate will now proceed to consideration of the conference report that accompanies H.R. 2016, which the clerk will report.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2016) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 9, 1997.)

The PRESIDING OFFICER. Under the previous order, there will be 5 minutes' debate each for the Senator from Montana, the Senator from Washington, and the Senator from Arizona.

The distinguished Senator from Montana is recognized.

Mr. BURNS. I am pleased to bring before the Senate the military construction conference report for fiscal year 1998.

Mr. President, this conference report was passed by the House of Representatives yesterday by a vote of 413 to 12 and sent to the Senate last night. Now it awaits final passage here.

Mr. President, we worked very hard with our House colleagues to bring this military construction conference to a successful conclusion. Both sides did take a little bit different perspective on the allocation of military construction funding for the Department of Defense, but in the final conference report we met our goals of promoting the quality of life, other initiatives, and enhancing the mission for readiness.

Mr. President, this bill has some points I want to highlight. It provides a total of $9.2 billion for military construction. Even though this is an increase of $800 million over the President's budget for fiscal year 1998, it is still a reduction of $600 million from what was appropriated just a year ago. That is an overall reduction of 6 percent.

Some 42 percent of this bill is allocated to family housing, for a total of $3.9 billion, so this includes new construction, improvement in existing housing, and funding for operation and maintenance of housing.

The base realignment and closure part of the bill accounts for 23 percent of our total funding, about $2.1 billion. Yes, there is talk of another round of BRAC, and I want to tell my colleagues that base closure does take up a lot of funds. This encompasses funding for environmental cleanup of the closing of those bases and for the construction of new BRAC-related facilities.

Mr. President, I continue to be concerned about the growing cost of the environmental cleanup of our BRAC installations. These costs frequently continue long after the base is closed. In some way or another we have to get a handle on that cost. But right now it seems like it is almost impossible to do.

We strongly protect the quality-of-life initiatives. We provide $724 million for barracks, $32 million for child development centers, $163 million for hospital and medical facilities.

We provide a total of $640 million for guard and reserve components, a reduction of $100 million from the Senate-passed bill. Overall, this represents an increase of $290 million from the President's budget request. Many of those projects will enhance our readiness and mission capabilities of our reserve and guard forces. I have to say, they are vital in the overall national defense scheme. It seems like every year when the budget comes down from the administration, those two parts of our military complex are forgotten about.

I thank my ranking member, Senator MURRAY of Washington State, for her assistance and support through this process. She and her staff have been extremely cooperative. I also want to commend our colleagues in the House, because we went through the conference, and I think it is a good lesson on get your work done before you go and it makes it a lot easier when coming to an understanding and bringing all the minds together.

I commend this product to the Senate. I recommend that it be signed by the President without modification.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am pleased to strongly support and recommend to the Senate this military construction appropriations conference report. The final amount, $9.18 billion, is slightly below the Senate-passed amount, and is about $800 million above the budget request. Nevertheless, it is a frugal bill, some $600 million, or 6 percent below last year's appropriated amount.

We have added $800 million to the bill to correct what the subcommittee perceived to be serious shortfalls in quality-of-life initiatives particularly housing and also including child care centers and medical facilities, as well as what has been the annual short-changing of our guard and reserve forces. In particular, the budget request was for approximately $172 million for our guard and reserve forces, and the conference result was about $460 million, some $290 million over the request. I would point out that the Senate conferees reduced the Senate-passed figure for our guard and reserve forces by over $100 million in order to reach an acceptable compromise with the House.

In the housing area, the conferees added some $210 million over the requested amount, for a total of $3.9 billion, or 42 percent of the total bill. Even so, the committee ended up approximately $250 million below last year's appropriated amount.

Furthermore, the committee worked to satisfy the request of Senators on both sides of the aisle for worthy projects that were not included in the request, and I believe we ended up with a very balanced recommendation.

I do hope that the President will support the bill as passed, and not disturb the balance that we carefully constructed to satisfy the needs of our Nation from coast to coast.

Mr. President, I would point out to my colleagues that the conference report protected all the design, minor construction, and reporting initiatives that we included in the Senate report, so my colleagues may be assured that those initiatives which were included in the Senate report have been preserved.

Fully 23 percent of the bill is for the base realignment and closure accounts, and we have included $153 million for NATO initiatives. I would point out, however, that the Senate report includes a requirement for a report on future costs of NATO expansion, as well as a burden-sharing report regarding our initiatives in Southwest Asia. The committee expects these requirements to be taken seriously and to have a full report from the Department of Defense on these matters.

I am particularly pleased that the conference was able to retain the funding that we included in the Senate-passed bill for new quality-of-life initiatives in Washington, in particular a new library/education center at Fairchild Air Force Base, a barracks replacement at Fort Lewis, health clinics at Fort Lewis and Everett Naval Station, an expansion of an important dining facility and a new child development center at Bremerton Naval Shipyard, and housing at Whidbey Island Naval Air Station.

I thank the distinguished Senator from Montana, Senator BURNS, for the excellent cooperation that he has extended to me throughout this process. I want to thank him for all of his courtesies and for the congenial and cooperative way that his staff, particularly

Ms. Ashworth, has extended to all of us. We have enjoyed working with them and all their staff. And I thank Dick D'Amato, from my staff, and Ben McMakin for a job well done.

I commend this product to the Senate and to the President. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana has 1 minute 9 seconds remaining.

Mr. BURNS. I reserve the remainder of my time.

Senator McCain wanted to make a statement on this bill, and I understand he is on his way. As a courtesy to him, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I ask unanimous consent to address the Senate for approximately 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. MCCAIN. Mr. President, I ask unanimous consent that Ron Moranville, a fellow working on my staff, be granted privileges during the debate of H.R. 2016.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. For 5 straight years, President Clinton has submitted a defense budget to Congress that reflects the low priority given by this administration to our men and women serving in the Armed Forces. For the past 3 years the Republican Congress has added over $20 billion to the administration's requests in order to provide the resources necessary to ensure the readiness of our forces to protect our Nation's security.

I fully supported the congressional add-ons for national defense because I have seen the dangerous effects of declining defense budgets on military modernization and readiness.

However, I simply cannot support the diversion of nearly $1 billion of the $2.6 billion added this year for unrequested, low-priority military construction projects.

This conference agreement on fiscal year 1998 military construction spending earmarks funding for 129 building projects totaling $941 million. This figure includes a plus-up of $268 million for National Guard and Reserve projects, including 12 Reserve centers.

I ask unanimous consent to have that list printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1998 CONFERENCE REPORT, APPROPRIATIONS FOR MILITARY CONSTRUCTION ADD–ONS

[Dollar amounts in millions]

State and installation	Project title	Budget request	Change	Appropriated
Alabama:				
Maxwell AFB	Maint Facility	$0	$9.3	$9.3
Redstone Arsenal	Engineering Annex	0	13.0	13.0
Dannelly Field[1]	Munitions Complex	0	4.8	4.8
Alaska:				
Eielson AFB	Water Storage Upgrade	0	6.0	6.0
Elmendorf AFB	Electrical System Upgrade	0	6.1	6.1
Bethel[1]	Army Guard OPS Facility	0	4.6	4.6
Arizona:				
MCAS Yuma	Bachelor Enlisted Quarters	0	12.3	12.3
Luke AFB	Land Acquisition	0	10.0	10.0
Arkansas				
Little Rock AFB	Control Tower	0	3.4	3.4
Pine Bluff	Ammunition Facility	0	10.0	10.0
California:				
Fort Irwin	Live Fire Control Facility	0	2.7	2.7
Fort Irwin	Rotational Wash Point	0	8.5	8.5
MCB Camp Pendleton	Enlisted Quarters	0	16.1	16.1
MCB Camp Pendleton	Child Development Center	0	4.5	4.5
NAB Coronado	Waterfront OPS Building	0	10.1	10.1
NCBC Port Hueneme	Storm Water Runoff Improvements	0	3.2	3.2
Sacramento[1]	USARC/OMS/AMSA	13.1	7.9	21.0
Fresno Air Terminal[1]	Base Supply Complex	0	7.0	7.0
Psasdena[1]	Reserve Center	0	6.7	6.7
Colorado:				
Fort Carson	Rail Yard Expansion	0	16.0	16.0
Greeley[1]	Mobile Ground Maint Complex	0	4.7	4.7
Connecticut: New London	Child Development Center	0	3.7	3.7
Delaware: New Castle Airport[1]	OPS Facility	0	7.0	7.0
Florida:				
NAS Whiting Field	Runway Upgrades	0	1.3	1.3
NS Mayport	Pier Improvements	0	17.9	17.9
MacDill AFB	Child Development Center	0	3.4	3.4
MacDill AFB	Education Center	0	4.8	4.8
Georgia:				
Fort Stewart	Barracks Complex Renewal	0	11.5	11.5
Moody AFB	HH–60 OPS Facility	0	6.8	6.8
Robbins AFB	Physical Fitness Center	0	9.1	9.1
Hawaii:				
Fort Derussey	Asian Pacific Center	0	9.5	9.5
Pearl Harbor NS	Seal Delivery System	0	7.4	7.4
Bellows AFB[1]	Army Guard Training Facility	0	5.2	5.2
Idaho:				
Mountain Home AFB	B–1B Avionics Bldg	0	9.2	9.2
Mountain Home AFB	F–15 OPS Facility	0	3.8	3.8
Boise Air Terminal[1]	C–130 OPS Facility	0	8.8	8.8
Indiana:				
NSWC	CHEM–BIO Warfare Center	0	4.1	4.1
Grissom ARB	Civil Engineering Complex	0	8.9	8.9
Kansas:				
McConnell AFB	Transportation Complex	0	5.0	5.0
McConnell AFB	Child Development Center	0	2.9	2.9
McConnell AFB[1]	Maint Shop	0	2.0	2.0
Kentucky:				
Fort Knox	Training Range	0	7.2	7.2
Fort Campbell	Education Center	0	6.7	6.7
Fort Campbell	Tactical Equip Shop	0	9.9	9.9
Greenville[1]	Training Range (Phase III)	0	3.6	3.6
Louisiana:				
Camp Beauregard[1]	Machine Gun Range	0	1.3	1.3
NAS New Orleans[1]	Engineering & Comm Complex	0	5.9	5.9
NAS New Orlenas[1]	Enlisted Quarters	0	4.5	4.5
NAS New Orleans[1]	Physical Fitness Center	0	3.6	3.6
Maine:				
Bangor IAP[1]	Upgrade Base Facilities	0	6.5	6.5
Maryland:				
NAVELEX St. Inigoes	Maint Hangar	0	2.6	2.6

FISCAL YEAR 1998 CONFERENCE REPORT, APPROPRIATIONS FOR MILITARY CONSTRUCTION ADD–ONS—Continued

[Dollar amounts in millions]

State and installation	Project title	Budget request	Change	Appropriated
Annapolis[1]	Army Guard Readiness Center	0	2.9	2.9
Massachusetts:				
Barnes ANGB[1]	Dining Hall/Fitness Center	0	3.0	3.0
Westover ARB	Building Renovation	0	4.1	4.1
Michigan:				
Augusta[1]	Army Guard Readiness Center	0	6.4	6.4
Selfridge AGB[1]	Air Guard Maint Complex	0	9.0	9.0
Minnesota: Minneapolis IAP[1]	Civil Engineering Complex	0	4.6	4.6
Mississippi:				
Army Ammo Plant	OPS and Maint Facility	0	9.9	9.9
Gulfport-Biloxi	Training Quarters	0	9.5	9.5
Nas Meridian[1]	Enlisted Quarters	0	7.0	7.0
Key Field[1]	KC–135 Sim Training Center	0	2.0	2.0
Key Field[1]	Dining Hall	0	3.2	3.2
Senatoba[1]	Army Guard Readiness Center	0	4.4	4.4
Missouri:				
Fort Leonard Wood	Fire Station	0	3.2	3.2
Macon[1]	Armory	0	3.2	3.2
Montana:				
Malmstrom AFB	Dining Facility	0	4.5	4.5
Billings[1]	Army Guard Reserve Center	0	15.0	15.0
Nevada:				
Nellis AFB	Maint Facility	0	2.0	2.0
Reno/Tahoe IAP[1]	C–130 Aerial Port	0	3.0	3.0
New Jersey:				
Fort Monmouth	Fire Station	0	2.0	2.0
McGuire AFB	Large Fire Station	0	8.8	8.8
New Mexico:				
White Sands Range	Launch Complex	0	6.9	6.9
Kirtland AFB	Sim Training Facility	0	14.0	14.0
Kirtland	Bridge Replacement	0	6.3	6.3
New York:				
Fort Drum	Gunnery Range (Phase I)	0	9.0	9.0
Fort Drum	Training and Education Center	0	6.9	6.9
Stratton ANGB[1]	Support Complex	0	7.5	7.5
Niagara Falls IAP[1]	Training Facility	0	2.1	2.1
North Caolina:				
Fort Bragg	Mountain Training Complex	0	7.9	7.9
Fort Bragg	Barracks Renewal	0	9.8	9.8
Fort Bragg	SOF Medical Training Barracks	0	8.3	8.3
Pope AFB	Family Services Center	0	2.6	2.6
North Dakota:				
Minot AFB	Fire/Crash Rescue Station	0	5.2	5.2
Ohio:				
Wright-Patterson	Child Development Center	0	8.6	8.6
Rickenbacker ANGB[1]	Corrosion Control Facility	0	5.7	5.7
Springfield ANGB[1]	Base Supply Complex	0	5.5	5.5
Oklahoma:				
Fort Sill	Barracks Renewal	0	8.0	8.0
Altus AFB	Land Purchase	0	11.0	11.0
Vance AFB	Base Engineering Complex	0	6.7	6.7
Will Rogers Airport[1]	Training Facility	0	3.1	3.1
Pennsylvania:				
Johnstown[1]	Reserve Hangar	0	14.0	14.0
Oakdale[1]	Maint Support Activity	0	6.0	6.0
South Carolina:				
Leesburg[1]	Simulation Center	0	3.8	3.8
McEntire ANGB[1]	Dining Facility	0	7.0	7.0
MCAS Beaufort	Enlisted Quarters	0	15.3	15.3
MCAS Beaufort	Vehicle Maint Shop	0	2.4	2.4
South Dakota:				
Ellsworth AFB	Fire/Crash Rescue Station	0	6.6	6.6
Rapid City[1]	Aviation Support Facility	0	5.2	5.2
Tennessee:				
Arnold AFB	Air Dryer Facility	0	9.9	9.9
Knoxville	USARC/OMS/AMSA	0	8.3	7.9
Nashville Map[1]	Maint Complex	0	3.4	3.4
Texas:				
Fort Bliss	Ammunition Supply Expansion	0	7.7	7.7
Fort Hood	Force XXI School	0	12.8	12.8
NAS Corpus Christi	Boiler Plant Replacement	0	.8	.8
Dyess AFB	B–1B Squadron OPS	0	10.0	10.0
Laughlin AFB	Corrosion Control Facility	0	4.8	4.8
Utah: Camp Williams[1]	USARC/OMS	0	12.7	12.7
Vermont: Camp Johnson[1]	Maint Shop	0	6.7	6.7
Virginia:				
Fort Story	Post Chapel	0	2.0	2.0
NAS Norfolk	Air OPS Building	0	4.0	4.0
Portsmouth Hospital	New Hospital (Phase IX)	0	17.0	17.0
NSY Norfolk	Waterfront Improvements	0	19.9	19.9
NWS Yorktown	Tomahawk Magazine	0	3.3	3.3
Washington:				
Fort Lewis	Medical Clinic	0	5.0	5.0
Fairchild AFB	Fire Station	0	4.8	4.8
Fairchild AFB	Education Center	0	8.2	8.2
Fairchild AFB[1]	Upgrade KC–135 Flightline	0	9.5	9.5
West Virginia: Camp Dawson[1]	Reserve Center	0	6.8	6.8
Wisconsin: Mitchell ARS[1]	Training Facility	0	4.2	4.2
Active Duty Milcon add-ons		0	560.4	560.4
Reserve/Guard Milcon add-ons		0	268.2	268.2
Total U.S. based Milcon add-ons		0	828.6	828.6
Total Milcon and family housing add-ons		....	941.6	....

[1] Denotes Reserve/National Guard construction projects.

FISCAL YEAR 1998 CONFERENCE REPORT—FAMILY HOUSING ADD-ONS

[Dollar amounts in millions]

State and installation	Project title	Budget request	Change	Appropriation
Arizona: Fort Huachuca	Family housing	0	$8.0	$8.0

FISCAL YEAR 1998 CONFERENCE REPORT—FAMILY HOUSING ADD-ONS—Continued

[Dollar amounts in millions]

State and installation	Project title	Budget request	Change	Appropriation
California: NC San Diego	Family housing	0	13.5	13.5
Hawaii: NC Pearl Harbor	Family housing	0	13.0	13.0
Kansas: McConnell AFB	Family housing mangt office	0	.6	.6
Louisiana: NC New Orleans	Family housing	0	11.9	11.9
Montana: Malmstrom AFB	Management office	0	13.0	13.0
New Jersey: Picatinny Arsenal	Family housing	0	7.3	7.3
Texas:.				
NAS Kingsville	Replace family housing	0	22.3	22.3
Lackland AFB	Replace family housing	0	7.4	7.4
Washington: Whidbey Island	Family housing	0	16.0	16.0
Total family housing add-ons		0	113.0	113.0

Mr. McCAIN. Mr. President, pork barrel spending in the defense budgets is not only unwise but potentially dangerous to our national security.

Wasting scarce defense dollars on unnecessary construction projects takes away from the Pentagon's ability to fund the high-priority modernization and operational requirements identified by the military services.

I cannot disagree with those of my colleagues who believe that the active military has failed to allocate the resources necessary to ensure the readiness of the reserve forces. However, by diverting more than one-third of the congressional add to construction projects for the Reserves, Congress is ignoring the most urgent unfunded requirements that the Reserve components themselves have identified.

Certainly, the Pentagon has not been responsive to congressional direction to redress the underfunding of the Reserve components. But I think this bill clearly demonstrates that Congress is overzealous in adding money for the Guard.

For example, last year, the Appropriations Committee directed the Army to budget $75 million for Army National Guard military construction in fiscal year 1998. Unfortunately, the Army failed to follow the committee's direction and budgeted only $45.1 million in the budget request for Army Guard construction projects. But I fail to see how that gap of $30 million should become an add of over $70 million. This conference report provides $118.3 million for Guard construction—$43 million more than the Congress said last year should be provided.

Another example—the budget request for Air National Guard projects was $60.2 million. This conference report more than tripled that number, providing $190.4 million in fiscal year 1998 alone for Air Guard construction.

Mr. President, I am sure there are many programs on the list of add-ons in this bill. These programs may well be high priorities for individual unit commanders of adjutants general. Undoubtedly, these projects are high priorities for the Members of Congress who requested that they be added to this bill.

But, Mr. President, the simple fact is that military training exercises continue to be cut back, backlogs in aircraft and ship maintenance continue to grow, there is a shortage of funds for flying hours, military health care is underfunded by $600 million, and 11,787 servicemembers and their families are reportedly on food stamps.

It is unconscionable for the Congress to ignore these urgent priorities that directly correlate to military readiness and personnel quality of life. I might add, we are now experiencing a hemorrhage of qualified pilots out of the Navy, Air Force, and Marine Corps.

It is wrong to divert much-needed funds from truly high-priority needs to instead fund these building projects.

Mr. President, last year, Congress provided the executive branch with an important tool to prevent wasteful spending—the line-item veto. Today, I am sending a letter to President Clinton urging him, in the interest of national security and fiscal responsibility, to exercise his line-item veto authority and eliminate the $941 million set aside for the 129 unrequested military construction projects contained in this bill.

I intend to vote against the bill, and I urge my colleagues to consider very carefully whether they wish to vote in favor of wasting nearly $1 billion on these low-priority construction projects.

Mr. President, I ask unanimous consent that my letter to the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
September 17, 1997.

Hon. BILL CLINTON,
The President,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Today, the Congress completed action on the first regular appropriations measure for Fiscal Year 1998, the Military Construction Appropriations Act. I am writing to urge you in the strongest possible terms to exercise your line item veto authority to eliminate $941 million in unnecessary spending contained in this bill.

This bill contains earmarks for 129 projects which were not included in the Department of Defense budget request because they are lower priority projects than those that were requested by the military Services. As I promised in my August 6, 1997, letter, I am providing a list of the unrequested projects in this bill.

As the Commander-in-Chief of our Armed Forces, you bear the primary responsibility for ensuring that our troops are trained, equipped, and ready to protect the security of our nation. Because of the continuing push toward a balanced budget and taxpayer relief, the resources available for vital defense priorities are limited, as are resources for almost every other government priority. Wasting these scarce defense dollars on unnecessary construction projects takes away from the Pentagon's ability to fund its high-priority modernization and operational requirements. This spending habit is not only unwise, but potentially dangerous to our national security.

While your exercise of the line item veto to eliminate wasteful earmarks in this bill would not unfortunately make these funds available for other pressing defense needs, it would certainly send a pointed message to Congress from the Commander-in-Chief that this wasteful spending of defense dollars must stop.

I recall that, several years ago, you proposed to rescind funding for Congressional add-ons in the military construction accounts. That proposal was defeated by Congressional inaction, but you now have an important tool that increases the prospects for successfully eliminating the add-ons in this military construction bill. Therefore, I urge you again to take advantage of this opportunity to line item veto the $941 million earmarked by Congress for unrequested, low-priority military construction projects.

Sincerely,

JOHN McCAIN,
U.S. Senator.

Mr. BURNS. Mr. President, we take note of the Senator from Arizona. I just made a comment here that the complete emphasis on military construction has probably doubled toward the quality of life, just since I have been on this committee. We can make those moves as long as we are allowed to make those moves and to continue to fund those things that we think are important in the overall makeup of our military readiness.

Mr. LAUTENBERG. Mr. President, I rise to express my strong support for this bill. I am pleased that the conferees included several projects important to the quality of life and safety at New Jersey's military installations, and I thank the conferees for their efforts to ensure that New Jersey's defense infrastructure needs received adequate funding.

I appreciate the willingness of the conferees to provide funding for three important projects at McGuire Air Force Base. The bill includes $9.954 million for an Air Mobility Operations

Group Warehouse, which will increase the efficiency of the base's mobility operations. Additionally, it includes $35.217 million for an ambulatory health care center replacement. This new facility will house a full-service outpatient operation and provide adequate space for clinics, ambulatory surgery, ancillary services, storage, offices, and administration. It will improve the quality of care provided to our military personnel.

I am also pleased the conferees included $8.8 million for a new fire station at McGuire. McGuire's current fire station is inadequate to provide the fire protection and response to aircraft casualties that its mission requires. This facility has inadequate communication and alarm equipment, insufficient vehicle storage areas, deficient living quarters, and inadequate space for training and administrative duties. Due to these conditions, in certain situations, I am told that the base cannot respond simultaneously to a fire emergency and a 911 call. The funding provided for a new fire station will improve the base's ability to respond more adequately and will allow firefighters to execute emergency response operations in a more efficient and timely manner.

For Fort Monmouth, another important military installation in New Jersey, I am pleased the conferees included $2.05 million for a new fire station. The fort's fire station is currently housed in a World War II vintage structure. This station is charged with protecting the base's numerous research and development facilities, as well as its over 1,000 military family housing units. The funding provided for a new fire station will ensure that facilities on the base are adequately protected, and that the Fort Monmouth community has access to the timely response and fire protection services it deserves. This project is vital to the safety of the entire Fort Monmouth community, and I am pleased the conferees agreed to provide funding for this important project.

I also appreciate the willingness of the conferees to include funding for two important projects at Picatinny Arsenal. I am pleased they provided $7.3 million to build 35 units of family housing on the base. The existing units have deteriorated since they were constructed in 1940. Most of these units are undersized and lack basic conveniences such as air-conditioning. Their electrical, plumbing, and heating systems are poorly configured and inefficient. The funding provided by the conferees will improve the existing living conditions and the quality of life for the enlisted and their families. It will produce units of family housing that meet current standards of quality of life, energy conservation, size, and safety.

I am also pleased the conferees agreed to provide $1.3 million in design funding for a new software engineering facility at Picatinny. This funding will allow Picatinny to consolidate the design, development, testing, configuration control, field release and maintenance of weapon systems, simulators, and trainers. It will result in reduced cost for the Army and will improve efficiency in the software engineering process.

These projects are vital to the safety and quality of life of New Jersey's defense infrastructure. Again, I thank the conferees for their support of these important projects in the fiscal year 1998 military construction bill.

Mr. DOMENICI. Mr. President, the pending military construction appropriations conference agreement provides $9.183 billion in new budget authority and $3.024 billion in new outlays for military construction and family housing programs for the Department of Defense for fiscal year 1998.

When outlays from prior-year budget authority and other completed actions are taken into account, the outlays for the 1998 program total $9.862 billion.

This legislation provides for construction by the Department of Defense for U.S. military facilities throughout the world, and it provides for family housing for the Active Forces of each of the U.S. military services. Accordingly, it provides for important readiness and quality of life programs for our service men and women.

The conference report falls within the current section 602(b) allocation for the Military Construction Appropriations Subcommittee. I commend the distinguished subcommittee chairman, the Senator from Montana, for bringing this bill to the floor within the subcommittee's revised allocation.

The bill provides important increases over the President's request for 1998, and I urge the adoption of the conference report.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the conference report be placed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

H.R. 2016, MILITARY CONSTRUCTION APPROPRIATIONS, 1998—SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1998, in millions of dollars]

Category	Defense	Nondefense	Crime	Mandatory	Total
Conference report:					
Budget authority	9,183	—	—	—	9,183
Outlays	9,862	—	—	—	9,862
Senate 302(b) allocation:					
Budget authority	9,183	—	—	—	9,183
Outlays	9,920	—	—	—	9,920
President's request:					
Budget authority	8,384	—	—	—	8,384
Outlays	9,839	—	—	—	9,839
House-passed bill:					
Budget authority	9,183	—	—	—	9,183
Outlays	9,909	—	—	—	9,909
Senate-passed bill:					
Budget authority	9,187	—	—	—	9,187
Outlays	9,902	—	—	—	9,902
CONFERENCE REPORT COMPARED TO:					
Senate 302(b) allocation:					
Budget authority	—	—	—	—	—
Outlays	−58	—	—	—	−58
President's request:					
Budget authority	799	—	—	—	799
Outlays	23	—	—	—	23
House-passed bill:					
Budget authority	—	—	—	—	—
Outlays	−47	—	—	—	−47
Senate-passed bill:					
Budget authority	−4	—	—	—	−4
Outlays	−40	—	—	—	−40

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. BURNS. Mr. President, I commend the bill to the Senate, ask for its passage, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. GREGG). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 3, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—3

Feingold
Kyl
McCain

The conference was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, we have now passed our first conference report of the year, and I am hoping that within the next 10 days we will pass at least a half dozen more. I know the chairman is working with Members on both sides of the aisle and with our colleagues on the other side of the Capitol to do that. I appreciate the cooperation we have received on appropriations bills, although we seem to be a little stalled out here on the Interior appropriations bill. I am not sure the Members are back from the August State work period; we seem to have difficulty in getting Senators to come forward and offer amendments that they say are important.

Now, we were on this some last week. We were on the bill yesterday. We have been on it today. We did not have a vote on an amendment all day Monday, and I am being told now that, well, we have several very important amendments. I want to say this is not just directed to our colleagues on the Democratic side. We have four amendments cooking on the National Endowment for the Arts. My answer is, great, let's have a debate and let's vote. And let's do it in the daylight or we will have to do it tonight.

Now, I have tried very hard for us to do our work during normal working hours like normal people. I know that's very difficult, but that would be helpful. It keeps you from being cranky. It allows us to live somewhat normal lives with our families. But if we refuse to come forward with our amendments and agree to reasonable time agreements—how many of you think you are going to change anybody's mind by giving a 90-minute speech? How many of you think you are going to change somebody's mind on NEA by giving a 30-minute speech on NEA?

Come forward, my colleagues, offer your amendments, agree to a reasonable time, and let's vote. If we are not going to do it now, we will have to do it tonight because we need to get this appropriations bill done.

We have made good progress. We have worked together. We have had good cooperation. Let's not bog down. If we have a mining amendment, grazing, NEA, let's get them up, let's have reasonable debate with hopefully not more than an hour on anything, and let's vote. I believe we can complete this tonight and go on to the FDA reform package that I believe at least 94 Senators want to do. The Democratic leader has agreed to work with me to try to get that done this week, so I urge my colleagues, let's get going here.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I thank the majority leader for helping in getting this debate going. We already have a unanimous-consent agreement for a debate on the Ashcroft amendment on the National Endowment for the Arts of a maximum of 145 minutes beginning at 1:30. So there will be a vote on or in relation to the Ashcroft amendment before 4 o'clock. Personally, I hope it is much before 4 o'clock if not all of that time is used. There are 2 hours between now and the time at which that amendment starts.

My friend, Senator BRYAN, from Nevada, seems perhaps, I hope, ready for a 1½ hour debate on his amendment on forest roads. I am attempting to clear that on this side of the aisle and hope I can have it done so that we can complete that amendment and have the vote before the NEA debate begins. I do know there are several other National Endowment for the Arts amendments that will succeed the Ashcroft amendment, and maybe one or two others that require votes. Senator BUMPERS may have one on mining.

The majority leader is correct; we have been on this bill off and on, mostly on, since last Friday. We have yet to have our first rollcall vote on the bill or on any amendment to the bill. It is time to get going, and I believe my colleagues are about ready to do just that.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The clerk will report the Interior bill, H.R. 2107.

The assistant legislative clerk read as follows:

A bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending question is Hutchinson amendment No. 1196.

Who seeks recognition?

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 1204

(Purpose: To ensure that the Huron Cemetery in Kansas City, Kansas, is used as a cemetery)

Mr. BROWNBACK. I ask unanimous consent the pending amendment be set aside, and I call up amendment No. 1204.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1204.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title I, insert the following:

"SEC. 1 . (a) In this section—

(1) the term "Huron Cemetery" means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas as described in subsection b(3);

(2) the term "Secretary" means the Secretary of the Interior;

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW 1/4 of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

"Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

"Thence South 28 poles to the 'true point of beginning';

"Thence South 71 degrees East 10 poles and 18 links;

"Thence South 18 degrees and 30 minutes West 28 poles;

"Thence West 11 and one-half poles;

"Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more.".

Mr. BROWNBACK. Mr. President, I will not take too much of the Members' time to discuss this amendment, but I think it is a clear, narrow piece of legislation that is an important one, and what it involves is a particular tract of land in Kansas City that is currently being used by the Kansas Wyandot Indians, which is an informally recognized tribe, as a burial ground. This tribe has used this tract for a number of years as a burial ground. There is a branch of the Wyandot Indians in Oklahoma that is an officially recognized tribe that seeks to acquire this particular tract of land and have a casino on it.

Now, setting aside the dispute about which tribe controls this particular tract of land, I just think it is not an appropriate thing for us to approve, or to allow a tribe, this one in Oklahoma, to acquire this land and put a casino on what has been a tribal ancestral burial ground. I think it is sacrilegious for that to occur.

It is not that we are saying there are not enough casinos in Kansas City; we have a number of them. That is a side issue as well. What we seek by this amendment is very narrow, and that is that this tract will remain a burial ground and that it will not be used for a casino.

We do not seek to mediate the issue of who does the land belong to. We do not seek to establish the Kansas Wyandot tribe as an official tribe. That is not a part of it. We don't seek to recognize the Wyandot Oklahoma Indians' claim to this land. We set all of that aside. This amendment simply says this land should remain an Indian burial ground as it has been for generations and it should not be transferred, it should not be land acquired on which to place a casino.

I ask that the Members look at this particular amendment. I am going to call it back up for a vote later on if we do not have consent from all the Members. This land should not be allowed to be used for a casino. It is hallowed ground and it should be allowed as that.

Mr. President, I yield the floor.

Mr. INOUYE. Mr. President, I commend my good friend from Kansas. I ask the Senator from Kansas to temporarily set this amendment aside because the chairman of the Indian Affairs Committee is presently presiding at a very important hearing, and I believe he would want to be heard. It is not the intention of the committee to stall this but to accommodate Senator CAMPBELL. So as soon as he is completed, we will try to resolve this matter.

Mr. GORTON. Mr. President, I concur with my friend from Hawaii. I believe that this amendment is going to be cleared, but it is appropriate that both the chairman and the vice chairman of the committee be able to speak at least briefly to it. As soon as we have heard from the Senator from Colorado, we may be able to pass this amendment. Personally, I think it is a good amendment, and I commend the Senator from Kansas for bringing it to our attention.

Mr. President, unless someone else seeks recognition, I am going to suggest the absence of a quorum. I am desperately attempting to get a time agreement on the Bryan amendment before 12 o'clock so that we can finish that before we begin the debate on the National Endowment for the Arts. In the meantime, if there is anyone else within sound or sight who wishes to propose an amendment, we invite their presence.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislate clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

VISIT TO THE SENATE BY EVGENEY S. SAVCHENKO, MEMBER OF THE RUSSIAN SENATE

Mr. HARKIN. Mr. President, I have the distinct pleasure of having a visitor on the floor of the Senate today, the Honorable Mr. Evgeney S. Savchenko, who is a Senator in the Russian Senate. He is also the chairman of the agriculture committee, the Committee of the Council of Federation for the Agrarian Policy. In other words, it is the Senate Agriculture Committee for the entire Russian Federation.

We are delighted to have Mr. Savchenko here.

He also holds another position, Mr. President. He is Governor of the Belgorod region of the Russian Federation. I thought the occupant of the chair might be delighted to know that in Russia, when you are elected a Governor of a region or Governor of a state, you automatically become a senator. So, therefore, you can fulfill both positions at the same time.

I know the occupant of the chair, in his former life, was the chairman of the Agriculture Committee of the House of Representatives. So I know that the occupant of the chair, the distinguished Senator from Kansas, would have a lot to discuss, I am sure, in terms of agriculture with Mr. Savchenko who is the chairman of the agriculture committee of the Russian Federation.

I am delighted to have him here and present on the Senate floor today.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. JOHNSON. Mr. President, we have today an opportunity to discuss and to ultimately vote on, I think, one of the more important issues, both substantively and philosophically, within the Department of the Interior appropriations bill, that having to do with the future of Federal-State-local partnerships that have existed now for some years with the National Endowment for the Arts and funding for the arts in America.

There are some who would suggest that somehow this is an elitist enterprise that involves large cities in urban areas. Coming from the State of South Dakota, I can assure my colleagues that the NEA and the funding that has gone to my home State of South Dakota has been absolutely critical as seed money for the promotion and the development of artistic efforts that have benefited virtually every school district, virtually every county, and community across my very large and rural State.

We have, as so many States do, a great deal of artistic talent, commitment to the arts, but we don't have a lot of corporate sponsors, we don't have a lot of philanthropists, we don't have a lot of sources for funding that can create the seed money that we need for the arts to blossom, to bloom in places like South Dakota.

The function of this funding has been absolutely critical in our State. It has gone to our school and communities, our touring artists, artisan school programs. It has gone for our Arts Corps Program for South Dakota's juvenile correctional facilities in partnership with our Department of Corrections and the South Dakota Arts Council. It has gone for the Indian services to sponsor the Northern Plains tribal art show and market, which has created a whole new environment, a whole new series of opportunities for Northern Plains Native Americans to develop their artistic skills and to market those skills. It has gone for our Youth at Risk Program. It has gone for our Arts in the Classroom Teachers' Conference, and it has created a whole new environment for the arts in our State.

When I look back at what existed prior to 1965 when the NEA was created, we had people with great artistic talent in the State then, too, but we didn't have the structure to really promote the arts. Now, thanks to the seed money of the NEA over the years, we have in place the South Dakota Arts Council, we have in place the South Dakota Museum Association, the Rural Arts Presenting Program, Dakota Prairie Playhouse, the Black Hills Chamber Music Society for Big Sioux Arts Council. We have literally pages of arts organizations that now exist in every county, in virtually every community of our State that did not exist prior to the creation of the NEA.

So, Mr. President, I can't emphasize too much the importance of this organization to enhance the quality of life for those who would otherwise not have great opportunities to experience performance art or art of any kind without this. I think we need to keep in mind that the issue here is really a philosophic one and not so much a budget issue.

There is $100 million involved here for the Nation's entire artistic effort, less, I might add, relative to the budget and that of any other Western industrialized nation on Earth, but that portion of money has gone a long, long ways in our country. And, in fact, to keep this in some sort of perspective, we are going to be debating later on this month a defense appropriations bill where there are those in conference who would like us to purchase nine more B-2 bombers at a cost of $1 billion apiece. Our entire arts program, that goes to every school, every county and every city in our Nation costs one-tenth of one bomber. It costs less than it would cost to maintain this fleet of aircraft that the Pentagon does not even want.

So this is, relative to the entire budget, a modest effort, less than what other countries devote, but yet crucially, crucially important, not just for large urban areas and large artistic organizations, but for those of us in rural America who find this an absolute lifeline.

It is certainly my hope that by the time we conclude the debate on the Interior appropriations bill today that we will find our way to insist that there continues to be a strong Federal-local, public-private partnership in the arts that has gone on now for over 30 years and which has been responsible, I think, for an enormous amount of very constructive, positive effort for our children, for the quality of life in our communities, big and small.

I know that there are several amendments pending. I won't go into detail about each of them, other than to say, again, I certainly ask my colleagues to very carefully review these amendments. It is critical that when the day is done that we continue to have modest but responsible funding for the arts in the United States. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. GORTON. Mr. President, the following request has been cleared.

I ask unanimous consent that when the Senate considers Senator BRYAN's amendment regarding forest roads, there be 90 minutes equally divided in the usual form. I further ask unanimous consent that no second-degree amendment be in order to the Bryan amendment. I further ask unanimous consent that following the expiration or yielding back of time, a vote occur on the amendment at a time to be determined by the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I understand that Senator BRYAN is on his way to the floor to begin that debate. I believe that the principal opponents of the amendment have also been notified. In any event, they should proceed immediately to the floor to engage in the debate, which is on a seriously contested amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

Mr. STEVENS. Thank you, Mr. President.

LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION APPROPRIATIONS ACT AND OTHER APPROPRIATIONS BILLS

Mr. STEVENS. Mr. President, I want to take just a few minutes of the Senate's time to comment upon the passage of Senate bill 1061, the Labor, Health and Human Services, and Education Appropriations Act.

During the 104th Congress, the bill from this subcommittee was the center of political controversy between the Congress and the White House, and within the Senate itself. We did not succeed in passing a bill as a separate measure for these functions in the 104th Congress.

Thursday's vote of 91 to 8 sent a clear signal of the Senate's support for the leadership shown by Senators SPECTER and HARKIN. They crafted a bill that emerged from our Appropriations Committee unanimously.

The statement of administration policy raised a few differences, but it indicated strong bipartisan support for this bill. The most contentious votes we have faced this year on appropriations bills were on the Labor, Health and Human Services bill.

Despite the strong feelings generated by those issues, the debate was fair. The entire Senate came together to pass the bill, and sent the unambiguous message that I referred to—we want to see this bill enacted this year.

Supporting the work of the subcommittee has been an extremely experienced and effective staff. Craig Higgins serves as clerk of the subcommittee. He is joined by Marsha Simon, who assists Senator HARKIN as the minority clerk. Bettilou Taylor, Dale Cabaniss, Lula Edwards, and Carole Geagley round out the subcommittee staff.

I commend not only the chairman and ranking member but all of the staff for the hard work and the effort they put into preparing the bill in a fashion that received such strong, strong support in the committee, and from the Senate.

We eagerly now await the passage of that bill by the House, so we can have the conference commence and get the bill to the President prior to September 30, I hope.

I also report to the Senate that the Agriculture and legislative conferences are proceeding. We should have those bills from conference today.

We have just passed a military construction bill.

We have in conference the Department of Defense conference which had its first meeting yesterday.

The VA–HUD bill, the Energy bill, the foreign ops bill, and Transportation—we expect, Mr. President, all of those will be out of conference early next week.

That will leave us five bills to still finish.

The District of Columbia bill has not passed the Senate yet, nor the House.

We have before us now, under the guidance of the Senator from Washington [Mr. GORTON], the Interior bill. We expect it to be finished here this week and go to conference and, hopefully, come back to the Senate next week.

As I have said, the Labor, Health and Human Services bill, the House needs to pass that. We hope it will get to it soon. That will leave us the Commerce, State, Justice bill, and the Treasury bill—all of which, Mr. President, it is still our goal to try and get them to the President by the 30th of September.

Mr. President, it will mean perhaps, though, we will have to have still a continuing resolution tc give the President the time that he needs to review all of these bills. I am hopeful that the House will send us a continuing resolution—a clean continuing resolution—sometime early next week.

I commend the Senator from Washington on this bill. I am hopeful the Senate will work with us to make sure that this bill is finished here today, if it is at all possible.

I thank the Chair.

The PRESIDING OFFICER. Who seeks time?

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the unanimous-consent agreement, there will be 90 minutes, equally divided, on the pending business before the Senate. In addition, there are no second-degree amendments to be in order.

The Senator is recognized.

Mr. BRYAN. Mr. President, may I inquire, does it require a unanimous consent to set aside the pending amendment for purposes of consideration of this proposed amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BRYAN. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. I thank the Chair.

AMENDMENT NO. 1205

(Purpose: To reduce funding for Forest Service road construction and eliminate the purchaser credit program)

Mr. BRYAN. Mr. President, I offer an amendment and submit it for immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself, Mrs. BOXER, and Mr. TORRICELLI, proposes an amendment numbered 1205.

Mr. BRYAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 65, line 18, strike "$160,269,000" and insert "$150,269,000".

On page 65, line 23, after "205" insert ", none of which amount shall be available for purchaser credits in connection with timber sales advertised after September 30, 1997, unless the credits were earned in connection with sales advertised on or before that date (and no purchaser credits shall be earned for the construction or reconstruction of roads on the National Forest transportation system in connection with timber sales advertised after that date (but the foregoing disallowance of purchaser credits shall not affect the availability of the purchaser election under section 14(i) of the National Forest Management Act of 1976 (16 U.S.C. 472a(i)))".

On page 127, between lines 15 and 16, insert the following:

SEC. . TREATMENT OF ROAD CONSTRUCTION COSTS ESTIMATED FOR TIMBER SALES AS MONEY RECEIVED FOR THE PURPOSE OF PAYMENTS TO THE STATES FOR SCHOOLS AND ROADS.

During fiscal year 1998, the term "money received", for the purposes of the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine", approved May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500), and section 13 of the act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500), shall include—

(1) the amount of purchaser credits earned in connection with timber sales advertised on or before September 30, 1997; and

(2) the amount of specified road construction costs estimated in the agency appraisal process in connection with timber sales advertised after that date.

Mr. BRYAN. Mr. President, I am always pleased, when I have the opportunity, as I do this afternoon, to support, and in this instance actually propose, legislation that benefits both the American taxpayer and the environment.

The amendment I am offering today eliminates a subsidy used primarily by large timber companies that not only has negative consequences for the taxpayers but also a detrimental effect on the environment.

Each year, American taxpayers spend millions of dollars to subsidize the construction of roads needed for logging on national forest lands.

The appropriations bill before us today contains a $47.4 million appropriation for the Forest Service to assist in the construction and reconstruction of timber roads in our national forests. In addition, the bill, and accompanying report, provide affirmative direction to the Forest Service instructing them to continue the purchaser credit program without limitation.

The purchaser credit program allows the Forest Service to subsidize the road construction costs of timber companies by granting credits to them equal to the estimated cost of the roads that they need in order to access their timber. The timber purchasers can then use the credits to pay for the timber being harvested. Last year these purchaser credits were valued at nearly $50 million.

In the House-passed version of the Interior appropriations bill a limit of $25 billion was placed on the value of purchaser credits that may be offered by the Forest Service in fiscal year 1998. The bill before the Senate today eliminates this cap completely, and the report accompanying the bill makes it clear that "The committee has not specified a ceiling for the amount of purchaser credits which can be offered" to timber companies. The result of this language is an open-ended subsidy for the timber industry.

My amendment stands for a very simple proposition. If a timber purchaser needs to build a road to harvest timber, the timber purchaser should have to pay for it. The amendment which I am offering eliminates the purchaser credit program and cuts $10 million from the Forest Service timber road construction and reconstruction account.

In addition, my amendment provides that road construction costs incurred by timber purchasers are to be treated as timber revenues for the purpose of payment to States for use on roads and schools in the counties where national forests are located. The result of this latter provision is that counties will be held harmless as a result of the elimination of the purchaser credit program.

For those of my colleagues who are not familiar with this program, let me give a brief description of how the purchaser credit program operates. When the Forest Service wants to use purchaser credits to build the road to a planned timber sale, and parenthetically that is about 90 percent of the time, it must estimate the cost to build the road, the value of the timber in the sale area, and the road right-of-way. Prospective purchasers go through a similar process of estimating their roadbuilding costs and their estimated value of the timber they must pay for to the Forest Service.

Considering all of these factors, the prospective purchasers submit their bids accordingly. When a purchaser is awarded the contract for the timber sale the Forest Service establishes the dollar value of the purchaser road credit attached to that sale and credits the account in that amount to the timber contract holder as the road is constructed. The contractor, therefore, has immediate access to the credits to be used in place of cash deposits and the agency, the purchaser, is also given discretion to use the credit on any timber sale contract that it holds in the forest. The Forest Service allows the transfer of purchaser credits between timber sales located within the same national forest.

Now the ability to transfer credits aids a purchaser's ability to manage its timber sale portfolio cash flow. Since road construction often delays timber harvest, purchasers who can rapidly transfer road credits to another sale from their portfolio can attain lower portfolio management costs. The result is analogous to an interest-free loan for timber purchasers.

The opponents of this amendment contend eliminating the purchaser road credit will devastate the timber industry. Their claim could not be further from the truth. The Bureau of Land Management in several States is successful at selling timber and getting the necessary roads constructed without the use of the purchaser road credit that is exclusive to the Forest Service. The effects on the Forest Service timber sale program of eliminating the purchaser credit program and requiring that roads be constructed pursuant to specified standards as the BLM and the States require would be environmentally and economically beneficial.

Eliminating road credits will force purchasers to internalize the cost of road construction into their bid price for the timber. The result is a more balanced system that provides equal treatment for all purchasers of publicly owned timber, BLM and Forest Service lands. Without the purchaser credit program it is likely that fewer roads would be built and less habitat would be fragmented. Purchasers are less likely to want to build extensive road networks if they have to pay cash for them.

Consequently, timber sales with high road building costs will be less attractive to purchasers than timber sales with low or no road building costs.

Another important aspect of eliminating the purchaser credit program is that it will shift responsibility for estimating road costs from the Forest Service to purchasers. If markets are competitive, such a shift should provide a more accurate and an efficient road cost accounting system.

An independent study of timber sales in the Pacific Northwest found that the Forest Service estimates for road construction costs can be as much as 30 percent higher than actual costs for the industry to build those roads. A recent report from the General Accounting Office discovered that Forest Service estimates of road costs include a profit margin for purchasers. It also found that the Forest Service lacked accountability for the accuracy of their road cost estimates because purchasers are not required to report actual costs of construction and reconstruction. So if actual road costs are overestimated, the extra purchaser credits awarded and subsequently traded for timber represent a windfall profit for the purchaser, a profit that comes at the public's expense. This inefficient situation would be eliminated if purchaser credits were abolished.

Contrary to what you will hear from my opponents of this proposal, my amendment will not end logging in the national forests. Requiring timber purchasers to pay for road construction costs will likely reduce timber sales in roadless areas where the environmental and economic costs of logging are the greatest. I believe this is sound public policy. Roadless areas are not good places to produce commercial timber because they tend to be a high elevation, steep, and inaccessible. The timber sales in these areas are the ones that cause by far the most environmental problems and the ones which are the biggest money losers because of the high cost of road building.

Let me invite my colleagues' attention to an excellent article entitled "Quiet Roads Bring in Thundering Protests," an article that ran earlier this year in the New York Times that illustrated the environmental damage caused by road construction. A biologist with the Idaho Fish and Game Department, Chip Corsi, notes in the article that researchers have found that as little as 1.7 miles of road per square mile forest have the effect of reducing the complement of fish species in an area. Mr. Corsi added that in Idaho, in Coeur d'Alene National Forest we have from 4 to 10 to 15, up to 20 miles of road per square mile, so it is extreme. That is his direct quote.

Many scientists have found that road building threatens wildlife because it causes erosions of soils, fragments intact forest ecosystems, encourages the spread of noxious weeds and invasive species and reduces habitat for many animals needing a refuge from man.

It has been found that when the roads wash out they dump rocks and soil on lower slopes into stream beds and even when they remain intact, roads act as channels for water and contribute further to the erosion of lands and streams.

Let me invite my colleagues' attention to one example of that. This is the Clearwater National Forest in Idaho. At the top of the picture one can see a road cut through the forest. This is the erosion that has occurred as a result of a road having been logged and the runoff sedimentation that has occurred as a consequence of that. That is a major contributing problem to the environmental degradation that is occurring in our national forests.

Scientists say the overall effect is that the streams and rivers fill with silt, and the shallower waters mean degraded fish habitat and more flooding. Many of my colleagues are aware that the declining water quality of lakes, rivers, and streams in our national forests is a serious problem.

The USDA Undersecretary Jim Lyons has stated that our No. 1 water quality problem in the national forest system is roads. According to the Forest Service, 922 communities get their drinking waters from national forest streams that are frequently adversely affected by building logging roads. In Idaho, over 960 streams are rated as water-quality limited by the EPA because of contamination. Over half of these streams are degraded by logging and roadbuilding. In addition, after the winter storms of 1995 and 1996 in the Pacific Northwest, the Forest Service found that in Idaho 70 percent of the 422 landslides were associated with logging.

In my home State of Nevada, the road network through Lake Tahoe has been identified as a major contributor to the degradation of water quality and decline in the clarity of the lake. Mr. President, I know this firsthand, having spent a decade of my life as a resident of northern Nevada and having over the last 50 years visited the Lake Tahoe basin frequently.

During the President and Vice President's recent visit to Lake Tahoe the President announced that the Forest Service would decommission or obliterate roughly 290 miles of old logging roads in the basin over the next 10 years.

At Lake Tahoe, Mr. President, we have seen a rapid and radical decline in water clarity. One of the most pristine lakes in North America and the entire world, marveled at by Mark Twain and all of the early pioneers at one time, a little more than a decade ago, you could see 100 feet into the bottom of parts of that lake. In less than 30 years there has been an environmental degradation of more than a third. So today you can actually see, in terms of clarity of the water, less than 70 feet. A primary cause is the logging of that basin, initially during the Comstock Lode and the mining discoveries of the mid-to-late 19th century.

I observed firsthand, not as a scientist but as a layman, looking at the roads and seeing the runoff that occurs. The siltation that occurs, that goes into the lake, has been a serious environmental problem. It has been estimated that it will require several hundred millions of dollars in order for this clarity and the environmental degradation that is occurring on an ongoing basis to be reversed. There are no guarantees, even at that.

My point, Mr. President, is we may have been ignorant in the past as to what caused the problems. Those of our forebears a century ago were less knowledgeable than we are of the environmental consequences. But it certainly cannot be an excuse for our generation because we know what the costs are, and the costs are not just in the new road construction itself. The costs lasts for generations thereafter as we pay as American taxpayers to try to abate or minimize or mitigate the damage that will occur.

Now, opponents of this amendment will claim that forest roads need money to be maintained and that the cuts contained in my amendment will allow roads to deteriorate, causing further environmental damage. I want to speak to this point. The amendment which I offer does not affect the Forest Service road maintenance budget. I want to repeat that: The amendment which is offered this afternoon does not affect the Forest Service road maintenance budget. This amendment only eliminates the subsidy of new timber roads. These are entirely separately funded accounts within the Forest System.

As a matter of public policy, I would argue it makes more sense to maintain roads that we already have than spending a great deal of money building new roads. Forest Service Chief Michael Dombeck has stated that there is a $440 million backlog of maintenance needed on 232,000 miles of national forest roads. Addressing this need would have considerable environmental benefits such as reducing erosion from roads and stormproofing existing culverts. It is important to remember that the timber industry's responsibility for maintaining logging roads ends with the sale of timber and its subsequent harvest, leaving all future maintenance costs to the American taxpayer.

I want to emphasize once again, as I did a moment ago, the distinction between road reconstruction and road maintenance. Opponents of this amendment will seek to measure the distinction but road construction means starting with an abandoned road which may have trees growing in it and may be partly contoured and rebuilding it for the purpose of entering an area to conduct logging activities.

Reconstruction is only undertaken for access to timber sales. Maintenance is keeping any forest road, timber, recreation, or general purpose, in good repair. The average cost of maintaining a mile of road is about $543. The average cost of reconstructing a mile of road is more than $12,000 a mile. Consequently, cutting funds for reconstruction will not hurt road maintenance.

Now, another erroneous claim I want to address involves whether logging roads are needed for recreational activities in the national forest. The answer, Mr. President, is no. According to the Forest Service, logging roads are built at a lower standard and cost less than recreation and general purpose roads. Logging roads are usually unpaved dirt and are often usable only by high-clearance vehicles, while recreation and general purpose roads generally are either paved or gravel and are usable by all passenger cars.

On average, purchaser credit logging roads cost $15,000 per mile in 1996, while recreation roads cost $63,000, and general purpose roads cost $65,000 per mile. The Forest Service plans to construct over 130 miles of recreation and general purpose roads in fiscal year 1998. My amendment would not reduce funding for either of these two accounts.

Mr. President, let me be perfectly clear on what my amendment does not do. It does not—I repeat, it does not—prohibit logging or road construction in roadless areas. There is no provision in this amendment that even references roadless areas. Many interest groups opposed to this amendment have circulated erroneous information claiming that road construction would be prohibited in roadless areas. I can assure my colleagues that is not the case. In any event, roadless areas are only a small portion of the timber base in our national forests, and the national forests provide only 4 percent of the Nation's overall wood for paper products.

Let me illustrate that point, if I may, Mr. President. One can see what has occurred in terms of the timber harvest in the country and on the national forests. This chart begins in 1950 and continues through 1995. We can see that the overall U.S. timber harvest, both national forests and otherwise, has by and large increased over the last 45 years. It would appear to be in the area of about 18 billion cubic feet a year. You can also see what happened with respect to the national forests. The amount that is harvested there has been declining in recent years, and I believe that is because there is a recognition that there are other important values that the National Forest Service provides to the American people: recreational opportunities, esthetic values, habitat protection, all of which seem to be reflected in this trend line.

So my point is that the National Forest Service timber harvest represents about 4 percent of the Nation's overall harvest and, in my view, will not have an economic consequence that will, in any way, make it impossible for the United States to meet its harvest requirements.

Now, my amendment does not eliminate all funding for timber road construction either. A similar amendment was offered in the House by Congressman PORTER and Congressman KENNEDY, which would have eliminated virtually all funding for timber road construction. That amendment, incidentally, was very, very narrowly defeated on a vote of 211 to 209. Let me make the point again. The Porter-Kennedy amendment would have eliminated virtually all funding for new timber road construction.

My amendment would reduce the amount of the current appropriation, as proposed, by $10 million, reducing it from a $47.4 million budget. Opponents of this amendment are somewhat disingenuous when they claim that it will decimate the timber road construction program.

Finally, Mr. President, I want to make my colleagues aware that this amendment has the strong support of the Clinton administration. I want to introduce into the RECORD a copy of the letter from the Secretary of the Department of Agriculture, Mr. Dan Glickman.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. RICHARD H. BRYAN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR DICK: As we discussed on the phone last night, the Administration strongly supports the amendment you plan to offer to the fiscal year (FY) 1998 Interior appropriations bill to eliminate the Forest Service's purchaser road credit program and reduce funding for road construction in the national forests.

There are nearly 380,000 miles of roads on the national forests. Roads represent one of the greatest environmental problems on the forests because of the extensive damage they cause to soils, water quality, and fish and wildlife habitat. A recent Forest Service study indicated that forest roads increase the likelihood of landslides, thus creating a public safety problem in urbanizing areas in the West. For these reasons, rather than building new roads, the Administration is refocusing its efforts on repairing damage from the existing road network, eliminating thousands of miles of unneeded roads, and proposing the policies reflected in your amendment.

The President's FY 1998 budget proposed elimination of the purchaser credit program because it reflects an outdated policy that permits timber purchasers to exchange national forest timber for road construction costs, providing them an unwarranted subsidy, thus facilitating entry into roadless areas and causing the environmental problems noted above.

Consistent with the Administration's policy, we support the provisions in your amendment to protect payments to counties and small businesses. Purchaser road credits are now included in the calculation of payments to counties associated with timber sales. Your amendment ensures that there is no net loss of payments to counties despite elimination of purchaser credits. In addition, through protection of the purchaser elect program, your amendment ensures that small businesses which may not have the capital to pay for road construction can continue to compete with larger companies for Forest Service timber sales.

Although the $10 million reduction in road construction funding proposed in your amendment is below the Administration's budget request, through efficiencies and the expanded use of existing road infrastructure the Forest Service can still achieve the fundamental objectives of its management plans. Recent Administration budgets have reflected this trend in reducing road construction funding, and your amendment is consistent with this trend.

Thank you for your leadership in seeking to reduce unnecessary road building on the national forests and your support for eliminating the purchaser credit program. I look forward to working with you to achieve passage of the amendment.

Sincerely,

DAN GLICKMAN,
Secretary.

Mr. BRYAN. Mr. President, Secretary Glickman's letter is in strong support of the amendment that I am offering this afternoon. I also add, Mr. President, that the amendment is also strongly supported by a broad coalition of environmental and taxpayer organizations, including the Wilderness Society, Sierra Club, Friends of Earth, U.S. PERG, Taxpayers for Common Sense, and Citizens Against Government Waste. In addition, more than 60 newspapers across the country have editorialized in support of the amendment.

I simply close by making this observation, and I ask my colleagues to consider this one important point. If the purchaser credit program is not a subsidy for the timber purchasers, as the opponents of this amendment claim, then why are they fighting so hard to preserve it?

Mr. President, I hope my colleagues can join with those advocates of the environment, those advocates of responsible governmental fiscal practices and support this amendment, because it is a win for the environment and a win for the American taxpayers.

Mr. President, I reserve the remainder of the time. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, the Senator from Nevada states that it is not the purpose of this amendment to terminate harvesting in our national forests. He also states that it is the intent of the amendment to reduce harvesting in our national forests. He recognizes that the impact of the amendment will be to lower the gross income of the Forest Service from timber sales because, obviously, bids will reflect the cost of constructing roads. He says that the amendment will not terminate the construction of roads in roadless areas, but that the construction of roads in roadless areas is wrong.

Now, I guess the question that one must ask of the Senator from Nevada, and the outside organizations that back his amendment, is, what is their view toward the harvesting of forest products in our national forests? The Senator from Nevada has graced us with a set of graphs and a chart that indicates increasing harvests on private lands and rapidly decreasing harvests on public lands. In the 1980's, nearly 12 billion board feet a year were harvested from Forest Service lands—a harvest smaller in board feet than the regeneration of those lands. Today, that level is below 4 million board feet. In other words, harvests on those lands have been reduced by more than two-thirds. How much more reduction does the Senator from Nevada propose?

The organizations that he proudly announced are supporting his amendment, by and large, have as their articulated policy that there should be no harvest on public lands anywhere, at any time, under any circumstances. And while this amendment, standing alone, will not have that effect, it is clearly designed as a part of a campaign to end all such harvests.

At the present time, again, as indicated by the chart that the Senator from Nevada has there, only about 5 percent of the Nation's softwood comes from Forest Service lands, but 50 percent of the volume is located on those lands. Since the policies that have resulted in that dramatic decrease have taken place, the average price of an 1,800-square-foot new home has gone up about $2,000. Almost $3 billion from the pockets of American home purchasers is the result of those efforts to save the spotted owl and to meet other of the priorities so eloquently set out by the Senator from Nevada.

Interestingly enough, when an outside organization—Price Waterhouse—filed a report entitled "Financing Roads on the National Forests," it reached this conclusion:

> The forest roads program does not contain a subsidy for timber purchasers. It provides an efficient and effective mechanism for financing road construction and reconstruction.

Interestingly enough, the administration, at least as recently as January and February, agreed totally with that position, and it indicates no savings associated with the elimination of the forest roads program.

Moreover, the appropriation for forest roads that we are defending here today is the administration's own proposal. This is not a budget that increases that appropriation; it is a budget that reflects that appropriation. Is the Senator from Nevada seriously presenting to us the proposition that this Clinton administration is engaged in irresponsible forest harvest contracting, that it is ignoring environmental and fiscal concerns and causing our forests to be harvested at an unsustainable or environmentally harmful rate? He must be making that proposition. He wants the two-thirds reduction that has taken place over the course of the last decade to be a more-than-two-thirds reduction. He wants this administration to stop what he considers irresponsible contracting for forest harvesting in our national forests.

Mr. President, no one who is concerned with any kind of balance in the management of our national forests can possibly reach the conclusion that the Clinton administration's Forest Service management and supervision is recklessly and irresponsibly harvesting our national forests. Almost all of the criticism is on the other side, except for the organizations that are backing this amendment, whose position is that the only good harvest is no harvest at all.

Now, if the Senator from Nevada believes that, I think it would be more forthright simply to propose that and see whether or not the Members of the Senate agree. But this forest roads program, the way in which it was set up, is designed to see to it that the roads are built efficiently and well, according to Forest Service standards, and appropriately paid for. Simply to take money out of one pocket and put it into another will not, in any way, enhance the Federal Treasury. Bids will be lower—probably considerably lower—as the risk of costs have shifted from one side to another and the quality of roads will be lower. But let's look at the entire program that we are talking about here.

In fact, of this entire appropriation for 1996, only a very modest amount is for the construction of roads; the great bulk is for reconstruction. From the credit system, from the appropriation, practically none is for construction, and a modest amount is for reconstruction. But three-quarters of the amount is for the obliteration of roads, about which the Senator from Nevada spoke so eloquently. Eighty percent of all of the reconstruction that is so important is paid for by purchaser credit, not by appropriations on the part of this body. In fact, Mr. President, the net result of passing this amendment will not only be a further reduction in harvest, it will be a dramatic reduction in the availability of our forests from a wide range of recreational activity. It will be the de facto creation of more tens of billions of acres that cannot effectively be enjoyed by the vast majority of the people of the United States.

I want to emphasize that in this case we are defending the recommendations in the budget of the President and of the Forest Service—a Forest Service that has designed the reduction and harvest as far as it has gone. And I believe that the most appropriate points for the proponents of this amendment to make are having reduced our Forest Service harvest by two-thirds, having shifted almost 95 percent of all of the harvesting of forest products onto private lands that contain 50 percent of the resource. How much further do they wish to go? Their supporters say no harvest at all. This amendment is one dramatic step toward that goal.

Mr. President, I yield such time as the Senator from Idaho may wish to take.

The PRESIDING OFFICER (Mr. COATS). The Senator from Idaho.

Mr. CRAIG. Mr. President, let me thank my chairman for yielding. Let me also congratulate him for the clarity with which he spoke to this issue.

Mr. President, I rise in opposition today to the amendment of the Senator from Nevada. I hope that in the course of what I have to say, Mr. President, that my opposition is clear. This comes to the issue the chairman and the Senator from Washington put so clearly.

The Sierra Club some months ago, the Inland Empire Public Lands Council from the inner Pacific Northwest some weeks ago, and other organizations have come out with a policy for zero cut of timber on public lands. This is a national position that is well articulated by some of the more extreme environmental groups.

I think the Senator from Washington is absolutely correct. I believe this is step 1 in a 5- or 6-year plan. This amendment cuts about one-fifth of the resource for road building. If this is accomplished, then next year they will try for a little more, and the next year even more, and the incremental game that has been played over the last several decades that has significantly changed the character of public land use is accomplished—in this instance, the elimination of timber harvest on public lands.

The Senator from Nevada spoke of subsidies. Let me say as loudly and as clearly as I can that there are no subsidies. He is wrong. He talks about saving the taxpayers' money. He is wrong. The Price Waterhouse study that I have in my hand says so. Many others who have analyzed the program of purchaser credit also agree. The rhetoric of purchaser credits being subsidies may sound good when you suggest larger timber companies get money—taxpayer money. If this were the case, then that is subsidy, and that is wrong. It has no intent, and it doesn't improve in this instance the environment, or the ability of our forested lands to be ongoing and productive in their production of fiber for the citizens of our country.

So let me say very clearly that Senator BRYAN's amendment does not speak to subsidy because it does not exist. And it does not speak to saving money because it would not happen.

In addition, the amendment would eliminate beyond an actual cut of 20 percent of the $47 million that is in this budget for proposed new timber roads. It would cut, of course, the purchaser credit. And that is where the argument on subsidies rests. This program was crafted by a Democrat Congress in 1964. It doesn't mean they were right. It doesn't mean they were wrong. At the time using the best analysis they could and an appropriate decision as it relates to how stumpage fees could best be utilized for the benefit of the taxpayer, they came up with this method. It was thoughtful legislating at that time, and I think it remains so today. It is a good policy. Let me try to explain why it is good policy and not a subsidy. Let me also explain why I challenge the Senator from Nevada on his arguments, because if I make a challenge I ought to be able to prove it. It is only fair and right that I do so.

The purchaser road credit system has been utilized for more than 20 years. It allows purchasers to earn credits equal to the estimated cost of constructing roads specified in a timber sale contract. The purchaser can then use the credit to pay for the timber harvest. As with the regular forest road program which utilizes appropriated funds, the purchaser road credit program primarily supports the reconstruction of existing roads. The Senator from Washington has already very clearly spoken to that diagram effectively in the chart that he has before us. Of the total number of miles of timber sales roads built nationwide in fiscal 1995, about 90 percent were done with purchaser road credits. Approximately 80 percent of the purchaser road credits were used for the purpose of reconstructing.

I thought it was important to mention this because the Senator from Nevada spoke passionately about the Tahoe Basin, an area which I am very familiar with the way it has been harvested or rather not harvested. This lack of harvest has attributed to the fuel buildup that goes on in that region, affected the wellness of the trees, and most importantly created a potential catastrophic environment that could exist in a drought situation causing massive fire. He speaks of roads, road conditions, and road maintenance. Purchaser credits have gone toward maintaining and improving, through reconstruction, more roads than hard dollars do. Every one of those roads is built to environmental standards which actually improves the environmental situation.

In my State of Idaho last year—an exceptionally wet year—we had road blowouts; land and hillside blowouts in our national forests where man had never been. But the biggest problem occurred in areas where roads had not been reconstructed or effectively maintained.

So, if the Senator from Nevada wants to talk about maintaining roads and improving road environments that create less sedimentation and a better water quality in Lake Tahoe, then he ought to be coming with more money. Because money does not exist in the budget, money does not exist to improve road conditions. Therefore, environmental conditions is the very thing that he is trying to eliminate.

But back to the issue of subsidy. I brought this chart along to demonstrate the point. The point is really quite simple. If you are going to log the trees off the land, you have to get to the trees. There are Federal trees on Federal land. Who ought to build the road? The Senator and I come from large ranching States. You have cattle out in the corral in the back of the ranch, and you want to sell them to a cattle buyer. He has to get the trucks to the corral. You say, "Build the roads to the corral, cattle buyer, and you can have the cattle."

He will say, "OK. And I will bid you $5 less a head because I have to spend money to build the road."

Or, you can say, "No. I will get the road built. I will pay for the road. Therefore, bid me the market price on my cattle."

That is the same scenario that goes on with public timberlands because, as the Senator from Nevada said, the timber company leaves and the road is still there. Yes, it is. It is a Federal road paid for by Federal money, owned by the Forest Service, utilized by the citizens once it is used for logging.

Here is a good example. If the market value of the timber on a timber sale is $100, and you use the purchaser credit, it costs you $40 to build the road. You have a purchaser credit of $40. So you bid the market price for the timber. You bid $100. The net receipts are $60 because the purchaser road credit was constructed. If you do not have purchaser road credits it is still going to cost $40 to build the road. The logging contractor bid to the Forest Service less money because he is going to sell the trees to pay for the road he will build. So the purchaser credit is zero. He bids $60. He doesn't bid $100. He bids $60, and the net receipt is $60.

Is that a subsidy, or is that a method of building roads that in 1964 this Congress and this Senate decided was appropriate? Call it a subsidy? I don't think you can. Try it, if you might. Price Waterhouse says no. Economists say no. The reason they say no is because of this exact chart.

The Senator from Nevada says, "Well, BLM does it differently. They just sell the timber, and the logger builds the road." Yes. They do. Price Waterhouse would analyze that, and every economist would analyze that and say on the ONC—Oregon and California—lands in Oregon, where the BLM has the bulk of the timber from all of their landholding across the country, they do as the Senator from Nevada suggests. But the economists would say the quality of that timber value is depressed in stumpage because the logger takes the price of the road out of the sale.

Why is that important for Idaho, then? Why am I standing here concerned? Well, the Senator knows why. The Senator knows that in current law a share of the stumpage value is returned to local counties for schools and for roads. In his State of Nevada, down on the Toiyabe, it looks like they get a few dollars. They do not get anywhere the amount of money that Idaho, Oregon, Washington, or northern California gets. Why? If you are from Nevada, you know why. It isn't a timbered State, in large part. It is a high desert State—not a lot of trees, except in very few areas; primarily in the north, where the Senator is from, and down on the tip in the south.

The bottom line is when you bid a timber sale you and bid $60 rather than $100 because you are taking $40 out for the road. The Federal Treasury receives the same amount of money but payments to counties decrease.

What the Senator knows is that by this action, he is dramatically cutting the money that flows to counties for schools and for road construction—their own road construction, not this road construction, not Federal road construction. Why have we payed the counties over the years? I tell you why we have done it—because my State is 63 percent federally owned, and those are landlocked communities. They have no tax base from which to fund their schools and their local roads.

The Senator from Nevada knows from which I speak. His State is much more owned by the Federal Government than is my State. Nevada is 84 percent.

It is interesting that the Senator from Nevada hasn't mentioned a thing about the annual net proceeds tax that his State gets from Federal mineral resources. Last year, the State of Nevada got $613 million in severance tax from Federal mineral resources.

I say to the Senator from Nevada. Why does he work so intently to destroy the money that my schools, the schools in Montana, Washington, and Oregon get, and speaks nothing about that intent in his State, masked in the name of the environment? Let me suggest to you that it is not so masked. It is open. It is direct, and the impact would be dramatic. In many of my counties, school funding is 60 to 70 percent funded by this base, and he would take, in many instances, 25 or 30 percent of it away immediately. If the plan of national environmental radical groups, the kind that advocate zero logging on timber forested lands, had their way the remaining funds would soon be wiped out altogether.

I guess another thing that clearly is worth discussing, and it is terribly frustrating to me, the Senator mentioned that he had letters from Secretary Glickman as it relates to the position of this administration when it comes to their support of his amendment. The Secretary before the House of Representatives said, interestingly enough, not very long ago that the elimination of purchaser road credits would hurt mostly small timber purchasers who have less access to credit.

Now, the Senator from Nevada talked about sticking it to the big boys. I think in reverse, if he studied it with some intent, he would find that this is not quite the case.

I have another chart here that speaks to what Secretary Glickman was talking about—purchaser credit use: "Who buys the Federal timber?" The dark blue represents small business, the red represents large business by definition. As we can see by the chart itself, in almost every instance, they are buying better than 50 to 60 percent of the timber.

Small business timber purchasers would be adversely affected because the potential financing problem they would encounter if they had to operate by doing exactly what the Senator said, going out up front and getting the money to construct the roads before they could harvest the trees, take them to market and get their return. The alternative is the purchaser-elect program which does not protect the small business that are have the most threat. According to Price Waterhouse, a small business still has to pay cash for the full amount of the timber. This would explain why the purchaser-elect program has been rarely used by small business timber purchasers. Of course, that is what the Senator is advocating.

Mr. President, I recently noticed that the administration is having a bit of difficulty with what they tell us here in the Congress, and that is why I wonder about the letter the Senator has that he put in the RECORD. I have a copy of that letter. I say that because last year I asked about potential legal and financial liabilities associated with canceled timber sale contracts. The Forest Service provided a response, and the Department rescinded that response within just a few days. Earlier this year the Department properly rejected a position for a new policy on qualifications for timber purchasers, and 2 days later the Under Secretary claimed that an unauthorized individual had used an autosigning machine and the letter should never have been sent.

Well, it seems as if the Secretary had tried to place himself squarely on both sides of this issue. I suggest that he put greater control on his autosigning pen. Maybe we would more clearly understand what the Department of Agriculture is all about here—whiplashed by an environmental interest that does not serve this program well, does not serve the rural forested communities of our States well and, most importantly, does not address this issue in a fair and balanced way.

During the summer of 1966, there were several incidents where impassable roads resulting from washouts and wind-thrown trees hampered firefighters' ability to respond to fire emergencies, requiring fire crews to turn around and find other access to fires.

Why do I just instantly bring fires into this argument? Because the affected responsive maintenance of roads that is done through this program is what allows the Forest Service to manage our forests and fight fires. There are also roads that are used by off-road-vehicle people of the Senator from Nevada and the Senator from Idaho. There are our hunters, our fishermen, our berry pickers, our recreationists, our tourists. Those are the roads that were initially built to harvest timber. I would suggest to the chief of the Forest Service that if he has $440 million worth of road maintenance and backlog, he is achieving most of it today through the program that the Senator from Nevada is trying to eliminate.

So I hope that my colleagues this afternoon, recognizing the importance of this program, the way it is used effectively—it is not a subsidy. It benefits the taxpayer. It certainly benefits the small community that is the recipient of stumpage fees that fund schools and roads. It is a program well balanced and considered by the Congress over these years, and I hope they will reject the amendment of the Senator from Nevada. I do believe it is not well thought out. It certainly does not meet the arguments that he himself made as it results to the need for effective road maintenance to provide environmental quality, water quality and the kinds of things that we appreciate from our public land.

I yield the floor.

Mr. KERRY. Mr. President, I am pleased once again to join my distinguished colleague from Nevada, Senator BRYAN, in identifying another egregious expenditure which is a perennial waste of the taxpayer's money: the timber road subsidy. Several years ago, my able friend and I joined forces to eliminate the wool and mohair subsidies. And in the last Congress, together we jettisoned the subsidies for the mink industry in the market access program. In fact, Mr. President, I think our opposition to the entire market access program has become quite well known in this body.

Mr. President, the amendment we introduce today calls for the most modest reduction of a flagrantly wasteful subsidy which is helping denude our national forests and providing an outrageous taxpayer-funded give-away to the private sector. The Senator from Nevada and I are asking for the Senate to reduce this timber subsidy by $10 million. This money would come from the $47 million budget of the U.S. Forest Service's logging and construction program. Our amendment also prevents the Forest Service from using "purchaser road credits" to trade valuable Federal forest resources for environmentally destructive and costly timber roads. In essence, Mr. President, this amendment will put an end to the practice of awarding free trees in exchange for the industry paying its own road construction costs. This amendment also holds harmless counties that receive Federal payments from the sale value of federally owned timber, so it contains a mechanism to maintain a neutral fiscal impact on those counties. There is clearly much to complain about when it comes to timber sales—which routinely cost the Treasury and the taxpayers hundreds of millions of dollar each year—but the issue before us is much narrower.

Under current U.S. Forest Service management, logging access roads are built in national forests using either taxpayer funds or assets to subsidize logging companies harvesting timber. The taxpayer subsidizes the construction and reconstruction of logging access roads by the Government either paying directly for the building of the roads or by trading trees when the timber company builds the road. The system known as the Purchaser Credit Program essentially gives timber purchasers "free trees" and, according to the GAO, includes a profit margin for purchasers. In both instances, timber companies receive subsidies at the expense of taxpayers for activities that should be incorporated as a cost of doing business.

Mr. President, this amendment does not reduce funding for road maintenance and it does not affect the construction or maintenance of recreation and general purpose roads. This amendment does not alter the infrastructure management budget or the reconstruction and construction budget of the Forest Service. This amendment contains no rider or any other language dealing with roadless areas of our national forests. This amendment does not prohibit timber companies from building their own roads in the national forests where that is permissible under existing laws and regulations, nor does it deter timber sales and harvesting. It merely eliminates taxpayer-funded logging road construction which should be the responsibility of the timber companies. It is a specific, concise amendment which will not only allow us to reduce our deficit but also prevent pollution of municipal water supplies and save fish and wildlife habitats.

Originally, Mr. President, road building was subsidized by the U.S. Forest Service to encourage economic and community development. There was a time, especially after World War II, when the nation was rapidly expanding, that the government help for the Northwest timber industry made sense. But those days are over. We have learned that once areas are logged and logging companies move to new areas, communities cannot survive. Indeed they become ghost towns. There are no long term economic and community benefits to the public—only to private industry. If economic development is still the justification for this program, it flies in the face of some basic economic data. Mr. President, between 1950 and 1994, timber harvests increased by 64 percent, while employment in the wood and paper industry fell 4 percent. Other factors are at play in this subsidy. The fact is, Mr. President, the road-building subsidy—like the mink subsidy and the wool and mohair subsidy—is an anachronism.

The degradation of forests over the last few decades has led to a wide variety of environmental and health problems, including dramatic increases in species extinctions, global warming—due in part to deforestation in both tropical and temperate zones—and the deterioration of water quality. Jim Lyons, Undersecretary of Agriculture, admits as much. He has told us, Mr. President, "Our number one water-quality problem in the National Forest System is roads." In northern California, road building creates silt which clogs our State reservoirs and lessens water quality. Logging roads in national forests increase environmental degradation by contributing to the destruction and fragmentation of species, habitat, water pollution and landslides. In addition, Mr. President, since the 1940's, studies by the Forest Service and other fire scientists have found that more than 90 percent of all wildfires in the United States are human-caused, and 75 percent of these start within 265 feet of a road.

We have a tremendous backlog of unmaintained forest logging roads that are now unsafe. Maintenance of these roads is expensive—if there is no money to maintain existing roads, how will we take care of new roads? The Forest Service reported in March 1997 that there is a $440 million backlog of road maintenance needs for its existing roads. Where is the fiscal sense in constructing new roads?

Mr. President, there are currently 378,000 miles of roads throughout the national forest system, which is eight times the mileage of the U.S. interstate highway system. That's enough to circle the earth nearly 15 times. In some parts of our Pacific Northwest, one square mile is laced with up to 20 miles of road. Supporters say these roads open the forest to recreation. But, Mr. President, I can assure you many of these roads are not passable—I have seen studies on this issue which show that these roads are built for truck use with little concern for passenger vehicles or travel comfort. These are not recreation roads. In any case, Mr. President, the General Accounting Office has found that 70 percent of the Nation's subsidized logging roads are used almost exclusively by private timber companies and their contractors.

Mr. President, while the environment suffers and the timber industry enriches itself, the taxpayer picks up the tab. In fact, the taxpayer pays toward the costs of each road three times: first to build the road, second to maintain it, and third to fix the environmental damage caused by road-induced fires and flood.

This proposal to reduce the account by $10 million and eliminate the purchaser road credit is modest, rational common sense by any measure. I urge our colleagues to support it.

Mr. HUTCHINSON. Mr. President, I rise today in opposition to the Bryan amendment. I rise because this program has proven very successful over the years that it has been in existence. This is a positive program that promotes cooperation between public and private enterprises, which are the types of agreements we should be supporting on the Senate floor and not opposing.

In addition, this program has been found that it costs the government no money. Price-Waterhouse did an economic analysis and determined that "the Forest Roads program does not contain a subsidy for timber purchasers." This program is an efficient and effective mechanism for financing forest road construction. And, since net payments to the Treasury will remain the same, Price-Waterhouse concluded there is no subsidy to the timber purchaser.

Finally, I want to stress a point that I feel is of utmost importance. Many do not realize that 25 percent of the proceeds from timber sales go directly to the counties to be used for roads and schools. In Arkansas, where the per capita expenditures on students rank 46 out of 51 states and the District of Columbia, our children cannot afford to lose this vital source of funding.

Mr. President, I want to reiterate my strong opposition to this amendment to strike funding for the Forest Roads Program.

Mr. LEVIN. Mr. President, I will oppose the Bryan amendment to reduce funding for Forest Service road construction, reconstruction and obliteration, and to eliminate the purchaser credit program, because the amendment will make two activities more difficult to accomplish in the pursuit of the goal of ending new road construction in inappropriate areas. These two activities are obliteration of improperly placed, environmentally damaging or unused roads and reconstruction of those roads that serve regenerated stands. The administration has indicated that this amendment would cause the Forest Service to construct fewer new roads, yet the administration already has the power to construct fewer new roads without this amendment.

Eliminating the purchaser credit program may make sense. Certainly, the public lands management agencies of the Federal Government should have consistent policies on appropriately allocating the costs of building roads for timber access and other uses. But, the program's elimination will not necessarily save taxpayers' money. There are many policy and budget issues that should be sorted out at a Committee hearing on the matter before Congress acts on this.

Mr. President, I could support an amendment written to limit the number of miles of new roads in environmentally sensitive areas, however, the flaws in the Bryan amendment make its impact on this objection uncertain.

Mr. SPECTER. Mr. President, I have sought recognition to address my views on the Bryan amendment regarding timber road construction in our National Forests. I am very concerned about environmental protection and safeguarding our Nation's forests, providing there is an appropriate balance for economic development and job opportunities.

On Senate floor votes in 1986 and 1989, I supported reductions in the direct Federal spending on road construction by the Forest Service. If this amendment had been limited to road construction, I would have voted for it.

However, I am concerned about the impact of the elimination of all funding for the purchaser road credit program. From what I have seen and heard, during my August visits to the Allegheny National Forest in Elk, Forest, McKean and Warren counties, elimination of the purchaser road credits would constitute a significant hardship.

Accordingly, that provision of the amendment causes me to vote against it.

I do so on the assurances which I have received that the administration is currently reviewing the timber road construction program and may make substantial revisions which would provide for appropriate environmental safeguards.

This vote, for me, is a close call. If there is not adequate environmental protection from changes in the purchaser road credit program in the administrations continuing review, I would be prepared to reconsider my vote on this issue on next year's Interior appropriations bill.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I would ask unanimous consent that the Senate resume the debate on the Ashcroft amendment following the expiration of the debate on the pending amendment offered by Senator BRYAN.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BURNS. I make that request because we are going to go over the time when we are supposed to be back on that amendment.

Mr. President, I rise today to speak against the amendment from the junior senator from Nevada. I urge my colleagues to oppose a drastically reduced forest road budget, an end of purchaser road credits, and a change in the county payments formula. This amendment is unworkable and unnecessary in the face of a road construction budget that is already declining.

The amendment offered by Senator BRYAN would reduce the proposed budget for new timber road construction by $10 million. This amendment does nothing more than carry out the extreme agenda of certain radical environmental groups. As they have acknowledged, their objective is to shut down the Forest Service Timber Program.

Mr. President, Forest Service timber sales are sold using an open, competitive auction system process. All sales are sold at fair market value, with costs associated with the timber sales, including road work, apportioned and built into a minimum bid price, which sets the floor. There is no subsidy associated with timber sales or road construction.

According to a recent economic analysis released by the Price Waterhouse accounting firm, "the forest roads program does not contain a subsidy for timber purchasers—it provides an efficient and effective mechanism for financing road construction and reconstruction."

Owners of private lands often provide access to their lands to purchasers of their timber. They can either construct the roads themselves and then charge more for the timber, or they can require the timber purchaser to construct roads and thereby receive less money for their timber. Landowners who require the timber purchaser to construct roads have developed many systems to compensate the purchaser for road construction activities.

Purchaser road credits are a fairly common method for building roads. Many private landowners, as well as the State forestry agencies of Idaho and Oregon, have similar systems to build roads on their lands. No matter which system is chosen, the value of the timber sold will be reduced by the cost incurred by the purchasing party.

The Bryan amendment, however, calls for the elimination of the Forest Service purchaser road credits program. Eliminating purchaser road credits would have serious implications.

Under the purchaser credit program, timber sale contracts require the purchaser to reconstruct or construct roads and bridges. Purchaser credit is an off-budget means for the Forest Service to rebuild and repair existing roads and occasionally to build new roads at a significant savings to the taxpayer when compared with appropriated funds.

There are many costs associated with the purchase and harvest of a timber sale, including bonding, road construction, road maintenance, logging, and trucking. When a company analyzes what it can bid for a particular timber sale, it considers all the costs and values associated with manufacturing forest products from the trees to be purchased. If the company is given credits for the road work, the bids will be higher because it is not a cost.

As with the regular forest road program which uses appropriated funds, the purchaser road credit program primarily supports the reconstruction of existing roads. Of the total number of miles of the timber sales roads built or rebuilt nationwide in fiscal year 1995, about 90 percent were done with purchaser road credits.

As funds for road construction have been reduced in recent years, purchaser credit has become a vital tool to accomplish road work in all regions of the country, especially reconstruction. About 80 percent of the program used each year for reconstruction on roads, especially for safety and environmental improvements. Congress and the administration must reject all efforts to eliminate or reduce purchaser road credits.

Mr. President, Federal timber sales have declined precipitously, primarily from limitations placed on the Forest Service by environmental considerations and species protection efforts for spotted owls, marbled murrelets, and various species of salmon. In 1987, the timber sales program provided nearly 12 billion board feet of timber. Ten years later, less than 4 billion board feet were sold.

It does not take rocket science to understand the dangerous consequences the Bryan amendment has for local communities. Small businesses account for two-thirds of all timber harvested in national forests. Those small operations are located in the rural areas, providing jobs and stability to their communities.

The Bryan amendment would dramatically limit the forest road program, putting additional pressures on the timber sale program. Most supporters of the Bryan amendment are unaware that the Forest Service will spend many times more on reconstruction and repair of existing roads as they will on the construction of new forest roads.

Most of the roads in the national forests are single-lane, dirt roads which are open to all forest users. Each year these roads allow millions of Americans to visit the national forests. Access is provided to wild and scenic rivers, national scenic byways, wilderness areas, and recreational facilities, including campgrounds, boat ramps, and picnic areas. These roads provide access for cutting firewood and Christmas trees, berry picking, hunting, fishing, and camping.

The primary use of the national forest road system is recreation. All told, about 97 percent of the road system in any given national forest is open to recreational use. Ten years ago, recreation use on the national forests was less than 250 million visits. Today, recreation use is approaching 350 million visits, an increase of 40 percent.

The Bryan amendment would also reduce the construction of roads in roadless areas. Road construction in roadless areas of the national forests is for the most part limited to emergency situations. Indeed, few if any miles of roads have been built in roadless areas of the national forests in recent years. However, building some roads in roadless areas is necessary on occasion to allow access to treat insect and disease outbreaks, to monitor forest health, or for wildfire management.

Mr. President, the Bryan amendment would have a debilitating effect on the management of the national forest. I urge my colleagues to defeat this effort to further limit logging in roadless areas, to terminate the purchaser credit program, and to cut an already reduced forest road budget. This amendment is simply bad forest policy.

The environmental groups who have drafted this amendment have only one purpose. It is to shut down the Forest Service Timber Program. I urge my colleagues to defeat the amendment.

Before I yield to my friend from Oregon—we are running down on time here—I just want to put my little plug in here.

Mr. President, we have set records on recycling in this Senate. This old debate has been recycled every year since I have been here. We tend to forget in this country that we are dealing with a renewable resource. It is just like corn flakes on your table or the shirt on your back. All of these come from renewable resources.

There has been one group of persons who have been left out of this debate, and it is the consumers of America. Has anybody priced any lumber lately, what it costs to build a house? Does anybody deal with the homeless in their States on how do we find housing and what it costs for affordable housing?

There are people in this country who are in charge of producing not only food and fiber but also the shelter for America. That is what we are talking about here. You can mask it any way you want, but the way that we make a sale is pretty much time tested. It has worked, and it works every day, not only for the harvesting or the growing of a renewable resource. We see that great miracle of renewal every spring and every year.

However, we also see the economic backbone of the economy of rural America being eroded by people who have forgotten what it takes to produce food, fiber and shelter. I tell you, you can go out there and look at that mountain all you want and, if it is a religious experience and you do not want it touched, that is fine and dandy. But at the end of the day you are going to go get a hamburger because you are hungry. It is the basic of life in this country. That is the first thing, or the second thing, we do every day when we get up.

So I ask my colleagues just one question. In promoting what some think of as a "green world," is that going to feed us and sustain us? Probably for a lot of us around here it fed us a little too good. Maybe we are caring a little too much. But I ask those who are not hands-on natural resource providers to just pay heed to what you are doing here, because everything we enjoy—our standard of living, our quality of life—starts with a little seed in the ground. That is where it starts. Every one of us goes about our way every day in feeding and in clothing—every one of us without exception. Yet we want to make that tougher because we do not think it is important. So after housing and shelter, I think we are talking about a bona fide serious problem here, and it is not fair to change the rules. It is not even right to those who grow and those who are in charge of the harvest. It is not fair to those who have to take a raw product and add value to it so that it serves all of us in this great country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

The Chair advises the Senator from Montana that there remains 10 minutes on his time.

Mr. SMITH of Oregon. I thank the Chair.

I thank my colleague from Montana and my colleagues from Washington and Idaho who have joined me in resisting the Bryan amendment. The Senator from Nevada is my friend, but I believe on this issue he is very wrong. If he were to prevail, this would force great injury on my State.

Mr. President, I would like to take just a couple of minutes to speak against the amendment from the junior Senator from Nevada. This amendment calls for a $10 million reduction in funds for new road building, the elimination of the purchaser credit program, and a further reduction on logging in roadless areas. I strongly oppose these provisions.

Timber sales are vital to the long-term viability of local communities throughout the West. Under existing law, 25 percent of the gross receipts from Federal timber sales go to local communities. These funds are used for local schools and roads programs. Without a viable forest road maintenance, repair, and construction program, the timber sale program would be significantly limited. The big losers will be local communities.

Shared receipts are an integral part of local government revenues in the West. There is no practical way to separate these payments from the other payment programs without having dramatic negative consequences on local communities. The necessary dollars to offset the loss of revenue caused from the reduction in timber sales would not be forthcoming.

Mr. President, Federal timber sales have declined precipitously, primarily from limitations placed on the Forest Service by environmental considerations and species protection efforts for spotted owls, marbled murrelets, and various species of salmon. In 1987, the timber sale program provided more than 12 billion board feet of timber; 10 years later, less than 4 billion board feet were sold.

It does not take an accountant to determine the serious implications this has had for the budgets of rural communities. Two-thirds of all timber harvested in national forests come from small businesses. Those small operations are generally headquartered in the rural areas, providing jobs and stability to their communities, not to mention needed revenues to sustain local programs and services.

The Bryan amendment would dramatically limit forest road construction, putting additional pressures on the timber sale program. Since 1991, total new road construction built by the Forest Service or by timber purchasers has declined by two-thirds. Spending on both new road construction and reconstruction has been cut in half over this same period.

Most supporters of the Bryan amendment are unaware that the Forest Service will spend many times more on reconstruction and repair of existing roads than they will on the construction of new forest roads. Indeed, most of the funding appropriated by Congress each year goes toward the reconstruction of existing roads. In 1996, more than 2,800 miles of roads were reconstructed, while only about 450 miles of new roads were constructed.

Reconstruction activities protect watersheds through improved road design, road placement, and sediment control. Road construction funds are being used for watershed protection as part of the President's forest plan for the Pacific Northwest. According to the Forest Service, forest roads allow critical access needed for the suppression of up to 10,000 wildfires per year and reforestation of the burned-over lands.

The Bryan amendment will quite simply prevent the President from keeping the environmental and economic commitments made in the Northwest forest plan.

The Forest Service has invested significantly in technology transfer applications for road building. Examples cited in this year's Forest Service budget proposal are: wetland development and riparian restoration through modification of culverts and other drainage structures, retaining soil through innovative design of gravity walls, and lower water crossings for roads to minimize disturbance, provide fish passage, and avoid damming and channeling during peak flows.

Mr. President, the Forest Service is continuing its efforts to reduce the number of roads. In recent years, the Forest Service has annually reduced more than three times as much road mileage as compared to new construction. In 1996, the Forest Service reduced 1,400 miles of roads. For the past 6 years combined, the Forest Service has reduced over 18,000 miles of roads.

The Bryan amendment also calls for the elimination of purchaser road credits program. Eliminating purchaser road credits would have serious implications for local communities.

Under the purchaser credit program, timber sale contracts require the purchaser to reconstruct or construct roads and bridges. Purchaser credit is an off-budget means for the Forest Service to rebuild and repair existing roads and occasionally to build new roads at a significant savings to the taxpayer when compared appropriated funds.

Timber companies receive credits equal to the value of the road work required under a timber contract. The credit can be applied against the price paid to the Government for the timber harvested. These companies reflect the cost of building roads in their submitted bids.

As funds for road construction have been reduced in recent years, purchaser credit has become a vital tool to accomplish road work in all regions of the country, especially reconstruction. About 80 percent of the program is used each year for reconstruction on roads, especially for safety and environmental improvements.

Proponents of this amendment project positive Federal budget effects from the elimination of purchaser road credits. Elementary economics tells us that purchasers will simply bid less for the timber than they would of the credit were in place in order to offset their increased costs, while the Federal Government will net virtually the same amount.

The Bryan amendment would further restrict the construction of roads in roadless areas. Road construction in roadless areas of the national forests are, for the most part, limited to emergency situations. Indeed, few if any miles of roads have been built in roadless areas of the national forests in recent years. However, building some roads in roadless areas is necessary on occasion to allow access to treat insect and disease outbreaks, to monitor forest health, or for wildfire management.

Finally, Mr. President, there is no subsidy associated with timber sales or road construction. For new road construction and reconstruction associated with timber sales, costs are fairly apportioned. These costs are fully offset by timber revenues, resulting in net profits averaging more than $400 million per year over the last 6 years.

According to a recent economic analysis released by the Price Waterhouse accounting firm, "the forest roads program does not contain a subsidy for timber purchasers—it provides an efficient and effective mechanism for financing road construction and reconstruction."

Forest Service timber sales are sold using an open, competitive auction system process. All sales are sold at fair market value, with costs associated with the timber sales, including road work, apportioned and built into a minimum bid price, which sets the floor on the value of the timber sale.

Mr. President, I would like to close by quoting from a September 9 editorial in Oregonian which addresses the merit of Senator BYRAN's amendment.

> We think timber sales should be based on good plans and sound scientific analysis of their effects. This amendment, however, more closely fits the agenda of those environmentalists opposing all commercial timber sales in the national forests than it does the interest of good planning.

Mr. President, I urge my colleagues to vote against the Byran amendment.

In the interest of time, I will summarize so we will leave to Senator KEMPTHORNE some time. I am reminded of the statement I heard from one Senator—everything that can be said has been said but not everyone has said it. So I guess it is my turn. I would like to let Senator KEMPTHORNE have a chance to be on record also.

I could focus on the many points Senator CRAIG laid out very well as to why this is not a subsidy, why this all nets out in the end for the advantage of the forest, for the advantage of the taxpayer and for the advantage of local communities in the rural Northwest. I suggest to you that President Clinton came to my State, held a big timber conference, made some promises as to the level of historic timber harvest that would occur, along with a whole lot of environmental protection.

Part of that promise was that inclusion of these purchaser road credits would continue, that roads would be maintained so that there are not big blowouts, that there would be the ability to suppress fires, that there would be the ability to continue to harvest where it is economically and environmentally responsible to do so.

I was very heartened the other day to find two of my State's leading newspapers—these are not conservative newspapers; these are liberal voices in my State, the Oregonian and the Register-Guard out of Eugene—said the Senate should maintain the funds on these roads.

Well, let me quote from the Oregonian. They said Forest Service road funding, "which consists of road resurfacing, culvert replacement and other environmentally vital drainage improvements, these environmentally responsible activities are badly underfunded. It would be perverse to cut these budgets in the name of stopping new roads."

I agree. If you just focus on the economics, this washes out to the taxpayer. If you focus on the environment, we are not talking about much new road building. We are talking about maintenance of roads for people to use, for forest health to be provided, for the environment to be protected against washouts of these roads. We are talking about people who want to hunt in our national forests. All of these things are critical to this debate.

But, in the end I want to emphasize what the Senator from Montana said. There is a human element here, for crying out loud. There are people who breathe air and have blood in their veins and have children and have dreams and who want a future, who love to live in the country, who understand what it means to be stewards of the land and who also understand that this is a chain saw at their way of life. This is a chain saw aimed at the heart of Northwestern rural communities. It has to be stopped.

I care about protecting the environment. I just happen to believe that people like wood products, too. I happen to believe there can be a balance between the environment and our economy; between providing for animal and human needs. This goes at the heart of stopping that kind of balance.

I plead with my colleagues. You have interests in your States where I need to learn. I want to know what it is that helps your people, your human element. But if you want to know what affects mine, this does.

Even the leading liberal papers of my State agree with me. The New York Times doesn't understand the issue. They are on the other side. Today I stand with the people of Oregon, who understand the balance of the environment and our economy.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Nevada.

Mr. BRYAN. Mr. President, I yield the Senator from New Jersey 10 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized to speak for 10 minutes.

Mr. TORRICELLI. Mr. President, I thank Senator BRYAN for yielding this time. I rise in support of the amendment of the Senator from Nevada.

There is not a Member of the Senate who has not shared with our colleagues, or their constituents, the extraordinary need to end both waste in this Government and corporate welfare in particular. This is the moment for those Members to give meaning to all those speeches, all those comments, and all those interviews, because the Bryan amendment is to corporate welfare what welfare reform in the last Congress was to social welfare. This is the moment.

The scale of corporate welfare in the Federal budget is extraordinary. The Cato Institute estimates some $86 billion in expenditures. The Progressive Policy Institute estimates the number at $265 billion. This new age of fiscal discipline in which we live, when the Federal budget is being balanced, requires some sacrifice from everybody. In the last Congress it was people and families on welfare. In this Congress, at long last, it is time to have corporate welfare make its own contribution.

The Bryan amendment deals with one specific part of this network of corporate welfare, the construction of timber roads. The Green Scissors Coalition estimates that, over a 5-year period, the Federal Government will spend $36 billion, not only on these expensive and potentially wasteful construction projects, but projects which at the same time have an extraordinary cost in environmental terms. The simple truth is, even if we could afford this construction, which we cannot, the environmental costs are enormous.

These roads through our Nation's forests remove ground cover, create a channel for water to flow through—a cause of major soil erosion. Hillsides are weakened, streams are fouled, destroying the foundation of our recreational fishing industry—extraordinary—and some of the most important vistas and recreational properties in our Nation. It is believed that many of the channels created by these roads and the runoff are a major nonpoint source of pollution. According to the National Forest Service, 922 different communities in our country rely for their drinking water directly on streams that are impacted by the runoff of these roads in our national forests.

The Bryan amendment is a chance to end this corporate welfare, preserve the quality of the water, and end the damage to these forests. It is a subsidy that may be $100 million to individual corporations, but that underestimates the true scale of the problem. Over the last 15 years, direct Government expenditures for construction and reconstruction of forest roads may total $3.2 billion. It is estimated that for the national forest road system alone, over the years, this has resulted in the construction of 380,000 miles in forest roads. For any citizens of America who have marveled at our Interstate Highway System, they can only understand the scale of this construction by recognizing there is enough mileage through our national forests to circle the globe 15 times. Indeed, we have built 8 miles of road through pristine national forests for every 1 mile that has been constructed in the National Interstate Highway System.

The result of all these years of construction is that now we face $440 million worth of backlog of road maintenance. So we are continuing in the construction of millions of dollars' worth of new highways through new forests while the old highways are not maintained. They fall into disrepair with further erosion, damaging more streams, more drinking water—erosion of more forest.

For those who are serious about the deficit, corporate welfare, and environmental protection, in a single vote for the Bryan amendment you are given a chance to make a statement about each. This is not a question of ending the foresting of trees. It is not a question of not making our resources available. It is a question about industry, like every other American, paying their own way. If these roads make sense, then they make sense for corporations to pay for them themselves. If they are to be built, then they should be built properly and maintained by the companies who want access to the resources. If companies want access to the resources, and it makes economic sense, then it should be reflected in the product, not by the taxpayers. It is that simple. The logic and the economics is no different than when we face individual spending programs for citizens, students, or senior citizens. At some point these programs need to be evaluated on their own merits, on their own economics. That is what Senator BRYAN challenges us to do today.

I enthusiastically support his amendment on budgetary grounds, because of the economic logic of his argument and, finally, and in my own judgment most compellingly, on environmental grounds. We preserve these lands for a reason. We should open them up, provide access to them for their destruction, judiciously and carefully. We failed to do so in the past. Senator BRYAN gives us a last chance to make a proper judgment once again.

Mr. President, I yield the remainder of my time to Senator BRYAN.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. I yield 5 minutes to my friend from Idaho, Senator KEMPTHORNE.

The PRESIDING OFFICER. The Senator from Idaho is recognize for 5 minutes.

Mr. KEMPTHORNE. Mr. President, has it become politically incorrect to cut a tree, or even to walk in the woods? I don't think we want to go down that path. But then, if this amendment passes, we may not have a path to go down at all. My State of Idaho is 63 percent Federal land, and the majority of that is Forest Service. Not surprisingly, timber is a major industry in the State, and outdoor recreation is growing. Both depend on access to these Federal lands.

Mr. President, 97 percent of the roads on Federal forest land are open for recreational use. That includes camping, hiking, hunting, fishing—activities which a recent study by the administration found make up three-fourths of all the use of Federal land. Take away the roads and you take away the public's ability to access their Federal lands, and the economic diversity that recreation provides to rural western communities.

Besides recreation, those roads provide access for environmental management—to, among other things, monitor wildlife, and bring wildlife under control. Without the budget to construct or reconstruct these roads, managers will lose vital access. There is also the danger that these roads will become unstable, and pose an environmental threat to watersheds.

Do we have too many roads on Federal land? That is a good question—how many is too many? Compared to other road systems, the Forest Service does not even come close, with a mile and a half of road per square mile, compared to 8 miles per square mile on private timber land.

This is the crux of the point: there are many demands placed on Federal forest land, only one of which is to provide the solitude that true wilderness offers. No one will dispute the importance of wilderness, and that is why so many States have passed wilderness bills.

We have designated wilderness for a reason—so that some areas meet the public's expectation of a solitude experience, and allow the rest of Federal timber land to serve the public's other needs: to provide timber to build our homes, and to allow for other types of recreation that include access on some type of vehicle.

My State of Idaho is already home to the largest continuous wilderness area in the continental U.S.—the Frank Church-River of No Return Wilderness.

The administration's own study of the Interior Columbia Basin found that the majority of Americans using Federal land in the Pacific Northwest like to be able to access it using a car or some other type of vehicle. My colleagues, we need a safe, accessible road system.

This amendment would undermine that goal. And because it would also increase the cost of timber activities, and decrease revenue to rural counties, the amendment would pull the rug out from struggling, resource dependent communities. These rural communities are the base for the values that we hold dear--where the work ethic is taught as a part of daily life to kids who learn to respect the world around them. We can't afford to force these communities into oblivion, because we will lose what is best about ourselves.

These cuts will hurt the very people we are working for back here. I am talking about the small business owner, the laborer and even the firefighter. Groups such as the International Association of Fire Fighters, the Pulp & Paper Workers Resource Council, the United Paper Workers International Union, the United Brotherhood of Carpenters & Joiners of America, and many others have all come out against this amendment.

The Forest Service designed the purchaser credit program to be an off-budget means to provide the access Americans expect. It does so at a significant savings to the taxpayer when compared to how much it would cost to use appropriated funds. In return for providing a public service, the bidder on timber contracts receives a credit applied to that or another sale.

Seventy-five percent of these bidders are small businesses. I fail to see a subsidy for big business—what I see is the Forest Service finding a way to do its job and save taxpayer dollars, an advantage for small companies, and jobs in small communities. Is this what we want to eliminate?

I urge colleagues to vote against this amendment. It is not about wise management of our Federal lands—it is about making those lands available for only one use, and that is unacceptable.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. How much time do we have?

The PRESIDING OFFICER. The Senator has 2 minutes 10 seconds.

Mr. BURNS. Mr. President, I ask unanimous consent, if I could be granted 5 more minutes in order to accommodate the chairman of the Energy and Natural Resource Committee.

Mr. BRYAN. I do not object to that, I suggest to the distinguished acting floor manager, if I can get an additional 5 minutes as well?

Mr. BURNS. That's perfectly all right.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I yield Senator MURKOWSKI from Alaska 5 minutes.

The PRESIDING OFFICER. The Senator is recognized to speak for 5 minutes.

Mr. MURKOWSKI. Mr. President, I think there has been a little misunderstanding on the concept of road purchaser credits and the allegation that somehow this is corporate welfare. Logic will dictate that if we don't have purchaser credits for the construction of roads, those who are going to log in the forests, the Federal forests of this country, are simply going to bid less for the timber because they have to offset the costs of getting the timber out. They basically have to build the roads themselves.

When the Government in this case builds the roads, as it has through the purchaser credit program, the Government has been benefiting by getting higher bids for its timber. Take this away and the Government will simply get less. That is the reality. That is the economics. It is not a matter of corporate welfare. It's a matter that the Federal Government owns the forest and has traditionally dictated the terms and conditions that the roads will be built on, so they are built to their standards. And the benefit of those roads to the States, for recreational purposes, is obvious.

I rise to speak against the amendment of the junior Senator from Nevada. Not only does the amendment eliminate the purchaser road credit program, but it transfers $10 million out of road construction. I must strongly oppose the provisions. I think the amendment is bad policy. It would have a catastrophic impact on the management of the national forests. I urge my colleagues to defeat it.

The Forest Service in my State has finally completed a land management plan for the Tongass. It took 10 years and $13 million to do it. I am, frankly, less than enthusiastic about the plan, and most of my colleagues are aware of my distress.

It reduces timber sales by half. The two largest manufacturing employers in the pulp business in my State have closed their doors in the last 2 years. They have gone out of business. We have closed their doors. We have lost thousands of jobs in the last 2 years, and these have had a dramatic effect on our small communities in the southeast. Nevertheless, I have decided to set my lack of enthusiasm aside and focus my oversight responsibilities on implementation.

At the September 10 hearing, I asked the Forest Service if it could achieve even the severely reduced allowable timber sale quantity in the Tongass if the Bryan plan were adopted. The answer was:

> If we don't have the money to support the roads program, we will not be able to deliver the economic sale program.

They further stated that the Tongass depends heavily on the construction of new roads to deliver timber to the communities in southeastern Alaska. One might say, "Why don't you go to the private sector?" We don't have private timber. The Federal Government and the Forest Service own southeastern Alaska. There are cities and people there: Ketchikan, Wrangell, Petersburg, Juneau, Skagway, on and on and on.

The theory was, through multiple use, those interests would be protected with a balanced timber industry. Therefore, according to the Forest Service, the Bryan amendment would render null and void the goals of the Tongass plan.

It is kind of interesting, in a letter sent to the Senate only one day before the testimony, Secretary of Agriculture Dan Glickman supported the Bryan amendment because roads pose the "greatest environmental problems on the forests." You can't have it two ways. The roads provide recreation in the forest, they provide environmental benefits by providing access to stop fires, and I could go on and on and on. It is fairly inconsistent with the administration support for implementation of the Forest Service's final Tongass land management plan, but I have grown accustomed to the flip-flops of the administration on these issues. But Secretary Glickman isn't holding a position long enough to make it warm.

Finally, the Bryan amendment is nothing more than an attempt to eliminate sales on the national forests. At least we have seen some of the groups like the Sierra Club come out in opposition to any harvesting of the national forest. That is basically what this administration is attempting to do, and this is how they are attempting to do it.

The amendment isn't about subsidies, the amendment isn't about saving money, the amendment does nothing more than carry out the agenda of the extremists.

I will conclude by pointing to this chart, Mr. President, which simply shows where the money has gone and the decline in road miles. In 1985, we had 8,000; in 1998, 2,652. It shows reconstruction taking up the major portions. We maintain the roads that we have previously built. There is very little for new construction, roughly 18 percent.

So there is the picture, Mr. President. It says it better than I could relative to what is happening with this program with the necessity of maintaining it and maintaining the forest products industry as we know it today and the appropriate role of the national forest in providing a renewable resource in the timber that grows so profusely, particularly in the Pacific Northwest.

I thank the Chair, and I thank the floor managers. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Mr. President, I yield 1 minute to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Chair informs the Senator from Washington that there is 1 minute 46 seconds time remaining on this watch.

Mr. SANTORUM. Mr. President, I rise in opposition to the Bryan amendment for a lot of reasons. But the one I want to focus on is what I believe is the fiscally irresponsible nature of this amendment.

This is being put out as a budget-cutting measure. But the fact of the matter is, by having a fund that says we are going to hold the counties harmless—and I appreciate being held harmless. We have a national forest in Pennsylvania and our counties rely upon that money. That is going to cost money in the sense that by reducing the amount of roads built, you are going to reduce the revenues in the fund. That money is no longer going to be there to fund those counties in the money that they traditionally have received, and the Federal Government is going to have to come up with that money in exchange to fund the counties.

That is, in a sense, almost a welfare payment from the Federal Government because we have eliminated the funding source of timber harvesting from those counties and those communities. So not only have we hurt them economically, hurt their counties economically, but we are now creating welfare for those counties by giving Federal dollars to them in place of the jobs they have. This is not only bad, I think, from a policy perspective, but also bad from a fiscal perspective.

Despite the assertions of the amendment's sponsors, the timber sales program and the purchaser credit program are not subsidies. Since 1964, roads needed for timber harvest have been built by timber purchasers and the U.S. Forest Service has permitted the use of purchaser credit for road building. In fact, this program is entirely off-budget and this appropriations bill contains no funding for it. In President Clinton's budget request to Congress, elimination of the program results is no savings to the Federal government. Rather, the costs of the credits are explicitly absorbed by timber purchasers in the contracting and bidding process. According to a report by Price Waterhouse, "Economic analysis shows that the forest roads program does not contain a subsidy for timber purchasers; it provides an efficient and effective mechanism for financing road construction and reconstruction."

Second, eliminating the Purchaser Credit Program would harm local communities near national forests—including Warren, Forest, McKean, and Elk Counties in Pennsylvania. Counties containing forest lands receive 25 percent of gross Forest Service receipts. In 1996, these counties received a total of $6.2 million, three quarters of which went directly to local school districts.

Finally, the amendment would effectively cripple efforts to meet the stewardship needs of our national forest land by cutting the funding by which we maintain its infrastructure. Eliminating this program would not only cut funding for road construction, it would cut funding for road reconstruction and maintenance to fix environmental and safety problems remaining from an era when construction standards were far less rigorous. A well-developed road system is indispensable to forest plan implementation, fire suppression and forest health.

As many of my colleagues know, the General Accounting Office has just released a report which identifies questionable policies and practices that nearly caused the Forest Service to default on revenue sharing payments to rural counties in fiscal year 1996. The report raises fundamental accountability issues for both Congress and the Forest Service, and I believe that these issues will be exacerbated by the Bryan amendment.

Specifically, the GAO found that reductions in Federal timber sale receipts, coupled with increased obligations to spotted owl counties, and an apparent lack of sound financial controls over the National Forest Fund resulted in a shortfall in revenue-sharing funds available to rural counties.

Receipts from the resource sales are deposited in the National Forest Fund, which is a receipts-holding account from which the Forest Service obligations are distributed. After normal county payments were paid, the Forest Service used the National Forest Fund in fiscal years 1994 and 1995 to make additional spotted owl guarantee payments in certain counties in California, Oregon, and Washington. This caused two problems. First, there were insufficient moneys in the fund to pay counties because of the dramatic drop in timber sales receipts. Then, the Forest Service was forced to borrow from other funds and the Treasury to pay the obligations to the counties in a fashion that GAO found "was an unauthorized use of the funds."

It is my understanding that Congressman BOB SMITH, chairman of the House Agriculture Committee, has written Secretary of Agriculture Dan Glickman requesting a full accounting of the specific steps he will take to ensure that the Forest Service advises Congress when such shortfalls occur and properly manages these funds in the future.

Mr. President, the amendment before us will only make this dire financial situation worse for the Forest Service. Senator BRYAN's amendment will again modify the formula for sharing Forest Service receipts with the counties. I understand that it is the sponsors' intent to protect counties from fiscal harm as the result of this amendment. Included in the amendment is a provision to make up for the inevitable shortfall in payments to counties that will occur as the direct result of a $10 million reduction in spending for new forest road construction and the elimination of the purchaser road credits. Since Pennsylvania has four counties that benefit from timber sale receipts, I commend Senator BRYAN for his concern about the effects of his amendment. But I must point out, Mr. President, that the concern of the Senator from Nevada betrays the folly of this amendment. You see, should this amendment be enacted into law, timber sale receipts will go down sharply at the same time that our payments to counties will be held constant or even increase. This is the very same tortured accounting formula that helped to lead the Forest Service to brink of default recently over the spotted owl payments.

In fact, let me point out for the benefit of my colleagues that the GAO found the Forest Service had shifted money originally intended for trust funds for reforestation and forest health in order to cover the deficit in the National Forest Fund. While I hope the Forest Service will be successful in addressing the serious accounting shortcoming that led to the crisis, I must caution my colleagues that passage of the Bryan amendment makes it more likely that the National Forest Fund check will bounce again during fiscal year 1998.

The amendment directs the Forest Service to compute the costs associated with road construction by timber purchasers and give the counties an equivalent of 25 percent of these costs from the National Forest Fund. This is ludicrously impractical. First, we do not have enough money in the National Forest Fund to meet our current obligations to the counties. Second, the task of calculating private sector costs is a complex accounting task for an agency. Further, the amendment directs the Forest Service to collect private sector costs, that in many cases, are proprietary.

In view of the GAO's very critical report, this is not the time to add to our obligations to the counties. Nor is it appropriate to burden the Forest Service with additional financial responsibilities. I urge my colleagues to defeat this fiscally irresponsible amendment. It is imperative that we maintain funding for Forest Service road construction and maintenance and the Forest Service's Purchaser Credit Program. It remains the most efficient and cost-effective method we have to help maintain our national forests and serve the needs of the surrounding populations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I yield myself such time that I might have. I was somewhat astounded by the debate because those who oppose the amendment try to frame an issue that is not part of our discussion or our amendment today. I think in so doing they are trying to obfuscate the issues we are dealing with. This amendment is not about eliminating all timber harvests on the national forests. That may be an appropriate subject for a debate on another day. But there is not one word in this amendment that would have that effect or seeks to accomplish that purpose.

The other argument that has been made to obfuscate the issues is somehow a suggestion that there is an attempt here to eliminate all new road construction in the national forests. That is not true as well.

Let me just respond to the comments that the distinguished Senator from Pennsylvania just made. We have crafted this amendment to protect and to hold the counties who receive revenue from this program to hold them harmless. We do so by saying, look, in the bid that is offered by the prospective timber harvest bidder, that we factor a separate amount that would be attributable to the construction component and use that, as well as the bid price, in the calculation to determine what moneys will go to the individual counties that will be affected. So we were sensitive to the needs of the individual counties that would be affected and this amendment holds them harmless.

Let me talk about what the thrust of this amendment is. The thrust of this amendment is to eliminate a subsidy. It is to eliminate corporate welfare. It is to eliminate food stamps for the timber industry. That is not just an assertion the Senator from Nevada makes. That is why groups such as Citizens Against Government Waste, which have identified this as a costly subsidy to the American taxpayer, support the Bryan amendment. That is why Taxpayers for Common Sense, also a taxpayer watchdog group, has supported the Bryan amendment, because they recognize that this is a subsidy. That is why 60 leading newspapers across America from coast to coast—the only two notable exceptions that I am familiar with are the two that were referenced by the Senator from Oregon in his comments—all recognize this to be a subsidy and have urged its elimination.

Why is it a subsidy? It is a subsidy because individuals who have analyzed it and see how the Purchaser Credit Program worked finds that a windfall tax break occurs in terms of the profits that are permitted under this. Let me describe that in more detail, if I may.

The Forest Service makes a determination as to what they estimate the road costs are to be when a bidder bids on a tract of timber that requires road construction, and that is made available immediately to the successful bidder—immediately. That is a credit that is made available.

Those who have looked at the way the Forest Service calculates that have indicated, No. 1, the Forest Service is calculating a profit into that estimate and, No. 2, those who have focused on it independently found that in some instances, the purchaser road credit exceeds by 30 percent the actual cost that the timber harvester incurs in building the roads. Because, Mr. President, there is no accounting or accountability, the amount of money that is saved by the timber harvester that would be substantially less cost to him than the purchaser credit makes available is retained by the timber bidder, and that becomes a windfall profit. That is what the various groups, the taxpayer groups, as well as the 60 or more editorial writers across the country, have focused on—that it is a subsidy and a subsidy that ought to be eliminated.

Third, let me talk for a moment about the environmental consequences. We have 380,000 miles of roads in the National Forest System. That is about eight times the length of the interstate system. We have an enormous backlog of maintenance on existing roads. It is clear that new road construction, particularly in those environmentally sensitive areas that are steep, that have serious drainage and grading problems, cost the American taxpayer not just the initial cost for the road construction, but in some instances for generations thereafter. We deal with the problems of erosion, sedimentation and siltation into the rivers, streams, and lakes in the national forests. That is why the Assistant Secretary has commented that the greatest threat to the water resource in the national forest system is roads and new construction which is a major factor in that.

Finally, let me set at rest the notion that somehow these forest roads that will be built for new timber harvests are somehow a great benefit to the outdoor recreationalists. There are different categories of roads.

Typically, a road that is involved in a construction to access harvest timber is a dirt road. It is accessible only by all-terrain vehicles. It is not accessible by passenger vehicles. It is unpaved. It is ungraded. It doesn't have gravel on it. Whereas, recreational roads are roads of a higher quality that are accessible by passenger and general recreational vehicles.

Let me say that one of the groups that is a watchguard for outdoor recreational users is the Sporting Goods Manufacturers Association, which is part of the Outdoor Products Council. Mr. President, here is what they have to say about this subsidy and the purchaser road credit and the Bryan amendment:

> Our national forests are a recreational attraction because of their wild unspoiled areas. We feel that taxpayer subsidies for logging road construction has led to an extensive logging road network that can actually place at risk the very resources upon which recreational users of our national forests depend.

The recreational users and their interest groups support the Bryan amendment because they recognize that the Purchaser Credit Program is, in fact, a corporate subsidy, corporate welfare and they recognize the environmental consequences of senseless and unnecessary new road construction.

Finally, if I may, to clarify the point that in the Forest Service accounts there is a separate category for maintenance of existing roads. The Bryan amendment, which could reduce by $10 million the amount of money appropriated for new road construction, does not—does not—in any way affect or reduce those moneys that are set aside for the maintenance accounts. So no one ought to be misled that in some way the reduction that we are talking about would in any way impact those ongoing activities of erosion control and maintenance of existing roads.

To conclude, Mr. President, this is a win-win. It is a win for the American taxpayers because we eliminate a costly subsidy that simply cannot be justified and to provide windfall profits for some of the largest timber harvesters in America. Common sense suggests that, indeed, it must be a very powerful and a very substantial subsidy, or why else would we have the opposition to the Purchaser Road Credit Program if it did not provide such a subsidy? If it has been suggested by those who oppose the amendment it is a wash and an offset, I do not see why they would be raising the concerns and objections they have.

Second, it is a great win for the environment, because we know one of the leading causes of environmental degradation is the kind of erosion and runoff that we have as a result of these roads that have been cut through our national forests, and we ought to be very, very careful and sensitive when we construct new roads.

Mr. President, for the American taxpayer, for the American people, this is sound policy. Your vote will be appreciated.

May I inquire of the Chair whether or not the amendment reflects the cosponsorship of JOHN KERRY, BARBARA BOXER, and Senator BOB TORRICELLI? If it does not, I ask unanimous consent that they be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I commend Senator BRYAN for introducing this important amendment. This amendment does three critical things: helps to protect our environment, eliminates an unnecessary Government subsidy, and reduces our Federal deficit.

The Bryan amendment will reduce road construction funding by $10 million, eliminate the Purchaser Credit Program which gives timber companies trees in payment for road construction costs.

The amendment will not affect recreation and general purpose roads, and it will not reduce the money for maintenance and road obliteration. Under this amendment, if timber companies want to build logging roads with their own money, they can continue to do so. They simply won't be paid by the American taxpayers.

Year after year, American taxpayers have spent millions of dollars to subsidize the construction of roads needed for logging in our national forests. This is millions of dollars that could have been spent on cleaning our air and water.

Road building wreaks havoc on our national forests. Currently, there are nearly 380,000 miles of roads dissecting our national forests—that's eight times the length of the Interstate Highway System. My State of California has 44,000 miles of logging roads in its national forests. Each mile of road can have a devastating impact on water quality, stream ecosystems, fish habitat, and wildlife. Roads lead to sediment loading in streams and destroy habitat for fish and other aquatic species. Furthermore, the Forest Service has determined that 922 communities get drinking water from National Forests streams that are adversely affected by logging roads.

I would like to raise an additional point. Earlier this year, the Forest Service began the Recreation Fee Demonstration Project. Under this Congressionally mandated pilot project, the Forest Service is now charging recreational visitors a fee to enter national forests. Now I ask my colleagues, how can we continue to any timber companies to enter and harm our national forests, while at the same time we require recreational visitors—who come to hike, picnic and enjoy our national forests—how can we require them to pay for their visit? Does that seem like a wise-use of taxpayer money—I think not.

Under the Recreation Fee Demonstration Program there is no charge for those individuals and companies who come to harvest timber. Quite the opposit—we pay them to do so. In California, there is now a $5-per-day fee for recreational use of the Angeles, Cleveland, or Los Padres National Forests. These forests used to be open and free to recreational visitors. The Forest Service estimates that this new Fee Program will raise between $8 to $10 million this year, and somewhere between $15 to $20 million in future years. This is $10 to $20 million from the American public to visit their own national forests while the Federal Government pays over $47 million for timber companies to construct roads which are destroying those very locations the public comes to enjoy.

As U.S. Senators we have the responsibility of priortizing—making decisions about how best to spend our taxpayer dollars in a way that will maximize benefits to the American people. We all know that there are times when that can be a very difficult task—choosing between many projects and activities that all seem equally worthy. This is not one of those times.

I urge my colleagues to support Senator BRYAN's amendment.

Mr. BRYAN. If there is time remaining, I yield back the remainder of my time.

Mr. GORTON. Would the Senator withhold that?

Mr. BRYAN. I withhold.

Mr. GORTON. The Senator from Wyoming has been waiting patiently and wanted 2 minutes. I do not have quite 2 minutes. Would the Senator from Nevada mind yielding his opponent that 2 minutes?

Mr. BRYAN. The Senator from Nevada will do so. I think the RECORD will reflect that I have been generous beyond measure to accord to my opponents more time than the time agreement we entered into. But I will accord the Senator from Wyoming 2 minutes.

Mr. GORTON. The Senator from Nevada has been indeed generous.

The PRESIDING OFFICER (Mr. KYL). The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you very much. I appreciate that.

The business of timber and timber harvest is very important to my State. I rise in opposition to the amendment offered by the Senator from Nevada. I think the amendment is not about subsidies; it is about the elimination of the timber program in our national forests.

The timber program is part of a healthy forest. Somehow there has to be some changes made in a forest that either burns or is harvested or is eaten by insects. This would terminate that kind of thing.

Furthermore, this is a policy issue that I believe ought to be talked about in our committee of jurisdiction, ought to be talked about in the forest plan, not one that ought to be talked about here in terms of doing it on an appropriations bill.

Let me just say, the Senator has suggested there are winners and winners. There are losers. Those losers happen to be schools, school districts, counties, small family businesses, and recreationists.

This, I think, has been called a subsidy. It is actually not a subsidy. Purchaser credits are an accounting method used by the Forest Service. If the cost of the road was not in there, the bid, of course, for the timber would be less. If the cost that they have appropriated and allocated to it is more than it should be, that ought to be fixed by the Forest Service.

But, Mr. President, let me just say finally, because I know there is not much time, that this amendment really does not have anything to do with the critical issues facing the Forest Service. It is just the opposite, by depleting desperately needed road funding while reducing essential money to county road programs and school districts, as well as thousands of jobs and recreational opportunities for all Americans.

I urge my colleagues not to support this amendment.

I thank you very much for your time.

Mr. GORTON. Mr. President, I do have a letter by the National Association of Counties that I ask unanimous consent to be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NACo, *September 12, 1997.*

The Bryan Amendment Hurts Timber Counties and their economies!!

The National Association of Counties opposes the Bryan Amendment on forest roads to the Interior Appropriations bill (H.R. 2107). Eliminating the purchaser road credit system, and reducing funding for the forest roads program can have only one purpose—weaken the viability of the Forest Service's timber sale program. A viable timber sale program is vital to America's timber counties and the forest road program is an important part of such a program. Reducing the ability to access timber not only hurts counties, but the thousands of families that rely upon the income from their timber jobs. In FY 1995 a total of $257 million was returned to local communities adjacent to national forests throughout the United States. Two-thirds of all timber harvested in national forests come from small businesses—those small operations are generally headquartered in the rural counties, providing jobs and stability to their communities, not to mention needed revenues to sustain county programs and services for the citizens. It does not take an accountant to determine the serious implications this has for the economies of rural timber counties.

Proposed provisions to lessen the impact of these cuts on these rural communities and counties do not meet their stated objective. Attempting to hold county governments harmless from these cuts, discounts the other significant economic impacts on the people in the counties' communities. A significantly better way to address the needs of natural resource dependent counties is to support increases to the Payments In Lieu of Taxes (PILT) program. This program in combination with timber revenues, help public land counties provide such vital services as law enforcement, solid waste disposal, search and rescue and fire fighting on public lands. This is considered a major "underfunded mandate" and it is extremely important to the 1,789 public land counties in 49 states that rely upon the PILT program to provide some equity for the services they provide.

Please oppose efforts to eliminate the purchaser road credit program and reduce the forest roads program by attempting to hold counties harmless. It does not achieve its goal. Instead, support efforts that really help public land counties—support the PILT program.

Thank you for your attention.

Sincerely,

RANDY JOHNSON,
President.

Mr. BRYAN. May I inquire of the Chair how much time the Senator from Nevada has?

The PRESIDING OFFICER. The Senator has 6½ minutes remaining.

Mr. BRYAN. I assure my colleagues I will not take the full 6 minutes. But let me respond to the concern that the Senator from Wyoming has voiced with respect to the county schooling.

We have crafted into the amendment a hold-harmless provision that recognizes that indeed this is an important revenue source for local governments. I can assure my colleagues that the purpose of this amendment, or its effect, will in no way affect that program. We specifically incorporated that in there.

Let me just again return to the issue of the subsidy because I think that is central to the issue. I mean, if this is not a subsidy, why do we go through all of the incantation of calculating a separate purchaser credit, making that available? Why don't we simply just eliminate that and say, as do BLM harvesters, and in some State forest programs, the individual who is bidding on a tract of timber would factor into his or her, or its or their, costs what their road construction cost would be. That creates a competitive market, a level playing field. Why go through all of this incantation of developing the purchaser road credits?

Mr. President, I think the answer is clear. This has conferred an enormous benefit to the timber harvester. For one, the GAO has indicated that the Forest Service itself, in calculating the purchaser road credit, factors in a profit—factors in a profit. That is not a wash. That is not a recovery of costs. That is cost plus a profit.

If we are advocates of truth in budgeting, let us just eliminate that gimmick and simply say to all who harvest in the national forests, submit your bids, and included in your bid will be the cost that you will incur in accessing the tract of timber, or for those that involve new road constructions, you will factor that in.

Second, with the exception of the Forest Service industry itself, virtually every outside analyst, the taxpayer groups, editorial writers across the country, those who have been commissioned to do independent surveys, have all concluded that, indeed, when one examines the cost of the credit that is provided to the timber harvester and examines the cost incurred by the timber harvester, in some instances the timber harvester's costs are 30 percent less than the credit that is provided to the timber harvester.

Those are taxpayer resources. Those are taxpayer assets. That is clearly the definition of a subsidy. It goes far beyond what the cost incurred by the timber harvester is and provides him or her, it or them, with a costly subsidy at taxpayer expense.

That is why from the west coast to the east coast, from north to south, editorial writers, commenters, and analysts have looked at this and said, "This is a program that we cannot support." If we are talking about being fair and honest with the taxpayers' money, how can we support a program that is under a very convoluted, difficult-to-explain and, I am sure, difficult-to-understand purchaser credit program where in effect what we are doing, however we disguise it, is providing additional profits to a timber harvester?

That simply is not right. I believe any responsible budgetary analysis reveals that that is in fact what has occurred. The Forest Service itself recognizes that practice. That is why they support the amendment.

Mr. President, I urge my colleagues to support the Bryan amendment. I yield the remainder of my time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. That concludes debate on the Bryan amendment.

AMENDMENT NO. 1188

Mr. GORTON. Mr. President, we now have 145 minutes on the Ashcroft amendment. I think I can announce, on behalf of the majority leader, that there will be a vote on the Ashcroft amendment at the end of that 145 minutes or whenever time has been yielded back.

We will also plan to have a vote on the Bryan amendment immediately after the Ashcroft amendment, probably with the usual 1 minute per side for summary. But that has not been shopped to all Members to the point at which it can be the subject of a unanimous-consent request yet.

Mr. BRYAN. Mr. President, if I might inquire of the floor leader, the floor leader indicated that there would be time since we are going to have an intervening debate?

Mr. GORTON. Yes. The usual way is 1 minute for each side.

Mr. BRYAN. Fine. That will be acceptable.

Mr. GORTON. When we clear it, we will ask for it. That will be the plan.

After that, Mr. President, there are three other amendments that have been debated on the National Endowment for the Arts—Abraham, Sessions-Hutchinson of Arkansas, Hutchison of Texas. We are going to attempt to get 30 minutes equally divided additional debate on those amendments, as Members have been able to speak to them previously, and, of course, Members during this period of time can speak to them. That is not in concrete yet, but from the perspective of planning for the afternoon and early evening, this would be the intention of the managers.

Mrs. BOXER. Mr. President, I ask unanimous consent that after Senator ASHCROFT completes at least the first part of his presentation, that I be immediately recognized to use the time on our side up to 20 minutes.

The PRESIDING OFFICER. If there is no objection. Without objection, it is so ordered.

Mrs. BOXER. Thank you very much.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, thank you very much.

Mr. President, I am pleased to have this opportunity to address an important issue before the American people.

It is an issue about the nature of Government, the purpose for Government, what we have Government for and alternative uses of resources of the taxpayers in this country.

Data this year announced, not by Government itself but by independent studies including the best of the business journals, that the American people this year are paying more in taxes than any other year in the history of this Republic. The gross tax load is gross.

As a matter of fact, the Second World War, First World War, the Korean war, and the war in Vietnam did not cause us to have to pay the kind of elevated tax rates that we pay today, nor did previous wars of previous centuries.

The average U.S. citizen now pays the highest tax load, the biggest portion of his or her income that we have ever paid.

One of the questions that we must face, and which we must answer, is the question of whether or not we should take the hard-earned resources of American citizens, people who get up early, work hard all day, go home late seeking to help their families, whether we should take that resource to spend it on what the Government identifies as art or calls art or wants to encourage as art.

There will be some who say that this will be a debate about whether or not we support art or do not support art. I think it is important to note that art as an aspect of our culture has flourished since the very beginning of the United States as a nation and prior to that time.

Since the time we began our culture, from Plymouth Rock forward, we have had an expression of art in the United States—great literature, we have had great paintings, we have had tremendous capacity on the part of the American people to express themselves and to communicate noble ideas and high aspirations through our artistic devices.

But the debate which we are about to embark upon is a debate about whether the Federal Government should subsidize art and should identify in the art community some things for subsidy and some things for special treatment and some things to be singled out for approval while other things have to survive or fall based on their quality in the marketplace.

So it is with that in mind that I rise to say, in regard to the appropriations bill that is now before the Senate, that we should not spend the resources earned by taxpayers to encourage one artist over another artist, to say that some art is good and other art is bad, and particularly given the record of the National Endowment for the Arts. For the National Endowment for the Arts has a questionable record of fostering artistic expression which has countered the expression of values that most Americans cherish and the values which have provided the basis for the greatness and character of these United States of America.

The first point that I make is that the arts have plenty of money without the National Endowment for the Arts.

Let me just point to a set of statistics reflected in this particular chart. This compares NEA spending to private, State, and local arts funding.

Here you have private funding, the orange portion of the chart; local contributions, the green portion; the State contributions is the purple portion; and the NEA as proposed is the yellow portion.

It is pretty clear that that withdrawal of this very small portion of funding, 1 percent of the funding, is not going to cause a collapse in the arts. As a matter of fact, there are many individuals who are part of the arts community who feel this is an incentive to the wrong things in art.

So, first of all, we need to understand that the arts will survive. This is not a death knell for the arts. It is, in some respects, a contaminant to the arts to the extent that we continue to fund artistic endeavors of specific kinds, especially those things which are concededly politically correct or drive the agenda of the National Endowment. That is where the small yellow wedge comes in.

Just take a look again. Private giving to the arts and cultures and humanities is up. We have had some reduction. We have moved in the right direction. We used to give more to the arts through the National Endowment for the Arts than we do now. As we have had a reduction in the dollars that are spent by Government for art, we have had this substantial increase, especially recently, in private giving to the arts so that the private sector is totally capable of sustaining the arts.

I just add at this point that the kind of art that sometimes gets funded here is not the art of the great masses.

I tend not to be an individual who has invested a great deal of my life in the opera.

Now, the opera gets a subsidy from the National Endowment for the Arts, but by and large, Willie Nelson and Garth Brooks don't. Those of us that drive our pickups to those concerts don't get a subsidy; but the people who drive their Mercedes to the opera get a subsidy.

Now, it seems to me what is clear here is that the folks who patronize the opera don't deserve a subsidy any more than those of us who enjoy the Ozark opera instead of the other kind of opera—although I don't purport to say I couldn't enjoy both kinds.

The first point I am making here is that the arts are not in trouble. Second, the arts funding from the Federal Government is 1 percent or so. Third, the private share of contribution to the arts is up dramatically. State and local governments dominate giving to the arts. The Federal Government contributes a low portion of that.

Employment in the arts in the 1990's is up. So we have a vigorous arts community and it is an arts community which continues to grow. This has been an upward trend at a time when we had a decline in the amount of Federal funding for the arts. If people are interested in more people coming into the arts, they could say that as we have decreased the funding, we have had more people going in. We are not threatening the arts.

Median household income for artists is up. It exceeds the income for the rest of the labor force. It seems to me we are not threatening the art community or questioning whether the United States is going to have art.

Art attendance is up in every category, from jazz, classical music, opera, musicals, plays, ballet, art museums. We had more people participating in the arts in 1992 than in 1982. I don't believe that is a trend that will be reversed. These things are a function of the fact that people have leisure time and the people have disposable net income and are not dependent on whether or not we have a National Endowment for the Arts. Artists are increasingly college educated as well.

Total receipts for performance arts events are up and are approaching the receipts for spectator sports. This gap is narrowing. The arts, indeed, are flourishing in the United States. They are getting closer and closer to matching the same kind of receipts as for spectator sports.

The point I make is that the arts have an abundance of funding. They don't need to take the resources from families that the families need to spend on themselves. We are now taxed at the highest rate since the onset of this Republic, since we have been in existence. We frequently have both parents in the work force, one to pay for Government, the other to support the family. We have governmental programming that is taking resources, saying we can spend this money better on your family than you can spend it on yourself. My own view is that is not something that we need to support. The arts do not require it, and I believe people are entitled to additional tax relief.

The second point is whether the arts and the NEA need the money. According to the sponsors, this kind of an appropriation is not an issue. The arts do not need the money. They say what is needed here is sort of—the Federal Government telling people what is good and what is not good in the arts community. They call this the Good Housekeeping Seal of Approval argument. On several occasions individuals have come to the floor of the U.S. Senate here and said whenever the NEA comes in and puts its so-called stamp of approval on items that it somehow makes it possible for those artists to survive because people need the NEA to develop a way of helping people understand what is good art and what is bad art.

I don't think the NEA has been very good at developing good art. They have some good art, they have some art that is atrocious. It is clear to me that whether it has the NEA stamp of approval on it does not make a difference.

I go back to an earlier example. This is an item of art which the NEA has paid for in the past. It is a poem, or so we are told it is a poem. It was part of an anthology. This was an anthology for which money was paid, hundreds of dollars paid, to support this "L-I-G-H-G-H-T" as a poem in the anthology. Now I suppose you might say most people would not recognize this as great art just looking at these letters. I was not extremely well educated. I went to the public schools, and, frankly, I have to confess I did not see that this was great art when I first saw this. As a matter of fact, I thought it was a misspelling—but it could be great art.

The argument is if you put the seal of approval on it by the NEA, somehow it will make it possible for everyone to agree it is great art, so if you somehow tack the Good Housekeeping Seal of Approval on it—it has Good Housekeeping and here is the National Endowment for the Arts, a combination of what proponents of this legislation say—the National Endowment symbol becomes the Good Housekeeping Seal of Approval for this, I suppose folks around the country will now recognize this word as great art, that this is great poetry. I hardly think so.

The truth of the matter is you do not convert art into great art by putting some governmental seal of approval on it. It doesn't change the character of it. As a matter of fact, it doesn't help us at all in many respects.

One of the individuals that I talked to earlier pointed out to me that in regard to this poem a Congressman called the author of the anthology, the one who had developed the book that included this and for which the Government paid, and asked the developer of the anthology to explain it. The author of the anthology said, "You are from the Midwest. You are culturally deprived, so you would not understand it, anyway," no use to explain to you why this misspelled word or apparently misspelled word is great art.

Well, I suppose people could say that we need the NEA so this sort of Good Housekeeping Seal of Approval could convert misspellings into great art and people would know how to invest their money. I hardly think so. I have to make that argument with my tongue in my cheek. I wonder how those who made the argument kept their tongue out of their cheek in that respect?

The mere fact that something has the National Endowment for the Arts on it—and this particular stamp of approval is there—doesn't make it good art or doesn't make it bad art. The American people are still left to make their own judgments. The Good Housekeeping Seal of Approval doesn't really tell us much, although it does tell us something about the theory of Government that people have.

Some people think that the American people can't make good judgments about value themselves and they need Government to identify those things which are worthy of their support, and our Government's absence of an identifying seal would be something that is not worthy of your support. I think they have inverted what is important to understand about democracy in that the genius of democracy is not that the Government would identify the great values of the world and impose them on the people. That is the idea of the monarchy, where somebody up high in some remote place would tell everybody what to think and do. The genius of a democracy is just the opposite of that. It is not that someone up high in some remote place tells everybody what to do. It is that the people, together, have a set of values, and instead of having values imposed on them by the Government, the people impose their values on the system. That is the genius of a democracy. The idea that somehow we need the National Endowment for the Arts to impose values on this culture is a bankrupt idea, in my judgment.

Of course part of the argument that says we need the National Endowment for the Arts is that it identifies where people should invest in the arts. You don't have to tell people what they should like and not like, but this helps artists who are fledgling going around and saying you should invest in me as an artist because I have the seal of approval from the National Endowment for the Arts—sort of the idea you could have a central planning agency for the allocation of artistic resources.

Now, central planning for the allocation of resources is not a novel idea. As a matter of fact, some countries tried it, not just for art. Some countries have tried it for all of their economic endeavors. That is really the definition of communism or socialism, that you have some head of planning in the economy that tells you what is good, bad, where you should invest and where you shouldn't invest as a culture. So you decide to grow this many acres of potatoes, this many acres of corn, and you make this much steel, and it is all planned at the center of things. It is supposed to be a good system, in theory.

It took about 80 years around the world to figure out what the theory was, but it was a theory of collapse. We only have two fully confessed Communist regimes left in the world now, North Korea—and most of the rest of the world is trying to send them aid so their children don't starve to death—and Cuba, which is teetering on the edge of its own demise. The truth of the matter is central government planning to allocate the resources in the arts community isn't any more effective or any more to be desired than central governmental planning and allocation of resources in the industrial communities, the manufacturing community or the agricultural communities.

The genius of the marketplace is that it rewards those things which are valuable in the absence of planning in Government, not that it gets signals from Government or some planning agency or some guru in some bureaucracy that says, "This is my beloved artist in whom I am well pleased, put all your money here." As a matter of fact, some of the things that have been designated as those things to be supported like this poem—this is not the title for the poem, Mr. President, this is the poem. This is it, the whole nine yards. This is it.

There is a dispute about whether the actual payment was $1,500 or $750. You can do the quick math. It is $107 a letter if it was $750, and $214 a letter if it was $1,500. I make this copy as a bargain to you, and just give you the $107 rate if you think your marketplace would sustain it. Of course, I am not sure whether this is the French version of the poem, the English or the German version of the poem, because I have looked in the dictionaries and I don't find it in the English dictionary, the French dictionary or the German dictionary, but who knows. I know one thing, putting the seal of approval on this would not increase its value to me, and I don't think it does for the culture.

The truth of the matter is there are other reasons why we shouldn't be wanting to subsidize speech. Those reasons include the fact that the subsidization of speech results in the corruption of the arts. Jan Breslauer of the Los Angeles Times wrote eloquently that the National Endowment for the Arts results in the corrosive effect on the arts, that as a matter of fact that effect on the arts was prompted by the fact that National Endowment rewards politically correct art and art expression. She says, "The Endowment has quietly pursued policies rooted in identity politics." The National Endowment for the Arts is conducting a political effort, "a kind of separatism that emphasizes racial, sexual and cultural differences above all else."

This is art subsidized by Government and specifically designed to separate us one from another based on racial differences, sexual differences and cultural differences. She says these policies have not "excited much controversy, but they have had a profoundly corrosive effect on the American arts." Here is a clear indication by an art critic that the subsidy of arts, based on political preference, based on subject matter that is designed to divide the American people based on sexual, cultural and racial lines, pulls us apart rather than unifies us, has a corrosive effect on the arts. Not only a corrosive effect on the arts, it has a corrosive effect on the culture.

I wonder if we ought to spend our resources on something which produces that kind of an impact on the culture?

Mr. President, there are a number of other reasons and things I would like to say about this. We will have debate on both sides. I know the Senator from California is eager to speak. I want to give her an opportunity. So I sum up by saying there is no crisis in funding for the arts. People of America are taxed at their highest rates in history.

There is no reason to require that there be a Good Housekeeping Seal of Approval from the Government to try to dignify art that is not art, or to make decent those things which are indecent and unacceptable. Good art will be good art whether or not you label it with an NEA seal. An artistic statement, as a matter of fact, that came before the onset of the NEA, and will survive long after it, is that "A rose is nothing but a rose no matter what you call it, and by any other name, it is still a rose."

With that in mind, I think it is time for us to say we have spent more than enough in subsidizing politically correct activities under the guise of promoting the arts.

I reserve the balance of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you so much, Mr. President. Now, I have heard the Senator from Ohio very eloquently express his views. I think it is time that we hear from the other side.

I am very pleased to be a member of this Subcommittee on Interior Appropriations, and I was very pleased that we were able to resolve the question of the native Americans. I felt very strongly that had we not done that, we were going to do a grave injustice to native Americans and turn our backs on history, justice, fairness, and the Constitution. So I was very pleased to support Senators McCAIN, CAMPBELL, and the others. They convinced the chairman of our subcommittee to put that fight off until another time.

I thought we were going to be OK on the National Endowment for the Arts. It comes to the floor of the U.S. Senate funded at about the same level as last year, and here we are faced with an array of amendments to wipe out the National Endowment for the Arts. Now, this is the most extreme one. It would totally do away with the National Endowment for the Arts. I think it is a very radical and very serious step for us to take.

I want to comment, because I think it is important to correct the record, or at least straighten it out a little bit, on the poem that the Senator from Ohio continues to hold up in this debate. It is a one-word poem. I agree, it doesn't make much sense to me either. And, yes, the NEA has made some mistakes. I'm sorry, I mean the Senator from Missouri, not Ohio. What the Senator from Missouri, Senator ASHCROFT, does not tell us in his eloquent debate is that the one-word poem he holds up was funded 30 years ago; it was funded in 1968. He holds it up on the floor of the U.S. Senate as if these are the kinds of grants that are being made today.

Now, if we are going to have an honest debate, why don't we be honest with each other? I saw that poem and I said, "That doesn't make much sense." Then I found out it was funded 30 years ago. Now, there are many reforms that have been put into place in the National Endowment for the Arts. Does it mean there might not be a mistake or two in the future? No. There may be some out of the thousands and thousands of grants. But to hold up a poem funded 30 years ago, when I was just a kid—as a matter of fact, 30 years ago, I became a mother for the first time, and now my kids are having kids. So, yes, there was a mistake made, I agree. You know, there are mistakes made in life, but we don't just take a meat ax to the problem. And we didn't; we have made reforms.

The other point that I think is interesting for the Senator from Missouri to imply is that the music funded by the National Endowment for the Arts is all for the elite, the upper crust, and he talked about the opera and how he doesn't go to the opera much, and yet, the opera is funded. Well, I tell the Senator from Missouri that many groups across the country are funded by the NEA: The Carter Family Memorial Music Center in Hiltons, VA, supporting a weekly series and annual festival of old-time traditional music, played on acoustic instruments. There is the Western Folklife Center in Nevada, dedicated to the preservation and presentation of the cultural traditions of the American West. There is the Folk Arts Apprenticeship Program, fostering the growth and evolution of Mississippi's traditional arts by bringing master traditional artists together with promising apprentices.

So, again, we have a misleading presentation here that doesn't square with the facts. This is 1997, not 1968. Mistakes were made, but many revisions have taken place and reforms have been implemented to straighten out the problems.

In 1993, the NEA initiated a complete overhaul of the agency's grant review and monitoring process. All subgrants to private nonapproved groups have been eliminated. Since 1996, all fine arts grants to individual artists have been eliminated. Since 1996, all grants to organizations must be for projects specifically described in the application, further increasing accountability of grantees. Since 1994, all grantees must file interim and final project reports. The final one-third of all grant payments are withheld pending the NEA's approval of grantees' interim reports. In addition, grantees must now seek written permission in advance to change grant activities proposed in the organization's application. The National Foundation on the Arts and the Humanities Act of 1965 requires a rigorous multistep review process of all applications. Diverse panels of citizens, representing wide geographic, ethnic, and cultural points of view, review all applications. Following panel consideration, all applications are then reviewed by the National Council on the Arts, which is a body of 26 private citizens nominated by the President and, yes, confirmed by the U.S. Senate to 6-year terms. Do we have so little faith in what we have already done to straighten out some of the problems with the NEA that we would, with one vote, do away with the NEA? I hope not. By the way, applications recommended by the council for support are forwarded to the chairman of NEA for a final decision. The chairman may not approve an application with respect to which the council has made a negative evaluation. So we have even put a rein on the chairman.

Some of my colleagues have spoken on this floor expressing concerns that projects receiving funding from the NEA are obscene. Anybody who says that should know that Federal law ensures that artistic excellence and artistic merit are the criteria used to evaluate applications. The law expressly prohibits the award of financial assistance to any project or program determined to be obscene. If a mistake is made in judgment, yes, we should ensure that it is corrected, just as we must do in any Federal agency or just as we must do in our own lives. If one postman is obnoxious as he or she delivers the mail, we don't stop delivering the mail. We get rid of that person. If one military officer sexually harasses another, we don't shut down the military; we hold a hearing and we hold the perpetrator accountable.

We have had an extraordinary number of military planes crashing, and not one person would suggest that we don't build any more military planes. Clearly, we are going to take the problems as they come to us and deal with them. And, surely, we are capable of doing that with the National Endowment for the Arts. This body ought to be very pleased that it has made tremendous progress.

Now, speaking of the military, we spend more on military bands than we spend on the National Endowment for the Arts. I support spending money on military bands. I also support spending money on the National Endowment for the Arts. We spent $176.2 million on military bands in 1997, which is almost twice the $99.4 million spent on the NEA. Let me tell you something. If a military band played an inappropriate song, or someone was dressed inappropriately or, in any way, degraded that cultural event, we would address the situation. By the way, it is very important to our country that we keep the culture of the U.S. military and that we keep the music of patriotism that fills our souls every time we hear from it. But if there is a mistake made and an inappropriate song chosen, or someone is acting in an inappropriate way, we don't walk away from funding the military band. Do you know what we spend per person for the NEA? When this Senate voted $10 billion more for the military than the military asked for, I stood on this floor in disbelief, because I heard all these speeches about how much money we are spending in taxes. I agree, I don't want to spend money we don't need to spend. I want to give the military what it needs—not $10 billion more. But now we are going to save the Federal budget because we are going to cut out less than $100 million, 38 cents per person in this United States of America?

I was called to a meeting in San Diego. In terms of politics, I would say you would call it a Republican county. I had people there from the business community, I had people there from the arts community, I had people there from nonprofit organizations, and we had elected officials there of both political parties. Do you know what their message to me was? Go and fight this thing, because every time we get a dollar from the NEA, we get matched $12. "It is important," they said to me, "for our community." As a matter of fact, they said to me, "Can't you fight so that we can spend 50 cents per person in a year? If we spend 50 cents per person a year, we would get that much more leverage, that much more job creation, that much more tourism, and it would help us." So it is very interesting. In San Diego, CA, I get called to a meeting and I am told to fight for more. Here I find myself fighting just to keep what we have.

So when we talk about tax load, don't be fooled about that. Don't be fooled. In essence, what we have here is a grant program that is far lower than it was under George Bush and Ronald Reagan who, by the way, signed all those bills for the NEA—and it costs 38 cents per person.

Public funding of the arts is good for the economy. Now, there was a recent study by McKinsey Consultants for New York City and they said in their study that funding of the arts generates taxes, which brings down the deficit, jobs and economic growth far in excess of the amounts invested.

I used to be a stockbroker. When you look at recommending a stock, you look at whether or not it is a good investment. Does it bring back dividends? When you put in a dollar, what do you get out? This is clear. Republicans in my State, Democrats in my State, Independent voters in my State—this is the place where they cross over party lines. They want us to save the NEA. They think it is good. They know mistakes will happen, yes, when you give thousands of grants. I think they are willing to forgive a grant made in 1968. An investment of $100 million in the NEA is relatively small. We are talking about less than one one-hundredth of 1 percent of the nearly $1.5 trillion Federal budget.

Now, I want to share with you some pictures because I think they are worth many times a thousand words. Let me talk about Leon Bates, a world-class, highly respected concert pianist, who has appeared with major orchestras throughout the United States, Europe and Africa. By the way, my colleagues have talked about Communist countries and have somehow linked what we are doing here to communism. You know, if you look at every capitalist country in the world, every democracy and capitalist country in the world, they spend a far greater proportion of their budgets on the arts than we do. So I don't get how communism, socialism and capitalism comes in here, because in fact every capitalist democracy in the world spends more on the arts than we do. So I don't see how that gets into the debate.

Well, here is Leon Bates. He has traveled in Europe, Africa, and the United States. He was hired by the Long Beach Symphony Orchestra to perform a piano concerto in January of 1996.

As part of this week-long residency of rehearsals and public appearances, Mr. Bates performed for an audience of 250 members of the Long Beach Boys and Girls Club.

Everyone in here stands up and talks about the children—everyone of us. And we should.

I wish you could see the faces on these kids at the Boys and Girls Clubs watching this creative genius perform his work with an NEA grant enabling him to go to the Boys and Girls Clubs, be a role model, and give them a love of music. He is the perfect ambassador for classical music to an audience of children, parents, and counselors who are not exposed to the world of performing arts that often. He brought with him a full-sized concert grand piano, and in between anecdotes from his life as a musician he answered questions and played excerpts from several classical composers. The event was a spectacular success.

He was supported in part by the NEA. Without continued support of the NEA, the Long Beach Symphony Orchestra would not be able to bring in top-quality artists like Mr. Bates.

I want to show you another photograph which I think is wonderful. The Senator from Missouri holds up a poem from 1968. I am talking about what is going on now. This is a group called We Tell Stories. It is a performance group based in Los Angeles—a troop of actors which travels to museums, parks, schools, and libraries to perform stories for children. Its goal is to enhance cultural awareness, communication, and awaken a taste for theater and children of all cultures.

We Tell Stories received an NEA grant to support the creation and presentation throughout the United States of work by Carl Sandburg, a great American.

We Tell Stories began in cooperation with the Los Angeles County Museum of Art in 1981. Now in partnership with several organizations and agencies, including the Los Angeles Unified School District, and the troupe has performed for over 2 million people. In 1996, the troupe presented performances for 270,000 children.

I am coming to the conclusion of my remarks, much to the delight of several of my colleagues who are here to speak. But I want to show you one last photograph. This is one of the audience members who was watching a recent performance in Westwood, CA, by We Tell Stories. Look at her face. It captures the promise of the arts. The great expectations of the arts, the creativity, the imagination.

Will there be art without the NEA? Of course. I say to my colleague from Missouri, there will always be the arts. Why wouldn't there be? One of the things we do in this country is to give a very small amount—38 cents per person in this country to be matched 12 times by the private sector, the nonprofit communities, the State governments. Why would we do that? To bring these opportunities to the people of our country—and, yes; to the children of our country—because that is what the NEA has been focusing on recently.

I just want to say that I know we have disagreements in this body. I respect those disagreements, and I respect my colleagues who come at it from a different way. But I think for the sake of this debate the American people—and I know the people in my State of every political persuasion—again, in my State, there are three issues that unite people along party lines. This is California, and I can't speak for Missouri, and I can't speak for any other State, but there are three issues that make people cross over party lines.

One of them is the environment. People cross over, and they say, "You know, I don't care if you are a Democrat or Republican. I want clean air. I want clean water. And I want my kid to grow up without getting environmental cancer."

So there are no politics in that issue, in my opinion, in my State.

Another issue is a woman's right to choose. It's the same thing—people from both parties come to me, and they say, "Please. This is a private personal matter, and it has nothing to do with Government. Stay out of our lives."

And the third issue is funding for the arts. I have letters. I have phone calls. I have gone to meetings. I have never seen such bipartisan audiences as I have with those three issues.

On this issue, they all agree that we need to put the facts on the table. This isn't some political issue. This is a really important issue for our people. Will we stand up and say, "For a modest amount per person, 38 cents a year, we will work with the States, the local groups, the local symphonies, the local Girl Scouts, the groups that benefit from this to bring the arts to our people, to help them leverage that investment?"

I can't imagine why anyone would think that it is dangerous for us to have this very modest program that sparks such enthusiasm. Are there mistakes? Yes. Are there mistakes in everything we do in life? Absolutely. But that doesn't mean we destroy the idea of the spark.

Senator KENNEDY and Senator JEFFORDS across party lines have worked out an agreement on this. They would block grant up to 40 percent of the NEA funds and send it back to the States. That is a good compromise. That would be up from 35 percent.

I hope we can come together across party lines because we need to do that.

I hope we will reject this amendment. I hope that we will support the Jeffords-Kennedy attempt to resolve this matter. And let's make sure that we fulfill our responsibilities, it seems to me, to have a small, dynamic, flexible program that responds to criticism but continues to give a modicum of support—let's use it to support dance and the arts in this Nation.

Thank you, very much, Mr. President.

I yield the floor.

I reserve the remainder of our side's time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I yield myself such time as I may consume.

I thank the Senator from California for correcting the fact that I am not from Ohio. I didn't want people from Ohio to be too upset. It reminds me of my having been introduced as having been an individual from Missouri but who was born in Illinois. I say, "Yes, both States claim me. Missouri claims I am from Illinois, and Illinois claims I am from Missouri."

The truth of the matter is that I would like to address some of the issues which the Senator from California has talked about.

She mentions the fact of a poem—for which we paid $214 a letter—which was paid for earlier in the history of the National Endowment. She is correct. But it is incorrect to suggest that there are not abuses now that are even more egregious.

This is one of the more decent egregious abuses of National Endowment money.

I have excerpts from a book in my hand which very proudly bears the imprint, the so-called good seal of approval, of the National Endowment for the Arts. This book was published in 1996 after all the supposed improvements, after all of these wonderful safeguards to make sure that our money is well spent. I think it is instructive to read just what the authors say about their own book. This isn't some attack upon the book. This is the bragging of the authors.

I read:

> The blood of the Mugwump clan of Catholic gender-shifting vampires has become infected by decadent words and confused memories.

It talks about a man trapped inside a body that is always changing from male to female, and dealing with his polysexual sister.

I asked my staff to just take a couple of pages of the book. And this book was written because the National Endowment for the Arts felt that the American people needed to have this capacity to identify good art so they could invest in it under the "Good Housekeeping" or "good art" seal. I asked them just to get a couple of pages of the book and Xerox them. But I said, "Be sure to mark out the things that would be not suitable to be shown on C-SPAN in the middle of the day."

This is what a typical set of pages looks like. This is what the American people are paying for. This isn't something from 30 years ago. This is something from 30 minutes ago. This is something that is current. This is something from 1996.

No. 1, the so-called reforms have been ineffective. And, if we had an abuse which was at least not obscene—our abuses have not gone uphill. They have gone downhill.

I have a list of current abusive things funded by the National Endowment for the Arts. I could go through them time after time. I will not bother to give them to you. Hundreds of thousands—hundreds and hundreds and hundreds of thousands of dollars wasted in the current selection of grantees. They are not as easy to describe, and they are not as suitable for television as the 30-year-old abuses are. Unfortunately, they are not as easy to use on television.

The Senator from California pled for honesty and integrity in talking about whether or not we would have any funding—that somehow there is a matching grant program. There is no matching program. We are not talking about matching funds here. We are just talking about other money spent on the arts—most of it in the private sector. And when they have that kind of an expenditure, sure enough, they could say, "For every dollar we have in Federal money we have $12 in private money." That doesn't mean the private money wouldn't have been spent anyhow. After all, what happened before 1965 when Lyndon Johnson concluded in the Great Society that we had to have funding for the arts? For several hundred years America had great artists, and we weren't devoid of expenditure. We had great museums. We had tremendous collections. We had artists who thrived. We had novelists, and poets.

So it is pretty clear to me that art is not dependent upon some matching fund system.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. HARKIN. How much time do we have?

The PRESIDING OFFICER. The Senator from Iowa has 40 minutes and 41 seconds.

Mr. HARKIN. Mr. President, I yield myself such time as I may consume.

Mr. President, first of all, the Senator from Missouri has repeatedly talked about the poem "Lighght." He has held up this little piece of paper, and he has talked about this poem and castigated it as one of the great spending holes of the U.S. Government, we spent money on the poem "Lighght."

Well, I saw that and I recognized it. Believe it or not, I recognized that poem. And so I thought I would take some time since I have a history in this to shed a little light on "Lighght".

Now, again, I am glad that the Senator from California brought this up because the Senator from Missouri never did mention this until the Senator from California, Mrs BOXER, brought it up. This poem "Lighght" was published in 1969. The Senator from Missouri did not say that. He admitted it after the Senator from California pointed that out. But in listening in the last couple of days to the Senator from Missouri, one would have assumed that this grant was just made, not in fact made in 1969, when it was.

Mr. President, the debate on the NEA, National Endowment for the Arts, has set a new standard for debate in the Senate. First of all, suggesting that we should eliminate the National Endowment for the Arts in 1997 because of a grant that was made in 1969 begs incredulity. That would be like saying the State of Missouri, since it had laws on its books that allowed segregated schools until the 1960's, will not be eligible for Federal education programs. Or saying that the University of Alabama will be prohibited from participating in Federal student aid programs because it was segregated prior to June 1963, or the schools in Little Rock, AR.

Times change. Conditions change. Well, now, the Senator from Missouri said, oh, OK, fine. "Lighght," this was 1969, but then he held up a piece of paper which he was reading something from—I didn't catch it all, but it was from a book called "Blood of Mugwump," which I never heard of until today, but I remembered someone had said something to me about it and I looked it up. My staff gave me this. Lo and behold, the Senator from Missouri is wrong again. "Blood of Mugwump" did not receive any NEA funding. How many of these misrepresentations will we hear from the Senator from Missouri in debate on funding of the National Endowment for the Arts?

Now, I have here a letter, Mr. President, from People For The American Way. It said:

> In a letter to Congressional Members dated June 25, 1997, the Christian Coalition urged Members to "vote against any amendments to increase NEA funding" and asserted that the NEA is now "funding the proliferation of pornography," citing specifically two films, "Sick" and "Age 12," and one book, "Blood of Mugwump."
>
> Fact 5: The Christian Coalition is wrong. The NEA did not fund any of the three examples used.

Mr. President, I ask unanimous consent that this material from the People For The American Way be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Claim: In a letter to Congressional members dated June 25, 1997, the Christian Coalition urged members to "vote against any amendments to increase NEA funding" and asserted that the NEA is now "funding the proliferation of pornography," citing specifically two films, "Sick" and "Age 12" and one book, "Blood of Mugwump."
>
> Fact: The Christian Coalition was wrong. The NEA did not fund any of the three examples used.

Mr. HARKIN. If the Senator from Missouri would like, I am sure that we could sign him up for People For the American Way, and he could get the correct information as to what is going on and not the false information that he got from the so-called Christian Coalition.

And so again the Senator from Missouri has brought up something that simply has no basis in fact. And I have here again, Mr. President, a letter dated March 17, 1997, from Karen Christensen, general counsel of the National Endowment for the Arts. It is written to Mr. Curtis White. I will not read the whole thing. It just said here:

> The progress report which you filed with this agency erroneously included "Blood of Mugwump" as among those volumes partially supported by a grant from the National Endowment for the Arts; this is not the case.
>
> In any future publications, including promotional materials and reprints of FC2 volumes, please remove any reference to the National Endowment for the Arts from any publication which is not supported by an NEA grant.
>
> I would appreciate prompt attention to this matter.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> THE NANCY HANKS CENTER,
> *Washington, DC, March 17, 1997.*
>
> Re Grant #96-5223-0091.
>
> Mr. CURTIS WHITE,
> *Co-Director, Fiction Collective 2, Unit for Contemporary Literature, Illinois State University, Normal, IL.*
>
> DEAR MR. WHITE: It has come to my attention that the National Endowment for the Arts has been credited with supporting a number of books published by FC2 that were not funded by a grant from this agency. As you know and as the Endowment's grant letter makes clear, funds are released for the specific project described in the grant letter and specified in the grant application. The Endowment's logo should be used only on those publications for which a grant was received.
>
> Grant #96-5223-0091, which will conclude on June 30, 1997, awarded funds for the following books: S&M, by Jeffrey DeShell; Mexico Trilogy, by D.M. Stuefloten; A Spell for the Fulfillment of Desire, by Don Webb; Memory Wax, by Alan Singer; and Aviary Slag, by Jacques Servin. The progress report which you filed with this agency erroneously included Blood of Mugwump as among those volumes partially supported by a grant from the National Endowment for the Arts; this is not the case.
>
> In any future publications, including promotional materials and reprints of FC2 volumes, please remove any reference to the National Endowment for the Arts from any publication which is not supported by an NEA grant.
>
> I would appreciate your prompt attention to this matter.
>
> Sincerely,
>
> KAREN CHRISTENSEN,
> *General Counsel.*

Mr. HARKIN. Again, Mr. President, if the Senator from Missouri was really serious, I am sure that he could have found out that in March of this year the National Endowment for the Arts wrote a letter to the director, who put out this book, I guess, under this grant, that it wasn't supported by the NEA. And the Senator from Missouri would not have stood in this Chamber today and said that "Blood of Mugwump" was another example of bad taxpayer spending by the National Endowment for the Arts.

I caution my friend from Missouri that he simply check his facts. That is all. And I am certain that if he just wanted to check his facts, if the Senator from Missouri just simply wanted to check whether or not what he was saying was factual, a simple call to the National Endowment for the Arts—they are not hard to get hold of. They are right down here in Washington, DC. Their phone number is 682-5400. I would suggest to my friend from Missouri that he simply pick up the phone and call them, ask them: Is it so that "Blood of Mugwump" was funded by an NEA grant? And he would have been told the facts.

So I think we have an obligation when we debate here on the Senate floor to be, at least, somewhat careful. I know we make mistakes around here. But, at least, try to check our facts out.

In that regard, Mr. President, I would like to talk a little bit more about the poem "Lighght." Now, the reason this came to my attention is because this was an issue in my first campaign for public office in 1974 when then incumbent Congressman Bill Scherle in the House had gone after the National Endowment for the Arts on the same basis, that they had funded this word, one-word poem "Lighght."

And so I want to set the record straight, and I want to talk a little bit about it to get the facts out, the latest facts out. Mr. President, here are the facts. The National Endowment for the Arts sponsored a three-part series entitled "American Literary Anthology." This was the idea of George Plimpton and also Roger Stevens, that they would seek out writers, poets around the country who were not well known, who maybe had published in small literary journals that had small circulation, to have a contest to put them together and to pick what judges decided were the best of these new writers and to put them in an American anthology to give them a wider berth so that more people could read them.

The purpose again was to support small literary magazines and their contributors. After all, most writers, Mr. President, don't start writing for Esquire or the New Yorker or the big magazines. They start with small literary journals around the country. And so that was the idea of George Plimpton and Roger Stevens, to get some of these new writers out there and bring them in and give them a wider circulation.

I spoke just the other evening with George Plimpton about this. He and Peter Ardery were the directors of the "American Literary Anthology." He told me that the NEA grant in 1966 had three goals. First, to provide wider distribution for literary works which first appeared in magazines with limited circulation. Second, to supplement the small stipend the magazines used to provide to the authors.

As Mr. Plimpton told me, in many cases these writers got nothing except four or five copies of the magazine in which they were published.

So, it was to supplement it. And here was the supplement: $1,000 for prose material, $500 for poems. That was to the contributor, the writer. And, third, to reward the magazines which published the literary works in the first place: $500 for prose, $250 for poems. The total was $60,000 for the second volume. So the Senator from Missouri is wrong again. Again, I ask the Senator from Missouri, please check your facts. The amount of grant for this one-word poem was not $1,500, it was $750: $500 to the writer, $250 to the magazine.

I am certain the Senator will say that $750 is still too much for this poem, but nonetheless I thought it important to set the record straight, that it is not $1,500, it was $750.

I got a copy of the American Literary Anthology, volume II. Actually I read some of the poems in it. It is interesting that the Senator from Missouri picked out a poem written by Aram Saroyan, the son of William Saroyan, by the way. I don't know Aram Saroyan. I have never read his poetry before and I have not since. But I looked in volume II of the American Literary Anthology to see who else was published: people like Robert Penn Warren, John Ashberry, Jim Harrison—I say to the Senator from Missouri, Jim Harrison, who later wrote "Legends of the Fall," which has been made into a movie, I guess; W.S. Merwyn, Pulitzer Prize-winning poet who also attended the Writers Workshop at the University of Iowa, and I will say more about that in a second; James Tate, one of our foremost poets in America; Joyce Carol Oates, also in volume II.

That is just a sampling. Why didn't he pick out some of those? No; he picked out this one-word poem, just to show people how it appeared in the book. Here it is, volume II, a one-word poem, on one page.

This is called calligraphic poetry. Calligraphic poetry is poetry where it's not just the content of the poem, but it is how it is laid out on the page that also sends a message, or conveys a thought or a feeling. I might point out to the Senator from Missouri that calligraphic poetry is not new; it is very old. In fact, some calligraphic poetry goes back to the 18th century, some in religious poetry. These religious poetry might be shaped in the form of pulpits, crosses, churches, saints, icons, things like that, to convey a religious image by the way the poem looked as well as the words that the poem contained.

I must say, I think the Senator from Missouri, if I might just say—I think the Senator from Missouri picked the wrong poem. There is a poem, it starts on page 273 of the second volume of the American Literary Anthology. It is "The Last Will And Testimony of Art Evergreen," and it goes on for 17 pages. If the Senator had picked that poem, he might have a little more sympathy from this Senator. I say that tongue in cheek.

But why did the Senator not also pick the poem on page 339 by James Tate called "Stray Animals"? No; he picked this one-word poem because, obviously, he doesn't like it. Frankly, I am not certain I like it either. It doesn't say much to me. But some calligraphic poetry I like, in the way the words are shaped and put on a page. That one doesn't say much to me at all. But, nonetheless, it is legitimate poetry. And there are a lot of other poems in there.

Again, the Senator may not care for this type of poetry, but that is no reason to abolish the National Endowment for the Arts. Over its 32-year history, the NEA has made 112,000 grants. To date, about 40 that we have been able to find have caused people some problems—about 40 out of 112,000. I think that is a pretty good record. Again, the Senator did not mention all of the other people who have gotten grants from NEA.

A little while ago I spoke on the phone with Jorie Graham. She is at the Writers Workshop at the University of Iowa. Last year, 1996, she won the Pulitzer Prize for poetry. I had a long talk with her. Here is an individual who received an NEA grant, and she told me without that she would not have been able to take the year off and write poetry because she had a young child. So that grant enabled her to do that.

I might also point out with some sense of pride that in 1996, last year, the three nominees for the Pulitzer Prize in poetry, Charles Wright, Donald Justice, and Jorie Graham, were all from the Writers Workshop at the University of Iowa. It is interesting to note that it was the student, Jorie Graham, who won the prize. All three were recipients of NEA grants.

Why does the Senator from Missouri not talk about that? Why doesn't he go after the Writers Workshop at the University of Iowa?

Here, I will be glad to give it to my friend from Missouri. Here is a whole packet of pages, going clear back to 1970, of writers and poets who have received grants, who were at the Writers Workshop. Who will the Senator find in here? People like Robert Penn Warren, he'll find people like Kurt Vonnegut, he'll find people like Tennessee Williams—he may not like Tennessee Williams.

Mr. ASHCROFT. Will the Senator yield? The Senator asked me a question.

Mr. HARKIN. I will be glad to yield to the Senator in just a second. He'll find people like John Irving, Kurt Vonnegut, Tennessee Williams, Flannery O'Connor, Jane Smiley, who just wrote the wonderful book "A Thousand Acres" and won a Pulitzer Prize for it. It is now being made into a movie. Writers Workshop. NEA recipients.

No, he didn't mention those.

Mr. ASHCROFT. Will the Senator yield?

Mr. HARKIN. Now I will be glad to yield for a question.

Mr. ASHCROFT. The Senator has asked why I didn't cite all these others. Is it the Senator's position that none of these people would have been writers absent these grants? That absent the ability to have the Federal subsidies we could not have literature like this in the United States?

Mr. HARKIN. I will just answer my friend from Missouri. I just had a long conversation on the phone with Jorie Graham, the poet from the University of Iowa Writers Workshop, who won the Pulitzer Prize last year. She told me without that NEA grant—she had a little child—she would not have been able to take the year off to develop her talents as a poet that enabled her to win the Pulitzer Prize. Yes, she absolutely stated that to me.

Some of these, maybe not. But I can tell you some people like Kurt Vonnegut and some people, when they first started out—no. They needed these grants to get up to a level.

Mr. ASHCROFT. Did Kurt Vonnegut start out with an NEA grant?

Mr. HARKIN. I don't know. He got an NEA grant at one point, I believe.

Mr. ASHCROFT. I see. It seems to me, will the Senator concede we had a lot of great poets and a lot of great artists in America between the time of the founding of this culture and the time in the mid-1960's when we started NEA grants.

Mr. HARKIN. I will respond to my friend this way. That is true. We have had a lot of great poets and writers who received no NEA grants. How many more, though, were out there in the little towns of Missouri, in the fields of Iowa, around the coal mines of Kentucky and in the hills of Kentucky, who wanted to develop their writing skills and their talents but did not have the support to do so? How many were left lying fallow in the ground because we wouldn't even come up with the two pennies, the two pennies per taxpayer per year, to help them to develop their talent?

I think that is the appropriate question to ask, is how many were out there who didn't get the nourishment who, if they had the nourishment, could have been great writers and poets in our society today?

Mr. ASHCROFT. I can name——

Mr. HARKIN. I will yield for a question.

Mr. ASHCROFT. In response to that question, I can name at least one who didn't have that kind of grant, who was a poor fellow from a small town in Missouri. His name was Samuel Clemens. He wrote under the name of Mark Twain. He seemed to do pretty well. In the name of artists whose works are arrayed in this Capitol, George Caleb Bingham, who is considered to be the American Rembrandt, who was a Missouri State treasurer, who did not have a public subsidy to do it. We could go through the list. Obviously you could always say there may have been lots more. There may have been some who would have been great artists in the last 25 years but, because they didn't get the seal of approval, weren't able to market as successfully their artwork, now that the arts community has been so oriented to the Federal approval or disapproval.

It seems to me, how many would be here or how many would be there is not a question that would be very productive in leading us to good policy.

Mr. HARKIN. I only responded because the Senator raised the issue. He was saying, questioning me, that was I saying all these great ones all received NEA grants. I would say no. But I think the question I asked was how many more were out there that could have risen up?

He mentioned Samuel Clemens. That was the last century and of course, again, we had great musicians and we had great artists and poets in the past. But again, I challenge my friend from Missouri to think about this. The few that we talk about in the past century were so few in number. I mean, they were absolutely the pinnacle, absolutely the best. How many more who didn't quite make it up there could have been very good? Maybe they wouldn't have been the top echelon, but they might have been very good writers and purveyors of senses of the esthetics of different regions of this country that weren't there.

Sure, you can point to Samuel Clemens and a few others. But how many more might have come along, might have been great, might have been maybe not at that pinnacle, but maybe up in that level who died aborning because they had no support whatsoever?

I might also, tongue in cheek, ask my friend from Missouri, who has gone after some writings that he claims are not quite appropriate for readers to read—you know, old Samuel Clemens wrote some things that were pretty risque. I wonder if the Senator from Missouri has ever read "Letters From Heaven"? If the Senator from Missouri has never read "Letters From Heaven" by Samuel Clemens, I ask him to read it and bring it on the floor and read it. I doubt he would want to read "Letters From Heaven" on the floor of the Senate.

Mr. ASHCROFT. Will the Senator yield?

Mr. HARKIN. I will be glad to.

Mr. ASHCROFT. I thank you for raising the extent to which I have read Samuel Clemens' work, Mark Twain. I find him to be an interesting author, and I think some of his works are better than others and some of them are very helpful and some of them moved society in the right direction—I think move us all and inspire us all.

The point is not whether or not a writer has the ability to write things that might be appropriate in one setting or not appropriate in another setting. The point is, what do you do by way of subsidy and whether the Government decides to endow any particular writer with a special stamp of approval and discriminate in favor of that writer and thereby discriminate against every other writer? Had Samuel Clemens been a writer 100 years ago and had there been the current NEA and had the fellow from down the river in St. Louis gotten the grant and Samuel Clemens been discriminated against and shunned by the arts community because the other guy had gotten the grant, we might never have known about Samuel Clemens.

The point is, when you start with Government identifying and establishing the value for one artist over another, picking and choosing between the levels of free expression, free expression in the free society, pushing people toward politically correct expression, there are risks involved there that might result in stifling other people who are not favored by the Government. So, it seems to me there are equally—it's equally possible that there are great writers who are being stifled by the current system—there are art critics who say there are—just as much as there might have been people in previous years who didn't rise to the level of being able to write because they lacked the Federal subsidy.

Mr. HARKIN. I say to my friend from Missouri, he couldn't be further from the truth. This is the American Literary Anthology in which the poem "Lighght" appears. No Government agent or employee decided what went into this book. I can't for the life of me figure out what the Senator from Missouri is talking about.

For example, who decides whether a writer gets published? It is the editor of a magazine, the publisher of the magazine. Who decided what poems and what fiction, essays, went into this anthology? Editors and publishers of magazines. They all got together and went through all of their different magazines and decided who they thought ought to be in here. It wasn't Government. No Government agent did this. No Government employee did that.

Does the Senator think that writers just sort of spring up and, because they are so good in the beginning, that right away they appear in the New Yorker Magazine? Of course not.

They appear in these small literary magazines around the country, and it is the editors of those magazines and the publishers who decide what gets published. They were the ones who decided what went into this anthology. There is no Government agency. I don't know of one Government agent who decided on an NEA grant. It has all been done in a peer review process.

That would be like saying, I say to my friend from Missouri, that we should cut out research at the National Institutes of Health because it is Government money, and why should the Government pick which research to do, whether it is cancer or heart, whether it is diabetes or Alzheimer's? The present occupant of the chair knows a lot about this. Should the Government be picking the researchers because we put the money into the NIH? We put a lot of money, as the occupant of the chair knows, into NIH. We don't tell them what to pick. They do it through the peer review process, through scientists in the field who decide what is legitimate, good research to do.

The same is done in the National Endowment for the Arts. We don't sit there. No one in the Government sits there and says we pick this and we pick that. They set up boards, commissions, they set up peer review entities that decide what is going to be. You can disagree with them, and sometimes I have disagreed with them, too, but that is no reason to end the National Endowment for the Arts.

So I repeat, Mr. President, I had a lengthy conversation yesterday with Mr. George Plimpton and today, again, with Jorie Graham, who, I repeat to my friend from Missouri, won the 1996 Pulitzer Prize for poetry. She was emphatic that she and so many of her colleagues would not have been able to develop their talents were it not for the NEA grants they received, and then go on to win the Pulitzer Prize.

She said the NEA took a risk, I say to my friend from Missouri. She said it was a gamble. They didn't know if she was going to be a good writer, poet or not. But she said the cost to the taxpayers for the creative fellowship was 2 cents, two pennies. That is what we are putting into supporting writers and poets around the country—2 cents per taxpayer.

Again, if I may use the analogy of the National Institutes of Health, we don't expect that all $13.5 billion that we have put in every year at NIH is going to produce a medical miracle. Not at all. A lot of that research is dead end and nothing ever happens, but we believe in doing the research.

So, again, NIH is not right 100 percent of the time, and we shouldn't expect the National Endowment for the Arts to be right 100 percent of the time and that every writer that is picked through this process is going to be a Pulitzer Prize winner or another Samuel Clemens or another Jorie Graham. No, some of them won't make it, but at least we are getting them out.

As Jorie Graham told me, she said, "You know, there is a market out there. The American people aren't stupid. If they read the poetry and they read the literature, like cream on milk, the best will rise to the top." But until you put that milk together and put it in the bottle, forget it. That is what we are doing through the NEA grants; we are bringing these people together and giving them an outlet for their creative abilities. Some will make it, some won't. Some will write a one-word poem that is calligraphic. It may mean something to somebody. It doesn't particularly to me. Or some people like the poet I just pointed out will write a 17-page poem, which also didn't mean much to me either.

But I can tell you that there are some writers in here that have meant a lot to me and a lot to a lot of other people. People like Robert Penn Warren, John Ashberry, Jim Harrison, W. S. Merwyn, who, by the way, was also at the Writers Workshop and received the Pulitzer Prize in poetry, and James Tate, Joyce Carol Oates. They were in this anthology, too. So I guess that is what we are saying. It is not an elitist institution. The creative writer fellowships are made to writers with no other means to support themselves. These grants don't go to the wealthy; they don't even go to the middle class.

Second, I might point out to my friend from Missouri, these grants also are awarded geographically, not just to a few areas. Since these grants are awarded on a geographical basis, the writings that we get reflect the regional and aesthetic values of those regions. How else could we get the flavor of what it means to be born and raised in Iowa on a farm unless perhaps we read something by Jane Smiley, "A Thousand Acres," and what it means today about what is happening to the farmers in Iowa. Or what would it mean if we didn't have a flavor of what was happening in the West or in the South with writers who can understand, who feel and are sensitive to the aesthetics of that State or that region or that area? That is why NEA grants go out to regions and geographically so it doesn't just go to one certain area of America.

The critics many times focus only on those from the cities, but as I have just pointed out, many, many, many rural writers have also received awards and many have gone on to do great things.

So, the Senator from Missouri can get up all he wants. I just wish he would be straight with the facts. First of all, he or his staff should have checked and let us know—let everyone know—that this poem was awarded a grant in 1969.

Second, I wish the Senator from Missouri had further checked his facts and found out that the book "Blood of Mugwump" received no NEA grant. A letter from NEA March 17, 1997, points out that "Blood of Mugwump" did not receive an NEA grant.

As I said to my friend from Missouri, all he has to do, if ever he has a doubt about what NEA is doing, is pick up the phone and call them—they are here in Washington—and ask them and they will be glad to set you straight on what they are doing.

I will wind up by saying, Mr. President, for 2 cents from every taxpayer in America—just 2 pennies—we can go out and lift up some of these young writers and poets all over America, artists who may be like Jorie Graham and have a young child but they have innate talent, to be able to get across to people, as she did with poetry, what it is like in small rural towns or small communities of rural Iowa. She said without those 2 cents and with a small child, she wouldn't have been able to do it.

The Senator can get up and say he doesn't like "Light"; that is fine. There is a lot of poetry I don't like either. As I said, I am not partial to this particular poem, although there is a lot of calligraphic poetry I do like.

I will say one other thing. I was looking at some information that came out from Mr. Frank Luntz. I don't know Mr. Frank Luntz, but he has been in the news a lot lately. He wrote a book on how the GOP can use language to manipulate people. His book is called "The Language of the 21st Century." I guess it was presented to the Republican conference before the August recess. I was looking at some excerpts from Mr. Luntz' book. He is saying how people should talk about things. Oh, there is addressing the gender gap. There is health care. How to talk about Clinton. Education. And then he has here, "Prolog: Luntz's 12 step program to make Republican language more soothing to voters."

Here is a quote from his book:

> Every time Republicans get into a conflict with the President, you begin to shout, mistakenly believing that if you speak loud enough, your message will get through. But the American people aren't deaf. They simply don't understand what you're saying, nor understand its relevance to their day-to-day lives. Linguistically, you're out of touch with the American people.

So he has 12 principles. I will not read them all, obviously, but I will read the seventh principle of Mr. Frank Luntz, who is writing this for the GOP: "Abolish the National Endowment for the Arts." That is what he is saying Republicans should say: "Abolish the National Endowment for the Arts."

"This makes sense," Mr. Luntz says, "for strategic reasons as well as on principle." I will give him that benefit. "Napoleon spoke of the importance of feeding your army if you expect the soldiers to go off to battle. You must deliver some nourishment to the true believers. You need a symbol that both differentiates the two parties and stirs up the troops."

No. 7 in his book of the 12 principles.

If you want to stir up the troops, that is fine. Again, I hope they will be clear on the facts and that we understand what this is about. I don't believe it is really valid, and, again, I happen to like the Senator from Missouri, he is a good guy and I like him, but I think he has gotten mixed up on his facts. But then, again, we all do periodically around here. But I just wish that he would be a little bit more careful in looking at what the National Endowment for the Arts really does and how it operates in Missouri and Iowa and the Midwest and to think about whether or not we would want to throw out all funding for the National Institutes of Health because some of the money we gave them might have gone for bad research or something we didn't like. I don't think so.

We may not like all the things the NEA does, but on the whole, out of 112,000 grants in its history, this Senator only knows of 40 that has been raised as issues on the floor of the Senate or the House in the 22 years I have been privileged to serve here.

So, again, Mr. President, the National Endowment for the Arts is much too important to us as a nation, much too important for America, for our diversity, for understanding who we are and where we have come from and perhaps even where we are going to have maybe one example of one poem disliked by one or two or three Senators be the cause of not funding the entire National Endowment for the Arts. It has done an outstanding job. We should make sure we continue to fund it, not so that Government can pick winners and losers and all that, but to make sure that those who are out there in the field, those budding writers and poets will at least have some hope that they, too, can become the next Jorie Graham at the Writers Workshop in Iowa and win a Nobel Prize for her or his poetry. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wish to speak for a few minutes also in support of the National Endowment for the Arts and a strong Federal role in supporting the arts. I am honored to follow the eloquent Senator from Iowa. I think he has made a very strong case for continued Federal support in this area. I also believe the Senator from Utah, Senator BENNETT, made a very eloquent statement in support of the NEA and demonstrated great common sense in much of what he said there.

Over the past few days, several of my colleagues have attacked the NEA, and one of the attacks has been that NEA funds are concentrated too much in big cities—six big cities in particular. I want to make it clear at the beginning of my comments that none of those big cities are in New Mexico, but still the NEA does support a very wide spectrum of arts in my State of New Mexico.

NEA funds come to my State and support everything from opera to cowboy poets. In my hometown of Silver City where I grew up, we have an annual event where cowboy poets come from all over the country to participate. It is my understanding—and I can be corrected on this—but it is my understanding that the first cowboy poetry convention or conference that occurred in this country was in Elko, NV, and was sponsored by the NEA. And they have continued with that tradition in Elko, NV, ever since.

So clearly the funds go to a broad range of arts. There have been more than 20 national competitive grants in my State in 1996.

NEA National Heritage awards have gone to individuals in my State. NEA has supported the arts in education strongly in my State.

This year, the NEA provided the New Mexico State arts agency with a $380,000 block grant. So some of the Federal funds that come from the NEA do come in block grant form so that the State can make the judgment. Those funds are matched on a 2-to-1 basis with State funding. They enable our State agency to make 125 awards, both small awards and large awards.

NEA's goal is to support the arts that enrich the lives of everyone in our country. I have seen that in my own State of New Mexico over the 14, 15 years that I have served here in the Senate, Mr. President. I have seen arts councils established and grow in virtually every community in New Mexico.

There was a time in my State when the arts were essentially Santa Fe and Taos. If you started talking about the arts, whether they were paintings or chamber music or the opera or any of a variety of arts, you talked about Santa Fe and Taos. But that is no longer true in my home State of New Mexico.

At the present time in New Mexico there is an arts council in virtually every community, every community of any size in the State. And those arts councils are bringing into those communities artists who contribute a tremendous amount to the lives of the people who live there. I am very proud of the rich tradition of arts that we have in my State and in the Southwest in general.

New Mexico has a wealth of artists and musicians, museums and arts centers. NEA support over the last several years has strengthened the arts and strengthened arts education in New Mexico in very important ways. It has benefited the children in my State.

Research has shown that art and music education is extremely important to the development, the proper development of a child. Healthy brain development in very young children is aided by arts education and by exposure to art and to music. Problem-solving skills are enhanced. There is improvement even on math tests as a result of exposure to music. That has been demonstrated in various tests in recent years.

I recently attended a program in Albuquerque which was inspirational. It was called "Starts with the Arts." It was a conference for children with exceptional needs at the Very Special Arts Center in Albuquerque. Clearly, this is making a great contribution to the lives of those children.

In 1997, $90,000 from the National Endowment for the Arts came through our State arts agency to assist with that type of program.

This has benefited not only children, young children, but it benefits students, programs like the Working Classroom in Albuquerque. This is a free year-round art and theater instruction program in the Broadway section of Albuquerque in southeast Albuquerque.

Disadvantaged, at-risk children starting in their early teenage years participate in this. There is reduced dropout rates as a result of this work. There is substantial beautification of some areas of downtown Albuquerque through the painting of murals. That program has been supported by NEA funding as well.

In 1997, they received $15,000 from the NEA through a State block grant. So the decision was made by the State to put that money into the Working Classroom Program, but it was funding that came through the National Endowment for the Arts.

There have been benefits to many of the communities in our State, as I indicated, that not only benefits to the cultural lives of those communities but also to tourism, to economic development, to job creation.

Mr. President, I do not have exact figures to provide to the Senate today, but I can tell you that the arts are a substantial part of the reason why tourists come to my State. Whatever we do to strengthen the arts also strengthens our economy and helps to strengthen the economy of all those communities. It benefits a wide audience.

We benefit a wide audience by giving recognition to local artists, artists such as Ramon Jose Lopez, who is a santero and is a master metalsmith. He won an NEA National Heritage Fellowship last year. He was involved with the Smithsonian Institution in an exhibit that attracted national attention. And this type of recognition enriches the lives of many of our artists and of visitors that come to our State.

I fought very hard in the last Congress to maintain the program of heritage grants to outstanding individuals. But despite all these benefits that I have gone through here we have Members of Congress, Members of the Senate, who continue to campaign to eliminate the National Endowment for the Arts. I believe we need to resist that. We need to also resist turning this into a block grant program.

On July 23 of this year the Labor Committee marked up and passed the NEA's reauthorization. Even though the measure has not come to the Senate floor, people here in the Senate need to know the outcome of the committee's deliberations.

Like most of us in the committee, I concluded that the NEA now strikes the right balance, the right balance between national involvement, State and local involvement.

NEA has been criticized as inefficient. But under the leadership of its present chairman, the NEA has established numerous accountability and streamlining measures that ensure responsible use of Federal funds—consolidating administrative operations of the NEA and the NEH, the National Endowment for the Humanities; reducing administrative costs of both.

There are peer review panels that are chosen from all sections of the country under this language that we adopted in this reauthorization bill. We ensured that all sections of the country would be represented. We ensured also that on the peer review panels that no State would be unduly represented.

Some groups continue to spread what I believe are misrepresentations about NEA support for obscene art projects. Most of those stories turn out to be half-stories. Many of those stories involve subgranting of NEA dollars for objectionable projects. It is my understanding that the chairman, the present chairman of the NEA, has eliminated the practice of subgranting NEA awards except to State arts councils.

I am convinced that the arts and arts education contribute enormously to the cultural life of our country. I strongly believe we should maintain it.

I had the good fortune, Mr. President, last night to attend a reception and dinner at the Library of Congress and to see there the program that they have developed and put on the Internet for anyone in this country to dial up, who wants to dial up, Thomas—"www.Thomas.org" I believe is how. But you can get into Thomas. And when you do, you can get access to all of the photographs that were taken in this country during the 1930's under the Federal Writers Project which was part of the Works Progress Administration, the WPA, at that time. That was money well spent.

We are not here through the NEA having the Government choose who to support and who not to support. That is done by peer review panels. But I think it is anomalous to suggest that the Federal Government has no interest in this issue or to suggest that Federal Government should not be able to lend its support to a richer cultural life for this country.

So, I very much hope that we will resist all efforts to eliminate the NEA and to drastically change its structure.

Ms. MIKULSKI. Mr. President, I rise today in opposition to the Ashcroft amendment. This amendment would eliminate the National Endowment for the Arts [NEA], an organization which has come under unfair attack in the past few years.

Funding for the NEA has consistently dropped. Funding last year was $99.5 million, a 39-percent decrease in 2 years. Now, many of my colleagues want to abolish the endowment completely. I disagree with this approach.

For every Federal dollar invested in the arts, our citizens receive an enormous return. My State of Maryland received $1.4 million in arts funding last year. This means that the Baltimore Childrens Theater Association is able to thrive. It means that the Baltimore Museum of Art can bring world renown exhibits to the citizens of my State. And it means that local communities throughout Maryland have access to community festivals, arts centers, and galleries.

There is a myth that the arts are for the elite. However, I believe the arts are about three things: Jobs, economic development, and families. The arts attract jobs. The arts help create economic development in communities. The arts are family first.

The cost of Federal funding for the arts is 35 cents for every citizen. The arts are a sound investment. The rewards are great.

Federal funding for the NEA has led to the flourishing of arts organizations in small cities and rural areas across the country. In my State of Maryland, local arts agencies are able to leverage Federal dollars for their fundraising efforts.

Without Federal support, Marylanders wouldn't have the Puppet Co. in Glen Echo, the Bluebird Blues Festival at Prince George's Community College, the Writers Center in Bethesda, or the University of Maryland music programs.

I am committed to protecting the Federal role in the arts. We should not become the only civilized country in the world that does not support the arts.

I urge my colleagues to join me in opposing the Ashcroft amendment.

Mr. CHAFEE. Mr. President, for years during consideration of the Interior appropriations bill, the Senate has debated the fate of the National Endowment for the Arts. Those debates have had mixed results. On one hand, NEA funding has been severely reduced. On the other hand, the NEA has made changes in its policies and operation to safeguard against providing Federal dollars to distasteful and, yes, perhaps, inappropriate projects. So, some bad and some good has come from our discussions here.

Now, we are in the midst of another such debate. The House voted to eliminate funding for the NEA. It even rejected a proposal to provide $10 million in closedown costs. There are Senators who support the House and have offered amendments to eliminate funding for the NEA altogether. Others would eliminate the Endowment by providing all of the appropriated dollars directly to the States in the form of block grants based on State populations. Still others would allow the Endowment to continue but would vastly diminish its role by sending the lion's share of funding to the States as block grants.

Earlier this summer, I introduced legislation with Senators JEFFORDS and KENNEDY to reauthorize both the National Endowment for the Arts and the National Endowment for the Humanities for 5 years. The Labor and Human Resources Committee marked up the bill and reported it from the committee on a bipartisan basis. According to our bill, 40 percent of funds would go to State arts agencies, 40 percent would be used by the Endowment to support projects of national significance, 10 percent would be for direct grants, and the remaining 10 percent would go to arts education in underserved communities. All funds appropriated beyond the current level of $99 million also would go to arts education.

My colleagues might wonder: Why this emphasis on arts education? All across the Nation, arts education is being integrated into the core curriculum of schools. This integration is the result of the realization that an arts education can help students to develop better skills in analysis, problem solving, and just plain thinking. This is in addition to nurturing and developing the child's imagination and creativity.

A study by the College Entrance Examination Board found that students who have studied the arts regularly outperform students who do not have an arts background on SAT exams. According to the study, students who have studied the arts for 4 years score 53 points higher on the verbal SAT exam and 35 points higher in math than do students who lack arts education.

Senator GORTON recognizes the importance of continuing to fund the National Endowment for the Arts. The bill he has brought before us even provides a small increase to the NEA, from $99 to $100 million. The NEA costs each American less than 38 cents per year. My colleagues might be interested to know that a recent Lou Harris poll showed overwhelming support among the American people for arts funding, even if it meant a tax increase. For this minute investment of

38 cents per year, the American people get orchestras, chamber music ensembles, children's festivals, operas, poetry readings, concerts in the parks, music festivals, Shakespeare festivals, artists visiting schools, museum and gallery exhibits, dance troupes, and much more. For this tiny investment, local communities in rural areas far from our Nation's cultural centers are able to experience our rich artistic traditions.

According to BusinessWeek magazine, the arts support 1.3 million jobs. The arts contribute $36.8 billion annually to our economy, and 6 percent of the GNP is attributable to nonprofit arts activities.

In Rhode Island, we count our artists among our State's natural resources, among the resources that are contributing to a wonderful revitalization, particularly evident in Providence. We are very fortunate to be home to one of the most prestigious art schools in the Nation, Rhode Island School of Design. RISD draws young artists to Rhode Island from around the globe. Perhaps because of our State's marvelous quality of life or perhaps because of the efforts of community leaders and State officials to develop an atmosphere in which the arts can flourish, many of these fine art students stay and contribute to our community and to our economy.

Let me share a few excerpts from a letter I received earlier this summer from Roger Mandle, President of RISD. Mr Mandle writes:

> Federal support for the arts and humanities is more than a symbolic matter, and helps to leverage strong state and local private sector support for operas, dance companies, symphonies and museums. Students of schools and colleges gain access, some for the first time, as performers or audiences for these cultural activities. Cities and towns benefit from the tourism generated by the institutions and events they sponsor. Federal inspiration to maintain and support America's cultural heritage comes at a small price to every citizen. The existence of these Endowments helps to compare ourselves favorably to other nations whose governmental support for the arts exceeds that of the United States by many times.

Some critics of the NEA suggest that supporting the arts should be left up to the private sector. They contend that there is no purpose for Federal support and that the arts would do just fine without it. Mr. President, you may be interested to know that since the creation of the NEA 30 years ago, the number of nonprofit theaters has grown from 56 to more than 400; the number of orchestras has quadrupled to more than 200; the number of opera companies has grown from 27 to more than 100; the number of dance companies has increased from 30 to about 250; and today there are more than 3,000 public arts agencies in small cities and towns throughout the United States. There is no doubt in my mind that the NEA, whose budget is seven-tenths of 1 percent of Federal spending, has had a sizable contribution in making the arts accessible to all Americans, rather than to an elite few.

I was curious about the idea of providing block grants to the States. Surely, that would mean more money to the State arts agencies, and they would be all for it. But, of course, that is not the case at all. I asked Randall Rosenbaum, executive director of the Rhode Island State Council on the Arts, what he thought of either providing the entire appropriated amount for the NEA directly to the States in the form of block grants, or increasing the size of the State block grants by scaling back NEA grants to projects of national significance. Here is what Mr. Rosenbaum had to say:

> While the Rhode Island State Council on the Arts might, on appearance, benefit from such a move (we would not), the Nation as a whole would suffer immeasurably. The Federal Government's leadership in arts funding has been critical to State and local efforts to raise matching dollars from public and private sources to support the arts. Stacks of research support this point . . .
>
> More to the point, if the money is just block granted to the States, we will lose one of the most precious things the NEA has to offer, leadership in development of public policy in support of the arts. A strong federal presence through the arts endowment has changed the nature of an arts field I have worked in since 1976. Through its consensus building, policy making, and yes, financial support, I have seen more emphasis on access for all Americans to the arts. NEA-supported projects in Rhode Island ensure that everyone, from toddlers to seniors, experiences the arts on a personal level.

The NEA supports the Rhode Island Philharmonic Orchestra, and I have heard from many of its musicians writing in strong support of continued funding. It provides funds to the Trinity Repertoire Co., to RISD and to Brown University. But it also provides funds to smaller, less well known theater and dance companies, such as "Lydia Perez and Ensemble" whom I was privileged to hear at a gathering in Providence in July. Ms. Perez specializes in bomba" music. Grants have gone to the All Children's Theater Ensemble in Providence, to the Blackstone Valley Tourism Council, to the Capeverdean American Community Development Center in Pawtucket, to the Children's Museum of Rhode Island, to the Festival Ballet of Rhode Island, to the Island Arts Center in Newport, to the Ocean State Light Opera, and to literally dozens of other community arts groups.

Mr. President, I wholeheartedly support Senator GORTON's efforts to continue to fund the National Endowment for the Arts and the National Endowment for the Humanities, and I support Senator JEFFORDS as he works to reauthorize both Endowments for 5 years. I urge my colleagues to reject efforts to eliminate the Endowments, either by cutting funding or by creating block grants to the States.

Mrs. FEINSTEIN. Mr. President, the Senate today is considering the Ashcroft amendment to eliminate the National Endowment for the Arts. I oppose the amendment. There are also several amendments that seek to restrict, censor, or block grant the NEA.

Mr. President, in my view, the arts play an enormously important role in shaping our national culture and our local communities. The question is what is the best way for the Federal Government to fund the arts, if at all.

NEA IS A SUCCESS

Since the NEA's creation in 1966, there has been an explosion of community arts in local communities throughout the country. There are 8 times more nonprofit theaters, 7 times more dance companies, and 4 times more orchestras and opera companies. The impact of the National Endowment is far reaching. Through sponsorship of the arts, the NEA can stimulate expressions of our national character in many localities and guide our young people and pump hundreds of millions of dollars into local economies. Mr. President, if it were not for the strong leadership of the NEA, many rural areas and impoverished communities would be denied the opportunity to experience artistic presentations, performances, and education.

ACADEMIC BENEFITS

Exposure to the arts has academic benefits. According to College Entrance Examination Board, students with more than four years of course work in the arts score 59 points higher on the verbal and 44 points higher on the math portions of the SAT. Children with a background in piano have also scored better in math.

ECONOMIC BENEFITS

The National Endowment for the Arts contributes to our national economy. For every $1 spent by the NEA, $34 are returned to the U.S. Treasury. Because of the Endowment's support of the arts, the arts industry has boomed. Every $1 spent by the NEA attracts $12 to the arts from other sources. The nonprofit are industry now generates $37 billion annually in economic activity. The nonprofit arts industry also employs nearly 1.3 million Americans and represents nearly one percent of the entire U.S. work force.

BLOCK GRANTS

Some of my colleagues believe that all of the NEA's funds should go to the states in the form of block grants. Under current law, states have direct control over 35% of NEA funds in the form of block grants and state arts agencies believe this is the appropriate federal-state balance.

LOSSES UNDER BLOCK GRANTS

If further block granting is successful, states will lose hundreds of national grants that benefit all Americans. For example, according to the NEA, under block granting shows on public television like Great Performances, Dance in America, American Playhouse, and American Masters will be lost. 98% of American homes have access to public television—a great example of one grant having a huge national impact. Programs of this large scale are best run, are most efficiently run, on a national level. Most states cannot take on a project of this magnitude. Another national program that the NEA says will be eliminated under block granting is the Mayor's Institute on City Design, in which over 300 of the nation's mayors have had the opportunity to meet with planners and architects to discuss urban design issues. This single grant benefited over 300 American communities.

PRIVATIZATION OF NEA

Other members of this body would like to privatize the National Endowment for the Arts. I believe this would be a grave mistake. According to Independent Sector's 1996 Giving and Volunteering survey, households giving to the arts, culture, and humanities has decreased by 29 percent since 1987. "Giving USA" found that total donations to the arts and humanities declined by $270 million between 1992 and 1995 and private donations to the arts and humanities decreased by 7.7 percent in 1992 and to 6.9 in 1995. These statistics do not bode well for arts without the support of a federal endowment.

CONTROVERSIAL NEA GRANTS

I have heard some Senators criticize the questionable content of past NEA grants. I agree there have been mistakes. Yet, throughout the NEA's 30-year history, "objectionable" grants have amounted to only 45 out of more than 112,000 grants. This figure translates to approximately four-one-hundredths of 1 percent of all grants. Few other federal agencies can claim the same small proportion of error or high rate of success.

NEW REFORMS

NEA grantees must now adhere to strict guidelines to ensure quality content: all grants to individual artists have been eliminated, all grants to organizations must be for grants specifically described in the application, all grantees must file interim and final project reports, and all grantees must seek written permission in advance to change grant activities proposed in the organizational application.

In conclusion, Mr. President, I remind my colleagues that most great civilizations are remembered primarily for their arts. Already, the United States spends nearly fifty times less on the arts than any of its major allies. The National Endowment for the Arts represents a national commitment to our nation's culture, history, and people. If the NEA were to be privatized, block granted, or eliminated, not only would we suffer a great economic loss, but more importantly Americans, particularly those living in rural and low-income areas, would suffer a great loss. The NEA benefits our young people, our communities, and our economy. We cannot deny our citizens this national treasure.

Ms. LANDRIEU. Mr. President, I rise before you today to express my support for the NEA and to articulate the importance of preserving the arts in America. I would like to take this opportunity to briefly describe to my colleagues how the NEA, in it's unique capacity, has strengthened the values and cultural education of the people in my state. Specifically, it has played a critical role in enhancing the local talent and in funding community education activities for all Louisiana families and children. Mr. President, not only has the NEA provided access to the arts for the less advantaged in all of the 64 parishes, reaching a total audience of 7.5 million Louisianians by funding programs like philharmonics, ballets and training for young talented inner-city artists, but NEA has also played a vital role in supporting cultural tourism. The NEA-funded arts programs have remained a consistent source of economic revenue for Louisiana with our rich musical and cultural history. We have a brilliant history of talented local artists and renowned musicians that people from all over the world come to Louisiana to experience. Mr. President, as a nation that values the promotion of individual creative talent and these contributions to our cultural fabric, I encourage and respectfully ask my colleagues not to abandon our national responsibility and to support an equitable balance of grant distribution to the NEA. We have all seen the NEA adhere to the valid concerns of my colleagues, Senator HELMS and Senator SESSIONS. I give Jane Alexander her due credit for putting in place a new organizational structure—including the elimination of all sub-grants and grants to individual artists. Yes, there are clear examples in the past where the NEA should have used better judgment, but I ask my colleagues to concur that this is by no means grounds to deny our children the right to access the arts—and not just on the state level in the form of block grants—but with a national commitment. Mr. President, I do not want to debate the past nor do I think I can define what is art and what is not art. However, there are clear examples across the nation where NEA funding has supported the very talented and worthy people we all represent. I support my colleagues' efforts to continue to fund the NEA and to establish a permanent endowment fund that, matched with private funds, would continue the successful private/public partnerships the NEA has created. I look forward to the opportunity to work with my colleagues to find an agreeable funding formula that will show the American people that this Congress values and supports American culture, our creative talent and the arts.

Mr. BINGAMAN. Mr. President, how much time remains if there is time allocated on my side on this issue?

The PRESIDING OFFICER (Mr. FAIRCLOTH). All the time in opposition to the amendment has expired.

Mr. BINGAMAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I yield myself so much time as I might consume.

I do want to be responsive to some of the comments that were made by those in opposition to this amendment.

They have suggested over and over again that difficulties are isolated, that they are misrepresented. And I want to bring some sense of authentication to the kinds of things in which I have been involved.

In talking about the poem "Lighght," if that is what this poem is, the one-word poem, there was a question about the documentation for the payment of $1,500 for the poem. The documentation we have is from Policy Analysis, August 8, 1990, No. 137, "Subsidies to the Arts: Cultivating Mediocrity," by Bill Kauffman. And I quote:

> The NEA has been more patronizing than patron to the towns and villages of Middle America.

So that is interesting to me, and especially in light of the remarks of the Senator from Iowa as if the NEA has been a savior to middle America.

An example: In 1969, NEA grantee George Plimpton, editor of the American Literary Anthology/2, confounded observers by paying $1,500 for a poem by Aram Saroyan consisting of a single misspelled word, "lighght."

That is interesting. We have been through this particular poem. This is the entirety of the poem for which taxpayers paid. I suppose you can say it is a better poem if you put it on a bigger piece of paper so that you have a sense of the calligraphy involved. I will be willing to concede that, although I think the Senator from Iowa says it did not mean much to him anyhow.

But it is kind of an interesting thing, when an assistant to an Iowa Congressman asked this grantee about the meaning of the poem, here is what the person to whom we gave the Federal funds for the distribution among other authors in the assemblage of this work said. The editor replied, "You are from the Midwest. You are culturally deprived, so you would not understand it anyway."

When the representative of the agency that is doling out grants treats American people who ask that kind of question, about whether or not this is an effective expenditure of tax dollars, that way, I do not think that is really such an enriching experience for our culture so that we need to continue that kind of subsidy.

There has been a persistent stream of suggestions additionally from those in opposition to this amendment that there is no problem in the way the grants are awarded, and that as a matter of fact these are done by independent groups and they do not have any particular slant. That is simply not the way the world looks at it when the world reviews these things.

From an article by Jan Breslauer, in a special to the Washington Post—and certainly the Washington Post is not some sort of conservative journal. Jan Breslauer is from Los Angeles and I believe is normally a critic for the Los Angeles Times in their arts department. She puts it this way, that the NEA has had a bad impact on art. It has—according to her—". . . quietly pursued policies rooted in identity politics—a kind of separatism that emphasizes racial, sexual and cultural differences above all else."

So in choosing people to assemble anthologies or in choosing publishers to favor or in choosing artists to favor, here is an independent individual who writes for the Los Angeles Times, writing in the Washington Post, and here is what she says about it on March 16, 1997.

Perhaps this poem that I used as an example is a poem from years gone by. It happens to be a lot cleaner than any of the other examples which are objectionable now. There are a lot of materials that I simply could not bring to the floor in good conscience. I held one up a moment ago that showed what we had to mark out in order to bring it to the floor.

But she puts it this way, that what has happened here is that the NEA ". . . has quietly pursued policies rooted in identity politics—a kind of separatism that emphasizes racial, sexual and cultural difference above all else."

I would expect that to be something that hurts the culture. When the Government spends $100 million to favor people who will emphasize racial, sexual and cultural differences, that is bad for America. My colleague and friend from Iowa can hold up 2 pennies and say this is what it costs. Well, he can show me the line on the appropriations, if he chooses, that says it costs 2 cents, but the truth of the matter is we are debating $100 million in expenditures here, $100 million in expenditure that, according to this independent observer, says it emphasizes our racial divisions. We don't need anyone to emphasize the divisions in this country racially, our divisions sexually, or our cultural differences.

America needs to get beyond our differences. We need to be one nation united. We don't need to be a place where we emphasize these differences.

She says, "The art world's version of affirmative action, these policies haven't excited much controversy, but they have had a profoundly corrosive effect on the American arts." Now, here is the real trigger. She states a condition which would make this very serious and adverse to our culture, and then she says, the truth of the matter is this hurts the arts. Then she goes on to say how it hurts the arts, "pigeonholing artists and pressuring them to produce work that satisfies a politically correct agenda rather than their best creative instincts."

You have a situation where an independent observer says, all of what the NEA says aside, she says they emphasize things that divide us in race, culture, and sexual matters, and that they pigeonhole artists by getting them to know, if you want a grant from whomever it is that the NEA allows to make these designations, you have to satisfy a politically correct agenda.

It is interesting to note that there are those who are eager to satisfy a politically correct agenda, and in a list of projects that was favored with funds just this year, $60,000 was given to the American Conservatory Theatre Foundation in San Francisco in order to put on a play by Tony Kushner. Here is what Tony Kushner said about art: Art should be used to "punish Republicans." I suppose you can say that the funding of his plays is not a problem. You might say that more eagerly if you sat on the other side of the aisle than if you sat here, but frankly, I don't think anybody on any side of the aisle should want a Government subsidy that goes to people who say one of the purposes of art—and especially a subsidy for their art—is to punish any political party.

I would be ashamed if I were hearing arguments in favor of a subsidy for some sort of literature which was designed to punish Democrats. I disagree with Democrats, but I don't think they are to be punished because they don't agree with me. I don't think we need a subsidy for artists or authors or poets who would punish them or otherwise speak against them.

I think that is what Jan Breslauer was talking about when she said we are driving artists into a politically correct agenda. If you want to get the grant, you have to say things like the playwright whose plays are being subsidized in San Francisco, that art should be used to "punish Republicans."

Incidentally, there is a list of things here of similar sorts of grants, the kinds of things that I don't think any of us would really want to support.

I should mention that Jan Breslauer, in her special to the Washington Post, of the Los Angeles Times, is not the only art critic who says we have been wasting money on politically correct art. William Craig Rice, from Harvard University, put it this way: "The marketplace, with its potential for democratic engagement and dissemination, is hardly the enemy of the arts. The burgeoning American theater of the 19th century owed nothing to Washington. In fact, any system of selective, expert-dictated Federal support for the arts would have been anathema to the rollicking impresarios of that era."

Here you have a poet who says, "Wait a minute, we had great art. We had great poetry. We had great drama. And we had a system of selecting and supporting on a selective basis art during that era. It would have been an anathema, an enemy, a corrosive impact on those who were involved in the art community; creative people expressing, and audiences receiving, without the independence or the confidence to pit their taste against those critics, performers, and artists."

The point I am making, is the U.S. Government has no business spending $100 million—you can talk about it being 2 cents if you want; I guess you can talk about it being 2 cents. The truth is $100 million is $100 million. To me that is significant. Most people in my State realize $100 million is significant.

More important is the fact that Government should not be favoring one kind of speech or one kind of expression over another kind of speech or another kind of expression. We should not be highlighting someone's idea of what is good or what is bad.

I move to another individual, Hilton Kramer. This was published in the Indianapolis Star, in 1993. Kramer believes that the NEA has "gutted the initiative of private patronage." He says that private donors lack the confidence of their own taste. Now they "wait to piggyback on NEA certification before they commit." So they wait to see who the Government says ought to be favored and who the Government says shouldn't be favored, and then the private donors pile on. I think that is inverted. We have distorted the marketplace by putting Government funding into the marketplace.

Now, back again, to the first question of the Senator from Iowa about the one-word poem. He says we only paid $107 a letter for this poem. I say we paid $214 a letter for this poem based on the article in the Policy Analysis, but let's just reduce the price. I will give it to you cheap, Mr. President, $107 a letter for this poem. Yes, it was 30 years ago, but have the abuses been corrected? Absolutely not.

I talked about a book, "Blood of Mugwump." He says it was disavowed by the National Endowment for the Arts. Here is what the National Endowment for the Arts says in its letter to the publisher, massively subsidized in publishing this book: "The progress report which you filed with this agency erroneously included 'Blood of Mugwump' as among those volumes partially supported by a grant from the National Endowment for the Arts; this is not the case." I want to know who knows what book was supported when they got the grant. Would the publisher know? If you were the businessman running the printing press, would you know how you spent the money? Apparently the people who publish the book thought they spent the money that came from the Government on the "Blood of Mugwump" book.

That is why on the book itself they put the seal of the National Endowment for the Arts. That is what the publisher thinks the money went for. It may be that the National Endowment for the Arts decided they didn't want to claim credit for the book when they saw what they had gotten, although I am puzzled by that, too, because of a letter I have seen from Jane Alexander, the Chairman for the National Endowment for the Arts, to the U.S. House of Representatives some 2 months after disavowing this book. In March they say we don't want to claim credit for "Blood of Mugwump," and we think you have mistakenly or illegally or inappropriately—in a letter from the general counsel—we think you have mistakenly, illegally, or inappropriately included the fact that you spent the money.

It looks to me like the author or publisher knew where they spent the money. What do they say about a publisher who does this later on? Here is what Ms. Alexander says about that publisher. She says, "The [American Family Association] also criticized the agency for supporting Fiction Collective 2 (FC–2), a small publisher at the University of Illinois, which has introduced some of our newest minority writers of quality to the American public. Over the years, FC–2 has sustained a commitment to intellectual challenge, and some of America's greatest writers have supported it."

She goes on to endorse the publisher. We provide the funding for which the publisher says part of what we got for it was "Blood of Mugwump." Here is a letter saying you better not say we helped publish "Blood of Mugwump," and then they endorse the publisher and say what a fine group they are.

You don't have to read too far between the lines to find out what is going on.

Incidentally, the "Blood of Mugwump" volume is one which is frankly so repugnant to the values of America—it talks about a clan of Catholic, gender-shifting vampires who get infections, viruses, by reading prayer books. The virus comes in through the eyes. I really cannot imagine this is the kind of thing we want to suggest to the American people, that the way you get the kind of fatal diseases or the way you really get involved in things that are counterproductive is to somehow be involved with religious artifacts or read a prayer book that will get you infected so you start eating your own flesh or the flesh of others.

I had my staff look at the book and just Xerox a couple pages. I told them I didn't want anything that would offend the conscience of the American people if I showed it on television, to mark out that which should not be shown on Senate TV, and that is what came from the book. It carries the so-called Good Housekeeping Seal of Approval of the National Endowment for the Arts.

It is kind of interesting, though. Here is another set of individuals who have been careful about their statements, and I think they are appropriate. There have been a lot of suggestions here that this is important or we will not have anybody who is not well to do who can appreciate art or participate in art. I think that is nonsense.

They talked about Robert Penn Warren having been included in the anthology of poetry. The truth of the matter is Robert Penn Warren wrote his famous "All the King's Men" in 1945, 20 years before the National Endowment for the Arts came into existence. He was a nationally known, world-renowned author.

The truth of the matter is we have had great individuals who have not received NEA grants. The suggestion that because a few people have succeeded or a number of people have succeeded after they have received a Federal subsidy and that they somehow could not have succeeded without a Federal subsidy, I can't really follow that logic.

America has been full of good people who have written well and have produced well artistically. I don't think there has been any suggestion they have all been born to rich parents or even predominantly born to wealth. I don't think the ability to express one's self correlates to whether or not you have wealthy parents. It certainly doesn't correlate to whether or not you have been favored with a Federal grant.

One thing that does correlate is the fact that most Federal grants, or a large portion of them, go to support institutions that the wealthy patronize far more than the poor do.

I am quoting again from Policy Analysis in an article by Mr. Kauffman, No. 137, "Take art museums, a favorite NEA beneficiary. Eighty-four percent of art museum visitors have attended college; less than a third of the entire population has." So people who are getting that subsidy are people who are very well educated. He said "Blue-collar workers constitute 47 percent of the workforce but just 7 percent of the art museum audience."

So you have basically one-seventh of the art museum audience that is blue collar.

I am not saying we should not have art museums, but I am saying we ought to be careful, when we talk about subsidies, that we don't suggest to people we are subsidizing things for people who cannot afford them when in fact we are subsidizing programs for people who can very well afford them.

Robert J. Samuelson, a well-known, outstanding economist and commentator, put it this way, calling subvention of the arts "highbrow pork barrel," and "an income transfer from middle-class taxpayers to affluent museum goers."

Now, I think the point is that to suggest that the National Endowment for the Arts is some way that we somehow open a door for everyone who is poor to become a great artist is simply to misinterpret what is happening here. All too frequently, the National Endowment for the Arts is subsidy for well-to-do individuals to be able to do what they would do anyhow. I believe that our responsibility to tax Americans is not related to providing subsidies for people to do what they can do on their own. Maybe Abraham Lincoln said it better than anybody else, when he said that "The role of Government is to do for people what they cannot do well for themselves." I think these are things that can be done well.

There has been some suggestion on the part of those who would oppose this amendment, also, that the existence of good authors who have received help shows that we should have been subsidizing the program. I don't think that proves anything at all. You can have a good baseball player who got some help from the Government; does that mean we should have a program to subsidize baseball? You have to look at what happens in the absence of a subsidy and what happens in the presence of a subsidy. I think if you look at the first 200 years of this Nation's existence, basically where we had no subsidy, the quality of art was very good. As a matter of fact, it may have been better than it is today.

In many respects, whenever you provide a subsidy, you pay for something that the public would not pay for. Now, usually the public won't pay for things that are not as good. In business, for example, if you have a subsidy for something and it won't exist unless you subsidize it, it means that the market doesn't really believe that it is worth what people would be asked to pay for it and it simply doesn't survive. So that subsidies themselves become a way for picking up things, in many respects, at the bottom end of quality. I won't deny that there may be fledgling artists who may be beginning and might want to try and find somebody to provide them a stake so that they can get started. But people who find their way into other professions don't have a means of getting started in their writing, in their music, and in their paintings. For my music and for my writing, I have never had that kind of subsidy. I have done it on my own. It is not that I resent those who do. But I think it is important for us to understand that when the Government chooses one and denies another, it expresses a special set of values. In my view, that special set of values is something that we ought to be careful about, especially when that special set of values is found in books like "Blood of Mugwump," where you have people who are sexual deviants and vampires, who involve themselves in cannibalism and other things as a result of their problems, which come to them because they were involved in religious experiences. I think that is an affront. I am not a Catholic. I am grateful for my Catholic friends and for the influence of the Catholic Church in this culture. But if I were, as a Catholic, to look at the book "Blood of Mugwump," about a Catholic family group of vampires with all this deviance and were to learn that it suggested in the book that many of their problems come as a result of a virus that infects them because they are involved in prayer, I don't know if I would think that was a very appropriate book. I don't think the Government needs to be in the business of approaching this culture of literature and subsidizing this literature, if it is going to pull the spiritual underpinnings of America from beneath us.

I know there is a dispute about whether this publisher was the one that got the assistance, or whether this specific book got the assistance. The publisher seems to be representing the fact that he used the money to publish this book. The National Endowment for the Arts, having learned that people are distressed about this, now wants to say that the publisher should not have used the money for the book. But then, later on, the Chairman of the National Endowment for the Arts indicates that this is one fine publisher and it ought to be credited for what it has done to bring on line exciting new authors who would have novel approaches to the world. Some of those novel approaches would certainly be best left without a Federal subsidy, in my judgment.

I observe the presence in the Chamber of other individuals, such as the senior Senator from North Carolina. I reserve the balance of my time at this moment and suggest the absence——

Mr. GORTON. Will the Senator withhold that?

Mr. ASHCROFT. Yes.

Mr. GORTON. Mr. President, I believe the senior Senator from North Carolina wishes to speak. I understand that the senior Senator from Illinois would like to speak and doesn't have any time left on her side. I ask, how long does she wish to speak?

Ms. MOSELEY-BRAUN. Thank you very much. I was going to ask my colleague if it was possible to have 5 minutes to speak, obviously, in opposition to the amendment. I know there is no time for the opponents left. If my colleagues would so indulge me, I would be grateful.

UNANIMOUS-CONSENT AGREEMENT

Mr. GORTON. I am certainly not going to have any objection to that request. I wanted to find out where we are in order to announce what I can announce, and this would not be inconsistent with the request of the Senator from Illinois.

It looks like this debate will be concluded at about 4:45. There will then be a vote, I believe, on the amendment. I certainly do not propose to table the amendment.

I now, with the permission of the minority leader, ask unanimous consent that immediately following the vote on the Ashcroft amendment, there be 2 minutes of debate, equally divided between Senator BRYAN and myself, to be followed by a vote on or in relation to the Bryan amendment No. 1205.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. May I inquire as to the current state of business in the Senate then? What has been done? Has the Senator from Illinois been granted time to speak?

Mr. GORTON. I don't think the request has been formally made yet.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Ms. MOSELEY-BRAUN. Reserving the right to object, and I will not object, necessarily. I wanted to know if the Senator from Washington would be prepared to allow me to speak.

Mr. GORTON. The Senator from Washington is not going to object to a request by the Senator from Illinois.

Ms. MOSELEY-BRAUN. Could the unanimous-consent request be amended to provide 5 minutes for the Senator from Illinois before the vote?

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Mr. President, reserving the right to object. May I inquire as to how much time is left for debate on this?

The PRESIDING OFFICER. There are 18 minutes 14 seconds for the Senator from Missouri and 5 minutes for the Senator from Washington.

Mr. ASHCROFT. Is it my understanding that the Senator from Washington is yielding his 5 minutes to the Senator from Illinois?

Mr. GORTON. That understanding would not be correct.

The PRESIDING OFFICER. That is not the case.

Mr. ASHCROFT. Then is it my understanding that the Senator from Illinois is asking that the proponents of this amendment, who have 18 minutes left, yield to the opponents an additional 5 minutes from their time?

The PRESIDING OFFICER. No. The request, as I understand it, of the Senator from Illinois was simply for an extra 5 minutes—to delay the voting time 5 minutes to give her an additional 5 minutes.

Ms. MOSELEY-BRAUN. Mr. President, again, as a matter of deference to my colleagues, if they are prepared to give 5 minutes of debate to the opponent, I would be grateful to accept that. Alternatively, if the proponents of the amendment would agree to add an additional 5 minutes, I would be grateful for that. Really, I am not concerned as to the source of the time. I would like to have some time to speak to this before a vote takes place.

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the request of the Senator from Illinois?

Without objection, it is so ordered.

Mr. GORTON. Mr. President, is my unanimous-consent agreement on the stacked votes agreed to?

The PRESIDING OFFICER. That has already been agreed to.

Mr. GORTON. One other point, for the convenience of colleagues. When those 2 stacked votes have been completed, we will go to the Abraham amendment and, after that, on the other two amendments that have already been extensively debated on the National Endowment for the Arts, I believe there will be 30 minutes equally divided agreed to on each of those. Whether or not those votes will be stacked to occur all at the same time or not is yet undecided. But there will be more votes this afternoon. There will be more debate on the National Endowment for the Arts.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Chair. I am going to try to be brief. I have a lot to say and I will try to summarize. Some friends of mine were having a conversation over dinner, and their 5-year-old was sitting at the table. They were talking about this issue, the funding for the National Endowment for the Arts. And midconversation, the baby looked up and said, "Mommy, do Republicans hate Big Bird?" The answer is obviously that Republicans don't hate Big Bird and, in any event, "Sesame Street" is only indirectly supported by the National Endowment for the Arts. But there is little question but that some have made this issue one of those wedge issues to inflame passions about cultural values and the role of Government, to pit people against each other and, again, to make us angry at each other as Americans, and focus in on those things that make us different from one another, on the things that separate us instead of the things that bring us together.

Public support of the arts ought to be one of those points around which we as Americans can come together, because it is one of the ways in which we define ourselves as Americans and in which we communicate the richness of our American culture.

The NEA follows in a noble tradition of publicly supported art initiatives. Just last night, we were over at the Library of Congress, and there we had an opportunity to see firsthand what public support of the arts can do. That building is one of the more magnificent treasures of this country. I hope every American can have the opportunity to see it. I was particularly impressed by the room in which we held our meeting, which had been built by American craftsmen—publicly supported, following the end of the Columbian Exposition in my hometown of Chicago—who brought a variety of skills to bear on its creation, the woodworking, plaster work, painting, ceramics—some so beautifully done that it lifted spirits just to look at them.

Some of them were so refined that, frankly, the talents, skills, and art involved are in danger of being lost to us forever.

Then in another part of the Library of Congress, there is a wonderful exhibit of the Works Progress Administration that was started, as you know, during the Depression, by President Roosevelt. President Roosevelt started WPA to hire starving artists, and, frankly, every American should be grateful that he did. The work that they did, preserved for us the indigenous music out of the Delta of Mississippi, folk music and blues—and oral histories that would have been lost to us forever. We would not have the value of the photographs and the paintings and the music and the original art that had been created all over this country had it not been for the activities and intercession of the WPA. And so they did all of this wonderful stuff and left it as a legacy to all of us.

By and through the arts, the cultural fabric of our country was reinforced during some of its darkest days. Now the National Endowment for the Arts, which was created in 1965, is under attack again. I point out what their charter says. It says: "To foster excellence, diversity and vitality of art and broaden public access to the arts."

That is the charter; that is what NEA is supposed to do, and that is what it in fact has done. Has it followed tradition? A look at the good things it does for our country resoundingly answers that question. In Illinois, it has supported the YMCA of Chicago, The Lyric Opera, the Art Institute, and other large institutions that might have private support, but then it also, most importantly, supports those smaller institutions that would not have the help otherwise.

We have in Illinois received NEA grants for the Peoria Symphony and the Little City Foundation, Glenn Ellyn Children's Choir—activities that would not have the support and would not be able to leverage private dollars were it not for the NEA.

These community initiatives educate children, provide adults with the tools to socialize our young people, help communities to build on positive values which art inspires.

I would like to quote from Tolstoy for a moment who defines art "as a human activity having for its purpose the transmission to others of the highest and best feelings to which men have risen."

Obviously, this amendment, I think, takes the position that if you do not have private money, those positive values won't be available to you or to your community.

Have there been embarrassments among the projects supported? Of course there have. As with any art, some of it will at all times be repugnant to somebody. There is 16th century art around that some of my colleagues will find offensive. That is a matter of their personal taste. But the truth is that in any republic such as ours the freedom we enjoy starts with the proposition that individual expression is a positive value. Instead of allowing for the fact that expression will be of all kinds, the sponsors of this amendment would shut down all expression because they don't like some of it.

I urge my colleagues to reject this attempt to divide us as Americans, and I urge their support of the NEA.

I thank my colleagues for their indulgence and thank the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The distinguished senior Senator from North Carolina, Senator HELMS, is recognized.

Mr. HELMS. I thank the Chair. I hope the Senator will yield to me 5 or 6 minutes.

Mr. ASHCROFT. The Senator from Missouri is pleased to yield as much time as the distinguished Senator from North Carolina desires.

Mr. HELMS. I certainly appreciate it. I would have been here earlier but we had a meeting on China in the Foreign Relations Committee. I couldn't leave. The witnesses were long-winded, as well as some others.

But I compliment the distinguished Senator from Missouri. I have been in the same position that he has been in for several years. It is pretty lonely. But the people all across this country will admire the Senator from Missouri for it, and the Senator will hear from them—people who believe in high principles and morality. I just want the Senator to know that he is not being overlooked.

I want a few minutes this afternoon to reflect upon an Associated Press report published Tuesday morning quoting NEA spokeswoman Cherie Simon as claiming that "legislative restrictions" and "internal reforms" have solved the NEA problem and that the NEA "didn't fund some of the programs as Helms condemned".

Mr. President, isn't it interesting? You have a little lady—and I know she is a nice lady because she is somebody's daughter, but I never heard of her—make this statement, which is not true in the first place, that the NEA is not furnishing taxpayers' money for a whole plethora of rotten material. No other word will fit. This dissembling has been going on, but every year they come up, and say, "Oh, no. Not us. We just fund nice things."

It is sort of like the farmer who heard some noise in his chicken house. He said, "Who is out there?" He heard a voice say, "Just us chickens." And that is all the NEA says. I like Jane Alexander. I have met with her. But they are evading the issue every year. They are getting money that they ought not to get every year.

If spokeswoman Cherie Simon, whoever she is, believes that "legislative restrictions," as she put it, and "internal reforms," as she put it, have, as she put it, "solved" the problem, she needs to wake up and smell the coffee because she obviously didn't understand the problem in the first place. The truth is that legislative restrictions and internal reforms mean simply that the NEA has been using subterfuge and sophistry to spend the taxpayers' money on programs that every year outrage the taxpayers.

So the NEA wants to deny funding this filthy book, with all of their double talk about who is paying for it, or who has paid for it. This book, called "Blood of Mugwump" by a fellow named Doug Rice—the saints have been good to me; I have never heard of him before—the most filthy thing I believe I have ever read. And I have not read but about half a page of it. But down here it says—what do you guess? The National Endowment for the Arts. Up here it says that the National Endowment for the Arts is furnishing the money through the English Department for Contemporary Literature of Illinois State University, Illinois Arts Center.

That is the way it always is—subterfuge about what is going on with the taxpayers' money.

I am informed that while I was over in the Dirksen Building presiding in the Foreign Relations Committee, Senator HARKIN inserted a letter from the NEA disavowing NEA connection with the book. Yet, even the letter acknowledges that it was published by FC2. That is the publishing company, FC2. And FC2 put the NEA seal of approval on the copyright page of this book. All I am doing is reading it to you.

The point, Mr. President, is this: The NEA and the FC2 can cook the books all they want to, but they know what this publishing company is all about, and they know about the filth that they have published, particularly in this book. There is not a Senator in this body who will take this book home and show it to his wife, or her husband, let alone their children. It is filth. And the taxpayers paid for it. No matter what Cherie Simon says about it, the taxpayers of America paid for this book.

On June 24 of this year—long after the Senator from Iowa claimed that the NEA disavowed "Blood of Mugwump"—Jane Alexander wrote that FC2—get this—"FC2 has sustained a commitment to intellectual challenge. . ." That is the lady who heads the agency. That is the lady whom I like personally. She is a nice lady. But I don't know where she is when all of these decisions are made. This book sure is an intellectual challenge, isn't it? I wish every citizen of America would take a look at it; they'd want to throw it in the furnace.

Perhaps we should examine another example of how these legislative restrictions and internal reforms work.

The other day on this floor I mentioned a grant—for fiscal year 1997—for a project by choreographer Mark Morris. This is the same guy who once staged a version of The Nutcracker Suite complete with cross-dressing and other unsavory themes.

If the folks at the NEA want to say that the taxpayers didn't fund that piece of work, they might be accurate. But, knowing this fellow Morris and his background, the NEA will nevertheless—nevertheless—funnel $150,000 of the taxpayers' money this year to support his future work.

That is what is going on. They come forth with obfuscation and confusion, Mr. President, and they hoodwink a lot of Senators. They didn't hoodwink them over in the House of Representatives.

The amendment of the Senator from Missouri deserves to be approved on a unanimous vote. It won't be, because there are enough weak sisters sitting around that will find some excuse for not voting for it.

But I commend the Senator, and I praise him for taking the time to address this subject.

One final note. I think it is time to end the charade at the NEA and just acknowledge to the taxpayers once and for all that Congress will no longer waste money on this Federal agency. So the Senate of the United States ought to do the right thing today by adopting the amendment of the Senator from Missouri.

Thank you, Mr. President.

I yield back such time as I may have.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Washington.

Mr. GORTON. Mr. President, this should be charged to my own time on this amendment.

Mr. President, I recommend to my colleagues the rejection of the Ashcroft amendment with a degree of sympathy and understanding of the purity and the sincerity of his motives. I don't intend to go into great detail on it. Personally, I think there has been too much detail spent on this amendment and this bill already.

Fundamentally, however, there are large numbers of people in the United States who believe passionately in the mission of the National Endowment for the Arts. There are millions more who benefit from it directly or indirectly through the various institutions, musical and otherwise, that it supports and the outreach in educational benefits that they provide. At the same time, there is not the slightest doubt but that the National Endowment for the Arts frequently follows the most recent politically correct trends, that it has wasted some of the money that has been granted to it and has financed other exhibits under the broad definition of "art" that are fundamentally offensive to large numbers—often to a majority of the American people.

I believe that the reforms of the last few years have to a significant degree corrected that shortcoming but that no set of reforms could correct them forever, simply because we have grants at two different levels. The first are the direct grants from the National Endowment itself over which we should exercise at least a degree of control that we already have and about which the National Endowment should be even more sensitive than it has been in the past. The second level, of course, are what grantees do with grants that they get from the National Endowment for the Arts. The process is more difficult for us to control and often presents some difficulty to the Endowment itself.

I have little doubt that there are those at the extremes of the art community who deliberately go out of their way to use money to offend a majority of Americans. But I want them to control the ultimate outcome of this debate no more than I want it controlled by those who would remove all limits from the National Endowment and spend far more money on it than we are doing at the present time.

I believe that on balance it is a healthy influence in American society and, therefore, I think agreeing with the House in abolishing it, as this amendment would do, is inappropriate.

I have a somewhat greater degree of sympathy with those proposals that would decentralize it and give more to State art entities, although I must say I am not at all sure they are going to be less politically correct than is the National Endowment itself. My own opinion is that it is likely that we will come out of the conference committee with a somewhat more decentralized system than we have at the present time.

But, for the purposes of this debate, I don't believe that the Senate is going to accept the Ashcroft amendment. There was no sentiment for it on the 15-member subcommittee that I headed that reported this bill, and I do believe this is a case in which we should strive for greater improvement and greater public acceptability rather than destroy the entity in its entirety.

I yield the remainder of my time.

I believe it is appropriate for the proponent of the amendment to have the last word.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Missouri.

Mr. ASHCROFT. I thank the Chair. I thank the Senator from Washington. I believe the 8 minutes that I have remaining will be sufficient for me.

I want to begin by thanking Senator HELMS for his understanding of the fact that subsidized speech, the process of identifying for Americans what they should value and what they should not in terms of ideas, somehow selecting between one author and another, has been a bad concept. It has been a bad concept which turned into a horrible concept as we have literally wasted resources, and it has been a waste of resources from the inception. I provided examples from the 1960's, and I have examples from the 1990's.

Now, part of the activity on the part of the group that would seek to praise the National Endowment and say that it is just fine is the suggestion that the NEA disavowed involvement in the publication of the "Blood of Mugwump" book.

In March this year they said to the publisher: You shouldn't have used the money on "Blood of Mugwump." And this was brought to the floor by the Senator from Iowa as testimony that the National Endowment had nothing to do with the scandalous and literally revolting attack on faith and on persons of spiritual values and upon morality that the "Blood of Mugwump" book represents. And obviously, the National Endowment, having been caught in this indiscretion, feels bad about it and seeks to repudiate it. But the Senator from Iowa did not provide the additional documentation showing that 5 months before that the publisher was submitting a reimbursement form that included "Blood of Mugwump" as part of what was being subsidized.

Mr. President, I ask unanimous consent that this "Request for Advance or Reimbursement" form to which I am referring be printed in the RECORD.

There being no objection, the form was ordered to be printed in the RECORD, as follows:

REQUEST FOR ADVANCE OR REIMBURSEMENT

(Long Form)

Please type or print clearly.

Complete and mail the top three copies to: Grants Office, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, DC 20506–0001 OR–FAX one copy to 202/682–5610. Do not do both.

If you need assistance, call 202/882–5403.

☐ National Endowment for the Arts
☐ Grant #96–5223–0091
☐ Type of payment requested
  a. ☐ Advance
  ☐ Reimbursement
  b. ☐ Final
  ☐ Partial
☐ Basis of request
  ☐ Cash
  ☐ Accrued Expenditures
☐ Payment request #2
☐ Grantee account or identifying #13–2957841
☐ Period covered by this request (month/day/year)

From 8–15–16 To 11–15–96

☐ Grantee (Official IRS name/mailing address)

Fiction Collective, Inc. Unit for Contemporary Literature Illinois State University Normal, IL 61790–4241.

☐ Remittance address. Complete only if different from #8.

For faster payment, complete #14 below.

☐ Computation of amount requested:

a. Total project outlays to date (As of 10–10–96)	$18,000
b. Estimated net cash outlays needed for advance period	7,000
c. Total (a plus b)	25,000
d. Non-Endowment share of amount on line c	0
e. Endowment share of amount on line c (c minus d)	25,000
f. Endowment payments previously requested	16,000
g. Endowment share now requested (e minus f)	9,000

☐ Reminders:

a. Authorizing Official. This form must be signed by an authorizing official who either signed the original application or has a signature authorization form on file. If necessary, submit an updated signature authorization form.

b. Labor Assurances. In signing below, grantee is also certifying to the Assurances as to Labor Standards printed on the reverse of this form.

c. Progress Report. Complete #12 the first time the cumulative amount requested exceeds two-thirds of the grant amount. Consult the Reporting Requirements document included in your grant award package for guidance on the content of this report.

☐ Progress report. Please respond in the space provided.

As of 10–15–96, Fc2 has produced, printed and released the following titles in-our original NEA grant application:

Don Webb, A Spell for the Fulfillment of Desire
Alan Singer, Memory Wasx
D.N. Stueflotan, Mexico Trilogy
Doug Rice, Blood of Mugwump

Jeffrey DeShell's S&M is in production; expenses for its production will be payable within 30 days.

☐ Authorizing Official: To the best of my knowledge and belief, the data reported above are correct and all outlays were made in accordance with grant conditions. Payment is due and has not been previously requested.

Signature: Curtis White.
Name/Title: Co-director.
Contact Person: Curtis White.
Date 10–10–96.

Phone (309) 438–3582

Mr. ASHCROFT. Mr. President, the situation is simply this. The publisher in the previous year was claiming that it was publishing with the grant the "Blood of Mugwump." I think the record is clear. It may be that the National Endowment for the Arts doesn't want to say that the money, our money, your money, my money, taxpayers' money was being used for what was obviously revolting or repugnant literature. But the publisher knew what he was using it for and his request for reimbursement submitted to the agency well before, during the previous year indicated that the utilization of the resource was for "Blood of Mugwump." Nevertheless, the National Endowment for the Arts says that its grant wasn't "Blood of Mugwump." It was books like this one, "S & M." Frankly, I could not read a page out of this book that I have seen to the Senate; I could not read it in my home, could not read it anywhere else. It says on the front, "It's funny. It's smart." It is not, not at all.

Fellow Members of the Senate, the United States of America has been a culture that's been rich in good art and has been rich in good culture and has attained a level of being a world leader not because of Government sponsorship, not because of Government telling people what's good and what's not good and awarding scholarships or grants to one group and not to another. We attained our level of greatness in the absence of those things and in the presence of a free marketplace, in the presence of freedom for art.

Less than a month before John Kennedy was assassinated, less than a month before he died, he was asked to speak at Amherst College in Massachusetts to praise American poet Robert Frost. John Kennedy talked about art and about freedom and about how artists need to be free in order to express themselves with integrity and how Government might corrupt that process.

Now, you have to understand that there was no such thing as the National Endowment for the Arts in the lifetime of John Kennedy, President of the United States, assassinated in 1963. This program, the National Endowment for the Arts, was part of Lyndon Johnson's discontent with America, thinking we could make it a great society by infusing Government money everywhere. And you know what he did to the family; you know what he did with the welfare system, and you are seeing what he did to the arts.

Here are the words of John F. Kennedy.

> For art establishes the basic human truths which must serve as the touchstones of our judgment. The artist, however faithful to his personal vision of reality, becomes the last champion of the individual mind and sensibility against an intrusive society and an officious State.

Let me just say that again and see if I can say it more clearly. John Kennedy says that the artist becomes an individual who stands against the intrusive society and the officious State. He sees the artist as a line of defense against statism. He sees it as a bulwark of freedom—John Kennedy. I wonder what he would have thought if the officious State was to be guarded by an artist paid by the State.

He goes on to say:

> The great artist is thus a solitary figure. He has, as Frost said, "a lover's quarrel with the world."

Then John Kennedy is eloquent and insightful.

> In pursuing his perceptions of reality, the artist must often sail against the currents of his time. This is not a popular role.

Well, against the currents of your time is not what we find is happening with the National Endowment for the Arts. They are directing the current. We have gone over and over the article by Jan Breslauer from the Los Angeles Times which reminds us that they are demanding that artists be politically correct in accordance with what the Government would dictate.

That is really not rising to the challenge of being against the officious State. That is falling into the trap of being a participant of the officious State telling citizens what to believe and how to think. So when John Kennedy was praising Robert Frost, John Kennedy put it this way:

> In pursuing his perceptions of reality, the artist must often sail against the currents of his time.

Perhaps he might even dare be politically incorrect, but were he to do so, woe be unto his chance of being identified for a grant from the NEA.

Kennedy spoke in praise of Robert Frost who, without subsidy from the Government, wrote eloquently:

> Two roads diverged in a wood and I, I took the one less traveled by, and that has made all the difference.

America could have art that was subsidized, controlled by, directed by Government. It can happen. You can look at the art of the Soviet Union of the last 70 years. They had art. They took the artists that weren't acceptable and they banished them. Solzhenitsyn was one of them. We don't manage artists but we identify ones for approval and others for subsidy, and some of those that don't get the subsidy and don't get the approval are individuals that we ought to be looking carefully at and they should not be discriminated against. A Government which discriminates against artists by discriminating in favor of others violates our fundamental responsibility of free speech. And when it promotes morality, it undermines the very foundation and underpinnings of a culture.

We should defund the National Endowment for the Arts. We should not spend this $100 million of taxpayer resources.

Mr. President, I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. GORTON. Has all time expired? I assume that the Senator from Missouri wishes a rollcall?

Mr. ASHCROFT. Yes. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ABRAHAM). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Ashcroft amendment numbered 1188. The yeas and nays have been ordered. The clerk will call the roll.

The result was announced—yeas 23, nays 77, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—23

Allard
Ashcroft
Brownback
Coats
Enzi
Faircloth
Gramm
Grams
Hagel
Helms
Hutchinson
Inhofe
Kyl
Lott
Mack
McCain
McConnell
Nickles
Sessions
Shelby
Smith (NH)
Thompson
Thurmond

NAYS—77

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed (RI)
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Smith (OR)
Snowe
Specter
Stevens
Thomas
Torricelli
Warner
Wellstone
Wyden

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1205

The PRESIDING OFFICER. The question now occurs on amendment No. 1205 offered by the Senator from the State of Nevada, Mr. BRYAN. Under the previous order, there will now be 2 minutes for debate equally divided between Senators BRYAN and GORTON.

Mr. GORTON. Will the Presiding Officer bring the Senate to order?

The PRESIDING OFFICER. The Senate will please come to order. This is an important amendment.

Mr. STEVENS. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator from Alaska is correct. The Senate will be in order.

The Senator from Nevada.

Mr. BRYAN. I thank the Chair. Mr. President, I ask unanimous consent that Senator CAROL MOSELEY-BRAUN be added as a cosponsor to the Bryan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. I thank the Chair.

Mr. President, I say to my colleagues, I want to tell you, first of all, what this amendment is not about. This amendment is not about timber harvesting in the national forests. It does not prevent it. And it does not prevent the construction of new roads in the national forests for purposes of timber access.

What it does is to eliminate a costly taxpayer subsidy that is part of the Forest Service program, a subsidy that has been roundly denounced, and correctly so, by virtually every taxpayer group in America, such as Citizens Against Government Waste and Taxpayers for Common Sense, because it cannot be justified.

Second, this is an important environmental vote, perhaps our most important environmental vote to date because we reduce by $10 million an amount of money that is appropriated for new road construction in the national forests.

The amendment does absolutely nothing to reduce or to impede the accounts that are provided for in the maintenance of roads in the National Park System.

So Mr. President, I urge support of the Bryan amendment because it is truth in budgeting and makes sense from a fiscal point of view and because environmentally it is sound policy for the Nation.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized for 1 minute.

Mr. GORTON. Mr. President, harvesters in national forests have declined by more than two-thirds over the course of the last several years. This amendment is designed to cause them to decline still further. Many of its principal sponsors outside of this body have as their design the entire termination of any harvest on our Federal lands. This proposal drives significantly in that direction.

The amount of money in the bill for Forest Service roads is the recommendation of the Clinton administration. The Clinton administration reflects no savings of money by the ending of the Forest Service credit. It is simply another step in the desire to see to it that there is no harvest whatsoever on our forest lands.

The PRESIDING OFFICER. All time for the debate on the amendment has now expired.

Mr. GORTON. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. GORTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I have cleared this request with the Republican leader.

I ask unanimous consent that I may address the Senate for not to exceed 10 minutes following this rollcall vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GORTON. Mr. President, I would like to make a unanimous-consent request that I think will inform Members of where we are going in the next few minutes.

I ask unanimous consent that when the Senate considers the following amendments regarding the National Endowment for the Arts—that will be next—they be considered under a 30-minute time limit, equally divided in the usual form: the Abraham amendment No. 1206; the Hutchinson of Arkansas amendment No. 1187; the Hutchison amendment No. 1186. I further ask unanimous consent that no second-degree amendments be in order to these amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GORTON. I further ask unanimous consent that following the debate on the Abraham and the Hutchinson of Arkansas amendments, the Senate proceed to a rollcall vote on or in relation to amendment No. 1206, to be followed by a vote on or in relation to amendment No. 1187.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I will not object, there is an effort to have the Armed Services Committee meet. I was just speaking with the chairman. Would it be possible to have the votes on those three amendments lined up together at the end of the debate for all three? Was that part of the UC?

Mr. GORTON. The design of this request is that the votes on the first two be stacked, and there would be an hour between the end of the next rollcall and those two. The proponent of the third amendment does not want to stack her amendment with them. But there will be more than an hour for the committee to meet.

Mr. LEVIN. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered. The unanimous-consent request is agreed to.

Under the previous order, the question now occurs on agreeing to amendment No. 1205 offered by the Senator from Nevada. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—49

Akaka
Biden
Bingaman
Boxer
Brownback
Bumpers
Chafee
Cleland
Conrad
D'Amato
Daschle
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Gregg
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Thompson
Torricelli
Wellstone
Wyden

NAYS—51

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Breaux
Bryan
Burns
Byrd
Campbell
Coats
Cochran
Collins
Coverdell
Craig
Domenici
Enzi
Faircloth
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Levin
Lott
Lugar
McCain
McConnell
Mack
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Warner

The amendment (No. 1205) was rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. BRYAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

For the moment, there is not a sufficient second.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The question now occurs on the motion to reconsider the previous vote.

The yeas and nays are ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—49

Akaka
Biden
Bingaman
Boxer
Bryan
Bumpers
Chafee
Cleland
Conrad
D'Amato
Daschle
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Gregg
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Thompson
Torricelli
Wellstone
Wyden

NAYS—51

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Breaux
Brownback
Burns
Byrd
Campbell
Coats
Cochran
Collins
Coverdell
Craig
Domenici
Enzi
Faircloth
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Levin
Lott
Lugar
McCain
McConnell
Mack
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Warner

The motion was rejected.

Mr. GORTON. Madam President, there is an amendment that might have caused a lot of debate that has been agreed to by Members on both sides. I request the President recognize Senator BUMPERS to offer that amendment. Senator BYRD has graciously agreed to give us a minute before his special order.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from West Virginia.

Mr. BYRD. Madam President, I yield 1 minute for that purpose without losing my right to the floor.

The PRESIDING OFFICER. Is the Senator from Arkansas offering a first-degree amendment to the bill?

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 123, LINE 9, THROUGH PAGE 124, LINE 20

Mr. BUMPERS. I ask unanimous consent the pending amendment be laid aside and the Senate proceed to the committee amendment beginning on line 9, page 123 of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the excepted committee amendment is as follows:

SEC. 339. (a) No funds provided in this or any other act may be expended to develop a rulemaking proposal to amend or replace the Bureau of Land Management regulations found at 43 C.F.R. 3809 or to prepare a draft environmental impact statement on any such proposal, until the Secretary of the Interior establishes a Committee which shall prepare and submit a report in accordance with this section.

(b) The Committee shall be composed of appropriate representatives from the Department of the Interior and a representative appointed by the Governor from each State that contains public lands open to location under the General Mining Laws. The Committee shall be established and operated pursuant to the terms of the Federal Advisory Committee Act, 5 U.S.C. ap 21 et seq.

(c) The Committee established pursuant to subsection (b) shall prepare and submit a report to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives which (1) contains consensus recommendations on the appropriate relationship of State and Federal land management agencies in environmental, land management and regulation of activities subject to the Bureau's regulations at 43 C.F.R. 3809, (2) identifies current and proposed State environmental, land management and reclamation laws, regulations, performance standards and policies, applicable to such activities, including those State laws and regulations which have been adopted to achieve primacy in the administration of federally mandated efforts; (3) explains how these current State laws, regulations, performance standards and policies are coordinated with Federal surface management efforts; and (4) contains consensus recommendations for how Federal and State coordination can be maximized in the future to ensure environmental protection and minimize regulatory duplication, conflict and burdens.

AMENDMENT NO. 1209 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 123, LINE 9, THROUGH PAGE 124, LINE 20

(Purpose: To modify an antienvironmental rider to permit the Interior Department to revise environmental regulations governing hardrock mining on certain Federal land)

Mr. BUMPERS. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 1209 to excepted committee amendment beginning on page 123, line 9, through page 124, line 20.

Mr. BUMPERS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after "SEC. 339." on page 123, line 9, of the pending Committee amendment and add the following:

"(a) No funds provided in this or any other act may be expended to develop a rulemaking proposal to amend or replace the Bureau of Land Management regulations found at 43 C.F.R. 3809 or to prepare a draft environmental impact statement on such proposal, until the Secretary of the Interior certifies to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives that the Department of the Interior has consulted with the governor, or his/her representative, from each state that contains public lands open to location under the General Mining Laws.

"(b) The Secretary shall not publish proposed regulations to amend or replace the Bureau of Land Management regulations found at 43 C.F.R. 3809 prior to November 15, 1998, and shall not finalize such regulations prior to 90 days after such publication.".

Mr. BUMPERS. Madam President, this amendment has not only been agreed to, it has been microscopically fly-specked by all of the parties for the past 24 hours. I urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1209) was agreed to.

Mr. BUMPERS. Madam President, I move to reconsider the vote. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The question now occurs on the underlying committee amendment.

All those in favor, say aye.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I suggest the absence of a quorum.

Mr. BYRD. Madam President, I don't yield the floor for that purpose. I yielded for 1 minute. I did not yield for that purpose.

The PRESIDING OFFICER. The Senator from West Virginia has 9 minutes, under the previous order.

Mr. BYRD. I thank the Chair. Madam President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The Senator from West Virginia.

THE UNITED STATES CONSTITUTION

Mr. BYRD. Madam President, today marks the 210th anniversary of the most successful political experiment in thousands of years of human history, because on this date in 1787, the United States Constitution was signed by a majority of delegates attending the Constitutional Convention in Philadelphia. This ingenious living document, thoughtfully crafted by our Founding Fathers more than two centuries ago, owes its enduring quality in great measure to one of its most basic, yet most ingenious and revolutionary ideas—namely, that the power and sovereignty of the United States Government ultimately rests in the hands of its citizens.

An active and educated citizenry, is therefore an essential component of the constitutional machinery that keeps our Government in tune. A citizen of the United States not only has the right to hold opinions, but he has a duty to work through his elected officials in behalf of those opinions. If the Government is not being run effectively, efficiently, and constitutionally, citizens of the United States have a responsibility to work to correct that course through the exercise of their right to vote. It is not only a right, it is a privilege. In other words, the Government that stands over us is ours to endorse or to change.

Unfortunately, however, a recent poll commissioned by the National Constitution Center, an organization established to better educate Americans about the Constitution, reveals that a shocking number of people in this country have virtually no knowledge of what is contained in this vital document, and, thus, have no clue about how it affects their everyday lives.

In fact, according to the survey, only 5 percent of Americans could correctly answer 10 rudimentary questions about the Constitution. That is an embarrassingly low percentage. How can citizens be expected to meet their Constitutional responsibilities when they lack even basic knowledge about how our Government operates?

While 84 percent of those polled felt that to work as intended, the U.S. Constitutional system depends on an active and informed citizenry, only 58 percent surveyed could name the three branches that comprise our Federal Government—only 58 percent. And, less than half knew how many Members make up the U.S. Senate.

These are not difficult questions, but basic knowledge taught to schoolchildren at a young age when I was coming along, and should be taught today to schoolchildren at a very young age. Yet, only 66 percent of those surveyed knew that the first ten amendments to the Constitution are called the Bill of Rights—only 66 percent. Some even responded that the first ten amendments to the Constitution are called the Pledge of Allegiance. Now, think of that.

I wonder how many listening right now to my voice know how many amendments have been added to the Constitution since 1787. Only 19 percent of those surveyed answered correctly. There have been 27 amendments.

The 27 amendments that have been added to the Constitution—which include the first 10 amendments, or the Bill of Rights—reflect the genius that our Founding Fathers demonstrated in the creation of the document, by equipping the document with the inherent flexibility to accommodate the changes of a growing nation. Such flexibility is intended to be part of a continuing process, which gives the Constitution life and relevance to the daily affairs of all Americans. A course of apathy, and an ignorance of our civic responsibilities and rights threatens to completely undermine the democratic principles on which our sacred Republic was founded—the very principles which Americans say they value so highly.

If there is anything encouraging to come from the results of the National Constitution Center's poll, perhaps it is that 9 out of 10 people surveyed said that they were proud of the U.S. Constitution. On this anniversary of the signing of the U.S. Constitution, I hope that more citizens will demonstrate that pride by taking it upon themselves to learn more about their Constitution and their Government, and teach their children, so that they can adequately perform the responsibilities which were conferred upon them in Philadelphia in 1787 by some of the greatest minds in history.

Our first Chief Justice John Marshall once stated "The people make the Constitution, and the people can unmake it. It is the creature of their own will, and lives only by their will." If that will is motivated mostly by ignorance and misinformation our hard won, sacred freedoms appear to be in grave, grave peril indeed.

Madam President, I ask unanimous consent that the dismal results of the National Constitution Center's poll be placed in the RECORD at this point.

I thank Senators for listening and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

How People Answered the Constitution Poll

How do Americans feel about the Constitution?	Responses:
The U.S. Constitution is important to me	91% agree.
I am proud of the U.S. Constitution	89% agree.
The U.S. Constitution is used as a model by many countries	67% agree.
To work as intended, the U.S. Constitutional system depends on active and informed citizens	84% agree.
The U.S. Constitution doesn't impact events today	72% disagree.
The Constitution doesn't matter much in my daily life	77% disagree.
To understand the Constitution, you have to be a lawyer	77% disagree.
The question asked:	Percent of correct responses:
When was the Constitution written?	19%—1787.
Where was the Constitution written?	61%—Philadelphia, PA.
What are the first ten amendments to the Constitution called?	66%—the Bill of Rights.
Do you recall what the introduction of the Constitution is called?	55%—the Preamble.
How many branches of the Federal Government are there?	58%—three.
How many Senators are there in the U.S. Congress?	48%—100.

How People Answered the Constitution Poll—Continued

How many years are there in a Senate term?	43%—6 years.
How many voting members are there in the House of Representatives?	23%—435.
How many years are there in a Representative's term?	45%—2 years.
Who nominates the justices of the Supreme Court?	70%—the president.
According to the Constitution, a person must meet certain requirements in order to be eligible to be elected President. Can you name any of these requirements?	69%—born in the US. 51%—35 years of age. 8%—lived in the US 14 years.
Can you recall any of the rights guaranteed by the first amendment?	64%—speech. 41%—religion. 33%—press. 17%—assembly.
Whose rights are guaranteed by the Constitution?	88%—US Citizens.
Approximately how long is the U.S. Constitution?	29%—1-5 pages.
Who is Commander-in Chief of the U.S. Armed Services?	74%—the President.
Can you name the group or any of the individuals who were responsible for drafting the U.S. Constitution?	7%—the Constitutional Convention.
How many amendments are there to the Constitution?	19%—27 amendments.
What are the names of the three branches of the Federal government?	51%—legislative. 50%—executive. 56%—judicial.
True or False: The Constitution states that all men are created equal	15%—false.
True or False: The U.S. Constitution can be modified	76%—true.
True or False: The Constitution is the supreme law of the land	86%—true.
True or False: The people can vote directly for President	42%—false.
True or False: When it was first written, the Constitution outlawed slavery	69%—false.
True or False: There are 10 Supreme Court Justices	48%—false.
True or False: Congressional Representatives are elected by the people	72%—true.
True or False: The Constitution states that Christianity is the official religion of the U.S.	75%—false.
True or False: The Constitution states that the first language of the U.S. is English.	58%—false.
True or False: The text of the Constitution specifically protects a woman's right to have an abortion	74% false.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

COMMITTEE AMENDMENT ON PAGE 96, LINE 12 THROUGH PAGE 97, LINE 8

The PRESIDING OFFICER. Under a previous order, the Senate will now resume consideration of the committee amendment on page 96, line 12.

The Senator from Michigan is recognized to offer a second-degree amendment, on which there shall be 30 minutes of debate equally divided.

The Senator from Michigan is recognized.

AMENDMENT NO. 1206 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 96, LINE 12

(Purpose: To decrease funding for NEA)

Mr. ABRAHAM. Madam President, I would like to call up my amendment at this time, amendment No. 1206.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM] proposes an amendment numbered 1206 to excepted committee amendment beginning on page 96, line 12.

Mr. ABRAHAM. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 96, line 16, strike "$83,300,000" and insert "$55,533,000".

On page 96, line 25, strike "$16,760,000" and insert "$11,173,000".

At the end of the amendment add the following:

SEC. . Notwithstanding any other provision of law, not more than $10,044,000 of the funds appropriated for the National Endowment for the Arts under this Act may be available for private fundraising activities for the endowment.

SEC. . Notwithstanding any other provision of this Act, an additional $32,000,000 is appropriated to remain available until expended for construction under the National Park Service, of which $8,000,000 shall be transferred to the Smithsonian Institution and made available for restoration of the Star Spangled Banner, $8,000,000 shall be transferred to the National Endowment for the Humanities and made available for the preservation of papers of former Presidents of the United States, of which $9,000,000 shall be available for the replacement of the wastewater treatment system at Mount Rushmore National Memorial, of which $2,000,000 shall be available for the stabilization of the hospital wards, crematorium, and immigrant housing on islands 2 and 3 of Ellis Island, and of which $5,000,000 shall be transferred to the Smithsonian Institution and made available for the preservation of manuscripts and original works of great American composers".

Mr. ABRAHAM. Madam President, I just would state at the outset it is not my intention, given the lateness of the day and the other amendments still to come, to necessarily use all of the time on this issue. In fact, I intend to make a brief statement. I will stay here to discuss it at greater length if opponents of this amendment want to engage in more discussion, although I know today most people have expressed themselves already on these issues pertaining to the National Endowment for the Arts. So I am going to make a brief statement and I will then wait to see whether others wish to speak. If not, I am prepared at a certain point to yield back the remainder of the time.

This amendment seeks to accomplish several key objectives.

First and foremost, it has been my goal since arriving in the Senate to move the NEA in a direction of being a private national entity supporting the arts. I believe that is in the long-term best interests of the taxpayers and of the arts. Since arriving here and well before my arrival, it has been obvious to me that these discussions about the NEA too often turn on questions of accusations from one side that we are spending tax dollars to basically promote things that are unacceptable or even obscene, and on the other side arguments from those who are part of the arts community that we in the Congress are trying to somehow censor the creative activities of people in our country. This will continue, Madam President, as long as taxpayer money is involved.

What I worry about as a supporter of the arts is that we will continue to see the NEA reduced in size and scope, both in terms of its budget, as well as in terms of its flexibility, because each time a new issue arises, Congress' response has been to reduce funding and to add more strings and more handcuffs to the Endowment.

The best way to address it, I think, is to move in the direction of privatization, move this out of the Government, and allow it to be as large as support for it can be. That is what my amendment seeks to set in motion by reducing for the upcoming year by approximately one-third the size of the Endowment but allowing the Endowment to spend a percentage of its revenues for the beginning of a fundraising program designed to ultimately produce adequate funds to sustain itself as an independently chartered entity.

I believe that will be a long-term approach. As I laid out in previous debates, I think there are a variety of indicators that suggest support for the Endowment would be existent, that there would be the kind of private support, given the magnitude of national support already for arts activities in our country of $9 billion per year, given the fact that numerous private institutions are larger than the National Endowment for the Arts, even today. I believe such support would be existent. And so this would be the first step in that direction toward privatization.

If my amendment is adopted, I will have sense-of-the-Senate and other amendments that I will bring at appropriate times to buttress this plan of action.

The other goal of this amendment is to direct additional Federal dollars in support of other national treasures, some of them arch-related, that I think deserve our commitment: the Star-Spangled Banner, Ellis Island, the papers of our Presidents and Founders, the works of our great composers, Mount Rushmore. All five of these entities or institutions or documents, or in the case of the Star-Spangled Banner, the flag itself, are in various states of deterioration and lack of support.

My amendment would divert $30 million from the NEA to the support of these entities at the amounts that have been requested by the people involved with them in order to facilitate restoration where that is appropriate, in order to facilitate maintenance where that is appropriate, in order to supply additional dollars to ongoing restoration projects, and so on.

I believe all of us should be able to agree that these five national treasures that I have outlined in this amendment deserve the support of the Congress. By moving in this direction, we can accomplish two very noble objectives, I think: On the one hand, the privatization and liberation of the National Endowment for the Arts, and on the other hand the preservation, restoration, and protection of great national treasures.

For those reasons, I call upon my colleagues to support this amendment. I think it is perfectly consistent with those who have argued for a national entity to support the arts. I think it is consistent with those who have argued that we shouldn't have taxpayer dollars engaged in that entity. I believe that it is the right way to strike a balance between the rival positions on this and at the same time do great good in preservation of very important national treasures.

At this point, Madam President, I yield the floor and see if anyone else wishes to speak on this amendment.

Mr. HUTCHINSON. Will the Senator yield?

Mr. ABRAHAM. I yield—how much time does the Senator from Arkansas desire?

Mr. HUTCHINSON. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining on his time.

Mr. HUTCHINSON. I inquire, do you have other Senators wishing to speak on behalf of your amendment?

Mr. ABRAHAM. What I was hoping for, if I can just indicate, was to determine if there was any further discussion or interest on the opposing side of this amendment. If there is, then I would want to speak about my amendment more. If not, I will be prepared to yield the remainder of my time to the Senator from Arkansas to speak on whatever matter he wants.

Mr. HUTCHINSON. I only anticipate perhaps 5 minutes.

Mr. ABRAHAM. That will be great. I yield 5 minutes to the Senator from Arkansas to speak on whatever issue he might wish, with respect to this amendment or upcoming amendments.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. HUTCHINSON. Thank you, and I thank the Senator from Michigan for yielding.

Madam President, I commend the Senator from Michigan for his outstanding leadership on the issue of the National Endowment for the Arts, for his very constructive role that he has played over recent years since his entry in the Senate. I know this is an issue he has felt very strongly about, that he has looked for creative and innovative ways in which we can continue to fund arts in this country, in which we can continue to emphasize that arts are a priority and, at the same time, address many of the concerns that the American people have addressed concerning the National Endowment for the Arts, its administration and its elitist attitude.

I would just like to say in reference to that attitude, which has caused such consternation among those who sincerely believe that arts are important in America but are greatly troubled by what they see in the National Endowment for the Arts, a statement that was made by Jane Alexander, the Chairwoman of the National Endowment for the Arts, when she testified before the Labor and Human Resources Committee this past April.

In a dialog with myself and in response to the questions I posed to her, Ms. Alexander said:

> Let me suggest an analogy here with regard to the arts.

Her response was in direct answer to my question concerning the situation in Arkansas in which, out of 12 grant applications, only one was granted. A little over $400,000 went to the whole State of Arkansas, while single exhibits around this country received more. In response to that she said:

> Let me suggest an analogy here with regard to the arts . . . There are apples grown in practically every State of the United States, but there are few States that have the right conditions for nurturing and developing apple trees; and then, they are distributed all throughout the Nation.

The implication being that arts are like apples, that there are only a few places they are really going to flourish, and that Arkansas was not one of them. I hope my constituents understand and I hope that my colleagues understand why that was so offensive to me. She went on:

> The same is true of the arts. The talent pools, the areas of nurturing and development of artists tend to be located in a few States.

Perhaps that explains why one-third of all of the direct grants of the National Endowment go to six cities. Perhaps this attitude, revealed in an unguarded moment, explains why one-third of the congressional districts in this country receive nothing from the National Endowment for the Arts. This is an agency whose original mission was to broaden access to the arts. Broaden access to the arts—I ask, is that going to be the result of the attitude that development of artists tend to be located in a few States, that the talent pool is only located in a few States? I take great, great exception to that, and that is why I believe the Senator from Michigan—I have my own amendment I will be talking on later—but I commend the Senator from Michigan for the good job he has done in addressing these kind of abuses and this kind of attitude.

I have pointed out that the administrative costs for the National Endowment are well above most other Federal agencies—almost 20 percent. Almost a penny out of every nickel that the NEA has is spent on administration overhead.

So I believe the votes that we are going to cast this evening on the Abraham amendment, on the Hutchinson-Sessions amendment, and on the Hutchison of Texas amendment will be, to a great extent, a vote on whether we want the Washington bureaucracy or whether we want more local control on funding for the arts.

So I ask support for the Abraham amendment. I also ask support for other amendments that will be offered concerning the National Endowment. We must not obfuscate, we must not confuse what this issue is. It is not are you proarts or against arts. So often I have heard proponents of the NEA come down and say, "Well, arts are good." Of course, arts are good. They are beneficial, uplifting and they are inspiring and ennobling. They are all of those things, but you cannot equate the NEA with arts. In fact, the NEA funds less than 5 percent of the Federal contribution to arts in this country. So it is time that we reform. It is time we made a change in the status quo.

I commend the Senator from Michigan. I thank him for yielding.

Mr. ABRAHAM. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to anyone.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Madam President, it is my intention to offer a unanimous consent request which I think has now been cleared on both sides. I ask unanimous consent that the votes ordered with respect to the NEA issue be stacked to occur at 7:30 p.m., with 4 minutes of debate equally divided prior to the votes on those issues.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ABRAHAM. I now ask unanimous consent to have the time remaining on both sides of the debate on the Abraham amendment be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Abraham amendment No. 1206 is set aside, and the Senator from Arkansas is recognized to offer a second-degree amendment to the committee amendment on page 96, line 12 through page 97, line 8. There will be 30 minutes of debate on the amendment equally divided in the usual form.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Was the unanimous consent request agreed to?

The PRESIDING OFFICER. The unanimous consent request has been agreed to.

Mr. GORTON. So there will be votes at 7:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. GORTON. Madam President, we will try to find some other business to occupy the Senate until that time.

Does the Senator from Arkansas wish to speak?

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized to offer his amendment.

AMENDMENT NO. 1187 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 96, LINE 12

(Purpose: To provide financial assistance to States to support the arts)

Mr. HUTCHINSON. Madam President, I call up amendment No. 1187.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] for himself, Mr. SESSIONS, Mr. ABRAHAM and Mr. ENZI, proposes an amendment numbered 1187 to excepted committee amendment beginning on page 96, line 12.

Mr. HUTCHINSON. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HUTCHINSON. Madam President, we have 30 minutes equally divided; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HUTCHINSON. Madam President, over and over during the debate on the National Endowment for the Arts we have heard the proponents come to the floor and say how good and beneficial the arts are. Who can argue with that? The argument they seem to make is, we ought to automatically reauthorize, that we ought to automatically appropriate $100 million for the National Endowment for the Arts because art is good, without any scrutiny, without any close examination of how the National Endowment is operating, how they are working today.

The debate has in fact deteriorated into kind of a syllogism. The syllogism goes like this: Art is good. The National Endowment for the Arts is art; and, therefore, the NEA is good.

Obviously, art is good. It is inspiring. It is uplifting. We have heard anecdote after anecdote of the benefits of art in our lives. But the NEA is not the equivalent of art.

In fact, as we see on this chart, the NEA is less than 5 percent of the total Federal support for the arts and the humanities. You can look at the Smithsonian, the military bands, the Fulbright International Exchange, the National Endowment of the Humanities, the National Gallery of Art, the Holocaust Memorial Council. On and on we find the Federal role in arts is not limited to the National Endowment at all.

Only 5 percent, in fact, of all of the Federal involvement, involves the NEA. That 5 percent though, as we have seen, has been eroded by extravagant overhead, over 18 percent administrative costs that are immediately taken off because of the bureaucracy here in Washington. And that small 5 percent is absorbed by six cities—six cities. And one-third of all of the congressional districts in the United States receive nothing from the National Endowment of the Arts.

So in all of this debate, the problems in the NEA have gone unanswered. I heard the proponents of the NEA come to the floor, and over and over again they laud how wonderful art is—Who can object to that?—how great literature is. Who can complain about that? But they never respond to the objections that have been raised concerning the National Endowment for the Arts.

Their mission is broader public access to the arts. Yet, as we saw just a few moments ago in a statement by Chairwoman Jane Alexander, she says that there are only a few States that have the proper nurturing and development to produce artists. That, to me, will never fulfill their mission of broadening public access to the arts.

Fully 85 percent of the 1997 grantees were past recipients of NEA largess—85 percent. That is not going out and fostering new artists, new writers, new sculptors.

Here are the issues before the Senate. No. 1, accountability. As the proponents of the NEA come down, they have not responded to the NEA's own IG report which listed the abuses, things like 63 percent of the grantees that had project costs that were not reconcilable to accounting records, 79 percent with inadequate documentation of personal costs charged to the grant, 53 percent failed to engage independent auditors to conduct grant audits as required by the OMB.

No one responded to that. I listened and listened. No one would respond to the inspector general's report or the General Accounting Office's evaluation of the NEA and how it operates. So accountability is an issue.

Local control is an issue. Do we want to continue to say yes to Washington bureaucrats, or do we want to say yes to local control of how these dollars are spent?

Third, the issue is fairness and funding. Under the proposal of Senator SESSIONS and myself we have offered an amendment that will allow 45 States to receive more for arts. I hope that all of my colleagues in the U.S. Senate will pick up the "Dear Colleague" on their desk that we so often overlook. If Members look up your State, you will see exactly how much more will be available for arts education or available for the local artists under our amendment as opposed to the status quo.

Say no to Washington. Say yes to local control. Say yes to the Hutchinson-Sessions amendment.

If there are no opponents here to speak I yield to the cosponsor of this amendment, Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I am honored to have the opportunity to join Senator HUTCHINSON from Arkansas in support of this bill which I believe certainly answers all the objections of those who are concerned that somehow we would be cutting support for arts in America.

It answers the concerns of those who believe that the National Endowment for the Arts, as shown by its own inspector general's office, has mismanaged itself, has not managed the taxpayers' money—money taken from working citizens all over America—who have entrusted it to their Government in hopes that Members of this body will appropriate it wisely and effectively to further national goals.

Our bill says, all right, we can fund arts, but we want to do it a different way. We are tired of trusting that inside group, the elite corps, that has been distributing moneys, in my opinion, unfairly, for quite a number of years.

It is quite an interesting fact that six cities in this Nation receive one-third of the moneys from the entire National Endowment for the Arts. This chart will reflect that and give some appreciation for this fact. The big cities, the wealthiest cities in the world, really, are the ones receiving the most money. That is because the distribution of that money is being decided by a group in Washington that is not connected to the arts communities in places all over America—whether it is Indiana, Kansas, Ohio, Alabama or Arkansas. They are not connected with those communities. So they tend to further the people they are dealing with. It has been going in drastically unfair proportions to cities that are wealthier than any cities in the world. We think that is a major factor that we ought to think about today.

New York City itself received more money than 29 different States, including my State of Alabama. Madam President, 75 percent of the money, as Senator HUTCHINSON has pointed out, 75 percent of these moneys have gone in what may be considered a political direction. Seventy-five percent has gone to the districts of Democratic Congressmen. That, I think, should concern people, because a majority of the citizens of this country have elected their representatives to be Republicans. It is not fair that the money be distributed just to the Democrats.

They made very, very poor funding decisions. They funded programs that are arcane, bureaucratic, bizarre, and often just plain silly, and not supporting funding for programs that are worthy and needy.

In my hometown of Mobile, AL, we have an opera that celebrated its fiftieth anniversary a few years ago. A group of citizens who love the music and fine arts came together and formed that organization. It received a paltry $4,000 from the National Endowment for the Arts, whereas, as Senator ASHCROFT so eloquently talked about yesterday, this organization gave $1,500 to a poem consisting of one word—L-I-G-H-G-H-T. I don't know what it says or what language it is but they spent that much, and we only got $4,000 for an opera that does outstanding work in our community.

The opera in Mobile performs works that I think anyone can support, "La Boheme," and "Pirates of Penzance," one of my favorites, just last year. In "Pirates" I recall the great phrase, he is the very model of a modern major general, he knows all things, agricultural, chemical and mineral, but he didn't know how to fight a war. That was a good lesson. Arts do teach us. We learn from those kind of things.

I am not against art. I think we can do a better job of supporting. I am willing to support arts funding. This bill represents a huge infusion of money into the arts community all over America in virtually every State.

Look at this: Alabama goes from $750,000 to $1.6 million, a $900,000 increase; Alaska shows a $50,000 increase; Arizona, a $600,000 increase; Arkansas, a $770,000 increase; California, a $1 million increase; Colorado, a $97,000 increase; Connecticut, a $127,000 increase; Delaware, a $152,000 increase; Washington, DC, $1.8 million reduction. Washington, DC, has money already funded for the National Gallery of Art, the Kennedy Center, and many other activities in this community by this body.

Madam President, I say that art is valuable. Good art does uplift. All of us who care about a greater America should support the arts. We should support fine arts. But just as good art uplifts, poor art can demean and undermine the qualities of a great Nation.

Too often, this organization has supported art that is not healthy, "art from the gutter," as has been said. Just this past year, as was demonstrated on "Dateline" with Jane Pauley this summer, a special on the National Endowment for the Arts showed explicit homosexual activities on the screen using a $31,000 grant by the National Endowment for the Arts.

One of the reasons they say they want to remain in existence is because they helped set the standard, they are the Good Housekeeping Seal of Approval. What kind of approval is that, for this Government to fund obscene and pornographic material with taxpayers' money, against and contrary to the basic and deepest decent views of the average citizen in our Nation?

Madam President, 45 States will get more. Our orchestras in virtually every State will get more. Our museums will get more. Our theaters will get more. Our folk art will have more opportunities for additional funding.

I submit this proposal answers all of the objections of the critics who say that we should continue to fund arts. It continues to fund arts at a greater degree than we have done before and eliminates the mismanagement that we have seen in Washington.

This is a good bill. I urge all my colleagues to support it. It is time to bring to an end an agency that has abused its power, who for year after year after year has come before this body and promised to do better but does not do so. It is time to bring that agency to an end and take the taxpayers' money and spend it wisely in real support of real art all over America.

Madam President, that concludes my remarks. I note that Senator JESSE HELMS, who voted to end all funding for the National Endowment for the Arts, also has expressed a wish to join in as a cosponsor to this amendment. I think that should be noted for the RECORD.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, how much time remains?

The PRESIDING OFFICER. There are 15 minutes remaining in opposition to the amendment. Senator HUTCHINSON has 3 minutes 33 seconds remaining on his side.

Mr. DODD. Madam President, I yield myself 7 minutes. If I need an additional minute or so, I may ask unanimous consent for that. Will the Chair notify me when 7 minutes have expired and maybe we can work something out here.

The PRESIDING OFFICER. The Chair will so advise the Senator.

Mr. DODD. Madam President, let me begin by expressing my appreciation to our colleagues who rejected the proposal to eliminate the National Endowment for the Arts in its entirety by a vote of 23 to 77. I think it was a good vote and a strong vote, one in which the Senate can take legitimate pride. I think that vote expresses the feelings of most of us here that the National Endowment for the Arts has been a very successful agency that has made a significant contribution, and continues to do so, to the vitality, health, well-being, and cultural heritage of our country.

I know it has been said that there have been examples cited of where NEA grants or subgrants or subcontracts over the years, from time to time have been given that have supported or produced or been involved with some productions of art that have been distasteful to many people in this country. I am not here to argue the merits or demerits of those particular cases. In fact, in several instances, I, too, was sort of stunned that certain productions were provided with that kind of financing and backing.

But I think it is important for everybody to understand and to put this into context, if we can. As I understand it now, since the creation of the National Endowment for the Arts, going back more than a quarter of a century ago, there have been over 100,000 grants that have been extended by the NEA. Of that 100,000, I am told, if you take all the controversial grants that have been given, the number is around 40 or 45 maybe. That, many would argue, goes beyond the ones that were the most controversial, which number in the single digits. I wanted to put that into perspective.

Mr. HUTCHINSON. Will the Senator yield for a question?

Mr. DODD. If I can just finish my remarks, I will be glad to yield at that time.

The reason I cite those statistics is I think it is important, as we look at these agencies, that we keep this in context. No agency is perfect. There have been questionable grants given by the Housing Administration, by the Defense Department, and by the Commerce Department. In fact, I would match up the total amount of grants given by the NEA, those that are controversial or distasteful, and compare that with almost any other agency of the Federal Government and compare their track record in terms of cases where there has been fraud, abuse, or waste of millions of dollars.

So nobody is standing here suggesting perfection at all. What we are arguing about is whether or not there is a legitimate purpose in having a National Endowment for the Arts, a federally chartered agency that tries to express the importance of the cultural contribution of the arts. I have often said to students in my State, or elsewhere, when this issue comes up—I think almost every grade school student can tell you the name of the artist who painted the roof of the Sistine Chapel. But I defy anybody to tell you who the Pope was at that time, or to name the Emperor of Rome. We don't remember the political figures throughout history, but artists have given us a definition, a signature, in many cases, of a generation or a time. Certainly, we have seen that in our country.

We define our own heritage by literature, art, and music. To have our Government, in a sense, speak to that and try to provide guidance, assistance, and support for areas of the country that would not otherwise get that assistance, I think is something we ought to build upon and perpetuate. We build stadiums for sports with taxpayers' money. These stadiums today can cost $100 or $115 million to house 30,000 or 40,000 people to watch a sporting event. The entire budget we are talking about here for the National Endowment for the Arts is $100 million for all 50 States, to support our cultural activities.

There has been a tremendous burst and blossoming of activities in the last 30 years in this country in the arts area. The number of nonprofit theaters has grown from fifty-six 30 years ago to over 400 in the country today. Orchestras have quadrupled in number, to over 200 in our Nation. Public arts agencies in small towns and cities have climbed to over 3,000 in the last 30 years.

Yet, today, we see another attempt here to try, in one way or another, to get rid of the agency, to either vote it out of existence or, with all due respect, to block grant the money to eliminate it. We also know that this very agency has been the one which has served as the impetus, the spark, if you will, that has aided in the flourishing of the arts we have seen over these past three decades.

With a deep commitment and a meager budget, the NEA has provided vital support to States, local communities, schools, artistic and cultural institutions, artists, and others for over 30 years.

While always limited, these dollars do make a difference. It is hard to leverage out of a block grant, if you will, the kind of private contributions NEA has been able to generate. So by removing the kind of programs that we have seen here and leaving things up to sort of the political vagaries, we leave this commitment that we have made over the years in great, great jeopardy.

Currently, 35 percent of the NEA's budget flows directly to the States—in effect, a block grant, if you will. I understand that the States deserve a role, but it needs to be a partnership with the Federal Government. The success of the NEA is rooted, obviously, in its national presence—once that is lost, I think we all lose in this country.

Why is the Federal leadership role important? First, I happen to believe that Federal leadership allows better access to the arts for all Americans. It assures all Americans, regardless of income or geography, that they will have access to the arts. Grants allow quality orchestras and theater groups to travel throughout the country. The NEA helps communities with few resources to develop local talent through exposure to operas, theaters, and orchestra groups.

Second, the NEA develops public-private partnerships that work. NEA grants, as I said a moment ago, help raise and leverage private dollars. Also, it is the prestige of an NEA grant that, on average, attracts money from other public and private funding sources. There is no guarantee that these same sources will risk supporting a festival or exhibit sponsored by an unknown State art council with no track record and without the stature of the NEA. In essence, NEA grants raise money; block grants do not.

Third, support for programs with a national impact is a goal and commitment of the NEA and can only be forwarded by an organization with resources and the kind of clout and prestige of a Federal agency. It puts us on record, as a Nation, that we stand and support these efforts.

The NEA supports such nationally important work as the Vietnam Veterans Memorial, or public television shows; these are national in scope not State by State, or community by community. We lose that if we don't have a national focus and direction.

National studies into the importance of arts education can be lost. Supporting American artists that represent the United States as a nation in cultural festivals overseas are supported by the NEA. Who is going to do this if we, in fact, distribute the resources around the country and lose the national presence of the National Endowment for the Arts?

The National Endowment for the Arts dollars go to regional projects—not just State and local ones—such as exhibiting the traditional folk arts of the Delaware Valley. Only the NEA, as a fully funded Federal agency, can garner the resources and provide the leadership for such nationally important work.

Fourth, NEA dollars receive economic returns. These dollars create $37 billion in national economic activity, and $1 billion alone in my home State of Connecticut. Grants spur economic activity throughout the country. NEA grants generate tourism, stimulate business development, drive urban renewal and contribute to our Nation's economic vitality. Over 1.3 million jobs are supported by the arts.

Finally, the NEA is a leader. The NEA provides cultural leadership for the Nation in such areas as education, crime prevention initiatives, city design, public arts, and preservation of the Nation's cultural heritage.

By giving the majority of funds to the States, by cutting out the so-called middleman here in Washington, you are not helping, necessarily, the local artist, the local orchestra, or the local theater. In many cases, I suggest that you are actually hurting them.

The NEA is the keystone here. Once removed, I think we all lose.

Mr. President, the arts adds to our culture, to our Nation and our economy. I believe it is time that we look for a source of funding, in addition to Federal funds, to maintain the NEA's vital role.

Our colleague from Alaska, Senator STEVENS, has a proposal—a sense-of-the-Senate resolution—that we conduct some extensive hearings in the coming Congress to look at ways in which we might supplement the Federal funding for the NEA. It is time we do more to ensure the future viability of the NEA and the NEH.

I am looking at a way in which we might get beyond the debate, and create a true endowment to supplement federal funds. I suggest looking into an innovative way to create this true endowment. I propose tapping revenue from a copyright extension to fund this true endowment. My idea is to extend, or rather to terminate the copyright period—whatever it may be, 50 70, or 90 years—that there be a period of say 20 years after that period in which the Government would auction off these copyrights. Individuals would bid on the copyrights. And the resources that came in from the bids would support a national arts endowment, a true endowment. But this would allow one generation of artists supporting future generations; in a sense, a true endowment.

This is no endowment. I don't know why we call this a National Endowment for the Arts. It is not an endowment. It is an appropriations that we have year in and year out. The idea of a true endowment is not a perfect one at all. But it would be a way of us getting away, if you will, from the constant battle of appropriations to a way of having the arts in effect generate revenues.

You may not get much immediately. But I suspect with all the technology that is being developed—the preservation, the ability to preserve works of art and many art forms emerging—that in the 21st century, long after all of us are gone, there might be a substantial amount of revenues that would be generated to support arts activities in the country.

I raise the idea of a true endowment as a mere suggestion and I hope the Senate will look into the suggestion. It is time to endow the NEA and the NEH with a future and secure a national cultural endowment for generations to come.

With that, I thank my colleagues for their patience in listening. But I know my colleague from Arkansas wanted to raise a question. I would be glad to at least try to respond.

Mr. HUTCHINSON. First, I commend the Senator from Connecticut for his creative and innovative ideas on how we might truly have endowment of the arts. I hope that everyone understands on both sides of this debate that there is support for funding for the arts. The issue is the National Endowment—the so-called National Endowment for the Arts.

As I have listened to the proponents of the NEA, I have heard glowing commendations and glowing reports about arts in America. But what I have failed to hear anyone respond to—and the question I would pose to the Senator from Connecticut—is the very I think deplorable record that the NEA has established, both in its administrative costs and over 18 cents on the dollar, by a nickel more per dollar, than the National Endowment for the Humanities, or other Federal agencies.

The inspector general, who, in conducting his grantee audits from 1991 to 1996, found that absolutely deplorable record of audits, a lack of accountability without knowledge of where the money was going, who was spending it, who was receiving it. It is that kind of slipshod management that has put a question mark over I think the future of the NEA. And when we talk about funding for the arts, only 5 percent of the Federal involvement in the arts at the Federal level is the NEA. There are literally hundreds of billions of dollars being spent at the Federal level in support of various arts programs and other agencies and departments. It is not a matter of pulling out the Federal role in arts.

I would welcome the response.

Mr. DODD. If my colleague would give me a chance to respond to the question, he raises the issue in the committees. He is not just raising it here on the floor.

First, let me—I should have mentioned these in my remarks—comment here. I happen to believe that Jane Alexander has done a brilliant job at NEA—a remarkable individual, truly a national treasure. I recall the specific questions being raised about these issues. Certainly legitimate questions should be raised about how well an agency functions, whether or not we are getting much for the dollar for the purposes intended, or how much gets consumed by administrative costs. I think that is a legitimate question raised in ways in which we make an agency function better. Certainly we have seen this administration focus a great deal of its attention on so-called "reinvention of Government"—trying to streamline 180,000 fewer jobs at the Federal level, and fewer pages of Federal regulations. I think we all applaud that.

I think it is a legitimate issue to look to see how we can make this agency perform better so that the American people will be the greater beneficiary, if you will, of the role of and the purpose of the NEA. But I would respectfully say to my colleague from Arkansas, as legitimate as those questions are, it seems to me that we ought not to try to eliminate in effect, through either block grant or total elimination, a Federal agency that has played such a critical role in giving national voice, as I said earlier, to the arts efforts, not to mention regional aspects, and the like. My fear is that, of course, by doing this through a block grant we would achieve just that—rather than an appropriate examination of how we can make the NEA work better, respond better, reduce its overhead costs so that more of those dollars will actually reach the artists, the communities, and the artistic efforts that we all would like to see happen. That is my concern here. We seem to be saying that no matter what you try to do, there is nothing that could be done here—that there is no way whatsoever to make this agency work better. I believe there are ways. I think Jane Alexander has certainly demonstrated that over the last several years under her leadership.

So, I urge that, rather than discarding in a sense de facto—that would be the result here—with all due respect the NEA, we ought to look at ways in which the Senator might suggest how we can improve the NEA's performance rather than certainly suggesting its elimination.

My colleague I see may have another question.

Mr. HUTCHINSON. No. I was going to inquire of the Chair the amount of time left in this debate.

The PRESIDING OFFICER. The Senator from Arkansas controls 2 minutes. The Senator from Connecticut controls 15 seconds.

Mr. DODD. Madam President, if I may, I still have the floor.

Mr. GORTON. Will the Senator yield? I would like for Members to have more time, if I may.

Mr. DODD. I yield for the purposes of making a request.

Mr. GORTON. Madam President, we have until 7:30 before the vote. I think it would be appropriate to ask unanimous consent that the time between now and 7:30 be evenly divided between the two sides with the last 4 minutes devoted to the opponents and proponents using 2 minutes.

Mr. DODD. Reserving the right to object, I want to inquire of the leadership.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I ask unanimous consent that an article by Lewis Hyde that appeared in the Los Angeles Times, a MacArthur Fellow and Professor of Art and Politics at Kenyon College, that talks about concept and idea, that I mentioned in terms of establishing a true endowment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

USE COPYRIGHT EXTENSION TO ENDOW CREATIVITY

(By Lewis Hyde)

The mother lode of creative work from the early days of film and sound recording will soon begin to enter the public domain. This potentially enormous wealth could be used to support the community of artists and scholars from which it ultimately derives. But Congress is considering a bill that would essentially transfer the wealth from the public domain to the pockets of private corporations and individuals. It would be a serious loss if the decision to give the money away were not joined to the debate about how we support creativity.

A 1994 proposal from Sen. Christopher J. Dodd (D-Conn.) lays out an ingenious way to use the value of past intellectual property to support artists and scholars working today. The "Arts Endowing the Arts Act" would add 20 years to the term of copyright protection and use the income from those extra years to underwrite current creative work.

At present, U.S. copyright protects an individual's work for his or her lifetime, plus 50 years; corporations with works "made for hire" hold rights for 75 years. Under Dodd's proposal, at the end of each of these terms, the rights to an additional 20 years would be publicly auctioned, the proceeds going to build an endowment dedicated to the arts and humanities.

Sen. Orrin Hatch (R-Utah) is sponsoring a bill that would similarly extend the term of copyright for 10 years, but the proceeds of this windfall would go to current rights holders. Supporters of Hatch's bill point out that the European Union has directed its member states to unify their terms of copyright at "life plus 70 years," and they contend that many benefits would follow if we did the same, chief among them an increase in the U.S. balance of trade. They also contend that many countries follow "the rule of the shorter term" when foreign and local laws differ; thus, if the U.S. term is shorter, Americans would forfeit income they might otherwise have earned abroad.

None of these arguments holds up under scrutiny. The arithmetic doesn't make sense, for one thing. Corporations owning made-for-hire works currently hold copyrights for 75 years; under Hatch's bill, the term would run 95 years, a welcome change for ASCAP and the Motion Picture Assn, but not one that brings U.S. law into harmony with European law. To do that would mean reducing the work-for-hire term by five years, not adding 20 to it.

As for gains in the balance of payments or losses under the "rule of the shorter term," we should remember that Europeans are not the only consumers who would pay for this change. The bulk of the cost of this corporate handout would be borne by U.S. citizens, who would be obliged to continue paying royalties for works that would have otherwise become common property.

Since its beginnings in the 18th century, U.S. copyright law has sought to balance private gain and public good. If Congress now wants to change the terms of copyright, the crucial question to ask is not whether it would be harmonious with Europe's, but whether the constitutional mandate to balance private and public good would be upheld. The beauty of the Dodd proposal is that it not only addresses issues set in motion by Europe's longer term, but it does so without any theft from the public side of the scale. It adds a middle term between public and private, a transition period during which we designate as "the public" that community of artists and scholars whose calling already makes them the initial heirs of our cultural patrimony.

It would be best if the income from such a plan went to build endowments for the National Endowment for the Arts and the National Endowment for the Humanities so they might eventually be free of their reliance on congressional funding. For many years, supporters of the arts have sought some way in which the arts and humanities might benefit from their own streams of wealth, rather than having to go begging for tax dollars. The American creative community already has riches and income. It needs only institutions designed to translate some of that wealth into support for those who labor today to create the cultural riches that will be passed on tomorrow.

By extending copyright to help build the endowments, Congress can create such an institution. If, on the other hand, it extends copyright with no regard for the public domain, it will have done little more than sponsor a remarkable theft.

Mr. DODD. Second, I will conclude my remarks so others may have a chance to speak on this issue. In the reauthorization bill, which passed 14 to 4 by the Labor and Human Resources Committee, we adopted an amendment by our colleague that codifies the inspector general's recommendations that the Senator from Arkansas has identified before the committee today.

So that the suggestions that are being made are ones that we think ought to be made a part of making NEA perform better. That is a legitimate function of a congressional committee—to examine all of our agencies to determine how they can function better. We did that pretty overwhelmingly in the committee.

I commend my colleague for the amendment and the suggestion that codified those ideas.

Second, Mr. President, administrative costs were lower at the agency when, frankly, the appropriations were higher. You shrink a budget down and, of course, if you are trying to maintain a programmatic level, what can happen is you find your percentage costs rise with the shrinkage of dollars, so that more and more of it gets eaten up in administration. When we actually appropriated more for the NEA, those administrative costs were a lower percentage of the overall budget. Audit findings were from a group of grants recommended by the staff of the NEA for audit because of concerns about the grant administration, and they were not randomly selected, I might point out as well.

At any rate, Mr. President, just to make the final point on this from my perspective here, I think we ought to be celebrating the success of the agency. To have had 100,000 grants in 30 years with 40 controversial ones, I defy any other Federal agency to have a track record even remotely close to that record. Any other agency that provides grants to anyone, where they have had only 40 that fall into the category of controversial, that is a remarkable record and one I think we ought to applaud. We ought to be celebrating the National Endowment for the Arts and its contribution to our country and what it has stimulated, what it has brought to enrich our heritage, our culture, our time.

Someone was pointing out to me earlier today there was a great debate in the Congress over whether or not we ought to accept the library of Thomas Jefferson when he offered it to the United States. Of course, the successor of that it is the Library of Congress, but it was the Jefferson library that was offered. The debate was a raging debate, and some suggested we only ought to accept the Jefferson library if we extracted from it any books which spoke about atheism or other questions which were not mainstream or popular or certainly rejected the values of our society as a whole. It was a relatively close vote, but that idea was rejected and we bought the entire Jefferson library. Today, I think our Library of Congress and the contribution that Thomas Jefferson made is something all of us applaud.

We might find it even somewhat amusing today to have heard there was that kind of debate. I would suggest today that even with these highly controversial performances that people do not like, that offend them, we can focus on that if we want, but why not focus as well on the over 100,000 grants that have enriched our society, have brought a great wealth to this Nation, opportunities to people in areas of this Nation that never would have had that benefit.

My hope is that when our colleagues vote on this particular amendment, they will be mindful of that contribution, of this great success and of the great fortune we have as a Nation to have someone of Jane Alexander's abilities and background and qualities to help lead this agency, as sensitive as she is, listening to the concerns of any Member who cares to have her time in how to make this agency work better. I hope we would keep that in mind as we cast our votes, so future generations look back on this time and say that in this Congress at the close of the 20th century the Senate insisted, a majority of us here, to keep the National Endowment for the Arts, to prepare for the 21st century and to leave a legacy of riches, of cultural riches. We lose that, Mr. President, if we abandon this agency and turn this into a block grant.

Mr. President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). Who yields time to the Senator from Alabama?

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I yield such time as he might consume to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized. The Senator from Arkansas controls 8 minutes 20 seconds.

Mr. SESSIONS. I say to the eloquent Senator from Connecticut, to talk about retreating from the arts, this is not the appropriate argument here. We are talking about spending more money directly for the arts.

As he was talking, I did a quick look at how the State of Connecticut would fair under a block grant program, and they would go from $1,265,000 to $1,392,000, actually increase $128,000 in real moneys they can use for arts in the State of Connecticut. But I would also add, Connecticut is one of the wealthiest States, I think perhaps the wealthiest State in America. It is a State with a great tradition of arts, but I notice they received 28 grants last year totaling $1,059,000—28 grants, $1,059,000. Under our plan they would receive more money than that.

But let me tell you, I represent the people of the State of Alabama, and I have had three groups representing orchestras in my State in my office. I know of the great Shakespeare theater in Montgomery. I am aware of the opera and museums in Mobile. We have a great history of arts, too, but we received only 11—not 28. We received 11 grants at only $540,000, even though we have more people in the State of Alabama paying taxes to this country than they do in the State of Connecticut.

One of the real problems with this program is it has not allocated the money fairly. How can I support a program that takes money from taxpayers in Alabama to support the wealthiest States in art endeavors when we have art endeavors we are striving every day to enhance and improve?

Bureaucracies have never created art. Nothing of beauty has come out of a committee. It takes the intelligence and genius of individual citizens to do it. So I say it is the wrong approach to think that we can send money to Washington, DC, and that they can somehow decide how to nourish art. That is not the way it is going to happen. Let us put that money out into the States, to the arts councils of the States, and let them look at how they can contribute the money to those budding artists who need money, to those orchestras that need just that extra amount to keep their doors open, to assist those communities that are working hard to raise money to preserve folk art.

That is what we ought to be doing. I do not think there is any doubt about it. This is as clear a vote as I have ever seen in this Senate. The choice is clear. Do we send money to Washington to allow them to mismanage it and a bureaucracy to use almost 20 percent or do we send this money out to the arts councils around this Nation so they can use it to improve the operas and orchestras and museums of our States throughout our Nation? That is what we ought to do.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, the National Endowment for the Arts has been accused of elistism. But the true record of the Endowment is far different. It is a record of diversity, excellence, and outreach.

The Endowment has been supportive of national efforts of the Country Music Foundation. The Endowment supported their commission of the Thomas Hart Benton famous last painting "Sources of Country Music" through its Art in Public Places Program. The painting is on display, it has traveled the Southeast, and has been exhibited in a vast array of venues from the Hirshhorn Museum to the cafeteria of the Nissan Plant in Nashville, TN.

Another grant in the late 1970's catalyzed fundraising for a major country music discography of the early 78 rpm recordings from 1922 through the 1940's. The project is just being completed today.

Again, in the 1980's, the NEA supported an educational kit entitled "Tennessee Traditions" distributed to every public school in Tennessee. One of the components of the kit was a folk music tape.

Each year the Arts Endowment honors National Heritage Fellows. The fellows are from a wide variety of disciplines of the folk and traditional arts. Among the honorees this year are bluegrass musicians Jim and Jesse McReynolds of Tennessee; Gladys LeBlanc Clark who is a Cajun weaver from Louisiana; blacksmith Francis Whitaker from Carbondale, CO; Hystercine Rankin, a quilter from Lorman, MS; and Ramon Jose Lopex, a metalsmith from Santa Fe, NM.

These honorees will be honored next week at a White House ceremony and will perform and celebrate their work. The National Heritage Fellowships are the Nation's most prestigious recognition of accomplishment in the folk and traditional arts. And it is an NEA program.

Another traditional program that owes early and critical support to the NEA is the Cowboy Poets Festival. In the early 1980's Elko, NV, was chosen as the site for the Western Folklife Center. It was established in the center of the ranching community to celebrate its culture and folk traditions.

They approached the NEA for support when corporate sponsors and other funders were hard to come by. With NEA support in 1985, the first cowboys festival got underway, with about 60 poets and approximately 1,000 audience members.

Today, corporate supporters join the NEA to support the festival and the center and this year's festival welcomed 8,000 attendees.

Support for the folk and traditional arts continues at the Arts Endowment. This year the Endowment has funded the Southern Arts Federation's "Southern Connections," which is a 2-year training and touring program to support indigenous southern artists.

The Endowment also supported the West Virginia Folk Arts Apprenticeship program; the Creative Arts Guild of Dalton, GA; and the Alabama Folklife Association. The grant to Alabama will support the publication of documentation of primitive Baptist hymn singing through a publication, cassette recordings, and compact discs.

The Endowment also funded Appalshop, Inc., Roadside Theater in Whitesburg, KY. This grant will work with the theater and a consortium of the Performing Arts League/Prairie Mountain Players of Choteau, MT, and Community Connection of Austin, TX, to develop, test, and document a nationally applicable model for the creation of rural drama.

I hope that, as we debate the appropriate funding level for the National Endowment for the Arts, we can be fair about its record, and responsive to the overwhelming need across America for the programs that the Endowment supports.

In many ways, in so many communities, the NEA is a lifeline of financial stability.

I urge my colleagues to oppose the seemingly relentless attacks of the critics and support the record of the Endowment. Let's support full funding for this small, but worthy, Federal program.

Mrs. MURRAY. Mr. President, the following is an article written by Metropolitan King County Councilman Larry Philips of the fourth district and Metropolitan King County Councilwoman Louise Miller of the third district. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESS SHOULD EMBRACE INVESTMENT IN ARTS, CULTURE

(By Louise Miller and Larry Phillips)

"Democracy demands wisdom and vision in its citizens and * * * must therefore foster and support a form of education, and access to the arts and the humanities, designed to make people of all backgrounds * * * masters of their technology and not its unthinking servant."—The Declaration of Purpose for the National Foundation of the Arts and Humanities Act of 1965.

With the establishment of the National Endowment for the Arts (NEA) in 1965, our country has come a long way in achieving the ideal of access to and participation in the arts for all Americans. Today, that ideal is under attack.

There has been a movement in Congress to eliminate all public investment in the cultural activities of our nation, specifically, by targeting the NEA. Although funding for the NEA was recently restored by a Senate subcommittee after it had been eliminated by the House, the agency's future remains uncertain. In September, a joint committee of House and Senate members will negotiate the fate of the NEA and the investment we make in our arts and cultural heritage. Is the U.S. to be the only Western nation on earth not to fund its cultural legacy?

As elected leaders in King County, we firmly believe that the NEA is a critical investment that helps keep the arts alive and accessible for all residents in our nation and, closer to home, in King County. Why is the NEA so important? With the NEA's support, the King County Arts Commission (KCAC) was created in 1967—the nation's first county arts commission. Since then, an entire "cultural sector" has burgeoned in our region, stimulating a stronger economy, enriching our quality of life and enhancing education in the arts.

Vital arts organizations and active participation in the arts are increasingly essential to our regional economy. Not only do the arts contribute to our quality of life in the Northwest, but they also generate over $180 million annually to our economy, according to a Corporate Council on the Arts 1992 economic impact study. In addition, cultural tourism means big business to our area. When the Seattle Opera presents Wagner's Ring Cycle, it attracts an audience from all 50 states and 18 countries.

Opponents of the NEA state that the arts should be funded exclusively through private contributions. This demonstrates a lack of understanding about arts funding. Many private organizations will not make a financial donation to an artist or arts organization unless they have also received grant funding from the NEA or their state or local arts agency. Donations by private corporations, foundations and individuals cannot fill the financial gap that would be created if the NEA were eliminated. In other words, the small percentage of funds contributed by the NEA and public agencies is essential in order for nonprofit arts organizations to leverage donations from private sources.

Critics of the NEA have questioned the value of the artwork that has received NEA funds. Let's look at the real picture. In the last three years, over 40 local and regional arts organizations have received $3.1 million in direct NEA grants (equal to about 1 percent of their combined operating budgets). Who are these organizations? They range from major ones like the Seattle Symphony, the Seattle Opera and the Seattle Repertory Theater, so suburban groups like the Village Theater in Issaquah and the Vashon Allied Arts, to youth-centered organizations including the Seattle Youth Symphony Orchestra, the Northwest Girlchoir and Seattle Children's Theater.

These organizations reflect the rich diversity of our community and the best work of our finest artists. More importantly, the grant funding helps ensure that the arts—and all the enrichment and joy that they bring—are affordable for the families and young people of our region. A requirement for an arts organization that receives grant funding is to broaden public access to the arts. That may be in the form of reduced ticket prices or special performances for school groups.

Another good example of local NEA support is this year's inaugural season of the King County Performance Network, a collaboration between the KCAC and 14 suburban arts agencies. A $60,000 grant from the NEA to the KCAC will help bring outstanding dance ensembles to under-served suburban communities from Redmond to Federal Way beginning Sept. 6. The Performance Network is a good example of the vast majority of projects supported by the NEA: It brings art into the lives of those who may not otherwise have the opportunity.

The success of the arts in our region is the result of a strong partnership among the NEA, more than two dozen local governments and nonprofit arts agencies, hundreds of businesses and foundations, and thousands of private citizens. Thanks to this partnership, King County residents enjoy one of the highest cultural participation rates per capita in the nation. With the full participation of the NEA, that partnership is threatened, and the rich cultural environment of our nation and King County will be severely undermined.

As we celebrate 30 years of public support of the arts, we strongly believe that public investment for culture and the arts should be strengthened and valued. The partnership we have enjoyed for nearly a generation should be preserved so that today's and tomorrow's citizens may enjoy the cultural heritage and traditions of our region and our nation. As we look toward the future, the county pledges to continue its mission to raise the standard of artistic accomplishment in King County and to broaden cultural opportunities for all our citizens, not merely those who can afford it. Congress should do the same.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, I will yield myself such time as is controlled by the opponents of the amendment.

The PRESIDING OFFICER. There is 3 minutes and 40 seconds controlled by those in opposition. The Senator from Rhode Island is recognized for such time.

Mr. REED. I thank the Chair.

I rise in strong support of the arts. Earlier this afternoon, we were able to fend off a frontal assault on the National Endowment by the Ashcroft amendment. Today we are debating two amendments that would also do great damage to the National Endowment for the Arts.

I come to this position with I think a very special standing because I have succeeded Senator Claiborne Pell, who was one of the architects of the National Endowment for the Arts. Senator Pell recognized that centuries from now this Nation would be recognized far more for its contribution to the human spirit than perhaps anything else. And through his efforts, the National Endowment was created and through the efforts of the National Endowment theater, ballet, and opera has spread throughout this country.

One of the fallacies I think that is found in the argument of my colleagues is that the States are quite capable of doing this, they are ready to do this. But the reality is that before the National Endowment for the Arts there was not much art throughout many parts of this country, that there were not as there is today opera companies throughout America and theater companies. In fact, if the National Endowment for the Arts is eliminated, if this is put into a block grant, I fear, and I think I fear with very, very good evidence, that what will happen is a shriveling of the arts in America.

Many of us have been in State government. We know that there is no monopoly on great wisdom or aesthetic sensibility at the State level, no more so than at the Federal level. We know that this money might be ill used. But we also know that it will be subject to a much more narrower and parochial focus. We have within the National Endowment a national vision, a national vision, though, that acts through local individuals, and that is what is critical also.

The National Endowment is not running a great national theater here in Washington exclusively. But what it is doing is reaching into every corner of America and giving people an opportunity to appreciate and participate in the arts. In my home State of Rhode Island, we have theater companies that are supported by the NEA. We have educational programs that allow young children to witness the arts. Indeed, the first time I ever saw a play was as a grammar school student in Cranston, RI, when I went to see the Trinity Repertory Company, supported by the National Endowment, by Federal support, put on "Saint Joan" by George Bernard Shaw. That was a moving experience. And that experience is replicated every day throughout this country because of the National Endowment.

In addition to contributing to the artistic quality of America, this agency has generated tremendous economic development and progress throughout the country. In my own State, its contribution to the arts has been multiplied in terms of the economic effect. Providence, particularly, has become a city that is proud of our arts, that has thriving companies that need the National Endowment, not just for aesthetic reasons but for good, solid economic reasons. And by eliminating the National Endowment, or by block granting its funds, we will, I think, dissipate that energy, that enthusiasm, and that achievement we have seen today.

The arts are not only a source of pleasure, but in many cases a source of great economic progress, particularly in my home State of Rhode Island. So, for many, many reasons, I believe that these amendments, while well intentioned, will undercut what is a strong national policy to support the arts.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Arkansas.

Mr. HUTCHINSON. May I inquire how much time opponents of the amendment have remaining?

The PRESIDING OFFICER. The time of the opponents has expired. The proponents control 4 minutes 45 seconds.

Mr. HUTCHINSON. Mr. President, I will take just a few minutes that we have remaining to respond to some of the statements made by the opponents of the amendment. I remind Senator REED, incidentally, the State of Rhode Island would gain $123,000 in additional funds for arts spending in Rhode Island under the block grant amendment that Senator SESSIONS and myself have offered. I remind each Senator that they can check on their desks here in the Senate Chamber exactly how much, but 45 States will receive more funds under this amendment to support the arts within their own States.

I was interested that Senator REED spoke of the shriveling of the arts. If we take this pittance, this relative pittance, in view of the Federal budget, of $100 million and we remove that National Endowment funding, that national entity, that somehow the arts in this country would begin to shrivel. I think, in all due respect, the Senator from Rhode Island underestimates the American people, underestimates the arts community in the United States, and underestimates how much the arts flourish today without a huge injection of Federal funds.

As an example, the Metropolitan Opera, which has a total income of $133 million, the Lyric Opera, which has an annual income of $37 million, the Boston Symphony, which has an annual income of $43 million, and the Art Institute of Chicago, which has an annual income of $96 million—all of them receiving NEA grants. Most of these wealthy organizations experienced significant cuts in NEA funding in the last 2 years. Yet, in spite of those cuts in NEA funding, each one reported dramatic increases in total income in 1996. The point being that even as funding cuts in the NEA have occurred, arts in this country have continued to flourish.

But I will tell you what is offensive to me. What is offensive to me is that the Metropolitan Opera is getting an NEA grant. What is offensive to me is the Boston Symphony, with a $43 million income, is getting an NEA grant, while the Opera Theater in Wildwood, in Little Rock, AR, got $4,000. The mission of the NEA was to broadly increase access to the arts. That is not what is happening. Mr. President, 85 percent of the grantees in the last fiscal year have been previous recipients of NEA funds. That is not increasing access to the arts.

So I suggest that, if we really care about the arts, removing the Washington bureaucracy, sending the money to the States, allowing those closest to the people to make those decisions, will be far wiser and far more productive for arts in this country.

I have raised great issues as to the priorities of the National Endowment, the decisions they are making. The State of Arkansas—you know, I heard Senator DODD. I have the greatest respect for him.

Mr. REED. Will the Senator yield?

Mr. HUTCHINSON. I will be glad to yield, but let me finish my point. I have the greatest respect for Senator DODD, but he spoke of, "Let's not concentrate on the few bad grants, let's concentrate on the 100,000 good grants." When he said that, I thought about Arkansas, because we got one last year. We made 12 applications and we received 1, for the Arts Council in Arkansas.

So I have great questions about the priorities. In Arkansas, the NEA spent 17 cents for every man, woman and child in Arkansas; 17 cents. In New York State the NEA spent $1 for every man, woman and child in New York State.

I'm sorry, everybody says, "Give the NEA a chance." We have given them chance after chance after chance. Year after year these objections and these concerns have been raised. We see no reform. We see no change. Instead we see arrogant elitism. And I say it is time to end the NEA. Don't end support for the arts—no. But end this Washington bureaucracy, send that money back so Rhode Island will have another $123,000, so Arkansas will have another $700,000, so Alabama will have another half-million dollars, so the States all over this country can do more for those artists, for those schoolchildren who, too often, fall through the cracks.

I believe that the amendment that we have offered makes eminent common sense.

I will be glad to yield to the Senator from Rhode Island.

Mr. REED. I would say you have trotted out some impressive statistics about income as a measure of the wealth of these artistic enterprises like the Metropolitan, but the other side of the equation is their cost. Many of these institutions, even the famous ones, find it very difficult to make ends meet.

Mr. HUTCHINSON. Reclaiming my time, I will just say, if you check each one of these institutions, they are well endowed, they have good support and good sources of income and the dependence upon any kind of NEA grant, I think, is simply not justifiable. If you are looking at the Boston Symphony, the Art Institute of Chicago, with the kind of support base that they have, and compare them——

AMENDMENT NO. 1206

The PRESIDING OFFICER. All time has expired on this amendment.

We will now proceed with amendment No. 1206, the Abraham amendment. By previous agreed-upon order, there will be 2 minutes of debate equally divided between the sides. Who seeks recognition? The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I will quickly summarize. My amendment is designed to accomplish two things: To begin an effort to privatize the NEA so it can be as large as it wants to be and as liberated from the strings which Congress has attached to it as it wants to be. I believe this is feasible and I think it would take away from us, finally and once and for all, this ongoing debate between obscenity and censorship. Let the arts be free and creative and at the discretion of an independent entity. At the same time, my amendment would provide new funding to try to maintain and restore such treasures as the Star Spangled Banner, the works of our great composers, Presidential papers, Ellis Island, and Mount Rushmore.

By moving in this direction, if my amendment passes, I will be offering a sense-of-the-Senate amendment which would incorporate the privatization concept, and then begin working on a variety of mechanisms by which I believe we in Congress can legislatively assist a private entity to thrive and be successful.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the National Endowment for the Arts has served this Nation well for many, many years. There are things that we can do to improve its performance, but the wholesale scuttling of the National Endowment would, I think, be a mistake. I believe that we can make improvements but we cannot give up the vision of a national agency which reaches into every corner of this country to encourage and inspire the artistic excellence of the American people. By supporting the NEA, we can accomplish that. I believe these amendments would disrupt that support, and, therefore, I oppose them and request that my colleagues oppose them.

I yield back my time.

The PRESIDING OFFICER. All time has expired.

Mr. ABRAHAM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 1206. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. GRAMM. I announce that the Senator from Arizona [Mr. MCCAIN], is necessarily absent.

The result was announced, yeas 26, nays 73, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—26

Abraham
Allard
Ashcroft
Brownback
Coats
Coverdell
Enzi
Faircloth
Frist
Gramm
Grams
Hagel
Helms
Hutchinson
Inhofe
Kyl
Lott
Mack
McConnell
Nickles
Roberts
Sessions
Shelby
Smith (NH)
Thompson
Thurmond

NAYS—73

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Smith (OR)
Snowe
Specter
Stevens
Thomas
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—1

McCain

The amendment (No. 1206) was rejected.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. In just a few minutes I will propound a unanimous-consent request. I had hoped we would be able to finish the interior appropriations bill by tonight. We have not been able to do so because of a number of conflicts and amendments that have been offered.

Senator DASCHLE and I have tried to move it along and we have not been able to do so yet. I understand that Senators still have some amendments they would like to offer. We have one more vote pending tonight which has already been called for.

I believe the next amendment then would be the Hutchinson amendment. I will ask unanimous consent that we have a time limit of about 20 minutes, and that we do that vote at 9:30 in the morning. I will also ask that we get a list of amendments tonight to see what we are dealing with, to begin to close this out. I don't think we have that many problems, but because of the length of time that we have put into the amendments we have already voted on, a number of Senators would like to see this list and work through it in the morning.

Again, I hope we can work together to get it done. We could have as many as five votes tonight—could have. You know, one of these days we may have to do that. But in view of the circumstances, since we seem to be contributing to some of the problems, and everybody has tried to work in good faith, I think the better part of valor tonight would be to have this one last vote and get the UC, and we would begin votes again in the morning. Is there any comment on that from the minority leader?

Mr. DASCHLE. Mr. President, I appreciate the majority leader's consideration of schedules. I do hope that all Senators will cooperate. We have had good debate on the NEA and I hope we can get it behind us. We have a lot of other issues and they all deserve some consideration.

I hope we can create a finite list tonight and reach some agreement about what that list is so that we can complete our work, hopefully, tomorrow. So I ask for the cooperation of all of our colleagues on my side of the aisle in an effort to get that finite list so we can continue our work and, hopefully, complete it by the end of the day tomorrow.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that, following the amendment remaining to be voted on, the next amendment in order to the Interior appropriations bill be the Hutchinson amendment, and that the vote on that would occur at—we would begin debate at 9:30 in the morning with 20 minutes, equally divided, before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that, following the amendments, we have a list that would be the only remaining amendments in order to the Interior appropriations bill, and that they be offered in the first or second degree on this list.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, in light of that somewhat haphazard unanimous consent request, there will be no further votes tonight. Members are urged to get their amendments offered. We will begin voting at 9:30 a.m.

I yield the floor.

AMENDMENT NO. 1187

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, on amendment No. 1187, the Hutchinson amendment, which had been previously agreed to.

Who yields time?

Mr. HUTCHINSON. Mr. President, I thank Senator SESSIONS, Senator ASHCROFT, and Senator ABRAHAM for their work on behalf of this amendment. It does not change the appropriations for the arts; it is $100 million, block granted to the States. There is a chart down in the well. Everybody has seen what their State will do. Forty-five States will have more resources for arts funding under this amendment.

The National Endowment has simply failed on their mission to broaden public access to the arts. One-third of the congressional districts in this country get zero from the National Endowment for the Arts. One-third of the funding of the NEA goes to six cities. This is unfair.

The issue is simply local control. The issue is more resources for art. I ask my fellow Senators to say "yes" to more resources for art and to say "no" to Washington bureaucrats and support this amendment. It means more money for your States to help on those local arts projects.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time in opposition? Is all time yielded back?

All time is yielded back.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. GRAMM. I announce that the Senator from Arizona [Mr. MCCAIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—37

Abraham
Allard
Ashcroft
Breaux
Brownback
Burns
Coats
Coverdell
Craig
DeWine
Enzi
Faircloth
Frist
Gramm
Grassley
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Robb
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Thomas
Thompson
Thurmond

NAYS—62

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
D'Amato
Daschle
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grams
Gregg
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Rockefeller
Roth
Sarbanes
Smith (OR)
Snowe
Specter
Stevens
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—1

McCain

The amendment (No. 1187) was rejected.

AMENDMENT NO. 1204

Mr. BROWNBACK. Mr. President, I call up amendment No. 1204.

The PRESIDING OFFICER. Amendment No. 1204 is before the Senate.

Mr. BROWNBACK. Mr. President, this is an amendment that basically seeks to preserve tribal Indian land as a cemetery and burial ground in Kansas City, KA. It is a very contentious issue there. But this is and has been an Indian burial ground since 1855. There are plans to put a casino on it now. This is being contested. But clearly the land should remain a tribal ancestral land. We put forth this amendment to do that.

I believe we have consent from all sides and all parties for this amendment to be agreed to.

I would like to yield to the Senator from Colorado for a brief statement in that regard.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, thank you.

Mr. President, I appreciate the time, and my colleague from Kansas allowing me to speak to this a little bit today.

Yesterday, we had a very extended debate here on the floor of the Senate, and several of us took the opportunity to address this Nation's shameful history in its dealings with American Indians. One of the areas that is the most shameful is the history of failing to abide by its treaties and agreements with native tribes.

This country, as you know, Mr. President, coming from a State that has so many Indian tribes, has had very little respect for the lands and rights of aboriginal people, including the rights of the Wyandotte Tribe in question today.

For example, in 1966 the Congress enacted a law requiring the Wyandotte cemetery be transferred and sold. That law is still on the books, fortunately. The tribe, however, opposed the action and the cemetery was not sold. In this respect, the tribe was seeking to preserve its burial site, culture, and history at a time when the United States was ignoring the tribe's rights.

Frankly, Mr. President, being the chairman of the Committee on Indian Affairs, I find nothing more distasteful to me than to referee intertribal fights. Those disagreements often pit family against family, brother against brother, sister against sister. But I feel compelled to speak out in support of the Brownback amendment today.

Let me try and ferret through this as I understand it. We have two tribes linked by culture, linked by history, linked genetically, probably linguistically, too. The Oklahoma Wyandottes have trust title, although this is being contested as I understand in Federal court and also being dealt with in the Department of the Interior.

The focal point is a cemetery. The Indians that have control of the cemetery, i.e., they have kept it up and taken care of it, are the Kansas Wyandottes. This cemetery, as Senator BROWNBACK has said, has been a burial place for predominantly Indians ever since 1855, 140 years.

Now, the Oklahoma Wyandottes want to build a casino on this cemetery. That in itself is very interesting to me, Mr. President, because those of us who live on reservations, who come from Indian country, we have known literally since childhood the reverence, the feeling that Indians have about burial places. Most of the time, regardless of years, they don't call them cemeteries. They call them holy places or burial places. They consider them places that should be undisturbed, treated with reverence, and very seriously. I pity the construction company that would ever try to build a high rise or a roadway or something of that nature through an Indian burial ground because they do have laws on the books, we have laws on the books right now dealing with Indian burial places that prevent construction in those areas.

Well, very simply, Mr. President, just because they are Indian, they can't have it both ways, and it would seem to me there are many questions that are left unanswered if we try to make a policy change on an appropriations bill. For instance, we have not, to my knowledge, heard from the State of Kansas. Under the 1988 IGRA any tribe that wants to build a casino or open a casino within a State has to reach some kind of understanding with the State, not to exceed the State law in non-Indian owned casinos. To my knowledge, they have not done this. We have not heard, to my knowledge, from anybody at Huron who would be affected. We haven't heard from people in the local communities, the citizens who are going to be affected or the mayor of Kansas City. We simply do not know, if we do pass this into law, how it would affect the ongoing litigation. I simply think it is the wrong vehicle.

Now, I am not familiar beyond that with the circumstances of this case, but I think that we could be doing ourselves a disservice by not having the supporters of this, that is, the opponents of the Brownback amendment, bring it forward as a legislative piece of paper where we can deal with it in legislative committees. I am not aware of any bill being introduced to that effect either.

So I would go on record, Mr. President, as saying that my feeling from a historical and cultural standpoint is this should continue to be used what it was originally used for, and that's basically what the Brownback amendment does. But no Congress is bound by the action of a previous Congress. We all know that. So if at later date a future Congress, whether it is the 106th, the 108th or whatever, feels it should reverse that because of something we don't know and do it by legislative action, then that's the way it should be done.

Now, they tell me that the Wyandottes of Oklahoma were only informed as late as last week of the Brownback amendment, but by the same token many supporters of the Brownback amendment didn't know of the original language in this bill until the last couple of days. So I think they are on a level playing field from that standpoint.

With that, Mr. President, I simply say I hope my colleagues would support the Brownback amendment. I yield the floor. I thank you.

Mr. INOUYE. Mr. President, as the vice chairman of the Committee on Indian Affairs, I feel that I must object to this amendment.

However meritorious its intent may be, it seems to me that there are serious legal ramifications to the proposal that we have not had an opportunity to evaluate.

As Americans, we have come to rely on the constitutional protections that are accorded to property rights under the law.

One of those rights is to be free in the use and enjoyment of our property—provided of course that our uses of property do not present any danger to the health or safety of the public.

Even when land is held in trust by the United States for an Indian tribe, the principal restriction on the use of trust property is a restriction against alienation.

In the modern era of self-governance and self-determination, this Government has long since abandoned the paternalistic stance of dictating to the tribes the details of everyday life on reservations.

The principle which informs the fifth amendment to our Constitution—that there will be no taking of property without just compensation—is precisely why we have spent so much time debating the issue of federally imposed land restrictions in the Congress.

The Wyandotte Tribe of Oklahoma has owned the Huron cemetery—held beneficial title to the Huron cemetery as a function of an 1867 treaty—for 130 years.

And yet today, without the benefit of a hearing or any public consideration—and importantly—without the benefit of any consultation with the Wyandotte Tribe of Oklahoma, we are being asked to impose a restriction on the tribe's use of its own land.

Mr. President, I am not aware that there is any emergency at stake here.

I know of no reason why we must take this precipitous action on an appropriations bill.

I believe if the good gentleman from Kansas were to introduce his amendment as authorizing legislation, we could all have the benefit of the kind of information that can be gathered in a formal hearing.

We could be apprised of what legal liabilities may flow from the proposed amendment.

The Wyandotte Tribe of Oklahoma can be afforded the due process of law which our Constitution guarantees to all Americans, before the Senate of the United States decides to dictate to this tribe, the manner in which it can use its property.

Mr. President, I would be remiss if I were to fail to seize this opportunity to suggest that were we to adopt this amendment without the benefit of any hearings or any assessment of its impact—both as a legal matter and as a matter of policy—we will be establishing a precedent that we ought to think very carefully about.

Are we going to vest ourselves with the responsibility of micro-managing the use of tribal lands across this Nation—50 million acres of land?

Are we going to return to the days when this Government told the Indians that we were the "Great White Father"—and we would decide what was best for them?

I, for one, will not go down that road, and I hope that my colleagues will not do so either, until and unless, there is some overwhelming and compelling reason for doing do.

Personally, I don't believe that the use of the Huron cemetery by the Wyandotte Tribe of Oklahoma presents that compelling a case—nor do I know why we would or should address this matter today.

Mr. President, let us proceed cautiously and deliberately, as the American public desires us to do—let us examine carefully what is at issue, and take action, only after we have done so, and only after we are informed of all of the facts.

The PRESIDING OFFICER (Mr. COATS). Is there further debate on the amendment?

Mr. BROWNBACK. I urge adoption of the amendment, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment (No. 1204) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDIAN PROVISIONS

Mrs. BOXER. I am delighted that a compromise was reached yesterday on Sections 118 and 120 to the Interior Appropriations bill. As a Senator for California and as a citizen, I am greatly relieved that these two provisions will no longer endanger the rights of our Nation's Indian tribes.

Sections 118 and 120 would have directly violated the bargain struck between the United States and Indian tribes over a century ago. In hundreds of treaties, the United States agreed to make payments to Indian tribes in exchange for nearly 100 million acres of tribal lands. Section 118, which would have imposed a means test on these payments, violates both the letter and the spirit of these contracts. The result would have been to impose a penalty against tribal governments for improving services for their citizens and trying to achieve self-sufficiency.

Section 120 would have gone even further in violating the promises the United States made to the tribes. It would have required tribes to choose between the payments promised to them and their inherent right to sovereign immunity, a right acknowledged in the United States Constitution.

The United States has a long history of recognizing tribes as sovereign entities. As early as 1895, the United States Court of Appeals for the 8th Circuit ruled that tribal sovereign immunity from lawsuit is analogous to state sovereign immunity, which is protected by the 11th Amendment to the Constitution. Section 120 would have ignored this history and stripped tribes of their Constitutional right to sovereign immunity without due process.

Sections 118 and 120 would have also significantly undermined the efforts of our Indian tribes to improve the quality of life for their people. Tribal Priority Allocations are funds targeted at addressing the most critical areas of need among our Nation's Native Americans. Without these funds, many tribes would be unable to pay for essential services, such as public schools, health care, social services, law enforcement, and road maintenance.

Ironically, Section 120 would not have affected the few tribes that are economically able to forgo Federal funding. Only the most dependent tribes, those suffering most from poverty, would have been forced to trade their sovereign status for Federal support they desperately need to survive. The effect would have been the creation of two disparate classes of tribes, those who could afford to be sovereign and those who could not.

Sections 118 and 120 would have had a particularly harmful effect in my State. In California, there are 104 federally recognized tribes, and over 250,000 Native Americans, who would be financially and emotionally devastated had this provision become law. The vast majority of tribes desperately need Federal funds for daily survival. One third of all Native Americans live below the poverty level. Nearly half of all Native Americans living on reservations are unemployed. Of those who do work, almost a third earn less than $7,000 per year. Those Indian businesses that are experiencing any measure of success are just now beginning to create jobs and economic opportunity. To take away funding now for essential services like public schools and health care would have destroyed any chance for self-sufficiency for many tribes.

We must also keep in mind the potentially devastating effect Section 120 would have had on our Federal courts. Our Federal court system is already severely overburdened, a situation magnified by the 97 vacancies that plague our Federal judiciary. Chief Judge Proctor Hug of the Ninth Circuit Court of Appeals recently reported that he was forced to cancel more than 600 civil cases due to the shortage of judges. This already overburdened system could not absorb the thousands of cases that would have potentially flooded our Federal courts had tribes been stripped of their sovereign immunity. At a minimum, such a far-reaching proposal should be subject to the careful, deliberative process of the proper authorizing committees.

For all of these reasons, I was, and continue to be, strongly opposed to Sections 118 and 120 and I am happy to see them removed from the bill.

Mrs. MURRAY. Mr. President, I rise in support of the Interior appropriations bill. I commend the chairman and ranking member for developing a bill that provides a number of benefits to the people of the Nation and, particularly, the people of the Pacific Northwest. I want to highlight some of the bill's strengths and weaknesses.

FOREST ROAD POLICY

I voted in favor of the amendment offered by my colleague, Senator BRYAN, on forest road funding and purchaser road credits. I did so in response to the enormous outpouring of public opposition to the current road-building policies of the Forest Service. Everyplace I've gone in recent months, I have been approached by average citizens—not just environmental activists—and urged to slow new road construction and stop subsidies to timber companies. Editorial boards across my State and the Nation have said now is the time for a change in the road building policies of the Forest Service. I agree.

However, this has been a difficult decision for me. My top forest priority is full implementation of the President's forest plan, including meeting timber production goals. A severe cut in road construction and reconstruction might have impacted the Forest Service's ability to meet all of the plan's objectives. However, I have been assured by the administration that the Northwest forest plan remains a top priority and it will not be affected by the $10 million cut in road construction proposed by the Bryan amendment. The administration believes it can minimize the impact of these cuts on the timber program throughout the country, but will make the scientifically validated Northwest forest plan a priority.

Despite my strong and continuing support for the Northwest forest plan, I am concerned about the Forest Service's policies on roadless areas. The scientific assessment recently completed for the Interior Columbia Basin ecosystem management project demonstrates the importance of roadless areas for fish, wildlife, water quality, and ecosystem health. Thus, I believe we should only build new roads into large roadless areas infrequently and with great care and full environmental analysis.

That said, I continue to be a strong supporter of multiple use, including timber harvest, on our Nation's national forests. I cannot fathom why some want to prohibit harvest of second growth timber of Forest Service land. Timber harvest not only provides needed jobs and wood products, but in some cases it can improve the health of timber stands and reduce the risk of devastating wildfire.

I intend to work with the administration to improve our road-building policies, reduce subsidies, protect vital watersheds, and ensure ecologically healthy systems remain strong. I do not support elimination of all new roads, because roads are necessary for timber harvest. But we must stop subsidies and/or the appearance of subsidies by revamping the agency's accounting systems and ensuring our Nation's public lands are managed as economically viably as possible.

LOG EXPORTS

I want to explain why I believe the provisions in this bill regarding log export restrictions make good environmental and economic policy. As many of my colleagues know, the issue of log exports is very contentious. The battle over log export policy has raged in the Pacific Northwest for years. We first passed a comprehensive log export bill in 1990. Since then Congress has revisited that law in 1992, briefly in 1996, and again this year. The USDA Forest Service issued regulations in 1995 that would have seriously impacted the entire timber economy of the Northwest. Those regulations precipitated a demand by Senator GORTON for those Washington State entities impacted by log export policy to develop legislation they could all support. That was a tall order, but this legislation embodies the best compromise that could be developed. Let met explain what these provisions do.

First, this bill imposes a permanent ban on the export of all logs cut from State lands. My home State of Washington has been the biggest exporter of public timber in the Nation. However, under the compromise law Congress passed in 1990, no timber from State land could be exported for the first 5 years of the law. Those 5 years have passed, so the State ban on log export will—on October 1—be lifted and the existing law will prohibit the export of only 400 million board feet, of a total sale program of 650 million board feet. That means without this bill, 250 million board feet will go overseas without domestic processing. That means jobs would be lost in rural America and our region's forests would be cut without gaining their highest economic value.

Second, this bill also protects the private property rights and values of both industrial and family tree farmers. Without these provisions, a timber grower whose land was located next to a sawmill that uses Federal timber could not sell his or her trees to that sawmill if that sawmill also used Federal timber. That limitation does not encourage domestic processing of timber—one of the original goals of the 1990, and this, legislation. In addition, the proposed agency regulations that this legislation will correct would have required all private timber owners to brand each and every tree cut on his or her land. It is simply bad policy and does not encourage landowners to keep their lands in timber production instead of selling them off for development.

Third, some have objected to the so-called buyer-broker provision saying its guts existing log export law. This provision allows a third party sawmill owner that uses Federal timber also to purchase private timber from another company or individual and export a portion and process a portion of that timber. This allows a timber purchaser both to supply an American sawmill and pay the landowner the highest price for the trees. Currently, the State of Washington has very similar policy instituted in its log export regulations—and the ban on State log export has worked, by all accounts, very well. This provision provides necessary flexibility and will likely lead to more private timber being processed domestically than would otherwise occur. And, let me be clear, under this bill, a private company that grows timber on its own land still cannot export that timber from the same area in which it purchases Federal timber.

Finally, this provision will hopefully bring closure to log export policy. I—and the vast majority of the public—support a permanent ban on the export of unprocessed timber from public lands. Most of us would also like to encourage greater processing of private timber. This provision provides the tools to accomplish these goals. It is the right economic and the right environmental policy.

EXPORT OF FOREST SERVICE ALASKA RED CEDAR

I have offered an amendment that I hope will be accepted under unanimous consent regarding the domestic processing of Alaska red cedar from National Forests in Alaska. Alaska is a unique place. When most of us think of exporting a product, we think of exporting it out of the United States. In Alaska, a product is exported if it leaves Alaska—even if that product goes to the lower 48 States.

Thus, on the Tongass National Forest, Western red cedar is first offered to Alaska timber purchasers. However, there is no market or no capacity to manufacture this species in Alaska, so it has been declared a "surplus species." As a surplus species, these fine, scarce logs can be sold on the long export market to Asian buyers. While American companies are certainly free to purchase these public logs, they must pay the significantly higher prices offered on the export market. In the lower 48 States, Western red cedar is very much in demand.

Under my amendment, these national logs must be offered at domestic prices to mills in the lower 48 States. My amendment requires the Forest Service to establish a three-tiered policy giving Alaskans first priority, other American companies next priority, and only if no one wants these logs—which is highly unlikely—may they be exported.

The current policy must be remedied. I hope my amendment will be accepted.

LAND AND WATER CONSERVATION FUND

This bill provides critical funding for important land acquisition within the Pacific Northwest. The Columbia Gorge National Scenic Area will receive $8 million to purchase land to protect the ecological and scenic values in the gorge. It includes funds to acquire land and develop a trail along Cape Horn, one of the most beautiful areas on the Washington side of the gorge. Outside of the gorge, we appropriated $1.5 million for vital wetlands along the Black River in Thurston County. This unique, spring-fed river contains lands threatened by the growing population around Olympia and Tacoma.

I am very excited by the commitment Chairman GORTON has made to help secure funding to purchase the Elwha and Glines Canyon dams with land and water conservation funds. The acquisition and removal of the Glines Canyon and Elwha dams have been a priority of mine since I was elected in 1992. So far, we have $8 million authorized to purchase both dams from Diashowa Co. for a total of $29.5 million. It appears we can tap some of the $700 million allocated for LWCF purchases this year to acquire both dams and begin the process of removing one dam and restoring the outstanding salmon fisheries in this Olympic National Park River.

RECREATIONAL TRAILS FUNDING

I also support the increased funding for trails contained in this bill. Recreational use of our national forests has increased almost every year since the 1950's. This year, we added $3.5 million to the President's already high budget request for Forest Service trails maintenance in Washington and Oregon. These dollars desperately needed to keep our beautiful forests accessible, disperse forest users, and protect the forest system.

TITLE VI

Mr. CRAIG. I rise for a brief colloquy with the manager of the bill. First, I would like to commend the Senator from Washington for his hard work on title VI of this bill. Title VI, which includes the forest resources conservation and shortage relief provisions, represents a considerable amount of effort. The title is a thoughtful attempt to resolve a very complex issue in an equitable fashion. The title is necessary because of difficulties caused by the administration regulations restricting the movement of logs across different jurisdictions. However, because the provisions of the title are so complex and involve so many intensely disputed issues, I would hope we would use the next year as a time for testing the provisions in the title and securing additional comments from all interested parties. We can evaluate how successful the provisions are, and develop any necessary changes together with other interested Senators over the course of the next year. I ask my colleague from Washington whether he agrees that we should look at the following year as a test period for this measure so that we can together evaluate any needed changes.

Mr. GORTON. I fully understand the concerns that have been raised about these provisions. As is the case with any measure developed over a long process, there are parts of this title which will not please everyone. I believe my proposal represents the most comprehensive solution possible given this issue's complexity. While I sincerely hope that we do not have to revisit this issue again next year, it is certainly appropriate to look at the next year as a test period, to evaluate how well the provision works, and to assess what changes, if any, are necessary. I commit to my colleague from Idaho that I will work with him and other interested Senators and parties to this end.

Mr. SMITH of Oregon. I also would like to commend the Senator from Washington for his diligence in pursuing a solution to this issue. I would be pleased to work with the Senators from Washington and Idaho on this effort to evaluate how well this provision works, and to consider the need for any changes.

FUNDING FOR RENOVATION OF MONTEZUMA CREEK HEALTH CLINIC

Mr. HATCH. Mr. President, as the Senate considers the Interior appropriations bill, H.R. 2107, I want to comment briefly about a small but very important provision in the bill that will provide $100,000 in Federal money to renovate the Montezuma Creek Health Clinic in Montezuma Creek, Ut.

The Montezuma Creek Clinic is located in the rural community of Montezuma Creek in the southeastern part of Utah in San Juan County. This community serves as the population center for the eastern portion of the Utah Navajo region which is home to more than 6,000 Navajos who live on and around the Navajo Reservation.

This area also has one of the most critical health care shortages in Utah and, in fact, in the entire region of the western United States.

Located in the heart of this community is the Montezuma Creek Health Clinic which was initially operated by the Indian Health Service [IHS] to serve the Navajo population.

Today, the clinic principally serves the 6,000 Navajos as well as the non-Indian population who live in southeast Utah and northeast Arizona. The clinic is presently operated in a cooperative effort between the Utah Navajo trust fund as the owners of the clinic facility, the San Juan County Health Care Services as the county provider of health services, and the IHS which provides contract support services.

It is ironic that there is only one IHS facility located in the entire State of Utah when neighboring States have as many as a dozen or more facilities each. The only IHS facility in Utah is an outpatient facility at Fort Duchesne which is located over 350 miles away.

It is obvious that the health care needs for this segment of the Utah Native American population are greatly underserved.

For over 3 years, I have worked with the IHS, the Utah Navajo trust fund, the State of Utah, the Aneth Chapter of the Navajo Nation, San Juan County and many other concerned parties in an effort to improve the delivery of health care for the residents of this community.

Unfortunately, it has not been an easy task.

The Federal budgetary pressures on facility construction projects within the IHS budget have prevented Federal dollars for the construction of a new facility at Montezuma Creek.

Moreover, the current IHS facility's priority list—which includes construction funding for projects on the priority list—has as a practical matter precluded the addition of new facilities for Utah. This is very unfortunate for the community of Montezuma Creek. It seems that Utah has always been shortchanged when it comes to IHS and IHS-related health care services in our State.

And, I would remind my colleagues that the health status of Utah Navajos living in San Juan County is lower than the Utah Native American population in general which, overall, is even lower than the Native American population as a whole.

In spite of the difficulties, the Montezuma Creek Clinic continues to operate and provide life saving health care services to the community albeit in the facility that is clearly outdated and in need of renovation.

Although the facility is functional, it is in poor condition and inadequate for the provision of needed services to the 65 to 110 patients served on a daily basis. In addition, there is a need to bring the facility into compliance with modern building codes for medical facilities.

Accordingly, I am delighted that the Interior bill contains Federal funds in the amount of $100,000 for design and construction purposes in renovating the existing facility.

Moreover, these funds will be matched dollar for dollar by the State of Utah and the Utah Navajo trust fund to collectively bring the total to $300,000. It is my hope that the Federal commitment of $100,000 will also prompt private contributions from those national corporations operating in San Juan County. I believe with the collective support and backing of all parties we will be able to set in motion much needed improvements in health care for the residents of Montezuma Creek.

I also want to thank my good friend and colleague from Utah, Senator BENNETT who, as a member of the Interior Appropriations Subcommittee, was extremely helpful in securing these funds for this project.

Moreover, let me thank the distinguished chairman of the Interior Subcommittee, Senator GORTON, for agreeing to this modest request and including it in the bill.

I must say that I am delighted we are finally able to help this clinic.

A great deal of time and effort has been devoted by many people in securing both the needed money and the cooperative arrangements for carrying out this project.

In addition to Senator BENNETT and Senator GORTON, I want to thank Judy Edwards with the Utah Department of Health, Ed Alter who serves as Chairman of the Utah Navajo trust fund in which the combined funding will be deposited, Mark Maryboy with the Aneth Chapter of the Navajo Nation—Utah—and Donna Singer with the Montezuma Creek Clinic.

I look forward to working with these individuals and others in the months ahead on the long needed renovation of Montezuma Creek Clinic.

AMERICAN HERITAGE RIVERS INITIATIVE

Mr. KEMPTHORNE. Mr. President, the American Heritage Rivers Initiative [AHRI] was first announced by President Clinton in his State of the Union Address to provide Federal support to communities undertaking river restoration projects through improved access to Federal resources and by encouraging private sector support for local efforts.

An interagency team led by the Council on Environmental Quality [CEQ] was established. The CEQ formally announced the program in the May 19, 1997, Federal Register. The Federal Register announcement stated that the goal of the AHRI was to address a need for concerted, long-term efforts in water quality improvement, river restoration, and economic revitalization within and along the river. Under the proposed rule, any person or community may nominate a river or entire watershed for designation by the administration.

I, like many of my colleagues, have concerns about this initiative. For one thing, those who could be affected by such a proposal have not had sufficient time or opportunity to comment. Second, Members of Congress have not received a detailed briefing from the administration on how this plan is to be carried out. It appears that the administration has completely circumvented the affected public and Congress in an effort to implement the AHRI.

I have concerns about where the funding and staff necessary to run this program will come from. In a time where budgets are constrained and the Federal Government is required to do more with less, it is difficult to support increased funding for a proposal initiated by the administration and where

Congress has been left out of the implementation strategy.

A while back I cosigned a letter to the administration outlining our concerns with this proposal, and to request an extension of the public comment period for an additional 120 days which was granted, and expired on August 20. I signed a second letter from the Idaho delegation to Ms. Katy McGinty, CEQ Chair.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, June 5, 1997.

Hon. KATHLEEN A. MCGINTY,
Chair, Council on Environmental Quality, The White House, Washington, DC.

DEAR MS. MCGINTY: We are writing on behalf of numerous constituents who have an interest in the newly announced American Heritage Rivers Program, which involves thirteen executive departments and agencies. We are requesting an extension in the public comment period of 120 days.

According to the May 19, 1997 Federal Register announcement, under this program rivers across the country will be designated as "American Heritage Rivers." A designation is intended to address a "need for concerted, long-term efforts in water quality improvement, river restoration, and economic revitalization within and along the river." Any person can nominate a river or entire watershed for designation by the administration, which is intended to preserve the natural, historic, cultural, social, economic and ecological diversity of the nation's rivers.

This program was first announced by President Clinton on February 4, 1997. Several public hearings were apparently held during April and May, although the hearings were not noticed in the Federal Register, nor were Congressional offices uniformly notified of the hearings. On May 19, 1997 this program was announced in the Federal Register for the first time. The comment period closes June 9, 1997, allowing only three weeks for public comment.

Given the vast scope of the goals of this proposed program and the magnitude of possible designations, this program will potentially implicate a vast range of interests. We believe that three weeks is clearly an insufficient amount of time to permit all interested parties to submit meaningful comment on the proposal.

Under the circumstances, and with the large impact this may have on the citizens of our states, we urge you to extend the comment period for an additional 120 days. This would ensure the submission of thoughtful comment representative of all interested parties and organizations. Surely you agree that the success of the proposed program hinges on addressing the concerns of the widest cross-section possible of affected parties. To adequately inform all parties, we also urge you to schedule public hearings on this program, after first notifying all congressional offices and noticing the hearings in the Federal Register of the scheduled hearings.

Thank you for your most expeditious response to these concerns.

Sincerely,

Conrad Burns, Rick Santorum, Sam Brownback, Ted Stevens, Larry E. Craig, Kay Bailey Hutchison, Robert T. Bennett, Tim Hutchinson, Craig Thomas, Richard Shelby, Slade Gorton, — — —, Trent Lott, Dirk Kempthorne, Pete Domenici, and Don Nickles.

CONGRESS OF THE UNITED STATES,
THE IDAHO DELEGATION,
Washington, DC, August 14, 1997.

Hon. KATHLEEN A. MCGINTY,
Chair, Council on Environmental Quality, Old Executive Office Building, Washington, DC.

DEAR CHAIRMAN MCGINTY: The following are comments from Idaho's united Congressional delegation on the American Heritage Rivers Initiative as described in the *Federal Register*, Volume 62, No. 96, Monday, May 19, 1997.

Let us be clear—we have serious concerns with the initiative. We are not only concerned about the initiative itself, but the manner in which it was advanced. It is a clear effort on the part of the Administration to bypass the Constitutionally directed lawmaking power of Congress and our system of checks and balances. Congress has not authorized this initiative and has not appropriated money for this program. Additionally, the Council on Environmental Quality (CEQ) is not granted the power to govern or regulate rivers or watersheds within sovereign states. As such, this initiative represents a challenge of Congress' power and the rights of states, in line with the protections guaranteed in the Fourteenth Amendment.

We have other objections beyond this fundamental concern. For example, this initiative actually works against its stated goals: to streamline the federal process dealing with river protection. There are existing federal and state authorities that are charged with the mission of regulating water resource planning and allocation. In addition, there are nearly a hundred grass roots watershed councils across the nation that are accomplishing the same objectives as the initiative, but they have local input as opposed to federal control. The initiative creates an unnecessary, additional layer of bureaucracy that will make it more difficult for private individuals to continue to develop and use water resources that have in the past been controlled by state and local government entities.

Another concern relates to the effort to obtain local input regarding the designation of rivers as an American Heritage River. While we support obtaining local input, we question whether the initiative is designed to achieve a truly representative sampler. This is because the local input is based upon what is referred to as "river communities." Any small group, environmental organization or local civic club could be defined as a "community." The initiative redefines communities, watersheds, and jurisdictional boundaries to create this governing entity, which will then have the power to decide the "length of the area" to be designated "whether it be an entire watershed, the length of an entire river, or a short stretch of a river, and may cross jurisdictional boundaries."

Because these communities have no set definition and because of the diverse, and often conflicting set of options, this may cause real communities to become fragmented. Worse, there is no guarantee that private property owners will be included in any decisions made by this river community. In fact, a river could be designated over the specific protests of local private property owners whose land would be most affected.

This potential threat to property rights is a serious one. There are no safeguards written into the initiative to protect the rights of property owners. On the contrary, it appears the initiative could result in rezoning properties, thereby disallowing legitimate uses or development. It's also feared that property values will decline because of the designation.

Another major concern with this initiative is that the designation of a river is essentially permanent. While CEQ may claim that a river can be undesignated at any time, according to the wishes of the local community, there is no defined process for undesignation. And you are aware, the needs and wishes of communities change and a community may decide it no longer wants to have that section of river designated.

The process by which this initiative was proposed is flawed, as well. It is in violation of the National Environmental Policy Act (NEPA), which requires an Environmental Impact Statement (EIS) to be filed for any federal action which would significantly impact our environment. No EIS was filed. Furthermore, NEPA requires a ninety-day public comment period for any EIS. A mere three weeks was originally provided for public comment. While we appreciate the extension of the comment period to sixty days, it was only after extensive public outcry.

Despite all of these significant problems with the initiative, there is still one more that cannot be ignored. If this initiative were to be enacted, it would conflict with the Idaho Constitution. Article XV, Section 1 of the Constitution of the State of Idaho, as approved by the U.S. Congress states: "The use of all waters . . . [is] subject to the regulations and control of the state. . . ." Additionally, Idaho Code 42-101 states: "All the waters of the state, when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the state are declared to be the property of the state, whose duty it shall be to supervise their appropriation and allotment to those diverting the same therefrom for any beneficial purpose." Idaho clearly has jurisdiction, control, and sovereignty over water within her own borders and any federal attempt to usurp or interfere with that authority will be aggressively resisted.

As you can see, we have some serious reservations about your American Heritage Rivers initiative. Our concerns can be summed up into three basic areas: the lack of Congressional approval, the vague language and absence of definitions and the excess federal control over private property and state water rights.

We thank you for extending the comment period to sixty days, but we request you withdraw this initiative and allow the local stakeholders and the state to use their current laws to govern their water.

Sincerely,

HELEN CHENOWETH,
Member of Congress.
LARRY E. CRAIG,
United States Senator.
MIKE CRAPO,
Member of Congress.
DIRK KEMPTHORNE,
United States Senator.

Mr. KEMPTHORNE. Mr. President, Idahoans are quite opposed to the AHRI. They see it as a further encroachment of the Federal Government not only into their lives but onto their lands. Even though the administration insists the initiative would be locally driven and administered, the average Idahoan strongly disagrees with this notion and simply wants the Federal Government's role to decrease in every possible aspect.

Mr. President, I support the amendment to H.R. 2107 submitted by the Senator from Arkansas.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent to be able to proceed in morning business for up to 5 minutes.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

HELICOPTER CRASH IN BOSNIA

Mr. BIDEN. Mr. President, I rise this evening to comment on the tragic news from Bosnia. Earlier today, a U.N. helicopter carrying several international officials crashed 40 miles northwest of Sarajevo. Twelve people are reported dead and four injured. The latest reports indicate that on board were four or five Americans, still unidentified, who were working for the International Police Task Force and the Office of the High Representative for Bosnia. Among the dead was Gerd Wagner, the Senior Deputy High Representative for Bosnia. Ambassador Wagner was well known to many of us in the Congress, since before he took up his post this past summer he was the political counselor at the German Embassy in Washington.

A Balkan expert who learned Serbo-Croatian while serving in Belgrade earlier in his career, Ambassador Wagner answered the call to take up the challenging and dangerous post as Senior Deputy to High Representative Carlos Westendorp.

I had dinner with the Ambassador 3 weeks ago in Sarajevo. In the presence of a diverse group of Bosnian Muslims, Croats, and other international officials, he spoke out forcefully in favor of the difficult task of making the Federation work. Much of the credit for refugee resettlement and for fleshing out the political institutions mandated by the Dayton accords belongs to Gerd Wagner.

Mr. President, this terrible helicopter crash follows just 2 years after the accident on Mount Igman that took the lives of three dedicated American diplomats—Joe Kruzel, Bob Frasure, and Nelson Drew. In neither the Mount Igman accident in 1995 nor today's helicopter crash was any foul play suspected.

As a matter of fact, the early reports are reminiscent—Dr. Haltzel, of the Foreign Relations Committee staff, and I were talking about it today—of our own helicopter travel in Bosnia 3 weeks ago. We were in a similar situation. Reportedly the reason Ambassador Wagner's delegation crashed was heavy fog. We also took off from Sarajevo in a peasoup fog, and the pilot of our American Blackhawk helicopter expressed concern about the fog and the mountains. Obviously, in our case it turned out not to be a problem. Tragically in this case for Ambassador Wagner's Czech-made helicopter, it ended up being a fatal problem.

As I mentioned, apparently the crash was not the consequence of any foul play. The accident occurred while Ambassador Wagner's party was on a regular peacekeeping mission. The sacrifices of these brave individuals point out the dangers that international peacekeepers, mediators, diplomats, USAID workers, and others face in Bosnia every day, even if they may not be the direct victims of the ethnic fighting.

If the cause of stabilizing the fragile peace in Bosnia and putting that country back on the road to political and economic recovery is important to the United States and its allies, as I firmly believe it is, then we must take the risks to achieve our goals. Our diplomats in Bosnia understand that simple truth, our volunteer professional soldiers in SFOR understand that simple truth, our USAID workers in Bosnia understand it, and our volunteers working for the International Police Task Force in Bosnia understand it. And Gerd Wagner understood it.

Mr. President, our hearts go out to the families of all the victims, the relatives of the as yet unnamed Americans on board, and Ambassador Wagner's wife, Mrs. Sandra Wagner, their two sons, and their daughter, who has been studying at the University of California at Berkeley. Gerd Wagner was a fine German diplomat, a dedicated international civil servant, and a good friend of the United States of America. He will be sorely missed.

Mr. President, I thank my colleague from Iowa for allowing me to speak ahead of him, and I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

TRIBUTE TO BOBBY SILVERSTEIN

Mr. HARKIN. Mr. President, I rise now to pay tribute to a great friend of mine, a close personal friend and someone who has added significantly to the Senate and the House over the course of almost an entire adult lifetime of work and, moreover, who has added to moving America forward in terms of how we feel and how we care about each other and really moving America forward toward the ideal of our Nation. And that is a nation without barriers to anyone, a nation of opportunity for all.

Mr. President, I speak of Bobby Silverstein, who later this month will leave the Senate to teach and establish a center for the study and advancement of disability policy at George Washington University.

For the past decade, Bobby has been my chief counsel and staff director of the Subcommittee on Disability Policy. During this time, he has been the behind-the-scenes architect of legislation that has truly revolutionized our Nation's policy toward its citizens with disabilities and expanded opportunities for the more than 49 million Americans with disabilities and their families. There is simply not a more knowledgeable, skillful, accomplished and respected person in the field of disability policy in our entire Nation.

Bobby Silverstein played a significant role in crafting the Americans with Disabilities Act, ADA. Before the ADA, discrimination on the basis of disability was wrong, but it was not illegal. Bobby helped me fashion a coalition of grassroots and Washington-based advocacy groups and demonstrated the significant political strength of this unity. Through this coalition, every Member of Congress was educated that disability is a natural part of the human experience, that discrimination on the basis of disability can be tolerated no longer, and that people with disabilities must be judged on what they can do, not on the basis of myths, stereotypes or fears.

His mastery of the issues, unrivaled negotiating skills, patience, and excellent working relationships with those in the disability community, the business community, the Congress, and the White House enabled what many have called the emancipation proclamation for people with disabilities—the Americans With Disabilities Act.

Under Bobby's behind-the-scenes leadership, public policy for infants, children, and adults with disabilities and their families has been strengthened and expanded in every aspect of life: education, employment, civil rights, housing, income maintenance, health, transportation, telecommunications, and recreation. In addition to the ADA, he was my chief aide responsible for securing passing of legislation establishing the National Institute of Deafness and Communication Disorders at the National Institutes of Health. This Institute has contributed significantly to the knowledge of deafness, and has led to improvements in the lives of millions of Americans who are deaf or hard-of-hearing, including senior citizens. Bobby also shaped legislation to reauthorize the Rehabilitation Act, which supports essential job training, employment, and independent living opportunities for thousands of adults with disabilities. On October 16, 1990, the Television Decoder Circuitry Act became law and opened up the information available on television to the millions of individuals who can benefit from captioned television, including deaf individuals and those children and adults who are learning English.

Prior to this time, people who were deaf, like my brother Frank, had to have a great big box that they set on top of their television set that would receive the signal and decode it for that television. Those units cost, if I am not mistaken, in the neighborhood of a couple of hundred dollars. But as my brother said to me one time, that's fine when I'm home watching television; I can get the news and the weather and other information I need through my decoder on my television. But what about when I travel and I stop at a motel or hotel and I want to find out what the weather is going to be, or I want to listen to the news? I can't take that box with me.

So, beginning in 1988, 1989, we began having hearings on the possibility of mandating every television set sold in America have a little chip put in it so that every television could decode the signal for closed captioning. I remember the hearings. The companies came in and said, "Oh, no, this was going to cost too much money."

Bobby wasn't satisfied. He went to the manufacturers of the chips, asked how much it would cost to produce the chips, and if every television set had them in it how much would it cost. And it came down to mere pennies. So, armed with that information, we were able to get that information to our committee, to Members of the Senate and the House. The bill passed and, as I said, was signed into law by President Bush on October 16, 1990.

So, every time when you turn on that television and a phone call comes in and you want to watch what is going on but you want to turn the sound down so you punch that button on your remote and the captions come up so you can follow the news and still answer that phone call, think of Bobby Silverstein. He is the one who made it happen. It was a great law and one that has just helped millions of Americans, including people like me who do not suffer from deafness, for just the very kind of purpose I just mentioned.

Bobby also championed the Assistive Technology for Individuals With Disabilities Act, protection and advocacy legislation for individuals with mental illness, the Development Disabilities Assistance and Bill of Rights Act and landmark family support legislation. Most recently, Bobby was the lead Democratic staffer for the negotiations that led to the bipartisan enactment of Public Law 105–17, the Individuals with Disabilities Education Act—known as IDEA—Amendments of 1997. This passed this year. IDEA guarantees a free, appropriate public education for more than 6 million children with disabilities.

Bobby came to the Senate after several years working for Congressman Pat Williams of Montana in the House of Representatives, where his skills resulted in landmark legislation that established early intervention and preschool opportunities for very young children with disabilities—what we now call part H. These two programs have enabled hundreds of thousands of children to obtain the services and support they need to live with their families and develop to their potential.

In addition to his impressive legislative achievements, Bobby has extensive experience working in Federal agencies and the private sector. He has drafted policy interpretations for the Office of Civil Rights of the United States Department of Health, Education and Welfare on issues related to persons with disabilities under section 504 of the Rehabilitation Act of 1973; race and national origin issues under title VI of the Civil Rights Act of 1964; and gender issues under title IX of the Education Amendments of 1972. In private practice, he trained professionals on the legal framework of the Rehabilitation Act, as well as serving as legal counsel for parents of children with disabilities in cases relating to securing a free appropriate public education for their children.

Bobby Silverstein has won not only my unquestioned respect and deep admiration, but that of Republican and Democratic Senate and House Members, leaders of the disability community, the business community and grassroots activists. His knowledge of the issues and his intellectual rigor and honesty are recognized by everyone with whom he's worked.

If Bobby Silverstein says something or is involved with putting forward a point of view, everyone knows that he has come to that position after meticulous study and careful, objective and reasoned analysis. Bobby has taught us all the importance of working together to achieve a common goal. He was able to achieve consensus among parties with strongly held competing views. The great respect he commands from those across the political spectrum is rare and is clearly a tribute to his abilities and tireless dedication to good research and sound analysis. It is this widespread trust and respect for Bobby and his work that has made much of the legislation we've enacted possible.

Mr. President, I, along with every American, owe a great debt to Bobby Silverstein. In all my years in public service, I have not encountered a more dedicated, caring and good-hearted person. He exemplifies all that is good about public service. He is truly among the best and the brightest individuals in the field of public policy. In the field of disability policy, he has no equal.

Mr. President, as you know and as I know and so many people know, as we pass legislation here, it gets our name on it. We are the sponsor of the bill. When it is enacted into law, it is our name that is on it. So often we know it is dedicated staff that really do the work.

I said so many times that most of the legislation that we pass dealing with people with disabilities, if it were not for Bobby Silverstein, it never, ever would have happened.

So, in that way his mark will remain for a long, long time, not only here in the Senate but all across America.

I will yield to my friend and colleague, the Senator from Vermont.

Mr. JEFFORDS. I could not help but come in and join you, associate myself with your remarks for Bob, because I worked with him both in the House and the Senate. I agree with everything you said. He did so much to assist all of us who wanted to benefit those in the most needy situations. I agree with you. If it wasn't for him—and also of course Patricia Morrissey on my side, those two who worked so very closely together all during that period of time—we would not have accomplished so much. Bobby was incredible. I know he is going to have even, perhaps, a more useful role now that the basic work is done in the profession he is going into. But he is one wonderful person.

You are to be commended for recognizing that and utilizing him, of course, to benefit all of us. I thank the Senator for his comments.

Mr. HARKIN. I thank my friend, the Senator from Vermont, who again is known for his keen intellect, but also a big heart. I appreciate what he just said about Bobby Silverstein. I should have recognized the fact that the Senator would have worked with him, of course, on the House side.

Again, the people who worked so hard to make our country more fair and to break down barriers of discrimination against people—surely no one can claim that Senator JIM JEFFORDS needs to take a back seat to anyone.

Certainly, Senator JIM JEFFORDS of Vermont need not take a back seat to anyone. Senator JIM JEFFORDS has always been in the forefront of those fights, especially working on the issue I have been talking about, people with disabilities. The Senator from Vermont has always been in the forefront assuring that people with disabilities have their full constitutional and civil rights in this country. So I appreciate what he said about Bobby Silverstein, and coming from the distinguished Senator from Vermont, believe me, it means a lot to me and it means a lot to Bobby Silverstein.

Mr. JEFFORDS. Mr. President, I have enjoyed working with the Senator from Iowa. I think we have been together on every issue here over the course of the years. I have been with him, or just a little bit behind him, on all of these. I commend him for all the work he has done. We both know that without Bobby and Pat Morrissey, we would not have been as successful as we were.

Mr. HARKIN. Absolutely true. I appreciate what the Senator said. It has been a real joy working with the Senator from Vermont both in the House and in the U.S. Senate.

So, Mr. President, as the Senator from Vermont said, Bobby is moving on. I am absolutely certain that his next endeavor, which is the center for the study and advancement of disability policy located at George Washington University, will have an immediate and long-term effect on national policy for Americans with disabilities. I might just add as an aside, Bobby is capable of nothing less.

So as Bobby Silverstein leaves the Senate, I congratulate him on his outstanding accomplishments. I thank him for his tireless service to his country. I extend my best wishes to Bobby, to his wife Lynne and their sons, Mark and Evan, for continuing success in the many years ahead. So, Bobby, thank you for a job well done.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. JEFFORDS. Mr. President, while we are waiting for a final draft of the amendment I intend to offer, I thought in the meantime I might just as well talk about it, and then we can take care of it when it is ready.

Senator TORRICELLI and I had a very interesting time earlier this week in helping celebrate the aftermath of the reenactment of the Battle of Antietam which occurred this past weekend, which reenacted one of the most, if not the most, violent battles in the history of warfare in the Civil War.

It was a remarkable experience, because not only were there thousands of people participating in the reenactment, but there also were over 100,000 people who watched the reenactment of that incredible battle which was, they say, the most bloody of the Civil War.

It reminded me of this Nation, as we march on toward the end of this millennium, that we do have an obligation to make a commitment to ourselves in this interim before we go to the next millennium to ensure that we have learned the lessons of history, especially in this Nation, now the most proud and important and strongest Nation in the world, of how we formed and how we lived our lives up through the time it was created in respect to its modern form of people arriving from Europe and other places, and the struggles that we had which were not easy ones.

We are still, in a sense, living some of the aftermath with respect to some of the biases and problems of discrimination in this Nation against those in the black community, who, as we all know, came over here as slaves, and then the great Civil War between the North and the South fought, to some extent, based upon the principles of the States rights, and yet also the very, very difficult question of abolishment of slavery in this country.

I have had the opportunity over the course of time to study a great deal about that war, for Vermont was very dedicated and, in many ways, was the leader in the sense of commitment, for it was early on that Vermonters participated in a higher number per capita than any State in the North. In battle after battle, Vermonters were at the head of the troops. In fact, Lincoln at one time commented after reviewing the efforts of Vermonters, "Just tell them to follow the Vermonters."

When I was first in the Senate, our Vermont Legislature, in commemoration of the 100th year of the Battle of Cedar Creek—I guess it was a little longer than that, 120th, or something like that, because that was 1864, so I wasn't quite here yet, obviously. But anyway, they, in a sense, passed a resolution telling the Vermont delegation that they should go to the Battle of Cedar Creek and locate a monument which was erected there many, many years ago which commemorated the Vermonters. I will mention a little bit about that in a moment.

We went there and had to locate it. It was at the back of a private house, and we found that it was all grown up and trees were winding in and out of the fencework around it. So we took immediate steps to get permission from the landowner and then transferred that information back to our legislature.

But it brought to mind that before the memorabilia and memorials all disappeared, it would be important for us to try and see what we could do to retain them and make them available for future generations.

So I introduced a bill to commemorate, in a sense, the battle in 1864 which led to the election of Lincoln, but also I became so entranced with Stonewall Jackson that I began to study the Stonewall Jackson campaign which occurred earlier in 1862 and recognized and realized from reading that it was the Jackson campaign in the Shenandoah Valley that led to a whole new concept of how to conduct war.

In those battles, Stonewall Jackson took advantage of modern movement by the railroads. So he would appear in one place in Virginia, lodge a battle and then hop on a train and move to a totally different area, and in wonderment, he would appear miles and miles away and have another battle.

So I came to the conclusion that it would make it very interesting if we could save those battlefields and to create a sort of historic trail with the Park Service so that people could, in a few days, start and follow the Stonewall Jackson campaign and move up through the Shenandoah Valley and then turn around and come back.

That idea grew. Then attached to that at that time came the thought that we ought to take a look at conserving all battlefields that had a meaningful part of our history. Thus, the Battlefield Commission was created and the coin and all to try and fund it. That happened.

Now we are coming, as I started to say, to the end of our century, the end of the millennium, and still much needs to be done to be able to make sure that the history and the battlefields which were the main battles of the Civil War are not lost for future generations.

We have found that many of them are up for sale or the lands around them or critical pieces of land that were involved with those battlefields are up for sale.

Thus, shortly we will be introducing an amendment to make sure that we do not lose the opportunity to provide the funding and the direction to the appropriate Federal officials to make sure that there are funds available to ensure that we can maintain the integrity of the main battlefields of the Civil War.

I know my friend from New Jersey, who was with me as we thought about this and met with people this past week, joins me in this. I now yield the floor and allow him to participate in this discussion as we await the final draft.

Mr. TORRICELLI. Mr. President, I thank Senator JEFFORDS for giving me the opportunity to join with him in this amendment and offer not only my support by my appeal to our colleagues to not only support us in this effort tonight but in future years to keep the commitment to respond to the threat to battlefield sites and other aspects of American history, to give our true measure to protecting the history of this country.

In his Pulitzer prizewinning book, "Battle Cry of Freedom," James McPherson once wrote of the Civil War that:

> Most of the things that we consider important in this era of American history—the fate of slavery, the structure of both the North and South, the direction of the American economy . . . the definition of freedom, the very survival of the United States—rested on the shoulders of those weary men in blue and grey * * *.

Most of those men, Mr. President, were simple volunteers, laborers, farmers. They were paid little and endured horrific conditions. Throughout the duration of the war, 620,000 Americans, black and white, North and South, soldiers and sailors, paid an extraordinary price to preserve this Nation or to define it as they would have had its future.

Mr. President, I rise today with Senator JEFFORDS in memory of those brave men because the lands where they fought, the places where they sacrificed, face a new threat. The battlefields of America, which define this country, where they gave their lives, may be lost to history. Future generations who might have been instructed by their sacrifices or discovered America by understanding what occurred on these lands will be denied the opportunity.

We rise, Mr. President, on an auspicious occasion in offering this amendment because it was 135 years ago today, only miles north of this Senate Chamber, when more than 125,000 Americans, Union and Confederate, gathered on the rolling fields near Sharpsburg, MD, for what we know as the Battle of Antietam.

It is therefore a fitting evening as we gather tonight to consider saving the lands where they died, to remember that only 12 hours after they gathered, in what would be remembered tomorrow, 23,000 men lay dead and wounded in what was the bloodiest day in American history, a day in which three times as many Americans fell as died on D-Day.

I remember this anniversary, Mr. President, because I come to this effort helping Senator JEFFORDS here tonight because, with friends, I visited the Antietam Battlefield only months ago. I stood in the Sunken Road where 5,000 men fell as a part of that battle.

And as I stood in the Sunken Road, where so many men gave their lives, looking from the Confederate positions to where the Union assault would have come, I recognized something peculiar that did not belong, strange to a great Nation, a "For Sale" sign stuck into this sacred ground rested where brave men led an assault to save or define or to change the United States.

Mr. President, when Abraham Lincoln dedicated the national cemetery at Gettysburg, he said:

> We cannot consecrate—we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract.

I recall these words in this Chamber today because it is now for us to decide whether Lincoln was right or was wrong, because a "For Sale" sign is on lands where so many Americans fell, where generations will seek to visit to learn of their sacrifice and understand the rich and proud history of America. It is no place for commercial development, the sale and destruction of lands. It is, Mr. President, a desecration.

The battlefield of Antietam is not alone. Today, hundreds of battlefields, where thousands of others died, face the similar threat of "For Sale" signs, a future as shopping malls, strip development, or suburban housing tracts.

The battlefields of Antietam, where Senator SESSIONS and Senator MURRAY tell me that their own great-grandfathers lost their lives, will soon be housing tracts or the same commercial development that I fear.

North of Antietam, in Gettysburg, home to Pickett's charge, Senator LOTT tells me his own great-grandfather fell, on the left flank of what was the bloodiest battle where 55,000 Americans were killed and wounded in 3 days, as many as in all the battles in the war of 14 years in Vietnam.

South of here, in the lands around Fredericksburg, best captured by the photograph to my right—home to the battles of Chancellorsville, Wilderness, and Spotsylvania Court House—important Civil War landmarks have already been destroyed by housing tracts and shopping centers.

Places where schoolchildren would have visited to remember their own relatives, learn about their sacrifices, understand how America came to be as we know it today will never have the experience. But it isn't just Gettysburg, it isn't only Antietam, it isn't simply experienced by Fredericksburg. It's Vicksburg, MS; Petersburg, VA; Mobile, AL; Fort Donelson, TN; Perryville, KY; Bentonville, NC; Chickamunga, GA.

Indeed, two-thirds of the most important Civil War battlefield sites in our Nation in the next 6 years could be irrevocably lost to history. We are not, Mr. President, the first Senate to recognize this threat. In November 1990, under the leadership of Senator BUMPERS and in the House of Representatives under the leadership of Congressman Mrazek of New York, with the signature of President Bush, we established the Civil War Sites Advisory Commission to advise the Congress on how to preserve these lands. This 15-member panel identified 384 critical Civil War battles or engagement sites that, in their judgment, should be preserved.

Even 7 years ago, however, they recognized that 20 percent were already lost to history through commercial development. But they recognized that there are still 260 that could be saved. They warned then that time was short. Now, it is even shorter.

Our amendment, through a sense of the Senate, will ask that the conferees use their best efforts to use funding available in the Land and Conservation Fund to immediately make available, within Park Service boundaries, funding to save those lands still available. It will use less than 10 percent of the funding available to the Congress this year out of the conservation funds.

We offer this as a sense of the Senate because we have Senator LOTT's commitment, and I believe his sincere pledge, to defend the interests of this Senate in preserving these lands, but mostly because Senator GORTON has given his own commitment. Because of his own sincere belief in this effort, he will lead us in this important cause.

Mr. President, I am standing here tonight as a representative of a young country. We are challenged, I think, by the notion that if we stood not in the U.S. Congress but in the French National Assembly, the British Parliament, or any other great assembly in Europe, it would be unthinkable that the lands of Verdun or Stalingrad or Waterloo would ever be destroyed through commercial development.

Perhaps our Nation is not as old, but its history is just as important. Our own children will look for instruction from what occurred in these important lands just as much as those of France, Russia or Britain.

So, Mr. President, I offer this amendment with Senator JEFFORDS, giving my thanks to our colleagues who join with us and, indeed, to Professor McPherson, who has inspired yet another generation with his writing and battle cry of freedom and for writing to Members of the Senate today in support of this important amendment.

Senator JEFFORDS, thank you for your leadership, and, Senator GORTON, thank you for your help in representing the Senate in the conference in preserving the sense of the Senate and dedicating these funds to this important effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, as I said at the beginning of the discussion of this bill last Thursday afternoon, my subcommittee is an extremely popular one. I had some 1,800 special requests from Members, almost all for projects of one sort or another in their own States. I believe we may finish this bill tomorrow, but we have some two pages of amendments, most of which are not matters of profound national policy but, again, for specific programs or projects in individual States.

It is with that in mind that I want to say how refreshing it is to hear from these two Senators of their tremendous desire to save the sites of the most important battles, many of the most important battles, in the history of the United States that were fought in that profound turning point in our history, the Civil War.

I am quite a Civil War buff myself, a fan of Professor McPherson's book, perhaps an even greater fan of Shelby Foote, but with all of my reading, I fail to remember a single battle that took place in the State of New Jersey, and I can remember of only one skirmish that took place in the State of Vermont that was made into a movie a couple of decades ago. So the Senate has not heard from two Senators who are attempting to create projects in their own States. They are hearing from Senators who care deeply about our heritage and care deeply about the preservation of the physical aspects of that heritage.

At least two of the amendments that will be adopted tomorrow will relate to sites of battles that have already been preserved in large part but where the ravages of time are having a negative impact. The Senators know of my bias in favor of supporting them.

Even so, when the two Senators who sponsor this amendment first brought it to me, they placed me on the horns of a dilemma from which they now have most graciously removed me. The source of the money for the preservation of these sites is the Land and Water Conservation Fund. A $700 million infusion into the Land and Water Conservation Fund was a recommendation of the President, which at least at that level was acceded to by the Senate leadership in negotiations over the budget. It was not a mandatory part of that budget agreement. The House of Representatives omitted to fund any portion of that $700 million.

Feeling very strongly, in general terms, about the importance of not just this kind of preservation but of other preservation, my bill does include that $700 million. It sets three priority items for use of that money, two of which amount to almost half of the $700 million, high-profile priorities of the President of the United States—the Headwaters Forest in California and the New World Mine in Montana.

Another $100 million in it is appropriately earmarked for the States' share program, money to share with the States as we have in the past for their own preservation of recreational and other property.

So when the Secretary of the Interior came to me with this request, we made the determination that we would not earmark money directly for any other projects. I didn't want to be faced with a whole series of recommendations from the administration in which we in the Congress played no role. And I think it's safe to say the Secretary of the Interior and the administration didn't want us to spend all of the money without the administration playing any role in that determination. So I agreed that we would oppose additional specific earmarks in this bill.

At that point, these two Senators came along, either on their own, or knowing my own biases, and asked for money for a purpose which I think is worthy and of the highest possible priority. So they did put me on the horns of a dilemma. They have now agreed to make this a sense-of-the-Senate resolution as to how the money ought to be spent, with my support and with the support of the majority leader.

So I want to do two things. I want to thank them for phrasing it in this fashion and I pledge my support as we vote on the amendment. I also want to tell them that as we do work with the administration to set priorities across the country for the spending of the money from the Land and Water Conservation Fund, assuming that we can get the House of Representatives to agree that we are going to have the money at all, it is very difficult for me to imagine any higher priority than the preservation of these Civil War sites. So I want to agree with this amendment.

AMENDMENT NO. 1218

(Purpose: To express the sense of the Senate regarding the preservation of Civil War battlefields)

Mr. JEFFORDS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for himself and Mr. TORRICELLI proposes an amendment numbered 1218.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, insert the following:

SEC. . It is the sense of the Senate that—

(1) preserving Civil War battlefields should be an integral part of preserving our Nation's history; and

(2) Congress should give special priority to the preservation of Civil War battlefields by making funds available for the purchase of threatened and endangered Civil War battlefield cites.

Mr. JEFFORDS. Mr. President, my amendment is a critically important amendment to make sure that we preserve the Civil War battlefields for those people who will be in the next millennium to better understand this Nation.

Mr. President, I am proud to be joined today by Senator TORRICELLI in offering this amendment of national historic significance.

The American Civil War is thought by many historians to be the fundamental event shaping the character of the United States. This amendment takes a giant stride at preserving our history by establishing that it is these funds that be made available to protect the threatened American Civil War battlefields.

I am proud to say that there is in this land a great wellspring of caring for the places where freedom was won and defended. Millions of Americans have, in recent years, become aware of the hallowed ground of our Civil War battlefields, have visited them, read of them, many have written of them.

The clear and eloquent message I hear is that these treasured places should be saved, intact, for future generations. The preservation message goes forth from Gettysburg, Antietam, Manassas, Cold Harbor, Malvern Hill, Cedar Creek, Petersburg, Stones River, and dozens more Civil War places.

When battlefields become severely threatened there quickly develops a continuity of Americans that spreads nationwide. The American people care about their history, look on these places as national treasures, and speak eloquently and effectively for their preservation.

Preserving our Nation's battlefields is a subject very close to my heart. My efforts to preserve our Nation's historic places actually began in my State of Vermont several years ago when the Vermont Legislature unanimously passed a resolution asking Congress to save the places where Vermonters fought in the Civil War. The resolution was presented to me, and I went to work finding out all I could about the battlefields and what was needed. It quickly became apparent that the Civil War battlefields were in need of protection.

Over 7 years ago, Congress responded to the growing awareness of our Civil War heritage and the concern for the sites where that heritage took form, by passing legislation that created a national Civil War Sites Advisory Commission. Composed of distinguished historians, supported by a staff of National Park Service experts, the commission for 2 years studied the remaining Civil War battlefields. Civil War sites were visited, public meetings held, and in the end a report was written. The report presented a plan of action for protecting what remain of the Civil War battlefields. It is a plan that has recognized the need to act, a plan that I strongly favor.

Mr. President, as a proud American, preserving our great history is an opportunity I am always ready to seize. Congress should do what we can to help meet the recommendations of the Civil War Advisory Commission by preserving the country's most endangered Civil War sites.

In fighting to preserve Civil War battle sites, we have aimed to create the chance for our citizens to travel from battlefield to battlefield and to relive the brilliant Jackson campaign of 1862, and the successful Union campaign of 1864. By preserving these sites, we will allow people to enjoy the beautiful surroundings such as the Shenandoah Valley and give area economies an important boost.

Several years ago, I had the privilege to travel from battlefield to battlefield with several Civil War historians and Civil War buffs. We saw those battlefields pretty much as they were during the Civil War. We relived Jackson's battles of the 1862 campaign, one of the most studied campaigns in history. We also retraced the Union campaign of 1864. At that time the election was not looking so good for President Lincoln, and the Union was in dire need of battle victories. General Sheridan marched the Union forces up to the valley and won a series of battles culminating in the Battle of Ceder Creek. Many historians believe that this was the turning point in the war.

Mr. President, I came away from this trip with the strong feeling that it is my responsibility as U.S. Senator to help preserve this part of our national heritage. Bruce Catton, one of our Nation's most eminent historians has written:

> Any historian who confronts a gap in the record of bygone days knows moments of despair when he complains bitterly that no one took the trouble to dig out and assemble all of the facts while those facts where still available. To use unlimited resources in as broad and as all-inclusive as it possibly can be, to do it while everything is still fresh, and to do it with no other earthly motive than a desire to establish the full truth—this is the sort of thing that only governments can do, and they almost never dream of doing it.

Mr. Catton's words are more important than just an expression of the historian's frustration at not having access to "all the facts." His words constitute a challenge, a challenge to government to preserve and protect the fragile bits and pieces of our Nation's history that remain with us today, but which tomorrow could vanish forever.

Just this past weekend, the Battle of Antietam or Sharpsburg, as it was referred to by the Confederates, was relived as over 15,000 Civil War enthusiasts reenacted this bloody battle before over 100,000 spectators. On this day, 135 years ago, over 23,000 brave Americans lost their lives at the Battle of Antietam. The number of casualties was three times greater than the number of Americans killed at Normandy on D-day. Left for the dead on the battlefield, but surviving, was a young captain from Massachusetts who became one of the nation's most respected Supreme Court Justices, Oliver Wendell Holmes, Jr. General McClellan sent a message to Washington of a great victory, however the Confederates escaped across the Potomac and retreated into the lower Shanandoah Valley with little interference. Many believe that the victory prompted Abraham Lincoln to unveil his preliminary Emancipation Proclamation on September 22, 1862.

Mr. President, if we persist, we could give to future generations of Americans a gift of history, the opportunity to see, to walk, the hallowed ground of one of the most beautiful places on earth where this Nation's history was written. If we fail, we must answer to future generations who go in vain to seek places of our heritage. On October 19, 1864, with victory in his grasp, Jubal Early declined to launch a last attack. Early believed his valiant Confederate troops had won an adequate victory for the day along the banks of Cedar Creek. "But this is the Sixth Corps," an aide protested, "and they will not go unless we drive them." Early did not attack and his day was soon lost.

To those who would act too cautiously here, I say, "But this is the eleventh hour. The battlefields will be lost unless we act now and decisively."

Mr. President, I ask unanimous consent that an editorial from the New York Times of July 4, 1997, on the "latest battle of Gettysburg" be printed in the RECORD, along with a letter from James M. McPherson, of Princeton University, supporting my amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 4, 1997]

THE LATEST BATTLE OF GETTYSBURG

When Abraham Lincoln said of Gettysburg that "the brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract," he did not reckon on the power of 20th-century developers.

At issue are 50 acres just outside the protective boundaries of the Battlefield Historic District at the interchange of Routes 15 and 30 in Pennsylvania. Gettysburg has mushroomed as a bedroom community in the last five years because of its proximity to the Baltimore-Washington area. Wal-Mart, several large hotels, fast-food franchises, grocery stores and a miniature golf course line the Route 30 corridor. Now, developers want to build a Giant Superstore on land that used to be Camp Letterman.

Camp Letterman was merely a field hospital in the sense that Gettysburg, where more than 7,000 died and 50,000 were wounded, was merely a battle. Nearly 5,000 union and Confederate soldiers were cared for in 500 tents at the camp. Historical records indicate that more than 1,200 were buried at the site. Although a mobile home park now sits on a small portion of Camp Letterman, which is under option by a development company, there has been no bulldozing or land contouring. Straban Township, where the camp is located, recently granted conditional approval to the development plan, although final approval is still pending with the Army Corps of Engineers, which can withhold building permits if significant archeological resources are discovered during excavation efforts. Archeological surveys so far have yielded indications of a grave.

The situation at Camp Letterman is emblematic of a national epidemic. Hallowed ground throughout the country is threatened by commercial development. For instance, a gravel company has optioned Buffington Island, the site of the only major battle in Ohio. If plans go through, the battlefield will be mined into a heap of pebbles. One of the more infamous struggles between development and historical preservation occurred in 1994 when the Walt Disney Company proposed to build a theme park in Virginia near the Civil War shrines of Manassas. Had it not been for loud opposition from a conglomerate of scholars and legislators, Disney would have damaged an important historic area.

But most of the sites in jeopardy do not get publicity on the scale of Manassas, if they receive any attention at all. That should not diminish the significance of places like Camp Letterman, where soldiers spilled their blood for the sake of their country. In 1991, Congress created the Civil War Study Commission to avoid such dilemmas. The commission was charged with identifying high-priority sites and drawing up a plan to protect them. One of the most important discoveries involved public perception. Americans overwhelmingly believe that all Civil War sites are already protected. In fact, less than 4 percent fall under the national park system. More than one-third of all important battlefields are either ruined or nearly so. Without swift preservation efforts, the nation stands to lose two-thirds of its main battlefields within 10 years.

When the commission released its report in 1993, it recommended that Congress enact a "Civil War Heritage Preservation" law that would establish a national policy to protect the battlefields and related sites through a cooperative effort by national, state and local governments and private groups. But in a time of shrinking fiscal resources, its suggestions were shelved.

Sites like Camp Letterman tell the story of bravery and human suffering and conviction. The exchange of this heritage for strip malls and grocery stores is reprehensibly cheap. Before important parts of our past disappear, Congress should look to the future by re-examining the Civil War Study Commission's recommendations.

PRINCETON UNIVERSITY,
DEPARTMENT OF HISTORY,
Princeton, NJ, September 16, 1997.

Senators JAMES JEFFORDS AND ROBERT G. TORRICELLI,
U.S. Senate,
Washington, DC.

DEAR SENATORS JEFFORDS AND TORRICELLI: I strongly support the American Heritage Preservation Amendment that you have introduced in the Senate to use part of the proceeds from the Land and Water Conservation Fund for Civil War battlefield preservation.

In his address at Gettysburg to dedicate the cemetery for soldiers who had died in the epic battle, Abraham Lincoln said that the world "can never forget what they did here." Nor has the world forgotten. Millions of people visit Gettysburg and other Civil War battlefields every year. Most come away profoundly moved by the experience. Yet portions of many of these battlefields are endangered by encroaching commercial and residential development. Thousands of acres of hallowed ground may disappear under concrete and asphalt unless we act now.

As a member of the congressional Civil War Sites Advisory Commission, which in 1993 recommended urgent action by public-private partnerships to purchase or otherwise protect these acres. I have been disappointed by the failure of Congress to act. Private organizations such as the Association for the Preservation of Civil War Sites, the Civil War Trust, and the Conservation Fund have raised millions of dollars for this purpose. But they cannot do it all alone. That is why I urge Congress to pass your American Heritage Preservation Amendment, which will dedicate a small portion—no more than 10 percent—of the $700 million already designated for land acquisition from the LWCF for the purchase of important Civil War sites.

"We cannot consecrate—we cannot hallow this ground," said Lincoln at Gettysburg. "The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract." Lincoln was both right and wrong. We cannot consecrate this ground, but we can desecrate it. We must take steps now to prevent that desecration. The Jeffords-Torricelli Amendment is a crucial first step toward this goal.

Sincerely yours,

JAMES M. MCPHERSON.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1218) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. GORTON. Mr. President, on the bill, I ask unanimous consent to make a technical clarification to the committee report on page 32 of the report, which indicates that a report on the Natchez National Historic Park as being due on January 30, 1997. The actual due date, obviously, would be January 30, 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1212

(Purpose: Requires the Forest Service to implement recreation residence special use permit fees over a 5 year phase-in period and provides that no increases in fees may occur on the Sawtooth National Forest until January 1, 1999, and further provides that no fees may be increased sooner than a year after release of the Forest Service appraisal of the property)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. CRAIG, proposes an amendment numbered 1212.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 127, at the end of Title III add the following general provision:

SEC. 3 . The Secretary of Agriculture shall hereafter phase in, over a 5 year period, the fee increase for a recreation residence special use permit holder whose fee increase is more than 100 percent of the previous year's fee, provided that no recreation residence fee may be increased any sooner than one year from the time the permittee has been notified by the Forest Service of the results of an appraisal which has been conducted for the purpose of establishing such fees, and provided further that no increases in recreation residence *fees on the Sawtooth National Forest will be implemented prior to January 1, 1999.*

Mr. GORTON. Mr. President, this suspends, for the period of this next fiscal year, the implementation of fees for recreational use for cabins in a national forest in Idaho, while Senator CRAIG and the appropriate committee discusses the method by which those fees were arrived at. It is cleared by both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1212) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1213

(Purpose: To revise the boundaries of the Arkansas Post Memorial, and for other purposes)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Mr. BUMPERS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. BUMPERS, proposes an amendment numbered 1213.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title I, add the following new section:

SEC. . ARKANSAS POST NATIONAL MEMORIAL.

(a) The boundaries of the Arkansas Post National Memorial are revised to include the approximately 360 acres of land generally depicted on the map entitled "Arkansas Post National Memorial, Osotouy Unit, Arkansas County, Arkansas" and dated June 1993. Such map shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

(b) The Secretary of the Interior is authorized to acquire the lands and interests therein described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange: *Provided*, that such lands or interests therein may only be acquired with the consent of the owner thereof.

Mr. GORTON. This amendment will modify the boundaries of the Arkansas Post Memorial.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1213) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1214

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Mr. COCHRAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. COCHRAN, proposes an amendment numbered 1214.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 47, line 9, following "(25 U.S.C. 45, et seq.)" insert the following: "or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501, et seq.)".

Mr. GORTON. Mr. President, this technical amendment clarifies language on the investment of certain funding by tribes and tribal organizations. The committee included language to provide some flexibility to tribes receiving advance payments of school grant funds. This language clarifies that such advance payments include those under the Indian Self-Determination and Education Assistance Act, or the Tribally Controlled Schools Act of 1988.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1214) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1215

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Mr. MURKOWSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MURKOWSKI, proposes an amendment numbered 1215.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

"SEC. . Entry and permit limitations for Glacier Bay National Park shall not apply to the Auk Nu Marine—Glacier Bay Ferry entering Bartlett Cove for the sole purpose of accessing park or other authorized visitor services or facilities at, or originating from, the public dock area at Bartlett Cove: *Provided*, That any such motor vessel entering park waters for this stated and sole purpose shall be subject to speed, distance from coast lines, and related limitations imposed on all vessels operating in waters designated by the Superintendent, Glacier Bay, as having a high probability of whale occupancy based on recent sighting and/or past patterns of occurrence: *Provided further*, That nothing in this Act shall be construed as constituting approval for such vessels entering the waters of Glacier Bay National Park beyond the immediate Bartlett Cove area as defined by a line extending northeastward from Pt. Carolus to the west to the southernmost point of Lester Island, absent required permits."

Mr. MURKOWSKI. Mr. President, this amendment is designed to bring an important element of the Alaskan national park experience to a wider range of visitors than has previously been the case.

Glacier Bay National Park and Preserve, west of Juneau, can be reached only by boat or plane. Park headquarters at Bartlett Cove is 65 miles from Juneau. It is an additional 40 miles from Bartlett Cove to the park's signature tidewater glaciers.

Glacier Bay proper is highly regulated by the National Park Service. Currently, only two cruise ships are allowed to proceed, from the outside, into Glacier Bay per day.

This amendment is not about cruise ships, nor will it adversely impact the forty miles from Bartlett Cove to the tidewater glaciers. In fact, this amendment has nothing to do with going into the bay beyond Bartlett Cove at the entrance to the Park.

Bartlett Cove, within Glacier Bay National Park, contains the Glacier Bay Lodge and Visitor Center, campground, Ranger Station, employee housing, maintenance facilities, etc. In short, it is the only developed area within the 3.3 million acre park.

The Cove also includes the docking facilities for NPS craft and the daily concession-operated tour boat. Overnight facilities are extremely limited, so day-use concession trips are one of the only ways, short of taking a cruise ship from Vancouver, to visit the park.

According to a recent "Consumer Report's" article, Glacier Bay is the highest rated park in America. The article does, unfortunately, mention the words "if you can get to it".

Currently, daily or overnight guests who leave Juneau by ferry for Glacier Bay National Park must disembark at the Gustavus docking facility and then get into a bus and drive for 45 minutes to an hour, to get to the NPS unpaved portion of the road which then leads to the docking facility so that you can again board a tour boat to go out and see the tidewater glaciers.

On the way back to Juneau from the glaciers, visitors travel by tour boat, then by the bus back through Gustavus, and finally by boat, back to Juneau.

Mr. President, this amendment is about: Convenient visitor access, access for the handicapped, access for the elderly; and, safety.

Somewhere along the line, in its effort to control the waters of Glacier Bay, the Bureaucracy forgot the concept that we are here to serve the all of the public * * * all of the people who would like to be National Park visitors * * * including the elderly, including those with handicaps and those whose age or physical condition necessitate easier forms of access to their national park.

It may be a surprise to some, but, some park visitors cannot leap tall facilities in a single bound. Some visitors, because of a disabling condition cannot get from the deck of a boat to a deteriorating dock facility 18 feet overhead.

Some visitors, even the most able among us, cannot be expected to jump from a boat on to an unprotected dock in high and windy seas just off of Icy Passage.

Unfortunately, in Alaska, and specifically Glacier Bay National Park, we have forgotten about the park visitor's convenience and safety. The dock facility at Gustavus is inconvenient, it is less than handicapped accessible, it can certainly be considered unsafe in certain wind and sea conditions.

This amendment will only allow the Auk Nu Marine—Glacier Bay Ferry to deliver park visitors, safely, to the protected harbor at Bartlett Cove within the boundaries of Glacier Bay National Park so that they can conveniently board the tour boat, or go to the lodge * * * period. The amendment does nothing else.

This amendment does not preclude the Superintendent from imposing speed limits and/or taking any other such actions to protect the wildlife and the other natural resources or waters of Glacier Bay National Park.

The amendment is not an attempt to subvert the current permit system, it is not as complicated as how do you know when it's time to tune your bagpipes. The amendment is simple and straight forward.

This amendment only involves safe and user-friendly access to the developed park facilities. I urge my colleagues to join me in this effort.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1215) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1216

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Mr. MURKOWSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MURKOWSKI, proposes an amendment numbered 1216.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Title I of Public Law 96-514 (94 Stat. 2957) is amended under the heading "Exploration of National Petroleum Reserve in Alaska" by striking "(8) each lease shall be issued" through the end of the first paragraph and inserting in lieu thereof the following:

(8) each lease shall be issued for an initial period of ten years, and shall be extended for so long thereafter as oil or gas is produced from the lease in paying quantities, or as drilling or reworking operations, as approved by the Secretary, are conducted thereon; (9) for purposes of conservation of the natural resources of any oil or gas pool, field, or like area, or any part thereof, lessees thereof and their representatives are authorized to unite with each other, or jointly or separately with others, in collectively adopting and operating under a unit agreement for such pool, field, or like area, or any part thereof (whether or not any other part of said oil or gas pool, field, or like area is already subject to any cooperative or unit plan of development or operation), whenever determined by the Secretary to be necessary or advisable in the public interest. Drilling, production, and well re-working operations performed in accordance with unit agreement shall be deemed to be performed for the benefit of all leases that are subject in whole or in part to such unit agreement. When separate tracts cannot be independently developed and operation in conformity with an established well spacing or development program, any lease, or a portion thereof, may be pooled with other lands, whether or not owned by the United States, under a communitization or drilling agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the drilling or spacing unit when determined by the Secretary of the Interior to be in the public interest, and operations or production pursuant to such an agreement shall be deemed to be operations or production as to each such lease committed thereto; (10) to encourage the greatest ultimate recovery of oil or gas or in the interest of conservation the Secretary is authorized to waive, suspend, or reduce the rental, or minimum royalty, or reduce the royalty on an entire leasehold, including on any lease operated pursuant to a unit agreement, whenever in his judgment the leases cannot be successfully operated under the terms provided therein. The Secretary is authorized to direct or assent to the suspension of operations and production on any lease or unit. In the event the Secretary, in the interest of conservation, shall direct or assent to the suspension of operations and production on any lease or unit, any payment of acreage rental or minimum royalty prescribed by such lease or unit likewise shall be suspended during the period of suspension of operations and production, and the term of such lease shall be extended by adding any such suspension period thereto; and (11) all receipts from sales, rentals, bonuses, and royalties on leases issued pursuant to this section shall be paid into the Treasury of the United States: *Provided*, That 50 per centum thereof shall be paid by the Secretary of the Treasury semiannually, as soon thereafter as practicable after March 30 and September 30 each year, to the State of Alaska for (a) planning, (b) construction, maintenance, and operation of essential public facilities, and (c) other necessary provisions of public service: *Provided further*, That in the allocation of such funds, the State shall give priority to use by subdivisions of the Senate most directly or severely impacted by development of oil and gas leased under this Act.

Mr. GORTON. Mr. President, this clarifies conditions for oil and gas leasing of a national petroleum reserve in Alaska.

Mr. President, I should make clear that this amendment is cleared on both sides and is acceptable to the administration.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1216) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1217

(Purpose: Includes language limiting the expenditure of funds which may occur to fund the Forest Service's Juneau regional office)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Mr. MURKOWSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MURKOWSKI, proposes an amendment numbered 1217.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 69, lines 9 and 10, strike "the relocation of the Regional Office for Region 10 to Ketchikan and other".

On page 77, beginning on line 14 add the following: "Funds appropriated by this Act for Region 10 of the Forest Service to implement the Revised Tongass National Forest Land Management Plan, shall be spent and obligated at the Forest Supervisor and Ranger District levels. No funds appropriated under this or any other Act for the purpose of operations conducted at the Region 10 headquarters, including funding of centralized field costs for funding of persons employed at the Regional Office, shall be obligated or expended in excess of $17,500,000 from the total funds appropriated for Region 10".

Mr. MURKOWSKI. Mr. President, the managers of the bill have accepted an amendment I have offered concerning the organization and funding for the Alaska Region of the U.S. Forest Service. I appreciate the consideration of the managers on this matter.

As many of my colleagues know, the Forest Service has recently completed the Tongass land management plan after a 10-year and $13 million effort. The Committee on Energy and Natural Resources has conducted an extended oversight process on the development of this plan and on the prospects for successful implementation upon completion. Hearings held in July, August, and this month have raised significant questions about whether the Forest Service is organized, staffed, and funded to assure full implementation of the Tongass land management plan.

As a consequence of concerns raised during the early hearings in this series, the subcommittee chairman agreed to include language in the committee bill directing a reorganization of the Alaska Region. In subsequent hearings, we have collected additional information that suggests that, rather than moving to immediately reorganize the Alaska Region, it might be better to provide the Agency some direction on: First, the allocation of funds within the Alaska Region; and second, the development of a transition plan for implementation of the Tongass land management plan.

I believe that through the information collection in the oversight process conducted by the Commission on Energy and Natural Resources we have developed a more perfected proposal than the one included in the committee bill. Therefore, I am offering, as an amendment to the committee bill, new language which directs that:

Funds appropriated by this Act for Region 10 of the Forest Service to implement the Revised TLMP shall be spent and obligated at the Forest Supervisor and Ranger District levels. No funds appropriated under this or any other Act for the purpose of operations conducted at the Region 10 Headquarters, including funding of centralized field costs or funding of persons employed at the Regional Office, shall be obligated or expanded in excess of $17.5 million from the total funds appropriated for Region 10.

The managers have also agreed to the following explanatory language in their statement explaining changes made to the committee bill:

The Tongass Land Management Plan reduces the Allowable Sale Quantity of the Alaska region. It is presumed that the Forest Service will tailor its workforce and organization appropriately. The Committee notes that expenditures on Regional Office operations and centralized field costs at the Region Headquarters has risen to 30 percent from 18 percent of annual appropriated funds since 1993. The Committee recognizes that the reduced timber volume offered under this plan will create economic hardships for local communities and that imbalanced distribution of remaining federal jobs and spending in the region may compound those hardships. Accordingly, the Committee expects the Regional Forester to conduct a regional work load study and to develop a workforce plan that ensures high levels of customer service throughout the region, preserves the Regional Headquarters in Alaska, evaluates the need to consolidate and/or relocated offices, including relocating the Regional Office to Ketchikan, and provides for implementation by January 1, 2000. Further, the Committee expects the workforce plan to reflect the full participation of affected Southeast Alaska communities, and to include a community by community assessment of economic impacts and the rationale used by the Regional Forester to distribute federal jobs under the workforce plan. The Committee expects that the workforce plan will emphasize retention of personnel experience in Southeast Alaska's multiple use mission, will make maximum use of local hiring authority, and will be submitted to committees of jurisdiction in both the House and the Senate by March 1, 1998 for review and further guidance, if warranted. Any expenditures at the Regional Office in excess of $17.5 million from the funds provided to the Region shall be preceded by a 60-day notification of the Appropriations Committees of the Senate and the House of Representatives.

I believe that this language will provide direction to the Forest Service to allocate funds in a fashion that will come closer to assuring full implementation of the Tongass land management plan.

This approach will materially improve Forest Service operations in Alaska. During our oversight process, we discovered that over the last 6 years the Agency has increased the amount of funds consumed in the Regional Office from an average of 18 percent of annual Regional appropriations to something closer to 30 percent. This has diminished the Agency's field capability. Now, with the TLMP complete it should be the Forest Service's intention to focus more of the funding and effort at the field level.

Should the conferees be agreeable to adopting the language that we are including in the Senate bill, I would hope that conference report language could be included which directs the Forest Service to tailor its work force and organization appropriately.

I would hope that the conferees note that expenditures on regional office operations and centralized field costs at the regional headquarters have risen to 30 percent from 18 percent of annual appropriated funds since 1993.

I trust that everyone recognizes that the reduced timber volume offered under the new TLMP plan will create economic hardships for local communities and that imbalanced distribution of remaining Federal jobs and spending in the region may compound those hardships. Accordingly, I would hope that the conference report would direct the regional Forester to conduct a regional work load study and to develop a work force plan that ensures high levels of customer service throughout the region, preserves the regional headquarters in Alaska, evaluates the need to consolidate and/or relocate offices, including relocating the regional office to Ketchikan, and provides for implementation by January 1, 2000.

Further, the workforce plan should reflect the full participation of affected southeast Alaska communities, and include a community-by-community assessment of economic impacts and the rationale used by the regional forester to distribute Federal jobs under the work force plan. I hope that any work force plan will emphasize retention of personnel experienced in southeast Alaska's multiple use mission, will make maximum use of local hiring authority, and will be submitted to committees of jurisdiction in both the House and Senate by March 1, 1998, for review and further guidance, if warranted.

Under my amendment, any expenditures at the regional office in excess of $17.5 million from the funds provided to the region would have to be preceded by a 60-day notification of the Appropriations Committees of the Senate and the House of Representatives. I believe this language properly reflects the results of the Committee on Energy and Natural Resources oversight efforts.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1217) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I understand the Presiding Officer has certain announcements to make.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 101–445, appoints Charles H. White, of Mississippi, to the National Nutrition Monitoring Advisory Council.

TREASURY, POSTAL SERVICE, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL 1998

The PRESIDING OFFICER. The Chair announces that the Senate has received from the House H.R. 2378, the Treasury-Postal Service appropriations bill for fiscal 1998.

Under a previous order, all after the enacting clause of H.R. 2378 is stricken, and the text of S. 1023, as passed by the Senate, is inserted in lieu thereof, the House bill, as amended, is read a third time, and passed. The Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer (Mr. HUTCHINSON) appointed Mr. CAMPBELL, Mr. SHELBY, Mr. FAIRCLOTH, Mr. KOHL, and Ms. MIKULSKI, conferees on the part of the Senate.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1998

The PRESIDING OFFICER. The Chair announces that the Senate has received from the House H.R. 2264, the Labor-HHS appropriations bill for fiscal 1998.

Under a previous order, all after the enacting clause of H.R. 2264 is stricken and the text of S. 1061, as passed by the Senate, is inserted in lieu thereof. The House bill is read a third time, and passed. The Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer (Mr. HUTCHINSON) appointed Mr. SPECTER, Mr. COCHRAN, Mr. GORTON, Mr. BOND, Mr. GREGG, Mr. FAIRCLOTH, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. BUMPERS, Mr. REID, Mr. KOHL, Mrs. MURRAY, and Mr. BYRD conferees on the part of the Senate.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPERATION DRUG FREE GEORGIA

Mr. COVERDELL. Mr. President, during a recent meeting in my home State of Georgia, a young woman approached me to express her concerns and hope that we can soon eradicate drugs from her home town of Cordele, GA. Her comments were written down on a piece of paper and were as follows:

> I can be anything, if I put my mind to it.
>
> But, if I use drugs I won't have a mind to do anything.
>
> Drugs Destroy Dreams.
>
> United we can help Senator Coverdell stomp out drugs in Cordele.

Mr. President, her comments struck me because they are frank and hard-hitting—if you use drugs, you will not be able to follow your hopes and dreams.

As we legislate in this body, we must continue to listen to our youth as they convey this message. For after all, they are the ones in which the future, and all of our dreams, lies.

SALLIE MAE

Mr. COVERDELL: Mr. President, a constituent of mine, Mr. Brad Cohen, has been named the winner of the 1997 Sallie Mae First Class Teacher Award for the State of Georgia. I ask unanimous consent that a congratulatory letter to him be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 26, 1997.

Mr. BRADLEY COHEN,
Atlanta, GA

DEAR BRAD: It gives me great pleasure to congratulate you on being named the winner of the "1997 Sallie Mae First Class Teacher Award" for the State of Georgia.

Brad, you have every reason to be proud of this achievement; it is indeed a special honor to have been singled out among the thousands of gifted and dedicated school teachers throughout our wonderful State. You have set a marvelous example for your students, enlightening them with your own experience and the importance of self-confidence. Your second-graders are truly lucky to share your knowledge and enthusiasm.

Thank you for your outstanding contributions to the youth of Georgia, and best wishes for every continued success.

Sincerely,

PAUL D. COVERDELL,
U.S. Senator.

Mr. COVERDELL. Mr. President, I thank you, and once again congratulate Mr. Cohen on his achievement.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING SEPTEMBER 5TH

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending September 12, the United States imported 9,371,000 barrels of oil each day, 1,799,000 barrels more than the 7,572,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 59.6 percent of their needs last week, and there is no sign that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 9,371,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 16, 1997, the Federal debt stood at $5,391,866,026,111.66. (Five trillion, three hundred ninety-one billion, eight hundred sixty-six million, twenty-six thousand, one hundred eleven dollars and sixty-six cents)

One year ago, September 16, 1996, the Federal debt stood at $5,217,327,000,000 (Five trillion, two hundred seventeen billion, three hundred twenty-seven million)

Five years ago, September 16, 1992, the Federal debt stood at $4,036,030,000,000. (Four trillion, thirty-six billion, thirty million)

Ten years ago, September 16, 1987, the Federal debt stood at $2,353,294,000,000. (Two trillion, three hundred fifty-three billion, two hundred ninety-four million)

Fifteen years ago, September 16, 1982, the Federal debt stood at $1,105,897,000,000 (One trillion, one hundred five billion, eight hundred ninety-seven million) which reflects a debt increase of more than $4 trillion—$4,285,969,026,111.66 (Four trillion, two hundred eighty-five billion, nine hundred sixty-nine million, twenty-six thousand, one hundred eleven dollars and sixty-six cents) during the past 15 years.

RETIREMENT OF RONNIE ABRAMS

Mr. FORD. Mr. President, I rise today to honor a great friend and a great Kentuckian. This month, Ronnie Abrams will retire from Coopers & Lybrand L.L.P. after 40 years of dedicated service. I first met Ronnie and his wife Marie when I was Governor of Kentucky. Since then, I've not only had the pleasure of working with him on many Kentucky projects, but I've also come to count on his advice and counsel over the years.

Ronnie has made many contributions to his hometown of Louisville through his work with a wide range of groups including Adath Israel B'Rith Sholom, the Jewish Community Federation, Metro United Way, and the Louisville Chamber of Commerce. In each of these organizations, Ronnie has served in leadership positions and devoted countless hours of volunteer service. In recognition of his efforts to make the community a better place for everyone, the B'nai Brith honored him with the 1992 Person of the Year Award.

Ronnie has also been an active member of his profession through the American Institute of CPA's tax division, the Louisville Chamber of Commerce's State tax committee, the Estate Planning Council of Louisville, and as chairman of the Kentucky Society of CPA's State taxation committee.

Beyond his community and professional activities, Ronnie has been an invaluable advisor to many political leaders, myself included. He has shared his expertise in tax matters with policy makers at the State, local, and Federal level, providing both his expertise and old-fashioned commonsense.

During his four decades at Coopers & Lybrand L.L.P., Ronnie has provided solutions on tax planning and compliance matters to a large clientele in the manufacturing, retail, financial service, and health care sectors. He began his career with the firm in 1957 after graduating from Vanderbilt University and the University of Louisville. A partner since 1971, he retires as the tax market leader for Kentucky.

Mr. President, I hope all my colleagues will join me in thanking Ronnie for his hard work over the years, wishing him and his family the best of luck in the future. I know that no matter what he chooses to do, he will continue to excel and to be an asset to the community.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON FEDERAL ADVISORY COMMITTEES FOR FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 66

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

As provided by the Federal Advisory Committee Act (FACA), as amended (Public Law 92-463; 5 U.S.C., App. 2, 6(c)), I am submitting the Twenty-Fifth Annual Report on Federal Advisory Committees, covering fiscal year 1996.

The executive branch continues to implement my policy of maintaining the number of advisory committees within the ceiling of 534 required by Executive Order 12838 of February 10, 1993. As a result, the number of discretionary advisory committees (established under general congressional authorizations) was held to 501, or 37 percent fewer than those 801 committees in existence at the beginning of my Administration. Savings achieved through the elimination of discretionary committees during fiscal year 1996 totalled $2.5 million.

Through the advisory committee planning process required by Executive Order 12838, departments and agencies have worked to minimize the total number of advisory committees specifically mandated by statute. The 407 such groups supported at the end of fiscal year 1996 represents a modest 7 percent decrease over the 439 in existence at the beginning of my Administration. However, more can be done to assure that the total costs to fund these groups in fiscal year 1997, or $38.5 million, are dedicated to support high-priority public involvement efforts.

During fiscal year 1996, the General Services Administration (GSA) initiated a process for collaborating with executive departments and agencies to increase public participation opportunities at all levels of American society. Building upon my Administration's commitment to expand access to Federal decisionmakers, managers at all levels will be provided with more timely guidance that includes enhanced options for achieving objectives, better training, and exposure to a variety of tools and techniques, which when used in conjunction with advisory committees, offer additional flexibility to address a wide variety of public participation needs.

Actions to broaden the scope and effectiveness of public participation within the Federal sector will continue during fiscal year 1997. During the year, GSA will develop newly updated guidance implementing FACA. At the same time, GSA will continue to support and work closely with such agencies as the Council on Environmental Quality and the Departments of Agriculture and the Interior to align its efforts with key Administration policies relating to ecosystem and land management priorities.

My Administration will continue to work with the Congress to assure that all advisory committees that are required by statute are regularly reviewed through the congressional reauthorization process and that remaining committees are instrumental in achieving national interests.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 17, 1997.*

REPORT ON THE NATIONAL EMERGENCY—MESSAGE FROM THE PRESIDENT—PM

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 *Fed. Reg.* 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran,

including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Speaker of the House and the President of the Senate by letter dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States.

Executive Order 12959 (60 *Fed. Reg.* 24757, May 9, 1995) (1) prohibits exportation from the United States to Iran or to the Government of Iran of goods, technology, or services; (2) prohibits the reexportation of certain U.S. goods and technology to Iran from third countries; (3) prohibits dealings by United States persons in goods and services of Iranian origin or owned or controlled by the Government of Iran; (4) prohibits new investments by United States persons in Iran or in property owned or controlled by the Government of Iran; (5) prohibits U.S. companies and other United States persons from approving, facilitating, or financing performance by a foreign subsidiary or other entity owned or controlled by a United States person of certain reexport, investment, and trade transactions that a United States person is prohibited from performing; (6) continues the 1987 prohibition on the importation into the United States of goods and services of Iranian origin; (7) prohibits any transaction by a United States person or within the United States that evades or avoids or attempts to violate any prohibition of the order; and (8) allowed U.S. companies a 30-day period in which to perform trade transactions pursuant to contracts predating the Executive order.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize, through specific licensing, certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and United States Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakhstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Speaker of the House and the President of the Senate by letter dated May 6, 1995.

2. On March 5, 1997, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the authority for the current comprehensive trade embargo against Iran in effect since May 1995. Under these sanctions, virtually all trade with Iran is prohibited except for trade in information and informational materials and certain other limited exceptions.

3. On August 19, 1997, I issued Executive Order 13059 in order to clarify the steps taken in Executive Order 12957 and Executive Order 12959, to confirm that the embargo on Iran prohibits all trade and investment activities by United States persons, wherever located, and to consolidate in one order the various prohibitions previously imposed to deal with the national emergency declared on March 15, 1995. A copy of Executive Order 13059 was transmitted to the Speaker of the House and the President of the Senate by letter dated August 19, 1997.

The order prohibits (1) the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran except information or informational material; (2) the exportation, reexportation, sale, or supply from the United States or by a United States person, wherever located, of goods, technology, or services to Iran or the Government of Iran, including knowing transfers to a third country for direct or indirect supply, transshipment, or reexportation to Iran or the Government of Iran, or specifically for use in the production, commingling with, or incorporation into goods, technology, or services to be supplied, transshipped, or reexported exclusively or predominantly to Iran or the Government of Iran; (3) reexportation from a third country of controlled U.S.-origin goods, technology, or services by a person other than a United States person; (4) purchase, sale, transport, swap, brokerage, approval, financing, facilitation, guarantee, or other transactions or dealings by United States persons, wherever located, related to direct or indirect trade with Iran or the Government of Iran or to goods or services of Iranian origin or owned or controlled by the Government of Iran; (5) new investment by United States persons in Iran or in property or entities owned or controlled by the Government of Iran; (6) approval, financing, facilitation, or guarantee by a United States person of any transaction by a foreign person that a United States person would be prohibited from performing under the embargo; and (7) any evasion, avoidance, or attempt to violate a prohibition under the order.

Executive Order 13059 became effective at 12:01 a.m., eastern daylight time on August 20, 1997. Revocation of corresponding provisions in prior Executive orders does not affect the applicability of those provisions, or of regulations, licenses, or other administrative actions taken pursuant to those provisions, with respect to any transaction or violation occurring before the effective date of Executive Order 13059. Specific licenses issued pursuant to prior Executive orders continue in effect, unless revoked or amended by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to prior orders continue in effect, except to the extent inconsistent with Executive Order 13059 or otherwise revoked or modified by the Secretary of the Treasury.

4. The Iranian Transactions Regulations, 31 CFR Part 560 (the "ITR"), were amended on April 18, 1997 (62 *Fed. Reg.* 19670, April 23, 1997), on July 30, 1997 (62 *Fed. Reg.* 41851, August 4, 1997), and on August 25, 1997 (62 *Fed. Reg.* 45098, August 25, 1997). In April 1997, Section 560.603 was amended to require a United States person to file a transaction report as to each foreign affiliate that engages in reportable oil-related transactions involving Iran of $1,000,000 or more during the calendar quarter.

In July 1997, sections 560.510(d)(1) and (d)(2) were amended to generally license all payments of awards against Iran issued by the Iran-U.S. Claims Tribunal in The Hague, irrespective of the source of funds for payment, and to generally license implementation (except exports or reexports that are subject to export license application requirements of Federal agencies other than the Department of the Treasury's Office of Foreign Assets Control (OFAC)) as well as payment of awards or settlements in cases to which the United States Government is a party.

Sections 560.525(a)(3) and (a)(5)(i) were amended to generally license the provision of legal services to initiate and conduct U.S. court and other domestic legal proceedings on behalf of persons in Iran or the Government of Iran and to initiate proceedings to resolve disputes between the Government of Iran or an Iranian national and the United States or a United States national, notwithstanding the prohibition on exportation of services to Iran. On August 25, 1997, general reporting, record keeping, licensing, and other procedural regulations were moved from the ITR to a separate part (31 CFR Part 501) dealing solely with such procedural matters. (62 *Fed. Reg.* 45098, August 25, 1997). A copy of these amendments is attached.

5. During the current 6-month period, OFAC made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued 12 licenses. The majority of denials were in response to requests to authorize commercial exports to Iran—particularly of machinery and equipment for various industries—and the importation of Iranian-origin goods. The licenses issued authorized certain financial transactions, including those relating to disposal of U.S.-owned goods located in Iran and extension of, but not payment under, standby letters of credit. Pursuant to sections 3 and 4 of Executive Order 12959 and consistent with the Iran-Iraq Arms Non-Proliferation Act of 1992 and other statutory restrictions concerning certain goods and technology, including those involved in air-safety cases, Treasury continues to consult with the Departments of State and Commerce on these matters.

The U.S. financial community continues to scrutinize transactions associated with Iran and to consult with OFAC about their appropriate handling. Many of these inquiries have resulted in investigations into the activities of U.S. parties and, where appropriate, the initiation of enforcement action.

6. On March 20, 1997, a seven-count indictment was returned by a grand jury in the District of Maryland against a U.S. resident and two Iranian co-conspirators. The March indictment superseded a two-count indictment handed down on February 13, 1997. Each indictment charged violations of IEEPA and the ITR involving the attempted exportation from the United States to Iran of sophisticated state-of-the-art gas chromatographs used in the electric power industry, which were prevented from reaching Iran.

The U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITR. Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued. Since my last report on March 14, 1997, OFAC has collected four civil monetary penalties totaling nearly $22,000. The violations relate to the unlicensed import from or exports of goods to Iran. Civil penalty action is pending against 37 companies, financial institutions, and individuals for violations of the Regulations.

7. The expenses incurred by the Federal Government in the 6-month period from March 15 through September 14, 1997, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are approximately $850,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Intelligence and Research, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

8. The situation reviewed above continues to present an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the United States Government opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Order 12957 and 12959 continue to advance important objectives in promoting the nonproliferation and antiterrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 17, 1997.*

MESSAGES FROM THE HOUSE

At 12:35 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 910. An act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 562. An act to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1254. An act to designate the United States Post Office building located at 1919 West Bennett Street in Springfield, Missouri, as the "John N. Griesemer Post Office Building".

H.R. 1903. An act to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 95. Concurrent resolution recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude.

H. Con. Res. 109. Concurrent resolution recognizing the many talents of the actor Jimmy Stewart and honoring the contributions he made to the Nation.

H. Con. Res. 134. Concurrent resolution authorizing the use of the rotunda of the Capitol to allow Members of Congress to greet and receive His All Holiness Patriarch Bartholomew.

At. 5:26 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2264. An act making appropriations for the Departments of Labor, Health, and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

H.R. 2378. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes.

ENROLLED BILLS SIGNED

At 6:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 63. An act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake".

H.R. 2016. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1254. An act to designate the United States Post Office building located at 1919 West Bennett Street in Springfield, Missouri, as the "John N. Griesemer Post Office Building"; to the Committee on Governmental Affairs.

H.R. 1903. An act to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 95. Concurrent resolution recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude; to the Committee on the Judiciary.

H. Con. Res. 109. Concurrent resolution recognizing the many talents of the actor Jimmy Stewart and honoring the contributions he made to the Nation; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2957. A communication from the Director, Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, two rules received on September 15, 1997; to the Committee on Labor and Human Resources.

EC-2958. A communication from the Inspector General of the U.S. Railroad Retirement Board, transmitting, a notice relative to the Chairman of the Railroad Retirement Board; to the Committee on Labor and Human Resources.

EC-2959. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a notice relative to the report on Reserve retirement initiatives; to the Committee on Armed Services.

EC-2960. A communication from the Acting Assistant Secretary of Defense (Command, Control, Communications, and Intelligence), transmitting, pursuant to law, a report relative to the White House Communications Agency; to the Committee on Armed Services.

EC-2961. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to an outsourcing study; to the Committee on Armed Services.

EC-2962. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a rule entitled "Canadian Border Boat Landing Program" (RIN 1115-AE53) received on September 11, 1997; to the Committee on the Judiciary.

EC-2963. A communication from the Director of the Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, a rule entitled "Fees for Motions to Reopen or Reconsider" (RIN 1125-AA15) received on September 12, 1997; to the Committee on the Judiciary.

EC-2964. A communication from the Attorney General, transmitting, pursuant to law, the report of a supplemental brief; to the Committee on the Judiciary.

EC-2965. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled "Medicaid Program (Coverage of Personal Care Services)" (RIN 0938-AH00) received on September 17, 1997; to the Committee on Finance.

EC-2966. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 97-53 received on September 16, 1997; to the Committee on Finance.

EC-2967. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC-2968. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, a rule entitled "Virginia Regulatory Program (Subsidence)" (VA106FOR) received on September 15, 1997; to the Committee on Energy and Natural Resources.

EC-2969. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, the report relative to royalty management and delinquent account collection activities for Federal and Indian mineral leases; to the Committee on Energy and Natural Resources.

EC-2970. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "The Egg and Egg Product Safety Act of 1997"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2971. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "The Food Safety Enforcement Enhancement Act of 1997"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2972. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "The Farm Safety Net Improvement Act of 1997"; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-227. A resolution adopted by governing body of the City of Absecon, New Jersey relative to ocean dumping; to the Committee on Environment and Public Works.

POM-228. A resolution adopted by Commission of the City of Miami, Florida relative to the U.S. Immigration and Naturalization Service; to the Committee on the Judiciary.

POM-229. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works.

JOINT RESOLUTION

Whereas, Congress is currently considering the reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991; and

Whereas, the Intermodal Surface Transportation Efficiency Act of 1991 established a new vision for transportation in the United States by declaring that the national transportation system should be intermodal in character, economically efficient, environmentally sound and socially responsive; and

Whereas, the Intermodal Surface Transportation Efficiency Act of 1991 provides for the funding of transportation enhancement projects, or activities related to transportation that are designed to strengthen the cultural, aesthetic and environmental aspects of the country's transportation system; and

Whereas, transportation enhancement projects add community or environmental value to any active or completed transportation project, and include:

1. Facilities for pedestrians and bicycles;
2. The acquisition of scenic easements and scenic or historic sites;
3. Scenic or historic highway programs;
4. Landscaping and other scenic beautification;
5. Historic preservation;
6. The rehabilitation and operation of historic transportation buildings, structures or facilities, including railroad facilities and canals;
7. The preservation of abandoned railway corridors and the conversion of such corridors to other uses;
8. The control and removal of outdoor advertising;
9. Archaeological planning and research; and
10. The mitigation of water pollution resulting from highway runoff; and

Whereas, transportation enhancement projects enjoy broad popular support and have benefited the cities and counties of Nevada by improving the quality of life and economic development of those cities and counties: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That the members of the 69th Session of the Nevada Legislature urge Congress, in considering reauthorization, to maintain the course set by the Intermodal Surface Transportation Efficiency Act of 1991 through dedicated funding for transportation enhancement projects within the successor to the act; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM-230. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Foreign Relations.

Whereas, throughout the world, an estimated 200 million children are at work, with many of them working under intolerable conditions; and

Whereas, child labor distorts and degrades an entire society, where children are cheated out of their childhoods, denied even the most basic education and set out, often at an early age, to difficult and dangerous work at pitifully low wages; and

Whereas, this abuse of children prevents many grown men and women from finding work because employers would rather hire and exploit their sons and daughters; and

Whereas, children as young as 6 years of age work 15 hours a day, 7 days a week, scrambling for food, drugged to enable them to work longer and faster and often bent, cowed and crippled from overwork, accidents and starvation; and

Whereas, at a time when new technologies allow monetary investments to cross national borders with a keystroke on a computer and where capital can shop the world for the least expensive and most vulnerable workers, citizens of the United States must ensure that human values such as the dignity of working men and women and the dreams for their children continue to be honored; and

Whereas, international economic competition must not be allowed to degenerate into a race to the bottom where standards under which most people live are sacrificed for the private profit of a privileged few; and

Whereas, companies in the United States must be held accountable for the actions of their contractors at home and abroad; and

Whereas, persons in business, labor and government in our country need to do more by taking action against sweatshops and child labor in our own country as well as in other countries in the world; now, therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. 1. The Nevada Legislature hereby urges:

(a) Congress to address the problem of child labor, both in the United States and abroad;

(b) Congress to support the adoption of the International Labor Organization convention on the elimination of child labor resulting from the 86th and 87th congressional sessions of the International Labor Organization in 1998 and 1999, respectively; and

(c) Businesses in the State of Nevada not to sell products made through the labor of children.

2. The Secretary of the Senate shall prepare and transmit a copy of this act to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation.

Sec. 2. This act becomes effective upon passage and approval.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 1093. A bill to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of the Lao People's Democratic Republic, and for other purposes (Rept. No. 105–83).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Ms. Collins, Mrs. Boxer, Mr. Bumpers, Mr. DeWine, Mrs. Feinstein, Mr. Harkin, Mr. Kennedy, Mr. Lautenberg, Mr. Leahy, Mr. Reed, Ms. Snowe, Mr. Wellstone, and Mr. Wyden):

S. 1183. A bill to repeal the provision crediting increased excise taxes on certain tobacco products against payments made pursuant to the tobacco industry settlement legislation; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. Kennedy, Mr. Abraham, Mr. Leahy, Mr. DeWine, and Mr. Biden):

S. 1184. A bill to amend the Immigration and Nationality Act to waive nonimmigrant visa fees for aliens seeking to enter the United States to engage in certain charitable activities; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. Breaux):

S. 1185. A bill to provide employees with more access to information concerning their pension plans and with additional mechanisms to enforce their rights under such plans; to the Committee on Labor and Human Resources.

By Mr. DEWINE (for himself Mr. Jeffords, Mr. Kennedy, and Mr. Wellstone):

S. 1186. A bill to provide for education and training, and for other purposes: to the Committee on Labor and Human Resources.

By Mr. LAUTENBERG (for himself, Mr. Hollings, and Mr. Thurmond):

S. 1187. A bill to suspend temporarily the duty on ferroboron; to the Committee on Finance.

By Mr. KOHL:

S. 1188. A bill to amend chapters 83 and 85 of title 28, United States Code, relating to the jurisdiction of the District Court for the District of Columbia, and the United States Court of Appeals for the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Oregon (for himself and Mr. Hatch):

S. 1189. A bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes; to the Committee on the Judiciary.

By Mr. ALLARD:

S. 1190. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. Kennedy, Mr. Abraham, Mr. Leahy, Mr. DeWine and Mr. Biden):

S. 1184. A bill to amend the Immigration and Nationality Act to waive nonimmigrant visa fees for aliens seeking to enter the United States to engage in certain charitable activities; to the Committee on the Judiciary.

THE MOTHER TERESA FEE WAIVER ACT OF 1997

Mr. HATCH. Mr. President. I am proud today to introduce—along with my colleagues Senators Kennedy, Abraham, Leahy, and DeWine—the Mother Teresa fee waiver bill of 1997.

While daily newscasts focus our attention on the scourge of senseless crime and deadly drugs in our country and around the world, Mother Teresa's death last week focused the world's attention on the simple good works that are all too often overlooked.

As the flag of India was draped over Mother Teresa, an observer commented "She now belongs to the State." I think it is more accurate to say that Mother Teresa has and will always belong to the world. In an era where the phrase "global economy" has become commonplace, Mother Teresa represented a "global morality." Her good works, and those of so many other religious organizations around the world are not, and should not be, confined by national borders and boundaries.

Shortly before her death, Mother Teresa personally sought a waiver of the fees charged to her missionaries seeking to enter this country on a temporary basis to help the poorest of the poor and the sickest of the sick in our own cities. Of course, she was absolutely right. We should give thanks to these kind and giving persons who travel to foreign lands for no other purpose than to give of themselves to help the neediest in those lands. Instead, we've been charging them. It is an absurd situation that needs to be remedied.

I am, therefore, pleased today to stand with my colleagues in introducing a simple and straightforward bill that would waive the fees for persons coming here temporarily for the purpose of engaging in charitable activities to help the needy. This bill is but one small but fitting and timely tribute to Mother Teresa who stood under 5 feet but whose goodness and righteousness made her tower among us.

I look forward to the Senate's swift action on this measure.

Mr. KENNEDY. I am pleased to join with Senator Hatch in sponsoring legislation requested by Mother Teresa to waive visa application fees for religious workers coming to the United States to perform charitable work for temporary periods.

During her visits to the United States, Mother Teresa asked President Clinton to take this step to waive visa fees for her missionaries coming to work in this country. Her Missionaries of Charity come to America to help the poor in our communities and to minister to the sick and the elderly. Each time they travel here, they are required to pay a $120 visa fee to the U.S. Government.

It makes no sense to require these religious workers to pay a fee to the Federal Government in order to come here to help our communities. The legislation we introduce today would waive the fee in these instances.

This past weekend, while attending Mother Teresa's funeral in India, the First Lady met with Sister Nirmala, Mother Teresa's successor at the Missionaries of Charity Order in Calcutta. Sister Nirmala asked once again for a waiver of the visa fee and was delighted to learn that the U.S. Senate would be considering legislation this week to accomplish this goal as Mother Teresa had requested.

This is an important step that Congress can take to honor the memory of Mother Theresa and the compassionate work that her order brings to America. I urge my colleagues to support this legislation.

Mr. ABRAHAM. Mr. President. I am pleased to be a cosponsor of legislation authored by Senators Hatch and Kennedy to waive the visa fees for religious workers who enter to perform charitable functions.

It is not in the U.S. interest to impose fees that inhibit or otherwise burden individuals who seek to help our communities. Mother Teresa spoke specifically of eliminating these fees for members of her mission coming to the United States to serve the poor, so as to make the money available for more good works. I applaud Senators Hatch and Kennedy for introducing this important legislation.

By Mr. GRASSLEY (for himself and Mr. BREAUX):

S. 1185. A bill to provide employees with more access to information concerning their pension plans and with additional mechanisms to enforce their rights under such plans; to the Committee on Labor and Human Resources.

THE PENSION TOOLS ACT

Mr. GRASSLEY. Mr. President, today I rise to introduce the Pension Tools Act of 1997. Why pension tools? Because this legislation contains the components, or tools that will assist pension participants and retirees to understand the fundamentals of their pension plans, get them to think about their retirement for the long term, and when problems arise—help put in place a cost-effective conflicts resolution process.

This legislation is very important to today's retirees and workers. In June, the Senate Aging Committee, which I chair, convened a hearing which highlighted the growing problem of pension mistakes. That's right, Mr. President. A pension mistake. The problem addressed at the hearing did not target intentional wrongdoing—but honest mistakes by employers which can lead to a cut in a monthly pension payment or a lump-sum payment a worker takes when leaving a job.

It's impossible to determine how big the problem is, but it is a growing concern. To try to document how big the problem could be, I asked the Pension Benefit Guaranty Corporation [PBGC] to provide me with data about a program they administer called the standard termination audit program. The program audits a sample of plans which have terminated—these are not plans which have gone bankrupt. The PBGC released a letter to my committee which showed that certain pension payouts have errors in the range of 8 percent. That number has increased since the program started back in 1986 when it was 2 percent. Many of these errors involve substantial sums of money. In fact, one in three people who were shortchanged, were shortchanged by at least $1,000.

Other pension experts and advocates would put the number of mistakes at a higher rate—in the range of 15 to 20 percent. But we just can't say what the number is because none of the agencies who regulate pensions audit whether or not the pensions and lump-sum payments that are made to the majority of workers and retirees are usually accurate. Most employers are doing their best to pay the right amount but mistakes do happen. The problem is that people are not aware that they really need to verify that their pension payouts are the right amount.

The hearing called attention to that very problem. Too many workers lack a full understanding of how their pension works and how much their benefit will be until just before retirement.

It is my hope that this legislation will be a vital part of our effort to educate people about the need to prepare for retirement. One of the components of good retirement preparation is tracking your employer-provided pension and knowing your pension rights.

Specifically, this legislation will give employees the opportunity to have benefit statements sent to them on a regular basis. In addition, the legislation clarifies that pension plan participants and beneficiaries should have access to plan documents which show how their pension benefit was calculated. That way, they can check the math and verify that their benefit is correct.

My bill will also address two other problems raised at the hearing. First, one problem faced by pension participants and beneficiaries is that employers are slow to respond to their requests for information. To address that problem, we will authorize the Secretary of Labor to assess a fine if an employer fails or refuses to provide information in a timely manner. The other problem that this bill will address is to clarify that a person who has been cashed out of a plan can still get information from the plan administrator if a problem arises after the person separates from employment.

Senator BREAUX and I are also including a directive to the Secretary of Labor to draft model procedures for alternative dispute resolution. The enforcement option open to pension participants now—a lawsuit—is simply too costly for many people who are living on a fixed income.

Part of the problem we see is that pensions are very complex. It is hard for employers to administer pensions even with the expert advice of paid pension consultants. I am continuing to seek ways to alleviate some of the pressure on employers. We have already taken the first step of asking the General Accounting Office to review the changes in the law since the passage of GATT—this had an impact on interest rates—one of the areas where we see the most problems in pension errors. We are also looking into the usefulness of mandating that employers provide a summary annual report of the pension plan to participants every year. These summary reports are not user-friendly and do not provide the participants with information in an accessible way. Benefit statements and the use of education and outreach may provide a substitute for the annual mailing of summary annual reports to pension participants.

I am also submitting for the RECORD two letters of support for the legislation. The first letter is from the Pension Rights Center here in Washington, DC. The center has a long history as an effective advocate for participant rights. The second letter was submitted by the American Society of Pension Actuaries. This group strongly supports the idea of automatic benefit statements and we will certainly work with them to clarify language in the legislation.

While great strides have been made since the act went into effect, participants and beneficiaries still lack access to basic but vital information and tools to enforce their rights. Having a pension can make all the difference to people once they retire. The Pension Tools Act strikes the right balance to get people useful information about their pensions and help them enforce basic rights to that information. I urge my colleagues to support the efforts of Senator BREAUX and myself to ensure that retirees and workers get every penny they have earned when the time comes to retire.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN SOCIETY OF
PENSION ACTUARIES,
Arlington, VA, September 16, 1997.

Hon. CHARLES E. GRASSLEY,
Special Committee on Aging, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN GRASSLEY: The American Society of Pension Actuaries appreciates your efforts to ensure that plan participants and beneficiaries have sufficient information about their plan benefits. ASPA believes that better informed participants will become more active participants. Particularly, ASPA strongly supports your proposals to provide for participant benefit statements and benefit calculations. This invaluable information will allow plan participants to more accurately plan for retirement.

We agree conceptually with the other proposals outlined in the "Summary of Pension Tools Act of 1997," which was provided to us by your staff. However, we are unable to more fully endorse the entire bill until we have had an opportunity to review the detailed legislative language. Further, we would like to alert you about two general concerns we have pertaining to two of the proposals outlined.

First, one of the proposals would treat participants who have been "cashed out" of the plan as "active" participants for purposes of obtaining information about the plan as allowed under the Employee Retirement Income Security Act. Although we appreciate the general objective underlying this proposal, we are concerned if the proposal would allow, for instance, a former participant to request a benefit calculation after ten years. Such a request would be a tremendous hardship on the plan sponsor or plan administrator since in most cases such records are not retained for a long period of time. We would suggest giving participants a fixed period of time—such as 18 months after they have received their benefits—to request this information.

Second, another proposal would require the Secretary of Labor to develop model alternative dispute resolution procedures. We agree that such procedures can often be a more efficient means for resolving disputes, and we also agree with your conclusion to give plans the option of choosing to adopt such procedures. The summary further indicates that the Secretary of Labor would formulate a list of neutral experts to serve as mediators. We are concerned that such a list would become politicized. Consequently, we would suggest as an alternative that the Secretary of Labor be tasked with simply maintaining the list and that any pension professional meeting objective qualification requirements be permitted to be listed.

We hope these comments are helpful and we look forward to working with you and your staff toward passage of this legislation.

Respectfully,

BRIAN H. GRAFF, Esq.,
Executive Director.

PENSION RIGHTS CENTER,
Washington, DC, September 11, 1997.

Hon. CHARLES GRASSLEY,
Chairman, Special Committee on Aging, Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR GRASSLEY: I am writing to express the Pension Rights Center's strong support for the Pension Tools Act of 1997. Your proposed legislation will help assure that employees will receive accurate and timely information about their future pension benefits. It will also give retirees the opportunity to check the accuracy of plan calculations, and develop an inexpensive forum where they can challenge improper benefit denials.

Sincerely your,

KAREN W. FERGUSON,
Director.

By Mr. DEWINE (for himself, Mr. JEFFORDS, Mr. KENNEDY, and Mr. WELLSTONE):

S. 1186. A bill to provide for education and training, and for other purposes; to the Committee on Labor and Human Resources.

THE WORKFORCE INVESTMENT PARTNERSHIP ACT

Mr. DEWINE. Madam President, as a member of the Senate Labor and Human Resources Committee and chairman of the Subcommittee on Employment and Training, I have spent the last few years examining our Federal job training programs. During this examination, it has become clear to me as well as many others, that these programs are in dire need of reform. The status quo is just plain unacceptable.

What we are faced with today is a fragmented and duplicative maze of narrowly focused programs administered by numerous Federal agencies that lack coordination, a coherent strategy to provide training assistance, and the confidence of the two key consumers who utilize these services—those seeking the training, and those businesses seeking to hire them. Despite spending billions of tax dollars each year on job training programs, most Federal agencies do not know how their programs work and if their programs are really helping people find jobs.

Here is what we do know. Today's job training system is no system at all—it is a complex patchwork of numerous rules, regulations, requirements, and overlapping bureaucratic responsibilities. As a result, programs are largely ineffective. Frustration and confusion is widespread throughout the system—by program administrators and employers, and most important, by those seeking assistance. People have difficulty knowing where to begin to look for training assistance because there are no clear points of entry and no clear paths from one program to another.

This is frustration at the breaking point.

Frustration to the point that business community participation, which is absolutely necessary for success, is waning.

Frustration to the point that community activists, again whose participation is absolutely necessary for success, are becoming disenchanted.

Frustration to the point that we have begun to question our commitment to job training.

Fragmentation, duplication, ineffectiveness, and frustration—these are the words that describe the current Federal job training apparatus. That is the status quo. That is unacceptable. That is largely why reform is needed now.

There are other important reasons why reform is necessary. The economic future of our country depends on a well-trained work force. I have heard from employers at every level who find it increasingly difficult to attract and find qualified employees for high-skilled, high-paying jobs as well as qualified entry level employees. If we are going to remain economically competitive, we must address this growing shortage of workers.

Reform also is needed if the welfare reform bill Congress passed last year is going to have any chance of succeeding. We need to provide States with the tools necessary to develop a comprehensive system to assist people make work, not welfare, their way of life.

To achieve all of these goals, job training is the key.

The bill that I introduce today with Senators JEFFORDS, KENNEDY, and WELLSTONE represents a bipartisan belief that we can do better and we can achieve these goals. We can replace the current system of frustration and provide a framework for success.

By removing or reforming outdated rules and regulations, we can remove the barriers that have stymied reform in the past. We can empower States to boldly move forward, transforming the current patchwork of programs into a comprehensive system to make it easier for all consumers seeking assistance to receive assistance.

Just like we did with welfare reform, job training reform is about recognizing the leadership of States that have shown innovation and initiative over the last few years, even in the midst of numerous Federal barriers and obstacles. It is about allowing them and encouraging them to continue with the innovations they have implemented without Federal reform legislation.

We can establish a framework for a system that provides consumer choice. Individuals seeking assistance should have a say in where, how, and what training they will receive. At the same time, the Federal bureaucracy should not engage in micro-management by mandating vouchers or any other specific local delivery system. This is a decision that belongs to the States and localities. This bill takes the opposite approach—it provides States and localities the flexibility to develop training programs that meet the real needs of those seeking training. It is to the consumer that these programs should be tailored to, not Washington.

We can establish an accountable system. Training programs must demonstrate their effectiveness to be certified as eligible programs. This means proving that training leads to meaningful, unsubsidized employment—showing how many people were placed, at what cost, and how many people remained employed 6 months to a year later. We owe this to the individuals seeking assistance and to the American taxpayers who pays for these programs.

We can establish a framework that not only allows for business community involvement, but business community leadership. The private sector must outline their employment needs and assist in the design of training programs.

The Workforce Investment Partnership Act incorporates all of these principles. The programs incorporated in the legislation include job training, vocational education, and adult education. Additionally, it provides strong, mandatory linkages to welfare to work, Wagner-Peyser, Job Corps, Older Americans, Vocational Rehabilitation, the Bureau of Apprenticeship and Training, veterans, Trade Adjustment Assistance, as well as other training related programs.

While separate funding streams will be maintained for each of the activities, in recognition of their function, States and localities will be empowered with the tools and the flexibility to implement real reform in order to provide comprehensive services to those seeking assistance.

Under this bill, States will have the ability to submit a unified plan for all of the programs incorporated in and linked to this legislation to the appropriate Secretary describing how they will coordinate services in order to avoid duplication.

Statewide and local partnerships, led by the business community, will be established to assist in the development of such a plan, set policy for training, and generally advise the appropriate elected official overseeing the system.

At the local level, all services provided must be accessible through a one stop customer service system. Consumers, both employers and job seekers seeking assistance, will be able to receive comprehensive information regarding the availability, eligibility, and quality of the programs. With this kind of system, we can remove the confusion and frustration inherent in the current programs.

Finally, training will be delivered under a framework of an individual training account which will be used to ensure the principle of consumer choice. The specific nature of the individuals training account will be determined by States and localities.

In conclusion, I would like to thank my colleagues, Senators JEFFORDS, KENNEDY, and WELLSTONE, as well as the other members of the Subcommittee of Employment and Training for their cooperation and dedication in developing a piece of legislation that moves us forward. This has been a bipartisan effort from Day One. I believe that level of cooperation and leadership is essential if we are to have a chance to pass real reform.

There have been a number of organizations—both public and private—who have participated in an open and constructive process used to develop this legislation. Their input has been vital.

Again, the Workforce Investment Partnership Act is designed to address and reform the Federal Government's role in providing job training assistance to Americans. For too long, that role has been to foster confusion, frustration and complication. With this bill, we offer a new foundation, and a positive framework for success. Instead of rules that tie the hands of States and localities, this bill provides the tools to empower them to develop comprehensive work force investment systems that address the needs of job seekers and employers. This bill is a road map to a better system, and if we are to achieve the goals we have set—a stronger economy, a better-trained work force, and welfare reform—we need to begin that journey today.

Mr. KENNEDY. Madam President, an educated work force has become the most valuable resource in the modern economy. Our Nation's long term economic vitality depends on the creation of an effective, accessible, and accountable system of job training and career development which is open to all our citizens. Schools must assume more responsibility for preparing their students to meet the challenges of the 21st century workplace. Disadvantaged adults and out of school youth need the opportunity to develop job skills which will make them productive members of the community. Dislocated workers who have been displaced by the rapid pace of technological change deserve the chance to pursue new careers. The way in which we respond to these challenges today will determine how prosperous a nation we are in the next century.

The importance of highly developed employment skills has never been greater. The gap in earnings between skilled and unskilled workers is steadily widening. For those who enter the work force with good academic training and well developed career skills, this new economy offers almost unlimited potential. However, for those who lack basic proficiency in language, math and science and who have no career skills, the new economy presents an increasingly hostile environment.

The Workforce Investment Partnership Act which I am introducing with Senators JEFFORDS, DEWINE, and WELLSTONE will provide employment training opportunities for millions of Americans. It responds to the challenge of the changing workplace by enabling men and women to both acquire the skills necessary to enter the work force and upgrade their skills throughout their careers. It will provide access to the educational tools that will enable them not only to keep up, but to get ahead.

The legislation which we will be introducing represents a true collaboration of our four offices. I want to publicly commend Senators JEFFORDS and DEWINE for the genuine spirit of bipartisanship which has made this collaborative effort possible. Senator WELLSTONE and I appreciate it. Over the last 6 months, each of us has devoted an enormous amount of time and effort to fashioning a legislative consensus which will truly expand career options, encourage greater program innovation, and facilitate cooperative efforts amongst business, labor, education, and State and local government. While each of us can cite provisions in this bill which we would like to change, we all believe that the Workforce Investment Partnership Act will accomplish our principal goals.

I also want to recognize the important role President Clinton has played in bringing about this dramatic reform of our current job training system. He has consistently emphasized the need for greater individual choice in the selection of career paths and training providers. The philosophy behind the skill grant proposal is reflected in our legislation.

The Workforce Investment Partnership Act is designed to provide easy access to state of the art employment training programs which are geared to real job opportunities in the community. The cornerstones of this new system are individual choice and quality labor market information. In the past, men and women seeking new careers often did not know what job skills were most in demand and which training programs had the best performance record. All too often, they were forced to make one of the most important decisions in their lives based on anecdotes and late-night advertisements.

No training system can function effectively without accurate and timely information. The frequent unavailability of quality labor market information is one of the most serious flaws in the current system. In order to make sound career choices, prospective trainees need both detailed information on local career opportunities and performance based information on training providers. That information will now be available at easily accessible one stop employment centers, along with career counseling and other employment services. The legislation places a strong emphasis on providing information about what area industries are growing, what skills those jobs require, and what earning potential they have. Extensive business community participation is encouraged in developing this information. Once a career choice is made, the individual must still select a training provider. At present, many applicants make that choice with a little or no reliable information. Under our bill, each training provider will have to publicly report graduation rates, job placement and retention rates, and average earnings of graduates.

Because of the extensive information which will be available to each applicant, real consumer choice in the selection of a career and of a training provider will be possible. The legislation establishes individual training accounts for eligible participants, which they can use to access career education and skill training programs. Men and women seeking training assistance will no longer be limited to a few predetermined options. As long as there are real job opportunities in the field selected and the training provider meets established performance standards, the individual will be free to choose which option best suits his or her needs.

This legislation will organize the delivery of services more effectively and utilize resources more creatively. There will be a significant consolidation of the dozens of narrowly focused programs which currently exist into several broad funding streams for the distinct populations needing assistance. Consolidation makes sense in those areas in which multiple programs are currently serving the same population. However, it is equally important to preserve separate streams of funding for distinct populations. The programmatic needs of middle age dislocated workers with extensive employment histories are quite different from the services required by young adults with limited skills and no work histories. Similarly the problems faced by out of school youth require very different solutions than those confronting the adult population. Ensuring that services which are designed to meet the needs of each of these populations are available is a Federal responsibility. For that reason, this legislation maintains distinct programs with separate appropriations for dislocated workers, disadvantaged adults, and at risk youth.

The WIPA gives State and local government significantly enhanced discretion in designing their training systems. If this reform is to be truly responsive to those at the community level who are in need of services, it is essential that the authority which the Federal Government delegates to the States be exercised through a broad based decisionmaking process. Governors, State legislatures, mayors, and other county and local officials should all have a meaningful voice in the design of a State's new job training system and they will under this legislation. Local boards of business, labor, education and community leaders are—in my opinion—essential to insuring that programs meet the real world needs of participants, and that the training programs correspond to labor market demands. The success we have had a Massachusetts has been due to large measure to active participation by local business leaders on the regional employment boards. WIPA strengthens the role of such boards, giving them major new policy making responsibilities. These boards will play the primary role in assuring that training programs address the actual employment needs of area businesses.

An essential element of the new system we have designed in accountability. As I noted earlier, each training provider will have to monitor and report the job placement and retention achieved by its graduates and their average earnings. Only those training programs that meet an acceptable performance standard will remain eligible for receipt of public funds. The same principle of accountability is applied to those agencies administering State and local programs. They are being given wide latitude to innovate under this legislation. But they too will be held accountable if the programs fail to meet challenging performance targets.

There is no challenge facing America today which is tougher or more important than providing at risk, often out of school, youth with meaningful education and employment opportunities. Far too many of our teenagers are being left behind without the skills needed to survive in the 21st century economy. I am particularly proud of the commitment which the Workforce Investment Partnership Act makes to these young men and women. This legislation authorizes a new initiative focused on teenagers living in the most impoverished communities in America. These areas range from the poorest neighborhoods of our largest cities to impoverished rural counties. Each year, the Secretary of Labor will award grants from a $250 million fund to innovative programs designed to provide opportunities to youth living in these areas. The programs will emphasize mentoring, strong links between academic and worksite learning, and job placement and retention. It will encourage broad based community participation from local service agencies and area employers. These model programs will, we believe, identify the techniques which are most effective in reaching those youth at greatest risk.

The Workforce Investment Partnership Act includes titles reauthorizing major vocational education and adult literacy programs. Both programs will continue to be separately funded and independently administered. We have incorporated them in the Workplace Act because they must be integral components of any comprehensive strategy to prepare to meet the demands of the 21st century workplace. Students who participate in vocational education must be provided with broad based career preparation courses which meet both high academic standards and teach state of the art technological skills. Adult literacy programs are essential for the 27 percent of the adult population who have not earned a high school diploma or its equivalent. Learning to read and communicate effectively are the first steps to career advancement. In vocational education and adult literacy, we are placing the same emphasis on program accountability which we did in job training.

The Workforce Investment Partnership Act we are introducing today will make it possible for millions of Americans to gain the skills needed to compete in a global economy. In doing so, we are also enabling them to realize their personal American dreams.

In closing, I want to recognize the important contribution which Stephen Springer, a key member of my staff during the 104th Congress, played in the evolution of job training reform. Tragically, he died at a young age after a courageous battle with cancer. He believed that the type of innovative work force development system which this legislation would create had the potential to open doors of opportunity for millions of Americans. His commitment was extraordinary. He continued to work on this issue even as his health was failing. He is no longer with us, but he continues to inspire us. Stephen Springer's creative vision of a work force development system equal to the challenges of the 21st century economy is reflected in the Workforce Investment Partnership Act. When enacted, it will be a wonderful legacy for this extraordinary individual.

Mr. WELLSTONE. Mr. President, I am pleased to join my colleagues, Senators DEWINE, JEFFORDS, and KENNEDY, in introducing the Workforce Investment Partnership Act of 1997. This bipartisan bill is a major accomplishment for Americans who need Federal assistance to acquire skills to qualify for good jobs.

The bill also is a major accomplishment for my colleague from Ohio, Senator DEWINE, Chairman of the Labor Committee's Employment and Training Subcommitee, whom I commend for bringing us to this point through numerous valuable hearings and a rigorous, cooperative drafting process. A number of Minnesotans testified at our hearings. Groups from Minnesota and from around the country have been consulted and listened to. I thank both Senator DEWINE and Senator JEFFORDS for the openness of the process. As always, I would also like to acknowledge the leadership of Senator KENNEDY. His deep experience and commitment have helped make this an excellent bill.

As leaders for our respective parties on the Subcommittee and on the full Labor Committee, the four of us may not always agree on issues facing America's working families. But we agree on this bill. It will fundamentally improve our Federal system of job training, adult and vocational education, and vocational rehabilitation programs.

The bill will help coordinate, streamline and decentralize our Federal job training system. It will make that system more accountable to real performance measures. It gives private sector employers—the people who have jobs to offer and who need workers with the right skills—a greater role in directing policy at the State and local level, which is where most decision-making power resides in this bill. And it moves the whole country to where Minnesota has already moved decisively: to a system of one-stop service centers where people can get all the information they need in one location. At these one stops, people then will have the ability to make their own choices, based on the best information, about which profession they want and ought to pursue, about the skills and training they'll need, and about the best place to get those skills and that training. I have visited one-stop centers in Minnesota. They work.

In addition, and this is very important, our bill achieves the things I have mentioned above without neglecting the need to target resources from the Federal level to those who need them most: to disadvantaged adults and youth, and to dislocated workers.

That is crucial. This bill does not overreach. It does not block-grant all Federal job training, adult education and vocational education progams to governors. It retains crucial federal priorities, then allows State and local authorities to decide how best to address their needs. That is why I believe this Congress will succeed where we did not during the last Congress. We'll pass this bill, reach an acceptable conference agreement with the House, and send major, important legislation to the President for his signature.

By Mr. LAUTENBERG (for himself, Mr. HOLLINGS and Mr. THURMOND):

S. 1187. A bill to suspend temporarily the duty on ferroboron; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation with Senators HOLLINGS and THURMOND to temporarily suspend the rate of duty imposed on imported ferroboron. Ferroboron is the key raw material in amorphous metal electrical power distribution transformer cores. Transformers using these cores reduce energy losses and greenhouse gas emissions associated with these losses by 60 to 80 percent when compared to other transformer core technologies. This provides both increased energy conservation and decreases environmental degradation in those developing nations where the most promising market opportunities exist.

While these benefits are tangible and significant, they, and the extensive research and development that yielded them, are costly. An amorphous metal transformer has an initial cost 20 to 30 percent higher than the less energy efficient and environmentally friendly transformers it seeks to replace. Fortunately, because of its many benefits, the total owning cost of an amorphous metal transformer over its 20- to 30-year life is far lower than the initially cheaper competition. Reducing the cost of an important and costly raw material, by suspending the duty paid on it, helps to ensure the cost-competitiveness of the end product in the export markets. This is good for manufacturers, for American workers, and for our economy.

Mr. President, I have received assurances from my constituent, AlliedSignal, Inc., that there is no U.S. manufacturer of ferroboron, thus, this legislation does not adversely affect any American business.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.72.02	Ferroboron (provided for in subheading 7202.99.50.	Free	No change	No change	On or before 12/31/2000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

By Mr. KOHL:

S. 1188. A bill to amend chapters 83 and 85 of title 28, United States Code, relating to the jurisdiction of the District Court for the District of Columbia, and the United States Court of Appeals for the District of Columbia, and for other purposes; to the Committee on the Judiciary.

THE COURT CONSISTENCY IN COMMUNICATIONS ACT OF 1997

Mr. KOHL. Mr. President, I rise today to introduce the Court Consistency in Communications Act of 1997. The purpose of this bill is to bring consistency to the judicial interpretation of some of the central provisions of the Telecommunications Act, to make sure that an appellate court with broad and deep understanding of these issues can bring its expertise to bear on them, and to resolve related litigation as quickly as possible. In many other areas, such as bankruptcy and labor, strong precedent exists for consolidation of cases to bring about more efficient and informed judgments.

This measure is simple, effective and straightforward. It consolidates in the District of Columbia Federal courts all appeals of FCC decisions under title II of the Communications Act of 1934 and State commission decisions under section 252 of the Telecommunications Act of 1996. Let me tell you why this legislation is crucially needed.

The telecommunications industry accounts for about one-sixth of our national economy. And almost 2 years ago we passed legislation designed to unleash competition in the industry. It was signed into law with great fanfare. As President Clinton said, "Today with the stroke of [my] pen, competition and innovation can move as quick as light." But we are still waiting for lower rates, better service, and greater innovation that was promised when the Telecom Act was signed.

The sad truth is that the promise of the Telecom Act has gotten bogged down in litigation. Lawyers are arguing about the meaning of its provisions in courts all across the country. Indeed, today a major challenge to the FCC's jurisdiction over long distance service is being filed in the Eighth Circuit. In my opinion, even under current law this case should have been filed in the District of Columbia.

We don't, of course, want to take away people's ability to redress grievances through the courts. The right to sue is, for better or worse, almost sacred to American culture. But while some people may choose to wait for a resolution to emerge from the 93 different Federal district courts and 12 distinct Federal circuits, to my mind the better way to bring competition to telecommunications markets is to have some judicial certainty about the rules of the game—and to have it sooner, rather than later. This bill should create the necessary framework for predictability in the courts, so that companies can shift their rivalry from the courtroom to the marketplace.

This proposal is not a panacea, but it does move us in the right direction. By streamlining the appellate process, the Court Consistency in Communications Act will speed the arrival of local and long distance telephone competition. It will help consumers—the people who pay the bills, who deserve more choice and who wonder why their rates aren't going down.

Mr. President, this judicial reform bill does not alter the substance of the Telecommunications Act in any way—that is clearly in the jurisdiction of the Commerce Committee. Nor does it affect pending cases. Finally, to those who have expressed concerns about the measure, let me remind them that this is not a final product, but a work in progress; in other words, we want to work with you.

I urge my colleagues to support this measure, because all of us have an interest in reducing litigation and encouraging competition.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Court Consistency in Communications Act of 1997".

SEC. 2. JURISDICTION OF THE DISTRICT COURT FOR THE DISTRICT OF COLUMBIA AND THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.

(a) JURISDICTION OF REVIEW BY DISTRICT COURT FOR THE DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by adding at the end the following:

"§ 1369. District Court for the District of Columbia; review of certain communications determinations

"The United States District Court for the District of Columbia shall have exclusive jurisdiction to review a determination as provided under section 252(j)(2) of the Communications Act of 1934 (47 U.S.C. 252(j)(2)).".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 85 of title 28, United States code, is amended by adding at the end the following:

"1369. District Court for the District of Columbia; review of certain communications determinations.".

(b) JURISDICTION OF THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.—

(1) IN GENERAL.—Chapter 83 of title 28, United States Code, is amended by adding at the end the following:

"§ 1297. Jurisdiction of the United States Court of Appeals for the District of Columbia Circuit

"The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction of an appeal as provided under sections 252(j)(2) and 402(b) of the Communications Act of 1934 (47 U.S.C. 252(j)(2) and 402(b)).".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 83 of

title 28, United States Code, is amended by adding at the end the following:

"1297. Jurisdiction of the United States Court of Appeals for the District of Columbia Circuit.".

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Communications Act of 1934 is amended—

(A) in section 252 (47 U.S.C. 252)—

(i) in subsection (e)(6), by striking the second sentence;

(ii) by redesignating subsection (j) as subsection (k); and

(iii) by inserting after subsection (i) the following new subsection (j):

"(j) JUDICIAL REVIEW OF STATE COMMISSION ACTIONS.—

"(1) REVIEW.—In any case in which a State commission makes a determination under this section, any party aggrieved by the determination shall bring an action for the review of the determination, if at all, in the United States District Court for the District of Columbia.

"(2) APPEAL.—Any appeal of a decision of the court under subparagraph (A) shall be brought in the United States Court of Appeals for the District of Columbia Circuit."; and

(B) in section 402(b) (47 U.S.C. 402(b)), by adding at the end the following:

"(10) By any person challenging any other decision or order of the Commission under title II.".

"(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to determinations of the Federal Communications Commission under title II of the Communications Act of 1934 and to determinations by State commissions (as that term is defined in section 3(41) of that Act (47 U.S.C. 153(41)) under section 252 of that Act on or after the date of enactment of this Act.

By Mr. SMITH of Oregon (for himself and Mr. HATCH):

S. 1189. A bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL JUDICIARY PROTECTION ACT OF 1997

Mr. SMITH of Oregon. Mr. President, former Secretary of State, John Foster Dulles once stated that "Of all the tasks of government, the most basic is to protect its citizens against violence." While this has been one of our biggest challenges, Congress has the ability to also strengthen those laws that deter violence and provide protection to those whose careers are dedicated to protecting our families and also our communities.

With that intent, I rise today with my colleague, Senator HATCH, to introduce the Federal Judiciary Protection Act, a bill to provide greater protection to Federal law enforcement officials and their families. Under current law, a person who assaults, attempts to assault, or who threatens to kidnap or murder a member of the immediate family of a U.S. official, a U.S. judge, or a Federal law enforcement official, is subject to a punishment of a fine or imprisonment of up to 5 years, or both. This legislation seeks to expand these penalties in instances of assault with a weapon and a prior criminal history. In such cases, an individual could face up to 20 years in prison.

This legislation would also strengthen the penalties for individuals who communicate threats through the mail. Currently, individuals who knowingly use the U.S. Postal Service to deliver any communication containing any threat are subject to a fine of up to $1,000 or imprisonment of up to 5 years. Under this legislation, anyone who communicates a threat could face imprisonment of up to 10 years.

Briefly, I would like to share an example illustrating the need for this legislation. In my State of Oregon, Chief Judge Michael Hogan and his family were subjected to frightening, threatening phone calls, letters, and messages from an individual who had been convicted of previous crimes in Judge Hogan's courtroom. For months, he and his family lived with the fear that these threats to the lives of his wife and children could become reality, and, equally disturbing, that the individual could be back out on the street again in a matter of a few months, or a few years.

Judge Hogan and his family are not alone. In April of this year, the wife of a circuit court judge in Florida was stalked by an individual who had been convicted of similar offenses in 1994 and 1995. Mrs. Linda Cope, the wife of Circuit Judge Charles Cope was leaving a shopping mall one afternoon and as pursued by a man named Stelios Kostakis. As she left the parking lot, she realized that she was being followed and attempted to lose Kostakis by taking alternative routes and speeding through residential streets. In a desperate attempt, Mrs. Cope cut in front of a semitrailer truck, risking a serious accident and possible loss of life, to escape. Even after this third offense, stalking the wife of a circuit court judge, he was sentenced to only 6 months on probation and $150 in fines and other court costs.

In September 1996, Lawrence County Judge Dominick Motto was stalked, harassed, and subjected to terrorist threats by Milton C. Reiguert, who was upset by a verdict in a case that Judge Motto had heard in his courtroom. After hearing the verdict, Reiguert stated his intention to "point a rifle at his head and get what he wanted."

Mr. President, these are only a few examples of vicious acts focused at our Federal law enforcement officials. As a member of the legislative branch, I believe it is our responsibility to provide adequate protection to all Americans who serve to protect the life and liberty of every citizen in this Nation. I encourage my colleagues to join us in sponsoring this important legislation.

By Mr. ALLARD:

S. 1190. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

THE CAMPAIGN FINANCE INTEGRITY ACT OF 1997

Mr. ALLARD. Mr. President, campaign finance reform is the catch phrase of the year in politics. The problem is that every Senator has a different definition of reform, including myself. That is why today I am introducing the Campaign Finance Integrity Act. I want to ensure that we change the campaign finance system without being unconstitutional and that flies in the face of the first amendment, especially in light of the fact that today is the 210th anniversary of the signing of the Constitution.

Some in Congress have stated that freedom of speech and the desire for healthy campaigns in a healthy democracy are in direct conflict and that you can't have both. But fortunately for those of us who believe in the first amendment rights of all American citizens, the Founding Fathers and the Supreme Court are on our side.

Thomas Jefferson repeatedly stated the importance of the first amendment and how it allows the people and the press the right to speak their minds freely. Jefferson clearly stated its importance back in 1798 with, "One of the amendments to the Constitution * * * expressly declares that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press,' thereby guarding in the same sentence and under the same words, the freedom of religion, speech, and of the press; insomuch that whatever violates either throws down the sanctuary which covers the others." Again in 1808, he stated that "The liberty of speaking and writing guards our other liberties." And in 1823, Jefferson stated, "The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be submitted to." Jefferson knew and believed that if we begin restricting what people say, how they say it, and how much they can say, then we deny the first and fundamental freedom given to all citizens.

The Supreme Court has also been very clear in its rulings concerning campaign finance and the first amendment. Since the post-Watergate changes to the campaign finance system, 24 congressional actions have been declared unconstitutional, with 9 rejections based on the first amendment. Out of those nine four dealt directly with campaign finance reform laws. In each case, the Supreme Court has ruled that political spending is equal to political speech.

In the now famous decision, or infamous to some, Buckley versus Valeo, the Court states that,

> The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

Simply stated, the government cannot ration or regulate political speech of an American through campaign spending limits any more than it can tell the local newspaper how many papers it can print or what it can print. This reinforces Jefferson's statement that to impede one of these rights is to impede all first amendment rights.

Also, supporters of some of the campaign finance reform bills, believe that if we stop the growth of campaign spending and force giveaways of public and private resources then all will be fine with the campaign finance system. It seems to me that if you look at history, price controls didn't work in the 1970's and they won't work in the 1990's. The Supreme Court agrees and is again very clear in its intent on price controls in campaigns. The Buckley decision says, "* * * the mere growth in the cost of federal election campaigns in and of itself provides no basis for governmental restrictions on the quality of campaign spending.* * *"

Campaigns are about ideas and expressing those ideas, no matter how great or small the means. The "distribution of the humblest handbill" to the "expensive modes of communication" are both indispensable instruments of effective political speech. We should not force one sector to freely distribute our political ideas just because it is more expensive than all the other sectors. So no matter how objectionable the cost of campaigns are, the Supreme Court has stated that this is not reason enough to restrict the speech of candidates or any other groups involved in political speech.

We need a campaign finance bill that does not violate the first amendment, while providing important provisions to open the campaign finance of candidates up to the scrutiny of the American people and I believe the Campaign Finance Integrity Act does that.

My bill would: Require candidates to raise at least 50 percent of their contributions from individuals in the State or district in which they are running; equalize contributions from individuals and political action committees, PAC's, by raising the individual limits from $1,000 to $2,500 and reducing the PAC limit from $5,000 to $2,500; index individual and PAC contribution limits for inflation; reduce the influence of a candidate's personal wealth by allowing political party committees to match dollar for dollar the personal contribution of a candidate above $5,000; require organizations, groups, and political party committees to disclose within 24 hours the amount and type of independent expenditures over $1,000 in support of or in opposition to a candidate; require corporations and labor organizations to seek separate, voluntary authorization of the use of any dues, initiative fees or payment as a condition of employment for political activity, and require annual full disclosure of those activities to members and shareholders; prohibit depositing of an individual contribution by a campaign unless the individual's profession and employer are reported; encourage the Federal Elections Commission to allow filing of reports by computers and other emerging technologies and to make that information accessible to the public on the Internet less than 24 hours of receipt; ban the use of taxpayer financed mass mailings, and create a tax deduction for political contributions up to $100 for individuals and $200 for a joint return.

This is commonsense campaign finance reform. It drives the candidate back into this district or State to raise money from individual contributions. It has some of the most open, full, and timeliest disclosure requirements of any other campaign finance bill in either the Senate or the House of Representatives. I strongly believe that sunshine is the best disinfectant.

The right of political parties, groups, and individuals to say what they want in a political campaign is preserved but the right of the public to know how much they are spending and what they are saying is also recognized. I have great faith that the public can make its own decisions about campaign discourse if it is given full and timely information.

Many of the proponents of the more popular campaign finance bills try to reduce the influence of interests by suppressing their speech. I believe the best ways to reduce the special interests influence is to suppress and reduce the size of government. If the government rids itself of special interest funding and corporate welfare, then there would be little influence left for these large donors. Campaign contributions would no longer be based on special interests but on ideas. Let's stop corporate welfare, especially the Overseas Private Investment Corporation, OPIC, where companies get a subsidized ride on the backs of taxpayers in order to invest without risk or without the market controlling the outcome. The best way to eliminate corporate subsidies is to eliminate the Department of Commerce, where a majority of corporate welfare programs are funded. To break special interest money, we must break the so-called iron triangle of big business, big labor, and big government.

Ojbecting to the popular catch phrase of the moment is very difficult for any politician, but turning your back on the first amendment is more difficult for me. I want campaign finance reform but not at the expense of the first amendment and that is what my legislation does. Not everyone will agree with the Campaign Finance Integrity Act and many of us will disagree on this issue but the first amendment is the reason we can disagree.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Campaign Finance Integrity Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONTRIBUTIONS

Sec. 101. Requirement for in-state and in-district contributions to congressional candidates.
Sec. 102. Use of contributions to pay campaign debt.
Sec. 103. Modification of political party contribution limits to candidates when candidates make expenditures from personal funds.
Sec. 104. Modification of contribution limits.

TITLE II—DISCLOSURE REQUIREMENTS

Sec. 201. Disclosure of certain expenditures for issue advocacy.
Sec. 202. Disclosure of certain non-Federal financial activities of national political parties.
Sec. 203. Political activities of corporations and labor organizations.

TITLE III—REPORTING REQUIREMENTS

Sec. 301. Time for candidates to file reports.
Sec. 302. Contributor information required for contributions in any amount.
Sec. 303. Prohibition of depositing contributions with incomplete contributor information.
Sec. 304. Filing of reports using computers and facsimile machines; required electronic disclosure by commission.

TITLE IV—MISCELLANEOUS

Sec. 401. Ban on mass mailings.
Sec. 402. Tax deduction for political contributions.
Sec. 403. Effective date.

TITLE I—CONTRIBUTIONS

SEC. 101. REQUIREMENT FOR IN-STATE AND IN-DISTRICT CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(1) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively;

(2) by inserting after subsection (d) the following:

"(e) REQUIREMENT FOR IN-STATE AND IN-DISTRICT CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.—

"(1) DEFINITIONS.—

"(A) IN-STATE CONTRIBUTION.—In this subsection, the term 'in-State contribution' means a contribution from an individual that is a legal resident of the candidate's State.

"(B) In-district contribution.—In this subsection, the term 'in-district contribution' means a contribution from an individual that is a legal resident of the candidate's district.

"(2) Limit.—A candidate for nomination to, or election to, the Senate or House of Representatives and the candidate's authorized committees shall not accept an aggregate amount of contributions of which the aggregate amount of in-State contributions and in-district contributions is less than 50 percent of the total amount of contributions accepted by the candidate and the candidate's authorized committees.

"(3) Time for meeting requirement.—A candidate shall meet the requirement of paragraph (2) at the end of each reporting period under section 304.

"(4) Personal funds.—For purposes of this subsection, a contribution that is attributable to the personal funds of the candidate or proceeds of indebtedness incurred by the candidate or the candidate's authorized committees shall not be considered to be an in-State contribution or in-district contribution.".

(b) Conforming Amendments.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(1) in subsection (b)(1)(A), by striking "(e)" and inserting "(f)";

(2) in subsection (d)(2), by striking "(e)" and inserting "(f)"; and

(3) in subsection (d)(3)(A)(i), by striking "(e)" and inserting "(f)".

SEC. 102. USE OF CONTRIBUTIONS TO PAY CAMPAIGN DEBT.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) (as amended by section 101) is amended by adding at the end the following:

"(j) Limit on Use of Contributions to Pay Campaign Debt.—

"(1) Time to accept contributions.—Beginning on the date that is 90 days after the date of a general or special election, a candidate for election to the Senate or House of Representatives and the candidate's authorized committees shall not accept a contribution that is to be used to pay a debt, loan, or other cost associated with the election cycle of such election.

"(2) Personal obligation.—A debt, loan, or other cost associated with an election cycle that is not paid in full on the date that is 90 days after the date of the general or special election shall be assumed as a personal obligation by the candidate.".

SEC. 103. MODIFICATION OF POLITICAL PARTY CONTRIBUTION LIMITS TO CANDIDATES WHEN CANDIDATES MAKE EXPENDITURES FROM PERSONAL FUNDS.

(a) In General.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) (as amended by section 102) is amended by adding at the end the following:

"(k) Contribution Limits for Political Party Committees in Response to Candidate Expenditures of Personal Funds.—

"(1) In general.—In the case of a general election for the Senate or House of Representatives, a political party committee may make contributions to a candidate without regard to any limitation under subsections (a) and (d) until such time as the aggregate amount of contributions is equal to or greater than the applicable limit.

"(2) Applicable limit.—The applicable limit under paragraph (1), with respect to a candidate, shall be the greatest aggregate amount of expenditures that an opponent of the candidate in the same election and the opponent's authorized committee make using the personal funds of the opponent or proceeds of indebtedness incurred by the opponent (including contributions by the opponent to the opponent's authorized committee) in excess of 2 times the limit under subsection (a)(1)(A) with respect to a general election.

"(3) Definition of political party committee.—For purposes of this subsection, the term 'political party committee' means a political committee that is a national, State, district, or local committee of a political party (including any subordinate committee).".

(b) Notification of Expenditures From Personal Funds.—Section 304(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

"(B)(i) The principal campaign committee of a candidate for nomination to, or election to, the Senate or House of Representatives shall notify the Commission of the aggregate amount expenditures made using personal funds of the candidate or proceeds of indebtedness incurred by the candidate (including contributions by the candidate to the candidate's authorized committee) in excess of an amount equal to 2 times the limit under section 301(a)(1)(A).

"(ii) The notification under clause (i) shall—

"(I) be submitted to the Commission not later than 24 hours after the expenditure that is the subject of the notification is made;

"(II) include the name of the candidate, the office sought by the candidate, and the date and amount of the expenditure; and

"(III) include the aggregate amount of expenditures from personal funds that have been made with respect to that election as of the date of the expenditure that is the subject of the notification.".

SEC. 104. MODIFICATION OF CONTRIBUTION LIMITS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking "$1,000" and inserting "$2,500"; and

(B) in paragraph (2)(A), by striking "$5,000" and inserting "$2,500"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "subsection (b) and subsection (d)" and inserting "paragraphs (1)(A) and (2)(A) of subsection (a) and subsections (b) and (d)"; and

(B) in paragraph (2)(A), by striking "means the calendar year 1974." and inserting "means—

"(i) for purposes of subsections (b) and (d), calendar year 1974; and

"(ii) for purposes of paragraphs (1)(A) and (2)(A) of subsection (a), calendar year 1997.".

TITLE II—DISCLOSURE REQUIREMENTS

SEC. 201. DISCLOSURE OF CERTAIN EXPENDITURES FOR ISSUE ADVOCACY.

(a) Issue Advocacy.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

"(d) Issue Advocacy.—

"(1) Required report.—A person (other than a candidate or a candidate's authorized committee) who makes a payment in an aggregate amount equal to or greater than $1,000 for a communication containing issue advocacy shall submit a statement to the Commission (not later than 24 hours after making the payment) describing the amount spent, the type of communication involved, and the market or area in which the communication was disseminated.

"(2) Definition.—

"(A) In general.—In this subsection, the term 'a communication containing issue advocacy' means a communication that—

"(i) uses the name or likeness of an individual holding Federal office or a candidate for election to a Federal office;

"(ii) mentions a national political party; or

"(iii) uses the terms 'the President', 'Congress', 'Senate', or 'House of Representatives' in reference to an individual holding Federal office.

"(B) Exception.—The term shall not include a payment which would be—

"(i) described in clause (i), (iii), or (v) of section 301(9)(B) if the payment were an expenditure under such section; or

"(ii) an independent expenditure.".

(b) Increased Reporting for Independent Expenditures.—Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended in the matter following paragraph (2)(C), by striking "after the 20th day, but more than 24 hours, before any election" and inserting "during a calendar year".

SEC. 202. DISCLOSURE OF CERTAIN NON-FEDERAL FINANCIAL ACTIVITIES OF NATIONAL POLITICAL PARTIES.

Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) in subparagraph (H)(v), by striking "and" at the end;

(2) in subparagraph (I), by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(J) for a national political committee of a political party, disbursements made by the committee in an aggregate amount greater than $1,000, during a calendar year, in connection with a political activity (as defined in section 316(c)(3));".

SEC. 203. POLITICAL ACTIVITIES OF CORPORATIONS AND LABOR ORGANIZATIONS.

(a) Disclosure to Employees and Shareholders Regarding Political Activities.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

"(c) Authorization Required for Political Activity.—

"(1) In general.—Except with the separate, written, voluntary authorization of each individual, a national bank, corporation or labor organization shall not—

"(A) in the case of a national bank or corporation described in this section, collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment or membership if any part of the dues, fee, or payment will be used for a political activity in which the national bank or corporation is engaged; and

"(B) in the case of a labor organization described in this section, collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of the dues, fee, or payment will be used for a political activity.

"(2) Effect of authorization.—An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) Definition of political activity.—For purposes of this subsection, the term 'political activity' includes a communication or other activity that involves carrying on propaganda, attempting to influence legislation, or participating or intervening in a political party or political campaign for a Federal office.

"(d) DISCLOSURE OF DISBURSEMENTS FOR POLITICAL ACTIVITIES.—

"(1) CORPORATIONS AND NATIONAL BANKS.—A corporation or national bank shall submit an annual written report to shareholders stating the amount of each disbursement made for political activities or that otherwise influences Federal elections.

"(2) LABOR ORGANIZATIONS.—A labor organization shall submit an annual written report to dues paying members and nonmembers stating the amount of each disbursement made for political activities or that otherwise influences Federal elections, including contributions and expenditures.".

(b) DISCLOSURE TO THE COMMISSION OF CERTAIN PERMISSIBLE ACTIVITIES BY LABOR ORGANIZATIONS AND CORPORATIONS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended in section 201) is amended by adding at the end the following:

"(e) REQUIRED STATEMENT OF CORPORATIONS AND LABOR ORGANIZATIONS.—Each corporation, national bank, or labor organization who makes an aggregate amount of disbursements during a year in an amount equal to or greater than $1,000 for any activity described in subparagraph (A), (B), or (C) of section 316(a)(2) shall submit a statement to the Commission (not later than 24 hours after making the payments) describing the amount spent and the activity involved.".

TITLE III—REPORTING REQUIREMENTS

SEC. 301. TIME FOR CANDIDATES TO FILE REPORTS.

Section 304(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(2)(A)) is amended—

(1) in clause (ii), by striking "and" following the semicolon;

(2) in clause (iii), by striking "; and"; and

(3) by adding at the end the following:

"(v) monthly reports during the months of July, August, September, and October, that shall be filed no later than the final day of the reporting month; and

"(vi) 24-hour reports, beginning on the day that is 15 days preceding an election, that shall be filed no later than the end of each 24-hour period; and".

SEC. 302. CONTRIBUTOR INFORMATION REQUIRED FOR CONTRIBUTIONS IN ANY AMOUNT.

(a) SECTION 302.—Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ", and if the amount" and all that follows through the period and inserting: "and the following information:

"(A) The identification of the contributor.

"(B) The date of the receipt of the contribution."; and

(B) in paragraph (2)—

(i) in subsection (A), by striking "such contribution" and inserting "the contribution and the identification of the contributor"; and

(ii) in subsection (B), by striking "such contribution" and all that follows through the period and inserting ", no later than 10 days after receiving the contribution, the contribution and the following information:

"(i) The identification of the contributor.

"(ii) The date of the receipt of the contribution.";

(2) in subsection (c)—

(A) by striking paragraph (2);

(B) in paragraph (3), by striking "or contributions aggregating more than $200 during any calendar year"; and

(C) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) in subsection (h)(2), by striking "(c)(5)" and inserting "(c)(4)".

(b) SECTION 304.—Section 304(b)(3)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)(A)) is amended by striking "whose contributions" and all that follows through "so elect,".

SEC. 303. PROHIBITION OF DEPOSITING CONTRIBUTIONS WITH INCOMPLETE CONTRIBUTOR INFORMATION.

Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

"(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of a candidate's authorized committee shall not deposit or otherwise negotiate a contribution unless the information required by this section is complete.".

SEC. 304. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES; REQUIRED ELECTRONIC DISCLOSURE BY COMMISSION.

Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

"(11) ELECTRONIC FILING.—

"(A) IN GENERAL.—The Commission shall issue a regulation to permit a report, designation, or statement required to be filed with the Commission under this Act to be filed in electronic form accessible by computer or through the use of a facsimile machine or other method of transmission that corresponds with the method of record-keeping or transmission used by persons required to file under this Act.

"(B) INTERNET ACCESS TO CAMPAIGN FINANCE INFORMATION.—The Commission shall make the information contained in a designation, statement, report, or notification filed with the Commission under this section accessible to the public on the Internet and publicly available at the offices of the Commission not later than 24 hours after the designation, statement, report, or notification is received by the Commission.".

TITLE IV—MISCELLANEOUS

SEC. 401. BAN ON MASS MAILINGS.

(a) IN GENERAL.—Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A) A Member of, or Member-elect to, Congress may not mail any mass mailing as franked mail.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—.

(1) Section 3210 of title 39, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (3)—

(I) in subparagraph (G), by striking ", including general mass mailings,";

(II) in subparagraph (I), by striking "or other general mass mailing"; and

(III) in subparagraph (J), by striking "or other general mass mailing";

(ii) in paragraph (6)—

(I) by striking subparagraphs (B), (C), and (F);

(II) by striking the second sentence of subparagraph (D); and

(III) by redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively; and

(iii) by striking paragraph (7);

(B) in subsection (c), by striking "subsection (a) (4) and (5)" and inserting "paragraphs (4), (5), and (6) of subsection (a)";

(C) by striking subsection (f); and

(D) by redesignating subsection (g) as subsection (f).

(2) Section 316 of the Legislative Branch Appropriations Act, 1990 (39 U.S.C. 3210 note) is amended by striking subsection (a).

(3) Section 311 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e) is amended by striking subsection (f) and inserting the following:

"(f) **[Reserved]**.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect at the beginning of the first Congress that begins after December 31, 1998.

SEC. 403. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall apply with respect to elections occurring, payments made, and filing periods beginning after December 31, 1998.

ADDITIONAL COSPONSORS

S. 222

At the request of Mr. DOMENICI, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 222, a bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

S. 260

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 260, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 358

At the request of Mr. DEWINE, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 401

At the request of Mr. JEFFORDS, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 401, a bill to improve the control of outdoor advertising in areas adjacent to the Interstate System, the National Highway System, and certain other federally assisted highways, and for other purposes.

S. 852

At the request of Mr. LOTT, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 948

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana

[Ms. LANDRIEU] was added as a cosponsor of S. 948, a bill to amend the Older Americans Act of 1965 to improve the provisions relating to pension rights demonstration projects.

S. 980

At the request of Mr. DURBIN, the names of the Senator from California [Mrs. BOXER] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 980, a bill to require the Secretary of the Army to close the United States Army School of the Americas.

S. 1042

At the request of Mr. CRAIG, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1042, a bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements.

S. 1062

At the request of Mr. D'AMATO, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 1062, a bill to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

S. 1113

At the request of Mr. GRASSLEY, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 1113, a bill to extend certain temporary judgeships in the Federal judiciary.

S. 1153

At the request of Mr. BAUCUS, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1153, a bill to promote food safety through continuation of the Food Animal Residue Avoidance Database program operated by the Secretary of Agriculture.

S. 1164

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1164, a bill to state a policy of the United States that engages the People's Republic of China in areas of mutual interest, promotes human rights, religious freedom, and democracy in China, and enhances the national security interests of the United States with respect to China, and for other purposes.

S. 1178

At the request of Mr. ABRAHAM, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1178, a bill to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes.

SENATE JOINT RESOLUTION 30

At the request of Mr. WARNER, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of Senate Joint Resolution 30, a joint resolution designating March 1, 1998, as "United States Navy Asiatic Fleet Memorial Day," and for other purposes.

SENATE CONCURRENT RESOLUTION 42

At the request of Mr. D'AMATO, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of Senate Concurrent Resolution 42, a concurrent resolution to authorize the use of the rotunda of the Capitol for a congressional ceremony honoring Ecumenical Patriarch Bartholomew.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

BROWNBACK AMENDMENT NO. 1204

Mr. BROWNBACK proposed an amendment to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the appropriate place in title I, insert the following:

"SEC. 1. . (a) In this section—

(1) the term "Huron Cemetery" means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas as described in subsection b(3);

(2) the term "Secretary" means the Secretary of the Interior;

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW¼ of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

"Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

"Thence South 28 poles to the 'true point of beginning';

"Thence South 71 degrees East 10 poles and 18 links;

"Thence South 18 degrees and 30 minutes West 28 poles;

"Thence West 11 and one-half poles;

"Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more.".

BRYAN (AND OTHERS) AMENDMENT NO. 1205

Mr. BRYAN (for himself, Mrs. BOXER, Mr. TORRICELLI, Mr. KERRY, and Ms. MOSELEY-BRAUN) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 65, line 18, strike "$160,269,000" and insert "$150,269,000".

On page 65, line 23, after "205" insert ", none of which amount shall be available for purchaser credits in connection with timber sales advertised after September 30, 1997, unless the credits were earned in connection with sales advertised on or before that date (and no purchaser credits shall be earned for the construction or reconstruction of roads on the National Forest transportation system in connection with timber sales advertised after that date (but the foregoing disallowance of purchaser credits shall not affect the availability of the purchaser election under section 14(i) of the National Forest Management Act of 1976 (16 U.S.C. 472a(i)))".

On page 127, between lines 15 and 16, insert the following:

SEC. . TREATMENT OF ROAD CONSTRUCTION COSTS ESTIMATED FOR TIMBER SALES AS MONEY RECEIVED FOR THE PURPOSE OF PAYMENTS TO THE STATES FOR SCHOOLS AND ROADS.

During fiscal year 1998, the term "money received", for the purposes of the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine", approved May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500), shall include—

(1) the amount of purchaser credits earned in connection with timber sales advertised on or before September 30, 1997; and

(2) the amount of specified road construction costs estimated in the agency appraisal process in connection with timber sales advertised after that date.

ABRAHAM AMENDMENT NO. 1206

Mr. ABRAHAM proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 96, line 16, strike "$83,300,000" and insert "$55,533,000".

On page 96, line 25, strike "$16,760,000" and insert "$11,173,000".

At the end of the amendment add the following:

SEC. . Notwithstanding any other provision of law, not more than $10,044,000 of the funds appropriated for the National Endowment for the Arts under this Act may be available for private fundraising activities for the endowment.

SEC. . Notwithstanding any other provision of this Act, an additional $32,000,000 is appropriated to remain available until expended for construction under the National Park Service, of which $8,000,000 shall be transferred to the Smithsonian Institution and made available for restoration of the Star Spangled Banner, $8,000,000 shall be transferred to the National Endowment for the Humanities and made available for the preservation of papers of former Presidents of the United States, of which $9,000,000 shall be available for the replacement of the wastewater treatment system at Mount Rushmore National Memorial, of which $2,000,000 shall be available for the stabilization of the hospital wards, crematorium, and immigrant housing on islands 2 and 3 of Ellis Island, and of which $5,000,000 shall be transferred to the Smithsonian Institution and made available for the preservation of manuscripts and original works of great American composers".

McCAIN AMENDMENT NO. 1207

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, H.R. 2107, supra; as follows:

On page 134, beginning on line 2, strike "*Provided*" and all that follows through "heading" on line 8 and insert the following: "*Provided*, That the Secretary of the Interior and the Secretary of Agriculture, after consultation with the heads of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Forest Service, shall jointly submit to Congress a report listing the lands and interests in land, in order of priority, that the Secretaries propose for acquisition or exchange using funds provided under this heading; *Provided further*, That in determining the order of priority, the Secretaries shall consider with respect to each property the following: the natural resources located on the property; the degree to which a natural resource on the property is threatened; the length of time required to consummate the acquisition or exchange; the extent to which an increase in the cost of the property makes timely completion of the acquisition or exchange advisable; the extent of public support for the acquisition or exchange (including support of local governments and members of the public); the total estimated costs associated with the acquisition or exchange; the extent of current Federal ownership of property in the region; and such other factors as the Secretaries consider appropriate, which factors shall be described in the report in detail; *Provided further*, That the report shall describe the relative weight accorded to each such factor in determining the priority of acquisitions and exchanges".

On page 134, line 12, strike "a project list to be submitted by the Secretary" and insert "the report of the Secretaries".

ABRAHAM (AND OTHERS) AMENDMENT NO. 1208

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. LEVIN, Mr. HATCH, Mr. CAMPBELL, and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by him to the bill, H.R. 2107, supra; as follows:

On page 5, line 8, strike "$120,000,000" and insert "$124,000,000".

On page 64, line 16, strike "$1,346,215,000" and insert "$1,341,215,000".

BUMPERS AMENDMENT NO. 1209

Mr. BUMPERS proposed an amendment to the bill, H.R. 2107, supra; as follows:

Strike all after "SEC. 339" on page 123, line 9, of the pending Committee amendment and add the following:

"(a) No funds provided in this or any other act may be expended to develop a rulemaking proposal to amend or replace the Bureau of Land Management regulations found at 43 C.F.R. 3809 or to prepare a draft environmental impact statement on such proposal, until the Secretary of the Interior certifies to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives that the Department of Interior has consulted with the governor, or his/her representative, from each state that contains public lands open to location under the General Mining Laws.

"(b) The Secretary shall not publish proposed regulations to amend or replace the Bureau of Land Management regulations found at 43 C.F.R. 3809 prior to November 15, 1998, and shall not finalize such regulations prior to 90 days after such publication.".

GRAHAM AMENDMENT NO. 1210

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 2107, supra; as follows:

On page 63, between lines 8 and 9, insert the following:

SEC. . YOUTH ENVIRONMENTAL SERVICE PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Secretary of Interior, in consultation with the Attorney General, shall—

(1) submit to Congress a report identifying at least 20 sites on Federal land that are potentially suitable and promising for activities of the Youth Environmental Service program to be administered in accordance with the Memorandum of Understanding signed by the Secretary of the Interior and the Attorney General in February 1994; and

(2) provide a copy of the report to the appropriate State and local law enforcement agencies in the States and localities in which the 20 prospective sites are located.

THE CAMPAIGN FINANCE INTEGRITY ACT OF 1997

ALLARD AMENDMENT NO. 1211

(Ordered referred to the Committee on Rules and Administration.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill (S. 1190) to reform the financing of Federal elections; as follows:

At the appropriate place in the bill, insert the following:

SEC. 402. TAX DEDUCTION FOR POLITICAL CONTRIBUTIONS.

(a) DEDUCTIBILITY OF CONTRIBUTIONS.—

(1) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 222 as section 223 and by inserting after section 221 the following:

"SEC. 222. CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.

"(a) GENERAL RULE.—There shall be allowed as a deduction for any taxable year an amount equal to the contributions of the individual during the taxable year to candidates for Federal office other than President or Vice-President.

"(b) MAXIMUM DEDUCTION.—The deduction allowed by subsection (a) for any taxable year shall not exceed $100 ($200 in the case of a joint return).

"(c) DEFINITIONS.—For purposes of this section, the terms 'contribution', 'candidate', and 'Federal office' have the meanings given such terms by the Federal Election Campaign Act of 1971.".

(2) ABOVE-THE-LINE DEDUCTION.—Section 62(a) of such Code is amended by adding after paragraph (17) the following new paragraph—

"(18) CONGRESSIONAL CANDIDATE CONTRIBUTIONS.—The deduction allowed by section 222.".

(b) CONFORMING AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 222 and inserting:

"Sec. 222. Contributions to congressional candidates.
"Sec. 223. Cross reference.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

CRAIG AMENDMENT NO. 1212

Mr. GORTON (for Mr. CRAIG) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 127, at the end of title III add the following general provision:

SEC. 3 . The Secretary of Agriculture shall hereafter phase in, over a 5 year period, the fee increase for a recreation residence special use permit holder whose fee increase is more than 100 percent of the previous year's fee, provided that no recreation residence fee may be increased any sooner than one year from the time the permittee has been notified by the Forest Service of the results of an appraisal which has been conducted for the purpose of establishing such fees, and provided further that no increases in recreation residence fees on the Sawtooth National Forest will be implemented prior to January 1, 1999.

BUMPERS AMENDMENT NO. 1213

Mr. GORTON (for Mr. BUMPERS) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the end of title I, add the following new section:

"SEC. . ARKANSAS POST NATIONAL MEMORIAL.

(a) The boundaries of the Arkansas Post National Memorial are revised to include the approximately 360 acres of land generally depicted on the map entitled "Arkansas Post National Memorial, Osotouy Unit, Arkansas County, Arkansas" and dated June 1993. Such map shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

(b) The Secretary of the Interior is authorized to acquire the lands and interests therein described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange: *Provided*, that such lands or interests therein may only be acquired with the consent of the owner thereof."

COCHRAN AMENDMENT NO. 1214

Mr. GORTON (for Mr. COCHRAN) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 47, line 9. following "(25 U.S.C. 45, et seq.)" insert the following: "or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501, et seq.)"

MURKOWSKI AMENDMENTS NOS. 1215–1217

Mr. GORTON (for Mr. MURKOWSKI) proposed three amendments to the bill, H.R. 2107, supra; as follows:

Amendment No. 1215

At the appropriate place insert the following:

"Sec. ——. Entry and permit limitations for Glacier Bay National Park shall not apply to the Auk Nu Marine-Glacier Bay Ferry entering Bartlett Cove for the sole purpose of accessing park or other authorized visitor services or facilities at, or originating from, the public dock area at Bartlett Cove: *Provided*, That any such motor vessel entering park waters for this stated and sole purpose shall be subject to speed, distance from coast line, and related limitations imposed on all vessels operating in waters designated by the Superintendent, Glascier Bay, as having a high probability of whale occupancy based on recent sighting and/or past patterns of occurrence: *Provided further*. That nothing in this Act shall be construed as constituting approval for such vessels entering the waters of Glacier Bay National Park beyond the immediate Bartlett Cove area as defined by a line extending northeastward from Pt. Carolus to the west to the southernmost point of Lester Island, absent required permits."

Amendment No. 1216

Title I of Public Law 96–514 (94 Stat. 2957) is amended under the heading "Exploration of National Petroleum Reserve in Alaska" by striking "(8) each lease shall be issued" through the end of the first paragraph and inserting in lieu thereof the following:

"(8) each lease shall be issued for an initial period of ten years, and shall be extended for so long thereafter as oil or gas is produced from the lease in paying quantities, or as drilling or reworking operations, as approved by the Secretary, are conducted thereon; (9) for purposes of conservation of the natural resources of any oil or gas pool, field, or like area, or any part thereof, lessees thereof and their representatives are authorized to unite with each other, or jointly or separately with others, in collectively adopting and operating under a unit agreement for such pool, field, or like area, or any part thereof (whether or not any other part of said oil or gas pool, field, or like area is already subject to any cooperative or unit plan of development or operation), whenever determined by the Secretary to be necessary or advisable in the public interest. Drilling, production, and well re-working operations performed in accordance with a unit agreement shall be deemed to be performed for the benefit of all leases that are subject in whole or in part to such unit agreement. When separate tracts cannot be independently developed and operated in conformity with an established well spacing or development program, any lease, or a portion thereof, may be pooled with other lands, whether or not owned by the United States, under a communitization or drilling agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the drilling or spacing unit when determined by the Secretary of the Interior to be in the public interest, and operations or production pursuant to such an agreement shall be deemed to be operations or production as to each such lease committed thereto; (10) to encourage the greatest ultimate recovery of oil or gas or in the interest of Conservation the Secretary is authorized to waive, suspend, or reduce the rental, or minimum royalty, or reduce the royalty on an entire leasehold, including on any lease operated pursuant to a unit agreement, whenever in his judgement the leases cannot be successfully operated under the terms provided therein. The Secretary is authorized to direct or assent to the suspension of operations and production on any lease or unit. In the event the Secretary, in the interest of conservation, shall direct or assent to the suspension of operations and production on any lease or unit, any payment of acreage rental or minimum royalty prescribed by such lease or unit likewise shall be suspended during the period of suspension of operations and production, and the term of such lease shall be extended by adding any such suspension period thereto; and (11) all receipts from sales, rentals, bonuses, and royalties on leases issued pursuant to this section shall be paid into the Treasury of the United States: *Provided*, That 50 per centum thereof shall be paid by the Secretary of the Treasury semiannually, as soon thereafter as practicable after March 30 and September 30 each year, to the State of Alaska for (a) planning; (b) construction, maintenance, and operation of essential public facilities, and (c) other necessary provisions of public service: *Provided further*, That in the allocation of such funds, the State shall give priority to use by subdivisions of the State most directly or severely impacted by development of oil and gas leased under this Act."

Amendment No. 1217

On page 69, lines 9 and 10, strike "the relocation of the Regional Office for Region 10 to Ketchikan and other"

On page 77, beginning on line 14 add the following: "Funds appropriated by this Act for Region 10 of the Forest Service to implement the Revised Tongass National Forest Land Management Plan, shall be spent and obligated at the Forest Supervisor and Ranger District levels. No funds appropriated under this or any other Act for the purpose of operations conducted at the Region 10 headquarters, including funding of centralized field costs for funding of persons employed at the Regional Office, shall be obligated or expended in excess of $17,500,000 from the total funds appropriated for Region 10."

JEFFORDS (AND TORRICELLI) AMENDMENT NO. 1218

Mr. JEFFORDS (for himself and Mr. TORRICELLI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the end of title III, insert the following:

Sec. . It is the sense of the Senate that—

(1) preserving Civil War battlefields should be an integral part of preserving our Nation's history; and

(2) Congress should give special priority to the preservation of Civil War battlefields by making funds available for the purchase of threatened and endangered Civil War battlefield cites.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 17, 1997, at 2:15 p.m. on transition to digital TV.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, September 17, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 1158, a bill to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corp. public land exchange, and for other purposes, and S. 1159, a bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corp. public interest land exchange, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GORTON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting Wednesday, September 17, 1997, at 9:30 a.m., hearing room (SD–406), to consider S. 1173, the Intermodal Transportation Act of 1997.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FINANCE

Mr. GORTON. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, September 17, 1997, beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 17, 1997, at 10 a.m. and at 2 p.m. to hold hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Wednesday, September 17, at 10 a.m., for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate

Committee on Indian Affairs be authorized to meet with the Senate Committee on the Judiciary during the session of the Senate on Wednesday, September 17, 1997, at 9 a.m. in room 226 of the Dirksen Senate Building to conduct a joint oversight hearing on the problem of youth gang activity in Indian Country.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY AND THE COMMITTEE ON INDIAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary and the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, September 17, 1997, at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a joint hearing on: "Criminal Gangs in Indian Country."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. GORTON. Mr. President, I ask unanimous consent that the Surface Transportation and Merchant Marine Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 17, 1997, at 10 a.m. on Pipeline One Call (S. 1115).

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

POWER OF PUBLIC-PRIVATE PARTNERSHIPS

• Mr. DOMENICI. Mr. President, I want to share with you and my colleagues an interesting experience from the last recess. It's a great example of the power of public-private partnerships. Improved mining tools, detection of land mines, public-private partnerships, and Cooperative Threat Reduction programs may not seem to be closely related, but I visited with a small business that is demonstrating the power of integrating several different national programs into a focused approach to some of our most challenging technical problems. And the fact that this small business is located in a remote corner of New Mexico, far from major population centers, is testimony to the ability of our nation's small business to compete in the most complex business arenas by carefully utilizing the power of well crafted partnerships.

Larry Stolarczyk of Raton Technology Research (RTR), in Raton, NM leads this unique small business. He's built a range of products through partnerships with Los Alamos and Sandia National Laboratories using different approaches. And he even brought in expertise from Russia through the Initiatives for Proliferation Prevention Program.

RTR tapped into different federal programs to build their products. In some cases, they contracted directly with a national laboratory when that laboratory had a unique capability that wasn't available from U.S. industry. In that case, RTR paid the full support costs for the national laboratory personnel. RTR has also used the CRADA or Cooperative Research and Development Agreement approach, enabled by my National Competitiveness and Technology Transfer Act of 1989. A CRADA enables cost-shared research involving both industry and laboratory scientists working toward common goals.

Where a research subject is closely related to a laboratory's mission, the CRADA is a wonderfully cost-effective way for industry to tap into national laboratory resources. Usually, industry pays only for their part in the CRADA partnership, with the national laboratory costs provided through DOE funding. Furthermore, the CRADA mechanism provides good protection to industry for jointly developed intellectual property.

Initiatives for Proliferation Prevention (IPP) is a program within the Department of Energy. The program involves 10 national laboratories, over 20 institutes in the Former Soviet Union, and well over 50 U.S. corporations. The U.S. companies form the U.S. Industry Coalition or USIC and Larry Stolarczyk was a founding member of USIC. IPP traces its origins to the Cooperative Threat Reduction program established by Senators LUGAR and NUNN.

Each of RTR's products involves transmission of radio frequency waves and detection of reflected and scattered waves. Analysis of the return signals documents characteristics of materials near the sensor.

With the IPP program, Larry Stolarczyk built a team that couples expertise from Sandia National Laboratories with his company and with the Sedakov Institute for Measuring Systems Research of Nizhny Novgorod in Russia.

They are developing a borehole radar system for mapping fractures within tens of meters surrounding a borehole in an oil/gas reservoir. Precise understanding of these fractures outside the borehole enables optimization of the oil recovery strategy. Halliburton Logging Services is working with Raton Technology for initial field demonstrations.

The borehole radar tool can help reach some of the 300 billion barrels of oil remaining under U.S. soil, oil that can reduce our dependence on foreign sources. Furthermore, while the Russian institute was 100 percent supported by military missions before these programs started, it now has about 70 percent non-military support. Shifting these institutes away from military support toward commercial projects is one of the strongest objectives of the IPP Program.

In Raton, New Mexico, coal mining has been an important industry, and that's led RTR to apply its high technology capabilities to that sector. RTR has developed a Horizon Sensor to allow coal mining equipment to follow a coal seam. In coal mining, following that seam is important! Mining into the roof can cause a collapse, leaving significant coal in the seam reduces the profitability of the mine, and mining into the floor contaminates the coal. The low-tech solution is to have a miner posted near the cutting drum, not the world's safest location. The RTR approach mounts the sensor on the cutting head and allows measurements up to 20 feet ahead.

And now let me talk about RTR's contributions to locating land mines. I don't need to remind any of my colleagues that proliferation of land mines is a critical international problem. It's estimated that more than 100 Million land mines are buried in third world countries. Daily headlines discuss the tragic consequences of civilian encounters with these mines. The innocent victims are frequently children, who may incur life-threatening injuries or as a minimum, are forced to face life without some of their limbs. Around 27 Thousand people are killed or injured annually by land mines. Finding land mines, especially non-metallic ones, is very difficult.

The landmine project is funded through the U.S. Army Night Vision Laboratory. Los Alamos and NASA Johnson Space Flight Center are subcontractors to Raton Research. The instrument being build by Raton Technology will detect and image mines with a hand-held device. It may be the best chance we have of ridding the world of the scourge of non-metallic land mines.

These experiences were especially interesting to me, since I have strong personal interests in each of these national programs. I've encouraged partnerships between our national laboratories and U.S. industry. These partnerships provide benefits to the taxpayer by strengthening the laboratories for their national missions and they certainly provide benefits to U.S. business by enabling new commercial applications of lab technologies.

In addition, I've been a strong supporter of the Cooperative Threat Reduction programs designed to reduce the threat of proliferation of weapons of mass destruction. IPP encourages interactions between our national laboratories and institutes in the Former Soviet Union, and also build opportunities for U.S. industries to work with these foreign institutes. These programs are designed to ensure that the scientists working on weapons of mass destruction in these foreign institutes stay right where they are, and are not lured to rogue states to build new weapons of mass destruction.

I'm pleased to see that these national programs are really working and providing the benefits we intended.•

MAYOR DANNEL MALLOY

• Mr. DODD. Mr. President, it gives me great pleasure to congratulate the great city of Stamford, Connecticut, and Mayor Dannel Malloy, for having been ranked on the Children's Environmental Index as one of the most "kid-friendly" cities in the United States. Normally we consider the number 13 to be an unlucky number, but Stamford ranked number 13 of 219 cities in the nation on the quality of life for its children. Stamford was also ranked second in the nation in the education category which included student-teacher ratio and drop-out rate. This index, measured by the organization Zero Population Growth (ZPG), is the sixth in a series of bi-annual studies used to focus attention on the quality of life in the nation's largest cities. It is the third index which directly addresses the social and physical environment of children, measuring such areas as infant mortality, teen pregnancy, childhood poverty, high school drop-out rates, air quality, and crime rates.

Mr. President, I was recently appointed by Minority Leader TOM DASCHLE to chair the Senate Democratic Strike Force for Kids named "Right Start 2000". The purpose of this strike force is to develop constructive ways for us in Washington to best address the educational, health, and safety needs of America's children in the first six years of life. It is very clear from this index that we have much to learn from many of our Nation's cities. Clearly Stamford and other cities are taking bold and innovative steps to nurture our Nation's children.

The children of today are the leaders of the next millennium. As such, it is critical that we ensure they grow up in surroundings which protect, nurture, educate, and care for them. Stamford has shown its willingness to invest the resources necessary to produce the next generation of leaders. We can only hope that this index will give the impetus to other cities to focus upon what is really critical for our future, healthy and happy children today.

The road toward a better future for our kids will be a collective effort on the part of parents, schools, religious institutions, community, State, and national leaders. But this effort will be made easier in an environment where groups and individuals work in partnership with one another. I am delighted to know that this work is going on in my home State of Connecticut, and I particularly congratulate Mayor Malloy and all of the people of Stamford for their achievements on behalf of Stamford's children.•

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through September 15, 1997. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1997 concurrent resolution on the budget (H. Con. Res. 178), show that current level spending is above the budget resolution by $9.5 billion in budget authority and by $12.9 billion in outlays. Current level is $20.6 billion above the revenue floor in 1997 and $36.3 billion above the revenue floor over the 5 years 1997–2001. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $219.9 billion, $7.4 billion below the maximum deficit amount for 1997 of $227.3 billion.

Since my last report, dated July 30, 1997, the Congress has cleared, and the President has signed, the Balanced Budget Act of 1997 (P.L. 105–33) and the Taxpayer Relief Act of 1997 (P.L. 105–34). These actions changed the current level of budget authority, outlays and revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 16, 1997.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1997 shows the effects of Congressional action on the 1997 budget and is current through September 15, 1997. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1997 Concurrent Resolution on the Budget (H. Con. Res. 178). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated July 29, 1997, the Congress has cleared, and the President has signed, the Balanced Budget Act of 1997 (P.L. 105–33) and the Taxpayer Relief Act of 1997 (P.L. 105–34). These actions changed the current level of budget authority, outlays and revenues.

Sincerely,

JAMES L. BLUM
(for June E. O'Neill, Director).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1997, 105TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS SEPTEMBER 15, 1997

[In billions of dollars]

	Budget resolution (H. Con. Res. 178)	Current level	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,314.9	1,324.4	9.5
Outlays	1,311.3	1,324.2	12.9
Revenues:			
1997	1,083.7	1,104.3	20.6
1997–2001	5,913.3	5,949.6	36.3
Deficit	227.3	219.9	−7.4
Debt Subject to Limit	5,432.7	5,329.3	−103.4
OFF-BUDGET			
Social Security Outlays:			
1997	310.4	310.4	0.0
1997–2001	2,061.3	2,061.3	0.0
Social Security Revenues:			
1997	385.0	384.7	−0.3
1997–2001	2,121.0	2,120.3	−0.7

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS SEPTEMBER 15, 1997

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues	....	....	1,101,532
Permanents and other spending legislation	843,324	801,465	....
Appropriation legislation	753,927	788,263	....
Offsetting receipts	−271,843	−271,843	....
Total previously enacted	1,325,408	1,317,885	1,101,532
ENACTED THIS SESSION			
Airport and Airway Trust Fund Reinstatement Act of 1997 (P.L. 105–2)	....	....	2,720
1997 Emergency Supplemental Appropriations Act (P.L. 105–18)	−6,497	281	....
Balanced Budget Act of 1997 (P.L. 105–33)	1	1	....
Taxpayer Relief Act of 1997 (P.L. 105–34)	....	....	60
Total, enacted this session	−6,496	282	2,790
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	5,491	6,015	....
TOTALS			
Total Current Level	1,324,403	1,324,182	1,104,322
Total Budget Resolution	1,314,935	1,311,321	1,083,728
Amount remaining:			
Under Budget Resolution	....	....	....
Over Budget Resolution	9,468	12,861	20,594
ADDENDUM			
Emergencies	9,236	1,919	....
Contingent Emergencies	307	300	....
Total	9,543	2,219	....
Total Current Level Including Emergencies	1,333,946	1,326,401	1,104,322

Note.—Amounts shown under "emergencies" represent funding for programs that have been deemed emergency requirements by the President and the Congress. Amounts under "contingent emergencies" represent funding designated as an emergency only by the Congress that is not available for obligation until it is requested by the President and the full amount requested is designated as an emergency requirement.

Source: Congressional Budget Office.•

PASSAGE VITIATED AND MEASURE INDEFINITELY POSTPONED—S. 1061

Mr. GORTON. Mr. President, I ask unanimous consent that the passage of

S. 1061 be vitiated; further, that the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR USE OF THE ROTUNDA

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 134, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 134) authorizing the use of the Rotunda of the Capitol to allow Members of Congress to greet and receive His All Holiness, Patriarch Bartholomew.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. GORTON. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 134) was agreed to.

ORDERS FOR THURSDAY, SEPTEMBER 18, 1997

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:10 a.m. on Thursday, September 18. I further ask that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, and that the Senate immediately resume consideration of H.R. 2107, the Interior appropriations bill, and the Hutchison NEA amendment as under the consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I further ask consent that if an amendment is offered from the list as a first-degree amendment, it be subject to relevant second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. Mr. President, I inform all Senators that tomorrow morning there will be 20 minutes of debate before a vote on or in relation to Senator HUTCHISON's amendment on the National Endowment for the Arts. Senators can, therefore, anticipate that the first rollcall vote tomorrow will take place at approximately 9:30 a.m. Following that vote, I hope that Members will cooperate with the managers of the Interior appropriations bill in offering their amendments. The majority leader has stated that we will complete action on this bill on Thursday. Senators should, therefore, anticipate rollcall votes throughout the day on Thursday. I thank all Senators for their attention and cooperation.

ADJOURNMENT UNTIL 9:10 A.M. TOMORROW

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:26 p.m., adjourned until Thursday, September 18, 1997, at 9:10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 17, 1997:

DEPARTMENT OF DEFENSE

JERRY MACARTHUR HULTIN, OF VIRGINIA, TO BE UNDER SECRETARY OF THE NAVY, VICE RICHARD DANZIG, RESIGNED.

FEDERAL COMMUNICATIONS COMMISSION

GLORIA TRISTANI, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1989, vice Reed E. Hundt, resigned.

GLORIA TRISTANI, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF 5 YEARS FROM JULY 1, 1998. (REAPPOINTMENT)

EXTENSIONS OF REMARKS

IN SUPPORT OF COPS PROGRAMS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. KUCINICH. Mr. Speaker, I rise today in support of the Office of Community Oriented Policing Services. Three years ago, President Clinton vowed to place 100,000 more police officers on the streets of American cities in a nationwide effort to reduce crime starting at the community level. To fulfill this goal by the end of the year 2000, the Office of Community Oriented Policing Services [COPS] was established. Halfway through the 6-year program, 65,000 officers have been added to police forces across the Nation, and reports of dramatic drops in crime are coming in from cities throughout the country.

Cleveland, OH, is one of these COPS success stories. Juvenile crime had been on the rise in Cleveland. Arrests for weapons violations rose 67 percent from 1989 to 1994. A 35-percent increase in juvenile felony arrests was seen between 1992 and 1993 alone. In spite of this rise in crime, the number of police officers had declined. The Cleveland Police Department has received over $8 million in grants from the COPS office. Among many COPS-funded programs, one especially innovative and successful program stands out, the Residential Area Policing Program [RAPP].

In an effort to create more of a community policing presence, the Cleveland Police Department identified abandoned, nuisance properties in various neighborhoods, restored the properties and stationed specially trained community policing officers there 24 hours a day. These officers established themselves in the neighborhood, made regular patrols, and conducted door-to-door surveys of the residents' problems. They also hosted training seminars and provided a safe house to the youths of the area. In short, the community police formed partnerships with the residents of the neighborhoods and, together, they improved the appearance of the neighborhood, identified community problems, and developed substantial solutions. In each of the four sites selected for the year-long program, the community officers became integral members of the community and left lasting, positive effects. Drug traffic has decreased, gunfire has diminished, and the number of civil disputes is down. Equally as important, the number of calls for service rose 100 percent showing that the residents felt comfortable turning to the police for help.

RAPP is but one of many endeavors on the part of the Cleveland Police department to get more involved in community policing. Over $11 million have been awarded to communities in the 10th Congressional District of Ohio resulting in the hiring of over 170 new officers. Residents profess that the programs have helped reduce crime, and the statistics prove it. Community policing works, and I support its continued funding so other cities may see the rewards of communities and police departments working together to combat crime.

* * *

A TRIBUTE TO BOB CARRIVEAU AND THE HONEYBEE STINGERS

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. CAMP. Mr. Speaker, I would like to recognize a group of individuals which exemplifies the meaning of the word "altruistic." Bob Carriveau and the Honeybee Stingers are a group of seniors who have joined together to contribute more than just time to the people of Michigan's fourth Congressional District; they have dedicated their talents and their passion for music for everyone's enjoyment.

On September 18, 1997, they will conduct their 1,600th performance for a charitable cause. Appropriately, this performance will take place on the Ellipse of the White House, which is viewed by many as a symbol of benevolence and leadership for our country.

Bob Carriveau and the Honeybee Stingers have set their own standards of benevolence and leadership for all music groups to follow. Formed in 1980, the band has created its own rich musical focus. They have been on the public airwaves for 7½ years and performed various times on live television: Six members of the band are in the Michigan Country Music Hall of Fame. The founders of the band, Bob and Wilma Carriveau, are the first couple ever to be inducted into this prominent society of musicians.

Bob Carriveau and the Honeybee Stingers have their own lofty standards of conduct. Through highs and lows, this band has remained a symbol of humble sincerity and selfless commitment to helping others.

The current 13 performers are: Bob and Wilma Carriveau, Phil and Joyce Leonard, Dale Haffer, Lonie Rummer, "Singing" Bill Winter, Howard Clark, Dilbert Collins, Paul Averill, Mike Hopkins, Jerry Mawhorter, and Jim Vickers.

I would like to rise today to pay tribute to this outstanding group and thank them for their tremendous efforts to spread their love of music and desire to help others. Their selfless commitment and integrity has brought happiness and smiles to thousands of people. Mr. Speaker, please join me in thanking the outstanding entertainers, Bob Carriveau and the Honeybee Stingers.

TRIBUTE TO THE RETIREES OF THE STERLING HEIGHTS FIREFIGHTERS UNION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. LEVIN. Mr. Speaker, on Friday, September 19, the Sterling Heights Firefighters Union will host their annual dinner-dance honoring their 1997 retirees.

It is my distinct privilege to recognize the five retiring firefighters for their outstanding contributions to humanity: Advanced Life Support Coordinator Gregory B. Dobkin, Fire Inspector Michael T. LeBeau, Chief of Operations Kenneth R. Podolski, Battalion Chief Dale A. Vergauwen, and Battalion Chief John Edward Werkman.

These gentlemen have demonstrated acts of heroism and actions above and beyond the call of duty. Indeed, the people of Sterling Heights have been well served by the untiring care and concern each of these men has given without limitations to their community.

Mr. Speaker, I ask my colleagues to join me in recognizing these gentlemen for their dedication, accomplishments, and years of service. I wish them good health and happiness as they move forward in their lives.

* * *

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. KIND. Mr. Speaker, today the House of Representatives will adjourn at 4 p.m. without taking a vote on campaign finance reform. We should not be adjourning at this early hour with unfinished business still pending in the House. Mr. Speaker it is time that we stop the delaying tactics and allow a vote on campaign finance reform in the House.

We have heard conflicting reports from the leadership of the majority party regarding whether we will be allowed to vote on campaign finance reform this year. The House majority leader opened the door on the possibility that a vote on campaign finance reform would take place this fall, the Senate majority leader has slammed that door shut. It is time that we end the waffling on this issue. It is time that we vote now.

Mr. Speaker, I was elected to Congress because my constituents wanted me to work on the pressing issues of our time. They do not accept the fact that this House has never been given an opportunity to vote on campaign finance reform, and if they knew we were adjourning at 4 p.m. without taking action, they would be outraged. It is time to give

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the House an opportunity to vote on campaign finance reform. If not now, then when?

IN RECOGNITION OF THE LATE WILEY K. CARTER, LONGTIME ADMINISTRATIVE ASSISTANT TO U.S. SENATOR THAD COCHRAN OF MISSISSIPPI

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. PARKER. Mr. Speaker, today, I ask you to join me in remembering an outstanding Mississippian, a dedicated public servant and a friend to the U.S. Congress—the late Wiley K. Carter.

Wiley Carter died Thursday, September 11, 1997, in Jackson, MS. Wiley was a 1954 graduate of Jackson Central High School and a 1958 graduate of Mississippi State University. He served in State government during the administration of Gov. John Bell Williams, 1968–72. At the time of his death at age 60, Wiley served as administrative assistant for my friend and colleague, Senator THAD COCHRAN. He had served with THAD COCHRAN since 1974 when he was in his second term in the U.S. House of Representatives.

Wiley loved Mississippi politics and government service, and he worked diligently to help the citizens of Mississippi. He was conscientious, he had a great sense of humor, and he was truly dedicated to our State and its citizens. My staff, my family, and I are shocked and greatly saddened by the loss of this good friend.

Wiley is irreplaceable and is truly an unforgettable friend to those who knew him. Wiley will be sorely missed both here in Washington and, even more, back home in Mississippi. He is survived by his wife, Gwen; sons, Craig and Scott; and his daughter, Christy. Our thoughts and prayers are with you.

Mr. Speaker and my colleagues in the U.S. House of Representatives, I ask you again to join me in honoring Wiley Carter, his willing sacrifice of his time and energy for the public good, and his representation of all that is good, true and steadfast in our society.

UKRAINE CELEBRATES SIXTH ANNIVERSARY OF INDEPENDENCE

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Ms. SLAUGHTER. Mr. Speaker, as a co-chair of the Congressional Ukrainian Caucus, I am proud today to recognize the sixth anniversary of the Independence of Ukraine. The actual anniversary was celebrated on August 24, but today, we in Congress are commemorating the occasion with a reception hosted by the caucus, the Ukrainian Congress Committee of America, and the Ukrainian-American Coordinating Council.

The past year has been an exciting, but challenging one for Ukraine. As the representative of a large and active Ukrainian community in Rochester, NY, I particularly want to note two milestones over the past year in United States-Ukrainian relations.

This year we cemented the Ukrainian-American strategic partnership through the first session of the Ukraine-United States Binational Kuchma-Gore Commission. I am hopeful and confident that this partnership will continue to strengthen over the coming years.

Even more significantly, on July 9, the unprecedented Charter on the Distinctive Partnership between NATO and Ukraine was signed at the Madrid NATO summit. This ground-breaking agreement will serve as the basis for Ukraine's security into the 21st century and demonstrates the close relationship that President Kuchma has built with Europe and the United States.

As exciting as these developments are, over the next year, we, the friends of Ukraine in the United States, must redouble our efforts to help Ukraine continue to move forward, particularly in the economic sphere. We must do what we can to support President Kuchma's ongoing efforts to reform Ukraine's economy, as he moves to integrate it into the world market economy. In Ukraine itself, the March 1998 elections will be an opportunity to elect a reform-minded Parliament to aid in this effort. Here at home, I have been working in Congress to secure continued United States aid to help Ukraine make this transition.

In addition, the Ukrainian community and other caring persons in the United States are challenged to continue their magnificent, humanitarian efforts to help relieve the still troubling health conditions for many Ukrainians, particularly children. We must do what we can to work together to lower infant mortality and to reverse the troubling trends toward lower life expectancy.

Yes, there is much work ahead, but Ukrainians in America have much to celebrate as well.

Mr. Speaker, I ask my colleagues to join me today in saluting and congratulating Ukraine and Ukrainian-Americans, as we commemorate the sixth anniversary of Ukrainian independence.

IN HONOR OF KAY HALLE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Miss Kay Halle for her lifetime achievements in cultural activism.

Kay was born in Cleveland under the name of Katherine Murphy Halle. She attended Laurel School in Cleveland and the Mary C. Wheeler School in Providence, RI. She also studied at Smith College and the Cleveland Institute of Music.

Kay Halle was known as a radio personality, a worldwide traveler, a writer, and an activist. While she lived much of her life in Washington, the city of Cleveland considered her its "Ambassadress Extraordinaire."

Ms. Halle lived in England for a year and wrote a regular column for the Cleveland News. It was there in England that she frequently dined with cultural and political leaders, including Winston Churchill. Back in the United States, she campaigned for Franklin D. Roosevelt and later for John F. Kennedy.

For 2 years she hosted a Cleveland radio show, "Know Your City," in which she interviewed local and world figures. In 1940, she traveled around South America by plane recording her impressions on tape for broadcast at Cleveland's WGAR radio station. She later served as the Washington's feature correspondent for WGAR.

Kay Halle led an active, fulfilling life. She made a dynamic impression wherever she traveled and shared her inspiring experiences with the Cleveland community. She is survived by her sister, Ann. Kay Halle will be greatly missed by all who knew her.

DISPLACED OLDER WORKERS DESERVE TAX RELIEF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. SMITH of New Jersey. Mr. Speaker, when large companies merge or downsize, it is often the older workers and long-time employees that bear the brunt of the job insecurity and downsizing that follows. When the corporate cost-cutters start scouring each department for cost savings, the most experienced workers often feel as though they have a bulls eye on their chest.

While every lay-off is a painful and unpleasant experience, older workers often find themselves in a unique "catch-22" situation: they are too young to comfortably retire, and too old for most companies to retrain. Many firms are understandably hesitant to retrain displaced older workers because the company may fear it will not be able to recoup their investment before the worker retires.

Yet clearly, in this global economy, displaced older workers in labor-intensive and "smokestack" industries negatively affected by trade agreements need to be retrained for jobs in other economic sectors. For example, when layoffs are concentrated in a particular industry, such as the defense industry, displaced older workers with specialized skills and knowledge have a difficult time finding comparable employment without retraining because the demand for their existing skills is low.

Mr. Speaker, data I have obtained from the Bureau of Labor Statistics [BLS] confirms what most Americans already know—older, displaced workers face very difficult challenges when seeking new employment.

For instance, in comparison with younger workers, older workers, those age 50 and above, have a higher unemployment rate—17 percent versus 12 percent—drop out of the labor force at higher rates after a lay-off—39 percent vs. 10 percent—suffer a longer period of unemployment between jobs—27.3 median weeks vs. 11.6 median weeks—and on average, take a 29.6 percent pay-cut in their median weekly earnings after they do finally secure a new job.

The current Tax Code compounds the problem by including severance payments made in connection with a lay-off or work force reduction as taxable income, even though this income is nonrecurring. This makes a displaced worker look suddenly wealthy on paper, pushing their family into a higher tax bracket. As a result, the current Tax Code actually taxes the severance payments of the most senior workers in a firm at the highest marginal rate, since the value of a severance package is usually derived from one's length of service to the firm.

Here is where the Tax Code is at its most heartless to displaced older workers, since those having the most difficult time finding another job are simultaneously being hit with the highest taxes on the severance payments they receive.

Mr. Speaker, to remedy this unfairness, and to provide a measure of assistance for older workers facing a particularly difficult situation, I am introducing the Career Transition Assistance Act of 1997, which will provide much needed tax relief in two critical areas.

First, my bill will allow employees who are offered severance pay packages by their employers to exclude the first $15,000 from their taxable income. No longer will the Tax Code punish displaced workers by taxing their misfortune. This income exclusion could be taken by the employee regardless of whether the reduction in force was voluntary or involuntary

In addition, if an employer's severance benefit provides for payments for up to 3 years from the date of separation, my legislation would allow the employee the flexibility to elect to exclude all or some of the severance payment from their income for the 3 year period, up to the $15,000 limit.

Second, the legislation will provide a $2,000 refundable tax credit for retraining expenses incurred after a lay-off. This tax credit is in keeping with the common-sense principle that families and individuals know their retraining needs better than government-run retraining programs.

To ensure that this tax relief is available to middle class families, jointly filing couples with incomes of up to $100,000, and single persons with incomes up to $75,000, would qualify under my legislation for the full $2,000 tax credit. The value of the credit is gradually phased out for persons earning higher amounts.

While I believe Congress should continue to reform and reduce red-tape in our Nation's patch-work of retraining programs, it is important to protect workers from slipping through the cracks of these programs' widely varying eligibility criteria.

This legislation will go a long way toward improving the efficiency of our Nation's labor markets, and I call on Members on both sides of the aisle to lend their support for this effort. Severance payments are designed to provide a financial cushion to help pad the blow of a work force reduction. When the Tax Code adds insult to injury by subjecting these families to a higher tax liability, it is clearly time to correct this insidious consequence.

TRIBUTE TO DELORES BACON-FINCH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Delores Bacon-Finch. Delores has been a dutiful employee for the New York Police Department as a police administrative aide.

During her professional career Delores has performed a number of duties. In 1985 she was assigned to the community affairs community meetings with the community council, the youth council, block associations, churches, and local development corporations.

A dedicated community activists, Ms. Bacon-Finch feeds the homeless, assists senior citizens, works with the Kiwanis Club, struggles to curb gun violence and drug trafficking. Delores even finds the time to visit hospital patients. The efforts of Delores Bacon-Finch are noteworthy and deserving of recognition. I am pleased to introduce her to my House colleagues.

REAUTHORIZATION OF EX-IM BANK

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. HASTERT. Mr. Speaker, I rise today to voice my support for reauthorizing the U.S. Export-Import Bank. By providing loans and guarantees that may otherwise be unavailable, the Ex-Im Bank is an invaluable tool to American workers and businesses, 80 percent of which are small companies.

In my home State of Illinois, 288 companies and 125 communities have benefited from the Ex-Im Bank in the last 5 years. During this time, Ex-Im financing helped to support the $2.2 billion in exports my State produces, and the estimated 30,000 jobs that manufacture those exports.

The Bank is essential to the communities, constituents, and businesses in my district. Whether it's in Elgin or Aurora, Batavia, or West Chicago, companies and their employees are benefiting.

I wish to thank my friend from New Jersey, Representative ROBERT MENENDEZ, for joining me in making this a priority. I'm delighted that the chief deputy whips from each side of the aisle can come together in making this a bipartisan effort.

TRIBUTE TO NICOLE S. SUARD

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. RIGGS. Mr. Speaker, I rise today to commend the activities of Nicole S. Suard, who has made a tremendous contribution to Napa County, CA, which I represent. Today, "Nicky" is being presented with 1 of 20 Regional Role Model Awards in the 1997 Life Saves "Take a Bigger Role" awards program.

Nicky Suard sees a need and comes up with a solution. Seeing a need for a home for unwed teenage mothers, she recruited a group of people and established Choix de Vie—Choice for Life—which recently celebrated the birth of its 100th baby.

For years, there has been a shortage of activities for teenagers in Napa. In 1996, Nicky arranged for a building to be donated, recruited volunteers, and founded the Lytehouse, Napa Valley's teen center.

Knowing that many nonprofits in Napa County did not have the expertise or ability to prepare grant requests, Nicky Suard brought together a group of leaders from the community to establish the Community Foundation of Napa Valley. The Community Foundation's goal is to be an aggregate of permanent fund raising for the benefit of the Napa Valley through wills, trusts, and estate planning. All moneys distributed to go local nonprofit organizations. Ms. Suard also donates her legal services as the incorporating attorney for many local nonprofits.

As if all of this is not enough, Nicky Suard is as dedicated mother of two children, Tyler and Corey. She also volunteers as a parent-teacher at their schools, teaching crafts. In all of this whirlwind of activity, she is supported and helped by her husband, Dr. Thomas Suard.

I have personally seen the results of Nicky Suard's efforts and have been impressed time and again with her hard work and commitment to the well-being of all people in the Napa community. Her vision, innovation, and accomplishments should be held up as a model for others.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1996, and for other purposes:

Ms. SANCHEZ. Mr. Chairman, I rise today in support of the Goodling amendment. While I believe that we should have national standards and expectations for all of our students, I do not believe these national tests will help us achieve that goal.

We cannot establish nationwide standards for our students if we fail to include all students in these national tests.

The fact is that too many students will be unable to participate in the President's proposed reading and math tests.

While I commend the administration's efforts to improve public education, I remained concerned that the proposed reading test will exclude too many children from the educational opportunity they deserve.

Limited English proficient students make up a significant percentage of kids in our Nation's classrooms. Unfortunately, the administration will not adequately accommodate the participation of these students.

We have tried to attain a compromise for LEP students, but the administration has failed to offer a comparable solution.

The administration says that it wants accountability from our schools. But who will account for the progress of children who cannot take these tests?

I believe that many more school districts will be affected than people realize.

Orange County, CA, for example, has long been considered an affluent, homogeneous area. My hometown, however, has rapidly changed over the years. The truth is, Orange County is now more diverse than ever, with many new Americans calling it home.

And Orange County schools have changed along with our demographics.

Currently, 30 percent of all Orange County students are limited English proficient. My congressional district is one of the better examples of how these tests cannot adequately assess all public schools and their kids.

Two out of four school districts in my congressional district will have over half of their students excluded from the reading test because of their large number of limited English proficient students.

Santa Ana Unified School District has 70 percent of its students classified as LEP, the sixth highest in the Nation. Garden Grove Unified School District has 43 percent of its students qualifying as limited English proficient, 11th highest in the Nation.

These are children from all over the world, Vietnamese children, Korean children, Hispanic children, and Romanian children who all want to learn and who all want high standards.

But we have no plan for what we will do with these children or how we will utilize the test results.

Of course, we need to have our students on track. But until we have a better idea of how these test results will be used, and how we can include the great many children who are still learning English, then I cannot be supportive of these national tests.

Please vote for the Goodling amendment.

IN HONOR OF ANN TRAPP

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of Mrs. Ann Trapp, for her many years of service and countless contributions to her community.

Ann Trapp was born in Cleveland. In 1949, she graduated from the St. Vincent Charity School of Nursing. She went on to work as a registered nurse for the St. Vincent Charity Hospital for 34 years. During this time she was also a member of the American Lung Association for Practitioners of Infection Control, and a member of the Lung Association.

Mrs. Trapp was devoted to many political organizations. She was a Democratic precinct committee leader and a member and ward leader of the Democratic Executive Committee. She was the recording secretary of the Parma Democratic Club. She played a role in several political campaigns in Parma and Cleveland and was named Parma Woman Democrat of the Year in 1990.

Not only was Mrs. Trapp active in politics, she was dedicated to her church as well. She was a member of St. Charles Borromeo Catholic Church for more than 40 years and served as a Eucharistic minister there. She belonged to Legion of Mary, Catholic Daughters, and Just Friends. She was also involved with the West Side Irish American Club and the Women's Guild of St. Vincent Charity Hospital and was a member of their alumni association.

Mrs. Trapp leaves behind 1 sister, 2 brothers, 4 daughters, 3 sons, and 15 grandchildren. She will be greatly missed.

UKRAINIAN INDEPENDENCE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, today I rise to give tribute to a nation that has succeeded in it's struggle to be a free, democratic nation. On August 24th, Ukraine celebrated it's 6th year of independence.

Since August 24, 1991, When Ukraine declared independence from the former Soviet Union resuming its journey down the path to freedom and democracy, she has achieved success in many domestic and international arenas. Ukraine has worked hard to develop a target-oriented and balanced policy to achieve economic stability and build a truly democratic, economically developed state. The nation has worked to establish a solid foundation on which to build a true democracy. The foundation of a free market system has been established. The liberalization of prices, the currency rate, a mechanism of foreign trade, and privatization have all contributed to a developing market economy. The policy has resulted in a reduction in the annual inflation from 10,000 percent in 1993 to a projected 25 percent in 1997; the privatization of nearly 50,000 enterprises; and the adoption of a democratic constitution.

On the international front, Ukraine has worked hard to improve foreign policy by signing many important agreements with the international community: A joint Statement of the President of Ukraine and Poland on Accord and Unity; the Treaty of Friendship, Cooperation and Partnership between Ukraine and the Russian Federation; the Agreement on the State-Border lines between Ukraine and Belarus; the Treaty on Good Neighborly Relations and Cooperation between Ukraine and Romania; and lastly, the Charter on a Distinct Partnership between Ukraine and NATO. They have participated in the first session of the Ukraine-United States Binational Commission Kuchma-Gore, which is a visible embodiment of a Ukrainian-American strategic partnership. Ukraine has also unilaterally and voluntarily disarmed all tactical nuclear weapons to continue the dream of a stable democracy.

To help foster freedom and democracy in Ukraine, the Congressional Ukrainian Caucus has been established. Representative JOHN FOX, Representative LOUISE SLAUGHTER, and Representative SANDER LEVIN, and I serve as cochairs. The primary purpose of the caucus is to organize an association of Members of Congress who share a common concern for building stronger bilateral relations between Ukraine and the United States. The caucus wants to support Ukraine in its process of democratization and market-oriented reforms.

I stand here today to congratulate Ukraine on another year of freedom and progress in the quest for democracy.

IN RECOGNITION OF OPPORTUNITY, INC.: AN ORGANIZATION THAT LIVES UP TO ITS NAME

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. PORTER. Mr. Speaker, I am pleased to rise today to recognize Opportunity, Inc., an outstanding organization located in Highland Park, IL. This is truly a remarkable enterprise and a magnificent example of the initiative needed to help people move from welfare to work and a better life.

Opportunity, Inc. is a unique, not-for-profit contract manufacturer that employs 120 persons, most of whom have developmental, physical and/or emotional disabilities. Founded in 1976 by local construction executive John Cornell, who still serves on the Board of Directors, the company will hold its annual Handicapable™ Leadership Award Dinner in Chicago on September 30. Noted conservative author and commentator, George F. Will, will be the keynote speaker.

The company's mission is twofold: First, to provide a mainstream plant environment in which handicapable people can work and earn a paycheck as well as the dignity that comes from being employed productively on a full-time basis; and, second, to provide its private sector customers with the best possible quality, price, and service.

As everyone understands, budget constraints compel us to look for ways to effectively address important needs without government subsidies, and Opportunity, Inc. is leading the way in this regard. A model of community response and innovation, the company has demonstrated how competitive and productive Handicapable™ employees can be. Opportunity, Inc. built and continues to operate the Nation's only not-for-profit, certified class 100,000 clean rooms for medical and surgical packaging. The firm's commitment to quality is so stringent that its principal medical/surgical customer—Baxter, International—has not rejected a single lot of product in over 7 years.

When I visited Opportunity, Inc. last year, however, I learned that its business success, while impressive, pales in significance to the positive contributions it has made to its employees' lives. I experienced firsthand how proud, dedicated, and competitive they are. As one man said to me, "Congressman, all we need is a fair chance to compete. That's what we get here at Opportunity and just look at the results!" Clearly, Opportunity, Inc. is an organization that lives up to its name.

Mr. Speaker, I am proud to represent a congressional district that includes enterprises of this caliber. It is my pleasure to salute the employees, management, and directors of Opportunity, Inc. on the occasion of their annual dinner, and to extend my personal congratulations to Harold, Peter, and Ron Foreman, who are the recipients of this year's Handicapable Leadership Award for 20 years of service.

I also commend Opportunity, Inc. as an example to my colleagues, who believe, as I do, that we must look to the private sector and to the local level for alternative solutions to difficult social problems.

REAUTHORIZATION OF EX-IM BANK

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. HASTERT. Mr. Speaker, I rise today to voice my support for reauthorizing the U.S. Export-Import Bank. By providing loans and guarantees that may otherwise be unavailable, the Ex-Im Bank is an invaluable tool to American workers and businesses, 80 percent of which are small companies.

In my home State of Illinois, 288 companies and 125 communities have benefited from the Ex-Im Bank in the last 5 years. During this time, Ex-Im financing helped to support the $2.2 billion in exports my State produces, and the estimated 30,000 jobs that manufacture those exports.

The Bank is essential to the communities, constituents, and businesses in my district. Whether it's in Elgin or Aurora, Batavia, or west Chicago, companies and their employees are benefitting.

I wish to thank my friend from New Jersey, Representative ROBERT MENENDEZ, for joining me in making this a priority. I'm delighted that the Chief Deputy Whips from each side of the aisle can come together in making this a bipartisan effort.

IN COMMEMORATION OF UKRAINE'S 6TH ANNIVERSARY OF INDEPENDENCE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. LEVIN. Mr. Speaker, I rise today in observance of the 6th anniversary of Ukrainian independence.

On August 24, 1991, the Ukrainian Supreme Soviet declared Ukraine's independence from the then Soviet Union. The declaration was confirmed several months later through a public referendum in which 90 percent of Ukraine's citizens voted in favor of independence. At the same time, Ukraine elected its first president.

Since then, Ukraine has labored hard to transform itself from a Communist controlled republic to a democratic and free market country. This has not been an easy task. Unemployment and inflation have run rampant throughout Ukraine. Shortages of food and other essentials are common. And in many cases wages often go unpaid for months.

However, throughout this long ordeal Ukrainians have remained committed to reforming their country. Ukraine is one of only a few of the former Communist dominated countries to have a peaceful transition of power. In 1991 and 1994, Ukraine held successful elections for both president and parliament without violence or bloodshed. Furthermore, Ukraine's Parliament, the Rada, adopted its first post-Communist constitution last year guaranteeing future free and fair democratic elections.

Ukraine has also shown a strong commitment to peace and regional stability. For instance, Ukraine is in full compliance of all reductions in force under the Conventional Forces in Europe Agreement. Early this year, NATO and Ukraine entered into a charter that will ensure cooperation between the alliance and Ukraine on all regional security issues including peacekeeping and humanitarian missions. However, most importantly, Ukraine agreed unilaterally to dismantle its entire nuclear arsenal, the third largest in the world at the time, and sign as a party to the Nuclear Nonproliferation Treaty.

Under the leadership of President Leonid Kuchma, Ukraine has instituted a rigorous economic reform plan. Already this plan has helped to lower the inflation from an overwhelming rate of 10,000 percent in 1993 to an anticipated level of 25 percent this year. It has also led to the privatization of nearly 50,000 state-run small and medium sized industries.

This progress has not come without controversy. Like many former Communist countries Ukraine has had a difficult time dealing with graft and corruption among government officials. This has caused a great deal of concern among United States and other foreign investors who have had great difficulties doing business in Ukraine because of the lack of firm laws and regulations guarding against abuse of power. The government of Ukraine realizes the seriousness of this problem and has taken steps to correct the problems expressed by foreign investors and clean up corruption within the government. For example, President Kuchma announced a clean hands anti-corruption campaign which has resulted in a large shakeup at the highest levels of government within Ukraine. In addition, Ukraine's president has also established an advisory committee made up of Ukrainians, foreign investors, and President Kuchma to deal with investor complaints in an efficient and timely manner.

I view these as steps in the right direction, but clearly more needs to be done. Specifically, I encourage the Ukrainian Rada to adopt comprehensive legal reforms that will protect investors from unscrupulous officials seeking individual profit.

The United States has been a major partner in Ukraine's success and should continue to play a major role.

Mr. Speaker, I urge my colleagues to continue to support aid to Ukraine so that we may continue to celebrate the occasion of a free and democratic Ukraine for years to come.

A NIGHT TO CELEBRATE, SENATOR ROBERT D. WETMORE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to honor a valuable Massachusetts State legislator, Senator Robert D. Wetmore. On September 28, 1997, colleagues, family, and friends will gather to toast Senator Wetmore's distinguished career in the Massachusetts General Court. Allow me to inaugurate this celebration early by introducing Senator Wetmore and his accomplishments to this House.

Robert Wetmore dedicated his entire career toward serving others. Even before his 32 years in elected office, he committed himself to his colleagues as a head lineman for the Massachusetts Electric Co. and by presiding over the local union. In 1965, he first entered the Massachusetts General Court as a State representative. In addition to his participation on several standing committees, the combination of his innovativeness, foresight, and abilities, allowed him to steer several new initiatives. Among these are his participation on the Bicentennial Commission and the Special Commission on Bike Paths. His leadership in identifying the effects of growth patterns on the quality of life in the commonwealth placed him on the vanguard of proactive government by foreseeing issues and precluding problems.

In 1977, Mr. Wetmore entered the Massachusetts senate. He would continue to serve the people of the Worcester, Hampton, Hampshire, and Franklin districts, and the institution, for 10 terms. Beyond chairing and vice-chairing several standing committees, he continued to identify new areas of specialization and organize committees to address these issues.

Senator Wetmore subscribes to one of life's lessons that I hold dear to my own heart: It is not enough to leave a place the way you found it—you should leave it better. Were a person only to strive for this in private life, it would undoubtedly win other's trust and praise. When someone such as Robert Wetmore makes this his public mission in the General Court, everyone in the Commonwealth of Massachusetts reaps the benefits. As a lifelong Massachusetts resident, I too, owe Senator Wetmore a debt of gratitude.

I ask all the Members of this House to join me in recognizing this dedicated public servant.

ONCE AGAIN, THE NEED FOR TORT REFORM IS EVIDENT

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. BACHUS. Mr. Speaker, a jury in New Orleans, LA, last week has given us a prime example of this country's need for serious tort reform. Ten years after a tank car fire, CSX Transportation was hit with a $2.5 billion punitive damages verdict for this incident in which it was considered blameless by the National Transportation Safety Board.

No matter who was at fault, such an enormous punitive damages award in this case would still be out of line, because there were no deaths or serious injuries as a result of the fire. But to make matters worse, every governmental authority that reviewed this incident, from the city of New Orleans to the National Transportation Safety Board, found no fault with CSXT. In fact, the city of New Orleans issued a proclamation recognizing the individuals from CSXT who prevented the fire from spreading for their heroic actions.

Certainly local residents were inconvenienced because of the evacuation, but it was the trial lawyers who filed a class action lawsuit before the fire was even put out that convinced the jury to reach into the deepest pocket in the lawsuit, not the parties who were responsible.

Punitive damages in our legal system are supposed to punish egregious behavior, but Mr. Speaker, in this case what was the jury possibly punishing? These high cost punitive damage awards must be reigned in, from the McDonald's hot coffee case to the bad paint job on the BMW, the consumers are actually the ones who will feel the belt-tightening because of the lack of tort reform laws.

TRIBUTE TO TIFFANY MONROY

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. ABERCROMBIE. Mr. Speaker, I would like to bring to the attention of the House the speech of Ms. Tiffany Monroy, a student at Sacred Heart Academy of Honolulu, which won the Voice of Democracy competition sponsored by the Honolulu Veterans of Foreign Wars. I certainly give my personal congratulations to Ms. Monroy, the daughter of Daniel and Loretta Monroy. I also would like to express my appreciation to VFW Post 1540 of Honolulu and its Ladies' Auxiliary for sponsoring the event. I trust that it will provide inspiration to my colleagues as we deliberate and endeavor to legislate solutions to the issues our Nation faces.

DEMOCRACY—ABOVE AND BEYOND—1996–97 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

(By Hawaii Winner Tiffany Monroy)

A mother had three children: Adam, Owen, and Daniel. Upon dying, the mother gave Adam to his banished father to be raised. Owen was given to his aunts and uncles to be raised. Finally, Daniel was given to the community to be raised by all. Years went by and the boys grew up. Adam became a rotund man who ate all he wanted when he wanted and no one could stop him from doing what he wanted. Owen grew up into a portly fellow who shared whatever he wanted with an esoteric group of friends. Daniel developed into a toned, lean, tall man, because he ate and worked depending upon the prosperity and needs of the community. It was he who soared above and beyond his brothers. These men soon became leaders of nations, taking with them the only governing methods they knew. When these individuals died, their governments lived on. Adam became autocracy, Owen became oligarchy, and Daniel became democracy. Like Daniel, who towered over his siblings, democracy remains above and beyond autocracy and oligarchy.

The three forms of government are like ladders competing to reach a great land—a land of great milk, great honey, and great chocolate—which coincidentally is at a great height. The amount of rungs a climbing individual has is in direct proportion to how many people have the power and authority to rule. "Contestant #1, with the ruling power in the hand of one sole individual, is Autocracy. Contestant #2, with the ruling power in the hands of a few people, is Oligarchy. Finally, last but not least, contestant #3, with the ruling power in the hands of many people is Democracy. Okay, contestants, on your mark get set, go! Wow, I don't know how Autocracy is going to get to the top with only one rung and I can't see how Oligarchy's gonna make it up . . . But hark! Look at Democracy go! He's got enough rungs to get him to the top and then some! Go Democracy go! And the winner without any competition is Democracy! Just look at him standing at the zenith sparkling with sweat, way up above and beyond the other two!"

Democracy is able to maintain itself above and beyond any other form of government because of the level of participation democracy calls for from those who are governed. It calls on everyone to participate in their government since democracy is the form of government in which rule is by the people. As Pericles of Athens said, "Our constitution is named a democracy because it is in the hands not the few, but of the many." In a democracy people cannot sit back with their arms folded and leave decisions up to a sole person. Instead, they must unfold their arms, stand up, and take action for what they believe in. Democracy gives people the opportunity to be active participants in the government which rules them. Perhaps even better, democracy makes those who are governed care about their government. Because the power is in the hands of the people, it is the people themselves who must take responsibility for what happens to them, since it is ultimately their choice. Therefore, they care about their government even more than those people who are ruled by autocracies or oligarchies. The caring, active participation that democracy calls for is what keeps democracy high above and above any other form of government.

Democracy remains untouched by any other form of government because there essentially no one ruling over the people. The marrow of democracy, the very core of this type of government is the fact that the people rules themselves. There is no almighty leader who says "this is the way things go" nor is there an omnipotent group who dictates "this is how all things shall be done." Rather, in a democracy, the people choose for themselves who they want and what they want and need. Perhaps Abraham Lincoln captured the quintessence of democracy by saying democracy is a "government of the people, by the people, and for the people." This is exactly what puts democracy above and beyond any other government: the people have the ultimate say.

Through every age democracy has and always will remain above and beyond any other form of government because it calls for caring participation from the people by putting the power directly into the hands of the people. Democracy will forever stay above and beyond any other form of government because no one else has a ladder with as many rungs.

IN HONOR OF MARGIE WAGONER OF HOUSTON

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Margie Wagoner, a teacher at Corpus Christi Catholic School in my district, who this Thursday will be awarded a $2,500 grant by the Children's Television Workshop and Creative Classroom magazine to implement an innovative school project. Her creative and innovative teaching methods bring education to life for her students, and her outstanding efforts have now been nationally recognized.

Ms. Wagoner is one of only three teachers chosen to receive a grant in the second annual "Plan a Dream" program. She will use her grant to establish a "global garden" to give her students a better understanding of the world in which they live. Sixth grade students will research, plan, and build a greenhouse to support the global garden. Second graders will explore and grow plants from different areas of the world focusing on their ancestors' country of origin. Students will learn about the different plants in the garden, as well as the customs and folklore of the nations from which they originate.

Parents will recognize the Children's Television Workshop as the men and women who make educational shows such as "Seasame Street" and the "Electric Company" possible. But they also work with educators to help them improve both the way we teach our children and the environment in which we teach them. The "Plan a Dream" program recognizes the efforts of teachers like Margie Wagoner and tries to build on their success.

Open to all teachers of kindergarten through sixth grades, ideas were submitted in the areas of technology, math, science, language arts, social studies, and the arts. Projects were judged by an expert panel on originality of the idea, explanation of education value, effective classroom planning, exemplary use of materials, ability to motivate students, and innovative lesson presentation.

I salute Margie Wagoner for her accomplishments and her commitment to teaching. She is an outstanding role model for her students, parents, and other teachers. Her national recognition is well-deserved.

REPRESENTATIVE DEMOCRACY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 17, 1997 into the CONGRESSIONAL RECORD.

REPRESENTATIVE DEMOCRACY

A Hoosier friend asked me the other day what's the most important thing to do to restore the confidence of people in the federal government. My response was that we have to make government accessible, responsive, and workable.

The critics of government certainly have a point. Government can be inefficient, inaccessible, and unaccountable. It is not hard to understand why government, especially the federal government, is under attack. But it has always seemed to me that the best answer to the critics of government is to make government work better.

COMPLICATED COUNTRY

Under our system of government we have a representative democracy—a government in which decisions are made by the people through their elected representatives. It is far from a perfect system. It can be difficult to understand, chaotic, slow, and frustrating. But I believe it is the best way for us to deal with our nation's challenges and problems.

We live in a complicated country of vast size and remarkable diversity. Since World War II the population of our country has more than doubled. Our citizens are spread far and wide, and they represent a great variety of races, religions, regional interests, and national origins. It is not easy to develop a system to enable such a country to live together peacefully and productively, but representative democracy allows us to do it. Representative democracy, for all its faults, is our best hope for dealing with our problems through a process of compromise, negotiation, and deliberation. Our system gives people an opportunity not only to speak but also to participate in the decision-making process and to engage with others in open discussion and debate. At its best, representative democracy gives us a system whereby all of us have a voice in the process and a stake in the product.

Many people think that the way to deal with their problems is to abolish politics. But politics—the process of compromise, negotiation, and deliberation—is the essence of how we make our system work. Politics may be unpopular but it is also indispensable. It is the way that we express the popular will of the people. We need to strengthen representative democracy, not enfeeble it.

ROLE FOR GOVERNMENT

In many ways we have lost what was the premise of government in this country when it was formed—the belief that government can work. The widespread public contempt for government today produces a vicious circle that makes government worse.

I am well aware of the problems we have today in government, but I am also impressed with the miracle of our constitutional structure. It is a commonplace observation to praise the wisdom of the founding fathers, but it is also necessary for us to continually appreciate the remarkable system they put together. The representative democracy envisioned by our Constitution is strong enough to preserve the fragile union, strong enough to promote the general welfare, and strong enough to ward off the power of the special interests.

I do not want to see a federal government that is crippled or incapable of playing a significant role in the life of this country. Government should be able to provide for the national security, help address social problems, protect the environment, and to do the many other things we have come to expect it to do. Sometimes government gets in our way, but other times it can be helpful to ordinary people in their effort to succeed, to have opportunity, and to correct instances of oppression and injustice.

CONFIDENCE IN GOVERNMENT

Our country has seen major changes in recent years—the globalization of our economy, the federal deficit constraining government's ability to deal with problems, the end of the Cold War and the less coherent framework for international relations, and the shift of many Americans toward individual freedom and consumption and away from restraint and sense of duty. All of this change has brought formidable challenges to policymakers, and government has not always performed well. Confidence in government has declined.

Government has lost so much respect in recent years that it threatens the ability to make good policy. If we are to have effective government and effective public policy then we must improve the confidence of the people in government. Several steps would be helpful. I believe we need more of what the politicians call "retail politics"—direct contact between the elected representative and the people. Today too much of our politics is based on the work of consulting firms, pollsters, and media advisors, and voters have difficulty feeling real ties to the people they elect to govern them. We will strengthen the confidence of the people in government if we can engage them more in the process. Elected officials can also help restore confidence in government by promising less and producing more, focussing better on what the citizens want, working together across party and ideological lines for shared goals, and restoring greater civility to the political debate.

But perhaps the most important step is to improve public understanding of what government has done and can do. Those of us who see important reasons for government to act must be willing not just to criticize government and point out its faults, but also to make clear what government has been able to accomplish—from preserving our security and building the interstate highway system to setting up the national parks and sharply reducing poverty among older persons through Social Security. It is important that all of us have an understanding of the limits of government but also an understanding that government works well in many areas. I simply do not see how it is possible to deal with many of our problems without a minimal public confidence in government.

CONCLUSION

I know there are a lot of voices today saying that representative democracy in this country just doesn't work very well. And it's certainly not difficult to point to instances when it does not. But on the other hand, given the number and complexity of the problems we confront, my view is that our representative democracy works reasonably well. I do not for a moment agree with those who think that the American system has failed or that the future of the country is bleak.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. ORTIZ. Mr. Speaker, on rollcall Nos. 398 and 399. I was unavoidably absent. Had I been present, I would have voted "aye" on both accounts.

UPDATE ON MULTILATERAL AGREEMENT ON INVESTMENT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, over the last several years, the United States has led an effort in the Organization for Economic Cooperation and Development [OECD] to develop a binding and comprehensive agreement on investment. In May 1995, the OECD Ministers launched the negotiation of a Multilateral Agreement on Investment [MAI]. At the OECD ministerial meeting in May 1997, the OECD Ministers agreed to extend the negotiations until May 1998. Negotiating sessions are scheduled every 6 weeks beginning the week of September 15.

Recently, Dr. Witherell, Director for Financial Fiscal and Enterprise Affairs of the OECD gave a speech entitled "The Multilateral Agreement Investment (MAI) Negotiations: The State of Play and Implications for the Asia Pacific Region." Issues involved in the agreement are complex and time consuming. Dr. Witherell's speech presented a clear and objective analysis of the issues.

I suggest that interested Members review extracts from Dr. Witherell's speech. His speech presented the issues of the MAI and discussed which issues need to be resolved in order to conclude a successful MAI.

I request that a copy of extracts from Dr. Witherell's speech dated September 1, 1997, be printed in the CONGRESSIONAL RECORD.

EXTRACTS FROM MAI SPEECH BY WILLIAM WITHERELL, SYDNEY, SEPTEMBER 1, 1997

One of the central objectives of the OECD since its creation in 1961 has been the development of a liberal environment for international investment. A very important step was taken at the OECD Ministerial meeting of May '95 when the governments of the 29 OECD Member countries' decided to commence negotiations on a Multilateral Agreement on Investment (the MAI). The private business sector was a strong advocate for developing a comprehensive legal framework for foreign direct investment which would consolidate and extend the present system of bilateral, regional and sectoral agreements. While the negotiations are between the OECD Member countries and the European Commission, the resulting agreement is to be a free standing treaty, open to any country willing and able to assume the obligations of the agreement.*

The OECD Ministers initially targeted the completion of the negotiations for May of this year; but that proved to be too optimistic despite the strong commitment and political will of our Member countries and a very intensive schedule. The issues are complex and time-consuming; and some, especially those of a more "political nature," might not be resolved until the liberalization commitments among the participating countries are fully agreed. So a modest extension of the timetable until next April has been set. This extra time will ensure that the result is indeed a high standard agreement with a satisfactory balance of commitments by all parties. Extra time also has opened up the possibility for non-OECD countries to be involved more closely. Indeed, some may even become founding members of the Agreement.

We now have—in almost final form—the main building blocks of this Agreement. Of course, there remain a number of outstanding issues—the inclusion of a special clause for regional economic integration agreements such as the EU, the coverage of sub-national measures, the treatment of cultural measures, the issue of conflicting jurisdiction and the treatment of labor and environment matters, to name some. Some, especially the more politically sensitive ones, are likely to remain unsettled until the last minute. This is to be expected in such a negotiation. But the ground has been prepared for a successful outcome in the coming months. A satisfactory agreement for all concerned—including interested non-OECD countries—is clearly within our reach.

WHAT WILL THE MAI LOOK LIKE?

The MAI will be the first multilateral agreement to include disciplines in three key areas of investment rule-making: investment protection, investment liberalization and binding dispute settlement. As such, it is undoubtedly the most complex multilateral negotiation on investment ever undertaken.

The MAI aims to provide a "level playing field"for international investors by eliminating distortions to investment flows and facilitating a more efficient allocation of capital. This will contribute to the ultimate objectives of economic growth and development. In the MAI contracting parties will undertake obligations aimed at reducing barriers and discriminatory treatment of FDI (investment liberalization) and increasing legal security for international investment and investors (investment protection). These obligations will be legally enforceable through provisions for settling disputes—including investor-to-state as well as state-to-state disputes. In all of these areas, the negotiators are seeking to incorporate high standards.

The MAI will bind the Contracting Parties to a set of fundamental rules governing the treatment of MAI investors and investments. The non-discrimination principles of National Treatment and most-favored nation treatment (MFN) will be the norms for all phases of investment from the entry of the investor and its investments to the treatment of the investor and its investments after they are established. These central principles will assure foreign investors non-discriminatory access to a sector and equitable treatment after they are established.

Some who are not familiar with the negotiations have misunderstood these provisions as requiring a wholesale dismantling of governmental regulations. The clearly is not the case. The MAI will not deprive national authorities of their sovereign right to promote economic development, a cleaner environment and other public policy goals. What the MAI will require is the provision of fair and non-discriminatory treatment of foreign investors, not deregulation.

Aside from general exceptions or derogations, any measures of participating countries that do not conform to the MAI obligations will need to be notified as country-specific reservations when the countries adhere to the MAI. Early this year, the negotiators tabled their initial lists of country-specific reservations. The scope of these reservations is subject to negotiation with other parties to the agreement. Thus another crucial aspect of the negotiations, the liberalization of existing investment restrictions, has begun. In the end, the overall assessment that each country will make of the results of the negotiations will likely take account of both the rules of the Agreement and the liberalization commitments as reflected in the reservation lists.

The OECD has made important contributions towards the policy objectives of protection and conservation of the environment and promoting sustainable development. Questions have been raised as to how the MAI will relate to these objectives. As noted above, the important positive role of foreign investment in promoting development is now widely recognized. Several approaches to addressing environmental policy concerns in the MAI are being examined and further proposals are likely as the debate continues. For examples, one provision under consideration would call upon governments not to lower environmental standards in an effort to attract foreign investment. Similar approaches are being considered for labor standards. It should be emphasized that nothing in the agreement would prevent participating countries from developing of maintaining effective measures for the protection of the environment or promoting sustainable development or improving labor standards. There is no convincing case, however, why such measures would need to discriminate against foreign investors.

There is strong support for a provision that would associate with the agreement OECD's Guidelines for Multinational Enterprises, without changing their voluntary character. These Guidelines set international standards, which are non-binding, to encourage multinational enterprises to behave responsibly as good corporate citizens in the countries in which they operate. The cover corporate activities in a wide range of areas, including, inter alia, environment and employment and industrial relations.

Most investment disputes that might arise under the MAI should be settled without recourse to formal procedures. Accordingly, the agreement provides for consultation arrangements to encourage amicable solutions. Nevertheless, the credibility of the MAI will require the binding arbitration of disputes between states, or between an investor and a participating government, be available to ensure effective recourse in the event of breach of the agreement. These provisions will be the "teeth" of the MAI. They will be one of the major innovations of the agreement because they go further than GATS (which has only state-to-state dispute settlement) and further than most bilateral treaties, which, unlike the MAI, deal only with established investment and not the conditions for entry and establishment.

WHY THE MAI?

The OECD countries have long recognized that foreign direct investments is central to the process of international economic integration—or globalisation—fueling development of advanced economies and developing countries alike. Foreign direct investment offers recipient countries the opportunity to upgrade productivity and competitiveness, benefit from the transfer of technical and managerial expertise, and promote integration into the international economy. And increased investment very often leads to increased trade, creating a powerful engine of prosperity.

In recent years the critical role played by foreign direct investment has become more widely appreciated. In the new environment characterized by liberalization of trade and investment regimes and by privatization, regulatory reform and demonopolisation of domestic industries, the potential gains from inward investment are more likely to be realized than ever before.

Foreign direct investment has been growing rapidly: over the past three years the global stock of foreign direct investment has doubled. Particularly welcome in 1996 was the dramatic increase by one third in the inflows to developing countries.[2]

The multilateral system lacks a comprehensive and coherent framework—or "rules of the game"—for investment. We have come to the stage where international investment rules can begin to be multilateralised. From the perspective of international firms, fixed investment commitments are long term, and firms seek assurances that the investment regimes will not become more adverse over the period of these commitments. While market factors are the primary determinants of investment decisions, investors are seeking long term stability of rules and procedures, guarantees for entry and establishments, equal competitive opportunities and protection of existing investments. To become irreversible, commitments need to be locked in through binding international obligations enforceable by dispute settlement.

From the perspective of governments, the global competition for capital in the coming years will be intense. Countries not providing sufficient assurances to investors will likely be charged higher risk premiums by the market. Moreover, governments recognize that the remaining investment restrictions and discriminatory treatment of foreign firms are a potential source of international friction, not the least because these are often barriers to market access. Such restrictive or discriminatory measures distort market-determined flows of capital and have a detrimental effect on economic growth and development. The greater the role of investment in the global economy, the more important it becomes to avoid, or have a framework to address such frictions.

Such considerations led the governments of the OECD countries to conclude in 1995 that the time was ripe for establishing a system of rules to safeguard the future of international investment and to provide the legal protection that would encourage more investment between countries. After some sixteen meetings of the high level Negotiating Group over the past two years, the main elements of the MAI are now in place, and draft text or options for text are available for most outstanding issues.

SOME IMPLICATIONS FOR THE ASIA-PACIFIC REGION

Since the MAI negotiations are taking place between the twenty-nine OECD Member countries and the European Commission, successful conclusion of the MAI negotiations will mean that a major portion of the world's investment flows will be covered by a comprehensive framework of international rules of the game. Indeed, the vast bulk of FDI originates within OECD countries and is destined for other markets within the OECD area—some 85% of all outflows and almost 70% of inflows in recent years.

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*Footnotes appear at end of speech.

But, a number of non-OECD countries are important hosts, and in some cases also home countries, for foreign investment. Among the top thirty host countries for foreign direct investment in the 1990's[3] are ranked seven of the non-OECD members of APEC: China, Malaysia, Singapore, Indonesia, Thailand, Hong Kong (China), and Chinese Taipei.

While other regions are also significant, the role the MAI will come to play in the Asia-Pacific will be of critical importance. The member countries of APEC, for example, have accounted for about 50% of global foreign direct investment inflows thus far in the present decade. The non-OECD Asian economies as a group have also become an important source of outward investment. The share of these economies in world outflows has increased from almost nothing in 1981 to 12 per cent today. A striking fact is that, as a group, these economies invest more abroad than any single OECD economy except the United States.

In view of this situation, it was decided that the MAI should be a free standing treaty, open to accession by interested non-OECD countries and on equal footing with OECD Members. Each country will be able to negotiate its terms of accession, i.e. its own schedule of reservations. Adhesion of all parties to the basic rules of the agreement will be essential, but different levels of economic development can be reflected in individual country reservations, which might, in some cases, include transition periods.

The OECD is undertaking an unprecedented dialogue with non-OECD countries as the negotiations progress, focusing, in particular, on the growing number who appear to be interested in acceding to the MAI. The next meeting of the Negotiating Group in mid-September will represent a new stage in this respect. Four non-OECD economies—Argentina, Brazil, Hong Kong(China), and the Slovak Republic—will join the Negotiating Group as "Observers" for the first time. During the same week, a special session of the MAI Negotiating Group will bring together the negotiators from the OECD countries and senior investment policy officials from a number of interested non-OECD countries. This meeting could lead to further consultations at this level. It is hoped that these processes will facilitate some of these countries joining the MAI as founding Members, or soon after the agreement is put in place.

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[1] The OECD Member countries are the following: Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Korea, Luxembourg, Mexico, Norway, New Zealand, Netherlands, Poland, Portugal, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States.

[2] UNCTAD Press Release: TAD/INF/2710, 10 July, 1997.

[3] "Special Feature: Recent Trends in Foreign Direct Investment" in Financial Market Trends. Vol. 76, OECD, Paris, June 1997.

TRIBUTE TO GENERAL J.H. BINFORD PEAY III

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. SKELTON. Mr. Speaker, today I wish to congratulate and pay tribute to Gen. J.H. Binford Peay III who will retire from the U.S. Army on October 1, 1997. General Peay's career spans more than 35 years, during which he has offered selfless and distinguished service as a soldier, teacher, leader, military statesman, and visionary adviser to America's most senior national leaders.

Gen. Binnie Peay grew up in Virginia. He graduated with honors from the Virginia Military Institute, and was commissioned a second lieutenant in the field artillery. He served two tours in Vietnam, with the 4th Division and the 1st Cavalry Division, and was decorated for valor. Following the war, General Peay served a succession of high profile and influential staff and command positions, including Executive to the Chief of Staff of the Army, commandant of the command and general staff college at Fort Leavenworth, and assistant division commander of the 101st Airborne Division. During these years, General Peay was one of a number of officers and enlisted personnel who helped restore integrity, morale, and spirit to the Army in the wake of the Vietnam war.

In 1989, General Peay took command of the 101st Airborne Division (Air Assault) at Fort Campbell, KY. The division deployed to the Arabian Gulf in August 1990 as part of Operation Desert Shield. During Operation Desert Storm, the 101st made the longest, most rapid heliborne assault in the history of warfare, deploying more than 150 miles behind enemy lines to block Iraqi reinforcements and lines of communications.

During the period 1991 to 1994, General Peay served as Deputy Chief of Staff for Operations, and then as Vice Chief of Staff of the Army. In 1994, the President named him to his current assignment, Commander in Chief of U.S. Central Command. During this 3-year tour, General Peay set the stage for preserving regional peace and stability over the long term, while enhancing our Nation's ability to respond to any contingency.

Mr. Speaker, Gen. J.H. Binford Peay III is a preeminent military thinker, a master of tactics and strategy, and an expert on the intricacies of senior level military management and command. I know the Members of the House will join me in offering our heartfelt gratitude to General Peay and his family—his wife, Pamela, and sons, Jim and Ryan—for their service to our Nation, and wish them all the best in the years ahead.

SIXTH ANNIVERSARY OF THE INDEPENDENCE OF UKRAINE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. LANTOS. Mr. Speaker, today, we here in the Congress are marking the sixth anniversary of the independence of Ukraine. The formal and official anniversary falls upon August 24, but because the Congress was in recess at that time, we are celebrating this historic occasion today.

Six years ago, on August 24, 1991, the parliament of Ukraine approved a declaration of independence and affirmed the sovereignty of Ukraine. That took place, as some of my colleagues will recall, in the midst of the abortive coup against Soviet President Mikhail Gorbachev by military leaders and Communist hard liners in Moscow. The decisive action of Ukraine at that time sounded the death knell for the old Soviet Union. Independence was declared earlier by the Baltic Republics, but the key factor was Ukraine's courageous declaration of independence. It was followed by declarations of independence by Byelorussia, Moldova, and the Central Asian Republics. The decision of the Ukrainian parliament—the Supreme Rada—was followed by a popular referendum held on December 1, in which the people of Ukraine overwhelmingly voted to separate from the Soviet Union and establish a sovereign and independent state.

It is hard to believe that these tumultuous events took place only 6 years ago, Mr. Speaker. In these past 6 years, the Ukraine has had to deal with a multitude of extremely difficult problems. First, the country has had to deal with the transition to democracy and the creation of a free-market economy, and this has required dealing with serious political and economic issues. Second, at the same time, the people of Ukraine and their government institutions have had to deal with creating separate State institutions and establishing a separate national identity because Ukraine has not existed as a separate and independent country for centuries. Third, the country has been saddled with the legacy of the failed Soviet economic and political system. The tragedy of the Chernobyl nuclear disaster in northern Ukraine is only the best known and most visible consequence of eight decades of Communist Party incompetence and misrule.

As the second largest country in area in Europe, and as one of the largest countries in Europe in population, Ukraine is a vital and an important friend of the United States. Strong relations between our two countries are important to secure stability and prosperity in Central and Eastern Europe.

In the 6 years of independence, the Government of Ukraine has made a number of difficult choices—nuclear weapons have been removed from the territory. In July of this year, Ukraine and NATO have signed a charter affirming the commitment of NATO and Ukraine to the "development of a strong, enduring relationship between NATO and Ukraine." The importance of Ukraine and our commitment to its success is clearly indicated by the level of United States foreign assistance to Ukraine—it receives the third largest amount of assistance of all countries in the world.

While we celebrate Ukraine's independence, Mr. Speaker, this does not mean that all of the problems of Ukrainian independence have been resolved. Ukraine must accelerate its economic reforms, in order to assure a stable and prosperous economy. Democratic institutions and practices must be accelerated. There is still a long way to go in achieving full respect for human rights in Ukraine, including firmly establishing such fundamental rights as freedom of religion, freedom of speech, and freedom of the press. The problem of corruption and crime must be dealt with in order to assure a successful democratic government and functioning economy. While we note these serious problems, we also reaffirm our commitment to work with the Government of Ukraine in dealing with them.

This festive occasion is an opportunity for us to look back over the past 6 years and marvel and rejoice in the great progress that has been made, but it is also an occasion when we can look to the future and recommit ourselves to the still-daunting tasks that the people of Ukraine face. The American people support Ukraine. We welcome your triumphs and we are willing to work with you in achieving the goals that both our countries seek in assuring the continuing independence and prosperity of Ukraine.

Mr. Speaker, on this sixth anniversary of Ukrainian independence, I congratulate the people of Ukraine on this joyous national occasion. The relationship between the United States and Ukraine is an important one for both of our countries, and this occasion is a happy one for us to reaffirm our commitment to good relations and cooperation.

THE RE-OPENING OF THE SMALL BUSINESS RESOURCE CENTER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. CLYBURN. Mr. Speaker, I rise today on the occasion of the re-opening of the Small Business Resource Center in Charleston, SC, that will serve existing and prospective small business entrepreneurs throughout the State of South Carolina. Statistics reveal that a large percentage of businesses fail due to a lack of management knowledge and business experience. This Small Business Center will provide informational seminars and technical assistance, as well as education and training on a continual basis to help small business entrepreneurs achieve and maintain success in their business endeavors. We are very fortunate in the city of Charleston to have a centralized location where individuals can get necessary information, and where all services are free of charge.

Continuing its commitment to small business, Apple Computer, Inc. is donating state-of-the-art equipment, software, and seminar consulting assistance to the Charleston Small Business Resource Center. This remarkable facility will allow individuals and small business owners to research, plan, and jump-start their businesses and to receive free consulting from SCORE [Service Corps of Retired Executives Association] volunteers. Individuals will use the latest Macintosh technology to develop business plans, create marketing materials, develop loan packages, and conduct market and competitive researches.

The Small Business Resource Center in Charleston is the result of a national agreement between the U.S. Small Business Administration, the U.S. Department of Commerce's Minority Business Development Agency, and NationsBank to commit tangible resources aimed at increasing the success rate of small- and minority-owned businesses through education and technical assistance. The College of Charleston and Bell South also played vital roles in the opening of the South Carolina center.

Mr. Speaker, I would ask that my colleagues join me in commending all those involved in reopening the Small Business Resource Center by forging partnerships that will embrace and encourage small businesses throughout the State of South Carolina.

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. EHLERS. Mr. Speaker, on rollcall No. 397, S. 562, I was in the Chamber and voted "yes," but apparently my vote was not recorded by the electronic voting system.

Had the voting system worked, I would have been recorded as voting "Yes."

IN PRAISE OF DISTRICT OF COLUMBIA HIGH SCHOOL STUDENTS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Ms. HARMAN. Mr. Speaker, I rise today in praise of two outstanding young people who have been interning in my office for 2½ weeks, Christiana Hodge of Eastern High School and Calvin Wingfield of Banneker High School.

Thanks to the internship program for District of Columbia high school students organized by my colleague, Representative ELEANOR HOLMES NORTON, I have had the pleasure to work with these two bright and dedicated students whose contribution to my office has been invaluable.

Mr. Speaker, I have been so impressed by Christiana and Calvin's willingness to spend 3 weeks interning on Capitol Hill—and working hard—while waiting for the school year and new challenges to begin. It is my hope that this experience has been as rewarding for them as it has for me.

I know Christiana and Calvin will go far in life, because of their outstanding qualities. I thank them for their help over these past weeks, and I thank ELEANOR HOLMES NORTON for bringing me in contact with them.

IN SUPPORT OF REPEAL OF SECTION 1555 OF FASA

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. ADERHOLT. Mr. Speaker, in 1994, the 103d Congress voted to turn the General Services Administration into a competitor with private employers for billions of procurement dollars generated by State and local governments. That something of this magnitude can be enacted into Federal law without so much as a hearing is a prime example of how disconnected Washington can become from the American people.

Let me briefly discuss what I understand to be the conceptual case for this program. In a nutshell, proponents seem to contend that non-Federal public entities will get more bang for their procurement buck by purchasing items off the Federal supply schedules, making State and local taxpayers the ultimate beneficiaries of the cooperative purchasing program.

Now I certainly support saving taxpayers' money, but where is the evidence in this instance? On the contrary, I am not convinced the cooperative purchasing program will provide anticipated savings to State and local governments and their taxpayers on a sustained basis.

Despite the moratorium, the cooperative purchasing program has already had a disruptive effect in the marketplace, and the potential for further disruption is far, far greater. In what I am sure is reflective of the experiences of my colleagues, I have heard from small business persons in my district who fear for their futures if the cooperative purchasing program goes into effect.

The more I hear, the more I am convinced section 1555 of the Federal Acquisition Streamlining Act should be repealed. The sooner we get rid of this program, the better. If we fail to do so, it is highly unlikely that appropriate remedial action will be taken prior to implementation of the program, and countless small business persons and their employees—our constituents will see their worst fears about the future materialize.

This issue quite simply pits big government against small business, and it's pretty clear that small business won't make out very well in that competition. That's what my constituents are telling me. These small companies which compete each and every day with very little if any margins for error, are fearful not of competition, but rather of unfair competition. All they ask for, I would say to the members of this committee, is a level playing field. They have a right to that, and by repealing the cooperative purchasing program we can meet their rightful expectation.

JUVENILE CRIME PREVENTION: SOUND POLICIES VS. SOUND BITES

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Ms. CARSON. Mr. Speaker, the following statement from the Indianapolis, IN, deputy chief of police is offered for insertion into the CONGRESSIONAL RECORD. Mr. Turner provides provocative thoughts and sensible responses to the challenges we face in "Juvenile Crime Prevention: Sound Policies vs. Sound Bites."

JUVENILE CRIME: SOUND POLICIES VS. SOUND BITE ISSUES FORUM

(By Robert B. Turner)

Ladies and gentleman, members of Congress, and fellow panelists; I am truly honored to be here today, the opportunity to address you and the opportunity to participate in this forum is an opportunity of a lifetime for me. I have been a member of The Indianapolis Police Department for approximately twenty-five years and I have been a licensed attorney for more than twelve years. During these often conflicting and competitive professions, I have always held a sincere and religious commitment to my fellow man; but, I especially love children. I believe that children are the most sincere and genuine people on earth. When I think of children I often think of the biblical passage in the Book of Luke, chapter 8,5. "A sower went out to sow his seed: and as he sowed, some fell by the way side; and it was trodden down, and the fowls of the air devoured it. Some fell upon rock, and as soon as it was sprung up, it withered away, because it lacked moisture . . . And some fell among thorns; and the thorns sprang up with it, and choked it . . . And some fell on good ground, and sprang up, and bore fruit a hundredfold." The topic of this forum is Juvenile Crime: Sound Policies vs. Sound Bite Issues. The real question that we are asking ourselves today is in fact "Where Are We as a Society, as a Community, Sowing Our Seeds?"

In the city of Indianapolis we recently arrested a young African-American male for murdering another young African-American male for the purpose of taking his tennis shoes. In very similar incidents involving knives, guns, and other deadly weapons, young people have committed homicides and aggravated assaults while stealing items such as "Starter Jackets," "Cheap gold chains," "designer wheels on cars," and other ego based articles.

A young woman recently gave birth to an infant and abandoned her newborn child inside of a latrine in an Indiana State Park. The young lady left her living child in the latrine; fortunately the child's life was saved by a stranger who happened by.

Another young mother assaulted and killed her infant child because the child would not stop crying. In all major cities throughout the nation, young people are being abandoned by their parents, communities, schools, and governments and are in fact being raised, educated, and motivated by television, computer networks, nintendo games, violent movies, local gangs, drug organizations, and experienced criminals. These young people being products of their nonconventional environments, are using drugs, selling drugs, resorting to criminal behavior, resorting to violence; and they are being arrested, imprisoned and warehoused at very young ages, and for extended periods of time. So where in fact are we sowing our seeds if more and more of our children are using drugs, using deadly weapons, being murdered, or being arrested?

There is a popular soft drink in America called the "Uncola". It is transparent/clear and you can see right through it. It would be totally invisible if it did not contain the carbonation which creates and bubbles. I often refer to the lost children of our nation, "our lost seeds" as the "the unchildren," "the uns" for short.

They are un-cared for, un-supervised, unsupported, un-educated, un-employed, unhealthy, un-popular, un-cooperative, un-conventional, un-grateful, un-sympathetic, and generally un-wanted. They are invisible in our society, and but for their rebelliousness, "their carbonation," we would see right through them.

I currently serve as the Deputy Chief of Police in the city of Indianapolis and I supervise the Criminal Investigations Division which includes units such as the Homicide Branch, the Robbery Branch, Metro-Gang Task Force, Narcotics-Metro Drug, Sex Crimes Unit, Domestic Violence Unit, White Collar Crime Unit, the Vice Unit and the Juvenile Branch. When these young people are brought into the criminal justice system after being arrested and incarcerated by our officers, I often ask myself "What can I do with this child?" The standard, customary, typical, and conventional responses are incarceration, home detention, probation, rehabilitation, and recirculation. More often than not, it is simply too late; "Our seeds have fallen by the way side, they have been trodden down, the fowls of the earth have devoured them, they have withered away because they lacked moisture, the thorns of the earth have choked them."

We as a society, we as a community, have foreclosed our options because we have been careless, we have failed to do as the Bible suggests, we have failed to sow our seeds on good ground. I admire both the courage and the lasting wisdom of Dr. Martin Luther King, Jr. I often think of and refer to the words of Dr. King, in his famous "Letter from Birmingham Jail," because he spoke of a people "smothering in an airtight cage of poverty in the midst of an affluent society; of ominous clouds of inferiority beginning to form in the little mental sky of children; of observing the children as they begin to distort their personalities by developing an unconscious bitterness toward people who are different; and, of those children forever fighting a degenerating sense of nobodiness." Think about that word, "Nobodiness." Does the term "Nobodiness" apply to the young African-American male that killed another young man for a pair of tennis shoes? Does the term "Nobodiness" apply to the young woman who delivered a living fetus alone in a secluded place and immediately abandoned it, leaving her living child alone and unloved, to die in a filthy latrine? Does the term "Nobodiness" apply to young people all over this nation who take up arms against their neighbors, former friends and school mates in the name of gang honor, colors and territories? Does the term "Nobodiness" apply when educational institutions, governmental agencies, prospective employers, and medical service providers treat certain people with disrespect because of their nationality, poverty, color, or ethnicity; or when individual law enforcement officers acting under color of law, use inhumane methods, weapons, or tools such as toilet plungers to "Break a person down?" To break a person down to "Nobodiness."

As an attorney and a law enforcement officer, I believe that our society must develop both a desire and a plan that allows us to sow our seeds upon good ground long before our seeds are trodden down; long before our children develop this degenerating sense of nobodiness; long before we invest in the standardize methods of incarceration, probation, or rehabilitation. Our plan, and our duty as leaders and parents is to plant the seeds of "Somebodiness" in our children. The seeds of "justice," "equality," "education," "self-esteem," "love," and "opportunity," in "all" of our children, not simply as individual parents of our specific children, but as true sowers of all of God's seeds; it truly takes a village to raise a child.

We must raise our children on a solid foundation of love, self-respect, parental commitment, education, opportunity, family, community, character, and religion. We must plant our seeds and our future on good ground. We must serve as examples for our children, and we must nurture, support and protect our children. We must invest our hearts and our future in them long before the thorns of the earth choke them out.

Long before the drugs, guns, and gangs act to devour our children's futures. When we act to care for our children as God directed us to do, only then will they "spring up and bare fruit a hundred fold"; only then may we say that we are truly sowers of God's seeds; only then may we say that we have terminated the evils that drugs, guns, gangs, and crime have visited upon our children, families, and communities. I can proudly tell you that the children, the sick, the elderly, the poor, the weak and the oppressed in the city of Indianapolis and in the Tenth Congressional District, truly have friend, a supporter, a good sower of seeds, and an excellent Congressional Representative in the Honorable Julia Carson, and based upon the history of the Congressional Black Caucus, I know that all of the people in this great nation have support, friendship, understanding, love and very good ground in all of you. Thank you so much for this opportunity to address you.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 18, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 22

9:30 a.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine proliferation in the information age.

SD–342

1:30 p.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine fraud in the micro-cap securities industry.

SD–342

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine the bankruptcy code's effect on religious freedom, and to review the Judicial Conference request for additional bankruptcy judges.
SD–226

SEPTEMBER 23

9:00 a.m.
Finance
To hold hearings to examine the practices and procedures of the Internal Revenue Service.
SD–106

9:30 a.m.
Environment and Public Works
To hold hearings on S. 1180, to authorize funds for programs of the Endangered Species Act.
SD–406

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Judiciary
To hold hearings to examine Federal antitrust policy in the healthcare marketplace.
SD–226

Labor and Human Resources
To resume hearings to examine the confidentiality of medical information.
SD–430

Special on Aging
To hold hearings to examine screening and treatment options for prostate cancer.
SD–628

SEPTEMBER 24

9:00 a.m.
Finance
To continue hearings to examine the practices and procedures of the Internal Revenue Service.
SD–106

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Labor and Human Resources
Business meeting, to mark up the proposed Workforce Investment Partnership Act, and to consider pending nominations.
SD–430

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

SEPTEMBER 25

9:00 a.m.
Finance
To continue hearings to examine the practices and procedures of the Internal Revenue Service.
SD–106

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the Federal agency energy management provisions of the Energy Policy Act of 1992.
SD–366

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the comittee's special investigation on campaign financing.
SH–216

SEPTEMBER 29

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to review the operation of the Treasury Department's Office of Inspector General.
SD–342

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to review the operation of the FBI crime laboratory.
SD–226

SEPTEMBER 30

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Michael K. Powell, of Virginia, Harold W. Furchtgott-Roth, of the District of Columbia, and Gloria Tristani (pending receipt by the Senate), each to be a Member of the Federal Communications Commission.
SR–253

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the health risks of 1950's atomic tests.
SD–192

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of William E. Kennard, of California, to be a Member of the Federal Communications Commission.
SR–253

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 2

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 6

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine traditional frauds perpetrated over the Internet.
SD–342

OCTOBER 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation relating to food safety.
SR–332

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 725, to direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District, S. 777, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc. a nonprofit corporation, for the planning and construction of the water supply system, H.R. 848, to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, H.R. 1184, to extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric Project in the State of Washington, and H.R. 1217, to extend the deadline under the Federal Power Act for the construction of a hydroelectric project in the State of Washington.
SD–366

OCTOBER 8

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 9

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

CANCELLATIONS

SEPTEMBER 19

10:00 a.m.
Governmental Affairs
To resume hearings on S. 981, to provide for the analysis of major regulatory rules by Federal agencies.
SD–342

HOUSE OF REPRESENTATIVES—*Thursday, September 18, 1997*

The House met at 10 a.m.

The Reverend Betty McWhorter, St. Patrick's Episcopal Church, Washington, DC, offered the following prayer:

Almighty God, You are the creator and lover of all life. We give You thanks for bringing us safely through the night into the glory of this new day. As a nation, You have honored and blessed us with great resources both in the land and in the people. From these blessings come those who are called to serve in the ways of leadership. We ask You to bless and endow these men and women who serve in the House of Representatives with Your holy wisdom, with the strength of Your powerful courage, and with Your all embracing compassion so that people everywhere may some day live in the world You intended, a world of peace, equality, and justice for all. In Your most holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DOGGETT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DOGGETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of order is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Alabama [Mr. ADERHOLT] come forward and lead the House in the Pledge of Allegiance.

Mr. ADERHOLT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 134. Concurrent resolution authorizing the use of the rotunda of the Capitol to allow Members of Congress to greet and receive His All Holiness Patriarch Bartholomew.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2264. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and

H.R. 2378. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2264) "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPECTER, Mr. COCHRAN, Mr. GORTON, Mr. BOND, Mr. GREGG, Mr. FAIRCLOTH, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. HARKIN, Mr. HOLLINS, Mr. INOUYE, Mr. BUMPERS, Mr. REID, Mr. KOHL, Mrs. MURRAY, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2378) "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAMPBELL, Mr. SHELBY, Mr. FAIRCLOTH, Mr. KOHL, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 101-445, the Chair, on behalf of the President pro tempore, appoints Charles H. White, of Mississippi, to the National Nutrition Monitoring Advisory Council.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize ten 1-minutes on each side after recognizing the gentleman from West Virginia.

INTRODUCING GUEST CHAPLAIN REV. BETTY McWHORTER

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, it gives me great pleasure and it is a great privilege to introduce to the House the Reverend Betty McWhorter of St. Patrick's Episcopal Church here in Washington, DC.

Betty grew up in Birmingham, AL, and graduated from Auburn University with a degree in mathematics. Early in her marriage to Jim, the family grew to include three children as they lived in Tennessee, Michigan, Georgia, California, New York, North Carolina, Texas, and now Virginia.

She received her masters of divinity degree from the Roman Catholic University of St. Thomas in Houston, TX. Ordained now for 10 years, she has served churches in Texas and Virginia before becoming rector of St. Patrick's Episcopal Church in Washington in 1995.

Betty has been a spiritual leader in every sense for the St. Patrick's community, greatly strengthing the parish and its successful day school. Outreach is important to Betty both in the church and the community. We are fortunate to have her with us today.

Mr. Speaker, I yield to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. I thank the gentleman from West Virginia [Mr. WISE] for yielding.

I also want to welcome Reverend McWhorter to the House. My children also attend St. Patrick's Episcopal Day School. Also, Reverend McWhorter and I share an affinity in that we share the alma mater of the University of St. Thomas in Houston.

So I congratulate her on her appearance here today. I thank the gentleman from West Virginia [Mr. WISE] for yielding.

Mr. WISE. As one who went to the University of Houston, I also have some affinity but also, most importantly of all, attend Reverend McWhorter's church and feel privileged to do so.

MEXICO'S PERFORMANCE FIGHTING DRUGS

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, recent news reports out of Mexico indicate that a counter-drug radar surveillance site in southern Mexico monitoring drug-laden flights from Colombia into Mexico may have actually been a nest of drug support, not drug suppression. All the Mexican officials at the site were arrested for drug trafficking related offenses.

The Mexican radar base was part of the Mexican attorney general's antidrug operations to stem the flow of more than 70 percent of the drugs entering the United States, much of it from Colombia. Our DEA's concern about no one to deal with in confidence in Mexico was more fully illustrated by these latest arrests. Mexico's own DEA leader himself was arrested earlier this year.

The Clinton administration reported to Congress this week on Mexico's, and I quote, "improved" performance fighting drugs, a promised report used to respond to congressional efforts to decertify last March. Congress did not buy the administration's earlier "fully cooperating" drug rating given Mexico, and will not buy more fluff this time either.

The contrast last March was especially vivid in light of the decertification of Colombia, whose real, incorruptible antidrug cops, fighting and dying in the war on drugs, actually took down the powerful Cali and Medellín cartels, and are not helping move drugs north.

PREVENT BOB DORNAN FROM RETURNING TO HOUSE FLOOR

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the Republican majority in this House has done a disservice to the country in its continual effort to go after the gentlewoman from California [Ms. SANCHEZ], who was duly elected and certified by the State of California.

But one of the saddest consequences of the Republican witch hunt of this Hispanic Member has been to encourage former Congressman Bob Dornan into believing that he is still a Member of this body. Mr. Dornan has no business being on the floor of this House. I know the rules currently allow it, but he has violated that privilege by his conduct most recently when he accosted my colleague, the gentleman from New Jersey [Mr. MENENDEZ].

I urge all my colleagues to support the motion of the gentleman from New Jersey [Mr. MENENDEZ] to prevent Bob Dornan from returning to the House floor. But I fault the Republican leadership even more than Mr. Dornan that we have come to this sad state of affairs. They are to blame for encouraging Mr. Dornan, who has clearly lost the election but persists in thinking otherwise.

NATIONAL MAMMOGRAPHY DAY

(Mr. BASS asked and was given permission to address the House for 1 minute.)

Mr. BASS. Mr. Speaker, today I am introducing a House resolution in support of the goals of National Mammography Day. National Mammography Day was founded by breast cancer and health care organizations to increase awareness about the critical importance of regular mammography screening and to make available education and low-cost mammograms to underserved women.

The resolution complements those efforts to help increase awareness about the importance of regular mammography screening. It also recognizes the significant contributions of community organizations to women's health and urges all women to take an active role in the fight against breast cancer by all means available to them, including regular mammograms.

Mr. Speaker, 180,200 women in America will be diagnosed with breast cancer this year; 43,900 will die because of the disease. We do know that early detection and prompt treatment of breast cancer could result in a third fewer breast cancer deaths each year. Mammograms are the single best method of detecting breast cancer in its earliest stages.

I urge my colleagues to join me in cosponsoring this resolution which I will introduce today.

THEY DID NOTHING WRONG

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, when it comes to Chinese money, nobody did anything wrong. Manlin Foung and Joseph Landon said, "I did nothing wrong." David Wang and Xiping Wang said, "I did nothing wrong." Yufang Chu said, "I did nothing wrong." Charlie Trie said, "I did nothing wrong." John Huang said, "I did nothing wrong." Even three Buddhist nuns said, "I did nothing wrong."

Tell me, Mr. Speaker, if all these people did nothing wrong, why are they all demanding immunity? Beam me up, Mr. Speaker. With Chinese trade surpluses now over $50 billion, something stinks. And I guarantee one thing, these people were not just sleeping in the Lincoln bedroom. I suspect they were playing monopoly in the Oval Office. Tell it the way it is. They look guilty, guilty, guilty. Congress should get to the bottom of this Chinese money business.

□ 1015

IN MEMORY OF CONGRESSMAN ALBERT LEE SMITH

(Mr. RILEY asked and was given permission to address the House for 1 minute.)

Mr. RILEY. Mr. Speaker, I rise today filled with both grief and gratitude over the death of former Congressman Albert Lee Smith.

Congressman Smith was a man with an incredible strength of character, enormous integrity, and a rock solid dedication to his convictions. He exemplified what a leader should be. He, along with his wife Eunie, have fought for years for conservative ideals, strong family values, and the moral beliefs this country was founded on. Congressman Smith could always be counted on to do what he believed to be right, regardless of the political consequences.

Although his death is a cause of sadness, I am very grateful for Albert Lee Smith, for his life, his leadership, and his friendship. Alabama and America have truly lost one of their finest sons.

CAMPAIGN FINANCE REFORM AND TOBACCO

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, yesterday, like every day in America, 3,000 more young Americans began the path on their addiction to nicotine.

And three other significant things happened concerning the plague of nicotine addiction, the most significant cause of preventable death in this country. The first was a positive one. President Clinton called for a comprehensive strategy to address youth smoking as we evaluate this tobacco settlement.

The second was also positive in a way. This House, which, along with the Senate, had snuck into the balanced budget agreement a $50 billion tax break for the tobacco industry under the claim of small business protection, quickly repealed that when it became known to the public at large.

And the third thing that happened was that this House adjourned at the end of the day and a private jet from a U.S. tobacco company came over and took a plane-load of our colleagues to a Republican fund-raiser in New York. We need to address the campaign finance issue at the same time we address tobacco usage.

SUPPORT TAXPAYER DIVIDEND ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the Republican Congress has done what many of our liberal colleagues have thought impossible. We balanced the Federal budget while at the same time providing much-needed tax relief for hardworking families of this country. To top it off, the Congressional Budget Office says that we will actually show a surplus as a result of this historic agreement.

Mr. Speaker, I urge my colleagues not to take their eye off that ball. Any tax surplus generated represents too much money the Federal Government has taken from the hard working American people. This money must be used either to reduce the national debt or return to the people in the form of additional tax benefits.

I would like to commend the gentleman from Ohio [Mr. BOEHNER] for introducing the Taxpayer Dividend Act, which will ensure that this very important goal is met. I urge my colleagues to join me in cosponsoring this important bill.

PRIVILEGED RESOLUTION REGARDING FORMER MEMBER

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. I come before the House today to urge my colleagues to do what they know is right.

As many of my colleagues personally witnessed, Robert Dornan, a former Member of this House, verbally assaulted me on the House floor yesterday. He used profane language, accused me of religious bigotry, called my integrity into question, and by tone of voice and the context of his remarks clearly attempted to lure me off the floor into a physical altercation.

I offered a privileged resolution to make clear that behavior like Mr. Dornan's is never acceptable on the House floor. Now there is some talk that some may seek to table the resolution when it comes to the floor today. With the American people watching us on C-SPAN, what kind of message does that send to the public about this institution? What kind of standards does that set for this House? What kind of example does that set for our children, that profanities and threats are the way to solve differences of opinion?

Mr. Speaker, I hope and trust that, as a body, we truly are above that and that my colleagues will vote against any motion to table. Vote for the resolution and for maintaining the highest standard of conduct and decorum in the House.

ONE YEAR ANNIVERSARY: UTAH'S SCHOOLS SHOULD NOT CONTINUE TO PAY FOR CREATION OF NATIONAL MONUMENT

(Mr. CANNON asked and was given permission to address the House for 1 minute.)

Mr. CANNON. Mr. Speaker, today is the 1-year anniversary of President Clinton's declaration of the massive Utah monument in my district. Within the monument are 175,000 acres of school trust lands. They contain vast deposits of coal, large quantities of oil, gas, and hard rock minerals. The total value is in the billions of dollars.

A year ago, the President stood in Arizona and promised that creating this national monument should not and will not come at the expense of Utah's children and vowed to create a working group, including Utah's congressional delegation, to find equivalent lands for exchange. A year later, no working group exists, no member of the Utah delegation has been contacted, and the Utah School Trust has been unable to open negotiations.

Mr. President, I ask for your help. With 48 of my colleagues, I am sending you today a letter asking for the creation of the promised working group. The burden of your decision to create the monument should not, and it must not, fall on Utah's schoolchildren.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HEFLEY). The Chair would remind the gentleman that Members should address the Chair and not the President.

BRING UP THE MENENDEZ RESOLUTION

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute.)

Ms. KILPATRICK. Mr. Speaker, I come today as a member of the Committee on House Oversight who, for 9 months, has been looking into scheduling special meetings for the investigation of the gentlewoman from California [Ms. SANCHEZ].

I come to Members today to ask that the integrity of the House be maintained, that we bring up today the Menendez resolution, and that we put this 9-month investigation to rest. It is imperative, Mr. Speaker, and I call on the gentleman from California [Mr. THOMAS], the chairman of our Committee on House Oversight, who has scheduled a meeting next Wednesday to discuss the Sanchez investigation, come to a close.

The results show that the gentlewoman from California won the election favorably. It is very unfortunate that a former colleague would come on this floor and insult the integrity of this House. I urge the Speaker and Members of the Congress, bring up the Menendez resolution today. Do not table it. Let us get on with the business of the American people.

INTRODUCTION OF MARRIAGE TAX ELIMINATION ACT

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I rise today to ask bipartisan support for a new legislative initiative called the Marriage Tax Elimination Act, legislation which will bring substantial tax relief to over 21 million American working couples who have been penalized with higher taxes just because they are married.

Let me ask this question of my colleagues on both sides of the aisle. Is it fair that the tradition of our most basic institution in society, marriage, is punished under our current Tax Code? And is it fair, is it right, that it is really to a married couple's advantage to divorce and to live together because they would save money on taxes?

That is the current situation, Mr. Speaker. Twenty-one million American couples pay about $1,400 a year in higher taxes just because they are married. That is approximately equal to 6 months' worth of car payments, tuition for a child's education in parochial school, or for mom or dad to go back to a community college and pursue education. It is unfair. It is wrong. Let me share an editorial in the Kankakee Daily Journal, a paper in my district. "The marriage tax is an unfair imposition. The Code should be rewritten to eliminate it."

I ask bipartisan support, and I ask my colleagues to join with the 180 cosponsors of the Marriage Tax Elimination Act.

SUPPORT THE MENENDEZ RESOLUTION

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, the purpose of our democracy is to debate our differences in an open and civil manner. Without respectful disagreement, there can be no freedom. When we lose elections or when we lose battles in this Chamber, we understand that this is the will of the people. These are the hallmarks of our society, and they are the reason that our democratic system has survived for over 200 years.

Mr. Speaker, these principles are under attack. A former Member of this body has chosen to violate the principles that have governed this House for so long. He has used his floor privileges to advance his personal agenda.

He has verbally attacked a Member of this Congress, and he has disrupted the democratic process.

I rise today to support the privileged resolution being offered by the gentleman from New Jersey [Mr. MENENDEZ]. We must not allow any former Member of Congress, of any party, to set foot in this Chamber if it discredits and violates the integrity of this House.

EDUCATION SAVINGS ACCOUNTS

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute.)

Mr. ADERHOLT. Mr. Speaker, some education reforms weaken the control of parents over their children's education while others strengthen them. For those interested in increasing the control of the Federal Government over the education of children, A-plus accounts will be something you will want to attack.

A-plus accounts put more power in the hands of parents to ensure what is best for their kids. And what is best for their kids always includes a school where kids can feel safe, where teachers are dedicated to giving students the best education possible, and, most of all, where children are surrounded by an environment that inspires hope and confidence that a bright future belongs to them. This is not the case for millions of children across America today.

A-plus accounts are education savings accounts that will give hope and a better education for many of those children who are trapped in schools that rob them of a bright future. If letting more children share in the American dream is more than a slogan, then A-plus accounts should be supported by Republicans and by Democrats alike.

IN SUPPORT OF MENENDEZ RESOLUTION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I rise in support of the privileged resolution being offered this afternoon by the gentleman from New Jersey [Mr. MENENDEZ].

Yesterday, I stood on the floor of this House and I listened to my colleague be verbally accosted by a former Member of this body. This former Member has pressing business pending before this House, and he should not even be allowed on this floor while the matter is being considered. This is the U.S. Congress, the people's House. This is no place for this sort of language and for this sort of behavior.

If this body is to retain any integrity, we must bar all former Members from the floor when they have any matter pending before this body. The American people have lost so much faith and confidence in this body over the course of the last several years. Let us not give them another reason to lose any more.

KEEP THE HOUSE FLOOR FREE OF INTIMIDATION

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I wanted to come to this side of the Chamber because I wanted to speak especially to my Republican colleagues.

Later today, the House will consider a privileged resolution regarding the conduct of a former Member of this House. I do not want to get into the particulars of what the former Member said and did during his visit on the House floor yesterday. What I want to do is to appeal to my Republican friends to stand up for the integrity, order, and decorum of this House when a vote is taken on this resolution.

No Member of this House should be subjected to verbal abuse, harassment, or intimidation by anyone, not on the floor of the House of Representatives. This vote goes to the heart of this beloved democratic institution. I appeal to my Republican colleagues to stand up and later vote for the privileged resolution. Send a message that offensive language, threats, and intimidation will not be tolerated on the floor of the House of Representatives.

□ 1030

COVERING UP FOR THE WHITE HOUSE AND THE DNC

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCARBOROUGH. Mr. Speaker, as always, I was inspired by the talk of the gentleman from Georgia [Mr. LEWIS]. He was a leader in the sixties. I think he still is a leader here. I want to come to this side of the aisle to impress upon my friends on the Democratic side to start moving forward and doing things to clean up their own house on campaign finance before they go to the other side and talk about how we need to reform laws that they are not even obeying.

Today, Bob Woodward writes, "New documents provide stark new evidence that the party advertising in the Democratic scheme was illegal." On the front page of the New York Times, not regularly a Republican supporter, it says in one instance, "blatant improper lobbying of the President's security council, Ms. Heslin, told of her amazement that the chairman of the Democratic National Committee, Donald L. Fowler, dared to call in October 1995 to say that a CIA agent would be telephoning" to lobby to let this dangerous international criminal into the White House. Of course, we know the rest of this shady scheme.

What this is amounting to on the side of the Democrats is covering up for the White House and the Democratic National Committee. Do your job. Do the American people's job. Clean up this mess.

SUPPORT PRIVILEGED RESOLUTION TO BAR FORMER MEMBER FROM FLOOR

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS. Mr. Speaker, if there is any principle that Republican-Democratic Members of Congress should be able to agree upon, it is that no outside person should be allowed to walk onto this floor and verbally attack in crude vulgar language any Member of this House. For that reason, I want to urge all Members, from both parties, to support today the privileged resolution to bar former Member Robert Dornan from floor privileges.

Mr. Speaker, if I used in this statement the crude language used by Mr. Dornan against our colleague yesterday, my words would be struck from the House RECORD and I would be denied the right to speak, even though I am a sitting Member.

Why should an outside member, someone not an elected Member of this body, be treated any differently?

Mr. Speaker, this historic House should be a sanctuary of democracy, where all elected Members from both parties should be able to exercise their constitutional obligations to be the voice of their constituents. No Member should exercise that authority and that right with fear of being attacked by an outside member of this body. Vote for this privileged resolution today.

DO NOT LOSE SIGHT OF EDUCATION

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, as much as I appreciate my colleagues on the other side of the aisle putting so much energy into debate over an alleged slight against a Member, I prefer to expend my energies talking about things that are of national importance.

One of the most important things Congress ought to be addressing is the issue of education, because we are denying our children throughout this country the opportunity to get a decent education in many schools that are substandard, and are in such sorry State that no Member of this House would ever dare to send their own children there.

Every Member of this House will have an opportunity soon to cast a vote that will count for the future. There is a bill by the gentleman from Pennsylvania [Mr. PITTS] to ensure that 90 cents on every education dollar goes directly into the classroom. The time has come for us to say no more to teachers having to pay for pencils and paper and basic supplies out of their own pocket because we feed a bureaucracy stealing money from our children and classrooms. If we would spend more time focusing on that issue today, our time would be better spent.

PUT ELECTION CONTEST BEHIND

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, I would like to thank my colleague for mentioning education. It sounds like a pretty good idea. If they would quit trying to cut education funding, then maybe we could get 90 cents of every dollar to there. My kids did go to public schools, and I am proud that they did, and they had a great education.

But today I am concerned about what happened yesterday. We had an incident yesterday in the House that brought ridicule to this House. We had a former Member confront a current elected Member of Congress on this floor while the House was in session.

The election challenge to the gentlewoman from California [Ms. SANCHEZ] must be completed and put to rest now. We have more important things to address, like they said, like education, like campaign finance reform, instead of letting something like that get in the way of the action of this House. That is why it needs to be put to rest.

We should never allow something like this to disrupt what Congress has to do in dealing with enforcing the Balanced Budget Act and providing educational opportunity. Yet, what we see is just continuing festering of that election contest. Let us put it to rest.

THE CONSTITUTION, A UNIQUE DOCUMENT

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, this week we celebrated the 210th anniversary of the Constitution. The Constitution is different than any other document that was ever devised as a framework for Government on this continent or any other, and the difference in the Constitution is found in the first three words, "We the people."

No other document ever purported to be the framework for Government and get its right to govern from the people. The Magna Carta started, "We the Barons of England." The Articles of Confederation started, "We the States."

This document has been the framework that has lasted longer than any other document that has been the framework for Government. It has been copied by country after country.

One of the major tenets of the Constitution is the importance of State governments, the importance of communities, the importance of a Federal Government that acts appropriately in this Federal system we have.

We will be bringing bills to the House later this year, as the gentleman from California [Mr. ROGAN] has pointed out, that I am a cosponsor of, that we have cosponsors of from both sides of the aisle, that talk about giving more decisionmaking back to States, back to communities, and education. I look forward to that debate.

PASS MEANINGFUL CAMPAIGN FINANCE REFORM

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, the American people are talking about the Republican leadership, and the Republican leadership just is not listening.

The people are telling this Congress that they are sick and tired of big money flooding the Halls of their government. They are fed up with special interests taking priority over the national interests. Most of all, Mr. Speaker, they are fed up that the Republican leadership still refuses to act.

Mr. Speaker, let us hold hearings, review all of the good bills that have already been drafted, and pass meaningful campaign finance reform legislation.

Mr. Speaker, they say that "if it ain't broke, don't fix it." But, Mr. Speaker, I say that our campaign finance system is broke and it needs fixing.

MOTION TO ADJOURN

Mr. DOGGETT. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore (Mr. HEFLEY). The Clerk will report the motion.

The Clerk read as follows:

Mr. DOGGETT moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DOGGETT].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DOGGETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 41, nays 370, not voting 22, as follows:

[Roll No. 405]

YEAS—41

Allen
Berry
Bonior
Clyburn
Conyers
Coyne
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Eshoo
Evans
Filner
Ford
Frank (MA)
Gejdenson
Hastings (FL)
Kaptur
Lewis (GA)
Lowey
Martinez
McCarthy (NY)
McDermott
McNulty
Miller (CA)
Mink
Olver
Pallone
Pelosi
Slaughter
Stark
Stupak
Tierney
Torres
Towns
Vento
Waters
Waxman
Woolsey

NAYS—370

Abercrombie
Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood

Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Owens
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Andrews
Becerra
Bonilla
Burr
Clayton
Davis (FL)
Foglietta
Furse
Gephardt
Gonzalez
Goss
Hinchey
Hunter
Largent
Meek
Moran (VA)
Oberstar
Oxley
Rangel
Ros-Lehtinen
Schiff
Yates

☐ 1056

Messrs. GUTKNECHT, BONO, FORBES, LEWIS of California, BOEHLERT, and BOYD changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

THE JOURNAL

Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DOGGETT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 337, noes 78, not voting 18, as follows:

[Roll No. 406]

AYES—337

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Capps
Cardin
Carson
Castle
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fawell
Flake
Foley
Forbes
Ford
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Stump
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Upton
Vento
Walsh
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—78

Abercrombie
Becerra
Borski
Brady
Brown (CA)
Canady
Chabot
Chambliss
Clay
Clyburn
Costello
DeFazio
Doggett
English
Ensign
Everett
Fattah
Filner
Fox
Frank (MA)
Franks (NJ)
Gejdenson
Gibbons
Gillmor
Gutknecht
Hall (OH)
Hefley
Hilleary
Hilliard
Hulshof
Kilpatrick
Kucinich
LaHood
Levin
Lewis (GA)
LoBiondo
Maloney (NY)
Manzullo
Markey
McDermott
McIntosh
McNulty
Menendez
Metcalf
Miller (CA)
Moran (KS)
Nussle
Pallone
Pickett
Pitts
Pombo
Poshard
Quinn
Ramstad
Roukema
Ryun
Sabo
Salmon
Sanford
Schaffer, Bob
Shadegg
Snowbarger
Souder
Stenholm
Strickland
Stupak
Sununu
Taylor (MS)
Thompson
Thune
Traficant
Velázquez
Visclosky
Wamp
Waters
Watts (OK)
Weller
Yates

NOT VOTING—18

Andrews
Bonilla
Burr
Fazio
Foglietta
Furse
Gephardt
Gonzalez
Goss
Hunter
Meek
Oberstar
Paxon
Peterson (MN)
Rangel
Roybal-Allard
Rush
Schiff

☐ 1113

Mr. BRADY changed his vote from "aye" to "no."

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H. RES. 168, IMPLEMENTING THE RECOMMENDATIONS OF BIPARTISAN HOUSE ETHICS REFORM TASK FORCE

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 230

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the resolution (H. Res. 168) to implement the recommendations of the bipartisan House Ethics Reform Task Force. The first reading of the resolution shall be dispensed with. General debate shall be confined to the resolution and shall not exceed one hour equally divided and controlled by Representative Livingston of Louisiana and Representative Cardin of Maryland or their designees. After general debate the resolution shall be considered for amendment under the five-minute rule. The resolution shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the resolution for amendment the Committee shall rise and report the resolution to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the resolution and amendments thereto to final adoption without intervening motion or demand for division of the question except one motion to recommit.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I want to begin by commending the two cochairmen of the bipartisan Task Force on House Ethics Reform, both the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN], two of the most respected Members of this body, who have put in an enormous amount of time and effort into producing the proposal that is before us today.

They have negotiated at length over every single word and phrase in this recommendation of the task force. It has been a difficult job. It has been an extremely thankless job, as the two of them can tell, and myself as a member of that committee knows, from all the abuse that we have taken from Members who are not satisfied with our final product.

This Ethics Reform Task Force was bipartisan, consisting of six Republicans and six Democrats, and those of us who did serve on the task force, including four members of the Committee on Rules, can attest that all the task force members put in long hours of hearings and markup sessions over a period going back all the way to last February.

The House established this task force back on February 12 of this year in order to recommend reforms in the House standards process to try to take the politics out of the issues that we have before us. There are many of us who feel the existing process did not function in the last Congress and needs substantial improvement and, in my opinion, the bill before us is substantial improvement.

At the same time this task force was established, the House also approved a moratorium on the filing of new ethics complaints which, as a result of a number of extensions, remained in effect until, I think, September 10 of last year.

This resolution provides for the consideration of the recommendations of the bipartisan House Ethics Reform Task Force, providing 1 hour of general debate equally divided between the two highly respected cochairmen of the Ethics Reform Task Force, and then makes in order the consideration of four bipartisan amendments.

The first is a bipartisan manager's amendment offered by the two cochairmen of the task force. It clarifies that any complaints filed after the September 10 expiration of the moratorium on filing of ethics complaints will be considered under the new procedures in this resolution rather than under the old procedures that did not work.

The manager's amendment will be debatable for just 10 minutes, since it is noncontroversial, and that is all the time that was requested by the two cochairs.

This rule then provides for the consideration of three additional amendments to be debatable for 30 minutes each. These amendments respond to the three major concerns which have been raised about this package from Members from both sides of the aisle.

The first concern is the filing of complaints by nonmembers of the House. That will be the first amendment. The second concern is over what happens in case of a tie vote, and that is always contentious and we are trying to work out a workable system that will make it work. And the third concern is over the power of an investigative subcommittee to expand the scope of the investigation and issue subpoenas without approval of the full committee.

These are all legitimate issues which deserve consideration by this House. When the package was taken to the Republican Conference and to the Democrat Conference, these were the three issues that raised more concern than all of the others, and believe me, there were a lot of concerns about a lot of other areas in the package.

So, in order to be as fair as we could, we have taken only those bipartisan amendments, and there were a number of partisan amendments requested but we did not make any of those in order. We only made in order the bipartisan amendments that had substantial support on both sides of the aisle, and those are what will be voted on here today.

So as we begin this debate, there are a couple of points that should be made about the functions of the Committee on Standards of Official Conduct, the so-called ethics committee.

First, the committee, my colleagues, is not a court of law. Members of Congress, like any other citizens, are already answerable in the courts for any violations of law. Any Member of Congress is answerable for any violation of the law and especially since we convened the 104th Congress, when we brought this Congress and its Members under the same laws, all of the laws, that the rest of the American public have to live under, and that was a great accomplishment in my estimation.

The Committee on Standards of Official Conduct is a peer review mechanism. Let me just say this. The U.S. Constitution in article I provides, and I would hope that all of those that are listening either here in the Chamber or off the Chamber would pay attention to this, article I of the Constitution says, "Each House may punish its Members for disorderly behavior and, with the concurrence of two-thirds of its Members, they may even expel a Member of Congress." And we have done that in the years past.

I would like to emphasize that the Constitution says that each House may punish its Members. That is right, each House may punish its Members. It does not say that some outside group will have the authority to punish Members of Congress.

It should also be noted that the House of Representatives' Code of Official Conduct sets a much higher standard than just conforming to the laws. Take a look at all of the rules of the House that we live under and then the ethics rules that are placed even on top of those House rules.

For example, under the code of conduct a Member, an officer, an employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect credibility on this House of Representatives.

My colleagues, it is a privilege for us to be able to serve here, and at all times we should hold ourselves as high as we possibly can in order to establish credibility for each and every one of us in the eyes of not only just the people that each of us represent but all of the American people.

The Committee on Standards of Official Conduct is the mechanism by which Members should hold themselves to that higher standard, and that is why this bill before us today is so terribly, terribly important.

The resolution which is before the House today is a controversial matter. Members have different opinions and hold those opinions very strongly. Many of my colleagues are very opinionated. I know I am and my colleagues all know I am, and that is why every Member ought to have the opportunity to work his will on the floor of this House.

I recall saying back in the beginning of the 104th Congress, 3 years ago, that this committee, under the jurisdiction of myself as the chairman of the Committee on Rules, would at all times be as fair to the Democrat minority as they were to us when we Republicans were in the minority, and more often than not even more fair. And that is exactly what we are doing here today. We are taking those amendments that had truly bipartisan support by truly respected and credible Members of this House and making those in order so that the House could work its will today.

So having said all that, we need to remember to respect the opinions of other Members, even though we disagree. So, in order to permit the House to consider this bill and these amendments, I would urge support for the rule and support for the bill when it comes to the floor.

I would just say this; that even though I did not get my way in the committee, none of us did, we all had to give a little, that whether or not these three amendments, which are controversial, pass, I will be voting for the package no matter what because it was put together, I think, after due diligence by all members of the committee. So I hope the amendments do pass, I will vote for them, but if they do not, I will support the final package.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank my colleague and my dear friend from New York [Mr. SOLOMON], for yielding me the customary half-hour.

Mr. Speaker, what began as a sincere bipartisan effort to improve the House ethics process has disintegrated into one more political sham. On February 12 Democrats and Republicans agreed to a moratorium on ethics complaints and they stuck to it. Neither side filed any new charges until a bipartisan task force had the chance to examine the ethics process and suggest improvements. But like other truly bipartisan efforts before it, this agreement has been destroyed and the ethics moratorium seems to have served only to bolster the image of a few besieged Members.

For 9 months, 10 Members of this House, myself included, met and negotiated on every single aspect of the House ethics process. For 9 months we worked, buoyed by the promise that long hours and tiresome negotiations would eventually amount to something and that no amendments would be allowed, I repeat, no amendments would be allowed unless they were approved by the Democratic and Republican cochairs.

Let me repeat that, Mr. Speaker. During the task force negotiations, there was no talk whatsoever about bipartisan amendments. So let us not at this date try to rewrite history. The leadership on the task force agreed that only amendments approved by the gentleman from Maryland [Mr. CARDIN] and the gentleman from Louisiana [Mr. LIVINGSTON] would be allowed, but only one of the four amendments we will vote on today has been approved by those two gentlemen and the rest have not.

Democratic Members kept their word by agreeing not to file ethics complaints, and Republican Members went back on their word by allowing Members to make serious changes in our work. So, Mr. Speaker, after 9 months of hard labor, the only thing the House ethics task force is giving birth to is some very bad feelings and some very destructive amendments.

Today, this Republican leadership becomes the only leadership in the history of the House of Representatives to ignore the work of a bipartisan ethics task force. Once again, Mr. Speaker, it is the only leadership in the history of the House of Representatives to ignore the work of a bipartisan ethics task force. The Republican leadership has put political expediency before all else, and that, Mr. Speaker, is a shame.

Let me remind my colleagues, Mr. Speaker, we are talking about an ethics task force, not a task force on education, not a task force on transportation, not a task force on defense, but a task force on ethics.

□ 1130

We are talking about a task force created ostensibly to improve the way the House of Representatives governs itself. And I think we did a pretty good job. We came up with recommendations with which 11 of the 12 members of the task force agreed. We came up with ways to make our ethics process quicker. We came up with a way too make our ethics process more efficient. We came up with a way to make our ethics process more fair.

But there was something about our improvements that the Republican leadership did not like. There was something about our improvements that scared someone. So here we stand, 3 months after the Republican leadership refused to consider the recommendations, to find that they have exposed very fragile agreements to some particularly significant and particularly dangerous amendments.

Mr. Speaker, make no mistake about it, these amendments will not make this institution more respected in anyone's eyes. These amendments will make our ethics process much more partisan, more decentralized and more suspect in the eyes of every single American citizen.

I cannot believe that that is what we want, Mr. Speaker, because the recommendations as adopted by the task force would pass the House overwhelmingly if given the chance for an up-or-down vote. Mr. Solomon himself said if these amendments are not adopted he would absolutely vote for the package. So if nearly every Member of the House would vote to pass the recommendations, why on earth are we at this time changing them?

Mr. Speaker, I strongly urge this House, leave well enough alone. The task force worked long and hard to come up with these recommendations that would improve the ethics process of the House and repair the reputation of the House, and those recommendations at this time should not be altered.

So I urge my colleagues to join me in opposing the previous question in order to uphold the agreement of the ethics task force. Mr. Speaker, if the previous question is defeated, we will replace this rule with a rule to provide for an up-or-down vote on the task force recommendations and make in order only amendments agreed to by the cochairs, the gentleman from Maryland [Mr. CARDIN] and the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. Speaker, it was a pleasure to be a member of that task force. It was a pleasure to see the way that Chairman LIVINGSTON and Cochairman CARDIN worked together, coming from opposite poles and really working hard to make something work. They took politics out of this process, and it is a shame at this stage to put it back in.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the ranking member of the Committee on Rules knows how fond I am of him. He is truly a respected member of this body. But I am just somewhat taken aback by his taking the floor today and saying that we should not be open and we should not allow the House to work its will.

The last count had this year alone, the gentleman has taken the well 21 times and said we must keep these rules open, we must let the House work its will. If there are meaningful, credible amendments they ought to be allowed on the floor. So this is exactly what I have been heeding, his advice. After 21 times, I am going to take the gentleman's advice.

Having said that, let me yield to a gentleman who I equally respect because he and another respected Member on the other side of the aisle headed up the task force to reform this House of Representatives. He did a magnificent job, and he is the vice chairman of my Committee on Rules.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend the gentleman from New York [Mr. SOLOMON] for yielding me this time frame.

I rise in strong support of this rule, and I do so to say that it is not with a great deal of enthusiasm that I strongly support it, because of the fact that we were not able to make an amendment in order that the gentleman from Indiana [Mr. HAMILTON] and I offered.

But having said that, I think in further defense of the gentleman from New York's [Mr. SOLOMON] position, the amendments that are moving forward we have addressed in a bipartisan way, which is one of those guidelines that he set forth. We obviously need to reform the ethics process. The confidence in this institution by our colleagues, people in the media, and more important, the American people is higher than it has been in the past, but clearly there is a credibility problem and I think that is what led to the formation of this task force.

The gentleman from Glens Falls, NY [Mr. SOLOMON], the chairman of the Committee on Rules, just mentioned the fact that the gentleman from Indiana [Mr. HAMILTON] and I co-chaired the Joint Committee on the Organization of Congress back during the 103d Congress in 1993. We spent time looking at this issue of ethics reform and a wide range of other reforms, many of which were introduced and passed in a bipartisan way on the opening day of the 104th Congress.

But we still were not able to bring about the kind of reform that this bipartisan panel has successfully come to an agreement on. So while this may not be exactly what everybody wants, I think that it will take very, very strong and positive steps in the direction of bringing about a level of credibility that is, I think, needed.

So I am going to urge my colleagues to vote "yes" in favor of the rule, and I will join with the gentleman from New York [Mr. SOLOMON] in saying that when we come to the end, regardless of how the amendments come out on this, I will join in supporting the package because of the regard I have for the gentleman from Alabama [Mr. LIVINGSTON] and the gentleman from Massachusetts [Mr. MOAKLEY] and others who labored long and hard and even suffered through testimony that I gave before their task force.

So I want to say that I join and am happy to be here, of course, with the chairman of the Committee on Standards of Official Conduct [Mr. HANSEN] who has spent a long time addressing this issue, and I look forward to finally seeing us pass a very positive measure.

Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 8 minutes to the gentleman from Maryland, Mr. CARDIN, the task force cochair, who really did an outstanding job in working so closely with Chairman LIVINGSTON.

I am very, very proud to have served on that task force just for the opportunity to observe these two gentlemen, and especially the gentleman from Maryland [Mr. CARDIN] in action, and how they came from one extreme and met in the middle to fashion a bill that would really do this House well.

Mr. CARDIN. Mr. Speaker, I want to thank my friend, the gentleman from Massachusetts [Mr. MOAKLEY], for not only yielding me this time but for the kind comments that he made about my service on this joint committee. The gentleman from Massachusetts [Mr. MOAKLEY] served that task force with distinction, as did the gentleman from New York [Mr. SOLOMON], and we thank both of them for their help and leadership on these ethics issues.

I think this body should understand that we had the services of leaders in this House on this bipartisan task force: The gentleman from California [Mr. THOMAS], the gentleman from Florida [Mr. GOSS], the gentleman from Delaware [Mr. CASTLE], the gentleman from Utah [Mr. HANSEN], the gentleman from Ohio [Mr. STOKES], the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman from Texas [Mr. FROST], the gentlewoman from California [Ms. PELOSI], and the gentleman from California [Mr. BERMAN], in addition to the gentleman from Louisiana [Mr. LIVINGSTON] and myself. It was a task force that took its work seriously. I am I proud of the work of our task force.

I also want to compliment Mr. Leong and Mr. Laufman, our staff, for the excellent work that they did. We have a good product. I am pleased that we have a rule before the House that will allow us to vote on that package. And I am hopeful that if this rule is adopted, that the package from the task force will be approved, the three amendments that the rule makes in order will be rejected.

I agree with the comments of the gentleman from Massachusetts [Mr. MOAKLEY] that these three amendments would do violence to the bipartisan spirit in which this package was developed.

Every Member of this House had an opportunity to appear before our task force. Many Members took that opportunity to work with us, to submit their ideas and to work with the task force. It is interesting to point out that the three controversial amendments that would be made in order by this rule, each of those amendments were discussed in full by the task force and rejected by the task force.

We did not take that lightly. We tried to bring out a package that makes sense, that moves forward the ethics process, that deals with the bipartisan nature in which the committee needs to operate, that deals with a more efficient committee, that adds time limits so that the Members are not hanging out there with complaints against them, that gives the chairman and ranking member more power in order to manage the workload, involves more Members of the House in the process. We went through each of these points and we had different views.

The leadership of the gentleman from Louisiana [Mr. LIVINGSTON] was critical in bringing Democrats and Republicans together and focusing us on our final product. I said yesterday in the Committee on Rules, and I will repeat here, there are not many fringe benefits for serving on the Committee on Standards of Official Conduct or the task force, but one that I enjoyed was getting to know and respect the gentleman from Louisiana [Mr. LIVINGSTON] and his leadership and love for this institution. The two of us worked together so that we could come forward with a package that makes sense.

And what we asked the membership to do, we had 3 months to read the report, these amendments will do violence to the ethics recommendations. We have always worked in a bipartisan manner. We need to continue to work in a bipartisan manner.

Let me just, if I might, in the time that has been allotted to me, talk about one of the amendments that would be made in order. It would prohibit any direct filing by any outside individual. Since we adopted ethics rules in this house in 1968, we have allowed outsiders to file complaints with our Committee on Standards of Official Conduct. If that amendment were to be adopted, it would be the first time that we would shut out outsiders from bringing matters before us.

The current rule is one that I particularly do not like, where you need to get three Members to refuse to file a complaint for an outsider to be able to file directly. Our task force said that does not make a lot of sense; let us come up with a better way to do it.

So we looked to the other body and we developed their procedure, where we require a person not a Member to have personal knowledge before that person can file a matter with us, or they must have information directly from another source. We make it specific that a person cannot use a newspaper article to file a complaint if they are not a Member of this house. Then we give the chairman and ranking member, any one of them can stop the matter from being considered as a complaint if it does not meet the standards. We are mindful of the concern about abuse of the process, so we put those provisions in our package.

Mr. Speaker, I am concerned that in the time that the Members have today to consider these issues with this rule making that amendment in order, some Members, well-intended, may cast their votes for that amendment not realizing the history of this institution, not realizing what is in the body of our report. It is for those reasons that we are concerned that this rule makes in order amendments that may sound like they improve the process, but will do violence to the process.

Let me just give you an example. Let us say that one of our staff people alleges that a Member asks sexual favors in order for that staff person to get a promotion. How does that staff person bring that matter to our attention? How does that staff person bring that matter forward, if that amendment that is made in order were to be adopted? Does she have to shop to get another Member of the House to certify it is being filed in good faith? Do we really want to put that requirement on that staff person? That is what that amendment would do that was made in order by this rule.

That is wrong. We should allow for direct filing of complaints if the person has personal knowledge. We are saying, yes, that we want to be able to judge our own Members; we want to represent to the American public that we can police ourselves. But should we shut everybody else out of the process? No that is why we get concerned about the amendments that were made in order under this rule. I am not so sure that we are going to have enough time to articulate those changes.

I could go on to another amendment, I will, I guess, in the 1½ minutes that remains; an amendment that would call for automatic dismissal for matters pending 180 days after a vote in the committee. That is just going to encourage partisan action in this House.

It is very easy to delay when we have a matter that has gotten divided on a partisan basis. It would not be difficult for a committee that has equal membership of Democrats and Republicans to delay a matter 180 days in order to get a dismissal. We are not doing a favor to this institution or to this Member if we allow the ethics process to have an automatic dismissal on a tie vote.

Let me remind my colleagues, on the most difficult days of the Committee on Standards of Official Conduct, the most difficult days, we were able to resolve every matter that was brought before us because we went back and worked together. If we had a time limit it would have been dismissed and there would be a cloud hanging over a Member. That is not right.

□ 1145

Mr. Speaker, I urge the Members of the House, we have a historic opportunity to improve the ethics process today. I hope we will take advantage of that opportunity and approve the work of our task force without the amendments that would be made in order by this rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

The time will come when the amendment the gentleman was just talking about will come for debate. I have some concerns about the present system. I was a victim of the present system. It seems that a year or two ago that the chairman of a State conservation committee, a pretty powerful position, he happened to be a Democrat, was using his clout as a chairman of this committee to come into my congressional district, where we already have practically no jobs, we never have recovered from the recession that this country has been in, and he was literally threatening a major manufacturer in my district and threatening those jobs.

I am of Scottish background. My grandfather used to tell me and his father before him that, "Son, you ought to be horsewhipped if you do something wrong." I wrote this chairman of this committee and I said, "Mr. Chairman, you ought to be horsewhipped for coming into my district and threatening these jobs." I went on to say to him, "Suppose I used my clout as chairman of the Committee on Rules and I went into your district?"

Lo and behold, this gentleman thought that I was physically threatening him by saying, "You ought to be horsewhipped." I do not know about the rest of my colleagues, but that is an old saying. You can go back, and I will be glad to show you all of our Scottish mores and writings to show that that is true.

But to get to the point here, he went to three Members of this Congress. Under the old system, it is called the three blind mice. I think one of them was the gentleman from California [Mr. MILLER], one of them might have been the gentleman from Massachusetts [Mr. FRANK], and I forget who the other one was. But under the rule, they have to refuse to file the complaint against JERRY SOLOMON.

So once they did that, this is the subterfuge that exists in the system, then that complaint from the outsider was automatically laid against JERRY SOLOMON. That was wrong, but yet that was the system we were under.

Under the proposed amendment, and I am sure that the gentleman from Louisiana [Mr. TAUZIN] and the gentleman from Pennsylvania [Mr. MURTHA] will come over, bipartisan, and argue that if that chairman of that committee wanted to file a complaint, that he ought to come to a Member of Congress.

I am sure that the gentleman from California [Mr. MILLER] or the gentleman from Massachusetts [Mr. FRANK] or someone would say, "All right, I'll file that amendment on your behalf." And that is exactly what the amendment before us does. I will let them defend their amendment when it comes up.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], perhaps one of the most respected Members of this body. He has one of the toughest jobs, being chairman of the Committee on Appropriations, and yet he took on the assignment. He was dragged, kicking and screaming, to accept this position and did such an admirable job along with the gentleman from Maryland [Mr. CARDIN].

Mr. LIVINGSTON. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to commend the Committee on Rules for carefully deliberating on this issue and reaching what I think is a fair conclusion.

There were several amendments, I think 11, 12, or 13 amendments offered. As a matter of fact, the Committee on Rules has only accepted four amendments, one of which is offered in bipartisan fashion by the gentleman from Maryland [Mr. CARDIN], the chairman of the task force, and myself as cochair. Then there are three other amendments, all offered in bipartisan fashion.

I think it is a good rule. It allows serious amendments to be deliberated by this body in a bipartisan fashion to a package which was confected in superlative fashion and in bipartisan fashion as well.

I want to pay special tribute to the incredibly gifted and hard work and talent of the gentleman from Maryland [Mr. CARDIN], my counterpart, my cochair in this effort. There was no majority-minority in this task force. We worked together. I cannot say we were always in agreement. The gentleman from Maryland [Mr. CARDIN] is a gifted lawyer and a tough person to deal with in terms of a hard negotiator, but he is also a fine and valued Member of the House. He stuck by his beliefs. I stuck by mine. The rest of the members of the committee likewise spoke up in valiant fashion.

I think we have an excellent product. Whether or not amendments are ultimately adopted to this package, we have a magnificent improvement on the last bipartisan revision of the ethics rules.

The fact is that all of the members of the task force, the gentleman from New York [Mr. SOLOMON], the gentleman from California [Mr. THOMAS], the gentleman from Florida [Mr. GOSS], the gentleman from Delaware

[Mr. CASTLE], the gentleman from Ohio [Mr. STOKES], the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman from Texas [Mr. FROST], the gentlewoman from California [Ms. PELOSI], the gentleman from Utah [Mr. HANSEN], the gentleman from California [Mr. BERMAN], who, unfortunately for them, have to take over as the new chair and cochair of the Committee on Standards of Official Conduct.

All of us worked very hard, together with the gentleman from Maryland and myself, to pound out from February through June a bill and a report which reaped, I think, a product that is a significant improvement over previous rules.

Mr. Speaker, there was great disenchantment over the administration of the rules of procedure governing standards of official conduct in the last Congress. I think everybody recognizes it. Regardless of party or political affiliation, there were grave misgivings over the net product and performance under those rules as they were administered. They were revised in 1989.

In fact, the whole process actually began in the aftermath of Watergate and has been improved from time to time since then. But they broke down, and they broke down on partisan grounds. The whole purpose of this task force was to try to rid partisanship from this issue and return to the days when we could judge our own Members and have peer review of our own Members without political influence, without political causes, from outside influences coming in and interacting for sheerly partisan reasons. I think we have got a package that does that.

But I have to say that there are deeply held feelings by certain Members on both sides of the aisle that we did not present a perfect package. The fact is, we will never present a perfect package. In fact, I have to say that most witnesses that testified before the task force said that no rules will be perfect if, in fact, the people who administer the rules are going to use those rules for their own partisan or personal purposes. In fact, the whole process would break down under those circumstances. So we have to hope that that does not take place.

Mr. Speaker, we have given a package that, hopefully, will result in no future partisan breakdowns. But there are Members who believe that partisan breakdown is enhanced or actually the chances of such a breakdown are increased if, in fact, these other amendments are not adopted. I do not know whether they are right or wrong.

I will say that there is strong sentiment among Members of both sides that we ought to go back to the pre-1989 rules, when outside personnel could not file by simply getting press reports and submitting their names on them and sending in to the Committee on Standards of Official Conduct complaints against Members of Congress. That will be debated.

I think there is a strong argument on behalf of those who believe that we ought to go back to the original rule, before 1989, when we adopted that "three blind mice" rule that says three Members refuse and anything can come in.

There is another amendment that prevents deadlock. Never before in the ethics process has there ever been a rule that says if there is deadlock, it is automatically kicked out. I happen to think that that practice is questionable, because if in fact you have very strong, well-motivated, highly documented charges that are kicked out simply because there is a partisan breakdown, I do not think that that serves the interest of the House.

And then there is another amendment that kind of complicates the procedure by defusing the power of subpoena and expansion of the investigative powers. I think that that can easily be debated and fall either way.

My point is that these are real issues. They should be debated in the House. It is not a partisan move to simply ask that they be debated. I commend the Committee on Rules for entertaining these amendments, and I look forward to the debate on these issues as they go forward. I urge the adoption of the rule, and I urge the adoption of the bill.

Mr. MOAKLEY. Mr. Speaker, I have great respect for the gentleman who just took a seat. He did a great job in being Chair of the task force. But I have to correct him. The three-Member refusal, the "three blind mice," has been in place since 1968. It was part of the original Ethics Committee.

Mr. Speaker, I yield 9 minutes to the gentlewoman from California [Ms. PELOSI], the gentlewoman who made a wonderful contribution to the bipartisan task force.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Massachusetts, ranking member on the Committee on Rules, for yielding me this time and commend him for his service on the Committee on Rules.

But apropos of today on the task force, I want to join him in commending the gentleman from Louisiana [Mr. LIVINGSTON], our distinguished chairman, and the gentleman from Maryland [Mr. CARDIN] for their service as chairs, for their balance, for the respect they had for Members, for listening to us, and for producing a consensus document that has as one of its virtues the balance that we were all striving to have to produce a bipartisan consensus.

I am disappointed this morning that we have this rule before us which has within it the potential to unravel the work of the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN]. For 4 months, the task force worked together to iron out our differences, to carefully review the options before us. When you put a package like this together, it has a oneness, an integrity, a comprehensiveness. If you take this piece out, you lose balance.

That is why I was hoping that the Committee on Rules would afford to the task force, in light of the work that was invested and the careful attention to all the considerations that was given, that we would be able to have a rule that would call for a vote up or down on the comprehensive package. That was what was appropriate in 1989 when the ethics package came before the House.

This is the proposal, not this, cannibalized by taking chunks out of it, because we have to compare this to the status quo, and this product of the task force is better than the status quo. But if amended as allowed under this rule, we will be making a step backward.

Why is this package so worthy of the consideration, without amendment, of this body? First of all, because of the responsibility that is attached to it. The Constitution requires and the American people expect Congress to uphold a high ethical standard. The public expects us, again, and the Constitution requires us to be able to judge our own Members. We have a responsibility to uphold the highest ethical standards to protect the integrity of the House of Representatives.

This Chamber, in which we serve, should be a sacred room. We also have a responsibility to protect our Members from the kinds of assaults without foundation that they are susceptible to, as we are all susceptible to as public figures. That balance between upholding the integrity of the House and respecting the rights and the reputations of our Members is exactly what this task force proposal does.

In the report that is sent to the House in this rule, there is the potential to, as I say, go backward in this debate and once again incur the unhappiness of the American people about how Congress judges itself. The time limit that is allowed to be voted up or down here would be an invitation to no action taken on legitimate complaints that are placed before the committee.

I oppose the consideration of the subpoena being kicked up to the full committee, because the ethics process is based on a bifurcated process: Part of the committee investigates; the other part of the committee adjudicates. The investigative committee does its investigation confidentially, and then it presents its report to the other members of the adjudicatory committee for its adjudication, as the word says, for its judgment.

But if the full committee is participating in the debate on subpoenas, then the confidentiality that Members should be entitled to in the investigative committee, of course, is blown to the wind, completely undermined, and, as has been said, does violence to the system.

□ 1200

Let me just address one of the other amendments, which talks about who can file a complaint.

I think the bill strikes a balance in that regard. Many people on the outside are disappointed that our bill places a higher threshold on outside complaints instead of keeping the status quo as it was before or being similar to the Senate, where anyone can file a complaint.

We add the threshold that that person, an outside person, must have personal knowledge. I think that that is appropriate in the interests of the Members and the integrity of the House.

It also affords the opportunity, as the amendment to this bill does not, for staff members in the House to be able to bring complaints. I thank my colleague from Maryland [Mr. CARDIN]. I praised both chairmen before. Particularly I want to praise the gentleman from Maryland [Mr. CARDIN] for his sensitivity to the issue of sexual harassment, which would be affected by the raised threshold, for further raising the threshold for nonmember complaints.

In any event, for these reasons, any one of these amendments, if they pass, would not chip away, but undermine the integrity of the project that we are bringing forward. Any one of these would undermine the proposal that we are bringing here today. The three of them would call for a no vote on the package, the final package, if those amendments were to pass.

Once again, in conclusion, I would like to commend the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN] for their leadership and all that that word implies. This was a difficult task. They brought us to consensus. I think out of respect for their hard work, Members should support the package that they are presenting.

I am disappointed that this Committee on Rules did not regard their work product in a way that honored the tradition of the ethics process of giving an up or down vote to the proposals that are put forth on an ethics package.

I urge my colleagues to vote "no" on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. BERMAN], the ranking member of the Committee on Standards of Official Conduct, who has made a wonderful contribution to the task force.

Mr. BERMAN. Mr. Speaker, I rise in support of the ethics task force report that my distinguished colleagues, the gentleman from Louisiana [Mr. LIVINGSTON], and the gentleman from Maryland [Mr. CARDIN], have chaired, a panel on which I have served, an effort that took a great deal of time, that raised my esteem for both of these gentleman tremendously by the sincerity with which they approach the issue, by the difficulty and complexity of the questions that were raised.

What they have come up with is a proposal that in every aspect of the process makes the process better. It does more to promote the due-process rights of people who are accused in this process; it does more to promote the confidentiality of the process; it does more to promote the discretionary ability of the chair and the ranking member and their flexibility to deal with the issues that come before this committee in a fair and sensible fashion; it does more to be honest with the American people. Getting rid of this three-refusal rule, that is a disingenuous measure by which people who want to see a complaint come before the committee are forced to write a letter refusing to file the complaint in order to allow outsiders to do it. That is scrapped, and a limited-outside-complaint provision is substituted for that decision.

It does more to enhance the bifurcation of the process, so that the people who are investigating a complaint where a complaint should be investigated are different and separate from the people who will be deciding whether or not in fact there were violations of ethical standards of conduct and what the sanctions for those violations should be.

In every aspect of the process, this task force made sensible, relatively modest, but important changes to enhance, I think, both what will ultimately be, I hope, the public regard for the process, the credibility of the process, and the protection of the Members who are brought into this process.

There are three amendments that this rule allows that are being proposed that were rejected by the task force. I would urge my colleagues to oppose those three amendments, because in each case they weaken what the task force was trying to do.

In one particular case, that is the effort that mandates a dismissal after 180 days of any complaint on which there is a tie vote, it works directly against everything that the gentleman from Utah [Mr. HANSEN], the chair of this committee, and I are trying to do.

We want to restore nonpartisanship to this committee. We want to have judgments based on facts. We want to operate in collegial fashion, that allows sensible and correct decisions to be made.

The 180-day automatic dismissal process, I think not because of the intent of the authors, their intent is a noble intent, but the mechanism they have chosen to achieve their intent is wrong, because it incentivizes partisanship. It tells people of the party, of the person who is accused to hang in there, stall, delay, because after a certain number of days a complaint will automatically be dismissed.

Trust me. What the intent of the people who are offering this amendment is is to not let a Member hang on with great damage to his reputation, with great cost, with great personal suffering, while a committee sits around and dawdles and refuses to come to a decision.

I deeply understand the desire to not have that happen. I feel that very strongly. It is my notion we should proceed expeditiously and be very sensitive to Members' protections and how much they can be damaged and unfairly damaged by this process. But the moment you try to institutionalize a result that has an automatic dismissal, you are incentivizing everything you do not want to happen.

Let me just give you a hypothetical, if I may. You have a close question that is before the committee. A difficult complaint has been filed, the answer has been received, the chair and ranking member have investigated, and it is coming before the full committee now to decide whether to create the investigative subcommittee.

There is debate, there is discussion, there is a motion, and it happens to break down to a tie vote. The clock starts ticking under this amendment. If 180 days pass, it is automatically dismissed.

I am telling you, if the Members are operating in good faith, if they are not taking direction from their leadership on both sides, but seriously trying to deal with this issue, if the question is close and I am on the side of those who want to create an investigative subcommittee and proceed with this complaint, but I see that this deadlock is sincere, it has not promoted bipartisanship on either side, I personally would switch my vote for dismissal, rather than leave a Member hanging, forget 180 days, but for 60 or 90 days, if that is what it takes to get a clean result so that a Member does not have to live through the entire term of this Congress or future Congresses with this hanging over him because the deadlock cannot be broken.

But leave it to the good faith of the members of the committee, and I believe it will be there. I know who is being talked about for this committee. I believe that this committee will approach this with that kind of an attitude. Leave it for the informal processes of the committee to protect that right, because, I guarantee you, the moment we institutionalize a time certain for a dismissal, we promote the likelihood of deadlocks, partisan bickering, and we lose the confidence of the Members and the public in this process.

Mr. Speaker, I strongly urge opposition to that amendment.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say to my good friend the gentleman from California [Mr. BERMAN] before he sits down, I hope everyone was listening, because if they were, they will know why the gentleman from California [Mr. BERMAN] is one of the most respected Members of this House and why we on this side have no concern at all about his becoming the cochairman or the ranking member on the Committee on Standards of Official Conduct, because he is perceived as being a very fair person, and I am sure he will be.

The gentleman drives the point home that as long as he is that ranking member, he would see to it that these complaints were not laid out there for an indefinite period of time, and I believe the gentleman and respect him for that.

Unfortunately, we are not talking about just placing the trust in the gentleman from California [Mr. BERMAN] for these 2 years. We are talking about changing the rules of the ethics of this House.

Just to use a hypothetical suggestion, the gentleman from California [Mr. BERMAN] may just very well run for the Senate in the other body from the State of California. Should that happen, he no longer would be the ranking member, and then we might just be put into a position where I believe personally in the past we have had partisan politics played in the Committee on Standards of Official Conduct, and we are trying to prevent that. That is the reason for this amendment.

Mr. BERMAN. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I would be more than glad to yield to the person I respect highly.

Mr. BERMAN. I thank my friend for yielding.

Mr. SOLOMON. Do not tell me you are not going to run for the Senate.

Mr. BERMAN. No, I was wondering whether I should disclose the fact that I gave you those inauguration tickets for President Reagan's second inauguration as the initiator for those kind remarks?

Mr. SOLOMON. Now you know why I really respect you.

Mr. BERMAN. But I deeply appreciate the gentleman's comments.

My point is when you create institutionally a reason for a deadlock, it does not matter what the motivations of the leadership or the Members are. We are human beings. We have a very difficult process. We are judging our peers, our friends, our colleagues, about matters that may be very serious, or may not seem so serious to us. None of us have the ability to overcome the institutional problems that this time certain creates.

I do not know that I want to be part of a process which incentivizes the breakdown of it. The only reason I said yes to the request from my own leadership to take this position was because the challenge of seeing if this process could work on a bipartisan, nonpartisan basis. This one amendment really eviscerates our ability to do that. That is why I feel so very strongly about this particular unit.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, the gentleman's points are well taken. I was glad to yield him the time.

I would say to the gentleman from Massachusetts [Mr. MOAKLEY], I intend to close with a short statement, if the gentleman would like to yield back his time.

Mr. MOAKLEY. Mr. Speaker, would you please inform my dear friend the gentleman from New York [Mr. SOLOMON] and myself how much time is remaining?

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from Massachusetts [Mr. MOAKLEY] has 2 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 5 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge Members to defeat the previous question. If the previous question is defeated, I will offer an amendment to provide that House Resolution 168, the recommendation of the Bipartisan Task Force on Ethics, will be considered under a modified closed rule that allows only one amendment, only if authored by the cochairs of the task force, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN].

Mr. Speaker, in my opening statement I said, and I want to repeat, today this Republican leadership becomes the only leadership in the history of the House of Representatives to ignore the work of a bipartisan ethics task force. Those are very strong words, Mr. Speaker, but they happen to be the truth.

This task force met nearly every day for over 3 months to reach a genuinely bipartisan agreement on a very extreme, sensitive, and difficult issue. During final consideration of the task force recommendations, many of us had amendments that we thought would produce a better product.

□ 1215

However, we also realized that any further changes could seriously threaten any chance for a bipartisan agreement. Therefore, we agreed not to amend the package any further unless it was agreed to and offered jointly by Cochairs LIVINGSTON and CARDIN.

Members of this House deserve an opportunity for an up-or-down vote on the work of this task force. These killer amendments made in order by the rule not only will ruin the resolution supported by the task force, they will prevent Members from having the chance to vote for a clean version of the task force recommendation.

Mr. Speaker, I urge my colleagues to vote "no" on the previous question and support the hard work of the task force. I include for the RECORD at this point the text of the previous question amendment:

TEXT OF PREVIOUS QUESTION AMENDMENT TO HOUSE RESOLUTION 168 RECOMMENDATIONS OF THE BIPARTISAN HOUSE ETHICS REFORM TASK FORCE

Strike all after the resolving clause and insert in lieu thereof the following:

"*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 168) to implement the recommendations of the bipartisan House Ethics Reform Task Force. The resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the resolution and any amendment thereto to final passage without intervening motion or demand for division of the question except: (1) one hour of debate on the resolution, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; (2) one motion to amend by Representative Livingston of Louisiana with the concurrence of Representative Cardin of Maryland, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to commit."

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time, just to point out that we in the Committee on Rules always have a difficult time trying to be fair to all Members.

When we were approached by Members from the other side of the aisle, Democrats, liberals like the gentleman from Hawaii [Mr. ABERCROMBIE], who I have great respect for; moderates like the gentleman from Pennsylvania [Mr. MURTHA], a good former Marine who I have great respect for as well, they, representing two wings of their own party, had serious concerns about it. We were approached by the same kind of moderates on our side of the aisle, conservatives on our side of the aisle, and they asked to be heard on three important issues which were so contentious when our task force was meeting.

I at that point made a decision to ask the Committee on Rules to only make in order those amendments that were truly contentious and of a bipartisan nature. We had some 10 or 12 amendments with names attached to them filed with the Committee on Rules by very respected Members, but many of them were partisan; they did not have bipartisan cosponsors. We had about 12 other amendments that were delivered to us anonymously with no names, and those we simply took a look at but threw in the trash basket. We did not even give them any consideration.

Mr. Speaker, what we have on the floor today is what we have promised on this side of the aisle, and that is the ability for this House to work its will when there are contentious issues, especially when they have bipartisan support. That is what we have today, and I would just hope that Members would come over now, vote for this previous question, vote for the rule, vote for all three amendments, including the manager's amendment, so four amendments, and then vote for this bill. It is a good bill that will bring back some credibility to this House.

Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time for any electronic vote, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 227, nays 191, not voting 15, as follows:

[Roll No. 407]

YEAS—227

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
Delahunt
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—191

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Flake
Ford
Frost
Gejdenson
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Nadler
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—15

Bonilla
Boswell
Fattah
Foglietta
Furse
Gephardt
Gonzalez
Goss
Johnson, Sam
Largent
Meek
Oberstar
Schiff
Stupak
Weldon (PA)

☐ 1236

Mr. McNULTY and Mr. DINGELL changed their vote from "yea" to "nay."

Mr. BONO changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous-consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 168 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

IMPLEMENTING THE RECOMMENDATIONS OF BIPARTISAN HOUSE ETHICS REFORM TASK FORCE

The SPEAKER pro tempore. Pursuant to House Resolution 230 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the resolution, House Resolution 168.

☐ 1240

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 168) to implement the recommendations of the bipartisan House Ethics Reform Task Force, with Mr. COMBEST in the chair.

The Clerk read the title of the resolution.

The CHAIRMAN. Pursuant to the rule, the resolution is considered as having been read the first time.

Under the rule, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN] will each control 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to rise to recommend to the House the work product of a very hardworking task force on ethics rules reform.

Mr. Chairman, in the aftermath of Watergate, the House felt compelled to engage and apply certain rules of conduct to enforce the provisions of the Constitution that say that the Members of the House will police its own Members. They were known as the ethics rules, administered by the Committee on the Standards of Official Conduct. Those rules evolved with time, and were revised as recently as 1989, roughly 8 years ago, and have, by and large, worked pretty well over the years.

In the last Congress, it was felt by many Members on both sides of the aisle that there had been a partisan breakdown; that regardless of individual cases, the fact was that Members of the House were engaging in the war of politics by utilizing the rules of the Committee on Standards of Official Conduct to their own purposes.

If that charge is warranted or not, the fact is that the leadership of both Houses were called upon to decide whether or not that type of activity should be encouraged and continued or whether or not we should make a good-faith effort to stop that sort of conduct and encourage Members to understand that the rules of the House are sacred, they reflect on the integrity of the House, and that we, as the Members of the House of Representatives, should respect the roles which we hold and administer and that we should, indeed, police ourselves in a bipartisan fashion.

□ 1245

Pursuant to the directives of the leadership, the bipartisan leadership of the House, a task force was confected, comprised of myself and the gentleman from Maryland, Mr. BEN CARDIN, as cochair, coequals, in charge of the task force comprised of the gentleman from New York, JERRY SOLOMON, the gentleman from California, Mr. BILL THOMAS, the gentleman from Florida, Mr. PORTER GOSS, the gentleman from Delaware, Mr. MIKE CASTLE, and the gentleman from Utah, Mr. JIM HANSEN, on the Republican side; and the gentleman from Ohio, Mr. LOU STOKES, the gentleman from Massachusetts, Mr. JOE MOAKLEY, the gentleman from Texas, Mr. MARTIN FROST, the gentlewoman from California, Ms. NANCY PELOSI, and the gentleman from California, Mr. HOWARD BERMAN, on the Democrat side.

We began our deliberations in early February. We held hearings; gained a lot of testimony from a lot of witnesses, both in public and private forums; called Members to give us their experiences, without concentrating on individual cases, but asking for their recommendations in generic form for rules of the House which could be administered without partisanship, without undo rancor, and fairly.

The task force conducted its activities throughout February, March, April, May, and into June on the substance of the bill which we have now brought to the House and on the report. Every line, every word, sometimes often syllables, were debated strenuously. It was a hard fought package, but we finally came up with a product that I think every Member has to understand is a significant improvement over previous rules.

One might say that, in part, certain segments are no greater improvement. In fact, in many instances we left intact provisions of the previous rules of the committee or of the House. But we tried to at least marginally improve those sections which we thought were in need of a change and, in many instances, such as the section on due process, we, I think, substantially, improved the product of the 1989 task force, which was also a bipartisan task force.

We could not have succeeded in reaching our conclusions without the benefit of the hard work of all of the Members, and I commend again the gentleman from Maryland, [Mr. CARDIN] and all the members of the task force for the diligent attention to our very difficult responsibilities. There were tremendous pressures on every Member, but I think we came up with a good product.

But in addition to the Members, we could not have accomplished what we did without the significant help of the staff, headed up by Richard Leon, Special Counsel to the committee; David Laufman, who is on loan to us from the staff of the Committee on Standards of Official Conduct and served as Assistant to the Special Counsel; and individual staff, my own staff member Stan Skocki; the staff member of the gentleman from Maryland, Michelle Ash; and all of the other individual staff who contributed so mightily, both from the personal staffs of the various Members and from the Committee on Standards of Official Conduct, the Committee on Rules, and the various other committees which participated in this effort.

I am pleased, very pleased with the work product. We will talk about amendments, which have just been made in order, to the work product later on at the appropriate time. I think it is proper that Members who were not on the task force have some input, and as I have already stated in the debate on the rule, that if they come to us in bipartisan fashion, their concerns should be dealt with and they will be.

But let me say that the work product that we have before the Members, before the amendments are undertaken or considered, the work product that we have before the House has been considered, debated and written about and even testified about by people on the outside. Mr. Gary Ruskin of the Congressional Accountability Project and a colleague of Ralph Nader's does not think it goes far enough, and he has attacked the work product because he thinks it makes it too tough for outside people to testify. Miss Ann McBride of Common Cause likewise has not liked our work product because she thinks it is too hard for outside people to bring complaints against individual Members.

On the other hand, David Mason of the Heritage Foundation, Norm Ornstein of American Enterprise Institute, and Thomas Mann of Brookings have written articles and testified on behalf of the package because they think in its comprehensive form that this is a significant improvement under past rules.

I would say that I am proud about the package for a number of reasons. For one thing it does, in my opinion, offer tougher standards with which to file complaints; at the same time abolishing the three blind mice rule, which I call a canard, unworkable. That is a rule which we brought into fashion or we adopted in the 1989 revision, and I have to say that I was on that task force as well, and that I thought it was a good idea at the time, whereby an outside person, not a Member of the Congress, would go to three Members of the House of Representatives and ask them if they wanted to file this complaint, he would say no; then the second one would be asked if they wanted to file, they said no; and then they would go to the third one and get the same answer, and then they could file anything they wanted before the House as a complaint against a Member of Congress.

We thought that that was absolutely inappropriate; that it was being misused and that it should actually be abandoned. In its place what we did was adopt a personal knowledge standard that said, A, that no person outside the Congress can file anything on the basis of newspaper or press clippings or press reports; but, second, that they had to have personal knowledge of the complaint or of the subject matter of the complaint in order to file information with the committee for the purposes of a complaint.

Also, they either had to be reviewing personal or business or government records and have reached conclusions on the basis of their personal review of those records, or they had to be a participant or had seen the incident in question, or they had been told by one person who had seen or participated in the event for which they were complaining.

We thought that was a pretty good standard. There are those Members who do not believe that is strong enough and would like very much to go back to the pre-1989 rule that says a Member of Congress has to put his stamp of approval, his name, on any incoming complaint. We will debate that later on. I think those Members have some very good arguments to back their amendment up, but we will discuss that later on, but I do think that the committee did a pretty good job in establishing a threshold before complaints can be filed by people not Members of the Congress.

So nonmembers can file directly under our provision. Complaints filed directly by nonmembers cannot be exclusively based on newspaper articles. Members may sponsor nonmember complaints only if they certify that the complainant is acting in good faith; that is, they can put their stamp of approval, but at this point they have to say that the person in their opinion is acting in good faith and that the matter described in the complaint warrants review of the committee; and bipartisan support necessary for a filing to officially constitute a complaint is necessary; and there is a prohibition on frivolous filings and complaints expressly provided for in the House rules.

Let me stress on that one so that it is clearly understood. Never before have we entertained a prohibition about unfrivolous filings. And it is strongly felt by Members on both sides of the aisle that there have been frivolous attempts to misuse the rules with frivolous complaints. We have a prohibition against that that says it is within the latitude of the committee, by majority vote, to sanction Members or even disregard complaints from outside nonmembers if those complaints are frivolous.

Most importantly in this package is the fact that there is due process for Members. There is a right to review evidence prior to voting of a statement of alleged violations. There is a right to review and comment on the subcommittee and full committee reports prior to transmittal to the full committee in the House. Settlement negotiations are now confidential and not admissible as evidence, even though they had been in the past. There is a right to notice of any expansion of the investigation and/or the statement of alleged violations. There are deadlines established for determining whether information filed constitutes a complaint, and whether the complaint should be forwarded to an investigative subcommittee; and there is a right to notice of any unsuccessful vote to forward complaints to the investigative subcommittee.

The standards for charging a person used to be that the committee only had a reason to believe that a Member had committed a violation. That standard has been raised. Now the committee has to establish a substantial reason to believe, and we think that is a significant improvement.

Most importantly, the whole process is made less partisan and, in fact, nonpartisan in many respects by the changing of the rules. The committee's staff is required, with all members on the Committee on Standards of Official Conduct, to file nondisclosure oaths. The intent of that is to discourage leaks outside the committee. Nonpartisan professional staff are required by the committee rules.

There is increased latitude to the chairman and the ranking member to speak to the press if the committee is being unjustifiably attacked in their eyes, and they are entitled to go out, after consultation with their counterpart, to go out to the press and make a claim.

And there is increased confidentiality of the committee proceedings in the votes, in that in the past all meetings have been deemed open unless closed by the majority; now they are closed unless opened by the majority in the early stages of the investigation. But that is not the adjudicatory stage. In that case, if there is an adjudication or a trial of a Member on the charges, then that is always open and will continue as such.

The task force hopes that these recommendations will not be viewed in microscopic isolation but rather that the whole package, the whole fabric of the package, will be considered as part of a system to accomplish multiple objectives.

First, that they be less partisan; second, that they be more confidential; third, that they provide greater due process for the Members; and fourth, that they provide greater involvement by more Members, because we are creating a jury pool to alleviate the very difficult responsibilities entrusted upon the Members of the standards of official conduct.

We have shrunk the committee from 12 Members to 10 Members, but we have encouraged more reliance on the subcommittees to diffuse so that individual subcommittees of four or six Members can do the work on individual cases and the full committee will not be required to do all of the work on all of the cases and be chained down in the basement of the Capitol to spend all of their waking hours on matters dealing with standards of official conduct.

Mr. Chairman, our ultimate goal is that this bill and the administration of the rules of the House with respect to Members and charges of violations of conduct against them be nonpartisan. Our objective is that this be a true peer review system; that we judge our colleagues with the trust and the confidence of both the Members of the House in bipartisan fashion and the American people. I think that we have done an excellent job toward achieving those goals, and I urge the adoption of this package.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to join the gentleman from Louisiana [Mr. LIVINGSTON] in the compliments he has paid to the Members of this body that have served on this joint committee on ethics reform and to the staff that helped us in order to reach this time.

I am very proud of the result of the task force. We have an opportunity today to approve that product, and I hope that this body will take that opportunity and approve the work of our task force.

The gentleman from Louisiana provided tremendous leadership in this body to bring together different people of different views. We worked very hard to compromise issues without compromising principles, and we think the end result is in the best interests of this House. The challenge that we have is to restore confidence with the public that we can carry out our constitutional responsibility to monitor the conduct of our Members. It is a difficult responsibility.

□ 1300

This body owes a debt of gratitude to those Members who are willing to serve on the committee that sits in judgment. Several are on the floor here, and I applaud their efforts, the gentleman from Ohio [Mr. SAWYER], the gentleman from Utah [Mr. HANSEN], and others who have stepped forward to carry out that awesome responsibility. Because, regardless of what rules we have, ultimately it depends upon the willingness of Members of this House to step forward, to serve this body, to judge its Members, and for us collectively to carry out that awesome responsibility.

I believe that the recommendations of our bipartisan task force will make it easier for us to carry out that awesome responsibility. It makes improvements that are important to allow us to judge the conduct of our Members. Let me just, I guess, emphasize some of the points that the gentleman from Louisiana [Mr. LIVINGSTON] has already commented on.

The recommendations, if approved, will make it easier for us to have a nonpartisan operation of the ethics process. The resolution specifically provides that the staff will be nonpartisan and cannot engage in partisan political activities. The recommendations give the chairman and ranking member equal opportunity to set the agenda of the committee.

The recommendations improve the confidentiality of the work of the committee, which is so important to maintain the integrity of the process. The meetings of the investigative committees will be closed. All members of the committee and staff will be required to file confidentiality oaths. And for the first time, we will allow the committee to directly refer to a Federal agency, without having to come to the House floor and disclose matters, matters that should be referred to other Federal agencies that affect a Member, requiring an extraordinary vote of the committee itself.

We have improved the system for filing of complaints. I know there is going to be an amendment offered later, and I would hope that each Member would understand the current rules and how we have improved them. I agree with the gentleman from Louisiana [Mr. LIVINGSTON] that the three-Member refusal does not make sense. But the answer is not to exclude outsiders the opportunity to submit information or complaints to our Committee on Standards of Official Conduct. The answer is to make it more rational to the need that is out there, and that is what we did in a compromise.

In an appropriate compromise, we require that an outside individual, whether it be a staff person or whether it be an outside person, to bring a complaint must have personal knowledge, a higher standard. It is similar to the standard in the other body. We think that makes sense. By the way, we also raised the standard for a Member transmitting a complaint from a non-Member by requiring the Member to certify in good faith that this complaint should be reviewed by the committee.

So we were mindful of the concerns that a complaint is a very serious matter against a Member, and we have improved the manner in which legitimate matters can come before the Committee on Standards of Official Conduct by non-Members. We have improved the efficiency, the administration of the committee itself, the initial factfinding, which has been very difficult for the committee. It is now delegated to the Chair or ranking member, so they can get better control over getting information earlier to the committee and act earlier with the committee.

The subpoenas and the expansion of scope of an investigation will be handled by the subcommittee where it should be handled. We have an amendment later that tries to reverse that. But let me remind my colleagues that the bifurcated system whereby one group of Members investigate another group, by requiring those that are doing the investigation to go back to those who ultimately have to make judgment and disclose information in order to justify an expansion of scope, compromises the objectivity of the process and the fairness of the adjudicative process.

It also, by the way, compromises we think confidentiality and makes it more time consuming in order to reach conclusions, which is a major concern to the Members of this House. We improve the due process that the gentleman from Louisiana [Mr. LIVINGSTON] spoke to, many new procedures that we put in so that people get adequate due process.

A Member will have advanced notice on any statement of alleged violation that the subcommittee intends to propose. We give notice to Members at every phase of the ethics investigation or action. We have greater involvement by the Members of this House in the ethics process by having a pool of Members who can assist in investigations and by having a limit of 4-year service on the Ethics Committee. I know that the gentleman from Ohio [Mr. SAWYER] and I would have hoped that that would be retroactive. But no, it cannot be retroactive, but at least a Member's term on the committee cannot exceed 4 years, and we have rotation to assure experienced Members will always be on the committee.

And importantly, we have made the process move quicker, in a more timely way, by establishing a 14-day time limit on the initial action on a matter that is filed as a complaint by the chairman and ranking member, giving the chairman and ranking member much more discretion in managing the workload of the committee and in recommending early action on complaints that are filed and filing time limits on getting into initial factfinding.

If we take a look at the full package, I believe we will find that it addresses the concerns that have been raised by the Members of this House. I agree with the gentleman from Louisiana [Mr. LIVINGSTON], we hope that our colleagues will not use a microscope to try to look at each individual section and say "Why does this make sense?" Look at the total package. The package makes sense. It should be approved by this body.

I would hope that my colleagues would have confidence in the committee, the work that we did. Reject the three amendments that will be offered later on this debate. Those three amendments, and we will have a chance to talk about them a little bit later in general debate, each will compromise the manner in which this package was put together, and we will have a chance to talk about that a little later.

It is a good product. I am proud to be associated with it. I hope it will be approved by the House, but I hope it will not be modified by the three amendments that will be offered.

Mr. Chairman, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield 5 minutes to the very distinguished gentleman from Utah [Mr. HANSEN], who is going to be entrusted with the responsibility of administering this new package when and if it is adopted, the forthcoming chairman of the Committee on Standards of Official Conduct, and a very valued member of this task force, as well.

Mr. HANSEN. Mr. Chairman, I am very grateful to the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN] for the great work they did on the task force. They worked very diligently, very hard work. It is amazing we got this far, candidly; and I am glad we are here.

I rise today as the chairman of the House Committee on Standards of Official Conduct. I previously served on this committee from 1981 to 1993. In those 12 years that I served, we handled some of the most significant and contentious cases of the Congress. My colleagues may recall, I started when Abscam was still going, and the last case I was part of was the check cashing case. Tough cases. Twenty-nine cases, all of them tough ones.

Yet, in those 12 years on the committee, we did not have one partisan vote. In those 12 years, the chairman and ranking member worked closely together to set the agenda for the committee. I cannot recall one time that the chairman and the ranking member did not bring a joint recommendation before the full committee. In those 12 years, we rarely had a leak of committee information; and when we did, we investigated and found out the source and took appropriate action.

As chairman of the committee, I intend to operate by the standards I knew then as a member of the committee when I was its ranking member and my good friend, the gentleman from Ohio [Mr. STOKES], was chairman of the committee.

I did not know the gentleman from California [Mr. BERMAN], the current ranking member. He considers himself a liberal, which I say in the finest sense of the word. I am considered a conservative. But I found that he is a good man to deal with. We have built a trust, and I think it is essential that we do that if the committee is to act in a bipartisan manner.

I have often stated that it does not matter what rules are adopted to govern the ethics process; without the right people assigned to the committee, it just does not work anyway. I asked my leadership not to appoint people who want to use the ethics process to get even with other Members, not to appoint those who cannot keep confidences, and not to appoint Members who do not have respect for this institution. They have listened to my requests and have selected four outstanding Members.

The Committee on Standards of Official Conduct will investigate aggressively those who have violated our rules. We will seek to honor the trust that has been placed in us by our leadership and our colleagues. And that is a two-way street.

I have to say I would be terribly disappointed if Members from either side of the political aisle file complaints against other Members strictly for political purposes. I would be very disappointed if people who want to bring charges before the committee do so in a press conference rather than in a confidential manner.

We are not here for political sport or trying people in the mass media. We are here to protect the integrity of the institution and maintain the respect of the American people in our ability to rule on the conduct of our peers. We are a peer review process. If Members want to see a colleague—one of their friends—behind bars, write to the Department of Justice. If they want to nab someone for an election violation, write to the Federal Election Commission. If someone has violated the rules of the House, then write the Committee on Standards of Official Conduct.

I support the task force proposal, and I support the amendments that have been made in order. The amendments guarantee a peer review process rather than complaints by political opponents or ideological enemies. They guarantee that an issue will not linger in the committee because of a partisan deadlock, and they preserve the power of a full committee in the conduct of an investigation. I urge their adoption.

I thank those who have worked so diligently on this task force. I hope we can get this thing behind us. I hope we can get the committee together. I hope we can look at these things and do it truly in the way it was intended to be done instead of a circus that we have seen in some instances.

Mr. CARDIN. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. STOKES] who has been a valuable member of the task force and added great expertise to the work of the product that is before us.

Mr. Chairman, I thank the gentleman from Maryland [Mr. CARDIN], my distinguished colleague and cochairman of the task force, for yielding to me.

At the outset I want to take just a moment to commend both the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN], who were cochairs of our task force, for the excellent manner in which they conducted the business of this ethics task force reform group.

When we started out with the tasks assigned to us, I think it was important for me to be able to see the kind of bipartisan leadership that the two of them gave this committee, because I came to this task force with the experience of having chaired the Ethics Committee of the House on two specific occasions in the past, as well as having served on a previous task force and from time to time having been called to the Ethics Committee for the purpose of serving there on special assignment.

The one thing that I know about the Committee on Standards of Official Conduct is that it is the toughest job any Member of the House can be asked to perform. I think any Member who serves there does so with the realization that they have a very special responsibility both to the public and to the Members of this institution.

I think it is better for the Members of this institution to police themselves through the Committee on Standards of Official Conduct of the House. But I also think it is important that we approach that responsibility on a bipartisan basis. Partisanship cannot be a part of that process. To the credit of both the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN], they approached their task and gave the leadership to us in that manner.

Mr. STOKES. Mr. Chairman, this task force worked diligently and I think they produced an excellent product. They listened to many groups, both in closed hearings and in open hearings. I think that the committee tried to improve upon the current situation.

First, I think we should all realize that the committee is no better than the rules under which it operates. But as long as we have good rules, and I think we have provided a good package here, both in terms of improving the due process aspects of the ethics procedure as well as the provision for non-Members to be able to file complaints with the committee.

I would urge the Members of the House to accept this package that was produced by this task force report and urge them to pass it without the additional amendments.

□ 1315

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I mentioned that we are deeply indebted to all the staff of the various committees that contributed their hard and great efforts to this task force and all of the personal staff as well.

I neglected to point out also that we had a valiant and tremendous amount of help from Bob Weinhagen, senior counsel of the Office of Legislative Counsel, as well as from the Parliamentarian, Charlie Johnson and John Sullivan were of great, great help to all of us.

I just want to go on record as expressing my deep appreciation to them for being with us over long periods of time and being on demand at the strangest of times but always giving us conscientious, thorough, and professional advice. I appreciate their input.

I would like also to take just a moment to stress something that needs some enlargement. The gentleman from Maryland [Mr. CARDIN] and I have both touched on it in previous arguments. The fact is, one of the most significant accomplishments of this package is to provide Members of Congress with the knowledge of the charges that might be lodged against them to provide them with the opportunity to respond to those charges.

In past practices, there have been concerns that, in the rush of political fervor surrounding a particular case, that the rights of the respondent have been in times pushed aside. That is not going to be the case if and when these rules are adopted. The respondent is entitled to a copy of a draft statement of the statement of alleged violation against him. And all evidence that the committee intends to introduce against him or her prior to a vote on the statement of alleged violation must be produced, unless the committee votes by majority to withhold evidence to protect the identity of a witness for some confidential reasons.

The settlement agreement, if, in fact, there is an arrangement between a Member who wishes to dispose of the charges against him and enters into an agreement and utters comments pursuant to that settlement agreement, cannot be used against him. It is required to be in writing, unless the respondent requests otherwise. That way, he is not encouraged into discussions and all of a sudden lured into a situation that works against him in the long run.

The respondent is entitled to immediately review any new evidence which arises after a statement of alleged violation. Settlement discussions are confidential and are not admissible as evidence or includable in the subcommittee or committee reports unless the respondent agrees otherwise.

A report is required where the statement of alleged violation is voted and an adjudicatory hearing is waived. And the respondent is entitled to review and propose changes to the subcommittee report prior to its transmittal to the full committee and to have his proposals attached to the subcommittee report.

Finally, the respondent is entitled to provide additional views, to be attached to the final report along with any comments previously made regarding the subcommittee report.

These are provisions which may sound technical to the average layman, but in a court of law these would be taken for granted. These are rights afforded criminals in any criminal proceeding. It would seem proper that these sorts of protections be granted Members of Congress if they are in the dock and threatened with charges that might, ultimately, not only ruin their careers but ruin their lives.

These are basic statements of fairness which are incorporated in these rules so that no one will be run roughshod over. No one will be subject to a runaway prosecutor who seeks to deny him the basic essentials for due process.

Finally, of course, there is an incorporation of a rule in this package which specifically condemns the filing of frivolous complaints or frivolous information with the committee. If a person, either outside of the Congress or a Member of Congress, uses the rules simply for harassment purposes, without substantial evidence to ground the charges that he or she might be making against another Member of Congress, now it is codified that under these rules the committee can take note of those frivolous charges and take action against the people filing them. We think that that is a significant improvement from the former rules.

There are lots of other individual items, some arcane, some not, which improve the overall package, but I think that in the general debate it is sufficient to say that this is a good package in and of and by itself. It does not need amendment.

That is not to say that the amendments that have been offered cannot improve upon it, but I think that every Member, regardless of their party affiliation or their philosophical judgment, should examine each of these amendments carefully and determine for him or herself whether or not he or she would want those amendments to apply to him or her if, in fact, charges were lodged against that Member.

With that, Mr. Chairman, I will simply say that this package was concluded without the final unanimous vote of the task force members. We did close it to amendment by a vote of 12 to zero, and that was significant. But when the report was written and the chips were down, 11 members either formally or informally decided to put their stamp of approval on the final package and submit it.

One member, the gentleman from California [Mr. THOMAS], did not, and he, I am sure, will be free to explain his reasons. Actually, they were explained in his minority views in the report, and they were incorporated as part of the report. I urge every Member to take a look at his views, because the gentleman from California was a very significant, hardworking, contributing member to the task force and we do appreciate his effort.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to first compliment the work of the task force, in particular the efforts of the gentleman from Maryland and also the gentleman from Louisiana for their leadership in this regard. I think that today we have in front of us a work of a bipartisan task force made up of Members who have done an excellent job in trying to set a set of rules forward in which this House could have and conduct an appropriate peer review process, and so I rise in support of it.

I think that it is of note, even though it has been mentioned, I will mention it again, the due process additions and changes that have been made that further provide to Members of the House, I think, appropriate due process. The bifurcation of the investigative and judgmental phases of the work, I think, is also an important addition.

As we grapple with the amendments that are to follow, I do not want us to lose the point that the task force's work is work that should and could and, hopefully, will be able to stand on its own merit and that this Committee on Standards of Official Conduct will have an opportunity anew in this Congress to try to set an appropriate and, hopefully, reasoned and measured approach to looking at what are fairly difficult issues from time to time.

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just wanted to again agree with the points that the gentleman from Louisiana [Mr. LIVINGSTON] has made concerning what is in the resolution before us. It contains many, many changes that we think will improve the legislative process.

I would like to spend a few minutes, if I might, on the three amendments that will be offered later, because I think if Members look at the changes that we have made, they will agree that these amendments should be rejected. The reason I say that is that we have in our task force considered each of these three issues and we rejected it.

It is also important, as has been pointed out by Members on both sides of this aisle, that changes in the ethics process be made in a bipartisan way. There is clearly, clearly, a lack of bipartisan agreement on each of the three amendments that will be offered. For that reason alone, they should be rejected.

The first, that would deny outside persons the opportunity to file an ethics complaint, would change the practice of this House since we instituted an ethics committee back in 1968. We have always allowed non-Members to file complaints. This would be the first time we would deny it.

We are charged with the constitutional responsibility to judge the conduct of our Members. Are we so afraid to allow outsiders to bring charges that we deny them access to bring those charges before our committee? I would hope not.

The resolution before Members provides a new standard for that issue. It requires that a non-Member have personal knowledge. The person must either know the information himself or herself or have received it directly from another. It is not adequate, as the gentleman from Louisiana [Mr. LIVINGSTON] has pointed out, to use a newspaper as a basis for a complaint by a non-Member. You just cannot use speculation or what might be in a newspaper article.

We have raised the bar on non-Members. It would be wrong for us to deny them complete access. We also add additional protection for unjust charges brought against a Member. The chairman and ranking member are given additional powers to be able to stop a matter from being considered a complaint that clearly does not comply with our rules.

So we have protected the institution, we have protected the Member, but we have allowed information to come forward as I hope all my colleagues would agree we should. If you adopt the amendment that is offered, you would not only be eliminating these new tests, you would not only be eliminating the current rule that allows for non-Member filing, you would also be raising the bar on a Member transmitting a complaint from a non-Member by adding an additional requirement.

Mr. Chairman, that is a bit much, and I hope the Members would agree with me that is an overkill of a situation that would really be perceived, and rightly so, as us trying to close off this process to any outside people. I could give my colleagues several examples that could come to light that would show exactly why that amendment would be ill advised.

Let us use as an example, and this is strictly an example, that suppose a staff member has been inappropriately approached by a Member asking sexual favors in exchange for promotion. What does that staff person do? Under the resolution before us, that staff person can bring that matter directly to the ethics committee. Do we want that staff member to have to shop for a Member of this House to certify that that is an appropriate complaint?

And suppose it is a Democrat or a Republican. Is this a partisan issue? Where is the dignity of the process? Do we really want to close ourselves to that type of matter being brought to our ethics committee? I would hope not.

I could give my colleagues many more examples as to why it would be wrong for us to close out legitimate problems coming to our ethics committee from non-Members. That amendment, as well intended as it may be, would do that. Reform should open up the process, not move backward. That amendment would take us backward.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair would inform the Members that the gentleman from Louisiana [Mr. LIVINGSTON] has 4½ minutes remaining and the gentleman from Maryland [Mr. CARDIN] has 12½ minutes remaining.

Mr. CARDIN. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Michigan [Mr. LEVIN].

□ 1330

Mr. LEVIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would sincerely like to congratulate the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN] for their work on this, and all the Members who have worked with them. I think what the gentlemen are doing is meeting the demand of the public, but also what should be our own demands.

This House needs a strong ethics structure. The public demands it, but so does our own sense of public service, of self-esteem.

We want to serve in this body, proud of our service, and part of that pride requires a system so that when ethics are violated, there is a responsible response.

This bipartisan agreement would create a strong ethics structure. The gentleman from Maryland [Mr. CARDIN] has addressed, as the gentleman from Louisiana [Mr. LIVINGSTON] has, amendments, and there will be further discussion. In my judgment, as has been explained, two of these amendments would erode a strong ethics structure. Indeed, I think it would blow holes right through the fabric.

I think it is especially regrettable they would be offered here, because there was agreement to pursue this issue in a bipartisan manner. If any area deserves a bipartisan approach, it is ethics standards of this House.

So I urge a "no" vote on those two key amendments. I also suggest if they would carry, I would vote against the bill, because I would feel that it had become instead of an adequate response, a very inadequate one.

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will take the time now to talk about the two other amendments that were made in order under the rule. One, I think Mr. BERMAN covered very adequately, about the automatic dismissal if a matter pending a vote on an investigation is not carried. If the matter is still pending for another 180 days, there would be an automatic dismissal. Under one of the amendments that was made in order.

We should be aware that the current rules of the committee provide for no such action. Mr. BERMAN pointed out, and I concur, that when you put a deadline in a split vote causing a dismissal, you are encouraging that action.

It is not difficult for a committee equally divided, Democrats and Republicans, to do nothing for 6 months, particularly if there is tremendous pressure from one of the political parties.

If you have a person who is perceived to be the target of a political complaint, regardless of how meritorious that complaint might be, there will be tremendous pressure on the committee to break according to party line.

Mr. Chairman, we had some difficult times over the past couple years; some very difficult matters appeared before our committee. But we were able to resolve all those issues, because we knew we had to get a bipartisan vote, that we could not just split along partisan lines.

We resolved the issue. Should they have been done sooner? You bet they should have been done sooner, and our rule changes provide for much faster action. The chairman and ranking member must act within 14 days on a complaint. There is a limit as to when one must start in an investigation. So we provide for a more timely investigation. We deal with the problem. But if we just say it is going to be a dismissal, we have not dealt with the problem. In fact, we have done a disservice to the Member because it is likely there is going to be another complaint filed, another complaint filed, everybody is going to be yelling it is partisan. Does this institution look good in that circumstance? Does the Member look good? No.

We need to resolve our issues. We have heard from the ranking member. We have heard from the chairman of the Committee on Standards of Official Conduct. They are going to work together. Let us have a little confidence that we can do our constitutional responsibility. I would urge Members to reject that amendment.

There is a third amendment, which would take away from the subcommittee the ability to expand the scope of an investigation or to issue subpoenas. That would be a mistake.

We have gone to great lengths to protect the bifurcation of the system. The people who do the investigation should be separated from those who sit in judgment. If we had to go back to those who sit in judgment in order to explain why we want to expand the scope, we are compromising the objectivity of those that ultimately will sit in judgment.

Before we reached this point under the rules that we have, we will have passed at least three bipartisan hurdles, three bipartisan hurdles will already have been passed. First, there will be action of the chairman and ranking member that we have a legitimate complaint. Second, the chairman and ranking member will have gone through the initial factfinding and got even into an investigation through the approval of either the chairman or ranking member of the committee. And third, by a bipartisan vote of the investigative committee, we will have gone into an investigative stage.

So this is not a situation of a partisan problem. This is a situation of protecting the integrity of the process. For the reasons stated, I would urge the Members to reject all three amendments on substance. They were rejected by the task force, and, just as importantly, they open up partisan wounds. That would be a mistake on this day when we can move forward on the ethics process in a bipartisan manner.

Mr. Chairman, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 2 minutes to the very distinguished gentleman from Delaware [Mr. CASTLE], a member of the task force who was extremely valuable to the deliberations of our work product.

Mr. CASTLE. Mr. Chairman, I thank the distinguished gentleman from Louisiana for yielding me this time. I cannot say enough about the work that he and the gentleman from Maryland [Mr. CARDIN], did on this task force. They are tenacious, they are highly understanding of this process, and I think without their leadership, frankly, this would not have been done.

I am a supporter of the product which came from this committee. I was the only one on it who has never served on the Committee on Standards of Official Conduct, and, frankly, I hope never to serve on it, based on what I have seen. But, having said that, hopefully we have made it easier for those who will serve in the future.

While there are some areas that are contentious, such as should outsiders be allowed to do this, I realized 15 minutes into the proceedings we are not going to please everybody, it is impossible to do that, so some hard decisions had to be made.

In fact, every decision made was hard. There are many, many decisions, literally in the hundreds, that had to be made by the committee, and virtually in every case I think we improved the product, which is the rules and procedures for the Committee on Standards of Official Conduct.

We reduced the potential for partisanship, which has not been talked about too much, but the committee staff shall be nonpartisan, professional, and available to all as a resource. That is an important change.

We have standards now for timely resolution of matters before the Committee on Standards of Official Conduct by setting time limits for determining whether a complaint is properly filed or should go to subcommittee. That did not exist before and that is a very significant change.

We have dealt with providing safeguards as to providing adequate and timely information to Members who might be accused of standards violations so they have the ability to defend themselves against complaints filed against them. That is important. That has not been done in the past, and that is a significant change.

I believe this package contains many more items like that, most done on a bipartisan basis.

As far as the amendments are concerned, I hope Members, staff, and the public in general looking at the amendments would consider them very, very substantially and cautiously before casting any votes, particularly in favor of them. They are in a position to be very disruptive to the process of what this committee has done, and I think that needs to be kept in mind. But the bill should be adopted.

Mr. CARDIN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, once again I encourage Members to please review the work of our task force. I agree with the gentleman from Delaware [Mr. CASTLE], please look at these amendments carefully.

We have a bipartisan product. Ethics reform must be done in a bipartisan manner. The amendments that will be offered will not be supported in a bipartisan way. I can give you the policy reasons why the task force rejected them. I have already done that. But I think it is important for this institution, for the credibility of this institution, for us to move the ethics process as far as we can in a bipartisan manner.

As the gentleman from Louisiana [Mr. LIVINGSTON] knows, there are many provisions in this package that I would have liked to have seen differently. I did not offer amendments to change the package to meet my individual agenda. I did that because of the respect for our product and the process that was used, a fair process. It is now important for this House to ratify that process.

Today we can make major progress in improving the ethics procedures in this body by supporting the work of the task force and by resisting the amendments that will be offered.

I urge my colleagues to reject the three amendments, to support the final report, and to let us move forward to move the ethics process and improve the credibility of this institution in the eyes of the public.

Mr. Chairman, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Louisiana is recognized for 2½ minutes.

Mr. LIVINGSTON. Mr. Chairman, once again I want to commend the gentleman from Maryland [Mr. CARDIN], all the members of the task force, and all the staff who have contributed so mightily to this work product. It is a fine work product, something we can be proud of.

I take issue to my friend from Maryland only to the extent that I attribute only good faith to those Members who in bipartisan fashion are proposing amendments to this task force product.

I would say that there is concern on behalf of some Members with regard to the second amendment we will consider dealing with, whether or not outside nonmembers can file complaints with the Committee on Standards of Official Conduct. I would say in response to the gentleman's concern that, a sexually harassed member of a staff could not have any avenue for response, they can still come to the Committee on Standards of Official Conduct. Even if that amendment were to pass, the Committee on Standards of Official Conduct can still entertain that complaint of sexual harassment.

Even if they did not want to do that, since Congress applied all of the laws of the Nation to ourselves, she can even go to the EEOC, or any other avenue that any other American citizen can go to, to complain of sexual harassment. I just do not buy that argument.

So Members in bipartisan fashion have to consider, do we want outsiders to come in and complain against us, or do we want to leave that responsibility to ourselves? I think that is a legitimate question and one that should be answered by the majority of the Members in bipartisan fashion.

Apart from that, I think we have a great package. I am proud of the work product and the association I have had with all of the people that contributed to it, and I urge the adoption of the package.

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise today in support of House Resolution 168, a resolution that would implement the recommendations of the bipartisan House Ethics Reform Task Force. I would also like to commend the bipartisan task force for its dedication and commitment to developing new standards for the Committee on Standards of Official Conduct to follow. They have had an extremely difficult assignment to do, and I believe they have done an admirable job. Their legislation represents an important initial step toward restoring public confidence in the House of Representatives.

Unfortunately, I am committed to speaking before over 1,000 people at the African Association of Physiological Sciences [AAPS] and the African Regional Training Center/Network for the Basic Medical Sciences [AFRET] in Durban, South Africa. If I had been present, I would have voted in favor of this measure which I am confident will help repair a ethics process that has been properly criticized by both Members of Congress and the American people.

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the resolution is considered read for amendment under the 5-minute rule.

The text of House Resolution 168 is as follows:

H. RES. 168

Resolved,

SECTION 1. USE OF NON-COMMITTEE MEMBERS.

(a) RULES AMENDMENT.—Clause 6(a) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(3)(A) At the beginning of each Congress—

"(i) the Speaker (or his designee) shall designate a list of 10 Members from the majority party; and

"(ii) the minority leader (or his designee) shall designate a list of 10 Members from the minority party;

who are not members of the Committee on Standards of Official Conduct and who may be assigned to serve as a member of an investigative subcommittee of that committee during that Congress. Members so chosen shall be announced to the House.

"(B) Whenever the chairman and ranking minority member of the Committee on Standards of Official Conduct jointly determine that Members designated under subdivision (A) should be assigned to serve on an investigative subcommittee of that committee, they shall each select the same number of Members of his respective party from the list to serve on that subcommittee.".

(b) CONFORMING RULES AMENDMENT.—Clause 6(b)(2)(A) of rule X of the Rules of the House of Representatives is amended by inserting after the first sentence the following new sentence: "Service on an investigative subcommittee of the Committee on Standards of Official Conduct pursuant to paragraph (a)(3) shall not be counted against the limitation on subcommittee service.".

SEC. 2. DURATION OF SERVICE ON THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

The second sentence of clause 6(a)(2) of rule X of the Rules of the House of Representatives is amended to read as follows: "No Member shall serve as a member of the Committee on Standards of Official Conduct for more than two Congresses in any period of three successive Congresses (disregarding for this purpose any service performed as a member of such committee for less than a full session in any Congress), except that a Member having served on the committee for two Congresses shall be eligible for election to the committee as chairman or ranking minority member for one additional Congress. Not less than two Members from each party shall rotate off the committee at the end of each Congress.".

SEC. 3. COMMITTEE AGENDAS.

The Committee on Standards of Official Conduct shall adopt rules providing that the chairman shall establish the agenda for meetings of the committee, but shall not preclude the ranking minority member from placing any item on the agenda.

SEC. 4. COMMITTEE STAFF.

(a) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that:

(1)(A) The staff is to be assembled and retained as a professional, nonpartisan staff.

(B) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(C) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(D) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(E) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the committee without specific prior approval from the chairman and ranking minority member.

(F) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the committee.

(2)(A) All staff members shall be appointed by an affirmative vote of a majority of the members of the committee. Such vote shall occur at the first meeting of the membership of the committee during each Congress and as necessary during the Congress.

(B) Subject to the approval of Committee on House Oversight, the committee may retain counsel not employed by the House of Representatives whenever the committee determines, by an affirmative vote of a majority of the members of the committee, that the retention of outside counsel is necessary and appropriate.

(C) If the committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(3) Outside counsel may be dismissed prior to the end of a contract between the committee and such counsel only by an affirmative vote of a majority of the members of the committee.

(4) Only subparagraphs (C), (E), and (F) of paragraph (1) shall apply to shared staff.

(b) Additional Committee Staff.—In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee on Standards of Official Conduct, the chairman and ranking minority member each may appoint one individual as a shared staff member from his or her personal staff to perform service for the committee. Such shared staff may assist the chairman or ranking minority member on any subcommittee on which he serves.

SEC. 5. MEETINGS AND HEARINGS.

(a) House Rules.—(1) Clause 4(e)(3) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(3)(A) Notwithstanding clause 2(g)(1) of rule XI, each meeting of the Committee on Standards of Official Conduct or any subcommittee thereof shall occur in executive session, unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting to the public.

"(B) Notwithstanding clause 2(g)(2) of rule XI, hearings of an adjudicatory subcommittee or sanction hearings held by the Committee on Standards of Official Conduct shall be held in open session unless the subcommittee or committee, in open session by an affirmative vote of a majority of its members, closes all or part of the remainder of the hearing on that day to the public.".

(2)(A) The first sentence of clause 2(g)(1) of rule XI of the Rules of the House of Representatives is amended by inserting "(except the Committee on Standards of Official Conduct)" after "thereof".

(B) The first sentence of clause 2(g)(2) of rule XI of the Rules of the House of Representatives is amended by inserting "(except the Committee on Standards of Official Conduct)" after "thereof".

(b) Committee Rules.—The Committee on Standards of Official Conduct shall adopt rules providing that—

(1) all meetings of the committee or any subcommittee thereof shall occur in executive session unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting or hearing to the public; and

(2) any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee shall be open to the public unless the committee or subcommittee by an affirmative vote of a majority of its members closes the hearing to the public.

SEC. 6. CONFIDENTIALITY OATHS.

Clause 4(e) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(4) Before any member, officer, or employee of the Committee on Standards of Official Conduct, including members of any subcommittee of the committee selected pursuant to clause 6(a)(3) and shared staff, may have access to information that is confidential under the rules of the committee, the following oath (or affirmation) shall be executed:

'I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the committee, except as authorized by the committee or in accordance with its rules.'

Copies of the executed oath shall be retained by the Clerk of the House as part of the records of the House. This subparagraph establishes a standard of conduct within the meaning of subparagraph (1)(B). Breaches of confidentiality shall be investigated by the Committee on Standards of Official Conduct and appropriate action shall be taken.".

SEC. 7. PUBLIC DISCLOSURE

The Committee on Standards of Official Conduct shall adopt rules providing that, unless otherwise determined by a vote of the committee, only the chairman or ranking minority member, after consultation with each other, may make public statements regarding matters before the committee or any subcommittee thereof.

SEC. 8. CONFIDENTIALITY OF COMMITTEE VOTES.

(a) Records.—The last sentence in clause 2(e)(1) of rule XI of the Rules of the House of Representatives is amended by adding before the period at the end the following: ", except that in the case of rollcall votes in the Committee on Standards of Official Conduct taken in executive session, the result of any such vote shall not be made available for inspection by the public without an affirmative vote of a majority of the members of the committee".

(b) Reports.—Clause 2(l)(2)(B) of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to votes taken in executive session by the Committee on Standards of Official Conduct.".

SEC. 9. FILINGS BY NON-MEMBERS OF INFORMATION OFFERED AS A COMPLAINT.

(a) Filings Sponsored by Members.—Clause 4(e)(2)(B) of rule X of the Rules of the House of Representatives is amended by striking "or submitted to", by inserting "(I)" after "(i)", by striking "a complaint" and inserting "information offered as a complaint", and by adding after subdivision (I) the following new subdivision:

"(II) upon receipt of information offered as a complaint, in writing and under oath, from an individual not a Member of the House provided that a Member of the House certifies in writing to the committee that he or she believes the information is submitted in good faith and warrants the review and consideration of the committee, or".

(b) Direct Filing.—Clause 4(e)(2)(B)(ii) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(ii) upon receipt of information offered as a complaint, in writing and under oath, directly from an individual not a Member of the House.".

SEC. 10. REQUIREMENTS TO CONSTITUTE A COMPLAINT.

(a) Procedural Requirements.—The Committee on Standards of Official Conduct shall amend its rules regarding procedural requirements governing information submitted as a complaint pursuant to clause 4(e)(2)(B)(ii) of rule X of the Rules of the House of Representatives to provide that—

(1) an individual who submits information to the committee offered as a complaint must either have personal knowledge of conduct which is the basis of the violation alleged in the information, or base the information offered as a complaint upon—

(A) information received from another individual who the complainant has a good faith reason to believe has personal knowledge of such conduct; or

(B) his personal review of—

(i) documents kept in the ordinary course of business, government, or personal affairs; or

(ii) photographs, films, videotapes, or recordings;

that contain information regarding conduct which is the basis of a violation alleged in the information offered as a complaint;

(2) a complainant or an individual from whom the complainant obtains information will be found to have personal knowledge of conduct which is the basis of the violation alleged in the information offered as a complaint if the complainant or that individual witnessed or was a participant in such conduct; and

(3) an individual who submits information offered as a complaint consisting solely of information contained in a news or opinion source or publication that he believes to be true does not have the requisite personal knowledge.

(b) Time for Determination.—The Committee on Standards of Official Conduct shall amend its rules regarding complaints to provide that whenever information offered as a complaint is submitted to the committee, the chairman and ranking minority member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the committee's rules for what constitutes a complaint.

SEC. 11. DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING PROPERLY FILED COMPLAINTS.

(a) Committee Rules.—The Committee on Standards of Official Conduct shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the chairman and ranking minority member determine that information filed meets the requirements of the committee's rules for what constitutes a complaint, unless the committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the committee extend the applicable 45-calendar day or 5-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1).

(b) HOUSE RULES.—Clause 4(e)(2)(A) of rule X of the Rules of the House of Representatives is amended by inserting "(i)" after "(A)", by striking "and no" and inserting "and, except as provided by subdivision (ii), no", and by adding at the end the following:

"(ii)(I) Upon the receipt of information offered as a complaint that is in compliance with this rule and the committee rules, the chairman and ranking minority member may jointly appoint members to serve as an investigative subcommittee.

"(II) The chairman and ranking minority member of the committee may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the chairman or ranking minority member has placed on the committee agenda the issue of whether to establish an investigative subcommittee.".

(c) DISPOSITION OF PROPERLY FILED COMPLAINTS BY CHAIRMAN AND RANKING MINORITY MEMBER IF NO ACTION TAKEN BY THEM WITHIN PRESCRIBED TIME LIMIT.—The Committee on Standards of Official Conduct shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the committee rules for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subsection (a), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

(d) HOUSE RULES.—Clause 4(e)(2)(B) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new sentences:

"If a complaint is not disposed of within the applicable time periods set forth in the rules of the Committee on Standards of Official Conduct, then the chairman and ranking minority member shall jointly establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee,then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.".

SEC. 12. DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING INFORMATION NOT CONSTITUTING A COMPLAINT.

The Committee on Standards of Official Conduct shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee does not meet the requirements for what constitutes a complaint set forth in the committee rules, they may—

(1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the committee's rules; or

(2) recommend to the committee that it authorize the establishment of an investigative subcommittee.

SEC. 13. INVESTIGATIVE AND ADJUDICATORY SUBCOMMITTEES.

The Committee on Standards of Official Conduct shall adopt rules providing that—

(1)(A) investigative subcommittees shall be comprised of 4 Members (with equal representation from the majority and minority parties) whenever such subcommittee is established pursuant to the rules of the committee; and

(B) adjudicatory subcommittees shall be comprised of the members of the committee who did not serve on the investigative subcommittee (with equal representation from the majority and minority parties) whenever such subcommittee is established pursuant to the rules of the committee;

(2) at the time of appointment, the chairman shall designate one member of the subcommittee to serve as chairman and the ranking minority member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee or adjudicatory subcommittee; and

(3) the chairman and ranking minority member of the committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex officio members.

SEC. 14. STANDARD OF PROOF FOR ADOPTION OF STATEMENT OF ALLEGED VIOLATION.

The Committee on Standards of Official Conduct shall amend its rules to provide that an investigative subcommittee may adopt a statement of alleged violation only if it determines by an affirmative vote of a majority of the members of the committee that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred.

SEC. 15. SUBCOMMITTEE POWERS.

(a) SUBPOENA POWER.—

(1) HOUSE RULES.—Clause 2(m)(2)(A) of rule XI of the Rules of the House of Representatives is amended—

(A) in the second sentence by striking "The" and inserting "Except as provided by the next sentence, the"; and

(B) by inserting after the second sentence the following new sentence: "In the case of the Committee on Standards of Official Conduct or any subcommittee thereof, a subpoena may be authorized and issued by the committee only when authorized by a majority of the members voting (a majority being present) or by a subcommittee only when authorized by an affirmative vote of a majority of its members.".

(2) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that an investigative subcommittee or an adjudicatory subcommittee may authorize and issue subpoenas only when authorized by an affirmative vote of a majority of the members of the subcommittee.

(b) EXPANSION OF SCOPE OF INVESTIGATIONS.—The Committee on Standards of Official Conduct shall adopt rules providing that an investigative subcommittee may, upon an affirmative vote of a majority of its members, expand the scope of its investigation without the approval of the committee.

(c) AMENDMENTS OF STATEMENTS OF ALLEGED VIOLATION.—The Committee on Standards of Official Conduct shall adopt rules to provide that—

(1) an investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its statement of alleged violation anytime before the statement of alleged violation is transmitted to the committee; and

(2) if an investigative subcommittee amends its statement of alleged violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended statement of alleged violation.

SEC. 16. DUE PROCESS RIGHTS OF RESPONDENTS.

The Committee on Standards of Official Conduct shall amend its rules to provide that—

(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

(2) neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present;

(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the committee's rules;

(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing;

but the failure of respondent and his counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

(5) a respondent shall receive written notice whenever—

(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

(B) a complaint or allegation is transmitted to an investigative subcommittee;

(C) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(D) an investigative subcommittee votes to expand the scope of its investigation;

(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

SEC. 17. COMMITTEE REPORTING REQUIREMENTS.

The Committee on Standards of Official Conduct shall amend its rules to provide that—

(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives; and

(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the committee—

(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(B) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subparagraph (B), and the committee shall make the report together with the respondent's views available to the public before the commencement of any sanction hearing; and

(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (B) and any additional views respondent may submit for attachment to the final report; and

(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.

SEC. 18. REFERRALS TO FEDERAL OR STATE AUTHORITIES.

Clause 4(e)(1)(C) of rule X of the Rules of the House of Representatives is amended by striking "with the approval of the House" and inserting "either with the approval of the House or by an affirmative vote of two-thirds of the members of the committee".

SEC. 19. FRIVOLOUS FILINGS.

Clause 4(e) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(5)(A) If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee on Standards of Official Conduct, the committee may take such action as it, by an affirmative vote of a majority of its members, deems appropriate in the circumstances.

"(B) Complaints filed before the One Hundred Fifth Congress may not be deemed frivolous by the Committee on Standards of Official Conduct.".

SEC. 20. TECHNICAL AMENDMENTS.

The Committee on Standards of Official Conduct shall—

(1) clarify its rules to provide that whenever the committee votes to authorize an investigation on its own initiative, the chairman and ranking minority member shall establish an investigative subcommittee to undertake such investigation;

(2) revise its rules to refer to hearings held by an adjudicatory subcommittee as adjudicatory hearings; and

(3) make such other amendments to its rules as necessary to conform such rules to this resolution.

The CHAIRMAN. No amendment to the resolution is in order except those printed in House Report 105–250. Those amendments may be offered only in the order printed in the report and by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 105–250.

AMENDMENT NO. 1 OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Chairman, I offer amendment No. 1, made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. LIVINGSTON:

At the end, add the following new section:

SEC. 21. EFFECTIVE DATE.

This resolution and the amendments made by it apply with respect to any complaint or information offered as a complaint that is or has been filed during this Congress.

The CHAIRMAN. Pursuant to House Resolution 230, the gentleman from Louisiana [Mr. LIVINGSTON] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland [Mr. CARDIN] be allowed to control 5 minutes, whether or not he is opposed.

The CHAIRMAN. Without objection, the gentleman from Maryland [Mr. CARDIN] will be recognized for 5 minutes.

There was no objection.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, actually this amendment is offered by the gentleman from Maryland [Mr. CARDIN] and myself in bipartisan fashion. Basically it serves to overcome an anomaly that might have been created were it not adopted, in that the moratorium, the ninth moratorium on the filing of complaints to the Committee on Standards of Official Conduct, expired last week, and unless we adopt this amendment, frankly, what it means is that the filings which came in to the committee between the ending of the moratorium and the time which these rules were amended might be considered under the old rules, or they might be considered under the new rules, but, frankly, nobody would really know, and especially the counsel for respondents would be in a disastrous position if they were required to respond to allegations against their clients under both sets of rules.

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So this is an attempt to clear that up and would simply make sure that everyone knows that any complaints coming up to the point of the adoption of this new package will be considered under this new package.

Mr. CARDIN. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would inquire of my colleague, does this amendment resolve the issue of whether or not the new rules will apply, in whole or in part, to those complaints filed in prior Congresses that may be carried over to this Congress?

Mr. LIVINGSTON. Mr. Chairman, reclaiming my time, the amendment does not specifically relate to that.

However, it is our expectation, and the understanding of all of the task force members, that in accordance with precedent the Committee will determine by majority vote which, if any, complaints filed in the previous Congress will be considered in the current term. Once accepted, it is the intent of the task force that such complaints shall be treated in all respects as if they had been accepted under the new rules, which shall then govern accordingly.

Mr. CARDIN. Mr. Chairman, if the gentleman would yield further, I agree with my cochairman's interpretation. Complaints that carry over by an affirmative vote of the committee would be considered as being in the same status as they were in the previous Congress when it adjourned. They would then proceed under the new rules in this Congress, which I believe is our understanding.

Mr. LIVINGSTON. In order to simplify that, Mr. Chairman, let me simply say that I appreciate my friend's comments, and if he has no further requests for time, I would simply say, this is a clarifying, technical amendment to make all concerned know that any further disposition of complaints will be utilized and enforced by the new rules and no preceding rules that govern Congress.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Maryland [Mr. CARDIN] is recognized for 5 minutes.

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, staff just pointed out, and let me just clarify again so it is clear, under the amendment that we have before us, although it does not directly deal with it, it is our understanding that if the committee votes to carry over a complaint, that that complaint would be considered properly filed. It would then proceed under the new rules in this Congress in the status it was at the adjournment of the last Congress.

Mr. LIVINGSTON. Mr. Chairman, if the gentleman will yield, that is correct, assuming that the committee votes by majority to accept the complaint previously filed.

Mr. CARDIN. Mr. Chairman, I concur with the cochairman's interpretation.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. LIVINGSTON].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LIVINGSTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 420, noes 0, answered "present" 1, not voting 12, as follows:

[Roll No. 408]

AYES—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Kim

NOT VOTING—12

Bonilla
Conyers
Furse
Gephardt
Gonzalez
Goss
Granger
Meek
Neumann
Oberstar
Pickering
Schiff

☐ 1405

Ms. CARSON and Mr. SUNUNU changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 105-250.

AMENDMENT NO. 2 OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Chairman, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MURTHA:

Page 9, strike line 16 and all that follows thereafter through page 10, line 10, and insert the following new section:

SEC. 9. FILINGS BY NON-MEMBERS OF INFORMATION OFFERED AS A COMPLAINT.

(a) FILINGS SPONSORED BY MEMBERS.—Clause 4(e)(2)(B) of Rule X of the rules of the House of Representatives is amended by striking "or submitted to", by striking "a complaint" and inserting "information offered as a complaint", and by amending clause (ii) to read as follows:

"(ii) upon receipt of information offered as a complaint, in writing and under oath, from an individual not a Member of the House provided that a Member of the House certifies in writing to the committee that he or she believes the information is submitted in good faith and warrants the review and consideration of the committee.

Page 10, strike line 12 and all that follows thereafter through page 11, line 23, and on line 24, strike "(b) TIME FOR DETERMINATION.—."

The CHAIRMAN. Pursuant to House Resolution 230, the gentleman from Pennsylvania [Mr. MURTHA] and a Member opposed each will control 15 minutes.

Does the gentleman from Maryland [Mr. CARDIN] rise in opposition?

Mr. CARDIN. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Maryland [Mr. CARDIN] will control 15 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me explain what I am trying to do, so Members will understand the thrust of the amendment that I am offering.

What I am concerned about, having been before the Ethics Committee and having been cleared by the Ethics Committee in a unanimous vote, a lot of people said they were on the Ethics Committee. I was before the Ethics Committee, and the process, I thought, worked very well. I was cleared with a bipartisan vote, overwhelming vote, that cleared my charges. I went through a long process. Naturally, anybody that is accused goes through a difficult process.

But I was also on the Ethics Committee for a period of time, and we had a number of cases. As some people have said in the past, most of those cases were handled in a bipartisan manner. It took a lot of argument, it took a lot of back and forth, but they were all handled fairly expeditiously.

What I worry about is frivolous complaints offered by outside groups. I am not talking about responsible outside groups. We have a lot of groups that call themselves watchdogs and so forth, and they have a legitimate status. I do not think those particular organizations would offer a frivolous complaint. But there are partisan organizations on both sides of the aisle that would offer an amendment right during an election cycle that could be very harmful to the Member.

We do not notice the publicity in Washington in most cases. There is one story about a complaint being filed, and we do not see much more about it. But that person that is accused goes through a tremendous process of news, as if the person has been indicted and convicted.

As soon as there is a newspaper report that a charge has been made, the hometown newspapers focus on that individual, and they do not say the individual is guilty, but they intimidate people and they make people believe he is guilty, and it costs tremendous amounts of money to defend yourself, because you are portrayed as the guilty person.

What I would like to see is, a Member would have to make the complaint. Now, we established the Ethics Committee for one reason. That is to police ourselves. We should police ourselves. But a Member should be convinced to offer the complaint. It is an information until the two, the chairman and vice chairman, cochairman, whatever we call the ethics top leaders now, decide on them.

I believe that one more process, due process, is important. I believe somebody on the outside should be forced to go to a Member and convince that Member. I thought it was a sham before, when you go to three Members and they do not sign a complaint. They say, I will not sign a complaint.

I believe that we have a responsibility to bring a complaint forward if we have knowledge of something that is wrong. I think Members of the House will take that responsibility. There is no question in my mind that the Members can police themselves under every circumstance.

The rules of the House are very complicated. I think a Member should take the responsibility if there is any problem, if there is information found. Too many times, a person takes a newspaper report, they take information they know nothing about, and they send it in as a frivolous report, and it means all kinds of problems for that elected official.

We have to run every 2 years. Nobody asks us to run, but our reputation is on the line. I absolutely believe it is important that, to give an individual due process, we should have to convince a Member of Congress to offer the information or the complaint.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have the deepest respect for the author of this amendment. He is a person who has fought long and hard to improve the credibility of this institution. I disagree with this amendment. I think it moves in the wrong direction.

The gentleman from Pennsylvania [Mr. MURTHA] mentioned a couple of points that I would like to directly respond to. First, he says it takes too long for us to consider complaints. I agree with him. That is why, in our resolution, we have provided to the chairman and ranking member to have but 14 days to determine whether a matter is a complaint or not, while we have 45 days of initial factfinding, and then they must do something with the complaint, so it cannot sit there indefinitely.

□ 1415

I agree with the sponsor of the amendment in that regard. The problem is that his amendment does not fit into the work of our committee. There are some additional powers that we gave the chairman and ranking member that quite frankly would not have been there but for the fact that we have direct filing of outside complaints. Those provisions are unaffected by the Murtha amendment. The amendment does not fit. It is going to cause problems for the process.

The sponsor mentioned newspaper accounts. We have a specific resume which adopts, by the way, the practice of the other body that says a newspaper account cannot be the basis of personal knowledge. So an outsider cannot use a newspaper article as the basis of filing a complaint. We specifically provide for that.

Since we have had a Committee on Standards of Official Conduct, since we have adopted the ethics rules in this House, we have permitted nonmembers to file complaints. If this amendment is adopted, it will be the first time in the history of this Chamber since we have adopted ethics procedures that we will close the doors to outsiders. I think that is wrong.

During general debate I mentioned an example of a person, staff person, and this is just a hypothetical, who has been solicited by her boss to do sexual favors for promotion. Does any of us want that person to have to shop a Member of the House in order to bring that complaint? Should that matter not be directly able to come to the Committee on Standards of Official Conduct as a complaint? Where is the dignity of a person who has a problem with a Member of being able to present it to the Committee on Standards of Official Conduct?

I know that they can present and they have other legal recourse here. That is legal recourse. We are talking about the ethical standards for Members of the House and we want our Committee on Standards of Official Conduct to be able to judge the conduct of Members of the House. As well intended as this amendment is, it denies that ability for us to be able to adequately judge our Members.

The Murtha amendment not only takes away direct filing, but it changes the current rules of the House where outside groups can have one of two ways of getting a complaint filed. One is eliminated, the other is changed by the Murtha amendment. The three-Member refusal is gone. This amendment stops it. And even the transmittal by a Member of a non-Member's complaint is changed if the Murtha amendment is adopted, because under the current rule a Member can transmit a complaint by a non-Member. Under these rules, under this amendment it would require the certification of a Member.

Once again, is it right to demand that a person who has a legitimate problem have to search out and find a Member of the House?

Let me give my colleagues one more example. A constituent receives a mailing from a Member on official stationery soliciting money for a campaign. Clearly against our rules. Now, if that constituent goes, if that happens to be a Democratic Member of Congress and it goes to another Democrat to try to transmit the amendment, we put a Democrat in a very difficult position. Goes to a Republican, it is partisan.

Why should they have to get the stamp of approval before they transmit to us and then we make the judgment? What are we afraid of? We have given the power to the chairman and ranking member, why should we close the doors after all these years?

I urge my colleagues, in the sense of fairness, we have raised the bar for non-Members filing complaints, and properly so. We have reached a fair compromise. Let us not slam the door totally and pretend that we only can present information against a Member. That is wrong. We will lose the confidence of the outside world, and rightly so. I urge my colleagues to reject the Murtha amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I thank the gentleman for yielding me this time, and I will take only a brief period of time to point out to the gentleman from Maryland in his argument that, in fact, the hypothetical that he presented does cause some concern. That is, for example, a staff member having some concern about the activities of the Member, up to and including, we hope not, some type of sexual harassment. But the dilemma that the gentleman placed us in is simply not there.

Perhaps the gentleman does not realize that when Republicans took majority control the very first act, the Congressional Accountability Act, 104th Congress—Public Law 104-1—set up the Office of Compliance so that the staff and the Member would not have to deal with this at the ethics level. The act deals with the professional employment relationships and Republicans will not tolerate a Member treating an employee in that fashion, nor should they have to go to the Committee on Standards of Official Conduct to get a solution. It is the Office of Compliance that would deal with employee complaints.

Mr. CARDIN. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, I appreciate the gentleman yielding to me, and I support the effort as it relates to the legal aspects, but that committee has no authority to discipline the Member as far as that Member's activity on the floor of this House. Only the body can do that.

Mr. THOMAS. Reclaiming my time, Mr. Chairman, I understand that, but the gentleman's argument is one that poses a dilemma which is not there. I happen to believe that the standards of official conduct, it is not called ethics, is for peer group review. And I have in the past examined materials brought to me, and when I thought it reached a particular level I sent it on to the committee. That is part and parcel of our responsibility.

Any reasonable proposal will not stop prior to reaching the Committee on Standards of Official Conduct.

My only response was to the gentleman in his hypothetical dilemma, I thought he needed to know that at the beginning of last Congress, when Republicans took control, we solved his problem.

Mr. CARDIN. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California [Ms. PELOSI], a member of the bipartisan task force.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership on this issue. It is with the highest regard for the gentleman from Pennsylvania [Mr. MURTHA], and he knows I mean that when I say this, that I regretfully rise in opposition to his amendment and for the following reasons:

The task force strove to strike a balance in terms of protecting this institution and the reputation of the Members of this institution, but having a process that was fair and open. I want my colleagues to know where we are now, what this task force does and why I think it is preferable to what the gentleman from Pennsylvania is proposing.

Right now an outside person or group can file a complaint against a Member on the strength of a newspaper article. The gentleman from Pennsylvania rightfully said in his comments that outsiders should not be able to wreak havoc on the reputations of Members of Congress on the basis of a newspaper article.

The task force agrees. That is why the task force says that in order for an outsider to file a complaint against a Member that person must have personal knowledge of the offense that he or she is complaining about. Nonmembers who file a complaint on the basis of a newspaper article do not qualify. We say it positively and we say it negatively in here.

And then an outside person can file a complaint, if they give it to a Member, if the outsider does not have personal knowledge. Members who sponsor a nonmember's filing of information offered as a complaint shall certify that the complaint is acting in good faith and that the matter described in the filing warrants the attention of the committee.

So the task force also agreed with the gentleman from Pennsylvania that the Member should have to certify to the validity of the complaint. The language the gentleman from Pennsylvania is offering, if passed by this body, would be tantamount to preventing outsiders from offering amendments unless the Member of Congress went even further.

I believe we have struck a balance. We are taking heat from both sides. The outside community thinks that the task force went too far in raising the bar for outside complaints; some Members think that that bar should be raised higher. We think the task force struck the appropriate balance, which is fair to Members, respects the reputation of the House of Representatives. With that I urge a "no" vote on the Murtha amendment.

Mr. MURTHA. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN], the chairman of the Committee on Standards of Official Conduct.

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman from Pennsylvania giving me the opportunity to speak to this amendment. I rise in strong support of this amendment. This, in my opinion, is the most important amendment we will consider. It maintains the ethics process as peer review, as our Founding Fathers envisioned it to be.

Without this amendment, each Member will be subject to complaints filed for political purposes and by election opponents and by ideological foes for the sole purpose of a headline or perhaps, more sinister, to destroy someone's reputation.

In Washington we have seen that if a legislator's agenda, based on merit or majority vote, cannot be stopped by someone, they can succeed by attacking their ethics, their reputation. The media is often a willing partner in pursuing the scandal for ideological purposes or as a way to sell their product.

Let me give my colleagues an example. In 1982, we had the big sex scandal here, where a reporter for one of the large organizations got our poor little pages back there, programmed them, got them to thinking there was all this stuff going on, and every night every one of us was subject to the idea of who are these rotten people here? Who are the bad guys?

Then what happened? After we spent $2 million of the taxpayers' dollars, these kids bowed their head and said we made it all up. The question was asked, where did you get the names to make it all up? We got them from a reporter from CBS. Did we see CBS stand up and say, gee, we're sorry we spent all that money; it was all a lie; it was all a mistake? Anyone remember seeing that? I cannot remember seeing that. To this day people do not even know that.

So it kind of bothers me, this strong, strong fourth estate who has no accountability to us at all, who will come and see us with sweet and light and nice things to say about us, then write bitter and vicious things about us. Where is their accountability? Let me say we have to make those people somewhat accountable, if we possibly can. And if we cannot, this amendment is the only salvation we have. In my opinion, this is the most important amendment I have seen brought up to this.

Article I, section 5 of the Constitution clearly provides for the Congress to punish its Members. Only Members of Congress may present a privileged resolution to this floor concerning a fellow Member. It is appropriate in an internal peer review process that House Members and only House Members are allowed to properly file complaints before the committee.

This does not mean that citizens and others are denied access to the committee. The door is not shut, contrary to what my friend from Maryland said. They are not. Anyone in the country can send information to the committee, bringing to our attention information regarding a Member or a staffer of the House.

And the committee can, keep this in mind, the committee can self-initiate a complaint against a Member when they are so inclined to do it. Two of the three investigations voted by the committee for the last Congress were initiated by information brought to the committee attention rather than by properly filed complaints to the committee.

As chairman of the committee, I do not want this agenda set by outsiders who have established a fundraiser base in Washington by writing and filing complaints against Members of Congress.

Mr. CARDIN. Mr. Chairman, I yield myself 2 minutes.

I appreciate the comments of the chair of the committee, but I think it is a bit naive to expect that if we close the door to direct filing of complaints that we are going to all of a sudden not get newspaper articles or not get matters that are brought to the public's attention through press conferences or the like about the conduct of Members of this body. That is just plain naive.

I also think we do a disservice to the Member if we do not have a reasonable process to be able to resolve the issue within our ethics process. By closing the door we tell the public we do not want to hear from them. We are a restricted group and we will take care of our own problems. That is just going to make it worse for the Members of this institution and worse for the institution.

My friend from California, Mr. THOMAS, talked about the process that we have for the violation over employee rules. That is fine, but a person who has gone through this matter should have a choice of forum. If they want to bring the matter as an ethics issue, that employee should have the opportunity to do it, and for us to say no is just plain wrong.

☐ 1430

Or to say that that employee has got to shop to find a Member of the House to certify is putting an unreasonable requirement. Please look at the underlying resolution. We changed the current rules significantly in this regard. We made a lot of progress.

I just urge my colleagues who think that this will provide better protection against unwarranted complaints, I think just the opposite will occur, that they will be closing the process, removing the public confidence, and making it more likely than less that scandals will go unabated.

We have an obligation to listen to all parties. We made a reasonable requirement for additional standards for non-Members to file complaints. It is reasonable. Please accept the bipartisan results. Let us try it. It is in the best interest of the House.

Mr. MURTHA. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. MURTHA] for yielding me the time.

I just heard an amazing statement that the gentleman from Utah [Mr. HANSEN], the chairman of the Ethics Committee, that he might be naive, because he said the Committee on Standards can initiate its own inquiry given enough information and the disposition to do so.

The fear that I have with the initiative of the gentleman from Maryland [Mr. CARDIN] and the gentleman from Louisiana [Mr. LIVINGSTON] is that they will politicize the ethics process in an election year. Every campaign check a Member gets is going to raise a flag.

Now, they think they are immunizing the process from frivolous complaints by saying "You must have personal knowledge, not a newspaper account." We have the telephone. We read something in the paper. We pick up the phone. We call somebody who is quoted. We have personal knowledge, we have the Freedom of Information Act to provide the requisite knowledge.

The fact is, if outside people can file these ethics complaints in an election year, we will have a blizzard of them filed. I do not know how the committee is going to deal with them all as they pile up. Perceptions are everything in politics. "He is under investigation by the Ethics Committee." That is all they have to say, and we have got to spend weeks defending ourselves. It is wrong.

When do we start to take into consideration the real world? Information is available from any source on the globe. The committee, which is bipartisan, Democrat and Republican, can initiate a complaint if nobody wants to do it or will do it. But we are opening the door to a flood of partisan ethics complaints in an election year. The struggle for power, the negative campaigning, all of this comes into the mix. I think we are doing a disservice to Members, because the accusations are going to be there and the truth will have a difficult time catching up with them.

Someone said that "charges and allegations fly on falcons' wings, but truth shuffles along in wooden shoes." I am just suggesting this is a serious mistake. We are injecting a political layer into what ought to be depoliticized. I think we will live to regret the consequences.

So please vote for the Murtha amendment. Take politics out of this process by supporting the Murtha amendment.

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

I hate to correct the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary. This amendment does not take us back to status quo. It does not. Currently there are procedures for non-Members to file complaints. That is eliminated. The three-Member refusal is gone. The transmittal by a Member automatically is gone.

These changes move us backward. They do not maintain the status quo. If this amendment maintained status quo, I would not have anywhere near the objection that I have. But it takes us backward, before the beginning of any rules in this House, as to the access that non-Members have in filing complaints with Congress. It is for that reason that I am so much opposed to the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield 2½ minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I hope all the Members will pay some attention to these remarks because they are personal. Every bit of the discussion to this point has been in the abstract. But I have been through this.

I have had someone attack me for no other reason than personal, political gain. I have had to go through the process of being sued for slander by someone who attacked me, who attacked my integrity, who came after me for no purpose other than to try to destroy me politically, and I had to go through it. I had to have an attorney.

Anybody who stands here and talks about an outside group being able to come into this House and make a complaint, as if we are cutting off access, people who have no desire other than to come and to take them apart, not just politically but destroy them as a person.

I am willing to submit myself at any point to the judgment of my peers in this House. But I am unwilling to open up the floodgates of the crime of slander and libel against a Member that will surely come with this. I have been through it.

I ask any Member to think about what it is like when all of this is put out in the newspapers and people ask them about it and the attack is on them, and they wake up in the middle of the night in frustration and rage, knowing that they are innocent.

I was attacked by somebody who altered a tape on the grounds that he knew what I was really saying, so he had altered the tape to make sure that everybody else would know it. He found an attorney that could come after me. And the day before the trial started, after all the depositions, after all the accusations, the suit was withdrawn. I was left to hang. And do my colleagues know what the attorney said to me? "If you want to counter sue, you are going to have to pay for that." This was done for no other purpose than for political attack.

I respect the work that was done with this. Believe me, where the gentleman from Maryland [Mr. CARDIN] is concerned, where the gentleman from Louisiana [Mr. LIVINGSTON] is concerned, no one respects them more. They have the most thankless job. I sincerely mean that. I respect this.

But the gentleman from Utah [Mr. HANSEN], the chair of the committee, has said that this will provide an agenda set by outsiders; and I guarantee my colleagues, that is what is going to happen.

The gentleman from Illinois [Mr. HYDE], the chair of the Committee on the Judiciary, has said that we have to prevent the injection of politics. And I tell my colleagues, if we do not have this amendment, we will have the injection of politics with a vengeance.

The CHAIRMAN. The Chair would indicate that the gentleman from Pennsylvania [Mr. MURTHA] now has 30 seconds remaining, and the gentleman from Maryland [Mr. CARDIN] has 4½ minutes remaining.

Mr. MURTHA. Mr. Chairman, who has the right to close?

The CHAIRMAN. It is the perception of the Chair that the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN], serving as managers of the bill under the terms of House Resolution 230, will have the right to close in the event that they control time in opposition to an amendment.

Mr. MURTHA. Mr. Chairman, I yield the remaining time to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me the time.

Mr. Chairman, I rise not in defense of any one of my colleagues who might be charged with an ethics complaint, certainly not in defense of myself should I ever suffer that fate.

I rise in defense of this institution. If my colleagues think this institution already belongs to special-interest groups because of the money that flows into politics, then dare they turn this institution to outside groups, who can hold each one of them hostage with a threat of an ethics complaint in order to get their way on this House floor?

If they want to turn this body over to the outside groups, vote against the Murtha amendment. That will do it.

If they want to preserve in this House our own obligation to police ourselves, then vote for the Murtha amendment.

Mr. CARDIN. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, we are not turning over anything to anybody outside of this institution. We are not turning over anything. The resolution before us restricts the rights of non-Members to file complaints. It is more restricted than the current rules. So let us please stick to what the facts are.

We have, we think, imposed reasonable standards on what non-Members should have to comply with in order to file a complaint with our committee. We used as precedent the rules of the other body, and in the other body non-Senators can file complaints based upon personal knowledge. They cannot be based upon newspaper accounts.

We think that is the appropriate way. We believe it is an improvement over the current system.

Mr. Chairman, we have been operating under these procedures since we adopted ethics rules in this House. Every time we have had a bipartisan effort to reform the process, we have tried to improve the process.

If this amendment is adopted, I will make two observations: It will be the first major change in our ethics rules that will be done on a partisan basis because it did not go through the bipartisan operation that we had agreed with. And it will be the first major retreat, the first major retreat and pullback of ethics procedures in this House. That would be, I think, a sad day for the House of Representatives.

I understand the frustration that the gentleman from Hawaii [Mr. ABERCROMBIE] expressed on the floor of this House. It was not an ethics complaint that caused this frustration. But I understand his frustration to be unjustly accused.

All of us have gone through being unjustly accused. All of us who serve in public life have subjected ourselves and our families to unjust accusations because, just because, of our public service. That is wrong.

The Constitution gives us the right to judge our own Members. We should require non-Members to pass a certain knowledge test before they can activate a complaint. But how we conduct the ethics process in this House is very important. And for us to say that we are going to reform it by denying direct filings, to me, is a major mistake.

I would urge each Member, as they come over to vote, to please consider what is in the best interest of this institution. We have worked in a bipartisan manner to try to reform this process. It is important that that bipartisanship continue. A vote for this amendment, I regret, will work against the bipartisan cooperation that we have had on our task force.

I urge my colleagues to vote against the Murtha amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MURTHA].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CARDIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 193, answered "present" 1, not voting 11, as follows:

[Roll No. 409]

AYES—228

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Chambliss
Chenoweth
Christensen
Clay
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
Delahunt
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Farr
Fawell
Flake
Foglietta
Foley
Forbes
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Granger
Gutknecht
Hall (OH)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas
Manzullo
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Mink
Mollohan
Moran (VA)
Murtha

Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Torres
Towns
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)

NOES—193

Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Canady
Capps
Cardin
Carson
Castle
Chabot
Clayton
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Goode
Gordon
Green
Greenwood
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaFalce
Lampson
Lantos
Leach
Levin
Lewis (GA)
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Moakley
Moran (KS)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Poshard
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer, Bob
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (MI)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—1

Kim

NOT VOTING—11

Bonilla
Furse
Gephardt
Gonzalez
Goss
McCollum
Meek
Neumann
Oberstar
Schiff
Weldon (PA)

☐ 1501

Mr. FOX of Pennsylvania and Mr. DICKS changed their vote from "aye" to "no."

Mr. CLEMENT changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 105–250.

AMENDMENT NO. 3 OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. TAUZIN:

Page 14, line 21, after the period, add the following new sentence: "If 180 calendar days have passed since a motion to establish an investigative subcommittee did not prevail, the complaint shall be dismissed without prejudice.".

Page 15, line 12, before the quotation marks, add the following new sentence: "If 180 calendar days have passed since a motion to establish an investigative subcommittee did not prevail, the complaint shall be dismissed without prejudice.".

Page 22, line 16, strike "and", on line 20, strike the period and insert "; and", and after line 20, insert the following new paragraph:

(9) if 180 calendar days have passed since a motion to establish an investigative subcommittee did not prevail, the committee shall send a letter to the complainant and the respondent stating that the complaint has been dismissed without prejudice.

The CHAIRMAN. Pursuant to House Resolution 230, the gentleman from Louisiana [Mr. TAUZIN] and a Member opposed each will control 15 minutes.

Does the gentleman from California [Mr. BERMAN] rise in opposition to the amendment?

Mr. BERMAN. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. BERMAN] will control 15 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first congratulate the House on the last vote, and also simultaneously congratulate the committee on the fine work it did in bringing this package to the floor. I believe the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN] have done this House a great service, and all committee members, in the work they have done.

However, the last vote points out that the House Members do see a need to make additional improvements in the package, and the strong vote just occurred to make sure that this process is as depoliticized as possible is an indication that Members in fact have that intent today.

I hope Members have the same intent as you examine the next issue that is embodied in this amendment.

Mr. Chairman, I think it is time we faced an ugly fact, and that ugly fact is that the ethics process over the last several Congresses, perhaps reaching back even beyond the last several, has become heavily politicized. It is one thing for honest ethics complaints to be made and addressed by our Committee on Standards of Official Conduct and eventually by the Members on this floor; it is another thing for ethics complaints to be filed purely for political purposes, meant to discredit and disarm and to take away people's credibility in this Chamber as we try to debate the issues of national import.

The ethics process is supposed to be an internal process whereby we honestly in a bipartisan manner examine the complaints that are honestly raised about Members' conduct in order to serve ethically in this Chamber.

When that process is politicized, as it has been over the last several Congresses, and I say perhaps even beyond that, to the point that ethics complaints amount to tens, and even sometimes multiples of tens complaints against Members, most of which are found to have no merit, many of which just hang around with the tie vote of Democrats and Republicans on the committee, never having that ethics complaint resolved because in fact it is tied up as a political complaint, that I think you get the picture of how badly the process dissolves into anarchy.

If we want to make this process secure, we have to reach some balances in it. We have to ensure that honest ethical complaints do in fact have time to mature at the committee, that the committee has a chance to investigate them, that information can flow in, to either decide for the committee that it must move forward on that complaint, or that it should reject it as a frivolous or political charge. That time necessary for this to happen is debatable, but this amendment speaks of it in about a 6-month time period.

It says in effect that after over 6 months of hearings or intense examination by the committee, if an ethics complaint is still deadlocked, something ought to be done. If it is clearly a real and substantial complaint, that 6-month time period will not stop its refiling nor stop its consideration by the committee. But if it is a frivolous one, tied up on a tie vote based upon politics, Democrats voting one way, Republicans voting the other way, because it is a political complaint, then it seems to many of us in this Chamber that after 6 months something ought to happen.

Now, what ought to happen? I want to point out, I did not enter this debate because I am a member of the committee. I got involved because many Members have expressed concerns about this package and have asked us to try to work to perfect it even more. I would urge Members to please follow this debate, because it is critical to the integrity of this institution and our ethics process.

Mr. Chairman, what should happen after 6 months? Should a complaint be automatically dismissed with prejudice because it is tied up on a tie vote politically? The answer is no, it should not be automatically dismissed with prejudice, because in fact it may be a good complaint. It may be that we simply cannot get past our partisan nature to deal with it, to move forward on it. So dismissing it with prejudice is, I think, a wrong option, and I have not chosen that option in this amendment.

What we have suggested in this amendment is that after 6 months, if a complaint is tied up on a tie vote, the committee cannot move forward nor backwards on it, something ought to happen. What we suggest is that it ought to be dismissed without prejudice, that a letter ought to go out to the person who is accused saying we cannot go forward or backwards; we are dismissing it without prejudice.

What happens then? If it is a frivolous complaint, it is very likely it will not get refiled the next day. If it is a serious complaint, it is very likely somebody will refile it the next day and insist that the committee take it up, and perhaps provide additional information to make sure the committee can possibly break this political deadlock.

If it is a frivolous complaint and one is the subject of that frivolous complaint, at least he will have a letter saying that after 6 months the committee could not decide to move forward or backwards on it. He has something in his hand to say that this is likely politics. If it is filed again the next day because somebody believes it is serious enough, he is going to have to deal with it again, and rightly so.

It is simply an attempt to set some time limits on these deadlocked ethics complaints that hang over one like the sword of Damocles, constantly reminding people that you perhaps may not be ethical, constantly shadowing and overshadowing your efforts to have a credible debate in this House.

I suggest there is no better way to discredit someone in politics today than to discredit them personally. That is the subject of our campaigns lately. We do not argue ideas any more. We do not argue how good we might serve in public office. Too often our campaigns are how bad the other person is and how rotten they are personally.

The ethics process has now become a part of that. We ought to deplore that trend in our ethics system in this body, because it denigrates from the integrity of this body itself.

What we are saying is if this thing is going to continue to be politicized, if frivolous political complaints are going to continue to be filed, they ought not hang out over people indefinitely. Someone in this Chamber ought to eventually get a letter saying we cannot break the deadlock, it is tied up politically at the committee, and unless someone is willing again to refile and reinstitute it, that you at least have a letter saying so, so you can properly deal with it and move on with your life and public service.

Now, is that a protection for the Member alone? The last amendment and this amendment that Members are suggesting to this package are not just designed to protect a Member against frivolously or politically motivated attacks or charges. This amendment is designed to protect this institution, because as the ethics process itself is supposed to weed out those unethical characters who arrive here, it is also designed and it is supposed to protect this institution from the political processes that have become so ugly in America, that tend to destroy the integrity and the credibility of all of us who try to work in the interests of our constituents and the national good.

I suggest to you this is a very modest amendment. It does not end a complaint that is valid. It simply after 6 months sends a letter out to the person saying at this point we are dismissing it without prejudice so that you and everybody else can know that the committee has deadlocked, it has not moved forwards or backwards. I suggest this is a good, valid improvement on the package, and I urge the adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

☐ 1515

Mr. BERMAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, it is my hope to yield time both to the chairman and the ranking member of the task force on this issue, and then to close myself in perhaps some more detail.

I just want to start off this discussion by saying that I view this amendment fundamentally differently than the other amendments that are coming before us, in that to me, I understand fully the intentions of the authors of this amendment, but in reality, when we come right down to it, if one is totally cynical and defeatist about the ability of this House to have peer review, if your commitment to the ideological and partisan battles that this House is engaged in and that this Nation is engaged in is so important that they obliterate any notions of guilt or innocence, and should it permeate and invade the entire ethics process, then you vote for this amendment.

But if we still have some hope that people of goodwill can isolate themselves from the partisan pressures and the ideological battles, and can make judgments even about their peers based on the facts in front of them and the established rules of conduct, we never want to say that by a certain period of time, either guilt or innocence automatically comes by operation of law.

This is an amendment that I think kills the ethics process in terms of what we want, because it promotes and incentivizes partisanship and deadlock throughout the whole process. So I really hope my colleagues will look at this amendment a little bit differently than we have looked at some of the other amendments that are coming before us.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

In response to my friend, let me point out, this amendment does not establish guilt or innocence. It does not say after 6 months one is either guilty or innocent. That is why the provisions of dismissal without prejudice are included in this amendment. Without prejudice means the committee makes no decision of guilt or innocence. It says, "We are deadlocked, we cannot decide." Unless one is really serious about this complaint and refiles it, we cannot handle it.

Let me make this simple statement and I hope my colleagues take it to heart. Dishonest, politically motivated complaints brought before our Committee on Standards of Official Conduct do as much damage to the integrity of this House and the political process in America as do honest complaints that are not properly handled. Dishonest, politically motivated complaints brought before our Committee on Standards of Official Conduct that hang out there, undecided, with no message coming out of the Committee on Standards of Official Conduct about what is going on, do more damage to the integrity of our process than an honest complaint that is mishandled. I believe that is true.

If we have any doubts about how ugly and how awful our politics have gotten, go back and read, I think it was a Time magazine essay several years ago which talked about the nature of our politics in America today. It said, in effect, that if we have spent all of these years on television and all of these years on 1-minutes denigrating one another personally, talking about each other's motives, talking about how awful we personally are in this process, then we have done a great job because Americans tend not to believe us all.

I used to joke when the gentleman from Louisiana [Mr. LIVINGSTON] and I ran for Governor of Louisiana, that he went around the State for a year telling people how I would make a terrible Governor, and I went around the State for a year telling them what a terrible Governor he would make, and they ended up believing both of us and they elected Buddy Roemer.

The fact of the matter is that as Democrats and Republicans talk so evil about each other, as our campaigns and our ethics complaints become so politically motivated, we destroy not just the person we attack, we destroy the entire process and the integrity of our institutions.

The Time magazine article went on to say that if Burger King and McDonald's had spent 10 years on television not telling us about how good their hamburgers were, but if they had spent 10 years on television telling us how the other guy's hamburgers were going to kill us, we would not stop eating the other guy's hamburgers, we would not eat hamburgers anymore.

That is what is happening in the American political process. Americans are convinced by Democrats that Republicans are rotten and convinced by Republicans that Democrats are rotten, and we wonder why more people are registering Independent, and we wonder why only 49 percent of Americans even chose to vote in the last Presidential election. We wonder why Americans are turned off. It is because our processes promote the kind of ugly political slander that so many of these charges before the Committee on Standards of Official Conduct have now come to represent.

All I am saying is that after 6 months the Committee on Standards of Official Conduct cannot even decide to go forward or backward on a complaint, it ought to issue this letter, not of guilt or innocence, a simple letter saying that, without prejudice, we no longer consider this complaint before us, unless somebody re-brings it because they really think it is serious. That is the least we ought to do to begin cleaning up this process, depoliticizing it, and returning to some kind of comity and respect for one another, not only as human beings but as people who dedicate their lives and their careers to public service.

I happen to enjoy my service here not just because of what I do. I happen to enjoy it because I am able to work with some of the best people I know in this country, people who sacrifice their families, their time, their money, their possibilities of great careers in other adventures in this country to spend time here in Washington debating the great issues of the day. I am proud of the great majority of my colleagues for that. I am proud and, indeed, I am excited about getting to know my colleagues and having shared this experience in public service.

Why do we keep denigrating this House? Why do we allow our ethics process to become a political process instead? Do we not have enough ugly politics in America that we have to bring it into the Committee on Standards of Official Conduct in this House? Can we not end it? Can we not adopt this little amendment that says after 6 months, if we are tied up politically over an ethics complaint, that somebody ought to get a letter saying we are tied up politically and we cannot move forward or backward and we dismiss it, without prejudice, until and unless somebody brings it forward with credible evidence, for somebody on one side or the other to agree to move forward or backward on the complaint. This is just one small effort to bring some sense, some common sense and some dignity back into our process.

Please take this amendment seriously. Please consider voting for it.

Mr. Chairman, I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I am proud to yield 5 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the task force and a man who I think has established during his tenure here his concern for the institution and for the process.

Mr. LIVINGSTON. Mr. Chairman, first of all I would like to say to the gentleman from Louisiana [Mr. TAUZIN], my friend, that the people in Louisiana made a terrible mistake back in the Governor's election. They should have chosen one of us. Second, I would say that I take my hat off to the gentleman for not only a wonderful speech but for contributing mightily to this process.

The fact is that as the gentleman from Maryland [Mr. CARDIN], my cochair, and other members of this task force have pointed out, we have sweated blood, sweat, and tears in the confection of this bill to come up with what I believe to be a very conscientious and well intentioned bill to provide protection for the Members. We do have due process rights for the Members, and at the same time provide a fabric of rules by which the standards of official conduct could be adjudicated for the whole world to see, so that it would maintain the integrity or the confidence of the American people in the integrity of the system.

I cannot say we did a perfect job. In fact, the majority of the House has now determined that we could have done a little better if we had not allowed the filing from outside Members of complaints against Members. I think that that is a significant issue to be determined by the full House and that is why I supported the rule. I do not think that was an issue that should have been handled just by even a bipartisan task force of 12 members such as we did and have that serve as the final word.

So I was delighted, especially after my friend from Louisiana came to me with very significant arguments on the merits of that particular issue and convinced me that that ought to be debated and evaluated by all the Members of the House. I commend the gentleman from Louisiana [Mr. TAUZIN] for his analytical work on not only that issue, but on this one as well. His passion surpasses anything I have heard in recent times about the need to restore faith and integrity in this body; about the need to get away from partisan politics, and it was exactly that sentiment that motivated I think most, no, all of the members of the task force, all of the staff that contributed to the product that is with us today.

I think that the gentleman from Louisiana [Mr. TAUZIN] has absolutely correctly identified the problem that has been recognized by all of the previous task forces which have devised ethics rules to be administered by the House of Representatives. Ever since the invocation of the first body of rules, I will tell my colleagues that this deadlock rule has been around.

Well, what happens if we have half of the members on one side and half of the members on the other side? Every task force up until this date has said we cannot resolve that. It does not happen very often. I dare say if we go back and talk to the members of the Committee on Standards of Official Conduct, we will find that up until this last Congress it really did not happen very frequently at all. It did happen a lot in the last Congress, and that was wrong, and it is a problem. But what do we do about it?

I say that the gentleman's solution is a significant one, but it is not one that I can endorse at this time because if it were imposed, in effect what we would have is yes, if a frivolous charge were brought against a member of one party and he were a popular member of that party, and he were able to prevail, Lord help us, on the members of the Committee on Standards of Official Conduct on his side, then they would go side with him saying it is frivolous. And the members of the other party would say that it was meaningful, and if nothing happened after 180 days it would be kicked out.

If, in fact, it were a frivolous charge, that might be a good solution, but what if it was a significant charge? What if it was a meritorious charge? What if it was a concrete, ironclad, deadlock charge, but the guy was so popular that the members of the Committee on Standards of Official Conduct decided to divide on partisan lines and do nothing?

In that case, in that case, I think an automatic dismissal of that charge, no matter how meritorious but simply because it was deadlocked, would bring disrepute upon the House of Representatives, and for that reason I cannot support it.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, if that is what this amendment did, I would not support it either. However, the amendment does not provide for automatic dismissal. In fact, it provides that if it is a major, hard rock, absolutely grounded charge, that that Member who filed it can file it the next hour, the next day. He can refile it. It simply is a process to get rid of those frivolous ones that I know my colleagues want to get rid of.

No, the gentleman from Louisiana [Mr. LIVINGSTON] has not found a good solution. Maybe I have.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. LIVINGSTON] has expired.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. BUNNING. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Kentucky.

Mr. BUNNING. Mr. Chairman, there is a solution to a deadlocked Committee on Standards of Official Conduct. It was suggested over the last 2 years many times how to get out of the dilemma of having a 5 to 5 or a 2 to 2 vote, and that was to bring the full force of the House of Representatives to decide whether it was a frivolous or whether it was a serious complaint, to bring it to the floor of the House of Representatives for a disposition of the complaint.

Unfortunately, when we brought that up at the Committee on Standards of Official Conduct, we also deadlocked on bringing it to the floor. So the fact of the matter is, there is a solution, but even then the majority or the minority, depending on who was in the majority or minority, did not want to bring it to the floor for resolution. I say that because that is a continuing problem.

Mr. TAUZIN. Mr. Chairman, my friend points out again the need for us to move to a solution.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE], the Chairman of the Committee on the Judiciary.

□ 1530

Mr. HYDE. Mr. Chairman, I will have to talk faster than I usually do.

Mr. Chairman, I say to the gentleman from California, Mr. HOWARD BERMAN, in a jury trial, if the jury is deadlocked and the judge keeps calling them out asking, Have you reached a verdict? Can you reach a verdict? After some period of time, he dismisses the jury, and the State's attorney can bring the charges again or forget it. That is what this process is doing.

Now, is 6 months too short? Do we want it 8 months? But at some period, when the jury is hung, you can't let the charges hang there forever.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, the gentleman makes my point. The judge does not start off the jury deliberations by saying, guys, I want a verdict in *x* time, and if it is not, it is automatically dismissed, because if he would, he would guarantee that the initial positions, or particularly the positions on the side of acquittal, would never change, because they know that if they hold out until that time certain, that is the result that would happen. That is why the gentleman makes my point.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. But, Mr. Chairman, the fact is, a hung jury, and the court says, can you reach a verdict? and the foreman says, Your Honor, we are hopelessly deadlocked. The judge does not keep the thing pending, he declares a mistrial, and the State's attorney can either bring the case again or go on to bigger and better things.

But bring this thing to finality, to closure, instead of keeping the jury in the jury room indefinitely.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I agree with the gentleman completely. That is why I pledge to the gentleman and to this House that, No. 1, if we are 180 days into this process and we are deadlocked, we have already failed.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, can the gentleman change the rules to accomplish what we wish to accomplish by amendment by rule?

Mr. BERMAN. The one thing I know is that if we say in the rules at the beginning that this is what will happen after 180 days, we are raising the likelihood of the deadlock massively.

And what I have told several people, and I repeat here on the floor, is that if I am in a committee meeting and we are in deadlock and people are acting in good faith, and it is a close question, because if it is a frivolous issue, the gentleman from Utah [Mr. HANSEN], the chairman of the committee, and I have dismissed it before it ever got to that full committee level, because under this task force report we have the ability to do that; but if it is a close question and we are deadlocked and we cannot work it out, long before those 180 days, this particular Member, if he is on the side of going forward with an investigation, changes his vote, because he does not want to see members hanging out to dry week after week, month after month, understanding what this means to them, their political and personal futures, and their families.

All I am saying is, 180 days or any time certain works against solving those kinds of problems.

Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. CARDIN], the ranking member or cochair of the task force, who has done a tremendous job on this whole issue.

Mr. CARDIN. Mr. Chairman, I appreciate the gentleman yielding me this time.

Mr. Chairman, the underlying resolution makes it much less likely that we are going to have a deadlock vote in the committee. We have given the chairman and ranking member a lot more ability to manage the work load of the committee. So I think the prospect of a hung jury, in all due respect, is much less under the procedures that we have in the underlying resolution.

I might also point out, as a result of the last amendment that was adopted, we are now talking about complaints filed by members. We showed a mistrust for the public in the last amendment that we adopted. Now we are saying we cannot even really have confidence that our members will bring proper complaints. Therefore, we have to have some automatic dismissal process.

Enough is enough. We have not had a hung jury in the work of the Ethics Committee since I have been on it in the last 6 years. Did we take too long to resolve issues? We did. The rules package before us deals with those concerns. On frivolous complaints, we handled them quickly. There has not been a problem there.

The ranking member is right. If you have a 6-month deadline, if you have a complaint filed against a highly visible Member of this House, that Member is not going to find it difficult to convince the members from his or her party to delay matters in order to get a dismissal. We may say it is a dismissal without prejudice, but he has this letter to wave, and the person is going to believe that the matter has been resolved. If it is not resolved, we have not done a favor to the Member.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding.

I have just made a suggestion to the gentleman from California [Mr. BERMAN], and he seemed favorably disposed. The problem is the date certain. It encourages gridlock if you have to wait for a certain date.

Let us remove the date and just say that in the pendency of a complaint, if the chairman and the ranking member together agree that a disposition is unlikely, then they shall dismiss without prejudice the pending claim. That leaves it up to you to decide, and you do not have that incentive to deadlock.

Mr. CARDIN. Mr. Chairman, reclaiming my time, the chairman and ranking member already have that power under the rules to take whatever motion they want to to the full committee.

I assume that the chairman and ranking member supporting it were not going to have a partisan deadlock in the committee, so therefore they will be able to resolve it through whatever motion they want to take to the full committee. If they want to dismiss without prejudice, the chairman and ranking member can take it to the full committee without prejudice.

Mr. HYDE. I would ask the gentleman, May we agree to make this amendment in order?

Mr. CARDIN. They do not need the amendment. They already have the power within the rules package to do it.

Mr. Chairman, for all the reasons that we have said, this well-intended amendment would only add more likelihood rather than less likelihood that we will run into a partisan deadlock.

We have provided in these rules that the chairman and ranking member have the power that the distinguished chairman of the Committee on the Judiciary would like to now reemphasize by an additional amendment. It is not necessary. The power is within the committee to so act. We have provided a lot more tools for them to be able to do it. We do not wish to put an arbitrary deadline. It will only encourage gridlock and a problem.

The last point I want to maintain, and I know the gentleman from Louisiana is well intended in his amendment, frivolous complaints have been handled quickly by this committee. To refer otherwise is just not accurate. Many of the complaints have been well debated. We came back and reached conclusions.

We have not been deadlocked in the committee. In each case it may have taken too long, but we were able to reach conclusions. If we had an automatic dismissal, it would have prevented us from continuing to do our work until we were able to reach a conclusion.

I urge my colleagues to reject the amendment.

Mr. BERMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would first like to deal with the issue raised by the gentleman from Illinois [Mr. HYDE].

Let us go through an orderly examination of the House rules and the committee rules, and then what I tell the gentleman is that his suggestion, the notion of the chair and ranking member coming forward to dismiss without prejudice, we can put that into our committee rules at our first meeting, if there is a first meeting of a full committee of the Committee on Standards of Official Conduct, and incorporate the gentleman's suggestion into those committee rules, because, to me, the gentleman's suggestion makes sense.

The gentleman from Maryland [Mr. CARDIN] says, and I think he probably is right, but I want to look at it closely, that the current rules allow that result.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Let me first thank the gentleman for his offer to do that, Mr. Chairman. With the gentleman's consent, let me take the time he has yielded to compliment him and the committee personally. This committee is one I think most of us have great confidence in.

I cannot say that about the last committee. The concern I have is, while I think the whole House has great confidence in these gentlemen, the gentleman from Maryland [Mr. CARDIN] and the gentleman from Louisiana [Mr. LIVINGSTON], and others who serve on the committee currently, the problem is that they are not always going to be here. They are not always going to be there to make sure this process does work the way it was intended. The problem is, it can get politicized again, as it was in the last committee.

All I am trying to suggest is that at some point when the gentleman is not there and when we have a committee that is more partisan than, thank God, the gentlemen have been in the way they have handled this business, what do we do after 180 days when, as the gentleman says, they have already failed and there is no disposition?

Mr. BERMAN. Reclaiming my time, I would just say, while I very much appreciate the comments and intention behind them, I am not a great believer in the "great man" theory of history. The last committee had the most difficult issue I could ever contemplate to deal with. I do not know that it pays to spend a lot of time looking at it.

All I want to say is that the gentleman is either terribly hurting the process with his amendment or he is doing very little in this automatic dismissal without prejudice.

Mr. Chairman, I urge a "no" vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BERMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 236, answered "present" 1, not voting 15, as follows:

[Roll No. 410]

AYES—181

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Granger
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
LaTourette
Lazio
Lewis (KY)
Linder
Lucas
Manzullo
McCollum
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Murtha
Myrick
Ney
Northup
Norwood
Nussle
Oxley
Parker
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Schaefer, Dan
Sessions
Shadegg
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker

NOES—236

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Chabot
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gekas
Goode
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton

Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hulshof
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
Latham
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Nethercutt
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Skaggs
Slaughter
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

ANSWERED "PRESENT"—1

Kim

NOT VOTING—15

Bonilla
Clay
Furse
Gephardt
Gonzalez
Goss
Hastings (FL)
Largent
Meek
Neumann
Oberstar
Porter
Schiff
Weldon (PA)
Young (AK)

□ 1557

Messrs. COSTELLO, WALSH, and SHIMKUS changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 105–250.

AMENDMENT NO. 4 OFFERED BY MR. BUNNING

Mr. BUNNING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BUNNING:

Page 17, strike line 22 and all that follows thereafter through page 18, line 9, and insert the following: amended in the first sentence by inserting before the period the following: ", except in the case of a subcommittee of the Committee on Standards of Official Conduct, a subpoena may be authorized and issued only when authorized by an affirmative vote of a majority of its members".

Page 18, line 21, strike "without the approval" and insert "when approved by an affirmative vote of a majority of the members".

□ 1600

The CHAIRMAN. Pursuant to House Resolution 230, the gentleman from Kentucky [Mr. BUNNING] and a Member opposed each will control 15 minutes.

Does the gentleman from Louisiana [Mr. LIVINGSTON] rise in opposition to the amendment?

Mr. LIVINGSTON. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Louisiana will control 15 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise, along with the gentleman from Hawaii [Mr. ABERCROMBIE], my Democratic colleague, to offer an amendment. The amendment is simple. And although it might seem a little technical, it gets right to the core of how an ethics investigation complaint is handled.

For my colleagues who have never had the rare pleasure of serving on the Ethics Committee, let me just quickly review how it deals with complaints.

After the committee reviews an initial complaint, it can just dismiss the complaint or it can decide that it merits deeper examination, and the committee then begins what is known as a PI, or a preliminary inquiry. In doing so, the committee forms an investigative subcommittee and outlines the scope of the subcommittee's investigative authority. But later, after digging into the complaint, if the subcommittee decides it wants to go beyond the original scope of authority granted to it, the rules are not really concise on how to proceed.

This is where our amendment comes in. The task force package would give the subcommittee power to issue subpoenas and the ability to expand its inquiry by a majority vote of the subcommittee members. Our amendment says that the subcommittee, if it decides it wants to expand its inquiry, it has to get the approval of the full committee. We also require the subcommittee to get full committee approval before issuing subpoenas.

Let me tell my colleagues how it works presently. If a subcommittee that is investigating an inquiry comes back and decides they want to issue a subpoena, the chairman and ranking member are consulted; and if the chairman and ranking member sign off, there is no vote of the full committee.

The problem occurs when the ranking member and chairman disagree on the scope and expansion or issuing a subpoena. That has happened in the last 2 years. When that occurred, the chairman brought the expanded request to the full committee. And since the investigative subcommittee had already voted to expand their scope, when we got to the full committee there was enough votes, including the subcommittee, to expand the inquiry by going back to the full committee.

Mr. Chairman, launching an Ethics Committee investigation is very weighty stuff. Expanding the scope or deciding to issue subpoenas are significant and delicate decisions that ought to be made by more than three people. It ought to be made by the full committee. They can just about be the most important decisions made in any case before the Ethics Committee. And these are calls that the entire committee needs to make, not just a handful or three members.

It is up to the full committee to decide whether or not to investigate a complaint in the first place. If the subcommittee decides to branch off into new, unchartered waters, it is hard to see why the full committee should not have to sign off on it, too.

Let me remind my colleagues that the integrity of the subcommittee in the ethics process is not jeopardized by asking the full committee to include and approve of the investigation going forward in expansion, because we are not making any judgments on the complaints that will be brought back by the full subcommittee for adjudication before the full committee.

As a 6-year veteran of the Ethics Committee, I can tell my colleagues we have wrestled with these questions over the years. They are very important. To his credit, the gentleman from Florida [Mr. GOSS], my colleague and head of the investigative subcommittee working on the Speaker's case, came back to the full committee in the last Congress when his subcommittee wanted to expand its scope. There was a difference of opinion between the chairperson and ranking member on what to do, so the chairperson brought to the full committee whether we should expand or whether we should not expand. It was definitely the right thing to do, and it is the way things ought to be handled in the future.

As I said at the outset, this probably seems like a small, even nitpicking amendment to some members. But it really gets to the heart of how the Ethics Committee works and how it investigates complaints.

Mr. Chairman, I urge very strong adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I reluctantly rise in opposition to the amendment of my friend, the gentleman from Kentucky [Mr. BUNNING], because I think that, however well-intentioned his amendment is, it does complicate the process and fly in the face of an expeditious administration of committee business as well as the fair administration of committee business.

Basically, this amendment deals with two issues: One, the expansion of the scope assigned to the subcommittee for investigation. This takes place all before the matter ever gets to the full committee for adjudication of whether or not the person did what he is charged with doing. It is the investigation of the significant issues at hand.

Now, by this time, the chairman and the ranking member have either personally agreed that it constitutes a complaint within the jurisdiction of the committee, or by action of the full committee there is agreement that it is a complaint for the purposes of investigation. So they know that there is going to be an investigation here; and the question is whether or not to expand the scope of the investigation once they have gotten so far into it, whether or not to consider more counts.

Now, under the existing rules, which have not yet been replaced by the package before us today, the rules are very vague, the rules say the subcommittee can expand if they want to expand. There really is no limitation. So we thought that was too loose. The task force believed it was proper to tighten that up. Let us make it a majority, not of the members present in the subcommittee, because if two people showed up, that would mean one person decides to expand the scope; we said, no, let us have a majority of all the members on the subcommittee.

Now, presumably, a subcommittee is comprised of either four people, two of each party. Let us make it a majority of all the people on the subcommittee. That means that we would have to have either three out of four members of the four-member subcommittee in order to expand the scope. That is a real majority. That means a bipartisan agreement to expand the scope. Otherwise, there would be no expansion of the scope.

Now, they say on expansion of scope that that is not good enough; they ought to go to the full committee and it ought to be the decision of the full committee. Why is that a bad idea? Because it flies in the face of this whole bifurcated argument.

If there is one complaint that we have heard time and time again from every Member who has ever been assigned to the task of serving on the Ethics Committee, it is "It is too much work. We cannot do it. We are down there in the basement adjudicating on this and that and everything else."

The majority of the committee was doing every case; in fact, 20 cases before the Committee on Standards of Official Conduct, every Member weighing every nuance, issuing every subpoena, weighing every little dot and jot of every single case. We said, please free us from this intolerable task.

So in 1989, the task force created subcommittees, the idea being those would be investigative subcommittees. Unfortunately, the rules were not explicit enough, and the subcommittees were kicking back the investigation to the full committee and the full committee was still doing all the cases. To this very day, they are still doing all the cases.

If the gentleman gets his way, if the amendment passes, the expansion of the scope of the issues before the subcommittee will have to go to the full committee; and, therefore, the full committee is going to have to look at the whole case anyway and they are all going to be down there with balls and chains, tied to a desk, never seeing light of day, because the whole committee is going to be doing the work that the subcommittee should be doing.

I think it is a bad idea and it destroys bifurcation. Because the subcommittee cannot investigate and then turn the adjudication of the charge over to the full committee, there is no division because the full committee already knows all the facts.

Second, the issue of subpoenas. Under the old rules, the right to issue subpoenas again was offered; well, it was a subcommittee in conjunction with the chairman and ranking member. And in this case, we are not too different; actually, the gentleman's amendment is not too different.

But we thought we would strengthen it; we would say no, let us keep the chairman or ranking member, if they are not on the subcommittee, and certainly they could serve on the subcommittee if they wanted to, and they appoint the members of the subcommittee in any event, so they know those members are going to be subject to their concerns. But if they are not actively involved in the issues being investigated in the subcommittee, let us keep them apart and let us let the subcommittee by an actual majority vote determine whether or not subpoenas should be issued, majority vote—of not the people present—but of the full subcommittee.

So, again, it has to be three out of four of the subcommittee to vote on whether or not to issue subpoenas.

Today a majority of the people present can decide, "Well, we want to issue a subpoena. We will call the chairman. If he rubber stamps it, then it is done." We actually have strengthened the process beyond what the previous rules required.

If the Bunning amendment passes, we have got to have not only a majority of the members present, but we have got to also have the consent of the chairman and the ranking member. And since they are not serving on the subcommittee in most cases, that again strikes at the heart of bifurcation.

My objections do not go strenuously to that as much as to the expansion, because I think that the expansion argument is probably the more prevalent. If the expansion argument under the Bunning amendment were accepted, in effect, we would have no bifurcation. And every member of the full committee, which has been downsized from 12 to 10, every member of the full committee will be taking an interest in every single issue and every single aspect of every single case, and they will never see the light of day because they will be locked and chained to their desk down there in the Committee on Standards of Official Conduct.

□ 1615

I do not think that is a good idea.

Mr. Chairman, I reserve the balance of my time.

Mr. BUNNING. Mr. Chairman, I yield myself 1 minute.

First of all, the way it works is that the ranking member and chairman OK subpoenas presently if a subpoena is asked for by the subcommittee chairman and ranking member.

Six years we did not have too much work. We spent too much time spinning our wheels. We did not have too much work. The work that we had, we could not resolve issues. Seventy-one of them were resolved on one Member. The subcommittee, the only time I have ever known a six-person subcommittee, was on the bank issue. All subcommittees have been four-person subcommittees over the last 2 years.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. BUNNING. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. That is why we created a jury pool, which is part of the new rule to create a four-member subcommittee.

Mr. BUNNING. I understand that. I am not objecting to the six-member jury pool.

The scope of what is investigated is determined prior to the formation of the subcommittee, not after the fact but prior to the fact.

Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. I appreciate the gentleman yielding me this time.

Mr. Chairman, I rise in strong support of this amendment and urge its adoption. This amendment requires that any expansion of the scope of an investigation be approved by the full committee. This will protect the integrity of the investigation and ensure that all members are treated the same.

Without this amendment, I can envision a situation where members being investigated for the same issue are treated differently in different subcommittees. We protect against that by requiring the full committee to approve any expansion of investigation as well as vesting subpoena power with the full committee chairman and ranking member.

Mr. Chairman, we have heard a lot about the idea that, "Oh, this is a bifurcated system. It follows the idea of a grand jury." Come on; let us get real. It does not follow bifurcation at all. I have served on that committee for 12 years. I have played it both ways. We did it all; we did it otherwise.

It is nice to pontificate on these things, but the reality is this: What happens is, they pick a subcommittee. The other members of the committee do not stand away in a new jury. They know what is going on. Of course they do.

So we could have some runaway subcommittee go ahead, they are mad at somebody, and so they are subpoenaing, they are adding things, they are expanding their scope. Somewhere there has to be a check. We have in the Constitution a check and balance. The courts check with us, and we check with the executive branch. We are back and forth on this thing. This is not the idea at all. This is to give some control over a subcommittee. Subcommittees are created by the full committee with the charter to investigate. Any time they want to deviate from that charter, they should have the approval of the full committee.

It was former Speaker Jim Wright who criticized the committee for investigating far beyond the parameters of the complaint that was filed against him. After his resignation, the ethics process was changed so that you have one group function as a grand jury and the other function as the jury. But the dangers faced by Jim Wright still exist if this amendment is not adopted.

This amendment stands for the principle that an expansion of the initial charge to an investigative subcommittee must be justified to the full committee and have its approval. Without this amendment, you risk having runaway investigations without full committee approval. Without this amendment, subcommittees examining the same issues but on different Members may, by necessity, treat different members differently.

This is an extremely important amendment. I applaud the gentleman from Kentucky [Mr. BUNNING], the sponsor of the amendment, for offering it. He speaks from experience as a former member of the subcommittee and as a former chairman of an investigative subcommittee. I strongly urge the adoption of this amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI], one who has contributed vitally to the product of the task force.

Ms. PELOSI. Mr. Chairman, I thank the chairman of our subcommittee for yielding me this time and for his leadership in the bipartisan task force.

Today is a happy day for me, Mr. Chairman, because it marks the end of my service on the task force since February but, more importantly, three terms before that, 6 years and 7, 8 months in the service of promoting the ethics of the House of Representatives. From that experience, I rise in opposition to the Bunning amendment.

We have heard the word "bifurcation" around here today. For those members who have not been paying attention before but maybe are now, that means that Congress previously agreed that we would divide the process into investigation and adjudication in terms of the work of the members of the committee. The bifurcation, or the subcommittee to do the investigation, ensured confidentiality, protected against delay, and preserved the integrity of the independent adjudication later should there have been charges brought.

I think it is very, very important for us to preserve the separation of functions within the committee. Confidentiality is served, the integrity of the investigation is served, and fairness to the Member is ensured.

With that, I urge my colleagues to vote "no".

Mr. LIVINGSTON. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. CARDIN], my cochair on the task force.

Mr. CARDIN. Mr. Chairman, let me thank the gentleman from Louisiana [Mr. LIVINGSTON] for yielding me this time. I agree with the points that he has made.

The gentleman from Kentucky [Mr. BUNNING] has been a very valuable member of the Ethics Committee. I know that his amendment is sincere. We just disagree as to what would be the most efficient way and the fairest way in which to operate the Ethics Committee.

One thing I would like to point out is that there are underlying changes that we have made in the rules that will deal with many of the problems that the gentleman from Kentucky [Mr. BUNNING] brought to our attention. Let me try to explain.

Before we have reached the point of expanding the scope of an investigation, there will have been at least three votes in the committee or by the chairman and ranking member, to protect, to make sure that this is a serious matter and certainly one that is proceeding in a nonpartisan or a bipartisan manner.

First, the chairman and ranking member have already determined that the information that was submitted is a complaint. Either one could have stopped it, but they have mutually agreed that we have a legitimate complaint that complies with the rules.

Second, the chairman and ranking member will have completed the initial factfinding and will have determined that it either should go forward for investigation or have taken it to the full committee, and the full committee has voted for it to go to investigation. So we have had a second opportunity to make sure that there is bipartisan support to proceed with an investigation.

Third, the subcommittee will have had to take action to initiate investigative powers. It cannot do it by two, it has to do it by a majority. It has to be a bipartisan issue. At each phase of that process, the respondent will have gotten written notice.

I underscore that because the gentleman from Utah [Mr. HANSEN] pointed out, and rightly so, the procedures that were available when the rules were applicable against the former Speaker Jim Wright. When those rules were in effect, there were no notice requirements to the respondent.

We have put in these rules that the respondent will know at every stage, including when a complaint is determined to be a complaint, when it goes to investigation, when the investigative powers are going to be used by the subcommittee, when the scope is being expanded; at each of those times, the respondent is entitled to written notice. That is part of the due process that has been written into these new rules.

During the Wright investigation, we did not have a bifurcated process. There was nothing to be lost by the full committee being involved in that process.

Members really need to ask themselves, what are they achieving by placing another obstacle into the subcommittee's work? What are they achieving? And what are they risking? If they require full committee action to expand scope, they risk the bifurcation.

The bifurcation means that those who investigate is a different group than those who judge. A Member is entitled to have an independent jury make the final determination whether the rules were violated or not.

The members that do the investigation cannot participate in that determination. But yet if we require the subcommittee to go to the full committee, those who are going to make the decision as to innocence or guilt on the rules violation, the subcommittee, by necessity, is going to have to disclose information that should not be disclosed and we are not going to have an objective pool in order to make judgment.

That is what the gentleman from Louisiana [Mr. LIVINGSTON] has brought out, and it does violate the bifurcation process and the due process to the Member.

The second is that when we involve more people, we run the risk for confidentiality problems.

The third risk is, it is a delay. Particularly, you have to bring the full committee back, you may be in recess, you do not know, but it is a delay. We have been talking on the floor over and over again, we do not want complaints hanging over members' heads. You want us to move more rapidly in resolving these issues.

I think the Bunning amendment, as well intended as it is, runs the risk of jeopardizing bifurcation, runs the risk of compromising confidentiality, and runs the risk of delay. What do we achieve by it? Very, very little.

Yes, there is some protection to go back to the full committee, I would grant that. But at this point, when we have already had at least three opportunities with the full Ethics Committee to have done some action on this in a bipartisan way, I think the time has come that the risks involved in confidentiality, in expediting the matter, and in protecting an independent jury pool outweigh the gain that it would be to go back to the full committee.

For all those reasons, I would urge my colleagues to reject the Bunning amendment, and let us go forward with the process that we have put into place. It will allow for a more timely consideration. It does protect the due process of a Member. We have provided much more due process to the Member than we had before these rules were adopted. I urge my colleagues to reject the amendment.

Mr. BUNNING. Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii [Mr. Abercrombie].

Mr. ABERCROMBIE. Mr. Chairman, I rise in support of the amendment.

Dear friends, we are getting to the end of this discussion, and I do not think we have ever actually taken a look at what it is we are discussing. Here it is, 1,299 closely spaced pages of small print.

I am sure the gentleman from Louisiana [Mr. Livingston] and the gentleman from Maryland [Mr. Cardin] have seen this volume. They probably see it in their dreams at night, tumbling off shelves and burying them. But the fact of the matter is that this contains the Constitution, Jefferson's Manual, and the rules and practices of the House of Representatives. That is what we are talking about.

That is why I think that this amendment that the gentleman from Kentucky [Mr. Bunning] and I are bringing forward deserves your favorable consideration. We should have the full committee if you are dealing with the two fundamental issues, whether the scope should proceed forward or whether there should be subpoenas issued, to be dealt with in the manner in which it has been discussed with this amendment.

I have been told, and I see that the Judiciary chairman is here, that if this is an amendment sponsored by the gentleman from Kentucky [Mr. Bunning] and the gentleman from Hawaii [Mr. Abercrombie], it should either pass unanimously or be defeated unanimously.

I am not quite sure how that will work out, but I think what it indicates is that this is not a partisan consideration. We are putting this forward because we believe it is in the interest of the House as an institution, because we love this body, because we have sworn an oath to uphold and defend the Constitution, and when you defend the House of Representatives, when you defend the basic fundamental integrity of the House, you are defending this Constitution, you are defending these rules. This book is as sacred as we get in a secular context in our House of Representatives in our country.

Therefore, I would like to say at this point, then, that the members, especially the gentleman from Maryland and the gentleman from Louisiana, deserve our thanks for their hard work, their levelheadedness, and I want to say their largeness of spirit. The manner in which this has been conducted is proof of that, and I am very, very grateful for this opportunity to speak on it.

All we are saying here is that only the subcommittee authority be renewed from its source when it moves into new areas of investigation. By clarifying that point, we strengthen the measure before us, we strengthen the Ethics Committee and its work, we strengthen the integrity of this House, we strengthen democracy. On that basis, dear friends, I ask for your favorable consideration of this amendment.

□ 1630

The CHAIRMAN. The gentleman from Louisiana [Mr. Livingston] has 2½ minutes remaining, the gentleman from Kentucky [Mr. Bunning] has 2¼ minutes remaining, and the gentleman from Louisiana [Mr. Livingston] has the right to close.

Mr. BUNNING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, there is no delaying the process by taking the request of the subcommittee back to the full committee. It may take 2 hours. In fact, that is exactly how long it took the last time the subcommittee came back and asked for expansion of powers. It took 2 hours to discuss it before the full committee, and we disposed of it and granted the expansion.

Second, there is no possible chance that the bifurcation, or someone investigating and someone adjudicating, would be confused or compromised by this process, because the expansion of the investigation just says to the full committee, here are the facts, we want to go forward on these facts.

The gentleman from Maryland [Mr. Cardin] brought up the fact that there are three times that the ranking member and the chairperson, whoever it is, has agreed to an investigation; once on the complaint, once on factfinding, and one other time when they send it to the subcommittee. That is true. But that does not mean that when the subcommittee finds additional information that they want to investigate, that the full committee has ever seen it.

I say that as nicely as I can, because in the determination of one case last time, the determination on punishment and compromise and settlement was made by four people. The rest of the Committee on Standards of Official Conduct did not get a chance to even hear what the settlement was and what happened, and, therefore, as a member of the Committee on Standards of Official Conduct, I knew nothing about what happened on the subcommittee level.

The respondent can be notified. I think that is a wonderful thing that they have in the Committee on Standards of Official Conduct report that we have before us.

Let me tell members, we have to make sure that the Committee on Standards of Official Conduct and its process remains. All I urge is a "yes" vote on the Bunning-Abercrombie amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Louisiana is recognized for 2½ minutes.

Mr. LIVINGSTON. Mr. Chairman, I want to compliment all the members that have come to the well to debate what I think is an incredibly important subject and which ultimately governs the way this Congress polices its own. It is not a pleasant process, but it is a necessary one, and I think that the product of the votes so far have been fair and well thought out by the membership at large.

I compliment my friend, the gentleman from Kentucky [Mr. Bunning] for his amendment. However well-intentioned it is, I think under the old rules and under the experiences that the gentleman has had under the old rules it may have been necessary, but I do not think it is necessary in the context of the package that is before the House today.

We have provided respondents subject to ethics complaints more due process than has ever been imagined before. The fact is there is ample notification, warning, opportunities for counsel and instruction, opportunities for finding out the charges against you, opportunities for agreeing to or negotiating with the people in charge of the complaints without the fear that those negotiations would be used against you. All of these various forms of due process have been built into the system so that this amendment becomes unnecessary.

If this amendment were adopted, we will see the bifurcation process disturbed and we will see a complication in the free flow of the process that becomes, I think, in some circumstances, unworkable and encourages a partisan breakdown.

For that reason, Mr. Chairman, I really think this amendment is unnecessary. I do not feel as strongly about it as I have in other instances, but I do believe that it is not necessary simply by view of the fact that we have adopted in this package wonderful due process mechanisms to serve the benefit of individual members who might be charged.

For that reason I urge the amendment be defeated and that the entire package be adopted. I understand there is going to be a motion to recommit. I would, obviously, if I get a chance to debate that, urge that it not be adopted.

Mr. Chairman, I thank all members once again for their undivided attention and cooperation in this debate.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. BUNNING].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CARDIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 194, answered "present" 1, not voting 17, as follows:

[Roll No. 411]

AYES—221

Abercrombie
Aderholt
Archer
Armey
Bachus
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
Delahunt
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Lewis (KY)
Linder
Lucas
Manzullo
Markey
Martinez
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stokes
Stump
Sununu
Tanner
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Young (FL)

NOES—194

Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Chabot
Clayton
Clement
Clyburn
Conyers
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gekas
Goode
Gordon
Green
Gutierrez
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Moakley
Moran (VA)
Morella
Nadler
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer, Bob
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Talent
Tauscher
Taylor (MS)
Taylor (NC)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—1

Kim

NOT VOTING—17

Baker
Bonilla
Clay
Foglietta
Furse
Gephardt
Gonzalez
Goss
Hastings (FL)
Lipinski
Meek
Neumann
Oberstar
Porter
Schiff
Weldon (PA)
Young (AK)

☐ 1652

Messrs. STOKES, PACKARD, and BILBRAY changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. CAMP] having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H. Res. 168), to implement the recommendations of the bipartisan House Ethics Reform Task Force, pursuant to House Resolution 230, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

MOTION TO RECOMMIT OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. CARDIN. I reluctantly oppose the resolution.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CARDIN moves to recommit the resolution H. Res. 168 to the Committee on Rules with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the resolving clause and insert the following:

SECTION 1. USE OF NON-COMMITTEE MEMBERS.

(a) RULES AMENDMENT.—Clause 6(a) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(3)(A) At the beginning of each Congress—

"(i) the Speaker (or his designee) shall designate a list of 11 members from the majority party; and

"(ii) the minority leader (or his designee) shall designate a list of 11 members from the minority party;

who are not members of the Committee on Standards of Official Conduct and who may be assigned to serve as a member of an investigative subcommittee of that committee during that Congress. Members so chosen shall be announced tothe House.

"(B) Whenever the chairman and ranking minority member of the Committee on Standards of Official Conduct jointly determine that members designated under subdivision (A) should be assigned to serve on an investigative subcommittee of that committee, they shall each select the same number of members of his respective party from the list to serve on that subcommittee.".

(b) CONFORMING RULES AMENDMENT.—Clause 6(b)(2)(A) of rule X of the Rules of the House of Representatives is amended by inserting after the first sentence the following new sentence: "Service on an investigative subcommittee of the Committee on Standards of Official Conduct pursuant to paragraph (a)(3) shall not be counted against the limitation on subcommittee service.".

SEC. 2. DURATION OF SERVICE ON THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

The second sentence of clause 6(a)(2) of rule X of the Rules of the House of Representatives is amended to read as follows: "No Member shall serve as a member of the Committee on Standards of Official Conduct for more than two Congresses in any period of three successive Congresses (disregarding for this purpose any service performed as a member of such committee for less than a full session in any Congress), except that a Member having served on the committee for two Congresses shall be eligible for election to the committee as chairman or ranking minority member for one additional Congress. Not less than two members from each party shall rotate off the committee at the end of each Congress.".

SEC. 3. COMMITTEE AGENDAS.

The Committee on Standards of Official Conduct shall adopt rules providing that the chairman shall establish the agenda for meetings of the committee, but shall not preclude the ranking minority member from placing any item on the agenda.

SEC. 4. COMMITTEE STAFF.

(a) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that:

(1)(A) The staff is to be assembled and retained as a professional, nonpartisan staff.

(B) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(C) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(D) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(E) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the committee without specific prior approval from the chairman and ranking minority member.

(F) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the committee.

(2)(A) All staff members shall be appointed by an affirmative vote of a majority of the members of the committee. Such vote shall occur at the first meeting of the membership of the committee during each Congress and as necessary during the Congress.

(B) Subject to the approval of Committee on House Oversight, the committee may retain counsel not employed by the House of Representatives whenever the committee determines, by an affirmative vote of a majority of the members of the committee, that the retention of outside counsel is necessary and appropriate.

(C) If the committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(3) Outside counsel may be dismissed prior to the end of a contract between the committee and such counsel only by an affirmative vote of a majority of the members of the committee.

(4) Only subparagraphs (C), (E), and (F) of paragraph (1) shall apply to shared staff.

(b) ADDITIONAL COMMITTEE STAFF.—In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee on Standards of Official Conduct, the chairman and ranking minority member each may appoint one individual as a shared staff member from his or her personal staff to perform service for the committee. Such shared staff may assist the chairman or ranking minority member on any subcommittee on which he serves.

SEC. 5. MEETINGS AND HEARINGS.

(a) HOUSE RULES.—(1) Clause 4(e)(3) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(3)(A) Notwithstanding clause 2(g)(1) of rule XI, each meeting of the Committee on Standards of Official Conduct or any subcommittee thereof shall occur in executive session, unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting to the public.

"(B) Notwithstanding clause 2(g)(2) of rule XI, hearings of an adjudicatory subcommittee or sanction hearings held by the Committee on Standards of Official Conduct shall be held in open session unless the subcommittee or committee, in open session by an affirmative vote of a majority of its members, closes all or part of the remainder of the hearing on that day to the public.".

(2)(A) The first sentence of clause 2(g)(1) of rule XI of the Rules of the House of Representatives is amended by inserting "(except the Committee on Standards of Official Conduct)" after "thereof".

(B) The first sentence of clause 2(g)(2) of rule XI of the Rules of the House of Representatives is amended by inserting "(except the Committee on Standards of Official Conduct)" after "thereof".

(b) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that—

(1) all meetings of the committee or any subcommittee thereof shall occur in executive session unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting or hearing to the public; and

(2) any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee shall be open to the public unless the committee or subcommittee by an affirmative vote of a majority of its members closes the hearing to the public.

SEC. 6. CONFIDENTIALITY OATHS.

Clause 4(e) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(4) Before any member, officer, or employee of the Committee on Standards of Official Conduct, including members of any subcommittee of the committee selected pursuant to clause 6(a)(3) and shared staff, may have access to information that is confidential under the rules of the committee, the following oath (or affirmation) shall be executed:

'I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the committee, except as authorized by the committee or in accordance with its rules.'

Copies of the executed oath shall be retained by the Clerk of the House as part of the records of the House. This subparagraph establishes a standard of conduct within the meaning of subparagraph (1)(B). Breaches of confidentiality shall be investigated by the Committee on Standards of Official Conduct and appropriate action shall be taken.".

SEC. 7. PUBLIC DISCLOSURE.

The Committee on Standards of Official Conduct shall adopt rules providing that, unless otherwise determined by a vote of the committee, only the chairman or ranking minority member, after consultation with each other, may make public statements regarding matters before the committee or any subcommittee thereof.

SEC. 8. CONFIDENTIALITY OF COMMITTEE VOTES.

(a) RECORDS.—The last sentence in clause 2(e)(1) of rule XI of the Rules of the House of Representatives is amended by adding before the period at the end the following: ", except that in the case of rollcall votes in the Committee on Standards of Official Conduct taken in executive session, the result of any such vote shall not be made available for inspection by the public without an affirmative vote of a majority of the members of the committee".

(b) REPORTS.—Clause 2(l)(2)(B) of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to votes taken in executive session by the Committee on Standards of Official Conduct.".

SEC. 9. FILINGS BY NON-MEMBERS OF INFORMATION OFFERED AS A COMPLAINT.

(a) FILINGS SPONSORED BY MEMBERS.—Clause 4(e)(2)(B) of rule X of the Rules of the House of Representatives is amended by striking "or submitted to", by inserting "(I)" after "(i)", by striking "a complaint" and inserting "information offered as a complaint", and by adding after subdivision (I) the following new subdivision:

"(II) upon receipt of information offered as a complaint, in writing and under oath, from an individual not a Member of the House provided that a Member of the House certifies in writing to the committee that he or she believes the information is submitted in good faith and warrants the review and consideration of the committee, or".

(b) DIRECT FILING.—Clause 4(e)(2)(B)(ii) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(ii) upon receipt of information offered as a complaint, in writing and under oath, directly from an individual not a Member of the House.".

SEC. 10. REQUIREMENTS TO CONSTITUTE A COMPLAINT.

(a) Procedural Requirements.—The Committee on Standards of Official Conduct shall amend its rules regarding procedural requirements governing information submitted as a complaint pursuant to clause 4(e)(2)(B)(ii) of rule X of the Rules of the House of Representatives to provide that—

(1) an individual who submits information to the committee offered as a complaint must either have personal knowledge of conduct which is the basis of the violation alleged in the information, or base the information offered as a complaint upon—

(A) information received from another individual who the complainant has a good faith reason to believe has personal knowledge of such conduct; or

(B) his personal review of—

(i) documents kept in the ordinary course of business, government, or personal affairs; or

(ii) photographs, films, videotapes, or recordings;

that contain information regarding conduct which is the basis of a violation alleged in the information offered as a complaint;

(2) a complainant or an individual from whom the complainant obtains information will be found to have personal knowledge of conduct which is the basis of the violation alleged in the information offered as a complaint if the complainant or that individual witnessed or was a participant in such conduct; and

(3) an individual who submits information offered as a complaint consisting solely of information contained in a news or opinion source or publication that he believes to be true does not have the requisite personal knowledge.

(b) Time for Determination.—The Committee on Standards of Official Conduct shall amend its rules regarding complaints to provide that whenever information offered as a complaint is submitted to the committee, the chairman and ranking minority member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the committee's rules for what constitutes a complaint.

SEC. 11. DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING PROPERLY FILED COMPLAINTS.

(a) Committee Rules.—The Committee on Standards of Official Conduct shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the chairman and ranking minority member determine that information filed meets the requirements of the committee's rules for what constitutes a complaint, unless the committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the committee extend the applicable 45-calendar day or 5-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1).

(b) House Rules.—Clause 4(e)(2)(A) of rule X of the Rules of the House of Representatives is amended by inserting "(i)" after "(A)", by striking "and no" and inserting "and, except as provided by subdivision (ii), no", and by adding at the end the following:

"(ii)(I) Upon the receipt of information offered as a complaint that is in compliance with this rule and the committee rules, the chairman and ranking minority member may jointly appoint members to serve as an investigative subcommittee.

"(II) The chairman and ranking minority member of the committee may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the chairman or ranking minority member has placed on the committee agenda the issue of whether to establish an investigative subcommittee.".

(c) Disposition of Properly Filed Complaints by Chairman and Ranking Minority Member if No Action Taken by Them Within Prescribed Time Limit.—The Committee on Standards of Official Conduct shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the committee rules for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subsection (a), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

(d) House Rules.—Clause 4(e)(2)(B) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new sentences:

"If a complaint is not disposed of within the applicable time periods set forth in the rules of the Committee on Standards of Official Conduct, then the chairman and ranking minority member shall jointly establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee,then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.".

SEC. 12. DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING INFORMATION NOT CONSTITUTING A COMPLAINT.

The Committee on Standards of Official Conduct shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee does not meet the requirements for what constitutes a complaint set forth in the committee rules, they may—

(1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the committee's rules; or

(2) recommend to the committee that it authorize the establishment of an investigative subcommittee.

SEC. 13. INVESTIGATIVE AND ADJUDICATORY SUBCOMMITTEES.

The Committee on Standards of Official Conduct shall adopt rules providing that—

(1)(A) investigative subcommittees shall be comprised of 4 Members (with equal representation from the majority and minority parties) whenever such subcommittee is established pursuant to the rules of the committee; and

(B) adjudicatory subcommittees shall be comprised of the members of the committee who did not serve on the investigative subcommittee (with equal representation from the majority and minority parties) whenever such subcommittee is established pursuant to the rules of the committee;

(2) at the time of appointment, the chairman shall designate one member of the subcommittee to serve as chairman and the ranking minority member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee or adjudicatory subcommittee; and

(3) the chairman and ranking minority member of the committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex officio members.

SEC. 14. STANDARD OF PROOF FOR ADOPTION OF STATEMENT OF ALLEGED VIOLATION.

The Committee on Standards of Official Conduct shall amend its rules to provide that an investigative subcommittee may adopt a statement of alleged violation only if it determines by an affirmative vote of a majority of the members of the committee that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred.

SEC. 15. SUBCOMMITTEE POWERS.

(a) Subpoena Power.—

(1) House rules.—Clause 2(m)(2)(A) of rule XI of the Rules of the House of Representatives is amended—

(A) in the second sentence by striking "The" and inserting "Except as provided by the next sentence, the"; and

(B) by inserting after the second sentence the following new sentence: "In the case of the Committee on Standards of Official Conduct or any subcommittee thereof, a subpoena may be authorized and issued by the committee only when authorized by a majority of the members voting (a majority being present) or by a subcommittee only when authorized by an affirmative vote of a majority of its members.".

(2) Committee rules.—The Committee on Standards of Official Conduct shall adopt rules providing that an investigative subcommittee or an adjudicatory subcommittee may authorize and issue subpoenas only when authorized by an affirmative vote of a majority of the members of the subcommittee.

(b) Expansion of Scope of Investigations.—The Committee on Standards of Official Conduct shall adopt rules providing that an investigative subcommittee may, upon an affirmative vote of a majority of its members, expand the scope of its investigation without the approval of the committee.

(c) AMENDMENTS OF STATEMENTS OF ALLEGED VIOLATION.—The Committee on Standards of Official Conduct shall adopt rules to provide that—

(1) an investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its statement of alleged violation anytime before the statement of alleged violation is transmitted to the committee; and

(2) if an investigative subcommittee amends its statement of alleged violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended statement of alleged violation.

SEC. 16. DUE PROCESS RIGHTS OF RESPONDENTS.

The Committee on Standards of Official Conduct shall amend its rules to provide that—

(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

(2) neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present;

(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the committee's rules;

(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing;

but the failure of respondent and his counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

(5) a respondent shall receive written notice whenever—

(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

(B) a complaint or allegation is transmitted to an investigative subcommittee;

(C) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(D) an investigative subcommittee votes to expand the scope of its investigation;

(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

SEC. 17. COMMITTEE REPORTING REQUIREMENTS.

The Committee on Standards of Official Conduct shall amend its rules to provide that—

(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives; and

(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the committee—

(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(B) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subparagraph (B), and the committee shall make the report together with the respondent's views available to the public before the commencement of any sanction hearing; and

(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (B) and any additional views respondent may submit for attachment to the final report; and

(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.

SEC. 18. REFERRALS TO FEDERAL OR STATE AUTHORITIES.

Clause 4(e)(1)(C) of rule X of the Rules of the House of Representatives is amended by striking "with the approval of the House" and inserting "either with the approval of the House or by an affirmative vote of two-thirds of the members of the committee".

SEC. 19. FRIVOLOUS FILINGS.

Clause 4(e) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(5)(A) If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee on Standards of Official Conduct, the committee may take such action as it, by an affirmative vote of a majority of its members, deems appropriate in the circumstances.

"(B) Complaints filed before the One Hundred Fifth Congress may not be deemed frivolous by the Committee on Standards of Official Conduct.".

SEC. 20. TECHNICAL AMENDMENTS.

The Committee on Standards of Official Conduct shall—

(1) clarify its rules to provide that whenever the committee votes to authorize an investigation on its own initiative, the chairman and ranking minority member shall establish an investigative subcommittee to undertake such investigation;

(2) revise its rules to refer to hearings held by an adjudicatory subcommittee as adjudicatory hearings; and

(3) make such other amendments to its rules as necessary to conform such rules to this resolution.

SEC. 21. EFFECTIVE DATE.

This resolution and the amendments made by it apply with respect to any complaint or information offered as a complaint that is or has been filed during this Congress.

Mr. CARDIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD; and pending that, I ask unanimous consent that the motion to recommit be debatable for 4 minutes, equally divided and controlled by myself and a Member in opposition thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. Without objection, the motion is considered as having been read and printed in the RECORD.

There was no objection.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. CARDIN] is recognized for 2 minutes.

Mr. CARDIN. Mr. Speaker, the motion to recommit will return the rule to the original resolution approved by the bipartisan task force. It would include the manager's amendment, but none of the other amendments. It will give this House a chance to vote on the rules package that was approved in a bipartisan manner.

Mr. Speaker, this will be the last opportunity that this House will have to reform the ethics process in a bipartisan manner. We have had a good debate on the floor. I think the issues have been well debated. I would hope that in the end the Members of this House would understand that it is not in our interests to amend the rules when the amendments are being passed by such a lopsided, partisan majority. That does not further the process. Ethics changes should be worked out in a bipartisan manner.

There is a lot of good in this resolution. The original report is what should be approved by this House. I would urge my colleagues to support the motion to recommit so that we can pass a bipartisan change in our rules package.

Mr. Speaker, I yield back the balance of my time.

□ 1700

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the views of my friend, who has served so diligently as cochair of this incredibly tough task force. Had I had it within my power to go back and reverse time, I would never have served on this task force. But I have.

At various times in this debate, I have had Members on the other side of the aisle say they would never vote for the final package if some amendments passed, and have had Members on this side say, I would never vote for this vital package if other amendments passed, or did not pass.

The fact is, this body, in bipartisan fashion, has tackled three tough amendments and has voted. Members on both sides have voted for and against all three amendments. It is impossible to say that what has happened today has been a partisan diatribe.

We now have the first bipartisan revision of the task force rules, of the rules for the Committee on Standards of Official Conduct, that have passed the House of Representatives since 1989. We have a solid revision. We have one that provides for expedited processing and enhanced due process, it raises the standard to charge that a violation has occurred to a substantial standard, and prohibits frivolous filings.

It is an important package. It is a bipartisan package. I believe that it is the best package, now that the Members have had a chance to vote on all three amendments, regardless of the outcome. I urge the defeat of the motion to recommit and the passage of the final package.

The SPEAKER pro tempore (Mr. CAMP). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CARDIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he may reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—ayes 176, noes 236, answered "present" 1, not voting 20, as follows:

[Roll No. 412]

AYES—176

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Bonior
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Chabot
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Gejdenson
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hefner
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Nadler
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—236

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Borski
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

ANSWERED "PRESENT"—1

Kim

NOT VOTING—20

Baker
Bonilla
Clay
Flake
Foglietta
Furse
Gephardt
Gonzalez
Goss
Hastings (FL)
Hilliard
Lipinski
Meek
Neumann
Oberstar
Porter
Schiff
Smith, Adam
Weldon (PA)
Young (AK)

□ 1717

Messrs. KINGSTON, GILLMOR, ARMEY, and DICKS changed their vote from "aye" to "no."

Mr. MORAN of Virginia changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CAMP.) The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LIVINGSTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 258, noes 154, answered "present" 1, not voting 20, as follows:

[Roll No. 413]

AYES—258

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Boucher
Brady
Brown (CA)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
Delahunt
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCarthy (MO)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Wicker
Wolf
Young (FL)

NOES—154

Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Boswell
Boyd
Brown (FL)
Brown (OH)
Buyer
Capps
Cardin
Carson
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Ford
Frank (MA)
Franks (NJ)
Gejdenson
Goode
Gordon
Green
Gutierrez
Hamilton
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kucinich
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Moakley
Moran (VA)
Nadler
Neal
Obey
Olver
Owens
Pallone
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Rangel
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer, Bob
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Whitfield
Wise
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—1

Kim

NOT VOTING—20

Abercrombie
Baker
Bonilla
Clay
Foglietta
Furse
Gephardt
Gonzalez
Goss
Hastert
Hastings (FL)
Lipinski
Meek
Neumann
Oberstar
Porter
Schiff
Smith, Adam
Weldon (PA)
Young (AK)

□ 1732

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to recommit was laid on the table.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, on rollcall No. 413, I was unavoidably detained at a committee hearing. Had I been present, I would have voted "aye."

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2160, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–255) on the resolution (H. Res. 232) waiving points of order against the conference report to accompany the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, September 18, 1997, to file a conference report on the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PRIVILEGES OF THE HOUSE—RESTRICTING FLOOR PRIVILEGES OF FORMER REPRESENTATIVE ROBERT DORNAN PENDING RESOLUTION OF ELECTION CONTEST IN 46TH DISTRICT OF CALIFORNIA

Mr. MENENDEZ. Pursuant to clause 2 of rule IX and by agreement with the majority leader, Mr. ARMEY, I hereby give notice of my intention to offer a privileged resolution.

The form of the resolution is as follows:

HOUSE RESOLUTION 233

Whereas the privilege of admission to the Hall of the House or rooms leading thereto is subject to the requirements of proper decorum;

Whereas concern has arisen that the privilege of admission to the Hall of the House or rooms leading thereto has become the subject of abuse;

Whereas Representative Menendez of New Jersey has given notice pursuant to clause 2 of rule IX of his intention to offer a question of the privileges of the House addressing that concern;

Whereas these circumstances warrant an immediate affirmation by the House of its unequivocal commitment to the principle that every person who exercises the privilege of admission to the Hall of the House or rooms leading thereto assumes a concomitant responsibility to comport himself in a manner that properly dignifies the proceedings of the House; Therefore be it

Resolved, That the Sergeant-at-Arms is instructed to remove former Representative Robert Dornan from the Hall of the House and rooms leading thereto and to prevent him from returning to the Hall of the House and rooms leading thereto until the election contest concerning the forty-sixth district of California is resolved.

The SPEAKER. Pursuant to rule IX, the Chair determines that this is the appropriate time to call up the resolution.

Mr. MENENDEZ. Mr. Speaker, I offer a resolution raising a question of the privileges of the House.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. In the opinion of the Chair, the resolution constitutes a question of the privileges of the House.

PREFERENTIAL MOTION OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Speaker, I have a preferential motion at the desk.

The SPEAKER. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. STEARNS moves to lay the resolution offered by Mr. MENENDEZ on the table.

The SPEAKER. The question is on the motion to table offered by the gentleman from Florida [Mr. STEARNS].

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. STEARNS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 86, noes 291, answered "present" 3, not voting 53, as follows:

[Roll No. 414]

AYES—86

Aderholt
Barr
Bartlett
Barton
Bliley
Bono
Burton
Buyer
Calvert
Campbell
Chabot
Chenoweth
Cox
Crane
Crapo
Cubin
Cunningham
Doolittle
Dreier
Duncan
Dunn
Everett
Ewing
Fawell
Foley
Gekas
Hefley
Herger
Hostettler
Hunter
Hyde
Johnson, Sam
Kim
Kingston
Largent
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
McCollum
McIntosh
McKeon
Metcalf
Mica
Nethercutt
Norwood
Packard
Paul
Paxon
Pease
Pickering
Pombo
Radanovich
Redmond
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Tauzin
Thomas
Thornberry
Tiahrt
Weldon (FL)
Whitfield
Wicker
Wolf

NOES—291

Abercrombie
Ackerman
Allen
Andrews
Armey
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Canady
Capps
Cardin
Carson
Castle
Christensen
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
Lazio
Leach
Lewis (GA)
LoBiondo
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (TX)
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tauscher
Taylor (MS)
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weller
Wexler
Weygand
Wise
Wynn
Yates
Young (FL)

ANSWERED "PRESENT"—3

Ehlers
Ney
Sanchez

NOT VOTING—53

Archer
Baker
Ballenger
Berry
Bilbray
Bonilla
Bryant
Bunning
Burr
Callahan
Cannon
Chambliss
Clay
Coble
Coburn
Collins
Cooksey
Cramer
Deal
Foglietta
Fowler
Furse
Gallegly
Ganske
Gephardt
Gonzalez
Goss
Hastings (FL)
Hinchey
LaTourette
Levin
Lipinski
Luther
Manton
McCrery
McInnis
Meehan
Meek
Moakley
Myrick
Neumann
Oberstar
Porter
Schiff
Smith, Adam
Tanner
Taylor (NC)
Thompson
Wamp
Weldon (PA)
White
Woolsey
Young (AK)

□ 1756

Mr. CAMP, Ms. RIVERS, and Mr. FOX of Pennsylvania changed their vote from "aye" to "no."

Messrs. LINDER, CUNNINGHAM, and PAXON changed their vote from "no" to "aye."

So the motion to table was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The gentleman from New Jersey [Mr. MENENDEZ] is recognized for 30 minutes.

Mr. MENENDEZ. Mr. Speaker, I ask unanimous consent that debate on this resolution be limited to 20 minutes equally divided and controlled by myself and the gentleman from New York [Mr. SOLOMON] for the purposes of debate only.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MENENDEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first thank all of my colleagues on both sides of the aisle who did not permit the motion to table to take place, to pass, so that we could have this opportunity. Failure to do so would have not allowed a Member to be able to pursue the only vehicle that a Member of this body has to enforce the decorum of the House. I want to ask for Members' further support of this resolution so that we make clear for ourselves and to the American people watching us that profanities, insults, and name-calling are not under any circumstance or for any reason accepted in this House or inside this Chamber ever.

□ 1800

Working with the Republican leadership, I changed the resolution I originally introduced in order to depersonalize the language, because when the rules of the House are broken, it is not just personal, it affects the whole institution.

Yesterday, nothing less than the integrity of the House was undermined by former Congressman Dornan. In the course of representing my constituents, exercising my rights as an elected representative of the people and a Member of this House to debate on the House floor, and asking a valid parliamentary inquiry that did not name any individual by name, Mr. Dornan verbally assaulted me. He used profane language, accused me of religious bigotry, called my integrity into question, and, by the tone of his voice and the context of his remarks, clearly attempted to lure me off the floor into a physical altercation.

By doing so, Mr. Dornan abused his privileges as a former Member of the House of Representatives and conducted himself on the floor in a manner which brings discredit to the House.

Now, earlier today some of my colleagues called the event alleged, implying the facts of the case are in doubt. But I would remind my colleagues that there were several witnesses, and many of you have come over on the Republican side of the aisle to tell me that you not only saw, but heard what I have said. And those included on my side of the aisle the gentlewoman from Connecticut [Ms. DELAURO] and the gentleman from Colorado [Mr. SKAGGS], among others.

Even beyond that, the Los Angeles Times reported today that Mr. Dornan admitted to using a profane term, called me an anti-Catholic and a coward, and that conduct alone, to which Mr. Dornan has publicly admitted, publicly admitted, is enough to constitute a gross violation of the House rules. So the event in question, my colleagues, is not alleged, it is publicly admitted to by Mr. Dornan himself.

Now, if this were not bad enough, Mr. Dornan further admitted to asking me to step outside the Chamber with him. On that last count we have a difference of opinion. He believes he just wanted to have a civil conversation. But if all he wanted was a civil conversation, why would he have used the insults and profanity preceding that request? In that context, with the tone of voice he used, no reasonable person could interpret Mr. Dornan's remarks as anything other than a lure into a physical fight.

Another Member took to the floor earlier today and said we should just realize that "Dornan is Dornan." But that implies that each Member or former Member can set his or her own standard of conduct, depending on their personality or how big a temper they might have. In this House, I believe there is one standard of conduct that applies to all of us.

Others praise Mr. Dornan's record of fighting communism, and I do not dispute that. But I, too, have dedicated much of my public life to fighting communism. Members of my family were persecuted by Communists. They came to this country fleeing persecution, because they knew America was the birthplace of modern democracy. I grew up in awe of this Congress and had no prouder day, save the birth of my children, than when I took my oath of office in this Chamber for the very first time.

I have spent much of my public life fighting oppression and intimidation, at home and abroad, using our great institutions as shining examples of freedom and integrity and democracy in action, and I believe my colleagues who have worked with me on both sides of the aisle on these issues know the depth of my sincerity and commitment. That is why it is hard to think of a sadder moment in my public life than when I was accosted on the House floor in the very exercise of democratic debate on behalf of the people I represent, not sad because of what Bob Dornan said to me but because of what Bob Dornan did to this institution we all care about so deeply and to what it stands for.

An assault against a Member of this body in the practice of his or her democratic duties is an assault against the whole House, the whole institution, not just one Member; and if we allow it to stand, we have lessened the standards of the whole institution. Not just the honor of a single representative is lessened.

In fact, the standards we set here send a message that travels far beyond the halls of this House. How can we talk about family values if we allow this sort of behavior to stand on the House floor? What kind of example does that set for our children, that profanities and threats are the way to solve differences of opinion? I must believe that we are all above that.

For the sake of this House, to preserve our standards and our rules of conduct, to set a worthy example for all of our children, I ask all of my colleagues to stand with me today in support of this resolution; to say that we will never tolerate insults, profanity, name-calling or threats in this Chamber, from anyone of either party, former Member or current Member.

Should there be a vote to once again table this resolution, it would in essence take away a Member's right to have the rules of the House enforced. When I made parliamentary inquiries and ultimately conferred, this is the only way I am told I get to enforce, or Members get to enforce someday if they are unfortunate to have a circumstance, the decorum of the House.

If we table it, no Member can ever get to that point. Our rules only have meaning if we stand behind them and are willing to enforce them.

Our standard of behavior is only as good as our willingness to uphold it. This is a vote to decide where we stand on the integrity of this House. A vote for a motion to table or against the ultimate resolution is a vote to turn our backs on the rules of decorum in the conduct of this institution.

A vote against a motion to table and for the resolution affirms that only the highest standards of conduct and decorum and respect for democracy are allowed in this Chamber. That is what this House should stand for; that is what I expect my colleagues to join with me in voting for.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I would rise to claim the time, and yield myself such time as I may consume, wearing two hats, and they are difficult hats at best.

I rise in one capacity having been on the floor and having witnessed the questionable behavior of my good friend, and he is a good friend, Mr. Dornan, and another good friend the gentleman from New Jersey [Mr. MENENDEZ], who I have worked with on many issues, and because of witnessing that behavior I support the resolution, all except the last two words of the resolution.

First of all, I think that Mr. Dornan should be removed from the Chamber because his action, his behavior, was not that of a Member of this Congress or a former Member who respects all Members of this body, and if we are going to serve in this body, we must always remember to do that.

However, there is another issue, and I rise as chairman of the Committee on Rules to point it out to Members. This is the concern that I have, because in the last two words of the resolution we are changing the rules of the House.

We are not changing the rules of the House for one Member or one former Member, but we are changing the rules of the House for an individual, who may or may not have been a Member or former Member, but a contestant in an election.

Let me just read to you the resolve clause. It says, "Resolved that the Sergeant at Arms is instructed to remove former Representative Bob Dornan from the Hall of the House and rooms leading thereto," et cetera, et cetera, "until the election contest concerning the 46th District of California is resolved."

Now, we all know when there is a contested election, under rule XXXII of the House, and this has been the rule for as long as I have been here, for 20 years, and for many years before that, the rule states, "The persons hereinafter named and none other shall be admitted to the Hall of the House," and it lists various officers of this body. Then it goes on to say, "and contestants in election cases during the pendency of their cases in the House."

Mr. Speaker, in a court of law, and I am not a lawyer, but one has a right to representation, one has a right to be heard; and this resolution, my concern about it is that we are not just removing Mr. Dornan from the floor of this Congress as a former Member, but we go that one big step further and we remove him even on the day that this matter might come before this body and be contested, and that person, whoever that person might be, he may never have been a Member of Congress or a former Member, but that person has the right to be here on the floor to argue for his case.

I do not know what can be done about the resolution at this late date. I want to support the resolution. I support all of the "Whereas's," I support the "Resolved."

As a matter of fact, if I could just take one last minute to read a portion of the letter from Mr. Dornan to the Speaker, Speaker GINGRICH, it says, "To avoid any further opportunity for Members to demagogue my legitimate contest, I will not use my floor privileges until the House Oversight Committee has ruled on my challenge and the case moves to the full House for consideration."

In other words, he already, as Members all saw when I escorted him off the floor after that incident took place, agreed not to come back on this floor until that time.

So, Mr. Speaker, I do not know what can be done about it. I guess I will have to vote against the resolution, because it contains the clause "is resolved," which means he could not be here as an individual American citizen to argue his case on the floor, should that ever come to pass.

I guess I would just ask the gentleman from New Jersey [Mr. MENENDEZ] if he would consider amending those last two words to instead of saying "is resolved," if he could just say "is taken up on the floor of the House of Representatives."

That means Mr. Dornan could not have the opportunity or the right to come on this floor if and until the matter ever came to the floor to be argued on that particular day.

Mr. MENENDEZ. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. First of all, I appreciate the gentleman's comments as they relate to the overall question of the decorum of the House. I appreciate on that day his assistance, so to speak, to make sure that we did not have a worse set of events.

I read that "resolved" clause in a different way. It does not say anybody else. It specifically refers to Mr. Dornan. Clearly if the Committee on House Oversight determines that there is to be an election contest, in my view that is a resolution, in which case his rights under the statute or under the rules would be preserved.

It is not my intention to prohibit him from an election contest, should the Committee on House Oversight determine in fact that there is an election contest to take place, which it has not determined. It was my intention, and that is why I believe when I say "is resolved," it would be resolved once the committee determines either there is no contest or there is a contest, and then when there is a contest he would, in fact, have the right to be able to pursue his rights as a contestant, not as a former Member. That is the intention and the manner in which we have worded it.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, if I might not use any more of my time, because I have other Members that want to be heard, but propound a question to the Chair: Is it the Chair's understanding that should a resolution be brought to this floor, where there would be a contested election on the floor of this body, that this individual, this American citizen, then would be allowed to be on the floor to argue his case?

The SPEAKER. The Chair may have the option at that time of relying on the legislative history of the debate as it is occurring. The gentleman who offered the privileged resolution has explained in the RECORD his interpretation of that resolution, that it would not block a contestant in that contest from being on the floor during pendency of a resolution on that day in an appropriate manner. Therefore, the Chair will certainly take it under advisement at that time and believes it is helpful.

Mr. SOLOMON. I thank the Speaker.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I was going to say something, but I think the Speaker has clarified the interpretation the Chair will make. I will say in terms of a record, though I have not had the opportunity of conferring with the gentleman from Connecticut [Mr. GEJDENSON] and I have conferred with the gentleman from New Jersey [Mr. MENENDEZ], it was clearly not the intent of the resolution, as I understand from Mr. MENENDEZ, to obviate any contestant's right to appear on the floor at the time the contest is considered. We agree with the chairman of the Committee on Rules in that regard.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, I certainly appreciate the cooperation, because I just do not believe we ought to be changing the rules of the House for anyone, any contestant, that would have the opportunity to come to this floor.

□ 1815

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I wonder if the gentleman from New Jersey [Mr. MENENDEZ] might consider a slight modification, and that is if, by unanimous consent, we could strike the words "is resolved," and replace those words "is resolved" with the words, "except during the pendency of the contest."

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I presume what the gentleman is talking about is pendency of the contest itself actually on the floor, because obviously the contest is pending now.

I would suggest, as I understand the Speaker's ruling, the Speaker would specifically interpret what the gentleman from Texas [Mr. ARMEY] has suggested, and therefore, the gentleman would suggest that in light of the record as referred to by the Speaker that has been made here on the floor, that the resolution itself need not be changed, when we clearly have agreement that during the contest itself, under the Federal Contest Election Act, and under the Rules of the House, as pointed out by the chairman of the Committee on Rules, Mr. Dornan could in fact have the privilege of his presence.

Mr. MENENDEZ. Mr. Speaker, if the gentleman would yield in response to his question.

Mr. SOLOMON. Mr. Speaker, I would like to yield to the gentleman from Massachusetts [Mr. FRANK] just briefly.

Mr. FRANK of Massachusetts. Mr. Speaker, I think there is a point that pendency may be broader than was intended, but I think there was agreement that what we are talking about, and let me say I was thinking of those words, "during the consideration of the committee's report," that during consideration of the committee's report on the floor of the House, if that could be redone by unanimous consent, that that would solve it; that there would be a bar except during consideration of the committee report on the floor, while the report is itself the pending matter of business on the floor of the House, and I would think that would be sufficient.

Mr. SOLOMON. Mr. Speaker, I would inquire of the gentleman from New Jersey [Mr. MENENDEZ] if he would support that.

Mr. MENENDEZ. Mr. Speaker, if the gentleman would yield, I think that as the Speaker stated, the legislative history here is clear. It is my clear intention not to have that take place, but I do not want to start amending and worrying about the extent to which we broaden the scope beyond what is intended under the statute, which as the gentleman from Massachusetts [Mr. FRANK] just discussed, I am in complete agreement with what he just discussed, as long as it is during the actual contest on the floor.

Mr. SOLOMON. Would the gentleman then accept that amendment?

Mr. MENENDEZ. At this time I do not know the exact wording.

Mr. ARMEY. Mr. Speaker, if the gentleman would yield.

The SPEAKER. The time of the gentleman from New York [Mr. SOLOMON] has expired.

The gentleman from New Jersey [Mr. MENENDEZ] has 2½ minutes.

Mr. SOLOMON. Mr. Speaker, since we have been involved in a colloquy, and all of our time was used during that colloquy, I would ask that I be allowed an additional 3 minutes to work out this agreement, and 30 seconds additional to the gentleman from New Jersey [Mr. MENENDEZ].

The SPEAKER. The chairman of the Committee on Rules may of course ask unanimous consent for each side to have 3 additional minutes, and then the House will decide whether his unanimous consent request is honored.

Mr. SOLOMON. Mr. Speaker, I would propound such a unanimous consent request.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BONIOR. I object, Mr. Speaker.

The SPEAKER. The Chair is slightly confused, so the Chair will repeat the question.

Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. Each side has 3 additional minutes.

The gentleman from New York [Mr. SOLOMON] has 3 minutes remaining, and the gentleman from New Jersey [Mr. MENENDEZ] has 5½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished majority leader, the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I think we are in agreement with respect to intent here, and I should just make the point that should the occasion present itself where there would be a consideration of this matter on the floor, I would, if it was deemed advisable, present to the body a resolution that would protect Mr. Dornan's rights under those circumstances to be present on the floor.

Mr. HOYER. Mr. Speaker, if the gentleman would yield, I think that resolves the matter.

Mr. SOLOMON. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from New Jersey [Mr. MENENDEZ] is recognized.

Mr. MENENDEZ. Mr. Speaker, I think we have laid out the case. The record is clear as it relates to this one concern. I ask my colleagues to join us in preserving the dignity of the House, I would be happy to yield back my time, if that is the reality of the other side.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are many of us who want to support this resolution, myself included, but the unanimous consent propounded by the gentleman from Massachusetts [Mr. FRANK] was exactly what we have agreed to, and it would make it so much better, I think, for the comity of the House.

Mr. FRANK of Massachusetts. Mr. Speaker, would the gentleman from New Jersey [Mr. MENENDEZ] yield?

Mr. MENENDEZ. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I understand that, but let me say I think we have reached an agreement in this sense: Everyone is here, just about everybody here now understands that there is agreement in the resolution on the contest, if it ever comes to that, because I hope it does not, ever comes to the floor. If one does, and the Speaker is asked to rule on the presence of Mr. Dornan, I would think the ruling would be that during the actual consideration on the floor there would be no obstacle, and we would all uphold that ruling, and that has clearly been established now.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. Does the gentleman yield for a parliamentary inquiry?

Mr. MENENDEZ. I do not yield for a parliamentary inquiry.

The SPEAKER. The gentleman does not yield, and he controls the time at this point.

Mr. MENENDEZ. I agree with the comments of the majority leader. I think the Speaker has made it very clear, and unless the gentleman seeks to still have speakers, I am ready to yield back the balance of my time if the gentleman is ready to yield back the balance of his time.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from New York for yielding.

Let me make one real quick point. If we accept this and vote on it right now, and it never comes to the floor, Bob Dornan can never come to the floor again because it will never be resolved.

Let me also point out, there have been between 20,000 and 30,000 Members of this body in the history of the United States of America. In my very brief study of the RECORD, and admittedly it is brief, we have never barred any other former Member from the floor. This is a terrible precedent to set.

It says nothing about the despicable behavior that Mr. Dornan exhibited toward our colleague, but there are other remedies. We could have a Sense of the Congress resolution where we all vote unanimously deploring that.

I have watched the majority leader of the Democratic Party and Congressman Dan Lungren engage in fisticuffs right outside the Chamber. They were not barred. They were not barred.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I would say two things. One, it says until the issue is resolved. Once it is resolved, it no longer has standing, as I understand it.

Mr. BARTON of Texas. Mr. Speaker, reclaiming my time, if it is never resolved, we have barred one former Member in the history of the Nation from ever coming back on the floor of the House, and that is wrong.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Let us settle everything down here for a minute. It has been established, it is my understanding that it has been established that we have an understanding that if and when this contested election is brought to this floor, that the affected contestant, in this case Mr. Dornan, would be allowed to come on this floor.

The gentleman from Massachusetts [Mr. FRANK] has verified that, that the understanding is clear on the other side of the aisle. If that is clear with the Speaker, then I would be prepared to yield back the balance of my time.

The SPEAKER. The Chair will render final judgment should the occasion arise. However, the Chair would note that if debate is about to end, the Chair has seen all the debate, and that would strike the Chair in terms of this debate as a reasonable assumption.

PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Mr. Speaker, parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MENENDEZ. Mr. Speaker, does the resolution, as it is worded, bar Mr. Dornan in perpetuity?

The SPEAKER. This resolution is only binding on this Congress, and therefore could not be in perpetuity.

Mr. MENENDEZ. I thank the Speaker.

I ask my colleagues to join us in preserving the dignity of the House, and I yield back the balance of my time.

The SPEAKER. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MENENDEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 289, noes 65, answered "present" 7, not voting 72, as follows:

[Roll No. 415]

AYES—289

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Canady
Capps
Cardin
Carson
Castle
Christensen
Clayton
Clyburn
Combest
Condit
Conyers
Cook
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Lazio
Leach
Lewis (GA)
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Northup
Nussle
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pomeroy
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (OR)
Smith (TX)
Snyder
Souder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
Weygand
Wise
Woolsey
Yates
Young (FL)

NOES—65

Ballenger
Barr
Bartlett
Barton
Bilirakis
Bliley
Bono
Brady
Burton
Buyer
Camp
Campbell
Chabot
Chenoweth
Cox
Crane
Crapo
Cubin
Cunningham
Doolittle
Dreier
Duncan
Everett
Gekas
Hall (TX)
Hefley
Herger
Hostettler
Hunter
Hyde
Johnson, Sam
Kim
Kingston
Lewis (CA)
Lewis (KY)
McCollum
McIntosh
McKeon
Norwood
Packard
Paul
Paxon
Pickering
Pombo
Radanovich
Redmond
Riggs
Rogan
Rohrabacher
Royce
Ryun
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Shadegg
Smith (NJ)
Snowbarger
Spence
Stearns
Stump
Tiahrt
Whitfield
Wicker
Wolf

ANSWERED "PRESENT"—7

Ehlers
Mica
Ney
Sanchez
Solomon
Thomas
Traficant

NOT VOTING—72

Archer
Baker
Berman
Berry
Bilbray
Blumenauer
Bonilla
Bryant
Bunning
Burr
Callahan
Calvert
Cannon
Chambliss
Clay
Clement
Coble
Coburn
Collins
Cooksey
Cramer
Deal
Fawell
Foglietta
Foley
Fowler
Furse
Gallegly
Ganske
Gephardt
Gonzalez
Goss
Gutknecht
Hastings (FL)
Hinchey
Hoekstra
Klug
Largent
Latham
LaTourette
Levin
Linder
Lipinski
Manton
McCrery
McInnis
Meehan
Meek
Moakley
Neumann
Oberstar
Obey
Pickett
Porter
Pryce (OH)
Salmon
Schiff
Sensenbrenner
Sessions
Shuster
Smith (MI)
Smith, Adam
Smith, Linda
Stenholm
Tanner
Taylor (NC)
Thompson
Wamp
Weldon (PA)
White
Wynn
Young (AK)

□ 1842

Mr. CUNNINGHAM changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1845

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, on rollcall vote 413 I was unavoidably detained.

Had I been present I would have voted "yes."

LEGISLATIVE PROGRAM

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, I have asked to address the House in order to enter into a dialog with the majority leader to ascertain the schedule for next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased, more pleased, Mr. Speaker, than anyone can imagine, to announce that we have concluded our legislative business for the week.

The House will next meet on Monday, September 22, at 12 noon for a pro forma session.

On Tuesday, September 23, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note that no recorded votes will be held before 5 p.m.

On Tuesday of next week the House will consider a Corrections Day bill, H.R. 2343, the Thrift Depositor Protection Oversight Act; a number of suspension bills, a list of which will be distributed to Members' offices; the conference report to accompany H.R. 2160, the Agriculture Appropriations Act for Fiscal Year 1998; and motions to go to conference on H.R. 2264, the Labor-HHS Appropriations Act and H.R. 2378, the Treasury-Postal Appropriations Act.

On Wednesday, September 24 and the remainder of the week, the House will consider the following bills, both of which are subject to a rule:

H.R. 2267, the Commerce, Justice, State and the Judiciary Appropriations Act for Fiscal Year 1998; and H.R. 901, the American Land Sovereignty Protection Act.

It is my understanding that the conferences on appropriations are proceeding well, and we may have additional conference reports ready next week.

Mr. Speaker, the meeting times for next week are as follows: On Wednesday, September 24 and Thursday, September 25 the House will meet at 10 a.m., and on Friday, September 26 we will meet at 9 a.m. We will expect to conclude legislative business by 2 p.m. next Friday.

Mr. Speaker, I thank the gentleman for yielding.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, if I could inquire of the leader, will there be votes on the following Monday?

Mr. ARMEY. If the gentleman will continue to yield, the gentleman is speaking of Monday, as we say it in the South, Monday a week? The following Monday?

Mr. FAZIO of California. Mr. Speaker, that is not the way they say it in North Dakota, but——

Mr. ARMEY. Let me see if we can get this correct, the Monday following September 23, Friday of next week. Yes, I think we do expect votes that week.

Mr. FAZIO of California. After 5?

Mr. ARMEY. After 5.

Mr. CONDIT. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California [Mr.

CONDIT], who has some concerns about the Suspension Calendar.

Mr. CONDIT. Mr. Speaker, if I may ask a question of the majority leader. I know we have had a discussion that he has made a commitment to try to change the Suspension Calendar a little bit to work it out so maybe it has a little more balance to it. I would like to ask what kind of progress he understands that we have made.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for that inquiry. As the gentleman from California has suggested, we are receiving information about the record of bills being reported from committee. We want to review that, and we intend to make adjustments to see that all Members have a fair and equitable consideration of their access to the Suspension Calendar.

Mr. CONDIT. Mr. Speaker, I thank the leader.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, I have no further speakers, and I yield back.

ADJOURNMENT TO MONDAY, SEPTEMBER 22, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 23, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 22, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, September 23, 1997, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FEDERAL PROPERTY ADMINISTRATIVE SERVICES ACT AMENDMENTS

Mr. HORN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 680) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 4, after line 8 insert:

(D)(i) The administrator shall ensure that nonprofit organizations that are sold or leased property under subparagraph (B) shall develop and use guidelines to take into consideration any disability of an individual for the purposes of fulfilling any self-help requirement under subparagraph (C)(i).

(ii) For purposes of this subparagraph, the term "disability" has the meaning given such term under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).

Page 4, line 9, strike out "(D)" and insert "(E)".

Mr. HORN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. HORN] is recognized for 1 hour.

Mr. HORN. Mr. Speaker, H.R. 680 is a bill to enhance charitable activities by authorizing the transfer of surplus property to organizations that provide assistance to impoverished individuals. This bill offers a helping hand to the neediest in our society at virtually no cost to the taxpayers.

The Senate amendments make a point of clarification that improves the bill. It ensures that no person will be prevented from meeting certain matching eligibility requirements due to disability.

Currently, Federal agencies declare excess over $6 billion a year in Federal personal and real property. They declare that excess, what we call surplus. Although some of this property is used by other Federal agencies, much of it is donated to a select list of eligible groups. H.R. 680 expands the list of eligible groups to include charities that provide services to poor families. These groups, including self-help housing groups, such as Habitat for Humanity, and groups such as food and clothing banks, will be eligible for the property on the same basis as State and local government agencies.

By granting private charities and the food and clothing banks the same status as State and local government agencies, H.R. 680 will help these organizations to provide items such as school supplies, blankets, clothing to poor people and other items that would help the charities accomplish their mission.

Mrs. MALONEY of New York. Mr. Speaker, earlier today H.R. 680, as amended by the Senate, passed the House by unanimous consent. H.R. 680 as amended makes two important changes in the law governing the donation of Federal property no longer needed by the Federal Government. These changes have been agreed to in a bipartisan manner, both in this House and in the other body.

The first change allows the donation of surplus personal property to organizations which help all property-stricken people, not only the homeless as currently permitted. Passage of this measure is long overdue. It passed the House in the 103d Congress, only to miss final clearance because of adjournment. This provision will help charities like Habitat for Humanity and food banks better assist this Nation's needy.

In my own State of New York, I have been assured by the State surplus property agency that this law will help get clothing and other necessities into the hands of The Phoenix House, Day Top Village, and local branches of the Salvation Army, where the real war on poverty is waged. Congressman LEE HAMILTON, the author of this bill, deserves all of our thanks for his effort to achieve this clearly needed change to help the impoverished.

H.R. 680, as amended, will also allow for the donation of Federal surplus real property to nonprofit groups which provide housing to low-income individuals and families, groups like Habitat for Humanity, founded by former President Jimmy Carter. Such donations would be permitted only if the families receiving assistance contribute a significant amount of labor toward the construction of the homes, and all local building codes would have to be met. The other body has amended H.R. 680 to ensure that this provision will not unfairly discriminate against those with mental or physical disabilities. H.R. 680 preserves the General Services Administration's central role in the disposal process and has been carefully crafted to prevent any future abuse.

Mr. HORN. Mr. Speaker, I ask that this bill be passed, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the Senate amendments are concurred in.

There was no objection.

A motion to reconsider was laid on the table.

FEDERAL BUREAU OF INVESTIGATION, WASHINGTON FIELD OFFICE MEMORIAL BUILDING

Mr. KIM. Mr. Speaker, I ask unanimous consent that the Committee on Transporation and Infrastructure be discharged from further consideration of the bill, H.R. 2443, to designate the Federal building located at 601 Fourth Street, NW., in the District of Columbia, as the "Federal Bureau of Investigation, Washington Field Office Memorial Building," in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Ms. NORTON. Mr. Speaker, reserving the right to object, however, I do not intend to object, and I ask the gentleman from California, [Mr. KIM] for an explanation of the bill.

Mr. KIM. Mr. Speaker, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from California.

Mr. KIM. Mr. Speaker, I thank the gentlewoman for yielding.

H.R. 2443 designates the Federal Bureau of Investigation field office located on Fourth Street in the District of Columbia as the Federal Bureau of Investigation Washington Field Office Memorial Building.

The designation of this building is to honor five Federal Bureau of Investigation agents who were killed in the line of duty while assigned to the Bureau's Washington, DC, field office. These five agents are: William H. Christian, Jr.; Martha Dixon Martinez; Michael J. Miller; Anthony Palmisano; and Edwin R. Woodriffe.

In 1995, Special Agent Christian was murdered in his car while on a surveillance assignment; in 1994, Agents Martinez and Miller were gunned down in the Metropolitan Police Department headquarters while conducting official business; and in 1969, Agents Palmisano and Woodriffe were killed while attempting to arrest an escaped prisoner from Lorton.

These agents gave their lives in the war against crime in the District. It is fitting that this field office headquarters be designated in their honor. This tribute is a small measure of our appreciation for their efforts and ultimate sacrifice. I support the measure and urge my colleagues to support this bill.

Ms. NORTON. Mr. Speaker, continuing my reservation of objection, I want to join the gentleman from California [Mr. KIM] in supporting H.R. 2443, a bill I introduced with strong bipartisan support from the gentlemen from Virginia, Mr. DAVIS, Mr. MORAN, and Mr. WOLF as well as the gentlemen from Maryland, Mr. HOYER and Mr. WYNN and the gentlewoman from Maryland, Mrs. MORELLA.

The bill would designate the new FBI Washington Field Office at 601 Fourth Street, NW., in honor of the five FBI agents who have been slain in the line of duty. The building will be officially dedicated on Friday, September 26, with the surviving families and friends as the honored guests.

These FBI agents were our friends and neighbors who lived in Maryland, Virginia, and the District of Columbia. They were parents, sons, brothers, and sisters. Agent Palmisano and Agent Woodriffe were partners. Both were born and raised in the New York City metropolitan area.

Agent Woodriffe was the first African-American agent killed in the line of duty.

Martha Martinez was a young woman of 35 years of age who was married to FBI Agent George Martinez and was an acknowledged expert at electronic surveillance methodology.

Agent Mike Miller was a native of Prince Georges County and was educated at local schools.

Agent William Christian, also a Maryland native, was a graduate of Loyola College. He consistently received superior performance evaluations and numerous commendations for his outstanding work. He was killed doing undercover work.

It is most fitting and proper that we honor the sacrifices of these brave agents with this designation, Mr. Speaker.

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Ms. NORTON. Mr. Speaker, under my reservation of objection, I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding, and I thank the gentleman from California for working to report out this very, very appropriate piece of legislation which will recognize five brave Americans, five of our friends and neighbors who we asked to risk their lives on a daily basis.

We like to think that in asking that risk that there will never come a time when the ultimate sacrifice will be made, but we know full well from history that there will come times when some of these brave law enforcement officials who are on the front lines of protecting our communities, our families, our safety will lose their lives in that effort. These five individuals are Americans who have worked and sacrificed to ensure that freedom and justice prevails in this land.

I particularly, Mr. Speaker, want to rise to mention Special Agent Michael John Miller. He was but 41 years of age when he lost his life. He lived in Prince Georges County, born in Prince Georges County and lived in Upper Marlboro, MD. He had two children, Benjamin and Dale, age 10 and 8. They will know their father was a hero but nothing can replace their father, nothing can ease their pain nor that of his wife, Wanda. But it is important that they know, and the families of the other four agents know, that as we name these buildings for them, it is not simply a ceremonial act, it is an act of deep gratitude, of deep respect, and deep appreciation.

Mr. Speaker, I again thank the gentlewoman for yielding.

Ms. NORTON. Mr. Speaker, I thank the gentleman for his moving remarks and for his support of this bill, and I would also like to thank the chairman of the subcommittee, the gentleman from California [Mr. KIM], for his cooperation in allowing us to get this bill out on a very short timeframe and for his strong support of the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to designate the Federal building referred to in section 2 in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe, who were slain in the line of duty.

SEC. 2. FEDERAL BUREAU OF INVESTIGATION, WASHINGTON FIELD OFFICE MEMORIAL BUILDING.

(a) DESIGNATION.—The Federal building located at 601 Fourth Street, NW., in the District of Columbia, shall be known and designated as the "Federal Bureau of Investigation, Washington Field Office Memorial Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the "Federal Bureau of Investigation, Washington Field Office Memorial Building".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AGAINST THE MENENDEZ RESOLUTION

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I hesitate to get up here and speak today, but I am sitting here listening to these comments about a great American named Bob Dornan.

Back in the 1970's, this country was drifting toward socialism and communism; it was spreading itself all over Central America; it was spreading itself all over Europe and Asia. And

Bob Dornan, a man named Ronald Reagan, and JERRY SOLOMON, and others stood up to those on the other side of the aisle who were sending out "Dear Commandante" letters siding with the socialist movement in this country. Bob Dornan, among all of the others, had the temerity, the guts, to stand up here and fight communism to its bitter end.

I just hesitate to speak, but when Members say that he came on this floor and he was assaulting or abusing other Members, we all know Bob Dornan. He has served here for many, many, many years. Dornan is Dornan. He would never do anything to be disrespectful of another Member intentionally. You all know that, so why do you not stop this business?

Mr. Speaker, I ask my colleagues, including those on the other side of the aisle, does anyone really believe Bob Dornan would assault anyone, let alone a Member of Congress on or off the floor?

We have more important things to do than take up time to attack the reputation of a true American patriot.

Back in the 1970's and 1980's, it appeared that communism was triumphant everywhere, and the wave of the future. Before Ronald Reagan threw his vision and leadership on to the scales and tipped the balance toward freedom all over the world, there were few soldiers in the trench with us. Bob Dornan was there from the beginning.

Bob Dornan was there to object when Members of this body, some of the people attacking him today, wrote the infamous "Dear Commandante" letter supporting the marxist dictators of Nicaragua against the Central American policies of President Reagan.

That was Bob Dornan, always there to stand up and fight against his country's enemies.

And in spirit of Bob Dornan, I'm going to "tell it like it is." This is nothing more than an attempt to distract this House and the American people, not only from the growing scandals surrounding the White House, but from Bob Dornan's legitimate demand that the scandal surrounding his alleged defeat last November be investigated.

I ask my colleagues on the other side of the aisle to drop this privileged motion and get back to work on issues that really matter to the American people.

CONFERENCE REPORT ON H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

Mr. PACKARD submitted the following conference report and statement on the bill (H.R. 2209), making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–254)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2209) "making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment number 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $2,750,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $804,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $5,815,500, to be disbursed by the Chief Administrative Officer of the House.

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including; (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $500 per month to one assistant and $400 per month each to not exceed nine assistants on the basis heretofore provided for such assistants; and (4) $893,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,266,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employees benefits, $70,955,000, of which $34,118,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $36,837,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: Provided, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $3,099,000, to be disbursed by the Chief Administrative Officer of the House of Representatives: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1998 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISIONS

SEC. 110. Amounts appropriated for fiscal year 1998 for the Capitol Police Board for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading "SALARIES";

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading "SALARIES"; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

SEC. 111. (a)(1) The Capitol Police Board shall establish and maintain unified schedules of rates of basic pay for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives.

(2) The Capital Police Board may, from time to time, adjust any schedule established under paragraph (1) to the extent that the Board determines appropriate to reflect changes in the cost of living and to maintain pay comparability.

(3) A schedule established or revised under paragraph (1) or (2) shall take effect only upon approval by the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

(4) A schedule approved under paragraph (3) shall have the force and effect of law.

(b)(1) The Capitol Police Board shall prescribe, by regulation, a unified leave system for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives. The leave system shall include provisions for—

(A) annual leave, based on years of service;

(B) sick leave;

(C) administrative leave;

(D) leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

(E) leave without pay and leave with reduced pay, including provisions relating to contributions for benefits for any period of such leave;

(F) approval of all leave by the Chief or the designee of the Chief;

(G) the order in which categories of leave shall be used;

(H) use, accrual, and carryover rules and limitations, including rules and limitations for any period of active duty in the armed forces;

(I) advance of annual leave or sick leave after a member or civilian employee have used all such accrued leave;

(J) buy back of annual leave or sick leave used during an extended recovery period in the case of an injury in the performance of duty;

(K) the use of accrued leave before termination of the employment as a member or civilian employee of the Capitol Police, with provision for lump sum payment for unused annual leave; and

(L) a leave sharing program.

(2) The leave system under this section may not provide for the accrual of either annual or sick leave for any period of leave without pay or leave with reduced pay.

(3) All provisions of the leave system established under this subsection shall be subject to the approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. All regulations approved under this subsection shall have the force and effect of law.

(c)(1) Upon the approval of the Capitol Police Board, a member or civilian employee of the Capitol Police who is separated from service may be paid a lump sum payment for the accrued annual leave of the member or civilian employee.

(2) The lump sum payment under paragraph (1)—

(A) shall equal the pay the member or civilian employee would have received had such member or employee remained in the service until the expiration of the period of annual leave;

(B) shall be paid from amounts appropriated to the Capitol Police;

(C) shall be based on the rate of basic pay in effect with respect to the member or civilian employee on the last day of service of the member or civilian employee;

(D) shall not be calculated on the basis of extending the period of leave described under subparagraph (A) by any holiday occurring after the date of separation from service;

(E) shall be considered pay for taxation purposes only; and

(F) shall be paid only after the Chairman of the Capitol Police Board certifies the applicable period of leave to the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.

(3) A member or civilian employee of the Capitol Police who enters active duty in the armed forces may—

(A) receive a lump sum payment for accrued annual leave in accordance with this subsection, in addition to any pay or allowance payable from the armed forces; or

(B) elect to have the leave remain to the credit of such member or civilian employee until such member or civilian employee returns from active duty.

(4) The Capitol Police Board may prescribe regulations to carry out this subsection. No lump sum payment may be paid under this subsection until such regulations are approved by the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives. All regulations approved under this subsection shall have the force and effect of law.

(d) Nothing in this section shall be construed to affect the appointing authority of any officer of the Senate or the House of Representatives.

Capitol Guide Service and Special Services Office

For salaries and expenses of the Capitol Guide Service and Special Service Office, $1,991,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than forty individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

Statements of Appropriations

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Fifth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

Salaries and Expenses

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,479,000.

CONGRESSIONAL BUDGET OFFICE

Salaries and Expenses

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $24,797,000: Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ARCHITECT OF THE CAPITOL

Capitol Buildings and Grounds

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $36,977,000, of which $7,500,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,116,000, of which $745,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $52,021,000, of which $13,200,000 shall remain available until expended: Provided, That appropriations under this heading for management personnel and miscellaneous restaurant expenses hereafter shall be transferred at the beginning of each fiscal year to the special deposit account in the United States Treasury established under Public Law 87–82, approved July 6, 1961, as amended (40 U.S.C. 174j–4), and effective October 1, 1997, all management personnel of the Senate Restaurant facilities shall be paid from the special deposit account. Management personnel transferred hereunder shall be paid at the same rates of pay applicable immediately prior to the date of transfer, and annual and sick leave balances shall be credited to leave accounts of such personnel in the Senate Restaurants.

And after line 4, page 2, of the House engrossed bill, H.R. 2209, insert the following:

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30 000.

Salaries, Officers and Employees

For compensation of officers, employees, and others as authorized by law, including agency contributions, $77,254,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,612,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $371,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,388,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $1,221,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,061,000 for each such committee; in all, $2,122,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $409,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,077,500 for each such committee; in all, $2,155,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $260,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $13,306,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPERS

For Office of the Sergeant at Arms and Doorkeeper, $33,037,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,165,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $19,208,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,605,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $966,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $75,600,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $370,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,511,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $64,833,000, of which $7,000,000 shall remain available until September 30, 1999.

MISCELLANEOUS ITEMS

For miscellaneous items, $7,905,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $228,600,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000, to remain available until September 30, 1999.

ADMINISTRATIVE PROVISIONS

SECTION 1. (a) For fiscal year 1998, and each fiscal year thereafter, the Secretary of the Senate is authorized to make advance payments under a contract or other agreement to provide a service or deliver an article for the United States Government without regard to the provisions of section 3324 of title 31, United States Code.

(b) An advance payment authorized by subsection (a) shall be made in accordance with regulations issued by the Committee on Rules and Administration of the Senate.

(c) The authority granted by subsection (a) shall not take effect until regulations are issued pursuant to subsection (b).

SEC. 2. (a) Upon the written request of the Majority or Minority Whip of the Senate, the Secretary of the Senate shall transfer during any fiscal year, from the appropriations account appropriated under the heading "Salaries, Officers and Employees" and "Offices of the Majority and Minority Whips", such amount as either whip shall specify to the appropriations account, within the contingent fund of the Senate, "Miscellaneous Items".

(b) The Majority and Minority Whips of the Senate are each authorized to incur such expenses as may be necessary or appropriate. Expenses incurred by either such whip shall be paid from the amount transferred pursuant to subsection (a) by such whip and upon vouchers approved by such whip.

(c) The Secretary of the Senate is authorized to advance such sums as may be necessary to defray expenses incurred in carrying out subsection (a) and (b).

SEC. 3. (a) Effective in the case of any fiscal year which begins on or after October 1, 1997, clause (iii) of paragraph (3)(A) of section 506(b) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)) is amended to read as follows:

"(iii) subject to subparagraph (B), in case the Senator represents Alabama, $182,567, Alaska, $251,901, Arizona, $197,079, Arkansas, $168,282, California, $468,724, Colorado, $186,350, Connecticut, $160,903, Delaware, $127,198, Florida, $299,746, Georgia, $210,214, Hawaii, $279,512, Idaho, $163,335, Illinois, $266,248, Indiana, $194,770, Iowa, $170,565, Kansas, $168,177, Kentucky, $177,338, Louisiana, $185,647, Maine, $147,746, Maryland, $173,020, Massachusetts, $195,799, Michigan, $236,459, Minnesota, $187,702, Mississippi, $168,103, Missouri, $197,941, Montana, $161,725, Nebraska, $160,361, Nevada, $171,096, New Hampshire, $142,394, New Jersey, $206,260, New Mexico, $166,140, New York, $327,955, North Carolina, $210,946, North Dakota, $149,824, Ohio, $259,452, Oklahoma, $181,761, Oregon, $189,345, Pennsylvania, $266,148, Rhode Island, $138,582, South Carolina, $170,451, South Dakota, $151,450, Tennessee, $191,954, Texas, $348,681, Utah, $168,632, Vermont, $135,925, Virginia, $193,467, Washington, $214,694, West Virginia, $147,772, Wisconsin, $191,569, Wyoming, $152,438, plus".

(b) Subsection (a) of the first section of Public Law 100–137 (2 U.S.C. 58c) is amended by adding at the end the following:

"(6) Effective on and after October 1, 1997, the Senator's Account shall be available for the payment of franked mail expenses of Senators.".

(c)(1) Section 12 of Public Law 101–520 is repealed.

(2) The amendment made by paragraph (1) shall be effective on and after October 1, 1997.

(d) Nothing in this section affects the authority of the Committee on Rules and Administration of the Senate to prescribe regulations relating to the frank by Senators and officers of the Senate.

SEC. 4. (a) The aggregate amount authorized by Senate Resolution 54, agreed to February 13, 1997, is increased—

(1) by $401,635 for the period March 1, 1997, through September 30, 1998, and

(2) by $994,150 for the period March 1, 1998, through February 28, 1999.

(b) This section is effective on and after October 1, 1997.

SEC. 5. Effective on and after October 1, 1997, each of the dollar amounts contained in the table under section 105(d)(1) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1) shall be deemed to be the dollar amounts in that table on December 31, 1995, increased by 2 percent on January 1, 1996, and by 2.3 percent on January 1, 1997.

SEC. 6. (a) The aggregate amount authorized by Senate Resolution 54, agreed to February 13, 1997, is increased—

(1) by $125,000 for the period March 1, 1997, through September 30, 1998; and

(2) by $175,000 for the period March 1, 1998, through February 28, 1999.

(b) Funds in the account, within the contingent fund of the Senate, available for the expenses of inquiries and investigations shall be available for franked mail expenses incurred by committees of the Senate the other expenses of which are paid from that account.

(c) This section is effective for fiscal years beginning on and after October 1, 1997.

SEC. 7. Section 1101 of Public Law 85–58 (2 U.S.C. 46a–1) is amended by adding at the end the following: "Disbursements from the fund shall be made upon vouchers approved by the Secretary of the Senate, or his designee.".

And on page 9, after line 15, of the House engrossed bill, H.R. 2209, insert:

"SEC. 107. Title 5, United States Code, is amended by striking "the Speaker of the House of Representatives" each place it appears in sections 5532(i)(2)(B), 5532(i)(3), 8344(k)(2)(B), 8344(k)(3), 8468(h)(2)(B), and 8468(h)(3) and inserting "the Committee on House Oversight of the House of Representatives".

SEC. 108. (a) For fiscal year 1998 and each succeeding fiscal year, the Chief Administrative Officer of the House of Representatives is authorized to make advance payments under a contract or other agreement to provide a service or deliver an article for the United States Government without regard to the provisions of section 3324 of title 31, United States Code.

(b) An advance payment authorized by subsection (a) shall be made in accordance with regulations issued by the Committee on House Oversight of the House of Representatives.

(c) The authority granted by subsection (a) shall not take effect until regulations are issued pursuant to subsection (b).

SEC. 109. (a) There is hereby established an account in the House of Representatives for purposes of making payments of the House of Representatives to the Employees' Compensation Fund under section 8147 of title 5, United States Code.

(b) Notwithstanding any other provision of law, payments may be made from the account established under subsection (a) at any time after the date of the enactment of this Act without regard to the fiscal year for which the obligation to make such payments is incurred.

(c) The account established under subsection (a) shall be treated as a category of allowances and expenses for purposes of section 101(a) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(a))."

And on page 20, line 19, of the House engrossed bill, H.R. 2209, strike "$37,181,000" and insert "*$36,610,000*"; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $33,932,000, of which $1,650,000 shall remain available until expended: Provided, That not more than $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1998.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $64,603,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Oversight of the House of Representatives or the Committee on Rules and Administration of the Senate: Provided further, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $81,669,000, of which $11,017,000 shall be derived by transfer from the Government Printing Office revolving fund under section 309 of title 44, United States Code: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1998".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,016,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $227,016,000, of which not more than $7,869,000 shall be derived from collections credited to this appropriation during fiscal year 1998, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: Provided further, That of the total amount appropriated, $9,619,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, $5,584,000 is to remain available until expended for the acquisition and partial support for implementation of an integrated library system (ILS).

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $34,361,000, of which not more than $17,340,000 shall be derived from collections credited to this appropriation during fiscal year 1998 under 17 U.S.C. 708(d), and not more than $5,086,000 shall be derived from collections during fiscal year 1998 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: Provided, That the total amount available for obligation shall be reduced by the amount by which collections are less than $22,426,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $2,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $46,561,000, of which $12,944,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, and repair of furniture, furnishings, office and library equipment, $4,178,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 1998, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $100,490,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 207. (a) ESTABLISHMENT.—Effective October 1, 1997, there is established in the Treasury of the United States a revolving fund to be known as the Cooperative Acquisitions Program Revolving Fund (in this section referred to as the "revolving fund"). Moneys in the revolving fund shall be available to the Librarian of Congress, without fiscal year limitation, for financing the cooperative acquisitions program (in this section referred to as the "program") under which the Library acquires foreign publications and research materials on behalf of participating institutions on a cost-recovery basis. Obligations under the revolving fund are limited to amounts specified in the appropriations Act for that purpose for any fiscal year.

(b) AMOUNTS DEPOSITED.—The revolving fund shall consist of—

(1) any amounts appropriated by law for the purposes of the revolving fund;

(2) any amounts held by the Librarian as of October 1, 1997 or the date of enactment, whichever is later, that were collected as payment for the Library's indirect cost of the program; and

(3) the difference between (A) the total value of the supplies, equipment, gift fund balances, and other assets of the program, and (B) the total value of the liabilities (including unfunded liabilities such as the value of accrued annual leave of employees) of the program.

(c) CREDITS TO THE REVOLVING FUND.—The revolving fund shall be credited with all advances and amounts received as payment for purchases under the program and services and supplies furnished to program participants, at rates estimated by the Librarian to be adequate to recover the full direct and indirect costs of the program to the Library over a reasonable period of time.

(d) UNOBLIGATED BALANCES.—Any unobligated and unexpended balances in the revolving fund that the Librarian determines to be in excess of amounts needed for activities financed by the revolving fund, shall be deposited in the Treasury of the United States as miscellaneous receipts. Amounts needed for activities financed *by the revolving fund means the direct and indirect costs of the program, including the costs of purchasing, shipping, binding of books and other library materials; supplies, materials, equipment and services needed in support of the program; salaries and benefits; general overhead; and travel.*

(e) ANNUAL REPORT.—Not later than March 31 of each year, the Librarian of Congress shall prepare and submit to Congress an audited financial statement for the revolving fund for the preceding fiscal year. The audit shall be conducted in accordance with Government Auditing Standards for financial audits issued by the Comptroller General of the United States.

SEC. 208. AUTHORITY OF THE BOARD TO INVEST GIFT FUNDS.—Section 4 of the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925 (2 U.S.C. 160), is amended by adding at the end the following new undesignated paragraph:

"Upon agreement by the Librarian of Congress and the Board, a gift or bequest accepted by the Librarian under the first paragraph of this section may be invested or reinvested in the same manner as provided for trust funds under the second paragraph of section 2.".

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and ground, $11,573,000, of which $3,910,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,077,000: Provided, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $150,000: Provided further, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 1996 and 1997 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, that not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than twelve passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,550 workyears: Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, that the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: Provided further, That expenses for attendance at meetings shall not exceed $75,000: Provided further, That $1,500,000 may be expended on the certification of the Public Printer, for reimbursement to the General Account office, for a management audit.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 908(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries; $339,499,000: Provided, That not more than $1,000,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1998: Provided further, That an additional amount of $4,404,000 shall be available by transfer from funds previously deposited in the special account established pursuant to 31 U.S.C. 782: Provided further, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $2,000,000 of such funds shall be available for use in fiscal year 1998: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Oversight and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 1998 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter or public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $1,500.

SEC. 308. (a) Section 713(a) of title 18, United States Code, is amended by inserting after "Senate," the following: "or the seal of the United

States House of Representatives, or the seal of the United States Congress,".

(b) Section 713 of title 18, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

"(d) Whoever, except as directed by the United States House of Representatives, or the Clerk of the House of Representatives on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seal of the United States House of Representatives, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.

"(e) Whoever, except as directed by the United States Congress, or the Secretary of the Senate and the Clerk of the House of Representatives, acting jointly on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seal of the United States Congress, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.".

(c) Section 713(f) of title 18, United States Code (as redesignated by subsection (b)(1)), is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(3) in the case of the seal of the United States of Representatives, upon complaint by the Clerk of the House of Representatives; and

"(4) in the case of the seal of the United States Congress, upon complaint by the Secretary of the Senate and the Clerk of the House of Representatives, acting jointly.".

(d) The heading of section 713 of title 18, United States Code, is amended by striking "and the seal of the United States Senate" and inserting the following: "the seal of the United States Senate, the seal of the United States House of Representatives, and the seal of the United States Congress".

"(e) The table of sections for chapter 33 of part I of title 18, United States Code, is amended by amending the item relating to section 713 to read as follows:

"713. Use of likenesses of the great seal of the United States, the seals of the President and Vice President, the seal of the United States Senate, the seal of the United States House of Representatives, and the seal of the United States Congress.".

SEC. 309. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking "1997" and inserting "1998".

SEC. 310. (a) SEVERANCE PAY.—Section 5595 of title 5, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (D) by striking "and" after the semicolon; and

(B) by adding after subparagraph (E) the following new paragraph:

"(F) the Office of the Architect of the Capitol, but only with respect to the United States Senate Restaurants; and";

"(2) in subsection (a)(2)—

"(A) in clause (vii) by striking "or" after the semicolon;

"(B) by redesignating clause (viii) as clause (ix) and inserting after clause (vii) the following:

"(viii) an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol, who is employed on a temporary when actually employed basis; or"; and

(3) in subsection (b) by adding at the end the following: "The Architect of the Capitol may prescribe regulations to effect the application and operation of this section to the agency specified in subsection (a)(1)(F) of this section.".

(b) EARLY RETIREMENT.—(1) This subsection applies to an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol who—

(A) voluntarily separates from service on or after the date of enactment of this Act and before October 1, 1999; and

(B) on such date of separation—

(i) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5, United States Code; or

"(ii) has completed 20 years of such service and is at least 50 years of age.

(2) Notwithstanding any provision of chapter 83 or 84 of title 5, United States Code, an employee described under paragraph (1) is entitled to an annuity which shall be computed consistent with the provisions of law applicable to annuities under section 8336(d) and 8414(b) of title 5, United States Code.

(c) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—(1) In this subsection, the term "employee" means an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol, serving without limitation, who has been currently employed for a continuous period of at least 12 months, except that such term shall not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A); or

(C) an employee who is employed on a temporary when actually employed basis.

(2) Notwithstanding any other provision of law, in order to avoid or minimize the need for involuntary separations due to a reduction in force, reorganization, transfer of function, or other similar action affecting the agency, the Architect of the Capitol shall establish a program under which voluntary separation incentive payments may be offered to encourage not more than 50 eligible employees to separate from service voluntarily (whether by retirement or resignation) during the period beginning on the date of the enactment of this Act through September 30, 1999.

"(3) Such voluntary separation incentive payments shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code. Any such payment shall not be a basis of payment, and shall not be included in the computation, of any other type of Government benefit.

(4)(A) Subject to subparagraph (B), an employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the agency that paid the incentive payment.

(B)(i) If the employment is with an Executive agency (as defined by section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(ii) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(iii) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(C) For purposes of subparagraph (A) (but not subparagraph (B)), the term "employment" includes employment under a personal services contract with the United States.

(5) The Architect of the Capitol may prescribe regulations to carry out this subsection.

(d) COMPETITIVE SERVICE TREATMENT FOR CERTAIN EMPLOYEES.—(1) This subsection applies to any employee of the United States Senate Restaurants of the Office of the Architect of the Capitol who—

(A) is involuntarily separated from service on or after the date of the enactment of this Act and before October 1, 1999 (except by removal for cause on charges of misconduct or delinquency); and

(B) has performed any period of service employed in the Office of the Architect of the Capitol (including the United States Senate Restaurants) in a position in the excepted service as defined under section 2103 of title 5, United States Code.

(2) For purposes of applying for employment for any position in the executive branch (including for purposes of the administration of chapter 33 of title 5, United States Code, with respect to such employment application), any period of service described under paragraph (1)(B) of this subsection shall be deemed a period of service in the competitive service as defined under section 2102 of title 5, United States Code.

(3) This subsection shall—

(A) take effect on the date of enactment of this Act; and

(B) apply only to an employment application submitted by an employee during the 2-year period beginning on the date of such employee's separation from service described under paragraph (1)(A).

(e) RETRAINING, JOB PLACEMENT, AND COUNSELING SERVICES.—(1) In this subsection, the term "employee"—

(A) means an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol; and

(B) shall not include—

(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

(ii) an employee who is employed on a temporary when actually employed basis.

(2) The architect of the Capitol may establish a program to provide retraining, job placement, and counseling services to employees and former employees.

(3) A former employee may not participate in a program established under this subsection, if—

(A) the former employee was separated from service with the United States Senate Restaurants of the Office of the Architect of the Capitol for more than 1 year; or

(B) the separation was by removal for cause on charges of misconduct or delinquency.

(4) Retraining costs for the program established under this subsection may not exceed $5,000 for each employee or former employee.

(f) ADMINISTRATIVE PROVISIONS.—(1) The Architect of the Capitol—

(A) may use employees of the Office of the Architect of the Capitol to establish and administer programs and carry out the provisions of this section; and

(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, to carry out such provisions—

(i) not subject to the 1 year of service limitation under such section 3109(b); and

(ii) at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(2) Funds to carry out subsections (a) and (c) may be expended only from funds available for the basic pay of the employee who is receiving the applicable payment.

(3) Funds to carry out subsection (e) may be expended from any funds made available to the Architect of the Capitol.

SEC. 311. (A) RATE OF PAY FOR DIRECTOR OF ENGINEERING.—Section 108(a) of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b–3b(a)) is amended by striking "the rate of basic pay payable for level V of the Executive Schedule" and inserting "such rate as the Architect considers appropriate, not to exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5, United States Code, for the locality involved".

(b) APPLICABLE RATE OF PAY.—Section 108(b)(1) of such Act (40 U.S.C. 166b–3b(b)(1)) is amended—

(1) by striking the second sentence; and

(2) by striking "the maximum rate allowable for the Senior Executive Service" each place it appears in subparagraphs (A) and (B) and inserting the following: "the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5, United States Code, for the locality involved".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods beginning on or after January 1, 1998.

And on page 38, line 15 of the House engrossed bill, H.R. 2209, strike "SEC. 309" and insert "*SEC. 312*" ; and the Senate agree to the same.

JAMES T. WALSH,
BILL YOUNG,
R. DUKE CUNNINGHAM,
ZACH WAMP,
TOM LATHAM,
BOB LIVINGSTON,
JOSÉ E. SERRANO,
VIC FAZIO,
MARCY KAPTUR,
DAVID OBEY,
Managers on the Part of the House.

ROBERT F. BENNETT,
TED STEVENS,
LARRY E. CRAIG,
THAD COCHRAN,
BYRON L. DORGAN,
BARBARA BOXER,
ROBERT BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2209) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

Amendment No. 1: The Senate deleted several provisions of the House bill and inserted substitute provisions. Several items in both House and Senate bills are identical and are included in the conference agreement without change. With respect to those items in amendment number 1 that differ between House and Senate bills, the conferees have agreed to the following:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

Appropriates $461,055,000 for Senate operations instead of $460,622,000 as proposed by the Senate and contains several administrative provisions. Inasmuch as this item relates solely to the Senate and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

HOUSE OF REPRESENTATIVES

The managers on the part of the House have asked the Senate conferees to agree to the addition of three House administrative provisions. The first transfers authority for granting retirement waivers from the Speaker to the Committee on House Oversight; the second authorizes the Chief Administrative Officer to make advance payments for certain goods and services; and the third authorizes available funds to be used for reimbursing the Department of Labor for workmen's compensation payments. Inasmuch as this item relates solely to the House and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

JOINT ITEMS

JOINT COMMITTEE ON PRINTING

Appropriates $804,000 for the Joint Committee on Printing as proposed by the House instead of $807,000 as proposed by the Senate.

JOINT COMMITTEE ON TAXATION

Appropriates $5,815,500 for the Joint Committee on Taxation instead of $5,907,000 as proposed by the House and $5,724,000 as proposed by the Senate. This level of funding provides resources for an additional 2.5 FTE's over the current level. The conferees agree that the Joint Committee on Taxation, a joint item that supports both the House and the Senate equally, serves a critical role in preparing tax and revenue estimates for Members of Congress. The conferees expect the Joint Committee staff to be fully responsive in assisting with revenue estimates for Members of Congress who are not members of the tax committees. Upon the request of any Member of Congress, the Joint Committee shall expeditiously provide a revenue estimate, describe all assumptions it makes in performing its calculations and provide all primary and secondary source materials to Members or their designees. The Joint Committee shall also state the assumptions and source material in a manner that will allow the calculations for the revenue estimate to be replicated by Members or their designees. The conferees note that such revenue estimates are needed in a timely manner and are critical to the consideration of legislation and amendments. The conferees expect the Joint Committee to be both responsive and timely in its responses to Members of Congress who do not serve on the revenue committees. It is the intent of the conferees to carefully monitor the responsiveness of the Joint Committee to determine if statutory language will be required next year.

OFFICE OF THE ATTENDING PHYSICIAN

In the appropriating paragraph for the "Office of the Attending Physician", restores a colon inserted by the House and stricken by the Senate, restores the designation "Office of the Attending Physician" as proposed by the House and stricken by the Senate instead of "Attending Physician's Office" as proposed by the Senate, restores the word "assistants" as proposed by the House and stricken by the Senate instead of "assistance" as proposed by the Senate and inserts "applicable appropriation or appropriations from which such salaries, allowances, and other expenses" as proposed by the Senate instead of similar language as proposed by the House and stricken by the Senate.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

Appropriates $70,955,000 for salaries of officers, members, and employees of the Capitol Police as proposed by the House instead of $73,935,000 as proposed by the Senate, of which $34,118,000 is provided to the Sergeant at Arms of the House of Representatives and $36,837,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate. The conferees have agreed to fund 1255 FTE's as proposed by the House instead of 1259 as proposed by the Senate. An amount of $267,000 is provided for "comparability" pay and is fenced pending approval of the appropriate authorities. The conferees concur in House report language regarding the need for the police to improve their record keeping.

GENERAL EXPENSES

Appropriates $3,099,000 for general expenses of the Capitol Police as proposed by the House instead of $5,401,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS

Changes section numbers, and makes corrections in capitalization and spelling.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

Appropriates $2,479,000 for salaries and expenses, Office of Compliance as proposed by the House instead of $2,600,000 as proposed by the Senate.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

Appropriates $24,797,000 for salaries and expenses, Congressional Budget Office as proposed by the House instead of $24,995,000 as proposed by the Senate.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

In the appropriating paragraph for salaries and expenses, Capitol buildings, Capitol buildings and grounds, Architect of the Capitol, inserts "for" as proposed by the Senate, inserts a limitation on travel expenses as proposed by the Senate, and appropriates $36,977,000 instead of $36,827,000 as proposed by the House and $39,554,000 as proposed by the Senate. Of this amount, $7,500,000 shall remain available until expended as proposed by the Senate instead of $6,450,000 as proposed by the House. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

1. Personnel compensation and benefits	$22,690,000

2. Annual maintenance, repairs, and alterations	5,383,000
3. Supplies, materials, and equipment	628,400
4. Conservation of wall paintings	100,000
5. Provide infrastructure for security installations	500,000
6. Replace six West Front lower terrace windows	0
7. Design to replace legislative call system and clocks	[1]0
8. Study of exterior architectural fixtures and elements	[1]0
9. Electrical renovations to Senate kitchen	75,000
10. Repairs to East Front bronze doors	0
11. Cleaning of historical architectural surface	0
12. Modifications to South Capitol Street Warehouse	0
13. Conservation and maintenance of exterior sculptures	0
14. Witness timers in House committee rooms	125,000
15. Chemical and explosive storage facility, D.C. Village	0
16. Completion of canine facility, D.C. Village	200,000
17. Replace House chamber sound reinforcement system	930,000
18. Provide protection from transformers in open areas	[1]0
19. Computer aided facility management	0
20. Improve lighting for Senate chamber	300,000
21. Upgrade electrical system drawings on CAD	0
22. CAD Mechanical Database	0
23. Upgrade Rotunda lighting	0
24. Sound systems, House committee and hearing rooms	120,000
25. Design to upgrade air conditioning, East Front	[1]0
26. Study for upgrading building systems, Capitol	0

[1] To be done with FY97 funds.

The conferees understand that several of the unfunded projects can be done with FY 1997 funds, including $75,000 for a replacement of a fire pump that was not in disagreement, and direct the Architect to submit a list of those projects to the Committees on Appropriations. To the extent that carryover funds authorized in this bill for the Architect of the Capitol remain unused in this or any other account, the Architect is directed to seek approval from the Committees on Appropriations before expending any balances.

CAPITOL GROUNDS

Appropriates $5,116,000 for care and improvement of grounds surrounding the Capitol, House and Senate office buildings, and the Capitol Power Plant instead of $4,991,000 as proposed by the House and $6,203,000 as proposed by the Senate. Of this amount, $745,000 shall remain available until expended as proposed by the Senate instead of $25,000 as proposed by the House. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

1. Supplies, materials, and equipment	$142,000
2. Replace delta barriers, north and south drives ...	0
3. Renovate and restore Russell courtyard	0
4. Design for security improvements, HSOB horseshoe	125,000
5. Security planters, Capitol square and secured streets	0
6. Install new hydraulic security barriers	0
7. CAD database development—site utilities	0
8. Upgrade, automate, and expand irrigation system	0

SENATE OFFICE BUILDINGS

Appropriates $52,021,000 instead of $50,922,000 as proposed by the Senate, of which $13,200,000 shall remain available until expended, for the operations of the Senate office buildings. Inasmuch as this item relates solely to the Senate and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers of the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

Amendment No. 2: The Senate deleted several provisions of the House bill and inserted substitute provisions. Several items in both House and Senate bills are identical and are included in the conference agreement without change. With respect to those items in amendment number 2 that differ between House and Senate bills, the conferees have agreed to the following:

HOUSE OFFICE BUILDINGS

At the request of the managers on the part of the House, appropriates $36,610,000 for the operations of House office buildings instead of $37,181,000 as proposed by the House and Senate, of which $8,082,000 shall remain available until expended. The reduction is made possible because FY 1997 funds will be used for various roof repairs and the purchase of a fire pump. Inasmuch as this item relates solely to the House and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

CAPITOL POWER PLANT

In the appropriating paragraph for the Capitol Power Plant, two grammatical changes are made, and $33,932,000 is appropriated for plant operations instead of $32,032,000 as proposed by the House and $33,645,000 as proposed by the Senate. Of this amount, $1,650,000 shall remain available until expended as proposed by the Senate instead of $550,000 as proposed by the House. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

1. Purchase of electricity ..	$925,000
2. Annual maintenance and supplies	5,060,000
3. East Plant chiller	1,000,000
4. Replace dealkalizer resin	0
5. Distribution system (steam and chilled water)	0
6. Update CAD drawings for Capitol Power Plant	0
7. Optimization of plant operations	0
8. Additional fuel costs	775,000

The additional fuel costs were not contained in either House or Senate bills and are due to the conversion of coal fired boilers to gas burners for emission control purposes.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

Appropriates $64,603,000 for salaries and expenses, Congressional Research Service, Library of Congress as proposed by the House instead of $65,134,000 as proposed by the Senate.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

Restores a heading contained in the House bill and stricken by the Senate and provides $81,669,000, including a transfer of $11,017,000 from the GPO revolving fund, for Congressional printing and binding as proposed by the House instead of a direct appropriation of $82,269,000 as proposed by the Senate. In addition, the conferees have restored a provision of the House bill stricken by the Senate and deleted a provision inserted in the Senate bill regarding billing procedures.

The conferees remind GPO to observe section 718, title 44, United States Code, in billing and carrying out printing work for Congress.

TITLE III—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

Appropriates $3,016,000 for salaries and expenses, Botanic Garden instead of $1,771,000 as proposed by the house and $3,228,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

1. Personnel compensation and benefits	$2,804,000
2. Travel, rent, and communications	6,000
3. Annual maintenance, repairs, and alterations	69,000
4. Supplies, materials, and equipment	137,000
5. Bartholdi Park irrigation system	0

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Provides $227,016,000 for salaries and expenses, Library of Congress instead of $223,507,000 as proposed by the House and $229,904,000 as proposed by the Senate. Of this amount, $9,619,000 is to remain available until expended for acquisition of library materials as proposed by the Senate instead of $8,845,000 as proposed by the House. With respect to the integrated library system (ILS), the House report (105-196) directs the Library of Congress to complete a number of key planning activities before awarding a contract. The Library has acted on several items and has developed a schedule for addressing the remaining tasks. The conferees direct that all of these key activities be essentially completed and documented before contract award. Among these are:

developing detailed transition, data conversion, arrearage reduction, training, and post-deployment human resource utilization plans; and

implementing a system capable of continuously tracking all ILS-related benefits and costs.

The conferees also agree with the Senate report regarding the submission of a report on the availability of off-the-shelf ILS software and a timeline plan and quarterly reports. The conferees also direct the Library to have approval from the Committees on Appropriations before proceeding with a contract award. With respect to the projected savings and benefits that are the basis of the Library of Congress' justification for investing over $40 million in the Integrated Library System project, the conferees believe that these savings are fully expected to materialize and will result in actual budgetary and resource savings. The conferees do not intend, therefore, that the savings associated with this project will be automatically reinvested in the Library's resource base. Any use of these savings will have to be included in resource increases requested in the usual manner in the annual budget submission. The conferees also endorse the Senate report language regarding a security plan.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

Provides $34,361,000 for salaries and expenses, Copyright Office as proposed by the House instead of $34,567,000 as proposed by the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

Appropriates $46,561,000 for salaries and expenses, books for the blind and physically handicapped instead of $45,936,000 as proposed by the House and $47,870,000 as proposed by the Senate. Of this amount, $12,944,000 shall remain available until expended instead of $12,319,000 as proposed by the House and $14,194,000 as proposed by the Senate. The conferees have provided $1,250,000 to begin a program to replace an additional 10,000 playback machines.

FURNITURE AND FURNISHINGS

The conferees agree to the Senate insertion of ", installation".

ADMINISTRATIVE PROVISIONS

The conferees have corrected a typographical error in section 202 and agree to the Senate bill which added $3,000,000 to the limitation on reimbursable and revolving fund activities. The conferees have also agreed to the language of the Senate bill regarding the establishment of a Cooperative Acquisitions Program Revolving Fund and have also agreed to language in the Senate bill regarding authority to invest gift funds.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

Appropriates $11,573,000 for structural and mechanical care, Library buildings and grounds, Architect of the Capitol instead of $10,073,000 as proposed by the House and $14,699,000 as proposed by the Senate. Of this amount, $3,910,000 shall remain available until expended as proposed by the Senate instead of $710,000 as proposed by the House. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

1. Annual maintenance, repairs, and alterations	$1,191,000
2. Supplies, materials, equipment and land	615,000
3. Replace HVAC eliminator plate, TJB and JMMB	0
4. Replace convector controls, Madison Building ..	0
5. Replace copper on roof vertical walls, TJB Building	1,500,000
6. Indoor security improvements—cages and vaults	0
7. Design for building security systems upgrades	0
8. Design for Visitors Center, Thomas Jefferson Building	0
9. Compact bookstack safety review, Madison Building	0
10. Install additional readers, Library of Congress Buildings	0
11. Design for screening/holding facility, Fort Meade	0
12. Exterior security improvements	0
13. HVAC Improvements NW Curtain, TJB	0

The conferees direct that no funds be expended for design of building security system upgrades until approval of the Library's overall security plan by the appropriate committees of the House and Senate.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

Appropriates $29,077,000 as proposed by the Senate and makes a punctuation change for salaries and expenses, Office of Superintendent of Documents instead of $29,264,000 as proposed by the House.

On September 16, 1997, the General Accounting Office (GAO) issued a report related to the Government Printing Office (GPO) inventory reductions during the last quarter of Fiscal Year 1996. GAO found that certain procedures and policies were not followed, which resulted in thousands of volumes being destroyed without the usual prior notification of issuing agencies to determine if they wanted the excess copies. The conferees find the actions of GPO in this matter irresponsible and to have shown a callous disregard for the interest of the taxpayers. GPO has taken or plans to take the following actions to assure that this does not recur:

Superintendent of Documents policy has been changed to require that certain publications, because of their historical significance, will remain in print and available in the Sales Program indefinitely. Inventory control documents for these publications will indicate this policy.

GPO will develop a formal system for identifying publications that will remain in the inventory indefinitely.

GPO has amended its policy to require that no exception can be made to the requirement that excess stocks must be offered to the issuing agency. This revised policy will provide that excess inventory will be charged to surplus publications expense when it is determined to be excess. The excess inventory will be held in GPO's warehouse while issuing agencies are contacted to see if they want the excess publications. The policy to offer issuing agencies excess copies before their disposal cannot be waived.

GPO has issued a written policy that excess inventory does not have to be physically removed from GPO's warehouse before it can be charged to surplus publications expense.

GPO's new Integrated Processing System will allow GPO to electronically designate excess inventories and provides a comment box where GPO can designate a publication as not to be excessed, or make other appropriate notations about its disposition. Until the new system is implemented, notations on holding copies indefinitely will be made on records that are maintained manually.

GPO will modify the form it uses to make recommendations on excess inventory to include consideration of holding costs.

The conferees direct that GPO implement and monitor the management of the Sales Program vigilantly under these actions in all cases. In addition, the conferees note that GPO has developed a legislative proposal to authorize the transfer or donation of excess publications to schools or similar institutions, if they are not wanted by the issuing agency. The proposal has been submitted to the appropriate congressional committees.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The conferees agree to a technical change in a heading reference and have deleted the Senate language regarding the time reference for calculating full-time equivalent employment.

The conference agreement provides that the Government Printing Office (GPO) will make available up to $1,500,000 from its revolving fund to the General Accounting Office (GAO) for a management audit of selected GPO procedures and operational processes. It is expected that GAO will rely heavily on outside experts and contract assistance for its reviews, and will report the results no later than April 30, 1998, to House and Senate Appropriations Committees, Joint Committee on Printing, Committee on House Oversight, and the Senate Rules and Administration Committee. Specific activities that GAO is instructed to assess and make recommendations on are: (1) the Superintendent of Document's sales program and the procedures involved in the management of publication inventories for the program; (2) the Government Printing Office's printing procurement program including the organization, operation, staffing, marketing, and financing of this program as well as procedures for contracting for printing services from private vendors and the process for determining charges for printing and other services provided to Congress and executive branch agencies; (3) the Government Printing Office's in-plant production including ways to improve its efficiency and cost-effectiveness, its organization and the mix of its products, its management and staffing, and the processes for determining charges for printing and other services provided to Congress and the executive branch agencies; (4) the appropriate use of GPO personnel (training, deployment, supervisory structure, etc.); and (5) the Government Printing Office's budgeting, accounting and financial reporting systems including their methodology, presentation, clarity, reliability and ease of interpretation. This management audit must include an objective evaluation of each of these activities with specific recommendations which will improve the efficiently and effectiveness of the Government Printing Office in fulfilling its legal responsibilities. GAO is also instructed to update and assess the implementation status of financial and other management-related observations and recommendations identified during the audit of GPO's consolidated financial statement for the year ended September 30, 1995. GAO's reviews should not be encumbered by presupposing that GPO's current operations, including in-house printing of the Congressional Record and other resource-intensive Congressional and executive branch publications and operating with three shifts, cannot be changed.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

Makes several punctuation and non-substantive language changes as proposed by the Senate and appropriates $339,499,000 for salaries and expenses. General Accounting Office instead of $323,520,000 as proposed by the House and $346,751,000 as proposed by the Senate. With respect to the provision added by the Senate regarding studies and assessments, the conferees have agreed to drop this provision.

TITLE III—GENERAL PROVISIONS

In Title III, General Provisions, section numbers have been changed to conform to the conference agreement. The conferees have agreed to the language of the House bill in section 302, have agreed to the provisions in the House bill regarding "buy American", the Legislative Branch Financial Managers Council, and the amendment to title 18, United States Code, covering the use of the House and the Congressional seals. The conferees have also agreed to sections 306 and 309 of the Senate bill regarding section 316 of Public Law 101–302 and the Senate restaurant system. The conferees have agreed to delete section 307 of the Senate bill, which amends the National Energy Conservation Policy Act, and section 308 of the Senate bill, regarding residence of Members of Congress. Also, the conferees have added a new provision which adjusts the cap on nine senior positions in the office of the Architect of the Capitol. The conferees intend that the cap adjustment be used for cost-of-living adjustment purposes.

ALTERNATIVE FUEL VEHICLES

The conferees are aware that the Energy Policy Act of 1992 calls for the incorporation of alternative fuel vehicles into Federal fleets. Inclusion of such clean fuel vehicles provides needed air quality benefits for the Nation's Capital. The conferees note that Senate report language directs the Architect of the Capitol and the Senate Sergeant at Arms to report to the Senate Committee on Appropriations by January 1, 1998, on how they could incorporate alternative fuel vehicles into their fleets consistent with their needs and requirements. Accordingly, the conferees direct the Comptroller General of the States, the Public Printer, the Capitol Police Board, the Clerk of the House, the Secretary of the Senate, and the Librarian of Congress, as well as the Senate Sergeant of Arms and the Architect of the Capitol to report to their respective Committees on Appropriations on a plan that would incorporate alternative fuel vehicles into their fleets consistent with their needs and requirements and the Energy Policy Act of 1992.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follow:

New Budget (obligational authority, fiscal year 1997	$2,202,881,200
Budget estimates of new (obligational) authority, fiscal year 1998	2,394,560,000
House bill, fiscal year 1998	1,711,417,000
Senate bill, fiscal year 1998	2,283,746,000
Conference agreement, fiscal year 1998	2,248,676,500
CONFERENCE AGREEMENT, COMPARED WITH:	
New budget (obligational) authority, fiscal year 1997	+45,795,300
Budget estimates of new (obligational) authority, fiscal year 1998	−145,883,500
House bill, fiscal year 1998	+537,259,500
Senate bill, fiscal year 1998	−35,069,500

James T. Walsh,
Bill Young,
R. Duke Cunningham,
Zach Wamp,
Tom Latham,
Bob Livingston,
José E. Serrano,
Vic Fazio,
Marcy Kaptur,
David Obey,
Managers on the Part of the House.

Robert F. Bennett,
Ted Stevens,
Larry E. Craig,
Thad Cochran,
Byron L. Dorgan,
Barbara Boxer,
Robert Byrd,
Managers on the Part of the Senate.

☐ 1900

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO MINNIE ELIZABETH HARPER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I rise tonight to share the story of a truly remarkable American. While I was back in eastern North Carolina during the month of August, I had the great fortune to make the acquaintance of Minnie Elizabeth Harper.

Minnie Harper was born and raised in eastern North Carolina. A product of a loving and caring family, Minnie Harper is a 1974 honor graduate of Greene Central High School who has always been very active in her church and in her community. Even at a very young age, Minnie Harper was a role model to all who knew her. She was on a direct path to success.

Sadly, in June 1975, a terrible automobile accident left Minnie Harper a C–5 quadriplegic, but she did not let it lead her off her path to success. Such an accident may have hampered the dreams and broken the spirit of most people, but not Minnie Harper.

In her own words, Minnie Harper stated, and I quote, "I am not a failure. My parents did not raise any failures. My handicap has not totally impeded my dreams and goals; it has just altered the path and encouraged me to push forward."

Proving those words to be true, Minnie Harper went on to graduate with honors from Lenoir Community College in Kinston, NC in May 1981. Upon her graduation, Minnie Harper continued to give to her community. She founded and organized the American Community Girls Club in Snow Hill, NC, where she resides.

In this club, Miss Harper guided and motivated young ladies, encouraging them to pursue excellence and to build self-esteem. Today, these young ladies are following their own paths to success and remain in contact with their role model, Minnie Harper.

While continuing to volunteer in her community, Minnie Harper again focused on her educational goals. Having completed her degree at Lenoir Community College, Minnie Harper went on to obtain a bachelor of science degree in social work from East Carolina University in Greenville, NC.

After she graduated as a member of the National Honor Society, Minnie Harper was accepted to the East Carolina University masters program in social work. Before she could obtain her masters degree, sadly, yet another tragedy struck Minnie Harper's life.

A fire in her parents' home left her with second- and third-degree burns over 40 percent of her body. The accident also left her with severe facial damage, the loss of two fingers, and a permanent lung condition.

Ever optimistic, even after the tragic fire, Minnie Harper said, and I quote again, Mr. Speaker, "God has not given me any more than I can bear."

Minnie Harper continued with her selfless work. Incredibly, she has remained active in the community, helping others and setting an excellent example for all Americans, both young and old.

In December 1995, North Carolina Governor Jim Hunt appointed Minnie Harper to the North Carolina Statewide Independent Living Council. In this capacity she works to raise awareness of the Independent Living Rehabilitation Program and ensures that handicapped citizens are recognized for the work they do.

Minnie Harper is a champion for the rights of handicapped citizens, both by giving them the spiritual and emotional support and encouragement she is famous for and by helping to make lawmakers aware of their needs.

I have truly been inspired by the story of Minnie Harper. Despite extraordinary unfortunate circumstances, Minnie Harper has not asked for handouts. Nor has she ever uttered the words "I cannot." She has persevered, she has succeeded, and she has helped others along the way with her dedication to her church, her family, her friends, and her community.

Minnie Harper has not complained about her hardships, but has always held a positive attitude and has given constant credit to God for giving her the strength to carry on. I admire Minnie Harper for her courage and her strength, and I thank her for serving as a role model to all who hear her incredible story.

Mr. Speaker, citizens like Minnie Harper truly make America great.

TRIBUTE TO RIZAL AGBAYANI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor and pay tribute to Mr. Rizal Agbayani, a veteran of World War II and a former member of the U.S. Armed Forces in the Far East. He died of a heart attack last week at the Fairfax Hospital in Virginia, near Washington, DC. He is survived by his wife, Criselda, and his eight children.

Mr. Agbayani came to Washington as part of the 37-veteran delegation from Hawaii attending the gathering of the National Advisory Council of Philippine-American Veteran Leaders. Almost 300 Filipino veterans were in our Nation's Capital last week, gathered together for the first time, working with a united front to achieve equity for all Filipino World War II veterans.

Mr. Agbayani actively took part in meetings with several Members of Congress. He was also one of the hundred demonstrators at a rally in front of the White House organized by National Advisory Council members and the 130-member Equity Caravan, a 6-city, 2-week march to Washington designed to call attention to the Filipino Veterans Equity Act (H.R. 836) and urging Congress to pass this bill.

Mr. Agbayani was named after Jose Rizal. A national hero of the Philippines, Rizal was executed for his fight to free the Philippines from colonial Spain, and this year marks the observance of the centennial anniversary of Rizal's death. Like his namesake, Mr. Agbayani died while fighting for justice, and today his body is being flown to the Philippines to his final resting place.

I want to take this opportunity to commemorate the life and struggle of Mr. Agbayani and the thousands of other Filipino World War II veterans whose participation was so crucial to the outcome of World War II. Too few Americans are familiar with this chapter in our Nation's history.

During this war, the military forces of the Commonwealth of the Philippines were drafted to serve in our Armed Forces by Executive order of the President of the United States. Filipino soldiers defended the American flag in the now famous battles of Bataan and Corregidor. Thousands of Filipino prisoners of war died during the 65-mile Bataan death march. Those who survived were imprisoned under inhuman conditions where they suffered casualties at the rate of 50 to 200 prisoners a day. They endured 4 long years of enemy occupation.

The soldiers who escaped capture, together with Filipino civilians, fought against the occupation forces. Their guerilla attacks foiled the plans of the Japanese for a quick takeover of the region and allowed the United States the time needed to prepare forces to defeat Japan. After the liberation of the Philippine Islands, the United States was able to use the strategically located Commonwealth of the Philippines as a base from which to launch the final efforts to win the war.

One would assume that the United States would be grateful to their Filipino comrades, so it is hard to believe that soon after the war ended, the 79th Congress voted in a way that can only be considered to be blatant discrimination, as they took away the benefits and recognition that the Filipino World War II veterans were promised.

Mr. Agbayani and his comrades have been fighting over 50 years to regain this recognition that they so deserve. Their sons and daughters have joined in the fight, wishing desperately to restore the honor and dignity to their fathers while they are still alive. The urgency is real, Mr. Speaker. At least six Filipino World War II veterans are dying each day.

Mr. Agbayani's journey to Washington last week was his final journey in search of this recognition for his Filipino World War II comrades. As a tribute to Mr. Agbayani and the thousands of other veterans already gone before us in death, I urge my colleagues to take a serious inventory of this issue, to cosponsor 836, and to correct a monumental injustice by restoring the benefits that were promised to the Filipino World War II veterans for their defense of democratic ideals.

GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, on September 18, 1996, one year ago today, President Clinton, claiming authority under the Antiquities Act, stood on the south side of the Grand Canyon of Arizona and designated 1.7 million acres of southern Utah as a national monument.

Over at the Committee on Resources, we have met with administration officials, held hearings, and subpoenaed documents in an effort to sort this thing out. I thought it might be appropriate, since today is the anniversary of that unprecedented election year stunt, to say a few words about what we have been able to come up with.

The first time I or any other Utah official heard about the National Monument was on September 7, 1996, when the Washington Post published an article announcing that President Clinton was about to use the Antiquities Act of 1906 to create a 2-million-acre national monument in southern Utah.

Naturally, we are all somewhat concerned. In fact, I think most of us found it a little hard to believe. Surely the President would have the decency to at least let the citizens of Utah know if he were considering a move that would affect them so greatly.

When we expressed our concern to the Clinton administration, they denied they had even heard about such a thing. They tried to make it look like the monument was some kind of nebulous idea that was being kicked around, but that we should not really take it too seriously or worry about it. As late as September 11, Secretary of Interior Bruce Babbitt wrote to Utah Senator BENNETT and pretty much told him that.

Within the confines of the administration, however, it was clear the monument was a go. The real issue was keeping it a secret from the rest of the world. By July 1996 the Department of Interior had already hired law professor Charles Wilkinson to draw up the President's National Monument proclamation. In a letter written to Professor Wilkinson asking him to draw up the Proclamation, DOI Solicitor John Leshy wrote: "I can't emphasize confidentiality too much. If word leaks out, it probably won't happen, so take care."

When I say that the Clinton administration went to great lengths to keep everyone in the dark, I should probably qualify that a little. On August 5, 1996, CEQ chair Katy McGinty wrote a memo to Marcia Hale telling her to call some key western Democrats to get their reactions to the monument idea. There was conspicuous absence on her list, however, of anyone from the State of Utah. Not the governor, not the senators, not the Congressmen, not the Speaker of the House, not the President, nobody. Even the Democratic Congressman, Bill Orton, was kept in the dark. Clinton did not want to take any chances.

In the memo, Ms. McGinty emphasized that it should be kept secret, saying that "Any public release of the information would probably make the President change his options."

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Why, you ask, did President Clinton want to keep this secret from the rest of the world? Because it would ruin their timing. This announcement was a political election year stunt and those type of things have to be planned and timed perfectly. If news of the monument were to break too early, it would be old news by the time Bill Clinton did his photo op on the site of the Grand Canyon.

Let us back up and ask ourselves why President Clinton wanted to create this new 1.7 million acre national monument. The administration claimed it was to protect the land. For example, at our hearing this year, Katy McGinty said, "By last year the lands were in real jeopardy."

That sounds great, but the truth is the land was not in any danger. Even if it were, national monument status would not do anything to protect it. If anything, it takes away protection. We have requested documents from the administration where they admit to both of those points. Take for example a March 25, 1996 E-mail message about the proposed Utah national monument from Katy McGinty that said this:

"I do think there is a danger of abuse of the withdrawal, especially because these lands are not really endangered." There we have it, in Katy McGinty's own words. The administration did not think the land was in any real danger or in any jeopardy.

Okay, so the administration did not really think the lands involved were in any real danger. Let us just ignore that for a moment and pretend that the lands were in some sort of danger and ask ourselves if creating a monument out of these lands was a good idea.

Does it stop coal mining in the area? No. You can still mine. Does it stop mineral development? No. Conoco is drilling oil wells on the Grand Staircase-Escalante right now. Does it stop grazing on the land? No. Does it stop people from visiting the area? No. Quite to the contrary, people are coming by the millions now to see it. Roads are all over the place since Bill Clinton created this to protect the land. What a joke.

What is the administration talking about when they say they needed to create a national monument to protect these lands? The land was not in any danger, and even if it were, a national monument was the least effective tool.

All right, so we have seen the administration did not create the monument because they thought the land was in any danger. Why did they do it then? They thought it would help Bill Clinton with the upcoming presidential election. Katy McGinty wrote to Leon Panetta on September 9, 1996 and said: "The political purpose of the Utah event is to show the President's willingness to use his office to protect the environment."

Clinton figured he could get some extra votes from the environmentalists around the country at very little cost. He figured it might give him an edge in some of the close States. He picked Utah for his stunt because he knew he didn't have a snowball's chance in Hades of winning the State. He was probably still a little sore about the fact that during the 1992 election Utah was the only state where he came in third place. There you are. Free environmental votes in 49 states and the 50th State he didn't have a chance at winning anyway.

Why did he pick the National Monument idea when it actually protected the land less than the other options available to him? . . . Because it was more dramatic. Most armchair environmentalists don't understand the complexities of natural resource law. It just wouldn't have had the same effect if Clinton would have had the Secretary of Interior sit at his desk and say "pursuant to 43 U.S.C. 1701 § 204(e), I hereby withdraw the Kaiparowits plateau from mineral entry under 30 U.S.C. 22." No, it wouldn't have been nearly as picturesque. The armchair environmentalist would have scratched his head and switched the channel to catch the second half of the Steelers-Broncos game. No, the Clinton administration needed to do something dramatic to get their votes. Bill Clinton needed to stand there overlooking the Grand Canyon, with the wind blowing through his hair, telling everyone how he was following in Teddy Roosevelt's footsteps and saving the land by creating a new national monument. How profound. How courageous. It kind of brings a tear to the eye, doesn't it. Never mind the fact that creating this monument didn't really achieve any of the administration's stated objectives. Chances were that no one would figure that out until after the election anyway.

Well, people are starting to figure it out now. For instance, last week I read an article in the Salt Lake Tribune where a spokesman for the Southern Utah Wilderness Alliance called Clinton and Gore "election-year environmentalists" because CONOCO is being allowed to drill for oil in the monument. Remember, these are the same people that were cheering and crying and hugging each other at the Grand Canyon a year ago. Today they are beginning to realize that they were all duped—that this was nothing but an election year stunt and that national monument status doesn't do anything for their cause.

Many people have asked me why we passed the Antiquities Act in the first place if it allows this kind of abuse. Well, the answer is that the people that passed it didn't anticipate these kinds of problems. The Antiquities Act was passed back when we had very few environmental laws and few ways to preserve our lands.

The language of the Antiquities Act allows presidents to "declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest * * * to be national monuments". The size of such withdrawals would be in all cases "confined to the smallest area compatible with the proper care and management of the objects to be protected."

Notice two very important points here. First, the Antiquities Act was designed to preserve specific objects. Second, it mandated that the President use the smallest amount of land necessary to preserve those specific objects. Using this criteria, lets look at three national monuments that have been declared by presidents in the past.

How about Devils Tower National Monument, proclaimed by Theodore Roosevelt in 1906? What does it protect? * * *. It protects a 865-foot tower of columnar rock in Wyoming. This basalt tower is the remains of an ancient volcanic intrusion, * * * O.K. we have a specific recognizable object that is being protected here. Sounds like it meets the criteria. How much land is included in the monument? 1,347 acres. Sounds pretty reasonable.

How about Statue of Liberty National Monument, proclaimed in 1924 by Calvin Coolidge? What does it protect? * * * Statue of Liberty National Monument protects the famous 152-foot copper statue bearing the torch of freedom. The statue was a gift from the French people in 1886 to commemorate the alliance between France and the United States during the American Revolution. Seen by millions of immigrants as they came to the new world, it has become famous as a symbol of freedom. How much land? * * * 59 acres. Wow. That sounds pretty good.

O.K. Just to be fair, lets look at the new Grand Staircase-Escalante National Monument, proclaimed in 1996 by William Jefferson Clinton. What objects does it protect? * * * Hmmmm * * *. Come to think of it, I have absolutely no idea * * *. Do you? * * * Does anyone? * * * O.K. forget that question for a minute, and lets look at how much land we need to protect these "objects" that no one can name * * * 1.7 million acres * * *. One Million Seven Hundred Thousand acres!!!! * * * Wouldn't you say that's maybe just a little bit excessive. That's about as much land as the states of Delaware and Rhode Island combined! There's no way anyone could possibly tell me this is the smallest amount of land necessary to protect whatever those "objects" are that no one can name.

I think that people intuitively know what national monuments are all about. During the past year I've spent quite a bit of time on that land. People kept coming up to me and asking where the monument was. I told them "you're standing on it". They looked at me incredulously and said "what am I supposed to look at?" You see, they know that national monuments are supposed to protect specific objects, and they want someone to show them those objects. I don't know what to tell them? The best I can do is say "Darned if I know. Let me know if you figure it out."

Well, this whole thing is now history. Bill Clinton had his photo-op at the Grand Canyon, bypassed Congressional power over the public lands, got the few extra votes he needed, and won the election. Meanwhile, the land isn't protected, hundreds of thousands of acres of private and state school trust land are hanging in limbo, and we are all wondering how we can stop this sort of thing from happening again.

O.K. * * * so, what can we do to stop this? * * * I have a bill, H.R. 1127, that will be coming to the floor in the coming of weeks that I think will go a long way toward fixing the Antiquities Act to prevent Presidential abuse.

H.R. 1127 is a good piece of legislation. During the debate on the floor you are going to hear all kinds of rhetoric about how my bill is anti-environmental. As you can see, that's ridiculous. This debate isn't about the environment. This is about Presidential abuse of power. We shouldn't allow a President to use our public lands as political pawns.

Protect our public lands and protect the democratic process. Support H.R. 1127.

INTRODUCTION OF DEADBEAT PARENTS PUNISHMENT ACT

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise today to announce the introduction by myself and the gentleman from Illinois [Mr. HYDE] of the Deadbeat Parents Punishment Act.

The gentleman from Illinois and I are introducing this bill to send a clear and unmistakable message to deadbeat parents who attempt to use State borders as a shield against child support enforcement orders. It says essentially you can run, you can try to hide, but you cannot escape your moral and legal duty to pay child support you owe.

The Deadbeat Parents Punishment Act of 1997 will strengthen penalties for deadbeat parents in egregious interstate cases of child support delinquency and enable Federal authorities to go after those who attempt to escape State-issued child support orders by fleeing across State lines.

Under the Child Support Recovery Act sponsored by the gentleman from Illinois [Mr. HYDE] and enacted with broad bipartisan support in 1992, a bill which I cosponsored with the gentleman from Illinois, parents who willfully withhold child support payments totaling more than $5,000, or owing for more than 1 year, are presently subject to a misdemeanor punishable by not more than 6 months imprisonment. A subsequent offense is a felony punishable by up to 2 years in prison.

The law that we are introducing today addresses the difficulty States frequently encounter in attempting to enforce child support orders beyond their borders. The Deadbeat Parents Punishment Act would augment current law by creating a felony offense for parents with an arrearage totaling more than $10,000 or owing for more than 2 years. This provision, like current law, would apply where the noncustodial parent and child legally reside in different States.

In addition, the Deadbeats Act would make it a felony for a parent to cross a State border with the intent of evading child support orders where the arrearage totals more than $5,000 or is more than 1 year past due, regardless of residency.

Mr. Speaker, this House has articulated in the welfare bill that we passed, in the act sponsored by the gentleman from Illinois [Mr. HYDE], and other legislation, that we expect those who have children in America to take responsibility for those children, to ensure, whether or not the family unit stays intact, that those children have adequate resources to be housed, to be clothed, to be fed, to be nurtured.

Mr. Speaker, this Congress cannot force or mandate by law that parents will love their children. We hope that they will do that. We know that that is critical to a child's welfare. We know as well that the failure of some parents to do that has led to a crisis in this country when it comes to crime committed by children, teenage pregnancy, and other activity that we lament being perpetrated by young people. But, in fact, it is parents who we should expect and, yes, demand that they meet their responsibilities, first to their children, but then as well to their communities.

Mr. Speaker, I would urge my colleagues to cosponsor this act with me, and I hope that we have early hearings and early passage of this act.

LANDOWNER IGNORED IN MONTANA LAND TRANSACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana [Mr. HILL] is recognized for 5 minutes.

Mr. HILL. Mr. Speaker, this evening I want to visit with my colleagues about the New World Mine. Some of my colleagues may recall that on August 12, 1996, the President announced that he wanted to pay $65 million to purchase a mining interest that is close to Yellowstone Park.

Mr. Speaker, this agreement, or deal, if you will, was negotiated in secret. It was negotiated in the back rooms, in the corridors, in the boardrooms of the White House and environmental groups and a mining company. Who was left out? Who was not consulted?

Mr. Speaker, the Governor of Montana was not consulted, and therefore the citizens of Montana were not consulted. The Montana congressional delegation was left out. Local government officials were never consulted. Land management agencies were not consulted. Congress itself was left out. But most surprisingly, Mr. Speaker, the owner of the land was left out, too.

Mr. Speaker, the President first proposed that we give $65 million worth of public lands in Montana to this out-of-State, out-of-Nation mining company, and that caused a great uproar in Montana. Montanans feel a great attachment to the land. They hunt on it, they fish on it, they camp on it, and they enjoy it immensely for hiking and berry picking. Many Montanans, Mr. Speaker, make their living off the land.

That uproar caused the President to change his mind. Then he proposed giving $100 million out of the CRP program, the Conservation Reserve Program, to buy out this mine, and that created even a greater outrage. Environmentalists and sportsmen and farmers said, "No, don't do that, Mr. President."

So then the President asked that we give him a blank check. Mr. Speaker, the House said no. The reason that the House said no is because the President had decided to ignore two very important parties in this transaction. One is the State of Montana and the citizens of Montana but, more importantly, the property owner, Margaret Reeb.

It turns out that Margaret Reeb owns the mineral interest that the President had entered into an agreement secretly to buy out. The problem is that they never contacted Margaret Reeb, they never consulted with Margaret Reeb, and they never entered into any agreements with Margaret Reeb. It would be like, Mr. Speaker, having a neighbor come to you one day and say, "I sold my house to some people who came along, but the only way they'd buy it is if I sold them yours, too, so I sold them your house, too." That is how Margaret Reeb feels.

The secret deal was made behind closed doors, and it cut out the public. There were no hearings, there was no authority, there was no appropriation. And, Mr. Speaker, the President even cut off the National Environmental Policy Act in the process.

Montana was hurt, too. Four hundred sixty-six jobs, Mr. Speaker, will be lost; $45 million in tax revenues to the State of Montana; even Park County, MT, lost $1.2 million.

What should we do? Mr. Speaker, the Denver Post wrote an editorial on September 8. It says this:

> The Clinton administration goofed when it ignored a private landowner during negotiations to block a proposed gold mine near Yellowstone National Park. Even a first-year law student would know that to do a land swap, the landowner must be consulted. That the White House didn't do so is inexcusable.

It goes on to say:

> But as it explores all lawful alternatives, the Clinton administration should avoid acting heavy-handedly. It was Clinton's minions whose omissions left the landowner out of the loop in the first place. It's now their job to fix the problem.

Mr. Speaker, that obligation is to Margaret Reeb, and that obligation is to the people of Montana. I have proposed an alternative to this mechanism, and that alternative would save taxpayers tens of millions of dollars. It would protect the property rights of Margaret Reeb, and it would deal with the concerns of the people of the State of Montana. I would urge my colleagues to support me in this effort to propose an alternative that is fair and it is responsible, it is fair to the parties who are involved, it is fair to Margaret Reeb, and it is fair to the State of Montana.

GOLD MINE PACT BUNGLED

> The Clinton administration goofed when it ignored a private land owner during negotiations to block a proposed gold mine near Yellowstone National Park.
>
> The original proposal, involving a land swap, was put together more than a year ago by the White House, an environmental group and a major mining company.
>
> Crown Butte wanted to develop its New World Gold Mine just 3 air miles from Yellowstone. An environmental impact statement was being prepared because the mine needs the approval of federal agencies. Although the mine's supporters claimed the EIS' publication was imminent, the document actually was behind schedule.

Meantime, the National Park Service vigorously campaigned against the mine on grounds that the operation might harm Yellowstone's ecological balance and potentially disrupt its geological wonders. A rift developed between the Park Service and other federal agencies over whether the EIS would adequately address these concerns.

The White House intervened and offered Crown Butte the chance to swap the controversial property for another parcel elsewhere. That deal later unraveled, so now the Clinton administration is trying to persuade Congress to approve a cash buyout of the mining claim.

However, during this lengthy process the Clinton team apparently forgot to ask the private land owner, who had leased her property to the gold mining company, if she would be willing to sell the acreage.

She insists the land isn't for sale.

At the very least, the Clinton administration wound up with egg on its face. Even a first-year law student would know that to do a land swap, the land owner must be consulted. That the White House didn't do so is inexcusable.

This gaffe is unfortunate because it supplies new ammunition to Clinton critics who charge that the president rushed the land swap proposal to win points with environmental groups in the midst of an election campaign.

The issue now, though, is whether the Clinton team can make amends.

One possible solution would be to offer the land owner a cut of the cash.

But as it explores all lawful alternatives, the Clinton administration should avoid acting heavy-handedly. It was Clinton's minions whose omissions left the land owner out of the loop in the fist place. It's now their job to fix the problem.

MEMBER RESPONDS TO MENENDEZ PRIVILEGED RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I want to take this time to do something that I was not allowed to do, because I was given no time in the debate concerning our friend Bob Dornan and the banning of Bob Dornan from the House floor under what I would consider, in the least, a very flawed hearing, if you could call it that, a gathering of Members who heard the prosecutorial statement, heard the statement by the gentleman who claimed that he was wronged, with absolutely no defense allowed to be given, no time for a defense, and then a vote and a punishment.

Mr. Speaker, all we can do is give our own perspective of events from our own experience. I want to do that right now.

Bob Dornan came in here the other day, a couple of days ago, walked over to a bunch of us right here at the majority leadership table, and had small talk with us. He did not lobby for any cause, much less for his cause. He chatted with us. In fact, he said at one point, "I know I can't lobby here. I just want to see how you guys are doing."

After a few minutes, we walked back to the cloakroom. As we sat down in the cloakroom, the gentleman from New Jersey [Mr. MENENDEZ] came rushing out on the floor and proceeded in a very pointed way to attack Mr. Dornan. He did not attack him by name. He asked the Speaker to tell him what the rules were with respect to whether or not a former Member could lobby Members of Congress on the House floor, come out here and lobby.

Of course, the gentleman from New Jersey [Mr. MENENDEZ] being an old hand at this, knows you cannot lobby. He also knows that Mr. Dornan had just been on the House floor and was the only person there, and it was a very pointed attempt to embarrass Mr. Dornan, and it worked.

So Mr. Dornan rushed back on the House floor and talked to the gentleman from New Jersey [Mr. MENENDEZ] right over here and told him what he thought of him. Maybe he should not have told him what he thought of him. Maybe he should not have used harsh words, but on the other hand, Mr. Speaker, we have had Members of Congress grab each other, mug each other, put each other in headlocks, punch each other, do all kinds of things, and that includes members of the leadership, Mr. Speaker, and we have never banned any of them from the House floor.

I just want you to consider that when a former Member comes out here, he cannot defend himself. The one thing all of us can do if another Member takes us on, especially if they take us on personally, is we can get time at the mike and we can get up and defend ourselves.

But a former Member who comes out here, who is embarrassed and humiliated by a sitting Member who stands up and starts to imply that he is out there lobbying, which is not legal or against our rules on the House floor, that former Member can do nothing. He has to sit there and take it and be humiliated.

Interestingly, in all of these other cases that have come before us when Members have grappled, punched, and done other things to each other, we have always looked at the full context of the case. We have never just taken a snapshot and said, "You shouldn't have done that." We have said, "What happened? What provoked it?" Was there a provocation?

In my assessment, Mr. Speaker, there was absolutely a provocation. Mr. Dornan was provoked to do this. The other Member did this simply to embarrass him. He knew what the rules were. He did not have to learn the rules anew. He knew darned well you cannot lobby on the House floor. He also knew that everybody who had seen Mr. Dornan on the House floor would realize that those pointed remarks were directed to him. He knew it would embarrass Mr. Dornan, and he did it, and then he proceeded to say, look what has happened to me, and to reap the benefit of that, which is this precipitous move to ban a former Member from the House floor based totally on what the prosecutorial side says happened.

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None of us who wanted to defend Mr. Dornan had a chance to defend him. We did not have any time. I got up to make my statement, and we were out of time, because we were only given 20 minutes apiece.

So, Mr. Speaker, this has been a sad chapter in the House of Representatives, a sad chapter for people who talk about due process, talk about letting everybody have a fair hearing, talk about people being able to present their part of the evidence, present their views, their opinions. There was none of that. There was a self-serving statement by the prosecution, and then we all voted. It was a mistake, Mr. Speaker.

IN MEMORY OF MAJ. GEN. HENRY MOHR

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Missouri [Mr. TALENT] is recognized for 5 minutes.

Mr. TALENT. Mr. Speaker, I rise today to speak in honor of Maj. Gen. Henry Mohr, a personal friend, an honorable man, a devoted husband, father, grandfather, great grandfather, patriot, soldier and hero, who passed away in St. Louis on September 7, 1997.

Henry Mohr's entire adult life exemplifies in the most profound manner what it means to be a "citizen soldier." He enlisted as a private in September 1941 and was stationed at Pearl Harbor on that day that will live in infamy, December 7, 1941. While most of us know of Pearl Harbor from movies and books, Private Henry Mohr was there.

In August 1942, he earned the gold bars of a second lieutenant by completing Army Officer Candidate School. As a field artillery officer, he served throughout World War II, participating in amphibious landings in New Guinea, the Philippines, and service in Korea.

Following the war, Captain Mohr left active duty, but continued to serve in the Army Reserve until 1950. After North Korea's attack against the South, he volunteered for active duty and served throughout that conflict as well.

Following the cessation of hostilities in 1953, Captain Mohr returned to Reserve status, serving in a variety of command and staff positions as he worked his way up through the ranks. He also participated in studies designed to improve the role of Army Reserve Forces, paving the way for the seamless integration of Active and Reserve components, years prior to Secretary of Defense Melvin Laird's formal implementation of the total army concept in the early 1970's.

Throughout the early to mid 1970's, colonel and then Brigadier General Mohr served as chief of staff, deputy commander, and then as commander of the 102d Army Reserve Command, or ARCOM, in St. Louis.

In June 1975, Henry Mohr was promoted to major general and called to active duty to serve as the Chief of the Army Reserve, commanding an Active Reserve Force of over 225,000 soldiers. During his 4-year command, General Mohr committed himself totally to the improvement of military readiness, appearing frequently before Congress to testify on immediate and strategic readiness issues, not the least of which was combat medical care, the first responsibility this Nation has to those it sends in harm's way.

The medals he wore were a testament to his character. The Nation awarded him a Legion of Merit, a Bronze Star with "V" device for valor, Presidential Unit Citation, Meritorious Service Medal with oak leaf cluster, and, upon retirement, the Distinguished Service Medal.

Impressive as it is, Major General Mohr's character was by no means defined solely by his military service. He was a devoted husband to his wife Dorothy and father of 2 sons, Philip Mohr of Lake Saint Louis, and David Mohr of Table Rock, MO, 5 grandsons, and he had 10 great grandchildren.

Mr. Speaker, to know General Mohr was to know a man of unmatched integrity and character, an officer who first and foremost cared for his troops, a man possessed of both physical and moral courage, a man who, as his family, his many friends and his fellow soldiers around the country will tell you, embodied what it means to be a patriot, a citizen soldier, a war hero, an American of the most exemplary kind. He always stood for the service and for his men, without regard to the consequences to himself personally.

We have lost a good man in Maj. Gen. Henry Mohr, his lifelong example of selfless service most of us can only aspire to. The man who can fill his boots is a rare man indeed. I hope and trust that many will accept the challenge.

To quote Shakespeare, in Julius Caesar,

> * * * the elements so mix'd in him that Nature might stand up and say to all the world, "This was a man!".

General Mohr, it was an honor to know you and consider you my friend. I appreciate the advice you gave to me on military issues over the years.

Good-bye, General, God bless you. Your country will miss you.

NO TAXATION WITH REFORMATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. PAXON] is recognized for 60 minutes as the designee of the majority leader.

Mr. PAXON. Mr. Speaker, since January 1995, since the Republican majority took over the operation of the House of Representatives and the leadership of the Congress of the United States, we have accomplished, I think, many great things, many important steps forward, fulfilling our commitment to provide a new direction for this country, the will of the American people.

Those successes I believe are in many ways historic, starting with the very opening days of that Congress in January 1995, the decision to reform Congress, to open the doors of this institution once again to the American people, to diminish the power of the all-powerful committee chairs that in the past did what they chose, not what the American people chose, for example.

We also were able to pass what I think will go down in history as one of the most historic pieces of legislation of any Congress, basic fundamental welfare reform, giving our States the opportunity to replace welfare with work requirements.

We passed illegal immigration reform, and freedom to farm legislation for the first time in 60 years, changing the face positively of American farming. We passed telecommunications reform, and this year plan to extend the life of the Medicare system that has saved the lives of my parents and so many other Americans, as well as tax relief for families.

Last, but not least, we passed legislation that will balance our Nation's budget no later than the year 2002, hopefully even sooner if we can keep our steady hand on the rudder in controlling wasteful Washington spending.

These are important accomplishments, but I think the most important accomplishment is just on the horizon, and to illustrate that I want to go back to the issue of balancing our Nation's budget.

You know, sometimes we as Americans are so forward looking that we do not even look back 15 or 20 minutes, much less a couple of years. But it was two decades or longer that people in this Chamber and Americans across the country talked about, "jeez, cannot we get Congress to balance our Nation's budget again? Cannot we get our government to live within the means of the American taxpayer?"

We spent decades and decades talking about balancing our Nation's budget, but, you know, it was that Contract With America in 1994 that, right out on the steps of this Capitol, looking out across the country, we signed our names to and committed ourselves to, that finally moved the talk of balancing the Nation's budget to the reality of getting it done, the hard work of getting the Nation's budget balanced.

We walked out on those steps, signed that document, and said not just that we would balance it; we turned that talk into action and said it would be done no later than 2002.

Again, we are Americans and like to look ahead, and we sometimes forget the obstacles out there. Not only were the institutional forces of Washington, DC, opposed to balancing the budget, but they would like us to continue to just go on our merry way of spending more than we take in to pander to all the groups that Washington likes to pander to.

But you know, more than that, it just becomes an act of self-preservation of so many in Congress to talk about balancing the budget, and not really get down to the hard work. So we turned that into action in saying the budget would be balanced no later than 2002, and let the national debate begin.

Ultimately, even the opposition of the President and the other party here in the Congress could not stop the will of the American people in getting that budget balanced. Once we put that marker down, that it will be balanced by 2002, the debate began and we were able to capture the attention of the American people and build the momentum necessary to balance our Nation's budget.

Now, that process of laying down a date certain and of moving toward it is fundamental to tackling another important issue before this country that we have talked and talked and talked about for years, but we just cannot seem to get under way, and that is sweeping income tax reform.

Everywhere I go in my district in upstate New York, in the Buffalo and Rochester NY, regions and western New York and the Finger Lakes, and as I have traveled around the country and also talked to colleagues from both parties around the country, everybody at home and across America seems to agree: they are tired of the IRS and the intrusiveness of that 5.5-million-word Tax Code in their everyday lives.

They want fundamental change in the Tax Code. The American people want to have that kind of fundamental change. But Congress just keeps talking about this reform, without moving forward on it.

Of course, in this body we have some great proposals. We have proposals for a national sales tax to replace the income tax. We have proposals to have a flat rate income tax to replace the current income tax system. There are many other ideas out there, but we just cannot seem to move from talking about it to acting upon it.

Every day we wait, that Tax Code keeps putting a greater and greater burden on the backs of the American people. Just think about it for a minute. A 5.5-million-word Tax Code enforced by 110,000 people in the Internal Revenue Service defines everything we do as American citizens. It limits our personal and economic freedom. The Tax Code discriminates against children, it discriminates against families, it discriminates against small business people and entrepreneurs. It encourages hundreds of billions of dollars, hundreds of billions of dollars, in the underground economy and in tax avoidance, things that never end up on the books, so the Government can never collect its share of them in tax revenue. Certainly the Tax Code and its complexity and unfairness lead most folks to distrust this very Congress and this very Government that has put together this monstrosity we call the Internal Revenue Code. Some friends of mine at home call the infernal revenue code, and I can understand it.

When you look back on the history of the Tax Code you can understand a bit of this. In 1913, when it was put in place, the Tax Code consisted of 11,400 words. Today, it is over 5.5 million. Americans spend $157 billion in tax compliance, having to spend that kind of money to comply with the Tax Code, just putting together all the paperwork they need to maintain and all the other reference they have to undertake, and it amounts to 5.5 billion hours wasted in this country every year putting together tax codes and compliance with the Tax Code. Gosh, couldn't you find better things with your time than complying with all those regulations?

Of course, in my view, the worst impact of this Tax Code is the fact that it has unfairly impacted families and families with children. When I was growing up in the fifties, the early fifties, the tax burden was about 3 or 4 or, at the most, 5 percent of family income. Today, the tax burden, the Federal tax burden, is about 25 percent of family income, and the total combined tax burden, Federal, State and local, is in the 38 to 40 percent range, depending upon where you live in this country.

We all agree, most of us agree, most in America and a growing number here in Congress, agree that the Internal Revenue Code and all it means is a national scandal and a disgrace that holds the greatness of this country back as we approach this new and next millennium.

I believe that if we apply the same principles and the same definition to the issue of tax reform that this Congress did to balancing our Nation's budget, putting a date certain to it, initiating a national debate, we could accomplish great things.

You know, it is almost like a race. You can talk about running a foot race, but until you establish the goal line for that race, the finish line, and until somebody shoots the starting gun to begin that race, there is no race.

We did that with balancing the budget. We said there is the goal line, 2002. Let us begin the race, figure out how we solve this problem by that year.

If we do the same thing with changing our tax system, I think we can see fundamental reform occur. Let us act now, this fall, to put on the President's desk a bill repealing the Federal Income Tax Code.

Now, that is exactly what I did. This Tuesday I submitted legislation that would accomplish that goal. It is H.R. 2483. My legislation will effectively sunset the entire Federal Income Tax Code, absent two provisions, on December 31 in the year 2000.

Three short years from this December the Federal Income Tax Code would be sunsetted, in effect repealed, under the legislation I have sponsored. The two provisions that would still be in effect are Medicare and Social Security. I repealed 96 of 99 chapters of that 5.5-million-word Federal Income Tax Code.

Now, if we have the courage and commitment in this Congress to see this through, think of what this will mean. It means that 3 short years from now, three Christmases from now, on New Year's eve 2000, Americans everywhere will get together to celebrate good riddance, wishing good riddance to the 5.5 million words of freedom-limiting gobbledygook in the Tax Code.

□ 1945

We will also say goodbye to almost all of the 110,000 bureaucrats who enforce this Tax Code with what I consider a sledgehammer, and that is the fact that we, under their eyes and under the law, are guilty until we prove ourselves innocent. It is the only place in American society really where we have that mentality, that we are guilty, we have to prove ourselves innocent.

Nothing gets Washington off its duff faster than a deadline, and my legislation, H.R. 2483, would impose one heck of a deadline. That is why I am calling this legislation No Taxation Without Reformation.

I am pleased that already many Members of Congress on both sides of the aisle have come forward to encourage this bill forward. Many are signing up to cosponsor H.R. 2483, and I am particularly pleased with the fact that the largest grassroots business organization in America, the National Federation of Independent Business, the NFIB, is stepping forward and beginning a national campaign on the issue of sunsetting the Federal Tax Code effective December 31 in the year 2000. They intend to go coast-to-coast collecting signatures of millions of Americans to present to Congress to say we want this Tax Code sunsetted. I am so encouraged by the fact that Jack Ferris and the NFIB are taking this leadership role. I am convinced that its going to have a major impact on moving this legislation forward.

Now, the impact of sunsetting the Federal Tax Code is not an end, it is the beginning. It is the gun that shoots off the debate that establishes the finish line for the race. What kind of things could we consider, then, if we begin this debate? Well, I mentioned several.

We can talk about a flat rate income tax as proposed by many folks in this Chamber, most notably the majority leader, the gentleman from Texas [Mr. ARMEY]. He wants to bounce that Tax Code and replace it with a tax system we can fill out on a postcard. We list our income and a few basic deductions and multiply it by a percentage point and send in the check. That easy. No more need to go to H&R Block and no more need to go to accountants and attorneys, no more need to keep extensive records. That easy, that simple.

Now others, including the esteemed chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER], who has just conducted the tax relief provisions that we have carried forward this July in the 5-year budget plan, Chairman ARCHER wants to move forward by replacing the entire Income Tax Code with a national sales or consumption tax. We would not even have any income taxes, and that national sales tax is an alternative to the current income tax.

Then there are other proposals and many, many of them filed. There is a new one out by the Cato Institute, a very, very respected think tank that has put forward what they call the alternative maximum tax that would say that one would pay no more than 25 percent of gross income. They keep in effect, they put in place again the Federal Income Tax Code, and one could still take all of the deductions, all of the other benefits of the current system if one so chooses, or if one did not want to do that, one would just pay 25 percent of one's income. If one chose that, the alternative maximum tax, one would know that there was a ceiling the tax could not go above.

These are all great ideas. There are a lot of great ideas in this Chamber, and quite frankly there are a lot of even greater ideas probably out across the country that we have not even heard of yet that may come forward; new nuances, new ideas that could help bring about fundamental change. But our goal and the benefit that we derive of having H.R. 2483 passed is that it will begin this debate and allow Americans to come forward with these ideas.

Now, I do not know about every Member of Congress, but I know my constituents. Sometimes, and rightfully so, they are a little skeptical of what we do here. We like to talk about these great changes, but I know when I go home on weekends and conduct town meetings in western New York and the Finger Lakes, a lot of people say to me, "Paxon, it sounds good, but when is it going to get underway? When are you going to start this?"

I am hoping that if we can get Members of Congress on board, get Members of the Senate on board, get this legislation, H.R. 2483, passed into law and down to the President this fall, we can get this national debate underway on replacing that income tax system with a flatter and fairer tax, a flat tax, or with a national sales tax or some other proposal.

I am excited about this. I am encouraged by this momentum that we are seeing develop this week alone. I could not help but be encouraged when I sat down today and took a look at some of the statistics regarding our current income tax system.

I know there are a few folks across America, and certainly there are many in this Chamber, who say well, the devil is better than the one we do not know, and maybe we better stick with the current system. But just think about some of these things that involve our current Tax Code. The complexity is staggering.

In the 1980's alone, the tax laws were changed over 100 times. In 1986 alone, the 1986 Tax Reform Act, they added over 100 new tax forms to the IRS, 100 new forms one had to look at and fill out.

Now, no wonder every year that goes by, more Americans find it impossible to figure out their own taxes. I do not need to tell my colleagues, as Members of Congress, most of them are honest, but we end up having to go to tax preparers, I know I do, because I cannot figure it out any better than the folks that I represent back in upstate New York.

The percentage of Americans using professional tax preparers rose from 41 percent in 1981 to about 50 percent today who use professional tax preparers. Money Magazine reported that the tax bill that we passed this summer and that was signed into law in August will add 37 new lines to the form used to report capital gains alone.

Now, I am very pleased that we were able to bring about reductions in capital gains taxes, but even in our effort to try to bring about reductions in capital gains taxes we added 37 new lines to the form, and you know and I know that we are going to have to go out, most Americans, and hire somebody to help us fill out those forms with all of these increases in complexity that have been put into place.

There is a huge burden in compliance with the Tax Code. Individuals spend 1.7 billion hours per year filling out their taxes. Businesses spend 3.4 billion hours filling out their taxes. No wonder two out of three or more small businesses fail in their first 2 years just trying to deal with all of this complexity, and that means job losses for Americans. Of course, and I know this is no surprise to people in my district, the problems of the IRS are profound. In 1989 alone, the IRS answered just 62.8 percent of taxpayer questions correctly. This means 24 million Americans were given the wrong answer.

In 1995, about half of the computer-generated correction notices contained inaccurate information from the IRS, and about 40 percent of the revenue collected from IRS penalty assessments was abated, set aside, when citizens challenged the penalties. Just think about that. Forty percent of the revenue that the IRS assessed was abated or repealed when people challenged their IRS decisions.

Now, folks and my colleagues, I just think that those kind of statistics should make us really understand how compelling the need is for swift action to repeal the IRS code that I want to do under H.R. 2483 and replace it with some other system. But if that does not make us want to do it, these figures will.

Earlier this year the House passed legislation, H.R. 1226, to provide criminal penalties, criminal penalties for IRS employees who snoop through taxpayer records. We may say, well, is that really happening? According to the General Accounting Office, there have been over 1,000 incidents reported of IRS snooping in taxpayer files. I want to make clear, it is not every IRS employee, it is a small number that are doing this. However, in my home area, in Buffalo, NY in early April of this year it was revealed that 18 Buffalo IRS agents snooped through tax returns, and unfortunately just two were fired for their actions.

We have 110,000 IRS employees in this bureaucracy, most of whom are doing their job diligently, but they are enforcing a Tax Code that is unenforceable, indecipherable, misunderstood by everybody, whether one is trying to prepare taxes or the folks who oversee it, and then we find a few people are abusing their jobs at the IRS, and out of the 18 of the agents that were charged, just 2 were fired in my hometown of Buffalo, NY.

The IRS itself has grown dramatically. Today, the IRS employs 113,000 people. I was wrong, it is not 110, it is 113,000. But contrast that with other Federal agencies. The FBI out there on the front lines of the war against criminals, only 24,000 compared to the 113,000 at the IRS. The Immigration Service, 12,000 defending our borders, yet 10 times that many in the IRS. The Drug Enforcement Administration waging a tough fight against the war on drugs, only 5,700 employees. We have 113,000 in the IRS. The border patrol again at our Nation's borders, 5,800 people.

Would it not be better if we could get rid of that IRS, get rid of that Tax Code, replace it with a flatter, fairer income tax or a national sales tax or consumption tax or something else, and take some of those IRS employees and retrain them to help our FBI agents in the war on crime or our border patrol or our INS or our DEA as they try to keep people out or keep drugs out of our Nation.

Of course recently, and again I know this is no surprise, folks at home and in this Chamber know these statistics, but Money Magazine every year selects a group of professional tax preparers and asks them to complete the tax returns for a fictional family. They put together some numbers. The same numbers are submitted to a group of professional preparers.

This past March Money Magazine gave this test to 45 different preparers, and it comes as no surprise, they received 45 different answers. Only one-quarter of the preparers even came within $1,000 of the correct answer. How can we have confidence in a system that is so impossible to comprehend, even by the professionals who are supposed to understand all of this?

Now, it is not the first time that we would have the opportunity to repeal the income tax. In 1861 the U.S. Government passed the first income tax. It was 3 percent on net incomes over $800, and 1.5 percent on income from government bonds. The tax was so unpopular that the Treasury Secretary then, Salmon P. Chase, refused to collect it.

In 1862 Congress mandated the collection of this income tax that remained in effect even after the Civil War ended. It was so unpopular that Congress passed a law in 1870 to repeal the income tax starting in 1872. Now, it did not take commissions or blue ribbon panels to figure that out. They set a deadline, they passed the tax, and then they repealed it.

My friends, I have to say this. My colleagues in this Chamber, the time has come to do what the American people want us to do. The time has come to have some courage, to stand up and say we are going to turn our backs on the special interests, we are going to turn our backs to the special interest breaks that are out there for a few, the privileged few. We are going to tell our constituents that it is time to involve them in the process, for a change, of determining policy in this country.

Let us shoot that gun to start the debate, the race. Let us set the finish line of December 31, 2000, to sunset the Federal Tax Code, to end it, and let us begin that great race, that great debate, that great discussion with the American people on what should replace it.

I am convinced that this Congress has done many great things in the past couple of years: welfare reform, the effort to balance our Nation's budget, so many other good pieces of legislation. But I believe as we begin the new millennium on January 1, 2001, what a great way to start that new millennium and what a great hope and opportunity for our children and grandchildren and frankly for ourselves, to begin our new millennium and our place in an even stronger economy in the global marketplace, by repealing this Income Tax Code and replacing it with something that the American people can trust and believe in once again.

OMITTED FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, SEPTEMBER 17, 1997

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GOSS (at the request of Mr. ARMEY), on account of personal reasons.

Mr. YATES (at the request of Mr. GEPHARDT), on account of illness.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BONILLA (at the request of Mr. ARMEY), for today on account of family illness.

Mr. YOUNG of Alaska (at the request of Mr. ARMEY), for today, after 3 p.m., on account of personal reasons.

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.
Mr. HOYER, for 5 minutes, today.

(The following Members (at the request of Mr. HILL) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.
Mr. TIAHRT, for 5 minutes, today.
Mr. HILL, for 5 minutes, today.
Mr. MANZULLO, for 5 minutes, today.
Mr. HUNTER, for 5 minutes, today.
Mr. TALENT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mrs. MCCARTHY of New York.
Mr. HINCHEY.
Mr. KENNEDY of Massachusetts.
Mr. LAFALCE.
Ms. STABENOW.
Mr. ROEMER.
Mr. GORDON.
Mr. BERMAN.
Mr. FAZIO.
Mr. KUCINICH.
Mr. KANJORSKI.
Mr. EVANS.
Mr. FARR of California.
Mr. DELLUMS.
Mr. NADLER.
Mr. MENENDEZ.

(The following Members (at the request of Mr. HILL) and to include extraneous matter:)

Mr. TALENT.
Mr. GALLEGLY.
Mrs. MORELLA.
Mr. MCCOLLUM.
Mr. RADANOVICH.
Mr. CUNNINGHAM.
Mr. THOMAS.
Ms. ROS-LEHTINEN.
Mr. GINGRICH.
Mr. BEREUTER.
Mr. CAMP.
Mr. STUMP.
Mr. DUNCAN.
Mr. CRANE.
Mr. MICA.
Mr. WELDON of Pennsylvania.
Mr. PORTER.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 63. An act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake."

H.R. 2016. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

ADJOURNMENT

Mr. PAXON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, September 22, 1997, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5085. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Amended Assessment Rate for Domestically Produced Peanuts Handled by Persons Not Subject to Marketing Agreement No. 146, and for Marketing Agreement No. 146 Regulating the Quality of Domestically Produced Peanuts [Docket No. FV97–998–3 IFR] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5086. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Imported Seed and Screenings [Docket No. 93–126–5] (RIN: 0579–AA64) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5087. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Reporting Requirements For Risk/Benefit Information [OPP–60010H; FRL–5739–1] (RIN: 2070–AB50) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5088. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cloransulam-methyl; Pesticide Tolerances [OPP–300550; FRL–5744–2] (RIN: 2070–AB78) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5089. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Tree Assistance Program [Workplan No. 97–011] (RIN: 0560–AF17) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5090. A communication from the President of the United States, transmitting an amendment to the FY 1998 appropriations request for the Department of the Treasury, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—132); to the Committee on Appropriations and ordered to be printed.

5091. A communication from the President of the United States, transmitting amendments to the FY 1998 appropriations requests for the Office of the United States Trade Representative (USTR) and the Department of Transportation, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105–133); to the Committee on Appropriations and ordered to be printed.

5092. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Home Investment Partnerships Program—Additional Streamlining [Docket No. FR–4111–F–02] (RIN: 2501–AC30) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5093. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to India, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

5094. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Technical Amendment to the Community Support Requirement [No. 97–56] (RIN: 3069–AA35) received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5095. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Hospital, Medical, and Infectious Waste Incinerators [AD–FRL–5878–8]

(RIN: 2060–AC62) received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5096. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans for the State of Alabama—Proposed Disapproval of the Request to Redesignate the Birmingham, Alabama (Jefferson and SHELBY Counties) Marginal Ozone Nonattainment Area to Attainment and the Associated Maintenance Plan [AL–40–7142; FRL–5895–5] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5097. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Interim Final Determination for the Enhanced Motor Vehicle Inspection and Maintenance Programs [VA–056–5023; FRL–5895–6] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5098. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Texas: Final Authorization and Incorporation By Reference of State Hazardous Waste Management Program [FRL–5871–3] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5099. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan: Employee Commute Options (Employer Trip Reduction) Program for Texas [TX–21–1–7345a; FRL–5894–4] September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5100. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–5895–8] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5101. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for Specific Sources in the State of New York [Region 2 Docket No. NY24–2–172b, FRL–5892–5] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5102. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's "Major" final rule—Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5–29.5 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services; Petitions for Reconsideration of the Commission's Competitive Bidding Rules [CC Docket No. 92–297] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5103. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Disqualification of a Clinical Investigator [Docket No. 95N–0138] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5104. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Definition of Safety-Related Structures, Systems, and Components; Technical Amendment (RIN: 3150–AF75) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5105. A letter from the Director, Bureau of the Census, transmitting the Bureau's final rule—Revision of Section 30.56(b): Conditional Exemptions for Filing Shipper's Export Declarations (SED) for Tools of Trade [Docket No. 970624153–7228–02] (RIN: 0607–AA23) received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5106. A letter from the Information Officer, Defense Nuclear Facilities Safety Board, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

5107. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Methods of Withdrawing Funds from the Thrift Savings Plan [5 CFR Part 1650] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5108. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Claims Collection [5 CFR Part 1639] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5109. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Correction of Administrative Errors [5 CFR Part 1605] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5110. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Federal Employees' Group Life Insurance Program: Merger of Life Insurance Regulations; Living Benefits; Assignment of Life Insurance (RIN: 3206–AF32, 3206–AG79, 3206–AG68) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5111. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Pay Administration (General); Severance Pay for Panama Canal Commission Employees (RIN: 3206–AF89) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5112. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Trawl Vessels Using Nonpelagic Trawl Gear in Bering Sea and Aleutian Islands [Docket No. 961107312–7021–02; I.D. 091097C] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5113. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 091097D] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5114. A letter from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna General Category [I.D. 090897C] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5115. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Virginia Regulatory Program [VA–106–FOR] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5116. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Buy America; Rolling Stock, Technical Amendment (RIN: 2132–AA59) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5117. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft-Manufactured Model S–64E Helicopters (Federal Aviation Administration) [Docket No. 96–SW–04–AD; Amdt. 39–10130; AD 97–19–10] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5118. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–220–AD; Amdt. 39–10121; AD 97–19–01] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5119. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–229–AD; Amdt. 39–10125; AD 97–19–05] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5120. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Falcon 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–182–AD; Amdt. 39–10127; AD 97–19–07] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5121. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214ST Helicopters (Federal Aviation Administration) [Docket No. 94–SW–28–AD; Amdt. 39–10129; AD 97–19–09] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5122. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–180–AD; Amdt. 39–10128; AD 97–19–08] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5123. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Eagle River, WI (Federal Aviation Administration) [Airspace Docket No. 97–AGL–24] (RIN: 2120–AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5124. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Frostburg, PA; Correction (Federal Aviation Administration) [Airspace Docket No. 97–AEA–007] (RIN: 2120–AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5125. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Lawrenceville, IL (Federal Aviation Administration) [Airspace Docket No. 97–AGL–25] (RIN: 2120–AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5126. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Preston, MN (Federal Aviation Administration) [Airspace Docket No. 97–AGL–20] (RIN: 2120–AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5127. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification to the Saipan Class D Airspace Area; CQ (Federal Aviation Administration) [Airspace Docket No. 96–AWP–6] (RIN: 2120–AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5128. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Moorhead, MN (Federal Aviation Administration) [Airspace Docket No. 97–AGL–21] (RIN: 2120–AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5129. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Regulations Governing Book-Entry Treasury Bonds, Notes and Bills [31 CFR Part 357] received August 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5130. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Penalty-free Withdrawals from IRAs for Higher Education Expenses [Notice 97–53] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5131. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Interpretation of Federal Means-Tested Public Benefit—received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5132. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to require that the Secretary of Agriculture and the Secretary of Health and Human Services develop and implement a scientific, cost-effective strategy to effectively and efficiently address the public health risks related to shell eggs and egg products, including risks during transportation and storage; jointly to the Committees on Commerce and Agriculture.

5133. A letter from the Secretary of Health and Human Services, transmitting a report entitled "Protecting Workers Exposed to Lead-Based Paint Hazards," pursuant to Public Law 102–550, section 405(c)(2); jointly to the Committees on Commerce and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1460. A bill to allow for election of the Delegate from Guam by other than separate ballot, and for other purposes: with an amendment (Rept. 105–253). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALSH: Committee of Conference. Conference report on H.R. 2209. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–254). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 232. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–255). Referred to the House Calendar.

Mr. HYDE: Committee on the Judiciary. H.R. 1683. A bill to clarify the standards for State sex offender registration programs under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act; with an amendment (Rept. 105–256). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary, H.R. 2027. A bill to provide for the revision of the requirements for a Canadian border boat landing permit pursuant to section 235 of the Immigration and Nationality Act, and to require the Attorney General to report to the Congress on the impact of such revision (Rept. 105–257). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 2181. A bill to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes (Rept. 105–258). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Oregon (for himself, Mr. Stenholm, Mr. Sessions, Mr. Stump, Mr. Barrett of Nebraska, Mrs. Emerson, Mr. Tiahrt, Mr. Hastings of Washington, Mr. Cunningham, Mr. Gibbons, Mr. Pombo, Mr. Herger, Mr. Bono, Mr. Watkins, Mr. Hall of Texas, Mr. Peterson of Minnesota, Mr. Lewis of Kentucky, Mr. Radanovich, Mr. Bishop, Mr. Hill, Mr. Taylor of North Carolina, Mr. Calvert, Mr. Riggs, Mr. Fazio of California, Mr. Condit, Mr. Dooley of California, Mr. Hayworth, and Mr. Moran of Kansas):

H.R. 2493. A bill to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINOJOSA (for himself, Mr. Becerra, Mr. Romero-Barceló, Ms. Sanchez, Ms. Velázquez, Mr. Gonzalez, Mr. Martinez, Mr. Ortiz, Mr. Torres, Mr. Serrano, Mr. Pastor, Mr. Gutierrez, Mr. Menendez, Ms. Roybal-Allard, Mr. Underwood, Mr. Reyes, Mr. Rodriguez, Mr. Blumenauer, Mr. Green, Mr. Hastings of Florida, Mr. Ford, Ms. Jackson-Lee, Mr. Fattah, and Mr. Dellums):

H.R. 2495. A bill to amend the Higher Education Act of 1965 to increase postsecondary education opportunities for Hispanic students and other student populations underrepresented in postsecondary education; to the Committee on Education and the Workforce.

By Mr. BOEHNER (for himself, Mr. Armey, Mr. Blunt, Mr. Burton of Indiana, Mr. Chabot, Mr. Coble, Mr. Cooksey, Mr. Cox of California, Mr. Crane, Mr. Crapo, Mr. Doolittle, Mr. English of Pennsylvania, Mr. Gibbons, Mr. Istook, Mr. Sam Johnson, Mr. Kasich, Mr. Klug, Mr. Knollenberg, Mr. Linder, Mr. McIntosh, Mr. Miller of Florida, Mr. Neumann, Mrs. Northup, Mr. Peterson of Pennsylvania, Mr. Redmond, Mr. Rogan, Mr. Saxton, Mr. Bob Schaffer, Mr. Sessions, Mr. Shadegg, Mr. Snowbarger, Mr. Solomon, and Mr. Sununu):

H.R. 2496. A bill to create a tax cut reserve fund to protect revenues generated by economic growth; to the Committee on the Budget.

By Mr. ARCHER (for himself, Mr. Thomas, Mr. Gingrich, Mr. Armey, Mr. DeLay, Mr. Boehner, Mr. Livingston, Mr. Hyde, Mr. Stump, Mr. Combest, Mr. Talent, Mr. Crane, Mr. Norwood, Mr. Ganske, Mr. Linder, Mr. Paul, Mr. Cooksey, Mr. Coburn, Mr. Shaw, Mr. McCrery, Mr. Ramstad, Mrs. Johnson of Connecticut, Mr. Collins, Mr. Camp, Mr. Sam Johnson, Mr. Ensign, Mr. Hayworth, Mr. Weller, Mr. Istook, Mr. Rohrabacher, Mr. Dan Schaefer of Colorado, Mr. Barton of Texas, Mr. Bonilla, Mr. Bob Schaffer, Mr. Doolittle, Mr. Miller of Florida, Mr. Smith of Michigan, Mr. Hastings of Washington, Mr. Manzullo, Mrs. Cubin, Mr. Hoekstra, Mr. Upton, Mr. Hostettler, Mr. Knollenberg, Mr. Stearns, Mr. Dickey, Mr. Thornberry, Mr. Sessions, Mr. Cannon, Ms. Granger, Mr. Brady, Mr. Hill, and Mr. Salmon):

H.R. 2497. A bill to amend title XVIII of the Social Security Act to clarify the right of

Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CHRISTIAN-GREEN (for herself, Mr. RANGEL, and Mr. JEFFERSON):

H.R. 2498. A bill to amend the Harmonized Tariff Schedule of the United States to extend to certain fine jewelry certain trade benefits of insular possessions of the United States; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. COYNE, Mr. HERGER, and Mrs. THURMAN):

H.R. 2499. A bill to amend the Internal Revenue Code of 1986 to allow nonitemizers a deduction for a portion of their charitable contributions; to the Committee on Ways and Means.

By Mr. MCCOLLUM (for himself and Mr. BOUCHER):

H.R. 2500. A bill to amend title 11 of the United States Code; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 2501. A bill to provide for the conveyance of all right, title, and interest of the United States in a small parcel of real property included in the Cherokee National Forest in the State of Tennessee so as to provide clear title to the church occupying and using the property; to the Committee on Agriculture.

By Mr. DUNCAN (for himself and Mr. JENKINS):

H.R. 2502. A bill to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges; to the Committee on Resources.

By Mr. HOYER (for himself and Mr. HYDE):

H.R. 2503. A bill to estabish felony violations for the failure to pay legal child support obligations, and for other purposes; to the Committee on the Judiciary.

By Mr. KILDEE:

H.R. 2504. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for the marked graves of certain individuals; to the Committee on Veterans' Affairs.

By Mr. LAFALCE:

H.R. 2505. A bill to amend the Immigration and Nationality Act to authorize the Attorney General to permit certain United States citizens traveling by small pleasure craft to enter the United States from Canada without obtaining a landing permit or applying for admission at a port of entry and to authorize the Attorney General to eliminate the fee associated with the issuance of an I-68 landing permit; to the Committee on the Judiciary.

By Mr. MCINNIS:

H.R. 2506. A bill to direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District; to the Committee on Resources, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER:

H.R. 2507. A bill to amend the Bank Protection Act of 1968 and the Federal Credit Union Act to require enhanced security measures at depository institutions and automated teller machines sufficient to provide surveillance pictures which can be used effectively as evidence in criminal prosecutions, to amend title 28, United States Code, to require the Federal Bureau of Investigation to make technical recommendations with regard to such security measures, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO:

H.R. 2508. A bill to provide for the conveyance of Federal land in San Joaquin County, CA, to the city of Tracy, CA; to the Committee on Government Reform and Oversight.

By Mr. REGULA (for himself, Mr. NEY, Mrs. THURMAN, Mrs. EMERSON, and Mr. ENGLISH of Pennsylvania):

H.R. 2509. A bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions; to the Committee on Ways and Means.

By Mr. SANDLIN:

H.R. 2510. A bill to prevent Members of Congress from receiving any automatic pay adjustment which might otherwise take effect in 1998; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKAGGS:

H.R. 2511. A bill to prohibit the Student Loan Marketing Association from conditioning the waiver of redemption premiums, otherwise chargeable in connection with the refinancing of securities acquired by the Association while it was a government-sponsored enterprise, on the use of its own investment banking subsidiary; to the Committee on Education and the Workforce.

By Mr. ENGEL (for himself, Mr. FOGLIETTA, Mr. KING of New York, Mr. BONIOR, Mr. PAXON, Mr. LEVIN, Mr. GEJDENSON, Mrs. KELLY, Ms. PELOSI, Mr. PASCRELL, Mr. MASCARA, Mrs. KENNELLY of Connecticut, Mr. SCHUMER, Mr. MCGOVERN, Mrs. MORELLA, Mr. KENNEDY of Rhode Island, Mr. HINCHEY, Mr. LAFALCE, Mrs. LOWEY, and Mr. TRAFICANT):

H. Con. Res. 153. Concurrent resolution commending Italy for its efforts to resolve the crisis in Albania and to promote democracy and a market-based economy in Albania; to the Committee on International Relations.

By Mr. SAWYER (for himself and Mrs. MORELLA):

H. Con. Res. 154. Concurrent resolution expressing the sense of the Congress that the United States should develop, promote, and implement policies to achieve the voluntary stabilization of the population growth of the Nation; to the Committee on Commerce.

By Mr. MENENDEZ:

H. Res. 233. A resolution relating to a question of the privileges of the House; considered and agreed to.

By Mr. FARR of California:

H. Res. 234. A resolution congratulating the city of Gonzales, CA, on the 50th anniversary of its incorporation and recognizing the contribution of the city's residents to the Nation; to the Committee on Commerce.

By Mr. BASS (for himself, Mr. ACKERMAN, Mr. BALDACCI, Mr. BALLENGER, Mr. BARRETT of Wisconsin, Mr. BARTON of Texas, Mr. BERRY, Mr. BOEHLERT, Mr. BONO, Mr. BORSKI, Mr. BOUCHER, Mr. BROWN of California, Mr. BURTON of Indiana, Mr. CAMP, Mr. CAMPBELL, Mr. CANNON, Mr. CARDIN, Mr. CHABOT, Mrs. CHENOWETH, Mr. COBLE, Mr. COBURN, Mr. CONDIT, Mr. CONYERS, Mr. COOK, Mr. COOKSEY, Mr. CRAMER, Ms. DANNER, Mr. DAVIS of Virginia, Mr. EHLERS, Mr. EHRLICH, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. ETHERIDGE, Mr. EWING, Mr. FAWELL, Mr. FAZIO of California, Mr. FILNER, Mr. FORD, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GALLEGLY, Mr. GEKAS, Mr. GIBBONS, Mr. GILLMOR, Mr. GILMAN, Mr. GORDON, Mr. GOSS, Mr. GRAHAM, Mr. GREEN, Mr. GREENWOOD, Mr. GUTKNECHT, Mr. HALL of Texas, Mr. HASTERT, Mr. HAYWORTH, Mr. HEFLEY, Mr. HILLIARD, Mr. HINCHEY, Mr. HOBSON, Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. HORN, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. HYDE, Mr. JACKSON, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. KING of New York, Mr. KLECZKA, Mr. LAZIO of New York, Mr. MCCRERY, Mr. MCINTOSH, Mr. MCNULTY, Mr. MICA, Mrs. MINK of Hawaii, Mr. MURTHA, Mrs. MYRICK, Mr. NEAL of Massachusetts, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NEY, Mr. PICKERING, Mr. PITTS, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RADANOVICH, Mr. RILEY, Mr. ROGAN, Mr. ROMERO-BARCELÓ, Ms. ROS-LEHTINEN, Mr. RUSH, Mr. SALMON, Mr. SANDLIN, Mr. SAWYER, Mr. SAXTON, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAYS, Mrs. LINDA SMITH of Washington, Mr. SOLOMON, Mr. SOUDER, Mr. SPENCE, Mr. SUNUNU, Mr. TALENT, Mrs. TAUSCHER, Mrs. THURMAN, Mr. TRAFICANT, Mr. UPTON, Mr. WALSH, Mr. WATTS of Oklahoma, Mr. WAXMAN, Mr. WEYGAND, Mr. WOLF, Ms. WOOLSEY, Mr. WYNN, Ms. DUNN, Mr. SABO, and Mr. WELLER):

H. Res. 235. Resolution expressing support for the goals of National Mammography Day; to the Committee on Commerce.

By Ms. KAPTUR (for herself, Mrs. MCCARTHY of New York, Mr. ALLEN, Mr. PASCRELL, Mr. DEFAZIO, Mr. MILLER of California, Ms. DELAURO, Ms. ESHOO, Mr. FARR of California, Mrs. MINK of Hawaii, Ms. WOOLSEY, and Mrs. MALONEY of New York):

H. Res. 236. A resolution to express the sense of the House of Representatives on consideration of comprehensive campaign finance reform; to the Committee on House Oversight.

By Ms. WOOLSEY (for herself, Mrs. LOWEY, Ms. DEGETTE, Ms. KAPTUR, Mr. TORRES, Mr. DELAHUNT, Ms. CHRISTIAN-GREEN, Ms. FURSE, Mr. STARK, Mr. RUSH, Mr. BARRETT of Wisconsin, Mr. TIERNEY, Mr. OLVER, Mr. LUTHER, Mr. TAYLOR of Mississippi, Mr. ENGEL, Mr. GREEN, Ms. LOFGREN, Mr. FORD, Mr. KENNEDY of Massachusetts, Mr. FALEOMAVAEGA, Mr. VENTO, and Mr. SHAYS):

H. Res. 237. Resolution to limit the access of lobbyists to the Hall of the House, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

208. The SPEAKER presented a memorial of the House of Representatives of the State of Alabama, relative to House Resolution 133 encouraging the U.S. Congress to adopt the Parents and Students Savings Accounts Plus Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. DELAHUNT:

H.R. 2494. A bill to authorize and request the President to award the Medal of Honor to James L. Cadigan, of Hingham, MA; to the Committee on National Security.

By Mr. SISISKY:

H.R. 2512. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Old Joe*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 84: Mr. MARTINEZ.

H.R. 135: Mrs. JOHNSON of Connecticut.

H.R. 136: Mr. FOLEY.

H.R. 164: Mr. ABERCROMBIE, Mr. WEYGAND, Mr. LEVIN, Mr. BOEHLERT, Mr. DEFAZIO, Mrs. KELLY, Ms. KAPTUR, Mr. JENKINS, and Mr. BURTON of Indiana.

H.R. 165: Mr. REYES.

H.R. 292: Mr. HASTINGS of Washington.

H.R. 339: Mr. CHRISTENSEN.

H.R. 525: Mr. COX of California.

H.R. 610: Mr. MINGE.

H.R. 663: Mr. WATT of North Carolina.

H.R. 687: Mr. RUSH.

H.R. 754: Ms. HOOLEY of Oregon and Mr. KUCINICH.

H.R. 768: Mr. MICA.

H.R. 786: Mr. BOUCHER.

H.R. 836: Ms. DANNER, Mr. MCNULTY, Mr. BENTSEN, Mr. SCHUMER, and Mr. STRICKLAND.

H.R. 953: Mr. MATSUI.

H.R. 978: Mr. GRAHAM.

H.R. 988: Mrs. KELLY.

H.R. 991: Mr. KUCINICH.

H.R. 1073: Mr. MCGOVERN and Mr. JONES.

H.R. 1111: Mr. BISHOP, Mr. MENENDEZ, Mr. SNYDER, Ms. LOFGREN, Mr. MCDERMOTT, Mrs. MINK of Hawaii, Ms. ESHOO, Mr. LUCAS of Oklahoma, Mr. BLAGOJEVICH, Mr. BENTSEN, Mrs. THURMAN, Mr. LIPINSKI, Mr. QUINN, Mr. BALDACCI, and Mr. OBERSTAR.

H.R. 1114: Mr. GREEN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE, Mr. HALL of Texas, and Mr. MCHUGH.

H.R. 1126: Mr. ANDREWS.

H.R. 1151: Mr. LEVIN and Mr. MCGOVERN.

H.R. 1159: Ms. ESHOO and Mr. BALDACCI.

H.R. 1173: Mr. MARKEY, Mr. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. TAUSCHER, and Mr. WHITFIELD.

H.R. 1215: Mr. ROTHMAN and Mr. ANDREWS.

H.R. 1260: Mr. SHAW.

H.R. 1270: Mr. YOUNG of Florida.

H.R. 1283: Mr. HOSTETTLER and Mr. LEWIS of Kentucky.

H.R. 1284: Mr. NADLER.

H.R. 1289: Mr. CUNNINGHAM, Mrs. FOWLER, Mrs. MYRICK, and Mr. HOLDEN.

H.R. 1371: Mr. SENSENBRENNER.

H.R. 1376: Mr. TOWNS, Mr. WATT of North Carolina, Mr. NEAL of Massachusetts, Ms. CARSON, and Mr. STOKES.

H.R. 1415: Mr. FOGLIETTA, Ms. RIVERS, Mr. EVANS, Mr. SAXTON, Ms. SLAUGHTER, and Mr. UPTON.

H.R. 1507: Mr. TORRES, Mr. COSTELLO, Mr. DEFAZIO, Mrs. EMERSON, and Mr. STRICKLAND.

H.R. 1531: Mr. WALSH.

H.R. 1537: Ms. BROWN of Florida.

H.R. 1567: Mr. ENSIGN and Mr. CANNON.

H.R. 1608: Mr. COBURN, Mr. WOLF, Mr. SHERMAN, Mr. CUNNINGHAM, and Mr. YATES.

H.R. 1704: Mr. BASS, Mr. NORWOOD, and Mr. POMBO.

H.R. 1714: Mr. CHAMBLISS and Mr. COLLINS.

H.R. 1768: Mr. GIBBONS.

H.R. 1776: Mr. LUTHER.

H.R. 1839: Ms. HARMAN, Mr. ROYCE, Mr. BOEHLERT, Mr. KNOLLENBERG, Mr. BASS, Mrs. LOWEY, Mr. GOODLATTE, Mr. ETHERIDGE, and Mr. EDWARDS.

H.R. 1951: Mr. BROWN of California, Mr. BERMAN, Mrs. MCCARTHY of New York, Mr. KIND of Wisconsin, and Mr. SAWYER.

H.R. 2034: Mr. ENGLISH of Pennsylvania, Ms. DANNER, Mr. GRAHAM, and Mr. BARTLETT of Maryland.

H.R. 2069: Mr. EVANS.

H.R. 2139: Mr. THORNBERRY, Mr. DELLUMS, and Mr. SANDLIN.

H.R. 2174: Mrs. JOHNSON of Connecticut, Mr. PALLONE, and Mr. CONYERS.

H.R. 2232: Mr. ROHRABACHER, Mr. GIBBONS, Mr. MCINTOSH, Mr. SAM JOHNSON, Mr. SHADEGG, and Mr. SPENCE.

H.R. 2233: Mr. FALEOMAVAEGA.

H.R. 2327: Mrs. LINDA SMITH of Washington, Mr. NETHERCUTT, Mr. SCARBOROUGH, Mr. GANSKE, Mr. SALMON, Mrs. KELLY, Mr. SKEEN, Mr. BONILLA, Mr. THORNBERRY, Mr. ROHRABACHER, Mr. BARRETT of Nebraska, Mr. WHITFIELD, Mr. CHRISTENSEN, Mr. BEREUTER, Mr. BLUNT, Mr. BLILEY, Mr. POMEROY, Mr. TALENT, Mr. COX of California, Mr. SUNUNU, Mr. DAVIS of Virginia, Mr. SENSENBRENNER, and Mr. SISISKY.

H.R. 2331: Mr. PETERSEN of Minnesota, Ms. SLAUGHTER, and Mr. HOLDEN.

H.R. 2332: Mr. STUPAK and Mr. SENSENBRENNER.

H.R. 2351: Mrs. MCCARTHY of New York, Mr. WATT of North Carolina, Mr. DIXON, and Mr. SABO.

H.R. 2360: Mr. ARMEY.

H.R. 2365: Mr. GUTIERREZ.

H.R. 2367: Ms. WATERS, Mrs. MCCARTHY of New York, and Mr. HEFNER.

H.R. 2373: Mr. ADERHOLT and Mr. HASTERT.

H.R. 2380: Mr. MARTINEZ.

H.R. 2390: Mr. YATES, Mr. PASCRELL, Mr. SANDERS, Mr. TRAFICANT, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. TIERNEY, Ms. SLAUGHTER, Mr. OLVER, Ms. STABENOW, Mr. CUMMINGS, Mrs. KENNELLY of Connecticut, and Mr. DEFAZIO.

H.R. 2404: Mr. KLECZKA and Mr. FROST.

H.R. 2438: Mr. NETHERCUTT, Mr. DELAY, Mr. JONES, Mr. DOOLITTLE, Mr. HILLEARY, Mr. BURTON of Indiana, Mr. GIBBONS, Mr. BRADY, and Mr. CANNON.

H.R. 2451: Mr. DELLUMS, Mr. GEJDENSON, Mrs. LOWEY, Mr. STARK, Mr. FALEOMAVAEGA, and Mr. FROST.

H.R. 2456: Mr. COBLE, Mr. CRANE, Mr. DELAY, Mr. DICKEY, Mr. COX of California, Mr. SENSENBRENNER, Mr. SAM JOHNSON, and Mr. SNOWBARGER.

H.R. 2458: Mr. DOOLITTLE, Mr. GIBBONS, and Mr. PETERSON of Pennsylvania.

H.R. 2459: Ms. ROYBAL-ALLARD, Ms. BROWN of Florida, Mrs. TAUSCHER, Mr. SYNDER, Ms. DANNER, Mr. DEFAZIO, and Mr. STUPAK.

H.R. 2490: Mr. KASICH, Mr. CHAMBLISS, Mr. FORBES, Mr. HILLEARY, Mr. HOEKSTRA, Mr. JONES, Mr. MANZULLO, Mr. PACKARD, Mr. REDMOND, Mr. THORNBERRY, and Mr. WAMP.

H.J. Res. 28: Ms. DANNER.

H. Con. Res. 65: Mr. SCOTT.

H. Con. Res. 91: Mr. ALLEN and Ms. ROYBAL-ALLARD.

H. Con. Res. 121: Mr. GILMAN, Mr. DELLUMS, Mr. MARKEY, Mr. ENGEL, Mr. MCHALE, Ms. HOOLEY of Oregon, Mr. PAPPAS, Mr. VISCLOSKY, Mr. DEUTSCH, Mr. WATTS of Oklahoma, Mr. HOSTETTLER, Mr. BROWN of Ohio, Mr. BOYD, Mr. WOLF, Mr. MEEHAN, Mr. ABERCROMBIE, Mr. LEVIN, Mr. MCNULTY, Mr. BUNNING of Kentucky, Mr. PASTOR, Mr. SAXTON, Mr. BORSKI, Mr. COYNE, Mr. MCGOVERN, Mr. POSHARD, Mrs. KELLY, Mr. LOBIONDO, Mr. FOLEY, Mrs. MCCARTHY of New York, Mr. MASCARA, Mr. TURNER, Mr. LAMPSON, Mr. KINGSTON, Mr. GOODE, Ms. SANCHEZ, Ms. KILPATRICK, Mr. WELLER, Mr. SHIMKUS, Mr. NETHERCUTT, Mr. TIERNEY, Mr. DOYLE, Mrs. EMERSON, Mr. SHADEGG, Mr. YOUNG of Alaska, Mr. BENTSEN, Mr. REYES, Ms. SLAUGHTER, Mrs. TAUSCHER, and Mr. HOLDEN.

H. Con. Res. 126: Mr. MCNULTY, Mr. FRELINGHUYSEN, Ms. ESHOO, Mr. ROYCE, Mr. ANDREWS, and Mr. SOLOMON.

H. Con. Res. 131: Mr. PORTER.

H. Con. Res. 151: Mr. REDMOND, Mr. PICKETT, Mr. CANNON, Mr. GIBBONS, Mr. KOLBE, and Mr. TAUZIN.

H. Res. 139: Mr. LARGENT and Mr. NUSSLE.

SENATE—*Thursday, September 18, 1997*

The Senate met at 9:10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by guest Chaplain Rabbi Mel Hecht, Temple Beth Am, Las Vegas, NV, a guest of Senator HARRY REID.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Rabbi Mel Hecht, Temple Beth Am, Las Vegas, NV, offered the following prayer:

Let us pray.

Heavenly Lord of us all, You have taught us the necessity of governing by law, yet we have also learned that law is meant to be in the service of humanity, not humanity to law, for just as Your law helps in Tikkun Olam, in the repair of a broken world, so should our law help mend the broken spirits and broken places of our land. In the process of fulfilling such a mandate, the collective ethic which permeates this American experiment of ours has come to oppose slavery in any form, including slavery to those laws, policies, or procedures which may no longer speak to the challenges of our time and circumstance.

We are about to embark on a journey through another century, so we ask, Lord, may we approach the turn of our century in the same spirit that our Founding Fathers and mothers approached theirs, by believing in our hearts, as Thomas Paine advised, that we have it in our power to begin the world over again, to which we add: To make it infinitely better than it was before we entered it, to build toward an even greater freedom and justice in ways never dreamed of before, and to embrace those of our citizens who have yet to share in liberty's bounty, as is their inalienable right.

We pray, therefore, that our deliberations and decisions transcend the limits of political concerns to evolve statutes and ordinances, laws and commandments which serve the people and provide for the humanity. May they be laws which enhance justice and which help to establish an everlasting peace both within the hearts of as well as among the inhabitants of our land.

May future generations look back upon the work fostered and initiated by us who will be their ancestors as we have looked to and built upon the accomplishments of our Founding Fathers and mothers. May they come to praise us for expanding their freedom, their liberty, their opportunity for material and spiritual well-being, bringing ever nearer the longed-for day of Thy kingdom on Earth. In whatever name we pray, let us say Amen.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent I be allowed to speak out of order and my time not be charged against the Senator from Texas for her 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RABBI MEL HECHT

Mr. REID. Mr. President, I am very happy today to welcome to the Senate and Washington, DC, Rabbi Mel Hecht. I do this on my behalf and that of Senator BRYAN from Nevada.

I have been in the presence of Rabbi Hecht on joyous occasions, bar mitzvahs and bat mitzvahs, and also sad occasions where he has spoken at funerals. Rabbi Hecht is truly one of the spiritual leaders of the Greater Las Vegas area and the State of Nevada. That is why I was very happy to be responsible for his giving the prayer to open this session of the Senate.

Rabbi Mel Hecht is really a community builder. He is an active leader in our religious community and as a result of his being active in our religious community with his spiritual leadership this has certainly flowed over into the rest of the community. He is deeply concerned about the community of man. He is an outspoken advocate for human rights. He has worked for peace in many different aspects of our society.

Rabbi Hecht has a great academic background. He has a bachelor of arts degree from the University of Miami in Florida. He has done some of his undergraduate work at the Hebrew University in Jerusalem, Israel. He completed his bachelor of Hebrew letters and master of Hebrew letters at the Cincinnati Union College where he was ordained a rabbi. He has been an Army chaplain and race relations officer in Germany. He served as chairman of the Humana Sunrise Pastoral Care Council, the National Conference of Christians and Jews, Nevada Clergy Against Drug and Alcohol Abuse, and the Jewish Federation Community Relations Committee. He has been on the boards of numerous civic and charitable organizations. He has recently received his doctor of divinity degree from Hebrew Union College in California.

Mr. President, again, it is with a great deal of honor and pleasure that I welcome one of Nevada's spiritual leaders, Rabbi Mel Hecht, to the Senate.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order the leadership time is reserved.

The Senator from Texas is recognized.

SCHEDULE

Mrs. HUTCHISON. Mr. President, on behalf of the majority leader, this morning the Senate will resume consideration of H.R. 2107, the Interior appropriations bill, with me being recognized regarding my amendment on the NEA. Following 20 minutes of debate on that amendment, the Senate will vote on or in relation to that NEA amendment. Therefore, Senators can anticipate the first rollcall at approximately 9:30 this morning. It will be probably around 9:40.

Following that vote, it is hoped that Members will cooperate with the managers of the Interior appropriations bill in offering their amendments and working on short time agreements. The majority leader has stated that we will complete action on this bill today.

With that in mind, Senators can anticipate additional rollcall votes throughout today's session of the Senate.

I thank the Members.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2107, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hutchinson amendment No. 1186, to authorize the President to implement the recently announced American Heritage Rivers Initiative subject to designation of qualified rivers by Act of Congress.

AMENDMENT NO. 1186 TO THE COMMITTEE AMENDMENT ON PAGE 96, LINE 12, THROUGH PAGE 97, LINE 8

(Purpose: To provide for funding of the National Endowment for the Arts)

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes debate on the Hutchison amendment No. 1186, the time to be equally divided.

Mrs. HUTCHISON. Mr. President, I call up my amendment to the NEA bill, which is the appropriate order.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 1186 to the committee reported amendment beginning on page 96, line 12, through page 97, line 8.

The amendment is as follows:

Beginning on page 96, strike line 14 and all that follows through line 8 on page 97, and insert the following:

(a) FUNDING.—For necessary expenses of the National Endowment for the Arts, $100,060,000 to be used in accordance with this section.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Of the amount appropriated under subsection (a), the Chairman of the National Endowment for the Arts shall use—

(A) not less than 75 percent of such amount to make block grants to States under subsection (c);

(B) not less than 20 percent of such amount to make grants to national groups or institutions under subsection (d); and

(C) not more than 5 percent for the administrative costs of carrying out this section, including any costs associated with the reduction in the operations of the National Endowment for the Arts.

(2) LIMITATION ON ADMINISTRATIVE COSTS.—With respect to the budget authority provided for in this section, not more than $1,525,915 shall be available for obligation with respect to the administrative costs described in paragraph (1)(C) prior to September 30, 1998.

(c) BLOCK GRANTS TO STATES OR TERRITORIES.—

(1) IN GENERAL.—The Secretary shall award block grants to States under this subsection to support the arts.

(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, a State or Territory shall prepare and submit to the Chairman an application, at such time, in such manner, and containing such information as the Chairman may require, including an assurance that no funds received under the grant will be used to fund programs that are determined to be obscene.

(3) AMOUNT OF GRANT.—

(A) IN GENERAL.—Of the amount available for grants under this subsection, the Chairman shall allot to each State (including the District of Columbia) or Territory an amount equal to—

(i) with respect to a State, the amount under subparagraph (B); and

(ii) with respect to a territory, the amount determined under subparagraph (C).

(B) FORMULA.—The amount determined under this subparagraph with respect to a State (or the District of Columbia) shall be equal to—

(i) subject to subparagraph (D), the aggregate of the amounts provided by the National Endowment for the Arts to the State (or District), and the groups and institutions in the State (or District), in fiscal year 1997; and

(ii) an amount that bears the same relationship to the amounts remaining available for allotment for the fiscal year involved after the amounts are determined under clause (i), as the percentage of the population of the State (or District) bears to the total population of all States and the District.

(C) TERRITORIES.—The amount determined under this subparagraph with respect to a territory shall be equal to the aggregate of the amounts provided by the National Endowment for the Arts to the territory, and the groups and institutions in the territory, in fiscal year 1997.

(D) LIMITATION.—Notwithstanding the formula described in subparagraph (B), the allotment for a State (or the district of Columbia) under clause (i) of such subparagraph shall not exceed an amount equal to 6.6 percent of the total amount provided by the National Endowment for the Arts to States and the District of Columbia in fiscal year 1997.

(4) LIMITATION ON OBLIGATION OF FUNDS.—With respect to the budget authority provided for in this section, not more than $22,888,725 shall be available for obligation with respect to block grants under this subsection prior to September 30, 1998.

(5) USE OF FUNDS.—

(A) IN GENERAL.—A State or Territory shall use funds provided under a grant under this subsection to carry out activities to support the arts in the State or Territory.

(B) ENDOWMENT INCENTIVE.—A State or territory may use not to exceed 25 percent of the funds provided under a grant under this subsection to establish a permanent arts endowment in the State or Territory. A State or Territory that uses funds under this subparagraph to establish a State endowment shall contribute non-Federal funds to such endowment in an amount equal to not less than the amount of Federal funds provided to the endowment.

(C) LIMITATION.—A State (or Territory) may not use in excess of 15 percent of the amount received under this section in any fiscal year for administrative purposes.

(d) NATIONAL GRANTS.—

(1) IN GENERAL.—The Secretary shall award grants to nationally prominent groups or institutions under this subsection to support the arts.

(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, an entity shall prepare and submit to the Chairman an application, at such time, in such manner, and containing such information as the Chairman may require, including an assurance that no funds received under this subsection will be used—

(A) to fund programs that are determined to be obscene;

(B) for seasonal grants; or

(C) for subgrants.

(3) LIMITATION ON AMOUNT OF GRANT.—The amount of a grant awarded to any group or institution to carry out a project under this section shall not exceed—

(A) with respect to a group or institution with an annual budget of not to exceed $3,000,000, an amount equal to not more than 33.5 percent of the total project cost; and

(B) with respect to a group or institution with an annual budget of not less than $3,000,000, an amount equal to not more than 20 percent of the total project cost.

(4) LIMITATION ON OBLIGATION OF FUNDS.—With respect to the budget authority provided for in this section, not more than $6,103,660 shall be available for obligation with respect to grants under this subsection prior to September 30, 1998.

(e) APPLICATION OF SECTION.—Notwithstanding any other provision of law, this section shall apply with respect to grants and contracts awarded by the National Endowment for the Arts in lieu of the provisions of sections 5 and 5A of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954 and 954a).

(f) OFFSET.—Each amount of budget authority for the fiscal year ending September 39, 1998, provided in this Act, for payments not required by law is hereby reduced by .11 percent. Such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

Mrs. HUTCHISON. Mr. President, I would like to just briefly describe my amendment, and then it is my intention to yield 2 minutes to Senator DEWINE. And then of course I know Senator HARKIN is here to speak on the other side.

My amendment leaves the amount for the commitment to the arts at the same level as the committee bill does. It does, however, make some reforms that I think will improve the NEA and most certainly will improve the commitment to the arts and reconfirm the commitment to the arts that we have. It cuts the administrative costs of the NEA to 5 percent. I think, since the large part of the bill will require block granting to the States, that the administration does not need to be $17 million. I think $5 million then would be quite adequate to administer the national part of the bill.

The Federal grants to national groups would be 20 percent of the total grant. In the Federal grants, we have a requirement for State matching funds, which I think is a healthy thing for us to require, so that any project that is funded with national dollars will also have a State commitment. Grants may not be used for obscene works, and they will go for groups and institutions.

The rest of the money, the 75 percent, would be grants to the States so that the each State or territory is guaranteed at least what they had in 1997. And, in fact, every State, except California and New York, would get more funding for their arts commissions than they had last year. Each State except California and New York will get more money than they got in 1997, and they will be able to spend it according to the wishes of their own arts commissions. I think it is very important that this happen.

With the 20 percent Federal grants to the national groups, I think California and New York will be able to make up some of the loss that they will receive because they have had the highest number of dollars that have gone to the national arts.

In this, I think we have a good way to keep our commitment to the arts to increase the access to the arts by children and people in all the States of our great country. And I think it also will give the leeway for the national groups that deserve the support of the National Government, because we do want to keep the very top, top quality in our arts so we can be proud, as a Nation, that we do have the world class opera, the world class ballet, the world class art museums that would actually be worthy of the civilization that our country has formed in its 221 years of democracy.

Mr. President, I yield 2 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, the Hutchison amendment recognizes that there are arts programs, arts projects, that are of national significance and that they should be supported. The amendment does this while at the same time addressing the huge geographic disparity in funding that the NEA elite, the NEA bureaucracy, has consistently and arrogantly refused to address or, for that matter, even to acknowledge.

This inequality in funding is unconscionable. When you have States such as New York getting $21 million from the NEA, California, $8 million, while States such as Ohio with our 11 million citizens receiving only $1.6 million, clearly something is horribly wrong.

Ohio comes in 46th in per capita NEA funding. New York gets $1.18 per person; Wyoming, $1.24, Alaska, $1.21. Ohio gets 14 cents per person.

Again and again, the NEA has failed to address this problem. Let me say this failure on the NEA's part points to broader problems at the NEA. For years now, Congress has been trying to set priorities for the NEA but nothing really has changed. I have grown increasingly frustrated because of the seeming ease with which the NEA flouts congressionally enacted policies. It sometimes seems as if the NEA uses as much, or maybe more, creativity in skirting our guidelines as NEA-funded artists do in creating their works.

The NEA funds do support a number of worthwhile projects. However, I believe that NEA funding should really be targeted for programs for children and for underserved populations. Our scarce Federal dollars should be used to bring the arts to our children and to the poor. I congratulate my colleague, Senator GORTON, for including language in the underlying bill to indicate this priority, and also to Senator JEFFORDS for including it in the authorizing bill.

I certainly hope the NEA takes today's debate seriously. If, however, the NEA continues to remain unresponsive to legitimate concerns, concerns voiced by the people who are paying the bills, we can certainly expect even more support for moves to abolish the endowment outright. That, Mr. President, would be a great shame—for everyone who loves the arts, and indeed for all Americans. It would be a shame that the greatest country in the world, with some of the most talented and creative artists in the world, could not intelligently and responsibly run a national arts agency.

Mr. President, we can—and must—do better.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. HUTCHISON. Mr. President, it is now my intention to yield 2 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank my good friend, the Senator from Texas.

I rise today to support the amendment submitted by my distinguished colleague from Texas, Senator HUTCHISON. I think her amendment represents a reasonable compromise to what has become a very divisive issue.

I think every Member of this Chamber would agree that some of the works the NEA has funded in the past have been offensive. They call into question the appropriateness of the Federal Government being involved in the promotion of the arts. Several years ago we had an exhibit here—and it had to be covered. We couldn't allow the Senate pages to see it. It was absolutely unsuitable for public view—certainly for young people. I personally was offended, and I think we all learned something from that.

Art works funded by a Federal agency should be those you take your children to see and, in the case of NEA-sponsored works, this has not always been the case. But, certainly the arts, overall, have a legitimate voice in our society. I think the amendment of Senator HUTCHISON that would take 20 percent of the NEA budget and keep it here in Washington, DC to be distributed to works of national prominence is satisfactory. It also addresses the concerns of those who do not believe it is in the Federal Government's jurisdiction to fund the arts. She has an answer to that—send 75 percent of the money to the States. This amendment will allow each of our States to develop the arts locally, hopefully reflecting the true role of the arts and the role they play in each of our communities.

I think this is a good amendment and merits the overwhelming support of this Chamber.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield myself—do I have 10 minutes?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. HARKIN. I yield myself 8 of the 10 minutes. If the chair will interrupt me, I will appreciate it.

This amendment all but eliminates the National Endowment for the Arts. In other words, it eliminates a Federal role.

I believe the Senator from Texas is well-intentioned. However, the result would be disastrous for the arts. NEA national leadership grants have supported a number of very worthy projects that would not have been supported by a State. For example, the design competition in 1981 that led to the creation of the Vietnam Veterans Memorial. What State would have funded that if it was not going to be in the State, but was going to be located in the District of Columbia?

The Senator from Ohio made mention of all the money that goes to New York. Let's look at some of that money. Through the national leadership grants, the NEA provided a grant to Chamber Music of America in New York, but this grant sponsored chamber music rural residencies, which brought professional musicians to small towns, such as Jesup and Decorah and Fayette and Mount Vernon, IA. Artists lived and worked in these small towns for up to 2 years. They taught in the schools. They performed concerts for citizens in the communities all over the State of Iowa. Thousands of Iowans benefited from this. But, if you look at the grant, it went to New York. But the artists performed in Iowa, for up to 2 years.

If we take all of this money, as the Senator from Texas wants, and give it just to the States, will, then, the State of New York fund a program that goes to Iowa? I rather doubt it. They will keep the money there. But because we have the NEA making these grants, giving them out, then they can direct and guide those to go out to States like Iowa and Nebraska and Missouri, and States where we don't get a lot of money for arts.

So, what State would fund a program like that? What State? Would Texas? Would Texas fund a program that would send artists to Iowa for 2 years? I doubt that.

The NEA has also supported dance touring programs. The Alvin Ailey dance group traveled to Atlanta, GA; Redding, OR; Tuscon, AR; Iowa City, IA; Milwaukee, WI. Would Texas fund something like that? I doubt it. Would New York fund something like that? I doubt it. Would California fund something like that? I doubt it. But, because we have a National Endowment for the Arts, we are able to get this out.

A grant to the American Library Association sponsored the "Writers Live At The Library." This program went all over America, to places like Rapid City, SD; Medina, OH; Buchanan, MI; Muncie, IN. Would Texas have sponsored that? I doubt it. Would New York alone have sponsored that? I don't think so. But the National Endowment for the Arts did.

That is my point. You could look at a lot of these grants. They may go to a State. But they seep out and go around the United States. If we adopt the amendment offered by the Senator from Texas, that will end. We will not have a National Endowment for the Arts. We will simply have a bunch of States out there. I rather doubt that States will fund programs that will go to another State.

Mr. President, this amendment has never been reviewed or discussed in any format before. Present law provides 35 percent to the States. Under the bill, under the leadership of Senator JEFFORDS, that goes to 40 percent. It was adopted by a 14-to-4 bipartisan vote in committee.

I might also point out that Federal funds are matched by the States on a 1-to-1 basis. If you increase this amount of money to the States, they will have to go to their State legislatures to get the amount of money up. Will that happen? Well, in some States it might, in some States it might not.

I also will point out that the Hutchison amendment imposes a cap on administrative costs of 5 percent. Right now the President's budget calls for a cap of 14 percent. Here is the problem. Many of the State agencies are quite small, so State support varies from State to State. If you put a cap on like that and you have low spending, that just destroys the program. Obviously, as you know, the more money you have in the program the less the amount of administrative costs there are for administering that program.

So the 5-percent cap would also not only hurt many of the State agencies, but would be disastrous for the National Endowment for the Arts.

Mr. President, the Hutchison amendment is a severe and undeserved rebuke to the arts endowment. It may be well-intentioned, but I also point out that if this is so good, why is this opposed by the very agencies that would supposedly benefit from this? The National Assembly of State Arts Agencies is opposed to this amendment. That organization believes that the current distribution between Federal and State is appropriate.

So, again, while it may sound good to give all this money to the States, the fact is, the Chamber Music of America in New York came to Iowa and lived there for 2 years in our small towns and communities. It may have looked like a grant to New York, but it was run by the National Endowment for the Arts. If you give all this money to the States, if New York got all this money, would they then of their own volition fund the chamber music program that we had in Iowa for 2 years? As I said before, I doubt it, and I don't think Texas would either.

For those reasons, this amendment should be defeated. I am told also, and I have a letter from the White House—I will just read it:

> The administration understands that an amendment may be offered to increase significantly block grants to the States, thus severely diminishing the Federal leadership role of the NEA. In addition, the administration understands that an amendment may be offered making it administratively impossible for NEA to carry out its function.

That's the 5-percent cap.

> If such amendments were adopted, the President's senior advisers would recommend that the President veto the bill.

I believe this bill is too important to be vetoed. I believe the NEA is too important to be cut up, segmented and destroyed by this amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 50 seconds remaining.

Mr. HARKIN. I reserve the remainder of my time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would like to reserve the last minute of the debate, so I will take my time up until the last minute and then yield to the Senator from Iowa.

Mr. President, I would like to respond to the remarks of the Senator from Iowa and say that it is most certainly not my intention to do away with our national commitment to the arts. In fact, the opposite is true. That is why I keep the funding level because I do believe that all of our children will gain from having more access to and appreciation of the arts in our country. I want the budding artists of Iowa to have equal access to the education that budding artists in New York have.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mrs. HUTCHISON. I reserve the remainder of my time.

Mr. HARKIN. Mr. President, let me just say that we have a lot of budding artists in Iowa, a lot of them musicians. I can tell you, when the Chamber Music of America came out and spent 2 years in our small towns, it was wonderful. These wonderful artists went to these small towns. They got these kids excited about music and about chamber music. I can't tell you how many hundreds of Iowa kids, I say to the Senator from Texas, were enthused and got involved in music and are progressing now because of that.

That would not have happened without the National Endowment for the Arts. It just simply could not have been funded by the State and wouldn't have been, and I don't think the State of Texas would have funded it either.

Yes, there are a lot of budding artists out there, and that is why we need a national program to reach out to these budding artists.

Mr. President, I ask unanimous consent that a letter from Jonathan Katz, CEO of the National Assembly of State Arts Agencies, be printed in the RECORD, in which he says they are opposed to this amendment and that they are endorsing the current distribution of agency funds.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSEMBLY OF
STATE ARTS AGENCIES,
Washington, DC, July 9, 1997.

Hon. RALPH REGULA,
Chairman, Interior Appropriations Subcommittee, House of Representatives, Washington, DC.

DEAR CHAIRMAN REGULA: As you consider the resources available to the National Endowment for the Arts, I thought it might be helpful for you to have at hand the principles advocated by the National Assembly of State Arts Agencies (NASAA) on behalf of the state and special jurisdiction arts agencies of the United States. These are attached.

Consistent with these principles, at the current funding level of $99.5 million, the state arts agencies endorse the current distribution of agency funds that enables the NEA to demonstrate appropriate national leadership and also enables it to support the leadership roles that state arts agencies play. As the principles note, the state arts agencies do support a higher level of funding for the agency overall because that would enable more Americans in more communities to enjoy the arts in more meaningful ways.

Please feel free to contact me if additional information would be helpful to your office. Your support of public funding for the arts and humanities is very much appreciated.

Sincerely,

JONATHAN KATZ,
Chief Executive Officer.

Mr. HARKIN. Mr. President, I ask unanimous consent that a letter from Americans United to Save the Arts and Humanities be printed in the RECORD. They also say they endorse the present distribution of moneys.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICANS UNITED TO SAVE
THE ARTS AND HUMANITIES,
Washington, DC, September 4, 1997.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: Americans United to Save the Arts and Humanities is a 501(c)(3) bi-partisan advocacy organization. Our mission is to preserve federal funding for the National Endowment for the Arts and the National Endowment for the Humanities. Americans United represents over 100 U.S. business leaders from across the country who strongly support federal funding for the arts and humanities Endowments.

As you know, these agencies, particularly the National Endowment for the Arts, have recently come under heavy attack. The House has proposed eliminating the NEA entirely.

Imagine how such a loss would impact the economic activity currently stimulated by the non-profit arts industry. As it is, the non-profit arts industry generates $36.8 billion annually in economic activity; supports 1.3 million jobs; and produces $790 million in local government revenue and $1.2 billion in state revenue. For every dollar the NEA invests in communities, there is a twenty-fold return in jobs, services and contracts. That is wise federal investing of taxpayer dollars.

The members of Americans United feel strongly that the NEA and NEH are agencies well worth continued federal funding. Recently, Americans United business leaders sent the attached letter to Senator Lott urging him to preserve federal funding for our nation's cultural Endowments.

We hope that when the issue of funding for the NEA and NEH comes to the Senate Floor for a vote, and subsequently goes to Conference Committee, you will support our nation's culture and heritage and ask your colleagues to preserve current levels of federal funding for the Endowments without crippling block grants.

Sincerely,

RICHARD J. FRANKE,
Chairman.

AMERICAN UNITED TO SAVE
THE ARTS AND HUMANITIES,
Washington, DC, September 4, 1997.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: As business executives, we want you to know how strongly we support continued federal funding of the NEA and the NEH. While we recognize the tight constraints of the federal budget, it is evident that there is a clear connection between the federal investment in culture and the willingness of corporations, foundations and individuals to support cultural activity. Grants from the NEA and NEH are required to be matched with private money. A "seal of approval" from the Endowments demonstrates that a proposal has passed a rigorous evaluation—a review that many corporations and foundations do not have the expertise to make themselves, and one which they take into serious consideration as they make their own funding decisions.

Business supports the arts and the humanities for many important reasons. A vigorous cultural life enhances our communities, improves the imaginative and creative ability of our employees, and spurs economic activity. The strength of the cultural sector of our economy, generating $36.8 billion annually in economic activity, supporting 1.3 million jobs, producing $790 million in local taxes and $1.2 billion in state taxes, is a direct result of the successful role of the Endowments in fostering a broad range of cultural initiatives over the last 30 years. As much as business values and supports the arts and the humanities, the unfortunate reality is that the corporate world can not replace the critical role of the NEA and the NEH in evaluating and fostering cultural initiatives. However, as business leaders we are very much aware that the explosion of interest in American culture worldwide is a key element of our competitive position in the new global economy.

From the beginning, it has been the role of the Endowments to encourage cultural programs of both local and national importance. The proposal to fund the arts and humanities through block grants to the states would severely limit the cultural impact of federal dollars dedicated to cultural projects. For example, performances and exhibits which travel widely across state boundaries, often to rural areas and small cities, would be that much more difficult to develop and coordinate.

As the issue of federal funding for the NEA and NEH progresses to the Senate Floor and the Conference Committee, we urge you to recognize the enormous good accomplished by relatively few, yet vital dollars by protecting federal funding and a strong federal role for the National Endowment for the Arts and the National Endowment for the Humanities.

Sincerely,

Members of Americans United to Save the Arts and Humanities.

Mr. HARKIN. I ask unanimous consent that a letter from the U.S. Conference of Mayors be printed in the RECORD. I won't read it all, but it says:

> We need to maintain our federal commitment to preserve this country's rich cultural heritage and traditions and to nurture imagination and creatively to strengthen the future of this country.

Again, in support of the distribution of funds that are in the bill, from the U.S. Conference of Mayors.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, March 11, 1997.

President WILLIAM CLINTON,
The White House,
Washington, DC.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

Hon. TRENT LOTT,
Senate Majority Leader,
Washington, DC.

DEAR MR. PRESIDENT, MR. SPEAKER and Mr. MAJORITY LEADER: The United States Conference of Mayors joins leaders throughout this country on Arts Advocacy Day to urge you to support public funding for the arts and humanities at a level that fulfills the federal government's responsibility to help make the arts accessible to all Americans for the social, economic and cultural well-being of the American public.

As we prepare to enter the new Millennium, we see the arts and humanities serve as an essential and forceful vehicle to educate our citizens, help our struggling youth, spur economic growth in our communities, and bring us together as a nation. We need to maintain our federal commitment to preserve this country's rich cultural heritage and traditions and to nurture imagination and creativity to strengthen the future of this country. As mayors of communities of every size and in every corner of America, we can tell you first hand that the arts are critical to the quality of life and livability of our cities.

In partnership with the $99.5 million federal investment that the NEA made in our nation's cultural initiatives this year (representing a 40% cut), the mayors invested $650 million in local government funds and the governors invested $275.4 million in state government funds for the arts through our local and state arts agencies. However, this delicate balance in shared responsibility of public support for the arts is in serious jeopardy now. Congress cannot expect state and local governments or the private sector to make up for the cuts in the federal government's share.

Therefore, we call upon you to oppose the elimination or phase-out of our federal cultural agencies and to oppose any further reductions of their budgets. We further urge you to maintain your federal longterm commitment to our nation's cultural resources in communities large and small.

Sincerely yours,

Richard M. Daley, Mayor, Chicago, USCM President; Paul Helmke, Mayor, Fort Wayne, USCM Vice Pres.; Deedee Corradini, Mayor, Salt Lake City, Chair, Advisory Bd., Marc H. Morial, Mayor, New Orleans, Chair, Arts Committee.

UNANIMOUSLY ADOPTED POLICY RESOLUTION AT THE 65TH ANNUAL CONFERENCE OF MAYORS, SAN FRANCISCO, CA, JUNE 24, 1997

FEDERAL FUNDING FOR THE ARTS, HUMANITIES, AND MUSEUMS

(1) Whereas, the arts, humanities and museums are critical to the quality of life and livability of America's cities; and

(2) Whereas, the National Endowment for the Arts' and the National Endowment for the Humanities' thirty plus years of promoting cultural heritage and vitality throughout the nation has built a cultural infrastructure in this nation of arts and humanities agencies in every state and 3,800 local arts agencies in cities throughout the country; and

(3) Whereas, the National Endowment for the Arts (NEA), National Endowment for the Humanities (NEH), and the Office of Museum Services (OMS) within the Institute of Museum and Library Services (IMLS) are the primary federal agencies that provide federal funding for the arts, humanities and museum programs, activities, and efforts in the cities and states of America; and

(4) Whereas, federal funding serves as a catalyst to leverage additional dollars for cultural activity—the annual federal investment made to these three agencies (NEA @ $99.5 million; NEH @ $110 million; and OMS @ $22 million) leverages up to 12 times that amount from state and local governments, private foundations, corporations and individuals in communities across the nation to support the highest quality cultural programs in the world; and

(5) Whereas, federal funding for cultural activities stimulates local economies and improves the quality of civic life throughout the country—the NEA, NEH and IMLS support programs that enhance community development, promote cultural planning, stimulate business development, spur urban renewal, attract new businesses, draw significant cultural tourism dollars, and improve the overall quality of life in our cities and towns; and

(6) Whereas, the nonprofit arts industry generates $36.8 billion annually in economic activity and supports 1.3 million jobs—from large urban to small rural communities, the nonprofit arts industry annually returns $3.4 billion in federal income taxes, $1.2 billion in state government revenue and $790 million in local government revenue; and

(7) Whereas, federal arts funding to cities, towns and states has helped stimulate the growth of 3,800 local arts agencies in America's cities and counties and $650 million annually in local government funding to the arts and humanities; and

(8) Whereas, federal funding for cultural activities is essential to promote full access to and participation in exhibits, performances, arts education and other cultural events regardless of geography and family income; and

(9) Whereas, the NEA is in a highly precarious position since this agency has been unduly politicized and has incurred a disproportionate 39 percent cut in federal funding in fiscal year 1996—bringing its budget down to 1977 levels—and Congress has targeted this agency for complete elimination this year; and

(10) Whereas, last year's draconian cuts to the NEA's and NEH's budget are beginning to have a serious negative effect on the cultural infrastructure and survival of arts and humanities institutions, arts organizations, artists, and cultural programming at the national, state and local level; and

(11) Whereas, the delicate balance in shared responsibility and partnership for

public funding of the arts and humanities at the federal, state and local government levels is now in serious jeopardy since local governments cannot make up for the current and future funding cuts in the federal government's share, now, therefore, be it,

(12) *Resolved*, That the United States Conference of Mayors reaffirms its support of the National Endowment for the Arts, National Endowment for the Humanities, and the Office of Museum Services within the Institute of Museum and Library Services and calls upon Congress to fund these agencies at the President's FY '98 request level in order to fulfill the federal government's responsibility to help make the arts accessible to all Americans for the social, economic and cultural well-being of the American public, as well as to help sustain this nation's cultural infrastructure for public support of the arts and humanities at the federal, state and local levels, be it further

(13) *Resolved*, That the United States Conference of Mayors calls upon the President and Congress to reauthorize the NEA and NEH and to oppose any attempts to eliminate or phase-out our federal cultural agencies; to oppose reducing their budgets; to oppose mandating that all funds be blockgranted to the states; and to allow local arts agencies to subgrant federal grants.

Mr. HARKIN. Mr. President, the Senator from Texas may say she wants to preserve and keep the National Endowment for the Arts, but this really is a stealth amendment. This is the stealth amendment that will kill the NEA. It will do great damage to a lot of our small States like Iowa, States that may not have a lot of money. We have a lot of budding artists, and we need the national commitment to the arts program to ensure that these young poets and these young writers and these young musicians and these young painters and these young artisans know that there is a national commitment and they have the kind of support and the kind of encouragement and the kind of role models that they need to encourage them in their efforts.

No, Mr. President, this stealth amendment would do drastic damage to the NEA. It would kill the NEA, and we cannot afford to do that. I urge its rejection.

The PRESIDING OFFICER. The Senator from Texas has 1 minute remaining.

Mrs. HUTCHISON. Has all time expired other than my 1 minute?

The PRESIDING OFFICER. That's correct.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, America's strength comes from its grassroots. It isn't Government that provides the spirit of America; it is the grassroots. Government policy should strengthen the people to establish their priorities, and that's what my amendment does. It strengthens the States to create more access and more appreciation and more education in the arts for all the children of America. I believe that our local control of education allows reading through phonics. I believe in old math so that we learn our multiplication tables in addition to how to work a computer and a calculator. I also think as basic to that is to let our children have access to the arts so that they can produce world-class art and arts appreciation. It shows that it is part of our basic education that we would have a national priority.

Mr. President, my amendment keeps the national commitment to the arts, and it keeps the control in the grassroots and the heartland of America. I think it is the best balance.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1186 offered by the Senator from Texas, Senator HUTCHISON. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 61, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—39

Abraham
Allard
Ashcroft
Bond
Brownback
Burns
Coats
Coverdell
Craig
DeWine
Enzi
Faircloth
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Thomas
Thompson
Thurmond

NAYS—61

Akaka
Baucus
Bennett
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
D'Amato
Daschle
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Smith (OR)
Snowe
Specter
Stevens
Torricelli
Warner
Wellstone
Wyden

The amendment (No. 1186) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay it on the table.

The motion to lay on the table was agreed to.

LEAVE OF ABSENCE

Mr. AKAKA. Mr. President, I ask unanimous consent I may be granted leave of the Senate, pursuant to Rule 6, paragraph 2, to be absent from the Senate proceedings as of noon Thursday, September 18 through Monday, September 22nd.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill

AMENDMENT NO. 1219

(Purpose: To express a Sense of the Senate that hearings should be conducted and legislation debated during this Congress that would address Federal funding for the arts)

Mr. STEVENS. Mr. President, I have at the desk amendment No. 1219 for myself and the Senator from Connecticut, Mr. DODD. I would like to present it at this time.

The PRESIDING OFFICER. The pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for himself and Mr. DODD, proposes an amendment numbered 1219.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. 3 . It is the Sense of the Senate that, inasmuch as there is disagreement as to what extent, if any, Federal funding for the arts is appropriate, and what modifications to the mechanism for such funding may be necessary; and further, inasmuch as there is a role for the private sector to supplement the federal, state and local partnership in support of the arts, hearings should be conducted and legislation addressing these issues should be brought before the full Senate for debate and passage during this Congress.

Mr. STEVENS. Mr. President, I offer this as chairman of the Appropriations Committee with the hope that the Senate will agree that this matter should now go to the authorization committee, and that the extent of the problem be reviewed with appropriate hearings.

This is a commitment that the Senate will consider legislation in this Congress to deal with what future mechanism, if any, should be used to carry out the Federal role as it may be defined in support of the arts.

I am pleased my friend from Connecticut has cosponsored this. I am hopeful the Senate will agree to it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I want to commend our colleague from Alaska. I think this is a very responsible approach to take. I urge our colleagues to support it.

There are a lot of ideas out here about how we might create a true endowment rather than going through this process year in and year out. We are politicizing this issue to an extent I don't think it deserves. We truly ought to look for ways to resolve this matter intelligently.

I think a good set of hearings, examining various ideas on how to best fund the Endowment for the future make a lot of sense. I urge our colleagues to support this suggestion and try to come together and see if we cannot get beyond this amendment process we go through each and every year which I don't think serves our interests well, regardless of one's perspective on how we ought to fund the National Endowment for the Arts.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1219) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. DODD. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, the majority leader and I, and I think most Members, do wish to complete action on this bill today.

At this point, I know of three or four rather hotly contested amendments: One by Mr. HUTCHINSON, the Senator from Arkansas, on American heritage rivers; the possibility of one on immigration reform that is, of course, not particularly germane to this bill, by the Senator from Florida, Mr. MACK; an Indian gambling amendment by Senators ENZI and BROWNBACK; and one relating to money for gang suppression on Indian reservations which would close down the Wilson Center here.

I hope we could move forward on each of these promptly. I note that the Senator from Arkansas is present. Perhaps his amendment can be put up next. We would seek a time agreement on it. I don't believe the other side is ready to agree to a time agreement yet. Perhaps the best thing to do is let the Senator from Arkansas introduce his amendment, speak to it, and as he speaks to it and others are concerned about it, we can see whether or not a time agreement can be reached.

Mr. DASCHLE. Just briefly, I have been consulting with a number of my colleagues who are concerned about the amendment. I think they are prepared to come to the floor. I know the distinguished Senator from Connecticut is here and is prepared to respond to the statements and arguments made by the Senator from Arkansas.

We are prepared to enter into a time agreement, if perhaps we can work one out in the not too distant future.

I yield the floor.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 96, LINE 18

Mr. GORTON. Mr. President, what is the committee amendment to which all of these National Endowment for the Arts amendments——

The PRESIDING OFFICER. The amendment begins on page 96, line 12, through page 97, line 18.

Mr. GORTON. Mr. President, I believe we are in a position to which we can adopt that committee amendment.

The PRESIDING OFFICER. If there is no further debate on that amendment, the question is on agreeing to the committee amendment.

The excepted committee amendment beginning on Page 96, line 18, was agreed to.

AMENDMENT NO. 1196

Mr. HUTCHINSON. I call up amendment number 1196.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Amendment No. 1196, previously proposed by the Senator from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the RECORD of September 16, 1997.)

Mr. HUTCHINSON. Mr. President, I ask unanimous consent the following Senators be added to the amendment as cosponsors: Senator SHELBY, Senator GORDON SMITH, Senator ALLARD, and Senator KEMPTHORNE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I rise in support of an amendment that I think supports one of our most fundamental rights, the right of property ownership. The fundamental right, I believe, is at least eroded, threatened, by the Executive order signed by the President on September 11. I am sure it is a well-intended Executive order, designating the American heritage rivers initiative. The initiative is intended, in the words of the President in his Executive order "to help communities protect their river resources in a way that integrates natural resource protection, economic development and the preservation of historic and cultural values, things that we all support."

The difficulty is that we have an Executive order that, originating from the executive branch, has not gone through the committee process. It has not received any congressional authorization, has not received any appropriation, but simply is something that has been ordered by the President. The funding for this initiative comes from eight Cabinet departments including the Department of Defense, Department of Justice, the Department of Transportation, the Department of Agriculture, Department of Commerce, the Department of Housing and Urban Development, Department of Interior, and the Department of Energy. In addition to all of the Cabinet departments, there is funding from a number of agencies as well: EPA, NEA, NEH, and the Advisory Council of Historic Preservation.

The end result is funding from various departments and agencies apart from any congressional hearings, and apart from any congressional authorization or appropriation.

I support riverfront revitalization but not at the expense of trampling upon basic property rights and subverting plans and desires of local communities. I think riverfront revitalization should be community-led and a community-driven process, not something that is dictated through an Executive order in Washington.

My amendment allows for the riverfront renaissance that communities desperately need, while offering protections from further Federal encroachment. It allows the President's Executive order to go forward and it would allow the rivers initiative to go forward.

Congress has never authorized or appropriated one dime for the American heritage rivers initiative, nor has it even defined the term "river community." The Executive order contains the term "river community" without any kind of definition. This amendment would require congressional review of the 10 rivers that have been nominated for designation. The Executive order lays out 10 rivers to be designated as American heritage rivers. We would simply say that when those 10 rivers are designated, that Congress should have the right of review and designation, confirmation of those designated rivers.

The amendment would require that all property owners holding title to lands directly abutting the riverbank shall be consulted and asked for letters of support or opposition to the designation.

Now, it has been wrongly conveyed by the opposition of this amendment that somehow every property owner along the river would have veto power and that if any property owner objected to the designation or objected to participation in the heritage rivers initiative, that suddenly the whole project would therefore be ended, or any possibility of receiving that designation would be eliminated. That is not the case at all. We simply believe that those most involved, those whose lives are going to be most affected, the property owners along the river, would have the right to say yes or no. I think that makes perfect sense and that process is not guaranteed under the Executive order.

Let's ensure that they are notified and at least that they have the right of commenting and expressing their opinion.

In the amendment, we would define the river community as those who own property, reside, or who regularly conduct business within 10 miles of the river considered for designation. It is absolutely necessary for us to place a definition as to what a river community is, and how it should be defined.

The amendment would make the initiative subject to the existing provisions of the Clean Water and Safety Drinking Water Acts. I hope that would be supported by environmentalists. All of us are concerned about the enforcement of environmental laws, and an Executive order that will somehow be able to circumvent existing environmental law. The amendment would ensure that this process, as it goes forward, would be subject to existing provisions of the Clean Water Act and the Safe Drinking Water Act.

I agree we must revitalize our rivers and preserve their historic character. This amendment ensures that it is not at the expense of those who have chosen to be a part of the surrounding communities.

I urge my colleagues to support this amendment. We need to define river community, we need to comply with existing environmental laws, and the Clean Water Act, and the Safe Drinking Water Act. We need to ensure that property owners are notified that they have the right of comment, that they have the right to write letters of opposition or support.

We need to provide in this Executive order for congressional review. If there is one complaint I have heard from my constituents across the State of Arkansas, it is that, we as the elected representatives of the people, too often have simply given up our legislative authority. We have allowed the executive branch, through various Executive orders, to usurp what is legitimately and constitutionally our right and our responsibility. This amendment represents one small area where we can say that the President has issued an Executive order, and we now will ensure that we have the right of review. This amendment would do that.

I think that we can once again assert our proper role by ensuring that we can review the designation of the heritage rivers. Most importantly, we would protect property owners from the encroachment of an ever-growing Government and an ever more intrusive bureaucracy. We would ensure that the plans of the local communities are not subverted because of this new Executive order and that local communities, drive the entire process. I believe the amendment is reasonable, it is temperate, and it will reassure our citizens, our constituents, and those along these important American heritage rivers, that we take their rights as property owners and citizens of this country and value them greatly.

I urge my colleagues to support the amendment. I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I rise today in support of the amendment of my colleague, Senator HUTCHINSON from Arkansas. His amendment deals with the American rivers heritage initiative. I should start off by emphasizing that his amendment does not stop the initiative, it does not end it, and it does not hurt our rivers and their protection. This amendment merely ensures that the Federal Government, based right here in Washington, DC, does not become the controlling authority of rivers that have been used, cherished and developed by local communities all around this country, which, in some cases, the decisions made here in Washington may actually go against the wishes of the local community.

I raise the question, why is our President so afraid of having local input into such an important process as the designation of our American rivers as heritage rivers?

This amendment ensures that the people who live alongside of a river continue to have a say in the future of that waterway. They are the very ones who enjoy it for recreation, and they use it for commerce, and they actually own the private property on its banks.

This initiative lists the members that will be involved in a committee responsible for implementation. Each heritage river will have a local bureaucrat that is going to sort of oversee the management of the committee. There is going to be a committee superintendent. Look at the members who serve on that committee. We have the Secretary of Defense, the Attorney General, Secretary of Energy, the Chair of the NEA, and the Secretary of HUD. These are all bright people, hardworking people, I am sure; but how can they honestly know more about a river, let's say, for example, that runs through Denver, CO—which is the South Platte River—than those people who actually live in Colorado along the South Platte, who actually know more about the seasonal impact on this particular river? If they don't know more, why are they put in charge of future development of the river above and beyond local control?

Nobody out West wants to come to Washington and try to tell people who live along the Potomac how to control that particular river. Why does anybody want the administrators of these various agencies who live right here in Washington, DC, to have that type of control? And, frankly, their knowledge of a river may be nothing more than their perception of what they see happening on the Potomac River during rush hour when they are sitting on the 14th Street Bridge.

So I do believe that the real expertise is back at the local communities, the people who live by and use the waters that we are talking about in the heritage river designation. I know of one entity in Colorado that certainly doesn't believe the control should belong in Washington. They believe it should be back at the local level. That one entity happens to be the Denver Post, which recently released an editorial against the initiative, saying that common sense argues against the possibility that a Presidential appointee would know more about the designated streams than those who live along its riverbanks. I happen to agree wholeheartedly with that editorial.

I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Denver Post, Sept. 14, 1997]

JUST SAY NO TO PLATTE PLAN

Colorado water watchers are eyeing President Clinton's proposed Heritage Rivers project suspiciously, and with good reason.

The plan would designate 10 American waterways as Heritage Rivers, each to be run by a presidential appointee who would coordinate local efforts with 13 federal agencies. Thus the feds would become the rivers' bosses advising locals on where to build parks and flood-control projects and setting riverbed-cleanup priorities.

If this project is to do grand things for 10 American rivers, then each river bosun and his crew of 13 would need to know more about these streams than the people who live along their banks, and common sense argues against the possibility.

The South Platte, principal waterway of Colorado's urbanized Front Range, is a candidate. Although once exploited and neglected, the Platte is now flowing along nicely, thank you, and that is because over the past century Coloradans have figured out where to build those local parks and flood control projects and set those cleanup priorities.

A look at the results bears this out. The Platte supplies most of the Denver metro area's water. Its system of reservoirs works well and provides flood control and environmental safeguards. Platte River Greenway riverbed rejuvenation has been a spectacular and continuing success, with new parks to be built in Denver this year. In short, the South Platte is not a river at risk.

There is, of course, plenty left to be done. Denver Mayor Wellington Webb envisions the Platte as a showpiece among urban waterfronts. He has supported the Heritage program and pushed Denver as a candidate for more federal support. But how much support the Heritage project might produce isn't clear. No funds have been allocated, and no one knows where its budget will come from.

The Colorado Water Congress, a coalition of cities, counties, conservancy districts, farmers and other water users warns that its fuzzy goals could upset the delicate balance of water regulation between states and even upstream and downstream towns, spawning a tangle of interagency conflicts.

With a little luck, the South Platte might not be one of the chosen ten. If it is, Colorado should decline on grounds that it ain't broke, so don't fix it.

Mr. ALLARD. Mr. President, along with the problem of allowing the Federal Government unchecked control of local rivers, there are several other problems with this initiative. I am worried about the lack of a requirement stating that only affected individuals and organizations can apply for designation. Senator HUTCHINSON's amendment puts limits on what designates a river community and allows for the actual interests of those who would be affected to be considered. It requires the opinions of property owners affected to be considered—something the administration obviously does not feel concerned about.

There has been a long trend in this country of slowly cutting away the rights of private property owners. The administration's latest end-run around the Congress—the establishment of this initiative—without congressional authorization or appropriation, and the lack of a guarantee as to what constitutes a local community, and the lack of input from the affected property owners in this initiative, is merely another power grab of the Federal Government at the expense of local government, local communities, and local property owners.

A vote for this amendment will be a step in the right direction. And I, again, would like to compliment my colleague in the Senate for stepping forward and addressing this issue. I am proud to be a cosponsor of his initiative.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the amendment proposed by the Senator from Arkansas is a most interesting one. I think it is one that I am very likely to support. There is, however, some opposition on each side of the aisle. So we have been unable to reach any kind of agreement on a time limit on it. A number of my friends on the other side of the aisle do wish to speak to it. They are not here at the present time, so I will suggest the absence of a quorum. I also suggest that there are other amendments on which time agreements may be relatively easy to reach. On this one it can't be reached. If the Senator from Arizona, [Mr. KYL], is within hearing, I would appreciate taking up his amendment as soon as possible. The same thing holds true for the senior Senator from Arkansas, who has one on which there might well be a time agreement.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I rise, with all due respect to my colleague from Arkansas, in opposition to his amendment. I say to my colleagues here, with all due respect, my colleague is certainly one who has advocated in the past that we ought to try to remove or eliminate as much bureaucracy as possible. I think he is joined in those sentiments by most of us here in Congress, that we ought to be trying to not overburden a process but trying to streamline it as much as possible.

I commend President Clinton for coming up with a very innovative and creative idea on how we might highlight the importance of our river system in the United States. This program of designation of 10 great rivers in the United States, I think, has great value. It is something that is community driven, rather than something coming from Washington.

Let me just share with my colleagues how this would work. First of all, there are no mandates or regulations involved in this at all. In fact, it must be supported by the congressional delegations, the communities involved, and it is very explicit as to how this process would work. The amendment being offered by our colleague from Arkansas would require communities to go through additional layers of Government approval before a river could be designated an American heritage river.

Just to give you an example, those of us in the New England area are united—in New Hampshire, Vermont, Massachusetts, and Connecticut. We have all come together in a delegation—the communities, the States—requesting that the Connecticut River be one of those designated rivers. Very explicitly, if that support in the delegation from the Governors in the communities along the river is not present then that river is not going to be selected. It has been felt very, very important that there be community-driven, community-based support for these efforts. And if it is nonexistent, the designation doesn't happen.

Some of my colleagues may not want that designation. I can tell you categorically that if the Senators in those States do not want the rivers in their States, be it Colorado, or in Arkansas, then it won't happen. You don't have to worry about that. Nothing is going to be foisted on any State here that is not supported by the communities.

What we are suggesting here is that we in the New England States would like one of these rivers. In all due respect, I don't think it would be fair for me in this kind of a situation to be suggesting as a Senator from Connecticut that the people of Arkansas or Colorado, or any other State, ought to be denied that designation if they feel they very much like to see the Arkansas River or the Colorado River designated as one of these great rivers, with no regulations, no mandates, no money involved in it. It merely takes existing resources and tries to manage them in a way that the people at the local level would like to see them designated and to enhance the cultural, the economic, and environmental issues that they feel are very important.

I can tell you categorically that in my part of the country one of the problems that has happened over the years is that too much of our development has occurred right on the river denying people access to the river. One of the wonderful things about this city—our Capital City—that I appreciate every morning as I come to the Capitol is you can actually watch people on the banks of the Potomac River enjoying the river. For too many of our cities, of course, we saw the highway systems, and so forth, be developed between a city and its river. There is a great interest now in this country to try to restore, if you will, the vitality of these rivers—to see if we can't come up with ways to recognize the importance of them.

Again, the requirement that our colleague from Arkansas adds here would delay the initiative designed to provide prompt assistance to community-led efforts. After communities submit nomination packets to the administration, the President selects rivers for designation. The Council on Environmental Quality would have to forward these nominations to Congress which must provide approval. However, the amendment, as outlined, no process, or deadline, for congressional action would be required then to get approval basically of almost every single property owner. Imagine getting approval from the Connecticut River States, from the Canadian border on down to the Long Island Sound, of every private property owner in New Hampshire, Vermont, Massachusetts, and Connecticut. It would kill it. Why not have an amendment to eliminate it altogether? That might make more sense than making people go through a process that just kills it by bureaucracy. Why not have an amendment that would say this amendment ought to be eliminated? If that were the case, I would disagree with it. I would oppose it. But at least it would be clear. The intent here, by establishing a very lengthy process that would deny these community-driven programs, I think, would be a huge mistake.

Let me also point out that there are no additional dollars involved here at all in what has been suggested, and no new regulations, or changes in existing law. The American Heritage Rivers Initiative does not change the existing prioritization process for the Clean Water Act, the Safe Drinking Water Act, or any other applicable Federal law. Given that the American heritage rivers initiative imposes no new regulations, any activity undertaken to designate rivers would naturally abide by the laws governing priorities of the Clean Water Act and the Safe Drinking Water Act, and other Federal laws.

State and local reviews: Any projects identified in a communities-nomination packet must undergo applicable State and local review processes. Property owners are key at this stage of the review. I can say categorically that they are involved now in our New England area with the Connecticut River. We pulled together the support. We have solicited opinions from our local communities to get behind this effort. Obviously, local property owners have a more than adequate way of expressing their feelings about whether or not we ought to be going forward. There is strong feeling, in our area anyway, that this is a process that we approve of. We support fully and strongly that it ought to be included.

As I said earlier, if delegations don't want rivers in their States to be included in this competition, if you will, to designate 10 rivers, then that is it. You are out. Don't worry about it. There is no way in the world that you are going to be included in this.

So, if the Colorado River wants to be excluded from the process, I can categorically tell you that it will be out—or the Arkansas River. If anyone stands up here today and votes for this amendment, I promise you that you won't be included. You are out. Don't worry about it. But for those of us who would like this designation, who feel strongly about it in a bipartisan way, who believe that there is something of value here in trying to restore our rivers, to give attention to them, to appreciate the value of them historically, environmentally, economically, we would like this designation. We think it will help us, and our local communities want it. They support it.

Frankly, to go through a long morass of bureaucracy, and going through one agency after another, coming back and getting approval, having every single property owner express their view one way or the other, this is just killing it—choking it to death.

So my hope is that our colleagues here would oppose this amendment. Again, this has broad-based and community-based support in the country, and I think has great value in terms of those of us who care deeply about seeing these rivers restored.

I can tell you. I live on the Connecticut River. I have my office on the Connecticut River. In fact, it is a better Connecticut River. I can remember the days only a few years ago when the thought of swimming in that river, or fishing out of that river, or eating any fish out of the river, was unheard of. Today it has come back because there have been great local efforts to restore the vitality of that river. The salmon are coming back. The Connecticut River shad are back.

Dartmouth, in New Hampshire, and the University of Massachusetts all understand the value of this. Our communities of Hartford and Middletown in Connecticut, and Springfield, MA, all believe that this is a very worthwhile project, and are solidly behind it.

It is not just one river. But I can tell you also that it is highly competitive. I know my colleague from New York, Senator D'AMATO, is deeply interested in the Hudson River. And great support exists in that State for the designation. I know the same case exists across the country. I think it is a healthy process that communities and States are going through.

To add to the regulatory burden here by requiring, as this amendment would, a tremendous effort to get some designation here where there is apparently opposition within those States, I would say to those people that you need not worry about it.

In fact, for those of us who would like to designate and realize that it is highly competitive, maybe we ought to realize it the way it is here. If we get a good vote, we can eliminate a lot of rivers from being designated. Because I can clearly tell you, if Members vote for this, that is going to be a pretty strong case for those of us who want the designation—that Senators who vote for this, those rivers ought to be excluded from this process; and that we will just go with the colleagues here who come from States that represent rivers that would like to have this designation.

This is no money regulation. There are no regulations, no mandates, no money. It is community-based, community-driven, and community-supported.

And, if you are opposed, if you are not included, why in the world do we go through a process here where we require Congress to come up and support or deny and elongate things? It basically kills this. This is making a huge mountain, if you will, out of a trickle, in a sense. This is not that big a deal except to the extent that it allows for these rivers to be designated as important natural resources that our States would like to protect and preserve for future generations. That is all it really is, and no more than that.

To come up here and suggest somehow that this is some great big Federal program is dictating to local communities somehow denying them the process of making decisions about their own futures along these rivers is just not the case.

So, Mr. President, I urge our colleagues here, with all due respect, to reject this amendment when the time arises.

I note my colleague from Rhode Island wanted to be heard on this. I will be glad to yield to him, or seek his own time.

Mr. CHAFEE. Mr. President, I think the Senator from Arkansas would like to say a few words. Would he? If not, I will proceed.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Thank you, Mr. President.

I am going to do something that I think is highly irregular. I earlier asked unanimous consent that reading of the amendment be dispensed with. But after reading the letter that came from the Sierra Club, and a number the other organizations, and after listening to the comments of my esteemed colleague, and my good friend, Senator DODD, I really think that it is essential that the amendment be read.

So I am going to proceed to do that. It is very brief. But I think the American people, whenever my colleague says there is some great morass, that we are adding some great regulatory burden—there are some I guess that would say democracy is a great regulatory burden; to ask people to have some input on whether or not as property owners they want to be part of this, that it is a terrible burden, I guess; but that it is a big process to ask Congress to use its proper role in review. I mean, when we look at wild and scenic rivers, we review that. We have the right to make a determination on that.

I would like to read the amendment. I think we can perhaps better focus our debate when we understand exactly what is in the amendment.

AMERICAN HERITAGE RIVERS INITIATIVE

During fiscal year 1998 and each fiscal year thereafter, the President and other officers of the executive branch may implement the American Heritage Rivers Initiative under Executive Order 13061 only in accordance with this section.

NOMINATIONS.—The President, acting through the Chair of the Council on Environmental Quality, shall submit to Congress nominations of the 10 rivers that are proposed for designation as American Heritage Rivers.

It doesn't exclude any rivers. The President, acting through his chair of the Council on Environmental Quality, will submit the nominations.

PRIORITIZATION.—The nominations shall be subject to the prioritization process established by the Clean Water Act, and the Safe Drinking Water Act.

The point there being that we ought to comply with existing law, and that if we were going to prioritize these rivers it should be on the basis of where the greatest need is as determined by the Clean Water Act and the Safe Drinking Water Act.

CONSULTATION WITH PROPERTY OWNERS.—

I used to wonder why the American people would object to this amendment.

To ensure the protection of private property owners along a river proposed for nomination. All property owners holding title to

> land directly abutting riverbank shall be consulted and asked to offer letters of support for or opposition to the nomination.

I suppose that is a great burden—to notify the property owners, and let them express themselves pro or con. But I think that is what America is about. I think that avoiding that kind of process is what the American property owners today, the landowners of this country, so object to.

Consultation of property owners; that is No. 3.

> DESIGNATION.—The American Heritage Rivers Initiative may be implemented only with respect to rivers that are designated as American Heritage Rivers by act of Congress.

That goes back to our review process.

Then the definition of river communities, which was totally omitted in the Executive order.

> DEFINITION OF RIVER COMMUNITY.—For the purposes of the American Heritage Rivers Initiative, as used in Executive Order 13061, the term "river community" shall include all persons that own property, reside, or regularly conduct business within 10 miles of the river.

Without that definition, someone in another State could nominate a river in Arkansas, or Connecticut, or Rhode Island. Or somebody in Washington State could nominate—I mean we have to have some kind of definition as to what we mean. We are filling that void through this amendment.

That is the entire amendment. I have read it all, every word of it. So let the American people determine whether or not there is something so objectionable as has been characterized by those who are opposing the amendment.

I have much more to say. But that was the point of my seeking recognition—to simply read the amendment for the American people, and for my colleagues in the U.S. Senate.

I yield the floor.

Mr. DODD. Mr. President, to respond to my colleague from Arkansas—I know my colleague from Rhode Island wants to be heard—my colleague must be aware—I presume he is—of how the process works. The suggestion somehow that this process excludes local property owners from expressing their opinions is just not the case. In fact, it is very, very clear, as laid out by the Executive order, how the process would work. Certainly local input and people expressing their views, whether or not they are in favor or opposed to this, is very much a part of the process here.

This is complicating it by mandating through law. The implication here obviously is that Congress is going to make the decision as to whether or not these rivers in various areas are going to be designated so you have a vote of 51 to 49 picking this river or that. We are trying to avoid that, to keep the politics out of it.

If you go back and look at how it works, it requires that there be local input and approval and support at the local level. That is the whole idea. Obviously, to have Washington sit here and pick 10 rivers, we don't know whether you want to be designated. So this is entirely superfluous. The process exists right now that requires that effort. Support from local communities is all through the Executive order from the administration as to how this would work.

My point is, if that is the case, if that is what we are doing, it requires that input. To all of a sudden say we are going to have here a law that makes us go through congressional hearings and looking at all of this I think just is making more out of this than has to be the case.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I rise today because I believe the amendment before us is simply another thinly veiled attempt to attack the President's American Heritage River Program and to prevent any American river from participating in this innovative initiative.

Rivers have always been an integral part of our Nation's history, and throughout Virginia and across the United States activities are already underway to enhance the economic, historic, cultural, recreational, and environmental value of our rivers. Local government officials, conservationists, and riverfront developers, however, have complained that they cannot figure out which Federal programs they can use to pay for their redevelopment and river restoration projects or how to make their way through the redtape. The American Heritage Rivers Program is designed to lend a hand of assistance to these community-led waterfront projects. The program will assist localities in gaining access to existing Federal resources and will help bring their plans to life.

Mr. President, the American Heritage Rivers Program is voluntary and locally driven. This is a citizens-up effort to revitalize our hometown rivers. Communities will nominate outstanding stretches of America's rivers and 10 rivers will be rewarded special recognition. Each American heritage river will have access to a river navigator, a full-time liaison who is knowledgeable about the needs of the community and the multitude of Federal agencies and programs that could help meet their needs. The river navigator will help cut redtape and match priorities identified by the community with the services of the Federal agencies. The river navigator, however, will not have any power over local decision-making.

The American Heritage Rivers Program is solely an effort to increase local access to Federal programs that affect rivers, not to increase Federal management or regulation of rivers. The Federal Government will only respond directly to community needs.

Mr. President, the Federal Government has the authority and responsibility to coordinate the use of its limited resources in the best possible manner. If Federal agencies already have programs authorized and appropriated by Congress that are relevant to preserving and revitalizing our rivers, then an initiative that will help to ensure these services are delivered more effectively and efficiently is exactly what we need.

I'm not sure when this program became so misrepresented that individuals suddenly began to fear that the implementation of the American Heritage River Program would place an unprecedented Federal stranglehold on property owners. Today I heard the American Heritage Rivers Program referred to as an aquatic assault on the American people launched by President Clinton. That 13 Federal agencies will participate in the takeover of our Nation's rivers and a Federal employee will be appointed to control all land use and management activities within the designated area.

My only guess is these fears are rooted in a general distrust of anything that mentions the involvement of the Federal Government. But, in this instance, I find this distrust and these fears unwarranted.

The American Heritage Rivers Program simply promises to make a better use of existing sources of Federal assistance and will only coordinate the delivery of those services in a manner designed by the community. And communities can terminate their participation at any time.

Mr. President, the sponsor of this amendment says his constituents want a community-led process that will make the right decisions for their particular community, not a federally dominated process that could dictate to property owners how they can use their land. If that is what the people of Arkansas want, then that is exactly what the American Heritage River Program has to offer. But, Senator HUTCHINSON's amendment does not improve the American Heritage River Program, it only interferes with the President's initiative.

This amendment would add unnecessary delays and burdensome requirements to an initiative designed to streamline Federal assistance to community-led efforts. This amendment would even allow Members of Congress to block designations in other regions of the country, where community and congressional support are strong. Additional congressional bureaucracy will only stifle these citizen-led efforts.

Right now in North Carolina, Maryland, and Virginia, our rivers are under assault and the attack is by a cell from hell, a fishing-killing microbe called pfiesteria. We should be focusing our resources on finding the source of this microorganism and ensuring our water bodies are safe for swimming and for fishing. We should not be considering amendments that attack any new or innovative approaches to river protection and revitalization. That's why Mr. President, I ask my colleagues to support the citizens and communities from around the country who continue to express resounding support for the American Heritage River Program and to vote against the Hutchinson amendment which stands in their way to protect and revitalize their rivers.

I agree entirely with my colleagues from Connecticut and Rhode Island, from whom we will hear in just a moment.

This was designed to simplify the process. As I listened to the amendment actually read, it will complicate the process. It will add additional burden to something that is entirely voluntary. There is no new money; there are no new mandates; no applicable provision of Federal law is in any way disturbed. This is simply an attempt to help communities that want to enhance both their environment and their prospects for economic development to do so with the aid of a navigator who will simply coordinate the assistance.

The Federal Government is already authorized to bring to bear on the project. That is what the national heritage river initiative is all about. I hope my colleagues will recognize that by adding a very significant regulatory burden you would very substantially undercut the prospects for the success of this particular initiative. It is entirely voluntary. Anybody who does not want to be a part of it does not have to be a part of it.

In my own State of Virginia, there is enormous excitement by the business community, by the environmentalists, by all who want to preserve and enhance our environment and who want to take advantage of economic development that flows from it. I hope at the appropriate time, Mr. President, our colleagues will vote against this particular amendment. And with that I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, every so often we are put in a difficult situation with amendments presented by somebody we have great affection and respect for, yet we are not in a position to agree with the amendment. Such is the instance here where we are now wrestling with the amendment presented by the distinguished Senator from Arkansas, with whom I have had the privilege of working on the Environment Committee and who is a very valuable member of that committee. Just yesterday we worked closely on a very major piece of legislation which unanimously came out of the committee, and part of the reason it was so successful in the committee was because of the help from the Senator from Arkansas.

But I must say I think he is making a mountain out of a molehill here, if you would. Maybe I ought to put it in river terms in some fashion. What occurred was in the State of the Union Address the President announced a plan to create initiatives designed to assist communities in their efforts to clean up and restore rivers and riverfront areas.

Last week, he signed an Executive order creating the American heritage rivers initiative. He had previously announced that he was going to do it and had used that term, American heritage rivers.

This amendment would, in my judgment, derail that designation and add a whole series of complexities to it that I will touch on in a minute. Since the announcement of this initiative in the State of the Union Address, communities along two major rivers in my State, the Blackstone River and the Woonasquatucket River, have been invigorated by the hope of gaining this designation. They have had rallies and gatherings, and I have had the privilege of attending some of those. I could not help but think, when the President announced this initiative, that he was describing an ongoing project we have in our State. It is the so-called Blackstone River Valley National Heritage Corridor which was created by legislation that I authored some 10 years ago.

In my years as Governor and first few years in the Senate, I came to view the Blackstone River as a nearly impossible problem. Many years of pollution from toxic substances had wiped out much of the wildlife along the river, and there had been terrific economic change. What once were great mills there had moved away or been abandoned and, indeed, it was a languishing situation.

Once this designation was made, as a result of technical assistance and advice from the National Park Service, a modest investment of Federal funds, enormous commitment from the local communities, business people, and residents, this whole area is experiencing a renaissance.

Today, community leaders from the Blackstone River Valley are sharing what they have learned with individuals from the other rivers, the Woonasquatucket, for example, and they are working together on an application for designation as an American heritage river. They want this designation. Individuals from the communities are writing the President, sharing their thoughts with him what the rivers mean to them, and we know this is a competitive situation. I must say I didn't know the whole Connecticut River was seeking it, and that is a powerful aggregation. They are favored. It goes through, I guess, three or four States—starting up on the Canadian border and coming down Vermont and New Hampshire and Connecticut, Massachusetts. However, we are very anxious that our rivers, the Blackstone and the Woonasquatucket, taking the two together, would receive this designation.

The question is this Executive order. I ask unanimous consent that a copy of the President's Executive order be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered

(See exhibit 1.)

Mr. CHAFEE. Section (d) of the Executive order says the following. I think this is important:

> Agencies shall act with due regard for the protection of private property provided by the Fifth Amendment to the United States Constitution.

That is what it says. There is nothing in this Executive order that interferes with the rights of individual property owners along the rivers. Nominations for this designation must come from the communities and have to be supported by a broad range of individuals. Once the designations are made, if a community finds it no longer wants to be an American heritage river, it can opt out. They are not bound into this thing. It is a very modest program. They get a designation. They get somebody from the Federal Government, one of the agencies that will help the communities along the river, do some things that will improve the quality of life along the river, make the river a more attractive entity in their lives.

As I say, the Federal role in these areas is limited to supporting community-based efforts to protect and restore the rivers. So I support the President's plan to designate 10 rivers. I support the goals of the initiative which are to protect natural resources, encourage economic revitalization, and preserve historic and cultural treasures, and I vigorously support the efforts of the communities that I mentioned along the Blackstone River which is part in Massachusetts and part in Rhode Island, and the Woonasquatucket River to get this coveted designation.

I would like to close, Mr. President, by touching on the Senator's amendment, but I want to underscore that applications for this designation have to come from the communities. This is not some President in Washington reaching out and saying that this river is going to be an American heritage river. It can only come about through the community seeking that designation. It has to have support from local residents. As I say, if they do not want to be in it any longer, they can get out.

So for those reasons I reluctantly oppose the amendment of my distinguished colleague from Arkansas.

The Senator from Arkansas read his amendment, and there are a couple of things in there that I find troublesome and I must say I am not quite sure what they mean. In the prioritization section, he says:

> The nominations shall be subject to the prioritization process established by the Clean Water Act, the Safe Drinking Water Act and other applicable law.

Now, it may well be, I suspect, that under the Clean Water Act the prioritization is those rivers that are what we call most unclean, if you want to use that word, or the ones that are the most polluted. This is not geared solely toward a river cleanup in the sense of pollution control. That, of course, comes under the Clean Water Act. The Senator is quite right; that is an important part of prioritization of the Clean Water Act.

But this isn't the way, as I understand it, this act is to work. It isn't solely the President reaching out and saying we are going to designate the dirtiest rivers as American Heritage rivers because they need the most help. There is very little financial help from the Federal Government, totally unlike the Clean Water Act where there are massive grants, as the distinguished Senator knows, for wastewater treatment facilities, either municipal or the law, of course, forces the private companies that pollute in any fashion to clean up their act. That is not what this is designed for.

It goes on—and this is the point the Senator from Connecticut was making, that the provisions in this act really add a great layer of bureaucracy and redtape on top of what is an innocent process just getting the designation.

Example:

> CONSULTATION WITH PROPERTY OWNERS.—To ensure the protection of private property owners along the rivers proposed for nomination, all—

All, every single—

> property owners holding title to land directly abutting the river shall be consulted.

Now, this can go on forever, trying to find who is along the river. Are they a tenant? Do they own it? What proportion of ownership do we have? In my State, we have factories that have been abandoned. They are owned by families that have disappeared. It is very hard to trace the ownership and find out who exactly lives there and owns the property.

Then we get to definition of a river community, in which the Senator says, "For the purposes of the American Heritage Rivers Initiative, as used in the Executive order, the term 'river community' shall include all persons that own property, reside or regularly conduct business within 10 miles of the river."

Now, I am not sure what the Senator means by that, but that is an impossible job, to bring in every person who lives within 10 miles of the river—lives there, owns property, or regularly conducts business. I don't know what that means. Suppose I am a regular attendee at a coffee shop along the river somewhere; I don't live within 10 miles, but I have lunch every day at this coffee shop. Do I fall under the term "river community"?

So for those reasons, Mr. President—and again, I would be open to explanation on this river community definition that the Senator includes—I hope that this amendment will not be accepted.

EXHIBIT 1

EXECUTIVE ORDER—FEDERAL SUPPORT OF COMMUNITY EFFORTS ALONG AMERICAN HERITAGE RIVERS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Environmental Policy Act of 1969 (Public Law 91–190), and in order to protect and restore rivers and their adjacent communities, it is hereby ordered as follows:

Section 1. Policies.

(a) The American Heritage Rivers initiative has three objectives: natural resource and environmental protection, economic revitalization, and historic and cultural preservation.

(b) Executive agencies ("agencies"), to the extent permitted by law and consistent with their missions and resources, shall coordinate Federal plans, functions, programs, and resources to preserve, protect, and restore rivers and their associated resources important to our history, culture, and natural heritage.

(c) Agencies shall develop plans to bring increased efficiencies to existing and authorized programs with goals that are supportive of protection and restoration of communities along rivers.

(d) In accordance with Executive Order 12630, agencies shall act with due regard for the protection of private property provided for by the Fifth Amendment to the United States Constitution. No new regulatory authority is created as a result of the American Heritage Rivers initiative. This initiative will not interfere with matters of State, local, and tribal government jurisdiction.

(e) In furtherance of these policies, the President will designate rivers that meet certain criteria as "American Heritage Rivers."

(f) It is the policy of the Federal Government that communities shall nominate rivers as American Heritage Rivers and the Federal role will be solely to support community-based efforts to preserve, protect, and restore these rivers and their communities.

(g) Agencies should, to the extent practicable, help identify resources in the private and nonprofit sectors to aid revitalization efforts.

(h) Agencies are encouraged, to the extent permitted by law, to develop partnerships with State, local, and tribal governments and community and nongovernmental organizations. Agencies will be responsive to the diverse needs of different kinds of communities from the core of our cities to remote rural areas and shall seek to ensure that the role played by the Federal Government is complementary to the plans and work being carried out by State, local, and tribal governments. To the extent possible, Federal resources will be strategically directed to complement resources being spent by these governments.

(i) Agencies shall establish a method for field offices to assess the success of the American Heritage River initiative and provide a means to recommend changes that will improve the delivery and accessibility of Federal services and programs. Agencies are directed, where appropriate, to reduce and make more flexible procedural requirements and paperwork related to providing assistance to communities along designated rivers.

(j) Agencies shall commit to a policy under which they will seek to ensure that their actions have a positive effect on the natural, historic, economic, and cultural resources of American Heritage River communities. The policy will require agencies to consult with American Heritage River communities early in the planning stages of Federal actions, take into account the communities' goals and objectives and ensure that actions are compatible with the overall character of these communities. Agencies shall seek to ensure that their help for one community does not adversely affect neighboring communities. Additionally, agencies are encouraged to develop formal and informal partnerships to assist communities. Local Federal facilities, to the extent permitted by law and consistent with the agencies' missions and resources, should provide public access, physical space, technical assistance, and other support for American Heritage River communities.

(k) In addition to providing support to designated rivers, agencies will work together to provide information and services to all communities seeking support.

Sec. 2. Process for Nominating an American Heritage River.

(a) *Nomination.* Communities, in coordination with their State, local, or tribal governments, can nominate their river, river stretch, or river confluence for designation as an American Heritage River. When several communities are involved in the nomination of the same river, nominations will detail the coordination among the interested communities and the role each will play in the process. Individuals living outside the community may not nominate a river.

(b) *Selection Criteria.* Nominations will be judged based on the following:

(1) the characteristics of the natural, economic, agricultural, scenic, historic, cultural, or recreational resources of the river that render it distinctive or unique;

(2) the effectiveness with which the community has defined its plan of action and the extent to which the plan addresses, either through planned actions or past accomplishments, all three American Heritage Rivers objectives, which are set forth in section 1(a) of this order;

(3) the strength and diversity of community support for the nomination as evidenced by letters from elected officials; landowners; private citizens; businesses; and especially State, local, and tribal governments. Broad community support is essential to receiving the American Heritage River designation; and

(4) willingness and capability of the community to forge partnerships and agreements to implement their plan to meet their goals and objectives.

(c) *Recommendation Process.*

The Chair of the Council on Environmental Quality ("CEQ") shall develop a fair and objective procedure to obtain the views of a diverse group of experts for the purpose of making recommendations to the President as to which rivers shall be designated. These experts shall reflect a variety of viewpoints, such as those representing natural, cultural, and historic resources; scenic, environmental, and recreation interests; tourism, transportation, and economic development interests; and industries such as agriculture, hydropower, manufacturing, mining, and forest management. The Chair of the CEQ will ensure that the rivers recommended represent a variety of stream sizes, diverse geographical locations, and a wide range of settings from urban to rural and ensure that relatively pristine, successful revitalization efforts are considered as well as degraded rivers in need of restoration.

(d) DESIGNATION.

(1) The President will designate certain rivers as American Heritage Rivers. Based on the receipt of a sufficient number of qualified nominations, ten rivers will be designated in the first phase of the initiative.

(2) The Interagency Committee provided for in section 3 of this order shall develop a process by which any community that nominates and has its river designated may have this designation terminated at its request.

(3) Upon a determination by the Chair of the CEQ that a community has failed to implement its plan, the Chair may recommend to the President that a designation be revoked. The Chair shall notify the community at least 30 days prior to making such a recommendation to the President. Based on that recommendation, the President may revoke the designation.

Sec. 3. Establishment of an Interagency Committee. There is hereby established the American Heritage Rivers Interagency Committee ("Committee"). The Committee shall have two co-chairs. The Chair of the CEQ shall be a permanent co-chair. The other co-chair will rotate among the heads of the agencies listed below.

(a) The Committee shall be composed of the following members or their designees at the Assistant Secretary level or equivalent:

(1) The Secretary of Defense;

(2) The Attorney General;

(3) The Secretary of the Interior;

(4) The Secretary of Agriculture;

(5) The Secretary of Commerce;

(6) The Secretary of Housing and Urban Development;

(7) The Secretary of Transportation;

(8) The Secretary of Energy;

(9) The Administrator of the Environmental Protection Agency;

(10) The Chair of the Advisory Council on Historic Preservation;

(11) The Chairperson of the National Endowment for the Arts; and;

(12) The Chairperson of the National Endowment for the Humanities.

The Chair of the CEQ may invite to participate in meetings of the Committee, representatives of other agencies, as appropriate.

(b) The Committee Shall:

(1) establish formal guidelines for designation as an American Heritage River;

(2) periodically review the actions of agencies in support of the American Heritage Rivers;

(3) report to the President on the progress, accomplishments, and effectiveness of the American Heritage Rivers initiative; and

(4) perform other duties as directed by the Chair of the CEQ.

Sec. 4. Responsibilities of the Federal Agencies. Consistent with Title I of the National Environmental Policy Act of 1969, agencies shall:

(a) identify their existing programs and plans that give them the authority to offer assistance to communities involved in river conservation and community health and revitalization;

(b) to the extent practicable and permitted by law and regulation, refocus programs, grants, and technical assistance to provide support for communities adjacent to American Heritage Rivers;

(c) identify all technical tools, including those developed for purposes other than river conservation, that can be applied to river protection, restoration, and community revitalization;

(d) provide access to existing scientific data and information to the extent permitted by law and consistent with the agencies mission and resources;

(e) cooperate with State, local, and tribal governments and communities with respect to their activities that take place in, or affect the area around, an American Heritage River;

(f) commit to a policy, as set forth in section 1(j) of this order, in making decisions affecting the quality of an American Heritage River;

(g) select from among all the agencies a single individual called the "River Navigator," for each river that is designated an American Heritage River, with whom the communities can communicate goals and needs and who will facilitate community-agency interchange;

(h) allow public access to the river, for agencies with facilities along American Heritage Rivers, to the extent practicable and consistent with their mission; and

(i) cooperate, as appropriate, with communities on projects that protect or preserve stretches of the river that are on Federal property or adjacent to a Federal facility.

Sec. 5. Responsibilities of the Committee and the Council on Environmental Quality. The CEQ shall serve as Executive agent for the Committee, and the CEQ and the Committee shall ensure the implementation of the policies and purposes of this initiative.

Sec. 6. Definition. For the purposes of this order, Executive agency means any agency on the Committee and such other agency as may be designated by the President.

Sec. 7. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 11, 1997.*

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I find myself in the uncomfortable position of offering an amendment that is opposed by a chairman for whom I have the greatest respect and greatest esteem and the highest regard. So it is with that recognition that were I not so convinced of the merits of this amendment, I would have to rethink its value and its submission.

When we talk about making a mountain out of a molehill, I think the opponents of this amendment are making a mountain out of a molehill. This amendment has the simple purpose of protecting the rights of property owners and ensuring the input and participation of those most affected by these designations. It is not too much to think that Congress ought to ratify this designation, that Congress ought to have a say or view in the designation of these rivers in what could be a very, very broad program—eight cabinet departments, and four Federal agencies We have a process for the Wild and Scenic Rivers. Why not have a say in the American heritage rivers initiative as well.

Now, my esteemed colleague said there is very little money involved. We do not know. It has not been authorized, nor has it been appropriated. How much money is involved in this? Who can really give me an answer to that? There is no answer because we have eight cabinet departments and we have four Federal agencies, each one taking a little bit out of their pot. How much is involved? I would pose that question to those who are opposing this amendment. This has been presented as just a small initiative; that really we are making too much out of it and this is just a voluntary program. If it is a small program, we have eight cabinet-level departments involved and four Federal agencies participating in it. That sounds like a rather major initiative to me.

If you will compare the simplicity of my three-page amendment to the length of the Executive order, which has been submitted for the RECORD, I think one will see who is making a mountain out of what molehill.

Now, my esteemed colleague gave us some historical background as to how this initiative came forward. Let me just amplify a little bit more. The President officially announced this in his State of the Union Address. It was published during the month of February in the Federal Register, although it was not noticed to a great extent. Several public hearings apparently were held in the spring but congressional offices were not uniformly notified of hearing dates. Equally troubling was the short 3-week public comment period that was posted in the May 19 Federal Register. Because of the scope and the goals of the initiative and the magnitude of possible designations, I along with 15 of my colleagues signed a letter to Kathleen McGinty, chair of the Council on Environmental Quality, asking for a 120-day extension.

That is all we asked for, extend the comment period. They gave 3 weeks for the public. This is being presented as, Well, we would welcome all of those who are concerned about this to have adequate input. The fact is, the administration gave 3 weeks for public comment, and we as the elected representatives of the people said, Please extend that to 120 days. The administration only agreed to a mere 3 weeks. I think that was a very inadequate response to a program that has never been authorized and never been appropriated.

As I read the letter that has been sent out to all of my colleagues from the American Rivers, from the National Audubon Society, National Trust for Historic Preservation, the River Network, and the Sierra Club, I hardly recognized the amendment of which they were speaking. They outlined their objections to the Hutchinson amendment. They say the Hutchinson amendment imposes "unprecedented, onerous and unnecessary requirements."

I read the amendment. So let the American people make their judgment as to whether that is an appropriate characterization of the amendment and whether asking Congress to approve, asking the property owners be notified and given the opportunity to say yes or no to it, whether they like it or not, if that is an onerous and unprecedented requirement.

Then they have four bullets in which they express their objections. Listen to these objections. These are the objections of the American Rivers, National Trust for Historic Preservation, Sierra Club, the National Audubon Society, and the River Network. Objection No. 1, "All designations would require congressional approval." Boy, that is something to object to, that Congress would actually approve it. They object, "The amendment would require all property owners along rivers to be identified and asked to support or oppose the nomination." Boy, that is something to object to, to actually notify the property owners and give them an opportunity to say whether they support it or oppose it. This is the objection of these groups to this amendment. That is an onerous requirement, to notify property owners about this new designation that is going to impact their lives, impact their property, the use of their property. They object, they say, "The amendment would prohibit the initiative to assist nondesignated rivers." I don't see that in the amendment.

Then they say, "The amendment would create and impose on river communities a 20-mile-wide Federal corridor including all persons who own property, reside or regularly conduct business in the corridor." I say to my distinguished colleague who questioned the definition, if you don't like definition, give us a different definition. But at least there is a definition of what a river community is. Because in the Executive order there is no definition of what we are talking about when we say a river community. We thought there ought to be some kind of definition as to what a river community is, and the best way to define it is to designate those who are most impacted by it.

So, once again, I would never present any legislative offering that I am authoring as being a perfect legislative remedy. But I am suggesting that there is nothing intemperate or unreasonable about what we are seeking. We are seeking to ensure that private property rights are protected, that property owners have an opportunity for input, and that congressional review and approval be preserved. That is our prerogative as those elected by our citizens.

Once again, if there is a mountain being made out of a molehill, it is those who would oppose a very commonsense amendment that would ensure that those most impacted by another Federal initiative will have input and have some protection for their rights and that those they elected to represent them up here would have a final say on whether those rivers are so designated or not. I ask my colleagues to look beyond the rhetoric and look at the reality of what this amendment does, the purpose of the amendment, and then grant their support for the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will be relatively brief here. I gather there are a couple of our colleagues who want to come over and be heard on the amendment itself.

Let me suggest, first of all, to my colleagues here who have been following this, there were more than 90 days of comment on the initiative. In fact, as a result of that period of comment, there were a number of important changes and clarifications to address some of the concerns expressed regarding the initiative's implementation. I ask unanimous consent those changes be printed in the RECORD at this point.

There being no objection, the material is ordered to be printed in the RECORD, as follows:

Important Changes to the American Heritage Rivers Initiative as a Result of Public Comment

The goal of the American Heritage Rivers initiative is to support community-led efforts to spur economic revitalization, protect natural resources and the environment, and preserve historic and cultural heritage. After more than 90 days of comment on the initiative, the Administration made a number of important changes and clarifications to address some of the concerns expressed regarding the initiative's implementation.

The Administration is committed to ensuring that private property rights, water rights, and other rights are fully respected and protected under the American Heritage Rivers initiative.

The American Heritage Rivers initiative will work in coordination with laws and regulations that seek to reduce pollution, improve water quality, protect drinking water, manage floodplains, promote economic development, facilitate interstate commerce, promote agriculture, protect wetlands and endangered species, preserve important historic and archaeological sites, and address other concerns.

The American Heritage Rivers initiative will not conflict with matters of state and local government jurisdiction, such as water rights, land use planning and water quality standards, nor will it change interstate water compacts, Indian tribal treaty rights, flood damage reduction, or other existing rights. By achieving greater coordination between programs and local needs, American Heritage Rivers will work to build mutual understanding and better solutions to existing and future problems. It will provide a forum in which federal officials, community organizations, and other stakeholders can examine how the range of regulations are implemented locally.

Employees of the federal government, including the River Navigator, may not as a result of the American Heritage Rivers initiative infringe on the existing authority of local governments to plan or control land use, or provide or transfer authority over such land use; nor may the initiative affect any existing limitations on or create any new authorities for the participation of federal employees, including River Navigators, in local zoning or land management decisions involving private property.

The initiative will not supersede, abrogate, or otherwise impair the authority of each state to allocate quantities of water within its jurisdiction; and any proposal relating to water rights in a community's plan must comport with all applicable laws and interstate compacts. Nothing in this initiative is meant to preclude any holder of a state water right from exercising that right in a manner consistent with state law.

In implementing the American Heritage Rivers initiative, federal departments and agencies shall act with due regard for the protections of private property provided by the Fifth Amendment to the United States Constitution.

The American Heritage Rivers initiative is voluntary and locally driven; communities choose to participate and can terminate their participation at any time. Nominations must come from the people who live and work along a river. Those who rely on the resources but live outside the area may be included in discussions about the plan of action, but may not submit a nomination.

Mr. DODD. Furthermore, let me lay out how this works. This is not just sort of throwing this out. We are going to have some sort of political determination made regarding these 10 heritage rivers.

First of all, the administration stated that if a Senator or a Member of Congress opposes a designation in his or her State or district, the designation will not occur. That at least gives people an opportunity here to express the wishes of their communities. So, today we will have a vote on this. I presume that is the way people want to express how they feel about this. If colleagues want to vote for the Hutchinson amendment, the amendment of my colleague from Arkansas, that's a good indication of where you stand on this, and that can certainly narrow down the process, I suppose, here. That would be, I presume, an expression of how your constituency felt on this.

Second, the administration has proposed a panel of experts representing economic development, including agriculture, natural resources, environmental protection, historic and cultural preservation, to review all the nominations and make recommendations to the President. This would not only, I think, ensure a fair and objective process, but guarantee the designations are made in a timely manner. So it is not going to be made by one individual. You bring together people to determine what are the qualifications that ought to be looked at. Certainly, some of the already existing Federal laws regarding clean water are very, very important. There are other considerations, and that ought to be a part of it.

Third, there must be broad-based support for this. In the nomination package submitted, communities must show a broad base of support, including property owners, State, tribal, local governments, before this package is going to be accepted.

Let me suggest here, by the way, that it spells it out. "The administration recommends that supporters should reflect"—I am reading here, now, "the diversity of the community, including but not limited to property owners, as appropriate, and as stated in the Federal Register notice they should include farmers, ranchers, landowners, businesses and industries, education, arts organizations, youth groups, community leaders, developers, community development organizations, historical societies, environmental groups and other nonprofit organizations, elected officials, State, tribal and local governments." You can't get much broader than that. You have to demonstrate that kind of support.

Private property owners are an important element here. It is not limited to that. If we are going to ask people to give comment out here, certainly we are suggesting that ought to come from those people, but there are other entities as well that are affected by it. Businesses are affected by it. Universities are affected by it. Communities are affected by it.

What the Register says here is get the comments from everybody here including private property owners. Does it say to get every single private property owner? No; that would be a nightmare. On the Connecticut River, 500 miles of river through four States and congested urban areas, are you going to get a comment from every private property owner? Why not kill the whole thing? That's the idea. Get rid of it. Have an amendment that says there should be no designation of 10 heritage rivers. That's a lot cleaner. But the idea somehow in four States where we are applying—no guarantee we are going to be accepted; we are for this in four States—the delegations are for it, the communities are for it, we have to go back now and go through 510 miles on both sides of the Connecticut River, 10 miles on either side, and get comments from every single property owner, with all due respect, kills this.

There is a cleaner way of killing it; a cleaner way of killing it than maiming this process and adding a huge bureaucracy where we go out now, because we like this, and go through the next year or two where local communities, at some expense, are going out and getting comment from every single property owner. Talk about adding to the burden of a process. There is no mandate here, no regulations, no money. Just a designated 10 rivers in the country as being heritage rivers. Talk about adding to the cost of local taxpayers and communities—this amendment does that.

Here we require, the administration requires, broad-based comment. Nominations may only be made—they may only be made by members of the community. That is the only way this can occur. It doesn't occur because some Senator nominates it. It has to come from the community. That is exactly the purpose and the intent here. So, the idea of going across and saying we are going to exclude everyone else in the process—there are no new regulations or changes in existing law. The American heritage rivers does not change the existing prioritization process for the Clean Water Act, the Safe Drinking Water Act, or any other preexisting law. Given that the American heritage river initiative imposes no new regulations on any activities undertaken or designated on designated rivers, people would naturally abide by the law, obviously, in areas that are covered under those provisions of law. Any project identified in a community's nomination package must undergo applicable State, and local review processes. Property owners are key at this stage of the review. The administration believes such review should remain a local issue and Federal agencies should assume no additional roles in what is a local decision.

In the nomination package, communities must demonstrate that members of the community have had an opportunity to comment and discuss the nominations and plan of action. That is required. When you submit your package from a local community, you have to demonstrate you have gone out to the community and solicited the views of the people of your community.

It even goes further, so it is not just a mayor or select person in town, but it is actually that you have to demonstrate in the local community you have solicited the comments and the views of people in that community, including your private property owners.

In implementing the American heritage river initiative, Federal departments and agencies are required to act with due regard for the protection of private property owners, provided by the fifth amendment to the U.S. Constitution, and as directed by Ronald Reagan, President Reagan's 1988 Executive Order No. 12360.

I must say here, this has been pretty well thought out here, requiring applications must come from the community. The community leaders must solicit the opinion of people in their communities. It also solicits the views of others in addition to the private property owners along those rivers, but doesn't require every single one of them, as does this amendment, as it insists. I read it to you. It says here:

"To ensure the protection of private property owners along a river proposed for nomination, all property owners"—I am reading now line 17, 16 and 17—"all property owners holding title to land directly abutting river bank shall be consulted and asked to offer letters of support for or opposition to the nomination."

All 510 miles of the Connecticut River? Along the Mississippi River, all property owners? Colorado River, all properties owners are required here? It would be a nightmare. Why not just a simple amendment, "There shall be no designation of American heritage rivers"? It is cleaner; up or down, yes or no.

What if in the process we go through this process by communities, by towns all across the country going through this process, at great cost, and at the end we don't get designated, someone else does? I understand that. But why make us go through all of this? Why not just say, "We don't like the program; get rid of it."

As I said earlier, if people don't want this, if Members of Congress, the delegation does not want it, believe me, you won't be included. It is simple, straightforward, guaranteed, no problem. If any Senators here decide they don't want their States to be included, the rivers that run through them, vote that way today and, believe me, the process gets thinner. Believe me, it gets thinner. Those of us in the New England States certainly feel that.

Senator CHAFEE of Rhode Island pointed out, on page 3, the definition of a river community:

> For the purposes of the American Heritage Rivers Initiative . . ., the term "river community" shall include all persons that own property, reside or regularly conduct business within 10 miles of the river.

I have almost 500 miles of Connecticut River, add 10 miles on either side of it and go up and down there, you add to my nightmare of everyone who abuts the river. Now I have to go 10 miles to either side. This gets unbelievably cumbersome to try to do something as simple as designation of 10 heritage rivers—no mandates, no regulations, no money to try to manage it here and nothing can be done by a Federal agency that runs into opposition of local agencies and governments.

This has been well thought out, Mr. President, well thought out by a panel of people who will designate it. It is not going to be made by someone in the White House who picks out a river, but to try to see if we can't come up with a group of people here who will make intelligent choices about this.

This is really pretty straightforward. Again, I can tell you, and it may differ from place to place in the country, but I gather it is pretty competitive. We have people all across the country excited about this.

We have had about six different meetings in my State. We invited the head, the chief administrator, for the Environmental Protection Agency. We had a huge crowd turn out expressing their support—the communities, the business leaders—saying this is something we really want here.

Now to go back and say we have to get every single property owner for 10 miles on either side on this thing to designate river communities, this would be a great blow, I think, to millions of people in this country who would like to see their rivers restored, who like the fact that there is a President in this country who has said we ought to pay attention to this.

Hopefully, this is just the beginning of a process where more rivers can be designated in the future. I suspect we are going to have a lot of hurt feelings at the end of this process. We only have 10 that are going to be designated out of the entire country. But the fact that 10 will be and maybe others can be to highlight the importance of these rivers, the communities and all the activities associated with it, I think ought to be applauded. The fact that the administration has put in place a very deliberate, thoughtful process of where this should begin, how it ought to be conducted, who makes the decisions, who is going to be consulted, I think is something that deserves applause, rather than coming up, as I say with all due respect, with an amendment that would basically gut this process entirely and make it impossible for millions of people across this country to celebrate their rivers and to try to restore them to the cultural, historic, economic, and environmental importance that they ought to have in this country.

For those reasons, at the appropriate time, I will offer a motion to table this amendment and hope my colleagues will support it. I say that with all due respect for my colleague from Arkansas. We have worked together on a number of different issues. I have great respect for him. I enjoy his company and service. I just have a fundamental disagreement with what this amendment would do. I think it would be dangerous to what has otherwise been a very ennobling effort and one that ought to enjoy broad-based support here.

Mr. President, I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, with mutual respect for Senator DODD's opposition to this amendment, three times my distinguished colleague has suggested that a vote for the Hutchinson amendment will be a vote not to participate in the American heritage rivers initiative. I assure my colleagues, and I hope that Senator DODD will join me in assuring my colleagues, that this process is not so political that casting a vote for an amendment designed to protect the private property owners would somehow jeopardize later approval or selection as an American heritage river. It is simply not the case.

Mr. DODD. If my colleague will yield on that point, I will clarify it for him.

Mr. HUTCHINSON. Yes, I will yield.

Mr. DODD. Any Member of Congress who wants to can object to their State being included and it will exclude that nomination. Obviously, one can interpret a vote here.

Mr. HUTCHINSON. Reclaiming my time, that, of course, is the case, but a vote for the Hutchinson amendment is not, as it has been suggested, a vote against this initiative or a vote against having a river in your State participate in this program.

I think it gives the wrong appearance and the wrong suggestion for Members of the Senate that somehow their vote on this amendment might influence whether or not rivers in their States would be selected and be so designated.

There are many who came and asked me to sponsor an amendment similar to what was passed in the House in which funds were simply cut off for this program. I resisted the desire to do that, because I didn't think that the goals, as stated for the initiative, were bad, but I did believe that there needed to be some protections, and some assurances.

Senator DODD says that this is somehow some backdoor way of killing the program. Well, the House in effect did that. I resisted that because I didn't want to indicate I wasn't supportive of the goals of the initiative. But I did believe that we needed to have a process that ensured that it would guarantee the rights of private property owners along these precious historic rivers would be protected.

It has been asserted that we have such a process in place. My confidence in that process is somewhat shaken because of my experience with the administration over this issue.

Fifteen U.S. Senators signed a letter asking for the comment period to be extended for 120 days, but we could not get the administration to honor that request. Because our simple request was denied, I have a hard time accepting that the requests of average citizens would be honored.

The process may look good on paper, but that is not the process in reality. If, in fact, there is such confidence that property owners are going to have input and those most affected are going to have adequate input, then there shouldn't be any problem in accepting an amendment that puts that assurance into statutory language.

The fact is, the process has been short-circuited. Those most impacted and those most affected are not being given an opportunity to express themselves.

It has been suggested that this is a small program, voluntary program, no money involved. How can that be asserted? We don't know how much money is going to be spent. Nobody can tell me how much is going to be spent on this initiative because no one knows. There has been no authorization. There has been no appropriation. We have eight Cabinet-level departments involved and four Federal agencies involved. Let's put that in the amendment, "No money will be spent. We are going to designate these rivers and no money will be spent." No. We are not going to get that assurance because that is not the case.

How broad are the implications of this initiative? No one knows, because Congress has been cut out of the process, until this moment. An Executive order, a short comment period, the process moves forward, and when one Senator dares to stand along with some colleagues who have had some courage to cosponsor the amendment, suddenly we are imposing some terrible, onerous burden upon this program. Who objects to that? I believe this is why we were elected: to look at the executive branch, to rein in agencies that may go off without adequate public input and without a proper process. All we are doing in this amendment is assuring there is going to be such a process.

They say, "Well, this is terrible to have to notify all the property owners." There are a lot of ways of notifying, and we have, both on the State and Federal level. There are many different kinds of public notification. You can do that through newspapers. You can do that through radio. You can do that through public service announcements. As a former radio station owner, it was something we did that all the time. It is common knowledge that newspapers give public notice all the time.

It is important to ensure in statute that we are going to have public notice to all property owners and that their input is desired. We want to know if you are for the initiative or against it, give us your ideas. Give us your suggestions—that is not some kind of onerous burden. It is a fundamental part of freedom. It is part of liberty. It is part of the essence of a democratic republic. It is an asssurance to the citizens of our country that they will have adequate input. It is not to stand here on the floor of the U.S. Senate and say, "Well, we can't possibly notify everybody." We can and we should. The Amerian public should know, and they have the right to give their thoughts and their suggestions on whether they are for it or they are against it.

If one is convinced that the property owners' input is going to be guaranteed under the current process, there surely should be no objection to supporting this amendment and guaranteeing that they are going to have proper input. The fact is, we need to reassure the citizens of this country that we in the U.S. Senate do take the rights of property owners seriously and that when we are going to designate their property, we are going to give it a title—we don't know what all the implications of the American Heritage Rivers Initiative may be—it is incumbent upon us to guarantee that they are going to have the right to be involved in that process. That is what this amendment is about. Let's let them know. Let's let them have input. Let's let their elected officials be able to make the final decision.

It is argued that for Congress to review and to approve the designations of these rivers is somehow to politicize the process. Anybody who has watched the executive branch operate over the last 4 years—for that matter, I suspect you go could go back much further; I have been in Congress since 1993—if you look back over those years, I think it is very difficult to argue that designations and decisions being made in the executive branch are somehow nonpolitical.

If you wanted to depoliticize the process, bring it before the U.S. Senate, bring it before the House, bring it before the appropriate committees and let us ratify it. We do it all the time. We do it for the wild and scenic rivers. This will allow Congress to have the same kind of input and the same kind of ratification process that we have on other programs.

No, that is not a bad thing; it is a good thing. It is a good thing to notify property owners, to ensure public input, to allow the elected representatives of the people to have a say-so in these kinds of programs. For many of us who have looked at the use of the Executive order over the last few years, we understand, we understand well, that a nation that was built upon three equal branches of Government and a system of checks and balances. Too often the legislative branch has allowed our prerogatives to be usurped by an executive branch that would just as soon govern by Executive order. Whether it is totally meritorious or whether it may not be totally meritorious, we should have a say in those kinds of decisions. Here is an area in which we, as the legislative branch, can reassert our rightful constitutional authority to review these decisions.

So I ask my colleagues to, once again, look at the actual language of the amendment, look at the intent of the amendment, look beyond the rhetoric and support this very responsible, moderate, temperate provision to ensure that the rights of our citizens are protected. I yield the floor.

Mr. KENNEDY. Mr. President, I join my colleagues in strong opposition to this amendment, which would severely undermine the American heritage rivers initiative proposed by President Clinton in his State of the Union Address this year.

Since the President's announcement, many communities across the Nation, including impressive coalitions along the Connecticut River, Blackstone River, and Merrimack River in Massachusetts and New England, have expressed their strong support for this new program. They recognize it as an excellent opportunity to work in partnership with the Federal Government to protect the environment and cultural resources that make each of these rivers a unique part of our history and heritage.

The initiative is designed to join the National Park Service's technical expertise with local decisionmaking, so that cities and towns across the country can decide how best to revitalize their rivers and communities.

This amendment would impose a host of unnecessary Federal mandates that would make it difficult for communities to nominate their rivers for designation as American heritage rivers. It would be impossible to carry out the program as President Clinton intended. The amendment would dictate the size of each river corridor—requiring uniform boundaries with a 20-mile-wide span along each river—rather than allowing flexibility for local circumstances. It would require mandatory participation of each and every property owner within the 20-mile-wide boundary of the corridor, and upset the ongoing application process that many communities are pursuing in good faith to meet a December 10 deadline. It would also require congressional approval of the President's selection of rivers, injecting politics into a nomination process that is currently based on merit.

This amendment is a frontal assault on the American heritage rivers initiative. It would strip citizens of their ability to protect and revitalize their rivers on their own terms, and give Congress the authority to micromanage these important local efforts.

The American heritage rivers initiative has great potential, and has won high praise from communities across the country. It makes no sense to change the ground rules of the game at this late stage, and I urge the Senate to reject this amendment.

Mr. LEAHY. Mr. President, for the last 2 weeks, we have seen firsthand the threats facing our rivers. In Maryland and Virginia, rivers have been plagued with fish washing up along the banks with lesions. Although the State and Federal fish and wildlife agencies have not been able to pinpoint the cause, I think we all can assume it is linked to the health of these rivers. The President's American heritage rivers initiative was launched to identify those rivers which are facing the greatest threats and assist communities revitalize the health of their backyard resources.

In Vermont, many of our rivers have already suffered such environmental harm that they can no longer sustain healthy fish populations. Even in Vermont's first nationally designated wilderness area, the 16,000 acre Lye Brook wilderness of the Green Mountain National Forest, streams are too toxic for fish. While the streams are remote from Vermont's population centers and industries, it stands square in the path of storms from the midwest, which carry pollutants that puff out of coal-fired power plants and cause acid rain.

Although I would argue that Vermonters are the most environmentally aware and involved citizens in the country, they cannot take on these environmental threats alone. The American heritage rivers initiative will empower these communities to access Federal resources to help them protect, preserve and develop their river resources. This is assistance Vermonters have been asking for—assistance where the community identifies the need, where the community controls the projects and where the community decides the outcome. This program is voluntary. This program is grassroots.

Since the President announced this initiative, I have heard from Vermonters up and down the Connecticut River asking me to nominate their river for this initiative. Although I whole-heartedly support the nomination of the Connecticut River, I told those communities that the nomination had to come from home, not from Washington. And this is as it should be. The nomination of the Connecticut has created a new enthusiasm for the Connecticut River in Vermont. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received that demonstrates the widespread interest in nominating the Connecticut as part of this initiative.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONNECTICUT RIVER
WATERSHED COUNCIL, INC.,
Easthamption, MA, February 18, 1997.

Re "Heritage River" designation for the Connecticut River.

Hon. PATRICK LEAHY,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: In his "State of the Union" address, President Clinton announced a national conservation initiative of singular relevance to the Connecticut River. He stated his intention to designate ten of the Nation's most significant rivers as "American Heritage Rivers."

The Connecticut not only merits national recognition, but it is the symbol of what a heritage river should be—an array of extraordinary local conservation and economic development actions that are bolstered and reinforced by government resources and expertise. We ask for your support and active efforts in Washington to see that the Connecticut is selected as one of the Nation's ten Heritage Rivers.

Designation is intended to create a partnership between the federal government and those who work at the local level to protect and responsibly use river resources. It will *not* bring federal regulation and mandates. Instead, it will redirect federal resources and expertise to help Valley residents safeguard our river environment, sustain and renew our river communities, and preserve the historic and cultural fabric of our river Valley. Individuals, communities, and organizations already working in the watershed will define the partnership and determine the support they want from the federal government to aid us in conserving our river resources and building the watershed economy.

The Watershed Council has put together a "Connecticut River Fact Sheet" for you, detailing the many resources that make the River special and worthy of heritage designation (a copy is enclosed). Summarized, the top three reasons are:

1. The Connecticut is New England's longest river and largest river system. The 410-mile river has a 11,260 square-mile watershed that encompasses parts of four states—Connecticut, Massachusetts, New Hampshire and Vermont. Besides its rich diversity of plants, animals, birds, fish and other wildlife, the Connecticut supports recreation, power generation, agriculture, and urban revitalization. It provides 70% of Long Island Sound's freshwater. Its "special places" include the Northern Forest at its headwaters, the Connecticut River Macrosite below Hanover, NH, an internationally recognized estuary wetland area below Middletown, CT, and a host of significant historic, geologic and cultural sites in the Valley.

2. The Connecticut River faces challenges that local and state governments alone cannot resolve. The New England Interstate Water Pollution Control Commission is about to issue a report entitled "The Health of the Watershed" detailing the water quality threats facing the River. Problems that need attention include nonpoint source pollution, toxins in fish, erosion, flow fluctuation, combined sewer overflows (CSOs) and upgrading existing sewage treatment plants.

3. There are willing local partners up and down the River ready to work in partnership with the federal government. There is a diverse network of nonprofit groups and local agencies ready to take advantage of the opportunities and resources that designation would bring to the Connecticut River. These include nonprofit land trusts and local conservation and historic preservation groups in each of the four states; hydropower dam operators; the Great Falls Discovery Center partnership in Turners Falls; the 13 regional planning commissions in the Valley such as the North Country Council, the Joint River Commissions, the Franklin County and Pioneer Valley Planning Commissions, the Connecticut River Assembly and the Gateway Commission; urban revitalization efforts like Riverfront Recapture in Hartford or the Springfield Economic Development Council; Hartford's Metropolitan District Commission; and statewide and regional conservation organizations like the Connecticut Chapter of The Nature Conservancy, the Society for the Protection of New Hampshire Forests, the Vermont Natural Resources Council, and the Connecticut River Watershed Council.

For the Connecticut to shine in the company of rivers that are already part of our national consciousness—the Mississippi, the Columbia, the Rio Grande—we must all champion its heritage nomination. Competition for this national recognition and the allocation of scarce federal resources it will mean will surely be fierce.

The decision on which rivers will be designated is expected within the next 90 days, so time is of the essence. We urge you to write to Interior Secretary Bruce Babbit this month to express your support for selecting the Connecticut as a heritage river. Secretary Babbit has visited the Valley several times in the recent years and has spoken eloquently about the Connecticut's natural and cultural values, so he personally knows our River.

If you have further questions about the President's American Heritage Rivers Initiative or need more information about the Connecticut, please do not hesitate to have your staff contact me. Meanwhile, the Council is already working with a network of individuals, communities, and organizations to gather the local nominations that will win the designation for our River.

Sincerely,

WHITTY SANFORD,
Associate Executive Director.

Mr. LEAHY. This widespread interest in the Connecticut River would not be recognized by Senator HUTCHINSON's amendment. His amendment would only define the "river community" as persons who live within 10 miles of the river. The Connecticut River connects four States and supports a watershed of over 11,000 square miles. I would argue that the river community stretches throughout this watershed.

This amendment would also give priority to those rivers based on the Clean Water Act and the Safe Drinking Water Act. Although I certainly agree that these laws should be key parts of the criteria, it overlooks the other half of the President's initiative—economic revitalization. Many of our great American rivers were once the focus of our national economy as the primary means of transportation and commerce. Much of this role has been lost, but the economic link between communities and rivers has not. The Connecticut supports a rich agriculture community, a recreation network and a renewed sportfishing industry. The economic importance should also be recognized.

I support the President's interest in highlighting 10 rivers for revitalization and hope that the program moves along quickly to bring our communities together around their rivers. I urge my colleagues to defeat the Hutchinson amendment so that the program will not be bogged down with unnecessary delay.

Mr. LIEBERMAN. Mr. President, I rise in strong opposition to the amendment offered by Senator HUTCHINSON that would have severe consequences for President Clinton's American heritage rivers initiative.

The American heritage rivers initiative is designed to support community efforts on behalf of their own river resources and will help these communities tell the rest of the Nation just how special their river is. The Federal Government has a lot of expertise to offer to local communities on how to accomplish that goal, and we ought to be looking for ways to share that wealth with communities who want it. I wanted to take a moment to explain why I think the initiative is the right way to accomplish these goals.

The initiative involves no new regulatory requirements for individuals or State, tribal, and local governments. It is a voluntary, community-defined effort that gives riverbank communities the option to work in partnership with the Government to help cut redtape and match community priorities with services provided by Federal agencies. The initiative will allow communities to partner voluntarily with the Federal Government so that existing resources can be used more effectively. In this time of increasingly scarce funding, this is certainly worth encouraging.

Individuals, communities, and organizations already working in the watershed will define the partnership and determine the support they want from the Federal Government to conserve river resources and build the watershed economy. This initiative isn't a land grab by the Federal Government, or even a potential one. It is simply an effort to help sustain and renew river communities, and recognize the rich history and tremendous contributions of rivers to the Nation.

Second, safeguards are in place to ensure that the initiative will protect the interests of river communities. Most importantly, nominations for designation as an American heritage river must come from the communities themselves. Unless a community wants an American heritage river, they don't have to have one. And there are opportunities to designate only stretches of river in case the local communities feel that designation of the entire river would be appropriate.

The nominations themselves must meet several criteria that demonstrate designation is not going to interfere with anyone's interests. For example, the nomination must have broad support from individuals and organizations along the river. This means that a river won't be designated unless it makes sense to the community—the people who are closest to the resource and understand it best—that this action will be beneficial. Also, the nomination must show that the different interests who live in the community—public, private, and local government groups—are willing to cooperate to protect the river.

Now what happens if a river receives an American heritage designation? The Federal Government simply makes a commitment to use existing staff, resources and programs to assist river communities in their river restoration and community revitalization efforts. These are relatively simple services but can be essential for local communities struggling to gain the attention of the Federal Government. For example, an Internet Home Page will be set up to provide communities with information on river conditions and where to access other kinds of information important to the interests of the community such as available grants, and where to get aerial photographs and advice from experts. This kind of nonintrusive assistance will help to streamline the bureaucracy that can be encountered when communities plan initiatives to revitalize their surroundings. A commitment to a better-functioning government is in everyone's interests. In addition, this isn't a perpetual designation—any community may have this designation terminated at its request at any point in the future.

If a river receives the American heritage designation, the Federal Government agrees to act as a "good neighbor" to those communities involved. This means that the Federal Government will ensure that its actions have a positive effect on the natural, historical, economic, and cultural resources of the river communities. Agencies will be required to identify ways to inform local groups regarding Federal actions and must consult with American heritage river communities early in the planning stages of those actions to take into account the communities' goals and objectives. Communities also will be granted greater flexibility to try out new and innovative approaches that support their needs. Reducing the bureaucratic obstacles communities face and committing the Government to plan around the communities' objectives means that the Federal Government will be more responsive to the needs of local areas—something we all want. The initiative will allow riverbank communities to build their watershed economy and conserve their river resources in better, smarter ways than might be possible currently.

In New England, communities along the Northeast's longest river and largest river system—the Connecticut River—are sold on the American heritage rivers Initiative. The Connecticut traverses four States from its headwaters in New Hampshire to Long Island Sound and affects millions of lives and livelihoods in the States through which it flows. Unfortunately, the Connecticut faces problems that State and local governments cannot resolve alone—run-off from lawn care and agricultural fertilizers and discharges from sewage treatment plants pour into the river. Some fish contain unhealthful levels of toxins. Sewers overflow into the river when it rains. A network of ready-and-willing groups up and down the river want to work in partnership with the Federal Government to help the Connecticut. These include State and local conservation and historic preservation groups, local businesses, hydropower dam operators, regional planning commissions, and urban revitalization efforts. Designation of the river as an American heritage river would benefit every regional, State, and local effort to promote the Connecticut River Valley as a place of unmatched quality, where there is an opportunity to raise a family, expand a business, or spend a vacation.

Rivers are a cornerstone of this Nation's great history and define the distinctive character of riverfront communities. Rivers are lifelines that rank among our greatest environmental, economic, and human resources. What we say and do in caring for all our rivers will say to future generations not what we think about ourselves here in 1997, but what we want the world to be for our grandchildren, and their grandchildren. The American heritage rivers initiative will help ensure that our legacy to future generations reflects our commitment to work together to conserve and restore the environment, to protect cultural and historical resources, and to promote responsible economic development and tourism on our Nation's most important assets. The initiative deserves out support. I urge opposition to Senator HUTCHINSON's amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition because I would like to speak briefly on the introduction of legislation on campaign finance reform and to submit my bill today since the bill is going to, apparently, be considered in some form by the Senate next week.

I have consulted with the distinguished manager, Senator GORTON, who stated that it would be acceptable to him for me to take 10 minutes, and I consulted with Senator ENZI, who has been waiting to speak on another matter, and I consulted with Senator DODD, who may not be officially in charge of the bill.

Mr. DODD. Will my colleague yield for a point of information, Mr. President? Is this just to introduce some legislation? He is not asking for any votes on any matter?

Mr. SPECTER. I am just about to ask unanimous consent to proceed as if in morning business for the purpose of introducing legislation, but I wanted to state my purpose as to why I was seeking that time at this moment.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, and I will not object if it is for the purpose of introducing legislation, as long as my colleagues are satisfied with this, I am as well.

Mr. SPECTER. I thank my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 1191 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. I thank the Chair and thank my colleagues. I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Arkansas.

AMENDMENT NO. 1196, AS MODIFIED

Mr. HUTCHINSON. Mr. President, in participating in this debate on the Hutchinson amendment on the American heritage rivers initiative, and listening to I think some very valid points that have been made by my esteemed colleague, I ask unanimous consent to modify my amendment, and would modify the amendment to read, on page 2, section (b), No. 3, "CONSULTATION WITH PROPERTY OWNERS.—To ensure the protection of private property owners along a river proposed for nomination, the comments of all property owners holding title to land directly abutting river bank who wish to comment shall be considered."

The PRESIDING OFFICER. Is there objection to the modification?

Mr. DODD. Reserving the right to object, and I will not object, I appreciate my colleague's efforts to modify this. I point out that it appears to me you have still got to go out and try to get the comments. But, nonetheless, I appreciate the purpose behind his effort here, so I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Will the Senator send the modification to the desk?

Mr. DODD. I would like to see a written version of this so we could have it.

Mr. HUTCHINSON. I will be glad to provide a written version.

The amendment (No. 1196), as modified, is as follows:

On page 152, between lines 13 and 14, insert the following:

TITLE VII—AMERICAN HERITAGE RIVERS INITIATIVE

SEC. 701. AMERICAN HERITAGE RIVERS INITIATIVE.

(a) IN GENERAL.—During fiscal year 1998 and each fiscal year thereafter, the President and other officers of the executive branch may implement the American Heritage Rivers Initiative under Executive Order 13061 (62 Fed. Reg. 48445) only in accordance with this section.

(b) DESIGNATION BY CONGRESS.—

(1) NOMINATIONS.—The President, acting through the Chair of the Council on Environmental Quality shall submit to Congress

nominations of the 10 rivers that are proposed for designation as American Heritage Rivers.

(2) PRIORITIZATION.—The nominations shall be subject to the prioritization process established by the Clear Water ACt (42 U.S.C. 7401 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and other applicable Federal law.

(3) CONSULTATION WITH PROPERTY OWNERS.—To ensure the protection of private property owners along a river proposed for nomination, the comments of all property owners holding title to land directly abutting river bank who wish to comment shall be considered.

(3) DESIGNATION.—The American Heritage Rivers Initiative may be implemented only with respect to rivers that are designated as American Heritage Rivers by Act of Congress.

(c) DEFINITION OF RIVER COMMUNITY.—For the purposes of the American Heritage Rivers Initiative, as used in Executive Order 13061, the term "river community" shall include all persons that own property, reside, or regularly conduct business within 10 miles of the river.

Mr. HUTCHINSON. My point in the amendment of course is to make Congress a partner in this process. And to the extent that this would be difficult to implement, this change I hope will be helpful. I appreciate the Senator's indulgence.

Mr. SARBANES. Mr. President, I rise in strong opposition to the proposed amendment by my colleague from Arkansas.

First, I think it is important to point out that the American heritage rivers initiative does not force designation upon any river or river community. It is a voluntary program.

American heritage rivers enables communities who wish to protect, restore, and revitalize their waterways, who want to protect their vital natural, historical, cultural, and recreational resources, to voluntarily develop and submit a locally driven nomination and to seek designation.

As proposed by the administration, any nominated river must demonstrate broad community support for the nomination. It must demonstrate that members of the river community have had ample opportunities to comment on the nomination and plan of action. The administration has also made it very clear that if a Member of Congress opposes a river designation in his or her district, the designation will not occur in that district.

Second, American heritage rivers establishes no new regulations, and was specifically designed to streamline Federal assistance to community-led riparian restoration efforts. By requiring written approval from all property owners along a river, and subjecting designation to a lengthy congressional selection process, this amendment in effect creates crippling delays and places unnecessary regulatory burdens on the nomination preparation and selection processes.

Third, this amendment unnecessarily restricts the broad objectives of American heritage rivers by focusing only on the water pollution aspects of river revitalization. American heritage rivers is designed to celebrate and address not only natural resource and environmental protection, but to also promote economic development and the protection of our historical, cultural, and recreational resources.

In my own State of Maryland, and throughout the entire Potomac watershed, a broad coalition of local governments, private citizens, businesses, and others, known as the Friends of the Potomac, has mounted a concerted effort to nominate the Potomac. This coalition is striving to make "Our Nation's River" one of the first 10 designated American heritage rivers, and I fully support and encourage their efforts.

Mr. President, the American heritage rivers initiative is simply an effort to better coordinate and leverage existing Federal resources. The Council on Environmental Quality, participating agencies and departments already have congressionally provided authority and responsibility to carry out this program. I urge my colleagues to join me in opposing this amendment.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I believe that most of the debate on this amendment has been concluded. The Senator from New York [Mr. D'AMATO], has wanted to speak on it, on the same side as the Senator from Connecticut. He tells us that he can be available in about 10 minutes.

So on my own behalf, and on behalf of the majority leader, if, at the conclusion of Senator D'AMATO's comments, debate seems to have been concluded, it will be appropriate either to vote on the amendment directly or for the Senator from Connecticut to make a motion to table.

Mr. DODD. If my colleague would yield, I will inquire here and make calls and see whether or not anyone else would like to be heard on the amendment. If no one does want to be heard, I certainly have no objection to going to a vote on this.

I would like to be able to comment myself at some point here on the modification to the amendment that has been made by the author of the amendment at some point here. That is why I want to see the writing, to make sure I understand exactly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, let me first of all say my opposition to my colleague's amendment is difficult for me. I have the utmost respect for him. We have a fine working relationship. Occasionally we have a disagreement, as on this amendment. I know he feels very strongly about it.

My interests in the wilderness areas and the rivers of this country go back to the time when I was Governor of the State of Arkansas. Long before Congress considered wilderness legislation, Arkansas was considering it. I must confess before God and everybody that my wilderness proposal was the only substantive legislation I lost or was unable to pass in my first term as Governor. It was considered a little bit of a radical concept.

Now, of course, we have millions and millions of acres in the national forests and State forests set aside for wilderness areas. It was a concept whose time had not come in 1971. I remember one legislator said, "Who wants a wilderness? If you want one, go grow one." That is how shallow the thinking was about wilderness back then.

Fortunately, I was able to designate a few rivers as scenic rivers. I am pleased we were able to do that. I am a strong believer in preserving everything that has any aesthetic or cultural value.

Now, as I see this proposal, not my colleague's proposal, but as I see what the President is proposing, I just do not understand, frankly, the opposition. We have had some calls in our office suggesting that this is a United Nations plot to take over private property. Well, I wouldn't be standing here saying that the President's idea is a good one if I thought for a minute it was going to take people's property away from them, that there was some kind of cabal or conspiracy to do such a thing as that.

I guess that you could compare this to a scenic highway. In Arkansas we designate scenic highways in our State. You know why we do that? To entice tourists to drive on those scenic highways. You drive a few miles west of Washington, DC, and all you can see are signs saying "Scenic Highways." I have never heard any outcry from anybody in my State opposing scenic highways. We love them. They do wonders for the Arkansas tourist industry.

If I understand the proposal on the heritage rivers, it is designed so that the President would have to be told or he would have to be requested by the people in the local community that they want to declare their river an American heritage river. If he did it, it would be an honorary designation more than anything else. The only time any Federal resources would be committed to it would be if the local community decided that they wanted to start a new project along the river, as we have done in Little Rock, AR, with a beautiful new park.

In 1972, I attended a Southern Governors' Conference in Austin, TX. We always have a big dinner at the close of those things. Lady Bird Johnson was my seatmate at dinner. I had never met her before. She is a very gracious, charming woman. The Lady Bird Johnson Park out here is a real tribute to her. She told me, "Governor BUMPERS, I was in Little Rock about 2 weeks ago and I was staying in a brandnew hotel. I looked out my window toward the river and there was the county jail and a sand and gravel operation." She said, "I believe that Little Rock is the only city in the world on a major river that doesn't have a riverfront park that utilizes the beauty of the river and builds on the beauty of that river."

I came back and reported that to the city fathers in Little Rock. It was rather embarrassing when she brought it to my attention. To make a long story short, we now have one of the most magnificent riverfront parks in Little Rock, AR, today, of any State in the Nation. We have a week-long Riverfest festival which everybody in Arkansas takes great pride in.

There is nothing underhanded or sinister in this proposal. The President is not asking for legislative authority. He is simply saying, if the community of Little Rock came to him and said, "We want this river in our State declared an American heritage river," he could proclaim it, like giving them a plaque. Everybody in this body has 1,000 plaques. What is wrong with that, providing recognition to aesthetic values in this rather meager way?

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Very briefly, my colleague from New York is here and I will yield to him, but I want to make a quick comment on the modification offered by our colleague from Arkansas to his amendment.

Certainly, while I appreciate the attempt here to lessen the burden of contacting every single person and property owner of this amendment, still I respectfully suggest that it has some major flaws.

No. 1, it still suggests that Congress knows better about the wishes of local communities. We have a fundamental disagreement about that. As my colleague, Senator BUMPERS, said—and I am confident my colleague from New York will agree—this is community originated. The idea that we would have the say over what our local communities want is contrary to the steps we have taken in the last few years. We have tried to strengthen our local communities in almost every process.

No. 2, the consultation process suggests here that only private property owners be consulted for comment here. Obviously there are a lot of other interests here that would want to comment, beyond private property owners. What is suggested by the Executive order, you get broad-based comments, including private property owners. And if we adopt this language, the argument is you exclude in the process these other people.

No. 3, the amendment says that we ought to define "river communities" as those that are 10 miles on either side; yet to make a case, if we exclude them from commenting here, as the amendment does by implication here, that, in my view, would be a mistake.

Last, this amendment, underlying it all, presumes that the program is intended to be some large, costly bureaucratic effort. Nothing could be further from the truth. It is anything but that. It is designed to be just the opposite of that, to be a community-based effort here to recognize and designate the importance of the great rivers of this country.

Certainly I appreciate that there are those who get concerned when they hear about Washington wanting to help, their abundance of good humor about Washington wanting to help. In this case, that is exactly what it is. It has been a wonderful inspiration, Mr. President, to see the communities come together all along these rivers and, in multi-States, sort of competing in a healthy way to be designated one of the 10 heritage rivers.

As I said at the conclusion of my earlier remarks, we ought to be applauding this. This is a worthwhile effort here. There is nothing sinister about it. There is nothing underhanded, no secret agenda, no mandates, regulations, or dollars associated with this in any way. Yet I suggest here, by this amendment, when you start reading it, I can see someone saying, "Look, I wish to comment on this, but I didn't get a chance to comment," and you are in a lawsuit before you know it because we have adopted laws here that say that anyone who wishes to comment ought to be able to comment.

Once you start doing that, you are inviting people to suggest otherwise—"I wasn't heard," "I should have heard," "I wish to comment, you didn't give me a chance." I don't think we want to go down that road.

With all due respect to my colleague from Arkansas, I know my colleague from New York, when he completes his remarks, will move to table this amendment. I will join him in that motion and urge my colleagues to support us in that effort.

I thank Senator D'AMATO and Senator BUMPERS for their leadership and hope we can reject this amendment and by doing so recognize the important effort that the President has undertaken as he did in mentioning this effort in the State of the Union Message.

I yield the floor.

Mr. D'AMATO. Mr. President, first of all, let me say, as well-intentioned as the legislation of the Senator from Arkansas is, I believe it presents a number of obstacles. I think while there are those of us who are concerned with respect to undue Federal intrusion, that is not so in the American Heritage Rivers Program because it is a program that by its very implementation must take place through the initiatives of the local communities.

This is not a question where the President or Washington or Big Brother designates a river and says, "I want this river to be in the program." This program comes about as a result of the initiatives of the State and local governments.

For example, in New York, Governor Pataki has recommended that the Hudson River be one of those rivers that applies for designation. Indeed, they have. Not only has the request come from the State, but it really has come as a result of dozens and dozens of communities and community groups along the Hudson River petitioning to be part of this process, that will help ongoing initiatives including the Hudson River Estuary Management Program, the Hudson River Greenway Program, local waterfront revitalization programs. Again, dozens of communities and cities want to be part of this process.

The fact is that the State is ready to spend, along with this and local initiatives, some $75 million on the Hudson River.

What we are talking about is enhanced services to deliver the kind of upgrading that will bring an improvement of services to the people on the river. If this amendment were enacted, we might well see an entire program that is ready for implementation and that involves local initiatives thwarted, only because the initiative is a voluntary program that is locally driven and community based.

Now, some of the requirements that this legislation would bring about would have the effect of denying access to and tying up the process. To notify property owners in a 10-mile area and take comment—and I see my colleague says that is not necessary; maybe he would like to address that—but the burdens placed upon implementation, and the fact we get into this process of having to designate raises concerns. Would Congress have to designate 10 rivers annually? And should that really be the province of Congress, to say which of these rivers should be part of this program? Now, I believe in the separation of powers. I think it is absolutely essential. But I am wondering how we would go about that. Really, shouldn't it be the State and local governments petitioning the executive branch and having various requirements that they must meet? And, of course, we may or may not agree with the selection modality. I am not suggesting that we just sign off. Obviously, we as representatives of our States and communities want to be in a position to see that there is fairness. That is why we are here, to keep some balance in the allocation of resources. I don't know whether or not we should be the people who, on an annual basis, authorize the selection process of 10 rivers. I think that really should lie within the province of the executive branch having to meet some kind of competitive standard.

We are very excited by this Presidential initiative. Let's be very candid here. The Governor of New York and the President of the United States, in terms of political philosophy, have not always lined up on the same side. Indeed, I say, on many occasions, they take opposite points of view. So I think it is important when the Governor points out that this is an opportunity for a State-Federal partnership on a basis that makes sense without there being undue intrusion—because we reject undue intrusion. There is a process that is underway. Now, I can just imagine, if the Hudson River isn't designated, we will probably launch a hue and cry as to why not. Of course, that is part of the process. If it is not designated and we think it should be, we would be prepared to ask those questions. That is part of democracy; that is part of the process.

No one has the absolute, and no one's decisions and actions can go without the risk of being challenged in the court of public opinion, and that is what we would be doing. But I have every reason to believe, notwithstanding the political differences and philosophical differences, for the most part, we will get reasonable decisions. I think some of these issues are going to be very easy. There are some bodies of water where the local governments and State officials are anxious and can put forth a good case to be designated. Then they will get down to areas where it gets competitive and where reasonable people might disagree. Are we going to say there won't be some politics entering into it? Of course, there will be. But it will be right here on this floor within this body, I note, to the chagrin of many. The Presiding Officer would not believe that. But I can attest to the fact that I believe that would be the case, in my limited experience in observing these matters in the course of the past 17 years. And so it would be in the House of Representatives.

Taking the political jockeying that would take place in terms of designating these rivers between the House and the Senate, that would really be a lulu. You know, there is something called the rights of the minority, which this body in particular ensures, and I like that. I think it is important. Even though we may have legislation and the majority supports it, oftentimes, I think it is a necessary and important right. I think if we were to reflect on the history of this body, we would find that sometimes those who are not in the majority have held up legislative initiatives and, in the fullness of time, it has come out that they were correct. So it is not bad. But I want to say that it could be used in the manner which would make it difficult to get designations of the kinds of rivers that should be qualified.

So I will be, of course, forced to move to table this amendment on behalf of myself and Senator DODD at the appropriate time. I don't intend to do that until my colleagues have an opportunity to express themselves.

Mr. GORTON. If the Senator from New York will yield, the Senator from Minnesota is here wishing to speak. I think it is appropriate that the Senator from Arkansas get to terminate the debate. If the Senator from New York doesn't wish to stay, perhaps it would be appropriate for me to ask unanimous consent that the Senator from New York, together with the Senator from Connecticut, be allowed to move to table at this point, but ask unanimous consent that after the motion to table is put, but before it is voted on, that the Senator from Minnesota have 5 minutes and the Senator from Arkansas have 5 minutes, after which a vote would take place on the motion to table. Would that be acceptable? I put that request to the Chair.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I make a motion to table on behalf of myself and Senator DODD, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There are 10 minutes of debate remaining. The Senator from Minnesota has 5 minutes. The Senator from Arkansas has 5 minutes.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I really am in strong opposition to the amendment of my friend—and he is a friend—from Arkansas. I find it hard to understand why we would be creating additional hurdles, as this amendment does, for communities to work together to restore and protect rivers and riverfronts. I think that is what this debate is all about. We have a President who has initiated a program that will help local communities restore and protect rivers without any additional regulation, and Mr. President, for the life of me, I don't know why we would want to support an amendment that would delay the start of this program, and which I think really would have no obvious benefit for our country.

Mr. President, while the Congress does have an oversight role—and I acknowledge that—this amendment, I believe, is a misplaced effort to involve all property owners in the designation process, that would really create a whole new cumbersome process and give some form of veto power to a single property owner who might decide to object, for whatever reason. So I think the amendment, however good-intentioned, is mistaken.

Mr. President, it seems to me that this amendment is about stopping the American Heritage Rivers Program, not protecting property owners from some imagined Federal takeover of their property. The Senate is supposed to be a voice of reason. I think by perpetuating the myth that the Federal Government is somehow engaged in a land grab or a power grab through this program is a dangerous game, and I think it is one we should be very cautious about entering into.

Let me speak, in the last couple of minutes, about Minnesota. We have some fine rivers in the State of Minnesota and many communities who want to see this program go forward. One of those rivers, I think most of my colleagues are acquainted with, is called the Mississippi River. It flows right past the State of my friend. I don't need to tell my colleagues how important this river is to the Nation, how important it is to our Nation's culture, our history, and our economy. I will tell you that in Minnesota we have mayors from communities such as Bemidji, at the headwaters of the Mississippi and from Minneapolis, St. Paul, South St. Paul, St. Cloud, Anoka, Wabasha, Winona, and others, working with mayors in other States along the Mississippi to develop their nomination for this program.

So we have a lot of communities seeking designation of the Upper Mississippi River to improve access to Federal riverfront revitalization programs, and who are fully respectful of property rights, like other local governments across America who want to compete in this program. I think that if this amendment was passed, it would place an insurmountable roadblock in front of the aspirations of local communities in the State of Minnesota and across America who are trying to make improvements and make the most of their river resources. Let me repeat that. I think if the amendment passed, the biggest problem is that it will create an insurmountable roadblock for a lot of our local communities who are doing their level best to make improvements and make the most of their river resources. That is the problem.

I applaud the President's work. I applaud this initiative, this program, and I hope my colleagues will vote against the Hutchinson amendment. I will certainly strongly support the Dodd-D'Amato motion to table.

I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I think it has been a good debate. I think some of the suggestions made and some of the points are very valid. We have tried to respond to those.

I want to assure my distinguished colleague from New York that I believe the Hudson River's possibilities and its chances of being designated as an American Heritage will be enhanced by the adoption of this amendment. One of the provisions is prioritization, which would be in accord with the Clean Water Act and the Safe Drinking Water Act. That will help the Hudson River. We don't designate the rivers in Congress. Congress doesn't designate them, but we would like to have the right of approval. I think that is proper and appropriate.

The amendment does not undermine the Clinton Executive order. Instead, it assures that the rights of property owners will be upheld through the notification and comment process. It further assures that the true interests of those residing near, owning property, or conducting business in the area of the river will be heard, and that their interests will not be muted by powerful outside lobbyists or interest groups who desire to force their will on a selected community.

It should be understood that this initiative has never been authorized, money has never been appropriated. It sweeps money from eight Cabinet departments, four governmental agencies, allowing the Federal bureaucracy to dominate what should be a community-directed initiative.

My friend and colleague from Arkansas, Senator BUMPERS, made the analogy of the Scenic Highways Program in the State of Arkansas, in which highways are called scenic highways, and signs are put up, and how that helps tourism. I remind my good friend that the scenic highways in Arkansas are approved by the State legislature. So I think if we are going to carry that analogy, Congress should assert itself in its proper role in approving these designations. That is what it is all about.

We don't know the cost of this initiative, the magnitude of it. Congress needs to be involved in it. We want congressional approval. Executive orders are being overutilized by this administration. Congress needs to reassert itself as an equal branch of Government. We want the property owners to be protected. I have shown my good faith in trying to make that workable. It is a workable amendment. We want those rivers to be prioritized in compliance with existing law, the Clean Water Act and the Safe Drinking Water Act. It is a good amendment, it is a simple amendment, in contrast with the lengthy Executive order the President has issued.

This is a very simple amendment that provides very basic protections and ensures congressional input on these decisions in this program that will be made. I will close with this. I ask my colleagues this question: If you owned property along one of these rivers, wouldn't you want to be consulted? I think the answer to that is "yes," and if the answer to that question is "yes," then you need to vote against this motion to table and support the Hutchinson amendment.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

The PRESIDING OFFICER (Mr. THOMAS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—57

Abraham
Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Chafee
Cleland
Collins
D'Amato
Daschle
DeWine
Dodd
Domenici
Durbin
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Gregg
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Roth
Sarbanes
Snowe
Specter
Thompson
Torricelli
Wellstone
Wyden

NAYS—42

Allard
Ashcroft
Bennett
Brownback
Burns
Byrd
Campbell
Coats
Cochran
Conrad
Coverdell
Craig
Dorgan
Enzi
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Thomas
Thurmond
Warner

NOT VOTING—1

Stevens

The motion to lay on the table the amendment (No. 1196) as modified, was agreed to.

YIELDING OF TIME—S. 830

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, when the Senate turns to S. 830, the FDA reform bill, I yield my 1 hour for debate under the cloture rules to Senator KENNEDY.

The PRESIDING OFFICER. The Senator has that right.

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with consideration of the bill.

Mr. THOMAS. I ask unanimous consent I be allowed to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW WORLD MINE

Mr. THOMAS. Mr. President, I will speak briefly on a subject that is part of the bill that is before the Senate, part of the bill on Interior. It has to do with the New World Mine. It has to do with the Land and Water Conservation Fund.

I rise to support the language that is in the Interior appropriations bill requiring that any expenditures out of the Land and Water Conservation Fund to be used for the purchase of the New World Mine must be authorized by the authorizing committee. That is also true of the Headwaters Forest.

There is some notion that there was an agreement during the debate on the budget with the administration that these funds would be available for authorization. I think it was clear the other day when the Senator from New Mexico came to the floor and spoke and indicated that there was no such agreement. I am here to congratulate the committee on that.

First let me make a couple of points clear. One is, I oppose the development of the New World Mine. I was one of the first elected officials to oppose that. There are some places, in my view, that are inappropriate for mining. I think this is one of them. It is true they were in the middle of EIS when the agreement was made to stop the mine, but nevertheless I have opposed that long before the President signed the agreement and came to Yellowstone Park with great fanfare and stopped the development of the New World Mine. I had opposed that. So despite the rhetoric that is coming out of the White House and is coming out of the CEQ at the White House, there was not an agreement, there was not an agreement for the expenditure of this money.

This is not an issue of whether you want to protect Yellowstone or whether you don't. We all want to do that. No one wants to preserve it certainly more than I. I grew up just outside of Yellowstone, 25 miles out of the east entrance. I spent my boyhood there. I understand the area. I am also chairman of the Subcommittee on National Parks, and we worked very hard and will continue to have a plan to strengthen the park and to save parks. So that is not the issue. That is not the issue.

We will have before this Senate, as a matter of fact, at the beginning of next year, a plan called Vision 20/20 which is designed to increase the revenues that are available to parks, to do something about this $5 million in arrears in terms of facilities. So I am committed to the parks and I can guarantee you that we will have a program to do that.

What this involves is a commitment on the part of the administration, a commitment on the part of the White House, a commitment on the part of Miss McGinty at CEQ who has become the political guru for White House natural resources to do what they indicated they would do.

Let me read just a little bit from the agreement that was made in Yellowstone Park on the 12th day of August 1996, between Crown Butte Mines, Crown Butte Resources, Northwest Wyoming Resource Council, and a number of others and the United States of America.

> Objectives of the parties.
>
> As set forth in greater specificity below, the objectives of the Parties in entering into this agreement are to: (a) provide for the transfer by Crown Butte to the United States of the District Property in exchange for property interests owned by the United States having a value of $65 million; * * *
>
> 2. The United States will, as expeditiously as possible, identify Exchange Property with a fair market value of $65 million that is available and appropriate for exchange for the District Property.

That is what it says in the agreement. That is what is agreed to. That is what everyone thought we were doing.

The reversal now is the White House is saying well, there was an agreement that we will take cash out of the Land and Water Conservation Fund for these items. That is not what the agreement was. There was not an agreement to do that. We are saying the White House should live up to the agreement that they signed back on August 12 of this year.

They have claimed no property to be found. I can't believe that. I have talked to the owners of the mine and they are willing to accept most any property that they could sell and turn into cash. So that is what it is all about.

I believe the current language in the appropriations bill is correct. There is $700 million authorized in the Land and Water Conservation Fund but the expenditure is not simply left to the discretion of the administration but, in fact, the committees of jurisdiction have an opportunity, indeed, have a responsibility for the authorization.

I yield the floor.

CROWN BUTTE MINE

Mr. BURNS. Mr. President, I rise today to commend my colleague Senator GORTON for the position he has taken in this Interior appropriations bill on the proposed buy-out of the Crown Butte Mine in my State of Montana. I am very supportive of the position and the language he has in this bill to address a very complicated and unfortunate issue.

A little over a year ago, while on vacation in Yellowstone National Park, the President took an action that still has me shaking my head. Using an administrative decision, the President circumvented the process that Congress enacted to provide for the protection of our natural resources in this country. The National Environmental Protection Act [NEPA] was designed to provide an indepth analysis prior to any action taking place on public lands throughout the Nation. The effect of this analysis is to make sure that any project being contemplated is safe for the public and takes into account the welfare of the natural resources.

This administrative action which the President took, provides for a cash buy-out of the Crown Butte Mine and entirely circumvented the NEPA process. The State of Montana, the mining company, and others had spent unlimited amounts of time and a great deal of money to go through the NEPA process. However, this work was completely undone by the actions of the President and the Council on Environmental Quality. With the NEPA process eliminated, to this day we still do not know what the results of the environmental impact statement would have been. The administration, overrode good, sound, scientific processes for a policy based on a feel-good mentality.

During the past year, several attempts have been made to come up with either property or money to fulfill the commitment made by this administration to the mining company. The first of these attempts, the Montana initiative, a plan which the State of Montana developed with the approval of the White House and would have swapped property in Montana for the Crown Butte property also located in Montana. This attempt failed, which would have provided compensation to the State of Montana for lost revenue, when the administration failed to bring the parties to the table to complete the negotiations. Later in the year, the Council on Environmental Quality decided they could take funds from one of the most successful environmental programs, the Conservation Reserve Program, to pay off the company. This, of course, proved unacceptable to numerous Members of Congress, the farmers of this Nation and several conservation and wildlife organizations. The administration's attempts to complete this deal have shown little regard for the public and their involvement in the process.

Finally, as congressional leadership and the administration negotiated the Balanced Budget Act, an outline for coming up with funding was completed. I reiterate here, that this was just an outline, not an agreement for specific projects. This agreement provided for $700 million to be placed into the Land and Water Conservation Fund [LWCF], for priority land acquisitions. No specific projects were detailed in this agreement. Senator DOMENICI, who assisted in the negotiations as chairman of the Senate Budget Committee, came to the floor earlier this week to spell out what exactly was detailed in the agreement reached in the Balanced Budget Act. Senator DOMENICI read from the agreement which proves that no specific projects were included in the agreement.

The chairman of the Interior and Related Agencies Appropriations Subcommittee was then placed in a position of deciding exactly how those funds would be expended. I congratulate the chairman for the work that he did to come up with a reasonable approach to this issue. In dealing with this expenditure of funds, the chairman has placed Congress back into the loop where they belong. The language in this bill provides that the funds will be set aside until Congress has the opportunity to authorize the spending on particular projects. Congress has a responsibility to the public to review any and all expenditures of this magnitude. I have been elected to address the concerns of all the people including the citizens of Montana who have been ignored by this Presidential directive. In this particular arrangement, the administration seemed to have overlooked one very important and vital person in this whole scenario. Ms. Margaret Reeb, the owner of the property on which the mine itself would have been located.

What the chairman has done with this language is provide Ms. Reeb, Park County, and the State of Montana a chance to voice their concerns with the administrative action he has taken. They are the biggest losers in the action proposed by the President. In the case of Ms. Reeb, the property owner, her private property rights have been violated, as well as has her devotion to the heritage from which she came. As for the State of Montana and Park County, well in an area where mining provides some of the best paying jobs in the State, income and economic development have been thwarted without even the slightest consideration provided for this loss.

Mr. President, I commend the chairman for the work and the position he has taken on this issue. He has shown great insight and provided leadership in the development of a solution that will provide Margaret Reeb and others an opportunity to voice their say on this matter. I thank the chairman and appreciate his hard work.

AMENDMENT NO. 1221

(Purpose: To provide for limitations on certain Indian gaming operations)

Mr. ENZI. Mr. President, I ask unanimous consent the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. Enzi], for himself, Mr. Brownback, Mr. Coats, Mr. Lugar, Mr. Bryan, and Mr. Bond, proposes an amendment numbered 1221.

Mr. ENZI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . LIMITATIONS ON CERTAIN INDIAN GAMING OPERATIONS.

(A) Definitions.—For purposes of this section, the following definitions shall apply:

(1) Class III gaming—The term "class III gaming" has the meaning provided that term in section 4(8) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(8)).

(2) Indian tribe.—The term "Indian tribe" has the meaning provided that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(e)).

(3) Secretary.—The term "Secretary" means the Secretary of the Department of the Interior.

(4) Tribal-state compact.—The term "Tribal-State compact" means a Tribal-State compact referred to in section 11(d) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)).

(b) Class iii Gaming Compacts.—

(1) In general.—

(A) Prohibition.—During fiscal year 1998, the Secretary may not expend any funds made available under this Act to review or approve any initial Tribal-State compact for class III gaming entered into on or after the date of enactment of this Act except for a Tribal-State compact or form of compact which has been approved by the State's Governor and State Legislature.

(B) Rule of construction.—Nothing in this paragraph may be construed to prohibit the review or approval by the Secretary of a renewal or revision of, or amendment to a Tribal-State compact that is not covered under subparagraph (A).

(2) Tribal-state compacts.—During fiscal year 1998, notwithstanding any other provision of law, no Tribal-State compact for class III gaming shall be considered to have been approved by the Secretary by reason of the failure of the Secretary to approve or disapprove that compact. This provision shall not apply to any Tribal-State compact or form of compact which has been approved by the State's Governor and State Legislature.

Mr. ENZI. Mr. President, I have submitted an amendment to the bill that comes as a result of several years of involvement with the Indian gaming issue in Wyoming. I want to mention, you may have a copy of an early version of the amendment. I hope you have a copy of this more recent version.

What we are trying to achieve with the bill is to be sure that the Secretary of Interior is not drafting any rules or regulations that would bypass the States in the process of dealing with Indian gambling.

Now, that is what this amendment works to do, and I rise to join my distinguished colleagues, the Senator from Kansas, Senator Brownback, the Senator from Nevada, Senator Bryan, the Senators from Indiana, Senators Lugar and Coats, and the Senator from Missouri, Senator Bond, in offering an amendment to the Interior appropriations bill.

This amendment would place a 1-year moratorium on the Secretary of Interior's ability to approve any new tribal-State gambling compact if the compact has not been approved by the Governor and the State legislature of the State in which the tribe is located. This 1-year moratorium will give Congress an opportunity to review the approval process of Indian gambling compacts as well as the effect of gambling on the society as a whole.

Mr. President, last year Congress approved the formation of a National Gambling Impact Study Commission to conduct a 2-year study of gambling's political, social, and economic effects. By authorizing the study, Congress realized the potential dangers that the recent explosion in casino gambling poses to society at large. While this study has yet to get seriously underway, the expansion of casino gambling is continuing at an alarming rate.

The desire for quick cash has had an effect on everyone, including native Americans, and them as much as any other segment of the population. A Congressional Research Service report issued this past June showed that since the Indian Gaming Regulatory Act was passed in 1988, the Secretary of the Interior has approved over 180 tribal-State gambling compacts. As of June of this year, 24 States now have gambling on Indian reservations within their borders. Mr. President, 145 Indian tribes currently have one or more casinos on their lands. This proliferation of casino gambling on tribal lands and society at large has not been without its negative effects. John Kindt, a professor of commerce and legal policy at the University of Illinois, has concluded that for every $1 in tax revenue that gambling raises, it creates $3 in costs to handle such expenses as economic disruption, compulsive gambling, and crime. Gambling is an industry in which a precious few make a fortune, while the penniless thousands pay the price with their shattered lives, painful addictions, and widespread crime.

In light of the detrimental effects of the proliferation of casino gambling, Congress should review the approval process of the Indian Gaming Regulatory Act to determine what long-term changes need to be made to this act. While the regulation of gambling is generally reserved to the State governments, the power to regulate gambling on Indian tribal lands rests primarily with Congress.

Let me explain precisely what this amendment would do. The amendment my colleagues and I are offering places a 1-year moratorium on the approval of any new tribal-State gambling compacts if the compacts have not been approved by the Governor and the State legislature in the State in which the tribal lands are located. This amendment does not prohibit the individual States and Indian tribes from negotiating class III gambling contracts. It simply requires if there is to be an expansion of the tribal-State gambling contracts within a State's borders, these compacts must first be approved by the State's popularly elected representatives and Governor. Again, this moratorium is only for a period of 1 year. A 1-year moratorium will allow Congress to reexamine the long-term approval process of the Indian Gaming Regulatory Act to determine if the current process is in the best interests of the tribes, the States and the country as a whole.

The rationale behind this amendment is simple: Society as a whole bears the burden of the effects of gambling. A State's law enforcement, a State's social services and communities are seriously impacted by the expansion of gambling, casino gambling on Indian tribal lands. Therefore, a decision of whether or not to allow casino gambling on tribal lands should be approved by the popularly-elected representatives. I believe a 1-year moratorium on the approval of new gambling compacts which do not receive approval from the Governor and the State legislature is a reasonable beginning to a very important debate on reexamining the long-term approval process under the Indian Gaming Regulatory Act.

I urge my colleagues to support me in this effort. Again, the amendment that we have presented would give a clear indication to the Secretary of the Interior that we do not want rules and regulations that will bypass State authority and put the State in a situation—since the gaming doesn't affect just the lands, just people on the tribal lands, it affects those immediately surrounding it to a great degree. The further you are from the gambling, the less impact there might be. But there is an effect on a greater number of people than just the tribe. In our State of Wyoming, we had an initiative about 3 years ago to allow local option decisions on gambling. When that initiative was first presented, according to polls, 70 percent of the people were in favor of allowing that local option. We took a look at the situations in the States surrounding us, what was happening, and when we had the vote, 70 percent of the people in Wyoming said, no, that isn't the way we want our State to go, that isn't the way we want our neighbors to inflict their decisions on us. So the State, as a whole, took an approach of not allowing class III gambling by 70 percent. That was with a lot of money against it.

So we have some concern in our State. My purpose with the amendment is to make sure the State's concerns would be represented in this, as well as everyone else's. I mention that, with the first version I put out, I got a call from the Senator from New Mexico, Senator DOMENICI. He had some concerns. He thought I was trying to eliminate a particular tribe in a particular place in New Mexico. That was not my intent. I took a look again at the wording and changed it to the wording that has gone to the desk because, again, we want to emphasize that our purpose in this is to make sure that the States are involved in the decision as well.

I thank the Chair and yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I join with the Senator from Wyoming in his remarks. Last year, I served as attorney general for the State of Alabama and dealt with this precise issue. There is a considerable amount of litigation going on in the country resulting and culminating from the Seminole Indian case that was decided by the U.S. Supreme Court last year. The basic problem is that under Federal gambling law, there appears to be some confusion as to whether the Secretary of the Interior can intervene in the negotiating process between States and Indian tribes with regard to the kinds of gambling that would be allowed in the State.

For example, in Alabama, we have one particular Indian tribe that has three distinct parcels of land, as I recall, in various parts of Alabama. If the Secretary of the Interior were to allow the tribe to have casino gambling at any one site, they would also be able to have a casino at the other two places within Alabama. That result has been resisted very steadfastly because three major gambling casinos would, in fact, let the wall down. Casino gambling would spread throughout the State, and it would not make any difference what the people of Alabama felt about gambling or casinos in general as the casinos would be built without ever having put the matter before the people of Alabama for consideration.

This is a very important national issue. It is a very important issue for those who believe gambling should not be spread and for those who believe that the growth of gambling should only occur when the people have voted on it. Allowing the Secretary of the Interior to unilaterally sanction tribal gambling is a way to get around popular elections that would allow local people and local officials to decide whether to allow or disallow gambling. So it has a real serious effect. The gambling industry has suggested repeatedly that they think if a State does not go along with their desire to have casinos on the reservations, then they could approach the Secretary of the Interior and get his permission. In fact, they have said that in Alabama for some time.

As attorney general, my office researched the law governing this issue, and I came to the conclusion that the Secretary of the Interior did not have the ability to sanction tribal gambling in this manner. In fact, I wrote him a letter in June of last year which explained the legal arguments which appear to preclude him from exerting such authority. But the possibility that the Secretary does retain such authority has remained a matter of discussion among those involved in the question of the spread of gambling in America, and there are progambling forces that have suggested that the Secretary of the Interior does have that power.

This amendment, I think, would simply clarify the legislative intent Congress had when it passed the Gambling Act a number of years ago. This amendment would not allow the Secretary of the Interior to override the popular will of the people in the States where tribal gambling is at issue. I think it is very good policy.

I salute the Senator from Wyoming. I think he is right on point. If the Secretary of the Interior were to be inclined to attempt to assert authority in this area, we need to stop it. And if he doesn't intend to intervene and if he does not intend to assert such power, he should not be offended by this legislation because I think it merely reflects the will of this Congress.

Thank you, Mr. President. I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise today in support of the Enzi amendment on the temporary moratorium on the expansion of gambling on tribal lands. I will just make a very brief and succinct point. In the last Congress, we passed Public Law 104–169, which established the National Gambling Impact and Policy Commission. It was for the purpose of studying the social and economic impact of gambling and reporting its findings to Congress. I supported that legislation. I thought it was important legislation, particularly since the gambling industry has expanded so much. The industry rakes in $40 billion a year annually in the United States. It operates in 23 States. The amount of money wagered annually in the United States today exceeds $500 billion—half a trillion dollars.

There have been a number of questions regarding the industry overall. It just seems to me that what we should do is a logical progression here. We are saying there are a lot of questions regarding the impact of that amount of gambling taking place in the United States, that pervasive amount, that size of money. What we should do now is, let's pause for a moment and let's not expand this any further until we have this Commission reporting back on what the impact is to the United States.

There have been lots of allegations of negative impacts of the gambling industry. It is widespread, it is expansive, and it is in many, many areas. Let's let this Commission meet, let's let them make a conclusion, let's let them report to Congress on these items before we expand any further than the $40 billion, 23-State industry that it is today.

That is why I think the Senator from Wyoming is bringing up an excellent point in this. Now, I don't want my views to be construed as in opposition to the chance for economically deprived Indian nations to bring needed economic activities to their communities. That is not what this statement is about. I think it is a positive thing that tribes are striving to provide employment and health care and housing and other important services, in light of the position of where they are economically and the difficulty and the needs that they have. This amendment does not ban Indian gaming. It does not affect gaming compacts which are operational or already have been approved. It simply places a temporary prohibition on the Secretary of the Interior to approve any new tribal-State compacts.

I think, in light of this, a national commission that has been established, and the questions regarding a societal impact on the overall United States, that this is an appropriate approach. I commend the Senator from Wyoming on this very reasonable approach.

Mr. President, I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, before proceeding with my remarks, I wish to state for the record that there are two States in this Union that prohibit gambling of any sort—the State of Utah and the State of Hawaii. In the State of Hawaii, it would be a crime to conduct bingo games. There are no poker games, no slot machines and no casinos in the State of Hawaii. The same thing presents itself in the State of Utah. Yet, I find myself rising to express my opposition to the amendment proposed by the distinguished Senator from Wyoming.

Though I am personally against gaming, and I would oppose any attempt on the part of the State of Hawaii to institute gaming in our islands, I find that I support gaming for Indians because of two reasons. One, our Constitution states that Indian nations are sovereign and that we have carried this out by treaties and by laws and by Supreme Court decisions. Indian nations are sovereign.

Second, there were 800 treaties, Mr. President, as we stated a few days ago, and of those 800 treaties, 430 are still lying idle in the archives of the U.S. Senate. These treaties have been lying there for over 100 years. And we have found that, though these treaties are in correct form and appropriate because of changes in circumstances, the Senate has decided not to consider them, debate them, have hearings on them, or pass upon them. And 370 were ratified by this body. But, Mr. President, sadly, I think we should note that of the 370 treaties that we ratified, we have violated provisions in every single one of them.

These were solemn documents and many of them had language and phrases that were very eloquent, very dramatic. Imagine a treaty beginning with words, such as, "As long as the sun rises in the east and sets in the west, as long as the rivers flow from the mountains to the streams below, this land is yours."

Indians started off with 500 million acres of land. Over the years, because of our violation of provisions in our treaties, and because of our refusal to consider these treaties, Indians have 50 million acres left. This was their land. There were sovereign nations long before we came here. When they gave up this land, we promised them certain things, such as providing them shelter, education, and health facilities. And what do we find in their land? Unemployment averaging 57 percent. We pride ourselves with our low unemployment rate in our Nation of 5.2—5.2 for the Nation and 57 percent for Indian country. Some unemployment rates are as high as 92 percent, Mr. President. The health conditions in Indian country are worse than in third world countries—the worst statistics on cancer and the worst statistics on respiratory diseases. And if you look at the social life in Indian country, it is a scandal. We as Americans should be embarrassed and ashamed of ourselves. The suicide rate among the young people in Indian country is eight times our national norm. Some 50 percent of the young ladies in Indian country have considered suicide.

If this Nation had lived up to the promises that we made many decades ago, I would not be standing here speaking against the Senator from Wyoming, because I am against gaming. Hawaii is against gaming. But, today, I find that I must speak in opposition.

Mr. President, regretfully, the chairman of the Senate Committee on Indian Affairs is not able to be with us at this moment because of a very important and very urgent matter that suddenly came to his attention. He has asked me to express his concerns, and he has said that this statement I am about to present meets with his approval, and so it is a joint statement of the Senator from Colorado, Mr. BEN NIGHTHORSE CAMPBELL, and myself.

Mr. President, 2 months ago, Senator MCCAIN, the distinguished Senator from Arizona, and I introduced a bill to amend the Indian Gaming Regulatory Act. A hearing on this bill has been scheduled for October 8. It was not scheduled today. This has been announced, and it was announced over a month ago, long before this measure was up for consideration.

So I would like to suggest to my distinguished colleague from Wyoming that the proper forum to consider his proposal would be before that committee. I can assure my friend from Wyoming that his proposition will be considered with all seriousness.

We have consistently opposed efforts to amend the Indian Gaming Act in a piecemeal fashion. And this is what it is. We do so again today.

At a time when the Indian Affairs Committee, the authorizing committee, is making every effort to make adjustments in the act which will reflect contemporary realities, this amendment only serves to undermine our efforts to assure that any amendment to the act is consistent with over 200 years of Federal law and policy.

For the benefit of our colleagues here who may not be familiar with the context in which this amendment is proposed, allow me to share with you a few relevant facts.

Last year the Supreme Court of the United States ruled on one important aspect of the regulatory act. While the Court did not strike any provision of the act, its decision left a vacuum of remedies when a State and a tribal government come to an impasse in negotiations which would otherwise lead to a tribal-State compact. These compacts, pursuant to the law, govern the conduct of class 3 gaming in Indian lands.

The Secretary of the Interior has stepped into the void created by the Court's ruling by inviting public comments on whether an alternative means of reaching a compact ought to be established through the regulatory process until the Congress has the opportunity to act. The Secretary has not had and does not have any intention to establish regulations on his own. He is assisting our committee. He is assisting the Congress of the United States by inviting comments from all interested parties—Indian country, gambling interests, government officials, Governors, attorneys general, and present them to us. The decision will be made here, not by the Secretary of the Interior.

This amendment is designed to preclude the Secretary from proceeding in what many believe is a constructive effort to advance the public dialog. If anything, we should be encouraging the Secretary to invite comments so that it will help us to expedite our efforts. But this amendment does not just prevent the Secretary from proceeding—it would also effect a dramatic change in the Indian Gaming Regulatory Act by federally preempting the laws of each State.

I hope that my colleagues realize that this amendment, which looks innocuous and reasonable, will have that effect of telling the several States of this Union that, notwithstanding their constitution or their laws, this is the way business is to be carried out.

Under the current law, the regulatory act does not touch any State's law or constitution. Mr. President, we did this very deliberately—when we enacted the law.

Instead, the act recognizes that each State's constitution, and State laws enacted in furtherance of the State constitution, may differ in many respects. There are 50 States, 50 different constitutions, and 50 different sets of laws.

Over the course of the last [illegible] years, as a function of litigation on this very point, we have learned a lot about the various States' laws. For example, some States and their constitutions provide that the Governor is authorized to enter into contracts, agreements, or compacts with another sovereign. The Governor is authorized to do that.

Other State constitutions would require the ratification of the Governor's action by the State legislature. Some States don't require that. Still, other constitutions provide that only the State legislature can act for the State in terms of entering into binding legal agreements. And there are other State constitutions that are silent as to these responsibilities. In some States their laws determine when the Governor can act on behalf of the State and in what circumstances the legislature must act. And the supreme courts of the various States have issued many opinions on these matters at great length.

This amendment we are considering at this moment will now require that no tribal-State compact can be approved by the Secretary unless both the Governor of the State and the legislature of the State have approved this compact.

This amendment will, therefore, set aside the constitutions of the various States, the laws of the various States, and would impose new requirements on each State, notwithstanding what their constitutions or law may provide to the contrary.

This is a very substantial change in Federal law effecting rights that States jealously guard.

I know of no Governor who has expressed a desire to have the laws of his or her State preempted by Federal law.

In 2 weeks' time the authorizing committee will carry this dialog forward and provide an opportunity for all affected parties to weigh in with their views. We are hoping at that time the distinguished Senator from Wyoming will present his views to the Committee on Indian Affairs. And this amendment, Mr. President, will preempt that very important public discussion.

Mr. President, I want to make very clear that I do not question the wisdom of the proponents of this amendment. I just believe that there are others—State and tribal governments—upon whom the effect of this amendment will be directly visited and who ought to have the opportunity to have their views known.

So, once again, Mr. President, I call upon the Senator from Wyoming to withdraw this amendment and allow the authorizing committee to proceed with our work where his concerns and the concerns of his colleagues will have the benefit of full public consideration.

Mr. President, it is true that there are 171 compacts that have been approved. It is also true that there are about 120 gaming establishments presently on Indian reservations. But it should be pointed out that less than 10 are making money. I am certain all of us know, or should know, that reservation lands are trust lands. Actually the titles to those lands lie in the hands of the Government of the United States. So, as a lawyer would say, they cannot be alienated. One cannot go to the bank and say, "I want to borrow $1 million, and I will put up this parcel of land as collateral." You can't do that with reservation lands. So, in order to initiate or establish a gaming enterprise, these Indian governments have to go out to other sources for financing. When that happens, Mr. President, I am certain you realize that the rates that they would have to pay are much, much stiffer than what you and I would be required to pay to a bank. Yes, moneys are flowing in. But at this time Indians are not making that money. Operators are making that money.

But those Indian tribes that are making a few dollars have applied those moneys to causes and to projects that we have failed to provide. They are building schools that we should have built. They are building hospitals that we should have built. They are building homes that we promised them.

So, Mr. President, though I oppose gaming in any form, if this country is unable to or refuses to live up to the promises that we made by treaty, if this is the only way they can raise funds, so be it.

Mr. President, I hope that this body will give their committee, the Committee on Indian affairs, an opportunity to conduct this hearing, receive the views of all of our colleagues, and act accordingly.

So, with that, Mr. President, I yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I really appreciate the remarks of my distinguished colleague from Hawaii. I know of his long-time involvement in the Indian issue and of his long-time involvement in the Senate. In fact, I think he is the only person in the Senate who has been in the Senate since his State became a State.

There is a lot of tradition, a lot of history, and a lot of specialization and involvement in this particular issue. I have to admit that in the last few minutes I have learned a lot about the issue. From talking to him earlier in the morning, I learned a lot about the issue. I also got an opportunity to talk to Senator CAMPBELL. Again, I learned a lot about the issue. I have been involved in it before. But there was a different level of involvement, and these are people with a tremendous tradition and history on the issue.

Again, my intention with the amendment that I presented is to see that the Secretary of the Interior does not bypass our process, that he doesn't write his own rules with the opinion, or believe that that can bypass some of the States' involvement in the issue.

I do think that for the friendship and cooperation that has been built up in some of the States over the years, that this is an issue that still has to have the States' involvement. That is the only way that people can live together and work together and make sure that the Indian interests and some of the Indian problems are solved along the way.

I appreciate the Senator's comments about the fact that only about 10 of the casinos are in a situation where they are making a lot of money. I have visited some of the reservations where the casinos are and have noted the disappointment by the tribal members over how poorly their casino was doing. I have seen that on nontribal casinos as well, because I followed the Colorado situation where the small businessmen in the small towns that were allowed to do the class 3 gaming looked forward to the time that they would be wealthy from gambling. They found out that it takes some different talents than they had as small businessmen to run a big casino. So, they didn't make the money that they had anticipated on it either, although there is a lot of money being made in a lot of places on gambling.

My intent on this is to make sure that the States are a part of the process. The Senator mentioned the hearing that is coming up. I really appreciate the fact that he is going to hold a hearing and cover some of these important issues. My amendment would not undo the hearing. All of the issues can still be addressed in that hearing. If a bill comes out of that hearing and it covers the issue of State involvement, or at least this issue of whether the Secretary of the Interior can expend money to bypass the State process, if that is in there, I would work to be sure that the repealer of this amendment is in that bill. I would work for that passage. I don't think there would be any difficulty with it. I don't know of anybody who would oppose it if that were assured as a part of that hearing process.

So, I commend him for his efforts already on this and his willingness to hold a hearing, which, of course, was already scheduled and planned well before I ever even thought of an amendment, but his willingness to be sure that that issue is addressed in there. That is what I got from his comments.

We want to make sure that where the Court may have made some things unclear, they are clarified, and, again, that the State involvement in the issue is not left out. People live too close together these days to have the tribes separate from the States on the gaming issue.

Lastly, I will address the comments about federally preempting State laws. That would never be my intent. Anybody who has looked at anything that I have done in the State legislature or since I have came to Washington would, I think, agree that everything that I have done has been to assure States' rights. It is not my intent with this. As I learn, I make changes.

I guess I would ask the Senator from Hawaii, if I made a change to the amendment, one that would, instead of mentioning the Governor and the State legislature—which I understand now in some States one has the authority, and in some others the other has authority, and in some States it requires both to participate in order to do it—if we could change the wording so that if it was approved by a State in accordance with State law in the Indian Gaming Regulatory Act, if that would be a wording change that would then make this acceptable in both places where I mentioned the Governors and State legislatures—because I would like to make this so that I am not preempting State law. I don't intend to do that and would be willing to make that change if it would make a difference.

Mr. INOUYE. Mr. President, I wish to commend my friend from Wyoming for his reasonable approach. But I must say that I would still have to oppose the whole amendment because this is a piecemeal handling of this very important proposition which we have before us.

I would like to read for the RECORD a statement issued by the administration.

It says:

> The Department—

The Department of the Interior—

> strongly opposes denying any tribe the badly needed economic opportunity envisioned and authored by IGRA.

The Indian Gaming Regulatory Act.

> Indian gaming has provided benefits to over 120 tribes and their surrounding communities in over 20 States. As required by law, revenues have been directed to programs and facilities to improve the health, safety, educational opportunity and quality of life for Indian people.
>
> The amendment—Of the Senator from Wyoming—
>
> would deny similar economic opportunities for additional tribes and communities.

Accordingly, I hope most respectfully that the Senator would seriously consider withdrawing the amendment, and I can assure him in behalf of the chairman of the Indian Affairs Committee that we will accommodate him to every extent possible. He can tell us what witnesses he wishes to be heard. In fact, I am certain we will be able to accommodate him as to when the hearings are conducted. Our first day of hearings will be on October 8, but if he wants 3 days of hearings I can assure the Senator from Wyoming that he will have 3 days of hearings, or 4 days of hearings.

I can also assure the Senator that we will very seriously consider every proposition that he makes. So I hope that his amendment would be withdrawn.

I thank the Chair.

Mr. MCCAIN. Mr. President, I join with Senator INOUYE in expressing strong opposition to the amendment. Just a few months ago, Senator INOUYE and I introduced a bill to amend the Indian Gaming Regulatory Act of 1987. The Indian Affairs Committee, which has jurisdiction over matters involving native Americans, has scheduled the first hearing on this bill on October 8, 1997. This hearing has been on the schedule for over a month. This is the normal and proper procedure for making policy with respect to native American issues.

If I had been able to be on the floor, I would have fought against and voted against this amendment. In its modified form, as it was finally adopted by voice vote, the amendment does not affect any process or procedure that currently exists into law or in regulation. However, it does represent an unwarranted interference into the development of reasonable and appropriate approaches to the authorization and regulation of Indian gaming that have not been considered or approved by the Indian Affairs Committee, the administration, or, more importantly, the tribes.

The amendment, even as modified, represents an ill-advised action of the Congress to influence the future of Indian gaming. The mere fact of offering this type of amendment, which seeks to micromanage the regulation of Indian gaming, will have the effect of prejudicing the outcome of the Indian Affairs' Committee hearings on IGRA amendment.

The proponents of this amendment are seeking to override a carefully balanced procedure in the Congress. They are seeking to throw up new obstacles to prevent tribes from engaging in gaming and to disrupt ongoing negotiations between States and tribes who are cooperating in developing Indian gaming compacts.

The IGRA was carefully crafted to take into account the differences among the several States. IGRA is not perfect, and that is why Senator INOUYE and I introduced amendments to the bill. The Enzi amendment is premature. The Senate Committee on Indian Affairs hearing is the proper forum to discuss these issues and for opponents of Indian gaming to express their concerns.

Mr. President, I join with my colleagues on the Indian Affairs Committee in urging the conferees on the Interior appropriations bill to eliminate this provision from the final conference agreement.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, just 2 or 3 days ago, we had a not dissimilar discussion in this Chamber on proposals that would change present law with respect to Indian and non-Indian relationships. There were two provisions in this bill, of which I was the author, about the immunity of Indian tribes from lawsuit brought by non-Indians and on the way in which money was distributed to Indian tribes through the tribal priority allocations.

The Senator from Hawaii, with the same degree of eloquence that he has used here this afternoon, spoke strongly against those amendments, along with several of his colleagues, partly on the merits but with even more vehemence and eloquence perhaps from the perspective that these were new proposals reversing many years of history about which the Committee on Indian Affairs had had no opportunity for broad-based hearings, listening to both sides of the issue.

As strongly as I felt and feel about the justice of those two proposals, I certainly had to agree on that procedural matter with the Senator from Hawaii. There was last year one rather desultory hearing on sovereign immunity, none on the distribution of money from the Congress to Indian tribes. Between now and the middle of next year these two questions will be very seriously considered by the committee itself, by the General Accounting Office, and I think with increasing awareness by Members of the Senate. That history is in striking contrast with the history of the policy that is the subject of the amendment proposed by my friend and colleague from Wyoming.

I returned to the Senate after a hiatus in 1989 and joined that Indian Affairs Committee under the chairmanship of the Senator from Hawaii. I cannot count the number of hearings the committee has had on this subject. Indian gaming is not something that has a long history. It was authored, if my memory serves me correctly, in 1988, and it has proliferated mightily ever since then with a graph with a steep upward curve.

Objections and protests from Governors, from State attorneys general, and from communities have been constant from the time of a first compact. Pressure from the Department of the Interior on States to enter compacts even when States did not wish to do so has been a constant in this field. Attempts to overrule vetoes on the part of States has been a constant effort ever since. Year after year after year there are hearings on the subject in that committee and absolutely nothing happens.

Not only has no bill on the subject reflecting the views of those in whose communities these casinos have been created or about to be created been reported, no bill on the subject at all has been reported and, to the best of my memory, none has ever come to markup so that members of the committee could vote on it.

So I simply have to tell my friend from Wyoming a promise of hearings is a hollow promise, at least if history is any guide to this question whatsoever.

I must say to you, Mr. President, that I do come to this debate with a relatively long history, not so much with respect to Indian gambling but with respect to organized gambling overall. It was the subject that came up the first year that I was attorney general of the State of Washington more than a quarter of a century ago. I have always been of the opinion that under most places and under most circumstances it is a socially highly dubious activity that has adverse social and cultural impacts, rivaling those of other kinds of activities that we either prohibit or keep strongly under control.

At the same time, I recognize the desire under some circumstances to gamble is something that is a part of all of our human natures. Therefore, I have never been an absolute prohibitionist on the subject. Certainly, however, it seems to me that it is a subject important enough so that the views of the communities that are asked to take on challenges and forms of business that they have never historically been visited with ought to be given immense weight in making these decisions. And they simply are not under the law as it exists at the present time.

I cannot say what the intention or the expectations were of Members who were here when the original bill was passed, but I do not think it was the intention that in State after State and community after community Indian tribes or their designees would purchase land off, in most cases far off, of the historic Indian reservations and immediately, with the compliance of the Bureau of Indian Affairs, put it into trust status so that it stopped paying taxes to the community and then license gambling activities on it. And yet that is what has taken place in community after community across the country. In most of these States it is an activity in which only this small group of American citizens is permitted to engage. Very few States have taken the drastic step of saying, well, the Federal Government can foist Indian casinos on us. We might as well let anyone ask for a casino license.

In most places, it is an activity that is available only for this group of people and only by the interference of the Federal Government. So States lack the ability to enforce rational land and business regulations within their boundaries even outside the historic boundaries of Indian reservations.

By pure coincidence, Mr. President, in the group of clippings from our own State, which almost all of us get every day, I have today an editorial that was printed late last week in the Yakima, WA, Herald Republic which uses the State of the occupant of the chair as an example. I will share a little bit of it with you. It says:

> Developments in Lincoln City, Ore., could serve as a wakeup call for this state to step back and take a long, hard look at the long-range implications of the proliferation of gambling now underway.
>
> Officials in Lincoln City, a picturesque family resort area on the Oregon coast, have noticed some changes in the landscape of the community since the advent of the Chinook Winds Casino and Convention Center. A local tavern started featuring exotic dancers while three new quasi-pawn shops and a check-cashing business opened.
>
> Longtime residents say they've noticed other changes in the community and Lincoln City Mayor Foster Aschenbrenner said the real effects of the casino on the community will take at least two more years to fully realize.
>
> "People used to come here for the natural beauty of the beaches and for swimming," said Merilynn Webb, who has lived in Lincoln City since 1930. "Now they come to gamble, and that's a whole different mentality."

I doubt that the people of Lincoln City voted on this change. I doubt that the Oregon Legislature did. Perhaps the occupant of the chair will be able to enlighten us on that. I doubt that there is a huge Indian reservation inside the boundaries of Lincoln City. Yet, this change has taken place in that community without the kind of thoughtful, long-range consideration that a community should be permitted to engage in before such activities are permitted.

Last year, this body and the House and the President agreed that the proliferation of organized and legal gambling in the United States did present a number of very real social problems to the country. We created a commission on gambling to study those impacts and to make recommendations to us with respect to them. The net effect of the amendment proposed by the Senator from Wyoming would be at least for a time—I wish the moratorium were for a longer period of time, but for a period of time to allow that commission to hold its hearings, to work on its recommendations and perhaps give it the opportunity to make recommendations to us in this connection while those recommendations still may have some meaning rather than to wait until after it is all over. The offer of the Senator, the meaning of his amendment, is simply to say, "look, why should this simply be a decision made by the Indian tribes themselves and the Department of the Interior without an effective right of veto, or an effective right to have these requests meet the requirements of the general laws of each of the States concerned?"

I cannot think of a more reasonable request. I certainly can't believe that it is unreasonable to say that we should have a pause in the creation of enclaves outside of reservations, in communities in which the Secretary of the Interior can authorize gambling, when we are way beyond reservation boundaries themselves.

In fact, I don't think—I don't know the answer to this question—that many of these new casinos are going up in areas that are on the reservation. I know one current request to the State of Washington is for a location 50, 60, 100 miles from the reservation that promotes it, right at the front gate of an Air Force base. There is no promise by the Indian tribe that any significant share, any significant number of the members of the tribe will be employed in that casino. Almost certainly it will be run by an outside contractor and the tribe will get a certain percentage of the take. It is not going to provide real job opportunities there, but it will have the same effect that every other casino has. The money that is spent there is not being spent in small businesses in the community, or in other communities. There will be a certain addition to the number of addicted gamblers and broken families. And we don't have the opportunity to consider all of these impacts.

The proposal by the Senator from Wyoming gives us an opportunity, for 1 year, to pause to determine whether, whatever the positive impacts of this law are, they are not outweighed by the negative impacts. It is not permanent in nature. It will not outlast the effectiveness of this 1-year appropriations bill. But it will cause us to be able to consider these impacts.

I don't believe that in all these years since 1989 we have ever debated this issue on the floor of the Senate. Certainly we have not done so because of any bill reported by the Indian Affairs Committee. In fact, it would seem to me that the goals of the vice chairman of the committee, the Senator from Hawaii, would be better served if we passed this moratorium. I am certain that, if we pass the moratorium, the Indian Affairs Committee will consider the matter urgently, and I strongly suspect we will see a bill of some sort reported by it. But, if history is any guide, withdrawing the amendment in exchange for hearings will cause us to be back here 1 year from today talking about the same issue under the same set of circumstances that we are talking about it today but with a dozen or more additional Indian casinos across the country creating problems in each and every community in which they exist.

So I must say that I strongly support the effort being made by the Senator from Wyoming. I think it is the right answer. I think it is a thoughtful answer to a real national challenge that involves far more than the question of whether or not particular Indian tribes are making particular degrees of profits from these activities, or not. This is a question that goes far, far beyond that and I think can only be addressed thoughtfully and objectively, considering all of its impacts, if we have the kind of pause for which the amendment calls.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that during the pendency of this legislation, Tony Danna, a congressional fellow in my office, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I very sadly find I must rise and respond to the statement just made by my friend from Washington. First, he stated that a promise of a hearing is a hollow one. I find this rather sad, because I have always considered any promise that I have made for hearings as a very serious one. In fact, the hearings that the Senator alluded to were held by the Indian Affairs Committee in an extra large committee hearing room, and we accommodated every witness that was submitted to us by the Senator from Washington. We invited every person that was on his list.

Furthermore, we made it known to the attorneys general and the Governors of the several States. None wished to be heard. Every Indian country spoke up against the Senator's proposition. I don't think that was a hearing that was taken lightly.

As to the hearings that will commence on October 8, I would like to point out, respectfully, that the bill that we will be considering is a result of over a year of consultation with attorneys general, with Indian leaders, with Governors. Before that, for 2 years Senator MCCAIN and I traveled to the several States meeting personally, eyeball to eyeball, with attorneys general, with Governors. We spent hours, we spent days, weeks, months, meeting with these officials to discuss the Indian Gaming Regulatory Act. We did not take our responsibilities lightly. We take it very seriously, especially in my case when I am opposed to gaming. I don't want to see people running gaming operations, people that I would not invite into my home. We take it very seriously.

There was another matter that was brought up by my friend from Washington. He stated that Indian nations were purchasing parcels of land and having them placed into trusts by the Interior Department, and then establishing gaming operations. This is the law that was passed 8 years ago:

> Gaming regulated by this act shall not be conducted on lands acquired by the Secretary in trust for the benefit of an Indian tribe after the date of the enactment of this act, unless the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary's determination.

May I make this flatout statement, that the Interior Department has not approved any gaming activity on any land acquired and placed in trust if such gaming activity did not meet the concurrence of the Governor. That is the law of the land. One would gather from the discussions of the Senator from Washington that Indians are, helter skelter, buying properties all over this Nation, placing them in trust and then, in turn, establishing gaming enterprises.

Yes, it is true that Indians are purchasing lands. They are trying to get back lands that belonged to them that were part of their reservations and taken away in violation of treaties and then placed in trust. But then they need the approval of the Governor, and, if the Governor has not granted this approval, there has been no gaming activity. That is a fact, sir.

I can assure my colleagues that the promise we make of a hearing is not a hollow one. We will accommodate every witness that they submit to us. We will give them ample time to testify. If it means meeting a week or 2 weeks, we will do so, because the matter before us is an important one.

Yes, there are tribes that are making money on this. There are tribes that are flourishing as a result of gaming activities. But there are only 8 tribes out of 121 casinos that are making money. The Nation at this moment is spending about $40 billion in gaming. Of that amount, $3 billion is being spent in Indian country, but the profits of less than 10 percent go to the Indians at this time.

So, we have treated the Indians badly. Let's not exacerbate that.

Mr. President, this is from the Secretary of the Interior:

> I respectfully request that you oppose this type of amendment to the Interior appropriations bill. I have recommended to the President that he veto similar legislative amendments placed in previous appropriations bills.

Mr. President, I ask unanimous consent to have this printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington.

Hon. SLADE GORTON,
Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR GORTON: I understand that Senator Enzi intends to offer an amendment to the FY 1998 Interior Appropriations bill which would amend the Indian Gaming Regulatory Act (IGRA). The Department strongly objects to the proposed amendment for several reasons.

IGRA was enacted to allow Indian tribes the opportunity to pursue gaming for economic development on Indian lands. Since 1988, Indian gaming, regulated under IGRA, has provided benefits to over 120 tribes and to their surrounding communities in over 20 states. As required by law, revenues have been directed to programs and facilities to improve the health, safety, educational opportunities and quality of life for Indian people.

The Department also objects to substantive policy amendments to the Indian Gaming Regulatory Act without hearings involving Indian tribes, state officials and the regulated community. We have consistently supported efforts to build a consensus between tribes and states for amendments to IGRA that would improve the compacting process and increase regulatory capacity. The Senate Committee on Indian Affairs has scheduled a hearing on October 8, 1997 which will focus on S. 1077, a bill to amend the Indian Gaming Regulatory Act. This orderly process allows all parties involved in Indian gaming to contribute testimony on how or whether IGRA should be amended. Significantly amending IGRA through the appropriations process circumvents the legitimate expectation of tribal governments that their views will be heard and considered.

The Secretary's trust responsibility to the tribes coincides with Congress' requirement of only disapproving gaming compacts if they violate IGRA or other Federal law. The proposed amendment would require both state gubernational and legislative approvals, which would in most cases present yet another barrier to a tribe's successfully negotiating the long and complex procedure necessary for entering into tribal gaming. Moreover, the amendment requiring two state-level approval of a tribal-state compact raises serious issues of Constitutional law because it infringes on the State's Constitutional rights of self government.

I respectfully request that you oppose this type of amendment to the Interior Appropriations bill. I have recommended to the President that he veto similar legislative amendments placed in previous appropriations bills.

Sincerely,

BRUCE BABBITT.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I listened to the debate, discussion, the colloquy that has occurred between the Senator from Hawaii and the Senator from Wyoming, who is the sponsor of this amendment. I read the amendment proposed by the Senator from Wyoming, and I believe that it does not in any way interfere with the operation of existing tribal-State compacts. It has no operative effect on those agreements, and I do not understand that the Senator from Wyoming intends to have any operating effects.

Further, it is my understanding from reading the amendment that the Senator's intent is designed to prevent the Secretary of the Interior from unilaterally approving a compact and bypassing the State process that has been established. He attempts to accomplish this by imposing a 1-year moratorium.

No. 1, it does not in any way have an operative effect on existing tribal-State compacts.

No. 2, I think it is fair to say that the purpose of it is to prevent the Secretary of the Interior, in effect, from bypassing the process, the State compact negotiating process, to unilaterally approve such.

I support what the Senator from Wyoming is trying to accomplish.

I have had conversations with the Secretary of the Interior in the past, and I know he believes that he has the ability to do that unilaterally.

Having said that, the point that is made by the Senator from Hawaii is absolutely accurate. That is, as this language is cast in its present form, it would preempt the State process by requiring both the Governor and the State legislature to concur with any compact that has been negotiated with the tribal government. The Senator from Hawaii is absolutely correct in the statement that he makes.

I believe that the Senator from Wyoming, responding to that concern, has offered language that addresses that issue when he proposes to change or modify his amendment by striking line 7 and interlineating in its place instead "in accordance with the Indian Gaming Regulatory Act and State law," and at the bottom of page 2, striking all after the word "approved" on line 17 and inserting similar language. I believe that he accomplishes the objective that I support and responds to the very legitimate point that the Senator from Hawaii makes.

AMENDMENT NO. 1221, AS MODIFIED

Mr. BRYAN. Mr. President, I ask unanimous consent that the amendment be modified in the manner in which the Senator from Wyoming proposed.

Mr. ENZI. Mr. President, will the Senator yield?

Mr. BRYAN. I yield to the Senator from Wyoming.

Mr. ENZI. Mr. President, I certainly agree to that change. I had not proposed that change. I will be happy to do it. The intent was never to infringe on any of the State procedures, but to accommodate the States in the way they have operated in the past. I ask for that change. In the meantime we have gotten it typed up, and I send this provision to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place insert the following new section:

SEC. . LIMITATIONS ON CERTAIN INDIAN GAMING OPERATIONS.

(a) DEFINITIONS.—for purposes of this section, the following definitions shall apply:

(1) CLASS III GAMING.—The term "class III gaming" has the meaning provided that term in section 4(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(8)).

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning provided that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(e)).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of Interior.

(4) TRIBAL-STATE COMPACT.—The term "Tribal-State compact" means a Tribal-State compact referred to in section 11(d) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)).

(b) CLASS III GAMING COMPACTS.—

(1) IN GENERAL.—

(A) PROHIBITION.—During fiscal year 1998, the Secretary may not expend any funds made available under this Act to review or approve any initial Tribal-State compact for class III gaming entered into the or after the date of enactment of this Act. This provision shall not apply to any Tribal-State compact which has been approved by a State in accordance with State law and the Indian Gaming Regulatory Act.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to prohibit the review or approval by the Secretary of a renewal or revision of, or amendment to a Tribal-State compact that is not covered under subparagraph (A).

(2) TRIBAL-STATE COMPACTS.—During fiscal year 1998, notwithstanding any other provision of law, no Tribal-State compact for class III gaming shall be considered to have been approved by the Secretary by reason of the failure of the Secretary to approve or disapprove that compact. This provision shall not apply to any Tribal-State compact which has been approved by a State in accordance with State law and the Indian Gaming Regulatory Act.

Mr. BRYAN. I thank the Chair. So that I understand the parliamentary situation, the amendment is modified in the manner in which the Senator from Wyoming originally proposed?

The PRESIDING OFFICER. That is correct.

Mr. BRYAN. I thank the Chair, and I thank the Senator from Hawaii for his thoughtful comments, because he is absolutely correct that the language that was originally selected would, indeed, preempt State law. I do not want to be a party to that. He, obviously, does not want to be a party to that as well.

AMENDMENT NO. 1222 TO AMENDMENT NO. 1221, AS MODIFIED

(Purpose: To express the Sense of the Senate concerning enforcement of the Indian Gaming Regulatory Act)

Mr. BRYAN. Mr. President, I send to the desk a second-degree amendment, on behalf of Senator REID and myself, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself and Mr. REID, proposes an amendment numbered 1222 to amendment No. 1221.

The amendment is as follows:

At the end of the amendment, add the following new section:

"SEC. . SENSE OF THE SENATE CONCERNING INDIAN GAMING.

"It is the Sense of the Senate that the United States Department of Justice should vigorously enforce the provisions of the Indian Gaming Regulatory Act requiring an approved tribal/state gaming compact prior to the initiation of Class III gaming on Indian lands.

Mr. BRYAN. Mr. President, I would like to explain the purpose of my amendment, which is a sense-of-the-Senate amendment. When the Indian Gaming Regulatory Act was enacted in 1988, the year before I joined this body, a central concept was that class III gambling, such as casino and parimutuel gambling, could be conducted on Indian lands with a tribal-State compact approved by the Governors and tribes and then by the Secretary of the Interior.

Today, there are hundreds of Indian gaming establishments across the Nation offering class III gambling. I might just add parenthetically that our experience in Nevada is that we currently have five such tribal agreements in which five tribes have entered into agreements with Nevada's Governor pursuant to the provisions of the Indian Gaming Regulatory Act, and those compacts have been approved.

I want to make it very clear that I support the intent of the act, and I support the right of Indian tribal governments to enter into compacts with States and to pursue gaming activity at a class III level.

Most of the tribal governments that have entered into these agreements are operating under the approval of these tribal-State compacts, as contemplated by the original law. However, almost from the beginning, there have been some tribes who have chosen to operate illegal class III gambling without an approved tribal-State compact. Over time, some of these gaming operations have become legal by negotiating compacts with the States in which they are located. Some gambling operators, including some who take in millions of dollars each year, have chosen to disregard, indeed, to flout the Indian Gaming Regulatory Act by blatantly continuing to operate illegal class III games without an approved compact, as contemplated by the Indian Gaming Regulatory Act.

Many of the Nation's Governors have appealed to Congress and to Justice to stop this; simply stated, to enforce the law. In the meantime, these tribes continue to operate illegal gambling, believing that the Justice Department would not move to shut them down.

To date, they have largely been right. The Department of Justice and U.S. attorneys across the country have done an abysmal job of enforcing Indian gambling laws. During the year since enactment of the Indian Gaming Regulatory Act, I have had several discussions with Justice about this problem, both the previous administration and the current administration. None of these conversations have been very satisfactory.

It is time that illegal gambling is stopped. The Indian Gaming Regulatory Act is an important law, and it should be enforced. There is simply no excuse for Justice not to do that. There are widespread concerns about the lack of regulation in Indian-run gaming. Today, we should and must make it clear to Justice that this Congress expects its laws to be enforced. If Justice moved tomorrow to enforce the Indian Gaming Regulatory Act, those who conduct legal Indian gaming under the provisions of the law would benefit.

I hope my colleagues will join with me in supporting this sense-of-the-Senate provision. It is very simple, very straightforward. It does nothing to impede legal Indian gambling.

I repeat that I support legal Indian gambling. We have such in Nevada. By this sense-of-the-Senate amendment, we are simply telling Justice that they should enforce existing Federal laws against illegal gambling. Simply: Do your job, enforce the law.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have no other speakers on this side on this amendment.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I think this is a nice addition to the amendment that we have, and I do support it.

Mr. DOMENICI. Mr. President, as a result of the Supreme Court decision in

Seminole of Florida v. State of Florida, we are in a situation that could result in tribal gambling compacts being approved by the Secretary of the Interior without the benefit of State approval. I support the Senator's interest in protecting States rights to help determine the degree of gambling that could occur on Indian reservations.

The Indian Gaming Regulatory Act [IGRA] was carefully constructed to protect both tribal and States rights in negotiating compacts that would make casino style gambling legal. When the Supreme Court decided the Seminole case, it held that the provisions in IGRA that allowed a tribe to sue a State for failure to negotiate were unconstitutional. States are protected from suit by the 11th amendment to the Constitution.

We now have a void that some fear could be filled with a Secretarial determination to establish an alternate procedure that completely avoids State participation in the compacting process. IGRA requires a tribal-state compact before casino type gambling is allowed to operate on Indian reservations. This compact is intended to reflect State gambling law and hence varies from State to State.

Under IGRA, a refusal by the State to negotiate with a tribe triggers a mediation process. If the mediation process does not result in an agreement, the Secretary is given authority to issue a compact based on the mediator's recommendation.

Senator ENZI is proposing language that would prohibit the Secretary of the Interior from approving compacts that do not have State approval. His amendment does not affect existing casinos that might be negotiating with States for renewal of their compacts, but it does prohibit the Secretary from issuing compacts to legalize gambling if those compacts are without State concurrence.

Mr. President, the first version I saw of Senator ENZI's amendment raised a strong concern in New Mexico that the Senator from Wyoming was attempting to cancel the compacts in New Mexico that were recently approved because the Secretary of the Interior chose not to approve or disapprove. According to the provisions of IGRA, the Secretary is allowed 45 days to act. If he does not act, the compacts are deemed valid.

New Mexico is the only State affected by the original language of the Enzi amendment. New Mexico was the only State to get compact approval of its compacts in 1997 because the Secretary did not approve or disapprove the compacts. I immediately discussed this situation with Senator ENZI and he assured me that he did not intend to target the New Mexico compacts because they are the product of years of tribal and State negotiations, law suits, court decisions, and legislative action.

Senator ENZI has changed his amendment to protect States like New Mexico that have State concurrence in the gambling compacting process. With this change, I am able to support his amendment to prohibit the Secretary of the Interior from unilaterally creating compacts for Indian gambling without State concurrence in the process. I believe his amendment is important to protect the spirit of IGRA that recognizes the competing interests of tribal and State sovereignty in determining precise Indian gambling agreements.

I recognize the new difficulty faced by tribes that do not yet have tribal-State compacts in light of the Seminole decision. I believe a 1-year moratorium on Secretarial authority is appropriate as insurance against new compacts that avoid State participation. I am also supportive of legislative action that would clarify the process for tribes in States that refuse to negotiate, but I want to avoid a restructuring of the tribal-State balances we have struck in IGRA.

There remain questions about the conditions and extent to which the Secretary and the tribe could initiate mediation and Secretarial compacts. We need to address these questions, but I do not believe we should leave the solution solely to the Secretary of the Interior. I am pleased that Senator ENZI has changed his amendment to recognize the New Mexico compacts and other compacts with State concurrence. They are clearly valid compacts under IGRA and we should not tamper with them in an appropriations bill.

I am now in agreement with Senator ENZI's effort to prohibit new compacts from becoming legally binding if those compacts do not have State approval. New Mexico tribes and State government have gone through a long and hard process to reach agreement under IGRA. New Mexico voters have been well represented and tribal rights have been recognized. I believe each State should be allowed to participate as fully as New Mexico has in determining the extent of legal gambling on Indian reservations within its borders.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1222) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, now that we have added the second-degree amendment to my amendment, I would like to conclude my remarks so we can move on with the other discussion that is so important to this appropriations bill.

I do have to respond to some comments that were made earlier. I am not trying to do a piecemeal approach that will destroy what the Indian Affairs Committee is doing. I commend them for any activities they take. This is just a very small part of the appropriations, and it is to prevent the expenditure of any moneys by the Secretary of the Interior that would bypass the State's right to an involvement in this process.

I really appreciate the offer for the hearings, the offer to bring witnesses, even so generous as to suggest that we could use 3 days. We have been on this for almost an hour and a half, and that is really all I need, and I have used only a small portion of that. I think we have talked about this issue to the extent that we can, because I have modified it to put it in a situation where I am maintaining business as usual. We are assuring that there is a State's right to involvement in the Indian gaming issue. That is the way it is at the moment, and this amendment doesn't make any change in that.

There is some talk about the words "1-year moratorium" in this. There is a 1-year moratorium because this is an appropriation, and the appropriation deals with 1 year's worth of expenditures, but it is not a 1-year moratorium against the tribes being able to do anything. It is a 1-year moratorium against the Secretary of the Interior being able to impose himself on the process. The Secretary of the Interior cannot make Federal law. We do that right here in conjunction with the House folks. I am trying to make sure that we can keep that same process. So we are not really asking for a 1-year moratorium on Indian gambling.

I heard the letter that was read, and I assume that letter was written before the changes were made here that I have allowed in this amendment. If that letter was written and still intends to be a part of this discussion, I have to say that I am offended. I am offended that the Secretary of the Interior wants to impose his will and a threat of a Presidential veto over business as usual that has already been passed by the Senate.

That is not a role that the Secretary of the Interior can have. We cannot give him that right. That is our right. That is our responsibility. That is what we were elected to this great body to do: to make the law. He can suggest guidelines, and we already have a law that suggests how this process works. The amendment, as it is now written, assures that all States have their rights in this process and that the law continues the way it is now. I have sent the change to the desk.

I ask unanimous consent that the Senator from Alabama, Senator SESSIONS, and the Senator from Missouri, Senator ASHCROFT, be made cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I thank the body for their time and ask for their support on this important amendment.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it may very well be this amendment can be dealt with by voice vote, but there also may be one more speaker who wishes to speak on it. We are checking that out, and so for the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

Mr. GORTON. Mr. President, I believe it is appropriate to put the question on the Enzi amendment, as amended.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment No. 1221, as modified, as amended.

The amendment (No. 1221), as modified as amended, was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1223

(Purpose: To provide additional funding for law enforcement activities of the Bureau of Indian Affairs to reduce gang violence)

Mr. KYL. Mr. President, I send an amendment to the desk. I do not know whether it is at the desk yet, but I think it is not.

The PRESIDING OFFICER. Without objection, the committee amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. CAMPBELL, and Mr. HATCH, proposes an amendment numbered 1223.

The amendment is as follows:

At the appropriate place in title I, insert the following:

"SEC. 1 . In addition to the amounts made available to the Bureau of Indian Affairs under this title, $4,840,000 shall be made available to the Bureau of Indian Affairs to be used for Bureau of Indian Affairs special law enforcement efforts to reduce gang violence."

On page 96, line 9, strike "$5,840,000" and insert "$1,000,000".

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. As my colleagues can see from the reading of the amendment, it is a very short, very simple amendment, that simply takes $4,800,000 from one project and provides it to another for dealing with the problem of gang violence on our Indian reservations. I ask for my colleagues' support.

The amendment is cosponsored by the distinguished chairman of the Indian Affairs Committee, Senator CAMPBELL, and the distinguished chairman of the Judiciary Committee, Senator HATCH.

This amendment, as read, would provide the Bureau of Indian Affairs law enforcement with $4.84 million for antigang activities, equipment, and personnel. The offset would be from the Woodrow Wilson International Center for Scholars fund.

The Senate Judiciary and Indian Affairs Committees held a joint hearing yesterday, Mr. President, which examined the growing problem of gang violence in Indian country. Therefore, I think it propitious that we are able to offer the amendment today to help alleviate the problem that was identified in that hearing.

We heard from representatives of several Indian tribes, as well as the Justice Department, about the problem of gang violence on our reservations.

Here are some of what we found.

According to the Justice Department, violent crime nationwide has declined significantly between 1992 and 1996. The overall violent crime rate has dropped about 17 percent, and homicides are down 22 percent. That is the good news.

Here is the bad news. In the same period of time, homicides in Indian country rose an astonishing 87 percent, Mr. President. The Indian Health Service tells us that the homicide rate among Indians is the highest among any ethnic group in the country—2½ times the rate among white Americans. Numerous tribes, including the Navajo Nation in my State of Arizona, record homicide rates that exceed those of notoriously violent urban areas in our country.

The FBI reports a dramatic increase in violent crime attributable to gangs in Indian country, nearly doubling between 1994 and 1997. The BIA's law enforcement division identified 181 active gangs on or near Indian reservations in 1994. By 1997, that estimate had risen to 375 gangs with approximately 4,650 gang members. The Navajo Nation alone reports at least 75 active gangs. Think about that for a moment, Mr. President. Just one Indian tribe in the State of Arizona has 75 active gangs.

There is a small reservation just east of the Phoenix area that has 19 active gangs on it. These are among Indian kids.

On the Menominee reservation in Wisconsin, there was a 293 percent increase in the number of juveniles arrested between 1990 and 1994. And between 1995 and 1997, the U.S. Attorney's Office in the District of New Mexico has noted an evolution in juvenile killings from reckless manslaughters to vicious, intentional killings.

The crimes can be heinous. On May 15, 1994, a 20-year-old Subway sandwich shop clerk was gunned down while on the job on the Salt River Pima-Maricopa Indian Community in Arizona. That is the reservation I just alluded to a moment ago. Shot six times, including once in the face, young Pat Lindsay later died. His attackers stole sandwiches, chips, and $100 from the sandwich shop.

On South Dakota's Lower Brule Reservation in 1996, four gang members broke into a police officer's car and threw in a Molotov cocktail.

Mr. President, why is it that Indian country is particularly susceptible to gang violence? Part of the answer lies in demographics. The American Indian population is fast growing and increasingly youthful. Based on the 1990 census, 33 percent of the Indian population was younger than 15-years-old versus 22 percent of the general population.

On the Gila River Indian Community in Arizona, about half of the reservation's population is expected to be under the age of 18 by the year 2000.

Another reason for the growing problem is socioeconomic. American Indians lag in comparison to the general population, experiencing cultural disruption, poverty, chronic unemployment, and disproportionate rates of alcoholism and substance abuse. These create an environment in which gangs can flourish.

Insufficient law enforcement and detention capability also contribute to the problem. Juveniles may be arrested, but tribes often lack the detention facilities, the probation officers, adequate social services, including substance abuse programs, creating a revolving door for these young people.

So, Mr. President, the needs for this funding are apparent and urgent.

I realize of course the need to offset the additional funding proposed in this amendment, this $4.8 million. The offset we are proposing comes from the Woodrow Wilson International Center for Scholars. Funding for the center would be set at the level recommended in the House-passed version of the Interior appropriations bill—$1 million. The reduction, I said, amounts to $4.8 million.

The Wilson Center was the subject of a Washington Post article in July. And I ask, Mr. President, unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 18, 1997]

HOUSE CUT WOULD KILL WOODROW WILSON'S LIVING MEMORIAL

(By Stephen Barr)

More than 30 years ago, when Congress decided to honor Woodrow Wilson, it adopted a suggestion by Wilson's grandson and created a "living institution" instead of erecting a more traditional marble and stone monument to the nation's 28th president.

Today, that living memorial—the Woodrow Wilson International Center for Scholars—operates with public and private money in antiquated offices at the Smithsonian Castle. The center is not a think tank and does not take positions on issues, but sees itself as a house where scholars in a variety of disciplines can gather.

But the Wilson Center appears to be at a crossroads. A review by the National Academy for Public Administration (NAPA) portrays the center as a splintered operation, suffering from "damaged morale" and ineffective leadership. The House, which ordered the review, voted Tuesday to give the center $1 million for fiscal year 1998, essentially enough money to disband.

The House decision means the center's future will be in doubt until later this year, since the Senate seems likely to continue its funding. A Senate Appropriations subcommittee is scheduled to meet today, and a spokeswoman for Sen. Slade Gorton (R-Wash.) said he would propose that the center get the same amount it currently receives, about $5.8 million.

The dispute over the center has been overshadowed by the clash over funding for the National Endowment for the Arts (NEA), which receives its funding from the same appropriations bill. Like the NEA, the Wilson Center is caught up in the debate over how much the government should subsidize cultural and intellectual activities.

Center supporters stress that it is neither partisan nor ideological. "I can't understand why the conservatives should be voting against the center," said Gertrude Himmelfarb, a neoconservative and professor emeritus at the City University of New York. "It is the least trendy of all the institutions in the United States. Of all institutions, this is one they should be supporting."

But the center also faces a harsher kind of criticism: that its existence no longer seems to make any difference, particularly in public policy debates.

"I want them to be relevant," said Rep. Ralph Regula (R-Ohio), who heads the House subcommittee that placed the center in jeopardy. "Are they relevant as far as agencies of government in town? I'm not sure they are. Are they relevant to the public? Maybe a little bit." Regula added, "They don't seem to have a sense of mission; they're just kind of drifting."

The NAPA report argues that the Wilson center's operations need to be pulled together so that visiting scholars not only pursue their research but also contribute to the center's specialized geographic programs. The principal purpose of the center, the NAPA report said, is "the bridging of the worlds of learning and public affairs."

Rep. David E. Price (D-N.C.), who led an effort in the House to defend the center, said many of the center's research efforts have "a strong public policy connection" and said the NAPA report did not address the center's relevance to such issues "one way or another."

Charles Blitzer, 69, a target of the NAPA report, has presided over the center as its director for the last eight years. During an interview at his office, where he chain-smoked as the air conditioner struggled against the searing heat outside, Blitzer noted that the NAPA report concluded the center "merits continued support."

He dismissed much of the report's criticism, saying that "we are stuck on a semantic problem" about how to define the center's "mission" in Washington. For the most part Blitzer said, he believes that scholars at the center should be left free to pursue their studies.

According to the NAPA report, the center's only requirement on fellows, in addition to fulfilling their study objectives, is a five-minute presentation on their project to colleagues and staff.

The center annually selects about 35 fellows, who receive an average stipend of $43,000 and spend their time studying and writing. Previous and current fellows include Raul Alfonsin, the former president of Argentina; Anatoly Dobrynin, the former Soviet ambassador to the United States; Washington Post reporter Thomas B. Edsall; author Betty Freidan; New York Times columnist Thomas L. Friedman; novelist Carlos Fuentes; Harvard University professor Samuel P. Huntington; and Itamar Rabinovich, the former Israeli ambassador here.

More than 100 other scholars annually pass through the doors of the center's geographic-based programs. They include the Kennan Institute for Advanced Russian Studies and programs devoted to Latin American, Asian, East and West European, and U.S. studies. The center also operates the Cold War International History Project and the Environmental Change and Security Project, exploring such issues as global population trends and how they fit into U.S. foreign policy.

Some of Blitzer's colleagues agree that an artificial division separates Wilson fellows from the various programs and needs to be addressed. "Scholars working on their own research can enrich programmatic activities and vice versa," said Kennan Institute director Blair Ruble.

The NAPA report also heightened tensions over Blitzer's management of the center, which was criticized in the NAPA report. Blitzer rejected the criticism, saying he has worked to improve the center's endowments, operations and scholarship.

When he arrived, Blitzer said, the center had an endowment of $4 million and $2 million in debts. Now, he said, the center's endowment is valued at $24 million, and $3 million has been raised to furnish new quarters in the Ronald Reagan building at the Federal Triangle, where the center has a 30-year, rent-free arrangement.

Regula has expressed concerns about the Wilson Center's role since the early 1980s and at one point opposed Blitzer's plans to move the center into the Reagan building. Now, Regula's funding cut and the NAPA study have plunged center officials into internal meetings on how to address what Latin American program director Joseph S. Tulchin called a "constructive kick in the pants."

Regula said he has "no qualms" about abolishing Wilson's memorial if Congress concludes the tax dollars being spent do not advance public policy or prove useful to society.

But, he added, "I'm a fan of Woodrow Wilson. For his time, he was a great president, and I like the living memorial. To me, it beats bricks and mortar."

Mr. KYL. Mr. President, as reported in this Post article, the Wilson Center selects about 35 fellows each year who receive an average stipend of $43,000 to spend their time studying and writing. The only requirement of the fellows is that in addition to fulfilling their study objectives, they provide a 5-minute presentation on their project to their colleagues and staff.

A review of the center's operations by the National Academy for Public Administration earlier this year portrays the center as a splintered operation, ineffective, and drifting. The House Appropriations Committee's report on the Interior bill notes that the only accomplishment the academy could cite for the center was obtaining new office space on Pennsylvania Avenue.

The House committee concluded:

> [T]he Center has operated so long without a clear mission that it may be impossible to reestablish one within an organization that has no relevance to real world public policy issues.

It seems to me that we could put this $4.8 million currently allocated to an operation that has been widely recognized as drifting and ineffective toward the real and growing problem of gang violence in Indian country. That is what this amendment is all about, Mr. President.

I express my appreciation to Chairman CAMPBELL and to Chairman HATCH for joining me in this amendment and for their leadership on this issue generally. I hope this amendment will be accepted and that we will begin putting the resources we need into fighting the growing problem of gang violence in Indian country.

Thank you, Mr. President.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I rise in the firmest opposition to this proposal.

Might I first state that I have not the least difficulty with the thought of the distinguished Senators that there might be more funds made available to deal with gang violence among Indian populations. That is a perfectly reasonable proposition. I do not claim any specific knowledge in my awareness of anything notable in that way of difficulty in the State of New York.

But, sir, I am appalled that this reasonable, modest proposal should be advanced at the expense and the effect of destroying the national memorial to President Woodrow Wilson. I have to tell you I was aggrieved to hear the gratuitous comments about the Woodrow Wilson Center that have just been made here on the floor.

There is a history, Mr. President, and I will not go into it in any great detail, but I am prepared to spend the rest of the day and tomorrow, if need be. But let me see if I cannot be brief about this so that the Senate can get on with its work.

In 1961, the Congress, by joint resolution, called upon President Kennedy to appoint a bipartisan commission for the purpose of proposing an appropriate memorial to Woodrow Wilson in the Nation's Capital. We have just seen the opening of the superbly designed memorial to President Roosevelt. In a time sequence, it is not inappropriate that a memorial to President Wilson would take place a quarter century earlier.

In 1968, after a bipartisan commission had deliberated the matter, it was proposed that there be a living memorial to President Wilson—not a statue and not a fountain. And in all truth, he was never known to be seated on a horse.

The idea arose from the same proposition put forth by the American Historical Association that said that, for all the fine universities, there was not a center for advanced studies here in the Nation's Capital where persons from around the world, and principally from the United States, could come and work in our archives, work on our various subjects, land that wouldn't it be a fine thing that there should be such, and why not have it as a memorial to President Wilson, who was a university professor, university president, a great teacher.

In 1968, the Woodrow Wilson Memorial Act was passed. The act's preamble stipulates that this memorial is not to be a statue or a building bearing Wilson's name but rather a living institution expressing "his accomplishments as the 28th President of the United States: A distinguished scholar, an outstanding university president and a brilliant advocate of international understanding."

There is a nice bit of history here which I will not ask anybody to elucidate further, but the measure provides that the chairman of the board of trustees be from the private sector and there be a mix of public and private individuals, all appointed by the President.

On his last day in office, President Johnson appointed Vice President Hubert Humphrey to be the first chairman of the first board of trustees. It was something Hubert Humphrey, beloved Senator that we all know and remember so well, that is what he wished to leave in public life, as he assumed he would be doing, and go forward with.

It happened at that time I had been appointed assistant to President Nixon. In my own work I have done some writing about Woodrow Wilson. President Nixon asked if I would be the first vice chairman. Now, there is a little bit of a problem here because if Lyndon B. Johnson was President, then Hubert H. Humphrey would be Vice President—not exactly a person in the private sector—but President Nixon was not going to make an issue of that.

This is something everybody knew about at the time and was excited about at the time, and so we went forward. We have been at this now for 30 years. The International Center has established an international reputation. The world over, there are persons in universities, in governments, who have been fellows here and retained a tie to the institution that is important. One does not wish to overstate, but it is an important fact of international life, particularly in the area of diplomacy.

I might make the point that our present Secretary of State, most luminous and indefatigable Madeleine Albright, was a fellow at the Woodrow Wilson Center, and on the occasion of the 25th anniversary, President Bush arranged a dinner in the State Department. There were a series of lectures. At one of these, Madeleine Albright had this sort of happy remark, in a lecture. She said, "Let me begin by wishing a happy 25th birthday to the Woodrow Wilson International Center for Scholars. I will never forget my own time at the center as a Wilson fellow. Where else can one do truly independent research, meet scholars from all over the world and get paid for working in a castle? I have always felt in a town full of monuments, the center is unique because it is a living monument. It memorializes not only Wilson, but Wilson's lifelong effort as an educator and President, to map a trail for a future that would elude the traps of the past."

She was referring, of course, to the Smithsonian Institution.

At the time the center began, small amounts of money were made available from the Congress—about $5 million a year; now less. A fundraising effort has been made by the trustees to raise private funds. They now are a larger part of the budget than what the Federal Government provides. But there was no place to locate. Such was the expectation and understanding that the then Secretary of the Smithsonian, the Honorable S. Dillon Ripley, turned over that great Renwick Building, the Smithsonian Institution on the Mall, to the center. It's called among the family of Smithsonian workers the castle, and indeed it is a castle of sorts. It has been there ever since until just this moment. We have completed, on Pennsylvania Avenue, as the statute requires and dictates, a building for the center as part of the Ronald Reagan Building, which will be dedicated next spring.

Let me take the liberty, Mr. President, of citing comments of a few Presidents of the United States. First of all, Lyndon Johnson, who signed the legislation, said "The dream of a great scholarly center in the Nation's Capital is as old as the Republic itself * * * This Center could serve as an institution of learning that the 22nd century will regard as having influenced the 21st."

There was a certain serendipity that its first 30 years should be located in the Smithsonian building. The Smithsonian building was created there for the advance and diffusion of knowledge—primarily in the sciences but also in other areas. Here was the incubator for this new center, "an institution of learning that the 22nd century will regard as having influenced the 21st."

Later in my remarks I will note that there is ample evidence that it has already influenced the 20th century.

Jimmy Carter: "The Wilson Center is a nucleus of intellectual curiosity and collaboration on issues of critical importance to our national well-being."

George Bush, who, as I say, hosted a dinner at the State Department on one of the anniversaries, said, "In this alliance of scholars now world-renowned for exploring some of the most vital issues that confront mankind, Woodrow Wilson's ideals find their highest and most effective expression."

Ronald Reagan, in whose building the center will be part: "The work of this organization symbolizes the yearning by Americans to understand the past and bring the lessons of history to bear upon the present."

Richard M. Nixon: "One of the most significant additions to Pennsylvania Avenue will be an international center for scholars, to be a living memorial to Woodrow Wilson. There could hardly be a more appropriate memorial to a President who combined a devotion to scholarship with a passion for peace. The District has long sought, and long needed, a center for both men of letters and men of affairs."

And now to our own President at this moment, William Jefferson Clinton, and this was just recently: "Three years ago I had the pleasure of signing legislation designating the great public space that will lead from Pennsylvania Avenue to the Woodrow Wilson International Center for Scholars as 'Woodrow Wilson Plaza.' Now that the Woodrow Wilson Center is preparing to move into its own home, fronting on the plaza, I salute its world-renowned contributions to scholarship, international understanding, and public service over the last 30 years. The Wilson Center will be a true living memorial to one of our great Presidents."

I might add, just as a matter of serendipity, that the center will be part of that building construction, the Ronald Reagan Building, which will finally complete, after 70 years, the Federal Triangle, which was begun by Herbert Hoover, under Hoover's Presidency. Hoover was a great admirer of Wilson and was himself an author of one of the finest books ever written on President Wilson.

This 30th anniversary, this impending move and the decision here in the Congress to see that the building will finally go up—no hurry, 30 years. It will be furnished out of private donations. Just this spring there was a large dinner in New York where our most distinguished Chairman of the Federal Reserve Board, Dr. Alan Greenspan, gave an extraordinary address at which we raised—it is a public matter—almost $1 million with a matching pledge for the furnishings, the books, the desks, tables, and such.

On September 8 of this year the New York Times had an editorial on the center saying, "The center has been a tone of civility during political and cultural wars and a refuge for those persecuted elsewhere."

A center for civility. You would be surprised how often a comment returns to that quality in the Senate.

The Times goes on, "The Center's House," referring to the House of Representatives, "critics fault for lacking a public policy function by overemphasizing scholarly pursuits. This seems perversely to miss the point. Washington is amply stocked with policy think tanks, and the Center was never meant to churn out position papers. The hope, instead, was to provide a forum where politicians and officials might encounter those more alien muses of history, philosophy and literature." Could you dispute that the center has stimulated prize-winning books, animated innumerable public workshops and published a lively quarterly? Every Federal dollar appropriated for the center is matched by a private donor."

It goes on in that spirit.

The New York Times is generally thought to be a paper disposed to liberal views—its editorial page. The Weekly Standard, newly and happily arrived in Washington, is nothing of the sort. Its editor, William Kristol, is an avowed and energetic, hugely influential conservative. The Weekly Standard ran an editorial a little while ago when this dispute was coming out in the House, and it said, "Save the Wilson Quarterly!" That is a published journal, scholarly, lively, published once a quarter, and it said this: "Having somehow resisted the p.c."—political correctness—"trendiness that has contaminated the academy, the Wilson Center, under the auspices of the Smithsonian Institution, remains one of the few havens for disinterested scholarship * * *."

I suppose, in the interest of full disclosure, I should say that I am a regent of the Smithsonian, and I believe at this point I am the senior regent appointed from the Senate, as well as the House.

But it says, "Having somehow resisted the p.c. trendiness that has contaminated the academy, the Wilson Center, under the auspices of the Smithsonian Institution, remains one of the few havens for disinterested scholarship in the country."

I began by quoting the New York Times editorial page, a page of liberal opinion. I went on to quote an editorial from the Weekly Standard, a journal of assertively conservative opinion.

Let me now quote George F. Will, one of the most learned, thoughtful, entertaining, and rewarding observers of the Washington scene we have had in a long time. When he is not writing about baseball, he tends to write about politics. Occasionally, he enters the world of such as we are now talking about. He refers to an essay published in the Wilson Quarterly: "The invaluable quarterly of the irreplaceable Woodrow Wilson International Center for Scholars."

See, we have here a living memorial to a great President, well established, known worldwide, read worldwide. There is a web site, there is a radio program called "Dialog." There is no end. There are 200,000 listeners each week. We don't want to put this center at jeopardy.

I am not in the least at a disinclination to provide funds for juvenile delinquency programs in Indian tribes or populations. But at the cost, we can find those funds somewhere. To destroy this irreplaceable institution. We will start again. And, sir, it takes 30 years to take root.

We have had a wonderful fortune in the persons who have led the Center. James Billington, the present Librarian of Congress, himself a great historian, particularly of the Russian Empire, and then the Soviet Empire that succeeded it. James H. Billington is a trustee now, but he was a great director for the longest while.

Then it was the fortune of the center to have for a long period another distinguished scholar, a great administrator, great person, Charles Blitzer, who has just announced, at age 70, his retirement, but after a distinguished career. He had been Assistant Secretary of the Smithsonian when the castle was opened up to welcome the new institution. He went from here to be director of the National Center for the Humanities in North Carolina, and then he was summoned back to the Wilson Center, and now having reached the age of retirement, has announced he will retire at the time a successor is chosen. It might give you a sense, sir, of the importance attached by Americans of every disposition to the Center to know what the search committee is for the new director.

First, James A. Baker III, former Secretary of State and trustee of the Wilson Center. Next, James H. Billington, Librarian of Congress. Mary Brown Bullock, a former fellow, former director of the Wilson Center Asia Program, and now president of Agnes Scott College. William T. Coleman, Jr., a Wilson council member, former Secretary of Transportation, and a distinguished attorney here in Washington. I. Michael Heyman, a trustee and the Secretary of the Smithsonian Institution. Gertrude Himmelfarb, one of the great scholars of our age, a person who has transcended understanding of Victorian Britain. The British learn about their history from Gertrude Himmelfarb today. She was formerly a fellow at the Center, professor emeritus at City University of New York, and a former trustee. Chris Kennan, former Wilson council member. Elizabeth McCormack, Associate, Rockefeller Family & Associates, and former President of Manhattanville College. Finally, Herbert S. Winokur, Jr., Wilson council member and managing partner of Capricorn Management.

You see, sir, an extraordinary array of support, every President since Lyndon Johnson who lined the legislation has attested—in this case, to his hopes and now to the realization of those hopes for this center. Scholars from the world over. Our own Secretary of State—a great quarterly, an extraordinary audience in the world at a minimal cost to our budget and great advantage to our Nation.

Mr. President, I cannot imagine that we would do this act of desecration. I would happily pledge my support to any effort to provide funds for a juvenile delinquency program. But for now, I trust this amendment will be withdrawn and, if not, it will be defeated. I hope it would not have to have a vote. I cannot imagine the U.S. Senate, which created this institution, having to vote on destroying it for another purpose altogether, unrelated and as regards this issue of a profoundly different order of importance.

Mr. President, I thank you. Seeing my friend from Colorado on the floor, I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. Mr. President, I rise to support my friend and colleague from Arizona in his efforts to address the needs of law enforcement in Indian country. Tribal governments are in desperate need of these funds, which will help them to combat the cancer of gang activity growing throughout the country.

I listened very carefully to my friend and colleague, Senator MOYNIHAN from New York, and I have to say that we are not trying to kill the Woodrow Wilson Center; we are just trying to prevent some young Americans from being killed. We are not trying to destroy it. We are trying to prevent a culture from being destroyed. I know, as all of my colleagues know, that we have to make some very tough choices if we are truly going to get our deficit under control and balance the budget. I don't know much about the Woodrow Wilson Center, but I suppose it is very important from a scholarly standpoint. The lives of people that are affected on Indian reservations with our youngsters going into gang activity, I think, is equally as important. I don't think we can put a price tag on their lives.

The Senator talked about the memorial being a living memorial. I simply believe that Senator KYL is on the right track when he wants to keep more youngsters on the Indian reservations also in that State—an alive State. They tell me that the scholars at the Wilson Center get about $43,000 a year to study different projects. I was looking at some of the projects. Very frankly, they may be very important, but some of them I don't quite understand.

Let me read into the RECORD a few of the projects that have been done. Here is one: popular mystical sectarianism and models of rationality in prerevolutionary Russia; family and society in greater Syria; making China perfectly equal; creating language for westernization in early Meiji, Japan. I went to Meiji University in Japan and I don't remember that one. The rise and fall of childrearing experts in 20th century America. I would like to see somebody do a little more study on the rise and fall of children in America and where we have to go to prevent them from getting more involved in gangs. One that I almost can't pronounce is the malediction of malpractice medicine and misfortune in post-colonial Zimbabwe.

That may be very important. I am not going to disagree with the Senator from New York. Maybe it is. I think that we have to recognize, though, that writing about starvation and starving are two different things. Doing studies about youngsters at risk who may be dying from gang violence and then talking to their families who have watched their youngsters die in gang violence are two different things.

I wanted to reaffirm to the Senator from New York that we are not trying to destroy the Woodrow Wilson Center. I am sure it is very important. We just know that there are some things that we face that demand immediate attention, and we think this is one of the ways we can do it.

As my colleague noted, over the past 5 years, homicide rates across America decreased by 22 percent. But on Indian reservations, it went up by 87 percent during the same 5 years.

Yesterday, we had a joint hearing of the Indian Affairs and the Judiciary Committees. Testimony in that hearing revealed that gang violence poses a very special threat to America's Indian tribes that they are simply not equipped to deal with. Those tribes, we noted with interest through the testimony, that have a closer proximity to metropolitan areas, like Phoenix and Detroit, or any large metropolitan areas, that adds more and more pressure on inner-city gangs, like the Crips or Bloods, whatever, and they tend to migrate out and go to a path of least resistance—in this case, the Indian reservations.

Studies conducted by Federal agencies, universities, and tribal governments reveal that gang activity within Indian country has steadily increased over the past decade. A study in 1997, as an example, of 132 tribes conducted by the Bureau of Indian Affairs Law Enforcement Division estimated there were 375 active gangs with approximately 4,600 members. In Arizona alone, as Senator KYL stated, a recent FBI study identified 177 gangs on 14 different reservations.

Juvenile gang activities poses a unique threat to all jurisdictions. And, since there are multiple jurisdictions on Indian reservations, there are often people who should be prosecuted that simply fall through the cracks because of the time consumed in defining who is in charge, who has the jurisdiction for the person. In Indian country, the potential growth is even greater in this jurisdictional maze than it is from any downtown community that faces gang activities.

These limitations on tribal courts and law enforcement authority are imposed by the Federal Government. We can't continue to tie the hands of the tribal justice systems, refuse to adequately fund their law enforcement, and then expect them to do an adequate job in protecting their citizens against gangs.

The Office of Tribal Justice within the Department of the Interior recently stated that "* * * it is twice as likely that a reported crime will be violent"—on the reservation—"as compared with the rest of the United States, yet there are only half as many law enforcement officers on Indian lands per capita."

It is absolutely a problem that is just virtually out of control.

The complexity and severity of youth violence and criminal gang activity within Indian country demands immediate attention. These funds will enable tribal governments to protect their citizens, and they will go far in fulfilling our obligation to protect and preserve the health and welfare of our Indian communities—and the people who are non-Indian who happen to live in those Indian communities.

I know that the Woodrow Wilson Center is important. They get a great deal of private money from well-meaning and good-hearted Americans who contribute regularly to that center—unlike Indian reservations. You rarely have people who are going to donate money to the Indian people who are trying to reduce gang violence. They depend almost totally on Federal money to do this.

With that, Mr. President, I urge my colleagues to support the Kyl amendment, and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MOYNIHAN. Will the Senator allow me just 2 minutes?

Mr. GORTON. I certainly yield to the Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank the Senator for his generous remarks about the center. But I also say that it is so easy to make fun of studies of ancient times and obscure subjects. But a great deal comes with them.

In that New York Times editorial I spoke of, it says at one point:

> That such a forum is needed was suggested by a Senator's inept award several decades ago of a "golden fleece" to a Wilson scholar for writing a paper on how Russia's czars persecuted nomadic minorities centuries ago. This scene was not remote or irrelevant to the author, Bronislaw Geremek, the Polish medievalist who was to play a pivotal role in the Solidarity movement.

"who was to play a pivotal role in the Solidarity movement."

> In the humanities, as in natural sciences, ideas often spring from improbable intersections.

I make a point again about a certain "improbable" intersection.

It was a study by a Polish medievalist of the way in which a central Russian empire persecuted nomadic tribes.

It was thought ridiculous here, but was part of the creation of a career which led to the independence of Poland.

Thank you, Mr. President.

I thank the Senator from Washington for his generosity.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, two points rather briefly in opposing, with regret, the amendment proposed by my two friends and colleagues:

The first is in no way to deprecate or understate the problem of gang violence on Indian reservations, or, for that matter, in any other place, but simply to point out that this bill includes greater increases for Indian programs taken as a whole than it does for any other set of programs.

At the request of the President and of the Senator from New Mexico, Mr. DOMENICI, tribal priority allocations are increased by some $76 million, the distribution of which is to be determined primarily by Indian organizations themselves, any portion of which can be dedicated to this purpose.

Second, the appropriations bill managed by my friend from Colorado, the chairman of the Indian Affairs Committee, the appropriations bill for Treasury-Postal increases the so-called grant program to $13 million with specific reference to criminal gang activity on Indian reservations and a direction to the Bureau of Alcohol, Tobacco, and Firearms to help curtail that gang violence. This $13 million in that bill can be used in whole or in part for the goal that the two Senators aim at. When one totals up all of the public safety and justice programs in the bill before us, the Interior bill, that is an additional $116 million-plus.

Obviously, not all of that, not even a large percentage of it, is going to be used to combat gang violence.

The point is that in this bill, and in the Treasury-Postal bill, there is a true recognition of the seriousness of the problem and significant resources that can be devoted to dealing with that problem.

As a consequence, my attitude toward this amendment would change 180 degrees if this amendment were an earmark of some of those tribal priority allocations specifically to gang-related violence. Personally, I think an earmark would probably be unnecessary.

I accept the seriousness of the problem, as described by my two colleagues, and suspect that those who determine where those tribal priority allocations will go will share those views.

The point is that if this amendment had come out of Indian activities, it would not need to be discussed here at any length. We simply would have accepted it. Instead, Mr. President, it comes out of the destruction of the Woodrow Wilson Memorial.

Last Thursday, when we began this debate, I presented this chart in this large form here on the floor, but with a small one to every Member of the body, showing the relative division of moneys within the Department of the Interior budget—the green on the left being the management of all of our public land, the various blues, almost $4 billion in this bill, for Indian activities. Then we have to come all the way over here to this very short line for all of the cultural activities supported by this bill. In this short line, one-fifth of the amount that goes for Indian programs in total is included in the Smithsonian Institution, the National Gallery of Art, the Holocaust Museum, the two endowments that we debated some 4 days on the floor here, and in a line that would be too small to see on a chart of this size, the Woodrow Wilson International Center for Scholars.

Mr. President, we should not slow up opportunities for scholarly research in the United States. We should not abandon an institution that admittedly authorizes studies in a number of esoteric scholarly pursuits. That simply isn't the way in which we ought to treat our own history, or our own culture. A place outside of the rest of the world for longer or shorter periods of reflection and writing on the part of scholars is not, Mr. President, I am convinced a waste of the taxpayers' money.

I believe the House of Representatives was wrong to follow the course of action that it did in this respect. But by reflecting the views of the House of Representatives, we are saying, fine, there will be $1 million to close down this memorial. It may not be exactly analogous to closing down the Lincoln Memorial, though it is a memorial to a famous President of the United States. But we aren't considering closing down the Lincoln Memorial because it doesn't make money or produce an immediate income.

Woodrow Wilson was himself a scholar, a president of a university, and Congress deemed the best memorial to him would be a place at which scholarly pursuits could be followed.

But this amendment would destroy that institution forever in order to fund an activity for a single year for which there is already an ample source of funds.

So, I must say that I believe it to be an ill-advised amendment—once again, not so much because there can be criticism of the goal that it pursues, but because the goal is already adequately pursued in this and other bills and should not be the excuse to destroy one of the smallest elements of this bill directed at the preservation of American culture, the addition to our fund of knowledge about our own history and about the world around us.

We can vote on this amendment. I hope, if we do, that it is defeated. We could modify the amendment so that it becomes an earmark out of the already large and justified appropriations for Indian activities, one that has a greater increase this year than any other. We should not vote for it in its present form.

Mr. KYL. Mr. President, I would like to speak for a few minutes perhaps to close the debate. I think perhaps most of the things have been said.

Mr. GORTON. Will the Senator yield?

Mr. KYL. Of course.

Mr. GORTON. Senator STEVENS is on his way to the floor. He wishes to speak on it. So we will save time for him.

Mr. KYL. That is fine. I will speak for a few minutes. I know Senator BUMPERS is anxious to present another amendment, and I don't intend to take a lot more time.

But I would like, Mr. President, to get to the essence of what we are trying to accomplish here because the distinguished chairman of the subcommittee has made some constructive suggestions in the end, however, which do not capture the spirit of this amendment.

The whole point of this amendment is to prioritize among scarce resources.

It is true that we have funded Indian programs this year to the extent that we thought was possible, and that represents an increase over last year, and it represents an increase more than the other programs within this budget were increased.

But, Mr. President, that is not to say much, because the needs of our Indian communities are so significantly greater than the amount of money that we can provide that this is a scant comfort, I think, to those in our Indian communities.

I detailed, and my colleague Senator CAMPBELL from Colorado detailed, some of the things which we learned in the hearings yesterday jointly held which discussed the dire situation on our Indian reservations today regarding gang violence and the need to, obviously, do much, much more in a concerted way to alleviate that problem now.

So, while it is true that we could take money from some other Indian program and apply it to this program, I don't see that as a solution given all of the other needs that exist on our Indian reservations.

While it is also true that we have allocated $13 million toward a very specific program—not to the BIA but the money goes to the BATF, a totally different program for training—while it is true that that money is in this budget, that is not an adequate substitute for what we are trying to provide for in terms of very special operations requirements to deal with the problems of gang violence.

Just to reiterate a couple of things—I will not take long—but there are half as many law enforcement officers per capita in Indian country as there are in the small communities outside Indian country.

We are not just talking about training people. We are talking about hiring people to be on the job and doing their job. In terms of the detention facilities and all of the other personnel that are required, in every category it is far less than needed in Indian country, and that is one of the reasons, as I pointed out from the testimony, that you have this difficult problem of gang violence.

So when the distinguished chairman of the subcommittee says, well, one thing we could do is simply take money from another part of the Indian budget and put it into here, that is true, but that is really in a sense robbing Peter to pay Paul.

What we are suggesting, the chairman of the Indian Affairs Committee and myself, is to prioritize in a larger sense from the entire budget that we have under consideration here, this Interior appropriations budget.

What we are asking, Mr. President, is this question: As between the funding that is being provided by the Federal Government, the Federal component to the Woodrow Wilson Program and this particular need, which one is more important in today's America? Which one does the Senate justify better to the taxpayers of America? Both Senator CAMPBELL and I have been very clear that we are not attempting to kill the Woodrow Wilson Center. As a matter of fact, it receives more in private funding than it does in Government funding. We are simply reducing the amount of Federal Government funding to the level recommended by the House of Representatives.

Last year, its budget was something like $12.5 million, and, as I said, more than half of that was from the private sector rather than from this Interior appropriation. So this is not an effort to kill that center. But I do think that because of the criticisms leveled at the center, among others, from the National Academy of Public Administration, I think a study of significance and objectivity, because of some of those criticisms I think it is wise for us to ask whether or not a priority of spending taxpayer dollars should put those moneys into this program as opposed to the one which everyone here has said deserves support, our attempt to deal with Indian gang violence.

The distinguished Senator from New York talked about some of the leaders of the Woodrow Wilson Center, including the current director who is about to step down. But one of the conclusions of this important study about the center is as follows:

> The director's performance is deficient in a number of areas. For example, he has not effectively articulated what the Center does.

Mr. President, if the director of the center cannot articulate what the center does, I wonder just how good a memorial to President Wilson this really is. And since my colleague from Washington State compared this to the Washington Monument, for example, I will do a little comparing myself. It is true that the Washington Monument does not pay a scholar $43,000 a year to write an esoteric paper, but I think it inspires 250 million Americans every year in ways that probably can't be measured but help us to appreciate what our country stands for and to remember the great Presidents of this country. I would rather that the Woodrow Wilson Center do a better job, frankly, of inspiring Americans and reaching out to all 250 million Americans instead of its very narrow focus on the somewhat esoteric papers that are written there.

Our colleague from New York talked about the fact that one of the scholars noted: Where else can you work among intellectuals and get paid for working in a castle? It is a nice way of saying that it is a very nice thing to be a recipient of this funding. I am sure for those who get it, it is. Undoubtedly, some of the papers presented are very worthy.

One of the other criticisms that was leveled at the center from this review of the organization by the National Academy of Public Administration noted the fact that some of the employees of the program and program staff and fellows could benefit from more cooperative activities and that they be urged to make some interactions obligatory rather than voluntary. They said that the center "does not fully motivate fellows toward cooperation and gives them the option to work in isolation from others. Some are called 'phantom fellows' because they seldom appear at the Center let alone interact with staff members."

So apparently not all of the fellows who receive this stipend are participating in the activities described by the Senator from New York.

I am not here to criticize the Woodrow Wilson Center, but what I am saying is that it is a troubled program. That cannot be denied. Now, advocates of it, proponents of it will say it is going to be improved and it has performed a mission in the past. After all, we would not want to do anything to suggest we do not honor Woodrow Wilson. Obviously, none of us are suggesting that. But when on the one hand you have a program that has been troubled and a program which can be sustained by private funding as opposed to support for Indian gang activities, which, as the Senator from Colorado noted, is probably not going to be supported by private giving—it relies exclusively on the Senate and House of Representatives to provide the funding for those programs in Indian country—I think in setting the priorities, we can say that this $4.8 million is better spent on saving lives on the Indian reservations, as my colleague from Colorado put it, rather than continuing to fund that degree of support to the Woodrow Wilson Center.

Mr. President, again, I compliment the Senator from New York for his vigorous advocacy of the center. It is not our intention to kill it. I compliment the distinguished subcommittee chairman for noting that there are ways in which other Indian programs could have their funding reduced in order to support these important gang activity programs.

Again, I do not think that is a good option. We need more money than we can possibly appropriate to Indian activities rather than simply taking it from one Indian activity and putting it against this particular problem. I think at the end of the day the answer here is take this $4.8 million from the Government-sponsored portion of the Woodrow Wilson Center and apply it to dealing with the problem of gang activity as part of the BIA budget.

I appreciate again the support of the distinguished chairman of the Indian Affairs Committee, Senator CAMPBELL from Colorado.

Mr. MOYNIHAN. Will the distinguished manager, the Senator from Washington, allow me just one word?

Mr. GORTON. I certainly will, and I think the Senator from Utah wants to speak briefly on the amendment as well.

Mr. MOYNIHAN. May I say in response to my friend from Arizona, first of all, that the remark about being paid to work in a castle was just a friendly joke by Madeleine Albright, now our Secretary of State. She was a fellow at the Woodrow Wilson Center in the 1980's.

As far as I know, no fellow makes $43,000 a year. No one is above that. Some come for short periods, others for longer periods. Some come to the center and spend much of their time in the archives of the Library of Congress. It is a center for scholars, and they are different one from another. They have different views. And they have to be let do their work as they will.

Remember how Madeleine Albright finished her remarks. She said of the center:

> It memorializes not only Wilson but Wilson's lifelong effort as an educator and President to map a trail for the future that will elude the traps of the past.

The cost of this is so small. Some stipends are moderate, are barely up to the living levels, a third of what an executive in one of our executive departments makes, but no one is in that life for the salary and no one is at the center for this purpose. The world is proud of what we have done. I hope, sir, the Senate would do the same.

I thank the Chair.

Mr. President, I ask unanimous consent at this point, if I may, to introduce a letter sent by the distinguished Librarian of Congress James Billington to the second director after Mr. Baroody of the Center, Joseph Flom, who is chairman of the board of trustees, setting forth the principal point that a center for scholars is not a think tank. It does not produce policy papers or policymakers. It can produce policymakers. It produced Madeleine Albright, just for an example today, but it has a different purpose, one declared by Congress when Congress enacted this legislation in 1989.

I yield the floor and I thank the Chair.

I ask unanimous consent it be printed in RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE LIBRARIAN OF CONGRESS,
June 30, 1997.

JOSEPH H. FLOM, Esq.
Chairman, Board of Trustees, Woodrow Wilson International Center for Scholars, New York, NY.

DEAR MR. CHAIRMAN: I am writing as a statutory member of the Board of Trustees to express my deep concern at both the recommendation of a shut-down and the accompanying language that has just been reported out on the Wilson Center from the Subcommittee on Interior and Related Agencies of the House of Representatives. As a former director of the Center, I may be able to help provide some perspective on the central institutional question that has been raised.

The main substantive charges against the Center as an institution seem to be that it does not have a "public policy function," currently emphasizes "scholarly pursuits over its public policy objectives," and has lost effectively "the original goal of the Center to link these two worlds [scholarly and public policy]."

I do not believe that the Center has ever formally had a "public policy function" as that term is generally understood in Washington; and I am troubled by the seeming implication that a deep emphasis on scholarship is somehow a distraction from (rather than a prerequisite for) making a distinctive contribution to the overall public policy dialogue in Washington.

The Board, after the Center's initial shakedown period, produced a major study by Dillon Ripley and William Baroody, Sr., some time in 1972–73, basically suggesting that, in a city with many public policy think tanks and a constant preoccupation with immediate public policy concerns, the most fundamental unmet need was to bring into Washington precisely the kind of broad-ranging, high scholarly talent that did not normally come here: to assemble each year a critical mass of first-rate thinkers performing major projects—and then to bring them into creative contact with the world of affairs represented by almost all the rest of Washington. After nearly a decade of commissions and discussions with Congress about how to memorialize Woodrow Wilson (and a brief start-up period that was largely focussed on public policy research), the Board decided that the Wilson Center should not be another version of the public policy think tanks that were then well represented in Washington by organizations like AEI or the Brookings Institution. The distinctive market niche of the Wilson Center was to provide something which neither the think tanks nor the universities of Washington were able to provide: temporary opportunities for a sufficient number of the highest quality thinkers, largely out of academia, to pursue major projects in a place and atmosphere in which they would also be brought in contact with the world of affairs. I was hired in 1973 in response to this study; and, so far as I know, the Board did not then foresee—and has not since foreseen—a public policy mission or agenda as such for the Woodrow Wilson Center.

The distinctive role of bringing top intellect to Washington from all over the country and the world seems to me even more needed now than it was nearly a quarter of a century ago when I came to Washington to run the Center. There has been since that time a great growth of public policy think tanks in the Washington area, but almost no expansion of the possibilities for world-class intellect to be brought here for the kind of long-term, ranging and reflective scholarship that the Wilson Center has consistently sought out. Therefore, for the core mission of "strengthening and symbolizing" the link between the worlds of ideas and affairs, this type of Center may well have an even more important and distinctive role to play now than it did then.

I believe that the growth of public policy think tanks in Washington has been a constructive development for our open democratic society, but most of them are inclined (quite properly) to develop advocacy as well as research roles; and I think everyone agrees that this would be inappropriate (and probably unsustainable) in a federally-supported institution. No one, as far as I know, has accused the Center of having been co-opted by the ideological or methodological biases that often plague entrenched faculties and academic guilds. Indeed, a great strength of the Center is its meticulous and, I have felt over the years, remarkably unbiased process of selecting fellows. As a member of the Fellowship Committee, I have been impressed not just with the high quality and variety of the selectees but also with the fairness and objectivity of the selection process.

It seems to me that the Center has consistently had and sustained a basic, twofold mission of competitively bringing high-quality, first-class minds to do research on important questions in Washington and of interacting them with the broader world of affairs in this city. Such a broad mission, of course, leaves many important and legitimate questions unanswered: should more fellows be brought into the Center with public policy projects? How much and what kind of dialogue should be conducted within the Center and with the world of affairs outside? To what extent should the Center be internally organized by themes, disciplines, or regions as a way of energizing the fellows? Should more practitioners be included in the mix?

All these are recurring questions for which there is no absolute right or wrong answer. Either the Congress or the Board or both together may well want to undertake or to commission some kind of overall assessment of the Center or of the whole memorial idea—or may wish to produce a great deal more in the way of explicit mission, strategy, or policy statements.

I believe, however, that there would be very serious and predictably negative consequences to any studies or commissions undertaken with the presumption that the Center should have some new and explicitly mandated public policy mission or function. The Center would, first of all, become political—not so much, probably, in the sense of acquiring a distinct overall advocacy coloration, but in the sense of becoming an inviting and exposed arena for the continuing play of political pressures and advocacy agendas that would increasingly influence the choice both of the issues to be studied and of the fellows to study them. Center officials would spend their time debating how to slice and distribute pork—rather than how to bring new types of food to the Washington table and find new ways to serve it better to more people.

To be sure, a small Center retooled with a public policy agenda could probably add a small amount to public policy research and dialogue on current questions in this city. But there is already so much of this kind of research in Washington that the Center's contribution to public policy would almost certainly be marginal at best and redundant at worst. What would almost certainly be irreplaceably lost in the process, however, would be the two benefits to society that the Center has implicitly promised to provide for nearly a quarter of a century: (1) the highest quality standards for studies produced at taxpayer expense; and (2) a shaping effect over the log term on the world of affairs.

(1) An important, all-permeating weakness of the NAPA study (justifiable perhaps in a "review of Organization and Management") is its seeming failure to recognize that the major "product" of this small Presidential memorial is quite properly the quality of its intellectual activity. Whatever one might justifiably add or subtract from the programs, activities, and analyses of the Center, one should not, it seems to me, embark on any serious comprehensive reviews under the delusion that it will be possible to sustain the high quality of the scholarship that has been and is being maintained if there is any blurring at the Center of its well established focus on the quality and promise of individual fellow's projects.

The present director helped shape and support that core commitment in the earliest days of the Center; and he and his staff are to be praised for continuing to insist that scholarly quality and long-term promise provide the indispensable platform on which any serious and lasting accomplishments have to be based.

(2) One of the key founding Board members said early in the history of the Center that its mission was to be a place which the 22d century would recognize as having helped shape the 21st. Lasting, long-term impact was the desired pay-off; basic scholarship on important questions was the armature; the matchless scholarly resources of Washington provided unique ammunition; and federal funds were to be provided basically for venture capital with long-term prospects rather than for short-term investment in the ever-shifting public policy debates of this present-minded city.

Sincerely,

JAMES H. BILLINGTON,
Librarian of Congress.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I just wanted to respond to Senator MOYNIHAN, to the Senator's comment about the $43,000 stipends. According to the article in the Washington Post, which I submitted for the RECORD a moment ago, by Stephen Barr writing about the Woodrow Wilson Living Memorial—and I quote now:

> The Center annually selects about 35 fellows who receive an average stipend of $43,000 and spend their time studying and writing.

Also if one does math of the $12,500,000 budget, roughly, of the program, I believe about $1.7 million of that is allocated for the stipend. And if you divide that number it averages out to something over $40,000 a year. So that is where I got my information that the average stipend is about $43,000.

Mr. MOYNIHAN. Mr. President, I must apologize to my friend. He accurately describes this passage from Mr. Barr's article on the Federal Page and the average stipend. But if I could just take a moment to go on to say what this same article says:

> Previous and current fellows include Raul Alfonsin, the former President of Argentina; Anatoliy Dobrynin, the former Soviet Ambassador to the United States; Washington Post reporter Thomas B. Edsal; New York Times columnist Thomas L. Friedman; novelist Carlos Fuentes; Harvard University Professor Samuel P. Huntington, and Itamar Rabinovich, the former Israeli Ambassador here.

This is a great institution, been a great success. Can we not leave it to its great desserts, as it was intended?

I do want to tell my colleague I was in error, and I do apologize.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I find this debate very illuminating, and I congratulate the Senator from Arizona in bringing an issue to the attention of the Senate that I for one was not aware of. I do not treat lightly the conclusions of the Association for Public Administration who have made their examination of the Woodrow Wilson Memorial. I think it deserves airing.

I think the deficiencies that are identified in that report should be discussed, and at some point I may find myself convinced to follow the Senator from Arizona down this particular road if in fact there is not a significant change that would allow at least some objective observers to come to the conclusion that the Memorial was more fittingly fulfilling its mission than apparently it is now.

Having said that, I find that I will vote with my subcommittee chairman on this issue for the following reason, based on my own experience in terminating longstanding organizations.

When the Republicans took control of the Senate, I found myself on the subcommittee for the legislative branch, chaired by the Senator from Florida, [Mr. MACK], and the two of us as a team began to look around the legislative branch to see what there was that we might either cut back or eliminate because it was not performing properly. We focused in on the Office of Technology Assistance, OTA, and, as we spent time looking at OTA, we found that it did a number of very good things. We also found that it was duplicative of a number of very good things that had been done other places in the Government.

I was lobbied about as hard on that issue as any issue I can think of by Members, not only of this body, including the Senator who is now the chairman of the Appropriations Committee, but also Members of the other body who came at me and said, "we must hang on to the OTA for all of these good reasons."

Senator MACK and I agonized over this decision for a long period of time. We examined the record of the OTA. We had the leadership of the OTA come before the subcommittee and we held open hearings, we presented to them our concerns and we gave them every opportunity to respond. Ultimately, we came to the conclusion that the OTA was, indeed, duplicative of that which was being done in the Library of Congress, particularly the Congressional Reference Service, and however good its performance was, we decided that it was redundant and we voted, ultimately, to shut it down.

When you take something that has been part of America as long as the Woodrow Wilson Memorial has been, I think you owe it the same kind of opportunity to defend itself through hearings and examinations if, indeed, you are determined to kill it. As a member of the subcommittee before which such hearings would be held, I do not recall that the subject has ever come up prior to the introduction of this matter on the floor.

Much as I sympathize with and react to the need for more money in the Indian gang program, and if we can find more money I am more than sympathetic to finding an offset to make it happen, I am reluctant on the basis of a debate on the floor—without a hearing, without an opportunity for these people to come defend themselves, to lay out exactly what they are doing in a full hearing circumstance where they are notified sufficiently in advance and are able to marshal their arguments and their activities—to react to the debate on the floor saying, "All right, this sounds more logical as a priority than that and so I will vote to eliminate an agency that has been around for, what, 30 years?"

So, for all of my sympathy with my friend from Arizona, and I am reluctant to oppose him because he is usually right and he is very thoughtful and he does not give knee-jerk reactions to these things, I find that I will be with my subcommittee chairman in saying that this is not the kind of thing to do at this late hour in this bill with an amendment on the floor.

I would say to my friend from Arizona, if in the next appropriations cycle, which will be upon us so rapidly we will not be able to remember how short the time was, he wants to raise this in the subcommittee, I would support the actions of the subcommittee in having a hearing on this and letting the people from the Woodrow Wilson Memorial come in and respond to the charges that have been made against them by the responsible organization that has examined them. And I will keep an open mind in that circumstance. But I reluctantly part company with my friend from Arizona in this circumstance and at this time, because I do not think it is fair to the people who are involved in the Woodrow Wilson Memorial for the Senate to make this kind of a decision in this rapid circumstance.

So, I intend to be with my subcommittee chairman and intend to vote to keep the bill as it is in this regard.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Washington.

Mr. GORTON. Mr. President, I need make no more remarks on the subject myself. I am asked, with great urgency, by the chairman of the Appropriations Committee, Senator STEVENS, who is in intense negotiations over the defense budget at the present time and is unable to be on the floor, to state that he is adamantly opposed to this amendment and supports the Woodrow Wilson Memorial and hopes the amendment will be defeated. That is all I have.

Mr. KYL. Mr. President, I just wanted to make one comment and then close the debate and ask for the yeas and nays. I want to reassure my colleague from Utah that our amendment does not eliminate the Woodrow Wilson Center. It is not our intention to eliminate the Woodrow Wilson Center. And nothing in it does eliminate the Woodrow Wilson Center. The majority of its funds come from the private sector. One could argue that removing this $4.8 million would have a significant impact upon the Woodrow Wilson Center, but several times in the presentation you talked about eliminating it. I just want the record to be clear that our amendment does not do that.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. Mr. President, just to clarify what was not meant to be misleading, to leave the center with a million dollars would be with the understanding that it would close, and I think this is something we would regret for a very long time.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the Kyl amendment, No. 1223. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Minnesota [Mr. WELLSTONE] is necessarily absent.

I also announce that the Senator from Hawaii [Mr. AKAKA] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Minnesota [Mr. WELLSTONE] would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The results was announced, yeas 34, nays 64, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—34

Abraham
Allard
Ashcroft
Bingaman
Brownback
Campbell
Coverdell
Craig
DeWine
Domenici
Durbin
Enzi
Faircloth
Grams
Grassley
Hatch
Helms
Hutchison
Inhofe
Kempthorne
Kyl
Mack
McCain
McConnell
Murkowski
Murray
Nickles
Roberts
Santorum
Sessions
Smith (NH)
Thomas
Thurmond
Wyden

NAYS—64

Baucus
Bennett
Biden
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Chafee
Cleland
Coats
Cochran
Collins
Conrad
D'Amato
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Gregg
Hagel
Harkin
Hollings
Hutchinson
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mikulski
Moseley-Braun
Moynihan
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thompson
Torricelli
Warner

NOT VOTING—2

Akaka
Wellstone

The amendment (No. 1223) was rejected.

Mr. MOYNIHAN. I move to reconsider the vote.

Mr. ROBB. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBB addressed the Chair.

Mr. GORTON. I yield to the Senator form Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I thank my colleague from Washington.

CHANGE OF VOTE

Mr. ROBB. Mr. President, on rollcall vote No. 245 I was erroneously recorded as voting "aye" when in fact I voted "no," as verified by the C-SPAN tape. Therefore, I ask unanimous consent that the official RECORD be corrected to accurately reflect my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, for the information of all Senators, at this point I know of only one other amendment on which a rollcall vote will be required. That does not mean to say there are not others that we will not be able to settle that might possibly require a vote. But I only know of one more, and it will be proposed by the Senator from Arkansas [Mr. BUMPERS], but in a couple of minutes.

Right now I have two or three unanimous-consent requests on amendments that have been agreed to.

Mr. BUMPERS. Will the Senator yield?

Mr. GORTON. I will.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I ask unanimous consent that the pending amendment be laid aside and the Senate proceed to the committee amendment beginning on page 123, line 9.

Mr. GORTON. No. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. GORTON. We have three or four unanimous-consent requests for amendments we have agreed to that we would like to do first.

AMENDMENT NO. 1225

(Purpose: To provide funding for the engineering and design of a road in the Wasatch-Cache National Forest)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senators BENNETT and HATCH and ask for its immediate consideration.

It provides funding for a design of a road associated with the 2002 Winter Olympics, offset by a reduction in land acquisition in Utah.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. BENNETT and Mr. HATCH, proposes amendment numbered 1225.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 17, strike "$9,400,000" and insert "$8,600,000" and on page 65, line 18, strike "$160,269,000," and insert "$161,069,000," and on page 65, line 23, after "205" insert ", of which $800,000 shall be available for the design and engineering of the Trappers Loop Connector Road in the Wasatch-Cache National Forest".

Mr. BENNETT. Mr. President, I appreciate the willingness of the Chairman to include language regarding the design and engineering of the Trappers Loop Connector Road in the Wasatch-Cache National Forest. I want to clarify the intent of this amendment which has been accepted by the Managers of the bill.

The language I have included provides $800,000 to the Forest Service to undertake the preliminary design and engineering of a road connecting the Trappers Loop (SR 167) and Snowbasin, the site of the 2002 Winter Olympics Downhill and Super "G" ski racing events. This road is identified in their Master Plan as a Phase I project referenced in Public Law 104-333, Section 304. Is it the Chairman's understanding that this language is consistent with the provisions set forth in Public Law 104-333, Section 304?

Mr. GORTON. This is correct. The Senator from Utah rightly points out that Section 304 of Public Law 104-333 recognizes Phase One facility construction and operation activities as set forth in the Snowbasin Ski Area Master Development Plan dated October 1995. This statute specifically states that ". . . 'Phase I' facilities referred to in the Master Plan . . . are limited in size and scope, and are reasonable and necessary to accommodate the 2002 Olympics, and in some cases are required to provide for the safety for skiing competitors and spectators." Clearly, this project falls within the parameters of Public Law 104-333, Section 304 and is vital to the successful execution of the Downhill event.

Mr. BENNETT. I thank my colleague for the clarification. Is it the Committee's intent that the Forest Service proceed quickly on the design of this project?

Mr. GORTON. I understand that there is a very short time frame in which this project must be completed. Therefore, once funds are made available by the enactment of this Act, the Committee fully expects the Forest Service to proceed quickly with the design and engineering of this road. However, the Committee is concerned that the Forest Service is not left with the full responsibility of funding this project. I ask the Senator from Utah if the Olympic Committee and the State of Utah are pursuing other funding options for the construction of the road?

Mr. BENNETT. The Senator raises a good point. The Olympic Committee, working in conjunction with the Utah Department of Transportation has been pursuing a number of funding options for this project. It is my intent to work closely with the Olympic Committee and the Utah Department of Transportation in these efforts. I thank the Chairman for his assistance in this matter.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1225) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1226

(Purpose: To require the Chairperson of the National Endowment for the Arts to give priority to funding projects, productions, workshops, or programs that serve underserved populations)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator DEWINE and ask for its immediate consideration.

This amendment requires the National Endowment for the Arts to give priority in grantmaking to underserved communities.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. DEWINE, proposes an amendment numbered 1226.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, insert the following:

SEC. . (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C.

9902(2))) applicable to a family of the size involved.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1226) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1227

(Purpose: To direct the Secretary of the Interior to submit to Congress a report identifying at least 20 sites on Federal land that are potentially suitable for Youth Environmental Service program activities)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator GRAHAM of Florida directing the Secretary of Interior to prepare a report on Youth Environmental Service programs.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. GRAHAM, proposes an amendment numbered 1227.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 63, between lines 8 and 9, insert the following:

SEC. . YOUTH ENVIRONMENTAL SERVICE PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Secretary of Interior, in consultation with the Attorney General, shall—

(1) submit to Congress a report identifying at least 20 sites on Federal land that are potentially suitable and promising for activities of the Youth Environmental Service program to be administered in accordance with the Memorandum of Understanding signed by the Secretary of the Interior and the Attorney General in February 1994; and

(2) provide a copy of the report to the appropriate State and local law enforcement agencies in the States and localities in which the 20 prospective sites are located.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1227) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. If the Senator will withhold.

AMENDMENT NO. 1228

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senators REID and BRYAN.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BRYAN, proposes an amendment numbered 1228.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

No funds provided in this or any other Act may be expended to develop a rulemaking process relevant to amending the National Indian Gaming Commission's definition regulations located at 25 CFR 502.7 and 502.8.

Mr. REID. Mr. President, my amendment to the bill is straightforward and simple.

It will prohibit the use of appropriated dollars to begin a rulemaking process by the National Indian Gaming Commission that runs contrary to congressional intent.

Nine years ago, the Congress passed the Indian Gaming Regulatory Act to regulate what was even then a rapid spread of gaming activity in Indian Country.

The act established a three-member Commission to promulgate regulations to control and oversee tribal gaming activities.

These regulations were intended to ensure the integrity of the games and to give States an assurance that gaming activities that were not available to non-Indians similarly did not occur on tribal lands.

These regulations were four years in the making and have sustained legal challenges all the way to the Supreme Court.

In essence, the regulations serve to classify and define the different types of games allowed under the Indian Gaming Regulatory Act.

Games such as blackjack, craps, and roulette fall under the category of class III, basically casino gambling.

Games such as slot machines and video poker machines—the largest revenue generators of gaming—also fall under the class III category.

Games such as bingo and traditional tribal gambling games fall under class II and class I respectively.

For years these regulations have worked well. Electronic devices that clearly are class III, or slot-machine-type devices, have been regulated under class III gaming.

This is significant because class III, or casino-type gaming requires States and tribals to enter into a compact and to regulate it.

Needless to say, unregulated casino gaming would be bad for consumers, bad for States and bad for tribes.

Even so, for years, some tribes and manufacturers of gaming devices have sought class II designation for devices that clearly are slot machines or video poker-like devices from the National Indian Gaming Commission.

These efforts have failed because of the strict convention of the existing regulations.

But now, this Commission has initiated an open-ended rulesmaking process that would seek to redefine what constitutes an electronic gaming device.

The lawyers at the Commission who initiated this process will tell you that they simply want to clarify the definition of electronic or mechanical devices that are not games of chance but are vague under the existing regulations.

They will tell you that they are simply clearing up confusion.

If that is the case, then why is their advance notice of proposed rulemaking so broad in nature? The solicitation in this notice, published in the Federal Register, states that the Commission is seeking public comment—quote—"in its evaluation of the decision to amend its current definition regulations" end quote.

I would like to know how this decision was made. Who made this decision to amend the definitions? How was it accomplished?

It certainly was done without any notification to a number of us who are familiar with this issue and interested in it.

Perhaps most importantly, Mr. President, I would remind the Senate that the very same Commission that is now seeking to embark on an extensive rulemaking process is the one that only two months ago was beseeching the Appropriations Committee to change current law so it could collect more fees from tribes.

Why? Because this same Commission said it didn't have enough money to fulfill its legal mandate to regulate gaming.

Interestingly enough, less than half the tribes conducting gaming across this country are in compliance with the existing regulations.

Mr. President, this Commission has been wracked with controversy. Its previous chairman left under a cloud of alleged mismanagement.

This Commission needs to get its act together before it embarks on any rulemaking process, let alone one that undermines existing and good regulations and violates congressional intent.

We need, at least, Mr. President, some time for the committees of jurisdiction of this Congress to have hearings on such a significant change that could occur with the rewriting of these regulations.

This amendment will allow Congress time to be informed by this Commission about such a significant action.

Mr. DOMENICI. Mr. President, I would like my colleagues and my constituents to understand why I support the amendment of Mr. REID regarding the classification of gambling devices by the National Indian Gaming Commission. As we have experienced in

New Mexico, the Indian Gaming Regulatory Act [IGRA] was difficult to apply in our state, but it does draw some important lines and legal distinctions that are now understood by New Mexico tribes and the state government. IGRA now serves as the basis for the compacts that allow Indian gambling casinos to be legal in New Mexico and in our nation.

If we do not adopt the Reid amendment, I believe we will be implicitly supporting an effort that has the clear potential of unraveling IGRA as we now understand it, without the benefit of congressional oversight. The National Indian Gaming Commission has issued new regulations and started a public comment process that could result in the removal of slot machines from the strict regulation we envisioned for them under the system of tribal-state compacts we designed in IGRA.

Removing slot machines from this process and placing them under the control of the National Indian Gaming Commission could ignite a renewed debate about IGRA and result in undermining the delicate balance we have struck between tribal and states' rights in regulating gambling casinos on Indian reservations. We need to avoid even the perception that the National Indian Gaming Commission proposed regulations and changes in critical definitions could create this scenario. Hence, we must take action to ensure continuation of the current distinctions between those gambling activities that are now regulated by tribal-state compacts and those that can be regulated by the National Indian Gaming Commission. These distinctions are essential to maintain if we expect continuing public and Congressional support for IGRA.

Please allow me to explain further. Perhaps the most significant definition in IGRA is the definition of "class III gaming." Class III games are commonly understood to be casino style gaming such as poker, blackjack, roulette, and slot machines, with some variations depending on state laws. Class II games are understood to be the original bingo games and pull tabs that are allowed without the necessity of reaching a compact agreement with state governments, but they are games that are regulated by the National Indian Gaming Commission.

The distinctions between class II and class III games are made in IGRA and are more precisely defined by regulations promulgated by the National Indian Gaming Commission and published in the Code of Federal Regulations at 502.7 and 502.8. The final rules were published on April 9, 1992 (57 FR 12392).

The National Indian Gaming Commission (NIGC) has the statutory authority to regulate class II games and to distinguish between class II and class III gaming under statutory guidance. The definitions it has published have served to determine which games fall into class III and hence into the realm of compacts between tribes and states. Without these compacts, casino gaming (class III) would be illegal under IGRA.

New Mexico tribes are well aware of these distinctions as they have gone through an arduous process of negotiating with the Governor and the State legislature. They have finally resolved this issue after two New Mexico Supreme Court decisions and Federal district and circuit court decisions which eventually led to the state legislative solution. The scope of class III casino gaming that is legal in New Mexico is now defined under the compacts which relied on current definitions of class II and class III gaming. Not once during this long and difficult process did the tribes or the state question the type of gambling that would be negotiated in the compacts. They relied on the NIGC definitions when they negotiated the compacts.

Now comes a disturbing new scenario. In the guise of up-dating the current definitions of class II and class III gaming to take into account technological changes and computer advancements of the past few years, the National Indian Gaming Commission is now reopening the question of gambling devices to be placed into these two critical categories.

What is disturbing is the distinct and likely possibility that this reopened process could result, after tribal consultation and public comment, in the placing of slot machines into class II rather than class III gaming, thus removing slot machines from the more strict regulation and control of the tribal-state compacts.

There is a distinct and negative outcome if the new rule-making by the National Indian Gaming Commission results in removing slot machines or any other highly profitable gambling device from the legal protections of the required compacts and places them under the control of the National Indian Gaming Commission, and hence subject only to tribal ordinances. This result would be a clear set-back for public support of the current law and could rapidly lead to the deterioration of the carefully balanced system we now have.

I am not accusing the National Indian Gaming Commission or the tribes of intending to reach this outcome. I am alerting both to the perception by many Senators that re-opening the definition process in the latest proposed rule-making is clearly aimed at the section of national law defining gambling devices and hence invites such tampering possibilities. I believe we have enough difficulty reaching gambling agreement, as we have seen for several years in New Mexico, under current law and regulations. Adding the new possibility of removing the most profitable gambling device from close legal scrutiny in the compacting process is a dangerous move. Once this potential is understood by the public, I believe opposition to Indian gambling will justifiably multiply. The relatively stable situation we now have under current law and regulation will become volatile.

Thus, I cannot agree with the seemingly innocent claim that the National Indian Gaming Commission is simply doing its job by up-dating these critical definitions. The technical changes we all see in computer technology are being used as an excuse to re-open the most critical line drawn by the Congress in IGRA—the line between gambling that can be simply regulated by the National Indian Gaming Commission (headed by three commissioners appointed by the President) and gambling that must come under the close scrutiny of state law and local voters.

Mr. President, I opt for the close scrutiny and local control by the states through our current compacting process. I would also like to remind my colleagues and my Indian friends in New Mexico that slot machines were understood to be part of the compacting negotiations, and agreements have been reached which allow the legal operation of slot machines in Indian casinos in New Mexico. While I understand that there are problems with the compacts from both the State and the tribal viewpoints, at least the ground rules were understood, and agreements are now in place.

If we now raise the specter of allowing these most profitable gambling devices being removed from the purview of these compacts by redefining them to class II gaming, I predict we will have even more turmoil in the Indian gaming debate than we have had to date.

I sincerely hope my New Mexico Indian friends and leaders are not in support of the new rule making by the National Indian Gaming Commission because of the possibilities this rule-making process holds for removing key elements of casino gambling from the compacts. I hope they would oppose even the perception that this was their motive. I frankly doubt that New Mexico Indian leaders have even discussed this possibility, but as their Senator and friend, I want to avoid a controversy we do not need in Indian gambling law and regulation.

I support Senator REID's efforts to avoid this new firestorm in Indian gambling. By adopting his amendment and withholding the funds from the regulatory process changes I have just described, we can avoid the clear potential this rule-making process has for unraveling rather than stabilizing Indian gambling in America.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1228) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 3 or 4 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

TRIBUTE TO RED SKELTON

Mr. REID. Mr. President, I rise today to pay tribute to someone I knew and cared a great deal about.

I had the good fortune to consider Red Skelton a friend. I first met Red Skelton when I was Lieutenant Governor of the State of Nevada. He and I went to a rodeo together. At that time I found him to be jovial, a real gentleman, and not taken with his celebrity status.

He has been tremendous to the State of Nevada. He has performed in the north and the south. He has been involved in many charitable functions. We in Nevada consider Red Skelton part of Nevada.

Charlie Chaplin once said, "I remain just one thing, and one thing only—and that is a clown. It places me on a far higher plane than any politician."

This morning on public radio, Mr. President, Red Skelton was heard again. I heard from one of his prior performances. In that broadcast he talked about why he felt being a clown was something that he always wanted to be remembered as—being a clown. He proceeded to tell everyone there how important it was that we remain, in many respects, in our childlike status—lots of energy, trusting other people.

So today I rise to ask politicians all over America and especially in this body to pay tribute to America's favorite clown, Richard Bernard Skelton, better known to us as Red Skelton. He passed away yesterday at age 84.

He was the son of a grocer, who later became a circus clown. Mr. Skelton died 2 months before his son Red was born. His widowed mother worked as a cleaning woman and elevator operator to support her four sons.

Red Skelton started being a professional clown at age 10. So for almost 75 years—three-quarters of a century—he has been making people laugh.

He did not ask people to laugh. You had to laugh at Red Skelton. He became part of a traveling medicine show where he picked up vaudeville skills which served him so well for the rest of his life. His debut on radio was in 1937, and Broadway the same year. His first movie was in 1938 entitled "Having a Wonderful Time." He became a Hollywood star appearing in almost 50 films over the course of his life.

Skelton often said that he was a "man whose destiny caught up with him at an early age."

His destiny, Mr. President, was to make America laugh.

"I don't want to be called 'the greatest' or 'one of the greatest.' Let other guys claim to be the best. I just want to be known as a clown," Red said, "because to me, that's the height of my profession. It means you can do everything—sing, dance, and above all, make people laugh."

Mr. President, last March I went to Palm Springs to present Red Skelton a Presidential commendation. We had a date set that the President of the United States was going to give that to him in the White House. But his ill-health prevented him from flying, so I proceeded to Palm Springs on behalf of the President to give Red Skelton this commendation from the President.

It was a wonderful luncheon that we had. He was very weak of body but alert of mind. For example, at that time even though he was confined to a wheelchair, he wrote seven stories every week, and he would pick the best out of the seven and put it in a book, and every year he produced 52 short stories. That was Red Skelton up to the time he died.

We had a wonderful time that day in March. I will never forget it. We were able to videotape that. He cracked jokes, and we had a great time. He is somebody that I will remember, the people of Nevada will remember, and this country will remember.

Let me repeat the words of President Clinton, who honored Red Skleton with a Presidential certificate commendation, signed on April 1, 1996, in fitting tribute to America's favorite clown.

> A natural-born comic who got his first laugh from an audience at the age of 10, Red Skelton has devoted a long and productive life to entertaining people of all ages. Moving from the vaudeville stage to radio, the movies and television, he became America's favorite clown, creating characters like Clem Kadiddlehopper and Freddie the Freeloader, whom generations of Americans looked forward to seeing every week. Red Skelton served his country well. From his days in World War II and Korea as a soldier and an entertainer for the troops, to his many years on the large screen and small, he has given to all those lucky enough to see him perform the gift of laughter and joy.

When I walked into the room to present Red with this certificate, he still remembered me from our days attending rodeos together in southern Nevada. He was deeply touched by this honor because more than anything, Red Skelton loved his country.

Red Skelton could have never been America's favorite clown if he wasn't already one of America's greatest patriots. Red fought for his country in World War II and Korea.

His definition of the true meaning of the Pledge of Allegiance will always remain with me. I would like to repeat it for you today:

> I, me, an individual, a committee of one.
>
> Pledge, dedicate all my worldly goods to give without self pity.
>
> Allegiance—my love and devotion.
>
> To the Flag—our standard, Old Glory, a symbol of freedom. Wherever she waves, there is respect because your loyalty has given her a dignity that shouts freedom is everybody's job.
>
> of the United—that means that we have all come together.
>
> States—individual communities that have unites into 50 great states. 50 individual communities with pride and dignity and purpose, all divided with imaginary boundaries, yet united to a common purpose, and that's love for country.
>
> of America
>
> and to the Republic—A state in which sovereign power is invested in representatives chosen by the people to govern. And a government is the people and it's from the people to the leaders, not from the leaders to the people.
>
> for Which It Stands.
>
> One Nation—Meaning, so blessed by God.
>
> Indivisible—Incapable of being divided.
>
> With Liberty—Which is freedom and the right of power to live one's own life without threats or fear or some sort of retaliation.
>
> and Justice—The principle or quality of dealing fairly with others.
>
> for All—Which means it's as much your country as it is mine.

Red Skelton always signed off every show "Goodnight and God Bless," Yesterday Milton Berle, Red's closest friend told his old friend "Farewell and God Bless."

Mr. President, on behalf of the citizens of Nevada, Red's wife, Lothian, Red's family and friends, I say farewell, Red, and God bless.

I am grateful that the Senate of the United States is paying tribute to America's favorite clown.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. BUMPERS. Mr. President, I ask unanimous consent that my distinguished colleague and friend from Montana, Senator BAUCUS, be recognized for 10 minutes, without my losing the right to the floor, and that I immediately be recognized following the conclusion of his remarks.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, first I want to thank my very good friend and colleague, Senator BUMPERS, for yielding the time. It is very gracious of him. He has waited a good period of time to offer his amendment.

Mr. President, I rise today to call on Congress to complete the New World Mine acquisition and protect Yellowstone National Park. Now that the administration and congressional leadership have reached a budget agreement that allows for the acquisition of the New World lands, we need to move decisively. We have belabored this matter much too long and now is the time to finish the job.

Yellowstone National Park was created 125 years ago. "For the Benefit and Enjoyment of the People." Indeed, this is the entrance at mammoth Yellowstone Park. You probably cannot read the inscription over the arch but it says "For the Benefit and Enjoyment of the People." And of course, immediately to my right is the Old Faithful geyser.

Every year, Mr. President, 3 million people visit the park, bringing their children and grandchildren to enjoy the unspoiled beauty that is Yellowstone—from the Roosevelt arch, which I am pointing to here on my right, at the original entrance, to the breathtaking grandeur of Old Faithful, to the spectacular wildlife which calls this unique place home.

During the month of August, I was fortunate to be present to celebrate Yellowstone's 125th anniversary with Vice President AL GORE. As I entered the park, I remembered my first trip to Yellowstone many years ago. The noble and majestic geysers, the boiling paint pots, and the vast scenery were the stuff of magic to a small child—and remain so today.

These wonders cannot be seen anywhere else in the United States or, for that matter, in the world. I guarantee you there is not one Montanan, young or old, that does not fondly remember his or her first visit to the park, or anybody in our country for that matter. Finishing the New World acquisition is critical so our children may witness the wonders of nature, much as we have over the past 125 years.

For the past 8 years, America has lived with the threat that a large gold mine could harm Yellowstone, our Nation's first national park. This mine, on the park boundary, could irreparably damage the park by polluting rivers and devastating wildlife habitat.

In 1996, local citizens, the mining company itself, and the administration, reached a consensus agreement that would stop the proposed mine—they all agreed; the administration, the local community, and the company—and it would protect Yellowstone and surrounding communities.

This agreement provides for the Federal Government to acquire the mine property from Battle Mountain Gold in exchange for $65 million. The balanced budget agreement calls for this money to be appropriated from the Land and Water Conservation Fund.

The New World agreement, I think, is very important for two reasons. First, it protects Yellowstone National Park for future generations. What could be more important?

Second, it protects my State of Montana. It protects Montana's natural heritage, but it also protects Montana's economy.

Many of the local communities surrounding Yellowstone depend on the park for their economic well-being. If the mine had been built, Yellowstone would have been harmed, and with it the communities and the families that depend on Yellowstone for their livelihood. It is for this reason that a majority of local citizens and businesses oppose the mine and support the agreement.

In addition, the agreement obligates the mining company to spend $22.5 million to clean up historic mine pollution at the headwaters of the Yellowstone River. This will create jobs and clean up the environment, thereby benefiting the regional economy and improving locally fisheries.

As a Senator representing Montana, I will fight to ensure that Montana receives these benefits.

The bipartisan budget agreement provides an increase of $700 million in land and water conservation funding. Of this increase, $315 million has been designated as funding for priority land acquisitions.

It is my understanding in speaking with the administration and with others that the New World and Headwaters acquisition were specifically discussed as the projects that would be funded by the $315 million designation. It would be unconscionable for Congress to violate the spirit and the intent of the budget agreement by failing to appropriate the funding necessary to complete the New World acquisition.

In addition, placing further restrictions such as requiring authorization is both unnecessary and unwise. We need no additional authorization. The agreement has been agreed to already. New legal procedures, on the other hand, would just stall an already reached agreement, one that is widely supported and one that protects the park.

Every year, numerous land acquisitions that are not individually authorized take place utilizing Land and Water Conservation Funds. By attaching strings to this acquisition—it is an authorization—Congress will have done nothing but endanger Yellowstone National Park. Indeed, the President's senior advisers strongly object to attaching any strings to this funding, and if Congress insists on stalling and delaying this agreement, the President may well veto the Interior appropriations bill upon the recommendation of OMB and other agencies. Because Yellowstone is at stake, he would be right to do so.

I pledge here today to help lead the charge to uphold that veto if necessary. When Yellowstone and Montana's heritage is threatened, I will not sit idly by. We can and we must protect Yellowstone National Park.

I thank my good friend, the Senator from Arkansas, and I yield the floor.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 123, LINE 9

Mr. BUMPERS. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that the Senate proceed to the committee amendment beginning on page 123, line 9.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1224 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 123, LINE 9 THROUGH PAGE 124, LINE 20

(Purpose: To ensure that Federal taxpayers receive a fair return for the extraction of locatable minerals on public domain land and that abandoned mines are reclaimed)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. GREGG, proposes an amendment numbered 1224 to excepted committee amendment beginning on page 123, line 9.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add the following at the end of the pending Committee amendment as amended:

"(c)(1) Each person producing locatable minerals (including associated minerals) from any mining claim located under the general mining laws, or mineral concentrates derived from locatable minerals produced from any mining claim located under the general mining laws, as the case may be, shall pay a royalty of 5 percent of the net smelter return from the production of such locatable minerals or concentrates, as the case may be.

"(2) Each person responsible for making royalty payments under this section shall make such payments to the Secretary of the Interior not later than 30 days after the end of the calendar month in which the mineral or mineral concentrates are produced and first place in marketable condition, consistent with prevailing practices in the industry.

"(3) All persons holding mining claims located under the general mining laws shall provide to the Secretary such information as determined necessary by the Secretary to ensure compliance with this section, including, but not limited to, quarterly reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality, and amount of all minerals extracted from the mining claim.

"(4) The Secretary is authorized to conduct such audits of all persons holding mining claims located under the general mining laws as he deems necessary for the purposes of ensuring compliance with the requirements of this subsection.

"(5) Any person holding mining claims located under the general mining laws who knowingly or willfully prepares, maintains, or submits false, inaccurate, or misleading information required by this section, or fails or refuses to submit such information, shall be subject to a penalty imposed by the Secretary.

"(6) This subsection shall take effect with respect to minerals produced from a mining claim in calendar months beginning after enactment of this Act.

"(d)(1) Any person producing hardrock minerals from a mine that was within a mining claim that has subsequently been patented under the general mining laws shall pay a reclamation fee to the Secretary under this subsection. The amount of such fee shall be equal to a percentage of the net proceeds from such mine. The percentage shall be based upon the ratio of the net proceeds to the gross proceeds related to such production in accordance with the following table:

Net proceeds as percentage of gross proceeds:	*Rate*[1]
Less than 10	2.00
10 or more but less than 18	2.50
18 or more but less than 26	3.00
26 or more but less than 34	3.50
34 or more but less than 42	4.00
42 or more but less than 50	4.50
50 or more	5.00

[1] Rate of fee as percentage of net proceeds.

"(2) Gross proceeds of less than $500,000 from minerals produced in any calendar year shall be exempt from the reclamation fee under this subsection for that year if such proceeds are from one or more mines located in a single patented claim or on two or more contiguous patented claims.

"(3) The amount of all fees payable under this subsection for any calendar year shall be paid to the Secretary within 60 days after the end of such year.

"(e) Receipts from the fees collected under subsections and (d) shall be paid into an Abandoned Minerals Mine Reclamation Fund.

"(f)(1) There is established on the books of the Treasury of the United States an interest-bearing fund to be known as the Abandoned Minerals Mine Reclamation Fund (hereinafter referred to in this section as the "Fund"). The Fund shall be administered by the Secretary.

"(2) The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in his judgement, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities. The income on such investments shall be credited to, and form a part of, the Fund.

"(3) The Secretary is, subject to appropriations, authorized to use moneys in the Fund for the reclamation and restoration of land and water resources adversely affected by past mineral (other than coal and fluid minerals) and mineral material mining, including but not limited to, any of the following:

"(A) Reclamation and restoration of abandoned surface mined areas.

"(B) Reclamation and restoration of abandoned milling and processing areas.

"(C) Sealing, filling, and grading abandoned deep mine entries.

"(D) Planting of land adversely affected by past mining to prevent erosion and sedimentation.

"(E) Prevention, abatement, treatment and control of water pollution created by abandoned mine drainage.

"(F) Control of surface subsidence due to abandoned deep mines.

"(G) Such expenses as may be necessary to accomplish the purposes of this section.

"(4) Land and waters eligible for reclamation expenditures under this section shall be those within the boundaries of States that have lands subject to the general mining laws—

"(A) which were mined or processed for minerals and mineral materials or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status prior to the date of enactment of this title;

"(B) for which the Secretary makes a determination that there is no continuing reclamation responsibility under State or Federal laws; and

"(C) for which it can be established that such lands do not contain minerals which could economically be extracted through the reprocessing or remining of such lands.

"(5) Sites and areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 and following) or which have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 and following) shall not be eligible for expenditures from the Fund under this section.

"(g) As used in this Section:

"(1) The term "gross proceeds" means the value of any extracted hardrock mineral which was:

(A) sold;

(B) exchanged for any thing or service;

(C) removed from the country in a form ready for use or sale; or

(D) initially used in a manufacturing process or in providing a service.

"(2) The term "net proceeds" means gross proceeds less the sum of the following deductions:

(A) The actual cost of extracting the mineral.

(B) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.

(C) The actual cost of reduction, refining and sale.

(D) The actual cost of marketing and delivering the mineral and the conversion of the mineral into money.

(E) The actual cost of maintenance and repairs of:

(i) All machinery, equipment, apparatus and facilities used in the mine.

(ii) All milling, refining, smelting and reduction works, plants and facilities.

(iii) All facilities and equipment for transportation.

(F) The actual cost of fire insurance on the machinery, equipment, apparatus, works, plants and facilities mentioned in subsection (E).

(G) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in subsection (E).

(H) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for all employees.

(I) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit.

(J) All royalties and severance taxes paid to the Federal government or State governments.

"(3) The term "hardrock minerals" means any mineral other than a mineral that would be subject to disposition under any of the following if located on land subject to the general mining laws:

(A) the Mineral Leasing Act (30 U.S.C. 181 and following);

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following);

(C) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following); or

(D) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 and following).

"(4) The term "Secretary" means the Secretary of the Interior.

"(5) The term "patented mining claim" means an interest in land which has been obtained pursuant to sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36 and 37) for placer claims, or section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims.

"(6) The term "general mining laws" means those Acts which generally comprise Chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code."

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I have come here today for the eighth consecutive year to debate what I feel very strongly about and have always felt strongly about. I have never succeeded. Since I am going to be leaving next year, I know all my friends from the West are going to be saddened by my departure, and so far I don't have an heir apparent to take on this issue.

First of all, I want to make an announcement to the 262 million American people who know very little or nothing about this issue. The first announcement I want to make today is that they are now saddled with a cleanup cost of all the abandoned mining sites in the United States of somewhere between $32.7 and $71.5 billion. Now, let me say to the American people while I am making that announcement, you didn't do it, you had nothing to do with it, but you are going to have to pick up the tab of between $32 to $71 billion.

The Mineral Policy Center says there are 557,000 abandoned mines in the United States. Think of that—557,000 abandoned mines, and 59 of those are on the Superfund National Priority List. Mining has also produced 12,000 miles of polluted streams. The American people didn't cause it; the mining industry did it, and 2,000 of those 557,000 sites are in our national parks.

Now, Mr. President, my amendment would establish a reclamation fund in the Treasury and it would be funded by a 5-percent net smelter return for mining operations on taxpayer-owned land. Royalties based on gross income or a net smelter return are traditionally charged for mining on private land and for mining on State-owned land.

Much of the hardrock mining going on in this country is being done on the lands that you have heard me talk a great deal about—that is, lands that have been sold by the Federal Government for $2.50 an acre. However, a significant amount of mining goes on on lands where people have a mining claim on Federal lands and they get a permit to start mining. The Federal Government continues to own the land. We don't get anything for it. We don't even get $2.50 an acre for that land. So my net smelter royalty only applies to those lands which we still own.

Now, isn't that normal and natural? If you own land that has gold under it and somebody comes by and wants to mine the gold under your land, the first thing you do is say, how much royalty are you willing to pay? Nationwide, that figure is about 5 percent. But I can tell you one thing, and this is a major point, if somebody came to you and said, I want to mine the gold, the silver, platinum, or palladium under your land, the first thing you would demand is, How much are you going to pay me for it?

The U.S. Government cannot because Congress won't let them charge a royalty for mining on public land. We say, "Here are some of the terms under which you can mine. "Sic 'em, Tiger." Have a good time. Make a lot of money. And be sure you don't send the Federal Government, namely, the taxpayer of America, any money, and if you possibly can, leave an unmitigated environmental disaster on our hands for the taxpayers to clean up."

You know, Mr. President, I still can't believe it goes on. I have been at this for 8 years and I still cannot believe what I just said, but it is true.

The other part of my bill establishes a net-income based reclamation fee based on the profits of the mining company on lands that were Federal lands but that have been patented by the mining companies; that is, lands which we have sold for $2.50 an acre. The only way in the world we can ever recover anything from these mines is through a reclamation fee. It is altogether proper that we get something in return for the lands that we sold for $2.50 an acre and it is altogether proper that that money be used to reclaim these 557,000 abandoned mine sites.

Mr. President, here is a closer look at what I just got through saying. The royalty rate in the Bumpers/Gregg amendment is 5 percent net smelter return, which is typically what is charged for mining operations on private land. The royalty will produce $175 million over the next 5 years. The reclamation fee ranges from 2 to 5 percent of net income for operations on patented lands, the lands that we sold for $2.50 an acre. That produces $750 million. And altogether, those two provisions would, over the next 5 years, produce $925 million—not a very big beginning on the roughly $32 to $70 billion we are going to have to cough up to clean those places up.

Mr. President, look at this chart right here. The thing that is a real enigma to me, is that we make the coal operators in this country pay us 12.5 percent of their gross income for every ton of coal they take off of Federal lands. That is for surface coal. If it's an underground mine the coal companies pay a royalty of 8 percent of their gross income to the Federal Government.

Natural gas. If you want to bid on Federal lands and produce natural gas, it is incumbent upon you to pay a minimum of 12.5 percent of your gross income. When it comes to oil, if you want to drill in the Gulf of Mexico, you must also pay a 12.5 percent gross royalty.

There are oil and gas wells all over the Western part of the United States. And for every dollar of gas or oil they produce, they send Uncle Sam 12.5 cents.

But look here. For gold, they don't send anything. For silver, they don't send anything. For platinum, they don't send anything. And since 1872, when the old mining law was signed by Ulysses Grant, the mining companies have not paid a penny to the U.S. Treasury.

Now, Mr. President, in 1986—and I use this just as an illustration to tell you why we so desperately need this reclamation fund in the U.S. Treasury—there was a mine called Summitville in Colorado. Summitville was owned by a Canadian mining company called Galactic Resources. They got a permit to mine on private land from the State of Colorado. In June of that same year, their cyanide/plastic undercoating—and I will explain that in a moment—began to leak.

Let me stop just a moment and tell people, my colleagues, how gold mining is conducted. You have these giant shovels that take the dirt and you put it on a track and you carry it to a site and you stack it up on top of a plastic pad, which you hope is leakproof. And then you begin to drip—listen to this—you begin to drip cyanide—yes, cyanide—across the top of this giant heap of dirt. The cyanide filters down through this big load of dirt and it gathers up the gold and it filters out to a trench on the side.

Now, you have to bear in mind that if that plastic pad, which I just described for you a moment ago, is not leakproof, if it springs a leak, you have cyanide dripping right into the ground, right into the water table, or going right into the nearest stream, and so it was with Summitville. The plastic coating on the ground, which was supposed to keep the cyanide controlled, began to leak. And the cyanide began to escape. And the cyanide began to run into the streams headed right for the Rio Grande River. Galactic could not do anything. They weren't close to capable of doing anything. And so the Federal Government goes to Galactic and says, "We want you to stop this and we want you to pay us damages." Do you know what they did? They took bankruptcy. Smart move. They took bankruptcy. So what does that leave the U.S. Government, which is going to ultimately have the responsibility for controlling this leakage of cyanide poison? It leaves us with a $4.7 million bond. That is the bond they had put up to the State of Colorado in order to mine.

Here you have a minimum of $60 million disaster on your hands with a $4.7 million bond. And so it is today, Mr. President—35 people employed since 1986, controlling the cyanide runoff from the mine in Colorado, and the ultimate cost to the taxpayers of this country will be $60 million, minimum.

Here is one that is even better, Mr. President. This came out of the New York Times 2 days ago. It is a shame that every American citizen can't read this. It's called "The Blame Slag Heap."

> In northern Idaho's Silver Valley, the abstractions of the Superfund program—"remediation," "restoration," "liability"—meet real life. For over a century, the region's silver mines provided bullets for our soldiers and fortunes for some of our richest corporations. The mines also created a toxic legacy: wastes and tailings, hundreds of billions of pounds of contaminated sediment * * *.
>
> In 1996—13 years after the area was declared the nation's second-largest Superfund site, the Justice Department filed a $600 million lawsuit against the surviving mining companies. The estimated cost of cleanup ranges up to a billion dollars. The Government sued after rejecting the companies' laughably low settlement offer of $1 million.

A $1 billion cleanup, and the company that caused the damage offers $1 million to settle.

> The companies, however, have countersued.

They are countersuing the Federal Government, and do you know what they allege? They say it happened because the U.S. Government failed to regulate the disposal of mining waters.

Can you imagine that? The company is suing the Government because the Government didn't supervise more closely. The story closes out by saying, "Stop me before I kill again."

Mr. President, I ask unanimous consent the article from the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE BLAME SLAG HEAP

(By Mark Solomon)

SPOKANE, WASH.—In northern Idaho's Silver Valley, the abstractions of the Superfund program—"remediation," "restoration," "liability"—meet real life.

For over a century, the region's silver mines provided bullets for our soldiers and fortunes for some of our richest corporations. The mines also created a toxic legacy: wastes and tailings, hundreds of billions of pounds of contaminated sediment, leaching into a watershed that is now home to more than half a million people.

In 1996, 13 years after the area was declared the nation's second-largest Superfund site, the Justice Department filed a $600 million lawsuit against the surviving mining companies. The estimated cost of the clean-up ranges up to a billion dollars. The Government sued after rejecting the companies' laughably low settlement offer of $1 million. If the companies don't pay, the Federal taxpayers will have to pick up the tab.

The companies, however, have countersued, alleging, among other things, that the Government itself should be held responsible. Why? Because it failed to regulate the disposal of mining wastes.

Do I believe my ears? In this era of deregulation, when industry seeks to replace environmental laws with a voluntary system, are the companies really saying that if only they had been regulated more they would have stopped polluting? I've heard the Government blamed for a lot of things, but regulatory laxity was never one of them—until now.

In fact, Idaho's mining industry has long fought every attempt at reform. In 1932, for example, a Federal study called for the building of holding ponds to capture the mines' wastes. The companies fought that plan for 36 years, until the Clean Water Act forced them to comply.

Now Congress is debating the reauthorization of the Superfund, and industry wants to weaken the provision on damage to natural resources. If the effort succeeds, what will happen in 50 years? Will the polluters sue the Government, blaming it for failing to prevent environmental damage?

Quick, stop them before they kill again.

Mr. CRAIG. Will the Senator yield specifically to his last comment?

Mr. BUMPERS. I yield for a question.

Mr. CRAIG. Does the Senator know about the new science that comes out of the study of the Superfund site in Silver Valley, ID? Does he understand also that mediation on the Superfund is now tied up in the courts—conducted by the State of Idaho—that has really produced more cleanup and prevented more heavy metals from going into the water system, and the value of that? Does he also recognize that the suit filed by the Attorney General was more politics and less substance?

Mr. BUMPERS. That is a subjective judgment, is it not?

Mr. CRAIG. I believe that is a fact.

Thank you.

Mr. BUMPERS. Is it not true that the company has countersued the Federal Government saying, "You should have stopped us long ago"? Isn't that what the countersuit says—"You should have regulated us more closely"?

Mr. CRAIG. But the countersuit says that based on today's science, if we had known it then, which we didn't—you didn't, I didn't, and no scientist understood it—then we could have done something different. But as of now this is not an issue for mining law; this is an issue of a Superfund law that doesn't work, that promotes litigation. That is why the arguments you make are really not against mining law reform, which you and I support in some form. What you are really taking is a Superfund law that is tied up in the committees of this Senate, is nonfunctional, and produces lawsuits.

Mr. BUMPERS. Can you tell me where the Superfund law says if you were ignorant of what you were doing and caused the damage, you are excused? Do you know of any place in the Superfund where there is such language as that?

Mr. CRAIG. What I understand is we have a 100-year-old mine where we are trying to take today's science and, looking at it based on your argument, move it back 100 years. We should be intent on solving today's problems and not arguing 100 years later.

Mr. BUMPERS. Is the State of Idaho willing to take over this cleanup site and absolve the U.S. Government of any further liability?

Mr. CRAIG. My guess is that the State of Idaho with some limited assistance would champion that cause.

I have introduced legislation that would create a base of authority. We believe it would cost the Federal Government less than $100 million. The State would work with some matching moneys. They would bring in the mining companies and force them to the table to establish the liability. Guess what would happen, Senator. We would be out of the courts. Lawyers would lose hundreds of thousands of dollars in legal fees. And we would be cleaning up Superfund sites that have been in litigation for a decade, by your own admission and argument.

Mr. BUMPERS. Senator, the U.S. Government has sued this company for $600 million. The Government estimates that the cleanup cost is going to be $1 billion. The Senator comes from the great State of Idaho, and I am sure they don't enjoy ingesting cyanide any more than anybody else in any other State would.

But the Senator would have to admit that Idaho couldn't, if it wanted to, clean up this site. It doesn't have the resources. It is the taxpayers of this country that are stuck with that $1 billion debt out there with a company which brashly says, "If you would have regulated us closer, we wouldn't have done it." That is like saying, "If you had taken my pistol away from me, I wouldn't have committed that murder."

Mr. CRAIG. If you would yield only briefly again—I do appreciate your courtesy—there is not a $1 billion price tag. That is a figment of the imagination of some of our environmental friends. There is no basis for that argument. There isn't a reasonable scientist who doesn't recognize that for a couple hundred million dollars of well-placed money, that problem goes away. But, as you know, when you involve the Federal Government, you multiply it by at least five. That is exactly what has gone on here.

I will tell you that for literally tens of millions of dollars, the State of Idaho, managing a trust fund, has shut down more abandoned mines, closed off the mouths of those mines, and stopped the leaking of heavy metal waters into the Kootenay River, and into the Coeur d'Alene, and done so much more productively, and it has not cost $1 billion. Nobody in Idaho, including our State government, puts a $1 billion price tag on this.

This is great rhetoric, but it is phony economics.

Mr. BUMPERS. Mr. President, let me just say to the Senator from Idaho that my legislation for 8 long years has been an anathema to him. I am not saying if I were a Senator from Alaska, Idaho, or Nevada I wouldn't be making the same arguments.

But I want to make this offer. It is a standing offer. If the State of Idaho will commit and put up a bond that they will clean up all those abandoned mine sites in that State, that they will take on the responsibility, and do it in good order, and as speedily as possible, I will withdraw my amendment. I don't have the slightest fear. We all know that this is a Federal problem. It is a Federal responsibility to clean up these mine sites. The only way we can do it is to get some money out of the people who got the land virtually free and who have left us with this $30 billion to $70 billion price tag.

Let me go back, Mr. President, and just state that since 1872 the U.S. Government in all of its generosity has given away 3.244 million acres of land. We have given it away for $2.50 an acre. Sometimes we got as much as $5 an acre. There are 330,000 claims still pending in this country. And the Mineral Policy Center estimates that since 1872 we have patented land containing 243 billion dollars' worth of minerals—land that used to belong to the taxpayers of this country.

We now have a moratorium on all but 235 patent applications. But the 235 applications, when they are granted, will represent the continued taxpayer giveaway of billions of dollars worth of minerals and land.

Stillwater Mining Company in Montana has a first half certificate for 2,000 acres of land in the State of Montana. What does that mean? That means they are virtually assured of getting a deed to 2,000 acres of land. It means that they are virtually assured of paying the princely sum of $10,180. Guess what is what is lying underneath the 2,000 acres: $38 billion worth of palladium and platinum. My figure? No. Stillwater's figure. Look at their prospectus. Look at their annual report. They are saying to the people who own stock, "Have we pulled off a coup." We are going to get 2,000 acres of Federal land for $10,180, and it has $38 billion worth of hardrock minerals under it—palladium and platinum.

You know, one of the things that I think causes me to fail every year is that it is so gross, so egregious, that people can't believe it is factual, that it is actually happening. But it is true.

Look at what happened to Asarco. They paid the U.S. Government $1,745. What did they get? $2.9 billion worth of copper and silver.

You never heard of a company called Faxe Kalk. Do you know the reason you never heard of it? It is a foreign mining company. You don't usually hear of them. The other reason you don't hear of them is because they are a Danish company. One of the things that makes this issue so unpalatable is that many of the biggest 25 mining companies in the United States are foreign companies.

We ought to go today to Denmark and say, "We would like some of your North Sea oil." What do you think they would say if we said, "Look, we are going to start drilling here off the coast of Denmark. We will give you a dollar now and then for the privilege." They would say, "You need to be submitted for a saliva test."

But the Faxe Kalk Corp. comes here, and they say, "You have 110 acres out here in Idaho, Uncle Sam. We would like to have it. We will pay $275 for it."

So they go to Bruce Babbitt and they say, "We will give you $275 for this 110 acres."

Do you know what is underneath it? One billion dollars' worth of a mineral called travertine. It is a mineral used to whiten paper. That is $275 the taxpayers get and $1 billion a Danish corporation gets.

In 1995 the Secretary of the Interior was forced to deed 1,800 acres of public land in Nevada to Barrick Gold Co., a Canadian company, for its Gold Strike Mine. Barrick paid $9,000 for that 1,800 acres.

Mr. President, there isn't a place in the Ozark Mountains of my State where you could buy land for one-tenth that price.

The law required Secretary Babbitt to give Barrick, which is the most profitable gold company in the world, land containing 11 billion dollars' worth of gold for $9,000.

I could go on. There are other cases just as egregious as that. For 8 long years, I have stood at this very desk, and I have made these arguments, as I say, which are so outrageous I can hardly believe I am saying them, let alone believing them.

Newmont Mining Co. is one of the biggest gold companies in the world. They have a large mine in Nevada which is partially on private land.

When people say that somebody is mining on private lands, if you will check, Mr. President, you will find that in most cases that land was Federal land that somebody else patented, and then somebody like Newmont comes along, and they say, "You hold a patent on this land that you got from the Federal Government for $2.50 an acre and we want to mine on it." Do you know what Newmont pays to the land owner on its mine in Nevada? An 18 percent royalty.

Mr. President, as I just mentioned, most of the land being mined on, so-called private lands, are private because somebody bought it from the Federal Government years ago for $2.50 or $5 an acre.

True, it is private. They own it. They paid for it. The mining companies are willing to pay the States—they are willing to pay the States a royalty. They are willing to pay the States a severance tax. They are willing to pay the private owners of this country an average of 5 percent. But when it comes to paying the Federal Government, it is absolutely anathema to them. There is no telling how much the National Mining Association spends every year on lobbying, on publicity, on mailers, you name it, to keep this sweetheart deal alive.

Since I started on this debate 8 years ago, the mining companies of this country have taken out billions of dollars worth of minerals from taxpayer-owned land. And do you know what the Federal Government and the taxpayers of this country got in exchange for that? One environmental disaster after another to clean up. And so that is the reason my bill, which contains a royalty and a reclamation fee, goes into a reclamation fund to at least start undoing the environmental damage these people have done because it is too late to get a royalty out of them. The gold is gone. We got the shaft. They got the gold. And it is too late to do anything about it. But you can start making them pay now to clean up those 555,000 sites.

Arizona has a 2-percent gross value royalty for mines located on State lands and a 2.5-percent net income severance tax for all mines in the State. Montana, 5 percent; fair market for raw metallic minerals; 1.6 percent of the gross value in excess of $250,000 for gold, silver, platinum group metals.

All of these States charge royalties for mining operations on State-owned land. Most of them also charge a severance tax for mining operations on all land in the State. Mr. President, what do they know that we don't? A lot. The States are collecting the money, but not Uncle Sam.

Do you know why I have lost this fight for the last 8 years? Those States that have mining on Federal lands have great representation in the U.S. Senate. I know that every single Western Senator is going to start flocking onto this floor as soon as I start talking about this amendment.

Do you see anybody else on this floor who is not from the West? Do you know why? My mother used to say, "Everybody's business is nobody's business." This is everybody's business, except it just doesn't affect their States. There are no mining jobs in their States. For 8 years I have heard all these sayings, as to how many jobs you are going to lose, despite the fact the Congressional Budget Office says, "None."

"You are going to lose all these jobs. It is going to discommode the economies of our respective States." And yet the States don't hesitate. We have people in this body who are Senators from the West who have served in State legislatures, who helped pass these laws, who helped impose royalties and severance taxes against the mining companies. But somehow or other they go into gridlock when they get here. At the State level they don't mind assessing these kinds of taxes. The States need the money. We do, too. We are the ones who are tagged with this gigantic bill for reclamation.

Mr. President, I could go through a list of things I have here. Amax, for example, pays 6-percent royalty on the Fort Knox Mine in Alaska. The chairman of the Energy Committee 2 years ago passed legislation providing for a land exchange on Forest Service land in Alaska. The Kennecott Mining Co. was willing to pay the Forest Service a $1.1 million fee up front, and then a 3-percent net smelter return on the rest of it. We agreed on it, ratified it. I voted for it.

But, now, isn't it strange that here is a mine in Alaska that we had to legislatively approve—because of the ownership of the land, it involved a land exchange—and I was happy to do it because it was a fair deal and these people demonstrated an interest in paying a fair royalty for what they took.

Mr. President, I will yield the floor. I will not belabor this any further.

Mr. MURKOWSKI. I wonder if the Senator will yield for a question, because it affects my particular State?

Mr. BUMPERS. I was getting ready to yield the floor. I want to say in closing, I know a lot of people would like to get out of here as early as they can tonight. I don't intend to belabor this. I said mostly what I want to say. I may respond to a few things that are said, so I am going to turn it over to my friends from the West and let them respond for a while, and then hopefully we can get into a time agreement after four or five speakers have spoken.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I would like to respond to my friend from Arkansas on the mining issues he brings up.

Mr. BUMPERS. Will the Senator yield for just a moment? When I introduced this amendment, I failed to state that my chief cosponsor on the bill is Senator GREGG from New Hampshire.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Again, I would like to call attention to the statement that was made by the Senator from Arkansas relative to the Green Creek Mine. The thing that made that so different is the unique characteristic of that particular discovery, where all the components were known relative to the value of the minerals. The roads were in, the infrastructure was in. It was not a matter of discovery, going out in an area and wondering whether you were going to develop a sufficiency of resources to amortize the investment necessary to put in a mine. So I remind my colleagues, there is a big difference between the rhetoric that we have heard here and the practical realities of experience in the mining industry.

We have seen both the effort by Canada and Mexico to initiate royalties. What has happened to their mining industry? It simply moved offshore. We have to maintain a competitive atmosphere on a worldwide basis; otherwise the reality for United States mining will be the same as was experienced in both Mexico and Canada.

I strongly urge my colleagues to join me in opposition to Senator BUMPERS' amendment. This is not the first attempt he has made, initiating actions through the Interior appropriations process. We seem to be subjected to this every year. I know the intentions are good. But the reality is that the amendment as offered represents a profound—and I urge my colleagues to reflect on this—a profound and wide-reaching attempt to reform the Nation's mining laws in a way that prevents any real understanding of the impacts of the legislation. Because, as written, Senator BUMPERS' amendment would not only put a royalty of all mining claims—all mining claims—but would also put a fee on all minerals produced off of lands that have ever gone to patent. Those are private lands. Let me, again, cite what this amendment does. It would not only put a royalty on all mining claims, but would also put a fee on all minerals produced off lands that have ever gone to patent. Those are private lands. So, this is nothing more than a tax. It is a tax. And it is this Senator's opinion that this makes Senator BUMPERS' amendment subject to a constitutional point of order.

Let me set this aside for a moment and address the specifics of my opposition to the amendment. This approach to revenue generation is no different than placing a tax on, say, all agricultural production from lands that were at one time, say, homesteads. It is retroactive. Even though Senator BUMPERS doesn't like it, the fact remains that patent claims are exactly the same as homestead lands. They are all private lands.

I cannot even begin to imagine the genesis of this punitive and dangerous amendment. This is an unmitigated attack on all things mining. We have absolutely no idea what impact this legislation would have on our ability to maintain a dependable supply of minerals; no idea what environmental disasters would be created when this legislation shuts down the producing mines across the country. We have no idea how many workers will be put on the unemployment line. We have no idea whatsoever on the effects of this legislation.

The issue is very complex. It is not appropriate that it be dealt with in an appropriations process. There is a right way and a wrong way to go about mining reform. You can chose the right way and offer your reform in a fair and open process, giving everyone the opportunity to participate in the formation of the legislation, which is what Senator CRAIG and I, along with the cosponsors of the legislation, have attempted to do in the legislation that has been offered. Or you can, as I observe, do what Senator BUMPERS has seen fit to do and offer your legislation in a form where not one single person outside the Senator's office has the opportunity to either understand or contribute to the process.

I think there is too much at stake in mining reform to treat this complex subject in such a dangerous and offhand manner. Senator CRAIG, along with myself, Senator REID, Senator BRYAN, Senator BENNETT, Senator BURNS, Senator HATCH, Senator THOMAS, Senator CAMPBELL, Senator STEVENS, Senator KEMPTHORNE, among a few, have introduced S. 1102, the Mining Reform Act of 1997. As such, I encourage my colleagues to recognize the time and effort that has been put into developing a package of reforms that set the stage for a meaningful, honest, and comprehensive reform. We are going to be holding a series of hearings to explore all aspects of the legislation and the effect it will have on the Nation's environment and economy.

I know many Members have indicated their interest in the formation of this legislation and the process of the hearings as they unfold and intend to participate. This is how reforms should take place. Reform should take place in an orderly manner in the hearing process, and we have lived up, I think, to the expectations of those who have indicated, "All right, we will stand with you, but give us a bill." We have met that obligation and filed a piece of comprehensive mining reform legislation.

We are going to consider the amendments as part of the process of debate, and if they make a legitimate contribution to the mining reform effort—and I emphasize reform effort—we are going to adopt them. This is the appropriate method to resolve mining reform, not as a last-minute amendment to the Interior appropriations bill, which we have seen the Senator from Arkansas propose time and time again.

The reform that Senator CRAIG, I, and others have offered lays a solid foundation upon which to build mining reform. Our mining reform bill should, I think, please reasonable voices on both sides. If you seek reform that brings a fair return to the Treasury, and it is patterned after the policies of the mining law of Nevada—and it works in Nevada—and it protects the environment and preserves our ability to produce strategic minerals, I think you will find a great deal to support in this legislation. It does work.

The legislation protects some of the smaller interests, the small miners. It maintains traditional location and discovery practices.

Yes, it is time for reform, but it has to be done right. Bad decisions will harm a $5 billion industry whose products are the muscle and sinew of the Nation's industrial output. The future of as many as 120,000 American miners and their families and their communities are at stake. Any action to move on amendment is absolutely irresponsible to those individuals, because it is the wrong way to do it.

I know you have heard this before, time and time again, but we do have a bill in now and it is a responsible bill. We owe Americans a balanced and open resolution to the mining reform debate. This reform mining legislation honors the past, recognizes the present, and sets the stage, I think, for a bright future.

The legislation that we offer advances reforms in four areas: royalties, patents, operations, and reclamation.

Let me be very brief in referring to the royalties. The legislation creates the first-ever hard rock royalty. It requires that 5 percent of the profit made from mining on Federal lands be paid to the Federal Government. This legislation seeks a percentage of the profit, not the value of the mineral in place. We do this for a very specific reason. Failure to do so would cause a shutdown of many operations and prevent the opening of new mines. It would also cause other operators to cast low-ore concentrates into the spoil pile as they seek out only the very highest grade of ores.

America boasts some very profitable mines, but there is an equal number that operate on a very thin margin. The Senator from Arkansas doesn't address the reality of what happens when the price of silver or the price of gold drops and their margin squeezes. We have some mines that actually operate during those periods with substantial losses.

That is why we designed our royalty to take a percentage of the profits. Under the proposal that the Senator from Arkansas has proposed, time and time again, many of these mines would actually operate at a loss because they could not deduct their production costs prior to the sale of their finished product.

If the mine makes money, the public gets a share. That is a fair way to do it. Nobody benefits from a royalty system so intrusive that it must be paid for through the loss of jobs, the health of local communities, and the abandonment of lower grade mineral resources.

Some would want to simply drive the mining industry out of the United States because they look at it as some kind of an environmental devil that somehow can't, through advanced technology, make a contribution to the Nation. I say that they can, they will and, through this legislation, they will be able to do a better job.

In 1974, British Columbia put a royalty on minerals before cost of production was factored in. Five thousand miners lost their jobs. That is a fact. Only one new mine went into operation in 1976. The industry was devastated. The royalty was removed 2 years later in 1978.

That is the reality of the world in which we live and the international competitiveness associated with this industry. Years later, the industry in British Columbia still has not completely recovered. I happen to know what I am talking about because the Senator from Alaska is very close to our neighbors in British Columbia.

So I say to those who forget history, they are doomed to repeat it.

Patents: Patenting grants the right to take title to lands containing minerals upon demonstration that the land can support a profitable operation.

Patents have been abused, no question about it. A small number of unscrupulous individuals have located mineral operations for the sole purpose of gaining title and turning the land into a lodge or ski resort. These practices are wrong. They are not allowed under the new legislation.

The reform that we have offered cures these problems without punishing the innocent. We would continue to issue patents to people engaged in legitimate mining operations, but a patent would be revoked if the land is used for purposes other than mining.

Operations: To separate legitimate miners from mere speculators and to unburden the Government from mining claims with no real potential, we require a $25 filing fee be paid at the time the claim is filed and make the annual $100 claim maintenance fee permanent.

Environmental protection: Our revisions weave a tight environmental safety net. The reform permit process requires approval for all but the most minimal activities. The bill requires reclamation, and the bill requires full bonding to deal with abandonment.

The Senator from Arkansas doesn't acknowledge the effort relative to what this bonding will mean. It will mean that mines that are abandoned will have a reclamation bond in place to make sure the public does not have to bear the cost of cleanup. The bond is going to be there; it is going to be held. It is a performance bond, that is what it means.

As we address the responsibility for a prudent mining bill, please recognize the contributions that have been made in trying to formulate something realistic that will address the abuses that we have had in the past. That is what we do in our bill.

The bill addresses mines already abandoned by establishing a reclamation fund as well. Filing fees, maintenance fees and the royalty go into that fund. So we have addressed that in a responsible manner.

For those who seek meaningful reform to the Nation's general mining laws, then our legislation does the job. It fixes past abuses without punishing the innocent. It shares profits without putting people out of work. It assures the mining operations cause the least possible disturbance. And it makes sure we don't pay for actions of a few bad operators and provide sources of funds for reclamation.

Both sides of the mining reform debate have come a long way toward a constructive compromise. I have met with Senator BUMPERS on many occasions, and at one time actually thought we were going to reach an accord. But unfortunately we didn't. But we have gone ahead and put in the bill. The bill will help carry us, I think, the last mile and provide the balanced reform that has, so far, eluded us.

I urge my colleagues to join with me, Senator CRAIG and others in continuing to craft this open and meaningful mining reform. With equal vigor, I ask each and every Member of this body to join us in opposing Senator BUMPERS' proposal, a reform crafted in the dark of night and offered in a forum guaranteed to confuse and shroud the real impact of the legislation.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I will not at this point speak to the merits of the amendment. Both the Senator from Arkansas and the Senator from Alaska have done so, each of them repeating points that I can remember having heard almost verbatim in several previous sessions of Congress. My remarks will be much more narrow.

Section (d)(1) of this amendment states:

> Any person producing hardrock minerals from a mine that was within a mining claim that has subsequently been patented under the general mining laws shall pay a reclamation fee to the Secretary under this subsection.

The Senator from Arkansas quite properly described that fee as a severance tax, and a severance tax it is. It applies only to minerals coming out, presumably, in the future from certain classes of lands in the United States. It is not something directed at the restoration of those lands, but is to be used as a source of money for much broader purposes.

The Senator's description of it as a tax is accurate.

Article I, section 7 of the Constitution of the United States under which we operate states—and I quote—

> All Bills for raising revenue shall originate in the House of Representatives.

No such tax appears in the similar bill that the House of Representatives has passed.

It is crystal clear to me that should this tax be added on to this bill it will be blue slipped in the House of Representatives, that is, it will not be considered on the grounds that that portion of the bill, that subject of the bill could only originate in the House.

The House of Representatives is as jealous of its prerogatives to originate tax bills as the Senate is to ratifying treaties or to confirm Presidential appointments or to engage in any of the activities that are lodged by the Constitution in this body.

POINT OF ORDER

As a consequence, although there has been some time devoted to the merits of this amendment, and because I believe that it clearly violates article I, section 7 of the Constitution, I raise a constitutional point of order against the amendment.

The PRESIDING OFFICER. The question before the Senate is debatable. Is the point of order well-taken, would be the question?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Parliamentary inquiry. Do we ask for the yeas and nays at this time?

The PRESIDING OFFICER. It is appropriate.

Mr. REID. I do so.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I hope that we can resolve this issue. It is quite clear that it does violate the Constitution of the United States. That is by taking the Senator's own statement during the time he was debating his amendment. It is clear from his own statement that it is a violation of the Constitution.

I say to my friends who are listening to this debate, Members of the Senate, that we would vote on this issue and if this issue prevails, of course, the amendment falls. But I would also say that we should look at this on the legal aspect. If this stays in this bill, the bill is gone. There is no question that it is unconstitutional and we should vote based on the constitutionality of this amendment, not on the merits of the amendment.

I say to my friends that we have voted on some aspect of an amendment like this on other occasions. My friend from Arkansas has framed it differently this time. Therefore, we have raised this point of order. I ask that we dispose of this. It is getting late into the night. I repeat, if this constitutional point of order is upheld, the amendment falls.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I know we will probably soon be voting on this important amendment and on this important issue.

I was sitting in my office and listening to my distinguished colleague from Arkansas, my friend and neighbor, and thought that I might come down and try to give him some help and support, not that he needs any more help in articulating the issue and speaking about it and outlining it, which he does so beautifully, but to let him know that as a new member of the Energy Committee, one that just arrived here and has not spent even a year here, and with him getting ready to retire and having announced his retirement, that I want to let him know I am going to pick up this ball wherever it may land today, I say to Senator BUMPERS.

I come from a State that has obviously some mining interests, but I come from a State that has had oil and gas development and exploration for many years.

I am from a position of understanding that when it is done correctly how much of a benefit it can be in terms of jobs and economic development and helping people and enriching the corporations and businesses as well as the average working man and woman.

But I can also see from knowing about our history in Louisiana that when the laws are not fair, when they are not written with the taxpayer in mind, that the taxpayers can be shortchanged. When taxpayers are shortchanged, families are shortchanged, and when families are shortchanged, children are shortchanged. When I think of the hundreds of millions and billions of dollars that could have been allocated differently perhaps in the history of our State as we took out oil and gas, that would have been more fair to everyone.

I have to sympathize in a great way with what the Senator from Arkansas is speaking about regarding many of our Western States.

To my great colleague and chairman of the Energy Committee, from a State very far from ours, I do not want him to think that I am meddling in other States' business. I have been in the legislature for many years in my own State. But it is an issue that should concern every taxpayer in America.

As we look for dollars to send our children to the best of schools that we can provide, when we look and scrape for dollars to provide immunization shots for them so that they can live a healthy life, when we are looking for dollars every day to try to literally make decisions about life and death, to not have these laws and rules and regulations established in such a way to just give fairness to the taxpayer is why I am here.

I am going to support this amendment. I am coauthoring this amendment. I am going to work diligently with Senator BUMPERS and other Members on both sides of this aisle to learn more about the specifics, to be a strong advocate for reform and change, to make sure that this allocation is done fairly for the taxpayers, and for somebody in these rooms to start dealing the deal for the taxpayer for a change and not specifically for a particular company or a particular entity. I know that my colleagues from these other States will keep that in mind as we move along with this amendment and this bill.

So I thank my colleague from Arkansas for his great work, for 8 years of his impassioned speeches, and hope that many Members of our Senate will become more knowledgeable about this issue because I can understand by looking at this amendment, not even having read all of the details of it, what is causing the consternation.

We are not talking about $2.50 or $1 or $15. We are talking about $750 and $550 million. When you talk about serious dollars, people wake up and get exercised about it. But it is about time maybe some of this money got into the hands of our children and families that need it that could use it for other things that would be important, not to mention the environmental concerns which are also of great concern to everyone.

So I am proud to support the amendment. I am happy for my name to be listed as a coauthor. Since I just got here, I plan to spend a lot of time working on the Energy Committee and look forward to working with members of the Energy Committee and others.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I do not think there is a Senator in this body who is not sensitive to families, is not sensitive to the working men and women of this country.

Who do you think is employed by the mines? Do we just disregard the job opportunities? Do we deny America of a resource that is used in just about everything that we pick up, from pencils to what we tie our shoes with? Doesn't that involve families, children, and schools, and roads, and public safety? It is a resource. Families and people are involved.

There is a basic fairness here. There is a human factor. All of this just doesn't jump out of the ground into the truck and then a faceless person drives a truck and a faceless person goes home to feed his family and pay his taxes, payroll taxes, insurance, workmen's comp. All of this is created out of commercial activity.

Now, if none of that is there, then you have even taken away the opportunity for upward mobility for the greatest number of people in this country.

There is not anybody here that is not sensitive to people and to the working men and women of this country or to families or even communities and all it takes to operate the communities, because to many of them, this is a commercial opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wanted to speak briefly on the amendment that has been offered. I recognize the Senator from Washington has raised the issue of constitutionality on this amendment. I leave that to constitutional attorneys in this body—of which he happens to be a leading one—to debate and discuss.

Let me mention quickly some of my concerns to the opposition of the underlying amendment. I believe the Senator from Arkansas has brought forward an appropriate amendment. What we are talking about here is essentially corporate welfare. This is not about family, and whose families does this or that, quite honestly. As a practical matter I believe the majority of the mining companies involved here, or a large percentage, come from other countries. We are talking about families. It would be how we benefit families from different countries. It is a classic case of corporate welfare.

The Senator from Arkansas has outlined in great detail, and very appropriately, what appears to a considerable outrage being perpetrated on the taxpayers of America in that we are selling land at $2.50 an acre which generates billions of dollars worth of revenue to corporations who pay virtually nothing in relationship to that revenue as it relates to the ore brought out of that land. In fact, the irony is they get a depletion allowance, a depletion tax allowance on the basis of this $2.50 land—not using that as a basis—which shouldn't apply to them to begin with because the land isn't purchased at a fair value. Yet they are given a tax break, a depletion allowance, in order to subsidize what is already grossly subsidized.

It is appropriate as we step forward, as the Senator from Arkansas has, and say if you are going to make this type of money off lands which are publicly owned—and the land is not publicly owned by the State, it is publicly owned by the Federal Government, and the Federal Government is the people of this country, not just the people of one State—if you are going to make money off publicly owned lands, the public should get some sort of return on it. That is only reasonable. The public should have the right to expect that it would benefit from the extraction of these valuable ores from land which they own, much as anybody who was a stockholder in a company would benefit from the profits of a company. The taxpayer is essentially the stockholder. The land is owned by the taxpayer. Therefore, there is a legitimacy to the position taken by the Senator from Arkansas that the value that is being withdrawn from this land should be returned in part, at least, to the people whose land is being used.

If you own a farm and you discover there is oil under your land, as a private citizen, and you go to an oil company and say, "Come on to my farm and pump my oil out," you are not going to say, "I will sell you my land for $2.50," would you? Nobody would, no. You will say, "Come on to my land, I may lease it to you for $2.50"—I find that hard to believe for the purposes of pumping oil, "but when you pump that oil out I will want a percentage of that profit." It is called a royalty payment. That is what is being proposed by the Senator from Arkansas.

It is totally reasonable in light of the staggering, staggering wealth which is generated from these mining claims in exchange for the minute amount of money that is paid for these mining claims. Estimates that have been pointed out by the Senator from Arkansas: For as little as $1,500, people purchased mining claims that generated over $3 billion; for as little as $275, people purchased mining claims worth over $1 billion; for as little as $9,000 people generated mining claims worth over $11 billion; and we have pending one where people will pay about $10,000 for benefits of approximately $38 billion.

How can anybody in good conscience go back to their taxpayers and say we just sold a piece of your land that has $38 billion worth of assets on it; we just sold it for 10,000 bucks? Who would go to their neighbor, with a straight face, and say "They just found oil on my land. I just sold it to the oil companies for $10,000. The oil is worth $38 billion. Didn't I get a good deal, neighbor?" You would be laughed out of town.

I think people who have the responsibility, the fiduciary responsibility of protecting the taxpayer and the taxpayers' land might also be laughed out of town, or at least be voted out of town if they continue to pursue this course.

I strongly support the underlying amendment. I will leave it to the constitutional lawyers to settle the constitutional point. But the concept of giving the taxpayers a fair break on this issue, the concept of giving the taxpayers a decent return on this very valuable asset is, I think, very appropriate, and it is time we started putting an end to this kind of corporate welfare.

I yield the floor.

Mr. GORTON. Two brief points. First, the Senator from New Hampshire describes what is an entirely reasonable point, it seems to me, if we are talking about land sold by the United States in the future.

But in effect he is saying a policy we ought to adopt is one that would be analogous to something in my own State, where 20 years ago you sold shares of stock in Microsoft for $10 a share and they are now worth $100,000 a share today, and he says, "Gee, I made a bad bargain. I ought to get some more of that back. I want a share of that profit." That goes to the equities of the position.

The point before the Senate now is whether or not we can constitutionally deal with this. The Senator from Louisiana made the perfect argument on our side. She said we aren't getting enough taxes, we need to get more taxes out of these lands.

That is exactly what the Senator proposes to do—tax these lands. Tax bills must originate in the House of Representatives. This does not originate in the House of Representatives. It is not something that this body constitutionally can deal with. That is the point on which we are going to vote.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Let me say, first of all, that I would have asked for a division, incidentally, before the point of order was made if I had had the chance.

Let me make a parliamentary inquiry. Division is not in order after the point of order is made, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. Let me say to my colleagues that I didn't get a chance to ask for a division. So, if you want to stand on ceremony, if you want to go home and tell the folks back home why you voted to continue giving billions of dollars worth of gold and silver away every year because of this little fine, distinguished point, you go ahead and do that. Be my guest.

If you are looking for something to hang your hat on even though you would be entirely incorrect, you can do it.

Do you know something else? The Senator from Alaska, the Senator from Nevada, the Senator from Idaho, and others who introduced this bill in this Senate, they have a royalty provision in their bill. That bill, like the bills I introduced, has been referred to the Senate Energy Committee, not the Finance Committee. Obviously my amendment does not contain a tax.

So we raise this little fine diversionary point and we hope that people will forget that, since 1872, 243 billion dollars' worth of their property has been expropriated by the biggest corporations in the world—not in America, in the world. So, candidate, when you see a 30-second spot next year saying, "He voted to continue this foul, outrageous, egregious practice, and the landowners of this country, the taxpayers who own it, you tax them for everything." How many times during the budget debate did I hear the cries about the "poor, taxed American taxpayer?" Go home and tell that taxpayer you were just kidding. If you weren't kidding, why are you voting to continue to give billions of dollars worth of their property away every year?

The Senator from Alaska says, "If you pass the Bumpers amendment, you are going to drive all these mining companies offshore." Do you know what my response to that is? If all you want to do, Stillwater Mining Co., is take 38 billion dollars' worth of platinum off of 2,000 acres of land in Montana and give us $10,000 back for your $38 billion, so long, good riddance. What on Earth are we thinking about in this body?

So, Mr. President, let me make this point one more time because I promise you there is going to be a lot of 30-second spots next year on this issue. You cannot duck this one forever. You cannot campaign back home on the finely crafted point of order made by the Senator from Washington that this doesn't belong in this bill and the House of Representatives will blue slip it. Since when did that become a big item around here? If you are looking for something to hang your hat on, you go ahead; you vote for the point of order and then go home next fall, and when you are in a debate with your opponent and he says, "He has voted time and again to give away these billions of dollars of resources that belong to you, the American people for nothing; he is willing to make the oil companies pay 12.5 percent royalty, make the gas companies pay a 12.5 percent royalty, is willing to make the coal operators pay a 12.5 percent royalty, or an 8 percent royalty for underground mining, but when it comes to gold and silver, he gets lockjaw, just can't get it out of the chute." You answer that when your opponent hits you with that and tells you that the Federal Government would have received $12 billion in royalties since 1872 for patented land alone.

Mr. MURKOWSKI. Will the Senator yield for a question?

Mr. BUMPERS. No, I will not yield. Then you stand on ceremony. And when your opponent charges you with that, you say, "Well, there is a little distinction. The Constitution says * * *." You see how that goes over.

Let me make one other point. Even if the point of order was valid against the reclamation fee, which it clearly is not, how can anybody argue that the royalty is unconstitutional.

So I leave it to your conscience on how you want to handle this. I will yield now to the Senator from Alaska.

Mr. MURKOWSKI. I ask my learned colleague if he thinks that the constitutional matters are strictly in the realm of technical matters and are of no consequence, which is what the Senator from Arkansas inferred? This is a constitutional point of order, is it not?

Mr. BUMPERS. It is a point of order.

Mr. MURKOWSKI. It has great significance relative to the manner in which this body conducts itself.

Mr. BUMPERS. As the Senator knows, nobody in this body has shown a deeper devotion to the Constitution of the United States than the Senator from Arkansas.

Mr. MURKOWSKI. Yet, the Senator from Arkansas says it is a "technical" matter and of no consequence.

Mr. BUMPERS. All I'm saying to my colleagues is that you're not going to get a chance to vote on a division, you are not going to get a chance——

Mr. MURKOWSKI. That is not the fault of the Senator from Alaska.

Mr. BUMPERS. All I am saying is that the point of order was made before I could ask for a division. I am saying that could be worked out, and it could be easily worked out.

Mr. MURKOWSKI. We both follow the rules of the Senate. My question to the Senator is, does the Senator from Arkansas regard this issue as a technical matter when it is a constitutional provision?

Mr. BUMPERS. Mr. President, I still have the floor, do I not?

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to ask for a division.

Mr. REID. Objection.

Mr. MURKOWSKI. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. BUMPERS. Somebody objected? I can't believe this.

Mr. President, like Mo Udall used to say, "Everything that needs to be said has been said, though everybody hasn't said it." I have said about all I can say for the eighth year. I consider this the most egregious thing that the Senate turns its back on every year. Of all the battles I have fought, particularly on the defense budget and in the Energy Committee, none of them are of equal importance to me as this. It is an absolute enigma to me how this body continues to vote to continue this outrageous practice.

While you are telling them about that fine constitutional distinction, in answer to why you are giving the gold and silver away to the biggest mining companies in the world, also remind them that not only do we not get one farthing in return for our gold and silver, they have just left you with a $32 to $70 billion cleanup cost.

I yield the floor.

Mr. REID. Mr. President, my friend from Arkansas has stated there has been a fine distinction point raised. That fine distinction point is the Constitution of the United States. I think that is something that we should be concerned about. This country has been in existence for more than 200 years, and this body has been in existence for more than 200 years. I think if we are anything of significance, which I believe we are, we are a country that is bound by the constitutional dictates set up by our Founding Fathers. The constitutional point of order lies.

Now, I also think, prior to voting on this, that we have to understand that much of what the Senator from Arkansas says, throwing these numbers around, talking about 30-second spots, these are a figment of someone's imagination. You cannot get out of here and talk about billions of dollars in cleanup and all the problems caused by mining. The fact of the matter is that with rare, rare exception, all of the cases he has talked about are cases involving mines that have long since been depleted, old mines where we had no reclamation laws, we had no environmental laws. That is why the Superfund is attempting to go clean them up. Under modern day reclamation and mining in the Western United States, we have good laws. He talks about leach mining, where you lay down a plastic pad and what if it leaks. Well, it doesn't leak. We have stringent controls that guarantees that.

I would also say, Mr. President, that I understand the feelings of the Senator from Arkansas about mining—I believe it is a very important industry in this country—when he says—and he said this before—"If you do not like what we are doing to you in the United States, adios." And he waves.

Let me talk about two of the States that are small States populationwise. Let's talk about the State of North Dakota and see how important mining is to North Dakota.

The value of minerals mined in North Dakota for the year 1995 was almost $308 million; directly contribution to Federal Government revenues, $21 million is what the Federal Government gains from the mining in a tiny State of North Dakota; total jobs gained directly and indirectly in North Dakota, 13,000 jobs.

Take another very small State, the State of Wyoming, the smallest State populationwise, or maybe Alaska is, but one of the smaller two States. The value of minerals in the State of Wyoming, over $2.5 billion; jobs in Wyoming, 41,000.

The point is that mining is important. We are a net exporter of gold. This has only happened during the last 10 years.

We talk about a favorable balance of trade. We have one in mining, which is very significant and important to this country. The price of gold has dropped significantly this past year. It was over $400 an ounce, and now it is barely $320 an ounce. Mining companies are having trouble making it.

So, I say also to my friend from Arkansas that every battle that he fights on the Senate floor is the most important battle that he fights. We have heard him on a number of issues that he talks strenuously and very passionately about. On every one, he tells us that it is the most important. I have great respect and admiration for his ability to debate. But the fact is, sometimes we are debating facts that are not at issue.

The issue before this body today is a constitutional issue as to whether or not the amendment of the Senator from Arkansas violates the Constitution. He has stated it does. I do not know if he wants a rollcall vote on it, or whether we should do it by voice vote.

I say through the Chair to my friend from Arkansas, I have a question for my friend from Arkansas. He has acknowledged that his amendment violates the Constitution.

Mr. BUMPERS. I didn't acknowledge that. But go ahead.

Mr. REID. My question was, do you want a rollcall vote on that, or should we do it by voice vote on a constitutional provision?

Mr. BUMPERS. The Senator does not have the option of doing that. He is going to be voting on the amendment, period. He is going to be voting on the point of order raised by the Senator from Washington.

Mr. REID. Does the Senator want a rollcall vote on that?

Mr. BUMPERS. Absolutely.

Mr. REID. I thought there was an acknowledgment here in the Senate that it did violate the Constitution.

Mr. BUMPERS. The Senator from Nevada is incorrect. My amendment does not violate the Constitution and it deserves an up or down vote. What is the Senator from Nevada and the Senator from Alaska so afraid of?

Mr. REID. So, in short, Mr. President, there has been an acknowledgment, even by the proponent of the amendment—the record speaks for itself—that this amendment violates the Constitution.

I want everyone walking over here to vote to understand that we said—"we," those of us who have talked for years against the amendments offered by my friend from Arkansas; and I will not describe the amendments—we have said that we would offer mining law reform, and we have done that. We have done that. This is a good bill. It calls for a royalty, reforms the patenting process, and reclamation. It is a good bill. We have done that. We have kept faith.

I also want everyone to understand, especially on the Democratic side, this constitutional issue, or the underlying amendment, has nothing do with the regulation that we disposed of here yesterday on the Senate floor. This has nothing to do with the issue—some controversy between the Senator from Arkansas and the Senator from Nevada—within the Democratic conference. This is a separate issue dealing with a tax, a tax that has been established with not a single hearing, with no debate whatsoever prior to getting here. It was thrown upon us here, on the Senate floor, this morning.

So I say we should go forward with this constitutional point of order.

In closing, let me say that the taxpayers of this country, the hundreds of thousands of people that work in mining, do care about mining. Their jobs come from mines. They pay taxes. And they provide for one of the finest industries that we have in the Western part of the United States.

I also say that we talk about environmental laws. I invite my friend from Arkansas, and anyone else that wants to see good reclamation, come and see what mining companies do in the modern-day West. Joshua trees are not torn up in a mining process. They must be saved so that when the mining is completed they can be replanted.

The mining company not far from my hometown, Searchlight, NV—they have a mining operation that has also a farming operation. They save all of the trees that have been uprooted from the mining. When that particular part of the mine is closed, they have to replant the Joshua trees.

So mining companies have contributed a lot environmentally to this country.

I think we have to understand that the passionate arguments of my friend from Arkansas are based little on fact and much on passion.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President.

Mr. President, before we vote, I want to make just a couple of additional remarks for the RECORD.

Listening to my colleagues speak about the Constitution and the intricacies of whether this is appropriate or not, compels me to say that the most important thing about our Constitution in the United States is the essential component written in that document about justice and fairness. That is what our Constitution is about. That is all this issue is about. It is about fairness and justice to the taxpayers and to the families and to children in our country.

To the children who come to me now and in the future, and perhaps look a little sad, telling me they come from families that may be poor, they don't have what they need, I remind them that they are not poor, that they live in a State and in a country with bountiful resources. They actually own gold and silver that belong to them.

But for some reason that I am finding hard to understand, for over 100 years this Senate and the House of Representatives refuses to acknowledge that this is not something we own, the 100 of us sitting here; this is something that the public owns. It belongs not to us, not to a few companies, nor to many companies. It belongs to the children of America. This is their land. It is their gold. It is their silver. And it is our job to make sure they get a fair portion—not all of it—but a fair portion of it. It is clear to me that they have not for 130 years gotten their fair portion of what is theirs, what was given to them—not by us, but by God, and others.

So I want to make that point for the RECORD.

I hope we will vote soon.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first of all, I ask unanimous consent that the Senator from Louisiana, Senator LANDRIEU, be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Second, Mr. President, I want to say to my colleagues that on this point of order, if you want to vote "no" because of the constitutional technicality which is raised by the point of the order by the Senator from Washington, bear in mind that the point of order is clearly not valid at all against the royalty provision in this bill.

The reason I can tell you that with absolute certainty is because the bill of the Senator from Alaska, the Senator from Idaho, and the Senator from Nevada, has a royalty provision in it. The Parliamentarian of this body referred it to the Energy Committee—not the Finance Committee. There isn't any question that there is no point of order against the royalty provision in this bill.

Second, I would like to ask my distinguished friend from Nevada, if I could have the attention of the Senator from Nevada——

Mr. REID. Which one?

Mr. BUMPERS. I would like to ask the Senator from Nevada if he will tell his 99 colleagues why Newmont Mining Co.—which is the biggest mining company in Nevada—why is it that they are willing to pay 18 percent royalty for private lands they mine on, and land which is a part of the very same mine which they got a patent on from the U.S. Government for $2.50 an acre, why they are not willing to pay any royalty on that.

Mr. REID. I would be happy to respond to my friend from Arkansas.

First of all, again, with all due respect to my friend from Arkansas, it is somewhat misleading to say they get $2.50 an acre for land.

Mr. BUMPERS. They got it for $35——

Mr. REID. Let me finish my answer.

To develop that piece of land costs them tens of millions of dollars. You don't simply go out in the deserts of Nevada or any place in the West and locate a claim and start scooping out the gold. I am not saying millions of dollars. I am saying tens of millions of dollars.

In addition to that, the unique situation that the Senator has raised, they also purchased next to their mine a ranch.

And the reason they purchased the ranch originally was so their mining operations would not interfere with the ranch property. They bought that ranch so their trucks could go through the property on their roads. They found on that land some mineral value. Since they owned the ranch, and they found some gold. And the reason they were willing to do that, and pay the fee on land that they already had, is because they had an ongoing operation. They had already developed and they discovered gold there, and it was the profitable thing for them to do. They didn't do it, just to go out and then somebody said, "You start paying us 18 percent royalty." They already had a huge mining operation in the immediate vicinity of the property they agreed to lease.

Mr. BUMPERS. Does the Senator realize that the land on which they are paying 18 percent royalty was formerly Federal land and was patented by a totally different person and they bought it, they bought it from somebody else who paid the Federal Government either $2.50 an acre or $5 an acre? They are paying him, not the Federal Government.

You see, if they had been smart enough to get a patent before this other fellow did, they would not have had to pay anything. Now they are paying somebody else who patented the land 18 percent, but if they had gotten the patent from the Federal Government, they wouldn't have had to pay a penny.

Indeed, Senator, I don't want to make too much light of your argument, but I don't even know what your answer is. I still do not understand why it is they are willing to pay 18 percent royalty to a guy who patented the land from the Federal Government. It is now private land because he bought it for $2.50 an acre. They are willing to pay him 18 percent royalty but the other lands—it is a part of the same lode of gold that they got a patent on from the Federal Government. They are not willing to pay one farthing, and the reason they are not willing to, I say to the Senator, you and I both know the answer, they got a bird nest on the ground.

Mr. REID. First of all, these lands started being patented a long time ago. If you look at Carson City, which was before the 1872 mining law, they had a different way of patenting claims than started in 1872. Claims in Nevada have been patented for many years as they have in the Western part of the United States. I can't give you the genealogy of the claim about which the Senator speaks, but assuming my friend from Arkansas is right, that it was originally patented by someone else and then they purchased it, I say this.

First of all, the reason that Newmont Mining Co. or any other mining company would be willing to pay extra on it is because we live in a system of free enterprise where people pay what they feel they can pay in order to make a profit. And surrounding this piece of land is land that they have spent tens of millions of dollars developing. The land that they are leasing from another individual, this company, is land that has already been patented. Newmont didn't have to spend a single penny to get the patents. That is very, very difficult. It didn't used to be very tough but now it is very difficult to patent.

Mr. BUMPERS. Does the Senator know of any mine that has ever been developed in the history of this country where a lot of money wasn't spent to develop it, on private land or Federal lands?

Mr. REID. Oh, sure.

Mr. BUMPERS. You always have to spend a lot of money developing it, don't you agree?

Mr. REID. No. I would not agree at all. For example, under the 1872 mining law, you don't have to patent land. You can go out and locate land any place you want. In the town where I was born, a guy in 1898, walking through there—the 1872 mining law was in effect—found some gold. It didn't cost anything to develop it. They started mining it.

But under modern law it is very difficult to patent a claim. That is why I talk about companies spending millions of dollars.

Around the area where I was born and raised, in Searchlight, we only have one mine, which is right over the line in the State of California, owned by the Viceroy Mining Co. That relatively small mine cost $70 million before they took an ounce of gold out of the ground, $70 million. So, I mean, we talk about $2.50 an acre and it was patented land.

Mr. BUMPERS. Were we to follow the Senator's logic to its logical conclusion, would this not be a fair summary, that it costs millions of dollars to develop land belonging to the United States but nothing to develop lands that belong to private interests?

Mr. REID. No.

Mr. BUMPERS. That's the reason they are paying royalties to private interests.

Mr. REID. Absolutely not; because as you know—maybe the Senator from Arkansas didn't understand my answer. Maybe he did not want to understand the answer. The fact is, as I have explained, the area of land where they have the lease and are paying royalties on land that was patented a long time ago. They didn't have to spend any money to develop that. It was right there. They did not have to spend money to get a patent. It was already patented.

In modern-day mining it costs a lot of money to patent a claim. It didn't use to. It does now.

Mr. BUMPERS. If that is true, why don't they just come in and say, "Look, we bought this land that had already been developed by somebody else who patented it and it is not fair for us to take this because it originally belonged to landowners and we want to pay a royalty on it." Would that be fair?

Mr. REID. I say respectfully to my friend from Arkansas, I do not understand the question. The fact of the matter is the profit motive governs mining companies, ranchers, as it does those who own clothing stores, automobile dealerships, and mining companies that are trying to make money to pay the wages of people who work for them. I acknowledge that.

Mr. BUMPERS. We are prepared to vote, Mr. President.

The PRESIDING OFFICER. Is there further debate?

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I rise today in opposition to the amendment offered by my good friend from Arkansas. I appreciate the deeply held commitment of my colleague to the issue of mining law reform. As I have told my colleague many times over the years, I agree with him that the 1872 mining law is in need of reform—our differences on this issue are one of degree.

The Bumpers amendment simply goes too far. If enacted, this amendment would severely threaten the economic viability of the hardrock mining industry in my home State of Nevada and throughout the western United States.

For the fifth year in a row, Nevada's mines have collectively topped the 6 million ounce mark in gold production. In 1996, there was a total of 7.08 million ounces of gold produced in Nevada. The state's rich landscape has made Nevada the largest gold producer in the nation with 66.5 percent of all production. In addition, it now accounts for 10 percent of all the gold in the world.

The most recent information from the State of Nevada indicates that direct mining employment in Nevada exceeds 13,000 jobs. The average annual pay for these jobs, the highest of any sector in the state, is about $46,000, compared to the average salary in Nevada of about $26,000 per year. In addition to the direct employment in mining, there are an estimated 36,000 jobs in the state related to providing goods and services needed by the industry.

The impression left by proponents of this amendment is that the mining industry has free reign to extract mineral resources from public land. Nothing is further from the truth. In my State, Nevada mining companies must pay taxes like any other business, and they also pay an additional Nevada tax called the "Net Proceeds of Mines Tax." This tax must be paid by mining companies regardless of whether they operate on private or public land. The total Net Proceeds tax paid to the State in 1995 was approximately $33 million. With the addition of sales and property tax, the industry paid approximately $141 million in State and local taxes in 1995. In addition, the Nevada mining industry paid approximately $95 million in Federal taxes in 1995.

The additional taxes imposed by the Bumpers amendment would be extremely onerous for mining operators in Nevada. These new taxes would likely force many mining operations to shut down, thereby causing an overall reduction in Federal and State tax revenues paid by the industry. The bottom line is that the mining industry pays taxes just like any other business, and in Nevada they pay an additional tax targeted specifically to their industry.

The issue of reclamation is also central to the mining law reform debate. The State of Nevada has one of the toughest, if not the toughest, State reclamation programs in the country. Nevada mining companies are subject to a myriad of Federal and State environmental laws and regulations, including the Clean Water Act, Clean Air Act, and Endangered Species Act. Mining companies must secure literally dozens of environmental permits prior to commencing mining activities, including a reclamation permit, which must be obtained before a mineral exploration project or mining operation can be conducted. Companies must also file a surety or bond with the State or the Federal land manager in an amount sufficient to ensure reclamation of the entire site prior to receiving a reclamation permit.

It is in the context of promoting the economic viability of the mining industry and of encouraging strong environmental reclamation efforts administered by the States that I view the debate over the reform of the Mining Law of 1872. As I have stated many times over the years, I feel that certain aspects of the 1872 mining law are in need of reform. Specifically, I feel strongly that the patenting provision of the current law should be changed to provide for the payment of fair market value for the surface estate. All patents should also include a reverter clause, which would ensure that patented public lands would revert to Federal ownership if no longer used for mining purposes. I believe that mining law reform legislation should ensure that any land used for mining purposes must be reclaimed pursuant to applicable Federal and State statutes. And finally, I believe that mining law reform legislation should impose a reasonable royalty on mineral production from Federal land.

Mr. President, the Mining Law Reform Act of 1997, of which I am a cosponsor, addresses each of the concerns I have just outlined. This legislation would impose a 5 percent net proceeds royalty on mineral production from Federal lands. It would make permanent the $100 maintenance fee for every claim held on federal land. It calls for the payment of fair market value for patented lands and includes a reverter provision to ensure that patented lands are used only for mining purposes. Finally, the legislation directs revenues from mineral production on Federal lands to a special fund to assist state abandoned mine cleanup programs. It is my hope that this legislation will serve as the starting point for the debate over mining law reform in the 105th Congress.

I agree with the Senator from Arkansas that we have waited long enough for Congress to enact comprehensive mining law reform. The aura of uncertainty that the industry has been forced to operate under for the last decade is causing many companies to look overseas for their future operations. The number of United States and Canadian mining companies exploring or operating in Latin America continues to grow dramatically. I do not feel, however, that the legislation before us today provides the proper context to rewrite the general mining laws.

I hope I will have the opportunity in the near future to work with the distinguished Senator from Arkansas and other interested Members of this body to craft a piece of legislation that we can move to the floor and enact in this session of Congress.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Arkansas.

Mr. BUMPERS. First, I thank my distinguished colleague from Nevada for his very good statement. I disagree of course, but I appreciate him and consider him one of the best Senators in the Senate. He is, indeed, an honorable man, and his word is as good as his bond. I think he really would like to sit down and work out some sort of reform legislation, and I thank him for those words.

Before we vote, to my colleagues just let me say this; two things. No. 1, this point of order made, this constitutional point of order: If you are going to vote on this, you bear in mind that if we allow a point of order to be made against my amendment, what is to stop others from raising points of order against any of your amendments where the opponents want to avoid an up or down vote?

No. 2, if you are worried about what the House of Representatives is going to do, bear in mind this is a House bill we are voting on.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on this amendment?

The question is, Is the point of order well taken? The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Minnesota [Mr. WELLSTONE] is necessarily absent.

I also announce that the Senator from Hawaii [Mr. AKAKA] is absent due to a death in the family.

I further announce that, if present, and voting, the Senator from Minnesota [Mr. WELLSTONE] would vote "no."

The result was announced, yeas 59, nays 39, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—59

Abraham
Allard
Ashcroft
Baucus
Bennett
Bingaman
Bond
Breaux
Brownback
Bryan
Burns
Campbell
Chafee
Cochran
Coverdell
Craig
D'Amato
Daschle
Domenici
Dorgan
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—39

Biden
Boxer
Bumpers
Byrd
Cleland
Coats
Collins
Conrad
DeWine
Dodd
Durbin
Faircloth
Feingold
Feinstein
Ford
Glenn
Graham
Gregg
Harkin
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Moseley-Braun
Moynihan
Murray
Reed
Robb
Rockefeller
Sarbanes
Snowe
Torricelli
Wyden

NOT VOTING—2

Akaka
Wellstone

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 39. The point of order is well taken. The amendment falls.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BRYAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I am not able at this time to propound a unanimous-consent request, but I have been talking to the manager of the bill and to the Democratic leader about this issue, and the next issue we hope to consider, or plan to consider, is the Food and Drug Administration reform package. It is absolutely essential that we complete the Interior appropriations bill, and we must do that this week, and we will do that. If we have to stay late tonight and have votes tomorrow, up until 12 o'clock, or whatever it takes to finish it, we will do it.

I believe we are close to where we will be able to see exactly what is needed. Perhaps we can get the amendments worked out. The managers are going to be working on that. We are not ready to do that right now. We will work in the next few minutes, and we will let the Members know what the prospects are. We will be working on a UC that will allow us to complete the bill and get to final passage either tonight or first thing in the morning. We will be prepared to do something on that within, I hope, a short period of time.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1229

(Purpose: To provide an alternative source of funds for operation of, or acquisition, transportation, and injection of petroleum products into, the Strategic Petroleum Reserve)

Mr. BINGAMAN. Mr. President, I ask unanimous consent the pending committee amendment be set aside, and on behalf of myself and Senator MURKOWSKI I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the committee amendment will be set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] for himself and Mr. MURKOWSKI, proposes an amendment numbered 1229.

Mr. BINGAMAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 80, strike line 14 and all that follows through page 81, line 6 and insert the following:

"STRATEGIC PETROLEUM RESERVE

"(INCLUDING TRANSFER OF FUNDS)

"For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $207,500,000, to remain available until expended, of which $207,500,000 shall be repaid from the "SPR Operating Fund" from amounts made available from sales under this heading: *Provided*, That, consistent with Public Law 104–106, proceeds in excess of $2,000,000,000 from the sale of the Naval Petroleum Reserve Numbered 1 shall be deposited into the "SPR Operating Fund", and are hereby appropriated, to remain available until expended, for repayments under this heading and for operations of, or acquisition, transportation, and injection of petroleum products into, the Strategic Petroleum Reserve: *Provided further*, That if the Secretary of Energy finds that the proceeds from the sale of the Naval Petroleum Reserve Numbered 1 will not be at least $2,207,500,000 in fiscal year 1998, the Secretary, notwithstanding section 161 of the Energy Policy and Conservation Act of 1975, shall draw down and sell oil from the Strategic Petroleum Reserve in fiscal year 1998, and deposit the proceeds into the "SPR Operating Fund", in amounts sufficient to make deposits into the fund total $207,500,000 in that fiscal year: *Provided further*, That the amount of $2,000,000,000 in the first proviso and the amount of $2,207,500,000 in the second proviso shall be adjusted by the Director of the Office of Management and Budget to amounts not to exceed $2,415,000,000 and $2,622,500,000, respectively, only to the extent that an adjustment is necessary to avoid a sequestration, or any increase in a sequestration due to this section, under the procedures prescribed in the Budget Enforcement Act of 1990, as amended: *Provided further*, That the Secretary of Energy, notwithstanding section 161 of the Energy Policy and Conservation Act of 1975, shall draw down and sell oil from the Strategic Petroleum Reserve in fiscal year 1998 sufficient to deposit $15,000,000 into the General Fund of the Treasury of the United States, and shall transfer such amount to the General Fund: *Provided further*, That proceeds deposited into the "SPR Operating Fund" under this heading shall, upon receipt, be transferred to the Strategic Petroleum Reserve account for operations and activities of the Strategic Petroleum Reserve and to satisfy the requirements specified under this heading."

Mr. BINGAMAN. Mr. President, this amendment that we are offering would avoid further sales of petroleum from the Strategic Petroleum Reserve. It accomplishes this goal by providing alternative sources of funding for the Interior bill to replace the planned sale of $207.5 million that is now in the bill as reported by the Appropriations Committee.

The Strategic Petroleum Reserve was established under the Energy Policy Conservation Act of 1975. It is our Nation's primary insurance policy against market chaos if there is an international oil supply disruption. The Energy Policy and Conservation Act and Strategic Petroleum Reserve were authorized earlier this year in the Senate by unanimous consent.

For the past several years, the Interior Appropriations Act has included sales of the oil from the Strategic Petroleum Reserve as an offset to Federal spending in that bill. I recognize that such sales have been proposed in the past by the administration, that they have been undertaken reluctantly by the Appropriations Committee. But depleting the Strategic Petroleum Reserve, even to fund the worthy programs in this bill now before the Senate is an unwise policy.

In hearings before the Senate Energy Committee earlier this year, we had several distinguished experts on world oil markets and on the Middle East repeatedly emphasizing the fragility of the current political situation in the major oil-producing regions outside of the United States. We have no assurance that the near future might not bring unwelcome political changes that would result in a reduction in the world's energy security. While the United States itself does not import an overwhelming fraction from the Middle East, the world oil market is highly integrated, and shortages anywhere quickly translate into higher prices at the pump here in the United States.

In this context, annual sales of oil from the Strategic Petroleum Reserve amount to a piecemeal cancellation of our national energy insurance policy. Moreover, our sales from the Strategic Petroleum Reserve have been cited by other countries as justification for selling off their oil reserves to offset short-term spending needs that they themselves have. We saw this happen in Germany earlier this year when they sold oil from their strategic reserves to raise the extra revenue needed to bring their budgets within the guidelines contained in the Maastricht Treaty.

Sales of oil from the Strategic Petroleum Reserve have negative short-term impacts for ordinary Americans, in addition to these longer term threats to our Nation as a whole. Whenever the Federal Government dumps $200 million of oil on the market, it delivers a sucker punch to the independent oil and gas producers who are operating on the margin of profitability. Our independent producing sector is an important part of the oil supply equation in the United States. The oil and gas industry is the second largest industry in my State of New Mexico. If there is a way to avoid inflicting these economic losses on these mom-and-pop operations that characterize a good deal of our domestic industry, we need to do that. In this context, I will note that my efforts and those of my cosponsor have been strongly endorsed by the Independent Petroleum Association of America, by the National Stripper Well Association and by the American Petroleum Institute.

Fortunately, we found a way to avoid sales of the Strategic Petroleum Reserve in this bill without cutting $200 million of funding for programs that affect Indian tribes, energy conservation, national parks, research and development, the arts, and the other vital subjects covered by the bill. Pursuant to the Defense Authorization Act of 1996, the Secretary of Energy is required to sell the Elk Hills Naval Petroleum Reserve. It now appears that the Secretary will receive more for Elk Hills than is accounted for in the balanced budget agreement.

The amendment I am offering today takes these excess proceeds, uses them as a funding source in place of oil sales from the Strategic Petroleum Reserve. We will not know the exact amount of the excess proceeds until January of 1998 when the administration sends the Congress a final proposal to sell Elk Hills under the 31-day notice-and-wait provision contained in the law that authorizes that sale. The possibility exists, though, that we could capture enough funds through this amendment to obviate the need to sell oil from the Strategic Petroleum Reserve next year and potentially beyond. This coupling will certainly be a consideration in my judgment as to whether it is a good idea for Congress to allow the sale of Elk Hills to go forward.

This amendment is intended as a positive step to meet the needs being addressed by the Interior bill by tapping an alternative source of funds instead of sales from the Strategic Petroleum Reserve.

Stopping SPR sales as a source of general revenue is a good national economic policy. It is good for our domestic oil and gas industry, and particularly for the most vulnerable independent producers of oil and gas in my State and other petroleum-producing States.

I urge adoption of the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I join with my colleague the Senator from New Mexico with regard to the amendment that he has offered.

What this amendment would do is avoid the ultimate budget gimmick, which is selling $60 a barrel oil for $18 and calling it "income" for the American taxpayer. These oil sales would result in $173 million actual loss to the American taxpayer.

We have sold 28 million barrels of oil. What have we sold it for? To contribute to balancing the budget. Think of the inconsistency here. We created the Strategic Petroleum Reserve in 1975. We created it because at that time we were dependent on imported oil for about 36 or 37 percent of our oil consumption. Today we are facing a 52 percent dependence on imported oil.

In light of our current situation, selling down the SPR simply makes no sense whatever. In 1975, when we were 32 percent dependent, we formulated the SPR with the idea we had to have a reserve oil supply in case of national emergency, and suddenly when we are 52 percent dependent, we start to sell the reserve?

The oil from Elk Hills was supposed to go to the SPR, but we have waived the requirement for the last 10 years, and the oil was sold to balance the budget. Now we are selling Elk Hills, and it is only right that some of the money go to the purpose of stopping the drain on SPR.

This amendment does not cost the taxpayers any money. What we are trying to do is try to avoid a huge loss. This amendment works within the budget rules and avoids a terrible policy result—both from the energy and budgetary standpoint—buying high and selling low. But the Government seems to do it all the time. We are like the man in the old joke who was buying high and selling low and who claimed that he "would make it up on volume."

So, today, Senator BINGAMAN and I are introducing this amendment to provide a short-term source of funding for the Strategic Petroleum Reserve.

Soon, the Department of Energy will complete the sale of the Naval Petroleum Reserve No. 1, as directed by Congress. We are optimistic that the sale will raise more money than previously estimated. This amendment would place proceeds in excess of $2 billion from that sale in a fund that would be used to pay for the SPR.

This amendment was proposed by the DOE and should, at a minimum, avoid an oil sale in the next fiscal year. I think it is appropriate that extra proceeds from the sale of the Naval Petroleum Reserve, after contributing to deficit reduction, be used to stop the drain on our Strategic Petroleum Reserve.

The amendment will not permanently resolve the problems with providing funding for SPR, but it should temporarily stop the bleeding. In the face of our oil dependency, and the continuing drain on SPR, I can't resist noting that there are still some in this body that oppose the production of domestic oil resources.

So as it stands now, this body does not appear to support the domestic storage or production of oil. Some may not like the reality that this Nation will continue to need petroleum. Petroleum moves our transportation system. We have no other alternative, at least none in the foreseeable future. However, reality doesn't cease to be a reality because we ignore it. We are talking about people's lives, jobs, their livelihood. I certainly understand the difficult task that the Appropriations Committee faces as it attempts to fund all of the important programs under its jurisdiction.

However, I must insist that, in the future, we resist the temptation to drain the SPR to meet these priorities, if indeed the SPR has an objective at all, which is to serve as the country's energy security during a time of crisis.

I strongly urge my colleagues to support the amendment today. I also strongly urge my colleagues to join with us to permanently end the draining of oil from the Strategic Petroleum Reserve to fulfill our shortsighted, short-term desires.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to make a few points. The first point is, I did speak to Secretary of Energy, Federico Pena, in the last hour. He has authorized me to indicate to all Senators that he strongly supports the amendment that Senator MURKOWSKI and I are offering, and he believes it is a good public policy and a policy that we ought to adopt here.

I also want to indicate a particular appreciation to Bob Simon on my staff, who is the person who has done all the work in coming up with this proposal.

I also ask unanimous consent that a section-by-section explanation of the amendment be printed in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROVISO-BY-PROVISO EXPLANATION OF THE AMENDMENT

The amendment strikes and replaces the section of the bill dealing with the Strategic Petroleum Reserve. The following are the key provisions of the new section:

The head of the section follows the existing bill by appropriating $207.5 million for operations of the Strategic Petroleum Reserve in FY 1998.

The first proviso stipulates that any proceeds from the sale of the Elk Hills Naval Petroleum Reserve (known as Naval Petroleum Reserve Number 1) that are in excess of $2 billion are to be used to support the operations of the Strategic Petroleum Reserve (and also for additional acquisition of SPR oil), until those excess funds are expended. Thus, if the sale of Elk Hills were to net $2.4 billion, under this proviso, we would have the operations of the SPR covered for the next two fiscal years. The budget offset, under CBO scoring, for this extra spending is provided in the fourth proviso, which I will address in a minute.

The second proviso takes care of the situation in which the excess proceeds from the sale of Elk Hills are not enough to fully cover the cost of operations of the SPR in fiscal year 1998. In such a case, SPR oil would have to be sold to make up the difference, similar to what the current language of this bill provides.

The third proviso addresses the fact that CBO and OMB score the sale of Elk Hills differently. While this amendment does not have Budget Act points of order against it, without this proviso, it could theoretically trigger a budget sequester at OMB, because of their scoring rules. This proviso eliminates any possibility of an OMB budget sequester, and was worked out in close cooperation with senior management at OMB, which endorses this amendment.

The fourth proviso provides for a special sale of SPR oil to offset the other spending in this amendment. CBO scores the entire amendment as not increasing the overall spending of the Interior Appropriations bill, so it is not in violation of the Budget Agreement or any provision of the Budget Act.

The final proviso of this new section transfers the funds for operating the SPR into the appropriate account in the U.S. Treasury. It is similar to the existing final proviso in the existing section that is being replaced.

Mr. GORTON. Mr. President, this amendment is constructed in a fashion that evades budget points of order. That is to say, no points of order would be appropriate. But it does take advantage of a quite conservative estimate by the Congressional Budget Office of the revenues that may accrue from the sale of Elk Hills.

I also note that the amendment could result in the Department of Energy capturing several hundreds of millions of dollars of revenue that could otherwise go into the General Treasury. As a member of the Budget Committee, this is a precedent about which I have some real concern.

On the other hand, as I said from the time that the House bill passed and we worked on our own, I am not completely comfortable with the sale of oil from the Strategic Petroleum Reserve, including the sale in the bill that is in the President's budget request and House action.

Having said all of that, balancing on both sides, I am willing to accept the amendment, as is my comanager from Nevada. We can deal with the issue in conference, and I hope that it is either acceptable or can be put into acceptable form.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 1229) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1230

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mrs. MURRAY, for herself, Mr. GORTON, and Mr. MURKOWSKI, proposes an amendment numbered 1230.

The amendment is as follows:

At the end of Title III, add the following:

SEC. . Within 90 days of enactment of this legislation, the Forest Service shall complete its export policy and procedures on the use of Alaskan Western Red Cedar. In completing this policy, the Forest Service shall evaluate the costs and benefits of a pricing policy that offers any Alaskan Western Red Cedar in excess of domestic processing needs in Alaska first to United States domestic processors.

Mrs. MURRAY. Mr. President, I want to discuss briefly my amendment to alter U.S. Forest Service rules regarding the export of Western Red Cedar logs from Alaska. Today, because there are no Alaskan sawmills that use this cedar, this National Forest timber is exported as raw logs primarily to foreign customers.

That is a real problem for our independent mills in Washington and Oregon who have traditionally been dependent on public timber. As we all know—and have discussed in the context of this bill—National Forest timber sales have plummeted since the 1980s. The independent mills that have survived are technologically advanced, with a well-trained workforce, but are always scrambling for reasonably-priced timber.

As a rule, National Forest timber must be processed before it can be exported overseas. This Congress imposed that policy nearly 20 years ago. There is almost unanimous agreement that federal timber should be processed in America to create the maximum number of American jobs.

One exception to the rule of domestic processing is that where no market for a certain species of tree exists, the Forest Service will deem that species "surplus." A surplus species can be exported in as a raw log.

In Region 10, there are currently no Alaskan processors who can use the Western Red Cedar. The Forest Service has, thus, deemed it surplus. But it is definitely not surplus to the domestic needs of sawmills and workers in the Pacific Northwest. I've been approached by several mills who are desperate for this cedar, including Skookum Lumber in Shelton, WA, and Tubafor Mill, in Morton, WA.

My amendment requires the Forest Service to offer these national logs at domestic prices to mills in the lower 48 states. It requires the agency to establish a three-tiered policy giving Alaskans first priority, other American companies next priority, and only if no one wants these logs—which is highly unlikely—may they be exported internationally.

Mr. President, this is a commonsense amendment. Members of the Washington delegation, including Representative NORM DICKS and former Represemtative Jolene Unsoeld, have worked to make this policy change since 1991. Now is the time to use these Federal resources for the benefit of American working families.

Mr. GORTON. Mr. President, this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1230) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I hope for only a very short period of time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask that the pending business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1231

(Purpose: To provide for the disposition of oil lease revenue received as a result of the Supreme Court's decision in United States of America v. State of Alaska)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MCCAIN, for himself, Mr. STEVENS and Mr. MURKOWSKI, proposes an amendment numbered 1231.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 63, between lines 8 and 9, insert the following:

SEC. . DISPOSITION OF CERTAIN OIL LEASE REVENUE

(a) DEPOSIT IN FUND.—One half of the amounts awarded by the Supreme Court to the United States in the case of United States of America v. State of Alaska (117 S. Ct. 1888) shall be deposited in a fund in the Treasury of the United States to be known as the "National Parks and Environmental Improvement Fund" (referred to in this section as the "Fund").

(b) INVESTMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest earned from investments of the Fund shall be covered into and form a part of the Fund.

(c) TRANSFER AND AVAILABILITY OF AMOUNTS EARNED.—Each year, interest earned and covered into the Fund in the previous fiscal year shall be available for appropriation, to the extent provided in subsequent appropriations bill, as follows:

(1) 40 percent of such amounts shall be available for National Park capital projects in the National Park System that comply with the criteria stated in subsection (d); and

(2) 40 percent of such amounts shall be available for the state-side matching grant under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8); and

(3) 20 percent of such amounts shall be made available to the Secretary of Commerce for the purpose of carrying out marine research activities in accordance with subsection (e).

(d) CAPITAL PROJECTS.—

(1) IN GENERAL.—Funds available under subsection (c)(2) may be used for the design, construction, repair or replacement of high priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, recreational and historic resources protection projects.

(2) LIMITATION.—A project referred to in paragraph (1) shall be consistent with—

(A) the laws governing the National Park System;

(B) any law governing the unit of the National Park System in which the project is undertaken; and

(C) the general management plan for the unit.

(3) NOTIFICATION OF CONGRESS.—The Secretary shall submit with the annual budget submission to Congress a list of high priority projects proposed to be funded under paragraph (1) during the fiscal year covered by such budget submission.

(e) MARINE RESEARCH ACTIVITIES.—(1) Funds available under subsection (c)(3) shall be used by the Secretary of Commerce according to this subsection to provide grants to federal, state, private or foreign organizations or individuals to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, and Arctic Ocean (including any lesser related bodies of water).

(2) Research priorities and grant requests shall be reviewed and recommended for Secretarial approval by a board to be known as the North Pacific Research Board (referred to in this subsection as the "Board"). The Board shall seek to avoid duplicating other research activities, and shall place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs.

(3) The Board shall be comprised of the following representatives or their designees:

(A) the Secretary of Commerce, who shall be a co-chair of the Board;

(B) the Secretary of State;

(C) the Secretary of the Interior;

(D) the Commandant of the Coast Guard;

(E) the Director of the Office of Naval Research;

(F) the Alaska Commissioner of Fish and Game, who shall also be a co-chair of the Board;

(G) the Chairman of the North Pacific Fishery Management Council;

(H) the Chairman of the Arctic Research Commission;

(I) the Director of the Oil Spill Recovery Institute;

(J) the Director of the Alaska SeaLife Center;

(K) five members nominated by the Governor of Alaska and appointed by the Secretary of Commerce, one of whom shall represent fishing interests, one of whom shall represent Alaska Natives, one of whom shall represent environmental interests, one of whom shall represent academia, and one of whom shall represent oil and gas interests;

(L) three members nominated by the Governor of Washington and appointed by the Secretary of Commerce; and

(M) one member nominated by the Governor of Oregon and appointed by the Secretary of Commerce.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, or Arctic Ocean. Three nominations shall be submitted for each member to be appointed under subparagraphs (K), (L), and (M). Board members appointed under subparagraphs (K), (L), and (M) shall serve for three year terms, and may be reappointed.

(4)(A) The Secretary of Commerce shall review and administer grants recommended by the Board. If the Secretary does not approve a grant recommended by the Board, the Secretary shall explain in writing the reasons for not approving such grant, and the amount recommended to be used for such grant shall be available only for other grants recommended by the Board.

(B) Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote. The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with the priorities established by the Board. The Secretary shall provide the Board such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) for the purposes of section 302(i)(1) of such Act, and the other procedural matters applicable to advisory panels under section 302(i) of such Act shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 5 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

Mr. MCCAIN. Mr. President, I offer this amendment on behalf of myself, Senator STEVENS, and Senator MURKOWSKI.

The amendment would deposit $800 million into a newly created national park and environmental enhancement fund within the U.S. Treasury.

The interest from the account would be dedicated to three purposes:

First, to make critically needed capital improvements in America's national parks.

Second, assist States in their park planning and development needs.

Third, provide for research on the marine environment. This is strongly endorsed by the National Parks and the Conservation Association, Natural Resources Defense Council, National Trust for Historic Preservation, and Center for Marine Conservation.

I thank Senators STEVENS and MURKOWSKI for their assistance and leadership, as well as Senator GORTON, on this amendment.

The revenue which will finance this special account is oil lease revenue awarded to the Federal Government by the U.S. Supreme Court earlier this year. Both the United States and Alaska claimed ownership of the land from which the oil was extracted.

Mr. President, we all know that the people of Alaska were bitterly disappointed in the Court's decision to find on behalf of the Federal Government and to award the money to the Federal Treasury. Nevertheless, the Court has rendered a final judgment.

I am pleased to say that passage of this amendment will enable us to employ the money not only for the people of Alaska but for every other State.

Under this amendment, 40 percent of the yearly interest of the new account—up to $20 million annually—will be dedicated to making high-priority capital improvements in our national parks. Now is the time to act. The integrity of the national historic treasures that comprise our National Park System is at stake.

The GAO estimates that unmet capital needs throughout the system total more than $8 billion. Current funding levels are grossly insufficient to meet these requirements.

Last year, out of the $1.6 billion that Congress appropriated to operate and maintain the 314 national parks, monuments, and historical sites, two-thirds were spent on park operations, leaving $400 million available to finance capital improvements.

Let me remind you, Mr. President, that the GAO estimates that of the unmet capital needs throughout the system of more than $8 billion last year, there was $400 million available to finance capital improvements. Mr. President, it doesn't take a rocket scientist to figure out that it takes a long time to catch up.

Grand Canyon National Parks offers a historic and sobering example of the magnitude of the funding shortfalls that we face. The parks' general management plan calls for over $350 million in capital improvements. This fiscal year the parks received approximately $16 million, of which only $12 million was available for capital purposes. This scenario is repeated at parks throughout the country.

Mr. President, no one knows this better than the Senator from Washington, and the Senator from Alaska. I think it is important to stress we are not talking about luxuries. We are talking about needs. The vast majority of the capital improvements we are talking about are necessary to preserve the natural and historical resources that makes our parks so special.

Mr. President, earlier this summer, U.S. News & World Report featured a cover story, which I have here, entitled "Parks in Peril."

I urge my colleagues to read what is a very enlightening and compelling piece. The story was highlighted. I show it here, as follows:

> The national parks have been called the best idea America had. But their wild beauty and historical treasures are rapidly deteriorating from lack of funds, pollution, encroaching development, overcrowding, and congressional indifference.

I am not proud of that, Mr. President. None of us should be. The American people love our Nation's parks, and rightfully expect us to exercise responsible stewardship of our natural treasures.

By passing this amendment we can take a significant step to remedy the funding shortfall, and care for our parks in a responsible and timely manner.

I know that the Senate Energy Committee—in particular, Senator MURKOWSKI, Senator BUMPERS, and Senator THOMAS, and others—is working diligently on comprehensive park funding and management reform legislation. I applaud their efforts, and look forward to the fruits of their arduous labors.

But, while we await these reforms, we have an obligation to take what action we can to meet park needs. Every day we wait, the national parks—from Maine's Arcadia National Park, Yosemite in California, and Alaska's Gateway to the Arctic to the Florida Everglades—fall into further disrepair and neglect.

Mr. President, I ask unanimous consent to have printed in the RECORD letters of support from key conservation organizations who strongly support this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL PARKS
AND CONSERVATION ASSOCIATION,
September 16, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: The National Parks and Conservation Association (NPCA) is delighted to support your amendment to H.R. 2107, the Department of Interior Appropriations bill, to establish a National Parks and Environmental Improvement Fund. As you know, NPCA is America's only private non-profit citizen organization dedicated solely to protecting, preserving, and enhancing the U.S. National Park System. An association of "Citizens Protecting America's Parks," NPCA was founded in 1919, and today has nearly 500,000 members.

Our support for your amendment is based on our understanding that the amendment contains the following provisions:

1. Distribution of fifty percent of the interest earned by the fund to benefit the National Park System and twenty-five percent to benefit the State-side program of the Land and Water Conservation Fund. We understand that the remaining twenty-five percent would be made available for a grant program for marine research and education in and relating to the water of the North Pacific ocean.

2. The National Park Service portion of the trust fund allocation "may be used for the design, construction, repair, or replacement

of high-priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, and historic resources protection projects."

The National Park Service faces a growing and alarming backlog of projects vital to sustaining the resources of the national parks and to ensuring the health, safety, and enjoyment of park visitors. New revenue sources to supplement regular appropriations must be found to assist the National Park Service in fulfilling its congressionally-mandated mission of passing on these precious lands unimpaired to future generations. The unique natural, cultural, and historic heritage embodied in our parks constitutes one of the greatest treasures that belong to the American people.

Your amendment, as noted above, represents a creative and welcome effort to enhance the resources available to the National Park Service to protect and preserve our parks.

Through the funds it provides, the National Park Service will be able to add meaningfully to its ability to preserve historic structures, to protect cultural sites; to clean up polluted areas; and to enhance transportation facilities, among other important projects. Your amendment will make a very worthwhile contribution, and we applaud you and all who support you for your creativity and leadership in bringing this initiative before the Senate.

Sincerely,

ALBERT C. EISENBERG,
Deputy Director for Conservation Policy.

SEPTEMBER 17, 1997.

Hon. JOHN MCCAIN,
Chairman, Senate Commerce, Science, and Transportation Committee,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the Center for Marine Conservation, I want to express CMC's strong support for your amendment to the Department of Interior Appropriations Bill (H.R. 2107) to provide for the disposition of oil lease revenue into the "National Parks and Environmental Improvement Fund." In particular, CMC applauds your initiative to create a fund for the purpose of funding marine research activities related to the fisheries or marine ecosystems in the North Pacific, Bering Sea, and Arctic Ocean.

CMC is especially interested in the Bering Sea ecosystem and is committed to investigating new mechanisms to achieve greater coordination of scientific research, and develop more effective adaptive and ecosystem management to stem the decline of several species in that ecosystem. Additionally, CMC commends you, Senator McCain, for lycluding representation by an environmental interest on the North Pacific Research Board.

CMC's only concern is that appropriations to this fund not be offset by funds otherwise appropriated from the Land and Water Conservation Fund in the Department of the Interior Appropriation Bill. The Land and Water Conservation Fund is vitally important to conservation.

CMC appreciates your continued effort to fund marine research and conservation. We look forward to working with you to conserve our marine heritage.

Sincerely,

WILLIAM R. IRVIN,
Acting Vice President for Programs.

NATIONAL TRUST FOR
HISTORIC PRESERVATION,
Washington, DC, September 17, 1997.

DEAR SENATOR MCCAIN: On behalf of the approximately 275,000 members of the National Trust for Historic Preservation, I am writing to support an amendment to the Department of the Interior Appropriations bill, H.R. 2107, to establish a National Parks and Environmental Improvement Fund (the "Fund").

Pursuant to this amendment, the oil lease revenues awarded by the Supreme Court to the United States in *United States v. State of Alaska*, totaling $1.6 billion, would be deposited in the Fund. The interest earned by the Fund would be allocated, subject to appropriation, as follows: 40 percent to capital projects in the National Park System that enhance the experience of park visitors, including natural, cultural and historic resource protection projects; 40 percent to the state side of the Land and Water Conservation Fund; and 20 percent for a grant program for marine research and education relating to the waters of the Northern pacific ocean.

This amendment represents a very positive and important first step in addressing the multi billion dollar backlog of deferred maintenance and necessary capital expenditures for our National Park System. A solid consensus exists in the Congress and the executive branch and the American public that we must begin to address the problems in our National Parks, to eliminate the accrued backlog with a systematic plan implemented over the next decade, and to look for new sources of funding in addition to regular appropriations. Your amendment presents a creative means and mechanism for enhancing funds available to both our National Parks and state and local park systems. The National Trust is pleased to offer our enthusiastic support for the amendment.

Sincerely,

EDWARD M. NORTON, Jr.,
Vice President for Law and Public Policy.

Mr. MCCAIN. Mr. President, again the thrust of this amendment is to help our national parks. If we abdicate our responsibilities to maintain the integrity of the National Park System we will have spoiled the most precious part of our national heritage, squandered the birthright of our children, and failed to meet one of our most basic responsibilities. Let's not allow that to happen.

I want to again thank Senator MURKOWSKI, especially Senator THOMAS and Senator BUMPERS, for the efforts they are making for an overall solution to the problems in our National Park System. That work is diligent, and needs to be rewarded. I look forward to their results. In the meantime, I think this is an important step forward.

Mr. President, I thank the sponsors and the managers of the bill for their cooperation and assistance.

I yield the floor.

Mr. STEVENS. Mr. President, this amendment provides funding to help resolve some of the most pressing concerns relating to national park and State recreation facilities, and to the ocean areas off Alaska.

The amendment would reserve $800 million that was not anticipated to be received by the Federal Treasury in a case recently decided by the Supreme Court.

That case—cited at 117 S.Ct. 1888—involved a dispute between the Federal Government and the State of Alaska over the right to mineral lease revenue on the natural formation off the coast of Alaska known as Dinkum Sands.

The Federal Government prevailed and received lease revenue plus interest totaling $1.6 billion.

The Congressional Budget Office estimated earlier this year that the Federal Treasury would receive only $800 million.

Our amendment would deposit the other $800 million in a new fund called the National Parks and Environmental Improvement Fund. Beginning with fiscal year 1999, the interest from this fund would be available for: First, capital projects in the National Park System; second, State outdoor recreation planning, development, and acquisition; and third, marine research important to the vast Federal and State waters off Alaska.

Forty percent of the annual interest would be available to design, construct, repair, and replace National Park Service facilities to enhance the experience of park visitors.

In Alaska this will go a long way toward expanding and upgrading the overcrowded visitor facilities that have become a significant problem.

As Senator MCCAIN mentioned, the need to upgrade the Park Service facilities nationally is great, and may run into the billions of dollars. Our bill would create a mechanism specifically designed to begin to address this problem.

Our amendment would make 40 percent of the annual interest available under section 6 of the Land and Water Conservation Fund Act to the States to be used for outdoor recreation planning, development, and the acquisition of land.

The States, too, face a backlog in upgrading existing park facilities and creating new facilities.

Finally, our amendment provides 20 percent of the annual interest from the National Parks and Environmental Improvement Fund for marine research in, and relating to, the north Pacific Ocean, Bering Sea, and Arctic Ocean.

These vast marine areas off Alaska comprise more than half of the Nation's coastline, provide over half of the Nation's commercial fisheries harvest, and contain vast mineral resources important to Alaska and the Nation. This income was derived from those waters.

We face pressing concerns in these waters that touch every part of Alaska's coastline. Some of the immediate concerns include, to name just a few:

Declines in certain bird and marine mammal species in the Bering Sea; a failure this year in our Bristol Bay and

Kuskokwim salmon returns; excessive fisheries harvests and other unknown activities in the Russia portion of the Bering Sea; environmental contamination in the Arctic Ocean; subsistence whaling concerns; the need to develop new products and more environmentally efficient fishing methods; and the need to develop fisheries for underutilized species (such as the dive fisheries in southeast Alaska) that could help take the pressure off other fish stocks.

Our amendment would establish a North Pacific Research Board that would set marine research priorities and recommend grants to tackle those priorities. The Secretary of Commerce and Alaska Department of Fish and Game, or their designees, would serve as cochairs of the Board.

The Secretary of Commerce would approve or disapprove the Board's grant recommendations. The amendment gives the Board very broad discretion in setting the priorities for the research grants.

We know of some of the issues that need immediate attention, but not all of them, and we can't know what the priorities should be in the future. To summarize, the amendment Senator MCCAIN and I are offering will improve the experience visitors have at our national parks and State parks, and will greatly increase our knowledge about the vast waters off Alaska.

I urge other Senators to support this measure.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1232 TO AMENDMENT NO. 1231

(Purpose: To provide for the disposition of certain escrowed oil and gas revenue received as a result of the Supreme Court's decision in United States v. State of Alaska)

Mr. MURKOWSKI. Mr. President, I have a second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI), for himself, and Mr. THOMAS, proposes an amendment numbered 1232 to amendment numbered 1231.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment proposed by the Senator from Arizona strike all after "(a) DEPOSIT IN FUND.—" and insert in lieu thereof:

"All of the amounts awarded by the Supreme Court to the United States in the case of *United States of America* v. *State of Alaska* (117 S. Ct. 1888) shall be deposited in a fund in the Treasury of the United States to be known as the "Parks and Environmental Improvement Fund" (referred to in this sections as the "Fund").

(b) INVESTMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest earned from investments of the Fund shall be covered into, and form a part of, the Fund.

(c) TRANSFER AND AVAILABILITY OF AMOUNTS EARNED.—Each year, interest earned and covered into the Fund in the previous fiscal year shall be available for appropriation, to the extent provided in subsequent appropriations bills, as follows:

(1) 40 percent of such amounts shall be available for National Park capital projects in the National Park System that comply with the criteria stated in subsection (d);

(2) 40 percent shall be available for the state-side matching grant program under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8); and

(3) 20 percent shall be shall be made available to the Secretary of Commerce for the purpose of carrying out marine research activities in accordance with subsection (e).

(d) CAPITAL PROJECTS.—

(1) IN GENERAL.—Funds available under subsection (c)(1) may be used for the design, construction, repair or replacement of high priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, recreation and historic resources protection projects.

(2) LIMITATION.—A project referred to in paragraph (1) shall be consistent with—

(A) the laws governing the National Park System;

(B) any law governing the unit of the National Park System in which the project is undertaken; and

(C) the general management plan for the unit.

(3) NOTIFICATION OF CONGRESS.—The Secretary shall submit with the annual budget submission to Congress a list of high priority projects to be funded under paragraph (1) during the fiscal year covered by such budget submission.

(e) MARINE RESEARCH ACTIVITIES.—

(1) Funds available under subsection (c)(3) shall be used by the Secretary of Commerce according to this subsection to provide grants to federal, state, private or foreign organizations or individuals to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, and Arctic Ocean (including any lesser related bodies of water).

(2) Research priorities and grant requests shall be reviewed and recommended for Secretarial approval by a board to be known as the North Pacific Research Board (the Board). The Board shall seek to avoid duplicating other research activities, and shall place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs.

(3) The Board shall be comprised of the following representatives or their designees:

(A) the Secretary of Commerce, who shall be a co-chair of the Board;

(B) the Secretary of State;

(C) the Secretary of the Interior;

(D) the Commandant of the Coast Guard;

(E) the Director of the Office of Naval Research;

(F) the Alaska Commissioner of Fish and Game, who shall also be a co-chair the Board;

(G) the Chairman of the North Pacific Fishery Management Council;

(H) the Chairman of the Arctic Research Commission;

(I) the Director of the Oil Spill Recovery Institute;

(J) the Director of Alaska SeaLife Center; and

(K) five members appointed by the Governor of Alaska and appointed by the Secretary of Commerce, one of whom shall represent fishing interests, one of whom shall represent Alaska Natives, one of whom shall represent environmental interests, one of whom shall represent academia, and one of whom shall represent oil and gas interests.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries of marine ecosystems in the north Pacific Ocean, Bering Sea, or Arctic Ocean. The Governor of Alaska shall submit three nominations for member appointed under subparagraph (K), Board members appointed under subparagraph (K) shall serve for a three year term and may be reappointed.

(4)(A) The Secretary of Commerce shall review and administer grants recommended by the Board. If the Secretary does not approve a grant recommended by the Board, the Secretary shall explain in writing the reasons for not approving such grant, and the amount recommended to be used for such grant shall be available only for grants recommended by the Board.

(B) Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote. The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with priorities established by the Board. The Secretary shall provide the Board with such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C.1801 et seq.) for the purposes of section 302(i)(1) of such Act, and the other procedural matters applicable to advisory panels under section 302(i) of such Act shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 5 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

(f) FINANCIAL ASSISTANCE TO THE STATES.—Section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-8(b)) is amended—

(1) APPORTIONMENT AMONG STATES; NOTIFICATION.—

(A) By striking paragraphs (1), (2), and (3) and inserting the following:

"(1) Sixty percent shall be apportioned equally among the several States;

"(2) Twenty percent shall be apportioned on the basis of the proportion which the population of each State bears to the total population of the United States; and

"(3) Twenty percent shall be apportioned on the basis of the urban population in each State (as defined by Metropolitan Statistical Areas).

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and inserting after paragraph (3) the following:

"(4) The total allocation to an individual State under paragraphs (1) through (3) shall not exceed 10 percent of the total amount allocated to the several States in any one year.

(g) FUNDS FOR INDIAN TRIBES.—Section 6(b)(6) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*8(b)(6)) (as so redesignated) is amended—

(1) by inserting "(A)" after "(6)"; and

(2) by adding at the end the following new subparagraph:

"(B) For the purposes of paragraph (1), all federally recognized Indian tribes and Alaska Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602) shall be treated collectively as one State, and shall receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. Such rule shall ensure that in each fiscal year no single tribe or Alaska Native Corporation receives more than 10 percent of the total amount made available to all Indian tribes and Alaska Native Corporations pursuant to the apportionment under paragraph (1). Funds received by an Indian tribe or Alaska Native Corporation under this subparagraph may be expended only for the purposes specified in subsection (a). Receipt in any given year of an apportionment under this section shall not prevent an Indian tribe or Alaska Native Corporation from receiving grants for other purposes under than regular apportionment of the State in which it is located."

Mr. MURKOWSKI. Mr. President, let me commend my good friend, the Senator from Alaska, the senior Senator from Alaska, Senator STEVENS.

I want to point out that my amendment is very similar to the one offered by the Senator from Arizona. It does, however, make one significant change that I think is critical to the success of this trust fund.

Before I start, I want to say that I am particularly pleased that Senator MCCAIN recognizes the significance of these funds—the $1.6 billion that flowed from receipts that had been generated from lease sales in Alaska, the offshore, so-called "Dinkum Sands." He has taken my Senate bill, S. 1118, and used it as the model for his amendment. Obviously believing that this authorization should occur on an appropriations bill.

My particular initial concept was to use $800 million to fund the Land and Water Conservation Fund.

I think the improvement that the Senator from Arizona and the senior Senator have added formulating consideration of the national parks, as well as Arctic research, are to be commended. And, as a consequence, I think the appropriateness of my second degree is worthy of consideration.

My amendment differs specifically on one significant measure. It places simply all of the Dinkum Sands escrow account—that is $1.6 billion—in an interest-bearing account in the Treasury Department as opposed to the amendment of Senator MCCAIN, which would put only half of that amount—or $800 million in an interest-bearing account in the U.S. Treasury.

What we would do, Mr. President, is not utilize the principal but simply the yield. The interest off the account would be approximately $120 million a year, and would be distributed in the same manner as the McCain-Stevens-Murkowski amendment: Forty percent would go to our national parks; 40 percent to the state-side Land and Water Conservation Fund and 20 percent to Arctic research.

I might add the necessity of funding our national parks is as a consequence of the billions of dollars in deferred maintenance that are associated with those parks, and the reality that we clearly need some capital improvement projects.

So, again there would be a long-term funding mechanism. And the merits, I think, speak for themselves.

It would relieve the appropriators in the sense that this would fund a good deal of what currently we have to fund through an annual appropriation process.

I am not going to go through the jungle of bureaucratic interpretations and the manner in which the Budget Committee has to operate. But 40 percent would go to national parks capital improvement projects, and 40 percent to the State, matching the Land and Water Conservation Fund. That is a State and Federal matching program which has done a great deal in the history of encouraging States, and the people in those States and communities, to generate funding of their own with the Federal matching funds and pride for worthwhile projects in their communities. Twenty percent would go into marine research, primarily in the Arctic.

Here is the authorization and appropriation chart for the Land and Water Conservation Fund. You can see that the authorizations have simply gone off the chart. We continue to authorize, and feel good about it. We go home and say, "We have authorized the project." But if it is not appropriated, why, it is window dressing.

You can see the red line, or the actual appropriations. They hit a high in 1977 of about $800 million. They dropped down to virtually nothing—somewhere in the area of $150 million in 1981, and they have leveled off. The state-side LWCF matching grant program has fared even worse.

Clearly, this is a worthwhile program. It is two for one: for every Federal dollar it is matched by state and local money.

There is the other chart, shows the demand for stateside Land and Water Conservation Fund grants.

Clearly, the demand is there from America, American citizens, and communities with regard to the benefits of this type of funding.

By placing only half of the Dinkum Sands revenue in this fund, I think it will be self-defeating. It will not provide the money necessary to adequately fund these programs, especially the State-side Land and Water Conservation Fund matching grant programs.

I would also like to say that as chairman of the Energy and Natural Resources Committee, I intend to work with the Budget Committee and the Appropriations Committee next year to ensure that we have not just created another paper account. Rather, I promise to work to ensure that the money earned off this account will be available for appropriations for the very important purposes we set forth in this amendment.

Before the conference we would like to work with the Budget Committee on how to best minimize the impact of this amendment on the appropriators. That is the only way we can answer the call of my outdoor recreation initiative to reinvigorate our parks, forests, and public lands in order to enhance Americans' visits to those parks and conserve natural resources, wildlife and open spaces.

My bill—S. 1118—now a part of my second-degree amendment, would create a trust fund with the $1.6 billion Dinkum Sands escrow account. It would use just the interest from the account as follows: 40 percent to fund capital improvement projects at our national parks; 40 percent to fund State-side LWCF matching grants; and 20 percent to fund arctic research.

With respect to the portion that would go to the state-side LWCF matching grant program, for over 30 years those grants have helped preserve open spaces. They have built thousands of picnic areas, trails, parks and other recreation facilities.

I urge my colleagues to look at the merits. This is one chance in a lifetime where we have found the funding, $1.6 billion. We can put this money in an area which has worked so successfully and address the legacy that we have to maintain our national, state and local parks.

At a June 11 hearing, witnesses from across the country testified in support of the Land and Water Conservation Fund. It has helped fund over 8,500 acquisitions on 2.3 million acres and built 28,000 recreation facilities in all of the 50 States. Federal Land and Water Conservation Fund grants are matched dollar for dollar by State and local communities so Americans can get two for the price of one. My amendment presents an opportunity to expand on that possibility.

The state-side of the Land and Water Conservation Fund Act makes it possible to have a national system of parks, as opposed to just a National Park System. So one would ask, why did Congress and the administration defund this successful program 2 years ago? Well, that is a good question, Mr. President. They defunded it because they had other priorities.

This is an opportunity to address one of America's highest priorities, and that is our national system of parks. Working with the coalition including Americans for Our Heritage and Recreation, the National Conference of Mayors, the National Recreation and Parks Association and various endowment groups, we were successful in building support for the Land and Water Conservation State grant program.

Senator GORTON, I think, heard the message. He put funding for the stateside LWCF matching grant program in the Interior appropriations bill, for which we are most appreciative. I think his wise action ensures the short-term viability of the stateside matching grant program.

Our next step, of course, is to find a long-term program for the State matching grant, and our amendment, like my initial effort, certainly does that. That is why I support the initial amendment by the Senator from Arizona and the senior Senator from Alaska, Senator STEVENS. But as chairman of the Energy and Natural Resources Committee, the committee with jurisdiction over national parks, I recognize the reality of what we are doing here. We are moving without the authorization of the respective committees, and I am certainly sensitive to that. But this is a rare and extraordinary opportunity to address the disposition of funds that come in, and as a consequence I think can best be used in the manner proposed in my amendment.

I might say further that I am happy that a portion of the interest will fund this backlog of capital projects in our parks. We have held committee oversight hearings on March 13 and March 20 to tackle the challenge of park maintenance, and I am glad to see Senator THOMAS, who chaired this meeting, is joining me in this second-degree amendment.

I think it is important to recognize further, Mr. President, as we address this rare opportunity, that we have had in the Energy Committee extensive hearings on this matter. This is a chance where America can take better care of her parks, and it is our duty to restore their brilliance, their luster. We face an $8.6 billion backlog of unfunded Park Service operations and programs in this country —$8.6 billion. We are not appropriating the funds. The interest earned by this account may not be enough, and until the National Park Service has a system for settling priorities for capital improvements and infrastructure repair, Congress is going to have to keep a close eye on how the money is spent. But we have the money and we are directing that it not go for administration purposes of the Park Service.

The land and water conservation fund is authorized through the year 2015 at $900 million a year. However, far less than that authorized amount is appropriated each year, and we now have an opportunity to fix the system.

Using the proceeds of this account for these purposes makes sense. It is consistent with the vision of the Land and Water Conservation Act and the promises made three decades ago. These promises were, I remind my colleagues, that oil receipts, offshore oil receipts, will primarily fund the land and water conservation fund for public recreation and conservation in this country.

Well, it is fine to put it in, and obviously the industry is out there and they are initiating a cash flowback, but it is not going where it was intended simply because there are other priorities. And I am not here to delve into the priorities.

Mr. President, if the underlying amendment were made law, the interest on the account which could be spent on the stateside Land and Water Conservation fund grant program would only be somewhere between $16 million and $24 million—not much to be divided between the 50 States, territories and Indian tribes. If the need in our country for recreation is overwhelming, the very health of our Nation requires our attention, and the States are in the best position to address that shortfall.

I would like to point out, if the amendment that I have proposed is accepted, this amount we were looking at from the yield off the principal, not the expenditure, would total some $32 million to $48 million for the stateside LWCF matching grant program each year—a considerably increased sum and obviously more meaningful to the States and territories as well.

The needs in our country for recreation are overwhelming. The very health of our Nation and our natural human resources depend on programs such as this, particularly in the innercity areas. Again, every dollar we provide to the stateside of the land and water conservation program doubles the impact as far as this matter is concerned.

Finally, we have an opportunity to take a step to improve the System and reap benefits for our children and their children.

Finally, the question is, do you want to do just a little or do you want to have a major impact—a major impact—on preserving open spaces, refurbish and build picnic areas, trails, parks and other recreation facilities. You have the opportunity.

Mr. President, I ask the remainder of my statement be printed in the RECORD at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Let me turn to the issue of Arctic and North Pacific fisheries research—a critical issue I have worked on from my first day in the Senate:

My first speech on the floor of the Senate involved the importance of Arctic research, particularly as it related to fisheries.

My first major legislative initiative was the Arctic Research and Policy Act, signed into law by President Reagan.

The Arctic Research Commission, created by this Act, had as its first recommendation the need to develop a fuller understanding of Arctic Ocean, Bering Sea, and the ecosystems they sustain.

This amendment include our effort to fulfill the commission's recommendations. I am pleased to see the commission play an important role on the board created by this amendment.

I particularly like the approach of using proceeds from Arctic OCS revenues invested in scientific research to better understand the Arctic ecosystem:

Arctic wealth provided these revenues, so it is only fair to return a portion to help protect the Arctic itself.

The wealth of North America is in the Arctic. Not simply energy and mineral wealth—but also a wealth of renewable resources, a wealth of scenic beauty, a wealth of diverse living ecosystems, and a wealth of recreational opportunities.

Our scientific investment in this part of the world is inadequate, particularly when we compare it with what we spend for scientific research in the Antarctic, where we do not have people or resources.

Today we take another step in addressing this inequity. It isn't the first step, nor will it be the last.

I urge my colleagues to support this amendment. The mayors of every city in the Nation want it, the Governors of every State in the Nation know the good that can be accomplished.

I think the Chair.

I commend the amendment to the Senate, and I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, this amendment is not acceptable. We had worked all day with the senior Senator from Alaska and the Senator from Arizona on a proposal that I had not previously seen that really ought to be authorized, even in its original form, and about which I have some concerns, the composition of the research board, the involvement of the Department of the Interior, the way in which money is allocated, the kind of scoring problems that we will have which will create problems with the Budget Committee.

But it seemed to me that the compromise that we had reached on it among several of us was clearly worth going forward with.

This second-degree amendment involves now $1.6 billion, at 8 o'clock at night, when we were attempting to finish a bill on which it does not belong because it needs to be authorized, and it has not been cleared on the other side. We made no attempt to clear it on the other side. I did not know it was coming. Other Senators, including the majority leader, feel as I do. I move to table the second-degree amendment of the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1234

(Purpose: To make $4,000,000 of funds appropriated to the Forest Service for emergency construction in fiscal year 1996, available for reconstruction of the Oakridge Ranger Station which was destroyed by arson)

Mr. GORTON. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. SMITH of Oregon, for himself and Mr. WYDEN, proposes an amendment numbered 1234.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 127, at the end of title III add the following general provision:

SEC. 3 . Of the funds appropriated and designated an emergency requirement in title II, chapter 5 of Public Law 104-134, under the heading "Forest Service, Construction," $4,000,000 shall be available for the reconstruction of the Oakridge Ranger Station, on the Willamette National Forest in Oregon; *Provided*, That the amount shall be available only to the extent an official request, that includes designation of the amount as an emergency requirement as defined by the Balanced Budget and Emergency Control Act of 1985, as amended, is transmitted by the President to Congress; *Provided further*, That reconstruction of the facility is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. GORTON. Mr. President, this is an amendment on behalf of the two Senators from Oregon for repair of the Oakridge Ranger Station. It has been cleared by both sides.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1234) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1235

(Purpose: To direct the Secretary of the Interior and the Secretary of Agriculture to submit to Congress a report on properties proposed to be acquired or exchanged with funds appropriated from the Land and Water Conservation Fund.)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator MCCAIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MCCAIN, proposes an amendment numbered 1235.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 134, beginning on line 2, strike "*Provided*" and all that follows through "heading" on line 8 and insert the following: "*Provided*, That the Secretary of the Interior and the Secretary of Agriculture, after consultation with the heads of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Forest Service, shall jointly submit to Congress a report listing the lands and interests in land, in order of priority, that the Secretaries propose for acquisition or exchange using funds provided under this heading: *Provided further*, That in determining the order of priority, the Secretaries shall consider with respect to each property the following: the natural resources located on the property; the degree to which a natural resource on the property is threatened; the length of time required to consummate the acquisition or exchange; the extent to which an increase in the cost of the property makes timely completion of the acquisition or exchange advisable; the extent of public support for the acquisition or exchange (including support of local governments and members of the public); the total estimated costs associated with the acquisition or exchange, including the costs of managing the lands to be acquired; the extent of current Federal ownership of property in the region; and such other factors as the Secretaries consider appropriate, which factors shall be described in the report in detail: *Provided further*, That the report shall describe the relative weight accorded to each such factor in determining the priority of acquisitions and exchanges".

On page 134, line 12, strike "a project list to be submitted by the Secretary" and insert "the report of the Secretaries".

Mr. MCCAIN. Mr. President, I offer an amendment that would require the administration to utilize certain criteria in preparing the prioritized list of land acquisitions and exchanges that would be conducted using the $700 million increase recommended in this bill for Federal land acquisitions and exchanges. This amendment places primary responsibility for determining the priority of land acquisitions in the hands of the federal land management agencies charged with preserving, protecting, and managing our nation's natural resources. At the same time, the amendment preserves the prerogative of Congress to approve or disapprove the Administration's recommendations prior to making any of these additional funds available.

The amendment establishes seven specific criteria to be used by the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Land Management in assessing proposed acquisitions and exchanges:

(1) the natural resources located on the land,

(2) the degree to which those natural resources are threatened,

(3) the length of time required for acquisition of the land,

(4) the extent, if any, to which an increase in land cost makes timely completion of the acquisition advisable,

(5) the extent of public and local government support for the acquisition,

(6) the amount of Federal lands already in the region, and

(7) the total estimated costs of the acquisition.

In addition, the amendment permits the Secretaries of Interior and Agriculture to consider additional matters in their assessments, but they must explain to Congress in a report what those additional considerations were and how they were weighted in the prioritization of land proposals.

Over the years, Congress has wisely taken steps to preserve our natural heritage. We have protected many remarkable natural areas through the establishment of national parks, monuments, wilderness areas, wildlife refuges, national scenic areas, and other conservation efforts.

While this Nation has no shortage of beautiful country to be preserved and protected, there is a limited amount of funding available to accomplish these goals. As a result, our Nation has a multi-billion dollar backlog in land acquisitions at both the Department of Interior and the Department of Agriculture. Because of this enormous backlog, I support the recommendation in this bill to make available an additional $700 million for the land acquisitions and exchanges, consistent with the budget agreement.

What this amendment would require the administration to do is not new. The agencies already produce these types of rankings when developing the President's budget request. The Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the Forest Service all compose priority based lists. In this case, we will be requiring the agencies to perform the same sort of priority assessments on projects that would be funded with these additional funds, to ensure that Congress has all the information necessary to review the Administration's proposal.

The amendment includes a requirement for the agencies to consider the extent of local support for an acquisition proposal, as well as the amount of land in the area already owned by the Federal government. Preservation of our natural resources is a high priority, but it must be balanced with an awareness of the economic needs of local communities and their ability to plan for future growth and development. These two criteria will ensure that a community will not be harmed unnecessarily by the removal of preservation lands from its tax base or by undue restrictions on development and economic growth.

I understand the concerns expressed by the Committee in the report language about the costs of managing and maintaining current Federally owned lands, and I believe the agencies should focus on acquisition and exchange proposals that would consolidate federal land holdings and eliminate inholdings to lessen these costs. However, I think it would be a mistake to fail to consider funding new acquisitions and exchanges that would protect and preserve resources that might otherwise be lost to development in the near future.

Mr. President, I am very concerned that the committee has earmarked $315 million of the additional funding for two specific projects—the Headwaters Forest and New World Mines acquisitions. I am not seeking to strike those earmarks in this amendment, although I understand an amendment may be offered to do so, which I would support. Unfortunately, these earmarks make clear the need for established criteria for prioritizing the many pending acquisition requests at our land management agencies. My amendment would ensure that all funds which are available for pending land acquisitions and exchanges are used prudently and for the highest priority projects identified by Federal land management agencies.

Let me stress that I understand the right of Congress to review and revise the President's budget request, as we see fit. My amendment is simply intended to help us make those decisions by requiring input from the Federal land management agencies on the expenditure of the $700 million we are adding to this appropriations bill for land acquisitions and exchanges. Congress will still have the last word.

Mr. GORTON. Mr. President, this amendment requires the administration to submit to Congress a priority list for lands to be acquired with moneys appropriated in title V. Congress will make the ultimate determination.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1235) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1236

(Purpose: To settle certain Miccosukee Indian land takings claims within the State of Florida)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator MACK.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MACK, for himself and Mr. GRAHAM, proposes an amendment numbered 1236.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 152, between lines 13 and 14, insert the following:

TITLE VII—MICCOSUKEE SETTLEMENT

SEC. 701. SHORT TITLE.

This title may be cited as the "Miccosukee Settlement Act of 1997".

SEC. 702. CONGRESSIONAL FINDINGS.

Congress finds that:

(1) There is pending before the United States District Court for the Southern District of Florida a lawsuit by the Miccosukee Tribe that involves the taking of certain tribal lands in connection with the construction of highway Interstate 75 by the Florida Department of Transportation.

(2) The pendency of the lawsuit referred to in paragraph (1) clouds title of certain lands used in the maintenance and operation of the highway and hinders proper planning for future maintenance and operations.

(3) The Florida Department of Transportation, with the concurrence of the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida, and the Miccosukee Tribe have executed an agreement for the purpose of resolving the dispute and settling the lawsuit.

(4) The agreement referred to in paragraph (3) requires the consent of Congress in connection with contemplated land transfers.

(5) The Settlement Agreement is in the interest of the Miccosukee Tribe, as the Tribe will receive certain monetary payments, new reservation lands to be held in trust by the United States, and other benefits.

(6) Land received by the United States pursuant to the Settlement Agreement is in consideration of Miccosukee Indian Reservation lands lost by the Miccosukee Tribe by virtue of transfer to the Florida Department of Transportation under the Settlement Agreement.

(7) The United States lands referred to in paragraph (6) will be held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation lands in compensation for the consideration given by the Tribe in the Settlement Agreement.

(8) Congress shares with the parties to the Settlement Agreement a desire to resolve the dispute and settle the lawsuit.

SEC. 703. DEFINITIONS.

In this title:

(1) BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENTS TRUST FUND.—The term "Board of Trustees of the Internal Improvements Trust Fund" means the agency of the State of Florida holding legal title to and responsible for trust administration of certain lands of the State of Florida, consisting of the Governor, Attorney General, Commissioner of Agriculture, Commissioner of Education, Controller, Secretary of State, and Treasurer of the State of Florida, who are Trustees of the Board.

(2) FLORIDA DEPARTMENT OF TRANSPORTATION.—The term "Florida Department of Transportation" means the executive branch department and agency of the State of Florida that—

(A) is responsible for the construction and maintenance of surface vehicle roads, existing pursuant to section 20.23, Florida Statutes; and

(B) has the authority to execute the Settlement Agreement pursuant to section 334.044, Florida Statutes.

(3) LAWSUIT.—The term "lawsuit" means the action in the United States District Court for the Southern District of Florida, entitled Miccosukee Tribe of Indians of Florida v. State of Florida and Florida Department of Transportation. et. al., docket No. 91–285–Civ–Paine.

(4) MICCOSUKEE LANDS.—The term "Miccosukee lands" means lands that are—

(A) held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation lands; and

(B) identified pursuant to the Settlement Agreement for transfer to the Florida Department of Transportation.

(5) MICCOSUKEE TRIBE; TRIBE.—The terms "Miccosukee Tribe" and "Tribe" mean the Miccosukee Tribe of Indians of Florida, a tribe of American Indians recognized by the United States and organized under section 16 of the Act of June 18, 1934 (48 Stat. 987, chapter 576; 25 U.S.C. 476) and recognized by the State of Florida pursuant to chapter 285, Florida Statutes.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) SETTLEMENT AGREEMENT; AGREEMENT.—The terms "Settlement Agreement" and "Agreement" mean the assemblage of documents entitled "Settlement Agreement" (with incorporated exhibits) that—

(A) addresses the lawsuit; and

(B)(i) was signed on August 28, 1996, by Ben G. Watts (Secretary of the Florida Department of Transportation) and Billy Cypress (Chairman of the Miccosukee Tribe); and

(ii) after being signed, as described in clause (i), was concurred in by the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida.

(8) STATE OF FLORIDA.—The term "State of Florida" means—

(A) all agencies or departments of the State of Florida, including the Florida Department of Transportation and the Board of Trustees of the Internal Improvements Trust Fund; and

(B) the State of Florida as governmental entity.

SEC. 704. AUTHORITY OF SECRETARY.

As Trustee of the Miccosukee Tribe, the Secretary shall—

(1)(A) aid and assist in the fulfillment of the Settlement Agreement at all times and in a reasonable manner; and

(B) to accomplish the fulfillment of the Settlement Agreement in accordance with subparagraph (A), cooperate with and assist the Miccosukee Tribe;

(2) upon finding that the Settlement Agreement is legally sufficient and that the State of Florida has the necessary authority to fulfill the Agreement—

(A) sign the Settlement Agreement on behalf of the United States; and

(B) ensure that an individual other than the Secretary who is a representative of the Bureau of Indian Affairs also signs the Settlement Agreement;

(3) upon finding that all necessary conditions precedent to the transfer of Miccosukee land to the Florida Department of Transportation as provided in the Settlement Agreement have been or will be met so that the Agreement has been or will be fulfilled, but for the execution of that land transfer and related land transfers—

(A) transfer ownership of the Miccosukee land to the Florida Department of Transportation in accordance with the Settlement Agreement, including in the transfer solely and exclusively that Miccosukee land identified in the Settlement Agreement for transfer to the Florida Department of Transportation; and

(B) in conjunction with the land transfer referred to in subparagraph (A), transfer no land other than the land referred to in that subparagraph to the Florida Department of Transportation; and

(4) upon finding that all necessary conditions precedent to the transfer of Florida lands from the State of Florida to the United States have been or will be met so that the Agreement has been or will be fulfilled but for the execution of that land transfer and related land transfers, receive and accept in trust for the use and benefit of the Miccosukee Tribe ownership of all land identified in the Settlement Agreement for transfer to the United States.

SEC. 705. MICCOSUKEE INDIAN RESERVATION LANDS.

The lands transferred and held in trust for the Miccosukee Tribe under section 704(4) shall be Miccosukee Indian Reservation lands.

Mr. GORTON. Mr. President, the amendment is sponsored jointly by the two Senators from Florida, Senators MACK and GRAHAM.

Mr. INOUYE. Mr. President, as vice chairman of the authorizing committee of jurisdiction, I call upon my colleague from Florida to allow this settlement to have the benefit of a hearing in the committee.

In the absence of a hearing in the Senate, there will be absolutely no legislative history associated with the action that the Senate would be taking in approving this settlement.

I know of no other Indian settlement that has been ratified without full consideration in the authorizing committees.

As you well know, the Congress is vested with plenary authority in the field of Indian affairs.

We have always taken our responsibilities in this area very seriously—and I believe that it is incumbent upon us to have the benefit of a record upon which we can base a ratification of this settlement agreement.

If the hearing schedule that the chairman of the Committee on Indian Affairs has established is full, I would be pleased to chair a hearing on this settlement in the very near future, and you can be assured of my personal commitment that committee action on the settlement will be expedited.

With these commitments in mind, I ask the Senator from Florida to withdraw his amendment and allow the authorizing committee to do its work.

Mr. GORTON. The Miccosukee Settlement Act of 1997 brings closure to disputes between the Miccosukee Tribe of Indians of Florida and the Florida Department of Transportation in connection with the construction of Interstate 75. It has been cleared on all sides.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1236) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1237

(Purpose: To provide support for the Office of Navajo Uranium Workers to establish a diagnostic program for uranium miners and mill workers)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senators BINGAMAN and DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. BINGAMAN, for himself and Mr. DOMENICI, proposes an amendment numbered 1237.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 86, line 11, insert before the period, ": *Provided further*, That an amount not to exceed $200,000 shall be available to fund the Office of Navajo Uranium Workers for health screening and epidemiologic followup of uranium miners and mill workers, to be derived from funds otherwise available for administrative and travel expenses".

Mr. GORTON. This amendment has to be with providing screening to certain Navajo Indians for certain, I believe, uranium-related diseases.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1237) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1238

(Purpose: To provide funding for the U-505 National Historic Landmark by reprogramming funds previously made available for the Jefferson National Expansion Memorial)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator MOSELEY-BRAUN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Ms. MOSELEY-BRAUN, proposes an amendment numbered 1238.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, between lines 22 and 23, insert the following:

(Reprogramming)

Of unobligated amounts previously made available for the Jefferson National Expansion Memorial, $838,000 shall be made available for the U-505 National Historic Landmark.

Mr. GORTON. Mr. President, this transfers money from one Illinois project to another for the restoration of a World War II submarine.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1238) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

Mr. HATCH. Mr. President, I rise today to praise my good friend Senator

SLADE GORTON for his efforts in putting together this important legislation. It is particularly important to my state, where over 70 percent of our land is owned or managed by the Federal government.

My colleagues will recall that one year ago, President Clinton stood on the edge of the Grand Canyon in Arizona and designated 1.7 million acres of Utah as the Grand Staircase-Escalante National Monument. Since that time, we have been discussing the future of this monument and what the short and long term impacts will be to my state and the surrounding communities. There are many questions and concerns that remain to be addressed. But, I am confident that during the next two years, the Bureau of Land Management will develop a management plan which properly and effectively addresses these matters. For this reason, I am pleased that H.R. 2107, the Interior Appropriations bill, includes $6.4 million for the planning, management, and operation of the new monument.

Mr. President, regardless of where public opinion eventually comes down on this new monument and the controversial way in which it was created, we should not forget the important lessons we have learned from the experience. When citizens are deliberately excluded from government deliberations that so directly impact their homes, communities, schools, and families, damage is done to the very institution of democracy. This is what happened prior to last September 18. Unfortunately, the message received by the people of Southern Utah last year was that the federal government knows best and has the right to impose its narrow vision without regard to those most affected.

I am confident that we can go forward from here and begin the process of rebuilding the trust we lost one year ago. A vital part of this rebuilding process is the inclusion of those parties directly affected from the monument's designation in the development of the monument's management plan. The Committee Report accompanying H.R. 2107 directs the BLM to continue its cooperative efforts with state and local governments and the citizens of Utah in the plan's development. While the Report gives specific and practical direction to the BLM, the language also provides the agency with the flexibility its needs to address the unknowns that will invariably arise in the early stages of this sweeping process to develop a management plan.

I would like to state for the record that I am pleased with the progress made so far by the BLM in working with the local communities. I am particularly glad to see that collaborative efforts have been formed between the federal agencies and the local communities involved, specifically Kane and Garfield counties, where the monument is located. The cooperative agreements that we renegotiated earlier this year are a good start. They provide for continued local participation in the development of the monument's management plan as well as in the actual delivery of visitor services.

Mr. President, we have learned in the West that the best manner to implement successful land policies is to involve the communities that are directly affected by them. Wherever possible, we should proceed in the spirit of a partnership between the affected local governments and the national government. This is especially true with the Grand Staircase-Escalante National Monument, where many of the local citizens have their entire lives invested in this region. They want to see the Monument developed; they want to see it succeed. They deserve a seat at the planning table, and I am pleased the BLM is sensitive to this issue. In the end, the residents of the area will be providing the necessary services to visitors.

In closing, I would like to commend the Chairman of the Subcommittee, Senator GORTON, and especially my colleague, Senator BENNETT, for their diligent efforts on the Appropriations Committee to ensure that the necessary funding and direction will be there to help make the monument a success for all involved.

I yield the floor.

COAL IN THE KAIPAROWITS COAL BASIN

Mr. HATCH. Mr. President, I would like to discuss a matter related to the pending legislation in that it concerns a study commissioned by the Bureau of Land Management.

As my colleagues know, last September, President Clinton invoked the authority granted under the Antiquities Act of 1906 to create the Grand Staircase-Escalante National Monument in southern Utah. The total acreage contained within the new monument is 1.7 million acres, or approximately an area the size of the states of Connecticut, Delaware, and Rhode Island combined. This action, undertaken behind closed doors and without any input from the public, including the Utah congressional delegation or Utah's governor, has caused considerable upheaval throughout my state. I say this not because we are opposed to the designation of national monuments, but because of the process utilized to designate the monument and because of the short and long term impacts to the local communities and their economies which, unfortunately, are currently unknown.

Those of us in Congress are working with the State of Utah and the Clinton Administration to develop a management plan for the monument that meets the needs of the managing agent—the Bureau of Land Management (BLM)—the state, and the surrounding communities. I am grateful that the report accompanying this year's Interior appropriations bill includes language to address these needs, and I wish to publicly thank Senator GORTON for his efforts.

At the same time, I am concerned about the atmosphere existing in my state as it relates to the new monument. The manner in which the monument has been designated has created a high level of mistrust among certain parties. Unfortunately, there is considerable disinformation circulating throughout the affected areas that compounds this problem and fans the fire of antifederal sentiment. To be honest, I can hardly blame them. A major torpedo was launched directly at these rural communities. If such an abuse of federal executive power ever occurs again, it will be too soon.

Yet, while the citizens of my state remain angry and disillusioned regarding this entire episode, they understand it is fait accompli. As I anticipate the planning for the future of this new monument, including the preservation of Utah's existing rights as promised last year by the President and the equitable exchange of state trust lands captured within the monument's boundaries, it is critical that an environment of trust be created among all parties involved in this process. That environment must be established first by ensuring that the basis for decisionmaking is accurate and comprehensive.

Earlier this year, the BLM released a study prepared by BXG, Inc., a private contractor, entitled "Kaiparowits Plateau—Coal Supply and Demand." This study discussed the marketability of the coal reserves of the Kaiparowits Plateau, which are located entirely within the Grand Staircase-Escalante Monument, and which are technically unreachable because of the monument's existence. Personally, I believe it is an abuse of the Antiquities Act to designate a monument simply to prevent a coal mine from being developed, but that is what has happened in this case and one of the primary reasons why the President signed this order acted in the fashion he did almost one year ago. Several pending lawsuits will determine if, indeed, this has been an unwarranted extension of the Antiquity Act's authority.

In the meantime, the BXG study concludes that the Kaiparowits coal is of poorer quality and higher cost than current reserves located in the Wasatch Plateau and the Book Cliffs. As a result, they conclude that Kaiparowits coal will have little or no demand until at least the year 2020. These conclusions by BXG, and as far as I know, supported by the BLM, are erroneous and cannot go unchallenged.

The Director of the Utah Geological Survey recently analyzed this study and found that BXG used numerous invalid assumptions as it prepared its study.

For example, estimates of recoverable coal reserves in the Kaiparowits Plateau were based on recovery amounts in the Appalachian coalfield, a region with vastly different geology and history of operation. Kaiparowits coal recovery would be at least twice that of the Appalachian region.

Also, the study assumes an average coal quality for Kaiparowits coal instead of the quality of the coal that would actually be mined. The quality of coal produced from Kaiparowits would be comparable to compliance coal currently mined in central Utah.

And, the productivity for a Kaiparowits mine was based on the average productivity rate for all western long wall mines during 1990–95. Historically, Utah underground mines are the most productive mines in the U.S., and the nature of the Kaiparowits deposits would likely make the new mines more productive than any others in the region.

Finally, the thick flat nature of Kaiparowits coal seams and their shallow overburden would lower costs for development, not increase them, as assumed by BXG.

There are other deficiencies in the BXG study that have been identified which I will refrain from mentioning here.

In sum, energy experts for the State of Utah using assumptions that are more appropriate for the resource characteristics and market conditions of the Kaiparowits Plateau coal fields have demonstrated that coal mined from the Kaiparowits Plateau is of sufficient quantity and quality, and would likely have production costs that would make it an economically viable source of future supply for many utility and industrial markets in the West. What we have here may be a disagreement of what the facts mean among experts.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1239

(Purpose: To ensure an orderly transition to newly implemented guidelines on National Forests in Arizona and New Mexico)

Mr. GORTON. Mr. President, I ask unanimous consent that any pending amendment be set aside and that I be able to present an amendment on behalf of Senators DOMENICI and KYL to ensure an orderly transition to newly implemented guidelines on National Forests in Arizona and New Mexico. And I assure Members that the other Senators from the States agree and the amendment has been cleared.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. DOMENICI, for himself and Mr. KYL, proposes an amendment numbered 1239.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . IMPLEMENTATION OF NEW GUIDELINES ON NATIONAL FORESTS IN ARIZONA AND NEW MEXICO.

(a) Notwithstanding any other provision of law, none of the funds made available under this or any other Act may be used for the purposes of executing any adjustments to annual operating plans, allotment management plans, or terms and conditions of existing grazing permits on National Forests in Arizona and New Mexico, which are or may be deemed necessary to achieve compliance with 1996 amendments to the applicable forest plans, until March 1, 1998, or such time as the Forest Service publishes a schedule for implementing proposed changes, whichever occurs first.

(b) Nothing in this section shall be interpreted to preclude the expenditure of funds for the development of annual operating plans, allotment management plans, or in developing modifications to grazing permits in cooperation with the permittee.

(c) Nothing in this section shall be interpreted to change authority or preclude the expenditure of funds pursuant to section 504 of the 1995 Rescissions Act (Public Law 104–19).

Mr. DOMENICI. Mr. President, the purpose of the amendment is to ensure that the Forest Service can implement changes to the grazing program in the Southwest region in an orderly fashion.

Currently the Southwest Region of the Forest Service is working to implement amendments it has made to the land use plans on all of its 11 National Forests.

These amendments were made in response to litigation over threatened and endangered species habitat, and were adopted in June, 1996.

Since the amendments were adopted, the Forest Service has been taken back to court, because some groups believed that the they were not acting fast enough to implement the plans.

The Forest Service is now under a court order to maintain the status quo.

This has allowed them to continue working toward compliance with the forest plan amendments while the Appeals Court decides the case.

Since late July, when the injunction was issued, the Forest Service has completed a review of over 1,300 grazing allotments in the two States.

The review indicates that more than half do not fully comply, and over 250 have been determined to be of a high priority.

Under the Forest Service's stated plan of action, they will study and determine the best way to bring these allotments into compliance with the forest plans in priority order.

Once this is determined, the Forest Service will begin implementing changes that are needed at the beginning of the next grazing season in March.

The plaintiffs in this case, however, have long been opposed to livestock grazing on public lands.

This amendment does not preclude the Forest Service from taking appropriate and timely action to protect the threatened and endangered species.

It simply provides time for the agency to implement changes in a thoughtful and orderly manner, without the pressure from further litigation.

This time will allow the Forest Service to work with those who to date have been completely left out of this process.

These are the same people who are most likely to be adversely affected by implementation of the amendments.

I hope the Senate will support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1239) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS-CONSENT AGREEMENT—S. 830

Mr. LAUTENBERG. I would like to put in a unanimous-consent request to yield the hour of time that I have to Senator KENNEDY on the cloture vote on S. 830.

Mr. GORTON. Reserving the right to object, I did not hear the request of the Senator.

Mr. LAUTENBERG. I have an hour reserved on the cloture motion on S. 830.

Mr. GORTON. No objection.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be able to yield that hour to Senator KENNEDY.

The PRESIDING OFFICER. The Senator has that right.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, when the Senate turns to S. 830, I yield my 1 hour to the minority leader under the cloture rule.

The PRESIDING OFFICER. The Senator has that right.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1240

(Purpose: To make a technical correction to title 31 of the United States Code relating to payments for entitlement land)

Mr. GORTON. Mr. President, I send an amendment to the desk making a technical correction to title 31 of the United States Code relating to payments for entitlement land on behalf of Senator STEVENS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] for Mr. STEVENS, proposes an amendment numbered 1240.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the appropriate place:

SEC. . PAYMENTS FOR ENTITLEMENT LAND.—Section 6901(2)(A)(i) of title 31, United States Code, is amended by inserting "(other than in Alaska)" after "city" the first place such term appears.

Mr. STEVENS. Mr. President, the Department of the Interior has interpreted a provision I sponsored in the 1996 lands bill. This interpretation reduces moneys intended to go to Alaska's unorganized borough as a payment in lieu of taxes [PILT] by over $950,000. I offer an amendment to the Interior appropriations bill to correct this.

After many years of working on this issue, the Congress last year enacted my proposal to qualify the unorganized borough in the State of Alaska for PILT. This provision of law—section 1033 of Public Law 104-333—made clear that any area in Alaska that is within the boundaries of a census area used by the Secretary of Commerce in the decennial census, and which did not qualify for PILT under the existing clause, would qualify for a PILT. The only entity in Alaska that would qualify under this provision is Alaska's unorganized borough. The Department—through the Solicitor—has correctly interpreted that the unorganized borough qualifies, but has incorrectly calculated the amount the unorganized borough should receive under the 1996 amendment.

PILT payments are generally calculated based on population and land acreage. The 1996 amendment specified that the unorganized borough's entire population and entire acreage would be used in the calculation. The Secretary has not counted the entire population in the unorganized borough in calculating the borough's PILT allocation. Specifically, the Department has not counted the population of certain cities which have federal lands within the unorganized borough.

According to the Regional Solicitor's May 30, 1997, opinion, if the population of each city within the unorganized borough were counted as intended by the 1996 provision, the State would be entitled to $3,362,339. If in Alaska the cities within the unorganized borough are calculated separately, according to the opinion, the payments to the cities would be $78,557 and the payment for the unorganized borough would be $2,333,764. These two payments total $2,412,321, $950,018 less than the $3,362,339 the unorganized borough should be receiving.

The amendment today would clarify that the population of the cities within the unorganized borough in Alaska should be counted in calculating the PILT allocation for the unorganized borough, and not separately, as intended by the provision in the 1996 lands bill.

Mr. GORTON. Mr. President, this does make a correction in connection with bill payments to Alaska which I believe is appropriate and I believe has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1240) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1241

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of myself and Senator BYRD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself and Mr. BYRD, proposes an amendment numbered 1241.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 11, strike "$43,053,000" and insert "$42,053,000".

On page 15, line 25, strike "$1,249,409,000" and insert "$1,250,429,000".

On page 17, line 8, strike "$167,894,000" and insert "$173,444,000".

On page 17, line 18, strike "$1,000,000" and insert "$5,000,000".

On page 18, line 7, strike "$125,690,000" and insert "$126,690,000".

On page 28, line 22, strike "$1,527,024,000" and insert "$1,529,024,000".

On page 64, line 16, strike "$1,346,215,000" and insert "$1,341,045,000".

On page 65, line 18, strike "$160,269,000" and insert "$154,869,000".

On page 79, line 20, strike "$627,357,000" and insert "$629,357,000".

Mr. GORTON. Mr. President, this is a managers amendment that shifts money between a number of accounts in order to address a number of outstanding issues relating to this bill. This amendment is fully offset by reductions from elsewhere in the bill so that the bill remains in compliance with its allocation. This proposal has been cleared with Senator BYRD and I urge its adoption.

Mr. BYRD. Mr. President, I am in agreement with the Chairman's remarks, and appreciate his cooperation in developing this amendment. I believe this will help move us further along toward completion of this bill. I support the amendment.

Mr. GORTON. Mr. President, I ask unanimous consent that an explanation of the effect of this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The effect of this amendment is as follows:

—$200,000 for accessibility improvements at the FitzGerald Tennis Center at Rock Creek Park;

—$1,000,000 for recreation development at Franklin Lake Dam on the Homochitto National Forest;

—$2,000,000 for tribal community colleges;

—$2,000,000 for bank stabilization at Shiloh National Military Park;

—transfers $700,000 from National Park Service construction for Gettysburg National Military Park to the operations account for Gettysburg NMP, as well as providing an additional $220,000 for Gettysburg NMP operations; the net effect of these adjustments as well as funding in the Committee reported bill through the special parks initiative is a total increase for Gettysburg NMP of $1,052,000 above the budget request;

—$2,000,000 for transportation fuel cells;

—$1,000,000 for land acquisition at Cumberland Island National Seashore;

—$100,000 for the North Country Trail;

—$4,000,000 for the Oklahoma City bombing memorial; and

—$50,000 for special resource studies to conduct a study assessing the suitability and feasibility of designating the Charleston School District, in Charleston, AR, the first public school district integrated in 1954 pursuant to the Supreme Court decision of *Brown* v. *Board of Education*, as a unit of the National Part system, to interpret and commemorate the development of the Civil Rights movement in the United States. Such study shall be prepared as a part of the study of Central High School in Little Rock, AR, identified in the Senate report (S. Rpt. 105–

56) accompanying H.R. 2107, and shall be completed within one year after the date of enactment.

The offsets for these purposes come from increases provided above the budget request. The offsets are:

—$1,000,000 from Fish and Wildlife Service Construction (emergency projects)

—$5,170,000 from National Forest System, including $4,300,000 from recreation and $870,000 from wildlife habitat management;

—$6,400,000 from Forest Service Construction.

* * *

SMITH-WYDEN AMENDMENT ON COUNTY LAW ENFORCEMENT

Mr. WYDEN. Mr. President, included in the manager's amendment is an amendment, I am pleased to cosponsor this amendment with my colleague, Senator SMITH, to provide an additional tool in the toolbox, if you will, for rural counties who have come under significant hardship in funding law enforcement activities covering National Forest lands.

Most particularly, Mr. President, a number of Oregon counties have had their sheriff's office budgets nearly busted by the need to address illegal, occasionally violent protests related to Federal timber sales and the regular management of National Forest lands in Oregon.

On nearly every timber sale protest, my office has worked very closely with the Forest Service to find help. We have literally shaken the Forest Service tree to find additional resources to help small counties deal with their heightened law enforcement needs when one of these demonstrations occurs.

While the Forest Service has been helpful, it has not prevented these rural counties from incurring, in some cases, nearly their entire year's law enforcement budget on just one protracted timber protest.

Federal receipts must be used by Oregon Counties in the proportion of 25 percent for schools and 75 percent for roads. This amendment simply allows counties to use surplus funds out of the share that is for roads, on law enforcement activities associated with the use of public roads of the county.

The Smith-Wyden amendment simply gives these counties—Douglas, Lane, Klamath, Jackson, and Josephine—a small tool to help them deal with illegal timber demonstrations that are political, and that are related to the Federal management of Federal lands. It is patently unfair that local communities must bear this burden at all, but we believe that this amendment will help.

I want to express my great appreciation to the chairman of the Interior Appropriations Subcommittee, Senator GORTON, the ranking member of the Interior Appropriations Committee, Senator BYRD, and to the ranking member of the Energy and Natural Resources Committee, Senator BUMPERS, for working with me and Senator SMITH on this provision.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the amendment has been reviewed on this side, and it is acceptable.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to the amendment.

The amendment (No. 1241) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1242

(Purpose: To direct the Secretary of the Interior to convey certain land to Lander County, Nevada)

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1242.

Mr. REID. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . CONVEYANCE OF LAND TO LANDER COUNTY, NEVADA.

(a) CONVEYANCE.—Not later than the date that is 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to Lander County, Nevada, without consideration, all right, title, and interest of the United States, subject to all valid existing rights and to the rights of way described in subsection (b), in the property described as T. 32 N., R. 45 E., sec. 18, lots 3, 4, 11, 12, 16, 17, 18, 19, 20 and 21, Mount Diablo Meridian.

(b) RIGHTS-OF-WAY.—The property conveyed under subsection (a) shall be subject to—

(1) the right-of-way for Interstate 80;

(2) the 33-foot wide right-of-way for access to the Indian cemetery included under Public Law 90–71 (81 Stat. 173); and

(3) the following rights-of-way granted by the Secretary of the Interior:

NEV–010937 (powerline).
NEV–066891 (powerline).
NEV–35345 (powerline).
N–7636 (powerline).
N–56088 (powerline).
N–57541 (fiber optic cable).
N–55974 (powerline).

(c) The property described in this section shall be used for public purposes and should the property be sold or used for other than public purposes, the property shall revert to the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1242) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. GORTON. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1243

(Purpose: To increase funding for payments in lieu of taxes, with an offset)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senators ABRAHAM, LEVIN, and HATCH, and I ask unanimous consent any pending amendment be set aside and we consider this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. ABRAHAM, Mr. LEVIN, and Mr. HATCH, proposes an amendment numbered 1243.

Mr. GORTON. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 8, strike "$120,000,000" and insert "$124,000,000".

On page 64, line 16, strike "$1,346,215,000" and insert "$1,342,215,000".

Mr. GORTON. Mr. President, this allows certain additional funds for payment in lieu of taxes, has benefits to counties throughout the country, and has an appropriate balance but does not affect the overall balance of the bill.

It has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1243) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. REID. I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

Mr. GORTON. Mr. President, I hope we are close to the end. We have not yet quite settled the second-degree amendment by Senator MURKOWSKI or the first-degree amendment by Senators STEVENS and MCCAIN. I don't think there are any significant number of other amendments that have not yet been dealt with.

We do have a large number of colloquies, but I will wait to enter them until after a vote on final passage. We will try to work out the rest of it.

I notice the Senator from Alaska on the floor, and I yield the floor.

Mr. MURKOWSKI. I have not heard back on the Presidio. There was a technical amendment pending on the Presidio. I am not aware whether or not that has been agreed to.

Mr. GORTON. There is some confusion here about the location of the amendment. We are looking for it.

Mr. MURKOWSKI. And one more on stampede.

Mr. MURKOWSKI. I believe it has been submitted for clearance. Would the Senator care to suggest the absence of a quorum?

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1244

(Purpose: to direct the Secretary of the Interior to convey, at fair market value, certain properties in Clark County, Nevada, to persons who purchased adjacent properties in good faith reliance on land surveys that were subsequently determined to be inaccurate)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BRYAN, for himself and Mr. REID, proposes an amendment numbered 1244.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following new section:

SEC. . Conveyance of Certain Bureau of Land Management Lands in Clark County, Nevada—

(a) FINDINGS.—Congress finds that—

(1) certain landowners who own property adjacent to land managed by the Bureau of Land Management in the North Decatur Boulevard area of Las Vegas, Nevada, bordering on North Las Vegas, have been adversely affected by certain erroneous private land surveys that the landowners believed were accurate;

(2) the landowners have occupied or improved their property in good faith reliance on the erroneous surveys of the properties;

(3) the landowners believed that their entitlement to occupancy was finally adjudicated by a Judgment and Decree entered by the Eighth Judicial District Court of Nevada on October 26, 1989;

(4) errors in the private surveys were discovered in connection with a dependent resurvey and section subdivision conducted by the Bureau of Land Management in 1990, which established accurate boundaries between certain Federally owned properties and private properties; and

(5) the Secretary has authority to sell, and it is appropriate that the Secretary should sell, at fair market value, the properties described in section 2(b) to the adversely affected landowners.

(b) CONVEYANCE OF PROPERTIES.

(1) PURCHASE OFFERS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the city of Las Vegas, Nevada, on behalf of the owners of real property located adjacent to the properties described in paragraph (2), may submit to the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this Act as the "Secretary"), a written offer to purchase the properties.

(B) INFORMATION TO ACCOMPANY OFFER.—An offer under subparagraph (A) shall be accompanied by—

(i) a description of each property offered to be purchased;

(ii) information relating to the claim of ownership of the property based on an erroneous land survey; and

(iii) such other information as the Secretary may require.

(2) DESCRIPTION OF PROPERTIES.—The properties described in this paragraph, containing 68.60 acres, more or less, are—

(A) Government lots 22, 23, 26, and 27 in sec. 18, T. 19 S., R 61 E., Mount Diablo Meridian;

(B) Government lots 20, 21, and 24 in sec. 19, T. 19 S., R. 61 E., Mount Diablo Meridian; and

(C) Government lot 1 in sec. 24, T. 19 S., R. 60 E., Mount Diablo Meridian.

(3) CONVEYANCE.—

(A) IN GENERAL.—Subject to the condition stated in subparagraph (B), the Secretary shall convey to the city of Las Vegas, Nevada, all right, title, and interest of the United States in and to the properties offered to be purchased under paragraph (1) on payment by the city of the fair market value of the properties, based on an appraisal of the fair market value as of December 1, 1982, approved by the Secretary.

(B) CONDITION.—Properties shall be conveyed under subparagraph (A) subject to the condition that the city convey the properties to the landowners who were adversely affected by reliance on erroneous surveys as described in subsection (a).

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1244) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1245

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1245.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

"SEC. . Notwithstanding any other provision of law, in payment for facilities, equipment, and interests destroyed by the Federal Government at the Stampede Mine Site within the boundaries of Denali National Park, (1) the Secretary of the Interior, within existing funds designated by this Act for expenditure for Departmental Management, shall by September 15, 1998: (A) provide funds subject to an appraisal in accordance with standard appraisal methods, not to exceed $500,000.00 to the University of Alaska Fairbanks, School of Mineral Engineering; and, (B) shall remove mining equipment at the Stampede Mine Site identified by the School of Mineral Engineering to a site specified by the School of Mineral Engineering; and, (2) the Secretary of the Army shall provide, at no cost, two six by six vehicles, in excellent operating condition, or equivalent equipment to the University of Alaska Fairbanks, School of Mineral Engineering and shall construct a bridge across the Bull River to the Golden Zone Mine Site to allow ingress and egress for the activities conducted by the School of Mineral Engineering. Upon transfer of the funds, mining equipment, and the completion of all work designated by this section, the University of Alaska Fairbanks, School of Mineral Engineering shall convey all remaining rights and interests in the Stampede Mine Site to the Secretary of the Interior."

Mr. MURKOWSKI. Mr. President, I believe this is the Stampede Creek Mine amendment. I am not sure of the status of the issue, other than I believe the minority has agreed to it and it has been discussed. There was a question by the occupant of the chair and by the Senator from Arizona.

In 1987, the Federal Government, through the Park Service, blew up the University of Alaska's mine. This was a mine that was a working model. It was in Denali National Park. It had been donated to the University of Alaska School of Mines by a man by the name of Earl Pilgrim who, in 1942, purchased the claim and continued to operate the mine—it was an antimony mine—until 1972. At one time, the mine was the second-largest producer of antimony in the United States. It was located in an isolated section of the park preserve. The Stampede Mine was found to be eligible for listing in the National Register of Historic Places on June 20, 1989.

Today, the mine site contains—excuse me, did contain several historic workable structures. The site is rich in equipment, machinery, tools, and the myriad objects that make up the stuff of a mining camp. Many of these items are unique to the Pilgrim's operation and reflect on his own inventiveness and mechanical skills.

In 1979, Stampede Mines, LTD, entered into negotiations with the National Park Service and the University of Alaska. As a result of those negotiations, the mining company made a donation to the National Park Service of the surface rights including road access from the airstrip, the historic buildings, water rights, and stream banks.

It was believed at the time that the National Park Service possessed the wherewithal to better maintain and protect the valuable historic structures. Unfortunately, in 1987, history would record that there was very little merit to this line of thinking.

At the same time, the University of Alaska Fairbanks' School of Mineral Engineering was donated all the mining rights, mining equipment, and fixtures, with mineral development restrictions for the education of students.

Mr. President, the mineral development restrictions included provisions which allowed for only educational use of the mineral estate. No commercial mining would be allowed, only small-scale educational mining, and even though the buildings, roads, trails, and airstrips were owned by the Park Service, the university is responsible for maintaining them.

The School of Mineral Engineering was most pleased with the arrangement and looked forward to providing their mining students a unique opportunity to learn firsthand about earlier- to present-day mining operations and equipment by having the mining mill to actually operate for the students. Given the chance, they would like the opportunity to conduct such an education program in the future.

The educational program is consistent with the intent of the university's receipt of the property. The School of Mineral Engineering has developed a meaningful program that provides for initiating activities associated with instruction-investigation about environmentally sound mineral exploration and mining techniques in a sensitive natural environment, as well as studying the geology, biology, and ecology of the area, and studying the historical aspects of the mine.

The program has already helped the mineral industry develop methods to explore for and develop minerals on lands located in sensitive areas throughout Alaska, even on land controlled by the Department of the Interior.

Mr. President, it was to be an absolute win for the National Park Service and a win in the field of education for the university. No one in their worst nightmares, would have believed that the National Park Service could blow this opportunity.

During 1986–87 National Park Service personnel conducted field inspections of old mining sites located on their lands for the purposes of identifying potentially contaminated sites and hazardous conditions.

Toward the end of July 1986, the Stampede Creek site was examined. The inspectors recommended immediate action to examine the safety of old blasting caps and chemicals at the site. Before taking any action, the inspectors recommended that the ownership issue be resolved.

In other words, Mr. President, someone actually considered private property. The matter was treated as serious, but not an emergency or life-threatening. Nothing further occurred for 8 months.

Subsequently, National Park Service personnel and members of the U.S. Army's explosive ordnance detonation team arrived, unannounced, at the Stampede Mine site and on April 30, 1987, changed the configuration of the mine site and its historic structures.

Mr. President, they moved 4,000 pounds of ammonium nitrate—private property of the University—and placed it on top of the still frozen Stampede Creek. Ammonium nitrate may sound dangerous but in its packaged state it is nothing more than common fertilizer.

They piled 4,000 pounds of fertilizer on top of the creek and added several half gallon bottles of acid—more private property which they retrieved from the assay lab. Finally they added 45 pounds of high explosives—set the charge and left the area.

Mr. President, let me refer to the pictures on my right which show the Stampede Mine prior to this episode of the Park Service and the U.S. Army ordinance detonation team.

This is the Stampede Creek. This is the mill and the mine. The mine is back here in the hills. This is where the concentrates are recovered, and so forth. The pictures show the facilities before the explosion occurred.

I am going to show you the next chart which shows you what happened when the Park Service finished their work. This is what the mine and the mill looked like. As you can see, it is totally devastated by the blast.

When the smoke cleared and all the debris fell back to the earth, they found that the explosion left a crater in the creek 28 feet wide and 8 feet deep. They also noticed a substantial change in the mining site, which is depicted by this photograph.

Let me show you again the creek which indicates the significance of what this crater did to this stream bed. You can imagine a hole 28 feet wide and 8 feet deep. And this creek flows down into the watershed that flows into the Tanana River which flows into the Yukon River, obviously polluting and killing fish along the way.

The Park Service did it, Mr. President.

In addition to the mine entrance and mill, damage occurred to other buildings, trees, landscape, and stream bed. The bombing also blew up a 5,000 ton tailings pile which by using USGS records for the current price of metals would be worth approximately $600,000 in place. Unfortunately the heavy metals of the tailings pile were last seen moving from the site and being scattered throughout the environment by the force of the blast.

One of the most telling reports concerning this debacle is from the U.S. Army incident report No. 176–23–87 which stated that the NPS personnel were aware that detonation would result in damage to the surrounding buildings and according to Sergeant Seutter "at no time was it relayed to me that damage was unacceptable.

Mr. President, violations of the law are clear. There are violations of the Clean Water Act, the Historic Preservation Act, section 404 of the Clean Water Act involving wetlands, not to mention the taking and destruction of private property.

Further, since the explosion, approximately $2 million worth of mining equipment, some historic, has been damaged or destroyed due to exposure to inclement weather and the normal Alaska freeze and thaw cycles.

What I find equally outrageous is the fact that no one from the National Park Service has, until most recently, said "I am sorry".

To be fair, during the course of the last 2 years the NPS has been working with the university in an attempt to allow the university to continue its educational program. Unfortunately, the site in its reconformed condition lacks the historic integrity and lure that it once possessed.

The university has located another historic mine site outside of the national park boundaries that can meet the needs and requirements of the university, its curriculum, and its students.

Mr. President, my amendment does not attempt to rectify all the wrong that has been done. If we were to pass legislation, or use the court system, to right the wrong that has been accomplished, the cost would be in the hundreds of millions of dollars. Some of the historic mining equipment loss due to the explosion and subsequent neglect is cost-prohibitive to replace.

My amendment would direct the Secretary: subject to an appraisal—and I emphasize "appraisal"—to provide up to $500,000.00 to the University of Alaska Fairbanks, School of Mineral Engineering; and, remove certain salvageable historic mining equipment to a location that will be convenient for the university to pick it up and move it to a mine site outside of the park boundary.

One would question, "Well, what is the justification for this action?" There is none. The Federal Government blew up private property, and the

Federal Government should be held responsible and make restitution.

My amendment would require the U.S. Army: to provide two six by six vehicles to the School of Mineral Engineering; and, to construct a bridge across the Bull River at the Golden Mine site to allow unimpeded ingress and egress for the activities conducted by the school.

My amendment will ensure that all remaining rights and interests in the Stampede Mine site held by the university would be conveyed to the National Park Service, which is the wish of the Park Service.

Mr. President, passage of this amendment, and its subsequent enactment into law, will ensure us that justice in this matter will have been served and we will be able to put this incident behind us. All accounts will have been satisfied.

Mr. President, the difficulty in asking the Park Service to meet their obligation as in stating "may" and mandate that they actually perform by stating "shall" is the difference between action and no action. We have encouraged the Park Service. We have asked the Park Service. And now it is time to direct the Park Service to right this wrong because they blew up private property belonging to the University of Alaska School of Mines. This amendment would attempt to rectify that situation.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, very briefly, I don't know about the particular merits of the project. But I do consider the specific earmark for a certain sum of money. If this is going to proceed on the floor, I think we ought to have a rollcall vote on it. So, if it is sought to pass by unanimous consent, I will be objecting to that and ask that we have a rollcall vote on this specific earmark for a certain set amount of money.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, this is what I would propose.

First, I ask unanimous consent that Senator DOMENICI be added as a cosponsor on the Abraham amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, we have one amendment by the Senator from Alaska on the Presidio that can be accepted. Then I believe the Senator from Alaska is going to withdraw his second-degree amendment to the Stevens-McCain amendment. We can pass the Stevens-McCain amendment by voice vote. Then I would suggest that we have stacked votes on the Murkowski amendment that has just been debated, followed immediately by a vote on final passage of the bill.

That is my suggestion, if we can get those other unanimous consents ahead of time.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1232 WITHDRAWN

Mr. MURKOWSKI. Mr. President, as a consequence of the discussion we have had, it is my understanding that we have been able to address many of the concerns associated with the discussion on the $1.6 billion from oil leases from offshore Alaska.

So it is my intention to withdraw my amendment.

Further, it is my understanding that Senator GORTON agrees with me that the additional $800 million should be captured through legislation in the authorizing committee.

I understand the floor manager would support that.

Mr. GORTON. The Senator is correct.

AMENDMENT NO. 1232, WITHDRAWN

Mr. MURKOWSKI. With that assurance, I would withdraw my second-degree amendment.

Mr. GORTON. I believe I have to withdraw my motion to table that second-degree amendment, which I do.

Mr. MURKOWSKI. I thank the Chair. I thank my friend from Washington.

The PRESIDING OFFICER. Without objection, amendment No. 1232 is withdrawn.

AMENDMENT NO. 1231

Mr. GORTON. Now I think we can by voice vote accept the underlying first-degree amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1231.

The amendment (No. 1231) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1246

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator MURKOWSKI relating to the Presidio that has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MURKOWSKI, proposes an amendment numbered 1246.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following new section:

"SEC. . Delete section 103(c)(7) of Public Law 104–333 and replace with the following:

"'(7) STAFF.—Notwithstanding any other provisions of law, the Trust is authorized to appoint and fix the compensation and duties and terminate the services of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code or other laws related to the appointment, compensation or termination of federal employees.'".

Mr. GORTON. I have already explained the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1246) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1245

Mr. GORTON. Now, Mr. President, I believe that the leaders approve of it.

The question is the Murkowski amendment. It is a debated amendment.

Does the proponent of the amendment want to ask a rollcall on it or the opponent?

Is not the question before the body now the Murkowski amendment?

The PRESIDING OFFICER. The question before the Senate is the Murkowski amendment No. 1245.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. On that amendment I ask for a rollcall vote.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

Now there appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Before we have a vote on that, I ask unanimous consent that we adopt all further committee amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee amendments on page 46, line 15 through page 47, line 25; page 115, line 1 through line 22; and page 123, line 9 through page 124, line 20, as amended were agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the Murkowski amendment? If not, the question is on agreeing to amendment No. 1245. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. SMITH] is necessarily absent.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN], the Senator from New York [Mr. MOYNIHAN], and the Senator from Minnesota [Mr. WELLSTONE] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. AKAKA] is absent due to a death in the family

I further announce that, if present and voting, the Senator from Minnesota [Mr. WELLSTONE] would vote "aye."

The result was announced—yeas 81, nays 14, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—81

Abraham
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feinstein
Ford
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NAYS—14

Allard
Ashcroft
Brownback
Byrd
Feingold
Glenn
Gorton
Gramm
Grams
Hollings
Kohl
McCain
Santorum
Sessions

NOT VOTING—5

Akaka
Harkin
Moynihan
Smith (OR)
Wellstone

The amendment (No. 1245) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TITLE V—PRIORITY LAND ACQUISITIONS AND EXCHANGES

Mr. MURKOWSKI. I rise today to speak about Title V of H.R. 2107—the Interior Appropriations Bill. Title V provides an additional $700 million appropriation from the Land and Water Conservation Fund (LWCF), pursuant to the Balanced Budget Agreement, for priority land acquisitions and exchanges. While I had sought to have more money appropriated to the state-side LWCF matching grant program, I commend Senator GORTON for appropriating this $700 million in a manner consistent with the terms and spirit of the LWCF Act.

Over 30 years ago, in a remarkable bipartisan effort, Congress and the President created the LWCF. The LWCF provides funds for the purchase of federal land by the land management agencies—the federal-side LWCF program—and creates a unique partnership among Federal, state, and local governments for the acquisition of public outdoor recreation areas and facilities—the state-side LWCF matching grant program. The LWCF is funded primarily from off-shore oil and gas leasing revenues which now exceed $3 billion annually, and has been authorized through the year 2015 at an annual ceiling of $900 million.

However, LWCF monies must be annually appropriated. And, despite the increase in offshore oil and gas revenues, the LWCF has not fared well in this decade. Expenditures from the LWCF have fluctuated widely over its life but have generally ranged from $200 to $300 million per year. In the 1990s, total appropriations to both the Federal and State sides of LWCF steadily declined from a high of $341 million during the Bush Administration to $149 million in FY 1997.

Most significantly, all of the FY 1997 appropriation was for the exclusive purpose of federal land acquisition. In 1995, Congress and the President agreed to shut-down the state-side LWCF program. For FY 1998, the President requested $165 million for Federal land acquisitions and only $1 million for monitoring previously funded State-side projects. The President did not request any funds for new state-side projects.

After submitting his budget to Congress, the President appears to have seen the value of the LWCF. In the Balanced Budget Agreement, Congress and the President agreed to provide an additional $700 million for priority land acquisitions and exchanges from the LWCF. President Clinton wants all of this additional $700 million spent on Federal land acquisitions. He has not requested that any of this additional LWCF appropriation be used to fund the State-side LWCF matching grant program.

PRIORITY FEDERAL LAND ACQUISITIONS

As Senator DOMENICI stated on the Senate floor, the Balanced Budget Agreement, and the accompanying Concurrent Budget Resolution, provide no specifics as to how this additional $700 million is to be spent. Neither the Balanced Budget Agreement nor the Concurrent Budget Resolution mention, by name, any land acquisitions. Rather, Congressional leaders intended for this money to be appropriated through the normal legislative process. That is what Senator GORTON is trying to do in the Interior Appropriations bill.

The Clinton Administration has identified two priority Federal land acquisitions: the 7500 acre Headwaters Forest property in northern California and the 4000 acre New World Mine property in Montana. Last year before the election, the Clinton Administration proposed, with great fanfare, to acquire both of these properties through land exchanges. However, because of the Administration's reluctance to work with Congress to consummate these land exchanges, a number of problems arose. The President then decided to acquire these properties through an outright cash purchase, using $315 million of the additional LWCF monies provided in the Balanced Budget Agreement.

The Senate Appropriations Committee, unlike its House counterpart, has agreed to fund these acquisitions. However, it has made this appropriation contingent on the enactment of separate authorizing legislation.

As Chairman of the authorizing Committee—the Energy and Natural Resources Committee—I congratulate the Senate appropriators for respecting the role of legislative committees. Title V of H.R. 2107 honors this historical division of responsibilities among authorizing and appropriations committees and the processes of the Senate, and the Congress.

It also acknowledges that Congress needs to, and should, examine the details of the Headwaters Forest and New World Mine acquisitions. The decisions to acquire these properties were made with no public and little Congressional involvement. As a result, a significant number of unanswered questions surround both acquisitions. Examination of the acquisitions is best done by the authorizing committee.

As an initial matter, Congress needs to authorize the use of LWCF monies. The LWCF Act provides a funding mechanism for the acquisition of Federal lands. It does not provide an independent basis for Federal land acquisitions. The LWCF Act specifies, with limited exceptions, that LWCF monies cannot be used for a Federal land purchase "unless such acquisition is otherwise authorized by law." From the information available to the Energy and Natural Resources Committee, the exceptions to this prohibition do not apply to either the Headwaters Forest or the New World Mine acquisition.

The Clinton Administration disagrees, contending that site-specific authorization for the Headwaters Forest and New World Mine acquisitions is unnecessary because existing statutory authorities allow the Bureau of Land Management, the Fish and Wildlife Service, or the Forest Service to use LWCF monies. Yet, the Administration fails to analyze with any specificity exactly how the other authorities apply to the two acquisitions and override the provisions of the Land and Water Conservation Fund Act.

For example, the Clinton Administration opines that the Forest Service has the authority to purchase the New World Mine property under the Weeks Act. However, the Weeks Act was enacted for the purpose of acquiring eastern forested land. At the same time, the LWCF Act limits the Forest Service's use of LWCF monies for acquisitions "primarily of value for outdoor recreation purposes." Is recreation the primary value of the New World Mine property? Or, is the primary purpose of the acquisition to protect the character of Yellowstone National Park? What about the fact that the LWCF Act limits the Forest Service's use of LWCF monies west of the 100th meridian? Will the New World Mine acquisition, at greater than 4000 acres, run afoul of this limitation?

Similar unanswered questions surround the Headwaters Forest acquisition. The Clinton Administration states that the Headwaters Forest would be managed by the Bureau of Land Management. However, BLM is required to use LWCF monies for land acquisitions which are consistent with the applicable land use plan and "necessary for the property management of public lands which are primarily of value for outdoor recreation purposes." Is the acquisition of the Headwaters Forest even addressed in the applicable land use plan? Is it the Clinton Administration's position that the primary value of the Headwaters Forest is outdoor recreation? If so, how will the public access this new recreation resource? Or, because the Headwaters Forest has been identified as critical habitat under the Endangered Species Act, is the Administration relying on the ESA as authorization for the acquisition? Does it then make sense for the property to be managed by the BLM? Is it the Administration's position that the ESA authorizes the acquisition of any and all private property containing endangered or threatened species and overrides the limitations in the LWCF Act?

All of these questions need to be answered before the Congress accepts the Clinton Administration's assertion that existing laws authorize the acquisition of the Headwaters Forest and the New World Mine and override the prohibitions in the LWCF Act. The Committee of jurisdiction is in the best position to conduct such an examination.

Moreover, even if the Headwaters Forest and the New World Mine can be acquired by the President without the enactment of separate authorizing legislation, Congressional authorization of the agreements is needed to avoid other statutory requirements normally applicable to Federal land purchases. Because the purchase prices for both the Headwaters Forest and the New World Mine were the result of negotiation and dependent, in part, on other terms, the actual fair market value of the properties is unknown.

With respect to the New World Mine, a 1995 National Park Service report estimates the fair market value of the property is less than $50 million. The Clinton Administration has agreed to purchase the property for $65 million.

As to the Headwaters Forest, there is enormous discrepancy as to the property's value. The current owner contends the property has a value in excess of $700 million. A 1993 Forest Service appraisal values the property at $500 million. However, a 1996 analysis of the property conducted for the Department of Justice concludes that the property has a value between $20 million, applying current environmental restrictions, and $250 million, without any environmental restrictions. The Headwaters Forest property will be acquired for $380 million in cash and property.

Moreover, the Clinton Administration apparently wants to ensure that the fair market value of the properties is never determined. On June 9, 1997, President Clinton submitted an amendment to his FY 1998 Interior Appropriations budget request to reflect the $700 million in LWCF monies included in the Balanced Budget Agreement. The recommended statutory language specifically references the negotiated purchase prices for the two acquisitions.

The accompanying budget justification states "by ratifying the specific lands to be acquired and the purchase prices contained in those negotiated agreements, these provisions would also obviate the need for the United States to undertake additional and costly appraisals under the Uniform Relocation Assistance and Real Property Acquisition Act." The Uniform Relocation Assistance and Real Property Acquisition Act requires an appraisal of the fair market value of private property the Federal Government desires to acquire, whether through negotiations or condemnation. One of the primary purposes of this Act is to guarantee that any Federal land purchase is a good deal for the American taxpayer.

It is bad precedent for Congress to bless the Administration's blatant disregard of this law. Congress needs to examine, and determine for itself, the fair market value of these properties and, whether or not the purchases are a good deal for the American taxpayer. This examination is properly done in the context of authorizing legislation.

The magnitude of these acquisitions make the disregard of this law even more troubling. As noted in the Senate Appropriations Committee report accompanying H.R. 2107, the $315 million spent to acquire the two properties is more than the total amount appropriated from the LWCF for land acquisitions over the past two years. Those appropriations have been used to acquire dozens of properties—the vast majority of which cost less than $1 million. None of them have been excluded from the Uniform Relocation Assistance and Real Property Acquisition Act. The Clinton Administration needs to explain to Congress why the Headwaters Forest and New World Mine acquisitions warrant an exemption from the law.

Congressional authorization is further needed because the Clinton Administration has committed the Federal government to more than the purchase of property.

The New World Mine agreement requires that $22.5 million of the $65 million purchase price be used to finance the clean-up of the property which is contaminated from historic mining activities in the area. However, LWCF monies are not authorized for environmental clean-ups.

While the Clinton Administration contends sufficient authorization exists for it to use LWCF monies to acquire the New World Mine property, nowhere does it argue that it may use $22.5 million of this LWCF appropriation for financing a private party's CERCLA-type cleanup. Whatever the contours of the debate over the proper uses and purposes of the LWCF Act, it is clear Congress never intended for the LWCF to be used as an environmental contamination insurance account. Yet, such an impermissible use is precisely what the Administration now proposes. Congress clearly needs to review and authorize such a use of LWCF monies.

At the same time, the Agreement to purchase the Headwaters Forest requires that the Federal government and the property seller agree to a habitat conservation plan under the Endangered Species Act for timber harvesting activities which will occur on the remaining 200,000 acres owned by the company. In fact, because of difficulties in negotiating an acceptable habitat conservation plan for this property, the timber company sued the Federal Government. However, if the Federal Government and company agree to a habitat conservation plan, and the Federal Government purchases the property, the company's case against the Federal Government will be dismissed. To date, no such agreement has been reached. I question, however, whether it is good public policy to settle litigation in this manner.

I have touched upon some of the issues raised by the two acquisitions. I have not talked about the Clinton Administration's failure to acquire the properties through land exchanges, as originally proposed. Questions also exist about how, and at what cost, the Federal Government will manage the properties upon acquisition.

We have held no hearings on the New World Mine acquisition. We have held no hearings on the Headwaters Forest acquisition. Congress had no input into the decision to acquire them. In fact, most of us know little about the two proposals. We owe it to the American taxpayer to review these acquisitions—a review best done by the authorizing Committee.

STATE-SIDE LWCF MATCHING GRANT PROGRAM

I also want to comment on the appropriation contained in H.R. 2107 for the state-side LWCF matching grant program. The state-side LWCF program has played a vital role in providing recreational and educational opportunities to millions of Americans. State-side LWCF grants have helped finance well over 37,500 park and recreation projects in all fifty states, including campgrounds, trails, and open space.

The availability of outdoor recreation facilities is critical to the well-being of Americans. People who participate in outdoor recreation activities, are happier and healthier. Recreation is an important component of our economy. Moreover, while trips to our National Parks create experiences and memories which last a lifetime, day-in and day-out, people recreate close to home. In fiscal year 1995, the last year for which the state-side LWCF grant program was funded, there were nearly 3800 applications for state-side grants. Unfortunately, there was only enough money to fund 500 projects. In the intervening 3 years, the local and state demand for those resources has only increased.

That is why state-side LWCF grants are so important. State-side LWCF grants help address the highest priority needs of Americans for outdoor recreation. At the same time, because of the matching requirement for state-side LWCF grants, they provide vital seed-money which local communities use to forge partnerships with private entities.

Unlike the Clinton Administration, the Interior Appropriations Committee has recognized the value of the state-side LWCF matching grant program. It appropriated $100 million to the program over the next 4 years and noted, in its report, that "resource protection is not solely the responsibility nor the domain of the Federal Government, and that States can in many cases extract greater value from moneys" appropriated from the LWCF. I congratulate Senator GORTON on this appropriation and am optimistic that this provision will remain in Conference.

I have attached to my statement, for inclusion in the RECORD, two recent resolutions. The first, from the National Governors' Association, calls on the Federal Government to revive the Land and Water Conservation Fund state-side matching grant program. This bill does that. The second letter, from the National Recreation and Park Association, urges the Senate to support the $100 million appropriation contained in the interior appropriations bill.

I ask unanimous consent that these items be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC.

RECREATION RESOURCES

PREAMBLE

The Governors believe that participation in outdoor recreation provides important physical, mental, and social benefits to the American public, and that responsibility for providing diverse and high-quality opportunities for such recreation is shared by federal, state, and local government interests and the private sector. Continuing growth in demand for outdoor recreation opportunities has brought overcrowding to some areas, while budgetary constraints, environmental pollution, and conversion of open spaces to other uses has further added to the challenges we face. This is particularly true of resources within physical and economic reach of the majority of urban populations. The expansion, development, and management of recreational space and facilities is an important national challenge that can contribute to both quality of life and the economy. To effectively meet this challenge, federal recreation efforts must be modified to include a far greater emphasis on state and local decisionmaking and on partnerships, particularly with the private sector, than currently exists. The system must also be reinvented to enhance program efficiencies and effective program administration.

A VISION FOR AMERICA'S GREAT OUTDOORS

The Governors support a vision of a safe, clean, planned, and well-maintained network of recreation areas available to all Americans. Important objectives can be achieved by reviving and strengthening the existing Land and Water Conservation Fund (LWCF) and Urban Park and Recreation Recovery (UPARR) programs. The Governors recognize the valuable work done by the National Park Service Advisory Board report, "An American Network of Parks and Open Space," with its call for a balanced formula for ensuring state, local, and national funding allocations to meet the nation's diverse needs for recreation resources. In addition, the Governors support continuing substantial funding for recreation programs through appropriations for the federal land-management agencies and through the expenditure of monies at the federal and state levels under programs such as the Pittman-Robertson Act and the Aquatic Resources Trust Fund. The Governors also encourage the continued use of private capital for investment in recreation facilities on public lands and further encourage increased funding for operational expenditures for recreation facilities and services through general fund appropriations and recreation fees paid by those who directly use those facilities and services. To ensure that recreation funds are spent wisely, the Governors believe that, at every level of government, an effort should be made to understand and accommodate recreationists' needs and interests.

GUIDING PRINCIPLES

The Governors believe that the creation and maintenance of a nationwide network of recreation areas should be guided by the following principles.

Priorities for spending funds must come from a sustained effort to understand the needs of recreationists on the part of those involved in local, state, and national planning activities. State and local recreation resources planning activities, including comprehensive outdoor recreation plans, should continue to be a foundation for decisionmaking. The Governors encourage a revitalized LWCF/UPARR program to streamline federal requirements currently imposed on such state planning and granting processes. At the same time, the Governors acknowledge the importance of an open, public process for allocating grants-in-aid and support continuation of this important tool for effective citizen participation.

To assist in a better determination of national priorities and their interaction with the expressed priorities of state and local governments, the Governors also encourage integration of federal recreation resource planning processes with their state and local counterparts.

Programs for land conservation, preservation of cultural landscapes, and recreation resource development require a shared partnership among citizens, private landowners, all levels of governments, and private organizations.

The equity of private property owners must be respected in the implementation of recreation and conservation programs.

As the nation's recreation resources investments are made, the Governors encourage continued attention to providing quality recreation opportunities to all citizens, reflecting the diverse needs for recreation that is safe, accessible, affordable, enjoyable, and open.

National strategies and programs that aid state and local governments should be flexible, effective, and efficient.

The long-term future of our nation's recreation resources is dependent on a citizenry that is both familiar with and appreciative of these resources. Programs that promote such understanding and appreciation should be encouraged in both the private and public sector.

FUNDING

The Governors believe that Congress should encourage the provision of adequate and predictable funding for the nation's outdoor recreation resources from both private and public sources.

The Governors support the principle that nonrenewable resources leaving federal ownership, such as oil and gas recovered from the Outer Continental Shelf, should be used as a means to establish assets of lasting value to the nation.

The Governors recommend that Congress make available no less than 60 percent of funds for state and local governments with the balance to federal agencies to be used by both principally for the purposes of acquiring outdoor recreation areas and providing for and protecting outdoor recreation opportunities. The Governors also support increased private investment in recreation facilities on public lands.

The Governors believe it is imperative to adequately maintain public recreation lands and the facilities on them. The Governors recommend that, in addition to general fund revenues, where appropriate and practicable, user fees and private sector funding should be considered to help achieve this objective. The Governors strongly recommend that LWCF not be used for these purposes.

FEDERAL RESPONSIBILITY AND PARTNERSHIP

Federally managed public lands and resources serve a critical function in meeting national recreational needs, not only in providing opportunities for outdoor recreation but in providing the means, through the Federal Lands Highway Program, to access and enjoy those opportunities. Federal agencies should develop comprehensive outdoor recreation resource use and access plans in consultation with state and local governments and coordinate their planning with the recreation resource needs identified by state and local governments and private organizations. New federal institutional arrangements are needed to give greater visibility and authority to recreational program administration on federal lands and to foster innovative state, local, and private program partnerships. The efficiency and effectiveness of federal recreational support can be enhanced.

RAILROAD RIGHTS-OF-WAY

The Governors believe that where it is consistent with state law and respects the rights of adjacent landowners, it is in the public interest to conserve and maintain abandoned railroad corridors whenever suitable for use as public trails and greenways, for other public purposes, or for possible future rail use. Such efforts can help achieve the goal of the President's Commission on Americans Outdoors of establishing "a continuous network of recreation corridors . . . across the country."

SCENIC BYWAYS

The Governors believe that funding for the National Scenic Byway Program, which recognizes the economic and social value of fostering travel on the nation's most scenic routes, one of the most popular forms of recreation in the country, should be continued.

USER-PAY/USER-BENEFIT GRANT PROGRAMS

The Governors believe that grant programs that return fees paid by users, for example, federal gasoline taxes or excise taxes on specific products, to programs which directly benefit those users, should be continued. Examples include the programs funded under the Pittman-Robertson Act, the Aquatic Resources Trust Fund, and the National Recreational Trails Fund.

NATIONAL RECREATION AND
PARK ASSOCIATION,
Ashburn, VA, September 10, 1997.

AN OPEN LETTER TO THE UNITED STATES SENATE

You will soon have an opportunity to vote on fiscal year 1998 appropriations for the Department of the Interior. The Land and Water Conservation Fund state assistance program is among the many important initiatives that you will consider. We urge you to approve not less than the $100 million appropriation for LWCF state assistance recommended by the Senate appropriations committee in its version of H.R. 2107.

The LWCF state assistance program addresses the health and welfare of our nation's citizens. By matching state and local resources to complete priority projects for individual communities across the nation, these resources provide access to recreation and conservation opportunities for all American citizens. They are the playgrounds where our children run and shout. They are the swimming pools and playing fields where we learn the values of teamwork, sportsmanship, hard work and competition. They are the parks, picnic areas, pathways and wild places where we find quiet and renew our connection with the natural world. These places restore our minds and bodies and enhance our quality of life. And most importantly, they are accessible. They are down the street, across town, at the metro stop and affordable regardless of economic status. This is what sets these state and local investments apart from our nation's great national parks, forests, refuges and public lands. And this is why they are so important.

After two years without LWCF state assistance, thousands of opportunities for conservation and recreation have been delayed or lost. Restoring this program will allow projects with available matching funds to move forward. It will also renew the nation's commitment to its people to reinvest a portion of revenues from the depletion of our energy resources in state and local, as well as federal, recreation resources. We hope we can count on your support.

Sincerely,

R. DEAN TICE,
Executive Director.

REQUIRING LAND MANAGEMENT AGENCIES TO PRIORITIZE ADDITIONAL LAND ACQUISITIONS

Mr. McCAIN. Mr. President, I want to take this opportunity to explain to my colleagues an amendment I had intended to offer to the fiscal year 1998 Interior Appropriations bill. I was persuaded not to offer the amendment because of my concern that opening up the section of the bill which provides an additional $700 million for land acquisitions and exchanges would embolden those who would earmark these funds for particular projects, without consideration of the priorities of our Federal land management agencies. Therefore, I decided not to offer the amendment at this time.

I do intend to pursue this proposal as separate legislation, and I solicit the comments of my colleagues concerning this proposal, described below.

The amendment would require the administration to utilize certain criteria in preparing the prioritized list of land acquisitions and exchanges that would be conducted using the $700 million increase recommended in this bill for Federal land acquisitions and exchanges. This amendment places primary responsibility for determining the priority of land acquisitions in the hands of the Federal land management agencies charged with preserving, protecting, and managing our Nation's natural resources. At the same time, the amendment preserves the prerogative of Congress to approve or disapprove the administration's recommendations prior to making any of these additional funds available.

The amendment establishes seven specific criteria to be used by the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Land Management in assessing proposed acquisitions and exchanges:

(1) the natural resources located on the land,

(2) the degree to which those natural resources are threatened,

(3) the length of time required for acquisition of the land,

(4) the extent, if any, to which an increase in land cost makes timely completion of the acquisition advisable,

(5) the extent of public and local government support for the acquisition,

(6) the amount of Federal lands already in the region, and

(7) the total estimated costs of the acquisition.

In addition, the amendment permits the Secretaries of Interior and Agriculture to consider additional matters in their assessments, but they must explain to Congress in a report what those additional considerations were and how they were weighted in the prioritization of land proposals.

Over the years, Congress has wisely taken steps to preserve our natural heritage. We have protected many remarkable natural areas through the establishment of national parks, monuments, wilderness areas, wildlife refuges, national scenic areas, and other conservation efforts.

While this Nation has no shortage of beautiful country to be preserved and protected, there is a limited amount of funding available to accomplish these goals. As a result, our Nation has a multibillion dollar backlog in land acquisitions at both the Department of Interior and the Department of Agriculture. Because of this enormous backlog, I support the recommendation in this bill to make available an additional $700 million for the land acquisitions and exchanges, consistent with the budget agreement.

What this amendment would require the administration to do is not new. The agencies already produce these types of rankings when developing the President's budget request. The Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the Forest Service all compose priority based lists. In this case, we will be requiring the agencies to perform the same sort of priority assessments on projects that would be funded with these additional funds, to ensure that Congress has all the information necessary to review the administration's proposal.

The amendment includes a requirement for the agencies to consider the extent of local support for an acquisition proposal, as well as the amount of land in the area already owned by the Federal Government. Preservation of our natural resources is a high priority, but it must be balanced with an awareness of the economic needs of local communities and their ability to plan for future growth and development. These two criteria will ensure that a community will not be harmed unnecessarily by the removal of preservation lands from its tax base or by undue restrictions on development and economic growth.

I understand the concerns expressed by the committee in the report language about the costs of managing and maintaining current Federally owned lands, and I believe the agencies should focus on acquisition and exchange proposals that would consolidate Federal land holdings and eliminate inholdings to lessen these costs. However, I think it would be a mistake to fail to consider funding new acquisitions and exchanges that would protect and preserve resources that might otherwise be lost to development in the near future.

Mr. President, I am very concerned that the committee has earmarked $315 million for the additional funding for two specific projects—the Headwaters Forest and New World Mines acquisitions. I am not seeking to strike those earmarks in this amendment, although I understand an amendment may be offered to do so, which I would support. Unfortunately, these earmarks make clear the need for established criteria for prioritizing the many pending acquisition requests at our land management agencies. My amendment would ensure that all funds which are available for pending land acquisitions and exchanges are used prudently and for the highest priority projects identified by federal land management agencies.

Let me stress that I understand the right of Congress to review and revise the President's budget request, as we see fit. My amendment is simply intended to help us make those decisions by requiring input from the federal land management agencies on the expenditure of the $700 million we are adding to this appropriations bill for land acquisitions and exchanges. Congress will still have the last word.

Mr. President, as I stated at the outset, I intend to pursue separate legislation to require the administration to submit annually with the budget request a list of proposed land acquisitions and exchanges, coordinated and prioritized among the four Federal land management agencies. The agencies would be required to consider the criteria set forth in the amendment described above, and the Secretaries of Interior and Agriculture would be required to explain the relative weight given each criterion, including additional criteria selected by the administration.

Mr. President, I ask unanimous consent that the amendment I had intended to propose to this legislation be printed in the RECORD at this point. And I welcome the comments and suggestions of my colleagues for improving these criteria and the process of ensuring that scarce resources for land preservation are used prudently.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 134, beginning on line 2, strike "*Provided*" and all follows through "heading" on line 8 and insert the following: "*Provided*" That the Secretary of the Interior and the Secretary of Agriculture, after consultation with the heads of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Forest Service, shall jointly submit to Congress a report listing the lands and interests in land, in order of priority, that the Secretaries propose for acquisition or exchange using funds provided under this heading; *Provided further*; That in determining the order of priority, the Secretaries shall consider with respect to each property the following: the natural resources located on the property; the degree to which a natural resource on the property is threatened, the length of time required to consummate the acquisition or exchange; the extent to which an increase in the cost of the property makes timely completion of the acquisition or exchange advisable; the extent of public support for the acquisition or exchange (including support of local governments and members of the public); the total estimated costs associated the acquisition or exchange; the extent of current Federal ownership of property in the region; The extent to which the acquisition or exchange would consolidate Federal holdings or eliminate its holding; the owner's willingness to sell or exchange the property; and such other factors as the Secretaries consider appropriate, which factors shall be described in the report in detail; *Provided further*, That the report shall describe the relative weight accorded to each such factor in determining the priority of acquisitions and exchanges".

On page 134, line 12, strike "a project list to be submitted by the Secretary" and insert "the report of the Secretaries."

GAS UTILIZATION SECTION

Mr. MURKOWSKI. I wonder if the distinguished chairman of the Senate Appropriations Committee would be willing to enter into a colloquy with me regarding the gas utilization section of this legislation.

Mr. STEVENS. I would.

Mr. MURKOWSKI. It is my understanding that the administration request for gas utilization was $4.8 million.

Mr. STEVENS. That is correct.

Mr. MURKOWSKI. It is also my understanding that the House has added an additional $2 million above the administration request; and that the Senate has agreed to add $1.5 million to the administration request.

Mr. STEVENS. That is also correct.

Mr. MURKOWSKI. I understand that some of the additional funds Congress has added may be used by the Department of Energy to fund an $84 million cost-shared private research project for the development of a process for commercialization of a ceramic membrane used to convert natural gas to synthetic crude which can then be transported via conventional oil transportation systems?

Mr. STEVENS. I understand that to be correct as well.

Mr. MURKOWSKI. As chairman of the Energy and Natural Resources Committee I have taken a keen interest in the development of this technology. In fact at a committee hearing in July of this year we discussed some of these developing technologies. One thing that is becoming clear when you talk about natural gas conversion to liquids is that there is "more than one way to skin a cat."

In other words there seem to be a number of companies around the globe that are developing this technology with their own particular nitch. I would not, at this time try to predict which particular process is going to emerge as the best, nor would I attempt to predict when this technology will be used on a commercial basis. By some industry accounts this technology is here now. By others it is years off.

Would the chairman agree that it makes sense then to possibly look at other methods being used to develop this technology.

Mr. STEVENS. I would defer to the chairman of the Energy and Natural Resources Committee and agree that it would make sense to look at other potential technologies as well.

Mr. MURKOWSKI. Would the chairman seek in conference to try and match the House level of $2 million and try to preserve flexibility for the Department of Energy to support other cost-sharing projects looking at ways to convert natural gas to liquids?

Mr. STEVENS. I would.

Mr. MURKOWSKI. I wonder if the subcommittee chairman, the distinguished Senator from Washington would also support this?

Mr. GORTON. In light of the different technologies brought to my attention by the Senators from Alaska, I will indeed be inclined to favor the House funding level in conference if that level will facilitate investigation of alternative technologies while ensuring that the current project moves forward.

Mr. MURKOWSKI. I will continue to monitor the existing project and thank the chairman and subcommittee chairman.

Mr. NICKLES. Mr. President, I seek unanimous consent to engage in a colloquy regarding Oklahoma Indian funding with the distinguished chairman of the Interior Appropriations Subcommittee, Senator GORTON.

The PRESIDING OFFICER. Without objection, the Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I understand the bill before us contains several categories of Interior Department funding for Indians, one of which is the "new tribes" account. I also understand that the committee has included, as requested by the Administration, $160,000 from this account for the Delaware Tribe of Indians, a tribe located in eastern Oklahoma. Mr. President, I ask the distinguished Senator from Washington, is that correct?

Mr. GORTON. Yes, that is correct.

Mr. NICKLES. Thank you, Mr. President.

TRIBAL WELFARE

Mr. DASCHLE. Mr. President, I should like to engage in a discussion with the distinguished chairman and ranking member of the subcommittee about a provision in this bill that is very important to the Indian tribes in my State. The committee report directs the BIA to spend $5 million from the Tribal Priority Allocation [TPA] to provide funds to Indian tribes that wish to run their own welfare programs in States where the tribal welfare caseload exceeds 50 percent of total caseload.

I am very grateful to my colleagues for recognizing the unique situation that exists in my State. More than half of the welfare caseload in South Dakota is made up of native Americans. Poverty on South Dakota reservations is very high; in the last census poverty among the South Dakota tribes was greater than 50 percent. My State has the dubious distinction of having the poorest county in the country, and it is a reservation county. Unemployment is also very high. For the largest tribes, it was 44 percent in 1995. The number of native Americans in the potential labor force who are not working averages 68 percent and, on some reservations, is as high as 95 percent.

The native Americans in my State do not want to be dependent on welfare. Representatives for the tribes have talked extensively with me about how they want to build their economies and help their people find good jobs. They dream of the day when all native American people will have the opportunity to hold good jobs and have the satisfaction of contributing to the economic strength of their communities.

For a number of complex reasons, this has been a difficult dream to accomplish. While they are working to improve their economies, they also want to assume the responsibility and use the option that is granted in the welfare bill to run their own welfare programs. They believe it is a matter of sovereignty, indeed even a treaty matter, that they enter into this new relationship with the Federal Government in a way that is parallel to how the States are treated. They do not want to be dependent upon the State. So they have asked for this funding to make it possible for them to take over their welfare programs and have a fair chance of succeeding in making their people's lives a little better.

That is why I feel this provision is so important, and why I want to make sure it gives them the best chance at success. For this reason, I would like to ask my colleagues a few questions.

As noted, the committee report indicates that $5 million would be provided under the Tribal Priorities Allocation to Indian tribes in States where the Indian welfare caseload exceeds 50 percent that wish to run their own welfare programs, and that the funds can be expended over a 2-year period. Is that also the chairman's understanding?

Mr. GORTON. Mr. President, I would tell my colleague that, yes, the TPA account is authorized to expend funds for 2 years.

Mr. DASCHLE. Mr. President, I mentioned that the tribes in my State have indicated that they would like to run their own programs, but it is possible that some will decide it is not feasible for them to do so. The way this proposal is currently structured, if this happens, I would want to make sure that any unused funds revert to the TPA, and not the U.S. Treasury. Is it the committee's intent that, if all of the funds are not used 60 days prior to when they would otherwise lapse, they would then revert to the TPA fund to be allocated according to the program's formula?

Mr. GORTON. Mr. President, it is my understanding that, because these funds are expended as part of the TPA account, any unused funds would revert to the other uses of the TPA account. We would support allowing this to happen 60 days prior to the end of the fiscal year.

Mr. BYRD. Mr. President, I am in agreement with the subcommittee chairman. Such an arrangement would ensure that any funds not expended for this welfare initiative would be used for other TPA priorities.

Mr. DASCHLE. Mr. President, I would like to raise a technical detail that is not addressed in the report language. One of the tribes in South Dakota, the Standing Rock Tribe, also extends into North Dakota. It was my intention that, if that tribe chooses to submit a plan to run its own welfare program, the funds be available to run their program in both North and South Dakota, and that the match for the tribal members in North Dakota be proportionate to the match that Standing Rock would have received from their State. I should note that the amount of funding is sufficient to allow Standing Rock to serve both its North and South Dakota members. Would the chairman and ranking member agree that this would be possible under this provision?

Mr. GORTON. Mr. President, I believe that could be accommodated under the committee's language and would be happy to work with the Senator to make sure this is the case.

Mr. DASCHLE. Mr. President, if the chairman and ranking member would continue to indulge me, I would like to clarify one more technical point. The report language says that the funds would be available to tribes whose caseloads exceed 50 percent of the total welfare caseload for the State. In point of fact, the tribes per se do not have caseloads, the States currently run the programs. My hope is that the chairman intended to indicate that funds would be provided in States where native Americans exceed 50 percent of a State's total caseload using data collected by the Administration for Children and Families at the Department of Health and Human Services in fiscal year 1995. Was that, in fact, the committee's intent?

Mr. GORTON. Mr. President, yes, the intention was that the funds be provided to tribes in a State where the number of native Americans as a percent of total State caseload exceeded 50 percent in fiscal year 1995.

Mr. DASCHLE. Mr. President, I have one last question. As the Senators on this committee are painfully aware, allocating discretionary spending in times of major budget cutting has resulted in many difficult decisions. But, I would point out that the TPA account, which is the one from which this funding would be taken, was cut fairly heavily earlier in the 1990's and is only now starting to regain some of its resources. At the same time, the need among many of the tribes has been growing steadily. Indeed, many parts of Indian Country have not always shared in the economic boom that the rest of the Nation currently enjoys. I would like to ask my colleagues whether they might be willing to find an alternative offset, one which does not take away resources from other tribes, in order to find this important provision. I am, of course, aware that the increase requested by the President for TPA included in this budget, as well as funding for this provision. Would my colleagues be willing to work with me during conference to try to find an alternative means of providing these funds?

Mr. BYRD. Mr. President, the Democratic leader clearly understands the difficult problems we face in allocating limited resources for the programs in our jurisdiction that are important for many of the Members of this body. However, we would certainly be willing to work with him during conference to see whether alternative funds might be available.

Mr. DASCHLE. Mr. President, I express my sincere gratitude to the chairman and ranking member of the Interior subcommittee for their assistance in this matter. Last year's welfare reform bill provides an important opportunity for Indian tribes to run their own welfare programs. As I have said, I have met with representatives of all of the tribes in my State about this issue, and they care very deeply about it. I hope that, with these funds, they will be able to take on this important responsibility and help tribal members gain economic self-sufficiency.

CONTAMINATED DRINKING WATER ON THE FORT HALL INDIAN RESERVATION OF IDAHO

Mr. CRAIG. Mr. President, will the Chairman yield for purposes of a colloquy?

Mr. GORTON. I am happy to enter into a colloquy with the Senators from Idaho.

Mr. CRAIG. I do not know if the Chairman is familiar with the problem faced by the Shoshone-Bannock Tribe of Idaho regarding the contamination of the groundwater on the Fort Hall Reservation where the Tribe is located?

Mr. GORTON. I am.

Mr. CRAIG. Then the Chairman knows that since the 1970's a deadly poison named ethylene dibromide, or EDB, has been used as a pesticide on the reservation. Over time, EDB has leached into the groundwater at unsafe levels. Currently, approximately 1,500 people, both on and off the Fort Hall Reservation, are at risk. Most of those living on the reservation are served by one of two existing drinking water systems—one operated by the Bureau of Indian Affairs and the other by Indian Health Service.

Mr. KEMPTHORNE. Nothing is more important than ensuring all of our citizens have safe and affordable supply of drinking water. Over the last 6 years, both agencies have been very helpful. The Indian Health Service has provided technical assistance and funding to characterize the groundwater contamination and to investigate alternatives. Its efforts have included the drilling and testing of wells, conducting Tribal meetings, providing educational material, and assisting in Federal coordination. In addition, the Shoshone-Bannock Tribe, Idaho Department of Environmental Quality, Environmental Protection Agency, Bureau of Reclamation, Bureau of Indian Affairs, Indian Health Service, and others have devoted an enormous effort over several years to assess the situation and develop alternative solutions.

Mr. CRAIG. I would also like to bring to the Chairman's attention that the Bureau of Reclamation has prepared a needs assessment on the EDB problem. This assessment concluded that the preferred alternative is the incorporation of the existing Indian Health Service water supply system into a new, larger drinking water system. Such a project would involve the drilling of new public wells outside the contaminated area and piping the water to the residents whose wells are unsafe.

Mr. GORTON. It would appear that such a recommendation would be a reasonable approach to provide for the delivery of safe drinking water to the 1,500 people currently at risk.

Mr. KEMPTHORNE. I agree with the Chairman. The recommendation outlined by the Bureau of Reclamation is the most logical and cost-effective alternative.

Mr. CRAIG. Of course such a project would be expensive. However, this burden would be spread out over the several agencies from all levels of Government which would share responsibility for its completion. The Indian Health Service already has identified and suggested several areas where it might be of assistance during the education, public involvement, and coordination phase. These include providing further educational assistance and public information materials, the investigation of alternative water sources, assistance in the selection and implementation of appropriate treatment technologies, the design of ground water monitoring plans and schedules, and the coordination and sharing of data and analysis.

Mr. GORTON. Along with the other Federal agencies involved in the actual construction of the drinking water system, I would agree that the Indian Health Service clearly has a role in the education and advisement of the affected community, so long as the Service meets its priorities and other obligations.

Mr. KEMPTHORNE. I agree with the Chairman. Of course, we understand that funding for this project cannot be guaranteed, given the many competing priorities faced by the Indian Health Service.

Mr. GORTON. Given the threat to the health of those exposed to the contaminated drinking water, I would support whatever assistance the Service could provide.

Mr. KEMPTHORNE. I thank the Chairman and am pleased to hear of his strong support of this project.

Mr. CRAIG. I too would like to thank the Chairman. Seeing this project started as quickly as possible has become a high priority for myself and my fellow Idahoans. We are committed to getting this project completed and will be working over the coming months and years to see that all necessary funds are appropriated for the project's construction. Beginning the education phase now, through the Indian Health Service, will save valuable time and help relieve the threat of continued harm.

FOSSIL ENERGY R&D ACCOUNT: COAL MINE METHANE PROGRAM

Mr. BYRD. Mr. President, Senator ROCKEFELLER and I would like to engage the manager of the Interior Appropriations bill in a brief colloquy.

Mr. GORTON. I would be pleased to respond to my friend who is the ranking member on the subcommittee and to his colleague from West Virginia, Senator ROCKEFELLER.

Mr. BYRD. The committee's recommendation does not fund the administration's $963,000 request for the Coal Mine Methane Program under the Fossil Energy account. I believe that the House also declined to fund this program based on the belief that it was a "new start."

Mr. GORTON. The Senator is correct.

Mr. BYRD. I appreciate the fiscal constraints facing this bill and the difficult task that our chairman has accomplished in a fair and bipartisan manner. However, I would hope that we could take a second look at this methane recovery program.

Mr. President, this program is not a new start as the House committee report suggests. Congress appropriated money specifically for the Coal Mine Methane Program in fiscal year 1995. Some of the funds for this initiative were obligated prior to the rescission bill enacted in 1995. While the Department may have gotten off to a slow start with this program, for the past 18 months it has had five teams under contract to prepare phase II detailed project designs. The original appropriation to initiate these projects has been exhausted, and the funds requested for fiscal year 1988 are necessary to complete the ongoing project designs. I am told that the five teams have provided costsharing in excess of thirty percent.

The Department of Energy has indicated that the Coal Mine Methane Program can make a significant contribution to the effort to curtail greenhouse gases and estimates that within five years coal mine methane collection and utilization systems could reduce emissions by an amount equivalent to 5.5 million tons of carbon dioxide [CO$_2$] each year. The Department's research is expected to demonstrate that the private sector can, remarkably, generate profit by utilizing and destroying these waste gases. Given the large, cost-effective and near-term potential of this research, the Department has proposed the Coal Mine Methane program as one of its global climate change research initiatives.

As the sponsor of Senate Resolution 98, I am clearly on the record in opposition to any binding international greenhouse gas emissions agreement that would injure the American economy or put us at a competitive disadvantage with any other countries. At the same time, I strongly believe that we in Congress should promote the development and use of technologies that can become economically competitive energy sources and which, at the same time, reduce potential greenhouse gas emissions.

The Coal Mine Methane program clearly meets these standards. Turning pollution into useful energy at a competitive price, with no subsidies and no new regulation, can be good for electric consumers, good for the environment and good for America, in general.

Mr. ROCKEFELLER. Mr. President, I completely agree with the comments of my senior Senator. I would note that three of the five teams under contracts to the Department of Energy are working on projects in our State of West Virginia. I understand that the other two are located in Alabama and Ohio.

These five projects offer great promise compared to conventional greenhouse gas mitigation efforts. A single, small coal mine methane project designed to produce 10 megawatts of electricity is expected to operate at a profit. That same project would unequivocally produce collateral greenhouse gas mitigation benefits equal to the carbon sequestered by approximately 14 million trees. In sharp contrast to the profit generated by the coal mine methane project, tree planting would come at a cost conservatively estimated at $18 million. So, DOE's methane capture program makes dollars and sense.

This program is relatively small in terms of Federal cost but can leverage significant private sector investment and may generate considerable economic and environmental benefits for Americans living in the Appalachian coal regions. I hope that we may reconsider the recommendation on this particular program.

Mr. GORTON. Mr. President, the Senators make a compelling case.

Mr. ROCKEFELLER. Mr. President, I thank the Chairman. In that light, I inquire whether he would have any objection if the Department were to shift up to $500,000 to continue the Coal Mine Methane Program.

Mr. GORTON. As the Senator may know, the reprogramming threshold established by the committee's guidelines is $500,000. I do appreciate the clarification that this effort would not be a new start. Should the Department be able to identify funds for a reprogramming, it should consider the needs associated with completing the ongoing project designs.

Mr. ROCKEFELLER. Mr. President, I thank the manager of the bill for his consideration and support of this matter.

Mr. BYRD. Mr. President, I offer my appreciation as well. As always, the Senator from Washington has been most fair in this deliberation.

ENGINEERING RELATED SERVICES UTILIZED BY DEPARTMENT OF INTERIOR AGENCIES

Mr. BENNETT. Mr. President, I would like to raise an issue with the Chairman as we conclude the debate on the Interior Appropriations bill. I had intended offered an amendment on behalf of myself and Senators THOMAS and MURKOWSKI to instruct the various agencies of the Department of the Interior to prepare a report to the committee regarding the instances in which they have entered into Inter-Agency Service Agreements with other Federal agencies or into agreements with State and local governments on foreign entities. Unfortunately, we have been unable to reach agreement among members of the committee on the feasibility and scope of this amendment. I am disappointed with this development and I will not offer this amendment this evening.

As the Chairman well knows, there are a number of architectural, engineering, geological mapping and even aircraft services that are contracted out by the various agencies within the Department of the Interior. I simply would like to get a sense of the impact on private engineering and consulting firms when agencies enter into agreements or contract for services within. I believe the information would have been valuable to the committee. It would help the committee recognize opportunities to save money by using the private sector more often and it will help redirect agencies toward their core governmental missions. While I will not offer this amendment, I intend to continue to pursue this information. I ask the Chairman if he would be also be interested in exploring this issue further?

Mr. GORTON. The Senator from Utah raises a good point. But given our very short timeframe, I appreciate the Senator's decision to withhold. The information to be gathered by any such inquiry would be very costly and time-consuming to develop, so I would hope that a more focused effort could be considered. The Senator is correct that cost-saving measures are important during tight budget times, and I appreciate his interest in this matter.

NEEDED REPAIRS TO TWIN RESERVOIR DAM

Mr. BAUCUS. Mr. President, I would like to engage the Chairman in a colloquy to bring to his attention the need for repairs to the Twin Reservoir Dam located near Polson, MT.

Mr. GORTON. Certainly.

Mr. BAUCUS. The dam is in need of $50,000 in repairs, and I would like to know if the Chairman would support the Bureau of Indian Affairs if the BIA could allocate funds within existing resources to make these much-needed repairs.

Mr. GORTON. I would support whatever assistance the Bureau of Indian Affairs could devote to repairs of the Twin Reservoir Dam, so long as the expenditure of any funds is consistent with the Bureau's priorities.

Mr. BAUCUS. I thank the Chairman.

ELECTROCHROMIC RESEARCH

Mr. GRAHAM. Mr. President, we would like to engage our dear friend, Senator GORTON, in a colloquy. He has once again drafted a difficult bill this year and has balanced difficult priorities. Within the energy conservation section of the bill, the committee has provided $500,000 more than in fiscal year 1997 for electrochromic research within the building equipment and materials section. We would hope that it is the expectation of the chairman that this $500,000 increase will be used to further the development of Plasma Enhanced Chemical Vapor Deposition [PECVD] techniques for electrochromic technology.

Mr. MACK. Understand that this technology provides a flexible means to control the amount of light and heat that passes through a glass surface. This is a superb energy savings opportunity important to the Nation.

In recognition of the importance of this technology, Florida has provided $1.2 million in State funds to develop this technology in cooperation with the University of South Florida and a licensee of a technology developed by the National Renewable Laboratory in Colorado.

Is it the Chairman's understanding that the Committee intends that this project be a priority for the use of this $500,000 addition?

Mr. GORTON. I appreciate my colleagues bringing this technology to my attention. It is indeed a promising technology that could produce substantial energy savings. Within the increase provided for electrochromic research, I hope the Department will consider supporting the PECVD project, provided this can be accomplished without a substantially adverse impact on ongoing projects in the electrochromic program. I further hope the Department will consider PECVD in formulating its FY 1999 budget request.

Mr. BYRD. Mr. President, I concur with the subcommittee chairman's assessment. DOE should evaluate the potential benefits of this technology when considering its allocation of fiscal year 1998 funds.

IHS FUNDING

Mr. KERREY. Mr. President, I wish to inquire of my colleague from Washington State, Senator GORTON, chairman of the Interior Appropriations Subcommittee, on the funding status of health facility construction projects within the Indian Health Service that are in the design and engineering phase. Prior to the 1998 appropriations process, the Congress had funded about two-thirds of the design and engineering work that is necessary prior to begin construction of the new Winnebago Hospital. This hospital, now over 70 years old, serves the Indian people in northeast Nebraska and northwest Iowa. The Indian Health Service has indicated that another $650,000 will be needed to complete the design phase. Does Senator GORTON share my understanding of this situation?

Mr. GORTON. Yes, the Senator from Nebraska is correct as to this funding shortfall. In addition, there are two other nonhospital facilities in Arizona for which appropriated design funds have not been sufficient. The administration's fiscal year 1998 budget did not request design funds for these facilities either. This lack of a funding request has meant that neither the House nor the Senate has included funds necessary to complete the design phase for the Winnebago Hospital.

Mr. KERREY. I thank Senator GORTON for bringing this matter to the attention of the Senate. It is an incredible slip on the part of the IHS to have neglected to request these needed funds. It appears that in previous years the IHS seriously underestimated the amount of funding that would be required to complete the design phase of this facility. This is why it is so puzzling that there was no request for additional funding in this budget year. Every delay in funding means increased project costs. My question to Senator GORTON and to Ranking Member BYRD is whether it is still possible for the Congress to find some funds in this appropriations measure to be sure these projects stay on track?

Mr. GORTON. It is my understanding that a total of $2.1 million would be needed to complete the design phase for the three projects. There simply is not that leeway in the measure we are considering today. However, should funds become available as a result of conference agreements with the House, I will try to see that they are made available for completion of the design phase of the three projects if that is agreeable to my colleague, Senator BYRD.

Mr. BYRD. Yes, Mr. President, at this point I think that this is the best commitment that we can make to our colleagues from Nebraska and Arizona. If we are not able to accomplish this, however, we can consider including conference report language directing the IHS to include funding requests in the fiscal year 1999 budget to complete the design phase for these facilities; funding requests to begin first phase construction of these facilities might also be appropriate.

Mr. KERREY. I am very pleased that my colleagues are as concerned as I am about meeting the health needs of our native American people. As I mentioned earlier, the existing IHS facility at Winnebago is over 70 years old and I would venture to comment that there are probably not very many full-service hospitals in this country serving non-Indians that have reached that not-so-venerable age. It is a shame and the shame rests mostly with the failure of the United States to fulfill its obligations to this country's first Americans.

THE LAND AND WATER CONSERVATION FUND

Mr. FEINGOLD. Mr. President, I wanted to clarify with the subcommittee chairman and the ranking member the process, as described on page 116 in the Senate Committee Report on the Interior Appropriations bill (S. Report 105–56), for the expenditure of land and water conservation fund dollars provided in this legislation. Is this Senator correct in his understanding, Mr. Chairman, that the committee intends to work with the Appropriations Committee in the other body and the administration to develop a list of projects to be funded with the remainder of $700 million in land and water conservation fund moneys that are not allocated in this legislation for either specific Federal projects or for the States?

Mr. GORTON. Yes, the Senator is correct.

Mr. FEINGOLD. Is it the case that the administration will begin developing this list as soon as possible?

Mr. GORTON. Again, the Senator is correct. After the list is developed it will be provided to the Senate Interior Appropriations Subcommittee and the relevant subcommittee in the other body for their review and approval.

Mr. FEINGOLD. Does the Senator feel that it would be appropriate for Senators to contact Interior line agencies if they are aware of projects they believe are meritorious, such as the Fish and Wildlife Service's proposed Whittlesey Creek National Wildlife Refuge in my home State of Wisconsin?

Mr. GORTON. The Senator from Wisconsin is correct, and indeed, Senators are contacting appropriate Interior line agencies to make them aware of projects as well as officials within the administration.

Mr. FEINGOLD. Does the senior Senator from West Virginia concur with the Senator from Washington and myself?

Mr. BYRD. I do, and I thank the Senator for seeking additional clarification. It is common practice for Senators to assist Interior agencies by bringing particular projects to their attention so that the agencies may have the benefit of evaluating these projects for potential inclusion on the list.

Mr. McCAIN. Mr. President, first I would like to thank the managers of the bill for their hard work in putting forth legislation which provides necessary funding for many things from National Parks to the Bureau of Mines. The Interior Appropriations bill is the 12th of the 13 appropriations bills to come before the Senate this year.

Unfortunately, once again, this bill and the report language accompanying it contain numerous earmarks and pork barrel spending projects. I ask unanimous consent that a list of eight pages of objectionable provisions be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN THE FISCAL YEAR 1998 INTERIOR APPROPRIATIONS BILL

BILL LANGUAGE

$2,043,000 for the assessment of the mineral potential of public lands in Alaska.

Unspecified amount for the maintenance of a long-horned cattle herd on the Wichita Mountains Wildlife Refuge.

$11,612,000 for the Army Corps of Engineers to construct fishery mitigation facilities on the Lower Snake River.

$2 million for local governments in Southern California for Natural Communities Conservation Planning.

$500,000 for the Darwin Mountain House in Buffalo, NY, and $500,000 for the Penn Center in South Carolina.

$3 million for the Hispanic Cultural Center in New Mexico and $1 million for the Oklahoma City Bombing Memorial, both subject to authorization.

Language prohibiting the relocation of the Brooks River Lodge in the Katmai National Park and Preserve located in Alaska.

Directed transfer of the Bowden National Fish Hatchery from the United States to the State of West Virginia (without payment by the state) to be used by the West Virginia Division of Natural Resources.

Language establishing a commission to assist the city of Berlin, NH in identifying and studying the Androscoggin River Valley's "historical and cultural assets", accompanied by an authorization of $50,000 for operating expenses of the commission.

$800,000 for the World Forestry Center to continue research into land exchanges in the Umpqua River Basin region in Oregon.

Language specifying the relocation of Region 10 of the Forest Service to Ketchikan, AK, and reference to transfers and closures of other offices in Alaska directed in the report language.

Language dictating that not more than one quarter of the amount of hardwood harvested in 1989 may be cut from the Wayne National Forest in Ohio in 1998, and requiring that landscape architects must be used to "maintain a visually pleasing forest".

Language stating that Forest Service funds shall be available to counties within the Columbia Gorge National Scenic Area in Washington state.

Language stating that Forest Service funds shall be available for payments to Del Norte County, CA.

Earmark of unspecified funds for research on extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs, performed by the Albany Research Center in Oregon.

Language requiring compliance with all "Buy America" provisions.

Language prohibiting the use of any funds to demolish the bridge between Jersey City, NJ and Ellis Island.

Language authorizing the Secretaries of Agriculture and Interior to limit competition for watershed restoration projects in Washington, Oregon, and northern California to individuals and entities in historically timber dependent areas in those states that have been affected by reduced timber harvesting on federal lands.

Language mandating the transfer of the Wind River Nursery in Gifford Pinchot National Forest, WA to Skamania County, WA, in exchange for 120 acres of the Columbia River Gorge National Scenic Area.

Language exempting certain residents in specified areas from having to pay user fees for access to the White Mountain National Forest in New Hampshire.

Earmarks of Land and Water Conservation Funds for the New World Mines project ($65 million), the Headwaters Forest agreement ($100 million), acquisition of the Elwha and Glines dams in Washington, and acquisition of the Sterling Forest in New York ($8.5 million).

REPORT LANGUAGE

Earmarks totaling $6.4 million for the Grand Staircase-Escalante National Monument, UT as follows:

$1,330,000 increase under land resources.

$300,000 increase under wildlife and fisheries.

$270,000 increase under threatened and endangered species.

$1,150,000 increase under recreation management.

$150,000 increase under energy and minerals.

$300,000 increase under realty and ownership management.

$1,050,000 increase under resource protection and maintenance.

BLM is to allocate all recommended funds to the Utah State office and the project office assigned responsibility for the monument. Report language prohibits reprogramming of funds from these lines.

$100,000 for Alaska Gold Rush Centennial Task Force.

$500,000 for Department of Defense to develop habitat mitigation plans in Alaska.

$350,000 for the Virgin River Basin, UT.

$400,000 for Lewis and Clark National Historic Trail and related projects.

$500,000 add-on to allow BLM to process oil and gas lease applications in Alaska, Arizona and Idaho.

$700,000 for additional library support to Alaska Resources Library and Information Services Consortium to develop digital online library resources and data bases in Alaska, development and implement a plan to protect records at the Geologic Material Center in Eagle River, and develop a data base for mining claims.

Language earmaring funding at FY 97 levels (plus fixed costs and requiring FY 97 levels of employees to continue Alaska cadastral surveys and complete the transfer of 155 million acres of federal land in Alaska to state, Native villages, and individuals.

$700,000 to fund a type I hotshot crew for wildland fire management in Alaska.

$1,925,000 for redevelopment of Interior interagency fire operations center in Billings, MT.

Earmark for land acquisitions as follows:

$900,000 for Lake Fork of the Gunnison, CO.

$1,100,000 for Otay Mountains/Kuchamaa, CA.

$1,000,000 for Santa Rosa Mountains, CA.

$2,000,000 for Washington Cunty desert tortise, UT.

$1,000,000 for Western Riverside County, CA.

$400,000 for Alabama sturgeon conservation efforts, and $560,000 for Iron County habitat conservation plan, WI.

Earmark for habitat conservations as follows:

$600,000 for Middle Rio Grande (Bosque) Program.

$200,000 for Platte River studies, CO.

$1,131,000 for Chicago Wetlands Office.

$200,000 increase for Yukon River escapement monitoring and research, AK, and $400,000 for Alaska salmon conservation.

$578,000 for the Great Lakes initiative related to fisheries.

$1,000,000 for The National Fish and Wildlife Foundation, and

$200,000 for the Caddo Lake Institute, TX.

Add-ons for construction projects as follows:

$600,000 for dike repair of Bear River National Wildlife Refuge, UT.

$335,000 for an Administrative building at Blackwater National Wildlife Refuge, MD.

$425,000 to replace the boardwalk at Horicon National Wildlife Refuge, WI.

$1,000,000 for rehabilitation at John Hay Estate, NH.

$1,000,000 for complete construction of Keauhou Bird Conservation Center, HI.

$480,000 for access trail and public use facility rehabilitation for Kenai National Wildlife Refuge, AK.

$702,000 to replace bridges at Mingo National Wildlife Refuge, MO.

$400,000 to replace irrigation system at National Elk Refuge, WY.

$2,000,000 for Mora hatchery at Southwest Fisheries Technology Center, NM.

$840,000 for trail construction and access at Steigerwald National Wildlife Refuge, WA.

$12,732,000 add-on in land acquisition, for a total of $57,292,000, which is all earmarked for specific projects [see page 27 of report].

$100,000 for Park Service trails office in support of Lewis and Clark National Historic Trail activities, and $400,000 for technical assistance along the Lewis and Clark National Historic Trial.

$200,000 for support of the Selma to Montgomery National Historic Trail and the California and Pony Express National Historic Trails.

$100,000 earmarks for the Park Service to establish a Katmai National Park and Preserve satellite office on Kodiak Island, AK.

Earmarks of recreation and preservation funds for:

$100,000 add-on for Aleutian World War II National Historic Area.

$324,000 extra for Blackstone River Corridor Heritage Commission.

$829,000 extra for Delaware and Lehigh Navigation Canal.

$238,000 extra for Illinois and Michigan Canal National Heritage Corridor Commission.

$65,000 extra for lower Mississippi Delta.

$200,000 extra for Quinebaug-Shetucket National Heritage Corridor Commission.

$758,000 extra for Southwestern Pennsylvania Heritage Preservation Commission.

$285,000 extra for Vancouver National Historic Reserve.

$480,000 extra for Wheeling National Heritage Area.

Earmarks of National Park Service construction funds for unrequested projects, as follows:

$2,200,000 to construct the Alaska Native Heritage Center, AK.

$500,000 for directional signs, et cetera at Blackstone River Valley national Historic Commission, MA/RI.

$2,000,000 to move the lighthouse at Cape Hatteras National Seashore, NC.

$500,000 to construct a storage facility at the Center for Archeological Studies, AL.

$500,000 to design and engineer the C&O Canal National Historical Park, MD.

$500,000 for restoration of the Darwin Martin House, NY.

$250,000 for Fort Jefferson rehabilitation at Dry Tortugas National Park, FL.

$3,000,000 for a multiagency center with BLM at El Malpais National Monument, NM.

$3,400,000 for rehabilitation of Fort Smith National Historic Site, AR.

$2,860,000 for site development at Fort Sumter National Monument, SC.

$750,000 for facilities planning at Gauley National Recreation Area, WV.

$700,000 to rehabilitate facilities and monuments at Gettysburg National Military Park, PA.

$1,731,000 for wastewater treatment at Glacier Bay National Park and Preserve, AK.

$3,000,000 for an arts center at the Hispanic Cultural Center, NM.

$500,000 for the stabilization and lead paint for Hot Springs National Park, AR.

$200,000 for the rehabilitation of Katmai National Park and Preserve, AK.

$300,000 for an interagency facility at Kenai Fjords National Park, AK.

$310,000 for the repair of fences at Manzanar National Historic Site, CA.

$8,000,000 for road construction at Natchez Trace Parkway, MS.

$153,000 for roof repair and access at New Bedford Whaling National Historical Park MA.

$2,525,000 for access and trails stabilization at New River Gorge National River, WV.

$1,000,000 for construction of Oklahoma City Memorial, OK.

$500,000 for the rehabilitation of Penn Center, SC.

$1,000,000 for Corinth Battlefield interpretive center at Shiloh National Military Park, MS.

$510,000 for the joint administrative facility with Forest Service at Timpanogos Cave National Monument, UT.

$2,223,000 for the planning, compliance, and restoration of Vancouver National Historical Reserve, WA.

$2,595,000 for the rehabilitation of Vicksburg National Military Park, MS.

$400,000 for the design interpretive center at Wrangell-St. Elias National Park and Preserve, AK.

$54,790,000 add-on for land acquisition, for a total of $125,690,000, almost all of which is earmarked [see page 39 of report].

$900,000 for the Great Salt Lake basins study unit of the NAWQA, including a plan for the collection of water quality data.

$1,000,000 for restoration of the Great Lake fisheries and habitats, $500,000 for Pacific salmon studies, and $1,000,000 for endocrine disruption research.

$500,000 for the establishment of a fine hardwoods tree improvement and regeneration center at Purdue University.

Language directs the Forest Service to initiate a study regarding the establishment of a harvesting and wood utilization laboratory in Sitka, AK.

$500,000 for a multiparty task force to create an action plan to manage spruce bark beetle infestations and rehabilitate infested areas in Alaska.

$200,000 to strengthen the role of the Forest Service in assisting the Hardwoods Training Center in Princeton in becoming economically self-sustaining.

$800,000 add-on for land exchanges between willing public and private owners in the Umpqua River basin, OR.

$68,400 add-on for creating and maintaining scenic vistas along the Talimena Scenic Byway.

$360,000 for planning an office and laboratory facility to house the Institute of Pacific Islands Forestry research and public outreach program.

$4,000,000 for reconstruction of the Oakridge ranger station on the Willamette National Forest, OR.

$1,200,000 for the Federal share of construction of the Pikes Peak Summit House, CO.

$427,000 for construction of restroom facilities at Lee Canyon and Tahoe Meadows.

$445,000 for construction of a visitor contact station and administrative site on Ouachita National Forest in Oklahoma.

$725,000 for reconstruction of infrastructure facilities at Waldo Lake on the Willamette National Forest, OR.

$1,214,000 for construction of new facilities and the rehabilitation of existing facilities in the venues of the 2002 Winter Olympic games.

Language used to direct Forest Service to prepare a report which allows for providing road access from Wrangell to Canada and to Ketchikan.

$1,300,000 for construction of portions of the Continental Divide National Scenic Trail in Colorado.

Increase of $8,119,000 for land acquisition, for a total of $49,176,000, most of which is earmarked [see report p. 80].

$625,000 for acquisition of the Cannard tract at the Columbia River Gorge.

$2,000,000 increase over the budget request for mining programs, earmarked for the Intermountain Center for Mining Research and Development.

Mr. McCAIN. Some of the earmarked projects funded in this bill have merit—I do not dispute that. What I do object to is the process by which these funds are appropriated. Earmarking Federal tax dollars is a process which can no longer be tolerated in these times of fiscal restraint.

It is unfair to the American taxpayer that we allow this to continue. It is not right that we require the American taxpayer to foot the bill for landscape architects to "maintain a visually pleasing forest" in the Wayne National Forest in Ohio as this bill dictates. Why is it necessary to have hard working Americans pay nearly $2 million for the redevelopment of a fire operations center in Billings, MT?

As I stated previously, Mr. President, these projects may have merit and may be very important—but how do we know that? Have they ever had a hearing? Have these projects ever been competitively bid? The answer, sadly, is no.

Mr. President, I will not take any more of the Senate's time voicing my objections. I will close by saying that I truly hope we can bring an end to the practice of earmarking funds in the appropriations process. The American taxpayer deserves better than the wasteful spending that we have seen in these twelve appropriations bills.

U.S. MAND AND BIOSPHERE PROGRAM

Mr. HUTCHINSON. Mr. President, I thank you for the opportunity to engage Senator GORTON in a discussion of the U.S. Man and the Biosphere Program. As the Senator is aware, the House of Representatives, by a vote of 222 to 203, on July 15, 1997 passed the appropriations bill for the Department of the Interior. Included as part of that legislation was an amendment which prohibits funding for the U.S. Man and Biosphere Program. Although a similar provision has not been included as part of the Senate deliberations on this appropriation, I offer the following argument for its inclusion in the upcoming conference between the House and Senate.

Many of my colleagues may question exactly what the U.S. Man and the Biosphere Program is. After all you will not find it mentioned in any line item within this bill, nor will you find it housed in any of the agencies which receive appropriations under this bill. The U.S. Man and the Biosphere Program or USMAB operates through the State Department and under the guidance of the United Nations Educational and Scientific Organization [UNESCO] to designate tracts of American land as biosphere reserves. These areas are "voluntarily" subject to land management requirements designated to facilitate ecological research and preservation. Currently, there are 47 biospheres in the United States covering a land area approximately the size of Colorado, our eighth largest state. Some biospheres, such as the Land Between the Lakes Biosphere in Kentucky, include populated areas with over 484,000 residents.

Despite the size and breadth of this program it has never been authorized by Congress, yet it is still 100% taxpayer funded. It is supported through interagency transfers from a total of thirteen different agencies. Collectively, these agencies contributed $210,000 to the U.S. Man and the Biosphere Program in Fiscal Year 1997.

While the total value associated with this program may fly well below many of our radar screens, the question and problems associated with the U.S. Man and the Biosphere Program are very real and very much in the minds of our constituents.

While I was serving in the House, some of my constituents brought to my attention a proposal by the U.S. Man and the Biosphere Program to create the Ozark Man and the Biosphere Cooperative, which would have encompassed part of my home state of Arkansas as well as part of the states of Kansas, Missouri, and Oklahoma. As I began to investigate this proposal some of the very worst fears of my constituents were confirmed. The "voluntary, honorary" land designation represented a potential threat to the private property rights of my constituents. For example, on page 120 of the Feasibility Study for the Ozark Man and the Biosphere appeared the following statement, "Normally, there is no need for change in land-holding or regulation following the designation of a biosphere reserve except where changes are required to ensure the strict protection of the core area or specific research sites."

Perhaps what was even more frightening was this biosphere was being created in secret. The steering committee responsible for attempting to create the Ozark biosphere admitted in their feasibility study that they "decided that public meetings would not be part of the interview process because such meetings tend to polarize views of the public and may capture negative attention from the press." (Page 43 of the Feasibility study)

Many individuals will undoubtedly wonder how this was possible. Under what legislative authority did the U.S. Man and the Biosphere Program undertake these initiatives? The answer is that there is no legislative authority. Congress has never passed any law creating the U.S. Man and the Biosphere Program authorizing them to engage in their activities. Even the web page for the U.S. Man and the Biosphere Program admits that "No specific law exists for the U.S. Man and the Biosphere Program."

Proponents of this program will undoubtedly assert that my experience was an isolated incident, and it was for the very reasons I cited that the area around the Ozarks was never finally designated a Biosphere Reserve. However, I would urge these individuals to look at the testimony presented before the House Resources Committee this year, where local officials repeatedly testified that they were never consulted about proposals to create biosphere reserves in their areas. I would encourage the proponents of this program to look to the Alaska and Colorado State Legislatures and the Kentucky State Senate, all of which passed resolutions opposing the U.S. Man and the Biosphere Program, despite the fact that there are currently three biospheres in Alaska, four in Colorado, and two in Kentucky. To date, the U.S. Man and the Biosphere Program has taken no action to address the concerns of these State and local officials.

This is not to say that the U.S. Man and the Biosphere Program has not produced some positive contributions to our understanding of the environment and mans relationship to it. However, until my questions, the questions, of my constituents, the questions of the State Legislatures, and the questions of many of our colleagues are answered, I in good conscience cannot support using one more tax dollar in support of this program.

It is for these above stated reasons that I ask that the House adopted language be included in the Conference report.

I thank Senator GORTON, for the opportunity to present this very important issue for Conference consideration.

Mr. GORTON. I appreciate the Senator from Arkansas bringing his concerns to my attention, and they will have considerable weight with me when the House presents its position in Conference.

USE OF BIA FUNDS FOR MARTY INDIAN SCHOOL

Mr. DASCHLE. Mr. President, first let me thank the distinguished Chairman of the Subcommittee, Senator GORTON, and the distinguished ranking Democrat, Senator BYRD, for their leadership and hard work on this legislation. I appreciate their willingness to work with me and Senator JOHNSON to provide greatly needed assistance to the Marty Indian School in our State.

In the past, the Marty School has received funds sufficient to replace its decaying high school facility. However, the elementary school is 70 years old and is in serious need of immediate repairs. The facility is not suitable to serve the educational needs of its students safely. Recently, a piece of the ceiling in one of the elementary school's buildings crashed onto the desk of a young student. Fortunately, there were no injuries. However, the serious physical problems at the school continue to pose a significant threat to its students. It is clear that eventually the entire elementary school will need to be replaced.

Senator JOHNSON and I would like to ask if it is the intent of the committee that the report language that refers to the Marty Indian School, found on page 55 of the Committee Report, gives direction to the Bureau of Indian Affairs to assess the serious structural deficiencies, particularly those that could compromise the health and safety of the elementary school students, and to endeavor to provide funds from the emergency or minor repair Programs of the Facility Improvement and Repair program to correct these problems at the earliest possible date?

Mr. GORTON. That is the committee's intention to the extent high priority requirements are identified and prioritized.

Mr. BYRD. That is my understanding.

Mr. JOHNSON. I thank you for adding that language to the report. While we are delighted that these emergency repairs will be made if identified as a priority, we wish to note that the BIA has determined that the entire Marty facility needs to be replaced because it is no longer economically feasible merely to shore up these very old structures. Senator DASCHLE and I are delighted that the replacement high school is now being constructed. However, before long the elementary school facilities must also be replaced. I recognize the shortage of Facilities Improvement and Repair funds. Senator DASCHLE and I would like to work with the committee and the BIA to place the Marty Indian School elementary school on the priority list for future replacement funds when that list is opened up.

Mr. DASCHLE. Again, I thank the Chairman and ranking member and look forward to working with you on this issue. I am proud of the Marty Indian School. Under the leadership of School Board President, Mike Redlightning, and past President Robert Cournoyer and the other board members, the school has a wonderful working relationship with the Yankton Sioux Tribal Council. Support for the Marty Indian School indeed is strong among the Yankton Sioux people.

Mr. JOHNSON. I thank the distinguished Chairman and ranking member and ask unanimous consent to have printed in the RECORD a brief history of the Marty Indian School that has served the Yankton Sioux people of the Marty area so well for so long.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MARTY INDIAN SCHOOL

SCHOOL BACKGROUND AND HISTORY

Marty Indian School is owned and operated by the Yankton Sioux Tribe. The Marty Indian School is a legal entity of the Yankton Sioux Tribal Business and Claims Committee and is authorized to operate, maintain and administer Marty's educational programs on behalf of the Yankton Sioux Tribe. The school is located on the Yankton Sioux Reservation in southeast South Dakota near the South Dakota/Nebraska border four miles east of the Missouri River and 13 miles southwest of Wagner, South Dakota. The original Yankton Sioux Nation consisted of about two thirds of the portion of South Dakota lying east of the Missouri River. The original reservation consisted of 400,000 acres established by the treaty of 1858. Tribal enrollment for both on and off reservation Yanktons is over 7,000. Marty Indian School serves Students in grades K–12 in their Instructional programs. The school also operates a dormitory program for students in grades 6–12. Of the 796 school age children living on the reservation in 1994–1995, 290 or 38.94% of those children attended Marty Indian School. The remaining students attending The Wagner and Lake Andes public schools.

Marty Indian School, formerly known as St. Paul's Indian Mission, began in 1926 by a missionary priest from Indiana, Father Sylvester Eisenmann, O.S.B. The leaders of the Yankton Dakota people wanted formal education for their children because they realized that change was coming for the Yankton Tribe. In April, 1921, three of these leaders, Thunder Horse, Edward Yellow Bird, and David Zephier made their trek to St. Meinrad Abby in southern Indiana to request that Father Sylvester be assigned as the permanent missionary on their reservation. They camped on the lawn of the Abby until the abbot agreed to their plea.

When Father Sylvester first came to the present site of Marty Indian School, he built a two story school building and a chapel. He named the mission after Martin Marty, the first South Dakota Roman Catholic Bishop. Osotewin—Smoke Woman—(to become know as Grandma White Tallow) donated the land for the new school and the farms needed to support it. The school was built building after building as the demand for space grew and funds were collected. Since its inception, through the labor of many devoted workers, Marty Indian School's campus has grown to include twenty-seven buildings on thirty beautifully landscaped acres.

In its early days, the students learned a great deal from doing. During various construction phases, the students worked on the building projects for half of the day, and went to school the other half. There was a shoe shop on the campus, a printing shop where the bilingual newspaper was published, and the school ran a farming operation.

In March 1975, the ownership of Marty Indian School was transferred to the Yankton Sioux Tribe from the Benedictine Fathers of Blue Cloud Abby. Since that time, the school has been operated by the Marty Indian School Board of Education. Marty has continuously maintained full academic accreditation with exemplary ratings from the State of South Dakota Department of Education.

In the fall of 1994, Marty entered the Effective Schools Program. Since that time a new mission statement has been adopted which involves parents and staff. A comprehensive survey was completed. In-service training has been held on learning styles and teaching strategies. An in-service concerning centering on the issue of restructuring the school was held for all teaching and dorm staff in August of 1995. A curriculum committee consisting of representatives from the community, tribal education office, administration and teaching staff has been meeting for two years to make curriculum more relevant to students and increase student learning. This last year a Tribal Education Code was adopted by the Yankton Sioux Tribe.

In 1995, the Tribe was presented with the Lyle Richards Memorial Award for exemplary service to Indian children by the South Dakota Indian Education Association. Two middle teachers, Carrie Ackerman-Rice and Cynthia Goter, were named Middle school teachers of the year. Dorothy Kiyukan, the Intensive Residential Guidance Program Director, was named National and State Indian Educator of the year in 1994. Karen White Horse was honored as Home Living Specialist of the Year in 1991 by the National Indian School Board Association.

For the last year, the SET Team (School Effectiveness Team), and Curriculum Committee have been gathering data to assess the direction of the school. The school plans to break ground on a new educational building in the spring of 1996. Plans include incorporation of the latest state-of-the-art technology. Many curriculum changes are needed as the school moves from text based curriculum to outcome based education, with academic and behavioral objectives.

EDUCATIONAL PHILOSOPHY

The educational philosophy of the Marty Indian School has evolved since its inception. The school was founded because the community leaders wanted education for their children to prepare for the changes which they saw coming. The current leaders of the school recognize the acceleration of change in the world in which they live, and hold to the original basic tenet of the founders—the education of their youth is vital to the future of their culture and way of life.

MISSION STATEMENT

The Mission of the Marty Indian School, in partnership with the Yankton Sioux Tribe and its communities, is to offer a safe supportive environment: to provide intellectual, social, and cultural values needed to prepare our students for a multi-cultural Circle of Life; and to instill self discipline and respect for self and others.

EDUCATION

We believe that Marty should serve the educational needs of all students. The educational needs of the students include self-development in spiritual and moral values, in intellectual insight, emotional stability, effective human relations, and physical fitness. A special need of Marty students is the awareness, understanding, appreciation and enrichment of their nature culture, and being free of alcohol and other drugs.

We believe that Marty should serve the educational needs of the adult Indians in the area and encourage community involvement in the educational opportunities available at Marty. It is our philosophy that Marty is the educational center for the Yankton Sioux Reservation. We believe that true education on any level is the instilling of the desire for continued learning through the development of a healthy curiosity, active interest, and enlivened ambition.

STUDENTS

It is the philosophy of Marty to provide a safe and secure learning and living environment to Marty students K–12. The objectives are: To assume full responsibility for all students—including their conduct, safety and presence—during the time they are in attendance, in class or residing in the dormitories; and to provide accountability standards by establishing and enforcing adequate student check out procedures.

COMMUNITY

It is the responsibility of Marty that the operation of Marty is the responsibility of the Indian people themselves. We believe that the successful operation of Marty depends on the quality of service and the dedication of the people who administer the various programs at Marty. We also believe that Marty is the social service center for the people of the area, and the facilities and personnel of Marty are valuable resources for effective educational projects and human relations program.

Objectives for the betterment of student dormitory life are: to provide training programs to the dormitory staff by developing a regular course of instruction and a comprehensive in-service schedule in which each staff member will learn the necessary techniques in providing a safe domiciliary environment.

SCHOOL COMMUNITY

Marty has as its goal the total education of its students at Marty and the self-improvement of the people in the local area. In order to accomplish this goal, objectives are delineated in regard to education: Marty will maintain an accredited school for grades K–12. As facilities and staff are available, the specific needs of Indian students will be served.

NPS GATEWAYS FUNDING

Mr. SARBANES. Mr. President, I would like to engage the distinguished manager of the bill in a colloquy concerning the funding for National Park Service natural programs and the Rivers and Trails Conservation Assistance Program.

It is my understanding that the fiscal year 1996 interior appropriations bill provides an increase of $1 million for the RTCA program, and that the Committee has directed that this increase be specifically applied to activities within the scope of the existing program, not to new initiatives.

Mr. GORTON. That is correct.

Mr. SARBANES. In fiscal year 1997, the committee provided $200,000 from the RTCA account for the National Park Service's Chesapeake Bay Program Office to implement its Chesapeake Bay Action Agenda. The Committee's support enhanced NPS's ability to provide important financial and technical assistance to communities and organizations implementing their watershed protection, heritage area or heritage tourism strategic plans. These projects are terrific examples of community-led conservation, interpretation and preservation efforts that complement other Chesapeake Bay Program activities and illustrate NPS's unique role as a formal participant in the Bay Program.

I note in the Committee report that a number of worthy projects have been mentioned as deserving of continued funding from this program. I would ask the Senator whether NPS Chesapeake Bay Program Office activities would also qualify as a continuing project to receive funding from RTCA.

Mr. GORTON. Most certainly—The project the Senator describes appears to be a good example of the type of work intended to be funded with the additional funding provided by the Committee.

Mr. BYRD. Mr. President, I share the Chairman's observations and encourage the National Park Service to continue its support of this effort.

BLUE PIKE STUDY (USGS)

Mr. SPECTER. Mr. President, I have sought recognition for the purpose of engaging the distinguished chairman of the Interior Appropriations Subcommittee in a brief colloquy regarding the fish known as the blue pike.

Mr. President, the blue pike was officially declared extinct in 1983 under the Endangered Species Act. This highly valued species, prized for food and sport, prospered in Lakes Erie and Ontario prior to its disappearance in these lakes. But recently, I have been made aware of reports from the Erie, PA, area that the blue pike can still be found in Canadian lakes. It this is so, we have an exceptional opportunity to bring a species back from the brink of extinction.

Mr. President, I would suggest that the Biological Resources Division of the U.S. Geological Survey consider investigating the existence of the blue pike. The Chairman has shown excellent judgment in recommending a bill which includes a $1 million increase for restoration of the Great Lakes fisheries and habitats in this legislation, and I think this is an appropriate area where this important work can be carried out. I am advised that this study and restoration plan could cost $250,000. This is a small price to pay to realize the economic and environmental benefits this study, if successful, would surely produce. Accordingly, I look forward to working with my colleague from Washington to address the blue pike issue.

Mr. GORTON. Mr. President, I thank the distinguished Senator from Pennsylvania. I agree that the blue pike study deserves thorough consideration by the U.S. Geological Survey.

ENSURING ADEQUATE LAW ENFORCEMENT SERVICES ON THE YANKTON SIOUX RESERVATION

Mr. DASCHLE. Mr. President, Senator JOHNSON and I have recently been informed of two urgent matters on the Yankton Sioux Reservation in South Dakota that require immediate attention. The boundaries of the Yankton Reservation are the subject of an ongoing legal dispute. Although the final status of the case will be resolved in the coming year by the Supreme Court, lower court decisions have already transferred criminal jurisdiction over tribal members within the disputed boundaries of the reservation to the Yankton Sioux Tribe. As a result, the tribe's patrol area has increased from 38,000 acres to 400,000 acres and the number of arrests and detentions by the tribe has tripled. The cost of providing these law enforcement services has correspondingly increased from $56,000 to $308,721. We are informed the tribe is in need of $250,000 to accommodate these increased costs.

Mr. JOHNSON. In addition, the reservation's juvenile detention center is undergoing a much needed, year-long renovation that has required the tribe to find alternative housing for the residents of the facility. The annual cost of placing the up to 20 juveniles the tribe houses per day in alternative facilities will cost at least $400,000. These resources cannot be found within the tribe's existing budget. Absent additional resources, Bureau of Land Affairs [BIA] officials state the tribe will be forced to release some offenders into the community and borrow money in order to incarcerate the most violent offenders.

Mr. DASCHLE. It is our hope that BIA funds can be made available to the tribe for these pressing law enforcement needs during fiscal year 1998. If there is special consideration for the funding requirements of underfunded tribes pursuant to section 118 of this bill, would you agree that the BIA should consider providing up to $650,000 to the Yankton Sioux Tribe for these purposes?

Mr. BYRD. I agree that these are two serious problems. The Yankon Sioux Tribe is struggling to maintain adequate law enforcement services and provide housing for juveniles in the criminal justice system. If additional funds are available through the TPA program, then the tribe is encouraged to identify these requirements as a priority in its allocation of funds.

Mr. GORTON. I agree as well. I recognize that funds are not available in the tribe's existing budget to accommodate these responsibilities. It is clear that alternative housing must be provided for juveniles in the criminal justice system while the existing detention facility is being renovated. These additional requirements should be considered in the allocation of TPA funds.

Mr. JOHNSON. I thank the chairman and the ranking member for their assistance.

Mr. DASCHLE. I thank the colleagues for their attention to this important problem, and ask unanimous consent that a letter from Timothy Lake of the BIA providing additional details about these problems be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
YANKTON AGENCY,
Wagner, S.D., September 11, 1997.

Senator TOM DASCHLE,
317 Hart Senate Bldg.,
Washington, DC.

DEAR SENATOR DASCHLE: This is in response to your request for information as it relates to the existing reservation boundary decision and its impacts on juvenile and adult detention.

First, the decision created an increase in Federal and Tribal jurisdiction. Prior to June, 1995, we were exercising criminal jurisdiction on 38,000 acres of trust land. The

State of South Dakota was asserting its jurisdiction on all fee lands within the boundary. The reservation boundary consists of 400,000 acres of land. Since June 1995, we have been exercising jurisdiction over all Indians within the 400,000 acre reservation. As you can see, our area has increased 10 fold. Much of the crime is committed in the cities of Wagner, Lake Andes, Dante and Pickstown. These cities were previously handled by city and county law enforcement.

Our adult prisoner care is contracted with Charles Mix County, and Lower Brule Agency. To illustrate a impact is to look at the previous year before the decision from June, 1994 to June 1995. We had a total of 672 arrests and prisoner detention cost of $56,000.00. The first year after the decision (June 1995 through June 1996) shows us arresting 2,078 and detention cost of $308,721.00. Another interesting illustration is the road miles we previously patrolled. The BIA had 22 miles and now we patrol 314 miles within the reservation.

The Yankton Sioux Tribe was operating a juvenile hold-over facility that was not intended for long term juvenile detention but turned out that way. The Tribe was fortunate to receive a grant (1.3 million) from the Justice Department to renovate their hold-over facility to an approved juvenile detention center. The Tribe was incurring the expense at $250,000.00 per year to house juveniles.

Because of liability concerns, lack of funding, and the renovation project, the Tribe closed the facility at the end of August. The facility should be fully approved and operational by October 1998. We now have no where on the reservations to house juvenile offenders. I have made arrangements with the juvenile detention facility at Kyle, South Dakota. They will house ten of our juveniles at a rate of $50.00 per day per juvenile. This equates to a cost of $182,500.00 per year. The daily average of juveniles that the Tribe was holding in their hold-over facility was 20.

I will need to locate another juvenile facility to hold the balance. I am sure the cost to house the remaining juveniles at another facility will be more costly than the Kyle, SD facility. We must also deal with the time, manpower and vehicle cost to run these juveniles to Kyle and wherever. It is easy to see that we can spend $400,000.00 a year on juvenile detention. Once the Tribe's renovation project is completed, we must begin to pay the cost to house our juvenile offenders at their facility.

There are four (4) full-time FIA police officers at this agency. The Yankton Sioux Tribe was successful in securing six (6) additional officers through the Justice Department COPS Fast program. However, COPS fast funds can only be used for salaries so we have to provide these officers with equipment as well as vehicles to patrol.

As the Yankton Sioux Tribe has communicated to you, the Tribal Priority Allocation (TPA) process does not allow for such a large increase to our law enforcement program. We can not maintain our fiduciary responsibility by decreasing all reservation programs by $650,000.00 and increasing law enforcement by this amount. The whole reservation TPA budget for fiscal year 97 is 1.6 million. The Tribe will need these funds added to its TPA base.

I hope I have answered your inquiry to your satisfaction. I appreciate the interest that you have shown on the impacts of the reservation boundary decision.

Sincerely,

TIMOTHY C. LAKE,
Superintendent.

BUREAU OF INDIAN AFFAIRS FUNDING FOR THE NORTHWEST INDIAN FISHERIES COMMISSION AND OTHER ISSUES

Mrs. MURRAY. Mr. President, much tribal management of salmon resources in western Washington State is conducted through the Northwest Indian Fisheries Commission. Historically, the Commission received its funding directly from the Bureau of Indian Affairs under the Western Washington—Boldt Implementation and Pacific Salmon Treaty accounts under trust accounts. Beginning five years ago, however, a portion of these monies was re-routed for administrative purposes within the BIA system, passing through the Tribal/Agency Operations, Tribal Priority Allocation line item in the BIA appropriation. This system worked fine for several years, but funding reductions to Tribal/Agency Operations in recent years have resulted in an approximately 13 percent cut to these accounts. Now these funds are being rerouted back to the original line items of Western Washington—Boldt Implementation and Pacific Salmon Treaty in the trust accounts, but at the reduced level.

Since both the Western Washington—Boldt Implementation and Pacific Salmon Treaty accounts were only included in the Tribal Priority Allocations system for administrative, pass-through purposes, it is inappropriate for these line items to be continued at only the reduced level. Full funding for these accounts should be restored. Congress did not reduce funding for the trust accounts. In addition, Congress has annually adopted the Pacific Salmon Treaty budget as developed by the U.S. Section of the Pacific Salmon Commission, and at no time has this funding been reduced. Also, within the FY–98 funding levels, Tribal Priority Allocations are being restored, but not the Western Washington—Boldt Implementation or Pacific Salmon Treaty funds. These factors provide significant justification for restoring these subject funds in the FY–98 budget. While the trust account budget is now set, the BIA may utilize appropriate funds from another account, such as Tribal Priority Allocations, to fully fund these important programs of the Northwest Indian Fisheries Commission.

Mr. GORTON. Mr. President, I agree, the BIA should have the ability to restore funding for the Western Washington—Boldt Implementation and Pacific Salmon Treaty accounts from Tribal Priority Allocations. In addition, I suggest that the BIA and the Department of the Interior modify their budget proposal for the next fiscal year to ensure that the trust account includes full funding for Western Washington—Boldt Implementation and Pacific Salmon Treaty.

Mrs. MURRAY. Mr. President, the House Committee Report (105–163) for the Interior Appropriations bill recommends that within the $3,000,000 provided for the "jobs in the woods" initiative under non-recurring programs, Operation of Indian Programs, $400,000 should continue to be used by the Northwest Indian Fisheries Commission for the Wildstock Restoration Initiative. Although the Senate Committee Report does not mention this account, does the Chairman of the Subcommittee, the distinguished Senior Senator from Washington, agree with the guidance of the House Committee Report?

Mr. GORTON. The "jobs in the woods" initiative is an important program for displaced timber workers in western Washington. The Wildstock Restoration Initiative is a key component of the overall initiative. I will support efforts in the Conference Committee to secure funding for the Wildstock Restoration Initiative.

Mrs. MURRAY. Mr. President, the Senate Committee Report on this appropriations measure directs the Bureau of Indian Affairs on page 52 of the report to include a private sector representative on the BIA task force to implement recommendations of an Inspector General's audit of the Wapato Irrigation Project on the Yakama Indian Reservation. In addition to this representative, it was the Chairman's and my intention to also include a representative of the Yakama Indian Nation on the task force.

Mr. GORTON. That is correct. The BIA task force on the Wapato Irrigation District should include a private sector representative and a tribal representative.

Mrs. MURRAY. Mr. President, I thank the chairman for his cooperation.

KAIPAROWITS COAL BASIN

Mr. HATCH. Mr. President, let me say to my good friend from Washington, Senator GORTON, and the distinguished Senator from West Virginia, Senator BYRD, that it seems to me, in light of the scientific disagreements between the recently conducted BXG findings and the ongoing data collection and analysis by the Utah Geological Survey, there is sufficient reason to revisit the BXG study regarding the Kaiparowits Coal Basin located in the Grand Staircase-Escalante National Monument. Do my colleagues from Washington and West Virginia agree that the significant disparate findings of these studies warrant additional review before the BXG work is accepted as fact?

Mr. GORTON. In view of some of the concerns which have been raised, BLM should consider working with all the experts, including the Utah Geological Survey, to ensure that there is an accurate reading of the current and future state of the Kaiparowits Plateau coal.

Mr. BYRD. Mr. President. I share the sentiments expressed by the subcommittee chairman.

Mr. HATCH. I thank my colleagues for their responses.

ALLEGHENY NATIONAL FOREST (USFS)

Mr. SPECTER. Mr. President, I have sought recognition for the purpose of engaging the distinguished chairman of the Interior Appropriations Subcommittee in a colloquy regarding the Allegheny National Forest in Pennsylvania.

Mr. President, I would suggest that the U.S. Forest Service consider the possibility of funding the following three projects, all of which would enhance visitors' experiences in the Allegheny National Forest.

The first project is for the construction of a central office in Marienville, Pennsylvania. For more than a decade, the Allegheny National Forest has requested funding to carry out this project. Currently, Allegheny National Forest Service employees work out of two small office buildings, a trailer, and two warehouses located separately from the district office. Construction of a central office will help alleviate additional travel and communications costs as well as improve the efficiencies in work coordination.

The second project involves the rehabilitation of three boat-access campgrounds on the Allegheny Reservoir. These sites were constructed in the 1960s, but they have each outlived their expected life spans. Completion of this project would go a long way to improving access for the estimated 11,800 visitors who use these campsites each year.

The last project concerns rehabilitation of the Buckaloons Recreation Area. This area is located within the designated Wild and Scenic River corridor of the Allegheny River. I am advised that visitors' complaints focus on water facilities, parking, and access to the area. The funds needed for this project would improve the Buckaloons Recreation Area to allow Pennsylvanians and others to more fully enjoy the Allegheny National Forest.

Mr. President, I look forward to working with my colleague from Washington to address these three important funding issues.

Mr. GORTON. Mr. President, I thank the distinguished Senator from Pennsylvania. I am aware of the importance of the Allegheny National Forest to Pennsylvania and I believe that these three projects deserve thorough consideration by the U.S. Forest Service. Accordingly, I intend to work with the Senator from Pennsylvania to secure funding for these important rehabilitation projects in the Allegheny National Forest.

RECREATION FEE DEMONSTRATION PROGRAM

Mr. KYL. Mr. President, I rise to engage in a colloquy with the distinguished Chairman of the Interior and Related Agencies Appropriations Subcommittee and the Chairman of the Subcommittee on Forest and Public Lands of the Energy and Natural Resources Committee on an issue related to the Recreation Fee Demonstration Program. In the first year of operation of Fee Demonstration projects, flaws in the program's application are coming to light. These are flaws that I believe can be corrected through a clarification of the policy articulated by Congress in 1996.

I am generally pleased with the overall results of the Recreation Fee Demonstration Program. As various Fee Demo projects have been implemented, some problems have occurred. Public acceptance of new or higher fees has been enthusiastic in some quarters and hostile in others. However, the program has shown promise overall.

Constituents have brought to my attention the threat of private sector displacement by recreation managers in some National Forests. As private permit terms expire, it appears at some Fee Demo sites there is an intent to discontinue reliance on the private sector for delivery of recreation goods and services. In other instances, the agencies are choosing to go into direct competition with the private sector. The Forest Service will now be offering so-called Heritage Expeditions, which may evolve as whitewater rafting expeditions, archaeological digs, or expeditions into Indian Country—activities offered in abundance by community recreation programs, outfitters and guides, environmental educators, lodges, marinas and dude ranches throughout rural America.

If this type of activity is allowed under Fee Demo, more and more concessions may likely be taken from private sector operators and placed into the hands of federal employees to operate. At a time when federal employment rolls are being steadily trimmed, new employees will be required at recreation sites to collect fees, perform maintenance, plan and participate in interpretive and recreational activities. I do not believe this was the intent of the Fee Demonstration Program.

This problem seems to be developing in other states. We need to send a clear message to the land management agencies involved in the Fee Demo project that Congress did not authorize this program to enable the agencies to displace or discourage existing and future investment by the private sector.

Mr. CRAIG. Mr. President, I concur with my colleague from Arizona. Idaho has experienced similar problems with implementation of the Recreation Fee Demonstration Program in this first season of operation.

My colleague, the gentleman from Arizona, has identified a serious problem: use of Fee Demo authority to put the government into direct competition with the private sector. It has happened in Idaho under Fee Demo this summer, and I appreciate the gentleman's effort to bring this unfortunate development in the implementation of the Fee Demo program to the attention of our colleagues in the Senate.

It was on the Wild and Scenic section of Idaho's Snake River in Hell's Canyon that the Forest Service conducted a pilot Heritage Expedition trip in July. The Heritage Expedition element of the Fee Demo program will be conducted regionwide next year in the Pacific Northwest and in the Southwest Regions of the Forest Service, and I'm told that the concept may be adopted nationally in the very near future.

Essentially, the new Heritage Expedition initiative puts the Forest Service into direct competition with an adventure travel industry that is already highly competitive. Dozens of these businesses compete with each other at every primary tourist destination in the country. Thousands more have invested private capital to create and sustain unique market niches on the fringes of the National Park System, or tucked away in some remote corner of the National Forest.

At Hells Canyon, the demand for access to the river and along trails and limited camping facilities is very competitive and increasingly difficult for resource managers to resolve. Environmentalists hold strong views that the river corridor is being trampled by boaters and hikers. Boaters cling tenaciously to levels of float boat and jetboat use that have increased steadily over decades. The Forest Service has to date been entirely unable to reduce conflicts between these various users groups, let alone soften the shrill cry from those who would radically reduce use altogether. Congress has stepped in to arbitrate a portion of these issues, and the situation is now the subject of rather heated congressional hearings.

In pricing and advertising a whitewater Heritage Expedition through Hells Canyon last July, the Forest Service executed an extraordinary piece of business. It advertised a "deluxe, fully catered" whitewater and camping trip in which the fourth night would be spent "in the luxury of" a historic lodge. The four-day trip was offered, and I understand fully booked, for the "fee" (the agency's term of choice) of $1,740.

The Forest Service did use the services of a river outfitter in conducting this trip and spent the final night at a commercial inn. There may have been other director costs not evident from the agency's advertisment of this trip in the Internet. But, I do not believe that this is what we contemplated when we approved the Fee Demonstration.

It's important to note that a commercial operator in Hells Canyon would not be allowed by Forest Service river managers to charge the public such an exorbitant fee, no matter what amenities were tacked onto the basic outdoor experience.

It was advertised by the Forest Service that a portion of its fee would directly fund "preservation, protection, and future management of Hells Canyon's irreplaceable heritage resources." When the job of analyzing this initial pilot Demo Fee program is complete, it be important to know how much agency staff time and support costs were diverted from normal responsibilities in order to plan, package, market and conduct this trip.

Mr. President, I agree with my colleague from Arizona. Such activities as running expeditions were not what was intended when we approved the Fee Demonstration Program.

Mr. GORTON. I thank my colleagues for bringing this matter to the Committee's attention. In a letter to Regional Foresters on February 25, 1997, Forest Service Chief Dombeck clearly stated that the Fee Demonstration is not intended to displace concessionaires. That was clearly not the intent of this Committee when we passed the Fee Demonstration Program. I thank the gentleman for calling this to the attention of the Committee.

Mr. DORGAN. Mr. President, Senator BURNS and I see the distinguished chairman of the Subcommittee on Interior Appropriations on the floor and we would like to engage him in a discussion regarding assistance from the Department of Energy (DOE) to help finance the construction of a pipeline to transport carbon dioxide (CO2) now produced as a waste gas at the Great Plains Gasification (Great Plains) plant near Beulah, North Dakota to existing oil fields to be used for enhanced tertiary oil recovery.

Mr. GORTON. I will be happy to discuss this matter with my colleagues.

Mr. DORGAN. We thank the Chairman. This project will enhance tertiary oil recovery efforts in North America which will help the United States and Canada secure greater energy independence from foreign oil. It is also critical to the long-term operation of Great Plains, which has been a priority for the federal government since it sold the plant to the Dakota Gasification Company in the late 1980s.

The financial assistance Senator BURNS and I are proposing would consist of a loan from funds currently available to DOE in a Great Plains trust fund. DOE staff has reviewed the details of the CO2 project and the Department believes that a loan is appropriate if so directed in an appropriations bill.

Is the Chairman willing to work with us and the House conferees to include Statement of Managers language in the conference agreement that permits DOE to provide such a loan at reasonable terms to the owners of Great Plains and to the government?

Mr. GORTON. I am unfamiliar with the details of the proposed CO2 project, but I can assure my colleagues from North Dakota and Montana that I will work with you, Senator BYRD and the House conferees to include Statement of Managers language allowing the Department of Energy to make a loan to the owners of Great Plains for the CO2 project, provided the project is consistent with our country's overall energy and environmental policy objectives and is worthy of federal support.

Mr. DORGAN. I wish to thank the Chairman for his cooperation.

Mr. BURNS. I am also supportive of this loan for the construction of a pipeline to transport the excess CO2 from the Great Plains Gasification plant to existing oil fields to enhance tertiary oil recovery. Some portions of these fields lie within the boundaries of my state of Montana, and would assist with the economic development of this area. I would like to thank both the Chairman and my colleague from North Dakota for working with me to reach some sort of understanding on the importance of language in the conference report.

REGARDING THE US FOREST SERVICE ROCKY MOUNTAIN RESEARCH STATION

Mr. BENNETT. Mr. President, the chairman knows, the Forest Service recently completed the consolidation of the Intermountain and Rocky Mountain Research Stations in Fort Collins Colorado. I had some serious reservations with this consolidation, but in the interest of reducing the federal budget, I reluctantly agreed to allow the consolidation to proceed. Allow me to share with my colleagues what some of those concerns were.

I was concerned that the proposed merger would actually produce the cost savings promised by the Forest Service. I was further concerned that any administrative savings would be offset by increased travel costs of staff traveling to Fort Collins. And since the consolidated center would be responsible for providing research for approximately 60 percent of the nation's forest lands, I was particularly concerned that the new center would have the ability to provide quality services to my constituents once consolidation removed the administrative process one step further from Utah. Finally, I was most concerned that the employees currently stationed in Utah would be jeopardized by consolidation. While I received numerous assurances that no positions will be eliminated in Utah due to consolidation, it was still unclear that the employees based in Utah would continue to have substantive research responsibilities.

As I mentioned, despite these reservations, I reluctantly concluded that the merger should proceed. I sought your assurance that the Committee would revisit the consolidation next year to determine if the promised benefits and savings have indeed been realized. If these savings have not been met, I requested that the committee take the appropriate action to rectify the situation. Is it still the Chairman's intent to revisit the consolidation?

Mr. GORTON. I recall the Senator from Utah raising these issues in a letter to me last March. I again say to him that the Committee remains concerned that the estimated savings provided by the Forest Service may well not be achieved. It would be an unfortunate waste of taxpayer dollars to have permitted this consolidation to go forward if the Forest Service fails to reach the savings promised. The Committee would be happy to revisit the consolidation issue next spring during the hearing process.

Mr. BENNETT. I thank the Chairman for his efforts.

NEWFOUND GAP ROAD

Mr. FAIRCLOTH. Mr. President, I wish to enter into a colloquy with Chairman GORTON about Newfound Gap Road in western North Carolina. The National Park Service is responsible for the maintenance of this road, which runs through Great Smoky Mountains National Park, and it is the major route for many residents of the area. The road reaches elevations of 5,000 feet, so there is substantial snowfall in the winter, and I am concerned about the snowfall removal effort from the NPS. The road was closed on 42 days over the 1995–96 winter, and it was closed on 13 days over the 1996–97 winter, but the last winter was exceptionally mild. The NPS pledged increased efforts, but I am unaware of real changes in their methods, and I am concerned about prospects for this winter. Is the chairman aware of these problems?

Mr. GORTON. I am well aware of this issue. The Great Smoky Mountains National Park received a $1.06 million increase for Fiscal Year 1997 and a $400,000 increase for fiscal year 1998. This is a large amount of money, and I expect it to be well spent. This committee is reluctant to seize the management prerogatives of the NPS, but I want to ensure that this road is maintained for the people of western North Carolina, and is available for use for as many days as reasonably achievable. The House and Senate Appropriations Committees have previously expressed concern about Park Service maintenance of this road, and I expect the Service to be responsive to our concerns.

Mr. FAIRCLOTH. I am pleased to hear that the Committee understands the importance of this issue. The NPS expects to spend a lot of money for personnel costs, but I don't see evidence of a real commitment to increased maintenance of Newfound Gap Road. The NPS produced a plan last year to answer our concerns, but it was a superficial document that offered little encouragement, so I am glad to hear the chairman state that he expects NPS to be more responsive. This is important to the community, and I hear support for these people, but the NPS will need to take concrete steps to resolve this issue. The NPS cannot use salt on this road because of environmental concerns, so it needs to look at new equipment such as motorgraders, but I do not hear much about that. Robert Stanton, the new NPS director, told me that he is eager to work with us. He is a good man, and I am confident that he will make some changes, but the NPS budget plan for the Great Smoky Mountains National Park concerns me.

Mr. GORTON. The Park Service has ample flexibility to consider equipment purchases if that is necessary for proper maintenance. The Director is aware of the problem and I encourage him to remain attentive to the situation so that this road remains open as much as possible through the winter.

MICHIGAN LAKES AND STREAMS

Mr. ABRAHAM. Mr. President, I rise today to speak in support of the acquisition of 7600 acres of private land located in Michigan's Huron and Manistee National Forests by the U.S. Forest Service.

As the result of a settlement between the State of Michigan and one of Michigan's power companies, 11,000 acres of the utility's land are being—or have been—transferred to the Great Lakes Fisheries Trust. The trust is a coalition of the State's environmental agencies and several conservation groups which was established as part of the settlement and is authorized to sell these lands in order to capitalize a trust fund that will support projects to restore the Great Lakes fishery.

Approximately 7,600 of the settlement acres lie within or along the boundaries of the Huron-Manistee National Forest, and a significant portion are located along the popular Au Sable and Manistee Rivers. Both these rivers boast some of the State's best fishing. The acquisition of these parcels by the Forest Service would ensure the protection of the water and forests and species located within them.

Mr. LEVIN. If my colleague would yield for a moment, it is my understanding that the bill appropriates $700 million from the Land and Water Conservation Fund [LWCF] for land acquisition which have been set aside for a variety of projects, some of which will be identified after consultation with the administration and the House. I believe approximately $285 million of those funds have not been designated for specific projects.

Mr. ABRAHAM. The senior Senator from Michigan is correct. These funds have been budgeted but have not yet been earmarked for specific purchases.

Mr. LEVIN. If my colleague will yield further, I think it is also important to point out that the sale of these inholdings by the Great Lakes Fishery Trust will help generate funds for fishery enhancement programs and preserve critically important frontage along rivers that flow into the Great Lakes. If, however, these lands are not purchased quickly, then the Great Lakes Fisheries Trust could face significant costs, including taxes and administrative fees. Such costs would put the trust in the uncomfortable position of either having to sell these lands commercially or paying these costs and thereby reducing the flow of funds destined for financing improvements in the Great Lakes fishery.

Mr. ABRAHAM. My colleague is again correct. the Great Lakes Fisheries Trust and the Forest Service have a great opportunity to protect some of Michigan's pristine natural resources. Unfortunately, if we do not act soon, this opportunity will quickly slip away.

Mr. GORTON. Will the Senator from Michigan yield for a question?

Mr. ABRAHAM. Mr. President, I would be happy to yield to the distinguished Senator from Washington.

Mr. GORTON. Can my colleague tell me whether the U.S. Forest Service has expressed an interest in purchasing these lands?

Mr. ABRAHAM. Yes, the Forest Service has expressed its desire to purchase these acres. I understand that this acquisition is on the Forest Service's priority list.

Mr. GORTON. I thank the Senators from Michigan for bringing this to my attention. I understand how important this issue is to them both and will give it due consideration as the conferees consider Federal land purchases during the conference.

Mr. ABRAHAM. Mr. President, I wish to thank the distinguished subcommittee chairman for his consideration and hard work in support of this Nation's parks, national forests, and wildlife refuges.

Mr. LEVIN. I appreciate the Senator's consideration and my colleague from Michigan's efforts and interest on this matter. Also, I want the chairman and Senator BYRD to know that I have communicated our interest to the administration and urged that this item be put on their priority list.

CHICKAMAUGA-CHATTANOOGA NATIONAL MILITARY PARK HIGHWAY ROAD RELOCATION PROJECT

Mr. COVERDELL. Will the distinguished chairman of the Senate Appropriations Subcommittee on Interior yield for a question?

Mr. GORTON. I would be happy to yield to the senior Senator from Georgia for a question.

Mr. COVERDELL. As the Senator well knows, Federal funding for the Chickamauga-Chattanooga National Military Park highway road relocation project is very important to myself and the State of Georgia. Your previous support for this project has been especially helpful and appreciated. I note that in the fiscal year 1998 Interior Appropriations Committee report, on page 38, it states "that the Park Service intends to allocate $2.8 million in fiscal year 1997 to continue work on the Chickamauga-Chattanooga National Military Park highway road relocation project, and that additional funds will be allocated in fiscal year 1999 from Federal Highway Lands Program funds." In addition, the report also states that "the committee supports efforts to complete this project in fiscal year 1999."

I appreciate the subcommittee chairman's interest in this important issue. However, I am concerned that it appears that no funding will be allocated for this project in fiscal year 1998. This has been an ongoing road construction project and any further delay in its completion will cause additional burdens to my State. It is my understanding that the Park Service has made assurances that it will provide at least $8.85 million in fiscal year 1998 from its Federal Highway Lands Program funds. Is the Senator aware of these assurances made by the Park Service?

Mr. GORTON. Yes. I am aware that the Park Service has indicated that it will provide an estimated $8.85 million in fiscal year 1998 from its Federal Highway Lands Program funds to continue work on the U.S. Highway 27 bypass around the Chickamauga-Chattanooga National Military Park in Georgia. The Senator should be aware, however, that the current authorization for FLHP expires with ISTEA on September 30, 1997, so any allocations for fiscal year 1998 are dependent upon enactment of a new authorization and evaluation of the total funding allowed.

Mr. COVERDELL. If the subcommittee chairman would further yield, it is my understanding that the House's version of the fiscal year 1998 Interior appropriations bill includes report language which reflects the Park Service's assurance and sets aside a minimum of $8.85 million for this project. I believe it is critical there be no further delays in completion of this project or gaps in funding from the Park Service. Would the chairman be inclined to include language similar to the House in the conference report to the fiscal year 1998 Interior appropriations bill?

Mr. GORTON. I would be happy to work with the senior Senator from Georgia on this issue. I realize how important the Chickamauga-Chattanooga project is to you and the State of Georgia. I appreciate all your hard work and diligence on this project.

Mr. COVERDELL. I thank the chairman for his help. I yield the floor.

RENOVATION OF MONTEZUMA CREEK HEALTH CLINIC

Mr. BENNETT. I thank the distinguished Chairman, Senator GORTON, for his support on a matter of particular importance to the Utah Navajo population of San Juan County. The issue involves the Montezuma Creek Health Clinic in Montezuma Creek, UT.

For nearly 3 years, my colleague Senator HATCH and I have worked together to improve the delivery of health care services to the residents of San Juan County. This area is located in an extremely remote part of southeastern Utah and is the home of approximately 6,000 Navajos. The Montezuma Creek Clinic is very important to this rural community. However, the existing facility is in extremely poor condition and has undergone numerous repairs. The clinic comprises a patchwork of a mobile trailer connected to a permanent structure which is approximately 40 years old.

In an effort to make improvements to the clinic, the committee provided $100,000 for planning and renovation of the existing structure. These funds will be matched by the State of Utah and the Utah Navajo Trust Fund that collectively will provide at least $300,000 for renovation of the facility. However, I do have a question for the chairman regarding the intent of the committee report language with respect to how these funds can be spent.

Mr. GORTON. I would be happy to provide a clarification.

Mr. BENNETT. The committee report language on page 98 states: "The Committee does not intend for any of these funds to be used for facility or program [expansion], but rather, for improvement of existing conditions." My concern is over the word "expansion." As a practical matter, the renovation of the facility may result in an expansion of the overall structure. This is especially apparent since the clinic is partially housed in a temporary structure and replacing it may, in fact, increase the overall square footage of the clinic. The clinic's staff also informs me there is a critical need to increase the size of the emergency room as well as add additional examination rooms in order to handle the current heavy caseload. Moreover, in order to comply with Federal and State building codes, some expansion of the facility will be needed. Clearly, these measures are designed to accommodate existing services and, as such, should not be viewed as an expansion per se.

Mr. GORTON. I understand the Senator's concerns. The committee intends that the funds are used toward the design and construction of renovating and improving the existing facility. Making improvements to accommodate existing services is certainly acceptable. Such measures would include replacing temporary housing with a permanent addition as well as enlarging the emergency room, or adding examination rooms. The use of the word "expansion" in the committee report was used to indicate that the committee cannot ensure that additional funding—beyond what is currently provided in this bill—will be provided by virtue of facility improvements being made at this location. If additional costs are anticipated because of a larger facility than presently exists, the committee will consider these needs but can make no guarantees.

Mr. BENNETT. I understand the chairman's position. The funds provided by the committee are a positive step in improving the conditions at the Montezuma Creek. I thank my colleague for the clarification and, once again, appreciate his support for this important project. I also want to thank Senator HATCH for his support and work on this project.

Mrs. BOXER. Mr. President, increasingly frequent catastrophic die-offs of fish and waterfowl at the Salton Sea have led experts to conclude that the entire ecosystem is in crisis and could perish in the next 5 to 10 years unless dramatic measures are taken. The crisis has dire implications for migratory birds on the Pacific Flyway because the Salton Sea is a critical stop for species migrating along the Pacific Coast. Urgent scientific research is underway, but scientists have not yet identified the cause of the environmental crisis. The area's agriculture, wildlife, water usage, and environmental health systems are in jeopardy.

Another massive die-off is occurring now. Previously, the U.S. Fish and Wildlife Service and the U.S. Geological Survey worked in partnership with the California Department of Fish and Game to deal the diagnosis of dead species, rehabilitation of sick birds, and the disposal of carcasses to avert the spread of disease. Unfortunately, just a few weeks ago, California withdrew most of its field personnel due to costs and concerns about the potential health threat to State field personnel. California's withdrawal has resulted in a significant increase in the workload of an already undersized Federal staff at the Sea.

I therefore ask the chairman of the subcommittee to work with me to include the following report language in conference.

> Spurred by the accelerated rate of species decline at the Salton Sea, the Committee directs the Secretary of the Interior to create a plan for Department of the Interior activities in the Salton Sea region in Southern California; to submit the plan to Congress no later than April 15, 1998; and to make every effort to consider any preliminary recommendations in the FY 1999 Budget request. The plan should seek to be as comprehensive as possible, and to be compatible with important factors including water transfer plans, environmental restoration needs, economic factors (including agriculture) and the rights of Native Americans. The Department shall develop the plan in cooperation with the State of California and the Salton Sea Authority. In addition the Committee urges the Department to consider the funding needs of the Salton Sea National Wildlife Refuge for operations including laboratory support from the U.S. Geological Survey, supplemental field staff during declared die-off episodes to recover dead and dying wildlife and to monitor wildlife health at the Sea, on-site and remote field hospital operations for sick wildlife from the sea, incineration and disposal facilities for dead wildlife, and for high priority research needs identified by the 1997 Salton Sea Needs Assessment Workshop.

Mr. GORTON. I recognize the importance of addressing the emerging crisis at the Salton Sea. I share your concerns, and will carefully consider this language for possible inclusion in the Statement of Managers accompanying the conference report on the Interior bill. I would note, however, that the funding constraints under which the Interior agencies operate do not allow for agencies to perform tasks that should rightly be the responsibility of the States. Should the conferees request the report suggested by the Senator for California, such report should include a discussion of an appropriate division of responsibilities among the Federal Government, the State of California, and other relevant agencies.

TECHNICAL CORRECTIONS TO THE UTAH MINER'S HOSPITAL GRANT

Mr. BENNETT. Mr. President, I would like to discuss briefly the technical corrections made in this bill to section 116 of the Omnibus Appropriations Act for Fiscal Year 1997. I wish to point out to my colleagues that the original language was intended to ratify the State of Utah's legislative decision to allocate all funds generated by two Federal land grants for a miner's hospital to the University of Utah in Salt Lake City for construction and support of a physical rehabilitation center. However, the original language inadvertently failed to include the statutory citation of the first of the two land grants for a miner's hospital. The technical amendments correct this omission, clarifying Congress' ratification of the Utah Legislature's actions with respect to funds generated from miners' hospital land grants in both 1894 and 1929.

Mr. GORTON. I thank the Senator from Utah for the clarification. Will the Senator briefly outline the history of these land grants?

Mr. BENNETT. Certainly. In the Utah Enabling Act, Congress granted the new State of Utah the right to select 50,000 acres of unappropriated federal lands for support of a miner's hospital for disabled miners. This 1894 grant was supplemented in 1929 by the grant of an additional 50,000 acres. In the late 1950's, the Utah legislature, with the support of the United Mineworkers of America, determined that accumulated funds from these two grants could best be used for the construction of a rehabilitation center that would serve both miners and the general public, rather than for the construction of a standalone hospital for the limited number of disabled miners in the state. This facility was constructed in 1965 and operated under the supervision of an advisory commission that included representatives of the State's mining unions. Subsequent State legislation has provided that ongoing funds generated from the two land grants are to be used to support this rehabilitation center.

Mr. GORTON. Will the Senator explain for the benefit of our colleagues the need for congressional ratification of the Utah legislature's actions concerning these grants?

Mr. BENNETT. Although the rehabilitation center was constructed with the support of the United Mineworkers of America, and has been open to use by the state's miners, some have questioned whether the Utah legislature was permitted under the Utah Enabling Act to use funds generated from these grants for a rehabilitation center open to both miners and the general public, as opposed to a facility open only to miners. Section 116 of the Omnibus Appropriations Act for Fiscal Year 1997 was intended as congressional approval of the Utah Legislature's actions with respect to use of accumulated and ongoing funds from these land grants. However, as I have noted, that act referred only to the 1929 land grant and inadvertently failed to cite the 1894 land grant. These technical amendments correct that omission.

Mr. GORTON. I thank the Senator for the clarification. I am pleased that we can now bring this issue to closure.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 2107, the fiscal year 1998 Interior and related agencies appropriations bill.

I congratulate my good friend, the senior Senator from Washington, for his diligence in fashioning this important appropriations measure. He has done a masterful job throughout the process.

Mr. President, the pending bill provides $13.7 billion in new budget authority and $9.1 billion in new outlays to fund the programs of the Department of the Interior, the Forest Service of the Department of Agriculture, the energy conservation and fossil energy research and development programs of the Department of Energy, the Indian Health Service, and arts-related agencies.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill provides a total of $13.8 billion in budget authority and $13.7 billion in outlays for these programs for fiscal year 1998.

I support the bill with the adoption of the manager's amendment to bring the bill within the subcommittee's 302(b) allocation for budget authority. The reported bill is $38 million in outlays under the subcommittee's allocation.

It has been my privilege to serve on the subcommittee with the distinguished chairman. I appreciate the subcommittee's support for several priority projects in my home State of New Mexico.

I support the bill with the exception of the provisions relating to Indian tribes, which I will speak to later in the debate.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee's scoring of the Interior and related agencies appropriations bill for fiscal year 1998 be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

H.R. 2107, INTERIOR APPROPRIATIONS, 1998: SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal Year 1998, $ millions]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority	....	13,701	....	55	13,756
Outlays	....	13,691	....	50	13,741
Senate 302(b) allocation:					
Budget authority	....	13,700	....	55	13,755
Outlays	....	13,729	....	50	13,779
President's request:					
Budget authority	....	13,747	....	55	13,802
Outlays	....	13,771	....	50	13,821
House-passed bill:					
Budget authority	....	12,980	....	55	13,035
Outlays	....	13,382	....	50	13,432
Senate-reported bill compared to:					
Senate 302(b) allocation:					
Budget authority	....	1	....	....	1
Outlays	....	−38	....	....	−38
President's request:					
Budget authority	....	−46	....	....	−46
Outlays	....	−80	....	....	−80
House-passed bill:					
Budget authority	....	721	....	....	721
Outlays	....	309	....	....	309

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

TIMBER ROAD SUBSIDIES

Mr. McCAIN. Mr. President, yesterday, I voted against the Bryan amendment regarding timber road construction subsidies. I would like to take this opportunity to explain my reasons for doing so.

First, and most important, I believe the amendment goes too far. I have consistently opposed the current subsidy because I believe it is unfair to use the value of natural resources that belong to all taxpayers to offset the full cost of access roads needed by the timber industry to harvest those resources for their own profit. I agree with the proponents of the amendment that this is nothing more than a handout of Federal assets at a loss to the taxpayers.

However, because many of these roads serve dual or multiple purposes, I do not believe it is fair to shift the cost entirely to the timber industry, unless the industry is the only user of the road. This is a position I had clearly staked out in an amendment I offered in late 1995. In that amendment, I proposed to change the current system to require timber companies to pay a fair share of the costs of construction and maintenance of forest access roads. If, for example, the road would be used half of the time for recreation, maintenance or firefighting access, or some other legitimate purpose, then the timber industry would only have to pay for half of road construction. If, however, the road would only serve the timber company, the company would pay the entire cost of construction.

I believe this is a fair means of allocating responsibility for construction and maintenance costs—based on actual use of the road. The Bryan amendment would have gone much too far and unfairly penalized the timber industry.

Second, the amendment would have cut $10 million from the Forest Service budget for road construction and maintenance. Anyone familiar with some of the roads through our Nation's forest lands recognizes the need for more funding, not less, for maintenance of existing roads. Even supporters of the amendment pointed out that the Forest Service has a $440 million backlog of road maintenance needs for existing roads.

Many of these roads were built and paid for by the timber industry, and have since been turned over to the Forest Service. Many of them remain multi-purpose roads, providing ready access for the timber industry as well as the public and others to our forest areas. The Forest Service budget for maintenance of these roads is limited, and the Bryan amendment would have cut funding that could be used to maintain existing forest roads.

Finally, the amendment does not adequately protect the counties from a cut in the funding they receive from timber sales. Because the timber industry would be required to fully fund access roads, companies would likely submit lower bids for the timber. County governments rely on revenues from timber sales to maintain their own roadways. Because the money counties receive is based on a fixed share of total timber revenues, a smaller pot would mean less money to the counties. The National League of Counties has written a very strong letter opposing the Bryan amendment.

Let me address briefly the concerns of environmental organizations about the timber access road program. I believe we have to strike a balance in our forest management policy between preservation and production, focusing on healthy, well-maintained forests that will be preserved for future generations.

However, I doubt seriously that eliminating the road construction subsidy for timber companies would result in less logging of our forests. The key to limiting logging and road-building in our forests is a rational, reasonable forest management policy. In fact, because the revenue from timber sales would decline with lower timber bids, our forests could actually be harmed. The Forest Service would have even less funding to carry out its important preservation and management activities, and those wishing to utilize these roads for recreational access to forest lands would be denied that opportunity.

Mr. President, this amendment was cast as an anti-pork amendment. My commitment to eliminating pork-barrel spending is quite well known to my colleagues, whether it be earmarks in an annual appropriations bill or corporate subsidies. But it is important that we look at the details of this amendment, because it would have had serious consequences for local communities and others who use these roads that I do not believe the authors intended, and which have nothing to do with pork.

Mr. President, for these reasons, I voted against the Bryan amendment. I will continue to pursue elimination of unfair and inequitable corporate subsidies, including the current timber access road subsidy. One mechanism which would help in the effort to eliminate such subsidies is an independent, non-partisan commission to study all corporate subsidies and prepare a package of recommendations for Congressional review and action, and I have authored a bill, S. 207, with several of my colleagues to set up such a commission. And I am prepared to work with Senator BRYAN and my colleagues to craft an amendment to eliminate this inequitable corporate subsidy and put in place a fair and equitable program to share the costs of timber access roads among all users, and to ensure that rural counties already strapped by declines in the timber industry are held harmless.

NEW WORLD MINE

Mr. BUMPERS. Mr. President, more than a year ago I addressed this body to tell my colleagues about a proposed gold mine that posed a major threat to Yellowstone National Park. Crown Butte Mining, Inc. proposed to construct a 72-acre impoundment area with a dam that would be somewhere between 75 and 100 feet high, which would have a plastic lining on the bottom and some sort of a cap on top to keep oxygen away from the 5.5 million tons of tailings from the mining operation that would go into this impoundment area. The purpose of keeping the oxygen away from it is to keep the waste from turning into sulfuric acid. This earthfill dam would be located high above Yellowstone National Park and the Yellowstone River, in one of the most seismically active, earthquake-prone areas of the country. An area where it snows thirty feet a year.

I introduced a bill at the time to withdraw Federal lands from around that mine from further disposal under the mining laws, and to draw attention to this problem. I said at that time that my bill would not legally stop Crown Butte from proceeding with the mine, but that I hoped my bill would discourage them and dissuade them from doing it. I said that I hoped that Crown Butte, as good corporate citizens, would not force the issue and leave us to wonder whether or not this 5.5 million tons of tailings that they proposed to impound there could possibly break loose and pollute the Clarks Fort and Soda Butte Creek, which flows right into Yellowstone National Park.

To their credit, Crown Butte has not proceeded. They recognized that the public wanted to protect Yellowstone, and they were going to have to overcome some fairly significant environmental problems. And they reached an agreement with the administration and with local conservation groups that had sued them, and they agreed to let the United States buy out their interest. They reached that agreement more than a year ago, and the only thing that is required for it to be consummated—for Yellowstone to be protected from this threat and for the company to receive what they believe is fair compensation—is for us to fund that agreement in this bill.

The Interior Appropriations bill includes $65 million for this purpose. So we have the money to accomplish this goal of protecting Yellowstone National Park.

Unfortunately, as the bill currently stands, it requires further legislation for the administration to actually use the money for that purpose. I hope we dispense with that requirement. The question is simple—do we protect Yellowstone National Park through an agreement which is supported by both the mining company and the National Park Service, and which involves paying the mining company the appraised value of its property? Or do we need to kick this around for another two years, and reward the mining company for being a responsible corporate citizen by saying, "We've got to think more about this"?

As the ranking minority Member of the Senate Energy Committee, I am very sensitive to that Committee's responsibilities. But it is quite clear that no new law is required for this agreement to be consummated. It involves purchasing private inholdings in a National Forest—something the Interior Appropriations Committee has funded in hundreds of places over the past several years on the authority of existing law.

The question is simple. Do we take the opportunity to save Yellowstone, or throw it away?

I went to Yellowstone when I was 12 years old—breathtaking. I never forgot any part of it, the geysers, the magnificent waterfalls—all of it. Here is the first national park in America. Yellowstone, a crown jewel. To allow a huge industrial development generating hundreds of tons of highly acidic mine waste to threaten to destroy the first national park in America, one of the real crown jewels of the world, not just America, is absolutely unacceptable.

Many times we find that we in this Chamber can't agree on some proposal to protect environmental values because there is another side, and a conflict. Here there is no other side. The mining company wants to solve this problem. The conservation community wants to solve this problem. I hope that when we take this matter up in conference, we will drop this requirement for further legislation and simply solve the problem.

WEATHERIZATION AND STATE ENERGY CONSERVATION PROGRAMS

Mr. LEAHY. Mr. President, I want to thank Chairman GORTON for increasing funding for the Low-Income Weatherization Assistance Program and the State Energy Conservation Program from the levels provided in 1997. As a strong supporter of these programs, I am encouraged to see the Senate reverse the disheartening trend of the last few years whereby the programs had been reduced to 50 percent of the 1995 level.

These programs are very important in Vermont, where high energy costs are a stark reality. Last year, Vermont and the entire Northeast experienced a dramatic price spike in heating fuel, twenty-five percent higher than the previous winter. These price spikes hurt all Vermonters, but low-income families carry a greater burden. Energy costs account for fourteen percent of their total income, four-times as much as the average household. The Weatherization assistance program eases this burden by helping families insulate their homes, replace inefficient heaters and ventilation systems and seal drafty windows and doors. One thing Vermont has plenty of is drafty, old houses.

But the Weatherization assistance program is not just about keeping homes warm, it is also about keeping homes safe. The program gives priority to houses with unsafe chimneys and wiring, cracked heating systems, carbon monoxide and combustion air concerns, and faulty mechanical systems. In Vermont, this program is saving lives. Let me share one example with my colleagues. During a routine energy audit at the home of an elderly couple, the weatherization auditor found extremely high and dangerous levels of carbon monoxide being emitted from the gas cooking range. He discovered that when the power goes out, the couple puts a blanket up around the kitchen and uses the cooking range for heat. As it turns out, the couple had been suffering from carbon monoxide poisoning in the dark every time there was a power outage. Through the Weatherization program, the defective valve system was replaced to make the home easier to heat and healthier for the couple.

Finally, the Weatherization and State Energy Conservation programs make economic sense. The Weatherization program returns $1.80 in energy savings for every $1.00 spent on weatherization activities. The average savings per home that participates in these programs is $4,000 annually. Again, these are savings for low-income families who are having to make the tough choices between heating their homes and feeding their children. These programs also benefit our economy as a whole, by creating jobs in the energy efficient technology industry and in the service sector. In Vermont, for every dollar we spend on energy efficiency, over seventy percent remains in our economy.

I commend Chairman GORTON for his support and look forward to supporting the Senate level in conference as the minimum necessary for these critical programs. As we attempt to make our nation more energy efficient we cannot turn our backs on the programs that actually work and deliver real benefits to real people. Whether these programs are insulating the homes of the elderly, disabled or poor, or helping to reduce energy costs for our hard-pressed schools and hospitals, we need to support these effective programs. I hope that we can have a successful conference in this area.

Mr. BOND. Mr. President, I rise today to commend my colleague Senator GORTON on his amendment to provide kindergarten through 12th grade education funding directly to local educational agencies. Last month, I traveled through my home State of Missouri to discuss education and the importance of parent involvement in their child's education. I strongly believe that parents are the key to educational progress. As I visited with parents, educators, and local school officials, they were in full agreement concerning the education of our children; they need the flexibility to improve the quality of education at the local level without federal intrusion. As responsible parents and educators, the need for our children to be properly educated was a top priority.

Over the last 30 years, federal involvement in education has burgeoned and I am disturbed by the growth of federal involvement in what is constitutionally the right of states: to provide for high-quality, public education. This growth has been a wolf in sheep's clothing: states and localities have been offered additional funding in exchange for adhering to federal rules and regulations. The result has been that local school officials, who are directly accountable to parents, have experienced increasingly less control over education.

The Gorton amendment gives local schools and States what they have been requesting for years: the flexibility to develop challenging academic standards and programs that works in each locality. States and communities are where the action should be in designing standards and programs. It is at those levels that disputes are most likely to be resolved and important local priorities recognized. We must return to the traditional role of education and reduce federal control.

States and local school districts are making great strides in educating our young people; however, the federal government cannot continue to impede their ability to provide a high-quality education which they are perfectly capable of doing. The Gorton amendment sends us in the right direction, allowing both parents and educators to work together for quality education. It is bringing education back where it belongs: at the local level. We have lost too much already by the impositions of the federal government, and it is time to remedy this problem to prepare our children for the 21st century.

This amendment will ease regulations that prevent teachers, school administrators, and parents from doing what is best to improve their schools. Our goal is to ensure that our children are equipped with solid academic basics, which is learning to read, write, compute, think, and speak. There is no need to reinvent the wheel because we know what works and that is parents, teachers, and local communities working together to find local solutions to local problems to educate our children. We know that our children could be doing better and I want to ensure that local schools have every possible resource to make that happen.

Mr. President, the Gorton amendment will help strengthen our educational system by increasing local school districts' flexibility and funding to improve the quality of education for our children. I am proud to support this amendment and urge my colleagues to adopt this provision in conference.

NATIONAL ENDOWMENT FOR HUMANITIES

Mr. JOHNSON. Mr. President, I rise today to express my strong support for the National Endowment for Humanities (NEH). While I am aware of the national importance of the NEH, I am particularly supportive of continued federal funding for NEH because of the regular and critical funding my state of South Dakota receives. Grants from NEH are vital to the people of my state in preserving the rich and unique cultural heritage of South Dakota and the surrounding great plains states.

NEH programs exemplify the type of federal-state-local partnerships that have traditionally fostered a collective dedication to cultural and historic education. The NEH gives state humanities councils the necessary freedoms to meet local education needs. In the last five years, institutions in South Dakota have received roughly $2.7 million from the NEH and the South Dakota Humanities Council for a variety of library programs and exhibits, literary publications, and cultural heritage visitors centers.

The South Dakota Humanities Council relies on the NEH for 90 percent of its funding. That support goes directly to schools and small communities for projects like "Calamity Jane: The Woman and the Legend" produced by the Deadwood Historic Preservation Commission, and "Lakota: Language, History, and Culture" at the Bonesteel Fairfax School. At the same time, broader educational projects continue the literary legacy of many of this nation's most acclaimed authors and long time South Dakota residents, including Laura Ingalls Wilder, who gave us the "Little House" series, and L. Frank Baum, author of the classic "The Wonderful Wizard of Oz." This year, South Dakota celebrated Baum's work with the Wizard of Oz Festival in Baum's hometown of Aberdeen. This festival bloomed into a statewide, year-long celebration, including reading programs in public schools, travelling educational programs, and symposiums involving scholarly interpretations of Baum's work at state colleges and universities. This far reaching festival celebrating Frank Baum's literature was made possible through several NEH grants.

The many NEH-funded heritage fairs and events held throughout my state every year are endorsed by the South Dakota State Arts and Humanities Councils, as well as state and local tourism authorities. Recently, the South Dakota State Humanities Council received one of only two national awards presented at the National Conference of State Humanities Councils for the Oscar Michaux Festival held in Gregory, SD. These and countless other worthy public education programs will disappear in my rural State, and the creativity behind this type of education programming will be thwarted if efforts to gut or eliminate the NEH continue.

Although the United States provides far less public support for the humanities than we spend on military bands, the NEH continues to play a critically important role in improving the quality of life in rural areas, such as South Dakota. I will continue to support Federal funding for the humanities because of the NEH's very positive assistance to cultural and historic organizations and schools throughout America.

LOW-INCOME WEATHERIZATION PROGRAM

Mr. D'AMATO. Mr. President, I would like to engage my colleague from Washington in a colloquy on the importance of the Low-Income Weatherization Assistance Program and the State Energy Conservation Program to the people of New York, as well as the entire country.

Mr. President, I would first like to acknowledge the fact that Chairman GORTON has crafted a good bill under difficult circumstances. This bill combines a number of different agencies and functions within a tight budget cap, and I appreciate his effort to balance these different needs.

Mr. President, the Weatherization Program upgrades the energy efficiency of the homes of the poor, elderly, and disabled in this Nation. This is important in warm and cold climates alike, providing people with long-term solutions to housing affordability. This program is highly effective with low administrative costs. The State Energy Conservation Program permits States to target energy programs in all sectors of the economy, from making schools and hospitals more energy efficient to promoting alternative motor fuels and renewable energy. This program is highly leveraged with large amounts of State, local, and private funding. As the country moves forward to restructure the electric industry, these two programs will be all the more important to meet the needs of low-income families.

Mr. President, the committee's bill provides $5 million more than the House-passed bill for weatherization and $1.1 million more than the House for the State Energy Conservation Program. I would like to urge Senator GORTON to stand firm in support of the Senate numbers in conference with the House.

OUTER CONTINENTAL SHELF LEASING PROGRAM

Mrs. HUTCHISON. Mr. President, I would like to rise today, with my colleague, Senator JOHN BREAUX, to engage in a colloquy about a serious matter that has only recently come to our attention.

Mr. GORTON. I yield the floor for your colloquy.

Mrs. HUTCHISON. Mr. President, if these concerns are not addressed, one of our country's most successful programs, the Outer Continental Shelf Leasing Program, may be jeopardized. Under that program, the Federal Government has raised hundreds of millions of dollars in rents and royalties over the last 25 years, while at the same time developing safe and secure sources of energy for our country. Crucial to the success of that program is the ability of the private sector to conduct exploration of the Gulf of Mexico before submitting bids on the tracts offered for oil and gas leases.

I recently learned that the Minerals Management Service [MMS] has proposed changes to the rules under which that exploration is conducted. These changes would potentially jeopardize the continuity and success of the Outer Continental Shelf Lands Act [OCSLA] program.

Currently, geological and geophysical companies [G&G companies] conduct seismic surveys under MMS permits which require the permittees to provide the data they collect to the MMS under strict guarantees of confidentiality.

The G&G companies then provide the oil companies access to the data through nonexclusive licenses. The licenses allow the oil companies to use the data for any purpose including reprocessing the data using their own technology and data. These licenses are given on the condition that the licensee will not show or share the data with anyone else. In this way, the G&G companies are able to offer data to the largest number of possible users at the lowest cost.

Under the proposed regulations, MMS intends to extend its ability to obtain data from just the G&G companies to all of the companies who have licensed and reprocessed that data using their own technology. By requiring all industry to share reprocessed data with the MMS, the threat of disclosure of extremely sensitive business data exists. Under any number of situations, including appeal of fair market values, it is unclear if the proposed changes would protect the confidentiality of that data. This threat to sensitive business data could ultimately threaten the success of the OCS leasing program.

I understand and appreciate the need for MMS to have accurate data. However, I question the need of the Government to obtain reprocessed data that belongs to the business community especially if it could potentially be released to competitor companies.

It is my understanding that my colleague, Senator BREAUX was an author of the original OCSLA. Do you believe the MMS' proposed regulations accurately reflect the purpose of that legislation?

Mr. BREAUX. Mr. President, as one of the original authors of the Outer Continental Shelf Lands Act, I can advise the Senate that we spent a great deal of time and effort in developing a law that would result in the information, data, and interpretation remaining confidential. Any steps that would put that confidentiality at risk are contrary to the spirit and intent of what we were trying to accomplish in 1972.

At that time, geophysical contractors were particularly concerned about the data sharing and confidentiality provisions of the OCSLA because they felt any breach of that confidentiality would destroy the market for the data, which is the geophysical contractors' sole asset. To protect that confidentiality, provisions were adopted requiring MMS to make sure the agency obtained permission from the permittee and anyone to whom the permittee sold the data under promise of confidentiality before sharing any data obtained from the permittee with a State government.

Shortly after the amendment of the OCSLA, MMS promulgated regulations spelling out the mechanics of how data was to be made available to it and how it was to be protected once it had been turned over. Among those rules is one that mandates that the permittee, who had agreed to make its geophysical data available to MMS as a condition of the permit, require any party to whom the data is transferred to agree to the terms of the permit regarding data sharing as a condition of the transfer. Industry contends that when that regulation was proposed, MMS proposed to define the term "transfer" in a way that included nonexclusive licensees, but dropped that requirement from the final rule. Industry believes that MMS has now proposed to extend its data sharing requirements to nonexclusive licensees and to amend its regulations in several other significant ways.

MMS contends that, in the 25-year span of its statutory responsibility to hold geophysical data confidential, this confidentiality has never been breached. And, MMS believes its current rulemaking is fully consistent with its authority under the OCSLA. In other words, MMS is going forward with its rulemaking without further public input.

Mrs. HUTCHISON. I share your concerns regarding the intent of the original OCSLA and the effect of the MMS' actions.

MMS is threatening to implement regulations without adequate discussions between the agency, industry, and the original authors of the OCSLA. By utilizing a negotiated rulemaking, we have a unique opportunity to avoid the problems that MMS' current course of action will create. There are many stakeholders in this debate that have valid concerns which deserve to be addressed. The exploration contractors, the oil and gas companies and the MMS all have a lot to lose by pushing through regulations that will cause more problems than they will fix.

Each of the stakeholders can make significant contributions to a set of regulations that will accomplish the goals of the OCSLA, the MMS and the industry. I am frankly at a loss to understand why MMS has refused to engage in substantive negotiations on these issues when it is clear that substantive concerns remain unaddressed.

The notice and comment rulemaking that surrounded this proposed rule was insufficient. Significant disagreements continue to exist where solutions seem eminently reachable. It makes sense to get the interested parties together to see if they can find a mutually agreeable solution. I strongly urge MMS to abandon the current rulemaking proceeding and to negotiate immediately with the affected parties to avoid placing the OCS lease program in jeopardy.

Mr. BREAUX. Mr. President, I am very concerned about the tenor of these proceedings. MMS is the Federal agency charged with the responsibility to manage the mineral resources of the Outer Continental Shelf in an environmentally sound and safe manner and to timely collect, verify, and distribute mineral revenues from Federal and Indian lands. So, I want to know that this proposal is the best way to get at the objective that underlies it—a fair and reliable royalty system. But, I also want to ensure that the individuals and businesses affected by the MMS proposal are accorded every opportunity to have their concerns heard.

I agree that MMS needs access to G&G information to discharge its important duties. But, it ought to accomplish that duty in a way that does not risk disrupting one of the Federal Government's most successful revenue programs. The G&G industry estimates that the proposed regulations will, if adopted, require the renegotiation of thousands of existing license agreements and, until that renegotiation is complete, no data can be licensed. This renegotiation process may take several months, if not years. During that time, there will be no exploration. Thus, the process that recently led to another record oil and gas lease sale on the Gulf of Mexico Outer Continental Shelf, providing needed revenue to the Federal Treasury, will come to a grinding halt. This is an interruption we cannot afford.

For 50 years, oil and natural gas have been produced from the Outer Continental Shelf [OCS] underlying the Gulf of Mexico. This production represents more than 83 percent of total OCS oil production and more than 99 percent of all OCS natural gas production. In 1995, production from this area accounted for 15 percent of all oil produced in the United States and about a quarter of the natural gas.

Maintaining public trust in our royalty system is critical to the future of oil and gas leasing, both onshore and offshore. Federal royalty policy must balance the need to encourage public resource development with the need to ensure that the public gets its fair royalty share. That balancing act requires government and industry to work together. The OCS leasing program is one example of government and the private sector working together—reflected by the recent record leases, records bonus payments and increased exploration in the Gulf of Mexico.

I hope we can advance that partnership here. Let's take another opportunity to learn from each other what is working, what is not working under the current system—and how the MMS proposal addresses those problems. Then, we can move forward with a balanced policy that assures timely and accurate royalty payments for the people of the United States.

Mr. GORTON. Mr. President, I appreciate the kind remarks of my colleague from New York. I would like to assure him that I will seek to uphold the Senate position on the weatherization program and the State Energy Conservation Program in conference. I appreciate the help and interest of the Senator from New York in these two important programs.

Mr. D'AMATO. I thank the chairman.

Mr. LOTT. Mr. President, I think we are ready now for final passage on the Interior appropriations bill. I thank all the Senators for their cooperation. I'm sorry it took so long to get to this point.

Senator DASCHLE and I have been working on a unanimous-consent agreement that would allow us to pass this bill and to get an understanding of how we will proceed on the FDA reform.

UNANIMOUS-CONSENT AGREEMENT—S. 830

Mr. LOTT. Mr. President, I ask unanimous consent that following the filing of the cloture motion on the FDA bill tonight, Senator KENNEDY be recognized for debate only for up to 1 hour, and the pending Harkin amendment be temporarily laid aside until Tuesday, September 23.

I further ask that when the Senate reconvenes on Friday, all time from adjournment on Thursday and reconvening on Friday count against the 30-hour cap postcloture.

I further ask that the Durbin amendments Nos. 1139 and 1140 be in order on Friday and limited to 30 minutes each, equally divided, and the votes occur in a stacked sequence at 9:30 a.m. on Tuesday, September 23, with 2 minutes for debate between each vote.

Further, I ask unanimous consent that the time between 9:30 a.m. and 10:30 a.m. on Friday be under the control of Senator KENNEDY for debate only, and when the Senate resumes consideration of FDA on Tuesday, September 23, that 5 hours remain postcloture to be equally divided, and following the stacked votes, Senator REED of Rhode Island be recognized to offer his amendment No. 1177 and all other provisions of rule XXII remain in status quo.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Therefore, in light of this agreement, the next vote tonight will be the last vote this week. The next votes will occur at 9:30 a.m., Tuesday, September 23.

I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. GORTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays having been ordered, The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN], the Senator from New York [Mr. MOYNIHAN], and the Senator from Minnesota [Mr. WELLSTONE] are absent on official business.

I also announce that the Senator from Hawaii [Mr. AKAKA] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Minnesota [Mr. WELLSTONE] would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 3, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—93

Abraham
Allard
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats

Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NAYS—3

Ashcroft
Faircloth
Helms

NOT VOTING—4

Akaka
Harkin
Moynihan
Wellstone

The bill (H.R. 2107), as amended, was passed.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the President be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. HAGEL] appointed Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BURNS, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BYRD, Mr. LEAHY, Mr. BUMPERS, Mr. HOLLINGS, Mr. REID, Mr. DORGAN, and Mrs. BOXER conferees on the part of the Senate.

Mr. GORTON. As the Presiding Officer is well aware, this has been a highly complex bill with a large number of amendments, colloquies, inquiries, extensive debate and the like, and it almost, but not quite, goes without saying that it would have been impossible to reach this point without the service of large numbers of dedicated staff, many of those for individual Senators with whom my staff and committee staff have worked. But I want particularly to thank Ginny James, Anne McInerney, Martin Delgado, Hank Kashdan, and Kevin Johnson of the majority staff of the Interior subcommittee for countless hours in preparing the bill and helping me in debate; Sue Masica, Lisa Mendelson and Carole Geagley, of Senator BYRD's staff, for similar and equally important work. The two staff directors of the overall Appropriations Committee in the minority, Steve Cortese and Jim English; from my own personal staff, Chuck Berwick and Nina Nguyen, who also have worked countless hours. But most of all, the young man sitting beside me, Bruce Evans, who is the new staff director for the Interior subcommittee, who has gone through this for the first time with flying colors; who seems to be able to write some of my remarks in exactly the same way I would phrase them myself and who has been vital to our success. I hope this praise spurs them on to ever more successful work as we deal with the House, and the many differences between the two bills.

Finally, I want to say, Mr. President, even though he is absent, how greatly I appreciated the guidance and support of Senator BYRD, the most senior Member of the Democratic Party, the ranking member of the Appropriations Committee, and of course the ranking member of this subcommittee. From the moment I took the chairmanship of the subcommittee, he has been helpful and cooperative. He has pointed out many pitfalls into which I otherwise would have fallen, and has been a true friend and colleague, in a bill I think it is safe to say that is highly bipartisan in nature. In spite of the many amendments with great contests, most of them have involved votes that have crossed party lines. And Senator BYRD has been a wonderful ally and friend in that connection.

With that, I am ready to go to conference on this bill and allow the Senate to move onto another subject.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

FAST TRACK NEGOTIATING AUTHORITY ON TRADE AGREEMENTS

Mr. BYRD. Mr. President, The President this week submitted to the Congress the "Export Expansion and Reciprocal Trade Agreement Act of 1997", designed to renew so-called "fast track" procedures for trade agreements. There are many issues associated with this proposal, evidenced by the reports that the White House has essentially established a "war room" to marshall the votes in the Congress to support its proposal. We all know the United States needs to be competitive in foreign markets, and we all know the administration needs to strike the best deals it can with foreign nations on behalf of American business and consumers. There is no dispute over these goals. My concern today is over the procedure which the administration wishes to incorporate in considering this proposal which is driven by the insistence by the Clinton Administration that it can only be effective in promoting U.S. trade and negotiating such agreements if the legislative vehicle we consider is subject to one up-and-down vote, after a period of limited debate.

The administration has elevated its desire to eliminate the opportunity for the Congress to amend such enacting legislation to the stature or degree of a religious mantra. The administration seems to think that any agreement it submits to the Congress will, in fact, be amended, forcing it to renegotiate agreements it has reached with foreign nations and thereby shredding its stature as a negotiator The argument goes that fast-track authority is critical because it sends to our negotiating partners a necessary promise of good faith, that is, they will know that the deals hammered out at the negotiating table won't be dismembered by amendments in the Congress. The proposition is now being stated and restated by the administration's legions ad nauseam that without fast track all is lost, American leadership is gone, nations won't negotiate with us, our strategy on trade as a nation will fail, the sky will go dark, all life forms will perish, and on and on. These assertions are repeated at every opportunity, as if repetition really makes them valid. I say they are wild exaggerations, wild exaggerations, wild exaggerations, which underestimate both the capabilities of our negotiators and the sound judgment of the Congress of the United States.

Mr. President, the insistence on the no-amendment strategy reveals a staggering lack of confidence on the part of the administration in its own negotiating prowess. It suggests that, heaven forbid, possible weaknesses in the agreements that are reached will be discovered and acted upon by the Congress. It shows no sense of confidence—no sense of confidence—on the part of the administration that it can prevail in arguing the merits of a particular agreement to the Congress, thereby forcing the administration to return to the negotiating table to change an agreement. From what I understand, for instance, the relative tariff barriers between the U.S. and Chile are such that an agreement reducing the Chilean barriers is desirable. Why would the Congress not want to support an agreement that is in our interest in penetrating the Chilean market, to even out the playing field on trade matters between the U.S. and Chile?

There is no inconsistency between supporting free trade, or freer trade, as negotiated by the administration around the world, and preserving the right of the Congress not only to scrutinize the agreements reached for their worthiness, but also to question, if necessary, parts of the agreement that might appear not to be in our overall interest. If the administration does its job and negotiates sound agreements, they should be approved by the Congress as such, intact, regardless if there is "fast-track" procedure or not. The Senate is not unresponsive to arguments made by the administration that an international agreement that it has negotiated is in the national interest and that amendments could unravel it. That is not to say that if there is a flaw in the agreement that is serious enough for renegotiation, it may just be in the American national interest for the negotiators to be forced to go back to the table by the people's elected representatives and get it right. If they do the job right in the first place, renegotiation should not be necessary.

Mr. President, one could just as easily make the case that, if the Senate retained amending authority, our negotiators might just come up with a somewhat better product, knowing that the entire agreement will be scrutinized by the elected representatives of the American people. After all, the agreements that are negotiated are presumably on the behalf of the American people, the same constituency that is represented by this Senate. On the other hand, the Senate has a responsibility to turn back amendments that might be offered representing special interests, but not the overall American interest. That is the "American Way." Would such amendments be offered? Possibly. Would they be approved by a majority of Senate? Not if the American interest in the overall agreement would be hurt. This body has the capability of exerting leadership on trade, just as on any other matter. It can do what is in the best interests of the nation and yet not kill trade agreements through special interest amendments.

The administration, in its insistence on a no-amendment treaty on trade indicates either a lack of confidence in the integrity of this body, or a lack of confidence on the part of its own negotiators, or just simply a desire to have its way and not have to do the hard work of convincing the Senate of the value of the agreement that it has just negotiated.

It wants to have it the easy way, no questions asked, just present the agreement to the Senate and the House of Representatives and both bodies just roll over and sleep, sleep, sleep; not have to do the hard work of convincing the Senate of the value of the agreement that it has just negotiated.

None of these reasons seems to justify eliminating through a special procedure the power of this body to amend if a majority of this body, or the other body, finds it necessary to do so. None of this justifies Congress' handing off its exclusive power under Article I Section 8, of the Constitution, to "regulate Commerce with foreign nations". The amending potential is a healthy check on sloppy work. The amending potential can prevent a lazy presentation of the issues, or just plain bad negotiating results.

Here is what one pundit says about the need for fast-track negotiating authority. According to David Rothkopf, in an article appearing in the current issue of "The New Democrat": "If the United States doesn't have fast-track authority it cannot negotiate agreements."

Piffle! That is sheer nonsense, "If the United States doesn't have fast-track authority it cannot negotiate agreements."

It goes on to say that this is supposedly a crucial tool that the "administration needs," according to Mr. Rothkopf "to ensure that U.S. businesses and workers are treated fairly in the global economy." I contend that this is all a non sequitur—it just does not follow that preserving the power of the Senate over legislation is inconsistent with America's ability to negotiate agreements. If the Congress does not want the trading environment supposedly created by particular agreements, it can vote the whole thing down. Fast track authority does not, somehow by itself, produce an immediate supporting of freer trade in the Congress.

The administration has expended a huge amount of energy in an exercise to convince the Congress to foreswear its normal ability to amend legislation. And there will be some in here who will fall for that. The administration might be better served to put those tremendous energies into negotiating sound agreements with our negotiating partners and then selling the value of those agreements to the Congress on the merits of the agreements themselves.

Mr. President, the highly respected head of the U.S. Trade Representative's office, Ambassador Charlene Barshefsky, who did such an excellent job in negotiating an intellectual property agreement with China, made a presentation before the Senate Finance Committee yesterday, Wednesday, in support of the administration's fast track proposal to the Senate. She asserted that fast track is "critical to increase access to foreign markets." I would think, rather, that good solid provisions in a trade agreement, resulting from negotiations that focus on what is in our national interest, will increase America's access to foreign markets. Fast track consideration of poorly negotiated, badly constructed provisions would not necessarily give us increased access. Fast track of the intellectual property agreement with the Chinese did not make the negotiating process with the Chinese, always excruciatingly difficult, any easier. There is no substitute for tough implementation and policing of solid provisions, as Ambassador Barshefsky well knows. She is a fine negotiator, but had to negotiate that agreement twice, and it still is not clear that we have free access to the Chinese market and that the provisions safeguarding U.S. intellectual property are yet in place in the Chinese market. This has nothing whatever to do with fast track, slow track or any other track on the Senate floor. It has to do with the implementation of agreements to gain access to those markets, a very serious problem in the Pacific where the deficits we are running on our merchandise account are so huge, and growing, that they themselves are the single major factor jeopardizing the administration's so-called "free trade" philosophy.

Mrs. Barshefsky stated in her testimony that, under fast track, the "Congress and the President work together." We can, and do, certainly work together, day in and day out on legislation of all kinds and all subjects without, however, crippling our authority to amend those vehicles. Can one really say that we in the Senate are less serious about trade when we wish to scrutinize and carefully assess all parts of a trade agreement? Nonsense!

Mrs. Barshefsky echoes the administration's line—here it is: "if we do not renew fast track, . . . our trading partners are not willing to wait for us to pass another bill." Who believes that? Who will believe that? In other words they won't negotiate with us if we in the Congress don't grant the administration nonamendable rules and limited debate concessions. This is absurd! Absurd. If our trading partners believe that trade agreements with us are in their own national interest, it strains my credulity to hear that they will not negotiate trade agreements with us in the absence of fast track. From 1934 to 1974, there was no fast track, and Mrs. Barshefsky testified that in those 40 years, "Congress gave the president authority to negotiate mutual tariff reductions with our trading partners. Congress renewed that authority repeatedly over the years and successive Presidents used that authority to dramatically reduce tariff barriers around the world." So, apparently over that 40-year period, our trading partners were willing to negotiate with us with no mention of truncated legislative rules. Everything was fine.

Mrs. Barshefsky goes on to testify that to complete the negotiating agenda of the World Trade Organization, in government procurement, intellectual property rights, agriculture and services, where we seek enhanced global access to markets, "we must have fast track authority to enter these various talks or countries will not put meaningful offers on the table." Now, who is so gullible as to believe that? I just do not believe this assertion, provided the agreements to be reached are in the interests of the negotiating countries. And we have to assume that that will be their goal, to reach agreements that are in their own interests. Countries seek to promote their self-interests, fast track or slow track, or whatever track, and it is the job of our negotiators to get the best deal possible. It is just a typical bargaining situation.

Mr. President, Senators might well consider the impact of fast track-no amendment authority on the basic leverage available to U.S. negotiators. I believe the proposition that fast track enhances U.S. negotiators' capabilities is open to very serious question. It would be a matter of enhanced leverage for U.S. negotiators that a certain matter should be included in an agreement because it is a matter of strong concern to the Senate. The threat that a provision would not be supported by the Senate is a threat that I as a negotiator, if I were a negotiator, might like to have as additional leverage in a negotiation. Fast track eliminates this form of leverage. There is nobody watching over your shoulder. The administration maintains that fast track authority prohibiting amendments "tells U.S. trading partners that the United States speaks at the bargaining table with one voice and that the Congress will not seek to reopen trade agreements after they are negotiated", according to the documents accompanying the President's proposal delivered to the Senate yesterday. I think that, on the contrary, this basically weakens the leverage available to our negotiators in dealing with tough issues at the table vis-a-vis the representatives of other nations.

It is our apparent inability to implement agreements which promise access abroad that is the central trouble in our trading situation, and the continued inability of the administration to address and begin to solve it will be the key problem—not fast track—over the next decade regarding the so-called global market. Indeed, the administration would do well to worry about congressional reaction over the next couple of years to this situation. It would do well to spend less time trying to manipulate protective devices around its agreements when they are considered by the Congress.

Does the frenzied attempt by the administration to wrap a protective cover around the agreements it negotiates have anything to do with what has been generally acknowledged to be an overselling of the NAFTA—the North American Free Trade Agreement—a few years ago? That was oversold. The overpromising of the benefits of that agreement should instruct us that the administration needs to be more careful in evaluating what it has actually accomplished. A dose of reality and caution in marketing the prowess of our negotiators would be well advised. If the Senate provided the President the authority to negotiate trade agreements, but failed to give him protection against amendments, it would not be the end of the world. The skies would not fall, the mountains would not crumble, the waters in the oceans would not rise. It would not be the end. My bet is that a good agreement with Chile, for example, could be reached which would sail through the Congress. At the same time, one would hope that the era of the oversell would be ended. And we have had that oversell for many, many years. Every administration that comes in, Republican and Democrat, wants to have it all their way. They don't want Congress to have a say when it comes to amending a trade treaty.

This extensive marketing job for fast track is a transparent attempt, using the most exaggerated series of assertions I have heard on any matter in a long time, to stampede the Senate into abandoning its constitutional right, its constitutional power, its constitutional prerogatives over fundamental legislation affecting the people of the United States in the market and at the mall. Now we hear a drumbeat that if you are for unlimited debate, if you are for amendable treatment of trade agreements and implementing legislation, like virtually all other kinds of legislation, you are a protectionist—you are a protectionist.

What a bad word. That's what you are. If you want to uphold the powers of the Constitution vested in the Senate and House, if you want to uphold those powers when it comes to trade, you are a protectionist. Fie on you—a protectionist!

If you are for shortchanging the legislative process, you are for free trade. That makes no sense whatever to me, for I am for free trade if it is fair to all parties, but I am for protecting Senate powers and responsibilities in the handling of legislation which is, after all, our constitutional duty. And what do we mean when we say, "I am for protecting the Senate's power"? It means I am for protecting the rights of the people, because those rights are given life here in this forum of the States. That is our constitutional duty, as I say. We should think long and hard before we concede this authority. Senators need to read the fine print of the legislative proposal to understand just what broad powers are being relinquished and they need to go back and read the Constitution again. The administration, I think, has it exactly backwards: instead of concentrating its energies on accumulating as much leverage as it can vis-a-vis our trading partners, it is marshaling these energies in the opposite direction—wrong way Corrigan—inward, to convince the Congress to reduce its leverage, and by extension, the nation's vital leverage abroad.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I commend the distinguished leader, the Senator from West Virginia. He has really brought us a sobering reminder of the constitutional function of the National Congress. Article I, section 8 of the Constitution doesn't say the Supreme Court nor the Executive, but rather the Congress shall regulate foreign commerce.

As Senator BYRD mentions protectionists, I remember the second inauguration of President Reagan in the Rotunda due to inclement weather. The distinguished President, taking that oath, pledged with hand raised and the other hand on the Bible, to preserve, protect and defend. Then we came back down and somehow got into a debate relative to trade and well, we were all protectionists.

We have the Army to protect us from enemies without; the FBI to protect us from enemies within; we have Social Security to protect us from old age; Medicare to protect us from ill health. The very function of Government is to protect.

What is really at issue here, not just fast track on Mercosur or Chile, but really the fact is that we as politicians, Republican and Democrat both, come in and say, before you open up Gregg manufacturing, you first must have clean air, clean water, minimum wage, Social Security, Medicare, Medicaid, plant closing notice, parental leave, safe machinery, safe working place. Oh, we all go around jumping up and down to make sure that we have safe and healthy remunerative employment in America. Then we come around, and when the industry in my backyard moves down to Mexico because labor costs just 58 cents an hour and industry has none of those requirements, they say, "Free trade, free trade, free, free, free." There is nothing free.

Cordell Hull said reciprocal free trade, competitive free trade. That has to be understood. We have to understand more particularly that the security and success of this Republic stands like on a three-legged stool. We have the one leg of the values we have as a Nation. That is unquestioned. For instance, we commit ourselves to try and bring about peace in the Mideast. Our Secretary of State continued to try just this past week.

We commit our troops in Bosnia for peacekeeping. We have an ongoing ambassador there in Northern Ireland. Our values for freedom and the individual rights are unquestioned, and our second leg of military strength and power is unquestioned.

That third leg, though, the economic leg, is somewhat fractured, intentionally—for the simple reason that we sacrificed our economy to keep the alliance together in the cold war.

I was here in those days when we just sort of gave away unfettered access to American markets back in the 1950's, 1960's, right on up here until now. Today, however, there is a sobering of the American people. An overwhelming majority of the American people, according to the Business Week that has just come out, oppose fast track because they have had enough of this nonsense going on and on and on. Ten years ago we had 26 percent of our work force in manufacturing and we are down to 13 percent. We are not making things.

Look at the business page of the Wall Street Journal, this morning. There is an article entitled—"Remember When Companies Actually Created Products." Now they don't make things.

I can see Akio Morita, the former chairman of the board of Sony at a seminar in Chicago, IL, in the early 1980's, talking of Third World emerging nations, how they could become nation-states. He counseled, in order to become a nation-state, they had to have a strong manufacturing capacity. He finally pointed over toward me, and he said: "And that world power that loses its manufacturing power will cease to be a world power."

That is the global competition that this Congress has to wake up and listen to. It is competitive free trade. It is not just the environment. It is not just the labor rights. It is the overall picture of making agreements for the public good.

Let me get right to just one point, one comment made by my distinguished leader from West Virginia reminds me now of the arrogance of power.

As a young Governor back in 1961, I had negotiated a sort of policy with respect to textiles. In order to permit the President to promulgate a sort of textile trade policy, the law required that you had to find the item in question important to our national security.

We coordinated five Secretaries—Labor, Commerce, State, Defense, and Agriculture. And after hearings, we found that textiles was, next to steel, the second most important. You could not send the troops to war in a Japanese uniform.

I came over to the White House. There had been leaders in the Congress advocating the same kind of policy. For the first time I got an inkling of the White House staff. They do not look upon Congress as a friend. They look upon Congress as the adversary. They are always planning daily for their President to get around Congress or forget about Congress or thwart Congress. It is just a mindset.

This was confirmed later. As a freshman Senator I was allowed to be on the policy committee. I was listening to the distinguished senior Senator from Arkansas, Senator Fulbright, then chairman of the Foreign Relations Committee, talking about the arrogance of power, not just that we were trying to impose the American way the world around, but how we became involved in the war in Vietnam.

Our wonderful friend, my hero of long time, Senator Dick Russell of Georgia, spoke up and said, "Well, these Presidents and Vice Presidents travel the world around and make all kinds of commitments, and then come back here and give us the bill, and Congress is not even in on it, and we don't even know what it is, and we have to put the money up for it."

He said, "The Vice President has just gone around and promised a camel driver something." I remember it was when President Johnson was the President. Senator Mansfield, the majority leader, turned to Senator Russell and said, "Write that up as a resolution, sort of a commitments resolution." And Senator Russell had emphysema, and he said, "No. That's really for Senator Fulbright." Senator Fulbright did it. It did not get far because the stance taken by Senator Fulbright in those days was not popular. Later it was taken up by Senator Javits. We passed it. The President vetoed the commitments resolution, and we overrode the veto. The arrogance of power over at the White House.

Now comes trade. We know you need not have any kind of fast track for complicated treaties and agreements. The Salt I treaty—I was here in that particular debate. We did not have fast track for that. The intermediate missile debate, more recently the Chemical Warfare Treaty, nobody said, fast track. But the business community is superimposed. They are the multinational policy of money, money, money. They do not have the responsibility of the economy. They have the responsibility of making money. They do not have to look out for that third leg that I spoke of.

So having been up here with NAFTA, with an undemocratic agreement, that certainly has not worked. They said, "We're going to add jobs." We have minus jobs. They said, "We're going to have a surplus in the balance of trade," We went from plus $5 billion balance to minus $16 billion balance.

They said NAFTA would solve other problems. Immigration has gotten worse. I can talk at length on these things. It was going to solve the drug problem. The drug problem got worse.

But they are still trying, they put up the white tent and they got the country's rich to lobby. I have heard from constituents that the Business Roundtable has now written their members and said: $100,000 is your pledge to come up with. We have already got 60 percent performance. We are getting up a multimillion dollar kitty to bamboozle that Congress. Put up the white tent and go ahead and make another agreement.

What really nettles the Senator from South Carolina is that while we cannot amend, they do. I will never forget, when I was first in the State legislature back in the 1940s, they had a Representative Keenan from Aiken County who kept running around: "Big you and little me; big you and little me." Well, here I am almost 50 years later—"Big you and little me"—and what we have is just that, the President coming along and saying, "Here is the agreement. Take it or leave it. And by the way, I will amend it in order to get sufficient votes."

In NAFTA, let us have a little quick rollcall here. We had the orange juice commitment to get the Florida vote. I was talking to that crowd and had some votes, I thought, at one time because Castro was selling his citrus to Mexico and Mexico was selling their citrus to us. I was going to use that, but they made a commitment that it would not occur, in order to get the Florida vote.

Textiles and apparel. I will never forget, I was amazed at one in my delegation—a few textile Senators were voting for it for the simple reason they promised more customs agents to cut out the over $5 billion of transshipments illegally coming into this country. Thousands of jobs; $1 billion is for 20,000 jobs; $5 billion is 100,000 jobs. So they gave in.

The Canadian transportation subsidy of durum wheat. That got the Northwest and some fellows up there. And then the administration, the executive branch, worked on high fructose sugar. They picked up the Louisiana vote on that one. Then the snap back for winter vegetables. That was a California vote. Peanut butter for Georgia and wine for more Californians.

Oh, they just went around. By the time I went around and tried to talk sense, the Congressman or the Senator was put in a position, "Well, I'm against this fast track and I'm against this agreement, and ordinarily I would vote against the agreement, but I got this, and this happens to particularly pertain to my State, so I've got to go along."

There were stricter rules of origin for beef imports, domestic appliances for Iowa.

Mr. President, if you did not get in on this, I am giving a rollcall here so you can hurry up and get in on the deal.

Additional purchases of C–17 military cargo. That was down in Texas. We had that vote that said, "Oh, no, we're going to get more C–17's." So we lost that Congressman. And the Cross Border Development Bank—there was a Congressman from California that got the Cross Border Development Bank. Worker retraining, urban development, a bridge in Houston, the Center for the Study of Trade. My friend Jake Pickle, he was gone. He got the Center for Trade. That was gone. They gathered some votes by scaling back a proposal regarding grazing fees on public lands.

They even considered lowering the proposed increase in cigarette taxes to pick up some North Carolina votes. Flat glass for Michigan, helium, asparagus, pipe.

Well, what you have, Mr. President, is just that, the use of patience in article I, section 8, of the Constitution. I will never forget George Washington's Farewell Address. He said: If in the opinion of the people, the distribution or modification of the powers under the Constitution be in any particular wrong, let it be changed in the way that the Constitution designates. For while you are so patient you may in the one instance be the instrument of good, it is the customary weapon by which free governments are destroyed.

What we are finding is the Executive with the arrogance of power coming in and superimposing the Business Roundtable, the white tent and the minions running around swapping off, wheeling and dealing, so that the people generally cannot be heard. It is a disgrace. It is the use of patience. And it is an endangerment to our country.

Fast track. Chile. I said at the time of NAFTA I would agree with a free trade agreement with Chile. Chile had the entities of a free market—labor rights, due process, property rights. They had a concern for the environment, a respected judiciary. They had convicted the murderers of Letelier. Mexico had none of that.

Our distinguished colleague from New York was saying, just bringing it into focus, saying "how can you have free trade when you do not even have a free election?" That is the difference between Chile and Mexico. Chile is the one country they have in mind, not the other members of the WTO. They do not need fast track to negotiate with Chile.

But this is just their way of doing business so that they will not have to fool with the Congress. They make it a take it or leave it deal. And giving out the amendments—yes, the Executive can amend, but the Congress cannot.

I say, bring on the treaty and let us vote it up or down. There could be an amendment on Chile for wine. We have to take care of that industry out on the west coast, some other things of that kind. But that isn't the way now of doing business here.

What we come to do, which is outrageous in and of itself, is actually start back from the lowering of the deficits. Fiscal responsibility is gone. I will go over that because that is even more important—We passed the so-called spending increases and revenue decreases, spending increases and tax cuts, and running around all over the Halls of Congress calling "Balance, balance, balance."

In less than 2 weeks' time, on September 30, this particular fiscal year will terminate and the Congressional Budget Office, on page 35 of their recent report, says we will have a deficit not of $36 or $37 billion as they are trying to write about in the media but a deficit of $177 billion.

Five years out, my distinguished friend, 5 years out, instead of a balanced budget agreement and a balanced budget law or reconciliation bill, we will have a deficit of $161 billion. During that 5-year period, add it up, those deficits, and the Government of the United States will spend an additional $1 trillion more than we take in. And all the time we are talking about balance. How can you spend $1 trillion more than you take in, and get to balance? Or how can you increase your spending and cut your revenues, at the same time, and say "We are going to reduce the deficit and have balance?" Obviously, you cannot.

It is time we talk sense to the American people. As Adlai Stevenson used to say, "Let's get the facts on top of the table."

This fast track is a disgrace. It is in total disregard of the needs of the American people. They are out there competing. The productivity of the industrial work of the United States is at its highest. What is not competing is the Government here in Washington.

I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 17, 1997, the Federal debt stood at $5,394,894,064,595.35. (Five trillion, three hundred ninety-four billion, eight hundred ninety-four million, sixty-four thousand, five hundred ninety-five dollars and thirty-five cents)

One year ago, September 17, 1996, the Federal debt stood at $5,190,808,000,000. (Five trillion, one hundred ninety billion, eight hundred eight million)

Five years ago, September 17, 1992, the Federal debt stood at $4,035,824,000,000. (Four trillion, thirty-five billion, eight hundred twenty-four million)

Ten years ago, September 17, 1987, the Federal debt stood at $2,354,373,000,000. (Two trillion, three hundred fifty-four billion, three hundred seventy-three million)

Fifteen years ago, September 17, 1982, the Federal debt stood at $1,106,720,000,000. (One trillion, one hundred six billion, seven hundred twenty million) which reflects a debt increase of more than $4 trillion—$4,288,174,064,595.35 (Four trillion, two hundred eighty-eight billion, one hundred seventy-four million, sixty-four thousand, five hundred ninety-five dollars and thirty-five cents) during the past 15 years.

CONGRATULATING THE PRESIDENT FOR HIS FIRM STAND DURING THE OSLO LAND MINE TREATY NEGOTIATIONS

Mr. ENZI. Mr. President, yesterday, President Clinton held a press conference in which he outlined his reasons for refusing to sign onto the Oslo Land Mine Treaty. As my colleagues know, this treaty is intended to eliminate the horrible and very real carnage thrust on people of war torn countries by abandoned and old-fashioned land mines. The President said that the refusal of the signatories to consider our Nation's security requirements with regard to our use of self-deactivating, so-called smart mines, and our obligations to the defense of our loyal South Korean allies, represented a line which he simply could not cross for the good of the Nation.

Honesty compels me to speak out when I disagree. It also demands that I recognize a person when he is right without regard to which side of the aisle he may occupy. I rise today to commend the President's act of courage in refusing to sign the Oslo Treaty, and for being willing to stand up and say we need to protect our soldiers when they have to be in the field. As we all know, the pressure on him to sign—especially during the last several weeks—has been worldwide, relentless, and most intense—even from his own party.

Thankfully for our troops, the President understands the danger of taking this defensive weapon away from them. Thankfully for our troops, the President understands the importance of land mines to the defense of the hottest spot on the globe today—the Korean Peninsula. Thankfully for our troops, the President understands that taking smart mines away will not help one person in any mine-infested country in the world. Thankfully for our troops, the President understands that you simply cannot legislate the horror out of war.

I commend President Clinton for his exercise of good judgment in the face of overwhelming public pressure to do otherwise. I also commend the Joint Chiefs of Staff and all the many generals and admirals, both retired and active duty, including Gen. Norman Schwarzkopf, who have made their opposition to this treaty known. I commend so many of my colleagues who, during recent meetings with Canadian lawmakers, expressed their support for the President's efforts. Finally, I command Secretary of Defense Cohen, for his wise counsel.

Regrettably, the effort to take this necessary defensive weapon away from our troops is still active. There is still legislation proposed that would do exactly that. But yesterday a battle was won in that struggle, and every American soldier, current and future, who might ever have to go into harm's way, and each mother, father, son, and daughter owes our President a debt of gratitude. He did the right thing for our country.

ABUSIVE AND EXPLOITATIVE CHILD LABOR

Mr. HARKIN. Mr. President, I rise today to speak about an important issue, child labor. Over the years, I have come to this floor many times to speak about abusive and exploitative child labor and have introduced legislation to combat it.

But today I am here to specifically raise awareness about child servitude and to speak out against this horrific practice. Several years ago, the South Asian Coalition on Child Servitude (SAACS) based in New Delhi, India, began to devote this day, September 18, to raising awareness about children forced to work. I would like to take a moment to talk about SAACS and their endeavors under the leadership of my good friend, Kailash Satiyarti. In April of this year, I visited Mukti Ashram or liberation retreat established by SAACS which is located outside of New Delhi. This is a place where bonded child laborers are freed from the shackles of slavery and are able to attend school, learn a trade and most importantly to regain their self-worth. I was deeply moved by these children and impressed by their progress in overcoming their previous circumstances.

Mr. President, I want to be clear. I am not talking about children who work part-time after school or on weekends. There's nothing wrong with that. I worked in my youth—perhaps so did you. That is not the issue.

The issue is children who are forced to work in hazardous environments—many under slave-like conditions who sweat long hours for little or no pay and are thus denied education or the opportunity to grow and develop. It's the kind of work that endangers a child's physical and emotional well-being.

And let there be no mistake: When the growth of children is stopped so is the growth of a nation.

I would also like to take a moment to remember a former child laborer whose life was ended but whose message still resonates throughout the world. His name was Iqbal Masih. He was sold into slavery at age of 4. He was shackled to the carpet looms to slave 14 hours a day, 6 days a week for 6 long years. Until, he broke free.

But instead of turning away from the hell that was his life, Iqbal did the opposite. He brought his world to us. He showed us things we didn't want to see. He told us things we didn't want to hear. And he challenged us, when he said "the world's enslaved children are your responsibility." Iqbal Masih was a leader and a crusader, sadly, he was assassinated on April 16, 1995. At the age of 13, his voice was silenced. We remember him today and the hundreds of millions of children who toil away and remember them in the best way possible—by keeping his message alive and his crusade going strong.

As I mentioned earlier, I traveled to South Asia in April and laid a wreath at Iqbal's grave in Pakistan. I also visited the school in Kasur that was built in Iqbal's memory with the support of students from the Broad Meadows School in Quincy, MA and donations from children throughout the United States.

Throughout my visit to South Asia, I carried the same message everywhere I went and to anyone who would listen: child labor is a big concern in the United States and that concern is not going to go away. I am going to continue to work hard to make sure that it's on the agenda in Congress, at the United Nations next month, and at the ILO.

The definition of child labor is not an American standard—it is an international one. ILO Convention 138 is clear. The minimum age for employment is 15 years—developing countries may invoke a transitional age of 14—and 18 years is the minimum for hazardous work.

Virtually every nation on Earth has similar laws on its books today. So let me put to rest the notion that somehow this is the "West" imposing its will on others. These are not the West's standards. These are the world's standards.

And the fact is, some of the most powerful calls for the elmination of child labor have been sounded from the governments of the developing world. The Delhi Declaration, adopted in 1995, includes a strongly worded resolution on child labor. As does a resolution adopted at last year's ministerial conference of the South Asian Association of Regional Cooperation held in Pakistan.

I believe that it is our job to work together to transform the resolutions we adopt from words to deeds—from intentions to actions. And that is what I have committed much of my time and energy to doing.

In 1992, I introduced the Child Labor Deterrence Act, the most comprehensive legislative initiative in the United States to end abusive and exploitative child labor. Some called it revolutionary legislation but, in truth, it is rooted in the most conservative of notions: International trade cannot ignore international values.

It is true that the vast majority of child laborers do not work in the export sector. And of course, the exploitation of children is deplorable under any circumstances. But, the reason I have focused on child labor in industries that export to the United States is that we need to begin somewhere. The export sector is an area where we have leverage and where we can try and effect some change now.

Since the time I began my effort, support has grown tremendously. As I have traveled around the United States and spoken with people about the issue of child labor, I have found that consumers want to get involved. They want information.

They want to know if products on the shelves are made by children. And they don't want to buy it if it is. A recent survey by Marymount University of Virginia found that more than three out of four Americans said they would avoid shopping at stores if they were aware that the goods sold there were made by child labor.

Consumers also said that they would be willing to pay more for a garment if it were guaranteed to be made under humane conditions. So, Mr. President, American consumers have spoken. They don't want to reward companies with their hard earned dollars by buying products made with child labor.

And the Senate too has spoken. In 1993, this body appropriately put itself on record in opposition to the exploitation of children for commercial gain. In my view this was the first step toward ending child labor.

Earlier this year, I introduced a bill, the Child Labor Free Consumer Information Act, to inform and empower American consumers by establishing a voluntary labeling system for wearing apparel and sporting goods made without child labor. I support labeling for three fundamental reasons. First, it takes a comprehensive approach. It says legislative assemblies—such as the U.S. Congress—can't do it alone through legislation. The U.S. Department of Labor—can't do it alone through enforcement. It takes all of us from the private sector to labor groups to human rights organizations—to take responsibility and work together. We must attack the scourge of child labor from all fronts.

Second, labeling is based on choice. Companies can choose whether to use the label to keep consumers fully informed and consumers can choose to vote against child labor with their pocketbook.

Third, I support labeling because it is practical. It is working. Earlier this year, I traveled to India to visit Kailash Satyarthi, the founder of South Asian Coalition on Child Servitude, and the RUGMARK headquarters. RUGMARK is a label placed on hand-knotted carpets to assure consumers that they were made without child labor. In Europe, about 700,000 carpets have been imported from India bearing the RUGMARK label. And here in the United States, where the RUGMARK campaign just began, several thousand rugs have already been imported.

So, Mr. President, I would conclude by saying this. We have made some progress. Five years ago, I introduced the Child Labor Deterrence Act.

Four years ago, the U.S. Senate unanimously approved a resolution, which I sponsored, prohibiting the importation of products made by child labor.

Three years ago, the U.S. Department of Labor began a series of reports on child labor that represents the most thorough documentation ever assembled by the American Government on this issue.

Two years ago, a historic memorandum of understanding was signed in Bangladesh to move children from garment factories to schools.

Last year, a similar effort began in Pakistan in the soccer ball industry.

Mr. President, in the coming weeks we will be debating the fast track legislation which gives the President the authority to negotiate trade agreements. I have been a supporter of such legislation in the past. During these past weeks, I have had several meetings with members of the administration and have raised my concerns about children making goods or picking agricultural products in Mexico that end up in the United States.

So, Mr. President, I have to ask are the NAFTA side agreements on labor standards adequately preventing the exploitation of children for commercial gain?

According to the September 1 issue of the U.S. News and World Report, as many as 4 million children work in Mexico. These children can be found gluing shoes in workshops, lifting two or three times their body weight in produce and cleaning up toxic oil residues, despite the laws in their country outlawing child labor.

Mr. President, the administration is fond of saying that trade agreements are necessary to level the playing field for American workers, but for the life of me I can't understand how an American worker can compete with a child working 7 days a week, 14 hours a day for 14 cents. The United States must not lower its standards rather we should insist on countries raising their standards to ours.

It seems to me that the challenge before us is how to stop this exploitation. The global market is now the local market. Today our neighbors are no longer around the block, they are around the world. And we all have a responsibility to help our neighbors.

Now is the time to learn from our past trade agreements and insist on a basic fundamental premise of protecting children. While, I don't claim to have all the answers on eradicating child labor. I will continue my efforts to end the scourge of child labor. I am always looking for new suggestions, ideas and approaches. But I do say the progress that's been made on eradicating child labor is irreversible. We must keep looking forward.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1977

The PRESIDING OFFICER. The clerk will report S. 830.

The assistant legislative clerk read as follows:

> A bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

The Senate proceeded to consider the bill.

Pending:

> Modified committee amendment in the nature of a substitute. (The modification incorporated the language of Jeffords Amendment No. 1130, in the nature of a substitute.)
>
> Harkin Amendment No. 1137 (to Amendment No. 1130), authorizing funds for each of fiscal years 1998 through 2002 to establish within the National Institutes of Health an agency to be known as the National Center for Complementary and Alternative Medicine.

The PRESIDING OFFICER. The Senator from Vermont.

CLOTURE MOTION

Mr. JEFFORDS. Mr. President, I send a cloture motion to the desk on the FDA bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

> CLOTURE MOTION
>
> We the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, do hereby move to bring to a close debate on Calendar No. 105, S. 830, the FDA reform bill:
>
> Trent Lott, Jim Jeffords, Pat Roberts, Kay Bailey Hutchison, Tim Hutchinson, Conrad Burns, Chuck Hagel, Jon Kyl, Rod Grams, Pete Domenici, Ted Stevens, Christopher Bond, Strom Thurmond, Judd Gregg, Don Nickles, Paul Coverdell.

Mr. JEFFORDS. I ask unanimous consent the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. For the information of all Senators, this cloture vote will occur immediately following the adoption of the committee substitute, which I hope will be by early afternoon on Tuesday, September 23.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar, Calendar No. 253 and Calendar No. 254. I ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

David A. Lipton, of Massachusetts, to be an Under Secretary of the Treasury.

Timothy F. Geithner, of New York, to be a Deputy Under Secretary of the Treasury.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–27

Mr. JEFFORDS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 18, 1997, by the President of the United States:

Treaty with Australia on Mutual Assistance in Criminal Matters—Treaty document No. 105–27.

I further ask that the treaty be considered as having been read the first time; that it be referred with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of Australia on Mutual Assistance in Criminal Matters, signed at Washington on April 30, 1997, and a related exchange of diplomatic notes signed the same date. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including drug trafficking offenses, terrorism and other violent crime, money laundering and other "white-collar" crime. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking testimony or statements of persons; providing documents, records, and other articles of evidence; serving documents; locating or identifying persons; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures and for restitution; immobilizing instrumentalities and proceeds of crime; assisting in proceedings related to forfeiture or confiscation; and rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and related exchange of notes, and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 18, 1997.*

APPOINTMENT OF ADDITIONAL CONFEREES—H.R. 2378

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator STEVENS and Senator BYRD be added as conferees to H.R. 2378, the Treasury-Postal appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIGIOUS WORKERS ACT OF 1997

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senate proceed to the consideration of S. 1198, introduced earlier today by Senator ABRAHAM.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1198) to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ABRAHAM. Mr. President, I rise today to introduce legislation to provide permanent authority for 5,000 visas per year for religious groups to use to sponsor for permanent residency people who come to this country to do God's work.

Mr. President, the Immigration Act of 1990 took a significant step in recognizing the needs of America's religious institutions by creating these religious worker visas. At that time the Act only provided temporary authority for this program in order to see how it would work. I think we have now had enough experience with it to know that it works very well. The time has come to place religious institutions on an equal footing with businesses and universities with regards to sponsoring needed workers by giving these visas the same status as all our other immigrant visas.

Prior to 1990, churches, synagogues, mosques, and their affiliated organizations experienced significant difficulties in trying to gain admission for a much needed minister or other individual necessary to provide religious services to their communities. The 1990 Act changed that. It set aside 10,000 visas per year for "special immigrants." Up to 5,000 of these visas annually can be used for ministers of a religious denomination.

In addition, a related provision of the law provides 5,000 visas per year to individuals working for religious organizations in "a religious vocation or occupation" or in a "professional capacity in a religious vocation or occupation." This has allowed nuns, brothers, cantors, lay preachers, religious instructors, religious counselors, missionaries, and other persons to work at their vocations or occupations for religious organizations or their affiliates. The sponsoring organization must be a bona fide religious organization or an affiliate of one, and must be certified or eligible to be certified under Section 501(c)(3) of the Internal Revenue Code. Religious workers must have 2 years work experience to qualify for an immigrant visa. The authority for these visas is what expires this year.

Mr. President, we often hear the charge that immigrants are somehow taking from our communities, when, as I heard at a recent subcommittee hearing on this subject, the opposite is much more often the case. As Bishop John Cummins of Oakland has written: "Religious workers provide a very important pastoral function to the American communities in which they work and live, performing activities in furtherance of a vocation or religious occupation often possessing characteristics unique from those found in the general labor market. Historically, religious workers have staffed hospitals, orphanages, senior care homes and other charitable institutions that provide benefits to society without public funding."

Bishop Cummins notes that "The steady decline in native-born Americans entering religious vocations and occupations, coupled with the dramatically increasing need for charitable services in impoverished communities makes the extension of this special immigrant provision a necessity for numerous religious denominations in the United States."

Mr. President, I and I am sure most Americans share Bishop Cummins' views. Indeed the special immigrant program has won universal praise in religious communities across the nation. Our office has received letters from religious orders and organizations throughout the nation. A recent letter signed jointly by Jewish, Catholic, Baptist, Lutheran and Evangelical organizations states: "Failure to extend the [special immigrant visa categories] would substantially undermine the services that religious denominations and organizations in the United States provide to their members, parishioners, and communities.

Mr. President, our nation was founded by people who came to these shores in search of a place where they and their children could worship freely. It is only fitting that our country welcome those who wish to help our religious organizations provide pastoral and other relief to people in need.

That is why I am introducing "The Religious Workers Act of 1997." This bill will eliminate the sunset provisions and extend permanently the religious workers provisions of the Immigration and Nationality Act. I believe religious organizations' ability to sponsor individuals who provide service to their local communities should be a permanent fixture of our immigration law, just as it is for those petitioning for close family members and skilled workers. No longer should religious institutions have to worry about whether Congress will act in time to renew the religious workers provisions. I am pleased that the entire leadership of the Senate Judiciary Committee and its Immigration Subcommittee—Senators KENNEDY, HATCH, LEAHY and I—are cosponsoring this legislation, along with a large number of other colleagues.

Finally, Mr. President, I would like to close with a letter that was sent to me recently. It's a letter that helped convince me that we should move without further delay toward permanent extension of the religious workers provisions of the Immigration and Nationality Act. The letter reads as follows:

> Dear Senator Abraham:
>
> I am writing to ask you to help us in solving a very urgent problem. My Sisters in New York have told me that the law which allows the Sisters to apply for permanent residence in the United States expires on September 30, 1997. Please, will you do all that you can to have that law extended so that all Religious will continue to have the opportunity to be permanent residents and serve the people of your great country.
>
> It means so much to our poor people to have Sisters who understand them and their culture. It takes a long time for a Sister to understand the people and a culture, so now our Society wants to keep our Sisters in their mission countries on a more long term basis. Please help us and our poor by extending this law.
>
> I am praying for you and the people of Michigan. My Sisters serve the poor in Detroit where we have a soup kitchen and night shelter for women. Let us all thank God for this chance to serve His poor.
>
> Signed: Mother Teresa.

My office received this letter, a copy of which I ask unanimous consent to have printed in the RECORD, only a few weeks before Mother Teresa's death.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ABRAHAM. I believe that all of us who have been inspired by Mother

Teresa's life have asked ourselves what we might do to honor her memory. For me, at least, moving this legislation forward is something I would like to do to remember her great and noble works in the name of God and on behalf of humanity.

I urge my colleagues to support the crucial faith-based institutions that have so enriched all our lives by supporting this legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

I yield the floor.

EXHIBIT 1

MISSIONARIES OF CHARITY,
Calcutta, India, July 20, 1997.

Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: This brings you my prayers, greetings and gratitude for all that you have done to help my Sisters and all Religious serve the poor in the United States.

I am writing to ask you to help us in solving a very urgent problem. My Sisters in New York have told me that the law which allows the Sisters to apply for permanent residence in the United States expires on September 30, 1997. Please, will you do all that you can to have that law extended so that all Religious will continue to have the opportunity to be permanent residents and serve the people of your great country.

It means so much to our poor people to have Sisters who understand them and their culture. It takes a long time for a Sister to understand the people and a culture, so now our Society wants to keep our Sisters in their mission countries on a more long term basis. Please help us and our poor by extending this law.

I am praying for you and the people of Michigan. My Sisters serve the poor in Detroit where we have a soup kitchen and night shelter for women. Let us all thank God for this chance to serve His poor.

God bless you.

M. TERESA, *MC.*

Mr. KENNEDY. Mr. President, I am honored to join with Senator ABRAHAM, Senator HATCH, Senator LEAHY and my other colleagues in sponsoring legislation to reauthorize provisions of our laws permitting immigrants to come to this country to serve communities in churches and other religious institutions across the United States.

One of the most significant achievements of the Immigration Act of 1990, which I sponsored in the Senate, was the creation of this important visa category. Religious institutions perform extraordinary services for families and communities. In doing so, they often find it worthwhile to bring in religious workers from other lands as immigrants, to help them carry out their activities in the United States.

One of the best known supporters of this practice was Mother Teresa. Missionaries in her Order come to the United States frequently to work with the poor in our country. She and the members of her Order have directly touched the lives of millions of Americans. Much of the recent work by her Missionaries of Charity in this country would not have been possible without this important provision in our immigration laws.

Unfortunately, this visa category expires on September 30, just two weeks from today. We cannot allow this to happen.

As His Eminence Cardinal Maida of Detroit testified before the Immigration Subcommittee last week, "Should the program be permitted to expire, the impact would be far reaching. Not only would religious organizations and denominations lose access to the much needed contributions of these religious workers, but so, too, would the many communities in which these individuals work."

The legislation we are sponsoring would make this visa a permanent part of our immigration laws. Renewal of this visa would be a small, but enduring memorial to Mother Teresa and her work in America. It will enable the members of her Order to continue their charitable and compassionate work in this country long into the future.

I have been honored to see her good work in America and around the world. I recall meeting her when I visited India in 1971 and viewed firsthand the extraordinary compassion of this remarkable woman. And I was impressed also by the tremendous difference that she and her Missionaries of Charity made in the lives of hundreds of thousands of starving families during the famine in Ethiopia and Sudan in 1984 and 1985. My family and I visited the area during the Christmas season in 1984, and was deeply moved by Mother Teresa's extraordinary healing presence amid that great tragedy.

Since this visa category was established in 1990, over 20,000 religious workers have entered the United States to serve in our communities. These men and women have brought their skills and compassion to churches, synagogues, mosques, and other places of worship across America. They teach in our parochial schools. They serve as health care workers, cantors, and catechists. They provide religious training to youths and after-school programs that keep young people off the streets and give them hope for a better future.

I have been deeply moved by the ways in which this special visa has benefited Massachusetts. Maria Alvarez came to Boston at the invitation of the African Mission Fathers, and has devoted her life to helping city youth deal with gang violence, depression, and other problems that plague inner cities. She has also extended her helping hand to refugees in the Boston area, helping them build new lives in our state.

Sister Vitolia came to Lawrence, Massachusetts on a religious worker visa through the Society of Mary. She works with unemployed and homeless Spanish speakers there. She helps them find jobs and helps keep their families together.

Once again, I commend Senator ABRAHAM for his leadership on this issue, and I urge my colleagues to support this important legislation.

AMENDMENT NO. 1247

(Purpose: To provide for waiver of fees for nonimmigrants engaged in certain charitable activities)

Mr. JEFFORDS. Mr. President, Senator HATCH has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for Mr. HATCH, for himself and Mr. KENNEDY, proposes an amendment numbered 1247.

The amendment is as follows:

At the end of the bill, add the following:

SECTION 3. WAIVER OF NONIMMIGRANT VISA FEES FOR CERTAIN CHARITABLE PURPOSES.

Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended by adding at the end the following new sentence: "Subject to such criteria as the Secretary of State may prescribe, including the duration of stay of the alien and the financial burden upon the charitable organization, the Secretary of State shall waive or reduce the fee for application and issuance of a nonimmigrant visa for any alien coming to the United States primarily for, or in activities related to, a charitable purpose involving health or nursing care, the provision of food or housing, job training, or any other similar direct service or assistance to poor or otherwise needy individuals in the United States.".

Mr. KENNEDY. Mr. President, I am pleased to join with Senator HATCH in sponsoring legislation requested by Mother Teresa to waive visa application fees for religious workers coming to the United States to perform charitable work for temporary periods.

During her visits to the United States, Mother Teresa asked President Clinton to take this step to waive visa fees for her missionaries coming to work in this country. Her Missionaries of Charity come to America to help the poor in our communities and to minister to the sick and the elderly. Each time they travel here, they are required to pay a $120 visa fee to the United States Government.

It makes no sense to require these religious workers to pay a fee to the federal government in order to come here to help our communities. The legislation we introduce today would waive the fee in these instances.

This past weekend, while attending Mother Teresa's funeral in India, the First Lady met with Sister Nirmala, Mother Teresa's successor at the Missionaries of Charity Order in Calcutta. Sister Nirmala asked once again for a waiver of the visa fee and was delighted to learn that the United States Senate would be considering legislation this week to accomplish this goal as Mother Teresa had requested.

This is an important step that Congress can take to honor the memory of Mother Theresa and the compassionate work that her Order brings to America. I urge my colleagues to support this legislation.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be considered read a third time and passed, as amended, the motion to reconsider be laid upon the table, and finally, any statements relating to the bill be placed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1247) was agreed to.

The bill (S. 1198), as amended, was considered as read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Religious Workers Act of 1997".

SEC. 2. PERMANENT AUTHORITY FOR ENTRY INTO UNITED STATES OF CERTAIN RELIGIOUS WORKERS.

Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking "before October 1, 1997," each of the two places it appears.

SEC. 3. WAIVER OF NONIMMIGRANT VISA FEES FOR CERTAIN CHARITABLE PURPOSES.

Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended by adding at the end the following new sentence: "Subject to such criteria as the Secretary of State may prescribe, including the duration of stay of the alien and the financial burden upon the charitable organization, the Secretary of State shall waive or reduce the fee for application and issuance of a non-immigrant visa for any alien coming to the United States primarily for, or in activities related to, a charitable purpose involving health or nursing care, the provision of food or housing, job training, or any other similar direct service or assistance to poor or otherwise needy individuals in the United States.".

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2248. An act to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

At 7:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 680) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2443. An act to designate the Federal building located at 601 Fourth Street, N.W., in the District of Columbia, as the "Federal Bureau of Investigation, Washington Field Office Memorial Building," in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 910. An act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS SIGNED

The President pro tempore (Mr. THURMOND) announced that on September 17, 1997, he had signed the following enrolled bills previously signed by the Speaker:

H.R. 63. An act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake."

H.R. 2016. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2443. An act to designate the Federal building located at 601 Fourth Street, N.W., in the District of Columbia, as the "Federal Bureau of Investigation, Washington Field Office Memorial Building," in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe; to the Committee on Environment and Public Works.

MEASURE PLACED ON THE CALENDAR

The following bill was discharged from the Committee on Finance and placed on the calendar pursuant to section 1023 of P.L. 93-344:

S. 1157. A bill disapproving the cancellations transmitted by the President on August 11, 1997, regarding Public Law 105-34.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2973. A communication from the Administrator of Rural Development, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Rural Telephone Bank" (RIN0572-AB32) received on September 16, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2974. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of Forest Service accomplishments for fiscal year 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2975. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Tree Assistance Program" (RIN0560-AF17) received on September 15, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2976. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, four rules including a rule entitled "Oriental Fruit Fly; Designation of Quarantined Area" (RIN0579-AA64); to the Committee on Agriculture, Nutrition, and Forestry.

EC-2977. A communication from the Administrator of the Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, three rules including a rule entitled "Milk in the Tennessee Valley Marketing Area" (DA-97-09, FV97-905-1, FV97-998-3); to the Committee on Agriculture, Nutrition, and Forestry.

EC-2978. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC-2979. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "The Rural Rental Housing Improvement Act of 1997"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2980. A communication from the Director of the Financial Crimes Enforcement Network, transmitting, pursuant to law, a rule entitled "Exemptions from the Requirement to Report Large Currency Transactions" (RIN1506-AA11) received on September 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2981. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report for the calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-2982. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report relative to the Portfolio Reengineering Demonstration Program for fiscal years 1996 and 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2983. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, a rule received on September 10, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2984. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency (Administrator of National Banks), transmitting, pursuant to law, a rule entitled "Prohibition Against Use of Interstate Branching Primarily for Deposit Production" (RIN3064-AB97) received on September 5, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2985. A communication from the Acting General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, a rule entitled "Home Investment Partnerships Program" (FR4111) received on September 17, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2986. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report relative to loan portfolio valuation; to the Committee on Banking, Housing, and Urban Affairs.

EC-2987. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule entitled "Bank Holding Companies and Change in Bank Control" received on August 27, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2988. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule entitled "Collection of Checks and Other Items" received on September 11, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2989. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report relative to the Exchange Stabilization Fund for fiscal year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-2990. A communication from the Attorney-Advisor, Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Depositaries and Financial Agents of the Federal Government" received on August 21, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2991. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Regulations Governing Book-Entry Treasury Bonds, Notes and Bills" received on September 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2992. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule received on September 8, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2993. A communication from the Acting Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule received on August 19, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2994. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of the proposed issuance of an export license; to the Committee on Foreign Relations.

EC-2995. A communication from the President of the United States, transmitting, pursuant to law, the report on U.S. exports of defense articles and services, and on imports of military articles to the United States; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H.R. 1086. A bill to codify without substantive change laws related to transportation and to improve the United States Code.

S. Res. 122. Resolution declaring September 26, 1997, as "Austrian-American Day".

S. 170. A bill to provide for a process to authorize the use of clone pagers, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 493. A bill to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Richard A. Lazzara, of Florida, to be U.S. District Judge for the Middle District of Florida.

Marjorie O. Rendell, of Pennsylvania, to be U.S. Circuit Judge for the Third Circuit.

Christina A. Snyder, of California, to be U.S. District Judge for the Central District of California.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. THURMOND, from the Committee on Armed Services:

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601 and to be appointed as Chief of Staff, U.S. Air Force under the provisions of title 10, United States Code, section 8033:

To be general

Gen. Michael E. Ryan, 9889

The following-named officer for appointment in the U.S. Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be admiral

Adm. Harold W. Gehman, Jr., 3817

The following-named officer for appointment in the U.S. Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. Charles E. Wilhelm, 4063

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 1191. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on Rules and Administration.

By Ms. SNOWE (for herself, Mr. KERRY, and Mr. KENNEDY):

S. 1192. A bill to limit the size of vessels permitted to fish for Atlantic mackerel or herring, to the size permitted under the appropriate fishery management plan; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON (for himself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. FORD):

S. 1193. A bill to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KYL (for himself, Mr. BOND, Mr. GRAMM, and Mr. NICKLES):

S. 1194. A bill to amend title XVIII of the Social Security Act to clarify the right of Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare Program; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. CRAIG, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. DEWINE, Mr. COATS, Mr. BOND, Ms. LANDRIEU, and Mr. LEVIN):

S. 1195. A bill to promote the adoption of children in foster care, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. GORTON, Mr. HOLLINGS, and Mr. FORD):

S. 1196. A bill to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN:

S. 1197. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. HATCH, Mr. LEAHY, Mr. DEWINE, Mr. DURBIN, Mr. BIDEN, and Mr. D'AMATO):

S. 1198. A bill to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers; considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1191. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on Rules and Administration.

THE SENATE CAMPAIGN FINANCE REFORM ACT OF 1997

Mr. SPECTER. Mr. President, in seeking recognition, I am putting forward legislation on campaign finance reform which builds upon the experience of the Governmental Affairs Committee hearings, which are now in progress, on illegalities and improprieties of campaign finance reform. I have served on that committee for the past 8 months while we have conducted the investigation and the 6 weeks of hearings which we have had. The legislation which I am about to introduce builds on those hearings.

At the outset, I compliment my colleagues, Senator John McCain and Senator Russ Feingold, for the work which they have done with the leadership. I have stated publicly that I applaud their efforts, but I disagree with a key provision of their bill, S. 25, which would give candidates free television advertising time. I have been advised that the McCain-Feingold bill may be modified as to that aspect.

I have talked to my colleague, Senator McCain, today and had previously circulated my bill. Senator McCain advises he is interested in bringing the matter to the floor next week. We discussed the possibility of integrating the legislation or my adding amendments to his proposed bill.

I have circulated this proposed legislation among a number of my colleagues on both sides of the aisle. I think there is an excellent chance we will have a number of cosponsors to this legislation. But I want to proceed now to make this brief statement on the substance of my legislation and to put the bill in so that our colleagues could consider this bill during the course of the next week before the matter comes to the Senate floor.

My bill does six things.

First, it eliminates "soft money." We have seen an avalanche of soft money, into the hundreds of millions of dollars, influencing the 1996 election.

My bill, second, defines "express advocacy" to enforce the intent of the Federal election laws to prevent coordinated campaigns.

What we have seen on both sides of the aisle from both Democrats and Republicans are advertisements in the 1996 election, by the Republicans extolling the virtues of Senator Dole and criticizing President Clinton, and vice versa for the Democrats, praising President Clinton and criticizing Senator Dole. But for some reason those advertisements have not been defined to be "express advocacy."

The third provision of my bill would make "independent expenditures" truly independent by requiring affidavits from those who are involved in the process.

My proposal would say that if someone is to make an independent expenditure, that person will have to file with the Federal Election Commission, swearing under oath under the penalties of perjury that the expenditure is truly independent.

Then after that affidavit is filed with the FEC, the FEC will notify the candidate and the committee on behalf of whom the independent expenditure was made and require from that candidate and that committee an affidavit subject to the penalties of perjury that there is no coordination. My experience as prosecuting attorney has been that when people are compelled to take affidavits, they pay a lot more attention to what they are doing than some provision of the law which they might not know about, might not understand, or think has been disregarded. My sense is that as a general matter, not in all cases, but in many cases, these so-called independent expenditures are not independent at all.

The fourth provision that I am proposing would be to try to deal with the Buckley versus Valeo decision that anyone may spend as much of his or her own money that he or she chooses.

My bill incorporates the so-called Maine Standby Public Financing provision where, illustratively, if candidate A spends $10 million of his/her own money, then there would be public financing for the amount by which such expenditure exceeds the relevant spending cap.

I am opposed to public financing generally, and opposed S. 2 which was introduced in this body years ago on that subject, because I think there ought not be public financing. But this "standby" provision I think would act principally to deter somebody from spending $10 million of their own money. The Government would put up money equal to the amount of the excess. I think that would deter somebody from spending the money knowing that their financial advantage would be matched. And to the extent that the expenditures would have to be made, I think that is worthwhile. It would stop people from buying seats in the U.S. Congress.

The fifth provision would eliminate foreign transactions which funnel money into U.S. campaigns.

Our Governmental Affairs investigation has shown what happened in the so-called Young brothers' transaction which went through the Republican National Committee and ended up placing foreign money in a political committee. This legislation would preclude that from happening again.

The sixth and final provision would impose limitations and require reporting of contributions to the legal defense funds for Federal officeholders and candidates.

The Governmental Affairs hearings have again shown, with the actions of Mr. Charlie Trie, hundreds of thousands of dollars came into the Clinton campaign for the legal defense fund. They were not reported. They were not identified. They were kept secret until after the election had occurred. And they are first cousins to campaign contributions. And this legislation would impose limitations and required reporting.

Mr. President, this legislation is being introduced a little earlier than I had intended because I believe that we will have a number of cosponsors, Senators who are now considering the bill. But I thought it important to make this brief statement and to put the provisions of the bill into the Congressional Record so that Senators may have an opportunity to consider this proposal between now and next week when there may be an opportunity in one form or another to discuss campaign finance reform.

As I say, with the modification that Senator McCain has apparently made taking out the provision requiring free television time, it may be possible to integrate these two bills or piecemeal amendments from my legislation into the McCain-Feingold bill. I had been unwilling to cosponsor that legislation because I think that constitutes a taking in violation of the provision against due process against taking without compensation.

Six months of investigation and 5 weeks of hearings by the Senate Governmental Affairs Committee have confirmed my conclusion and the view of most Americans that campaign finance reform is necessary. Politics is awash in money—corrupting some, appearing to corrupt others, and making almost everyone in or out of the system uneasy about the way political campaigns are financed.

I believe my colleagues Senator John McCain and Senator Russ Feingold have done an excellent job in providing leadership for campaign finance reform even though I disagree with the key provisions of their bill (S. 25) which would give candidates free television advertising time. In my judgment, taking such property without compensation is confiscatory and unconstitutional.

Our Government Affairs hearings have highlighted issues not covered by the McCain-Feingold legislation and those hearings have suggested the need for other legislative reforms.

My proposed legislation would: First, end "soft money"; second, define "express advocacy" to enforce the intent of the Federal election laws to prevent coordinated campaigns; third, require affidavits to make "independent expenditures" truly independent; fourth, eliminate foreign transactions which funnel money into U.S. campaigns; fifth, deter massive spending of personal wealth by adapting a new "stand-by public financing" framework similar to one recently enacted by Maine; and sixth, impose limitations and require reporting of contributions to legal defense funds for federal officeholders and candidates.

SOFT MONEY

The factual need for reform of the soft-money rules has been well documented. Public funding of Presidential campaigns was intended to eliminate collateral contributions. But soft money for so-called issue advocacy has created a gaping loophole that permits spending without limit. An estimated $223 million of soft money was raised by both parties in 1996. According to Congressional Quarterly, that figure represents almost 3 times what was raised as soft money in 1992 and more than 11 times that raised in 1980.

While many have focused on the allegedly corrupting influence of political action committees, PAC's pale in comparison to soft money. For example, Congressional Quarterly has also reported that Enron Corp. gave $44,000 less through its political action committee in 1996 than it did in 1994, but the firm quintupled its soft money contributions to $627,400.

Soft money flows not only from individuals, but also from corporations and labor unions, which are expressly prohibited from giving directly to candidates. Archer Daniels Midland donated a total of $380,000 to the Democratic and Republican National Committees during the recent election cycle. Phillip Morris, the Nation's leading tobacco company, donated a total of more than $2.7 million to the two parties in 1995 and 1996, with $2.1 million going to the Republican Party.

In the first half of 1997, Common Cause reports that the tobacco companies gave $1.9 million to Republican and Democratic committees, at a time when Congress and the President have begun consideration of the tobacco litigation settlement. In 1996, telecommunications companies reportedly donated $14.5 million in soft money; twice as much as they did in 1992. In short, both parties have emerged as the vehicles for evading post-Watergate contribution limits, and neither will disarm unilaterally.

Currently, there is a $20,000 cap on the amount that any individual can give to the national committee of a political party in any 1 year. In order to circumvent this limit, some individuals contribute to the non-Federal accounts of political parties which are not subject to any caps. These funds are then often spent on behalf of the party's candidate in a Federal election.

To close this loophole the bill:

Maintains the $20,000 a year cap which would apply to the total amount individuals can contribute to political parties, whether at the national, State or local level, for use in Federal elections.

Prohibits the national committees of political parties from soliciting or receiving any contributions not subject to the provisions and caps of the Federal Election Campaign Act.

Provides that State party committee expenditures that may influence the outcome of a Federal election may be made only from funds subject to the limitations and prohibitions imposed by Federal law.

Expands the reporting requirements so that all national committees, including all congressional and Senate campaign committees, must report all receipts and disbursements, whether or not in connection with a Federal election.

These restrictions on soft money contributions to parties are constitutional and consistent with the reasoning applied by the Supreme Court in Buckley. The logic of Buckley and its progeny permits Congress to cap campaign contributions when necessary to avoid the impropriety and the appearance of impropriety caused by large gifts. In Buckley the Supreme Court struck down certain caps on campaign expenditures that were originally included in the Federal Election Campaign Act [FECA]. At the same time, however, Buckley upheld a number of FECA's caps on campaign contributions, including the $1,000 cap in the amount that individuals can contribute to candidates, the $5,000 cap on the amount that individuals can contribute to political action committees, and the $20,000 cap on the amount that individuals can contribute to national committees of political parties. Buckley also upheld FECA's $25,000 cap on the total amount an individual can contribute to campaigns, PAC's and national committees in any 1 year. This bill extends the scope of these permitted caps to cover contributions to the State and local committees of political parties for use in Federal campaigns.

The concept of proposing further caps on contributions to political parties was endorsed by the Supreme Court in its decision in Colorado Republican Federal Campaign Committee versus Federal Election Commission. In that case, the Court ruled that the sections of FECA that limited the amount of independent expenditures that could be made by a political party were unconstitutional. In reaching this conclusion, however, the Court approved limiting individual contributions to political parties:

> The greatest danger of corruption . . . appears to be from the ability of donors to give sums up to $20,000 to a party which may be used for independent party expenditures for the benefit of a particular candidate. *We could understand how Congress, were it to conclude that the potential for evasion of the individual contribution limits was a serious matter, might decide to change the statute's limitations on contributions to political parties.* [Emphasis added]

The potential for evasion of the contribution limits clearly does exist, and the fact of evasion of these limits clearly does exist. It is indeed time that Congress changes FECA's limitations on contributions to political parties.

EXPRESS AND ISSUE ADVOCACY

In the 1996 Presidential elections, the line was blurred beyond recognition between party and candidate activities. There is substantial evidence that soft money was spent illegally during the 1996 campaign by both parties. According to a November 18, 1996, article in Time magazine, President Clinton's media strategists collaborated in the creation of a DNC television commercials. The article describes a cadre of Clinton-Gore advisors, including Dick Morris, working side by side with DNC operatives to craft the DNC advertisement which extolled the President's accomplishments and criticized Republican policies. Republicans did the same.

Such cooperation constitutes violation of the Federal Election Campaign Act [FECA] which provides:

> Expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate. 2 U.S.C. 441a(a)(7)(B)(1)

Thus, if the alleged cooperation between the Clinton/Gore campaign and the DNC took place, then all of the money spent on those DNC advertisements constituted contributions to the Clinton campaign. Under FECA, such contributions would have to be reported upon receipt and would have to be included when calculating the campaign's compliance with FECA's strict contribution and expenditure limits. The failure to treat the expenditures as contributions would be a violation of FECA, and the knowing and willful failure to treat the expenditures as contributions would be a criminal violation of FECA.

There are indications that the Clinton/Gore campaign advisors did realize they were violating the law at the time. The Time article quotes one as saying, "If the Republicans keep the Senate, they're going to subpoena us."

The content of the DNC and RNC advertisements appears to have violated Federal election law. When an entity engages in issues advocacy to promote a particular policy, it is exempt from the limitation of FECA and can fund these activities from any source. When an entity engages in express advocacy on behalf of a particular candidate, it is subject to the limitations of FECA and is not permitted to fund such activities with soft money. Where the DNC and RNC advertisements did contain express advocacy, and funded these advertisements with soft money, then these committees violated FECA.

The FEC defines "express advocacy" as follows:

> Communications using phrases such as "vote for President," "reelect your Congressman," "Smith for Congress," or language which, when taken as a whole and with limited reference to external events, can have no other reasonable meaning than to urge the election or defeat of a clearly identified federal candidate. 11 CFR 100.22

In my judgment, both the DNC and RNC television advertisement crossed the line from issues advocacy to express advocacy. While the DNC and RNC ads did not use the words "Vote for Clinton" or "Dole for President," these advertisements certainly urged the election of one candidate and the defeat of another. For example, the following is the script of a widely broadcast DNC television commercial:

> American values. Do our duty to our parents. President Clinton protects Medicare. The Dole/Gingrich budget tried to cut Medicare $270 billion. Protect families. President Clinton cut taxes for millions of working families. The Dole/Gingrich budget tried to raise taxes on eight million of them. Opportunity. President Clinton proposes tax breaks for tuition. The Dole/Gingrich budget tried to slash college scholarships. Only President Clinton's plan meets our challenges, protects our values.

Does this advertisement convey any core message other than urging us to vote for President Clinton?

The RNC ads similarly crossed the line into express advocacy. The following is the script of a widely broadcast RNC television commercial:

> (Announcer) Compare the Clinton rhetoric with the Clinton record.
>
> (Clinton) "We need to end welfare as we know it."
>
> (Announcer) But he vetoed welfare reform not once, but twice. He vetoed work requirements for the able-bodied. He vetoed putting time limits on welfare. And Clinton still supports giving welfare benefits to illegal immigrants. The Clinton rhetoric hasn't matched the Clinton record.
>
> (Clinton) "Fool me once, shame on you. Fool me twice, shame on me."
>
> (Announcer) Tell President Clinton you won't be fooled again.

Similarly, the Democrats, through their shared use of campaign consultants such as Dick Morris for Clinton-Gore 1996 and the Democratic National Committee, crossed the line into illegal contributions on television advertisements.

There has been substantial information in the public domain about the President's personal activities in preparing television commercials for the 1996 campaign. The activity of the President has been documented in a book by Dick Morris and in public statements by former Chief of Staff, Leon Panetta. There is no doubt—and the Attorney General conceded this in oversight hearings by the Judiciary Committee on April 30, 1997—that there would be a violation of the Federal election law if, and when the President prepared campaign commercials that were express advocacy commercials contrasted with issue advocacy commercials.

This bill will end the charade by providing a clear-cut statutory definition of express advocacy wherever the name or likeness of a candidate appears with language which praises or criticizes that candidate.

INDEPENDENT EXPENDITURES

This bill would put teeth into the law to make independent expenditures truly independent. Current law requires political committees or individuals to file reports quarterly until the end of a campaign and to report expenditures of more than $1,000 within 24 hours during the final 20 days of the campaign. This legislation would require reporting for independent expenditures of $10,000 or more within 24 hours during the last 3 months of a campaign. This bill would require the individual making the independent expenditure or the treasurer of the committee making the independent expenditure to take and file an affidavit with the FEC that the expenditures were not coordinated with the candidate or his-her committee. Then, the Federal Election Commission would notify within 48 hours the candidate, campaign treasurer, and campaign manager of that independent expenditure. Those individuals would then have 48 hours to take and file affidavits with the FEC that the expenditures were not coordinated with the candidate or his/her committees.

Taking such affidavits coupled with the penalty for perjury would be significant steps to preclude illegal coordination.

CLAMPING DOWN ON FOREIGN CONTRIBUTIONS

Anyone who has watched the Governmental Affairs hearings knows the alarming role of illegal foreign contributions in our 1996 campaigns. This legislation would strengthen the existing law to better prevent transactions which effectively fund domestic political campaigns with foreign financing schemes.

Under current law, it is illegal for a foreign national to contribute money or anything of value, including loan guarantees, either directly or indirectly through another person, in connection with an election to any political office. Knowing and willful violations can result in criminal penalties against the offending parties.

Mr. Haley Barbour's recent testimony before the Governmental Affairs Committee highlights the need to strengthen and more actively enforce the foreign money statute to ensure that foreign nationals do not circumvent this intended prohibition on foreign political contributions. This bill would clarify the law to cover all arrangements from foreign entities through third parties where funds from these transactions ultimately reach a U.S. political party or candidate.

In his testimony, Mr. Barbour acknowledged that the National Policy Forum [NPF], which he headed, received a $2.1 million loan guarantee in October 1994, from Young Brothers Development, the U.S. subsidiary of a Hong Kong company which provided the money. The loan guarantee served as collateral for a loan NPF received from a U.S. bank. Shortly thereafter, NPF sent two checks totaling $1.6 million to the Republican National Committee [RNC]. NPF ultimately defaulted on its loan with the U.S. bank and Young Brothers eventually ended up paying approximately $700,000 to cover the default.

The weak link in the existing law is that many people, including Attorney General Reno, have argued that the Federal campaign finance law does not apply to soft money. Accordingly, there are those who would argue that the NPF transaction described above would be legal so long as only soft money was involved. We need to make it 100 percent clear that foreign nationals cannot contribute to U.S. political parties or candidates under any circumstances. My bill closes this potential loophole by explicitly stating that the foreign money provisions of the bill apply to all foreign contributions and donations, both soft and hard money.

LIMITING INDIVIDUAL EXPENDITURES

The decision of the Supreme Court of the United States in Buckley versus Valeo prohibits legislation limiting the amount of money an individual may spend on his-her campaign. Maine recently enacted a statute designed to deal with this issue which provides a model for Federal legislation.

Under the Maine legislation, a voluntary cap is placed on the total amount that candidates can spend during their campaigns for public office. The law further provides that if one candidate exceeds the spending limit, an opponent who has complied with the limit will be given public matching funds in an amount equal to the amount by which the offending candidate exceeded the spending limit. With such matching funds available, it would be a real deterrent to prevent a candidate from exceeding the expenditure cap since that candidate would no longer receive an advantage from his or her additional expenditure. This provision would probably not result in significant public expenditures; and to the extent it did, it would be worth it.

LEGAL DEFENSE FUND

This bill would subject contributions for legal defense funds to limits and mandatory disclosure for all Federal office holders and candidates. Testimony before the Governmental Affairs Committee disclosed that Mr. Yah Lin

"Charlie" Trie brought in $639,000 for President Clinton's legal defense fund. While those funds were ultimately returned, there was never any identification of the donors and the fact of those contributions was delayed until after the 1996 election.

Contributions to legal defense funds pose a public policy issue similar to campaign contributions.

This bill would impose the same limits on contributions to legal defense funds which are currently required for political contributions with jurisdiction for such reporting being vested in the Federal Election Commission.

So at this time, Mr. President, I urge my colleagues to take a look at the legislation. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Senate Campaign Finance Reform Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SENATE ELECTION SPENDING LIMITS AND BENEFITS

Sec. 101. Senate election spending limits and benefits.

TITLE II—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Provisions Relating to Soft Money of Political Party Committees

Sec. 201. Soft money of political party committees.
Sec. 202. State party grassroots funds.
Sec. 203. Reporting requirements.

Subtitle B—Soft Money of Persons Other Than Political Parties

Sec. 211. Soft money of persons other than political parties.

Subtitle C—Contributions

Sec. 221. Prohibition of contributions to Federal candidates and of donations of anything of value to political parties by foreign nationals.
Sec. 222. Closing of soft money loophole.
Sec. 223. Contribution to defray legal expenses of certain officials.

Subtitle D—Independent Expenditures

Sec. 231. Clarification of definitions relating to independent expenditures.
Sec. 232. Reporting requirements for independent expenditures.

TITLE III—APPROPRIATIONS

Sec. 301. Authorization of appropriations.

TITLE IV—SEVERABILITY; JUDICIAL REVIEW; EFFECTIVE DATE; REGULATIONS

Sec. 401. Severability.
Sec. 402. Expedited review of constitutional issues.
Sec. 403. Effective date.
Sec. 404. Regulations.

TITLE I—SENATE ELECTION SPENDING LIMITS AND BENEFITS

SEC. 101. SENATE ELECTION SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

"(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (c) and (d);

"(2) meets the primary and runoff election expenditure limits of subsection (b); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—The requirements of this subsection are met if—

"(1) the candidate and the candidate's authorized committees did not make expenditures for the primary election in excess of 67 percent of the general election expenditure limit under section 502(a); and

"(2) the candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(a).

"(c) PRIMARY FILING REQUIREMENTS.—

"(1) IN GENERAL.—The requirements of this subsection are met if the candidate files with the Commission a certification that—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (b); and

"(ii) will accept only an amount of contributions for the primary and runoff elections that does not exceed those limits; and

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(a).

"(2) DEADLINE FOR FILING CERTIFICATION.—The certification under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(d) GENERAL ELECTION FILING REQUIREMENTS.—

"(1) IN GENERAL.—The requirements of this subsection are met if the candidate files a certification with the Commission under penalty of perjury that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (b); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (b), whichever is applicable, reduced by any amounts transferred to the current election cycle from a preceding election cycle;

"(B) at least one other candidate has qualified for the same general election ballot under the law of the candidate's State; and

"(C) the candidate and the authorized committees of the candidate—

"(i) except as otherwise provided by this title, will not make expenditures that exceed the general election expenditure limit under section 502(a);

"(ii) will not accept any contributions in violation of section 315; and

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that the contribution would cause the aggregate amount of contributions to exceed the sum of the amount of the general election expenditure limit under section 502(a), reduced by any amounts transferred to the current election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii).

"(2) DEADLINE FOR FILING CERTIFICATION.—The certification under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date on which the candidate qualifies for the general election ballot under State law; or

"(B) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—

"(1) IN GENERAL.—The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to the lesser of—

"(A) 10 percent of the general election expenditure limit under section 502(a); or

"(B) $250,000.

"(2) DEFINITIONS.—In this subsection:

"(A) ALLOWABLE CONTRIBUTION.—The term 'allowable contribution' means a contribution that is made as a gift of money by an individual pursuant to a written instrument identifying the individual as the contributor.

"(B) APPLICABLE PERIOD.—The term 'applicable period' means—

"(i) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on the date on which the certification under subsection (c)(2) is filed by the candidate; or

"(ii) in the case of a special election for the office of Senator, the period beginning on the date on which the vacancy in the office occurs and ending on the date of the general election.

"SEC. 502. LIMITATION ON EXPENDITURES.

"(a) GENERAL ELECTION EXPENDITURE LIMIT.—

"(1) IN GENERAL.—The aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the greater of—

"(A) $950,000; or

"(B) $400,000; plus

"(i) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(ii) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) INDEXING.—The amounts determined under paragraph (1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that the base period shall be calendar year 1997.

"(b) PAYMENT OF TAXES.—The limitation under subsection (a) shall not apply to any expenditure for Federal, State, or local taxes with respect to earnings on contributions raised.

"SEC. 503. MATCHING FUNDS FOR ELIGIBLE SENATE CANDIDATES IN RESPONSE TO EXPENDITURES BY NON-ELIGIBLE OPPONENTS.

"(a) IN GENERAL.—Not later than 5 days after the Commission determines that a Senate candidate has made or obligated to make expenditures or accepted contributions during an election in an aggregate amount in excess of the applicable election expenditure limit under section 502(a) or 501(b), the Commission shall make available to an eligible Senate candidate in the same election an aggregate amount of funds equal to the amount in excess of the applicable limit.

"(b) ELIGIBLE SENATE CANDIDATE OPPOSED BY MORE THAN 1 NON-ELIGIBLE SENATE CANDIDATE.—For purposes of subsection (a), if an eligible Senate candidate is opposed by more than 1 non-eligible Senate candidate in the same election, the Commission shall take into account only the amount of expenditures of the non-eligible Senate candidate that expends, in the aggregate, the greatest amount of funds.

"(c) TIME TO MAKE DETERMINATIONS.—The Commission may, on the request of a candidate or on its own initiative, make a determination whether a candidate has made or obligated to make an aggregate amount of expenditures in excess of the applicable limit under subsection (a).

"(d) USE OF FUNDS.—Funds made available to a candidate under subsection (a) shall be used in the same manner as contributions are used.

"(e) TREATMENT OF FUNDS.—An expenditure made with funds made available to a candidate under this section shall not be treated as an expenditure for purposes of the expenditure limits under sections 501(b) and 502(a).

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) IN GENERAL.—Not later than 48 hours after an eligible candidate qualifies for a general election ballot, the Commission shall certify the candidate's eligibility for matching funds under section 503.

"(b) DETERMINATIONS BY COMMISSION.—A determination (including a certification under subsection (a)) made by the Commission under this title shall be final, except to the extent that the determination is subject to examination and audit by the Commission under section 505.

"SEC. 505. REVOCATION; MISUSE OF BENEFITS.

"(a) REVOCATION OF STATUS.—If the Commission determines that any eligible Senate candidate has received contributions or made or obligated to make expenditures in excess of—

"(1) the applicable primary election expenditure limit under this title; or

"(2) the applicable general election expenditure limit under this title,

the Commission shall revoke the certification of the candidate as an eligible Senate candidate and notify the candidate of the revocation.

"(b) MISUSE OF BENEFITS.—If the Commission determines that any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title or that a candidate has violated any of the spending limits contained in this Act, the Commission shall notify the candidate, and the candidate shall pay the Commission an amount equal to the value of the benefit.".

(b) TRANSITION PERIOD.—Expenditures made before January 1, 1998, shall not be counted as expenditures for purposes of the limitations contained in the amendment made by subsection (a).

TITLE II—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Provisions Relating to Soft Money of Political Party Committees

SEC. 201. SOFT MONEY OF POLITICAL PARTY COMMITTEES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 301 et seq.) is amended by adding at the end the following:

"SEC. 324. SOFT MONEY OF POLITICAL PARTY COMMITTEES.

"(a) NATIONAL COMMITTEES.—A national committee of a political party (including a national congressional campaign committee of a political party, an entity that is established, financed, maintained, or controlled by the national committee, a national congressional campaign committee of a political party, and an officer or agent of any such party or entity but not including an entity regulated under subsection (b)) shall not solicit or receive any contributions, donations, or transfers of funds, or spend any funds, not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

"(1) LIMITATION.—Any amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is established, financed, maintained, or controlled by a State, district, or local committee of a political party and an agent or officer of any such committee or entity) during a calendar year in which a Federal election is held, for any activity that might affect the outcome of a Federal election, including any voter registration or get-out-the-vote activity, any generic campaign activity, and any communication that identifies a candidate (regardless of whether a candidate for State or local office is also mentioned or identified) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) ACTIVITY NOT INCLUDED IN PARAGRAPH (1).—

"(A) IN GENERAL.—Paragraph (1) shall not apply to an expenditure or disbursement made by a State, district, or local committee of a political party for—

"(i) a contribution to a candidate for State or local office if the contribution is not designated or otherwise earmarked to pay for an activity described in paragraph (1);

"(ii) the costs of a State, district, or local political convention;

"(iii) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of any individual who spends more than 20 percent of the individual's time on activity during the month that may affect the outcome of a Federal election) except that for purposes of this paragraph, the non-Federal share of a party committee's administrative and overhead expenses shall be determined by applying the ratio of the non-Federal disbursements to the total Federal expenditures and non-Federal disbursements made by the committee during the previous presidential election year to the committee's administrative and overhead expenses in the election year in question;

"(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs that name or depict only a candidate for State or local office; and

"(v) the cost of any campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, if the candidate activity is not an activity described in paragraph (1).

"(B) FUNDRAISING.—Any amount that is expended or disbursed by a national, State, district, or local committee, by an entity that is established, financed, maintained, or controlled by a State, district, or local committee of a political party, or by an agent or officer of any such committee or entity to raise funds that are used, in whole or in part, to pay the costs of an activity described in subparagraph (A) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(c) TAX-EXEMPT ORGANIZATIONS.—No national, State, district, or local committee of a political party shall solicit any funds for or make any donations to an organization that is exempt from Federal taxation under section 501(c) of the Internal Revenue Code of 1986.

"(d) CANDIDATES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office may—

"(A) solicit or receive funds in connection with an election for Federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or

"(B) solicit or receive funds that are to be expended in connection with any election for other than a Federal election unless the funds—

"(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1) and (2) of section 315(a); and

"(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office.

"(2) EXCEPTION.—Paragraph (1) does not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for the individual's State or local campaign committee.".

SEC. 202. STATE PARTY GRASSROOTS FUNDS.

(a) INDIVIDUAL CONTRIBUTIONS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) (as amended by section 105) is amended—

(1) in subparagraph (C) by striking "or" at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

"(D) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

"(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000;

except that the aggregate contributions described in this subparagraph that may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or".

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which in the aggregate, exceed $15,000;

"(ii) to any other political committee established and maintained by a State committee of a political party which, in the aggregate, exceed $5,000;

except that the aggregate contributions described in this subparagraph that may be made by a multicandidate political committee to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $15,000; or''.

(c) Overall Limit.—

(1) In general.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by striking paragraph (3) and inserting the following:

''(3) Overall limit.—

''(A) Election cycle.—No individual shall make contributions during any election cycle that, in the aggregate, exceed $60,000.

''(B) Calendar year.—No individual shall make contributions during any calendar year—

''(i) to all candidates and their authorized political committees that, in the aggregate, exceed $25,000; or

''(ii) to all political committees established and maintained by State committees of a political party that, in the aggregate, exceed $20,000.

''(C) Nonelection years.—For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which the contribution is made shall be treated as being made during the calendar year in which the election is held.''.

(2) Definition.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) Election cycle.—The term 'election cycle' means—

''(A) in the case of a candidate or the authorized committees of a candidate, the period beginning on the day after the date of the most recent general election for the specific office or seat that the candidate seeks and ending on the date of the next general election for that office or sea; and

''(B) in the case of all other persons, the period beginning on the first day following the date of the last general election and ending on the date of the next general election.''.

(d) State Party Grassroots Funds.—

(1) In general.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 301 et seq.) (as amended by section 201) is amended by adding at the end the following:

''SEC. 325. STATE PARTY GRASSROOTS FUNDS.

''(a) Definition.—In this section, the term 'State or local candidate committee' means a committee established, financed, maintained, or controlled by a candidate for other than Federal office.

''(b) Transfers.—Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if the district or local committee—

''(1) has established a separate segregated fund for the purposes described in section 324(b)(1); and

''(2) uses the transferred funds solely for those purposes.

''(c) Amounts Received by Grassroots Funds From State and Local Candidate Committees.—

''(1) In general.—Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in section 324(b)(1) that are for the benefit of that candidate shall be treated as meeting the requirements of 324(b)(1) and section 304(f) if—

''(A) the amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in paragraphs (1)(A) and (2)(A) of section 315(a); and

''(B) the State or local candidate committee—

''(i) maintains, in the account from whieh payment is made, records of the sources and amounts of funds for purposes of determining whether those requirements are met; and

''(ii) certifies that the requirements were met.

''(2) Determination of compliance.—For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in paragraph (1)(A)—

''(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee; and

''(B) the committee must be able to demonstrate that its cash on hand contains funds meeting those requirements sufficient to cover the transferred funds.

''(3) Reporting.—Notwithstanding paragraph (1), any State Party Grassroots Fund that receives a transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from the candidate committee.''.

(2) Definition.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) (as amended by subsection (c)(2)) is amended by adding at the end the following:

''(21) State party grassroots fund.—The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for the purpose of making expenditures and other disbursements described in section 325(a).''.

SEC. 203. REPORTING REQUIREMENTS.

(a) Reporting Requirements.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 232) is amended by adding at the end the following:

''(f) Political Committees.—

''(1) National and congressional political committees.—The national committee of a political party, any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

''(2) Other political committees to which section 325 applies.—A political committee (not described in paragraph (1)) to which section 325(b)(1) applies shall report all receipts and disbursements.

''(3) Other political committees.—Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements that are used in connection with a Federal election.

''(4) Transfers to state committees.—Any political committee shall include in its report under paragraph (1) or (2) the amount of any contribution received by a national committee which is to be transferred to a State committee for use directly (or primarily to support) activities described in section 325(b)(2) and shall itemize such amounts to the extent required by subsection (b)(3)(A).

''(5) Itemization.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraph (3)(A), (5), or (6) of subsection (b).

''(6) Reporting periods.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).''.

(b) Report of Exempt Contributions.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by adding at the end the following:

''(C) The exclusion provided in subparagraph (B)(viii) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of $200 shall be reported.''.

(c) Reports by State Committees.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by subsection (a)) is amended by adding at the end the following:

''(g) Filing of State Reports.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.''.

(d) Other Reporting Requirements.—

(1) Authorized committees.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(A) by striking ''and'' at the end of subparagraph (H);

(B) by inserting ''and'' at the end of subparagraph (I); and

(C) by adding at the end the following new subparagraph:

''(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;''.

(2) Names and addresses.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended—

(A) by striking ''within the calendar year''; and

(B) by inserting '', and the election to which the operating expenditure relates'' after ''operating expenditure''.

Subtitle B—Soft Money of Persons Other Than Political Parties

SEC. 211. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 203) is amended by adding at the end the following:

''(h) Election Activity of Persons Other Than Political Parties.—

''(1) In general.—A person other than a committee of a political party that makes aggregate disbursements totaling in excess of $10,000 for activities described in paragraph (2) shall file a statement with the Commission—

''(A) within 48 hours after the disbursements are made; or

''(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

''(2) Activity.—The activity described in this paragraph is—

''(A) any activity described in section 315(b)(2)(A) that refers to any candidate for

Federal office, any political party, or any Federal election; and

"(B) any activity described in subparagraph (B) or (C) of section 315(b)(2).

"(3) ADDITIONAL STATEMENTS.—An additional statement shall be filed each time additional disbursements aggregating $10,000 are made by a person described in paragraph (1).

"(4) APPLICABILITY.—This subsection does not apply to—

"(A) a candidate or a candidate's authorized committees; or

"(B) an independent expenditure.

"(5) CONTENTS.—A statement under this section shall contain such information about the disbursements as the Commission shall prescribe, including—

"(A) the name and address of the person or entity to whom the disbursement was made;

"(B) the amount and purpose of the disbursement; and

"(C) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.".

Subtitle C—Contributions

SEC. 221. PROHIBITION OF CONTRIBUTIONS TO FEDERAL CANDIDATES AND OF DONATIONS OF ANYTHING OF VALUE TO POLITICAL PARTIES BY FOREIGN NATIONALS.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting "PROHIBITION OF CONTRIBUTIONS TO CANDIDATES AND DONATIONS OF ANYTHING OF VALUE TO POLITICAL PARTIES BY FOREIGN NATIONALS"; and

(2) in subsection (a)—

(A) by inserting "or to make a donation of money or any other thing of value to a political committee of a political party" after "office"; and

(B) by inserting "or donation" after "contribution" the second place it appears.

SEC. 222. CLOSING OF SOFT MONEY LOOPHOLE.

Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking "contributions" and inserting "contributions (as defined in section 301) to a candidate or donations (including a contribution as defined in section 301) to political committees".

SEC. 223. CONTRIBUTIONS TO DEFRAY LEGAL EXPENSES OF CERTAIN OFFICIALS.

(a) CONTRIBUTIONS TO DEFRAY LEGAL EXPENSES.—

(1) PROHIBITION ON MAKING OF CONTRIBUTIONS.—It shall be unlawful for any person to make a contribution to a candidate for nomination to, or election to, a Federal office (as defined in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3))), an individual who is a holder of a Federal office, or any head of an Executive department, or any entity established on behalf of such individual, to defray legal expenses of such individual—

(1) to the extent it would result in the aggregate amount of such contributions from such person to or on behalf of such individual to exceed $10,000 for any calendar year; or

(2) if the person is—

(A) a foreign national (as defined in section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)); or

(B) a person prohibited from contributing to the campaign of a candidate under section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b).

(2) PROHIBITION ON ACCEPTANCE OF CONTRIBUTIONS.—No person shall accept a contribution if the contribution would violate paragraph (1).

(3) PENALTY.—A person that knowingly and willfully commits a violation of paragraph (1) or (2) shall be fined an amount not to exceed the greater of $25,000 or 300 percent of the contribution involved in such violation, imprisoned for not more than 1 year, or both.

(4) CONSTRUCTION OF PROHIBITION.—Nothing in this section shall be construed to permit the making of a contribution that is otherwise prohibited by law.

(b) REPORTING REQUIREMENTS.—A candidate for nomination to, or election to, a Federal office, an individual who is a holder of a Federal office, or any head of an Executive department, or any entity established on behalf of such individual, that accepts contributions to defray legal expenses of such individual shall file a quarterly report with the Federal Election Commission including the following information:

(1) The name and address of each contributor who makes a contribution in excess of $25.

(2) The amount of each contribution.

(3) The name and address of each individual or entity receiving disbursements from the fund.

(4) A brief description of the nature and amount of each disbursement.

(5) The name and address of any provider of pro bono services to the fund.

(6) The fair market value of any pro bono services provided to the fund.

Subtitle D—Independent Expenditures

SEC. 231. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—The term 'independent expenditure' means an expenditure that—

"(A) contains express advocacy; and

"(B) is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

"(18) EXPRESS ADVOCACY.—

"(A) IN GENERAL.—The term 'express advocacy' means a communication that, taken as a whole and with limited reference to external events, makes positive statements about or negative statements about or makes an expression of support for or opposition to a specific candidate, a specific group of candidates, or candidates of a particular political party.

"(B) EXPRESSION OF SUPPORT FOR OR OPPOSITION TO.—In subparagraph (A), the term 'expression of support for or opposition to' includes a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity, or to refrain from taking action.

"(C) VOTING RECORDS.—The term 'express advocacy' does not include the publication and distribution of a communication that is limited to providing information about votes by elected officials on legislative matters and that does not expressly advocate the election or defeat of a clearly identified candidate.".

SEC. 232. REPORTING REQUIREMENTS FOR INDEPENDENT EXPENDITURES.

(a) TIME FOR REPORTING CERTAIN EXPENDITURES.—Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2), as amended by paragraph (1), the following:

"(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

"(1) EXPENDITURES AGGREGATING $1,000.—

"(A) INITIAL REPORT.—A person that makes or obligates to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made or obligated to be made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person filing the report shall file an additional report each time that independent expenditures are made or obligated to be made aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

"(2) EXPENDITURES AGGREGATING $10,000.—

"(A) INITIAL REPORT.—A person that makes or obligates to make independent expenditures aggregating $10,000 or more after the 90th day and up to and including the 20th day before an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made or obligated to be made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person filing the report shall file an additional report each time that independent expenditures are made or obligated to be made aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

"(3) CONTENTS OF REPORT.—A report under this subsection—

"(A) shall be filed with the Commission;

"(B) shall contain the information required by subsection (c).".

(b) AFFIDAVIT REQUIREMENT.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by subsection (a)) is amended—

(1) in subsection (c)(2)(B), by inserting "(in the case of a committee, by both the chief executive officer and the treasurer of the committee)" after "certification"; and

(2) by adding at the end the following:

"(e) CERTIFICATION REQUIREMENTS.—

"(1) COMMISSION.—Not later than 48 hours after receipt of a certification under subsection (c)(2)(B), the Commission shall notify the candidate to which the independent expenditure refers and the candidate's campaign manager and campaign treasurer that an expenditure has been made and a certification has been received.

"(2) CANDIDATE.—Not later than 48 hours after receipt of notification under paragraph (1), the candidate and the candidate's campaign manager and campaign treasurer shall each file with the Commission a certification, under penalty of perjury, stating whether or not the independent expenditure was made in cooperation, consultation, or concert, with, or at the request or suggestion of, the candidate or authorized committee or agent of such candidate.".

TITLE III—APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

The Federal Election Campaign Act of 1971 is amended—

(1) by striking section 314 (2 U.S.C. 439c) and inserting the following:

"SEC. 314. [REPEALED].";

and

(2) by inserting after section 407 the following:

"SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this Act and chapters 95 and 96 of the Internal Revenue Code of 1986 such sums as are necessary.".

TITLE IV—SEVERABILITY; JUDICIAL REVIEW; EFFECTIVE DATE; REGULATIONS

SEC. 401. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 402. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SEC. 403. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on January 1, 1998.

SEC. 404. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act not later than 9 months after the effective date of this Act.

By Ms. SNOWE (for herself, Mr. KERRY and Mr. KENNEDY):

S. 1192. A bill to limit the size of vessels permitted to fish for Atlantic mackerel or herring, to the size permitted under the appropriate fishery management plan; to the Committee on Commerce, Science, and Transportation.

THE NORTH ATLANTIC FISHERIES RESOURCE CONSERVATION ACT

Ms. SNOWE. Mr. President, in keeping with the old adage that those who do not know history are doomed to repeat it, I am introducing a bill today with Senator KERRY which is designed to avoid repeating the mistakes of the past in fisheries management.

Most of the major commercial fisheries in both the United States and the world are either fully exploited or overexploited. In many instances, these fisheries have approached or reached an overfished condition because the fishing fleets which targeted them became overcapitalized before the management system in place could respond effectively to this excess fishing capacity. As a result, we find ourselves today faced with case after case of having to make wrenching management decisions to reduce fishing effort that have substantial socioeconomic impacts on coastal communities that depend on fishing for their livelihoods.

In the cases of Atlantic herring and Atlantic mackerel, however, we still have time. Through torturous but ultimately fortunate historical circumstances, the offshore stocks of these fisheries remain, at least according to the best information presently available, fairly abundant. And because of their relative abundance, these fisheries have attracted increasing attention from fishermen in the Northeast and the mid-Atlantic, many of whom have been displaced from the now-depleted New England groundfish fishery.

Earlier this year, however, a dramatic new proposal came to light which could alter the planned course of sustainable development for these fisheries. A United States-Dutch group intends to bring a 369-foot factory trawler into the Atlantic herring and mackerel fisheries by the spring of 1998. This vessel is more than twice the size of any other vessel currently fishing in New England, and it intends to harvest 50,000 tons of fish annually. Many concerns have been raised from Maine to New Jersey about the potential impacts that this enormous vessel will have on the herring and mackerel stocks, and on the composition of the fisheries that have been developing in recent years through the hard work of many people in the region. To take one example of these concerns, while the National Marine Fisheries Service indicates that herring is, according to the best information, fairly abundant off Georges Bank and southern New England, there are legitimate concerns about the health of the Gulf of Maine stocks which form the major source of supply for the sardine and lobster bait industries, and which do appear to interact and aggregate with the offshore stocks at certain times of the year. Unfortunately, today's science cannot tell us with a high degree of precision what impacts the increased fishing of offshore stocks would have on all of the key Gulf of Maine stocks.

The uncertainties surrounding the Atlantic Star proposal are the kinds of things that must be carefully reviewed, and the most appropriate forums for reviewing these questions are the regional fishery management councils established to manage our fisheries under the Magnuson-Stevens Act. Unfortunately, neither of the councils with jurisdiction over herring and mackerel had addressed the issues raised by the Atlantic Star before the vessel's owners were able to get it permitted. The Atlantic herring fishery does not have a federal fishery management plan, meaning that it is largely unregulated. And the existing management plan for mackerel was developed before it was known that the Atlantic Star would seek to operate in that fishery.

To ensure that the Atlantic Star and other vessels of its class receive the thorough consideration intended in the Magnuson-Stevens Act, the bill introduced by Senator KERRY and I calls a temporary timeout on the entry of very large vessels into the herring and mackerel fisheries until the councils have time to act. Our bill states that no vessel over 165 feet or with greater than 3,000 horsepower can harvest these species unless the appropriate council specifically authorizes it in a fishery management plan or plan amendment. But unlike other bills that have been introduced on this issue, our bill ensures that this matter is addressed in a reasonable timeframe. It establishes deadlines for action on the Atlantic Star by the councils and the Commerce Department of September 30, 1998, whether the decision is favorable or unfavorable.

Mr. President, this bill simply ensures that the analytical and deliberative process outlined in the Magnuson-Stevens Act has a chance to work as it was intended. And when the issue is the introduction of a dramatically different new fishing technology into two relatively healthy fisheries of substantial importance to many people who live in the region, the integrity of this process could not be more important. It is unfortunate that this issue was not resolved by the councils and the Commerce Department sooner, but the fact is that it was not, and Congress, if it is to ensure that our fisheries are managed responsibly, must intervene in a responsible manner. The remedy that we have proposed is responsible, temporary, and reasonable.

Mr. KERRY. Mr. President, I rise today to join with my friend and colleague, the distinguished Senator from Maine, in introducing legislation on a topic of growing importance to coastal communities throughout the Northeast—conservation of North Atlantic fisheries resources.

Since I arrived in the Senate over 12 years ago, I have worked to address the many challenges confronting our ocean and coastal resources. After all, few States draw as much of their national and regional identity from their coasts as does Massachusetts. My efforts have been principally through my participation as a member on the Commerce, Science, and Transportation Committee, and particularly as ranking member of the Oceans and Fisheries Subcommittee and as co-chair of its predecessor, the National Ocean Policy Study.

During my tenure, I have worked with my colleagues to develop innovative policy solutions to achieve the long-term protection and sustainable use of vulnerable marine resources. Our goal has been to ensure strong coastal economies and a clean, healthy ocean environment from the Gulf of Maine to the Gulf of Alaska.

One of our recent successes was last year's bill to reauthorize and strengthen the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). That legislation, the Sustainable Fisheries Act, ultimately should provide the framework for rebuilding depleted fish stocks and developing management schemes to prevent overfishing. Unfortunately, many of the ideas and safeguards the new law contains represent difficult lessons learned from the devastating collapse of the New England groundfish fishery. In other regional fisheries, we have been too late to stop the depletion.

This brings us to the issue at hand: How can we prevent repetition of the groundfish experience, maintain the current health of Atlantic herring and mackerel stocks, and encourage their sustainable use? The first step, of course, is through development of conservative and comprehensive fishery management plans. Toward that end, on June 17, 1997, I wrote the National Marine Fisheries Service, asking it to work with the New England Fishery Management Council to ensure the immediate development and implementation of a fishery management plan for Atlantic herring. Such a plan is essential to protect herring stocks and traditional fishery participants as proposals move forward to expand the herring fishery in Federal waters.

Atlantic herring is an important part of New England's fishing tradition. For generations, we have harvested herring for use as canned sardines, as bait in lobster pots, and for other products. Fishermen using small boats form the base of the fishery, and it is those fishermen, more than any others, who seek an intelligent plan for managing the fishery and protecting against overharvest. In addition, Atlantic herring play a key role in the marine ecosystem off New England coasts by providing a primary food source for whales, seabirds, and other fish including groundfish, tuna, striped bass, and bluefish.

The challenge now is to prevent a flood of new or displaced boats from entering the herring fishery and overwhelming the harvesting capacity of the resource. The National Marine Fisheries Service estimates that herring stocks are now at levels that would support an expanded harvest level. However, New England's past has taught us that in an unregulated environment, this current healthy condition could rapidly be reversed. Given the present lack of a Federal fishery management plan for herring and questionable scientific information on the status of the stocks, the uncontrolled expansion of this fishery could have devastating consequences.

We need to slow down the increase in fishing power entering the herring fishery, and we need to give the New England Council the time to develop a thoughtful Federal management plan for herring that responds to local interests and needs. While I had hoped that the council and the Secretary of Commerce would be able to accomplish these goals through the process established by the Magnuson-Stevens Act and other fishery laws, it has become clear in recent weeks that we must impose temporary legislative safeguards until that process is complete.

The bill which Senators SNOWE, KENNEDY, and I are introducing today, the North Atlantic Fisheries Resource Conservation Act, provides those safeguards. First, by September 30, 1998, the New England and Mid-Atlantic Councils and the Secretary of Commerce are required to develop and implement both a fishery management plan for herring and a plan amendment for Atlantic mackerel. Second, a fishing vessel that is longer than 165 feet or has engines that exceed 3,000 horsepower is prohibited from harvesting either herring or mackerel until the councils and the Secretary have addressed the potential impact of such vessels in the management plan.

While the provisions of the North Atlantic Fisheries Resource Conservation Act are specific to two Northeast fisheries, the issues which they address should become part of a broader national policy debate about our vision for the American fishing industry in the 21st century. For over two decades, our fishery policies have focused on two goals: conservation and management of U.S. fishery resources and development of the domestic fishing industry. We have succeeded beyond our expectations in achieving the second goal of developing the U.S. fishing industry. I am optimistic that the Sustainable Fisheries Act will move us toward achieving the first goal of improving conservation and management. With the achievement of those goals, however, come new questions. What do we want our fishing industry to look like in the years to come? What should we as a nation do to preserve traditional coastal communities centered on small-boat fishermen? What restrictions if any should be placed on enormous factory trawlers? In New England, these large ships conjure up memories of foreign factory trawlers vacuuming up and destroying U.S. fishery resources in the days before the Magnuson-Stevens Act. Are such ships an appropriate element in other U.S. fisheries?

The legislation before us today focuses on the actions needed to safeguard the Atlantic herring and mackerel fisheries. However, I look forward to the broader debate. By the prompt enactment of this legislation I hope we can contribute to that debate and begin to shift the national example set by New England fisheries from one of overfishing and painful rebuilding toward one of conservative management that is successful in preserving both the fishermen and the fish.

By Mr. CHAFEE (for himself, Mr. CRAIG, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. DEWINE, Mr. COATS, Mr. BOND, Ms. LANDRIEU, and Mr. LEVIN):

S. 1195. A bill to promote the adoption of children in foster care, and for other purposes; to the Committee on Finance.

THE PROMOTION OF ADOPTION SAFETY AND SUPPORT FOR ABUSED AND NEGLECTED CHILDREN ACT

Mr. CHAFEE. Mr. President, I am pleased to introduce the Promotion of Adoption, Safety and Support for Abused and Neglected Children Act, the so-called PASS Act. This legislation will make critical reforms to the Nation's child welfare and foster care system and will go a long way toward improving the lives of the hundreds of thousands of abused and neglected children across America. These are children without a safe family setting. They are children who face abuse and neglect every day of their lives. They are America's forgotten children. And, all too often, they are children without hope.

This chilling picture has brought the sponsors of this bill together to take immediate action. The goals of the PASS Act are twofold: to ensure that abused and neglected children are in safe settings, and to move children more rapidly out of the foster care system and into permanent placements.

While the goal of reunifying children with their biological families is laudable, we should not be encouraging States to return abused or neglected children to homes that are clearly unsafe. Regrettably, this is occurring under current law.

About 500,000—half a million—abused or neglected children currently live outside their homes, either in foster care or with relatives. In Rhode Island alone, there are nearly 1,500 children who have been removed from their homes and are in foster care. The Rhode Island Department of Children and Families has an active case load of about 7,700 children who have been abused or neglected.

Many of these children will be able to return to their parents, but many will not. Too often, children who cannot return to their parents wait for years in foster care before they are adopted. In today's child welfare system, it has become a lonely and tragic wait with no end. To us, that is an unacceptable way of life for any child to have to endure.

The PASS Act seeks to shorten the time a child must wait to be adopted, all the while ensuring that wherever a child is placed, his or her safety and health will be the first concern.

The PASS Act also contains important new financial incentives to help these children find adoptive homes.

State agencies will receive bonuses for each child that is adopted, and families who open their hearts and their homes to these children will be eligible for Federal financial assistance and Medicaid coverage for the child.

I believe the PASS Act is a good bipartisan, compromise package. The sponsors of this bill have worked hard to come together in support of a child welfare reform bill. And we expect this new, revised legislation to move quickly through the Senate, as the Majority Leader has indicated that adoption legislation is one of a select few priorities to be dealt with before expected adjournment in early November.

But the real reason we need to move this bill is not because of legislative haste. It is because each passing day we do not act to bring hope and relief to abused and neglected children is a dark day for Congress and the Nation.

Finally let me thank my friend JAY ROCKEFELLER, who has worked so tirelessly on these issues and whose leadership was key to this bill. I also want to pay special tribute to LARRY CRAIG—without his commitment to these children this agreement would not have been possible. I am proud of this bipartisan effort, and I hope all of my colleagues will support this measure. I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Promotion of Adoption, Safety, and Support for Abused and Neglected Children (PASS) Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS

Sec. 101. Clarification of the reasonable efforts requirement.
Sec. 102. Including safety in case plan and case review system requirements.
Sec. 103. Multidisciplinary/multiagency child death review teams.
Sec. 104. States required to initiate or join proceedings to terminate parental rights for certain children in foster care.
Sec. 105. Notice of reviews and hearings; opportunity to be heard.
Sec. 106. Use of the Federal Parent Locator Service for child welfare services.
Sec. 107. Criminal records checks for prospective foster and adoptive parents and group care staff.
Sec. 108. Development of State guidelines to ensure safe, quality care to children in out-of-home placements.
Sec. 109. Documentation of efforts for adoption or location of a permanent home.

TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

Sec. 201. Adoption incentive payments.
Sec. 202. Promotion of adoption of children with special needs.
Sec. 203. Technical assistance.
Sec. 204. Adoptions across State and county jurisdictions.
Sec. 205. Facilitation of voluntary mutual reunions between adopted adults and birth parents and siblings.
Sec. 206. Annual report on State performance in protecting children.

TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

Sec. 301. Expansion of child welfare demonstration projects.
Sec. 302. Permanency planning hearings.
Sec. 303. Kinship care.
Sec. 304. Standby guardianship.
Sec. 305. Clarification of eligible population for independent living services.
Sec. 306. Coordination and collaboration of substance abuse treatment and child protection services.
Sec. 307. Reauthorization and expansion of family preservation and support services.
Sec. 308. Innovation grants to reduce backlogs of children awaiting adoption and for other purposes.

TITLE IV—MISCELLANEOUS

Sec. 401. Preservation of reasonable parenting.
Sec. 402. Reporting requirements.
Sec. 403. Report on fiduciary obligations of State agencies receiving SSI payments.
Sec. 404. Allocation of administrative costs of determining eligibility for medicaid and TANF.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS

SEC. 101. CLARIFICATION OF THE REASONABLE EFFORTS REQUIREMENT.

Section 471(a)(15) of the Social Security Act (42 U.S.C. 671(a)(15)) is amended to read as follows:

"(15) provides that—

"(A) in determining reasonable efforts, as described in this section, the child's health and safety shall be the paramount concern;

"(B) reasonable efforts shall be made to preserve and reunify families when possible—

"(i) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home when the child can be cared for at home without endangering the child's health or safety; or

"(ii) to make it possible for the child to safely return to the child's home;

"(C) reasonable efforts shall not be required on behalf of any parent—

"(i) if a court of competent jurisdiction has made a determination that the parent has—

"(I) committed murder of another child of the parent;

"(II) committed voluntary manslaughter of another child of the parent;

"(III) aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter; or

"(IV) committed a felony assault that results in serious bodily injury to the child or another child of the parent;

"(ii) if a court of competent jurisdiction determines that returning the child to the home of the parent would pose a serious risk to the child's health or safety (including but not limited to cases of abandonment, torture, chronic physical abuse, sexual abuse, or a previous involuntary termination of parental rights with respect to a sibling of the child); or

"(iii) if the State, through legislation, has specified cases in which the State is not required to make reasonable efforts because of serious circumstances that endanger a child's health or safety;

"(D) if reasonable efforts to preserve or reunify a family are not made in accordance with subparagraph (C), and placement with either parent would pose a serious risk to the child's health or safety, or in any case in which a State's goal for the child is adoption or placement in another permanent home, reasonable efforts shall be made to place the child in a timely manner with an adoptive family, with a qualified relative or legal guardian, or in another planned permanent living arrangement, and to complete whatever steps are necessary to finalize the adoption or legal guardianship; and

"(E) reasonable efforts of the type described in subparagraph (D) may be made concurrently with reasonable efforts of the type described in subparagraph (B);".

SEC. 102. INCLUDING SAFETY IN CASE PLAN AND CASE REVIEW SYSTEM REQUIREMENTS.

Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(1) in section 422(b)(10)(B) (as redesignated by section 5592(a)(1)(A)(iii) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 644))—

(A) in clause (iii)(I), by inserting "safe and" after "where"; and

(B) in clause (iv), by inserting "safely" after "remain"; and

(2) in section 475—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "safety and" after "discussion of the"; and

(ii) in subparagraph (B)—

(I) by inserting "safe and" after "child receives"; and

(II) by inserting "safe" after "return of the child to his own"; and

(B) in paragraph (5)—

(i) in subparagraph (A), in the matter preceding clause (i), by inserting "a safe setting that is" after "placement in"; and

(ii) in subparagraph (B)—

(I) by inserting "the safety of the child," after "determine"; and

(II) by inserting "and safely maintained in" after "returned to".

SEC. 103. MULTIDISCIPLINARY/MULTIAGENCY CHILD DEATH REVIEW TEAMS.

(a) STATE CHILD DEATH REVIEW TEAMS.—Section 471 of the Social Security Act (42 U.S.C. 671) is amended by adding at the end the following:

"(c)(1) In order to investigate and prevent child death from fatal abuse and neglect, not later than 2 years after the date of the enactment of this subsection, a State, in order to be eligible for payments under this part, shall submit to the Secretary a certification that the State has established and is maintaining, in accordance with applicable confidentiality laws, a State child death review team, and if necessary in order to cover all counties in the State, child death review teams on the regional or local level, that shall review child deaths, including deaths in which—

"(A) there is a record of a prior report of child abuse or neglect or there is reason to suspect that the child death was caused by, or related to, child abuse or neglect; or

"(B) the child who died was a ward of the State or was otherwise known to the State or local child welfare service agency.

"(2) A child death review team established in accordance with this subsection should have a membership that will present a range of viewpoints that are independent from any specific agency, and shall include representatives from, at a minimum, specific fields of expertise, such as law enforcement, health, mental health, and substance abuse, and from the community.

"(3) A State child death review team shall—

"(A) provide support to a regional or local child death review team;

"(B) make public an annual summary of case findings;

"(C) provide recommendations for systemwide improvements in services to investigate and prevent future fatal abuse and neglect; and

"(D) if the State child death review team covers all counties in the State on its own, carry out the duties of a regional or local child death review team described in paragraph (4).

"(4) A regional or local child death review team shall—

"(A) conduct individual case reviews;

"(B) recommend followup procedures for child death cases; and

"(C) suggest and assist with system improvements in services to investigate and prevent future fatal abuse and neglect.".

(b) Federal Child Death Review Team.—Section 471 of the Social Security Act (42 U.S.C. 671), as amended by subsection (a), is amended by adding at the end the following:

"(d)(1) The Secretary shall establish a Federal child death review team that shall consist of at least the following:

"(A) Representatives of the following Federal agencies who have expertise in the prevention or treatment of child abuse and neglect:

"(i) Department of Health and Human Services.

"(ii) Department of Justice.

"(iii) Bureau of Indian Affairs.

"(iv) Department of Defense.

"(v) Bureau of the Census.

"(B) Representatives of national child-serving organizations who have expertise in the prevention or treatment of child abuse and neglect and that, at a minimum, represent the health, child welfare, social services, and law enforcement fields.

"(2) The Federal child death review team established under this subsection shall—

"(A) review reports of child deaths on military installations and other Federal lands, and coordinate with Indian tribal organizations in the review of child deaths on Indian reservations;

"(B) upon request, provide guidance and technical assistance to States and localities seeking to initiate or improve child death review teams and to prevent child fatalities; and

"(C) develop recommendations on related policy and procedural issues for Congress, relevant Federal agencies, and States and localities for the purpose of preventing child fatalities.".

SEC. 104. STATES REQUIRED TO INITIATE OR JOIN PROCEEDINGS TO TERMINATE PARENTAL RIGHTS FOR CERTAIN CHILDREN IN FOSTER CARE.

(a) Requirement for Proceedings.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following:

"(E) in the case of a child who has been in foster care under the responsibility of the State for 12 of the most recent 18 months, or for a lifetime total of 24 months, or, if a court of competent jurisdiction has determined an infant to have been abandoned (as defined under State law), or made a determination that the parent has committed murder of another child of such parent, committed voluntary manslaughter of another child of such parent, aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter, or committed a felony assault that results in serious bodily injury to the surviving child or to another child of such parent, the State shall file a petition to terminate the parental rights of the child's parents (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), and, concurrently, to identify, recruit, process, and approve a qualified family for an adoption, unless—

"(i) at the option of the State, the child is being cared for by a relative; or

"(ii) a State court or State agency has documented a compelling reason for determining that filing such a petition would not be in the best interests of the child.".

(b) Determination of Beginning of Foster Care.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by subsection (a), is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) a child shall be considered to have entered foster care on the latter of—

"(i) the first time the child is removed from the home; or

"(ii) the date of the first judicial hearing on removal of the child from the home.".

(c) Elimination of Unnecessary Court Delays.—

(1) One-year statute of limitations for appeals of orders terminating parental rights.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 5591(b) of the Balanced Budget Act of 1997, is amended—

(A) by striking "and" at the end of paragraph (18);

(B) by striking the period at the end of paragraph (19) and inserting "; and"; and

(C) by adding at the end the following:

"(20) provides that an order terminating parental rights shall only be appealable during the 1-year period that begins on the date the order is issued.".

(2) One-year statute of limitations for appeals of orders of removal.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by subsection (a), is amended—

(A) in paragraph (19), by striking "and" at the end;

(B) in paragraph (20), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(21) provides that a court-ordered removal of a child shall only be appealable during the 1-year period that begins on the date the order is issued.".

(d) Rule of Construction.—Nothing in part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.), as amended by this Act, shall be construed as precluding State courts or State agencies from initiating or finalizing the termination of parental rights for reasons other than, or for timelines earlier than, those specified in part E of title IV of such Act, when such actions are determined to be in the best interests of the child.

(e) Effective Dates.—

(1) In general.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to children entering foster care under the responsibility of the State after the date of enactment of this Act.

(2) Transition rule for current foster care children.—Subject to paragraph (3), with respect to any child in foster care under the responsibility of the State on or before the date of enactment of this Act, the amendments made by this section shall not apply to such child until the date that is 1 year after the date of enactment of this Act.

(3) Delay Permitted if State Legislation Required.—The provisions of section 501(b) shall apply to the effective date of the amendments made by this section.

SEC. 105. NOTICE OF REVIEWS AND HEARINGS; OPPORTUNITY TO BE HEARD.

Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by section 104(b), is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following:

"(G) the foster parents (if any) of a child and any relative providing care for the child are provided with notice of, and an opportunity to be heard in, any review or hearing to be held with respect to the child, except that this subparagraph shall not be construed to make any foster parent or relative a party to such a review or hearing solely on the basis of such notice and opportunity to be heard.".

SEC. 106. USE OF THE FEDERAL PARENT LOCATOR SERVICE FOR CHILD WELFARE SERVICES.

Section 453 of the Social Security Act (42 U.S.C. 653), as amended by section 5534 of the Balanced Budget Act of 1997, is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by inserting "or making or enforcing child custody or visitation orders" after "obligations,"; and

(B) in subparagraph (A)—

(i) by striking "or" at the end of clause (ii);

(ii) by striking the comma at the end of clause (iii) and inserting "; or"; and

(iii) by inserting after clause (iii) the following:

"(iv) who has or may have parental rights with respect to a child,"; and

(2) in subsection (c)—

(A) by striking the period at the end of paragraph (3) and inserting "; and"; and

(B) by adding at the end the following:

"(4) a State agency that is administering a program operated under a State plan under subpart 1 of part B, or a State plan approved under subpart 2 of part B or under part E.".

SEC. 107. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE FOSTER AND ADOPTIVE PARENTS AND GROUP CARE STAFF.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 104(c)(2), is amended—

(1) by striking "and" at the end of paragraph (20);

(2) by striking the period at the end of paragraph (21) and inserting "; and"; and

(3) by adding at the end the following:

"(22) provides procedures for criminal records checks and checks of a State's child abuse registry for any prospective foster parent or adoptive parent, and any employee of a residential child-care institution before the foster parent or adoptive parent, or the residential child-care institution may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments are to be made under the State plan under this part, including procedures requiring that—

"(A) in any case in which a criminal record check reveals a criminal conviction for child abuse or neglect, or spousal abuse, a criminal conviction for crimes against children, or a criminal conviction for a crime involving violence, including violent drug-related offenses, rape, sexual or other physical assault, battery, or homicide, approval shall not be granted, unless the individual provides substantial evidence to local law enforcement officials and the State child protection agency proving that there are extraordinary circumstances which demonstrate that approval should be granted; and

"(B) in any case in which a criminal record check reveals a criminal conviction for a felony or misdemeanor not involving violence, or a check of any State child abuse registry indicates that a substantiated report of abuse or neglect exists, final approval may be granted only after consideration of the nature of the offense or incident, the length of time that has elapsed since the commission of the offense or the occurrence of the incident, the individual's life experiences during the period since the commission of the offense or the occurrence of the incident, and any risk to the child.".

SEC. 108. DEVELOPMENT OF STATE GUIDELINES TO ENSURE SAFE, QUALITY CARE TO CHILDREN IN OUT-OF-HOME PLACEMENTS.

Section 471(a)(10) of the Social Security Act (42 U.S.C. 671(a)(10)) is amended—

(1) by inserting "and guidelines" after "standards" each place it appears; and

(2) by inserting "ensuring quality services that protect the safety and health of children in foster care placements with nonprofit and for-profit agencies," after "related to".

SEC. 109. DOCUMENTATION OF EFFORTS FOR ADOPTION OR LOCATION OF A PERMANENT HOME.

Section 475 of the Social Security Act (42 U.S.C. 675) is amended—

(1) in paragraph (1)—

(A) in the last sentence—

(i) by striking "the case plan must also include"; and

(ii) by redesignating such sentence as subparagraph (D) and indenting appropriately; and

(B) by adding at the end, the following:

"(E) In the case of a child with respect to whom the State's goal is adoption or placement in another permanent home, documentation of the steps taken by the agency to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, legal guardian, or in another planned permanent living arrangement, and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child specific recruitment efforts such as the use of State, regional, and national adoption exchanges including electronic exchange systems."; and

(2) in paragraph (5)(B), by inserting "(including the requirement specified in paragraph (1)(E))" after "case plan".

TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

SEC. 201. ADOPTION INCENTIVE PAYMENTS.

Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 473 the following:

"SEC. 473A. ADOPTION INCENTIVE PAYMENTS.

"(a) GRANT AUTHORITY.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts for this purpose, the Secretary may make a grant to each State that is an incentive-eligible State for a fiscal year in an amount equal to the adoption incentive payment payable to the State for the fiscal year under this section, which shall be payable in the immediately succeeding fiscal year.

"(b) INCENTIVE-ELIGIBLE STATE.—A State is an incentive-eligible State for a fiscal year if—

"(1) the State has a plan approved under this part for the fiscal year;

"(2) the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year;

"(3) the State is in compliance with subsection (c) for the fiscal year; and

"(4) the fiscal year is any of fiscal years 1998 through 2002.

"(c) DATA REQUIREMENTS.—

"(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary the data described in paragraph (2) for fiscal year 1997 (or, if later, the fiscal year that precedes the first fiscal year for which the State seeks a grant under this section) and for each succeeding fiscal year.

"(2) DETERMINATION OF NUMBERS OF ADOPTIONS.—

"(A) DETERMINATIONS BASED ON AFCARS DATA.—Except as provided in subparagraph (B), the Secretary shall determine the numbers of foster child adoptions and of special needs adoptions in a State during each of fiscal years 1997 through 2002, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State in May of the fiscal year and in November of the succeeding fiscal year, and approved by the Secretary by April 1 of the succeeding fiscal year.

"(B) ALTERNATIVE DATA SOURCES PERMITTED FOR FISCAL YEAR 1997.—For purposes of the determination described in subparagraph (A) for fiscal year 1997, the Secretary may use data from a source or sources other than that specified in subparagraph (A) that the Secretary finds to be of equivalent completeness and reliability, as reported by a State by November 30, 1997, and approved by the Secretary by March 1, 1998.

"(3) NO WAIVER OF AFCARS REQUIREMENTS.—This section shall not be construed to alter or affect any requirement of section 479 or any regulation prescribed under such section with respect to reporting of data by States, or to waive any penalty for failure to comply with the requirements.

"(d) ADOPTION INCENTIVE PAYMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the adoption incentive payment payable to a State for a fiscal year under this section shall be equal to the sum of—

"(A) $2,000, multiplied by amount (if any) by which the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year; and

"(B) $2,000, multiplied by the amount (if any) by which the number of special needs adoptions in the State during the fiscal year exceeds the base number of special needs adoptions for the State for the fiscal year.

"(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—For any fiscal year, if the total amount of adoption incentive payments otherwise payable under this section for a fiscal year exceeds the amount appropriated for that fiscal year, the amount of the adoption incentive payment payable to each State under this section for the fiscal year shall be—

"(A) the amount of the adoption incentive payment that would otherwise be payable to the State under this section for the fiscal year; multiplied by

"(B) the percentage represented by the amount appropriated for that year, divided by the total amount of adoption incentive payments otherwise payable under this section for the fiscal year.

"(e) 2-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the succeeding fiscal year.

"(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under section 474.

"(g) DEFINITIONS.—As used in this section:

"(1) FOSTER CHILD ADOPTION.—The term 'foster child adoption' means the final adoption of a child who, at the time of adoptive placement, was in foster care under the supervision of the State.

"(2) SPECIAL NEEDS ADOPTION.—The term 'special needs adoption' means the final adoption of a child for whom an adoption assistance agreement is in effect under section 473.

"(3) BASE NUMBER OF FOSTER CHILD ADOPTIONS.—The term 'base number of foster child adoptions for a State' means, with respect to a fiscal year, the largest number of foster child adoptions in the State in fiscal year 1997 (or, if later, the first fiscal year for which the State has furnished to the Secretary the data described in subsection (c)(2)) or in any succeeding fiscal year preceding the fiscal year.

"(4) BASE NUMBER OF SPECIAL NEEDS ADOPTIONS.—The term 'base number of special needs adoptions for a State' means, with respect to a fiscal year, the largest number of special needs adoptions in the State in fiscal year 1997 (or, if later, the first fiscal year for which the State has furnished to the Secretary the data described in subsection (c)(2)) or in any succeeding fiscal year preceding the fiscal year.

"(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For grants under this section, there are authorized to be appropriated to the Secretary $15,000,000 for each of fiscal years 1999 through 2003.

"(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended, but not after fiscal year 2003.".

SEC. 202. PROMOTION OF ADOPTION OF CHILDREN WITH SPECIAL NEEDS.

(a) IN GENERAL.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by striking paragraph (2) and inserting the following:

"(2)(A) For purposes of paragraph (1)(B)(ii), a child meets the requirements of this paragraph if such child—

"(i) prior to termination of parental rights and the initiation of adoption proceedings was in the care of a public or licensed private child care agency or Indian tribal organization either pursuant to a voluntary placement agreement (provided the child was in care for not more than 180 days) or as a result of a judicial determination to the effect that continuation in the home would be contrary to the safety and welfare of such child, or was residing in a foster family home or child care institution with the child's minor parent (either pursuant to such a voluntary placement agreement or as a result of such a judicial determination); and

"(ii) has been determined by the State pursuant to subsection (c) to be a child with special needs, which needs shall be considered by the State, together with the circumstances of the adopting parents, in determining the amount of any payments to be made to the adopting parents.

"(B) Notwithstanding any other provision of law, and except as provided in paragraph (7), a child who is not a citizen or resident of the United States and who meets the requirements of subparagraph (A) and is otherwise determined to be eligible for the receipt of adoption assistance payments, shall be eligible for adoption assistance payments under this part.

"(C) A child who meets the requirements of subparagraph (A) and who is otherwise determined to be eligible for the receipt of adoption assistance payments shall continue to be eligible for such payments in the event that the child's adoptive parent dies or the child's adoption is dissolved, and the child is placed with another family for adoption.".

(b) Exception.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by adding at the end the following:

"(7)(A) Notwithstanding any other provision of this subsection, no payment may be made to parents with respect to any child that—

"(i) would be considered a child with special needs under subsection (c);

"(ii) is not a citizen or resident of the United States; and

"(iii) was adopted outside of the United States or was brought into the United States for the purpose of being adopted.

"(B) Subparagraph (A) shall not be construed as prohibiting payments under this part for a child described in subparagraph (A) that is placed in foster care subsequent to the failure, as determined by the State, of the initial adoption of such child by the parents described in such subparagraph.".

(c) Requirement for Use of State Savings.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)), as amended by subsection (b), is amended by adding at the end the following:

"(8) A State shall spend an amount equal to the amount of savings (if any) in State expenditures under this part resulting from the application of paragraph (2) on and after the effective date of the amendment to such paragraph made by section 202(a) of the Promotion of Adoption, Safety, and Support for Abused and Neglected Children (PASS) Act to provide to children or families any service (including post-adoption services) that may be provided under this part or part B.".

SEC. 203. TECHNICAL ASSISTANCE.

(a) In General.—The Secretary of Health and Human Services may, directly or through grants or contracts, provide technical assistance to assist States and local communities to reach their targets for increased numbers of adoptions and, to the extent that adoption is not possible, alternative permanent placements, for children in foster care.

(b) Limitations.—The technical assistance provided under subsection (a) shall support the goal of encouraging more adoptions out of the foster care system, when adoptions promote the best interests of children, and shall include the following:

(1) The development of best practice guidelines for expediting termination of parental rights.

(2) Models to encourage the use of concurrent planning.

(3) The development of specialized units and expertise in moving children toward adoption as a permanency goal.

(4) The development of risk assessment tools to facilitate early identification of the children who will be at risk of harm if returned home.

(5) Models to encourage the fast tracking of children who have not attained 1 year of age into adoptive and pre-adoptive placements.

(6) Development of programs that place children in pre-adoptive families without waiting for termination of parental rights.

(7) Development of programs to recruit adoptive parents.

SEC. 204. ADOPTIONS ACROSS STATE AND COUNTY JURISDICTIONS.

(a) Elimination of Geographic Barriers to Interstate Adoption.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 106, is amended—

(1) by striking "and" at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting "; and"; and

(3) by adding at the end the following:

"(23) provides that neither the State nor any other entity in the State that receives funds from the Federal Government and is involved in adoption or foster care placements may—

"(A) deny to any person the opportunity to become an applicant for custody of a child, licensure as a foster or adoptive parent, or for foster care maintenance payments or adoption assistance payments under this part on the basis of the geographic residence of the person or of the child involved; or

"(B) delay or deny the placement of a child for adoption, into foster care, or in the child's original home on the basis of the geographic residence of an adoptive or foster parent or of the child involved.".

(b) Study of Interjurisdictional Adoption Issues.—

(1) In general.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall appoint an advisory panel that shall—

(A) study and consider how to improve procedures and policies to facilitate the timely and permanent adoptions of children across State and county jurisdictions;

(B) examine, at a minimum, interjurisdictional adoption issues—

(i) concerning the recruitment of prospective adoptive families from other States and counties;

(ii) concerning the procedures to grant reciprocity to prospective adoptive family home studies from other States and counties;

(iii) arising from a review of the comity and full faith and credit provided to adoption decrees and termination of parental rights orders from other States; and

(iv) concerning the procedures related to the administration and implementation of the Interstate Compact on the Placement of Children; and

(C) not later than 12 months after the final appointment to the advisory panel, submit to the Secretary the report described in paragraph (3).

(2) Composition of advisory panel.—In establishing the advisory panel required under paragraph (1), the Secretary shall appoint members from the general public who are individuals knowledgeable on adoption and foster care issues, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who, at a minimum, include the following:

(A) Adoptive and foster parents.

(B) Public and private child welfare agencies that place children in and out of home care.

(C) Family court judges.

(D) Adoption attorneys.

(E) An Administrator of the Interstate Compact on the Placement of Children and an Administrator of the Interstate Compact on Adoption and Medical Assistance.

(F) A representative cross-section of individuals from other organizations and individuals with expertise or advocacy experience in adoption and foster care issues.

(3) Contents of report.—The report required under paragraph (1)(C) shall include the results of the study conducted under subparagraphs (A) and (B) of paragraph (1) and recommendations on how to improve procedures to facilitate the interjurisdictional adoption of children, including interstate and intercounty adoptions, so that children will be assured timely and permanent placements.

(4) Congress.—The Secretary shall submit a copy of the report required under paragraph (1)(C) to the appropriate committees of Congress, and, if relevant, make recommendations for proposed legislation.

SEC. 205. FACILITATION OF VOLUNTARY MUTUAL REUNIONS BETWEEN ADOPTED ADULTS AND BIRTH PARENTS AND SIBLINGS.

The Secretary of Health and Human Services, at no net expense to the Federal Government, may use the facilities of the Department of Health and Human Services to facilitate the voluntary, mutually requested reunion of an adult adopted child who is 21 years of age or older with—

(1) any birth parent of the adult child; or

(2) any adult adopted sibling who is 21 years of age or older, of the adult child,

if all such persons involved in any such reunion have, on their own initiative, expressed a desire for a reunion and agree to keep confidential the name and location of the other birth parent of the adult adopted child and any other adult adopted sibling of the adult adopted child.

SEC. 206. ANNUAL REPORT ON STATE PERFORMANCE IN PROTECTING CHILDREN.

(a) In General.—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

"SEC. 479A. ANNUAL REPORT.

"(a) In General.—The Secretary shall issue an annual report containing ratings of the performance of each State in protecting children who are placed in foster care, for adoption, or with a relative or guardian. The report shall include ratings on outcome measures for categories related to safety and permanence for children.

"(b) Outcome Measures.—

"(1) In general.—The Secretary shall develop a set of outcome measures to be used in preparing the report.

"(2) Categories.—In developing the outcome measures, the Secretary shall develop measures that can track performance over time for the following categories:

"(A) The number of children placed annually for adoption, the number of placements of children with special needs, and the number of children placed permanently in a foster family home, with a relative, or with a guardian who is not a relative.

"(B) The number of children, including those with parental rights terminated, that annually leave foster care at the age of majority without having been adopted or placed with a guardian.

"(C) The median and mean length of stay of children in foster care, for children with parental rights terminated, and children for whom parental rights are retained by the biological or adoptive parent.

"(D) The median and mean length of time between a child having a plan of adoption and termination of parental rights, between the availability of a child for adoption and the placement of the child in an adoptive family, and between the placement of the child in such a family and the finalization of the adoption.

"(E) The number of deaths of children in foster care and other out-of-home care, including kinship care, resulting from substantiated child abuse and neglect.

"(F) The specific steps taken by the State to facilitate permanence for children.

"(3) Measures.—In developing the outcome measures, the Secretary shall use data from the Adoption and Foster Care Analysis and Reporting System established under section 479 to the maximum extent possible.

"(c) Rating System.—The Secretary shall develop a system (including using State census data and poverty rates) to rate the performance of each State based on the outcome measures.

"(d) Information.—In order to receive funds under this part, a State shall annually provide to the Secretary such adoption, foster care, and guardianship information as the Secretary may determine to be necessary to issue the report for the State.

"(e) Preparation and Issuance.—On October 1, 1998, and annually thereafter, the Secretary shall prepare, submit to Congress, and issue to the States the report described in subsection (a). Each report shall rate the performance of a State on each outcome measure developed under subsection (b), include an explanation of the rating system developed under subsection (c) and the way in which scores are determined under the rating system, analyze high and low performances for the State, and make recommendations to the State for improvement.".

(b) Conforming Amendments.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 204(a), is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(24) provides that the State shall annually provide to the Secretary the information required under section 479A.".

TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

SEC. 301. EXPANSION OF CHILD WELFARE DEMONSTRATION PROJECTS.

Section 1130(a) of the Social Security Act (42 U.S.C. 1320a–9(a)) is amended by striking "10" and inserting "15".

SEC. 302. PERMANENCY PLANNING HEARINGS.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by striking "dispositional" and inserting "permanency planning";

(2) by striking "no later than" and all that follows through "12 months" and inserting "not later than 12 months after the original placement (and not less frequently than every 6 months"; and

(3) by striking "future status of" and all that follows through "long term basis)" and inserting "permanency plans for the child (including whether and, if applicable, when, the child will be returned to the parent, referred for termination of parental rights, placed for adoption, or referred for legal guardianship, or other planned permanent living arrangement)".

SEC. 303. KINSHIP CARE.

(a) Report.—

(1) In general.—The Secretary of Health and Human Services shall—

(A) not later than March 1, 1998, convene the advisory panel provided for in subsection (b)(1) and prepare and submit to the advisory panel an initial report on the extent to which children in foster care are placed in the care of a relative (in this section referred to as "kinship care"); and

(B) not later than November 1, 1998, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a final report on the matter described in subparagraph (A), which shall—

(i) be based on the comments submitted by the advisory panel pursuant to subsection (b)(2) and other information and considerations; and

(ii) include the policy recommendations of the Secretary with respect to the matter.

(2) Required contents.—Each report required by paragraph (1) shall—

(A) include, to the extent available for each State, information on—

(i) the policy of the State regarding kinship care;

(ii) the characteristics of the kinship care providers (including age, income, ethnicity, and race);

(iii) the characteristics of the household of such providers (such as number of other persons in the household and family composition);

(iv) how much access to the child is afforded to the parent from whom the child has been removed;

(v) the cost of, and source of funds for, kinship care (including any subsidies such as medicaid and cash assistance);

(vi) the goal for a permanent living arrangement for the child and the actions being taken by the State to achieve the goal;

(vii) the services being provided to the parent from whom the child has been removed; and

(viii) the services being provided to the kinship care provider; and

(B) specifically note the circumstances or conditions under which children enter kinship care.

(b) Advisory Panel Review.—

(1) In general.—The advisory board on child abuse and neglect established under section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102), or, if on the date of enactment of this Act such advisory board does not exist, the advisory panel authorized under paragraph (2), shall review the report prepared pursuant to subsection (a) and submit to the Secretary comments on the report not later than July 1, 1998.

(2) Authorization for appointments.—Subject to paragraph (1), the Secretary of Health and Human Services, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate, may appoint an advisory board for the purpose of reviewing and commenting on the report prepared pursuant to subsection (a). Such advisory board shall include parents, foster parents, former foster children, State and local public officials responsible for administering child welfare programs, private persons involved in the delivery of child welfare services, representatives of tribal governments and tribal courts, judges, and academic experts.

SEC. 304. STANDBY GUARDIANSHIP.

It is the sense of Congress that the States should have in effect laws and procedures that permit any parent who is chronically ill or near death, without surrendering parental rights, to designate a standby guardian for the parent's minor children, whose authority would take effect upon—

(1) the death of the parent;

(2) the mental incapacity of the parent; or

(3) the physical debilitation and consent of the parent.

SEC. 305. CLARIFICATION OF ELIGIBLE POPULATION FOR INDEPENDENT LIVING SERVICES.

Section 477(a)(2)(A) of the Social Security Act (42 U.S.C. 677(a)(2)(A)) is amended by inserting "(including children with respect to whom such payments are no longer being made because the child has accumulated assets, not to exceed $5,000, which are otherwise regarded as resources for purposes of determining eligibility for benefits under this part)" before the comma.

SEC. 306. COORDINATION AND COLLABORATION OF SUBSTANCE ABUSE TREATMENT AND CHILD PROTECTION SERVICES.

(a) Study and Report on Sources of Support for Substance Abuse Prevention and Treatment for Parents and Children and Collaboration Among State Agencies.—

(1) Study.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General of the United States shall—

(A) prepare an inventory of all Federal and State programs that may provide funds for substance abuse prevention and treatment services for families receiving services directly or through grants or contracts from public child welfare agencies; and

(B) examine—

(i) the availability and results of joint prevention and treatment activities conducted by State substance abuse prevention and treatment agencies and State child welfare agencies; and

(ii) how such agencies (jointly or separately) are responding to and addressing the needs of infants who are exposed to substance abuse.

(2) Report to congress.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the study conducted under paragraph (1). Such report shall include—

(A) a description of the extent to which clients of child welfare agencies have substance abuse treatment needs, the nature of those needs, and the extent to which those needs are being met;

(B) a description of the barriers that prevent the substance abuse treatment needs of clients of child welfare agencies from being treated appropriately;

(C) a description of the collaborative activities of State child welfare and substance abuse prevention and treatment agencies to jointly assess clients' needs, fund substance abuse prevention and treatment, train and consult with staff, and evaluate the effectiveness of programs serving clients in both agencies' caseloads;

(D) a summary of the available data on the treatment and cost-effectiveness of substance abuse treatment services for clients of child welfare agencies; and

(E) recommendations, including recommendations for Federal legislation, for addressing the needs and barriers, as described in subparagraphs (A) and (B), and for promoting further collaboration of the State child welfare and substance abuse prevention and treatment agencies in meeting the substance abuse treatment needs of families.

(b) PRIORITY IN PROVIDING SUBSTANCE ABUSE TREATMENT.—Section 1927 of the Public Health Service Act (42 U.S.C. 300x–27) is amended—

(1) in the heading, by inserting “**AND CARETAKER PARENTS**” after “**WOMEN**”; and

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “all caretaker parents who are referred for treatment by the State or local child welfare agency and who” after “referred for and”; and

(ii) by striking “is given” and inserting “are given”; and

(B) in paragraph (2)—

(i) by striking “such women” and inserting “such pregnant women and caretaker parents”; and

(ii) by striking “the women” and inserting “the pregnant women and caretaker parents”.

(c) FOSTER CARE PAYMENTS FOR CHILDREN WITH PARENTS IN RESIDENTIAL FACILITIES.—Section 472(b) of the Social Security Act (42 U.S.C. 672(b)) is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by striking the period and inserting “, or”; and

(3) by adding at the end the following:

“(3) placed with the child's parent in a residential program that provides treatment and other necessary services for parents and children, including parenting services, when—

“(A) the parent is attempting to overcome—

“(i) a substance abuse problem and is complying with an approved treatment plan;

“(ii) being a victim of domestic violence;

“(iii) homelessness;

“(iv) special needs resulting from being a teenage parent; or

“(v) post-partum depression;

“(B) the safety of the child can be assured;

“(C) the range of services provided by the program is designed to appropriately address the needs of the parent and child;

“(D) the goal of the case plan for the child is to try to reunify the child with the family within a specified period of time;

“(E) the parent described in subparagraph (A)(i) has not previously been treated in a residential program serving parents and their children together; and

“(F) the amount of foster care maintenance payments made to the residential program on behalf of such child do not exceed the amount of such payments that would otherwise be made on behalf of the child.”.

SEC. 307. REAUTHORIZATION AND EXPANSION OF FAMILY PRESERVATION AND SUPPORT SERVICES.

(a) REAUTHORIZATION OF FAMILY PRESERVATION AND SUPPORT SERVICES.—

(1) IN GENERAL.—Section 430(b) of the Social Security Act (42 U.S.C. 629(b)) is amended—

(A) in paragraph (4), by striking “or” at the end;

(B) in paragraph (5), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(6) for fiscal year 1999, $275,000,000;

“(7) for fiscal year 2000, $295,000,000;

“(8) for fiscal year 2001, $315,000,000;

“(9) for fiscal year 2002, $335,000,000; and

“(10) for fiscal year 2003, $355,000,000.”.

(2) CONFORMING AMENDMENT.—Section 430(d)(1) of the Social Security Act (42 U.S.C. 630(d)(1)) is amended by striking “and 1998” and inserting “1998, 1999, 2000, 2001, 2002, and 2003”.

(b) EXPANSION FOR TIME-LIMITED FAMILY REUNIFICATION SERVICES.—

(1) ADDITION TO STATE PLAN; MINIMUM SPENDING REQUIREMENT.—Section 432 of the Social Security Act (42 U.S.C. 629b) is amended—

(A) in subsection (a)—

(i) in paragraph (4), by striking “and community-based family support services with significant portions” and inserting “, community-based family support services, and time-limited family reunification services, with not less than 25 percent”; and

(ii) in paragraph (5)(A), by striking “and community-based family support services” and inserting “, community-based family support services, and time-limited family reunification services”; and

(B) in subsection (b)(1), by striking “and family support” and inserting “, family support, and family reunification services”.

(2) DEFINITION OF TIME-LIMITED FAMILY REUNIFICATION SERVICES.—Section 431(a) of the Social Security Act (42 U.S.C. 631(a)) is amended—

(A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (4) the following:

“(5) TIME-LIMITED FAMILY REUNIFICATION SERVICES.—

“(A) IN GENERAL.—The term ‘time-limited family reunification services’ means the services and activities described in subparagraph (B) that are provided to a child that is removed from the child's home and placed in a foster family home or a child care institution and to the parents or primary caregiver of such a child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the 1-year period that begins on the date that the child is removed from the child's home.

“(B) SERVICES AND ACTIVITIES DESCRIBED.—The services and activities described in this subparagraph are the following:

“(i) Individual, group, and family counseling.

“(ii) Inpatient, residential, or outpatient substance abuse treatment services.

“(iii) Mental health services.

“(iv) Assistance to address domestic violence.

“(v) Transportation to or from any of the services and activities described in this subparagraph.”.

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) PURPOSES.—Section 430(a) of the Social Security Act (42 U.S.C. 629(a)) is amended by striking “and community-based family support services” and inserting “, community-based family support services, and time-limited family reunification services”.

(B) EVALUATIONS.—Subparagraphs (B) and (C) of section 435(a)(2) of the Social Security Act (42 U.S.C. 629d(a)(2)) are each amended by striking “and family support” each place it appears and inserting “, family support, and family reunification”.

SEC. 308. INNOVATION GRANTS TO REDUCE BACKLOGS OF CHILDREN AWAITING ADOPTION AND FOR OTHER PURPOSES.

Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by inserting after section 477, the following:

“SEC. 478. INNOVATION GRANTS.

“(a) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants, in amounts determined by the Secretary, to States with approved applications described in subsection (c), for the purpose of carrying out the innovation projects described in subsection (b).

“(b) INNOVATION PROJECTS DESCRIBED.—The innovation projects described in this subsection are projects that are designed to achieve 1 or more of the following goals:

“(1) Reducing a backlog of children in long-term foster care or awaiting adoption placement.

“(2) Ensuring, not later than 1 year after a child enters foster care, a permanent placement for the child.

“(3) Identifying and addressing barriers that result in delays to permanent placements for children in foster care, including inadequate representation of child welfare agencies in termination of parental rights and adoption proceedings, and other barriers to termination of parental rights.

“(4) Implementing or expanding community-based permanency initiatives, particularly in communities where families reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed.

“(5) Developing and implementing community-based child protection activities that involve partnerships among State and local governments, multiple child-serving agencies, the schools, and community leaders in an attempt to keep children free from abuse and neglect.

“(6) Establishing new partnerships with businesses and religious organizations to promote safety and permanence for children.

“(7) Assisting in the development and implementation of the State guidelines described in section 471(a)(10).

“(8) Developing new staffing approaches to allow the resources of several States to be used to conduct recruitment, placement, adoption, and post-adoption services on a regional basis.

“(9) Any other goal that the Secretary specifies by regulation.

“(c) APPLICATION.—An application for a grant under this section may be submitted for fiscal year 1998 or 1999 and shall contain—

“(1) a plan, in such form and manner as the Secretary may prescribe, for an innovation project described in subsection (b) that will be implemented by the State for a period of not more than 5 consecutive fiscal years, beginning with fiscal year 1998 or 1999, as applicable;

“(2) an assurance that no waivers from provisions in law, as in effect at the time of the submission of the application, are required to implement the innovation project; and

“(3) such other information as the Secretary may require by regulation.

“(d) DURATION.—An innovation project approved under this section shall be conducted for not more than 5 consecutive fiscal years, except that the Secretary may terminate a project before the end of the period originally approved if the Secretary determines that the State conducting the project is not in compliance with the terms of the plan and application approved by the Secretary under this section.

“(e) MATCHING REQUIREMENT.—A State shall not receive a grant under this section unless, for each year for which a grant is awarded, the State agrees to match the grant with $1 for every $3 received.

"(f) NONSUPPLANTING.—Any funds received by a State under a grant made under this section shall supplement but not replace any other funds that may be available for the same purpose in the localities involved.

"(g) EVALUATIONS AND REPORTS.—

"(1) STATE EVALUATIONS.—Each State administering an innovation project under this section shall—

"(A) provide for ongoing and retrospective evaluation of the project, meeting such conditions and standards as the Secretary may require; and

"(B) submit to the Secretary such reports, at such times, in such format, and containing such information as the Secretary may require.

"(2) REPORTS TO CONGRESS.—The Secretary shall, on the basis of reports received from States administering projects under this section, submit interim reports, and, not later than 6 months after the conclusion of all projects administered under this section, a final report to Congress. A report submitted under this subparagraph shall contain an assessment of the effectiveness of the State projects administered under this section and any recommendations for legislative action that the Secretary considers appropriate.

"(h) REGULATIONS.—Not later than 60 days after the date of enactment of this section, the Secretary shall promulgate final regulations for implementing this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to make grants under this section not more than $50,000,000 for each of fiscal years 1998 through 2003.".

TITLE IV—MISCELLANEOUS

SEC. 401. PRESERVATION OF REASONABLE PARENTING.

Nothing in this Act is intended to disrupt the family unnecessarily or to intrude inappropriately into family life, to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting.

SEC. 402. REPORTING REQUIREMENTS.

Any information required to be reported under this Act shall be supplied to the Secretary of Health and Human Services through data meeting the requirements of the Adoption and Foster Care Analysis and Reporting System established pursuant to section 479 of the Social Security Act (42 U.S.C. 679), to the extent such data is available under that system. The Secretary shall make such modifications to regulations issued under section 479 of such Act with respect to the Adoption and Foster Care Analysis and Reporting System as may be necessary to allow States to obtain data that meets the requirements of such system in order to satisfy the reporting requirements of this Act.

SEC. 403. REPORT ON FIDUCIARY OBLIGATIONS OF STATE AGENCIES RECEIVING SSI PAYMENTS.

Not later than 12 months after the date of enactment of this Act, the Commissioner of Social Security shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning State or local child welfare service agencies that act as representative payees on behalf of children under the care of such agencies for purposes of receiving supplemental security income payments under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (including supplementary payments pursuant to an agreement for Federal administration under section 1616(a) of the Social Security Act and payments pursuant to an agreement entered into under section 212(b) of Public Law 93–66) for the benefit of such children. Such report shall include an examination of the extent to which such agencies—

(1) have complied with the fiduciary responsibilities attendant to acting as a representative payee under title XVI of such Act; and

(2) have received supplemental security income payments on behalf of children that the agencies cannot identify or locate, and if so, the disposition of such payments.

SEC. 404. ALLOCATION OF ADMINISTRATIVE COSTS OF DETERMINING ELIGIBILITY FOR MEDICAID AND TANF.

(a) MEDICAID.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by striking "section 1919(g)(3)(B)" and inserting "subsection (x) and section 1919(g)(3)(C)"; and

(2) by adding at the end the following:

"(x)(1) Notwithstanding any other provision of law, for purposes of determining the amount to be paid to a State under subsection (a)(7) for quarters in any fiscal year, beginning with fiscal year 1997, amounts expended for the proper and efficient administration of the State plan under this title (including under any waiver of such plan) shall not include common costs related to determining the eligibility under such State plan (or waiver) of individuals in a household applying for or receiving benefits under the State program under part A of title IV unless the State elects the option described in paragraph (2).

"(2) A State that meets the requirements of paragraph (3) may elect to allocate equally between the State program under part A of title IV and the State plan under this title (including any waiver of such plan) the administrative costs associated with such programs that are incurred in serving households and individuals eligible or applying for benefits under the State program under part A of title IV and under the State plan (or under a waiver of such plan) under this title.

"(3) A State meets the requirements of this paragraph if the Secretary determines that—

"(A) the State conforms the eligibility rules and procedures of, and integrates the administration of the eligibility procedures of, the State program funded under part A of title IV and the State plan under this title (including any waiver of such plan); and

"(B) the State uses the same application form for assistance described in section 1931(e).".

(b) TANF.—

(1) IN GENERAL.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following:

"(12) DESIGNATION OF GRANTS UNDER THIS PART IN ALLOCATING ADMINISTRATIVE COSTS.—Subject to section 1903(x), a State to which a grant is made under section 403 shall designate the program funded under this part as the primary program for the purpose of allocating common administrative costs incurred in serving households eligible or applying for benefits under such program and any other Federal means-tested public benefit program administered by the State.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) to section 408 of the Social Security Act (42 U.S.C. 608) shall take effect as if included in the enactment of section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2112).

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on October 1, 1997.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

Mr. CRAIG. Mr. President, I am pleased to join my distinguished colleagues in introducing PASS, the Promotion of Adoption, Safety and Support for Abused and Neglected Children Act.

Foster care was never intended to be anything more than a temporary refuge for children from troubled families. Yet all too often, "temporary" becomes "permanent," and decisions made for children in the system are driven by considerations other than the child's own well-being. Tragically, it's the children who ultimately pay for the flaws in the system—sometimes with their very lives.

The problem does not lie with the vast majority of foster parents, relatives, and caseworkers who work valiantly to provide the care needed by these children. Rather, the problem is the system itself, and incentives built into it, that frustrate the goal of moving children to permanent, safe, loving homes.

PASS will fundamentally shift the foster care paradigm, without destroying what is good and necessary in the system. For the first time, a child's health and safety will have to be the paramount concerns in any decisions made by the State. for the first time, efforts to find an adoptive or other permanent home will not only be required but documented and rewarded. For the first time, steps will have to be taken to free a child for adoption or other permanent placement if the child has been languishing in foster care for a year or more.

These are only some of the many critical reforms in Pass, designed to promote adoption, ensure the safety of abused and neglected children, accelerate permanent placement, and fix flaws in the system. The package, taken as a whole, will make an enormous difference in the lives of thousands of children.

This comprehensive bill is the product of extensive discussion and negotiation among Senators representing a veritable universe of viewpoints on adoption and foster care reform. Although we may have come to the table from different perspectives, we agreed on a fundamental principle: that reforms are needed to ensure that a child's health, safety and permanency are paramount concerns of the foster care system. In the end, on behalf of the children, we came together and resolved our differences. PASS is the result, and I commend it to all our colleagues.

Change is needed now; every day of delay is an eternity to a child unfairly bearing the burdens of the current system. I hope every Senator will take a careful look at PASS, and work with us to achieve true reforms in this area.

Mr. ROCKEFELLER. Mr. President, abused and neglected children are among the most vulnerable and poorly protected members of American society. Too many of these children are left to wander aimlessly through the foster care system—a system which, from the outset, was never designed or intended to be a permanent home. We can no longer continue to sentence these foster children to endless waits—a legal limbo in which they no longer feel welcome in their biological families but are unable to be adopted into new and loving homes. Despite the thousands of dedicated foster parents and child welfare workers who strive daily to effectively address the many needs of abused and neglected children in an overloaded system, we know that nothing can replace a permanent and loving home made by adults who can be counted on without condition or limitation.

Acknowledging our collective obligation to allow no child to fall between the cracks, I am proud to join together with Senator JOHN CHAFEE and my other colleagues in a truly extraordinary bipartisan effort to introduce the Promotion of Adoption Safety and Support for Abused and Neglected Children Act [PASS]. Under Senator CHAFEE's committed leadership on children's issues, this bipartisan group has worked extremely hard to forge an effective compromise—a compromise which offers concrete, practical strategies to provide permanency in lives of foster children and to ensure that health and safety are built into every level of America's abuse and neglect system. Central to this entire effort was also Senator LARRY CRAIG, who brought focus and determination to the sometimes difficult bipartisan negotiations. I would like to take this opportunity to extend my most sincere thanks to my other colleagues, Senators JEFFORDS, DEWINE, COATS, BOND, LANDRIEU, and LEVIN for making possible this outstanding example of bipartisan teamwork.

The Promotion of Adoption Safety and Support for Abused and Neglected Children Act will fundamentally shift the focus of the foster care system by insisting that a child's health, safety, and opportunity to find a permanent home should be the paramount concern when a State makes any decision concerning the well-being of abused and neglected children. As a comprehensive package based on bipartisan consensus, PASS will accelerate and improve the response to these concerns, promote safe adoptions, and restore safety and permanency to the lives of abused and neglected children.

The main objective of this bill is to move abused and neglected children into adoptive or other permanent homes and to do so more quickly and more safely than ever before. Right now, many foster care children are forced to wait years before being adopted—even in cases where loving families are ready and willing to adopt them. Some children lose their chance for adoption altogether. While PASS preserves the requirement to reunify families where appropriate, it does not require States to use reasonable efforts to reunify families that have been irreparably broken by abandonment, torture, physical abuse, sexual abuse, murder, manslaughter, and sexual assault. The PASS Act maintains the delicate balance in protecting the rights of parents and families while placing primary focus where it should be: on the health and safety of child.

PASS encourages adoptions by rewarding States financial incentives for facilitating adoption for all foster children—especially those with special needs which, sadly, make them more difficult to place. For those situations where children cannot go home again, PASS requires States to use reasonable efforts to place them into safe adoptive homes or into the permanent care of loving relatives. In addition, PASS cuts by one-third the time that an abused and neglected child must wait in order to be placed in such adoptive homes. In response to a candid and focused look at today's foster care crisis, the bill also seeks to rescue children from the legal limbo of the current system by requiring States to take the necessary legal steps to free for adoption those children who have been forced to linger in the system for a year or more. PASS also prevents further abuse of children in the foster care system by requiring criminal records checks for all foster and adoptive parents. PASS is about helping the individual child but, equally as importantly, fixing the system.

It is always the right time to focus on the needs of children—especially those unfortunate enough to find themselves in the sometimes dysfunctional labyrinth of the abuse and neglect system. Unfortunately, however, reform has never been more necessary. President Clinton's "Adoption 2002 Report" found that there are currently half a million children in temporary foster care placements. One hundred thousand of those children should be adopted, but less than half of that number are legally eligible to become part of an adoptive family. In my home State of West Virginia alone, referrals to Child Protective Services are expected to rise to an all-time high of 17,000 this year. Foster care placements have jumped from 2,900 children in January 1996 to 3,113 children in January 1997. These staggering figures reveal a foster care crisis of unprecedented proportions.

PASS is the first step in a vital, ongoing effort to put children at the very top of our national agenda. It is time that we provide all children with their most profound wish: to live in a safe and loving home with caretakers who treat them with respect and dignity. If we are unable to address this most fundamental need, these children will not be able to grow, learn, and provide a secure place for their own families. It is unthinkable to deny abused and neglected children such vital opportunities.

Mr. BOND. Mr. President, there may not be many things in life on which there is a consensus but I think we all can agree on the vital importance of ensuring the safety of abused and neglected children and moving them out of the foster care system more rapidly and into permanent homes. I am proud to join with my colleagues in this bipartisan effort to develop the new, consensus legislation called the Promotion of Adoption, Safety, and Support for Abused and Neglected Children [PASS] Act.

The reality is that all too often children simply languish in the foster care system. Nationwide, there are more than 500,000 children in foster care. In Missouri, there are 10,361 children in the foster care system. Since 1975, the number of reported incidents of abuse and neglect has increased from less than 10,000 to 52,964 in 1995, an all-time high and frightening statistic.

Federal law has hindered State child welfare agencies from moving more quickly to place children who are in foster care because of abuse and neglect into permanent homes.

The PASS Act will provide incentives to increase adoptions and reduce by one third the amount of time a child lingers in foster care waiting for a permanency plan, with a review required every six months so that foster care is truly viewed as a temporary care system for our most vulnerable children.

The bill clarifies "reasonable efforts" and establishes a federal standard so that the health and safety of the child is the primary concern, above family reunification interest. There are some parents for whom reunification with their children is not reasonable—certainly sustained abuse or neglect or danger of physical harm would fit that category. In those cases, we need to move swiftly to get the children out of harm's way and then quickly to get them into permanent homes.

Just count the number of cases of child abuse and neglect that has been reported over the past few months. One too many! A little, five-year old Kansas City girl named Angel Hart was beaten and drowned to death by her mother's boyfriend because she could not recite the alphabet.

Under the PASS Act, States are encouraged to enact laws that would make it easier to terminate parental rights in abusive cases and prevent abused and neglected children from returning to homes in which their health and safety are at risk. In addition, this legislation promotes adoption of all special needs children and ensures health coverage for special needs children who are adopted.

I am very optimistic that Congress will move this bill forward this year. There are far too many innocent lives at stake and no child should be denied a loving home. Unfortunately, for thousands of kids now caught in permanent limbo in the foster care system, that is exactly what is happening. The PASS Act will improve child safety and permanency, enabling some children to return home safely and others to move to adoptive families more quickly.

By Mr. McCAIN (for himself, Mr. GORTON, Mr. HOLLINGS, and Mr. FORD):

S. 1196. A bill to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers; to the Committee on Commerce, Science, and Transportation.

THE FOREIGN AIR CARRIER FAMILY SUPPORT ACT

Mr. McCAIN. Mr. President, I am pleased to join with my colleagues, Senator GORTON, Senator HOLLINGS and Senator FORD, to introduce the Foreign Air Carrier Family Support Act. This bill would require foreign air carriers to implement disaster family assistance plans should an accident involving their carriers occur on American soil. I would like to recognize my colleagues in the House, especially Representative UNDERWOOD from Guam, who introduced the companion bill in the House of Representatives earlier this week.

The legislation, if enacted, would build on the family assistance provisions that we enacted last year as part of the Federal Aviation Reauthorization Act of 1996. Let me be clear about one point. Domestic air carriers are already operating under the same legislative requirements set out in the legislation before us today.

The need for extending the requirements to foreign air carriers came into a clear focus with the tragic crash of Korean Air Flight 801 in Guam. I do not intend to single out Korean Air for blame. An accident of this magnitude, involving the loss of more than 200 lives, in rough and isolated terrain, is bound to create mass confusion and hysteria. Even so, coverage of the accident made us all acutely aware of the criticisms made by the family members, and the pain they suffered in relation to the search and rescue efforts, as well as the media involvement following the accident.

The U.S. civil, military and Federal personnel at the scene should be commended for their contributions toward the search and rescue efforts. I also praise their attempts to console and assist family members on Guam, as well as those who traveled to the accident site from South Korea and the continental United States. Without a doubt, though, their efforts would have been more productive had there been a prearranged plan in effect. Greater coordination would have made things easier not only for the victims' family members, but also for the National Transportation Safety Board [NTSB] officials and military personnel who were on-site and who had to respond immediately in an emotional and potentially hazardous situation.

The Foreign Air Carrier Family Support Act would require a foreign air carrier to provide the Secretary of Transportation and the Chairman of the NTSB with a plan for addressing the needs of the families of passengers involved in an aircraft accident that involves an aircraft under the control of that foreign air carrier, and that involves a significant loss of life. The Secretary of Transportation could not grant permission for the foreign air carrier to operate in the United States unless the Secretary had received a sufficient family assistance plan.

The family assistance plan required of the foreign air carrier would include a reliable, staffed toll-free number for the passengers' families, and a process for expedient family notification prior to public notice of the passengers' identities. An NTSB employee would serve as director of family support services, with the assistance of an independent nonprofit organization with experience in disasters and post-trauma communication with families. The foreign air carrier would provide these family liaisons with updated passenger lists following the crash. The legislation would require that the carrier consult and coordinate with the families on the disposition of remains and personal effects.

This is important legislation. It is critical, given the increasing global nature of aviation. As we work to promote and implement open skies agreements with foreign countries, these countries' carriers will have increasing freedom to operate in the United States and its territories.

I plan to bring this legislation before the Commerce Committee for markup as early as next week. Unfortunate but true, we have already seen the positive effects of the congressionally mandated family assistance provisions, as they relate to domestic air carriers. I urge my colleagues to support extending these assistance provisions to foreign carriers operating in the United States.

Mr. GORTON. Mr. President, I rise to join my distinguished colleagues, Senator McCAIN, Senator HOLLINGS, and Senator FORD to introduce the Foreign Air Carrier Family Support Act. This act will provide assistance to the families of aviation accident victims who were flying on foreign airlines operating in the United States, assistance that is now provided in the event of the crash of a domestic airline. I would also take this opportunity to recognize Representative UNDERWOOD of Guam who recently introduced the companion bill in the House with Representative DUNCAN and Representative LIPINSKI.

The recent tragic crash of Korean Air Flight 801 in Guam, which took the lives of more than 200 people, clearly shows the need for this legislation. As we all know, the news of an air disaster spreads quickly around the world, with pictures and reports about the crash. The media is often at the sight of crash as soon as, if not before, the rescue teams.

You can imagine how devastating it was for the family members of those flying on Flight 801, as it would be for any family members, to receive media reports about a crash just after it happened. Anyone in such a situation wants to know as quickly as possible what has happened to their loved ones. That is why the Congress passed the Aviation Disaster Family Assistance Act of 1996, which obligates domestic air carriers to have disaster support plans in place. It is why we now need to extend this type of plan to foreign air carriers in the event that they have an accident on American soil.

Despite the best efforts of rescue personnel and National Transportation Safety Board personnel, it is clear that family members would have been better served if an accident plan had been in effect following the crash of flight 801. Coverage of the accident made us aware that family members suffered a great deal of pain in relation to the search and rescue efforts. We have, sadly enough, already seen the positive effects of family assistance plans for the accidents of domestic air carriers.

Simply stated, the bill would require that following an accident resulting in a significant loss of life, the foreign airline would have a plan in place to publicize a toll-free number, have staff available to take calls, have an up-to-date list of passengers, and have a process to notify families—in person if possible—before any public notification that a family member was onboard the crashed aircraft. A National Transportation Safety Board employee would serve as the director of family support services, with the assistance of an independent nonprofit organization with experience in disasters and post-trauma communication with families. The legislation also requires the Secretary of Transportation to refuse a foreign air carrier a permit to operate in the U.S. if the carrier does not have a plan in place.

As Senator McCAIN indicated, he plans to bring this legislation before the Commerce Committee for markup as early as next week. I will work with Senator McCAIN to see that we move this legislation as expeditiously as possible.

I hope that it will never be necessary for the plans required under this legislation to be used. However, should a foreign air carrier have an accident in the United States, we should extend to the family members of victims the consideration and compassion that this legislation provides. I would urge my colleagues to join me in supporting this bill.

Mr. HOLLINGS. Mr. President, I rise to join my colleagues, Senators McCAIN, GORTON, and FORD in introducing the Foreign Air Carrier Family Support Act, which will assign to foreign air carriers the statutory duty to provide support to the families of victims of aircraft accidents.

Last month, 228 people died in the crash of Korean Air flight 801 in Guam. The United States, as a policy matter, has decided that our air carriers must be prepared to work with the families of victims. In fact, we require our carriers to file plans covering items like toll-free phone lines, notification of families of the accident, consultation on the disposition of the remains, and the return of family possessions.

These changes came about following the crash of TWA flight 800 last July. It was clear, following the crash, that the families of the victims needed assistance, and in a coordinated way. The National Transportation Safety Board representatives worked night and day to let the families know what was going on, but the carriers, too, have a responsibility and those responsibilities, for U.S. carriers, were statutorily imposed. The bill today will make sure that foreign carriers like Korean Air will have similar responsibilities for crashes that occur in the United States.

I urge my colleagues to support the bill.

Mr. FORD. Mr. President, I want to join my colleagues in sponsoring the Foreign Air Carrier Family Support Act. The bill, which I hope will be considered shortly by the Commerce Committee, is intended to close a loophole in law. Last year, we passed legislation requiring U.S. air carriers to file plans with the Secretary and NTSB outlining how they would address the needs of the families of victims of aviation disasters. The bill today will require foreign airlines that serve the United States. In light of the tragic crash in Guam, this bill will make sure that carriers like Korean Air are prepared to deal with the families of victims when a crash occurs on U.S. soil.

The bill is supported by the administration and I hope that we can pass it quickly.

By Mrs. FEINSTEIN:

S. 1197. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

THE CAMPAIGN FINANCE REFORM ACT OF 1997

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation on campaign spending reform.

I recognize that this is not the first bill introduced in Congress on this issue. In fact, at last count, there were 85 bills introduced in either the House or the Senate on campaign finance reform—17 of them in the Senate alone.

Frankly, I would be quite satisfied if the bill I am introducing today was tabled in favor of a floor vote on the McCain-Feingold bill, of which I am a cosponsor.

Last week, all 45 Democrats in the Senate pledged to vote for McCain-Feingold if given the opportunity. Combined with the three Republican cosponsors of the bill, this legislation needs only three more votes for passage. Surely there are three more Republicans who will support this bill.

But we are not there yet, and I believe strongly that action must be taken on this subject now. Today. This Congress. This session.

This Congress has spent $10 million in taxpayer funds investigating wrongdoing in the last election cycle.

Eighty-four Members of this Congress have called for special prosecutors.

We've spent 6 months in public hearings decrying how bad the system is, how bad soft money is, and how badly we need reform.

There is nothing to hide behind if this Congress does not act on reform.

I do not believe Members of this body can or should be able to take a pass on reform based on disagreements with McCain-Feingold, or based on an all-or-nothing attitude. Therefore, I offer my legislation as a bill that contains the common denominators—the basic elements—of reform that many of us profess to agree on.

Let me state clearly; I am a cosponsor of McCain-Feingold and will vote for McCain-Feingold if it comes to the floor for approval, as I believe it should.

My legislation is an alternative, focussed on what I, and what most of my colleagues, have said are the most pressing areas in need of reform: the elimination of soft money, greater disclosure on contributions, and regulation of dollars now unregulated.

The cornerstone of any campaign reform bill must address the issue of soft money. After all the charges and disclosures about the abuse of soft money in Federal campaigns, we would be hard-pressed to explain to the public why we did not take action at least on this issue.

However, just banning soft money—for which there appears to be sufficient support in both Houses—cannot be our only action. A simple ban on soft money will force the shifting of these dollars into unregulated independent expenditure campaigns where huge amounts of anonymous money is used to influence campaigns and—most commonly—to attack candidates.

Between $135 and $150 million was spent on so-called issue ads in 1996—about 35 percent of the $400 million spent on all campaign advertising in 1996, according to a new study released yesterday by the Annenberg Center at the University of Pennsylvania. The study—the most comprehensive on this issue to date—showed that, compared with other forms of political advertising and coverage, the content of issue ads were the highest in "pure attack."

To this end, I have prepared this small package of measures—many of which appear in other bills—which, taken together, is a step on the road to spending reform, and would be a solid step forward in the battle to decrease the flood of unregulated money in campaigns.

Specifically, this bill would:

Ban soft money to national parties. During the last election, both parties spent a combined total of over $270 million in soft money. Democrats spent $122 million and Republicans spent almost $150 million. Over the first 6 months of this year, both parties have raised $34 million in soft money, with Republicans out-pacing Democrats $23 to $11 million.

Change the definition of "express advocacy" to include any communication that uses a candidate's name or picture within 60 days of an election as express advocacy. Only hard dollars—limited in amount and fully disclosed—could be used to fund independent campaigns of a candidate's name or image is used in express advocacy for or against a candidate.

Change the personal contribution limit from $1,000 to $2,000 per election and index those contribution limits for inflation in the future. The $1,000 per election limits have not been changed since 1974. That was 23 years ago and, as every candidate knows, the cost of printing, postage, and buying media has more than quadrupled in that time.

Increase the disclosure requirements so that any group or individual spending more than $10,000 up to 20 days prior to an election would have to report that to the FEC within 48 hours. This threshold drops to $1,000 within 20 days of an election.

Implement a policy whereby if a person is not eligible to vote in U.S. elections, he or she would not be permitted to contribute to candidates or parties.

Lower the threshold for reporting contributions to candidates from $200 to $50. This increases disclosure.

Allow the FEC to seek an injunction in U.S. district court if it has evidence that a violation of campaign laws is about to occur.

Permit the FEC to refer matters to the Attorney General for prosecution if any significant evidence of criminal wrongdoing exists.

I believe a bill containing these elements is doable this year and I offer it as a package for the consideration of this body.

In closing, it is my sincere hope we will move to enact meaningful campaign finance reform this year. If we can't act now, after all that has been said and done this year, I'm afraid we never will. The American people deserve more than lip service on campaign reform.

I implore the majority leader to bring the McCain-Feingold bill to the floor and allow us to debate it, amend it, and vote on it. If we can't agree on the McCain-Feingold bill, then let us vote on an alternative such as mine. Either way, let us have at it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Bipartisan Campaign Reform Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—BAN ON SOFT MONEY OF POLITICAL PARTY COMMITTEES
Sec. 101. Soft money of political party committees.
Sec. 102. State party grassroots funds.
Sec. 103. Reporting requirements.
TITLE II—INDEPENDENT EXPENDITURES; SOFT MONEY
Sec. 201. Express advocacy.
Sec. 202. Reporting requirements for certain independent expenditures.
Sec. 203. Soft money of persons other than political parties.
TITLE III—ENFORCEMENT
Sec. 301. Filing of reports using computers and facsimile machines.
Sec. 302. Audits.
Sec. 303. Authority to seek injunction.
Sec. 304. Reporting requirements for contributions of $50 or more.
Sec. 305. Increase in penalty for knowing and willful violations.
Sec. 306. Prohibition of contributions by individuals not qualified to register to vote.
Sec. 307. Use of candidates' names.
Sec. 308. Prohibition of false representation to solicit contributions.
Sec. 309. Expedited procedures.
Sec. 310. Reference of suspected violation to the attorney general.
TITLE IV—MISCELLANEOUS
Sec. 401. Contribution limits; indexing.
Sec. 402. Use of contributed amounts for certain purposes.
Sec. 403. Campaign advertising.
Sec. 404. Limit on congressional use of the franking privilege.
TITLE V—CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS
Sec. 501. Severability.
Sec. 502. Review of constitutional issues.
Sec. 503. Effective date.
Sec. 504. Regulations.

TITLE I—BAN ON SOFT MONEY OF POLITICAL PARTY COMMITTEES

SEC. 101. SOFT MONEY OF POLITICAL PARTY COMMITTEES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 324. SOFT MONEY OF PARTY COMMITTEES.

"(a) NATIONAL COMMITTEES.—

"(1) ALL CONTRIBUTIONS, DONATIONS, TRANSFERS, AND SPENDING TO BE SUBJECT TO THIS ACT.—A national committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee or its agent, an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity (but not including an entity regulated under subsection (b)) shall not solicit or receive any contributions, donations, or transfers of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) DONATION LIMIT.—In addition to the amount of contributions that a person may make to a national committee of a political party under section 315, a person may make donations of anything of value to a national committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee or its agent, an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity (but not including an entity regulated under subsection (b)) in an aggregate amount not exceeding $25,000 during the 24 months preceding the date of a general election for Federal office.

"(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

"(1) IN GENERAL.—Any amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of any such committee or entity) during a calendar year in which a Federal election is held, for any activity that might affect the outcome of a Federal election, including any voter registration or get-out-the-vote activity, any generic campaign activity, and any communication that refers to a candidate (regardless of whether a candidate for State or local office is also mentioned or identified) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) ACTIVITY EXCLUDED FROM PARAGRAPH (1).—

"(A) IN GENERAL.—Paragraph (1) shall not apply to an expenditure or disbursement made by a State, district, or local committee of a political party for—

"(i) a contribution to a candidate for State or local office if the contribution is not designated or otherwise earmarked to pay for an activity described in paragraph (1);

"(ii) the costs of a State, district, or local political convention;

"(iii) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of any individual who spends more than 20 percent of the individual's time on activity during the month that may affect the outcome of a Federal election) except that for purposes of this paragraph, the non-Federal share of a party committee's administrative and overhead expenses shall be determined by applying the ratio of the non-Federal disbursements to the total Federal expenditures and non-Federal disbursements made by the committee during the previous presidential election year to the committee's administrative and overhead expenses in the election year in question;

"(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs that name or depict only a candidate for State or local office; and

"(v) the cost of any campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, if the candidate activity is not an activity described in paragraph (1).

"(B) FUNDRAISING COSTS.—Any amount spent by a national, State, district, or local committee, by an entity that is established, financed, maintained, or controlled by a State, district, or local committee of a political party, or by an agent or officer of any such committee or entity to raise funds that are used, in whole or in part, to pay the costs of an activity described in paragraph (1) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(c) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, an agent acting on behalf of any such party committee, and an officer or agent acting on behalf of any such party committee or entity), shall not solicit any funds for or make any donations to an organization that is exempt from Federal taxation under section 501(c) of the Internal Revenue Code of 1986.

"(d) CANDIDATES.—

"(1) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office shall not—

"(A) solicit, receive, transfer, or spend funds in connection with an election for Federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act;

"(B) solicit, receive, or transfer funds that are to be expended in connection with any election other than a Federal election unless the funds—

"(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under section 315(a) (1) and (2); and

"(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office; or

"(C) solicit, receive, or transfer any funds on behalf of any person that are not subject to the limitations, prohibitions, and reporting requirements of the Act if the funds are for use in financing any campaign-related activity or any communication that refers to a clearly identified candidate for Federal office.

"(2) Exception.—Paragraph (1) does not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for the individual's State or local campaign committee.".

SEC. 102. STATE PARTY GRASSROOTS FUNDS.

(a) Individual Contributions.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B) by striking "or" at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

"(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000;

except that the aggregate contributions described in this subparagraph that may be made by a person to the State Party Grassroots Fund and all committees of a State committee of a political party in any State in any calendar year shall not exceed $20,000; or".

(b) Limits.—

(1) In general.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by striking paragraph (3) and inserting the following:

"(3) Overall limits.—

"(A) Individual limit.—No individual shall make contributions during any calendar year that, in the aggregate, exceed $30,000.

"(B) Calendar year.—No individual shall make contributions during any calendar year—

"(i) to all candidates and their authorized political committees that, in the aggregate, exceed $25,000; or

"(ii) to all political committees established and maintained by State committees of a political party that, in the aggregate, exceed $20,000.

"(C) Nonelection years.—For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which the contribution is made shall be treated as being made during the calendar year in which the election is held.".

(c) Definitions.—Section 301 of the Federal Election Campaign Act of 1970 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) Generic campaign activity.—The term 'generic campaign activity' means a campaign activity that promotes a political party and does not refer to any particular Federal or non-Federal candidate.

"(21) State Party Grassroots Fund.—The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 325(d).".

(d) State Party Grassroots Funds.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 101) is amended by adding at the end the following:

"SEC. 325. STATE PARTY GRASSROOTS FUNDS.

"(a) Definition.—In this section, the term 'State or local candidate committee' means a committee established, financed, maintained, or controlled by a candidate for other than Federal office.

"(b) Transfers.—Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if the district or local committee—

"(1) has established a separate segregated fund for the purposes described in subsection (d); and

"(2) uses the transferred funds solely for those purposes.

"(c) Amounts Received by Grassroots Funds From State and Local Candidate Committees.—

"(1) In general.—Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (d) that are for the benefit of that candidate shall be treated as meeting the requirements of 324(b)(1) and section 304(e) if—

"(A) the amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A)(i); and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether those requirements are met; and

"(ii) certifies that the requirements were met.

"(2) Determination of compliance.—For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in paragraph (1)(A)—

"(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee; and

"(B) the committee must be able to demonstrate that its cash on hand contains funds meeting those requirements sufficient to cover the transferred funds.

"(3) Reporting.—Notwithstanding paragraph (1), any State Party Grassroots Fund that receives a transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from the candidate committee.

"(d) Disbursements and Expenditures.—A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

"(1) any generic campaign activity;

"(2) payments described in clauses (v), (x), and (xii) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

"(3) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

"(4) voter registration; and

"(5) development and maintenance of voter files during an even-numbered calendar year.".

SEC. 103. REPORTING REQUIREMENTS.

(a) Reporting Requirements.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 202) is amended by adding at the end the following:

"(e) Political Committees.—

"(1) National and congressional political committees.—The national committee of a political party, any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) Other political committees to which section 324 applies.—A political committee (not described in paragraph (1)) to which section 324(b)(1) applies shall report all receipts and disbursements made for activities described in section 324(b) (1) and (2)(iii).

"(3) Other political committees.—Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements that are used in connection with a Federal election.

"(4) Itemization.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

"(5) Reporting periods.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) Building Fund Exception to the Definition of Contribution.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

(c) Reports by State Committees.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by subsection (a)) is amended by adding at the end the following:

"(f) Filing of State Reports.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

(d) Other Reporting Requirements.—

(1) Authorized committees.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(A) by striking "and" at the end of subparagraph (H);

(B) by inserting "and" at the end of subparagraph (I); and

(C) by adding at the end the following new subparagraph:

"(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;".

(2) Names and addresses.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting ", and the election to which the operating expenditure relates" after "operating expenditure".

TITLE II—INDEPENDENT EXPENDITURES; SOFT MONEY

SEC. 201. EXPRESS ADVOCACY.

(a) Definition of Expenditure.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(1) by striking "and" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting a semicolon; and

(3) by adding at the end the following:

"(iii) any payment during an election year (or in a nonelection year, during the period beginning on the date on which a vacancy for Federal office occurs and ending on the date of the special election for that office) for a communication that is made through any broadcast medium, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising by a national, State, district, or local committee of a political party, including a congressional campaign committee of a party, that refers to a clearly identified candidate; and

"(iv) any payment for a communication that contains express advocacy.".

(b) Definition of Independent Expenditure.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) Independent expenditure.—

"(A) In general.—The term 'independent expenditure' means an expenditure that—

"(i) contains express advocacy; and

"(ii) is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.".

(b) Definition of Express Advocacy.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) (as amended by section 102(c)) is amended by adding at the end the following:

"(22) Express advocacy.—

"(A) In general.—The term 'express advocacy' includes—

"(i) a communication that conveys a message that advocates the election or defeat of a clearly identified candidate for Federal office by using an expression such as 'vote for,' 'elect,' 'support,' 'vote against,' 'defeat,' 'reject,' '(name of candidate) for Congress', 'vote pro-life,' or 'vote pro-choice', accompanied by a listing or picture of a clearly identified candidate described as 'pro-life' or 'pro-choice,' 'reject the incumbent', or a similar expression;

"(ii) a communication that is made through a broadcast medium, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising that involves aggregate disbursements of $10,000 or more, that refers to a clearly identified candidate, that a reasonable person would understand as advocating the election or defeat of the candidate, and that is made within 60 days before the date of a primary election (and is targeted to the State in which the primary is occurring), or 60 days before a general election; or

"(iii) a communication that is made through a broadcast medium, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising that involves aggregate disbursements of $10,000 or more, that refers to a clearly identified candidate, that a reasonable person would understand as advocating the election or defeat of a candidate, that is made before the date that is 30 days before the date of a primary election, or 60 days before the date of a general election, and that is made for the purpose of advocating the election or defeat of the candidate, as shown by 1 or more factors such as a statement or action by the person making the communication, the targeting or placement of the communication, or the use by the person making the communication of polling, demographic, or other similar data relating to the candidate's campaign or election.

"(B) Exclusion.—The term 'express advocacy' does not include the publication or distribution of a communication that is limited solely to providing information about the voting record of elected officials on legislative matters and that a reasonable person would not understand as advocating the election or defeat of a particular candidate.".

SEC. 202. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (7); and

(3) by inserting after paragraph (2), as amended by paragraph (1), the following:

"(d) Time for Reporting Certain Expenditures.—

"(1) Expenditures aggregating $1,000.—

"(A) Initial report.—A person (including a political committee) that makes or obligates to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

"(B) Additional reports.—After a person files a report under subparagraph (A), the person shall file an additional report each time that independent expenditures aggregating an additional $1,000 are made or obligated to be made with respect to the same election as that to which the initial report relates.

"(2) Expenditures aggregating $10,000.—

"(A) Initial report.—A person (including a political committee) that makes or obligates to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made or obligated to be made.

"(B) Additional reports.—After a person files a report under subparagraph (A), the person shall file an additional report each time that independent expenditures aggregating an additional $10,000 are made or obligated to be made with respect to the same election as that to which the initial report relates.

"(3) Place of filing; contents.—A report under this subsection—

"(A) shall be filed with the Commission; and

"(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.".

SEC. 203. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 103(c)) is amended by adding at the end the following:

"(g) Election Activity of Persons Other Than Political Parties.—

"(1) In general.—A person other than a committee of a political party that makes aggregate disbursements totaling in excess of $10,000 for activities described in paragraph (2) shall file a statement with the Commission—

"(A) within 48 hours after the disbursements are made; or

"(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

"(2) Activity.—The activity described in this paragraph is—

"(A) any activity described in section 316(b)(2)(A) that refers to any candidate for Federal office, any political party, or any Federal election; and

"(B) any activity described in subparagraph (B) or (C) of section 316(b)(2).

"(3) Additional statements.—An additional statement shall be filed each time additional disbursements aggregating $10,000 are made by a person described in paragraph (1).

"(4) Applicability.—This subsection does not apply to—

"(A) a candidate or a candidate's authorized committees; or

"(B) an independent expenditure.

"(5) Contents.—A statement under this section shall contain such information about the disbursements as the Commission shall prescribe, including—

"(A) the name and address of the person or entity to whom the disbursement was made;

"(B) the amount and purpose of the disbursement; and

"(C) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.".

TITLE III—ENFORCEMENT

SEC. 301. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting at the end the following:

"(11) Filing Reports.—

"(A) Computer accessibility.—The Commission may prescribe regulations under which persons required to file designations, statements, and reports under this Act—

"(i) are required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

"(ii) may maintain and file a designation, statement, or report in that manner if not required to do so under regulations prescribed under clause (i).

"(B) Facsimile machine.—The Commission shall prescribe regulations which allow persons to file designations, statements, and reports required by this Act through the use of facsimile machines.

"(C) Verification of signature.—In prescribing regulations under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulations. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.".

SEC. 302. AUDITS.

(a) Random Audits.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following:

"(2) Random audits.—

"(A) In general.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act.

"(B) Limitation.—The Commission shall not conduct an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

"(C) Applicability.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.".

(b) Extension of Period During Which Campaign Audits May Be Begun.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. 303. AUTHORITY TO SEEK INJUNCTION.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

"(13) Authority to seek injunction.—

"(A) In general.—If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction;

the Commission may initiate a civil action for a temporary restraining order or a preliminary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) Venue.—An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found, or in which the violation is occurring, has occurred, or is about to occur.";

(2) in paragraph (7), by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(3) in paragraph (11), by striking "(6)" and inserting "(6) or (13)".

SEC. 304. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF $50 OR MORE.

Section 304(b)(3)(A) of the Federal Election Campaign Act at 1971 (2 U.S.C. 434(b)(3)(A) is amended—

(1) by striking "$200" and inserting "$50"; and

(2) by striking the semicolon and inserting ", except that in the case of a person who makes contributions aggregating at least $50 but not more than $200 during the calendar year, the identification need include only the name and address of the person".

SEC. 305. INCREASE IN PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.

Section 309(a)(5)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(B)) is amended by striking "the greater of $10,000 or an amount equal to 200 percent" and inserting "the greater of $15,000 or an amount equal to 300 percent".

SEC. 306. PROHIBITION OF CONTRIBUTIONS BY INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE.

(a) Prohibition.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) in the heading by adding "AND INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE" at the end; and

(2) in subsection (a)—

(A) by striking "(a) It shall" and inserting the following:

"(a) Prohibitions.—

"(1) Foreign nationals.—It shall"; and

(B) by adding at the end the following:

"(2) Individuals not qualified to register to vote.—It shall be unlawful for an individual who is not qualified to register to vote in a Federal election to make a contribution, or to promise expressly or impliedly to make a contribution, in connection with a Federal election; or for any person to solicit, accept, or receive a contribution in connection with a Federal election from an individual who is not qualified to register to vote in a Federal election.".

(b) Inclusion in Definition of Identification.—Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended—

(1) in subparagraph (A)—

(A) by striking "and" the first place it appears; and

(B) by inserting ", and an affirmation that the individual is an individual who is not prohibited by section 319 from making a contribution" after "employer"; and

(2) in subparagraph (B) by inserting "and an affirmation that the person is a person that is not prohibited by section 319 from making a contribution" after "such person".

SEC. 307. USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name, or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 308. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after "Sec. 322." the following: "(a)"; and

(2) by adding at the end the following:

"(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 309. EXPEDITED PROCEDURES.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 303) is amended by adding at the end the following:

"(14)(A) If the complaint in a proceeding was filed within 60 days immediately preceding a general election, the Commission may take action described in this subparagraph.

"(B) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in paragraph (13)(A) (ii), (iii), and (iv) are met, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under paragraph (13)(A).

"(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.".

SEC. 310. REFERENCE OF SUSPECTED VIOLATION TO THE ATTORNEY GENERAL.

Section 309(a)(5) of Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended by striking subparagraph (C) and inserting the following:

"(C) Referral to the Attorney General.—The Commission may at any time, by an affirmative vote of 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986 to the Attorney General of the United States, without regard to any limitations set forth in this section.".

TITLE IV—MISCELLANEOUS

SEC. 401. CONTRIBUTION LIMITS; INDEXING.

(a) Increase in Candidate Contribution Limit.—Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended by striking "$1,000" and inserting "$2,000".

(b) Indexing of Candidate Contribution Limit.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(1) in the second sentence of paragraph (1), by striking "subsection (b) and subsection (d)" and inserting "subsections (a)(1)(A), (b), and (d)"; and

(2) in paragraph (2)(B), by striking "means the calendar year 1974." and inserting "means—

"(i) for purposes of subsections (b) and (d), calendar year 1974; and

"(ii) for purposes of subsection (a)(1)(A), calendar year 1997.".

SEC. 402. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking section 313 and inserting the following:

"SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

"(a) PERMITTED USES.—A contribution accepted by a candidate, and any other amount received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

"(1) for expenditures in connection with the campaign for Federal office of the candidate or individual;

"(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

"(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

"(4) for transfers to a national, State, or local committee of a political party.

"(b) PROHIBITED USE.—

"(1) IN GENERAL.—A contribution or amount described in subsection (a) shall not be converted by any person to personal use.

"(2) CONVERSION TO PERSONAL USE.—For the purposes of paragraph (1), a contribution or amount shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal officeholder, including—

"(A) a home mortgage, rent, or utility payment;

"(B) a clothing purchase;

"(C) a noncampaign-related automobile expense;

"(D) a country club membership;

"(E) a vacation or other noncampaign-related trip;

"(F) a household food item;

"(G) a tuition payment;

"(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

"(G) dues, fees, and other payments to a health club or recreational facility.".

SEC. 403. CAMPAIGN ADVERTISING.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(ii) by striking "an expenditure" and inserting "a disbursement"; and

(iii) by striking "direct"; and

(B) in paragraph (3), by inserting "and permanent street address" after "name"; and

(2) by adding at the end the following:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

"(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement: '__________ is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If broadcast or cablecast by means of television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. 404. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6)(A) of title 39, United States Code, is amended to read as follows:

"(A) A Member of Congress shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that Office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that year or for election to any other Federal office.".

TITLE V—CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

SEC. 501. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 502. REVIEW OF CONSTITUTIONAL ISSUES.

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

SEC. 503. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 504. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 270 days after the effective date of this Act.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. HATCH, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 89

At the request of Ms. SNOWE, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 232

At the request of Mr. HARKIN, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 232, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 290

At the request of Mr. MURKOWSKI, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 290, a bill to establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States.

S. 294

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 294, a bill to amend chapter 51 of title 18, United States Code, to establish Federal penalties for the killing or attempted killing of a law enforcement officer of the District of Columbia, and for other purposes.

S. 474

At the request of Mr. KYL, the names of the Senator from Missouri [Mr. ASHCROFT] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 474, a bill to amend sections 1081 and 1084 of title 18, United States Code.

S. 657

At the request of Mr. DASCHLE, the names of the Senator from Washington [Mrs. MURRAY], the Senator from Maine [Ms. COLLINS], the Senator from Florida [Mr. MACK], and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of S. 657, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 852

At the request of Mr. LOTT, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1021

At the request of Mr. HAGEL, the names of the Senator from Arizona

[Mr. MCCAIN] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 1021, a bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1050

At the request of Mr. JEFFORDS, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1050, a bill to assist in implementing the Plan of Action adopted by the World Summit for Children.

S. 1089

At the request of Mr. SPECTER, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1089, a bill to terminate the effectiveness of certain amendments to the foreign repair station rules of the Federal Aviation Administration, and for other purposes.

S. 1177

At the request of Mr. WARNER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1177, a bill to prohibit the exhibition of B-2 and F-117 aircraft in public air shows not sponsored by the Armed Forces.

SENATE RESOLUTION 94

At the request of Mr. WARNER, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of Senate Resolution 94, A resolution commending the American Medical Association on its 150th anniversary, its 150 years of caring for the United States, and its continuing effort to uphold the principles upon which Nathan Davis, M.D. and his colleagues founded the American Medical Association to "promote the science and art of medicine and the betterment of public health."

AMENDMENT NO. 1196

At the request of Mr. HUTCHINSON, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Oregon [Mr. SMITH], the Senator from Colorado [Mr. ALLARD], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of Amendment No. 1196 proposed to H.R. 2107, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1218

At the request of Mr. TORRICELLI, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of amendment No. 1218 proposed to H.R. 2107, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

STEVENS (AND DODD) AMENDMENT NO. 1219

Mr. STEVENS (for himself and Mr. DODD) proposed an amendment to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 3 . It is the sense of the Senate that, inasmuch as there is disagreement as to what extent, if any, Federal funding for the arts is appropriate, and what modifications to the mechanism for such funding may be necessary; and further, inasmuch as there is a role for the private sector to supplement the Federal, State and local partnership in support of the arts, hearings should be conducted and legislation addressing these issues should be brought before the full Senate for debate and passage during this Congress.

ENZI (AND OTHERS) AMENDMENT NO. 1220

(Ordered to lie on the table.)

Mr. ENZI (for himself, Mr. BROWNBACK, and Mr. COATS) submitted an amendment intended to be proposed by them to an amendment intended to be the bill, H.R. 2107, supra; as follows:

At the end of the amendment, insert the following new section:

SEC. . LIMITATIONS ON CERTAIN INDIAN GAMING OPERATIONS.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) CLASS III GAMING.—The term "class III gaming" has the meaning provided that term in section 4(8) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(8)).

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning provided that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(e)).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of the Interior.

(4) TRIBAL-STATE COMPACT.—The term "Tribal-State compact" means a Tribal-State compact referred to in section 11(d) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)).

(b) CLASS III GAMING COMPACTS.—

(1) IN GENERAL.—

(A) PROHIBITION.—During fiscal year 1998, the Secretary may not expend any funds made available under this Act to review or approve any initial Tribal-State compact for class III gaming entered into on or after the date of enactment of this Act except for a Tribal-State compact which has been approved by the State's Governor and State Legislature.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to prohibit the review or approval by the Secretary of a renewal or revision of, or amendment to a Tribal-State compact that is not covered under subparagraph (A).

(2) TRIBAL-STATE COMPACTS.—During fiscal year 1998, notwithstanding any other provision of law, no Tribal-State compact for class III gaming shall be considered to have been approved by the Secretary by reason of the failure of the Secretary to approve or disapprove that compact. This provision shall not apply to any Tribal-State compact which has been approved by the State's Governor and State Legislature.

ENZI (AND OTHERS) AMENDMENT NO. 1221

Mr. ENZI (for himself, Mr. BROWNBACK, Mr. COATS, Mr. LUGAR, Mr. BRYAN, Mr. BOND, Mr. SESSIONS, and Mr. ASHCROFT) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . LIMITATIONS ON CERTAIN INDIAN GAMING OPERATIONS.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) CLASS III GAMING.—the term "class III gaming" has the meaning provided that term in section 4(8) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(8)).

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning provided that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(e)).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of the Interior.

(4) TRIBAL-STATE COMPACT.—The term "Tribal-State compact" means a Tribal-State compact referred to in section 11(d) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)).

(b) CLASS III GAMING COMPACTS.—

(1) IN GENERAL.—

(A) PROHIBITED.—During fiscal year 1998, the Secretary many not expend any funds made available under this Act to review or approve any initial Tribal-State compact for class III gaming entered into on or after the date of enactment of this Act except for a Tribal-State compact or form of compact which has been approved by the State's Governor and State Legislature.

(B) RULE CONSTRUCTION.—Nothing in this paragraph may be construed to prohibit the review or approval by the Secretary of a renewal or revision of, or amendment to a Tribal-State compact that is not covered under subparagraph (A).

(2) TRIBAL-STATE COMPACTS.—During fiscal year 1998, notwithstanding any other provision of law, no Tribal-State compact for class III gaming shall be considered to have been approved by the Secretary by reason of the failure of the Secretary to approve or disapprove that compact. This provision shall not apply to any Tribal-State compact or form of compact which has been approved by the State's Governor and State Legislature.

BRYAN (AND REID) AMENDMENT NO. 1222

Mr. BRYAN (for himself and Mr. REID) proposed an amendment to amendment No. 1221 proposed by Mr. ENZI to the bill, H.R. 2107, supra; as follows:

At the end of the amendment, add the following new section:

"SEC. . SENSE OF THE SENATE CONCERNING INDIAN GAMING.

"It is the Sense of the Senate that the United States Department of Justice should vigorously enforce the provisions of the Indian Gaming Regulatory Act requiring an approved Tribal-State gaming impact prior to the initiation of class III gaming on Indian lands."

KYL (AND OTHERS) AMENDMENT NO. 1223

Mr. KYL (for himself, Mr. CAMPBELL, and Mr. HATCH) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place in title I, insert the following:

"SEC. 1 . In addition to the amounts made available to the Bureau of Indian Affairs under this title, $4,840,000 shall be made available to the Bureau of Indian Affairs to be used for Bureau of Indian Affairs special law enforcement efforts to reduce gang violence.

On page 96, line 9, strike "$5,840,000" and insert "$1,000,000".

BUMPERS (AND OTHERS) AMENDMENT NO. 1224

Mr. BUMPERS (for himself, Mr. GREGG, and Ms. LANDRIEU) proposed an amendment to the bill, H.R. 2107, supra, as follows:

Add the following at the end of the pending Committee amendment as amended:

"(c)(1) Each person producing locatable minerals (including associated minerals) from any mining claim located under the general mining laws, or mineral concentrates derived from locatable minerals produced from any mining claim located under the general mining laws, as the case may be, shall pay a royalty of 5 percent of the net smelter return from the production of such locatable minerals or concentrates, as the case may be.

"(2) Each person responsible for making royalty payments under this section shall make such payments to the Secretary of the Interior not later than 30 days after the end of the calendar month in which the mineral or mineral concentrates are produced and first place in marketable condition, consistent with prevailing practices in the industry.

"(3) All persons holding mining claims located under the general mining laws shall provide to the Secretary such information as determined necessary by the Secretary to ensure compliance with this section, including, but not limited to, quarterly reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality, and amount of all minerals extracted from the mining claim.

"(4) The Secretary is authorized to conduct such audits of all persons holding mining claims located under the general mining laws as he deems necessary for the purposes of ensuring compliance with the requirements of this subsection.

"(5) Any person holding mining claims located under the general mining laws who knowingly or willfully prepares, maintains, or submits false, inaccurate, or misleading information required by this section, or fails or refuses to submit such information, shall be subject to a penalty imposed by the Secretary.

"(6) This subsection shall take effect with respect to minerals produced from a mining claim in calendar months beginning after enactment of this Act.

"(d)(1) Any person producing hardrock minerals from a mine that was within a mining claim that has subsequently been patented under the general mining laws shall pay a reclamation fee to the Secretary under this subsection. The amount of such fee shall be equal to a percentage of the net proceeds from such mine. The percentage shall be based upon the ratio of the net proceeds to the gross proceeds related to such production in accordance with the following table:

Net proceeds as percentage of gross proceeds:	*Rate*[1]
Less than 10	2.00
10 or more but less than 18	2.50
18 or more but less than 26	3.00
26 or more but less than 34	3.50
34 or more but less than 42	4.00
42 or more but less than 50	4.50
50 or more	5.00

[1] Rate of fee as percentage of net proceeds.

"(2) Gross proceeds of less than $500,000 from minerals produced in any calendar year shall be exempt from the reclamation fee under this subsection for that year if such proceeds are from one or more mines located in a single patented claim or on two or more contiguous patented claims.

"(3) The amount of all fees payable under this subsection for any calendar year shall be paid to the Secretary within 60 days after the end of such year.

"(e) Receipts from the fees collected under subsections and (d) shall be paid into an Abandoned Minerals Mine Reclamation Fund.

"(f)(1) There is established on the books of the Treasury of the United States an interest-bearing fund to be known as the Abandoned Minerals Mine Reclamation Fund (hereinafter referred to in this section as the "Fund"). The Fund shall be administered by the Secretary.

"(2) The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in his judgement, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities. The income on such investments shall be credited to, and form a part of, the Fund.

"(3) The Secretary is, subject to appropriations, authorized to use moneys in the Fund for the reclamation and restoration of land and water resources adversely affected by past mineral (other than coal and fluid minerals) and mineral material mining, including but not limited to, any of the following:

"(A) Reclamation and restoration of abandoned surface mined areas.

"(B) Reclamation and restoration of abandoned milling and processing areas.

"(C) Sealing, filling, and grading abandoned deep mine entries.

"(D) Planting of land adversely affected by past mining to prevent erosion and sedimentation.

"(E) Prevention, abatement, treatment and control of water pollution created by abandoned mine drainage.

"(F) Control of surface subsidence due to abandoned deep mines.

"(G) Such expenses as may be necessary to accomplish the purposes of this section.

"(4) Land and waters eligible for reclamation expenditures under this section shall be those within the boundaries of States that have lands subject to the general mining laws—

"(A) which were mined or processed for minerals and mineral materials or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status prior to the date of enactment of this title;

"(B) for which the Secretary makes a determination that there is no continuing reclamation responsibility under State or Federal laws; and

"(C) for which it can be established that such lands do not contain minerals which could economically be extracted through the reprocessing or remining of such lands.

"(5) Sites and areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 and following) or which have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 and following) shall not be eligible for expenditures from the Fund under this section.

"(g) As used in this Section:

"(1) The term "gross proceeds" means the value of any extracted hardrock mineral which was:

(A) sold;

(B) exchanged for any thing or service;

(C) removed from the country in a form ready for use or sale; or

(D) initially used in a manufacturing process or in providing a service.

"(2) The term "net proceeds" means gross proceeds less the sum of the following deductions:

(A) The actual cost of extracting the mineral.

(B) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.

(C) The actual cost of reduction, refining and sale.

(D) The actual cost of marketing and delivering the mineral and the conversion of the mineral into money.

(E) The actual cost of maintenance and repairs of:

(i) All machinery, equipment, apparatus and facilities used in the mine.

(ii) All milling, refining, smelting and reduction works, plants and facilities.

(iii) All facilities and equipment for transportation.

(F) The actual cost of fire insurance on the machinery, equipment, apparatus, works, plants and facilities mentioned in subsection (E).

(G) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in subsection (E).

(H) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for all employees.

(I) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit.

(J) All royalties and severance taxes paid to the Federal government or State governments.

"(3) The term "hardrock minerals" means any mineral other than a mineral that would be subject to disposition under any of the following if located on land subject to the general mining laws:

(A) the Mineral Leasing Act (30 U.S.C. 181 and following);

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following);

(C) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following); or

(D) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 and following).

"(4) The term "Secretary" means the Secretary of the Interior.

"(5) The term "patented mining claim" means an interest in land which has been obtained pursuant to sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36 and 37) for placer claims, or section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims.

"(6) The term "general mining laws" means those Acts which generally comprise Chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code."

BENNETT (AND HATCH) AMENDMENT NO. 1225

Mr. GORTON (for Mr. BENNETT, for himself and Mr. HATCH) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 5, line 17, strike "$9,400,000" and insert "$8,600,000" and on page 65, line 18, strike "$160,269,000," and insert "$161,069,000," and on page 65, line 23, after "205" insert ", of which $800,000 shall be available for the design and engineering of the Trappers Loop Connector Road in the Wasatch-Cache National Forest".

DEWINE AMENDMENT NO. 1226

Mr. GORTON (for Mr. DEWINE) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the end of title III, insert the following:

SEC. . (a) In providing services of awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

GRAHAM AMENDMENT NO. 1227

Mr. GORTON (for Mr. GRAHAM) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 63, between lines 8 and 9, insert the following:

SEC. . YOUTH ENVIRONMENTAL SERVICE PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Secretary of Interior, in consultation with the Attorney General, shall—

(1) submit to Congress a report identifying at least 20 sites on Federal land that are potentially suitable and promising for activities of the Youth Environmental Service program to be administered in accordance with the Memorandum of Understanding signed by the Secretary of the Interior and the Attorney General in February 1994; and

(2) provide a copy of the report to the appropriate State and local law enforcement agencies in the States and localities in which the 20 prospective sites are located.

REID (AND BRYAN) AMENDMENT NO. 1228

Mr. REID (for himself and Mr. BRYAN) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place insert the following: No funds provided in this or any other Act may be expended to develop a rulemaking process relevant to amending the National Indian Gaming Commission's definition regulations located at 25 CFR 502.7 and 502.8.

BINGAMAN (AND MURKOWSKI) AMENDMENT NO. 1229

Mr. BINGAMAN (for himself and Mr. MURKOWSKI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 80, strike line 14 and all that follows through page 81, line 6 and insert the following:

"STRATEGIC PETROLEUM RESERVE

"(INCLUDING TRANSFER OF FUNDS)

"for necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy and Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $207,500,000, to remain available until expended, of which $207,500,000 shall be repaid from the "SPR Operating Fund" from amounts made available from sales under this heading: *Provided*, That, consistent with Public Law 104–106, proceeds in excess of $2,000,000,000 from the sale of the Naval Petroleum Reserve Numbered 1 shall be deposited into the "SPR Operating Fund", and are hereby appropriated, to remain available until expended, for repayments under this heading and for operations of, or acquisition, transportation, and injection of petroleum products into, the Strategic Petroleum Reserve: *Provided further*, That if the Secretary of Energy finds that the proceeds from the sale of the Naval Petroleum Reserve Numbered 1 will not be at least $2,207,500,000 in fiscal year 1998, the Secretary, notwithstanding section 161 of the Energy Policy and Conservation Act of 1975, shall draw down and sell oil from the Strategic Petroleum Reserve in fiscal year 1998, and deposit the proceeds into the "SPR Operating Fund", in amounts sufficient to make deposits into the fund total $207,500,000 in that fiscal year: *Provided further*, That the amount of $2,000,000,000 in the first proviso and the amount of $2,207,500,000 in the second proviso shall be adjusted by the Director of the Office of Management and Budget to amounts not to exceed $2,415,000,000 and $2,622,500,000, respectively, only to the extent that an adjustment is necessary to avoid a sequestration, or any increase in a sequestration due to this section, under the procedures prescribed in the Budget Enforcement Act of 1990, as amended. *Provided further*, That the Secretary of Energy, notwithstanding section 161 of the Energy Policy and Conservation Act of 1975, shall draw down and sell oil from the Strategic Petroleum Reserve in fiscal year 1998 sufficient to deposit $15,000,000 into the General Fund of the Treasury of the United States, and shall transfer such amount to the General Fund: *Provided further*, That proceeds deposited into the "SPR Operating Fund" under this heading shall, upon receipt, be transferred to the Strategic Petroleum Reserve account for operations and activities of the Strategic Petroleum Reserve and to satisfy the requirements specified under this heading."

MURRAY (AND OTHERS) AMENDMENT NO. 1230

Mr. GORTON (for Mrs. MURRAY, for herself, Mr. GORTON, and Mr. MURKOWSKI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the end of Title III, add the following:

SEC. . Within 90 days of enactment of this legislation, the Forest Service shall complete its export policy and procedures on the use of Alaskan Western Red Cedar. In completing this policy, the Forest Service shall evaluate the costs & benefits of a pricing policy that offers any Alaskan Western Red Cedar in excess of domestic processing needs in Alaska first to United States domestic processors.

MCCAIN (AND OTHERS) AMENDMENT NO. 1231

Mr. MCCAIN (for himself, Mr. STEVENS, and Mr. MURKOWSKI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 63, between lines 8 and 9, insert the following:

SEC. . DISPOSITION OF CERTAIN OIL LEASE REVENUE.

(a) DEPOSIT IN FUND.—One half of the amounts awarded by the Supreme Court to the United States in the case of United States of America v. State of Alaska (117 S. Ct. 1888) shall be deposited in a fund in the Treasury of the United States to be known as the "National Parks and Environmental Improvement Fund" (referred to in this section as the "Fund").

(b) INVESTMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest earned from investments of the Fund shall be covered into and form a part of the Fund.

(c) TRANSFER AND AVAILABILITY OF AMOUNTS EARNED.—Each year, interest earned and covered into the Fund in the previous fiscal year shall be available for appropriation, to the extent provided in subsequent appropriations bills, as follows:

(1) 40 percent of such amounts shall be available for National Park capital projects in the National Park System that comply with the criteria stated in subsection (d); and

(2) 40 percent of such amounts shall be available for the state-side matching grant under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8); and

(3) 20 percent of such amounts shall be made available to the Secretary of Commerce for the purpose of carrying out marine research activities in accordance with subsection (e).

(d) Capital Projects.—

(1) In general.—Funds available under subsection (c)(2) may be used for the design, construction, repair or replacement of high priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, recreational and historic resources protection projects.

(2) Limitation.—A project referred to in paragraph (1) shall be consistent with—

(A) the laws governing the National Park System;

(B) any law governing the unit of the National Park System in which the project is undertaken; and

(C) the general management plan for the unit.

(3) Notification of congress.—The Secretary shall submit with the annual budget submission to Congress a list of high priority projects proposed to be funded under paragraph (1) during the fiscal year covered by such budget submission.

(e) Marine Research Activities.—(1) Funds available under subsection (c)(3) shall be used by the Secretary of Commerce according to this subsection to provide grants to federal, state, private or foreign organizations or individuals to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, and Arctic Ocean (including any lesser related bodies of water).

(2) Research priorities and grant requests shall be reviewed and recommended for Secretarial approval by a board to be known as the North Pacific Research Board (referred to in this subsection as the "Board"). The Board shall seek to avoid duplicating other research activities, and shall place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs.

(3) The Board shall be comprised of the following representatives or their designees:

(A) the Secretary of Commerce, who shall be a co-chair of the Board;

(B) the Secretary of State;

(C) the Secretary of the Interior;

(D) the Commandant of the Coast Guard;

(E) the Director of the Office of Naval Research;

(F) the Alaska Commissioner of Fish and Game, who shall also be a co-chair of the Board;

(G) the Chairman of the North Pacific Fishery Management Council;

(H) the Chairman of the Arctic Research Commission;

(I) the Director of the Oil Spill Recovery Institute;

(J) the Director of the Alaska SeaLife Center;

(K) five members nominated by the Governor of Alaska and appointed by the Secretary of Commerce, one of whom shall represent fishing interests, one of whom shall represent Alaska Natives, one of whom shall represent environmental interests, one of whom shall represent academia, and one of whom shall represent oil and gas interests; and

(L) three members nominated by the Governor of Washington and appointed by the Secretary of Commerce; and

(M) one member nominated by the Governor of Oregon and appointed by the Secretary of Commerce.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, or Arctic Ocean. Three nominations shall be submitted for each member to be appointed under subparagraphs (K), (L), and (M). Board members appointed under subparagraphs (K), (L), and (M) shall serve for three year terms, and may be reappointed.

(4)(A) The Secretary of Commerce shall review and administer grants recommended by the Board. If the Secretary does not approve a grant recommended by the Board, the Secretary shall explain in writing the reasons for not approving such grant, and the amount recommended to be used for such grant shall be available only for other grants recommended by the Board.

(B) Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote. The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with the priorities established by the Board. The Secretary shall provide the Board such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) for the purposes of section 302(i)(1) of such Act, and the other procedural matters applicable to advisory panels under section 302(i) of such Act shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 5 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

MURKOWSKI (AND THOMAS) AMENDMENT NO. 1232

Mr. MURKOWSKI (for himself and Mr. Thomas) proposed an amendment to amendment No. 1231 proposed by Mr. McCain to the bill, H.R. 2107, supra; as follows:

In the amendment proposed by the Senator from Arizona strike all after "(a) Deposit in Fund.—" and insert in lieu thereof:

"All of the amounts awarded by the Supreme Court to the United States in the case of *United States of America* v. *State of Alaska* (117 S. Ct. 1888) shall be deposited in a fund in the Treasury of the United States to be known as the "Parks and Environmental Improvement Fund" (referred to in this section as the "Fund").

(b) Investments.—

(1) In general.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing obligations of the United States.

(2) Acquisition of obligations.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) Sale of obligations.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) Credits to fund.—The interest earned from investments of the Fund shall be covered into, and form a part of, the Fund.

(c) Transfer and Availability of Amounts Earned.—Each year, interest earned and covered into the Fund in the previous fiscal year shall be available for appropriation, to the extent provided in subsequent appropriations bills, as follows:

(1) 40 percent of such amounts shall be available for National Park capital projects in the National Park System that comply with the criteria stated in subsection (d);

(2) 40 percent shall be available for the state-side matching grant program under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8); and

(3) 20 percent shall be made available to the Secretary of Commerce for the purpose of carrying out marine research activities in accordance with subsection (e).

(d) Capital Projects.—

(1) In general.—Funds available under subsection (c)(1) may be used for the design, construction, repair or replacement of high priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, recreation and historic resources protection projects.

(2) Limitation.—A project referred to in paragraph (1) shall be consistent with—

(A) the laws governing the National Park System;

(B) any law governing the unit of the National Park System in which the project is undertaken; and

(C) the general management plan for the unit.

(3) Notification of congress.—The Secretary shall submit with the annual budget submission to Congress a list of high priority projects to be funded under paragraph (1) during the fiscal year covered by such budget submission.

(e) Marine Research Activities.—

(1) Funds available under subsection (c)(3) shall be used by the Secretary of Commerce according to this subsection to provide grants to federal, state, private or foreign organizations or individuals to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, and Arctic Ocean (including any lesser related bodies of water).

(2) Research priorities and grant requests shall be reviewed and recommended for Secretarial approval by a board to be known as the North Pacific Research Board (the Board). The Board shall seek to avoid duplicating other research activities, and shall place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs.

(3) The Board shall be comprised of the following representatives or their designees:

(A) the Secretary of Commerce, who shall be a co-chair of the Board;

(B) the Secretary of State;

(C) the Secretary of the Interior;

(D) the Commandant of the Coast Guard;

(E) the Director of the Office of Naval Research;

(F) the Alaska Commissioner of Fish and Game, who shall also be a co-chair of the Board;

(G) the Chairman of the North Pacific Fishery Management Council;

(H) the Chairman of the Arctic Research Commission;

(I) the Director of the Oil Spill Recovery Institute;

(J) the Director of Alaska SeaLife Center; and

(K) five members appointed by the Governor of Alaska and appointed by the Secretary of Commerce, one of whom shall represent fishing interests, one of whom shall represent Alaska Natives, one of whom shall represent environmental interests, one of whom shall represent academia, and one of whom shall represent oil and gas interests.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, or Arctic Ocean. The Governor of Alaska shall submit three nominations for member appointed under subparagraph (K). Board members appointed under subparagraph (K) shall serve for a three year term and may be reappointed.

(4)(A) The Secretary of Commerce shall review and administer grants recommended by the Board. If the Secretary does not approve a grant recommended by the Board, the Secretary shall explain in writing the reasons for not approving such grant, and the amount recommended to be used for such grant shall be available only for grants recommended by the Board.

(B) Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote. The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with priorities established by the Board. The Secretary shall provide the Board with such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) for the purposes of section 302(i)(1) of such Act, and the other procedural matters applicable to advisory panels under section 302(i) of such Act shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 5 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

(f) Financial Assistance to the States.—Section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(b)) is amended—

(1) Apportionment among states; notification.—

(A) By striking paragraphs (1), (2), and (3) and inserting the following:

"(1) Sixty percent shall be apportioned equally among the several States;

"(2) Twenty percent shall be apportioned on the basis of the proportion which the population of each State bears to the total population of the United States; and

"(3) Twenty percent shall be apportioned on the basis of the urban population in each State (as defined by Metropolitan Statistical Areas)."

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and inserting after paragraph (3) the following:

"(4) The total allocation to an individual State under paragraphs (1) through (3) shall not exceed 10 percent of the total amount allocated to the several States in any one year.

(g) Funds for Indian Tribes.—Section 6(b)(6) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(b)(6)) (as so redesignated) is amended—

(1) by inserting "(A)" after "(6)"; and

(2) by adding at the end the following new subparagraph:

"(B) For the purposes of paragraph (1), all federally recognized Indian tribes and Alaska Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602) shall be treated collectively as one State, and shall receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. Such rule shall ensure that in each fiscal year no single tribe or Alaska Native Corporation receives more than 10 percent of the total amount made available to all Indian tribes and Alaska Native Corporations pursuant to the apportionment under paragraph (1). Funds received by an Indian tribe or Alaska Native Corporation under this subparagraph may be expended only for the purposes specified in subsection (a). Receipt in any given year of an apportionment under this section shall not prevent an Indian tribe or Alaska Native Corporation from receiving grants for other purposes under than regular apportionment of the State in which it is located."

THE PUBLIC HOUSING REFORM AND RESPONSIBILITY ACT OF 1997

MACK AMENDMENT NO. 1233

(Ordered to lie on the table.)

Mr. MACK submitted an amendment intended to be proposed by him to the bill (S. 462) A bill to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Public Housing Reform and Responsibility Act of 1997".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Effective date.
Sec. 5. Proposed regulations; technical recommendations.
Sec. 6. Elimination of obsolete documents.
Sec. 7. Annual reports.

TITLE I—PUBLIC HOUSING

Sec. 101. Declaration of policy.
Sec. 102. Membership on board of directors.
Sec. 103. Rental payments.
Sec. 104. Definitions.
Sec. 105. Contributions for lower income housing projects.
Sec. 106. Public housing agency plan.
Sec. 107. Contract provisions and requirements.
Sec. 108. Expansion of powers for dealing with public housing agencies in substantial default.
Sec. 109. Public housing site-based waiting lists.
Sec. 110. Public housing capital and operating funds.
Sec. 111. Community service and self-sufficiency.
Sec. 112. Repeal of energy conservation; consortia and joint ventures.
Sec. 113. Repeal of modernization fund.
Sec. 114. Eligibility for public and assisted housing.
Sec. 115. Demolition and disposition of public housing.
Sec. 116. Repeal of family investment centers; voucher system for public housing.
Sec. 117. Repeal of family self-sufficiency; homeownership opportunities.
Sec. 118. Revitalizing severely distressed public housing.
Sec. 119. Mixed-finance and mixed-ownership projects.
Sec. 120. Conversion of distressed public housing to tenant-based assistance.
Sec. 121. Public housing mortgages and security interests.
Sec. 122. Linking services to public housing residents.
Sec. 123. Prohibition on use of amounts.
Sec. 124. Pet ownership.
Sec. 125. City of Indianapolis flexible grant demonstration.

TITLE II—SECTION 8 RENTAL ASSISTANCE

Sec. 201. Merger of the certificate and voucher programs.
Sec. 202. Repeal of Federal preferences.
Sec. 203. Portability.
Sec. 204. Leasing to voucher holders.
Sec. 205. Homeownership option.
Sec. 206. Law enforcement and security personnel in public housing.
Sec. 207. Technical and conforming amendments.
Sec. 208. Implementation.
Sec. 209. Definition.
Sec. 210. Effective date.
Sec. 211. Recapture and reuse of annual contribution contract project reserves under the tenant-based assistance program.

TITLE III—SAFETY AND SECURITY IN PUBLIC AND ASSISTED HOUSING

Sec. 301. Screening of applicants.
Sec. 302. Termination of tenancy and assistance.
Sec. 303. Lease requirements.
Sec. 304. Availability of criminal records for public housing resident screening and eviction.
Sec. 305. Definitions.
Sec. 306. Conforming amendments.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Public housing flexibility in the CHAS.
Sec. 402. Determination of income limits.
Sec. 403. Demolition of public housing.
Sec. 404. National Commission on Housing Assistance Program Costs.
Sec. 405. Technical correction of public housing agency opt-out authority.
Sec. 406. Review of drug elimination program contracts.
Sec. 407. Treatment of public housing agency repayment agreement.
Sec. 408. Ceiling rents for certain section 8 properties.
Sec. 409. Sense of Congress.
Sec. 410. Other repeals.
Sec. 411. Guarantee of loans for acquisition of property.
Sec. 412. Prohibition on use of assistance for employment relocation activities.
Sec. 413. Use of HOME funds for public housing modernization.

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) there exists throughout the Nation a need for decent, safe, and affordable housing;

(2) the inventory of public housing units owned and operated by public housing agencies, an asset in which the Federal Government has invested approximately

$90,000,000,000, has traditionally provided rental housing that is affordable to low-income persons;

(3) despite serving this critical function, the public housing system is plagued by a series of problems, including the concentration of very poor people in very poor neighborhoods and disincentives for economic self-sufficiency;

(4) the Federal method of overseeing every aspect of public housing by detailed and complex statutes and regulations aggravates the problem and places excessive administrative burdens on public housing agencies;

(5) the interests of low-income persons, and the public interest, will best be served by a reformed public housing program that—

(A) consolidates many public housing programs into programs for the operation and capital needs of public housing;

(B) streamlines program requirements;

(C) vests in public housing agencies that perform well the maximum feasible authority, discretion, and control with appropriate accountability to both public housing residents and localities; and

(D) rewards employment and economic self-sufficiency of public housing residents; and

(6) voucher and certificate programs under section 8 of the United States Housing Act of 1937 are successful for approximately 80 percent of applicants, and a consolidation of the voucher and certificate programs into a single, market-driven program will assist in making section 8 tenant-based assistance more successful in assisting low-income families in obtaining affordable housing and will increase housing choice for low-income families.

(b) Purposes.—The purposes of this Act are—

(1) to consolidate the various programs and activities under the public housing programs administered by the Secretary in a manner designed to reduce Federal overregulation;

(2) to redirect the responsibility for a consolidated program to States, localities, public housing agencies, and public housing residents;

(3) to require Federal action to overcome problems of public housing agencies with severe management deficiencies; and

(4) to consolidate and streamline tenant-based assistance programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) Public housing agency.—The term "public housing agency" has the same meaning as in section 3 of the United States Housing Act of 1937.

(2) Secretary.—The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 4. EFFECTIVE DATE.

(a) In General.—Except with respect to any provision or amendment identified by the Secretary under subsection (b) and as otherwise specifically provided in this Act or the amendments made by this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) Exception.—

(1) Determination.—Not later than 2 months after the date of enactment of this Act, the Secretary shall identify any provision of this Act, or any amendment made by this Act, the implementation of which, in the determination of the Secretary—

(A) requires a substantial exercise of discretion, such that there exists a significant risk of litigation;

(B) requires a need for uniform interpretation; or

(C) is otherwise problematic, such that immediate implementation is inappropriate.

(2) Notice.—

(A) In general.—Notwithstanding any other provision of law, not later than 6 months after the date on which the Secretary makes any identification under paragraph (1), the Secretary shall implement each provision or amendment so identified by notice published in the Federal Register, which notice shall—

(i) include such requirements as may be necessary to implement the provision or amendment; and

(ii) invite public comments on those requirements.

(B) Effective date of notice.—The notice published under paragraph (2) may, in the discretion of the Secretary, take effect upon publication.

(3) Final regulations.—Not later than 12 months after the date of enactment of this Act, the Secretary shall issue such final regulations as may be necessary, taking into account any comments received under paragraph (2)(A)(ii), to implement each provision or amendment identified under paragraph (1).

SEC. 5. PROPOSED REGULATIONS; TECHNICAL RECOMMENDATIONS.

(a) Proposed Regulations.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress proposed regulations that the Secretary determines are necessary to carry out the United States Housing Act of 1937, as amended by this Act.

(b) Technical Recommendations.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives, recommended technical and conforming legislative changes necessary to carry out this Act and the amendments made by this Act.

SEC. 6. ELIMINATION OF OBSOLETE DOCUMENTS.

Effective 1 year after the date of enactment of this Act, no rule, regulation, or order (including all handbooks, notices, and related requirements) pertaining to public housing or section 8 tenant-based programs issued or promulgated under the United States Housing Act of 1937 before the date of enactment of this Act may be enforced by the Secretary.

SEC. 7. ANNUAL REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on—

(1) the impact of the amendments made by this Act on—

(A) the demographics of public housing residents and families receiving tenant-based assistance under the United States Housing Act of 1937; and

(B) the economic viability of public housing agencies; and

(2) the effectiveness of the rent policies established by this Act and the amendments made by this Act on the employment status and earned income of public housing residents.

TITLE I—PUBLIC HOUSING

SEC. 101. DECLARATION OF POLICY.

Section 2 of the United States Housing Act of 1937 (42 U.S.C. 1437) is amended to read as follows:

"SEC. 2. DECLARATION OF POLICY.

"It is the policy of the United States to promote the general welfare of the Nation by employing the funds and credit of the Nation, as provided in this title—

"(1) to assist States and political subdivisions of States to remedy the unsafe housing conditions and the acute shortage of decent and safe dwellings for low-income families;

"(2) to assist States and political subdivisions of States to address the shortage of housing affordable to low-income families; and

"(3) consistent with the objectives of this title, to vest in public housing agencies that perform well, the maximum amount of responsibility and flexibility in program administration, with appropriate accountability to both public housing residents and localities.".

SEC. 102. MEMBERSHIP ON BOARD OF DIRECTORS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) by redesignating the second section designated as section 27 (as added by section 903(b) of Public Law 104–193 (110 Stat. 2348)) as section 28; and

(2) by adding at the end the following:

"SEC. 29. MEMBERSHIP ON BOARD OF DIRECTORS.

"(a) Required Membership.—Except as provided in subsection (b), the membership of the board of directors of each public housing agency shall contain not less than 1 member—

"(1) who is a resident who directly receives assistance from the public housing agency; and

"(2) who may, if provided for in the public housing agency plan (as developed with appropriate notice and opportunity for comment by the resident advisory board) be elected by the residents directly receiving assistance from the public housing agency.

"(b) Exception.—Subsection (a) shall not apply to any public housing agency—

"(1) that is located in a State that requires the members of the board of directors of a public housing agency to be salaried and to serve on a full-time basis; or

"(2) with less than 300 units, if—

"(A) the public housing agency has provided reasonable notice to the resident advisory board of the opportunity of not less than 1 resident described in subsection (a) to serve on the board of directors of the public housing agency pursuant to that subsection; and

"(B) within a reasonable time after receipt by the resident advisory board of notice under subparagraph (A), the public housing agency has not been notified of the intention of any resident to participate on the board of directors.

"(c) Nondiscrimination.—No person shall be prohibited from serving on the board of directors or similar governing body of a public housing agency because of the residence of that person in a public housing project.".

SEC. 103. RENTAL PAYMENTS.

(a) In General.—Section 3(a)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)(1)(A)) is amended by inserting before the semicolon the following: "or, if the family resides in public housing, an amount established by the public housing agency, which shall not exceed 30 percent of the monthly adjusted income of the family".

(b) Authority of Public Housing Agencies.—Section 3(a)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)(2)) is amended to read as follows:

"(2) Authority of public housing agencies.—

"(A) In general.—Notwithstanding paragraph (1), a public housing agency may adopt ceiling rents that reflect the reasonable market value of the housing, but that are not less than—

"(i) 75 percent of the monthly cost to operate the housing of the public housing agency; and

"(ii) the monthly cost to make a deposit to a replacement reserve (in the sole discretion of the public housing agency).

"(B) Minimum rent.—Notwithstanding paragraph (1), a public housing agency may provide that each family residing in a public housing project or receiving tenant-based or project-based assistance under section 8 shall pay a minimum monthly rent in an amount not to exceed $25 per month.

"(C) Police officers.—

"(i) In general.—Notwithstanding any other provision of law and subject to clause (ii), a public housing agency may, in accordance with the public housing agency plan, allow a police officer who is not otherwise eligible for residence in public housing to reside in a public housing unit. The number and location of units occupied by police officers under this clause, and the terms and conditions of their tenancies, shall be determined by the public housing agency.

"(ii) Increased security.—A public housing agency may take the actions authorized in clause (i) only for the purpose of increasing security for the residents of a public housing project.

"(iii) Definition.—In this subparagraph, the term 'police officer' means any person determined by a public housing agency to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a Federal, State, or local government or by any agency thereof (including a public housing agency having an accredited police force).

"(D) Exception to income limitations for certain public housing agencies.—

"(i) Definition of over-income family.—In this subparagraph, the term 'over-income family' means an individual or family that is not a low-income family or a very low-income family.

"(ii) Authorization.—Notwithstanding any other provision of law, a public housing agency that manages less than 250 units may, on a month-to-month basis, lease a unit in a public housing project to an over-income family in accordance with this subparagraph, if there are no eligible families applying for residence in that public housing project for that month.

"(iii) Terms and conditions.—The number and location of units occupied by over-income families under this subparagraph, and the terms and conditions of those tenancies, shall be determined by the public housing agency, except that—

"(I) rent for a unit shall be in an amount that is equal to not less than the costs to operate the unit;

"(II) if an eligible family applies for residence after an over-income family moves in to the last available unit, the over-income family shall vacate the unit not later than the date on which the month term expires; and

"(III) if a unit is vacant and there is no one on the waiting list, the public housing agency may allow an over-income family to gain immediate occupancy in the unit, while simultaneously providing reasonable public notice of the availability of the unit.

"(E) Encouragement of self-sufficiency.—Each public housing agency shall develop a rental policy that encourages and rewards employment and economic self-sufficiency.".

(c) Regulations.—

(1) In general.—The Secretary shall, by regulation, after notice and an opportunity for public comment, establish such requirements as may be necessary to carry out section 3(a)(2)(A) of the United States Housing Act of 1937, as amended by this section.

(2) Transition rule.—

(A) In general.—Subject to subparagraph (B), prior to the issuance of final regulations under paragraph (1), a public housing agency may implement ceiling rents, which shall be—

(i) determined in accordance with section 3(a)(2)(A) of the United States Housing Act of 1937 (amended by subsection (b) of this section);

(ii) equal to the 95th percentile of the rent paid for a unit of comparable size by residents in the same public housing project or a group of comparable projects totaling 50 units or more; or

(iii) equal to the fair market rent for the area in which the unit is located.

(B) Minimum amount.—The amount of any ceiling rent implemented by a public housing agency under this paragraph may not be less than 75 percent of the monthly cost to operate the housing.

SEC. 104. DEFINITIONS.

(a) Definitions.—

(1) Single persons.—Section 3(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)) is amended—

(A) in subparagraph (A), by striking the third sentence; and

(B) in subparagraph (B), in the second sentence, by striking "regulations of the Secretary" and inserting "public housing agency plan".

(2) Adjusted income.—Section 3(b)(5) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(5)) is amended to read as follows:

"(5) Adjusted income.—The term 'adjusted income' means the income that remains after excluding—

"(A) $480 for each member of the family residing in the household (other than the head of the household or the spouse of the head of the household)—

"(i) who is under 18 years of age; or

"(ii) who is—

"(I) 18 years of age or older; and

"(II) a person with disabilities or a full-time student;

"(B) $400 for an elderly or disabled family;

"(C) the amount by which the aggregate of—

"(i) medical expenses for an elderly or disabled family; and

"(ii) reasonable attendant care and auxiliary apparatus expenses for each family member who is a person with disabilities, to the extent necessary to enable any member of the family (including a member who is a person with disabilities) to be employed;

exceeds 3 percent of the annual income of the family;

"(D) child care expenses, to the extent necessary to enable another member of the family to be employed or to further his or her education; and

"(E) any other adjustments to earned income that the public housing agency determines to be appropriate, as provided in the public housing agency plan.".

(b) Disallowance of Earned Income From Public Housing Rent Determinations.—

(1) In general.—Section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a) is amended—

(A) by striking the undesignated paragraph at the end of subsection (c)(3) (as added by section 515(b) of the Cranston-Gonzalez National Affordable Housing Act); and

(B) by adding at the end the following:

"(d) Disallowance of Earned Income From Public Housing Rent Determinations.—

"(1) In general.—Notwithstanding any other provision of law, the rent payable under subsection (a) by a family—

"(A) that—

"(i) occupies a unit in a public housing project; or

"(ii) receives assistance under section 8; and

"(B) whose income increases as a result of employment of a member of the family who was previously unemployed for 1 or more years (including a family whose income increases as a result of the participation of a family member in any family self-sufficiency or other job training program);

may not be increased as a result of the increased income due to such employment during the 18-month period beginning on the date on which the employment is commenced.

"(2) Phase-in of rate increases.—After the expiration of the 18-month period referred to in paragraph (1), rent increases due to the continued employment of the family member described in paragraph (1)(B) shall be phased in over a subsequent 3-year period.

"(3) Overall limitation.—Rent payable under subsection (a) shall not exceed the amount determined under subsection (a).

"(e) Individual Savings Accounts.—

"(1) In general.—In lieu of a disallowance of earned income under subsection (d), upon the request of a family that qualifies under subsection (d), a public housing agency may establish an individual savings account in accordance with this subsection for that family.

"(2) Deposits to account.—The public housing agency shall deposit in any savings account established under this subsection an amount equal to the total amount that otherwise would be applied to the family's rent payment under subsection (a) as a result of employment.

"(3) Withdrawal from account.—Amounts deposited in a savings account established under this subsection may only be withdrawn by the family for the purpose of—

"(A) purchasing a home;

"(B) paying education costs of family members;

"(C) moving out of public or assisted housing; or

"(D) paying any other expense authorized by the public housing agency for the purpose of promoting the economic self-sufficiency of residents of public and assisted housing.".

(2) Applicability of amendment.—

(A) Public housing.—Notwithstanding the amendment made by paragraph (1), any resident of public housing participating in the program under the authority contained in the undesignated paragraph at the end of section 3(c)(3) of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act, shall be governed by that authority after that date.

(B) Section 8.—The amendment made by paragraph (1) shall apply to tenant-based assistance provided under section 8 of the United States Housing Act of 1937, with funds appropriated on or after October 1, 1997.

(c) Definitions of Terms Used in Reference to Public Housing.—

(1) In general.—Section 3(c) of the United States Housing Act of 1937 (42 U.S.C. 1437a(c)) is amended—

(A) in paragraph (1), by inserting "and of the fees and related costs normally involved in obtaining non-Federal financing and tax credits with or without private and nonprofit partners" after "carrying charges"; and

(B) in paragraph (2), in the first sentence, by striking "security personnel)," and all that follows through the period and inserting the following: "security personnel), service coordinators, drug elimination activities, or financing in connection with a public housing project, including projects developed with non-Federal financing and tax credits, with or without private and nonprofit partners.".

(2) TECHNICAL CORRECTION.—Section 622(c) of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3817) is amended by striking "'project.'" and inserting "paragraph (3)".

(3) NEW DEFINITIONS.—Section 3(c) of the United States Housing Act of 1937 (42 U.S.C. 1437a(c)) is amended by adding at the end the following:

"(6) PUBLIC HOUSING AGENCY PLAN.—The term 'public housing agency plan' means the plan of the public housing agency prepared in accordance with section 5A.

"(7) DISABLED HOUSING.—The term 'disabled housing' means any public housing project, building, or portion of a project or building, that is designated by a public housing agency for occupancy exclusively by disabled persons or families.

"(8) ELDERLY HOUSING.—The term 'elderly housing' means any public housing project, building, or portion of a project or building, that is designated by a public housing agency exclusively for occupancy exclusively by elderly persons or families, including elderly disabled persons or families.

"(9) MIXED-FINANCE PROJECT.—The term 'mixed-finance project' means a public housing project that meets the requirements of section 30.

"(10) CAPITAL FUND.—The term 'Capital Fund' means the fund established under section 9(c).

"(11) OPERATING FUND.—The term 'Operating Fund' means the fund established under section 9(d).".

SEC. 105. CONTRIBUTIONS FOR LOWER INCOME HOUSING PROJECTS.

(a) IN GENERAL.—Section 5 of the United States Housing Act of 1937 (42 U.S.C. 1437c) is amended by striking subsections (h) through (l).

(b) CONFORMING AMENDMENTS.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 21(d), by striking "section 5(h) or";

(2) in section 25(l)(1), by striking "and for sale under section 5(h)"; and

(3) in section 307, by striking "section 5(h) and".

SEC. 106. PUBLIC HOUSING AGENCY PLAN.

(a) IN GENERAL.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by inserting after section 5 the following:

"SEC. 5A. PUBLIC HOUSING AGENCY PLANS.

"(a) 5-YEAR PLAN.—

"(1) IN GENERAL.—Subject to paragraph (2), not less than once every 5 fiscal years, each public housing agency shall submit to the Secretary a plan that includes, with respect to the 5 fiscal years immediately following the date on which the plan is submitted—

"(A) a statement of the mission of the public housing agency for serving the needs of low-income and very low-income families in the jurisdiction of the public housing agency during those fiscal years; and

"(B) a statement of the goals and objectives of the public housing agency that will enable the public housing agency to serve the needs identified pursuant to subparagraph (A) during those fiscal years.

"(2) INITIAL PLAN.—The initial 5-year plan submitted by a public housing agency under this subsection shall be submitted for the 5-year period beginning with the first fiscal year following the date of enactment of the Public Housing Reform and Responsibility Act of 1997 for which the public housing agency receives assistance under this Act.

"(b) ANNUAL PLAN.—

"(1) IN GENERAL.—Each public housing agency shall submit to the Secretary a public housing agency plan under this subsection for each fiscal year for which the public housing agency receives assistance under sections 8(o) and 9.

"(2) UPDATES.—For each fiscal year after the initial submission of a plan under this section by a public housing agency, the public housing agency may comply with requirements for submission of a plan under this subsection by submitting an update of the plan for the fiscal year.

"(c) PROCEDURES.—

"(1) IN GENERAL.—The Secretary shall establish requirements and procedures for submission and review of plans, including requirements for timing and form of submission, and for the contents of those plans.

"(2) CONTENTS.—The procedures established under paragraph (1) shall provide that a public housing agency shall—

"(A) consult with the resident advisory board established under subsection (e) in developing the plan; and

"(B) ensure that the plan under this section is consistent with the applicable comprehensive housing affordability strategy (or any consolidated plan incorporating that strategy) for the jurisdiction in which the public housing agency is located, in accordance with title I of the Cranston-Gonzalez National Affordable Housing Act and contains a certification by the appropriate State or local official that the plan meets the requirements of this paragraph and a description of the manner in which the applicable contents of the public housing agency plan are consistent with the comprehensive housing affordability strategy.

"(d) CONTENTS.—An annual public housing agency plan under this section for a public housing agency shall contain the following information relating to the upcoming fiscal year for which the assistance under this Act is to be made available:

"(1) NEEDS.—A statement of the housing needs of low-income and very low-income families residing in the jurisdiction served by the public housing agency, and of other low-income and very low-income families on the waiting list of the agency (including housing needs of elderly families and disabled families), and the means by which the public housing agency intends, to the maximum extent practicable, to address those needs.

"(2) FINANCIAL RESOURCES.—A statement of financial resources available to the agency and the planned uses of those resources.

"(3) ELIGIBILITY, SELECTION, AND ADMISSIONS POLICIES.—A statement of the policies governing eligibility, selection, admissions (including any preferences), assignment, and occupancy of families with respect to public housing dwelling units and housing assistance under section 8(o).

"(4) RENT DETERMINATION.—A statement of the policies of the public housing agency governing rents charged for public housing dwelling units and rental contributions of assisted families under section 8(o).

"(5) OPERATION AND MANAGEMENT.—A statement of the rules, standards, and policies of the public housing agency governing maintenance and management of housing owned and operated by the public housing agency (which shall include measures necessary for the prevention or eradication of infestation by cockroaches), and management of the public housing agency and programs of the public housing agency.

"(6) GRIEVANCE PROCEDURE.—A statement of the grievance procedures of the public housing agency.

"(7) CAPITAL IMPROVEMENTS.—With respect to public housing developments owned or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the developments.

"(8) DEMOLITION AND DISPOSITION.—With respect to public housing developments owned or operated by the public housing agency—

"(A) a description of any housing to be demolished or disposed of; and

"(B) a timetable for that demolition or disposition.

"(9) DESIGNATION OF HOUSING FOR ELDERLY AND DISABLED FAMILIES.—With respect to public housing developments owned or operated by the public housing agency, a description of any developments (or portions thereof) that the public housing agency has designated or will designate for occupancy by elderly and disabled families in accordance with section 7.

"(10) CONVERSION OF PUBLIC HOUSING.—With respect to public housing owned or operated by a public housing agency—

"(A) a description of any building or buildings that the public housing agency is required to convert to tenant-based assistance under section 31 or that the public housing agency voluntarily converts under section 22;

"(B) an analysis of those buildings required under that section for conversion; and

"(C) a statement of the amount of grant amounts to be used for rental assistance or other housing assistance.

"(11) HOMEOWNERSHIP ACTIVITIES.—A description of any homeownership programs of the public housing agency and the requirements for participation in and the assistance available under those programs.

"(12) ECONOMIC SELF-SUFFICIENCY AND COORDINATION WITH WELFARE AND OTHER APPROPRIATE AGENCIES.—A description of—

"(A) any programs relating to services and amenities provided or offered to assisted families;

"(B) any policies or programs of the public housing agency for the enhancement of the economic and social self-sufficiency of assisted families; and

"(C) how the public housing agency will comply with the requirements of subsections (c) and (d) of section 12.

"(13) SAFETY AND CRIME PREVENTION.—A description of policies established by the public housing agency that increase or maintain the safety of public housing residents.

"(14) CERTIFICATION.—An annual certification by the public housing agency that the public housing agency will carry out the public housing agency plan in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further the goal of fair housing.

"(15) ANNUAL AUDIT.—The results of the most recent fiscal year audit of the public housing agency.

"(e) RESIDENT ADVISORY BOARD.—

"(1) IN GENERAL.—Except as provided in paragraph (3), each public housing agency shall establish 1 or more resident advisory boards in accordance with this subsection, the membership of which shall adequately reflect and represent the residents of the dwelling units owned, operated, or assisted by the public housing agency.

"(2) PURPOSE.—Each resident advisory board established under this subsection shall assist and make recommendations regarding the development of the public housing agency plan. The public housing agency shall consider the recommendations of the resident advisory boards in preparing the final public housing agency plan, and shall include a copy of those recommendations in the public housing agency plan submitted to the Secretary under this section.

"(3) WAIVER.—The Secretary may waive the requirements of this subsection with respect to the establishment of resident advisory boards, if the public housing agency demonstrates to the satisfaction of the Secretary that there exists a resident council or other resident organization of the public housing agency that—

"(A) adequately represents the interests of the residents of the public housing agency; and

"(B) has the ability to perform the functions described in paragraph (2).

"(f) PUBLICATION OF NOTICE.—

"(1) IN GENERAL.—Not later than 45 days before the date of a hearing conducted under paragraph (2) by the governing body of a public housing agency, the public housing agency shall publish a notice informing the public that—

"(A) the proposed public housing agency plan is available for inspection at the principal office of the public housing agency during normal business hours; and

"(B) a public hearing will be conducted to discuss the public housing agency plan and to invite public comment regarding that plan.

"(2) PUBLIC HEARING.—Each public housing agency shall, at a location that is convenient to residents, conduct a public hearing, as provided in the notice published under paragraph (1).

"(3) ADOPTION OF PLAN.—After conducting the public hearing under paragraph (2), and after considering all public comments received and, in consultation with the resident advisory board, making any appropriate changes in the public housing agency plan, the public housing agency shall—

"(A) adopt the public housing agency plan; and

"(B) submit the plan to the Secretary in accordance with this section.

"(g) AMENDMENTS AND MODIFICATIONS TO PLANS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section shall preclude a public housing agency, after submitting a plan to the Secretary in accordance with this section, from amending or modifying any policy, rule, regulation, or plan of the public housing agency, except that no such significant amendment or modification may be adopted or implemented—

"(A) other than at a duly called meeting of commissioners (or other comparable governing body) of the public housing agency that is open to the public; and

"(B) until notification of the amendment or modification is provided to the Secretary and approved in accordance with subsection (h)(2).

"(2) CONSISTENCY.—Each significant amendment or modification to a public housing agency plan submitted to the Secretary under this section shall—

"(A) meet the consistency requirement of subsection (c)(2);

"(B) be subject to the notice and public hearing requirements of subsection (f); and

"(C) be subject to approval by the Secretary in accordance with subsection (h)(2).

"(h) TIMING OF PLANS.—

"(1) IN GENERAL.—

"(A) INITIAL SUBMISSION.—Each public housing agency shall submit the initial plan required by this section, and any amendment or modification to the initial plan, to the Secretary at such time and in such form as the Secretary shall require.

"(B) ANNUAL SUBMISSION.—Not later than 60 days prior to the start of the fiscal year of the public housing agency, after initial submission of the plan required by this section in accordance with subparagraph (A), each public housing agency shall annually submit to the Secretary a plan update, including any amendments or modifications to the public housing agency plan.

"(2) REVIEW AND APPROVAL.—

"(A) REVIEW.—Subject to subparagraph (B), after submission of the public housing agency plan or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make determinations under this subparagraph, the Secretary shall review the public housing agency plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

"(i) set forth the information required by this section to be contained in a public housing agency plan;

"(ii) are consistent with information and data available to the Secretary, including the approved comprehensive housing affordability strategy under title I of the Cranston-Gonzalez National Affordable Housing Act of the jurisdiction in which the public housing agency is located; and

"(iii) are prohibited by or inconsistent with any provision of this title or other applicable law.

"(B) EXCEPTION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may, by regulation, provide that 1 or more elements of a public housing agency plan shall be reviewed only if the element is challenged.

"(ii) INAPPLICABILITY TO CERTAIN PROVISIONS.—Notwithstanding clause (i), the Secretary shall review the information submitted under paragraphs (7) and (14) of subsection (d).

"(C) APPROVAL.—

"(i) IN GENERAL.—Except as provided in paragraph (3)(B), not later than 60 days after the date on which a public housing agency plan is submitted in accordance with this section (or, with respect to the initial provision of notice under this subparagraph, not later than 75 days after the date on which the initial public housing agency plan is submitted in accordance with this section), the Secretary shall provide written notice to the public housing agency if the plan has been disapproved, stating with specificity the reasons for the disapproval.

"(ii) FAILURE TO PROVIDE NOTICE OF DISAPPROVAL.—If the Secretary does not provide notice of disapproval under clause (i) before the expiration of the period described in clause (i), the public housing agency plan shall be deemed to be approved by the Secretary.

"(3) SECRETARIAL DISCRETION.—

"(A) IN GENERAL.—The Secretary may require such additional information as the Secretary determines to be appropriate for each public housing agency that is—

"(i) at risk of being designated as troubled under section 6(j); or

"(ii) designated as troubled under section 6(j).

"(B) TROUBLED AGENCIES.—The Secretary shall provide explicit written approval or disapproval, in a timely manner, for a public housing agency plan submitted by any public housing agency designated by the Secretary as a troubled public housing agency under section 6(j).

"(C) ADVISORY BOARD CONSULTATION ENFORCEMENT.—Following a written request by the resident advisory board that documents a failure on the part of the public housing agency to provide adequate notice and opportunity for comment under subsection (f), and upon a Secretarial finding of good cause within the time period provided for in paragraph (2)(B) of this subsection, the Secretary may require the public housing agency to adequately remedy that failure prior to a final approval of the public housing agency plan under this section.

"(4) STREAMLINED PLAN.—In carrying out this section, the Secretary may establish a streamlined public housing agency plan for—

"(A) public housing agencies that are determined by the Secretary to be high performing public housing agencies;

"(B) public housing agencies with less than 250 public housing units that have not been designated as troubled under section 6(j); and

"(C) public housing agencies that only administer tenant-based assistance and that do not own or operate public housing.

"(5) COMPLIANCE WITH PLAN.—

"(A) IN GENERAL.—In providing assistance under this title, a public housing agency shall comply with the rules, standards, and policies established in the public housing agency plan of the public housing agency approved under this section.

"(B) INVESTIGATION AND ENFORCEMENT.—In carrying out this title, the Secretary shall—

"(i) provide an appropriate response to any complaint concerning noncompliance by a public housing agency with the applicable public housing agency plan; and

"(ii) if the Secretary determines, based on a finding of the Secretary or other information available to the Secretary, that a public housing agency is not complying with the applicable public housing agency plan, take such actions as the Secretary determines to be appropriate to ensure such compliance.".

(b) IMPLEMENTATION.—

(1) INTERIM RULE.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim rule to require the submission of an interim public housing agency plan by each public housing agency, as required by section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section).

(2) FINAL REGULATIONS.—Not later than 1 year after the date of enactment of this Act, in accordance with the negotiated rulemaking procedures set forth in subchapter III of chapter 5 of title 5, United States Code, the Secretary shall promulgate final regulations implementing section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section).

(c) AUDIT AND REVIEW; REPORT.—

(1) AUDIT AND REVIEW.—Not later than 1 year after the effective date of final regulations promulgated under subsection (b)(2), in

order to determine the degree of compliance with public housing agency plans approved under section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section) by public housing agencies, the Comptroller General of the United States shall conduct—

(A) a review of a representative sample of the public housing agency plans approved under such section 5A before that date; and

(B) an audit and review of the public housing agencies submitting those plans.

(2) REPORT.—Not later than 2 years after the date on which public housing agency plans are initially required to be submitted under section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section) the Comptroller General of the United States shall submit to Congress a report, which shall include—

(A) a description of the results of each audit and review under paragraph (1); and

(B) any recommendations for increasing compliance by public housing agencies with their public housing agency plans approved under section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section).

SEC. 107. CONTRACT PROVISIONS AND REQUIREMENTS.

(a) CONDITIONS.—Section 6(a) of the United States Housing Act of 1937 (42 U.S.C. 1437d(a)) is amended—

(1) in the first sentence, by inserting ", in a manner consistent with the public housing agency plan" before the period; and

(2) by striking the second sentence.

(b) REPEAL OF FEDERAL PREFERENCES; REVISION OF MAXIMUM INCOME LIMITS; CERTIFICATION OF COMPLIANCE WITH REQUIREMENTS; NOTIFICATION OF ELIGIBILITY.—Section 6(c) of the United States Housing Act of 1937 (42 U.S.C. 1437d(c)) is amended to read as follows:

"(c) ACCOUNTING SYSTEM FOR RENTAL COLLECTIONS AND COSTS.—

"(1) ESTABLISHMENT.—Each public housing agency that receives grant amounts under this title shall establish and maintain a system of accounting for rental collections and costs (including administrative, utility, maintenance, repair, and other operating costs) for each project.

"(2) ACCESS TO RECORDS.—Each public housing agency shall make available to the general public the information required pursuant to paragraph (1) regarding collections and costs.

"(3) EXEMPTION.—The Secretary may permit authorities owning or operating fewer than 500 dwelling units to comply with the requirements of this subsection by accounting on an agency-wide basis.".

(c) EXCESS FUNDS.—Section 6(e) of the United States Housing Act of 1937 (42 U.S.C. 1437d(e)) is amended to read as follows:

"(e) [Reserved.]".

(d) PERFORMANCE INDICATORS FOR PUBLIC HOUSING AGENCIES.—Section 6(j) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking "obligated" and inserting "provided"; and

(ii) by striking "unexpended" and inserting "unobligated by the public housing agency";

(B) in subparagraph (D), by striking "energy" and inserting "utility";

(C) by redesignating subparagraph (H) as subparagraph (L); and

(D) by inserting after subparagraph (G) the following:

"(H) The extent to which the public housing agency—

"(i) coordinates, promotes, or provides effective programs and activities to promote the economic self-sufficiency of public housing residents; and

"(ii) provides public housing residents with opportunities for involvement in the administration of the public housing.

"(I) The extent to which the public housing agency implements—

"(i) effective screening and eviction policies; and

"(ii) other anticrime strategies;

including the extent to which the public housing agency coordinates with local government officials and residents in the development and implementation of these strategies.

"(J) The extent to which the public housing agency is providing acceptable basic housing conditions.

"(K) The extent to which the public housing agency successfully meets the goals and carries out the activities and programs of the public housing agency plan under section 5(A).";

(2) in paragraph (2)(A)(i), by inserting after the first sentence the following: "The Secretary may use a simplified set of indicators for public housing agencies with less than 250 public housing units."; and

(3) by adding at the end the following:

"(5)(A) To the extent that the Secretary determines such action to be necessary in order to ensure the accuracy of any certification made under this section, the Secretary shall require an independent auditor to review documentation or other information maintained by a public housing agency or resident management corporation pursuant to this section to substantiate each certification submitted by the agency or corporation relating to the performance of that agency or corporation.

"(B) The Secretary may withhold, from assistance otherwise payable to the agency or corporation under section 9, amounts sufficient to pay for the reasonable costs of any review under this paragraph.".

(e) DRUG-RELATED AND CRIMINAL ACTIVITY.—Section 6(k) of the United States Housing Act of 1937 (42 U.S.C. 1437d(k)) is amended, in the matter following paragraph (6)—

(1) by striking "drug-related" and inserting "violent or drug-related"; and

(2) by inserting "or any activity resulting in a felony conviction," after "on or off such premises,".

(f) LEASES.—Section 6(l) of the United States Housing Act of 1937 (42 U.S.C. 1437d(l)) is amended—

(1) in paragraph (3), by striking "not be less than" and all that follows through the end of paragraph (3) and inserting: "be the period of time required under State or local law, except that the public housing agency may provide such notice within a reasonable time which does not exceed the lesser of—

"(A) the period provided under applicable State or local law; or

"(B) 30 days—

"(i) if the health or safety of other tenants, public housing agency employees, or persons residing in the immediate vicinity of the premises is threatened; or

"(ii) in the event of any drug-related or violent criminal activity or any felony conviction;";

(2) in paragraph (6), by striking "and" at the end;

(3) by redesignating paragraph (7) as paragraph (8); and

(4) by inserting after paragraph (6) following:

"(7) provide that any occupancy in violation of section 7(e)(1) or the furnishing of any false or misleading information pursuant to section 7(e)(2) shall be cause for termination of tenancy; and".

(g) PUBLIC HOUSING ASSISTANCE TO FOSTER CARE CHILDREN.—Section 6(o) of the United States Housing Act of 1937 (42 U.S.C. 1437d(o)) is amended by striking "Subject" and all that follows through ", in" and inserting "In".

(h) PREFERENCE FOR AREAS WITH INADEQUATE SUPPLY OF VERY LOW-INCOME HOUSING.—Section 6(p) of the United States Housing Act of 1937 (42 U.S.C. 1437d(p)) is amended to read as follows:

"(p) [Reserved.]".

(i) TRANSITION RULE RELATING TO PREFERENCES.—During the period beginning on the date of enactment of this Act and ending on the date on which the initial public housing agency plan of a public housing agency is approved under section 5A of the United States Housing Act of 1937 (as added by this Act) the public housing agency may establish local preferences for making available public housing under the United States Housing Act of 1937 and for providing tenant-based assistance under section 8 of that Act.

SEC. 108. EXPANSION OF POWERS FOR DEALING WITH PUBLIC HOUSING AGENCIES IN SUBSTANTIAL DEFAULT.

(a) IN GENERAL.—Section 6(j)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subparagraph (A)—

(A) by striking clause (i) and inserting the following:

"(i) solicit competitive proposals from other public housing agencies and private housing management agents that, in the discretion of the Secretary, may be selected by existing public housing residents through administrative procedures established by the Secretary; if appropriate, these proposals shall provide for such agents to manage all, or part, of the housing administered by the public housing agency or all or part of the other programs of the agency;";

(B) by striking clause (iv) and inserting the following:

"(v) require the agency to make other arrangements acceptable to the Secretary and in the best interests of the public housing residents and families assisted under section 8 for managing all, or part, of the public housing administered by the agency or of the programs of the agency."; and

(C) by inserting after clause (iii) the following:

"(iv) take possession of all or part of the public housing agency, including all or part of any project or program of the agency, including any project or program under any other provision of this title; and"; and

(2) by striking subparagraphs (B) through (D) and inserting the following:

"(B)(i) If a public housing agency is identified as troubled under this subsection, the Secretary shall notify the agency of the troubled status of the agency.

"(ii)(I) Upon the expiration of the 1-year period beginning on the later of the date on which the agency receives notice from the Secretary of the troubled status of the agency under clause (i) and the date of enactment of the Public Housing Reform and Responsibility Act of 1997, the Secretary shall—

"(aa) in the case of a troubled public housing agency with 1,250 or more units, petition for the appointment of a receiver pursuant to subparagraph (A)(ii); or

"(bb) in the case of a troubled public housing agency with fewer than 1,250 units, either petition for the appointment of a receiver pursuant to subparagraph (A)(ii), or take possession of the public housing agency (including all or part of any project or program of the agency) pursuant to subparagraph (A)(iv) and appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency).

"(II) During the period between the date on which a petition is filed under item (aa) and the date on which a receiver assumes responsibility for the management of the public housing agency under that item, the Secretary may take possession of the public housing agency (including all or part of any project or program of the agency) pursuant to subparagraph (A)(iv) and may appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency).

"(C) If a receiver is appointed pursuant to subparagraph (A)(ii), in addition to the powers accorded by the court appointing the receiver, the receiver—

"(i) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the receiver determines that reasonable efforts to renegotiate such contract have failed;

"(ii) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;

"(iii) if determined to be appropriate by the Secretary, may seek the establishment, as permitted by applicable State and local law, of 1 or more new public housing agencies;

"(iv) if determined to be appropriate by the Secretary, may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies; and

"(v) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default.

"(D)(i) If the Secretary takes possession of all or part of the public housing agency, including all or part of any project or program of the agency, pursuant to subparagraph (A)(iv), the Secretary—

"(I) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the written determination of the Secretary (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the Secretary determines that reasonable efforts to renegotiate such contract have failed;

"(II) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;

"(III) may seek the establishment, as permitted by applicable State and local law, of 1 or more new public housing agencies;

"(IV) may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies;

"(V) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the Secretary's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default; and

"(VI) shall, without any action by a district court of the United States, have such additional authority as a district court of the United States would have the authority to confer upon a receiver to achieve the purposes of the receivership.

"(ii) If the Secretary, pursuant to subparagraph (B)(ii)(II), appoints an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency), the Secretary may delegate to the administrative receiver any or all of the powers given the Secretary by this subparagraph, as the Secretary determines to be appropriate.

"(iii) Regardless of any delegation under this subparagraph, an administrative receiver may not seek the establishment of 1 or more new public housing agencies pursuant to clause (i)(III) or the consolidation of all or part of an agency into other well-managed agencies pursuant to clause (i)(IV), unless the Secretary first approves an application by the administrative receiver to authorize such action.

"(E) The Secretary may make available to receivers and other entities selected or appointed pursuant to this paragraph such assistance as the Secretary determines in the discretion of the Secretary is necessary and available to remedy the substantial deterioration of living conditions in individual public housing developments or other related emergencies that endanger the health, safety, and welfare of public housing residents or families assisted under section 8. A decision made by the Secretary under this paragraph is not subject to review in any court of the United States, or in any court of any State, territory, or possession of the United States.

"(F) In any proceeding under subparagraph (A)(ii), upon a determination that a substantial default has occurred, and without regard to the availability of alternative remedies, the court shall appoint a receiver to conduct the affairs of all or part of the public housing agency in a manner consistent with this Act and in accordance with such further terms and conditions as the court may provide. The receiver appointed may be another public housing agency, a private management corporation, or any other person or appropriate entity. The court shall have power to grant appropriate temporary or preliminary relief pending final disposition of the petition by the Secretary.

"(G) The appointment of a receiver pursuant to this paragraph may be terminated, upon the petition of any party, when the court determines that all defaults have been cured or the public housing agency is capable again of discharging its duties.

"(H) If the Secretary (or an administrative receiver appointed by the Secretary) takes possession of a public housing agency (including all or part of any project or program of the agency), or if a receiver is appointed by a court, the Secretary or receiver shall be deemed to be acting not in the official capacity of that person or entity, but rather in the capacity of the public housing agency, and any liability incurred, regardless of whether the incident giving rise to that liability occurred while the Secretary or receiver was in possession of all or part of the public housing agency (including all or part of any project or program of the agency), shall be the liability of the public housing agency.".

(b) Applicability.—The provisions of, and duties and authorities conferred or confirmed by, the amendments made by subsection (a) shall apply with respect to any action taken before, on, or after the effective date of this Act and shall apply to any receiver appointed for a public housing agency before the date of enactment of this Act.

(c) Technical Correction Regarding Applicability to Section 8.—Section 8(h) of the United States Housing Act of 1937 is amended by inserting "(except as provided in section 6(j)(3))" after "6".

SEC. 109. PUBLIC HOUSING SITE-BASED WAITING LISTS.

Section 6 of the United States Housing Act of 1937 is amended by adding at the end the following:

"(s) Site-Based Waiting Lists.—

"(1) In general.—A public housing agency may establish, in accordance with guidelines established by the Secretary, procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include a system under which applicants may apply directly at or otherwise designate the development or developments in which they seek to reside.

"(2) Civil rights.—Any procedures established under paragraph (1) shall comply with title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws.

"(3) Notice required.—Any system described in paragraph (1) shall provide for the full disclosure by the public housing agency to each applicant of any option available to the applicant in the selection of the development in which to reside.".

SEC. 110. PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.

(a) In General.—Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended to read as follows:

"SEC. 9. PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.

"(a) In General.—Except for assistance provided under section 8 of this Act or as otherwise provided in the Public Housing Reform and Responsibility Act of 1997, all programs under which assistance is provided for public housing under this Act on the day before October 1, 1998, shall be merged, as appropriate, into either—

"(1) the Capital Fund established under subsection (c); or

"(2) the Operating Fund established under subsection (d).

"(b) Use of Existing Funds.—With the exception of funds made available pursuant to section 8 or section 20(f) and funds made available for the urban revitalization demonstration program authorized under the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Acts—

"(1) funds made available to the Secretary for public housing purposes that have not been obligated by the Secretary to a public housing agency as of October 1, 1998, shall be made available, for the period originally provided in law, for use in either the Capital Fund or the Operating Fund, as appropriate; and

"(2) funds made available to the Secretary for public housing purposes that have been obligated by the Secretary to a public housing agency but that, as of October 1, 1998, have not been obligated by the public housing agency, may be made available by that public housing agency, for the period originally provided in law, for use in either the Capital Fund or the Operating Fund, as appropriate.

"(c) Capital Fund.—

"(1) In general.—The Secretary shall establish a Capital Fund for the purpose of making assistance available to public housing agencies to carry out capital and management activities, including—

"(A) the development and modernization of public housing projects, including the redesign, reconstruction, and reconfiguration of public housing sites and buildings and the development of mixed-finance projects;

"(B) vacancy reduction;

"(C) addressing deferred maintenance needs and the replacement of dwelling equipment;

"(D) planned code compliance;

"(E) management improvements;

"(F) demolition and replacement;

"(G) resident relocation;

"(H) capital expenditures to facilitate programs to improve the empowerment and economic self-sufficiency of public housing residents and to improve resident participation;

"(I) capital expenditures to improve the security and safety of residents; and

"(J) homeownership activities.

"(2) Establishment of capital fund formula.—The Secretary shall develop a formula for providing assistance under the Capital Fund, which may take into account—

"(A) the number of public housing dwelling units owned or operated by the public housing agency and the percentage of those units that are occupied by very low-income families;

"(B) if applicable, the reduction in the number of public housing units owned or operated by the public housing agency as a result of any conversion to a system of tenant-based assistance;

"(C) the costs to the public housing agency of meeting the rehabilitation and modernization needs, and meeting the reconstruction, development, replacement housing, and demolition needs of public housing dwelling units owned and operated by the public housing agency;

"(D) the degree of household poverty served by the public housing agency;

"(E) the costs to the public housing agency of providing a safe and secure environment in public housing units owned and operated by the public housing agency;

"(F) the ability of the public housing agency to effectively administer the Capital Fund distribution of the public housing agency; and

"(G) any other factors that the Secretary determines to be appropriate.

"(3) Condition on use of the capital fund for development and modernization.—

"(A) Development.—Any public housing developed using amounts provided under this subsection shall be operated for a 40-year period under the terms and conditions applicable to public housing during that period, beginning on the date on which the development (or stage of development) becomes available for occupancy.

"(B) Modernization.—Any public housing, or portion thereof, that is modernized using amounts provided under this subsection shall be maintained and operated for a 20-year period under the terms and conditions applicable to public housing during that period, beginning on the latest date on which modernization is completed.

"(C) Applicability of latest expiration date.—Public housing subject to this paragraph or to any other provision of law mandating the operation of the housing as public housing or under the terms and conditions applicable to public housing for a specified length of time shall be maintained and operated as required until the latest expiration date.

"(d) Operating Fund.—

"(1) In general.—The Secretary shall establish an Operating Fund for the purpose of making assistance available to public housing agencies for the operation and management of public housing, including—

"(A) procedures and systems to maintain and ensure the efficient management and operation of public housing units (including amounts sufficient to pay for the reasonable costs of review by an independent auditor of the documentation or other information maintained pursuant to section 6(j)(5) by a public housing agency or resident management corporation to substantiate the performance of that agency or corporation);

"(B) activities to ensure a program of routine preventative maintenance;

"(C) anticrime and antidrug activities, including the costs of providing adequate security for public housing residents;

"(D) activities related to the provision of services, including service coordinators for elderly persons or persons with disabilities;

"(E) activities to provide for management and participation in the management and policymaking of public housing by public housing residents;

"(F) the costs associated with the operation and management of mixed-finance projects, to the extent appropriate (including the funding of an operating reserve to ensure affordability for low-income and very low-income families in lieu of the availability of operating funds for public housing units in a mixed-finance project);

"(G) the reasonable costs of insurance;

"(H) the reasonable energy costs associated with public housing units, with an emphasis on energy conservation; and

"(I) the costs of administering a public housing work program under section 12, including the costs of any related insurance needs.

"(2) Establishment of operating fund formula.—The Secretary shall establish a formula for providing assistance under the Operating Fund, which may take into account—

"(A) standards for the costs of operation and reasonable projections of income, taking into account the character and location of the public housing project and characteristics of the families served, or the costs of providing comparable services as determined with criteria or a formula representing the operations of a prototype well-managed public housing project;

"(B) the number of public housing dwelling units owned and operated by the public housing agency, the percentage of those units that are occupied by very low-income families, and, if applicable, the reduction in the number of public housing units as a result of any conversion to a system of tenant-based assistance;

"(C) the degree of household poverty served by a public housing agency;

"(D) the extent to which the public housing agency provides programs and activities designed to promote the economic self-sufficiency and management skills of public housing residents;

"(E) the number of dwelling units owned and operated by the public housing agency that are chronically vacant and the amount of assistance appropriate for those units;

"(F) the costs of the public housing agency associated with anticrime and antidrug activities, including the costs of providing adequate security for public housing residents;

"(G) the ability of the public housing agency to effectively administer the Operating Fund distribution of the public housing agency; and

"(H) any other factors that the Secretary determines to be appropriate.

"(e) Limitations on Use of Funds.—

"(1) In general.—Each public housing agency may use not more than 20 percent of the Capital Fund distribution of the public housing agency for activities that are eligible for assistance under the Operating Fund under subsection (d), if the public housing agency plan provides for such use.

"(2) New construction.—

"(A) In general.—A public housing agency may not use any of the Capital Fund or Operating Fund distributions of the public housing agency for the purpose of constructing any public housing unit, if such construction would result in a net increase in the number of public housing units owned or operated by the public housing agency on the date of enactment of the Public Housing Reform and Responsibility Act of 1997, including any public housing units demolished as part of any revitalization effort.

"(B) Exception.—

"(i) In general.—Notwithstanding subparagraph (A), a public housing agency may use the Capital Fund or Operating Fund distributions of the public housing agency for the construction and operation of housing units that are available and affordable to low-income families in excess of the limitations on new construction set forth in subparagraph (A), except that the formulas established under subsections (c)(2) and (d)(2) shall not provide additional funding for the specific purpose of allowing construction and operation of housing in excess of those limitations.

"(ii) Exception.—Notwithstanding clause (i), subject to reasonable limitations set by the Secretary, the formulae established under subsections (c)(2) and (d)(2) may provide additional funding for the operation and modernization costs (but not the initial development costs) of housing in excess of amounts otherwise permitted under this paragraph if—

"(I) those units are part of a mixed-finance project or otherwise leverage significant additional private or public investment; and

"(II) the estimated cost of the useful life of the project is less than the estimated cost of providing tenant-based assistance under section 8(o) for the same period of time.

"(f) Direct Provision of Operating and Capital Assistance.—

"(1) In general.—The Secretary shall directly provide operating and capital assistance under this section to a resident management corporation managing a public housing development pursuant to a contract under this section, but only if—

“(A) the resident management corporation petitions the Secretary for the release of the funds

“(B) the contract provides for the resident management corporation to assume the primary management responsibilities of the public housing agency; and

“(C) the Secretary determines that the corporation has the capability to effectively discharge such responsibilities.

“(2) USE OF ASSISTANCE.—Any operating and capital assistance provided to a resident management corporation pursuant to this subsection shall be used for purposes of operating the public housing developments of the agency and performing such other eligible activities with respect to public housing as may be provided under the contract.

“(3) RESPONSIBILITY OF PUBLIC HOUSING AGENCY.—If the Secretary provides direct funding to a resident management corporation under this subsection, the public housing agency shall not be responsible for the actions of the resident management corporation.

“(g) TECHNICAL ASSISTANCE.—To the extent approved in advance in appropriations Acts, the Secretary may make grants or enter into contracts in accordance with this subsection for purposes of providing, either directly or indirectly—

“(1) technical assistance to public housing agencies, resident councils, resident organizations, and resident management corporations, including assistance relating to monitoring and inspections;

“(2) training for public housing agency employees and residents;

“(3) data collection and analysis; and

“(4) training, technical assistance, and education to assist public housing agencies that are—

“(A) at risk of being designated as troubled under section 6(j) from being so designated; and

“(B) designated as troubled under section 6(j) in achieving the removal of that designation.

“(h) EMERGENCY RESERVE.—

“(1) IN GENERAL.—

“(A) SET-ASIDE.—In each fiscal year, the Secretary shall set aside not more than 2 percent of the amount made available for use under the capital fund to carry out this section for that fiscal year for use in accordance with this subsection.

“(B) USE OF FUNDS.—Amounts set aside under this paragraph shall be available to the Secretary for use in connection with—

“(i) emergencies and other disasters;

“(ii) housing needs resulting from any settlement of litigation; and

“(iii) the Operation Safe Home program, except that amounts set aside under this clause may not exceed $10,000,000 in any fiscal year.

“(2) LIMITATION.—With respect to any fiscal year, the Secretary may carry over not more than a total of $25,000,000 in unobligated amounts set aside under this subsection for use in connection with the activities described in paragraph (1)(B) during the succeeding fiscal year.

“(3) REPORTS.—The Secretary and the Office of Inspector General shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives regarding the feasibility of transferring the authority to administer the program functions implemented to reduce violent crime in public housing under Operation Safe Home to the Office of Public and Indian Housing or to the Department of Justice.

“(4) PUBLICATION.—The Secretary shall publish the use of any amounts allocated under this subsection relating to emergencies (other disasters and housing needs resulting from any settlement of litigation) in the Federal Register.

“(5) ELIGIBLE USES.—In carrying out this subsection, the Secretary may use amounts set aside under this subsection for—

“(A) any eligible use under the Operating Fund or the Capital Fund established by this section; or

“(B) the provision of tenant-based assistance in accordance with section 8.

“(i) PENALTY FOR SLOW EXPENDITURE OF CAPITAL FUNDS.—

“(1) IN GENERAL.—

“(A) TIME PERIOD.—Except as provided in paragraph (2), and subject to subparagraph (B) of this paragraph, a public housing agency shall obligate any assistance received under this section not later than 24 months after, as applicable—

“(i) the date on which the funds become available to the agency for obligation in the case of modernization; or

“(ii) the date on which the agency accumulates adequate funds to undertake comprehensive modernization, substantial rehabilitation, or new construction of units.

“(B) EXTENSION OF TIME PERIOD.—The Secretary—

“(i) may, extend the time period described in subparagraph (A) , for such period of time as the Secretary determines to be necessary, if the Secretary determines that the failure of the public housing agency to obligate assistance in a timely manner is attributable to—

“(I) litigation;

“(II) obtaining approvals of a Federal, State, or local government;

“(III) complying with environmental assessment and abatement requirements;

“(IV) relocating residents;

“(V) an event beyond the control of the public housing agency; or

“(VI) any other reason established by the Secretary by notice published in the Federal Register;

“(ii) shall disregard the requirements of subparagraph (A) with respect to any unobligated amounts made available to a public housing agency, to the extent that the total of those amounts does not exceed 10 percent of the original amount made available to the public housing agency; and

“(iii) may, with the prior approval of the Secretary, extend the period of time described in subparagraph (A), for an additional period not to exceed 12 months, based on—

“(I) the size of the public housing agency;

“(II) the complexity of capital program of the public housing agency;

“(III) any limitation on the ability of the public housing agency to obligate the Capital Fund distributions of the public housing agency in a timely manner as a result of State or local law; or

“(IV) such other factors as the Secretary determines to be relevant.

“(C) EFFECT OF FAILURE TO COMPLY.—

“(i) IN GENERAL.—A public housing agency shall not be awarded assistance under this section for any month during any fiscal year in which the public housing agency has funds unobligated in violation of subparagraph (A) or (B).

“(ii) EFFECT OF FAILURE TO COMPLY.—During any fiscal year described in clause (i), the Secretary shall withhold all assistance that would otherwise be provided to the public housing agency. If the public housing agency cures its default during the year, it shall be provided with the share attributable to the months remaining in the year.

“(iii) REDISTRIBUTION.—The total amount of any funds not provided public housing agencies by operation of this subparagraph shall be distributed to high-performing agencies, as determined under section 6(j).

“(2) EXCEPTION.—

“(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary has consented, before the date of enactment of the Public Housing Reform and Responsibility Act of 1997, to an obligation period for any agency longer than provided under paragraph (1)(A), a public housing agency that obligates its funds before the expiration of that period shall not be considered to be in violation of paragraph (1)(A).

“(B) FISCAL YEAR 1995.—Notwithstanding subparagraph (A)—

“(i) any funds appropriated to a public housing agency for fiscal year 1995, or for any preceding fiscal year, shall be fully obligated by the public housing agency not later than September 30, 1998; and

“(ii) any funds appropriated to a public housing agency for fiscal year 1996 or 1997 shall be fully obligated by the public housing agency not later than September 30, 1999.

“(3) EXPENDITURE OF AMOUNTS.—

“(A) IN GENERAL.—A public housing agency shall spend any assistance received under this section not later than 4 years (plus the period of any extension approved by the Secretary under paragraph (1)(B)) after the date on which funds become available to the agency for obligation.

“(B) ENFORCEMENT.—The Secretary shall enforce the requirement of subparagraph (A) through default remedies up to and including withdrawal of the funding.

“(4) RIGHT OF RECAPTURE.—Any obligation entered into by a public housing agency shall be subject to the right of the Secretary to recapture the obligated amounts for violation by the public housing agency of the requirements of this subsection.”.

(b) IMPLEMENTATION; EFFECTIVE DATE; TRANSITION PERIOD.—

(1) IMPLEMENTATION.—Not later than 1 year after the date of enactment of this Act, in accordance with the negotiated rulemaking procedures set forth in subchapter III of chapter 5 of title 5, United States Code, the Secretary shall establish the formulas described in subsections (c)(3) and (d)(2) of section 9 of the United States Housing Act of 1937, as amended by this section.

(2) EFFECTIVE DATE.—The formulas established under paragraph (1) shall be effective only with respect to amounts made available under section 9 of the United States Housing Act of 1937, as amended by this section, in fiscal year 1999 or in any succeeding fiscal year.

(3) TRANSITION PERIOD.—

(A) IN GENERAL.—Subject to subparagraph (B), prior to the effective date described in paragraph (2), the Secretary shall provide that each public housing agency shall receive funding under sections 9 and 14 of the United States Housing Act of 1937, as those sections existed on the day before the date of enactment of this Act.

(B) QUALIFICATION.—If a public housing agency establishes a rental amount that is less than 30 percent of the monthly adjusted income of the family under section 3(a)(1)(A) of the United States Housing Act of 1937 (as amended by section 103(a) of this Act), or a rental amount that is based on an adjustment to income under section 3(b)(5)(E) (as amended by section 104(a)(2) of this Act), the

Secretary shall not take into account any reduction of or increase in the per unit dwelling rental income of the public housing agency resulting from the use of that rental amount in calculating the contributions for the public housing agency for the operation of the public housing under section 9 of the United States Housing Act of 1937 (as in existence on the day before the date of enactment of this Act).

SEC. 111. COMMUNITY SERVICE AND SELF-SUFFICIENCY.

Section 12 of the United States Housing Act of 1937 (42 U.S.C. 1437j) is amended by adding at the end the following:

"(c) Community Service and Self-Sufficiency Requirement.—

"(1) Minimum requirement.—Notwithstanding any other provision of law, each adult resident of a public housing project shall—

"(A) contribute not less than 8 hours per month of community service (not to include any political activity) within the community in which that adult resides; or

"(B) participate in a self-sufficiency program (as that term is defined in subsection (d)(1)) for not less than 8 hours per month.

"(2) Inclusion in plan.—Each public housing agency shall include in the public housing agency plan a detailed description of the manner in which the public housing agency intends to implement and administer paragraph (1).

"(3) Exemptions.—The Secretary may provide an exemption from paragraph (1) for any adult who—

"(A) has attained age 62;

"(B) is a blind or disabled individual, as defined under section 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 416(i)(1); 1382c) and who is unable to comply with this section, or a primary caretaker of that individual;

"(C) is engaged in a work activity (as that term is defined in subsection (d)(1)(C)); or

"(D) meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the public housing agency is located.

"(4) Geographic location; prohibition against replacement of employees.—

"(A) Geographic location.—The requirement described in paragraph (1) may include community service or participation in a self-sufficiency program performed at a location not owned by the public housing agency.

"(B) Prohibition against replacement of employees.—In carrying out this subsection, a public housing agency may not—

"(i) substitute community service or participation in a self-sufficiency program, as described in paragraph (1), for work performed by a public housing employee; or

"(ii) supplant a job at any location at which community work requirements under section 111 are fulfilled.

"(d) Self-Sufficiency.—

"(1) Definitions.—In this section—

"(A) the term 'covered family' means a family that—

"(i) receives benefits for welfare or public assistance from a State or other public agency under a program for which the Federal, State, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in a self-sufficiency program; and

"(ii) resides in a public housing dwelling unit or is provided tenant-based assistance;

"(B) the term 'self-sufficiency program' means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare and apprenticeship; and

"(C) the term 'work activities' has the meaning given that term in section 407(d) of the Social Security Act (42 U.S.C. 607(d)) (as in effect on and after July 1, 1997).

"(2) Compliance.—

"(A) Sanctions.—Notwithstanding any other provision of law, if the welfare or public assistance benefits of a covered family are reduced under a Federal, State, or local law regarding such an assistance program because of any failure of any member of the family to comply with the conditions under the assistance program requiring participation in a self-sufficiency program or a work activities requirement, or because of an act of fraud by any member of the family under the law or program, the amount required to be paid by the family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

"(B) Review.—Any covered family that is affected by the operation of this paragraph shall have the right to review the determination under this paragraph through the administrative grievance procedure for the public housing agency.

"(C) Notice.—Subparagraph (A) shall not apply to any covered family before the public housing agency providing assistance under this Act on behalf of the family obtains written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been reduced because of noncompliance with self-sufficiency program or an applicable work activities requirement and the level of such reduction.

"(D) No application of reductions based on time limit for assistance.—For purposes of this paragraph, a reduction in benefits as a result of the expiration of a lifetime time limit for a family receiving welfare or public assistance benefits shall not be considered to be a failure to comply with the conditions under the assistance program requiring participation in a self-sufficiency program or a work activities requirement.

"(3) Occupancy rights.—This subsection may not be construed to authorize any public housing agency to limit the duration of tenancy in a public housing dwelling unit or of tenant-based assistance.

"(4) Cooperation agreements for self-sufficiency activities.—

"(A) Requirement.—To the maximum extent practicable, a public housing agency providing public housing dwelling units or tenant-based assistance for covered families shall enter into such cooperation agreements, with State, local, and other agencies providing assistance to covered families under welfare or public assistance programs, as may be necessary, to provide for such agencies to transfer information to facilitate administration of subsection (c) or paragraph (2) of this subsection, and other information regarding rents, income, and assistance that may assist a public housing agency or welfare or public assistance agency in carrying out its functions.

"(B) Contents.—A public housing agency shall seek to include in a cooperation agreement under this paragraph requirements and provisions designed to target assistance under welfare and public assistance programs to families residing in public and other assisted housing developments, which may include providing for self-sufficiency services within such housing, providing for services designed to meet the unique employment-related needs of residents of such housing, providing for placement of workfare positions on-site in such housing, and such other elements as may be appropriate.

"(C) Confidentiality.—This paragraph may not be construed to authorize any release of information that is prohibited by, or in contravention of, any other provision of Federal, State, or local law.".

SEC. 112. REPEAL OF ENERGY CONSERVATION; CONSORTIA AND JOINT VENTURES.

Section 13 of the United States Housing Act of 1937 (42 U.S.C. 1437k) is amended to read as follows:

"SEC. 13. CONSORTIA, JOINT VENTURES, AFFILIATES, AND SUBSIDIARIES OF PUBLIC HOUSING AGENCIES.

"(a) Consortia.—

"(1) In general.—Any 2 or more public housing agencies may participate in a consortium for the purpose of administering any or all of the housing programs of those public housing agencies in accordance with this section.

"(2) Effect.—With respect to any consortium described in paragraph (1)—

"(A) any assistance made available under this title to each of the public housing agencies participating in the consortium shall be paid to the consortium; and

"(B) all planning and reporting requirements imposed upon each public housing agency participating in the consortium with respect to the programs operated by the consortium shall be consolidated.

"(3) Restrictions.—

"(A) Agreement.—Each consortium described in paragraph (1) shall be formed and operated in accordance with a consortium agreement, and shall be subject to the requirements of a joint public housing agency plan, which shall be submitted by the consortium in accordance with section 5A.

"(B) Minimum requirements.—The Secretary shall specify minimum requirements relating to the formation and operation of consortia and the minimum contents of consortium agreements under this paragraph.

"(b) Joint Ventures.—

"(1) In general.—Notwithstanding any other provision of law, a public housing agency, in accordance with the public housing agency plan, may—

"(A) form and operate wholly owned or controlled subsidiaries (which may be nonprofit corporations) and other affiliates, any of which may be directed, managed, or controlled by the same persons who constitute the board of commissioners or other similar governing body of the public housing agency, or who serve as employees or staff of the public housing agency; or

"(B) enter into joint ventures, partnerships, or other business arrangements with, or contract with, any person, organization, entity, or governmental unit—

"(i) with respect to the administration of the programs of the public housing agency, including any program that is subject to this title; or

"(ii) for the purpose of providing or arranging for the provision of supportive or social services.

"(2) Use of and treatment income.—Any income generated under paragraph (1)—

"(A) shall be used for low-income housing or to benefit the residents of the public housing agency; and

"(B) shall not result in any decrease in any amount provided to the public housing agency under this title.

"(3) Audits.—The Comptroller General of the United States, the Secretary, and the Inspector General of the Department of Housing and Urban Development may conduct an audit of any activity undertaken under paragraph (1) at any time.".

SEC. 113. REPEAL OF MODERNIZATION FUND.

(a) In General.—Section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) is repealed.

(b) Conforming Amendments.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 5(c)(5), by striking "for use under section 14 or";

(2) in section 5(c)(7)—

(A) in subparagraph (A)—

(i) by striking clause (iii); and

(ii) by redesignating clauses (iv) through (x) as clauses (iii) through (ix), respectively; and

(B) in subparagraph (B)—

(i) by striking clause (iii); and

(ii) by redesignating clauses (iv) through (x) as clauses (iii) through (ix), respectively;

(3) in section 6(j)(1)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraphs (C) through (H) as subparagraphs (B) through (G), respectively;

(4) in section 6(j)(2)(A)—

(A) in clause (i), by striking "The Secretary shall also designate," and all that follows through the period at the end; and

(B) in clause (iii), by striking "(including designation as a troubled agency for purposes of the program under section 14)";

(5) in section 6(j)(2)(B)—

(A) in clause (i), by striking "and determining that an assessment under this subparagraph will not duplicate any review conducted under section 14(p)"; and

(B) in clause (ii)—

(i) by striking "(I) the agency's comprehensive plan prepared pursuant to section 14 adequately and appropriately addresses the rehabilitation needs of the agency's inventory, (II)" and inserting "(I)"; and

(ii) by striking "(III)" and inserting "(II)";

(6) in section 6(j)(3)—

(A) in clause (ii), by adding "and" at the end;

(B) by striking clause (iii); and

(C) by redesignating clause (iv) as clause (iii);

(7) in section 6(j)(4)—

(A) in subparagraph (D), by adding "and" at the end;

(B) in subparagraph (E), by striking "; and" at the end and inserting a period; and

(C) by striking subparagraph (F);

(8) in section 20—

(A) by striking subsection (c) and inserting the following:

"(c) [Reserved.]"; and

(B) by striking subsection (f) and inserting the following:

"(f) [Reserved.]";

(9) in section 21(a)(2)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(10) in section 21(a)(3)(A)(v), by striking "the building or buildings meet the minimum safety and livability standards applicable under section 14, and";

(11) in section 25(b)(1), by striking "From amounts reserved" and all that follows through "the Secretary may" and inserting the following: "To the extent approved in appropriations Acts, the Secretary may";

(12) in section 25(e)(2)—

(A) by striking "The Secretary" and inserting "To the extent approved in appropriations Acts, the Secretary"; and

(B) by striking "available annually from amounts under section 14";

(13) in section 25(e), by striking paragraph (3);

(14) in section 25(f)(2)(G)(i), by striking "including—" and all that follows through "an explanation" and inserting "including an explanation";

(15) in section 25(i)(1), by striking the second sentence; and

(16) in section 202(b)(2)—

(A) by striking "(b) Financial Assistance.—" and all that follows through "The Secretary may," and inserting the following:

"(b) Financial Assistance.—The Secretary may"; and

(B) by striking paragraph (2).

SEC. 114. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n) is amended to read as follows:

"SEC. 16. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

"(a) Income Eligibility for Public Housing.—

"(1) In general.—Of the dwelling units of a public housing agency, including public housing units in a designated mixed-finance project, made available for occupancy in any fiscal year of the public housing agency—

"(A) not less than 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income for those families;

"(B) not less than 70 percent shall be occupied by families whose incomes do not exceed 60 percent of the area median income for those families; and

"(C) any remaining dwelling units may be made available for families whose incomes do not exceed 80 percent of the area median income for those families.

"(2) Establishment of different standards.—Notwithstanding paragraph (1), if approved by the Secretary, a public housing agency, in accordance with the public housing agency plan, may for good cause establish and implement an admission standard other than the standard described in paragraph (1).

"(3) Prohibition of concentration of low-income families.—A public housing agency may not, in complying with the requirements under paragraph (1), concentrate very low-income families (or other families with relatively low incomes) in public housing dwelling units in certain public housing developments or certain buildings within developments.

"(4) Mixed-income housing standard.—Each public housing agency plan submitted by a public housing agency shall include a plan for achieving a diverse income mix among residents in each public housing project of the public housing agency and among the scattered site public housing of the public housing agency.

"(b) Income Eligibility for Certain Assisted Housing.—

"(1) Tenant-based assistance.—Of the dwelling units receiving tenant-based assistance under section 8 made available for occupancy in any fiscal year of the public housing agency—

"(A) not less than 65 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income for those families;

"(B) not less than 90 percent shall be occupied by families whose incomes do not exceed 60 percent of the area median income for those families; and

"(C) any remaining dwelling units may be made available for families whose incomes do not exceed 80 percent of the area median income for those families.

"(2) Establishment of different standards.—Notwithstanding paragraph (1), if approved by the Secretary, a public housing agency, in accordance with the public housing agency plan, may for good cause establish and implement an admission standard other than the standard described in paragraph (1).

"(3) Project-based assistance.—Of the total number of dwelling units in a project receiving assistance under section 8, other than assistance described in paragraph (1), that are made available for occupancy by eligible families in any year (as determined by the Secretary)—

"(A) not less than 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income;

"(B) not less than 70 percent shall be occupied by families whose incomes do not exceed 60 percent of the area median income; and

"(C) any remaining dwelling units may be made available for families whose incomes do not exceed 80 percent of the area median income for those families.

"(c) Definition of Area Median Income.—In this section, the term 'area median income' means the median income of an area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in subsections (a) and (b) if the Secretary determines that such variations are necessary because of unusually high or low family incomes.".

SEC. 115. DEMOLITION AND DISPOSITION OF PUBLIC HOUSING.

(a) In General.—Section 18 of the United States Housing Act of 1937 (42 U.S.C. 1437p) is amended to read as follows:

"SEC. 18. DEMOLITION AND DISPOSITION OF PUBLIC HOUSING.

"(a) Applications for Demolition and Disposition.—Except as provided in subsection (b), not later than 60 days after receiving an application by a public housing agency for authorization, with or without financial assistance under this title, to demolish or dispose of a public housing project or a portion of a public housing project (including any transfer to a resident-supported nonprofit entity), the Secretary shall approve the application, if the public housing agency certifies—

"(1) in the case of—

"(A) an application proposing demolition of a public housing project or a portion of a public housing project, that—

"(i) the project or portion of the public housing project is obsolete as to physical condition, location, or other factors, making it unsuitable for housing purposes; and

"(ii) no reasonable program of modifications is cost-effective to return the public housing project or portion of the project to useful life; and

"(B) an application proposing the demolition of only a portion of a public housing project, that the demolition will help to assure the viability of the remaining portion of the project;

"(2) in the case of an application proposing disposition of a public housing project or other real property subject to this title by sale or other transfer, that—

"(A) the retention of the property is not in the best interests of the residents or the public housing agency because—

"(i) conditions in the area surrounding the public housing project adversely affect the health or safety of the residents or the feasible operation of the project by the public housing agency; or

"(ii) disposition allows the acquisition, development, or rehabilitation of other properties that will be more efficiently or effectively operated as low-income housing;

"(B) the public housing agency has otherwise determined the disposition to be appropriate for reasons that are—

"(i) in the best interests of the residents and the public housing agency;

"(ii) consistent with the goals of the public housing agency and the public housing agency plan; and

"(iii) otherwise consistent with this title; or

"(C) for property other than dwelling units, the property is excess to the needs of a public housing project or the disposition is incidental to, or does not interfere with, continued operation of a public housing project;

"(3) that the public housing agency has specifically authorized the demolition or disposition in the public housing agency plan, and has certified that the actions contemplated in the public housing agency plan comply with this section;

"(4) that the public housing agency—

"(A) will provide for the payment of the actual and reasonable relocation expenses of each resident to be displaced;

"(B) will ensure that each displaced resident is offered comparable housing—

"(i) that meets housing quality standards; and

"(ii) which may include—

"(I) tenant-based assistance;

"(II) project-based assistance; or

"(III) occupancy in a unit operated or assisted by the public housing agency at a rental rate paid by the resident that is comparable to the rental rate applicable to the unit from which the resident is vacated;

"(C) will provide any necessary counseling for residents who are displaced; and

"(D) will not commence demolition or complete disposition until all residents residing in the unit are relocated;

"(5) that the net proceeds of any disposition will be used—

"(A) unless waived by the Secretary, for the retirement of outstanding obligations issued to finance the original public housing project or modernization of the project; and

"(B) to the extent that any proceeds remain after the application of proceeds in accordance with subparagraph (A), for the provision of low-income housing or to benefit the residents of the public housing agency; and

"(6) that the public housing agency has complied with subsection (c).

"(b) Disapproval of Applications.—The Secretary shall disapprove an application submitted under subsection (a) if the Secretary determines that—

"(1) any certification made by the public housing agency under that subsection is clearly inconsistent with information and data available to the Secretary or information or data requested by the Secretary; or

"(2) the application was not developed in consultation with—

"(A) residents who will be affected by the proposed demolition or disposition; and

"(B) each resident advisory board and resident council, if any, that will be affected by the proposed demolition or disposition.

"(c) Resident Opportunity To Purchase in Case of Proposed Disposition.—

"(1) In general.—In the case of a proposed disposition of a public housing project or portion of a project, the public housing agency shall, in appropriate circumstances, as determined by the Secretary, initially offer the property to any eligible resident organization, eligible resident management corporation, or nonprofit organization acting on behalf of the residents, if that entity has expressed an interest, in writing, to the public housing agency in a timely manner, in purchasing the property for continued use as low-income housing.

"(2) Timing.—

"(A) Thirty-day notice.—A resident organization, resident management corporation, or other resident-supported nonprofit entity referred to in paragraph (1) may express interest in purchasing property that is the subject of a disposition, as described in paragraph (1), during the 30-day period beginning on the date of notification of a proposed sale of the property.

"(B) Sixty-day notice.—If an entity expresses written interest in purchasing a property, as provided in subparagraph (A), no disposition of the property shall occur during the 60-day period beginning on the date of receipt of that written notice, during which time that entity shall be given the opportunity to obtain a firm commitment for financing the purchase of the property.

"(d) Replacement Units.—Notwithstanding any other provision of law, replacement housing units for public housing units demolished in accordance with this section may be built on the original public housing location or in the same neighborhood as the original public housing location if the number of those replacement units is fewer than the number of units demolished.".

(b) Homeownership Replacement Plan.—

(1) In general.—Section 304(g) of the United States Housing Act of 1937 (42 U.S.C. 1437aaa–3(g)), as amended by section 1002(b) of the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred At Oklahoma City, and Rescissions Act, 1995 (Public Law 104–19; 109 Stat. 236), is amended to read as follows:

"(g) [Reserved.]".

(2) Effective date.—The amendment made by paragraph (1) shall be effective with respect to any plan for the demolition, disposition, or conversion to homeownership of public housing that is approved by the Secretary after September 30, 1995.

(c) Uniform Relocation and Real Property Acquisition Act.—The Uniform Relocation and Real Property Acquisition Act shall not apply to activities under section 18 of the United States Housing Act of 1937, as amended by this section.

SEC. 116. REPEAL OF FAMILY INVESTMENT CENTERS; VOUCHER SYSTEM FOR PUBLIC HOUSING.

(a) In General.—Section 22 of the United States Housing Act of 1937 (42 U.S.C. 1437t) is amended to read as follows:

"SEC. 22. VOUCHER SYSTEM FOR PUBLIC HOUSING.

"(a) In General.—

"(1) Authorization.—A public housing agency may convert any public housing project (or portion thereof) owned and operated by the public housing agency to a system of tenant-based assistance in accordance with this section.

"(2) Requirements.—In converting to a tenant-based system of assistance under this section, the public housing agency shall develop a conversion assessment and plan under subsection (b) in consultation with the appropriate public officials, with significant participation by the residents of the project (or portion thereof), which assessment and plan shall—

"(A) be consistent with and part of the public housing agency plan; and

"(B) describe the conversion and future use or disposition of the public housing project, including an impact analysis on the affected community.

"(b) Conversion Assessment and Plan.—

"(1) In general.—Not later than 2 years after the date of enactment of the Public Housing Reform and Responsibility Act of 1997, each public housing agency shall assess the status of each public housing project owned and operated by that public housing agency, and shall submit to the Secretary an assessment that includes—

"(A) a cost analysis that demonstrates whether or not the cost (both on a net present value basis and in terms of new budget authority requirements) of providing tenant-based assistance under section 8 for the same families in substantially similar dwellings over the same period of time is less expensive than continuing public housing assistance in the public housing project proposed for conversion for the remaining useful life of the project;

"(B) an analysis of the market value of the public housing project proposed for conversion both before and after rehabilitation, and before and after conversion;

"(C) an analysis of the rental market conditions with respect to the likely success of tenant-based assistance under section 8 in that market for the specific residents of the public housing project proposed for conversion, including an assessment of the availability of decent and safe dwellings renting at or below the payment standard established for tenant-based assistance under section 8 by the public housing agency;

"(D) the impact of the conversion to a system of tenant-based assistance under this section on the neighborhood in which the public housing project is located; and

"(E) a plan that identifies actions, if any, that the public housing agency would take with regard to converting any public housing project or projects (or portions thereof) of the public housing agency to a system of tenant-based assistance.

"(2) Streamlined assessment.—At the discretion of the Secretary or at the request of a public housing agency, the Secretary may waive any or all of the requirements of paragraph (1) or otherwise require a streamlined assessment with respect to any public housing project or class of public housing projects.

"(3) Implementation of conversion plan.—

"(A) In general.—A public housing agency may implement a conversion plan only if the conversion assessment under this section demonstrates that the conversion—

"(i) will not be more expensive than continuing to operate the public housing project (or portion thereof) as public housing; and

"(ii) will principally benefit the residents of the public housing project (or portion thereof) to be converted, the public housing agency, and the community.

"(B) Disapproval.—The Secretary shall disapprove a conversion plan only if—

"(i) the plan is plainly inconsistent with the conversion assessment under subsection (b);

“(ii) there is reliable information and data available to the Secretary that contradicts that conversion assessment; or

“(iii) the plan otherwise fails to meet the requirements of this subsection.

“(c) Other Requirements.—To the extent approved by the Secretary, the funds used by the public housing agency to provide tenant-based assistance under section 8 shall be added to the annual contribution contract administered by the public housing agency.”.

(b) Savings Provision.—The amendment made by subsection (a) does not affect any contract or other agreement entered into under section 22 of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act.

SEC. 117. REPEAL OF FAMILY SELF-SUFFICIENCY; HOMEOWNERSHIP OPPORTUNITIES.

(a) In General.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended to read as follows:

“SEC. 23. PUBLIC HOUSING HOMEOWNERSHIP OPPORTUNITIES.

“(a) In General.—Notwithstanding any other provision of law, a public housing agency may, in accordance with this section—

“(1) sell any public housing unit in any public housing project of the public housing agency to—

“(A) the low-income residents of the public housing agency; or

“(B) any organization serving as a conduit for sales to those persons; and

“(2) provide assistance to public housing residents to facilitate the ability of those residents to purchase a principal residence.

“(b) Right of First Refusal.—In making any sale under this section, the public housing agency shall initially offer the public housing unit at issue to the resident or residents occupying that unit, if any, or to an organization serving as a conduit for sales to any such resident.

“(c) Sale Prices, Terms, and Conditions.—Any sale under this section may involve such prices, terms, and conditions as the public housing agency may determine in accordance with procedures set forth in the public housing agency plan.

“(d) Purchase Requirements.—

“(1) In general.—Each resident that purchases a dwelling unit under subsection (a) shall, as of the date on which the purchase is made—

“(A) intend to occupy the property as a principal residence; and

“(B) submit a written certification to the public housing agency that such resident will occupy the property as a principal residence for a period of not less than 12 months beginning on that date.

“(2) Recapture.—Except for good cause, as determined by a public housing agency in the public housing agency plan, if, during the 1-year period beginning on the date on which any resident acquires a public housing unit under this section, that public housing unit is resold, the public housing agency shall recapture 75 percent of the amount of any proceeds from that resale that exceed the sum of—

“(A) the original sale price for the acquisition of the property by the qualifying resident;

“(B) the costs of any improvements made to the property after the date on which the acquisition occurs; and

“(C) any closing costs incurred in connection with the acquisition.

“(e) Protection of Nonpurchasing Residents.—If a public housing resident does not exercise the right of first refusal under subsection (b) with respect to the public housing unit in which the resident resides, the public housing agency shall—

“(1) ensure that either another public housing unit or rental assistance under section 8 is made available to the resident; and

“(2) provide for the payment of the actual and reasonable relocation expenses of the resident.

“(f) Net Proceeds.—The net proceeds of any sales under this section remaining after payment of all costs of the sale and any unassumed, unpaid indebtedness owed in connection with the dwelling units sold under this section unless waived by the Secretary, shall be used for purposes relating to low-income housing and in accordance with the public housing agency plan.

“(g) Homeownership Assistance.—From amounts distributed to a public housing agency under section 9, or from other income earned by the public housing agency, the public housing agency may provide assistance to public housing residents to facilitate the ability of those residents to purchase a principal residence, including a residence other than a residence located in a public housing project.”.

(b) Conforming Amendments.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 8(y)(7)(A)—

(A) by striking “, (ii)” and inserting “, and (ii)”; and

(B) by striking “, and (iii)” and all that follows before the period at the end; and

(2) in section 25(l)(2)—

(A) in the first sentence, by striking “, consistent with the objectives of the program under section 23,”; and

(B) by striking the second sentence.

(c) Savings Provision.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section do not affect any contract or other agreement entered into under section 23 of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act.

(2) Exception.—Section 23(d)(3) of the United States Housing Act of 1937, as in existence on the day before the date of enactment of this Act, shall not apply to any contract or other agreement after the date of enactment of this Act.

SEC. 118. REVITALIZING SEVERELY DISTRESSED PUBLIC HOUSING.

Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended to read as follows:

“SEC. 24. REVITALIZING SEVERELY DISTRESSED PUBLIC HOUSING.

“(a) In General.—To the extent provided in advance in appropriations Acts, the Secretary may make grants to public housing agencies for the purposes of—

“(1) enabling the demolition of obsolete public housing projects or portions thereof;

“(2) revitalizing sites (including remaining public housing units) on which such public housing projects are located;

“(3) the provision of replacement housing, which will avoid or lessen concentrations of very low-income families; and

“(4) the provision of tenant-based assistance under section 8 for use as replacement housing.

“(b) Competition.—The Secretary shall make grants under this section on the basis of a competition, which shall be based on such factors as—

“(1) the need for additional resources for addressing a severely distressed public housing project;

“(2) the need for affordable housing in the community;

“(3) the supply of other housing available and affordable to a family receiving tenant-based assistance under section 8; and

“(4) the local impact of the proposed revitalization program.

“(c) Terms and Conditions.—The Secretary may impose such terms and conditions on recipients of grants under this section as the Secretary determines to be appropriate to carry out the purposes of this section, except that such terms and conditions shall be similar to the terms and conditions of either—

“(1) the urban revitalization demonstration program authorized under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Acts; or

“(2) section 24 of the United States Housing Act of 1937, as such section existed before the date of enactment of the Public Housing Reform and Responsibility Act of 1997.

“(d) Alternative Management.—The Secretary may require any recipient of a grant under this section to make arrangements with an entity other than the public housing agency to carry out the purposes for which the grant was awarded, if the Secretary determines that such action is necessary for the timely and effective achievement of the purposes for which the grant was awarded.

“(e) Sunset.—No grant may be made under this section on or after October 1, 2000.”.

SEC. 119. MIXED-FINANCE AND MIXED-OWNERSHIP PROJECTS.

(a) In General.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

“SEC. 30. MIXED-FINANCE AND MIXED-OWNERSHIP PROJECTS.

“(a) In General.—A public housing agency may own, operate, assist, or otherwise participate in 1 or more mixed-finance projects in accordance with this section.

“(b) Requirements.—

“(1) Mixed-finance project.—In this section, the term ‘mixed-finance project’ means a project that meets the requirements of paragraph (2) and that is occupied both by 1 or more very low-income families and by 1 or more families that are not very low-income families.

“(2) Structure of projects.—Each mixed-finance project shall be developed—

“(A) in a manner that ensures that units are made available in the project, by master contract, individual lease, or equity interest for occupancy by eligible families identified by the public housing agency for a period of not less than 20 years;

“(B) in a manner that ensures that the number of public housing units bears approximately the same proportion to the total number of units in the mixed-finance project as the value of the total financial commitment provided by the public housing agency bears to the value of the total financial commitment in the project, or shall not be less than the number of units that could have been developed under the conventional public housing program with the assistance; and

“(C) in accordance with such other requirements as the Secretary may prescribe by regulation.

“(3) Types of projects.—The term ‘mixed-finance project’ includes a project that is developed—

“(A) by a public housing agency or by an entity affiliated with a public housing agency;

“(B) by a partnership, a limited liability company, or other entity in which the public housing agency (or an entity affiliated with a public housing agency) is a general partner, managing member, or otherwise participates in the activities of that entity;

"(C) by any entity that grants to the public housing agency a right of first refusal to acquire the public housing project within the applicable period of time after initial occupancy of the public housing project in accordance with section 42(i)(7) of the Internal Revenue Code of 1986; or

"(D) in accordance with such other terms and conditions as the Secretary may prescribe by regulation.

"(c) TAXATION.—

"(1) IN GENERAL.—A public housing agency may elect to have all public housing units in a mixed-finance project subject to local real estate taxes, except that such units shall be eligible at the discretion of the public housing agency for the taxing requirements under section 6(d).

"(2) LOW-INCOME HOUSING TAX CREDIT.—With respect to any unit in a mixed-finance project that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents may be set at levels not to exceed the amounts allowable under that section.

"(d) RESTRICTION.—No assistance provided under section 9 shall be used by a public housing agency in direct support of any unit rented to a family that is not a low-income family.

"(e) EFFECT OF CERTAIN CONTRACT TERMS.—If an entity that owns or operates a mixed-finance project under this section enters into a contract with a public housing agency, the terms of which obligate the entity to operate and maintain a specified number of units in the project as public housing units in accordance with the requirements of this Act for the period required by law, such contractual terms may provide that, if, as a result of a reduction in appropriations under section 9, or any other change in applicable law, the public housing agency is unable to fulfill its contractual obligations with respect to those public housing units, that entity may deviate, under procedures and requirements developed through regulations by the Secretary, from otherwise applicable restrictions under this Act regarding rents, income eligibility, and other areas of public housing management with respect to a portion or all of those public housing units, to the extent necessary to preserve the viability of those units while maintaining the low-income character of the units to the maximum extent practicable.".

(b) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to promote the development of mixed-finance projects, as that term is defined in section 30 of the United States Housing Act of 1937 (as added by this Act).

SEC. 120. CONVERSION OF DISTRESSED PUBLIC HOUSING TO TENANT-BASED ASSISTANCE.

(a) IN GENERAL.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

"SEC. 31. CONVERSION OF DISTRESSED PUBLIC HOUSING TO TENANT-BASED ASSISTANCE.

"(a) IDENTIFICATION OF UNITS.—Each public housing agency shall identify all public housing projects of the public housing agency—

"(1) that are on the same or contiguous sites;

"(2) that the public housing agency determines to be distressed, which determination shall be made in accordance with guidelines established by the Secretary, which guidelines shall take into account the criteria established in the Final Report of the National Commission on Severely Distressed Public Housing (August 1992);

"(3) identified as distressed housing under paragraph (2) for which the public housing agency cannot assure the long-term viability as public housing through reasonable modernization expenses, density reduction, achievement of a broader range of family income, or other measures; and

"(4) for which the estimated cost, during the remaining useful life of the project, of continued operation and modernization as public housing exceeds the estimated cost, during the remaining useful life of the project, of providing tenant-based assistance under section 8 for all families in occupancy, based on appropriate indicators of cost (such as the percentage of total development costs required for modernization).

"(b) CONSULTATION.—Each public housing agency shall consult with the appropriate public housing residents and the appropriate unit of general local government in identifying any public housing projects under subsection (a).

"(c) REMOVAL OF UNITS FROM THE INVENTORIES OF PUBLIC HOUSING AGENCIES.—

"(1) IN GENERAL.—

"(A) DEVELOPMENT OF PLAN.—Each public housing agency shall develop and, to the extent provided in advance in appropriations Acts, carry out a 5-year plan in conjunction with the Secretary for the removal of public housing units identified under subsection (a) from the inventory of the public housing agency and the annual contributions contract.

"(B) APPROVAL OF PLAN.—The plan required under subparagraph (A) shall—

"(i) be included as part of the public housing agency plan;

"(ii) be certified by the relevant local official to be in accordance with the comprehensive housing affordability strategy under title I of the Housing and Community Development Act of 1992; and

"(iii) include a description of any disposition and demolition plan for the public housing units.

"(2) EXTENSIONS.—The Secretary may extend the 5-year deadline described in paragraph (1) by not more than an additional 5 years if the Secretary makes a determination that the deadline is impracticable.

"(3) DETERMINATION OF SECRETARY.—

"(A) FAILURE TO IDENTIFY PROJECTS.—If the Secretary determines, based on a plan submitted under this subsection, that a public housing agency has failed to identify 1 or more public housing projects that the Secretary determines should have been identified under subsection (a), the Secretary may designate the public housing projects to be removed from the inventory of the public housing agency pursuant to this section.

"(B) ERRONEOUS IDENTIFICATION OF PROJECTS.—If the Secretary determines, based on a plan submitted under this subsection, that a public housing agency has identified 1 or more public housing projects that should not have been identified pursuant to subsection (a), the Secretary shall—

"(i) require the public housing agency to revise the plan of the public housing agency under this subsection; and

"(ii) prohibit the removal of any such public housing project from the inventory of the public housing agency under this section.

"(d) CONVERSION TO TENANT-BASED ASSISTANCE.—

"(1) IN GENERAL.—To the extent approved in advance in appropriations Acts, the Secretary shall make authority available to a public housing agency to provide assistance under this Act to families residing in any public housing project that is removed from the inventory of the public housing agency and the annual contributions contract pursuant to this section.

"(2) PLAN REQUIREMENTS.—Each plan under subsection (c) shall require the agency—

"(A) to notify each family residing in the public housing project, consistent with any guidelines issued by the Secretary governing such notifications, that—

"(i) the public housing project will be removed from the inventory of the public housing agency;

"(ii) the demolition will not commence until each resident residing in the public housing project is relocated; and

"(iii) each family displaced by such action will be offered comparable housing—

"(I) that meets housing quality standards; and

"(II) which may include—

"(aa) tenant-based assistance;

"(bb) project-based assistance; or

"(cc) occupancy in a unit operated or assisted by the public housing agency at a rental rate paid by the family that is comparable to the rental rate applicable to the unit from which the family is vacated;

"(B) to provide any necessary counseling for families displaced by such action; and

"(C) to provide any actual and reasonable relocation expenses for families displaced by such action.

"(e) REMOVAL BY SECRETARY.—The Secretary shall take appropriate actions to ensure removal of any public housing project identified under subsection (a) from the inventory of a public housing agency, if the public housing agency fails to adequately develop a plan under subsection (c) with respect to that project, or fails to adequately implement such plan in accordance with the terms of the plan.

"(f) ADMINISTRATION.—

"(1) IN GENERAL.—The Secretary may require a public housing agency to provide to the Secretary or to public housing residents such information as the Secretary considers to be necessary for the administration of this section.

"(2) APPLICABILITY OF SECTION 18.—Section 18 does not apply to the demolition of public housing projects removed from the inventory of the public housing agency under this section.".

(b) CONFORMING AMENDMENT.—Section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 14371 note) is repealed.

SEC. 121. PUBLIC HOUSING MORTGAGES AND SECURITY INTERESTS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

"SEC. 32. PUBLIC HOUSING MORTGAGES AND SECURITY INTERESTS.

"(a) GENERAL AUTHORIZATION.—The Secretary may, upon such terms and conditions as the Secretary may prescribe, authorize a public housing agency to mortgage or otherwise grant a security interest in any public housing project or other property of the public housing agency.

"(b) TERMS AND CONDITIONS.—

"(1) CRITERIA FOR APPROVAL.—In making any authorization under subsection (a), the Secretary may consider—

“(A) the ability of the public housing agency to use the proceeds of the mortgage or security interest for low-income housing uses;

“(B) the ability of the public housing agency to make payments on the mortgage or security interest; and

“(C) such other criteria as the Secretary may specify.

“(2) Terms and conditions of mortgages and security interests obtained.—Each mortgage or security interest granted under this section shall be—

“(A) for a term that—

“(i) is consistent with the terms of private loans in the market area in which the public housing project or property at issue is located; and

“(ii) does not exceed 30 years; and

“(B) subject to conditions that are consistent with the conditions to which private loans in the market area in which the subject project or other property is located are subject.

“(3) No federal liability.—No action taken under this section shall result in any liability to the Federal Government.”.

SEC. 122. LINKING SERVICES TO PUBLIC HOUSING RESIDENTS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

“SEC. 33. SERVICES FOR PUBLIC HOUSING RESIDENTS.

“(a) In General.—To the extent provided in advance in appropriations Acts, the Secretary may make grants to public housing agencies on behalf of public housing residents, or directly to resident management corporations, resident councils, or resident organizations (including nonprofit entities supported by residents), for the purposes of providing a program of supportive services and resident empowerment activities to assist public housing residents in becoming economically self-sufficient.

“(b) Eligible Activities.—Grantees under this section may use such amounts only for activities on or near the property of the public housing agency or public housing project that are designed to promote the self-sufficiency of public housing residents, including activities relating to—

“(1) physical improvements to a public housing project in order to provide space for supportive services for residents;

“(2) the provision of service coordinators or a congregate housing services program for elderly disabled individuals, nonelderly disabled individuals, or temporarily disabled individuals;

“(3) the provision of services related to work readiness, including education, job training and counseling, job search skills, business development training and planning, tutoring, mentoring, adult literacy, computer access, personal and family counseling, health screening, work readiness health services, transportation, and child care;

“(4) economic and job development, including employer linkages and job placement, and the start-up of resident microenterprises, community credit unions, and revolving loan funds, including the licensing, bonding, and insurance needed to operate such enterprises;

“(5) resident management activities and resident participation activities; and

“(6) other activities designed to improve the economic self-sufficiency of residents.

“(c) Funding Distribution.—

“(1) In general.—Except for amounts provided under subsection (d), the Secretary may distribute amounts made available under this section on the basis of a competition or a formula, as appropriate.

“(2) Factors for distribution.—Factors for distribution under paragraph (1) shall include—

“(A) the demonstrated capacity of the applicant to carry out a program of supportive services or resident empowerment activities;

“(B) the ability of the applicant to leverage additional resources for the provision of services; and

“(C) the extent to which the grant will result in a high quality program of supportive services or resident empowerment activities.

“(d) Matching Requirement.—The Secretary may not make any grant under this section to any applicant unless the applicant supplements each dollar made available under this section with funds from sources other than this section, in an amount equal to not less than 25 percent of the grant amount, including—

“(1) funds from other Federal sources;

“(2) funds from any State or local government sources;

“(3) funds from private contributions; and

“(4) the value of any in-kind services or administrative costs provided to the applicant.

“(e) Funding for Resident Councils.—Of amounts appropriated for activities under this section, not less than 25 percent shall be provided directly to resident councils, resident organizations, and resident management corporations.”.

SEC. 123. PROHIBITION ON USE OF AMOUNTS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

“SEC. 34. PROHIBITION ON USE OF AMOUNTS.

“None of the amounts made available to the Department of Housing and Urban Development to carry out this Act, that are obligated to State or local governments, public housing agencies, housing finance agencies, or other public or quasi-public housing agencies, may be used to indemnify contractors or subcontractors of the government or agency against costs associated with judgments of infringement of intellectual property rights.”.

SEC. 124. PET OWNERSHIP.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

“SEC. 35. PET OWNERSHIP IN FEDERALLY ASSISTED RENTAL HOUSING.

“(a) Ownership Conditions.—

“(1) In general.—A resident of a dwelling unit in federally assisted rental housing may own 1 or more common household pets or have 1 or more common household pets present in the dwelling unit of such resident, subject to the reasonable requirements of the owner of the federally assisted rental housing, if the resident maintains each pet responsibly and in accordance with applicable State and local public health, animal control, and animal anti-cruelty laws and regulations.

“(2) Requirements.—The reasonable requirements described in paragraph (1) may include—

“(A) requiring payment of a nominal fee, a pet deposit, or both, by residents owning or having pets present, to cover the reasonable operating costs to the project relating to the presence of pets and to establish an escrow account for additional costs not otherwise covered, respectively;

“(B) limitations on the number of animals in a unit, based on unit size; and

“(C) prohibitions on—

“(i) certains breeds or types of animals that are determined to be dangerous; and

“(ii) individual animals, based on certain factors, including the size and weight of the animal.

“(b) Prohibition Against Discrimination.—No owner of federally assisted rental housing may restrict or discriminate against any person in connection with admission to, or continued occupancy of, such housing by reason of the ownership of common household pets by, or the presence of such pets in the dwelling unit of, such person.

“(c) Definitions.—In this section:

“(1) Federally assisted rental housing.—The term ‘federally assisted rental housing’ means any public housing project or any rental housing receiving project-based assistance under—

“(A) the new construction and substantial rehabilitation program under section 8(b)(2) of this Act (as in effect before October 1, 1983);

“(B) the property disposition program under section 8(b);

“(C) the moderate rehabilitation program under section 8(e)(2) of this Act (as it existed prior to October 1, 1991);

“(D) section 23 of this Act (as in effect before January 1, 1975);

“(E) the rent supplement program under section 101 of the Housing and Urban Development Act of 1965;

“(F) section 8 of this Act, following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965; or

“(G) loan management assistance under section 8 of this Act.

“(2) Owner.—The term ‘owner’ means, with respect to federally assisted rental housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing (including a manager of such housing having such right).

“(d) Regulations.—This section shall take effect upon the date of the effectiveness of regulations issued by the Secretary to carry out this section. Such regulations shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).”.

SEC. 125. CITY OF INDIANAPOLIS FLEXIBLE GRANT DEMONSTRATION.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

“SEC. 36. CITY OF INDIANAPOLIS FLEXIBLE GRANT DEMONSTRATION.

“(a) Definitions.—In this section:

“(1) Covered housing assistance.—The term ‘covered housing assistance’ means—

“(A)(i) operating assistance under section 9 of the United States Housing Act of 1937 (as in existence on the day before the effective date of the Public Housing Reform and Responsibility Act of 1997), modernization assistance under section 14 of the United States Housing Act of 1937 (as in existence on the day before the effective date of the Public Housing Reform and Responsibility Act of 1997); and

“(ii) assistance for the certificate and voucher programs under section 8 of the United States Housing Act of 1937 (as in existence on the day before the effective date of the Public Housing Reform and Responsibility Act of 1997);

“(B) assistance for public housing under the Capital and Operating Funds established under section 9; and

“(C) tenant-based rental assistance under section 8.

“(2) City.—The term ‘City’ means the city of Indianapolis, Indiana.

"(b) Purpose.—The Secretary shall carry out a demonstration program in accordance with this section under which the City, in coordination with the public housing agency of the City—

"(1) may receive and combine program allocations of covered housing assistance; and

"(2) shall have the flexibility to design creative approaches for providing and administering Federal housing assistance that—

"(A) provide incentives to low-income families with children whose head of the household is employed, seeking employment, or preparing for employment by participating in a job training or educational program, or any program that otherwise assists individuals in obtaining employment and attaining economic self-sufficiency;

"(B) reduce costs of Federal housing assistance and achieve greater cost-effectiveness in Federal housing assistance expenditures;

"(C) increase the stock of affordable housing and housing choices for low-income families;

"(D) increase homeownership among low-income families; and

"(E) achieve such other purposes with respect to low-income families, as determined by the City in coordination with the public housing agency.

"(c) Program Allocation.—In each fiscal year, the amount made available to the City under this section shall be equal to the sum of the amounts that would otherwise be made available to the public housing agency of the City under the provisions of this Act described in subparagraphs (A) through (C) of subsection (a)(1).

"(d) Applicability of Program Requirements.—

"(1) In general.—In each fiscal year of the demonstration program under this section, amounts made available to the City under this section shall be subject to the same terms and conditions as those amounts would be subject if made available under the provisions of this Act pursuant to which covered housing assistance is otherwise made available to the public housing agency of the City under this Act, except that—

"(A) the Secretary may waive any such term or condition to the extent that the Secretary determines such action to be appropriate to carry out the demonstration program under this section; and

"(B) the City may combine the amounts made available and use the amounts for any activity eligible under each such program under section 8 or 9.

"(2) Number of families assisted.—In carrying out the demonstration program under this section, the City shall assist substantially the same total number of eligible low-income families as would have otherwise been served by the public housing agency of the City.

"(3) Protection of recipients.—Nothing is this section shall be construed to authorize the termination of assistance to any recipient of assistance under this Act before the date of enactment of this section, as a result of the implementation of the demonstration program under this section.

"(e) Plan Requirement.—In carrying out this section, the Secretary may establish a streamlined public housing agency plan and planning process for the City in accordance with section 5A.

"(f) Effect on Ability To Compete for Other Categorical Programs.—Nothing in this section shall be construed to affect the ability of the City (or the public housing agency of the City) to compete or otherwise apply for or receive assistance under any other housing assistance program administered by the Secretary.

"(g) Performance Standards.—The Secretary and the City shall collectively establish standards for evaluating the performance of the City in meeting the goals set forth in subsection (b) including—

"(1) moving dependent low-income families to economic self-sufficiency;

"(2) reducing the per-family cost of providing housing assistance;

"(3) expanding the stock of affordable housing and housing choices of low-income families;

"(4) increasing the number of homeownership opportunities for low-income families; and

"(5) any other performance goals established by the Secretary and the City.

"(h) Records and Reports.—

"(1) Records.—The City shall maintain such records as the Secretary may require in order to—

"(A) document the amounts received by the City under this Act, and the disposition of those amounts under the demonstration program under this section;

"(B) ensure compliance by the City with this section; and

"(C) evaluate the performance of the City under the demonstration program under this section.

"(2) Reports.—

"(A) In general.—The City shall annually submit to the Secretary a report in a form and at a time specified by the Secretary.

"(B) Contents.—Each report under this paragraph shall include—

"(i) documentation of the use of funds made available to the City under this section;

"(ii) such data as the Secretary may request to assist the Secretary in evaluating the demonstration program under this section; and

"(iii) a description and analysis of the effect of assisted activities in addressing the objectives of the demonstration program under this section.

"(3) Access to documents by the Secretary and comptroller general.—The Secretary and the Comptroller General of the United States, or any duly authorized representative of the Secretary or the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records maintained by the City that relate to the demonstration program under this section.

"(i) Performance Review and Evaluation.—

"(1) Performance review.—Based on the performance standards established under subsection (g), the Secretary shall monitor the performance of the City in providing assistance under this section.

"(2) Status report.—Not later than 60 days after the last day of the second year of the demonstration program under this section, the Secretary shall submit to Congress an interim report on the status of the demonstration program and the progress of the City in achieving the purposes of the demonstration program under subsection (b).

"(3) Termination and Evaluation.—

"(A) Termination.—The demonstration program under this section shall terminate not less than 2 and not more than 5 years after the date on which the program is commenced under this section.

"(B) Evaluation.—Not later than 6 months after the termination of the demonstration program under this section, the Secretary shall submit to Congress a final report, which shall include—

"(i) an evaluation the effectiveness of the activities carried out under the demonstration program under this section; and

"(ii) any findings and recommendations of the Secretary for any appropriate legislative action.".

TITLE II—SECTION 8 RENTAL ASSISTANCE

SEC. 201. MERGER OF THE CERTIFICATE AND VOUCHER PROGRAMS.

(a) In General.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended to read as follows:

"(o) Voucher Program.—

"(1) Payment standard.—

"(A) In general.—The Secretary may provide assistance to public housing agencies for tenant-based assistance using a payment standard established in accordance with subparagraph (B). The payment standard shall be used to determine the monthly assistance that may be paid for any family, as provided in paragraph (2).

"(B) Establishment of payment standard.—Except as provided under subparagraph (D), the payment standard shall not exceed 110 percent of the fair market rental established under subsection (c) and shall be not less than 90 percent of that fair market rental.

"(C) Set-aside.—The Secretary may set aside not more than 5 percent of the budget authority available under this subsection as an adjustment pool. The Secretary shall use amounts in the adjustment pool to make adjusted payments to public housing agencies under subparagraph (A), to ensure continued affordability, if the Secretary determines that additional assistance for such purpose is necessary, based on documentation submitted by a public housing agency.

"(D) Approval.—The Secretary may require a public housing agency to submit the payment standard of the public housing agency to the Secretary for approval, if the payment standard is less than 90 percent of the fair market rent or exceeds 110 percent of the fair market rent.

"(E) Review.—The Secretary—

"(i) shall monitor rent burdens and review any payment standard that results in a significant percentage of the families occupying units of any size paying more than 30 percent of adjusted income for rent; and

"(ii) may require a public housing agency to modify the payment standard of the public housing agency based on the results of that review.

"(2) Amount of monthly assistance payment.—

"(A) Families receiving tenant-based assistance; rent does not exceed payment standard.—For a family receiving tenant-based assistance under this title, if the rent for that family (including the amount allowed for tenant-paid utilities) does not exceed the payment standard established under paragraph (1), the monthly assistance payment to that family shall be equal to the amount by which the rent exceeds the greatest of the following amounts, rounded to the nearest dollar:

"(i) Thirty percent of the monthly adjusted income of the family.

"(ii) Ten percent of the monthly income of the family.

"(iii) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.

“(B) FAMILIES RECEIVING TENANT-BASED ASSISTANCE; RENT EXCEEDS PAYMENT STANDARD.—For a family receiving tenant-based assistance under this title, if the rent for that family (including the amount allowed for tenant-paid utilities) exceeds the payment standard established under paragraph (1), the monthly assistance payment to that family shall be equal to the amount by which the applicable payment standard exceeds the greatest of the following amounts, rounded to the nearest dollar:

“(i) Thirty percent of the monthly adjusted income of the family.

“(ii) Ten percent of the monthly income of the family.

“(iii) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.

“(C) FAMILIES RECEIVING PROJECT-BASED ASSISTANCE.—For a family receiving project-based assistance under this title, the rent that the family is required to pay shall be determined in accordance with section 3(a)(1), and the amount of the housing assistance payment shall be determined in accordance with subsection (c)(3) of this section.

“(3) FORTY PERCENT LIMIT.—At the time a family initially receives tenant-based assistance under this title with respect to any dwelling unit, the total amount that a family may be required to pay for rent may not exceed 40 percent of the monthly adjusted income of the family.

“(4) ELIGIBLE FAMILIES.—At the time a family initially receives assistance under this subsection, a family shall qualify as—

“(A) a very low-income family;

“(B) a family previously assisted under this title;

“(C) a low-income family that meets eligibility criteria specified by the public housing agency;

“(D) a family that qualifies to receive a voucher in connection with a homeownership program approved under title IV of the Cranston-Gonzalez National Affordable Housing Act; or

“(E) a family that qualifies to receive a voucher under section 223 or 226 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990.

“(5) ANNUAL REVIEW OF FAMILY INCOME.—Each public housing agency shall, not less frequently than annually, conduct a review of the family income of each family receiving assistance under this subsection.

“(6) SELECTION OF FAMILIES.—

“(A) IN GENERAL.—Each public housing agency may establish local preferences consistent with the public housing agency plan submitted by the public housing agency under section 5A, including a preference for families residing in public housing who are victims of a crime of violence (as that term is defined in section 16 of title 18, United States Code) that has been reported to an appropriate law enforcement agency.

“(B) SELECTION OF TENANTS.—The selection of tenants shall be made by the owner of the dwelling unit, subject to the annual contributions contract between the Secretary and the public housing agency.

“(7) LEASE.—Each housing assistance payment contract entered into by the public housing agency and the owner of a dwelling unit—

“(A) shall provide that the screening and selection of families for those units shall be the function of the owner;

“(B) shall provide that the lease between the tenant and the owner shall be for a term of not less than 1 year, except that the public housing agency may approve a shorter term for an initial lease between the tenant and the dwelling unit owner if the public housing agency determines that such shorter term would improve housing opportunities for the tenant and if such shorter term is considered to be an acceptable local market practice;

“(C) shall provide that the dwelling unit owner shall offer leases to tenants assisted under this subsection that—

“(i) are in a standard form used in the locality by the dwelling unit owner; and

“(ii) contain terms and conditions that—

“(I) are consistent with State and local law; and

“(II) apply generally to tenants in the property who are not assisted under this section;

“(D) shall provide that the dwelling unit owner may not terminate the tenancy of any person assisted under this subsection during the term of a lease that meets the requirements of this section unless the owner determines, on the same basis and in the same manner as would apply to a tenant in the property who does not receive assistance under this subsection, that—

“(i) the tenant has committed a serious or repeated violation of the terms and conditions of the lease;

“(ii) the tenant has violated applicable Federal, State, or local law; or

“(iii) other good cause for termination of the tenancy exists;

“(E) shall provide that any termination of tenancy under this subsection shall be preceded by the provision of written notice by the owner to the tenant specifying the grounds for that action, and any relief shall be consistent with applicable State and local law; and

“(F) may include any addenda appropriate to set forth the provisions of this title.

“(8) INSPECTION OF UNITS BY PUBLIC HOUSING AGENCIES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), for each dwelling unit for which a housing assistance payment contract is established under this subsection, the public housing agency shall—

“(i) inspect the unit before any assistance payment is made to determine whether the dwelling unit meets housing quality standards for decent safe housing established—

“(I) by the Secretary for purposes of this subsection; or

“(II) by local housing codes or by codes adopted by public housing agencies that—

“(aa) meet or exceed housing quality standards; and

“(bb) do not severely restrict housing choice; and

“(ii) make not less than annual inspections during the contract term.

“(B) LEASING OF UNITS OWNED BY PUBLIC HOUSING AGENCY.—If an eligible family assisted under this subsection leases a dwelling unit (other than public housing) that is owned by a public housing agency administering assistance under this subsection, the Secretary shall require the unit of general local government, or another entity approved by the Secretary, to make inspections and rent determinations as required by this paragraph.

“(9) VACATED UNITS.—If an assisted family vacates a dwelling unit for which rental assistance is provided under a housing assistance contract before the expiration of the term of the lease for the unit, rental assistance pursuant to such contract may not be provided for the unit after the month during which the unit was vacated.

“(10) RENT.—

“(A) REASONABLE MARKET RENT.—The rent for dwelling units for which a housing assistance payment contract is established under this subsection shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted, local market, or for comparable dwelling units that are in the assisted, local market.

“(B) NEGOTIATED RENT.—A public housing agency shall, at the request of a family receiving tenant-based assistance under this subsection, assist that family in negotiating a reasonable rent with a dwelling unit owner. A public housing agency shall review the rent for a unit under consideration by the family (and all rent increases for units under lease by the family) to determine whether the rent (or rent increase) requested by the owner is reasonable. If a public housing agency determines that the rent (or rent increase) for a dwelling unit is not reasonable, the public housing agency shall not make housing assistance payments to the owner under this subsection with respect to that unit.

“(C) UNITS EXEMPT FROM LOCAL RENT CONTROL.—If a dwelling unit for which a housing assistance payment contract is established under this subsection is exempt from local rent control provisions during the term of that contract, the rent for that unit shall be reasonable in comparison with other units in the market area that are exempt from local rent control provisions.

“(D) TIMELY PAYMENTS.—Each public housing agency shall make timely payment of any amounts due to a dwelling unit owner under this subsection. The housing assistance payment contract between the owner and the public housing agency may provide for penalties for the late payment of amounts due under the contract, which shall be imposed on the public housing agency in accordance with generally accepted practices in the local housing market.

“(E) PENALTIES.—Unless otherwise authorized by the Secretary, each public housing agency shall pay any penalties from administrative fees collected by the public housing agency, except that no penalty shall be imposed if the late payment is due to factors that the Secretary determines are beyond the control of the public housing agency.

“(11) MANUFACTURED HOUSING.—

“(A) IN GENERAL.—A public housing agency may make assistance payments in accordance with this subsection on behalf of a family that utilizes a manufactured home as a principal place of residence. Such payments may be made for the rental of the real property on which the manufactured home owned by any such family is located.

“(B) RENT CALCULATION.—

“(i) CHARGES INCLUDED.—For assistance pursuant to this paragraph, the rent for the space on which a manufactured home is located and with respect to which assistance payments are to be made shall include maintenance and management charges and tenant-paid utilities.

“(ii) PAYMENT STANDARD.—The public housing agency shall establish a payment standard for the purpose of determining the monthly assistance that may be paid for any family under this paragraph. The payment standard may not exceed an amount approved or established by the Secretary.

“(iii) MONTHLY ASSISTANCE PAYMENT.—The monthly assistance payment under this paragraph shall be determined in accordance with paragraph (2).

"(12) CONTRACT FOR ASSISTANCE PAYMENTS.—

"(A) IN GENERAL.—If the Secretary enters into an annual contributions contract under this subsection with a public housing agency pursuant to which the public housing agency will enter into a housing assistance payment contract with respect to an existing structure under this subsection—

"(i) the housing assistance payment contract may not be attached to the structure unless the owner agrees to rehabilitate or newly construct the structure other than with assistance under this Act, and otherwise complies with this section; and

"(ii) the public housing agency may approve a housing assistance payment contract for such existing structure for not more than 15 percent of the funding available for tenant-based assistance administered by the public housing agency under this section.

"(B) EXTENSION OF CONTRACT TERM.—In the case of a housing assistance payment contract that applies to a structure under this paragraph, a public housing agency may enter into a contract with the owner, contingent upon the future availability of appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts, to extend the term of the underlying housing assistance payment contract for such period as the Secretary determines to be appropriate to achieve long-term affordability of the housing. The contract shall obligate the owner to have such extensions of the underlying housing assistance payment contract accepted by the owner and the successors in interest of the owner.

"(C) RENT CALCULATION.—For project-based assistance under this paragraph, housing assistance payment contracts shall establish rents and provide for rent adjustments in accordance with subsection (c).

"(D) ADJUSTED RENTS.—With respect to rents adjusted under this paragraph—

"(i) the adjusted rent for any unit shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted, local market, or for comparable dwelling units that are in the assisted local market; and

"(ii) the provisions of subsection (c)(2)(C) do not apply.

"(13) INAPPLICABILITY TO TENANT-BASED ASSISTANCE.—Subsection (c) does not apply to tenant-based assistance under this subsection.

"(14) HOMEOWNERSHIP OPTION.—

"(A) IN GENERAL.—A public housing agency providing assistance under this subsection may, at the option of the agency, provide assistance for homeownership under subsection (y).

"(B) ALTERNATIVE ADMINISTRATION.—A public housing agency may contract with a nonprofit organization to administer a homeownership program under subsection (y).

"(15) RENTAL VOUCHERS FOR RELOCATION OF WITNESSES AND VICTIMS OF CRIME.—

"(A) IN GENERAL.—Of amounts made available for assistance under this subsection in each fiscal year, the Secretary, in consultation with the Inspector General, shall make available such sums as may be necessary for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to requests from law enforcement or prosecution agencies.

"(B) VICTIMS OF CRIME.—

"(i) IN GENERAL.—Of amounts made available for assistance under this section in each fiscal year, the Secretary shall make available such sums as may be necessary for the relocation of families residing in public housing who are victims of a crime of violence (as that term is defined in section 16 of title 18, United States Code) that has been reported to an appropriate law enforcement agency.

"(ii) NOTICE.—A public housing agency that receives amounts under this subparagraph shall establish procedures for providing notice of the availability of that assistance to families that may be eligible for that assistance.".

(b) CONFORMING AMENDMENT.—Section 8(f)(6) of the United States Housing Act (42 U.S.C. 1437f(f)(6)) is amended by striking "(d)(2)" and inserting "(o)(12)".

SEC. 202. REPEAL OF FEDERAL PREFERENCES.

(a) SECTION 8 EXISTING AND MODERATE REHABILITATION.—Section 8(d)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(1)(A)) is amended to read as follows:

"(A) the selection of tenants shall be the function of the owner, subject to the annual contributions contract between the Secretary and the agency, except that with respect to the certificate and moderate rehabilitation programs only, for the purpose of selecting families to be assisted, the public housing agency may establish local preferences, consistent with the public housing agency plan submitted by the public housing agency under section 5A;".

(b) SECTION 8 NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION.—

(1) REPEAL.—Section 545(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is amended to read as follows:

"(c) [Reserved.]".

(2) PROHIBITION.—The provisions of section 8(e)(2) of the United States Housing Act of 1937, as in existence on the day before October 1, 1983, that require tenant selection preferences shall not apply with respect to—

(A) housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of the United States Housing Act of 1937, as in existence on the day before October 1, 1983; or

(B) projects financed under section 202 of the Housing Act of 1959, as in existence on the day before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act.

(c) RENT SUPPLEMENTS.—Section 101(k) of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s(k)) is amended to read as follows:

"(k) [Reserved.]".

(d) CONFORMING AMENDMENTS.—

(1) UNITED STATES HOUSING ACT OF 1937.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(A) in section 6(o), by striking "preference rules specified in" and inserting "written selection criteria established pursuant to";

(B) in section 8(d)(2)(A), by striking the last sentence; and

(C) in section 8(d)(2)(H), by striking "Notwithstanding subsection (d)(1)(A)(i), an" and inserting "An".

(2) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—The Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704 et seq.) is amended—

(A) in section 455(a)(2)(D)(iii), by striking "would qualify for a preference under" and inserting "meet the written selection criteria established pursuant to"; and

(B) in section 522(f)(6)(B), by striking "any preferences for such assistance under section 8(d)(1)(A)(i)" and inserting "the written selection criteria established pursuant to section 8(d)(1)(A)".

(3) LOW-INCOME HOUSING PRESERVATION AND RESIDENT HOMEOWNERSHIP ACT OF 1990.—The second sentence of section 226(b)(6)(B) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4116(b)(6)(B)) is amended by striking "requirement for giving preferences to certain categories of eligible families under" and inserting "written selection criteria established pursuant to".

(4) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Section 655 of the Housing and Community Development Act of 1992 (42 U.S.C. 13615) is amended by striking "preferences for occupancy" and all that follows before the period at the end and inserting "selection criteria established by the owner to elderly families according to such written selection criteria, and to near-elderly families according to such written selection criteria, respectively".

(5) REFERENCES IN OTHER LAW.—Any reference in any Federal law other than any provision of any law amended by paragraphs (1) through (5) of this subsection or section 201 to the preferences for assistance under section 8(d)(1)(A)(i) or 8(o)(3)(B) of the United States Housing Act of 1937, as those sections existed on the day before the effective date of this title, shall be considered to refer to the written selection criteria established pursuant to section 8(d)(1)(A) or 8(o)(6)(A), respectively, of the United States Housing Act of 1937, as amended by this subsection and section 201 of this Act.

SEC. 203. PORTABILITY.

Section 8(r) of the United States Housing Act of 1937 (42 U.S.C. 1437f(r)) is amended—

(1) in paragraph (1)—

(A) by striking "assisted under subsection (b) or (o)" and inserting "receiving tenant-based assistance under subsection (o)"; and

(B) by striking "the same State" and all that follows before the semicolon and inserting "any area in which a program is being administered under this section";

(2) in paragraph (2), by striking the last sentence;

(3) in paragraph (3)—

(A) by striking "(b) or"; and

(B) by adding at the end the following: "The Secretary shall establish procedures for the compensation of public housing agencies that issue vouchers to families that move into or out of the jurisdiction of the public housing agency under portability procedures. The Secretary may reserve amounts available for assistance under subsection (o) to compensate those public housing agencies."; and

(4) by adding at the end the following:

"(5) LEASE VIOLATIONS.—A family may not receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has moved out of the assisted dwelling unit of the family in violation of a lease.".

SEC. 204. LEASING TO VOUCHER HOLDERS.

Section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) is amended to read as follows:

"(t) [Reserved.]".

SEC. 205. HOMEOWNERSHIP OPTION.

(a) IN GENERAL.—Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—

(1) in paragraph (1)—

(A) by striking "A family receiving" and all that follows through "if the family" and inserting the following: "A public housing agency providing tenant-based assistance on behalf of an eligible family under this section may provide assistance for an eligible family that purchases a dwelling unit (including a unit under a lease-purchase agreement) that will be owned by 1 or more members of the family, and will be occupied by the family, if the family";

(B) in subparagraph (A), by inserting before the semicolon ", or owns or is acquiring shares in a cooperative"; and

(C) in subparagraph (B)—

(i) by striking "(i) participates" and all that follows through "(ii) demonstrates" and inserting "demonstrates"; and

(ii) by inserting ", except that the Secretary may provide for the consideration of public assistance in the case of an elderly family or a disabled family" after "other than public assistance";

(2) by striking paragraph (2) and inserting the following:

"(2) DETERMINATION OF AMOUNT OF ASSISTANCE.—

"(A) MONTHLY EXPENSES DO NOT EXCEED PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, do not exceed the payment standard, the monthly assistance payment shall be the amount by which the homeownership expenses exceed the highest of the following amounts, rounded to the nearest dollar:

"(i) Thirty percent of the monthly adjusted income of the family.

"(ii) Ten percent of the monthly income of the family.

"(iii) If the family is receiving payments for welfare assistance from a public agency, and a portion of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.

"(B) MONTHLY EXPENSES EXCEED PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, exceed the payment standard, the monthly assistance payment shall be the amount by which the applicable payment standard exceeds the highest of the following amounts, rounded to the nearest dollar:

"(i) Thirty percent of the monthly adjusted income of the family.

"(ii) Ten percent of the monthly income of the family.

"(iii) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.";

(3) by striking paragraphs (3) and (4) and inserting the following:

"(3) INSPECTIONS AND CONTRACT CONDITIONS.—

"(A) IN GENERAL.—Each contract for the purchase of a unit to be assisted under this section shall—

"(u) provide for pre-purchase inspection of the unit by an independent professional; and

"(ii) require that any cost of necessary repairs be paid by the seller.

"(B) ANNUAL INSPECTIONS NOT REQUIRED.—The requirement under subsection (o)(8)(A)(ii) for annual inspections shall not apply to units assisted under this section.

"(4) OTHER AUTHORITY OF THE SECRETARY.—The Secretary may—

"(A) limit the term of assistance for a family assisted under this subsection; and

"(B) modify the requirements of this subsection as the Secretary determines to be necessary to make appropriate adaptations for lease-purchase agreements.";

(4) by striking paragraph (5); and

(5) by redesignating paragraphs (6) through (8) as paragraphs (5) through (7), respectively.

(b) DEMONSTRATION.—

(1) IN GENERAL.—With the consent of the affected public housing agencies, the Secretary may carry out (or contract with 1 or more entities to carry out) a demonstration program under section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) to expand homeownership opportunities for low-income families.

(2) REPORT.—The Secretary shall report annually to Congress on activities conducted under this subsection.

SEC. 206. LAW ENFORCEMENT AND SECURITY PERSONNEL IN PUBLIC HOUSING.

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by adding at the end the following:

"(cc) LAW ENFORCEMENT AND SECURITY PERSONNEL.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, in the case of assistance attached to a structure, for the purpose of increasing security for the residents of a public housing project, an owner may admit, and assistance may be provided to, police officers and other security personnel who are not otherwise eligible for assistance under the Act).

"(2) RENT REQUIREMENTS.—With respect to any assistance provided by an owner under this subsection, the Secretary may—

"(A) permit the owner to establish such rent requirements and other terms and conditions of occupancy that the Secretary considers to be appropriate; and

"(B) require the owner to submit an application for those rent requirements, which application shall include such information as the Secretary, in the discretion of the Secretary, determines to be necessary.".

SEC. 207. TECHNICAL AND CONFORMING AMENDMENTS.

(a) LOWER INCOME HOUSING ASSISTANCE.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) in subsection (a), by striking the second and third sentences;

(2) in subsection (b)—

(A) in the subsection heading, by striking "RENTAL CERTIFICATES AND"; and

(B) in the first undesignated paragraph—

(i) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(ii) by striking the second sentence;

(3) in subsection (c)—

(A) in paragraph (3)—

(i) by striking "(A)"; and

(ii) by striking subparagraph (B);

(B) in the first sentence of paragraph (4), by striking "or by a family that qualifies to receive" and all that follows through "1990";

(C) by striking paragraph (5) and redesignating paragraph (6) as paragraph (5);

(D) by striking paragraph (7) and redesignating paragraphs (8) through (10) as paragraphs (6) through (8), respectively;

(E) effective on October 1, 1997, in paragraph (7), as redesignated, by striking "housing certificates or vouchers under subsection (b) or" and inserting "a voucher under subsection"; and

(F) in paragraph (8), as redesignated, by striking "(9)" and inserting "(7)";

(4) in subsection (d)—

(A) in paragraph (1)(B)(iii), by striking "drug-related criminal activity on or near such premises" and inserting "violent or drug-related criminal activity on or off such premises, or any activity resulting in a felony conviction";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking the third sentence and all that follows through the end of the subparagraph; and

(ii) by striking subparagraphs (B) through (E) and redesignating subparagraphs (F) through (H) as subparagraphs (B) through (D), respectively;

(5) in subsection (f)—

(A) in paragraph (6), by striking "(d)(2)" and inserting "(o)(11)"; and

(B) in paragraph (7)—

(i) by striking "(b) or"; and

(ii) by inserting before the period the following: "and that provides for the eligible family to select suitable housing and to move to other suitable housing";

(6) by striking subsection (j) and inserting the following:

"(j) [Reserved.]";

(7) by striking subsection (n) and inserting the following:

"(n) [Reserved.]";

(8) in subsection (q)—

(A) in the first sentence of paragraph (1), by striking "certificate and housing voucher programs under subsections (b) and (o)" and inserting "voucher program under this section";

(B) in paragraph (2)(A)(i), by striking "certificate and housing voucher programs under subsections (b) and (o)" and inserting "voucher program under this section"; and

(C) in paragraph (2)(B), by striking "certificate and housing voucher programs under subsections (b) and (o)" and inserting "voucher program under this section";

(9) in subsection (u)—

(A) in paragraph (2), by striking ", certificates"; and

(B) by striking "certificates or" each place that term appears; and

(10) in subsection (x)(2), by striking "housing certificate assistance" and inserting "tenant-based assistance".

(b) PUBLIC HOUSING HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES.—Section 21(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437s(b)(3)) is amended—

(1) in the first sentence, by striking "(at the option of the family) a certificate under section 8(b)(1) or a housing voucher under section 8(o)" and inserting "tenant-based assistance under section 8"; and

(2) by striking the second sentence.

(c) DOCUMENTATION OF EXCESSIVE RENT BURDENS.—Section 550(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is amended—

(1) in paragraph (1), by striking "assisted under the certificate and voucher programs established" and inserting "receiving tenant-based assistance";

(2) in the first sentence of paragraph (2)—

(A) by striking ", for each of the certificate program and the voucher program" and inserting "for the tenant-based assistance under section 8"; and

(B) by striking "participating in the program" and inserting "receiving tenant-based assistance"; and

(3) in paragraph (3), by striking "assistance under the certificate or voucher program" and inserting "tenant-based assistance under section 8 of the United States Housing Act of 1937".

(d) GRANTS FOR COMMUNITY RESIDENCES AND SERVICES.—Section 861(b)(1)(D) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12910(b)(1)(D)) is amended by striking "certificates or vouchers" and inserting "assistance".

(e) Section 8 Certificates and Vouchers.—Section 931 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437c note) is amended by striking "assistance under the certificate and voucher programs under sections 8(b) and (o) of such Act" and inserting "tenant-based assistance under section 8 of the United States Housing Act of 1937".

(f) Assistance for Displaced Residents.—Section 223(a) of the Housing and Community Development Act of 1987 (12 U.S.C. 4113(a)) is amended by striking "assistance under the certificate and voucher programs under sections 8(b) and 8(o)" and inserting "tenant-based assistance under section 8".

(g) Rural Housing Preservation Grants.—Section 533(a) of the Housing Act of 1949 (42 U.S.C. 1490m(a)) is amended in the second sentence by striking "assistance payments as provided by section 8(o)" and inserting "tenant-based assistance as provided under section 8".

(h) Repeal of Moving to Opportunities for Fair Housing Demonstration.—Section 152 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note) is repealed.

(i) Preferences for Elderly Families and Persons.—Section 655 of the Housing and Community Development Act of 1992 (42 U.S.C. 13615) is amended by striking "the first sentence of section 8(o)(3)(B)" and inserting "section 8(o)(6)(A)".

(j) Assistance for Troubled Multifamily Housing Projects.—Section 201(m)(2)(A) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a(m)(2)(A)) is amended by striking "section 8(b)(1)" and inserting "section 8".

(k) Management and Disposition of Multifamily Housing Projects.—Section 203(g)(2) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11(g)(2)) is amended by striking "8(o)(3)(B)" and inserting "8(o)(6)(A)".

SEC. 208. IMPLEMENTATION.

In accordance with the negotiated rulemaking procedures set forth in subchapter III of chapter 5 of title 5, United States Code, the Secretary shall issue such regulations as may be necessary to implement the amendments made by this title after notice and opportunity for public comment.

SEC. 209. DEFINITION.

In this title, the term "public housing agency" has the same meaning as section 3 of the United States Housing Act of 1937, except that such term shall also include any other nonprofit entity serving more than 1 local government jurisdiction that was administering the section 8 tenant-based assistance program pursuant to a contract with the Secretary or a public housing agency prior to the date of enactment of this Act.

SEC. 210. EFFECTIVE DATE.

(a) In General.—The amendments made by this title shall become effective not later than 1 year after the date of enactment of this Act.

(b) Conversion Assistance.—

(1) In general.—The Secretary may provide for the conversion of assistance under the certificate and voucher programs under subsections (b) and (o) of section 8 of the United States Housing Act of 1937, as those sections existed on the day before the effective date of the amendments made by this title, to the voucher program established by the amendments made by this title.

(2) Continued applicability.—The Secretary may apply the provisions of the United States Housing Act of 1937, or any other provision of law amended by this title, as those provisions existed on the day before the effective date of the amendments made by this title, to assistance obligated by the Secretary before that effective date for the certificate or voucher program under section 8 of the United States Housing Act of 1937, if the Secretary determines that such action is necessary for simplification of program administration, avoidance of hardship, or other good cause.

SEC. 211. RECAPTURE AND REUSE OF ANNUAL CONTRIBUTION CONTRACT PROJECT RESERVES UNDER THE TENANT-BASED ASSISTANCE PROGRAM.

Section 8(d) of the United States Housing Act of 1937 is amended by adding at the end the following:

"(5) Recapture and reuse of annual contribution contract project reserves.—

"(A) Recapture.—To the extent that the Secretary determines that the amount in the annual contribution contract reserve account under a contract with a public housing agency for tenant-based assistance under this section is in excess of the amount needed by the public housing agency, the Secretary shall recapture such excess amount.

"(B) Reuse.—The Secretary may hold any amounts under this paragraph in reserve until needed to amend or renew an annual contributions contract with any public housing agency.".

TITLE III—SAFETY AND SECURITY IN PUBLIC AND ASSISTED HOUSING

SEC. 301. SCREENING OF APPLICANTS.

(a) Ineligibility Because of Past Evictions.—

(1) In general.—Any household or member of a household evicted from federally assisted housing (as that term is defined in section 305(1)) by reason of drug-related criminal activity (as that term is defined in section 305(3)) or for other serious violations of the terms or conditions of the lease shall not be eligible for federally assisted housing—

(A) in the case of eviction by reason of drug-related criminal activity, for a period of not less than 3 years from the date of the eviction unless the evicted member of the household successfully completes a rehabilitation program; and

(B) for other evictions, for a reasonable period of time as determined by the public housing agency or owner of the federally assisted housing, as applicable.

(2) Waiver.—The requirements of subparagraphs (A) and (B) of paragraph (1) may be waived if the circumstances leading to eviction no longer exist.

(b) Ineligibility of Illegal Drug Users and Alcohol Abusers.—

(1) In general.—Notwithstanding any other provision of law, a public housing agency shall establish standards that prohibit admission to the program or admission to federally assisted housing for any household with a member—

(A) who the public housing agency determines is engaging in the illegal use of a controlled substance; or

(B) with respect to whom the public housing agency determines that it has reasonable cause to believe that such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(2) Owners of federally assisted housing.—The Secretary may require any owner of federally assisted housing to establish admission standards under this subsection.

(3) Consideration of rehabilitation.—In determining whether, pursuant to paragraph (1)(B), to deny admission to the program or to federally assisted housing to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, a public housing agency may consider whether such household member—

(A) has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(B) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(C) is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(c) Procedure for Receipt of Information From a Drug Abuse Treatment Facility About the Current Illegal Use of a Controlled Substance.—

(1) Definitions.—In this subsection:

(A) Drug abuse treatment facility.—The term "drug abuse treatment facility" means—

(i) an entity other than a general medical care facility; or

(ii) an identified unit within a general medical care facility which holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to the illegal use of a controlled substance.

(B) Controlled substance.—The term "controlled substance" has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(C) Currently engaging in the illegal use of a controlled substance.—The term "currently engaging in the illegal use of a controlled substance" means the illegal use of a controlled substance that occurred recently enough to justify a reasonable belief that an applicant's illegal use of a controlled substance is current or that continuing illegal use of a controlled substance by the applicant is a real and ongoing problem.

(2) Authority.—Notwithstanding any other provision of law other than the Public Health Service Act (42 U.S.C. 201 et seq.), a public housing agency may require each person who applies for admission to public housing to sign 1 or more forms of written consent authorizing the public housing agency to receive information from a drug abuse treatment facility that is solely related to whether the applicant is currently engaging in the illegal use of a controlled substance.

(3) Restrictions to protect the confidentiality of an applicant's records.—

(A) Limitation on the kind and amount of information requested on form of written consent.—In a form of written consent, a public housing agency may request only whether the drug abuse treatment facility has reasonable cause to believe that the applicant is currently engaging in the illegal use of a controlled substance.

(B) Records management.—Each public housing agency that receives information under this subsection from a drug abuse treatment facility shall establish and implement a system of records management that ensures that any information received by the public housing agency under this subsection—

(i) is maintained confidentially in accordance with section 543 of the Public Health Service Act (12 U.S.C. 290dd–2);

(ii) is not misused or improperly disseminated; and

(iii) is destroyed, as applicable—

(I) not later than 5 business days after the date on which the public housing agency gives final approval for an application for admission; or

(II) if the public housing agency denies the application for admission, in a timely manner after the date on which the statute of limitations for the commencement of a civil action from the applicant based upon that denial of admission has expired.

(C) EXPIRATION OF WRITTEN CONSENT.—In addition to the requirements of subparagraph (B), an applicant's signed written consent shall expire automatically after the public housing agency has made a final decision to either approve or deny the applicant's application for admittance to public housing.

(4) RESTRICTIONS TO PROHIBIT THE DISCRIMINATORY TREATMENT OF APPLICANTS.—

(A) FORMS SIGNED.—A public housing agency may only require an applicant for admission to public housing to sign 1 or more forms of written consent under this subsection if the public housing agency requires all such applicants to sign the same form or forms of written consent.

(B) CIRCUMSTANCES OF INQUIRY.—A public housing agency may only make an inquiry to a drug abuse treatment facility under this subsection if—

(i) the public housing agency makes the same inquiry with respect to all applicants; or

(ii) the public housing agency only makes the same inquiry with respect to each and every applicant with respect to whom—

(I) the public housing agency receives information from the criminal record of the applicant that indicates evidence of a prior arrest or conviction; or

(II) the public housing agency receives information from the records of prior tenancy of the applicant that demonstrates that the applicant—

(aa) engaged in the destruction of property;

(bb) engaged in violent activity against another person; or

(cc) interfered with the right of peaceful enjoyment of the premises of another tenant.

(5) FEE PERMITTED.—A drug abuse treatment facility may charge a public housing agency a reasonable fee for information provided under this subsection.

(6) DISCLOSURE PERMITTED BY DRUG ABUSE TREATMENT FACILITIES.—A drug abuse treatment facility shall not be liable for damages based on any information required to be disclosed pursuant to this subsection if such disclosure is consistent with section 543 of the Public Health Service Act (42 U.S.C. 290dd-2).

(7) PUBLIC HOUSING AGENCIES NOT REQUIRED TO MAKE INQUIRIES TO DRUG ABUSE TREATMENT FACILITIES.—A public housing agency shall not be liable for damages based on its decision not to require each person who applies for admission to public housing to sign 1 or more forms of written consent authorizing the public housing agency to receive information from a drug abuse treatment facility under this subsection.

(8) EFFECTIVE DATE.—This subsection shall take effect upon enactment and without the necessity of guidance from, or any regulation issued by, the Secretary.

(d) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study, and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes information relating to—

(1) the proportion of United States public housing agencies that screen applicants for drug and alcohol addiction;

(2) the extent, if any, to which the screening described in paragraph (1), alone or in combination with other initiatives, has reduced crime in public housing; and

(3) the relative value of different types of information used by public housing agencies in the screening process described in paragraph (1), including criminal records, credit histories, tenancy records, and information from drug abuse treatment facilities on current illegal drug use of applicants (as that term is defined in subsection (c)(1)).

(e) AUTHORITY TO REQUIRE ACCESS TO CRIMINAL RECORDS.—A public housing agency may require, as a condition of providing admission to the public housing program or assisted housing program under the jurisdiction of the public housing agency, that each adult member of the household provide a signed, written authorization for the public housing agency to obtain records described in section 304 regarding such member of the household from the National Crime Information Center, police departments, and other law enforcement agencies.

(f) INELIGIBILITY OF SEXUALLY VIOLENT PREDATORS FOR ADMISSION TO PUBLIC HOUSING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency shall prohibit admission to public or assisted housing of any family that includes any individual who is a sexually violent predator.

(2) DEFINITION.—In this subsection, the term 'sexually violent predator' means an individual who—

(A) is a sexually violent predator (as that term is defined in section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(3))); and

(B) is subject to a registration requirement under section 170101(a)(1)(B) or 170102(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(1)(B), 14072(c)), as provided under section 170101(b)(6)(B) or 170102(d)(2), respectively, of that Act.

SEC. 302. TERMINATION OF TENANCY AND ASSISTANCE.

(a) TERMINATION OF TENANCY AND ASSISTANCE FOR ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, as applicable, shall establish standards or lease provisions for continued assistance or occupancy in federally assisted housing that allow a public housing agency or the owner, as applicable, to terminate the tenancy or assistance for any household with a member—

(1) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(2) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(b) TERMINATION OF ASSISTANCE FOR SERIOUS OR REPEATED LEASE VIOLATION.—Notwithstanding any other provision of law, the public housing agency must terminate tenant-based assistance for all household members if the household is evicted from assisted housing for serious or repeated violation of the lease.

SEC. 303. LEASE REQUIREMENTS.

In addition to any other applicable lease requirements, each lease for a dwelling unit in federally assisted housing shall provide that, during the term of the lease—

(1) the owner may not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or other good cause; and

(2) grounds for termination of tenancy shall include any activity, engaged in by the resident, any member of the resident's household, any guest, or any other person under the control of any member of the household, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the public housing agency, owner, or other manager of the housing;

(B) threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises; or

(C) is drug-related or violent criminal activity on or off the premises, or any activity resulting in a felony conviction.

SEC. 304. AVAILABILITY OF CRIMINAL RECORDS FOR PUBLIC HOUSING RESIDENT SCREENING AND EVICTION.

(a) IN GENERAL.—

(1) PROVISION OF INFORMATION.—Notwithstanding any other provision of law other than paragraph (2), upon the request of a public housing agency, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the public housing agency information regarding the criminal conviction records of an adult applicant for, or residents of, the public housing program or assisted housing program under the jurisdiction of the public housing agency for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such Center, department, or agency a written authorization, signed by such applicant, for the release of such information to such public housing agency.

(2) EXCEPTION.—A law enforcement agency described in paragraph (1) shall provide information under this paragraph relating to any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

(b) INFORMATION REGARDING CRIMES COMMITTED BY SEXUALLY VIOLENT PREDATORS AND CRIMES AGAINST CHILDREN.—

(1) DEFINITION OF APPROPRIATE LAW ENFORCEMENT AGENCY.—In this subsection, the term "appropriate law enforcement agency" means—

(A) the Federal Bureau of Investigation;

(B) a State law enforcement agency designated as a registration agency under a State registration program under subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 et seq.); or

(C) any local law enforcement agency authorized by a State law enforcement agency described in subparagraph (B).

(2) PROVISION OF INFORMATION.—Notwithstanding any other provision of law other than subsection (a)(2), the appropriate law enforcement agency shall provide to a public housing agency any information collected under the national database established pursuant to section 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072), or under a State registration program under subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 et seq.), as applicable, regarding an adult who is an applicant

for, or a resident of, federally assisted housing, for purposes of applicant screening, lease enforcement, or eviction, if the public housing agency—

(A) requests the information; and

(B) presents to the appropriate law enforcement agency a written authorization, signed by the adult at issue, for the release of that information to the public housing agency or other owner of the federally assisted housing.

(c) Opportunity To Dispute.—Before an adverse action is taken with regard to assistance for public housing on the basis of a criminal record, the public housing agency shall provide the resident or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

(d) Records Management.—Each public housing agency that receives criminal record information under this section shall establish and implement a system of records management that ensures that any criminal record received by the agency is—

(1) maintained confidentially;

(2) not misused or improperly disseminated; and

(3) destroyed in a timely fashion, once the purpose for which the record was requested has been accomplished.

(e) Fee.—A public housing agency may be charged a reasonable fee for information provided under this section.

(f) Definition of Adult.—In this section, the term "adult" means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

SEC. 305. DEFINITIONS.

In this title:

(1) Federally assisted housing.—The term "federally assisted housing" means a unit in—

(A) public housing under the United States Housing Act of 1937;

(B) housing assisted under section 8 of the United States Housing Act of 1937 including both tenant-based assistance and project-based assistance;

(C) housing that is assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

(D) housing that is assisted under section 202 of the Housing Act of 1959 (as in existence immediately before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act); and

(E) housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act.

(2) Drug-related criminal activity.—The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(3) Owner.—The term "owner" means, with respect to federally assisted housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing.

SEC. 306. CONFORMING AMENDMENTS.

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (l) (as amended by section 107(f) of this Act)—

(A) by striking paragraphs (4) and (5);

(B) by striking the last sentence; and

(C) by redesignating paragraphs (6) through (8) as paragraphs (4) through (6), respectively;

(2) by striking subsections (q) and (r); and

(3) by redesignating subsection (s) (as added by section 109 of this Act) as subsection (q).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. PUBLIC HOUSING FLEXIBILITY IN THE CHAS.

Section 105(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)) is amended—

(1) by redesignating the second paragraph designated as paragraph (17) (as added by section 681(2) of the Housing and Community Development Act of 1992) as paragraph (20);

(2) by redesignating paragraph (17) (as added by section 220(b)(3) of the Housing and Community Development Act of 1992) as paragraph (19);

(3) by redesignating the second paragraph designated as paragraph (16) (as added by section 220(c)(1) of the Housing and Community Development Act of 1992) as paragraph (18);

(4) in paragraph (16)—

(A) by striking the period at the end and inserting a semicolon; and

(B) by striking "(16)" and inserting "(17)";

(5) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively; and

(6) by inserting after paragraph (10) the following:

"(11) describe the manner in which the plan of the jurisdiction will help address the needs of public housing and is consistent with the local public housing agency plan under section 5A of the United States Housing Act of 1937;".

SEC. 402. DETERMINATION OF INCOME LIMITS.

(a) In General.—Section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) is amended—

(1) in the fourth sentence—

(A) by striking "County," and inserting "and Rockland Counties"; and

(B) by inserting "each" before "such county"; and

(2) in the fifth sentence, by striking "County" each place that term appears and inserting "and Rockland Counties".

(b) Regulations.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations implementing the amendments made by subsection (a).

SEC. 403. DEMOLITION OF PUBLIC HOUSING.

Notwithstanding any other provision of law, beginning on the date of enactment of this Act, the public housing projects described in section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (as in existence on April 25, 1996) shall be eligible for demolition under—

(1) section 9 of the United States Housing Act of 1937, as amended by this Act; and

(2) section 14 of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act.

SEC. 404. NATIONAL COMMISSION ON HOUSING ASSISTANCE PROGRAM COSTS.

(a) Definitions.—In this section—

(1) the term "Commission" means the National Commission on Housing Assistance Program Costs established in subsection (b);

(2) the term "Federal assisted housing programs" means—

(A) the public housing program under the United States Housing Act of 1937;

(B) the certificate program for rental assistance under section 8(b)(1) of the United States Housing Act of 1937;

(C) the voucher program for rental assistance under section 8(o) of the United States Housing Act of 1937;

(D) the programs for project-based assistance under section 8 of the United States Housing Act of 1937;

(E) the rental assistance payments program under section 521(a)(2)(A) of the Housing Act of 1949;

(F) the program for housing for the elderly under section 202 of the Housing Act of 1959;

(G) the program for housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

(H) the program for financing housing by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;

(I) the program under section 236 of the National Housing Act;

(J) the program for constructed or substantial rehabilitation under section 8(b)(2) of the United States Housing Act of 1937, as in effect before October 1, 1983; and

(K) any other program for housing assistance administered by the Secretary of Housing and Urban Development or the Secretary of Agriculture, under which occupancy in the housing assisted or housing assistance provided is based on income, as the Commission may determine; and

(3) the term "Secretary" means the Secretary of Housing and Urban Development.

(b) Establishment; Purpose.—

(1) Establishment.—There is established a commission to be known as the "National Commission on Housing Assistance Program Costs".

(2) Purpose.—The purpose of the Commission shall be to provide an objective and independent accounting and analysis of the full cost to the Federal Government, public housing agencies, State and local governments, and other entities, per assisted household, of the Federal assisted housing programs, taking into account the qualitative differences among Federal assisted housing programs in accordance with applicable standards of the Department of Housing and Urban Development.

(c) Membership.—

(1) Appointment.—The Commission shall be composed of 12 members, of whom—

(A) 1 member shall be the Inspector General of the Department of Housing and Urban Development;

(B) 2 members shall be appointed by the Secretary;

(C) 2 members shall be appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the Senate;

(D) 2 members shall be appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services of the House of Representatives and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the House of Representatives;

(E) 1 member shall be appointed by the Majority Leader of the Senate;

(F) 1 member shall be appointed by the Majority Leader of the House of Representatives;

(G) 1 member shall be appointed by the Minority Leader of the Senate;

(H) 1 member shall be appointed by the Minority Leader of the House of Representatives; and

(I) 1 member shall be an ex-officio member appointed by the Comptroller General of the United States, from among officers and employees of the General Accounting Office.

(2) INITIAL APPOINTMENTS.—The initial members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.

(3) QUALIFICATIONS.—The members of the Commission appointed under paragraph (1)—

(A) shall all be experts in the field of accounting, economics, cost analysis, finance, or management; and

(B) shall include—

(i) 1 individual who is a distinguished academic engaged in teaching or research;

(ii) 1 individual who is a business leader, financial officer, or management expert; and

(iii) 1 individual who is—

(I) a financial expert employed in the private sector; and

(II) knowledgeable about housing and real estate issues.

(4) ADDITIONAL QUALIFICATIONS.—In selecting members of the Commission for appointment, the individual making the appointment shall ensure that each member selected is able to analyze the Federal assisted housing programs on an objective basis, and that no individual is appointed to the Commission if that individual has a personal financial interest, professional association, or business interest in any Federal assisted housing program, such that it would pose a conflict of interest if that individual were appointed to the Commission.

(d) ORGANIZATION.—

(1) CHAIRPERSON.—The Commission shall elect a chairperson from among members of the Commission.

(2) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number may hold hearings.

(3) VOTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

(B) EXCEPTION.—The member of the Commission appointed pursuant to subsection (c)(1)(I) shall be a nonvoting member of the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(5) PROHIBITION ON ADDITIONAL PAY.—Members of the Commission shall serve without compensation.

(6) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) FUNCTIONS.—

(1) IN GENERAL.—The Commission shall—

(A) analyze the full cost to the Federal Government, public housing agencies, State and local governments, and other parties, per assisted household, of the Federal assisted housing programs, and shall conduct the analysis on a nationwide and regional basis and in a manner such that accurate per unit cost comparisons may be made between Federal assisted housing programs, including grants, direct subsidies, tax concessions, Federal mortgage insurance liability, periodic renovation and rehabilitation, and modernization costs, demolition costs, and other ancillary costs such as security; and

(B) measure and evaluate qualitative differences among Federal assisted housing programs in accordance with applicable standards of the Department of Housing and Urban Development.

(2) FINAL REPORT.—Not later than 24 months after the initial members of the Commission are appointed pursuant to subsection (c)(2), the Commission shall submit to the Secretary and to the Congress a final report which shall contain the results of the analysis and estimates required under paragraph (1).

(3) LIMITATION.—The Commission may not make any recommendations regarding Federal housing policy.

(f) POWERS.—

(1) HEARINGS.—The Commission may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places as the Commission may find advisable.

(2) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(3) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) INFORMATION.—The Commission may request from any department or agency of the United States, and such department or agency shall provide to the Commission in a timely fashion, such data and information as the Commission may require to carry out this section.

(B) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(C) PERSONNEL DETAILS AND TECHNICAL ASSISTANCE.—Upon the request of the chairperson of the Commission, the Secretary shall, to the extent possible and subject to the discretion of the Secretary—

(i) detail any of the personnel of the Department of Housing and Urban Development, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this section; and

(ii) provide the Commission with technical assistance in carrying out its duties under this section.

(4) INFORMATION FROM LOCAL HOUSING AND MANAGEMENT AUTHORITIES.—The Commission shall have access, for the purpose of carrying out its functions under this section, to any books, documents, papers, and records of a local housing and management authority that are pertinent to this section and assistance received pursuant to this section.

(5) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(6) CONTRACTING.—The Commission may, to the extent and in such amounts as are provided in appropriations Acts, enter into contracts necessary to carry out its duties under this section.

(7) STAFF.—

(A) EXECUTIVE DIRECTOR.—The Commission shall appoint an executive director of the Commission who shall be compensated at a rate fixed by the Commission, not to exceed the rate established for level V of the Executive Schedule under title 5, United States Code.

(B) PERSONNEL.—In addition to the executive director, the Commission may appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(C) LIMITATION.—Subparagraphs (A) and (B) shall be effective only to the extent and in such amounts as are provided in appropriations Acts.

(D) SELECTION CRITERIA.—In appointing an executive director and staff, the Commission shall ensure that the individuals appointed can conduct any functions they may have regarding the Federal assisted housing programs on an objective basis and that no such individual has a personal financial or business interest in any such program.

(8) ADVISORY COMMITTEE.—The Commission shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

(g) FUNDING.—Of any amounts made available to the Department of Housing and Urban Development for each of fiscal years 1998 and 1999,• there shall be available $4,500,000 to carry out this section.

(h) SUNSET.—The Commission shall terminate upon the expiration of the 24-month period beginning on the date on which the initial members of the Commission are appointed pursuant to subsection (c)(2).

SEC. 405. TECHNICAL CORRECTION OF PUBLIC HOUSING AGENCY OPT-OUT AUTHORITY.

Section 214(h)(2)(A) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436(h)(2)(A)) is amended by striking "this section" and inserting "paragraph (1) of this subsection".

SEC. 406. REVIEW OF DRUG ELIMINATION PROGRAM CONTRACTS.

(a) REQUIREMENT.—The Secretary shall investigate all security contracts awarded by grantees under the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) that are public housing agencies that own or operate more than 4,500 public housing dwelling units—

(1) to determine whether the contractors under such contracts have complied with all laws and regulations regarding prohibition of discrimination in hiring practices;

(2) to determine whether such contracts were awarded in accordance with the applicable laws and regulations regarding the award of such contracts;

(3) to determine how many such contracts were awarded under emergency contracting procedures;

(4) to evaluate the effectiveness of the contracts; and

(5) to provide a full accounting of all expenses under the contracts.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the investigation required under subsection (a) and submit a report to Congress regarding the findings under the investigation. With respect to each such contract, the report shall—

(1) state whether the contract was made and is operating, or was not made or is not operating, in full compliance with applicable laws and regulations; and

(2) for each contract that the Secretary determines is in such compliance issue a personal certification of such compliance by the Secretary.

(c) ACTIONS.—For each contract that is described in the report under subsection (b) as not made or not operating in full compliance with applicable laws and regulations, the

Secretary shall promptly take any actions available under law or regulation that are necessary—

(1) to bring such contract into compliance; or

(2) to terminate the contract.

(d) Effective Date.—This section shall take effect on the date of the enactment of this Act.

SEC. 407. TREATMENT OF PUBLIC HOUSING AGENCY REPAYMENT AGREEMENT.

(a) Limitation on Secretary.—During the 2-year period beginning on the date of the enactment of this Act, if the Housing Authority of the City of Las Vegas, Nevada, is otherwise in compliance with the Repayment Lien Agreement and Repayment Plan approved by the Secretary on February 12, 1997, the Secretary of Housing and Urban Development shall not take any action that has the effect of reducing the inventory of senior citizen housing owned by such housing authority that does not receive assistance from the Department of Housing and Urban Development.

(b) Alternative Repayment Options.—During the period referred to in subsection (a), the Secretary shall assist the housing authority referred to in such subsection to identify alternative repayment options to the plan referred to in such subsection and to execute an amended repayment plan that will not adversely affect the housing referred to in such subsection.

(c) Rule of Construction.—This section may not be construed to alter—

(1) any lien held by the Secretary pursuant to the agreement referred to in subsection (a); or

(2) the obligation of the housing authority referred to in subsection (a) to close all remaining items contained in the Inspector General audits numbered 89 SF 1004 (issued January 20, 1989), 93 SF 1801 (issued October 30, 1993), and 96 SF 1002 (issued February 23, 1996).

SEC. 408. CEILING RENTS FOR CERTAIN SECTION 8 PROPERTIES.

Notwithstanding any other provision of law, upon the request of the owner of the project, the Secretary may establish ceiling rents for the Marshall Field Garden Apartments Homes in Chicago, Illinois, if the ceiling rents are, in the determination of the Secretary, equivalent to rents for comparable properties.

SEC. 409. SENSE OF CONGRESS.

It is the sense of Congress that, each public housing agency involved in the selection of residents under the United States Housing Act of 1937 (including section 8 of that Act) should, consistent with the public housing agency plan of the public housing agency, consider preferences for individuals who are victims of domestic violence.

SEC. 410. OTHER REPEALS.

The following provisions of law are repealed:

(1) Report regarding fair housing objectives.—Section 153 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note).

(2) Special projects for elderly or handicapped families.—Section 209 of the Housing and Community Development Act of 1974 (42 U.S.C. 1438).

(3) Local housing assistance plans.—Subsection (c) of section 213 of the Housing and Community Development Act of 1974 (42 U.S.C. 1439(c)).

(4) Miscellaneous provisions.—Subsections (b)(1), (c), and (d) of section 326 of the Housing and Community Development Amendments of 1981 (Public Law 97–35, 95 Stat. 406; 42 U.S.C. 1437f note).

(5) Public housing childhood development.—Section 222 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701z–6 note).

(6) Indian housing childhood development.—Section 518 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z–6 note).

(7) Public housing one-stop perinatal services demonstration.—Section 521 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437t note).

(8) Public housing mincs demonstration.—Section 522 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note).

(9) Public housing energy efficiency demonstration.—Section 523 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437g note).

(10) Public and assisted housing youth sports programs.—Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a).

SEC. 411. GUARANTEE OF LOANS FOR ACQUISITION OF PROPERTY.

Notwithstanding section 108(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(b)), with respect to any eligible public entity (or any public agency designated by an eligible public entity) receiving assistance under that section (in this section referred to as the "issuer"), a guarantee or commitment to guarantee may be made with respect to any note or other obligation under such section 108 if the issuer's total outstanding notes or obligations guaranteed under that section (excluding any amount defeased under the contract entered into under section 108(d)(1)(A) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(d)(1)(A))) would thereby exceed an amount equal to 5 times the amount of the grant approval for the issuer pursuant to section 106 or 107 of the Housing and Community Development Act of 1974, if the issuer's total outstanding notes or obligations guaranteed under that section (excluding any amount defeased under the contract entered into under section 108(d)(1)(A) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(d)(1)(A))) would not thereby exceed an amount equal to 6 times the amount of the grant approval for the issuer pursuant to section 106 or 107 of the Housing and Community Development Act of 1974, if the additional grant amount is used only for the purpose of acquiring or transferring the ownership of the production facility located at the following address in order to maintain production: One Prince Avenue, Lowell, Massachusetts 01852.

SEC. 412. PROHIBITION ON USE OF ASSISTANCE FOR EMPLOYMENT RELOCATION ACTIVITIES.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following:

"(h) Prohibition on Use of Assistance for Employment Relocation Activities.—Notwithstanding any other provision of law, no amount from a grant under section 106 made in fiscal year 1997 or any succeeding fiscal year may be used to directly assist in the relocation of any industrial or commercial plant, facility, or operation, from 1 area to another area, if the relocation is likely to result in an increase in the unemployment rate in the labor market area from which the relocation occurs.".

SEC. 413. USE OF HOME FUNDS FOR PUBLIC HOUSING MODERNIZATION.

Notwithstanding section 212(d)(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(d)(5)), amounts made available to the City of Bismarck, North Dakota, under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.) for fiscal year 1998, 1999, 2000, 2001, or 2002, may be used to carry out activities authorized under section 14 of the United States Housing Act of 1937 (42 U.S.C. 14371) for the purpose of modernizing the Crescent Manor public housing project located at 107 East Bowen Avenue, in Bismarck, North Dakota, if—

(1) the Burleigh County Housing Authority (or any successor public housing agency that owns or operates the Crescent Manor public housing project) has obligated all other Federal assistance made available to that public housing agency for that fiscal year; or

(2) the Secretary of Housing and Urban Development authorizes the use of those amounts for the purpose of modernizing that public housing project, which authorization may be made with respect to 1 or more of those fiscal years.

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SMITH OF OREGON (AND WYDEN) AMENDMENT NO. 1234

Mr. GORTON (for Mr. Smith of Oregon, for himself and Mr. Wyden) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 127, at the end of Title III add the following general provision:

Sec. 3 .Of the fund appropriated and designated an emergency requirement in Title II, Chapter 5 of Public Law 104–134, under the heading "Forest Service, Construction," $4,000,000 shall be available for the reconstruction of the Oakridge Ranger Station, on the Willamette National Forest in Oregon: *Provided*, That the amount shall be available only to the extent an official request, that includes designation of the amount as an emergency requirement as defined by the Balanced Budget and Emergency Control Act of 1985, as amended, is transmitted by the President to Congress; *Provider further*, That reconstruction of the facility is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

McCAIN AMENDMENT NO. 1235

Mr. GORTON (for Mr. McCain) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 134, beginning on line 2, strike "*Provided*" and all that follows through "heading" on line 8 and insert the following: "*Provided*, That the Secretary of the Interior and the Secretary of Agriculture, after consultation with the heads of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Forest Service, shall jointly submit to Congress a report listing the lands and interests in land, in order of priority, that the Secretaries propose for acquisition or exchange using funds provided under this heading; *Provided further*, That in determining the order of priority, the Secretaries shall consider with respect to each property the following: the natural resources located on the property; the degree to which a natural resource on the property is threatened; the length of time required to consummate the acquisition or exchange; the extent to which an increase in the cost of the property makes timely completion of the acquisition or exchange advisable; the extent of public support for the acquisition or exchange (including support of local governments and members of the public); the total estimated costs associated with the acquisition or exchange, including the costs of managing the lands to be acquired; the extent of current Federal ownership of property in the region; and such other factors as the Secretaries consider appropriate, which factors shall be described in the report in detail; *Provided further*, That the report shall describe the relative weight accorded to each such factor in determining the priority of acquisitions and exchanges".

On page 134, line 12, strike "a project list to be submitted by the Secretary" and insert "the report of the Secretaries".

MACK (AND GRAHAM) AMENDMENT NO. 1236

Mr. GORTON (for Mr. MACK, for himself and Mr. GRAHAM) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 152, between lines 13 and 14, insert the following:

TITLE VII—MICCOSUKEE SETTLEMENT

SEC. 701. SHORT TITLE.

This title may be cited as the "Miccosukee Settlement Act of 1997".

SEC. 702. CONGRESSIONAL FINDINGS.

Congress finds that:

(1) There is pending before the United States District Court for the Southern District of Florida a lawsuit by the Miccosukee Tribe that involves the taking of certain tribal lands in connection with the construction of highway Interstate 75 by the Florida Department of Transportation.

(2) The pendency of the lawsuit referred to in paragraph (1) clouds title of certain lands used in the maintenance and operation of the highway and hinders proper planning for future maintenance and operations.

(3) The Florida Department of Transportation, with the concurrence of the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida, and the Miccosukee Tribe have executed an agreement for the purpose of resolving the dispute and settling the lawsuit.

(4) The agreement referred to in paragraph (3) requires the consent of Congress in connection with contemplated land transfers.

(5) The Settlement Agreement is in the interest of the Miccosukee Tribe, as the Tribe will receive certain monetary payments, new reservation lands to be held in trust by the United States, and other benefits.

(6) Land received by the United States pursuant to the Settlement Agreement is in consideration of Miccosukee Indian Reservation lands lost by the Miccosukee Tribe by virtue of transfer to the Florida Department of Transportation under the Settlement Agreement.

(7) The United States lands referred to in paragraph (6) will be held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation lands in compensation for the consideration given by the Tribe in the Settlement Agreement.

(8) Congress shares with the parties to the Settlement Agreement a desire to resolve the dispute and settle the lawsuit.

SEC. 703. DEFINITIONS.

In this title:

(1) BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENTS TRUST FUND.—The term "Board of Trustees of the Internal Improvements Trust Fund" means the agency of the State of Florida holding legal title to and responsible for trust administration of certain lands of the State of Florida, consisting of the Governor, Attorney General, Commissioner of Agriculture, Commissioner of Education, Controller, Secretary of State, and Treasurer of the State of Florida, who are Trustees of the Board.

(2) FLORIDA DEPARTMENT OF TRANSPORTATION.—The term "Florida Department of Transportation" means the executive branch department and agency of the State of Florida that—

(A) is responsible for the construction and maintenance of surface vehicle roads, existing pursuant to section 20.23, Florida Statutes; and

(B) has the authority to execute the Settlement Agreement pursuant to section 334.044, Florida Statutes.

(3) LAWSUIT.—The term "lawsuit" means the action in the United States District Court for the Southern District of Florida, entitled Miccosukee Tribe of Indians of Florida v. State of Florida and Florida Department of Transportation. et. al., docket No. 91-285-Civ-Paine.

(4) MICCOSUKEE LANDS.—The term "Miccosukee lands" means lands that are—

(A) held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation lands; and

(B) identified pursuant to the Settlement Agreement for transfer to the Florida Department of Transportation.

(5) MICCOSUKEE TRIBE; TRIBE.—The terms "Miccosukee Tribe" and "Tribe" mean the Miccosukee Tribe of Indians of Florida, a tribe of American Indians recognized by the United States and organized under section 16 of the Act of June 18, 1934 (48 Stat. 987, chapter 576; 25 U.S.C. 476) and recognized by the State of Florida pursuant to chapter 285, Florida Statutes.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) SETTLEMENT AGREEMENT; AGREEMENT.—The terms "Settlement Agreement" and "Agreement" mean the assemblage of documents entitled "Settlement Agreement" (with incorporated exhibits) that—

(A) addresses the lawsuit; and

(B)(i) was signed on August 28, 1996, by Ben G. Watts (Secretary of the Florida Department of Transportation) and Billy Cypress (Chairman of the Miccosukee Tribe); and

(ii) after being signed, as described in clause (i), was concurred in by the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida.

(8) STATE OF FLORIDA.—The term "State of Florida" means—

(A) all agencies or departments of the State of Florida, including the Florida Department of Transportation and the Board of Trustees of the Internal Improvements Trust Fund; and

(B) the State of Florida as a governmental entity.

SEC. 704. AUTHORITY OF SECRETARY.

As Trustee for the Miccosukee Tribe, the Secretary shall—

(1)(A) aid and assist in the fulfillment of the Settlement Agreement at all times and in a reasonable manner; and

(B) to accomplish the fulfillment of the Settlement Agreement in accordance with subparagraph (A), cooperate with and assist the Miccosukee Tribe;

(2) upon finding that the Settlement Agreement is legally sufficient and that the State of Florida has the necessary authority to fulfill the Agreement—

(A) sign the Settlement Agreement on behalf of the United States; and

(B) ensure that an individual other that the Secretary who is a representative of the Bureau of Indian Affairs also signs the Settlement Agreement;

(3) upon finding that all necessary conditions precedent to the transfer of Miccosukee land to the Florida Department of Transportation as provided in the Settlement Agreement have been or will be met so that the Agreement has been or will be fulfilled, but for the execution of that land transfer and related land transfers—

(A) transfer ownership of the Miccosukee land to the Florida Department of Transportation in accordance with the Settlement Agreement, including in the transfer solely and exclusively that Miccosukee land identified in the Settlement Agreement for transfer to the Florida Department of Transportation; and

(B) in conjunction with the land transfer referred to in subparagraph (A), transfer no land other than the land referred to in that subparagraph to the Florida Department of Transportation; and

(4) upon finding that all necessary conditions precedent to the transfer of Florida lands from the State of Florida to the United States have been or will be met so that the Agreement has been or will be fulfilled but for the execution of that land transfer and related land transfers, receive and accept in trust for the use and benefit of the Miccosukee Tribe ownership of all land identified in the Settlement Agreement for transfer to the United States.

SEC. 705. MICCOSUKKE INDIAN RESERVATION LANDS.

The lands transferred and held in trust for the Miccosukee Tribe under section 704(4) shall be Miccosukee Indian Reservation lands.

BINGAMAN (AND DOMENICI) AMENDMENT NO. 1237

Mr. GORTON (for BINGAMAN for himself and Mr. DOMENICI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 86, line 11, insert before the period, ": *Provided further*, That an amount not to exceed $200,000 shall be available to fund the Office of Navajo Uranium Workers for health screening and epidemiologic follow up of uranium miners and mill workers, to be derived from funds otherwise available for administrative and travel expenses".

MOSELEY-BRAUN AMENDMENT NO. 1238

Mr. GORTON (for Ms. MOSELEY-BRAUN) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 17, between lines 22 and 23, insert the following:

(REPROGRAMMING)

Of unobligated amounts previously made available for the Jefferson National Expansion Memorial, $838,000 shall be made available for the U-505 National Historic Landmark.

DOMENICI (AND KYL) AMENDMENT NO. 1239

Mr. GORTON (for Mr. DOMENICI, for himself and Mr. KYL) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . IMPLEMENTATION OF NEW GUIDELINES ON NATIONAL FORESTS IN ARIZONA AND NEW MEXICO.

(a) Notwithstanding any other provision of law, none of the funds made available under this or any other Act may be used for the purposes of executing any adjustments to annual operating plans, allotment management plans, or terms and conditions of existing grazing permits on National Forests in Arizona and New Mexico, which are or may be deemed necessary to achieve compliance with 1996 amendments to the applicable forest plans, until March 1, 1998, or such time as the Forest Service publishes a schedule for implementing proposed changes, whichever occurs first.

(b) Nothing in this section shall be interpreted to preclude the expenditure of funds for the development of annual operating plans, allotment management plans, or in developing modifications to grazing permits in cooperation with the permittee.

(c) Nothing in this section shall be interpreted to change authority or preclude the expenditure of funds pursuant to section 504 of the 1995 Rescissions Act (Public Law 104–19).

STEVENS AMENDMENT NO. 1240

Mr. GORTON (for Mr. STEVENS) proposed an amendment to the bill, H.R. 2107, supra; as follows:

Insert at the appropriate place:

SEC. . PAYMENTS FOR ENTITLEMENT LAND.

Section 6901(2)(A)(i) of title 31, United States Code, is amended by inserting "(other than in Alaska)" after "city" the first place such term appears.

GORTON (AND BYRD) AMENDMENT NO. 1241

Mr. GORTON (for himself and Mr. BYRD) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 11, line 11, strike "$43,053,000" and insert "$42,053,000".

On page 15, line 25, strike "$1,249,409,000" and insert "$1,250,429,000".

On page 17, line 8, strike "$167,894,000" and insert "$173,444,000".

On page 17, line 18, strike "$1,000,000" and insert "$5,000,000".

On page 18, line 7, strike "$125,690,000" and insert "$126,690,000".

On page 28, line 22, strike "$1,527,024,000" and insert "$1,529,024,000".

On page 64, line 16, strike "$1,346,215,000" and insert "$1,341,045,000".

On page 65, line 18, strike "$160,269,000" and insert "$154,869,000".

On page 79, line 20, strike "$627,357,000" and insert "$629,357,000".

REID AMENDMENT NO. 1242

Mr. REID proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place, insert the following:

SEC. . CONVEYANCE OF LAND TO LANDER COUNTY, NEVADA.

(a) CONVEYANCE.—Not later than the date that is 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to Lander County, Nevada, without consideration, all right, title, and interest of the United States, subject to all valid existing rights and to the rights of way described in subsection (b), in the property described as T. 32 N., R. 45 E., sec. 18, lots 3, 4, 11, 12, 16, 17, 18, 19, 20 and 21, Mount Diablo Meridian.

(b) RIGHTS-OF-WAY.—The property conveyed under subsection (a) shall be subject to—

(1) the right-of-way for Interstate 80;

(2) the 33-foot wide right-of-way for access to the Indian cemetery included under Public Law 90–71 (81 Stat. 173); and

(3) the following rights-of-way granted by the Secretary of the Interior:

NEV–010937 (powerline).
NEV–066891 (powerline).
NEV–35345 (powerline).
N–7636 (powerline).
N–56088 (powerline).
N–57541 (fiber optic cable).
N–55974 (powerline).

(c) The property described in this section shall be used for public purposes and should the property be sold or used for other than public purposes, the property shall revert to the United States.

ABRAHAM (AND OTHERS) AMENDMENT NO. 1243

Mr. GORTON (for Mr. ABRAHAM, for himself, Mr. LEVIN, Mr. HATCH, and Mr. DOMENICI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 5, line 8, strike "$120,000,000" and insert "$124,000,000".

On page 64, line 16, strike "$1,346,215,000" and insert "$1,342,215,000".

BRYAN (AND REID) AMENDMENT NO. 1244

Mr. REID (for Mr. BRYAN, for himself and Mr. REID) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place add the following new section:

"SEC. . Conveyance of Certain Bureau of Land Management Lands in Clark County, Nevada—

(a) FINDINGS.—Congress finds that—

(1) certain landowners who own property adjacent to land managed by the Bureau of Land Management in the North Decatur Boulevard area of Las Vegas, Nevada, bordering on North Las Vegas, have been adversely affected by certain erroneous private land surveys that the landowners believed were accurate;

(2) the landowners have occupied or improved their property in good faith reliance on the erroneous surveys of the properties;

(3) the landowners believed that their entitlement to occupancy was finally adjudicated by a Judgment and Decree entered by the Eighth Judicial District Court of Nevada on October 26, 1989;

(4) errors in the private surveys were discovered in connection with a dependent resurvey and section subdivision conducted by the Bureau of Land Management in 1990, which established accurate boundaries between certain Federally owned properties and private properties; and

(5) the Secretary has authority to sell, and it is appropriate that the Secretary should sell, at fair market value, the properties described in section 2(b) to the adversely affected landowners.

(b) CONVEYANCE OF PROPERTIES.

(1) PURCHASE OFFERS—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the city of Las Vegas, Nevada, on behalf of the owners of real property located adjacent to the properties described in paragraph (2), may submit to the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this Act as the 'Secretary'), a written offer to purchase the properties.

(B) INFORMATION TO ACCOMPANY OFFER—An offer under subparagraph (A) shall be accompanied by—

(i) a description of each property offered to be purchased;

(ii) information relating to the claim of ownership of the property based on an erroneous land survey; and

(iii) such other information as the Secretary may require.

(2) DESCRIPTION OF PROPERTIES—The properties described in this paragraph, containing 68.60 acres, more or less, are—

(A) Government lots 22, 23, 26, and 27 in sec. 18, T. 19 S., R 61 E., Mount Diablo Meridian;

(B) Government lots 20, 21, and 24 in sec. 19, T. 19 S., R. 61 E., Mount Diablo Meridian; and

(C) Government lot 1 in sec. 24, T. 19 S., R. 60 E., Mount Diablo Meridian.

(3) CONVEYANCE—

(A) IN GENERAL—Subject to the condition stated in subparagraph (B), the Secretary shall convey to the city of Las Vegas, Nevada, all right, title, and interest of the United States in and to the properties offered to be purchased under paragraph (1) on payment by the city of the fair market value of the properties, based on an appraisal of the fair market value as of December 1, 1982, approved by the Secretary.

(B) CONDITION—Properties shall be conveyed under subparagraph (A) subject to the condition that the city convey the properties to the landowners who were adversely affected by reliance on erroneous surveys as described in subsection (a).

MURKOWSKI AMENDMENT NO. 1245

Mr. MURKOWSKI proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place insert the following:

"SEC. . Notwithstanding any other provision of law, in payment for facilities, equipment, and interests destroyed by the Federal Government at the Stampede Mine Site within the boundaries of Denali National Park, (1) the Secretary of the Interior, within existing funds designated by this Act for expenditure for Departmental Management, shall by September 15, 1998: (A) provide funds, subject to an appraisal in accordance with standard appraisal methods, not to exceed $500,000 to the University of Alaska Fairbanks, School of Mineral Engineering; and, (B) shall remove mining equipment at the Stampede Mine Site identified by the School of Mineral Engineering to a site specified by the School of Mineral Engineering; and (2) the Secretary of the Army shall provide, at no cost, two six by six vehicles, in excellent operating conditions, or equivalent equipment to the University of Alaska Fairbanks, School of Mineral Engineering and shall construct a bridge across the Bull River to the Golden Zone Mine Site to allow ingress and egress for the activities conducted by the School of Mineral Engineering. Upon transfer of the funds, mining equipment, and the completion of all work designated by this section, the University of Alaska Fairbanks, School of Mineral Engineering shall convey all remaining rights and interests in the Stampede Mine Site to the Secretary of the Interior."

MURKOWSKI AMENDMENT NO. 1246

Mr. GORTON (for Mr. MURKOWSKI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place add the following new section:

"SEC. . DELETE SECTION 103(C)(7) OF PUBLIC LAW 104–333 AND REPLACE THE FOLLOWING:

"(7) STAFF.—Notwithstanding any other provisions of law, the Trust is authorized to appoint and fix the compensation and duties and terminate the services of an executive director of such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code or other laws related to the appointment, compensation or termination of federal employees.".

THE RELIGIOUS WORKERS ACT OF 1997

HATCH (AND KENNEDY) AMENDMENT NO. 1247

Mr. JEFFORDS (for Mr. HATCH, for himself and Mr. KENNEDY) proposed an amendment to the bill (S. 1198) to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers; as follows;

At the end of the bill, add the following:

SECTION 3. WAIVER OF NONIMMIGRANT VISA FEES FOR CERTAIN CHARITABLE PURPOSES.

Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended by adding at the end the following new sentence: "Subject to such criteria as the Secretary of State may prescribe, including the duration of stay of the alien and the financial burden upon the charitable organization, the Secretary of State shall waive or reduce the fee for application and issuance of a non-immigrant visa for any alien coming to the United States primarily for, or in activities related to, a charitable purpose involving health or nursing care, the provision of food or housing, job training, or any other similar direct service or assistance to poor or otherwise needy individuals in the United States.".

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, September 25, 1997 at 9:30 a.m. to conduct a hearing on Capitol security issues.

For further information concerning this hearing, please contact Ed Edens of the Rules Committee staff at 224–6678.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place Thursday, September 25, 1997 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the following bills: S. 799, a bill to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land compromising the Steffens family property; S. 814, a bill to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest; H.R. 960, a bill to validate certain conveyances in the City of Tulare, Tulare County, California, and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Judy Brown or Mike Menge at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, September 18, 1997 at 9:00 a.m. in SD–106 to examine the broad implications of the recently proposed tobacco settlement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 18, 1997, at 9:30 a.m. on the nominations of Robert Mallett to be Deputy Secretary of Commerce and W. Scott Gould to be Assistant Secretary of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 18, for purposes of conducting a full committee hearing which is scheduled to begin at 9:00 a.m. The purpose of this hearing is to consider the nominations of Ernest J. Moniz to be Under Secretary, Department of Energy; Michael Telson to be Chief Financial Officer, Department of Energy; Mary Anne Sullivan to be General Counsel, Department of Energy; Dan Reicher to be Assistant Secretary for Energy Efficiency and Renewable Energy, Department of Energy; Robert Gee to be Assistant Secretary for Policy and International Affairs, Department of Energy; and John Angell to be Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 18, 1997, at 10:00 am to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GORTON. Mr. President, I ask Unanimous Consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Thursday, September 18, at 10:00 a.m. for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, September 18, 1997, at 10:00 a.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, September 18, 1997, at 2:00 p.m. until business is completed to hold a hearing in order to receive testimony relating to the contested Senate election in Louisiana in November, 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GORTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on:

Thursday, September 18, 1997 at 10:00 a.m. to hold an open hearing on China.

Thursday, September 18, 1997 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. GORTON. Mr. President, I ask unanimous consent that the Science, Technology and Space Subcommittee of the Committee on Commerce, Science and Transportation be authorized to meet on Thursday, September 18, 1997, at 2:00 p.m. on International Space Station.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMEMORATING HISPANIC HERITAGE MONTH

● Mr. ABRAHAM. Mr. President, I rise today to honor one of the Nation's most vibrant communities: Hispanic-Americans, and join in celebrating September 15 through October 15, 1997, as Hispanic Heritage Month.

America is blessed with a wide variety of peoples and cultures. The Hispanic community, comprising cultures from Central and South America as well as Europe, has had an especially far-reaching impact on our Nation. From the arts and literature, to the sciences and business, the Hispanic community has helped shape America into a vibrant, dynamic society envied by the world.

It gives me great pleasure to acknowledge Hispanic Americans and their immigrant ancestors for their many significant and positive contributions to America. This country was built by immigrants—a great many of whom were of Hispanic descent. Hispanic individuals came to this country to seek opportunity, flee oppression, or find a better place to raise their families.

Many of these immigrants became successful in many disciplines, including business, education, entertainment, politics, and medicine. We know them, or their children or grandchildren, as pillars of our communities. And many immigrants went beyond the call of duty to serve their adopted homeland.

One such immigrant was Alfred Rascone, who immigrated to the United States from Mexico. At age 20, as a lawful permanent American resident, Mr. Rascone volunteered for military service in Vietnam as a paratrooper combat medic. On one fateful mission Mr. Rascone twice used his own body to shield wounded comrades from enemy guns. Severely wounded, he refused to be evacuated until all the wounded were safe. He kept tending the wounded until he collapsed, so hurt that a priest at the scene gave him last rites.

Mr. Rascone's comrades are to this day pursuing his proper recognition: the Congressional Medal of Honor.

Our Nation is much richer for having Alfred Rascone in it. He has the kind of character any American would do well to emulate. We can only gain by attracting more Alfred Rascones to our shores.

Across the Nation and in my home State of Michigan, events are taking place which demonstrate the rich Hispanic heritage in our country. These festivities will give every American the chance to participate in Hispanic culture. These events will educate, inform, and entertain, all with a distinctive cultural flair. Hispanic Heritage Month recognizes how important this community is to the United States, and I join my colleagues in looking forward to the many opportunities this month will provide.●

HALF THE WORLD'S POPULATION LIVES WITHOUT BASIC SANITATION

● Mr. LEAHY. Mr. President, Senator McCONNELL and I have worked this year to bring more attention and resources to combat infectious diseases, which afflict many millions of people around the world and pose a serious public health threat to Americans both here and abroad. The scope of this problem was illustrated in a July 23 article in the New York Times, about the UNICEF 1997 "Progress of Nations" report which revealed that nearly half of the world population does not have access to basic sanitation.

For most Americans, it is hard to fathom living without something as basic as a clean toilet. Yet over 2 million children die each year from diseases and diarrhea directly related to a lack of basic sanitation. Some of the countries with populations suffering from the worst sanitation problems, including Haiti and Cambodia, have received millions of dollars in United States and international aid. Addressing these basic needs should be a priority of our assistance programs in these countries.

Mr. President, the United States cannot fund the infrastructure to provide clean water and sanitary sewer systems for the 3 billion people in the world who currently lack such basic necessities. That is beyond our means or responsibilities. However, we should do all we can. The developing countries themselves are investing approximately $200 billion a year on new infrastructure. The Agency for International Development is currently spending about $44 million on urban infrastructure projects in parts of Africa, Asia, Latin America, and Eastern Europe, among other regions. This has shrunk from the $150 million in loan guarantees that were available in 1993 for similar projects.

Epidemics that spread in unsanitary living conditions can and will become threats in the United States. Both the Senate and House fiscal year 1998 Foreign Operations appropriations bills provide additional money to combat infectious diseases. I am hopeful that with these additional resources, AID, the World Health Organization, the Center for Disease Control, and other government and international agencies and private organizations involved in this effort, will be able to develop a coherent plan to expand research, provide training and medicines to public health officials, and help establish the global surveillance and response system necessary to combat these diseases.●

TELECOMMUNICATIONS SUMMIT

● Mr. DOMENICI. Mr. President, for many rural communities in my home State of New Mexico, the wonders and advantages of the telecommunications explosion—Internet, telecommuting, wireless communications—remain an unfulfilled promise. Yet, my recent 2-week trip throughout rural New Mexico showed me signs that the telecommunications revolution has begun to take hold in our State. As I continue to make rural economic development in New Mexico my top economic priority, through an innovative program that we call rural payday, full use of telecommunications will play a key role.

Highlighting the relationship between the telecommunications revolution and rural economic development was a full-day Telecommunications Summit we organized in Albuquerque last month. Organized under the auspices of the Small Business Advocacy Council of New Mexico, which I established 3 years ago, this summit brought together more than 200 telecommunications professionals, businessmen, and scientists from throughout our State. Key to this summit was the help provided by personnel from Sandia National Laboratory, who generously gave of their time, immense talent, and expertise throughout the planning period of the summit and during the day-long event.

What all of us learned from this summit can be summarized easily:

First, for rural small business owners, intelligent and creative use of telecommunications can mean the difference between survival and failure;

Second, the Telecommunications Act of 1996 will continue to play an unpredictable and major role as rural communities try to use telecommunications to solidify their economic futures;

Third, the large telecommunications, Internet and wireless providers must do more to help rural communities try to use telecommunications to solidify their economic futures;

Fourth, basic telecommunications infrastructure remains a serious obstacle to rural economic development in many areas;

Fifth, potential for economic development using telecommunications is limited only by the users' imaginations;

Sixth, the unique expertise of the national laboratories in New Mexico hold the potential to help spread economic development throughout our State and, by example, beyond the borders of our State.

During my trip in August, I saw many examples of how telecommunications helps small businesses thrive. Let me give you two examples.

In Socorro, NM, Don Tripp of Tripp's Incorporated has expanded his operations by establishing a virtual call center for his sales associates. By capitalizing on advances in telecommunications, Tripp was able to provide many of his employees with the option of telecommuting. This approach has worked well and Tripp's Inc. has moved forward with a happier, more productive and flexible work force.

An example of using the talents of the national laboratories to help foster rural economic development is the recently-developed New Mexico Arts Database in Santa Fe, NM. With the aid of Los Alamos National Laboratory, many New Mexico artists and artisans will soon be able to sell their art over the Internet. No longer will these artists be limited to traditional, and very expensive, outlets or by location. Their art will become accessible via the Internet to potential customers throughout the world.

We hope to coordinate these and other innovative approaches to rural economic development through the Rural Payday, Inc., organization I mentioned earlier. This initiative will focus on attracting and encouraging telecommunications-related businesses, and businesses that can use telecommunications tools more innovatively, to New Mexico. Such businesses as 1-800 call centers, automatic data processing satellite offices, more traditional businesses that can expand into rural New Mexico using new communications tools, and telemedicine firms, to name a few, can become realities for small and rural New Mexico. If we get the cooperation of the major telecommunications firm in infrastructure and basic communications services, a serious problem that rural America must face, we can revive smalltown America. I was glad to see that the major telecommunications providers in our State were at least willing to meet with potential customers from rural areas and try to work out new approaches. More on this front needs to be done, and I pledge that I will push these major firms at every opportunity.

The New Mexico Telecommunications Summit, the first of its kind in our State, opened a little window on the future. With more cooperation between users and providers of telecommunications services, and with the continued good work of our small business community and our national laboratories, New Mexico has the chance to create a thriving rural economy that will expand in the 21st century.

I would like to recognize the many companies and individuals who made this event such a tremendous success. I would like to also thank every Small Business Advocacy Council member who took the time to attend and organize this conference. In addition, I thank especially Angela Atterbury and Paul Silverman for their tireless efforts in coordinating this event on behalf of the SBAC. And, Sandia and Los Alamos National Laboratories deserve credit for all their work at the Summit and the accompanying Business Applications Fair. Finally, thanks to the Internet, wireless and telecommunications providers who participated in this event. We need their help greatly in the future.•

A VICTORY FOR AMERICANS

• Mr. LAUTENBERG. Mr. President, in the House of Representatives yesterday an amendment that would have allowed foreign governments to export to the United States for commercial sale millions of lethal military weapons the U.S. previously made available to them was dropped from the Treasury Appropriations bill. I have vigorously opposed this amendment in the Senate, and have worked to keep it out of Senate Appropriations bills. I congratulate Representatives MCCARTHY, LOWEY, KENNEDY, SHAYS, and MALONEY for successfully working to delete the provision from the House bill.

As my colleagues may know, the amendment was originally adopted during the House Appropriations Committee markup of the Treasury, Postal Service, and General Government Appropriations bill for fiscal year 1998 without discussion or debate. Last year a similar amendment was slipped into the Senate version of the Commerce, Justice, State and the Judiciary Appropriations bill, but it was not included in the final version of the spending law.

It has been the policy of the Reagan, Bush, and Clinton Administration's not to permit these American made military weapons to be exported for commercial sale in the U.S. market. The Administration strongly opposed the amendment to allow foreign governments to export them for commercial sale. So did a coalition of fifty organizations, including the Coalition to Stop Gun Violence, Handgun Control, Inc., and the Violence Policy Center. I ask that a copy of a letter from these organizations be printed in the RECORD. I also ask that copies of editorials from the New York Times, the Washington Post, and the Times of Trenton, be printed in the RECORD at the conclusion of my remarks.

The weapons that would have flooded our streets had this amendment been approved were granted or sold to foreign governments, often at a discount, through military assistance programs, and some are even "spoils of war." Their market value exceeds $1 billion. The State Department estimates that 2.5 million such weapons have been granted or sold to foreign governments since 1950. About 1.2 million are M-1 carbines, which are semiautomatic weapons that can easily be converted to illegal, fully automatic weapons. The weapons at issue are called "curios or relics" because they are considered to have historic value or are more than 50 years old. But they are not innocuous antiques. These military weapons may be old, but they are lethal. Ten American police officers have recently been killed with these dangerous weapons. And in just two years the weapons were traced to more than 1800 crimes nationwide.

Allowing the importation of large numbers of these lethal weapons would have undermined efforts to reduce gun violence in this country. It would have reduced the cost of the weapons, making them more accessible to criminals.

Enactment of the provision could also have provided a windfall for foreign governments at the expense of the U.S. taxpayer. Under the proposal, our government's ability to require foreign governments which received American manufactured weapons to return proceeds of the sales to the United States Treasury would have been severely limited. Consequently, countries that the U.S. assisted in times of need, such as South Korea and the Philippines, could have made a handsome profit off of our weapons. Even countries like Iran and Vietnam could have profited.

Allowing more than two million U.S.-origin military weapons to enter the United States would profit a limited number of arms importers but would not be in the overall interest of the American people. These weapons are not designed for hunting or for shooting competitions; they are designed for war. Our own Department of Defense does not sell these weapons on the commercial market for profit in the United States. Foreign countries should not be permitted to do so either.

I'm delighted that this provision has been dropped from the House version of the bill. I have introduced legislation, S. 723, to repeal a loophole in the Arms Export Control Act that could enable these weapons to enter the country under a future Administration. I hope the Congress will approve this bill.

In the meantime, Mr. President, this is a huge victory for the American taxpayer and a victory for all concerned about safety.

The material follows:

[From the New York Times, Sept. 9, 1997]

THE SURPLUS GUN INVASION

Gun dealers, with the enthusiastic support of the National Rifle Association, are once again trying to sneak through Congress a measure that could put 2.5 million more rifles and pistols onto American streets and provide a handsome subsidy for weapons importers and a few foreign governments. This bill, introduced with disgraceful stealth, should be pounced on by the Clinton Administration and all in Congress who are concerned about crime.

The bill is an amendment to the Treasury Department's appropriation, which may come to a vote in the House this week. It would allow countries that received American military surplus M–1 rifles, M–1 carbines and M1911 pistols to sell them to weapons dealers in the United States. The countries—allies and former allies such as the Philippines, South Korea, Iran and Turkey—got the guns free or at a discount or simply kept them after World War II, or the Korean and Vietnam wars. Current law requires them to pay the Pentagon if they sell the guns and bars Americans from importing them. The new bill would change both provisions.

The N.R.A. argues that the guns are merely relics. But they are not too old to kill. In 1995 and 1996 the Bureau of Alcohol, Tobacco and Firearms traced these models to more than 1,800 crime sits. Senator Frank Lautenberg, the bill's main opponent, says these guns have killed at least 10 police officers since 1990. M–1 carbines can be converted to automatic firing, and all the M–1's are easily converted into illegal assault weapons.

Republicans attached a similar bill to an emergency spending measure last year but took it out under pressure from the White House. President Clinton should threaten to veto the Treasury appropriation if the measure remains.

[From the Washington Post, Aug. 4, 1997]

SURPLUS WEAPONS, SURPLUS DANGER

Gun sales are flat, so the nation's gun importers are looking to shake up the market. Once again they want permission to bring into the country an arsenal of as many as 2.5 million U.S. Army surplus weapons that were given or sold to foreign governments decades ago.

The industry classifies the guns as obsolete "curios and relics" of interest mostly to collectors and sports shooters. But they're not talking about a gentleman officer's pearl-handled revolvers. These are soldiers' M1 Garand rifles, M1 carbines and .45-caliber M1911 pistols; some can be converted to automatic or illegal assault weapons with parts that cost as little as $100. For public safety reasons, the Pentagon declines to transfer such surplus to commercial gun vendors, which is why the Clinton, Bush and Reagan administrations have enforced a policy of keeping the overseas weapons out.

This week, the gun importers, cheered on by the National Rifle Association, quietly persuaded a House appropriations panel to approve language to prevent the State, Justice and Treasury departments from denying the importers' applications. It's a slap at the country's efforts to reduce gun violence.

To introduce a flood of these historical weapons is to risk driving down the price of firearms and putting more within the reach of street criminals. It isn't simply gun-control groups but the Bureau of Alcohol, Tobacco and Firearms that warns of an increased use of these kinds of weapons against police around the country. In 1995–96 alone, 304 U.S. military surplus M1 rifles and 99 surplus pistols were traced to crime scenes. At least nine law enforcement officers have been killed by M1 rifles or M1911 pistols since 1990, according to Sen. Frank Lautenberg (D–N.J.), who has introduced legislation to cement the import ban in law by reconciling some contradictory statutes.

The State Department says that weapons transfers—even for outdated guns—should remain an executive branch prerogative to be handled country by country. Why should the governments of Turkey, Italy or Pakistan collect a windfall from U.S. gun importers when the products they are trading originally were supplied by the U.S. government? Why should Vietnam and Iran be allowed to earn currency from U.S.-made weaponry they took as "spoils of war." President Clinton last year headed off a similar effort to allow in the surplus weapons and should be counted on to do so again.

STEALTH AMENDMENT SNEAKS IN WEAPONS

LAUTENBERG TRIES TO STOP PROVISION

Lobbyists for the National Rifle Association scored a big victory in August when they sneaked in a little clause in the House Appropriations bill allowing about 2.5 million guns to be imported into the United States.

This bill, which sets aside money for the Treasury, Postal Service and general government appropriations, is about to be up for a House vote and, unless this provision is changed, the U.S. market soon will be flooded with these dangerous weapons.

The guns are military weapons that were given or sold to friendly foreign governments, such as South Korea, Turkey, Iran and South Vietnam. They are called "curios and relics" since they were used in international battles or are at least 50 years old.

The NRA claims these weapons, M–1 Garand, M–1 carbine rifles and .45-caliber M1911 pistols, are collectibles for military-history buffs and do no damage.

Sen. Frank Lautenberg, D–N.J., who is leading the charge to remove the gun provision, thinks otherwise. He says they are dangerous weapons and cities 1995 and 1996 Bureau of Alcohol, Tobacco and Firearms statistics linking these particular models to 1,800 crimes, including the killing of at least 10 police officers in the past seven years. Those same statistics show New Jersey ranked seventh in the nation for crime scenes involving M–1 rifles and M1911 pistols.

Lautenberg says about 1.2 million of the weapons are M–1 carbines, semiautomatic weapons which easily are converted into fully automatic weapons.

The State Department, starting in the Reagan era, has forbidden foreign governments from exporting these guns into the United States for sale. It is inconceivable that under the Clinton administration, known for its anti-gun policies, this wise prohibition would be reversed.

Lautenberg, who successfully stopped a similar proposal in the Senate, says no one is paying attention to the provisions in the House bill. The sounds of silence soon may be overcome by the sounds of more needless weapons being fired in this country.

[From the Times, Sept. 14, 1997]

STOP THE GUN INVASION

Congress does its dirtiest work in the dark, with little or no debate. An outstanding example of this propensity was the $50 billion giveaway to the tobacco industry that Senate Majority Leader Trent Lott and House Speaker Newt Gingrich smuggled into the balanced-budget package at the last minute. The huge public protest that followed belated disclosure of that outrage was heard in Washington, and last week the Senate voted 95–3 to repeal the provision. Even Sen. Lott voted yes. Let's hope the lopsidedness of the Senate tally will help persuade the House to go along with the repealer.

Now a similar effort is needed to undo some major mischief committed in the House Appropriations Committee in the days before the August recess. An amendment to the Treasury Department funding bill, hurriedly approved with almost no discussion, would allow some 2.5 million surplus U.S. military rifles and pistols to enter this country. They would come from U.S. allies and former allies, such as the Philippines, South Korea, Turkey and even Iran and Vietnam, which got the guns free or at cost, during the various wars of this century. Present law requires these countries to pay the U.S. government if they sell the guns and prohibits Americans from importing them, but the stealth amendment to the appropriations bill would nullify those provisions. These foreign countries have no right to rake in a windfall from munitions originally supplied by the U.S. government—munitions that our own Department of Defense doesn't sell on the commercial market for profit in the U.S.

The amendment was pushed by—who else?—the National Rifle Association, along with gun wholesalers, who envision making significant profits importing M–1 Garand and M–1 carbine rifles and .45-caliber M1911 pistols. The NRA argues that the guns are "curios or relics" that veterans want to own as mementos. But as weapons made for the battlefield they also happen to be very lethal, and, if imported in quantity, they would be cheap—two attributes that would make them catnip to criminals. In 1995 and 1996 the Bureau of Alcohol, Tobacco and Firearms traced these models to more than 1,800 crime sites. Such guns have killed at least 10 police officers since 1990, including Franklin Township Sgt. Ippolito "Lee" Gonzalez, shot down two years ago with a M1911 wielded by the notorious parolee Robert "Mudman" Simon. The semiautomatic M–1 carbines are light, easy to carry, and easily convertible to illegal automatic weapons.

Last year a similar amendment was slipped into the Senate version of a departmental appropriations bill, but at the insistence of the White House the provision was removed. This year, Sen. Frank Lautenberg, D–N.J., one of the strongest advocates in Congress of a sensible national gun policy, was able to block similar legislation in the Senate, and he's leading the fight to keep the provision out of the final version of the Treasury appropriations bill that's sent to the White House. President Clinton, for his part, should make it clear that he's as opposed as ever to this terrible idea, and will veto any spending bill that includes it.

SEPTEMBER 8, 1997.

DEAR REPRESENTATIVE: In late-July, during mark-up of the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill, the Appropriations Committee accepted an amendment that would allow foreign governments to export to the United States for commercial sale, millions, of military weapons the United States previously made available to foreign countries through military assistance programs.

For a range of public health and safety national security, and taxpayer reasons, we strongly urge you vote to delete the provision from the Fiscal Year 1998 Treasry-Postal Service-General Government Appropriations bill.

Supporters of this amendment describe it as an innocuous measure which simply allows the importation of some obsolete "curios and relics." In reality, the amendment would allow the import of an estimated 2.5 million weapons of war, including 1.2 million M1 carbines. The M1 carbine is a semi-automatic weapon that can be easily converted into automatic fire and comes equipped with a 15-30 round detachable magazine.

THIS IS A PUBLIC SAFETY ISSUE

Although the backers of the provision claim that these World War II era weapons are now harmless "curios and relics", in reality they remain deadly assault weapons. According to the Bureau of Alcohol, Tobacco, and Firearms, the M1 Carbine can easily be converted into a fully-automatic assault rifle. For this reason, the Department of Defense has refused to sell its surplus stocks of these weapons to civilian gun dealers and collectors in the United States.

According to Raymond W. Kelley, the Treasury Department's Under-Secretary for Enforcement, the inflow of these weapons will drive down the price of similar weapons, making them more accessible to criminals. Already, during 1995–1996, ATF has traced 1,172 M1911 pistols and 639 M1 rifles to crimes committed in the United States.

THIS IS A GOVERNMENT OVERSIGHT CONCERN

Nearly 2.5 million of these weapons were given or sold as "security assistance" to allied governments. Under United States law, recipients of American arms and military aid must obtain permission from the United States government before re-transferring those arms to third parties. Setting a dangerous precedent, this amendment fundamentally undercuts the ability of the United States government to exercise its right of refusal on retransfer of United States arms.

The Reagan, Bush, and Clinton Administrations have all barred imports of these military weapons by the American public. The Appropriations bill explicitly overrides this policy, prohibiting the government from denying applications for the importation of "U.S. origin ammunition and curio or relic firearms and parts." In effect, the provision would force the Administration to allow thousands of M1 assault rifles and M1911 pistols into circulation with the civilian population, thereby not only threatening public safety but also undermining governmental oversight and taxpayer accountability.

THIS IS ALSO A TAXPAYER CONCERN

The amendment also presents a windfall of millions of dollars to foreign governments and United States gun dealers. The amendment effectively terminates a requirement that allies reimburse the United States treasury if they sell United States-supplied weapons. According to ATF, each M1 Carbine, M1 Garand rifle, and M1911 pistol currently sells for about $300-500 in the United States market. The South Korean, Turkish, and Pakistani governments and militaries stand to make millions from the resale of these weapons. South Korea has 1.3 million M1 Garands and Carbines, while the Turkish military and police have 136,000 M1 Garands and 50,000 M1911 pistols. These weapons were originally given free, or sold at highly subsidized rates, or retrieved as "spoils of war." The United States Department of Defense does not sell these lethal weapons on the commercial market for profit. Why should we allow foreign governments to do so?

Again, we strongly urge you vote to delete this provision from the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill.

Thank you.

American College of Physicians; American Friends Service Committee, James Matlack, Director, Washington Office; American Jewish Congress, David A. Harris, Director, Washington Office; American Public Health Association, Mohammad Akhter, M.D., Executive Director; Americans for Democratic Action, Amy Isaacs, National Director; British American Security Information Council, Dan Plesch, Director; Ceasefire New Jersey, Bryan Miller, Executive Director; Children's Defense Fund; Church of the Brethren, Washington Office, Heather Nolen, Coordinator; Church Women United, Ann Delorey, Legislative Director; Coalition to Stop Gun Violence, Michael K. Beard, President; Community Healthcare Association of New York State, Ina Labiner, Executive Director; Concerned Citizens of Bensonhurst, Inc., Adeline Michaels, President; Connecticut Coalition Against Gun Violence, Sue McCalley, Executive Director; Demilitarization for Democracy; Episcopal Peace Fellowship, Mary H. Miller, Executive Secretary; Federation of American Scientists, Jeremy J. Stone, President; Friends Committee on National Legislation, Edward (Ned) W. Stowe, Legislative Secretary; General Federation of Women's Clubs, Laurie Cooper, GFWIC Legislative Director; Handgun Control, Inc., Sarah Brady, Chair; Independent Action, Ralph Santora, Political Director; Iowans for the Prevention of Gun Violence, John Johnson, State Coordinator; Legal Community Against Violence, Barrie Becker, Executive Director; Lutheran Office for Government Affairs, ELCA, The Rev. Russ Siler; Mennonite Central Committee, Washington Office, J. Daryl Byler, Director; National Association of Children's Hospitals and Related Institutions, Stacy Collins, Associate Director, Child Health Improvement; National Association of Secondary School Principals, Stephen R. Yurek, General Counsel; National Black Police Association, Ronald E. Hampton, Executive Director; National Coalition Against Domestic Violence, Rita Smith, Executive Director; National Commission for Economic Conversion and Disarmament, Miriam Pemberton, Director; National Council of the Churches of Christ in the U.S., Albert M. Pennybacker, Director, Washington Office; National League of Cities; New Hampshire Ceasefire, Alex Herlihy, Co-Chair; New Yorkers Against Gun Violence, Barbara Hohlt, Chair; Orange County Citizens for the Prevention of Gun Violence, Mary Leigh Blek, Chair; Peace Action, Gordon S. Clark, Executive Director; Pennsylvanians Against Handgun Violence, Daniel J. Siegel, President; Physicians for Social Responsibility, Robert K. Musil, PhD., Executive Director; Presbyterian Church (U.S.A.), Washington Office, Elenora Giddings Ivory, Director; Project on Government Oversight, Danielle Brian, Executive Director; Saferworld, Peter J. Davies, U.S. Representative; Texans Against Gun Violence-Houston, Dave Smith, President; Unitarian Universalist Association of Congregations, The Rev. Meg A. Riley, Director, Washington Office for Faith In Action; U.S. Conference of Mayors; Unitarian Universalist Service Committee, Richard S. Scobie, Executive Director; Virginians Against Handgun Violence, Alice Mountjoy, President; WAND (Women's Action for New Directions), Susan Shaer, Executive Director; Westside Crime Prevention Program, Marjorie Cohen, Executive Director; YWCA of the U.S.A., Prema Mathai-Davis, Chief Executive Officer; 20/20 Vision, Robin Caiola, Executive Director.●

WESTLAND CHAMBER OF COMMERCE

● Mr. ABRAHAM. Mr. President, I rise today to pay tribute to the members of the Westland Chamber of Commerce on the occasion of their 35th anniversary. Since 1962, this organization has done a commendable job in reaching out to the community by supporting such programs as D.A.R.E., the Annual Jobs and Career Fair, and scholarships to local college-bound students. Through these and countless other programs, the Westland Chamber of Commerce has assisted local entrepreneurs as they begin and expand their businesses, and in so doing, has made a significant and substantive impact on the quality of life for residents in the Westland Community.

Mr. President, Westland is the 10th largest city in Michigan and was recently rated third in the top five shopping areas by the Michigan Retailers Association. Much of this success has been thanks, in part, to the chamber's work in promoting local businesses. The community of Westland is grateful for the tremendous support the chamber has given, and on behalf of the U.S. Senate, thanks is due to the chamber for making Michigan a better place.●

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

● Mr. SARBANES. Mr. President, this week, from September 14–20, has been designated National Historically Black Colleges and Universities Week, and I am pleased to take this opportunity to recognize the achievements of these fine institutions of higher education.

For more than 150 years, the 116 historically black colleges and universities [HBCU's] throughout our Nation have played a vital role in providing students with an exceptional education. These institutions have significantly increased educational access for thousands of economically and socially disadvantaged Americans, particularly young African-Americans. In turn, armed with this educational opportunity, these young people have risen to the challenges of our time and have become leaders not only of their own communities, but of our Nation as well.

While constituting only 3 percent of the Nation's colleges, HBCU's enroll 16 percent of all African-American students in higher education. Each year they award approximately 28 percent of all baccalaureate degrees earned by African-Americans nationwide and they continue to graduate the majority of African-Americans who go on to earn advanced degrees, including 75 percent of all African-American PhD's, 50 percent of all African-American attorneys, and 75 percent of all African-American military officers. The success of these institutions in providing educational opportunities for African-Americans is unparalleled.

My own State of Maryland is privileged to be served by four outstanding historically black colleges and universities: Bowie State University, Coppin State College, Morgan State University, and the University of Maryland Eastern Shore. These four institutions, all of which have undergone dramatic growth in recent years, have contributed significantly to the higher education system in Maryland.

Bowie State, one of the oldest black universities in the United States, is the Nation's first historically African-American institution to offer graduate programs in Europe. While providing high quality education to thousands of African-Americans, Coppin State has uniquely focused on serving the residents of inner-city Baltimore for almost 100 years. Morgan State annually ranks among the top 10 public campuses nationally in the number of baccalaureate recipients who pursue doctorate degrees. The University of Maryland Eastern Shore, which celebrates its 111th anniversary this week, commits itself to combining an excellent education with an emphasis on meeting the needs of the region by providing a doctorate in marine-estuarine-environmental science and toxicology. These are just a few examples of the strong commitment HBCU's have demonstrated throughout the years in preparing our young people for the increasingly technological and global economy.

The extraordinary contributions of historically black colleges and universities in educating African-American students cannot be overstated. They are a valuable national resource which are being rightly honored for their exemplary tradition in the area of higher education. I am very pleased to join with them and citizens throughout the Nation in celebrating National Historically Black Colleges and Universities Week.●

CORRECTION TO SENATE BUDGET COMMITTEE OUTLAY ALLOCATIONS

● Mr. DOMENICI. Mr. President, I submit for the RECORD a technical correction to the Senate committee allocations under section 302 of the Congressional Budget Act.

The correction follows:

Senate Committee	Direct Spending Jurisdiction (In millions of dollars)	
	FY 1998	Total FY 1998–2002
Environment and Public Works:		
Budget Authority	25,437	124,266
Outlays	2,715	10,398●

ARMENIAN INDEPENDENCE DAY, SEPTEMBER 23, 1997

● Mr. ABRAHAM. Mr. President, I rise today to recognize the sixth anniversary of the Republic of Armenia. Through the devastating genocide committed by the Ottoman Turks to the search for independence, the people of Armenia have been steadfast in purpose and spirit. Today, we celebrate the event which happened on September 23, 1991, when Armenia declared its independence from the U.S.S.R. With its new-found independence, the Republic created radical free-market economic reforms, held the first free Presidential election, and is the only former Soviet Republic that is governed by a democratically elected leader with no ties to the Communist Party. Despite the hardships that the people of Armenia have endured, they continue to hold strong to the belief that independence and security are essential for the country to prosper. Oliver Wendell Holmes once said "the great thing in this world is not so much where we stand, as in what direction we are moving." Although the Republic of Armenia continues to face an ongoing blockade by Turkey and Azerbaijan, I am convinced it is not where Armenia stands now but rather the perseverance which exists, that will lead Armenia into the future. Let it be known, that I encourage the citizens and Government of the Republic to remain faithful to the ideals of democracy and to continue to strengthen the relationship between Armenia and the United States.●

ORDERS FOR FRIDAY, SEPTEMBER 19, 1997

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., on Friday, September 19. I further ask that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and that the Senate immediately resume consideration of S. 830, the FDA reform bill, with Senator KENNEDY being recognized until 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I also ask consent that at 10:30 a.m., Senator DURBIN be recognized to debate his amendments under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I further ask consent that at 12 noon, the Senate proceed to a period of morning business with Senators being permitted to speak up to 5 minutes, with the following exceptions: Senator COVERDELL or his designee, 90 minutes, from 12 noon until 1:30; Senator DASCHLE or his designee, 90 minutes from 1:30 until 3:00.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. Mr. President, tomorrow morning the Senate will resume consideration of S. 830, the FDA reform bill. Under the previous order, Senator KENNEDY will be recognized until 10:30 a.m. for debate only. As previously announced, there will be no rollcall votes on Friday.

Following Senator KENNEDY's remarks, Senator DURBIN will be recognized to offer his two amendments. Those amendments are ordered to be set aside with the votes occurring on Tuesday, September 23, at 9:30 a.m. In addition, following the debate on Senator DURBIN's amendments to the FDA reform, the Senate will proceed to a period of morning business.

I thank all Senators for their attention.

ORDER FOR ADJOURNMENT

Mr. JEFFORDS. Therefore, I ask unanimous consent that, following the remarks of Senator KENNEDY, as under the previous consent, the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1977

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, as I understand the agreement, we have an hour for the discussion of S. 830, which is the FDA reauthorization bill. Is that correct?

The PRESIDING OFFICER. That is correct, Senator.

Mr. KENNEDY. I thank the Chair. I will say this evening what I have said before, and that is to commend the chairman of our committee, Senator JEFFORDS, and the other members of our committee for working out, by and large, a commendable piece of legislation to bring pharmaceuticals onto the market safely and rapidly, and to assure that Americans would be able to have the benefits of advances in the areas of medical devices.

There is a very important provision which has been included in the bill and which I think poses a very significant threat to the health and safety of the American people. I want to take some time this evening to discuss the reasons why this particular provision should be eliminated from the bill or modified to retain existing protections available under the Food and Drug Act.

I will use the time that I have this evening to try to spell out for the Senate and for those who are watching these proceedings the dangers of this provision so that, hopefully, when the Senate has the opportunity to change this particular provision on Tuesday next it will do so. It is time to make the changes that will protect the American people, and it is important that we do so.

Mr. President, this is not just a provision that I have reservations about. We have put in the RECORD, and I will mention at this time once again, that the President of the United States has indicated that this is one of four major concerns that he has in this legislation because of its potential to adversely affect the public health.

It isn't only the President of the United States who has identified this particular provision as being a danger to the health of the American people, but it is the Patients' Coalition, which is made up of patients from all over this country, who review various pieces of legislation to ensure that the patients of this country are adequately protected: the Consumer Federation of America, the National Women's Health Network, the National Organization of Rare Disorders, the American Public Health Association, Consumers Union, Center for Women's Policy Studies, the National Parent Network on Disabilities, the National Association of Social Workers, and the list goes on and on and on.

That is why, Mr. President, this particular provision should be revised to protect the health of the American people. It does not do so now, and it has not since it has been reported out of the committee.

If this provision becomes law, it would force the Food and Drug Administration to approve unsafe or ineffective medical devices in cases where a manufacturer submits false or misleading information about the product. This issue goes to the heart of the role of the FDA, and it is an unconscionable provision. The result is that patients who rely on medical devices may well be exposed to dangerous products that could maim or kill.

Ninety-five percent of all devices approved by the FDA involve upgrades of existing devices. The upgrades are reviewed in what is called the 510(k) procedure under the statute. Under this procedure, the manufacturer of the device asks for an FDA approval based on the fact that the new device is substantially equivalent to an existing device that is already on the market and that has already been approved as safe and effective.

On this basis, the FDA usually quickly approves the new device. If the new device has significant technological changes, the manufacturer must submit the data to the FDA to show that the new device is as safe and as effective as the older device to which it is being compared. That is the current law.

In making these determinations under the current law, the FDA looks at the use of the earlier device and the claims that the manufacturer of the new device makes on the label for the new product. Sometimes, however, the new device has technological characteristics that make it clear that the device is intended to be used for a new purpose, a different purpose than the one the manufacturer claims on the proposed label.

All we are asking is that the FDA be able to act in these circumstances to assure that the device is safe. We want to prohibit false and misleading labels.

Mr. President, this is not a hypothetical case. A recent case demonstrates the basic problem.

A new biopsy needle for diagnosing breast cancer in women was submitted for approval to the FDA by the U.S. Surgical Corporation, a well-known manufacturer of medical devices. Compared to the existing biopsy needle, the new needle was huge, far larger than would normally be used in a biopsy. In fact, the tissue removed by the device was 50 times as large as the standard instrument would remove.

It was obvious to the FDA that the new needle would be used to remove small tumors, not just to perform a biopsy. In fact, the company marketed the device for that purpose in Canada. Yet, the corporation proposed to market the device with the old biopsy label, which gave no hint of the obvious new use of removing cancer cells. Under current law, the FDA has the authority in such cases to require the manufacturer to submit data on the safety and effectiveness of the needle for the new use, to be sure that it is capable of removing tumors without leaving some cancer cells in place.

Under this legislation, if the FDA said, "Well, let us examine whether this particular medical device provides safety and protection for American women when that device is used to remove tumors," the FDA would not be permitted to do so. Under the old law, it would. Under the new law, it would not.

In this particular case the tissue removed by the device was 50 times as large as the standard instrument would remove. It was obvious to the FDA the new needle would be used to remove small tumors, not just to perform biopsies. In fact, videos were distributed in Canada demonstrating how to use the device to remove breast tumors. Yet, the corporation proposed to market the device with the old biopsy label which gave no hint of the obvious new use for removing tumors.

Under the current law, the FDA has the authority in such cases to require the manufacturer to submit the data on safety and effectiveness of the needle for the new use to be sure that it is capable of removing tumors without leaving some cancer cells in place. But not under the law that is before the U.S. Senate.

No woman would want to have a breast cancer removed by a medical device that cannot do the job safely and effectively. No Member of the Senate would want their wife or mother or sister or daughter put at risk by such a device. That is precisely what this bill does in changing the existing law that would permit the FDA to look behind the label to examine the safety and efficacy of a use clearly intended by the technological characteristics of the device.

The proponents of this legislation say no to an amendment when we have tried to ask that the FDA be able to look at the primary use of medical devices to make sure that when a company, such as the U.S. Surgical Corporation, is going to say that this is really just the old small needle, to permit the FDA to look behind it. They say, "No. We've got the votes. Public be damned."

Unless the American people are going to pay attention to this issue, they will have the votes when we vote on this next Tuesday. But they should not have the votes on it. They should not have the votes on it if we are interested in protecting the American consumer, not only on this particular measure, this particular device, but on others as well.

The justification offered by the proponents of this provision is that the FDA, in its zeal to protect the public, has sometimes required manufacturers to offer data on safety and effectiveness on purely hypothetical, possible uses of the new device, uses never intended by the manufacturer.

If that is the goal of the provision, it goes too far because it puts public health at risk. No American should die or suffer serious injury because the FDA is forced to ignore false or misleading claims. That is what Senator REED's amendment next week will be, just prohibiting false and misleading claims. People will have a chance to vote on that up or down.

No American should die or suffer serious injury because the FDA is forced to ignore false or misleading claims. That is what this is about.

As I mentioned, the administration has singled out this proposal as one of the four in this legislation that merit a veto. It is strenuously opposed by a broad coalition of health and consumer groups. An obvious compromise can correct this defect so it achieves what the sponsors say is its legitimate purpose, without undermining health and safety. Under the compromise, the FDA will have the authority to look behind the label only in cases where the label is false or misleading.

This is a bare minimum requirement to protect public health. What possible justification can there be for the FDA to approve a device based on false or misleading labels? No ethical manufacturer would submit a device with a false or misleading label. No unethical manufacturer should get away with submitting one. And no Senator should vote to protect a false and misleading label.

The protection is already in the bill for the 5 percent of the devices that go through the traditional approval process. But for the 95 percent of the devices that go through the 510(k) procedures, the bill gives a license to lie to the FDA and harm the public.

Mr. President, a few days ago the public was made aware of the tragedy that resulted from the use of diet drugs in ways that had not been approved by the FDA as safe and effective. This so-called "off-label" use of fen/phen may well have caused serious and irreversible heart damage in tens of thousands of women who thought the drugs were safe. The legislation before us would actually encourage the use of off-label, unapproved uses of medical devices. We have seen in every newspaper in the country, we have heard on every radio station, every television, the dangers that the off-label use of fen/phen has posed for the American people. Now, just at the time that the country is looking at that, we are inviting the same kind of disaster for off-label use of medical devices.

It is shocking that this shameful provision has been so cavalierly included in the bill. It is incomprehensible that reputable device manufacturers are not prepared to support a compromise that allows the FDA to look behind the labels that are false and misleading.

Medical devices can heal, but they can also maim and kill. The history of medical devices is full of medical stories of unnecessary death and suffering. But thanks to the authority the FDA now has, there are also many stories of lives saved by the vigilance of the FDA. What is incomprehensible about the bill before us is that it would take us backward in the direction of less protection of public health rather than more.

That isn't just Senator KENNEDY saying that, Mr. President. Those are the findings of our Secretary of HHS, the Patients' Coalition, Consumer Federation of America, National Women's Health Network, National Organization for Rare Disorders, the American Public Health Association, Consumers Union—the list goes on and on. They have reached the same kind of conclusion, Mr. President, that we are going backwards instead of advancing the interests of the public health.

The whole story of device regulation has been to provide the public greater protections since the mid-1970s.

Mr. President, let me just take a few moments and talk about what has happened previously in terms of medical devices that posed very important health threats, injury and death to American people when we were not attentive to the public health interests of the people of this country.

Two decades ago, the Dalkon Shield disaster led to the passage of a law giving the FDA greater authority over medical devices. At the time, this birth control device went on the market, the FDA had no authority to require manufacturers to show that devices are safe and effective before they are sold. In 1974, an FDA advisory committee recommended that the Dalkon Shield be taken off the market—after almost 3 million women had used it. The device was found to cause septic abortions and pelvic inflammatory disease. Hundreds of women had become sterile, and many required hysterectomies. According to the manufacturer's own estimates, 90,000 women in the United States alone were injured. The manufacturer, A.H. Robins, refused to halt distribution of the device, even though the FDA requested it, while the issue was reviewed by the advisory committee.

The Shiley heart valve disaster was so serious that it led to the enactment of further legislation. This mechanical heart valve was approved in 1979. It was developed by the Shiley Company. The Shiley Company was subsequently sold to Pfizer, which continued marketing the valve. It was taken off the market in 1986 because of its high breakage rate. By that time, as many as 30,000 of these devices had been implanted in heart patients in the United States. One hundred and ninety-five valves broke and 130 patients died. Thousands of other patients who had the defective valves in their hearts had to make an impossible choice—between undergoing a new operation to remove the device, or living with the knowledge that they had a dangerous device in their heart that could rupture and kill them at any moment. Depositions taken from company employees indicated that cracks in defective valves may have been concealed from customers.

Before the defective valve was withdrawn, the manufacturer had tried to introduce a new version with a 70 degree tilt instead of the 60 degree tilt approved by the FDA. The increased tilt was intended to improve blood flow and reduce the risk of clotting. The FDA's review found that the greater tilt increased the likelihood of metal fatigue and valve breakage, and the new version was not approved for use in the United States. Four thousand of the new devices were implanted in Europe. The failure rate was six times higher than for the earlier valve—causing at least 150 deaths.

In another example of a human and public health tragedy involving a medical device, the firm Telectronics marketed a pacemaker wire for use in the heart. Twenty-five thousand of these pacemakers were marketed, beginning in 1994, before it was discovered that the wire could break, cause damage to the wall of the heart, or even destroy the aorta.

The case of artificial jaw joints—referred to as TMJ devices—are another tragedy that devastated tens of thousands of patients, mostly women. These devices were implanted to assist patients with arthritic degeneration of the jaw joint, most with relatively mild discomfort. But the impact of the new joints, sold by a company called Vitek, was catastrophic. The new joints often disintegrated, leaving the victims disfigured and in constant, severe pain. To make matters worse, Vitek refused to notify surgeons of the problems with the joints, and FDA had to get a court order to stop distribution of the product. Similar problems were experienced with Dow Corning silicone jaw implants.

You see with this chart these dramatic, tragic, human disasters caused by unsafe, inadequately tested medical devices. Do we want less safety? Do we want less protection when we have seen these kinds of human tragedies take place, when there have been these instances?

Mr. President, another device disaster is the toxic shock syndrome from super absorbent materials in tampons. Most women would not think that a tampon could kill them, but they would be wrong. About 5 percent of toxic shock syndrome cases are fatal. What seemed like minor design changes, the absorbency of the material, resulted in enormous human tragedy. Women and their families deserve protections from unsafe medical devices. FDA should be strengthened, not crippled.

In yet another example, the FDA was able to block a device that involved a plastic lens implanted in the eye to treat near-sightedness. The device was widely marketed in France, but the FDA refused to approve it for use in the United States. Long-term use of the device was later shown to cause damage to the cornea, with possible blindness.

The angioplasty catheter marketed by the Bard Corporation turned out to be a dangerous device that the company sold with a reckless disregard for both the law and public health. The device was modified several times by the corporation without telling the FDA in advance, as required by the law. The company was prosecuted and pleaded guilty to 391 counts in the indictment, including mail fraud and lying to the government. Thirty-three cases of breakage occurred in a two-month period, leading to serious cardiac damage, emergency coronary bypass surgery, and even death.

Now, Mr. President, these tragedies resulted in expanded powers for the FDA to protect the public against dangerous devices and greater vigilance on the part of the agency. But this bill steps back by forcing the FDA to protect the public with one hand tied behind its back. This bill actually forces FDA to approve devices based on false and misleading labels.

I have already discussed the dangers of a breast cancer biopsy needle that would have been used to treat breast cancer without adequate evidence that it was effective. There are many other examples of the kind of dangerous devices that could be foisted on the American public, if the provision of the bill allowing false and misleading labels is allowed to stand. Under the provision, the FDA cannot look behind the manufacturer's proposed use to demand appropriate safety and effectiveness data, even if it is obvious that the device has been designed for an altogether different use than the manufacturer claims.

Surgical lasers are increasingly used for general cutting, in place of traditional instruments such as scalpels. In a recent case, a manufacturer called Trimedyne adapted the laser in a way that indicated it was clearly intended for prostate surgery. But it submitted an application to the FDA saying that the laser was only intended for general cutting. The label was clearly false, and the FDA was able to require adequate safety data before the product was allowed on the market. But under this bill, the FDA would be forced to approve the product, without requiring evidence that the device is safe and effective for prostate surgery.

Prostate surgery is a very common procedure affecting tens of thousands, if not hundreds of thousands of older men. Failed surgery can result in permanent incontinence and other devastating side effects. Do we really want surgical tools to be used to treat this common illness that may not be safe and effective? If this legislation passes unchanged, that is exactly the risk that large numbers of patients needing prostate surgery could face.

A further example involves digital mammography, an imaging technology that is becoming an alternative to conventional film mammography. The new device is being tested for better diagnostic imaging of a potentially cancerous lump in the breast that has already been detected and shows great promise. But it is not known whether the new machine can be used effectively in screening for breast cancer when there are no symptoms. Under this bill, if a manufacturer seeks approval for a digital mammography machine that is clearly designed for breast cancer screening, not just for diagnosis, the FDA would be prohibited from requiring data to show that the machine is effective for screening. Does the Senate really want to support legislation that could result in women dying needlessly from undetected breast cancer? That is what this device provision could cause.

We know that there is more money that is going to be made by those particular companies that can get on the market faster than their competitor through this loophole. Is that what we are about in terms of trying to protect the public? The FDA is the principal agency of the government to protect the health and safety.

The various professionals in consumer organizations and patient organizations that spend every day trying to protect the public health understand the dangers that are involved in this provision. They are all saying why doesn't the Senate build in these protections?

But no. There is that majority in the United States Senate that would go ahead and accept this, and pass this legislation as it is without the adequate protections. And, unless the public is going to understand that this is something which is important and let their representatives understand that by Tuesday next, that is what will happen.

The President of the United States has had the courage to say no to this particular provision, because he understands, as the Secretary of Health and Education understands, and as the public health community understands the dangers to the American consumer if we let this provision continue.

Mr. President, I want to review as clearly as I can exactly what the bill that is before us, S. 830, does. It prohibits the FDA from reviewing the safety of a device for uses not listed by the manufacturer.

Senator REED's amendment will prohibit the FDA from reviewing the safety of a device for uses not listed by the manufacturer unless the label is "false or misleading." You would think we would get 100 votes on that. Is the Senate going to say, "OK, it is going to be all right for device manufacturers to have false and misleading labels?"

Other examples in the way that this provision could allow unsafe and ineffective devices abound. A stent designed to open the bile duct for gallstones could be modified in a way that clearly was designed to make it a treatment for blockages of the carotid artery. Without adequate testing, it could put patients at risk of stroke or death. But under this bill, the FDA would be prohibited from looking behind the label to the actual intended use of the device.

Mr. President, the vast majority of medical device manufacturers meet high ethical standards. Most devices are fully tested and evaluated by the FDA before they are marketed. But as many examples make clear, if the FDA does not have adequate authority to protect innocent patients, the result can be unnecessary death and injury to patients across the country. There is no justification—none whatever—for Congress to force the FDA to approve devices with false or misleading labels.

Each and every time amendments to medical device and pharmaceutical provisions have been approved by the Congress, Republican and Democrat, the public health and safety of the American people has been enhanced. There are provisions in this legislation that will do so. But not this provision. This provision, if left to stand, poses significant health risks to American consumers.

We ought to be making sure that when the FDA gives their stamp of approval, that devices are going to be safe and efficacious, and that every doctor in this country and every patient knows they are going to meet the highest safety standards. That ought to be our commitment to the American people.

But this particular provision does not do it. Rather than being a step forward, it is a significant and dangerous step backward. Unscrupulous manufacturers do not deserve a free ride at the expense of public health.

We have good legislation that is going to extend the PDUFA which is going to mean that we will have many excellent additional professional people to help to move various pharmaceutical products onto the market sooner.

The public health organizations know what is happening out there, and they have pleaded with all of us in the Senate and said, My God, for once put the profits of this handful of industries that is trying to circumvent the health and safety protections of the American people, put that aside and make sure, when you act next week, the roll will be called, act to protect the public here in the United States.

That is what this debate is about. That is what we will have a chance to vote on next week.

Mr. President, I believe my time is just about up. I thank the Chair. We will have an opportunity to go back to this tomorrow morning at 9:30 to add additional information. We hope we will hear from the American people if they care about assuring that their children are going to have safe medical devices, that their parents are going to have safe medical devices, that their daughters and their husbands, their grandparents are going to have safe medical devices. There is only one way to do it, and that is on next Tuesday when the rollcall comes, Senators will support the Reed amendment, which I welcome the opportunity to cosponsor, which will be the most important action we can take in the Senate on this legislation to protect the health and safety of the American people.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. Friday, September 19.

Thereupon, at 11:26 p.m., the Senate adjourned until Friday, September 19, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 18, 1997:

SECURITIES AND EXCHANGE COMMISSION

PAUL R. CAREY, OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 2002, VICE STEVEN MARK HART WALLMAN TERM EXPIRED.

LAURA S. UNGER, OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 2001, VICE J. CARTER BEESE, JR., RESIGNED.

DEPARTMENT OF JUSTICE

JOSE GERADO TRONCOSO, OF NEVADA, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEVADA FOR THE TERM OF 4 YEARS, VICE HERBERT LEE BROWN.

IN THE COAST GUARD

THE FOLLOWING CADETS OF THE U.S. COAST GUARD ACADEMY FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. COAST GUARD UNDER TITLE 14, UNITED STATES CODE, SECTION 211;

To be ensign

STEVEN C. ACOSTA, 4434
STERLING V. ADLAKHA, 8096
MARCIE L. ALBRIGHT, 8666
KATIE R. ALEXANDER, 4838
JEREMY J. ANDERSON, 2197
WILLIAM L. ARRITT, 3278
LEANNE M. BACON, 9040
MATTHEW J. BAER, 5000
ABRAHAM C. BANKS, 6021
GREGORY R. BARBIAUX, 4960
JONATHAN BATES, 0944
PAUL R. BEAVIS, 7412
SEAN C. BENNETT, 8348
CHANDLER BENSON, 3827
CHERYL A. BEREZNY, 7435
BRENT R. BERGAN, 6147
ALEX W. BERGMAN, 7763
JAMES B. BERNSTEIN, 5566
JASON M. BIGGAR, 5645
BRYAN R. BLACKMORE, 3957
ANNE M. BLANDFORD, 4325
ROBERT R. BOROWCZAK, 3661
JOHN B. BRADY, 7280
MARC BRANDT, 1992
THOMAS K. BRASTED, 0856
MARK A. BRAXTON, 2632
VERONICA A. BRECHT, 2425
JASON A. BRENNELL, 5452
JOSEPH D. BROWN, 5483
RANDALL E. BROWN, 4955
DAVID L. BURGER, 4918
KATRINA D. BURRITT, 1710
ERIN E. CALVERT, 4832
GREGG W. CASAD, 2016
GEORGE B. CATHEY, 4579
KEMBERLY B. CHAPMAN, 5428
SCOTT A. CLEMENTZ, 7569
JENNIFER J. COOK, 5653
THOMAS D. CRANE, 3048
CHARLES C. CULOTTA, 3877
KENNETH C. CUTLER, 4933
THOMAS C. D'ARCY, 7316
THOMAS W. DENUCCI, 7958
FREDERICK D. DETAR, 8837
ALEXANDER D. DODD, 0459
ROGER S. DOYLE, 7304
JOHN M. DUNLAP, 7047
REGINALD C. EISENHAUER, 3482
MEREDITH M. ENGELKE, 9087
BRIAN C. ERICKSON, 5870
ANTHONY S. ERICKSON, 3659
JOSHUA W. FANT, 0836
LOUIS B. FAULKNER, 3288
GREGORY J. FERRY, 8980
BENJAMIN E. FLEMING, 2334
AURORA I. FLEMING, 6906
ANTHONY T. FRATIANNE, 5425
MATTHEW J. FUNDERBURK, 3700
LAWRENCE D. GAILLARD, 2676
BRENT GARRIEPY, 4312
BENJAMIN A. GATES, 3299
EDWARD P. GERAGHTY, 8641
JENNIFER L. GIRTON, 7316
BENJAMIN M. GOLIGHTLY, 5582
JASON M. GOODMAN, 5388
JENNIFER A. GREEN, 1860
ROBERT M. GREEN, 8767
PATRICK A. GROVES, 8036
ANDREW L. GUEDRY, 1193
THOMAS J. HALL, 7891
MATTHEW W. HAMMOND, 7851
SEAN P. HANNIGAN, 4537
ALAN D. HANSEN, 1996
JUSTIN H. HARPER, 3154
REBECCA J. HEATHERINGTON, 1162
CASEY J. HEHR, 8012
ERIC A. HELGEN, 6326
BRIAN J. HENRY, 1458
EDWARD J. HERNAEZ, 6705
WESLEY H. HESTER, 1704
CURTIS G. HUNTINGTON, 8892
KRISTIN A. JAGMIN, 6291
CASSIE Q. JANSSEN, 2646
CRAIG T. JEANQUART, 4706
RAYMOND M. JEBSEN, 4628
ANDREW S. JOCA, 2032
SCOTT B. JONES, 4258
MICHAEL A. KEANE, 4896
CORINNA M. KELLICUT, 4653
PAUL W. KEMP, 2823
IBRAHIM M. KHALIL, 9910
MICHAEL E. KICKLIGHTER, 4427
JUSTIN A. KIMURA, 3311
ELIZABETH A. KIRNER, 2586
MICHAEL K. KLINGE, 8304
LISA E. KNOPF, 2361
DIRK L. KRAUSE, 3923
BRIAN C. KRAUTLER, 2309
JON M. KREISCHER, 9557
JEFFREY W. KUCK, 3204
MATTHEW F. LAMMER, 0676
JOHN J. LARKIN, 1318
JEREMY P. LAW, 8422
NINA C. LEONARD, 6479
MARCUS A. LINES, 6920
MONICA B. LOMASCOLO, 5942
NATALIE J. MAGNINO, 0501
DANA C. MANCINELLI, 6060
HEATHER R. MATTERN, 9791
BENJAMIN J. MAULE, 9889
BRYAN L. MAY, 0361
BENJAMIN E. MAYNARD, 8196
JAMES E. MCCOLLUM, 3580
IAIN L. MCCONNELL, 4341
MATTHEW V. MCGUAN, 5353
JOSEPH E. MEUSE, 3491
JOSHUA P. MILLER, 8037
JOHN MILLER, 5360
DEAN J. MILNE, 0947
CHRIS S. MOLAND, 9381
ROBERT W. MOORE, 8211
MATTHEW P. MOORE, 4642
STEPHANIE A. MORRISON, 0372
CRISTIAN A. MUNOZ, 6800
SEAN D. MURPHY, 1123
DAVID R. OJEDA, 9557
JEFFREY P. PACE, 0940
TIMOTHY D. PAYTON, 6543
ERIC D. PEACE, 5277
KRISTIAN B. PICKRELL, 8296
JEFFREY J. PILE, 1006
CHRISTOPHER M. PISARES, 2949
MICHAEL J. PLUMLEY, 3711
JESSICA L. PLUMMER, 5174
ERIC C. POPIEL, 4540
JODY T. POPP, 2187
JUAN M. POSADA, 3219
GABRIELLE E. POTTER, 4516
CLINTON J. PRINDLE, 3908
DAVID A. QUATTRO, 9554
CHRISTOPHER G. RAIA, 4947
ARTHUR L. RAY, 4049
KATIE B. RICHARDSON, 5430
ROGER G. ROBITAILLE, 1652
BRUST B. ROETHLER, 2402
PEDRO J. RUBIO, 7979
PAUL F. RUDICK, 6966
SHAUN R. RUFFELL, 5061
ROBERT G. SALEMBIER, 8789
STANTON C. SANCHEZ, 8264
DEANNA L. SAND, 3821
MICHAEL R. SARNOWSKI, 6293
JAMIE L. SCHOLZEN, 3489
RICHARD M. SCOTT, 5172
KELLY C. SEALS, 5700
JAMES T. SEARS, 9339
STEPHANIE M. SHERIDAN, 6959
KENNETH E. SHOVLIN, 4937
MICHAEL R. SINCLAIR, 8868
KELLY K. SKILES, 7867
JASON M. STAMPER, 3960
JOSHUA T. STEFFEN, 3479
ERICH V. STEIN, 6956
BLAKE D. STOCKWELL, 2779
JILL A. SWAYNOS, 0567
SCOTT G. SYRING, 2185
EVELYN L. TAYLOR, 0709
SHAD A. THOMAS, 2260
PATRICK M. THOMPSON, 8271
ALLEN L. THOMPSON, 8294
GREGORY M. TOZZI, 4288
JASON P. TRAVIS, 5469
NEIL P. TRAVIS, 7275
MELISSA M. TULIO, 7686
MICHAEL E. VANCE, 8958
DIANNA L. VANVALKENBURG, 8603
JOSEPH J. VEALENCIS, 5836
KRISTI L. WALKER, 1439
DANIEL R. WARREN, 9798
ZACHARY A. WEISS, 8445
TIMOTHY P. WIELAND, 9376
JERRED C. WILLIAMS, 1536
DARLENE D. WILSON, 7335
AMY E. WIRTS, 6495
CHRISTOPHER G. WOLFE, 0218
MARC A. ZLOMEK, 8943

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be commander

FRANK P. ACHORN, JR., 2688
PETER J. ADAMS, 6931
WILLIAM B. ADAMS, 2314
STEPHEN T. AHLERS, 2582
ANDREW S. ALAMAR, 3611
MICHAEL E. ALLAIN, 7987
JOSE R. ALMAGUER, 3937
ROBERT J. AMAYA, 3379
CHRISTOPHER L. AMLING, 2320
EVAN A. APPLEQUIST, 1155
BRENDA A. ARMSTRONG, 6125
PETER M. ARN, 5974
LISA L. ARNOLD, 8388
ANDREW M. ASHE, 2329
BRADLEY R. AUFFARTH, 4602
SCOTT W. BAILEY, 3287
JOHN K. BAIRD, 6105
ROBERT W. BAIRD, 7958
ALAN T. BAKER, 5911
BRUCE C. BAKER, 9971
SHARON K. BAKER, 8136
GREGORY A. BARBER, 8895
WILLIAM B. BARBER, 7064
REGINA D.D. BARBOUR, 3835
WAYNE S. BARKER, 0675
DAVID G. BARNES, 3455
MICHAEL B. BAUMANN, 7782
WILLIE K. BEASLEY, 1057
JOHN BEAUREGARD, 4706
DONALD R. BENNETT, 8805
MARK F. BERNIER, 3165
BRIAN J. BILL, 1238
GEORGE J. BINGHAM, 0460
DAVID A. BITONTI, 6409
MICHAEL L. BLOUNT, 5385
JAMES A. BLUSTEIN, 9329
MICHAEL R. BONNETTE, 0356
MICHAEL J. BOOCK, 0611
LEWIS T. BOOKER, JR., 3685
DAVID M. BOONE, 7597
RICHARD R. BOSCO, 6943
GILBERT E. BOSWELL, 9356
JOHN M. BOSWORTH, JR., 6248
JIMMY D. BOWEN, 1289
JOHN D. BOYER, 8294
DAVID R. BRAJDIC, 4765
CHARLES H. BRAKHAGE, 4761
BARTON A. BRANSCUM, 8774
MICHAEL R. BRENYO, 7871
ROBERT W. BRINSKO, 4943
DWANE T. BRITTAIN, JR., 5443
DAVID G. BROADWATER, 0603
ROBERT C. BRONSON, JR., 9451
MARK E. BROUKER, 8634
BOOKER T. BROWN, 9756
DONALD L. BROWN, 9236
FORREST M. BROWN, JR., 6486
LAWRENCE R. BROWN, 6449
MITCHELL C. BROWN, 3866
TRACY L. BROWN, 7108
DAVID W. BRUMFIELD, 7032
ROBERT BUCKLEY, 7183
JUANITA BUDA, 0331
DAVID M. BURNES, 1135
ROBERT F. BUTLER, 7207
CARLOS D. BUZON, 4326
LINDA H. BYRNES, 8128
HERBERT F. BYRNS III, 3642
THOMAS A. CADE, 9485
DAVID S. CAFFREY, JR., 6882
DONNA L. CAIN, 3955
JOE P. CALDWELL, 2824
DAVID N. CALKINS, 5642
THOMAS J. CALLAN, 8540
LORI A. CARLSON, 1149
DELORIS J. CARNAHAN, 2654
DAVID D. CARRIER, 9841
JAMES F. CARROLL, 9692
ROBERT K. CARTER, 2117
STEVEN L. CASE, 3635
FRANCIS P. CASTALDO, 5773
MICHAEL R. CAUDILL, 8262
BRIAN M. CERWONKA, 7128
MARY W. CHAFFEE, 4064
DAVID W. CHAMBERS, 7085
JOHN M. CHANDLER, 6343
WILBUR K. CHAPMAN, 2336
MARK E. CHARIKER, 7831

ROBERT J. CHASTANET, 8942
DAVID O. CHILDERS, JR., 9280
MIN S. CHUNGPARK, 8461
BARTLEY G. CILENTO, JR., 5610
JEFFREY M. CLARK, 7140
JOHN H. CLARK, 3094
JULIA R. CLARK, 1790
ROBERT J. CLARK, 5841
RODERICK L. CLAYTON, 7351
EDWARD S. CLEMENTE, 9356
DANIEL P. CLIFFORD, 7592
WILLIAM B. COGAR, 3398
REY D. CONARD, 6655
DEBORAH M. CONWAY, 0199
JEFFREY A. CORNEIL, 5431
LEE L. CORNFORTH, 2597
MICHAEL F. CORNING, 6438
MARK S. COTTERELL, 8596
DALE P. COTTONGIM, 8033
JOHN D. COWAN, 6157
DAVID R. COZIER, 0016
PHILLIP A. CROCKETT, 9899
MICHELE H. CROSS, 3097
MASON CRUM, 7977
JAMES G. CRUZ, 4263
WILLIAM F. CUDDY, JR., 3869
ROBERT D. CULLOM, 2383
THEODORE J. CUNNINGHAM, 1064
THOMAS M. CUNNINGHAM, 0688
CHARLES H. CUTSHALL, 2420
THOMAS L. DANOS, 2600
ROBERT A. DATTOLO, 7535
GLORIANNE M. DAVIS, 5432
JAMES D. DAVIS, 5447
JOHN T. DAVIS, 0420
KEITH E. DAVIS, 9067
BRIAN S. DAWSON, 1988
JOHN A. DAY, JR., 9073
ELSA B. DEMBINSKI, 5507
KAREN E. DERRER, 3962
WAYNE M. DEUTSCH, 0556
HAROLD T. DEWEESE III, 4418
NANCY G. DIXON, 3244
RICHARD DOHODA, 8325
RICHARD J. DOWLING, 1096
DIANE L. DOYLE, 4123
JOHN E. DRAKE, 8254
ROBERT M. DRYER, 2136
KATHLEEN M. DULLY, 5469
TIMOTHY M. DUNLEVY, 8539
DAVID J. DUNN, 5347
JAMES C. DUNN II, 7404
KENNETH D. DUNSCOMB, 8708
JACK A. DYKSTRA, 0862
HOWARD G. EAGLE, 2758
TERRANCE K. EGLAND, 4306
DONNA L. EHRICH, 7903
DANIEL O. ELLERT, 4105
ANDREW T. ENGLE, 5340
DOROTHY E. ENGLER, 2968
PAUL H. EPHRON, 5662
JOSEPH A. ERLER, 4676
GREGORY P. ERNST, 6500
BYRON C. ESCOE, 7872
LINDA J. ETCHILL, 0075
MICHAEL M. FABISH, 8169
MARK E. FARRIS, 8474
FREDERICK C. FEHL III 6034
CHARLES S. FIELDS, JR., 0876
JONATHAN E. FINK, 7445
CARLA A. FISHER, 3220
STEVEN C. FISHER, 4405
DAVID L. FLEISCH, 3500
CHARLES W. FLEISHER, 0407
PETER FONSECA, 2232
SCOTT E. FOSTER, 2684
MILTON J. FOUST, JR., 6160
DANIEL E. FREDERICK, 4224
JOHN E. FREEMAN, 3947
TIMOTHY F. FRENCH, 4032
ROBERT A. FRICK, 8435
PAUL T. FULIGNI, 3607
JOHN S. FUQUA, 4951
MATTHEW K. GAGELIN, 0895
PAUL J. GAGNE, 0919
JAMES F. GALLAGHER, 6665
THOMAS A. GASKIN, 4252
RICHARD E. GERHARDT, 1409
BRIAN M. GILFEATHER, 8544
LOUIS G. GILLERAN, 6663
DOUGLAS R. GILLETT, 8167
BRUCE L. GILLINGHAM, 2767
THERESE R. GILMORE, 0308
CHRISTOPHER J. GIST, 0959
WILLIAM L. GOODMAN, 8751
JOHN R. GORDON, 3986
JEANETTE M. GORTHY, 2395
GERALD T. GRANT, 5376
JEFFERY R. GRAVES, 3578
KEVIN L. GREASON, 7450
ALMA B. GREEN, 0112
ARTHUR GREEN, JR., 3627
GORDON F. GREEN, 9942
JOSEPH W. GREEN, JR., 9581
PAUL B. GREENAWALT, 2017
KATHERINE L. GREGORY, 8247
GUERARD P. GRICE, 7846
NANCY C. GRIFFEE, 8966
VINCENT L. GRIFFITH, 8309
TAMARA M. GRIGSBY, 1107
WILLIAM G. GRIP, 6737
MILTON J. GRISHAM, JR., 3901
LYNDA D. GROSSMAN, 2671
JOHN P. GROSSMITH, 3048
GREGORY GULLAHORN, 4743
PARKE L. GUTHNER, 9297
FRED R. GUYER, 7166
DONGYEON P. HAN, 0183
MARK W. HANDY, 0828
TIMOTHY J. HANNON, 8239
WILLIAM C. HARGROVE, 6018
TODD J. HARKER, 3903
MARY M. HARRAHILL, 5250
ROBERT B. HARRISON, 5193
KIRK E. HARUM, 2265
AMY P. HAUCK, 3598
PATRICK K. HAWKINS, 5963
SHERMAN M. HAWKINS, 8279
SHERMAN T. HAYES, 3369
JEFF D. HEADRICK, 4962
ROBERT B. HEATON, 0379
RANDY L. HEIBEL, 8953
ROBERT C. HEIM, JR., 2038
RICHARD A. HEIMBAUGH, 2571
APRIL F. HEINZE, 8919
HUGH R. HEMSTREET, 3598
SUSAN E. HERRON, 7081
ANITA H. HICKEY, 9134
MARTIN F. HICKEY, 3795
TIMOTHY S. HINMAN, 9372
THEODORE A. HLEBA, JR., 6949
DOUGLAS E. HOBAUGH, 8890
DAVID L. HOBBS, 6956
WILLIAM J. HOCTER, 1928
WILLIAM C. HOLLAND II, 4618
JOHN R. HOLMAN, 7898
MICHAEL L. HOLMES, 4852
BOLD R. HOOD, III, 7831
JAMES C. HORSPOOL, 4318
CELIA H. HORTON, 2082
CHERRY L. HORTON, 4737
GARY D. HOUGLAN, 1785
RONALD P. HOVELL, 8896
GREGORY M. HUET, 6551
KEVIN S. HUGHES, 6290
KERRY E. HUNT, 3200
BENJAMIN D. HUNTER, II, 0514
RICHARD L. HUNTOON, 5434
LYN E. HURD, 2021
CLAUDE R. HUSSON, III, 4225
STEPHEN IANNAZZO, 1063
DANIEL A. ICHEL, 2708
GRAHAM D. ININNS, 7715
WAYNE S. INMAN, 2041
PATRICIA W. IRELAND, 3361
WYNETT A. ISLEY, 7378
KENNETH J. IVERSON, 9890
THOMAS E. JABLONSKI, 5134
MICHELE R.D. JACKSON, 5288
SCOTT A. JENSEN, 9714
MARIE E. JOHN, 9143
DENISE A. JOHNSON, 4423
JERRY JOHNSON, 6954
BARRY R. JONES, 5882
RALPH C. JONES, 4519
VINCENT R. JONES, 4998
RICHARD A. JORALMON, 8143
LARA L. JOWERS, 3439
ROBERT B. KAHLER, 0758
NAIDA B. KALLOO, 3093
CHRISTOPHER J. KANE, 2776
ALAN G. KAUFMAN, 4969
PAUL C. KELLEHER, 3427
WILLIAM E. KENEALY, 7153
KATHLEEN S. KENNY, 1261
JOEL W. KERNEN, 7058
NANCY W. KILEY, 9926
RONALD G. KINEMAN, 6654
PHILLIP KISSINGER, 5809
DAVID F. KLINK, 1884
KURT B. KNOBLOCH, 6362
BARTON H. KNOX, 9002
LEONARD R. KOJM, JR., 6901
MARTIN J. KOOP, 2445
ALEX M. KORDIS, 3591
CHRISTOPHER J. KOWALSKY, 1490
JOHN C. KUEHNE, 9503
JEFFREY C. KUHLMAN, 0192
RANDALL W. KULNIS, 2663
KURT L. KUNKEL, 4359
DENIS A. LAIRD, 3778
JAMES E. LAMAR, 8859
JAMES T. LANG, 1062
ANTHONY S. LAPINSKY, 5726
CRAIG A. LARSON, 2481
JOHN W. LARUE, 9440
DAVID H. LASSETER, 4004
LARRY R. LAUFER, 4948
JOHN J. LAUTEN, JR., 4376
BRUCE R. LAVERTY, 3008
RICHARD LEADER, 8958
JESSE W. LEE, JR., 1769
THOMAS M. LEIENDECKER, 3760
GRANT D. LEMASTERS, 2323
BRUCE N. LEMLER, 0837
DAVID R. LEMME, 0715
DIANA F. LENDLE, 4159
WING LEONG, 4590
JOHN W. LEROY, 6532
ROBERT M. LEVY, 7979
HUGH J. LINDSEY, 3982
JOHN E. LINDSEY, JR., 4022
KEVIN A. LINDSEY, 7784
MARK E. LINSKEY, 9668
FRANKLIN A. S. LITTLE, 8008
CLARA Y. LLODRA, 6904
RONALD J. LOGAN, 5832
CHARLES R. LONG, 1809
SCOTT T. LUCHSINGER, 7971
WILLIAM C. LYON, 8464
MARCIA K. LYONS, 9312
MICHAEL R. MADDOX, 5591
RICK A. MADISON, 8425
KEVIN G. MAHAFFEY, 9176
MICHAEL H. MAHER, 2751
PETER D. MAHER, IV, 1956
JONATHAN D. MAIN, 2722
STAUFFER P. MALCOM, 2728
CARMEN J. MALDONADO, 0680
GREGG W. MANSON, 1941
KEITH L. MARCHBANKS, 8760
MICHAEL L. MARK, 4249
STEPHEN J. MARKEY, 2206
SARA M. MARKS, 7957
DOUGLAS D. MARTIN, 1979
STEVEN J. MARTIN, 6073
RICHARD J. MASON, 6779
ROBERT B MASON, II, 3204
PAUL A. MAUSAR, 6150
JAMES E. MAYER, JR., 1356
JAMES B. MCALLISTER, 8891
ALAN R. MCCOSH, 1392
JOHN E. MCDONALD, 8087
JEREMIAH X. MCENERNEY, 4631
BRIAN L. MCFADDEN, 9155
STEVEN T. MC GIVERN, 7600
DONAL C. MC GONEGAL, 5168
MICHAEL R. MC GRAW, 5342
ALAN E. MC LUCKIE, 9912
MATTHEW A. MC NALLY, 6930
MICHAEL F. MC NAMARA, JR., 8582
ROBERT J. MEADE, 1625
SAUNDRA MIDDLETON, 6391
VLASTA M. MIKSCH, 3798
DAVID B. MILLER, 1583
JAMES R. MILLER, 9499
MATTHEW L. MILLER, 4985
ERIC C. MILNER, 4842
MICHAEL F. MILOS, 8748
SHAUNEEN M. MIRANDA, 5232
FREDERICK D. MITCHELL, 1370
WILLIAM T. MOCK, 6096
MOIRA D. MODZELEWSKI, 0650
TIMOTHY S. MOLOGNE, 7364
DARRYL MONCEAUX, 7491
KEVIN D. MOORE, 6982
ALICE P. MORAN, 3622
ROBERT H. MORRO, JR., 6628
AMY I. MORTENSEN, 0335
HARVEY D. MOSS, 7394
TERRY J. MOULTON, 4827
GLENN A. MUNRO III, 9268
LINDA A. MURAKATA, 9926
GEORGE MURRELL, 5887
THOMAS A. MUSICK, 9152
ROGER M. NATSUHARA, 6235
MARY E. NEILL, 2873
MARY A. NELSON, 8211
DAVID F. NERI, 2310
JAMES A. NEWTON, 5045
DONALD L. NICHOLS, 3227
LEE E. NEIMEYER, 9276
CHARLES R. NIXON II, 2632
DAVID NORMAN, 9178
STEPHEN D. NORTHROP, 4357
STEPHEN R. OCONNELL, 3871
MICHAEL J. OCONNOR, 3536
ERIC S. ODDERSTOL, 0187
MATHEW D. OFFE, 2731
ROBERT M. OLIVIERI, 0528
JOSEPH V. OLSZOWKA, 2606
GEORGE L. OMEECHEVARRIA, 4264
WAYNE J. OSBORNE, 4738
DOUGLAS A. OSBOURN, 3672
MATTHEW OSMAK, 0566
RICHARD C. OSMAN, 9433
SHAWN A. OTOOLE, 9676
ANTHONY S. PANETTIERE, 3221
DALE W. PARKER, 8004
STEPHEN M. PARKER, 7149
TREMONT V. PARRINO, 3066
NATHAN R. PATTERSON, 8653
CHERYL L. PATZER, 4846
MICHAEL D. PAWLEY, 3177
WILLIAM C. PERRY III, 0486
ROGER A. PIEPENBRINK, 1132
JOHN P. PIERCE, JR., 1369
FARRELL D. PIERSON, 2558
MATTHEW W. POMMER, JR., 9440
WILLIAM H. PORT, 9125
WILLIAM B. POSS, 6062
KYLE B. POTTS, 7281
ROBERT E. POTTS, 9145
STEVEN H. POWELL, 0368
DANIEL J. PROULX, 7765
MICHAEL L. PUCKETT, 6502
MARK S. QUAGLIOTTI, 9526
JOSE QUESADA, 7343
MICHAEL I. QUINN, 0160
ANN E. RAEL, 9248
ROBERT C. RAFFETTO, 0137
KATHLEEN D. RANEY, 3792
JAMES E. RAPSON, 6674
KARL F. RAU, 5464
ROBERT W. REDCLIFF, 7818
DANIEL P. REESE, 1061

DANIEL A. REGAN, 9169
PETER M. RHEE, 6524
JEFFREY D. RHODENBAUGH, 3476
CHARLES B. RHODES, 1332
ROBERT H. RICE, 8299
WANDA C. RICHARDS, 9762
PAUL E. RICHARDSON, 2481
JAMES D. RIDLEY, 3158
JAMES A. RIEGER, 4460
MICHAEL RIESBERG, 1043
AUGUSTO D. RIVERA, 5643
MICHAEL W. ROBINSON, 1680
PAUL D. ROCKSWOLD, 3910
JUDI J. ROGERS, 9576
ROBERT K. ROGERS, 0073
WILLIAM O. ROGERS, 0007
JOHN I. ROGGEN, 5295
DAVID C. ROHDE, 6507
RICHARD L. ROMNEY, 1357
DOUGLAS H. ROSE, 0230
MICHAEL E. ROSS, 8009
RICHARD ROWE, 5318
RICARDO RUBALCAVA, 5678
CHERYL L. RUFF, 4945
ALBERT R. RUNZEL, 0662
KAREN A. RUSHFORD, 6349
NICHOLAS H. RUSSO, 6510
TIMOTHY M. RYBA, 7043
DEBRA M. RYKEN, 5330
AUDERY E. SANTANA, 7134
ROLANDO M. SANTIAGO, 5309
ADONAI D. SANTOS, 3851
KENNETH W. SAPP, 7023
ELIZABETH C. SAVAGE, 4842
PAUL J. SAVAGE, 2844
STEVEN R. SCANLAN, 6729
DAVID R. SCANLON, 1409
BARBARA J. SCHEIDT, 3538
RAYMOND SCHMIDT, 6440
THOMAS S. SCHNEID, 6985
MICHAEL L. SCHOELCH, 3674
PAUL R. SCHRATZ JR., 3683
GEORGE W. SCHULTZ, 2466
JOHN R. SCHWARZENBACH, 9452
JAMES K. SELLERS, 1784
STEPHEN F. SERKIES, 4860
KEVIN T. SEUFERT, 6170
LINDA F. SEXAUER, 8492
RUSSELL L. SHAFFER, 7643
CYNTHIA J. SHALOM, 4738
TIMOTHY J. SHEA, 4126
EDWARD W. SHEEHAN JR., 4374
CHARLES A. SHEELEY II, 6222
PETER D. SHERROD, 7610
PAUL C. SHICK, 9301
LARRY W. SHOOK, 0407
STEVEN L. SIDOFF, 4468
RICHARD M. SIPPLE, 7556
DAVID F. SITLER, 1221
MONTE D. SLATER, 2546
CAROLYN C. SLOWIKOWSKI, 5114
CHARLES S. SMITH, 7140
DANNY R. SMITH, 2094
DAVID A. SMITH, 8876
STEVEN L. SMITH, 5602
HARLEY W. SMOOT, 7657
RALPH G. SNOW, 7393
JAMES M. SOLOMON, 7998
JAMES R. SOUBA, 0805
JAY C. SOURBEER, 3228
FREDERICK N. SOUTHERN, 7104
CHRISTOPHER J. SPAIN, 8184
EMIL E. SPILLMAN, 8552
MICHAEL D. STACY, 2993
STEPHEN L. STANDROWICZ, 0608
JOHN STEELE, 6610
SCOTT P. STEINMANN, 4253
MARY L. STEWART, 1085
TOMMY C. STEWART, 0481
KENNETH M. STINCHFIELD, 6829
ALAN L. STOKES, 1791
MICHAEL J. STOLL, 9919
RICHARD F. STOLTZ, 8874
MICHAEL M. STONE, 8099
DENNIS E. STOOPS, 7315
CHRIS K. STREAM, 8339
DIANE M. STRENN, 8858
JAMES M. STROTHER, 0394
DENNIS E. SUMMERS, 1270
JOSEPH A. SWARTZ, 8347
JAMES W. SWENSON, 7195
MICHAEL H. TAI, 9743
DAVID A. TAM, 5121
MARTA W. TANAKA, 6261
DEBORAH F. TAPPEN, 8350
SYBIL A. TASKER, 7711
GRETCHEN C. TAYLOR, 7854
HARRY A. TAYLOR III, 5416
DAVID E. THOMAS, 3398
KERRY R. THOMPSON, 6596
FRANCIS X. TISAK, 1759
ELIZABETH A. TONON, 0641
FRANK R. TRAFICANTE, JR., 5216
JOEL L. TRAYLOR, 0632
KARL R. TREFFINGER, 2629
DOUGLAS J.S. TRENOR, 0900
DAVID R. TRIBBLE, 1098
POMAY TSOI, 0563
JENNIFER L. TUCKER, 1702
ROBERT J. TUIDER, 8074
RAYMOND J. TURK, 7681
CHRISTOPHER R. TURNER, 8608
ROBERT B. TURNER, 9271
RONALD UNGARO, 5410
GREGORY UTZ, 8387
JAMES VALOVCIN, 2583
PAUL S. VANHOOSEN, 8728
PAUL J. VANKEVICH, 0537
MICHAEL C. VANTUYL, 9248
CYNTHIA R. VARNER, 7738
EDGARDO C. VIAS, 0345
ROBERT J. VICKERS, 1122
CATHY L. WAGSTAFF, 2825
ROBERT P. WALDEN, 4229
PHILIP S. WALERKO, 9568
DANIEL O. WALKER, 3472
RAYMOND A. WALKER, 8337
SAMUEL N. WALKER, 5810
ROBERT B. WALSH, 7771
ELIZABETH S. WALTERS, 9540
LYNDA E. WALTERS, 6228
GEOFFREY R. WARDA, 3693
MICHAEL A. WATERS, 5901
JOHN K. WATSON, 6370
MARY E. WATSON, 2886
BARRY A. WAYNE, 4300
CAROL D. WEBER, 7381
MARY P. WEBER, 6540
TIMOTHY S. WEHLING, 0815
WANDA L. WEIDMAN, 5552
CLIFFORD A. WEINGART, 0646
KIMBERLY D. WEISENBURGER, 3052
ERIC WEISS, 1413
WAYNE M. WEISS, 9581
JOSEPH J. WERNER, JR., 4959
TERRY S. WEST, 7986
THEODORE L. WHITEMAN, JR., 7916
ANTIONETTE A. WHITMEYER, 4153
LEIGH M. WICKES, 8842
JOHN T. WIDERGREN, 1799
THOMAS F. WIECHELT, 6496
RICHARD L. WILSON, 8939
ROBERT E. WILSON, 4185
RONERT A. WITHERSPOON, 8465
MICHAEL F. WOELKERS, 9030
WILLIAM A.F. WOODS, 0240
TIMOTHY L. WORKMAN, 4410
DONALD A. WORM, JR., 5015
DONALD T. WRAY, 3321
RICHARD D. WRIGHT, 2540
WILLIAM F. WRIGHT, 8351
PETER L. ZAMFIRESCU, 0412
TIMOTHY W. ZELLER, 4349
DANIEL J. ZINDER, 5920

WITHDRAWAL

Executive message transmitted by the President to the Senate on September 18, 1997, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF STATE

William F. Weld, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico, which was sent to the Senate on July 23, 1997.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 18, 1997:

DEPARTMENT OF THE TREASURY

DAVID A. LIPTON, OF MASSACHUSETTS, TO BE AN UNDER SECRETARY OF THE TREASURY.

TIMOTHY F. GEITHNER, OF NEW YORK, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

1996 NATIONAL PRAYER BREAKFAST

HON. BILL BARRETT

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

Mr. BARRETT of Nebraska. Mr. Speaker, earlier this year the transcript of the 1997 National Prayer Breakfast, held here in Washington, DC, was printed in the CONGRESSIONAL RECORD. It has come to my attention that the transcript of the previous year's National Prayer Breakfast was inadvertently not submitted in the RECORD. The Challenging and moving message brought to us that morning by our former Senate colleague, Sam Nunn, should be available for everyone. Therefore, I request that a copy of the program and of the transcript of the 1996 proceeding be printed in the CONGRESSIONAL RECORD at this time.

NATIONAL PRAYER BREAKFAST

CHAIRMAN: THE HONORABLE BOB BENNETT

Pre-Breakfast Prayer: The Honorable DANIEL AKAKA, U.S. Senator, Hawaii.

Opening Song: Pine Valley Choir.

Opening Prayer: General John M. Shalikashvili, Chairman, Joint Chiefs of Staff.

BREAKFAST

Welcome: The Honorable BOB BENNETT, U.S. Senator, Utah.

Remarks—U.S. House of Representatives: The Honorable PETE GEREN, U.S. House of Representatives, Texas.

Old Testament Reading: The Honorable TOM LANTOS, U.S. House of Representatives, California.

Remarks—U.S. Senate: The Honorable AL SIMPSON, U.S. Senator, Wyoming.

Solo: Mr. Van Cliburn.

THE VICE PRESIDENT OF THE UNITED STATES

New Testament Reading: The Honorable SONNY MONTGOMERY, U.S. House of Representatives, Mississippi.

Prayer for National and International Leaders: Dr. Billy Graham.

Message: The Honorable SAM NUNN, U.S. Senator, Georgia.

Introduction of the President: The Honorable BOB BENNETT.

THE PRESIDENT OF THE UNITED STATES

Closing Song: Ms. Ariel Bybee.

Closing Prayer: Dr. Dorothy Height, National Council of Negro Women.

NATIONAL PRAYER BREAKFAST, FEBRUARY 1, 1996

Senator BENNETT. Good morning. My name is Bob Bennett. I am the leader of the Senate Prayer Breakfast, and in the tradition of the National Prayer Breakfast, this is the year of the Senate to conduct this activity so that it becomes my happy lot to greet you here on behalf of both the Senate and the House to this special occasion.

General John Shalikashvili, Chairman of the Joint Chiefs of Staff, will offer the opening prayer.

General SHALIKASHVILI. Today as we gather here in Washington, we are joined by countless and countless Americans all across our nation in prayer and in fellowship. And on every base, on every post and on every ship, we are joined as well by our men and women in uniform who have answered our nation's call to serve.

Just across the Potomac on Ft. Myer, across the Pacific at Misawa Air Base, aboard the USS America, in Haiti and Kuwait, in South Korea and Bosnia, in all of these places and hundreds more, America's sons and daughters are taking to their knees and solemnly asking God for strength.

They are rededicating themselves to freedom, to the freedom that can be found in a nation loosed from the chains of oppression. They are rededicating themselves to peace, the peace that can now be heard in the silent hills of a nation that for years knew only war and destruction. And they are rededicating themselves to the love of God that you see in the eyes of a cold and frightened child, held in the reassuring arm of an American soldier in a faraway place called Tuzla.

And so I ask you now to join them and to bow your heads in prayer.

Almighty God, our Creator and Sustainer, we do affirm here and now how wonderful it is to join together today in Your name, for today we bow in prayer as those who, as individuals and as a nation, have been magnificently and prodigiously blessed. We are thankful for the opportunity we have been given to act as Your servants, and as servants of the people.

We are also grateful for this opportunity to pray as a nation for our sons and daughters in the United States Armed Forces here and around the world who represent our heritage and continued resolve to ever uphold what is right and to ever oppose what is wrong and would threaten liberty and justice, and of a certainty to do Your will.

Our Father, we join in prayer breakfasts throughout the world and we ask Your blessing upon all who have united in a spirit of genuine fellowship and kinship. We are grateful for all Your blessings and for our liberty, and we ask that You strengthen our hearts and give us a continued resolve to work together in the cause of freedom and peace throughout the globe. And in a world threatened by discord and fear, we ask that You watch over our President and all of our nation's leaders, that You continue to help them cope with the crucial problems of our time.

Father, we ask now that You bless our nation, our nation's leader and all leaders here today. We ask that You bless this breakfast gathering of fellowship, and we ask that You bless this food for Your honor and for Your glory.

In Your name we pray, Amen.

Senator BENNETT. Thank you, General Shalikashvili. We'll now enjoy the breakfast and pick up the program when presumably you're through eating. Thank you.

[Breakfast.]

Senator BENNETT. In the Senate prayer group we always bang the glass at the stroke of 8:30 and get started, whether you're finished eating or not, so we will follow that tradition here today.

We welcome you all here today and you should be aware of the fact that in addition to the President and his wife and the Vice President and his wife, there are in attendance members of the Senate and the House, members of the President's Cabinet. Of course General Shalikashvili and other members of the Joint Chiefs and the military command. We have prime ministers and heads of state, leaders of giant corporations and organizations from all over the world and we welcome all of you.

Allow me to quickly introduce to you the people who are sitting at the head table, most of whom will participate and, therefore, will be introduced in their own right. But for those who do not participate, so that you know who is here, I will start with my colleague, Senator Akaka from Hawaii. Next to him, Ariel Bybee, who will sing to us later. General Shalikashvili, whom you've heard from in the opening prayer, and his wife, Joan.

Senator Simpson, who will represent the Senate prayer group, and his wife Ann. Senator Carol Moseley-Braun, and I'll tell you why she's here at the appropriate time. Becky Geren, the wife of Congressman Pete Geren, who heads the House prayer group. Of course you know the Vice President and his wife. You know this fellow with a full head of hair next to me and his wife.

My wife, Joyce, next to Mrs. Clinton. Senator Nunn and his wife, Colleen, and we of course will hear from him. Dr. Dorothy Height, we will hear from her. Van Cliburn, who will provide music. Annette Lantos and Congressman Tom Lantos from California, and then Sonny Montgomery from Mississippi. So, those are the folks who are here before you. [Applause.]

In the New Testament it records an occasion where a lawyer came before Jesus in an attempt to tempt Him and trap Him in His words. As I read that, I realize that the behavior of lawyers maybe hasn't changed too much in the centuries from then until now, but just some lawyers, I assure you.

In an attempt to trip Him up, the lawyer asked Jesus a question that he was fairly sure Jesus would have trouble with because it was the question that has been widely debated, and certainly had been widely debated in that time: what is the greatest commandment in the law, and perhaps with a bit of derision in his voice, he prefaced the question by saying, "Master, what is the greatest commandment?"

Jesus was more than prepared and He quoted from Deuteronomy, "Thou shalt love the Lord thy God with all thy heart and with all thy soul and with all thy might" And then went further, quoting from Leviticus, said to the lawyer, "and to the second is like unto it." Quoting from the 19th chapter of Leviticus, he said, "Thou shalt love thy neighbor as thyself." And then He gave the lawyer this magnificent summary. He said, "On these two hang all the law and the prophets."

I can think of nothing better than that summary as the theme of the prayer breakfast. All of us have our own interpretation of who is the Lord our God. All of us strive to do the best we can to understand who that is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and to love Him with all our hearts, souls and minds. But all of us, regardless of our religious tradition, can recognize the importance of learning to love our neighbor as ourselves, and it is in that spirit that we gather here this morning and in countless groups around the world.

We gather that way in the Senate of the United States every week. We also do that in the House every week and it is my privilege to introduce to you the Honorable Pete Geren, Congressman from Texas, who is the leader of the House prayer breakfast, to bring us their greetings.

Representative GEREN. Senator, thank you. I'm not sure your lawyer comment was in the spirit of the occasion but we'll let that one pass. [Laughter.]

Mr. President, Mrs. Clinton, Mr. Vice President, Mrs. Gore, and distinguished guests, one and all. I bring you greetings from the prayer breakfast of the United States House of Representatives. My charge today is to tell you about our prayer breakfast, with the hope and prayer that perhaps you can build on our experience in your nation, your state, your place of work, or perhaps even in your neighborhood.

In the book of Matthew Jesus told us, "Where two or three are gathered together in My name, there am I in the midst of them." Today those gathered in His name number in the thousands and we thank Him for His message.

Every Thursday morning that the House is in session we gather, 40 to 50 members strong, in His name. Our gathering is extraordinary by Capitol Hill standards, for so many reasons, and truly a blessing for those who have chosen to make it a part of their lives. I say extraordinary by Capitol Hill standards. In a supercharged environment where most all meetings are restricted by party membership, or even more narrowly by philosophical subsets within the party, by race, by religion, by region, by state, by cause, our meetings are interfaith, ecumenical, multiracial, nonpartisan, and about as diverse as this great land of ours.

The Irish brogue of south Boston, the syrupy drawl of South Georgia, the sharp and clipped tongue of Brooklyn, the twang of Texas, and the flat tones of the Midwest fill the room every Thursday morning. Extraordinary. There are no guests, not even family members, no camera, no press, no record of the proceedings. It is as private as Capitol Hill can be and members share their hearts.

I said no guests. Well, there is one exception. Legislators or parliamentarians from around the world will join us to learn about our breakfast and on occasion return years later to tell about the breakfasts that they have started in their land.

Today prayer breakfasts are held in over 100 countries around the world, in countries as far-flung as India, Peru, Mongolia, Japan. So, in a way, our breakfast engages in outreach to the world, but that's not our main purpose. Our focus is internal, on the lives and hearts and souls of our colleagues. It is fellowship. It is an eye in the storm of the swirling world of politics.

There is a saying in Washington that if you want a friend in Washington, buy a dog. Our breakfast belies that expression. Breakfast begins at eight, and I think it's the only three dollar breakfast left in Washington. It probably violates the gifts ban, Mr. Speaker. I'm not sure.

We visit informally for most of the first half hour. When we are called to order, we begin our day's program with a scripture reading. Our very own general, Congressman Sonny Montgomery, then brings us to date on the lives, and too often of late, the deaths of our friends and House members, past and present. He shares with us celebrations such as recent births and the trials and tribulations of others.

We then lift up our colleagues and their families in prayer with rejoiceful prayers of thanksgiving, prayers for healing, for comfort, and for the blessing of our name and our leaders. We follow the prayer with a hymn, long on enthusiasm and sometimes short on harmony.

Congressman Jake Pickle of Texas used to regale us with the history of each hymn, or at least the history according to Jake. Jake is now retired and we all miss him.

Following the hymn, a House member tells us about his or her life story, about the influences that changed his life, his values, his philosophy, his faith, his politics. On these occasions members offer a window into their souls that I suspect few others ever see. Through this sharing, each of us so often is surprised that beyond the accent, the geography, and the political label, surprised at how much we all have in common.

After hearing Joe Moakley of Massachusetts talk of his South Boston childhood, Charlie Rangel, who grew up in Harlem, said, "Joe, we really grew up in the same neighborhood. We just never knew it." Regarding our differences, and they are many, we grow to understand them and appreciate them.

We close with another prayer. We pray that we may be salt and light in this world. Each of us truly is blessed by our participation and pray that somehow our Congress and our nation, one nation under God, could be blessed as well. Thank you very much. [Applause.]

Senator BENNETT. We will now hear an Old Testament reading by the Honorable Tom Lantos from California, after which Al Simpson, retiring but not really very retiring, Senator from Wyoming, will speak on behalf of the Senate prayer group.

Representative LANTOS. President Clinton and Mrs. Clinton, Vice President and Mrs. Gore, ladies and gentlemen. We all know why everybody is here at the head table. No one knows why I am here. I am here as a reminder that we are slow learners. Bob Bennett said, "Thou shall love thy neighbor." I am the only survivor of the Holocaust ever elected to the Congress of the United States, which I take as the most poignant reminder of how profoundly we have failed to learn that central, profound, and powerful message.

This is my birthday and I didn't expect it to be this elaborate. [Laughter, applause.] But as always, I want to express my appreciation to my wife Annette, and I want to tell all of you that as I blow out the candles tonight on my birthday cake, I will have a simple wish, that all of our 17 grandchildren and all the children all across the globe should have an opportunity to grow up in peace and dignity and friendship.

I'd like to share with you a psalm you all know, Psalm 19.

"The Heavens declare the glory of God, the skies proclaim the work of His hand. Day after day, they pour forth speech, night after night they display knowledge. There is no speech or language where their voice is not heard. Their voice goes out into all the earth, their works to the end of the world. In the heavens, He has pitched a tent for the sun, which is like a bridegroom coming forth from his pavilion, like a champion rejoicing to run his course. It rises at one end of the heavens and makes its circuit to the other; nothing is hidden from its heat. The law of the Lord is perfect."

Senator SIMPSON. Mr. President and First Lady Hillary, and Vice President and President of our Senate, Al and Tipper. Distinguished guests, greetings to my fellow seekers and discoverers and wanderers, not necessarily in that order.

It is always a grand morning. One of the great honors of my life was to give the principal address at this National Prayer Breakfast in 1989. I was filled with trepidation that a seeker like me would be asked. The night before, the Reverend Billy Graham, one of the most loving, inspirational, caring men in this world, called and said, "Alan, we are praying for you." I said, "You're praying for me? I'm doing plenty of that for myself." But that's very typical of the Reverend Billy Graham.

Long ago in public life I learned where to turn when I didn't know where to turn. There's only one source for that.

The Senate prayer breakfast group gathers every Wednesday morning for a convivial hour between 8 and 9. Our leaders, Bob Bennett, Republican from Utah, Danny Akaka, Democrat from Hawaii, rare people, both of them. The presenter of the day, after an opening prayer, shares about themselves with us for 15 or 20 minutes, followed by a time of discussion and fellowship. Promptly at the hour of nine we close with a prayer as we stand with hands joined around the tables.

Sometimes the theme is the Bible. Sometimes it's public life. Sometimes it's about family and our jobs, but always it's about ourselves and the impact of that greater force in our lives, a higher being. All faiths there, all philosophies, all believers.

Those are always very moving times and we share much with each other and we gain much from each other. It helps us endure in the partisan and political world in which we have chosen to labor. Kindness, civility, tolerance, and forgiveness are all part of the essence of our gatherings. We try to put aside harsh judgment and criticism. I remember the words of a wonderful couplet that my mother used to share: "There is so much good in the worst of us and so much bad in the best of us, that it ill behooves any of us to find fault with the rest of us." I like that one. I knew you would.

We also talk about our human frailties. We talk about how easy it is to fall for the blandishments of flattery and be overcome by ego. I've often said that those who travel the high road of humility in Washington, D.C. are not troubled by heavy traffic. [Laughter.]

It is always a very uplifting time. And yes, actually too a time of sharing our own vulnerabilities. It was Will Rogers, our great American humorist, who said, "It's great to be great but it's greater to be human."

We are very privileged to be able to serve in the United States Senate, a special obligation. People do observe us. We are scrutinized, and we hope to do more than just talk a good game. We need to live the things we learn and share.

Let me close with a poem that is something we try to take from the weekly Senate prayer breakfast group and something we might hope to remember from this marvelous convocation today. That little poem, "We'd rather see a sermon than hear one any day. We'd rather you would walk with us than merely show the way. The eye is a better pupil and more willing than the ear. Fine counsel is confusing, but example always clear. We can soon learn how to do it if you all let us see it done. We can watch you well in action but your tongue too fast may run. And the lecture you deliver may be very wise and true, but we'd rather get our lessons by observing you."

There's the word for the day. God bless you all.

Senator BENNETT. Senator Al Gore was a regular attender at the Senate prayer breakfast. Vice President Al Gore gets there as often as he possibly can. We are poorer for the fact that that is not as often as it used to be, but we're always glad to see the President of the Senate when he does show up at our prayer breakfast and we're honored and pleased to hear from him now. The Vice President of the United States.

Vice President AL GORE. Thank you, Senator Bennett and Mrs. Bennett, and Mr. President, Mrs. Clinton, Mr. Speaker, Congressman Geren and Mrs. Geren, Senator Nunn, who will deliver the message, and Mrs. Nunn, other members of the House and Senate here at the dais, other distinguished guests at the dais and in the audience and in the overflow room. Let me especially welcome the international dignitaries who are with us this morning.

As Tipper and I stood outside the hotel early this morning, it was so cold that those who didn't know me well thought I was frozen stiff. [Laughter.] Three years ago at Christmastime I received from one of my children a gift that almost drove me to distraction. It was a book of graphic designs generated by a computer technique that contain a hidden pattern. How many of you have ever seen such designs? Those of you who have not, what I'm about to say won't mean much to you, but ask your chiuldren. They will tell you about these designs.

You're supposed to hold them very close to your face and focus your eyes on a distant point beyond the page. Then after a little time has passed, slowly take them away from your eyes, and if you do it just right, a design will spring into view in three dimensions.

I don't think I was doing it just right, and it took a number of tries before I finally resolved the technique. My children, by contrast, would flip through the pages, yep, there's that one, yep, there's that one. I would still be on the first one, trying to bring it into view.

I think prayer is a little bit like that experience. We try to focus on a more distant reality that has a deeper meaning, but it's difficult to be still and be patient and avoid the distraction of the business in our lives.

Men see on the surface. We're taught God sees on the inside. Jesus taught the kingdom of God is within. In Ecclesiastes we find the passage, "I applied mine heart to know and to search and to seek out wisdom and the reason of things."

In a world awash in information and busyness, there is always so much more we can know: the reason a child is suffering ten blocks from this hotel, the dreams of a nation an ocean away, the condition of our planet as it circles the sun. We seek wisdom wherever it may be.

Ecclesiastes also reminds us that, "wisdom strengtheneth the wise more than ten mighty men." With wisdom we may glimpse the future and shape its contours. We can fulfull responsibilities to neighbors and honor obligations to our children. With wisdom we can protect our earth and preserve its treasures.

So we ask God to give us the wisdom and courage to act on that which we have learned and give us too the strength to move forward. Give us the grace to be still, to lift up our eyes unto the hills, to take the time to ask, what would Jesus do, and to remember that He said, "Whatsoever you do to the least of these, you do to me." [Applause.]

Senator BENNETT. As Congressman Geren indicated, Sonny Montgomery, Congressman from Mississippi, has been one of the pillars around which the House prayer breakfast group has been built over the years. Sonny has announced his retirement from the Congress, so we asked him to give the New Testament reading here at the National Prayer Breakfast.

Sonny, when you're through, don't leave because we have something we'd like to give you as a memento.

Representative MONTGOMERY. Mr. President, Mrs. Clinton, Mr. Vice President, Mrs. Gore, Mr. Speaker. Thank you, Senator Bennett, for giving me the opportunity to read two passages from the New Testament.

A few minutes ago Pete Geren talked about the House prayer breakfast group, and Thursday is the best day of the week for me because of the prayer breakfast. I could have not made it up here for 30 years without the House prayer breakfast being in the Congress.

Now, to do what I'm supposed to do, two readings from the New Testament. From the Living Bible, I Corinthians, chapter 13, verses 11 through 13. It is like this. "When I was a child,I spoke and thought and reasoned as a child does, but when I became a man, my thoughts grew far beyond those of my childhood, and now I have put away childish things. In the same way we can see and understand only a little about God now, as if we were peering at His reflection in a poor mirror. But some day we are going to see Him in His completeness, face to face. Right now, all that I know is hazy and blurred, but then I will see everything clearly, just as clearly as God sees into my heart today. There are three things that remain: faith, hope, and love, and the greatest of these is love."

Now from the King James version, II Timothy, chapter 4, verses 6 through 8. Paul is writing to his spiritual son Timothy. "I am already being poured out as a drink offering and the time of my departure is at hand. I have fought the good fight, I have finished the race, I have kept the faith. Finally there is laid up for me the crown of righteousness, which the Lord, the righteous judge, will give to me on that day, and not to me only but to all who have loved His appearing." Amen, amen. [Applause.]

Representative GEREN. On behalf of the House prayer breakfast we have a presentation to make to Sonny. Sonny is truly the heart and soul of the House prayer breakfast. Sonny, I don't know what we're going to do without you. [Presents a Bible and reads the inscription]

"Sonny Montgomery, our wonderful friend and mentor for so many years. You help us with the things that count most in life. We are forever in your debt. Presented to Sonny Montgomery on the occasion of the 1996 National Prayer Breakfast by the House of Representatives breakfast group."

Sonny, thank you very much. [Applause.]

Senator BENNETT. After the program was printed, I received the following letter, addressed to the National Prayer Breakfast. "I deeply regret that my doctors, in spite of great improvement and the promise that I will be totally recovered within the next month, have urged me not to attend the meeting today. This will be one of the few times I have ever missed the National Prayer Breakfast since its inception, and I am going to greatly miss it."

"It is my prayer that uniting in the spiritual atmosphere will bring us together as a people, whatever our backgrounds, and strengthen the moral and spiritual values that we are dangerously close to losing. May God bless you all."

We assume, Dr. Graham, that you are watching on television, and we miss you. But we tell you you are in our prayers and thoughts and that we pray your recovery is as complete as you indicate the doctors have promised you it will be.

Now faced with this kind of a hole to fill, I did what you always do when you have a real problem. You go to your friends. Carol Moseley-Braun, Senator from Illinois, after her initial "whoo" at the suggestion that she would be standing in for Billy Graham, proved just how much of a friend she really is when she said, "Yes, Bob, I will do it."

In the tradition of the National Prayer Breakfast, where we always have a prayer for national and international leaders, we will now have the honor of having that prayer offered by the Senator from Illinois, Carol Moseley-Braun.

Senator MOSELEY-BRAUN. Thank you. Senator Bennett assured me that the charity of the people at the prayer breakfast would keep me from being run out of town while trying to substitute for the great Dr. Graham. Our prayers go out to him for his speedy recovery and full health.

Mr. President and Mrs. President, Mr. Vice President and Mrs. Vice President, Senator Bennett, honored guests, ladies and gentlemen, let us pray.

Oh Lord, You have always called forth leaders in the world and we look to You to lift up among us those who will lead in righteous ways. Your servant Moses saw an oppressed people and, though he first fled from the path, led his people from oppression to freedom, from slavery into nationhood. Your servant David heard the taunting cry of an evil-spirited giant whose tyranny threatened to crush the struggling forces for good. Against such seemingly impossible strength but armed with your spirit, he brought justice.

Your servant, Your son, the Lord Jesus Christ, armed with only the truth of His teaching, showed His followers the light which has been the salvation of and the model for self-sacrificing and humble leadership for countless generations.

Lord, we seek Your face. Your world needs leaders who see oppression and lead us away from it, who can cut tyrants down to size and place their taunts behind us, who will offer not only their wisdom and their words but indeed, themselves in the service of people everywhere.

Clothe those who gather under the mantle of leadership in the world today with a proper scorn for tyranny, a priestly reverence for the lives of those for whom they speak, and the tender touch of the shepherd lifting up those who need him most.

Strengthen their eyes, make wise their minds, and fill their house with the resolve to seek and find an act upon the truth as they are privileged to know it in the service of the world You have created, and of the people whom You love.

Then shall the nations all rejoice in the reality of Your promise to heal this land and to grant peace on earth, good will to all. Father, we thank You for your grace and guidance and for Your many blessings. Make plain Your way and straighten our path, that our service and stewardship—that our stewardship of Your earth and our service of Your people may be pleasing in Your sight.

Bless the leaders here assembled, Your clergy, our President and Vice President, the leadership and membership of the Congress, the administration, the military, the international community all here assembled. May our prayers this day create an atmosphere for good all over your world, and the leaders of our time do honor to you.

These things in Jesus' name we pray, Amen.

Senator BENNETT. When the time came to make the decision as to whom we would call upon for the principal address at this prayer breakfast, we considered a number of names, and debated them and got excited about this one and that one, and then, well, maybe, and back and forth.

We would pray and then get back and talk again. Then in the midst of all of this conversation the name of Sam Nunn was mentioned, at which point we knew we didn't have to pray about it any more. He did, but we didn't. We knew we had the right fellow. It took a few weeks for him to decide that that was the case.

When I called the President to run the name by him—as a courtesy we always do that, to make sure that we get somebody that the President would feel comfortable with—I caught the President on a perhaps bad day. I'm not sure he has too many of the other kind, but while the President is always courteous, I could tell from the edge in his voice a little bit that there had been a lot of people who had been having that day. He said after the pleasantries, "You called me," kind of a little bit defensive, like, what problem are we going to have now?

I said, "Mr. President, I'm calling to get your reaction to the possibility that we'll have Sam Nunn as the speaker for the National Prayer Breakfast." I could tell from the response in the President's voice that I had made his day; immediately he relaxed and said, "I think that's wonderful. I think that's remarkable."

So do all of the rest of us who know and love Sam Nunn. This is one of the outstanding public servants in America, and it is going to be our great privilege to hear from him now. [Applause.]

Senator NUNN. Thank you very much, Bob. President and Mrs. Clinton, Vice President and Mrs. Gore, fellow sinners—have I left anyone out? [Laughter.]

I say to my good friend Alan Simpson, Billy Graham called me also, Alan, and he said as he did in his message, he was praying for us all but he felt particularly compelled to pray for Alan Simpson and for me. Alan, I don't know what he meant by that, but you and I appreciate it.

A few years ago during the Brezhnev era, Dr. Billy Graham returned from a highly publicized trip to Moscow, and he was confronted when he returned by one of his critics with these words, "Dr. Graham, you have set the church back 50 years." Billy Graham lowered his head and replied, "I am deeply ashamed. I've been trying very hard to set the church back 2,000 years." [Laughter, applause.]

Today we represent different political parties, different religions, different nations, but as your invitation states, we gather as brothers and sisters in the spirit of Jesus, who lived 2,000 years ago and who lives in our hearts and minds even today. The first prayer breakfast was held in 1953, in a world of great danger. President Eisenhower was newly inaugurated and had just returned from Korea where our young soldiers were fighting desperately.

World communism was on the move. Eastern Europe and the Baltics were locked behind the Iron Curtain. All across the globe the lights of religion, freedom, and individual right were going out, and the specter of nuclear destruction loomed over our planet.

I wonder this morning how those who attended that first National Prayer Breakfast 43 years ago would have reacted if God had given them a window to see the world of the 1980s and the 1990s. They would have seen truly amazing things. Catholic nuns kneeling to pray in the path of 50-ton tanks, the power of their faith bringing down the Philippine dictatorship. The Iron Curtain being smashed, not by tanks of war but by the hands of those who built it and those who were oppressed by it. The Cold War ending not in a nuclear inferno but in a blaze of candles in the churches of Eastern Europe, in the singing of hymns and the opening of long-closed synagogues.

I believe that God gave Joseph Stalin the answer to his question: How many divisions does the Pope have? They would have also seen a black man in South Africa emerge from prison after 26 years and become President of his nation, personifying forgiveness and reconciliation; the first hesitant but hopeful steps toward peace between Jews and Arabs in the Middle East and between Catholics and Protestants in Northern Ireland. They would see that in 1996, we are blessed to live in a world where more people enjoy religious freedom than at any other time in history. Can we doubt this morning that a loving God has watched over us and guided us through this dangerous and challenging period?

During the early days of the Russian Parliament, known as the Duma, I joined several other Senators in attending a meeting with a number of newly elected members of that body. The second day, a few of us were invited to a very small prayer breakfast with a group of Duma members who were just forming a fellowship. As in the larger meeting the day before, the breakfast discussion started with a degree of coldness and tension. One of the Russians, in obvious sadness and a little embarrassment, remarked that Russia was in great economic distress and that the United States was the only remaining super power. It was clear that this was a very sensitive point for them. It had been abundantly clear also the day before. Senator Dirk Kempthorne and I then pointed out that in a real sense there was only one real Super Power in the world, our Heavenly Father who watches over us all. The tension immediately eased, and the spirit of fellowship was built. And we prayed together to that Super Power, the God who loves us all.

Our world is a strange and tragic place. It's very ironic in many ways. The Cold War is over, but in a tragic sense, the world has now been made safe for ethnic, tribal and religious warfare and vengeance and savagery. Such tragedy has come to the people of Somalia, Bosnia, Rwanda, Burundi, Sudan, and Haiti and others.

At home, the pillar of our national strength, the American family, is crumbling. Television and movies saturate our children with sex and violence. We have watered down our moral standards to the point where many of our youth are confused, discouraged, and in deep trouble. We are reaping our harvest of parental neglect, divorce, child abuse, teen pregnancy, school drop-outs, illegal drugs and streets full of violence. It's as if our house, having survived the great earthquake we called the Cold War, is now being eaten away by termites.

Where should we turn this morning and in the days ahead? I believe that our problems in America today are primarily problems of the heart. The soul of our nation is the sum of our individual characters. Yes, we must balance the budget. And there are a lot of other things we need to do at the federal level. But unless we change our hearts, we will still have a deficit of the soul. The human inclination to seek political solutions for problems of the heart is nothing new. It's natural.

Two thousand years ago another society found itself in deeper trouble than our own today. An oppressive empire strangled liberties. Violence and corruption were pervasive. Many of the people of the day hoped for the triumphant coming of a political savior, a long expected king to establish a new, righteous government. Instead, God sent his son, a baby born in a stable.

Jesus grew up to become a peasant carpenter in a backwater town called Nazareth. He condemned sin, but he made it clear he loved the sinner. He befriended beggars and prostitutes and even tax collectors, while condemning the hypocrisy of those in power. He treated every individual with love and dignity and taught that we should do the same. He died like a common criminal on a cross and gave us the opportunity for redemption and the hope of eternal life. He also put the role of government in proper perspective when he said, "Render unto Caesar that which is Caesar's and unto God that which is God's."

Shortly after I announced that I would not seek reelection last fall, a reporter asked me, "You've been in this Congress for 24 years. What do you consider your greatest accomplishment?" I paused for a moment, and then I replied, "Keeping my family together and helping my wife Colleen raise two wonderful children, Michelle and Brian." [Applause.]

Well, upon hearing that, the reporter scoffed, He said, "Don't give me that soft, sound bite stuff. What laws did you get passed?" When he said that, I had several thoughts, only a couple of them I can share with you this morning. [General laughter.]

Four years ago, my daughter Michelle and a few of her friends started an organization in Atlanta called Hands On Atlanta, making it exciting and efficient and fun for young people to volunteer their time to help those in need. Now, about five years later, 10,000 volunteers each month render about 20,000 hours of personal one-on-one service. Now what laws have I passed that would have this impact?

I also thought about the difference between being a Senator and being a father. When we in the Senate make a mistake, we have checks and balances, 99 other Senate colleagues, plus the House of Representatives, plus the President, plus a final review by the Supreme Court. But when we as parents make a mistake, where are the checks and where are the balances?

Congress can pass laws cracking down on those who refuse to support their children, but we cannot force husbands to honor their wives, wives to love their husbands and both parents to nurture their children. Congress can pass laws on civil rights and equal rights, but we cannot force people of different races to love each other as brothers. Congress can promote fairness and efficiency in our tax code, but we cannot force the rich to have compassion for the poor. We can join with our Nato allies to separate the warring factions in Bosnia, as we're doing, and give them a breathing space as we're doing; but we cannot force Muslims, Croats and Serbs to live together as brothers in peace.

I recently heard a story on the radio. It happened in Bosnia, but I think it has meaning for all of us. A reporter was covering that tragic conflict in the middle of Sarajevo; and he saw a young, little girl shot by a sniper. The back of her head had literally been torn away by the bullet. The reporter threw down his pad and pencil and stopped being a reporter for a few minutes. He rushed to the man who was holding the child. He helped them both into his car. As the reporter stepped on the accelerator, racing to the hospital, the man holding the bleeding child said, "Hurry, my friend. My child is still breathing." A moment later, "Hurry, my friend. My child is still warm." Finally, "Hurry. Oh my God, my child is getting cold."

When they got to the hospital, the little girl had died. As the two men were in the laboratory, washing the blood of their hands and their clothes, the man turned to the reporter and said, "This is a terrible task for me. I must go tell her father that his child is dead. He will be heartbroken." The reporter looked up in amazement. He looked up at the grieving man and said, "I thought she was your child." The man looked back and said, "No, but aren't they all our children?"

Aren't they all our children? Yes, they are all our children. They are also God's children as well, as He entrusts us with their care. In Sarajevo and Somalia, in New York City, in Los Angeles and my home town of Perry, Georgia, and right here in Washington, DC, they are all our children.

In the book of Micah, the prophet asked, "Shall I give my firstborn for my transgressions, the fruit of my body for the sin of my soul?" The cruelest aspects of our wars and our sins is what they do to our children. Jesus said, "Suffer the little children to come unto me for of such is the kingdom of God." Too often today we shorten that commandment to: Suffer, little children. Mrs. Clinton, thank you for the great emphasis you have put on children and the spotlight you have shined on our challenges. We are grateful. [Applause.]

And so the world is watching America today. People around the world are not just watching our President or our Congress or our economy or even our military deployment. They are watching out cities and our towns and our families to see how much we value our children and whether we care enough to stop America's moral and cultural erosion.

Do we in America in 1996, love our neighbors as ourselves, as explained by Bob Bennett as our theme for the morning and by Tom Lantos and his personal example? Now, I don't have the answer to these questions this morning, and I don't pretend to. These problems can only be solved in the hearts and minds of our people and one child at a time. I do have a few, however, observations.

The Cold War provided us with the clarity of purpose and the sense of unity as a people. Our survival as a nation was at stake. We came together, often in fear. The challenges that confront us today are different, far different; but the stakes are the same. I pray that our children, all of our children, will be the bridge that brings us together as a nation, not in fear, but in love.

Each year millions of our children are abused, abandoned, and aborted. Millions more receive little care, little discipline, and almost no love. While we continue to debate our deeply held belief as to which of these sins should also be violations of our criminal code, I pray that we as parents, as extended parents, and as communities, will come together and find a way to provide love and spiritual care to every mother and to every child, born or unborn. Government at every level must play a role. But I do not believe it will be the decisive role.

What then are our duties as leaders, not just in the world of politics and government, but in every field represented here this morning and through our land? Like basketball stars Charles Barkley and Dennis Rodman, we are role models whether we like it or not. I believe that the example we set, particularly for our young people, may be the most important responsibility of public service. We must demonstrate with our daily lives that it is possible to be involved in politics and still retain intellectual honesty and moral and ethical behavior. We are all sinners, so we will slip. And, yes, we will fall. But I have felt God's sustaining hand through every phase of my life, growing up in Perry, Georgia, raising a family, my relationship with my wife, Colleen, in Senate floor debates, in committee meetings, visiting our troops in war, or being a part of the mission for peace.

In the years ahead, when I think back on my public service, I am certain that the most cherished memories will be those moments spent with my colleagues in the Senate Prayer Breakfast and in my meetings with leaders from around the world in the spirit of Jesus.

I've also been blessed by many friends in the Senate and a small fellowship with a group of Senate brothers, like the late Dewey Bartlett, Republican of Oklahoma; Lawton Chiles, Democrat of Florida, Pete Domenici, Republican of New Mexico; Harold Hughes, Democrat of Iowa; and Mark Hatfield, Republican of Oregon. No one can accuse that group of being of like minds, politically. But these brothers have listened to my problems, they've shared in my joys, they've held me accountable, and they've upheld me in their prayers. Fellowship in the spirit of Jesus does amazing things. It puts political and philosophical differences, even profound differences, in a totally different perspective.

I believe that 2,000 years ago Jesus was speaking of each of us when He delivered His Sermon on the Mount. And my prayer this morning for our leaders, and indeed for our whole nation, is the spirit of His words then. May we who would be leaders always be aware that we must first be servants. May we who compete in the arena of government and politics remember that we are commanded to love our enemies and pray for those who persecute us. And I can't find any exception for the news media or for our opponents. May we who seek to be admired by others remember that when we practice our piety before men in order to be seen by them, we will have no reward in Heaven. May we who have large egos and great ambition recall that the kingdom of Heaven is promised to those who are humble and who are poor in spirit. May we who depend on publicity as our daily bread recall that when we do a secret kindness to others, and when we don't try to tell everyone, then our Father, who knows all of our secrets, will reward us. May the citizens who we serve as stewards of government be sensitive to the fact that while we need their critiques, we also desperately need their prayers. May we never forget that the final judgment of our tenure here on earth will not be decided by majority votes and that an election is not required to bring us home.

God bless each of you. [Applause.]

Senator BENNETT. We did all right, didn't we? [Applause.]

Thank you Sam, You have left us all in your debt.

Those who know me know that I am the son of a Senator. My father served for 24 years, and I ran his last two campaigns. When the time came for me to run for the Senate, I thought I understood what that was all about. I'd been all over the state. I'd spoken in every little town. I had shaken all the hands. And I'd done all of the things connected with managing a senatorial campaign. Well, one of the great discoveries that came to me when I became a candidate is that there is no experience that can prepare you for what happens when you are the candidate. It's entirely different. The pressures are different. The circumstances are different. The hurts, perhaps, are deeper when it's your name on the ballot than when you're campaigning for somebody else.

I have participated in a number of presidential campaigns. I think I know a little bit about what it's like to manage a presidential campaign. But from my own experience, I know that there can be only one person in this room who understands what it's like to be the President of the United States. The pressures, the challenges, the difficulties, the rest of us can only guess.

And so, I share with you my memory of President Clinton at his first National Prayer Breakfast, when I was sitting there as the brand new Senator, wondering what this was all about. He said something that I have hung onto ever since, and I think has great value for all of us. He referred to his oath of office, and then said when the oath was completed, he felt like saying, "So, help me, God."

That is a legitimate reading of that particular phrase, that only the President can fully understand. It's a great pleasure and honor for me now to pronounce the appropriate words of introduction: Ladies and gentlemen, the President of the United States. [Applause.]

President CLINTON. Thank you very much. Thank you. Thank you very much. Thank you. Thank you very much. Thank you.

Thank you very much, Senator Bennett, Vice President and Mrs. Gore, Mr. Speaker, Senator Nunn and the Members of Congress who are here, the Members of the Supreme Court, the Joint Chiefs, the other public officials, to our guests from around the world, and my fellow Americans.

Let me begin by saying that most of what I would like to have said on my best day was said better today by Sam Nunn. [Applause.]

All during his speech, I kept saying to myself, I'm more glad today that I prayed for him not to leave the Congress than I was the day I prayed for it, but I also know, with a heart and a mind and a spirit like that, there is a great, powerful service still awaiting Senator Nunn in whatever he should decide to do.

I thank Sam Nunn and Alan Simpson and my neighbor, Sonny Montgomery, and all those who are here retiring from the United States Congress this year for the service that they have rendered to their constituents and to the American people. [Applause.]

Hillary and I join all of you in praying for Billy Graham and for his wonderful wife, Ruth, and for their family.

I'm still glad to be here even though I don't think I need to say much now. I know one thing. We've got a lot to pray about here in Washington. We've got a lot of conflicts, we've got an abundance of cynicism, we have to worry about a loss of trust in public institutions all across the country. I disagree with Pete Geren. I think it was Harry Truman who said, "If you want a friend in Washington, you need to buy a dog." I think it was Benjamin Franklin that said, "Our enemies are our friends when they show us our faults." Well, as someone who has had more of his faults shown, real and imagined, than anyone else—[laughter]—I think we all have a lot of friends here in Washington. [Laughter and applause.]

I was thinking last night about what we really want out of this Prayer Breakfast, and I was up late reading, and I came across something that King David said in the 4th Psalm. You know, David knew something about leadership and courage and human failing. He said in his psalm to God, "Thou hast enlarged me when I was in distress."

So I pray that when we leave here today, by the words of Senator Nunn and the readings of the Scripture, the remarks of others, we shall all be enlarged in spirit, not only for our public work, but for our private trials. I look out here and I see friends of mine in both parties whom I know today have trials in their own families and challenges of the heart they must face. And we leave here in the prayer that we will be enlarged.

Sam Nunn talked about the family and what government cannot do. I ask that when we leave here, we say a prayer for our families, to lift up those who are working hard to stay together and overcome the problems they face, to lift up those who are helping others to make and to build families. It is a rewarding thing to see the divorce rate leveling off and the teen pregnancy rate going down, and the first indications that America may be coming back together around the values that made this a great nation. But we need to support those efforts.

There may not be much we can do here as lawmakers. Hillary said in her book that, "* * * till death do us part" has often become, "till the going gets tough." It may be that it ought to be a little harder to get a divorce where children are involved. But whatever we do with the law, we know that ultimately this is an affair of the heart, an affair of the heart that has enormous economic and political and social implications for America, but most importantly, has moral implications because families are ordained by God as a way of giving children and their parents the chance to live up to the fullest of their God-given capacities. And when we save them and strengthen them, we overcome the notion that self-gratification is more important than our obligations to others. We overcome the notion that is so prevalent in our culture that life is just a series of responses to impulses, and instead is a whole pattern with a fabric that should be pleasing to our God.

I applaud what Senator Nunn said about our children, for with them it is more true than in any other area of our life that it is in giving that we receive.

I ask that we pray for those who are trying to make strong our communities and our nation and our nation's connection to people of like minds and real needs around the world, for that, too, is a part of family life. We would be a better country if our communities and our country acted more like the best families, where we all played our part, including the government, where we all did for ourselves and tried to help each other.

Humanity's impulse is to reach outward to the poor and homeless in need; to the striving who seek a hand up, not a handout; to the stricken from here to the Middle East to Haiti to Bosnia; to the earth, which needs our help in preserving the temple God gave us.

Sometimes I think we forget in America how privileged we are to be looked to to extend the bonds of family beyond our border. When Hillary and I were served breakfast here today, the gentleman who was serving us leaned over and he said, "Mr. President, I am so grateful for what the United States did in Haiti. I came here 30 years ago from Haiti, but it is still my country and now it's free."

When I met the foreign dignitaries as I was going through the line, there standing before me was the mayor of Tuzla. For every American in uniform, he is now our mayor and we are a part of his family efforts to bring peace and freedom to all the people of Bosnia.

Galatians say, "Let everyone bear his own burden," and then just a couple of verses later says, "Bear one another's burden." Would God through St. Paul have given us such contradictory advice? No, I don't think so. I think being personally responsible and reaching out to others are the two sides of humanity's coin, and we cannot live full lives—we cannot be enlarged—unless we do both.

So I ask all of you, beyond praying for our families, to pray for us here in Washington to make the right decisions about how we should enlarge and strengthen the family of our communities, our nation and our ties to the world.

Finally, I ask you to pray for us to have a more charitable attitude toward one another, leaders and citizens alike. I was aghast and deeply saddened yesterday when I read in one of the newspapers all of us read around here, probably one we shouldn't some days, that a citizen of a state of this country had described one of his representatives in Congress as a heathen, a representative who is a genuine, true national hero. But I must say that the citizen would get a lot of ammunition for that just by watching the fights here.

What I want to say to all of you is that the disagreements we have had here in this last year have been very important and not just political and not just partisan. They have been part of the debate America must have as we move into a new era. But we need to conduct them with a great sense of humility. We need to show the right attitude toward those with whom we disagree, even when we feel wronged.

I received a letter a few days ago from a very devout Jew who is a good friend of the Vice President's and mine, and he was talking about injustice. He said, "In the matter of injustice, as awful as it is, it is always, always better to endure it than to inflict it."

We have to reach across these divisions. In these 50 hours of budget discussions the Speaker and I had with the Vice President and Senator Dole and Senator Daschle and Mr. Gephardt and Mr. Armey, in some ways I wish all of you could have seen it because they were remarkably free of cant and politics. And I learned a lot; I owe them a lot. Believe it or not, we're not supposed to talk about what happened, but there were two different occasions where I found myself in the minority, but in agreement with Mr. Armey—on two issues. And I thought to myself, I can't let this get out, he'll lose his leadership position. [Laughter.]

Our friend Sonny Montgomery read that wonderful passage from Corinthians in his first reading. I would ask you to remember, all of you, how that passage is worded in the King James Bible. "Now we see through a glass darkly. Now I know in part." Every one of us is subject to error in judgment as a part of the human condition, and that is why the last chapter of that magnificent verse says, "Now abideth these three—faith, hope and charity, and the greatest of these is charity." We need a charitable outlook in our feelings and our dealings toward those with whom we disagree because we do not know, as we are known by God.

So let us pray that our families will be stronger. Let us pray that the impact of our families and these values will help us as leaders to make our communities, our nation and our work in the world stronger. Let us pray for a stronger sense of humility in our own efforts and a much stronger sense of charity toward the efforts of others. Let us know always that the spirit of God is among us when we permit it to be.

When Hillary and I went to Ireland a few weeks ago and saw the yearning for peace there in the eyes of the Catholics and the Protestants, we had the honor to meet the Irish Nobel-Prize winning poet, Seamus Heaney, and I had the honor of quoting one of his wonderful lines in hoping that I really was there at a time when, to use his words, "hope and history rhyme."

This can be such a time, I am convinced, only —only—if we are charitable, if we are family and if we act according to the spirit of God. This is the day that the Lord has made. Let us rejoice and be glad in it. Thank you. [Applause.]

Senator BENNETT. Thank you, Mr. President, We are honored by your words as well as your presence and your wisdom, and we will try to live within the spirit of your counsel.

Let me be sure I get this correct because this may be the person with the most credentials of any of us in the room. Dr. Dorothy Height is the president of the National Council of Negro Women. Some study history, others debate it, but few represent it with the dignity and grace and magnificence of this living legend. She has been a close friend of both Eleanor Roosevelt and Martin Luther King, Jr. And she is unique in her ability to work with the poor and the oppressed while moving with grace and dignity among the leaders of our time.

DOROTHY HEIGHT. Let us all join hands and lift our hearts in prayer.

God of our weary years, God of our silent tears, Thou who has brought us thus far on the way, Thou who has by Thy might led us into the light, keep us forever in the path, we pray, lest our feet stray from the places, our God, where we met Thee, lest our hearts, drunk with the wine of the world, we forget Thee. Shadowed beneath Thy hand, may we forever stand true to our God, true to our native land.

Lord God, we thank You, for as we have gathered this morning in the spirit of Jesus Christ, our hearts have been touched, our souls invigorated, our lives challenged, our minds renewed, and our vision made clearer of Your great love for us all. Teach us to practice every day that same love with one another across every line that for too long has separated and divided us. We need each other. Help us to know that we are of many nations, languages, tribes, cultures, but one race, the human race, which You alone have created.

Make us to see that if one of us is hungry, hurting, impoverished, malnourished, or the victim of war and violence, then as one people, that is where we all are. For as Martin Luther King, Jr., once reminded us, "Injustice anywhere is a threat to justice everywhere."

Instill in us this day, oh Lord, an even greater commitment to love You, to love every neighbor as we love ourselves, and to beat our plowshares into pruning hooks as we study war no more.

And for this day and for this experience and for this challenge, we give You all the glory, the honor and the praise, and shall we all say Amen.

ALL. Amen.

TRIBUTE TO JACK M. STACK, M.D.

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Ms. STABENOW. Mr. Speaker, throughout his personal and professional life, Dr. Jack M. Stack has made significant contributions to promote the health and well-being of the people of Michigan.

Dr. Stack is board certified by both the American Board of Psychiatry and Neurology and the American Board of Family Practice. A great deal of his practice in both specialities has been dedicated to caring for women, children, and families. But in addition to providing valuable primary health care for more than 30 years in Michigan's rural communities, Dr. Stack has taken a leadership role on national and international committees dedicated to improving the lives of women and children.

As a member of the Michigan State Medical Society, Dr. Stack has served on the Committee on Child Abuse Prevention, Committee on Health Insurance for the Uninsured, and Committee on Governmental Legislative Affairs. He has served as chairperson of Governor Milliken's first statewide Health Consumer's Conference and was keynote speaker at the Governor's Child Abuse Prevention Conference. Among his many other notable achievements, Dr. Stack has also served on the board of directors for the Michigan Association for Infant Mental Health, is the past treasurer for the International Michigan Mental Health Advisory Council, and is the past vice president for the Mental Health Association in Michigan.

In addition to his many leadership roles, Dr. Stack has made significant contributions to the study of pregnancy loss and its impact on women and families. He has published more than two dozen articles relating to women's health and has shown great activism in supporting the many causes of the family.

Dr. Stack exemplifies the values and ethics we need within our medical profession. He is a committed doctor and has demonstrated outstanding leadership within the Michigan community. Throughout his career Dr. Stack has shown great courage and his work and dedication has had a profound impact on many people. I am proud to recognize his contributions and work.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1998, and for other purposes:

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise to join my colleagues, Mr. BURTON of Indiana and Ms. DEGETTE, in celebrating the democracy that makes this Nation so unique. I join my colleagues in their efforts to strengthen the invaluable education that is provided by the We the People Program.

It is so critical that we raise our children to understand the pillars upon which this Nation was founded and still stands today. Our children need to know the history and principles of the Constitution and Bill of Rights. They need to understand how the American political traditions and institutions at the Federal, State, and local levels were created and function both in the past and present. Our children need to learn about the crucial steps our forefathers and mothers took to make this great democracy. And with this knowledge, our children will feel compelled to act with the civic responsibility it takes to make this an even stronger, greater Nation.

Through simulated congressional hearings and a national competition of such hearings for secondary school students, this Nation's children learn how this country ever became such an envied democracy by so many other countries. We must ensure that every school is provided with the opportunity to educate students on the history of our political system and the need for active civic participation. I encourage my colleagues to join me in celebrating and enriching the democracy that defines America by voting for the Burton-DeGette amendment.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1998, and for other purposes:

Mrs. MINK of Hawaii. Mr. Chairman, I rise today in support of the amendment offered by the chairman of the Education and the Workforce Committee, BILL GOODLING, which will prevent the Department of Education from spending funds on its national testing proposal.

I can think of no other administration in recent years that has demonstrated a stronger commitment to and advocacy for public education in this country than the Clinton administration. The leadership of President Clinton and Secretary of Education Richard Riley has yielded positive results in the expansion and improvement of Federal education programs.

This is why I come to the House with some reluctance today to respectfully disagree with an initiative proposed by our administration to establish national tests at the fourth and eighth grade levels in reading and math.

The debate on national testing is not new. It has been around for decades. Presidential administrations have come and gone, advocates and opponents of national testing have changed, but the issues and concerns remain the same. I have taken a strong stand against national testing in the past and will do so again today.

The implementation of national tests does little to improve the education system of our country, and indeed may actually harm the very children we seek to help. It is based on an idea that improvement of our education system is dependent upon knowing where the problems are and who is doing poorly. Well, if this is the case, then we are already there, because we already know which schools are doing poorly and we know which children are having difficulty.

Our teachers make this assessment on a daily basis, and school districts and States already have a myriad of tests to determine whether students are meeting high academic standards. We don't need the Federal Government to tell teachers, parents and school administrators who is achieving and who isn't.

We do need the Federal Government to help school districts to provide the resources to assure that children who have difficulties have the help they need. The Federal Government can assist in eliminating the financial inequities that continue to exist among school districts and in providing resources to improve teacher training, math and science education, to rebuild and renovate our crumbling education infrastructure, to expand early childhood education, and to assure that students have up-to-date text books, lab equipment, and computer technology.

We have long held that issues of curriculum and tests should be the responsibility of each school district and State. In implementing tests and the corresponding curriculum school districts can provide appropriate oversight, coordination and safeguards. I fear that the temptation to use a national test established by the Federal Government, without appropriate safeguards could be misused for high-stakes purposes beyond their criterion, to track children because of low test scores. In its inception the proposed national test for all children would not test limited English proficient children and other special needs students.

The diversity of our country requires that we have locally driven education systems which are flexible enough to meet the needs of our diverse population.

The guidance the Federal Government has provided up to the present is adequate and fulfilling. As the States identify the needs of their local schools the Federal Government needs to respond fully and quickly.

CONGRATULATIONS TO THE FRESNO BEE

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Fresno Bee for receiving the first-place General Excellence award from the Newspaper Publishers Association. The Fresno Bee has been instrumental in providing news and information to the Central San Joaquin Valley.

The California Newspaper Publishers Association awarded the Fresno Bee with its highest honor on July 19, 1997. This General Excellence award was presented to newspapers with a circulation of 75,000 to 200,000 recipients. The Bee's coverage of a September Presidential visit and a series on troubled municipal bonds contributed to the winning of this highest honor.

The Fresno Bee was also awarded first place awards in several individual categories by the association. Specifically, writer Jim Wasserman's story on child organ transplants won first place for a feature story. Photographer Hector Amezcua's essay complimenting Wasserman's story also took top honors for photography. Finally, Severiano Galvan was recognized for his illustration and graphic art.

The Fresno Bee has a daily circulation of more than 150,000 and a Sunday circulation of 190,000. The Bee is the paper of record throughout the Fresno metropolitan area, which includes all of Fresno County as well as the communities of Visalia, Hanford, Madera, and Mariposa. As part of McClatchy Newspapers, the Fresno Bee has diverse information resources that both educate and inform the people of Fresno.

Mr. Speaker, it is with great honor that I pay tribute to the Fresno Bee. This publication exemplifies leadership in reporting news and information. I extend to the Bee my appreciation for a job well done.

HONORING LAWRENCE H. COOKE, A MAN OF JUSTICE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. HINCHEY. Mr. Speaker, I would like to ask my colleagues from New York and around the country to join me in honoring the former chief judge of the State of New York, Lawrence H. Cooke. Judge Cooke is a man who has served his State, his nation, and his community with a passion and dedication to fairness and justice for all Americans.

Lawrence Cooke went from being a country lawyer in his beloved Sullivan County to the very pinnacle of the legal profession by becoming the chief judge of the New York Court of Appeals. He is and remains one of those most respected jurists of this century. While he scaled the very loftiest of positions as a judge, he is also known for retaining his common touch, his ability to relate to and converse with ordinary people about their concerns. This is all too rare a gift.

Mr. Speaker, on September 21, 1997, Judge Cooke will be honored by the people of Sullivan County by the naming of the Lawrence H. Cooke Sullivan County Courthouse in Monticello. I hope that my colleagues will join me in celebrating and applauding the life and work of this distinguished jurist, Lawrence H. Cooke.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. CLYBURN. Mr. Speaker, I rise today in recognition of September 21–27 as National Historically Black Colleges and Universities Week. There are presently 104 historically black institutions of higher learning throughout the United States. These cornerstones of African-American education have played an integral role in the lives of African-Americans and in American history.

Historically black colleges and universities have set a precedent for providing quality instruction and valuable, lifelong experiences to students who are often underprivileged and under-represented. These students are taught to serve as successful, productive citizens and trained to compete in our global economy and work force. Though oftentimes faced with adversity, historically black colleges and institutions provide students with the opportunity to broaden their horizons and to reach their fullest potential.

So, Mr. Speaker, please join me in congratulating and celebrating a legacy and tradition of the excellence, determination, strength, and perseverance of historically black colleges and universities during September 21–27.

COMMEMORATING THE 10TH ANNIVERSARY OF ST. STEPHEN'S COMMUNITY CHURCH, UNITED CHURCH OF CHRIST, LANSING, MI

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Ms. STABENOW. Mr. Speaker, I rise today to acknowledge the 10th anniversary of St. Stephen's Community Church.

Founded in the fall of 1987, St. Stephen's began as an interdenominational church whose doctrine focuses on spirituality rooted in African-American religious tradition, with an emphasis on community outreach and volunteerism. In 1990, they became affiliated with the United Church of Christ, a progressive denomination that embraces and celebrates multiracial, cultural, and ethnic background.

Guided by Rev. Dr. Michael C. Murphy, the congregation lives by the proverb, "Where There Is No Vision, the People Perish." This is evident in their passion to make a real difference in the community. From their spiritual and community leadership to their involvement in many local charitable projects, the St. Stephen's Community Church is an important local institution dedicated to the Lansing community.

We are proud to celebrate the 10th anniversary of the St. Stephen's Community Church and congratulate their 300 member congregation. We thank them for their activism and we thank them for their vision.

A SPECIAL TRIBUTE

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. MICA. Mr. Speaker, I would like to take this opportunity to recognize James W. Almand, A. Russell Bobo, John S. Chaperon, Rick DeGraff, Robert C. Fobes, Frederick W. Leonhardt, William Pinto, Jerome Schechter, William Crampton, and James D. Turk. It is my honor to pay tribute to these gentlemen on the occasion of their visit with me in our Nation's Capital today. It has been my privilege to know each of these individuals for the past three decades. We all had the good fortune of attending the University of Florida together and being part of Delta Chi Fraternity.

Though we have been separated by distance and circumstance over the past years, we have always been together both in memory, spirit, and fraternal bond.

As a Member of Congress, I am pleased today to welcome Jim, Russ, Bill, John, Rick, Bob, Fred, Jerry, Bill, and Don. These gentlemen, who I am pleased to call my friends, are each outstanding family men and most valuable contributors to their respective communities.

I welcome each of them to the U.S. Congress and the House of Representatives. It had been my great honor in life to know each of these gentlemen as my friend and fraternal brother.

BILL TO AMEND THE IMMIGRATION AND NATIONALITY ACT RELATING TO TREATMENT OF CERTAIN RECREATIONAL BOATERS ENTERING FROM CANADA

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. LAFALCE. Mr. Speaker, today I am introducing a bill that will simplify procedures for recreational boaters entering the United States from Canada. The purpose of the bill is to make it easier for boat owners and their guests to cross between Canada and the United States for recreation and tourism purposes. Specifically, my bill would authorize the Attorney General to permit United States citizens traveling as passengers in small pleasure craft to enter the United States from Canada without obtaining a landing permit and would eliminate the fee for those permits known as I–68.

The I–68 Program was established in 1963 to facilitate convenience for boaters coming from Canada to the United States. It allows United States citizens, lawful permanent residents of the United States, and Canadian nationals to enter by boat along the northern border of the United States without reporting to a designated port of entry, so long as they have obtained an I–68 permit. It applies only to those traveling in boats of less than 5 net tons. Under this program, Canadian nationals may enter the United States for a period of not more than 72 hours and must remain in areas adjacent to the immediate shore.

For 32 years, the I–68 permit was issued annually to eligible boaters without any fee. In 1995, however, the Immigration and Naturalization Service began requiring a fee of $16 for individuals, or $32 for a family. The INS advises me that, although the I–68 was issued gratis prior to 1995, they believe that a user fee statute that has been in effect since 1952 requires the imposition of a fee absent congressional direction to the contrary.

The INS regulations implementing the I–68 Permit Program impose a costly and unnecessary burden for many recreational boaters. The regulations require each guest of a boat owner, who is not a member of his or her family, to travel to an immigration office during business hours to complete the I–68 application and pay the required fee. This requirement is virtually impossible to implement.

As a consequence, United States businesses along the Great Lakes' borders, such as Youngstown, NY, have seen a great reduction in revenue due to the decline in tourism caused by this regulation. Prior to imposition of the fee in 1995, 10,002 I–68 permits were issued, compared to only 1,091 permits issued in 1996 after imposition of the fee. In other words, the permits in 1995 were about 1,000 percent, or 10 times greater than in 1996.

My bill would address these problems in two ways. First, it would permit the Attorney General to exempt U.S. citizen passengers from obtaining an I–68 permit or submitting to inspection at a port or entry. Boat owners and operators, who are likely to make repeated trips across the border, would still be required to obtain an I–68 permit at the beginning of the boating season. The permit holder would be responsible for ensuring that all passengers on his or her vessel are U.S. citizens or have a valid I–68 permit.

Second, my bill would permit the Attorney General to issue I–68 permits without imposing a fee, as they had been for the first 32 years of the program's existence. These fees act as a deterrent to boaters in obtaining the permit, particularly in light of the fact that Canada does not require such a fee for entry. Moreover, the amount of revenue generated by such fees is negligible—only $33,816 in all of fiscal year 1996. In my judgment, after consultation with western New York border businesses, the amount of business lost in the U.S. border areas far transcends that meager amount.

This bill will allow the I–68 Program to achieve its intended purpose of affording pleasure boaters a convenient means of entering the United States while preserving the integrity of our borders. It is my hope that the Attorney General will implement these provisions by amending Immigration and Naturalization Service Regulations governing the I–68 Program.

CONGRATULATING USUHS ON ITS 25TH ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mrs. MORELLA. Mr. Speaker, last year this House overwhelmingly endorsed and recognized the important role of the Uniformed Services University of the Health Sciences in maintaining the health and readiness of our Nation's Armed Forces. Today I am proud to congratulate this fine institution, located in my congressional district in Bethesda, MD, on its 25th anniversary.

Public Law 92–426 established USUHS in 1972 to ensure continuity and leadership for uniformed medicine. USUHS has graduated 2,470 military medical officers; 2,276 of them continue in active duty today, constituting 17 percent of Department of Defense's physician force.

USUHS has met every goal and mission envisioned by the founders of the remarkable institution, the West Point of military medicine. The overall USUHS retention rate is an incredible 93 percent. Of those who have completed their original obligation, 85 percent continue on active duty in service to their Nation.

The high level of performance and deployability of USUHS graduates was validated during congressional hearings in 1994. The three Surgeons General and USUHS graduates who served in Operations Desert Shield and Desert Storm testified that USUHS physicians were immediately deployable to combat areas and aptly utilized combat, field sanitation, unconventional warfare, and preventive medicine training.

In addition, USUHS provides products and services to DOD that should be recognized and factored in to the cost-effectiveness of the University: one, the newly accredited Graduate School of Nursing provides family nurse practitioners and registered nurse anesthetists for the Federal Nursing Chiefs; two, the Office of Graduate Medical Education provides consultation on internship, residency, and fellowship training programs for DOD and is the administrative office for the National Capital Military Medical Education Consortium; three, the Graduate Education Programs have granted over 444 graduate degrees; and four, in 1996, the Office of Continuing Education for Health Professionals [CHE] provided 107 accredited programs with an attendance of 3,500 physicians and 3,031 nurses. USUHS CHE generated cost-avoidance for DOD by eliminating extensive travel expenses and time away from the hospitals and clinics. In 1996, the Military Training Network, part of CHE, developed and implemented policy guidance and ensured compliance with curriculum and administrative standards for resuscitative and trauma medicine training programs for 242,663 DOD personnel.

Those who say that the university is too expensive are wrong. The cost-effectiveness of USUHS should be judged based on all of the products and services it provides to the Nation. The General Accounting Office report of September 1995 substantiated that USUHS costs are comparable to scholarship costs based on expected years of service and all Federal costs. And, this conclusion was reached by GAO without considering all of the other products and services provided by USUHS.

The facts demonstrate that USUHS has more than met its mandated mission. There is no doubt that the university is providing a corps of career-oriented, dedicated, military medical officers who will lead the military health care system into the 21st century.

In conclusion, I want to recognize and congratulate the superb faculty and staff of USUHS for a job well done. Happy Anniversary to our Nation's Uniformed Services University of the Health Sciences.

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1998, and for other purposes:

Mrs. MINK of Hawaii. Mr. Chairman, the Hoekstra amendment, HA 356, bars the use of Federal funds to pay for an election officer to continue overseeing the election of any officer or trustee of the International Brotherhood of Teamsters.

The Government has already spent about $17 million to oversee the Teamsters' 1996 election because the Bush administration's 1989 consent decree obligated the Government to do so. The consent decree, signed by the Government in 1989 said:

"The union defendants consent to the Election officer, at Government expense, to supervise the 1996 IBT elections."

The election officer concluded on August 21, 1997 that the 1996 election had to be run again because the election protests filed with the officer uncovered campaign misconduct that, she concluded, "could have persuaded at least a small percent" of the voters and "affected the outcome."

Given these facts, Mr. HOEKSTRA'S amendment, if enacted, bars funding necessary to supervise the court ordered re-run of the 1996 election.

The election officer has explained why she thinks we need to proceed with this re-run election:

> [t]he election of International officers is the clearest expression of the control of the members over their Union; it is also the key to insuring that organized crime, employers, or any other outsiders do not use the Union for their own purposes. To avoid a rerun because of the disruption it brings could allow this union to lose its most valuable resource: the support, participation, and confidence of its membership. Such a result cannot be allowed.

A study of the recent history of the Teamsters shows we have come a long way in our effort to rid this union of mob influence.

In 1986, former Chief Circuit Judge Irving R. Kaufman, the chair of President Reagan's Commission on Organized Crime, concluded that the mob's influence of the Teamsters was both intrusive and pervasive and insisted that President Reagan prosecute the Teamsters and use of civil RICO statute to take over the union.

In 1989, the Bush administration entered into a consent decree, the one I've mentioned already, that permitted the Federal district court to take over the union, to appoint a monitor, and to appoint an election officer. This consent decree also changed the Teamsters' constitution, providing for the unprecedented direct election of the Teamsters' top officers by the rank and file members.

By 1989, we had learned some hard lessons when we had not been vigilant in the supervision of union elections. The Permanent Subcommittee on Investigations was highly critical of one union election, after 20 months of a government trusteeship, that resulted in the mob-dominated union officers being replaced by a slate allegedly tied to these same officers. Thus, the scrutiny of the Teamsters' election was intense.

The Bush administration's consent decree split the anticipated burden of the first two elections, requiring that the Teamsters pay the $21 million necessary to run the first election in 1991, and that the Government pay the cost of the second election.

Therefore, I believe we are legally obligated by the consent decree, agreed to by the Bush administration. This House cannot support the Hoekstra amendment without being in contempt of a court order.

CONGRATULATIONS TO VAROUJAN BALOTIAN, TAMAR KATAROYAN, AND MANO HANDIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate three outstanding individuals from the Armenian General Athletic Union. These individuals exemplify leadership in their organization that has earned them the Homenetmen Member of the Year Award, Athlete of the Year Award, and Scout of the Year Award.

The Armenian General Athletic Union serves the sporting needs of Fresno's Armenian community with competitive tournaments that emphasize fraternity and shared accomplishment. Fresno's chapter has nine competitive teams that participate in events statewide, as well as a Boy Scout Troop.

This year's recipient of the Homenetmen Member of the Year was Varoujan Balotian. Balotian is one of the founding members of the Fresno chapter and is also one of the first members of the central executive committee. Balotian's guidance and dedication has shaped the Armenian General Athletic Union into the fine organization that it is today. However, Balotian's success is not limited to the union, as he is a long-time manager at one of Fresno's finest mens stores.

Athlete of the Year was awarded to 18-year-old Tamar Kataroyan. This award is presented to only one athlete from a random selection between the 16 chapters in the western region. Kataroyan has been involved in all aspects of the organization including the coaching of youth and participation in tournaments. Kataroyan's excellence in basketball has taken her all the way to the 5th Annual World Olympics in New York and has also secured her a full basketball scholarship at UC Irvine.

Mano Handian was recognized as Scout of the Year. He is a scout for the Union's own Troop No. 12. He has accomplished a great deal for himself and the Armenian General Athletic Union. He was born in Lebanon and currently attends Fresno City College. His fine leadership over the organization's Boy Scouts, Explorers, and Cub Scouts has earned him this high honor.

Mr. Speaker, it is with great honor that I congratulate these three individuals. I commend Varoujan Balotian, Tamar Kataroyan, and Mano Handian on their accomplishments in the Armenian General Athletic Union and ask my colleagues to join me in congratulating them.

BILL REGARDING SALLIE MAE BOND REFINANCING

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. SKAGGS. Mr. Speaker, today I have introduced legislation to correct an unfair practice that is occurring as a result of the privatization of Sallie Mae.

While Sallie Mae was a Government-sponsored enterprise, it purchased tax-exempt municipal bonds issued by public colleges and private universities. Now that Sallie Mae is being privatized, it has adopted a policy of allowing its clients to waive the redemption premiums for those bonds, but only if the clients use Sallie Mae's private subsidiary as an investment banker for the transaction. I would have no objection to this business practice if the bonds in question were acquired after privatization. However, having acquired the bonds as a Government-sponsored enterprise, Sallie Mae has an advantage that private investment bankers cannot match. The tie-in requirement to qualify for this sweetheart arrangement, which no private competitor can match, is simply unfair.

The legislation I introduced today would prohibit Sallie Mae from conditioning the waiver of redemption premiums related to pre-1997 bonds on the use of its subsidiary, so that all broker-dealer firms can have the same opportunity to compete for the business of handling refinancing of Sallie Mae securities.

TRIBUTE TO JIM AND CAROL BAUM

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor the hard work and dedication of Jim and Carol Baum, the owners and operators of Baum's, Inc. in Morris, IL. The Baum's have been named the 1997 Illinois Retail Merchants of the Year.

Baum's Department Store has been an institution in my hometown of Morris since 1874. Jim and Carol have been running the business since the 1960's. Jim serves as the president and CEO, while Carol serves as the chief buyer and merchandise manager.

Both Baum's are extremely active in the Morris community. Many people often wonder how they have time to operate such a successful business. Jim, a veteran, serves on the board of the Grundy County National Bank, and is active in the chamber, many of the local community development organizations, the Morris Hospital, and our schools. Carol is active in the Presbyterian Church of Morris, the Daughters of the American Revolution, and the Morris Women's Club.

I have had the pleasure of working with Jim on many local issues and projects important to the area. Jim has been recognized, and deservedly so, for his strong commitment and success in revitalizing the Morris riverfront area.

The Baum's have been generous in sharing their wealth of experience as retailers on both a national level and the local level. Jim has served as a guest speaker and seminar presenter on many occasions throughout the country. Many of my colleagues may have run into Jim Baum within the halls of Congress during one of Jim's trips to Washington to lobby on behalf of his fellow retailers. Locally, Jim runs the local morning coffee hour in our hometown of Morris. This is where the who's who talks about what is really happening.

It is truly fitting that this outstanding couple is being honored by their peers as the Retail Merchants of the Year. They are both true leaders who have given back more to their community than could ever have been expected. I wish both Jim and Carol Baum continued success in all their endeavors.

CONGRATULATIONS TO DOROTHY (DOT) SLAMIN HILL

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, one of the pleasures of serving in this great body is the opportunity to recognize the exceptional individuals of our Nation. I rise today to pay tribute to such a person, Ms. Dorothy (Dot) Slamin Hill, for her many contributions to the City of Waltham, MA. This evening there will be a dinner honoring Dot for her 50 years as leader of the American Legion Post 156 Marching Band, as well as her outstanding public service to her neighbors.

I would like to add my congratulations to Dot on this special occasion and want to take this time to briefly touch on her many achievements. In 1933, Dot became the first woman to win the American Legion National Drum Major Competition. Over the years, she has led the American Legion Post 156 Marching Band in many prestigious events, such as the Saint Patrick's Day Parade in Dublin, Ireland in 1984, and the Moscow May Day Parade in 1990. She has served as Commander of the American Legion Post 156 for 5 terms and is the permanent Massachusetts representative to the American Legion National Convention.

In addition to her many accomplishments with the American Legion, Dot has compiled a very distinguished record of community activism. She has taken a great interest in the youth of her community, serving on the Waltham School Committee and on the board of directors of the YMCA. Dot was also the first woman member of her local Kiwanis Club, and has dedicated her time to many civic activities, including Waltham Community Access Television, and the Waltham Senior High Scholarship Committee.

Mr. Speaker, I ask that you, and the other Members, join with me in honoring Dot for her many years of devotion to her community and acknowledge her exemplary service as a role model and civic leader.

CONGRATULATIONS TO TIM AND CHARLOTTE TRAVIS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. McINNIS. Mr. Speaker, on September 23 of this month, Tim and Charlotte Travis of Brighton, CO, will receive the Colorado Sports Couple of the Year award from the downtown Denver chapter of Ducks Unlimited. This is the very same chapter that Tim founded nearly 20 years ago when he first became affiliated with the organization.

In recent years, the Travis' have increased the amount of money they have been able to donate to Ducks Unlimited and the Denver chapter has expressed their gratification by extending them this honor. The Denver chapter will also be creating a wetlands project in eastern Colorado which will be dedicated in the Travis' name.

I too, would like to extend my gratification to the Travis' for their many years of giving to this organization as well as to the sporting way of life which we treasure in the great State of Colorado.

CONGRATULATIONS TO COL. RONALD T. KELLY, USAF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mrs. McCARTHY of New York. Mr. Speaker, I rise to recognize the dedication, public service, and patriotism of Col. Ronald T. Kelly, U.S. Air Force, on the occasion of his retirement after a career of faithful service to our Nation. Col. Ron Kelly's strong commitment to excellence will leave a lasting impact on the vitality and capability of our Air Force war fighters. This commitment and the manner in which he fulfilled it commands admiration and respect from his military and civilian colleagues alike.

Colonel Kelly, a 1970 graduate of the U.S. Air Force Academy is serving his last assignment in the Air Force as Chief of the Air Force Special Operations Division, Directorate of Operations and Training, Deputy Chief of Staff Air and Space Operations, in the Pentagon.

After he completed undergraduate navigator training as a distinguished graduate in 1971, he flew as a C–130 squadron navigator at Forbes AFB, KS, in the 48th Tactical Airlift Squadron. In 1972 he was selected to upgrade to an MC–130 combat Talon navigator and served in the 1st Special Operations Squadron, Kadena AB, Japan until December 1973. From 1974 to 1976 he was an instructor navigator at Mather AFB, CA, flying the T–29 and T–43 aircraft.

He attended the School of Engineering at the Air Force Institute of Technology, Wright Patterson AFB, OH, and received a master's of science degree in astronautical engineering in 1977. He followed with a directed duty assignment to Sunnyvale AFS, CA where he became the Deputy Mission Director for Low Altitude Satellite Programs at the Air Force Satellite Control Facility.

He returned to flying duties in special operations in 1981 and became operations officer for the 8th Special Operations Squadron at Hurlburt Field, FL, flying the MC–130E.

From 1985 to 1986 he attended the Industrial College of the Armed Forces at Fort McNair and was subsequently assigned to the Pentagon in 1986.

He served as the special operations programmer on the Air Staff and was the primary implementer for major force program 11 for the Air Force. In November 1987 he was selected to be the first military assistant to the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict. While in this office, he worked as the Assistant for Resources and Assistant for Logistics.

In 1991 he returned to Hulburt Field, FL, as the Director of Acquisition Management for Headquarters Air Force Special Operations Command where he supervised the acquisition of Air Force resources in support of special operations. He was assigned to his present job as the Chief of the Special Operations Division in August 1993.

Colonel Kelly is a master navigator with over 4,000 hours total flight time of which 380 hours were in combat. His decorations include the Defense Superior Service Medal, the Legion of Merit, the Distinguished Flying Cross, the Meritorious Service Medal with one oak leaf cluster, the Air Medal with six oak leaf clusters, and the Air Force Commendation Medal with one oak leaf cluster. He has also been awarded the Senior Missileman Badge.

He is married to the former Pamela Stark of Sacramento, CA. They have a daughter Erin who is a freshman at James Madison University and a son Sean who is a freshman at Oakton High.

Our Nation, the Department of Defense, the U.S. Air Force, and his family can truly be proud of the colonel's many accomplishments. He is a true gentleman of extraordinary talent and integrity. While his honorable service will be genuinely missed in the Department of Defense, it gives me great pleasure to recognize Col. Ronald T. Kelly before my colleagues and wish him all of our best in his future endeavors.

THE CHARITABLE GIVING RELIEF ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. CRANE. Mr. Speaker, today I am introducing legislation, along with my Ways and Means colleagues, Mr. COYNE, Mr. HERGER and Mrs. THURMAN, entitled the "Charitable Giving Relief Act." This legislation will provide a deduction for charitable contributions for those who do not itemize deductions on their tax returns.

Specifically, the bill will allow nonitemizers, whose cumulative annual charitable contributions exceed $500, to deduct 50 percent of any charitable contributions made over that amount. Under current law, while nonitemizers receive the standard deduction, the only taxpayers who can specifically deduct the value of their charitable contributions are those taxpayers who itemize deductions. The most recent figures find that nonitemized returns number 84 million compared to 34 million itemized returns. Nonitemizers, by any measure, are middle-and lower-middle-class taxpayers, who, despite the fact that they do not receive a deduction for such contributions, give generously to charitable causes. It is my understanding that on average nonitemizers give roughly $500 in charitable contributions, again, without the benefit of tax deductions.

As we look to next year and the consideration of additional tax relief legislation, I believe there is no group of taxpayers more deserving of tax relief than those who give of what little they have to help other worthy endeavors and charitable causes. While those who itemize are directly rewarded for their efforts, those that do not itemize are not rewarded. The legislation I am introducing today will ensure that those who make considerable contributions to the nonprofit community are rewarded, at least to some extent, by the Tax Code.

For those who might suggest that nonitemizers are rewarded by virtue of the fact that the standard deduction for nonitemizers is intended to incorporate some degree of charitable contributions, I would respond by pointing to the figures mentioned earlier. Indeed, the standard deduction is, in effect, designed to take into account the average cumulative basket of those expenditures, including charitable contributions, that might otherwise be considered as individually itemized deductions. However, since my legislation is designed to provide a partial deduction—50 percent—for those nonitemizers who contribute more than the average amount to charity, such a concern would certainly appear to be something less than compelling.

Finally, I would note that while in my view, donations to charity are primarily motivated by altruistic concerns, those that give can be sensitive to tax considerations. Independent Sector, the largest national association for nonprofits, strongly believes this legislation will encourage additional giving to the charitable-nonprofit sector. My colleagues, whether you believe that we need to reward those that give, or believe that this type proposal will encourage more giving, this bill deserves your consideration and support. Americans are the most generous people in the world, and I hope to reward and continue this tradition with today's introduction of the Charitable Giving Relief Act.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1998, and for other purposes:

Ms. MILLENDER-McDONALD. Mr. Chairman, we must stop this trend of escalating numbers of young girls becoming pregnant and raising children when they have hardly escaped childhood themselves. It is imperative that we as leaders address the Nation's problem of teenage pregnancy with the most practical and effective strategies, the most important of which is education.

An accurate and informative education on pregnancy and sexually transmitted diseases is not being provided to those who are the most vulnerable and are in the most need of this information. Parents, legal guardians, and other adults influencing children should emphasize healthy and responsible sexual development and decisionmaking, yet study after study of adolescent youth demonstrates that this is lacking in the home. In addition to family, poverty, sexism, and economic disenfranchisement are critical factors shaping the ability of teenagers to make decisions and yet, teenagers have little influence on any of these areas. What adolescents need, and are provided by the Teen Pregnancy Prevention Program, are the knowledge and confidence to make the best decisions despite, and in light of, these factors.

The Teen Pregnancy Prevention Program is designed to implement and evaluate a range of interventions that promote healthy sexual development and reduce teen pregnancies and sexually transmitted diseases. The program also focuses on decreasing the incidence of pregnancies to teenagers by increasing the proportion of teens who delay the initiation of sexual activity, and who effectively use contraception.

We all know that teenage childbearing robs not only the young parents of a better future, but the baby as well. That is why we must work together to ensure that the Teenage Pregnancy Prevention Program can continue its work to buck the current trend of increasing teen pregnancy. And that is why we must pass the Pelosi amendment.

LUZERNE COUNTY COMMUNITY COLLEGE 30TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Luzerne County Community College, which is celebrating the 30th anniversary of its founding this month. I am pleased and proud to have been asked to participate in this significant celebration.

In 1965, the Luzerne County Board of Commissioners took a very bold step. They adopted a resolution to sponsor a 2 year college which would be affordable to all Luzerne County residents. A study was needed and the board called upon the County Board of School Directors to initiate planning of the project. In less than a year, an application was made to the Pennsylvania State Board of Education for permission to establish and operate a community college. The State board granted permission in September 1966.

Two months later, Luzerne County Community College was officially in operation. A board of trustees was formed and a president was appointed to lead the college. On October 2, 1967 the college opened its doors for the first time in small quarters located next to the Hotel Sterling in downtown Wilkes-Barre. The college's first class of 195 students graduated in May 1969.

Mr. Speaker, the foresight of the County Commissioners; Ed Wideman, William G. Goss and James B. Post, 30 years ago has made it possible for more than 13,000 young people to begin a college career or earn a 2 year degree for professional advancement. Over 200 area businesses employ Luzerne County Community College alumni.

In 1974, the college moved to its present impressive campus in Nanticoke, Pennsylvania. This modern campus includes an educational conference center, general academics building and two technical arts buildings with state of the art labs and classrooms. The campus also includes medical and dental arts facilities and the newest addition, the advanced technology center.

Mr. Speaker, Luzerne County Community College has come a long way since its humble beginnings in downtown Wilkes-Barre 30 years ago. I am extremely proud to join with the community in commending the board of trustees, management, and staff of the college in providing educational opportunity to thousands of area residents. I would also like to recognize the Luzerne county commissioners who have continued to play an active role in supporting this important educational institution.

Mr. Speaker, I am pleased to bring the history of this fine institution to the attention of my colleagues and send my sincere best wishes for continued success.

TRIBUTE TO JACOB GEORGE HUDSON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. DUNCAN. Mr. Speaker, this coming Sunday, September 21, will be the 80th birthday of a truly outstanding American, my constituent, Jacob George Hudson.

Mr. Hudson is affectionately known by all of his friends and neighbors as "Shag." He has been one of the leaders in Loudon County and throughout the State of Tennessee for many years.

Shag Hudson served for 28 years on the Loudon County Commission, from 1954 to 1982. During this time, he performed marriages for over 3,000 couples.

He was also well known as a fighter for low taxes and as one who tried to make sure that the citizens got their moneys' worth for their tax dollars.

Mr. Hudson has proudly operated a farm in the Greenback community for the past 65 years, raising beef cattle and working as a self-employed cattle broker.

He served with great distinction for 5 years as a member of the State Committee of Agricultural Stabilization Conservation Service from 1987 to 1992.

He began serving the Merchants and Farmers Bank in 1973 and presently serves as a director of Union Planter Bank.

He has been a member of Greenback Masonic Lodge for 49 years, and he is a master mason.

He has been a member of the Loudon County Farm Bureau since 1944, and he has been a member and director of the Loudon County Livestock Association since 1970.

He also serves as a director of Tellico Area Services System, and he has been church treasurer, elder, and deacon at First Presbyterian Church of Greenback.

Shag Hudson's greatest pride and joy is not in his community service, however, as great as that has been. Rather, it is in his family. He has been married to his wife, Willie Dixon, for over 56 years. They are the proud parents of two children, a daughter, Brenda Powell and son, Ronald Hudson. His son-in-law is John Powell and daughter-in-law, Judy Hudson.

He is even prouder of his grandchildren, Scott and Eric Powell and Kelly, Kent, and Leigh Hudson.

I wanted to inform my colleagues and other readers of the RECORD about the life and career of Shag Hudson. This country would be a far better place if we had more citizens like Jacob George Hudson, and on behalf of a greatful nation, I want to wish him a very happy 80th birthday, and best wishes for many more.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. KIND of Wisconsin. Mr. Speaker, we only have a few weeks left before we adjourn this year. Now is the time to allow a vote on campaign finance reform legislation.

Today we are participating in a civil, bipartisan discussion of reforming the House Ethics Committee. It is refreshing to see respected Members of both parties engage in a dialog about how to improve the ethics process and ultimately restore some respect and dignity to this great institution. I believe the same thing can happen with campaign finance reform. If the Members of this House put aside partisan rhetoric we can fix the current system with honest, bipartisan reforms that puts no party at a disadvantage and restores some faith in this institution.

However, we cannot reach a compromise if we don't consider the bills in committee or on the floor. Those of us waging this war are reduced to 1-minute speeches in the morning, parliamentary antics during the day, and floor speeches at night when the rest of this body has gone home. It is unfair and embarrassing that we have to play these games to be heard in the House of Representatives. Mr. Speaker please allow this issue to come to the floor and be given the kind of open, honest debate that this institution deserves.

RECOGNIZING PEORIA, AZ, VFW POST 2135 FOR OUTSTANDING SERVICE

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. STUMP. Mr. Speaker, I rise today to express my congratulations to Peoria VFW Post 2135, in my home State of Arizona, for being recognized again for their outstanding youth activities program.

Mr. Speaker, I am proud to announce to my colleagues that Post 2135 was recognized last month at the Veterans of Foreign Wars National Convention in Salt Lake City, as the winner of the VFW Youth Activities Award. Post 2135 is the first VFW post in the Nation to win this award for 3 consecutive years.

Some of the many and varied youth activities undertaken by VFW posts nationwide are well known to many of us, and include Youth Essays, Voice of Democracy, and Patriotic Art programs.

The winning program must meet several criteria. These include participation in a variety of youth activities offered within the local community, and documenting any communitywide youth activity with news clippings, photographs, testimonial letters. This collection serves to outline the scope of a post's participation in the six major National Youth Program categories. These categories are sports/athletics, scouting/organizations, contests/special events, educational/instructions, recognition and projects.

With nearly 10,000 VFW posts nationwide, it's only a special post with a special membership that can win the coveted award for 3 consecutive years. Peoria Post 2135 has that kind of membership. I can think of no finer embodiment of the essence of the veteran's voluntary spirit than that of Mr. Vincent Rigo, who was in Utah to accept the award on behalf of the 326 members of Post 2135. He's been described as a "renaissance man" for the number of post service positions that he has held. Certainly, without him, and the many others like him in Post 2135, and in veterans organizations throughout the country, our Nation would be that much poorer.

I salute Peoria VFW Post 2135 for their achievements, and wish them the best as they aim for a fourth consecutive award in 1998.

A TRIBUTE TO JOSEPH D. PETERSON

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. CAMP. Mr. Speaker, I would like to pay tribute to a tremendous hero from Michigan's Fourth Congressional District. This hero is a high school student from Merrill, MI who has served as a role model for many other students. This outstanding young man is in line to be valedictorian of his graduating class and has maintained a 4.1 grade point average on a 4.0 scale while participating on the school's basketball and track teams. While these are striking accomplishments, they pale in comparison to another. On the evening of August 3, 1997, Joseph D. Peterson accomplished an extraordinary feat by rescuing the life of a mother of three on a desolate road.

Joseph was driving down a winding road in northern Michigan when the car in front of him went out of control and spun off the road into a thicket of trees. With selfless disregard for his personal safety, he swiftly pulled the driver, Marie S. Craig, from the car just moments before it burst into flames. Joseph then drove Marie to safety and stayed with her until emergency crews transported her to the hospital. Because of Joseph's valiant actions, Marie suffered only a broken leg and a gash on her head, rather than a possible fatal injury.

On behalf of Ms. Craig, her family, and the people of the Fourth District I would like to extend my heartfelt thanks to Joseph Peterson for his brave and heroic action. Mr. Speaker, it takes a true champion to accept the challenge which Joseph did in rescuing Marie. Please join me in commending his heroism.

IN HONOR OF JOSEPH TALERICO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mr. Joseph Talerico, for his many years of distinguished service to the community of Parma.

Born in Italy, Mr. Talerico immigrated to Cleveland at the age of 2. After attending Cleveland's John Adams High School, Mr. Talerico joined the Army and proudly served America during World War II. In 1946, Mr. Talerico moved to Parma. He owned and operated a string of grocery stores there and in nearby Broadview Heights. In addition to his business endeavors, Mr. Talerico distinguished himself as a civic activist, receiving Parma's Outstanding Citizen award in 1955. He served as a member of Parma's Charter Board and as Parma's recreation director. Mr. Talerico also belonged to such civic organizations as the Parma Exchange Club, the Broadview Heights Rotary Club, and the Brian Club.

Mr. Talerico also played an instrumental role in the lives of Parma's youth. He actively supported Parma youth athletics, ensuring the construction of Mottl Field. He founded and served as president of the Parma Amateur Athletic Federation, and, earlier this year, the Parma Amateur Athletic Federation inducted Mr. Talerico into its hall of fame.

Joseph Talerico leaves behind a wife, three children, eight grandchildren, a brother, and two sisters. His contributions to the community of Parma will be difficult to replace. Mr. Talerico will be greatly missed.

1996–97 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to bring to your attention an award-winning broadcast script written by a constituent of mine on a subject which is important to all of us—the significance of democracy in America.

Jessica V. Van Eperen of Appleton, WI, has received a very high honor from the Veterans of Foreign Wars. She has been awarded with a VFW 1997 Voice of Democracy Scholarship for her script which will help her to finance her education. She is the daughter of Mr. Leonel Van Eperen and Ms. Catherine Coffey and plans a career in elementary education. She was sponsored by VFW Post 2778 and its ladies auxiliary in Appleton, WI. I believe that Jessica is an exceptional example of the fine students in northeast Wisconsin and I am confident that she has a bright future ahead of her.

I would like to submit Jessica's award winning script for inclusion in the CONGRESSIONAL RECORD at this point.

DEMOCRACY—ABOVE AND BEYOND

(By Jessica Van Eperen)

Ever since I was a small child, I've attended the fireworks celebration on the fourth of July. On that day, in 1776, fifty-six men signed the Declaration of Independence, a document that would launch the United States into the pages of every history book in the world. Yet, that wasn't on my mind as a child. I simply knew that the fireworks lit up the summer sky like a million glowing fire flies. They arched above the trees, above the clouds, and it seemed to me, above the very stars themselves.

As I've grown older, I've come to realize democracy is like those brilliant fireworks. It changes colors, shapes, even sound, but never changes in brilliance. Two-hundred and twenty years after the Declaration of Independence was signed, our democracy is still brilliant in the night sky while dictatorships, monarchies, and anarchy's have fizzled and died.

I've known democracy to be red: red with the blood of young men who gave their lives so she might live. I think of my great-uncle who gave his life in World War II, and even of two relatives who are as distant as their sketchy photograph hanging on the wall. These two men fought and died in the civil war shortly after immigrating from the Netherlands. I've known democracy to be a proud and stubborn blue as it fought the evils of communism during the cold war. Long after communism is dead, democracy will still be shining brightly in the horizon. I've even know democracy to be gold, the brilliant gold of freedom of religion, freedom of speech, and freedom of the press. The Bill of Rights has risen high above the fear that has tried to control the world for centuries. Men in heavy boots carrying heavy guns have never been able to blind people to the glow of democracy's promise and freedom.

Democracy has been loud as a cannon, defending those who could not defend themselves, and quiet as a whisper, comforting the people who fled to her shores to escape injustice in foreign lands. Democracy has spread and shrunk, but never disappeared. What was lost during the forties to Hitler, the fifties to communism, and the eighties to terrorism, has been gained back a thousand fold by the millions of people who still demand their voices be heard.

Democracy started as a small sparkler, similar to the one as I held in my hand when I was a child, but grew to become the most glorious fireworks display the world has ever seen. Democracy is not propelled by gun powder as fireworks are, but by freedom, elections, and the belief that all men are equal. This is the most powerful fuel in the world. Democracy has the ability to rise above and beyond the wildest imagination of men like Washington, Jefferson and Adams. Governments powered merely by force and oppression may glow with a blaring heat for a short time, but will inevitably die out and fall to the ground soundlessly to be forgotten. Democracy alone will shoot over the tree tops, becoming more beautiful with every passing year.

COMPUTER SECURITY ENHANCEMENT ACT OF 1997

SPEECH OF

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to offer my support for H.R. 1903, the Computer Security Enhancement Act of 1997. As the information revolution continues to rage, the United States and specifically this Congress, must begin to make wise and informed policy for this fast-paced new era. Sadly, we are somewhat behind business and industry in our ability to comprehend the abilities and ramifications of information technology. Worse still, we are behind the criminals and rogue operatives who would use the technology of the information age against us.

The United States, more than any other country in the world, is extremely susceptible to this new, frightening breed of terrorism and crime. In March of this year, I chaired a hearing on information warfare, the first such hearing ever held in Congress. What I learned at the hearing was positively alarming. One witness testified that with $1 billion and 20 people, he could shut down the Nation. Another witness said that he could accomplish the same task for $100 million. While the United States has done a good job to date in developing secure information technology systems, its implementation of those systems has been desperately lacking. As a result we are left unprepared for an information assault that could cripple the Nation.

For this very reason, the Subcommittee on Military Research and Development included an increase in funding for information warfare defense and associated programs. Protecting our defense backbone is simply not enough, however, and we must begin to implement secure system strategies for our private sector companies and civilian agencies to thwart the threat of information terrorism. I would like to applaud the Science Committee and Chairman SENSENBRENNER for their efforts to this end.

Mr. Speaker, H.R. 1903 takes wise and measured steps in an effort to develop sound and lasting policy for the information age. As we legislate for this era, we must be primarily concerned with the safety and security of our Nation, both civilian and defense, both private sector and public sector. While I think that we all agree that Federal policy regarding the export of our best technology needs to be developed in light of the public availability of comparable technology outside of the United States, I believe that we are also resolute in our pledge to defend our Nation in this frontier age. Certainly we should not provide the means of our own destruction as some have been so wont to do.

H.R. 1903 will allow us to measure the quality of foreign encryption technology, a central portion of any secure system. That measurement with evaluations from the Department of Defense will allow us to determine which domestic products can be exported without posing an additional threat to national security. Taken in light of global market competition, this criteria will strike the delicate balance between national security requirements and business needs for the information age, a balance that should be paramount in our discussions about national security as we enter the next century.

As we continue our efforts to develop policy in this frontier age, I would encourage my colleagues to examine these issues closely, to weigh the need for competitiveness against the responsibility to defend our Nation from information terrorists. The issues here are as complex as the underlying technology, and our willingness to take rhetoric and spin at face value without seriously researching the issue will ultimately lead to a dangerous imbalance. The Science Committee has set a wise course for this policy, and I would encourage others to follow and support this measure.

Again, I would like to thank Chairman SENSENBRENNER, Chairwoman MORELLA, and the Science Committee for their efforts and I would yield back the balance of my time.

FIFTIETH ANNIVERSARY OF INCORPORATION OF THE CITY OF GONZALES, CA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. FARR of California. Mr. Speaker, I rise today to recognize the city of Gonzales, CA, on the 50th anniversary of its incorporation. The residents of Gonzales have long been active in the development of the community and the Nation.

In 1874, Mariano and Alfredo Gonzales laid out a town of 50 blocks surrounding a recently erected railroad depot on property deeded by Mexico to their father. From this early date, Gonzales established itself as a friendly town where a stranger could easily be persuaded to stay a few extra days and enjoy the smalltown charm.

Within 20 years, the population of Gonzales had reached 500 residents of diverse ethnic backgrounds and heritage. A number of Swiss immigrants established a soon to-be-thriving dairy industry. Soon thereafter, a local resident discovered the process for producing condensed milk. Following this historic discovery, the Alpine Condesary opened in Gonzales and began producing the world's first condensed milk.

Over the years, agriculture replaced dairy as the region's most important industry and Gonzales, located in the Salinas Valley, became known as one of the most fertile regions in the country.

I am honored to have the privilege of introducing a resolution to recognize the historical contributions of the residents of Gonzales, CA. Since its establishment, Gonzales has maintained the smalltown charm that people the world over envy.

SCHOOL VOUCHER STUDY FINDS SATISFACTION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. GINGRICH. Mr. Speaker, the attached article from the New York Times and op-ed from the Wall Street Journal clearly demonstrate the effectiveness of and parental satisfaction with Cleveland's school voucher program. Even more importantly, the survey mentioned in each of these pieces points out that low-income parents are as concerned about the quality of their children's schools as any other income group. Schools should be an opportunity magnet, not an underachieving trap. The evidence is in: Vouchers are one way to enhance parental choice and should be encouraged.

I submit both the New York Times and Wall Street Journal pieces into the CONGRESSIONAL RECORD.

[From the New York Times, Sept. 18, 1997]

SCHOOL VOUCHER STUDY FINDS SATISFACTION

(By Tamar Lewin)

In the first independent evaluation of Cleveland's groundbreaking school voucher program, a Harvard University study has found that the program was very popular with parents and raised the scores of those students tested at the end of the first year.

"We found that parents who have a choice of school are much happier, and these private schools seem to be able to create an educational environment that parents see as safer, more focused on academics and giving more individual attention to the child," said Paul E. Peterson, director of the Education Policy and Governance at Harvard's John F. Kennedy School of Government, which issued the report. "This happens despite the fact that these are very low-income students."

The Cleveland experiment has been closely watched as school vouchers emerge as a potent political issue across the country.

The report found that two-thirds of the parents whose children received vouchers to attend a private or parochial school were "very satisfied" with the academic quality of the school, compared to fewer than 30 percent of the parents of students who applied for vouchers but remained in public schools.

In addition, the parents using vouchers were also more than twice as likely to be happy with the school's discipline, class size, condition and teaching of moral values than those remaining in public school.

During the last school year, the Ohio Department of Education gave 1,996 Cleveland students from low-income families vouchers covering up to 90 percent of private or parochial school tuition, to a maximum of $2,250. The amount is slightly more than a third of what the public school system spends annually per pupil.

Most students used the vouchers at Catholic schools. But about a quarter of those who received vouchers—mostly those who could not find another suitable placement—attended two new independent schools set up by advocates of the voucher program, known as Hope schools.

The study found that those students, tested at the beginning and end of the school year, made significant academic strides, gaining 15 percentage points in math and 5 percentage points on reading tests, relative to the national norms. However, language scores declined 5 percentage points overall, and 19 points among first graders.

The Cleveland schools have been troubled for years; in 1995, the system was put under state control when it ran out of money halfway through the year. Rick Ellis, a spokesman for the Cleveland schools, said that because the school system was now operated by the state, and the state also runs the voucher program, the Cleveland schools had taken no position on the program, which has been expanded to cover 3,000 students this year.

But Cleveland's voucher program—like the nation's only other large-scale voucher program, in Milwaukee—remains under the cloud of a continuing court challenge. In May, an Ohio appeals court ruled that because the vouchers could be used at religious schools, the program was an unconstitutional mingling of church and state. The State Supreme Court, however, ruled that the program could continue this year, pending its review. With the Milwaukee voucher program pending in State Supreme Court, it is likely that one or both of the cases will ultimately wend their way to the United States Supreme Court.

Despite the legal uncertainties, vouchers remain a powerful political issue across the country:

In New Jersey in April, the Education Commission barred Lincoln Park, a suburban school board, from using tax money for vouchers.

In Vermont last year, the education office took away education funds of the Chittenden Town School District when it tried to include parochial schools in a voucher program for high schools.

In New York City and several other cities, small programs, privately financed by philanthropists, provide scholarships allowing some public school students to attend parochial schools.

In Washington, House and Senate Republicans have proposed a Cleveland-style program for the District of Columbia schools.

The evaluation of the Cleveland program is based on a survey of 2,020 parents who applied for vouchers, including 1,014 parents of voucher recipients, and 1,006 parents who applied but did not used the vouchers.

Those who applied, but ultimately remained in public school, cited transportation, financial considerations and admission to a desired public school or failure to be admitted to the desired private school.

The average income of families using vouchers was lower than those whose children remained in public schools, but the two groups did not differ significantly with respect to ethnicity, family size, religion, or mother's education or employment. But those staying in public schools were more likely to be in special education classes or classes for the gifted.

The vast majority of participants, 85 percent, said their main reason for applying to the voucher program was to improve education for their children. Other commonly cited reasons were greater safety, location, religion and friends.

"I like to emphasize that parents said what was really important to them was academic quality of school," said Professor Peterson, whose co-authors were Jay P. Greene of the University of Texas and William G. Howell of Stanford University. "A lot of people say low-income families don't care about quality, that they choose schools based on other factors, but that's not what the parents say."

[From the Wall Street Journal, Sept. 18, 1997]

CLEVELAND SHATTERS MYTHS ABOUT SCHOOL CHOICE

(By Jay P. Greene, William G. Howell and Paul E. Peterson)

As delays in repairs keep the doors to Washington D.C.'s public schools closed, Congress is debating whether to approve the District of Columbia Student Opportunity Scholarship Act, which could help restructure this dreary, patronage-ridden system and give at least a couple of thousand poor students a chance to attend the private school of their choice. True to his teacher-union allies. President Clinton remains adamantly opposed to giving poor children the same chance at a private education that his daughter, Chelsea, had.

In deciding whether to challenge the president, Congress would do well to consider what's been happening in Cleveland, site of the first-state-funded program to give low-income students a choice of both religious and secular schools. Of more than 6,200 applicants, pupils entering grades K–3 last year, nearly 2,000 received scholarships to attend one of 55 schools. The scholarships cover up to 90% of a school's tuition, to a maximum of $2,250, little more than a third the per-pupil cost of Cleveland public schools.

This past summer we surveyed more than 2,000 parents, both scholarship recipients and those who applied but did not participate in the program. We found that parents to scholarship recipients new to choice schools were much more satisfied with every aspect of their school than parents of children still in public school. Sixty-three percent of choice parents report being "very satisfied" with the "academic quality" of their school, as compared with less than 30% of public school parents. Nearly 60% were "very satisfied" with school safety, as compared with just over a quarter of those in public school. With respect to school discipline, 55% of new choice parents, but only 23% of public-school parents, were very satisfied.

The differences in satisfaction rates were equally large when parents were asked about the school's individual attention to their child, parental involvement, class size and school facilities. The most extreme differences in satisfaction pertained to teaching moral values: 71% of choice parents were "very satisfied," but only 25% of those in public schools were.

Our other findings provide powerful answers to many of the arguments raised by voucher opponents:

Parents, especially poor parents, are not competent to evaluate their child's educational experience. But test scores from two of the newly established choice schools justify parental enthusiasm. Choice students attending these schools, approximately 25% of the total coming from public schools, gained, on average, five percentile points in reading and 15 points in mathematics during the course of the school year.

Choice schools don't retain their students. In fact, even though low-income, inner-city families are a highly mobile population, only 7% of all scholarship recipients reported that they did not attend the same school for the entire year. Among recipients new to choice schools the percentage was 10%. The comparable percentages for central-city public schools is twice as large.

Private schools expel students who cannot keep up. But only 0.4% of the parents of scholarship students new to school choice report this as a reason they changed schools this fall.

Poor families pick their children's schools on the basis of sports, friends, religion or location, not academic quality. Yet 85% of scholarship recipients from public schools listed "academic quality" as a "very important reason" for their application to the program. Second in importance was the "greater safety" to be found at a choice school, a reason given by 79% of the recipients. "Location" was ranked third. "Religion" was ranked fourth, said to be very important by 37%. Friends were said to be very important by less than 20%.

Private schools engage in "creaming," admitting only the best, easiest-to-educate students. But most applicants found schools willing to accept them, even though a lawsuit filed by the American Federation of Teachers prevented the program from operating until two weeks before school started. When those who were offered but did not accept a scholarship were asked why, inability to secure admission to their desired private school was only the fourth most frequently given reason, mentioned by just 21% of the parents remaining in public schools. Transportation problems, financial considerations and admission to a desired public school were all mentioned more frequently. (Cleveland has magnet schools that may have opened their doors to some scholarship applicants.)

The data from Cleveland have some limitations, because the program was not set up as a randomized experiment. Yet the comparisons between scholarship recipients new to choice schools and those remaining in public schools are meaningful. That's because, with respect to most of their demographic characteristics—such as mother's education, mother's employment, and family size—the families of scholarship recipients did not differ from those remaining in public schools. In fact, the voucher recipients actually had lower incomes than the group to which they were compared.

Cleveland's success at school choice should not remain an exception to public schools' monopoly on education. If members of Congress care at all about the education of poor children living in the inner-city, they should approve the voucher legislation for Washington now before them.

NATIONAL PARK FEE EQUITY ACT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. DUNCAN. Mr. Speaker, today I introduced the National Park Fee Equity Act. This legislation will allow those national parks which cannot charge an entrance fee to keep all other fees which are collected for activities within that park.

There are units of the park system which cannot collect fees because when these parks were created deed restricts were placed on the land donated to the Federal Government.

Last Congress, this body recognized the need to keep more of the money in the parks rather than sending it back to Washington. This was accomplished when we created the Fee Demonstration Program.

This program allows parks to keep 80 percent of the user fees, above what was taken in during 1994, in the park where they are collected. Unfortunately, there are some parks which cannot charge entrance fees.

The fact that these parks cannot charge an entrance fee hampers their ability to collect funds for park improvements. Therefore, I think it is only fair that all other fees collected in these parks remain there to help protect and improve them.

One such park, the Great Smoky Mountains, is the most visited park in the United States. However, since it cannot charge an entrance fee, it does not get to keep as much money as other parks do for improvements to campgrounds, trails, buildings, and other facilities there.

I believe that we need to do everything we can to help our Nation's parks. Currently, the National Park System has a maintenance and construction backlog estimated to be between 4 and 6 billion dollars. The bill I have introduced is a step toward addressing this problem.

Mr. Speaker, this is a very modest proposal in terms of the Federal budget. However, this money will go a long way in helping us preserve these parks for enjoyment of future generations. I urge my colleagues to support the National Park Fee Equity Act.

POW-MIA COMMEMORATION DAY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. FAZIO. Mr. Speaker, tomorrow, our Nation will commemorate the thousands of American men and women who were lost in action or who experienced the brutality of being a prisoner of war. For every war that America has engaged in since its formation 221 years ago, these men and women fought to protect America's democratic principles and to ensure that future generations could enjoy these freedoms.

Our country joins the American families around the world whose sons and daughters, fathers, mothers, and spouses were lost in action or suffered brutality as a prisoner of war in mourning and bittersweet celebration. We grieve for the soldiers whose lives were lost. Our only consolation is that their families finally find a level of peace by knowing the fate of their loved ones. America can join them in putting closure to the restless years of uncertainty regarding the destiny of these men and women. Together we can find comfort in each other and begin to heal our painful wounds.

Today, Americans around the world also join in rejoicing for those courageous men and women who have returned to us alive and are reunited with their families. We welcome them warmly. Although there are no words that can adequately express our deepest and sincerest gratitude, please know that your sacrifices and those of your families were not in vain. To these soldiers, we thank you. Your years of physical torture, hunger, psychological abuse, and forced labor will never be forgotten. America will never allow it to be forgotten.

America continues to wait apprehensively for the soldiers whose fate is still unknown. We pray together that soon we will learn more on the status of these men and women. Please be assured that America will not rest until all of her sons and daughters are returned to her soil. We anxiously await news of them and hope for their safe return with open hearts and open doors.

Families from my district have not gone unscathed by this tragedy. They suffer the pains of loss, and experience the anguish of uncertainty. William Charles Shinn from Woodland and Jerry M. Shriver from Sacramento are still unaccounted for. The status of the Hill family's father remains a mystery. We join in their families' anxiety of not knowing.

Today, my community also celebrates for the men and women who have returned. Soldiers like Michael O'Conner who was flying a UH–1 helicopter in February 1968, when he was shot down north of Hue. His three other crew members were killed. After evading capture for nearly 2 days, he was captured and held in captivity for 5 years.

Therefore, it is with this mix of sadness, joy, and apprehension, that our Nation's Capitol, the White House, the Department of State, Defense, and Veterans Affairs, the Selective System Headquarters, the Vietnam Veterans Memorial, the Korean War Veterans Memorial and national cemeteries across the Nation will raise the flag of the National League of Families of American Prisoners of War and Missing in Southeast Asia. May this black and white banner serve as a somber reminder of all those lost; a rejoicing reminder of those returned; and, a flicker of hope for the men and women whom we await their homecoming.

IN RECOGNITION OF THE 75TH ANNIVERSARY OF ST. LUKE CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to announce the 75th anniversary of St. Luke Church in Lakewood, OH. In 1922, Bishop Joseph Schrembs established the parish of St. Luke, the Evangelist.

Lacking suitable facilities in which to hold mass, a large tent was erected on the grounds of a nearby convent where Sunday masses were held. The parishioners continued to have services under the tent for 2½ months. Even though they had numerous weather problems, especially during the bitter cold winter, the determination of Fr. Nolan, the parishioners, and a group of Charity nuns was all that was needed to build the tent back up whenever it fell.

On August 24, 1922, a contract was signed to build a frame church. Fr. Nolan's prayers for a permanent church structure were answered. In 1928, it became not only a place for worship but also a place for education when a school was built around the church.

By 1950, it was apparent that larger facilities were needed to accommodate the growing St. Luke community. A new church was constructed in 13 months with much of the materials coming from Ireland, Germany, France, and Italy. The church was again remodeled in 1984. An addition was constructed on one side of the church enlarging the priests' sacristy. Improvements were made in the school as well, where a library and media center were added.

The Church of St. Luke, the Evangelist has come a long way from its humble beginnings in a tent in a field. St. Luke has grown to be a place for education, worship, and community involvement over the past 75 years, and I wish the congregation continued success in the future.

HONORING THE ANNIVERSARY OF THE DRAFTING OF THE CONSTITUTION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. GORDON. Mr. Speaker, I rise today to call special attention to the Constitution of the United States of America. This treasured document serves as the guardian of our liberties and is a product of reflection and choice—embodying the principles of limited government in a Republic dedicated to rule by law, and not by men.

Abraham Lincoln once called the Constitution, "The only safeguard of our liberties * * *." I strongly concur. Therefore, it is important to recognize that September 17, 1997, marks the 210th anniversary of the drafting of this historic landmark by the 1787 Constitutional Convention.

It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary—as well as to the patriotic celebrations which will commemorate this grand occasion. Public law guarantees the issuing of a proclamation each year by the President of this great country designating September 17 through 23 as Constitution Week.

In observance of this important national occasion, I ask my fellow citizens to reaffirm the ideals put forth by the Framers of the Constitution over 200 years ago. Only through vigilantly protecting the freedoms guaranteed to us through the Constitution, can we offer future generations the same great inheritance of freedom we currently possess.

THE RESPONSIBLE BORROWER PROTECTION BANKRUPTCY ACT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. MCCOLLUM. Mr. Speaker, today I am introducing the Responsible Borrower Protection Bankruptcy Act. I am pleased to be joined by my colleague, Mr. BOUCHER. Attached to my statement is a detailed section by section explanation of the legislation.

It has become clear that reform of the existing bankruptcy system is sorely needed as our Nation witnesses an unsustainable epidemic of personal bankruptcies. Bankruptcies have increased over 400 percent since 1980. It is estimated that consumer bankruptcies will rise by over 20 percent in 1997. Last year, for the first time ever, there were more than 1 million filings. This year, that figure is expected to rise to 1.4 million filings, more than one bankruptcy in every 100 American households. This rate of increase is occurring not in the midst of a recession, but during what are by all accounts good economic times. From 1986 to 1996, real per capita annual disposable income grew by over 13 percent but personal bankruptcies more than doubled.

Bankruptcy will cost our Nation $40 billion in 1997 alone. That translates into over $400 per household in higher costs for goods, services, and credit. That $400 could buy every American family of four: 5 weeks of groceries, 20 tanks of unleaded gasoline, 10 pairs of shoes for the average grade-school child or more than 1 year's worth of disposable diapers.

Our Nation's bankruptcy laws play an important and necessary role in our society but we must ensure that our bankruptcy system does not unintentionally encourage those who can take responsibility for their financial obligations not to do so. Such an abuse of our bankruptcy laws is fundamentally unfair to those who play by the rules and take responsibility for their personal obligations. It has been estimated that 15 responsible borrowers are needed to cover the cost of a single bankruptcy.

The Responsible Borrower Protection Bankruptcy Act fundamentally reforms the existing bankruptcy system into a needs-based system. Only those who truly cannot repay their debts will be able to use the complete bankruptcy in chapter 7 of the Bankruptcy Code. Those who can repay their debts will have to use chapter 13 and work out a payment plan. Those who make less than 75 percent of the national median family income for a family of equal size will be presumed unable to repay their debts and may file complete bankruptcy. But those who make more than 75 percent of the national median family income for a family of equal size and, under a formula, are determined to be able to pay $50 per month toward debt reduction of at least 20 percent of their unsecured, non-priority debt over 5 years may only file in chapter 13 and repay their debt over time.

This needs-based reform is intended to address a flaw in the bankruptcy system that encourages people to file for bankruptcy and walk away from debts, regardless of whether they are able to repay any portion of what they owe. Bankruptcy was never meant to be used as a financial planning tool or for mere convenience but it no longer carries with it the social stigma it did 20 years ago and these bankruptcies of convenience are driving the enormous increase in bankruptcies. Bankruptcy is becoming a first stop rather than a last resort.

The Responsible Borrower Protection Bankruptcy Act also makes reforms to reduce repeat filings and to prevent the gaming of the bankruptcy system, such as running up credit bills right before filing for bankruptcy or filing and dismissing a bankruptcy case as a stalling tactic. In addition, there are provisions to improve the efficient administration of bankruptcy cases, to increase oversight and to provide debtors with information about alternatives to bankruptcy, such as credit counseling services.

By ensuring that our bankruptcy laws are not abused, we also ensure that bankruptcy remains a viable last resort for those who have tried to pay their debts but were driven by circumstances to ask for judicial intervention into their personal finances. If we do not reform the system and stem the explosion in bankruptcy filings caused by bankruptcies of convenience, the cost of credit will inevitably increase while its availability will begin to decrease. Such a tightening of credit will especially impact the working poor. In addition, these reforms will protect those responsible borrowers who meet their financial obligations but end up paying for those who abuse our bankruptcy laws.

Congress has a special responsibility to address this issue and to ensure that our bankruptcy laws operate fairly, efficiently and free of abuse. The Responsible Borrower Protection Bankruptcy Act makes an important first step in fulfilling that responsibility and I urge all my colleagues to support these reforms.

THE RESPONSIBLE BORROWER PROTECTION BANKRUPTCY ACT

SECTION BY SECTION ANALYSIS

Title I—Consumer Bankruptcy Issues

§ 101. Needs Based Bankruptcy

This section of the Bill requires those who have a current monthly total income of 75 percent of the national median family income for a family of equal size or, in the case of a household of one person, 75 percent of the national median household income for one earner plus a monthly net income greater than $50 and the ability to pay at least 20% of their unsecured, non-priority debts over five years to enter into a repayment plan under Chapter 13.

§ 102. Adequate Income Shall be Committed to a Plan That Pays Unsecured Creditors

This section amends the Code to substitute for "disposable income" a new concept, "monthly net income", which is determined based on expenditure levels now set by the Internal Revenue Service and used extensively throughout the country to make similar determinations. Provision is also made in a new section 111 for the adjustment of monthly net income in extraordinary cases, for example when the debtor experiences loss of income or when the debtor has unusual expenses.

§ 103. Notice of Alternatives

Require each consumer debtor to receive a notice containing a brief description of Chapters 7, 11, 12, and 13 of the Bankruptcy Code and a brief description of available independent non-profit debt counseling services. The notice would also contain the name, address and telephone number of each such service that registers with the clerk in that district. This provision assures that debtors receive information about debt counseling services.

§ 104. Fraudulent Debts Are Nondischargeable in Chapter 13 Cases

The Bill amends Code section 1328(a)(2) so as not to discharge debts fraudulently incurred.

§ 105. Giving Secured Creditors Fair Treatment in Chapter 13

The Bill amends section 1325(a)(5)(B)(I) to provide that the holder of an allowed secured claim shall retain the lien securing the claim until the debtor receives a discharge.

§ 106. Debts Incurred to Pay Nondischargeable Debts

The Bill amends current section 523(a)(14) to make nondischargeable any new debt that is incurred to pay a prior debt that otherwise would be nondischargeable.

§107. Credit Extensions on the Eve of Bankruptcy Presumed Nondischargeable

The Bill would amend Code section 523(a)(2)(C) to create a presumption that consumer debts incurred within 90 days of bankruptcy are non-dischargeable.

§108. Stopping Abusive Conversions from Chapter 13

This section provides that when a debtor converts from Chapter 13 to Chapter 7, the cram down is not retained except for the limited purpose of redemption under section 722.

§109. Discouraging Bad Faith Repeat Filings

The section provides that the automatic stay will terminate in a consumer bankruptcy case on the 30th day after the filing if, in the previous year, the same debtor filed a bankruptcy case that was dismissed. The Bill provides an exception to this provision in the event the subsequent filing is made in good faith. It gives four situations in which there is a presumption that the subsequent filing was not made in good faith: (1) if there was more than one previous case in the past year; (2) if the previous case was dismissed for the debtor's failure to comply with requirements under the Bankruptcy Code or with orders of the court; (3) if there has been no substantial change in the debtor's financial affairs; or (4) as to the application of the stay to a specific creditor, if that creditor obtained relief from the stay in the previous case or applied for such relief (and that application is still pending).

§110. Restraining Abusive Purchases on Secured Credit

The Bill would amend Code section 506 by adding a new subsection 506(e). The provision requires that the value of personal property collateral be at least equal to the outstanding balance of the purchase price, including interest and charges, where the property was purchased within 180 days of the petition.

§111. Fair Valuation of Collateral

The Bill would add a new sentence to the end of Code section 506(a). This amendment would set the value of personal property securing an individual debtor's personal property as the replacement value of the property on the petition date (without deductions for marketing or sales costs).

§112. Debtor Retention of Personal Property Security

The Bill would add a new subsection to Code section 521 to provide that a Chapter 7 individual debtor may not retain possession of personal property securing an allowed claim for the purchase price unless the debtor either (a) reaffirms the debt or (b) redeems the property within sixty (60) days of the order for relief. If the debtor takes neither action within the sixty (60) day period, then the property no longer would be considered property of the estate for purposes of the automatic stay.

§113. Bankruptcy Exemption Study Commission

The Bill creates an eight member Bankruptcy Exemption Study Commission with members appointed by the President, the Majority Leader of the Senate and the Speaker of the House to study whether the Code's use of exemptions should be revised. The Commission is directed to study and report on exemption issues under the code and on any proposals to revise the Code it may recommend. The Commission may hold hearings, and is required to report to Congress, the Chief Justice and the President within one year of enactment of the Bill.

§114. Timely Filing and Confirmation of Plans in Chapter 13

The Bill amends section 1321 to require that the debtor file a plan within 90 days of the petition date. The Bill would also amend Code section 1324 to require that the confirmation hearing be held within 45 days of the filing of the plan. Either of these time periods could be extended by court order.

§115. Definition of Substantial Abuse

The Bill would clarify Code section 707(b) to permit any party in interest to move to dismiss the bankruptcy case, and it further defines "substantial abuse" to include a situation in which it becomes apparent during the case that the debtor is not eligible for Chapter 7 under the needs based bankruptcy provisions or where the totality of circumstances demonstrate substantial abuse.

§116. Giving Debtors the Ability To Keep Lease Personal Property by Assumption

The Bill would add new Code section 365(p) to give debtors the ability to keep leased personal property by assuming the lease. This clarifies that if a Chapter 7 trustee reject a lease of personal property, the lessor may notify the debtor that he or she has the option of assuming the lease. If the debtor then notifies the lessor that the debtor wants to assume, the debtor's lease remains enforceable according to its terms. It also clarifies that in a Chapter 11 or 13 case, if the lease is not assumed in the plan, the lease is rejected as of the date of the confirmation of the plan. The section also makes clear that once a lease is rejected, it and the leased property are no longer property of the estate, and no longer subject to stay.

§117. Chapter 13 Plans To Have a Five Year Duration

The Bill would amend Code sections 1322(d) and 1329(c) to allow confirmation of plans with a life span of five years if the debtor's current monthly income is 75 percent of the national median family income for a family of equal size or 75 percent of the national median household income for one earner or more on the date of confirmation. In such cases, it would also permit the court to approve a plan longer than five years up to a maximum of seven years. Otherwise, the debtor would be restricted to the three year and five year periods of present law.

§118. Apply the Co-Debtor Stay Only When It Protects the Debtor

The Bill would amend section 1301 so that the co-debtor stay would continue to be available when the debtor who borrowed the money sought Chapter 13 relief, but if a guarantor or other co-debtor who did not receive the consideration for the creditor's claim filed for relief, the debtor who borrowed the money would not be protected by a stay unless he or she also filed a bankruptcy protection. Also the stay would terminate as to the debtor's interest in personal property if the debtor surrendered or abandoned that property.

§119. Definition of Household Goods

The Bill would add a new subparagraph to Code section 522(f)(1) to define the phrase "household goods" as it now appears in section 522(f) of the Code. The Bill defines "household goods" by using the definition already used in similar context by the Federal Trade Commission in the Trade Regulations Rule on Credit Practices, 16 CFR §444.1(I).

§120. Protection of Holders of Claims Secured by Debtor's Principal Residence

This section clarifies that the inclusion of incidental property in a mortgage on the debtor's principal residence will not disqualify that mortgage from protection under section 1322(b)(2). It also makes clear that if the debtor resided in the house during the six months previous to filing and still owns it, or if the residence is a mobile home, condominium or cooperative apartment, technically treated as personalty in a number of states, the protection of section 1322(2)(b) applies.

The section also provides that the stay under section 362 will not be violated if a prepetition foreclosure proceeding is postponed during the pendency of a Chapter 13 proceeding so long as any prepetition default remains uncured by actual payment in full according to the plan.

§121. Extend Period Between Bankruptcy Discharges

The Bill would expand the amount of time that must pass before a debtor may receive another discharge. The time period would expand to ten for Chapter 7 individual cases and five years for Chapter 13 cases.

Title II—Improved Bankruptcy Administration

§201. Improved Bankruptcy Statistics

The Bill would create a new 28 U.S.C. §159 that would require the clerks of the various bankruptcy courts to compile statistics on bankruptcy cases involving individual debtors, and report these statistics annually to Congress.

§202. Audit Procedures

This section amends title 28 to delegate to the Attorney General the responsibility for establishing random audits of individual bankruptcy cases under title 11.

§203. Docket of Individuals Who File Under Title 11

This section amends title 28 to delegate to the Administrative Office of the Courts the responsibility for creating and maintaining a central docket of those who have filed for bankruptcy relief.

§204. Adequate Preparation Time for Creditors Before the First Meeting of Creditors in Individual Cases

This section amends the Bankruptcy Code to specify that in an individual voluntary case, the first meeting of creditors be convened between sixty (60) and ninety (90) days following the order for relief.

§205. Creditor Representation at First Meeting of Credits

This section amends Code section 341(c) to provide that non-attorney representatives can attend and participate in the first meeting of creditors.

§206. Giving Creditors Fair Notice in Chapter 7 and Chapter 13 Cases

This section provides that the debtor include in any notice to the creditor, the creditor's account number if it is reasonably available, and to send any notices to an address which the creditor has previously specified.

§207. Prompt Relief From Stay in Individual Cases

This section amends Code section 362(e) to provide that unless the court finally decides the relief from stay request, the parties agree to take a longer time, or the court orders additional time, the stay shall automatically terminate sixty days after a request for relief from it is made.

§208. Relief From Stay When the Debtor Does Not Complete Intended Surrender of Consumer Debt Collateral

This section amends section 362 to provide that if individual debtors do not file a timely statement of intention with respect to property securing the creditor's claim or to act in accordance with that statement of intention, a secured creditor may seek relief from the stay.

§ 209. Filing of Proofs of Claim

In Chapter 11 cases, if a creditor is listed in the schedules, no proof of claim need to be filed unless it is listed as disputed, contingent or unliquidated. This provision extends this Chapter 11 provision to cases under Chapters 7 and 13.

§ 210. Debtor to Provide Tax Returns and Other Information

This section amends Code section 521 to require that the debtor provide financial information about income and expenses, such as copies of its tax returns for the three most recent tax years, its current pay stubs, and other proof of income. Also, a conformed copy of the petition, schedules and statement of financial affairs and any corresponding amendments as well as of any Chapter 13 plan must be provided upon request.

§ 211. Dismissal for Failure to File Schedules Timely or Provide Required Information

The Bill would amend Code section 707 to require the dismissal of the bankruptcy case for failure to file schedules within 45 days after filing the petition.

§ 212. Adequate Protection of Lessors and Purchase Money Secured Creditors

This section adds a new section 1307 to the Code to provide that adequate protection payments be made during the "gap" that occurs between the time the debtor files a Chapter 13 case and the stay goes into effect and the time the debtor resumes making payments under the plan.

§ 213. Adequate Time to Prepare for Hearing on Confirmation of the Plan

The Bill amends Code section 1324 to require that a Chapter 13 confirmation hearing cannot be held less than twenty days after the first meeting of creditors if there is an objection.

REVOKE PAY ADJUSTMENT FOR MEMBERS OF CONGRESS

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. SANDLIN. Mr. Speaker, I rise today to introduce legislation to revoke the COLA for Members of Congress should it become law. The manner in which the COLA was approved by this body yesterday is appalling. Americans deserve to know if their Representative is voting to increase his or her pay. It should not be hidden in the parliamentary process. We must be honest enough with ourselves and with the American people to support openly or oppose openly this increase. My legislation will require us to make an honest, forthright statement about our pay.

I hope events of the next few days will render my legislation unnecessary. I hope that once Members have had an opportunity to discuss with their constituents yesterday's attempt to sneak in a pay raise they will join the efforts of Congresswoman LINDA SMITH, myself, and others and support an amendment to prevent Members of Congress from receiving a COLA. If such an amendment is ruled out of order, Members should support a motion to appeal the ruling of the Chair. If our amendment prevails, and I sincerely hope it does, my legislation will not be necessary. However, I believe we must make every effort to overturn yesterday's action and for that reason, I am introducing this bill today.

As Members of Congress, I strongly believe that we should not talk about cutting important programs like Medicare and Social Security and then turn around and give ourselves a pay raise. During the appropriations process, we have forced many worthy programs to tighten their belts "for the good of the country" so we can meet our goal of a balanced budget by the year 2002. Why, then, not tighten our own belts?

As I have said on many other occasions, it is irresponsible for us to increase our own pay at a time when we have not met our obligation to the American people to balance the Federal budget. We cannot continue to tell our constituents to tighten their belts while we loosen our own. We must first make Medicare solvent. We must first fully fund our veterans' benefits. We must first ensure that every student has an opportunity for a college education. We must first rebuild our crumbling infrastructure. We must first eliminate the estate tax. We must first take care of the people.

I hope the leadership will see to it that this legislation receives a fair hearing and is brought to the floor with all due speed.

TRIBUTE TO MARK AND DIANE KROEKER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Mark and Diane Kroeker, who this year are being saluted by Bridge Focus, a social service agency in the San Fernando Valley. The Kroekers are receiving an award for being exemplary parents and for a long tradition of helping their community. I cannot think of two people who better fit this description than Mark and Diane.

I have had a warm personal and professional relationship with Mark for many years, particularly during the time he served as commander of the San Fernando Valley Bureau of the Los Angeles Police Department.

Like many others, I have tremendous respect and admiration for Mark's work. The LAPD could have not picked a more ideal representative in the valley. Mark was constantly looking for ways to improve relations between the Department and community. He spent hundreds of hours meeting with local leaders. It was a sad day for all of us when Mark was transferred to another bureau.

Mark's reputation for compassion and concern extends beyond the workplace. He is widely known as the founder and chairman of the board of the World Children's Transplant Fund. He rarely misses an opportunity to tell people of the organization and its wonderful work.

Mark and Diane are active supporters of the World Children's Transplant Fund, which in 1994 presented Mark with its Man of the Year Award. There are children around the world who literally owe their lives to Mark and Diane Kroeker.

I ask my colleagues to join me today in saluting Mark and Diane Kroeker, proud and loving parents of Kent, Kirk, and Katrina. Mark and Diane's dedication to their community and their love for the children of the world inspires us all.

SALUTE TO THE 50TH ANNIVERSARY OF THE AIR NATIONAL GUARD

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. GALLEGLY. Mr. Speaker, I would like to pay a special tribute to the 50th anniversary of the U.S. Air Force and the Air National Guard, especially the 146th Airlift Wing based in my California congressional district.

The 146th is California's largest Air National Guard unit and has been recognized by both the Air Force Association and the National Guard Association of the United States as the best flying unit in the Air National Guard. These prestigious awards have not come easily. During World War II, as part of the 115th Observation Squadron, the wing fought in various combat theaters around the world, displaying courage in battles in the Pacific, Europe and China-Burma-India theaters.

The 146th distinguished itself during the 1950's in the Korean war, and in the 1960's Southeast Asia conflict flying a variety of combat air support missions. Since 1970, the wing's C–130 aircraft have traveled to all corners of the world, airlifting troops, passengers, and cargo during training missions, exercise deployments, and real-world military operations.

In 1992, the wing received its third Air Force Outstanding Unit Award. The 146th was praised for extraordinary service to the Nation, State, and local communities during hostilities in Panama and in the Persian Gulf, and in peacetime humanitarian airlifts and aerial fire fighting.

Mr. Speaker, while the mission and accomplishments of the 146th Airlift Wing are truly commendable, their true strength lies in the men and women who comprise the wing. I am pleased to pay tribute to them today and congratulate them on 50 years of service to our Nation, State, and community.

A NEW MARITIME STRATEGY

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. CUNNINGHAM. Mr. Speaker, in my role as an administrative cochairman of the bipartisan national security caucus, I served as the cohost of a recent maritime policy briefing. The group my colleagues and I assembled discussed a wide range of critical issues which have a significant impact on our national security and the future of our maritime industry.

This dinner briefing was an outstanding success because of the insights and observations we received from several of my fellow cochairmen in the national security caucus. The group included Chairman FLOYD SPENCE of the National Security Committee, IKE SKELTON, the ranking Democrat on the Military Procurement Subcommittee and STENY HOYER, the chairman of the Democratic Steering Committee. We were also joined by TILLIE FOWLER, the vice chairman of the Coast Guard and Maritime Transportation Subcommittee.

Our guests of honor were Secretary of the Navy John Dalton and Gen. Charles Krulak, the commander of the Marine Corps. We were also joined by several key executives form the maritime industry and senior officials of leading trade associations and maritime organizations.

The topics we reviewed included the Maritime Security Program [MSP], the Jones Act, the charter and build program, cargo preference, and acquisition reform. All of our participants were in agreement that the disappearance of U.S. shipping companies would have a serious impact on America's national security.

During Operation Desert Storm, American shipping companies transported 95 percent of the sustainment cargo. It is definitely not clear how the Defense Department would replace crucial sealift capacity if, suddenly, no American container ship companies were available. Certainly, the cost of replacing this commercial capacity with new government-owned sealift vessels would be astronomical.

The number of private U.S. shipyards has dropped by more than 50 percent over the past 15 years. The U.S.-flag fleet is very productive today, but unfortunately, its capability to compete on the international stage has declined. The American fleet of self-propelled vessels has decreased steadily in size since 1950 to a current low of approximately 300 vessels.

The available work force has also declined significantly and the modernization of the U.S. seaports is well behind their foreign competitors. These factors are raising concerns among my colleagues in the national security caucus about handicaps on our Nation's economy and our capability to promote trade and our national security interests.

The participants were in agreement that the U.S. policies and programs are in sharp contrast with those of many leading maritime nations. These other nations have acted to preserve a commercial presence in shipping. They offer supportive tax and financing packages. And they invest heavily in the modernization of their shipyards and seaports. All of these inequities discourage private investment in key components of U.S. maritime industries. I believe it is in the best interests of all Americans to harness the leadership of government with the strength of the marketplace to level the international playing field so that U.S. industries can compete globally.

The challenges we face were eloquently stated last year during the MSP debate by chairman HERB BATEMAN of the Merchant Marine Panel when he said, "We are beyond the point of talking about viability, resurgence of even revitalization. We are now talking about the very survival of the American maritime industry. As horrible and as catastrophic as it may sound, if we do not develop and adopt a new strategy, the U.S. fleet may not be in existence a year from now."

I am very pleased to report that the efforts to develop, adopt, and implement a comprehensive and bipartisan national maritime strategy is receiving critical leadership from the nonprofit National Security Caucus Foundation. I know all of the caucus cochairmen are very grateful for the tremendous yeoman labor of the NSCF maritime team. This group includes Adm. Thomas Moorer USN (Ret.), the former chairman of the Joint Chiefs of Staff, Rear Adm. Robert Spiro, the former Under Secretary of the Army, and Gregg Hilton, the NSCF's Executive Director.

They have been working in cooperation with the Navy and the Maritime Administration on several strategy conferences, and they have assembled an impressive list of retired flag officers who are emphasizing the arguments I have outlined above. The NSC Foundation's effort to develop a new strategy is essential to our national security and I will be providing further information to my colleagues about this program in the weeks ahead.

Finally, I want to express my appreciation to several individuals who had a key role in organizing last night's policy discussion. They also provided us excellent advice and a wide variety of background information. The group which is responsible for the success of last night's event includes Jim Henry, the president of the Transportation Institute, Jim Patti, the president of MIRAID, Gloria Tosi, the executive director of the American Maritime Congress and Gordon Spencer, the legislative director for the American Maritime Officers.

IN HONOR OF THE 125TH ANNIVERSARY OF THE CONGREGATION OF ST. JOSEPH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Congregation of St. Joseph [CSJ] in Cleveland, OH as they celebrate their 125th anniversary of serving the Cleveland community through their faith, service, and vision.

For the Sisters of St. Joseph, this anniversary year has been one of reflection on their faith and a renewal of their spirituality. The sisters recently spent a weekend exploring the core principles and values of their faith and endeavored to find God and love in everyday life.

This year has also been a time to contemplate the areas of service in which CSJ is involved. Throughout their history, the sisters have reached out to others in the Cleveland community. The Sisters of St. Joseph have been involved in educating the youth of the community's parishes and in helping many other service organizations such as the West Side Catholic Center and Women's Shelter, Providence House—(a crisis nursery for children), transitional housing for women and families, day care, and hospital visits. As part of the anniversary celebration, the Sisters of St. Joseph awarded a grant to fund a new service project in the community, "Seeds of Literacy." This project, coordinated with three other parishes in the Cleveland area, will reach out to needy adults to increase their literacy skills and sense of self worth, hopefully resulting in new job opportunities for them so they will be able to support themselves and their children.

The congregation has also spent this anniversary year focusing on the vision that has carried them through the past 125 years, and which will inspire them in the future. Just as many bridges span the Cuyahoga River in Cleveland, connecting the east side of the city to the west, CSJ is always looking for ways to build new bridges connecting themselves to their traditional spirituality, connecting their accomplishments of the past to their vision of the future, and connecting the Congregation of St. Joseph to the Cleveland community.

My fellow colleagues, please join me in honoring the devoted Sisters of the Congregation of St. Joseph.

TRIBUTE TO FRANCIS TOUCHETTE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. COSTELLO. Mr. Speaker, 60 days ago today on July 18, 1997, the people of the St. Louis metropolitan area and the people of southwestern Illinois lost a great leader and I lost a good friend. Francis Touchette passed away on July 18, 1997, at the age of 84 after a long illness.

During this period, I have had time to reflect on his legacy of service and on our friendship. Francis Touchette was both a dedicated public servant and a humanitarian.

Francis started his career when he was elected to the office of Democratic precinct committeeman when Franklin Roosevelt was elected President of the United States. In addition to serving as a Democratic precinct committeeman for many years, Francis was elected Centreville Township supervisor and was elected to serve as a member of the county board from Centreville Township. On two separate occasions during his career on the county board, his colleagues saw fit to elect Francis to serve as their chairman.

In addition to being one of the leading Democrats in southwestern and southern Illinois, Francis was one of the leaders in providing health care and other services to the underprivileged and the poor throughout the region.

Francis was the founder of Centreville township Hospital—later renamed Touchette Regional Hospital in Centreville, IL. As Centreville Township supervisor, he recognized that the underprivileged and the poor were not receiving adequate health care services and therefore called upon the people of the township to construct a hospital for people in the Greater Centreville area. He was a charter member of the East Side Health District and founded the Southern Illinois Health Care Foundation.

Very few people have touched and improved the lives of so many as Francis Touchette. His service to the people of the St. Louis region and of southwestern Illinois will live on—and his friendship that he extended to me and many others will never be forgotten.

My colleagues, I ask you to join me in paying tribute to a great friend and a great leader.

WORKLINK

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. TALENT. Mr. Speaker, I rise today to recognize the city of St. Peters for the successful implementation of WorkLink, the first telecommunication center in the State of Missouri and the entire Midwest. Opening in July 1996, WorkLink was designed as a community-based telecommunications center equipped to provide individuals, businesses, and organizations with a wide array of advanced telecommunications and related services. WorkLink promotes telecommuting as an efficient way of doing business and helping employees better balance their time between work and family.

WorkLink offers an alternative to many companies and employees to maintain and encourage performance and productivity; assists companies in cutting expenses by consolidating office and parking space; improves employee moral by accommodating work and family needs; and helps the community by reducing traffic congestion and improving air quality.

Currently, two-thirds of the available space at WorkLink is equipped with offices and workstations with the advanced technology and interconnectivity to handle most advanced office telecommunications functions. The facility houses many business types, including engineering, financial, computer consulting, computer programming, sales/marketing, healthcare, publishing, distance learning, and charitable professionals.

By stepping out onto the cutting edge of telecommuting, the city of St. Peters is offering those in their community a tremendous opportunity. I am sure WorkLink will serve as a model for other communities, and I commend Mayor Tom Brown and Helen Robert, WorkLink manager, for their vision and hard work.

50TH ANNIVERSARY OF AIR FORCE

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. HILLEARY. Mr. Speaker, I rise today as an Air Force veteran and a major in the Air Force Reserve to commemorate the 50th anniversary of the U.S. Air Force.

When we look at today's Air Force, with all its cutting-edge technological advances and global superiority, it's amazing to think how far we have come in this century. It's certainly a far cry from the military's first airborne activities—the Army's use of balloons for reconnaissance during the Civil War and Spanish American War, and the use of its first aircraft against Pancho Villa in Mexico in 1916.

From these humble roots, military aviation grew and matured from being a part of the Signal Corps in 1914, to becoming the Army Bureau of Aircraft Production and the Air Service in 1918, to the Army Air Forces and the Army Air Corps in the 1920's.

As military aviators distinguished themselves in World War I and World War II, support for a full-fledged, independent Air Force grew. More and more people came to realize that the Air Corps was more than just a part of the Army: It was a highly specialized branch of the military which should stand on equal footing with the Army and the Navy.

Finally, in 1947, the National Security Act, which created an independent U.S. Air Force, was passed by Congress and signed into law by President Harry S Truman. Fifty years later, we celebrate the contributions the Air Force has made over the past five decades, and we look forward to the many more contributions which the Air Force will make in the decades and centuries to come.

I know Air Force veterans and members at installations around the world will mark this 50th anniversary with great pride and honor. At Arnold Engineering and Development Center [AEDC] on Arnold Air Force Base in my congressional district, a celebration was recently held in observance of this milestone, and I'm sure similar events have been held at many other bases.

Mr. Speaker, at this point, I would like to once again thank the U.S. Air Force for all it has done for our great country, and I would like to insert into the RECORD a poem written by Tennessee's poet laureate Margaret Britton Vaughn, in honor of this wonderful anniversary. This poem was read publicly for the first time by Maggie Vaughn at the AEDC 50th anniversary commemoration.

AIR FORCE FIFTIETH ANNIVERSARY

Nineteen forty-seven, fifty years ago
The vision would not rest
Until the Air Force was born,
And the Bird left its nest.
A Bird with metal wings
A cockpit for an eye
Pilots gave it heart and soul
With grace of a butterfly.
America's fields grow barracks
And long, gray runways.
Seas of blue uniforms
Blended with the amber waves.
Above the patterned clouds
We watched fliers in formations,
Vapor trails left behind
Sent a message to all nations.
The large Bear of the U.S.S.R.
Shoot with disbelief,
The Eagle soared above its head
Bringing West Berlin relief.
Red Communism was no match
For men and women in blue,
MIGs could not compete
Where the Sabre flew.
From Korea to Vietnam
To Desert Storm of Iraq,
The Air Force was there
And brought the banner back.
Yesterday a playful boy
Spread his arms in flight,
Dreamed one day he'd fly
In his sleep at night.
The boy fulfilled his dream
High above the barren ground.
And woke up a tired God
"When he broke the speed of sound"
Today boys and girls
Share that same dream.
One day to take the oath
Join the Air Force team.
A half century has come and gone
Since Truman took the pen.
Signed aboard his "Sacred Cow"
Our Air Force to begin.
For those who served our country
In peace and war time,
For those who gave their lives
So freedom bells could chime.
For those who serve the Seal
Eagle, thunderbolt, stars and cloud
And wreath of six folds
Make our country proud.
The symbol of the Eagle
Facing the future without sorrow,
The United States, Air Force
Yesterday, today, tomorrow.

JOSEPHINE HINMAN'S GARDEN

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. PACKARD. Mr. Speaker, I rise to recognize an outstanding citizen in my community. Josephine Hinman, of Fallbrook, CA devotes her life to attacking hunger. Josephine grows and then donates some 12,000 bags of fruit and vegetables a year to feed the poor, all from her own garden. For 64 years, Josephine Hinman has selflessly given both her time and energy so that others may benefit.

Growing up during the Depression, Josephine learned early on how hard it can be to keep food on the table in tough times. Helping her family maintain a large garden, they grew enough to get by and help others in the neighborhood. Today, Josephine is still taking care of her garden, and still taking good care of the less fortunate in her community.

Mr. Speaker, our Nation is beginning to rediscover the power of local solutions. For far too long, the Washington bureaucrats have insisted that the only way to help those in need is to create another Government program and bankroll it with endless taxpayer dollars. People like Josephine Hinman are showing Washington that no matter how much taxpayer money you throw at a problem, little is ever accomplished without the warmth and compassion of caring citizens.

Josephine Hinman's story is truly inspiring. Her selfless work should encourage each and every one of us to reflect on how we may better serve others. Most of us learned very young in life that we share a responsibility to help our neighbors and care for our community. As I visit with and learn about those who do remarkable works throughout my district, I continue to be convinced that volunteering is much more than a responsibility. Having the time, talents, and ability to brighten the lives of others is actually one of life's greatest privileges. The joy with which Josephine Hinman continues to keep her garden open to all is solid proof of that.

IN HONOR OF JIM BREMER

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. ROEMER. Mr. Speaker, it is with great pleasure that I rise today in recognition of Mr. Jim Bremer of Wanatah, IN. Not only am I extremely proud to call him a good friend, but I am even prouder to call him a friend of his community and the entire State of Indiana.

I first met Jim when I ran for Congress back in 1990. During the course of my campaign, people throughout his home county told me of his reputation for honesty, hard work, and common sense. Although he was—and remains—a member of the opposite political party, his neighbors strongly encouraged me to seek his advice and support. It was soon after that I first sat with Jim Bremer in his famous garage, discussing the national issues of the day and gazing out at the beautiful arrangement of flowers that surround his entire home.

During the course of our meeting, I was elated when Jim pledged to support me in the 1990 election. While the town of Wanatah is small, the people there are conscientious, hard working, driven by the right values, and very active politically. I knew that folks in Wanatah respected Jim and paid close attention to his opinions, and I thought his endorsement would mean a lot to my campaign.

However, after Jim said he would support me, he solemnly proclaimed, "As soon as you get elected, I bet we'll never see you again in Wanatah." This was probably the only time I was able to prove him wrong. Not only do I continue to stop by and sit in Jim's garage, but every year I attend the Labor Day picnic he hosts in his backyard. And I do not exaggerate when I claim that the renowned event is equal to any picnic in the world. Jim roasts a hog, smokes three turkeys in metal garbage cans, and serves vine ripened tomatoes fresh from his Olympic-size garden. If you manage not to gorge yourself on this bounty, there then awaits an amazing assortment of Hoosier desserts—courtesy of Wanatah's best kitchens and family recipes.

After the meal, attentions invariably turn to politics and discussions of our Nation's future. Jim allows elected leaders like myself to address the scores of people in attendance, and there are few listeners who are shy about responding with their own views, comments, and criticisms. In this age of big budget campaigns, spin doctors, and television attack ads, Jim reminds all of us that small-town, grassroots democracy is alive and well in America.

I am deeply grateful for Jim Bremer's work to emphasize the importance of personal relationships between citizens and their government. However, despite the vitality of our grassroots, the success of Jim's efforts rests entirely on the strength of his character and the personal respect he has earned from others. His unshakable—and sometimes biting—honesty is without question and beyond reproach. In addition, he possesses that special Hoosier brand of common sense that appeals to independents and people of both major parties. But above all, Jim is a hard worker who is committed to helping his neighbors and his community. As a veteran of the Korean war, a deputy sheriff, and an electrician on the job, Jim has exhibited the best American values of dedication, responsibility, and caring for others. I consider myself fortunate to be associated with him.

I hope Americans in the future will not stray too far from Jim Bremer's example. If I did not know that he is a one-of-a-kind, I would say we need many more of him.

RICHIE ASHBURN: A BASEBALL SUPERSTAR WITH STRONG NEBRASKA ROOTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. BEREUTER. Mr. Speaker, the Nation recently lost a true treasure with the passing of Richie Ashburn on September 9. Ashburn was a Hall of Fame baseball superstar and renowned broadcaster, but he never forgot his Nebraska roots. In addition to his annual visits back home, Ashburn made frequent references to his hometown of Tilden and the valuable lessons he learned while growing up in Nebraska.

Richie Ashburn began his extraordinary athletic career in Nebraska where he starred in baseball, basketball, and track. Ashburn combined a natural athletic ability with determination and a strong work ethic. In the process, he set an enduring standard for athletes in northeast Nebraska and served as an inspiration for athletes across the State. Indeed this Member used a Richie Asburn Louisville Slugger when he played baseball for the Utica Legion team and for Utica and Seward in the Blue Valley League and the Cornhusker League.

As a major league baseball player, Ashburn amassed an impressive record which eventually earned him enshrinement in the Hall of Fame. Outstanding from the beginning of his career, Ashburn received Rookie-of-the-Year honors in 1948. Year after year, he excelled at the plate and in the field. He retired with an amazing .308 batting average and had more hits than any other player in the 1950's. Ashburn was a defensive standout in centerfield and led the league in putouts by an outfielder nine times, tying a major league record. Ashburn was also a threat on the basepaths where he had 234 career stolen bases.

Following his outstanding 15 years in the majors, Ashburn considered running for Congress, but settled instead on a career in broadcasting. As a broadcaster for the Philadelphia Phillies, Ashburn displayed remarkable wit, knowledge, and love of the game. He was a familiar and comfortable voice for Phillies fans for 35 years.

Ashburn's impressive statistics in the major leagues demonstrate his greatness as a player, but they obviously don't reveal the remarkable qualities he displayed as a person. Ashburn was a humble man with a marvelous sense of humor. He also maintained the values he learned from his family in Nebraska—honesty, loyalty, decency, and a caring attitude. He truly had a genuine concern for all people which earned him numerous friends and lasting affection. Richie Ashburn will certainly be missed.

This Member would like to commend to his colleagues the following editorials from the Norfolk Daily News and the Philadelphia Inquirer. The editorials highlight Richie Ashburn's impressive accomplishments in Nebraska and Philadelphia.

[From the Norfolk Daily News, Sept. 10, 1997]

LOSS MOURNED

ACCOMPLISHMENTS OF RICHIE ASHBURN WILL BE REMEMBERED BY MANY IN AREA

Just short of a half-century ago, Richie Ashburn was named "rookie of the year" by the Sporting News. He had compiled a .333 batting average in his first major league year; had stolen 32 bases to lead in that category even though he missed a month of the season. He was chosen as a starter in center field for the National League allstar team in that year, 1948.

His reaction to the award was this: "I only hope I will merit the honor by better playing next year." His career with the Philadelphia Phillies and finally with the Chicago Cubs and New York Mets, was marked by that determination and for continued high-level performance. A lifetime record of achievement in baseball led to belated recognition as a Hall of Fame member in 1995.

Northeast Nebraskans followed this Tilden native's career closely, from his days with the Antelopes in the early 1940s, a Legion baseball team sponsored by the post in Neligh, to his stellar performance as a basketball player in the off-season for Norfolk Junior College.

He had the strong support of parents, Mr. and Mrs. Neil Ashburn, who made a home for Richie and four of his young teammates in their first years in Philadelphia. His mother still lives in Tilden.

His talent was not limited to playing baseball, but also included column-writing for a Philadelphia newspaper and a long career as an announcer for the Phillies. Now his career is closed with his sudden, unexpected death Sept. 9 at the age of 70.

He has an extended family to mourn his loss. It consists of supportive relatives, of course, whom he came back to Nebraska to see regularly. But it also numbers thousands of aging baseball fans who still remember vividly his exploits on the field and are proud of his performance off of it.

[From the Philadelphia Inquirer, Sept. 10, 1997]

THE WHIZ KID

ON THE FIELD AND IN THE BROADCAST BOOTH, RICHIE ASHBURN WAS PHILADELPHIA TO THE CORE

Try to name a Philadelphian more beloved than D. Richard Ashburn.

Can't be done, can it?

Over half a century, Mr. Ashburn, the Phillies' Hall of Fame outfielder and longtime broadcaster who died suddenly yesterday, became woven deep into the fabric of a tough but loyal town. The threads running through his career were bedrock decency, consistency, dry wit and, of course, dashing athletic skill.

When Mr. Ashburn had a heart attack in a New York hotel after broadcasting a ball game between two teams for which he played, the Phils and Mets, Philadelphians lost someone who helped define their sense of their town.

He was, in the city's high accolade, a "regular guy," a man who knew how to win and how to struggle, how to laugh and how to grieve, whom the rest of the nation never quite appreciated the way it should.

As a player, the Nebraskan everyone called Whitey was one of his generation's best, but often overlooked on the national stage. He was an artist of the single in a game where home-run hitters hog the spotlight. A Philadelphian in an era when New York's Golden Age of Sport featured three legends playing his position: Willie Mays, Mickey Mantle and Duke Snider.

He didn't fret about that. He just kept doing with meticulous class all the little things—fielding his position, bunting runners along—that make winning possible.

Fitting it was that he saved the National League pennant for the fabled 1950 Whiz Kids with a defensive play in the season's last game.

Fitting it was also that baseball finally came to its senses and put him into its Hall of Fame in 1995—though sadly too late for him to savor the moment with his dead father, twin sister and daughter. At his induction, he shared the podium graciously with a more talented but less lovable Phillie, Mike Schmidt. Mr. Schmidt himself, scanning the sea of red caps and the record 200 chartered buses invading Cooperstown that day, observed that 'twas Whitey who'd lured most of them.

In the broadcast booth, as on the field, Mr. Ashburn's work featured a Philadelphia-friendly mix: loyalty, warmth, honesty and understated humor that refused to take himself or anyone else too seriously.

He was never the smoothest caller of a game, but he knew how to share a microphone, how to sum up excellence or disaster in one sage phrase, and how to put friendliness into the "Welcome to Minnie from Royersford, celebrating her 90th today at the Vet" messages it was his daily lot to read.

A great ballplayer speaks to that piece inside people that yearns for heroes. A baseball broadcaster, more than any other sports announcer, becomes a piece of a city's daily conversation, a reliable bard whose word pictures fuel backyard debates and spice long commutes.

Philadelphia was graced to have Richie Ashburn in those two roles over five decades.

Whitey, you'll be missed.

RECOGNITION OF SOLANO COUNTY'S FIRST ANNUAL TRIBUTE TO SENIORS COMMUNITY CELEBRATION

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. FAZIO of California. Mr. Speaker, I rise today to recognize the first annual tribute to seniors community celebration in Solano County, CA, which will take place on September 24, 1997.

This all-day event will include speakers, workshops, and entertainment, as well as educational offerings. It will also incorporate the annual health fair. It will be the first event of its kind to address fully the issues and interest of seniors throughout Solano County. Seniors and members of the Vacaville community have come together to create this event, which will serve to benefit all the citizens of Solano regardless of age.

We should also make note of the positive effects that can occur when our citizens join with their elected leaders, be they local, regional or national, and with shared visions, accomplish that which we all strive for: A community spirit that thrives and makes us proud.

In closing, I would like to commend the distinguished members of the Tribute to Seniors Committee. The committee is comprised of the following individuals, all of whom have dedicated their time and energy to the success of this special event: Chairman Charles Conti, Diana Barney, Kristen Delaplane, Lynn Kessler, Dorothy Locke, and Jim Tooke.

Congratulations to everyone who is working to make this day a caring and sharing celebration.

SHAFTER COTTON RESEARCH STATION: A CALIFORNIA FARMING LANDMARK

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. THOMAS. Mr. Speaker, the Shafter Cotton Research Center, in Shafter, CA, is celebrating 75 years of research for California cotton production and this month becomes a State registered landmark. The designation recognizes the important research contributions this center has made to the California cotton industry. We also recognize the historic relationship between California cotton growers, the University of California, Kern County and the U.S. Department of Agriculture that has made the Shafter Cotton Research Center so successful.

This center got its start in 1922 and has been in the forefront of efforts to buck common wisdom ever since. At that time, many people in the cotton industry thought California was too far from the mills in the eastern United States for California to ever become a cotton powerhouse. The work done in cooperation between Federal, State and local government and private industry that led to the ACALA cotton variety developed here proved the skeptics wrong. Since then, work on the 120-acre center grounds has produced innovations in labor-saving mechanization, pest control and other farm practices.

The California industry made possible by the Shafter Cotton Research Center contributes over $1 billion to the California farm economy and $340 million to Kern County. California cotton's quality is so well known around the world that 80 percent of the cotton grown here goes into export markets.

The Shafter Cotton Research Center continues to lead in cotton industry research. Today's research is looking into ways to reduce tillage in cotton production, potentially valuable to farmers faced with clean air requirements to reduce airborne dust. The center is also doing work on sophisticated means of monitoring crop health, means which could allow farmers to reduce applications of pesticides and other chemicals. It is still a cooperative venture. Under an agreement struck in 1991, the Department of Agriculture, the University of California, Kern County and the cotton industry are cooperating to keep the research center in operation so that this unique facility will continue to produce cutting-edge technology for the California cotton farmer of the 21st century.

The Shafter Cotton Research Center is a landmark in California to the creative energies of generations of farmers and scientists because of the way everyone has rolled up their 100 percent cotton sleeves to work together. We recognize that cooperation's key role in the center's historic and future importance.

THE GREATER MIAMI COMMITTEE FOR UNICEF AWARDS LISSETTE AND WILLY CHIRINO FOR THEIR EXTENSIVE LABOR WITH DESTITUTE CHILDREN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, it gives me great pleasure to pay tribute to one of Miami's most outstanding organizations. The Greater Miami Committee for UNICEF has saved the lives of scores of children in the south Florida area and throughout the world. Providing emergency assistance by equipping poor and starving children with primary and necessary healthcare by furnishing them with basic education are among the many ways in which this organization has come to the rescue of these underprivileged children; the children of our world.

The Greater Miami Committee for UNICEF has always advocated and devoted itself to fighting for the adequate protection of children and their inalienable rights. The members are always eager to award opportunities to destitute children, with whatever means necessary, to help them to develop and reach their full potential in life.

This year, this commendable organization has chosen to present its award to La Fundacion Willy Chirino. Willy and Lissette Chirino, the founders and extensive laborers of this organization, have unselfishly and lovingly opened their hearts and their arms to the afflicted children facing hardships. As a result, this couple has eased heavy burdens of these poor children and has embraced them with the gifts of love and hope; gifts which these children had never previously experienced.

These notable organizations will continue to reach their hands out to these unfortunate children, lift them up and light their paths for a much better and brighter road ahead. I am confident that my colleagues will join me today in congratulating and celebrating the exceptional work and effort that both The Greater Miami Committee for UNICEF and La Fundacion Willy Chirino have done for the impoverished children of south Florida and throughout the world.

IN HONOR OF THE RETIRED AND SENIOR VOLUNTEER PROGRAM OF ESSEX COUNTY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. SOLOMON. Mr. Speaker, I've always considered it a great privilege of this job to learn about and recognize the tremendous achievements and service of various civic programs that define our communities and what it means to be an American. Well, Mr. Speaker, let me tell you about one such program in Essex County in the beautiful Adirondack mountains of my congressional district which does so much for their communities and for the older, retired residents of their towns.

I'm talking about the Retired and Senior Volunteer Program of Essex County which is celebrating its 23d year of service. The RSVP program, as it's called for short, is a national program which has a dual purpose that makes it so unique. First, it offers a way for retired persons, age 55 and over, to stay active and contribute to the welfare of their community and neighbors. Mr. Speaker, we all know how important it is to remain active after we leave the working world. There is nothing more tragic than to see capable, enthusiastic people become virtual shut-ins just because they no longer get to the workplace. All too often in this day and age, we get caught up in the rat race and become consumed by our job or career. Well, this program makes sure that doesn't happen to those who upon retirement may have the time to devote to helping others who really can't help themselves. And in areas like Essex County, that is so important. You know, this program really dates back to the days of the pioneer spirit when Americans and neighbors looked out for one another and for the betterment of their community.

Now one might ask how much this program really accomplishes. Listen to this, Mr. Speaker. Over the 23 years that RSVP has been active in Essex County, it has grown from 95 volunteers who provided 6,000 volunteer hours of service, to 530 volunteers performing a whopping 75,817 hours of service. Imagine that. Imagine what can be done with that many hours committed by capable, experienced adults who volunteer because they really want to help out. There's no limit really.

And that's another great part. These volunteers commit time when they can and they have proven to be reliable, dependable public servants. In other words, these giving men and women have seized the opportunity to help solve various community problems by capitalizing on their wealth of lifetime experiences and wisdom. That's the true spirit of public service and giving.

Mr. Speaker, I have one word that describes all the blessed volunteers who have orchestrated and participated in this program throughout its 23 year history, heroes. I have always judged people based on what they return to their community and by that measure, all who have given of their time during their well-deserved retirement are not only heroes, but great Americans.

Mr. Speaker, the Essex County RSVP will hold their annual volunteer recognition ceremony this coming Wednesday, September 24, 1997. The recognition of their peers and their community is certainly warranted. However, I ask that you and all Members of the House join me at this time in paying our own tribute to this proven, outstanding program. It defines those uniquely American qualities of pride, patriotism, and voluntarism that make this country great. May it continue on throughout all of our lifetimes and beyond. Congratulations to all their volunteers for a job well done.

WELDON RECOGNIZES ANOTHER MILESTONE FOR QVC

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to draw the attention of my colleagues to a major company in southeastern Pennsylvania as it approaches an important milestone in its history—QVC, Inc.

In the 1890's, the Sears Roebuck & Co. produced our Nation's first mail order catalog, revolutionizing the lives of millions of Americans by allowing them to shop from home through mail. Nearly 100 years later, QVC has established itself as a pioneer in the home shopping industry, providing consumers with the luxury of shopping from the comfort of their own living room.

Thanks to QVC, customers nationwide have the luxury of shopping at home for items that range from fashion and jewelry to home furnishings and electronics. Not only can individuals make purchases while watching products demonstrated live on television, but now consumers can make purchases through QVC's interactive shopping over the Internet.

Founded in 1986 by Joseph Segal, QVC quickly established a national name for itself, racking up $112 million in revenue in its first full fiscal year of sales, a new American business history record. In just 7 years, QVC became the No. 1 U.S. electronic retailer.

On Wednesday, September 24, QVC will reach yet another milestone, as it celebrates the grand opening gala of its new state-of-the-art broadcast facility, Studio Park. Located in West Chester, PA, Studio Park will usher in the next century for QVC, allowing it to continue to both expand and improve the quality service that it provides the American public.

And QVC is indeed expanding. In fact, QVC's customers continue to grow by over 100,000 individuals per month. And where QVC shipped more than 51 million products to customers throughout the country in 1996, the company expects that number to increase to 63 million by the end of this year. That's two packages of every second of every day for an entire year.

And QVC's expansion has had a profound impact upon the region's local economy. First established in West Chester, PA, QVC has remained true to its founder's roots. As the studio expanded from 20 people when it first opened in 1986, to 197 employees 11 weeks later, to roughly 7,000 employees 11 years later, it has been the residents of the Delaware Valley who have felt the benefits of increased employment.

The expansion and success of QVC, I am sure my colleagues in the House will agree, is simply amazing. Through close interaction between the management and the work force, QVC has established itself as a nationally respected company. I ask my colleagues to join me today in applauding QVC for its past accomplishments, while wishing the company and its employees continued success in the years to come.

TRIBUTE TO THE LATE DR. EPHRAIN KAHN

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. DELLUMS. Mr. Speaker, I rise today, with sadness and a powerful sense of loss, to pay tribute to Dr. Ephrain Kahn, a man who was well respected by many in our bay area community. Dr. Kahn's unwavering belief in justice, peace, and equality for all enabled him to become an innovative leader during the changing political climate from the 1960's to the present. Although common place now, his ideas of school integration, the dangers of pesticides, and the need for protecting our environment were considered radical and caused him to clash with several agencies during the governorship of Ronald Reagan. However, Dr. Kahn did not allow social pressure to block him from what he believed to be true and just. Ephrain once said, in response to negative publicity, "I have the hide of an armadillo when I know I am right." He was a strong advocate for universal health care and was consistently active in national organizations concerned with issues of nuclear arms control, civil rights, and environmental hazards. His dedication inspired everyone with whom he came in contact.

Dr. Kahn received his medical degree from New York University College of Medicine in 1940 in time to serve with the 77th Infantry Division in the Pacific during World War II. He returned to complete his residency in 1948 at Lincoln Hospital in the Bronx, and with his family moved to northern California. In addition to his work as a physician, his interest in public health led him to obtain a master's degree in public health from the University of California, Berkeley, after which he served as an environmental epidemiologist in the California Department of Health. He was named by Gov. Ronald Reagan to head a task force investigating mercury levels among fish and fowl in the delta and the Sacramento and San Joaquin Rivers. It was in that capacity that he ignited a controversy within the agencies regulating California waterways.

Ephrain Kahn was greatly valued as a giant of compassion by all who knew him. He will be missed by his patients, his family, his friends, and by all of us who had the opportunity to work with him and to know him. He leaves behind his wife of 57 years, Barbara Kahn; his two daughters, Kathleen and Georgia; his son, Michael, and two grandsons, David and Ethan. Dr. Kahn lived 81 years and in those years he spent most of it attempting to make this world in which we live a healthier, safer, and more humane place. We will all miss him profoundly.

REGARDING SCHOOL OF VISUAL ARTS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. NADLER. Mr. Speaker, I rise today to recognize the 50th anniversary of the School of Visual Arts, located in my district in New York City. The School of Visual Arts was established in 1947 by Silas Rhodes and has since grown to be the largest independent college of the arts in the country. The school has a student population drawn from 44 States and 53 countries, and a faculty comprised of full-time working professionals.

Mr. Rhodes, who has continued as director, founded the school on the idea of combining access to the professional world of art with superior art education. He has accomplished this by bringing working artists into the classroom. As instructors, these professional artists offer the students a solid foundation in craft as well as exposure to current art world expression. Working toward this goal, the school also has four art galleries, including one in the heart of SoHo, a visual arts museum, a radio station, and it offers students in the film and video department more hands-on experience than any other comparable degree program. Additionally, with the rapid advancement in computer technology and influence on the working world, the School of Visual Arts has impressively kept up to pace. The school became the first college to offer both a bachelor degree and a master of fine arts degree in computer art and maintains a 1-to-1 student to computer ratio.

The School of Visual Arts offers both undergraduate and graduate degrees in the traditional fine arts, but has expanded the study of art to include advertising, graphic design, animation, art education, computer art, film and video, illustration and cartooning, interior design, photography, and art therapy. In addition to the full-time students, there are currently more than 4,000 members of the community taking advantage of the continuing education classes that are offered. The art education department also provides art classes to public school children from all five boroughs of New York City. The school also participates in numerous volunteer art projects, serving communities who otherwise have very little access to the arts.

In celebration of the School of Visual Arts 50th anniversary, the school will present Art Awareness Week, designed to inform the public about the importance of art in society and about the different variations of art. In the coming months the school will host 45 events throughout the city and has published a book entitled "School of Visual Arts Gold: Fifty Years of Creative Graphic Design." I would like to congratulate the school on 50 years of excellence in art education. I am proud to have this fine institution in my district.

POW/MIA RECOGNITION DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. GILMAN. Mr. Speaker, I rise today to remind my colleagues of the importance of National POW/MIA Recognition Day, which falls on September 19, 1997. I urge my colleagues to participate in recognizing America's heroes, those who are presumed missing in action.

Our Nation has fought six major conflicts in its history. In those wars, over 500,000 Americans have been taken prisoner of war. Those service men and women experienced numerous hardships and treatment which could often be described only as barbaric during the course of captivity. Those Americans imprisoned by the Japanese during World War II faced the worst possible conditions in captivity and were firsthand witnesses to the utter depravity of their fellow men.

I have been a strong advocate of an accounting of our POW/MIA's since I first came to the Congress in 1973. I proudly supported the creation of the Select Committee on Missing Persons in Southeast Asia, the National POW/MIA Recognition Days, and POW/MIA legislation because I believe the families of those who are missing in action deserve no less. Hopefully 1996 will be the last year that such an occasion will be necessary. My hope is that by this time next year, our Government will have obtained a full accounting of those brave American's whose fates, at this time, are still unknown.

Permit me to focus special recognition on those POW/MIA's from Korea and Vietnam. Despite the administration's best assurances to the contrary, many of us remain unconvinced that the Governments of North Korea and Vietnam have been fully cooperating with the United States on this issue. Regrettably, by normalizing relations with Vietnam, I believe that we have withdrawn our leverage over the Vietnamese Government on this issue.

In recent years, we have learned from testimony presented to congressional committees that Soviet and Czech military doctors performed ghastly medical experiments on United States POW's in North Korea during the Korean war. These experiments were used to test the psychological endurance of American GI's, as well as their resistance to chemical, biological, and radioactive agents. Moreover, Soviet and Czech intelligence agents helped organize shipments of POW's to the U.S.S.R. during the Vietnam war, and that 200 were sent between 1961 and 1968.

It is my hope that this information will lead to a further clarification regarding the safe return of any living POW's who may still be in captivity in Korea or elsewhere.

Americans should bear in mind the love of country that America's veterans have demonstrated as well as their personal sacrifices, convictions, and dedication to freedom that they have courageously exhibited.

In a portion of President Abraham Lincoln's letter to a mother who lost five sons on the battlefield, he stated: "I cannot refrain from tendering to you the thanks of the Republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom."

May it be of some solace to the families and loved ones of our missing and POW's that there are many of us in the Congress committed to a full and final accounting of our missing and will continue to seek such a resolution.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1998, and for other purposes:

Mr. EVANS. Mr. Chairman, the House of Representatives passed the fiscal year 1998 Labor-HHS Appropriations Act. Included in the bill is a provision that deserves the support of every Member of Congress who wants to assist our Persian Gulf war veterans.

The provision, authored by Representative BERNARD SANDERS, would provide $7 million over 5 years to the Department of Health and Human Services to use both the expertise of the National Institute of Environmental Health Sciences and the Centers for Disease Control and Prevention to study the possible connection between chemical and biological exposures and the mysterious ailments being suffered by our gulf war veterans. Representative SANDERS deserves much credit for his efforts to ensure that we thoroughly investigate what is making our veterans sick.

This provision comes at a time when more and more people are becoming convinced that chemical weapons may have played a substantial role in the illnesses that are afflicting Persian Gulf veterans. Just recently, the Presidential Advisory Committee on Gulf War Veterans' Illnesses agreed to revise its final report to reflect that chemical weapons may have played some role in veterans' ailments. In addition, the final report will now say that research on the effect of chemical weapons exposure has been minimal and that it may take years of research to clarify the causes of these problems.

I believe that we cannot leave any stone unturned in trying to find answers. As DOD continues to revise upward the number of veterans who may have been exposed to chemical weapons, it's obvious that we cannot allow our Government to do a minimal job of investigating what is becoming a compelling possibility.

The provision could not have come at a better time. For too long, our Government has refused to fully investigate the possibility that low-level chemical weapons exposure or exposure to multiple chemical substances may pose serious health consequences. We now have a chance to reverse this and ensure that every possible avenue is investigated in trying to help our sick Persian Gulf war veterans.

Again, I applaud Representative SANDERS for his work. I hope it finally signifies that we have turned the corner in our efforts to get to the bottom of this tragedy.

WE MUST BAN LANDMINES

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. FARR of California. Mr. Speaker, I rise today to express my deep disappointment with President Clinton's decision not to join the international landmine treaty being negotiated in Oslo.

Antipersonnel landmines pose a deadly, indiscriminate threat to the lives of millions of people around the world. Each year, over 20,000 people are killed or disabled by landmines left over from past conflicts. In many former war-torn countries, the damage is all too visible: thousands of men, women, and children with missing limbs, crippled by hidden landmines.

Banning the production and deployment of antipersonnel landmines is a reasonable, commonsense and necessary solution. Yet the decision to not sign the treaty means the United States has rejected that solution, and will instead continue to produce, sell, and deploy antipersonnel landmines.

Action must be taken to stop this insidious and deadly weapon. I am proud to be an original cosponsor of H.R. 2459, legislation introduced by my colleague, LANE EVANS, to stop the further deployment of antipersonnel landmines by the United States. We in Congress must step forward, where our President has not, and do the right thing.

IN HONOR OF ANTONIO PELAEZ: CELEBRATING 50 YEARS OF MATRIMONY AND 25 YEARS OF A FAMILY BUSINESS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an outstanding gentleman, Mr. Antonio Pelaez of the American Cuban Community. On September 20, 1997, Mr. Pelaez will be celebrating two very important milestones in his life. The first joyous event is Antonio and Olga Pelaez's 50th wedding anniversary. The second is the 25th anniversary of his company, ANPESIL Distributors, Inc.

Fifty years ago Antonio and Olga Pelaez joined their love for each other in holy matrimony. Over the years, their love and strength has been handed down to their children, Antonio Jr., Luis, and Olga.

A quarter of a century ago, this exceptional family, led by Mr. Pelaez and his son Antonio Jr., founded ANPESIL, one of the largest candy distributors in New Jersey. In the Cuban community, family owned businesses are common, but in the United States few have grown to be as successful as ANPESIL. Achieving the American Dream can be attributed to Mr. Pelaez's hard work and vision, as well as the strength of his family. Mr. Pelaez and his family along with his nephew Emilio Jr. have worked hard toward this achievement. Emilio Jr. is now the company treasurer, a position he took over after his father Emilio Sr. retired 5 years ago.

Mr. Pelaez left Cuba for Spain in 1961, where he worked as a salesman for the Swift Premium Co. Although he later founded his own frozen foods distribution company, he decided in 1970 to join his brothers in the United States with the hope that America would offer even greater opportunities for an entrepreneur. Mr. Pelaez has been distinguished as the only Hispanic member of Pennsylvania's Candy Hall of Fame. He has also received numerous awards from confectionery companies all over the world, and domestic banking and financial institutions.

It is a great pleasure to honor and recognize Mr. Antonio Pelaez on the occasion of these two anniversaries. I ask that my colleagues join me in recognizing the outstanding commitment and dedication made by Mr. Antonio Pelaez and his company ANPESIL.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2378) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1998, and for other purposes:

Mr. KOLBE. Mr. Chairman, the chart below reflects final House action on H.R. 2378.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL (H.R. 2378)

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF THE TREASURY					
Departmental Offices	112,048,000	116,314,000	113,410,000	+1,362,000	-2,904,000
Counterterrorism fund	15,000,000			-15,000,000	
Supplemental funding (P.L. 105-18)	1,950,000			-1,950,000	
Automation Enhancement	27,100,000	29,389,000	25,989,000	-1,111,000	-3,400,000
Office of Inspector General	29,770,000	31,333,000	29,927,000	+157,000	-1,406,000
Office of Professional Responsibility	1,500,000	1,625,000	1,500,000		-125,000
Treasury Buildings and Annex Repair and Restoration	28,213,000	12,484,000	6,484,000	-21,729,000	-6,000,000
Financial Crimes Enforcement Network	22,387,000	23,006,000	22,835,000	+448,000	-171,000
Department of the Treasury Forfeiture Fund (limitation on availability of deposits)	10,000,000	9,500,000		-10,000,000	-9,500,000
Violent Crime Reduction Programs:					
Bureau of Alcohol, Tobacco and Firearms	36,595,000	42,378,000	21,528,000	-15,067,000	-20,850,000
Departmental Offices	18,300,000			-18,300,000	
Financial Crimes Enforcement Network	1,000,000	3,000,000	1,000,000		-2,000,000
United States Secret Service	20,000,000	20,664,000	16,837,000	-3,163,000	-3,827,000
ONDCP - HIDTA	13,105,000		5,000,000	-8,105,000	+5,000,000
Gang Resistance Education and Training: Grants	8,000,000	8,000,000	8,000,000		
Federal Law Enforcement Training Center		24,058,000	1,000,000	+1,000,000	-23,058,000
United States Customs Service		20,100,000	43,635,000	+43,635,000	+23,535,000
Total, Violent Crime Reduction Programs	97,000,000	118,200,000	97,000,000		-21,200,000
Federal Law Enforcement Training Center:					
Salaries and Expenses	56,185,000	65,663,000	64,663,000	+8,478,000	-1,000,000
Acquisition, Construction, Improvement, & Related Expenses	21,584,000	11,111,000	32,548,000	+10,964,000	+21,437,000
Total, Federal Law Enforcement Training Center	77,769,000	76,774,000	97,211,000	+19,442,000	+20,437,000
Interagency Law Enforcement:					
Interagency crime and drug enforcement 1/		73,794,000	73,794,000	+73,794,000	
Financial Management Service	196,518,000	202,560,000	199,675,000	+3,157,000	-2,885,000
Reimburse Federal Reserve Bank (indefinite)		122,000,000			-122,000,000
Bureau of Alcohol, Tobacco and Firearms:					
Salaries and Expenses	460,394,000	496,954,000	478,649,000	+18,255,000	-18,305,000
Laboratory facilities	6,978,000	55,022,000	55,022,000	+48,044,000	
Total, Bureau of Alcohol, Tobacco and Firearms	467,372,000	551,976,000	533,671,000	+66,299,000	-18,305,000
United States Customs Service:					
Salaries and Expenses	1,549,585,000	1,566,826,000	1,526,078,000	-23,507,000	-40,748,000
Customs facilities, construction, improvements		5,512,000			-5,512,000
Operation and Maintenance, Air & Marine Interdiction Programs	83,363,000	92,758,000	97,258,000	+13,895,000	+4,500,000
Customs Services at Small Airports (to be derived from fees collected)	2,406,000	2,406,000	2,406,000		
Harbor Maintenance Fee Collection	3,000,000	3,000,000	3,000,000		
Total, United States Customs Service	1,638,354,000	1,670,502,000	1,628,742,000	-9,612,000	-41,760,000
Bureau of the Public Debt	165,335,000	169,426,000	169,426,000	+4,091,000	
Internal Revenue Service:					
Processing, Assistance, and Management	1,790,288,000	2,943,174,000	2,915,100,000	+1,124,812,000	-28,074,000
Tax Law Enforcement	4,104,211,000	3,153,722,000	3,108,300,000	-995,911,000	-45,422,000
Rescission			-14,500,000	-14,500,000	-14,500,000
Information Systems	1,323,075,000	1,272,487,000	1,292,500,000	-30,575,000	+20,013,000
Rescission	-174,447,000			+174,447,000	
Information technology investments		500,000,000	326,000,000	+326,000,000	-174,000,000
Net total, Internal Revenue Service	7,043,127,000	7,869,383,000	7,627,400,000	+584,273,000	-241,983,000
United States Secret Service:					
Salaries and Expenses	531,288,000	575,971,000	555,736,000	+24,448,000	-20,235,000
Rescission	-7,600,000			+7,600,000	
Acquisition, Construction, Improvement, & Related Expenses	37,365,000	9,176,000	5,775,000	-31,590,000	-3,401,000
Total, United States Secret Service	561,053,000	585,147,000	561,511,000	+458,000	-23,636,000
Net total, title I, Department of the Treasury	10,494,496,000	11,663,413,000	11,188,575,000	+694,079,000	-474,838,000
TITLE II - POSTAL SERVICE					
Payments to the Postal Service					
Payment to the Postal Service Fund	85,080,000	86,274,000	86,274,000	+1,194,000	
Supplemental funding (P.L. 105-18)	5,383,000			-5,383,000	
Payment to the Postal Service Fund for Nonfunded Liabilities	35,536,000	34,850,000	34,850,000	-686,000	
Total, title II, Postal Service	125,999,000	121,124,000	121,124,000	-4,875,000	

1/ Funded in CJSJ bill in FY 1997.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL (H.R. 2378)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT					
Compensation of the President and the White House Office:					
Compensation of the President	250,000	250,000	250,000		
Salaries and Expenses	40,193,000	51,199,000	51,199,000	+11,006,000	
Executive Residence at the White House:					
Operating Expenses	7,827,000	8,045,000	8,045,000	+218,000	
White House Repair and Restoration		200,000	200,000	+200,000	
Special Assistance to the President and the Official Residence of the Vice President:					
Salaries and Expenses	3,280,000	3,378,000	3,378,000	+98,000	
Operating expenses	324,000	334,000	334,000	+10,000	
Council of Economic Advisers	3,439,000	3,542,000	3,542,000	+103,000	
Office of Policy Development	3,867,000	3,983,000	3,983,000	+116,000	
National Security Council	6,648,000	6,648,000	6,648,000		
Office of Administration	26,100,000	28,883,000	28,883,000	+2,783,000	
Office of Management and Budget	55,573,000	57,240,000	57,240,000	+1,667,000	
Office of National Drug Control Policy	35,838,000	36,016,000	43,516,000	+7,678,000	+7,500,000
Unanticipated Needs		1,000,000			-1,000,000
Federal Drug Control Programs: High Intensity Drug Trafficking Areas Program	127,102,000	140,207,000	146,207,000	+19,105,000	+6,000,000
Special forfeiture fund	112,900,000	175,000,000	205,000,000	+92,100,000	+30,000,000
Total, title III, Executive Office of the President and Funds Appropriated to the President	423,341,000	515,925,000	558,425,000	+135,084,000	+42,500,000
TITLE IV - INDEPENDENT AGENCIES					
Committee for Purchase from People Who Are Blind or Severely Disabled	1,800,000	1,940,000	1,940,000	+140,000	
Federal Election Commission	28,165,000	34,216,000	34,550,000	+6,385,000	+334,000
Federal Labor Relations Authority	21,588,000	22,039,000	21,803,000	+215,000	-236,000
General Services Administration:					
Federal Buildings Fund:					
Appropriation	400,544,000	84,000,000		-400,544,000	-84,000,000
Limitations on availability of revenue:					
Construction & acquisition of facilities	(657,711,000)			(-657,711,000)	
Environmental cleanup activities	(20,000,000)			(-20,000,000)	
Consolidated Federal Law Enforcement Bldg	(81,000,000)			(-81,000,000)	
Repairs and alterations	(639,000,000)	(434,000,000)	(300,000,000)	(-339,000,000)	(-134,000,000)
Installment acquisition payments	(173,075,000)	(142,542,000)	(142,542,000)	(-30,533,000)	
Operations and rental of space			(3,607,129,000)	(+3,607,129,000)	(+3,607,129,000)
Rental of space	(2,343,795,000)	(2,275,340,000)		(-2,343,795,000)	(-2,275,340,000)
Building Operations	(1,552,651,000)	(1,331,789,000)		(-1,552,651,000)	(-1,331,789,000)
Repayment of Debt	(88,312,000)	(105,720,000)	(105,720,000)	(+17,408,000)	
Previously appropriated activities		(680,543,000)	(680,543,000)	(+680,543,000)	
Total, Federal Buildings Fund	400,544,000	84,000,000		-400,544,000	-84,000,000
(Limitations)	(5,555,544,000)	(4,969,934,000)	(4,835,934,000)	(-719,610,000)	(-134,000,000)
Policy and Operations	110,173,000	104,487,000	107,487,000	-2,686,000	+3,000,000
Office of Inspector General	33,863,000	33,870,000	33,870,000	+7,000	
Allowances and Office Staff for Former Presidents	2,180,000	2,250,000	2,208,000	+28,000	-42,000
Expenses, presidential transition	5,600,000			-5,600,000	
Rescission (P.L. 105-18)	-5,600,000			+5,600,000	
Total, General Services Administration	546,760,000	224,607,000	143,565,000	-403,195,000	-81,042,000
John F. Kennedy Assassination Record Review Board	2,150,000	1,600,000	1,600,000	-550,000	
Merit Systems Protection Board:					
Salaries and Expenses	23,923,000	24,450,000	25,290,000	+1,367,000	+840,000
(Limitation on administrative expenses)	(2,430,000)	(2,430,000)	(2,430,000)		
Morris K. Udall scholarship and excellence in national environmental policy foundation		2,000,000	2,000,000	+2,000,000	
National Archives and Records Administration:					
Operating expenses	196,963,000	206,479,000	202,354,000	+5,391,000	-4,125,000
Reduction of debt	-4,012,000	-4,012,000	-4,012,000		
Archives Facilities and Presidential Libraries:					
Repairs and Restoration	16,229,000	6,650,000	10,650,000	-5,579,000	+4,000,000
National Historical Publications and Records Commission:					
Grants program	5,000,000	4,000,000	5,500,000	+500,000	+1,500,000
Total, National Archives and Records Administration	214,180,000	213,117,000	214,492,000	+312,000	+1,375,000
Office of Government Ethics	8,078,000	8,265,000	8,078,000		-187,000

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL (H.R. 2378)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Office of Personnel Management:					
Salaries and Expenses	87,286,000	85,350,000	85,350,000	-1,936,000	
(Limitation on administrative expenses)	(94,736,000)	(91,236,000)	(91,236,000)	(-3,500,000)	
Office of Inspector General	960,000	960,000	960,000		
(Limitation on administrative expenses)	(8,645,000)	(8,645,000)	(8,645,000)		
Government Payment for Annuitants, Employees Health Benefits	4,059,000,000	4,338,000,000	4,338,000,000	+279,000,000	
Government Payment for Annuitants, Employee Life Insurance	33,000,000	32,000,000	32,000,000	-1,000,000	
Payment to Civil Service Retirement and Disability Fund	7,989,000,000	8,336,000,000	8,336,000,000	+347,000,000	
Total, Office of Personnel Management	12,169,246,000	12,792,310,000	12,792,310,000	+623,064,000	
Office of Special Counsel	8,116,000	8,450,000	8,116,000		-334,000
United States Tax Court	33,781,000	34,293,000	33,921,000	+140,000	-372,000
Total, title IV, Independent Agencies	13,057,787,000	13,367,287,000	13,287,665,000	+229,878,000	-79,622,000
(Limitation on administrative expenses)	(5,661,355,000)	(5,072,245,000)	(4,938,245,000)	(-723,110,000)	(-134,000,000)
Net grand total	24,101,623,000	25,667,749,000	25,155,789,000	+1,054,166,000	-511,960,000
Appropriations	(24,276,337,000)	(25,667,749,000)	(25,170,289,000)	(+893,952,000)	(-497,460,000)
Rescissions	(-182,047,000)		(-14,500,000)	(+167,547,000)	(-14,500,000)
Emergency funding (P.L. 105-18)	(7,333,000)			(-7,333,000)	
(Limitations)	(5,661,355,000)	(5,072,245,000)	(4,938,245,000)	(-723,110,000)	(-134,000,000)
Scorekeeping adjustments:					
Bureau of The Public Debt (Permanent)	129,000,000	144,000,000	144,000,000	+15,000,000	
Ethics Reform Act Adjustment	-6,000,000			+6,000,000	
Gold and platinum bullion	-12,000,000			+12,000,000	
Section 409	1,000,000			-1,000,000	
Federal Savings & Loan Insurance Corp. (Sec. 636)	26,100,000	34,000,000		-26,100,000	-34,000,000
Emergency funding for anti-terrorism	-275,328,000			+275,328,000	
Trust fund budget authority	105,700,000	102,311,000	102,311,000	-3,389,000	
US Mint revolving fund		30,000,000	30,000,000	+30,000,000	
Sallie Mae		1,000,000	1,000,000	+1,000,000	
Federal buildings fund			-50,000,000	-50,000,000	-50,000,000
Total, scorekeeping adjustments	-31,528,000	311,311,000	227,311,000	+258,839,000	-84,000,000
Total mandatory and discretionary	24,070,095,000	25,979,060,000	25,383,100,000	+1,313,005,000	-595,960,000
Mandatory	12,245,786,000	12,885,100,000	12,885,100,000	+639,314,000	
Discretionary:					
Crime trust fund	97,000,000	118,200,000	97,000,000		-21,200,000
General purposes	11,727,309,000	12,975,760,000	12,401,000,000	+673,691,000	-574,760,000
Total, Discretionary	11,824,309,000	13,093,960,000	12,498,000,000	+673,691,000	-595,960,000

EXPRESSING CONDOLENCES OVER THE DEATH OF INTERNATIONAL AID WORKERS IN BOSNIA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. PORTER. Mr. Speaker, I rise today to express my deep sadness over the loss of 12 aid workers in Bosnia—including 5 American citizens who were working to rebuild civil society in that troubled country—in a helicopter crash earlier this week.

These individuals represent the best of America, and they have sacrificed their lives in an effort to bring our ideals to a country which has been torn apart by hatred and intolerance. All of these individuals, and the others who have lost their lives trying to bring lasting peace to Bosnia and other countries, are heroes and we should mourn their deaths as we would mourn the loss of our men and women in uniform. Every day in the world's trouble spots, there are countless people from many nations who dedicate their lives to improving the future for others. They make tremendous sacrifices, often leaving their families and homes behind to work in a hostile, dangerous environment to help strangers who do not always fully appreciate the benefit they are receiving.

Gerd Wagner, one of the most respected and accomplished diplomats in Bosnia, was among those who perished in this tragic accident. Mr. Wagner had been playing a key role in bringing together Muslims and Croats in central Bosnia. In addition, several members of a team that was working to rebuild Bosnia's civil police force died in the crash. This project is one of the most important elements of securing peace in Bosnia. My wife, Kathryn, knew some of these individuals personally, and had a chance to see what they were accomplishing during a visit to Bosnia last month. We have been deeply affected by this tragedy, and it has served to remind us both—as it should all Members of this House—that our foreign assistance program is not just an abstraction. It is real people doing important work, often without recognition or thanks.

I know that it is too late to thank those who died in the helicopter crash on Wednesday, but I do want to take this opportunity to commend all of those caring and committed people who put their lives on the line every day to secure peace and democracy in places like Bosnia. Your work is a living memorial to those 12 people who died on a mountain in central Bosnia. May your work continue to serve their memory well.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED APPROPRIATIONS ACT, 1998

SPEECH OF

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1998, and for other purposes:

Mr. THOMPSON. Mr. Chairman, I rise today in reluctant support of Representative GOODLING's amendment to prohibit the use of funds in the bill to develop and administer a national testing program in reading and mathematics. I believe that Congress and the President have still not committed themselves to a serious discussion of education policy or spending in this country. Unfortunately this standard continues today as the parties on both sides of this issue have sought to hide behind this national testing initiative by labeling it as either a remedy for many of the problems this country is having with elementary and secondary education or some nefarious effort on the part of the Federal Government to become more involved in education curriculum.

The national testing program included in this legislation deserves neither of these classifications. If implemented and carefully monitored, it has a number of provisions that will be of great assistance to both State and Federal policymakers as well as parents interested in their child's education. However, I oppose the national testing initiative included in this bill because it does not ensure that this Government will take any steps to address the disparity in mathematics and reading proficiency that we all know this testing will demonstrate. The local areas where there are concentrated numbers of students that are dropping out of high school, failing, and scoring low on the sporadic tests administered now desperately need direct injections of funding from the Federal Government. We can all argue about what types of restrictions or demands should be tied to these funds at a later date. In the meantime, we should implement a national testing program that includes a national formula for focused education spending, and we should do it as quickly as possible.

Let me discuss some reasons why I believe this national testing initiative could produce a number of benefits for parents and State governments interested in improving elementary and secondary education. However, I will first address the concerns of the many parents that educate their children at home who have contacted my office to express their opinions on this amendment. I respect your decision to home-school your children very much. However, the vast majority of children in the United States are educated at public schools, and it is essential that elected officials and education planners on the Federal and local level have the resources needed to develop effective public policy. National testing will fulfill that need without unduly intruding on your right to practice home-schooling.

This national testing program would allow States or local education agencies [LEA's] to voluntarily administer specific tests to every fourth grade pupil in reading and eighth grade pupil in math. I do not believe enough emphasis can be placed on the fact that this program would be voluntary, and participation in these tests would not affect a State or LEA's eligibility for assistance under Federal aid programs. Any effort to extend the Federal role in this process beyond the design and administration of these tests would require further congressional action, and as we all know, that is simply not going to happen.

At the present time, there is no current education test that every pupil in every grade takes nationwide. One or more tests are administered to virtually every pupil in many grades in almost all States, but these tests vary from State to State. Some States develop their own tests, others are members of multi-State consortia that develop assessments, and others administer tests developed by commercial publishers. The National Assessment of Education Progress [NAEP] is the closest existing initiative to a national testing program. However, the NAEP only determines mathematics and reading proficiency in samples of school children.

The present education testing system prevents policymakers in many States from comparing their education statistics with other States. If an effective education program is implemented in one State and then copied in another, for example, the two State governments may not be able to compare the success of their efforts because of difficulties in correlating the research statistics or even a lack of well-documented results.

More importantly, the current system prevents a parent from being able to compare their children's academic achievement with other students on a local, State, or national level. A parent whose child makes average grades may be satisfied with their child's academic progress. Unfortunately, these parents will not be aware that their child may have fallen behind the rest of their classmates until they take their SAT's at the age of 18.

This proposal will provide every parent of every child in a State or LEA that chooses to participate with comparisons of their child's results to other students at their school, in the State, and in the Nation. If every family receives that envelope in the mail, I believe there will be a lot of parents who choose to get more involved in their child's education, which after all is what the majority of my colleagues will agree is the most effective education policy there can be.

I am concerned that a national test may be constructed in a manner that is biased against traditionally undereducated populations, such as African-Americans and Hispanics. If Federal funding was tied to the improvement of test scores in areas that score poorly, this bias could lead to underserved sanctions in regions that have high numbers of minorities. As a result, if a national testing program is implemented in the future, we will have to pay careful attention to the design of the tests and remain skeptical of any effort to create a Federal enforcement procedure. However, national testing's benefits for these populations far outweigh these risks. By motivating parents to pay more attention to their child's academic development and providing policymakers the empirical evidence needed to design effective education policies targeted at minorities, this initiative will produce the first real effort to address the failure of current education policies in these areas.

In the end, we are not interested in creating a uniform national education curriculum; we are only demanding a uniform national education outcome—a system where every child has the same opportunity to succeed through an advanced public education system. In my home State of Mississippi, sampled children already score well below the national average on the NAEP's fourth grade reading test and are ranked in the bottom fifth in eighth grade math proficiency. If a well-planned, voluntary national testing program could be coupled with a funding distribution system directed at those areas most in need, then I would be happy to support such an initiative. I hope that this Congress and the administration will reconsider the design of a national testing program. However, above all, we must cease this piecemeal education policymaking and begin a legitimate debate on the whole education policy.